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FOREWORD

During the past decade, our country has witnessed the emergence of a protracted debate between the executive branch and the Congress over the formulation of American foreign policy. The Congress has maintained that the executive branch has denied Congress access to the information it considers in reviewing executive foreign policy decisions. With equal assertiveness, the executive branch has argued that Congress has overstepped its legislative jurisdiction, encroached upon the prerogatives of the executive branch, and in certain instances, thwarted specific executive initiatives.

In his excellent and well-documented study, Harry L. Wrenn, a professional analyst in the Foreign Affairs and National Defense Division of the Congressional Research Service, traces the development of this institutional conflict from its origins during World War II to its historical culmination in the public debates over U.S. policy in the Vietnam war. The first part of the study gives an historical overview, and examines the congressional-executive relationship during six administrations. The second half evaluates the underlying issues in a comprehensive analysis of "information politics."

This study offers much insight into a most profound issue. I recommend it to all who are interested in furthering their understanding of an institutional rivalry which is a critical element in the formulation of U.S. foreign policy.

JOHN SPARKMAN,
Chairman, Committee on Foreign Relations.

The Secretary of State * * * has found Congress more or less hostile ever since Congress first sat. The Secretary of State exists only to recognize the existence of a world which Congress would rather ignore. * * * Since the first day the Senate existed, it has always intrigued against the Secretary of State whenever the Secretary has been obliged to extend his functions beyond the appointment of Consuls. * * *

—Henry Adams.

The fatal cleavage in government upon which Wilson foundered by being too clever is inexorably, inevitably, bit by bit developing again—and from exactly the same causes. Congress just doesn't like to be hoodwinked, bypassed, patronized, lied to, or affronted in the field of foreign policy.

—Allen Drury.

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INTRODUCTION

One outgrowth of domestic opposition to the war in Southeast Asia in the late 1960's was the emergence of an intense and wide-ranging debate over the boundary delimiting executive and legislative authority with respect to foreign affairs. While on one level dispute continued over who was "right" and who was "wrong" about the conduct of the war, on another level it was less a question of who had the truth than who controlled the "options," who *ought* to control them, and why. Experience with the war policy seemed to indicate that in most situations it was the executive branch that had the upper hand.

A main feature of these discussions was an oft-repeated argument that the President's demonstrated supremacy in these matters could be traced directly to an evident preponderance in his information resources over those of his legislative rival. To frustrated congressional critics of the war it was especially galling to discover that this superiority in resources seemed to rest in good part on a practice among executive officials of withholding information from Congress for which it had a clear need and a presumptive, if not compelling, right to demand.

High level secret diplomacy (in regard to which the argument that bargaining "options" must be protected is a common device for avoiding public knowledge and accountability), the *fait accompli* in crisis situations, the security classification system and the claim of executive privilege, the calculated leak, and the jargon and protected sanctuaries of "expertise" seemed to many to be just so many weapons with which executive officials waged war on congressional competence in foreign affairs and thwarted congressional participation in policymaking. If at times it appeared that Congress was content with its passive role, the critics argued that this was so largely because through the use of these very devices the executive branch had deprived it of the means to do other than acquiesce, reducing it to near impotence at decisive moments by withholding the accurate and timely information a legislative body must have to deliberate and to act. Knowledge, the critics affirmed, *is* power, and if the imbalance between executive and legislative authority was ever to be redressed and Congress restored to its rightful place as an equal partner in the constitutional scheme of coordinate powers, this underlying disparity in information resources between the two branches would have to be removed. Among other things, this would entail, as a first and essential step, opening up the processes of executive decisionmaking to congressional access and scrutiny.

The purpose of this study is to examine these theses in some detail. Since the burden of the argument is historical, one must begin with an excursion through some recent history. Part I, then, is a short survey

of recent confrontations over the congressional information issue, beginning with isolationist charges against Roosevelt in the late thirties that he was being less than candid with Congress and the public in his conduct of American diplomacy in the spreading conflicts of Europe and Asia, and continuing up through the credibility controversies provoked by the Vietnam war and Watergate. Beginning and ending as it does wtih these attacks on Presidential claims to a wide and confidential discretion in ordering the Nation's affairs, and encompassing in between what some have seen as a long period of congressional acquiescence in executive supremacy, the story appears to come full circle, with President Nixon's resignation in the aftermath of Watergate marking in an emphatic way the conclusion of a great cycle in the affairs of government begun by Roosevelt. This picture has merit, but is misleading in failing to recognize that, as this study shows, the fundamental issue—the distribution of executive and legislative authority, to which the narrower information issue is but an appendage—has never, even in the most placid of times, been far beneath the surface of postwar politics, and has required only the pressure of events to arise on more than one occasion to disturb the smooth course of executive-legislative relations and bedevil the conduct of affairs abroad. Truman had a "credibility gap" to face in regard to his Far Eastern policies and the Korean war; Eisenhower had the Bricker amendment, internal security, and "missile gap" controversies to contend with.

Conflict was muted under Kennedy, but his reputation has suffered latterly from revelations concerning his administration's authorization of covert operations in Southeast Asia and its handling of the Bay of Pigs and Cuban missile crises. And, of course, Kennedy, Johnson, and Nixon each confronted the long drawn out controversies produced by the war in Vietnam. In fact, throughout the postwar period, the executive-legislative power struggle, and its concomitant information issue, run like red threads through the duller cloth of bipartisan cooperation, suggesting that the root cause of this confrontation is not to be found in the ephemera of politics—in personality, for instance, to which it is often attributed—but rather in the abiding structural realities of American politics and institutions. A cycle of changing attitudes may have run its course with Watergate; the critical institutional framework remains unchanged.

This thought is expanded and examined analytically in Part II, where the executive-legislative struggle is traced to its source in the constitutional separation of powers and the system of checks and balances, which, as Professor Corwin has observed, not only invites the two branches to contest for supremacy but makes that struggle all but inevitable. Information manipulation—both suppression and selective release—is identified as one of the most powerful weapons employed in this struggle.

Certain characteristics of diplomatic communications, and of modern executive power in general, both of which tend to inhibit the flow of information to Congress in rather specific ways, are then identified, the most significant being the organization and action procedures of modern bureaucracy. Finally, the policymaking role actually played by Congress in the postwar period, as well as the way

in which it has tended to conceive that role, are examined to determine whether the intensity and depth of congressional participation in the policy process are not as much a determinant of the information Congress receives as they are a consequence of prior information deficiencies. Part II ends with some rather general and tentative proposals for alleviating the congressional "information" problem. They are tentative because more definitive recommendations on this matter must be based on a clear determination of the appropriate role of Congress in foreign affairs. This is an issue that a congressional support organization can appropriately raise, but for which answers must be evolved in the political processes of the Congress itself.

In this last respect, a caution or two concerning the limited scope of this study may be in order. The study is circumscribed in two ways. First, there are, one may say, many congressional information problems. Nevertheless, during the period examined here, the principle source of information of use to Congress in foreign policymaking—outside the press perhaps—has been the executive branch. Thus, as already pointed out, the congressional information problem is inevitably bound up with aspects of another, broader set of difficulties—executive-legislative relations. These relations are preeminently political relations—relations to which calculations of power and advantage are central—and a field of permanent controversy and contention, much as the Founding Fathers intended them to be. The particular information problem examined here may be described succinctly as the one of achieving information transfer in this special political and institutional context.

The study is further focused on this "information" aspect of the executive-legislative relationship as it arises in the making of "high policy" in foreign affairs. There is a consequent neglect of other, perhaps no less important, congressional functions in the areas of program legislation, program review and oversight, budget control, hardware issues—especially in national defense—and the many technical problems of economic and trade policy. At the same time, there is a consequent emphasis on *consultations* viewed as a device for information exchange. Consultations probably are the only means available that are fully suitable to the task of deciding the larger policy issues in the executive-legislative context, and since consultation in the strict sense is a *decisionmaking device*, a focus on it here has the important advantage of keeping always in sight the close relationship that exists between the congressional "information problem" and a more comprehensive difficulty—the making of decisions.

As to methodology, a few moments consideration will show that institutional constraints close off the most direct and obvious approaches to a study of congressional information deficiencies. Insofar as there is a congressional information problem it will consist of a discrepancy between the information Congress *ought* to have and the information it actually gets and can use. Unfortunately, this "ought" is not fully accessible to "objective" analysis. If, for instance, one attempts to extract a measure of the amount and kind of information Congress *ought* to get from a definition of the appropriate role of Congress in foreign affairs, one finds that that role remains undefined and controversial. The alternative is to apply the "reality principle" by asking

how close the pictures Congressmen have had in their heads of particular historical events have corresponded with the real character of those events, but this approach too is blocked by controversy. What, after all, was the reality of postwar United States-Soviet relations? The Communist revolution in China? The Suez crisis in 1956? The war in Southeast Asia? The answers to these questions remain controversial, and thus offer no "objective" base line from which to measure congressional information deficiencies.

This study, therefore, has taken the more modest approach of asking, in Part I, how Members of Congress who were themselves involved in major policy debates in the past have perceived their information problems. Not only have congressional and other participants in these events had perceptive things to say about the nature of the difficulties confronting them, but the attitudes they have displayed in formulating their various complaints and observations are themselves a critical dimension of the problem. The analysis in Part II draws on the work of independent scholars to put together a somewhat more coherent picture of these same elements of executive-legislative behavior.

This study clearly reflects recent concerns in Congress—especially those growing out of the war in Southeast Asia. Nevertheless, what is most striking about the matters surveyed is the great continuity and permanence of the problem under review. It is this very rootedness of the congressional information problem—rooted in the conditions of political life and action—that stands as the central finding of this study. Dean Acheson has commented on the revealing tendency of Americans to refer to problems in foreign affairs as "headaches," the suggestion being that if one takes a "pill" the problems will go away. There is no such simple solution to the congressional information problem in foreign affairs.

Part I

INFORMATION POLITICS; A HISTORY

Chapter I

WORLD WAR II

Pearl Harbor

On December 8, 1941, the day after the Japanese attack on Pearl Harbor, Senator David Walsh and Representative Carl Vinson, chairmen, respectively, of the Senate and House Committees on Naval Affairs, arrived at the Navy Department on a factfinding mission. Pressed into action by the importunings of other committee members, the two Congressmen were seeking further information on damage sustained by the U.S. Fleet at Pearl Harbor. At first, officials at the Department were most encouraging. It was the Navy's intention, the two chairmen were told, to keep the Naval Affairs Committees of both Houses fully and promptly informed on all events in the Pacific. Certain conditions would have to be met, of course. As Senator Walsh later informed his colleagues from the Senate floor, the information would be provided "if it could be done, and if it seemed wise to do it," and to the extent that "such information * * * was not incompatible with our national interest." [1] Otherwise, they could expect a communication on the subject that very day. Somewhat later, however, the Navy Department seems to have had second thoughts on the matter. Admiral Stark, Chief of Naval Operations, called the two chairmen to tell them that if they still wanted further information on the events at Pearl Harbor they would have to wait for the President's radio speech on December 9, the next day. At that time, the Chief Executive would present "such information as he thinks it wise and proper to give to the American people." [2]

Few in the House or Senate gave evidence of concern at this turn of events. Senator Walsh admitted on the Senate floor that as a result of the Navy's refusal he was left with nothing to say.[3] At about the same time, Representative Vinson was telling the House that all he knew was "what I read in the newspapers." [4] Nevertheless, both men defended the executive decision. Senator Walsh urged that "the important thing now, today, is for us to wait until our Commander in Chief speaks, to accept, for the present at least, whatever he may choose to say to the American people as the proper and appropriate thing to say at this time." [5] "Congress cannot fight this war," argued Congressman Vinson.

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[1] Walsh, David I. Remarks in the Senate. Congressional Record, vol. 87, Dec. 9, 1941: 9542.
[2] Ibid.
[3] Ibid.
[4] Vinson, Carl. Remarks in the House. Congressional Record. vol. 87. Dec. 9. 1941: 9565.
[5] Walsh, op. cit., p. 9543.

The House of Representatives cannot fight it. We must leave it to the military and the Navy to fight it. They must have the privilege without criticism of deciding when to make public information for the benefit of the American people. At the same time, they must guard against keeping information which the public should know. That is a most delicate position to occupy. * * * Let those men who are giving their lives and who will sacrifice their lives determine it.[6]

In the Senate, Tom Connally, chairman of the Foreign Relations Committee, rose to say that he for one was willing to trust the President to "tell us what he thinks we ought to know, and to withhold what for the moment it would not be wise to divulge."[7]

A few legislators did take a rather different view. Senator Tobey was among the most forward with his suggestion that "when a thing is *fait accompli*, and when, as reported on the floor of the Senate in conversation today, a large part of the Pacific fleet is wiped out and that is *fait accompli*, the enemy certainly knows it, and the American people and their representatives in Congress ought to know it."[8] But opinion in both Houses clearly favored the Executive decision and the matter was quickly dropped. There the deeper questions of Pearl Harbor were to remain, among the political undercurrents, largely unexplored until after the war.[9] As to the immediate situation, the Naval Affairs Committees got their report over the radio along with the rest of the American people.

Executive-Legislative Relations

To that small band of "isolationist" Congressmen and Senators who had actively and persistently opposed President Roosevelt's foreign policies in the Far East and Europe in the late 1930's, a less auspicious beginning for a new era in U.S. foreign relations would be difficult to imagine. A central theme in their dispute with the administration had been the charge, hotly denied by President Roosevelt, Secretary Hull and others, that administration leaders were not being "honest" and "forthright" with the American people and their representatives in Congress regarding the conduct of American diplomacy. From an isolationist perspective, the Japanese attack on Pearl Harbor, despite its otherwise surprising aspects, was but the denouement of a history of executive duplicity concerning the Nation's affairs that extended back over half a crucial decade.[10] Now,

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[6] Vinson, op. cit., p. 9566.

[7] Connally, Tom. Remarks in the Senate. Congressional Record, vol. 87, Dec. 9, 1941 : 9542.

[8] Tobey, Charles W. Remarks in the Senate. Congressional Record, vol. 87, Dec. 9, 1941 : 9542.

[9] The Roberts Commission, appointed by President Roosevelt for the purpose, did conduct an investigation of the Pearl Harbor events in early 1942, and Army and Navy Boards of inquiry made separate investigations in 1944. None of these executive-sponsored inquiries satisfied the administration's critics. It was only in 1945–46 that the whole controversy got a thorough airing, this time in a congressional investigation conducted by the Joint Committee on Pearl Harbor. Even this committee was unable to get all the evidence that might have been material to the issues. Refusals by the Truman administration to impart certain kinds of information to the committee were consistently upheld by the committee majority. U.S. Congress. Joint Committee on the Investigation of the Pearl Harbor Attack. Pearl Harbor Attack. Hearings, 79th Cong., 1st sess. Washington, U.S. Government Printing Office, 1946.

[10] For the most part, commentators on diplomatic history have not been kind to isolationist prescriptions for U.S. foreign policy in the 1930's, but in light of more recent developments, their complaints concerning executive duplicity may be given a second hearing. It is not without significance to an understanding of the real state of executive-legislative relations during this period that one of the most objective of all the histories of President Roosevelt's prewar foreign policy, written from an internationalist perspective, is entitled "The Undeclared War." (Langer, William, and S. Everett Gleason. "The Undeclared War, 1940–41." New York, Harper & Row, 1953.) For a strong statement of the case against Roosevelt, see Beard, Charles, "President Roosevelt and the Coming of the War 1941 : A Study in Appearances and Realities." New Haven, Yale University Press, 1948. Note Beard's subtitle. For a direct response to Beard, consult Rausch, Basil. "Roosevelt from Munich to Pearl Harbor; A Study in the Creation of a Foreign Policy." New York, Barnes & Noble, 1967.

in their view, the country found itself engaged against its will in a shooting war, and already there was new evidence that the old policy of excluding Congress from access to important information would be continued.

Thus, for the one time "isolationist," Senator Vandenberg, Pearl Harbor was not the first encounter with an "information problem" in regard to the Nation's foreign relations. On December 8, 1941, he had found occasion to confide to his diary this retrospective on the obscure diplomatic maneuvering between American officials and Japanese envoys that had gone on in Washington in the last days of the peace:

> We have little or no information regarding the peace negotiations which have been going on for 10 days as a result of the visit of the Mikado's special emissary. It has all been kept secret—secret even from the Senate Foreign Relations Committee. Perhaps this was necessary. But I hope some day the whole record will be laid bare. I should like to know what the price of peace in the Far East would have been. I have the feeling that it would have been necessary for us to yield but relatively little. * * *[11]

But if he had expected that the outbreak of war would make any sudden difference, he was doomed to disappointment. Within one week he was writing in his diary that Lord Halifax, the British Ambassador, and even the public speeches of Winston Churchill, were better sources of information about American affairs of state than officials in his own Government.[12] A quite similar concern was being voiced outside the Government, and from a different quarter of the political spectrum. Walter Lippmann, too, had noted a contrast between the openness of Churchill and his ministers and the reserve of Roosevelt, a contrast he was inclined to attribute to differences between the "presidential" and parliamentary systems. It had been especially disconcerting to the columnist that the first thorough explanation of the military and political import of the events at Pearl Harbor had come, not from the American President, but from the British Prime Minister. This boded ill for the future, he thought: "Mr. Roosevelt has a long, hard, bitter war to conduct, and he cannot conduct it successfully without explaining it continually to the people." [13]

In the event, however, for good or ill, very little was changed. A proposal from Senator Vandenberg for a joint committee on the war was quickly rejected by the President; it got as little support from the Senator's fellow lawmakers.[14] Instead, primary reliance was placed on the relationships already existing between the various executive departments and agencies, and their corresponding committees in Congress. In most cases, these relationships were strengthened early in the war, and kept in reasonable healthy order throughout the conflict. Senator Connally arranged to have weekly State Department briefings for the Foreign Relations Committee, at which time the committee, in Connally's words, was supposed to get the "inside dope." [15] The "dope" it got may have been of a very different kind,

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[11] Vandenberg, Arthur H. "The Vandenberg Papers." Edited by Arthur H. Vandenberg, Jr. Boston, Houghton Mifflin, 1952, p. 17.

[12] Ibid., pp. 22–23, 27–29.

[13] "The President and the People." In "The Essential Lippmann; A Political Philosophy for a Liberal Democracy." Edited by Clinton Rossiter and James Lare. New York, Random House, 1963, p. 471.

[14] Vandenberg, "Papers," pp. 24–25.

[15] Connally, Tom. "My Name is Tom Connally." New York, Thomas Crowell, 1954, p. 254.

however. On the testimony of congressional participants, these and other information exchanges seem to have been confined largely to broad generalities. Senator Vandenberg, for one, was far from satisfied. His complaints on this matter were to be multiplied, and are especially telling in that they continued unabated long after he had abandoned isolationism and opposition for an internationalist and bipartisan stance on foreign policy issues.

A major reason for Cordell Hull's long retention as Secretary of State was President Roosevelt's belief that the ex-Congressman from Tennessee would be able to get along exceptionally well with his former colleagues on the Hill. In his memoirs, Secretary Hull records that he had always tried to do his best by the House and Senate, but there are indications that his best was not enough.[16] An especially trying aspect of the situation was that since President Roosevelt often preferred to work through intermediaries other than his Secretary of State, and even to act as his own foreign secretary, Hull and his Department were themselves frequently in the dark on recent diplomatic developments. In addition, despite his own long service in the House of Representatives, Hull apparently could not, in his new position as Secretary of State, bring himself fully to trust the Congress. As Senator Connally recalled the wartime situation, Secretary Hull "wanted to pursue his business without being—what he called—attacked, pressured, or annoyed by Senators." [17]

Still, it appeared that Secretary Hull was but the personification of a much wider condition of affairs. The problem, it seemed, was general. One encountered everywhere in the executive hierarchy a marked hesitancy to yield up precise information on any sensitive subject. Secretary Hull's reticence and his penchant for generalities revealed an attitude of mind that was not peculiar to him, but one he seems to have shared with other high officials and the foreign policy bureaucracy as well. With a war on, confidentiality seemed a dire necessity, and it had often been the contention of officialdom that Congress could not be trusted to keep a secret. An incident in late 1943, involving the leak of information from a secret report given by Senator Russell in executive session, did nothing to allay this distrust.[18] But since leaks had always been at least as common from the executive branch itself as from Congress, the cause of the mutual suspicion—by Congress of the executive branch as well as vice versa—appeared to lie much deeper. Perhaps as Walter Lippmann had suggested, the origin of the problem was structural. Parliamentary government, Lippmann thought, promoted a "reciprocity between the leader and the people" and a "habit of intimacy and frankness" between executive and legislative organs that the Presidential arrangement did not.[19]

Congressional Investigations

Alternative approaches to the problem did exist. Congressional investigations and opportunities for direct participation in wartime

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[16] Hull, Cordell. "Memoirs." New York, Macmillan Co., 1948.
[17] Connally, op. cit., p. 202.
[18] Russell, Richard. Remarks in the Senate. Congressional Record, vol. 89, Oct. 28, 1943: 8859.
[19] "The President and the People," op. cit., p. 471.

diplomacy offered two means by which Congressmen might expect to keep up with events and play a part in the war effort. From his study of the wartime Congress, Professor Young has concluded that the proliferation of investigation committees was one of its most singular characteristics.[20] Altogether, more than 100 investigations were conducted into various aspects of the war.[21] Nevertheless, Professor Young also suggests that this growth of investigating activity was at least in part a substitute measure made necessary by the failure of Congress and administration to establish more formal and regular channels of information exchange and consultation. These, he thinks, might have served the public interest somewhat better.[22]

Furthermore, there is some question whether in most instances these investigations ever succeeded in penetrating very far beneath the skin of the executive behemoth. Senator Truman and others took an optimistic view, but another participant in the wartime Government, Dean Acheson, was less sanguine. It is also worth noting that in sharp contrast to the later practice of congressional committees in the Korean and Vietnam wars, none of the World War II investigations ever attempted to come to grips with the actual direction and conduct of the war—that is, with the great political and strategic decisions and military and naval operations that were shaping immediate events and through them laying the foundations of the postwar world. There seems to have been broad, though by no means unanimous, agreement that diplomatic and military affairs were for statesmen and soldiers to contend with, and not congressional committees. Congress, especially through its conduct of investigations, displayed throughout the war an intense interest in what might be called the war program. Policy, on the other hand, was left largely to the discretion of the President.

Planning the Peace

In only one major instance was the line drawn between the war program and the war policy crossed by Congress in anything like an effective way. The administration, determined to avoid the kind of fiasco that had befallen President Wilson with the League of Nations, moved early to associate powerful Members of Congress with the effort to construct a new collective security organization. The resulting relationship was consultative in the fullest sense, and thus encompassed not only a two-way flow of information—from Congress to the executive branch as well as vice versa—but a large measure of joint decisionmaking as well.[23] With this said, however, it becomes all the more important to stress the narrow scope of this enterprise. President Wilson, it was believed, had made a tactical blunder of enormous and tragic consequence when he tied the fate of the postwar political settlements to the League of Nations by including both elements of the peace in the Treaty of Versailles. The administration was

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[20] Young, Roland. "Congressional Politics in the Second World War." New York, Columbia University Press, 1957, p. 19.
[21] Ibid., p. 227.
[22] Young, op. cit., p. 228.
[23] For a full account of these matters, see Russell, Ruth B., and Jeanette E. Muther, "A History of the United Nations Charter; the Role of the United States 1940–45." Washington, the Brookings Institution, 1958; and Notter, Harley A. "Postwar Foreign Policy Preparation, 1939–45," Washington, D.C., U.S. Department of State, U.S. Government Printing Office, 1950.

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careful, therefore, to separate negotiations for postwar political arrangements from those aimed at establishing a new peace organization. This put Congressmen and Senators participating in the discussions on the United Nations in a rather awkward position.

How, Senator Vandenberg wanted to know, was it possible to make rational decisions concerning the structure of a new peace organization when one had "no approach to the considerations involved in the writing of the terms of the peace itself?" [24] A solution to this difficulty conceivably might have been found in associating the same group of congressional leaders who were working on the United Nations with the politics of peacemaking, but this course was not taken, nor apparently even seriously considered. Instead, the crucial policy decisions of the war were made either by the President and his close advisers acting alone—this was the procedure where discretion lay with the United States—or in the great summit conferences with Churchill, Stalin, and the lesser wartime leaders, from which congressional representatives were also excluded.[25]

As is now known, two rather large pieces were missing from Senator Vandenberg's jigsaw puzzle of the postwar world. The first of these was atomic energy. The Government program to produce a nuclear weapon was put into motion at the President's initiative, with no congressional participation in the decision, and was so secret that even the appropriations were disguised and the knowledge of their true use withheld from Congress.[26] This means that Senator Vandenberg and other Members of the House and Senate, and, indeed, most officials in the executive branch as well, were planning the peace in ignorance of the existence of a force that would become a dominating presence in the postwar world—the atomic bomb. The Secretary of War, Henry Stimson, who was himself responsible for enforcing the secrecy that surrounded the weapons program, summed up the problem in a succinct understatement: "To approach any world peace organization of any pattern now likely to be considered, without an appreciation * * * of the power of this new weapon, would seem to be unrealistic." [27]

Also excluded from congressional scrutiny, and the second missing piece in Vandenberg's puzzle, were the deliberations that took place at the great wartime political conferences, together with certain of the results of those meetings as well. The situation for Congress here was rather different from that with respect to atomic energy. In this case, Members with Senator Vandenberg's outlook were in an

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[24] Vandenberg, "Papers," op. cit., p. 96.

[25] Roosevelt's position at the summit conferences contrasted starkly with that of Churchill: "The Atlantic Conference gave Hopkins an opportunity to observe more clearly than ever the differences between the American and British systems of democracy. This was the first time he had seen both the President and Prime Minister in operation away from their own home bases. He remarked on the fact that whereas Roosevelt was completely on his own, subject only to the advice of his immediate and self-selected entourage, which advice he could accept or reject, Churchill was constantly reporting to and consulting the War Cabinet in London, addressing his communications to the Lord Privy Seal, who was then Clement Attlee. During 3 days more than 30 communications passed between the Prince of Wales and Whitehall, and the speed of communication and of action thereon was astonishing to the Americans." Sherwood, Robert E. "Roosevelt and Hopkins; An Intimate History." New York, Harper & Bros., 1948, p. 361.

[26] Four Senators were let in on the secret in late 1942, and somewhat later five key Representatives, largely in order that they might lend a hand in expediting the disguised budget. See the text of letters on this subject from Senator Styles Bridges and Representative Clarence Cannon in Young, op. cit., pp. 45–46.

[27] Stimson, Henry L., "On Active Service in Peace and War." New York, Harpers & Bros., 1948, p. 636.

especially uncomfortable position, being acutely aware that critically important decisions were being made, without knowing what those decisions were. Dean Acheson, who was an Assistant Secretary of State, paints a somewhat condescending portrait of Senator Vandenberg at this time as a frustrated man "very much on the outside trying to look in" and taking "the most horrendous view" of every executive initiative.[28] The times were trying indeed for those congressional leaders who feared that the President was not above committing the Nation to specific and binding postwar international agreements without the advice and consent of the Senate or even its knowledge.

When opportunity did arise, Senator Vandenberg and others pressed hard, and there were minor victories. But the frustrating reality was that the wall of secrecy surrounding the political and military decisionmaking at Teheran, Yalta, Potsdam, and the other wartime conferences was never breached.

This left even Senator Connally, who says he always felt his position as chairman of the Foreign Relations Committee obliged him to defend the administration's foreign policies, in a difficult position: "I believe he [President Roosevelt] should have invited some of us congressional leaders to accompany him to conferences abroad," he writes. "Certainly such action would have made it easier for me to defend his policy decisions in the Senate." Still, he had never gone so far as to challenge the President on this point. That, he thought, would have been to encroach on the President's authority: "I never asked him to include me in the international conferences. That was up to him to decide." [29]

Deferring to the President

This deference shown the President, which was typical of Senator Connally, and of many another Congressman and Senator as well, calls attention to an especially revealing aspect of the congressional-executive relationship during the war. World War II is rightly remembered as a time of national unity and common purpose, and not as a period of struggle between the political branches of Government. With the attack on Pearl Harbor, Congress shook off the isolationist "aberration" of the 1930's and rallied to the support of the President. Whatever the merits of the complaints raised by Senator Vandenberg and others against the administration's decisionmaking and information policies, the public impact was slight indeed. No crisis in credibility of the kind that later plagued administrations during the Korean and Vietnam wars ever arose to complicate the wartime tasks of President Roosevelt. During the war, for reasons that mixed patriotism, partisanship, and personality, most Members of Congress were more than ready to believe in the President's essential integrity, and in his superior capacity to manage the global conflict. Most seem to have believed as well that it would have been improper for Congress to "interfere" in the making of "policy," a Presidential responsibility. This latter attitude probably was strengthened by a habit of subordinating political concerns to military ones in the conduct of the war. Even those who might have been ready to assert the equal competence of Congress in political matters were hesitant about requesting information or offering an opinion on anything so esoteric or fully under the dominion of expertise as military strategy.

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[28] Acheson, Dean. "Sketches from Life." New York, Harper & Row, 1960, pp. 124–25.
[29] Connally, op. cit., p. 254.

Chapter II

THE TRUMAN ADMINISTRATION

Postwar Reform

It is true nonetheless that the vast growth of executive and Presidential power during the war years did generate much unease in Congress, and left many Members concerned that the reins of shared governmental control were slipping rapidly from a weakening congressional grasp. Furthermore, even as the war came to a close and the transition to peace began, it was evident that the Nation's world responsibilities had grown enormously, and that the complexity and weight of the tasks facing *both* branches of government had increased in like proportion. In the inclusion of specific reporting requirements in the legislation authorizing U.S. participation in the United Nations, and in the establishment of a Joint Committee on Atomic Energy, with statutory provisions to assure congressional access to information, one finds good evidence that legislators coming out of the war were not unaware of the strength of the new challenges, and of the need to fashion new mechanisms of information and control with which to meet them.[1]

It was in the Legislative Reorganization Act of 1946, however, that Congress made a systematic attempt to prepare itself to meet the new conditions. A major aim of this act was to give permanence and continuity to the processes of congressional oversight, the hope being that the rash of special committees and one-shot investigations by which so much oversight and inquiry had been carried on in the past could be replaced by methods that would keep all important government agencies and their activities under close and continuous congressional scrutiny.[2] Beyond this, a general strengthening of congressional information capabilities was attempted through the authorization of permanent professional staffs for the committees, and an expansion of the Legislative Reference Service (now the Congressional Research Service). Other provisions of the act, such as those calling for the preparation of a legislative budget, restricting the kinds of private bills that might be submitted, regulating lobbying activity, and authorizing im-

[1] On the United Nations Participation Act, Corwin makes this comment: "There are several significant things about this legislation. First and foremost is the fact of its having been enacted at all, for the consequence of this is that American implementation of the Charter, and hence its ultimately binding interpretation for the United States, is based on the national legislative power, not on the treaty-making power, nor on presidential prerogative. The second significant feature of the measure is its assertion of the right of Congress to be kept informed regarding both the activities of the United Nations and American participation therein. The assertion follows logically from the premise of legislative implementation." Corwin, Edward S. "The President: Office and Powers." New York, New York University Press, 1957, p. 270.

