

INSTITUTE FOR THE STUDY OF DIPLOMACY



Case 552, Instructor Copy

## THE VIETNAM DILEMMA

*Dr. Maryann Cusimano Love*

The Catholic University of America

Crapa Fellow, U.S. Commission on International Religious Freedom

ISBN 1-56927-552-1

### **GUI SD PEW CASE STUDY CENTER**

Institute for the Study of Diplomacy

Edmund A. Walsh School of Foreign Service Georgetown University

1316 36th Street, N.W., Washington, D.C. 20007

Tel.: (877) 703-4660 ext. 204 / (202) 965-5735 ext. 204

Fax: (202) 965-5811

Web site: <http://ecase.georgetown.org> E-mail: [dolgasc@georgetown.edu](mailto:dolgasc@georgetown.edu)

**Institute for the Study of Diplomacy  
GUISD Pew Case Study Center  
Edmund A. Walsh School of Foreign Service      Georgetown University**

**What is the Faculty Club?**

The GUISD Faculty Club promotes the case method and provides a convenient method for faculty to examine cases themselves. Faculty Club members can download case studies in pdf format directly to their computer without asking for permission.

Subscriptions to this site, however, are required in order to download the pdf files. Subscriptions are free and completely private.

Student versions are sold on-line at [www.guisd.org](http://www.guisd.org), or through orders placed by your bookstore.

**What is the difference between an Instructor Copy and a Student Copy?**

Instructor copies typically include Teaching Notes. Student copies do not. The case presentation itself is the same in both versions.

**What do students pay for case studies?**

Case study pdf files are sold for \$3.50 each; paper versions are sold for \$5.00 plus shipping.

If sold through a bookstore, the GUISD center will discount the paper price to \$3.50. This will enable the bookstore to add some mark-up to the price and, hopefully, contribute to keeping the paper price low.

Prices for custom case books, described elsewhere on this site, are determined by the number of cases in each book.

**Can case studies be included in course packs?**

This is another option that is available to faculty. Copyright permissions can be sent to the GUISD Case Study Center via mail or fax. The cost per case would be \$3.00 each. A pdf file can be provided to the copying center.

**Case Study Demonstrations**

The GUISD Pew Case Study Center would be happy to organize a case study demonstration at your location. If you could provide ten or more participants, from your school or a consortium of schools, and a place to meet, the Center should be able to take care of the rest. Demonstrations generally take two hours to run.

# Case 552, Part A, Instructor Copy

## THE VIETNAM DILEMMA

*Dr. Maryann Cusimano Love*  
The Catholic University of America  
Crapa Fellow, U.S. Commission on International Religious Freedom

### COPYRIGHTED MATERIAL

Do Not Duplicate — This is Copyrighted Material for Classroom Use.  
It is available only through the Institute for the Study of Diplomacy.  
202-965-5735 (tel) 202-965-5811 (fax)

### AMBASSADOR HANFORD'S DILEMMA

When John Hanford was sworn into office May 2, 2002, as the U.S. Ambassador-at-Large for International Religious Freedom, it was the culmination of a career of advocacy on behalf of religious freedom. Ironically, he helped write the law that created his Ambassador-at-Large position, the International Religious Freedom (IRF) Office in the Department of State (DoS), and the independent U.S. Commission on International Religious Freedom (USCIRF). As a staffer for Senator Richard Lugar, he served as a chief architect of the International Religious Freedom Act (IRFA) of 1998. The law mandated that the U.S. government monitor, report, and advocate on religious freedom in every country. Ambassador Hanford was well-versed on all the worst violators of religious freedom around the world. Which country merited the first high-level visit by the newly appointed Ambassador-at-Large for International Religious Freedom? In August 2002, Ambassador Hanford went to Vietnam.

The U.S. normalized relations with Vietnam in 1995, twenty years after the U.S. war in Vietnam and the fall of Saigon. The first officials to represent the U.S. government in Vietnam were Vietnam war veterans. Ambassador Pete Peterson was an Air Force Captain who spent six and a half years as a prisoner of war in the infamous "Hanoi Hilton" prison after his plane was shot down. Ambassador Robert Seiple, the first Ambassador-at-Large for

International Religious Freedom, was a captain in the Marine Corps who flew 300 combat missions in Vietnam, earning five Battle Stars. Both were bridge builders, intent on using quiet diplomacy to build trust and new relationships with the Vietnamese to overcome the wounds of the Vietnam war and create new opportunities for growth in U.S.-Vietnamese relations. As Ambassador Seiple put it, "there is a role for tough talk sometimes, but if you look at where we have achieved success, in Laos and Vietnam we took deliberate steps to build relations of trust, and to demonstrate why it was in their naked self-interest to embrace the concept of religious freedom."<sup>1</sup>

Bilateral ties improved, particularly in economics, trade, investment and education. Trade grew rapidly, especially after the Bilateral Trade Agreement was signed in 2001. The Vietnamese government (VG) was eagerly seeking Permanent Normal Trade Relations with the U.S. and membership in the World Trade Organization, and hoped these might be achieved before Vietnam hosted the Asia Pacific Economic Community (APEC) Summit in late 2006. But while U.S. trade relations with Vietnam were booming, Vietnam had a poor record on religious freedom and human rights. Members of Congress, USCIRF, and NGOs wanted Vietnam to be named as a "Country of Particular Concern," (CPC) as designated by the IRFA law. But DoS was divided on the question, with the IRF office split and the U.S. Ambassador to Vietnam opposed. What should

the newly appointed Ambassador-at-Large for International Religious Freedom do?

## RELIGIOUS FREEDOM IN VIETNAM

Both the State Department and the U.S. Commission on International Religious Freedom reports documented serious abuses of religious freedom and human rights, including: imprisonment of religious leaders; physical beatings of believers, sometimes to death; forced renunciations of faith; seizures and failures to return church properties; state control of all aspects of religious life, such as restricting and blocking which churches were allowed to register and operate, and state control over the naming and training of religious leaders, the publication and distribution of religious texts, and the conduct of religious services and activities.

