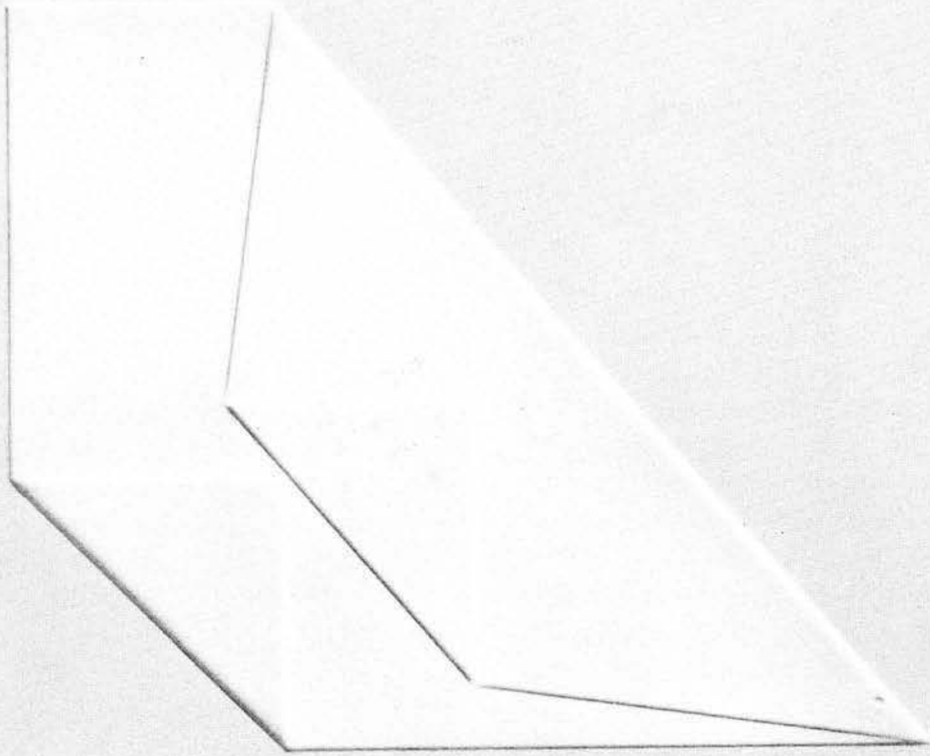
Volume VII Number 1 January/February 1974

THE CENTER MAGAZINE



PEACE

Foreign Policy: Henry Kissinger and J. William Fulbright

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Western States Office: 205 South Beverly Drive, Beverly Hills, California 90212

THE CENTER MAGAZINE

A Publication of the Center for the Study of Democratic Institutions

Editor — John Cogley *Executive Editor* — Donald McDonald

Peace on Earth

Although this issue contains, in whole or in part, the statements of twenty-seven of the speakers at the Center's recent convocation on foreign policy, that is still less than half the number who took part in the meeting. The full proceedings of the convocation will be made available shortly in four paperback volumes.

Our selection for TCM was made with an eye to significance and balance. Secretary of State Henry Kissinger (page 34) tells what is involved in the actual making of foreign policy, while Senator J. William Fulbright (page 40), who shared the platform with him, warns of the dangers of entrusting the future of international relations to a few individuals representing the superpowers, no matter how brilliant they may be, rather than to institutions based on international law.

Clark Clifford, a counselor to three Presidents and former Secretary of Defense, asks why the U.S. military budget cannot be cut, since we are in a period of détente, and suggests how it might be (page 49).

Senator Sam Ervin (page 8) sees the Congress as the principal maker of foreign policy, although he concedes that in some areas the authority of the executive and legislative branches is somewhat ambiguous.

The angry and skeptical among the speakers are represented by Frances FitzGerald (page 36), David Horowitz (page 44), and Gloria Emerson (page 52).

Senators, representatives, professors, news media people, scientists, and a governor are represented in selected quotes from papers and panels (page 56).

Richard Falk, one of the convocation panelists, was interviewed by Executive Editor Donald McDonald on the subject of American guilt for the Vietnam war (page 26).

Two quite different approaches to the Watergate scandals are taken by Russell Kirk (page 2) and James Willard Hurst (page 11). Kirk draws on his classicist's background, and particularly on the words of Solon, and concludes that the revelation of political corruption in our time should not cause any of us with historical perspective to lose our poise. Hurst draws on his lifelong study of the history of American law to evaluate the Watergate hearings within the perspective of the nation's traditional and constitutional separation-of-powers doctrine.

Our Topics & Comment department contains a warning by David Krieger about turning to nuclear power for our energy needs (page 71); a report by Elisabeth Mann Borgese on a meeting of international experts on world-order models (page 72); and a statement by Governor Tom McCall of Oregon about the vanishing countryside (page 78).

— ED.

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Cover
Omar Rayo
Photographed by
Phil Shuper

Design
Lauri Provencher

The Center Magazine is published bimonthly by the Fund for the Republic, Inc., 2056 Eucalyptus Hill Road, Santa Barbara, California 93108, an educational non-profit organization. It is a membership publication and is not sold on a subscription basis. Associate Membership annual dues are $15.00, of which $5.00 is set aside for six bimonthly issues of The Center Magazine. Printing by Interweb, Los Angeles, California. Second-class postage is paid at Santa Barbara, California and at additional mailing offices. ©1974 The Fund for the Republic, Inc. All rights, including translation into other languages, reserved by the publisher in the United States, Great Britain, Mexico, and all other countries participating in the International Copyright Conference and the Pan American Copyright Convention.

of the federal budget. Indeed, I suggest that a high national priority now is to get our own house in order financially. This, given the heavy inflationary pressures in our country, requires putting a stop to the budget deficits to which defense spending makes so large a contribution. In the years since 1969, the total United States deficit has been seventy-four billion dollars. Is it any wonder that with these deficits, combined with a serious inflation, there has been a decline in international confidence in the dollar and in the American economy in general? Unnecessary, profligate defense spending and maintenance of unnecessary overseas military establishments have contributed importantly to this loss of confidence in America's financial integrity, both directly and through its contributions to the unacceptable budget deficits of recent years.

Our true national security resides in something more than overblown military forces and hardware. More basically, it rests on the ability of our society to maintain a sound, productive, and growing economy. Today we are deeply troubled by a damaging, unabated inflation, by a deterioration in our balance of trade and balance of payments, and a consequent increasing lack of confidence in the dollar.

We have the undoubted power to destroy all the countries of the world. But our present inability to control our own economic destiny threatens to deprive us of any genuine influence in world affairs. If we allow this to occur, we will indeed have become, in President Nixon's imagery, a "pitiful, helpless giant."

For a defense posture appropriate in an era of negotiation rather than confrontation, I offer a different concept of our military policies and missions. The premises on which I base my proposals would maintain fully adequate forces to defend our country and to carry out our basic international commitments.

A study of the rise and fall of great nations discloses that their decline was due not to a reduction in their military strength, but to a loss of confidence of their own people in their government and in their economy. Our most important problems today are internal ones.

We must put the issue of defense policy in its proper perspective and get on with the task of developing once again that moral fiber and economic strength and opportunity that made the United States the hope of the world.

Mr. Clifford was Secretary of Defense in the last year of the Johnson Administration.

PACEM IN TERRIS III

Excerpts from statements made at the convocation

Who Committed Whom?

The Constitution was drafted almost as an anti-foreign-policy document. However if the men who drew it up had anticipated a time when foreign policy would be as important as it is today, or had anticipated a time when we would have a military establishment of the magnitude we now have, they might have outlined somewhat different procedures for dealing with military and foreign affairs. . . .

For a century and a half we have been working with a constitutional instrument which was not intended to provide procedures and processes for conducting the kind of foreign and military policies we were following.

You can blame Presidents for usurping power or you can blame the Congress and in particular the Senate for giving it away. I think there is fault on both counts. Certainly in the period since the end of World War II, the Senate, which has principal responsibility under the Constitution for participating in the making of foreign policy, did give away some of its power, in part by agreeing to treaties which were altogether too comprehensive because there was practically no time or geographical limitation put on them.

To the credit of President Eisenhower, he never actually acted on much that John Foster Dulles recommended, but he did allow Dulles to wander around the world, signing us up—anyplace with anyone who would sign up—and making all sorts of legal and moral commitments. Dulles is gone but the commitments remain, and the Democrats have been trying to honor them ever since. (I suppose Dulles is the first Secretary of State who gained more power after he died than he had when he was alive.)

When all these treaties were not adequate, the Senate passed resolutions, just to fill in the gaps. "Is there anything else you'd like, Mr. President? There is a little area here which hasn't been covered. We would like to give you the loose power lying around."

I would like to make some points that relate to ideas which are responsible for the Senate's either giving up its constitutional power or else failing to exercise it. One is the notion that politics stops at the water's edge. (It has been suggested that it should also stop at the entrance to the Pentagon and the gateway to the C.I.A.) The idea here is that we should have a foreign policy which is generally supported. That is all right, but if you look at the Constitution, there are some very special protections to be considered.

It was anticipated, for instance, that Congress dealing with domestic problems might be somewhat irresponsible. We don't think that now, of course. A Congress that passed a bill saying you can't black out professional football on television cannot be charged with neglecting to deal with serious problems. But back when the nation was founded, it was believed that you might have a Congress which would not be quite that responsive to the needs of the people. So the founders provided that the President could veto the actions of Congress. According to this provision, it takes two-thirds of the Congress to do something the President doesn't want done at home. The founders were also concerned about what Presidents might do in the way of military action abroad, so they provided that a treaty had to be ratified by two-thirds of the Senate.

When you say that we should have a bipartisan foreign policy what you ought to mean is that we need one which is supported practically unanimously by the Congress and by the people. This is certainly the way that President Truman worked on NATO and on the adoption of the Charter of the United Nations. His policy on these questions was bipartisan, to be sure, but that was not the important point. The important point was that these measures were almost universally supported. To say politics should stop at this or that particular boundary is, in my judgment, to set up conditions which make it almost impossible even to challenge a policy once it is underway. . . .

We have come a long way from George Washington to Richard Nixon, from John Adams to Spiro Agnew, from John Jay to John Mitchell. This is a good time for reëxamination. We have learned the limitations on our military power, which is a good thing to know. We have learned the limitations on our economic power and strength, which is also a good thing to know. And I think we may have even learned the limitations on our moral strength, which of course had been wildly overestimated.

We are where we are in part, I suggest, because we neglected the procedures and processes found in the Constitution. I would remind you that when that document was drafted only a few lines in it were given over to the declaration of purposes, but pages were given to consideration of how the republic should operate. Two hundred years later the time has come for us to turn our attention not merely to the substance of government and governmental policies but to the procedures by which they are carried out.

EUGENE J. MCCARTHY
Former Senator from Minnesota

The National Interest

There has of course been a profound transformation in the style of American foreign policy and in the vocabulary of American foreign policy-makers. The question now is whether that transformation is also one of substance. The President has said that our world will be a safer one if all the nations are in balance. That sounds suspiciously like the kind of nineteenth-century diplomacy Woodrow Wilson inveighed against and Cordell Hill promised was to be eliminated forever. Now, like so many of yesterday's styles, it has been exhumed, dusted off, given a patina of responsibility, and billed as the last word in up-to-date diplomacy. . . .

