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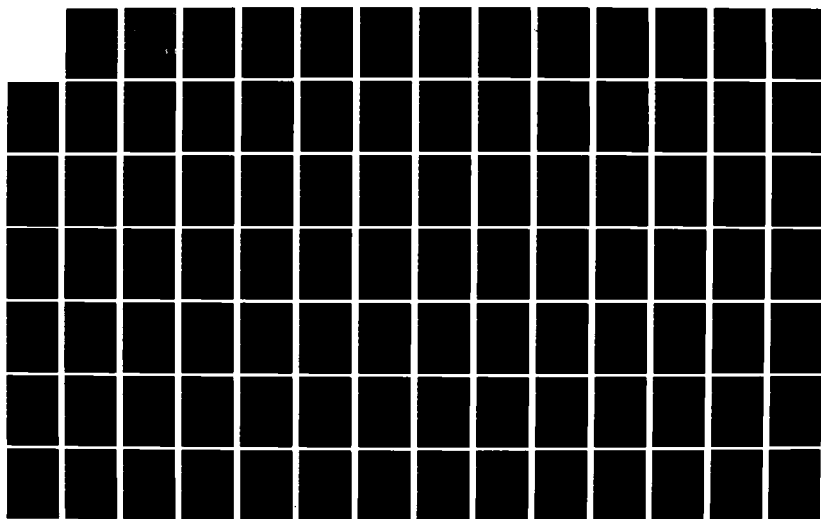
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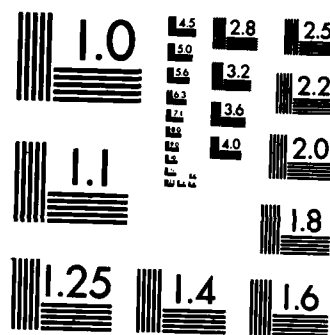
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Arms Transfers, Congress, and Foreign Policy.
The Case of Latin America, 1967-1976

by

William B. Garrett

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A dissertation submitted to The Johns Hopkins
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for the degree of Doctor of Philosophy

Baltimore, Maryland

1982

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Abstract

This
The dissertation is focused on the conflict between the Congress and the executive branch for supremacy in the formulation of foreign policy for the United States. Particular attention is centered on the effects this conflict had on U.S.-Latin American relations in view of the restrictions Congress developed and imposed on conventional arms transfers to Latin America.

During the decade 1967 to 1976, Congress created a series of restrictions which applied wholly or in part to the transfer of conventional arms to Latin American nations. This congressional action was in response to a number of events, factors and influences. Primary among the events was the war in Vietnam. Other events included the Watergate break-in, the 1973 coup in Chile, the 1973 Arab-Israeli war, the Cyprus crisis, and the civil war in Angola. Blended with reaction to these major international events was the influence of various factors on the Congress and the perception by the Congress of the proper direction for U.S. foreign policy. These factors included the growing congressional concern for human rights, distrust of the executive, the influence of new members of Congress, and

growing concern that the executive was too powerful in foreign policy matters and that the Congress was not being properly consulted.

Several perceptions developed that also entered into the development of the restrictions. These included the perception that no serious threat to U.S. interests existed in the region. Another impression held that such a strong "special relationship" existed between the United States and Latin America that Latin America would remain compliant with U.S. policies.

These events, factors and influences intermingled to result in a series of restrictions on arms transfers to Latin America. The announced objectives included congressional desires to prevent resource diversion among recipients, stop the spread of sophisticated weapons, prevent an arms race, prevent coups, and support human rights. The results of the congressional restrictions on arms transfers to Latin America were often ineffective or counterproductive and had distinctly negative effects on U.S.-Latin American relations.

Review of this decade leads to the conclusion that a congressional desire developed to "do something--anything" to reassert its proper place in the field of U.S. foreign policy formulation. For a number of reasons Latin America was on the margin of U.S. interests and

7 became the target for new restrictions on arms transfers. However, the executive branch was as much of a target of the restrictions as was Latin America, if not more! A second conclusion is that improvement is necessary in foreign policy consultation and development between the Congress and the executive in order to enhance the effectiveness of United States foreign policy in face of current world conditions.

Acknowledgements

I would like to thank Dr. Robert E. Osgood and Dr. Riordan Roett for the assistance they provided as my dissertation advisors. Their exceptional guidance, counsel and expert advice were invaluable during the several years required to complete the dissertation. I owe special appreciation to the U.S. Navy Doctoral Studies Program which permitted me to commence the project.

Mr. Peter Promen and Miss Linda Carlson along with the library personnel at the library of the School of Advanced International Studies were most helpful throughout my studies. Their kindness and dedicated efforts to locate materials were of significant benefit.

Special thanks are due to my family. My children, Liz, Bill and Kate, endured with rare understanding during the long periods of my distraction. My wife Sally made the whole project possible through her patience, advice and unfailing support. It is to her with gratitude that I dedicate this work.

TABLE OF CONTENTS

ABSTRACT	ii
ACKNOWLEDGEMENTS	v
INTRODUCTION AND STATEMENT OF PURPOSE	1
Chapter	
I. BACKGROUND	6
Introduction	6
Early Events in the Evolution of U.S. Security Interests in Latin America	7
1889 to the End of World War I	12
The Inter-War Period	17
World War II	31
1946-1957	39
1958-1966	54
II. LATIN AMERICAN ARMS IN PERSPECTIVE	69
III. EVENTS, FACTORS AND INFLUENCES LEADING TO THE CONGRESSIONAL RESTRICTIONS	86
Major Events	87
IV. THE CONGRESSIONAL RESTRICTIONS	
1967-1969	137
1967	138
Country X Loans and the Revolving Fund	140
The Symington Amendment	152
The Conte-Long Amendment	163
1968	179
1969	194
Executive Branch Overview	210
Executive Reaction	210
Initial Executive Reaction	210
Later Evaluations and Complaints By the Executive Branch	223

Chapter

V.	THE CONGRESSIONAL RESTRICTIONS FROM 1970 TO 1976	250
VI.	RESULTS AND CONCLUSIONS	286
	Results	286
	Resource Diversion	287
	Sophisticated Weapons	298
	Arms Race	303
	Prevention of Seizures of Fishing Vessels	309
	Coups	312
	Human Rights	319
	Fulbright Training Amendment	323
	Local Production	325
	Conclusions	327
	SELECTED BIBLIOGRAPHY	330
	VITA	364

INTRODUCTION AND STATEMENT OF PURPOSE

For nearly 200 years there has been a struggle in the United States. This struggle centers on the separation of powers between the U.S. Congress and the executive branch over which branch will achieve dominance in the field of foreign policy. The Constitution explicitly assigns certain powers to each branch but does not specify which branch has the ultimate responsibility for the formulation and the conduct of foreign policy. As a result of this vagueness in the Constitution, deliberate or not, the relationship between the Congress and the executive has alternated between cooperation and conflict on issues of foreign policy throughout the history of the United States.

One instrument of U.S. foreign policy which grew in importance after World War II was the transfer of conventional weapons to foreign nations. The objectives ranged from rearming war-torn Europe to obtaining rights to overseas bases for U.S. forces. By the 1960's, however, the use of this foreign policy instrument was seriously questioned by the Congress and resulted in a series of legislative restrictions on the use of conventional arms transfers by the

executive as a means of achieving U.S. foreign policy goals overseas. By prescribing legislative limits on the range and flexibility of executive branch action, the Congress was only adding to the continuum which has been the history of the contention for dominance in foreign policy in the United States.

It was, therefore, not too unusual for Congress to assert itself in prescribing limits or making precise boundaries within which the executive was to operate in certain areas of foreign policy. What does appear unusual is that the restrictions adopted by Congress would weigh so heavily on nations and regions who were friends and allies. Latin America was such a region; it was bound to the United States by a long history of association and friendly relations as well as by the United States' oldest mutual security treaty, the Rio Pact of 1947. During World War II, the U.S. provided military equipment to Latin America through the Lend-Lease program. After the Korean War started in 1950, the U.S. formulated new methods under the Mutual Security Program to furnish arms to these same nations. For the first time, these methods included grant (or free) military assistance. The Foreign Assistance Act of 1961 and its annual amendments provided the continuing authority for the grant and sale of weapons and related services to Latin America.

Through the two decades after World War II there was a tendency for both the Congress and the executive to treat Latin America somewhat differently from other regions with respect to arms transfers. Several legislative restrictions were formulated over the years which applied to Latin America and in 1959 a regional dollar ceiling was adopted to limit the amount of arms which could be transferred in any one year. 1967, however, a precipitous change in policy was brought about by a number of factors which led Congress to approve a series of restrictions on the supply of U.S. arms to Latin America. By 1970, some 21 different articles of legislation applied in one way or another to restrict the transfer of conventional weapons to Latin America.¹ The results included a predictable deterioration in the political and military relationships between the U.S. and the various nations of Latin America.

It is the thesis of this dissertation that the series of restrictions on arms transfers initiated by Congress in 1967 and following years were largely either ineffective or counterproductive. Whether intentional or inadvertent, the results of the

¹Frank Church, "Toward a New Policy for Latin America," U.S., Congress, Senate, 91st Cong., 2nd sess., 10 April 1970, Congressional Record, vol. 116, p. 11212.

restrictions contributed to the deterioration of United States-Latin American relations and were not to the benefit of the interests of the United States. In order to focus more clearly on this facet of U.S. foreign policy beginning in 1967, the purposes of this dissertation will be to (a) examine the reasons, rationale, and objectives of congressionally legislated restrictions on the transfer of conventional arms specifically as applied to Latin America; (b) to compare the aims of the restrictions with the actual results; and (c) to evaluate the accomplishments of the restrictions on the conduct of foreign policy as prescribed by the Congress. The purpose here is not to argue what United States security interests should have been in Latin America over time. However, the variances in the U.S. evaluation and appreciation for the Latin American contribution to U.S. security form a background for one of the central issues of the dissertation; that is, the effect certain policies adopted by the Congress had on U.S.-Latin American relations.

The purpose of the dissertation is not to contest whether or not Congress was overstepping its bounds but, rather, to see if in this episode of foreign policy it was to the United States' advantage that Congress did assume such a dominant role. As Senator

J. William Fulbright has said on a similiar subject, "I am not arguing the Constitutional right or wrong of Congress to hem in the program with page after page of restrictions; I am only challenging the wisdom of such a course."²

²J. William Fulbright, Old Myths and New Realities (New York: Vintage Books, 1964), pp. vii-viii.

CHAPTER I

BACKGROUND

Introduction

The background for United States' security interests in Latin America goes back to the early days of this country. At a relatively early stage in the life of the United States, there was a dawning awareness that U.S. security and self-defense were intimately related not only to land contiguous to the U.S. but also to Latin America and indeed to the entire Western Hemisphere.

It is the purpose of this chapter to briefly describe, up to the year 1967, the events leading to the early appreciation of U.S. security interests in Latin America. The chapter will also describe the major events in the evolution of U.S. policy toward conventional arms transfers to Latin America, in support of this security.

This review will show that the U.S. was moved to action only when a definite external threat materialized to hazard its security interests in Latin America. National security interests were significantly threatened by feared German expansion

into the hemisphere at the time of World War II and again by dreaded communist expansion at the time of the Korean War. This resulted in a policy of arming Latin America. In both cases, as the threat dissipated, other latent concerns of the U.S. became predominant over security interests and resulted in alterations of this policy and restrictions on the transfer of arms to Latin America.

Early Events in the Evolution of U.S.
Security Interests in Latin America

A primary interest of a national government is the physical security of the nation. This primary or vital interest is fundamentally involved in a nation's protection of its borders. For several decades after its independence, the United States was preoccupied with such problems as Indians challenging the national authority on the frontiers and disturbances at British and Spanish outposts along the borders. By 1803, one of the justifications for the controversial Louisiana Purchase was to enhance the security of the nation's Western frontier. After the Louisiana Purchase, according to Albert Weinberg, the feeling grew in the U.S. that because of its fortuitous detached location

and sense of mission, it had a "preordained right to ideal security."¹

Combined with the quest for ideal security through expansion was the principle of self-defense. In order to be able to defend the U.S. in time of crisis, it became necessary to exclude foreign powers from territory contiguous to it. The concept also grew that the security interests of the U.S. extended beyond its actual borders. As President Thomas Jefferson said in 1808 in a letter to the governor of the Louisiana Territory, the policy of the U.S. "must be to exclude all European influence from this hemisphere."²

Major events in the evolution of this policy of expansion of security interests throughout the Western Hemisphere were: the No Transfer Resolution of 1811, the Transcontinental Treaty of 1819, and the Monroe Doctrine announced in 1823. As problems with Great Britain grew, which finally resulted in the War of 1812, the U.S. came to fear occupation of Spanish possessions in Florida as a British base

¹Albert K. Weinberg, Manifest Destiny. A Study of Nationalist Expansionism in American History (Chicago: Quadrangle, 1963; Baltimore: Johns Hopkins University Press, 1935 [original], p. 385.

²Paul L. Ford, ed., The Writings of Thomas Jefferson, vol. 9, 1807-1815 (New York: G. P. Putnam & Sons, 1898). p. 213.

for conducting hostile operations against the United States. As a result, Congress passed a resolution on January 15, 1811, which stated that the U.S. "cannot, without serious inquietude, see any part of the said territory pass into the hands of any foreign power" because of a concern for its "safety."³ This No Transfer Resolution has been called by Professor Samuel Bemis, "the first significant landmark in the evolution of United States' Latin American policy."⁴

Another significant step in this evolution was the Trans-Continental Treaty of 1819. As a consequence of the French invasion of Spain in 1808, which sapped Spanish military resources in Latin America, independence movements broke out throughout Latin American nations. Venezuela and Mexico achieved independence in 1821; Brazil in 1822; and by 1825, there were 19 Latin American states

³The Annals of Congress. The Debates and Proceedings in the Congress of the United States. 11th Congress, 3rd Session, 1810-1811 (Washington, D.C.: Gales & Seaton, 1853), p. 376.

⁴Samuel F. Bemis, The Latin American Policy of the United States. An Historical Interpretation (New York: Harcourt, Brace & World, 1943), p. 30.

who had gained their independence.⁵ Because of the exertions and requirements of the War of 1812, as well as other factors, the U.S. remained neutral with respect to the independence struggles in Latin America. Relations with Spain were maintained on a sufficiently proper level to result in the Trans-Continental Treaty of 1819. By this treaty, the U.S. gained all of the present Florida; definition of the Western boundary of the Louisiana Territory; Spain surrendered its claim to the Oregon Territory to the U.S.; and the U.S. gained unquestioned control and rights of free navigation on the Mississippi River.

The next major event became one of the most famous announcements in U.S. diplomatic history, the Monroe Doctrine. By 1823, many of the Latin American countries had obtained independence or were in the throes of struggling to obtain it. Since the Latin American nations had been European colonies at the time the No Transfer Resolution was declared, some of the premises on which the resolution was based had changed. It was with these nations in such precarious status that President Monroe,

⁵ Arthur P. Whitaker, The Western Hemisphere Idea: Its Rise and Decline (Ithaca, N.Y.: Cornell University Press, 1954), p. 20.

apprehensive that European powers might attempt to reacquire once again these nations, delivered his now famous message on December 2, 1823. The President said, in part, that the U.S. would consider any attempt by European powers "to extend their political system to any portion of this hemisphere as dangerous to our peace and safety."⁶

As the U.S. expanded, eventually to the Pacific, one of the primary motivations for this expansion was to provide greater security for the United States. After the Monroe Doctrine was announced, it gradually became clear that the independence of the Latin American nations and the maintenance of a friendly relationship with them were important factors to the security of the United States.

One year after President Monroe's announcement of policy, Simon Bolivar issued invitations

⁶William MacDonald, ed., Documentary Source Book of American History, 1906-1913 (New York: Macmillan, 1916), p. 320. This mention and description of the Monroe Doctrine and the considerations leading up to it are necessarily brief. A great deal has been written on the subject of the Monroe Doctrine and one of the better known accounts is Dexter Perkins, A History of the Monroe Doctrine, rev. ed. (Boston: Little, Brown & Co., 1963). (Originally entitled HANDS OFF: A History of the Monroe Doctrine, 1941.)

to the newly independent nations of Latin America to meet in Panama to form a security system to protect themselves against any future attack from European states.⁷ The U.S. was belatedly invited to attend, but because of a protracted Senate debate on confirmation of the proposed delegates, the Panama Congress was completed in July 1826, before the United States' delegates could arrive on the scene. Few concrete accomplishments resulted from the Congress because none of its resolutions were ever ratified by a sufficient number of states. Nevertheless, it does mark the beginning of a Pan American concept of Western Hemisphere nations forming together for mutual security and protection.⁸

1889 to the End of World War I

A new period of inter-American relations began in 1889 and continued until the completion of World War I. In 1889, representatives of the Latin American republics met in Washington, D.C. at the

⁷Alexander DeConde, A History of American Foreign Policy, 2nd ed. (New York: Scribners, 1971), pp. 142-143.

⁸J. Lloyd Meacham, The United States and Inter-American Security, 1889-1960 (Austin: University of Texas Press, 1961), pp. 45-47.

invitation of the United States. The purpose was to discuss such issues as customs regulations, a uniform system of weights and measures, and adoption of a silver coin to be used in inter-American financial transactions.⁹ The one concrete result of this first conference was the establishment of the International Union of American Republics, which later became known as the Pan American Union.¹⁰

Four such inter-American conferences were held between 1889 and the outbreak of World War I. They were oriented primarily toward the promotion of trade, not security, and did not seriously consider what the joint reaction of the American republics would be to a major European war. As a result, there was little, if any, coherent or coordinated action on the part of the Pan American nations to improve their defenses against the hazards of the war which began in August 1914. Due to the lack of concerted action, one

⁹U.S., Congress, Foreign Relations of the United States, 1888 (Washington, D.C.: Government Printing Office, 1889), Part II, p. 1658.

¹⁰"First International Conference of American States. Washington, October 2, 1889-April 19, 1890," James B. Scott, ed., The International Conferences of American States, 1889-1928 (New York: Oxford University Press, 1931), p. 36.

commentator has placed the burden of initiative with the U.S. since it was the only nation capable of taking serious action, and faulted the U.S. for its neglect as "a betrayal of its responsibilities of leadership."¹¹ The one unanimous action by the American republics was to individually declare their neutrality.

On February 3, 1917, when President Wilson announced the breaking of diplomatic relations with Germany, he stated his hope that all neutral nations would follow the example of the United States, undoubtedly having in mind the other American republics. His hope was only partially achieved. Nevertheless, two months later when the United States had become so involved as to declare war on Germany on April 6, 1917, more than half of the Latin American nations were able to take some diplomatic action, but their record was far from unanimous. Eight countries declared war on Germany: Brazil, Cuba, Costa Rico, Guatemala, Haiti, Honduras, Nicaragua, and Panama. Five more severed diplomatic relations: Bolivia, the Dominican Republic, Ecuador, Peru, and Uruguay;

¹¹J. Lloyd Mechem, The United States and Inter-American Security, 1889-1960, p. 80.

seven remained neutral: Argentina, Chile, Colombia, Mexico, Paraguay, El Salvador, and Venezuela.¹²

Several reasons can be given for this lack of unity. The first is that the war events in Western Europe and the war on the Western front just did not represent a credible threat to the physical security of some Latin American nations. A second reason is that several Latin American republics were reluctant to follow the example of the United States, which since the advent of the Wilson administration, had sworn never to intervene in the internal affairs of its sister American republics. Contrary to official pronouncements, however--clearly in recent memory--were the examples of the occupations of Nicaragua in 1912, Haiti in 1915, the Dominican Republic in 1916, and the landings at Vera Cruz in Mexico in 1914. Because of the difference between its stated policies and its actions, the U.S. was perceived by some Latin American nations not to be the star by which to steer their ships of state.

Even though 13 of 20 nations took some overt action, there was a decided lack of unity. Of those nations that declared war, only Brazil was in South

¹²Graham H. Stuart and James L. Tigner, Latin America and the United States, 6th ed. (Englewood Cliffs, N.J.: Prentice Hall, 1975), p. 5.

America. The remainder were in Central America or were in the Caribbean area. Three of the primary powers in Latin America, Argentina, Chile and Mexico, remained strictly neutral. Indeed, of all of Latin America only Brazil and Cuba took an active part in the war. Brazil sent two cruisers and four destroyers to assist the British navy in European waters, and both Brazil and Cuba sent aviators, who entered the action on the Western front. Cuba was readying troops, but the war ended before they could be sent to Europe.¹³

On the positive side, even the neutrals, with the exception of Argentina, sold vital raw materials, products and resources to the Allied governments. The 13 nations that declared war or severed diplomatic relations with Germany were qualified to take part in the Peace Conference at Versailles, and 11 signed the treaty. Eventually all 20 Latin American republics became members of the League of Nations and comprised a significant portion of an organization which totaled 63 members in its lifetime.¹⁴ The termination by the war of many European sources of commerce, capital and

¹³John H. Latané, A History of American Foreign Policy (Garden City, N.Y.: Doubleday, 1927), pp. 661-662.

¹⁴U.S., Department of State, The Treaty of Versailles and After. Annotations of the Text of the Treaty (Washington, D.C.: Government Printing Office, 1947), pp. 74-75.

expertise made the Latin American nations more self-reliant and more aware of their interdependence. Also through increased contact with the United States, improved relations, which survived the pressures and expediciencies of the war, were established in social and economic fields.¹⁵ These events served to make these nations more aware of the part they could play in international affairs and how their acting in concert with other American nations might enhance their security and economic gain in the future.

The Inter-War Period

Throughout the inter-war period, the U.S. showed little interest in or appreciation for Latin America in its role in the security of the United States. One factor causing this lack of interest was the conviction that after World War I, little or no threat from Europe existed toward Latin America. It was not until the events leading to World War II posed a clear threat to U.S. security interests that the U.S. displayed an appreciation of the Latin American contribution to this security. The following will describe the growth of U.S. awareness of the need to arm Latin America and the dilemma this need

¹⁵Percy A. Martin, Latin America and the War (Baltimore: Johns Hopkins University Press, 1925), pp. 545-549.

presented in view of previous U.S. policy expressed in its neutrality legislation.

