

## PRESIDENT, CONGRESS AND AMERICAN FOREIGN POLICY :

### CONFRONTATION OR COLLABORATION?

*William C. Olson*

WHEN the Prime Minister of Australia advises the leadership of the People's Republic of China that the United States is unreliable because of the influence Congress exercises upon the conduct of its foreign policy,<sup>1</sup> it is less an indication of Mr. Fraser's knowledge of American government than a recognition—at last—by the outside world that Congress cannot be ignored. Even though they are usually careful to express themselves quietly, lest they be accused of trying to interfere in the domestic affairs of another country, statesmen are increasingly concerned about the role Congress is playing and can play in determining American goals and the means of achieving them, particularly now that faraway Indochina is no longer the focus of the lawmakers' attention and Europe may become so. This is due partly to a probably mistaken conclusion, drawn from Congressional pressure to withdraw from South-east Asia, that a new form of isolationism is on the horizon, and partly to specific utterances, interference and even legislation which directly affects transatlantic relations. As Flora Lewis has recently written in the *New York Times*, the 'renewed interest of Congress in U.S. foreign policy has begun to trouble European leaders and officials as they gradually become aware that decisions can no longer be made at the summit alone.'<sup>2</sup>

Observers have witnessed the refusal to provide last-minute support to Saigon; the cutting off of even modest aid to the F.N.L.A. and others trying to prevent a Cuban and Soviet-sponsored takeover in Angola; the repeated introduction of bills by the Majority Leader of the Senate (a member of the Foreign Relations Committee) to reduce American troop strength in Europe; the investigation of bribes to high foreign officials by corporations seeking contracts, and the embarrassing publication of the results; the leaking of secret testimony by members of Con-

<sup>1</sup> Ross H. Munro, 'Fraser Tells China Chief Doubts on US', *International Herald Tribune* (Paris) (*IHT*), June 25, 1976, p. 4 and editorial, 'The Problems of Policy-Making', p. 8, which refers to 'one of the more extraordinary gaffes of diplomacy' when aides distributed transcripts of a confidential talk.

<sup>2</sup> 'Capitol Hill Role Troubles Europe's Leaders', *IHT*, July 31, 1975, p. 3.

gress<sup>3</sup>; and the possible undermining of the effectiveness of the intelligence community by revelations by two Select Committees as well as the extraordinary amount of time spent by top officials of the CIA in the exhaustive hearings which took place in both Houses.

It is not so much that Congress is seen as the source of a separate or contradictory foreign policy as such, but that it obviously possesses—and is exercising—powers to negate, deflect, delay and forestall the policy whose initiation and conduct is the responsibility of the Secretary of State on behalf of the President. At the prospect, or at least the strong possibility, of there being a new President in the White House (and one inexperienced in international relations, unless one counts naval service years ago), these anxieties more and more take the form of wondering just what the relationship between him and Congress will be, especially as that body will not only have many unfamiliar faces but new leadership as well. Even though both Mr. Carter and a frequent adviser on foreign policy matters, Professor Brzezinski of the Research Institute on International Change at Columbia, urge closer co-operation with Congress, the latter asserts that what such co-operation means is a legislative branch 'being at one with the executive on strategic priorities and major choices and *adapting if they have different views*'.<sup>4</sup> This could spell trouble with the Senators, some of the best informed of whom believe that the adaptation should work both ways.

As the Presidential campaign approaches its climax next month, attention both within the United States and in the wider world naturally focuses upon the trends which may indicate the outcome and especially clues as to what the policies of the next President are likely to be. Less notice is paid, except possibly in certain of the local constituencies involved, to the hundreds of other elections which will take place simultaneously throughout the country. Their outcomes, taken together, may have just as much to do with the course of American participation in world affairs, as the more visible and publicised struggle between the eager contenders for the White House itself. For while the new President may be expected to take the initiative in creating a new foreign policy or, should Mr. Ford remain in office, continuing with even greater vigour and determination the policies which he (with perhaps some assistance from Dr. Kissinger) has already created in his brief two years of non-elected office, it will be to the Senate and the House of Representatives that he will have to turn for approval of those

<sup>3</sup> The House Armed Services Committee 'denied access to any committee files or classified information maintained therein because of his previous refusal to honor House and committee rules regarding material received by the committee in executive session' to one of its members, Rep. Michael Harrington of Massachusetts. *IHT*, June 18, 1975, p. 3.

<sup>4</sup> Italics added. 'Foreign Policy: the education of Jimmy Carter', *Time* (European edition), Aug. 9, 1976, p. 9.

policies. In recent years, the Congress has asserted itself—or as it is put on Capitol Hill, has ‘re-asserted’ its existing but long-overlooked constitutional authority—in the determination and evaluation of foreign policy, even to the point of frustrating the President and the Secretary of State in their attempts to carry out some of its principal features. Lawmakers (as they are often called in Yankee parlance) are even beginning to take the initiative in this field, sometimes in collaboration with the executive branch, sometimes in opposition to it, and sometimes in ways which make it difficult to ascertain in which direction they intend to go.