Vietnam is a majority Buddhist but religiously pluralistic country of 80 million people. Many Vietnamese Buddhists practice “the triple religion,” a combination of Mahayana Buddhism, Taoism, and Confucian traditions. But in 2002, only one Buddhist sect was recognized by the government. The United Buddhist Church of Vietnam (UBCV) is not officially recognized, and its leaders are harassed, imprisoned, or placed under house arrest. Many older UBCV members opposed the Communist rise to power; many younger members feel the state-sanctioned Buddhist sect distorts their religious beliefs and practices. Only one Hoa Hao Buddhist group was officially recognized, even though Hoa Hao comprise 1.5 to 4 percent of the population. The ethnic minority Khmer Buddhists are also not recognized. There are sizeable communities of Roman Catholics throughout the country (about 7 million). While Roman Catholicism is officially recognized by the VG, the government restricts the number of applicants to become priests in the seminaries, controls the ordination and assignment of priests and selection of bishops, restricts religious education, has confiscated and not returned many church properties and restricts the expansion or sometimes even repair of church facilities, does not recognize Catholic nuns, and has imprisoned some Catholic leaders. While there are over 1 million Protestants (1.2 percent of the population), the government officially recognized only two Protestant organizations in 2002. The majority of Protestants belonged either to banned or unrecognized groups, such as the house churches whose members are often ethnic minorities in the Central Highlands and the northwestern provinces, such as the Hmong, Hre, Steing, and Montagnard Protestants. Two small

sects of Cao Daism, an indigenous religion that is influenced by Mahayana Buddhism but also integrates aspects of many other religions, were officially recognized, but there are between 1.1–3 million Cao Dai. One Muslim organization was officially recognized; Muslims comprise only 0.1 percent of the population. Neither the small Hindu community of approximately 50,000 ethnic Cham in the south-central coastal area, or the estimated 2,000 members of the Baha’i faith, were recognized by the government.<sup>2</sup>

Officially, the Vietnamese Constitution guarantees freedom of religion, freedom of belief and non-belief for its citizens, and people are allowed to participate in the approved activities of officially recognized religions. In practice, the government restricts the ability of religious communities to register, maintains tight control even over officially recognized religious communities, and can break up or imprison members of unrecognized religious groups at any time. Vietnam is an authoritarian country controlled by the Communist Party of Vietnam. Religious freedom and participation has improved since the communist takeover of Vietnam in 1975, particularly for recognized religious groups in urban areas. But religious freedom remains restricted, particularly for unrecognized religious communities in the rural provinces, for groups that are also ethnic minorities and/or whom the government suspects of anti-communist or separatist sentiments. The VG and Provincial officials used supplemental decrees to nullify or neuter the religious freedom clause of the Constitution. One stated that “All activities which threaten freedom of religious belief, all activities using religious belief in order to oppose the State of the Socialist Republic of Vietnam, to prevent the believers from carrying out their civic responsibilities, to sabotage the union of all the people, to go against the healthy culture of our nation, as well as superstitious activities, will be punished in conformity with the law.” The UN Human Rights Committee and the UN Special Rapporteur on Freedom of Religion or Belief expressed concern about VG decrees which allow detention without trial for two years for anyone held on an alleged national security offense, including “attempts to undermine national unity.” Officially, the Office on Religious Affairs oversees recognized religious bodies. In practice, protection of religious freedom is uneven (particularly in the north and Central Highlands), and there are not effective means of repeal or redress for violations of religious freedom committed by government officials. These mechanisms afford the VG plenty of latitude to restrict religion.<sup>3</sup>

## THE POLICY DEBATE

U.S. government officials, USCIRF, NGOs, and members of Congress agreed about these basic fact patterns. They disagreed over what U.S. policy should be in response, particularly concerning whether Vietnam should be named as a CPC as designated by the International Religious Freedom Act (IRFA) of 1998. Were the religious freedom violations in Vietnam “particularly severe,” defined as “systematic, ongoing, egregious,” which would require CPC designation and could trigger diplomatic sanctions?

IRFA (Public Law 105-292) works to promote religious freedom as a U.S. foreign policy goal and to combat religious persecution in other countries. IRFA created both USCIRF and the State Department IRF Office to monitor the status of freedom of thought, conscience, and religion or belief abroad, as defined in the Universal Declaration of Human Rights and related international instruments, and to issue annual reports. The State Department IRF Office, headed by an Ambassador-at-Large for IRF, is responsible for issuing a complete state-by-state report on religious freedom and persecution in *all* foreign countries by September 1 of each year. USCIRF, a non-partisan government commission with members appointed by the President and Congressional leadership, is charged with issuing a yearly report each May 1 on the countries with serious religious liberty deficiencies, and with giving *independent policy recommendations* to the President, the Secretary of State, Executive branch, and the Congress. USCIRF also serves as a watchdog, offering assessments and critiques of the State Department and USG’s efforts to promote international religious freedom. As Tom Farr, retired FSO and former Director of the IRF Office notes, a healthy tension between IRF and USCIRF can advance U.S. foreign policy. “It’s good when it’s a good cop/bad cop thing. When the Commission is harshly criticizing the State Department about its failure to take to task one country or another, the State Department, if it is wise, can use that to its advantage with country X,” leveraging that pressure for change.

On the basis of both the internal and external recommendations, the Secretary of State recommends and the President decides which countries to designate as “countries of particular concern,” countries where governments “engage in or tolerate” “particularly severe violations of religious freedom.” The Law defines “violations of religious freedom” as “including violations such as—(A) arbitrary prohibitions on, restrictions of, or punishment for (i)

assembling for peaceful religious activities such as worship, preaching, and prayer, including arbitrary registration requirements; (ii) speaking freely about one’s religious beliefs; (iii) changing one’s religious beliefs and affiliation; (iv) possession and distribution of religious literature, including Bibles; or (v) raising one’s children in the religious teachings and practices of one’s choice; or (B) any of the following acts if committed on account of an individual’s religious belief or practice: detention, interrogation, imposition of an onerous financial penalty, forced labor, forced mass resettlement, imprisonment, forced religious conversion, beating, torture, mutilation, rape, enslavement, murder, and execution.” Violations of religious freedom include “persecution of one religious group by another religious group, religious persecution by governmental and nongovernmental entities, persecution targeted at individuals or particular denominations or entire religions, the existence of government policies violating religious freedom, including policies that discriminate against particular religious groups or members of such groups, and the existence of government policies concerning limitations or prohibitions on, or lack of availability of, openly conducted, organized religious services.” CPC countries are those which engage in or tolerate “systematic, ongoing, egregious violations of religious freedom, including violations such as—(A) torture or cruel, inhuman, or degrading treatment or punishment; (B) prolonged detention without charges; (C) causing the disappearance of persons by the abduction or clandestine detention of those persons; or (D) other flagrant denial of the right to life, liberty, or the security of persons.” The CPC designation then triggers Presidential action, from a private demarche to a range of U.S. diplomatic actions and/or specific, targeted economic sanctions toward CPC countries.

Everyone agreed there were violations of religious freedom in Vietnam. But were they severe, systematic, ongoing, egregious violations? Did they meet the standard set by the IRFA law to warrant designating Vietnam as a CPC? And if so, what were the policy implications of such a designation? The IRFA law outlines a variety of policy paths to take with CPC countries. Which policy path would be most likely to advance religious freedom and other U.S. foreign policy objectives in Vietnam?

