GLOBAL GAME OF CHANCE: THE U.S. DIVERSITY VISA LOTTERY, TRANSNATIONAL MIGRATION, AND CULTURAL DIPLOMACY IN AFRICA, 1990-2016

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ABSTRACT

As part of the Immigration Act of 1990, the United States has held an annual Diversity Visa (DV) lottery, encouraging nationals of countries that historically sent few migrants to the United States to apply for one of 50,000 legal immigrant visas. The DV lottery has reshaped global migration, making possible for the first time significant voluntary immigration from sub-Saharan Africa to the United States, and serving U.S. public diplomacy in the region by sustaining the American Dream. Drawing on a range of archival and published sources and oral interviews conducted in Africa, this dissertation illuminates how immigration and American global power have shaped each other since the end of the Cold War. It traces the history of the lottery from its legislation in Washington to its operation in sub-Saharan Africa, where, transmitted by non-state actors, it shaped African perceptions of the United States.

Sparked by the advocacy of undocumented Irish immigrants in the United States in the late 1980s, policymakers created the lottery as an instrument for legal migration outside of family, employment, and refugee admissions categories. Motivated by domestic politics, and aiming to make visas available to white Europeans shut out of the system since 1965's Hart-Cellar Act, Congress embraced "diversity" to attract immigrants from countries underrepresented in the immigration stream. Once enacted, immigration attorneys and others amplified the program for personal profit, attracting eager applicants both within and outside of U.S. borders. The lottery was the subject of the world's first internet spam in 1994, and its operation coincided with the global spread of internet cafés, which became, by the early 2000s, key sites of DV lottery participation and migration commercialization in Africa.

The lottery provided a rare chance at geographic mobility for Africans after the end of the Cold War, making it powerful in the countries examined in this dissertation: Ghana, Nigeria, and Cameroon. As neoliberal reforms reconfigured many African states' economies in the 1980s and 1990s, individuals sought increasingly to escape in search of greener pastures. Unlike other contemporary migration policies, the lottery unintentionally created a channel of legal access to the United States for Africans. Local entrepreneurs seized the visa lottery as an opportunity to profit from fellow Africans' desperation and aspiration to depart. They transformed the abstract policy into a concrete possibility and promoted positive impressions of the United States as a land of "milk and honey," reshaping African migrations and international relations in the process.

For Andrew Chess Thomas, my traveling companion

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When I open a history book, I turn immediately to the acknowledgments. I have been known to tear up reading particularly convincing lines of thanks that acknowledge both the sacrifices entailed by writing history and the pleasures of researching and writing with the support of one's community and fellow travelers. I hope I can strike the right grace notes because I owe many thanks to my family, friends, and colleagues.

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and I was grateful for the opportunity to workshop a chapter and plan a very cool conference.

Several organizations awarded me funding so that I could present my work at conferences and workshops. The American Society for Legal History made it possible for me to travel to Miami and Denver to attend its annual meetings, and the Society for Historians of American Foreign Relations awarded me the Robert A. and Barbara Divine Graduate Student Travel Grant so that I could attend its annual meeting in Kentucky. I received additional funding so that I could present my project at the Doshisha University American Studies Summer Seminar, and I am grateful for all the feedback on my project, particularly from Brian DeLay, Edward G. Gray, and David L. Leal.

Without additional funding for research travel, I could not have completed this dissertation. The John Joseph Moakley Archive and Institute's Research Travel Grant enabled me to research in the archives of Congressman Joe Moakley in Boston. The Association of Centers for the Study of Congress Richard A. Baker Graduate Student Travel Grant funded research in the papers of Congressman Bruce Morrison in Connecticut. I was grateful to receive funding from the American Heritage Center at the University of Wyoming so that I could get to the papers of Senator Alan K. Simpson. SHAFR's Samuel Flagg Bemis Dissertation Research Grant funded, among other things, a fruitful visit to the papers of the Irish Immigration Reform Movement at NYU in New York. The archivists and staff at each of these institutions were beyond helpful and very kind. Most recently, the History Project of the Harvard Center for History and Economics and Institute for New Economic Thinking helped fund my visit to Cameroon, through its Dissertation Research Grant. In 2015, I was named a Diplomacy and Diversity Fellow by

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It feels rare to have been able to fold so many experiences into one graduate school career, and my dissertation committee made it possible. I am grateful to Aziz Rana for encouragement early in the project and for serving as external reader and offering up thoughtful suggestions. Ben Talton offered great advice for traveling, living, and learning in West Africa, and I would happily coordinate more conferences in Africa so long as Ben is at the helm. David Farber wrote me countless letters and pushed me to think more carefully about policy and politics. Bryant Simon is a role model teacher and Philadelphian, and I feel lucky every time we have a walk and talk. Richard Immerman embodies the finest qualities of the academy: he is unfailingly generous with his time and ideas, and he is a true advocate for students. That he publishes so much, provides wide-ranging service throughout the profession, convenes meaningful conferences, and inspires students through his teaching - all while making advising me his full-time job, it felt at times - boggles the mind. Convincing me to move to Philadelphia was a wonderful and lasting gift.

My sister Lesley Goodman, although younger than I am, preceded me in finishing her doctorate, and surpassed me as a scholar long ago - her courage, thoughtfulness, and

wit inspire me. Graduate school was so much easier with her guidance and gchat companionship. My father Fred Goodman made it clear from a young age that school was a priority and a pleasure, a lesson I suppose we sisters took too much to heart. I am thankful to him that I have been able to build an adult life motivated by intellectual pursuits and passions. Growing up in Montgomery County, Maryland, where embracing immigrant diversity was a given, and which has one of the largest concentrations of African immigrants in the country, has also shaped this dissertation deeply. My grandmother, aka Bubba, Sylvia Goodman (and my late grandfather, Ben Goodman, who passed away in 2013) has been a source of joy and support and I cherish our time together - and hope she will forgive me for all the long trips outside of the country that must have frayed her nerves. I finish this dissertation less than a year after my mother, Linda Land, passed away, and her death has left a sizable gap in my committee of champions.

As any habitual reader of acknowledgments knows, the end is where to find the juicy stuff. My husband Andrew has been with me all along, from our meeting at Human Rights First, to destinations the world over, to Philadelphia for graduate school, and to West Africa, where this dissertation project idea took root. He is my immigration law textbook and my best friend, editor, partner, and a good interesting person in his own right. I love him very much.

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PREFACE

This dissertation began with a move. I uprooted my life in New York City, where I worked at a human rights organization, to move to Philadelphia, where I sought to combine my professional and activist interest in human rights with the methods and training of a doctoral program in history. I thought I would write about the history of U.S. refugee policy. I was interested in people moving across borders, the rules and categories that sought to manage those migrations, and the consequences for individual people, caught up in larger systems and structures. After my first year of graduate school, I got on a plane to fly to Ghana. I spent the summer of 2011 traveling around West Africa, overland throughout Ghana and then to Togo and Benin, and then on an Air Mali flight from Benin to Senegal, from which I also traveled to The Gambia and Guinea-Bissau. I had a wonderful time, eating spicy dishes, buying local cloth, taking local transportation, and learning constantly.

It was easy for me, as an American, to secure visas to travel to countries that required them, and my United States passport opened doors, moved me through borders, and provided a strong sense of security. While I took my freedom of movement for granted, I met people who enjoyed no such freedom, who complained that their applications for U.S. and European visas were routinely denied. One day, at an internet café in Accra that I had stepped into to write home, I noticed that on the computers around me, Ghanaians were looking at the U.S. Department of State website. They were searching for information on something called the Diversity Visa (DV) lottery. Despite being familiar with and interested in U.S. immigration policy and history, and despite having lived in Montgomery County, Maryland, New York City, and Philadelphia which

each have high concentration of African immigrants who benefited from the lottery, I had never heard of the program.

I returned home with questions, not only about the origins of an immigration law that would award people around the world immigrant visas by random lottery - a dubious idea - but about the fact that I took my ability to travel around the world almost for granted, while such mobility was rare and quite difficult for most Africans. I wondered why a U.S. policy, nearly invisible in the United States, had captured so much attention outside the United States, particularly in Africa, where it seemed to occupy disproportionate space in people's imaginations. If the lottery captured so much attention, surely it must contribute to shaping how people engaged with and thought about the United States?

A graduate student of history, when I came home I tried to figure out how the diversity visa lottery that I had witnessed had come to be. I was surprised to learn that the program's origins had absolutely nothing to do with Africa. The few scholarly works specifically on the topic tended to be law review articles that detached the legislation from historical context.[1] Anna O. Law's article in the *Journal of American Ethnic History* was an exception.[2] In the article, Law shows that the DV lottery has its origins in changes in U.S. immigration since 1965. Charles Piot, an anthropologist, wrote a chapter about

[1] Walter Jacob, "Diversity Visas: Muddled Thinking and Pork Barrel Politics," *Georgetown Immigration Law Review* 6 (1992): 297-342.

[2] Anna O. Law, "The Diversity Visa Lottery - A Cycle of Unintended Consequences in United States Immigration Policy," *Journal of American Ethnic History* 21 no. 4 (Summer 2002): 3-27.

the DV lottery in Togo, focusing on the role of one Togolese visa agent.[3] These were two important parts of the story of the visa lottery, but only by historicizing the story could I bring the two parts into conversation with each other: both the legislation of the lottery and its operation in Africa had brought the program to life. The project had another dimension as well. Early in graduate school, I studied how refugee admissions served and thwarted U.S. foreign relations, building on Carl Bon Tempo's book on the topic.[4] When I saw the visa lottery in action, I realized that it was not just refugee policy but migration policies in general that play a role in shaping international relations. The visa lottery, which engendered such excitement at the ground level, yet seemed to address countries without strong formal historical ties to the United States, was a particularly compelling example.

My research drew on congressional reports and hearings, and policymakers' papers, including those of Senator Alan K. Simpson, Congressman Bruce Morrison, and Congressman John Joseph Moakley. I also researched in the archives of the Irish Immigration Reform Movement (IIRM), an advocacy organization deeply involved in the legislation of the visa lottery. I benefited from oral history collections related to both the IIRM and Senator Edward M. Kennedy. My research on the visa lottery in Africa entailed many African newspapers, including online editions, microfilm collections, and paper archives at several universities in Ghana and Cameroon, at the National Archives of Cameroon, as well as the personal archive of anthropologist Bea Vidacs, which I

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[3] Charles Piot, *Nostalgia for the Future: West Africa after the Cold War* (Chicago: University of Chicago Press, 2010).

[4] Carl Bon Tempo, *Americans at the Gate: The United States and Refugees during the Cold War* (Princeton, NJ: Princeton University Press, 2008).

acquired and then organized and donated to the Cooperative Africana Materials Project. I spent spring 2013 in Ghana, and then autumn 2015 in Cameroon conducting oral history interviews. Working on a contemporary history project, speaking to diverse scholarly audiences, policy advocates, African visa entrepreneurs, and lottery applicants themselves reinforced my sense that history is a living practice in the world.[5]

[5] Claire Potter and Renee Romano, eds., *Doing Recent History: On Privacy, Copyright, Video Games, Institutional Review Boards, Activist Scholarship, and History That Talks Back* (Athens, GA: University of Georgia Press, 2012).

CHAPTER 1: INTRODUCTION

October is a whirlwind. Across sub-Saharan Africa, from Accra to Addis Ababa, banners go up, cyber cafés become hot spots of activity, and radios blare the announcements. "Play, Win & Stay in America," reads a placard in Yaoundé, Cameroon, featuring a doctored photograph of President Barack Obama holding out a green card, against an American flag background.[1] The continent's cities stir with excitement and anticipation for the so-called American Lottery. Are you feeling lucky?

The odds of winning may be long, but this global game of chance is real. What seems in October's frenzy too good to be true is indeed true. The program generating so much attention in Africa is the United States Diversity Visa (DV) lottery, which became part of U.S. immigration policy as a component of the Immigration Act of 1990. Since 1994, the United States has run the annual global lottery, selecting individuals from countries that have sent few immigrants to the United States for a chance to receive a green card. Countries that sent under 50,000 immigrants in the previous five years are eligible, which includes most countries in Africa. Each year, the United States invites the world to play, to believe in the possibility of emigration, and to invest hope in the promise of the American Dream. Its stated purpose, for the United States, is to diversify the source countries of immigrants, so that U.S. immigrants can come from all over the world, bringing with them drive, desire, and their own cultural richness. The United States receives somewhere between 4.5 million and 14.5 million valid entries each year, from which it selects about 100,000 winners randomly. Of those winners, around 50,000

[1] Photograph by author, Yaoundé, Cameroon, October 28, 2015. (Author's possession.)

people will receive a diversity visa to the United States after screening at the U.S. consulate.[2]

The prize at the heart of this annual program is a United States green card, which gives its bearer the status of a lawful permanent resident (LPR) in the United States. After five years of residency, LPRs are eligible to become U.S. citizens. The cost to enter the lottery is free, although there are many opportunities to pay for assistance in submitting the straightforward application. The qualifications for entering the lottery are simple and specifically calibrated to make the program as accessible as possible while ensuring that diversity immigrants have sufficient skills to survive and thrive in the United States: the entrant must possess a high school diploma, its equivalent, or two years' experience at a skilled trade, and be a native of a qualifying country. Any person who qualifies can submit his or her name during the generally one-month registration period.

The lottery has taken place annually since 1994. First it entailed a mail-in registration, but beginning in 2003 an online system came into effect. In its just over twenty years of operation, the DV lottery has substantially transformed African immigration to the United States. In addition to facilitating significant voluntary immigration from Africa for the first time in U.S. history, the lottery became an annual cultural and economic event in many African countries. Whether a person was desperate to leave Africa, eager to go to America, or simply enticed by the idea of taking a chance,

[2] The Department of State selects more winners than visas thinking that some of those selected will be disqualified at the interview, or will simply not follow through with the visa application. The law initially made available 55,000 diversity visas annually, but in 1997, the Nicaraguan and Central American Relief Act (NACARA) stipulated that up to 5,000 of the annually-allocated diversity visas be made available for use under the NACARA program, reducing the number of remaining diversity visas to 50,000.

the lottery invoked a sense of possibility. For some entrepreneurs, the lottery became an economic boon, as Africans provided visa-related services for fees. Cyber cafés became sites not only of longing for mobility to developed countries but also of actual opportunity. American flags, images of the Statue of Liberty, and photographs of Barack Obama appeared along African city streets, beckoning. For some families, the lottery became the ticket to a more prosperous life.

What follows is the history of how the U.S. Diversity Visa lottery reshaped global migrations. Instead of criminalizing migration from Africa - as many European countries did in the same time period - the United States, through the lottery, offered up its own mythic identity as a nation of immigration and fostered good will among Africans. Its audience included lottery winners, of course, but also people who needed not play or win in order to recognize the lottery as an unusual and unique opportunity for African mobility in the 1990s and 2000s. While this project highlights the roles played by ordinary Africans with their own motivations in bringing the lottery to life, it also shows how the program served U.S. power abroad, unexpectedly and at a time of relative disengagement. In a context of profoundly uneven development in an age of globalization, the visa lottery, a legislative accident steeped in domestic U.S. politics, created new opportunities for commerce, for mobility, and for imagined possibilities in Africa and the United States.

Legislation

The impetus for the DV lottery's legislation was rooted in changes to U.S. immigration that date to the 1965 Hart-Cellar Act. The Hart-Cellar Act ended the national

origins quota system that structured U.S. immigration through the middle of the twentieth century. The 1924 Immigration Act limited countries' immigrant visas based on the 1890 census, with the goal of restricting the immigration of people from areas of the world considered by white legislators to be less desirable like Eastern Europe and Asia. The 1965 reform eliminated the quota system as racist and backward, and created in its place a preference system based on family reunification, permitting citizens and permanent residents in the United States to have relatives join them, treating all countries equally under the law.[3] The 1965 Act reflected the country's formal dedication to equality at the height of 1960s liberalism, as well as its embrace of family relationships as the source of financial and social stability for new immigrants.[4] Because visas would be distributed based on family relationships to existing citizens and immigrants, many Congressmen

[3] The 1924 Johnson-Reed Act allocated each country a specific number of visas based on immigrants and their descendants in the country as of 1890. This produced high quotas for the British Isles and Western Europe, and severely limited quotas for Southern and Eastern Europe. Countries in Asia and Africa were either outright excluded or had extremely low quotas. The system that replaced national origins quotas in 1965, based on family preference, was also based on national origins - it just allocated visas to all countries in equal number. In practice this meant that some countries (with large populations, or many immigrants) routinely used all their preference visas, while others used few of their visas.

[4] On liberalism, see Robert Weisbrot and G. Calvin Mackenzie, *The Liberal Hour: Washington and the Politics of Change in the 1960s* (New York, NY: Penguin Books, 2008). As Philip Wolgin argues, both liberals and conservatives used the rhetoric of the family to push their ideas incrementally in the post-war period, foreclosing other possibilities of reform. Philip E. Wolgin, "Beyond National Origins: The Development of Modern Immigration Policymaking, 1948-1968" Ph.D. Dissertation, U.C. Berkley, 2011. On the history of the centrality of family in U.S. policy in this era, see Robert O. Self, *All in the Family: The Realignment of American Democracy Since the 1960s* (New York, NY: Hill and Wang, 2012); Daniel Geary, *Beyond Civil Rights: The Moynihan Report and its Legacy* (Philadelphia, PA: University of Pennsylvania, 2015); and Natasha Zaretsky, *No Direction Home: The American Family and the Fear of National Decline, 1968-1980* (Chapel Hill, NC: University of North Carolina Press, 2007).

believed that then-current immigration patterns would continue.[5] Yet, the new family-based system resulted in dramatic, unanticipated changes in U.S. immigration: by the 1980s, legal immigrants had become mostly Asian and Latin American and almost all entered to reunite with family members.[6] As Congress worked to reform the overall system through the 1980s, a small savvy group of undocumented Irish immigrants, virtually shut out of the post-1965 immigration system, formulated a program that would provide relief to their cohort: Europeans, particularly Irish, wishing to immigrate who lacked family ties to the United States.[7] That program became the U.S. Diversity Visa lottery.

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[5] David M. Reimers, "More Liberal Than We Thought: A Note on Immediate Family Member Immigrants of U.S. Citizens," *Journal of Policy History* 25, no. 2 (April 2013): 288-298; David Reimers, "An Unintended Reform: The 1965 Immigration Act and Third World Immigration to the United States," *Journal of American Ethnic Histor*y 3, no. 1 (Fall 1983): 9-28.

[6] Most immigration scholarship has focused on restriction and exclusion, with a particular emphasis on unauthorized and illegal migration. This project shifts focus to what drove discussions about inclusion and the criteria for legal immigration. On the centrality of unauthorized migration and exclusion, see Mae M. Ngai, *Impossible Subjects: Illegal Aliens and the Making of Modern America* (Princeton, NJ: Princeton University Press, 2004); Hiroshi Motomura, *Immigration Outside the Law* (New York, NY: Oxford University Press, 2014); Roger Daniels, *Guarding the Golden Door: American Immigration Policy and Immigrants Since 1882* (New York: Hill and Wang, 2004); Erika Lee, *At America's Gates: Chinese Immigration During the Exclusion Era, 1882-1943* (Chapel Hill: University of North Carolina Press, 2003); and Jan C. Ting, "'Other Than a Chinaman': How U.S. Immigration Law Resulted From and Still Reflects a Policy of Excluding and Restricting Asian Immigration," *Temple Political and Civil Rights Law Review*, 4 Temp. Pol. & Civ. Rts. L. Rev. 301. 1995.

[7] While advocates in the 1980s themselves explicitly linked their request for the diversity visa program to the changes wrought by the 1965 Act, Anna Law's article on the DV lottery sheds considerable light on the legislative efforts between 1965 and the appearance in 1986 of the first diversity visa program. Anna O. Law, "The Diversity Visa Lottery - A Cycle of Unintended Consequences in United States Immigration Policy," *Journal of American Ethnic History* 21, no. 4 (Summer 2002): 3-27.

While migration to the United States had historically been a popular option for Irish citizens who faced privation at home, Irish immigrants who arrived in the United States in the 1980s faced serious new challenges. Because few Irish came to the United States in the middle of the twentieth century, the new arrivals had no family members in the country with whom to reunite - and the system no longer privileged Irish nationality. As a *Philadelphia Inquirer* article put it in 1987, "[R]aised on Irish-American success stories and convinced that Ireland has a special relationship with America, the new immigrants are often surprised to find they are treated much like other illegal aliens. They, too, are underpaid, overworked and subject to arrest and deportation."[8]

Under scrutiny for their status as "illegal," a group of young Irish immigrants formed the Irish Immigration Reform Movement (IIRM) in 1987 in order to advocate for a permanent law that would make visas available, outside the family preference system, to Irish immigrants and offer legal status to the Irish immigrants already resident in the United States.[9] While arguing for special treatment for the Irish, the group also wrapped its self-serving request in broader, more inclusive language that resonated in the late

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[8] Inga Saffron, "Well-traveled Irish now among the illegals," *Philadelphia Inquirer*, May 2, 1987, http://articles.philly.com/1987-05-02/news/26164733_1_illegal-irish-immigrants-gaelic-football-irish-american.

[9] Scholars have increasingly noted the roles played by special interest groups and constituencies in policymaking since the 1960s. See Jeffrey M. Berry, *The New Liberalism: The Rising Power of Citizen Groups* (Washington, DC: Brookings Institution Press, 1999); Michael Stewart Foley, *Front Porch Politics: The Forgotten Heyday of American Activism in the 1970s and 1980s* (New York, NY: Hill and Wang, 2013); Ethan G. Sribnick, "The Origins of Modern Child Welfare: Liberalism, Interest Groups, and the Transformation of Public Policy in the 1970s," *Journal of Policy History* 23, no. 2 (April 2011): 150-176; and Andrea Louise Campbell, *How Policies Make Citizens: Senior Citizen Activism and the American Welfare State* (Princeton, NJ: Princeton University Press, 2003).

1980s with policymakers and the public, for whom multiculturalism and diversity represented or projected positive cultural values.[10] The group seized a tenet of the 1981 Report by the Select Commission on Immigration and Refugee Policy which articulated "cultural diversity" as a key goal of U.S. immigration reform for the 1980s: "Permitting, and indeed encouraging, the migration of new groups of immigrants broadens the diversity and characteristics of new immigrants and the richness of their contributions to U.S. culture and society."[11] By advocating for immigrant diversity, the group signaled its willingness to work with other ethnic groups involved in immigration reform efforts between 1986 and 1990.[12]

The group also used the concept of diversity to tap into public anxiety about the racial, ethnic, and linguistic makeup of recent immigration. Rapid changes in immigrant demographics since the 1960s, the IIRM argued, referring to the uptick in immigration

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[10] Sean Benson, interview, November 29, 2005, Ireland House Oral History Collection, AIA 030, Archives of Irish America, Tamiment Library/Robert F. Wagner Labor Archives, New York University. On the historical rise of the concepts of diversity and multiculturalism in U.S. politics, see Natalia Mehlman Petrzela, *Classroom Wars: Language, Sex, and the Making of Modern Political Culture* (New York, NY: Oxford University Press, 2015); Andrew Hartman, *A War for the Soul of America: A History of the Culture Wars* (Chicago, IL: University of Chicago Press, 2015); and Stephen Prothero, *Why Liberals Win the Culture Wars (Even When They Lose Elections): The Battles That Define America from Jefferson's Heresies to Gay Marriage* (New York, NY: HarperOne, 2016).

[11] Select Com. on Immigration and Refugee Policy, *U.S. Immigration Policy and the National Interest: Staff Report of the Select Commission on Immigration and Refugee Policy*, 97th Cong., 1 (April 30, 1981), 358.

[12] Although policymakers discussed the fate of undocumented Irish immigrants when legislating the 1986 Immigration Reform and Control Act (IRCA), and included a short-term program that addressed the issue in that law, it was not until the Immigration Act of 1990 that policymakers crafted a more permanent policy as part of the overall immigration system.

from Asian and Latin American countries, had strained "the ability of the general population to transcend ethnic and generation boundaries to work together as one."[13] Including more Irish and European immigrants in the mix would diversify U.S. immigration and, the group claimed, more immigrant diversity would preserve a model of immigrant assimilation and prevent any particular ethnic or national group from dominating. The IIRM injected the concept of diversity in immigration policy debates, arguing that it would uphold a mythic understanding of the United States as a nation of immigrants.[14]

The idea had purchase, and several policymakers worked to include a diversity program in the omnibus legislation passed by Congress in late 1990. The final version of the diversity visa did not spring fully formed from the head of any individual legislator. Instead, the program took shape through rigorous debate, compromise, and collaboration. Committee membership and institutional structures, regional and local politics, and the broader immigration reform landscape in the late 1980s variously empowered and limited

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[13] *Legal Immigration Reforms: Hearings on S. 1611, Before the Subcommittee on Immigration and Refugee Affairs of the Committee on the Judiciary*, 100th Cong. (October 23, 1987) (Statement of Irish Immigration Reform Movement).

[14] For more on U.S. nation building through immigration policy, see Aristide R. Zolberg, *A Nation By Design: Immigration Policy in the Fashioning of America* (Cambridge, MA: Harvard University Press, 2006); Bill Ong Hing, *Defining America through Immigration Policy* (Philadelphia, PA: Temple University Press, 2004); Desmond King, *Making Americans: Immigration, Race, and the Origins of the Diverse Democracy* (Cambridge, MA: Harvard University Press, 2000); Hiroshi Motomura, *Americans in Waiting: The Lost Story of Immigration and Citizenship in the United States* (New York, NY: Oxford University Press, 2006); and John F. Kennedy, *A Nation of Immigrants* (New York, NY: Harper and Row, 1964).

individuals in the policymaking arena.[15] Reacting to several short-term visa programs, and shaped by diverse constituencies and the committee structure in Congress, key policymakers transformed the policy, making it more expansive than originally conceived and inclusive of many more countries. The appearance of fairness - of not appearing to create a special gift exclusively for the Irish - was a higher priority than pinning down a definition of immigrant diversity beyond including people from different countries. Because of how the IIRM had framed the debate, measuring immigrant diversity in terms of the number of immigrant origin countries represented, the DV lottery helped re-inscribe national origins in official immigration policy.[16]

The increasingly complex variety of immigration laws and statutes adopted through the 1980s and in 1990 created a new market for immigration legal services.[17] The recent deregulation of attorney advertising in the late 1970s enabled and required immigration lawyers to do more commercial outreach. The DV lottery created a prime opportunity for immigration lawyers and other visa-related firms to reach out more broadly to new potential clients. Because the DV lottery was open to millions of people around the world who otherwise had no chance to become U.S. immigrants, it had global

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[15] For an examination of similar factors in the legislation of the 1965 Immigration Act, see Maddalena Marinari, "'Americans Must Show Justice in Immigration Policies Too': The Passage of the 1965 Immigration Act," *Journal of Policy History* 26, no. 2 (April 2014): 219-245.

[16] In arguing for a diversity visa program, the IIRM argued that Ireland was actually discriminated against in the post-1965 system, since without recent Irish immigration to the United States family preference visas would be undersubscribed by the Irish.

[17] Leslie C. Levin, "Guardians at the Gate: The Backgrounds, Career Paths, and Professional Development of Private U.S. Immigration Lawyers," *Law & Society Inquiry* 43 (Spring 2009): 399-436.

appeal. Because the program was simple to enter compared to other immigration policies, it required no real legal expertise, and therefore offered attorneys an easy payday for little work. Helping clients enter the lottery would be swift and easy to do, and clients would be willing to pay to increase their chances of filing the application properly and therefore winning. Attorneys marketed themselves - and the visa lottery - widely. Two immigration attorneys in particular saw the lottery as the opportunity of a lifetime and used the new platform of the internet to reach clients in 1994. They made the lottery the subject of the internet's first widespread spam message, substantially transforming the culture of the internet into a transnational commercial space.[18] In the process, they amplified the visa lottery to new audiences both within and outside the United States.

While advocates and policymakers used the idea of immigrant diversity to create space for white, European immigrants without family members in the United States, the program they devised became unexpectedly important in sub-Saharan Africa where it fostered significant new streams of immigration to the United States. Sub-Saharan Africans have a long history of forced migration to the United States through centuries of the transatlantic slave trade, but the voluntary migration of Africans was highly restricted through most of the history of the United States. A 1790 law limited naturalization - the process by which a migrant attains U.S. citizenship - to "free white persons." This concept was upheld and embedded in the Immigration Act of 1924, which barred the admission of aliens ineligible for citizenship, and severely limited visas available to

[18] Finn Brunton, *Spam: A Shadow History of the Internet* (Cambridge, MA: MIT Press, 2013).

African countries based on admissions in 1890.[19] The Immigration Act of 1965, the launching point for the diversity visa legislative debate, stands as the turning point in recent immigration history. Ending an era of discriminatory restriction and exclusion, the 1965 Act produced important demographic changes in U.S. immigration.[20] As the introduction to an edited volume published in 2014 on immigration patterns since 1965 put it, "the vast majority of these newcomers have migrated from Latin America, Asia, the Caribbean, and Africa, making the image of the United States as a 'nation of

[19] For more on immigration before the late nineteenth century, see Bernard Bailyn, *Voyagers to the West: A Passage in the Peopling of America on the Eve of the Revolution* (New York, NY: Vintage Books, 1988); Edward Hutchinson, *Legislative History of American Immigration Policy, 1798-1965* (Philadelphia, PA: University of Pennsylvania Press, 1981); Oscar Handlin, *The Uprooted 2nd ed.* (Boston, MA: Little Brown, 1973); Roger Daniels, *Coming to America: A History of Immigration and Ethnicity in American Life, 2nd ed.* (New York, NY: Perennial, 2002); Oscar Handlin, *Boston's Immigrants, 1790-1880: A Study in Acculturation* (Cambridge, MA: Harvard University Press, 1991); and David Scott FitzGerald and David Cook-Martin, *Culling the Masses: The Democratic Origins of Racist Immigration Policy in the Americas* (Cambridge, MA: Harvard University Press, 2014). For more on pre-1924 immigration see John Bodnar, *The Transplanted: A History of Immigrants in Urban America* (Bloomington, IN: Indiana University Press, 1985); Lucy Salyer, *Laws Harsh as Tigers: Chinese Immigrants and the Shaping of Modern Immigration Law* (Chapel Hill, NC: University of North Carolina Press, 1995); Hasia Diner, *Hungering for America: Italian, Irish & Jewish Foodways in the Age of Migration* (Cambridge, MA: Harvard University Press, 2001); and Gunther Peck, *Reinventing Free Labor: Padrones and Immigrant Workers in the North American West, 1880-1930* (Cambridge, UK: Cambridge University Press, 2000). On African voluntary immigration see Marilyn Halter, *Between Race and Ethnicity: Cape Verdean American Immigrants, 1860-1965* (Urbana and Chicago, IL: University of Illinois Press, 1993).

[20] Mary C. Waters and Reed Ueda, eds., *The New Americans: A Guide to Immigration Since 1965* (Cambridge, MA: Harvard University Press, 2007); David M. Reimers, "More Liberal Than We Thought: A Note on Immediate Family Member Immigrants of U.S. Citizens"; David M. Reimers, *Other Immigrants: The Global Origins of the American People* (New York, NY: New York University Press, 2005); and Nancy Foner, *From Ellis Island to JFK: New York's Two Great Waves of Immigration* (New Haven, CT: Yale University Press, 2002).

immigrants' rarely more apt than it is today."[21] Although the 1965 Act technically ended the national origins quotas that had previously limited African immigration, the lack of Africans in the United States at the time of the law's passage meant that opportunities for Africans to migrate remained miniscule - until the enactment of further legislation after 1980.[22]

Understanding how Africans became part of the "new" immigration since 1965 requires breaking down post-1965 immigration into three discrete periods: the first between 1965 and 1991, then after the end of the Cold War from 1992 to 2001, and finally from the aftermath of September 11, 2001 to the present.[23] This dissertation's focus on African immigration necessarily means looking not to 1965 but to 1990 as a starting point, both because of the passage of the Immigration Act of 1990 containing the Diversity Visa lottery, and because of a sense of crisis felt in many African countries

[21] Marilyn Halter and Christopher Capozzola, "Introduction" in *What's New About the 'New' Immigration? Traditions and Transformations in the United States since 1965*, eds., Marilyn Halter, Marilynn S. Johnson, Katheryn P. Viens, and Conrad Edick Wright (New York, NY: Palgrave Macmillan, 2014), 2.

[22] Reimers, *Other Immigrants,* 235. See also John A. Arthur, Joseph Takougang, Thomas Owusu, eds., *Africans in Global Migration: Searching for Promised Lands* (Lanham, MD: Lexington Books, 2012). Prior to the 1980s, perhaps the most significant example of African voluntary immigration to the United States is that of Cape Verdeans to New England, Halter, *Between Race and Ethnicity: Cape Verdean American Immigrants, 1860-1965*.

[23] Immigration historians of post-1965 immigration have pointed to the need to break up the last 50 years of immigration history into discrete periods. Halter and Capozzola suggest this breakdown in the introduction to the edited volume. *What's New About the 'New' Immigration?* 1-19. Another example is Nancy Foner, ed., *One out of Three: Immigrant New York in the Twenty-first Century* (New York, NY: Columbia University Press, 2013).

after the end of the Cold War.[24] More than three quarters of the African-born population in the United States arrived after 1990.[25] In the twenty years of the lottery's operation, nearly 300,000 sub-Saharan Africans received diversity visas.[26] A person who enters the United States with a diversity visa is a Lawful Permanent Resident, permitted to live and work in the country, to sponsor other relatives to come to the United States, and to become a U.S. citizen. As a result, diversity immigrants have created new chains of family migration from their home countries, and African countries have begun to use the visas allocated to them through the family preference system.

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[24] No periodization is perfect. The rise in African immigration in the 1990s is also a product of two pieces of legislation passed in the 1980s, notably the Refugee Act of 1980 that adopted the United Nations definition of refugee and broadened access to the category to non-Europeans, and 1986's Immigration Reform and Control Act (IRCA) that granted legal status to unauthorized immigrants, including Africans, then in the United States. The Immigration Act of 1990's inclusion of Temporary Protected Status (TPS) also benefitted certain Africans temporarily in the United States who were unable to return to their countries, and reforms driven by the Federal Courts to make asylum adjudication more effective in the 1990s did also facilitated African immigration.

[25] Marilyn Halter and Violet Showers Johnson *American & African: West Africans in Post-Civil Rights America* (New York, NY: New York University Press, 2014).

[26] According to available immigration statistics, 287,335 sub-Saharan Africans were issued diversity visas between 1995 and 2014. "Table VII: Immigrant Number Use for Visa Issuances and Adjustments of Status in the Diversity Immigrant Category, fiscal years 1995-2002," 2002, United States Department of State, Bureau of Security and Consular Affairs, *Report of the Visa Office: 2002* accessed at https://travel.state.gov/content/visas/en/law-and-policy/statistics/annual-reports/report-of-the-visa-office-2002.html. "Table VII: Immigrant Number Use for Visa Issuances and Adjustments of Status in the Diversity Immigrant Category, fiscal years 1996-2005," 2005, United States Department of State, Bureau of Security and Consular Affairs, *Report of the Visa Office: 2005,* accessed at https://travel.state.gov/content/visas/en/law-and-policy/statistics/annual-reports/report-of-the-visa-office-2005.html. "Table VII: Immigrant Number Use for Visa Issuances and Adjustments of Status in the Diversity Immigrant Category, fiscal years 2005-2014," 2014, United States Department of State, Bureau of Security and Consular Affairs, *Report of the Visa Office: 2014,* accessed at https://travel.state.gov/content/visas/en/law-and-policy/statistics/annual-reports/report-of-the-visa-office-2014.html.

In 2003, another major shift in U.S. immigration policy took place. With the United States singularly focused on national security and international terrorism, the Immigration and Naturalization Service (INS) was absorbed into the newly formed Department of Homeland Security. While the reorganization had relatively little impact on the Diversity Visa lottery, the United States' adoption of an online DV lottery that year, designed to improve security measures as well as lower the program's administrative costs, did affect DV lottery applicants, ultimately expanding access to the program.

The DV Lottery in Africa

This project takes three countries in sub-Saharan Africa as case studies: Nigeria, Ghana, and Cameroon. In all three countries, the DV lottery became popular. Nigeria, in West Africa, with its massive size and population of English-speakers, was always among the top diversity visa winning countries, until "graduating" from the program in 2013 (for DV2015) because so many Nigerians received immigrant visas each year.[27] Ghana, a smaller country in West Africa, also English-speaking, has also usually been among the top DV winning countries. Cameroon, a bilingual country sharing both French and English as official languages in Central Africa, received fewer than 1000 diversity visas annually before 2008, but in recent years, thanks to the online lottery system, has increased its numbers, including more French-speaking DV winners.

[27] Countries that have sent fewer than 50,000 immigrants in the previous five years are eligible for the lottery. In 2013, there were reportedly 1.5 million Nigerians residing in the United States. "U.S. Government Explains Ineligibility of Nigeria from DV Lottery 2015," United States Diplomatic Mission to Nigeria Press Conference, September 19, 2013, http://nigeria.usembassy.gov/pe_09192013.html.

While each country has a distinct national history, some experiences common across many post-colonial African countries, including Ghana, Nigeria, and Cameroon, made the lottery particularly enticing. Beginning in the late 1950s and early 1960s, most sub-Saharan African countries gained formal independence from European colonial powers. Yet the promise and excitement of independence were short-lived, as many of the new countries faced political and economic problems in the 1970s and 1980s. Although specific conditions varied, in the 1980s and 1990s nearly all sub-Saharan African countries adopted Structural Adjustment Programs (SAPs) promulgated by the International Monetary Fund and the World Bank.[28] These policies imposed conditions that countries had to meet in order to be eligible for loans, credit, and debt relief. Most countries under SAPs devalued their national currencies, cut civil service salaries and positions, eliminated subsidies, and privatized state-owned enterprises.[29] These measures reduced most Africans' spending power, cut jobs, and undermined state education and healthcare. They also created new pressure on people to seek better opportunities abroad.

At the same time, despite expanding transportation and communications technology, new migration controls - particularly in Europe - made it increasingly difficult for Africans to leave the continent.[30] After the 1970s, France and other countries

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[28] J. Barry Riddell, "Things Fall Apart Again: Structural Adjustment Programmes in Sub-Saharan Africa," *The Journal of Modern African Studies* 30, no. 1 (March 1992): 53-68; and Elizabeth Schmidt, *Foreign Intervention in Africa: From the Cold War to the War on Terror* (New York, NY: Cambridge University Press, 2013).

[29] Paul Nugent, *Africa Since Independence* (New York, NY: Palgrave Macmillan, 2004).

[30] Maybritt Jill Alpes, "Bushfalling at All Cost: The Economy of Migratory Knowledge in Anglophone Cameroon African Diaspora," *African Diaspora* 5 (January 2012): 90-115, 112.

tightened border control and ended labor migration programs. They also created new legislation that toughened requirements, limited visas, and expanded border enforcement.[31] Approval rates for asylum applications in both Britain and France plummeted. The end of the Cold War produced new flows of refugees into Western Europe in the early 1990s, making immigration a particularly contentious political issue in these countries.

The United States, too, pursued greater immigration restriction in the 1990s, most notably through 1996's Illegal Immigration Reform and Immigrant Responsibility Act. The restriction ethos was also reflected in state efforts such as Proposition 187 in California. Africans seeking even short-term visitor visas to the United States faced long delays at the visa office, high fees that were not refundable, and refusals offered with no or flimsy explanations.[32] Consular officers had discretion to refuse a visa to anybody they suspected might overstay and remain in the United States. Because of the poor economic situation across sub-Saharan Africa, they refused African visa applications at a high rate. Moreover, between 1993 and 1996, the United States shut down thirty-two diplomatic

[31] Kimberly Hamilton, Patrick Simon, Clara Veniard, "The Challenge of French Diversity," *Migration Policy Institute*, November 1, 2004, accessed at http://www.migrationpolicy.org/article/challenge-french-diversity; Christine O'Connell, "Plight of France's *Sans-Papiers* Gives a Face to Struggle over Immigration Reform," *Human Rights Brief* 4, no. 1 (Fall 1996) accessed at https://www.wcl.american.edu/hrbrief/04/1oconnell.pdf.

[32] Editorial, "They Exploit Visa," *Ghanaian Times*, October 14, 1997, University Library, Kwame Nkrumah University of Science and Technology, Kumasi Ghana. (Hereafter KNUST). See also, James Ferguson, *Global Shadows: Africa in the Neoliberal World Order* (Durham, NC: Duke University Press, 2006).

and consulate posts, many of them in Africa, further limiting access to the United States.[33]

The juxtaposition of greater access to the West through processes of globalization with a palpable lack of mobility due to migration controls made the idea of departing Africa more powerful.[34] Africans often spoke of departing as "seeking greener pastures," connoting the effort to find a better situation elsewhere by referencing the 23rd psalm in the Old Testament.[35] "Is Ghana such a bad place?" asked one of many opinion pieces on the topic in 1994. "The dream of the youth is to leave the country."[36] As a result of this particular moment in post-colonial African history, when the relationship between state and citizen was being reconfigured, the new American visa lottery took on special meaning.[37] It offered a unique opportunity to depart Africa and go to the United States legally, opening the United States to Africans.

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[33] Christopher M. Jones, "The Foreign Policy Bureaucracy in a New Era," in *After the End: Making U.S. Foreign Policy in the Post-Cold War World*, ed. James M. Scott (Durham, NC: Duke University Press, 1998), 64.

[34] Jean-Francois Bayart, *Global Subjects: A Political Critique of Globalization,* trans. by Andrew Brown (Cambridge, UK: Polity Press, 2007); and Alpes, "Bushfalling at All Cost", 90-115.

[35] Editorial, "Those Unpatriotic Ghanaians," *Weekly Spectator*, November 20, 1999, KNUST. See also Aderanti Adepoju and Arie va der Wiel, eds., *Seeking Greener Pastures Abroad: A Migration Profile of Nigeria* (Nigeria: Safari Books, 2012).

[36] Editorial, "Is Ghana such a bad place?" *Daily Graphic*, November 14, 1994, Africana Collection, Balme Library, University of Ghana, Legon, Accra, Ghana. (Hereafter University of Ghana.)

[37] See Brenda Chalfin, *Neoliberal Frontiers: An Ethnography of Sovereignty in West Africa* (Chicago, IL: University of Chicago Press, 2010); Charles Piot, *Nostalgia for the Future: West Africa after the Cold War* (Chicago: University of Chicago Press, 2010); and Ferguson, *Global Shadows*.

The operation of the DV lottery on the ground in African countries involved unexpected actors.[38] Local, non-state, profit-driven agents interpreted and enacted U.S. immigration policy to serve their own economic and cultural needs at a time of privation and struggle. While the United States ran the annual lotteries and set their terms, African intermediaries made the policy concrete for African audiences, beyond the scope of American policymakers' intentions or expectations. These African actors - travel agents, photographers, and cyber café operators - sold ideas about mobility and about the American Dream, as well as access to the lottery. They served as transmitters of American culture and facilitated the new streams of African DV lottery immigration to the United States.[39]

This project contributes to a growing literature by historians working on transnational American history who address the role of non-state actors such as NGOs, multinational corporations, activists, and international organizations in human endeavors that cross state boundaries.[40] U.S. consulates reported that the majority of African lottery

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[38] In this way, African DV lottery entrepreneurs were like other migration intermediaries who helped migrants while drawing profit in other historical contexts. See, for example, Mae M. Ngai, "'A Slight Knowledge of the Barbarian Language': Chinese Interpreters in Late-Nineteenth and Early-Twentieth-Century America," *Journal of American Ethnic History* 30, no. 2 (Winter 2011): 5-32; and Torsten Feys, "The Visible Hand of Shipping Interests in American Migration Policies, 1815-1914," *Tijdschrift voor Sociale en Economische Geschiedenis* 7, no. 1 (2010): 38-62.

[39] Jessica C. E. Gienow-Hecht, *Transmission Impossible: American Journalism as Cultural Diplomacy in Postwar Germany 1945-1955* (Baton Rouge, LA: Louisiana State University Press, 1999).

[40] See Matthew Connelly, "Seeing Beyond the State: The Population Control Movement and the Problem of Sovereignty," *Past & Present* 193, no. 1 (November 2006): 197-233; and Erez Manela, "The United States in the World," in *American History Now,* eds. Eric Foner and Lisa McGirr (Philadelphia, PA: Temple University Press, 2011). Works that address African transnationalism include Kevin K. Gaines,

applicants sought assistance from visa consultants in order to enter the lottery.[41] As one Nigerian writer commented, "not even clarifications and assurances by the U.S. authorities that no agency or intermediary would influence anybody's chances of winning, could check Nigerians intent on going to America at all cost."[42]

Africans equated winning the lottery with good fortune, a chance to go to "God's own country," and an irresistible opportunity to enter a land "flowing with milk and honey."[43] The visa lottery became a way for ordinary people, including lottery winners, their families, visa agents, and repeat players, to engage with the United States. "Sometimes if there is no possibility of something, you don't think about it," one DV

American Africans in Ghana: Black Expatriates and the Civil Rights Era (Chapel Hill, NC: University of North Carolina Press, 2006); Larry Grubbs, *Secular Missionaries: Americans and African Development in the 1960s* (Amherst and Boston, MA: University of Massachusetts Press, 2009); Gregory Mann, *Native Sons: West African Veterans and France in the Twentieth Century* (Durham, NC: Duke University Press, 2006); and James Meriwether, *Proudly We Can Be Africans: Black Americans and Africa, 1935-1961* (Chapel Hill, NC: University of North Carolina Press, 2001).

[41] U.S. Government Accountability Office, *Committee on Homeland Security, Report to the Chairman, Border Security: Fraud Risks Complicate State's Ability to Manage Diversity Visa Program*, H.R. Rep. No. 07-1174 (September 2007) accessed at http://www.gao.gov/new.items/d071174.pdf. Henry Nti Antwi told me that he did not win the lottery when he entered in the 1990s because he did not get assistance. Henry Nti Antwi, interview with author, April 24, 2013 Kumasi, Ghana. (Transcript in author's possession.)

[42] Chukwudi Nwabuko, "Going to America," *Sunday Champion (Nigeria),* March 10, 1996, cover story. Microfilm MF-12058 CAMP r.19, via Cooperative Africana Materials Project: http://catalog.crl.edu/record=b1517636~S1.

[43] Yusuph Olaniyonu, "Rough Road to Dreamland," *TheWeek*, February 10, 1997, accessed at http://search.proquest.com.libproxy.temple.edu/docview/198840271?accountid=14270.

lottery-winning immigrant told me.[44] The program conveyed a strong sense of American generosity.[45] Although Africans understood that the United States and its economy stood to gain from immigration, many were also convinced that the United States ran the lottery in order to help develop the economies of poorer African nations.[46] The opportunities that arose because of the lottery helped Africans, through education, migrant remittances, and further migrations; some African states even recognized plural citizenship in order to harness these benefits.[47] As a result, the lottery helped make America dear to the hearts of many Africans in the region, and uniquely so: "America is the only country that has given that opportunity. In the whole world it is only America that is open," said one repeated lottery applicant still living in Ghana.[48]

While few Americans have even heard of the program, it has generated considerable attention outside the United States and thus offers a particularly useful lens for examining the intersection of U.S. immigration policy and American foreign relations. Whereas immigration has often been understood as a domestic issue, in recent years scholars of both migration and foreign relations have looked outside the U.S. to

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[44] Ibrahim, interview with author, April 11, 2014, Philadelphia, PA. (Transcript in author's possession.)

[45] Mohammed Abass, interview with author, April 20, 2013, Cape Coast, Ghana; Isaac Asakora, interview with author, April 20, 2013, Cape Coast, Ghana; Prince Nyarko, interview with author, May 13, 2013, Kumasi, Ghana; Ibrahim, interview with author.(Transcripts in author's possession.)

[46] Antwi, interview.

[47] Walisu Alhassan, interview with author, March 12, 2013, Tamale, Ghana. (Transcript in author's possession.)

[48] Ibid.

understand how immigration and American global power shape each other.[49] As the historian Donna Gabaccia argues, "Immigration is an important, continuous, and contentious relationship between the United States and the rest of the world." Consequently, she insists, immigration historians and foreign relations historians must address the topics together.[50] In the case of the DV lottery, none of its policymakers considered how the program would engage foreign audiences. Indeed, their effort aimed to create new migrations that did not exist previously and that were not rooted in historical economic, diplomatic, or strategic relationships between the United States and the target countries of the lottery.

The visa services agents who promoted the lottery not only served as implementers of the U.S. policy, but they also spread information and messages about the United States and its culture, the primacy of profit and free market enterprise, the fundamental importance of luck and individualism, and the mythic understanding of the United States as a nation of immigrants. Their messages were particularly powerful in the years following the Cold War, when U.S. foreign relations in Africa were a low priority. As the State Department reorganized and shrank, and the U.S. reduced its public diplomacy efforts, the United States shrank from the public sphere across Africa, creating

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[49] Examples of this approach include Carl Bon Tempo, *Americans at the Gate: The United States and Refugees during the Cold War* (Princeton, NJ: Princeton University Press, 2008); Arissa H. Oh, *To Save the Children of Korea: The Cold War Origins of International Adoption* (Stanford, CA: Stanford University Press, 2015); Meredith Oyen, *The Diplomacy of Migration: Transnational Lives and the Making of U.S.-Chinese Relations in the Cold War* (Ithaca, NY: Cornell University Press, 2015); and Paul A. Kramer, "Power and Connection: Imperial Histories of the United States in the World," *American Historical Review*116, no. 5 (December 2011): 1348-1391.

[50] Donna R. Gabaccia, *Foreign Relations: American Immigration in Global Perspective* (Princeton, NJ: Princeton University Press, 2012).

space for private visa agents to articulate their own messages about the United States. From the 1990s through the 2000s, the oft-evoked concept of "greener pastures" - meaning going elsewhere to prosper - came to mean America specifically.

The DV lottery has helped create and reinforce this positive impression of the United States and American life in the minds of many Africans, in some ways manifesting what political scientist and Bill Clinton administration member Joseph Nye, Jr. argues is the effective use of "soft power," the deployment of its culture abroad by the United States in order to win the support of other countries.[51] This formulation, however, is overly simplistic. Audiences interpreted, resisted, and transformed American cultural products to serve their own needs, sometimes thwarting official intentions.[52] Spreading culture is not the equivalent, the historian Frank Ninkovich writes, of "forced brain

[51] Joseph S. Nye, Jr., *Bound to Lead: The Changing Nature of American Power* (New York, NY: Basic Books, 1990), 193; and Joseph S. Nye, Jr., *Soft Power: The Means to Success in World Politics* (New York, NY: Public Affairs, 2004).

[52] Some historians have focused on official U.S. cultural policy abroad: Walter Hixson, *Parting the Curtain: Propaganda, Culture, and the Cold War, 1945-1961* (New York, NY: St. Martin's Griffen, 1997); Nicholas John Cull, *The Cold War and the United States Information Agency: American Propaganda and Public Diplomacy, 1945-1989* (Cambridge, UK: Cambridge University Press, 2008); Laura A. Belmonte, *Selling the American Way: U.S. Propaganda and the Cold War* (Philadelphia, PA: University of Pennsylvania Press, 2008); and Kenneth Osgood, *Total Cold War: Eisenhower's Secret Propaganda Battle at Home and Abroad* (Lawrence, KS: University Press of Kansas, 2006.). Others have looked more closely at reception, resistance and transformation: Richard Pells, *Not Like Us: How Europeans Have Loved, Hated, and Transformed American Culture Since World War II* (New York, NY: Basic Books, 1997); Victoria De Grazia, *Irresistible Empire: America's Advance through Twentieth-Century Europe* (Cambridge, MA: Harvard University Press, 2005); and Richard Kuisel, *Seducing the French: The Dilemma of Americanization* (Berkeley and Los Angeles, CA: University of California Press, 1993).

transplants performed upon helpless victims."[53] Jessica Gienow-Hecht has argued that historians should move away from the idea that American global domination is unidirectional. She suggests examining this process as "cultural transfer" or "transmission" to describe the array of cultural activities and products the U.S. sends abroad to serve its interests.[54]

Gienow-Hecht's intervention pushes historians to consider a wider array of actors and a broader range of cultural activities in order to understand the ways people across the globe understand the United States and its culture.[55] Using U.S. immigration policy to serve their own economic needs, visa agents spread messages about American culture and served as transmitters of American policy. This project builds on new work among both historians of American foreign relations and immigration historians who have focused on transnationalism.[56] The DV lottery provides a rich example of a cross-cultural

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[53] Frank Ninkovich, *The United States and Imperialism* (Malden, MA: Blackwell Publishers, 2001), 6. See also Frank Ninkovich, *Global Dawn: The Cultural Foundation of American Internationalism* (Cambridge, MA: Harvard University Press, 2009).

[54] Jessica C. E. Gienow-Hecht, "Shame on US? Academics, Cultural Transfer, and the Cold War - A Critical Review," *Diplomatic History* 24, no. 3 (Summer 2000): 465-494.

[55] Jessica C. E. Gienow-Hecht. *Transmission Impossible: American Journalism as Cultural Diplomacy in Postwar Germany 1945-1955* (Baton Rouge, LA: Louisiana State University Press, 1999); and Christopher Endy, *Cold War Holidays: American Tourism in France* (Chapel Hill, NC: University of North Carolina Press, 2004).

[56] On transnationalism in U.S. foreign relations history, see Akira Iriye, "Internationalizing International History," in *Rethinking American History in a Global Age*, ed. Thomas Bender (Berkeley, Calif.: University of California Press, 2002); Akira Iriye, *Global and Transnational History: The Past, Present, and Future* (New York: Palgrave Macmillan, 2013); and C. A. Bayly et al., "AHR Conversation: On Transnational History," *The American Historical Review* 111, no. 5 (December 2006): 1441-1464. Transnational migration scholarship has produced particularly strong work in Asian-American and Latino/a history. See Madeline Y. Hsu, *Dreaming of Gold,*

process of exchange and interpretation, particularly when diversity visa immigrants themselves reinforced messages about American life in their African home countries.

After September 11, 2001, as the United States grappled with the global scope of international terrorism, it articulated a need to re-engage African publics. As Africa has become more significant to U.S. national security efforts in recent years, as evidenced by the creation in 2007 of the U.S. Africa Command (USAFRICOM), a military command unit focused on the continent, Africans' perceptions of the United States have become more important. The DV lottery has played an important role in shaping those perceptions. In 2006, a francophone African blog called the program "the planet's most popular game of chance" (*"le grand jeu-concours le plus populaire de la planète"*) reflecting the visa lottery's growing popularity across the continent, including in countries with few historical or diplomatic ties with the United States.[57] A cable from the U.S. Embassy in Yaoundé, the capital of Cameroon, recounted in 2007 that the DV lottery "remains an alluring opportunity that embodies much of what draws Cameroonians to immigrate to the U.S."[58]

Dreaming of Home: Transnationalism and Migration Between the United States and South China, 1882-1943 (Stanford, CA: Stanford University Press, 2000); and Deborah Cohen, *Migrant Citizens and Transnational Subjects in the Postwar United States and Mexico* (Chapel Hill, NC: University of North Carolina Press, 2011).

Jesse Hoffnung-Garskof, *A Tale of Two Cities: Santo Domingo and New York after 1950* (Princeton, NJ: Princeton University Press, 2010); and Lara Putnam, *Radical Moves: Caribbean Migrants and the Politics of Race in the Jazz Age* (Chapel Hill, NC: University of North Carolina Press, 2013).

[57] Marianne, "La roulette americaine," *Jeuneafrique.com*, November 19, 2006, accessed at http://www.jeuneafrique.com/Article/ARCH-LIN19116laroueniaci0.xml/.

[58] Cable, Cameroon Yaoundé to Secretary of State, "Which Visa Lottery? Consular Outreach in Cameroon," November 2, 2007, accessed at Canonical ID:

The effort to reform immigration in 1990, motivated by domestic political priorities, consequently established powerful ties with parts of the world not previously important to the United States. The United States projected its global power through the DV lottery, by promoting ideals of social inclusion and openness. As President Barack Obama said in his final State of the Union Address in 2016, "The world respects us not just for our arsenal; it respects us for our diversity and our openness."[59]

07YAOUNDÉ1304_a, Unclassified. Wikileaks: https://search.wikileaks.org/plusd/cables/07YAOUNDÉ1304_a.html.

[59] The White House Office of the Press Secretary press release, "Remarks Of President Barack Obama - As Prepared For Delivery State Of The Union Address" (January 12, 2016). accessed at https://www.whitehouse.gov/the-press-office/2016/01/12/remarks-president-barack-obama-%E2%80%93-prepared-delivery-state-union-address.

CHAPTER 2: U.S. IMMIGRATION REFORM AND THE IRISH IMMIGRATION REFORM MOVEMENT

The Immigration and Nationality Act of 1965, also known as the Hart-Cellar Act, profoundly changed U.S. immigration policy, and remains the basis of the U.S. immigration system today. The major provisions of the law eliminated the national origins quota system, ended discriminatory provisions that barred immigration from Asian countries, and created new limitations on Western hemisphere immigration. While the law has had many far-reaching effects, one of the most visible has been the shift in the ethnic and racial composition of U.S. immigrants as a result of its emphasis on family unification.[1] By the 1980s, large numbers of immigrants came from Asian and Latin American countries, and few came from the European countries that U.S. immigration policy had historically favored. Around 90 percent of immigrants came through the family preference system. While the new immigration policy officially ended a ban on immigration from African countries, its focus on family reunification meant that in fact very few African immigrants came to the United States until the 1990s.

When members of Congress turned their focus in the 1980s to immigration reform, they first addressed the visible problems associated with skyrocketing

[1] Marilyn Halter et al, ed., *What's New about the 'New' Immigration? Traditions and Transformations in the United States since 1965* (New York, NY and London, UK: Palgrave Macmillan, 2014); Maddalena Marinari, "'Americans Must Show Justice in Immigration Policies Too': The Passage of the 1965 Immigration Act," *Journal of Policy History* 26, no. 2 (April 2014): 219-245; David M. Reimers, "More Liberal Than We Thought: A Note on Immediate Family Member Immigrants of U.S. Citizens," *Journal of Policy History* 25, no. 2 (April 2013): 288-298; and David Reimers, "An Unintended Reform: The 1965 Immigration Act and Third World Immigration to the United States," *Journal of American Ethnic History* 3 no. 1 (Fall, 1983): 9-28.

unauthorized immigration. After passing the Immigration Reform and Control Act (IRCA) of 1986 to address unauthorized immigration, Congress turned its attention to problems with the legal immigration system. Immigration policymakers were considering changes to legal immigration policies, when an unforeseen immigration crisis emerged.

In the mid-1980s, economic collapse in Ireland spurred many thousands of Irish citizens to come to the United States and settle without legal immigrant status. While migration to the United States had historically been a popular option for Irish citizens who faced privation at home, the Irish immigrants who arrived in the United States in the 1980s found they were not welcomed as they would have been had they arrived prior to 1965. Because few Irish came to the United States in the previous years, the new arrivals had no family members in the United States with whom to reunite - and the system no longer explicitly privileged Irish nationality. They were surprised to find that they were treated like other unauthorized immigrants - poorly.[2]

Under scrutiny for their status as "illegal," a group of young Irish immigrants formed the Irish Immigration Reform Movement (IIRM) in 1987 in order to advocate for a permanent, ongoing immigration program that would make visas available, outside the family preference system, to Irish immigrants and offer legal status to Irish immigrants already resident in the United States.[3] The group hired a professional lobbyist and advanced its messages between 1987 and 1990 through public events, testimony at

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[2] Inga Saffron, "Well-traveled Irish now among the illegals," *Philadelphia Inquirer*, May 2, 1987, http://articles.philly.com/1987-05-02/news/26164733_1_illegal-irish-immigrants-gaelic-football-irish-american.

[3] Sean Benson, interview, November 29, 2005, Ireland House Oral History Collection, AIA 030, Archives of Irish America, New York University.

immigration subcommittee hearings, and in direct meetings and correspondence with key policymakers. Their efforts combined their savvy and strong sense of entitlement to produce legal solutions to their immigration problems. They used powerful rhetorical strategies to achieve their goals, including building on a framework for immigration reform suggested by the 1981 Select Commission Report on Immigration.

U.S. Immigration Policy & 1965 Reforms

Before the twentieth century, large numbers of immigrants from Western Europe arrived and settled in the United States with relative ease. The few immigration restrictions that did exist made explicit the country's preference for migrants from white, European countries. Most notably, a 1790 law limited naturalization - the process by which a migrant attains U.S. citizenship - to "free white persons" only.[4] The United States has a long tradition of admitting immigrants based on their race and nationality.

The United States crafted more explicit immigration policies in response to growing anti-immigrant sentiment in the nineteenth century. In 1875 and again in 1882, the United States passed the first official laws restricting immigration, prohibiting the entry of "undesirable" immigrants, defined as Asian forced laborers and prostitutes, and then all Chinese laborers. Europeans continued to enjoy relatively free access to the U.S. until, in the twentieth century, restrictionists responded to World War I and its threat of

[4] Aristide R. Zolberg, *A Nation By Design: Immigration Policy in the Fashioning of America* (Cambridge, MA: Harvard University Press, 2006).

internationalism by reforming immigration and naturalization law more thoroughly.[5] The imposition of a literacy test for immigrants in 1917, the Emergency Quota Act of 1921, and finally the Immigration Act of 1924 restricted immigration numerically and governed immigrant admissions until 1965.

The 1924 Act based admissions quotas on national origin, limiting the number of immigrants who could be admitted from a country to two percent of the number of people from that country who were already living in America according to the 1890 census. This framework aimed to reduce migration by Eastern and Southern Europeans, tightly regulating the immigrant visas available to nations in those regions, while privileging Western and Northern Europeans, including Irish nationals.[6] It also barred immigration from an Asia-Pacific triangle (most Asian countries), and excluded any alien ineligible for citizenship - non-white persons - from being admitted, including most Africans. Immigration restriction was a racist project, and restrictionists sought to homogenize the American people: "I think that we have sufficient stock in America now for us to shut the door, Americanize what we have, and save the resources of America for the natural increase of our population," stated one Senator during the 1924 debate.[7]

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[5] The classic study of immigration restriction in this era is John Higham, *Strangers in the Land: Patterns of American Nativism, 1860-1925* (New Brunswick, NJ: Rutgers University Press, 1955).

[6] As Mae Ngai has observed, the national origins quotas disaggregated and realigned the categories of race and nationality, creating a hierarchy of differentiated European nations while constructing a white American race of people descended from Europeans across countries. Mae M. Ngai, "The Architecture of Race in American Immigration Law: A Reexamination of the Immigration Act of 1924," *Journal of American History* 86 no. 1 (June 1999): 67-92.

[7] *Immigration in 1924,* 65 *Cong. Rec.* S5961–5,962 (April 9, 1924) (Statement of Senator Ellison DuRant Smith (D-SC)) accessed at http://historymatters.gmu.edu/d/5080.

During the era of immigration restriction, between the 1920s and 1960s, immigration was never totally restricted. Migrants from the Western hemisphere were not subject to the numerical quotas, for example, and Latin American migrants moved back and forth across the southern U.S. border. European visitors often arrived as tourists and overstayed, becoming immigrants. Further, after World War II, the United States began admitting displaced persons and resettling refugees outside the normal immigration channels. As the historian David Reimers argues, these exceptions to the rules created a sense that the national origins system was not working, which fueled reformers "in their quest to replace it with a nondiscriminatory policy."[8]

Calls for immigration reform emerged out of a political framework based on historian Oscar Handlin's theory of immigration as an assimilative, modernizing process. Handlin's publication of *The Uprooted* in 1951, and John F. Kennedy's essay, *A Nation of Immigrants*, first written in 1958 and published in 1964, put European immigration at the heart of the history of the United States.[9] Handlin and other liberals critiqued the national origins quota system as reactionary, racist, and illiberal. In 1952, Congress codified its immigration system under one law, the Immigration and Nationality Act, to make the system more orderly. President Harry Truman vetoed the law, lamenting, "In no other realm of our national life are we so hampered and stultified by the dead hand of the past, as we are in this field of immigration," critiquing the law's 1924 racist

[8] David Reimers, "An Unintended Reform: The 1965 Immigration Act and Third World Immigration to the United States," 14.

[9] Mae M. Ngai, "Oscar Handlin and Immigration Policy Reform in the 1950s and 1960s," *Journal of American Ethnic History* 32 no. 3 (Spring 2013): 62-67.

foundations.[10] But the dead hand of the past held on - Congress overrode his veto, and he signed the bill into law - through the national origins quota system that remained in place until the 1960s.

At the height of 1960s liberalism, policymakers felt compelled to fix the broken and backward system.[11] The national origins quota system had become an embarrassing relic in the global Cold War, something the Soviet Union and its allies could point to as an example of the United States' entrenched racism.[12] In 1965, Congress passed a new Immigration and Nationality Act, the Hart-Celler Act sponsored by Senator Philip Hart (D-MI) and Representative Emanuel Celler (D-NY), which eliminated the system of national origins quotas from the 1920s, and ended Asian exclusion.[13] As he signed the bill into law at the symbolic setting of the Statue of Liberty, President Lyndon B. Johnson declared that it would "really make us truer to ourselves both as a country and as a

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[10] Harry S. Truman, "Veto of Bill to Revise the Laws Relating to Immigration, Naturalization, and Nationality, June 25, 1952," Item 182 in *Public Papers of the Presidents of the United States, Harry S. Truman, 1952-53: Containing the Public Messages, Speeches, and Statements of the President, January 1, 1952 to January 20, 1953*, 441 (Washington: GPO, National Archives and Records Service, Office of the Federal Register, 1966).

[11] G. Calvin Mackenzie and Robert Weisbrot, *The Liberal Hour: Washington and the Politics of Change in the 1960s* (New York, NY: Penguin Press, 2008).

[12] Mary L. Dudziak, *Cold War Civil Rights: Race and the Image of American Democracy* (Princeton, NJ: Princeton University Press, 2000).

[13] Public Law 89-236, "An Act To Amend the Immigration and Nationality Act, and for Other Purposes," *United States Statutes at Large, 1965* (Washington, DC: U.S. Government Printing Office, 1966). Congress codified U.S. immigration policy in 1952 as the Immigration and Nationality Act (INA) – subsequent Acts have amended the INA.

people. It will strengthen us in a hundred unseen ways."[14] As Senator Ted Kennedy, who helped push through the legislation wrote, the Immigration Act of 1965 "stands with legislation in other fields - civil rights, poverty, education, and health - to reaffirm in the 1960's our nation's continuing pursuit of justice, equality, and freedom."[15] It reflected, these men argued, the federal government's dedication to 1960s liberalism.