Such initiatives entail no small matters. Last year, an amendment to the foreign aid bill, which Representative Harkin, of Iowa, got through, would end aid to governments violating human rights; one report issued in August accusing Iran of such violations came out a few days after the publication of another report, by the Senate Foreign Relations Committee, on excessive arms sales to that country, which ‘have gotten out of hand’. This was literally on the eve of Dr. Kissinger’s crucial trip to the Persian Gulf. In 1972, a law was passed requiring the President to submit all executive agreements with other states to Congress, including the House of Representatives, which had been excluded from the treaty-making process by the Constitution. Seventy-five Senators sent a joint letter to Mr. Ford last spring warning that his administration would be expected to submit a foreign aid request which ‘will be responsive to Israel’s urgent military and economic needs’.<sup>5</sup> Just before the Italian elections in June this year, the Senate and House adopted identical resolutions expressing ‘the sense of Congress’ as favouring the continuation of democratic government, at a time when the State Department was going out of its way to ‘keep hands off’ in Italy. A letter to President Ford, sent by 119 Senators and Representatives, urged him to give close attention to political repression in South Korea, indicating that they were finding it ‘increasingly difficult’ to justify to their constituents continued military support for the Park regime—possibly a warning, in the light of the Angolan and Turkish cut-offs, of what may be in the offing.

From a theoretical point of view, there are four possible basic outcomes of the present election campaigns which will fundamentally determine what the new relationship between President and Congress will turn out to be. The first two are that the same party will capture the White House as well as both houses on Capitol Hill, either both Democratic or both Republican. The other two would divide the issue, with one party in charge at one end of Pennsylvania Avenue and its opposite number occupying the corridors of power on Capitol Hill, a

<sup>5</sup> Bernard Gwertzman, ‘75 Senators Petition Ford on Israeli Aid’, *IHT*, May 23, 1975, p. 1.

situation which has existed more often in postwar America than the presumably more natural and efficient one-party domination of both branches of the government. Truman and Eisenhower both had to deal with an opposition Congress during at least a portion of their terms, and Nixon for all of his. Only Kennedy and Johnson could rely on Democratic control, even though it did not necessarily follow from this that they could always rely on congressional support. Indeed two of the periods of greatest collaboration between the executive and the legislative branches of the American government were the bipartisan era when Truman and Acheson worked effectively with Vandenberg and Herter (chairmen of the foreign policy committees of the respective houses) and the years in which the Majority Leader, Lyndon Johnson, efficiently rallied the Senate in support of the international objectives of General Eisenhower's presidency, with the Representatives following, more or less docilely, in the wake of the upper house.

In point of fact, there are still more theoretical variations in the outcome than the four outlined above, given the bicameral nature of the American legislature. It could happen that one house would be Republican, and the other Democratic, with the President finding his main support in the house controlled by his party while facing opposition in the other. There was a time when, however significant this division of power might have been in getting domestic legislation through, it would have made little difference in international affairs. Then only the Senate really counted because of the treaty-power given exclusively to it under the Constitution and all that followed from that fact. Ever since foreign aid became an integral part of American foreign policy, however, and perhaps even more fundamentally since defence and foreign policy have become so inextricably linked, the House of Representatives, mainly because that is where money bills originate, has increased in foreign-policy power and prestige. So a divided legislature could be significant, though it is unlikely to result from the 1976 elections.

While it is important to note these four theoretical possibilities with their several variations, it is at the same time important not to exaggerate the probable significance of any of them in foreign affairs. Until very recent years, the tradition in the Congress has been to support the President, despite party differences, in order to make the policy of the country more effective abroad, that is to say, to place the national interest above party interest. Neither American party is particularly ideological, as French or Italian parties are, despite periodic efforts by such leaders as Goldwater and Reagan to 'give the voters a real choice', nor is either particularly well-disciplined in the way in which the British Parliamentary Labour Party is supposed to be. One's power-base is the state or district more than the national party. Regional and ethnic

considerations play an important part in the foreign-policy orientation of the Senator, and to an even greater extent of the Representative, coming as he or she does from a smaller district and having to face re-election every two years. When the President's world policies are popular or, perhaps to be more realistic, not unpopular, domestic issues predominate over international ones and both the Congress and the public it represents tend to remain quiet in the field of foreign policy. When the public rises up in protest at a particular international stance or situation, as it did in the case of Vietnam, party considerations become less important than 'bringing the boys back home'. However, none of this is meant to demonstrate the unimportance of Congress in foreign affairs, but rather to show that its importance rests as much upon other values and considerations as upon political party allegiance. Indeed, this is one of the factors which has led Congress to its present state of independence and, from the point of view of people like Dr. Kissinger or the Australian Prime Minister, Mr. Fraser, of unreliability. Legislative theory dictates that voting patterns on any given issue are just as likely to be influenced by constituents' attitudes as by party considerations.