[2] Griffith, Ernest S. "Congress, Its Contemporary Role." New York, New York University Press, 1961, p. 43.

provements in the Congressional Record, were also expected to have an important, if indirect, impact on congressional information and oversight capabilities.

A more or less concurrent reorganization in the executive branch is less immediately relevant to the purposes of this study, but it is worth recalling that Congress was not alone during this period in sensing the inadequacy of current methods of information gathering and decisionmaking. Furthermore, the centerpiece of this reform effort, the National Security Act of 1947, which brought the three military services together under a single head (the Secretary of Defense) and created a single Government agency to coordinate intelligence gathering (the Central Intelligence Agency) is important for another reason. The act may well have introduced new order into executive arrangements for handling national security matters, but it was also pregnant with problems for Congress. Centralization in the defense establishment soon reduced the number of points of congressional access to that huge bureaucracy, while the secrecy surrounding the new intelligence agency brought a whole host of added difficulties, from the inaccessibility of secret intelligence estimates, to the dilemmas of overseeing covert operations.

Bipartisanship was a second major feature of postwar efforts to improve the policymaking mechanism and there is an important link between the use made of that device to overcome frictions in the executive-legislative relationship and the course of congressional information problems in the postwar period. The precise nature of that connection is disputed, however. Congress relies heavily on the executive branch for foreign affairs information and interbranch information flow is one of the first casualties of interbranch hostilities. One might reasonably expect, therefore, that any increase in harmony and mutual trust between the two branches, whether brought about by bipartisanship or some other means, would bring consequential improvements in congressional access to factual information and policy analysis from the executive agencies. In discussion, however, congressional advocates of a bipartisan approach were just as likely to stress the reciprocal of this relationship, suggesting that a frank exchange of information and advice between the two branches was not so much an expected consequence of bipartisanship as one of its prerequisites. A noncontentious, cooperative spirit between the two principal political parties, and between the two political branches of government, was not so much a means as an end, to which openness and candor were expected to contribute in measurable degree.[3]

In this spirit, Senator Vandenberg insisted from the first on assigning a central role in the construction of a bipartisan synthesis to executive-legislative consultations.[4] In the Senator's view, bipartisan-

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[3] As Senator Tucker of Virginia put the principle long ago in 1818: "It would appear to me indeed of the utmost importance, that this correspondence of views should be preserved between these two branches of Government. How embarrassing to the executive must it be, if, after a treaty has been made calling for a large appropriation, this body should refuse to make it, and to sanction a contract entered into with a foreign State. How much more embarrassing if, in the exercise of its constitutional powers, the executive should involve the Nation in a war against the wishes of its representatives. The jarring and confusion and inefficiency that would result, might have the most fatal influence on the national success. No, sir, frankness and candor, and a free and unreserved communication of the feelings and opinions of each by the other, can never have any other than the happiest influence upon the National Councils." Benton, Thomas H. "Abridgement of the Debates of Congress." New York, D. Appleton & Co. 1857–61, vol. 6, p. 168.

[4] Farnsworth, David N. "The Senate Committee on Foreign Relations." Urbana, University of Illinois Press, 1961, p. 159.

ship meant that Congress was to take its place as a full-fledged partner with the President in the making of American foreign policy. The prerequisites of such a partnership were a free flow of information between all major participants in the policymaking process, and the fullest and frankest exchange of views between the President and the majority and minority leadership in Congress. The means for such an exchange could only be advance consultations on all important issues.[5]

In light of what followed, it is interesting to note that Senator Vandenberg got little quarrel from the executive branch on this point. President Truman expressed agreement with the Senator on all the essentials of the matter,[6] and when Secretary of State Marshall answered an inquiry from the House Foreign Affairs Committee in similar vein, it must have seemed that all sides were now in agreement on the bipartisan fundamentals.[7]

Reconstruction and Collective Security in Europe

But what happened when these good intentions were put to the test? Confronted by the vast, interwoven complexities of domestic and international politics in the early postwar period, one can do little more than describe some of the more instructive trends and events.

In general, one may say that bipartisanship worked well in Europe, ill in Asia. It is true that muted wartime disputes concerning information and decisionmaking on policy questions realting to postwar European relief did continue into the peace. Senator Robert Taft's complaint about the administration's handling of the 1946 $4.4 billion relief loan to Great Britain that "* * * no man in Congress was consulted about this thing in any respect until after the whole contract was completed. They were never consulted as to the possible alternatives * * *. We must either take it or leave it; it is a yes or no proposition," typified the continuing disaffection.[8] Early confrontations of this kind gave rise to State Department concern that it might be difficult to get congressional approval should it become necessary to request a further expansion of the European aid program. By the spring of 1947, when the need for some kind of massive American relief effort had become evident, the question in the mind of Department officials was, "not what should be done, but how to get authorizing legislation through Congress?" [9]

But the result of these painful forebodings probably was all to the good, leading as they did to a greater consciousness in the executive branch of the congressional dimension in national decisionmaking, and to a solicitousness not to offend congressional sensibilities. The cooperative executive-legislative endeavor that produced the Greek-

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[5] Vandenberg, Arthur H. Radio address [Text]. New York Times, Oct. 5, 1948 : 21.
[6] Truman, Harry S. "A National Bipartisan Foreign Policy" In U.S. Department of State. Department of State Bulletin, vol. 15, Nov. 17, 1946 : 911.
[7] "Cooperation with Congress on Bipartisan Foreign Policy." In U.S. Department of State. Department of State Bulletin, vol. 16, Feb. 16, 1947 : 283–284.
[8] U.S. Congress. Senate. Committee on Banking and Currency. Anglo-American financial agreement. Hearings, 79th Cong., 2d sess., Mar. 5–20, 1946. Washington, U.S. Government Printing Office, 1946, p. 335.
[9] Jones, Joseph M. "The Fifteen Weeks (February 21-June 5, 1947)," New York, Viking Press, 1955, p. 138.

Turkish aid bill and the Marshall Plan—considered to be the high tide of bipartisan foreign policy in the postwar era—was in good part an outcome of these concerns.

The Marshall Plan especially was the product of close collaboration between the Republican Congress and Democratic administration. From beginning to end of this creative effort, consultations between Secretary Marshall and Senator Vandenberg (at this time chairman of the Senate Foreign Relations Committee), and to a lesser extent between Secretary Marshall and Representative Eaton (chairman of the House Foreign Affairs Committee), were frank, wide-ranging, and intensive, so much so that Secretary Marshall later said that the Senator had been his "full partner in the adventure." [10] Congress also took some initiatives of its own. The Marshall plan proposal struck many as offering an opportunity to conduct a broad review of the whole foreign aid undertaking, which heretofore had come to Congress in bits and pieces under the banner of some immediate and narrow necessity.[11]

A noteworthy feature of the resulting congressional scrutiny was a large number of onsite examinations of European conditions made by U.S. Congressmen, most under the sponsorship of the Herter committee, which had been established by the House specifically to look into the Marshall plan proposals.[12] Congress also included a number of special control features in the enabling legislation, including provisions for the establishment of a Joint Committee on Foreign Economic Cooperation and for consultations between this new committee and the Economic Cooperation Administrator "at the request of the committee." Also of note is the circumstance that this legislation inaugurated the practice of annual authorization of the foreign aid program.

It would be misleading, however, to leave an impression that the executive-legislative road to containment ran everywhere smooth. Some legislators were not at all happy with the way the administration had handled the Greek-Turkish aid bill in its initial phases. A threat was perceived, the facts were gathered, the alternatives formulated and assessed, decisions made. Then and only then was Congress informed of what the situation was, what those decisions were, and asked to grant its endorsement. As Dean Acheson, a chief participant, had described the process, "the Three Secretaries concurring, the President approved the paper for action. This moved us from consideration *through decision by the Executive*. The President set up a meeting for the following day to begin the *all-important next step of consultation with the legislative branch*. * * *" [13]

Senator Vandenberg, as chairman of the Foreign Relations Committee, agreed to include the President's call to action on the Greek-Turkish problem within the bipartisan framework, but he was not

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[10] Price, Harry B. "The Marshall Plan and Its Meaning." Ithaca, N.Y., Cornell University Press, 1955, p. 65.

[11] Vandenberg, Arthur H. Private Papers. Edited by Arthur H. Vandenberg, Jr. Boston, Houghton Mifflin Co., 1952. p. 230.

[12] Price, op. cit., pp. 51–55; U.S. Congress. House. Select Committee on Foreign Aid. "Foreign Aid; Final Report." Washington, U.S. Government Printing Office, 1948. (80th Cong., 2d sess. House. Report No. 1845).

[13] Truman, Harry S. "Memoirs: Years of Trial and Hope." Garden City, N.Y., Doubleday & Co., 1956, p. 103. Acheson, Dean G. "President at the Creation: My Years in the State Department." New York, W. W. Norton & Co., 1969, p. 219.

pleased with the way he and his committee had been treated by the President. Congress had been *informed* of the President's decision; it could scarcely be said that it had been *consulted*. He sympathized with the President and thought he understood his problems—crisis diplomacy offered "very little opportunity for preliminary consultations and studies." But the President, he thought, ought to be a little more sympathetic with the chairman of the Foreign Relations Committee and *his* problems. These matters never seemed to reach Congress "until they have developed to a point where congressional discretion is pathetically restricted." This, he said, was not bipartisanship.[14]

A related objection was that the administration's exertions on behalf of both the Greek-Turkish aid bill and the ERP were more in the nature of a very sophisticated sales campaign than a true and disinterested information program. The administration already knew precisely what it wanted, and the only uncertainty it faced was whether or not Congress could be convinced to go along. As a consequence, it went to Congress, not with a problem to talk over, but with a product—the aid program—to sell.[15]

A more particular version of this criticism was voiced by George Kennan, who objected from the first to the "universal" terms in which the Greek-Turkish aid bill was justified to Congress and to the "sweeping nature" of the commitments they seemed to imply. Deciding policy questions on the basis of general and rather abstract principle instead of by a discrimination of the particular requirements of each concrete situation was dangerous in the extreme, he thought. But that the administration had found it necessary to so frame its program Kennan traced to a belief widely held by executive officials that Congress would accept nothing else. Thus, according to Kennan, the need to "sell" Congress a foreign policy led directly to what he considered to be the rhetorical excesses and confused thinking of the cold war.[16]

Joseph Jones, another participant in these events, has argued, however, that the executive branch did no more than its duty during those days, which was to fill the intellectual vacuum left by President Roosevelt, and by the Truman administration itself in its first years, in failing to "educate" Congress to its new international responsibilities. Vandenberg had demanded as the condition of his support that the executive branch "explain in the most direct terms to the Congress and to the country why it was the United States was moving into these areas." The President, Jones thought, had done just that.[17]

But Jones also points out that on at least one matter Vandenberg got something less than the "full and frank" presentation to the country he had demanded. The Turkish half of the Greek-Turkish aid bill, with its greater emphasis on military aid, was deliberately played down by the administration out of fear that the "American people were not accustomed to thinking then, as they are now, in military-strategic terms in times of peace, and too much emphasis

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[14] Vandenberg. "Papers," op. cit., pp. 230. 339. 342.

[15] Neumann, William L. "How to Merchandise Foreign Policy." American Perspective, vol. 5, September 1949 : 183–193 ; October 1949 : 235–250. Forrestal, James. "The Forrestal Diaries : The Inner History of the Cold War." Ed. by Walter Millis. London, Cassell & Co., Ltd. 1952. p. 272.

[16] Kennan, George. "Memoirs, 1925–1950." Boston, Little, Brown, & Co., 1967, p. 320.

[17] Jones, op. cit., pp. 111, 135–36.

upon supplying straight military aid to Turkey might have been alarming to the point of defeating the proposed action." [18]

NATO

It was not long, however, before the containment policy was to take a more explicit military turn, and with that turn appeared the first signs of a breakdown in the bipartisan consensus. The major step in this direction was the signing of the North Atlantic Treaty in 1949. Debate over the treaty, a followup military aid program, and President Truman's 1950 decision to dispatch several divisions of U.S. troops to Europe, marked the several stages in a decline from the high point of cooperation achieved in enactment of the ERP.

The administration's handling of the treaty itself drew much praise from Congress and few complaints, despite manifest unhappiness in some quarters with its meaning and certain of its unstated implications. The way was prepared by the bipartisan Vandenberg resolution. Secretary Acheson recalls that he had recognized early "the unwisdom of our trying to move any faster with a text than I could move in my discussions with Senators Connally and Vandenberg," and that he had done his best to make sure that consultations of a genuine kind were regular and extensive between the two branches.[19] Under Secretary Lovett later called the treatymaking "an extraordinary collective effort between the legislative and executive branches," and the Foreign Relations Committee found exemplary virtue in the treaty consultations, holding them to be a first-rate example of "how important matters in the field of foreign relations should be handled." [20] The payoff came when the treaty was formally transmitted to the Senate for its advice and consent to ratification, where it was approved as drafted, several proffered reservations being withdrawn or decisively rejected.

Real trouble came only with the arms aid proposals that followed the treaty. The treaty seemed to imply an arms aid program, and in debate this had been widely recognized. The issue, however, was whether this "implication" had the force of *obligation*. Senator Taft concluded that it did, and that he could not vote for a treaty that committed the United States "to assist in arming, at our expense, the nations of Western Europe," a step that would "promote war in the world rather than peace." [21] The State Department, on the other hand, had steadfastly denied that a vote for the treaty would *obligate* any Senator to support a later arms program. At the same time, however, it continued to insist that an arms aid program was *implied* by the treaty, and a day after the signing of the pact revealed that it had received military aid requests from eight European states. It was a matter of where the emphasis was put. The challenge to Secretary Ache-

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[18] Ibid., p. 162.
[19] Acheson, op. cit., pp. 277, 283.
[20] U.S. Congress. Senate. Committee on Foreign Relations. North Atlantic Treaty. Hearings, 81st Cong., 1st sess. Washington, U.S. Government Printing Office, 1949: p. 247. U.S. Congress. Senate. Committee on Foreign Relations. North Atlantic Treaty. Executive report to accompany Executive L. Washington, U.S. Government Printing Office, 1949. (81st Cong., 1st sess. Senate. Executive Report No. 8), p. 6.
[21] Phillips, Cabell B. H. "The Truman Presidency; The History of a Triumphant Succession." New York, the Macmillan Co., 1966, p. 269.

son, it has been said, was "to deny the martial implications of the treaty and at the same time to protect its obvious military character." [22]

In fact, the State Department had drafted an arms aid program more or less simultaneously with the drafting of the treaty, but from concern that too close an acquaintance with the program would stiffen congressional opposition to the agreement itself, the administration, with the approval of some Senate leaders, had made an effort to obscure, though not to conceal altogether, the connection between the two. With this in mind it had avoided collaboration with Congress in drawing up its proposals. The result seemed to support Senator Vandenberg's thesis concerning the informational prerequisites of bipartisanship. Substantive objections to the program—Senator Vandenberg claimed it would make the President "the number one warlord of the Earth"—merged with strong resentment of the fact that the spirit of bipartisan cooperation, which demanded a frank exchange of information and advice, had been violated. The aid bill was passed, but not without some stiff opposition and substantial redrafting, not to mention a crucial psychological boost from the announcement that the Soviet Union had carried out its first nuclear weapons test.[23]

The "Great Debate" in 1950–51 over sending U.S. troops to Europe may be considered as a sort of sequel to the above events. In hearings on the NATO treaty, in answer to a direct question from Senator Hickenlooper as to whether the Treaty would obligate the United States in any way to send troops to Europe, Secretary Acheson had answered as he himself puts it, with "a clear and absolute 'No'." [24] He was reminded of that answer on more than one occasion when, shortly after the outbreak of the Korean war, the administration decided on the dispatch of four divisions to the European theater. Like the earlier arms aid proposal, the plan for this further troop deployment seems to have been made without bipartisan consultation. Critics charged further that the President had no authority to order the deployment without first obtaining the consent of Congress. Subsequent discussion tended to focus on this latter issue, but Senator Taft, for one, thought the time had come for a thorough congressional "reexamination" of the whole range of U.S. collective security policy. This idea was much ridiculed in public by Secretary Acheson, but the Senator was undeterred.[25] Skepticism concerning executive activity, he thought, was always a proper congressional function, and a hard look at what was going on at the other end of Pennsylvania Avenue in the foreign policy area was long overdue. In Senator Taft's view, the troop deployment plan was only the last instance in a long history of Executive usurpations, the consequences of which were dangerous in the extreme: The policy of "secret Executive agreements" and "a general practice of secrecy" had deprived "the Senate and Congress of the substance of the powers conferred on them by the Constitution," "threatens the liberties of our people," and has "brought us to danger

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[22] Ibid., 268; Haynes, Richard F. "The Awesome Power: Harry S. Truman as Commander in Chief." Baton Rouge, La., Louisiana State University Press, 1973, pp. 148–50.

[23] Vandenberg, "Papers," op. cit., pp. 502–518; Crabb, op. cit., pp. 82–83; Phillips, op. cit., pp. 268–270.

[24] Acheson, op. cit., p. 285.

[25] Acheson, Dean, G. "The Pattern of Responsibility." Edited by McGeorge Bundy. Boston, Houghton Mifflin Co., 1952, pp. 83–87.

and disaster."[26] Clearly, the practice of bipartisanship was entering a period of decline.

The Far East

It was in the reaction to events in the Far East, however, that the decline of bipartisanship was most manifest. It is true that other factors were at work in the situation as well. To begin with, the influence of personality cannot be excluded altogether. Senator Vandenberg's withdrawal from active politics in early 1950 was a major loss to the cause of executive-legislative cooperation, as was Marshall's retirement as Secretary of State in 1949 and his replacement by Dean Acheson. A brilliant but combative man, the new Secretary soon acquired a reputation for arrogance and mendacity so strong in some quarters as to become itself a major point of contention in the fierce controversies that in time threatened to engulf the administration's Far Eastern policies.

Paradoxically, the 1948 election results also became a source of disturbance. The outcome, which confirmed Truman in the White House and returned Congress to Democratic control, confronted the administration with the need to make a practical decision as to what its obligation to keep "Congress" informed now entailed insofar as the minority party was concerned. The inclination was to interpret its responsibility here with considerable flexibility. The Republicans, however, insisted on their right to be kept fully and currently informed on all important developments, and when they regained much of their lost strength in the 1950 elections, their protests, actuated now by a sense of past neglect as well as new-found power, grew more persistent. The 1948 election losses had also convinced many Republicans of the truth of a suspicion that they had long harbored against bipartisanship—that in practice it redounded largely to the advantage of the party possessing executive control. To Senator Taft the lesson of the elections was all too clear: Bipartisanship had served as little more than a shield to protect an activist foreign policy from legitimate criticism.[27]

It is questionable, however, whether either personality or partisanship would have had much impact on events had it not been that each acted to reinforce already existing differences over policy matters. Bipartisanship on the major questions of postwar reconstruction in *Europe* was the practical outgrowth of a *consensus* between moderate left, center, and right on the proper response to a specific set of postwar challenges. This consensus was the fruit of reflection by executive and legislative leaders on what have since been called the urgent and self-evident necessities of the postwar era.[28] Unfortunately, not every set of issues facing the Nation manifested this clarity. The Far East, in particular, was ruled more by obscurity than self-evidence, and this opened the way to the expression of deep-seated disagreements on important policy issues. Further, while American efforts to contain the Communist threat in Europe were to meet with considerable success, the opposite was true in the Far East. As Professor Crabb has ob-

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[26] Taft, Robert A. Remarks in the Senate. Congressional Record, vol. 97, Jan. 5, 1951 : 58.
[27] Caridi, Ronald J. "The Korean War and American Politics : The Republican Party as a Case Study." Philadelphia, University of Pennsylvania Press, 1968, pp. 6–7.
[28] Campbell, John C. "The United States in World Affairs, 1948–1949." New York, Harper & Bros., 1949, p. 497.

served, the mainstay of a bipartisan foreign policy *is* success, and in the Far East U.S. policy in the late 1940's was anything but successful.

Thus, the collapse of Nationalist China greatly exacerbated tensions in Washington, and lent a certain urgency and acerbity to the opposition's search for alternatives. Mirroring these developments, the administration's generally commendable record of consultations on European affairs was never matched in the East; officials preferred to concentrate on winning bipartisan support for European programs while avoiding potentially disruptive Far Eastern questions altogether when possible. Where discussions of a sort did take place, fruitful communication seems to have been minimal.

The Korean War

But it was the outbreak of war in Korea that broke the back of what little remained of the bipartisan consensus. The war became an issue almost immediately when the President failed to consult with congressional leaders before making his fateful decision to intervene. In this regard, he was following a precedent he himself had set at the beginning of the Berlin crisis in 1948. On that occasion, the President had rejected staff advice that he consult with majority and minority leaders in Congress before taking any decisions on the ground that the discussions would be "leaked" to the public and be likely to encourage war hysteria.[29]

In the Korean case, the decision not to call congressional leaders in for advance consultations was made on the advice of Secretary Acheson, and, among others, Senator Connally, who told the President in a telephone conversation that "if a burglar breaks into your home * * * you can shoot at him without going down to the police station and getting permission. You might run into a big debate by Congress." [30] On June 27, congressional leaders *were* invited to the White House, but only to be informed of decisions already taken by the President, and why he had taken them, and just minutes before the same information was released to the press. One congressional participant in the briefing later recalled that the question was raised as to why Congress had not been consulted on the decisions, but others say that no such objection was made. At any rate, at a second meeting, on June 30, at which the decision to commit U.S. ground forces was announced, Senator Wherry did raise the issue, only to receive a sharp rebuke from a Republican colleague, Representative Short, who expressed what seems to have been the prevailing sentiment at the meeting that the whole country owed the President a debt of gratitude for his decisiveness.[31]

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[29] Forrestal, op. cit. 387, 419, Professor Haynes, in the history of President Truman's performance as commander in chief, has noted that "the Berlin blockade offers an excellent illustration of the great power inherent in the accepted modern concept of the commander in chief. At no time during the days of decision in the Berlin crisis, nor in the long months of tense confrontation with the Soviet Union, did the President consult with the legislative leaders. Not once did he ask authority from Congress to take action, nor request that they give legislative sanction to decisions he had made. Truman was virtually without check. He could just as easily have ordered General Clay to send an armed convoy to Berlin and to meet force with force. The resulting bloodshed would have confronted the nation with a state of war, albeit undeclared." Haynes, op. cit., p. 146.

[30] Connally, op. cit., p. 346.

[31] Paige, Glenn D. "The Korean Decision." New York, the Free Press, 1968; Acheson, op. cit., pp. 402–13; Truman, op. cit., pp. 331–48; Connally, op. cit., pp. 341–49.

When it was decided in late September and early October to continue the United Nations advance northward across the 38th parallel—a decision that led directly to Chinese Communist intervention—Congress was again excluded from the deliberations. The decision involved the balancing of various political as well as military considerations, and thus was not one of those narrowly technical military matters that might have been presumed to be beyond the competence of "politicians" to discuss.[32] Furthermore, unlike the earlier decision, in regard to which the administration might argue that events had pressed too hard for consultations, there appears to have been ample time before crossing the parallel—by now, United Nations forces and not the North Koreans were in control of the situation—to have informed and consulted with congressional leaders.

It may be added that this decision had one further result in addition to the overriding one of provoking Chinese intervention, and that was to produce further confusion and uncertainty at home concerning the goals of the war, which became even more pronounced when it was later decided to settle for a stalemate at the 38th parallel. What *was* the aim, "victory" or "restoration" of the status quo? Suspicions arose in some quarters that the administration was not being candid with Congress in stating its intentions or in discussing its peace initiatives and what it considered to be acceptable terms of settlement. In reality the administration appears to have been feeling its own way. Only gradually, and in reaction to the unfolding of events, did it begin to put together the limited war rationale it would later use to justify its policy decisions. If the administration was not very successful in stating its case to Congress, part of the reason seems to have been that it was unsure in its own mind where it was going and why.[33]

Atomic Energy Again

Other incidents arose to embarrass the administration and reveal the extent to which a "credibility gap" had now grown up to plague the conduct of affairs. One of these involved the highly sensitive question of atomic energy. This matter already had resulted in several clashes between Congress and the administration. An especially embarrassing episode had occured in late 1945 when the President had failed to consult with Senators Vandenberg and Connally on an agreement worked out with the British and Canadians to seek international control of nuclear energy, or on his related decision to dispatch Secretary Byrnes to Moscow to make a similar agreement with the Soviet Union.[34] Another confrontation was sparked in 1947 when the terms of a secret agreement made at Quebec during the war to regulate Anglo-American collaboration in nuclear energy leaked out.[35] Now, in late 1950, the whole dispute was brought back into the open once more, this time in regard to Korea.

The massive intervention of Chinese formations in the Korean war in late November created, in General MacArthur's words, an entirely

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[32] Spanier, John W. "The Truman-MacArthur Controversy and the Korean War." Cambridge, Mass., the Belknap Press, 1959, pp. 84–103.
[33] Caridi, op. cit., pp. 170, 178, 191, 193.
[34] Vandenberg, "Papers," op. cit., 226, 229, 289.
[35] Acheson, "Present at the Creation," op. cit., 338.

new war, threatening to turn an anticipated U.N. victory into a crushing defeat. At a news conference on November 30, President Truman, when asked what the administration's response to the crisis would be, and whether it might not include use of the atomic bomb, replied that "we will take whatever steps necessary to meet the military situation" and "that includes every weapon that we have. * * * There has always been active consideration of its use." [36] This announcement was not well received by Prime Minister Attlee of Great Britain, who hurried to Washington for reassurances from the President. At the end of their discussion, a joint communique was issued that included the following information:

> The President stated that it was his hope that world conditions would never call for the use of the atomic bomb. The President told the Prime Minister that it was also his desire to keep the Prime Minister at all times informed of developments which might bring about a change in the situation.[37]

This apparently satisfied Attlee but only at the cost of provoking a congressional outcry.[38] What, congressional critics wanted to know, had the President and Prime Minister actually agreed to? Senator Kem introduced a resolution stating that any agreement between the two leaders ought to be submitted to the Senate as a treaty and not allowed to continue valid as an executive agreement.[39] The resolution was referred to the Foreign Relations Committee but never reported out, and gradually the furor created by the incident subsided. For months after the Washington meetings, however, suspicions lingered that President Truman secretly had committed the country never to use the bomb without British consent, much as President Roosevelt had done in Quebec.

General MacArthur's Dismissal

But this dispute was only one among many, and a far more disruptive confrontation occurred in 1951 when President Truman dismissed General MacArthur from his several commands for having taken exception in both word and deed to the administration's Far Eastern policies. The central issue raised in this confrontation was that of civilian control over the military, but it has been pointed out that this is but one aspect of a more general difficulty, that of maintaining *political control*—control by elected officials—over bureaucrats, technicians, specialists, and experts of every kind, who lay claim, on the basis of an esoteric knowledge and value neutrality, to a right to independence from political interference and manipulation. In good part, this was the argument of General MacArthur:

> The implication was clear: Since he, MacArthur, and the Joint Chiefs were fully agreed upon the means of defeating the enemy's forces, the President ought to have accepted their advice. The General presumably shared the American military doctrine that the military establishment was a politically neutral instrument whose operations should be guided exclusively by its own professional

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[36] Truman, Harry S. "Public Papers of the President, Containing the Public Messages, Speeches, and Statements of the President January 1 to December 31, 1950." Washington, U.S. Government Printing Office, 1965, p. 727.

[37] "President Truman and Prime Minister Atlee Confer." In U.S. Department of State. Department of State Bulletin, vol. 23, Dec. 18, 1950, p. 961.

[38] Caridi, op. cit., p. 126.

[39] "24 in G.O.P. Demand Truman Submit Attlee Facts to Senate." New York Times, Dec. 7, 1950: 1.

rules. The soldier was a nonpolitical figure who conducted his campaign in a nonpolitical and technically efficient manner. His only aim was victory, his sole objective the total defeat of the enemy's forces.[40]

Congress, as a body of elected officials, presumably shares with the President an interest in confining specialists, including military specialists, within the compass of their own narrow competence and thus resisting the insidious imperialism of expertise. In this sense, those legislators who sided with the General against the President—that is, with the specialist military man against the generalistic politician—were acting against their own institutional interests. It must be stated immediately, however, that the situation was not that simple. If President Truman was saying that the politician and not the general would control U.S. security policy, he was also saying that the politician in command would be the one in the White House and not that collective politician on the Hill. In fact, a major motive in President Truman's dismissal of General MacArthur was his wish to head off an incipient alliance that was forming between his commander in the Far East and a congressional bloc adamantly opposed to the administration's Far Eastern policies.

Indeed, the President was confronted with an end run on a grand scale. If Congressmen and Senators could not get the information they wanted, or have their voices heard through regular channels then they would get satisfaction outside them through direct contacts with General MacArthur. It was General MacArthur, in their view, and not the President or his Secretary of State, who could be trusted to give reliable information on events in the Far East.[41] Senator Wherry had long contended that if Congress wanted to know the truth about Korea, it would have to go directly to MacArthur, and only 2 days before the general's dismissal, Senator Watkins, Knowland, and Thye had introduced a resolution in the Senate calling for the appointment of a special bipartisan committee to go to Tokyo to solicit his views.[42] The precipitating incident in the dismissal was Representative Martin's release of General MacArthur's reply to a letter Martin had written him asking for information and policy advice on the Far East.[43]

General MacArthur himself no doubt believed that in taking his case to the public he was performing a valuable public service: The American people and their representatives in Congress had a right to know the truth about the Far East and the President had no right to "gag" him.[44] This was not an argument the President could readily accept, however. General MacArthur's was only the latest in a series of challenges to his authority that included the Henry Wallace case in 1946, and a running battle with outspoken dissidents on the issue of military service unification.[45] Following repeated attempts to control General MacArthur's public utterances, President Truman dismissed him on three grounds, that he had ignored directives concerning the clearance of public policy statements by Government officials, had tried to usurp the President's function as foreign policy spokesman,

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[40] Spanier, op. cit., pp. 229, 233.
[41] Caridi, op. cit., p. 86.
[42] Connally, op. cit., p. 311; Congressional Record, vol. 97, Apr. 9, 1951: 3562.
[43] Spanier, op. cit., pp. 202–03; Martin, Joseph. "My First Fifty Years in Politics." New York, McGraw-Hill, 1960, pp. 203–05.
[44] Haynes, op. cit., pp. 258, 261.
[45] Forrestal, op. cit., pp. 126–27, 158–59, 206–09, 422, 481–82.

and was out of sympathy with administration policy in Korea and therefore unable to execute it loyally and ably.[46] It is no derogation of any of these reasons to add that from the President's viewpoint, one of the General's more disturbing transgressions had been to provide ammunition in the form of information and advice to the administration's congressional critics.