So many of the assumptions we took for granted must now be demonstrated. Often those assumptions turn out to be false. We see Palmerston's old dictum showing up again, even quoted approvingly, whenever our trade balance gets unduly out of line. Palmerston said that we have no permanent adversaries and no permanent allies: our interests alone are eternal. But what are our interests? Today we are less sure of them than ever before. Once we thought it was isolation. Then we thought it was universal responsi-

bility for the fate of mankind. Now some of us think it is universal guilt for the state of mankind. Today there is a fear of rocking the boat too much, a feeling that change itself, unless it is very gradual, might be bad. In many cases, our foreign-policy preoccupation has been reduced to making sure we have enough oil to keep warm. . . .

We are now wooing both Peking and Moscow, so it is very difficult to claim that we are also trying to rally our friends around the banner of anti-Communism. And considering some of the regimes which we support and which look to us for that support, the term "free world" is about as descriptive as the term "Holy Roman Empire." Who is our enemy? Is it Soviet Russia, which buys our grain and tries to lure us into an allegiance against China? Or is it the regime of a country like South Vietnam, which has demanded and received our lives, our fortunes, and our sacred honor?

The withdrawal of the bulk of our troops from Europe would not necessarily, even logically, mean that we were abandoning Europe. It would indicate only that we recognize that, whatever the military danger our European allies face, it is not that of being run over by the Red Army. It would show, however, that we understand that the land defense of Europe nearly thirty years after the end of the Second World War is primarily the responsibility of Europeans and that our special contribution lies elsewhere. That contribution is the providing of the nuclear deterrent, which is Europe's last, certainly not first, line of defense. We should examine the reasons why we provide that deterrent. We provide it not out of charity, and not because we have signed a North Atlantic Treaty pact, and not because of the hostages that we keep in Western Europe in American uniforms. We provide it because we deem it vital to our interests to do so. If we did not deem it vital, NATO could not force us to link our nuclear fate with that of Western Europe. . . .

No matter what we do in terms of defense cover, whether we continue our commitment to NATO exactly as it has been or change it profoundly, we are not going to be able to control the behavior of Germany and Japan in the next twenty-five years as we have under the very peculiar circumstances of the past twenty-five years. These are very powerful and self-reliant nations which will determine their interests as they see them.

We are told that Germany and Japan, if we withdraw our troops or markedly change our participation, either will fall into the apathy of "Finlandization" or that they will rearm themselves. They might, but there are reasons why the Germans have not followed the French and built their own nuclear weapons. It is not that the Germans cannot do it, but, because it is an extremely costly effort, one not commensurately useful even for France except as a symbol of national prestige. The Germans also know that because of their exposed position in central Europe and because of their very peculiar relations with the Russians, it would be politically suicidal for them to do so.

We must recognize that the days of American hegemony are over. That may be a cliché, but it is something that liberals find as difficult to accept as do conservatives. It is repugnant to doves, and it is inadmissable to hawks. Even those who recognize that we cannot police the world still persist in believing that we can somehow redeem it. It is this assumption that lies behind the argument that reducing our Cold War treaty commitments would undercut those who stand for peaceful and democratic progress. Well, if peaceful and democratic progress in the world depends on our troop commitment to NATO, I think we are all in a pretty bad state. . . .

Coming to terms with our own real national interest is distinct from our self-assumed imperial responsibilities. It involves accepting not only that there must be no more Vietnams, but that we have neither the capacity nor the need to exert a permanent feudal power over those nations which were our Cold War allies. It means recognizing that there are values which transcend expediency, power politics, and changing definitions of the national interest.

Secretary of State Kissinger said here that a nation's values define what is just. I find that outrageous. What if a nation's values include repression, injustice, even genocide? We certainly have had enough of moralizing in foreign policy. We have had enough self-justification in foreign policy. But as we move toward a new "realism" in foreign affairs we must remember that justice is a reality that lies outside of and transcends temporary values, that it is not merely a euphemism for whatever today's definition of national interest might be.

RONALD STEEL

Visiting Lecturer,
Yale University

What Is Reasonable?

A new reasonableness is sweeping the intellectual parlors of America. It speaks with two mutually reinforcing voices. One is the voice of logic arguing that the remoteness of nuclear threats now allows us and behooves us to define U.S. national interests in terms of the divisibility of peace. The other is the voice of domestic priorities and compassion, arguing that peace begins at home and that real security lies in our own development as a nation.

Like others, I am caught up by this new reasonableness, except when I am reminded of the old reasonableness. Not long ago, political leaders, the intellectual community, and the news media had other fashions in sweet reason. Then we could see little wrong with concepts like the indivisibility of peace, the necessity of having and keeping commitments, and maintaining the military capability for making flexible and controlled response.

Some people can adjust with remarkable ease and speed from one absolute certainty to another. I cannot. Vietnam stands in the way. Vietnam has made me lose confidence in my judgment in matters of great moment, such as defining our national interests. Vietnam has left me an agnostic about America's future interests. This, of course, makes me unfit to offer answers. I can only wonder.

I wonder if the best way to help the dissidents in the Soviet Union is to risk détente and deny Moscow certain economic benefits until it revises its policy, or should we grant those economic benefits in order to extract a concession later? I believe it is in our interest to prevent the spread of nuclear weapons, but I wonder about the best way of doing this. I believe that our military presence helps to keep the peace in Europe, and even in Korea, but I wonder how many of our forces should be withdrawn from this theater, and when. How do we weigh the claims of the Israelis versus the Palestinians? Is it right, ethically or practically, simply to stay out of the Middle East? Is human dignity any less precious in the Soviet Union or China than it is in Greece or South Vietnam?

I wonder about the surprises of history, about the changes in the leadership of nations that so readily can turn smiles into sneers and peace into war. And I wonder about the maturity of my own nation in the face of the future crises that will inevitably arise.

I have my own sense of right and wrong. I detest and lament the spectacle of people killing people, of the rich allowing the poor to starve, of people being denied their right to speak freely, of nations not being allowed freely to choose their own rulers, of governments lying to those they govern. But these values are not shared widely, even in our own country.

Henry Kissinger delivered an elegant, thoughtful, and balanced speech from this platform. He pleaded for consensus. I've heard that song before. Power seeks consensus. If you can convince people that you are right, you do not have to force them to follow you. Consensus has a way of locking everyone in, intellectually and politically. Consensus has a way of generating paranoia when the desire for it is transformed into a demand for unanimity.

I do not think the alternative to consensus is chaos. I think we can manage by arguing with each other, as long as there is some tolerance. I am concerned not only for my constitutional rights of dissent but also for the political feasibility of dissent when consensus consumes us all. What I hope for is not a new consensus about the national interests of the United States but a new acceptance of dissent.

LESLIE H. GELB

Senior Fellow,
The Brookings Institution

PHOTOS: LEINIE SCHILLING NAGEL

The Need for Debate

It is clear that perhaps the preëminent problem facing America today is the erosion of public confidence in our political institutions and in our leaders. How shall we approach the task of restoring it? Can we restore it by revitalizing our concept of a father-figure in the White House who will heal our divisions and solve our problems by wisdom of his own making? Or shall we heal it by making the process of public policy decisions open to those whose own lives are involved? I choose the latter course, and I think it is the best argument of all for abandoning the notion that foreign policy should not be debated.

We are moving into a more diverse world, certainly a more fragmented world, notwithstanding the dominance of two superpowers. And isn't it interesting that the emergence of these two superpowers has given the small nations of the earth more power to influence the course of events, by hamstringing the great nations and deciding for themselves what they shall do about their own local or regional affairs? How do we deal with the complexities of a problem like this?

The point I want to emphasize is that, with respect to the affairs of mankind, neither at home nor abroad can Americans afford to speak with just one voice. The idea that America must speak with one voice if it expects to be heard may have had some relevance during World War II, when we needed a united nation to win in the struggle over Nazism, but it does no longer. In times of evident danger we naturally rally about the President as Commander-in-Chief. But during the last twenty-five years that tendency has actually undermined our national interests. It has undermined them because it has discouraged and inhibited dissent.

We now face the task of redefining America's relationship to the rest of the world, redefining our ambitions, and redefining the uses to which our resources and leadership will be put. These redefinitions simply cannot be accomplished by suppressing the criticism of existing policies or their implementations. It cannot be achieved by denying the people and their elected representatives the information on which official judgments are based. It can best be reached by a dialogue between those who govern and those who challenge, with the public as both the audience and the judge.

The President's moral authority has been so badly undermined by the campaign scandals of last year, by the abusive invocation of the national security mystique, and by the deception and secrecy to which our military strength was committed in Indochina that he is not in a position to lead us alone to a new consensus on foreign policy.

Thanks to the success of some of Mr. Nixon's policies, we may now have the luxury of an intermission when we can take the time to examine

old commitments, outline new interests, and try to determine a steady course. I know no other way we can do these things than through partisan debate which will challenge old assumptions, question current tactics, and define alternative futures. The final goal of such a debate may be the kind of agreement that dissolves party lines, but the open discussion is as important as the results it produces.

Thirty years ago Walter Lippmann wrote this: "Upon the effects of our foreign policy are staked the lives, the fortunes, and the honor of the people, but a free people cannot be asked to fight and bleed, to work and sweat for ends which they do not hold to be so compelling that they are self-evident."

The ends of our present foreign policy are only dimly perceived. To make them compelling again, to unite Americans around a new commitment to international responsibility, we must make foreign policy a topic of genuine public concern. Our political structure is the best instrument we have to foster public debate. We should use it for that purpose, involving the people in reaching the decisions that will shape the nation's future.

EDMUND S. MUSKIE
Senator from Maine

The American Century?

America must adapt to the fact that this is not the American century, rather that it is a period in which the big powers and the smaller nations must work out a realistic pattern of interdependence. The notion that the United States is still the global leader persists. It can be seen in the Administration's lobbying for a large defense budget and more sophisticated weapons, and in President Nixon's fixation on national security as a device to broaden his authority, and in his repeated warnings that an overwhelmingly powerful America is the only guaranty of peace. The Nixon doctrine appears to me to be a further effort to assure a *Pax Americana* under a new, and perhaps less costly, guise.

The Administration fought bitterly to continue the bombing of Cambodia. When that failed, it pledged all possible economic and military support to the Lon Nol regime. At the same time it is giving military and economic aid to South Vietnam, and it maintains bases in Thailand so that it can exert influence on future events in Indochina. But, with all this, it seems to me that the United States is going to be compelled in the years ahead by interrelated circumstances to accept a more modest role in the world. We are facing economic pressures abroad, from competitive industrial states like Japan and Western European countries and the raw material-producing nations of what we call the Third World. We are already witnessing the power of the impotent as the Arab states use their oil as a political weapon. And the day may not be far off when we are pitted against the Japanese and Europeans for Middle East oil. If Leonid Brezhnev considers détente to be only a tactic, as he said the other day, our quest for oil and other resources may be additionally complicated by Soviet maneuvers.