## THE SKEPTICAL POSITION

U.S. Ambassador to Vietnam Raymond Burghardt put Vietnam’s religious freedom record in a longer

context. He first served in Vietnam as a young Foreign Service Officer in the U.S. Embassy from 1970–1973. Returning as Ambassador in December 2001 was an experience of the past constantly permeating the present. The structure of the streets of Saigon was the same, and some of the religious dissidents who were part of his “beat” as a junior officer at the Embassy were still battling the VG. Upon his return he was quite moved when he met with Catholic Cardinal Minh in the Cardinal’s office in a splendid old French-era villa. Ambassador Burghardt spent many hours with Cardinal Minh in 1973, sitting in that same seat in that same office, trying to persuade the Catholic Church (and various other players) in Vietnam that the Paris Peace Accords were a good agreement. Considering how it all turned out for the Catholic Church and for the country (the South Vietnamese government fell, the Communist Party took over the country and many Church properties, and severely repressed people of faith), Ambassador Burghardt had some strong emotions returning to meet in that same place. “I completely understand,” Cardinal Minh responded. “You don’t have to say anymore.”<sup>4</sup>

Ambassador Burghardt had no illusions about the repressive nature of the Vietnamese communist regime. The Bilateral Trade Agreement was signed five days before he took office, and “economic relations dramatically improved. Trade barriers on Vietnamese goods entering the U.S. market fell from 40 percent average tariffs to 3 percent, thus the rate of trade exploded. But simultaneously the U.S. was engaged in one of the worst human rights disputes that we’d had in our relations with the Vietnamese, an acute dispute over the Montagnards in the Central Highlands who had demonstrated during Easter 2001. They were repressed and dealt with violently by the VG, and upwards of one thousand fled over the border into Cambodia. With some great difficulty a program was set up for those who wished to return to be able to, and UNHCR was to help repatriate them to Vietnam. But the VG didn’t like UNHCR monitoring, and kicked them out. This triggered a serious dispute between the US, Canada, the EU, the UN, etc. and Vietnam, which cast a serious black cloud over U.S.-Vietnamese relations when I entered office. My view was that human rights concerns posed a serious problem. But religious freedom and CPC designation was also not clear cut and dry. We needed to be able to do two things at once, pursue the human rights as well as the economic agenda. We had to aggressively pursue the issue and get the VG to allow the UNHCR back in. We had to have aggressive fact finding visits to the area to deter-

mine what was happening to those who repatriated as well as those who hadn’t left. There was political historical baggage here as well as religious issues. The Montagnards cooperated with U.S. forces during the Vietnamese War, and continue to be deeply distrusted by the Vietnamese today. Only some who converted to Protestantism were in the government recognized churches. Most were in the repressed House Churches. It was difficult to get permission to visit these areas, and the VG tried to control our fact finding visits by assigning us “minders.” But we used tactics of losing our minders. We visited house churches. In trips to the Highlands we met with Protestant leaders of both the official and unregistered churches. We had pretty frank meetings by keeping the “minders” out of the room, sometimes literally barring the door by force. We kept the pressure on the VG over ways to have longer term solutions of religious freedom issues, which would include bringing house churches into official recognition. The percentage of officially registered churches was ridiculously low.”<sup>5</sup>

In Ambassador Burghardt’s view, Vietnam did not warrant CPC designation because compared to 1975, moderate to significant progress had been made in Vietnam. Also, the issue was less specifically about religion, and had more to do with politics, and Vietnam’s distrust of all civil society. “I could see that we might be able to make some progress on the issues of the Montagnards, but there were some issues we are not going to make much progress on, such as the freedom to organize, the need to register with the state to begin with. We were never going to change that. That’s basic Leninism 101. They do not believe in civil society. They may compromise on the role of it, but they are never going to truly accept it. They saw what happened in Poland, first the Churches advocated for change, then the unions, and they felt they were not going to allow that to happen in Vietnam. It’s delusional to believe that the fundamental situation is going to change as long as the overall communist structure is in place. As a political scientist, I expect Leninists to behave like Leninists.” Thus Ambassador Burghardt was skeptical about the utility of designating Vietnam as a CPC. Because of Vietnam’s regime, “you don’t get any leverage; all you do is piss them off.”<sup>6</sup>

Other groups were also against CPC designation. The business community represented by the U.S. Chamber of Commerce argued that CPC designation would be disastrous for trade.

The Institute for Global Engagement, an NGO established by retired Ambassador-at-Large for Inter-

national Religious Freedom Robert Seiple and headed by his son, Chris Seiple, were against CPC designation, arguing an emphasis on punitive actions would be counter-productive. They believed that given Asian cultural traditions of “saving face,” public shaming was offensive, would play into the hands of hardliners, and was less effective than quiet, behind the scenes engagement.<sup>7</sup>

## THE AFFIRMATIVE POSITION

USCIRF directly opposed the Ambassador’s view, and recommended that Vietnam be designated a CPC immediately. USCIRF commissioners and staff members made several trips to Vietnam in which they met with jailed religious leaders and religious leaders from both registered and unregistered groups. They also reported clumsy attempts by the VG to prevent them from meeting with religious leaders, such as abruptly closing roads to literally block USCIRF commissioners from meeting religious communities. USCIRF acknowledged that some Vietnamese citizens assembled to worship and conduct charitable projects within government-approved parameters. But others faced severe violations, particularly those in unrecognized religious groups which have either chosen not to register or been denied registered status (and most religious groups were not officially recognized) or those deemed by the government to threaten national security or social harmony. The violations included fines, confiscation of property, imprisonment, physical violence, and the destruction of religious sites. “Because of these systematic, ongoing, and egregious violations of religious freedom, USCIRF recommends that Vietnam be designated as a “country of particular concern.”<sup>8</sup>

There was a fierce internal debate in the DoS IRF office. Staff member Will Imboden and Office Director Tom Farr argued that the IRF office should be recommending CPC status for Vietnam. Will Imboden argued that “1) diplomacy can continue to play out even after the IRF office recommends CPC status. CPC designation does not stop diplomacy. 2) We need to uphold the IRFA law. 3) Designating Vietnam as a CPC will make things better. It will focus the VG’s attention on religious freedom issues at a time when the USG has leverage with Vietnam. The threat of CPC designation, the VG’s desire for better U.S. relations and improved trade status, and their concerns about a rising China all provided leverage with Vietnam. John Hanford overruled us, because the Embassy and others in DoS were not on board yet.”<sup>9</sup>

Some at the Embassy and DoS also questioned why Ambassador Hanford and the IRF Office were spending most of their time on Protestant issues in a majority Buddhist country where Catholics and other groups well-outnumbered Protestants. Ambassador Hanford replied that the Protestant issues were more acute. But some argued that “for credibility and integrity it is important to focus more on the concerns of all religious groups.”<sup>10</sup>

The U.S. Congress, particularly the Congressional Human Rights Caucus, the Taskforce on International Religious Freedom, and the Congressional Caucus on Vietnam, were active on the issue, and adamant that Vietnam be designated as a CPC. Hearing from USCIRF, human rights and religious NGOs and Vietnamese Americans in their districts, Congress kept the pressure on.<sup>11</sup> Throughout 2003 and 2004 they held briefings and Congressional hearings, and passed legislation on the issue. In November 2003 the bipartisan Congressional Caucus on Vietnam<sup>12</sup> introduced House Resolution 427, which called on the State Department to designate Vietnam a CPC for “egregious, systematic and ongoing abuses of religious freedom.” In July 2004 Congress passed the Vietnam Human Rights Act (H.R. 1950), which prohibited non-humanitarian aid to Vietnam until the government made substantial improvements in religious freedom and human rights.