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Senator Connally later observed that "the beginning of the Korean fighting signified the end of the bipartisan approach to our foreign policy."[47] Bipartisanship was replaced by a distrust so profound that even a man with General Marshall's high repute was no longer immune from attack, Senator Jenner suggesting at one point that Marshall's reputation for good judgment and probity was possible "only because the true history of this period has been torn up by the roots, locked in State Department and Hyde Park vaults and in the deep freeze of the White House and distorted and perverted and rifled and destroyed."[48] In more moderate language, the Republican Party platform in 1952 stated the central complaint: "The leaders of the administration acted without the knowledge or consent of Congress and the American people." As for bipartisanship, it was, said Taft, little more than an attempt to "cover up the past faults and failures of the administration and enable it to maintain the secrecy which has largely enveloped our foreign policy since the days of Franklin D. Roosevelt."[49]

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[46] Spanier, op. cit., pp. 205–07.
[47] Connally, op. cit., p. 350.
[48] Jenner, William. Remarks in the Senate. Congressional Record, vol. 95, Sept. 15, 1950: 14913.
[49] Taft, Robert A. Remarks in the Senate. Congressional Record, vol. 97, Jan. 5, 1951: p. 55.

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Chapter III

THE EISENHOWER ADMINISTRATION

Lines of Communication With the Hill

President Eisenhower shared with Senator Taft a belief that Roosevelt and Truman had tipped the balance of power between the executive and legislative branches of government much too much in favor of the Presidency, and following his election in 1952 he took it as one of his first tasks to put things back on an even, constitutional keel. Unlike Taft, however, the new President was "internationalist" in outlook, and by nature a conciliator; a military man whose forte had been as much coalition diplomacy as grand strategy, he decided early that what the country needed most was a restoration of that very bipartisan consensus that Taft had castigated, and that Truman and Acheson, in the new President's opinion, had so thoughtlessly frittered away.

In line with this thinking, he moved early, he tells us, to establish what he calls "lines of communication" with the Hill.[1] Among other things, a legislative liaison unit was formally recognized for the first time in the White House, a move recommended by the Hoover Commission in 1949. A more expeditious exchange of communications between the two branches was expected to result, but it must also be pointed out that legislative liaison in practice has functions going well beyond the politically innocent one of forwarding "information and advice" as suggested by the reminiscing former President. In effect, liaison officers are departmental or White House lobbyists, information manipulators charged especially with helping to move an administration's program through Congress.

As his own personal contribution to the process of accommodation, President Eisenhower says that he "early embarked on a program of discussing issues, in a social atmosphere, with groups of Congressmen and Senators of both parties, in the hope that personal acquaintance would help smooth out the difficulties inherent in partisanship." [2] The informal relationship that soon developed between the President, House Speaker Sam Rayburn, and Senate Majority Leader Lyndon Johnson is supposed to have been especially close, but as to how much of substance on policy issues was exchanged in these informal relationships there is no way to judge from outside. Meanwhile, Secretary Dulles had embarked on a program of his own to cement relations with Congress through contacts of both the formal and informal kind. In small groups especially he could be "starkly frank" about the Nation's

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[1] Eisenhower, Dwight D. "Mandate for Change, 1953–56." Garden City, N.Y., Doubleday, 1963, pp. 193–94.
[2] Ibid.

affairs.[3] In the end, however, the Secretary's efforts came to naught. President Eisenhower, says Sherman Adams, had an innate ability to convince others that he had absolutely "no talent for duplicity"; Secretary Dulles did not.[4]

On the surface, at least, and in the early years of his administration, President Eisenhower's relations were in some ways far more cordial with the Democratic leadership than with his own Republicans. There were several factors in the situation that tended toward an amelioration of any struggle for power between these potential adversaries, not least of which was the circumstance that President Eisenhower and Secretary Dulles on the one hand, and the Johnson-Rayburn leadership in Congress on the other, tended by and large to agree on the fundamentals of U.S. foreign policy. There were differences as to detail, which became more important as time went on, but no profound cleavages. The result, for a time, was a genuine revival of that bipartisan cooperation that both sides seemed very much to want.[5]

The new President encountered his greatest difficulties with members of his own party. President Eisenhower, says Adams, soon discovered that "there is quite a difference between working with a group of advisors that one has selected, such as the Cabinet and the Security Council, and one that is not of your own choosing."[6] "Certainly you do not want the Senate of the United States to become merely a rubber stamp?" Senator Knowland, the Republican majority leader, would ask.[7] President Eisenhower himself was inclined to attribute the problem to the Republican leadership's lack of experience in working with a President of their own party.[8] The real source of the difficulty, however, was that the President simply did not see eye to eye with influential elements within his own party on a number of policy issues. The dominant faction among the congressional Democrats could support the Eisenhower-Dulles foreign policy because in their view it differed in no essential way from the Truman-Acheson foreign policy it was supposed to replace. Many Republicans were unable to see any real difference either, and there was the rub.

The Executive Branch Under Seige

Eisenhower's election to the Presidency did go a long way toward cooling the overheated congressional-executive relationship the Nation had inherited from the Truman era. The process took time, however, and meanwhile much of the bitterness engendered during the war years and after by fears of executive power and suspicions of executive duplicity, as well as by differences over various substantive matters, spilled over into the new administration and continued to fuel congressional efforts to limit executive discretion. The first such challenge took the form of an effort to repudiate the "Yalta" agreements; the second that of a proposed constitutional amendment—the so-called

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[3] Hoopes, Townsend. "The Devil and John Foster Dulles." Boston, Little, Brown, & Co., 1973, pp. 148–51.

[4] Adams, Sherman. "Firsthand Report: The Story of the Eisenhower Administration." New York, Harper, 1961, p. 297. Goold-Adams, Richard. "John Foster Dulles; A Reappraisal." New York, Appleton-Century-Crofts, 1962, pp. 7–8.

[5] Hughes, op. cit., p. 63; Donovan, Robert J. "Eisenhower: The Inside Story." New York Harper, 1965, p. 48; Dorough, C. Dwight. "Mr. Sam." New York, Random House, 1962, p. 468.

[6] Adams, op. cit., p. 9.

[7] Evans and Novak, op. cit., p. 169.

[8] Eisenhower, op. cit., p. 192.

Bricker amendment—to restrict the power of the President to make international agreements, and to limit the internal consequences of these once made. Both had their roots in the fears and resentments provoked by secret wartime diplomacy, though they also expressed wider concerns. Both efforts were turned back, but in the case of the Bricker amendment it was a very near thing. The final version of Senator Bricker's proposal, a substitute offered by Senator George, failed of two-thirds approval by only a single vote, 60 to 31.[9]

With that, the international agreements issue lost popular appeal. Attempts to deal directly with the problem by means less cumbersome and doubtful than constitutional amendment were made by Senator Knowland and other Senators beginning in 1954 when bills were introduced that would have required the transmission of all executive agreements to the Senate within 60 days after the date of their entry into force, except in those cases where "the President believes that the immediate public disclosure of any agreement would be prejudicial to the national security of the United States," in which case the agreement could be transmitted to the Foreign Relations Committee "under an appropriate injunction of secrecy to be removed only upon due notice by the President."[10] These proposals managed to win Senate but not House concurrence, after which the whole question fell into neglect until revived by the Vietnam War in the late 1960's.

A third and more oblique challenge to Presidential control over foreign affairs arose in conjunction with the dispute over allegations made in Congress and elsewhere of disloyalty in the executive agencies. From the very beginning, this lingering, many-faceted contest assumed the character of an executive-legislative struggle for supremacy. A central point of contention throughout was the question of which branch of Government, Congress or the President, would have charge of the task of exposing the truth concerning these allegations. The Roosevelt, Truman, and Eisenhower administrations were of one mind in preferring a system of self-policing for the executive branch, with strictly limited opportunities for legislative oversight. All three looked on the accusations and the accusers alike with considerable skepticism, if not outright contempt. For that reason alone, many in Congress were skeptical of the value of any self-policing efforts, and pushed instead for vigorous congressional leadership in the investigations. Executive resistance to proposals or actions along these lines only increased suspicions that the executive branch had something to hide.

By the time President Eisenhower entered office, he found himself face to face with a major crisis of confidence in Government institutions. Initially, it was his intention to cooperate fully with Congress in this as in other areas, and he hesitated, therefore, to interpose himself directly in a situation where legislators so clearly had taken the initiative. Still, he was no less anxious than his predecessor to see the executive branch left free to clean its own house, should that prove necessary, and in any case to deal with the matter on its own terms and with its own means.

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[9] Congressional Record, vol. 100, Feb. 25, 1954 : 2238–2242, 2245, 2249–2267, and Feb. 26, 1954 : 2339–2358, 2364–2375.

[10] U.S. Congress. Senate. Committee on Foreign Relations. Legislative history of the Committee on Foreign Relations, 85th Congress (committee print). Washington, U.S. Government Printing Office, 1958, pp. 92–93.

Consequently, as congressional pressures mounted, he began to manifest progressively greater concern with congressional "intervention" in the affairs of his departments, and to show some signs that he would resist what he thought to be unwarranted congressional encroachments. Thus, far from fading away, the controversy intensified, until in 1954 it reached a climax in the now famous clash between the Army and Senator Joseph McCarthy.

Space will allow for only a few comments on this complicated, dramatic confrontation of executive and legislative power. Of interest to this study is the fact that at decisive points the contest took the form of a dispute over the rights of the legislative branch to demand, and the executive branch to withhold, requested information. Specifically at issue was the executive branch's resort to the executive privilege claim and the exigencies of national security to stave off demands from congressional investigators for access to executive documents and files. This issue already had arisen in this and other contexts under President Truman—in the Alger Hiss case, for example, and in the course of the Pearl Harbor investigation. Under President Eisenhower, too, the problem arose in various settings outside the internal security dispute, most notably with respect to several facets of the foreign aid program,[11] and the U–2 incident.[12] But it was in relation to the internal security issue that the most serious clash occurred, and here that the most far-reaching formulation of the executive privilege doctrine was announced.

Senator McCarthy, who had become the leading congressional figure in the contest, had made the "people's right to know" a central issue in his dispute with the executive departments from the very beginning.[13] The charge that the Truman and Eisenhower administrations had both knowingly used the privilege claim and the national security rationale to protect wrongdoers from exposure by congressional committees was a major element in the indictment he brought against them. The security classification system he found especially frustrating, both because it made it difficult for him to get his hands on the information he felt he needed for his investigations, and because it prevented him from making public use of what he did receive. Other legislators have complained of the same frustrations, but Senator McCarthy went beyond complaints to direct action. By 1954, he was openly urging Federal employees to put their duty to the country above any "presidential secrecy directive" by giving him information they thought he might need.[14]

But the decisive confrontation came in May when the Senate Permanent Investigations Subcommittee which was looking into charges leveled by Senator McCarthy against officials of the Department of the Army, attempted to get information from the Defense Department concerning a crucial January meeting that had taken place between cabinet and other high administration officials to discuss

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[11] Kramer, Robert and Hermann Marcuse. "Executive Privilege—A Study of the Period 1953–1960, Parts 1 and 2." George Washington Law Review, vol. 29, April 1961: 827–860.

[12] Ibid., pp. 891–92.

[13] U.S. Congress. Senate. Select Committee to Study Censure Charges. Report on Resolution of Censure; to accompany S. Res. 301. Washington, U.S. Government Printing Office, 1954. (83d Cong. 2d sess. Senate. Report No. 83–2508), pp. 32–33; Thomas, Lately. "When Even Angels Wept." New York, William Morrow & Co., 1973, p. 105.

[14] U.S. Congress. Senate. Select Committee to Study Censure Charges. Report. * * *, op. cit., p. 32.

strategy in the dispute. By this time, the President already had issued public warnings that he would intervene personally should the dispute threaten to disrupt the Nation's foreign relations.[15]

True to his word, the subcommittee's request for information concerning the meeting was answered by a letter from the President to his Secretary of Defense authorizing him to refuse such inquiries, and enunciating as grounds for this refusal a version of the theory of executive privilege that one commentator has since characterized as so "extreme" as to stretch "the claim to the breaking point."

> Because it is essential to efficient and effective administration that employees of the Executive Branch be in a position to be completely candid in advising with each other on official matters, and because it is not in the public interest that any of their conversations or communications, or any documents or reproductions, concerning such advice be disclosed, you will instruct employees of your Department that in all of their appearances before the Subcommittee of the Senate Committee on Government Operations regarding the inquiry now before it they are not to testify to any such conversation or communications or to produce any such documents or reproductions.[16]

In an attached memorandum, Attorney General Brownell was even more categorical in asserting that "our Presidents have established . . . that they and members of their Cabinets and other heads of executive departments have an undoubted privilege and discretion to keep confidential, in the public interest, papers and information which require secrecy," and that "the President and the heads of departments have *an uncontrolled discretion* to withhold the information and papers in the public interest."[17] Senator Fulbright, for one, later traced the explosive growth in executive withholding directly to this incident, which had its genesis in "the desire of the Eisenhower administration to protect its officials from the attacks of the late Senator McCarthy."[18] Certainly the dispute gave the practice a powerful impetus.

In Congress itself, some members were sympathetic to Senator McCarthy's challenge to executive authority, but others were not. Some wanted to include his incitement to Federal employees to release classified information without authorization, as well as the use he himself had made of classified materials, in the resolution of censure that was brought against him. Amendments to this effect were introduced by Senators Morse and Fulbright.[19] The Select Committee to Study Censure Charges decided, however, that while the Senator's appeals to Federal employees had been "improper," and while the use he had made of certain classified documents had been a "grave error,"

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[15] Latham, op. cit., pp. 400–01.

[16] Swartz, Bernard. "Executive Privilege and Congressional Investigatory Power." California Law Review, vol. 47, No. 1, March 1959, pp. 6, 7. The full text of the letter from President Eisenhower to his Secretary of Defense is reprinted in Eisenhower, op. cit., pp. 597–98.

[17] Swartz, op. cit., p. 6. Emphasis added.

[18] Berger, Raoul. "Executive Privilege: A Constitutional Myth." Cambridge, Mass., Harvard University Press, pp. 5, 234–35.

[19] Senator Fulbright's proposed amendment charged: "The junior Senator from Wisconsin openly, in a public manner before nationwide television, invited and urged employees of the Government of the United States to violate the law and their oath of office." Senator Morse's proposal was more detailed: "Openly invited and cited employees of the Government to violate the law and their oaths by urging them to make available information, including classified information, which in the opinion of the employees could be of assistance to the junior Senator from Wisconsin in conducting his investigations, even though the supplying of such information by the employee would be illegal and in violation of Presidential orders and contrary to the constitutional rights of the Chief Executive under the separation-of-powers doctrine." U.S. Congress. Senate. Select Committee to Study Censure Charges. Report * * * op. cit., p. 31.

owing to mitigating circumstances neither of his actions was censurable.[20] The committee went on to recommend that:

> * * * the leadership of the Senate endeavor to arrange a meeting of the chairman and ranking minority members of the standing committees of the Senate with responsible departmental heads in the executive branch of the Government in an effort to clarify the mechanisms of obtaining such restricted information as Senate committees would find helpful in carrying out their duly authorized functions and responsibilities.[21]

Looking at the Information Issue

In the end, neither the Yalta dispute nor the challenges raised by the Bricker amendment proposals and the internal security issue, were successful in limiting executive discretion or tightening congressional control. On the contrary, as noted, the internal security dispute actually may have strengthened the President's hand, especially in his power to restrict the flow of information from the Departments. Furthermore, following a general decline in concern with the internal security threat, the question of congressional access to executive information tended to drop from sight as itself a matter of intense public interest. Nevertheless, these and related matters continued to get attention from congressional committees. In 1956, for instance, the Senate Judiciary Committee's Subcommittee on Constitutional Rights began a rather extensive examination of the executive privilege question. Of equal interest is the work of the House Committee on Government Operation's Special Subcommittee on Government Information, chaired at founding by Representative Moss. Beginning in 1955, this committee took the whole range of executive and legislative information issues under review, including, in addition to specific congressional problems, such matters as the availability of information to the press and private citizens. Its many "hearings, questionnaire surveys, and reports, by pinpointing major problem areas and by providing factual data on information policies and activities of executive agencies, are extremely important sources to any student of the overall issues of congressional intelligence." [22]

As early fruit of these efforts was a first attempt at "freedom of information" legislation, an amendment to the "housekeeping" statute that Federal agencies were in the habit of citing to justify the withholding of information from the public. The original purpose of the statute, the Administration Procedures Act of 1946, had been just the contrary, but "the section of the law introducing the requirement of publicity was so laden with exceptions that executive agencies soon came to rely on it heavily as a justification for withholding rather than disclosing information." [23] By Public Law 85–619, enacted in 1958, the statute was amended to read that it did not "authorize withholding information from the public." The effect was limited, however, by much the same set of circumstances that had plagued the original enactment. Before the bill became law, Representative Moss found it necessary to assure his colleagues that it would not endanger military and diplo-

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[20] Ibid., pp. 38–39, 44–455.
[21] Ibid., p. 39.
[22] Dechert, Charles R. "Availability of Information for Congressional Operations." In American Enterprise Institute for Public Policy Research. "Congress : The First Branch of Government." Washington, D.C., 1966, p. 186.
[23] Rourke, Francis E. "Administrative Secrecy. A Congressional Dilemma." American Political Science Review, vol. 54, September 1960 : 690.

matic secrets, income tax returns and trade secrets, FBI reports, or "information that could be withheld legitimately under other laws enacted by Congress." [24] Furthermore, a specific disclaimer in the Senate report accompanying the bill stated that the law was not "intended to affect what the Attorney General describes as an 'executive privilege' to withhold information from the Congress and the Public." It was meant to prevent abuse of this particular statute and no more.[25]

A report of the Moss Committee concluded in 1960 that "since passage of the 1958 freedom-of-information amendment to the housekeeping statute, agencies which had relied upon the statute as an authority for secrecy now fall back on the broad claim of an 'executive privilege' to hide their operations from the public and Congress." [26]

Crisis and Consultations

The record examined in earlier chapters suggests that under Presidents Roosevelt and Truman, Congress was largely excluded from effective participation in the policy process. Relatively close collaboration on the United Nations, the Marshall Plan, and the NATO Treaty were important and instructive exceptions to this state of affairs, brought on by the need for legislative support for the broad restructuring of U.S. foreign policy that commitment to a collective security organization and the containment doctrine required. In looking at the record of the Eisenhower administration, it will be instructive to determine whether and to what degree the new President's well attested *intention* to seek collaboration with Congress as a constitutional equal had practical consequences of any importance in actually bringing Congress into a closer relationship to the policy process, and giving it the knowledge to make informed and independent assessments of major decisions affecting the national posture abroad.

Evidence drawn from the administration's handling of congressional relations during the 1954 Indochina showdown is ambiguous. On the one hand, the administration did call in congressional leaders at what was probably the decisive moment in the crisis, give them a rundown on the situation and plans for dealing with it, and ask for their advice and support. In line with a practice followed on several later occasions, the administration asked for a joint resolution endorsing a proposal—still in the formative stage—to intervene in the Southeast Asian fighting. When some members at the meeting raised objections to the plan, and made their support contingent on the satisfaction of certain specific conditions, the most important of which was active allied cooperation in the intervention, President Eisenhower did accept their conditions, in part, it would seem because he himself had similar reservations in mind, but also out of genuine respect for congressional opinion and its constitutional standing.[27]

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[24] Ibid., p. 691.

[25] U.S. Congress. Senate. Committee on the Judiciary. Report to accompany S. 921. Washington, U.S. Government Printing Office, 1958. (85th Cong. 2d sess. Senate. Report No. 85–1621), pp. 6, 9. See also Kramer and Marcuse, op. cit., pp. 694–97.

[26] U.S. Congress. House. Committee on Government Operations. Availability of information from Federal departments and agencies. Washington, U.S. Government Printing Office, 1960. (86th Cong., 2d sess. House. Report No. 86–2084), p. 177.

[27] Roberts, Chambers, "The Day We Didn't Go to War." Reporter, v. 11, Sept. 14, 1954, p. 31; Gurtov, Melvin. "The First Vietnam Crisis." New York, Columbia University Press, 1967, pp. 145–46.

On the other hand, there is little evidence that outside this meeting and its followup the administration was willing to take Congress into its confidence in dealing with the situation. Melvin Gurtov, in his recent study of the crisis, cites various evidence of congressional disaffection with the administration's information and consultation policies. It is true that Congress as a whole seems to have taken little interest in Indochina affairs at this stage, which, insofar as it reflects a general tendency to ignore foreign policy questions until they land squarely on the national doorstep, is itself a "congressional information problem," but Gurtov attributes this low level of congressional attention in part to the fact that the executive branch as a matter of policy had refrained from advertising the real extent and depth of the crisis until the closing moments.[28] In sum, though consulted after a fashion, Congress for the most part remained on the periphery of the action, at a distance from the main diplomatic events and military maneuvering. Only one change from the Truman years was definitely noticeable: Congressional complaints concerning executive secrecy, for so long the war cry of Republican critics, were now being noised with greatest frequency from the Democratic side of the aisle.[29]

The Foreign Policy Resolutions

Further trouble arose in the Far East in late 1954 and early 1955, this time in a direct clash with Communist China over the offshore islands, a dispute symbolic of wider differences, which provoked the administration to ask Congress a second time for a joint resolution of support. The result, the "Formosa Resolution," was the first of two such major foreign policy resolutions the President succeeded in getting through Congress. The second dealt with the Middle East and was adopted in 1957 in support of administration plans to fill the power vacuum that had appeared in that area after the Suez crisis the previous Fall.

While the Formosa resolution sailed through Congress easily enough in 1955, provoking little debate or interchange outside the Executive sessions of the Foreign Relations Committee, the later Middle East resolution did not. This request ran into extended debate in the Senate, and its adoption was achieved "only at the cost of considerable disputation, substantial modification of the administration's original plans, and a series of delays which were at least commensurate with the measure's importance as a new departure in American foreign relations." [30]

The Middle East resolution was introduced at a time when executive-legislative relations on foreign policy already had undergone a deterioration. One evidence of growing dissatisfaction is to be found in a speech delivered by Senator Fulbright in February 1956 some months before the trauma of Suez had opened up the first really large public cracks in the Presidential-congressional consensus sustained up to this point by Eisenhower, Rayburn, and Johnson. In this speech,

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[28] Ibid., pp. 69–70, 93–95, 145–46.
[29] Roberts, op. cit., pp. 31–35; Evans and Novak, op. cit., p. 77; Eisenhower, op. cit., p. 347; Adams, op. cit., p. 123.
[30] Stebbins, Richard P. "The United States in World Affairs, 1957." New York, Harper & Bros., 1958, p. 37.

Fulbright, provoked by an optimistic report from Secretary Dulles on the allegedly low state of Soviet diplomacy, had accused the Secretary of both wishful thinking in his estimate of the Soviet danger, and a lack of candor in presenting the issues to Congress and the American people.[31] But it was only in the aftermath of the Suez crisis in late 1956 that the issue was fully joined.

The Middle East resolution proposed by the administration evoked a skeptical reaction from many in Congress on both sides of the aisle. Senator Fulbright again was one of the more vigorous critics, openly opposing the resolution on the dual grounds that it was "a blank grant of power over our funds and Armed Forces," [32] and that it made no sense to approve this "vote of confidence in the stewardship of Secretary Dulles" until Congress was "given information which would enable a reasonable man to form a sound judgment as to the wisdom of our policies, past as well as future." [33] He objected especially to the way in which the administration had dealt with Congress on the matter:

> Superficially, as a matter of form, it might appear to the uninitiated that this resolution is a vehicle for consulting Congress. However, there was no real prior consultation with Congress, nor will there be any sharing of power. The whole manner of presentation of this resolution—leaks to the press, speeches to specially summoned Saturday joint sessions, and dramatic secret meetings of the Committee on Foreign Relations after dark one evening before the Congress was even organized, in an atmosphere of suspense and urgency—does not constitute consultation in the true sense. All this was designed to manage the Congress, to coerce it into signing this blank check.[34]

It was not the intent of the Founding Fathers, he urged, that the Senate give its advice and consent "on faith alone without knowledge and understanding of the subject matter. . . ." [35] He recommended the resolution not be approved until Congress had gotten a white paper from the Secretary of State describing the course of events leading up to the current state of affairs.[36]

In the event, however, the resolution was approved, though not without amendment. Still a challenge to executive discretion *had* been mounted, and the administration *had* been forced, in extensive hearings, on the Senate floor, and in public, to defend its position at length. According to Holbert Carroll, in pressing the administration to make its case, the Senate had performed an important intellectual-political function, exploring alternatives and illuminating areas of doubt.[37] In contrast to Senator Fulbright, but at the same time in oblique recognition of his efforts, the editors of "The United States in World Affairs" were equally laudatory, calling the whole process "one of the more successful examples of collaboration between Congress and the executive." [38]

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[31] Fulbright, William. Remarks in the Senate. Congressional Record, vol. 102, Feb. 27, 1956 : 3369.
[32] Fullbright, William. Remarks in the Senate, Congressional Record, vol. 103, Feb. 11, 1957 : 1856.
[33] Fulbright, William. Statement in committee on Jan. 24, 1957. Reprinted in Congressional Record, vol. 103, Aug. 14, 1957 : 14701.
[34] Fulbright, William. Remarks in the Senate. Congressional Record, vol. 103, Feb. 11, 1957 : 1856.
[35] Fulbright, William. Statement in committee on Jan. 24, 1957, op. cit.
[36] Ibid.
[37] Carroll, Holbert N. "The Congress and National Security Policy." In American Assembly, Columbia University. "The Congress and America's Future." Englewood Cliffs, N.J., Prentice-Hall, p. 156.
[38] Stebbins, op. cit.

The matter did not end there, however. Uncertainties in Congress concerning the situation had not been dispelled, and the Joint Committee of the Foreign Relations and Armed Services Committee that had handled the resolution approved a full-scale review of Middle-East policy, responsibility for which was given to a subcommittee under the chairmanship of Senator Fullbright.[39] The experience of conducting this study brought the Senator little but further frustration. The study was to be based largely on a chronology and documents provided by the State Department. Documents were provided, but all too slowly in Senator Fulbright's opinion. Furthermore, there were apparent gaps in the record.

Finally, when enough material had been collected to reach some conclusions concerning one phase of the events under review—the decision to cancel U.S. support for the Aswan Dam project—an additional difficulty surfaced. The usefulness of the results were limited sharply by the requirements of confidentiality and security classification. The findings, Senator Fulbright complained, could be made public, but not the evidence on which they were based.[40]

It is only fair to say, however, that Senator Fulbright's was but one view of the administration's performance. Senator Knowland, ranking minority member of the subcommittee, took vigorous exception to Senator Fulbright's criticisms. The administration, he thought, had been more than generous in meeting its obligations to Congress all along the line, including consultations at every stage of the long crisis, and in the prompt supplying of documentation afterwards.[41]

There is no ready way to judge between the two points of view. A footnote to the Middle East events of 1956–57 may be helpful, however. When President Eisenhower applied his new Middle East policy to the Lebanon crisis in 1958 by ordering U.S. troops into that country, he acted no differently than President Truman had done in the Korean case, or than President Kennedy would do in the Cuban missile crisis. He consulted his advisers, made his decisions, and then called in congressional leaders for consultations. The time frame in this case was short of course—24 hours or so—but not too short perhaps to have ruled out advance consultations altogether.

The U–2 and Missile Gap Controversies

As the 1950's drew to a close, growing congressional disenchantment with the administration's foreign policy, together with a buildup of resentment at a sensed isolation from the policymaking process, had begun to manifest itself. By 1959, Senator Humphrey was saying of the Eisenhower administration what Senator Taft had once said of Truman's, that "the slogan of 'bipartisanship' has too often been invoked to muzzle criticism of administration mistakes."[42] The quickening pace of events—in Cuba, Berlin, Laos, South Vietnam, and the

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[39] Fulbright, William. Remarks in the Senate. Congressional Record, vol. 103, Aug. 14, 1957 : 14702.

[40] Ibid., 14708.

[41] Knowland, William. Remarks in the Senate. Congressional Record, vol. 103, Aug. 14, 1957 : 14709.

[42] Humphrey, Hurbert H. "The Senate and Foreign Policy." Foreign Affairs, vol. 37, July 1959 : 523.

Congo—added to the tensions, as did, perhaps, the approach of the 1960 Presidential election. The era of "good feeling" appeared to have reached its end. As the President's second term ran out, public debate, in its preoccupation with the U–2 incident and the missile-gap controversy, had begun to show some signs of the development of the kind of "credibility gap" that had plagued President Truman in his last years.

The episode of the Soviet Union's downing of an American U–2 in Soviet air space in early 1960 is of interest partly because congressional investigation of the affair provoked an instructive instance of the invocation of the executive privilege claim in an important policy context. But the spy plane incident also raised the broader issue of congressional access to secret intelligence information. As is now known, the U–2 flights had been gathering information on the buildup of Soviet strategic air and missile forces, and thus were linked directly with a second major controversy of interest during this period—the missile-gap dispute.[43] The missile-gap had its genesis within the defense bureaucracy earlier in the decade in a dispute over the adequacy of U.S. airpower—the so-called bomber gap. Major expressions of these anxieties were the criticisms of U.S. strategic policy raised in 1955 by airpower advocates inside Congress and out, and the series of hearings on U.S. airpower undertaken in the following year by a special subcommittee of the Senate Armed Services Committee. Among other things, these hearings raised doubts about whether the administration was being candid with Congress and the public about all aspects of the strategic situation. Senator Symington, for instance, explicitly charged officials with "misleading the American people as to the relative strength of the United States vis-a-vis the Communists." [44]

But it was the Sputnik launching in late 1957 that gave the whole controversy real impetus and provoked another round of extensive congressional investigations.[45] This, together with accelerating technological developments generally, which had reduced strategic thinking to a state of flux, and more than a decade of interservice dispute over the budget, had by the late 1950's much reduced congressional confidence in executive judgment on strategic issues.