At home, the curbing of our industrial capacity because of a lack of energy and other shortages could have serious repercussions. If conditions do worsen, I do not think that Americans will favor sending gunboats against either our competitors or suppliers. Still, strangely we cling to the idea of military power as the key to our security.

I find it difficult to imagine Americans accepting the reality of a more modest American position abroad until we have experienced a domestic crisis related to an excess of American ambition abroad. Vietnam was a step in that direction, but its effects were less than pervasive. I think that environmental pressures and food, energy, and monetary problems may have a greater impact. We are going through a turning point in our history and we may not fully recognize it at this time. The crunch will come when at last we realize that American's great aspiration, its sense of Manifest Destiny that began around the turn of the century, cannot be fulfilled. Only then will we begin to adjust more gracefully to more plausible goals.

STANLEY KARNOW
Contributing Editor,
The New Republic

"The United States is being asked both to avoid commitments and to remain a world leader"
— NELSON A. ROCKEFELLER

Basic Contradictions

Without detracting from the importance of the debate about the President's power to conduct war and conclude executive agreements in lieu of treaties, we must recognize that the very specificity of the issues involved tends to obscure the problem confronting us. That problem is America's inability to define its national interests in terms which are both acceptable to the nation and commensurate with its international interests.

Our current difficulty in defining America's national interests cannot be explained by any simple consideration of the differing vantage points of the executive and the legislative branches. Nor can it be resolved by legislation which can only cope with the manifestations of the problem. Rather it is imperative that we address the real causes of our malaise, which is our inability to identify the components of national interest, by broadening our perspective and coming to terms with two problems.

The first of these problems is the impact of changes at home and abroad. The second is the interrelation between our domestic situation and our concept of foreign policy. Unless the current debate is viewed in this broader framework the nation is in danger of resolving issues through superficial rather than real solutions.

We are all aware of the impact of change in our daily lives. But our perception of the implications of change are indistinct. Nonetheless, we are finally beginning to assess the nature of the changes that have taken place and to judge their effect not only upon our own individual lives but upon our institutions and political structures.

The most profound shifts have been taking place. It is becoming increasingly less possible to isolate domestic problems from foreign affairs, for example, whether it be the energy crisis, national security, the balance of payments, interest rates, food shortages, or spiraling prices. The United States, moreover, has undergone a change in its world position. Although America's decline in strength has been in relative terms, the ramifications of this shift have been both external and internal in their repercussions. Then, the nature of our problems has been complicated by the impact of certain cultural patterns which involve drugs, environment, abortion, and welfare. They impinge upon the nation's psyche and are therefore inherently more explosive than even those that faced us in the nineteen-thirties. Technology has brought about instant communication. We are able to witness the immediate result of our policies, of our successes and failures.

Many of these value-oriented issues have penetrated the political process by fostering a system of conflicting demands. For example, the public demands a solution to race problems, but it resists legislation necessary to get it. The public wants clean environment, but it also wants cheap fuel and more cars. The inability to solve these problems has created frustration on the part of both the government and the public, and the politician is caught in the middle.

The increasingly blurred line between foreign and domestic policy, along with the emergence of new cultural patterns and the relative decline of American power, has further contributed to the disarray of our political processes and the destruction of the cohesion of our society. It is no longer assumed, for instance, that every American action is right by definition. At the same time, there is increasingly widespread confusion about what America's moral role really is.

This confusion of course has led to the questioning of the basis of our foreign policy. What is its purpose? To preserve American security and stabilize the international system, or to influence the domestic policies of other nations? While either end may be legitimate, one cannot pursue both successfully at the same time. Thus, in international affairs the same pattern of conflicting demands is emerging. For example, the United States is being asked both to avoid commitments and to remain a world leader. It is being asked to allocate more resources for internal problems and at the same time maintain a high level of defense. Can any government do both?

Finally, technology itself has interjected a new element into our political system. We are all aware that the rise of the televised political activists and demonstrators and the pictures of wartime horrors have had an immeasurable effect upon us. The visibility of highly dramatic events has increased the vulnerability of politicians to immediate pressures. It has tended to define issues in both simplistic and personalistic terms.

While there have been positive results from living-room history and Sunday-morning quarterbacking, there are also negative aspects of this technological change. To remove the shock absorbers built into the political system in the process, it has created a dangerous vulnerability for government in time of crisis. It could encourage an atmosphere in which in an effort to avoid confrontation, the leader may avoid taking effective action. The failure of understanding the causes and anticipating the implications of change has led, at worst, to a questioning of the validity of the whole system as well as the integrity of American values. At best, this failure has contributed to a loss of cohesion which in the long run could undermine the stable environment necessary if decision-making is to be rational. The loss of cohesion which now threatens us should be our primary concern. Without the creation of a new conceptual framework in which our goals can be defined, we shall not be able to solve either our domestic or our foreign problems.

NELSON A. ROCKEFELLER
Former Governor of New York

True Partisanship

The "dirty tricks" of Watergate had their seedbed in twenty-five years of conditioning to the view that anything goes as long as a national security label is put on it and it is aimed at "enemies," either at home or abroad. True partisanship does not mean party allegiance; rather it connotes a willingness to dissent from public policy, either behind or beyond the water's edge. Congress has now approved a first step toward reasserting its war power. We might debate the wisdom of the form that it took, but at least it is a manifestation that Congress is reaching out to reassert its powers in the area of war and peace and is an indication that the members of Congress are now more willing to subject themselves to criticism in speaking out on foreign-policy questions.

As one of those critics who, over the years, has been censured for challenging our posture abroad, I thoroughly reject the notion that citizens must rally behind misguided policy in the name of national security. Under dictatorial rule patriotism means a kind of unquestioning loyalty to the ruler; in a democracy patriotism presumes the obligation on the part of members of Congress and of the general public to speak out against courses of action that one believes do not serve the national interest. This is the higher patriotism. We can offer no less.

GEORGE MCGOVERN
Senator from South Dakota

Congress Versus the White House

The Congress has been making the executive branch of the government powerful by its appropriations and the statutory law that it adopts. The Congress will provide limousines, bars, buildings, and everything else for the executive branch, while it takes pride in having lousy food, poor cafeterias, inadequate parking, and poor staffing for itself, in the name of economy. We

have had a battle this year on the issue of the budget. We seem bound to lose it. Why? Because while the executive branch comes in armed with the atomic bomb, so to speak, we have to start the fight with firecrackers. We have only a handful of people in the two committees of Congress on appropriations to stand up against a thousand professionals in the Office of Budget and Management. By the diffusion of power in the Congress, as compared to the one voice of the Presidency, we generally lose the battles for public opinion. So I'm asking for the Congress, which says it is a coequal branch and wants to participate in bipartisanship and in that most sensitive and overwhelmingly important area of government which is called national security and foreign policy, to equip itself for the job.

The executive branch has the National Security Council. I served on it. (By the way, remember I have been in both branches of the government.) I know why the executive branch can roll over the Congress. They come with the experts, the research, the material, the manpower, the advanced planning. They are always ahead of us. We are responding to executive initiatives and they have a new initiative by the time we get around to responding to the last one.

It does not have to be this way. We could have a joint committee on national security made up of the top leadership in the House and the Senate, including the elected leadership of both houses, the top-ranking leadership of the prominent committees in the fields of national security, appropriations, foreign affairs, armed services, and the joint committee on atomic energy. There ought to be one place where the executive branch can be cross-examined by one board, where they can't play us off against one another.

I have been in this government for twenty-five years. I have watched the executive people come in and sing their song to the Armed Services Committee. I have watched them approach their friends in the House differently than they approach those in the Senate. That is why I think it is time for the executive branch to accept one place to be cross-examined on foreign policy, one place to state its point of view, one arena where it can be judged.

If you want this, you'd better back us up. It is going to cost money. But in the long run it will save money. Let me give you an example. I serve on the Committee on Foreign Relations. We on that committee do not monitor foreign aid; we gripe about it. We do not go out into the field to examine what is happening. We just lament over what we read about in the press. Or if we have to make a trip someplace and find somebody who is goofing off, or spending money that ought not to be spent, we come back and merely complain about it. We have no systematic way for the Congress, week in and week out, month in and month out, to monitor the programs that we authorize and fund. We should establish one.

HUBERT H. HUMPHREY
Senator from Minnesota

Détente and Human Rights

My remarks are devoted to the question of détente and human rights. The Secretary of State and the Chairman of the Senate Foreign Relations Committee, who agree on little else, came before this convocation to share their belief that it is wrong for the United States to condition trade concessions to the Soviet Union on adherence to the free emigration provision of the Universal Declaration of Human Rights adopted by the United Nations twenty-five years ago. Senator Fulbright, who is beguiled by the Soviets, and Dr. Kissinger, who believes that he is beguiling them, managed to find common ground in rejecting counsel against promoting a détente unaccompanied by increased openness and trust.

I believe in the Universal Declaration of Human Rights. Now, twenty-five years after its adoption by the United Nations, it is not too late or too early to begin to implement it. I am sustained in that belief by these brave words from the great Russian physicist, Andre Sakharov: "The abandonment of a policy of principle would be a betrayal of the thousands of Jews and non-Jews who want to emigrate. Of the hundreds in camps and mental hospitals. Of the victims of the Berlin Wall. Such a denial would lead to stronger repressions on ideological grounds. It would be tantamount to total capitulation of democratic principles in the face of blackmail, deceit, and violence. The consequences of such a capitulation for international confidence, détente, and the entire future of mankind are difficult to predict. I express the hope that the Congress of the United States reflecting the will and the traditional love of freedom of the American people will realize its historical responsibility before mankind and will find the strength to rise above temporary partisan considerations of commercialism and prestige. I hope the Congress will support the Jackson amendment."

In an age of nuclear weapons Senator Fulbright has suggested that the Soviet Union is "the one country whose coöperation is absolutely essential." Dr. Kissinger, who recognizes that our traditional commitment to individual liberty poses moral dilemmas, implies that this commitment must be weighed against "the profound moral concern for the attainment of peace." Senator Fulbright hints darkly that our very survival may depend on the pursuit of a détente without human rights.

Is the risk of nuclear war really going to increase if the Congress conditions most-favored-nation treatment to the Soviet Union on free emigration? Does Senator Fulbright believe that the Soviet Union will be any less cautious about the risks of suicidal nuclear war if we choose not to subsidize their foreign borrowings?

The process of reducing the risk of nuclear war can and will continue because it is in the mutual interest of both the United States and the Soviet Union to do so. But the development of more extensive mutual interests and of a closer, more cordial relationship between the two countries, must be based on something more solid and more enduring and more comprehensive than bargain-basement credit and one-sided commercial transactions. A true peace, an enduring peace, can only be built on a moral consensus. What better place to begin building this consensus than on the principles embodied in the Universal Declaration of Human Rights, among which the right to choose the country one lives in, the right to emigrate freely, is perhaps the most basic of all?