In 1920, after the U.S. Senate voted for the second time to reject ratification of the Treaty of Versailles and U.S. entry into the League of Nations, President Baltasar Blum of Uruguay made an original proposal for an American League of Nations as a regional security alliance based on the Monroe Doctrine.¹⁶ Nothing came of his proposition until it was formally introduced to the Fifth Inter-American Conference at Santiago, Chile in 1923. Even though Blum's plan seemed to coincide with President Wilson's 1916 plan to Pan Americanize the Monroe Doctrine, the U.S. was not in favor of the Blum overture, and it never came to a formal vote.¹⁷ In view of the U.S. Senate's handling of the Treaty of Versailles, despite President Wilson's efforts, it is not surprising that Blum's plan was shunted aside by the U.S. delegation at Santiago. The Senate had been too aroused against "entangling alliances" by its recent debates and too

¹⁶Baltasar Blum, American Solidarity (Montevideo, Uruguay: Imprenta Nacional, 1920), pp. 24-25.

¹⁷Wilson's plan was contained in his address on January 6, 1916, to the Second Pan American Scientific Congress in Washington, D.C. See James B. Scott, ed., President Wilson's Foreign Policy. Messages, Addresses, Papers. (New York: Oxford University Press, 1918), pp. 154-162.

intent on a return to the security of continental isolation to become involved in a military coalition. Part of the reasoning was, first, the defeat of Germany seemed to send any possible security threat. Second, the military and naval strength of recent allies could prevent any serious challenge from crossing the oceans into the Western Hemisphere.¹⁸ In particular, Britain's Royal Navy with its prestige and potency was seen as the most significant factor in the equation of power insulating the Americas from foreign threats.

Until the late 1930's, the security policy of the U.S. rested on the bedrock concept that national defense consisted of protecting the continental United States and the Panama Canal. While the U.S. Navy's battle fleet was judged adequate to counter a threat in either ocean, the Canal was required to permit the fleet the mobility to concentrate in one ocean or the other since the fleet was insufficient to meet serious threats in both oceans simultaneously.¹⁹

The events in Europe during the 1930's coupled with the technological advances in weapons developments

¹⁸J. Lloyd Mecham, A Survey of United States-Latin American Relations (Boston: Houghton Mifflin, 1965), p. 105.

¹⁹Stetson Conn and Byron Fairchild, The United States Army in World War II. The Western Hemisphere. The Framework of Hemisphere Defense (Washington, D.C.: Government Printing Office, 1960), p. 15.

led U.S. planners to expand the previously held concept of continental defense. The lessons from the demonstrations of the new capabilities of air power during the Spanish Civil War which began in 1936, were not confined within the Spanish borders. The destruction of Guernica on April 26, 1937, by elements of the German Luftwaffe was not lost as an example on American planners responsible for the defense of the Panama Canal. For decades the defense of the fragile locks and mechanical apparatus of the Canal had relied on coastal artillery. Now it became obvious that the Canal was vulnerable to combat aircraft or air-transported paratroops flying from land bases within Latin America or sea-based aircraft launched from an aircraft carrier out of sight but nearby in international waters. Proper defense of the United States now included preventing access of any enemy to aircraft landing zones within Latin America as well as the sea approaches to the Panama Canal in both the Atlantic and the Pacific.²⁰

At the time, some observers questioned the German capability for actually launching an attack across the Atlantic, but initially at least, military planners saw the threat as real. In early 1939,

²⁰ Stetson Conn, Rose C. Engelman, and Byron Fairchild, The United States Army in World War II. The Western Hemisphere. Guarding the United States and its Outposts (Washington, D.C.: Government Printing Office, 1964), pp. 302-303.

Major General Henry H. "Hap" Arnold, Chief of Staff of the Army Air Corps, testified to the Senate military committee that Germany had 1,700 aircraft capable of flying across the South Atlantic narrows from Africa to Brazil, a distance of some 1,600 miles.²¹ It was brought out in the questioning that the planes could not carry a bomb load across, but that was one reason that bases in South America would be so important--to serve as replenishment bases for possible later attacks on the U.S. He admitted that the Germans did not have the capability of directly attacking the United States.²² In 1940, Army Chief of Staff General George C. Marshall credited the crucial factor as resting with the navies. He asserted, ". . . as long as the British fleet remains undefeated and England holds out, the Western Hemisphere is in little danger of direct attack," but added that if the British fleet were sunk or surrendered, the situation would be "radically changed."²³ In their authoritative book on this period, William Langer and Everett Gleason have said:

²¹ "Testifies on Base for Nazi Attack," New York Times, 22 February 1939, p. 3:5.

²² Ibid.

²³ George C. Marshall, quoted in Conn and Fairchild, The Framework of the Hemisphere Defense, p. 417.

Of all the problems and dangers that confronted President Roosevelt and his advisers in the critical months of May and June, 1940, the issues of Latin America and of hemisphere defense appeared the most urgent. Though it seems somewhat strange in retrospect, it is a fact that the United States Chiefs of Staff at the time regarded the Nazi threat to South American countries as perhaps the most immediate danger to national security. They therefore assigned questions of hemisphere defense the highest priority.²⁴

The U.S. was slow to realize the threat to its security in the hemisphere as the indications of war grew in Europe. However once the U.S. appreciated the threat, it moved quickly to replace European military missions in Latin America and encourage hemispheric solidarity in face of the threat.

The first foreign military mission to Latin America began in 1885 when Chile extended an invitation to the Imperial German army to send a mission to reorganize and train the Chilean army.²⁵ The first U.S. military mission to Latin America was a naval mission established in Peru on July 20, 1920.²⁶ Later in 1922, a U.S. naval mission was established in Brazil after a

²⁴William L. Langer and S. Everett Gleason, The Challenge to Isolation. 1937-1940 (New York: Harper & Row, 1952), p. 607.

²⁵Edwin Lieuwen, Arms and Politics in Latin America (New York: Praeger, 1960), p. 32.

²⁶U.S., Congress, House, Inter-American Military Cooperation Act, Hearings, before the House Committee on Foreign Affairs, 80th Cong., 1st sess., 1947, p. 64.

formal request from the Brazilian government. During World War I, Brazil had obtained the assistance of a number of U.S. naval officers to assist in readying the Brazilian ships for European duty, but this was not a formal mission.²⁷ An act of Congress in 1926 further authorized missions to Latin America from all of the U.S. armed services.²⁸ The first U.S. Army mission, however, was not sent until 1938, when it went to Colombia after the U.S. became concerned about the contribution of Latin America to U.S. security as the threat of war grew in Europe.²⁹ During the inter-war period, Germany, France, Italy, and Spain had military missions in 12 Latin American countries, but they had all been withdrawn by 1941 and replaced with U.S. military missions.³⁰

It was not until 1938 that the United States authorities became sufficiently alarmed over the possibility that events in Europe would form a security

²⁷Julius A. Furer, Administration of the Navy Department in World War II (Washington, D.C.: Government Printing Office, 1959), pp. 683-685.

²⁸Public Law 247, Statutes at Large of the United States of America, December 1925 to March 1927, vol. XLIV, pt. 2, p. 565.

²⁹Lieuwen, Arms and Politics, p. 188.

³⁰U.S., Congress, House, Committee on Foreign Affairs, Contributing to the Effective Maintenance of International Peace and Security, H. Rept. 966, 80th Cong., 1st sess., 1947, p. 8.

threat to the United States and the Western Hemisphere, that they began to take the serious action of actual preparations. This slowness is understandable in light of reports, as late as 1937, that a majority (61.4 percent) of Americans appeared to be against "defending by force any Latin American country from foreign attack."³¹ By 1938, however, State Department officials became concerned by reports from foreign service officers in Latin America that there were indications of Nazi and Facist activities in that region. Because of these apprehensions, in his message to Congress on January 28, 1938, President Roosevelt requested new funds for defense and stated that, "Our national defense is . . . inadequate for the purposes of national security and requires increase for that reason."³² He defined adequate defense as "simultaneous defense of every part of the United States of America."³³

Later that year, on November 14, 1938, the President assembled the nation's principal military and civilian leaders and advisors at the White House

³¹Dexter Perkins, "The Monroe Doctrine Today," Yale Review, vol. 30 (June 1941), p. 694.

³²Franklin D. Roosevelt, "Message of the President to the Congress, January 28, 1938," U.S., Department of State, Peace and War. United States Foreign Policy, 1931-1941 (Washington, D.C.: Government Printing Office, 1943), p. 404.

³³Ibid., p. 405.

for a conference which centered primarily on the problem of aircraft. The next day he told newsmen that the concept of the defenses of the United States had been expanded and now extended "from Canada to Tierra del Fuego."³⁴

A month later on December 24, 1938, at the conclusion of the Eighth International Conference of American States at Lima, Peru, the 21 American republics stated in the "Declaration of Lima" their reaffirmation of their "continental solidarity" and their determination to defend "against all foreign intervention or activity that may threaten."³⁵ The chairman of the U.S. delegation, Secretary of State Cordell Hull, later wrote that he was very pleased with the outcome at Lima because "the danger to the Western Hemisphere was real and imminent. It was not limited to the possibility of a military invasion. It was more acute in its indirect form of propaganda, penetration, organizing political parties, buying

³⁴Samuel I. Rosenman, compiler and collator, The Public Papers and Addresses of Franklin D. Roosevelt. 1938 vol., The Continuing Struggle for Liberalism (New York: Macmillan, 1941), p. 599.

³⁵U.S., Department of State, Report of the Delegation of the United States of America to the Eighth International Conference of American States, Lima, Peru, December 9-27, 1938 (Washington, D.C.: Government Printing Office, 1938), p. 190.

some adherents, and blackmailing others."³⁶ This idea of mutual help and protection was evident in President Roosevelt's mind during the Cabinet meeting on September 1, 1939, the day Germany invaded Poland and World War II began. He told his Cabinet, "whatever happens, we won't send our troops abroad. We need only think of defending this hemisphere."³⁷

At this point it was becoming clearer that the arming of the Latin American nations would be in the best interests of the U.S. and would serve as a counter to the Axis threat in this hemisphere. The question then became how this transfer of arms could be legally accomplished. As the threat of war increased in Europe, serious apprehension grew in this country that any such war would dangerously affect or even involve the U.S. It became increasingly clear to the Administration that for the best defense of the U.S., it would be necessary to provide military equipment to the nations of Latin America. The provision of arms created a significant problem because of the specifications of the U.S. neutrality laws.

³⁶Cordell Hull, The Memoirs of Cordell Hull, vol. I (New York: Macmillan, 1948), p. 602.

³⁷Franklin D. Roosevelt, quoted in Joseph Alsop and Robert Kinter, American White Paper. The Story of American Diplomacy and the Second World War (New York: Simon & Schuster, 1940), p. 65.

One authoritative source explained:

These [Latin American] nations were free to buy in the United States whatever they could find available. On the other hand, there was no legal way of supplying them with United States Army or Navy equipment unless it has first been declared obsolete and surplus, and unless there existed no market for it in the United States.³⁸

Thus the dilemma was formed. In order to provide arms to Latin America, the weapons had to be declared outmoded and in excess of U.S. needs which could not be done by any stretch of the imagination in view of the pressures and considerations of the time.

President Roosevelt tried to spur the Congress out of this predicament in his State of the Union address of January 4, 1939, in which he urged the alteration of the neutrality laws. He stated that as far as the Hemisphere was concerned, "we propose to do our share in protecting against storms from any quarter."³⁹ He went on to stress that "we have learned that when we deliberately try to legislate neutrality, our neutrality laws may operate unevenly

³⁸William L. Langer and S. Everett Gleason, The Challenge to Isolation, 1937-1940 (New York: Harper & Brothers, 1952), p. 275.

³⁹Franklin D. Roosevelt, "Address Delivered by President Roosevelt to the Congress, January 4, 1939," U.S., Department of State, Peace and War. United States Foreign Policy, 1931-1941 (Washington, D.C.: Government Printing Office, 1943), p. 448.

and unfairly--may actually give aid to an aggressor and deny it to the victim."⁴⁰

As a result, the Congress began consideration of legislation which would permit the sale of military equipment to Latin America. This bill became known as the Pittman Act, named after the Chairman of the Senate Foreign Relations Committee. Despite repeated urging by the Administration, the Congress demurred and the legislation was not approved for nearly a year and a half. A serious problem with the Pittman Act was that it was amended to include the proviso that "no transaction authorized herein shall result in expense to the United States, nor involve the extension of credits by the United States."⁴¹ Any transfers, therefore, had to be for cash. The legislation prevented the extension of credit, and the Latin American nations did not have the funds for outright purchase even if the arms had existed and could have been declared surplus.

The Pittman Act was signed by President Roosevelt on June 15, 1940. It permitted the U.S. to manufacture and sell coastal artillery and anti-aircraft guns, ammunition and naval vessels to other American

⁴⁰Ibid., p. 449.

⁴¹S. Shepard Jones and Denys P. Myers, eds., Documents on American Foreign Relations, July 1939-June 1940, vol. 2 (Boston: World Peace Foundation, 1940), p. 174.

republics.⁴² Since the U.S. had no spare capability at the time for the manufacture of such items, only a few thousand rifles were eventually transferred under the Act. Nevertheless, it was a "significant psychological step toward Lend-Lease."⁴³ The Lend-Lease Act finally solved the dilemma which faced the U.S. as the Nazi threat became clear in this hemisphere, while the U.S. was still constrained by the restrictions of the neutrality legislation.

When the Lend-Lease Act was signed on March 11, 1941, Latin American nations were included as eligible recipients under Section 3.a(1), which authorized, "any defense article for the government of any country whose defense the President deems vital to the defense of the United States."⁴⁴ In April, the President approved the recommendation of the Secretaries of State, War and Navy for a delivery program of \$400,000,000 of war material to the Latin

⁴²Ibid., pp. 173-175.

⁴³Warren F. Kimball, The Most Unsordid Act. Lend Lease, 1939-1941 (Baltimore: Johns Hopkins University Press, 1969), p. 53.

⁴⁴S. Shepard Jones and Denys P. Myers, eds., Documents on American Foreign Relations, July 1940-June 1941, vol. 3 (Boston: World Peace Foundation, 1941), p. 713.

American nations under the authority of the Lend-Lease program.⁴⁵

By the end of the war, \$247 million of equipment had actually been delivered to Latin American allies, which represented less than one percent of all Lend-Lease aid.⁴⁶ Argentina is the one Latin American nation that did not receive any Lend-Lease aid due to its pro-German sympathies. Brazil and Mexico received 71 percent of the Lend-Lease aid sent to the 19 Latin American nations, primarily because they took the most active parts in supporting the Allied cause.⁴⁷ Brazil provided anti-submarine patrols in the South Atlantic and sent one division of 25,000 men to combat in Italy. Mexico sent one squadron of P-47 Thunderbolt fighters to the Pacific theatre where they entered combat in the Philippines.

⁴⁵U.S., Department of State, "The Under Secretary of States (Welles) to President Roosevelt," Foreign Relations of the United States, 1941. The American Republics, vol. 6 (Washington, D.C.: Government Printing Office), p. 138.

⁴⁶U.S., President, Twenty-First Report to Congress on Lend-Lease Operations. For the Period Ended September 30, 1945 (Washington, D.C.: Government Printing Office, 1946), p. 28.

⁴⁷Ibid., p. 43.

World War II

During World War II, a high point was reached in U.S. security interests in Latin America, but by the end of the war this interest declined as the defeat of the Axis powers removed the threat to the hemisphere. The following describes the build-up of U.S. security interests at the beginning of the war and the reduction of these interests after victory became assured.

The increase in U.S. appreciation of Latin America as a benefit to its security at the beginning of World War II is evidenced by the commitments at the early hemispheric conferences and the eagerness with which the U.S. pursued Latin American cooperation in defending this security. The Declaration of Lima of 1938 served as the foundation for coordination and cooperation among the hemispheric nations during World War II. It provided for the convening of consultations whenever the peace of the hemisphere was threatened. As a result, in accordance with the Declaration, immediately after the Germans attacked Poland on September 1, 1939, a conference of foreign ministers was called.

This first conference of foreign ministers was held in Panama a few weeks later, from September 23

to October 3, with Under Secretary of State Sumner Welles as the U.S. representative. One of the most notable results of the conference was Resolution XIV, the Declaration of Panama, which stated that a security zone of some 300 miles was established around the American republics south of Canada and was to be clear of belligerent actions.⁴⁸ Professor Bemis has called the Declaration of Panama an "historical and juridical curiosity" which had no effect on the belligerents.⁴⁹ Nevertheless the conference and the Declaration served the purpose of helping to weld together the American republics in a common enterprise. Sumner Welles was impressed by "the extraordinary feeling of inter-American unity displayed" by the delegates.⁵⁰

⁴⁸ Pan American Union, Report on the Meeting of Ministers of Foreign Affairs of the American Republics. Panama, September 23-October 3, 1939 (Washington, D.C.: Pan American Union, 1939), pp. 19-21.

⁴⁹ Samuel F. Bemis, The Latin American Policy of the United States. An Historical Interpretation (New York: Harcourt, Brace & World, 1943), pp. 365-366.

⁵⁰ Sumner Welles, The Time for Decision (New York: Harper & Row, 1944), p. 211. Even if the Latin Americans displayed unity, there was discontent at home about the security zone. Assistant Secretary of State Berle has described the dissatisfaction of Secretary of State Cordell Hull. See Beatrice B. Berle and Travis B. Jacobs, eds. Navigating the Rapids, 1918-1971. From the Papers of Adolph A. Berle (New York: Harcourt Brace Jovanovich, 1972), pp. 262-264.

Resolution XII of the Panama meeting called for another meeting in Havana on October 1, 1940, but due to the events which unfolded with such rapidity and magnitude in Europe, the date was advanced to July. The preceding months had seen the invasion of Norway by Germany; the fall of Holland, Belgium, Denmark, and Luxembourg; the British evacuation of Dunkerque; and in June the fall of France. Because of the German occupation of European nations with colonial holdings in Latin America, the spectre of German entry into the Western Hemisphere became even more real. This eventuality had been foreseen in Resolution XVI of the Panama meeting and was even more explicit in Resolution XX, The Act of Havana, in 1940. The Act of Havana provided for the administration of European colonies in the Western Hemisphere by an Inter-American Commission for Territorial Administration to prevent their occupation by non-American and presumably German forces.⁵¹

While the Act of Havana gained more attention at the time, of perhaps more long-lasting significance was Resolution XV, entitled "Reciprocal Assistance and

⁵¹Pan American Union, Report on the Second Meeting of the Ministers of Foreign Affairs of the American Republics. Habana, July 21-30, 1940 (Washington, D.C.: Pan American Union, 1940), pp. 37-38.

Cooperation for the Defense of the Nations of the Americas." In part the resolution stated:

Any attempt on the part of a non-American State against the integrity or inviolability of the territory, the sovereignty or the political independence of an American State shall be considered as an act of aggression against the States which sign this declaration.⁵²

This agreement by the American States is notable because it "contemplated aggression by non-American powers only and, consequently, was the first inter-American security instrument aimed specifically at such powers."⁵³

As a result of the first two meetings of foreign ministers, the U.S. and Latin American nations had already agreed on a policy to employ when the Japanese attacked Pearl Harbor on December 7, 1941. The mechanism operated smoothly to organize the third meeting of foreign ministers at Rio de Janeiro in January 1942, in response to the Japanese attack.

The Rio meeting approved a number of resolutions which became the basis for the defense of the nations of the hemisphere, including reiteration in Resolution I that an act of aggression "against any one of them"

⁵²Ibid., p. 35.

⁵³J. Lloyd Mecham, The United States and Inter-American Security, 1889-1960 (Austin: University of Texas Press, 1961), p. 189. [emphasis in the original]

would be considered as "an act of aggression against all of them."⁵⁴

One of the primary objectives of the U.S. at this conference in Rio was to obtain a unanimous resolution requiring all American republics to sever diplomatic relations with the Axis powers. Argentina and Chile refused to approve such a compact, but all finally agreed to a resolution which "recommended" such a severance of relations.⁵⁵ As a result, all except Argentina and Chile did immediately sever diplomatic relations with Germany, Italy and Japan. Eventually, before the end of the war, all American republics severed diplomatic relations and declared war on one or more of the Axis powers.⁵⁶ This was quite an improvement in the display of hemispheric solidarity over the record of diplomatic action against Germany in World War I when Brazil was the only nation

⁵⁴ Organization of American States, "Third Meeting of Consultation of Ministers of Foreign Affairs of the American Republics. Rio de Janeiro, January 15-28, 1942," The International Conferences of American States, Second Supplement, 1942-54 (Washington, D.C.: Organization of American States, 1958), pp. 10-11.

⁵⁵ J. Lloyd Mecham, A Survey of United States-Latin American Relations (Boston: Houghton Mifflin, 1965), pp. 146-147.

⁵⁶ "The Americas and the War," Bulletin of the Pan American Union, vol. 79 (October 1945), p. 585. This convenient source maintained a box score of the diplomatic undertakings of all American republics toward the Axis powers from April 1942 until the end of the war.

in South America to declare war and seven in Latin America remained neutral.

Concerning the accomplishments of the conferences at Lima and later, Dr. Francis Wilcox has said:

The result of these deliberations has been to make the peace and security of the Americas, not the unilateral concern of Washington, but the collective concern of all the American states. This move to convert the Monroe Doctrine into a common hemispheric defense policy paid rich dividends after the attack on Pearl Harbor.⁵⁷

This new cohesiveness was noteworthy because the "general awareness of this common danger led all the republics of the hemisphere to endorse the defensive principles of the Monroe Doctrine--considered as a basis for collective, rather than unilateral, action."⁵⁸ Before World War II was completed, however, there were signs that Latin America had fallen in priority among the interests of the U.S. Perhaps as a shadow of things to come, the Latin American nations might have perceived a coming change in the U.S. attitude toward their

⁵⁷ Francis O. Wilcox, "The Monroe Doctrine and World War II," The American Political Science Review, vol. 36 (June 1942), p. 435.