To turn from theoretical to pragmatic considerations, what is the prospect today for executive-legislative relations in the next administration? Will it be further confrontation of the kind that President Nixon, before his demise over a domestic transgression, or President Ford have had to deal with since the last elections swept in larger Democratic majorities in both houses than had existed before? May one instead expect a period of collaboration and a return to the more traditional attitude of supporting the President? Or will the executive-legislative relationship fall somewhere in between, with certain forces or factors tilting the balance towards co-operation and others towards the lack or denial of it? To try to deal with the probabilities, we need to look at a number of feasible situations, or 'scenarios', as the current expression among the forecasters has it. This is more susceptible to analysis and less hazardous than claiming to be able to *predict* what will happen in the future.

### **If the Democrats control both White House and Congress**

According to early polls and the opinion of the experts, the most likely outcome is that the Democratic party will capture the White House after eight years and retain or perhaps even increase its majorities in both houses of the Congress. What is traditional in a situation like this is what for lack of a better term is habitually called 'a honeymoon'. Elected on a platform of healing wounds, inflicted by Vietnam and Watergate, in the body politic, the new President should enjoy the

support of most of the people most of the time, and therefore of their representatives in Congress. At a time when a Harris poll has shown that public confidence in the country's institutions, notably including Congress, has sunk to a new low, with only 9 per cent 'expressing a great deal of confidence in members', he will be further strengthened, if only by contrast and freshness, by his moral fervour and by not having been 'tainted' by Washington. Pundits will be writing about a new 'era of good feeling'.

A veteran Senator, Walter Mondale of Minnesota, will be presiding over the Senate as Vice-President, able to advise President Carter, who is totally lacking in experience in national legislative politics, on how to deal with whom on the key committees, among 'the leadership' (that somewhat mysterious body of those acknowledged to possess the ability to get things done or block them), and anyone else who might conceivably present a problem. As a former member of the new and powerful Budget Committee, Vice-President Mondale might prove to be an important link between Capitol Hill and the White House in foreign policy, particularly in the economic field; in 1974, when he was himself considering a try for the nomination for President, he wrote an article in the influential quarterly, *Foreign Affairs*, in which he advocated a stronger Council on International Economic Policy, arguing that the

. . . director of such a staff on international economic policy must be accessible to the Congress and to the public. The issues involved are too closely related to domestic policy to be shrouded from public view by the trappings of diplomatic or even presidential confidentiality. And the Congress must, as it did in 1947 and 1948, play a crucial affirmative role. For this it will need to exert greater efforts to coordinate the work of the many committees and sub-committees that have an impact on our economy.<sup>6</sup>

After having gone through confirmation hearings before the Senate Foreign Relations Committee, the new Secretary of State—whether he be the veteran negotiator, Cyrus Vance, the seasoned testifier and former Under-Secretary, George Ball, or a totally unexpected figure—will no doubt follow Mr. Carter's lead in creating close ties with Congress. This should not be difficult so long as the courtly and traditionally supportive Senator Sparkman, who is from Alabama, which is a neighbour of Jimmy Carter's home state of Georgia, remains as chairman. The incoming Secretary should find the Committee in a conciliatory, congratulatory mood, in contrast to the lengthy and searching questioning which Henry Kissinger had to go through on September 10 and 17, 1973.

<sup>6</sup> 'Beyond Détente: Toward International Economic Security', *Foreign Affairs*, Oct. 1974, p. 22.

On that occasion, much time was spent on the fact that the former Harvard professor had in his books and addresses on international affairs devoted little or no attention to the role of Congress, a fact which he readily admitted and promised (mindful, presumably, of the consequences of any other response) to rectify.<sup>7</sup> At the same time, there will no doubt be some friendly reminders that the mood of reassertion is not a passing one and that the Senate means to be consulted and listened to.

On the House side, the most likely victor to emerge from the organisation meetings in January is the Majority Leader, Thomas P. O'Neill of Massachusetts, replacing Carl Albert as Speaker of the House, a post often regarded as only second in importance to that of the President in the United States government. The Majority Whip, John McFall of California, should become Leader, but more interesting from the point of view of foreign affairs is the likelihood that the Whip's position will be assumed by John Brademas of Indiana, one of the few Rhodes Scholars in Congress but more newsworthy recently because of the crucial role he played in getting the House to vote in favour of cutting off military assistance to Turkey. He is of Greek ancestry.