The 1965 Act created an immigrant admissions system based on family reunification. It enabled citizens and permanent residents to petition for their relatives to join them in the United States, and it treated all countries equally under the law. The immediate family members of adult U.S. citizens - spouses and minor children - could enter the United States as green card holders, and were not subject to any numerical limitation. Others entering through a new family preference system *would* be subject to numerical limitation, with each nation eligible for the same number of visas. Western hemisphere immigration was subject, for the first time, to numerical limits. The family preferences included: unmarried adult children of U.S. citizens (first preference); spouses and unmarried adult children of legal permanent residents (second preference); married adult children of U.S. citizens (fourth preference); and brothers and sisters of U.S. citizens (fifth preference). The Act also made some visas (twenty percent) available to individuals with professional skills and exceptional abilities that could benefit the United

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[14] Lyndon B. Johnson, "Remarks at the Signing of the Immigration Bill Liberty Island, New York, October 3, 1965," in *Public Papers of the Presidents of the United States: Lyndon B. Johnson, 1965, Volume II, entry 546,* 1037-1040. (Washington, DC: U.S. Government Printing Office, 1966) accessed at http://www.lbjlib.utexas.edu/johnson/archives.hom/speeches.hom/651003.asp.

[15] Edward M. Kennedy, "The Immigration Act of 1965," *Annals of the American Academy of Political and Social Science* 367 no. 1 (September 1966): 137-149, 138, accessed at doi:10.1177/000271626636700115.

States. Congress also included six percent of the visas for Eastern Hemisphere refugees fleeing persecution or a fear of persecution, hoping that including them in the bill would limit the need for special refugee legislation and executive parole. The lion's share of visas would go to family members of citizens and legal permanent residents, who were subject to a numerical cap based on their country of origin. No more than 20,000 immigrants per year could come via the preference system from a given nation. The 1965 Act thus reflected a dedication to equality and an embrace of family relationships as the source of financial and social stability for new immigrants.

Beneath lofty rhetoric from the Kennedy family and others, however, was a fairly restrictive law that many believed would be far from revolutionary. President Johnson stressed that it would neither "affect the lives of millions" nor "reshape the structure of our daily lives."[16] Because so many visas would be distributed based on family relationships, most policymakers believed that then-current immigration patterns, including the national origins of immigrants, would continue. Policymakers also argued that the 1965 Act would neither substantially increase immigration nor fundamentally change the ethnic make-up of the immigration stream. Administration officials assured Congress that very few Asian immigrants would use the visas, even as they argued that formal restrictions on Asian immigrants should be eliminated.[17] While they worked to

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[16] Lyndon B. Johnson, "Remarks at the Signing of the Immigration Bill Liberty Island, New York, October 3, 1965."

[17] Marta Tienda, "*Demography and the Social Contract," Demography* 39 no. 4 (November 2002): 587-616. Attorney-General Robert Kennedy predicted approximately 5,000 immigrants from Asia. *Immigration: Hearings Before Subcommittee No. 1 of the Committee on the Judiciary, House of Representatives on H. R. 7700, and 55 Identical Bills, to Amend the Immigration and Nationality Act, and for Other Purposes, Volumes 1-2,* 88th Cong., 2 (1964): 418. Secretary of State Dean Rusk predicted 8,000 immigrants

make sure that the law reflected America's formal commitment to equality, many policymakers believed and hoped that the law would not change the status quo.

The law, in fact, had the effect of doing just that: it produced a dramatic shift in the national origins of immigrants and huge rise in the number of immigrants entering the country each year. Most dramatically, after 1965, the immigration stream became much more Asian and Latin American. This change was the product of several factors. Most significantly, the elimination of the national origins quotas made visas available to people from a much broader expanse of the world. The changes also reflected global economic conditions that squeezed workers at home, particularly in Asia and Latin America, and pushed them to the United States, where they believed they could make a better living. The emergence of international commercial flights also made it easier for the world to get to the United States.[18]

Because of the system's emphasis on family relationships, chains of migration formed from just a few countries, amplifying the presence of immigrants of certain nationalities. This system intersected with U.S. refugee admissions, which increased throughout the Cold War. U.S. presidents admitted groups of refugees using executive parole authority, including Hungarians in 1956 and Cubans beginning in 1962, as part of

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from India over 5 years. *Immigration. Part 1: Hearings Before the Subcommittee on Immigration and Naturalization of the Committee on the Judiciary*, 89th Cong., 1 (February 24, 1965): 65. Senator Edward Kennedy argued that the ethnic mix of the country would not be upset. *Immigration. Part 1: Hearings Before the Subcommittee on Immigration and Naturalization of the Committee on the Judiciary*, 89 Cong., 1 (February 24, 1965): 2.

[18] See Christopher Endy, *Cold War Holidays: American Tourism in France* (Chapel Hill, NC: UNC Press, 2004); and Paul Stoller, *Money Has No Smell: The Africanization of New York City* (Chicago, IL: University of Chicago Press, 2002).

foreign policy efforts to send a message to the Communist world and to tout America's commitment to democracy and human rights.[19] While Congress intended to curtail the use of executive parole to admit migrants outside the normal immigration system, the seventh preference category devised by Congress in the Hart-Celler Act was inadequate in terms of numbers and responsiveness to changing world affairs. The executive branch continued to rely upon parole to admit refugees for humanitarian reasons and to serve its Cold War foreign policy, including by resettling some 690,000 Cubans between 1962 and the 1980s.[20] As the U.S. withdrew from Vietnam, moreover, it contended with a huge refugee crisis, and undertook the largest refugee resettlement in U.S. history, resettling 360,000 refugees from Southeast Asia between 1975 and mid-1980.[21] Through parole, the executive thus admitted large numbers of migrants outside the preference categories established by the Hart-Celler Act.[22] One of the effects of the successive waves of

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[19] Carl Bon Tempo, *Americans at the Gate: The United States and Refugees During the Cold War* (Princeton, NJ: Princeton University Press, 2008).

[20] Charlotte Moore, *Refugees in the United States: The Cuban Emigration Crisis Issue Brief* (CRS Report No. IB80063) (Washington, DC: Congressional Research Service, 1980), 13.

[21] *Review of U.S. Refugee Resettlement Programs and Policies: A Report Prepared at the Request of Senator Edward M. Kennedy* (Washington, DC: Congressional Research Service, 1980); George Rupp, "1975: The Largest Refugee Resettlement Effort in American History [IRC at 75]," International Rescue Committee Blog, June 27, 2008, http://www.rescue.org/blog/1975-largest-refugee-resettlement-effort-american-history-irc-75; Heather Marie Stur, "'Hiding Behind the Humanitarian Label': Refugees, Repatriates, and the Rebuilding of America's Image After the Vietnam War," *Diplomatic History* 39, no. 2 (April 2015): 223-244; and Jana K. Lipman, "A Refugee Camp in America: Fort Chaffee and Vietnamese and Cuban Refugees, 1975-1982," *Journal of American Ethnic History* 33, no. 2 (Winter 2014): 57-87.

[22] By 1980 this situation became political unsustainable, and Congress passed the Refugee Act of 1980 so that it could have a hand in setting refugee admissions numbers and developing the necessary administrative apparatus to manage refugees. See Bon Tempo, *Americans at the Gate* and Gil Loescher and John Scanlan, *Calculated Kindness:*

refugee resettlement was the establishment of new large-scale migrations from Asia and Latin America throughout the United States, including in communities that had not previously been immigrant destinations. This had the effect of making immigration a more visible political issue throughout the country, reaching Congressional districts that had never before been affected.

Furthermore, the family preference system compounded the issues associated with the new immigration system. Once in the United States, both immigrants who came through the regular immigration system and refugees paroled into the U.S. could petition for their relatives to join them. Basing the system on family reunification produced chains of migration, linking communities around the world, particularly in Asia and Latin America, with immigrant communities in the United States. Many more immigrants came to the United States than had been anticipated by 1965 reformers, and these immigrants tended to come from just a few countries. By the 1980s, two-thirds of immigrants entering the United States came from Latin America and Asia, with a handful of countries dominating the immigration stream: Mexico, the Philippines, Vietnam, the Dominican Republic, South Korea, and China.[23]

As Mae Ngai has argued, the most profound consequence of 1965's immigration reform was the imposition, for the first time, of numerical limits on Western hemisphere migrations. Because the system imposed the same numerical limit on all countries,

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Refugees and America's Half-Open Door, 1945 to the Present (New York, NY and London, UK: Collier Macmillan, 1986).

[23] Michael E. Fix and Jeffrey S. Passel, *Immigration and Immigrants: Setting the Record Straight* (Washington, DC: The Urban Institute, 1994) accessed at http://webarchive.urban.org/UploadedPDF/305184_immigration_immigrants.pdf.

regardless of population size, proximity to the United States, and historical ties to the United States, many of the most important source countries for U.S. immigrants used all the visas available to them, leaving thousands of people who wished to enter the United States with no legal means of doing so, including the family members of U.S. citizens and permanent residents. This contributed to a growing number of immigrants entering and remaining in the United States without legal authorization. Immigrant illegality became a major political issue in the United States, and in the 1980s, Congress turned its attention to immigration reform, at first addressing the growing problem of illegal immigration, and then reassessing the legal immigration system, including its overwhelming emphasis on family unification.

Plight of the New Irish in the 1980s

Congressional efforts to change the legal immigration system in the mid-1980s dovetailed with the arrival of thousands of Irish immigrants - an unusual and unexpected immigration crisis. Between 1982 and 1986, hundreds of thousands of Irish people - as much as ten percent of Ireland's population - fled economic disaster in their country.[24] In New York City alone during the 1980s, observers estimated that between 50,000 and as many as 150,000 Irish people arrived.[25]

[24] About 360,000 Irish citizens left home between 1981 and 1991. Linda Dowling Almeida, *Irish Immigrants in New York City, 1945-1995* (Bloomington, IN: Indiana University Press, 2001), 61.

[25] Marvine Howe, "Working to Help Irish Immigrants Stay, Legally," *New York Times*, November 27, 1988, http://www.nytimes.com/1988/11/27/nyregion/working-to-help-irish-immigrants-stay-legally.html.

Sean Benson was one of them. Born in Ireland in 1960, Benson earned a degree in management from Trinity College Dublin in 1984. Upon graduation, he could not find work in Ireland, where unemployment hovered around nineteen percent. Having visited New York previously on a J-1 exchange visa, he decided to return to the U.S. on a six-month tourist visa in 1985. When the six months ended, Benson stayed in New York rather than return to his woeful employment prospects in Ireland.[26]

As an Irish immigrant without legal status to live and work in the United States, Benson was far from alone. While Ireland had sent significant numbers of immigrants to the U.S. in the nineteenth and early twentieth centuries, the flow of Irish immigrants slowed to a trickle between the end of the 1950s and the mid-1960s.[27] Benson's generation, born after World War II, had access to high-quality education, as part of a state-sponsored project to prepare the nation for modernization and its 1973 entry into the European Economic Community. Economic mismanagement and global economic problems in the 1970s caused the Irish economy to stagnate nevertheless. The tanking of

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[26] Benson, interview. The J-1 visa is a non-immigrant visa issued by the United States to foreign nationals participating in programs that promote cultural exchange, including training programs and certain temporary employment. The program was created through the Mutual Educational and Cultural Exchange Act (Fulbright–Hays Act of 1961), which broadened the Fulbright Act of 1946. See Sam Lebovic, "From War Junk to Educational Exchange: The World War II Origins of the Fulbright Program and the Foundations of American Cultural Globalism, 1945-1950," *Diplomatic History* 37, no. 2 (April 2013): 280-312; Molly Bettie, "Ambassadors Unaware: the Fulbright Program and American Public Diplomacy," *Journal of Transatlantic Studies* 13, no. 4 (November 2015): 358-372; U.S. Government Accountability Office, *Summer Work Travel Program: State Department Has Taken Steps to Strengthen Program Requirements, but Additional Actions Could Further Enhance Oversight: Report to the Chairman, Committee on the Judiciary, U.S. Senate,* GAO-15-265 (Washington DC, 2015), http://www.gao.gov/assets/670/668453.pdf.

[27] Benson, interview.

the Irish economy in the late 1970s and early 1980s coincided with the coming of age of the post-war generation, who had been raised with high hopes and expectations. They had solid educations but limited chances to work in Ireland. As they faced economic crisis, those who could do so left the country. Many went to the United States, a nation that loomed large in the Irish imagination due to previous mass emigration. This cohort faced challenges that their forebears had not, however.

While before the 1965 Immigration Act Irish immigrants had enjoyed access to a generous national quota, the post-1965 immigration system no longer privileged Irish nationality in the same way, and the number of Irish legal immigrants admitted to the United States dwindled. More than 70,000 Irish immigrants came between 1956 and 1965, but only 10,000 arrived between 1976 and 1985.[28] Because of the family preference system, the reduction in Irish immigrants after 1965 made it difficult for the Irish of the 1980s to find a legal way to immigrate to the United States. An Irish person wishing to migrate to America had to have a U.S. citizen or legal permanent resident relative to sponsor him or her. The young Irish people who came of age in the 1970s as the Irish economy declined lacked these family ties to the United States.

As Anna O. Law has shown, the 1965 Act had another consequence for would-be Irish immigrants. The Act created a new labor certification requirement for aliens wishing to enter the United States to work. Prior to 1965, the onus was on the Secretary of Labor to deem an alien ineligible for immigration if he or she believed that the migrant would harm American workers by taking their jobs. But after 1965, an alien hoping to

[28] Howe, "Working to Help Irish Immigrants Stay, Legally."

immigrate had to obtain pre-clearance by the U.S. Secretary of Labor, certifying that the alien's migration and employment would not negatively affect American workers.[29] This shift in policy reduced Irish immigration from 1968 on; with no close relatives in the United States and a newly strict pre-clearance requirement, few Irish citizens could immigrate legally to the U.S.[30]

Rather than applying for immigrant visas then, many Irish got non-immigrant visas, including student and tourist visas, and flew to the United States. Once in Queens, New York, or Dorchester, Massachusetts, common destinations, many settled and overstayed their visas.[31] In 1987 alone some 105,000 Irish entered the United States as temporary visitors, with 81,000 listing "pleasure" as their reason for travel. That unemployment in Ireland stood at nineteen percent at the time suggests that many of these visitors intended to stay in the United States and seek work.[32]

Overstaying non-immigrant visas and acquiring housing and employment was possible but precarious. Many lived in substandard and crowded housing. Employment,

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[29] U.S. Library of Congress, Congressional Research Service, *U.S. Immigration Law and Policy: 1952-1986: Report prepared for the Subcommittee on Immigration and Refugee Affairs,* by Joyce Vialet (Washington, DC: Congressional Research Service, 1987), 57.

[30] Anna O. Law, "The Diversity Visa Lottery - A Cycle of Unintended Consequences in United States Immigration Policy," *Journal of American Ethnic History* 21 no. 4 (Summer 2002): 3-27, 6-7.

[31] Perhaps half of all undocumented immigrants are visa overstayers - a rough estimate, as the U.S. does not track visitors' exits from the United States, and estimates have varied over time. *Foreign Visitors who Violate the Terms of the Their Visas by Remaining in the United States Indefinitely: Hearing Before the Subcommittee on Immigration and Claims of the Committee on the Judiciary*, 104th Cong., 1(February 24, 1995).

[32] Almeida, *Irish Immigrants in New York City,* 62.

too, was uncertain. As one immigrant quoted in the *Boston Globe* put it, "It's just a constant fear at work. You don't know. Is it the IRS, is it Immigration, is it Social Security? …It never leaves you; you never forget."[33] William (Bill) McGowan, who became a spokesperson for Irish immigrants, highlighted the "sentiment and emotional aspect" of the plight of the Irish.[34] Something about the precariousness of the situation for the Irish seemed unfair to McGowan and many others, given that Irish citizens had once been able to immigrate in large numbers, and given that the Irish immigrants did not fit some people's ideas of who should be considered "illegal."

Swayed perhaps by sentiment, and concerned about the lives of the Irish immigrants living out of status in his district, Congressman Brian Donnelly (D-MA) sought to introduce legislation that would help. Donnelly represented the Eleventh District of Massachusetts, which covered lower Boston, Quincy, and the South Shore, areas with numbers of Irish and Irish-American residents so substantial that collectively they made up the most Irish district in the country.[35] He considered himself an "Irish kid from Dorchester," and he aimed to serve his heritage and his district by making more immigrant visas available to the Irish.[36] One of his constituents was Bill McGowan, who convened a group of Irish immigration advocates in Boston. The group became known as

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[33] Peter Anderson, "The Twilight Society," *Boston Globe,* December 14, 1986, http://search.proquest.com/docview/294375255?accountid=14270.

[34] Anderson, "The Twilight Society."

[35] Niall O'Dowd, "Visa Man," *Irish America*, May 1989, Irish Immigration Reform Movement Records, AIA 016, Box 162, Folder 11, Archives of Irish America.

[36] Brian Donnelly, "Foreign Affairs, Drug Interdiction, and Immigration," *Suffolk Transnational Law Review* 21, no. 2 (1998): 269-292, 271.

the Massachusetts Immigration Committee (MIC).[37] Appealing to established Irish groups such as the Ancient Order of Hibernians, the MIC enjoyed the support of Boston philanthropist and Irish immigrant Thomas Flatley, who also funded the campaigns of Donnelly and Senator Ted Kennedy (D-MA). The MIC lobbied Donnelly to create non-preference visas, that is, visas outside of the family preference system specifically for the Irish.[38]

In May 1985, Donnelly introduced a bill that would make immigrant visas available to non-preference immigrants (those without a family connection to the United States) from countries with low numbers of immigration between 1955 and 1965.[39] Later he wrote of his leadership on the legislation, "I took the position early on in my political career that legal immigration to the United States was a good thing. It allowed people the opportunity to come here, the same as your parents, grandparents or great grandparents and do it the American way."[40] Thomas Flatley testified in favor of Donnelly's program in the midst of immigration reform efforts in 1986.[41] To avoid the appearance of ignoring the interests of other immigrant groups, the MIC partnered with other Boston-area

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[37] Michael P. Quinlin, *Irish Boston: A Lively Look at Boston's Colorful Irish Past* (Guilford, CT: Globe Pequot, 2004), 155.

[38] "The Year of the Illegal Aliens" *Irish America*, December 1988, Irish Immigration Reform Movement Records, AIA 016, Box 13, Folder 19, Archives of Irish America.

[39] Rep. Brian J. Donnelly (D-MA) introduced the bill H.R. 2606 on May 23, 1985. A bill to make additional immigrant visas available for immigrants from certain foreign countries, H.R. 2606, 99th Cong. (1985).

[40] Donnelly, "Foreign Affairs, Drug Interdiction, and Immigration," 274.

[41] "Michael J. Cummings Obituary," Boston Irish Tourism Association, accessed at http://www.irishmassachusetts.com/profile_Mike_Cummings.php.

immigrant groups and included representatives for Italian, Greek, German, and Canadian immigrants, as well as Irish immigrants. That strategy helped broaden the appeal of Donnelly's proposed visa program - or at least dampened criticism of it by other immigrant and other ethnic groups.[42] Senator John Kerry (D-MA) scored political points by supporting Donnelly's idea and introducing companion legislation in the Senate. "The migration of large numbers of people from Ireland over the many years has been of great benefit to our nation-building process," he said.[43] While Donnelly and Kerry's bills did not move forward in 1985, in 1986 Congress passed major landmark immigration legislation that had important consequences for Irish immigrants in search of legal status.

Immigration Reform & Control Act (IRCA), 1986

In autumn 1986, Congress passed the most important immigration law since 1965, the Immigration Reform and Control Act (IRCA), based on a bill proposed by Senator Alan K. Simpson, a Republican from Wyoming. President Reagan signed it into law on November 6. The law addressed the percolating problem of illegal immigration, a newly visible political challenge.[44] Its cornerstone was a legalization program that permitted

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[42] *Legal Immigration: Hearing Before the Subcommittee on Immigration, Refugees, and International Law,* 99th Cong., 2 (July 30, 1986). See also Peter Anderson, "The Twilight Society."

[43] Ethan Bronner, "Kerry Plans Bill on Irish Immigration," *Boston Globe*, September 20, 1985, http://search.proquest.com.libproxy.temple.edu/docview/294318103.

[44] The legislation evolved as a response to the Select Commission report of 1981 that suggested "closing the back door" to illegal immigration. Robert Pear, "Panel Asks Rise in Immigration, with Tighter Law Enforcement," *New York Times,* February 27, 1981, http://www.nytimes.com/1981/02/27/us/panel-asks-rise-in-immigration-with-tighter-law-enforcement.html.

aliens who entered the United States before January 1, 1982 to apply to become lawful permanent residents (green card holders). The legalization program, combined with a program sanctioning employers for hiring undocumented immigrants, was designed to deter future illegal immigration - and help millions of undocumented immigrants living in the shadows.[45] Although the law eventually helped millions of immigrants, its legislation was controversial and enjoyed little support. Pro-business groups and labor groups alike hated the idea of employer sanctions, Hispanic groups and liberals feared those measures would result in discrimination against Latino/a workers, and conservatives hated the idea of amnesty.[46]

Moreover, IRCA did little to help Irish immigrants living in the United States out of status. Most Irish immigrants had arrived after 1982, the cut-off date for the so-called "amnesty," and they could not benefit from the legalization program. Less than a thousand Irish people qualified for legalization under IRCA.[47] But the program didn't just

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[45] The program helped about 2.7 million aliens regularize their status and become lawful permanent residents of the United States. After the 1986 program, the estimated number of illegal aliens in the United States dropped, at least in 1988. Since then, the estimated number of illegal aliens has risen dramatically, peaking at 12.4 million in 2007, and leveling off to 11.1 million in 2011. U.S. Library of Congress, Ruth Ellen Wasem, *Unauthorized Aliens Residing in the United States: Estimates Since 1986* (CRS Report No. RL33874) (Washington, DC: Congressional Research Service, December 13, 2012).

[46] *Immigration Reform and Control Act of 1986*, Pub. L. No. 99-603, 100 Stat. 3359 (1986). Introduced by Alan Simpson (R-WY) as S.1200 on May 23, 1985. Although this law eventually helped millions of immigrants, its legislation was controversial. As passed, the employer sanctions measures were eventually gutted, lightening the requirements for employers to play a role in regulating unauthorized migrant labor. Another element of Simpson's bill, the development of better identifying documents to help enforce the border, was also rejected as overly intrusive.

[47] Only about 600 Irish qualified for legalization under IRCA. Bill Breen, "Irish and Illegal in America. 'Ireland has lost another generation'," *Christian Science Monitor*, March 23, 1989, http://www.csmonitor.com/1989/0323/piris.html.

fail to help the Irish. In some ways it made their situation more difficult. IRCA's employer sanctions program exacerbated problems confronting those unauthorized immigrants - including the Irish - who did not qualify for legalization. At the same time, American sympathy for the plight of "illegal aliens" ebbed because Congress had purportedly solved the problem. The received wisdom was that IRCA had reformed the immigration system, offered amnesty to millions, and reduced illegal immigration humanely.[48]

IRCA encapsulated and contributed to a public debate that stigmatized being out of legal status - and it made legalization ever more pressing for the Irish. The changing employment and cultural landscape demanded new arguments in favor of Irish immigration that could transcend mere sentiment. As Sean Benson, an advocate and one of the founders of the Irish Immigration Reform Movement (IIRM) explained: "We were all undocumented. We were all afraid to have a bill arrive in our name."[49] The sense of fear and resentment that came from living in the shadows had a radicalizing effect on some new Irish immigrants, like Benson, who were well-educated, savvy, and buoyed by their belief that an above-board life in the United States was their birthright.

A minor element of IRCA, inserted with little fanfare, did address the Irish immigrant problem. Advocates for Irish immigrants, such as the Massachusetts Immigration Coalition, and Congress members and Senators who favored Irish immigration, among the most prominent of whom were Ted Kennedy and Brian

[48] Robert Pear, "President Signs Landmark Bill on Immigration," *New York Times*, November 7, 1986, http://www.nytimes.com/1986/11/07/us/president-signs-landmark-bill-on-immigration.html.

[49] Benson, interview.

Donnelly, were unable to expand IRCA's legalization program to serve the Irish who arrived after 1982. But a small provision of the law dealt specifically with the issue highlighted by Irish immigrants and their advocates: There was almost no way for a person to immigrate to the United States without a close relative to petition for them. Back in 1981, the Select Commission on Immigration and Refugee Policy created by President Carter in 1979 recommended in its Final Report, among other things, that Congress should expand the category of "independent" immigrant admissions, that is, people outside of the family preference system. Doing so would address the problem faced by the Irish immigrants of the 1980s.

During the immigration debates of 1986 that addressed this specific issue, a number of people argued that there should be a way to support more "independent" immigration through a meaningful reform of U.S. immigration laws. As the distinguished historian John Higham testified before the House immigration subcommittee, "Just as the national origins quota system in the early twentieth century suppressed variety in the interest of favored ethnic groups, so the current law does that in the interest of family chains."[50] He made the point explicit: the family preference system limited variety.

Two other witnesses reevaluated the legacy of the 1965 Act to argue for creating a new opportunity for European immigration. Nobody stated that a return to the national origins quotas established in the 1920s would be an acceptable reform; even Thomas Flatley, who very much wanted to see a resurgence of European immigration, called that

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[50] *Legal Immigration: Hearing Before the Subcommittee on Immigration, Refugees, and International Law,* 99th Cong., 2 (1986) (Statement of John Higham, historian).

system "un-American." Yet 1965's reform had produced an unexpected outcome; an immigration stream that drew overwhelmingly from non-European regions of the world. And for Flatley, "a problem exists in regard to the present immigration laws that are currently enacted, insofar as the people in Ireland are concerned."[51] Only 537 Irish immigrants were admitted in 1984 through the preference system. Another witness, Reverend Joseph A. Cogo, on behalf of the American Committee on Italian Migration, called the results of 1965 "discrimination in reverse." Cogo criticized "the theoretically ideal system of one world ceiling on a first-come, first-served basis" as having "resulted in the traditional European immigration being drastically disadvantaged."[52] While the liberal impulse behind 1965 had been noble, the results, these witnesses argued, had the unintended consequence of unfair discrimination and exclusion. Both Flatley and Cogo underplayed the external factors that had slowed European immigration, including Ireland's 1960s economic growth, for example, and argued instead that the U.S. policy had created de facto discrimination and excluded Europeans.

As a result of these testimonies, as Congress put together IRCA in 1986, Donnelly's idea as articulated in his 1985 bill was adopted into a House amendment. The program would have made visas available for use when the annual admission level of a country was lower than three-quarters of the average annual visas used during between 1955 and 1965. Because post-1965 Irish immigration was low compared to pre-1965

[51] *Legal Immigration* (1986) (Statement of Thomas Flatley, immigration activist).

[52] *Legal Immigration* (1986) (Statement of Rev. Joseph A. Cogo, American Committee on Italian Migration).

numbers, this formulation would have made additional visas available to the Irish.[53] The Senate bill had no comparable provision, but the conference substitute amended the plan slightly.[54] The *Irish Echo*, a weekly Irish-American newspaper based in New York, considered the conference substitute to be a "watered-down" provision, because it reduced the number of visas available to the Irish.[55] The conferees directed the Secretary of State to establish a mechanism for the distribution of visas, which they said should be granted to nationals of countries that received "significant numbers of visas prior to the 1965 amendments to the immigration law." The provision had the support of important leaders on the Hill, including Senator Kennedy and Speaker of the House Tip O'Neill (D-MA), who waived the necessary points of order and ushered the provision into law when IRCA passed.[56]

The Donnelly visa program, known as "NP-5" authorized 5,000 non-preference visas per year for two years, 1987 and 1988, to go to nationals of countries that were "adversely affected" by the Immigration Act of 1965. The visas were to be distributed on a first-come, first-served basis. The State Department developed a formula to determine

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[53] Donnelly's program was included in the bill introduced by Judiciary Committee Chair Peter Rodino (D-NJ). Immigration Control and Legalization Amendments Act of 1986, H.R. 3810, 99th Cong. (1986). H.R. 3810 was adopted by the House and incorporated into the Senate bill, Immigration Reform and Control Act of 1986, S. 1200, 99th Cong. (1986).

[54] *Immigration Reform and Control Act of 1986*, Pub. L. No. 99-603, 100 Stat. 3359 (1986).

[55] "10,000 non-preference visas to be issued by U.S.," *Irish Echo*, January 10, 1987, Irish Immigration Reform Movement Records, AIA 016, Box 26, Archives of Irish America.

[56] Law, "The Diversity Visa Lottery A Cycle of Unintended Consequences in United States Immigration Policy," 15.

whether a country was "adversely affected" by the Immigration Act of 1965, comparing immigration in the period 1966-1985 with the period 1953-1965.[57] It produced a list of 36 adversely affected countries, including Ireland and Northern Ireland.[58] Most of the 36 adversely affected countries were European, because these countries, which in addition to Ireland included Great Britain, France, both Germanys, and Italy, had enjoyed an advantage prior to 1965. Because few legal immigrants from Africa or Asia had been admitted in those years, countries from those regions would not be included in the Donnelly visa program.

"Call it American Roulette": The Donnelly Visa program[59]

On Christmas Eve 1986 Irish newspapers announced the Donnelly visa program. While the impetus for the program had come from communities already living uneasily in the United States, the program as constituted invited applications from the 36 countries identified as "adversely affected" by the 1965 law, and so the United States spread the word broadly. In Ireland, the U.S. Embassy was overwhelmed with calls. *Irish America*

[57] "Nonpreference Immigration Visa Availability under Section 314 of the Immigration Reform and Control Act of 1986: Determination of Areas 'Adversely Affected' by the Enactment of Public Law 89-236," Box 369, Folder 3, Alan K. Simpson papers, Collection 10449, American Heritage Center, University of Wyoming.

[58] The nations identified as "adversely affected" were Albania, Algeria, Argentina, Austria, Belgium, Bermuda, Canada, Czechoslovakia, Denmark, Estonia, Finland, France, the Federal Republic of Germany, German Democratic Republic, Great Britain and Northern Ireland, Guadeloupe, Hungary, Iceland, Indonesia, Ireland, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Monaco, the Netherlands, New Caledonia, Norway, Poland, San Marino, Sweden, Switzerland, and Tunisia. No. 92, 52 *Fed. Reg.* 17948 (May 13, 1987). Irish Immigration Reform Movement Records, AIA 016, Box 12, Folder 35, Archives of Irish America.

[59] Michael Farber, "Many Trying U.S. Roulette," *The Gazette (Montreal)*, January 8, 1987, http://search.proquest.com/docview/431450151?accountid=14270.

reported that "an overnight cottage industry sprung up with courier services offering to mail the applications in the U.S. - for a fee."[60] In Canada, U.S. consular offices were also flooded with thousands of calls and inquiries.[61]

The application period for the Donnelly visas lasted just one week, from January 21 through January 27, 1987. The registration system was set up so that registrants could mail applications to a P.O. Box in Washington DC via the U.S. postal service. Individuals mailing applications from outside the United States either had to use their national postal services to connect with the U.S. postal service, or send their applications to a third party within the United States to send via U.S.P.S. Operating the visa registration system this way, the *Irish Echo* suggested, "will be the fairest system for potential applicants both near and far."[62] The *Echo* also published a how-to guide for readers to apply.[63] Other newspapers in eligible countries repeated these instructions, and consulate staff in Ireland, Canada, and elsewhere struggled to get the information out to applicants on how to apply.

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[60] "U.S. Visa Lottery," *Irish America,* February 1987, Irish Immigration Reform Movement Records, AIA 016, Box 162, Folder 9, Archives of Irish America.

[61] "One-time visa offer swamps U.S. consulates," *The Vancouver Sun*, January 8, 1987, http://search.proquest.com/docview/243831820?accountid=14270.

[62] "10,000 non-preference visas to be issued by U.S." *Irish Echo*; "U.S. Visa Lottery," *Irish America*, February 1987, Irish Immigration Reform Movement Records, AIA 016, Box 162, Folder 9, Archives of Irish America.

[63] "Non-Preference Immigrant Visas for the United States - Procedure for Submitting Applications," *Irish Echo*, January 10, 1987, Irish Immigration Reform Movement Records, AIA 016, Box 26, Archives of Irish America.

People sent in over one million applications, and they were strategic about making sure their names were selected.[64] Sean Benson, who had arrived in New York in 1985, sent in over 400 applications for himself, staggering them in the mail and slipping them in different mailboxes in order to maximize his chances of being among the lucky few picked.[65] Others drove to Washington D.C. to drop their entries in mailboxes as close as possible to the destination P.O. Box. Some Canadians spent weeks sending in multiple forms leading up to the one-week entry period: "You have to," one man said. "Sometimes it takes 2 ½ weeks to get a letter to Albany." Another Canadian man drove to Plattsburgh, New York, just over the border, to post his application, "this being far too important a project to trust to Canada Post. 'You know what they say about our 34-cent stamps,' he said. 'Seventeen cents for storage, 17 for service.'"[66] The program's entry format offered a distinct advantage to those people who were already resident in or close to the United States, where direct access to the U.S. postal service helped assure the prompt delivery of applications to the target P.O. Box.

The Irish in America were particularly well-situated to take advantage of the Donnelly program. Publications such as *Irish America* and the *Irish Echo*, and the Adrian Flannelly radio show publicized the lottery to Irish residents in the U.S. As a result, Irish nationals were the dominant beneficiaries of the program.[67] Over 250,000 Irish people

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[64] "Over a million seek U.S. visas," *Irish Echo*, January 31, 1987, Irish Immigration Reform Movement Records, AIA 016, Box 26, Archives of Irish America.

[65] Benson, interview.

[66] Farber, "Many Trying U.S. Roulette."

[67] "10,000 non-preference visas to be issued by U.S."

applied for Donnelly visas.[68] Of the 10,000 visas issued, Irish citizens won 3,112 of them, more than nationals of any of the other "adversely affected" nations. Among them was Sean Benson, who received his green card in July 1987.[69] A 1989 *Irish America* article noted, by "now the Donnelly visa is as indelibly imprinted in the Irish psyche as the issue of illegal emigration" itself.[70] In 2011, twenty-five years after the Donnelly visa program, Donnelly was recognized in Dublin for having made an "Outstanding Contribution to the American Experience."[71]

The Donnelly visa lottery served as both a stop-gap measure and a test-run. In Washington it demonstrated the political feasibility of making visas available to "independent" immigrants, those without family ties to the United States.[72] It showed the tremendous enthusiasm for non-preference visas both within the United States and at consular services sections around the world. State Department and other officials concluded that they should have limited applications to one per person and lengthened

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[68] "Irish Win 3112 Visas in Lottery," *Irish America*, April 1987, Irish Immigration Reform Movement Records, AIA 016, Box 162, Folder 9, Archives of Irish America.

[69] Benson, interview.

[70] O'Dowd, "Visa Man."

[71] James O'Shea, "Brian Donnelly to be recognized on 25th year since Donnelly visas," *Irish Central.com*, October 26, 2011, accessed at http://www.irishcentral.com/news/brian-donnelly-to-be-recognized-on-25th-year-since-donnelly-visas-132606733-237419521.html.

[72] This was true to a point. Some observers did object that the program was an obvious response to Irish lobbying and that the "adversely affected" countries formulation favored predominantly white nations. And one lawyer filed suit in federal court to stop the program, an effort that did not affect the program. Don Shannon and Marita Hernandez, "U.S. Launches Controversial Visa Lottery," *Los Angeles Times*, January 22, 1987.

the application period to cut down on the frenzy. NP-5 showed that such a program created a tremendous need for education and organization, a need that was met in January 1987 by social organizations, advocacy groups, and local government. It showed the Irish in America that preparation and organization could result not only in legislative action, but also, crucially, in maximizing the number of visas that went to the Irish. As Senator Alan Simpson (R-WY) told Representative Donnelly at a hearing in 1987, "When we came to your provision in conference, I do not think we ever dreamed of the activity there would be in that area, not only by applicants, but by their attorneys."[73]

The Donnelly visas program offered Irish immigrants a glimmer of hope, and some 3000 green cards. But it was a small program, not sufficient to help the tens of thousands of Irish immigrants who remained "illegal" in the United States. Unsatisfied with the temporary Donnelly visa measure, Irish immigrant advocates ramped up their efforts in 1987.

The Emergence of the Irish Immigration Reform Movement (IIRM)

"The hour of decision approaches, before the full force of the recently-passed immigration act is brought to bear," wrote Patrick Hurley in a letter to the editor at *Irish America*, referring to the employer sanctions elements of IRCA. "There is no future for us back in the 'old country.'"[74] At a general meeting of the County Cork Association in

[73] *Hearing on S. 1611, Legal Immigration Reforms*, 100th Cong., 1 (October 23, 1987) Box 369, Folder 4, Alan K. Simpson papers, Collection 10449.

[74] "Patrick," letter to the editor "The Right to Dream," *Irish America*, June 1987, Irish Immigration Reform Movement Records, AIA 016, Box 26, Archives of Irish America.

Woodside, Queens, NY, on May 20, 1987, Hurley joined several other Irish immigrants, who together insisted that something must be done to help the remaining thousands.[75] Radicalized by the conditions they saw fellow Irish people living in as "illegal aliens" in the United States, and unsatisfied with the efforts of existing Irish American groups, such as the Ancient Order of Hibernians and the Cork Association itself, they formed the Irish Immigration Reform Movement (IIRM).[76]

While the IIRM overlapped in membership and sometimes purpose with the more established groups, its founders felt that these other organizations were out of touch with the plight of the recently-arrived Irish. They were further dissatisfied by the efforts of the Irish government in easing the challenges for Irish immigrants in the United States.[77] Mae O'Driscoll was the IIRM co-founder who was the most established at the time. She was older (in her late 40s), and had come legally to the United States in the 1950s and worked on Wall Street. She would go on to become the first female president of the Cork Association.[78] O'Driscoll served as a kind of ambassador between the generations. The younger men who helped found the group, some of them out of status, became the public

[75] The County Cork Association was founded in 1884, a voluntary group dedicated to easing the living and working conditions of Irish immigrants from the County Cork. "History of the Association," County Cork B. P. & P. Association of NY, accessed January 4, 2016 at http://www.nycorkassociation.com/History.html.

[76] Sean Benson, who saw a notice in the *Irish Echo* advertising for the May 20 meeting got involved shortly after the group began. Benson, interview.

[77] Benson, interview.

[78] Mae O'Driscoll, interview, November 18, 2005, Ireland House Oral History Collection, AIA 030, Archives of Irish America, accessed at http://www.nyu.edu/library/bobst/research/aia/collections/ihoral/odriscollm/odriscollm.php.

face of the organization and of the New Irish effort to "legalize the Irish." The young men were well-educated and politically sophisticated, the beneficiaries of post-war Irish government investment in education. Sean Benson was an engineer, Patrick Hurley, a journalist, and Sean Minihane, a civil engineer. What distinguished the IIRM from other Irish groups was its razor focus on creating a permanent legislative solution to the problem Irish immigrants faced. Building on the precedent of the Donnelly visas, the organization wanted both a legalization program for Irish immigrants in the United States, and it wanted to ensure a permanent mechanism for future Irish immigration.[79]

Shortly after forming as a group, the IIRM was the subject of several articles in the *Irish Echo* and the *Irish Voice,* a newspaper started in 1987 with a mission to serve the new Irish immigrants. Because the IIRM was a new organization without a proper office space, the stories listed the office phone number of Sean Minihane, the organization's national chairman. The IIRM's appeal quickly became obvious. For days, the office was inundated with phone calls: "There were only three or four lines in the office and we had them engaged all day." Minihane's secretaries began to suspect he was running guns to the Irish Republican Army, when the undocumented Irish immigrants who were calling him declined to leave return phone numbers.[80] As Minihane said later, "Going back wasn't an option at this stage. Because every waking moment from then on

[79] Patrick Hurley positioned the Donnelly visas as precedent in his interview. Patrick Hurley, interview, October 31, 1997, Ireland House Oral History Collection, AIA 030, Archives of Irish America.

[80] Sean Minihane, interview, October 25, 2007, Ireland House Oral History Collection, AIA 030, Archives of Irish America.

was IIRM, literally."[81] By July, the group established a New York office.[82] Soon thereafter IIRM chapters opened in communities across the country, in Boston, Philadelphia, Chicago, San Francisco, Connecticut, and New Jersey, among others.[83]

While leadership in the group did not always agree on everything, it did align behind the organization's main purpose: to secure amnesty for the illegal Irish then in the United States, to establish an annual quota of visas for Ireland and the other "adversely affected" countries, the formula that had been the basis of the Donnelly visa program, and to serve the needs of Irish immigrants in America. To achieve these goals, the IIRM planned to engage the Irish government, the Irish-American community, and the New Irish immigrants. It also intended to reach out to other ethnic groups. The group's constitution established several sub-groups to focus on different pieces of this strategy.[84] While at first IIRM focused on getting the Irish government to act on behalf of Irish immigrants in the United States, in 1988 it became more sophisticated in its approach to Washington advocacy.

The IIRM benefited from Congress's strong desire to pass new immigration legislation. IRCA's passage in 1986 had represented years of debate and negotiation, and

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[81] Minihane, interview.

[82] "Story of the IIRM," Irish Immigration Reform Movement Records, AIA 016. Box 9, Folder 3, Archives of Irish America.

[83] "The Year of the Illegal Aliens," *Irish America*, December 1988, Irish Immigration Reform Movement Records; AIA 016, Box 13, Folder 19, Archives of Irish America.

[84] The original IIRM Constitution was written at the first meeting of the National Council in New York on November 7-8, 1987. IIRM Constitution, dated August 2, 1988. Robin O'Brien Hiteshew, Collection 3059, Box 11, Folder 10, The Historical Society of Pennsylvania, Philadelphia, PA.

it had only addressed one dimension of U.S. immigration: unauthorized immigration. After 1986, Congressional leaders shifted focus to the issue of legal immigration. Instead of concentrating on whom to exclude, this debate hinged on how the United States would determine whom to welcome. Driving the discussion was the nagging problem of family preference backlogs. Because the 1965 Immigration Act treated all countries equally, without regard to demand, migration history, or even country size, some countries persistently used up their numerical quotas each year, with thousands of eligible immigrants left on waiting lists for their chance at a visa. These waiting lists, particularly for countries with high demand for visas - Mexico and China, for example - stretched to years and even decades long.[85] Policymakers saw the backlogs as an impediment to a functioning legal immigration system, because they impeded family unification, and because they caused people who qualified to enter legally to come illegally. Reforming the family preference system to reduce or eliminate unconscionably long backlogs was the main focus of both Congress and most immigrant advocacy groups lobbying around immigration reform. In the constellation of concerns going into the legal immigration debate, the Irish and their goals were not a top priority. Still, they maintained a steady presence at the table.

"Legal immigration," Alan Simpson said in 1988, "no longer serves the national interest as well as it should."[86] Having spent years shepherding IRCA through the

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[85] Mae M. Ngai, "The Civil Rights Origins of Illegal Immigration," *International Labor and Working-Class History*, 78 (October 2010): 93-99.

[86] *Reform of Legal Immigration: Hearing Before the Subcommittee on Immigration, Refugees, and International Law, Committee on the Judiciary*, 100th Cong., 2 (September 7, 1988) (Statement of Senator Alan K. Simpson (R-WY)).

legislature, the tall outspoken Republican Senator from Wyoming had become an unlikely immigration expert. In 1987 he agreed to become a regular participant in the nationwide radio show "Face-Off" featuring daily debates between him and Senator Ted Kennedy. Simpson and Kennedy respected each other, even as they stood on opposite ends of the political spectrum. "Their obvious political differences and contrasting styles –East Coast urban sophisticate vs. down-home cowboy – make *Face-Off* bristle with both intensity and personality," promised a flyer advertising the show.[87]

Creating avenues for so-called "independent immigrants" was one of the recommendations of the 1981 report by the Select Commission on Immigration and Refugee Policy, on which both Senator Kennedy and Senator Simpson had served.[88] Immigrants wishing to enter but who lacked immediate relatives in the United States had little chance of doing so; the system overwhelmingly depended upon family relationships. It left out in the cold the industrious, hard-working immigrant who believed that America was the land of opportunity, and who wanted to come to the country legally to pursue the American Dream. Unless his or her parent or sibling was an American citizen, he or she was out of luck. This idea was incongruous for those Americans whose (mostly European) immigrant forebears had arrived in the nineteenth and early twentieth centuries, who sounded very much like the independent immigrant described by the

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[87] "Simpson to Become Regular Participant in Nationwide Radio Program," Alan K. Simpson, senator from Wyoming, Press Release, November 2, 1987; and "Mutual Broadcasting System Presents: Face-Off," Flyer, Box 2, Folder 2, Alan K. Simpson Papers, Collection 10449, American Heritage Center, University of Wyoming.

[88] Select Com. on Immigration and Refugee Policy, *U.S. Immigration Policy and the National Interest: Staff Report of the Select Commission on Immigration and Refugee Policy*, 97th Cong., 1 (April 30, 1981).

Select Commission. For the Europeans who had seen their access to visas curtailed by the family-based system, the independent immigrant category was a potential solution to the problem.

In the 99th Congress, Simpson had been chairman of the Immigration Subcommittee, but as of January 1987, the chairmanship changed to Kennedy because the Democratic Party gained a majority in the Senate. Kennedy, like Simpson, had serious immigration *bona fides*, having supported the passage of the Immigration Act of 1965 and sponsored the Refugee Act of 1980. The two men did not agree on much in the political sphere, but they both passionately supported immigration reform and even shared some ideas in that arena.

In early 1988, Simpson and Kennedy jointly introduced an immigration bill in the Senate.[89] Their bill reduced the fifth preference (brothers and sisters) category by eliminating married siblings from consideration, introduced more skills-based visas, and created a new category for "independent immigrants" based on a points system. The Simpson-Kennedy bill awarded points to potential immigrants based on age, skills, and English language competence.[90] The Senate approved it overwhelmingly in March.

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[89] Immigration Act of 1988, S. 2104, 100th Cong. (1988).

[90] Kennedy had introduced a bill in 1987 that would have also awarded points for country of origin, with preference for citizens of countries "adversely affected" by 1965 immigration reform. Immigration Act of 1987, S.1611, 100th Cong. (1987). In early 1988 he sought bipartisan support for his bill and approached Alan Simpson, who lent his support to a bill then in committee. Senator Joseph Biden (D-DE), chair of the Judiciary committee, officially sponsored the bill as S. 2104 when it came before the full Senate in 1988.

The House of Representatives by its nature was more divided about the best legislative approach to legal immigration, with Congressmen tugged in different directions by their diverse constituencies, particularly in an election year. Proposals altering the fifth preference category, as the Simpson-Kennedy bill did, were particularly controversial. Many Asian and Latin American immigrants entered through this category. By treating adult siblings as immediate family, albeit of a lower priority, the law implicitly supported the idea that different family relationships contributed to family and immigrant stability. When the fifth preference category came up on the chopping block, some groups saw the Senate's attempt to amend the category as an intentional effort to reduce Asian and Latin American immigration. Among families from a diverse range of nationalities, aunts and uncles and cousins were considered essential and integral to family functions such as childcare. While cutting admissions based on the sibling relationship might have appeared at first glance expedient and neutral, many groups saw it as an attack on their family structures and cultures - and the imposition of the nuclear family as universal. To cut the fifth preference category was to assert an understanding of family that saw aunts and uncles and cousins as merely 'extended.' 1988 gave Congress a preview of the emotional complexity of passing full immigration reform. As a result, Kennedy and Simpson's bill did not move in the House.

A bill introduced by Representative Peter Rodino (D-NJ) at the end of July, eventually passed.[91] His legislation avoided thorny fundamental questions about the family preference system by teasing out and focusing on the measure of IRCA that most interested the Irish. The bill amended IRCA to extend the Donnelly visa program,

[91] Immigration Amendments of 1988, H.R. 5115, 100th Cong. (1988).

providing 15,000 additional visas per year, in 1989 and 1990 for nationals of countries "adversely affected" by the 1965 immigration law. Hearings in September 1988 focused on both the Kennedy-Simpson bill, which proposed the points-based independent immigrant system, and Rodino's bill, which would extend the Donnelly visa program.

At the same time, the Irish government stepped up its efforts, pressing U.S. legislators to ameliorate the situation for Irish immigrants residing out of status in the United States. Brian Lenihan Sr., who served as Tánaiste of Ireland, visited the United States in September 1988 to meet with key legislators including Senators Kennedy and Simpson, and Congressmen Brian Donnelly and Howard Berman (D-CA), among others.[92] Jerry Tinker, a key legislative aide on Senator Kennedy's immigration staff, credited the Irish Embassy as being "far more important" than any other group during the legislative battle for Irish immigration.[93] Getting the Irish government to act was one of the aims of the IIRM. The Irish government had been silent on these issues prior to 1987, seeing emigration as a source of relief for economic problems at home. When elected in 1987, the new government announced a new policy to deal more actively with Irish emigration issues, and specifically the treatment of Irish immigrants abroad. Lenihan appointed an immigrant liaison officer for the consul general's New York office, which the IIRM felt was a result of their lobbying efforts.[94] James Farrell, the appointee, had

[92] "The Year of the Illegal Aliens," *Irish America*, December 1988, Irish Immigration Reform Movement Records, AIA 016, Box 13, Folder 19, Archives of Irish America.

[93] Ibid.

[94] "The Story of the IIRM," November 1988, Irish Immigration Reform Movement Records, AIA 016, Box 9, Folder 3, Archives of Irish America.

worked at the consular office in New York for several years, and he regularly attended IIRM meetings.[95] Irish-American groups courted the Irish government as a key ally on the legal immigration issue.[96]

The IIRM's next move was to hire professional lobbyist Harris Miller, who began working with the group in the summer of 1988.[97] Miller helped the IIRM determine its legislative strategy - which was crucial; Minihane, Benson, and Hurley had no experience lobbying Congress. Miller had ample experience, including a stint as a legislative assistant on the House Subcommittee on Immigration, Refugees, and International Law.[98] Miller helped the group figure out whom it should target on the Hill, facilitated meetings with key staffers, and organized and trained IIRM members on how to conduct Capitol Hill Lobby Days. He further helped the IIRM target congressmen of Irish heritage, and helped the organization articulate the talking points that would

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[95] Almeida, *Irish Immigrants in New York City*, 71.

[96] Martin P. Mockler, president of the Irish-American Society of the Hamptons to Patrick Harte, Member of the Dail, October 17, 1988, Irish Immigration Reform Movement Records, AIA 016, Box 9, Folder 1, Archives of Irish America.

[97] Harris Miller started his career as a Congressional staffer in the House Judiciary Committee, but then moved on to his own lobbying firm. Miller lost in the 2006 Democratic primary in the Virginia U.S. Senate race to Jim Webb. Jeffrey L. Pasley, "The Aides Virus: The Hill's new influence-peddling epidemic," *The New Republic*, October 19, 1987, 22-24; and Chris L. Jenkins, "Miller Defends Lobbying Stances," *Washington Post*, June 9, 2006, accessed at http://www.washingtonpost.com/wp-dyn/content/article/2006/06/08/AR2006060801650.html.

[98] Richard Day to Harris Miller, March 31, 1982, Box 350, Folder 8, Alan K. Simpson papers, Collection 10449.

resonate throughout the legislative process of immigration reform, from 1988 to late 1990.[99]

Irish Americans, Irish Heritage, and Irish Immigration

In a letter to the editor in *Irish America*, Patrick Hurley framed the problem in terms that would become the basis of the IIRM's lobbying strategy. "The United States has long been the sanctuary for the Irish in times of oppression and economic difficulty," he wrote. "That right of sanctuary was earned by the contributions of countless Irishmen in the building of this great country. We are no different in nature to the immigrants who came before us. We cherish the same hopes and dreams you once cherished. However, for us, no welcoming sanctuary any longer exists." He concluded by appealing to Americans of Irish heritage: "I appeal to immigrants of the past, Irish Americans do not forget us. Do what you can to help change the immigration laws not only for us, but for many more Irish who will surely follow. You owe it to yourselves, as well as us."[100] Hurley's message - that the new Irish were owed a debt of gratitude by the United States, and that Americans of Irish heritage should fulfill that debt by getting involved in the immigration reform debate - resonated once the IIRM found an audience in Washington. The group was invited to testify in September 1988 at the hearings on legal immigration reform. At Harris Miller's suggestion, the group followed up its testimony by scheduling

[99] Minihane, interview.

[100] "Patrick," letter to the editor "Undocumented alien from County Cork now resident in Queens," *Irish America*, June 1987, Irish Immigration Reform Movement Records, AIA 016, Box 162, Folder 9, Archives of Irish America.

meetings House and Senate subcommittee members, coinciding with a Lobby Day on September 16, 1988.

For its testimony at the September 1988 hearings, the IIRM selected Donald Martin to deliver the testimony - because of his American accent.[101] The IIRM supported both the extension of NP-5 as the House bill suggested, and the Senate bill's points-based system for admitting "independent" immigrants. Specifically, the IIRM proposed that points be awarded for membership in an "adversely affected" nation. IIRM's testimony focused on preserving "the continuity of history - American-Irish history."[102] Martin argued that "traditional sources of American immigration" had been "virtually shut out" by the 1965 Act. Rather than repudiate the liberal anti-discriminatory ideals of that Act, Martin emphasized that this was an unforeseen and unexpected consequence: "We also believe that the Congress did not intend to repeal the past, or to sever the bonds of culture, tradition and affection which have existed for so long between the people of America and the countries of Europe." Further, he argued, Congress should "take into account the contributions which have been made to American culture by the Irish and other Europeans." He closed his spoken remarks by referring to the 257 Irish immigrants who had been granted the Congressional Medal of Honor for their military service, out of a total of only 3,439 such awards in history. "If those immigrants could speak to you now," he said, "we are certain they would argue for fairness and diversity."[103]

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[101] Benson, interview.

[102] *Reform of Legal Immigration: Hearing Before the Subcommittee on Immigration, Refugees, and International Law*, 100th Cong., 2 (September 7, 1988) (Statement of Donald Martin on behalf of IIRM).

[103] Ibid.

By focusing on the role played by Irish immigrants in American history, the IIRM drew on the recent resurgence of the primacy of white ethnic heritage. In 1980, for the first time, the United States census asked people about their ancestry, regardless of the number of generations removed from the country or region of origin.[104] The open-ended questionnaire required no substantiation. While English and German were the most frequently reported ancestry groups, some 40 million Americans reported having Irish ancestry. The media highlighted this figure, noting that twelve times as many Americans claimed Irish descent as there were people in Ireland in total.[105] The IIRM also referenced this number - 40 million - in their documents and talking points. The organization hoped to tap into the undercurrent of Irish ethnic identity among Americans - even when Americans' ties to Ireland were tenuous and sentimental rather than direct and practical. Lisa Johnston, who became the first paid employee of the IIRM, identified as Irish American, although she was born in upstate New York and her Irish roots consisted of her paternal great-grandparents who had left County Donegal long before her birth. Growing up Johnston imagined that Ireland was a land of leprechauns. But in her twenties, in the 1980s, she developed a more authentic connection to her Irish heritage as she grew more involved in the plight of the illegal Irish and more engaged in the work of the IIRM.[106] She was exactly the type of Irish American that the IIRM hoped to reach

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[104] "Ancestry of the Population by State: 1980" (Supplementary Report PC80-S1-10), U.S. Department of Commerce, Bureau of the Census, April 1983, accessed at https://www.census.gov/population/www/censusdata/files/pc80-s1-10/pc80-s1-10.pdf.

[105] "Census: Americans more Irish than Irish," *Philadelphia Daily News*, June 1, 1983, http://search.proquest.com/docview/428647770?accountid=14270.

[106] Lisa Johnston, interview, March 16, 2009, Ireland House Oral History Collection, AIA 030, Archives of Irish America.

with its nostalgic arguments about the fundamental contribution of Irish immigrants and Irish culture to the United States.

The IIRM targeted congressmen of Irish heritage, contrasting the situation they claimed that Irish immigrants had enjoyed in the past to what they were facing today. Congressmen such as Thomas Manton, a Democrat from New York, were receptive to this messaging. As Manton wrote, under present law "my parents would probably not qualify to immigrate [sic] from Ireland to the United States."[107] Francis Costello, press secretary to Boston's Mayor Raymond Flynn, called the 1965 immigration law a "categorical injustice" to the Irish. How, the *Boston Globe*, asked, could this "happen in a country with so many national and state politicians bearing Irish surnames"?[108] An *Irish Voice* story on the IIRM later recalled, echoing the IIRM's talking points that "it didn't seem right that the Irish, who had done so much to transform America into the great nation it is today, were suffering so badly in the green card stakes, while citizens from other countries were emigrating here in plentiful numbers."[109] The extension of the Donnelly visas, as proposed in H.R. 5115, addressed this perceived injustice.

The salience of these selected memories of America's rich immigrant past reflected a shift in America's syntax of nationality and belonging, rooted in what historian Matthew Frye Jacobson deemed the "white ethnic revival." Jacobson makes a

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[107] Thomas Manton to John Whelen, September 20, 1988, Irish Immigration Reform Movement Records, AIA 016, Box 9, Folder 1, Archives of Irish America.

[108] Anderson, "The Twilight Society."

[109] Debbie McGoldrick, "The way we were, the way we are," *Irish Voice* December 9, 1997, http://search.proquest.com.libproxy.temple.edu/docview/368154551?accountid=14270.

persuasive argument that in the 1980s conservatives drew on the imagery of the mythic European immigrant to bolster arguments about essential American colorblindness and fairness. By reclaiming an ethnic identity, Irish Americans (and others) distanced themselves from the legacies of slavery and racism in the United States, told an essentially American story about individuals overcoming adversity, and reminded Congress and the public about the kind of immigrants they liked - who, they argued, had never violated the law. This made it possible for congressmen and others to celebrate America's heritage as a nation of immigrants while at the same time castigating illegal immigrants who entered into the country in violation of its present immigration laws. They could argue for the exclusion of some illegal aliens while expressing sympathy for the Irish, who, on the basis of historical immigration trends, deserved inclusion.[110]

The concept of immigrant illegality was a social and legal construction of the twentieth century. Claims that earlier generations of more "traditional" immigrants had come "lawfully" in the past were anachronistic because the United States did not restrict immigration explicitly before 1882 and had a limited federal apparatus for managing immigration before the middle of the twentieth century. When the U.S. government developed more laws to regulate migration, it did so often on the basis of race and nationality. As a result, immigrant illegality was always racially coded. Even as European immigrants and their descendants lost their hyphenate identities and become white during the era of immigration restriction beginning in the 1920s, the ethnic and racial identities of Asians and Latin Americans remained conjoined. They, consequently, became what

[110] Matthew Frye Jacobson, *Roots Too: White Ethnic Revival in Post- Civil Rights America* (Cambridge, MA: Harvard University Press, 2006).

the historian Mae Ngai calls "alien citizens" - people who seemed foreign even when they had the legal status, residency, and birthplace to establish them as U.S. citizens. On the other hand, European immigrants often were able to access administrative overrides to their technical illegality, adjusting their legal status through the mechanism of pre-examination or suspension of deportation. Between 1925 and 1965, 200,000 illegal European immigrants legalized their status, gaining formal access to both American citizenship and white ethnic American identity.[111] Thousands more immigrated legally under the quota system in the same era - while citizens of most Asian and African countries were ineligible to enter.[112]

The new Irish immigrants, including those who were undocumented, benefited in the late 1980s from being white, particularly in the media. Even if thousands of Irish immigrants lacked legal status, the public, as Patrick Hurley said, "didn't conceptualize illegal aliens as being like Irish people." The novelty of the illegal Irish immigrant proved an appealing subject for media attention, which the IIRM capitalized upon to build its case with the public. The media, Hurley said, was obsessed with "the illegal Irish immigrant" and interviewed him often.[113] Many media figures claimed or reclaimed roots in Ireland and publicized the plight of the Irish as the white ethnic revival dovetailed with

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[111] Mae M. Ngai, "The Strange Career of the Illegal Alien: Immigration Restriction in the United States, 1921-1965," *Law and History Review* 21 (Spring 2003): 69-107, 107.

[112] Many visas were available to Western European countries, since the national origins quotas system was pegged to the 1890 census on immigrants and descendants. The law barred immigration from the so-called Asia-Pacific Triangle, and although some African countries had small visa quotas, people ineligible for naturalization - non-white people - were barred from entry.

[113] Hurley, interview.

the media's insatiable hunger for compelling content. As *Irish America* reported, David Boeri a reporter with Channel Two News in Boston said "When the IIRM came about they had much more in common with the people they represented. They are also smart, savvy and likeable guys." The fact that they were white and spoke English was also an advantage.[114]

And the story of the Irish added a dimension to the national debate about immigration. Sean Benson said that the IIRM used the media coverage to their advantage, plastering "legalize the Irish" stickers everywhere, and using occasions like the St. Patrick's Day parade (in 1989) to ramp up their publicity and branding efforts.[115] They raised money by holding dances and engaging the new Irish, the Old Irish, and Irish Americans to participate. The phrase, "legalize the Irish" became not only a motto but also a self-conscious brand identity that IIRM printed on stickers, posters, flyers, and pins, using media coverage at parades to amplify. It got a big boost when Senator Kennedy was photographed with a "legalize the Irish" sticker on.[116] One singer penned song lyrics for the IIRM, a handwritten poem found in the group's archives: *"I'm a stranger in a city/ Like a hundred thousand more/ I'm the one they call illegal alien/ As I*

[114] "The Year of the Illegal Aliens," *Irish America*, December 1988, Irish Immigration Reform Movement Records, AIA 016, Box 13, Folder 19, Archives of Irish America.

[115] Benson, interview.

[116] Ibid.

move from door to door. / Legalize the Irish/ Set us free to make our stand/ Like our fathers long before us/ Help to build God's chosen land."[117]

Fighting Discrimination, Embracing Diversity

If Irish-American nostalgia was a strong argument for extending the Donnelly visa program and any program that would prioritize immigration from "adversely affected" European countries, the case for a more permanent, ongoing "independent immigrant" category needed to be sketched more broadly.

One of the ways that the IIRM and others framed the issue was to pivot from the particular injustice faced by the New Irish to the more general injustice of discrimination. Because some 85 percent of immigrants came from Asia and Latin America, the IIRM argued that the other regions of the world were not only underrepresented but actually excluded.[118] Repurposing the language of the civil rights era, the IIRM argued that the *de facto* exclusion of Europeans constituted a form of discrimination. The IIRM's was not the first voice to frame the issue afflicting the Irish as a form of discrimination. In 1986, Thomas Flatley's testimony had touched on this theme, and in 1987, Senator Alfonse D'Amato (R-NY) highlighted the plight of the Irish as an injustice: "The law shuts them out because they are from countries like Ireland or Italy, whose great days of immigration

[117] Kevin Molloy, "Legalize the Irish" (1989), Irish Immigration Reform Movement Records, AIA 016, Box 10, Folder 9, Archives of Irish America.

[118] "Talking points for discussion with Senator Simpson"; Irish Immigration Reform Movement Records, AIA 016, Box 9, Folder 2, Archives of Irish America.

are long in the past… that is an injustice which I believe we should work to correct."[119] "One of the unintended effects of the changes made in immigration policy in 1965 and 1978 have conspired to increase the problem of discrimination in some areas and not to eliminate it," argued Brian Donnelly in a 1987 plea to extend the Donnelly visa program. "You cannot solve the problems of discrimination by eliminating it for some and creating it for others."[120] This rhetorical strategy built on the nostalgic imagery of past large-scale Irish immigration. But the strategy achieved more than just arguing for ethnic solidarity, it reframed the issue in rights language. As the sociologist Eduardo Bonilla-Silva has argued, "reverse discrimination" became a key racial story of color-blind racism in the post-Civil Rights era.[121]

The IIRM and others argued that the Irish and other Europeans were victims of reverse discrimination. The strategy reflected, on the one hand, the power of rights and anti-discrimination language since the Civil Rights movement. As Dennis Deslippe showed in his article on anti-affirmative action activism in the 1970s, the idea of reverse discrimination powerfully harnessed "rights talk" to make "far-reaching claims about

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[119] *Legal Immigration Reforms, Hearing on S. 1611 Before the Subcommittee on Immigration and Refugee Affairs of the Committee on the Judiciary,* 100th Cong., 1 (October 23, 1987) Box 369, Folder 4, Alan K. Simpson papers, Collection 10449.

[120] Ibid.

[121] Eduardo Bonilla-Silva, *Racism Without Racists: Color-blind Racism and the Persistence of Racial Inequality in the United States* (Lanham, MD: Rowman & Littlefield Publishers Inc., 2006). See also James Fraser and Edward Kick, "The Interpretive Repertoires of Whites on Race-Targeted Policies: Claims Making of Reverse Discrimination," *Sociological Perspectives* 43, no. 1 (Spring 2000): 13-28.

equality, justice, and citizenship in the post-civil rights era."[122] Discrimination had been demonized as antithetical to American ideals of equality and colorblindness. This is why so many witnesses during the immigration hearings lamented the unintended effects of the 1965 Act without questioning its basic premise: the overt discrimination that had defined the immigration system in the middle of the twentieth century was no longer culturally or politically acceptable. Instead of arguing for a return to those days and that system - that had so privileged European immigrants - supporters of Irish immigrants had to find a way forward in a way that embraced post-1960s ideals.

The IIRM seized on the idea of "diversity" as an important American value that should be preserved and promoted through this part of U.S. immigration policy. In his September 1988 testimony, Don Martin argued that national origin diversity was "the primary goal of the 1965 Act."[123] This was a revealing re-reading of history. In fact, functionality was the primary goal of the 1965 Act, followed closely by a formal commitment to equality. 1950s and 1960s liberal reformers wanted to drop the national origins quotas in immigration not to promote diversity, but in the name of equality and non-discrimination. The idea was that all nations should be equal in the eyes of the immigration system. Most members of Congress believed, however, that under the new family reunification system recent patterns of immigration would be preserved rather than diversified.[124] In 1965, Representative Emanuel Celler (D-NY) said, "There will not

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[122] Dennis A. Deslippe, "'Do Whites Have Rights?': White Detroit Policemen and 'Reverse Discrimination' Protests in the 1970s," *Journal of American History* 91 (December 2004): 932-960, 934.

[123] *Reform of Legal Immigration* (1988) (Statement of Donald Martin).

[124] Reimers, "An Unintended Reform," 9-28.

be, comparatively, many Asians or Africans entering this country… Since the people of Africa and Asia have very few relatives here, comparatively few could immigration from those countries because they have no family ties in the U.S."[125] As Lyndon Johnson signed the 1965 Act into law, he made no mention of diversity; he would not have recognized that term as a goal of immigration reformers.