⁵⁸ David H. Popper, "The Rio de Janeiro Conference of 1942," Foreign Policy Reports, 15 April 1942, p. 26. This article is an excellent review of the factors and considerations at work at the time. Of value by the same author is "Hemisphere Solidarity in the War Crisis," Foreign Policy Reports, 15 May 1942, pp. 50-63. Also see Dexter Perkins, A History of the Monroe Doctrine, rev. ed. (Boston: Little, Brown & Co., 1963), pp. 347-370.

importance in post-war U.S. policy when they found they had been excluded from the Dumbarton Oaks conference. The conference, which met in Washington from August to October 1944, was convened to formulate a tentative draft charter for the yet unborn United Nations organization. Officially entitled "Conversations," the Dumbarton Oaks conference was attended only by the United States, the United Kingdom, the Soviet Union, and China.⁵⁹ Since so many Latin American nations had participated actively in the League of Nations and most had declared war on at least one of the Axis powers by this time, many felt that they should have had a part to play in the conference. Additionally, of the 26 signatories to the United Nations Declaration of January 1, 1942, nine (35%) were from Latin America. During the war, additional nations specified their adherence to the declaration, bringing the total to 47; among these, 19 (40%) were from Latin America.⁶⁰

After becoming aware of the Latin American nations' displeasure at their exclusion, Secretary

⁵⁹"Washington Conversations on International Organization. Statement by the President," Department of State Bulletin, vol. 11 (8 October 1944), p. 365.

⁶⁰"Declaration by United Nations, January 1, 1942," U.S., Congress, Senate, Committee on Foreign Relations, A Decade of American Foreign Policy. Basic Documents, 1941-49, S. Doc. 123, 81st Cong., 1st sess., (1950), pp. 2-3.

of State Stettinius held periodic briefings for representatives of Latin American governments while the conference was in progress. The arrangement proved to be of little substance and was unsatisfactory to the Latin American diplomats who could have probably gleaned more information from New York Times articles by James Reston.⁶¹

In accordance with policy adopted before the war, the U.S. did not want to build Latin American military capabilities to the point that they would be able to actually provide forces for combat. After the fortunes of war turned to clearly favor the Allies, "the Army's policy during 1944 was to reduce lend-lease aid to Latin America to the greatest possible extent."⁶² As it became clear that victory in the war was only a matter of time, the U.S. became involved in matters other than the defense of the hemisphere and the status of Latin American allies. Problems of rehabilitating Europe, forming the international

⁶¹Mr. Reston was awarded the Pulitzer Prize for 1945 for his work in reporting the Dumbarton Oaks conference. Stewart Alsop credits Mr. Reston's exceptional access to privileged information from inside the conference to "some communicative Chinese delegates." Stewart Alsop, The Center. People and Power in Political Washington (New York: Harper & Row, 1968), p. 179.

⁶²Conn and Fairchild, The Framework of Hemisphere Defense, p. 236. [emphasis added]

security apparatus, and providing for the occupation of former enemy territory became more pressing than the demands of Latin America. Early in the war, "after the fall of France and during the dark days following Pearl Harbor, the United States had ardently courted Latin America; now Latin America felt herself neglected."⁶³

1946-1957

After World War II ended, the primacy of U.S. security interests in this hemisphere remained at a relatively low level until revived as the threat of Communist expansion grew with the advent of the Cold War. This period demonstrates the normally low interest of the U.S. in Latin America's potential contribution to U.S. security, except at times of dire threat to the hemisphere. This period also demonstrates the beginnings of differences between executive and congressional perceptions of this threat.

An example of the growth of differences between executive and congressional evaluation of the threat can be seen in the handling of legislation proposed by the President in 1946 and 1947. President

⁶³Laurence Duggan, The Americas. The Search for Hemisphere Security (New York: Henry Holt & Co., 1949), p. 102.

Truman's proposed Inter-American Military Cooperation Act was forwarded to Congress on May 6, 1946. It would have permitted the training of Latin American military personnel, repair of equipment, and transfer of military equipment. The only proviso was "that such transfers shall be consistent with the military and naval requirements of the United States and with the national interest."⁶⁴ In his forwarding letter, President Truman said:

This Government will not, I am sure, in any way approve of, nor will it participate in, the indiscriminate or unrestricted distribution of armaments, which could only contribute to a useless and burdensome armaments race. In executing this program it will be borne in mind, moreover, that it is policy of this Government to encourage the establishment of sound economic conditions in the other American Republics which will contribute to the improvement of living standards and the advancement of social and cultural welfare. Such conditions are a prerequisite to international peace and security. Operations under the proposed legislation will be conducted with full and constant awareness that no encouragement should be given to the imposition upon other people of any useless burden of armaments which would handicap the economic improvement which all countries so strongly desire.⁶⁵

General of the Army Dwight D. Eisenhower, as Army Chief of Staff, testified in favor of the act during

⁶⁴U.S., President, Inter-American Military Cooperation Act, U.S., Congress, House, Committee on Foreign Affairs, H. Doc. 548, 79th Cong., 2nd sess, 1946, p. 3.

⁶⁵Ibid., p. 2.

congressional hearings and stated:

It is my opinion that the Inter-American Cooperation Act is militarily sound from the viewpoint of our national interest, will add to the peace and security of this hemisphere, and will make a distinct contribution to the peace and security of the world.⁶⁶

The House Committee on Foreign Affairs reported favorably on the bill with only minor amendments and recommended to the House that the bill pass.⁶⁷ However, the House did not act on the bill and it died with the end of the session.

Only one year after V-E Day and eight months after the end of World War II, the President in his forwarding letter had mentioned several subjects which were raised countless times in the following years involving the controversy of the transfer of conventional arms to Latin America: (1) the possibility of stimulation of an arms race, and (2) the desire for establishment of stable economic conditions which would foster the advancement of social welfare and an improved standard of living for all.

⁶⁶U.S., Congress, House, Inter-American Military Cooperation Act, Hearings, before the Committee on Foreign Affairs, 79th Cong., 2nd sess., 1946, p. 17.

⁶⁷U.S., House, Committee on Foreign Affairs, The Inter-American Military Cooperation Act, H. Rept. 2230, 79th Cong., 2nd sess., 1946, p. 1.

Despite the lack of results by Congress in 1946, the President resubmitted the Inter-American Military Cooperation Act to Congress in May 1947. In his forwarding letter President Truman emphasized that "world developments during the year that has passed give still greater importance to this legislation."⁶⁸

During executive session hearings, Army Colonel Godwin Ordway of the War Department General Staff outlined the objectives of the program. The first was to protect the territorial integrity of the continental U.S. He pointed out that "in this age of long-range aircraft and the guided missile, the security of any point in the Western Hemisphere is essentially synonymous with the security of the United States."⁶⁹ The second objective was to exclude European or Asiatic influence from the hemisphere. Thirdly, he pointed out that a modest expenditure in peacetime preparations would prevent exorbitant costs in the event of a crisis. Fourth was to safeguard the strategic resources essential in a wartime situation. The fifth

⁶⁸U.S., President, Inter-American Military Cooperation Act, U.S., Congress, House, Committee on Foreign Affairs, H. Doc. 271, 80th Cong., 1st sess., 1947, p. 1.

⁶⁹U.S., Congress, House, Committee on International Relations, Selected Executive Session Hearings of the Committee, 1943-50. Military Assistance Programs, Historical Series, vol. 6, pt. 2, 1976, pp. 473-474.

reason was modernization and standardization of Latin American military services so they could make a contribution to hemispheric security in the future.⁷⁰

In an effort to ensure passage of the proposed bill and to prevent the stagnation of 1946, the Administration assembled a most impressive array of its talented spokesmen to testify in favor of the legislation. Testimony was heard from General of the Army George C. Marshall as Secretary of State, James Forestal as Secretary of the Navy, General of the Army Dwight D. Eisenhower as Army Chief of Staff, Fleet Admiral Chester W. Nimitz as Chief of Naval Operations, and Lieutenant General Matthew B. Ridgway as U.S. Representative and Chairman of the Inter-American Defense Board.⁷¹

But not all of the testimony heard by the committee favored passage of the bill. In both executive and open sessions an issue was made of Under Secretary of State Dean Acheson's secret letter to Secretary of War Robert Patterson opposing passage of the bill. In spite of being classified secret, Acheson's letter was somehow leaked and reprinted

⁷⁰ Ibid., pp. 474-475.

⁷¹ U.S., Congress, House, Inter-American Military Cooperation Act, Hearings, before the House Committee on Foreign Affairs, 80th Cong., 1st sess., 1947.

in the press. In his letter, Acheson explained his opposition, in part, by stating that the bill would have undesirable consequences such as:

We shall encourage expenditures for armaments by the other American Republics which will weaken their economies and therefore their political stability, and we shall be called upon by the poorer countries to subsidize the program at great cost to this Government. . . . Encouragement of expenditures on arms by the Latin American countries runs directly counter to our basic economic and political policies which aim to encourage an improvement in the living standards and economic welfare of those countries.

The sacrifices which all of the Latin American countries would be required to make under the proposed program would drastically limit or defer their effectuation of plans for industrialization, improvement of transportation, production of strategic materials needed by the United States, and correction of presently poor conditions of public health, education and social welfare.⁷²

The committee assumed the letter was actually written by Spruille Braden, serving as Assistant Secretary of State for Latin American Affairs, and that it represented the considered opinion of the entire Latin American division in the State Department. Congressman Chipperfield stated: "We

⁷²Letter from Acting Secretary of State Dean Acheson to Secretary of War Patterson, dated 19 March 1947, quoted in part in Frank C. Hanighen, "Not Merely Gossip," a supplement to Human Events, 9 April 1947.

all know that Mr. Braden has publicly been against this program for years."⁷³

Braden was reported to be against the legislation because "it would not strengthen defenses to the south of us, but might start an arms race that would strengthen non-democratic elements and operate to the advantage of those countries that are the richest."⁷⁴ Such interpretations were not new. Earlier criticism of the Lend-Lease program made many similar points. Frank Tannenbaum argued in 1944 that receipt of arms by Latin American governments had increased the "danger, if not the likelihood, that these new tools may be used in older quarrels between Latin American nations."⁷⁵ He went on to point out that by supporting present regimes, the U.S. would be held responsible for "saddling the present 'tyrannies' upon the people" and for impeding the "natural process of Latin American 'democracy.'"⁷⁶

⁷³U.S., Congress, House, Committee on International Relations, Selected Executive Session Hearings on the Committee, 1943-50. Military Assistance Programs. Historical Series, vol. 6, pt. 2, 1976, p. 508.

⁷⁴Spruille Braden, quoted in Bertram D. Hulen, "Move to Arm Americas Has a Double Motive," New York Times, 1 June 1947, pt. 4, p. 7:1.

⁷⁵Frank Tannenbaum, "An American Commonwealth of Nations," Foreign Affairs, vol. 22 (July 1944), p. 586.

⁷⁶*Ibid.*, p. 587.

Among those testifying against the bill was Norman Thomas, Chairman of the Postwar World Council. He was involved in one humorous exchange:

MR. THOMAS. H.R. 3836, the so-called Inter-American Military Cooperation Act should be entitled "An Act to foment discord, stir up wars, strengthen dictators, provide Communists with material for anti-American propaganda, aggrandize American military establishments at the expense of the people, and swell the profits of the makers of arms."

MR. EATON. [Chairman of the Committee] Would you allow me to ask a question at this time: Are you against this bill?

MR. THOMAS. No. I am just trying to conceal my support.⁷⁷

Mr. Thomas went on to refer to the proposal as "this amazingly dangerous bill" and strongly urged that the measure not pass.⁷⁸ Despite such contrary views, the Committee on Foreign Affairs voted favorably on the bill with slight modifications and recommended to the full House that the bill be passed. In its endorsement the committee said:

⁷⁷U.S. Congress, House, Inter-American Military Cooperation Act, Hearings, before the House Committee on Foreign Affairs, 80th Cong., 1st sess., 1947, p. 101. Mr. Thomas was referring to the subtitle of the bill which was "A bill to contribute to the effective maintenance of international peace and security pursuant to the objectives and principles of the United Nations, to provide for military cooperation of the American States in light of their international undertakings, and for other purposes."

⁷⁸Ibid.

The defense of Latin America can be provided in a number of ways. The old system of competitive arms sales by a commercial interest for private profit may be largely dead, but it could all too readily be supplanted by an eager offering of arms by European powers in barter or related deals for Latin American exports. Another alternative is to seek through inter-American action to maintain the lowest possible level of armaments, throughout the hemisphere, with no replacement of present established equipment. The third alternative is to provide an adequate defensive establishment in the Americas, in addition to whatever armaments the United States finds necessary for its own commitments in the world. The most efficient means of doing so, with the greatest limitation of arms for each nation, is to provide for armed forces that can work together in joint activities to meet any future threat from outside the hemisphere.⁷⁹

The full House was less impressed with the merit of the proposal than the committee; so again, as in 1946, the House failed to act and the bill died with the end of the session. The New York Times estimated that since the 1946 legislation had not reached the Congress until the month of May, it was too late in the session for proper consideration and action on such a major program. The Senate Foreign Relations Committee was portrayed as "dubious" about the 1947 legislation because it had reached the Congress even later in May.⁸⁰ In the end, it met the same fate as its predecessor.

⁷⁹U.S., Congress, House, Committee on Foreign Affairs, Contributing to the Effective Maintenance of International Peace and Security, H. Rept. 998, 80th Cong., 1st sess., 1947, p. 6.

⁸⁰Bertram D. Hulén, "Move to Arm Americas Has Double Motive," New York Times, 1 June 1947, pt. 4, p. 7:1.

One reason the Truman Administration wanted the Inter-American Military Cooperation bill passed was to be able to give dramatic evidence of U.S. dedication to hemisphere security when the Rio Conference met in August, 1947. Even without this package in hand for the U.S., the conference produced the Inter-American Treaty of Reciprocal Assistance. This Rio Treaty became the cornerstone of the hemisphere defense system and is the oldest collective defense system of which the U.S. is a part. In its Article 3, the treaty plainly states that "An armed attack by any State against an American State shall be considered as an attack against all American States."⁸¹

On March 30, 1948, the Ninth International Conference of American States met in Bogota, Colombia, to formally establish the Organization of American States (OAS). The charter of the OAS placed the inter-American system on a permanent basis, whereas previously it was sustained only by the resolutions of the Inter-American conferences. Dr. Robert Osgood pointed out that the regional system established by the Rio Treaty and the charter of the OAS is unique among U.S. alliances because it was not spawned by pressures of

⁸¹ Pan American Union, Report on the Results of the Conference, Inter-American Conference for the Maintenance of Continental Peace and Security, Rio de Janeiro, August 15-September 2, 1947 (Washington, D.C.: Pan American Union, 1947), p. 62.

the Cold War but rather grew from the heritage of the Pan American system and the experience of World War II.⁸² Although not born in the Cold War, this hemisphere security system was soon to be involved in its far-reaching ramifications.

Despite the obvious indication by the Rio Treaty of interest in Latin America, after World War II the U.S. became involved in world issues that seemed to eclipse a serious concern for Latin America. This trend in U.S. policy was altered by the increasing tensions of the Cold War. Events such as the Russian blockade of Berlin in 1948, the Soviet demonstration of their first atomic weapon in August 1949, the Communist takeover in China later that year, capped with the outbreak of the Korean War on June 25, 1950, all led U.S. officials to be convinced of the expansionary threat of Communism.⁸³

This same threat had been pointed out a few months earlier in a joint report from the Departments of State and Defense, known by its serial number, NSC-68. In this report it was cautioned that

⁸²Robert E. Osgood, Alliances and American Foreign Policy (Baltimore: Johns Hopkins University Press, 1968), p. 38.

⁸³Seyom Brown, The Faces of Power. Constancy and Change in United States Foreign Policy from Truman to Johnson (New York: Columbia University Press, 1968), pp. 54-55.

"The Kremlin's policy toward areas not under its control is the elimination of resistance to its will and the extension of its influence and control."⁸⁴

In response to this growing perception of the Communist threat, the Mutual Defense Assistance Act of 1949 had authorized nations of Latin America to purchase American arms equipment but only on a cash reimbursable basis. Grant aid of \$500 million was authorized for the North Atlantic area, with additional grant aid authorizations for Iran, Korea and the Philippines. Authorizations even included \$75 million for an emergency fund for the President's use in China several months after its fall, but no funds were designated for grant aid for Latin America. Latin America was not specifically mentioned but was included in Section 408(e), which stated that the President could sell equipment, material, or resources "to a nation which has joined with the United States in a collective defense or regional arrangement."⁸⁵ The nations of Latin America, therefore,

⁸⁴"NSC-68. A Report to the National Security Council by the Executive Secretary on United States Objectives and Programs for National Security, April 14, 1950," Naval War College Review, vol. 27, May-June, 1975, p. 61.

⁸⁵Mutual Defense Assistance Act of 1949, Statutes at Large, vol. 63, sec. 408(e), pt. 1 (1950), p. 720.

became eligible to purchase arms if they had ratified the Inter-American Treaty of Reciprocal Assistance, the Rio Treaty, of 1947. Nonetheless, grant aid was not available. As a result of the Mutual Defense Assistance Act of 1949, six of the Navy's light cruisers were refurbished and sold at reduced prices: two to Argentina, two to Brazil, and two to Chile.⁸⁶ Additionally, three destroyer escorts were sold to Peru, two destroyer escorts to Uruguay, and a frigate was sold to Colombia.⁸⁷ As of June 30, 1952, nearly \$42 million in orders for military equipment had been received from Latin American nations under the provisions of the Act.⁸⁸

The Korean War started in June 1950, and Congress conducted extensive hearings on proposed new legislation which would form the U.S. response. As a consequence of the impetus of the Korean War and the threat of worldwide communism, Congress passed the

⁸⁶U.S., President, Third Semi-Annual Report to Congress on the Mutual Defense Assistance Program, U.S., Congress, House, Committee on Foreign Affairs, H. Doc. 179, 82nd Cong., 1st sess., 1951, pp. 38-39.

⁸⁷U.S., President, First Report to Congress on the Mutual Security Program, December 31, 1951 (Washington, D.C.: Government Printing Office, 1952), p. 40.

⁸⁸U.S., President, Second Report to Congress on the Mutual Security Program, June 30, 1952 (Washington, D.C.: Government Printing Office, 1952), p. 35.

Mutual Security Act of 1951. For the first time, funds were authorized in the amount of \$38,150,000 for grant military aid to Latin America.⁸⁹ The act stipulated that, "Such assistance may be furnished only in accordance with defense plans which are found by the President to require the recipient country to participate in missions important to the defense of the Western Hemisphere."⁹⁰ President Truman issued a Presidential Determination in December 1951, which stated that the participation of a number of Latin American nations was important to the defense of the hemisphere. This was followed by signing of bilateral defense treaties with each of the Latin American nations designated by the President. The first was with Ecuador on February 20, 1952.⁹¹ By signing the bilateral agreements, the Latin American nations became eligible for the grant military equipment and aid. With regard to the grant and reimbursable aid being sent to Latin America, President Truman noted that, "In the event of a conflict, the United States

⁸⁹ Mutual Security Act of 1951, Statutes at Large, vol. 65, sec. 401 (1952), p. 377.

⁹⁰ Ibid.

⁹¹ "U.S. Signs Military Assistance Agreements with Ecuador and Peru," Department of State Bulletin, vol. 26 (3 March 1952), p. 336.

will be relieved to a substantial extent of the necessity for using its own forces in certain areas important to the defense of the hemisphere."⁹² The experience of World War II was still within recent memory when more than 100,000 U.S. military personnel were needed to man the defense positions and bases in Latin America.⁹³

By 1957, 12 Latin American nations had entered into bilateral defense treaties with the U.S. These were: Brazil, Chile, Colombia, Cuba, the Dominican Republic, Ecuador, Guatemala, Haiti, Honduras, Nicaragua, Peru, and Uruguay.⁹⁴

⁹²U.S., President, First Report to Congress on the Mutual Security Program, December 31, 1951 (Washington, D.C.: Government Printing Office, 1952), p. 40.

⁹³U.S., Department of State, "Military Assistance to Latin America," Background, January 1953, p. 5. The total U.S. troop commitment to Latin America reached 119,246 on December 31, 1942. See U.S., Congress, House, Committee on International Relations, Selected Executive Session Hearings of the Committee, 1943-50. Military Assistance Programs. Historical Series, vol. 6, pt. 2, (1976), p. 487. This source lists a more explicit breakdown of U.S. troop totals in Latin America throughout World War II.

⁹⁴U.S., Congress, Senate, Committee on Foreign Relations, "Disarmament and Security in Latin America," Staff Study No. 7, Control and Reduction of Armaments, S. Rept. 2501, 85th Cong., 2nd sess., 1958, p. 318.

1958-1966

After 1951 and the advent of the Mutual Security Program, the Congress and the executive generally agreed on a policy to be applied to arms transfers to Latin America. In 1958, however, the views of the two branches of government started to seriously diverge. These differences in perception became gradually a major influence on the development of U.S. policy toward conventional arms transfers to Latin America. Therefore, these executive-congressional differences are a major focus of this dissertation, particularly after 1967.

This section will review the major developments in the controversy between the executive and congress over the basic rationale supporting the transfer of arms, the development of a regional dollar ceiling on transfers, and the advent of punitive articles of legislation which applied specifically or largely to Latin America.