On the increasingly important and renamed International Relations Committee, the generally co-operative (even with Republican Secretaries and Presidents) Thomas Morgan of Pennsylvania will probably be replaced by the more combative Clement Zablocki of Wisconsin, who has been chairman of the sub-committee on Foreign Operations. Among other things, this body gives a look parallel to that of the Appropriations sub-committee to economic assistance abroad, which is probably the single most important foreign-policy function of the House of Representatives apart from making defence appropriations. The Appropriations Committee itself will probably continue to be headed by George Mahon of Texas, despite his 75 years of age, who is noted for his independence and desire to hold down expenditures; few members of the House, possibly even including the Speaker, are as influential. In general, the new President can look forward to a long period of collaboration as his policies begin to emerge in concrete form as proposed legislation.

In foreign affairs, what are these policies likely to be, insofar as clues found in campaign utterances can give one any guidance? If the outline can only dimly be seen at this point, it may or may not portend an indecisive presidency and is more likely to reveal a cautious candidate determined not to say anything that will lose votes while trying to advocate positions which will attract them.

<sup>7</sup> 'Nomination of Henry A. Kissinger', Hearings before the Senate Committee on Foreign Relations, 93rd Congress, 1st Session, Part II, p. 319.

Hence the by-word from the outset has been about as broad and general as it could be: 'the politics of world order',<sup>8</sup> or as Mr. Carter sometimes puts it, 'a new architectural effort'.<sup>9</sup> Lest this be thought either obvious or banal, let it be remembered what happened on another occasion, the thought of which still alarms Europeans (and even Englishmen) when another Democratic President tried to create a new world order whose dimensions were an element in the Treaty of Versailles. This could mean many things, but the fact that one of Governor Carter's lesser-known foreign policy advisers is Professor Richard Gardner of Columbia probably suggests greater initiative in the United Nations and other international organisations, endeavouring to restore those bodies to what they were intended to be and once more to ensure that the United States takes the lead rather than, as has come to be the case in recent years, the brunt of overwhelmingly negative votes. While little in the Georgian's pronouncements would seem to reflect a desire to reverse Mr. Nixon's 'low profile' orientation, the Carter Doctrine is likely to be more positive and perhaps even more aggressive in the political though not military sense than that of his predecessors. The United Nations has always been a more congenial concept to Democrats than to Republicans, and it seems likely that a major attempt will be made to restore that bloc-laden body to its former status as an effective instrument of American policy.

Of perhaps even more moment to those in Nato and Europe generally, the American presence in Europe will continue. Promises of decreases—or at least an attempt to hold down increases—in defence expenditures are likely to take the form of greater efficiency rather than cutbacks in commitments to the defence of Europe. If there is a cardinal principle of American foreign policy, the Atlantic commitment is it, occasional doubts of leaders and thoughtful observers on this side of the water notwithstanding. Indeed Henry Owen, director of Foreign Policy Studies at Brookings and one of the nine experts to visit Mr. Carter in Plains, Georgia, advocates the transfer of something like a fourth of the country's Pacific troop strength to Europe.<sup>10</sup> It is less what Mr. Carter—or indeed any new President—might do or fail to do that is in doubt, but the attitude of Congress. The Majority Leader, after all, tried repeatedly, and at times with apparent though short-lived success, to get his Congressional colleagues to reduce American troop strength in Europe. But Mike Mansfield will have retired by January 20, and when the new legislature convenes, his place will probably be taken by

<sup>8</sup> The term was used in a briefing of fifty Congressional staff assistants by Carter's aides on June 11 in Washington, in which it was indicated that the new approach would replace a 'balance-of-power' foreign policy. *IHT*, June 12–13, 1976, p. 3.

<sup>9</sup> *The Economist*, July 3, 1976, p. 30.

<sup>10</sup> *Time*, *op. cit.* Mr. Owen was chairman of the Policy Planning Council when Dean Rusk was Secretary of State.



Senator Robert Byrd of West Virginia, who has concentrated upon national affairs almost exclusively. His committees have been the powerful Rules and Administration Committee, Judiciary, and Appropriations, where he has headed the sub-committee on Interior. There is no reason to think that he shares the convictions of the former Majority Leader, an authority on the Far East, on the question of troop withdrawal from Europe.

A third probability is in fact a certainty, at least as a fundamental principle, and that is that strong support of Israel will continue. Indeed, at one point Mr. Carter expressed the view that one of the major contributions the United States could make to permanent peace in the Middle East would be to make Israel so strong that none of its neighbours, even collectively, could challenge it. Mr. Rabin, the Israeli Prime Minister, would then presumably feel less afraid to make the territorial concessions required for a long-lasting settlement in the area. If the present President's experience with his last defence budget is any guide, the next one will have no trouble in persuading the 95th Congress to go along with this. Quite the contrary, for the 94th wanted to give Israel so much military assistance that Mr. Ford felt he had to veto the appropriation bill because of its imbalance in favour of one side when the policy of even-handedness was supposed to be in effect in Washington.