## THE “GO SLOW” POSITION

Ambassador John Hanford wanted to take some time to gather and verify the facts on the ground, and for diplomacy to play out. He traveled to Vietnam repeatedly, meeting particularly with members of persecuted Protestant religious groups in the Central Highlands and Northwest Provinces, as well as with VG officials. As Ambassador Hanford described it, “We spent an enormous amount of time forming trusting relationships, so Vietnamese officials would believe we were dealing in good faith, that we were not discussing religious freedom issues to rub their nose in it, but that we were pursuing the interests of the United States. Because no other government raises the religious freedom issue as we do, we had to explain our position, as well as the threat of CPC designation. My approach was to be respectful and gentle, but substantive and detailed. I had very long meetings, boring down into the specific evidence regarding key arrests for religious practices, and forced renunciations of the Christian faith. I spent time explaining why the U.S. cares about religious

freedom, how it goes back to our heritage, how we were founded by people fleeing religious persecution. Also we had this International Religious Freedom Act which places particular requirements upon every Administration, whether they like it or not.”<sup>13</sup>

Because of his background as a religious freedom advocate, Ambassador Hanford was particularly interested in compiling the evidence of religious freedom violations, and laying out specifically what the VG would need to do to avoid CPC designation. “I had to provide so much specific evidence of violations of religious freedom that they couldn’t deny it. For example, you had a hideous practice of forced renunciations of faith, where officials were rounding up Christians by the tens of thousands over time, seeking to force them, under great duress, to renounce their faith. You had physical harassment of believers where people were being beaten, in one or two cases to death. In our meetings the Vietnamese were denying forced renunciations. But I had and presented the documents in Vietnamese that they were using, and pointed out that the form was identical to the form Laos was using, and noted this was an interesting form of cross-border cooperation they had going there. I spent the time allowing them to get to know us, explaining our concerns, and going into a lot of detail regarding cases. I told them they were on the verge of being designated a CPC. Countries are less insulted if you tell them, give them notice, and create opportunities for them to avoid this, and plot a specific roadmap for improvements.”<sup>14</sup>

Ambassador Hanford needed time not only to negotiate with the Vietnamese, but he also needed time to build consensus within the State Department. Initially the U.S. Ambassador to Vietnam and the East Asia Pacific bureau were opposed to CPC designation believing it would be a negative in overall relations. According to Ambassador Hanford, “we had to make our case over a significant period of time, and had tough negotiations within DoS. When we can come to agreement within it makes a stronger case. But DoS personnel differ from person to person in their passion for these issues and understanding the importance of religious freedom to U.S. foreign policy. Sometimes people develop a clientelist perspective. Other issues coming from the regional bureaus are usually more front and center of the priority list, while issues from the functional bureaus like DRL and IRF don’t get priority. As evidence built over time, as you work with human rights officers to substantiate allegations, meet with people in country, the evidence became harder to deny, and we built agreement. Within DoS people

respected that they were not blindsided. When we all work together it bears greater fruit.”<sup>15</sup>

Good human rights and religious freedom reporting from the Embassy and Consulate in Vietnam were critical, identifying and building trust and relationships with religious groups in Vietnam, investigating specific claims of abuses and gathering evidence. The cables with strong reporting were key, as was the legwork human rights officers had to do to reach contested groups and areas. Officials describe a “cat and mouse” game, where the Vietnamese minders attempted to limit the U.S. ability to meet with religious groups and leaders, while the delegations sought to break away from their motorcades and minders, and to meet with people in the villages where the persecution was worst. Ambassador Hanford echoed the views of many when he noted, “We were fortunate to have some very good human rights officers in Vietnam. We worked well with them, and they were a real tribute to DoS.”<sup>16</sup>

As Judd Birdsall from the IRF office noted, “the challenge is to figure out what the religious piece is in abuses. Human rights groups may try to “religionize” issues in order to use the CPC designation for leverage. Governments may try to “dereligionize” issues because they want to avoid CPC designation. We have to do our homework, talk to as many different groups as possible, really do the research to determine who is reliable, who is exaggerating, to know the actors on the ground and their interests.”<sup>17</sup>

Even with good human rights reporting, however, there were still disputes over how to interpret the facts. Ambassador Hanford was of the view that not all religious persons are imprisoned for religious reasons. For example, VG authorities imprisoned Father Thaddeus Nguyen Van Ly, a Roman Catholic priest, in May 2001 for “undermining state unity” by writing a letter to the U.S. Commission on International Religious Freedom condemning Vietnam’s religious persecution. Fr. Ly was sentenced to 15 years in prison, and the priest’s niece and nephews also received 3–5 year prison sentences for bringing the matter to international attention. Were Fr. Ly and his relatives imprisoned for religious or political beliefs? According to Ambassador Hanford, sometimes religious people “use religious venues to attack the government. For example, Fr. Ly is a famous Catholic activist. His cause meant a lot to many on Capitol Hill. But he was not arrested for religious activities. A Communist government is not willing to tolerate calls for it to be brought down. The detention of these people is unjust, and a violation of human rights that we protest at the highest

levels. But they are most accurately viewed as political prisoners, rather than religious prisoners.”<sup>18</sup> Ironically, this is also the view of the VG when it imprisons people for “using religious belief in order to oppose the State.”

Others in the IRF Office, such as Tom Farr and Will Imboden, had a broader definition of religious freedom, prisoners and structures. Religious expression is not a private matter, to be cloistered within mosque, temple, or church walls, but freedom of religion means freedom to express religious views in the public square, even if those religiously motivated views critique the government. Beyond freedom of worship, religiously motivated people have rights to participate in the public square.

As USCIRF notes, the right to freedom of religion is more expansive than freedom to worship. “The State Department’s narrow definition excludes from consideration anyone arrested or detained for peaceful public advocacy to protect religious freedom, including expressing support for the legal or political reforms needed to fully ensure it . . . those who monitor the freedom of religion and are arrested or otherwise punished for the publication of their findings . . . those who, motivated by ongoing restrictions on religious practice or the arrests of fellow-believers, peacefully organize or protest to draw attention to government repression. The State Department’s standard for determining who is a religious “prisoner of concern” draws an arbitrary line between “political” and “religious” activity not found in international human rights law. USCIRF contends that in all the most recent cases of arrest, detention, and imprisonment, religious leaders or religious-freedom advocates engaged in legitimate actions that are protected by international treaties and covenants to which both the United States and Vietnam are signatories. In addition to the freedoms to believe and to worship, the freedom to peacefully advocate for religious freedom and express views critical of government policy are legitimate activities guaranteed by the Universal Declaration of Human Rights and the International

Covenant on Civil and Political Rights . . . the right to freedom of thought, conscience, and religion or belief is “far-reaching and profound” and “encompasses freedom of thought on all matters [and] personal conviction,” as well as “the commitment to religion or belief.”<sup>19</sup>

## WHEN IS ENOUGH ENOUGH?

Secretary of State Colin Powell raised religious freedom in his meetings with Vietnamese officials in 2004, but instead of seeing improvements on religious freedom, the VG proceeded with further restrictions. The evidence coming from Vietnam persuaded Michael Green, Director of Asian Affairs at the National Security Council, that Vietnam should be designated a CPC.