During the annual hearings considering the proposed Mutual Security Act of 1958, questions arose concerning the presidential determination of the importance of the contribution of Latin American countries to hemisphere defense. Senator Mansfield asked: "How often does the President review his

findings under this section?"⁹⁵ Secretary of Defense Neil McElroy did not have a ready answer but later provided one for the record. The Secretary's response concluded, "The general policy and the military plans have been under constant review since that date and it has not been felt necessary to require further specific finding by the President."⁹⁶ Later in the hearings the same question was asked by Senator Wayne Morse of Colonel Thomas B. Hanford. The Colonel replied, "While the President himself has not personally reviewed the plan, it has been reviewed by agencies under his direction."⁹⁷

The answers provided were apparently not satisfactory to Senator Morse because he proposed an amendment to the Mutual Security Act, which was approved by Congress and specifically stated that "The President annually shall review such findings and shall determine whether military assistance is necessary."⁹⁸ This

⁹⁵U.S., Congress, Senate, Mutual Security Act of 1958, Hearings, before the Committee on Foreign Relations, 85th Cong., 2nd sess., 1958, p. 33.

⁹⁶Ibid., p. 798.

⁹⁷Ibid., p. 453. Colonel Hanford was serving as Director, Western Hemisphere Regional Office, Office of the Assistant Secretary of Defense for International Security Affairs.

⁹⁸Mutual Security Act of 1958, Statutes at Large, vol. 72, sec. 103, pt. 1 (1959), p. 262.

amendment was notable because it singled out Latin America as the only region for which such a review was necessary in the eyes of the Congress.

Another issue arose during the 1958 hearings which resulted in an additional restriction on U.S. foreign policy toward Latin America. It concerned internal security of the Latin American nations as justification for U.S. military aid. As mentioned previously, the Mutual Security Act of 1951 listed only hemispheric defense as the basis for such aid. Senator H. Alexander Smith (R-NJ) started the discussion:

SENATOR SMITH: How is military assistance to Latin America related to United States strategic planning? How can we insure that the arms that are sent to Latin America are used for hemispheric defense and not just for local civil wars?

SECRETARY McELROY: The program for Latin America, both Central and South America, is of course a very modest program and is primarily for the purpose of the maintenance of internal security and also a very modest preparation for defense against any incursion from offshore. I suppose the maintenance of internal security could be said to involve some of the internal conflicts which seem to plague that part of the world, but it is important to this country that internal security should be maintained for the interests of our country militarily, and that is the reason that there is this very modest program down in that part of the world.

SENATOR SMITH: I have always thought from my studies, that we really are more concerned with such things as technical assistance than we are with military assistance, because they are not militarily as much in need for defense as other

parts of the world. But we have been criticized by some for our program. I have had South Americans ask me why do we discriminate in our military aid between South America and some countries in the Far East or in Europe.

SECRETARY McELROY: The reason is, Senator Smith, that in our judgment the large threat is not there. The threat there in the judgment of our military advisers is in the area of internal security.

That, of course, does not require large military equipment and large forces. It is simply to avoid subversion by a small but well-organized subversive nucleus, and it would be very unfortunate from the standpoint of our military position if a country were subverted in that manner. That is the reason we do have this limited program in the Central and South American countries.⁹⁹

Despite the assertion by the Secretary of Defense McElroy to the Senate committee that the maintenance of internal security was the primary reason for military aid to Latin America (which was not provided for in the Mutual Security Act), a member of his staff, Colonel Hanford, testified to the House Committee on Foreign Affairs that, "The maintenance of internal security is, of course, primarily the responsibility of the Latin American Republics themselves, and we do not propose in this program to provide grant assistance for that purpose."¹⁰⁰ Later in the

⁹⁹U.S., Congress, Senate, Mutual Security Act of 1958, Hearings, before the Committee on Foreign Relations, 85th Cong., 2nd sess., 1958, p. 24 [emphasis added]

¹⁰⁰U.S., Congress, House, Mutual Security Act of 1958, Hearings, before the Committee on Foreign Affairs, 85th Cong., 2nd sess., 1958, pt. 2, p. 1504.

House hearings, Colonel Hanford was again quizzed on this subject:

MR. ZABLOCKI. Colonel, you stated that it is the policy of the military assistance program--specifically now for Latin America--not to use our aid for internal security.

COLONEL HANFORD. Unless there is specific evidence of Communist subversion in the area.

MR. ZABLOCKI. That is pretty difficult to ascertain.¹⁰¹

This conflicting testimony and apparent confusion as to the Administration's true rationale for grant military aid to Latin America resulted in a second specific restriction on U.S. policy. Senator Morse's amendment also included the limitation that, "Internal security shall not normally be the basis for military assistance programs to American Republics."¹⁰² The following year this restriction was made even more specific by removal of the word "normally" and was altered to read: "Internal security requirements shall not, unless the President determines otherwise, be the basis for military assistance programs to American

¹⁰¹Ibid., p. 1565.

¹⁰²Mutual Security Act of 1958, sec. 103, p. 262.

Republics."¹⁰³ This restriction is exceptional in applying only to Latin America, especially in light of the fact that "internal security" of allied nations was listed as one of the primary justifications of the entire Mutual Security Program. Even though "internal security" had been previously listed as a legitimate reason for sending military aid to the rest of the world, it was not to be a rationale for assistance to Latin America.¹⁰⁴ Senator Morse said that his amendment concerning internal security ". . . was offered with the intent of eliminating that consideration from hemispheric defense plans . . ." in order to ". . . reorient the emphasis of the mutual security program and to curb the administration's tendency to arm too many dictators around the world for no reason other than that they are said to be 'anti-communist.'"¹⁰⁵ He continued by saying:

The way military assistance has been carried out in Latin America has a great deal to do with the difficulties into which we have fallen in that part of the world. What this

¹⁰³Mutual Security Act of 1959, Statutes at Large, vol. 73, sec. 101(b) (1960), p. 247.

¹⁰⁴Mutual Security Act of 1954, Statutes at Large, vol. 68, sec. 105, pt. 1 (1955), p. 834.

¹⁰⁵U.S., Congress, Senate, Committee on Foreign Relations, Mutual Security Act of 1958, S. Rept. 1627, 85th Cong., 2nd sess., 1958, pp. 41-42.

administration seems unable to realize is that not every revolutionary is a Communist. State Department officials have testified time and again to our committee that the United States must not intervene or interfere in any way in the internal affairs of our South American neighbors. Yet military assistance aimed primarily at preserving internal security is the most direct kind of intervention. That it is intervention on behalf of the status quo does not change that fact. Unfortunately, the status quo in some of these countries has been so obnoxious and so oppressive of freedom that the United States has suffered from being associated with it.

I approve of the doctrine of nonintervention; but where we depart from it, then let us intervene on the human side of freedom. Let us intervene on the side of the tradition of Thomas Jefferson and Simon Bolivar. They are the real revolutionaries, whereas communism is a reactionary doctrine. It is one of the tragic ironies of history that the United States, which was the birthplace of the Jeffersonian ideal, has gotten so far away from it that it is the Communists who are able to pose as representing the hope for the future.¹⁰⁶

As a reflection of this congressional concern, in 1959 Senator J. William Fulbright, Chairman of the Senate Foreign Relations Committee, offered an amendment to limit the amount of military assistance to Latin America to no more than had been involved in that current year.¹⁰⁷ This Fulbright amendment was

¹⁰⁶ Ibid.

¹⁰⁷ This Fulbright Amendment did not specify an actual dollar figure but stated that the amount for 1960 ". . . for furnishing military assistance to American Republics shall not exceed the . . . amount . . . for 1959." In the actual event, the amount transferred in 1959 was \$67 million and thereby formed the regional ceiling. Mutual Security Act of 1958, sec. 101(b), p. 248. (NOTE: When the author

approved by the Congress and formed the first regional ceiling on U.S. military aid of Latin America of \$67 million. As initially written, it applied only to grant aid but was broadened in scope in later years.

The Mutual Security Act had been oriented primarily toward the provision of military assistance to foreign friendly nations. The Foreign Assistance Act of 1961 reoriented the administrative machinery and the policy to include both economic and military aid. This new act stressed economic aid to lesser developed countries in consonance with President John F. Kennedy's new initiative toward Latin America, the Alliance for Progress. The President mentioned Latin America in his inaugural address with "a special pledge" for "a new alliance for progress, to assist free men and free governments in casting off the chains of poverty."¹⁰⁸ He then specifically proposed such an alliance as a ten-year plan during a White House speech.¹⁰⁹ This was formalized at a

refers to Latin America, it includes all of the Western Hemisphere and excludes the United States, Canada, and Greenland. After 1959, Cuba will not be included in this definition because of its unique status and policies under the regime of Fidel Castro.)

¹⁰⁸ John F. Kennedy, "First Inaugural Address, January 20, 1961," U.S., Congress, House, Inaugural Addresses of the Presidents of the United States, H. Doc. 91-142, 1969, p. 268.

¹⁰⁹ John F. Kennedy, "Alianza Para Progreso," Department of State Bulletin, vol. 44 (3 April 1961), p. 472.

meeting at Punta Del Este, Uruguay.¹¹⁰ The purpose of military assistance was to assist in support of the internal security and stability necessary for the growth of the economic conditions foreseen in the Alliance.

Despite the emphasis on positive relations with Latin America in the Alliance for Progress, the policy toward arms transfers to Latin America was confused and negative in the new Foreign Assistance Act. The act's statement of policy, which listed the numerous intentions of Congress in approving the act, included "assisting friendly countries to maintain internal security" as one reason.¹¹¹ In the specifications for utilization of assistance, the act stated that "military assistance to any country shall be furnished solely for internal security, for legitimate self-defense, to permit the recipient country to participate in regional or collective arrangements or measures

¹¹⁰ Organization of American States, Alliance for Progress. Official Documents Emanating from the Special Meeting of the Inter-American Economic and Social Council at the Ministerial Level. Held in Punta del Este, Uruguay, from August 5 to 17, 1961 (Washington, D.C.: Organization of American States, 1967).

¹¹¹ Foreign Assistance Act of 1961, Statutes at Large, vol. 75 (1961), p. 436. The act was originally titled "Act for International Development of 1961," but was changed by Section 111 of the Foreign Assistance Appropriations Act of 1962.

consistent with the Charter of the United Nations."¹¹² Yet, a separate portion, Section 511, was entitled "Restrictions on Military Aid to Latin America" and included the proviso that "internal security requirements shall not, unless the President determines otherwise . . . be the basis for military assistance programs for American Republics."¹¹³ Here was a clear contradiction in policy between the Alliance for Progress and the Foreign Assistance Act. The obvious contradiction was even contained within the Foreign Assistance Act itself! This only could have resulted in confusion for foreign policy guidance.

A new restriction in the Foreign Assistance Act of 1962 was the Hickenlooper amendment. This specified termination of all aid to any nation who expropriated U.S. property without proper compensation within six months. This also applied to taxes or other conditions which would have the gradual effect of expropriation. The amendment was made even more restrictive because it forbade any waiver by the President for any reason.¹¹⁴ The previous decade

¹¹²Ibid., p. 436.

¹¹³Ibid., p. 438.

¹¹⁴Foreign Assistance Act, Statutes at Large, vol. 76 (1962), pp. 260-261. A similar provision which applied strictly to expropriations was contained

had seen significant expropriations of U.S. property in Latin American countries. In 1952 Bolivia had taken over tin mines; in 1953 Guatemala had expropriated a quarter million acres of land from the United Fruit Company; Argentina expropriated power companies in 1958; and Brazil expropriated property in 1959 and 1962. Even though the language of the Hickenlooper amendment was universal, in view of the outbreak of expropriations in Latin America there can be little doubt where it was to apply primarily. According to the Senate Foreign Relations Committee, the purpose of the amendment was not to be punitive, but it was an attempt to protect U.S. investors against losses and to create a stable environment for investments in the lesser developed nations which would serve to further their development.¹¹⁵

Although the Administration and many members of the Congress became concerned for the internal security of Latin American countries after the advent of Castro in Cuba in 1959, this concern was not reflected in the Foreign Assistance Act until 1963. The Cuban

in the Mutual Security Act of 1954; however, this was less strict and provision was made for a Presidential waiver.

¹¹⁵U.S., Congress, Senate, Committee on Foreign Relations, Foreign Assistance Act of 1962, S. Rept. 1535, 87th Cong., 1st sess., 1962, pp. 36-37.

Missile Crisis of October 1962, focused an unusual amount of attention and concern on the Latin American region, and as one result, internal security was formally approved by Congress as a reason for military assistance. Previously, this reasoning had been expressly forbidden, but due to the fear of Communist inspired subversion which might be exported by the Castro regime, it was now approved. As the Conference Committee report stated, this change provided official recognition to what had actually been practiced for the past several years.¹¹⁶

Even though the internal security restriction was removed in 1963, a new amendment applied strictly to Latin America. It stated:

That, except (1) to the extent necessary to fulfill prior commitments or (2) to the extent that the President finds, with respect to any Latin American country, that the furnishing of military assistance under this Act is necessary to safeguard the security of the United States or to safeguard the security of a country associated with the United States in the Alliance for Progress against overthrow of a duly constituted government . . . no further military assistance under any provision of this Act shall be furnished to any Latin American country.¹¹⁷

¹¹⁶U.S., Congress, House, Committee on Foreign Affairs, Foreign Assistance Act of 1963, Conference Committee, H. Rept. 1006, 88th Cong., 1st sess., 1963, p. 24.

¹¹⁷Foreign Assistance Act of 1963, Statutes at Large, vol. 77, sec. 202(b) (1964), p. 384. The regional ceiling was set at \$55 million, but for

The regional ceiling on the dollar amount of aid that could be transferred was varied from time to time, but in 1966 it was increased to \$85 million by Congress. Formerly, the ceiling had applied only to grant aid, but in the 1966 legislation the scope of the restriction was expanded to include sales which had previously been unlimited.¹¹⁸ At first glance, the \$85 million appears to be a raising of the ceiling. However, in view of the grant aid limit averaging over \$58 million per year, the combined limit for grants and sales was actually a more severe restriction. Another legislative restriction was to limit to 40 the number of nations eligible for grant military assistance.¹¹⁹ Since 20 of the Latin American nations had received military aid in the past, the effect of such

the first time, Latin America was not alone. A regional ceiling on grant aid was also prescribed for Africa in the amount of \$25 million.

¹¹⁸Foreign Assistance Act of 1966, Statutes at Large, vol. 80, pt. 1, sec. 201 (f) (1967), p. 803.
The regional ceiling for Latin America had varied as follows:

1960	- \$67 million
1961	- \$57.5 million
1962	- \$57.5 million
1963	- \$57.5 million
1964	- \$55 million
1965	- \$55 million

These ceilings applied only to grant military aid.

¹¹⁹ibid., sec. 103(a)(3), p. 797.

a law could easily be seen as possibly applying primarily to Latin America. If every Latin American nation continued to receive aid, then only 20 other nations in the remainder of the world would be eligible.

In summation, from the time of Thomas Jefferson, the U.S. had a varying level of consciousness of and appreciation for any contribution the nations of the Latin American region might make to the national security of the United States. The evolution of the Monroe Doctrine brought a conviction that Latin America was important, but it was often taken for granted because Latin America was not seriously threatened. U.S. concern over the importance of Latin America to U.S. national interests came to a high point during the early days of World War II. At that time both the Executive and the Congress shared a similar view of the threat and feared German entry into the Western Hemisphere and a possible direct attack on the U.S. from Latin American bases. This brief peak of fear and concern had started to wane even before the end of World War II was reached. After the war, the U.S. was more interested in the problems associated with Europe than any involving Latin America. This decline continued, despite the signing of the Rio Treaty in 1947, until the tensions of the Cold War started to

build in the late 1940's. The advent of the Korean War and the threat of Communist expansion into the hemisphere again spurred U.S. interest in Latin America. This is evidenced by the arms aid transferred under the Mutual Security Program for reasons of hemisphere security. In the late 1950's, the rationale used by the executive and the Congress started to diverge with respect to the justifying of arms transfers to Latin America. This was caused by a differing appreciation or interpretation of the threat, the seriousness of this threat, and a lack of agreement on priorities or objectives of foreign policy. From 1958 on, the Congress seemed to shift into the driver's seat with respect to formulating changes in U.S. foreign policy toward conventional arms transfers to Latin America. The executive appeared thereafter to be reacting to congressional initiatives which increasingly restricted normal executive prerogatives in this area of foreign policy. Even though the Congress had taken the initiative and had given evidence of deep displeasure with the Foreign Assistance Act in general and arms transfers in particular, it had not really attacked the program in a concerted, substantive way. Due to a number of factors, these changes came in 1967.

CHAPTER II

LATIN AMERICAN ARMS IN PERSPECTIVE

Before proceeding to the events of 1967 and later, it is of benefit to briefly review two other related considerations. The first is to examine the factors and influences behind the Latin American demand for arms, and the second is to place this demand in perspective. The purposes are to gain an appreciation from the Latin American viewpoint as to why modern weapons are necessary and to establish the magnitude of Latin American arms receipts in relation to the level of procurement in other geographic regions or political combinations. These two aspects will be of importance in later discussions which will focus on an evaluation of statements in support of, or opposition to, the transfer of arms to Latin America.

In the midst of the controversy concerning the congressional restrictions on arms transfers, it is instructive to assess the validity of the Latin American demand for arms. At the outset, however, a note of caution is necessary because of the variances between the nations of Latin America. The

differences of history, resources, and interests do not readily conform to generalizations that are applied throughout the region. As one author has said:

Every book on the Hemisphere, whether the focus be law, politics, history, or wildlife, warns somewhere in the first chapter or introduction that, of course, there are twenty-one independent countries, that the differences are greater than the similarities, and that one really cannot speak of "Latin America." From Chapter 2¹ on, however, nearly every book does just that.

Because of the limit of space, it is necessary to speak of "Latin America" here. It would not be feasible to assess each nation individually because of the numerous factors that enter into the nation's specific desire to obtain new and additional armaments. With the above warning in mind, it is possible to briefly review the overall primary and secondary reasons why the nations of Latin America would create a demand for weapons. The satisfaction of locally perceived needs to ensure national security is paramount. Associated with this are other primary reasons for arms requirements, such as the obsolescence of arms in the national inventories, an attempt to reach a degree of modernity in the local armed forces, and a desire to achieve flexibility in their

¹Andreas F. Lowenfeld, ed., Expropriation in the Americas (New York: Dunellen, 1971), p. 10.

decisions and independence from U.S. influence.

Among the lesser factors bearing on arms demands are the considerations of heightened nationalism, increased affluence, aggressive salesmanship on the part of third country suppliers, and other needs such as a requirement to patrol increased territorial or economic zones at sea.

One aspect of modern sovereignty is the necessity to maintain a military force capable of at least the appearance of being able to provide for the defense of the state. The factor of national defense is of primary and fundamental importance in any nation's pursuit of military preparedness. Although the threat to Latin American countries from an external source is remote, almost every Latin American nation has routinely required the existence of armed forces. The reasons consistently given in justification for these forces has been the necessity to defend the parent country against external as well as internal threats.² Nearly every country has some degree of disagreement over boundaries with one or more neighbors, and this is used as rationale for justifying its armed forces. Disputes between Peru and Chile, Chile and Argentina, or Guatemala and

²An exception is Costa Rica which has no armed forces. It maintains only a para-military police force.

Belize are only a few among the numerous examples. The only substantial war in this century was the Chaco War of 1932-35 between Bolivia and Paraguay, although there were wars in the 1800's which still highlight frictions that may exist to heighten a sense of need for military security among Latin American nations. One example would be Chile's War of the Pacific in 1879-84 against Peru and Bolivia.

Another significant major factor in the demand for arms has been the block obsolescence of a great amount of the material in Latin American military inventories. By the mid-1960's, the bulk of the tanks, ships and planes possessed by Latin American military forces were of World War II and Korean War era manufacture obtained during the 1945-1955 time frame. A nominal life of an aircraft is approximately ten years, 20 years or more for a tank or a naval vessel. The Latin Americans have been known, however, to keep some items in their military inventories operating much longer. In 1950 for example, Brazil was operating a battleship built in 1908; Chile was using a light cruiser built in 1898, and Uruguay was using a training ship built in 1879.³

³Raymond V. B. Blackman, ed. Jane's Fighting Ships, 1950-51 (London: Sampson Low, Marston & Co., pp. 131, 144, 486.

Related to the obsolescence factor is the effect of earlier U.S. arms transfer policies in postponing the Latin American demand for new weapons. During the 1950's the U.S. had a surplus of various equipment suitable for grant transfer, which served to fill, even if not completely satisfy, Latin American demands. The U.S. transferred surplus, used, obsolescent, but fully operable equipment. This served to postpone the acquisition of truly modern equipment. Later in the 1960's, the stocks of surplus equipment were depleted; U.S. granting of military aid declined, and congressional policy made the acquisition of replacement equipment less likely. As a result, the resurgent demands for modern equipment could be satisfied only with the procurement of new items.

In spite of the problems of maintenance and logistic support, as late as 1974 the venerable C-47 was still in the inventory of 17 Latin American air forces. Five nations still flew F-51 Mustangs; three were flying the PBY Catalina; Honduras had a squadron of F-4U Corsairs, and Venezuela had a squadron of B-25 bombers, the same type that General Doolittle flew over Tokyo in 1942!⁴ Despite such feats of

⁴International Institute for Strategic Studies, The Military Balance, 1974-1975 (London: International Institute for Strategic Studies, 1974), pp. 62-69.

maintenance magic, the fact remained that so much of the equipment was old, worn out, uneconomical to maintain, or even unsafe to operate.

A third major factor in the demand for arms is a desire by the Latin American military forces to have at least a few items of advanced equipment. Obsolete and outmoded ships, planes, and tanks are seen by the military as evidence of low esteem by the governments and the populations this equipment is supposed to protect. Display of such low regard is also not conducive to attracting high quality young people to the military service and is not helpful in convincing others that a career is worthwhile. It is somewhat understandable that Latin American governments would desire several pieces of modern advanced equipment in order to bolster the image of the government and enhance national concepts of modernity, dignity, and prestige.