One reason why Mr. Carter has taken such a strong position on Israeli security may be that he does not see the Middle East, as President Nixon said he did early in his administration, as being of such central importance to the overall strategic position of the United States. In this he appears to have been very much influenced by having been, even before launching his long 19-month campaign for the Presidential nomination, a member of the Trilateral Commission, formerly directed by Zbigniew Brzezinski, which stresses the development of common approaches to world problems by the Americans, the Japanese and the Europeans. This great northern hemisphere strategic and economic arc may be more important to Mr. Carter than the ancient crossroads of the Middle East, or he may simply have in mind the disentanglement of the United States from one corner of the world, however crucial it may be from a domestic political or an international strategic viewpoint, when there are broader questions with which to deal. Whether Congress will share this basis for assessing foreign policy priorities remains to be seen, but there is reason to doubt it.

From time to time Mr. Carter has expressed himself on specific international questions, among which the following may be noteworthy:

1. advocating multilateral reductions or even unilateral curbs on arms sales to developing countries;

2. promoting nuclear disarmament through the SALT talks rather than merely seeking an arms ceiling;
3. favouring majority rule in South Africa;
4. while deploring communism, accepting its gains in Western Europe and opposing direct or indirect American intervention to prevent it;
5. suggesting retention of Jerusalem and the Golan Heights by Israel as part of a Middle East settlement;
6. pushing for closer co-ordination with other industrial democracies in internal policies.

He promises to be much tougher in negotiations with the Soviet Union and professes to feel that the United States has been out-bargained by the Russians. He has repeatedly promised not to let down America's guard, advocating what he terms a policy of 'rough equivalency'<sup>11</sup> in military posture with Russia.

One other point deserves attention, and that is diplomatic style. Critical of what he terms 'transient spectaculars' and a 'one-man policy of international adventure',<sup>12</sup> Mr. Carter places himself more at odds with the way in which Dr. Kissinger has conducted his office than with the policy he has carried out. Indeed, Kissinger himself sees little significant difference between his basic foreign policy objectives and those of Carter, whereas an enormous gap exists between Kissinger and Reagan, who during the primaries made the Secretary of State an issue in his bid for the Presidential nomination. Where Nixon and Ford have allowed a 'lone ranger' to ride the international prairie, President Carter would presumably be more of a team man. Although confident of his own ability to handle affairs of state, nothing indicates that he is unaware of the vastness of his own inexperience on the range of world politics. In other words, he would neither be his own Secretary of State nor would he let any other single voice speak for America. One reason so much stress is laid upon style, however, derives from what might be called the 'restraint of responsibility', based upon an intelligent recognition of how narrow the range of choice in foreign policy really is. Though little of substance separates the Carter foreign policy from that of Henry Kissinger, the latter has noted that 'everyone is for more openness and an end to secrecy—until they're elected'.<sup>13</sup> In this respect it is likely that Congress would be less demanding than it has been with Nixon and Ford—up to a point.

Mr. Carter's campaign promise to a crowd of shipyard workers in

<sup>11</sup> C. L. Sulzberger, '... and Nuclear Policy', *IHT*, July 14, 1976, p. 6.

<sup>12</sup> *The Economist*, *op. cit.*

<sup>13</sup> Bernard Gwertzman, 'Kissinger Remains Unruffled by Carter on Foreign Policy', *IHT*, June 28, 1976, p. 3. In another article comparing the two men, Leslie H. Gelb writes, '... Mr. Carter's strategy seems to be a combination of attacking Mr. Kissinger's style and adopting some of his expressed ideas'. *IHT*, June 26-7, 1976, p. 3.

Patterson, New Jersey, to do more for the Navy could be put down as pure politicking, but is probably genuine. Not only will he be, if elected, the first graduate of the US Naval Academy at Annapolis to reach the White House, but some of his military advisers, like Paul Warnke and Paul Nitze, are well aware of the growing Soviet strength at sea. On defence spending, the new administration would encounter little opposition in the Armed Services or Appropriations Committees, though the hearings before the Foreign Relations Committee on matters of policy implying greater military involvement abroad would be characterised by very sharp questioning by such members as Senators Frank Church (D., Idaho), George McGovern (D., South Dakota), Jacob Javits (R., New York) and Clifford Case (R., New Jersey).