Legislators now began to openly question defense decisionmakers and criticize them for a lack of coherence and consistency in the information and advice they were given to Congress.[46] By 1960, the whole question of a supposed missile gap had become entangled in Presidential election politics, the administration's supporters citing inside information to confound congressional critics, the critics using leaks from hostile sources in the executive branch to undermine the administration's credibility.[47] Once in office, however, Kennedy administra-

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[43] Eisenhower, "Waging Peace, 1956–1961," op. cit., p. 483.

[44] U.S. Congress. Senate. Committee on Armed Services. Study of airpower, hearings before the Subcommittee on the Air Force, 84th Cong., 2d sess. Washington, U.S. Government Printing Office, 1956–57, p. 1798.

[45] U.S. Congress, Senate, Committee on Armed Services. Inquiry into satellite and missile programs. Hearings before the Preparedness Investigating Subcommittee, 85th Cong., 1st and 2d sess. Washington, U.S. Government Printing Office, 1958.

[46] Kolodziej, Edward A. "The Common Defense and Congress," Ohio, Ohio State University Press, 1966, pp. 262–63.

[47] See the speeches by Senators Lyndon Johnson and John Kennedy reprinted in Branyan and Larsen, op. cit., pp. 1208, 1227; and Eisenhower, "Waging Peace, 1956–1961," op. cit., pp. 389–91.

tion officials soon conceded that there had been no missile gap.[48] The interesting question then is how so many had been so sorely misled? Republicans charged that the whole dispute was a fabrication of Democrats aspiring to the Presidency.[49] Democrats countered with the assertion that the whole matter could be charged to the administration's failure to keep Congress and the people adequately informed.[50]

The dispute certainly raised fundamental questions about the role of secret intelligence in a free society, and especially about the relationship of this activity to the committees of Congress. It also cast doubt on the informational value of "leaks" from the executive departments, which had been a major source of data for critics outside the administration. This was but one facet of a broader problem—the apparent ability of the bureaus, and factions within the bureaus, in alliance with outside groups, to exploit their control over information resources and other elements of power to distort the picture of reality held by the public and policymakers in both branches of Government in ways favorable to their own case. This dispute may well have been one of those the outgoing President had in mind when he warned the country in his farewell address of the dangers posed to popular government by a "scientific-technological elite" and the "military-industrial complex."

Assessment

The question was raised for further examination whether President Eisenhower's *intent* to come to terms with Congress, and the spirit of accommodation he brought to his office, had in fact produced any practical amelioration of the congressional information problem; whether Congress had indeed experienced a new "frankness and candor" from officials and an unimpeded flow of timely information from the departments and the President. In this regard, there are things to be said in the administration's favor, but on balance little to indicate that Congress had become anything like an equal partner in the making of foreign policy or given access to the inner councils. Good intentions, it would seem on the basis of this evidence, were not enough in themselves to lower the barriers to an open executive-legislative relationship.

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[48] Raymond, Jack. "Kennedy Defense Study Finds No Evidence of a 'Missile Gap.'" New York Times, Feb. 7, 1961: 1, 21; Hilsman, Roger. "To Move A Nation; The Politics of Foreign Policy in the Administration of John F. Kennedy." New York, Doubleday, 1967, pp. 62–64. Sorensen, op. cit., pp. 610–13; Schlesinger, Arthur M. "A Thousand Days; John F. Kennedy in the White House." Boston, Houghton Mifflin, 1965, pp. 317, 499.

[49] Eisenhower, "Waging Peace, 1956–1961," op. cit., p. 390.

[50] Sorensen, op. cit., pp. 610–13.

Chapter IV

THE KENNEDY ADMINISTRATION

Presidential Leadership

In an early speech outlining his views on the Presidency, candidate Kennedy was highly critical of Eisenhower's conception of the Presidential office. That conception was too "detached" and "restricted," he thought.[1] The times—the "turbulent sixties" he called them in prophetic mode—would demand a more vigorous leadership than the incumbent President was willing to provide. Nowhere, Kennedy asserted in this speech, was the need for vigorous leadership more immediate than in the President's relations with Congress. "Having served 14 years in the legislative branch," he reassured his listeners, "I would not look with favor upon its domination by the Executive." But *that*, he continued, was not the most likely contingency. On the contrary, if there was any present or impending imbalance in power between the two branches, it was one that strongly favored the Congress.

In foreign affairs, Senator Kennedy declared, leadership in the sense of close supervision of a legislative program would be less relevant than knowing when to lead, when to consult, and when to act alone. In this area, he thought, the President's powers are or ought to be virtually exclusionary. Here "it is the President alone who must make the major decisions * * *." Should a "brushfire" war threaten "in some part of the globe" the President "alone can act, without waiting for the Congress." [2]

This announced determination to bring energetic, innovative leadership to national affairs evoked a strong positive response in many quarters, including Congress.[3] Legislators, suggests Richard Neustadt, have discovered that there are many advantages to be had in submitting to Presidential initiative, and it was for this reason that executive dominance over Congress grew quickly, and "quietly," and for long "went unnoticed." [4] But there are also longstanding, deeply rooted sources of resistance to this dominion, as the President soon discovered.

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[1] U.S. Congress. Senate. "John Fitzgerald Kennedy, A Compilation of Statements and Speeches Made During His Service in the United States Senate and House of Representatives." Washington, U.S. Government Printing Office, 1964. (88th Cong., 2d sess. Senate. Document No. 79), p. 1107.

[2] Ibid., p. 1108.

[3] "Modern presidents are expected to lead Congress. This expectation, with all its ambiguities, is as widespread on Capitol Hill as anywhere else." Matthews, Donald R. "U.S. Senators and Their World." Chapel Hill, University of North Carolina Press, 1960, pp. 140–41.

[4] Neustadt, Richard E. "Politicians and Bureaucrats." In The American Assembly, Columbia University. The Congress and America's Future. Englewood Cliffs, N.J., Prentice-Hall, 1965, p. 111.

"The Congress," President Kennedy remarked from the White House at the end of 1962, "looks more powerful sitting here—than it did when I was in Congress." [5]

Nevertheless, for the short time remaining to him, he persevered. In practice, his aim was not so much to expand executive power as to centralize its direction in the Presidency. The relevance of this will be evident: Centralized control over the policy process is crucially aided by centralized control of information. President Franklin Roosevelt's reasons for strengthening the central legislative clearance system, that it offered "a means to keep the many-voiced executive from shouting itself down in the legislative process" and thereby protect "not just his budget, but his prerogatives, his freedom of action, and his choice of policies . . ." states the principle involved quite well.[6] Two major innovations by the Kennedy administration had this objective in mind. These were the further strengthening of the system of legislative liaison, and the introduction—through the mediation of Secretary of Defense McNamara—of new management and control techniques in the Pentagon.

Legislative Liaison

The elaboration of a system of legislative liaison at the departmental level and above is a postwar development, in which the State Department was a pioneer.[7] Other departments followed suit at their own pace, and by 1963 all had set up some sort of arrangement to formalize ongoing relations with Congress. Legislative liaison at the White House level underwent a parallel development.

The function was recognized but not given separate status under President Truman. President Eisenhower was the first to give it formal standing. Under President Kennedy, the function was further upgraded and centralized, the directors of departmental liaison activities being made responsible for reporting on their activities to the White House liaison chief, who was now given a rank equal to that of the highest ranking member of the White House staff.[8]

It is especially significant that under President Kennedy the job of directing the White House liaison effort was given to Lawrence O'Brien, "a close political intimate of the President." [9] This was to give explicit recognition to the political intent of the liaison function. Put bluntly, executive liaison activity is *lobbying* activity, its function under President Kennedy being, in Arthur Schlesinger's words, "to centralize the organization of legislative pressure" in order to maximize "Presidential influence on the Hill." [10] In this regard, an intended effect of these centralizing steps was to reduce, or at the minimum to monitor, contact between legislators and lower levels of the Federal

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[5] Schlesinger, Arthur, M. "A Thousand Days: John F. Kennedy in the White House." Boston, Houghton Miffiin, 1965, p. 712.

[6] Neustadt, Richard, "Presidency and Legislation: The Growth of Central Clearance." In Rieselbach, Lerdyn. "The Congressional System: Notes and Readings." Wadsworth, 1970, p. 256.

[7] The Commission on Organization of the Executive Branch of the Government (Hoover Commission). "Task Force Report on Foreign Affairs." Washington, U.S. Government Printing Office, 1949, p. 125; Holtzman, Abraham. "Legislative Liaison: Executive Leadership in Congress." Chicago, Rand McNally, 1970, pp. 12–13, 167–71.

[8] Sorensen, Theodore. "Kennedy." New York, Harper & Row, 1965, p. 356.

[9] Holtzman, op. cit., p. 16.

[10] Schlesinger, op. cit., p. 711; Holtzman, op. cit., 1, 5, 284-88.

bureaucracy in order to prevent departments and agencies from speaking directly and freely to Congress and telling it anything the administration would prefer that it did not hear. As Representative Bolling has put it, "a disgruntled department head may go to the Hill, 'behind the President's back' so to speak, to gain advantage for a program in defiance of his President's priorities. The Kennedy approach helped substantially to mitigate this knife cutting." [11]

As a result of these innovations, "the creation of machinery to transmit legislative information and to highlight policy questions" in order to "enlarge * * * control of the bureaucracy and at the same time to extend * * * White House influence over Congress" was brought to a new level of perfection.[12]

Planning-Programing-Budgeting and Systems Analysis

A second major Kennedy innovation was the introduction of new management and decisionmaking techniques in the Department of Defense, particularly the planning-programing-budgeting system and systems analysis. The object of the new methods—first applied in the fiscal year 1963 defense budget, which went to Congress in January 1962—was to establish "central planning and control" over a defense program grown more sprawling, complicated, and costly each year.[13] The problem, to a considerable degree, was an information problem: "The Secretary of Defense as the head of the single largest enterprise in the world has to rely on a large number of subordinates to supply information. He therefore faces the formidable task of not falling captive to the onslaught of facts and numbers that his vast bureaucracy unleashes * * *. On the other hand. he has to counter the tendency of bureaucracies to be secretive about their operations in an attempt to gain a monopoly of knowledge and hence power." [14] In the program budget, says Hitch, "we have provided the Secretary of Defense and his principal military and civilian advisers a system which brings information that they need to make sound decisions on the forward program and to control the execution of the program." [15] Systems analysis was "simply a method to get before the decisionmaker the relevant data, organized in a way most useful to him." [16]

Introduction of the new methods provoked immediate controversy. Both major components—program budgeting and systems analysis—were criticized, but the latter especially drew heavy fire, much of it from Congress. At first the main thrust of this criticism was that the new techniques would not do what they were supposed to do—provide the Defense Secretary with improved management data and technical

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[11] Bolling, Richard. "Power in the House; a History of the Leadership of the House of Representatives." New York, E. P. Dutton, 1968, p. 210; Pipe, G. Russell. "Congressional Liaison: The Executive Branch Consolidates its Relations with Congress." Public Administration Review, vol. 26, March 1966: 18, 23.

[12] Pipe, op. cit., p. 20.

[13] Hitch, Charles J. "Decisionmaking for Defense." Berkeley, University of California Press, 1965, pp. 17–23.

[14] Sanders, Ralph. "The Politics of Defense Analysis." New York, Dunellen, 1973, pp. 18–19.

[15] Hitch, op. cit., p. 39.

[16] Ibid., p. 53; Enthoven, Alain C. "The Systems Analysis Approach." In U.S. Congress. Senate. Committee on Government Operations. Subcommittee on National Security and International Operations. Planning-Programing-Budgeting (committee print). Washington, U.S. Government Printing Office, 1970, pp. 571–72. This publication is cited hereafter as PPB.

advice. Only at a later stage did criticism begin to focus on the thought that the new methods might pose some serious problems for Congress. A major concern was that if the powerful centralizing tendencies set in motion by this management revolution were cutting off the Defense Secretary from much lower level dissent they might do the same for Congress. Interservice rivalry and dissent, and informal links between congressional committees and the military heirarchy, had long been a source of congressional information on the powerful defense bureaucracy. The old fragmented methods, it was later said, had had great "accidental" merit in sustaining a much more open defense system.[17]

The new jargon and specialized knowledge of the program budgeters and systems analysts also appeared to threaten congressional access, and the fear arose that this kind of thing could be used to conceal or obfuscate the true grounds for decisions.[18] There was also concern about the hostility some of the new management elites seemed to express for politics in general and the legislative process in particular, and about the claims of the new "scientific" decisionmaking. To the program budgeter and the systems analyst, one critic suggested, the "executive and legislative processes of review and decision" are "enemies of rationalty." [19]

The innovators defended themselves vigorously. One particular line of defense was to reemphasize the point that the new methods were not intended to *make decisions* but to *provide information.* The explicitness of logic and data demanded by the new methods would improve the quality of communications, not undermine them, and this was as true for Congress as for any other decisionmaker.[20] But only if Congress actually got the information. The critics were far from satisfied, and the drumbeat of criticism continued.

Both the strengthening of legislative liaison and the introduction of these new management techniques at the Pentagon seemed to raise the same fundamental question: "Does the Congress itself lose bargaining power when the executive branch gets better organized for foreign affairs, and is the Congress willing to encourage this?" Anthony Downs has observed that no matter what their setting and subject matter, modern, centralized data and decision management systems tend to shift power to staffs, administrators, experts, and the bureaucracy, and away from legislators, the electorate, and political actors generally.[21] If shifts of this kind, consequent on new methods of information control, were in fact occurring, it clearly was a matter of concern to Congress.

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[17] Ibid., p. 7–8, 180, 184–85; Saloma, John S. "Congress and the New Politics." Boston, Little, Brown, & Co., 1969, p. 236.

[18] Chartrand, Robert, Kenneth Janda, and Michael Hugo [eds.]. "Information Support, Program Budgeting and the Congress." New York, Spectrum Books, 1968, pp. 198–99; Fenno, Richard F. "The House Appropriations Committee as a Political System; The Problem of Integration." In Wolfinger, Raymond [ed.]. Readings on Congress. Englewood Cliffs, N.J., Prentice-Hall, 1971, p. 187; Mosher, Frederick C. "Program Budgeting in Foreign Affairs: Some Reflections." PPB, op. cit., p. 143. Sanders, op. cit., p. 189.

[19] "Planning—Programing—Budgeting: Initial Memorandum" PPB, op. cit., p. 14; Mosher, Frederick C. "PPBS: Two Questions." PPB, op. cit., p. 590.

[20] Hitch, op. cit., p. 5, 66–67; Quade, E.S. "By Way of Summary." In Quade, E.S. Systems Analysis and Policy Planning: Applications in Defense. New York, American Elsevier Publishing Co., 1968, p. 418.

[21] Downs, Anthony. "A Realistic Look at the Final Payoffs from Urban Data Systems." Public Administration Review, vol. 27, June 1967: 209.

"Managing the News"

"Speaking with one voice" was a phrase sometimes used by Kennedy administration officials to describe their policy of centrally coordinating information and publicity. In pursuing this aim the administration soon found that it had yet a third antagonist to deal with in addition to Congress and the bureaucracy—the American press.

As an enemy of executive secrecy, the press is a valuable congressional ally, and a major independent source of information on day-to-day events. Though Congress, as a body, shares with the President an interest in maintaining the confidentiality of information that if exposed might do harm to the Nation's security, it often shares with the press an equally urgent concern to see that activities of the executive departments receive the closest kind of scrutiny from the Nation's journalists and other independent investigators. The two imperatives often clash, and it was not long before the press became a problem for the new administration, as it has for most every other administration, not excluding the first.[22]

On the whole, President Kennedy's relations with the media were quite good. The working press "regarded Kennedy with marked fondness and admiration," and in the election of 1960 "had been strongly for him." [23] The feeling was reciprocated; President Kennedy liked newspapermen and was an avid newspaper reader.[24] Furthermore, he was acutely aware of the power of the press to help or hinder him in his battle for public opinion, legislation, and the policy initiative, and made early efforts to put relations with the press on a sound and mutually beneficial basis.

In an early press conference, he tried to meet the problem head on, announcing that it would be the policy of his administration to provide the press all the information it had available "within the limits of national security." "I do not believe," he said, "the stamp 'National Security' should be put on mistakes of the administration which do not involve the national security." [25] The question remained, however, of where the line between the interests of national security and the public's right to know would be drawn and who would draw it, a problem of no little difficulty, as President Kennedy's press secretary, Pierre Salinger, soon found out:

> I wrote hundred of letters responding to editors' and publishers' charges of censorship and news management; flew tens of thousands of miles to hear their grievances * * * met with their delegations in Washington * * *. But it all came to nothing. The struggle between the President and the press is irreconcilable and always will be as long as ours is a free and open society.[26]

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[22] Thomas Jefferson has left this portrait of President Washington reacting to a press attack: "The President was much inflamed, got into one of those passions when he cannot command himself, ran on much on the personal abuse which had been bestowed on him, defied any man on earth to produce one single act of his since he had been in government which was not done on the purest motives . . . and that by God he had rather be in his grave than in his present situation." In Salinger, Pierre. "With Kennedy." Garden City, N.Y. Doubleday & Co., 1966, pp. 109–110.

[23] Schlesinger, op. cit., p. 716, 719.

[24] Sorensen reports that one of the reasons why President Kennedy read so many newspapers was because he wanted to see how things looked to those who, like Congressmen and Senators, did not have his access to the facts. Sorensen, "Decisionmaking in the White House," op. cit., p. 56.

[25] Chase, Harold, and Allen H. Lerman, eds., "Kennedy and the Press; the News Conferences." New York, Thomas & Crowell, 1965, pp. 7–8.

[26] Salinger, op. cit., p. 149.

Much of the criticism of the administration focused on charges that it was "managing the news." This was especially the case during the Bay of Pigs and Cuban missile crises. President Kennedy, says Salinger, believed that with "the cold war never more than a moment away from flaring into a hot war" national survival depended upon his "ability to maneuver secretly." [27] He had proceeded on that basis in both these crises. In both, great stress was put on total secrecy, in the first case to little avail, in the second more successfully; in both, important information was deliberately withheld from the press and Congress, or presented in a way *intended to mislead*; in both, President Kennedy personally called upon editors of major newspapers to alter or suppress newsstories they were about to print; and in both major newspapers responded favorably to these appeals by killing stories. The result was a kind of "covert if voluntary censorship" that some press participants later regretted.[28]

The atmosphere was not improved by the administration's attempts to justify its actions. After the Bay of Pigs, a speech by President Kennedy to a gathering of newspaper publishers, in which he offered a straightforward presentation of the national security argument for withholding information, provoked considerable adverse reaction.[29] Following the Cuban missile crisis, a yet blunter statement by Assistant Secretary of Defense for Public Affairs, Arthur Sylvester, to the effect that the "generation of news" was one of the Government's "weapons" in the cold war, and that "it is inherent in our Government's right, if necessary, to lie to save itself when it is going up in nuclear war," created a full-blown crisis in press relations.[30]

The response of the Washington Star was typical:

> Weigh those words. Their meaning is truly sinister. . . . Mr. Sylvester and his superiors, from this time on, are suspect. They have in our opinion recklessly and thoughtlessly forfeited the confidence that in this country has been the rule rather than the exception. What they say from now on, as arbitrarily established sources on information, may be the truth. But that truth will be accepted with a grain of salt.[31]

Congress, too, began to take an interest in the dispute. Indeed, a strong congressional concern with the problems of the press had already begun to manifest itself in the mid-1950's under President Eisenhower. One of the first steps taken by Representative Moss's Government Information Subcommittee was to give press spokesmen a chance to make their views known before Congress on executive branch information practices. In 1962, under President Kennedy, the Moss committee began another extensive public inquiry into problems of the press, this time in response to complaints of news management in the Cuban missile crisis.[32] Of the missile crisis, Representative Moss later remarked that the country had "experienced a degree of Govern-

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[27] Salinger, op. cit., p. 150.
[28] Berstein, Victor, and Jesse Gordon. "The Press and the Bay of Pigs." Columbia University Forum, vol. 10, fall 1967 : 11.
[29] Kennedy, John F. "Public Papers, 1961." Washington, D.C., U.S. Government Printing Office, 1962, p. 304.
[30] Sorensen, "Kennedy," op. cit., pp. 320–21; Schlesinger, op. cit., pp. 285, 287; U.S. Congress. House. Committee on Government Operations. "Government Information Plans and Policies Part 1." Hearings, 88th Cong., 1st sess., Mar. 19, 15, 1963. Washington, D.C., U.S. Government Printing Office, 1963, pp. 150–151.
[31] In Salinger, op. cit., p. 296.
[32] U.S. Congress. House. Committee on Government Operations. "Government Information Plans and Policies, Part I," op. cit.

ment news management which is unique," and while "it was well and good to assert that the Government must act and speak to the Russians with one voice and at the proper time * * * it is critically important that the American people also be told the facts so that the Government does not find itself in a deep crisis with an uninformed public incapable of offering the necessary support and understanding." The executive branch, he thought, had the power to withhold information in the national interest in time of crisis, but "Congress, the press, and the American public have a responsibility to examine carefully the exercise of that power." Steps ought to be taken, he suggested, "to prevent unjustifiable management of the news about day-to-day Government operations and to prepare for the information problems which will arise in any future crisis.[33]

The President's views remained unchanged, however. In November 1962, he told a news conference that his administration did attempt "to have the Government speak with one voice," and did impose "obvious restraints on newsmen." But it would have been a "great mistake and possibly a disaster," he said, to let the information out beforehand or without controls, and he had "no apologies" to make for concealing what he knew until he judged the time appropriate to reveal it.[34] In February 1963, he responded to a question on news management by criticizing the press for engaging in sensationalism in covering the postcrisis situation in Cuba, and by suggesting that newsmen, too, had an obligation to engage in occasional self-analysis and self-criticism.

"Muzzling the Military"

Another "one-voice" question confronting the administration was that of the proper role of military men—and by implication other nonelective public officials—in speaking out on national issues. This dispute had two aspects. On the one hand were congressional allegations that the administration was "gagging" or "muzzling" military men. Through the use of speech review boards and other mechanisms of the "speak with one voice" policy, it was alleged, the administration was preventing knowledgeable military professionals from presenting a full and honest picture of the Nation's security posture to Congress and the public.[35] On the other was a belief that far from being excessively rigorous in its control over the expression of opinion by military men, the administration was being much too lenient. As a result, it was charged, certain officers were using their official positions and the resources and facilities of the Government to propagate dangerous views on foreign policy and domestic affairs.

An investigation of both charges was undertaken in early 1962 by the Special Preparedness Subcommittee of the Senate Armed Services Committee. In the course of these hearings, President Kennedy invoked the use of executive privilege to withhold the names of those Department of Defense review officials who had been responsible for

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[33] Ibid., pp. 131–132.
[34] Chase and Lerman, op. cit., p. 336.
[35] Salinger, op. cit., 136, 152. President Eisenhower had been similarly criticized for so-called gag orders to military men not to talk publicly about certain sensitive subjects like the missile or satellite situation. See the discussion in U.S. Congress. House. Committee on Government Operations. "Availability of Information from Federal Departments and Agencies," op. cit., pp. 3117–3134.

toning down certain anti-Communist speeches by military personnel, an action characterized by Senator Thurmond as "one of the most dangerous acts that any President of the United States has ever committed * * *."[36] On the central issue, the committee approved the practice of using military men to educate the public on national security issues, but it also cited the right and duty of civilian officials to enforce standards of appropriateness on military communications with the electorate.[37] The discovery that the administration had also been reviewing military presentations to congressional committees was strongly condemned, however:

> The subcommittee was both surprised and disturbed to learn that statements prepared by military officers for presentation to congressional committees in executive sessions have been subject to prior review and clearance, not only by the Department of Defense, but also by the Department of State. This is highly objectionable and improper practice and can only be calculated to obstruct unduly the free flow of information to which the Congress is entitled.

This procedure, the committee recommended, ought to be abandoned at once.[38]

Despite these findings, however, the question of the place of the military voice in the American system soon arose once more, this time over the President's decision to terminate the services of Air Force Chief Curtis Lemay and Chief of Naval Operations Anderson. Charges were made that the two officers were being "retaliated" against for having had differences with the administration on national security policy. A bill was introduced in the House to fix service on the Joint Chiefs at a single term of 4 years. Supporters of the bill argued, in the words of Congressmen Herbert, that "Congress cannot legislate wisely if members of the Joint Chiefs merely report back to Congress that which they feel is agreeable to the administration in power," and that a fixed term would give the Chiefs the job security they needed to speak out with independence. Opponents argued that such a law would constitute unwarranted interference with the President's right to choose his senior advisers. Much heat was generated, but the bill never got to the floor for a vote.

Crisis and Consultations

There are two views on the adequacy of the Kennedy administration's performance in informing and consulting with congressional leaders and committees concerning the Nation's diplomatic affairs—a proadministration view according to which everything was done that, considering the circumstances and the overriding demands of the national security, ought to have been done; and an antiadministration view that what was done was not enough. Administration memoirists, perhaps inadvertently, give testimony on both sides of the controversy.

Sorenson recollects that consultations with Senators on the limited nuclear test ban treaty were quite extensive. Others have suggested,

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[36] U.S. Congress. Senate. Committee on Armed Services. "Military Cold War Educational and Speech Review Policies." Hearings, 87th Cong., 2d sess., before a Special Preparedness Subcommitee, Feb. 1, 7, 8, 14, 15, 19, 27, 28, 1962. Washington, U.S. Government Printing Office, 1962, p. 513.

[37] U.S. Congress. Senate. Committee on Armed Services. "Military Cold War Educational and Speech Review Policies," (committee print). Washington, D.C., U.S. Government Printing Office, 1962, pp. 2–7.

[38] Ibid., p. 18.

however, that these consultations consisted of little more than a vigorous defense of the pending agreement, undertaken to counteract an already outspoken opposition, which among other things, had raised the charge that the accord contained secret commitments.[39]

Sorenson's account of the decisionmaking on the Berlin crisis in 1961 suggests that on this issue, too, the administration's various positions were worked out in detail before Congress was either informed or consulted on pending action.[40] The same may be said of the administration's handling of the wheat deal with the Soviet Union in 1963. President Kennedy, convinced that any information given to Congress on the pending agreement would be leaked immediately, deliberately scheduled his announcement to congressional leaders on the subject only two hours before he made the same information public at a press conference.[41] Altogether, the recollections of Sorenson suggest a President more than ready to take matters into his own hands:

> [Kennedy] did not feel obligated to risk unnecessary delay and possible defeat by sending every important international agreement to the Senate for approval as a formal, long-term treaty. Nor did he follow Eisenhower's precedent of seeking Congressional resolutions of approval for major foreign policy initiatives. He dispatched personal and official advisors on important missions abroad, stationed Lucius Clay in Berlin for seven months with the rank of ambassador, and inserted Maxwell Taylor between himself and the Joint Chiefs of Staff without resource to Senate confirmation. He told one career servant called to testify on a matter not yet settled by the administration "to tell them you're sick and you'll be up there next week." He invoked the claim of executive privilege to prevent Congressional investigators from harassing State and Defense Department civil servants over the individual deletions or alterations they made when clearing speeches.[42]

The Bay of Pigs

A further look at President Kennedy's handling of the information problem during the Bay of Pigs and Cuban missile crises—this time from a congressional rather than a press perspective—tends to confirm the picture offered here by Sorenson. The Bay of Pigs invasion was meant to be a secret operation, but, as Sorenson puts it, the affair was "too large to be clandestine and too small to be successful."[43] The Cuban refugee community, the American press, the Castro government, all were talking openly about an invasion plan long before a definite decision to go ahead with the doubtful operation had been made. The Nation got wind of the affair in late 1960, months before the new administration took office.[44] Nevertheless, as far as can be discovered, no member of the House was invited to participate in any way in the decisions, or was informed through official channels of the determination to intervene.[45] In the Senate, it was the same story with one exception.

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[39] Sorenson, Kennedy, op. cit., p. 737; Schlesinger, op. cit., p. 981. Carrol, Holbert. "The Congress and National Security Policy" In the American Assembly, Columbia University. "The Congress and America's Future." Englewood Cliffs, N.J., Prentice-Hall, 1965, pp. 163–65.

[40] Sorenson, "Kennedy," op. cit., p. 590.

[41] Ibid., 742.

[42] Ibid., 347; See also Rostow, Walter W. "The Diffusion of Power: An Essay in Recent History." The Macmillan Co., 1972, pp. 202–03, 268.

[43] Sorenson, "Kennedy," op. cit., p. 303.

[44] "Are We Training Urban Guerillas?" Nation, Nov. 19, 1960: 378–79.

[45] Carroll , Holbert N. "The House of Representatives and Foreign Affairs." Rev. Ed. Boston, Little, Brown & Co., 1966, pp. 365–66.

Shortly before the invasion was scheduled to be launched, Senator Fulbright was invited by President Kennedy to share the Presidential jet on a flight to Florida where the two men were to spend separate holidays. Senator Fulbright, who knew of the invasion plan through press reports, gave the President a memorandum outlining his opposition to military intervention.[46] Little more was said of the matter during the flight south, but on their return to Washington, Senator Fulbright was invited by the President to sit in on what the Senator thought would be an informal discussion of the issues at the State Department, but which turned out to be "the full-dress and final major policy review for the Bay of Pigs." [47] Confronted with an imposing array of top-level decisionmakers from State, Defense, CIA, and the White House, and only now for the first time aware of the details of the invasion plan, Senator Fulbright nevertheless forcefully stated his case against the intervention. But it was much too late to have an impact. The views of the assembled experts were unanimously favorable to the enterprise, the invasion plan was approved, and went ahead as scheduled.[48]

The result was an evident disaster. The blow was softened somewhat, however, by the reaction of Congress, which has been described by one observer as "extraordinarily passive."