The fourth major factor is a strong desire to display independence from perceived U.S. hegemony. The influence of the U.S. has been so great on Latin American governments over the years that there is a tendency among these governments to want to display independence from this inferred domination whenever possible. Increased affluence is one ingredient which has permitted these governments the flexibility to

display their assertiveness and freedom from U.S. control. Such a policy obtains significant local domestic support and is a popular method of gaining support for any Latin American government. A reflection of this striving for an appearance of independence can be seen in a deliberate shift in the selection of arms suppliers from the U.S. to third nation sources, primarily Western Europe. This policy shift, of course, has been accelerated by the U.S. restrictions and the resultant anxiety among Latin Americans about the reliability of the U.S. as a supplier in the future. Another consideration related to this theme of independence is a desire for closer identification with other Third World nations as the pattern of international political relationships has become more diversified.

Among the important but lesser factors behind the demand for arms is the element of a heightened sense of nationalism in Latin America. Even though the concept of nationalism is "vague and complex," Samuel Bailey has asserted that "It is indeed the most important single force operating in Latin America today."⁵ An exact definition is illusive, but as part of it, the dictionary includes: "devotion

⁵Samuel L. Bailey, Nationalism in Latin America (New York: Knopf, 1971), p. 4.

to the interests of one's own nation" and "desire for national advancement or independence."⁶ Through modernization, industrialization, and an increased perception of the part their nations play in the international political arena, the people of Latin America have become more aware of how their personal interests and their national interests coincide. They have also become more aware of the benefits of national advancement within the world community of nations. This increased sense of nation did not just appear wholly from within Latin America but was aided by external events. The noted Argentine economist Raúl Prebisch has stated that the modernization and industrialization of Latin American nations was ". . . forced upon them by events. Two world wars in a single generation and a great economic crisis between them have shown the Latin American countries their opportunities."⁷

Other stimuli to this sense of nationalism in Latin America have been technological improvements and political developments. Through more widespread use

⁶Clarence L. Barnhart, ed., The American College Dictionary (New York: Random House, 1947), p. 809.

⁷Raúl Prebisch, The Economic Development of Latin America and Its Principal Problems (New York: United Nations, 1950), p. 5.

of transportation advancements and communications improvements, the populace has become more aware of a national identity. Through increased international trade, the appreciation has grown that only a national government could provide some of the services, regulations, and representation necessary for this trade. Improved roads, air transport, and commercial transportation has given the rural populace an access to urban influences never before experienced. Widespread use of radio and television has exposed Latin America to the rest of the world with inevitable comparisons and demands to fill newly perceived needs.

On the political side of the nationalism factor, there have been the effects of the Cold War, the rising expectations of the Third World, and the North-South controversy. Additionally, it is realized that only national governments can participate in international organizations such as the United Nations and the Organization of American States and that benefits can be derived from their participation as a national entity.⁸

Although nationalism is a major force in Latin America, its effect on the demand for armaments has

⁸ Arthur P. Whitaker and David C. Jordan, Nationalism in Contemporary Latin America (New York: Free Press, 1966), pp. 10-13.

not caused any major increase in the demand for arms. Nonetheless, it is a consideration when there is a desire to replace existing obsolete equipment with more modern versions.

Increased affluence is also a contributing factor in the increased demand for arms in Latin America. With this increased affluence came the ability of these nations with sufficient resources to purchase arms of their own choosing. Due to increased trade, price increases for local products, plus development of indigenous capital facilities, Latin American nations came to have the cash or credit necessary to purchase modern weapons from numerous sources rather than wait for grant aid of older weapons from the U.S. According to World Bank statistics, the growth rate of gross national product (GNP) per capita for the 1960-1975 period is positive for all Latin American countries except the Netherland Antilles. The annual rate of increase in per capita GNP for the United States is listed at 2.5 percent, but this is surpassed by 16 countries in Latin America, including Argentina, Brazil, Colombia, Costa Rica, the Dominican Republic, Ecuador, Mexico, and Peru.⁹ Latin American

⁹World Bank, Atlas. Population, Per Capita Product, and Growth Rates (Washington, D.C.: World Bank, 1977), pp. 20, 22.

nations gradually became more able to decide for themselves what was needed to meet their defense needs.

Aggressive salesmanship by other arms suppliers is also a factor in the equation of Latin American arms procurement. When the factors combined in the mid-1960's to give rise to Latin American arms demands, Western European nations were ready and eager to respond. During the six years, 1967-72, Latin America purchased more than \$1.6 billion of military equipment and services. Of this total, Great Britain provided 34.5 percent; France, 22.2 percent; and Western European suppliers combined supplied 74.8 percent. During the same period, the U.S. provided 13.3 percent of the total.¹⁰

In 1966, the British Defense Minister Denis Healey told Parliament:

While the Government attaches the highest importance to making progress in the field of arms control and disarmament, we must also take what practical steps we can to ensure that this country does not fail to secure its rightful share of this valuable commercial market.¹¹

Later he established a new position under his jurisdiction which would be specifically charged with the promotion of arms exports in order that Britain

¹⁰U.S., Department of State, Arms Sales in Latin America (Washington, D.C.: Government Printing Office, 1973), p. 8.

¹¹Parliament, Great Britain, Parliamentary Debates (Commons), 25 January 1966, 5th series, vol. 726 (1966), p. 64.

would "have a proper share of the international market."¹²

The French also entered the arms sales business with dedication. In 1961, an office was created in the Ministry of Defense for the oversight of the sale of French weapons. In 1965, this office was expanded and named Direction des Affaires Internationales (DAI). It was specifically tasked to encourage and support the efforts of French arms manufacturers in their overseas export programs.¹³ In 1966, President de Gaulle of France paid a state visit to Peru and pledged "anything reasonable" in the way of military equipment and support.¹⁴ In 1967, France introduced supersonic jet aircraft to Latin America through the sale of Mirage jet fighters to Peru and added to the controversy which is part of the subject of this dissertation. Concerning the French, one commentator has said:

The French export arms sales policy, it is clear, is currently being pushed heavily. In order to undercut the United States and Great Britain and to increase its own influence, France is

¹²Parliament, Great Britain, Parliamentary Debates (Commons), 11 May 1966, 5th series, vol. 728 (1966), p. 404.

¹³John Stanley and Maurice Pearton, The International Trade in Arms (New York: Praeger, 1972), p. 94.

¹⁴Interview with Fernando Belaunde Terry, Washington, D.C., 18 April 1978. He was President of Peru from 1963 to 1968. During the interview he reminded the author of the good relations between France and Peru and that there had been a French military mission there.

currently willing to sell any weapon, except its atomic arsenal, anywhere there is a market. Its arms salesmen have the least scruples of any Western ally, and there is some indication that, could it get away with it, France would sell arms to Eastern bloc nations.¹⁵

For both Great Britain and France the motivation for arms sales is clearly economic--sales mean jobs, and neither is bothered with the conscience displayed by the U.S. Congress with regard to the recipient. But there are other considerations too. For example:

The European governments all faced the same basic problem: their arms industries were too small and fragmented to provide their own defence needs, so that they had to import advanced weapons from America; while to make their own companies viable and to recoup the cost of their own purchases, they felt impelled to sell to the Third World.¹⁶

Therefore, to provide sufficiently for their own defense through the purchase of the latest equipment and to maintain their own defense industries' operations and a high enough level to be profitable, sales abroad were mandatory.

Another element which must be considered in relation to increased demands for equipment from Latin America is the establishment of the 200-mile

¹⁵George Thayer, The War Business. The International Trade in Armaments (New York: Simon & Schuster, 1969), p. 280.

¹⁶Anthony Sampson, The Arms Bazaar. From Lebanon to Lockheed (New York: Viking Press, 1977), p. 299.

territorial zone. This applies particularly to increased naval and air forces who must patrol, maintain a presence, and be able to respond with governmental authority in this vastly increased national area.

As an example close to home, the U.S. Congress passed the Fishery Conservation and Management Act of 1976 which established a 200-mile fishing zone off the U.S. coasts. As a direct result of this new law, the U.S. Coast Guard ordered 41 Falcon jets for a price of \$221 million. The explicit justification for this purchase of multi-purpose jet aircraft was to patrol the large new space for which the Coast Guard has responsibility.¹⁷ The same consideration would be present in the deliberations of Latin American governments with past or planned extensions of economic or territorial zones.

In order to place the Latin American arms procurement in perspective, it is necessary to compare that level of magnitude with the levels of other regions or with the level of the rest of the world as a whole. During the six-year period 1967-1972, Latin American nations placed orders for \$1.6 billion of new arms. Of that amount, 97 percent was accounted

¹⁷Interview with David W. Dyke, Director, International Marketing, Falcon Jet Corporation, Washington, D.C., 10 March 1978.

for by orders from the six major Latin American nations of Argentina, Brazil, Chile, Colombia, Peru, and Venezuela.¹⁸ These figures by themselves, however, do not give a proper appreciation of Latin American demands for arms with relation to the rest of the world.

One of the indicators used to measure the burden of arms purchases on a domestic economy is the ratio of military expenditures to gross national product (GNP). Over the ten-year period 1966 to 1975 for example, the overall Latin American average was 1.8 percent--the lowest average for any region of the world. The world average for the same period was 6.5 percent. The world's average military expenditure per capita (in constant 1974 dollars) during these ten years was \$83.30, while Latin America spent \$14.04. This is compared with the Warsaw Pact nations who spent \$316.28, the highest in the world. Latin Americans, on the average, spent \$3,468 per year per member of their military services for this period, while the world average was \$12,499, and the average for the nations of the North Atlantic Treaty Organization was \$23,272. In Latin America, approximately

¹⁸U.S., Department of State, Bureau of Public Affairs, Arms Sales in Latin America (Washington, D.C.: Government Printing Office, 1973), p. 2.

four military personnel were maintained for every 1,000 of population, whereas the nations of the Near East maintained nearly 11, and the Warsaw Pact countries had 16.¹⁹ As pointed out by the Assistant Secretary of State for Inter-American Affairs, the military budgets of the Latin American countries accounted for 23.5 percent of total government expenditures in 1947. By 1966, this figure had been halved to 12.7 percent.²⁰ He went on to highlight the fact that actual military hardware accounted for only about one-tenth of the relatively small budgets--"The rest going for salaries, maintenance and other recurrent expenditures."²¹

The U.S. portion of Latin American arms procurement has also been modest. For the period 1962 to 1976, the U.S. transferred 3.3 percent of its worldwide military assistance budget to Latin America through loans or grants. The largest for any single

¹⁹U.S., Arms Control and Disarmament Agency, World Military Expenditures and Arms Transfers 1966-1976 (Washington, D.C.: Government Printing Office, 1977), pp. 14-17.

²⁰Covey T. Oliver, "Our Continuing Commitment in the Home Hemisphere," Department of State Bulletin, vol. 57, (25 December 1967), p. 871.

²¹Ibid.

CHAPTER III

EVENTS, FACTORS AND INFLUENCES LEADING
TO THE CONGRESSIONAL RESTRICTIONS

Historically, Latin America has been a region of allies with a tradition of strong political and cultural ties with the United States. However by 1970, more than 21 articles of U.S. legislation applied in one way or another to restrict the transfer of conventional weapons to the nations of Latin America.¹ By 1976, a number more had been added. The development of such restrictions would appear more normal and understandable between enemies rather than friends. Before reviewing the restrictions in the next chapter, it is useful to review the environment in which the restrictions were developed. It is helpful to gain an appreciation for the considerations at work at the time as a framework for analysis in reviewing the

¹Frank Church, "Toward a New Policy for Latin America," U.S., Congress, Senate, 91st Cong., 2nd sess., 10 April 1970, Congressional Record, vol. 116, p. 11212. The increasing interest in foreign policy by the Congress is the subject of two excellent books: John Lehman, The Executive, Congress, and Foreign Policy: Studies of the Nixon Administration (New York: Praeger, 1976), and Francis O. Wilcox, Congress, the Executive, and Foreign Policy (New York: Harper & Row, 1971).

restrictions themselves. In this chapter, the major events, factors and influences will be reviewed briefly since they had an effect on the development of the congressional restrictions on arms transfers to Latin America.

During the ten-year period from 1967 to 1976, when so many of the legislative restrictions were being constructed by the Congress a separate evolution was taking place. This was a definite resurgence of interest by the Congress in the foreign policy formulation and execution for the U.S. This led to increasing disharmony in the relations between Congress and the executive as the two branches of government struggled for dominance in the area of foreign policy. This increasing friction served as a constant thread in the fabric of the time and became an inseparable part and a contributing element of the environment which led to restrictions.

Major Events

In reviewing this ten-year period, a series of international and domestic events can be discerned which served to increase alienation between the Congress and the executive. These major events will be delineated as they occurred. Of these events, by far the most significant was the Vietnam War. The effects of the war were to permeate and predominate the relationship between the Congress and the executive.

The growing dissatisfaction within the Congress toward the war and against the executive's direction of the conflict cannot be overstressed as the primary factor in the deterioration of the relationship between these two branches of government.

By 1967, the war in Vietnam had already cost the U.S. more than 16,000 dead and 100,000 wounded. South Vietnam had lost 60,000 killed and 118,000 wounded. The North Vietnamese losses in deaths were listed at 255,000.² In dollars, the war was costing the U.S. more than \$25 billion a year. The growing discontent with the Vietnam portion of U.S. foreign policy could be seen in the report of the Senate Foreign Relations Committee after its deliberations on the foreign aid bill for 1967. It spoke of "widespread dissatisfaction" among its members about various aspects of the program. These aspects included the repercussions of the war, the apprehension that the U.S. was overcommitted abroad, and the fear of future Vietnams.³ In its report, the Foreign

²"Combat Casualties in Southeast Asia," Congress and the Nation, vol. 3 (Washington, D.C.: Congressional Quarterly Service, 1973), p. 937.

³U.S., Congress, Senate, Committee on Foreign Relations, Foreign Assistance Act of 1967, S. Rept. 499, 90th Congress, 1st sess., 1967, p. 4.

Relations Committee said its deliberations were "inevitably influenced by the war in Vietnam--a war which cast a very long shadow" which was now "far longer and darker" than the year before.⁴ Military and economic aid were viewed as "tending to involve the United States unnecessarily in the political and social affairs of other countries, making it more likely that the United States would in the future find itself involved in more Vietnams."⁵

The opposition which grew against U.S. policy was not localized in Congress, but gradually spread across all sectors of U.S. society--the public, the press, the clergy, members of the military, even some members of the executive branch. An example was the letter of protest submitted to the Secretary of State. It was signed by more than 250 members of the State Department, who were critical of U.S. policy in Southeast Asia.⁶ Opposition to U.S. policies was also voiced by allies of long standing and previous association with U.S. policies. As the congressional opposition of the executive's Southeast Asian policy

⁴Ibid., pp. 4-5.

⁵Ibid., p. 4.

⁶Peter Grose, "250 in State Dept. Sign a War Protest," New York Times, 9 May 1970, p. 1:3.

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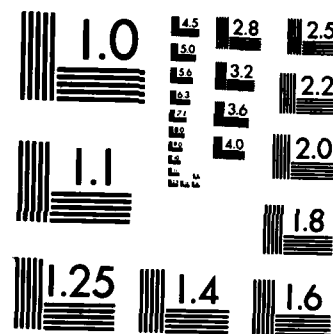
ARMS TRANSFERS CONGRESS AND FOREIGN POLICY THE CASE OF
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MICROCOPY RESOLUTION TEST CHART
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grew, it gathered support in the public domain, which independently brought influence to bear on the executive. As this support for its view developed, the Congress became more self-confident in opposing the executive's lead in foreign policy and the direction in which that policy was leading the nation. The Congress also became more assured of the propriety of its goals and the purity of its motives.

Representative Donald M. Fraser (D-MN), when speaking of U.S. involvement in Vietnam for over a decade and of the dissatisfaction with the direction of U.S. foreign policy, portrayed a growing conviction of his colleagues:

The distrust of the executive branch runs so deep in this chamber that members are afraid that any discretion, any grant of authority, to the executive branch will open the door to allow the executive branch to again try to make one more effort to do what 10 years failed to do.⁷

It was this growing distrust of the executive that was a prime factor in the increased aggressive behavior of the Congress. This was reenforced by Senator Frank Church, who stated that congressional "disagreement with policies followed by the President is the

⁷ Donald M. Fraser, "Vietnam Humanitarian Assistance and Evacuation Act of 1975," U.S., Congress, House, 94th Cong., 1st sess., 23 April 1975, Congressional Record, vol. 121, p. 11489.

fundamental reason for the renaissance of congressional powers since 1965."⁸

The evaluation of two other men who were part of the process in the Congress was that:

Congress is still too deeply into the policy execution--and this has come about largely because of the hangover of frustration over not having been adequately consulted in policy formulation, from Vietnam on. This factor, more than any other, lies behind the degree of unhealthy tension that exists.⁹

They went on to say that there was "no question that Vietnam was the single most important event in the transformation" of the interest of Congress in foreign policy.¹⁰ Senator Jacob K. Javits (R-NY) described Vietnam as "the archetypal presidential war" and as "the gravest and most costly mistake of this century."¹¹ The managing editor of the Council on Foreign Relations also concluded that there was "no

⁸ Frank Church, "American Foreign Policy in Transition: Who Will Shape It? The Role of Congress," SAIS Review, vol. 17 (Summer 1973), p. 18.

⁹ Lee H. Hamilton and Michael H. Van Dusen, "Making the Separation of Powers Work," Foreign Affairs, vol 57 (Fall 1978), p. 27. Mr. Hamilton (D-IN) was a member of the House of Representatives and Mr. Van Dusen was a staff member for the House International Relations Committee.

¹⁰ Ibid., p. 18.

¹¹ U.S., Congress, House, Committee on International Relations, Congress and Foreign Policy, Hearings, before the Special Subcommittee on Investigations, 94th Cong., 2nd sess., 1976, p. 197.

doubt the legacy of Vietnam is largely responsible for congressional activism in the realm of foreign policy."¹² In spite of the fact that Vietnam was the primary factor, Senator Church said, "Vietnam set a direction, but many other events sustained it and moved far beyond that single question."¹³ Indeed, in addition to Vietnam, there was a series of events that hardened this governmental dissatisfaction, added to the congressional conviction it must become more aggressive in the field of foreign policy, and resulted in congressional restrictions on arms transfers to Latin America.

This decade was more than filled with major events that provided the occasions for increased debate between the executive and the Congress over the proper role for each branch in the field of foreign policy. That a decade would be filled with significant events is not unusual. But it is unusual for the events to serve in almost a "ratchet" arrangement on this Washington relationship in which everything seemed to make it worse and nothing seemed to make it better.

A second major event related to the Vietnam War but which also affected the friction between the

¹²James Chace, "Is a Foreign Policy Consensus Possible?" Foreign Affairs, vol. 57 (Fall 1978), pp. 1-2.

¹³Frank Church, SAIS Review, p. 1.

Congress and the executive occurred in April 1970 when U.S. forces invaded Cambodia. The purpose of the invasion was to prevent the use of Cambodia as a sanctuary and supply base by the North Vietnamese forces. The operation was planned and executed in great secrecy. This was carried out without the prior knowledge of, or consultation with, the Congress. The result only added to the dissatisfaction of the Congress toward the executive's independent foreign policy. At that time, the result of the invasion on public opinion was characterized by the description that "emotions have been aroused, polarization has increased and trust has weakened."¹⁴

An unexpected domestic event resulted from the Cambodian invasion which added to the overall controversy over U.S. policy in Southeast Asia and the conflict between the Congress and the executive over the setting of proper foreign policy direction for the U.S. This event occurred at Kent State University on May 4, 1970. Hundreds of students who assembled to protest the Cambodian invasion were opposed by Ohio National Guard troops. In the resulting confrontation, four students were shot and killed and nine

¹⁴Steven V. Roberts, "Grass Roots Views Shaken by Cambodia," New York Times, 9 May 1970, p. 7:1.

others were wounded.¹⁵ In the growing dispute over the executive's foreign policy, the seriousness of the domestic opposition could be highlighted by the events at Kent State. The deaths of the students became a rallying cry for the increasing numbers of people opposed to the war in Southeast Asia.

The next major event was the Watergate break-in which was to have far reaching effects. In June 1972, five men were apprehended during an attempt to burglarize the Democratic Party national headquarters in Washington, D.C. Ensuing investigations revealed direct connection between the burglars and the White House staff of President Nixon and led to the suspicion of the President himself. Later events implicated the President personally in an attempt to "cover up" White House involvement and indicated other misconduct. The result was a House Judiciary Committee recommendation for the impeachment of the President which led to his resignation on August 9, 1974, which became effective on August 10th. As the debacle of

¹⁵ John Kifner, "4 Kent State Students Killed by Troops," New York Times, 5 May 1970, p. 1:2. This initial report by the New York Times stated that eight other students had been wounded. However, later reports confirmed at least nine had been wounded. James Michener, Kent State. What Happened and Why (New York: Random House, 1971), p. 398. Mr. Michener's book provides elaborate detail on this incident.

Watergate unfolded, it came to have catastrophic effects on President Nixon personally and disastrous consequences on the relationship between the Congress and the executive. To the Congress, the Watergate revelations gave proof that the executive was misguided, could not be trusted, and was not providing proper and sufficient national leadership.

Events in Chile provided another in the series of incidents which brought the Congress and the executive into confrontation. In 1970, Salvador Allende was elected as Chile's president and became the first elected Marxist to head a government in the Western Hemisphere. In September 1973, he was overthrown and killed in a bloody coup. Suspicions grew that the U.S. was deeply involved in the engineering of the overthrow and had contributed to its success through the Central Intelligence Agency and through economic sanctions directed by the White House.¹⁶ A number of members of Congress were upset at the handling of the situation, mainly because the executive had taken such an active

¹⁶Numerous articles reported aspects of the U.S. involvement in the overthrow of the Allende government. See for example, Elizabeth Farnsworth, "More Than Admitted," and Paul E. Sigmund, "Less than Admitted," in "Chile: What was the U.S. Role?", Foreign Policy, no. 16, (Fall 1974). pp. 126-156. Also see Richard R. Fagen, "The United States and Chile: Roots and Branches," Foreign Affairs, vol. 53 (January 1975), pp. 297-313.

involvement in a foreign policy initiative without the proper consultation with the Congress. Other members were concerned over reports of the conduct of the succeeding government of General Augusto Pinochet. These reports indicated widespread violations of human rights in the form of executions, torture, and indefinite imprisonments.