By the 1970s and 1980s, however, diversity and multiculturalism had become mainstream concepts.[126] Even if not everybody agreed that increasing diversity served America's national interest, the concept had become effective political language. The 1981 Select Commission Report on immigration articulated "cultural diversity" as a key goal of U.S. immigration reform for the 1980s: "Permitting, and indeed encouraging, the migration of new groups of immigrants broadens the diversity and characteristics of new immigrants and the richness of their contributions to U.S. culture and society," stated the report.[127] The Select Commission had further argued that the immigration "of persons without previous ties in the United States is an important goal in itself."[128] The IIRM,

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[125] Reimers, "An Unintended Reform," 16.

[126] On the historical rise of the concepts of diversity and multiculturalism in U.S. politics, see Natalia Mehlman Petrzela, *Classroom Wars: Language, Sex, and the Making of Modern Political Culture* (New York, NY: Oxford University Press, 2015); Andrew Hartman, *A War for the Soul of America: A History of the Culture Wars* (Chicago, IL: University of Chicago Press, 2015); and Stephen Prothero, *Why Liberals Win the Culture Wars (Even When They Lose Elections): The Battles That Define America from Jefferson's Heresies to Gay Marriage* (New York, NY: HarperOne, 2016).

[127] The Select Commission Report assumes "cultural diversity" is an American value. Select Com. on Immigration and Refugee Policy, *U.S. Immigration Policy and the National Interest: Staff Report of the Select Commission on Immigration and Refugee Policy*, 97th Cong., 1 (April 30, 1981), 358.

[128] Ibid., 359.

along with policymakers, made the connection between the Commission's recommendation to increase immigrant diversity and its call for a new independent immigrant category more generally.

The Select Commission cheered cultural diversity as a component of the American creed, *E Pluribus Unum*, celebrating diversity in the sense of welcoming cultural difference.[129] By embracing cultural difference and affirming a commitment to admitting immigrants without regard to their race, nationality, or creed, the Select Commission distanced itself from the immigration policy of the past that had restricted migration explicitly based on categories of race and nationality.

Yet the Select Commission and its report failed to define "cultural diversity." By default the kind of diversity the Select Commission described was based on welcoming immigrants from different countries of the world. While rejecting the mid-century restrictionist quotas that had guided U.S. immigration policy, the Select Commission inadvertently revived their basis, amplifying the importance of each immigrant's nationality.[130] Lawrence Fuchs, a scholar of U.S. immigration, later pointed out that vision of immigrant diversity made no sense because it was based on the idea that "nations and countries immigrated, rather than individuals."[131] The IIRM embraced

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[129] Aziz Rana, "Race and the American Creed: Recovering Black Radicalism," *N+1 Magazine*, no. 24 (Winter 2016) accessed at https://nplusonemag.com/issue-24/politics/race-and-the-american-creed/.

[130] Nationality never ceased to be a basis for immigration admissions, remaining after 1965 one of the key criterion. Even though every country was subject to the same numerical limit, a person's place in the immigration queue was explicitly linked to her national origin.

[131] *Reform of Legal Immigration* (1988) (Statement of Lawrence Fuchs, immigration scholar).

national origin diversity as the basis for its preferred diversity program. After all, it wanted Irish immigrants to be admitted explicitly because of their country of origin.

Part of the IIRM's motivation in arguing for more diversity in U.S. immigration was to build a bridge to other ethnic and national groups lobbying for immigration reform. Because the group advocated adding new visas for diversity rather than cutting them from the family preference system, it was somewhat successful. Howard Hom, an immigration attorney and legal counsel for the Chinese Welfare Council, wrote to the IIRM: "I think that there is common ground among all the immigrant groups whether they came recently or much earlier."[132] Frank Sherry, director of Centro Presente, a Boston organization serving Central Americans, said he was "awestruck" by the success of the IIRM in facilitating the passage of the pro-Irish immigration measures. However, he claimed that other ethnic groups did not resent the IIRM. "The organization itself was 'very responsible' and had cooperated with the Central American, Asian and Haitian organizations in the city on some common issues," reported *Irish America*.[133] By continually emphasizing the importance of family reunification as the cornerstone of U.S. immigration policy, the IIRM tried to link its values with those of other immigrant interest groups. Donald Martin emphasized in his September testimony that any visas the bill reserved for "independent immigrants" should not be deducted from the number of

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[132] Howard Hom to Donald T. Martin, IIRM, September 22, 1988, Irish Immigration Reform Movement Records, AIA 016, Box 9, Folder 1, Archives of Irish America. Hom also testified at the September 1988 House hearing: *Reform of Legal Immigration* (1988) (Statement of Howard Hom, immigration attorney).

[133] "The Year of the Illegal Aliens," *Irish America*, December 1988, Irish Immigration Reform Movement Records, AIA 016, Box 13, Folder 19, Archives of Irish America.

visas for family preference immigrants.[134] Building positive rapport with other ethnic groups was one of the IIRM's goals, and it used the concept of diversity to do so.

The IIRM's use of the concept of diversity, however, also slyly addressed public anxiety about the racial, ethnic, and linguistic makeup of recent immigration. By the late 1980s, legal immigrants came overwhelmingly from Asia and Latin America, a dramatic shift that prompted anxiety among some members of Congress and the public. As Mae Ngai has shown, because of the legacy of Asian exclusion, and the long-time association, real and imagined, of Mexicans with "illegal aliens," contemporary Asian and Latin American immigrants, including those with legal status, were often cast as alien citizens.[135] Some members of Congress and the public feared that the concentration of non-white, often Spanish-speaking immigrants would dominate, something that was more likely when the lion's share of immigrant visas was going to just a few countries. In this context, chains of family migration from just a few countries threatened to overwhelm the U.S. immigration stream, potentially making it more difficult for immigrants to assimilate to the dominant Anglo culture of the nation and to learn English. Ironically, a fear of pluralism drove supporters of the IIRM's arguments for more diverse immigration. Diversity would preserve the "nation of immigrants" model of assimilation and prevent any one ethnic or national group from dominating the immigration stream. Making space for more Irish immigrants, the IIRM argued, as well as others from adversely affected

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[134] *Reform of Legal Immigration* (1988) (Statement of Donald Martin, IIRM).

[135] Mae M. Ngai, "Birthright Citizenship and the Alien Citizen," *Fordham Law Review* 75, no. 5 (2007): 2521-2530.

countries, would diversify in the immigration stream, helping white European immigrants in the process.

The Immigration Amendments of 1988

The advocacy and the media exposure of the IIRM were both effective. While Congress demurred on passing comprehensive legislation in 1988 - the debates about numbers, the preference system and points-systems were too fraught to conclude within the year - it did pass a stop-gap measure that directly addressed the concerns of the Irish.[136] The law extended the Donnelly visa program, providing 15,000 additional visas per year in 1989 and 1990 for nationals of countries adversely affected by the 1965 immigration law. The extra Donnelly visas were awarded based on the original registration period, with entries being drawn from those original submissions. This part of the law was a gift for the IIRM. It did exactly what they wanted, and would undoubtedly serve the Irish who had registered in droves for the original Donnelly visa program.

But the IIRM's success also brought to light questions about the fairness and effectiveness of the Donnelly visa program. As a complement to the Donnelly visa extension, Representative Howard Berman (D-CA) proposed a second visa program for independent immigrants. For 1990 and 1991, the House bill made an additional 10,000 visas per year available to immigrants from "underrepresented countries," which it defined as nations whose natives received less than 25 percent of the maximum immigrant visas available to them in 1988. In contrast to most leading advocates of the

[136] H.R. 5115 was signed into law as the Immigration Amendments of 1988, (Public Law No: 100-658) on November 15, 1988.

Donnelly visa extension, who largely hailed from the Northeast, Berman represented a district in Southern California that included parts of Los Angeles and the San Fernando Valley. Between 1980 and 1990, the Latino population of the L.A. metro area grew from 3 million to over 5 million, and the Asian population more than doubled from just under 700,000 to over 1.5 million, with many of the newcomers immigrants or the children of immigrants.[137] In Berman's district, the plight of illegal Irish immigrants was a non-issue.

Berman was troubled by the way the Donnelly visa program had quietly reintroduced national origin quotas. "I will strenuously oppose any backsliding to the days when the United States had a notion of which countries were the source of the most desirable immigrants," he wrote in his remarks at the September 1988 hearings on legal immigration.[138] He was concerned that the Donnelly visa program seemed to cater to Europeans and to elites exclusively. Others shared his concerns. Congressman Charles Schumer (D-NY) asked witnesses at the September hearings about the fairness of the Donnelly visa program, and Howard Hom told Schumer he might support a random lottery that limited applications to one per person - but only if it was accessible to citizens of countries around the world, and not just limited to the adversely affected countries. "There are some countries in the world that had traditionally lower immigration figures," he added, pointing out that the Donnelly visa math that compared post-1965 immigration

[137] "Table 1: Growth of Regional Population by Race-Ethnicity, 1980 to 1990," in Dowell Myers, "Demographic Dynamism and Metropolitan Change: Comparing Los Angeles, New York, Chicago, and Washington, DC," *Housing Policy Debate* 10, no. 4 (1999): 919-954, 930, available at doi: 10.1080/10511482.1999.9521355.

[138] *Reform of Legal Immigration* (1988) (Statement of Congressman Howard L. Berman (D-CA)).

to the numbers from 1953-1965 was fundamentally flawed.[139] Berman's idea for a more expansive visa lottery attracted wide support during the September hearings, with witnesses coalescing around the idea of a program that was simple, non-elitist, and open to many. Berman wanted to broaden the program so that it helped potential immigrants from Africa, South America, Southern Asia, as well as Europe - anybody from a country that had sent relatively few immigrants to the United States. While Berman had proposed the broader, more inclusive visa lottery as an alternative to the Donnelly visa program, his idea was eventually incorporated into the law as a supplement to the Donnelly extension.

The Berman visa program necessitated a new application period, which took place in March 1989. Natives of countries that had used fewer than 5,000 visas in 1988 - 162 "underrepresented countries" - were eligible. Congressman Berman's program was a rebuke to the IIRM and its allies, whose razor focus on the Irish smacked of ethnic favoritism. Although the IIRM did not consider the Berman visa program particularly advantageous to the Irish, their rhetoric on the Hill helped marshal support for the program.

While the Berman visa program distanced itself from the "adversely affected" formula of the Donnelly visas, it accepted the basic idea underlying that program: that family unification threatened to homogenize the immigration stream, and that individuals without prior ties to the U.S. should be able to immigrate. It accepted that admitting "independent immigrants" should be a priority of the United States as a nation of

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[139] *Reform of Legal Immigration* (1988) (Statement of Howard Hom, immigration attorney).

immigrants, and it claimed to promote diversity in doing so through a visa lottery that supplemented the family preference system. Berman himself said the program was designed to balance inequities in the immigration system that favored people from Asia and Latin America.[140] And the American Immigration Lawyers Association (AILA) supported the program's aim of enhancing immigrant diversity. Heading into 1989, however, the IIRM continued its effort to push for a permanent solution to the illegal Irish immigrant problem.

[140] Marvine Howe, "Immigrants to get visas by lottery," *New York Times*, March 1, 1989, http://www.nytimes.com/1989/03/01/us/immigrants-to-get-visas-by-lottery.html.

CHAPTER 3: THE IMMIGRATION ACT OF 1990: LEGISLATING DIVERSITY

Between 1987 and 1989, Congress passed several temporary diversity visa programs to answer the calls of the Irish Immigration Reform Movement (IIRM), while failing to pass a more comprehensive immigration bill, as Senate immigration leaders Alan K. Simpson (R-WY) and Edward M. Kennedy (D-MA) worked to do. The legislation and experiences of the Donnelly and Berman visa programs provided lessons for both the IIRM and for immigration policymakers in 1990. By the end of 1990, Congress developed and passed a comprehensive immigration bill, the most important immigration reform since 1965 and the basis of U.S. immigration to the present. The immigration policies under debate, including key ideas about diversity and "independent" non-family immigration, underwent significant changes between 1988 and October 1990, because of hearing testimony, debate within the Senate, and compromise with members of the House. By the end of 1990, Africa - a region of the world curiously ignored during the debates - had been given nearly equal footing with Europe as a target region for diversity visas. Legislating diversity was a highly contingent process, with the bill taking shape as much through compromise and accident, as through targeted advocacy and planning.

The Immigration Act of 1989: Kennedy & Simpson's Senate Bill

In 1988, Congress had passed a legal immigration bill that extended the Donnelly visa program and created a second, broader diversity program in the Berman visa lottery. Yet it left the larger issues plaguing the legal immigration system untouched. In

February 1989, Senators Ted Kennedy (D-MA) and Alan Simpson (R-WY) revived their ideas about legal immigration from the previous year and introduced a new bill, S. 358. Their bill reformulated the family preference system, expanded the number of annual immigrant admissions, and included a provision that would create a new admissions category for "independent immigrants." Kennedy and Simpson had been working together across the aisle on immigration reform since serving together on the 1979 Select Commission on Immigration and Refugee Policy, and they had been working together to craft a comprehensive immigration reform bill since 1986's IRCA legislation, a process Simpson likened to "giving birth to a porcupine."[1]

At 6 feet 7 inches tall, Alan Simpson, the brash Republican senator from Wyoming, towered over his colleagues in the Senate. Once named the funniest man in the Senate by *Washingtonian* magazine, Simpson used his rough-hewn humor and folksy approach to build political support for his policy ideas. Surprisingly, he became deeply interested in immigration policy. In a 1982 letter to then House Speaker Tip O'Neill, Simpson wrote about his unexpected passion for immigration policy. "It has been an extraordinary issue for me. 'Riding a tiger' would be apropos! It is a political 'no win' situation and yet it is the simplest and least mysterious national problem of all - for indeed the first duty of a sovereign nation is to have control over its borders."[2] He served as chairman of the immigration subcommittee from 1981 through 1987. Representing a

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[1] Karen Odom, "Wyoming's Wild and Woolly Senator," *Empire Magazine, The Denver Post*, November 11, 1984, 11. Box 1, Folder 11, Alan K. Simpson papers, Collection 10449, American Heritage Center, University of Wyoming.

[2] Alan K. Simpson to Thomas P. O'Neill, Jr., November 30, 1982, Box 350, Folder 8, Alan K. Simpson papers, Collection 10449.

state that then had few immigrants, and having earned a reputation for outspokenness and independence, Simpson had unusual political space to craft immigration legislation and to work across the aisle with Ted Kennedy, who took over the subcommittee chairmanship in 1987.[3]

Simpson had no particular interest in aiding Irish immigrants. Still, he was sympathetic to the arguments of the IIRM. In part this sympathy stemmed from his experience on the Select Commission between 1979 and 1981. He often spoke about the unintended consequences of the 1965 Act of shutting out immigrants from outside Latin America and Asia, effectively limiting diversity.[4] He was also in favor of diversifying the immigration stream because of his concerns about the concentration of Spanish-speakers in the U.S. He argued that the domination of the immigration stream by any single group would erode the process of assimilation.[5] Simpson liked the idea of a points-system to choose independent immigrants, with points awarded on the basis of age, occupational demand, and English language skills. The IIRM lobbied Simpson directly, meeting with

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[3] "Senator Alan K. Simpson: Point Man on Immigration," *Migration World Magazine* 23, no. 1-2 (January-April 1995): 45. According to Kennedy staffer Michael Myers, "generally, in the Senate in those days, people deferred to the chair and the ranking of the relevant committee on whatever the legislation was. There was a lot of deference, there was more collegiality in that respect, and people figured on immigration, if Simpson and Kennedy can agree to it, of all people, it must be OK, and they felt comfortable voting for it. They just deferred." Michael Myers, interview, August 28, 2006, Edward M. Kennedy Oral History Project, Miller Center, University of Virginia.

[4] *Hearing Before the Subcommittee on Immigration and Refugee Affairs of the Committee on the Judiciary,* 101st Cong., 1 (March 3, 1989) (Statement of Alan K. Simpson), Box 405, Folder 2, Alan K. Simpson papers, Collection 10449.

[5] Select Com. on Immigration and Refugee Policy, *U.S. Immigration Policy and the National Interest: Staff Report of the Select Commission on Immigration and Refugee Policy*, 97th Cong., 1 (April 30, 1981) (statement of Senator Alan K. Simpson, (R-WY)).

him on the Hill, and indirectly, through Irish-born Wyoming monsignor James O'Neill and Coca Cola Executive Earl T. Leonard.[6]

Some members of the IIRM were unhappy that Kennedy, who wore his Irish ancestry on his sleeve, had been so closely involved in the 1965 immigration legislation that they felt had created this problem in the first place.[7] Further, while a previous bill of Kennedy's in 1987 and S. 358 in 1989 both included provisions for independent immigrants - which were aimed, in part, at serving the Irish - Kennedy was conscious about public criticism that focused on the special treatment such a law gave to the Irish.[8] According to Kennedy, Senator Jack Brooks (D-TX) mocked him for it: "When we sat down in conference, he'd start off the discussion, 'Does Senator Kennedy have his Irish? Are the Irish in this draft?' I'd cringe and go on to the other provisions."[9]As a result, the IIRM worked closely with Senator Paul Simon (D-IL) to amend S. 358 to set aside a number of the visas for independent immigrants for natives of "adversely affected"

[6] Sean Benson to Earl Leonard, August 28, 1990, Irish Immigration Reform Movement Records, AIA 016, Box 9, Folder 2, Archives of Irish America, New York University; Alan K. Simpson to Reverend James O'Neill, January 15, 1988, Irish Immigration Reform Movement Records, AIA 016, Box 11, Folder 3, Archives of Irish America.

[7] Patrick Hurley, interview, October 31, 1997, Ireland House Oral History Collection, AIA 030, Archives of Irish America

[8] Niall O'Dowd suggested that Kennedy was "pulling the levers" on the bill behind the scenes. Niall O'Dowd, interview, November 18, 2010, Edward M. Kennedy Oral History Project.

[9] Edward M. Kennedy, interview, October 8, 2007, Edward M. Kennedy Oral History Project.

countries. Sean Minihane, chairman of the IIRM, worked with Kennedy's key aide on immigration matters, Jerry Tinker, to urge Kennedy's support of the provision.[10]

Kennedy and Simpson's bill created a category of visas for independent immigrants, chosen on a point-system basis, with points awarded for age, education, English skills, U.S. occupational demand, and training and work experience. As Kennedy staffer Michael Myers admitted, "We figured out a way to have a point system in our Senate bill that would favor the Irish. We'd give points for countries that were shortchanged by the current immigration law. That, we thought, was a neutral way of enabling Irish to get green cards."[11]

The provision for awarding points for English language skills proved controversial. Senator Paul Simon lobbied successfully to eliminate English language points - this was too discriminatory, he thought - but he also proposed an amendment to extend the short-term, pro-Irish Donnelly visa program for another two years, in a move that subcommittee minority counsel Richard Day characterized in a memo to Senator Simpson as "a bone he is throwing to the Irish, in exchange for his deleting points for English."[12] Senator Simpson opposed Simon's amendment. "Instead of attempting 'piece-meal' addressing of the adverse affects [sic] of current law, we should simply change current law so that particular parts of the world are not 'locked out' of our

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[10] Sean Minihane to Edward M. Kennedy, "Attention Jerry Tinker, Re: Revised Simon Amendment," July 13, 1989, Irish Immigration Reform Movement Records, AIA 016, Box 8, Folder 12, Archives of Irish America.

[11] Myers, interview.

[12] Dick to AKS, Subject: Floor Action on Kennedy-Simpson, July 7, 1989, Box 405, Folder 1, Alan K. Simpson papers, Collection 10449.

immigration system," he wrote in a draft memo about the amendment.[13] When the bill passed the Senate, in July 1989, this section had been amended and the bill no longer awarded points for English language skills. In a nod to the Irish, however, the bill did reserve 10,000 of the "points" visas for qualified individuals who hailed from nations "adversely affected" by the 1965 Immigration Act.

The Berman Visa Lottery

During negotiation for a larger immigration bill, the Berman visa lottery, an important experiment in non-sponsored immigration took place. In March 1989 the State Department opened the one-month registration period. As part of the Immigration Amendments of 1988, the Berman visa program distributed 20,000 visas over two years to randomly selected applicants. Nationals of 162 underrepresented countries, every nation that sent fewer than 5,000 immigrants to the United States in 1986, were eligible to apply. The application required no specific form; an applicant was to type her name, dates of birth, birth place, and names of her spouse and children on a sheet of paper, enclose a photo, and mail it through the postal service to a designated P.O. Box in Washington, DC. If selected in the lottery, the applicant would be invited to apply for a permanent resident visa at the U.S. consulate in her home country.

As it had done previously during the Donnelly visa applications, the IIRM advertised its (free) services, processing applications for Berman visas. Advertisements in Irish publications touted the group's visa processing services throughout its network of

[13] File on Simon Amendment on S. 358, June 29, 1989, with handwritten notes. Box 404, Folder 9, Alan K. Simpson papers, Collection 10449.

branches in cities and regions across the country. IIRM members also went on radio shows to promote the Berman visa lottery.[14] Hundreds of people showed up to various visa workshops. "We expect the Irish to do well in the lottery because the Irish American community is doing a good job in getting the information out," Patrick Hurley said.[15]

When the results of the Berman visa program came back in May, the IIRM was deeply disappointed. "Irish America's high hopes for the Berman visa program were crushed," they wrote in a pamphlet in support of S. 358 for distribution on Capitol Hill.[16] Some 3 million people submitted entries for the 20,000 visas.[17] The top Berman visa countries were huge, populous countries like Bangladesh, Pakistan, Poland, Turkey, and Egypt. Ireland trailed behind, garnering only 362 of the visas. For the Irish to benefit from a lottery system open to the whole world, the IIRM realized, "50% or more of the visas must be targeted toward lottery winners from the 36 countries adversely affected by

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[14] By March 1989, the IIRM had chapters throughout New York, in California in San Francisco and San Jose, in Hartford, Connecticut, in Philadelphia, Chicago, in Boston and Springfield, Massachusetts, in Baltimore, Kansas City, Missouri, in Florida, San Antonio and Houston, Texas, Washington DC, Providence, Rhode Island, Cleveland, Ohio, and in Jersey City, Hoboken, Newark and Trenton, New Jersey. "Berman Visa Action Alert Processing," *Irish Echo*, March 11, 1989, Irish Immigration Reform Movement Records, AIA 016, Box 31, Archives of Irish America; Kevin F. Byrne, Delaware Valley Chapter of IIRM to Owen Rooney, c/o WIBF Radio, April 17, 1989, Robin O'Brien Hiteshew, Collection 3059, Box 11, Folder 12, The Historical Society of Pennsylvania, Philadelphia, PA.

[15] Debbie McGoldrick, "Berman visa workshops answer all questions," *Irish Echo*, March 25, 1989, 6, Irish Immigration Reform Movement Records, AIA 016, Box 31, Archives of Irish America.

[16] Report "The New Irish in America: A Crisis in Numbers," Irish Immigration Reform Movement Records, AIA 016, Box 13, Folder 5, Archives of Irish America.

[17] "3 Million Win a Chance to Enter U.S. 'Visa Lottery,'" *Los Angeles Times*, May 10, 1989, http://articles.latimes.com/1989-05-10/news/mn-2797_1_visa-lottery-immigrant-visa-state-department.

the 1965 Act."[18] The Berman lottery results renewed the IIRM's determination to lobby for diversity based on the adversely affected category rather than a broader program targeting all underrepresented countries.

The lottery also made Senator Simpson and his staff nervous. At a March hearing on immigration reform, Joan Clark testified on behalf of the State Department that the Berman lottery had strained the consular services outposts. In a handwritten note to Senator Simpson, staffer Carl Hampe expressed his serious concern about using a random lottery to distribute visas. The program had invited so many applications that the Post Office had to establish a "new zip code for only this program!" He added, "I believe we should move swiftly to repeal these provisions." The Simpson-Kennedy bill's diversity provision would provide opportunities for all 162 underrepresented countries targeted by the Berman lottery, but it promised to use selection criteria to narrow down the applicants for the visas. Hampe's note added some insider information: Senator Kennedy, he wrote, would join Simpson in repealing the Berman provisions for underrepresented countries "if we 'held our nose' on the 'Irish bill for "disadvantaged countries."""[19]

While the Irish were disappointed and Simpson's staff was unhappy about the outcome of the Berman visa program, others marveled at this first open visa lottery. "Notice of the visa lottery," the AP reported, "was relayed to citizens of 162 foreign countries by radio, television, newspaper and even messengers riding outrigger canoes." It "produced scenes resembling riots at some U.S. embassies and consulates around the

[18] Ibid.

[19] Carl Hampe to Alan K. Simpson, March 1989, Box 405, Folder 2, Alan K. Simpson papers, Collection 10449.

world, from Senegal to Sicily and Morocco to Malaysia. In Cairo, the embassy was forced to shut down and police were summoned to handle a crowd of 2,000 seeking visa information. The embassy in Dacca [sic], Bangladesh, reported that everyone from university professors to rickshaw drivers inquired about applying. Officials in Casablanca, Morocco, distributed 5,000 information sheets in three days." "I can't imagine another country opening up its borders for this kind of opportunity," Berman said, calling the overwhelming response during the month-long application period in March a testimony to "where the American dream stands for the people of the world."[20]

The Berman lottery experience sharpened the IIRM's lobbying efforts on the Hill. Simpson and Kennedy's bill embraced the concept of independent immigrants, which the IIRM believed would be useful for Irish citizens without family ties to the United States. Yet the bill would do nothing to help the Irish immigrants already resident (out of status) in the United States: "In speaking to the staffs of both Kennedy + Simpson, I think we should make it clear that incorporation of all of our proposals will not solve our problem as the numbers of people already in the U.S. are too great," chairman Sean Minihane wrote in a strategy memo to lobbyist Harris Miller.[21] The IIRM was also concerned about the qualifying threshold of points being too high and "elitist" for many of the Irish immigrants to qualify, and it sought to lower the threshold. Harris Miller wrote a memo to Michael Myers, a staffer on the Senate immigration subcommittee, explaining that the

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[20] Robert M. Andrews, "The Envelope Please: 20,000 Win U.S. Visas in State Dept. Lottery," *Philadelphia Inquirer,* May 16, 1989, http://search.proquest.com.libproxy.temple.edu/docview/286221338?accountid=14270.

[21] Sean Minihane to Harris Miller, April 23, 1989, Irish Immigration Reform Movement Records, AIA 016, Box 9, Folder 32, Archives of Irish America.

"massive number of applicants for Berman visas has exacerbated our concerns."[22] While IIRM leaders worked on making changes to the bill to best help the Irish, the Senate bill passed the immigration subcommittee, which made it harder to influence. The IIRM shifted its focus to the House, where legislation was more fluid and moldable, and where the group could cultivate important relationships with key congressmen.

The IIRM conducted its second lobby day on Capitol Hill on June 21, 1989. Brian Donnelly (D-MA), their old ally, hosted a breakfast reception for the group on behalf of the Ad Hoc Congressional Committee for Irish Affairs, and after breakfast IIRM members made cold calls to congressional offices, prioritizing the offices of Members of the House Judiciary Committee.[23] While Kennedy and Simpson's bill would go on to pass the full Senate with ease in July 1989, the legislative activity on the House side was more complicated.[24]

Representatives in the House were more sensitive to the concerns of different constituent groups, which caused competing interests to slow and shape the immigration legislation. Harris Miller helped the IIRM make connections with House offices, and he provided talking points that framed the group's desire to see more legal immigration of the Irish in terms of diversity. "Countries such as Ireland and Italy have unintentionally

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[22] Harris Miller to Michael Myers, April 26, 1989, Robin O'Brien Hiteshew, Collection 3059, Box 11, Folder 12, The Historical Society of Pennsylvania, Philadelphia, PA.

[23] The Ad Hoc Congressional Committee for Irish Affairs was founded in 1977. Draft Dear Colleague Letter from the Ad Hoc Congressional Committee for Irish Affairs, June 7, 1989, Irish Immigration Reform Movement Records, AIA 016, Box 13, Folder 5, Archives of Irish America.

[24] Both Senate and House had clear Democratic party majorities in the 101st Congress.

suffered tremendously the past 24 years because of changes in the 1965 immigration law," Miller wrote in a memo laying out talking points for the day's Hill office visits. "Everyone agrees that in order to encourage diversity in the immigration pool, countries such as Ireland and Italy need a chance to have more immigrants come to this country," he urged.[25]

Although much of the support for the pro-Irish legislation stemmed from anxiety about the changing racial, ethnic and linguistic makeup of U.S. immigration since 1965, the IIRM projected an image of itself as race-neutral and rational. As Miller wrote in a letter to the office of Speaker of the House Tom Foley (D-WA), "Unlike some of the other ethnic groups which frequently try to inject racism and fear into the debate (a leader of a major ethnic organization recently was quoted, I hope incorrectly, as saying the Senate debate this year has 'racial undertones'), IIRM has always stayed positive."[26] Perhaps, but the group had managed to advocate a policy of diversity by tapping in to concerns that so many immigrants in contemporary America were not white. By invoking an earlier era of lawfully-admitted Irish immigration as essential to America's identity as a "nation of immigrants" the IIRM summoned imagery of white immigration without it needing to call explicitly for more visas for white immigrants. Under these circumstances, it was easy for the IIRM to "stay positive." The racial undertones of its policy proposals were implicit.

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[25] Harris Miller to IIRM Members, re Lobbying Effort, June 21, 1989, Irish Immigration Reform Movement Records, AIA 016, Box 13, Folder 5, Archives of Irish America.

[26] Harris Miller to Werner Brandt, Office of the Speaker, June 20, 1989, Irish Immigration Reform Movement Records, AIA 016, Box 9, Folder 2, Archives of Irish America.

Indeed, the IIRM's desire for "diversity" stopped at the Irish. In the margins of a draft confidential memo to Representative Charles Schumer (D-NY) in 1989, an IIRM member wrote: "We ought to say straight out that we do not feel that there should be any requirement to produce a system which is so "neutral" as to create spaces (i.e. visas) for countries, and whole regions of the world such as Africa, where there is currently no demand and more importantly – no lobbying activity on their behalf."[27] This comment reflected a lesson learned. Neutrality in the law, such as the equal per-country numerical caps on immigration conceptualized in the 1965 Act, did not necessarily produce neutral outcomes. Further, the experience of the Berman visa lottery in 1989, on its face more neutral in its treatment of the world's nations than the Donnelly visa program, had not produced the IIRM's desired outcome. The Berman visa model would not serve the Irish in the numbers they needed; the free-for-all lottery program would disadvantage a small country like Ireland. Rigid neutrality translated into a bad deal for the Irish.

The IIRM's comment about Africa also betrayed ignorance about the demand level for immigrant visas in Africa. Such demand by Africans for immigrant visas was not manifest in a lobbying presence in Washington because it could not be. African voluntary immigration levels were historically extremely low. Moreover, citizens of African nations faced much higher hurdles to immigrating to, or even visiting, the United States than did Irish citizens. In the 1960s, of the 3.2 million lawful permanent residents admitted to the United States, less than 24,000 were from the African continent. In the 1980s, nearly 142,000 Africans - the world's second most populous continent, containing

[27] Sean Minihane to Congressman Schumer, Draft Memo, November 13, 1989, Irish Immigration Reform Movement Records, AIA 016, Box 12, Folder 26, Archives of Irish America.

some 50 countries - were admitted as lawful permanent residents out of a total of more than 6.2 million immigrants. That was less than the number of illegal Irish immigrants the IIRM estimated had come to the United States in just half the decade.[28] But just because few Africans immigrated to the U.S. under policies that had historically excluded them did not mean that Africans did not want access to visas, or would not apply for visas if given the opportunity. There was no way to know if Africans sought to become immigrants in America. Moreover, the Berman visa lottery had stirred demand in far-flung corners of the world, where people had few links to the U.S. and little realistic hope of going to the United States. By suggesting that hard-working and enterprising individuals with no family ties to U.S. citizens should be able to immigrate legally to the United States, Congress, pushed by IIRM lobbying, created space for demand by Africans for U.S. visas to grow - lobbying presence or no.

House Immigration Bills, 1989

Simpson and Kennedy's bill in the Senate embraced the concept of independent immigrants, which the IIRM believed would be useful for Irish citizens without family ties to the United States. Yet the bill would not help Irish immigrants already illegally residing in the United States: "In speaking to the staffs of both Kennedy + Simpson, I think we should make it clear that incorporation of all of our proposals will not solve our problem as the numbers of people already in the U.S. are too great," IIRM chairman Sean

[28] "Table 2: Persons obtaining legal permanent resident status by region and selected country of last residence, fiscal years 1820 to 2011," United States, Department of Homeland Security, *Yearbook of Immigration Statistics: 2011,* accessed at http://www.dhs.gov/publication/yearbook-immigration-statistics-2011-legal-permanent-residents.

Minihane wrote in a strategy memo to the group's lobbyist Harris Miller.[29] The IIRM began to work with members of the House to ensure its priorities were taken into account.

Ambitious Connecticut Democrat Bruce Morrison had just assumed the role of chairman of the House subcommittee on immigration. Not known for his people skills, he was not an ideal choice to promote the Irish cause. Morrison's intensity "often makes him seem imperious and aloof," wrote Miranda Spivack for the *Hartford Courant*. He "can be impatient and abrasive and his colleagues do not warm to him and may never."[30] What was more, despite sharing a last name with the well-known Irish singer, Morrison had no direct Irish heritage: he was the adopted child of German and Scots-Irish parents.[31] Yet he had become passionate about Irish issues, because of his interest in human rights and justice.[32] In 1983 during his freshman year in Congress, Morrison joined the Friends of Ireland, a group that included Tip O'Neill and Ted Kennedy. He joined the 100-member Ad Hoc Congressional Committee for Irish Affairs two years later. In 1987 he visited

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[29] Sean Minihane to Harris Miller, April 23, 1989, Irish Immigration Reform Movement Records, AIA 016, Box 9, Folder 32, Archives of Irish America. See also Harris Miller to Michael Myers, April 26, 1989, Robin O'Brien Hiteshew, Collection 3059, Box 11, Folder 12, The Historical Society of Pennsylvania, Philadelphia, PA.

[30] Miranda S. Spivack, "Morrison has learned about getting along," *Hartford Courant,* 1988, Box 31: Folder 733, Bruce A. Morrison Papers, Archives & Special Collections at the Thomas J. Dodd Research Center, University of Connecticut Libraries.

[31] Sheila Langan, "Bruce Morrison Immigration Reformer & Peacekeeper," *Irish America* 28, no. 3 (April/May 2013): 54-55.

[32] "Bruce Morrison (1944-)," in *Ireland and the Americas: Culture, Politics, and History: A Multidisciplinary Encyclopedia*, ed. James P. Byrne, Philip Coleman, and Jason King (Santa Barbara, CA: ABC-CLIO, 2008), 615-616.

Ireland, spending time in both Dublin and Belfast and meeting with Irish and British officials.[33]

In February 1989, around the same time he took over the immigration subcommittee, Morrison was chosen as a co-chairman of the Ad Hoc Congressional Committee for Irish Affairs, which was also planning to direct attention to the Irish immigration issue.[34] The IIRM had a strong presence in Connecticut and arranged to meet with the congressman in April 1989.[35] Morrison attended and publicized the Ad Hoc Committee's breakfast reception on June 21 in the IIRM's honor.[36] In September, the subcommittee held the first of several hearings on the legal immigration bill, inviting the IIRM to testify.

In autumn 1989 the IIRM also began to work with then-Congressman Charles Schumer (D-NY) to craft a new model for diversity visas. Schumer, like California Congressman Howard Berman, represented an exceptionally racially diverse district that contained many immigrants who had been the beneficiaries of the 1965 Immigration Act. Unlike Berman, however, his New York district also contained numerous Irish immigrants and prominent Irish Americans. Schumer had supported the Donnelly visa program in 1987 and was receptive to the IIRM in 1989, which had an active chapter in

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[33] Langan, "Bruce Morrison Immigration Reformer & Peacekeeper," 54-55.

[34] Jack Sirica, "Washington Briefing: A Weekly Report on New York City People and Issues in the Capital," *Newsday*, February 27, 1989, 16.

[35] Correspondence, Irish Immigration Reform Movement Records, AIA 016, Box 9, Folder 24, Archives of Irish America.

[36] Dear Colleague Letter to House of Representatives, June 7, 1989, Irish Immigration Reform Movement Records, AIA 016, Box 13, Folder 5, Archives of Irish America.

Bay Ridge, Brooklyn that worked to put the Irish immigrant issue on Schumer's agenda.[37] Schumer attended an IIRM dinner and indicated that he would help move legislation that would renew Irish immigration.[38]

The Berman visa lottery had splintered the idea of "independent" immigrant visas into two categories. On one track, favored by the IIRM, diversity visas would serve a limited number of adversely affected countries, mostly European, especially Ireland. While this type of diversity program had proponents, particularly Brian Donnelly and Bruce Morrison, it sparked resentment against its special treatment for the Irish. On a second track, Berman's one-year diversity program broadened the eligible countries to all 162 countries underrepresented in the U.S. immigration stream. This included countries that either never sent many immigrants to the U.S. or had suffered a drop-off post-1965. Such a visa program was of little value to the Irish because Ireland was a small country and at a mathematical disadvantage. While the IIRM continued to advocate for more visas along the former track, it also strategized to make the latter category work better for the Irish. For this purpose Schumer, whose district included both Irish and non-Irish immigrant constituencies, was the perfect partner.

Schumer agreed in principle with the diversity visa scheme being proposed by the IIRM in late 1989: 100,000 visas, with sixty percent reserved for adversely affected

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[37] Sean Minihane, interview, October 25, 2007, Ireland House Oral History Collection, AIA 030, Archives of Irish America. See also "Getting Thanks for Help on Legislation Upping Number of Irish and Italian Immigrant Visas," *The Schumer Report*, Spring 1987, Irish Immigration Reform Movement Records, AIA 016, Box 14, Folder 2, Archives of Irish America.

[38] Sean Minihane to Charles Schumer, Attention: Courtney Ward, October 24, 1989, Irish Immigration Reform Movement Records, AIA 016, Box 7, Folder 4, Archives of Irish America.

countries, twenty percent for underrepresented countries, and twenty percent for the rest of the world. But Schumer suggested that this would "attract a lot of criticism which may cause it to falter."[39] On the face of it, the proposal "has the 'appearance' of being imbalanced," the IIRM admitted.[40] The task before the IIRM was to mask its explicit interest in more Irish immigration in neutral language that the congressman could support. As Kennedy's staffer Michael Myers put it, "You can't just have an Irish provision, because that would never pass Congress."[41]

Harris Miller, the IIRM's lobbyist, noted that the allocation of diversity visas "should be country-neutral in design, although, of course, it will not be country-neutral in effect."[42] After analyzing immigration data, he recommended allocating diversity visas in inverse proportion to family-based preference admissions. Because Asia and Latin America received nearly 87 percent of preference admissions, they should only be allocated 13 percent of diversity admissions. After dividing the world into the two highest-sending regions (Asia and Latin America) and four lowest-sending regions (Europe, Africa, North America, and Oceania), visa allocations would be pegged to regional population. Miller's math allocated the most diversity visas to Europe - nearly

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[39] Sean Minihane to Charles Schumer, Attention: Courtney Ward, October 24, 1989, Irish Immigration Reform Movement Records. AIA 016, Box 7, Folder 4, Archives of Irish America.

[40] IIRM to Charles Schumer, Draft Memo, November 13, 1989, Irish Immigration Reform Movement Records, AIA 016, Box 13, Folder 8, Archives of Irish America.

[41] Myers, interview.

[42] James S. Holt and Harris N. Miller, Holt Miller & Associates, to Sean Minihane, IIRM, October 30, 1989, Irish Immigration Reform Movement Records, AIA 016, Box 7, Folder 4, Archives of Irish America.

47 percent of them, with Africa receiving 37 percent, followed by Asia receiving 12 percent, with the other regions receiving less than two percent each: Latin America, North America, and Oceania.[43] Within regions, the visas should be allocated by lottery so that countries with high visa demand - like Ireland - would optimize their visa numbers.

In November 1989, the IIRM sent a memo to Schumer's office sharing Miller's calculations with the Congressman. As disadvantaged regions, Europe and then Africa would receive most (87 percent) of the diversity visas, as proposed. In handwritten notes on a draft version of this memo, an IIRM member noted that this formulation "ignores the aspirations of Irish Americans and other nationality groups with deep roots in the U.S. for a fair share of the pie."[44] While arguments about Irish roots in America had brought the IIRM this far, such reasoning ran counter to the kind of neutral formula that Schumer felt was needed to make the legislation palatable to more Members. At the same time, the group's formulation would quietly optimize Irish visas.

In September 1989 the Subcommittee on Immigration held the first of several hearings on the legal immigration bill. In his opening remarks Bruce Morrison commended the diversity of immigration since 1965, lauding that previous bill for spreading the "promise of immigration opportunity to people from areas of the world

[43] James S. Holt and Harris N. Miller, Holt Miller & Associates, to Sean Minihane, IIRM, October 30, 1989, Irish Immigration Reform Movement Records, AIA 016, Box 7, Folder 4, Archives of Irish America.

[44] Sean Minihane to Congressman Schumer, Draft Memo, November 13, 1989, Irish Immigration Reform Movement Records, AIA 016, Box 12, Folder 26, Archives of Irish America.

from which they in the past were not able to come."[45] But the 1965 Act had produced problems, he argued. It had "cut the ties that we have traditionally had to other parts of the world that have provided another measure of our diversity," referring to those nations who had been, in the formulation of the IIRM, "adversely affected" by the law.[46]

One of twenty groups testifying at the hearing that day, the IIRM was particularly successful at framing the debate, putting its narrow interest in terms that the members of the subcommittee could understand and support. Further, the IIRM presented its legislative goal as a "clean issue" for the politicians. Many Congressmen had Irish-American constituents but had never been approached by an Irish-American advocacy group. The proposed solution - visas for the Irish - was not an expensive ask, and it was not as controversial as other issues touching these constituents, such as Northern Ireland.[47] Even within the immigration proposals, the diversity provisions under consideration were minor compared to the other subjects of debate: reforming the family preference system, addressing the backlogs, finding the right numerical cap for immigration, and aligning the immigration system with the nation's labor needs. After the September hearing, the subcommittee failed to convene another hearing until the second session of Congress, which began in January 1990.

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[45] *Immigration Act of 1989 (Part I): Hearings before the Subcommittee on Immigration, Refugees, and International Law of the Committee on the Judiciary*, 101st Cong., 1(September 27, 1989) (Statement of Chairman Bruce Morrison), 2.

[46] Ibid.

[47] Sean Benson, interview, November 29, 2005, Ireland House Oral History Collection, AIA 030, Archives of Irish America.

House Negotiations, 1990

Immigration was a priority for the handful of senators and representatives on their respective immigration subcommittees. Alan Simpson, Ted Kennedy, and Bruce Morrison were especially eager to move the legislation by the end of the Congress - if not, they would all have to start over from scratch, perhaps in a worse economic and political environment. A *New York Times* article on the end of the first session quoted Representative Newt Gingrich (R-GA), who described the 1989 session as "an unfinished Congress." Congress had been preoccupied by its own scandals; including the ousting of House Speaker Jim Wright, the Keating Five affair, and the Savings and Loan crisis; by a budget fight and impasse over deficit reduction; and by the reordering of military spending in the wake of changing geopolitics across the Soviet Union and Eastern Europe.[48] The article made no mention of congressional work on immigration reform. A *New York Times* editorial on the first day of the second session mentioned only ethics charges, and legislative priorities including childcare, clean air, drugs and crime.[49] A *Washington Post* editorial made only a brief mention of the immigration bill that "would

[48] Robin Toner, "Congress Ends '89 With Long List of Work Undone," *New York Times,* November 24, 1989, http://www.nytimes.com/1989/11/24/us/congress-ends-89-with-long-list-of-work-undone.html. See also William K. Black, *The Best Way to Rob a Bank Is to Own One: How Corporate Executives and Politicians Looted the S&L Industry* (Austin, TX: University of Texas Press, 2005); Dennis F. Thompson, "Mediated Corruption: The Case of the Keating Five," *American Political Science Review* 87, no. 2 (June 1993): 369-381; and Stephen Gettinger, "A Speaker's Downfall," *CQ Weekly*, November 11, 1995, 3435-37, http://library.cqpress.com.libproxy.temple.edu/cqweekly/WR409330.

[49] Editorial, "The Cloud over Congress," *New York Times,* January 23, 1990, http://www.nytimes.com/1990/01/23/opinion/the-cloud-over-congress.html.

basically let more people in," but the paper seemed unconvinced that it would pass.[50] The *Post* noted that both Senate and House proposals would increase the number of annual legal immigrant visas. Yet, a poll conducted by Federation for American Immigration Reform (FAIR), a group favoring more restrictions on immigration, found that most Americans did not favor increasing immigration limits.[51]

In January 1990 Morrison decided to run for governor of Connecticut, which helped the IIRM greatly in its legislative quest. His campaign for state-wide election created a key opening for the IIRM to deliver not only campaign dollars but organized support for the Congressman so long as he continued to promote the group's cause from his position as subcommittee chair.[52] In January 1990, Irish-American residents of Morrison's district wrote him letters, urging him to adopt legislation that would make the U.S. immigration system accessible to the Irish.[53]

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[50] Editorial, "Congress Returns," *The Washington Post*, January 22, 1990, http://search.proquest.com/docview/140093308?accountid=14270.

[51] The methodology of the poll was problematic, to say the least, but this argument - that the public did not favor an increase in immigration - came up regularly at subcommittee hearings. Sam Fulwood III, "Poll Finds Americans Opposing Increase in Legal Immigration," *Los Angeles Times*, June 5, 1990, http://articles.latimes.com/1990-06-05/news/mn-481_1_legal-immigration.

[52] Benson mentioned that the IIRM people in Hartford were contributing to Morrison's campaign. Benson, interview.

[53] Correspondence including Mary G. Carter to Congressman Morrison, January 22, 1990; Letter from Kenneth Hayward to Morrison, January 20, 1990; Mary Coughlin to Morrison, February 9, 1990; Postcards to Morrison from various, stating "I am a voter of Irish heritage": In some cases, constituents have crossed out "Irish" and handwritten "Polish," "Italian," "British," and "German." All correspondence in Box 62, Bruce A. Morrison Papers, Archives & Special Collections at the Thomas J. Dodd Research Center, University of Connecticut Libraries.

Morrison proposed an alternative to the Senate bill that became the subject of debate at subcommittee hearings in February and March and was introduced to the House as H.R. 4300 on March 19, 1990.[54] Designed to please everybody, H.R. 4300 was much more generous than the Senate bill in terms of overall immigration numbers. It incorporated a compromise with Congressman Schumer on the diversity visa provision; as approved by subcommittee, the House bill adopted Schumer's diversity program, allocating 55,000 diversity visas in inverse proportion to the number of immigrants coming from each region through family visas, beginning in 1995. The bill also contained a temporary "transition" measure that would provide visas to "adversely affected" countries for three years. Morrison knew that including visas for the Irish was crucial if he was to cement the support of Irish immigrants and Irish Americans in Connecticut.[55]

The IIRM continued to meet with key policymakers, including focusing its efforts on the House Rules Committee, which had the ability to set the terms of the full House debate. The committee could limit debate and amendments; the more limited, the better for the IIRM. A "floor fight" would be tough - and expensive - and it would be difficult for the IIRM, with its limited geographic reach and financial resources, to influence. A key provision - the "transition" program targeting adversely affected nations - was the

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[54] Family Unity and Employment Opportunity Immigration Act of 1990, H.R. 4300, 101st Cong. (1990).

[55] At an event reflecting on the 25th anniversary of the Immigration Act of 1990, Morrison admitted that the Transition visa program was "nothing but political log-rolling," and lamented "it didn't win me the governorship so what good was it? I still can get a free drink in any Irish bar." Bruce Morrison, "Twenty Five Years Later: Reflecting on the Immigration Act of 1990," *Migration Policy Institute*, December 8, 2015, http://www.migrationpolicy.org/events/twenty-five-years-later-reflecting-immigration-act-1990.

highest priority. It served their cause most directly by making undocumented Irish already in the United States eligible for visas. This provision was most likely to attract negative attention on the floor, however, because it smacked of "amnesty" - an unpopular concept.[56] Limiting the bill's time on the floor was vital to its passage, and this could be accomplished in the Rules Committee.[57] The committee chair, John Joseph (Joe) Moakley (D-MA) was the key to ensuring the bill would not be open to debate before the entire House.[58]

Moakley, who represented a fairly Irish-American Massachusetts district, was sympathetic to the arguments of the IIRM. He grew up the son of an Irish-American father and Italian-American mother in a heavily Irish-American neighborhood.[59] In 1986, Moakley had supported the Donnelly visa program and expressed disappointment that the policy was not more generous toward Irish immigrants. He had promised in a 1986 news release: "We will be back in the next Congress to fight so that the Irish will be treated

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[56] In general, the bill was vulnerable to a lot of debate. As Dick Day wrote in a memo to Senator Simpson, "The Morrison Bill is so loaded up with stuff that everyone is going to be taking a crack at it." Richard Day to Alan Simpson, re: Barney Frank/exclusions bill, May 15, 199,0 Box 402, Folder 2, Alan K. Simpson papers, Collection 10449.

[57] Harris Miller to Sean Minihane, "Strategy on Immigration Reform," August 9, 1990, Irish Immigration Reform Movement Records, AIA 016, Box 13, Folder 7, Archives of Irish America.

[58] Moakley became chairman of the Rules Committee June 7, 1989. See Resolution naming Moakley Rules Committee Chairman, H.Res.168, 101st Congress, Congressman John Joseph Moakley Papers (MS 100), 1926-2001, Record Group 3.5, Box 8, Folder 89, Moakley Archive and Institute, Suffolk University, Boston, MA.

[59] Speech for "Irishman of the Year" event honoring Congressman John Joseph Moakley at the John F. Kennedy Library, March 6, 1994, Moakley Papers, Record Group 8.2 Box 12, Folder 296, Moakley Archive and Institute.

fairly and honorably under our immigration laws."[60] On August 14, 1990, the IIRM met with Moakley in Boston to urge him to craft a rule to limit floor debate.[61]

Moakley was one of few policymakers who understood that immigration policy and foreign policy were deeply entwined. In a 1988 speech before the Boston City Council, Moakley discussed U.S. foreign policies that exacerbated economic problems in Ireland, linking U.S. failure to the issue of the influx of illegal Irish immigrants to Boston and elsewhere: "[W]e cannot ignore the root causes of why people leave their homes."[62] He drew a parallel to another situation dear to his heart. "We send arms and supplies to El Salvador to sustain a war… our policy has forced hundreds of war-refugees to flee that tiny, war-torn nation in search of safe haven in the United States," he said. Yet, the U.S. was deporting 100 Salvadorans each week back to dangerous conditions at home, conditions exacerbated by U.S. policies there.

Moakley's ardent championship of an immigration program that would acknowledge the role of U.S. involvement in El Salvador and improve the situation for Salvadorans residing in the United States was incongruous for a man from South Boston

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[60] "Moakley Pledges to Continue to Fight for Irish Immigrants," Congressman Joe Moakley press release, 1986, Moakley Papers, Record Group 7.3, Box 5, Folder 122, Moakley Archive and Institute.

[61] "The Case for Immigration Reform: A Presentation to the Honorable John Joseph Moakley, Chairman, Committee on Rules, U.S. House of Representatives by the Irish Immigration Reform Movement, Tuesday, August 14, 1990," Moakley Papers, Record Group 3.4, Box 5, Folder 74, Moakley Archive and Institute; IIRM to the Honorable John Joseph Moakley, Re: H.R. 4300, the "Family Unity and Employment Opportunity Act of 1990," 16 August 1990, Irish Immigration Reform Movement Records, AIA 016, Box 7, Folder 7, Archives of Irish America.

[62] Congressman Joe Moakley, Statement before the Boston City Council, March 31, 1988, Moakley Papers, Record Group 8.2, Box 8, Folder 186, Moakley Archive and Institute.

known as a "bread and butter" politician with little expertise in foreign policy. He once told Speaker Tom Foley, "foreign affairs to me was going to East Boston and getting an Italian submarine sandwich."[63] Yet, Moakley became deeply invested in helping Salvadorans, and he was strongly opposed to U.S. actions in El Salvador.[64] Years later, Moakley linked his unexpected passion for the Salvadoran issue with his upbringing in an Irish-American neighborhood in South Boston by recalling his father's gruff "probably Irish" way of teaching him about fighting injustice.[65]

Moakley's interest in 1990's immigration bill accelerated the bill's evolution from pro-Irish pork-barrel politics to a policy with larger global implications. He had previously and unsuccessfully proposed his own immigration bill that would grant temporary legal status (TPS) to individuals from El Salvador, China, and other designated states.[66] Now, as chair of the Rules Committee, he was in a powerful position to get a bill through the House with the same provision intact.[67] He also believed that 1990 was his

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[63] Melissa B. Robinson, "Moakley Marks 25th Year in Congress," *Associated Press*, January 30, 1998, http://www.apnewsarchive.com/1998/Moakley-Marks-25th-Year-in-Congress/id-b031816614236e3d30e9cd33878c9911.

[64] Edmund G. Crotty, interview by Francis C. Weymouth Jr., 21 April 2003, John Joseph Moakley Archive and Institute, available at http://oralhistory.blogs.suffolk.edu/files/2011/04/oh-006_transcript.pdf.

[65] Speech for "Irishman of the Year" event honoring Congressman John Joseph Moakley at the John F. Kennedy Library, March 6, 1994, Moakley Papers, Record Group 8.2 Box 12, Folder 296, Moakley Archive and Institute.

[66] Chinese and Central American Temporary Protected Status Act of 1989, H.R. 45, 101st Cong. (1989); "Sizable Boost in Immigration OK'd." In *CQ Almanac 1990*, 46th ed., 474-85: 478. Washington, DC: Congressional Quarterly, 1991.

[67] Daniel Golden, "Massachusetts Muscle: Long obscured by more flamboyant colleagues, Joe Moakley has emerged as one of the most influential members of

last chance to get TPS into the law; there appeared to be little political will to reopen the issue in the next Congress.[68] Adding the TPS proposal to Morrison's bill seemed like the best chance to get it passed, because H.R. 4300 enjoyed strong support from Hispanic and other ethnic groups, including the Irish who supported the bill for its diversity provisions.[69] John Fredriksson of the Lutheran Immigration and Refugee Service in DC encouraged Moakley: "H.R. 4300 has dynamics of its own that will spell either success or defeat," he wrote. "GO FOR IT."[70]

The IIRM worried that Senator Simpson would never support the House bill or the generous pro-Irish provisions within it - particularly Morrison's transition program for "adversely affected" countries. Simpson was opposed to the "unacceptable 'amnesty' provisions for persons living in the U.S. who come from 'adversely affected countries' (like Ireland)."[71] His objections could thus derail the whole bill in the short time left in

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Congress, wielding power on everything from redistricting to a controversial courthouse," *Boston Globe Magazine,* September 29, 1991.

[68] Rick Swartz and Wade Henderson to Chairman Joe Moakley and Jim McGovern, confidential memo re "Strategy on Temporary Safehaven for Salvadorans and other groups," September 10, 1990, Moakley Papers, Record Group 3.4, Box 5, Folder 72, Moakley Archive and Institute.

[69] Ibid.

[70] John Fredriksson to Wade Henderson et al, "Re: Thoughts and ideas on Salvadoran Safe Haven legislation for the next few weeks," September 17, 1990, Moakley Papers, Record Group 3.4, Box 5, Folder 72, Moakley Archive and Institute.

[71] Carl Hampe to Senator Alan K. Simpson, re: Appearance on "It's your Business," April 3, 1990, Box 360, Folder 12, Alan K. Simpson papers, Collection 10449.

the waning session. "Find a magic Irishman in Wyoming to talk to Senator Simpson," read the last bullet point on lobbyist Miller's list of to dos.[72]

Passage of the Immigration Act of 1990

By October 1990, both the Senate and House were moving toward passing an immigration law that would amend the preference categories, increase numerical limits, and increase immigrant diversity. The groundwork the IIRM had done with Moakley, and Moakley's determination to see H.R. 4300 pass with his own amendment intact, produced immediate dividends.[73] The Rules Committee passed a resolution that brought H.R. 4300 to the House for consideration, waiving points of order and limiting debate and amendments.[74] The rule disallowed any amendment that would have altered Morrison's transition visas program. As a result, House consideration was swift. On October 3, 1990, after one day of debate, the House approved the bill with both Morrison and Schumer's diversity provisions unchanged.

While Senator Simpson was sympathetic to the IIRM's appeals and had been an early proponent of a diversity immigrant program, he was deeply displeased with the House bill. He thought it was too generous in overall numbers, and he disliked both

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[72] Harris Miller to Sean Minihane, "Strategy on Immigration Reform," August 9, 1990, Irish Immigration Reform Movement Records, AIA 016, Box 13, Folder 7, Archives of Irish America.

[73] Rick Swartz to Jim McGovern, "Re: Rule for H.R. 4300," September 26, 1990, Moakley, Record Group 3.4, Box 5, Folder 73, Moakley Archive and Institute.

[74] Providing for the consideration of the bill (H.R. 4300) to amend the Immigration and Nationality Act to revise the system of admission of aliens on the basis of family reunification and to meet identified labor shortages, and for other purposes, H.R. 484, 101st Cong. (1990).

Morrison's transition program for Irish immigrants and Moakley's TPS program for Salvadorans.[75] Throughout early October, Simpson pushed back.

Yet, because of his determination to see an immigration bill passed, Simpson eventually conceded on the most pivotal issues. He accepted Congressman Morrison's transition program, which made 40,000 visas available per year for three years, for nationals of "adversely affected" countries.[76] A special provision in the transition program reserved at least forty percent of the visas for "the foreign state the natives of which received the greatest number of visas issued under section 314 of the Immigration Reform and Control Act," also known as the Donnelly visa program. Since Ireland had won the most Donnelly visas, Ireland would receive at least forty percent of the 120,000 transition visas.

Simpson ultimately yielded further. He accepted the higher overall cap on immigration, and the creation of TPS for Salvadorans and others fleeing conflict. This had been Moakley's long-term goal, and although Simpson believed it unnecessary, he gave up on opposing it when he saw that Moakley would not.[77] When the conference committee agreed on an overall numerical limit for immigration, it split the difference between the generous House bill and the stingier Senate bill, setting legal immigration at

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[75] Dick Day to Alan K. Simpson, Re Legal immigration bills, October 2, 1990, Box 404, Folder 3, Alan K. Simpson papers, Collection 10449. (Emphasis in original)

[76] Negotiators cut the House bill's allocation of additional 15,000 transition visas for Eastern Europeans and Africans.

[77] Simpson argued that special protection for Salvadorans was unnecessary because the violence and political killings in El Salvador had declined. Tracy Wilkinson, "Bill to Give Salvadorans Temporary Haven Immigration," *Los Angeles Times*, November 9, 1990, http://articles.latimes.com/1990-11-09/news/mn-4117_1_safe-haven-program.

700,000 per year for the first three years, then 675,000 thereafter - well above Simpson's previous upper limit.[78]

When it came to the diversity programs, negotiators eliminated the points system that Kennedy and Simpson's bill proposed as being administratively burdensome.[79] Drawing on hearing testimony, the conferees agreed that setting such criteria for the visas could breed fraud.[80] Instead, the conference report adopted a permanent diversity visa program that was open to all underrepresented countries to be distributed based on Schumer's regional proportions model. The only thing Simpson did not compromise on, in the end, was setting minimal qualifications for diversity immigrants. Diversity visa recipients were required to have a high school education or its equivalent, or two years' work experience at a job requiring at least two years of training.[81]

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[78] Alan K. Simpson to Senator Pete Wilson (R- CA), October 22, 1990, Box 403, Folder 11, Alan K. Simpson papers, Collection 10449.

[79] David O. Williams, Deputy Assistant Secretary of Labor for Employment and Training, cited in Walter P. Jacob, "Diversity Visas: Muddled Thinking and Pork Barrel Politics," *Georgetown Immigration Law Journal* 6 (1992): 297-343, 316.

[80] In a 1988 memo responding to written questions from the Subcommittee, the Secretary of State noted that a random lottery would probably be less costly to administer than a qualified, points-based system where applicants would be sorted according to criteria. "The unqualified registration system requires only the clerical function of data entry to create the record of registration. Since there are no requirements for registration, there would be no need to adjudicate the application substantively." He added that an unqualified registration system "would produce a much larger pool of registrants." Yet, a qualified, points-based system would be "the most conducive to fraudulent claims that could be imagined." Written Responses to Questions, February 29, 1988, 4-5, Box 369, Folder 9, Alan K. Simpson papers, Collection 10449.

[81] Dick Day wrote a note on a copied AP story on DV lottery: "our only contribution to the program." Dick Day to Alan K. Simpson, Re: Diversity Program from 1990 Act, July 15, 1994, Box 458, Folder 17, Alan K. Simpson papers, Collection 10449.

House and Senate conferees finally reached an agreement on the full bill on October 24 and issued a favorable report on October 26. The Senate approved the report the same day. Senator Daniel P. Moynihan (D-NY) acknowledged in the record the role played by the IIRM in "bringing this legislation to fruition. Probably no organization has been as diligent, or played such a helpful role in moving the Congress forward, as the IIRM and they deserve great thanks and hearty congratulations."[82]

Obstacles remained, however. After the Senate vote that evening, staunch opposition arose in the House to a "pilot program" that Simpson had insisted on including. Select states would test the use of driver's licenses by employers to screen out undocumented workers.[83] A small group of Congressmen from Texas and California charged that the pilot program was the first step toward a national identification card program that could lead to anti-Hispanic discrimination and a curtailment of civil liberties. The rule was defeated on October 26 by a vote of 235 to 186.[84] The bill appeared to be dead. Members of Congress began to leave Washington for the break set to begin on Sunday, October 28. But in the late night and early morning hours following that moment of defeat, the House agreed to meet again at 3 pm on Saturday, October 27, in the dwindling hours of the session.

It was Congressman Moakley, from his position on the Rules Committee, who was able to push the bill through to a successful vote. His creative idea was to draft a concurrent resolution that would strip the pilot program provision from the bill at the

[82] 35619 Cong. Rec. 136 (October 26, 1990) (Statement of Senator Moynihan).

[83] 35617 Cong. Rec. 136 (October 26, 1990) (Statement of Senator Simpson).

[84] Roll No. 526 on HR4300, 35130 Cong. Rec. 136 (October 26, 1990).

moment of its enactment.[85] This would permit the House to drop the provision and pass the bill without sending it back to the full Senate for a vote. Moakley implored the House: This "immigration bill helps literally thousands upon thousands of people. It helps the Irish; it helps the Polish; it eliminates discriminatory statutes and it helps thousands of refugees fleeing war whose lives are literally in the balance… So I do not want to sound like the boy who cried wolf, but this is really it. There will be no other opportunity to consider this measure."[86] It was "high drama" in the final hours of the session but the House ultimately adopted the conference report, in a vote 264-118.[87] Moakley remarked, "I think this bill should be known as the Reincarnation Act of 1990. If anything was deader than this bill last night around midnight, I do not know what it was."[88] Michael Myers, a Kennedy staffer, credited Moakley with "saving the 1990 Act from the dust heap of history."[89] Passed on the final day of the 101st Congress session, the Immigration Act of 1990 was signed into law by President George H.W. Bush on November 29, 1990.

After the bill passed, Simpson wrote a letter to Ted Kennedy. The letter contains much of the warmth and humor for which Simpson is known, but also includes this line, reflecting on the end of the session. "The real fun of it all was the work you and I did on

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[85] House Resolution 538 would, upon adoption, pass House Concurrent Resolution 394. 36799 Cong. Rec. 136 (October 27, 1990) (Statement of Rep. Moakley).

[86] 36798-36799 Cong. Rec. 136 (October 27, 1990) (Statement of Rep. Moakley).

[87] Benson, interview; Roll No. 530 on HR4300, 36848 Cong. Rec. 136 (October 27, 1990).

[88] 36843 Cong. Rec. 136 (October 27, 1990) (Statement of Rep. Moakley).

[89] Myers, interview.

that Immigration Bill. That was very satisfying - and it is a damned good bill, too. You stuck with your word - right down to the final dot of the "I" - and it was fun to work with you, my friend. You are one hell of a fine legislator."[90] In the end, Simpson's desire to see a good immigration bill that served the national interest pass outweighed his opposition to particular provisions within the bill.

The IIRM helped shape two key provisions of the law that served Irish citizens and promoted immigrant diversity. First, a "transition" program made 40,000 "Morrison visas" per year available to nationals of "adversely affected" countries for three years, with forty percent reserved for Irish applicants. The second program, the permanent diversity visa lottery, would begin after the temporary transition program, making 55,000 immigrant visas available per year to people from countries that sent few immigrants to the United States.

The IIRM had benefited from a number of political, cultural, and legislative factors. By appealing to key congressmen who either shared Irish-American identity or had Irish-American constituents, the IIRM developed broad support for its pro-Irish proposals. By cultivating relationships with specific congressmen - Bruce Morrison, Charles Schumer, and Joe Moakley - the IIRM gained the support of particularly powerful individuals. By celebrating a particular narrative of American history as a nation of immigrants, the IIRM created space for more immigrant visas for "traditional" immigrants who they argued had been shut out of the immigration stream by the 1965 Act. By promoting diversity visas as an add-on item, rather than replacement for family

[90] Senator Alan K. Simpson to Senator Ted Kennedy, December 6, 1990, Box 163, Cartridge 252, Alan K. Simpson papers, Collection 10449.

preference visas, the IIRM avoided alienating other advocacy groups. Finally, the IIRM was lucky that both the House and Senate bills going into conference advocated increasing legal immigration, and that so many other groups as well as individual Senators and Congressmen had their own reasons for passing the immigration bill. The diversity provisions were relatively minor, and as a result, they were not difficult to accept.

Unlike the transition program, the permanent diversity visa lottery did not overwhelmingly favor the Irish. It responded to IIRM advocacy, both the organization's call for immigrant diversity, and Harris Miller's calculation of a regional formula for visa distribution, which Schumer adopted. Yet, this permanent diversity visa lottery was much more expansive than the IIRM would have liked. As ultimately formulated it was not merely a racist gift for the Irish, or an underhanded way of ensuring more white European immigrants. The regional formulation ensured that most diversity visa winners would come from Europe, yes, but it also opened a new door to immigrants from Africa.