In an election year, politics also played a role. Vietnam was in the news given questions about President Bush and Senator Kerry’s service during the Vietnam war. White House political advisor Karl Rove wondered why a group of Vietnamese Americans had been big financial supporters (known as “Eagles”) of President George H. Bush but had not supported the Presidency of his son George W. Bush. A delegation from this Vietnamese-American group visited the White House during the summer of 2004 and said that religious freedom and CPC status for Vietnam was their number one priority.

As Congressman Chris Smith put it in July 2004, “When is enough, enough? Vietnam needs to come out of the dark ages of repression, brutality and abuse and embrace freedom, the rule of law, and respect for fundamental human rights.”<sup>20</sup>

Ambassador Hanford and the IRF Office were putting together the 2004 IRF report. Should they recommend that Vietnam be named a CPC, and if so, which policy tools (public condemnation, economic sanctions, etc.) would be most likely to advance religious freedom and other U.S. foreign policy objectives in Vietnam?

## NOTES

1. Ambassador Robert Seiple, interview with author, February 22, 2010.

2. IRF Report and USCIRF Report, 2003.

3. *Ibid.*

4. Ambassador Raymond Burghardt, interview with author, May 5, 2010.

5. *Ibid.*

6. *Ibid.*

7. Ambassador Robert Seiple, testimony before the Senate Foreign Relations Committee on “Religious Freedom in Vietnam” February 12, 2004.

8. 2003 USCIRF report.

9. Will Imboden, interview with author, May 25, 2010.

10. Ibid.
11. Scott Flipse, USCIRF, interview with author, May 26, 2010.
12. Including Representatives Tom Davis (R-Va.), Loretta Sanchez (D-Calif.), Chris Smith (R-N.J.), Zoe Lofgren (D-Calif.), and Ed Royce (R-Calif.).
13. Ambassador John Hanford, interview with author, March 10, 2010.
14. Ibid.
15. Ibid.
16. Ibid.
17. IRF staff, interview with author, January 22, 2010.
18. Ambassador John Hanford, interview with author, March 10, 2010.
19. 2010 USCIRF report.
20. Representative Chris Smith, press release July 19, 2004, "House Passes Smith Vietnam Human Rights Act," [http://www.house.gov/apps/list/press/nj04\\_smith/Vietnam.html](http://www.house.gov/apps/list/press/nj04_smith/Vietnam.html).

# Case 552, Part B, Instructor Copy

## TAKING ACTION

On September 15, 2004, President Bush added three countries to the list of CPCs: Vietnam, Saudi Arabia, and politically isolated Eritrea. This created a new pressure for action. CPC designation required the USG to take action within 180 days, by March 15, 2005. In all prior CPC cases, the USG invoked already existing sanctions against CPCs Burma, China, Iran, North Korea, and Sudan, satisfying the letter if not the spirit of IRFA without undertaking additional measures. That option was not available now since Vietnam, Saudi Arabia, and Eritrea were not subject to pre-existing sanctions. USCIRF noted, this gave the USG “an opportunity decisively to respond to severe religious freedom violators. According to the statutory requirements of IRFA, for these three countries the U.S. government must: (1) request consultations with the government on the violations that gave rise to the designation, and consult with humanitarian and other U.S. organizations on the potential impact of actions that could be taken; (2) either (a) conclude a binding agreement to cease the particularly severe violations, or (b) take an action from one of several options specified in the statute (or a “commensurate” action); and (3) report to Congress on the action taken.”<sup>21</sup> IRFA specifies several policy options.<sup>22</sup>

At this time no country designated a CPC had ever been removed from the CPC list except after U.S. invasion (Iraq, Afghanistan). There was no appetite for pursuing tough economic sanctions within DoS, so Ambassador Hanford and the IRF staff pursued negotiation of a binding agreement. Rather than CPC designation being an end state, they wanted it to serve as a step in a strategic process for change. They continued meetings with the Vietnamese, to work out a plan for improving religious freedom that would lead to removal of Vietnam’s CPC status, including benchmarks and metrics for progress. According to Will Imboden of the IRF office, “When we put Vietnam on the CPC list, that really got their attention. Shortly after they were made a CPC I flew over to Vietnam for follow up meetings and happened to have a very revealing meeting. I met with a very senior member of their foreign policy ministry who told me ‘We are changing. Look, you Americans have been badgering us on these religious freedom issues for a while and we’re tired of it. We still don’t quite get why you care about it a lot, but we sit in a difficult neighborhood. We are concerned about the rise of Chinese power and growing pressure from China for us to be

a sort of satellite state of theirs, and we would prefer to have better relations with the U.S. as a counter-balance. And so we have decided we are going to improve religious freedom conditions. We are going to take steps the U.S. recommends to get off the CPC list.”<sup>23</sup>

The threat of CPC sanctions gave U.S. negotiators leverage. As Ambassador Hanford explained, “I went back to Vietnam, sat down with officials and said, ‘I would prefer rather than imposing sanctions, I would really prefer if we can talk this out over time and come to an agreement on what areas you’d be willing to address. We succeeded in coming up with a document that identified the basic areas that we were primarily concerned about, and these were prisoners, physical mistreatment of believers, forced renunciations of faith, the closing of places of worship, the need for a legal structure to grant greater religious freedom.”<sup>24</sup>

## NEGOTIATING AN AGREEMENT

Matthew Schmolesky of the IRF office described the negotiations. “In our meetings in Vietnam in February 2005, a 4–5 day trip was extended to a 9–10 day trip. The first few days we were laying out the issues, reviewing why the VG was put on the CPC. Ambassador Hanford wanted to show he was an honest broker, and there was no effort to embarrass the VG. The meeting extended because we had a sense that we might get a bilateral agreement with them. Ambassador Michael Marine came to some of our sessions, as well as a human rights officer from the Embassy. We just lengthened our stay day by day. By day 8 or 9, the VG was interested in signing a letter. But it wasn’t there yet. We were drafting letters and handing them copies in the last few days—noting these are the benchmarks you need to deal with, such as restrictive laws for practice and assembling; how religious groups could register, form assemblies, buildings religious groups would put up; accountability, how those laws would be put in practice, holding officials accountable; house arrests, beatings, forcing people to renounce their faith. We had a good sense of what we wanted before we went. In coming up with benchmarks there are problems of being too specific or too general. If you are too specific, you might get the specific things you asked for but miss out on some larger opportunities because they weren’t specifically asked for. If you go too general, there may be latitude for the other party to live up to the letter but not the spirit