In October 1973, the Arab-Israeli Yom Kippur War occurred, which added to the bitterness of the U.S. governmental conflict. The executive was faulted for inadequacy in its diplomacy because supposed U.S. allies would not permit the use of their bases for aerial refueling or logistics staging in the U.S. resupply efforts for Israel. Turkey and Greece declared themselves neutral but permitted overflights by Soviet aircraft supplying Egypt. England and West Germany declined some U.S. requests for use of facilities. The U.S. Military Airflight Command was not permitted to use bases in England, Germany, Spain, Turkey, or Greece, and restrictions were placed on the movement of U.S. military supplies located in stockpiles in Europe.¹⁷ The failure of allies and friends to support U.S. interests

¹⁷Leslie H. Gelb, "U.S. Jets for Israel Took Route Around Some Allies," New York Times, 25 October 1973, p. 1:2. Craig R. Whitney, "U.S.-NATO Dispute Still Unresolved," New York Times, 11 November 1973, p. 1:7.

in aiding Israel was often interpreted to mean that U.S. security arrangements and overseas commitments were not as strong and worthwhile as represented by the executive. Additionally, the responsibilities for the dramatic price increases for oil and the energy shortage which followed the war were often laid at the executive's doorstep because of lack of foresight, inadequate preparations, and absence of diplomatic finesse.

The crisis concerning Cyprus in 1974 provided yet another international event that was to have repercussions on Capitol Hill. In this case, Turkish forces invaded Cyprus on July 20, 1974, in response to a Greek-engineered coup on July 15th. Both Greece and Turkey had been armed predominantly with U.S. weapons. Both were NATO allies and held important positions in defending NATO's southern flank. Sanctions against either antagonist would have been difficult. Congress grew to favor a cut-off in military aid to Turkey, while the executive wanted more time to negotiate a solution without having to take sanctions that would have such negative results for other U.S. interests. After a see-saw confrontation, a congressionally imposed embargo on military aid to

Turkey went into effect on December 10th.¹⁸ The controversy continued and the embargo was eventually lifted, but the lesson was clear: the Congress had stood up to the executive and had dictated its own solution to a foreign policy problem in direct opposition to the wishes of the executive.

Still another in the list of events was the crisis in Angola in 1975, which reopened unhealed wounds in the relationship between the executive and the legislative branches. In this instance, the executive favored support of two pro-Western groups who were struggling against a Marxist group for control of Angola. Cuban troops entered the fighting to support the Marxist faction, and on December 19th Congress voted to terminate military aid to the pro-Western group.¹⁹ In this case, the parallel with Vietnam was too clear. The Congress did not favor Cubans, Marxists, or the take-over of Angola by revolutionaries, but above all, it did not want to

¹⁸U.S., Congress, 93rd Cong., 2nd sess., 11 December 1974, Congressional Record, vol. 120, pp. 39137-39142. Also see "U.S. Military Aid to Turkey Cut Off," New York Times, 11 December 1974, p. 6:1. For a more detailed review of this case, see Thomas M. Franck and Edward Weisband, Foreign Policy by Congress (New York: Oxford University Press, 1979), pp. 34-35.

¹⁹David Binder, "Senate Votes to Cut Off Covert Aid to Angolans; Ford Predicts a Tragedy," New York Times, 20 December 1975, p. 1:1.

become committed to a problem with no favorable end that could be foreseen. Senator Charles H. Percy (R-IL), a member of the Senate Foreign Relations Committee, summed up the feelings of his colleagues:

I do not think that there is any question of what we need to demonstrate to the Soviet Union. Just let them try to interfere as the Japanese did in Hawaii or Guam or any place like that and they will see we have enough national resolve to do anything that was necessary to put a stop to it.

The question here is whether or not Angola is the right place for such a response. Just because the Soviets are in there, do we have to go in? That was our problem in Vietnam. Our vital interests were not at stake, really. It is a long way away logistically, extraordinarily hard to back it up and we were backing a side that did not have the moral strength, did not have the necessary resolve or sense of unity. They were filled with corruption, and we simply could not support them. We were embarrassed that we had backed the wrong horse, in a sense, although the alternative was also pretty bad.²⁰

The example of Angola is another instance of the Congress reversing the aim of the executive and displaying the growing power of the Congress to set and enforce its own foreign policy for the United States.

Interwoven through the chain of major international events were also a number of issues, factors, and influences which served to interact with or be accentuated by the events. Each of these had effect

²⁰U.S., Congress, Senate, Committee on Foreign Relations, Angola. U.S. Involvement in Civil War in Angola, Hearings, before the Subcommittee on African Affairs, 94th Cong., 2nd sess., 1976, p. 85.

on the relationship between Congress and the executive. One of the foremost influences which affected the focus of congressional thinking during this period was the issue of human rights. The human rights issue seemed to grow independently, but supporters of human rights also found allies in those who were advocates of other issues. Those who opposed the war in Southeast Asia could also support human rights as could those opposed to Secretary of State Kissinger's policies of "Realpolitik," which they viewed as too insensitive. Supporters for human rights could be found among those who were shocked by the CIA's involvement in the overthrow of Salvador Allende in Chile, among those who opposed aid to dictators, and among those who opposed arms transfers in general. The issue came to include foreign policy, arms transfers, restrictive legislation, and Latin America. In many respects, the human rights issue became "more an argument over unrelated questions than a substantive issue."²¹

The issue of human rights as an influence in U.S. foreign policy has a history as long as the

²¹Cecil V. Crabb, Jr., and Pat M. Holt, Invitation to Struggle: Congress, the President and Foreign Policy (Washington, D.C.: Congressional Quarterly Press, 1980), p. 161.

United States itself. It has, however, received varying degrees of attention. By the 1970's, the issue of human rights came more clearly into focus and was to result in congressional legislation which had an effect on U.S. foreign policy. This issue was also to influence U.S. policy concerning the transfer of conventional arms, particularly toward Latin America.

Because human rights developed into such a major issue, it is worthwhile to review the subject briefly. The chapter will then proceed into the details of how it came to influence U.S. foreign policy in general and policy toward conventional arms transfers to Latin America in particular.

The concept of the natural rights of man goes back to early antiquity in the writings of the Greek and Roman Stoics. Individual rights were espoused by the early Christian teachings. One of the first codifications of the rights of individuals was the Magna Carta, signed in 1215 by King John of England. Clause 39 stated that, "No freeman shall be . . . imprisoned or dispossessed . . . except by the lawful judgment of his peers or by the law of the land."²² In the 17th century the writings of John Milton and John Locke continued to advance the idea. In the United States,

²²Encyclopedia Britannica, 1976 ed., s.v., "Magna Carta."

the concept of human rights is normally considered to stem from the earliest days of the Republic, codified in the Declaration of Independence in 1776, the Constitution in 1787, and further supported by the Bill of Rights in 1791. The Emancipation Proclamation continued in line with support for human rights in 1863. In 1945, the Charter of the United Nations reaffirmed:

. . . faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small.²³

The United Nations Commission on Human Rights was established in 1946 with Mrs. Eleanor Roosevelt as its first chairman, and in 1948 the United Nations adopted the Universal Declaration of Human Rights.²⁴ In the Western Hemisphere, the Organization of American States (OAS) signed the American Declaration of the Rights and Duties of Man in 1948, and the OAS additionally created the Inter-American Commission on Human Rights in 1959.²⁵

²³United Nations, Charter of the United Nations and Statutes of the International Court of Justice (New York: United Nations, 1968), p. 1.

²⁴Glenn A. Mower, Jr., The United States, the United Nations, and Human Rights. The Eleanor Roosevelt and Jimmy Carter Eras (Westport, CT.: Greenwood Press, 1979), pp. 11-12.

²⁵Organization of American States, Handbook of Existing Rules Pertaining to Human Rights, OEA/Ser

It was easy to be for human rights because it was politically safe. Members of Congress who were already antagonistic toward the White House for any reason could use the human rights issue as an easy opportunity to hobble the executive. The executive was placed in the uncomfortable position of having to respond with acquiescence to the various policies proposed by the human rights advocates or their allies or to attempt to maintain the difficult stance of opposing human rights for some other higher purpose. The issue was already well-drawn in the early 1970's prior to the advent of Jimmy Carter who made it a campaign issue in 1976 and an important element of foreign policy after his inauguration.

Several individuals are credited with bringing the human rights issue to the forefront of the controversy between the Congress and the executive. The first individual was Secretary of State Henry Kissinger who has been described as the "unwitting catalyst for a cause in need of a scapegoat."²⁶ In 1973, Secretary of State Kissinger made clear his views on human rights and foreign policy during his confirmation

L/V/II.23, Doc. 21, Rev. 3 (8 June 1977) (Washington, D.C.: Organization of American States, 1977), p. 5,9.

²⁶Sandy Vogelgesang, American Dream, Global Nightmare. The Dilemma of U.S. Human Rights Policy (New York: W. W. Norton & Co., 1980), p. 125.

hearings as Secretary of State. He said that he believed:

. . . the protection of basic human rights is a very sensitive aspect of the domestic jurisdiction of governments with whom the United States has to conduct foreign policy. I believe it is dangerous for us to make the domestic policy of countries around the world a direct objective of American foreign policy.²⁷

In a later speech in 1976, he said:

We have a moral, as well as practical, obligation to stand up for our values and combat injustice. Those who speak out for freedom and expose the transgressions of repressive regimes do so in the best American tradition. They can have--and have had--a dramatic and heartening impact. But there are also times when an effort to teach another country a moral lesson can backfire on the values we seek to promote.

This Administration has believed that we must bend every effort to enhance respect for human rights but that a public crusade is frequently not the most effective method. Our objective has been results, not publicity. We were concerned--and with good reason--that when such sensitive issues are transformed into tests of strength between governments, the impulse for national prestige will defeat the most worthy goals. We have generally opposed attempts to deal with sensitive international human rights issues through legislation, not because of the moral view expressed, which we share, but because legislation is almost always too inflexible, too public, and too heavyhanded a means to accomplish what we seek.²⁸

²⁷ Henry Kissinger, as quoted in U.S., Congress, House, Committee on Foreign Affairs, International Protection of Human Rights. The Work of International Organizations and the Role of U.S. Foreign Policy, Hearings, before the Subcommittee on International Organizations and Movements, 93rd Cong., 1st sess., 1974, p. 507.

²⁸ Henry Kissinger, "Moral Promise and Practical Needs," Department of State Bulletin, vol. 75 (15 November 1976), p. 603.

In other words, the Secretary of State explained, human rights were the internal affairs of individual governments and outsiders should not attempt to prescribe or dictate human rights criteria to other governments.

A second individual who was instrumental in bringing the issue of human rights to the attention of the Congress was Representative Donald M. Fraser (D-MN), who served as Chairman of the Subcommittee on International Organizations and Movements of the House Foreign Affairs Committee. He was one of the more experienced members of Congress, having been elected to the House in 1962. In 1973, Representative Fraser and his subcommittee held 15 hearings on the issue of the protection of human rights. The results included some 29 recommendations for the improvement of human rights considerations within the government.²⁹ Mr. Fraser agreed with Mr. Kissinger to a point but went on to explain his total views. Concerning human rights he said:

Protection of human rights is essentially the responsibility of each government with respect to its own citizens; however, when a government itself is the perpetration of the

²⁹U.S. Congress, House, Committee on Foreign Affairs, Human Rights in the World Community: A Call for U.S. Leadership, Hearings, before the Subcommittee on International Organizations and Movements, 93rd Cong., 2nd sess., 1974.

violations, the victim has no recourse but to seek redress from outside his national boundaries . . .

The human rights factor is not accorded the high priority it deserves in our country's foreign policy . . . Unfortunately, the prevailing attitude has led the United States into embracing governments which practice torture and unabashedly violate almost every human rights guarantee pronounced by the world community.³⁰

He asserted that despite Secretary Kissinger's "generally unsympathetic concern," the activities of him and his colleagues had "raised the consciousness of foreign service officers regarding the relevance of human rights to foreign policy."³¹ He also expressed his views of the congressional frustration over the issue of human rights and gave one reason for the growing assertiveness of the Congress in the field of foreign policy. He said:

. . . in recent years, Congress has struggled with a recalcitrant executive branch over this issue. When the executive branch failed to implement the legislative mandates on human rights the only course open to Congress was to act on specific situations.³²

A third individual who became closely identified with the issue of human rights was Representative

³⁰ Ibid., pp. 1, 9.

³¹ Donald M. Fraser, "Congress's Role in the Making of International Human Rights Policy," in Donald P. Kommers and Gilbert D. Loescher, eds., Human Rights and American Foreign Policy (Indiana: University of Notre Dame Press, 1979), p. 252.

³² Donald M. Fraser, "Freedom and Foreign Policy," Foreign Policy, no. 26 (Spring 1977), p. 156.

Thomas P. Harkin (D-IA), who was elected to Congress in November 1974 at the age of 35. He was not previously identified with the issue of human rights but soon became a leader in this growing controversy. His efforts for this cause resulted in the Harkin Amendment to the International Development and Food Assistance Act of 1975. His amendment, which will be discussed more later, served to terminate any U.S. governmental assistance to a foreign government who denied fundamental human rights for its citizens.³³

The differences of opinion of these three men typify the gap of understanding between the Congress and the executive. One ironic aspect of this lack of understanding or agreement was the past record of support for human rights evidenced by the Congress. Despite the activism displayed by the Congress in the 1970's in support of human rights, a review of the record revealed a distinct lack of interest or support by Congress in the past. Although the U.S. did ratify the Slavery Convention of 1926 and several other agreements concerning slavey, by 1973 there were 29 international agreements on human rights which had

³³Details of how the Harkin Amendment was passed and how Mr. Harkin became a leader in the human rights issue in the Congress are provided in Thomas M. Franck and Edward Weisband, Foreign Policy by Congress (New York: Oxford University Press, 1979), pp. 87-89.

not received Senate approval, although some had been waiting for years. These included the U.N. Convention Relating to the Status of Refugees and the American Convention on Human Rights of the Organization of American States.³⁴

In 1973, the thinking of a growing number of congressional members on the subject of human rights was included in the Foreign Assistance Act in the following statement:

It is the sense of Congress that the President should deny economic or military assistance to the government of any foreign country which practices the internment or imprisonment of that country's citizens for political purposes.

It is the sense of Congress that (1) the President should request the Government of Chile to protect the human rights of all individuals, Chilean and foreign, as provided in the Universal Declaration of Human Rights, the Convention and Protocol Relating the Status of Refugees, and other relevant international legal instruments guaranteeing the granting of asylum, safe conduct, and humane treatment or release of prisoners; (2) the President should support international humanitarian initiatives by the United Nations High Commissioner for Refugees and the International Committee of the Red Cross to insure the protection and safe conduct and resettlement of political refugees, the humane treatment of political prisoners, and the full inspection of detention facilities under international auspices; (3) the President should support and facilitate efforts by voluntary agencies to

³⁴U.S., Congress, House, Human Rights in the World Community: A Call for U.S. Leadership, pp. 20-21.

meet emergency relief needs; and (4) the President should request of the Inter-American Commission on Human Rights to undertake an immediate inquiry into recent events occurring in Chile.³⁵

It should be noted that these articles of legislation expressed "the sense of Congress." They, therefore, did not have the force of law and were not binding on the President. Even though not binding, they did portray a clear indication of the feeling of a significant portion of the Congress on the subject of human rights.

In order to repeat its convictions on the subject, in 1974 the Congress again sent a signal to the Executive in a "sense of Congress" portion of the Foreign Assistance Act of that year. As previously mentioned, a "sense of Congress" was not a law that absolutely had to be obeyed, but it did represent an amount of dissatisfaction in the Congress and indicated the direction it felt foreign policy should take. The portion of the Foreign Assistance Act read:

It is the sense of Congress that, except in extraordinary circumstances, the President shall substantially reduce or terminate security assistance to any government which engages in a consistent pattern of gross violations of internationally recognized human rights, including

³⁵Foreign Assistance Act of 1973, Statutes at Large, vol. 87, sec. 32 & 35 (1974), pp. 733-734.

torture or cruel, inhuman or degrading treatment or punishment; prolonged detention without charges; or other flagrant denials of the right to life, liberty and the security of the person.³⁶

The act also specifically terminated and prohibited all military assistance to Chile and included any sale, transfer of excess U.S. defense articles, or any type of security assistance. U.S. economic assistance to Chile was specifically limited to \$25 million for the next year, fiscal year 1975.³⁷ These specifications were in response to the revelations and allegations of torture and denial of human rights in Chile following the takeover of the government by General Augusto Pinochet.³⁸ As the legislation was to show, Chile's human rights practices received special congressional attention and disapproval. The Washington Office on Latin America described Chile as "Latin America's most brutal regime."³⁹

³⁶Foreign Assistance Act of 1974, Statutes at Large, vol. 88, sec. 46, pt. 2 (1976), p. 1815.

³⁷Ibid., p. 1802.

³⁸See U.S., Congress, House, Committee on Foreign Affairs, Human Rights in Chile, Hearings, before the Subcommittee on Inter-American Affairs and the Subcommittee on International Organizations and Movements 93rd Cong., 2nd sess., 1974, pts. 1 and 2.

³⁹"Human Rights--Score One," Legislative Update. Latin America (Washington, D.C.: Washington Office on Latin America), September 1975, p. 3.

An incident concerning the subject of Chile only added to the already strained relationship between the executive and the Congress. In September 1974, it was revealed that the CIA had indeed been involved in covert activities in Chile specifically designed to lead to the downfall of Chilean President Allende. The revelations were made by Representative Michael J. Harrington (D-MA) and were quickly published in the New York Times.⁴⁰ Mr. Harrington had been an outspoken critic of the CIA and the Administration's foreign policy toward Chile. In this case, he broke congressional ethics and publicly revealed the secret testimony which had been given by CIA Director William E. Colby to the House Armed Services Subcommittee on Intelligence on April 22nd. The Congress was shocked at the revelations, and the executive was angered at the breach of faith by a member of Congress who made the public revelations possible.

There were still additional items involving human rights in the Foreign Assistance Act which served to aggravate the relationship between Capitol Hill and the White House. In response to the Foreign Assistance Act of 1973, on April 4, 1974 the State

⁴⁰ Seymour M. Hersch, "C.I.A. Chief Tells House of \$8-Million Campaign Against Allende in '70-'73," New York Times, 8 September 1974, p. 1:6.

Department sent a message to U.S. embassies in 68 countries requesting information and analyses on human rights practices in their host nations.⁴¹ Instead of the State Department presenting these reports and studies of each individual country to Congress, the Department summarized, under Secretary Kissinger's guidance, all of the results in a letter to the Congress on November 4, 1975.⁴²

A number of members of the Congress were angered by this tactic which they felt was a deliberate attempt by the executive to withhold accurate information from them on the issue of human rights. Senator Alan Cranston (D-CA) declared that the report was "unacceptable" and said, "the attitude so prevalent in the document might well be characterized as 'malignant neglect.'"⁴³ He added that "unfortunately the State Department and the White House do not seem to give the attention to human rights in reaching

⁴¹The message is recorded in U.S., Congress, House, Fiscal Year 1975 Foreign Assistance Request, Hearings, before the Committee on Foreign Affairs, 93rd Cong., 2nd sess., 1974, pp. 283-284.

⁴²U.S., Congress, Senate, Committee on Foreign Relations, Foreign Assistance Authorization. Arms Sales Issues, Hearings, before the Subcommittee on Foreign Assistance, 94th Cong., 1st sess., 1976, pp. 376-380.

⁴³Alan Cranston, "Human Rights and the Military Aid Bill," U.S. Congress, Senate, 94th Cong., 1st sess., 5 December 1975, Congressional Record, vol. 121, p. 3881.

foreign aid decisions that majorities in both houses of Congress desire."⁴⁴ The State Department letter read, in part:

Repressive laws and actions, arbitrary arrest and prolonged detention, torture or cruel, inhuman or degrading treatment or punishment, unfair trials or other flagrant denials of the rights of life, liberty and the security of the person are not extraordinary events in the world community. These are all too common, occurring within both those countries receiving U.S. security assistance and those that do not.

Our security assistance programs are designed to meet U.S. security interests as well as those of other countries. The reduction or termination of security assistance thus can have a direct effect on our own security.

In particular instances, however, the reduction or termination of security assistance may be wholly ineffective so far as improvement of human rights conditions in a particular country are concerned or may serve only to impair whatever influence we otherwise might have been able to wield in this regard.

Obviously, if reduction or termination of security assistance to a country would adversely affect U.S. security interests and be unlikely to produce a favorable impact on the human rights situation there, other means should be sought to promote human rights and make clear the U.S. position.

In view of the widespread nature of human rights violations in the world, we have no adequately objective way to make distinctions of degree between nations. This fact leads us, therefore, to the conclusion that neither the U.S. security interest nor the human rights cause would be properly served by the public obloquy and impaired relations with security assistance recipient countries that would follow the making

⁴⁴ Ibid.

of inherently subjective United States Government determinations that "gross" violations do or do not exist or that a "consistent" pattern of such violations does or does not exist in such countries.⁴⁵

The State Department organization to deal with worldwide questions on human rights issues at the time consisted of a coordinator, James M. Wilson, and a staff of two. Wilson's analysis of the reports and studies on the 68 countries was also presented to the Congress but was unquestionably not what the interested members of Congress wished to hear. Mr. Wilson reported:

Unfortunately our studies produced little or no evidence that withholding security assistance is likely in most cases to lead to improvements in human rights conditions. Most nations appear strongly resistant to the prospect of bilateral threats or pressures to improve their human rights practices. Indeed, they can be expected to react to such measures with keen sensitivity and sharp resentment. The results are likely to be a diminution in U.S. influence and an increased sense of insecurity which can lead to greater repression, rather than the desired improvement in human rights conditions.

In some cases the most vigorous champions of U.S. security assistance are those groups or individuals in a country whose rights are most strongly threatened. They reason that while the current situation may not be good, takeover by an even more repressive regime would be worse.