CHAPTER 4: "BUSHFALLING" POST-COLONIAL AFRICA AND THE EPIC OF EMIGRATION

While the 1965 Immigration Act had eliminated racist national origins quotas that previously restricted African immigration to the United States almost completely, the family-based admissions system permitted few Africans to immigrate in practice. The end of formal restriction was not the same as inclusion. As the Irish Immigration Reform Movement (IIRM) observed, there was no African immigrant lobbying presence in Washington in 1990, and it was unclear if there was much demand for U.S. immigrant visas among Africans. U.S. immigration tended to draw heavily from its former colonies and trading partners, and other countries that were central to U.S. foreign relations, including Mexico, the Philippines, China, Vietnam, and the Dominican Republic. In 1990, none of the top immigrant sending countries were in Africa. African emigrants who left Africa tended to rely on existing migration patterns and made former European colonial powers, Britain and France, top destinations, while the voluntary migration of Africans to the United States was rare before 1990.[1]

The Diversity Visa lottery's regional allocation format made Africa a priority region. The enthusiastic participation of Africans in the DV lottery beginning in 1994 demonstrated that African demand for access to immigration opportunities to the United States did exist, despite its invisibility in Washington at the time. That response owed

[1] Frederick Cooper, *Colonialism in Question: Theory, Knowledge, History* (Berkeley, CA and Los Angeles, CA: University of California Press, 2005), 199; Dominic Thomas, *Black France: Colonialism, Immigration, and Transnationalism* (Bloomington, IN: Indiana University Press, 2007); Angéline Escafré-Dublet, *Culture et immigration: De la question sociale à l'enjeu politique, 1958-2007* (Rennes, France: Presses universitaires de Rennes, 2014).

much to a matter of timing: the DV lottery's introduction in Africa dovetailed with developments in post-colonial African history that made emigration a central idea.

Because Africa is a continent of immense diversity, this chapter weaves the particular conditions of three case countries, Ghana, Nigeria, and Cameroon, into a more general arc. It draws significantly on synthetic works by the historians Paul Nugent and Frederick Cooper.[2] From early days of optimism bolstered by the promise of independence from colonial rule, these countries each faced economic decline and political problems in the 1970s, and in the 1980s each underwent Structural Adjustment Programs (SAPs) to their economies. The SAPs promoted a neoliberal approach to economic reform, emphasizing liberalization of trade, fiscal austerity and reductions in government spending, and privatization of public enterprises to enhance the private sector in the economy.[3] By the 1990s, these reforms diminished the economic prospects for many ordinary people. The poor economy in the region combined with emerging political conflicts in the 1990s, and the idea of departing Africa to seek "greener pastures" abroad became widespread. As emigrating abroad became a more urgent option, it also became less available, as Africans faced new structural migration barriers to European countries, the previous destination of choice for African voluntary emigrants.

Economic and political conditions within African countries combined with a new restrictive global migration regime that blocked African mobility to produce what Jean-

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[2] Paul Nugent, *Africa Since Independence,* (New York, NY: Palgrave Macmillan, 2004) and Frederick Cooper, *Africa Since 1940: The Past of the Present* (Cambridge, UK: Cambridge University Press, 2002).

[3] Manfred B. Steger and Ravi K. Roy, *Neoliberalism: A Very Short Introduction* (New York, NY: Oxford University Press, 2010).

Francois Bayart termed the "epic dimension" of emigration.[4] As the scholar Eliane de Latour writes in the context of the Ivory Coast, "Migration is not merely determined by poverty and danger, as one often reads; it also belongs to an epic narrative borne by collective imaginings that turn the North into a place where heroes arise."[5] In Ghana, Nigeria, and Cameroon, by the mid-1990s, people dreamed of going abroad to developed countries. When the DV lottery arrived, it fed and transformed Africans' collective imaginings of the United States.

Independence in Africa, 1950s-1960s

Ghana

As European empires across Africa began to fracture in the 1950s, Africans across the continent voiced their aspirations for rights, protections, and autonomy. In the next decade, nearly every country in sub-Saharan Africa gained formal independence. In 1957, Ghana, formerly known as the Gold Coast, became the first to do so. Ghana's political independence from Great Britain served as both inspiration and model for other African colonies and trustees, nearly all of which gained independence as nation-states in the decade that followed.[6] As the historian Samuel Moyn noted, the effect of Ghana's independence on the aspirations of other Africans was "spectacular" and made self-

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[4] Jean-Francois Bayart, *Global Subjects: A Political Critique of Globalization,* trans. Andrew Brown, (Cambridge, UK: Polity Press, 2007), 186.

[5] "La migration n'est pas seulement déterminée par la misère et le danger comme on le lit souvent, elle appartient aussi à une geste épique portée par des imaginaires collectifs qui font du Nord un lieu où les héros s'élèvent." Eliane de Latour, "Heros du Retour," *Critique Internationale* 2, no 19 (2003): 171-189.

[6] Frederick Cooper, *Africa in the World: Capitalism, Empire, Nation-State* (Cambridge, MA: Harvard University Press, 2014).

determination a widespread priority.[7] Kwame Nkrumah, independence leader of the Gold Coast and Ghana's first president, summarized his philosophy: "Seek ye first the political kingdom, and all else shall be added unto you." In his view, political independence was a precondition for the growth and prosperity of the new nation.

Ghana stretches from the coast on the Gulf of Guinea in West Africa north through forests and grasslands into the lower part of the Sahel. Just a few degrees north of the equator, the climate is hot and humid. Ghana has rich agricultural and mineral resources, notably gold and diamonds. Boasting rich cultural diversity, Ghana comprises many ethnic and linguistic groups. The country is also famous for its woven *kente* cloth and highlife music.

Through the 1950s and 1960s, Nkrumah followed what the historian Cooper called "developmentalist authoritarianism" by attempting to modernize the colonial state with infrastructure projects.[8] However, many of these efforts faltered. In 1958, Nkrumah introduced a Preventive Detention Act (PDA), marking the regime's decline into authoritarianism, which involved the detention and silencing of political opponents. Further, in the 1960s under Nkrumah consumer prices rose steadily, and Ghana began to drain its reserves to pay for the social services introduced at independence, such as free education and broadening access to health care. The excitement and optimism that characterized the early days of Ghana's independence soon soured, as the country's

[7] Samuel Moyn, *The Last Utopia: Human Rights in History* (Cambridge, MA: Belknap Press of Harvard University Press, 2010).

[8] Cooper, *Africa Since 1940,* 89.

economy struggled, the regime struggled to maintain non-alignment in the global Cold War, and used increasingly draconian measures to quiet dissent at home.[9]

Nigeria

Slightly east of Ghana, Nigeria is a vast country with the highest population in Africa. Like Ghana, Nigeria stretches from the coast of the Atlantic Ocean in the Gulf of Guinea north into the savannah of the Sahel. Nigeria attained its independence from Britain in 1960. Because of its size and ethnic and geographic diversity, and because under British rule its regions had been administered separately, decolonization was characterized by conflict between several different political centers. In the early days of the first republic, its different states hung together in loose and tense confederation. In 1967, the eastern part of the country seceded, announcing itself as the Republic of Biafra. Oil was an important factor - by 1968, the production of crude oil had jumped to 415,000 barrels per day, all coming from the south-east region of the country.[10] The federal government, under the leadership of Major General Yakubu Gowon, fought the Biafrans from July 1967 to January 1970, with an enormous human and financial toll, estimated to be between one and three million deaths.[11] Following the defeat of Biafra, the south-east region was reintegrated into the country, including in the civil service and armed forces. The federal government pursued official policies of reconciliation, and in 1970, launched

[9] Frank Gerits, "'When the Bull Elephants Fight': Kwame Nkrumah, Non-Alignment, and Pan-Africanism as an Interventionist Ideology in the Global Cold War (1957-66)," *The International History Review* 37, No. 5 (2015): 951-969.

[10] Nugent, *Africa Since Independence,* 95.

[11] Eghosa Osaghae, *Crippled Giant: Nigeria Since Independence* (London, UK: Christopher Hurst, 1998), 69.

a national development plan, increasing government spending on infrastructure and education, using mounting oil revenues to grow the state.

Cameroon

Cameroon's government today promotes the country as "Africa in miniature" due to its geographic and demographic diversity.[12] Positioned just at the curve separating west from central Africa, Cameroon borders Nigeria, stretches north toward Chad, east toward the Central African Republic, and south to Equatorial Guinea, Gabon, and the Republic of Congo. Most of the territory of what is today Cameroon was once a German colony, which was divided after World War I between France and Great Britain as mandates, which became trusteeships after World War II. After nearly a decade of armed struggle, French Cameroun gained self-government from France, and then in 1960, formal independence as the Cameroun Republic.[13] Ahmadou Ahidjo, a francophone from the north of the country who had previously served as prime minister, became the first elected president of the Cameroun Republic. In 1961, a plebiscite in British Cameroons led (English-speaking) Southern Cameroons to join with the (majority French-speaking) Cameroun Republic, rather than neighboring Nigeria, which had also been British administered. In October 1961, the Cameroun Republic and Southern Cameroons (then

[12] Cameroon's population was estimated to be 12 million in 1990, and 22.25 million today. Data from World Bank, visualized by Google's Public Data project, accessed at https://www.google.com/publicdata/explore?ds=d5bncppjof8f9_&ctype=l&strail=false&bcs=d&nselm=h&met_y=sp_pop_totl&scale_y=lin&ind_y=false&rdim=region&idim=country:CMR&ifdim=region&hl=en&dl=en&ind=false.

[13] For more on the forgotten armed struggle in Cameroon, see Thomas Deltombe, Manuel Domergue, and Jacob Tatsitsa, *Kamerun! Une guerre cachée aux origines de la Françafrique (1948 - 1971)* (Paris, France: La Découverte, 2011).

known as West Cameroon), unified to form the Federal Republic of Cameroon with a new constitution.[14]

The country's new leadership retained strong ties with the French government, signing temporary cooperation agreements in December 1959 that ensured strong French influence post-independence.[15] The country's currency, the Central African CFA franc, was emblematic of the continuing relationship. The "CFA" stood for "Colonies françaises d'Afrique" when the currency was introduced in 1945, then later came to signify "Communauté française d'Afrique," and since independence has meant "Communauté Financière Africaine." Its value was pegged to the French franc, and is now pegged with the Euro, which France adopted in 1999.[16]

Official discourse in the young Federal Republic emphasized the importance of unity within Cameroon and the potential ability of the country to serve as a "bridge between French-speaking and English-speaking Africa."[17] While many newly independent African countries retained as official the languages of their colonial powers -

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[14] Mark W. DeLancey and Mark Dike DeLancey, *Historical Dictionary of the Republic of Cameroon (Historical Dictionaries of Africa) 3rd eds. no. 81* (Lanham, MD and London, UK: The Scarecrow Press, 2000).

[15] Mélanie Torrent, *Diplomacy and Nation-Building in Africa: Franco-British Relations and Cameroon at the End of Empire* (London, UK and New York, NY: I.B. Taurus, 2012), 37. See also Janet Roitman, *Fiscal Disobedience: An Anthropology of Economic Regulation in Central Africa* (Princeton, NJ: Princeton University Press, 2005).

[16] The Central African CFA franc is the currency of six countries: Cameroon, Central African Republic, Chad, Republic of Congo, Equatorial Guinea, and Gabon. Its value is equal to the West African CFA franc used by eight countries: Benin, Burkina Faso, Guinea-Bissau, Côte d'Ivoire, Mali, Niger, Senegal, and Togo.

[17] Ahmadou Ahidjo, *Contribution à la Construction nationale* (Paris, France: Présence Africaine, 1964), 44.

while recognizing dozens, if not hundreds, of local languages continued to be spoken - almost none retained more than one European language. Cameroon pursued an official policy of bilingualism in order to cement national unity and inclusion. The goal was to bridge the formerly British and French mandates by promoting common ground across such a linguistically and ethnically diverse country. While the constitution mandated that all official documents be printed in both French and English, bilingualism in practice was rarely balanced. Francophone leaders far outnumbered English-speakers, and few people spoke both languages fluently.[18] Moreover, most national government functions took place in French. The country's two biggest cities, Yaoundé, the capital, and Douala, the financial capital, were both located in firmly francophone regions.

Post-Independence Africa in the 1970s

Ghana

The excitement and hope of independence were short-lived, as many countries across sub-Saharan Africa faced political turmoil, economic problems, rising corruption, and declining standards of living in the 1960s and 1970s. After a February 1966 coup removed Kwame Nkrumah, Ghana held elections in 1969. The elected leader, K.A. Busia, was overthrown in 1972. General I.K. Acheampong ruled from 1972 until he was deposed in 1978 and executed the following year. Acheampong implemented programs to bolster the Ghanaian economy, such as "Operation Feed Yourself," designed to boost agricultural performance and independence from imports, but the effort was undermined by the oil shocks of 1973 and a drought from 1975-77 that badly affected Ghana's cocoa

[18] Torrent, *Diplomacy and Nation-Building in Africa,* 99-114.

exports and caused mass privation, particularly in the northern part of the country.[19] Further, the Acheampong regime became deeply unpopular because it was associated with a period of unprecedented corruption, known to many Ghanaians as *"kalabule"* or profiteering, whereby "small boys" seemed to transform themselves through illicit means to "big men" once in power.

The diminished state capacity for infrastructure and development was obvious to ordinary citizens who could readily observe the decay of the country's roads, schools, and hospital buildings.[20] By 1979, the country spiraled, undergoing a series of elections and coups, resulting by 1981 in the takeover of the country by a military officer, Jerry John Rawlings.

Nigeria

The oil crisis of 1973-1974 affected Nigeria, an oil- producing and exporting country, differently than Ghana. As a result of skyrocketing oil prices, the Nigerian military already in power entrenched itself further. As Nigeria became the wealthiest country in Africa, a National Development Plan that ran from 1970-1976 increased government spending on infrastructure and a universal primary education system. General Gowon, until his overthrow in 1975, enlarged the size of the public service,

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[19] Ousman Kobo, "'We Are Citizens, Too': The Politics of Citizenship in Independent Ghana," *The Journal of Modern African* Studies 48, no. 1 (March 2010): 67-94; Encyclopedia *of African History,* "Ghana, Republic of: Acheampong Regime to the Third Republic, 1972-1981" (London, UK: Routledge, 2004), accessed at http://www.credoreference.com.libproxy.temple.edu/entry/routafricanhistory/ghana_republic_of_acheampong_regime_to_the_third_republic_1972_1981.

[20] Paul Nugent, *Big Men, Small Boys, and Politics in Ghana: Power, Ideology, and the Burden of History, 1982-1994* (London, UK and New York, NY: Pinter Publishing Limited, 1995).

elevated civil service salaries, built schools, and massively augmented military spending.[21] His spending spree was accompanied, as historian Paul Nugent put it, by a "veritable explosion of corruption."[22] The centrality of oil production to Nigeria's economy was accompanied by a devastating decline of the country's agricultural output, making it dependent on imports and diminishing the government's accountability to its citizens. A small class of leaders and entrepreneurs became very wealthy even as the majority of Nigerians suffered.

Falling short of his timeline for returning the country to civilian rule, Gowon pushed back the deadline for transition to 1976. His regime had become synonymous with corruption and abuse of power, losing him the respect of both civilian and military leaders. In 1975 a group of military officers removed him from power. General Murtala Mohammed became the head of state, and planned to return Nigeria to democratic rule. When he was assassinated in an attempted coup, his second in command, Lieutenant Olusegun Obasanjo took power.

Obasanjo purged both the military and civil service in an effort to reduce corruption, but he was not particularly successful. He did succeed, however, in transferring power to a new democratically elected civilian administration in 1979. When the oil boom cooled in the late 1970s and then again in 1981, people across the country suffered from high inflation, widespread unemployment, and petroleum shortages.[23]

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[21] Toyin Falola and Matthew M. Heaton, *A History of Nigeria* (New York, NY: Cambridge University Press, 2008), 183.

[22] Nugent, *Africa Since Independence*, 219.

[23] Ibid.

Rather than curbing corruption, the federal government increased borrowing and drained its foreign reserves.[24] In 1983, the country expelled thousands of workers from Ghana, blaming the immigrants for Nigeria's economic woes. The state sank deeper in debt, the economy contracted, and ordinary Nigerians faced devastating austerity measures - while elites flew around on private jets and lived in evident opulence. In 1983, the military ousted the civilian leadership and installed Major General Muhammadu Buhari as the head of state. The military remained in power for another fifteen years.[25]

Cameroon

In 1972 the country held a referendum in favor of forming the United Republic of Cameroon. A new constitution replaced the country's federal structure with a unitary state with a stronger central government.[26] The 1972 constitution created seven provinces, two of which were English-speaking: North West, with Bamenda as its capital, and South West, with Buea as its capital. (In 1983, some of the francophone provinces were split up, resulting in a total of ten provinces, of which only two were anglophone.) Ahidjo, still Cameroon's president, restricted civil liberties and eliminated all political parties but his own. Although he stepped down from the presidency in 1982, he retained chairmanship of the sole political party, the Cameroon National Union (CNU), until going into exile in 1983. His constitutional successor was Paul Biya, a francophone from

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[24] Falola and Heaton, *A History of Nigeria*, 181-208.

[25] In 2015 Buhari was elected president of Nigeria, describing himself as a "converted democrat." "Buhari: from coup leader to 'converted democrat'," *Vanguard*, May 27, 2015, http://www.vanguardngr.com/2015/05/buhari-from-coup-leader-to-converted-democrat/.

[26] George Ngwane, *The Cameroon Condition* (Bamenda, Cameroon: Langaa Research and Publishing Common Initiative Group, 2012).

the south who had been serving as prime minister since 1975. Biya called for presidential elections in 1984, and again in 1988, in which he was reelected - albeit in a political system where only one political party was permitted to exist.

Despite the limits on democratic participation that characterized independence, Cameroon had a semblance of national unity, and, particularly in contrast to other postcolonial African nations, political stability and economic growth. Ahidjo, and then Biya, pursued a policy of planned liberalism, with the state funding projects on health, education, infrastructure, and a large number of public-owned enterprises. Until the mid-1980s, oil revenues supported many of Biya's state programs, which he touted as a New Deal for Cameroon.[27] The strong post-colonial state and economy can help explain why few Cameroonians emigrated in the 1960s and 1970s. While elites, mostly French speaking, did go abroad to study, usually to France, they could expect to return home to good jobs in Cameroon in the government, or in one of many state-owned enterprises such as Cameroon Airlines.[28]

Structural Adjustment in the 1980s and Democratization in the 1990s

Ghana

By 1981, Ghana, once a beacon of hope to the rest of the continent, was in a severe economic crisis. Rawlings's government, the Provisional National Defence Council (PNDC), claimed a revolutionary mantle that wished to transform the social and economic structure of Ghana. While the PNDC attracted support from a variety of sectors

[27] Joseph Takougang, *Cameroonian Immigrants in the United States: Between the Homeland and the Diaspora* (Lanham, MD: Lexington Books, 2014), 18.

[28] Takougang, *Cameroonian Immigrants in the United States,* 19.

of Ghana's society, including students, radicals, workers, and farmers, its policies were not always popular. A system of price controls created serious shortages of consumer goods. Suspicion about corruption - *kalabule* - also led to a state crackdown on private accumulation of any kind. This worsened consumer goods shortages and quashed business initiative.[29] At the beginning of 1983, Nigeria deported at least 700,000 Ghanaian economic migrants back to Ghana.[30] The influx of people deepened the economic crisis; the population suddenly swelled by as much as one tenth.

In 1982, despite anti-Western rhetoric, the PNDC opened negotiations with donors through the International Monetary Fund (IMF), and worked to adopt Structural Adjustment Programs (SAPs), IMF-driven plans to restructure the economy to assure donors of its credit-worthiness. The PNDC crafted an Economic Recovery Program (ERP), following the guidelines of the IMF, that was to be implemented beginning in 1983, beginning with an austere annual budget introduced in April. The ERP precipitously devalued the Ghanaian currency, the cedi, which produced an escalation in consumer prices.[31]

But, because of the international crisis of the Nigerian expulsions, Ghana was able to attract emergency aid without appearing to kowtow to foreign donors, and the PNDC presented its deal with the IMF as a complement to its own internal efforts to handle the

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[29] Joseph Appiah-Nkrumah, interview with author, February 19, 2013, Kumasi, Ghana. (Transcript in author's possession.) Police and military enforced price controls and rules against "hoarding" aggressively.

[30] Some estimate that up to 1.2 million Ghanaians were deported in 1983, but others use the figure of 700,000. Jean-Marie Henckaerts, *Mass Expulsion in Modern International Law and Practice* (Boston, MA: Martinus Nijhoff, 1985), 67-68.

[31] Nugent, *Big Men, Small Boys, and Politics in Ghana,* 112.

emergency. In 1983, Rawlings began openly speaking about "production and efficiency" as the ERP pushed the economy towards liberalization. The World Bank praised the PNDC for its performance, and pledged further aid, which, along with better agricultural performances, improved Ghana's economic situation as the 1980s progressed. [32]

As Paul Nugent argues, "sustained interaction with the donor community" had an impact upon the thinking of PNDC officials. Ghanaian officials internalized the language of donor agencies, emphasizing statistics and the "new science of market economics." They loosened price controls on consumer goods, and stopped regulating prices, efforts they believed would quiet accusations of *kalabule*. They envisaged greatly shrinking the apparatus of the state. In 1987 and 1988, Ghana reduced the payroll of the state Cocoa Board from 90,000 employees to fewer than 50,000. Economic liberalism appeared to offer solutions to Ghana's problems of dependency, a bloated state apparatus, and corruption.[33]

In 1987, the PNDC began its second ERP, this time aimed at addressing the structural components of economic growth. In the following years, the government pursued a program of privatization, divesting from a number of state enterprises; it no longer saw the state as the prime driver of economic progress as had been the case in the early days following independence. These policies rehabilitated the idea of wealth,

[32] Ibid., 113-115.

[33] Ibid., 130-133.

making private accumulation appear both legitimate and acceptable. Wealth was particularly accessible to a new pro-PNDC business class.[34]

At the same time, the government implemented plans that required individuals to pay directly for hospital services and drugs, and for school and school housing, which cut against what Ghanaians had come to expect would be provided for them by the state.[35] And even as Ghana became the "darling boy" of the IMF and other international donors for paying down its debts and increasing its production output, life for ordinary Ghanaians was an intense struggle.[36]

In 1992, the PNDC lifted the ban on political activity, and soon the country was preparing for the first elections since 1979. Rawlings, on the ticket of the National Democratic Congress (NDC) party, won the presidency and ushered in the Fourth Republic. Parliament drafted a Constitution, which was submitted to a national referendum, and which has been in place since 1993. The NDC and Rawlings were reelected in 1996. In 2000, Ghana elected John Kufuor of opposition party New Patriotic Party (NPP) as the second president of the Fourth Republic.[37] The NPP focused on

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[34] Tim Kelsall, *Business, Politics, and the State in Africa: Challenging the Orthodoxies on Growth and Transformation* (London, UK: Zed Books, Ltd., 2013), 78.

[35] Nugent, *Africa Since Independence*, 169.

[36] *Encyclopedia of African History*, "Ghana: Revolution and Fourth Republic, 1981 to Present" (London: Routledge, 2004). Available at Credo Reference Web, http://www.credoreference.com/entry/routafricanhistory/ghana_revolution_and_fourth_republic_1981_to_present.

[37] Kufuor was reelected in 2004. In 2008 NDC regained the presidency with the election John Atta Mills. In 2012 Mills passed away and Mills's vice president, John Mahama, took office. In the 2012 elections, Mahama was elected to the presidency. The 2012 election was subject to an appeal by opposition party NPP on behalf of their

developing the private sector, and implemented policies designed to bring about what it called a "Golden Age of Business."[38]

While by some measures neoliberal reforms improved Ghana's economy, many ordinary Ghanaians failed to reap the benefits of these improvements. Some have argued that the era of structural adjustment, beginning in the 1980s under Rawlings and continuing to the present, has seen unusually low rates of economic growth in Africa, along with increasing inequality and marginalization.[39] The principal beneficiaries of neoliberal reforms in the 1980s and 1990s were large landowners and foreign investors involved in the production and export of cash crops.[40] Urban workers suffered, however, as prices rose more quickly than their salaries.[41] Further, due to these reforms, Ghanaians' saw the decay of the social contract as they were forced to pay out of pocket for school fees and health services.[42] To average Ghanaians, noted one newspaper article,

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presidential candidate, Nana Akufo-Addo. However, in August 2013 the Supreme Court affirmed that Mahama was the legitimate winner of the election.

[38] Peter Arthur, "The State, Private Sector Development, and Ghana's 'Golden Age of Business,'" *African Studies Review* 49, no. 1 (April 2006): 31-50.

[39] James Ferguson, *Global Shadows: Africa in the Neoliberal World Order* (Durham, NC: Duke University Press, 2006), 11.

[40] Steger and Roy, *Neoliberalism: A Very Short Introduction*, 114.

[41] In 1994, Ghana's minimum wage was under USD $1 per day. "Minimum Wage Timeline (1963 -2015)", http://www.mywage.org/ghana/home/salary/minimum-wages/minimum-wage-timeline. In 2013, daily minimum wage was increased 17 percent to GH₵5.24, which is the equivalent of less than USD $3. "Ghana increases daily minimum wage by 17% for 2013," *Ghana Business News*, April 30, 2013, accessed at http://www.ghanabusinessnews.com/2013/04/30/ghana-increases-daily-minimum-wage-by-17-for-2013/.

[42] *Encyclopedia of African History*, "Ghana: Revolution and Fourth Republic, 1981 to Present" (London, UK: Routledge, 2004). Available at Credo Reference Web,

the ERPs have "had nothing but a negative and devastating effect on their lives."[43] From the 1970s on, Ghanaians with the means to leave often tried to do so, either to attend school abroad or to depart permanently.[44] "Is Ghana such a bad place?" asked one of many opinion pieces on the topic in 1994. "The dream of the youth is to leave the country."[45]

Nigeria

Between 1983 and 1999, Nigeria remained under military rule. Buhari oversaw several austerity measures designed to curb government spending and improve Nigeria's international standing among investors. He reduced the civil service, rationed commodities, and expanded the role played by police and public surveillance to root out corruption and silence criticism of the regime. In 1985, Major General Ibrahim Babangida took power by coup. Babangida paid lip service to civil liberties and encouraged debate in the press, while instituting a malleable democratic transition process that extended his time as head of state. He also launched a home-grown SAP that would enable the country to restructure its foreign debts without appearing to cede

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http://www.credoreference.com/entry/routafricanhistory/ghana_revolution_and_fourth_republic_1981_to_present.

[43] Victor A. Osei, "ERP: How are Ghanaians abroad contributing towards it," *Daily Graphic*, November 30, 1994, University of Ghana.

[44] Indeed, exit did not need to be a literal option. Alcohol offered Ghanaians a metaphorical exit option: "With political authoritarianism and economic decline in independent Ghana, alcohol remained a symbol of protest while offering an 'exit' option: it presented a medium of (physical and psychological) escape, a means of disconnecting from the political arena." Emmanuel Akyeampong, *Drink, Power, and Cultural Change: A Social History of Alcohol in Ghana, c. 1800 to Recent Times* (Portsmouth, NH: Heinemann, 1996), xv.

[45] Editorial, "Is Ghana such a bad place?" *Daily Graphic*, November 14, 1994, University of Ghana.

agency to the IMF. Nigeria pursued structural adjustment without accepting an IMF loan, and through doing so pushed back its repayment of existing loans to 1991 and later.[46]

For average Nigerians, the austerity measures associated with structural adjustment had devastating effects. Unemployment increased, production slowed, and wages declined. The Nigerian currency, the naira, rapidly lost value, reducing the purchasing power of Nigerians. The per capita income declined from 778 USD in 1985 to just 105 USD in 1989. Economic hardship was exacerbated by the SAP's removal of government subsidies for necessities, including fuel, and the reduction in social services and utilities, especially power, and health and education facilities.[47] The SAP also required state divestment from publicly owned companies. Privatization measures and the disappearance of state-owned enterprises increased the perception among Nigerians that Nigeria had become dependent on Western creditors and capital. Those Nigerians with professional skills and funds began to depart Nigeria in increasing numbers. In Nigeria, students and workers staged anti-SAP protests, which were often met with violence. Babangida began a transition to democracy in 1986, but it was not until June 12, 1993 that elections actually took place.[48]

Although the election was tightly controlled by Babangida's administration - only two candidates were permitted by the government to run - it was considered by observers to be a free and fair election. Chief M. K. O. Abiola won 58 percent of the vote, but on June 23 Babangida annulled the election results, producing a fierce outcry across the

[46] Falola and Heaton, *A History of Nigeria*, 217.

[47] Ibid., 219.

[48] Nugent, *Africa Since Independence*, 372.

country, including through protests, riots, and demonstrations. In the unrest, General Sani Abacha declared himself head of state in late 1993.[49]

In response to cries for return to democracy, Abacha cracked down on his opposition with violence and suppression and consolidated his power. When the regime executed activist Ken Saro-Wiwa, international protests broke out, resulting in Nigeria's suspension from the Commonwealth of Nations for three years, isolating the country. As a pariah state, the Nigerian economy suffered further. The value of the naira plummeted and fuel prices soared as Abacha eliminated subsidies. Abacha began preparing for tightly-controlled elections in 1998 that would keep him as head of state under the auspices of democracy, but he died suddenly of an apparent heart attack in 1998. In 1999, Olusegun Obasanjo was sworn in as civilian president. Although his economic reforms over the course of the next eight years improved Nigeria's standing in the world, Nigeria's gains continued to be shared unevenly among its people. Particularly under Abacha, the decade of the 1990s represented "the darkest hour of Nigerian independence."[50]

Cameroon

Cameroon, which had enjoyed relative political and economic stability through the 1970s, also saw its good fortune decline in the 1980s. The price of oil dropped, and the value of Cameroon's currency, the Central African CFA Franc, fell against the U.S. dollar. With less income, the state bureaucracy appeared bloated, and Cameroon began appearing at the top of lists ranking corruption in the world.

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[49] Falola and Heaton, *A History of Nigeria*, 224-229.

[50] Nugent, *Africa Since Independence,* 421.

Like other African states, including Nigeria and Ghana, Cameroon heeded the World Bank and International Monetary Fund's recommendations to avert economic collapse, and restructure the nation's debts. It adopted SAPs designed to spur investment and increase efficiency. The World Bank recommended that Cameroon reduce its civil service, restructure its banks, and privatize its many state-owned enterprises. Under the Biya administration in the late 1980s, Cameroon trimmed its national budget, terminated certain subsidies for university students, and ended many amenities that had come to be expected by middle and upper-level civil servants. In the early 1990s, Biya continued these measures, cutting government employees' salaries, and in 1994, the currency was devalued by 50 percent. The objective was to improve the performance of African exports, but one effect was to make consumer goods far less affordable for Cameroonians.[51] As one commentator wrote, "the bulk of Cameroonians have seen their income and standards of living plummeting year after year."[52]

Cameroon's economic difficulties revealed and exacerbated internal political problems. In 1990, fueled both by economic problems at home and the international wave of pro-democracy movements that emerged with the collapse of the Soviet Union, Cameroonians pushed to create opposition parties to Biya's own Cameroon People's Democratic Union (CPDM), the single party of the single party state. While some of these efforts were suppressed violently, by the end of the year, Biya conceded under

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[51] Takougang, *Cameroonian Immigrants in the United States,* 18-21.

[52] Clovis Atatah, "A propos de bushfalling," *Post News Magazine,* September 2006, accessed at https://web.archive.org/web/20070326142333/http://www.postnewsmagazine.com/pages/editor03.htm.

pressure from international donors that opposition parties could be legalized. But Biya ignored calls for a national conference to revise the constitution, and he imposed a state of emergency that put seven out of ten provinces under temporary military administration.[53]

In response, the National Coordination of Opposition Parties and Associations organized a movement called the *Opération Villes Mortes*, or the "Dead Cities" campaign. It was a strategy of civil disobedience, including a general strike, boycotts, and refusals to pay taxes.[54] This movement emerged from the anglophone part of Cameroon, long the most marginalized part of the country. In 1991 and throughout the 1990s, anglophones variously called for secession, greater regional autonomy, better representation in national politics, and more power for anglophone citizens.[55] Because Biya was himself a francophone who retained strong ties to France, and because the government favored French-speaking Cameroonians, anglophone Cameroonians felt acutely their lack of access to state power.[56]

While bilingualism policy had always been problematic, particularly for English-speakers, it was not until the political liberalization of the early 1990s that these issues

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[53] "Cameroon: A Transition in Crisis," *Article 19: Global Campaign for Free Expression* (October 1997) accessed at http://www.refworld.org/pdfid/4753d3aa0.pdf.

[54] Nugent, *Africa Since Independence,* 397. See also Janet Roitman, *Fiscal Disobedience: An Anthropology of Economic Regulation in Central Africa*, 23-24.

[55] Resource Information Center, *Cameroon: Information on the relationship between the Anglophone and Francophone communities* (United States Bureau of Citizenship and Immigration Services, Cameroon: 16 October 2002), available at http://www.refworld.org/docid/3f51eaad4.html.

[56] Michaela Pelican, "International Migration: Virtue or Vice? Perspectives from Cameroon," *Journal of Ethnic and Migration Studies* 39, no. 2 (2013): 237-257, 241.

rose to prominence on the national stage.[57] The linguistic divide between French and English speaking Cameroonians dominated the political agenda and came to be known as the "anglophone problem." In addition to decrying the marginalization of anglophones in politics and government, anglophone elites also expressed concerns about their economic marginalization. They complained, for example, that the Southwest region had failed to benefit from its rich oil reserves. A 1998 front page story in the French language paper *Le Messager* protested that the state was selling the country to France, referring to the dozen state enterprises undergoing privatization, most likely to be sold to francophone or French interests.[58]

While several parties were permitted to participate in elections in 1992, the elections themselves were marred by irregularities. Protests, particularly in the anglophone regions where calls for democratization were strongest, were forcibly suppressed.[59] In the years that followed, the opposition parties failed to unite against Biya and the CPDM, often boycotting elections, and Biya and his party remained firmly in power. He handily won elections in 1997, 2004, and 2011 after suspending his own term limit.[60] Any window for political change seemed thoroughly shut after the rumblings of the early 1990s.

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[57] Piet Konings and Francis B. Nyamnjoh, "The Anglophone Problem in Cameroon," *The Journal of Modern African Studies,* 35, no. 2 (June 1997): 207-229.

[58] "L'Etat vend le pays aux Français," *Le Messager*, December 16, 1998, National Archives of Cameroon, Yaounde.

[59] Nugent, *Africa Since Independence,* 397.

[60] Cable, Cameroon Yaoundé, To Secretary of State, "Cameroon Scensetter for General Ward's February 21-22, 2008 Visit," February 20, 2008, accessed at Canonical

Globalization and Migration Controls

As both economic and political conditions worsened in the 1990s, the idea of going abroad became more widespread across sub-Saharan Africa, including in Ghana, Nigeria, and Cameroon. Indeed, departure became the ultimate aim of many young urban Africans. This newly widespread African desire for mobility was bolstered by forces of globalization that exposed Africans to images of life abroad while reinforcing a sense of stasis and decline across Africa. The West became a symbol of liberation from the stilted economic and political situation in Africa, yet entry to Western countries was increasingly barred.

In American popular culture, the 1990s heralded a new world order of unprecedented interconnectedness and openness. New technologies facilitated instant global communication; the burgeoning Internet seemed by the mid-1990s to be producing a "global village," to use the term popularized by Marshall McLuhan.[61] The U.S. Advisory Committee on Public Diplomacy wrote in its 1993 report that in the newly interdependent world order, "national boundaries matter less."[62] American products, including its culture, were beaming across the world at unprecedented speed and low costs, increasing U.S. influence abroad, and drawing critiques of "cultural imperialism"

ID: 08YAOUNDÉ164_a. Confidential. Wikileaks: https://search.wikileaks.org/plusd/cables/08YAOUNDÉ164_a.html.

[61] Marshall McLuhan, *Understanding Media* (Berkeley, CA: Gingko Press, 1964).

[62] U.S. Advisory Commission on Public Diplomacy, "Report: October 1993 – Public Diplomacy in a Changed World," (Washington, DC: GPO, 1993), accessed at http://www.state.gov/documents/organization/177198.pdf.

and "Americanization."[63] *New York Times* columnist Thomas Friedman celebrated the trend of countries around the globe integrating into an American-led global economy as a source of democratization, peace and stability, and shared prosperity.[64] Indeed, American products like Coca-Cola and Marlboro cigarettes, and cultural products like films and television programs arrived in Africa and spread images of American life to new audiences.[65] What was not addressed by either celebrations or criticisms of the new globalization was the extent to which people in the developing world lacked access to meaningful mobility.

As the French political scientist Jean-Francois Bayart observes, the "essential paradox of globalization" is the contradiction between economic openness and the "coercive compartmentalization of the international labor market and the obstacles placed in the way of the circulation of people."[66] Capital and goods moved at breakneck speeds to ever-expanding markets, but individuals seeking to migrate voluntarily faced new structural obstacles. At the height of "postnationalism," highly developed nation-states

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[63] Walter LaFeber, *Michael Jordan and the New Global Capitalism* (New York, NY: W.W. Norton & Company, 1999) and Saskia Sassen, *Losing Control? Sovereignty in an Age of Globalization* (New York, NY: Columbia University Press, 1996).

[64] Thomas L. Friedman, "Big Mac I," *New York Times*, December 8, 1996. See also Thomas L. Friedman, *The Lexus and the Olive Tree: Understanding Globalization* (New York, NY: Farrar, Straus and Giroux, 1999) and *The World is Flat: A Brief History of the Twenty-First Century* (New York, NY: Farrar, Straus and Giroux, 2005).

[65] Juliana Makuchi Nfah-Abbenyi, *Your Madness, Not Mine: Stories of Cameroon*, with an introduction by Eloise A. Briere (Athens, OH: Ohio University Press, 1999).

[66] Jean-Francois Bayart, *Global Subjects: A Political Critique of Globalization,* trans. Andrew Brown, (Cambridge, UK: Polity Press, 2007), 277.

remained powerful gatekeepers.[67] On the ground in Africa, the limits placed on individual mobility in the new global era were much more visible than from the desk of Thomas Friedman. Despite the global growth of air travel and high-speed communications networks, Africans faced serious difficulties when they wished to depart their countries.

Changes in European migration control mattered greatly to Africans who had previously traveled to former colonial powers, either for education opportunities or work. Between World War II and 1960, Africans from French colonies had the right as French citizens to circulate anywhere in the French empire, and thousands sought jobs in France.[68] They had the right to apply to universities and civil service jobs anywhere, and although few people could afford the costs of migration, they generally had the legal right to it. In the British empire, despite higher obstacles for British colonial subjects, as Fred Cooper writes, "the logic of empire trumped the logic of race and Jamaicans or Nigerians had the legal right to enter" the United Kingdom.[69] In negotiations about independence, France in particular left some doors open to former colonial subjects, in an effort to keep French commercial interests entrenched in independent African countries. In the aftermath of World War II, moreover, France and other Western European countries had serious labor needs, which created opportunities for African workers.

These doors began to close in the 1970s, and the resulting policies both excluded and criminalized African migrants. Both before and after independence, a degree of

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[67] On the devaluation of citizenship, see David Jacobson, *Rights Across Borders: Immigration and the Decline of Citizenship* (Baltimore, MD: Johns Hopkins University Press, 1997).

[68] Cooper, *Africa in the World*, 93.

[69] Ibid., 94.

fluidity had existed that allowed some Africans to migrate to France, both for higher education and labor opportunities. In the 1970s, however, the French economy faced new pressures, and the country tightened its borders and ended labor migration programs.[70] In the 1980s, Jean-Marie Le Pen's far-right *Front National* party made significant gains in local elections deploying an anti-immigrant agenda. In 1993, France's interior minister Charles Pasqua endorsed the idea of "zero immigration" and enacted legislation that toughened requirements, limited visas, and expanded border enforcement.[71] Great Britain had long imposed restriction on non-white members of the Commonwealth, and in the late 1960s restricted access to people without a "substantial personal connection" to the country.[72] The oil shocks in 1973 and resulting economic crisis led Britain to further close doors to immigrants.[73] Across Europe, approval rates for asylum applications plummeted. The 1986 Single European Act mandated the abolition of internal borders and stressed the need to tighten control over external frontiers, and the Schengen and

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[70] Sylvain Laurens, "« 1974 » et la fermeture des frontières: Analyse critique d'une décision érigée en turning-point," *Politix* 82, no. 2 (2008): 69-94.

[71] Kimberly Hamilton, Patrick Simon, Clara Veniard, "The Challenge of French Diversity," *Migration Policy Institute*, November 1, 2004, accessed at http://www.migrationpolicy.org/article/challenge-french-diversity; See also Christine O'Connell, "Plight of France's *Sans-Papiers* Gives a Face to Struggle over Immigration Reform," *Human Rights Brief* 4, no. 1 (Fall 1996) accessed at https://www.wcl.american.edu/hrbrief/04/1oconnell.pdf.

[72] Michael Marrus, *The Unwanted: European Refugees in the Twentieth Century* (New York, NY: Oxford University Press, 1985), 369 and Matthew Gibney, *The Ethics and Politics of Asylum: Liberal Democracy and the Response to Refugees* (Cambridge, UK and New York, NY: Cambridge University Press, 2004).

[73] Kathleen Paul, *Whitewashing Britain: Race and Citizenship in the Postwar Era* (Ithaca, NY: Cornell University Press, 1997).

Dublin Conventions of 1990 became the pillars of "Fortress Europe."[74] A Nigerian magazine profiled a businessman who had previously lived in London; he now found it almost impossible to leave Nigeria due to the "roadblocks" laced on the way by foreign embassies.[75]

As the end of the Cold War produced new flows of refugees into Western Europe through the mid-1990s, migration control continued to be a contentious political issue.[76] The Africans who did enter Europe faced increasing hostility. A destination once associated with making dreams come true had become so difficult it was likened in the francophone Cameroonian press to a hell in which immigrants were subjected to detention and homelessness.[77] By the end of the decade, a Cameroonian newspaper

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[74] Gil Loescher, "State Responses to Refugees and Asylum Seekers in Europe" in *West European Immigration and Immigrant Policy in the New Century*, ed. Anthony M. Messina (Westport, CT: Praeger, 2002). As the European Union eased travel rules within Europe, European nations that joined the Schengen area were required to apply new strict border controls for travelers and migrants from outside Europe. For an overview of "Fortress Europe," see Alessandro de Giorgi, "Immigration control, post-Fordism, and less eligibility: a materialist critique of immigration across Europe," *Punishment and Society 12*.2 (April 2010): 147-167. For a data-driven look at how trade policy drives immigration policy in multiple countries, with more open trade resulting in more restrictive immigration policies, see Margaret E. Peters, "Open Trade, Closed Borders: Immigration in the Era of Globalization," *World Politics 67*, no. 1 (January 2015): 114-154. The U.S. context in the 1990s was different from Europe's, but the increased marginalization of "illegal immigrants" and passage of stringent anti-immigrant immigration and welfare reform laws in 1996 indicated similar bolstering of border control and barring access to migrants.

[75] Chukwudi Nwabuko, "Going to America," *Sunday Champion (Nigeria),* March 10, 1996, cover story. Microfilm MF-12058 CAMP r.19, via Cooperative Africana Materials Project: http://catalog.crl.edu/record=b1517636~S1.

[76] The break-up of Yugoslavia in 1991, for example, produced massive flows of refugees.

[77] Jacques Blaise, "L'enfer parisien des immigrés," *La Nouvelle Expression*, May 30 - June 2, 1995, University of Buea Archives.

reported that some 90 percent of Cameroonians in France were considered illegal.[78] Messages about African immigrant struggles returned to Africa, particularly in big cities, due to the presence of European and international NGOs on the ground, facilitated by new media and communications technology. Africans thus had access to images and policies about migration that were promulgated by European governments that framed African immigration as a problem, as illegal, and as something European governments could not sustain.[79]

In the United States, the Immigration Act of 1990 increased annual immigration admissions. Soon thereafter, however, anti-immigrant sentiment animated local efforts to restrict immigration, and in 1996, Congress passed an immigration bill limiting immigrants' access to public benefits. Continuing flows of unauthorized immigrants contributed to anti-immigration politics that positioned the so-called "illegal immigrant" as the central feature of contemporary migration.[80] Limiting access to legal immigrant visas, even for long-time residents of the United States, perpetuated a liminal status for recent arrivals.

The United States also exercised control over its borders by restricting the access of Africans to the United States, even as short-term visitors. U.S. embassies and consulates became in the 1990s highly visible sites of African frustration and humiliation. Visa applicants in Ghana, Nigeria, and Cameroon waited in long lines at odd hours and

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[78] Takougang, *Cameroonian Immigrants in the United States,* 24.

[79] Pelican, "International Migration."

[80] Mae M. Ngai, *Impossible Subjects: Illegal Aliens and the Making of Modern America* (Princeton, NJ: Princeton University Press, 2004).

paid what they perceived to be high fees, only to be denied a visa with no transparency or explanation.[81] Consular officers had complete discretion and could refuse a visa to anybody they suspected might try to overstay his or her visa and remain in the United States because of the economic situation in African countries. Those seeking a visa to the United States had stories to tell: "Recent tales speak volumes of turned down visa applications, and appeals, and re-appeals, etc. in a way that keeps tongues wagging - what at all are these consulate people looking for?"[82] Still, Ghanaians lined up at the U.S. embassy and applied for visas in large numbers; as one newspaper columnist put it, "I would be surprised if the overnight queue at the American consulate in Accra has vanished."[83]

While the United States had fostered valuable relationships in Africa during the Cold War, and set aid and foreign policy priorities with an eye to preventing the spread of communism, the collapse of the Soviet Union presaged swings in U.S. attention. As U.S. officials turned their attention to domestic problems, and U.S. public diplomats shifted their focus to emerging countries in Eastern Europe, the U.S. lightened its official presence on the ground in Africa, in terms of both consular staff and cultural diplomacy initiatives.[84] Scholars such as Elizabeth Schmidt have characterized this period between

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[81] Editorial, "They Exploit Visa," *The Ghanaian Times*, October 14, 1997, KNUST.

[82] Kwesi Yankah, "Woes of a Kwatriot: Come Back Home, Sir," *The Mirror*, December 9, 1995, KNUST.

[83] Yankah, "Woes of a Kwatriot."

[84] Elizabeth Schmidt, *Foreign Intervention in Africa: From the Cold War to the War on Terror* (New York, NY: Cambridge University Press, 2013); See also Juliet Antunes Sablosky, "Reinvention, Reorganization, Retreat: American Cultural Diplomacy

the end of the Cold War and the post-September 11 anti-terrorism efforts as one of U.S. retreat from Africa. Launching fewer public diplomacy projects, the consulate became one of the few points of contact between the United States and Africans - often an unhappy one.

As economic pressures increased in Africa, and Europe and the United States increased restrictions on African mobility, the desire to leave Africa became more widespread. Africans began to speak with more urgency about "seeking greener pastures," connoting the effort to find a better situation elsewhere by referencing the 23rd psalm in the Old Testament.[85] As the situation worsened in the mid-1990s, seeking greener pastures became even more pressing.[86]

"Falling Bush": Cameroon, Bilingualism, and Imagining Exit

Cameroon's bilingual population offers a particularly illustrative example of the ways that imagining departing Africa varied. As in other countries in sub-Saharan Africa, the economic environment of the 1990s, along with coincident political fractures, created new pressure on Cameroonians to escape the country in search of better opportunities abroad. The linguistic fault line that divides the country into two distinct camps, also

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at Century's End, 1978-1998" *Journal of Arts Management, Law, and Society*, 29 no. 1 (1999): 30-46, doi: 10.1080/10632929909597283.

[85] Editorial, "Those Unpatriotic Ghanaians," *Weekly Spectator*, November 20, 1999, KNUST. Julius Amaney, "He returns to divorce her," *The Mirror*, June 10, 1995, KNUST. For the Nigerian context, see also Aderanti Adepoju and Arie va der Wiel, eds. *Seeking Greener Pastures Abroad: A Migration Profile of Nigeria* (Nigeria: Safari Books, 2012).

[86] Kofi Owusu-Daaku, interview with author, January 30, 2013, Kumasi, Ghana. (Transcript in Author's possession)

reveals two different evolving attitudes about departing Cameroon and traveling abroad in this period. Although Cameroonians speak more than 200 languages, English and French are both official languages, rooted in the colonial experiences of the country.

Within a national system that tended to favor the francophone majority, emigration became increasingly important for anglophone Cameroonians, particularly after 1972 when the country shifted from a federal system of government to a republic. In these years, an anglophone Cameroonian who went abroad was known as a "been to," meaning that the person had "been to" the United States or the United Kingdom. The term was associated with people who went abroad to study and then returned home.[87] The urgency of departing Cameroon intensified for anglophones in the 1990s as the so-called "anglophone problem" dominated national politics and anglophones felt increasingly marginalized. A new phenomenon of permanent emigration took hold.

It became so widely discussed that English-speaking Cameroonians created a new expression to describe going abroad to the West.[88] The expressions "Bushfalling," "to fall

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[87] Maybritt Jill Alpes, "Bushfalling at All Cost: The Economy of Migratory Knowledge in Anglophone Cameroon African Diaspora," *African Diaspora* 5 (2012): 90-115, 105. And, as Takougang describes, Cameroon's economy and prospects were so strong between the 1960s and 1980s, its emigrants generally wanted to return home, in Takougang, *Cameroonian Immigrants in the United States*. The term "Been to" has been used elsewhere in anglophone Africa to describe people who have gone abroad to the West and returned home. See Stephen Miescher and Leslie Ashbaugh, "Been-To Visions: Transnational Linkages among a Ghanaian-Dispersed Community in the Twentieth Century," *Ghana Studies* 2 (1999): 57-76. Michaela Pelican also describes the term "American Wanda" which denotes the first generation of Cameroonian migrants to the United States, many of whom went temporarily to study but opted to remain in the United States, in Pelican, "International Migration," 242.

[88] The "West" here means Europe and the United States, although the United States in particular is viewed as a place where African immigrants can be integrated into society and become Americans.

bush," and "bushfaller" all draw on Pidgin words. "Bush" is a word for farm that indicates food and bounty. The word "fall" means to "jump onto" or "rush into" something. Traditionally, to "fall bush" meant jumping into or rushing to a farm to do the necessary work of harvesting, sowing seeds, and providing labor at key times for the farm. "One never returns from the bush with empty hands," the anthropologist Michaela Pelican explains.[89] In the 1990s, Cameroonians began using the expression to mean traveling to an industrialized country to do labor and reap material rewards for it; the term is associated with adventure-seeking. The scholar Maybritt Jill Alpes writes, "A person who has traveled to bush has to hustle, which means that he or she will accept any kind of work to be able to make money."[90] In the words of an aspiring Cameroonian emigrant, "falling bush - it means that you are going to the white man's world."[91] *Bushfallers* was also the name of an anglophone magazine for aspiring migrants.[92] The verb "rapidly shoved its way into our sonorous lingua franca in the 1990s, when the phenomenon of Cameroonians emigrating to the West attained new proportions," a *Cameroon Post* magazine article explained.[93]

Anglophones and francophones had long assessed their places in Cameroon differently, given the centrality of the French language and strong diplomatic and

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[89] Pelican, "International Migration," 242.

[90] Alpes, "Bushfalling at All Cost," 95.

[91] Bengha Innocent, interview with author, October 29, 2015, Yaoundé, Cameroon. (Transcript in author's possession)

[92] Pelican, "International Migration," 242.

[93] Atatah, "A propos de bushfalling."

business ties of the country to France, and the sense of marginalization felt by many English speakers. The different political circumstances faced by these groups within Cameroon also shaped distinct attitudes about international migration in the early 1990s. Pelican's work refines a picture of aspiring African emigrants that is too often homogenous, drawing attention to Africa's diversity, and the non-uniform experiences and options for African emigrants. Anglophone Cameroonians, reacting to particularly difficult circumstances at home, used positive, adventure-seeking language to describe going abroad and seeking fortune: bushfalling. Godlove Song, a technician at an Internet café in Bamenda in Northwest region explained, "We are struggling. And that's why you see many anglophones, they just love leaving, just moving. The anglophones are a minority, and a lot of them are working hard."[94]

While bushfalling carried a sense of aspiration for anglophones, the language francophones used to describe emigration revealed more ambiguity. With higher expectations about their place in Cameroon in the attitudes of francophone Cameroonians, Pelican explains that "migration is seen in a more critical light."[95] Instead of bushfalling, for example, the 1990s French terminology for international migration borrowed from militaristic language. Francophones used terms like "*aller au front"* and *"aller se battre*" to describe traveling abroad, meaning "going to the front," and "going

[94] Godlove Song, interview with author, November 11, 2015, Bamenda, Cameroon. (Transcript in author's possession)

[95] Pelican, "International Migration," 241.

into battle."[96] These words associated going abroad with hardship and struggle, rather than reaping material rewards.

The different attitudes about emigration between anglophones and francophones resulted not only from different experiences of these communities in Cameroon, but from different migration routes and destinations. In the 1990s, previous avenues to France, as well as to other European countries, were closing. France in particular had been an obvious destination for elites seeking to study abroad or emigrate, given the tight relationship between President Biya and the French government and the linguistic legacy of French colonialism. Yet, France worked to close its borders to francophone Africans, reducing previous migration opportunities beginning in 1970s and acutely in the 1990s. A 1994 article in the French language newspaper *Le Messager* complained that trying to get a visa to France, even for elite Cameroonians, was humiliating, raised human rights questions, and was akin to the *chemin de croix*, the Way of the Cross, a Christian devotion.[97] This sense of humiliation was compounded by the sense that President Biya would not or could not intervene on behalf of Cameroon's citizens.

On the other hand, for anglophones the United States was more welcoming.[98] Anglophone Cameroonians were more likely than their French-speaking countrymen to go to America for linguistic reasons, and the continuous presence of U.S. Peace Corps volunteers in anglophone regions since 1962 may have reinforced a tenuous sense of

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[96] Ibid.

[97] Henri Okele Mazimba, "Consultats de France au Cameroun: S'humilier pour un visa," *Le Messager*, June 13, 1994, National Archives of Cameroon, Yaounde.

[98] Takougang, *Cameroonian Immigrants in the United States*, 23-29.

connection to the United States. While the national government retained strong ties to France after independence, in the early 1960s, John Ngu Foncha, prime minister of anglophone West Cameroon, sought to promote the English language in his region. Because of the feeling that the British had given up links to the region as it withdrew, Foncha invited the United States to promote English language education in Cameroon. The United States sent Peace Corps volunteers to teach, primarily in anglophone Cameroon, which offered good opportunities for "American culture and influence."[99] Whether conceived as an adventure or a battle, the desire to depart Cameroon became more widespread and pressing in the 1990s when the country's economic and domestic political opportunities contracted, and France and other European countries restricted access through their borders to Africans.

Conclusions

Walisu Alhassan grew up in a village at the outskirts of Tamale, the regional capital of Ghana's Northern Region. The city is hotter and drier than Ghana's largest cities to the south, and each year the Harmattan brings dramatic sand-strewn winds. In contrast to the crowded, frenetic energy of Accra and Kumasi, Tamale has a pleasant, low-key energy. It is Ghana's only city with bicycle lanes. Alhassan works to make tourism in the north a robust development strategy to benefit the rural villages outside the city. He brings international tourists who are drawn to the north to visit the elephants at Mole National Park out to the countryside to learn about shea butter manufacturing, groundnut preparation, and traditional crafts in the villages.

[99] Torrent, *Diplomacy and Nation-Building in Africa,* 109.

As a high school student in the late 1990s, Alhassan began dreaming about life in the United States. From his home in a city in a remote part of Ghana, he began a hobby of writing letters. Trying to feel connected, he wrote to major hotels located in the United States, requesting that they send him small items - pens, shampoos, soaps - anything they could put in a box and send to Africa. It wasn't that he was in desperate need of pens or shampoo. Rather, he very badly wanted to hold American items in his hands. He remembered with excitement the feeling of visiting the post office, and returning home with large parcels packed with hotel freebies. America, he told me, "is life!" You get the feeling that "if you go there, life is going to be great."[100]

This attitude was widely shared by Africans in the 1990s, as countries underwent Structural Adjustment Programs, adopted austerity and privatizing measures, and produced great uncertainty for many people. The early promise of political independence from European empire had gone unfulfilled. As people faced privation and poverty, the economic reforms that aimed to improve African countries' standing in the world led African states to undermine some of their earlier nation-building efforts, by reducing social services, imposing fees for schools and health care, and reducing the size of the civil service. It was not just internal factors that made the idea of departing Africa more appealing. As forces of globalization brought images of Western wealth, popular culture, and products into African markets, industrialized countries in Europe and the United States bolstered migration controls, shutting Africans out. This moment produced what Charles Piot termed in the case of Ghana's neighbor Togo to be "an entire nation in

[100] Walisu Alhassan, interview with author, March 12, 2013, Tamale, Ghana. (Transcript in author's possession.)

exile."[101] The appearance of paid phone booths, money transfer shops, and long lines at the American embassy in African capitals symbolized a widespread longing by African people for access and mobility to countries abroad. The confluence of factors produced an epic of emigration, as Africans collectively imagined that their prosperity depended upon going abroad. In 1994, a United States policy - the DV lottery - would make this idea a concrete possibility for Africans, feeding existing narratives about bush falling and seeking greener pastures.

[101] Charles Piot, *Nostalgia for the Future: West Africa after the Cold War* (Chicago, IL: University of Chicago Press, 2010), 3.

CHAPTER 5: "GREEN CARD LAWYERS SPAMMING THE GLOBE" ATTORNEY ADVERTISING AND THE NEW COMMERCIAL INTERNET

Alan Simpson, one of the policymakers who helped legislate the Immigration Act of 1990, often joked about the greed of immigration attorneys.[1] Although he held a law degree himself, he regularly castigated immigration lawyers, admitting only grudgingly that "there are many thoughtful lawyers out there who also happen to practice immigration law."[2] To his chagrin, some of the provisions of his recently passed Immigration Act served to benefit lawyers. The steady deregulation of attorney advertising since the late 1970s had changed legal culture and lawyering practices, making a range of advertising and solicitation activities legally and professionally acceptable for lawyers. Benefiting from the recent deregulation of attorney advertising as well as provisions of the new immigration law, attorneys found new opportunities to attract paying clients, and played an important role in commercializing the U.S. Diversity Visa lottery in the United States, in cyberspace, and in Africa.

Lawyers became critical transnational agents of the DV lottery both within the United States and in Africa, where the program found its most enthusiastic audience. Eager to tap into the enormous market of potential DV lottery players in Africa, U.S. immigration attorneys took out advertisements in African newspapers, partnered with

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[1] Marc Galanter has argued that the rise of "lawyer jokes" is linked to the increased visibility of lawyers since bans on advertising and solicitation were lifted beginning in the 1970s. Marc Galanter, *Lowering the Bar: Lawyer Jokes and Legal Culture* (Madison, WI: University of Wisconsin Press, 2006), 13-14.

[2] Alan Simpson to Charles Foster, Esq., October 22, 1990, Box 403, Folder 10, Alan K. Simpson papers, Collection 10449, American Heritage Center, University of Wyoming.

local organizations, and exploited the inchoate internet to reach potential clients. In 1994, during the first DV lottery, two immigration attorneys, Lawrence Canter and Martha Siegel, seized the program as an opportunity - and unleashed the first ever large-scale spam message with the lottery as the subject of the message. The incident served as a tipping point in the history of the mass use, commercialization and evolving community norms of this technology.[3] Canter and Siegel peddled legal U.S. immigration to a mass audience, both inside and outside the United States. As internet access spread across sub-Saharan Africa, rapidly following the commercial transformation of the early web in the mid-1990s, cyber cafés became key sites for the spread of the DV lottery as well as the proliferation of profit-driven DV lottery agents.

Because the DV lottery was designed to be simple and free to enter, Canter, Siegel, and other U.S. immigration attorneys advertising the lottery stood to profit greatly from any work they performed for DV lottery clients, since the application required no specialized legal knowledge and little time. Because the program targeted countries around the world without existing migration chains to the United States, particularly in Africa, these countries represented huge markets for U.S. attorneys who could sell themselves as experts. That conditions in Africa had made emigration especially enticing

[3] The Internet and spam are expansive and fluid terms that have meant different things to different people over time. In this paper I use the term "internet" to refer to a global network of interconnected computer networks that has included Usenet boards, the World Wide Web, email, as well as the commercial Internet access systems of the 1990s that included most notably CompuServe and America Online. "Spam" refers to unwanted or off-topic messages, generally commercial, sent via the Internet, usually in a repetitious or automated way. The term was coined by Internet users and references a 1970 *Monty Python* sketch in which every item on a café menu contains the lunch meat Spam - an excessive amount of unwanted stuff. See Finn Brunton, *Spam: A Shadow History of the Internet* (Cambridge, MA: MIT Press, 2013).

amplified the importance and widespread appeal of the DV lottery, meaning that the audience for attorney advertisements for the program numbered in the millions.

Although lawyers acted as private commercial agents, their activities owed much to explicit state action, including both the legislation of the 1990 Immigration Act and the deregulation of attorney advertising.[4] Both the globalized public space of the internet and the green card lottery itself seemed to promise greater inter- and transnational ties between people across space, and to presage the declining importance of the nation-state and national borders. Realizing that legal access to the United States had profound value, particularly for Africans and others who faced migration controls, even as commentators anticipated the demise of national borders, U.S. attorneys and other private immigration services agents peddled the prize at the heart of the DV lottery to an unprecedented global audience.

Deregulation of Attorney Advertising

The deregulation of attorney advertising in the United States provided a subtle but important link between the DV lottery and Africans seeking to escape their deteriorating conditions. When, in 1991, a U.S. national survey was asked to volunteer "what profession or type of worker do you trust the least," lawyers were far and away the most

[4] I am building on Mae Ngai's work focusing on the actions of individuals at border posts, farmers, border agents, and within the immigration service who created the legal structures of immigration locally through their decisions and actions. Mae M. Ngai, *Impossible Subjects: Illegal Aliens and the Making of Modern America* (Princeton, NJ: Princeton University Press, 2004).

frequent response.[5] In the 1950s and 1960s, lawyers had enjoyed a more positive reputation, with their real-life association with the civil rights movement, and a plethora of heroic portrayals in the media, in movies such as *Inherit the Wind* and *To Kill a Mockingbird* and television programs like *Perry Mason* and *The Defenders*. But the 1970s witnessed a stark decline in public perceptions of lawyers after the Watergate scandal and the growing perception that lawyers were not serving public needs. The American Bar Association also highlighted a serious problem in its 1972 Handbook on Legal Services: "The middle 70% of our population is not being reached or served adequately by the legal profession."[6] While lawyers claimed to want to better serve the public, however, they also benefited from the protectionist rules that made the market for legal services inefficient.

A serious disconnect existed between the public's legal needs and a growing legal profession that frequently failed to serve them. An effort to address this problem was quashed in a 1964 Supreme Court case.[7] In the case, the Brotherhood of Railroad Trainmen (BRT)'s legal counsel established a legal aid department to help its members identify high-quality lawyers at reasonable costs, and to coordinate reduced contingency

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[5] Cited in Marc Galanter, "Robert S. Marx Lecture: The Faces of Mistrust: The Image of Lawyers in Public Opinion, Jokes, and Political Discourse," *University of Cincinnati Law Review*, (Spring 1998): 805-845. Cites Princeton Survey Research Associates, Great American TV Poll #5 (1991), Search of Westlaw, Directories and Reference Materials, Statistical Data, Poll, Question ID: USPSRA. 91TVO5 R66 055.

[6] American Bar Association, *Revised Handbook on Prepaid Legal Services, 2nd Edition* (Chicago, IL: American Bar Association, 1972).

[7] John Fabian Witt, "Bureaucratic Legalism, American Style: Private Bureaucratic Legalism and the Governance of the Tort System," *DePaul Law Review*, 56 Issue 2 (January 2007). The case is *Brotherhood of Railroad Trainmen v. Virginia ex rel. Virginia State Bar*, 377 U.S. 1 (1964).

fees for members. This was a way for the union to streamline and reduce the cost of legal services for members. The Virginia legislature, however, cracked down on the BRT's plan because it violated the state's ban on the solicitation of legal business. The Supreme Court upheld the BRT's first amendment right to compile information on legal services to disseminate to members, emphasizing the cooperative, non-profit aspects of the plan. But at the same time, the Court signaled that it would uphold ethics rules barring fee sharing with non-lawyers. This meant that the BRT's legal services plan would not be funded by lawyers paying referral fees to non-lawyers, nor could the union devote to the project serious resources of its own. As the legal scholar John Fabian Witt argues, the "First Amendment framework adopted by the Court sent the law of lay claims brokers down a blind alley. For what the *Railroad Trainmen* case ought to have been about was not associational rights so much as the effective delivery of legal advice in the legal services market." The rules of legal ethics, Witt argues, prevented the plan and others on its model, from being effective. The market for legal services remained inefficient, leaving individuals with limited information and access to lawyers. The kind of legal services brokerage plan tested by the Brotherhood of Railroad Trainmen represented a potential means of matching legal services providers with the people who needed them. But without referral fees, the program was unsustainable.[8]

Although attorney advertising has become ubiquitous in the last thirty years, it was actually prohibited throughout much of the twentieth century.[9] The ABA Canons of

[8] Witt, "Bureaucratic Legalism."

[9] Douglas Whitman, "Advertising by American Lawyers," *Bridgeport Law Review, Quinnipiac College* 13, no. 4 (Winter 1993): 813-855.

Professional Ethics banned attorney advertising in 1908 in order to promote professional solidarity among lawyers, to restrict unfounded litigation and excessive solicitation, and to uphold professional standards in general.[10] Interestingly, the ban was aimed at protecting native-born attorneys from perceived competition from new immigrant lawyers who arrived around the turn of the twentieth century. After the 1908 ABA canons banned advertising, every state bar prohibited attorney advertising altogether. A dissent in the *Railroad Trainmen* case lamented that the Supreme Court undermined the state of Virginia's ability to regulate the legal profession and prevent it from becoming a commercial enterprise.[11] While such regulations were animated by a fear of aggressive solicitation by lawyers, an unintended result of the bans on advertising was that many ordinary people lacked meaningful access to affordable legal services.

A landmark shift took place in 1977 when the Supreme Court decided *Bates v. State Bar of Arizona*. *Bates* involved two Arizona attorneys who had started a small practice to provide routine legal services for middle class clients. They found that they could not make a living through word of mouth alone, however, and advertised their services publicly with a list of fees. The State Bar of Arizona initiated disciplinary proceedings against the lawyers for violating the ban on attorney advertising, and when they sought review, the Supreme Court concluded it had jurisdiction to hear the case. At the Supreme Court, the Arizona State Bar argued that permitting attorney advertising

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[10] See Jerold S. Auerbach, *Unequal Justice: Lawyers and Social Change in Modern America* (New York, NY: Oxford University Press, 1976); Geoffrey C. Hazard, Jr. "Advertising and Intermediaries in Provision of Legal Services: *Bates* in Retrospect and Prospect," *Arizona State Law Journal* 37 (2005): 307-319.

