

Jackson-Vanik: a Bridge to the 20th Century

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Israeli, Russian, and U.S. Flags

There is an extant act of the U.S. Congress that is as obscure as it is harmful to a critical bilateral relationship. The legislative item is the Jackson-Vanik amendment (or, to be technical, Section 401, Title IV of the Trade Act of 1974, P.L. 93-618). It is obscure because many members of Congress—even those with foreign affairs portfolios—are unaware that it still applies. The relationship it undermines is that between the United States and Russia.

[Jackson-Vanik](#) (JV) dates back to a tit-for-tat exchange between the United States and the Soviet Union during the Cold War. In August, 1972, the Soviets began to levy exorbitant "education reimbursement fees" on its citizens who wished to emigrate. While seen as applying broadly to all religious minorities and "refuseniks," the primary target of the measure were Soviet Jews seeking to leave for Israel and the West, and the ostensible purpose was to address or partially alleviate the resultant "brain drain" by billing would-be émigrés for their Soviet Union-provided education.

JV, an amendment to the 1974 Trade Act, named after its principal cosponsors, Senator Henry "Scoop" Jackson (D-WA) and Rep. Charles Vanik (D-OH), denied "most favored nation" status to, and placed trade restrictions on, certain countries that restricted emigration. It was signed into law by President Gerald R. Ford in January 1975, following a unanimous vote in Congress. While not restricted to the Soviet Union, this was clearly the primary focus of and motivation behind the legislation.

JV authorizes the President of the United States to waive the restrictions for countries that meet "minimal emigration standards." This process is termed "graduating" a country from Jackson-Vanik, thus granting Permanent Normal Trade Relations by act of Congress. While graduation is in principle—and in keeping with the original intent of JV—based on a country's emigration performance, Congress may apply additional, human-rights related criteria, in considering whether a country merits permanent graduation. In this regard, it should be noted that China was graduated from JV some five years on, and among the former Soviet states, Ukraine and Georgia have also subsequently graduated. For Russia, however, JV remains in force. ¹

Let us consider the impact of JV on the Soviet Union, then Russia, over the past 35 years. At first, it did little or nothing to open the door for Soviet Jews wishing to emigrate. Following its enactment, the Soviets responded to this external pressure by actually reducing further the number of exit visas. The thaw came with the arrival of Mikhail S. Gorbachev as secretary-general of the Communist Party of the Soviet Union, and the resultant compliance with emigration protocols of the Organization for Security and Cooperation in Europe.

The bottom line is that, since Jackson-Vanik, some one million Soviet Jews have immigrated into Israel, and about half that number of Jews and Christians of various denominations has immigrated to the United States. In consequence, the National Committee for Soviet Jewry (NCSJ) published the following statement in March 2003:

Since October 2001, the American Jewish community's longtime involvement has intensified regarding the 1974 Jackson-Vanik Amendment—the groundbreaking law that ties freedom of trade benefits to freedom of emigration and human rights. In a dramatic series of letters and public statements, U.S. and Russian leaders—and the organized Jewish community—have agreed to seek Russia's "graduation" from Jackson-Vanik while affirming the principles of religious freedom and agreeing on the imperative of allowing Jews in Russia to continue their historic renaissance: protection from anti-Semitism, and return of communal property (synagogues, schools, community centers, cemeteries) confiscated during the Soviet period.

These sentiments have been echoed at the highest policy level: in November 2001, President George W. Bush wrote to the NCSJ Chairman:

"....on the basis of the Russian Government's consistent, nearly decade-long allowance of unfettered emigration, Russia merits permanent normal trade relations status. To this end, I intend to work with the 107th Congress to pass the necessary legislation for removing Jackson-Vanik requirements for Russia."

In late 2009, President Barack Obama said that repealing JV would be one of his administration's "top foreign policy priorities."

During Secretary of State Hillary Clinton's recent visit to Moscow, Russian Prime Minister Vladimir V. Putin raised the issue directly, citing JV and Moscow's stalled WTO accession in calling on the United States to "lower the hurdles to trade" and in noting that there had been a falling off in bilateral trade in 2009 from \$36 billion to \$16 billion as a result of the global economic crisis. At that time, the English-language, and West-inclined, *Moscow Times* reported that "Clinton called for reducing the trade barrier and reiterated U.S. support for (Russia's) WTO accession" (while at the same time referring to a Russian multi-billion dollar bid for a U.S. aerial refueling fleet).

All this notwithstanding, JV endures, a Cold War anachronism and a millstone for Russia's WTO prospects and for U.S.-Russia business dealings. Putin most certainly had the amendment in mind when wryly reflecting that the Obama administration's "reset the button" commitment to improving U.S.-Russia relations had "already improved the atmosphere but not yet the substance." The substantive dialogue would greatly be enhanced by repeal of JV; to the extent that it had a strategic purpose and effect, these have passed, and it is time for it to be consigned to history.

We gratefully acknowledge the substantive input of the [Council for Trade and Economic Cooperation \(USA-CIS\)](#) and the [National Committee for Soviet Jewry](#).

NOTES

1 For those who argue that JV's original purview has been expanded to encompass not just emigration policy but human rights abuses in general—and who would continue to apply JV to Russia for that reason—it is interesting to note that [H.R. 1053, March 2006](#), which "graduated" Ukraine, makes note that "areas of concern remain, including anti-Semitism."

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