> Leaders of both political parties firmly backed President Kennedy in his [post-invasion] exchanges with the Soviet Premier. The Congress provided legitimacy for the operation and conveyed the unity of the nation largely by silence. . . . The President briefed a small bipartisan group of congressional leaders during the three-day period when the invaders were crushed. The leaders were silent. The House and Senate foreign policy committees conducted short, secret hearings two weeks after the event. They did not report. Only in the aftermath, when more information became available about the nature of the invasion and the deep American involvment, were questions raised in the Congress. Even then the criticism was guarded.[49]

Cuban Missile Crisis

In the Cuban missile crisis, the barriers to congressional information and participation were, if anything, strengthened. Surprise, and thus secrecy, were thought by participating officials to be the one factor in the situation that might tip the psychological balance in the crisis in America's favor:

> The President did make one more decision—that we must avoid giving the Soviets any opportunity to grab the political initiative. . . . There should be no public disclosure of the fact that we knew of the Soviet missiles in Cuba until a course of action had been decided upon and readied. If at all possible the two announcements—that we had discovered Soviet missiles in Cuba and what the United States intended to do about it—should be made simultaneously. Security was essential and the President made it clear that he was determined that for once in the history of Washington there should be no leaks whatsoever.[50]

This decision, says Hilsman, expressed "the President's determination not be dragged along in the wake of events but to control them." [51] Sorenson suggests that one of the "events" it was feared might tie

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[46] For the text of this memorandum see Mayer, op. cit., pp. 195–205.
[47] Johnson, Haynes, and Bernard Gwertzman. "Fulbright: The Dissenter." Garden City, New York, Doubleday & Co., 1968, p. 176.
[48] Ibid., pp. 173–178; Schlesinger, op. cit., pp. 251–52.
[49] Carroll, "The Congress and National Security Policy," op. cit., p. 158.
[50] Hilsman, Roger. "To Move A Nation; The Politics of Foreign Policy in the Administration for John F. Kennedy." Garden City, N.Y., Doubleday & Co., 1967, p. 198.
[51] Ibid.

the President's hands was an adverse reaction from the American people—premature disclosure might "panic the American public before we were ready to act." [52] Nor was exception made for congressional leaders. Sorenson recalls keeping one of the three girls in his office "in the dark" on the situation because her roommate worked for Senator Keating, whom Sorenson wanted to "keep in the dark," too, if at all possible.[53]

That the Soviet Union might be installing strategic missiles on Cuban soil had been suspected for some time in the latter part of 1962, but it was not until October 15 that hard intelligence to that effect was obtained by U–2 photographic reconnaissance and relayed to the White House. Receipt of this information marked the beginning of the famous "13" days of the crisis, the first week of which was occupied by deliberations of "Ex-Com," the special decisionmaking body established by President Kennedy to deal with the situation.[54] It was Ex-Com that recommended to the President the blockade or "quarantine" strategy that was eventually adopted, and which was announced to the Nation via television on October 22, launching the 6 "public" days of the crisis 13.

No Senator or Representative had sat on the Ex-Com; none, as far as is known, had been informed of the substance of the deliberations, or even of its existence and the reasons therefor. The President broke the news to congressional leaders at a White House meeting at 5 o'clock on October 22, just 2 hours before the public announcement.

The meeting did not go well. Representative Halleck told the President that he would support him publicly, but also that he wanted the record to show that he had been informed at the last minute, not consulted.[55] Senator Russell, backed by Senator Fulbright, opposed the quarantine idea and suggested more vigorous measures.[56] The meeting was supposed to last 1 hour, but went on beyond 6 p.m., leaving Sorenson "angry that they [the congressional leaders] should be harassing him [the President] right up to the last minute." He found the advice offered "captious and inconsistent," and thought that it introduced the "only sour note" into the President's historically momentous day.[57] President Kennedy later observed that "if the congressional leaders had gone through the 5-day period we had gone through—in looking at the various alternatives, advantages, and disadvantages—they would have come out the same way we did." [58] But that was just the problem: None of them had gone through the 5-day period, and it was as a result of the President's own decision that they had not. Senator Fulbright later observed that the meeting was never intended to be anything more than a formality in any case, not a consultation but a briefing.[59]

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[52] Sorenson, "Kennedy," op. cit., p. 676.
[53] Ibid., p. 698.
[54] Kennedy, Robert F., "Thirteen Days: A Memoir of the Cuban Missile Crisis." New York. W. W. Norton, 1969. In addition, see the accounts in Schlesinger, Sorenson, Hilsman, and Salinger.
[55] Sorenson, "Kennedy," op. cit. p. 702.
[56] Schlesinger, op. cit., p. 812.
[57] Sorenson, "Kennedy," op. cit., p. 702; Schlesinger, op. cit., p. 812.
[58] Sorenson, "Kennedy," op. cit.
[59] Fulbright, William. Remarks in the Senate. Congressional Record, vol. 199, Dec. 10, 1973.

War in Southeast Asia

The outcome of the Bay of Pigs and Cuban missile crises were very different. The former ended in failure; the latter is considered to be the Kennedy administration's greatest foreign policy triumph. Congress, however, had played little role in either episode. Meanwhile, events were taking an untoward turn in Southeast Asia. Just when the Laos problem seemed to have been resolved satisfactorily, and with Berlin quiescent, the situation in Vietnam began to crumble. The administration would become increasingly preoccupied with this part of the world in its last months, but assassination made the Vietnam war the bane of later administrations, no longer of this one.

Chapter V

THE VIETNAM WAR

Full Circle

Of all the many vexing issues raised by the Vietnam war, one of the most pervasive and unsettling in its implications was that which came to be known in journalistic parlance as the "credibility gap."[1] This dispute, which began as a quarrel over a particular aspect of policy under a particular administration, soon evolved into a general distrust of Executive power as such, and in that sense takes this study full circle, back to the late 1930's when a convincing case for executive supremacy in foreign policymaking, with broad discretionary powers, was yet to be made. Simple though it may have appeared on the surface, this issue called into question several very different aspects of executive branch conduct, including not only its *honesty* in the strict sense (whether it was willing to communicate the truth about the war as it saw it), but also its *knowledgeability* (whether it had the truth to communicate), its *prudence* (whether it was capable of acting wisely on what it did know), and its *objectives* (both what they were and their legitimacy). The concern here is to examine the informational dimensions of this struggle as it developed throughout the 1960's and into the early 1970's.

President Kennedy and Vietnam

President Eisenhower's handling of the Indochina crisis in 1954 raised some concern in Congress that executive officials were not being completely candid in their representations on the war, but this never reached the proportions of a major public issue. Growing United States involvement in the affairs of that part of the globe in the late 1950's did not engender much congressional criticism and for the most part went unchallenged. Government credibility in regard to U.S. participation in the Vietnam struggle first seems to have become a matter of public concern under President Kennedy. It was in 1963 that I. F. Stone accused the administration of constructing "an elaborate mythology" to cloak the American role in Vietnam, of engaging in an effort

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[1] "A concept of considerable popularity among journalists during the war in Vietnam has been the 'credibility gap,' the idea that the administration has been holding from the public (and its tribunes) essential information about the war. The public was polled several times on the issue and seemed to perceive a gap itself. * * * During the Korean War, a similar gap was perceived by the public, but it was not obvious to quite so many partly, perhaps, because the issue was not so commonly belabored in the press. * * * But the data do suggest, nevertheless, rather less of a credibility problem in the earlier war. A similar question asked during World War II found far less of a credibility gap. * * *" Muller, John E. "War, Presidents and Public Opinion." New York, John Wiley & Sons, 1973, pp. 112–13. For extended comparisons of support for administration policies during the Korean and Vietnam wars, see chapters 2–7.

to manage the news as "blatant" as any on record, and of seeking "on every major aspect of the war . . . to deceive the country." [2] But Stone was not the first to raise the issue. As early as June 1961, in response to President Kennedy's announcement that he was directing the Armed Forces to put greater stress on the conduct of "paramilitary operations," TRB, writing in the New Republic, made this observation:

> It [paramilitary warfare] means lying to the public. When our agents get caught our Government disowns them. It means undercutting democracy. A few men launch secret operations (that might mean war) and the voters have no say and no knowledge. * * * Above all, these "dirty" operations create a crisis of credibility; they make the word of the U.S. suspect.[3]

How unfortunate, he lamented, that this momentous announcement was getting so little critical attention from Congress and the press. The President's proposal "is being accepted almost without debate. We haven't heard a single TV or radio debate on it or seen it much discussed in newspapers." [4]

In retrospect, one can now see that paramilitary warfare, especially the covert kind, could indeed mean "lying to the public"—if that was what one chose to call it. The only question was how much "lying" of this particular kind Congress and the public would tolerate in the interest of national security before the executive branch had exhausted all public trust.

As it happened, a number of special circumstances in Vietnam put a premium on secrecy and had the effect of causing the administration to lose public confidence more rapidly than otherwise it might have. For one thing, according to reports, the administration believed that some of its actions in Vietnam were in violation of the Geneva accords of 1954, and felt it necessary to officially deny this fact, even though it was fully convinced that its own transgressions were morally and politically justified by earlier Communist ones.[5] Further, the President had committed the country to secret participation in covert operations against North Vietnam and in Laos, publicity for which, it was thought, could have explosive results in Congress and abroad.[6] Nor was President Kennedy, having gone through the painful Bay of Pigs debacle early in his administration, and now increasingly preoccupied with the further problems of Cuba, Central Europe and the Soviet

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[2] Stone, I. F. "Will New Chances for Peace Be Another Lost Opportunity?" I. F. Stone's Bi-weekly, vol. 11, Oct. 28, 1963 : 6–8. According to Stone, the practice of hiding Indochina policy "behind a thick smokescreen of official fabrication" had also been followed by the Truman and Eisenhower administrations. Indeed, he was inclined to generalize on the problem even further: "In 30 years experience the writer has never yet known the State Department to expose the true situation to full view." Ibid., pp. 4, 6.

[3] TRB. "Dandy Eh?" New Republic, vol. 144, June 5, 1961 : 2.

[4] Ibid. In 1960, the strategy and tactics of counterinsurgency became the "new thing," in Washington, and "everybody who wanted to be somebody * * * scrambled on the band wagon." Cooper, Chester. "The Lost Crusade." New York, Dodd, Mead & Co., 1970, p. 174.

[5] "The breakdown of communication between the U.S. missions and American newsmen and thus the American public, was further exacerbated by the special political considerations that enveloped our operations in Vietnam like a terminal oxygen tent.

For one thing the U.S. decision in 1961 to intervene massively in Vietnam amounted to outright abrogation of the Geneva Agreement of 1954. * * * The Kennedy administration was extremely uneasy about this, despite the fact the Communists flagrantly violated the agreement years before we did." Mecklin, John. "Mission in Torment: An Intimate Account of the U.S. Role in Vietnam." Garden City, N.J., Doubleday & Co., 1965, p. 106. Mecklin became public affairs officer for the U.S. mission in May 1962. See also Hilsman, Roger. "To Move A Nation: The Politics of Foreign Policy in the Administration of John F. Kennedy." Garden City, N.Y., Doubleday & Co., 1967, p. 458; Salinger, Pierre, "With Kennedy," Garden City, N.Y., Doubleday & Co., 1966, pp. 319–320.

[6] "United States-Vietnam Relations 1945–1967." Study prepared by the Department of Defense. Washington, U.S. Government Printing Office, 1971, vol. 11, pp. 123–226, 136–337.

Union, much inclined at this stage "to admit the existence of a real war in Southeast Asia." [7]

In fact, the real extent of U.S. involvement became one of the first points of controversy in the war. Much controversy raged around the question whether U.S. military men were confining their activities to an "advisory" role as the administration claimed, or participating in combat. The problem posed for the administration by these disputes, Chester Cooper suggests, was that of "reassuring the Vietnamese Government without unduly worrying the American people." The outcome was an official effort to conceal burgeoning U.S. participation in the struggle from public and congressional scrutiny, an ultimately futile attempt to treat a large and growing political and military involvement as a sort of smallscale, clandestine operation. The attempt only made secrecy itself newsworthy.[8]

The candor problem was not made any easier by the circumstance that political and military affairs in Vietnam were becoming extremely confused. Roger Hilsman notes that "if we learned nothing else—in Vietnam—we learned that in guerrilla warfare it is not easy to know whether you are winning or losing." [9] Given the complexities, it is not surprising that officials lacked a thorough grasp of all aspects of the situation, or that they were sometimes overly optimistic, but reporters on the scene were not inclined to be tolerant. As the facts concerning U.S. involvement began to sift through the official screen, the press assumed a more active and hostile attitude. Mecklin has traced much of the acerbity in government-press relations during this period to a tendency on the part of some journalists to translate what was really only official ignorance into rank dishonesty. "The root of the problem," he thought, "was the fact that much of what the newsmen took to be lies was exactly what the mission generally believed, and was reporting to Washington. Events were to prove that the mission itself was unaware of how badly the war was going * * *."[10]

Hostility was further exacerbated on both sides by the circumstance that by mid-1963 the "information issue" had become entangled in deep-seated, bitter differences over policy, and especially over the role and fate of the Vietnamese leader, President Diem. U.S. mission officials tended to believe that Diem was the indispensable man; press critics had become convinced that the war could not be won with Diem as President and they wanted him out.[11] As a result every statement from the American mission that seemed to favor the Diem government, and there were few that did not, would suggest to hostile re-

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[7] Salinger, op., cit., pp. 320, 324.
[8] Cooper, op. cit., pp. 191–198; Mecklin, op. cit., p. 110.
[9] Hilsman, op. cit., p. 456.
[10] Mecklin, op. cit., p. 100; Salinger, op. cit., p. 320. Later on, under President Johnson, the charge that American officials in Washington were relying too much on unwarrentedly optimistic reporting from Vietnam would become a common complaint.
[11] For one influential press view of the controversy, see Halberstam, David. "The Making of a Quagmire." New York, Random House, 1964, 1965. But Salinger takes reporters on the scene to task for trying to shape policy rather than confining themselves to reporting the facts: "Whether they intended it or not, their articles reflected the bitter hatred they had for the Diem government and their avowed purpose (stated to a number of reporters in Saigon) to bring down the Diem gomernment." But it is a deep question of reportorial ethics whether the destruction of a government is within the legitimate framework of journalistic enterprise." Salinger, op. cit., pp. 325–326; Mecklin, op. cit., pp. 119–128.

porters either that the mission was lying to defend the "dictator" or that it was ignorant of the "true" situation. As Stanley Karnow put it, "it became part of American policy to camouflage the shortcomings of the Diem oligarchy.[12]

In this respect, at least, Diem's overthrow and assassination in August 1963, with its implicit promise of a more vigorous and successful prosecution of the war, removed a major source of friction with the press. A change of American Ambassadors also reduced the temperature. Meanwhile, Congress, with the exception of a brief investigation by the Moss committee in the House, had remained on the sidelines and there had been no executive-legislation confrontation. Kennedy's death in the fall diverted the attention of the country away from the tense but distant Vietnam situation, and the new President, his successor, Lyndon Johnson, inherited a quiescent situation on the homefront. The truce, however, was temporary.

President Johnson, Congress, and the Press

Lyndon Johnson would seem to have come to the Presidency well equipped to deal with problems of executive-legislative relations. For almost 30 years he had been a member of Congress, House or Senate. He had been a "Senate man" and his affection for that body, and for many of its members individually, was strong.[13] It is true that on becoming President his perspective had necessarily to undergo a change, but it was not one for which he was unprepared. If he knew anything well, he observed, it was the ways of Congress, and one of those "ways" was that branch's "natural enmity" for the Presidency.[14] The result was something of an ambivalent attitude toward his old colleagues, but certainly no diminution in his desire that relations with them be of the best. One motive simply reinforced the other: Natural inclination as well as prudence dictated a "congressional emphasis" in the first months of the new administration.[15]

In line with this strategy, congressional sensibilities were assiduously cultivated, congressional advice regularly solicited. In the early days, Johnson is said to have used every opportunity—formal and informal—to maintain his old influence on the Hill. The payoff came in a temporary mastery over Congress that the historian Eric Goldman has called "extraordinary and unprecedented."[16] In the end, however, he seems to have overreached himself, and the mechanisms he has used to control Congress pricked it into revolt. One such mechanism was confidentiality, applied not only to foreign relations, where it was sanctioned to a degree by practice, but also to domestic affairs.[17]

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[12] Quoted in Mecklin, op. cit., pp. 99–100.

[13] Goldman, Eric. "The Tragedy of Lyndon Johnson." New York, Alfred A. Knopf. 1969, pp. 57–58.

[14] "I've watched the Congress from either the inside or the outside, man and boy, for more than 50 years," he is supposed to have said, "and I've never seen a Congress that didn't eventually take the measure of the President it was dealing with." Ibid., 259. See also Evans, Rowland, and Robert Novak. "Lyndon Johnson: The Exercise of Power." New York, The New American Library, 1966, p. 367.

[15] Ibid., pp. 360–361.

[16] "For much of 1965, Congress was a curious study of conformity after decades of semi-rebellion. In the ancient tribunal, where Senators in the caustic, independent mold of Robert Taft and Lyndon Johnson had grappled with the man in the White House, there was a mood that approached slavish timidity and obedience to the merest presidential suggestion. Johnson's performance was mesmerizing Congress and the country watched transfixed." Goldman, op. cit., p. 58.

[17] For instances, see ibid., pp. 9–10, 209.

Public disagreement, the President believed, tended to harden positions, to make compromise more difficult. To facilitate compromise, Government affairs had to be conducted in as much privacy as possible.[18] The method had served him well as majority leader in the Senate, where, as he himself put it, there were enough men "who knew you had to give and take to get a job done and the best way to do the giving and taking was in the privacy of the Senate chambers, not on the television screens or the front pages." [19] Now, however, despite his concern for congressional sensibilities, the insiders were drawn more and more from the White House and the executive departments, not the Senate, and many of his former colleagues began to find themselves excluded from the inner councils.[20]

This approach to public affairs did as little to ingratiate the President with the press as with his former associates on the Hill, and mutual ill will was not slow in developing. Goldman and others suggest that the President had an innate distrust of the media, and have accused him of secretiveness with reporters and attempts to maneuver them into taking views favorable to his policies.[21] He is supposed to have tried especially hard to discourage speculation in regard to his *intentions*, since he thought this would needlessly restrict his "options," particularly in foreign affairs.[22] Presidential attempts to manipulate the press were not new, of course, but many felt that President Johnson was "pushing too hard," with results the very opposite of those intended. To the usual tensions between press and Government, which lead to disputes even in the best of times, was added a widespread sentiment among journalists that they were being used.[23]

Expanding the War

It was out of Johnson's handling of American involvement in the Vietnam struggle that the fiercest attacks on the President's credibility would grow. Official "optimism" was an early target of critical doubts. By and large, Government spokesmen from the Kennedy administration onward were inclined to take the view, at least in public, that things were going well—their instincts were to accentuate the positive. The trouble was, as Senator Pell expressed it, that while officials kept telling Congress that "with a little more force and a little more effort the war could be won, that they could see the light at the end of the road," the end of the road never seemed to get any nearer.[24] Rather, the war kept getting larger and more violent, U.S. involvement deeper and more costly. Increasingly, this combination of official optimism and escalating conflict seemed to suggest that the administration had lost control of the situation and become caught up in an unpredictable flow of events. Either that or it knew what it was doing but not squaring with Congress and the people. This last the administration vehemently denied, but expansion of the war itself could not be gainsaid.

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[18] Ibid., p. 170; Evans and Novak, op. cit., p. 488.
[19] Ibid.
[20] Ibid., pp. 50–52.
[21] Goldman, op. cit., pp. 85, 118–122; Evans and Novak, op. cit., pp. 410–416.
[22] Goldman, op. cit., p. 413.
[23] Evans and Novak, op. cit., pp. 410–416.
[24] U.S. Congress. Senate. Committee on Foreign Relations. "Supplemental Foreign Assistance Fiscal Year 1966—Vietnam." Hearings, 89th Cong., 2d sess. on S. 2793. Jan. 28, Feb. 4, 8, 10, and 18, 1966. Washington, U.S. Government Printing Office, 1966, p. 31.

Over time, executive credibility was further undermined by progressive revelations that behind the "overt" or public war, and in some cases preceding it in phase, lay a "covert" war. As noted, President Kennedy in April 1961 had approved a program of covert activities in North and South Vietnam and Laos that included intelligence, counterintelligence, and other aspects of unconventional warfare.[25] In 1964, under President Johnson, the several aspects of these activities were brought together and greatly expanded into an "elaborate" 12-month program of espionage and covert military operations, which included U–2 flights over North Vietnam; South Vietnamese sabotage, intelligence, and psychological warfare missions inside North Vietnam; and South Vietnamese commando raids and shore bombardments against the North Vietnamese coastline. Covert operations were to become a conventional feature of the counterinsurgency struggle in Southeast Asia; later, under President Nixon, they were further expanded to encompass military excursions into Cambodia and Laos, and the officially "secret" B–52 bombing of Cambodia.[26]

The "Credibility Gap"

As under President Kennedy, much of the administration's candor problem could be traced to what seem to have been irreducible uncertainties in the situation. If, as TRB had written, paramilitary warfare meant "lying to the people," it also meant, as Secretary Rusk, Senator Fulbright, and many others on both sides of the dispute would testify, considerable ambiguity and confusion of mind. "The Communists," Secretary Rusk observed at a Senate Foreign Relations Committee hearing in 1966, "have a more subtle reason for favoring this type of aggression. It creates in any situation a sense of ambiguity that they can exploit to their own advantage." [27] That the picture was far from clear, the critics, at least in the beginning, were quite ready to admit. "It is very difficult to deal with," thought Senator Fulbright. "I have never encountered such a complex situation. It is not clear cut, like Korea or like the Second World War." [28]

But public officials seldom enjoy the luxury of suspending judgment. Under the pressure of events at home and abroad, the ambiguities seemed to resolve themselves, though not in one but in two directions, producing loyalist and opposition factions on the war. Looking at the picture as a whole, what seems to have developed in public debate was not a series of random differences over particular aspects of policy or fact, or even just two sets of opinion on the war policy as a whole, but two radically opposed versions of reality. Once again, as under President Kennedy, dissent from the Government viewpoint found an initial rallying point in the national media. Now, however, the cleavage was much deeper.

Henceforth, Congress and the public at large would find themselves confronted with two opposed versions of the war—one purveyed by administration spokesmen, the other by newspaper and the television

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[25] "United States-Vietnam Relations, 1945–67," op. cit., vol. 11, pp. 123–26.
[26] Ibid., vol. 3, 1–2.
[27] U.S. Congress. Senate. Committee on Foreign Relations. "Supplemental Foreign Assistance Fiscal Year 1966—Vietnam," op. cit., p. 568.
[28] Ibid., p. 44.

screen. Seen from the perspective of those critical of the administration and suspicious of its motives, this split was identified as early as the fall of 1965 and dubbed the "credibility gap." Characteristics of the gap, according to Murrey Marder, writing in the Washington Post, were "creeping signs of doubt and cynicism about administration pronouncements," and "a perceptible growing disquiet, misgivings, or skepticism about the candor or validity of official declarations." [29] But the idea of a credibility gap cut both ways. To those who found the Government case more convincing, it was not the public official but the news media that lacked credibility, and the veracity of press reporting on the war soon became a matter of national debate.

Still, though there was a manifest tendency for those who supported the war to support Government information policies as well, and conversely, an equally manifest tendency for those who opposed the war to find fault on the information issue, the breadth of the distrust, cutting straight across the political spectrum, is noteworthy. Congressional leaders as far apart on the war as Representatives Laird and Ford on the one hand, and Senators Morse and McGovern on the other, had at least one point in common—they did not trust the information being put out by the administration.[30] Nor was suspicion limited to Congress and the press. Three times in 1967, at a time when general support for the administration's war policies was still high, the Gallup poll asked whether "the Johnson administration is or is not telling the public all it should know about the Vietnam war." Only 21 to 24 percent thought it was; 65 to 70 percent thought it was not.[31]

A further indication of how rapidly public and congressional trust in executive discretion was beginning to crumble came in the public reaction to certain disclosures concerning the Central Intelligence Agency in 1966 and 1967. The CIA was deeply involved in the covert war in Southeast Asia, but this was only the most recent in a whole series of such covert involvements around the globe extending back through the years to shortly after the Agency's establishment in 1947. Occasional public references to these activities in the press and elsewhere had produced some grumbling but no profound reaction. Efforts in Congress to alter existing oversight arrangements for the Agency had been frustrated. Now disclosures that a police-training program in Vietnam run by the University of Michigan had been used as a cover operation by the CIA,[32] and that from the early 1950's the Agency had been funneling money through private foundations to the National Student Association for the purpose of aiding it in its international activities, produced a storm of outrage and a flood of charges, exposés, and confessions concerning Agency activities. These involved everything from the fomenting of strikes against Dr. Cheddi Jagen in Guiana, to interfering with a Japanese television appearance of Joan

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[29] Marder, Murrey. "Greater Skepticism Meets Administration Declarations." Washington Post, Dec. 5, 1965 : p. 21.

[30] Morse, Wayne. Remarks in the Senate. Congressional Record, vol. 111, Apr. 26, 1965 : 8444 ; "Laird Scores Johnson on War, Says Statements Are Evasive." New York Times, May 1, 1966 : 7 ; "Ford Calls It Johnson's War Now." Washington Post, June 18, 1966 : 8 ; McGovern, George. Remarks in the Senate. Congressional Record, vol. 113, Apr. 25, 1967 : 10611–10614.

[31] Muller, op. cit., pp. 112–113.

[32] Hinkle, Warren. "MSU : The University on the Make." Ramparts, vol. 4, Apr. 1966 : 11–22 ; "University Aids Explain CIA Tie." New York Times, Apr. 15, 1966 : 11 ; Frankel, Max. "University Project Cloaked CIA Role in Saigon, 1955–59" : New York Times, Apr. 14, 1966 : 1, 2.

Baez.[33] Links between CIA and various other private citizen's groups were disclosed one after the other literally by the hundreds. A long-standing, tacit "conspiracy of silence" concerning CIA had collapsed.

Probably the chief significance of this controversy at the time lay less in the immediate matter at hand than in the sharp knock it gave to the foundations of Government credibility at a time when those foundations already were subject to major cross-currents of stress from other domestic and international conflicts. Indeed, the very magnitude of the reaction was itself a sign of how far the Government's position had already deteriorated. Though in most cases not directly related to the Vietnam war, the CIA exposures raised new and disturbing questions in the minds of many a Congressman, Senator and interested citizen as to how much was really known about what the Government was doing and why it was doing it in the widening struggle in Southeast Asia. Like the earlier Dominican crisis in 1965, which had raised profound doubts among some congressional leaders concerning the veracity of executive officials, including especially President Johnson himself, these CIA revelations reflected back on the situation in Vietnam and made the administration's case a little less easy for some to believe in.[34]

Other Sources of Controversy

But the CIA matter was only one issue among many in the war to raise the credibility question. What becomes evident from an examination of general trends in the dispute is that "information" issues are not readily separable from "policy" issues; each in a complicated way reflects back on the other. Virtually every policy question in the war gave rise to controversy over the administration's information policies. At stake was not so much the particulars of any issue as two different totalities of perception, though inevitably differences—whether expressed in terms of "policy" or "information"—tended to assume the form of disputes over specific facts or decisions.

One of the earliest disputes centered on the nature of the Saigon government and its opposition, the Vietcong, the character of the struggle between them, and thus the political context and moral meaning of the U.S. intervention. The bombing campaign against North Vietnam was also an early source of much dissatisfaction. At issue was not only whether the bombing was or was not militarily effective, but also whether it was being kept within the bounds of humanity. There were several public flareups over the extent of civilian casualties, with executive figures often being challenged. A sort of emotional highpoint in this dispute was reached under President Nixon, when it was widely claimed that the United States was bombing the system of dikes in North Vietnam's Red River delta.

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[33] Stern, Sol. "NSA and the CIA." Ramparts, vol. 5, Mar. 1967; 29–38; Sheehan, Neil. "A Student Group Concedes It Took Funds From CIA." New York Times, Feb. 14, 1967: 1. 7; New York Times, Feb. 21, 1967: 1; Feb. 22, 1967: 1; Sheehan, Neil. "Foundations Linked to CIA Are Found To Subsidize Four Other Youth Organizations." New York Times, Feb. 16, 1967: 26.

[34] Senator Fulbright was President Johnson's chief critic concerning his handling of the Dominican Republic intervention, charging him with having acted on the basis of poor advice and information, and of taking a public stance characterized "throughout" by a "lack of candor." Fulbright, William. "Remarks in the Senate." Congressional Record, vol. 111, Sept. 15, 1965: 23855, 23859.

The question of coordinating bombing policy and troop deployments with Congress—that is, of keeping Congress informed of major decisions to expand or redirect the bombing, or to increase U.S. troop strength or redefine their role—was also frequently raised. In July 1967, for instance, Senator Mansfield is found complaining in the Senate that once again "the harbingers of significant decisions have emerged in the form of obscure 'official' rumblings, rumors, and revelations" concerning more "effective and extensive" use of airpower and ground forces. He warned the administration against a further widening of the war, but his words went unheeded: On August 8 the President authorized an expanded target list for North Vietnam, perhaps in response to congressional pressure from a different direction. The Preparedness Subcommittee of the Senate Armed Services Committee was informed of the decision on August 9 by Admiral Sharp in closed session. The first strikes under the new policy took place and the decision was made public on August 12. None of the information given to the Preparedness Subcommittee seems to have been given to the Senate Foreign Relations Committee or the House Foreign Affairs Committee, nor, on the evidence available, does it appear that the leadership of either House had been consulted or informed.[35]

But the central controversy was that concerning U.S. intensions and objectives in Vietnam—what they were, whether they were compatible with a negotiated settlement, and whether the administration was being forthright with Congress on these matters. In the 1966 televised hearings on Vietnam, the point was made over and over again by critics of the administration that its policies were not clear, that its goals were not clear, that the means that would be required to achieve these goals were not clear.[36] That the differences were in part conceptual becomes clear when one looks at the dispute between General Taylor and Senator Fulbright over whether the United States was demanding as the price of peace a "total surrender" of the North Vietnamese.[37] But when a few short weeks later in another context, Senator Fulbright, referring to the large military construction programs that were then underway in Southeast Asia, charged that the administration's "real purpose" in Vietnam was "to stay indefinitely in Asia," and went on to say that "it would help matters if the administration were a little more frank in its discussion of intentions and policies in this area," the issue raised was not one of concepts but of candor.[38]

Peace Negotiations

The administration's position with regard to a negotiated peace was the target of much recrimination. President Johnson has written that he was in "virtually continuous contact with leaders in Hanoi

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[35] Mansfield, Mike. Remarks in the Senate. Congressional Record, vol. 113, July 11, 1967: 18369; Smith, Hedrick. "Johnson Orders New Target List in Vietnam Raids." New York Times, Aug. 13, 1967: 1, Stennis, John. Remarks in the Senate. Congressional Record, Aug. 15, 1967: 22637; "U.S. Again Pounds Hanoi Rail Links Near Chinese Line." New York Times, Aug. 15, 1967: 1, 5.