We are asked to believe that the prospects for peace are enhanced by the flow of Pepsi-Cola to the Soviet Union, and the flow of vodka to the United States. I say that we will move much further along the road to stable peace when we see the flow of people and ideas across the barriers that divide East from West. . . .

Already we see Dr. Kissinger insisting that the discretion of the Congress to grant or deny or condition most-favored-nation status to the Soviets no longer exists because he has bargained it away, never minding that he had no authority to do so. Does anyone believe that American corporations will be more willing when they have massive investments to protect to insist on the right of Soviet dissenters than they are now? At this moment, we have an opportunity which may not again be repeated. When the Soviet people are graced with men with the stature of a Sakharov and a Solzhenitsyn who have courageously and fearlessly spoken out in behalf of human rights, their plea must not fall on deaf ears. . . .

We ought to press our traditional commitment to human rights in the emerging détente not only because these values are right in themselves, but because it must be a purpose of a détente to bring the Soviet Union into the community of civilized nations, to hasten the end of what Sakharov has called "an intolerable isolation, bringing with it the ugliest consequences."

The isolation of the Soviet Union is comparable to the isolation of Germany in 1937. In that year the great German writer, Thomas Mann, wrote these words: "Why isolation, world hostility, lawlessness, intellectual interdict, cultural darkness, and every other evil? Why not, rather, Germany's voluntary turn to the European system, her reconciliation with Europe, with all the inward accomplishments of freedom, justice, well-being, and human decency and a jubilant welcome from the rest of the world? Why not? Only because a regime which in word and deed denies the rights of man, which wants above all else to remain in power would stultify itself and be abolished and since it cannot make war it actually made peace."

We will have moved from the appearance to the reality of détente when East Europeans can freely visit the West, when Soviet students in significant numbers can come to American universities, and when American students in significant numbers can study in Russia. When reading the Western press and listening to Western broadcasts is no longer an act of treason, and when emigration is free and families can be reunited across national borders, then we shall have a genuine détente between peoples and not a formula between governments or capitulation on the issue of human rights.

Without bringing about an increasing measure of individual liberty in the Communist world, there can be no genuine détente. If we are content with what in Washington is referred to as atmospherics, we will not only fail to keep our own most solemn promise, we will in the long run, in my judgment, fail to keep the peace, which is the responsibility of all of us.

HENRY M. JACKSON
Senator from Washington

The Jackson Amendment

If the Jackson amendment is enacted the Soviets are likely to yield on the emigration question, at least with respect to its discriminatory application. Even if they don't, they are certainly not going to let the amendment thwart their overriding interests in economic coöperation and survival. We should not get too apocalyptic about what might happen [to the détente] if the Jackson amendment is enacted.

However, I have my own doubts about the amendment. It applies only to non-Market, Communist countries. Is it of any lesser concern to the American people that there might be discriminatory emigration controls by South Korea, or Taiwan, or Greece, or Spain? Also the amendment is too broad; it goes beyond even the international covenants on human rights; it has no escape clauses, no exceptions. Any country that bans emigration for any reason in any way to any extent is covered. That is much too broad, and much too unrealistic. The amendment should be recast to affect countries that restrict emigration for racial, religious, or ethnic reasons.

There is another complexity. We have to take into account the consequences if all the countries in the world had completely unrestrained emigration. What would happen if millions of people were to pour out of China? How many of our legislators would vote to admit them to the United States? And to what extent could we legitimately persuade other people to accept them? In 1962, for a brief period, the People's Republic of China did open its borders, and tens of thousands of people poured into Hong Kong. The British quickly closed the border after sixty thousand had entered. They could not assimilate them. We must be responsible and realistic in the standards we seek to impose when we grant trade benefits. It seems most unfair to come out for worldwide unlimited emigration and then not be able to provide homes for people.

I would opt for a standard that recasts the Jackson amendment, that recognizes that we should have universal concerns about emigration but that we can only affect it to a limited extent. I would make the denial of trade benefits depend on a Presidential finding that a given country and a given circumstance does deny emigration for religious, racial, or ethnic reasons. That is not a perfect formula, but it is better than no action (which my hardheaded internationalist friends seem to think appropriate), or than the Jackson amendment, which is using a blunderbuss to kill a flea.

JEROME ALAN COHEN
Director, East Asian Legal Studies, Harvard Law School

Maintaining Tranquillity

Unless this country can organize itself for a massive social reconstruction at home there will be no security for Americans. . . .

The problem of maintaining domes-

Harry S. Ashmore, President and Senior Fellow of the Center: When we began putting together the design for this convocation more than a year and a half ago--it seems like an age of innocence in view of some of the things that have happened since--one of the questions we thought ought to be addressed was the role of the political partisan in foreign policy. In this country since the end of World War II, we have had, or we professed to have had, at least, a bipartisan foreign policy. We have lived by the cliche that politics stops at the water's edge. Of course it hasn't always stopped at the water's edge. But there is a very serious question as to how we maintain and promote the adversary role in our political process for foreign policy which we presume we address to every other issue that affects the public. We thought the best way to approach this question was to put it up to some of the people who had run for the presidency.

Hubert H. Humphrey, U.S. Senator from Minnesota, and former Vice President of the United States: The very essence of politics in a democratic society is the honest and forthright discussion of what individuals, groups or parties believe to be the priorities of a country, the allocation of resources, and the formulation of policies and principles of national security. This is what politics ought to be about. For what do we spend our money? What do we consider to be most important areas of our activity? How do we view national security? Is it to be found only in the military, or are we to view national security as but the cutting edge of a total philosophical and economic commitment?

Senator Ervin has posed the issues very well for us in a remarkable presentation of the constitutional history as it relates to the separation of powers. And let me say very openly at the beginning that separation of powers in government is unique in the American political system. We have to disassociate our thinking from the normal parliamentary structure of government. Separation of powers also requires more than a statement of it; it requires the substance of it. And I shall direct my commentary towards that.

The branches of government are not co-equal simply because one says so. The Congress of the United States is guilty beyond the shadow of a doubt of permitting and indeed acquiescing in and becoming a part of the imbalance of power that now exists between the executive and the legislature. It would be to our own misfortune if we were led to believe that bipartisanship would deny us the right of legitimate debate. Bipartisanship requires ventilation of ideas, hopefully the effective presentation of a point of view. And even bipartisanship requires a continuity on the part of the respective parties or political forces to the commitment that they believe is right. There is nothing wrong in having a minority being able to pursue its course even though it may momentarily have lost out to a majority in the establishment of policy. This is what it's all about in our so-called open society.

Matters of trade policy are bipartisan, and they also ought to be, may I say, a part of legitimate discussion and debate between the executive and the legislative branches. It is so

designed in the Constitution. I would hope that we would not feel that the Congress of the United States should have nothing to say except in broad, platitudinous phraseology about trade policy. Surely executive agreements, as discussed this morning by Senator Ervin, require congressional consideration, and treaty-making and national security and defense policies are at the very heart of it. I believe that we had a demonstration very recently here in the Senate of the United States, on the issue of the military procurement bill, of honest differences between the Congress on the one hand and the Congress and the executive branch on the other. I do not believe that that debate on military procurement injured our security at all. In fact, it possibly enlightened more people about the defense establishment than at any time in recent years. It was necessary to do so.

Now we've heard a great deal already about why we are in this situation of the increase in executive power. I have prepared a document here which I would be glad to share with you. Just let me say that since World War II, indeed starting with World War II, it has been the feeling of the Congress that more and more of the powers must be given to the President. I want to repeat again, it isn't as if the President, whoever he may be, has stolen something. It is that we have given it. I think that has to be made clear to the American people. Whenever we have a tough decision in the Congress over the years, we have generally resolved it by pious pronouncements or some kind of strident rhetoric, and then we've said we'll leave it to the President--we've said, if in your discretion you find it in the national

interest to do this or not to do this, Mr. President, you may do it. This is merely a way, I say, of copping out, rather than facing up to the problems.

Now, let me just wind it up here and talk to you about the structure of Congress. The Congress of the United States has made the executive branch of this government powerful by its appropriations and the statutory law that is adopted. The Congress of the United States will provide limousines, bars, and buildings and everything for the executive branch, and prides itself on having lousy food, poor cafeterias, inadequate parking and poor staffing for itself in the name of some kind of prudence or in some kind of economy. We've had a big battle this year on the issue of the budget. We're bound to lose it, at least up to now. Why? Because the executive branch comes in armed literally in military terms with the atomic bomb. We start the fight with firecrackers. We have a handful of people in the two committees of Congress on appropriations to stand up against 1000 professionals in the Office of Budget and Management. And further, by diffusion of power in the Congress as compared to the one voice in the presidency, we generally lose the battles in public opinion. I have been in both branches of the government. And I know why the executive branch can literally roll the Congress. They come with the experts, the research, the material, the manpower, the advanced planning. They are not after the facts, they're looking ahead, they're ahead of us all the time. We are responding to executive initiatives, and they have a new initiative by the time we're responding to the old one. This is part of the problem.

We don't need to have it this way. It isn't as if it is impossible to correct it.

I'm asking the Congress of the United States, if it says it's a co-equal branch and wants to participate in bipartisanship, if it wants to participate in the most sensitive, the most overwhelmingly important area of our entire process of government called national security and foreign policy, to equip itself for the job and quit going around whining and complaining about our inadequacy or being shut out. Let me make one positive, hopefully constructive, suggestion. The executive branch has the National Security Council.There should be an equivalent body in Congress--a joint committee on National Security in the House and the Senate of the top leadership, including the elected leadership of the House and the Senate, the top ranking leadership of the prominent committees in the fields of national security, appropriations, foreign affairs, and in the areas of armed services and the Joint Committee on Atomic Energy. There ought to be one place, one board, so to speak, where the executive branch can be cross-examined, where they can't play us off one against another.

I've been in this government for twenty-five years, and I have watched the executive branch come in and give a different song in the Armed Services Committee than they give in the Foreign Relations Committee. I've watched them approach their friends in the House differently than they approach them in the Senate. I think the time is at hand when the executive branch in the area of foreign policy should be cross-examined in one place, one place to state its point of view, one arena in which they can be heard,

one forum in which they can be judged.

If you want this, you better back us. It is going to cost you some money, but in the long run it will save you some money.

Let me give you an example. We complain about foreign aid. I serve on the Committee on Foreign Relations. We do not monitor foreign aid, we just gripe about it. We do not go into the field to examine what is happening. We just complain about what we read about it in the press. Or if we have to make a trip someplace and we find somebody goofing off over here or there, or spending money that ought not to be spent, we come back and complain about it. We have no systematic way in the Congress of the United States, week in and week out, month in and month out, to monitor the programs that we authorize and fund. And until we start the monitoring process we're going to be a squeaky wheel, always stuck in the mud but never ever getting any place.