of what you are trying to achieve. We ended up with something in between—here are the main CPC issues, and if you can deal with these, there is the possibility of removal from the CPC list. There was some shift during negotiations. By day 6 or 7 the VG took our letter and rewrote it and said here are some of the issues we'd be interested in signing. Their language started off very flowery—something to the gist of “the Vietnamese government in all its wisdom deems that,” and we were wondering, is there any meat in here? Are the language changes just a cultural issue in how things should be expressed? Or did they just want to weigh in, to be part of drafting? There was some language going back to the Vietnam war that we would not agree to. But now we needed to be politick—they are working with us to put together a document. We needed to work with that and include their inputs, because that shifted the dynamic. Now we were working together on something, not pressing something by ourselves. Then we were contacting the DoS Legal Office. We needed to have them on board, there were questions they had to answer before we could get to a binding agreement. We realized we weren't going to have all the answers from the Legal Office in time to conclude an agreement on that trip. Would it be a binding bilateral agreement? A letter? Private, not a public humiliation? The sense that Ambassador Hanford got was if we decided not to make this a full press release, with photos and shaking of hands, but instead just tried to get human rights issues resolved, we would get more accomplished. It didn't matter if we did it quietly, and allowed them to save face. By not making the letter public, this also left it open for Ambassador Hanford to negotiate with other governments in the future because they were not privy to all the details of the agreement with the VG. If we made it public, some other CPC countries could say, this is the ceiling for what we have to do, the limit because this is the deal you gave the Vietnamese government. But we still needed to establish what form this agreement

was going to take, and we needed to work that through within State.”<sup>25</sup>

Ambassador Hanford agreed. “We had to create a mold internally within DoS for what constituted a binding agreement. We worked with the Legal Department at DoS on this. When we wrote the IRFA legislation we had looked at other binding agreement precedents. We came up with an exchange of letters, as long as they were signed by the appropriate senior officials and contained clear language, that the exchange of letters constituted a legal agreement.”<sup>26</sup> The letters went back and forth and were agreed upon weeks ahead of time, but the final signed versions were announced on May 5, 2005.

The VG made improvements in religious freedom in 2005 and 2006. They agreed to implement new legislative reforms on religious belief and called on local officials and trained local officials to adhere to them; they officially banned forced renunciations of belief; they released 45 religious prisoners; they registered more religious groups and allowed the reopening of some churches that had been shut down.

There was some debate over the distinctions between the national and local VG. The Vietnamese Embassy presented the view “that their national government didn't have as much control over regional local officials, who were not acting at the direction of the national VG. There were two different views on that. Either they were getting the results they wanted without the blame, or this was in fact what was happening and presented an opportunity to get the VG to clamp down and hold local governments accountable.”<sup>27</sup>

After the agreement was reached, questions remained about implementation, continued areas of religious freedom not addressed by the agreement (such as the fate of Buddhists not recognized by the VG such as the UBCV), and whether or not to continue CPC designation.

## NOTES

21. USCIRF letter to Secretary of State Condoleeza Rice, February 7, 2005. [http://www.uscirf.gov/index.php?option=com\\_content&task=view&id=1051&Itemid=1&date=2010-05-01](http://www.uscirf.gov/index.php?option=com_content&task=view&id=1051&Itemid=1&date=2010-05-01)

22. 1) A private demarche; 2) An official public demarche; 3) A public condemnation; 4) A public condemnation within one or more multilateral fora; 5) The delay or cancellation of one or more scientific exchanges;

6) The delay or cancellation of one or more cultural exchanges; 7) The denial of one or more working, official, or state visits; 8) The delay or cancellation of one or more working, official, or state visits; 9) The withdrawal, limitation, or suspension of United States development assistance; 10) Cancellation of Export-Import Bank, OPIC, or Trade and Development Agency guarantees and credit; 11) The withdrawal, limitation, or suspension of United

States security assistance; 12) Directing US to vote against World Bank and IMF loans; 13) Limitations on export licenses for arms, atomic energy, and any other good or technology that requires prior approval; 14) Prohibiting any United States financial institution from making loans or providing credits totaling more than \$10,000,000 in any 12-month period; 15) Prohibiting the United States Government from procuring, or entering into any contract for the procurement of, any goods or services from the foreign government.

**23.** Will Imboden, interview with author, May 25, 2010.

**24.** Ambassador John Hanford, interview with author, March 10, 2010.

**25.** Matthew Schmolesky, interview with author, April 28, 2010.

**26.** Ambassador John Hanford, interview with author, March 10, 2010.

**27.** Matthew Schmolesky, interview with author, April 28, 2010.

# Case 552, Part C, Instructor Copy

## THE CPC DEBATE REVISITED

After the accords were reached, Ambassador Hanford noted “Then it was a question of implementation. I’ll be quite frank here. I was surprised that two years later this agreement had been substantially implemented by the Government of Vietnam.”<sup>28</sup>

All agreed there had been some progress, but that it was uneven and violations of religious freedom and human rights remained in Vietnam. The CPC debate then returned. Some argued to remove Vietnam from the CPC list as violations were not severe, while others argued to retain CPC designation and push for more reforms.

Ambassador Hanford, many in DoS, and those who had initially been against CPC designation favored removing it. According to Ambassador Hanford, “We have to give credit where credit is due. We’re not experienced in crediting improvement, positive change, and success. Many of the issues that remained, such as land issues, were not issues of physical brutality. I was thrilled and frankly surprised they made so much progress in two years since CPC designation, and were sticking to it. You had to have a sense of diminishing returns, a feel for when we could lose all the progress we had made if we didn’t move forward. We had all the religious prisoners released and had change in the legal structure. We could really undo this progress if we held out for diminishing returns, so we had to do a cost/benefit analysis here, or we could lose it all if we didn’t at some reasonable point say to the Vietnamese ‘you have met your promised actions.’”<sup>29</sup>

Others in Congress, USCIRF, and religious and human rights groups disagreed that the VG had met its promised actions. Only those who held the narrow view of religious prisoners concluded that “all” prisoners were released. USCIRF chair Michel Cromartie noted in testimony before Congress that “Religious prisoners remain behind bars and new arrests have been made, hundreds of churches remain closed, forced renunciations of faith continue, and restrictions on and harassment of all of Vietnam’s diverse religious communities remain . . . Vietnam continues to restrict freedoms of speech, assembly, association and religion and arrests and abuses in these areas still occur . . . the United

States should continue to encourage Vietnam to uphold its international commitments on human rights and religious freedom. This includes full implementation of the May 5, 2005 agreement. And until significant and tangible progress is made on the ground, Vietnam’s CPC designation should be maintained.”<sup>30</sup>

Scott Flipse of USCIRF questioned “Whether the U.S got all it could have gotten from the strategic benefit of CPC status, at the time when we had the most leverage over Vietnam, when they wanted PNTR and WTO accession, or did we settle for concessions we likely would have gotten anyway? Did we ask them to do anything difficult? What did we ask them for? We didn’t ask them to recognize the independent religious activities of Buddhist groups, although Vietnam is a predominantly Buddhist country. They released some prisoners early from their sentences, in many cases such as Fr. Ly, just to re-arrest them later. They agreed to implement a law they had already passed. While the VG said they would halt forced renunciations, they retained language saying that religion undermined the state and directives counseling officials to get new converts to revert. There is no evidence that CPC status derailed relations with Vietnam overall. Trade grew and progress toward PNTR and WTO continued while Vietnam was designated as a CPC.” Flipse and USCIRF argued violations in Vietnam still met CPC standards.