So much for the immediate prospects. Does any possibility exist that in the longer run a Carter administration would find itself in confrontation with Congress? Certainly it might if, at the end of two years, the 'honeymoon' had ended and the voters returned a Republican Congress, or even a Congress with its Democratic majority much reduced. On the other hand, such a confrontation is not so certain as it might seem, for a reversal of this kind is unlikely to result from a *foreign* policy issue. If the President found himself in crisis with a foreign power, even if his own behaviour had caused it, the tendency would be for the public and the Congress to rally around him. Indeed at times, such as when the Bay of Pigs fiasco penetrated the public consciousness in 1961, it almost appears that the more ineffective a President is in his relations with other countries, the more support he enjoys. Perhaps there is some kind of international civic pride at work which buttresses a weak man when a stronger one could get along without support. Were the disaffection of the electorate to occur on a domestic issue, such as unemployment or inflation, then in the public mind foreign policy would tend to be relegated to the background. At the same time, even if foreign policy differences were not the cause of a reversal, the fact that public opinion was running against the President on other grounds would tend to make Congress more independent in international affairs than it would be were voters to endorse, after two years, the way in which the President was conducting the affairs of state. Hence, only if there were a disaster or a chronic failure in some crisis area, let us say another Vietnam, which had visible and unpleasant *domestic* effects, would serious difficulties arise with Congress on foreign policy. This is what happened towards the end of the Johnson administration because of the breakdown of credibility over South-east Asia. Few understood what we were doing there, or why, and neither the Secretary of State nor the President seemed able to explain it to the public. Numerous members of Congress went to Vietnam to try to find out for themselves, among them Senator Mondale, who said in

1972 that 'the worst mistake of my entire career was to remain silent so long against the war.'<sup>14</sup> It was a natural mistake, however, given the tradition and consensus of support for the President's international behaviour.

### **If the GOP controls both White House and Congress**

Now what about the other 'scenarios'? If President Ford were to win the election and carry his party into power in Congress, there is little doubt that he would enjoy the full collaboration of a Republican House and Senate, the latter with Vice-President Mondale in the chair.

On foreign policy, however, the 95th cannot be expected to be, even in this 'scenario', a 'rubber-stamp' Congress. The new chairman of the Senate Foreign Relations Committee, which symbolically and traditionally is still the centre of power on Capitol Hill as far as international affairs are concerned, would be the liberal internationalist, Clifford Case of New Jersey, who has not only been outside the mainstream of national Republican politics but has consistently and effectively worked for greater senatorial control of the treaty process, particularly with reference to executive agreements. The Case Act of 1972 requires the President to submit almost all such agreements with foreign powers, not just to the full Senate but the House of Representatives as well. This is for review, not ratification. Therefore, while as a general principle, the new chairman might go along with a continuing Ford administration for a while, it is more likely that he would continue to complicate executive-legislative relations in the foreign policy field. With regard to sub-committees, one potential change is particularly worthy of note: Jacob Javits, often called 'The Senator from Israel', would take over Arms Control and Security Arrangements. The significance of this shift lies less in the scope of responsibility of the sub-committee (which in practice is about as broad as the chairman chooses) than in the ability of a vigorous chairman to use his authority to conduct hearings which could and no doubt would encompass Middle East policy.

When it comes to other Senate Committee chairmen, Mr. Reagan would have been more at one with the incoming head of Armed Services, Senator Strom Thurmond of South Carolina, than either Ford or Carter would be. A southern Democrat turned Republican, Thurmond has been outspoken on foreign as well as domestic affairs, anticipating the strong attacks made by Ronald Reagan on Dr. Kissinger's attempts quietly to bring about a change in the jurisdiction over the Panama Canal. Claiming that this is sovereign American territory

<sup>14</sup> Richard L. Madden, 'Mondale Often More Liberal than Humphrey or Kennedy', *IHT*, July 19, 1976, p. 3.

the control of which should under no circumstances be compromised, Thurmond went so far as to attach a rider to an appropriations bill prohibiting the expenditure of State Department funds even to conduct negotiations on the question (this was later dropped in conference committee).

Over on the House side, a Republican victory would bring into a position of great influence Representative John Rhodes of Arizona, the only one of the four top leaders from the 94th Congress not retiring, as Majority Leader. He would be a force for continuity and co-operation with the President, even though he has always shown himself to be jealous of Congressional prerogatives. While Representative William Bloomfield of Michigan (Ford's state) would now chair International Relations, next in line would be the colourful Edward Derwinski of Chicago, whose constituency contains many voters of Polish descent and who recently came into prominence with his unusually persistent questioning of the Secretary of State at a breakfast meeting because of remarks attributed to Dr. Kissinger's closest policy adviser which seemed to foreclose any chance of change in Eastern Europe. After this, little was heard of the so-called 'Sonnenfeldt Doctrine', but at the time of his meeting with Dr. Kissinger Mr. Derwinski suggested that after the Helsinki agreement, the doctrine was 'the straw that broke the camel's back'.<sup>15</sup> He obviously regarded the State Department's attempt to play down the importance of the statement as yet another effort to deceive Congress—a frequently expressed view on Capitol Hill regardless of party. On the Appropriations Committee, Congressman Shriver of Kansas would replace the anti-foreign aid veteran Otto Passman as chairman of what some have regarded as the most sensitive and powerful centre of foreign policy-affecting power in the lower house—the sub-committee on Foreign Operations, which passes on economic assistance of all kinds to the outside world.