[11] *Brotherhood of Railroad Trainmen v. Virginia ex rel. Virginia State Bar*, Justice Clark Dissent, joined by Justice Harlan, 377 U.S. 1 (1964).

would adversely affect professionalism, harm lawyers' reputations, and erode clients' trust in their attorneys.

Building on a 1976 decision permitting pharmaceutical advertising, the Supreme Court ruled that the First Amendment protected commercial speech, including attorney advertising.[12] Delivering the Court's Opinion, Justice Harry Blackmun discounted anxiety about how advertising would affect public perceptions of lawyers. While the profession of law is dedicated to the "spirit of public service," the opinion argued that the relationship between an attorney and his client is essentially a commercial one.[13] Attorney advertising, the Court held, served societal interests by spreading information and serving "an indispensable role in the allocation of resources in a free enterprise system."[14] The decision applied to all attorney advertising, but it had the largest impact on solo and small-firm practitioners. The ban had long served the interests of large corporate firms that had well-developed networks of clients and did not need to do direct marketing. With the ban lifted, less-established attorneys with fewer resources could finally market themselves.

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[12] *Virginia Pharmacy Board v. Virginia Consumer Council*, 425 U.S. 748 (1976).

[13] "If the commercial basis of the relationship is to be promptly disclosed on ethical grounds, once the client is in the office, it seems inconsistent to condemn the candid revelation of the same information before he arrives at that office." [J. Blackmun in a 5-4 majority, joined by JJ. Brennan, White, Marshall, Stevens*, Bates v. State Bar of Arizona,* 433 U.S. 350, 368-69 (1977).]

[14] *Bates v. State Bar of Arizona,* 433 U.S. 350, 364 (1977) (Blackmun, J.). To support his claim about the positive role played by advertising, Blackmun's opinion cites a concurring opinion from J. Harlan in *FTC v. Procter & Gamble Co.*, 386 U.S. 568, 603-04 (1967).

The Court believed that permitting attorney advertising could provide the solution to the problem highlighted in the ABA 1972 Handbook on Legal Services that ordinary people lacked good information about the legal services market. Chief Justice Burger's partial dissent suggested an alternative: that the organized state bar organizations could work harder to publicize probable cost ranges for legal services, to better inform the public. "Unfortunately," he wrote, "the legal profession in the past has approached solutions for the protection of the public with too much caution, and, as a result, too little progress has been made."[15]

In *Bates,* the Court acknowledged that dropping the across-the-board ban on attorney advertising could leave the public susceptible to misleading or deceptive advertising. The Court clarified that "advertising that is false, deceptive, or misleading of course is subject to restraint."[16] In several subsequent cases, the Court addressed state bar associations' efforts to restrain false and deceptive advertising practices. It found unanimously the following year, for example, that in-person solicitation ("ambulance chasing") could be regulated as something significantly different from advertising routine legal services.[17] But when it came to print advertising, the Court generally upheld an attorney's right to advertise under the First Amendment.[18] And in 1988, the Court held

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[15] *Bates v. State Bar of Arizona,* 433 U.S. 350, 388 (1977)(C.J. Burger concurring in part, dissenting in part).

[16] *Bates v. State Bar of Arizona,* 433 U.S. 350, 383 (1977) (Blackmun, J.).

[17] In *Ohralik v. Ohio State Bar Association* 436 U.S. 447 (1978), the Court upheld the state's disciplinary action against an attorney who had done in-person solicitation for clients.

[18] Justice James P. Wallace and M.R. Yogi McKelvey, "Regulating Attorney Advertising," *Texas Tech Law Review* 18 (1987): 761-783. Julie E. Heath, "Attorney

that a state could not bar an attorney from sending targeted direct-mail solicitation, arguing that this was not as coercive as in-person solicitation.[19] The ABA responded to *Bates* in 1978 by adopting an amendment to its Model Code of Professional Responsibility. The ABA adopted Model Rules in 1983, leading to some states adopting the Model Code, and others adopting the Rules.

The Federal Trade Commission (FTC) played an expanding role in regulating false and misleading advertising by lawyers. In the 1960s, the FTC was relatively inactive, known derisively as the "little old lady of Pennsylvania Avenue," but in the 1970s the commission expanded its staff attorneys and pursued a more aggressive agenda of advertising regulation.[20] At the same time the FTC ordered professional organizations, such as state optometrists and pharmacists, to drop professional advertising bans; in 1975, Congress gave the FTC the authority to adopt industry-wide trade regulation rules.[21] In

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Advertising and Commercial Speech after Zauderer v. Office of Disciplinary Counsel," *Tulsa Law Review* 21, Issue 3, Article 7 (1986), accessed at http://digitalcommons.law.utulsa.edu/tlr/vol21/iss3/7. Tim J. Filer, "Lawyer Advertising," *Washington Law Review* 61 (1986): 903-912.

[19] *Shapero v. Kentucky Bar Association*, 486 U.S. 466 (1988).

[20] In 1969 both consumer rights activist Ralph Nader and the American Bar Association released reports condemning the FTC for its inaction. Avery M. Abernethy and George R. Franke, "FTC Regulatory Activity and the Information Content of Advertising," *Journal of Public Policy and Marketing* 17 no. 2 (Fall, 1998): 239-256.

[21] Michael Pertschuk, *FTC review (1977-84): a report / prepared by a member of the Federal Trade Commission together with comments from other members of the Commission for the use of the Subcommittee on Oversight and Investigations of the Committee on Energy and Commerce,* (Washington DC: Government Printing Office, 1984). See also Ross D. Petty, "FTC Advertising Regulation: Survivor or Casualty of the Reagan Revolution," *American Business Law Journal* 30, no. 1 (May 1992).

this, the FTC was on the same page as the Supreme Court, advancing consumer access to commercial information through dismantling advertising bans.

By the late 1970s, without any better alternatives on the table, the courts made a policy decision to permit attorney advertising, which exposed and amplified the commercial nature of attorney-client relationships. Once attorney advertising was permitted, moreover, attorneys felt increased pressure to market themselves, and commercial outreach became a central part of lawyering practice.

Immigration Lawyers

Immigration lawyers tended to work in solo and small firms, and their work tended to be fee-based. As a consequence, they benefited from the easing of advertising prohibition.[22] Many immigration lawyers were drawn to the field, as legal scholar Leslie Levin argues, "because it resonated with their own history or because of a desire to help others." Immigration attorneys serve an obvious role as "guardians at the gate" of the United States, helping some of the most marginalized members of society navigate a complex area of administrative law.[23] As immigration law became increasingly complex, with major legislation passed in 1965, 1980, 1986, and 1990, access to a scrupulous, affordable immigration attorney became increasingly important for any immigrant hoping

[22] For practical and historical reasons, immigration lawyers tended to be immigrants themselves, or the children of immigrants, perhaps because this afforded them the necessary linguistic skills to serve immigrants in a particular community. For more information, see, Leslie C. Levin, "Specialty Bars as a Site of Professionalism: The Immigration Bar Example," *University of St. Thomas Law Journal* 8 Issue 2 (2011): 194-224, accessed at http://ir.stthomas.edu/ustlj/vol8/iss2/6.

[23] Levin, "Guardians at the Gate," 411.

to navigate the rapidly changing statutes and unpredictable immigration judges. While this was good news for practicing immigration attorneys, and it attracted new talent to the immigration bar, immigration attorneys retained a reputation that was "less than sterling," as a 1985 *Time* magazine article put it.[24]

In the late 1980s, in the context of both major changes to U.S. immigration policy, most importantly 1986's Immigration Reform and Control Act, and cultural changes in attitudes toward undocumented immigrants, some immigration attorneys found themselves mired in controversy. As *Time* reported in 1985, five lawyers were convicted or sentenced on charges of immigration law violations, including two who were disbarred.[25] INS estimated that a high percentage of green card petitions were based on fraudulent information, or sham marriages, such as the one portrayed in the popular 1990 film *Green Card*, which were condoned or encouraged by shady or incompetent immigration attorneys.[26] Unlike individuals charged in criminal cases, immigrants in immigration proceedings had no right to representation, and in order to hire a lawyer, they had to pay out of pocket. These conditions made clients vulnerable to exploitation. At the same time, unlike a public defender, whose salary is paid by the state, an immigration attorney had to collect payment from often poor and vulnerable clients. This

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[24] Michael S. Serrill, Anne Constable, and Richard Woodbury, "A Booming but tainted specialty: Plenty of work for honest lawyers – and their less savory colleagues," *Time Magazine* 126 issue 1, July 8, 1985, 76. Available at http://content.time.com/time/magazine/article/0,9171,959571,00.html

[25] Serrill, Constable, and Woodbury, "A Booming but tainted specialty."

[26] *Green Card*, Directed by Peter Weir (Burbank, CA: Touchstone Pictures, 1990); Jim Schachter, "Oft-Snubbed Lawyers May Finally Get Some Respect," *Los Angeles Times*, May 4, 1987, http://articles.latimes.com/1987-05-04/news/mn-4804_1_immigration-lawyer.

dynamic could lead potentially to fraud, but it also undermined immigration attorneys' ability to tout their professional specialty as contributing to the public good. Beginning after *Bates* and accelerating as immigration law became more complex throughout the 1980s, immigration attorneys increasingly advertised their services. This may have distorted public perceptions of immigration attorneys negatively by amplifying attorneys' commercial interests and downplaying the fact that they provided essential services to their clients.

Immigration law practice is complex, with overlapping and ever-changing bodies of statutes, regulations, and case law. But many immigration cases consist of routine matters such as filing forms. The more routine parts of immigration law spurred the development of non-lawyer businesses whose services included notarizing documents and filling out forms. In its 1995 report on the previous two decades of deregulated attorney advertising, the ABA Commission on Advertising acknowledged that too many restrictions on attorney advertising put most lawyers at a competitive disadvantage. The report argued that the policies that regulated attorney advertising must also consider competition from non-lawyers offering similar services, and that "restrictive policies applied only to lawyers will create an unlevel playing field."[27]

Against changing immigration regulations and statutes, professionalization became much more important for immigration attorneys.[28] But as the public became

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[27] American Bar Association Commission on Advertising, *Lawyer Advertising at the Crossroads: Professional Policy Considerations.* (Chicago, IL: American Bar Association, 1995), 5.

[28] Levin, "Specialty Bars as a Site of Professionalism" and Levin, "Guardians at the Gate."

more focused on immigrant illegality, with Congress launching several hearings to investigate visa-related fraud, immigration attorneys found themselves in direct competition with *notarios*, neighborhood businesses that charged lower rates to file immigration forms and compile documents. Between the competition generated by non-lawyer self-proclaimed immigration specialists, the increasing association by the public of immigration lawyers with fraud, and new professional norms about commercial outreach, the work culture of immigration attorneys was changing dramatically in the late 1980s and early 1990s. Immigration attorneys were feeling squeezed. But the Immigration Act of 1990 created two programs that offered opportunities for immigration lawyers to make money quickly: the diversity visa lotteries.

Hail of Mail in Merrifield, Virginia, October 1991

Over the course of one week in October 1991, hopeful potential immigrants flocked to submit 19 million applications for a chance at one of just 40,000 U.S. legal permanent resident visas. This "transition" diversity program, also known as the Morrison visa lottery, was a temporary three-year program that took place in 1991, 1992, and 1993. The Morrison visa program made 40,000 visas available each year to nationals of 35 designated "adversely affected" countries, mostly in Europe. Forty percent of Morrison visas were promised to Irish citizens, including those resident but undocumented in the United States. In an op-ed, a pair of immigration attorneys lauded the transition diversity program as an effort to "restore balance" and ensure visas for the immigrants "whose forebears settled and developed America." The program, they argued,

"should help preserve the true melting pot character of the United States and assure that the cultural influences of our earlier immigrants do not disappear"[29]

The program inspired enthusiastic participation, with individuals submitting dozens and even hundreds of applications each. They slipped applications into different mailboxes across the country in order to stagger the arrival of their applications.[30] Some traveled to the United States from abroad in order to better their chances to win by mailing applications within the country. Thousands of people traveled specifically to Merrifield, Virginia to submit applications in person; the Merrifield post office, in Washington DC's suburbs, was designated as the processing center for the applications. Because applications would be selected on a first-come, first-served basis, applicants aimed to get their applications in just in time; applications that arrived before or after the entry period would be disqualified. Fairfax County, Virginia police and U.S. Postal Service officials anticipated as many as 75,000 people would descend on the Merrifield post office over the weekend of the lottery, and they set up barricades and portable toilets to prepare for the crowd.[31]

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[29] The authors of this op-ed were also authors of a comprehensive guide to immigration law and procedure, and in 1994 their online advertising related to the green card lottery caused outrage among early users of the Internet. Martha Siegel and Laurence Cantor, "More Immigrants: Is the Immigration Act of 1990 the right way to adjust the flow?" *The Christian Science Monitor*, November 19, 1990, http://search.proquest.com.libproxy.temple.edu/docview/291189944?accountid=14270.

[30] Robert F. Howe and Brook A. Masters, "Green Card Applicants Hold On to Hope," *Washington Post*, October 14, 1991, http://search.proquest.com.libproxy.temple.edu/docview/307446095?accountid=14270.

[31] Jane Seaberry, "Officials in Va. Prepare for Immigrants' Visit: Number at Post Office Grows," *Washington Post*, October 12, 1991, http://search.proquest.com.libproxy.temple.edu/docview/307437047?accountid=14270.

Newspaper accounts described the gathering at the suburban post office, as nationals of the 35 eligible countries gathered and queued.[32] "For 15 minutes on Saturday evening a frenzied throng of about 5,000 immigrants pushed and shoved to get their applications into the collection hampers lined up outside the Merrifield post office," described one reporter. "Many hundreds in desperation, unable to get near the front of the crowd, flung their applications into the air in the general direction of the hampers."[33] The applications formed "a blizzard of white envelopes" that "filled the sky and many chances of legal entry into the U.S. were lost as envelopes fell to the ground under the feet of the stampeding thousands."[34] While no serious injuries were cited, one immigrant from Northern Ireland described the scene as scarier than being shot at or bombed.[35] Although those comments exaggerated, the intensity of the day was palpable: With "several languages being spoken in the lines and elsewhere on the Merrifield grounds, the

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[32] The list of 35 eligible countries looked very much like the list of eligible countries for NP-5 in 1986, but amended slightly to reflect the reunification of Germany. The eligible countries were: Albania, Algeria, Argentina, Austria, Belgium, Bermuda, Czechoslovakia, Denmark, Estonia, Finland, France, Germany, Gibraltar, Great Britain, Northern Ireland, Guadeloupe, Hungary, Iceland, Indonesia, Ireland, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Monaco, Netherlands, New Caledonia, Norway, Poland, San Marino, Sweden, Switzerland, Tunisia. Ashley Dunn, "U.S. Plans Lottery with Jackpot of Legal Residency: Immigration: Officials brace for deluge of applicants for 40,000 visas. Critics say the process favors Europeans," *Los Angeles Times*, September 6, 1991, http://articles.latimes.com/1991-09-06/news/mn-1739_1_visa-lottery/3.

[33] John O'Mahony, "A Hail of Mail in Merrifield," *Irish Echo,* October 16, 1991, Irish Immigration Reform Movement Records, AIA 016, Box 36, Archives of Irish America, Tamiment Library, New York University.

[34] Ibid.

[35] Jane Seaberry and Marylou Tousignant, "Crowd Stampedes in Green-Card Lottery: No serious injuries cited at Va. Post Office," *Washington Post*, October 13, 1991, http://search.proquest.com.libproxy.temple.edu/docview/307443839?accountid=14270.

day took on the cast of an international fair, but with a high-stakes edge."[36] For potential immigrants, particularly those resident in the United States without legal status, the prize at the heart of the lottery, a U.S. green card, was the ultimate jackpot. Legal permanent residency would allow lottery winners to step out from the shadows, work legally, and enjoy many of the benefits of full citizenship.

Some groups had anticipated the excitement and prepared, for example, by hosting free seminars educating prospective immigrants on how to enter.[37] The "hail of mail" in Merrifield, Virginia during that week in October 1991, however, was a surprise to postal officials, local reporters, and others not directly involved in the legislation or with immigrant community groups.

Why did applicants enter the Morrison visa lottery with such enthusiasm, and why did this reaction surprise so many officials? First, policymakers hoped that the passage of IRCA in 1986 would calm the politics around illegal immigration, by legalizing the status of millions of unauthorized immigrants who had long resided in the United States, and by imposing sanctions on employers who hired undocumented immigrants, thus removing incentives for unauthorized migration. After an initial drop in numbers, however, the undocumented immigrant population had begun to grow again by the early 1990s, which made it more difficult for Congress to pass ongoing generous immigration policies.[38] As opportunities disappeared for policymakers to craft or support a generous legal

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[36] Howe and Masters, "Green Card Applicants Hold On to Hope."

[37] The IIRM hosted Morrison visa seminars at no cost, for example.

[38] Michael Fix and Jeffrey S. Passel, *Immigration and Immigrants: Setting the Record Straight* (Washington DC: Urban Institute, May 1994).

immigration policy, potential immigrants seized the Morrison lottery as a fleeting opportunity. The U.S. economy also entered a recession in mid-1990 following the Savings and Loan crisis of 1989, with slow economic growth and job losses in construction, manufacturing, and the defense industry. The recession in 1990 and 1991 may have caused an uptick in anti-immigrant sentiment.[39] These factors made it more important for immigrants without status and those who overstayed their visas to regularize their statuses, and the visa lottery presented a clear opportunity to do so, particularly for Europeans living in the United States. The end of the Cold War, by producing new refugee flows in Europe, also stirred demand for U.S. immigrant visas in October 1991.

The very idea of a green card lottery hosted by a country that had long restricted immigration and castigated so-called "illegal" immigrants was both magical and suspect. Thus many rumors circulated about the lottery registration in 1991, generating both confusion about and greater participation in the program. Even the origins of the program seemed mysterious and unlikely; one rumor in Boston's Polish immigrant community, for example, suggested that the Irish "fixed" the lottery by manipulating the U.S. postal service. Rumors also circulated about the best ways to "beat the system," including sending multiple applications, using many different or specific mailboxes to mail the applications, and traveling all the way to Virginia to submit entries in person at the post

[39] Anti-immigrant measures beginning in the early 1990s may have had the perverse effect of increasing the undocumented immigrant population by building up the border and making exit and re-entry more difficult. Douglas S. Massey, *Immigration and the Great Recession* (Stanford, CA: Russell Sage Foundation and The Stanford Center on Poverty and Inequality, 2012).

office.[40] Applicants reportedly booked Washington, DC-area hotel rooms in order to ensure they were close by at the time of the lottery, despite a lack of clear information about whether this would be effective.[41]

When reporters questioned the die-hard lottery applicants in line in Merrifield, potential immigrants spoke about the once-in-a-lifetime opportunity at hand. "It makes no difference if it's hot and sunny or if it rains," said a Polish man who traveled to Virginia from Chicago. "We came a long way. It's like a dream. I don't know how long we're going to wait for another dream."[42] An Algerian applicant said simply, "America, I swear to God, it's the best."[43] An Irish applicant added, "It's like the lottery; you buy one scratch card, then two, then three," suggesting that part of the appeal of the lottery was that it was a game that like other gambling activities encouraged addictive behavior. Pat Kenneery and his wife arrived at Merrifield with 700 completed applications; when they saw the crowds they purchased another $100 in U.S. postage and filled in more applications.[44]

U.S. government officials seemed surprised by how widespread and persuasive lottery rumors were and spoke out to clarify the program's rules and procedures. Cornelius Scully, an official at the Consular Affairs Bureau, insisted "there are no

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[40] Cheong Chow, "New visa lottery will favor Irish, Boston official says," *Boston Globe*, August 8, 1991, http://search.proquest.com.libproxy.temple.edu/docview/294606208?accountid=14270.

[41] Seaberry, "Officials in Va. Prepare for Immigrants Visit.

[42] Ibid.

[43] Jane Seaberry and Tousignant, "Crowd Stampedes in Green-Card Lottery."

[44] Howe and Masters, "Green Card Applicants Hold On to Hope."

guarantees. There is more mythology for the right formula for winning. People have different formulas. What's the right way and wrong way? I don't know."[45] Robert Faruq, Merrifield post office spokesperson, said "Many immigrants believe they can beat the odds by mailing their applications at Merrifield… We've really tried to put the message out that it doesn't make sense to come here."[46] A State Department employee assured the public that the lottery would be a "crap shoot."[47] In these reassurances, however, were seeds of doubt. Although officials emphasized the randomness of winning, they could not argue with total certainty that sending many applications wouldn't increase a given applicant's chances to win.

The excitement on display at Merrifield in 1991 encouraged immigration attorneys to see the program as an ideal opportunity to generate profit from the global demand for American immigrant visas. Because the program targeted people outside the United States, including those without strong family ties to the U.S. and without much knowledge about immigration procedures, its audience constituted a huge potential client base for attorneys. Some immigrant advocacy groups sought to assure their constituencies that no formal or paid assistance was necessary to enter and provided guidance free of charge. But profit-driven immigration lawyers exploited the opportunity created by the

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[45] Al Kamen, "Immigration 'Sweepstakes': Odds will favor the Irish," *Washington Post,* July 28, 1991, http://search.proquest.com.libproxy.temple.edu/docview/140455799?accountid=14270.

[46] Seaberry, "Officials in Va. Prepare for Immigrants Visit."

[47] Cheong Chow, "New visa lottery will favor Irish, Boston official says," *Boston Globe*, August 8, 1991.

confusing rumor-driven atmosphere, and placed advertisements in ethnic newspapers.[48] Denis Guerin invited Irish lottery applicants to drop off their applications for special delivery to Merrifield, touting his own national origin as a native of Kerry County in Ireland as well as being an American attorney.[49] Guerin followed up with an ad wishing "Best of Luck" to Morrison visa applicants, adding "I have no doubt that the Irish North and South will receive the Lion's share of the Visa's [sic]."[50] Jeffrey Gabel's ad declared "1991 VISA LOTTERY!!" and promoted Gabel's immigration law practice.[51] A Washington-based attorney named John F. Kennedy published an ad in the *Irish Echo* offering to mail 20 visa applications "conforming to rules" for a fee of $50.[52] In 1991 it cost $0.29 to mail a letter first class; aside from the negligible cost of photocopying, a client paying this fee would generate more than $44 in profit for virtually no legal work on the part of the firm. The *Washington Post* reported "law firms around the country are signing up clients, both corporations and individuals, even though… no lawyers are

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[48] See, for example, Pat Hurley, "Morrison Visas: Mail Now!" *Irish Echo*, October 9-15, 1991, Irish Immigration Reform Movement Records, AIA 016, Box 36, Archives of Irish America, Tamiment Library, New York University.

[49] Advertisement, "Morrison Visas Special Delivery," *Irish Echo*, October 9-15, 1991, Irish Immigration Reform Movement Records, AIA 016, Box 36, Archives of Irish America.

[50] Advertisement, "Best of Luck, Denis C. Guerin," *Irish Echo*, October 16-22, 1991, Irish Immigration Reform Movement Records, AIA 016, Box 36, Archives of Irish America.

[51] Advertisement, "The Law Offices of Jeffrey Gabel," *Irish Echo*, October 2-8, 1991, Irish Immigration Reform Movement Records, AIA 016, Box 36, Archives of Irish America.

[52] Advertisement, "***Visa*** Application, Washington D.C. Attorney John F. Kennedy," *Irish Echo*, October 2-8, 1991, Irish Immigration Reform Movement Records; AIA 016, Box 36, Archives of Irish America.

needed." The prominent Washington attorney Michael A. Maggio, told the *Post* that "It's a matter of the odds and there are steps you can take to increase your odds." Maggio charged clients $350 for 100 applications.[53] He reportedly posted 20,000 applications for clients in total.[54] A firm called Coudert Bros charged a flat fee of $2550 plus $500 for dependents to register its corporate clients.[55] A Japanese applicant reportedly paid an attorney $1,000 to enter the lottery, plus another $2,500 if selected, for the visa application. "It's expensive, but I think it's worth it," the man told the *Los Angeles Times.*[56]

The flurry of lawyer advertisements drew ire from New York City's Department of Consumer Affairs (DCA). The DCA announced it would take legal action against three lawyers and four other businesses in Washington and New York offering Morrison Visa services. It cited misleading advertisements that guaranteed success, exaggerated claims, or omitted information in several publications including *The Polish Daily News*, *Polish American World, The European, France Amerique,* and *The New York Daily News*. New York Mayor David Dinkins warned that those seeking a Morrison visa "should beware of

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[53] Al Kamen, "Immigration Sweepstakes: Odds will favor the Irish; Program earmarks 40% of available visas," *Washington Post*, July 28, 1991.

[54] Seaberry, "Immigrants Line Up in Merrifield to Play 'Green Card' Lotto."

[55] Kamen, "Immigration Sweepstakes."

[56] Ashley Dunn, "U.S. Plans Lottery with Jackpot of Legal Residency: Immigration: Officials brace for deluge of applicants for 40,000 visas. Critics say the process favors Europeans," *Los Angeles Times*, September 6, 1991, http://articles.latimes.com/1991-09-06/news/mn-1739_1_visa-lottery/3.

ads promising more than can be delivered."[57] Mark Green, New York Consumer Affairs Commissioner, said: "Roulette is a game of chance, and poker is a game of skill and chance. The visa lottery is roulette, not poker. Since the Secretary of State and the head of the I.N.S. can't promise success in this lottery, no lawyer or visa service can."[58]

Post-Merrifield Visa Lotteries

The experience at Merrifield and the proliferation of visa lottery advertisements prompted the U.S. State Department to revise the rules of the Morrison visa program after 1991. The Department of State limited registrants for the 1992 lottery (and future lotteries) to just one application per person, with selection done randomly at the end of registration period, which it extended to one full month in length.[59] These changes cut down on visa lottery frenzy and the number of applications; in 1992's lottery, for example, the Bureau of Consular Affairs reported receiving just 817,000 applications,

[57] Pat Hurley, "Firms Cited for False Visa Ads," *Irish Echo*, October 2-8, 1991, Irish Immigration Reform Movement Records, AIA 016, Box 36, Archives of Irish America. See also Debbie McGoldrick, "Countdown to Visa Lottery," *Irish Voice*, October 8, 1991, http://search.proquest.com.libproxy.temple.edu/docview/368158224?accountid=14270.

[58] Dennis Hevesi, "Lawyers and Visa Services Charged in False Ads," *New York Times*, September 28, 1991.

[59] Dylan Foley, "All Quiet on the Morrison Front," *Irish Echo*, September 2-8, 1992, 5, Irish Immigration Reform Movement Records, AIA 016, Box 38, Archives of Irish America.

compared to 1991's 19 million.[60] The *Irish Echo* reported "all quiet on the Morrison front.[61]

Although new visa lottery procedures made it harder for immigration attorneys to provide actual benefits to their clients, they did not eliminate these firms' efforts to use the lottery to generate business. Indeed, with just one chance to win, applicants were even more motivated to get it right. So, for example, a travel agency advertised special airfares on board Ireland's Aer Lingus for Morrison Visa applicants hoping to go to the United States for the 1992 entry period.[62] And a local firm in Poland promoted the 1992 lottery, asking, "What would you say to the Grand Prize?... Take advantage!" and offered lottery services for 300,000 zloty.[63]

After relatively calm lottery entry periods in 1992 and 1993, the Morrison visa program ran its course. Irish interest in and demand for the Morrison visas had waned over the years, as many individuals won the lawful permanent resident status they wanted in the United States, and the Irish economy improved at home.[64] Irish immigrant

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[60] Nyda Budig quoted. Kevin McHugh, "Most Visa Winners in Ireland," *Irish Echo*, December 30, 1992-January 5, 1993, Irish Immigration Reform Movement Records, AIA 016, Box 39, Archives of Irish America.

[61] Foley, "All Quiet on the Morrison Front."

[62] Advertisement, "Tara Travel: Attention Morrison Visa Applicants: Aer Lingus is offering $100 off its PEX," *Irish Echo,* July 22-28, 1992, Irish Immigration Reform Movement Records, AIA 016, Box 38, Archives of Irish America.

[63] Advertisement, "A co powiedzialbys na Wielka Wygrana, Bureau of tourist services Panorama," 1992, Box 28, Polish Subject Collection, Hoover Institution Archives, Stanford, California, trans. Daniel Pratt. Because the zloty was undergoing continuous devaluation, its conversion rate cannot be determined.

[64] The State Department actually notified winners of the 1993 lottery well into 1994 because so many lottery winners had failed to follow up to receive the visa. Kevin

advocacy had been quite effective: the Donnelly visa program in 1987 and 1988 had provided many Irish immigrants with a green card, and the 1991 Morrison visa lottery had guaranteed another 16,000 permanent resident visas for the Irish. The 1990-91 recession had also slowed the immigration of Irish to the United States.[65] But more broadly beyond the Irish, demand for the visas had *not* waned and enterprising immigration attorneys looking for green card lottery clients broadened the scope of their efforts in anticipation of June 1994, the month-long registration period for the first permanent Diversity Visa lottery program.[66] The potential audience for this program was enormous.

David L. Amkraut

California attorney David L. Amkraut was an eager promoter of the green card lotteries, placing advertisements at home and abroad, sending solicitations, and boasting to the *New York Times* of his expertise. I found his ads in many Ghanaian newspapers. The Federal Trade Commission, in a complaint against him, also cited ads in newspapers in Sri Lanka, and Ethiopia, among other countries.[67] He also sent solicitations by mail to

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McHugh, "State Department to Notify 5,000 Morrison Winners," *Irish Echo*, June 15-21, 1994, Irish Immigration Reform Movement Records, AIA 016, Box 43, Archives of Irish America.

[65] Foley, "All Quiet on the Morrison Front."

[66] Editorial, "Morrison, Round Three," *Irish Echo*, February 3-9, 1993, Irish Immigration Reform Movement Records, AIA 016, Box 39, Archives of Irish America.

[67] Advertisements, including in *The Mirror* October 21, 1995, November 11, 1995, November 18, 1995, December 2, 1995, December 9, 1995, December 22, 1995, KNUST; Also in *The Pioneer* February 7, 1996, February 8, 1996, February 10, 1996, KNUST. The Federal Trade Commission (FTC) also asserted that Amkraut placed advertisements in the *Sri Lanka Express* and *The Ethiopian Mirror*.

potential clients.[68] While many of his ads offered free information, a subsequent mailer made it clear that he was offering his professional services only for a hefty fee. The form he sent out implied unmistakably that he could improve applicants' chances to win. He wrote, for example, that more than 18 percent of his clients won the lottery in 1992.[69] He warned that the lottery application required specific technical information, mentioning that a large number of entries could be disqualified if done incorrectly. In one mailing he charged $50 for one entry, and $75 for a family.[70] He boasted to the *New York Times* in 1994: "Without going into the details of our tricks, I have studied the law very closely and there is some flexibility in it… We have been able to have a higher winning percentage, 13 1/2 percent."[71]

In 1997, the Federal Trade Commission filed a complaint against Amkraut. Based on evidence that the attorney misrepresented himself as having special powers to ensure a client's success, the commission argued that Amkraut had violated Section Five of the FTC Act which prohibits unfair or deceptive acts and practices affecting commerce. He made statements such as: "We can increase your chance of success. We carefully satisfy

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[68] Mailer, Irish Immigration Reform Movement Records, AIA 016, Box 13, Folder 1, Archives of Irish America.

[69] The lotteries that took place prior to 1994 had different rules than the eventual DV lottery, permitting multiple entries, which made this claim slightly more believable than claims related to later lotteries. Letter flagged by an IIRM member and sent to IIRM headquarters because it appeared so misleading: "Law Offices of David L. Amkraut: Last Chance to Win American Permanent Residence," March 4, 1993, Irish Immigration Reform Movement Records, AIA 016, Box 13, Folder 1, Archives of Irish America.

[70] Ibid.

[71] Deborah Sontag, "Aspiring Immigrants Misled on Chances in Visa Lottery," *New York Times*, June 20, 1994.

the many 'technical' requirements." "We made a very detailed study of the regulations and procedures for the Green Card Lottery, searching for ways to give our clients an advantage. This study uncovered several 'loopholes' by which we increased -- even doubled, tripled, and quadrupled -- our clients' chances." His materials also claimed that "no entry filed by the David Amkraut Law Office has ever been rejected or ruled ineligible by the State Department," something Amkraut had no possible way to verify.[72] He also claimed to be a member of the American Immigration Lawyers Association (AILA) when he was not. Worse than Amkraut's misleading boasts, however, was the FTC's allegation that he withheld visa lottery winners' case numbers in order to pressure clients into paying an additional fee of $995 to have Amkraut prepare the visa application. By delaying sending clients their registration numbers, he may have cost them their chance at the green card, since applications must be filed promptly. The FTC objected to Amkraut misrepresenting the application procedures for the lottery, his unverifiable "success" rate, and the idea that his "knowledge of immigration law increases the chances that a consumer's entry will be selected after the entry has been registered and is in the green card lottery drawing."[73]

Because many people were unfamiliar with the State Department's bureaucratic procedures, the FTC's spokesperson Howard Shapiro told the *Los Angeles Times*, they bought into "outrageous claims that their chances of winning the lottery and getting a green card can be increased. That really gets their hopes up, and they are willing to put

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[72] *Federal Trade Commission (FTC) v. David L. Amkraut,* Civ. No. 97-054-RSWL(BQRx) (C.D. Cal. 1997), available at http://www.ftc.gov/enforcement/cases-proceedings/952-3182/amkraut-david-l-dba-law-offices-david-l-amkraut.

[73] *Federal Trade Commission (FTC) v. David L. Amkraut* (C.D. Cal. 1997).

together the money to do it."[74] Advertisements about legal services related to the green card lottery deserved special scrutiny because the potential clients were particularly vulnerable. While Amkraut denied wrongdoing, in a settlement agreement with the FTC he agreed to amend the language in his advertisements, to notify future clients with their lottery registration status and case numbers in a timely manner, and to assist clients from 1994 and 1995 to enter the February 1997 lottery free of charge.[75]

As the case against Amkraut showed, immigration lawyers' advertising was still subject to regulation. In New York, the Mayor's office announced that the Department of Consumer Affairs would be targeting misleading advertising on the green card lottery. The Department monitored ethnic newspapers "and found a number of cases where ads were deceptive." The city charged two attorneys with false advertising, and the attorneys had to pay fines. Mayor Rudy Giuliani distributed a booklet entitled "Protecting yourself from Immigrant visa lottery scams," as well as a consumer guide to the lottery.[76] In Boston, the state attorney general's office warned about scams. Assistant Attorney General John Capin stated: "Our message is simple: Don't be duped into paying a lot of money. And realize that if you're being told you'll have a better chance, you're being lied to."[77] In Washington DC, non-profit centers tried to set up information booths, but

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[74] Angie Chuang, "Lawyer Misled Consumers, Agency Says," *Los Angeles Times*, January 25, 1997.

[75] Ibid.

[76] Anthony M. DeStefano, "Green Card Lottery Warning," *Newsday*, June 1, 1994, http://search.proquest.com.libproxy.temple.edu/docview/278769347?accountid=14270.

[77] Randolph Ryan, "Millions enter lottery for U.S. citizenship, Eligibility expanded to over 180 countries," *Boston Globe*, June 14, 1994.

demand was overwhelming: "We said we were going to have a two-day walk-in clinic. We extended that to two hours every day. We probably could, if we wanted to, do nothing but lottery applications," said Cathy Velke of Catholic Charities Immigration Service.[78] A State Department spokesperson said, "it is all random and nobody's chances are better than anybody else's."[79]

While these entities made efforts to protect consumers, including vulnerable potential immigrants in Africa and elsewhere, from misleading and duplicitous advertisements, private attorneys had considerable leeway and power in reaching out to an audience of potential lottery applicants. The power of commercial advertising, and the relatively muted efforts of public officials, was a result of the courts' persistence in upholding commercial speech under the First Amendment as a method for making legal services accessible. As the visa lotteries took place, immigration attorneys became key enactors of the policy, and communicators about it to audiences both within the United States and around the world. And they were about to harness an incredible new tool in reaching those audiences.

Globalizing the DV Lottery: Immigration Lawyers on the Information Superhighway

Martha Siegel and Laurence Canter, two immigration lawyers from Arizona, and a husband and wife team, had published an op-ed celebrating the temporary visa lotteries in 1990, and they saw a huge opportunity in 1994. Siegel and Canter, like other

[78] Ann O'Hanlon, "Immigrants' American Dream: Winning a Visa: But Many Need Lotto Luck in State Department's First 'Diversity Lottery,'" *Washington Post*, July 1, 1994.

[79] O'Hanlon, "Immigrants' American Dream."

enterprising immigration attorneys, were looking for ways to reach an untapped market of potentially billions of people outside the United States who knew nothing about U.S. policies and procedures and who were willing to pay for a chance to gain legal access to the American Dream: working and living in the United States. While New York and Boston's city governments tried to warn immigrants against misleading lottery-related advertisements, many immigration lawyers ramped up their outreach efforts, advertising in foreign newspapers and even traveling abroad to meet clients.[80] Despite notices from the Department of State and the U.S. Information Service laying out the process as simple and free, and requiring no professional legal help, American immigration lawyers and their international counterparts proved persuasive.[81] Many people saw the ads and paid for assistance to enter the lottery.

As immigration lawyers and potential applicants awaited the first DV lottery, the world seemed to be getting smaller: "By now, we're becoming familiar with the ability of the new communications technologies to transcend international boundaries and bring our

[80] DeStefano, "Green Card Lottery Warning"; Randolph Ryan, "Millions enter lottery for U.S. citizenship, Eligibility expanded to over 180 countries," *Boston Globe*, June 14, 1994; O'Hanlon, "Immigrants' American Dream"; *Federal Trade Commission (FTC) v. David L. Amkraut* (C.D. Cal. 1997).

[81] "Going to the United States? – USIS explains visa lottery programme," *Free Press,* June 24, 1994, microform MF-12732 CAMP r.1 via Cooperative Africana Materials Project: http://catalog.crl.edu/record=b1546185~S1; Deborah Sontag, "Aspiring Immigrants Misled on Chances in Visa Lottery," *New York Times*, June 20, 1994; and U.S. Government Accountability Office, *Committee on Homeland Security, Report to the Chairman, Border Security: Fraud Risks Complicate State's Ability to Manage Diversity Visa Program*, H.R. Rep. No. 07-1174 (September 2007) accessed at http://www.gao.gov/new.items/d071174.pdf.

world closer together."[82] In January 1994, Vice President Al Gore addressed a room of industry leaders at the first public conference on the subject of the so-called Information Superhighway. The CEOs of Newscorp, Bell Atlantic, and Disney, among others, pondered the future of communications and information technology as Gore set out the Clinton Administration's principles for expanding access to the internet.

Since 1969, military and academic groups had been working to connect computers together in networks. The first network, the predecessor to the internet, was known as ARPANET and was funded by the Department of Defense. Through the 1970s, ARPANET expanded from the West Coast to the East Coast, and then to Norway and the United Kingdom. In 1980 graduate students in North Carolina developed a civilian version of ARPANET, a network communications system known as Usenet. Users could post items to newsgroups, and then start threaded discussions on boards dedicated to specific subjects. Throughout the 1980s, the Usenet communities negotiated rules and norms that would protect both individual rights of expression and the public good, maintaining Usenet's decentralized structure of democratic governance, while addressing the problem of sharing finite community resources. Connection speeds were slow and computer memory was limited, so receiving information was expensive. Usenet's topic-specific discussion boards were a key means by which the network self-regulated.

[82] Vice President Al Gore, remarks, The Superhighway Summit, Royce Hall, UCLA, Los Angeles California, January 11, 1994, accessed at http://clinton1.nara.gov/White_House/EOP/OVP/other/superhig.html.

Keeping conversations on-topic was a way to preserve resources, and to ensure users downloaded only the information they wanted over slow, expensive connections.[83]

In 1990 ARPANET was decommissioned and the U.S. National Science Foundation formed the new backbone for the internet, NSFNET, where commercial activity was generally prohibited. At the same time, early commercial for-profit computer networks such as CompuServe and America Online were bringing more personal computers "online" over home telephone lines. The internet was a patchwork of networks, email servers, and discussion groups like Usenet, but its patchwork quality was changing. In 1993 the first world wide web browser Mosaic was released, offering a point-and-click gateway to a virtual universe of graphics, photos, and links.

Also in 1993, "eternal September" began. Each September since Usenet's inception in 1980, a new generation of college students arrived fresh to the discussion boards, and each September seasoned users had provided guidance to the newcomers for how to use the internet. "Netiquette" was a matter not just of social control, but of managing the flows of information to prevent the squandering of resources. Posting off-topic was expensive for the people who received, rather than sent, the messages. In 1993, America Online began to provide Usenet access to its subscribers, most of whom were logging on from personal computers rather than university accounts. By 1994, 11 million American households had some access to the internet.[84]

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[83] Finn Brunton, *Spam: A Shadow History of the Internet,* (Cambridge, MA: MIT Press, 2013).

[84] "World Wide Web Timeline," Pew Research Center, March 11, 2014, accessed at http://www.pewinternet.org/2014/03/11/world-wide-web-timeline/.

The flurry of activity related to newcomers' arrivals once limited to September became uncoupled from the academic calendar. As *Time* magazine put it, "The magic of the Net is that it thrusts people together in a strange new world, one in which they get to rub virtual shoulders with characters they might otherwise never meet."[85] But for Usenet communities, the norms and rules of behavior that had been negotiated over the previous decade were groaning under the weight of so many newcomers: "Longtime citizens of cyberspace, who for more than a decade had the networks to themselves, are gloomy about the prospects of millions of new settlers unsteeped in Usenet tradition," *New York Times* reporter Peter Lewis noted.[86] Despite the disruption, it was unclear what the new internet immigrants would do to reshape cyberspace.

Canter and Siegel, the immigration attorneys, were also longtime computer enthusiasts who had subscribed to CompuServe since even before the company provided internet access. When they did connect to the internet in 1993, they quickly saw the marketing potential of the new technology and the audiences it reached. As immigration attorneys, they sought out the newsgroups on Usenet that focused on visa-related questions, providing general guidance within threaded discussions online. Beyond reaching immigrants already in the United States seeking such information, the couple also tapped into the internet's global reach. In 1994, internet access was slowly becoming available in Europe, Australia and New Zealand, Hong Kong, Singapore, and South Korea. Approximately two people in 1,000 in South Africa had internet access - the only

[85] Philip Elmer-Dewitt, & David S. Jackson, "Battle for the soul of the Internet," *Time* 144 issue 4, July 25, 1994.

[86] Peter H. Lewis, "Business Technology: Anarchy; a Threat on the Electronic Frontier," *New York Times*, May 11, 1994.

country on the continent to have any connectivity in 1994.[87] In just a few years, that would change rapidly as cyber cafés proliferated in sub-Saharan Africa. But because university campuses tended to have the earliest internet connections, the user base of the internet was more international than such data reflect. International students on American campuses would have been intensely interested in opportunities to stay in the United States after graduation and the expiration of their temporary student visas. For many of them, particularly students from African countries without any family members resident in the United States, the DV lottery would be the best chance to do so legally.

Canter and Siegel had previously tried to make a name for themselves by putting their expertise down on paper. In 1990, they published a 600-page tome titled *U.S. Immigration Made Easy*, a guide for fellow immigration attorneys and immigrants themselves that promised "inside tips and "secrets."[88] But the book did not make Canter and Siegel as rich as they would have liked: "it was expensive to promote and had a limited market," they explained.[89] It turned out that "not every living soul in the world wants to move to the United States," nor could those who did necessarily afford to buy a lengthy technical book.[90] On the visa-related discussion groups on Usenet, however,

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[87] "Data: Internet users (per 100 people)," The World Bank, accessed February 14, 2016
at http://data.worldbank.org/indicator/IT.NET.USER.P2/countries/1W?display=default&cid=DEC_SS_WBGDataEmail_EXT.

[88] Laurence A. Canter and Martha S. Siegel, *U.S. Immigration Made Easy: The Insider's Guide* (Tucson, AZ: Sheridan Chandler Company, 1990).

[89] Laurence A. Canter and Martha S. Siegel, *How to Make a Fortune on the Information Superhighway* (New York, NY: HarperCollins, 1994), 2.

[90] Ibid.

Canter and Siegel found a simple way to connect with non-Americans who *did* want to move to or remain legally in the United States, communicate directly with them, and transform them into paying immigration clients. The enterprising couple rapidly recognized the value of tapping a receptive audience at nearly no cost. Selling traditional legal services over Usenet was no get-rich-quick scheme, however: good legal work still required hours of labor at prices that had to be set high in order to make a profit.

As with previous lotteries, the permanent DV lottery in 1994 gave Canter and Siegel, as well as other immigration attorneys, a unique opportunity to market themselves as experts. They could assist clients in the program without having to perform extensive legal work. Although the DV lottery required no special legal knowledge, the program inspired anxiety and excitement, and had the potential to reach people in the world, especially in Africa, who had never imagined that a U.S. green card could ever be theirs. For Canter and Siegel, filling out DV lottery applications would be practically no work at all. For people who wished to win the DV lottery, Canter and Siegel's immigration law *bona fides* appeared compelling. Hoping to exploit these new audiences, they argued that "the government does its best to make the Green Card lottery as confusing as possible," and offered to file lottery applications for just $95.[91]

After a few false starts in which the couple manually posted their message to select Usenet boards, they changed course: they were not reaching as many people was they wanted. So, they hired a "computer geek," as they called him, to write a program that would simultaneously post a message to numerous discussion groups all at once.

[91] Ibid, 16.

They drafted a message of 165 words and gave it the header "Green Card Lottery – Final One?" The message warned that this, the first DV lottery, might be the last - a claim without basis in reality - to put pressure on potential applicants: it was now or never. They did not mention that entering the lottery was free, but did offer a free pamphlet with further information. The message said most countries qualified, gave the list of disqualified countries (countries that had sent more than 50,000 immigrants in the previous five years), and, most important, gave Canter and Siegel's names, mailing address, email address, telephone and fax numbers. They were soliciting responses, and they made no effort to hide their identities. At 12:30 am on April 12, 1994, Canter and Siegel launched their message, by the stroke of a single key, out into the internet, where it appeared as an original posting in each of 6000 newsgroups - all in under 90 minutes of connection time.[92] They had not only sent their message to groups that might be interested, like *alt.visa.us*, but also to *alt.duke.basketball.sucks* and thousands more unrelated boards.[93] The ad "flew across continents and oceans."[94]

"There was nothing very special about the message that made Canter and Siegel the most hated couple in cyberspace," claimed a *Time* magazine cover story on the "battle for the soul of the Internet," published that summer.[95] Perhaps it looked that way to

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[92] Ibid, 21.

[93] Google Groups hosts an archive of Usenet posts including many copies of Canter and Siegel's message. See for example: https://groups.google.com/d/msg/bit.listserv.cdromlan/UM6EtDwXwiY/5aoEXLf2-ZAJ.

[94] John Burgess, "Who'll Make 'the Net' Gain? Global computer community wrestles with issue of advertising," *Washington Post*, April 26, 1994.

[95] Elmer-Dewitt and Jackson, "Battle for the soul of the Internet."

technology reporters focusing on the watershed moment that was the first real example of spam: the medium was the only message. But the content of the first spam message was far from incidental. The green card lottery gave Canter and Siegel the perfect opportunity to sell indiscriminately on the internet, because they could reach an international audience, and because they knew the lottery would appeal so strongly to potential applicants that they would be willing to pay to enter what was designed to be a simple and cost-free lottery.

The World's First Spam

> ... thus USENET spake,
> Why hast thou, Canter, broke the bounds prescrib'd
> To thy transgressions, and disturb'd the charge
> Of others, who approve not to transgress
> By thy example, but have power and right
> To question thy bold entrance on this place?
> *--Milton, Paradise Lost 4:877-882, slightly altered* [96]

Millions of people with internet access across the United States, Europe, Oceania, and East Asia woke up to the world's first widespread spam message. At first, users tried to parse the message, to understand why it appeared on certain boards: "Why is this being posted here? I have received 5 or 6 copies of this post, and I do not understand why! Am I missing the point?"[97] But as it became clear that Canter and Siegel had willfully and

[96] David Sewell, "Laurence Canter and the Devil," May 26, 1994, accessed at http://people.virginia.edu/~drs2n/Netwriting/canter.html.

[97] Scott Yates, Electronic Resources Manager for NYU Bobst Library, Usenet post, April 13, 1994,

indiscriminately posted their message everywhere, Usenet's global users became incensed. Unlike normally cross-posted messages, the green card message showed up in each of a user's multiple subscriptions, rather than being hidden if it doubled up. This ate up bandwidth, and slowed down people's internet connections. It had also violated the culture of the place. As scholar Finn Brunton put it, "Two individuals in Arizona had just enormously overconsumed the pool of common resources."[98]

Users fought back, marshaling the tools of net savvy to make misbehaving in cyberspace unpleasant for Canter and Siegel in real life. They sent large email files to overload the couple's Internet Service Provider (ISP), Internet Direct. They set up automatic telephone dialers to call the firm's telephone number and fill up the answering machine tape. They overloaded the firm's fax line by sending junk faxes of black sheets of paper, to use up ink and expensive thermal fax paper. Internet users also focused their wrath on Internet Direct itself, and tried to overload their system with emails and large files. "You, Laurence Canter, make me sick," wrote one user.[99]

Within 24 hours, Internet Direct shut down Canter and Siegel's account, after which point further emails were diverted to a hard drive as the ISP tried to get its systems back up and running. Jeff Wheelhouse, system administrator for Internet Direct, told the *Washington Post* that he arrived at work the morning of the 12th to find hundreds of angry

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https://groups.google.com/d/msg/bit.listserv.cdromlan/UM6EtDwXwiY/7MZWqVcM_3oJ

[98] Brunton, 55.

[99] John Burgess, "Who'll Make 'the Net' Gain? Global computer community wrestles with issue of advertising," *Washington Post*, April 26, 1994.

messages, and that Internet Direct's computer crashed "more than a dozen times."[100] Canter and Siegel were soundly, swiftly, and passionately denounced by thousands of the world's internet users, "and we are talking global hatred, my friends, true internationalism," as an early chronicle of the incident put it.[101] Peter Lewis of the *New York Times* noted that Canter and Siegel were like internet outlaws: "Their digitized photos are posted on computer bulletin boards around the world, like "Wanted" posters on the electronic frontier."[102]

Had Usenet justice effectively shamed Canter and Siegel into playing by the internet's then-established rules, the situation might have quieted down. But the couple was unrepentant, claiming that their spam message had brought in enough positive responses and paying customers seeking a green card to more than justify their action. Canter and Siegel - and the brouhaha that resulted from their spam innovation - were profiled in several major media outlets, including *Time*, *Washington Post*, *New York Times*, and tech-specific publications like *Network World*, and *PC/Computing* throughout 1994. "In the beginning there were more negative than positive responses," Siegel told *Times* reporter Peter Lewis. "That is shifting. Now almost every response we're getting is positive." In late April, they received 20,000 positive replies, she said, "and we're still

[100] Burgess, "Who'll Make 'the Net' Gain?"

[101] K. K. Campbell, "A Net.Conspiracy So Immense…" October 1, 1994, accessed at http://w2.eff.org/legal/cases/Canter_Siegel/c-and-s_summary.article.

[102] Peter H. Lewis, "Business Technology; Sneering at a Virtual Lynch Mob," *New York Times*, May 11, 1994.

getting 500 to 1,000 a day."[103] Later the couple claimed to have made $100,000 by assisting over one thousand non-American clients with their DV lottery applications.[104]

Canter and Siegel relished the limelight and seemed to take particular pleasure in upsetting the internet's long-time citizens. They soon launched their own internet advertising business, buoyed by the green card lottery spam publicity, seeking to exploit the internet's inherently transnational nature. While this pair was hardly a reliable source for such figures, it was true that DV lottery entrants both inside and outside the United States sought out and paid (sometimes dearly) for assistance to enter the free contest. Even AILA, which received dozens if not hundreds of complaints asking the organization to censure Canter and Siegel, argued that consulting an immigration attorney could benefit lottery entrants. Even if the initial lottery required little expertise, if selected as a lottery winner eligible to apply for a visa, a person might very well benefit from hiring an experienced immigration attorney.[105]

Canter and Siegel framed their right to spam the internet as a fundamental right to free speech and a patriotic duty to be entrepreneurial. They had not violated U.S. law, they argued, but instead they themselves had been victimized by the real-life harassment of internet vigilantes. They told this story over and over again, asserting their right to send spam and dismissing the right of Usenet citizens to negotiate and uphold acceptable social behavior. "What's important," Siegel asserted, "is freedom of speech, freedom to

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[103] Lewis, "Business Technology; Sneering at a Virtual Lynch Mob."

[104] Canter and Siegel, *How to Make a Fortune*, 32.

[105] Peter Hirsch, "LTE: Green Card Lottery Would Foil Einstein," *New York Times*, June 15, 1994.

operate your business."[106] For long-time Usenet users, the issue was about community standards and concerns about the public good of the internet - and the form it might take if it became clogged with off-topic and unwanted commercial activity. Shouldn't the residents of the place have a say in how to manage the internet's public space?[107]

Rhetorically, Canter and Siegel seemed to agree: "The Internet is public property. It belongs to everyone equally," they wrote.[108] But some so-called netizens were more equal than others: "The Internet is too big and powerful to go without official regulation. The public needs to be protected, and we have no doubt it will be. In a very short time, the dust will settle, and the mainstreaming of the Internet will be complete."[109] Canter and Siegel argued that internet users within U.S. territory (like themselves) should be bound only by the laws of the United States. They positioned themselves as pioneers and "homesteaders" whose mission was to civilize the vast wilderness of the early internet, displacing the young male nerds who had occupied the space before them. The internet, they claimed, should belong to those best able to make productive - read: commercial - use of it. Civilization on the internet, as they saw it, was not about community norms, but about markets, commerce, and American principles of free speech and property rights.

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[106] Rob Pegoraro, "CyberSurfing: Commotion on the Internet," *Washington Post*, February 16, 1995.

[107] Elmer-Dewitt and Jackson, "Battle for the soul of the Internet."

[108] Canter and Siegel, *How to Make a Fortune,* 207.

[109] David Freedman, "Email with …spammers," *Inc.* 17 no.4 (Summer 1995), 44, accessed at http://go.galegroup.com/ps/i.do?id=GALE%7CA16646353&v=2.1&u=temple_main&it=r&p=&sw=w&asid=e440f9ce27a398c20b7a7dfd8d722aee.

To this end, by May - less than a month after sending the notorious spam message - Canter and Siegel launched a new business called Cybersell, a company dedicated to internet advertising. By the end of 1994 they published a book with HarperCollins: *How to Make a Fortune on the Information Superhighway*, in which they recounted their expertise and encouraged all readers to launch their own internet enterprises. "In Cyberspace," they advised, "the homesteading race is on."[110] "Like the Old West with which analogies are often drawn, Cyberspace is going to take some taming before it is a completely fit place for people like you and me to spend time."

In the eyes of internet natives, Canter and Siegel were violent and provocative Fausts of the internet whose brash imperial attitudes reflected their confidence that "in America in the '90s notoriety is its own reward--not that book contracts and fees for *Inside Edition* interviews are anything to shake a forked tail at, either."[111] Contemporary newspaper accounts and subsequent journalists' accounts of Canter and Siegel's spam emphasized the commercial turn the internet took after the green card incident, but Usenet's users were most concerned at the time about their paradise lost. "It wasn't so much the advertisement that was the problem," said one computer systems engineer, "it was the casual disregard for the Usenet community standards that have evolved over time."[112] Howard Rheingold, a board member at one of the oldest internet communities,

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[110] Canter and Siegel, *How to Make a Fortune*, 216.

[111] David Sewell, "Laurence Canter and the Devil," (May 26, 1994), accessed at http://people.virginia.edu/~drs2n/Netwriting/canter.html.

[112] Phil Scarr, computer systems engineer NTC, Dept of Neurosurgery, University of Virginia, quoted in "CyberSpeak: Voices from the reader network," *Network World*, May 23, 1994, accessed at https://books.google.com/books?id=NhcEAAAAMBAJ.

The WELL, said presciently, that the "attack of the spammers is probably just the first of many coming collisions between greed and common courtesy on the net."[113]

In an effort to turn back the changing tide, one Usenet user commemorated the incident by printing up t-shirts. Joel Furr screenprinted a graphic showing the planet Earth, with a hand extending out and offering a green card. The words on the shirt read "Green Card Lawyers Spamming the Globe." The image signaled the global reach of the "green card lawyers." Canter and Siegel threatened to sue Furr in U.S. Courts. The internet community came immediately to his defense by offering funds and legal advice.[114] Furr sold his t-shirts for $11 to recoup his costs; Siegel dismissed his actions as juvenile: "T-shirts are a child's game."[115]

The DV Lottery, Immigration Attorneys, and the Internet's New World

The internet as it had been was gone. The eternal September continued. New users came online. On New Year's Day 1995, NSFNET dropped its ban on commercial activity on its networks, and the internet ceased to be the property of the U.S. government. In 1996 several universities' .edu websites were among the most popular twenty websites, but by 1997 all twenty of the most popular websites were those of

[113] Richard Leiby, "Style: Traffic Jam on Internet E-mail Overload Sends Netiquette Out the Window," *Washington Post*, May 31, 1994.

[114] Rob Pegoraro, "Buzz: T'd Off Over T-Shirts," *Washington Post*, August 18, 1994.

[115] Campbell, "A Net.Conspiracy So Immense."

private, commercial companies.[116] As the internet became increasingly commercial, spam proliferated, becoming a global business and annoyance. U.S. policymakers, academics, and others negotiated new norms for internet behavior, culminating in the legislation of the CAN-SPAM (Controlling the Assault of Non-Solicited Pornography and Marketing) Act of 2003.[117] Laurence Canter, something other than the hero of this story, was right about one thing: April 12, 1994 "will go down in history as the date the Internet became truly commercial," he had predicted.[118] In 1996, he and Martha Siegel divorced, and in 1997 Canter was disbarred by the State of Tennessee on ethics charges related to his role spamming the internet. Siegel passed away in 2000.[119]

But Canter and Siegel left in their stead two important legacies. First, they shifted the culture of the internet with their brash and unrepentant spam message. They argued that the internet had been an untamed wilderness, and they asserted their rights - as Americans - to spread their commercial speech and seek out new global markets on its frontiers. Even as they denied the possibility of a transnational internet community, they sought to exploit the community for profit, and they transformed the meaning of

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[116] Philip Bump, "From Lycos to Ask Jeeves to Facebook: Tracking the 20 most popular web sites every year since 1996," *Washington Post*, December 15, 2014, https://www.washingtonpost.com/news/the-intersect/wp/2014/12/15/from-lycos-to-ask-jeeves-to-facebook-tracking-the-20-most-popular-web-sites-every-year-since-1996/.

[117] CAN-SPAM Act of 2003, Pub. L. No. 108-187, 117 Stat. 2699 (2003).

[118] Freedman, "Email with …spammers"

[119] Ashley Craddock, "Spamming Lawyer Disbarred," *Wired Magazine*, July 10, 1997. In 1987 they had previously been reprimanded and temporarily suspended by the Florida Bar for violating the Code of Professional Responsibility, *The Florida Bar v. Siegel*, 511 So. 2d 995 (1987). See also Ray Everett-Church, "The Spam that Started it All," *Wired Magazine*, April 13, 1999, http://www.wired.com/politics/law/news/1999/04/19098.

cyberspace citizenship. Scoffing at the very idea of internet communities and belonging, by reaffirming the importance of American territoriality to guide their actions, they shifted the idea of "netizenship" from a close-linked community of individuals to a larger, more anonymous, more transnational and less bounded society.

Second, they spread the word of the DV lottery through a new communications medium to new and emerging audiences around the globe. In this, they seemed to be fulfilling Al Gore's call to use the internet to transcend national borders and bring communities closer together, signaling the declining importance of the nation-state and national borders. Yet the popularity of the DV lottery in 1994 and thereafter, particularly in Africa where local conditions made the DV lottery especially enticing, but also in Eastern Europe, South Asia, and elsewhere, reaffirmed the salience and value of state membership, even in a global village, and even on the Information Superhighway. Canter and Siegel helped spark the green card lottery as a global phenomenon, but others took up the project, continued to publicize the lottery, build excitement around it, and sold the lottery to global clients dreaming of the United States.

CHAPTER 6: DIVERSITY VISA ENTREPRENEURS AND U.S. PUBLIC DIPLOMACY IN AFRICA, 1994-2003

In 1994, when the first Diversity Visa (DV) lottery opened for applications, people in countries across the world reacted with enthusiasm unanticipated during the program's legislation in 1990. At that time, nobody in Washington advocated for the program as an instrument for African immigration. There was no lobbying activity on behalf of African immigrants, and indeed Africans represented a tiny proportion of immigrants in the United States.[1] The only reason the program included Africa was because members of Congress wished to make the program appear neutral.[2] Because Africans had received so few immigrant visas through family and employment channels, Africans were slated to receive nearly half of the diversity visas - around 20,000. The introduction of the visa lottery coincided in the mid-1990s across sub-Saharan Africa with particularly punishing economic reforms that made the idea of going abroad to

[1] Sean Minihane to Congressman Schumer, November 13, 1989. Irish Immigration Reform Movement Records, AIA 016, Box 12, Folder 26, Archives of Irish America, Tamiment Library, New York University. Although the 1965 Hart-Cellar Act has been celebrated for opening immigration opportunities for Africans, because of the system's emphasis on family reunification, Africans still came in very small numbers prior to the 1990s - when the number increased as a result of the Diversity Visa lottery (since 1994) and the Refugee Act of 1980. While 80,000 African immigrants lived in the United States in 1970, that number increased to more than 1.8 million by 2013. Monica Anderson, "African immigration population in U.S. steadily climbs," *Pew Research Center*, November 2, 2015, accessed at http://www.pewresearch.org/fact-tank/2015/11/02/african-immigrant-population-in-u-s-steadily-climbs/.

[2] While the impetus for the program came from Irish immigrant advocates, the Irish Immigration Reform Movement's collaboration with Representative Charles Schumer (D-NY) produced the regional formula adopted for the permanent DV lottery as part of the Immigration Act of 1990.

developed countries more widespread and meaningful - even as it became more difficult for Africans to travel abroad.

Technically, the U.S. State Department operated the lottery. The United States created the program, set out its rules and parameters, and decided which countries were eligible. The United States received and sorted applications, selected winning applications, and U.S. consular officers screened those individuals at in-country consulates.

Although U.S. officials put out communications conveying basic information about the lottery, they were poor promoters of the program at a time when the United States seemed to be retreating from Africa. U.S. public diplomacy, including the efforts of both the State Department and the U.S. Information Agency, faced reorganization and budget cuts, shifted focus away from Africa and elsewhere on the global periphery to former Soviet states, and played a diminished role in the world.[3] Because the visa lottery targeted people without existing ties to the United States, and few Africans had prior direct experience with U.S. policies and migration procedures, it was challenging for U.S. officials to connect to an audience of African visa lottery entrants, who were particularly susceptible to unofficial rumors about the lottery that flourished in the absence of strong messaging from the U.S. consulate.

Bringing the visa lottery to life as an instrument of migration in Africa required many individuals, including non-state - and non-American actors. American immigration

[3] Juliet Antunes Sablosky, "Reinvention, reorganization, retreat: American cultural diplomacy at century's end, 1978-1998," *Journal of Arts Management, Law, and Society* 29 (Spring 1999): 30-46.

attorneys, their African partners, and an emerging cohort of African private visa services entrepreneurs, including travel agents, photographers, and a variety of others seeking personal profit, became important enactors of the program.[4] New and spreading internet and communication technologies enabled visa entrepreneurs to amplify their messages across borders to new audiences. Facing a shrinking public sector, falling wages, and high unemployment in Africa - consequences of Structural Adjustment Programs (SAPs) - one method of survival was creating small enterprises, in this case to serve Africans' epic ideas about emigration by selling visa services.[5] As the anthropologist Charles Piot argues, this moment of extreme privation was also productive in the Foucaultian sense, "spawning a new round of extraordinarily inventive bricolage."[6] Small businesses offered visa lottery-related services, taking visa and passport photographs, filling out government forms, and acquiring necessary paperwork and certifications for their clients. The DV lottery, with its low threshold for entry, offered a perfect opportunity for these visa entrepreneurs. Motivated by profit, visa services agents not only earned income during the lottery registration period. They also served as transmitters of the U.S. policy, bringing it to audiences not reached by official U.S. announcements.[7] Through their

[4] The 1990s saw an uptick in a global commercial migration industry, which emerged to manage migration flows in an era of recent globalization. Visa lottery-related entrepreneurs were part of this larger trend. See Thomas Gammeltoft-Hansen and Ninna Nyberg Sorensen eds., *The Migration Industry and the Commercialization of International Migration* (New York, NY: Routledge, 2012).

[5] Charles Piot, *Nostalgia for the Future: West Africa after the Cold War* (Chicago, IL: University of Chicago Press, 2010); James Ferguson, *Global Shadows: Africa in the Neoliberal World Order* (Durham, NC: Duke University Press, 2006).

[6] Piot, *Nostalgia for the Future,* 3.

businesses, posters, advertisements, and later, access to the internet in cyber cafés, they helped spread a kind of "lotto fever" through the cities of sub-Saharan Africa.[8]

The Diversity Visa Lottery in Context

One reason the DV lottery would prove so powerful was that European countries began adopting stricter border control regimes in the same time period. The collapse of the Soviet Union and the break-up of Yugoslavia created a series of refugee crises, spurring anxiety about migration in the domestic politics and policies of Western European countries. At the same time, the facilitation of a stronger European Union, including through the Schengen treaties, led member states to open intra-European borders. But this required member states to adopt uniform visa policies and border controls restricting access to non-member state citizens.[9] These policy changes strongly affected Africans, who had previously pursued migration opportunities to European countries, often related to former colonial relationships between countries. In the 1990s, those opportunities disappeared just as the desire to emigrate reached a new high. With "Fortress Europe" closing its gates to Africans, the U.S. visa lottery generated more attention, more enthusiasm, and more imagination than it might have in previous years.

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[7] And engaging in "Atlantic African" economic practices that have long characterized African economic activity. Jane Guyer, *Marginal Gains: Monetary Transactions in Atlantic Africa* (Chicago, IL: University of Chicago Press, 2004). See Chapter 8 for more on visa entrepreneurs' use of cyber cafés.

[8] Melissa Block, "Immigration Lottery Draws Millions of Applications," *NPR*, June 10, 1994, accessed at https://www.highbeam.com/doc/1P1-27998063.html; James Butty, "U.S. to Hold Visa Lottery," *West Africa*, June 19, 1994; and "Lottery Fever in Freetown," *West Africa,* March 2, 1997.

[9] Ruben Zaiotti, *Cultures of Border Control: Schengen and the Evolution of European Frontiers* (Chicago, IL: University of Chicago Press, 2011).