[36] U.S. Congress. Senate. Committee on Foreign Relations "Supplemental Foreign Assistance Fiscal Year 1966—Vietnam," op. cit., pp. 46, 50, 129–30, 136, 138, 486–487.

[37] Ibid., p. 545.

[38] U.S. Congress. Senate. Committee on Foreign Relations. "Nominations of Robert R. Bowie and U. Alexis Johnson." Hearings Aug. 16, and 23, 1966. Washington, U.S. Government Printing Office, 1966, pp. 108–109.

or their representatives," but that "only a handful of my closest advisors knew." [39] Perhaps this was the problem. In any case, the critics began to concentrate on this issue. Senator Hartke was not alone in linking the administration's loss of credibility to alleged equivocations in its negotiating position, or in accusing it of having let important negotiating opportunities slip by.[40] A major controversy, illustrative of others, was generated when Harry Ashmore, an official of the Center for the Study of Democratic Institutions, publicly accused President Johnson of having "effectively and brutually cancelled" a secret initiative for peace, in which he, Ashmore, had been involved. Ashmore, with official sanction, had written a conciliatory letter to Ho Chi Minh, with whom he had had previous talks, but before Ashmore's letter could arrive, another had been received by the North Vietnamese leader from President Johnson, which, according to Ashmore, was so stringent in its terms as to make peace impossible.[41] The White House denied having sabotaged any promising opportunity for peace, claiming that Ashmore's letter had been a mere peripheral element in "a far more active, important and direct official contact" with the enemy of which Ashmore had been unaware. Senator Fulbright, suggested, however, that the United States could have had peace talks had it been willing to consider "anything short of surrender." [42]

Tonkin Gulf

By late 1967, suspicions had arisen that Congress might not have been given the full story on the critical events surrounding the Gulf of Tonkin action in 1964. The growth of these suspicions paralleled, if they did not reflect, growing misgivings concerning the use to which the administration was putting the Southeast Asia Resolution, and consequent regret on the part of some members that in 1964 they had given that resolution their support.[43] To a considerable degree, the whole credibility controversy tended for a time to concentrate on these related issues, and the result was a direct confrontation between Secretary of Defense MacNamara and the Senate Foreign Relations Committee at a hearing held in executive session in February 1968.

Three matters were basic to the dispute: Had the two alleged 1964 attacks on U.S. destroyers in the Tonkin Gulf actually taken place? Had they been provoked by actions of the United States or South Vietnam, known or unknown? Had the administration revealed all of the relevant facts to Congress at the time of the incidents? The committee wanted to know what had actually happened, but also how much Congress had known or been told at the time about what was happening.

The confrontation was contentious from the beginning.[44] Secretary MacNamara strongly defended the information policies of the ad-

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[39] Johnson, op. cit., p. 233.
[40] Hartke, Vance. "The American Crisis in Vietnam." New York, the Bobbs-Merrill Co., Inc., 1968, pp. 54–63.
[41] Smith, Hedrick. "Johnson Accused of Move Negating a Peace Feeler." New York Times, Sept. 18, 1967 : 1, 3.
[42] Smith, Hedrick. "U.S. Denies Charge Johnson Negated Peace Initiative." New York Times, Sept. 19, 1967 : 1, 20.
[43] Congressional Record, vol. 113, Sept. 26, 1967 : 26699–26713.
[44] U.S. Congress. Senate. Committee on Foreign Relations. "The Gulf of Tonkin, the 1964 Incidents." Hearing, 90th Cong., 2d sess., Feb. 20, 1968. Washington, U.S. Government Printing Office, 1968.

ministration as a whole, and of his own Defense Department in particular. On the Tonkin incidents, he found no reason to think that the events in question had occurred any differently from what was believed at the time, or that Congress had not been fully and honestly informed on those events. The charge that the administration had intentionally provoked the attacks to provide itself with an excuse for retaliation against North Vietnam the Secretary characterized as nothing short of "monstrous." [45]

The critics were far from satisfied, however. The tendency to question the reality of the second attack does seem to have diminished somewhat, but Senator Fulbright raised a rather different point in arguing that even if it were the case that now, with the benefit of hindsight, one could say with reasonable certainty that the second attack had taken place, no such certainty existed at the time. The information available to the administration during the crisis period had not been sufficiently reliable to justify making the momentous decisions that it had made and then pushed Congress into accepting—"a decision to declare war on another country, which was the immediate outgrowth of this particular series of events." Furthermore, the existence of this uncertainty had not been made known to Congress. Had he been aware that there were serious doubts as to what had really happened, he would never have "rushed into action" at the behest of the administration, but instead would have "had enough sense to require a complete evaluation" or "at least to raise a warning sign." Not being aware of these doubts, "I went on the floor to urge passage of the resolution * * *. I had no independent evidence, and now I think I did a great disservice to the Senate." [46]

The intent of the hearing supposedly had been to get to the bottom of the dispute over what actually had occurred in the Tonkin Gulf crisis, but there was never a meeting of minds on any of the central questions, and afterward the controversy continued in the press and on television. Over the weekend, Senator Fulbright and Assistant Secretary of State William Bundy were questioned on the Tonkin issue on separate television interview shows and then asked by the New York Times to comment on one another's remarks. Bundy continued the administration's defense along the lines laid down by Secretary McNamara, insisting that the two attacks had taken place, that they were unprovoked, and that the mission of the ships had been "fully disclosed" to Congress during the debate following the attacks. Wording of the now controversial Southeast Asia Resolution had been worked out in consultations with Members of Congress, he added.[47] Senator Fulbright, on the other hand, was equally emphatic

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[45] Ibid., p. 19. Earlier, in committee hearings on S. Res. 151, Senator Fulbright had criticized an attempt by Under Secretary of State Nicholas Katzenbach to draw a parallel between the Tonkin Gulf incidents and Pearl Harbor, saying of the latter that it "was so clear that it wasn't any question about the correctness of the declaration of war as a result of Pearl Harbor." U.S. Congress. Senate. Committee on Foreign Relations. "U.S. Commitments to Foreign Powers." Hearings, 90th Cong., 1st sess., on S. Res. 151. Aug. 16, 17, 21, 23; Sept. 19, 1967. Washington, D.C. U.S. Government Printing Office, 1967, p. 86. But a controversy very closely paralleling that surrounding the Tonkin incidents was provoked by Pearl Harbor. Some critics of President Roosevelt's "internationalist" foreign policy suggested that he might have provoked the attack on that installation—tricked the Japanese into "firing the first shot"—in order to get a war declaration out of Congress and public support for an open struggle against fascism. (See chapter 1.)

[46] Ibid., pp. 79–80.

[47] Grose, Peter. "Fulbright Urges Congress Inquiry Into War Policy." New York Times, Feb. 26, 1968: 1, 3.

in continuing to deny that the visual and electronic reconnaissance mission of the ships had been disclosed to Congress and that the resolution had been the product of consultations. Later he conceded that there had been consultations in drafting the resolution but continued to insist that Congress had not been informed about crucial aspects of the missions of the two destroyers. On this point, he was seconded by Senators Morse and Gore. Later, the State Department seemed to retreat somewhat from Bundy's claim of "full disclosure," saying only that Secretary McNamara had briefed "at least some Members of Congress" on sensitive aspects of the destroyer missions.[48]

The Nixon Administration

Richard Nixon came to the Presidency with one major advantage not held by his immediate predecessor—the war, at least initially, was not his war in the way it had been "Johnson's war" or "McNamara's war" in the eyes of those critical of the war policy. The "Vietnamization" program and other evidence given by the President that he apparently intended to bring American participation in the struggle to an early end also served for a while to reduce the heat of controversy.

But the administration labored under handicaps as well. A major difficulty, it has been suggested, was the inexperience of the new President's top staff aids with the operations of Government at the national level. These men—especially H.R. Haldeman and John Erlichmann—not only seem to have had a very limited awareness of the prerogatives, habits, and sensibilities of Congress, but in time developed a sharply negative attitude toward that body, viewing it, in the words of one observer, not as a partner in Government but as "an awkward and obnoxious obstacle, a hostile foreign power." Assistants to other Presidents have held similar views, but the new Nixon staff was unable to make its suspicions work for rather than against it.[49] The situation was made even more difficult by the fact that President Nixon himself seemed to take little "interest" in Congress, and did not put it "high on the list of priorities with respect to foreign policy."[50] In his view, the President's primary responsibility lay in the exercise of world statesmanship, and like his predecessors in the office, he believed that in this matter Congress had only a very subordinate role to play.

As a result, despite the several years of congressional criticism to which President Johnson had been subjected, and growing awareness that all was not well between Congress and the Presidency, President Nixon seems to have done nothing to alter in any fundamental way the longstanding relationship that pertained between Congress and President concerning conduct of the war and other diplomatic and military business. The columnists, Evans and Novak, record that in public the President was more candid on the war than President Johnson had ever been, and that he won "high remarks" from Congress for his handling of congressional relations during the Jordanian crisis in the fall of 1970.[51] But the Jordan events were the exception, not the rule.

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[48] "Fulbright Called Wrong on Tonkin." New York Times. Feb. 27, 1968 : 9.
[49] Evans, Rowland, and Robert D. Novak. "Nixon in the White House : The Frustration of Power." New York, Vintage books, 1972, pp. 46, 51, 109, 378–379.
[50] Ibid., pp. 106–107, 110.
[51] Ibid., pp. 265–266, 390.

There was little interchange between Congress and the Executive on any other of the President's major military and foreign policy initiatives.

There seems, for instance, to have been no real consultations to speak of concerning the Cambodian incursion in April 1970, which had major political repercussions at home. National Security Adviser Henry Kissinger is reported to have briefed Senators on the general situation in Cambodia shortly before the incursion took place and while it was being planned but failed to mention the plan itself at any point to his congressional listeners. At the urging of Secretary Laird that something be done to "sound out" Capitol Hill, Kissinger briefed Senator Stennis, who gave his "reluctant" endorsement, and Senator John Williams, who stood opposed. On the other hand, Senator Robert Griffin, a leading Republican, was reportedly shocked to learn of the proposed attack a short time before it actually took place and from a newsman rather than the administration.[52]

The President announced his intention to mine Haiphong Harbor to congressional leaders only 1 hour before the announcement to the Nation. He summoned the leaders to a White House meeting that he opened by saying "Let me come directly to the point and tell you of a decision I have had to make." He described the decision and asked the assembled legislators for their support. "There was no response—either positive or negative," [53] according to the Kalbs' account.

The intensive bombing campaign in Cambodia that began in March 1969 was carried out under elaborate secrecy precautions, and the South Vietnamese incursion into Laos was masked by an intensive news blackout. The latter operation led to much recrimination on both sides, the press accusing officials of excessive secrecy and attempts at press control, the administration charging the press with biased reporting.[54]

The administration's major diplomatic initiatives—SALT and the strengthening of the United States-Soviet détente, the opening to Communist China, and negotiations on the war—all were carried out in strictest secrecy. This was accomplished in part by a further centralization of executive decisionmaking and execution in a reorganized National Security Council (NSC) mechanism controlled by National Security Adviser Henry Kissinger. The State Department itself is said to have been excluded from every significant diplomatic development during President Nixon's first term. In part this arrangement seems to have reflected the President's distrust of the State Department bureaucracy, but centralization was also an important means of restricting the flow of information to outside ears. President Nixon wanted a "leaner, leakproof NSC." [55] As Senator Fulbright complained, this kind of concentration had taken "very important matters out of the hands of the traditional agencies, most of which felt a responsibility to Congress," putting it instead in the hands of a Presidential adviser who, under the doctrine of executive privilege, could not be held directly accountable to Congress for information and testimony.[56]

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[52] Kalb, Marvin, and Bernard Kalb. "Kissinger."Boston, Little, Brown & Co., 1974, pp. 157–162.
[53] Ibid., pp. 304–305.
[54] Evans and Novak, op. cit., pp. 386–387.
[55] Ibid., pp. 92, 97, 239, 240–441 ; Kalb and Kalb, op. cit., 424–425.
[56] Kalb and Kalb, op. cit., pp. 79, 91, 95.

Plugging Leaks

Yet, despite these precautions, major spills of sensitive information did occur, some of it apparently from the NSC itself. In May 1969, for instance, the New York Times reported on the secret bombing campaign that was being waged in Cambodia.[57] In December 1971, Jack Anderson published minutes of a White House meeting at which U.S. policy on the Indo-Pakistani war had been discussed.[58] In June 1971, the New York Times began publishing the "Pentagon Papers."[59] Shortly thereafter, the New York Times also published details of the United States-Soviet negotiating positions at SALT, which, according to the administration, seriously jeopardized the success of those discussions.[60]

Following the Times disclosure of the bombing in Cambodia, a series of wiretaps were instituted on NSC staff members and some reporters. After the leak to Anderson concerning the Indo-Pakistani war, Kissinger further tightened up the operations of his vehicle for crisis management, the Washington Special Action Group—"fewer officials, tighter security and discipline, less chance for leaks."[61] The leak of the "Pentagon Papers" provoked establishment of the "plumbers" operation, a special group set up in the White House with responsibility for plugging security breaches.

Attempts by the New York Times and other newspapers to publish the "Pentagon Papers" resulted in a major clash between the executive branch and the press, which ultimately was resolved in favor of the latter by the Supreme Court.[62] The administration claimed that publication of the documents would jeopardize national security, but seems in reality to have been more concerned with the question of precedent, and with identifying and punishing those responsible for the leak itself, this being a time when secret negotiations—with China, with the Soviet Union on SALT, and with North Vietnam on ending the war—were all in progress.[63] The "Papers" seem to have contained very little information not already known to the public, though they did provide new documentation.

The National Commitments Resolution

Many of these activities—the wire taps, operations of the "plumbers" unit, the special security arrangements for the Cambodian bombing, together with the whole question of "executive privilege,"—later became entangled in the Watergate controversy, which was to result in the President's resignation. But at this point the issues became largely domestic in character, and thus lie beyond the scope of this study. The forced resignation of the President under threat of impeachment *is* relevant, however, as an exercise of the ultimate legis-

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[57] Beecher, William. "Raids in Cambodia by United States Unprotested." New York Times, May 9, 1969 : 1, 7.

[58] Anderson, Jack. "United States, Soviet Vessels in Bay of Bengal." Washington Post, Dec. 14, 1971 : B15.

[59] Sheehan, Neil. "Vietnam Archive : Pentagon Study Traces 3 Decades of Growing U.S. Involvement." New York Times, June 13, 1971 : 1, 35–40. (This was the first in the series.)

[60] Beecher, William. "United States Urges Soviet to Join in a Missile Moratorium." New York Times, July 23, 1971 : 1, 4.

[61] Kalb and Kalb, op. cit., pp. 286–287.

[62] Ungar, Sanford. "The Papers and the Papers." New York. E. P. Dutton, 1972.

[63] Kalb and Kalb, op. cit., p. 242.

lative sanction against the abuse of executive power, and thus was one further manifestation of a process that had acquired momentum with the controversy over the war—the resurgence of Congress as a force in the making of foreign policy. A major result of executive-legislative differences over the war was to awaken many in Congress to the institutional problems that often complicate the conduct of U.S. diplomacy. As Senator Fulbright said in late 1967:

> I am deeply concerned with the constitutional question. The fact that the war in Vietnam is related to the constitutional problem does not mean that the latter is merely a facade for pressing opposition to the war. It means only that this war, which I oppose so deeply, and events connected with it, such as the adoption of the Gulf of Tonkin resolution in 1964, and other events such as the Dominican intervention of 1965, have aroused in me an awareness of institutional problems that I probably should have had before, but in fact did not.[64]

One early expression of this new assertive force was the introduction of the "national commitments" resolution in 1967. It was the intent of this resolution to confine U.S. national commitments to those undertakings "carrying in one form or another the endorsement of Congress." In Senator Fulbright's words, the resolution would establish a congressional presence in policymaking, allowing Congress "to participate in a more meaningful way and not always be brought in as a result of emerging action to endorse whatever the executive wishes to do." [65]

Hearings were first held on this proposal in August and September 1967. The resulting debate concerned broadly the constitutional powers of Congress in foreign policymaking, but that information was in some respect a key to the whole problem as recognized early in Senator Percy's proposal that the resolution be amended to require that the President "on an annual basis, itemize for the Congress—or at least for the Senate—our national commitments as he sees them, detailing the nature of each commitment, its limitations, and the justification for it in terms of the national interest." [66] But whatever the real value of Senator Percy's specific proposal—Senator Hickenlooper suggested that serious diplomatic penalties might be exacted for any such public itemization of U.S. commitments [67]—it was generally felt on the committee that while it was indeed true that information was a key to the problem, an annual report of the kind suggested by Senator Percy scarcely would be sufficient in itself to set things right. What was needed was not more summaries, charts, or statistics, but something more active and timely, contemporaneous with action and attendent upon it, a two-way process—in a word, *consultations*.

Other Congressional Efforts

The National Commitments Resolution was but one piece of evidence among many of a congressional reawakening, and despite a lack of

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[64] U.S. Congress. Senate. Committee on Foreign Relations. "U.S. Commitments to Foreign Powers," op. cit., p. 1; See also Javits, Jacob K. "The Congressional Presence in Foreign Relations." Foreign Affairs, vol. 48, Jan. 1970 : 227, 229.

[65] U.S. Congress. Senate. Committee on Foreign Relations. "Commitments to Foreign Powers," op. cit., pp. 1, 88.

[66] Ibid., pp. 112–114.

[67] Ibid., pp. 117–118.

sympathy from executive quarters, and indeed in the face of active opposition, the movement to assert a more active legislative role in the formulation of foreign policy, and the closely related effort to open up the processes of executive decisionmaking to outside scrutiny and congressional participation, proceeded apace. Other enactments of relevance to the information issue may be mentioned—the Freedom of Information Act, the Legislative Reorganization Act, the Case Act, the War Powers Resolution, the Congressional Budget and Impoundment Control Act, and much else—but the significance of all this activity would seem to lie less in the detail than in the general trend it manifests.

In a sense, with this diverse bloc of legislative enactments, and even more with the spirit that lies behind them, this historical study comes full circle. It began with the accretion of executive power under President Roosevelt in the late 1930's and the war years in the face of opposition from congressional isolationists. It ends with these several moves toward restricting that accrued power and reasserting a congressional prerogative. The concern with and the demand for fuller congressional information in foreign affairs is integral to this process, as the control and manipulation of information has been integral to executive power and discretion. Whether the reforms undertaken will result in real improvements in the quantity and quality of information available to Congress, and more importantly, whether they will enable Congress to play larger and more responsible role in policymaking, is the unanswered question. An analysis of this historical record should throw some light on that important subject.

Part II

INFORMATION POLITICS: AN ANALYSIS

Chapter VI

EXECUTIVE POWER

The Constitutional Setting

"If men were angels," observed the authors of the Federalist Papers in 1788, "no government would be necessary," while "if angels were to govern men, neither external nor internal controls on government would be necessary." [1] Since neither the one condition nor the other was likely to obtain, however, the Constitutional Convention was confronted with the task of framing a government "to be administered by men over men," and in that undertaking, Publius further notes, "the great difficulty lies in this: you must first enable the government to control the governed; and in the next place oblige it to control itself." The unwelcome alternatives are anarchy or absolutism. Without sufficient powers, unified government will disintegrate; without commensurate checks, the "encroaching spirit of power" will bring about that "gradual concentration of the several powers [executive, legislative, and judicial] in the same department," the occurrence of which "may justly be pronounced the very definition of tyranny.

The answers that the Founding Fathers were to give to this republican conundrum are familiar to every student of American institutions, and it is useful to recall them here only because they happen to be important to an understanding of the congressional information problem, and yet are usually overlooked when that problem comes under discussion. One reason for this neglect seems to lie in the widespread assumption that information problems in general and the congressional information problem in particular are largely a matter of logistics. Since Congress lacks information, the task of reform is the technologically intriguing but conceptually simple one of supplying it; that is, of devising mechanisms to transport a certain quantity of facts and analysis from sources outside the congressional domain to some convenient location inside it where it can be consumed as needed by presumably knowledge-hungry legislators. The argument here is that while this logistical viewpoint may have value for some purposes, a fuller understanding of the congressional information issue must begin and end with an awareness of that dynamic, tension-inducing balancing of the demands of efficiency and freedom that lies at the core of the American constitutional system, and which depends for its functioning on an institutionalized confrontation of executive and legislative power that,

[1] Alexander Hamilton, John Jay, and James Madison. "The Federalist: A Commentary on the Constitution of the United States." Edited and introduced by Edward Mead Earle. New York, the Modern Library. These and the following quotes are from papers 47–51, pp. 312–340.

in the words of Professor Corwin, not only invites the two branches to contest for supremacy but makes that struggle all but inevitable.

How, then, were liberty and efficiency to be reconciled? Having provided the new Government with the energy necessary to command obedience from a continental nation, where was the Convention to look to find the checks to confine that energy within just bounds? The first step was to divide the powers of government among three great departments corresponding to the executive, legislative, and judicial functions of sovereignty; the next, to devise some means to prevent these several powers from being reunited in a single hand. The Federalist informs the reader that in searching for a solution to this latter aspect of the problem, the Convention examined a variety of expedients but found each of them wanting. "Parchment barriers," for instance, were determined to be woefully deficient for the purpose, as were "periodic appeals to the people." Arranging the departments so that the members of each "should have as little agency as possible in the appointment of members of the others," and depend as little as possible "on those of the others, for the emoluments annexed to their offices," were considered to be useful safeguards, but these, too, were thought to provide less than the necessary protection. Safety, it was decided, the one "great security" in this matter, could lie only in this:

> * * * in giving to those who administer each department the necessary constitutional means and personal motives to resist encroachments of the others. * * * Ambition must be made to counteract ambition. The interest of the man must be connected with the constitutional rights of the place. It may be a reflection on human nature that such devices should be necessary to control the abuses of government. But what is government itself, but the greatest of all reflections on human nature? * * * This policy of supplying, by opposite and rival interests, the defects of better motives, might be traced through the whole system of human affairs, private as well as public.

One can easily make too much of this argument, so that it seems more cynical than it was meant to be. The framers were not unaware of the possibility and value of cooperation; on the contrary, the constitutional system assumes it. Now were they oblivious to the need for "rules of the game"; the Constitution itself is composed of such. But these alone are not to be relied upon to sustain a government at once effective and libertarian. The indispensable safeguard in this Government made to be administered by men over men is *competition* between the separate branches. This competition is, in the nature of the case, *political*—that is, it is a proceeding whose outcomes are determined not by fixed rules of procedure and authority, as is the case with administrative organs, but rather by the dynamics of power and influence as it develops in the relations between two formally equal and independent bodies. Behind the elegant, 18th-century geometry of separated powers and checks and balances lies a tough-minded realism: The one "great security" against "the encroaching spirit of power" is countervailing power.

Seen in this context, information exchange between the executive branch and Congress is a vital but still subsidiary element in the more comprehensive process of executive-legislative decisionmaking. Insofar as that process is *political* in character, information issues tend to be so as well; that is, they shape and are shaped by the ongoing executive-legislative struggle for control over policymaking. Once this is

understood, much in postwar executive-legislative behavior that initially seems inexplicable or attributable only to ephemeral and fortuitous events, concerning such diverse matters as security classification, secret diplomacy, executive privilege, consultations, and the like, is clarified.

Contrary to a common assumption, the congressional information problem did not begin with the war in Southeast Asia. The practice among executive officials of manipulating foreign policy information for the purpose of gaining leverage vis-a-vis Congress in making policy decisions can be traced back over more than three decades, through the administrations of six Presidents and twice that many Secretaries of State, to the beginnings of the Second World War and beyond. Yet, given the character of American institutions, there is nothing astonishing about this. For more than 30 years, in the eyes of the American public, the President has borne the major share of the burden of responsibility for American success and failure abroad. To get results he has often needed the backing of Congress for his decisions while the formal powers for mustering that support have been scant. In this situation, politics has had to serve as substitute for the more certain powers of command.

In the course of this long struggle, administration officials have seldom thought of themselves as intrinsically the stronger party. On the contrary, from the lower end of Pennsylvania Avenue, Congress looms as a most formidable adversary, which sometimes seems to have no other purpose in life than to complicate problems and set vexatious limits to what may be accomplished. It is not surprising, therefore, that the manipulation of information came to be valued by these officials as an important weapon of defense and attack, as a necessary strategy to maintain executive control over policy in the face of stiff challenges from—as they saw it—an often unsympathetic and unruly legislature. Nor did this practice—heroic or nefarious, depending on your point of view—begin with the Second World War. "There can be * * * nothing like confidential and thorough cooperation" between the two branches, observed Woodrow Wilson long before his defeat over the League of Nations. "The departments may be excused for that attitude of hostility which they sometimes assume toward Congress, because *it is quite human for the servant to fear and deceive the master whom he does not regard as his friend, but suspects of being a distrustful spy of his movements.*[2]

The Unanswered Question

The manipulation of policy information by executive officials for policymaking advantages is not, then, an *aberrent* but a *normal* fashion of proceeding under the system of separated powers, and at this point the only question still worth asking is not why the executive branch has used the information it possesses to its own ends, but rather why it has been so generally successful in this enterprise, with the consequence that Congress so often has been deprived of the wherewithall to play a more active role in the policy process? The Federalist authors

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[2] Wilson, Woodrow. "Congressional Government." Boston, Houghton Mifflin Co., 1896, 12th ed, p. 278. Emphasis added.

argued that the concentration of all powers in the same hands "may justly be pronounced the very definition of tyranny." Ironically, the main danger, they warned, lay with legislative usurpations. What role has information played in enabling the President to stand this warning on its head by overriding the system of checks and balances to the point of establishing a sort of postwar executive "tyranny" in foreign affairs? The purpose of this analysis is to find some answers to this question.

To be examined are (*a*) certain special characteristics of foreign relations that have had the effect of constricting communication between the branches and thus strengthening the executive hand in foreign policymaking; (*b*) certain special characteristics of modern executive power that have had the same effect; and (*c*) certain aspects of the congressional approach to foreign policymaking that have tended to reduce the congressional capacity for self-defense and counterattack.

The Language of Diplomacy

Any attempt to understand the congressional information problem in foreign affairs must come to terms with certain special characteristics of diplomatic language and communication. To put it briefly, diplomatic language is an "interested" language; that is, its function is not at all to convey the "truth" in any straightforward, "disinterested" sense, but rather to exert influence over friends and enemies abroad. Diplomatic speech is not unique in this respect. On the contrary, all political communication is of this character, governed unavoidably by its potential impact on relations of power; but because politics among nation-states is less constrained by law and morality than that within societies, and because in international politics the stakes often are extremely high, involving even the survival of political entities, international relations are more directly governed by naked power realities than are domestic relations, and so too are diplomatic language and communication.

Diplomatic language, then, is inherently manipulative in character. It is a language of extreme circumspection rather than candor, of calculated ambiguity rather than clarity. It is understandable that the popular mind often takes "diplomacy" to be another word for duplicity. Inevitably, this state of affairs poses difficulties for Congress, answerable to its constituency, as it strains to peer through the drifting smoke of diplomatic huggermuggery to find out what is actually happening, both on the field of battle itself and in the secluded confines of the diplomatic headquarters from which the struggle is being directed. The White House itself is one such headquarters, and a major source of congressional confusion and frustration.

It may be added that the supposedly "public" character of modern diplomacy, while it may represent some improvement over the former practice of treating state business as the personal and private affair of princes, tends to reinforce these normal tendencies in diplomatic communication by imposing on statesmen the added burden of manipulating not one but several audiences simultaneously. The diplomatic official knows that when he speaks to the American people, or to Congress in public session, he speaks to the world as well. Likewise, when

he speaks to the world, Congress and the American people will be listening. The situation can be a difficult one because there may be things he will want to tell Congress or the public that he does not want "outsiders" of one kind or another to hear. It is also true—though less readily confessed—that sometimes there are things he would like to say to "outsiders" that he would prefer not to have to say to Congress and the people. Furthermore, the world itself is not one audience but many, and so for that matter is the American public and Congress, a consideration that reduces the appeal and the candor of executive sessions.

As a consequence, the art of speaking to multiple audiences becomes one of the primary skills of an effective diplomacy. To the extent that it is anything more than empty rhetoric, its language is that of traditional diplomacy with the faults of circumspection and ambiguity greatly intensified.

Those with experience in diplomatic communication understand its necessities and learn the valuable art of "reading between the lines." Those who lack that experience, or have no tolerance for the limiting conditions of political realism, soon lose patience with its silences and ambiguities, and take solace in charges of simple duplicity, an indictment few Secretaries of State have been spared for very long. And the truth is that the charge is seldom without some foundation. It should come as no surprise that the professional diplomat, who has studied so carefully and so long to master the inherently duplicitous language of his trade for the purpose of advancing the interests of his country abroad, is often tempted to use that same tool to advance those same interests at home. From his point of view, the befuddlement of a Senatorial opponent of an important bill or treaty may be as useful to the cause—as he sees it—as the discomfiting of any enemy abroad.

Secrecy

But given the extremely high stakes for which the diplomatic game is played, the practices of diplomacy do not stop at mere circumspection and ambiguity, but proceed into the realm of strict secrecy as such. The perils of international politics are used to justify and to rationalize controls over the distribution and use of foreign affairs information, the stringency of which is matched in only a few special cases in domestic affairs.

Secrecy is an asset that no country can afford to give up. Whether in a given case its object be the straightforward one of preventing an enemy or competitor from knowing something it would be better he not know, or to control the timing of events (a primary consideration in all diplomacy), or to avoid that problem of speaking to multiple audiences just discussed, or to protect sensitive negotiations or other diplomatic exchanges from outside pressures (and thus curiously to encourage mutual frankness and candor among the negotiators themselves), secrecy brings valuable diplomatic dividends. Yet it is equally evident that secrecy of any kind clashes directly with a fundamental need of democracy—the people's need to know, the very foundation of responsible citizenship and representative accountability. The need of Congress to be kept fully and currently informed on executive action, of the citizen to know just what his elected representatives are

doing, of the journalist to do his job, these practical manifestations of the abstract right cannot be dismissed out of hand by appeals to diplomatic necessity.