We just passed the War Powers Act, which is a determined effort on the part of the Congress--one of many that have been referred to--to have some sharing of responsibility and also to put on some brakes. First of all, a man who occupies the presidency has almost unlimited power. I don't think the American people have come to realize that it is the most powerful office in the world. The greatest task of that man in that office is to restrain the use of power, not to accumulate more of it. And there are no series of laws or agreements or regulations that are as compelling or as controlling as the character of the occupant. That is the most important thing that we have in American public office.

This administration has said that it wants to share responsibility with the Congress. It has said that it wants a working partnership. And yet, the War Powers Act, which is the product of several years of intensive work on the part of the Congress itself, is today under the shadow of a veto. I submit that if the President of the United States really believes what he says, if he really believes that there ought to be a sharing of responsibility, that there ought to be active and meaningful participation by the Congress in the basic foreign policy decisions, he will not veto this bill. What we're talking about is the question of war or peace, because presidential power has permitted and indeed has authorized and initiated what we call presidential wars. If we're going to put the brakes on, and if we're going to share in the responsibility, then there has to be a willingness on the part of the executive to take a new look, to venture into possibly new areas of understanding between Congress and the presidency. I hope that the President will not veto this major effort on the part of the Congress of the United States to bring Congress into the sharing of the responsibility on the questions of peace and war. If the President does veto it, then it is but another sign that there are those who never seen to forget and never seem to learn.

<u>George McGovern</u>, <u>U.S. Senator from South Dakota</u>: Senator Ervin told us one of his famous preacher stories, but he didn't tell my favorite Ervin preacher story. This is the one of the aging minister who is attempting to explain the development of the human

race to a class of young people. He went through the creation of Adam and Eve and said from this union came Cain and Abel and so on through the development of humankind. A hand went up in the rear of the room and a young man said, "Reverend, where did Cain and Abel get their wives?" There was kind of an embarrassed pause, and then the old minister said, "Young man, it's questions like that that are hurtin' religion." This is that kind of age of doubt and questioning. It's also, I think, an age of paradox. Perhaps nothing is more paradoxical than Senator Jackson earnestly quoting a Soviet communist as the chief witness for his legislative initiative. There is a legitimate relationship between the subject of Soviet-American detente and the question of human liberty. But the relationship that exists between detente and our continuing support for dictators in Southeast Asia is a relationship that escapes me entirely. While I'm very much concerned about the subject of human liberty in the Soviet Union, I think all of us would approach that task with less anxiety if it were not for the tragic fact that we go there with so much blood on our own hands from this long and tragic involvement in Southeast Asia.

The premise that politics stops at the water's edge, which is a premise we're challenging here, is one that I think both violates our democratic form of government and also violates the most enduring traditions of this country. It is really a false and dangerous doctrine. Partisanship usually conjures up in our minds the image of a person who is willing to put narrow personal or party advantage ahead of the national interest. But

I use the term here today not to characterize the phrase in that manner but to describe deep-seated and honest differences of opinion that need to be fully aired on important public questions, and especially on those all important areas of war and peace. Some of the finest moments in the history of American foreign policy have been marked by sharp partisan debate in that sense of the word. The debates that took place between the Whigs and the Democrats over the Mexican War in the late 1840's is a case in point. The debates around the turn of the century over whether or not we should take over the colonies of Spain was perhaps a high point in foreign policy discussion. And in our own day the mounting congressional and public criticism of U.S. involvement in Indochina, more than anything else, has forced a change in both the previous administration and in this administration in our policy in that part of the world.

The uncomfortable fact is that for most of the last quarter of a century the fear of communist power abroad and the invoking of a bipartisan response here at home has had the effect of stifling necessary public debate. As Senator Humphrey has said so well, the Congress must bear a major part of the responsibility for acquiescing in that effort to stifle public discussion of important foreign policy questions. In the bipartisan search for national security Congress not only yielded vital constitutional powers to the executive branch, but it permitted foreign policy managers to engage in secretive and inhumane and illegal activities abroad. And I believe that the "dirty tricks" of Watergate that we are now reading about actually had their seedbed in twenty-five years of conditioning to the view that anything goes

as long as you put a national security label on it and aim at your enemies, either at home or abroad. True partisanship, let me emphasize, does not mean party allegiance; rather it connotes the willingness to dissent from public policy either behind or beyond the water's edge.

In the War Powers Act, Congress has approved a first step towards reasserting its war power. We might debate the wisdom of the form that step took, but at least it was some manifestation that Congress is reaching out to reassert its powers in the area of war and peace. It is also some indication that members of Congress are more willing to subject themselves to criticism in speaking out on foreign policy questions. As one of those critics who, over the years, has been censured for challenging our posture abroad, I reject here the notion that citizens must rally behind misguided policy in the name of national security. If patriotism under dictatorial rule means a kind of flying loyalty to the ruler, patriotism in a democracy includes the obligation on the part of members of Congress and members of the public at large to speak out against those courses of action that one believes does not serve the national interest. This is the higher patriotism, and we can offer no less.

<u>Nelson Rockefeller</u>, <u>former Governor of New York, and former Assistant Secretary of State</u>: This panel discussion here and the forthrightness and the frankness of the expression are perfect illustrations of why I am sure that I share with you a tremendous sense of confidence and optimism about the future of this great land of free men. Let me now briefly make an analysis

of the subject as I see it before us. The inherent tensions between Congress and the executive branch of government has been argued since the Constitutional Convention in 1789. It is a debate which has become particularly acute at times of strong executive action, which is necessarily focused on specific issues. At present some of these issues are in the area of foreign policy, centered upon the President's power to conduct war and include executive agreements in lieu of treaties. Without detracting from the importance of this debate, we must recognize that the very specificity of the issues tends to obscure the breadth and the significance of the problem really confronting us. That problem is America's inability to define its national interests in terms acceptable to the nation and commensurate with its international interests.

Our current difficulty in defining America's national interests cannot be explained by any simple consideration of the different vantage points of the executive and the legislative branches. Nor can it be resolved by legislation, which can only cope with the manifestations of the problem. Rather it is imperative that we address the real causes of our malaise--the basis of our inability to identify the components of national interest--by broadening our perspective and coming to terms with two essential problems which challenge us. First, the impact of the nature of changes which face us, both domestically and internationally; and second, the interrelation between our domestic situation and the concept of foreign policy. Unless the current debate is viewed in this broader context, the nation is in danger

of resolving issues through cosmetics rather than real solutions. We are all aware of the impact of change in our daily lives. But our perceptions of the forces and the implications of change are indistinct. Nonetheless, we're beginning to assess the nature of the changes that have taken place and are taking place and to judge their effect not only upon our own lives as individuals but upon our institutions and upon our political structures. Let me list some of these.

The most profound shifts have been taking place. First, it is becoming increasingly less possible to isolate domestic problems from foreign affairs. As examples, consider the energy crisis, national security, the balance of payments problem, interest rates, food shortages and spiraling prices. Second, the United States has undergone a change in its world position. Although America's decline in strength has been in relative terms, the ramifications of this shift have been both external and internal in their repercussions. Third, the nature of our problems has become complicated by the emergence and impact of two cultural patterns, race, drugs, environment, abortion and welfare. They impinge upon the nation's psyche, and they are, therefore, inherently more explosive than those that faced us in the thirties. Fourth, technology has brought about instant communication. We're able to witness the immediate result of our policies, of our successes and failures.

Today we must be concerned with the effect of these changes on our political process. First, the value of orientation of many issues has strained both the parties and the

government systems. Cultural issues have brought about the rise of a new clientele, a clientele that must be absorbed within the existing framework of parties. This process of absorption is straining our political processes, as any witness to the effort to rebuild the structure of our political parties can testify. In addition, many of these value-oriented issues have penetrated the political process by fostering a system of conflicting demands. For example, the public demands a solution to race problems, but resists necessary legislation. Equally the public wants clean environment, but cheap fuel and more cars. The inability to solve these problems has created frustration on both the part of the government and the public, with the politician caught in the middle.

Second, the increasingly blurred line between foreign and domestic policy, coupled with the emergence of new cultural patterns and the relative decline of American power has further contributed to the unwinding of our political processes and the destruction of the cohesion of our society. It is no longer assumed that American action by definition is right. But there is increasingly widespread confusion about what America's moral role really is. This confusion, of course, has led to the questioning of the basis of foreign policy, such as has taken place here at Pacem in Terris III. What is its purpose? To preserve American security, to stabilize the international system, or to influence the domestic policies of other nations? While either end may be legitimate, one cannot pursue both successfully at the same time. Thus, in international affairs the same patterns

of conflicting demands is emerging. For example, the U.S. is being asked to avoid commitments, but to remain a world leader; and to allocate more resources for internal problems and at the same time maintain a high level of defense. It is questionable that any government could do both.

Third, technology itself has interjected a new element into our political system. We are all aware that the rise of the televised political activists and demonstrators, the pictures of wartime horrors, have had an immeasurable effect upon all of us. What are the implications for the political process? The visibility of highly dramatic events has increased the vulnerability of politicians and the political system to immediate pressures. In addition, it has tended to define issues in both simplistic and personalistic terms.

Fourth, while there have been positive results from living room history and Sunday morning quarterbacking, there are negative aspects of this technological change. To remove the shock absorbers built into the political system in the process, it has created a dangerous government vulnerability in time of crisis. It could encourage an atmosphere in which to avoid confrontation, since the stakes are so high, the leader may avoid taking effective action.

The failure of understanding the causes and anticipating the implications of changes has led, at worst, to a questioning of the validity of the whole system as well as the integrity of American values. At best, this failure has contributed to a loss of cohesion which in the long run could undermine the stable

environment necessary to rational decision making. The loss of cohesion which now threatens us should be our primary concern. Without the creation of a new conceptual framework in which our goals can be defined, we shall not be able to solve our domestic problems. Equally the loss of cohesion and the implied loss of direction will impose an intolerable strain on the international system, since our perception of ourselves, our self image, not only generates our own behavior but largely determines the conduct of both our allies and our adversaries.

American leaders and public can and must devote themselves to building a new consensus. This can be accomplished, first, by achieving an understanding of the rapid changes that are taking place in the world and concentrating upon the development of policies and concepts which can deal with them; second, by demonstrating the flexibility and ability of our political parties to absorb new directions and to exert discipline upon their members; third, by conducting debate on major issues in an open and responsible manner both within parties and between the parties; and, fourth, by focusing on issues rather than on individuals. The tendency to perceive errors in judgment as the designs of evil men is not only fruitless but debilitating.

Now that we have realized that we cannot solve all the world's problems, we are in danger of convincing ourselves that we cannot solve any of them. This attitude can be more destructive than our over-confidence of the sixties. But I am confident that it is possible to gain the necessary understanding and perspective of events and, with public participation, to develop a

consensus on what needs to be done to reflect our best interests at home and abroad.

Edmund S. Muskie, U.S. Senator from Maine: I was unable to resist thinking, as I listened to Hubert Humphrey, how different things would be now had they turned out differently in 1968. In any event, no one can do a better job of criticizing the Congress than those of us who are members of it. And that's healthy, I suggest. As I contemplate the public attitudes to those of us in political life, I'm reminded of an observation made recently by someone who said that if Patrick Henry thought that taxation without representation was bad, he ought to see what it is like with representation. It is quite clear that no serious challenge to the proposition that foreign policy would benefit from vigorous partisan debate would be raised on this panel. I'm not going to belabor the point, although, unavoidably, I must touch on it. But I'd like to put a slightly different perspective on the problems to which we should address ourselves in this connection.