#### **If it is the mixture as before**

Only one of the two other major 'scenarios', both involving a divided government, need concern us. That is the possibility that the present confrontation of a Democratic Congress with a Republican President might recur. In that case, one could expect 'more of the same' in executive-legislative relationships, with Congress opposing the President on many crucial issues. If he could, Mr. Ford would retain Dr. Kissinger in office. The big difference, however, would be this:

<sup>15</sup> Rowland Evans and Robert Novak, 'Sonnenfeldt Ruckus', *IHT*, March 29, 1976, p. 4. A week earlier Evans and Novak had reported on a 'secret' briefing by Helmut Sonnenfeldt, Counselor of the State Department, to US ambassadors in Europe in which he was said to have advocated a permanent 'organic' relationship with Russia in Eastern Europe. This is what upset the Congressional Republican Study Committee.

Ford would now have been 'certified' as President by the electorate, and could be expected to be much bolder and more assertive. He would undoubtedly 'go to the people' for support whenever Congress became too obstreperous. The politics of his own election would probably mean that the Democrats would have lost the overwhelming majority which Watergate gave them in the 1974 off-term elections, and this too would strengthen the President's hand. It is interesting to note that the public actually prefers divided government to one in which the same party controls both branches of the government.<sup>16</sup> Conceivably, the voters could choose this once again, as they did after all in 1972, when Nixon took 49 states while the other party actually increased its majorities in Congress, an outcome which violated all canons of predictive politics in the United States. One other factor cautioning the prognosticator is the uncertainty and significance of the 'under-40' element, which has little party allegiance and represents what Joseph Kraft has termed 'a tremendous pool of non-voters waiting to be tapped by the right candidate from the right party'.<sup>17</sup>

But one outcome that is impossible to see in terms of practical politics is a Carter victory with a Republican Congress. The arithmetic of the Senate races does, it is true, reveal more vulnerable Democratic seats than usual, but to gain control of the Senate the GOP would have to *net* twelve or thirteen,<sup>18</sup> which is hard to contemplate even if Ford were to win, and mind-boggling if he lost. In the House, while every seat is subject to change, a reversal of the present 289 to 144 advantage enjoyed by the Democrats in a year in which their candidate took the White House away from the Republicans is beyond the bounds of contemplation, even though one can never predict what the voter will do when he gets into the privacy of the polling booth; the then-Chairman of the Senate Foreign Relations Committee was defeated after more than thirty years in Washington in 1974, apparently because he paid too much attention to international affairs and not enough to those of his native Arkansas. Three other caveats are necessary: (1) an unusually high number of members of both houses have announced their retirement, led by the Majority Leaders Mike Mansfield and Carl Albert, as well as the Minority Leader of the Senate, Hugh Scott; (2) voters may not return certain high-ranking members to office next month; and (3) when the usual organisation of the Congress takes place

<sup>16</sup> David S. Broder, 'Some Strategies for US Elections', *IHT*, July 21, 1976, p. 6; the full reference reads, 'But the polls show most Americans are not that trustful of either party and feel more comfortable with a divided government, even at the price of stalemate in some policy areas.'

<sup>17</sup> 'Body Politic Splits at 40 in the US', *IHT*, July 26, 1976, p. 4.

<sup>18</sup> Of the 100 Senate seats, the Republicans now hold 37; 51 are needed for a majority. The one Conservative-Republican usually votes with the Republicans and the one Independent often does.

late in January, some very senior personages may have to choose between two chairmanships.

### **The continuing features of Executive-Legislative relations**

From another perspective, there are certain features of Congress and its relationships with the White House in the international field which are characteristic and little affected by the outcome of any particular election. Basic is the constitutional relationship itself, which gives certain powers to Congress in Article I and certain others to the President in Article II (the order is significant to the lawmakers, who take it to mean that the Founding Fathers regarded them as 'the first branch'). Three things are interesting in the paragraphs which spell out their respective responsibilities in foreign relations: (1) foreign policy is nowhere defined; indeed, the term is not even used; (2) more specific foreign-relations powers are cited under Congressional authority than under Presidential; and (3) some of the most important prerogatives of Congress are listed under the powers of the Presidency, notably the famous term 'advice and consent', which is required of the Senate in the making of treaties and the appointment of ambassadors. Whereas the appointment veto is seldom exercised, the gamut of obstacles which can be, and have been, placed in the path of certain treaties already signed by foreign plenipotentiaries unburdened with the necessity of parliamentary sanction is limited only by the imagination of the Senators. This has more than once made it necessary to renegotiate an entire instrument, so unrecognisable had the original version become by the time the lawmakers, with their amendments, reservations and changes in language, had got through with it.