Furthermore, though the general arguments for diplomatic and military secrecy may well have significant merit when applied to selected cases, the national security argument for withholding information provides foreign policymakers and spokesmen in the executive branch with a convenient and widely respected rationale for doing just what they are inclined to do in any case: not merely to withhold information from those outside the policymaking structure, but to withhold or release it selectively in order to protect the policy interests of the controlling agency against potential criticism or opposition from Congress or the public at large. The temptations are great, the flesh weak, and the abuses frequent.

Security Classification

A somewhat technical manifestation of this national security claim is the security classification system. That this system poses serious information problems for Congress is well-known, and little more need be said about it here. Congressmen and Senators are entitled to receive, examine, and hold classified material by reason of their office, though their staffs must receive appropriate clearances. The problem, however, is not so much one getting materials specified in an inquiry as it is knowing what materials are available and what to ask for. This blanketing effect of the system has been noted by Carl Marcy, who says that it often puts inquiring legislators in the embarrassingly ineffectual position of having to ask official witnesses whether there is "anything I should have asked you that I didn't," a question to which one could hardly expect a helpful response.[3] The system also conceals information from those on whom Members often put great reliance for independent study and commentary on executive functions—journalists, scholars, and even other, competing Government officials. It may be added that the executive privilege claim, though based on a somewhat different rationale, has similar consequences. Though narrower in application, it may well achieve more decisive results since it is used specifically to protect central planning functions As noted, these devices taken together give the executive branch a special advantage in foreign affairs—the ability not just to withhold information, but to withhold or release it as political tactics dictate.

In the past, Congress has approached the national security classification system and its rationale with great deference. Congress itself has lent indirect legislative sanction to the classification system, though it has never specifically authorized it. Many Congressmen and Senators do not want to be privy to classified materials, preferring a freedom of speak out forthrightly on public issues without the inhibiting concern of accidently making some damaging disclosure. Information in hand that nevertheless may not be used in public debate is of limited value to a legislator in any case, whose primary function after all, is representation. Besides, though the system carries many disadvantages

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[3] "The role of secrecy in the conduct of foreign policy." American Journal of International Law, vol. 66, September 1972, p. 70.

to Congress and the cause of an informed public opinion, the need for confidentiality in some phases of diplomacy, and for some kind of control over national security information, particularly that relating to military plans and technology, is widely conceded. Here, as noted, the requirements of national action in a dangerous environment clash directly with the central need of a democratic policy, and the proper balance between information security and information disclosure is not an easy one to strike.

Secret Diplomacy

As always, when two such broad political imperatives meet head on, the issue becomes one of balance and above all degree. How much secrecy? How much public awareness? The most difficult of all disputes to try to resolve by logical means alone. If there is any solution to this kind of dilemma, it is to be found not in analysis but in the working out of practical compromises to meet specific, changing circumstances. Recent history has something to say in this regard.

Since the late 1930's, it has been the practice to yield the President and his diplomatic agents wide discretion in the use of secret diplomacy. One rationale for this has been the President's unquestioned constitutional mandate to *conduct* the Nation's day-to-day diplomatic affairs with foreign countries. It will be recalled from the constitutional debates and the Federalist that a major reason for creating the institution of the Presidency in the first place was a belief among the Founding Fathers that only a strong, unitary executive organ would possess those characteristics of Government action—unity, dispatch, and *secrecy*—necessary to the effective conduct of affairs abroad.[4] The difficulty, however, is that, as President Roosevelt's World War II summit diplomacy, President Nixon's more recent "turn" toward China, and much other postwar diplomatic business in between, have made all too plain, the *conduct of diplomacy* is not to be separated from the *making of policy*. This is an important lesson. In these particular cases, far-reaching confirmations and alterations in the Nation's relations with the outside world were accomplished with little more than diplomatic "talk," all of it shielded from public and congressional scrutiny until such time as the purposes of these two Chief Executives had been advanced beyond the possibility of recall. To be sure, in most cases, some kind of consultation does take place with congressional leaders, but it is the President who decides when and how much he will reveal, and to whom. In this last respect, his choice almost always falls on those whom he can depend upon to take a "constructive" attitude toward his foreign policy, thereby excluding the possibility of effective counteraction—including the "leak"—by potential critics.

A second lesson taught by the record of recent years is that nothing succeeds like success. One might say that there is a widespread, implicit recognition of the truth of Edmund Burke's observation that if it is true that the people have certain specific rights, such as the right to know what their leaders are up to, it is also true that they

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[4] The Federalist, op. cit., pp. 418–419.

have a right to good government—in these cases the right to an effective foreign policy. If a secret diplomatic initiative or negotiation is successful there will be few complaints. It is also true, however, that the measure of "success" lies to some degree in the eye of the beholder. To his supporters, President Roosevelt's series of wartime agreements with the Soviet Union concerning the fate of Eastern Europe and the Far East have appeared as a masterful instance of making the best of a difficult situation. Others, however, have characterized them as a "sellout." Not unexpectedly, there is a direct correlation between these contrasting attitudes toward the results achieved and readiness to indict President Roosevelt for having failed to tell all to the American people and their representatives in Congress.

Executive Power

The preceding discussion rests on an assumption that it is the executive branch that "has" the information Congress needs, and that the congressional information problem arises directly out of an unwillingness on the part of executive officials to share what they possess with Congressmen and Senators. The special characteristics of foreign affairs information and communication work to the advantage of these officials in fostering an ambiguous and deceptive language, and in providing a rationale for the security classification system and secret diplomacy.

But how does it happen that the executive branch rather than Congress has the information in the first place? And are there reasons, in addition to those given above, why it is so often able to use that information to its own advantage and the detriment of Congress as a potentially active participant in the policymaking process? For answers to these questions we must look to the character of modern executive power.

To what, then, can we attribute the imbalance in information resources that exists between President and Congress? The point is often made that the President's great power over foreign affairs rests on his having better and more complete information than any of his potential competitors, whether in Congress or elsewhere, but the neatness of this formulation is upset by the observation that its opposite comes as close to the truth: It is not only superior information that gives the President power; it is his power that gives him superior information. The President is better informed than Congress because he and not Congress commands the chief instruments of foreign policymaking and execution, which happen to be the chief instruments of information gathering and evaluation as well.

This advantage of command derives in the first instance from the Constitution. Right at the beginning of American political life a later, oftrepeated circularity of argument and effect asserted itself. One reason given for entrusting the *conduct* of foreign relations to the President was that the executive branch would have superior sources of information; one result of giving him that control was to consolidate decisively that very advantage.

In an age when contacts between governments in time of peace were confined to all intents and purposes to the relations between foreign

ministeries and professional diplomats, investing the President with power to "receive ambassadors and other public ministers," and to nominate, and with the advice and consent of the Senate, to appoint "ambassadors, other public ministers, and consuls," not only gave him command over the chief instruments for the diplomatic expressions of national power and purpose, but also a virtual monopoly over the major channels of intelligence with foreign nations. As Professor Corwin has said, the Constitution rendered Congress "both deaf and dumb" in relation to other governments.[5]

It was not until much later, however, that the full weight of this advantage was realized in practice. Throughout the 19th century, the balance of power between the two branches fluctuated one way and then another as strong Presidents rose and fell. The end of the civil war saw the emergence of a long period of "congressional government." In none of this did foreign affairs as such play more than a peripheral role in comparison with the far more pressing undertaking of conquering, consolidating, and exploiting the rich resources of a continent. With the turn of the century, however, the United States found itself becoming ever more deeply enmeshed in the affairs of Europe and Asia, with profound impact on the character of American institutions. It required the chaotic conditions of the 20th century to bring about and make manifest a truly dramatic expansion and metamorphosis of executive power.

The Problem of Bureaucracy

It is especially important to note this new power *was* executive and not merely Presidential. Its seat was and is in the great military and foreign policy bureaus that arose to meet the challenge of these new conditions. These organizations have multiplied many-fold the President's original advantage in both the collection and evaluation of information. Bureaucracy gives the President something more than an organizational mechanism for collecting raw data; it gives him that *plus* expertise and an apparatus by which this data is selected, arranged, interpreted, and welded into a coherent policy framework. This means that the executive branch not only "has" the data in a physical sense; it also has the principle say in deciding what the data are to mean and how they are to be applied. In short, it has what Roger Hilsman has called the "intellectual initiative" in foreign affairs.[6]

Much of the difficulty that confronts Congress in its struggle to obtain information about the Nation's foreign affairs can be traced directly to this source. Beginning with Max Weber in his pioneering studies at the turn of the century, students of bureaucracy have been impressed with the propensity of these organizations to act defensively in their own interests and to use information suppression and distortion to that end. According to Weber:

> Every bureaucracy seeks to increase the superiority of the professionally informed by keeping their knowledge and intentions secret. Bureaucratic ad-

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[5] Corwin, Edward S. "The President's Control of Foreign Relations." Princeton, N.J., Princeton University Press, 1917, p. 82.

[6] Hilsman, Roger. "Congressional-Executive Relations and the Foreign Policy Consensus." American Political Science Review, vol. 52, September 1968 : p. 729.

ministration always tends to be an administration of "secret sessions" insofar as it can, it hides its knowledge and action from criticism. * * * The concept of the "official secret" is the specific invention of bureaucracy, and nothing is so fanatically defended by the bureaucracy as this attitude, which cannot be substantially justified beyond * * * specifically qualified areas. In facing a parliament, the bureaucracy, out of sure power instinct, fights every attempt of the parliament to gain knowledge by means of its own experts or from interest groups. * * * Bureaucracy naturally welcomes a poorly informed and hence a powerless parliament. * * *[7]

These observations are of even greater pertinence today, because a massive, complex bureaucratic apparatus has become the defining characteristic of modern, executive-centered government, and can be linked in a direct way to the 20th century erosion of legislatures. It has been accurately said that the question at issue in the ongoing struggle for power between Congress and the President is not so much whether one or the other of these two elected political entities will have control over the other as it is which of them will have command of the bureaucracy; except that the latter is no passive object in this contest for supremacy but itself an active competitor for power, which, in its own impersonal and perservering way, seeks covert domination over both of its nominal political superiors. As Richard Neustadt has put it:

When the elective politicians on the Hill voice their frustration they are liklier than not to pass over its source, competitive officialdom, in favor of a target more traditional and easier to watch; their constitutional competitor, that Man in the White House. Yet he, an elective politician in his own right, struggles with officialdom no less than they. He too is in a competition with this new competitior.[8]

So far Congress seems to have not fared particularly well in this three-sided struggle. In information terms, the bureaucracy presents Congress with four major difficulties worth distinguishing for purposes of analysis. These are *bureaucratic bias*, *complex decisionmaking*, *expertise*, and *centralization*.

Bureaucratic Bias

Much of the power of bureacracy springs from the central role it plays in the task of collecting and evaluating information, a position, however, that enables it to conceal as well as reveal, obfuscate as well as clarify. It is something of a paradox that for the elected political leaders of both branches the bureaucracy is at once the font of most of the high quality information available on foreign affairs, and a major source of information distortion and suppression as well. These malpractices have several sources and are of several kinds, but most originate in that warping of intellectual processes by the pervasive influence of power and interest mentioned earlier. Neustadt captures the real essence of the matter when he notes that "men in office are men molded by their jobs."[9]

Every bureau, and every office within the bureau, has its own perspectives, its own priorities; each has interests and dangers to attend

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[7] Weber, Max. "Essays in Sociology." Ed. by. H. H. Gerth and C. Wright Mills. New York, Oxford University Press, 1946, p. 233.

[8] Neustadt, Richard. "Politicians and bureaucrats." The American Assembly, Columbia University. "The Congress and America's Future." Englewood Cliffs, N.J., Prentice-Hall, 1965, p. 109.

[9] Neustadt, Richard. "Alliance Politics." New York, Columbia University Press, 1970, p. 115.

to that are peculiarly its own. Within an organization, the movement of information across some small placement difference, as between one office and another, or between a subordinate and a superior, may produce only slight distortions, but these often are cumulative through higher stages. There are also distortions characteristic of organizations as wholes, resulting, perhaps, from the pursuit of some overall organizational interest—a bigger budget, for instance—or reflecting some broad organizational bias of a more philosophical kind. An organization, like the individuals who compose it, selects, interprets, and reports information in such a way as to improve its power position, reinforce its own raison d'etre, or reaffirm a cherished view of reality.

It thus happens that those who are dependent on bureaucracy for information and advise are constantly exposed to subtle but persistent perversions of objectivity. This is true for those who sit at the heads of these organizations, it is true for the President, and it is true for Congress. Experienced administrators, it has been observed, pursue various strategies—redundencies within the organization, independent sources of information outside it, competition between subordinates, counterbiasing, and the like—to partially offset the distortions produced by their own organizations, but outsiders, with less experience in the ways of massive bureaucratic structures, are more likely to take official pronouncements at face value. The simplest and best counterstrategy probably would be a healthy skepticism, but all too often this is lacking.

As a consequence, bureaucracies are left free to define "reality" in their own terms, to let their wishes become the father of their thoughts without much "interference" from outside troublemakers; and it is left to crisis to reveal the extent to which organizational perspectives and imperatives have caused a gap to develop between the world as it is and the world as officials would like it to be. Unfortunately, coming to terms with reality at this late date can be a very costly enterprise.

Complex Decisionmaking

A further difficulty results when Congress wants information from the bureaucracy not about the outside world, but about the wheres and whyfors of bureaucratic decision itself—some past action, its intentions, the grounds it had for taking some particular decision. In this case, the inquisitive outsider is confronted not only with information suppression and distortion but with a second barrier to understanding, the intricate and confusingly bizarre world of bureaucratic decisionmaking. Officials invariably justify their decisions to Congress and the public with a mustering of rational arguments. What they fail to mention is the rather complex accommodation of various organizational aims, interests, and imperatives that also enter into most decisions and sometimes shape them decisively.

As Roger Hilsman suggests, it is characteristic of bureaucratic decisions that, first, they "require the reconciliation of a diversity of goals and preferences as well as alternative means; second, that there are competing groups within the Government as well as outside it who are identified with alternative goals and policies; and, third, that *the relative power of the participating groups is as relevant to the de-*

cision as the cogency and wisdom of their arguments." [10] As a result, what Congress and the public are given as the "reason" for a decision are all too frequently an *ex post facto rationalization*, an attempt to put the best logical and factual face on what instead was the outcome of a set of unseen and often unseemly compromises.

There are two aspects to this. In the first place, accommodations of this kind often are extremely complicated in a political-administrative sense, and hence in themselves may be very difficult for the nonparticipant or outsider to understand. The "why" of a given policy may be quite incomprehensible to one unaware that the arguments on public display represent not rationality but a rationale. Not even a general sense of the political character of bureaucratic decisions is of much help. What one really needs to know in order to understand a policy outcome is an intimate, practical knowledge of the ground, a good mental map of the bureaucratic terrain and some experience in negotiating it. It may be added that this "bureaucratic politics" model is not the only one to suggest that bureaucratic decisionmaking departs in significant ways from the "rational paradigm" reflected in the public arguments with which officials seek to justify their actions. Each such additional departure scrambles further the confusing picture that bureaucratic decisionmaking offers to the outside world.

In the second place, because these accommodations are time consuming and often quite painful to arrive at, administrators tend to resist outside "interference" in decisionmaking, whether by Congress or anyone else, since this can only make the whole process even more trying to the central participants. Information distortion and suppression, of course, is one method that the bureaus rely upon to reduce this interference to a minimum. The resistance to outside tampering is, if anything, greater *after* the decision has been made, at which point there is positive horror at the thought that some "busybody" will upset the delicate, carefully constructed balance of forces and cause the whole painful, energy-consuming process to require repeating.

> Large bureaucracies arrive at policy positions only after an elaborate process of consultation and accommodation among diverse organizational interests. Agreements negotiated with such painstaking effort resist change, because such change would require reopening the whole bargaining process with no certainty that the tradeoffs required might not yield a less effective policy outcome. Henry Kissinger put it well in a perceptive essay on the role of bureaucracy in foreign affairs: "Once the decisionmaking apparatus has disgorged a policy, it becomes very difficult to change it. The alternative to the status quo is the prospect of repeating the whole anguishing process of arriving at decisions. This explains to some extent the curious phenomena that decisions taken with enormous doubt and perhaps with a close division become practically sacrosanct once adopted." [11]

Executive privilege is especially important in this context since it is precisely the intent of that doctrine to protect *the decisionmaking process itself from outside and particularly congressional scrutiny.* The existence of this powerful tendency also suggests the *futility* of the usual executive practice of "consulting" with Congress only after a course of action has been firmly decided upon.

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[10] Hilsman, op. cit., p. 732. Emphasis added.
[11] Rourke, Francis E., "Bureaucracy and Foreign Policy." Baltimore, the Johns Hopkins University Press, 1972, p. 55.

Expertise

A third difficulty arises from growing demands for the application of *expertise* to social problems, including, of course, the problems of foreign affairs. These demands reflect both a greater awareness of the complexity of modern social life and growing anxiety about its unforeseen and unwanted products. As noted, it was in responding to these demands with an orchestration of specialized bureaucratic skills and knowledge on a scale without precedent in Western history outside the Roman Empire that the executive branch gained its really decisive advantage in information and analysis over its congressional rival. In fact, this concentration of expert knowledge in executive hands has posed numerous problems for Congress.

Experts, of course, are one source of those bureaucratic distortions of reality already noted. If the expert gains much from specialization, he also suffers much from his narrowness of focus. As Louis Dexter summarizes the case against them, they too often have a vested interest in their own programs and discipline; tend to be recruited from a rather narrow spectrum of society; are too much acclimated to working in hierarchies; are indoctrinated not to respect the opinions of others outside their own discipline; and in general are possessed of a viewpoint that is narrow and doctrinal, leading to what Thorsten Veblen once called trained incapacity.[12]

Political naivete is another and perhaps the most crippling failing of the expert, who often overlooks the differences between technical and political feasibility. Meanwhile, however, the expert's jargon and esoteric knowledge can provide a convenient degree of protective coloration for controversial executive decisions. Meant to serve as an aid in reaching decisions by rational means, expertise often is used to rationalize executive choice *ex post facto*, providing technically impressive arguments for decisions made on different, perhaps political, or even intuitive grounds.

Expertise also gives the administrator yet another motive for resisting legislative "encroachments." There is a strong tendency among experts to view such intrusions as inherently "irrational" or "dysfunctional." The expert fends off the curious and the critical with the claim that he is concerned with pure "technique," the science of relating means to ends, and with "facts," empirically oriented concepts, and their "objective" analysis, from which personal judgments and "values" have been rigorously excluded. *His* work, he argues, is "nonpolitical" or politically "neutral," and thus may be used indifferently by one political faction or another, but not questioned on *merely* political, that is, "nonscientific" grounds. This ready defense is a difficult one to deal with since the line between politics and expertise is not an easy one to draw.

Yet there can be little doubt that for the very reasons given above, experts and expertise deserve the closest kind of public scrutiny. Robert Dahl, among others, suggests that decisions on public policy

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[12] Dexter, Lewis A. "'Check and Balance Today'; What Does It Mean for Congress and Congressmen." In American Enterprise Institute for Public Policy Research. "Congress: The First Branch of Government." Washington, D.C., 1966, pp. 87–92.

typically require the directing force of a broader, less specialized kind of mind. As he puts it, "the selection of a policy must be a complicated interweaving of interpretations about reality, the preferences relevant to dealing with that reality, and the ways of mediating between those preferences and reality; hence, competent or correct judgment in the policy area requires a special kind of skill. This is the political skill," the kind of skill one might expect to find in good supply in an imminently "political" body like the Congress.[13]

Yet when all this is said, one has not escaped from, but only recognized, a fundamental dilemma of modern democratic society in relation to its experts. Ernest Griffith has described the character of the decisions required of the modern state in these terms:

> The measures proposed are generally urgent (especially in foreign affairs); they are almost invariably far reaching, but obscure in their derivative or secondary effects; they are often drastic in their primary impact, but in a complex and disturbing way; they are highly specialized; they may involve a multitude of principles, often conflicting; they always involve a quantity of facts for background. All this is only to say that they are a reflection of a specialized, but interlocked, technical age whose social and economic and political structure is intricate, sensitive, dynamic, and at the same time scarcely understood even by the wisest and best informed of men.[14]

Given these conditions, an observation of Max Weber, who was among the first to recognize the tragic paradoxes implicit in the growth of bureaucracy, becomes especially pertinent: What practical alternative to expertise is there, except dilettantism?[15]

Centralization

Finally, a long-term trend toward the *centralization* of executive decisionmaking has tended to reduce further the permeability of the bureaucracy to penetration from outside. This is especially the case with high-level policymaking in foreign and military affairs. The development of the "central clearance" system under Roosevelt, at first to deal with budget questions in the strict sense, but later to make substantive decisions as well, has been the broadest and most characteristic manifestation of this trend, but a series of centralizing innovations in the military establishment, and a movement through several stages to concentrate national security decisionmaking in separate White House organs—the National Security Council system, the National Security Adviser and his staff, and under Kennedy especially, in ad hoc working groups or task forces of personal advisers—have also had great impact. That the trend has been costly to Congress in information terms is evident.

It must be understood that the desire to discipline and contain the flow of information was one major motive for centralization from the beginning. The central clearance system, for instance, received a major impulse toward growth under President Roosevelt precisely from the consideration that it offered a means of preventing separate Government Departments and Agencies from making "end runs" to Congress with their own versions of the truth and their own prescriptions for

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[13] Dahl, Robert H. "Congress and Foreign Policy." New York, Harcourt, Press & Co., 1950, p. 104.

[14] Griffith, Ernest S. "Congress: Its Contemporary Role." New York, New York University Press, 1961, p. 72.

[15] Weber, op. cit.

national ills, and thus would enable the President "to protect not just his budget, but his prerogatives, his freedom of action, and his choice of policies, in an era of fast-growing Government and of determined Presidential leadership." [16] Centralization in the defense establishment has served a similar purpose. Defense Secretary McNamara's several new and much touted decisionmaking innovations had as principle objects to insure, first, that decisions and the information on which they were based were raised to the level of the Secretary of Defense, and second, that the whole could be withheld from outside scrutiny until such time as the President should decide that exposure was tactically wise. Similarly, President Nixon is supposed to have invested greater authority over policymaking and implementation in his National Security Adviser for the dual purpose of making certain that major decisions would be taken by the President himself and not by lower echelons, and that information would not be available lower down where it might be leaked to Congress or the press.

In a roundabout fashion, centralization also provides the executive branch with an additional motive for excluding Congress from intimacy with national decisionmaking, or perhaps better, a seeming justification for so doing. The end purpose of these centralizing tendencies has not been to shut off debate—that being a means, not the end—but to overcome supposed defects in that complex, essentially political decisionmaking process already described. The aim has been to subject contending executive factions to a degree of control by decisionmakers with a broader perspective on public affairs. Only the executive branch, it is argued, has developed this capacity—in the elaborate centralizing mechanisms under discussion—to take a broad, integrative perspective on national needs, and to impose that view to some extent on contending political-bureaucratic forces. Therefore, administrators resist outside "interference" from Congress, not only because they do not want to see the painful, time-consuming process of reconciliation, or consensus building as it is sometimes called, repeated within the administration, but also because they have reason to believe that the process already has resulted in the best decision—not the ideally best, to be sure, but the best that can be expected given the configuration of political forces. Intrusion from outside could only lead to a degradation of results. Samuel P. Huntington's description of this attitude and its organizational basis in relation to national security questions is worth quoting:

> The fear which executive leaders have of the impact of external influences on national security policy decisions is, in their own terms, a legitimate one. In the abstract, it can even be argued that while it is rational to debate the merits of one possible strategic balance over another, any balance put together with some consideration for all the elements entering into the picture is to be preferred to a mauled and disrupted strategy, the product of the pulling and tugging of a variety of groups with limited concerns and ex parte interests. The problem is that once the executive has produced a strategic program, no other groups can approach it as a whole. They can change parts of it, but they cannot change it systematically in terms of an alternative strategy which they prefer. * * * The job of the administration * * * is to impose discipline, restraint, and balance * * *. The administration may well have struck the best balance possible, but inevitably everyone on the outside will have a different perspec-

[16] Neustadt, Richard S. "Presidency and Legislation: the Growth of Central Clearance." In Rieselbach, Leroy N. "The Congressional System: Notes and Reading." Belmont, Calif., Wadsworth, 1970, p. 256.

tive. The administration can win the point, but it can seldom really win the debate. It can only attempt to discourage debate.[17]

Centralized control is an inherent feature of all bureaucratic organizations, but these trends reflect something more than the working out of natural tendencies. The prime animating force has been the determination of a line of strong Presidents to exert firm political control over their administrative domain. Congress has supported the President in this work, even taking the initiative itself on more than one occasion. Under the influences of popular arguments equating centralized direction with rationality, and in response to what has been called the "executive force" model of Government, according to which the President is of right the font of political initiative and leadership under the American system, it has been content to accept a considerable diminution of its own control over bureaucratic organs as a small price to pay for the increased efficiency, unity, and initiative that are supposed to flow from highly centralized Presidential command. The question that growing numbers of critics have begun to ask, however, is whether the resulting distribution of power is really what it seems, and whether it is the best one feasible judged by these very tests. Charles Hyneman concluded some years ago that when Congress yields up its access to and power over the bureaucracy very little of it ends up in the hands of the President. Most accrues rather to the bureaucracy itself as increased freedom from political constraint exercised by elected officials of either branch. The bureaucracy goes its own way; meanwhile, as Woodrow Wilson observed in an earlier period, "Congress stands almost helplessly outside the departments."

Even the special, irksome, ungracious investigations which it from time to time institutes * * * do not afford it more than a glimpse of a small province of federal administration * * *. It can violently disturb, but it cannot often fathom, the waters of the sea in which the bigger fish of the civil service swim and feed. Its dragnet stirs without cleansing the bottom.[18]

Faced with the growing exclusionary power of an executive monolith, Congress in recent years has had to rely increasingly on "illicit" sources of information to penetrate the executive screen, and especially on "leaks" generated by rivalries and dissensions that continue to flourish within the executive branch itself, dispite powerful efforts at suppression. Unfortunately, disputes of this kind usually generate more heat than light. The point in contention is as likely to be some petty boundry dispute, a personality clash, or the arcana of some dogmatic faith of limited application, as it is a matter touching on fundamentals. Questions that an outsider might have liked to hear answered might never be raised. Furthermore, leaked information is "tainted" information, given out, not to promote disinterested enlightenment, but to further some cause, which might not even be the one alleged. When neither the purpose of the information nor the identity and reliability of its source can be determined, rational evaluation is difficult indeed.

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[17] Huntington, Samual P. "The Common Defense: Strategic Programs in National Politics." New York, Columbia University Press, 1961, pp. 183–184.
[18] Wilson, op. cit., p. 271.

Chapter VII

THE ROLE OF CONGRESS

Congress as Outsider

To this point, the analysis has been concerned with examining certain characteristics of *executive power* that prevent Congress in one way or another from gaining the information it seems to need to act effectively on matters relating to U.S. foreign policy. Discussion of the problem would be incomplete, however, were it not to include consideration of the question whether Congress itself is not in some fashion responsible for its own predicament. At the same time, it would extend this inquiry too far to try to look at each and every aspect of this side of things, since this would entail an exploration of the most diverse and often controversial aspects of congressional politics. Here attention will be confined to several rather broad aspects of the problem.

What needs to be stressed at this point is that irrespective of what the Constitution might indicate, the present relationship of Congress to the executive-dominated foreign policy process is, in essence, that of an *outsider*, subject to all the psychological inhibitions and practical constraints that that position ordinarily implies. One may say that foreign policy has an internal and an external, a private and a public face. U.S. foreign policy concerns the motions of the American ship of state in an essentially public sea, but those motions are directed from inside the Washington foreign and defense policy bureaucracy. The difficulty for Congress is that executive officials alone have the privilege of looking upon this inward side of things. Practically speaking and with exceptions, Congress remains dependent upon executive largesse for what little it knows about what is going on behind the closed doors of the executive hierarchy. That largesse, for reasons already given, is seldom generous. In this position, Congress is greatly disadvantaged and often abused.

This situation would cause no concern were Congress an outsider in every sense of the word, a disinterested observer of affairs in which it had no real institutional interest. The issues are critical precisely because this is not the case. Congress has constitutional duties to perform, and while the role of Congress in foreign affairs has never been clearly delineated, it is certain that it was meant by the constitutional framers to have a rather large part to play in guiding the Nation's foreign relations in both peace and war.

The situation, one might say, is this: Excluded from a major role in conducting the Nation's affairs, Congress can participate in a meaningful way in managing the country's international relations only if it can

succeed in some measure in making good its control over those who do conduct them. Information impinges on the quality and effectiveness of this legislative control in an especially acute way, for as Charles Hyneman—a vigorous proponent of the view that Congress rather than the President ought to be the directing force in Government—has put it, "the branch of the Government that is responsible for saying what the Government is to do must be a position to observe what the Government is already doing." [1]

It is this consideration—that if Congress needs to know what is going on in the world outside the United States, it also needs to know what is going on in Washington—that has given such a sharp edge to so many of the postwar information debates that have disturbed the Washington political waters. Certainly no postwar issues have raised congressional concern to a higher pitch than did the internal security controversies of the late forties and early fifties, or the later question of whether the Johnson administration was seriously and actively committed to a negotiated settlement of the Vietnam war.

Defining the Congressional Role

What becomes clear from a study of recent history is that much of the difficulty Congress has in acquiring useful information on international affairs is related in a direct way to the kind of role it plays in these matters. Once more one may turn the conventional wisdom on its head by observing that it is not so much that information brings power as it is that power brings information; or rather, in the case of Congress, that relative powerlessness leads to serious informational deprivations. The important consideration here is that information capabilities are a function of position in the decisionmaking process. The kinds of decisions a participant is charged with making, and is willing to make, and the way he goes about making them, influences in crucial ways the amount, kind, and quality of information he receives and can use. There is irony, then, in the observation that a major source of congressional information deficiencies has been the decision taken by Congress itself not to play an active and central role in foreign policymaking.

In good part, of course, this is less a decision than a reflection of the fact that over time most Congressmen and Senators have shown little sustained interest in the Nation's affairs abroad. The intensity of congressional interest rises and falls, and its focus shifts here and there, with the ebb and flow of crisis, but the general level of concern has been low. Roger Hilsman reports on being told, by a "man with long experience on Capitol Hill who later moved to the State Department," that administration officials who have the task of sustaining a cooperative relationship with Congress "not only have to be willing to have Congressmen participate in the lengthy process of policymaking, they have also to be grimly determined to hunt them down and drag them there." [2] Senator Fulbright has also testified on this point in noting "the premium our political system places on localism and parochialism in the election of public officials."