The widespread international adoption by the mid-1990s of neoliberal ideas about the state and the economy also shaped Africans' receptions of the visa lottery. Most sub-Saharan African countries adopted neoliberal SAPs, imposed or strongly encouraged by Western powers since the 1980s. These policies supported economic liberalization and reductions in state spending to promote "free market" economic thinking and the private sector. The devaluation of local currencies, reduction of state services, and contraction of the public sector all had devastating effects on ordinary people, who looked increasingly outside the continent for better economic opportunities. At home, as African state governments shrank in size, reduced public functions, and receded from everyday life, private profit-seeking actors took on new roles by performing state-like services in African countries. Creative entrepreneurs helped publicize and facilitate the visa lottery. While international migration has always entailed commercial activity, the commercialization of the migration industry that occurred from the 1990s to the present has taken place on a larger scale due to both the widespread adoption of privatization of former state functions, and the enduring potency of national borders in a globalizing world.

The permanent DV lottery that took place during the month of June 1994 was open to nearly every country in the world. Unlike the Donnelly visa program in 1987 and 1988, and the Morrison visa program in 1991, 1992, and 1993, the DV lottery was open to a global audience that included residents of countries that had never sent many immigrants to the United States, with Africa designated a priority region. A sober formula distributed the visas to world regions in inverse proportion to family preference immigration. To determine which countries would be eligible for diversity visas, the U.S.

Attorney General analyzed U.S. admissions data from the previous five years. Countries that sent fewer than 50,000 immigrants were eligible. While citizens of all eligible countries could enter the visa lottery, people from "low-sending" regions of the world - Europe and Africa - had a relative advantage, since these regions were guaranteed the majority of the diversity visas. People from countries in high-sending regions Asia and South America could enter the lottery, but only a small number would receive diversity visas.[10] The regional weights meant that some lottery players had lower odds to win a visa, and that some countries, particularly "low-sending" countries in Europe and Africa, would be more likely to win up to the maximum number of visas available to each country, capped at seven percent of the total, about 3,850 per year.[11] The lottery was free to enter, and the requirements were modest: to receive a diversity visa, an applicant had to have a high school diploma or its equivalent, or two years of work experience at a skilled job.

The number of diversity visas up for grabs was relatively small, 55,000 visas in a system that admitted more than 700,000 permanent residents each year. But the lottery generated disproportionate excitement, as it invited a new and expansive audience of

[10] For the purpose of diversity visa admissions, Mexico and the nations of Central America were grouped as part of South America, drastically reducing South American countries' chances in the DV lottery. Jonathan H. Wardle, "The Strategic Use of Mexico to Restrict South American Access to the Diversity Visa Lottery," *Vanderbilt Law Review* 58 no. 6 (November 2005): 1963-1999.

[11] As explained in a note in Chapter 1, the law initially made available 55,000 diversity visas annually, but in 1997, the Nicaraguan and Central American Relief Act (NACARA) stipulated that up to 5,000 of the annually-allocated diversity visas be made available for use under the NACARA program, reducing the available diversity visas to 50,000. The per-country cap was therefore reduced to about 3,500.

potential immigrants to participate.[12] With over 180 countries eligible, State Department official Cornelius Scully estimated that some 10 million people would likely apply for the 55,000 visas in 1994.[13] The program required only that entrants send a piece of paper with their name, date and place of birth, family members' names, and mailing address to a Post Office box in Portsmouth, New Hampshire during the registration period.[14] Aside from the cost of postage, there was no fee to enter the lottery. Employees at the National Visa Service in Portsmouth sorted the applications by world region and nation, and then a computer selected winners randomly.

U.S. Immigration Attorneys and Agents

The lottery provided an ideal opportunity to generate profit based on the global demand for American green cards because it required very little work. U.S. immigration attorneys seized the moment, and advertised their services broadly, both in ethnic newspapers in the United States and in foreign markets around the world, including

[12] In FY 1995 more than 700,000 people obtained permanent residence status in the United States, and only around 55,000 of them did so via the lottery. "Table 1: Persons Obtaining Legal Permanent Resident Status: Fiscal Years 1820 to 2012," 2012, United States, Department of Homeland Security, *Yearbook of Immigration Statistics*: *2012*, accessed at https://www.dhs.gov/yearbook-immigration-statistics-2012-legal-permanent-residents.

[13] Randolph Ryan, "Millions enter lottery for US citizenship: Eligibility expanded to over 180 countries," *Boston Globe*, June 15, 1994, http://search.proquest.com.libproxy.temple.edu/docview/290691083?accountid=14270.

[14] "Going to the United States? – USIS explains visa lottery programme," *Free Press,* June 24, 1994, microform MF-12732 CAMP r.1 via Cooperative Africana Materials Project: http://catalog.crl.edu/record=b1546185~S1.

through the internet.[15] People around the world often learned about the lottery not from U.S. government sources, but from private agents, who advertised locally, and even traveled outside the United States to register clients for the lottery, for a fee.

Entering the lottery was designed be simple, yet many potential registrants were intimidated by the process. They could be limited by their ability to read and write in English, or by their ignorance of U.S. bureaucratic norms. Lottery applicants may have felt particularly worried about filling out the form properly, given that the lottery program targeted an audience of potential immigrants without existing professional or family ties to the United States. Falling outside of the usual immigrant categories - family and employment based visas - visa lottery applicants often lacked access to these networks of knowledge.

Peter Hirsch, former chairman of the American Immigration Lawyers Association (AILA), encouraged immigration attorneys to help clients enter the lottery. In a letter to the editor of the *New York Times* he wrote that applicants had legitimate reason to seek paid assistance to enter the lottery. "Having your application selected is only the start of a bureaucratic process filled with pitfalls," he wrote. "Even Einstein would have trouble explaining" the rules of the lottery, he argued. But a competent immigration lawyer, he argued, might be able to help.[16] Immigration attorney Michael Maggio told the *Washington Post* that his firm provided free help for lottery applicants, offering to enter

[15] Immigration programs from the 1980s and 1990 also spurred the appearance of non-lawyer "visa consultant" firms. Carlos Sanchez, "Probe Urged of Consultants to Immigrants: Area lawyers allege fraudulent practices," *Washington Post*, August 17,1991.

[16] Peter Hirsch, "LTE: Green Card Lottery Would Foil Einstein," *New York Times*, June 15, 1994.

clients in the lottery at no cost, in order to generate potential paid business somewhere down the line.[17] A more representative example of a U.S. immigration attorney using the visa lottery to generate profit was the attorney who called himself "one of the largest lottery practitioners in the country," and promised clients a special advantage if they paid him $50 to $75 to help them enter.[18] AILA recommended that its members file lottery applications for free as a good will gesture in order to generate profit later: "That way, if the applicant wins, then the attorney gets his business in filling out all the paperwork that accompanies the visa application."[19]

Attorneys found themselves competing in a new global market for visa lottery business. U.S. and international "visa consultants" - non-attorneys offering routine immigration law services for set fees - could just as easily assist clients in entering the visa lottery program. Although they could not project the same authority as experienced immigration attorneys, they could still easily submit clients' names for the visa lottery, since the program was designed to be simple for immigrants themselves to enter, and did not require a law degree, or even familiarity with the U.S. immigration system. Not

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[17] Ann O'Hanlon, "Immigrants' American Dream: Winning a Visa: But Many Need Lotto Luck in State Department's First 'Diversity Lottery,'" *Washington Post*, July 1, 1994.

[18] Deborah Sontag, "Aspiring Immigrants Misled On Chances in Visa Lottery," *New York Times*, June 20, 1994. See Chapter 5 for more on David Amkraut, the DV lottery expert. I found his advertisements in the following Ghanaian newspapers: Advertisement, "USA to Give 55,000 'Green Cards' (David L. Amkraut)," *The Mirror*, January 20, 27, February 3, 10, 17, 24, March 2, 9, 16, 23, 30, April 13, 1996, KNUST. "USA to Give 55,000 'Green Cards'," *The Pioneer*, February 7, 8, 12, 13, 14, 15, 16, 20, 22, 26, 27, 1996, KNUST.

[19] Maria Puente, "Beware promises of winning entries," *USA Today*, April 6, 1994.

subject to regulation or to the scrutiny of the professional organization AILA, visa consultants could make money quickly processing visa lottery applications.[20] Realizing that entering clients in the green card lottery required no legal skills, for example, an Arlington, Virginia-based travel agent Khalid Hasan placed an ad reading "Green Card!!!! Try Your Luck!! $20.00 a person and $35 per family." Hasan boasted to the *Washington Post* that he expected to make up to $10,000 submitting visa lottery entries. Demonstrating that visa lottery rumors flowed transnationally, he told the *Post* he got the idea when his brother in Qatar told him about the lottery and of an American lawyer there charging $350 per application."[21]

Targeting paying African clients, American immigration lawyers and other private firms advertised the lottery there.[22] A firm called Transcontinental Agencies USA, based in Irvington, New Jersey advertised the lottery in Ghana's *Free Press* newspaper throughout the spring and into June 1994.[23] The New Jersey agency set up visa application centers in Accra, Ghana's capital, and in Kumasi, Ghana's second largest

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[20] The INS and the Virginia State Bar Association conducted investigations into the actions of visa consultants in 1991. Carlo Sanchez, "Probe Urged of Consultants to Immigrants."

[21] O'Hanlon, "Immigrants' American Dream."

[22] Advertisement, "Going to America or Canada – the law office of Mark Carmel USA immigration lawyer is ever ready to help you," *Daily Graphic*, October 16, 1998, KNUST. In 1999, the *Ghanaian Chronicle* reported that Vision 2000 Associates had promised clients they would win the lottery if they paid a fee of USD $20. Press Review of April 1, 1999, "The Dispatch" compilation of news Accessed at http://www.ghanaweb.com/GhanaHomePage/NewsArchive/artikel.php?ID=5725.

[23] Various advertisements, "The U.S. Green Card Lottery, '94," *Free Press*, April 29, May 6, May 13, May 20, May 27, June 3, June 10, June 17, 1994, microform MF-12732 CAMP r.1 via Cooperative Africana Materials Project: http://catalog.crl.edu/record=b1546185~S1.

city. It charged a lofty $100 to enter. In Nigeria, a 1997 ad adorned with the image of the Statue of Liberty, an American flag, and the Great Seal, attorney Uche Mgabraho in conjunction with a Houston, Texas-based law firm, proclaimed the lottery the "Gateway to the United States of America" and promised a 25 percent success rate with the lottery to an audience in Lagos, Nigeria.[24] Another firm, Libertylink, promised to hand-deliver applications from Nigeria to the United States in its 1997 ads.[25] Private U.S.-based firms also advertised the visa lottery in Cameroon, including in the state-run newspaper the *Cameroon Tribune.*[26] Another firm, the America Visa Center, advertised, in English, in the *Tribune*, with a drawing of the Statue of Liberty attracting the eye's attention.[27] A California-based company "Immigration USA" placed advertisements in both French and English newspapers in Cameroon. Its ad boasted that winners could live, work, and study in the United States, and showed an American flag in the shape of the U.S. map.[28] The company believed it could drum up business by translating its ad into French, and made

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[24] Advertisement: "Uche Mgabraho: 1998 American Visa Lottery," *Daily Champion,* February 14, 1997, microfilm MF-12058 CAMP r.24 via Cooperative Africana Materials Project: http://catalog.crl.edu/record=b1517636~S1.

[25] Advertisement: "Libertylink: Best bet in the American visa lottery," *Daily Champion,* February 6, 1997, microfilm MF-12058 CAMP r.24 via Cooperative Africana Materials Project: http://catalog.crl.edu/record=b1517636~S1.

[26] Advertisement, "USA 55,000 Visas," *Cameroon Tribune*, no. 6630, July 1, 1998, July 8, 1998, July 15, 1998. (In author's possession.)

[27] Advertisement, "U.S.A. Immigration Visa (Green Card Lottery)," *Cameroon Tribune,* June 29, 1998, (In author's possession.)

[28] "Vivre - travailler - etudier aux Etats-Unis," Advertisement, "Etats Unis 55 000 Visas," *Le Messager*, July 28, 1997, National Archives of Cameroon, Yaoundé. Immigration USA ran a slightly amended ad the following year in L*e Messager*, July 10, 1998, July 13, 1998, July 15, 1998, author's collection, and July 20, 1998, National Archives of Cameroon, Yaoundé.

the effort to reach a francophone audience. A private organization with an official sounding name - the National Visa Center - in Washington DC advertised its visa services in an ad adorned with the U.S. seal. In French it asked readers of the state newspaper *Cameroon Tribune* if they dreamed of living and working in the United States.[29]

African Visa Entrepreneurs

"Reports by our correspondents nationwide reveal a spectacular rush by Nigerians of all walks of life to catch the immigration train," reported Nigeria's *Sunday Champion* in 1996, reflecting the intense interest generated by visa services entrepreneurs in the DV lottery.[30] Another story stated that the desire to go to the United States had reached a "fever pitch." "[C]ivil servants, students, doctors, journalists, lawyers, accountants, other professionals, traders, even street urchins, teachers, etc have literally fallen over each other in their hundreds of thousands to send their applications" within the deadline, the story claimed.[31] "You can say that one is going in search of greener pasture. Yes!" one

[29] Advertisement, "Revez-Vous de Vivre et de Travailler aux Etats-Unis? National Visa Center," *Cameroon Tribune,* January 20, 1997, National Archives of Cameroon, Yaoundé, Cameroon.

[30] Biodun Sonowo, Chukwudi Nwabuko, and Chris Okereafor, "Nigerians Rush for American," *Sunday Champion (Nigeria),* February 25, 1996, cover story, microfilm MF-12058 CAMP r.18 via Cooperative Africana Materials Project: http://catalog.crl.edu/record=b1517636~S1.

[31] Chukwudi Nwabuko, "Going to America," *Sunday Champion (Nigeria)*, March 10, 1996, cover-M2, microfilm MF-12058 CAMP r.19 via Cooperative Africana Materials Project: http://catalog.crl.edu/record=b1517636~S1.

young man told the *Sunday Champion.*[32] The editor-in-chief of *The Week* deployed religious language, writing, the "US Visa Lottery has come to enjoy something close to religious followership in our abundantly blessed country. So irresistible is its lure that even directors-general in the government service are said to be secret worshippers on its altar."[33] The DV lottery unfolded across sub-Saharan Africa at a moment when local conditions of privation and strain made going abroad a widespread, popular dream.

Capitalizing on the dream was an emerging cohort of private visa services agents, who joined with or echoed the efforts of U.S.-based firms that advertised the lottery. Setting up small businesses was a major strategy of survival in the era of structural adjustment.[34] Because neoliberal economic reforms tended to reduce state sector jobs, lower wages, and devalue national currencies, these reforms put urban workers in an especially precarious position. While landowners and foreign investors benefited from the changes wrought by SAPs, urban workers faced reduced spending power and job insecurity. In general, as the state retreated from the public sphere and state enterprises underwent privatization, entrepreneurship and creating business opportunities became more important ways for Africans to participate in public life. Because the idea of going

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[32] Cyprian Nwafor and Don Uwak, "Why We Are Desperate," *Sunday Champion (Nigeria)*, March 10, 1996, microfilm MF-12058 CAMP r.19 via Cooperative Africana Materials Project: http://catalog.crl.edu/record=b1517636~S1.

[33] Isaac Umunna, "From the Editor," *The Week (Nigeria)*, February 10, 1997, http://proquest.umi.com.libproxy.temple.edu/pqdweb?did=494486251&sid=2&Fmt=3&clientId=8673&RQT=309&VName=PQD.

[34] Lynne Brydon, "'With a Little Bit of Luck…' Coping with Adjustment in Urban Ghana, 1975-90," *Africa: Journal of the International African Institute* 69 n. 3 (1999): 366-385; James Ferguson, *Global Shadows: Africa in the Neoliberal World Order*; and Paul Nugent, *Big Men, Small Boys and Politics in Ghana* (New York, NY: Pinter, 1995).

abroad to seek greener pastures was increasingly salient, visa services agents established a variety of businesses to help facilitate DV lottery entries. They set up photography shops to produce the required photographs of applicants at the right size, opened travel agencies to help facilitate lottery entry and later arrange travel plans to the United States, and they set up other local shops.[35] Although the U.S. government did not require a specific visa lottery application form, and instead just asked for applicants to write down the required information on a regular sheet of paper, visa agents devised their own forms, which were duplicated and circulated widely.[36]

African visa entrepreneurs amplified the lottery, making it a concrete possibility for thousands of people who otherwise had little way to know about the program, or to access legal channels of emigration. During the lottery entry period, visa agents advertised the lottery on the radio, on brochures, and in newspapers. Some set up temporary pop-up tents during registration time, draping banners across the tables they set up outside nursing schools, training colleges, universities, and at churches - at "any big place."[37] They printed special banners and canopies with American flags adorning

[35] "Edward" (pseudonym), interview with author, April 4, 2013, Kumasi, Ghana; Cornelius Ayensu Noonoo (Kwesi), interview with author, May 16, 2013, Cape Coast, Ghana; and Prince Nyarko, interview with author, May 13, 2013, Kumasi, Ghana. (All transcripts in author's possession.)

[36] "To the agents, the process involves special technicalities. To this end, forms were printed which the applicants then obtained." Austin Avwode, "Mad Rush to America," *The Week,* March 11, 1996, http://search.proquest.com.libproxy.temple.edu/docview/198929055?accountid=14270.

[37] Noonoo (Kwesi), interview.

them, proclaiming the lottery open.[38] Placards and posters adorned shops where you could enter the American lottery.[39] People became aware of the program because of the publicity generated by those who made it their business.[40] Visa agents charged prices beyond the cost of postage - up to 1500 naira for the application at a time when the postage to send the letter cost only 40 naira.[41] A 2000 news report in Nigeria reported "tantalizing advertisements with some listing the names of some winners in the recent edition are finding their ways into newspaper pages while handbills and leaflets adorn the walls of Lagos Streets."[42] A chain of Nigerian banks partnered with a visa agency to lend credibility to the lottery and expand access to clients throughout the country.[43] As Chapter 8 will show in more detail, internet café operators saw an explosion of business during lottery registration periods.

Some visa agents took advantage of the desperation and aspirations of their clients by extorting extravagant fees while providing questionable advice or fraudulent services.

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[38] Noonoo (Kwesi), interview; Mabel Sarpong, interview with author, May 21, 2013, Accra, Ghana; Anonymous, interview with author, May 21, 2013, Accra, Ghana; and Nyarko, interview. (All transcripts in author's possession.)

[39] "For students, the rate is N350 at Progress Opportunities Limited, Akoka. At Dateline USA, with a branch at Shop 4, University of Lagos Shopping Complex, it is N750 for singles and N950 for a family application. At Afrolinks, it is N1,200." Avwode, "Mad Rush to America."

[40] Noonoo (Kwesi), interview,

[41] Nwabuko, "Going to America."

[42] "Nigeria: Business Centres In Visa Lottery Boom," *P.M. News (Lagos),* October 3, 2000, accessed at http://allafrica.com/stories/200010130258.html.

[43] Olayinka Oyebode, "Nigeria: Coop Bank Renders Services For US Visa Programme," *The Post Express (Lagos)*, November 1, 2000, accessed at http://allafrica.com/stories/200011010110.html.

They falsely claimed to have American immigration experts on staff.[44] They helped clients produce false documents, including falsified or stolen bank statements.[45] They also put together last-minute marriages of convenience for individuals with winning entries. A 2001 newspaper article noted that there was a "mad rush" in Ghana to register marriages in order to strengthen people's chances of winning the visa lottery.[46] "Applicants notified that they have been selected to apply for an immigrant visa have been known to either sell their notification letters or give them to relatives," reported Ghana's *Daily Graphic*.[47] Agents reportedly charged 5,000 USD to add "sons" to applications.[48] Others had their clients "marry" their sisters in order to win.[49] After a client received word that he or she had a winning entry, some agents reportedly coached visa applicants to claim skills at specific, authorized trades, such as tailoring, in order to pass the interview.[50] Some agents would register applicants, retain the confirmation

[44] "Nigeria: Business Centres In Visa Lottery Boom."

[45] Laura Lomokie Teye, "Visa Deal – Woman Before Court," *The Mirror,* September 2, 1995, KNUST.

[46] William A. Asiedu, "Mad Rush to Register Marriages – for easy visa acquisition," *The Mirror*, May 12, 2001, KNUST.

[47] Jojo Hagan Annobil, "US Green Card Lottery …Suspense and Agony," *Daily Graphic,* October 27, 1998, University of Ghana.

[48] Kofi Owusu-Daaku, interview with author, January 30, 2013, Kumasi, Ghana. (Transcript in Author's possession)

[49] Ibid.

[50] Ibid.

numbers, and sell winning entries to those willing to pay - and to adopt the identity of the winner.[51]

Africans were not alone in peddling fraudulent documents or exploiting Africans seeking to go abroad. An American man, Herbert Steed, who in 1994 became a poster-boy for welfare fraud, was also accused of bilking a group of Ghanaians- whom he had promised a tour to the United States - out of some $700,000.[52] The Ghanaian Attorney General's office struggled to charge those who committed fraud, but news articles about cases of visa fraud continued to appear frequently.[53] One "mechanic's dream of going to the United States of America fizzled into thin air when he realized rather too late that he had been duped," by a driver who claimed to be an employee of the American embassy.[54] In 2000, an evangelical leader was brought before a tribunal in Accra for duping three disabled people out of money he promised to use to secure them a visa to the United States.[55] In 2003 and 2004, when American critics of the lottery argued that the program's susceptibility to fraud carried out by visa agents posed a national security risk

[51] Stephen Atta Owusu, "Visa Contractors and U.S. Diversity Visa Lottery Fraudsters Drain Gullible Victims in Ghana," *modernghana.com*, August 28, 2012, accessed at http://www.modernghana.com/news/414171/1/visa-contractors-and-us-diversity-visa-lottery-fra.html.

[52] Robert F. Mc Fadden, "Big Spender is Charged with Fraud on Welfare," *New York Times*, October 7, 1994 and Laura Lomokie Teye & Nana D. Buadu, "Bright refund chances for abortive USA '94 trip," *The Mirror*, January 7, 1995, KNUST.

[53] Paul Awortwi-Mensah, "Travel agent faces fraud charge," *Daily Graphic*, October 13, 1998, University of Ghana.

[54] Hadiza Nuhhu-Billa, "Mechanic swindled in visa deal," *The Mirror*, May 29, 1999, KNUST.

[55] Paul Awortwi-Mensha, "Evangelist defrauds 3 disabled persons of c3.1 million," *Daily Graphic,* June 16, 2000, KNUST.

for the United States, however, Congress chose not to eliminate the program.[56] U.S. consular officers screened DV winners for false documents and fraudulent claims during the interview process, although the private visa agents still posed a problem for the individuals they defrauded.[57]

Not every private agent was engaged in illegal or unethical activities. Because of the confusing messages about the lottery promulgated by the agents, accurate information was hard to come by. The lottery was technically free to enter, and U.S. officials did not recommend that Africans pay for help to apply. But some people lacked the confidence or knowledge to fill out the forms themselves.[58] Agents helped individuals understand the program's requirements, find accurate information, fill out the form, produce the proper documentation, and many did this for reasonable fees.[59] Although the State Department believed it had created a simple lottery process, it was not necessarily accessible to ordinary people with limited knowledge of the English language and U.S. bureaucratic

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[56] *Diversity Visa program and its Susceptibility to Fraud and Abuse: Hearing Before the Subcommittee on Immigration, Border Security, and Claims, of the Committee on the Judiciary, House of Representatives*, April 29, 2004, 108th Cong., 2 (2004); U.S. Government Accountability Office, *Committee on Homeland Security, Report to the Chairman, Border Security: Fraud Risks Complicate State's Ability to Manage Diversity Visa Program*, H.R. Rep. No. 07-1174 (September 2007) accessed at http://www.gao.gov/new.items/d071174.pdf.

[57] *Fraud Risks Complicate State's Ability to Manage Diversity Visa Program*.

[58] Sarpong, interview.

[59] Most of the visa agents I interviewed in Ghana charged no more than five or ten cedis (around $2.50 or $5 at the time of the interviews) for individual DV lottery entries, and the going rate in Cameroon in 2015 was 1000 CFA francs ($2).

norms.[60] Visa services agents translated these procedures so that their African clients could understand them. They may have profited in the process, but so did their clients.

"Due to the way people do suggest others to the lottery program makes it popular," a visa agent working in Bamenda, an anglophone city in Cameroon, told me.[61] In anglophone areas especially, Cameroonians tended to have friends, relatives, or acquaintances who played the lottery successfully or who were otherwise already in the United States. One man from the Southwest region in Cameroon recalled playing as a child when his parents entered the whole family in the lottery. Although information about the lottery traveled slowly, and most people in Cameroon did not learn about the lottery until after 2000, this family's relative already residing in the U.S. encouraged them to play.[62] Another man in Bamenda recalled playing as early as 1998. "Sometimes we had people, I don't even know where - by that time we were not so versed with internet - and I don't even know where guys were getting forms. I remember having the first form from a neighbor, in Bamenda, who brought it," he said. "So when you bring a single form, we would do duplication, photocopy, then now we started filling the forms, according to the instructions, in capital letters and black ink. We did and then you have a passport-sized photograph which you clip, and you post. That is how it used to work at

[60] English is an official language in Ghana, Nigeria, and Cameroon, and it is used widely in government, business and education, but many citizens of these countries also speak one or more local languages.

[61] Fru Desmond Awah, interview with author, November 7, 2015, Bamenda, Cameroon. (Transcript in author's possession.)

[62] Atabe Nzunse, interview with author, November 7, 2015, Bamenda, Cameroon. (Transcript in author's possession)

first," he explained to me.[63] Informal networks of individuals, based on family and other relationships, facilitated DV lottery participation. Private firms amplified the efforts of these small networks by spreading word and offering lottery services.

At a time when many Africans equated departing Africa as winning, the United States invented an immigration policy that literally made a green card the winning prize in a lottery. That the program took the format of a lottery drove high participation among Africans, who were familiar with playing other kinds of lotteries. Although U.S. legislators had considered more complicated formats when creating the DV program, including a points system that favored highly skilled individuals, random draw was simpler and cheaper than the other options under consideration.[64] The choice also spoke to the contemporary rise of lotteries in general to shore up funding for public programs, in the United States and elsewhere.[65] Ghana's "national obsession with lottery," warned

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[63] Ambe Mola Valentine Anyele, interview with author, October 28, 2015, Yaoundé, Cameroon. (Transcript in author's possession)

[64] David O. Williams, Deputy Assistant Secretary of Labor for Employment and Training, cited in Walter P. Jacob, "Diversity Visas: Muddled Thinking and Pork Barrel Politics," *Georgetown Immigration Law Journal* 297 (1992), 316. In a 1988 memo responding to written questions from the Subcommittee, Secretary of State George Schultz noted that a random lottery would probably be less costly to administer than a qualified, points-based system where applicants would be sorted according to criteria. "The unqualified registration system requires only the clerical function of data entry to create the record of registration. Since there are no requirements for registration, there would be no need to adjudicate the application substantively." He added that an unqualified registration system "would produce a much larger pool of registrants." Yet, a qualified, points-based system would be "the most conducive to fraudulent claims that could be imagined." Written Responses to Questions, February 29, 1988, 4-5, Box 369, Folder 9, Alan K. Simpson papers, Collection 10449, American Heritage Center, University of Wyoming.

[65] Richard L. Worsop, "Gambling Boom: Will the gaming industry's growth hurt society?" *Congressional Quarterly Press* 4, issue 11 (March 18, 1994): 241-264.

one newspaper article, is "threatening to turn Ghana into a nation of gamblers."[66] Throughout the mid-1980s, widely circulating lotto newspapers signaled Ghana's urban citizens' interest in playing games of chance.[67] The national press printed national lottery numbers, advertised private lotteries, corporate raffles, and political party funding raffles.[68]

In a 1995 piece cleverly titled "To Lotto or Not To," one writer complained about a self-proclaimed "lotto professor" holding court at Nkrumah Circle in Accra, Ghana promising the secrets to better lottery results.[69] In one cartoon from 1998 a baffled man is surrounded by more than a half-dozen lottery booths, while a smooth operator tries to get him to enter a particular lottery that promises to raise funds to buy an electricity generator for the country, with an unrealistic 99.7 percent chance of winning. The cartoon was an astute critique of lotteries which were inadequate to make up shortfalls in state revenues, and no substitute for robust state services and infrastructure that would reliably deliver electricity, for example.[70]

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[66] Editorial, "Of Raffles and Lotteries," *Daily Graphic*, August 27, 1996, University of Ghana.

[67] Nugent, *Big Men, Small Boys, and Politics in Ghana,* 190.

[68] Various newspapers and dates, including *Daily Graphic, The Mirror, The Pioneer,* and *The Spectator,* KNUST.

[69] Rev. Apostle Kwamena Ahinful, "To Lotto or Not To," *The Mirror,* May 13, 1995, KNUST.

[70] In the 1990s and 2000s to the present, Ghana's electricity company (ECG) struggled to provide adequate electricity to the country, with frequent "load shedding" exercises designed to lighten the load. "Lights off" has been a common complaint/refrain, despite the fact that Ghana's Akosambo Dam produces electricity not only for the country, but for markets in neighboring Togo and Benin.

Entering the visa lottery was not much different from buying lottery tickets from a booth. It was actually fun; some people would "play" - the verb most commonly used - casually.[71] Throwing one's name into the mix was for some people an act of desperation given the poor economic situation. But for others, the decision to play was undertaken more lightly. The process was not confusingly bureaucratic, and required no commitment.

Applicants tended to attribute their lottery experience to good or bad luck, rather than to U.S. decision-making, which distanced the lottery from American global power. Instead, one's fate was attributed to a higher power: "What is required is attention to detail, luck and lots of luck," said a 1998 opinion piece in the *Daily Graphic*.[72] Lottery winners tended to feel singled out: "If you're lucky, you're selected," explained one DV winner.[73] Not winning the lottery was blamed on bad luck or fate. As one repeated registrant said, "I am not somebody who is lucky for such things."[74] Yet, not winning the lottery was not the same as defeat: "I know one day my time will also come," said

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[71] Paulina Johnson, interview with author, April 11, 2013, Accra, Ghana; Ibrahim, interview with author, April 11, 2014, Philadelphia, PA. (Transcripts in author's possession.)

[72] Jojo Hagan Annobil, "U.S. Green Card Lottery …Suspense and Agony."

[73] Rita Ofori-Frimpong, interview with Susan Thomson and Christoph Strobel, November 8, 2007, University of Massachusetts Lowell Center for Lowell History, Oral History Collection, accessed at http://library.uml.edu/clh//OH/ETHNO/Ofori-Frimpong,%20Rita%2007.05.pdf. See also Malam Faisal, interview with author, May 9, 2014, Philadelphia, PA (Transcript in author's possession); Tekleab Elos Hailu, Bernadette M. Mendoza, K.E. Maria Lahman, and Veronica M. Richard, "Lived Experiences of Diversity Visa Lottery Immigrants in the United States," *Qualitative Report* (December 2012): 1-17.

[74] Henry Nti Antwi, interview with author, April 24, 2013, Kumasi, Ghana. (Transcript in author's possession.)

another applicant in Kumasi.[75] As Lynne Brydon has argued, "luck" came to occupy a significant space for Ghanaians navigating their economic worlds in the era of adjustment.[76]

As Charles Piot argues in his work on the visa lottery in Ghana's neighbor, Togo, the popularity of the program cannot be explained as merely the result of economic and political factors in the country. Instead, he asserts that the visa lottery became a cultural practice, and like other cultural practices took on "a life of its own and produced its own excess."[77] Piot describes Togolese entrepreneurialism supporting the lottery as "an event that collects stories around it, that feeds a collective fantasy, and that produces reputations and markers or distinction." As this chapter shows, the visa lottery first depended upon the transnational efforts of U.S.-based visa entrepreneurs, and then the efforts of a variety of African actors. Just a few years into the lottery, it had been accepted "as a credible process, as almost everyone can point to some distant relative or close friend who is currently in the U.S. courtesy of the visa lottery," as the Nigerian *Sunday Champion* magazine stated in 1996.[78] The format of the lottery, and the approaches of visa services agents helped transform the program into a cultural event. The United States also made decisions in its foreign policy approach to Africa in the 1990s that amplified the impact of African agents.

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[75] Bernard Gyasi, interview with author, April 8, 2013, Kumasi, Ghana. (Transcript in author's possession.)

[76] Brydon, "'With a Little Bit of Luck…' Coping with Adjustment in Urban Ghana, 1975-90."

[77] Piot, *Nostalgia for the Future,* 95.

[78] Nwabuko, "Going to America."

U.S. Outreach and Public Diplomacy

Roy Glover, the United States Information Service (USIS) officer based in Accra, published in 1994 a USIS information sheet in Ghana's *Free Press* newspaper explaining the requirements for entering the lottery.[79] While the USIS notice described a Washington D.C.-based DV hotline to provide information, the press release was dense with technical text, and Glover only posted the notice once, compared to the barrage of messages from American and local visa entrepreneurs. While USIS and the U.S. embassy made efforts to inform Ghanaians about the lottery's operation so that people would not be the victims of unscrupulous visa agents, officials mostly failed to convince people not to pay for the assistance of a private visa agent. U.S. embassy spokesperson Bruce Lohof issued another warning in 1999 after a visa agency made false promises about the lottery.[80] But applicants barely heard such official warnings. That official U.S. clarifications were so muted compared to private actors' advertisements reflected a larger change in the U.S. presence on the ground in Ghana and elsewhere in sub-Saharan Africa, and its attitude about public diplomacy in general after the end of the Cold War. Consequently, private commercial visa agents had more space to operate and a greater role in the lottery's operation.

While African countries had never been central to U.S. foreign policymaking, with the exception of South Africa, the continent was a significant frontier for U.S.

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[79] "Going to the United States? USIS explains visa lottery programme."

[80] Press Review of April 1, 1999, accessed at http://www.ghanaweb.com/GhanaHomePage/NewsArchive/artikel.php?ID=5725.

containment of the spread of communism during the Cold War.[81] Over the years, the United States contributed to military operations throughout the continent, from Congo and Egypt in the 1960s, to Zaire and Angola in the 1970s, to Ethiopia and Somalia in the 1980s, all in support of its Cold War aims. The U.S. also engaged in cultural diplomacy to win African "hearts and minds." The U.S. Information Agency (later USIS) published magazines and broadcasted Voice of America radio shows stressing the shared values between Americans and Africans. Successive American presidential administrations undertook modernization and economic development programs in Africa in the 1950s and 1960s.[82] In addition, the State Department organized American jazz musicians on tours throughout Africa in order to promote American culture, emphasizing America's commitment to racial justice. Louis Armstrong's visit to Ghana in 1956 and later the *Soul to Soul* concert in Accra in 1971 left a lasting impression on Ghanaian music.[83] The end of the Cold War removed a key justification for these efforts. Yet it presented a new opportunity to reframe the United States' relationships with African countries and to rethink American public diplomacy more broadly.

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[81] Thomas Borstelmann, *Apartheid's Reluctant Uncle: The United States and Southern Africa in the Early Cold War* (New York, NY: Oxford University Press, 1993).

[82] Karen B. Bell, "Developing a "Sense of Community": U.S. Cultural Diplomacy and the Place of Africa during the Early Cold War Period, 1953-64," in *The United States and West Africa,* ed. Alusine Jalloh and Toyin Falola (Rochester, NY: University of Rochester Press, 2008); Larry Grubbs, *Secular Missionaries: Americans and African Development in the 1960s* (Amherst, MA: University of Massachusetts Press, 2009).

[83] Penny M. Von Eschen, *Satchmo Blows Up the World: Jazz Ambassadors Play the Cold War* (Cambridge, MA: Harvard University Press, 2004); Jesse Shipley, Part 1: Pan Africanism and Hiplife, interview, Afropop Worldwide, 2014, http://www.afropop.org/wp/12243/jesse-shipley-part-1-pan-africanism-and-hiplife/.

An early post-Cold War crisis set a blueprint for American policy in Africa, making the United States less likely to directly intervene in African affairs in the years that followed. In 1992, the George H. W. Bush administration sent U.S. forces to Somalia to support U.N. relief operations there, signaling engagement, dedication to humanitarian intervention, and an interest in working closely with the United Nations. But the killing of 18 American troops at the Battle of Mogadishu in 1993 shocked the American public, and the Bill Clinton administration called for the troops to withdraw by March 1994.[84] This event established a pattern for U.S. involvement on the continent for the rest of the decade; as other humanitarian crises unfolded throughout the 1990s, the U.S. demurred, preferring to avoid direct intervention.[85] Even as the Clinton administration embraced globalization and emphasized democratization and global economic interdependence, it kept its main focus on regions of the world other than Africa.

When the United States did identify foreign policy aims in West Africa in this era, it preferred to work through intermediaries, in particular Nigeria. When Liberia collapsed into civil war in 1990, Nigeria took the lead role. It coordinated an intervention coalition of West African countries, for example. As the country took on a greater international

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[84] Mark Bowden, *Black Hawk Down: A Story of Modern War* (New York, NY: Grove Press: 1999); Dr. Richard W. Stewart, "The United States Army in Somalia, 1992-1994," U.S. Army Center of Military History, accessed at http://www.history.army.mil/brochures/Somalia/Somalia.htm prepared to honor the tenth anniversary of Operation Restore Hope.

[85] Most famously during Rwanda's genocide in 1994 - something Clinton named as the top regret of his presidency. Samantha Power, *A Problem from Hell: America and the Age of Genocide* (New York, NY: Basic Books, 2002); J. Stephen Morrison and Cooke, Jennifer G., eds., *Africa Policy in the Clinton Years: Critical Choices for the Bush Administration* (Washington DC: Center for Strategic and International Studies Press, 2001).

role within Africa, however, Nigeria became an international pariah during the Abacha years, from 1993 through 1998. The Clinton administration disengaged from Nigeria in particular after the regime's execution of activist Ken Saro-wiwa in 1995.[86] While the U.S. continued to buy oil from the country, it also reduced official aid, and when President Clinton became the second president ever to visit sub-Saharan Africa, he avoided visiting Nigeria, notwithstanding its role as regional power.[87]

Not only was the United States less interested in direct intervention in Africa after the end of the Cold War, but it also devoted fewer resources to its public diplomacy in general. Reacting to the end of the Cold War and the needs of the "new world order," the State Department underwent reorganization, including budget and staff cuts.[88] Between 1993 and 1996, while the United States opened twenty embassies in newly-created states in Eastern Europe, it shut down thirty-two diplomatic and consulate posts elsewhere and reduced the Department of State staff by 2,500 people.[89] The United States Information Agency saw its budget disappear: its 1998 budget was one third below its 1993 budget,

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[86] J. Stephen Morrison and Cooke, Jennifer G., eds. *Africa Policy in the Clinton Years: Critical Choices for the Bush Administration* (Washington DC: CSIS Press, 2001),75.

[87] John Campbell, *Nigeria: Dancing on the Brink* (Lanham, MD: Rowman & Littlefield Publishers, 2011); Pauline H. Baker and John J. Stremlau, "Nigeria: U.S.-European Stakes in Africa's Largest State," in *Transatlantic Tensions: The United States, Europe, and Problem Countries*, ed. Richard Haass (Washington DC: Brookings Institution Press, 1999).

[88] James M. Lindsay, "The State Department Complex After the Cold War," in *U.S. Foreign Policy After the Cold War* eds. Randall B. Ripley & James M. Lindsay (Pittsburgh, PA: University of Pittsburgh Press, 1997): 74-105.

[89] Christopher M. Jones, "The Foreign Policy Bureaucracy in a New Era," in *After the End: Making U.S. Foreign Policy in the Post-Cold War World*, ed. James M. Scott, (Durham, NC: Duke University Press, 1998): 57-88, 64.

and shrinking - the USIA was ultimately dissolved in 1999.[90] As a result, the U.S. diplomatic presence on the ground diminished greatly in sub-Saharan Africa through the 1990s.

Although Congress' decision to cut funding to U.S. public diplomacy stemmed from the shifting priorities and leaner budget of the U.S. government after the Cold War, it also signaled a belief that globalization and the Information Age could do the work of spreading American culture. The public diplomacy arm of the State Department had for years built libraries, fostered educational exchanges, broadcast radio shows, and printed and distributed magazines. It had been devoted to "winning the support of foreign publics to further U.S. political, economic and security interests," in the words of a 1995 report by the U.S. Advisory Commission on Public Diplomacy.[91] As *New York Times* columnist Thomas Friedman noted, the consulates had been a way of "offering more in the way of American culture than McDonald's and Mickey Mouse."[92] The decision to defund the State Department and its public diplomacy efforts meant that America's cultural products like *The Oprah Winfrey Show* had to pick up the slack in the work of representing the United States abroad.[93] The influential political scientist and Clinton administration

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[90] Sablosky, "Reinvention, reorganization, retreat: American cultural diplomacy at century's end, 1978-1998."

[91] "Report: Public Diplomacy for the 21st Century," 1995, U.S. Advisory Commission on Public Diplomacy, accessed at http://www.state.gov/pdcommission/reports/176127.htm.

[92] Thomas L. Friedman, "The End of Something," *New York Times*, July 26, 1995.

[93] "The Oprah Winfrey Show Highlights, 5.00pm Daily!" advertisement in *Free Press,* February 13, 1996, microfilm MF-12732 CAMP r.3 via Cooperative Africana Materials Project: http://catalog.crl.edu/record=b1546185~S1.

member Joseph Nye, Jr., famously popularized the term "soft power." He advised that the United States should deploy its culture abroad to win the support of other countries. "American popular culture embodied in products and communications has widespread appeal," he argued.[94]

As U.S. public diplomacy efforts retreated, African visa agents stepped into the space to promote the lottery as "the surest way to reach the United States of America."[95] From a practical perspective, the absence of official U.S. voices made the work of the visa agents promoting and facilitating the lottery more prominent. As the U.S. embassy noticed the proliferation of visa lottery advertisements, to no avail it released statements to the press stating "no outside service can therefore improve an applicant's chances of being selected," but its efforts to clarify the rules of the lottery fell on mostly deaf ears.[96] Private companies promised clients the chance to "feel the greatness of exposure to the hospitality of the American people."[97] Both the context of African states' economic and political decline in the mid-1990s and the United States' choices to let its commercial and cultural products represent the country abroad created public spaces in Africa in which the commercial visa agents flourished.

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[94] Joseph S. Nye, Jr., *Bound to Lead: The Changing Nature of American Power* (New York, NY: Basic Books, 1990), 193. See also Joseph S. Nye, Jr., *Soft Power: The Means to Success in World Politics* (New York, NY: Public Affairs, 2004).

[95] Letter to the Editor, Akilu Sayibus, "Clarify Situation on Diversity Visa Forms," *Ghanaian Chronicle,* November 12, 1997, microfilm MF-12731 r.6, via via Cooperative Africana Materials Project: http://catalog.crl.edu/record=b1546907~S1.

[96] "Visa lottery is simple," *The Mirror*, December 2, 1995, KNUST.

[97] Advertisement, "America!!! America!!! Boon to Students," *Daily Graphic*, February 6, 1996, University of Ghana.

CHAPTER 7: RUMORS AT THE POST OFFICE: AFRICAN SOVEREIGNTY AND CITIZENSHIPS, 1994-2003

"Rumours have a way of spreading faster than truth in these parts. Sleek, like hot flames, they disseminate their warmth and quietly but surely roast up everything in their wake."

- Makuchi, "American Lottery"[1]

In February 1996, Nigeria's *Sunday Champion* magazine ran a cover story on the U.S. visa lottery. "Nigerians Rush for America" declared the headline in huge letters. A sub-headline reported that NIPOST - the Nigerian postal service - was "stretched" by the challenge of processing hundreds of thousands of applications that overwhelmed local postal facilities.[2] NIPOST officials in Akure, a modest-sized city in southwest Nigeria, reported more than 100 visa lottery applicants daily - "an unprecedented influx" - were clamoring at the post office for information on the visa lottery.[3] Benin City, in the southern part of Nigeria, reported "an unprecedented boom in stamp sales as thousands of citizens rush to purchase postage stamps needed to mail their entries for the much publicised [sic] immigrant visa lottery."[4] But Nigerians also spread rumors that NIPOST was destroying their applications, with the intention of curbing their desire to leave Nigeria. Rumors about government interference in the U.S. visa lottery situated at the

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[1] Juliana Makuchi Nfah-Abbenyi, *Your Madness, Not Mine: Stories of Cameroon* (Athens, OH: Ohio University Press, 1999), 93.

[2] Biodun Sonowo, Chukwudi Nwabuko, and Chris Okereafor, "Nigerians Rush for American," *Sunday Champion (Nigeria),* February 25, 1996, cover story. Microfilm MF-12058 CAMP r.18 via Cooperative Africana Materials Project: http://catalog.crl.edu/record=b1517636~S1.

[3] Ibid.

[4] Ibid.

post office spread not only through Nigeria but across other countries in sub-Saharan Africa. These scandals and rumors about African postal services exposed anxieties about African states and citizenships in the mid-1990s.

A year or two into the visa lottery's operation, various African postal systems came under scrutiny for their roles facilitating - and, more accurately, for failing to facilitate - Africans' participation in the American visa lottery. The stories and rumors about African postal services' roles in the DV lottery served several purposes. They served as expressions of Africans' frustrations with states that no longer seemed interested or capable of satisfying the needs of ordinary people. They commented on the widespread sense that African states were growing rich at the expense of citizens. They pushed their states, in some cases, to improve mail services. And they showed how Africans found creative ways around the state postal service, either through the use of private mail services, or through their own transnational networks.

Rumors about the postal service had two important consequences. First, these stories circulated so widely that they turned up in newspaper articles, cartoons, visa entrepreneurs' advertisements, and letters to the editor, and actually incited action. In some cases, spokespeople for the postal services themselves came forward to discuss the veracity of the rumors. While there is as yet no way to verify in the archives things like the success rate of the Nigerian postal service or to dig through internal memos that might reveal a conspiracy to destroy applications, it is important to take these rumors seriously as stories people believed were true and discussed broadly - and in the case of Sierra Leoneans below, they acted on the information they had.

Secondly, rumors expressed a tension between individuals and the state at a particular moment in recent African history. As the historian Luise White writes, historicizing rumor "means not only making them historical sources but utilizing the ways in which they are both historical and intensely personal."[5] Criticism by ordinary people of the state postal service was a form of accusation that revealed important anxieties of the people sharing these stories at the time. The power of a rumor, White argues, "lies in the contradictions it brings together and explains."[6] She explains, that a rumor "may reveal an intellectual world of fears and fantasies, ideas and claims that have not been studied before."[7] In the 1990s, the relationships between state and citizens in many African countries were under pressure, as the social contract established at independence crumbled. When Africans spread rumors about their postal services' failures in serving their visa lottery dreams, they were expressing anxiety and frustration with states that were failing them more broadly.[8] Moreover, because the DV lottery reaffirmed the importance of national citizenship in a global age, these rumors showed how Africans felt bounded in an international system that weakened African sovereignty at the same time offering them no real alternatives to national institutions.

That the rumors also implicated the United States Postal Service showed that these anxieties extended beyond the borders of African states to reflect concerns about

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[5] Luise White, *Speaking with Vampires: Rumor and History in Colonial Africa* (Berkeley and Los Angeles, CA: University of California Press, 2000), 70.

[6] Ibid.

[7] Ibid, 86.

[8] See also Stephen Ellis, "Tuning in to Pavement Radio," *African Affairs* 88, no. 352 (July 1989): 321-330.

African states and individuals' place in the global order. In the mid-1990s, the specter of the "brain drain" made African states seem helpless, and the visa lottery appeared to contribute to the out-migration of Africa's human capital. Yet in this period, many African states adopted new strategies for coping and capitalizing on emigration, including the recognition in Ghana and Nigeria, of dual citizenship.

Postal Scandals

The Diversity Visa lottery was designed to be straightforward and cost-free to enter. Before 2003, there was not even an official form to fill out. Applicants simply had to write their name and mailing address, enclose a passport-size photograph in a standard envelope, and write their name and country on the upper left-hand corner of the envelope.[9] As explained in Chapter 6, many African lottery applicants sought out paid assistance to put together their applications. One of the things that private visa agents promised to do was ensure proper delivery of visa lottery applications. On its face, mailing the lottery applications was not necessarily complicated. But in practice, it was not so straightforward.

Visa applications had to arrive at a Post Office box in New Hampshire, in the United States, within the designated visa lottery entry period.[10] Applications received too early were disqualified, as were those received after the last day of the lottery. Timing the entry was one problem. The more significant problem was that private mail delivery

[9] United States Information Service, "Europe and Africa to receive largest number of visas," *The Democrat*, February 12, 1996, microfilm MF-12604 r.14 via Cooperative Africana Materials Project: http://catalog.crl.edu/record=b1543207~S1.

[10] Later the entries had to be sent to a facility in Kentucky.

services could not deliver to a U.S. Post Office box. For international mail to be delivered to a United States P.O. box, it had to be sent via national mail carriers. This meant that African visa lottery applicants had two choices. Some could send their entries to relatives or contacts already in the United States to put in U.S.P.S. mailboxes.[11] By stipulating that it would accept applications only sent by official mail, the United States inadvertently favored lottery applicants who had friends or family already in the United States, ironic given the program's aim at making visas available to people without such ties.

The second option was for visa applicants to send applications through their own national postal services, which were rumored to be inefficient and unreliable. The post office is one of the most persistent symbols of national government in the lives of ordinary people. Through Franklin Roosevelt's New Deal, for example, the United States built post offices, thereby establishing in even remote villages a physical symbol of the federal government. In addition, a special section of the U.S. Treasury Department recruited artists to adorn the buildings with murals depicting national ideals.[12] These murals can still be found in post offices today, and mail carriers making the rounds may be the most prominent manifestations of the federal government's reach in the daily lives of many Americans. During colonial rule in Africa, metropolitan governments built mail

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[11] Atabe Nzunse, interview with author, November 7, 2015, Bamenda, Cameroon. Atabe's family was an early adopter of the lottery, and he recalled his family playing some 15 years earlier. "Most of the times, we had pictures taken and then sent to alderman who was in the U.S." through the mail, he told me. (Transcript in author's possession.)

[12] Marlene Park and Gerald E. Markowitz, *Democratic Vistas: Post Offices and Public Art in the New Deal* (Philadelphia, PA: Temple University Press, 1984); Jane De Hart Matthews, "Arts and the People: The New Deal Quest for a Cultural Democracy," *The Journal of American History* 62, no. 2 (September 1975): 316-339.

and other communications infrastructure to secure political power in their colonies. In the British Empire in Africa and elsewhere, colonial rulers built on the established pre-colonial communications system used by local rulers. Flag post "mail runners became the 'lines' by which the colonial administration and European residents could ensure effective communication."[13]

After independence, post-colonial leaders in Africa used public symbols of nationhood to consolidate the new nation-states formed at the end of empire. Kwame Nkrumah, the first president of Ghana, issued postage stamps to commemorate the nation's independence in 1957, and the completion of the Akosambo dam and the Volta River Project, his major national push to industrialize the country, in 1966.[14] He understood that postage stamps could serve as "tiny transmitters of the dominant ideologies of the state destined for the imagined community of the nation," in the words of scholar Igor Cusack.[15] Despite the existence since 1874 of the Universal Postal Union

[13] Walter Gam Nkwi and Mirjam de Bruijn, "'Human Telephone Lines': Flag Post Mail Relay Runners in British Southern Cameroon (1916-1955) and the Establishment of a Modern Communications Network," *International Review of Social History* 59, no. S22 (December 2014): 211-235, 218.

[14] Harcourt Fuller, "*Civitatis Ghaniensis Conditor*: Kwame Nkrumah, symbolic nationalism and the iconography of Ghanaian money, 1957-the Golden Jubilee," *Nations and Nationalism* 14, no. 3 (July 2008): 520-541; Harcourt Fuller, *Building the Ghanaian Nation-State: Kwame Nkrumah's Symbolic Nationalism* (New York, NY: Palgrave Macmillan, 2014).

[15] Igor Cusack, "Tiny transmitters of nationalist and colonial ideology: the postage stamps of Portugal and its Empire," *Nations and Nationalism* 11, no. 4 (October 2005): 591–612.

tasked with coordinating cooperation between postal systems and facilitating international mail, the postal service remains a project of a national scale.[16]

Yet, African state-run postal services seemed to be failing in the era of structural adjustment, when state-owned industries in general were under reform. Private courier services had been operating in Africa since the mid-1980s, and by 2000, DHL enjoyed a 53 percent market share on the continent.[17] Many people had come to believe that these companies were more reliable than the national postal services. Private visa services agencies preyed upon clients' skepticism about the reliability of their national postal services. For example, in Nigeria, Libertylink promised to hand-deliver applications to the United States.[18] A February 1996 ad warned against depending on NIPOST: "Many forms did not get to the appropriate destination due to postal delays." Vio, a private firm, guaranteed that Nigerian visa lottery applications would be received by the United States on time - for a fee of 500 naira.[19] Postage to send an application to the United States at

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[16] Peter A. Shulman, "Ben Franklin's Ghost: World Peace, American Slavery, and the Global Politics of Information Before the Universal Postal Union," *Journal of Global History* 10, no. 2 (July 2015): 212-234. See also, website of Universal Postal Union, http://www.upu.int/en/the-upu/the-upu.html.

[17] Neta Nwosu, "DHL Courier Company Launches Africa First Campaign," *The Post Express,* August 24, 2000, http://allafrica.com/stories/200008240424.html. DHL began operations in Ghana in 1984. "DHL: Corporate – DHL's History," DHL website at http://wap.dhl.com/info/history.html, accessed October 1, 2014.

[18] Advertisement: "Libertylink: Best bet in the American visa lottery," *Daily Champion,* February 6, 1997, microfilm MF-12058 CAMP r.24 via Cooperative Africana Materials Project: http://catalog.crl.edu/record=b1517636~S1.

[19] Advertisement: " Vio Investment Limited: US Visa Lottery!," *Daily Champion*, February 16, 1996, microfilm MF-12058 CAMP r.18 via Cooperative Africana Materials Project: http://catalog.crl.edu/record=b1517636~S1. The general manager of Vio also told the *Sunday Champion* that his aim was to help Nigerians who had been disqualified in the past due to postal delays. Chukwudi Nwabuko, "Going to America," *Sunday*

the time cost only 40 naira.[20] Some agents promised fast delivery to the United States by using private courier services, without mentioning that mail sent by courier would be rejected at its destination.[21] Other agents specified that they would send applications via private courier to a contact point in the United States, after which point the applications would be delivered to New Hampshire through the regular U.S. mail.[22]

While the visa agents may have fanned these anxieties to drum up their own business - one Nigerian newspaper article called the efforts a "campaign of calumny and propaganda" against NIPOST - they built upon pre-existing anxieties about the postal service.[23] As the *Sunday Champion* reported, the Nigerian postal service was "stretched" in its efforts to deliver the mail to the United States on time.[24] One woman complained, "you can never trust NIPOST with its laxity."[25] Distrust of the postal service was about more than mail delivery. In an era of reduced public services and advancing privatization, NIPOST - and other African postal services - were lone outposts connecting citizens to

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Champion, March 10, 1996, cover story, microfilm MF-12058 CAMP r.19, via Cooperative Africana Materials Project: http://catalog.crl.edu/record=b1517636~S1.

[20] Sonowo, Nwabuko, and Okereafor, "Nigerians Rush for American."

[21] Nwabuko, "Going to America."

[22] "Some of the services rendered included the sending of the application by courier to a destination point in the U.S.A., from where they would be sent to Portsmouth, New Hampshire by regular post." Austin Avwode, "Mad Rush to America," *The Week*, March 11, 1996, http://search.proquest.com.libproxy.temple.edu/docview/198929055?accountid=14270.

[23] "Nigeria: Business Centres In Visa Lottery Boom," *P.M. News*, October 3, 2000, http://allafrica.com/stories/200010130258.html.

[24] Sonowo, Nwabuko, and Okereafor, "Nigerians Rush for American."

[25] Avwode, "Mad Rush to America."

the national government. In the mid-1990s as Nigerians and others were forced to rely on the postal service, their frustrations at the lack of capacity of the state to provide even basic services surfaced.

Rumors spread throughout different cities in Nigeria that the NIPOST would fail to deliver visa lottery applications, not only because of the post office's incompetence, but because of direct interference by the Nigerian federal government. Some believed that the Nigerian postal service intentionally destroyed Nigerians' visa applications under government orders, an allegation that the government and postal service denied.[26] NIPOST also introduced doubt about the ability of private visa services firms to ensure the delivery of lottery applications. Postal officials returned the favor of spreading rumors of unreliability by reporting that several visa services firms had collected applicants' money but then dumped applications, unstamped, at local post offices.[27] In March 1996, the *Daily Champion* reported that a Lagos-based visa services agency had been shuttered by the state task force on telecommunications and postal offenses, with its directors arrested.[28] The firm, the task force reported, had been operating a courier service without a license to do so, and had deceived customers with false promises to deliver the mail to

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[26] Tunde Asaju, "The Lucky Ones: More than 5000 Nigerians were among the 89,746 applicants who were successful in the 1997 United States of America visa lottery," *Newswatch Magazine*, July 27, 1998, 22; Ikeja, Nigeria: Newswatch Communications Ltd. Microfilm AP9.N48 v.28 (Jul.-Sep. 1998), Paley Library, Temple University.

[27] Enyinna Nwagwu, "NIPOST descends on US visa lottery agents," *Daily Champion,* February 6, 1997, cover, microfilm MF-12058 CAMP r.24, via Cooperative Africana Materials Project: http://catalog.crl.edu/record=b1517636~S1.

[28] Enyinna Nwagwu, "Visa lottery firm sealed up," *Daily Champion*, March 8, 1996, microfilm MF-12058 CAMP r.19 via Cooperative Africana Materials Project: http://catalog.crl.edu/record=b1517636~S1.

the United States. In an apparent public relations campaign by the postal service, NIPOST announced a new strategy for processing 1997's lottery applications, creating dedicated mailbags for the lottery in all post offices, to be sent via airmail daily to the United States.[29] Combating rumors about malice, NIPOST claimed it was mailing 92 bags of visa lottery applications daily to the United States.[30] In newspaper reports, NIPOST spokespeople claimed that the postal services would institute a more orderly visa lottery system in order to alleviate the frustrations of Nigerians tired of spending hours in lines to mail their applications. In 1997, NIPOST reported that it handled 2.5 million letters during 1996's visa lottery registration period.[31]

Reports about the volume of visa lottery mail sent through NIPOST fed rumors about NIPOST's greed capitalizing on the visa lottery through the sale of postage stamps. In Benin City, the post office witnessed an unprecedented boom in stamp sales, it was reported, and other post offices around the country saw long lines and many applicants.[32] The boom in postage sales in Nigeria served as the material for a newspaper cartoon in the *Daily Champion*. In it, a figure labeled NIPOST hurriedly carries a sack labeled "US

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[29] Enyinna Nwagwu, "NIPOST creates special U.S. visa lottery bags," *Daily Champion,* January 15, 1997, microfilm MF-12058 CAMP r.24 via Cooperative Africana Materials Project: http://catalog.crl.edu/record=b1517636~S1.

[30] Taye Olaniyi, a spokesperson for the Nigerian postal service, denied the rumor, arguing that the postal service had mailed 92 bags of applications daily to the U.S. from the Lagos district alone. Yusuph Olaniyonu, "Rough Road to Dreamland," TheWeek, February 10, 1997, accessed at http://search.proquest.com.libproxy.temple.edu/docview/198840271?accountid=14270.

[31] "2.5m Nigerians apply for US Visa," *Sunday Champion*, October 25, 1997, microfilm MF-12058 CAMP r.28 via Cooperative Africana Materials Project: http://catalog.crl.edu/record=b1517636~S1.

[32] Sonowo, Nwabuko, and Okereafor, "Nigerians Rush for American."

Visa Lottery Bonanza" to the bank.[33] While postage sales may indeed have provided a boon to the Nigerian postal service, this image also evoked a sense of corruption and fraud, and that the national postal service was enriching itself - at the expense of the people. Nigeria had become synonymous with corruption, from the Gowon regime in the 1970s, through the Buhari and Babangida years of the 1980s, and culminating in the 1990s under General Sani Abacha. Abacha, his family, and his government ministers embezzled more than $3 billion in the five years of his reign.[34] The acronym for the Nigerian electricity company, NEPA stood for Nigerian Electric Power Authority, but the people deemed it "Never Expect Power Always."[35] That the Nigerian post office seemed to be profiting from Nigerians' desire to escape the country was yet another example of unfair, uneven distribution of resources in Nigeria. And, while concern that the NIPOST was actively exploiting the lottery seemed at odds with concerns that the post office was too incompetent and incapable of handing the volume of mail at lottery time, the coexistence of these rumors speaks to a broad disconnect between individuals and the state.

Nigerian rumors about the malfeasance of postal workers extended to the United States. In 1998 and 1999, the United States Postal Service reportedly destroyed 2 million letters from Nigeria entering the United States at JFK airport. But cracking down on the

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[33] Nnuji Uzoamaka, "Cartoon: U.S. Visa Lottery Bonanza," *Daily Champion,* February 27, 1996, microfilm MF-12058 CAMP r.18 via Cooperative Africana Materials Project: http://catalog.crl.edu/record=b1517636~S1.

[34] Toyin Falola and Matthew M. Heaton, *A History of Nigeria* (New York, NY: Cambridge University Press, 2008), 234.

[35] Ibid., 219.

so-called advance-fee fraud letters (a scheme that famously moved online and has become widely known as "419" after the Nigerian statute which proscribes it) may have also destroyed Nigerians' legitimate visa lottery applications.[36] Stories like this spurred more entrepreneurial activity around the lottery, sending would-be applicants to private visa agents promising work-around delivery of applications. These stories also reflected and amplified a growing sense that Nigeria and Nigerians were marked on the global stage as criminals. In 1995, CBS's *60 Minutes* aired a segment on Nigerian fraud, and General Colin Powell earned the ire of many Nigerians when he told *The New Yorker*, "Nigerians as a group, frankly are marvelous scammers. I mean, it is in their national culture."[37] That the world seemed willing to equate a country of more than 100 million citizens with fraud heaped humiliation on the material challenges facing Nigerians.

The rumors that the Nigerian government had ordered the post office to destroy U.S. visa lottery applications were echoed in other countries in sub-Saharan Africa. In each case, ordinary citizens protested and spread rumors that their state-run postal service had destroyed visa lottery applications on purpose. In Ghana, a number of unsuccessful Ghanaian lottery applicants accused the postal service of destroying their applications on government orders. A Ghana Post spokesperson claimed that the "government does not interfere with our work in whatever form," adding for support that it had sent 126

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[36] "U.S. Postal Workers Frustrate Nigerians."

[37] Henry Louis Gates, Jr., "Powell and the Black Elite," *New Yorker,* September 25, 1995: 64-80, 76. See also Howard W. French, "Lagos Journal: Nigerians Lament 'Locusts' That Pick Nation Bare," *New York Times*, October 12, 1995, http://www.nytimes.com/1995/10/12/world/lagos-journal-nigerians-lament-locusts-that-pick-nation-bare.html.

mailbags of 201,000 applications to the U.S. during the lottery.[38] Arguing that the visa lottery presented a rare opportunity to make money, a Ghana Post official wrote to the *Ghanaian Chronicle*, explaining "We can, therefore, not afford to kill the golden chick that lays the golden eggs for us."[39] Speculation persisted, however, about the collaboration between Ghana's government and the Ghanaian postal service to destroy visa lottery application forms.[40] When the results of that year's lottery (DV-99) were announced, Ghana had 5,500 winners - of whom about 1,800 successfully received green cards - the lowest number since the program's inception.[41] Whether or not the Ghanaian postal service actually delivered all entries on time, the persistence of rumors about the ill intentions of the government signaled Ghanaians' feelings that the postal service was corrupt, and that their government was failing them.

Reflecting the growing importance of the visa lottery in Cameroon, a short story by the anglophone Cameroonian writer Juliana Makuchi Nfah-Abbenyi highlighted anxiety about the power of the postal service to shaping the lottery's operation. In "American Lottery" Makuchi describes a character who entered an early visa lottery in

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[38] "U.S. Diversity Visa Lottery Generates Controversy in Ghana," *Ghana Focus,* November 18, 1997, http://allafrica.com/stories/199711180090.html.

[39] Ghana Postal Services Corporation Accra, "Letter to the Editor: Burning of Visa Forms Accusation is No News," *Ghanaian Chronicle*, November 21, 1997, microfilm MF-12731 r.6 via via Cooperative Africana Materials Project: http://catalog.crl.edu/record=b1546907~S1.

[40] Akilu Sayibus, "Letter to the Editor: Clarify Situation on Diversity Visa Forms," *Ghanaian Chronicle*, November 12, 1997, microfilm MF-12731 r.6 via Cooperative Africana Materials Project: http://catalog.crl.edu/record=b1546907~S1.

[41] U.S. Department of State, Statement by James B. Foley, Deputy Spokesman, "Results of the Diversity Immigrant Visa Program (DV-99)," May 6, 1998.

the 1990s. At first, protagonist Paul does not quite believe the stories about the program. His brother calls it "some bogus thing about an American immigration lottery that would grant permanent residence to thousands of aliens!"[42] Once selected as a winner, Paul knows, "this was one lottery he had to win."[43] Cautious about ensuring his application is sent properly, Paul takes his application to the post office to give it directly to a friend working there: "There had been too many rumours [sic] about instructions handed down to postal workers by the Head of State himself, to withhold all DV-applications. 'Let them leave for America only after the dateline for the receipt of applications,' the order had allegedly stressed."[44] Paul gives his visa application to a different postal worker with a grudge against his friend, and to exact revenge, she fails to file the application in time. Despite his best efforts to navigate the system, it is not governmental interference but institutional - and personal - failures that cause his opportunity to disappear.

The criticism garnered by the postal services of Nigeria, Ghana, and Cameroon, paled in comparison to that directed at the post office in Freetown, Sierra Leone, a country then in the midst in civil war. In February 1997, a group of young Sierra Leoneans protested outside the post office after bags of lottery applications - around 5,000 applications in total - were found dumped in the river and destroyed. While the post office denied destroying the forms, police reported finding the forms floating near a wharf in the Sierra Leone River. "I think the Post Office destroyed the forms as the government does not want us to leave Sierra Leone despite the massive hardship and

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[42] Makuchi Nfah-Abbenyi, *Your Madness, Not Mine: Stories of Cameroon*, 93.

[43] Ibid.