In the case of two countries where specific limitations on security assistance were enacted by the Congress last year, moreover, it does

⁴⁵U.S., Congress, Senate, Foreign Assistance Authorization. Arms Sales Issues, Hearings, pp. 377-378.

not seem to balance that reduction or termination of assistance has been effective in securing a net improvement in the human rights situation. In these cases other actions need to be taken over the long term, and indeed are being pursued by the Executive Branch.

The available evidence thus indicates that withdrawal of assistance is normally appropriate only after we have despaired of influencing the offending government and have concluded that, on balance, our national interests are better served by disassociation from that government than by continued close identification with it.⁴⁶

In addition to the Foreign Assistance Act, there was other legislation in 1974 that added an additional confrontation between the executive and Congress over foreign policy. This was the controversial Jackson-Vanik Amendment to the Trade Act of 1974. Senator Henry M. Jackson (D-WA) sponsored the legislation in the Senate and Representative Charles A. Vanik (D-OH) sponsored the legislation in the House. This was no "sense of Congress" statement but dictated foreign policy for the U.S. and had its roots in human rights concerns for the emigration of people of Jewish heritage from the Soviet Union. The act provided that "to assure the continued dedication of the United States to fundamental human rights," when the President determined that any country "denies its citizens the right or opportunity to emigrate," that country shall not be eligible to receive

⁴⁶James M. Wilson, Jr., quoted in U.S., Congress, Senate, Foreign Assistance Authorization. Arms Sales Issues, Hearings, pp. 466-467.

most-favored-nation treatment, receive credits, or be included in any commercial agreement.⁴⁷ Even though the objective was to force the Soviet Union to permit increased emigration, the opposite occurred. In defiance of the threat contained in the Trade Act, the Soviet Union reversed its policy and severely reduced emigration. Concerning the result, Representative William S. Broomfield (R-MI), a member of the House International Relations Committee, concluded:

If I am correct in this analysis, the gradual passing of the era of Congressional foreign policy has almost certainly been hastened by its manifest lack of success. Congress--this Member of Congress included--forced the Jackson-Vanik Amendment on a reluctant Executive Branch that had won substantial gains for Soviet Jewry through quiet diplomacy. We could not, however, force the Jackson-Vanik Amendment on the Soviet Union, and thousands of Soviet Jews are now paying the price for our well-intentioned but misguided efforts.⁴⁸

⁴⁷Trade Act of 1974, Statutes at Large, vol. 88, sec. 402, pt. 2 (1976), pp. 2056-2057.

⁴⁸William S. Broomfield, quoted in U.S., Congress, House Committee on International Relations, Congress and Foreign Policy, Hearings, before the Special Subcommittee on Investigations, 94th Cong., 2nd sess., 1976, p. 84. This record of hearings also provides a valuable bibliography on the subject of "The Role of Congress in Foreign Policymaking" on pages 340 to 347. This bibliography consists of a listing of some 180 books and articles pertaining to the subject. These hearings on the foreign policy role of Congress were held expressly because of the growing concern felt in the Congress over the deterioration in the Congressional-Executive relationship. As the report of the hearings stated, "relations between the executive and the legislative branches need urgent attention and

A summary of the subject by the House International Relations Committee stated that "it is probably accurate to say the Jackson-Vanik amendment's effect on Jewish emigration was probably greater while it was being debated than after it became law" and concluded that "it would appear that the Jackson-Vanik amendment, since its passage, has not really furthered the interests of Soviet Jews trying to leave the Soviet Union."⁴⁹

Legislation in 1974 also portrayed another growing congressional conviction which was to link human rights and conventional arms transfers. The Foreign Assistance Act of that year also included:

It is the sense of Congress that the recent growth in international transfers of convention arms to developing nations is a cause for grave concern for the United States and other nations in that in particular areas of the world it increases the danger of potential violence among nations and diverts scarce world resources from more peaceful uses.⁵⁰

improvement, lest existing frictions seriously impair the attainment of U.S. foreign policy objectives." See U.S. Congress, House, Committee on International Relations, Report of the Special Subcommittee on Investigations, Congress and Foreign Policy, Committee Print, 94th Cong., 2nd sess. (Washington, D.C.: Government Printing Office, 1976), p. 1.

⁴⁹U.S., Congress, House, Committee on International Relations, Congress and Foreign Policy, 1975, Committee Print, 1976, pp. 62-63.

⁵⁰Foreign Assistance Act of 1974, pp. 1817-1818.

The apparent effect was the combining of interests for mutual support--the human rights advocates and the opponents of arms transfers. The result was legislation which, although not legally binding, gave indication of things to come.

The increased discontent between the Congress and the executive was even more evident in 1975. One aspect of this growing animosity between the two branches was the perceived insensitivity of the executive to the desires of the Congress and the President's disregard for these wishes. The view was held by some members on Capitol Hill that "the feeling exists that if Congress does not specifically prohibit action through legislation, then the executive branch will feel it can carry out any policy."⁵¹

This feeling was reflected in 1975 by additional legislation pertaining to human rights and which restricted the President's flexibility. This was contained in an amendment by Representative Thomas R. Harkin who had become an activist for human rights. The Harkin amendment was contained in the International Development and Food Assistance Act of 1975 but was actually applied as a change to the Foreign

⁵¹ Lee H. Hamilton and Michael H. Van Dusen, "Making the Separation of Powers Work," Foreign Affairs, vol. 57 (Fall 1978), p. 23.

Assistance Act of 1961 (as amended). His amendment, which eventually became law, specified inter alia:

No assistance may be provided under this part to the government of any country which engages in a consistent pattern of gross violations of internationally recognized human rights, including torture or cruel, inhuman, or degrading treatment or punishment, prolonged detention without charges, or other flagrant denial of the right to life, liberty, and the security of the person, unless such assistance will directly benefit the needy people in such country.⁵²

In 1975, the legislation was no longer a gentle hint but was an absolute statement of policy in the new law which gave the President explicit legal direction for his action and clearly specified U.S. foreign policy on the subject. The increasingly clear and even strident tone of the legislation pertaining to human rights was a reflection of the growing frustration of the Congress with the seeming unconcern and lack of progress by the executive on this issue. It also reflected a growing confidence on the part of the congressional human rights leaders that they could influence foreign policy and make strides toward achieving their human rights goals in spite of an unenthusiastic executive. The Washington Office on Latin America

⁵² International Development and Food Assistance Act of 1975, Statutes at Large, vol. 89, sec. 310 (1977), p. 860. Mr. Harkin's personal views are contained in his chapter "Human Rights and Foreign Aid: Forging an Unbreakable Link," in Peter G. Brown and Douglas MacLean, eds., Human Rights and U.S. Foreign Policy. Principles and Applications (Lexington, Mass.: D. C. Heath & Co., 1979), pp. 15-26.

applauded the Harkin amendment and concluded that it "culminates a long struggle to introduce conscience into U.S. foreign policy."⁵³

Human rights legislation continued in 1976 and established new restrictions on the executive's flexibility in determining foreign policy. The restrictions found new and innovative ways for application in addition to straight foreign aid or military assistance limitations or cutoffs. The first innovation applied to the Inter-American Development Bank and specified how its loans might be dispersed. The legislation which was an amendment to the Inter-American Bank Act read:

The United States Executive Director of the Bank is authorized and directed to vote against any loan, any extension of financial assistance, or any technical assistance to any country which engages in a consistent pattern of gross violations of internationally recognized human rights, including torture or cruel, inhumane, or degrading treatment or punishment, prolonged detention without charges, or other flagrant denial of the right to life, liberty, and the security of the person, unless such assistance will directly benefit the needy people in the country.⁵⁴

Later that summer, the new legislation was put to the test when the proposal for a \$21 million loan

⁵³"Human Rights--Score One," Legislative Update. Latin America, Washington Office on Latin America, September 1975, p. 3.

⁵⁴Amendment, Inter-American Bank Act of 1976, Statutes at Large, vol. 90, sec. 103, pt. 1 (1978), p. 592.

to Chile was brought before the Inter-American Development Bank (IADB). Because of the new law and condemnation by the Inter-American Human Rights Commission of human rights abuses in Chile under the Pinochet government, the U.S. representative to the IADB voted against the loan!⁵⁵ The U.S. was the only member to vote against the loan and from the Latin American view was again "out of step, seeking to impose political criteria on loans."⁵⁶ The results of this application of the congressional prescription of foreign policy brought into question the effectiveness of such restrictions on the overall results, even though the motives might be laudable.

A second innovative means of applying restrictions came through the appropriations legislation rather than via the Foreign Assistance Act itself. In this particular case, the Congress voted a prohibition on military assistance to Uruguay. The passage which became law stated that "none of the fund appropriated or made available pursuant to this Act shall be used to provide military assistance, international military education and training, or foreign military

⁵⁵ Lewis H. Diuguid, "U.S. Vote on Chile Loan Stirs Question," Washington Post, 9 July 1976, p. 2:1.

⁵⁶ Ibid.

credit sales to the Government of Uruguay."⁵⁷ The amendment was proposed by Representative Edward I. Koch (D-NY) reportedly for human rights violations.⁵⁸ It is interesting to note his rationale for the cut-off of aid when he said: "I do not believe that the American people want to continue to support military despotism where the United States has no security interests at stake."⁵⁹ What remained unclear in his statement was the implication that support for despotism might receive approval if U.S. security interests were involved. Viewed in another light, he implied that cutoffs of U.S. aid would be invoked in the name of human rights only when U.S. security interests were not involved. In this case, Congress singled out one of the most remote countries in Latin America which was as far removed as possible from any security or commercial ties with the U.S.

Chile was also singled out. Under provision of the International Security Assistance and Arms Export

⁵⁷ Foreign Assistance and Related Programs Appropriations Act of 1976, Statutes at Large, vol. 90, sec. 505, pt. 1 (1978), p. 1473.

⁵⁸ Lewis H. Duiguid, "Congress Cuts Uruguay Aid; Rights Violations are Cited," Washington Post, 20 September 1976, p. A8:1.

⁵⁹ Edward I. Koch, as quoted in Lewis H. Duiguid, "Congress Cuts Uruguay Aid; Rights Violations are Cited," Washington Post, 20 September 1976, p. A8:1.

Control Act of 1976, no military or security supporting assistance could be provided nor any military education and training. Economic assistance was limited to \$27.5 million.⁶⁰

These cutoffs of military assistance to Uruguay and Chile for human rights reasons displayed the growing power of the human rights elements in the Congress. They were undoubtedly fueled by reports such as from Amnesty International, which reported that 80 percent of the torture cases worldwide dealt with Latin America.⁶¹ The restrictions were also part of the pattern of such cutoffs to countries where the Congress could assert its influence over foreign policy, could specify the criteria for the executive to follow, and could assert its brand of policy without seriously harming U.S. security interests. As one analysis stated:

These aid termination actions by Congress appear to be so quixotic and unrelated to the more carefully patterned response envisioned by section 502B that they draw into question the ability of Congress to contribute responsibly to the promotion of human rights. In fact, these aid terminations seem to have been motivated by Congress' desire to "do something--

⁶⁰International Security Assistance and Arms Export Control Act of 1976, Statutes at Large, vol. 90, sec. 406(a)(2), pt. 1 (1976), p. 758.

⁶¹Amnesty International, The Amnesty International Report, 1 June 1975-31 May 1976 (London: Amnesty International Publications, 1976), p. 84.

anything" about human rights and by anger at the State Department's refusal to take less coercive measures.⁶²

The International Security Assistance and Arms Export Control Act of 1976 contained other important human rights provisions in a revised Section 502B:

It is the policy of the United States, in accordance with its international obligations as set forth in the Charter of the United Nations and in keeping with the constitutional heritage and traditions of the United States, to promote and encourage increased respect for human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion. To this end, a principal goal of the foreign policy of the United States is to promote the increased observance of internationally recognized human rights by all countries.

It is further the policy of the United States that, except under circumstances specified in this section, no security assistance may be provided to any country the government of which engages in a consistent pattern of gross violations of internationally recognized human rights.

In furtherance of the foregoing policy the President is directed to formulate and conduct international security assistance programs of the United States in a manner which will promote and advance human rights and avoid identification of the United States, through such programs, with governments which deny to their people internationally recognized human rights and fundamental freedoms, in violation of international law or in contravention of the policy

⁶²David Weissbrodt, "Human Rights Legislation and United States Foreign Policy," Georgia Journal of International and Comparative Law, vol. 7, Supplement 1977, p. 262. This source provides a detailed and accurate review of the issue of human rights legislation. The entire supplement is devoted to aspects of the human rights question.

of the United States as expressed in this section or otherwise.⁶³

It is to be noted that the new law stated that:

. . . a principal goal of the foreign policy of the United States is to promote the increased observance of internationally recognized human rights by all countries.⁶⁴

It is also to be noted that there was no mention of any relevance of this policy to the security or other interests of the U.S.

The International Security Assistance and Arms Export Control Act of 1976 was also important to human rights because it specified the establishment of a coordinator for human rights and humanitarian affairs in the Department of State. This coordinator was made responsible for matters pertaining to human rights in the conduct of U.S. foreign policy worldwide. The law specified that the coordinator was to be appointed by the President with the advice and consent of the Senate.⁶⁵

Although of fundamental importance to the development of legislative restrictions on arms transfers to Latin America, the issue of human rights was only one

⁶³International Security Assistance and Arms Export Control Act of 1976, sec. 301(a), p. 748.

⁶⁴Ibid.

⁶⁵International Security Assistance and Arms Export Control Act of 1976, sec. 301(b), p. 750.

of a number of factors and influences which contributed to the restrictions. Additional elements of influence will be briefly reviewed next.

In addition to human rights, a second factor in the congressional-executive relationship was the influence of new members of Congress. Prior to 1972, the common experience and background of a large number of members of Congress was the Korean War, World War II and the Depression. It is surprising to note, however, that as a result of the elections of 1972, 1974 and 1976, more than half of the members of the House and Senate were new!⁶⁶ The common experience for many of these new members was the Vietnam War and many had won their elections by opposing it. The effect of these new members had significant impact on the Congress, its majority views, its readiness to confront the executive, and its eagerness to have a major voice in the establishment of U.S. foreign policy. A study of the Senate membership found that the change in view of that body toward opposition to the Vietnam War came about primarily by the replacement of

⁶⁶U.S., Congress, Joint Committee on Printing, 1977 Congressional Directory, 95th Cong., 1st sess. (Washington, D.C.: Government Printing Office, 1977) pp. 4-194.

its members rather than by the change of mind of the incumbents.⁶⁷

A third factor which was related but distinct from the second was the effect of personalities. Many individuals--their convictions, their energies, and their positions of power--were responsible for the events. Among these influential individuals who contributed to these events must be included the Presidents Johnson, Nixon and Ford as well as their Secretaries of State. Special mention must be made of Secretary of State Henry Kissinger's own distinct personality, views and style. In many episodes of conflict between the Congress and the executive branch, Secretary Kissinger served as the proverbial red flag to the bull in agitating the various congressional committees. Intentionally or not, he often appeared to regard the committees with disdain and as a great waste of time. Individuals in the Congress reacted accordingly. Personalities in the Congress also had great influence, either overall or on particular issues. These included Senators Fulbright, Symington, Church, Morse, Kuchel, and Humphrey, and Representatives Fraser, Harkin, Hamilton, Pelly, Conte, and Long.

⁶⁷ Paul Burstein and William Freudenburg, "Ending the Vietnam War: Components of Change in Senate Voting on Vietnam War Bills," American Journal of Sociology 82 (March 1977), p. 991.

Distrust was a fourth factor which came to influence the relationship between the Congress and the executive. During the subject decade, this feeling of distrust was to grow until it was omnipresent in later dealings between the two branches. It had its roots in Vietnam, was fed by such events as the Cambodian invasion and was given a large boost by the debacle of the Watergate break-in affair. From this distrust came other negative aspects of the relationship. The Congress came to doubt the executive's motives in the conduct of foreign policy; the President became paranoid with respect to the Congress, and the legislature grew to have little faith in the explanation of events received from the executive. Through congressional eyes already biased with distrust, as events unfolded, it increasingly appeared that it was the executive that was involving the country in foreign situations, and it was the Congress that was extricating the nation from the entanglements. It was almost as if a senator or representative could ascertain the executive's view on a foreign policy question, then take the opposite view and feel quite comfortable that he was assuming a correct and defensible position. As the relationship deteriorated between the two branches, distrust affected each transaction. A former ambassador, writing on the relationship,

stated that "the greatest single obstacle to better executive-legislative relations is not an absence of consensus, but an absence of trust . . . for without trust cooperation becomes impossible even when there is agreement."⁶⁸

Another of the considerations which served to spur the Congress to increased activity in the foreign policy process was resentment over the "imperial presidency." After World War II, as international tensions grew, the development of supersonic jet aircraft, intercontinental missiles, nuclear warheads, and improved communications drastically reduced the nation's time available to respond to threats or perils. These factors led to a rapid increase in the powers of decision making which devolved to the executive. The powers of decision and the direction of foreign policy came to be described as the "imperial presidency." In a book by that title, historian Arthur Schlesinger stated that "the Imperial Presidency was essentially the creation of foreign policy."⁶⁹

⁶⁸ Robert G. Neumann, Toward a More Effective Executive-Legislative Relationship in the Conduct of America's Foreign Affairs (Washington, D.C.: Georgetown University, 1977), pp. 4-5.

⁶⁹ Arthur M. Schlesinger, Jr., The Imperial Presidency (Boston: Houghton Mifflin, 1973), p. 208.

Until the late 1960's and early 1970's, Congress for the most part, permitted the President to guide the direction of U.S. foreign policy. In addition to the new technological developments that made quick decisions by the President necessary, the Congress and the public were aligned in support of a general Cold War philosophy of foreign policy for the United States. Gradually, however, the Congress became more and more concerned about the direction of U.S. foreign policy and apprehensive about U.S. overseas commitments and the lack of congressional involvement in such decisions. These consternations of the Congress were reflected in the legislation produced which contained foreign policy assertions or restrictions on the flexibility of the "imperial presidency."

The major events and the accompanying influences which grew to distort the relationship between the Congress and the executive have been outlined. During the same period, several congressional perceptions also developed that were to pervade legislation which applied specifically or primarily to Latin America. The first of these perceptions by the Congress was the lack of a serious threat in the region, either internal or external. There simply was not a foreign power with the means to present a serious challenge to Latin American or United States security from that direction.

Likewise, no Latin American country possessed sufficient military equipment and supplies to mount a sustained offensive against a neighbor, even if it had the reason and the serious inclination. Both internal and external security reasons had been used at various times to justify the transfer of arms to Latin America. However, internal security became so far out of favor with the Congress that it was forbidden to be used as justification for the transfer of arms to the region. In short, the credible threat just did not exist in Latin America as far as the Congress was concerned.

The second of these congressional perceptions that applied to Latin America was the special relationship that existed between the U.S. and Latin America. It appeared that one aspect of this special relationship meant that Latin America was so indebted to the U.S. it would remain compliant and obedient to whatever policy the U.S. devised. It was easy to see how the concept developed. The U.S. and Latin America were tied together by long similar traditions of advocacy of democracy. Their constitutions were patterned after that of the U.S. We were tied together by the long relationship in the Organization of American States (OAS), formerly the Pan American Union, and we were committed to each other by the United States'

oldest security treaty, the Rio Pact of 1947. Many Latin American nations had been allies in World Wars I and II, and several had sent troops into combat on the side of the U.S. We were closely bound by economic ties. Latin America and the U.S. had been close trading partners for years. The U.S. was the largest source of imports for all of Latin America and also received more Latin American exports than any other location.⁷⁰ During the Cuban Missile Crisis, President Kennedy spoke of the "special and historic relationship" between the United States and the area.⁷¹ Secretary of State Kissinger reaffirmed and emphasized this relationship during a visit to Latin America in 1976 when he said:

I have come to this continent because the United States believes that Latin America has a special place in our foreign policy. . . . The United States has always felt with Latin America a special intimacy, a special bond of collaboration . . . a special readiness to consider the views of our neighbors. On many issues of United States policy--economic,

⁷⁰ Inter-American Development Bank, Selected Data on Latin America (Washington, D.C.: n.p., 1977), pp. 6-7. For the 15-year period 1961-1975, the U.S. varied from 35.6 to 32.6 percent as a destination of Latin American exports and varied from 41.6 to 34.9 percent as the origin of Latin American imports.

⁷¹ John F. Kennedy, "Radio and Television Report to the American People on the Soviet Arms Buildup on Cuba, 22 October 1962," Public Papers of the President of the United States. John F. Kennedy, 1962. (Washington, D.C.: Government Printing Office, 1963), p. 807.

political or security--the American people and Congress give special consideration to our hemispheric ties. . . . The United States continues in this area to feel a special concern for its hemispheric relations.⁷²

In the main, Latin American nations had remained remarkably docile, with the exception, of course, of Cuba. They had been recipients of military assistance and weapons, significant amounts of economic aid, and large numbers of their military students had been trained in this country. It is easy to see why a member of the U.S. Congress would feel that a special relationship existed between the U.S. and Latin America. Indeed, it was a two-way relationship. But it appeared that to many congressional members, this special relationship meant that Latin America was so closely tied to the U.S. that it would automatically follow the lead of the U.S. no matter what turns U.S. policy might take. It was a mistake, however, to attribute such great influence to the United States. As a RAND study concluded:

The most serious difficulties for U.S. security policies, particularly in relation to arms transfers and political-military goodwill, appear to have derived from a major, largely erroneous assumption: that Latin America is (even ought

⁷²Henry A. Kissinger, Major Statements on Latin America, U.S., Department of State, Publication No. 8848 (Washington, D.C.: Government Printing Office, 1976), pp. 1-2. His remarks were given in an address at the U.S.-Venezuelan Symposium at Macuto, Venezuela on 17 February 1976.

to be) so dependent upon the United States that its policies can guide Latin American behavior.⁷³

Many in Congress apparently failed to realize that "experience shows that while the Latin American governments are bitterly antagonistic toward each other on a great number of issues, they display a surprising unity whenever a confrontation with the United States arises."⁷⁴

A third fundamental congressional perception was that Latin America was on the margin or the periphery of international events or considerations which were of significant interest to the U.S. To many members the events in Latin America or U.S. policies toward Latin America did not have a serious impact on the larger and more important events and issues which involved Western Europe, the Soviet Union, the Western Pacific, Southeast or Southwest Asia.