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[1] Hyneman, Charles S. "Bureaucracy in a Democracy." New York, Harper & Bros., 1950, p. 159.

[2] Hilsman, op. cit., p. 740.

> Foreign policy is scarcely ever the crucial factor in the election of a Congressman. The rise of a successful politician to power in the United States bespeaks an impressive measure of skill in two areas: The ability to satisfy the domestic needs and desires of a substantial portion of our citizenry, and the ability to manipulate political machinery with shrewdness and deftness. At no point in his rise to powerful office does the typically successful politician find it imperative to school himself in the requirements and problems of foreign policy. Indeed his preoccupation with local matters and with political machinery is virtually bound to prevent him from acquiring any breadth or depth of knowledge in the field of foreign affairs.[3]

To some extent, but with considerably more qualification, similar observations may be made of Presidents, who usually must make their way upward through the same domestic political process, and who, when at the top, like most legislators have far too much to do for the time they have to do it in; but the erratic and low-level attentiveness of both sets of elected officials must be contrasted with that institutionalized, comprehensive alertness that characterizes the bureaucracy. This constitutes a main source of strength to any administration.

It is only fair to add that this outlook is in good part a direct reflection of the attitudes prevalent in most congressional constituencies. From an analysis of public opinion polls, Gabriel Almond once concluded that in the United States "the characteristic response to questions of foreign policy is one of indifference."

> Under normal circumstances the American public has tended to be indifferent to questions of foreign policy because of their remoteness from everyday interests and activities. When foreign policy questions assume the aspect of immediate threat to the normal conduct of affairs they break into the focus of attention and share the public consciousness with private and domestic concerns. It is not the foreign or domestic character of the issue which determines the accessibility of public attention, but the intimacy of the impact. From this point of view, foreign policy, save in moments of grave crisis, has to labor under a handicap; it has to shout to be heard even a little.[4]

Yet despite these attitudes, the world is so made that Congress cannot escape from dealing with foreign matters altogether. The postwar world, in particular, posed threats and opportunities too massive and too evidently pregnant with the potential for atomic violence to be pushed aside. Congress has been forced, therefore, to seek out a role in foreign affairs that goes beyond mere abstention or negativism. This has produced two major "tactical" adjustments. First, it will be noted that even on domestic issues the great weight and variety of matters awaiting Government decision force the Member to specialize—to gain a measure of expertise in some few areas while eschewing anything more than an intelligent layman's competence in most others. To make up for his lack of information and experience outside his own specialty, he typically adopts the device of keying his own behavior to that of those of his colleagues and others that he knows to have the special competence he lacks. This procedure is applied to foreign affairs as well; those Congressmen and Senators—the majority—who take no specialized interest and have no specialized knowledge in foreign relations often adapt their behavior to those who

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[3] Fulbright, William. "American foreign policy in the 20th Century under an 18th Century constitution." Cornell Law Quarterly, vol. 47, fall 1961 : 6.

[4] Almond, Gabriel A. "The American People and Foreign Policy." New York, Harcourt, Brace & Co., 1950, pp. 70–71.

do, most especially the congressional committees that deal directly with foreign and military affairs. However, to the extent that Congress as a whole may be said to have chosen to "specialize" in domestic concerns, it has had to look outside itself for much of this kind of leadership, and the place it has looked most often has been to the Presidency. Here longstanding precedents, a particular theory of the separation of powers that seems to warrant yielding control over foreign relations largely to Presidential discretion, and the more generalized influence of what has been called the executive force model of Government, have come to the aid of convenience. Congress *wants* the President to do the job; furthermore, it is his *duty* to do it. Congress thus assumes the role of endorsing Presidential decisions, or reviewing them in light of consequences. As often as not, endorsement means little more than acquiescence.

A second tactic has involved seeking out a role for Congress that is activist but still congenial to the preference of most Members to maintain a low profile in foreign affairs while concentrating on domestic issues. Congress traditionally has shown greatest interest in international problems with an immediate impact on domestic affairs. The tariff is a case in point. Often, however, matters of this kind are at best peripheral to the central concerns of national diplomacy, which thus escape the net of broad congressional—though not committee—interest. Congress also has tended to assume a role that stresses what may be called the *program* aspects of foreign policy over the related but quite different business of broad policy direction. In most cases, there simply is no vehicle beyond the program legislation by which Congress can make any collective statement concerning the broader, controlling policy issues. The "foreign policy resolutions" have served on occasion as such an instrument, but these have been used rather rarely, erratically and with uncertain results. Thus Congress approaches the executive policy initiatives that mediate its relations with the outside world in the spirit of the lawmaker and the accountant rather than that of the diplomat. Its committee organization reflects this preoccupation. The business of articulating the broad policies that give program legislation its relevance has most often been ceded to the President, the executive departments, and their staffs.

The Consequences of Abstentionism

This tendency of Congress to confine its attentions largely to programs as opposed to broad policy issues reflects an implicit judgment as to the kinds of problems and the kinds of information Congress is best equipped to handle. Some scholars have argued that when Congress concerns itself overly much with program details it is doing the one thing that a body of political generalists can do least well, in effect meeting the bureaucratic specialist on his home ground. Congress, and especially the Senate, according to this view, would do well to conceptualize their functions more in terms of a *council of state*, whose concern would be to cooperate with the President in giving broad policy guidance to the policy implementers, thereby bringing political commonsense and experience to bear on the narrow-based recommendations of the experts and controlling executive action from above

rather than below. If practice is any guide, however, it is safe to say that most legislators themselves have taken a different view. The prevailing theory in the postwar period seems to have been that detailed legislative enactments and perhaps an activist prosecution of the oversight function are what the Nation needs most from Congress and what Congress can do best. According to this view, to ask Congress to concern itself with broad policy questions is to misjudge its real function in the American political system and its real capabilities.

It is evident that these opposing arguments rest on very different conceptions of the capabilities and functions of legislatures. Here one can only note that the choice actually made has had practical consequences for congressional information capabilities: In the policy area, as elsewhere, little power means little information. Notice has been taken of some of the practical barriers confronting the outsider who seeks to penetrate the policymaking process, but to a considerable degree the problem here is one of incentive. If Congress has no intention to make broad public policy decisions in a particular area, it will have no incentive to collect and evaluate information useful to that end. It will accomplish very little to provide it with computers, an enlarged professional staff, or other technical means of information support in this situation. Furthermore, in foreign affairs, as in other areas, there is something to be said for the old saw that one learns best by doing; it is only in the process of grappling forcibly with a policy issue that some degree of mastery is attained. It is in the possession of this kind of "practical" knowledge that the bureaucracy acquires its greatest advantage, and it is a knowledge not readily communicable to those who lack a working experience with the issues.

Incentive is also critical on the executive side of the equation, and in a special way. Morton Halperin has suggested that in Washington most information "travels" in the form of *arguments* advanced for or against particular policy options.[5] Arguments originate with interested parties and are addressed to those whose power it is to make decisions. The power to make decisions thus acts as a sort of magnet attracting argument, which is to say information. As Washington's single most powerful decisionmaker in foreign affairs, the President exerts a strong centralizing attraction on the flow of information, not only through formal channels, of which he is the center or apex in any case, but through important informal ones as well. The same is true of certain department heads and other important officials. Congress, whose foreign affairs decisionmaking role is less central, exerts a lesser magnetism. To put the matter in economic terms, congressional inertia at the policy level produces a situation in which there is reduced demand pull and supply push for congressional information. When Congress remains passive, legislators have less motive to demand, and executive officials little to volunteer, information relevant to a particular policy.

Only in particular cases where the part it must play is decisive, which by and large are cases where its constitutional functions are clear cut and cannot be ignored, abdicated, or interpreted away, does

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[5] Halperin, Morton. "Bureaucratic Politics and Foreign Policy." Washington, D.C., the Brookings Institution, 1974, p. 135.

Congress, too, exert this kind of attractive force. Evidence from the postwar period suggests that in those cases where institutional imperatives push it into the center of the action, as happens with treaties, or as occurred in the early postwar years with the containment doctrine when congressional action was essential to the elaboration of an unprecedented foreign aid and security structure, Congress is much better able to meet its information needs than in those contrasting situations—for instance, the early stages of the U.S. involvement in Southeast Asia—where initiative and control can be conceded in large measure to the President.

A further point may be noted: Administrators ordinarily will concede that they are under some general constitutional obligation to keep Congress "informed" on foreign affairs. However, since congressional information needs are a function of the congressional role, abdication in the policy area gives the executive branch great leeway in discharging this rather abstract obligation. The "need to know" principle has given the executive branch a conveniently elastic excuse for withholding information it would rather not divulge on other grounds. Trouble arises because individual members of committees refuse to conform to the loose oversight role Congress has adopted, or because under the impact of external events Congress itself is not consistent over time in accepting a subordinate position. Though content to play a modest and secondary role in calm weather, it is properly aroused whenever the seas get rough and a course of action the executive branch has chosen to steer, with program support from Congress, threatens to carry the country into dangerous waters. It then attempts to intervene, only to find itself ill-equipped in organizational or information terms to do so. The results are frustration, heightened executive-legislative tensions, and a general decline in mutual trust.

Outside Information Sources

It should be added that the disadvantages of being an "outsider" to the executive dominated policy process are greatly multiplied by the relative dearth of alternative information sources outside the Government bureaucracy. One way to look at this is to contrast the relatively rich information resources available to the Congressman or Senator on domestic concerns with the meager resources available to him on developments abroad. In the first place, on domestic issues the legislator has that most solid of all grounds to build on—his own long personal experience with the affairs of his local community, his district or State, and the Nation, as well as a formal education in local and national history, literature, and the laws. Few Members bring to their task a personal knowledge of foreign countries even vaguely comparable to that which they have of their own. In addition, once in office, the Member may draw on other important sources of information that are available on domestic but not foreign affairs, including frequent trips home, where contacts are numerous, knowledgeable, and articulate; constituency mail; and an extensive Washington lobby corps. The information resources of Congress as a whole are likewise stronger in the domestic sphere, where the powers of investigation and oversight count for much, while abroad they mean very little.

Furthermore, there is the important contribution of the scholarly community, independent commentators, the publishing industry, and a powerful and active domestic press. It is true, of course, that the press also covers foreign events, but seldom as thoroughly as domestic affairs. Besides, it is a long step from a good news story to a coherent policy view. Fitting sound information into a logical and comprehensive policy framework is no easy matter; here the executive branch's advantages exert themselves with particular force. The potential value of contributions from scholars and the media has been further compromised by the circumstance that increasingly from the late thirties onward, the greater part of the intellectual community, which otherwise might have been a source of alternative viewpoints on national policy, has largely wedded itself to executive power, and been more inclined to second its vision of world conditions and national needs than to challenge them. Only recently—largely as a result of the war in Southeast Asia—has the question been raised to much effect in academic and other intellectual forums whether it is altogether wise to depend upon the executive branch for interpretations of this kind when its own organizational interests and ideological commitments are so clearly at stake.

Partisanship

One cannot leave this subject of the interplay of information and the congressional role in foreign affairs without saying something about partisanship, which impinges directly, not only on the perceptions and behavior of individual Members, but also on the capacity of Congress to defend its institutional interests against executive competition. To begin with, one must consider that ideological and partisan thinking is in a dual sense *committed* thinking. In the first place, it rests upon and expresses a certain mental "set," a persistent and generally coherent intellectual and effective orientation to the world that exists prior to and independent of the data of current experience, giving those data their meaning and value while itself resisting any change or reinterpretation, even when such an adjustment would seem to an objective observer to be required, undergoing at most small adjustments, rather to preserve itself than to admit error. But partisan thinking is not merely thought; it is thought in action, thought committed to the advancement of some cause. Thus the thought processes of the partisan are subject to contradictory aims: Traditional morality and perhaps a kind of natural instinct counsel respect for the truth—the truth for "its own sake"; success for the cause demands consideration of the parameters of power—of means to ends. The result is give-and-take between this will to truth and the political imperatives of the moment.

In Congress, as elsewhere, the impact of these commitments, ideological and partisan, on the exchange and use of information is anything but benign. Because the partisan mental set is relatively impervious to current fact or reason that stand in conflict with it, and, indeed, often displays an impressive capacity to subvert both its own ends, it is often a source of much perceptual error, faulty evaluation, and wrong action. The struggle for power, too, is an influence, imparting a degree of "dishonesty" to most partisan activity, a consequence

not of personal turpitude but the requirements of effective action. It is not only the case that the truth is distorted to serve power; it is also that the truth itself, or what passes for such, is a source of power and is treated accordingly. In Washington, to have "the truth on one's side," or even just the appearance of it, is to possess great advantages. In these circumstances, information is treated with all the exaggerated respect that power usually commands in a capital city; on every side, executive and legislative, frankness and candor give way to calculation, and truth can become a casualty.

These influences of partisanship are well-known and much lamented, though to little effect. But partisan behavior also raises this further problem: In the direct struggle between Congress and the executive branch for information and a degree of policy control, partisan loyalties and interests all but guarantee that on procedural questions relating to the separation of powers, of which congressional demands for information are an instance, the President will find allies in Congress, those who support him against their own *institutional* interest, not necessarily on the merits of the specific procedural complaint, good or bad, but because the President is of their own party (partisanship in the narrower sense), or because the procedural issue is subordinate to some substantive dispute on which they and the President are agreed, whether he be of the same party or not.

This latter ideological relationship to the President's policy is less a matter of explicit calculation than of common perceptions. To those who do not "see" things the way the President "sees" them, his "deceitfulness" is all to obvious; those who share his perceptions stand incredulous at opposition charges of deception. Truthfulness, one might say, is subject to partisan definition.

This suggests, of course, that partisanship may also serve as stimulus to a valuable legislative skepticism. If the President can always depend upon legislative allies, he can also expect a certain amount of legislative suspicion; furthermore, while he draws sustenance from congressional supporters, opposition Legislators do the same from dissidents within the administration. In this regard, the postwar period reveals an interesting pattern: Complaints concerning executive information practices almost invariably originate with those within and without the Congress who are set upon challenging some substantive policy being pursued by the administration in power.

Such complaints, in fact, are a main weapon of attack for those who are dissatisfied with current policy and the consensus on which it rests, who stand outside that consensus politically and intellectually and want to see it changed. Obvious reasons for this tactic are to be found in this analysis: The first is that outsiders face real barriers in trying to gain access to information about policies being pursued by an administration, and the more hostile they are known to be, the greater will be the difficulties. Yet it is a curious fact that those who mount such attacks on current policy are not much given to confessions of ignorance. On the contrary, policy revolutions generally are launched in the name of some superior grasp of the realities. This suggests that the "information ploy" may have more than one source and serve more than one purpose. On one level it expresses a general need for information relating to the policy being called into

question; on another, it is an attempt to embarrass an administration by exposing something it would rather conceal, not always a successful tactic, but sometimes deadly, especially in the case of secret diplomacy and covert operations. It can also serve the purpose of shifting the focus of public controversy away from a relatively complex and distant foreign policy issue with limited public appeal to an ostensibly simpler matter closer to home that is sure to get wide support—the "people's right to know."

All this is merely to say that policy "rebels" are as aware of the power potential of information as are defenders of the status quo. And it remains true that the root cause of these disputes is usually that "partisan" difference of perception already mentioned, which difference has the effect of giving somewhat exaggerated emphasis to the real difficulties the outsider encounters in obtaining information about current policy.

In the end, however, the advantage in this struggle more often lies with those who control the massive machinery of executive power, largely for reasons already given, but also because the executive branch collectively is better disciplined and more conscious of its organizational interests. As Robert Dahl has observed, at times the executive branch may appear to be decentralized, and even out of control, especially when viewed from the White House, but compared with Congress "it is unified, it is decisive, it is expert." [6]

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[6] Dahl, op. cit., p. 62.

Chapter VIII

CONCLUSIONS

Initiative, Salesmanship, Leadership

The combined effect of these various executive branch information advantages, and of these several sources of congressional weakness, is to reinforce a situation in which the *initiative* in control over foreign affairs has lain almost exclusively with the administration in office. This power of initiative is itself an information advantage that redounds to the benefit of the executive. By and large it is the executive branch that identifies and defines the substance and scope of national problems abroad, formulates the alternatives of government action, and chooses a course for the Nation to follow. It then musters its forces and goes to Congress—if it goes at all—with a firm decision in hand to ask that body for endorsement, funds, and the authority necessary to pursue the selected policy. At this point it approaches Congress in the manner of a *salesman* with a product to sell, structuring its presentation accordingly, with information and analysis weighted heavily in favor of a preferred alternative. This style of procedure is most pronounced in crisis situations, but in fact is characteristic of the executive approach to executive-legislative "consultations" generally, whether on programs and the budget, broad policy, or military or diplomatic initiatives.

It need hardly be said that the effect of this is to disadvantage the Congress by reducing its maneuvering room quite drastically. By delaying until the last moment, executive officials deprive Congress of what is certainly the most precious information resource of all, the time for independent deliberation. By withholding information until the decision is made and then tailoring the data and the arguments to support a particular choice, it freezes debate in terms most favorable to its own outlook and interests but disadvantageous to potential critics. This is especially the case when knowledge of previously considered alternative courses of action—the "options"—is withheld, which it usually is. Debate, if there is any, will then center on whether the policy should be "A" (the executive proposal) or "not A"—almost certain to be a sterile exercise—rather than on an exploration of various possible courses of action. The congressional critic is put in the uncomfortable position of being able to say only that he doesn't like a given proposal without being able to say with any precision just what he does like. Thus he must choose between going along or facing charges of "obstructionism." So onerous does it become to challenge executive spokesmen in their prepared positions that acquiescence often seems preferable even when doubts are quite strong.

Yet this is exactly the way executive officials would have it. If the executive branch has had the initiative in foreign affairs, it has also borne the major burden of public responsibility. To get results it has often needed the backing of Congress, and to get that support it has to use all the powers it commands, both formal and informal, including the manipulation of information for its own advantage. The trouble is that short-term gains often have been bought only at a high long-term cost. Officials have gotten what they wanted at the moment, but their methods often have planted seeds of deep congressional suspicion, resentment, and ultimately resistance.

It is a major conclusion of this study that congressional information problems are in large measure a direct consequence of the role Congress plays in the decisionmaking process in the making of U.S. foreign policy. In a sense, there is a sort of natural fit between the power Congress exercises and the information it receives; it gets what in a political sense it deserves and can fruitfully use. This consequential link between the role Congress plays in foreign affairs and the information it has on those affairs is sometimes overlooked. Thus in the Korean and Vietnam wars, both of which produced sharp information controversies between the two branches, congressional disputants readily recognized that in the past a lack of information had been a crippling deficiency, and that if they were to play a larger role in policymaking they would need to be better informed, but were less clear in noting the reciprocal of this, which was that their lack of information was to an important degree the consequence of a congressional abdication of an active role in the policy process.

Information controversies arise because not every Member of Congress is satisfied with the role Congress has assumed for itself, and thus is not personally satisfied with the information he gets based on that role. Dissatisfaction may be confined to a particular issue, or it may be general; though general, it may focus on some particular issue as illustrative of a broader ground of discontent. Problems also arise because in times of crisis, or whenever there is a breakdown in consensus on policy between the two branches, Congress is tempted to expand its role into areas that it had previously yielded to executive discretion, but then finds itself unequipped to play its new part. As long as a consensus on measures can be sustained, an administration's selective way with the facts and logic passes as "leadership"; when consensus crumbles, "leadership," to critical eyes, begins to look more like hucksterism. Executive-legislative relations degenerate; candor is further affected on both sides as political tactics take an ever greater precedence over concern with the truth; and Congress, ill-informed, becomes belligerent as well. The executive branch is reduced to impotence, but Congress is unable to take its place at the helm. National will may be paralyzed and the ship of state drifts.

Recapitulation

A recapitulation of the findings of this analysis must begin with recognition of the central relevance of power. The information problems of Congress in the form examined here arises directly out of the juncture of two very different and occasionally antithetical human

activities—on the one hand, study and analysis, whose aim is the discovery of *truth*, and on the other hand, politics, whose immediate object is *power*. The antithesis is not logical but practical. In the workaday world the demands of truth often conflict tactically with those of power, and one or the other must be sacrificed. In this dispute, the philosophers and moralists traditionally have sided categorically with truth against power, but this implies an abstention from the necessities of this world that no practitioner of the practical art of politics could afford. The politician's function is neither truth seeking nor truth telling as such, but rather the translation of preferences into action. Implicitly, he makes his decisions not by appealing to some abstract principle affirming the superior claims of truth, but rather by weighing all factors active in a concrete situation with an eye to attaining some good result. There is, then, a kind of expediency inherent in the political art, and it is at this juncture that the crux of the "congressional information problem" lies.

American national politics are given an initial form by the constitutional separation of powers and the system of checks and balances, which split the policymaking sovereignty into two centers of formally coordinate and independent power, and, in the words of Edward Corwin, not only invite them to contest for supremacy, but make that struggle almost inevitable. Though Congress and the President stand on the same level in a formal, constitutional sense, in practice the balance of power has tended until very recently to shift progressively in favor of the executive branch. Insofar as congressional information deficiencies are both a cause and a consequence of the imbalance, the factors tending thereto have been described in detail above. But the practical consequences of the political character of information exchange in this institutional setting needs constant reemphasis: Among participants in the policymaking process, there is a near universal tendency toward *confidentiality*—the selective withholding of information from "enemies" or competitors—and *salesmanship*—the structuring of that portion of information that is released in such a way as to strengthen one's own position to the utmost and to weaken that of the opposition correspondingly. This is true of all participants, but because it is the executive branch that has had most of the information in the first place, together with the bureaucratic resources to analyze and integrate it into a coherent policy framework, while the relationship of Congress to the decisionmaking most often has been that of an outsider looking in, with no clearly defined role to play, except *ex post facto* endorsement in the form of funding and legal authority, the advantages that are to be had from the manipulation of information have redounded largely to the administration in power, with a consequent enhancement of executive leverage in policymaking.

The Limits of Technical Reform

This fundamental, deep-rooted political aspect of the congressional situation imposes sharp and probably insuperable limitations on the reach of "technical" solutions to the congressional information problem in foreign affairs. Reference is made here to the exploding tech-

nology of information processing, the ever-growing demand for greater applications of "science" and "expertise" to the solution of social problems, and to the complex of attitudes and methodological commitments that underlie both. The drawback of this approach lies precisely in its tendency to ignore the political and institutional dimensions of the issue. From this perspective the information problems of legislatures are seen as being essentially technical in nature, and thus best solved by applications of scientific method, the new information sciences, and recent lessons learned from experience in the departments and bureaus of the Federal bureaucracy and large-scale business enterprises. Proposals in this idiom often have a kind of external quality, suggesting that congressional information problems are conceptually little different from a problem like that of keeping Congress supplied with paper and pencils; it is merely a matter of providing the necessary quantity of a needed consumable; in short, one more problem in the transfer, storage, and retrieval of commodities. Administratively more sophisticated proposals display bureaucracy's often excessive respect for the virtues of expertise, disinterested "professionalism," planning, and hierarchically coordinated decisionmaking, with a corollary hostility for the more diffuse and partisan congressional style. "Information" and "administration" in these senses may even be seen as a sort of substitute for politics, the promise sometimes being held out of doing away with politics altogether by replacing the technique of negotiation and compromise, logrolling, the pork barrel, and all the rest of the politician's bag of tricks, with the "scientific" management of social processes.

The concern here is not with social or intellectual history but with an important methodological point. These new tendencies and administrative prescriptions have worked admirably in many fields, and there is no intention here to suggest *a priori* that they have no applicability in the congressional setting. On the contrary, it seems evident that information technology and public administration hold out many interesting new possibilities for meeting congressional information needs. Nevertheless, it is vitally important that these technical innovations be made with a sensitivity to their political and institutional context, and, in particular, with regard to their limiting conditions, the central one of which is the structure of political incentive. The tendency to ignore politics out of contempt for its methods fosters overly simplified notions as to what the information problems of Congress—an incorrigibly political body—really are, which in turn often leads to the entertaining of overly simplified, essentially technical solutions that fail to reach the more fundamental difficulties. This, in effect, has been the fate of some congressional reform efforts in the postwar period. By viewing congressional information problems as being in the first instance political problems in a specific institutional framework, errors of judgment can perhaps be avoided, including excessive expectations in regard to the payoffs from the application of technical means and failure to consider the possibility that in a given case a political or institutional solution might offer a more efficacious and indeed the only remedy to a stated problem.

It is also necessary to point out, however, that insofar as the analysis indicates that information problems are a function of factors inherent

in the political process itself—partisanship, for instance, or the defects of bureaucracy—there are also limits to what might be accomplished by political or institutional means. As noted in a 1964 study, many congressional information problems quite simply *are* inherent in the modern process of decisionmaking, and thus are beyond the reach of reform or manipulation.

> Most of the problems perceived by Congressmen relate to conditions which are only marginally, if at all, susceptible to reform. The most frequently mentioned set of responses relates to the complexity of decisionmaking—the problem of obtaining adequate information and of selecting the proper alternative from among many conflicting courses of action. This group of problems * * * is probably a concomitant of policymaking under any set of rules or organizational form, rather than a manageable, "reformable" situation.[1]

Institutionalizing Skepticism

With these cautions in mind, one can consider two broad strategies that have been proposed for Congress to improve its information capabilities. One such strategy might be called the *institutionalization of skepticism*. The key here is partisanship in the wider sense in which that term has been used in this study. The aim would be to provide strengthened institutional *means* for the pursuit of information to those whose political incentive are already strong, and new institutional *incentives* where current political ones are inadequate. One proposal of the former kind has been to put control of the Committee on Government Operations in the hands of the minority party in Congress when the majority party controls the Presidency. A proposal to strengthen minority staff in the same circumstances is also of this type. Proposals of this kind will, of course, have little relevance under conditions of divided government.

The more difficult problem is to find ways to motivate those who are of the same party as the administration, or who are in sympathy with the administration's program whatever their party affiliation, to keep a critical eye on administration activities. There are many suggestions in this area. Probably the most "radical," in the sense that it attempts to get directly at the root of the problem, is Louis Dexter's proposal that Congress take steps to cultivate its "institutional partriotism," that is, a "faith in Congress as an institution with a definite function to perform vis-a-vis the other two branches, and particularly the executive."[2] Other proposals include suggestions to restructure the executive-legislative liaison system in such a way as to make it responsive to congressional rather than executive interests; to set up separate oversight committees, subcommittees, and calenders; to institute zero-based budgeting; and to adopt the British parliamentary practice of a question period with department secretaries on the floor. It is worth noting that one important device for "institutionalizing skepticism" is already being adopted on a growing scale in foreign and military affairs, that being the practice of annually authorizing programs that once operated under ongoing legislative authority.

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[1] O'Leary, Michael. Ed, "Congressional Reorganization: Problems and Prospects—A Conference Report." Hanover, N.H., Public Affairs Center, Portsmouth College, 1964, p. 23.
[2] Dexter, op. cit., p. 95.

There are limits to how far one can go in this direction, however. Whatever be the merits of this strategy, it follows from this analysis that if Congress is to have a sound, working grasp of the Nation's current foreign policy, it must maintain an active role in the whole, long, complicated process of deciding broad policy issues. Otherwise, Congressmen and Senators are doomed to remain, as they have been throughout the postwar period, a "somewhat privileged category of outsiders." [3] The keys here are, first, an explicit definition of an activist and coordinate congressional role in policymaking, and, second, the adoption of an organizational expression of that role. At the moment, Congress is organized to consider and act upon foreign affairs *legislation*. The chief instrument of foreign policy, however, is not legislation but *diplomacy*. This suggests that if Congress, and particularly the Senate, is to play a truly active and integral role in policymaking, it must do so not as a legislative body, but as *an advising and consenting council of state*, a function that the Founding Fathers arguably intended for the Senate. A first step in this direction might be the formation of a joint committee on national security or similar body.

At this point, however, two objections assert themselves. On the one hand, though recent years have cast doubts on the wisdom of congressional abstentions in foreign policymaking, one cannot dismiss out of hand the fear often expressed that an aggressive congressional presence in decisionmaking, by producing two coordinate centers of authority at the top, could lead to disunity, national indecision, and a fatal paralysis. No doubt this is why so many of those who do insist that Congress play a coordinate role with the President have also insisted on the great value and even the necessity of executive-legislative *consultations* to a smoothly functioning policymaking process. Indeed, genuine consultations, as both an information conveying and a decisonmaking device, are implicit in the very notion of a council of state, and presumably would provide that "organic" relationship between the two branches the lack of which has been cited by George Galloway and others as being perhaps the chief cause of executive-legislative tensions.[4] From the point of view of this study, a major value of executive-legislative consultations is that they preserve the close relationship that ought to exist between *information exchange and decision*. As a communications device, consultations are also best at sorting out complex and differing viewpoints, and for conveying certain kinds of vital information in a rather unique context—a sense of situation, the depth and drift of feeling, the relative power of the participants, and much political common sense and wisdom. Nevertheless, there is no certainty that either consultations or any other device would provide the necessary degree of coordination, and the dangers of divided authority need to be carefully weighed in any decision to alter radically the congressional role.

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[3] Westerfield, H. Bradford. "Congress and Closed Politics in National Security Affairs." Orbis, vol. 10, fall 1966 : 741.

[4] Galloway, George B. "Congress at the Crossroads." New York, Thomas Y. Crowell, 1946, pp. 206–207.

The second objection is the reciprocal of the above. It is precisely the contention of some commentators that it is divided authority that gives the American system its unique capabilities. If it may be said that one learns by doing, it may also be said, and was said in the discussion of bureaucracy, that one may become the captive of what one does. The great value of Congress from this perspective lies in its very independence from the executive decisionmaking process, and especially from executive sources of information, which may as easily imprison as arm the intellect. It is precisely the outsider's perspective that needs to be preserved. This thought is as old as Congress itself, being stated quite clearly by Senator MaClay of Pennsylvania in the very first of the Senate's clashes with the executive branch over foreign policy.[5] It is preserved in the more recent idea that more often than not bipartisanship is a mechanism for stifling congressional criticism and independent commentary. But both these considerations—that there is danger in divided government, and that there is opportunity—carries the discussion to and beyond the confines of this analysis.

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[5] MaClay, William. "Sketches of Debate in the First Senate of the United States in 1789–90–91." Harrisburg, L. S. Hret, 1880, p. 125.

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