It is clear that perhaps the preeminent problem that America faces today is the erosion of public confidence in our political institutions and in our political leaders. I'm reminded of a story of a gentleman who was mountain-climbing and fell off the edge of a cliff. As he fell, thrashing about, through some miracle he grasped the branch of a tree growing out from a cliff. He hung there, got his breath and then began to shout for help. And at that moment a loud, deep, quiet voice from on high was heard: "My son, let go of the branch." There was no response,

and again the deep, quiet voice spoke out: "My son, have confidence in me, let go of the branch." At this point the man look up and said, "Is anyone else up there?" The erosion of public confidence reaches the highest of places. And the question comes to us, how shall we approach the task of restoring it? Do we restore it by revitalizing our concept of the father figure in the White House? Will he heal our divisions and solve our problems by wisdom of his own making? Or shall we heal it by making this process open to those whose lives are involved in public policy decisions. I think this is the best argument of all for an abandonment of the notion that we do not debate foreign policy.

We are hopefully moving into a more diverse world, certainly a more fragmented world as one looks about, notwithstanding the dominance of two superpowers. And isn't it interesting that the emergence of two superpowers has in a sense given the small nations of the earth more power to influence the course of events, to hamstring the great nations, to tie their hands and to decide for themselves what they shall do about their own parochial local or regional affairs? Now how do we deal with the complexities of problems such as this? The remarks made clear by my distinguished colleagues on this panel have been excellent expositions of important points in connection with this debate. The point I want to emphasize and which they made is that America cannot afford to speak, at home or abroad, with just one voice, with respect to the affairs of mankind.

The reason for this difference that we've become

accustomedto in dealing with domestic and foreign policy problems, this double standard was reflected in something that Justice Sutherland said in his obiter dicta in the 1936 Curtiss-Wright case. He referred to "the plenary and exclusive power of the President as the sole organ of the federal government in the field of international relations...." That concept, that America must speak with one voice if it is to be heard and respected, may have had some relevance, may have been a sensible one. The period of late 30's and World War II, a united America was clearly such an important condition to the effort to win in the struggle over Nazism. In times of evident danger we do naturally rally about the President as Commander-in-Chief. But I submit, along with my colleagues, that that natural tendency has been carried to the point in the last 25 years where it has undermined our real national interests. And it has undermined them because it has discouraged and inhibited dissent on important matters.

We face the task of redefining America's relationships to the rest of the world, of redefining our ambitions for our country and ourselves, and of redefining the uses to which our purposes, our resources and our leadership will be put. What we submit to you here is that that redefinition cannot be accomplished by suppressing criticism of existing policy or its implementation. It cannot be achieved by denying the people and their representatives the information on which official judgments are based. And it can best be reached by a dialogue between those who govern and those who challenge, with the public as the audience and the judge.

The need for such an exchange, I submit, is increased by

our present political circumstances. Right now the President's moral authority is badly undermined by the campaign scandals of last year, by the abusive invocation of the national security mystique to sanction common crimes, by the deception and secrecy by which our military strength was committed to and used in Indochina. He is in no position to lead us alone to a new consensus on foreign policy. Thanks to the success of some of his policies--and we must put the other side of the coin--we may now have the luxury of an interlude from ultimatums, an intermission in the play of tension, when we can take the time to examine our old commitments, outline our new interests, and try to determine a steady course for our policies. I know no way other than through partisan debate to challenge old assumptions, to question current tactics, and to define alternative futures. The goal of such a debate should be agreement that dissolves party lines, but the open discussion is as important as the results it produces.

Internal dialogue within the administration, joined only by a few respected leaders of the congressional opposition, simply is not good enough. It will not satisfy our need for a foreign policy all Americans can comprehend and at most can support. The obsessive secrecy about our actions abroad, the tendency to say one thing in public and to do something else on the sly has already drained the reservoir of public trust in foreign policy leadership. To restore that trust, an open, thorough and necessarily partisan examination of our behavior and our strength is essential. Thirty years ago Walter Lippman wrote this: "Upon the effects of our foreign policy are staked the lives, the

fortunes and the honor of the people, and a free people cannot be asked to fight and bleed, to work and sweat for ends which they do not hold to be so compelling that they are self-evident.

"The ends of our present foreign policy are only dimly perceived. To make them compelling again, to unite Americans around a new commitment to international responsibility, we must make foreign policy a topic of public concern, not just seculded in expert consultations. Our public structure is the best instrument we have to foster public debate. We should use it for that purpose, as we have before, to involve the people in the decisions which will shape our future."

Eugene J. McCarthy, former U.S. Senator from Minnesota: I would like to add to what Senator Muskie has said and note that I, too, have some reflections on how things might have been different today if they had been different in 1968. In some ways, the point of this conference is more or less where I came in in 1968. In the campaign of that year, the public emphasis was on the war and what we ought to do about it. But we also talked about the power of the presidency and tried to draw attention to that issue and to the over-personalization of the office, and to the danger of abuse if not actual abuse of the office as a consequence.

I was rather severely criticized. One of the men who defected from my campaign (with a press conference--and that is a real defection) said that my concept of the presidency would result in a weak presidency. Perhaps. He has just finished a book entitled The Imperial Presidency, in which he suggests that the power of the presidency has been overly concentrated.

Our concern here, however, is principally about the process by which foreign policy is determined. I would note at the opening of this discussion that insofar as our involvement in Vietnam is concerned, change in process would not have had much significance. The Congress was quite ready to support that war as it gradually developed. As a test, we--that is, the Congress, or more particularly the Senate--did have two votes on the Tonkin Gulf resolution, one in 1967 when it was proposed that the resolution be brought up for reexamination and discussion. There were only five votes in favor of this action. Then in 1970, when the same resolution was brought up for repeal, the President having said he did not need the resolution, there were only five votes in favor of maintaining the resolution. The process was the same in 1967 as it was in 1970. Neither vote had any significant bearing on how the war was prosecuted.

As I see it, the issue which Senator Ervin brought before us here is not really one of the separation of powers or of the balance of powers, but rather a question of how power and responsibility are to be shared in the government. I am quite convinced that if the men who drafted the Constitution had anticipated a time when foreign policy would be as important as it is today, and a time when we would have a military establishment of the magnitude of the one which we now have, they would have outlined somewhat different procedures for dealing with military and foreign policy. The Constitution was drafted almost as an anti-foreign policy document, and we have lived with those limitations.

I did not realize how much things had changed until in

the last year of my service in the Senate, I received a call from the Spanish Ambassador who said that he would like to come up and talk to me. When he arrived, he said, "I want to talk to you about the Treaty of Utrecht." I said, "Oh, talk about the Treaty of Utrecht; I have not talk about that for a long time. It involved Napoleon?" "No," he said, "it was signed in 1713 at the end of the War of the Spanish Succession. That was the year in which the British got Gibraltar, 250 years ago, and we would like to talk about revising the Treaty." He was most serious. His attitude showed how people thought of treaties in the eighteenth century, the century of the Constitution. A treaty was a commitment which was expected to last. After my opening uncertainty, I recovered a little and said, "But that treaty also raises some questions about succession to the Spanish throne. It would, I believe, cause some trouble for Franco and interfere with his plans." "No," he replied, "the provision about succession was only a codicil." Even in those days, they made exceptions in codicils.

We have come through a century and a half, roughly, dealing and acting under an instrument which was not intended to provide procedures for conducting foreign and military policies such as we now conduct or have been conducting. One can blame presidents for usurping power or blame Congress--or the Senate, in particular--for giving it away. I think there is fault on both counts, but uncertainty of procedure made its contribution to the confusion. Certainly in the period since the end of World War II, the Senate, which has principal Congressional responsibility under the Constitution for participating

in the making of foreign policy, did give away power--in large measure, by agreeing to comprehensive treaties--NATO, for example, which, although comprehensive, had some limits, and, beyond that, SEATO and other commitments in which there were practically no limitations of time, or geography, or even ideology.

To the credit of President Eisenhower, he never did much that John Foster Dulles recommended, but he did allow the Secretary to go about the world signing us up in almost any place he could find people who would sign and making legal and moral commitments for us. Then Dulles went away but the commitments were left. And Democrats have been trying to honor them ever since. I suppose that John Foster Dulles is the first Secretary of State in our history who had more power after his death than he had while alive and more power in the administrations of the opposite party than he ever had in his own party.

When treaties were not adequate, the Congress passed resolutions, just to fill in the gaps, in effect saying, "Is there anything else you would like, Mr. President? There is a little area here that has not been covered, and we thought you would like to pick up whatever loose power or responsibility is lying around." In most cases, the presidents were willing.

There are two other procedural, historical points bearing on this problem which I think are important. These relate to ideas which are in some cases responsible for the Congress' giving up power and in some cases responsible for its not exercising power when it had it. These two ideas have been, I believe, very

mischievous. One is the idea that politics stops at the water's edge--we have all heard that--and morality also. And it is suggested that it also stops at the entrance to the Pentagon and at the gateway to the CIA; that there should be no criticism, or division, but a foreign policy, whatever it may be, that is uncritically supported. This proposition may be all right under some conditions, but the Constitution did not anticipate uncritical acceptance of foreign policy. Special protection against arbitrary foreign policy was built into it.

It was anticipated that the Congress in dealing with domestic problems might be somewhat irresponsible. Presidential veto of Congressional action in the domestic field was provided. The Founding Fathers provided that the President could veto the acts of Congress, in effect saying that it would take two-thirds of the Congress to do something that the President did not want done at home. The same Founding Fathers turned things around in the field of foreign policy by providing that treaties, the principal means of determining foreign policy, had to be ratified by two-thirds of the Senate. In each case, providing a veto by one branch of the government over the actions of another branch. When it is said that we should have a bipartisan foreign policy, it must mean only that we ought to have foreign policy which is supported practically unanimously, or at least by two-thirds of the Congress and of the people. This is certainly the way in which President Truman worked out NATO, and the adoption of the United Nations Charter. The support was bipartisan, but that was not the issue. It was that these programs had what was

almost unanimous support of the country, not a compromised support. To assert that politics or partisanship should stop at the point of military and foreign policy is to set up conditions for irresponsible foreign policy and conditions which tend to make it almost impossible to stop or challenge such policy once it has been initiated.

The second mischievous idea is a modification of the first. It is that even though partisanship may creep into foreign policy, there should be no criticism from members of the party in power. The slogan then becomes, not my country right or wrong but my party right or wrong, and even my President, right or wrong.

I have expressed concern in recent years over the say in which Presidents use pronouns. President Johnson used to refer to "my cabinet," "my helicopters," etc. President Nixon is more inclined to use the plural "we" without explanation as to whether it is the papal "we" or the royal "we" or some other that he has not told us about. Occasionally a President refers to himself in the third person.