There was pressure from the White House, the trade community, and some in DoS and Congress to remove any obstacles to PNTR and WTO accession for Vietnam, in readiness for President Bush’s trip to Vietnam for the APEC meeting in November 2009. The United States and Vietnam signed the bilateral agreement on Vietnam’s accession to the WTO in May 2006. Bills granting Vietnam PNTR status were working their way through both houses of Congress in 2006. Senior officials such as Secretary of Defense Rumsfeld and Treasury Secretary Paulson visited Vietnam in 2006, prior to President Bush’s November 17–20, 2006 APEC meeting.

Should the USG remove or continue CPC status to achieve greater progress on religious freedom in Vietnam?

NOTES

28. Ambassador John Hanford, Interview with Author, March 10, 2010.
29. Ibid.
30. USCIRF Chair Michael Cromartie, Testimony before the House International Relations Subcommittee on Africa, Human Rights, and International Organizations, "The Human Rights Dialogue with Vietnam: Is Vietnam Making Significant Progress?" March 29, 2006.

## Case 552, Part D, Instructor Copy

### CPC ASSESSED: LESSONS LEARNED?

On November 13, 2006, Ambassador-at-Large for International Religious Freedom John V. Hanford III announced the lifting of CPC designation for Vietnam. “Vietnam has made significant improvements toward advancing religious freedom. Though important work remains to be done, Vietnam can no longer be defined as a severe violator of religious freedom. . . . This marks the first time that a country has made sufficient progress as a result of diplomatic engagement to be removed from the CPC list, and we view this as a very important milestone.” He said enactment of new laws had helped VG “revise and clarify official policy on religion.”<sup>51</sup>

Many regarded this case as a success, a constructive model to be emulated, where CPC designation was helpful, a useful tool to the Embassy as leverage in winning concessions with recalcitrant governments, rather than merely a punishment. And Ambassadors Seiple and Hanford argued that if backsliding occurred in Vietnam after lifting the CPC designation, the USG could always re-designate Vietnam as a CPC.

According to Ambassador Hanford, “We turned a negative, CPC designation, into a positive way to work together, come to a positive resolution, and achieve forward motion on human rights. There are so many steps in advancing religious freedom. 1) Beleaguered believers in a country ask for help. 2) You research it and write up a press release. 3) You jump up and down and draw attention to the issue and say we should do something. 4) You engage the government leaders, legal structures, the leverages we have, meet and persuade and document and work to change government behavior. Most groups do the first end of the spectrum, and don’t necessarily appreciate or give credit to the great work of the IRF Office and DoS in doing the other end of the spectrum.”<sup>52</sup>

USCIRF and many human rights organizations disagree, seeing the removal of CPC designation as a lost opportunity that did more harm than good. As USCIRF’s Scott Flipse argued, “We asked for too little. We had more leverage than we thought we did. Our real leverage is with those who want Western contact through trade, and at this time the VG really wanted PNTR and WTO membership. Vietnam has a love/hate relationship with China, and therefore

Vietnam wants stronger relations with the U.S. as a balance in the region, along with the foreign direct investments and remittances from Vietnamese Americans. All this adds to the USG’s leverage with regard to CPC, and is why the USG should have asked for more. Many on the U.S. Embassy staff often come to Vietnam after serving in Beijing, and wrongly see the VG through a Chinese lens, but the Vietnamese Communist Party’s position is much weaker than the Chinese Communist Party’s ability to coopt the middle class, offer opportunity and prosperity which can attract party loyalty. The VG does not have the same ability to entice future generations as China does. We should have used CPC status better and more strategically. Vietnam made some improvements in religious freedom in order to get PNTR and WTO membership. After the ‘Hanoi Spring’ came a crackdown after CPC status was removed. Prisoners who had been released were re-arrested, and beatings and brutality continued, particularly toward Buddhists under ‘pagoda arrest.’ The argument that CPC status could always be reinstated was unrealistic given how difficult it was to get Vietnam designated as a CPC to begin with.” USCIRF argues that “due to ongoing, serious violations” Vietnam should again be designated as a CPC.

Ambassadors Seiple and Burghardt argued pragmatically that the VG came to realize the positive value religion could play in society, providing services such as orphanages, hospitals, education, ministries to HIV/AIDS patients and the poor, and relieving the burden on the government. Amb. Burghardt said, “We should play to that.” He also noted the importance of aggressively gathering information. “Don’t mind your minders.”<sup>53</sup>

Tom Farr believed that a focus on religious prisoners was the wrong approach. “The function of advancing religious freedom has never been integrated into the broader foreign policy of the United States . . . it was compartmentalized. Both ambassadors, [Robert] Seiple and [John] Hanford, did some very good things. Because of their personal persistence, they both got people out of jail. . . . But the rule is that we’re not actually advancing religious freedom. We’re cursing the darkness of persecution. . . . The annual CPC announcement is the only attention this policy gets. The content of our policy needs to have far more depth than this annual list and the discussion of what that means.”<sup>54</sup>

NOTES

31. Ambassador John Hanford, State Department Press Conference, November 13, 2006.

32. Ibid.

33. Ambassador Raymond Burghardt, interview with

author, May 5, 2010.

34. Tom Farr, "We're Not Actually Advancing Religious Freedom," interview in *Christianity Today*, April 2009.

# Case 552, Teaching Notes

## The Vietnam Dilemma

*Dr. Maryann Cusimano Love*  
The Catholic University of America  
Crapa Fellow, U.S. Commission on International Religious Freedom

### COPYRIGHTED MATERIAL

Do Not Duplicate — This is Copyrighted Material for Classroom Use.  
It is available only through the Institute for the Study of Diplomacy.  
202-965-5735 (tel) 202-965-5811 (fax)

#### DISCUSSION QUESTIONS FOR PART A

##### *Descriptive Questions*

Describe the violations of religious freedom in Vietnam in 2003.

How does the IRF law define “violations of religious freedom” and “countries of particular concern?”

What leverage did the U.S. have with Vietnam?

What were the obstacles to human rights and religious freedom reporting in Vietnam?

Describe the differences within the State Department on religious freedom issues.

##### *Analytic Questions*

What were the various positions regarding CPC designation for Vietnam? Who were the proponents of each position?

What were the pros and cons of these options?

What is the difference between freedom of religion and freedom to worship?

Was Fr. Ly a religious prisoner?

##### *Prescriptive Questions*

Did Vietnam meet the CPC criteria of the IRF law?

Should Ambassador Hanford have urged CPC des-

ignation for Vietnam?

#### DISCUSSION QUESTIONS FOR PART B

##### *Descriptive Questions*

How did CPC designation for Vietnam differ from other countries designated as CPCs?