[44] Ibid.

unemployment," one applicant charged.[45] "I had nurtured hope of winning a chance to stay in the United States. Now that hope has been dashed," said another.[46] Armed police were sent to guard the post office after the crowd gathered there reportedly threatened to burn it down, and were reported throwing stones at the building. Nigeria's *Daily Champion* reported that fifteen people were hospitalized after the police opened fire and shot tear gas on the crowd. Sierra Leone's president Tejan Kabbah spoke on the radio appealing to the rioters to stop. One protester claimed he'd entered the visa lottery because his family had been displaced by the war in Sierra Leone.[47] The Associated Press reported that up to seventeen people were treated for injuries sustained - some with gunshots - although the police denied that anybody had been injured.[48] Salpost, the national postal service, had been accused of tampering with the mail in the past, yet tensions ran particularly high during the war.[49]

In May 1997 the president of Sierra Leone was forced into exile in Guinea, and the United States shut down its diplomatic presence there, evacuating hundreds of

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[45] "Lottery fever in Freetown," *West Africa*, March 2, 1997, p.297. Paley.

[46] "Sierra Leone: Police guard post office after visa forms dumped," A*gence France Presse*, February 12, 1997. Accessed January 27, 2016, www.lexisnexis.com/hottopics/lnacademic [no permalink].

[47] "U.S. Visa Lottery: Post office mobbed," *Daily Champion,* Nigeria, February 14, 1997, microfilm MF-12058 CAMP r.24 via Cooperative Africana Materials Project: http://catalog.crl.edu/record=b1517636~S1.

[48] Clarence Roy-Macaulay, "Protesters riot over dumped U.S. immigration forms," *Associated Press*, AM Edition, February 12, 1997. Accessed January 27, 2016, www.lexisnexis.com/hottopics/lnacademic [no permalink].

[49] Ibid.

Americans and closing the Embassy.[50] The United States Department of Justice worked to authorize Temporary Protected Status (TPS) for Sierra Leoneans already in the United States as of November 1997, and it encouraged those arriving thereafter to apply for asylum in order to remain in the United States. In the chaos, there was confusion about the visa lottery. As a global program, the lottery had gone forward as planned - the entry period for DV-98 was open between February 3 and March 5, 1997. In September, the United States announced that it had selected around 100,000 winners eligible to apply for the visa itself, including 5,364 Sierra Leoneans.[51] With the U.S. Embassy closed (and the consular section remained closed as of 2005), where would visa lottery winners go to apply for their visas?[52] Eventually the United States established procedures for processing diversity visas, for example, advising winners to apply in Dakar, Senegal in 1999.[53] But in 1997, no such plans existed, or if they did, there was no in-country U.S. presence to spread word.

Some 700 Sierra Leoneans decided to apply for their diversity visas in Accra, Ghana. They came overland and by air, and almost immediately they encountered a problem. Without appointments, the hundreds of Sierra Leoneans formed a queue that

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[50] Howard W. French, "U.S. Marines Evacuate 900 in Freetown," *New York Times* May 31, 1997, http://www.nytimes.com/1997/05/31/world/us-marines-evacuate-900-in-freetown.html.

[51] U.S. Department of State News Release, "Diversity Immigrant Visa Lottery Results Released," September 11, 1997.

[52] Consular Section of the U.S. Embassy in Freetown, Sierra Leone, "General Consular Information on Visas and Applications," June 27, 2005, http://freetown.usembassy.gov/wi052705.html.

[53] "Sierra Leone: US Explain Visa Lottery to Sierra Leoneans" *The Progress*, May 13, 1999, http://allafrica.com/stories/199905130156.html.

persisted for several weeks. “Everyday, we try to put in our documents for consideration but security personnel at the embassy just refuse to let us in. They tell us that they have been instructed not to allow us in” one of the men charged. Another claimed that the group came to Accra at the invitation of the United States. “We came here because of a letter signed by Ms Barbara Johnson, the Consul in Accra, but it seems she does not want to see us,” said 27-year old Iddriss Sawaneh.[54] Several news reports echoed this claim.[55] The U.S. Embassy in Accra acknowledged that some of the Sierra Leoneans were *bona fide* DV winners, and had reportedly processed 32 successful applications.[56] Soon the U.S. Embassy announced that all diversity visas for that fiscal year had been awarded.[57]

But if the Sierra Leoneans actually came at the invitation of the United States, Ghanaian state officials claimed never to have been informed. The *Ghanaian Times* reported on the unexpected influx of Sierra Leoneans through several prominent stories over weeks. “Many Sierra Leonean refugees have flocked here without the Ghana Government being informed,” reported one story.[58] Because they were desperate to find haven outside their country, members of the group felt the situation in Accra was

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[54] “Hundreds of U.S. visa lottery winners pour into Accra,” *Ghana Focus,* October 14, 1997, http://allafrica.com/stories/199710140080.html.

[55] Henrietta Blankson and Juliet Amoah, “American Lottery Winner Threatens: “I Will Bomb U.S. Embassy”,” *The Independent,* October 9, 1997, http://allafrica.com/stories/199710090085.html.

[56] “Hundreds of U.S. visa lottery winners pour into Accra.”

[57] “Diversity Visa Programme Ended,” *Free Press,* October 29, 1997, microfilm MF-12732 CAMP r.4 via Cooperative Africana Materials Project: http://catalog.crl.edu/record=b1546185~S1.

[58] Charles Neequaye, “Embassy in Dubious Visa Deals …Over Influx of S. Leone Refugees,” *Ghanaian Times,* October 17, 1997, KNUST.

unacceptable. Once in Ghana, these Sierra Leoneans were in need of housing and food, something neither the United States nor Ghana was willing or able to provide.[59] An editorial suggested that the United States had merely feigned surprise at the influx of Sierra Leoneans, arguing that processing Sierra Leone DV applications in Accra had been the United States' plan. The editorial complained that the lottery fostered a "brain drain" from Ghana and was done in secrecy.[60]

While the situation was extremely difficult for the Sierra Leoneans who had fled home for an audience at the U.S. embassy, the coverage in the Ghanaian press reflected the meaning of the incident for Ghanaians. They saw their state unable to manage its own borders - Ghana appeared unprepared for several hundred Sierra Leonean refugees - at a time when Ghanaians themselves felt restricted by those very borders. As a Ghanaian citizen, a person faced serious obstacles in finding legal access to other countries. Ghana also appeared powerless in its relationship with the United States. The arrangement to process Sierra Leonean DV applications appeared to have been made without any meaningful input from Ghanaian President Rawlings or the Ghanaian government. The *Ghanaian Times* coverage highlighted the way Ghana's sovereignty had been compromised, and its capacity to manage migrants undermined. Later, of the Sierra Leoneans who remained in Ghana, after the end of the visa registration period, some 196

[59] Dr. Edmund Delle, President of the Africa Commission of Health and Human Rights Promotion, was reported to have taken the refugees into his care, and he was quoted as a representative of them.

[60] Editorial, "The Tell-Tale Influx," *Ghanaian Times,* October 20, 1997, KNUST.

people were relocated to a refugee camp in the Western region of Ghana.[61] Eventually, 500 Sierra Leoneans received diversity visas in DV-98.[62]

Through complaints about the postal service, people expressed their distrust about their states' capacity - to deliver the mail, and in the case of Ghana managing the influx of Sierra Leoneans, to manage its borders and diplomatic relationships. Each of these incidents and attendant rumors reflect Africans' frustrations with states that seemed incapable of providing basic services. People not only distrusted their local post offices. They also saw the postal services' failures as systemic. Humiliation at the post office and in the conceptual visa queue - in an age celebrated as one of mobility and jet-setting - affirmed a sense of powerlessness. They felt trapped in an international system that weakened African sovereignty and African institutions at the same time offering no alternatives to those institutions. The U.S. diversity visa lottery, in prioritizing national origins diversity in U.S. immigration, reaffirmed national boundaries and national citizenship.

African Citizenships in an Age of Nation-States

In the 1990s, the relationship between states and citizens in Africa was under pressure, and the anxiety at the post office during the visa lottery was an expression of frustration with a sense of disconnect between state and citizens. The end of the Cold

[61] Panafrican News Agency, "Sierra Leonean refugees sent to Sanzule, Ghana," Panapress February 27, 1998, http://allafrica.com/stories/199802270190.html. See also Embassy of Sierra Leone in Washington DC, "Press Release March 3, 1998," March 3, 1998, Item 24, published to the web, http://www.sierra-leone.org/GOSL/Embassy-Statements.pdf.

[62] Statistics do not show where these visas were issued.

War resulted in a dramatic reorganization of global political power. Although the pressures for globalization suggested new opportunities for supra- and post-national organization of political power, nation-states persisted in being incredibly important. "Far from the nation-state melting away," the political scientist Jeffrey Herbst writes, "national boundaries, broadly defined, are, in a number of ways, more relevant than ever before."[63] The shift that took place in the early 1990s led to calls for greater access to democratic governance within Ghana, Nigeria, and Cameroon, perhaps representing a greater break in history than the era of independence.[64] Along with new calls for democratization, however, were the serious economic challenges that came with large debts and structural adjustment programs. All three countries saw their currencies severely devalued, and the neoliberal and privatizing reforms called for by external donors created volatility and privation.

Leaders in Africa on the eve of independence saw the state as "a key agent of forging a collective vision as well as of building the schools, roads, hospitals, and other facilities needed for a decent life and possibilities of progress in the twentieth century."[65] In Ghana, Nigeria, and Cameroon, national governments pursued developmental programs that expanded the states' reach, grew public sector employment, and

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[63] Jeffrey Herbst, *States and Power in Africa: Comparative Lessons in Authority and Control* (Princeton, NJ: Princeton University Press, 2000), 252-253.

[64] In the view of Mahmood Mamdani, the power arrangement in post-colonial states was rooted in colonial institutions rather than the nationalist moment. Mahmood Mamdani, *Citizen and Subject: Contemporary Africa and the Legacy of Late Colonialism* (Princeton, NJ: Princeton University Press, 1996).

[65] Frederick Cooper, *Africa in the World: Capitalism, Empire, Nation-State* (Cambridge, MA: Harvard University Press, 2014), 89.

established access to certain state services, including healthcare and education, as part of citizenship.[66] Before the 1970s in most African countries the historian Frederick Cooper notes: "educational access shot upward, including at secondary and tertiary levels, literacy became more widespread, infant mortality declined, and life expectancy rose. The standard measures of economic growth fluctuated from place to place and time to time, but until the mid-1970s they were on the whole mildly positive."[67] People got something through their citizenship. Yet, widespread recession in the 1970s brought economic catastrophe to much of the continent, and the demands of international donors to focus on balancing budgets and cut services produced privation. Just as important: the market-oriented policies imposed by the IMF and World Bank in the 1980s deeply undermined the promises of independence-era state citizenship.[68] In a 1997 article on the mass enthusiasm about the visa lottery in Nigeria, a university lecturer reported that more than two thirds of lecturers at the University of Ibadan had applied for the visa lottery, "noting that teachers had been completely marginalised [sic] in Nigeria."[69] A student reported applying for the 1997 visa lottery because of the "unpredictable academic calendar" in Nigeria. "The incessant strikes and inconsistency in education has not been

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[66] Crawford Young, *The Postcolonial State in Africa: Fifty Years of Independence, 1960-2010* (Madison, WI: University of Wisconsin Press, 2012). See also Frederick Cooper, *Africa Since 1940: The Past of the Present* (Cambridge, UK: Cambridge University Press, 2002).

[67] Cooper, *Africa in the World*, 97.

[68] Ibid., 98.

[69] "2.5m Nigerians apply for US Visa," *Sunday Champion*, October 25, 1997, microfilm MF-12058 CAMP r.28 via Cooperative Africana Materials Project: http://catalog.crl.edu/record=b1517636~S1.

helpful," he said.[70] That teachers and students in particular felt so disenfranchised speaks to the breakdown of the post-colonial promise of the state, which had made education a central state project.

When the Cold War ended, some state leaders lost international support, exposing the shaky ground of state power. Witnessing a shift in global organization, people in Ghana, Nigeria, and Cameroon took the opportunity to call for greater access to democratic governance. In Ghana, President Rawlings permitted the formation of political parties in 1992, won the presidential election that was held that year, and oversaw the drafting and approval of a new constitution. In Cameroon, calls for democracy exacerbated tensions between the French and English-speaking populations of the country, and despite the modest measure of President Biya permitting the formation of some political parties, he remained firmly in power as head of state for the next 25 years, and is still in power today.

In Nigeria, criticism of the post office handling of the DV lottery coincided with a particularly challenging time in Nigerian political history. In 1993, General Babangida finally allowed elections to take place, after promising a transition to democracy for many years. On June 12, Nigerians went to the polls, but on June 23, Babangida annulled the electron results. By the end of the year, General Sani Abacha had taken power and oversaw a period of five years of state corruption and human rights violations that shocked the country and the international community. Wole Soyinka, one of Nigeria's great public intellectuals suggested that, "In Nigeria we may actually be witnessing a

[70] Nwabuko, "Going to America."

nation on the verge of extinction."[71] June 12, he argued, had been a "*national* triumph," thwarted by its military leadership.[72] Quoting an article in the Nigerian press in 1994, Soyinka writes that by annulling the results of the 1993 election, the military "committed the most treasonable act of larceny of all time: It violently robbed the Nigerian people of the their nationhood! A profound trust was betrayed, and only a community of fools will entrust its most sacred possession- nationhood - yet again to a class that has proven so fickle, so treacherous and dishonorable."[73]

While Nigeria had been under military rule since the early 1980s, the Abacha regime was something new, particularly since it arrived in the aftermath of a moment of great hope extinguished. In the past, Nigeria's military leaders had felt compelled to build Nigeria's status and power, believing these would reflect glory. But Abacha, it seemed, was "prepared to reduce Nigeria to rubble as long as he survives to preside over a name."[74] Instead of growing the country in order to gain disproportionately, Abacha appeared - to Soyinka, and to many other Nigerians - content simply to plunder it.

Frustration with African state institutions was a signal of people's disillusionment with their governments, but not necessarily a rejection of national identity. Borrowing Michael Billig's idea of "banal nationalism" - the idea that national identity is manifest in banal everyday interactions and that nationhood is daily reproduced even in an era of

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[71] Wole Soyinka, *The Open Sore of a Continent: A Personal Narrative of the Nigerian Crisis* (New York, NY: Oxford University Press, 1996), 18.

[72] Ibid, 48.

[73] Ibid., 8-9, quoting a 1994 article in the Nigerian media titled "The Last Despot and the End of Nigerian History?"

[74] Ibid.,14.

globalization - the anthropologist Bea Vidacs has argued, for example, that the discursive practices related to sports created and reinforced a distinct Cameroonian nation.[75] Moreover external forces that treated the nation as the eminent unit of political belonging, such as the IMF and World Bank, and an international passport regime based on nation-states, made national borders meaningful to the people living within them.[76] National infrastructure created its own logic that created a physical reality.[77] The hopeful elections of June 12, 1993, in Nigeria reflected a sense of national unity, despite that country's vast territory and diversity. Notwithstanding the strength of African national identities - in some cases more salient than the ties between ethnic groups separated by a border - Jeffrey Herbst argues, African states failed by failing to strengthen the bond between state and citizen.[78] Yet, as anthropologist Peter Geschiere says, "All the mobility globalization seems to stand for cannot be interpreted as a 'withering away' of the nation-state."[79]

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[75] Bea Vidacs, "Banal Nationalism, Football, and Discourse Community in Africa," *Studies in Ethnicity and Nationalism* 11, no. 1 (April 2011): 25-41; Michael Billig, *Banal Nationalism* (London, UK: Sage Publications, 1995).

[76] Another example of borders drawn but reinforced meaningfully through daily life can be found in Paul Nugent's work on borderlands in Ghana and Togo. Paul Nugent, *Smugglers, Secessionists & Loyal Citizens on the Ghana-Togo Frontier: The Lie of the Borderlands Since 1914* (Athens, OH: Ohio University Press, 2002).

[77] Vidacs, "Banal Nationalism," 29.

[78] Herbst, *States and Power in Africa.*

[79] Peter Geschiere, *The Perils of Belonging: Autochtony, Citizenship, and Exclusion in Africa & Europe (*Chicago, IL: University of Chicago Press, 2009), 21.

From Brain Drain to Dual Citizenship: Embracing Emigration

The rise, in the same era, of plural citizenship, speaks to these contradictions, and to a deliberate strategy by some African states. As the legal scholar Peter J. Spiro has shown, the recognition of dual citizenship is historically new, and at odds with nineteenth and twentieth century understandings of the concept of citizenship that explicitly limited people to one - at most.[80] "Where dual nationality was once highly disfavored, if not outlawed, it has become widely accepted," he writes.[81] In 1967 the United States struck down most laws forbidding dual citizenship, though it was slow to recognize the validity of dual citizenship and only recognizes plural citizenship under circumstances.[82] But by the mid-2000s, more than half the countries of the world recognized dual citizenship.[83] This included both Ghana and Nigeria.

The adoption of plural citizenship laws was related to the specter of the "brain drain." While migration opportunities for most people in Nigeria, Ghana, and Cameroon became increasingly limited from the 1970s forward, highly skilled professionals from these countries were more likely to be able to secure legal documents to travel abroad. In 1990, it was estimated that Africa had lost six percent of its highly skilled professionals

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[80] Peter J. Spiro, "Dual Nationality and the Meaning of Citizenship," *Emory Law Journal* 46, no. 4 (Fall 1997): 1411-1486; See also Peter J. Spiro, *Beyond Citizenship: American Identity After Globalization* (New York, NY: Oxford University Press, 2008).

[81] Peter J. Spiro, "Dual Citizenship as Human Right," *International Journal of Constitutional Law* 8, no. 1 (January 2010):111-130, 116, accessed at doi: 10.1093/icon/mop035.

[82] *Beys Afroyim v. Dean Rusk, Secretary of State,* 387 U.S. 253 (1967).

[83] Thomas Faist and Jürgen Gerdes, "Dual Citizenship in an Age of Mobility," (Washington, DC: Migration Policy Institute, 2008).

to industrialized countries.[84] While doctors, nurses, lawyers, scientists, university lecturers and others had a variety of reasons to seek opportunities abroad, African countries focused on the cost of emigration to their own societies.[85] President Rawlings of Ghana called brain drain a "leech" undermining the government's efforts to develop the country.[86] An editorial on brain drain in *The Spectator* decried health professionals who "consider their pockets more important than the national interest." No country, it argued "can develop when its citizens are not patriotic."[87] Another opinion piece argued that the country's economic woes could not be solved so long as "a multitude of our people, the most precious resource, continue to desert our shores to seek greener pastures abroad."[88] In 1996, Ghana's ambassador to the United States, H.E. Ekwow Spio-Garbrah, referred to the DV lottery at a congressional hearing on U.S. trade with Africa. "U.S. green card lotteries aimed at recruiting qualified Africans for the U.S. economy, for instance," he argued, "must be monitored as part of a new international trade in human services. This U.S. immigration policy and practice has the effect of further taxing

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[84] Soumana Sako, "Brain Drain and Africa's Development: A Reflection," *African Issues* 30, no. 1 (2002): 25-30.

[85] Rotimi Sankore, "Africa Killing Us Softly," *New African* 445 (November 2005): 8-12, http://go.galegroup.com.libproxy.temple.edu/ps/i.do?id=GALE%7CA139039292&sid=summon&v=2.1&u=temple_main&it=r&p=ITOF&sw=w&asid=685ce8aed113aae4725b7647c3b586e9.

[86] Kweku Tsen, "Brain drain is undermining govt.'s efforts - President," *Daily Graphic*, May 9, 1998. University of Ghana.

[87] "Those Unpatriotic Ghanaians," *The Spectator*, November 20, 1999. KNUST.

[88] "Let's Check this Exodus," *Daily Graphic*, October 5, 2001. KNUST.

Africa's economy without the payment of commensurate intellectual property rights to African governments."[89]

While complaints about the brain drain, often conceptualized as a form of voluntary slavery, persisted into the twenty-first century, African states' adoption of dual citizenship laws reflected a changing assessment of states' orientations towards emigration.[90] Instead of fruitlessly trying to stem emigration, states instead tried to keep emigrants involved in their home countries, through political participation, investment, and remittances. Prior to 2000, any Ghanaian who left Ghana and naturalized as a citizen abroad immediately renounced his or her Ghanaian citizenship. While the United States did not permit U.S. citizens to hold plural citizenship through most of its history, a Supreme Court decision in 1967 began an incremental process through which the United States came to recognize that its citizens could hold a second citizenship without compromising loyalty to the U.S.[91] Through the mid- and late-1990s, a growing

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[89] *U.S. Trade with Sub-Saharan Africa: Hearing before the Subcommittee on Trade of the Committee on Ways and Means, House of Representatives*, 104th Cong. (August 1, 1996) (Statement of H.E. Ekwow Spio-Garbrah, Ghana's Ambassador to the United States.)

[90] Mohammed Affum, "When the slave ship returns," *Ghanaian Chronicle*, October 20, 1999,http://allafrica.com/stories/199910200214.html.

[91] In *Beys Afroyim v. Dean Rusk, Secretary of State,* 387 U.S. 253 (1967), the Supreme Court ruled that citizens of the United States could not be deprived involuntarily of their citizenship (the case had to do with a naturalized citizen voting in an Israeli election). The Carter administration later abandoned the Bancroft Treaties, a series of agreements with other countries in place since they were agreed to between 1868-1937 limiting mutual recognition of dual citizenship. In 1990, the State Department adopted further guidelines making it almost impossible for a U.S. citizen to lose his or her citizenship when they acquire a second citizenship. See Peter J. Spiro, "Afroyim: Vaunting Citizenship, Presaging Transnationality," in *Immigration Stories*, eds. David Martin and Peter Schuck (New York, NY: Foundation Press, 2005.)

population of Ghanaians abroad pressured Ghana to adopt dual citizenship, through Constitutional amendment.[92] The Ghanaian Citizenship Act of 2000, which took effect in 2002, created the process by which Ghanaians could acquire a second nationality or reclaim renounced Ghanaian nationality.[93]

Through dual citizenship, the Ghanaian government sought to harness the power of its diaspora to invest and develop the country. As the political scientist David Leblang showed, dual citizenship "decreases the transaction costs associated with entering a host country's labor market and makes it easier for migrants to return home."[94] Ghanaians abroad favored the adoption of dual citizenship in order to participate in Ghanaian politics, to visit more easily without a visa, and to invest more easily in their home villages and families. Ghana was one of many states that decided that dual citizenship served the national interest. As Peter Spiro writes, "Previously, emigrants from these states were considered to have turned on their homelands as part of the brain drain phenomenon. More recently, allowing emigrants to retain their original citizenship after naturalizing in a state of immigration has been adopted as a strategy for cementing the home state tie, with ancillary economic benefits."[95] Leblang calculated that expatriates

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[92] For more on the history of Ghanaian expatriates, see Stephan F. Miescher and Leslie Ashbaugh, "Been-to Visions: Transnational Linkages Among a Ghanaian Dispersed Community in the Twentieth Century," *Ghana Studies* 2 (1999): 57-76.

[93] Beth Elise Whitake, "The Politics of Home: Dual Citizenship and the African Diaspora," *International Migration Review* Vol. 45 No. 4 (Winter 2011): 755-783.

[94] David Leblang, "Harnessing the Diaspora: Dual Citizenship, Migrant Return Remittances," *Comparative Political Studies,* published online before print September 29, 2015. doi:10.1177/0010414015606736.

[95] Spiro, "Dual Citizenship as Human Right," 117.

are more likely to remit and to return to countries that recognize dual citizenship, which multiplies the dollar amount of remittances received.[96] By adopting laws that recognized dual citizenship, African states not only sought the benefits that accrued from transnational remittances and investment, but to manage the continuing salience of nation-state membership in an age of globalization.

In 2007, Ghanaian-Romanian musician Wanlov the Kubolor scored a hit with the title track off his debut album, "Green Card."[97] "We fought to get off the slave yard/ Now we fight to get us a green card," he raps in the refrain, critiquing the popular impulse of Ghanaians to leave Ghana to go to the United States.[98] The cover of the CD featured the image of a Ghanaian man entering reluctantly into a marriage with a blonde blue-eyed American, with the tacit, perhaps paid, approval of a priest. The specter of a highly-prized United States passport floats above the couple. The image pokes fun at everybody involved: the woman marrying naively for love, the priest facilitating the marriage for profit, and the African man desperate for a green card - and, perhaps, a country that has accepted out-migration as a major method for survival.[99]

Although African states embraced emigration as a strategy for development at home, through the adoption in some cases of dual citizenship laws, the DV lottery also

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[96] Leblang, "Harnessing the Diaspora."

[97] Alison Hird, "Ghana's Wanlov, truant, vagabond and committed outsider," RFI English, December 17, 2015. http://www.english.rfi.fr/africa/20151217-wanlov-kubolor-african-gypsy.

[98] Wanlov The Kubolor, "Green Card," on the album *Green Card*, released November 15, 2007 (Pidgen Music), available on iTunes.

[99] Image available at the bandcamp page for Wanlov: https://wanlov.bandcamp.com/.

seemed to mitigate the worst effects of the brain drain. By selecting emigrants with a degree of randomness, the program did not appear to target the very best and brightest. "If it was all about the brain drain," a Cameroonian visa agent said, "then they would somehow, some way they would try to know more about the person playing, instead of some random game."[100] A legislative compromise in the United States had stripped more specific minimum qualifications out of the diversity visa legislation, including the points system in the Senate bill that would have rewarded specific skills, higher education, and perhaps English language ability. Ultimately, the U.S. adopted a lottery format as the cheapest way to administer the program. By doing so, it unintentionally made the visa lottery a more attractive program to an audience of Africans concerned about the brain drain.

In the 1990s, the simultaneous hardship in Africa combined with greater migration controls outside of the continent helped create an epic of emigration that positioned escape and departure to the developed world as a heroic journey and surest path to survival and success. The DV lottery served the epic arc by actually opening a channel of mobility, both imagined and instrumental. Accusations about African states' roles in throwing up a hurdle to the visa lottery - by sabotaging the mail on purpose or through incompetence - reflected the double failure of the state to either send the mail reliably or facilitate citizens' mobility. Complaints about the postal service quieted down though. This was because African states themselves seemed to accept the emigration of citizens as a potential development strategy, and because of changes to the visa lottery

[100] Allomonwing Joseph Ngochi, interview with author, November 4, 2015, Yaoundé, Cameroon. (Transcript in author's possession.)

itself. In 2003, the United States decided to shift the DV program from being administered through the physical mail to an electronic, online entry system. The new internet-based program would give Africans a chance to avoid the weaknesses of their national postal services and apply directly to the United States government. “The postal services in Africa are extremely slow, the delays are endless, and many letters never even reach their destination,” complained a network manager of the Association of African Universities based in Accra, Ghana in 1996. “Whenever I’m outside Africa and I see the Internet working--as at a recent conference of the Internet Society in Hawaii--I know that this is what we need! It's as clear as day. For education in Africa, you need the Internet--it’ll give you all the information you can possibly desire,” he concluded.[101]

[101] John Bart-Plange, Network Manager of the Association of African Universities, Accra Ghana, quoted in Michiel Hegener, “Telecommunications in Africa,” September 24, 1996, http://www.nettime.org/nettime/DOCS/1/05(1).html.

CHAPTER 8: MAKING THE GLOBAL VILLAGE: CYBER CAFES SELLING THE DV LOTTERY, 2003-2015

The office was on the second floor of a building, up a metal spiral staircase. A banner decorated with an American flag hung outside, and proclaimed, in English, "American DV Lottery," and, in French, "play and win here with the professionals."[1] A man with a laptop in the front of the shop assisted a line of people who had come to enter the green card lottery. As people applied, they received a print out with their confirmation number on it, and the man on the laptop also saved a copy to his PC. The man in charge, Bengha Innocent, had grown up in the English-speaking Northwest Region of Cameroon, but had come to bilingual, but majority francophone, Yaoundé in 2004 to attend university.

Innocent grew up knowing about the visa lottery. In high school, he heard about the program: "I just heard that there's this contest which is like a game, that when you play, if you win, you will probably have a visa to go to America, and you live in America like an American." Although his main vocation was working as a teacher of information management and communications, each autumn he set up shop to assist people in entering the lottery. "So many people are interested in leaving the country. They believe that out there is better than here," he said. "Most of them come here and tell me they've gone to the embassy time and again… so they believe this is the only way for them to go." He added that his clients trusted him to improve their chances to win the lottery.

[1] "Gates Solution Center: American DV Lottery 2015 2017. Jouez et gagner ici avec les professionnels." Photograph by author, October 29, 2015, Yaoundé, Cameroon. (Author's possession.)

"There are people who come, they look at me, and they tell me I am a magician. Because when they want to play, I say, oh you are going to win. And it just happens!"[2]

Innocent's shop - like dozens of places throughout Yaoundé - facilitated Cameroonians' entries to the visa lottery each year. Exploiting the interconnectedness brought about by expanding internet access, the United States stopped accepting diversity visa lottery applications through the U.S. postal service, and created a new electronic lottery system. Since 2003, the United States has only accepted lottery entries online via its website. Entrants received an electronic confirmation notice upon submitting their applications. As with the paper-based lottery, applicants were limited to just one application, and any entries that failed to comply with the program requirements were discarded. The United States adopted the electronic version of the lottery in order to lower processing costs and also to help screen out ineligible and fraudulent entries.[3] Removing the global postal service from the process allowed applicants more direct access to the program, but limited play to those lucky enough to have access to the internet.

Although few Africans in 2003 enjoyed access to the internet at home, a rapidly growing number of people did have access through burgeoning cyber cafés across sub-Saharan Africa. Cyber cafés were sites where Africans, by accessing images and information about life in the United States, simultaneously gained mobility and felt the

[2] Bengha Innocent, interview with author, October 29, 2015, Yaoundé, Cameroon. (Transcript in author's possession.)

[3] U.S. Government Accountability Office, *Committee on Homeland Security, Report to the Chairman, Border Security: Fraud Risks Complicate State's Ability to Manage Diversity Visa Program*, H.R. Rep. No. 07-1174 (September 2007) accessed at http://www.gao.gov/new.items/d071174.pdf.

limits of their own national citizenship. Now the cafés became the key sites of the DV lottery's operation. Internet cafés and related businesses that made productive use of internet access made the visa lottery a major part of their business during the one- to two-month registration period each year.[4] Even in more recent years, when personal internet access has become more accessible, through the rise in mobile phone usage, the visa lottery persists as a robust source of income for cyber cafés in Africa's cities.[5] The cafés that offer special services, including DV lottery registration, have an advantage over competitors. By providing expertise, based on web savvy, a careful reading of the U.S. Department of State DV Lottery website, a steady hand and a digital camera, and by helping Africans enter the DV lottery, the proprietors of these cafés hope they can continue to survive and profit.

The shift to an online electronic visa lottery broadened access to the visa lottery and created new economic opportunities for visa entrepreneurs. New communications and technology since the turn of the century critically shaped the operation and reception of the visa lottery. While this was true across Africa, it was particularly visible in the transformation of Cameroonian immigration to the United States. While previously more

[4] Dates for the electronic Diversity Visa are as follows: DV2005: November 1 - December 30, 2003. DV2006: November 5, 2004 - January 7, 2005. DV2007: October 5 - December 4 2005. DV2008: October 4 - December 3, 2006. DV2009: October 3 - December 2 2007. DV2010: October 2 - December 1 2008. DV2011: October 2 - November 30 2009. DV2012: October 5 - November 3 2010. DV2013: October 4 - November 5 2011. DV2014: October 2 - November 3 2012. DV2015: October 1 - November 2 2013. DV2016: October 1 - November 3 2014. DV2017: October 1 - November 3 2015.

[5] Marcel Teko, interview with author, November 13, 2015, Buea, Cameroon; Kinga Albert Wirayen, interview with author, November 9, 2015, Bamenda, Cameroon; and Chuo Julius, interview with author, November 9, 2015, Bamenda, Cameroon. (All transcripts in author's possession.)

popular among English-speaking Cameroonians, the visa lottery's shift online spread information about the lottery, thus broadening participation. Francophone Cameroonians became more likely to play the visa lottery, and Cameroonian immigration to the United States became more linguistically diverse, as the program drew significantly from both French and English-speaking populations. English-speaking visa agents benefitted from their previous experiences with the lottery and relatively fluent ability to navigate the online entry system.

The Internet in Africa

Although the internet originated as a state-driven project funded by the United States Department of Defense beginning in 1969, by the mid-1990s, the technology had become a vastly more complex network of networks stretching around the world. As discussed previously, changes in the culture of the internet, including the invention of the World Wide Web and the advent of spam in 1994, made the internet a more commercial space. The DV lottery, from its first year of operation, was a subject of conversation and commerce on the internet.[6] The United States Agency for International Development (USAID) launched the Leland Initiative in 1995 to make internet access more widely accessible in Africa, at which time only seven countries on the continent had internet access.[7] USAID recommended privatization and liberalization of African countries' often

[6] See Chapter 5.

[7] United States Agency for International Development, *Leland Initiative: Africa Global Information Infrastructure Gateway Project (Project No. 698-0565): Best Practices for Policy Accommodation, Technology Transfer, and End-User Applications of the Internet in the Developing World,* by Jeff Bland, Zoey Breslar, et al. (September 1996) accessed at http://pdf.usaid.gov/pdf_docs/PNABZ059.PDF.

nationalized telecommunications sectors. While the Leland Initiative report suggested the use of "telecottages" (community-based facilities of internet training and access) to disseminate information about the internet, the initiative's emphasis on the private sector undermined this idea, instead producing a landscape of privately-run internet cafés. Between the early 1990s and 2003, the internet had evolved from a government-funded network governed by a close-knit and limited community to a massive network of networks maintained by private for-profit companies where commercial activity became the norm.

Ghana is considered to be the first country in sub-Saharan Africa to have full internet connectivity.[8] But that connectivity was at first quite limited: in spring 1995, the only internet connectivity was ten lines to Cambridge, in the United Kingdom, costing more than $7000 per month. By 1996 a private internet host company had 140 subscribers in Accra, paying $1300 per year for the privilege.[9] Only expats and large companies could afford these astronomical internet access rates.[10] As more internet service providers appeared in Ghana, the number of subscribers grew and costs declined, however. Kumasi, Ghana's second largest city, got internet access in 1996. Accra's biggest internet café for the first decade of the twenty-first century, BusyInternet,

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[8] G. Pascal Zachary, "Ghana, information technology and development in Africa" *First Monday* 9, no. 3 (March 2004), accessed at http://firstmonday.org/ojs/index.php/fm/article/view/1126/.

[9] Mike Holderness, "Who are the world's information poor?" in C*yberspace Divide: Equality, Agency and Policy in the Information Society*, ed. Brian D. Loader, (London, UK and New York, NY: Routledge, 1998).

[10] Michiel Hegener, "Telecommunications in Africa," published to the web, September 24, 1996, http://www.nettime.org/nettime/DOCS/1/05(1).html.

launched in November 2001.[11] By 2003, over 1000 internet cafés were operating in Accra, and it was estimated that 300,000 people used the internet at least once a month that year. Cyber cafés ranged from professional operations like BusyInternet to scrappy start-ups, with a handful of older computers donated from the West.[12] By the mid-2000s, most cities, including those outside Accra and Kumasi, had some internet access through a handful of cafés.

The spread of internet access dovetailed with Africans' desire to go abroad. As one history of the internet in Ghana put it, the growth and spread of internet access in Ghana "was also fueled by Ghanaians' curiosity for the outside world. Many are looking for a way out of the country. Ghanaians are willing to spend a significant part of their income to access the West via the Internet."[13] Mark Davies, who helped launch BusyInternet in Accra, reportedly estimated that 80 percent of his internet customers were looking for a way out of the country.[14] The internet brought a flood of images and information about developed countries like the United States into African countries, and

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[11] "BusyInternet Celebrates Internet's 33rd Birthday," *Ghanaian Times*, September 28, 2002, KNUST. BusyInternet was launched by three partners including Welsh entrepreneur Mark Davies, who saw investment in network technology as a means of empowering Ghanaians. See also Jenna Burrell, *Invisible Users: Youth in the Internet cafes of urban Ghana* (Cambridge, MA: Massachusetts Institute of Technology Press, 2012), 50.

[12] Mohammed Abass, interview with author, April 20, 2013, Pacthouse Internet Café, Cape Coast, Ghana; Cornelius Ayensu Noonoo, interview with author, May 16, 2013, Cornel Internet Café, Cape Coast, Ghana. (Transcripts in author's possession.)

[13] William Foster, Seymour Goodman, Eric Osiakwan, and Adam Bernstein, "Global Diffusion of the Internet IV: The Internet in Ghana," *Communications of the Association for Information Systems* 13 Article 38 (June 2004): 1-46, accessed at http://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.195.150&rep=rep1&type=pdf.

[14] Zachary, "Ghana, information technology and development in Africa."

fed Africans' imaginations. At the same time, the exposure made people more aware of their own poverty relative to industrialized countries, and thus fed people's desire to emigrate - at a time when restrictions made moving more difficult.[15] "Now we have the internet, we can find out many things we don't know, about anywhere," one cyber café worker in Cameroon told me.[16] As the anthropologist Maybritt Jill Alpes argues, "the phenomenon of bushfalling is a symptom of the tensions that have arisen from people's aspirations for mobility at times of heightened migration control."[17] The juxtaposition of access to a world of possibilities through the internet with the near impossibility of emigration became increasingly intolerable.[18]

While entrepreneurs had since the first year of the DV lottery used the internet to sell services related to the program, enterprising Africans increasingly used the progressively more powerful technology to spread word of the visa lottery to bigger audiences each year.[19] The cafés became sites where Africans registered for the visa lottery, either on their own or with paid assistance. Internet literacy among applicants

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[15] Nantang Jua, "Differential Responses to Disappearing Transitional Pathways: Redefining Possibility Among Cameroonian Youths," *African Studies Review* 43, no. 2 (September 2003):13-36, 28.

[16] Allomonwing Joseph Ngochi, interview with author, November 4, 2015, Yaoundé, Cameroon. (Transcript in author's possession.)

[17] Maybritt Jill Alpes, "Bushfalling at All Cost: The Economy of Migratory Knowledge in Anglophone Cameroon African Diaspora," *African Diaspora* 5 (2012): 90-115, 112.

[18] Burrell, *Invisible Users*, 29.

[19] Totimeh S.K. Richard, interview with author, March 12, 2013, Tamale, Ghana; Hassan Saeed, interview with author, March 12, 2013, Tamale, Ghana. (Transcripts in author's possession.)

varied. As one café worker told me, "Even to get to the site is not easy for some people. They can't even log in with their credentials. Normally they come - It is a service that we render here. We collect money for that service."[20] A bewildering array of commercial entities pop up when you search for U.S. DV lottery online; navigating to the right page takes some savvy. Since 2003, the number of people who registered each year for the lottery at Oceanview Internet in Cape Coast, for example, was, as one employee put it, "uncountable. Everyday, they come."[21] At UNIC, the main café in central Kumasi, Bernard Gyasi helped more than one hundred people apply during each year's registration period.[22] Staff at the British Council and the Kumasi Travel Agency both directed potential applicants to Gyasi. In the northern city of Tamale, My Com Café became so busy during the registration period that customers would come and wait four or five hours. "People did not even want to step out for prayers and lose their place," an employee told me, referring to the multiple prayers that Muslim Ghanaians make daily. Hassan Saeed helped so many people apply for the DV lottery one year that his boss rewarded him with a bonus that he used to buy a bicycle.[23]

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[20] Mabel Sarpong, interview with author, May 21, 2013, Accra, Ghana. (Transcript in author's possession.)

[21] Isaac Asakora, interview with author, April 20, 2013, Cape Coast, Ghana. (Transcript in author's possession.)

[22] Bernard Gyasi, interview with author, April 8, 2013, Kumasi, Ghana. (Transcript in author's possession.)

[23] Saeed, interview with author.

Bilingual Cyber Cafés in Cameroon

In the late 1990s, the internet came to Cameroon, but at high prices, and in quite limited areas.[24] A former U.S. Peace Corps volunteer, Paul Mikelson, retired in the anglophone regional capital of Bamenda, a verdant town ringed by hills. Having fallen in love with the city and the country, Mikelson opened a computer school in 1997 to help train young Cameroonians to use computers and navigate the internet.[25] Paul's Computer Institute was among the first cyber cafés in the country. The sociologist Bettina Anja Frei estimated that by 2003 there were more than 20 cyber cafés in Bamenda, and by 2008, 60-70.[26] According to a report by the Global Information Society Watch, in 2005 Cameroon gained access to broad band internet services through the Chad-Cameroonian pipeline, and the group estimated that perhaps 1.4 percent of Cameroon's population had access to the internet in 2006.[27] A 2013 report suggested that nearly five percent of Cameroonians had gained access to the internet.[28] Put another way, in 2000, perhaps

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[24] Advertisement for SUP Internet Telecom Provider and Courses in Douala, *La Nouvelle Expression,* November 1, 1996, University of Buea Archives, Cameroon.

[25] "Computer school brings new opportunities to locals," *The Rotarian Magazine*, July 2005, 15-16, accessed at https://books.google.com/books?id=DjMEAAAAMBAJ&lpg=PA15&ots=Osr3ZZH5A-&dq=computer%20school%20brings%20new%20opportunities%20to%20locals%20rotarian&pg=PA15#v=onepage&q=computer%20school%20brings%20new%20opportunities%20to%20locals%20rotarian&f=false.

[26] Bettina Anja Frei, *Sociality Revisted? The Use of the Internet and Mobile Phones in Urban Cameroon* (Cameroon: Langaa RPCIG, 2013), 18.

[27] Sylvie Siyam Siwe, Serge Daho, and Laurence Houssou, "Report: Cameroon," 2008, GISWatch, https://www.giswatch.org/sites/default/files/Cameroon_0.pdf.

20,000 of Cameroon's 16.5 million people had access to the Internet, but that number grew quickly, to 370,000 in 2006, to 725,000 in 2009, and over one million (out of a population of 20 million) in 2012.[29]

As access to the internet spread, enterprising Cameroonians opened cyber cafés. Managers at these cafés realized that the annual visa lottery was an excellent way to draw in business, since most Cameroonians did not have access to the internet at home, or computer literacy, and because so many Cameroonians sought to go abroad, or "fall bush." Cyber cafés became the site of the operation of the lottery, benefiting both proprietors of businesses that had internet access and people who previously lacked access to personal networks or other information about the lottery. In Cameroon, this meant that the lottery became more accessible to francophone Cameroonians, who for historical and linguistic reasons had not necessarily been interested in the lottery at first. This shift reflected a growing appreciation among francophone Africans for the United States.[30]

The online DV lottery was good for the internet business - perhaps better for the café owners than for lottery applicants. Many people did not understand how to access

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[28] Sylvie Siyam and Serge Daho, "Cameroon: The Stammering of Cameroon's communications surveillance," in *Global Information Society Watch 2014: Communications surveillance in the digital age.* 2014. https://www.giswatch.org/sites/default/files/gw2014-cameroon.pdf

[29] "Cameron Internet Usage and Population Statistics," Source: World Bank & International Telecommunications Union, UN agency. Found at Internet World Stats, http://internetworldstats.com/af/cm.htm.

[30] G. Pascal Zachary, "How France Lost Africa to the U.S." *The Atlantic*, May 21, 2011, http://www.theatlantic.com/international/archive/2011/05/how-france-lost-africa-to-the-us/239646/.

the internet or how to enter the lottery. As one internet café operator in Yaoundé explained, "We help them take pictures and complete the online registration form. And they pay us 1,000 CFA to enter."[31] This business crossed the language divide, as cyber café operators seized the program as a business opportunity, and promoted it in both French and English. As one blogger described Yaoundé during the lottery, "banners and billboards are prominently displayed, directing passers-by to a nearby Internet café where they would, or could, by a stroke of luck, automatically become American citizens without 'spending much.'"[32] One woman working at a cyber café with her husband told me, "*Anglophones comme francophones - les gens se interessent.*"[33] All the entrepreneurial activity around the green card lottery "instil[ls] in one the fantasy of one day becoming Uncle Sam's countryman," a Cameroonian blogger argued.[34]

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[31] "En effet, dans nombre de cybercafé à Yaoundé, des affiches invitent au jeu. Jules Bodo, gérant d'un "cyber" au lieu dit carrefour Mvan explique que cette loterie est un bon moyen pour d'arrondir les fins de mois. Selon lui, "il y a beaucoup de candidats mais tous ne comprennent pas comment ça marche. On les aide à faire des photos et à remplir la fiche d'inscription en ligne. Et il paye 1.000 F pour l'opération", affirme-t-il. Pourtant, la soumission d'une demande d'inscription est gratuite. Mais comme beaucoup de postulants ont du mal avec Internet, les gérants se font de beurre..." Feliciet Bahane N., "Plus de 1.400 Camerounais gagnent l'amerique a la loterie," *Cameroon Tribune*, October 27, 2010, http://fr.allafrica.com/stories/201010280326.html.

[32] Mirabel Azamgeh Tandafor, "US Lottery fever grips Yaoundé as the rush increases," *L'Effort Camerounais*, December 11, 2005, http://www.leffortcamerounais.com/2005/12/us_lottery_feve.html.

[33] "Mireille" interview with author, October 30, 2015, Yaoundé, Cameroon (French). (Transcript in author's possession.)

[34] Tandafor, "US Lottery fever grips Yaoundé as the rush increases."

While many of the earliest adopters and winners of the DV lottery drew from Cameroon's English-speaking regions, by the mid-2000s, francophones also played.[35] As immigration scholar Joseph Takougang argues, the lottery "has singularly accounted for the tremendous increase in the number of French-speaking Cameroonians in the United States."[36] For reasons explored in Chapter 4, attitudes about emigration varied greatly between anglophones and francophones. They began to converge, however, as the visa lottery shifted to an online system and francophone Cameroonians began playing the lottery in larger numbers.

Anglophone Cameroonians had been early adopters of the visa lottery, and had long been more likely than francophones to go to the United States. As a minority within a country whose political and economic systems seemed to favor francophones, they had long been more likely to go to the United States or to go abroad at all.[37] In the United States, some anglophone Cameroonians received asylum, showing that they faced political persecution at home.[38] Anglophones tended to refer to going abroad as "falling bush," a term that reflected a sense of adventure-seeking and aspiration. On the other hand francophones tended to deploy language that described emigration with less

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[35] As Kanna Landry, a photographer from Yaoundé told me, "Anglophones jouent plus longues que les francophones." Kanna Landry, interview with author, October 28, 2015, Obili neighborhood, Yaoundé, Cameroon (French). (Transcript in author's possession.)

[36] Joseph Takougang, *Cameroonian Immigrants in the United States: Between the Homeland and the Diaspora* (Lanham, MD: Lexington Books, 2014), 29.

[37] Takougang, *Cameroonian Immigrants in the United States,* 23-29.

[38] Emily Brady, "The Year of Living Nervously," *New York Times*, December 5, 2008, http://www.nytimes.com/2008/12/07/nyregion/thecity/07asyl.html.

optimism and more ambiguity. With higher expectations about their place in Cameroon in the attitudes of francophone Cameroonians, the anthropologist Michaela Pelican explains that "migration is seen in a more critical light."[39] Instead of bushfalling, for example, the 1990s French terminology for international migration borrowed from militaristic language. Terms like "going to the front" or "going into battle" ("*aller au front"* and *"aller se battre*") associated going abroad with hardship and struggle, rather than reaping material rewards.

The different attitudes about emigration between anglophones and francophones resulted not only from different experiences of these communities in Cameroon, but also from different migration routes and destinations. Francophones who had previously been able to go abroad to France to study or work, found that channel firmly closed, particularly after 1993 when France's interior minister Charles Pasqua endorsed the idea of "zero immigration" and enacted legislation that toughened requirements, limited visas, and expanded border enforcement.[40] Given the tight relationship between Cameroon's president Paul Biya and the French government, francophones might have expected a

[39] Michaela Pelican, "International Migration: Virtue or Vice? Perspectives from Cameroon," *Journal of Ethnic and Migration Studies* 39, no. 2 (2013): 237-257, 241.

[40] Kimberly Hamilton, Patrick Simon, Clara Veniard, "The Challenge of French Diversity," *Migration Policy Institute*, November 1, 2004, accessed at http://www.migrationpolicy.org/article/challenge-french-diversity; and Christine O'Connell, "Plight of France's *Sans-Papiers* Gives a Face to Struggle over Immigration Reform," *Human Rights Brief* 4, no. 1 (Fall 1996) accessed at https://www.wcl.american.edu/hrbrief/04/1oconnell.pdf.

warmer reception. Yet, Cameroonian emigrants who traveled to France found themselves without legal status.[41]

While francophones' social and political position within Cameroon was historically stronger, and they had previously viewed emigration more critically than anglophones, they, too, embraced the U.S. Diversity Visa lottery. This was especially the case in the new millennium when local conditions and new technology made the program more accessible. In contrast to the language francophones used to describe traveling to Europe, a context in which African migrants were criminalized as illegal, and victimized, francophones discussed the visa lottery and emigration to the United States in more positive terms. After all, entering the lottery was quite different from going into battle. A French-language website for francophone Africans wrote about the program in 2001 as the lottery of the American Dream, that made it possible to live and work "in the country of Uncle Sam totally legally."[42] That the lottery offered an explicitly legal path to the United States dampened the sense, among francophone Cameroonians, that traveling abroad was like going into battle. One French speaker, Serges Ngueffang, in a 2005 article explained why the visa lottery was so appealing: "One has a better chance with it. The Europeans already closed their doors. With this card, we are not illegal."[43] Instead of

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[41] Henri Okele Mazimba, "Consultats de France au Cameroun: S'humilier pour un visa," *Le Messager*, June 13, 1994, National Archives of Cameroon, Yaounde.

[42] The phrases in French include "La loterie du rêve américain" and "au pays de l'oncle Sam, en toute légalité." "La loterie du reve americain," *afrik.com,* July 18, 2001. http://www.afrik.com/article3061.html.

[43] "On a plus de chance ainsi. Les Européens nous ferment déjà leurs portes. Avec cette carte, nous ne sommes pas dans l'illégalité." Dorine Ekwè, "Le Boom de la lotterie Américaine au Cameroun," *Mutations*, November 2, 2005, http://www.bonaberi.com/article.php?aid=1390.

framing emigration as 'going to the front' in the military metaphor, the *Cameroon Tribune* used the verb *"se bousculer"* which means "to rush" or "to scramble," language often used in anglophone African writing on going abroad generally or entering the lottery specifically.[44] The opportunity to go legally to the United States rather than clandestinely to Europe, however small the odds of winning the lottery, made the United States a more attractive destination.[45] An anglophone Cameroonian affirmed this comparison: "People have told me, from all indications, from all information, they told me going to America is like, they are free there. When they go up to Europe, they chase them there, there is a lot of police chasing them away; because in America, if you get your legs in America, it is a free zone."[46]

Each year, as more Cameroonians were selected as winners to emigrate abroad, more Cameroonians took the lottery seriously.[47] Although the annual numbers remained limited - by statute, no country is permitted to receive more than seven percent of the total number of diversity visa, an upper limit of about 3,500 - and Cameroon would not have more than 1,000 winners until 2008, the process created a feedback loop through which Cameroonians assessed the lottery as a viable option, making it increasingly

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[44] "Les Camerounais se bousculent déjà pour cette nouvelle édition et des business sont nés en marge." Bahane N., "Plus de 1.400 Camerounais gagnent l'amerique a la loterie," See also Avwode, "Mad Rush to America."

[45] A woman who helped her husband run a visa shop discussed how important it was to be able to go in "le manier legal" – the legal manner. "Mireille" interview.

[46] Nkongho Walters Mbu, interview with author, October 29, 2015, Yaoundé, Cameroon. (Transcript in author's possession.)

[47] As Chief David Awa Jideofor told me about the early years of the lottery, "we didn't take it much serious like now." Chief David Awa Jideofor, interview with author, November 9, 2015, Bamenda, Cameroon. (Transcript in author's possession.)

popular. Several cyber cafés were founded by or employed anglophone Cameroonians to provide services to francophones. Allomonwing Joseph Ngochi came from the anglophone Northwest Region to the capital Yaoundé to pursue his studies at the Université de Yaoundé II. Having learned about the lottery as a young man in Bamenda around 2000, he took a job at Cyber City, where his job, he told me was "making the world a global village." While he helped both anglophone and francophone clients enter the visa lottery, he said, "Most often it's the English-speaking people who do it. The francophones, once they have an idea about it, they also give it a try."[48] Menkan Kari, another visa agent, told me, "The irony about it is that the French, too, are interested. America is an English country, but the French, everybody wants to go. The French, too, they are playing even more. It is somehow funny - people who don't even understand English, too, they play."[49] Many of the capital city's internet cafés where the visa lottery is most famously advertised are in an anglophone neighborhood - rare in a city in a solidly francophone region.[50] Obili, in southern Yaoundé, boasted many options for Cameroonians, either anglophone or francophone, seeking assistance to enter the visa lottery.

For most applicants, the new electronic system made the DV lottery much easier to access. Kinga Albert Wirayen, the manager of a cyber café in Bamenda reflected on

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[48] Ngochi, interview.

[49] Menkan Kari, interview with author, October 30, 2015, Yaoundé, Cameroon. (Transcript in author's possession.)

[50] Yerima Kini Nsom, "Carrefour Obili: Savouring the Citadel of Anglophone Euphoria," *Cameroon Post Online*, September 10, 2010, http://www.cameroonpostline.com/carrefour-obili-savouring-the-citadel-of-anglophone-euphoria/

the old system that required a paper application: "That was cumbersome. And most of us did not even have P.O. box addresses before. So we had to use a popular address and the mailing system in Cameroon is not very good. So, even if it's good, when the results come, somebody might hold it back for no good reason."[51] Given the poor record of African postal services, rumors about African government interruption of lottery mail, and that many people did not have a mailing address, the paper-based lottery may have disadvantaged many people.[52] While applying now required a person to somehow find a computer with internet access, it also helped applicants ensure their applications were truly received.

A 2006 blog post profiled the internet cafés in Yaoundé that were making good money by arranging the photographs and applications for DV lottery clients.[53] Louis Clovis Ketcha, the manager of a cyber café in Yaoundé told the *Tribune* that he helped paying customers avoid scams.[54] Some internet café operators provided legitimate

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[51] Wirayen, interview.

[52] See Chapter 7.

[53] "Les Camerounais se ruent sur la loterie des visas des Etats-Unis," *Panapress.com*, November 25, 2006, http://www.panapress.com/Les-Camerounais-se-ruent-sur-la-loterie-des-visas-des-Etats-Unis--13-641139-17-lang4-index.html. See also Wilfried Joel Tankeu, "Loterie américaine : Bousculades aux portes du pays d'Obama," *Cameroon-info.net*, November 10, 2008, http://www.cameroon-info.net/stories/0,23925,@,loterie-americaine-bousculades-aux-portes-du-pays-d-obama.html.

[54] "Nous avons l'habitude d'aider nos clients à jouer à la loterie américaine et ils nous consultent souvent lorsqu'ils reçoivent des messages suspects. En temps normal, les postulants à la carte verte ne doivent pas recevoir de message de notification." Attributed to Louis Clovis Ketcha. Hugues Marcel Tchoua, "Des arnaqueurs aux trousses des postulants de la Loterie americaine," *Cameroon Tribune,* November 27, 2011, http://fr.allafrica.com/stories/201111230433.html.

services for reasonable fees, while others cheated their customers, provided false information, and perpetuated fraud. The U.S. government tried to intervene against unscrupulous visa services providers, publishing a warning against fraud in French-language newspapers targeting French-speaking lottery applicants, an audience it had not paid much attention to at first. "Please note," the U.S. Embassy in Yaoundé stated in a French-language message in 2012, "that there is no fee for participating in the Diversity Visa program."[55] The U.S. consular section in Yaoundé became concerned about fraud in DV lottery cases, warning in a confidential cable about "rampant corruption and fraud" associated with its immigration screening.[56] Yet, despite the existence of fraud and opportunism, and despite the long odds of winning, the lottery remained one of the few avenues for legal immigration of Cameroonians to the United States. A cable from the U.S. Embassy in Yaoundé recounted that the DV Lottery "remains an alluring opportunity that embodies much of what draws Cameroonians to immigrate to the U.S." Even after the Embassy hosted a long interview on DV-related fraud and heated discussion with a young, foreign-educated Cameroonian journalist in 2007 about how difficult it was to get a tourist visa to visit the United States, the woman told the Embassy "that perhaps this year she too would play the DV lottery."[57]

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[55] "Veuillez noter qu'il n'y a aucun frais à payer pour participer au Programme de Visa Diversité." Georges Ndenga, "La loterie americaine accessible a tous," *Africa Info – Cameroun,* October 14, 2012, http://fr.allafrica.com/stories/201210130672.html.

[56] Cable, Cameroon Yaoundé, To Secretary of State, "Cameroon Scensetter for General Ward's February 21-22, 2008 Visit," February 20, 2008, accessed at Canonical ID: 08YAOUNDÉ164_a. Confidential. Wikileaks: https://search.wikileaks.org/plusd/cables/08YAOUNDÉ164_a.html.

[57] Cable, Cameroon Yaoundé to Secretary of State, "Which Visa Lottery? Consular Outreach in Cameroon," November 2, 2007, accessed at Canonical ID:

Information and advertising about the visa lottery - and about the United States - proliferated. “A unique kind of fever has gripped inhabitants of Yaoundé. The passion and enthusiasm with which Yaoundé city dwellers have welcomed the ongoing registration session cannot be compared to any other,” an article described the craze that surrounded the annual lottery registration.[58] Now, as one blogger wrote, “everybody wants to live and work in the United States.”[59] A 2010 blog post described in French the signs everywhere proclaiming the lottery: “The excitement is palpable.”[60] Due to the efforts of private visa services agents, each year the month-long registration period inspired enthusiastic participation of both anglophone and francophone Cameroonians.[61] When I arrived in Yaoundé in October 2015 to observe that year’s DV lottery in action, I found banners and signs, flyers and postcards, proclaiming the lottery open, in both French and English. A poster of Barack Obama holding a green card appeared on one poster. A banner showed President Obama with an amendment to his famous catchphrase: “Yes You Can Win.” Another banner featured a portrait of the Obama family.

07YAOUNDÉ1304_a, Unclassified. Wikileaks: https://search.wikileaks.org/plusd/cables/07YAOUNDÉ1304_a.html.

[58] Ibid.

[59] Tandafor, “US Lottery fever grips Yaoundé as the rush increases.”

[60] “Presque toutes les rues arborent des banderoles annonçant la DV Lottery. Les cybercafés où l’inscription et autres renseignements s’obtiennent ne désemplissent pas non plus. L’effervescence est perceptible.” Dorothee Ndoumbe, “Le rêve américain séduit toujours les Camerounais,” Afrik.com, November 19, 2010, http://www.afrik.com/article21179.html

[61] Photograph by author, October 30, 2015 at Bonas, Yaoundé, Cameroon. (Author’s possession.)

A spokesperson for U.S. public affairs, Bouba Monglo, told a French-language news outlet that the shift to an online system had resulted in more French-speaking applicants for the lottery program. "Before two years ago [2003], it was more the people in the English-speaking part of the country who applied. In addition, it was more difficult to manage because it had to be done by mail. The advent of the Internet has facilitated the discovery of this medium by francophone Cameroonians."[62] As one visa entrepreneur told me, for a long time, "they thought this thing was all about for those who can speak English. But now, you know, it's like, it's everybody's thing."[63]

[62] "Avant ces deux dernières années, c'était davantage les gens de la zone anglophone du pays qui postulaient. En plus, c'était plus difficile à gérer parce qu'il fallait le faire par la poste. L'avènement de l'Internet a facilité la découverte de ce moyen par les camerounais francophones." Ekwè, "Le Boom de la lotterie Américaine au Cameroun."

[63] Ambe Mola Valentine Anyele, interview with author, October 28, 2015, Yaoundé, Cameroon. (Transcript in author's possession).

CHAPTER 9: SHAPING THE AMERICAN DREAM IN AFRICA

"Sometimes if there is no possibility of something, you don't think about it."
– DV Lottery winner, Ghanaian immigrant, Philadelphia[1]

"What I want to say is that America is very dear to my heart."
– DV Lottery applicant and Visa Agent in Cape Coast, Ghana[2]

"America is the only country that has given that opportunity. In the whole world it is only America that is open." – DV Lottery applicant, Tamale, Ghana[3]

The opening lines of the 2009 story, "The Thing Around Your Neck" by Nigerian writer Chimamanda Ngozi Adichie, describe the thinking of a visa lottery winner and her family. "You thought everybody in America had a car and a gun, your uncles and aunts thought so too," the story begins. "After you won the American visa lottery, your uncles and aunts and cousins told you, in a month you will have a big car. Soon, a big house. But don't buy a gun like those Americans."[4] As the narrator Akunna prepares to travel on her own as a visa lottery winner, her ideas of the United States are abstract. She imagines easily accessible symbols of American wealth and power, readily within her grasp. As she departs from her home city of Lagos, Akunna's family becomes the keeper of that

[1] "Ibrahim," interview with author, April 11, 2014, Philadelphia, PA. (Transcript in author's possession.)

[2] Isaac Asakora, interview with author, April 20, 2013, Cape Coast, Ghana. (Transcript in author's possession.)

[3] Walisu Alhassan, interview with author, March 12, 2013, Tamale, Ghana. (Transcript in author's possession.)

[4] Chimamanda Ngozi Adichie, *The Thing Around Your Neck* (New York, NY: First Anchor Books, 2009), 115.

image, while she herself struggles as an immigrant in the United States. Her experience does not match her expectations. "You wanted to write that rich Americans were thin and poor Americans were fat and that many did not have a house and a car; you were still not sure about the guns, though, because they might have them inside their pockets."[5] But she does not write home, does not dispel her families' ideas about life in the United States, does not alter the image Nigerians back home have of American streets paved with gold.

During the twenty years of its operation, the American visa lottery shaped what people in Africa imagined when they thought about the United States. By making concrete the possibility of emigrating to the United States, the DV lottery reinforced people's ideas of the American Dream in Africa. The content of the dream borrowed from media and imagery beamed in from the West, linking life in the United States with consumer goods reflecting wealth and status - like cars and houses. Moreover, people imagined life in the United States in terms of what was missing in Africa: access to legal, political, and economic institutions that served the people instead of a tiny subsection of elites. Cyber café workers dreamed of the dazzling technology widely available in the United States. Students forced to end their studies prematurely thought going to the United States was the key to accessing education. People who had never traveled anywhere wanted a U.S. passport, in order to travel the world without obstruction. Visa lottery entrepreneurs promoted these images in their advertisements and signs. Importantly, emigrants themselves, like the protagonist of Adichie's story, chose not to supplement these ideas with contrasting stories of African immigrant life in the United States, and when they did, people chose not to believe them.

[5] Ibid, 119.

Beyond amplifying ideas of American life that were otherwise available through media, cultural products, and internet access, the visa lottery produced another set of narratives about the United States and the American Dream in Africa. By appearing at a time when emigration was both highly important to people and a diminishing possibility, the lottery tapped into the epic of emigration, served it, and made the United States appear benevolent and open. The concept and format of the diversity lottery - a program that worshipped cultural difference and offered visas broadly, not just to the candidates with the highest qualifications - made the United States appear uniquely dedicated to diversity, equality, and democracy. As one visa entrepreneur in Cameroon put it, "Lucky game, like I said, it's not in all about you being so superior, being so powerful, there's nothing about it that can explain."[6]

Unlike former colonial masters that had turned their backs on Africa, and European countries that demonized immigrants, America was a less racist nation - a "no man's land" to borrow a phrase from many Cameroonian visa entrepreneurs - where African immigrants could thrive. Africans who knew about U.S. immigration mostly though the legal channel of the diversity visa, imagined that immigrants in America had ample opportunities to live, work, and become Americans. Finally, the program appeared custom-designed for Africa. Not only did the lottery make visas available, but the opportunity for migration produced benefits for African countries, through remittances, expatriate investment, and further migration opportunities. The visa lottery appeared to

[6] Ambe Mola Valentine Anyele, interview with author, October 28, 2015, Yaoundé, Cameroon. (Transcript in author's possession.)

be a particularly effective development program, aimed at lifting African countries out of poverty.

Consumer Citizenship, Status, and Africa's Mirror

When Africans dreamed of emigrating to the United States through the visa lottery, they often pictured material success. Not merely a highly developed and wealthy country, the United States was also prolific at broadcasting idealized images of its own abundance abroad. One visa entrepreneur in Cameroon affirmed that these images attracted visa lottery applicants. "They look at TV and see, it's just too nice for them."[7] Another said, "The movies show us the best life is in the U.S., flashy things they show us in the movies. Majority of the movies. Whenever there is a movie and you see Hollywood, like swimming pools, you see Miami - you want to be there, experience the life."[8] People believed that "America is just a giant out there with lots of money, money on the floor."[9] It was a place where "everything is gold."[10] People imagined that "milk and honey flow freely on the streets."[11] In a short story about the visa lottery in Cameroon, the whole family, used to watching episodes of *Dallas,* pictures the lottery

[7] Bengha Innocent, interview with author, October 29, 2015, Yaoundé, Cameroon. (Transcript in author's possession.)

[8] Kinga Albert Wirayen, interview with author, November 9, 2015, Bamenda, Cameroon. (Transcript in author's possession.)

[9] "Ibrahim," interview.

[10] Joseph Appiah-Nkrumah, interview with author, February 19, 2013, Kumasi, Ghana. (Transcript in author's possession.)

[11] Editorial, "Extreme Act of Desperation," *The Mirror*, September 25, 1999, KNUST.

winner's life in the United States: "The very bed on which he will lie will be made of dollars, they chanted. Soon, we will receive pictures showing him standing tall, regal, all-African, smiling with his hand on the hood of his huge American car, fondly caressing it."[12] Repeated mentions of cars and houses reflected the particularly high value of ownership, agency, and mobility to Africans in the post-colonial era.[13] Even when these images seemed overly optimistic, it was hard to ignore the power of the idea. People had the expectation that with hard work and dedication, they could find success in America, so long as you were "not lazy."[14] Everybody expected it. Of the protagonist in the visa lottery story, the family teases: "He will soon be rolling in dollars, their tongues wagged."[15]

Visa agents exploited the feeling, linking winning the lottery with access to American abundance.[16] They covered their banners and posters with pictures of the

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[12] Juliana Makuchi Nfah-Abbenyi, *Your Madness, Not Mine: Stories of Cameroon* (Athens, OH: Ohio University Press, 1999), 92.

[13] King Hussain Mohammed, interview with author, April 12, 2013, Accra, Ghana. (Transcript in author's possession); "Mustafa," interview with author, April 12, 2013, Accra, Ghana. (Notes in author's possession.) See also Stephan F. Miescher, *Making Men in Ghana* (Bloomington, IN: Indiana University Press, 2005).