This is a period of challenge and of reexamination for our country. There are, I believe, three counts on which this reexamination is necessary. The first is military. We have learned the limitations of our military power, a good thing to know. Second, we have learned the limitations of our economic power, also a good thing to know. And third, we have also learned the limitations of our moral power and moral strength, which we have over-estimated to some extent. The most telling comment on

this point was one I heard just before the last election when a young man said to me, "President Nixon will be reelected" (he disappeared, or seemed to, after saying this to me) "because the country will not vote against its own guilt." He may have been right. In any case, that is the best explanation of the election results that I have heard.

In a way, we have had our guilt come back to us and we have had to recognize it. Other nations have done the same. I recall an Englishman talking about the abuse of colonials in England and saying, "We have simply brought our cruelty home." And the French at the time of the Algerian War facing up to their cruelty and saying, in effect, "We will not let that cruelty be brought home or continued in the colony." Our problem and our condition have been made clearer by the defenses made by some of the persons involved in the last campaign. It is evident that immoral and dishonest methods used overseas do not stay there. They come back. It is clear that things cannot be done in the national interest in one place without being used with the same justification in other places. Methods which we accepted as usable against other people have been used against our own.

We have come a long way from George Washington to Richard Nixon, from John Adams to Spiro Agnew, from John Jay to John Mitchell. I hesitate to continue the list. We have come this way in part because we have neglected procedures and processes. The Constitution gives only a few lines to purposes but page after page to processes, to ways and means by which this Republic was to operate.

After nearly 200 years, it is time for us again to give thought not just to the substance of government and of national policies, but also to procedures. It may well be that the historic role of the Nixon administration has been to reveal to us rather clearly the potential dangers in our government and the possibilities of abuse and of exploitation, to remind us of the warning of men like George Clinton of New York who in 1788-89 warned us that the potential of the Constitution might be such that "if given time a President, if he wills, can destroy the Republic."

We have not reached that point, but we have seen the dangers. We must turn to the task of caring for the Republic with the spirit expressed by John Adams when he wrote that there was present among the people of the American colonies what he called the spirit of "public happiness" which he defined as a willingness to take public responsibility and civic responsibility. He said that the spirit was so strong that the Revolution was won before it was fought. I believe that that spirit is still within us, but it must be stirred and released.

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HUMPHREY: A point has been made by Senator McCarthy about the Constitution. I would like to point out that what the Constitution says is important but what it doesn't say is also important, maybe more important than what it says. For example, you can read the Constitution from the Preamble to the last Amendment

and there's not one thing in it that is designed to protect the government from the people. But there are many features in it--details, sections and subsections--designed to protect the people from the abusive power of government. It's very important that we remember that. I mention that because now we have been trying to cloak government with a kind of sanctimonious paneling or covering that is supposed to make it beyond the protest or dissent or criticism of people. At least, if criticism comes, it is oftentimes--not generally but oftentimes--looked upon as being abusive or without proper understanding. One thing that we hear much in the executive branch--and it is characteristic of every administration--is that they have the information. They say, if you only knew what we know, you would see it our say. I have been on both sides, and I want to tell you that the only difference is that they hire more people on the other side to know what we ought to know.

Going back to what I said earlier, I believe in a strong presidency. I think it would be a terrible mistake for this country not to have what we call a strong presidency. I believe in leadership, and there is a great deal of difference between leadership and dictation. Leadership is persuasion. Leadership is leading, it is not demanding, it is not commanding. A strong presidency becomes an abusive executive office or a corrupted one when its weight is excessive in relationship to other branches of the government. The important thing is balance. We talk about the coequal branches of government. They are theoretically coequal, but not practically. It isn't only that Presidents have

taken powers; by precedent and tradition they have now accumulated great powers. They had to take those powers from the powers that were delegated to or outlined or authorized to the Congress of the United States. And the reason they were taken is because the Congress didn't use them.

Politics is another word for power, and when somebody doesn't use that which belongs to him or to an institution, then it gravitates to someone else. Power is not floating in thin air; it is always being used. In our system, we have tried to use checks and balances, stress and counterstress, as they do in an engineering principle, in order to balance off any possibility of the abuse of power. An effective input on the part of the Congress in foreign policy, which includes debate and dissent and argument and all that goes with it, cannot be accomplished just by one hundred men in the Senate, and 435 in the House, against two million or more public servants in the executive branch. Congress does not have an information retrieval system and other minimal tools. This same Congress will appropriate hundreds of millions to the Defense Department to update its computer systems for weaponry, for information, for research, or whatever. Your Congress doesn't have 150 people working on appropriations. We handle an 86 billion authorization for defense with a handful of people. And only recently one of the prominent members of the Senate told me that the whole process for a while was stymied because one of our most important people died, one.

This is part of the problem, and one of the reasons for it is that in the main the public looks upon Congress as sort of an odd institution. If you want to razz somebody, you razz

the Congress. If a Congressman travels, it is a junket. If the Secretary of State goes, it is a vital mission. When Congressmen travel it is very difficult to take staff so that you can do a good job. But I traveled as Vice President with staff running out of my ears. The Vice President has some responsibility but no authority whatsoever, but because he travels as a representative of the executive branch he has staff.

We are cowards in the Congress. We will not do for ourselves what we need to do. It's much easier for me to complain about the President than it is to right our own house. For example, the Committee structure itself does not lend itself to the twentieth century, and surely not to the twenty first. Let me give you an illustration. Where would you go to discuss trade policy in the Congress? The Executive branch has a separate institution to discuss trade. Peter Flannagan is at the head, and now there are special representatives. It is all tied together. They come in with one purpose and one program. Where do you go in Congress? Well, the House Ways and Means, Senate Finance, the Committees on Commerce. What the Committee on Foreign Relations? The Committee on Foreign Relations in the Senate doesn't even have a subcommittee on international trade. And yet possibly the most important area of discussion and cooperation and confrontation in the foreseeable future is in the economic sphere in international relations. I don't say that one committee is any better than any other. The point is that we're improperly and poorly structured.

We do not provide ourselves with facilities, including

the space in which to live. Come up and see the Senate and House offices. And then go and see what the same Congress does for the executive branch, appropriating money for one building after another. I know this is the nuts and bolts, the nitty-gritty of it. It isn't philosophical. But I've had enough of philosophy. I know what the philosophy is because I've read it all. And I've had a bellyful of it. The fact of the matter is, we are not equipped. We fight the battle against the President on impoundment and we don't even have lawyers for the Congress of the United States. We ought to have a General Counsel. We dan't depend on the Department of Justice. We ought to have our own General Counsel. I'm simply saying if you talk about separate divisions of government and checks and balances, what happens is that we give them the checks and they get the balance.

MCGOVERN: I was very impressed that every speaker here made some reference, not only to the procedures and the processes that we follow in foreign policy formation, but also to the importance of the character of the occupant of the White House and the men and women who make policy in our government. The truth is that the Constitution, even if it were followed line by line, was not designed for men, for government officials, who don't understand the spirit of it. There's no way that you can possibly devise a constitution to ensure that this country is not going to stumble into wars or deliberately commit itself to conflicts that are a violation of our principles. The Congress is given the power over the purse, but if we surrender that power or if we are determined to use it for goals and priorities that don't serve the national

interest, there's no way that can be changed by the Constitution. We need to understand if we're going to find our way once again, if we're going to recover the public confidence that Senator Muskie referred to,there has to be some union of enduring moral principles with the political procedures in the foreign policy determination of this country.

MUSKIE: Perhaps the most significant "amendment" to the Constitution was never submitted to the Congress or to the people. That is the development of television, which has given the President almost exclusive opportunity to speak to the country in matters of foreign and domestic policy. Until we can deal with that problem effectively, the structural changes we make in the Congress or the new relationships we are able to devise between the President and the Congress are not going to work. There is simply no effective way for those who challenge the President's policy to do so with as great visibility or with as loud a voice as he does, with unlimited access to that great medium of television. We have to address ourselves to that problem.

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of all of us. (applause)

JACKSON Well, there goes the five-minute rule. I suppose ~~in Washington~~ the first lesson in Washington is there's no way to invoke cloture, I suppose we have to get used to that. If I might be permitted a personal intervention here, I'd like to say that I'm always deeply moved when I hear people in responsible positions in the federal government speaking out with such passionate eloquence on behalf of human rights and the beleaguered intellectuals ~~and~~ in the Soviet Union. I say that with some personal feeling because I remember a time, oh 25 years ago, when there were some beleaguered intellectuals in places like Little Rock, Arkansas....and in those days, I might add, there was one youthful Senator from Minnesota, we never had any doubt where he stood. Hubert Humphrey.

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HUMPHREY (loud applause) ~~Thank you, Harry,~~ I'm indebted to our colleague in the Senate, Senator Jackson, for violating the five-minute rule -- ~~because~~ now it legitimatizes my performance. Might I say, first of all, that what we have witnessed ~~here~~ this morning in the address of Senator Ervin and the address of Senator Jackson is at the very heart of what we're ~~talking about~~ discussing today in terms of the role of the Congress in the development of foreign policy ~~or~~ and national security policies. In other words, it ought to be a debate, there ought to be discussion, there ought to be honest differences of opinion, if those exist, and these should be freely expressed. That's what ~~we're~~ this conference is all about. So that's what we've had here, I believe, the sort of demonstration ~~of example~~ for about which I would like to direct my comments. The issue or the very essence of

politics in a demcratic society is the honest and forthright discussion or presentation of individuals, groups or parties believe to be the priorities of a country, the allocation of resources, and the formulation of policies and principles of national security. This is what politics ought to be about. For what do we spend our money, what do we consider to be most important areas of our activity, how do we view national security, is it to be found only in the military, or are we to view as national security as but the cutting edge of a total philosophical and economic commitment? Senator Ervin has posed the issues very well for us in a remarkable presentation of the constitutional history as it relates to the separation of powers. And let me say very openly at the beginning that separation of powers in government is unique in the American political system. We have to disassociate our thinking from the normal Parliamentary structure of government. Separation of powers also requires more than a statement of it, it requires the substance of it. And I shall direct my commentary towards that. For example, if you have branches of government that are supposed to be co-equal branches, they are not co-equal simply because you say so. The Congress of the United States is guilty beyond the shadow of a doubt of permitting and indeed acquiescing in and becoming a part of the imbalance of power that now exists between the Executive and the Legislature. (loud applause). It would be to our own misfortune if we were led to believe that bipartisanship would deny us the right of legitimate debate. Bipartisanship requires ventilation of ideas. Hopefully the effective presentation of a point of view.