What policy option was chosen for Vietnam and why?

Why were the Vietnamese motivated to be removed from the CPC list?

What issues and challenges emerged in negotiating an agreement with the Vietnamese?

What religious freedom improvements did the VG make in 2005 and 2006?

##### *Analytic Questions*

What were the pros and cons of pursuing a negotiated binding agreement?

How effective was this approach?

What other options could have been pursued? What policy options does the IRF law enumerate for CPC countries?

##### *Prescriptive Question*

What would you have done?

## DISCUSSION QUESTIONS FOR PART C

*Descriptive Question*

What were the pressures to remove Vietnam from the CPC list?

*Analytic Questions*

What were the various positions regarding CPC designation for Vietnam? Who were the proponents of each position?

What were the pros and cons of these options?

Did Vietnam meet the CPC criteria of the IRF law?

*Prescriptive Questions*

Should the USG continue CPC status to achieve greater progress on religious freedom in Vietnam, or remove Vietnam from the CPC list?

What would you have done?

## DISCUSSION QUESTIONS FOR PART D

*Descriptive Question*

What are the steps toward advancing religious freedom?

*Analytic Questions*

In what ways was the Vietnam case a successful model to be followed elsewhere?

What are the limitations of this Vietnamese model?

How can aggressive human rights reporting help advance religious freedom?

*Prescriptive Questions*

Should religious freedom be better integrated into the broader foreign policy of the United States, and if so, how?

How can repressive regimes be pragmatically persuaded of the value of religious groups and religious freedom?

How can you work to better advance religious freedom as part of U.S. foreign policy?

INSTRUCTOR'S NOTE<sup>1</sup>

The enclosed questions are a menu of various discussion options, not a recipe. Pick and choose among them, and deviate to fit your own course objectives.

To use case and participatory teaching techniques successfully, attend to classroom culture and dynamics. Establish an environment where participation is the norm, and where students feel comfortable participating. This means changing the existing expectations that the professor will be center stage, doing most of the talking and analysis. Instead, bluntly, professors must learn to “shut up,” and students must learn to “put up.” To facilitate student participation, consider the physical layout of the classroom. If possible, arrange seating into a semicircle or U, or some layout (preferably allowing the students to face each other) that will facilitate students' direct exchange with each other. If the students can see only you and are directed only to the front, chances are they will listen and direct their comments to you and not to each other. Student name plates on his or her desk, as used at professional conferences, allow participants to learn each other's names, and encourage students to take responsibility for their own contributions to the class (since they cannot remain anonymous).

You can “warm up” the class by beginning the discussion with softball, easier, descriptive, scene setting questions, and when they are more at ease and more folks are participating, move to the more high voltage or more difficult questions. “Softball questions” engage students in the material at a low stress level, and can be moved through rather quickly to get a number of people participating and get the facts of the case out on the table. You might ask basic factual questions here, a battery of short, closed, descriptive questions easily drawn from the case (for example, “Who were the actors? What were their interests? What were their options?”). Later in the class, you can push them to evaluate these early answers or offer their own solutions (What were the pros and cons of these options? Which actors and interests mattered most? What would you have done?)

Or if you are short on time and want to immediately peak their interest in cases, or if the class is a participatory group and doesn't need much “warm

---

1. Dr. Maryann Cusimano Love, “Strategies of Engagement,” in *The ABCs of Case Teaching*, Ed. Vicki Golich, Georgetown University, Institute for the Study of Diplomacy, 2000, [ecase.georgetown.edu/abcs.pdf](http://ecase.georgetown.edu/abcs.pdf).

up,” you might dive right to the most controversial points of the case, by asking “What is the Ambassador’s problem?” or “What should the U.S. government do?” Emphasize that they don’t need to be an expert to answer the question. All they need to participate in the discussion is the information which was contained in the case. If the group is more reluctant, save high threshold questions (which require students to go out on a limb more, offering more personal judgments or prescriptions for action), for later in the discussion, after you have people participating.

One means to “prime the pump” and direct student attention to particular points is to distribute 4–5 questions prior to the students doing a particular case. These questions help the students prepare for class discussion, focus attention on key points, and can give shy students a written “prompt” to have in front of them to break down their discomfort in speaking.

Early in the course or in the session you might pair students up or use more group exercises, in which students discuss a particular topic among themselves before reporting back to the class as a whole. This can encourage participation (since there is safety in numbers), engage students first at a lower threshold (it can be easier to talk to two students rather than the whole class), vet poor answers, and boost confidence. Splitting the class into two sides for a debate can serve the same purpose, although since there are more opportunities for a student to hide in a larger group, the professor must take care in a debate format to ensure that voices besides the most gregarious are heard. In two party debates, especially on negotiations or bargaining cases, “the switch” can be a useful technique to really get students to look at all sides of an issue. After asking students to argue one point of view, at some point midway through the debate, unexpectedly ask the students to switch sides and argue the other position. Role playing can also be useful earlier in the semester or class, since a student is not being asked to expose his or her *own* views, but to represent the views of a participant in the case. Role playing can also be a good device to draw out more quiet students, or to acquaint more opinionated students with an opposite viewpoint.

This is the bread crumb method. Get students to bite on the first few questions and in the first few sessions with a positive result, and as they become

more comfortable with each other, the method, and the material, you can push them farther into the forest. As the session and the course wear on, “raise the bar” for participation. You must increase the level of difficulty of the questions somewhat quickly, or students will get bored (and perhaps lazy in their preparation and participation), and class discussion may settle in a rut. As the session and course move on, ask fewer softball, descriptive, open-the-box questions, and instead ask harder questions (more evaluative, prescriptive, analytic, judgmental and interpretive questions), and pose more challenging followup questions (“can you explain that?,” “do the rest of you agree?,” “how does that square with...?”), spending less time and emphasis repeating or validating students’ points. As the students get more proficient in participation, get to the “red meat” of the case more quickly, allow the students to chew on it with less direction from you, and get out of the way.

Besides the “actors–interests–options” questioning technique, you might use “the puzzler” questioning technique. Have the students generate the reasons against something occurring (why Vietnam was not designated a CPC in 2003), and subsequently ask them why this eventually occurred. The class creates a puzzle or paradox, then solves it. Another technique is the “big bang” method of questioning, where you begin the case discussion (with little or no set up questions) by directly posing a big, controversial, high voltage question (“Is U.S. human rights policy effective?”), allowing the student discussion to get more heated and directed to each other, with the professor stepping to the sidelines. For the big-bang method to be effective, students have to be “primed” enough to take over the discussion, and the question has to be controversial enough to get them to bite and to generate some real heat (and light). Also important is using questions which touch on emotional issues, both early in the course (as a hook and as a signal of things to come), and later when they may be more ready to take the heat.

Classes and students are always different, so there is no magic method or strict timeline for advancing through the learning curve. Listen to your students, pay attention to how well they seem to be meeting content and participation goals, and adjust your lesson plans accordingly.