Another predictable feature of Congressional behaviour in international matters is inconsistency, deriving partly from the importance of, and difference in outlook between, committee chairmen; Foreign Relations, for example, is a very different committee now that the gentle, co-operative Senator Sparkman is in charge than it was while the scholarly, penetrating and sometimes incensed Senator Fulbright was in command for so long. On that committee contradictory trends have been at work, one traditional and supportive, represented by men like Mr. Sparkman and former Senator Aiken, of Vermont, for many years the ranking Minority Member, the other radical and independent, represented (especially after his bitter regret over having sponsored the Gulf of Tonkin resolution) by Senator Fulbright and by some of the men coming up. One of these is Senator Frank Church of Idaho, whose sub-committee on multinational corporations lead to acute embarrassment in certain foreign countries, notably Japan and Italy, where some of the highest political leaders in the land were involved

in scandals, to say nothing of his well-known investigations as chairman of the Select Committee on Intelligence, whose revelations about abuses by the CIA were nothing short of spectacular.<sup>19</sup>

Another source of inconsistency on Capitol Hill lies in the remarkable proliferation of committees, sub-committees and ad hoc committees which have direct responsibility for overseeing one or another aspect of the conduct of American activity abroad. While the number, specific nature, or nomenclature of these committees may change (such as the rightly-famous Jackson sub-committee, which went through many alterations of title without any real shift of focus or impact), the total has never fallen below seventy or eighty in recent years. To be sure, about twenty of these are sub-committees of the two obvious full committees, Foreign Relations and International Relations; others are less obvious but in certain particulars no less significant. The contrasting attitudes of these committees make Congress appear contradictory. Indeed it is—as in the respective instances of the Armed Services committees, which tend to go along with what the Pentagon requests on the basis of national security, and of Foreign Relations, which in recent years has found itself, almost on principle, at odds with State. The ‘Department’ has never had much of a constituency on Capitol Hill.

A third likelihood is that Congress, and especially the House of Representatives, will continue to be more sensitive than the executive branch to public opinion, both in general terms and in terms of the influence of various ethnic, economic and other lobbies active on Capitol Hill all the time. Despite Presidential claims to represent *all* the people, because the Chief Executive and Vice-President are elected on a national basis while legislators come from smaller constituencies, the executive tends to concentrate on the ‘for the people’ element in Lincoln’s definition of democracy while Congress tends to reflect a ‘by and of the people’ mentality.

So where do we stand, a few weeks before the election? Here a distinction must be established (if one is not simply to engage in speculation) between what is known, what is expected, what is probable, what is possible and what is not even conceivable.

What is known is that Congress has not only expressed itself openly and independently on crucial aspects of foreign policy ever since the end of the Johnson administration, but has re-written the laws in such a way that the entire decision-making system in this field has been permanently altered. It has re-asserted itself and ‘intends to remain re-asserted’, as a south-western member might phrase it.

<sup>19</sup> A Senate or Joint Select Committee is about as close to a Royal Commission as a body of inquiry can be in the United States. The full name of the Church Committee is ‘Select Committee to Study Government Operations with Respect to Intelligence Activities’.



What is expected is that the Carter-Mondale ticket will be elected and there will follow a period of a year or so during which the euphoria of victory and unity will push foreign policy and all other disagreements into the background. There will then probably emerge a gradually intensifying phase of congressional independence which will transcend party loyalty, which has never been a particularly strong factor in foreign policy anyway save at times of crisis. What is conceivable, though unlikely, is that President Ford will stay in office but will have to continue with a Democratic Congress with the present uneasy amalgam of confrontation and collaboration continuing through the four years of his first *elected* administration, perhaps after an initial but brief 'honeymoon' period. It is remotely possible that both Houses will be swept into the Republican camp if the President should catch hold of the public imagination or if Mr. Carter should make some ghastly blunder between now and election day.

What is inconceivable is that Carter would win but have to work with a Republican Congress, even though both recent historical experience and the apparent preference of the voting public would presage a fairly effective working relationship should either a Carter-Republican Congress or Ford-Democratic Congress combination result from the spate of campaigning back and forth across the land.

Whatever the outcome, a prudent course for other foreign ministries is to take a cue from the Department of State and create a section devoted to the Congressional dimension. It is here to stay, even though influential members who shape the character of its relationships with the White House come and go. Great significance attaches to unexpected events, such as the resignation of the difficult chairman of the subcommittee overseeing the State Department, Wayne Hays, or the primary defeat of that thorn in the side of the Agency for International Development, Otto Passman of Louisiana. The Atlantic partners can only hope that the successors of these men will be as influential as they were in promoting the *positive* power of Congress in the foreign relations of the United States.