And even that, even bipartisanship requires a continuity on the part of the respective parties or political forces to the commitment that they believe is right. There is nothing wrong in having a minority being able to prusue its course even though it may momentarily have lost out to a majority in the establishment of policy. This is wht xx its all about in our socalled open society. Matters of trade policy are bipartisan, and they also ought xto be, may I say, a part of legitimate discussion and debate between the Executive and the Legislative Branch. It is so designed in the Constitution. I would hope that we would not feel that the Congress of the United States should having nothing to say except in broad, platitudinous phraseology about trade policy. Surely Executive agreements, as discussed this morning by Senator Ervin, require congressional consideration, and as I've said here, treaty-making and national security and defense policies are at the very heart of it. I kix believe that we had a demonstration very recently here in the Senate of the United State on the issue of the miliatry procurement bill of honest differences between of the Congress on the one hand and the Congress and the Executive Brnach on the other. I do not believe that that debate on military procurement injured our security at all. In fact, it possibly enlightened more people about the Defense establishment than at any time in recent years. It was necessary to do so. (applause) Now we've heardx a great deal already about why we are in this situation of the increase in Executive power. I have prepared a document here which I would be glad to share with you. Just

let me say that we know about the Cold War, we know that since World War II, indeed starting with World War II it has been the feeling of the Congress that more and more of the powrrs must be given to the President. And I want to repeat again, it isn't as if the President, whoever he may be, has stolen something. It is that we have given it. And I think that has to be made clear to the Americanp people. Whenever we have a tough decision in the Congress over the years we have generally resolved it by pious pronouncements or some kind of strident rhetoric, and then we've said we'll leave it to the Predident, if in his discretion he finds it in the national interest to do this or not to do this, Mr. President, you may do it. Which is merely a way I say of copping out, Rather than facing up to the problems. Now, let me just wind it up here in my time and talk to you about the structure of Congress. The Congress of the United States has made the Executive Brnach of this government powerful by its appropriations and the statutory law that is adopted. The Congress of the United States will pbovide limousines, bars, and buildings and everything for the Executive Branch, and prides itself on having lousy food, poor cafeterias, inadequate parking and poor staffing for itself in the name of some kind of prudence or in some kind of economy. We've had a big battle this year on the issue of the budget, we're bound to lose it, at least up to now. Because why? The Executive Branch comes in armed literally in military terms with the atomic bomb. We start the fight with firecrackers. We have a handful of people in the two committees of Congress on Appropriations to stand up against 1000 professionals in the Office of Budget

and Management. And might I further say, that by diffusion of power in the Congress as compared to the one voice in the presidency, we generally lose the battles in public opinion. So I'm asking for the Congress of the United States, if it says ix its a coequal branch and wants to participate in bipartisanship if it wants to participate in the most sensitive, the most overwhelmingly important area of our entire process of government called national security and foreign policy, that it equip itself for the job. And quite going around whining and complaining about our inadequacy or being shut out. Let me make one positive, hopefully constructive, suggestion. The Executive Brnach has the National Security Council, I served on that Council. By the way, I have been in both branches of the government. And I know why the Executive Branch can literally roll the Congress. Because they come with the experts, the research, the material, the manpower, the advanced planning, they are not after the facts, they're looking ahead, they're ahead of us all the time. We are responding to Executive initiatives and they knew a new initiative by the time we're responding to the old one. This is part of the problem. We don't need to have it this way. It isn't as if it is impossible to correct it. A joint committee on National Security in the House and the Senate of the top leadership, including the elected leadership of the House and the Senate, the top ranking leadership of the prominent committees in the fields of national security, Appropriations, Foreign Affairs, and in the areas of armed services and the Joint Committee on Atomic Energy. There ought to be one place, one board, so to speak, where the Executive Branch can be cross-examined, where they can't play us off one

against another, I've been in this government for 25 years and I have watched the Executive Branch come in and give a different song in the Armed Services Committee than they give in the Foreign Relations Committee. I've watched them approach their friends in the House differently than they approach them in the Senate. I think the time is at hand to ask the Exectitive Branch in the area of foreign policy to have one place to be cross-examined, one place to state its point of view, one arena in which there can be heard one form on which they can be judged, and it seems to me that would be helpful. Now if you want this, you better back us, its going to cost you some money....Its going to cost you some money. You're going to have to do something.... In the long run it will save you some money. Let me give you an example. We complain about foreign aid. Iserve on the Committee on Foreign Relations. My distinguished colleagues here, Senator McGovern and Senator Muskie also serve on the Committee as did Senator McCarthy. We do not monitor Foreign Aid, we just gripe about it. We do not go into the field to examine what's happening. We just complain about what we read about in the press. Or if we find we have to make a trip someplace and we find somebody that's goofing off over here or there, or spending money that ought not to, we come back and complain about it. We have no systematic way, ladies and gentlemen, in the Congress of the United States, week in and week out, month in and month out, to monitor the programs that we authorize and fund. And until we start the monitoring process we're going to the squeaky wheel but always stuck in the mud., never ever getting anyplace. Now we just passed, and Senator Muskie was in the forefront of this yesterday, the War Powers Act, which is a determined effort

on the part of the Congress, one of many that have been referred to, to have some sharing of responsibility and also to put on some of the brakes. Fisst of all, a man who occupies the presidency has almost unlimited power. I don't think the American people have come to realize that its the most powerful office in the world. And the greatest task of that man in that office is to restrain the use of power, not to aacumulate more of it. And I can further add that there are no series of laws or agreements
as or as
or regulations that are/compelling xxx controlling as the character of the occupant. That is the most important thing that we have in American public office. This administration has said that it wants to share responsibility with the Congress. It has said that it wants a working partnership. And yet, the War Powers Act which is the product of several years of intensive work on the part of the Congress itself, that War Powers Act is today under the shadow of a veto. And I submit that if the President of the United States really ;believes what he says, if he really believes that there ought to be a sharing of responsibility, that there ought to be active and meaninful participation by the Congress in the basic decision of war or peace, because that's what we're talking boat, because presidential power today has permitted and indeed has authorized an initiated what we call presidential wars. And if we're going to put the brakes on and if we're going to share in the responsibility, then there hs to be a willingness on the part of the Executive to take a new look, to venture into possibly new areas of understanding between Congress and the presidency. I hope from this platform I say, I hope that the President will not veto a major effort on the part of the Congress of the United

States to being that Congress into the sharing of the responsibility on the questions of peace and war. And if the President does so, if he does veto it, that it is but another sign that those, that are those who never seem to forget and never seem to learn. (long applause)

HSA Perhaps there are some of your xxxx constituents out there somewhere.

HUMPHREY Mal Moos brought them in....

HSA To say that we got Hubert Humphrey on and off in 13 thirteen minutes so there's some hope....I would like to say that I would be the last person in the world to deny any United States Senator the privilege of the floor. I would suggest that you are just as comfortable seated and we might advance this a little further if you would use the microphone in front of you. And I because I have a prior agreement....ifx you want them standing up??? Its a democratic institution....Well the next one we have here, we have no protocol, we don't even follow the Gallop poll in this order of introduction....the next one is Senator George who is a very familiar face to all of you.... (long applause)

MCGOVERN Thank you very much, Mr. Chairman, my colleagues on the panel and members of the conference. I think the Chairman thought that he had discovered a method to shorten these speeches by keeping us off our feet...but I yield to the superior wisdom of the crowd. Senator Ervin told us one of his famous preacher stories before he left about the 100 dollar contribution, but he didn't tell my favorite Ervin preacher story. Which is the one of the aging minister who is attempting to explain the development of the human raee to a class of young people. He went through

THE REQUIREMENTS OF DEMOCRATIC FOREIGN POLICY

Edited by Fred Warner Neal

Volume IV of four volumes edited from the proceedings of Pacem in Terris III, a National Convocation to Consider New Opportunities for United States Foreign Policy, convened in Washington, D.C., October 8-11, 1973, by the Center for the Study of Democratic Institutions

PACEM IN TERRIS III: Volume IV

The Requirements of Democratic Foreign Policy:
Congress, the President, Partisanship,
the Foreign Policy Establishment and
the Media

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REMARKS BY SENATOR HUBERT H. HUMPHREY

The Center for the Study of Democratic Instituions

Convocation on

New Opportunities for United States Foreign Policy

Washington, D. C.

October 11, 1973

War making
Impoundment
Exec Agreements

Strong Presidency
Effective congress

John Adams
Spirit of
Public
Happiness

Constit - what it says
& what it doesn't
say

"Pacem In Terris"

My good friend and colleague, Senator Ervin, has provided us with an appropriate theme to begin our discussion. He is correct when he states that the Congress possesses the Constitutional basis for playing a meaningful and vigorous role in the development of foreign policy.

Unfortunately, power granted has not always meant power accepted. In fact, we have all witnessed the steady erosion of Congressional power and prerogatives in the field of domestic and foreign policy.

When any President takes powers previously unknown to him--as this and other Presidents have done--he must take those powers from somewhere. And that somewhere is the Congress of the United States.

Presidential power has grown at the cost of diminished accountability and public scrutiny of Executive Branch activities. And it has grown at the cost of respect for and confidence in the Constitutional processes of government.

In the field of foreign policy making, presidents have been able to base their actions not on legislative authority, but on "inherent powers" vested in the presidency.

Since the end of the Second World War a unique combination of events and forces has been responsible for expanding Presidential power in foreign policy making.

--The international climate of cold war, a spiraling arms race and intermittent regional clashes have provided presidents with great latitude to conduct foreign policy and mobilize public support.

--Strong presidential personalities have been an important factor in this phenomenon. Strong willed men in the oval office have added to the perception that only the President can act in foreign policy matters and protect the national interest.

Lack of monitoring

Separation of Powers 20 centuries — 90 need for staff

Committee structure an obstacle — Lack of Joint Comm — need of J. Comm on Nat Sec

--Finally, the Congress, lacking staff, expertise, information and will, has been overwhelmed by the Executive juggernaut.

The result of all of this has had very serious policy implications. The most serious is the ~~almost total abandonment~~ weakening of a tradition of self-discipline and restraint in the use of power. — Need Strong Presidency

I am not exaggerating when I say that with very few exceptions, the power to initiate and wage war has shifted to the Executive branch.

The problem of "presidential war"--~~the most~~ one of the most serious Constitutional issues before us today--is not unique to Richard Nixon. But he has gone further than any other chief executive in claiming an unlimited right to commit American forces to combat by his own initiative. ~~The time has come to correct this imbalance.~~

I can report to you today that the Congress, in a spirit of bipartisanship, stands ready to correct this grave Constitutional imbalance.

War Powers Act passed 75-20

Bi partisanship should not stifle debate. There is no ~~more important subject than~~ American role in International affairs — National Security Policy is Paramount & requires open debate & decision

We have developed and agreed upon legislation which will limit a President's war making authority without curbing his role as Commander-in-Chief and protector of the nation's security.

In the final version of the War Powers legislation, Congress is saying to the President: We have a right and responsibility to share with the Executive Branch the awesome decision of commiting American forces to combat.

It is unfortunate, even tragic, that a veto cloud now hangs over the War Powers Act. If vetoed, all of the pious words about bipartisanship and shared power will be lost in a presidential pronouncement reinforcing the concept of unchecked power.

If there is one lesson to be learned from more than a decade of war in Asia it is that a democratic society cannot long endure the stresses and strains resulting from the unshared moral and political burden of sending a nation's sons to war.

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