[14] Henry Nti Antwi, interview with author, April 24, 2013, Kumasi, Ghana; Cornelius Ayensu Noonoo (Kwesi), interview with author, May 16, 2013, Cape Coast, Ghana. (Transcripts in author's possession.)

[15] Nfah-Abbenyi, *Your Madness, Not Mine*, 92.

[16] On consumer citizenship see Lizabeth Cohen, *A Consumers' Republic: The Politics of Mass Consumption in Postwar America* (New York, NY: Alfred A. Knopf, 2003); Meg Jacobs, *Pocketbook Politics: Economic Citizenship in Twentieth Century America* (Princeton, NJ: Princeton University Press, 2005).

American flag, the welcoming Statue of Liberty, and later, the Obama family.[17] Green card lottery advertisements promised applicants they could "live and work in the USA" without explaining that no particular jobs, let alone housing, awaited green card winners.[18] Some messages even promised jobs that did not exist: "The selected persons will receive an offer of employment from employers that will lead to United States permanent residency with all legal, processing expenses paid and one year salary," read one advertisement.[19] These lofty (false) promises reinforced the notion that making it in America would be easily within grasp for a hardworking immigrant. A man in Cameroon said, "America is one of the most powerful countries, and there are so many opportunities there, compared to other countries in Europe. And I think that it is a free land, it's a land of opportunity, and when you are there, if you are somebody who is eager to learn, eager to work, you will make it. You will make it most successful, so I think that is why people are always wanting to travel there."[20] The conspicuous consumption of DV winners abroad and the families who remain at home fostered greater interest in the DV lottery in particular, emigration in general, and belief in the American Dream.

In addition to accessing abundance in the United States, through the purchase of a car and house, winning the lottery and making it in America also meant coming home

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[17] Advertisement, "America! 1995-96 Lottery Green Card," *The Mirror*, December 2, 1995, KNUST.

[18] Advertisement, "USA to Give 55,000 Green Cards," *The Pioneer*, February 7, 1996. KNUST.

[19] Advertisement, "USA Green Card," *Daily Graphic*, May 22, 2001, KNUST.

[20] Pemamtou Pewing Jude, interview with author, November 9, 2015, Bamenda, Cameroon. (Transcript in author's possession.)

with added status. Part of the appeal was to come home having lived the American Dream. One man said, "When you have been, it implies something, you know. Just getting there, it's something. So a lot of persons, they wish to be going."[21] Another added, "If you go to the States and come back home, you get some respect from your friends."[22] In addition to the consumer goods lottery winners were expected to bring home on visits, and in addition to sending money regularly, returning emigrants often sought to reproduce American living in Africa, in particular through the purchase of big houses to benefit the family, electricity generators, and large gas-guzzling cars. One man told me about so-called "funeral houses" - the houses emigrants build back in Ghana, but that they cannot really move into, lest they abandon their American incomes. Instead, the houses, built to stand as grand symbols of the person's success, serve as funeral houses for the person to come back to only after death.[23]

This phenomenon has contributed to the rapid development since the 1990s of American-style gated communities in metropolitan Accra, Ghana. A study on gated communities in Accra found that a significant portion of houses in upscale gated communities were purchased by Ghanaian expatriates living outside the country.[24]

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[21] Anyele, interview.

[22] Alhassan, interview. See also, Bernard Gyasi, interview with author, April 8, 2013, Kumasi, Ghana; and Hassan Saeed, interview with author, March 12, 2013, Tamale, Ghana. (All transcripts in author's possession.)

[23] Kofi Owusu-Daaku, interview with author, January 30, 2013, Kumasi, Ghana. (Transcript in author's possession.)

[24] Alex Boakye Asiedu and Godwin Arku, "The rise of gated housing estates in Ghana: Empirical insights from three communities in metropolitan Accra,"*Journal of Housing and the Built Environment* 24, no. 3 (September 2009): 227-247, 238. See also Richard Grant, "The Emergence of Gated Communities in a West African Context:

Another study showed that demand by Ghanaian expatriates was driving the market for single-family houses in Kumasi. The study showed that after some time abroad, Ghanaian society expected its emigrants to come home and build their own houses.[25] An enterprising Ghanaian opened a business helping Ghanaians buy homes in Ghana, sometimes sight unseen, and the *New York Times* reported on the phenomenon in 2002. "For a lot of people it's a status symbol of getting out of the position you were in," Austin Batse, a client of the company said. "You can be someone coming from a village but you return in a totally different class because of the power of what you've been able to earn here."[26] Buying a home in Ghana mattered, argued the vice president of the company, Ghana Homes, Kwasi Amoafo. Then, he said, "everyone who matters to you can see you've made it in America." Visa lottery applicants associated America with consumer goods and material wealth, and the appearance in Ghana of houses built by expats reinforced this idea as it remade the housing markets of Ghanaian cities.

While this vision of the American Dream as material success is fairly broad, African visa lottery applicants used other, more specific language to describe what was appealing to the United States. It was not that everything was easy in the United States,

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Evidence From Greater Accra, Ghana," *Urban Geography* 26, no. 8 (2005): 661-683, accessed at http://dx.doi.org/10.2747/0272-3638.26.8.661; Laurent Fourchard, "Between World History and State Formation: New Perspectives on Africa's Cities," *Journal of African History* 52, no. 2 (July 2011): 223-248.

[25] Justice K. Owusu-Ansah and Kevin B. O'Connor, "Housing demand in the urban fringe around Kumasi, Ghana," *Journal of Housing and the Built Environment* 25, no. 1 (April 2010): 1-17.

[26] Joseph Berger, "American Dream Is a Ghana Home: Mark of Immigrant Success To the Folks Back in Accra," *New York Times*, August 21, 2002, http://www.nytimes.com/2002/08/21/nyregion/american-dream-ghana-home-mark-immigrant-success-folks-back-accra.html

but rather that hard-working people could apply themselves and create their own success in ways people felt did not exist in Africa. Their vision of the United States reflected what they felt was missing in Africa: ease of life, strong institutions, state services, education opportunities, and upward mobility. A francophone man told me, "It's inevitable for the world to have the United States as a dream country, right? It is a way to have a dream each day of something better, something better for tomorrow, most everything, and the United States, it's a mirror for us – so we say, good, go there for another life, changed one way or another."[27] Couched in language about America as dreamland is actually the modest vision of a country where not everything is broken: it is not that the roads are paved with gold, but that they are paved at all.

A man in Ghana told me that the United States appealed because the legal system worked there, and laws were applied evenly, including to the well-connected and powerful. He said, of the United States: "They go by the law. No matter who you are, if you have offended, you have to face the law." In Ghana, in contrast, "it doesn't work like that. If you have offended, depending on who you are, depending on what you have, you can be free." He felt that elites and people with connections did not face the same consequences as ordinary people. In Ghana, it seemed that the same rules did not apply to powerful "big men," while ordinary people suffered the consequences of corruption and

[27] "C'est inevitable pour le monde puisque d'habitude des etat-unis c'est un pays de reve, non? Ca c'est une maniere une autre un reve chaque jour de quelque chose de meilleure, quelque chose de lendemain plus bien, plus tout, et les etats-unis c'est un miroir pour nous, donc, on dit bon, aller la bas un autre vie changé d'une maniere ou d'autre." Donal Kago, interview with author, October 29, 2015, Yaoundé, Cameroon (French). (Transcript in author's possession.)

kalabule or profiteering.[28] He assured me, "But the States is not like that. No matter who you are, if you have offended, they always sentence you."[29] The even application of the law did more than just punish the guilty. It also created a sense of trust between citizens and the state, which strengthened the economy. "I believe there are rules and regulations there, which is governing the nation. And it is not easy to violate them… So I believe that is why the economy is so strong and vital like that."[30] In the United States, too, hard work would be paid fairly. One internet café worker in Ghana explained, "when you are working here, one thing is that there is so much cheating between the employer and the employee. People are not paid for what they should be paid for." In the United States, by contrast, "you work, you always get your pay. So people are able to save there, send the money back for investment."[31]

Several of the visa entrepreneurs focused on two aspects of American life that they personally found lacking in Africa: education and technology. "But I know in the U.S. you can be working and going to school at the same time. So if I'm able to get there, I can work, pay for my own expenses, and achieve my ambition… if you go there, you can get the best education you'll ever want in this world."[32] Chuo Julius, a technician in Cameroon said his reason for playing was to seek education, and that his preferred

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[28] Paul Nugent, *Big Men, Small Boys, and Politics in Ghana: Power, Ideology, and the Burden of History, 1982-1994* (New York, NY: Pinter Publishing Limited, 1995).

[29] Gyasi, interview.

[30] Ibid.

[31] Isaac Asakora, interview with author, April 20, 2013, Cape Coast, Ghana. (Transcript in author's possession)

[32] Ibid.

destination was the United States because of its superior level of information technology."[33]

Another thing the United States offered was mobility - not just to North America, but around the world. Because the visa lottery made available a green card - and eventually, U.S. citizenship - it also offered African lottery players a chance for something they struggled to access as Africans. U.S. citizens and Lawful Permanent Residents can more easily get visas to travel to many countries or are exempt from visa requirements. As Bengha Innocent, a visa entrepreneur, told me, "Americans can easily get into any other country without any problems. So if I happen to be an American, I will use that means as an American to just go all over, just be moving around."[34] "Tasting the atmosphere of other countries is one of my reasons for entering," said a Nigerian man, Prince Balogun Daisi.[35] Through the visa lottery, Africans could imagine becoming jet-setters, something much more difficult if not impossible to do with a passport issued by an African country. A francophone Cameroonian put it poetically: "after the United States, I can go to the moon."[36]

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[33] Julius, interview.

[34] Innocent, interview.

[35] Chukwudi Nwabuko, "Going to America," Sunday Champion (Nigeria), March 10, 1996, cover story. Microfilm MF-12058 CAMP r.19, via Cooperative Africana Materials Project: http://catalog.crl.edu/record=b1517636~S1.

[36] "Mais aussi, après les etats unis je me suis aller a la lune." Kago, interview.

"Nobody has ever left here using the lottery or other means in going to the U.S. and coming back without achieving what he or she wanted to do," is a common refrain.[37] One reason the idea of the American Dream in Africa was so powerful was that there seemed to be a lot of evidence to support it. The people who went to the United States often sent back money, brought gifts when visiting, or built houses for the family. Few people reported adversity in the United States. Messages about difficulty were easy to dismiss, as reflecting an emigrant's personal failure or laziness rather than real economic or social hardship in the United States.

Some people did express skepticism - one man told me that visa lottery immigrants from Cameroon "don't get the white collar jobs. They go and [they are] sweeping the streets. So I don't think it's a positive thing for people like me because I am educated, I have gone to school. I cannot see going to America and sweeping the streets."[38] In Makuchi's story about a green card lottery winner, a character rejects the idea of the American Dream: "That's exactly what America does. It exports the 'good' side of itself and you spend years of your life dreaming of becoming a carefree Marlboro cowboy, you dream of going to America and becoming the best friend of the Carringtons, to whom you'll proudly show exotic Africa… Then you'll go there and they tell you you're just a black man, you're just a *person-of-color*."[39] A Nigerian newspaper in 1997 quoted a man - on condition of anonymity - saying that emigrating hurt not only the

[37] Fru Desmond Awah, interview with author, November 7, 2015, Bamenda, Cameroon. (Transcript in author's possession.)

[38] Nkongho Walters Mbu, interview with author, October 29, 2015, Yaoundé, Cameroon. (Transcript in author's possession.)

[39] Makuchi Nfah-Abbenyi, *Your Madness, Not Mine: Stories of Cameroon*, 81-82.

country but the emigrant himself: "A lot of the winners of the visa lottery become worse off in the U.S. than they were before they left the country."[40]

But such reports were easy to dismiss as unique or misguided. Many people believed fervently that the good life in the United States was in reach - but required hard work.[41] A photographer and visa entrepreneur whose sons had won the lottery and settled in the United States said, "They tell me things – for three years, things were very difficult, but now it's better. It's okay. You have to adapt, wherever you are."[42] Perhaps the people who suffered - who accepted low-wage jobs, or who failed to send money home - simply hadn't worked hard enough. The American Dream prevailed despite hints that it would not be easy.

No Man's Land

In Cameroon, many people think that the United States is a "no man's land." People used the phrase to indicate that the United States is a nation of immigrants. "America is a land of nobody," an IT technician in Bamenda said. "Meaning that, people come from every part of the world, bringing in their talents."[43] This idea explained why

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[40] "2.5m Nigerians apply for US Visa," *Sunday Champion*, October 25, 1997, microfilm MF-12058 CAMP r.28 via Cooperative Africana Materials Project: http://catalog.crl.edu/record=b1517636~S1.

[41] "They used to tell me that the U.S. is fine, but you need to work hard." Julius, interview with author. "Your brother's experience might be unique. He could also be paranoid." Makuchi Nfah-Abbenyi, *Your Madness, Not Mine: Stories of Cameroon*, 83.

[42] Chief David Awa Jideofor, interview with author, November 9, 2015, Bamenda, Cameroon. (Transcript in author's possession.)

[43] Pemamtou Pewing Jude, interview with author, November 9, 2015, Bamenda, Cameroon. (Transcript in author's possession.)

the United States held the lottery, to bring people from around the world to America for their talents and their cultural diversity. One person borrowed the idea that America was a nation of immigrants because its land required "peopling": "The USA is the no-man's land, and the USA was less populated and needed people to go in to work."[44] A 1997 article in a Nigerian newspaper suggested that by inviting the world to apply for the DV lottery, the United States was showing world leadership. "By further diversifying the cultural components of its large state, the U.S. may well be getting ready to be a miniature world, a model of Marshal McLuhan's Global Village concept."[45] By making itself a global village, the piece argued, the United States was creating "international persons" who could move fluidly between cultures and countries.

The idea of the no man's land also served to differentiate the United States from other industrialized countries to which Africans also sought to go. That the United States included citizens of different national origins and races made it a more welcoming destination. In contrast to Europe, where African immigration was aggressively restricted, in America, one man said, "the police don't disturb you, and so on. You don't have to pay this or that, and so on. So in that way America is good. Because America is like, you have different races: black, white. So you don't know who is American, who is this and so on. So that is why people prefer to go to America."[46] Another man made the

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[44] Ndeh Germanus Yunishe, interview with author, November 7, 2015, Bamenda, Cameroon. (Transcript in author's possession.)

[45] Yusuph Olaniyonu, "Rough Road to Dreamland," TheWeek, February 10, 1997, http://search.proquest.com.libproxy.temple.edu/docview/198840271?accountid=14270

[46] Marcel Teko, interview with author, November 13, 2015, Buea, Cameroon. (Transcript in author's possession.)

comparison to Europe explicit: "People have told me, from all indications, from all information, they told me going to America is like, they are free there. When they go up to Europe, they chase them there, there is a lot of police chasing them away; because in America, if you get your legs in America, it is a free zone"[47] Another clarified that America's record on these issues was not perfect. "The U.S. is known as a no-man's land," he said, owing to "the opportunities, the tolerance - not quite tolerance, but as compared to other developed nations."[48] A Ghanaian immigrant in Philadelphia who won the visa lottery spoke warmly about how the United States gave the "opportunity to experience the entire world" - because of its history of immigration.[49]

The reason this idea resonates is that most people in Ghana, Nigeria, and Cameroon think about emigrating to the United States principally through the visa lottery, and more recently, through family preference visas as well. Sub-Saharan African immigrants in general were less likely than other immigrants to be out of legal status in the United States, owing to low visa approval rates, and high costs associated with traveling to the U.S. Because DV immigrants from Africa arrive to the United States with the legal right to work, they face fewer obstacles than people who arrive on temporary documents and overstay their visas, or who enter the country without authorization. While the DV lottery is part of an overall immigration framework based on limiting and restricting immigration, and its numbers are small, African people's experience of the program is that it is generous, that it signals American openness, and it reflects the idea

[47] Mbu, interview.

[48] Ngochi, interview.

[49] "Ibrahim," interview.

that immigrants to the United States can come from anywhere in the world and become Americans. The United States' inconsistent record on accepting and welcoming immigrants is less visible from a place that relies so heavily on the DV lottery, a legal immigration program explicitly devoted to diversity.

One visa entrepreneur suggested that, by embracing the whole world, the United States promoted its own security interests. He suggested that the creators of the visa lottery wanted the United States to become "a country with everybody. A country that has, in short, a portion of all the other countries." The aim in diversifying the immigration stream to the United States would benefit the country not only because immigrants bring drive, labor, and culture. "If you want to talk about terrorism," he suggested, "maybe a terrorist country would say, no we don't have to attack the U.S. when my people are there. I don't have to do this because the U.S. is like me."[50] By inviting immigrants from around the world, the United States strengthened its ties to all countries, relationships that could help African countries: "Cameroonians are there, in numbers, you know," said a long time visa entrepreneur. "As a result of that, there is a bilateral relationship that is strong because of that."[51]

American Aid, American Generosity

Although recognizing that the United States stood to gain from the migration of Africans through the visa lottery, many people directly observed the effects of the visa lottery on winners, their families, and their cities more broadly. While these effects were

[50] Innocent, interview.

[51] Anyele, interview.

manifold, ranging from personal weight gain to the development of high-end gated communities in suburban Accra, the primary positive benefit of emigration was the growing role played by remittances. Well before remittances became such an important part of the economies of sub-Saharan African counties - Nigeria became the largest recipient of foreign remittances, showing an inflow of $21 billion in 2014 - observers linked the opportunity of the visa lottery to the improvement of Africa.[52] As one article put it, "Those who have managed to leave the shores of the country have changed their families fortune for good. By remitting hard currencies, those left behind could boast of living better than those with no one 'outside.' The result? Everyone has set a goal to emigrate, so as to self-actualise and enjoy the good thing offered by the Americans."[53]

Remittances were a stop-gap measure for Africans in an era of structural adjustment, in which employment opportunities were limited, currencies devalued, and the social contract unraveled. Instead of the state offering free public education to all citizens - as many independence-era leaders envisioned - people had to pay for education, in the form of school fees. Families often applied remittances to pay school fees. Studies show that remittance-receiving households "have greater access to secondary and tertiary education, health services, information and communication technology, and banking" than neighboring households that do not receive remittances.[54] "There are some family

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[52] Omoh Gabriel, "Remittances to Nigeria to hit $21bn by year end," *Vanguard Nigeria*, October 9, 2014, http://www.vanguardngr.com/2014/10/remittances-nigeria-hit-21bn-year-end/.

[53] Nwabuko, "Going to America."

[54] Dilip Ratha et al., *Leveraging Migration for Africa: Remittances, Skills, and Investments* (Washington DC: World Bank, 2011), 48.

members who go and never send anything back to their families, which is of course, not really good," a Cameroonian explained. "But the majority send back something and support their families back home."[55] Another man argued that an emigrant abroad would "not allow your brother and sister here to languish in poverty."[56] Between 1990 and 2010, remittances to Africa quadrupled to $40 billion annually.[57] As Walisu Alhassan, who grew up in a small village in northern Ghana, put it, if a person like him, with many siblings, was to win the lottery to go to the United States, "the family is going to change a lot… it is going to help a lot in the family."[58]

Scholars have studied the effects of remittances on developing countries whose citizens send money from abroad. Remittances are much more stable than other flows of capital, including foreign aid and direct investment, and they tend to be counter-cyclical, meaning they can provide a lifeline in case of emergency.[59] Using Ethiopia (another major beneficiary of the DV lottery) as a case study, the economist Teferi Mergo shows that families with a DV winner experienced greater well-being than their neighbors - and suggested that the DV lottery may be America's best aid program.[60] While migration and

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[55] Wirayen, interview.

[56] Anyele, interview.

[57] Ratha, *Leveraging Migration,* 47–108.

[58] Alhassan, interview.

[59] Dilip Ratha, "Remittances: A Lifeline for Development." *Finance & Development*, 42, no. 4 (December 2005), https://www.imf.org/external/pubs/ft/fandd/2005/12/basics.htm.

[60] Teferi Mergo, "The Effects of International Migration on Migrant-Source Households: Evidence from Ethiopian Diversity-Visa (DV) Lottery Migrants (Under Review)," *The Selected Works of Teferi Mergo* (2012), accessed at:

emigrants sending money back home are long-established human practices, the rapid embrace of remittances by individuals, NGOs, governments, and international organizations since the 1990s is new. And the practice has been regarded with great optimism, at the international level, among experts, and among migrants and their families as well.

In contrast to other types of development fostered by USAID or the World Bank, immigrant-led development gives individuals the agency to make their own choices about how to improve their lives.[61] Remittance-based development depended on many of the ideas that had animated neoliberal reform and structural adjustment in Africa in the 1980s and 1990s: individualism, the primacy of markets, and the potential for private enterprise to elevate people out of poverty. Moreover, these structural changes, including currency devaluation and facilitating imports, directly facilitated remittances. While those efforts had undermined the promise of African independence by eliminating state services and worsening problems of poverty and unemployment, here the ideas resonated positively.[62] Migration-driven development gave people a greater sense of agency over their own

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http://works.bepress.com/teferi_mergo/6; Teferi Mergo, "America's Best Aid Program? Impacts of Green Card Lottery on Ethiopian Households," blogs.worldbank.org, December 13, 2011, accessed at http://blogs.worldbank.org/impactevaluations/america-s-best-aid-program-impacts-of-green-card-lottery-on-ethiopian-households-guest-post-by-tefer.

[61] Beth Elise Whitaker, "The Politics of Home: Dual Citizenship and the African Diaspora," *International Migration Review* 45, no. 4 (Winter 2011): 755-783, 759.

[62] Not that we should accept optimism about remittance-driven development uncritically. Rahel Kunz has written about the way consensus supporting global remittances has obscured gender-specific consequences for this approach, and has criticized remittances more broadly as entrenching neoliberal welfare practices. Rahel Kunz, *The Political Economy of Global Remittances: Gender, Governmentality and Neoliberalism* (New York, NY: Routledge, 2013).

lives, where structural adjustment and migration restriction had denied them that agency.[63]

Beyond remittances, emigration developed Africa in other ways. Migrants themselves returned changed by their experiences: "The country is gaining from it, because when you go out of Cameroon, you come home different. You are exposed, you are - you know how to speak, you know how to write, you are educated, so when you come home, you have to change the society in which you live."[64] Framing the visa lottery as a kind of development project also allowed people and governments to replace narratives of African powerlessness embedded in the image of the "brain drain" with stories about spatial mobility fomenting community development.

Witnessing the positive effects of remittances and development, many Africans deduced that the United States launched the DV lottery in order to develop African countries.[65] Speculating about the purpose of the lottery, Henry Nti Antwi said, "I think they [the US] wanted to help other nations. When they see their economic background being so weak. They actually wanted to help."[66] Another Ghanaian said that the lottery

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[63] James Ferguson, interview, "Rethinking Neoliberalism," *Humanity blog*, June 10, 2014, accessed at http://www.humanityjournal.org/blog/2013/06/humanity-interview-james-ferguson-pt-2-rethinking-neoliberalism.

[64] Chief David Awa Jideofor, interview with author, November 9, 2015, Bamenda, Cameroon. (Transcript in author's possession.)

[65] Asakora, interview; Mohammed Abass, interview with author, April 20, 2013, Cape Coast, Ghana; Prince Nyarko, interview with author, May 13, 2013, Kumasi, Ghana; (Transcripts in author's possession.)

[66] Antwi, interview.

exists to help "we the Africans."[67] The idea that the United States ran the lottery to help African countries supplemented the idea that the lottery was designed to help individuals achieve their dreams. "To me, it's to help the world… to actually realize their dreams… But with the coming of the DV lottery it can help them to actually see how they can make their dreams to come true."[68] Another person said, "winning the lottery is actually like somebody going to heaven."[69]

By interpreting the program this way, the lottery helped make America dear to the hearts of many Africans, and uniquely so: "America is the only country that has given that opportunity. In the whole world it is only America that is open," said one repeated lottery applicant still living in Ghana.[70] In a collection of memoirs of Cameroonian Bushfallers, DV lottery winner Victor Mbah writes about winning the lottery in 2003. "Not many people get to win a lottery in their lives! …This was the opportunity the family had been waiting for. My going abroad could open many doors for other family members to travel overseas as well. And it was not just overseas, it was America!"[71]

Through the visa lottery, the United States projected an exceptional idea of itself to African countries. Building on images of American abundance and ample opportunity

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[67] Saeed, interview.

[68] Mbi Paddy E.K., interview with author, November 14, 2015, Buea, Cameroon. (Transcript in author's possession.)

[69] Atabe Nzunse, interview with author, November 7, 2015, Bamenda, Cameroon. (Transcript in author's possession.)

[70] Alhassan, interview.

[71] Victor Mbah "The DV lottery: A path to modern slavery," in *From Dust to Snow: Bush-faller*, eds., Wilfred and Lydia Ngwa (Princeton, NJ: Horeb Communications, 2006), 118.

on display in various media, the visa lottery helped people conceptualize the American Dream as something possibly attainable. Then, Africans imagined the United States as a funhouse mirror of conditions in Africa: what failed in Africa, they dreamed, would work in America. Through hard work and perseverance, people believed, African emigrants would seize the many opportunities available in the superpower country, and amplify their successes by sending remittances, investing, and building houses in their home country. By enabling legal migration to the United States, the U.S. aimed to serve itself by diversifying its population to reflect the whole world. But the nation of immigrants served African immigrants themselves by making it possible for immigrants to become Americans and belong fully to the country - in contrast to migration restriction regimes in Europe that were overtly racist. Finally, the DV lottery facilitated a major form of development, remittances, and in so doing helped Africa and appeared benevolent.

In 2015, at an event marking the 25th anniversary of the Immigration Act of 1990, Bruce Morrison, one of the law's key architects mused that the DV lottery sprang from the idea that "everyone in the world should believe that you can come to America."[72] Although not everyone could come to the United States, the DV lottery sparked and fed the idea that anybody could. By doing so, the American Dream in Africa remained vividly alive for millions of potential players of the lottery, visa agents, and visa winners.

[72] Bruce Morrison, "Twenty Five Years Later: Reflecting on the Immigration Act of 1990," *Migration Policy Institute*, December 8, 2015, http://www.migrationpolicy.org/events/twenty-five-years-later-reflecting-immigration-act-1990

CONCLUSIONS

Legislative Afterlife of the DV Lottery

U.S. immigration policy debates reflect the political priorities of the American public. In the 1980s, the Irish Immigration Reform Movement (IIRM) advocated for the DV lottery by drawing on language from the Select Commission's 1981 Report articulating "cultural diversity" as a guiding principle for immigration policy. After the passage of the Immigration Act of 1990, however, "diversity" ceased to be a high priority. Indeed, that law's legislation took place in a fleeting moment of consensus around more generous immigration policies, in which both Senate and House bills raised the numerical limits on immigration, and created space for the DV lottery and with it, a new, supplemental category of immigrant admissions not based on family unification, specific employment, or humanitarianism.

Soon after Congress passed the law, the politics around immigration shifted, and reform efforts pushed for greater immigration restriction through the mid-1990s, casting immigrants as an economic drain on American society. After 9/11, anti-immigrant politics shifted again, focusing on immigrants as a potential national security threat. More recently, since the great recession, immigration reform has shifted focus to America's economic prowess, and its immigration policy's ability to serve the economy by attracting the world's best talent. A trend of painting immigrants as potential terrorists and anxiety over controlling the nation's borders have surged again in the context of the 2016 presidential elections, fanned by the xenophobic campaign of Donald Trump. At various junctures in its short lifetime, the DV lottery has come under scrutiny as part of

the overall immigration system, with critics inside the United States charging that the program fails to serve U.S. economic and security interests. “There are always rumors that it will end next year. My wish is that it shouldn’t end,” a visa entrepreneur in Cameroon told me, alarmed. “So Donald Trump should not win the elections. Because I know if he wins, he will definitely stop programs like this.”[1]

Scrutiny of the DV lottery came almost immediately at the program’s inception. In addition to creating the lottery, the Immigration Act of 1990 formed a bipartisan Commission on Immigration Reform that was tasked with observing and evaluating U.S. immigration policy and reporting its findings to Congress. Following the model of the 1979 Select Commission on immigration, the new Commission comprised appointees made by both parties in both chambers of Congress, with a chairperson appointed by the president. President Bill Clinton appointed as chair Barbara Jordan, a lawyer and civil rights activist who had also served as a member of the U.S. House of Representatives from 1972 to 1979, the first African-American congresswoman from the deep South. Jordan served as chair of the Commission from 1993 until her death in 1996. The Commission, which included Bruce Morrison as a member, dedicated its final report, in 1997, to her. The report touted the DV lottery’s effect on African immigration as being “particularly noteworthy,” since African countries accounted for 35 percent of diversity visas at the time, but less than one percent of other visas.[2]

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[1] Atabe Nzunse, interview with author, November 7, 2015, Bamenda, Cameroon. (Transcript in author’s possession.)

[2] U.S. Commission on Immigration Reform, *Becoming an American: Immigration and Immigrant Policy: Report to Congress*, September 30, 1997, 5, accessed at https://www.utexas.edu/lbj/uscir/becoming/full-report.pdf.

But the Commission also considered diversity immigrants to be a "lower priority" category, and suggested eliminating the program and allocating the visas to another category altogether.[3] In a zero sum game in which legal immigration would be more limited than in 1990, an admissions category dedicated to an abstract concept like diversity, serving no obvious constituency in the United States, was less important than fixing the family preference system, aligning admissions with the needs of the economy, and eliminating the long waiting times for family members to get their visas. In general, the Jordan Commission's report advocated a more restrictive approach to immigration policy, despite the liberal credentials of its chair and some of its members. The report firmly recommended reducing legal immigration. Moreover, the report deployed much harsher language than anybody had used back in 1990, when the bills under debate were each generous and optimistic.

In the over 200-page report, the Commission devoted less than three pages to acknowledging the nexus between immigration and foreign policy. Rather, the Commission focused overwhelmingly on domestic perspectives on immigrants and immigration. Its report reflected domestic anxiety about the specter of globalization. As immigration scholar George Sánchez writes, "It is not difficult to understand how immigrants from these developing nations can be seen as both drains on our national economy and symbols of countries who threaten American economic hegemony and the

[3] Ibid., 63. Higher priorities were the same as those advanced during the legislation of the Immigration Act of 1990: the long backlog of family members waiting for their visas, including the spouses and minor children of lawful permanent residents.

dream of a multicultural future in the post-Cold War era."[4] The report emphasized fortifying the southern U.S. border, aggressively limiting unauthorized immigration, and encouraging all immigrants to "Americanize" including through compulsory English language acquisition. "We are more than a melting pot," Jordan had written in an op-ed in the *New York Times* in 1995. "[W]e are a kaleidoscope, where every turn of history refracts new light on the old promise."[5]

Reacting to changes in the global order in the early 1990s, popular immigration politics in the United States had shifted quickly. Pressure to control the migration of people across borders coincided with liberalization of trade and capital flows. Just as European nations tightened their borders in the 1990s, the United States also adopted border control and immigration restrictions, pushed in some cases by public attitudes about immigrants.[6] In 1994, for example, the citizens of California passed a stringent anti-immigrant ballot initiative called Proposition 187, which restricted unauthorized immigrants' access to schools, hospitals, and other social services, and which made teachers, social workers, and doctors deputy immigration inspectors tasked with identifying immigrants without status.[7] The governor, Pete Wilson, who had previously

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[4] George J. Sánchez, "Face the Nation: Race, Immigration, and the Rise of Nativism in Late Twentieth Century America," *The International Migration Review* 31, no. 4 (Winter 1997): 1009-1030, 1025.

[5] Barbara Jordan, "The Americanization Ideal," *New York Times*, September 11, 1995, http://www.nytimes.com/1995/09/11/opinion/the-americanization-ideal.html.

[6] Peter Andreas, "The Escalation of U.S. Immigration Control in the Post-NAFTA Era," *Political Science Quarterly* 113, no. 4 (Winter 1998-1999): 561-615.

[7] Although the ballot initiative passed by popular vote, it was subject to legal challenges for years, and eventually most provisions were repealed. Robin Dale

argued against employer sanctions during the 1986 IRCA legislation, used anti-immigrant rhetoric and the widespread popularity of Prop 187 to win reelection that year. The perception that immigrants were flooding into the United States to take advantage of generous welfare provisions also led to the passage in 1996 of two harsh federal laws.[8] The majority Republican Congress passed the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 which made immigrants - including those who entered the United States legally - ineligible for federal welfare benefits. Congress also passed the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA), which made it easier to deport, detain, and exclude immigrants.

The rise in anti-immigrant politics had coincided with both increasing numbers and visibility of immigrants.[9] The passage of the Immigration Act of 1990 and the legalization program of IRCA both increased the number of legal immigrants in the United States. The passage of NAFTA in 1992 also increased the population of unauthorized immigrants in the United States.[10] The settlement of a high-profile federal court case gave hundreds of thousands of asylum seekers whose claims had been unfairly

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Jacobson, *The New Nativism: Proposition 187 and the Debate over Immigration* (Minneapolis, MN: University of Minnesota Pres, 2008).

[8] George J. Sánchez, "Face the Nation."

[9] Aristide Zolberg, "Immigration Control Policy: Law and Implementation," in *The New Americans: A Guide to Immigration since 1965,* eds. Mary C. Waters and Reed Ueda, (Cambridge, MA: Harvard University Press, 2007): 29-42.

[10] Patricia Fernández-Kelly and Douglas S. Massey, "Borders for Whom? The Role of NAFTA in Mexico-U.S. Migration," *The Annals of the American Academy of Political and Social Science* 610, (March 2007): 98-118; Jeff Luckstead, Stephen Devadoss, and Abelardo Rodriguez, "The Effects of North American Free Trade Agreement and United States Farm Policies on Illegal Immigration and Agricultural Trade," *Journal of Agricultural and Applied Economics* 44, no. 1 (February 2012): 1-19.

rejected a second chance to apply for asylum.[11] But without budgeting for more asylum officers, the backlog of asylum cases increased exponentially, to at least 204,000 people in early 1992. With a growing backlog of cases, applying for asylum appeared to be a sure method to reside indefinitely in the United States.[12] And, when in 1993, a ship called the *Golden Venture* ran aground in Queens, New York with some 286 undocumented Chinese migrants aboard, the passengers became visible symbols of the United States' new harsh stance on immigration.[13] Most of the passengers were taken to what was then a county prison in York, Pennsylvania, and which became part of a massive network of immigrant detention centers across the United States.[14] Although the Jordan Commission was more measured in its recommendations than advocates of Prop 187, its report still reflected broad anxiety prompted by the influx of migrants, and a strong preference for restricting access to the United States through stronger border control.

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[11] The *ABC case*, a class action suit brought by churches, organizations, and individuals on behalf of a nationwide class of more than 500,000 Guatemalan and Salvadoran asylum applicants, alleged that the Justice and State Departments had systematically violated the law. The settlement eventually provided Salvadorans and Guatemalans in the country in 1990 a substantive hearing of their asylum claims. Carolyn Patty Blum, "The Settlement of American Baptist Churches v. Thornburgh: Landmark Victory for Central American Asylum-Seekers," *International Journal of Refugee Law* 3, no. 2 (January 1991), http://scholarship.law.berkeley.edu/facpubs/1967/.

[12] Philip G. Schrag, *A Well-Founded Fear: The Congressional Battle to Save Political Asylum in America* (New York, NY: Routledge, 2000), 33.

[13] Patrick Radden Keefe, *The Snakehead: An Epic Tale of the Chinatown Underworld and the American Dream* (New York, NY: Anchor, 2010); *Golden Venture: A Journey into America's Immigration Nightmar*e, directed by Peter Cohn (2006; New York, NY: Hillcrest Films Production), DVD and online at http://www.goldenventuremovie.com/index.htm.

[14] Patrick Radden Keefe, "A Path out of Purgatory," *The New Yorker*, June 6, 2013, http://www.newyorker.com/news/daily-comment/a-path-out-of-purgatory.

Although the Jordan Commission recommended eliminating the DV lottery as part of its overall plan to reduce immigration, Congress did not alter or seriously debate the program, or immigration overall, again in the 1990s.[15] The next policy discussion about the DV lottery took place in the aftermath of the attacks of September 11, 2001. Dropping the argument that immigrants were a drain on social services, policymakers instead focused on the immediate national security threat of immigrants and other foreign visitors to the United States. In the context of anti-terrorism post-9/11, policymakers seemed to appreciate something not always visible in immigration policy debates: "Immigration is an important, continuous, and contentious relationship between the United States and the rest of the world," as the historian Donna Gabaccia argues.[16]

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[15] The 104th Congress effectively seized the day between 1995 and 1997, exploiting a particular spike in public anxiety about immigration. The 1994 elections had ushered in dramatic Republican majorities in both the Senate and the House, and in 1996 Bill Clinton was running for reelection and was unwilling to oppose most of the measures of the tough immigration bills. The 1996 immigration legislation had benefited from the leadership role played by Senator Alan K. Simpson (R-WY), still passionate about immigration issues, although no longer in favor of expanding the numbers for legal immigration. But Simpson declined to run for reelection in 1996 because his knack for compromising on bipartisan legislation was unwelcome among the new Republican majority in congress. Spencer Abraham (R-MI) took over chairmanship of the immigration sub-committee. Abraham, who was of Lebanese descent, clashed with most members of his party because he did not favor cutting legal immigration. He lost his bid for re-election, and congress did not pass any further major immigration legislation under his leadership in the 1990s. Dwindling Latino support of Republicans in the 1996 election may also have played a role. Adam Clymer, "Simpson Joins Ranks of Pragmatists Leaving Senate," *New York Times*, December 4, 1995, http://www.nytimes.com/1995/12/04/us/simpson-joins-ranks-of-pragmatists-leaving-senate.html; Rachel Weiner, "How Immigration Reform Failed, Over and Over," *Washington Post*, January 30, 2013, https://www.washingtonpost.com/news/the-fix/wp/2013/01/30/how-immigration-reform-failed-over-and-over/; Schrag, "A Well-Founded Fear," 225.

[16] Donna R. Gabaccia, *Foreign Relations: American Immigration in Global Perspective* (Princeton, NJ: Princeton University Press, 2012).

Recognizing that immigration policy belonged to both domestic and foreign policy debates, in the aftermath of 9/11, the new Department of Homeland Security absorbed some 22 federal agencies, including the U.S. Immigration and Naturalization Service (INS). The new laser focus on the threat of international terrorism was evident in the reorganized administrative structure for managing immigration. With Congress addressing more urgent concerns, amending, for example, the Immigration and Nationality Act to dramatically expand border control and enforcement, the DV lottery did not initially draw much attention.[17]

When it was discovered that an Egyptian immigrant who killed two people at the Los Angeles Airport in 2002 had received his green card through the Diversity Visa lottery, the program drew increased attention. Stemming from this event, in 2004, the House subcommittee on immigration held a hearing on the DV lottery, focusing particularly on the national security implications of the program. The fear was that the DV lottery's open admissions could be exploited by "criminals and terrorists."[18] Furthermore, the very premise of the DV lottery made it potentially dangerous: "Unlike other visa categories, aliens who enter the United States under the DV Program need not have any familial or business ties to our country. These types of relationships help ensure that immigrants who enter our country have a stake in our country's success and have the

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[17] Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act (USA PATRIOT Act) of 2001, Pub. L. 107-56, 115 Stat. 272 (2001).

[18] *Diversity Visa Program and Its Susceptibility to Fraud and Abuse: Hearing Before the Subcommittee on Immigration, Border Security, and Claims of the Committee on the Judiciary, House of Representatives,* 108th Cong, 2 (April 29, 2004), https://www.gpo.gov/fdsys/pkg/CHRG-108hhrg93387/html/CHRG-108hhrg93387.htm (Statement of Rep. John N. Hostettler (R-IN).)

advanced skills to contribute to our economy," John N. Hostettler (R-IN), then Chairman of the subcommittee explained.[19] That the program could also be open to fraud and abuse, and that it took visa numbers that might be better used for higher-priority immigrants, also prompted the hearing. While not every person at the hearing thought it should be eliminated, nobody defended it as an instrument for winning hearts and minds.

On behalf of the restrictionist non-profit research organization Center for Immigration Studies (CIS), political scientist Steven A. Camarota argued for the elimination of the DV lottery. Besides for the burden of administering the program, he said, the lottery threatened the United States by attracting immigrants from corrupt countries - he mentioned Nigeria - and was otherwise irresistible to terrorists because it served as a magnet for people without strong attachment to the United States. What was worse, he argued, the lottery served no purpose. "There's no humanitarian reason for it," he testified. "Unlike employment-based immigration, it does not select people based on their skills nor does it unite families." Even the program's official aim - diversity - wasn't achieved through the lottery; the list of top immigrant sending countries remained basically the same as it was before the DV lottery.[20]

Another strong critic of the DV lottery was Jan Ting, a law professor at Temple University, and previously Assistant Commissioner of the INS from 1990 to 1993. He argued that the lottery "is unfair and expressly discriminatory on the basis of ethnicity and implicitly race." He testified that the DV lottery perpetuated Asian exclusion in

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[19] Ibid.

[20] *Diversity Visa Program and Its Susceptibility to Fraud and Abuse* (2004) (Statement of Steven A. Camarota, Ph.D., on behalf of Center for Immigration Studies.)

immigration law by excluding most Asian countries. Ting objected to the program noting that "it was transparently a device to bring more Caucasians to the United States. And I think the fact that it now also brings significant numbers of Africans and Bangladeshis to the United States does not mitigate the discriminatory nature of the program which continues to this day." Furthermore, he argued that the lottery "does not serve, and is inconsistent with, the priorities and best interests of the United States, as otherwise expressed in our immigration laws."[21]

Despite the harsh criticism of the lottery in the 2004 hearing, Congress did not amend or eliminate the program. The DV lottery benefited from obstacles to comprehensive immigration reform between 2004 and 2007. While President George W. Bush attempted to please business owners and Hispanic voters with reforms, Republican members of Congress blocked moderate efforts and pushed instead for harsh enforcement-only measures that also failed to gain sufficient support.[22] In these battles, the DV lottery was generally too low of a priority to attract serious efforts to eliminate it. Not that a few policymakers did not try - another hearing in 2005 addressed the lottery. Bruce Morrison voiced a minority opinion that the program's major accomplishment of opening the door to African immigration. "I think that is a very good contribution to our country and to an understanding in our own population that the doors of this country are open to people everywhere in the world as long as they follow the rules and as long as

[21] *Diversity Visa Program and Its Susceptibility to Fraud and Abuse* (2004) (Statement of Professor Jan Ting, Temple University Law School.)

[22] Weiner, "How Immigration Reform Failed."

there are numbers available," he said.[23] In his written testimony he wrote, "There is no better antidote to the challenges of globalization than to attract the 'self-selected strivers' from every corner of the globe."[24] Yet, despite such arguments in favor of the DV lottery, the tenor of the hearing was overwhelming negative. Along with several others, CIS testified once again that the program was "fatally flawed" and should be eliminated.[25] Once again, Congress did not amend the program.

In 2006, when Congress tried to pass comprehensive immigration reform, the Senate's bill proposed reducing the DV lottery to about 18,000 visas, allocating the remainder to people with advanced degrees. That legislation did not pass. Nor did a 2007 Senate bill that eliminated the DV lottery altogether.[26] At the end of President Bush's second term, conservative Republicans rejected any efforts to balance stringent anti-immigrant border control with measures that would overhaul other elements of the immigration system. The collapse of the economy in 2007 and the recession that followed compelled President Barack Obama in his first term to focus on priorities other than

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[23] *Diversity Visa Program: Hearing Before the House Subcommittee on Immigration, Border Security, and Claims of the House Committee on the Judiciary,* 109th Cong. (June 15, 2005) https://www.gpo.gov/fdsys/pkg/CHRG-109hhrg21780/html/CHRG-109hhrg21780.htm (Statement of Bruce A. Morrison, former Member of Congress.)

[24] *Diversity Visa Program* (2005) (Statement of the Honorable Bruce A. Morrison, former Member of Congress.)

[25] *Diversity Visa Program* (2005) (Statement of Mark Krikorian, Executive Director, Center for Immigration Studies.)

[26] Migration Policy Institute, "Side-by-Side Comparison of 2013 Senate Immigration Bill with 2006 and 2007 Senate Legislation," Issue Brief No. 4, April 2013, accessed at http://www.migrationpolicy.org/research/side-side-comparison-2013-senate-immigration-bill-2006-and-2007-senate-legislation.

immigration, despite having promised to address immigration reform on the campaign trail. In 2010, Obama pushed for reform but spent political capital elsewhere, on health care reform, in the midst of a tough mid-term election. The legislation did not move.

In 2011, Congressman Robert ("Bob") Goodlatte (R-VA) proposed a stand-alone bill, H.R. 704, to eliminate the DV lottery.[27] At a hearing on the bill, the chairman of the subcommittee Elton Gallegly (R-CA) argued that U.S. immigration policy "should be based on something more than just the luck of the draw."[28] Janice Kephart, on behalf of CIS, called the program "a terrorist gamble," and deemed it a national security vulnerability that "has outlived its usefulness in a post-9/11 world."[29] While the mood of the hearing was decidedly anti- DV lottery, the program did have a few compelling defenders. Representative John Conyers (D-MI), for example, defended the program as "the way more African immigrants get into this country than any other way."[30]

As a former ambassador with significant experience conducting diplomacy and living abroad, Johnny Young argued that the DV lottery served U.S. foreign policy interests. Testifying on behalf of U.S. Conference of Catholic Bishops, Young argued

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[27] Security and Fairness Enhancement for America Act of 2011, H.R. 704, 112th Cong., 1 (2011).

[28] *Safe for America Act: Hearing Before the Subcommittee on Immigration Policy and Enforcement of the Committee on the Judiciary of the House of Representatives* 112th Cong., 1, (April 5, 2011), 2, http://judiciary.house.gov/_files/hearings/printers/112th/112-27_65602.PDF (Statement of Rep. Elton Gallegly (R-CA))

[29] *Safe for America Act* (2011), 35-36 (Statement of Janice L. Kephart, Center for Immigration Studies.)

[30] *Safe for America Act* (2011), 23 (Statement of Rep. John Conyers (D-MI).)

that the DV lottery served American interests, both domestically and abroad.[31] Not only did the program create opportunities for a "racially, ethnically, and culturally diverse population" to lawfully immigrate. "The diversity immigrant visa program generates goodwill and hope among millions across the globe ravaged by war, poverty, undemocratic regimes, and opacity in government," he said. "Through the diversity immigrant visa program, the United States makes a counterpoint to that reality, a chance at becoming an integral member of an open, democratic society that places a premium on hard work and opportunity."[32]

In his written testimony, he stated that U.S. public diplomacy initiatives "help shape the minds and hearts of those within their borders to regard the United States and the democracy it enjoys as a beacon of hope and opportunity, and therefore a leader, in the world. The Diversity Immigrant Visa Program… engenders hope abroad for those that are all too often without it."[33] Young's experience as ambassador to Togo and Sierra Leone, as well as Bahrain and Slovenia, gave him access to an international perspective that was otherwise missing at most immigration hearings that focused singularly on domestic politics. Having lived abroad, he saw how people imagined the United States, what border control looked like on the other side, and the unique role played by the DV lottery.

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[31] Johnny Young is also a Temple University alum. Johnny Young, *From The Projects to the Palace: A Diplomat's Unlikely Journey from the Bottom to the Top* (Bloomington, IN: Xlibris, 2013).

[32] *Safe for America Act* (2011), 45 (Statement of Ambassador Johnny Young on behalf of U.S. Conference of Catholic Bishops.)

[33] *Safe for America Act* (2011), 51 (Statement of Ambassador Johnny Young on behalf of U.S. Conference of Catholic Bishops.)

During the hearing, Pedro Pierluisi (D-PR), a member of the immigration subcommittee, agreed with Ambassador Young: "I just believe that messages we send to the rest of the world are very important. And by having this program, we are sending a message that we continue to welcome immigrants from a diversity of backgrounds and nations of origins, and that is an important message."[34] As Resident Commissioner of Puerto Rico, Pierluisi represents Puerto Ricans in the U.S. House of Representatives. His perspective from an unincorporated U.S. territory, with a strong migration relationship to the United States, and reminder of the United States' legacy of empire, made him particularly attuned to the foreign relations implications of U.S. immigration policy.

Yet Young and Pierluisi's comments were lost on the committee, which construed national security in narrow terms. Instead of seeing the DV lottery as a piece of U.S. diplomacy, reaching audiences around the world, the committee saw it as a gap in the increasingly fortified border, vulnerable to exploitation by dangerous foreigners. The Judiciary Committee favorably reported Goodlatte's bill eliminating the DV lottery, but owing to other congressional priorities, the bill did not move any further.

When Congress tried once again to mount a comprehensive immigration reform in 2013, the bill eventually approved by the Senate once again called for the elimination of the DV lottery.[35] This time, instead of focusing on the DV lottery's potential security

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[34] *Safe for America Act* (2011), 128 (Statement of Pedro Pierluisi, Resident Commissioner of Puerto Rico.)

[35] Migration Policy Institute, "Side-by-Side Comparison of 2013 Senate Immigration Bill with 2006 and 2007 Senate Legislation," Issue Brief No. 4, April 2013, accessed at http://www.migrationpolicy.org/research/side-side-comparison-2013-senate-immigration-bill-2006-and-2007-senate-legislation.

flaws - never a serious threat, given the rigorous screening DV lottery winners undergo at American consulates before receiving immigrant visas - the proposal to do away with the program argued that those visas should be allocated differently. The idea was to take the 50,000 diversity visas and issue them to immigrants based on their skills in the STEM (science, technology, engineering, or mathematics) fields.[36] While debates about legal immigration have often focused on bringing skilled immigrants to the United States and matching immigrant admissions to U.S. labor needs, the particular emphasis on STEM in 2013 reflected the country's recent obsession with technical skills as the key to U.S. success in the global economy today. Public priorities on immigration had shifted once again.

The 113th Congress was unable to pass comprehensive immigration legislation. While the Senate passed a bill that would have bolstered border security while also providing a pathway for citizenship for unauthorized immigrants in the United States (as well as eliminating the DV lottery), the bill died in the House. The Republican-controlled House was unwilling to consider any immigration legislation, and the 114th Congress has only considered bills focused on enforcement, nothing that would regularize the status of millions of immigrants living in the shadows, and nothing that would slow the deportation and detention of millions. A politics that sees immigrants as a threat to the domestic interests of the United States, related to both the economy and national security, won the day.[37]

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[36] SKILLS Visa Act, H.R. 2131, 113th Cong. (2013-2014).

[37] Philip E. Wolgin, "2 Years Later, Immigrants Are Still Waiting on Immigration Reform," *Center for American Progress,* June 24, 2015,

Yet, the debate in 2013 about the lottery-related provisions of the bill did attract greater and more positive attention than in previous years. In her 2002 *Journal of American Ethnic History* article on the DV lottery, Anna O. Law noted, "It is unclear whether there is a constituency supporting the diversity lottery today and who that constituency may be because there has been no serious policy discussion about the lottery since 1990."[38] In 2013, for the first time since the Irish worked to create the lottery in the late 1980s, a constituency finally emerged to advocate for the program.

Unanticipated Outcomes

Between 1995 and 2014, more than 37,000 Ghanaians won the visa lottery and received lawful permanent resident status in the United States. Even more dramatic, more than 61,000 Nigerians won the visa lottery. Altogether, as of 2015, 376,000 Nigerian immigrants and their children live in the United States, and Nigeria has become the largest source of African immigration to the United States. Nigeria is no longer eligible for the visa lottery because it has sent more than 50,000 immigrants to the United States in the last five years; it is the first sub-Saharan African country to "graduate" from eligibility for the DV lottery.[39] The total number of Cameroonian immigrants in the United States is much smaller, but the effect of the visa lottery even more pronounced. In

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https://www.americanprogress.org/issues/immigration/news/2015/06/24/115835/2-years-later-immigrants-are-still-waiting-on-immigration-reform/.

[38] Anna O. Law, "The Diversity Visa Lottery - A Cycle of Unintended Consequences in United States Immigration Policy," *Journal of American Ethnic History* 21, no. 4 (Summer 2002): 3-27.

[39] Migration Policy Institute, "The Nigerian Diaspora in the United States" (June 2015) http://www.migrationpolicy.org/sites/default/files/publications/RAD-Nigeria.pdf

1989 only 187 Cameroonians received immigrant visas to the United States, and in 1990, perhaps 3,000 immigrants from Cameroon resided in the United States.[40] Today the number is over 33,000, an eleven-fold increase in just over twenty years.[41] More than half of the new arrivals - 16,000 people - came through the DV lottery, and the Cameroonian population in the United States now draws from both anglophone and francophone regions.[42] Overall, almost 300,000 sub-Saharan Africans immigrated to the United States through the visa lottery.[43] Because immigrants who enter the United States with a diversity visa can bring their immediate families, and later petition for other relatives to join them, over time the visa lottery introduces new, sustained chains of migration from once underrepresented countries. Beyond the hundreds of thousands of visa lottery

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[40] "Table 3, Immigrants Admitted by Region and Country of birth, 1986-1996" *Immigration Statistics: Yearbook of Immigration Statistics 1996*, accessed at http://www.dhs.gov/xlibrary/assets/statistics/yearbook/statyearbk96.zip.

[41] Joseph Takougang, *Cameroonian Immigrants in the United States: Between the Homeland and the Diaspora* (Lanham, MD: Lexington Books, 2014).

[42] Eulalia Amabo Nchang, "15,000 Cameroonians in US on DV Lottery Tickets – Consul: Interview with Vice Consul Connor O'Steen," *Cameroon Post*, October 12, 2015.

[43] "Table VII: Immigrant Number Use for Visa Issuances and Adjustments of Status in the Diversity Immigrant Category, fiscal years 1995-2002," 2002, United States Department of State, Bureau of Security and Consular Affairs, *Report of the Visa Office: 2002* accessed at https://travel.state.gov/content/visas/en/law-and-policy/statistics/annual-reports/report-of-the-visa-office-2002.html; "Table VII: Immigrant Number Use for Visa Issuances and Adjustments of Status in the Diversity Immigrant Category, fiscal years 1996-2005," 2005, United States Department of State, Bureau of Security and Consular Affairs, *Report of the Visa Office: 2005,* accessed at https://travel.state.gov/content/visas/en/law-and-policy/statistics/annual-reports/report-of-the-visa-office-2005.html; and "Table VII: Immigrant Number Use for Visa Issuances and Adjustments of Status in the Diversity Immigrant Category, fiscal years 2005-2014," 2014, United States Department of State, Bureau of Security and Consular Affairs, *Report of the Visa Office: 2014,* accessed at https://travel.state.gov/content/visas/en/law-and-policy/statistics/annual-reports/report-of-the-visa-office-2014.html.

winners, many thousands more got the opportunity to migrate through the family preference system as a result.

In 2013, when momentum was still building behind the comprehensive immigration bill that would eliminate the DV lottery, a Cameroonian-American activist in the United States led the African immigrant effort to save the DV lottery. Of all U.S. metropolitan areas, the African immigrant community in the Washington, DC metro area represents the highest proportion of the population, and is second largest in numbers.[44] The concentration of African immigrants in DC, and the relatively high education level and English language proficiency of African immigrants compared to the immigration population overall, created an opportunity for the Cameroon American Council, based in Washington, to emerge and advocate on behalf of the broader constituency of African immigrants. Its founder, Douala native Sylvie Bello, became an outspoken advocate for the DV lottery arguing that "the only visa type that has a high proportion of Africans that come through is the Diversity Visa."[45] A Cameroonian immigrant and DV winner, Dominic Tamin, produced a hip-hop song (by Trinidadian artist Mayja Money) called "DV Lottery" in the effort to preserve the program. The song calls the United States "where dreams turn into reality / because of the DV lottery" and claims, "the only reason we escaped poverty / was because of the green card lottery." In the refrain, Money pleads: "to take away hope for our future, it would be robbery / so please reinstate the DV

[44] Jie Zong and Jeanne Batalova, "Sub-Saharan African Immigrants in the United States," *Migration Policy Institute,* October 30, 2014, http://www.migrationpolicy.org/article/sub-saharan-african-immigrants-united-states.

[45] Jason Margolis, "Senate's Immigration Bill Quietly Curtails African Flows," *PRI's The World*, June 25, 2013, http://www.pri.org/stories/2013-06-25/senates-immigration-bill-quietly-curtails-african-flows

lottery."[46] In 2013, the NAACP and the Congressional Black Caucus both spoke out against the elimination of the lottery, which would reduce the number of immigrant visas available to Africans.[47]

This outspoken support for the DV lottery reflected the growing importance of African immigrant communities in the United States. Their numbers roughly doubled every decade since 1970, to nearly two million people. It makes sense that the growing population of African immigrants in the United States would begin to express itself through legislative advocacy, as immigrant groups long have.[48] But the advocacy of the NAACP and Congressional Black Caucus reflected another demographic shift: a rising share of the U.S. black population is foreign born. African immigrants drove the recent growth, with some 1.4 million black African immigrants in the United States.[49] Much of

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[46] Song can be streamed on Mayja Money's Facebook page. https://www.facebook.com/permalink.php?storyfbid=734652466576473&id=562971710411217

[47] Kevin Bogardus, "NAACP pushes for 'diversity' visas," *The Hill*, April 4, 2013, http://thehill.com/business-a-lobbying/291765-naacp-pushes-for-diversity-visas; Kevin Bogardus and Russell Berman, "Black Caucus troubled by Senate plan to replace 'diversity' visas," *The Hill*, April 19, 2013, http://thehill.com/homenews/house/294853-black-caucus-concerned-by-end-of-diversity-visas-in-senate-immigration-bill.

[48] Gabaccia, *Foreign Relations.*

[49] Monica Anderson, "A Rising Share of the U.S. Black Population is Foreign Born," *Pew Research Center*, April 9, 2015, http://www.pewsocialtrends.org/2015/04/09/a-rising-share-of-the-u-s-black-population-is-foreign-born/; Teresa Wiltz, "Growing African Immigrant Population is Underemployed," *Stateline*, May 14, 2015, http://www.pewtrusts.org/en/research-and-analysis/blogs/stateline/2015/5/14/growing-african-immigrant-population-is-highly-educated-underemployed; Monica Anderson, "African immigrant population in U.S. steadily climbs," *Pew Research Center*, November 2, 2015, http://www.pewresearch.org/fact-tank/2015/11/02/african-immigrant-population-in-u-s-steadily-climbs/

the scholarship on black immigrants has emphasized an ambivalent relationship between African Americans and foreign-born blacks in the United States.[50] Perhaps owing to the growing size of the African immigrant population and its visible concentration in Washington DC, the advocacy of the CBC and NAACP on behalf of diversity immigrants reflected that African immigrants were becoming an important constituency of black Americans.

The end of the DV lottery would mean a reduction in visas available to Africans, although it would not end family or employment immigration from African countries. In this way, the DV lottery may be deemed a success: not only did the DV lottery make immigrant visas available to countries that in 1990 sent hardly any immigrants to the United States, but those countries have also been empowered to send emigrants through the other visa categories, including family and employment. Remittances, which have become such a significant part of many African countries' economies, will continue to flow through these migration channels.

The DV lottery established new seeds of immigration that flowered in the years since the legislation. In observation of the 25th anniversary of the passage of the Immigration Act of 1990, the non-profit think tank Migration Policy Institute convened a panel discussion to reflect on the law. Bruce Morrison, a panelist, said that while over the

[50] See, e.g. Marilyn Halter and Violet Showers Johnson *American & African: West Africans in Post-Civil Rights America* (New York, NY: New York University Press, 2014); Patrick A. Grant, "Coming to America with Eyes Wide Shut," in *Foreign-Born African Americans: Silenced Voices in the Discourse of Race*, eds. Festus E. Obiakor and Patrick A. Grant (New York, NY: Nova, 2005): 91-102; John A. Arthur, *African Diaspora Identities: Negotiating Culture in Transnational Migration* (Lanham, MD: Lexington Books, 2010).

years the program had been made fun of as merely "affirmative action for white people," in practice the program aimed - and succeeded - in creating avenues for people excluded from the immigration system. The goal, he said, was to create "the first universal nation," and put it more eloquently: "everyone in the world should believe that you can come to America."[51] The end of the DV lottery would not eliminate African immigration altogether, but it would undermine that goal.

Without the lottery, people would have less reason to believe that they could come to the United States. In a 2014 House Report on the immigration legislation, a dissenting view noted that the "elimination of the diversity visa program would undercut the significant foreign policy goal of sustaining the American dream in parts of the world where obtaining a diversity visa represents the only realistic opportunity for immigrating to the United States."[52] This language echoed and amplified the testimony of Ambassador Young from the 2011 hearing, not to mention the language used by many aspiring DV lottery players, and the visa entrepreneurs who assist them in sub-Saharan Africa.

While the United States had limited foreign policy interests in sub-Saharan Africa in the 1990s in the aftermath of the Cold War, that changed after September 11, 2001. As early as November that year, Congress held a hearing that acknowledged that a global

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[51] Bruce Morrison, "Remarks: Twenty Five Years Later: Reflecting on the Immigration Act of 1990," *Migration Policy Institute*, December 8, 2015, http://www.migrationpolicy.org/events/twenty-five-years-later-reflecting-immigration-act-1990

[52] Supplying Knowledge-Based Immigrants and Lifting Levels of STEM Visas Act, H. Rept. No. 113-676, 113th Cong., 2 (December 15, 2014), 142.

fight against terrorism made Africa a much higher priority.[53] Several witnesses noted the need to ramp up U.S. public diplomacy efforts in Africa, in particular to reach Muslim communities, of which there are many across Africa. Susan Rice, who had previously served in the Clinton administration as Assistant Secretary of State for African Affairs, testified, "it is critical that African public opinion be viewed both as a target and a resource."[54] The Bush administration dramatically increased aid to Africa, and in 2007, the United States signaled the strategic importance of Africa through the creation of a new unified command for Africa, AFRICOM, to combat global terrorism on the continent.[55] The militarization of U.S. foreign policy in Africa may have undermined its efforts to win African hearts and minds, however. Nearly every African country opposed the creation of AFRICOM, initially.[56] Moreover, the United States did not match its expanding military outreach on the continent by expanding its capacity for diplomacy

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[53] *Africa and the War on Global Terrorism: Hearing Before the Subcommittee on Africa of the Committee on International Relations of the House of Representatives* 107th Cong., 1 (November 15, 2001).

[54] *Africa and the War on Global Terrorism* (2001) (Statement of Susan E. Rice, Consultant on African Affairs) See also *Africa and the War on Global Terrorism* (2001) (Statement of J. Stephen Morrison, Ph.D., Director, Africa Program, Center for Strategic and International Studies). See also, R.S. Zaharna, *Battles to Bridges: U.S. Strategic Communication and Public Diplomacy after 9/11* (New York, NY: Palgrave Macmillan, 2010).

[55] Nicolas Van de Walle, "U.S. Policy Towards Africa: The Bush Legacy and the Obama Administration," *African Affairs* 109, no. 434 (2010): 1-21; Eric Schmitt, "Militant Threats Test Role of a Pentagon Command in Africa," *New York Times*, February 11, 2013; Charlene D. Jefferson, "The Bush African Policy: Fighting the Global War on Terrorism" (Strategy Research Project, United States Army War College, 2006), http://handle.dtic.mil/100.2/ADA449355.

[56] Jeremy Keenan, *The Dark Sahara: America's War on Terror in Africa* (Chicago, IL: University of Chicago Press, 2009); FC Onuoha, "U.S. Africa Command (AFRICOM) and Nigeria's National Security," *Africa Insight* 38, no. 1 (2008): 173-184.

through, for example, robust funding for the Africa bureau at the State Department.[57] As the United States has expanded its military presence in Africa, threats of terroristic violence have increased, with the rise of al Shabab in East Africa and Boko Haram in northern Nigeria and the extreme north region of Cameroon, for example.[58] Recent extremist violence has undermined stability and hope for prosperity in Africa as well as U.S. interests there, and has contributed to the growing refugee crisis in the Mediterranean and Europe.

As Africa has become a higher strategic priority in U.S. foreign relations, African perceptions of the United States have become more important. As a result, it is more pressing to consider the ways that the United States speaks to African audiences. One of the most important - yet least investigated - is through its migration policies. Consular diplomacy and efforts to harness the power of the African diaspora in U.S. public diplomacy are part of the puzzle.[59] So is the DV lottery. As the U.S. mission in Rabat noted in a 2005 cable, when the Pew Global Attitudes Project showed that Morocco had the most favorable view of the United States of any predominantly Muslim country, Moroccans' "positive views of U.S. lifestyle and economic opportunity are also reflected

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[57] Jennifer G. Cooke and J. Stephen Morrison, *U.S. Africa Policy Beyond the Bush Years: Critical Challenges for the Obama Administration* (Washington, DC: Center for Strategic and International Studies Press, 2009).

[58] Brian Beary, "Terrorism in Africa," *CQ Researcher* 25, no. 25 (July 10, 2015): 577-600. http://library.cqpress.com/cqresearcher/cqresrre2015071000.

[59] Kevin Stringer, "Visa Diplomacy," *Diplomacy & Statecraft* 15, no. 4 (December 2004): 655-682, accessed at http://dx.doi.org/10.1080/09592290490886775; Osman Antwi-Boateng, "The Transformation of the U.S.-based Liberian Diaspora from Hard Power to Soft Power Agents," *African Studies Quarterly* 13, no. 1-2 (Spring 2012), 55-74.

in the record number of Moroccans who have won the annual diversity visa lottery." In a focus group conducted by the Embassy, a participant said, "Everyone dreams of winning the [visa] lottery to go to the U.S."[60]

The outcomes of the DV lottery were unanticipated in 1990, including that the program would make significant voluntary immigration from Africa possible for the first time in American history, and that the DV lottery would serve U.S. public diplomacy in Africa by sustaining the American Dream. Each October, African transmitters of the American Dream hang banners, wave the American flag, and post pictures of the Statue of Liberty and Barack Obama, redecorating the frenetic dusty streets of Africa's cities and towns. Travel agents, photographers, cyber café operators, self-appointed emigration experts and others anticipate the DV lottery, and embrace its operation as the economic opportunity that it has become. Although the cyber cafés are less busy every year, as more Africans gain access to the internet through their mobile phones, during the annual lottery they bustle once again as applicants seek information, pay to have their photographs taken, and, enticed by the banners and signs, invest a few dollars for the opportunity to seek greener pastures in the United States. If U.S. policymakers do eliminate the Diversity Visa lottery, at the very least, they will put an end to this annual global celebration of the United States' diversity and openness.

[60] Cable, Morocco Rabat to Secretary of State, "Favorable Views of U.S. Surge Upward in Arab/Muslim Morocco. What Went Right?" September 23, 2005, accessed at Canonical ID: 05RABAT2004_a, Unclassified. Wikileaks: https://wikileaks.org/plusd/cables/05RABAT2004_a.html.

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