Since U.S. security interests were not seriously challenged there, Latin America appeared to be a geographic area in which Congress chose to exercise its brand of foreign policy. Latin America appeared

⁷³David F. Ronfeldt, Future U.S. Security Relations in the Latin American Contexts (Santa Monica: RAND Corporation, 1975), Study P-5342, p. 15.

⁷⁴Edmund Gaspar, United States-Latin America: A Special Relationship? (Washington, D.C.: American Enterprise Institute, 1978), p. 4.

to be a training ground available for congressional experimentation. Since it could not really play in the big leagues of foreign policy, the Congress could at least do something in the region of Latin America. It additionally was an area in which, from the executive view, the Congress could meddle without doing too much mischief. No matter what policies the Congress developed for the region, the result would not seriously affect the executive's long-term objectives for the United States in the realm of foreign policy. As Senator J. William Fulbright said, the Congress did things in Latin America that it could not get away with in other regions.⁷⁵

A fourth perception that was apparent in congressional thinking, certainly among the opponents of arms transfers, was lack of convincing evidence that the transfer of arms had been effective in achieving foreign policy goals. Even though the Administration could assure the Congress that arms transfers had been beneficial and productive, the Congress could cite other examples and counter-arguments. In any event, the record was not convincingly clear to congressional opponents that the problems and concerns

⁷⁵U.S., Congress, Senate, Foreign Assistance Act of 1973, Hearings, before the Committee on Foreign Relations, 93rd Cong., 1st sess., 1973, p. 44.

which stemmed from arms transfers were worth the dubious results achieved.

Throughout the subject decade, the results of these significant events were intermingled and continued to operate in varying degrees with the influences, factors and perceptions that have been outlined. Next will be reviewed the restrictions themselves that were the product of the complex environment that existed during this ten-year period.

CHAPTER IV

THE CONGRESSIONAL RESTRICTIONS 1967-1969

A number of factors and events coalesced in 1967 to focus severe congressional criticism on the United States' policy pertaining to the transfer of conventional weapons to foreign countries. Latin America was one region to which this criticism was particularly directed. As a result, beginning in 1967, Congress approved a series of laws which served to limit the transfer of weapons, and these laws applied particularly to Latin America. Since it is the thesis of this dissertation that these restrictions on the conduct of U.S. foreign policy were often ineffective or counterproductive, it is necessary first to establish what these limitations were, how they originated, and what they intended to accomplish. This chapter will (a) record the major restrictions passed by Congress in the decade beginning with 1967 which applied to the transfer of conventional arms to Latin America, (b) list the rationale and objectives given for approval of the restrictions, and (c) explore the reactions of the executive branch to the restrictions.

1967

During 1967, an unusual number of unrelated events occurred which had effect on U.S. arms transfers to Latin America. The results of these events, combined with other factors, served to concentrate the attention of Congress on the subject of conventional arms transfers. These events and factors included the results of the revelations of a Senate staff study which focused attention on the financing of a rapid growth of arms sales, the sale of F-4 fighters to Iran, the June 1967 war between the Arabs and Israelis, and Peru's desire to modernize its air force. Ever present in the background were factors such as the growing influence of the war in Vietnam, a mounting sense that the U.S. was overcommitted abroad, a perception that lesser developed nations were taking U.S. economic aid, while wasting resources on military hardware, and frustration with presidential disregard of congressional advice in foreign policy.

The first of the events was the appearance of a small, thirteen-page staff study released without fanfare by the Senate Foreign Relations Committee on January 25, 1967.¹ Although his name did not appear on the document, it was written by William B. Bader,

¹U.S., Congress, Senate, Committee on Foreign Relations, Arms Sales and Foreign Policy, Staff Study, Committee Print, 90th Cong., 1st sess., 1967.

a new member of the committee staff, in his mid-30's, with a year's experience in the State Department, and with a doctorate in history from Princeton.² The brief staff study, written completely on his own initiative, immediately attracted attention and served as a catalyst throughout the year for the controversy over arms transfers. This controversy resulted in several significant congressional restrictions on the transfer of conventional arms which had particular applicability to Latin America.

Only five days after the January 25th publication, the New York Times carried an article on the study with comments by Senator Eugene McCarthy (D-MN). The article supported the study and criticized U.S. arms transfer policies.³ (Dr. Bader's staff study did not allege any impropriety in U.S. policy but questioned the adequacy of the governmental administrative machinery to properly review and pass judgment on the significant increase in sales requests received from foreign nations.)

²Interview with Dr. William B. Bader, staff member, Senate Foreign Relations Committee, 1966-1969, Washington, D.C., 30 May 1978. For more information on Dr. Bader's significant involvement in crucial issues of the time, see "Senate ABM Examiner," New York Times, 22 March 1969, p. 17:7. See also Anthony Austin, The President's War (New York: Lippincott, 1971).

³John W. Finney, "Senate Study Questions U.S. Arms Sales Abroad," New York Times, 30 January 1967, p. 12:4.

Dr. Bader's study raised a number of issues which were to directly affect policy toward Latin America. Included was a description of how arms sales were financed to lesser developed countries through a "revolving fund" administered by the Department of Defense and Country X loans by the Export-Import Bank.⁴ Although originally authorized by acts of Congress, the Congress did not appear aware of the magnitude of the arms sales program which did not come under the review of Congress.

Country X Loans and the Revolving Fund

In the Mutual Security Act of 1957, Congress authorized \$15 million for the Defense Department to use in arranging loans for arms sales. In 1961, the Foreign Assistance Act specified that any repayments for military assistance could be placed in this account and used to finance further sales.⁵ Receipts from sales plus additional annual authorizations swelled the account to more than \$300 million.⁶ The

⁴U.S., Congress, Senate, Arms Sales and Foreign Policy, pp. 5-7.

⁵Foreign Assistance Act of 1961, Statutes at Large, vol. 75, sec. 508 (1961), p. 437.

⁶U.S., Congress, Senate, Arms Sales and Foreign Policy, p. 6. The actual amount was \$384 million as of 30 June 1967. See U.S., Congress, Senate, Committee on Foreign Relations, Foreign Assistance Act of 1967, S. Report 499, 90th Cong., 1st sess., 1967, p. 9.

Foreign Assistance Act of 1964 permitted the Defense Department to completely guarantee loans for arms purchases, made by private banks to lesser developed countries, while maintaining only 25% as a reserve.⁷ Theoretically, more than \$1.2 billion in loans could be made for the sales of arms for which Congress had no oversight authority. Additionally, the staff study mentioned Country X loans by the Export-Import Bank, which were for arms purchases by lesser developed countries. The study said, "The Eximbank does not know or want to know where this money goes."⁸

Congress was aroused by the sinister overtones of this arrangement and was concerned that: first, the loans could be extended without any congressional review, and second, the Administration seemed to have camouflaged the existence of such an arrangement. It was a similar situation between the two branches of government that caused one author to later comment that it would be "prudent for the executive to keep in close touch with Congress,

⁷ Foreign Assistance Act of 1964, Statutes at Large, vol. 78, sec. 201(d)(3) (1965), p. 1011.

⁸ U.S., Congress, Senate, Arms Sales and Foreign Policy, p. 6.

which feels about the fait accompli much as nature does about vacuums."⁹

Beginning February 7th, at the instigation of the committee staff, the Senate Foreign Relations Subcommittee on Disarmament held hearings which included the subject of arms sales.¹⁰ Senator Albert Gore (D-TN) served as the Subcommittee Chairman. Assistant Secretary of Defense John T. McNaughton was asked to testify, but he mentioned the Country X loans only in passing. Later in the hearings the subject of Country X loans was broached again by Senator Gore, who concluded,

I do not like this Country X account, and these kinds of devices which really go around any participation by the Congress or any of its committees. Things grow like topsy . . . and this program has grown without the adequate participation of the Congress.¹¹

On March 20, Mr. Harold F. Linder, President and Chairman of the Board of the Export-Import Bank, testified before Congressman Otto Passman's Foreign

⁹William Diebold, Jr., "U.S. Trade Policy: The New Political Dimensions," Foreign Affairs, vol. 52 (April 1974), p. 477.

¹⁰Bader interview, 30 May 1978. Dr. Bader, in addition to serving on the staff of the full committee, also served as a consultant to the Subcommittee on Disarmament.

¹¹U.S., Congress, Senate, Committee on Foreign Relations, United States Armament and Disarmament Problems, Hearings, before the Subcommittee on Disarmament, 90th Cong., 1st sess., 1967, p. 150.

Operations Subcommittee of the House Appropriations Committee. During the hearings, Mr. Passman asked a question to ascertain whether or not Congress had authorized the bank to make loans to finance sales of military equipment. Mr. Linder replied, "I do not know that there was a specific authorization by the Congress."¹² A few minutes later, Mr. Linder gave the first public explanation of how the loans were arranged.

MR. PASSMAN. Do I understand the committee is not going to be able to ascertain the number of countries for which you are financing the sale of military equipment?

MR. LINDER. The committee can ascertain all of those countries where we at Eximbank can identify the country. But if the Defense Department came to us tomorrow morning and said, "Country X is buying \$5 million worth of military equipment. We have a 5 year note from country X which we are prepared to guarantee to you. Country X has paid down 10 percent or 15 or 20 percent in cash. It will repay the balance over a period of 5 years in equal semiannual installments. Will you discount a note guaranteed by the Defense Department or buy an account receivable which the Defense Department has against country X's obligation which we tell you we hold and which we guarantee you repayment on?" I would

¹²U.S., Congress, House, Committee on Appropriations. Foreign Assistance and Related Agencies Appropriations for 1968, Hearings, before the Subcommittee on Foreign Operations and Related Agencies, 90th Cong., 1st sess., 1967, pt. 1, p. 17. This is a notable answer because in later hearings Mr. Linder made an elaborate case for the basis of the congressional authorization for the Export-Import Bank's Country X loan activity.

provide them with the money. I do not know which country is denominated "X."¹³

The question of whether or not Congress had been properly informed or had even actually authorized such use of the revolving fund in the Country X loans became more and more a controversial issue. During hearings in April, Secretary of Defense McNamara made a comment that was to be quoted many times during the next few months concerning this controversy:

MR. MORSE. Have you ever sought congressional sanction for utilization of the Export-Import Bank for this purpose?

MR. MCNAMARA. No, I think this is a matter for the Export-Import Bank to settle.¹⁴

In effect, the Secretary of Defense was saying that any question of authorization was not a problem for the Defense Department to worry about. If there was to be any concern about authorization, that was the purview of the bank. The Secretary's haughty and even disdainful attitude only added to the impression that

¹³Ibid., p. 19. Assistant Secretary of Defense John McNaughton had mentioned the subject of the Export-Import Bank's financing of military sales to the Senate Foreign Relations Subcommittee on Disarmament on February 7, but these hearings were held in executive session and were not released to the public until May 2.

¹⁴U.S., Congress, House, Foreign Assistance Act of 1967, Hearings, before the Committee on Foreign Affairs, 90th Cong., 1st sess., 1967, p. 144.

the Defense Department was going to utilize absolutely every possible means to finance arms sales to customers of its own choosing. The Secretary gave the impression that arms would be sold one way or the other, preferably without the knowledge and interference of the Congress. This cavalier response was to sit less well as the summer progressed and the subject of arms transfers heated up along with the weather in Washington.

Both of the Senate and House Committees on Banking and Currency held hearings in April and May on a bill concerning routine matters of the Export-Import Bank. Mr. Linder provided testimony before both committees, but he made no mention of the bank's provision of loans for arms sales to lesser developed countries, nor did either committee quiz him on the subject. Both committees approved the measure and issued reports in favor of the Export-Import Bank bill recommending approval by their parent bodies of the legislature.¹⁵

By July, Congressman William B. Widnall (R-NJ) was concerned enough by the Export-Import Bank's involvement in arms sales that he wrote a letter to Chairman of the House Banking and Currency Committee,

¹⁵U.S., Congress, House, Committee on Banking and Currency, Export-Import Bank Act Extension, H. Rept. 256, 90th Cong., 1st sess., 1967.

Wright Patman (D-TX). Mr. Widnall recommended the unusual action of reconvening the Committee after it had completed its work and had issued its report.¹⁶

Mr. Patman agreed and the new hearings began on July 17.

Mr. Linder was summoned to return to the House Committee on July 17, this time accompanied by several of the Administration's more able spokesmen: Mr. Paul H. Nitze, Deputy Secretary of Defense; Mr. Eugene V. Rostow, Under Secretary of State for Political Affairs; Joseph W. Barr, Under Secretary of the Treasury; and John T. McNaughton, Assistant Secretary of Defense for International Security Affairs. Despite their articulate statements, they were not able to remove the existing impression that the Congress had been deliberately left uninformed and in the dark about the magnitude of the sales program and the operation of the Defense Department revolving fund. Also to many members, the Country X loan system was a deliberate subterfuge to preclude congressional involvement in this important area of foreign policy. In spite of the assertions of the Administration spokesmen as to

¹⁶U.S., Congress, House, Export-Import Bank and Credit Sales of Defense Articles, Hearings, before the Committee on Banking and Currency, 90th Cong., 1st sess., 1967, p. 2.

their efforts to keep the Congress informed, the members of the House Banking and Currency Committee denied having any knowledge of such an arrangement. Congressman Henry Reuss (D-WI), a member of the banking committee, was indignant upon learning of these arrangements to finance arms purchases and stated: "Until last week I was totally unaware of these arms sales, and I have sat on this committee for 14 years."¹⁷

During the discussions of the Foreign Assistance Act by the Senate Foreign Relations Committee, Senator Frank Church (D-ID) offered an amendment to abolish the revolving fund and to prevent future Country X loans by the Export-Import Bank. The committee upheld Senator Church's amendment and by a vote of 12 to 6 passed the bill to the full Senate. Senator Fulbright said the committee's proposed bill would "help restore the Senate's proper role in the formulation of foreign policy."¹⁸ He also stated:

The members of the committee considered this matter most seriously, and arrived at the conclusion that this sales program, particularly sales under the so-called Country X program--which had been very successfully concealed from Congress--constituted a policy which went much too far in encouraging arms races, and in

¹⁷Ibid., pp. 10, 21.

¹⁸U.S., Congress, Senate, 90th Cong., 1st sess., 14 August 1967, Congressional Record, vol. 113, p. 22549.

imposing on poor and small countries burdens which they could ill afford.¹⁹

Senator Wayne Morse was also an outspoken critic of the arms sales program and said, "We were aghast when we discovered for the first time how far they have gone with this revolving fund." He went on to assert that "American military aid in the underdeveloped nations of the world is the greatest cause of the spread of communism in these areas of the world."²⁰

To counter Senator Church's amendment, Senators Henry Jackson (D-WA) and John Tower (R-TX) offered a new amendment to continue the credit sales mechanisms. In introducing the measure, Senator Jackson said:

. . . it is sound sense, in the matter of military sales and grant aid, not to unduly tie the hands of the President. I believe that the pending bill, proposed by the Foreign Relations Committee, is too restrictive and that it would dangerously impede the President in the conduct of our foreign and defense policy.²¹

The amendment was defeated by a vote of 43 to 50.

¹⁹U.S., Congress, Senate, 90th Cong., 1st. sess., 15 August 1967, Congressional Record, vol. 113, p. 22639.

²⁰Ibid., p. 22632. Senator Morse, in addition to being a member of the Senate Foreign Relations Committee, was Chairman of the Subcommittee on Latin American Affairs.

²¹Congressional Record, 14 August 1967, pp. 22561-22562.

Senator Tower proposed a similar amendment, but it was defeated 45 to 46.²²

After presentation of the reports from the Senate Foreign Relations Committee and the House Foreign Affairs Committee, the Conference Committee locked into a six-week struggle from September 14 to November 1, to resolve the differences between the House and Senate versions of the bill. On November 7th, the Conference Committee presented its report. It was approved by the House on November 8th by a vote of 205 to 187.²³ The Senate passed the bill on the same day by a voice vote. Congressman Thomas E. Morgan (D-PA) was the manager of the House members assigned to the Conference Committee. In his report to the House, he noted that there were "89 points of differences" between the

²²Congressional Record, 15 August 1967, pp. 22650, 22660. In light of later political orientations, it is interesting to note that in both of these votes on the revolving fund question, Senator Edward Kennedy (D-MA) voted to maintain the fund, while Senator Robert Kennedy (D-NY) voted to abolish it. Also, of the little things of which politics is made, Senators Everett Dirksen and Charles Percy of Illinois had to leave between the first and second votes to fly to the Illinois State Fair. Both had supported the measure in the first vote.

²³U.S., Congress, Senate, Committee on Foreign Relations, Legislative History of the Committee on Foreign Relations, 88th, 89th, 90th Congress. 93rd Cong., 2nd sess., 1974, p. 144.

House and Senate versions when they started, but the "most difficult and time-consuming issue which the conference had to deal with involved sales of military equipment on credit terms and the authority for the Defense Department to guarantee such credits."²⁴

In its final form, the Foreign Assistance Act of 1967 specified termination of the revolving fund as of June 30, 1968. It also specified a limit of \$190 million in loans that could be guaranteed by the Defense Department in fiscal year 1968.²⁵ But that was not the end of the renovation to the former system of financing arms sales to lesser developed nations. One more restriction was yet to be formed.

Congressman Widnall's letter to Congressman Pattman in July had caused a reconvening of hearings by the House Committee on Banking and Currency on the Export-Import Bank bill. Further action on the bill was then blocked by a controversial plan for the Export-Import Bank to finance loans to Italy for the Fiat automobile company to build an \$800 million plant

²⁴U.S., Congress, House, 90th Cong., 1st sess., 8 November 1967, Congressional Record, vol. 113, p. 31742.

²⁵Foreign Assistance Act of 1967, Statutes at Large, vol. 81, sec. 201 (1968), pp. 456-457.

in the Soviet Union.²⁶ In February 1968, Mr. Pattman offered an amendment, which was adopted, designed to prevent the Export-Import Bank from making loans to lesser developed countries for the purpose of arms purchases. Mr. Pattman's amendment read:

The Bank shall not guarantee, insure, or extend credit or participate in an extension of credit in connection with any credit sale of defense articles and defense services to any country designated . . . as an economically less developed country. . . . The prohibitions set forth in this paragraph shall not apply with respect to any transaction the consumation of which the President determines would be in the national interest and reports such determination (within thirty days after making the same) to the Senate and the House of Representatives. In making any such determination the President shall take into account, among other considerations, the national interest in avoiding arms races among countries not directly menaced by the Soviet Union or by Communist China; in avoiding arming military dictators who are denying social-progress to their own peoples; and in avoiding expenditures to developing countries of scarce foreign exchange needed for peaceful economic progress.²⁷

After being approved by both House and Senate, the bill was signed by the President on March 13, 1968.²⁸

²⁶"Fiat Deal Sparked East-West Trade Controversy," Congress and the Nation, 1965-1968, vol. 2 (Washington, D.C.: Congressional Quarterly Service, 1969), p. 97.

²⁷U.S., Congress, House, 90th Cong., 2nd sess., 7 February 1968, Congressional Record, vol. 114, p. 2433.

²⁸To Amend the Export-Import Bank Act of 1945, Statutes at Large, vol. 82, sec. 1(c) (1969), p. 48.

At the end of a long series of events, Dr. Bader's staff study yielded several results. The revolving fund of the Defense Department was abolished; the Country X loan arrangement between the Export-Import Bank and the Defense Department was terminated; and the Export-Import Bank was prohibited from making loans to lesser developed countries for arms purchases. Another result of the controversy, which was created by these actions, was an increased awareness, interest and sensitivity on the part of Congress toward the subject of arms transfers.

As significant as these new restrictions were on the financing of arms transfers, they were only a portion of the developments during 1967. A second major development in the line of restrictions centered on Senator Stuart Symington (D-MO).

The Symington Amendment

An event, which at first seemed unrelated to U.S. arms transfer policy toward Latin America, was the revelation that both the U.S. and the Soviet Union had recently sold arms to Iran. This event led to the second major restriction on U.S. arms transfer policy and had a primary application in Latin America.

This revelation of U.S. and Soviet arms transfers to Iran was highlighted by Senate hearings early in

1967. Senator Stuart Symington played a significant role in these hearings. He served as a member of the Senate Foreign Relations Committee and as a member of the Subcommittee on Disarmament. He also served as Chairman of the Subcommittee on Near Eastern and South Asian Affairs.²⁹ After participating in the hearings held by the Subcommittee on Disarmament in February and early March, Senator Symington convened his own subcommittee on March 14, 1967. In his opening statement he said that one of the purposes of the hearings was to inquire into the recent disclosures through the newspapers that the Soviet Union had sold \$110 million in military equipment to Iran, while at the same time the U.S. had sold its most sophisticated jet fighter, the F-4 Phantom, to Iran. He went on to stress that the question to be explored was "not whether the United States should or should not be selling this military equipment; rather whether the governmental machinery is coordinated adequately; and also whether the Congress is properly informed and consulted before such decisions are made."³⁰

²⁹Dr. William B. Bader served as consultant to the subcommittee.

³⁰U.S., Congress, Senate, Committee on Foreign Relations, Arms Sales to Near East and South Asian Countries, Hearings, before the Subcommittee on Near Eastern and South Asian Affairs, 90th Cong., 1st sess., 1967, p. 1.

One of the witnesses was Mr. Henry Kuss, Deputy Assistant Secretary of Defense for International Logistics Negotiations, who was responsible for U.S. military sales negotiations worldwide. During his testimony, Mr. Kuss stated that in 1966 the Administration knew of the Soviet sale of military equipment to Iran prior to making the decision to sell F-4 jet fighters to Iran. He also admitted that Congress would have found out six to nine months later during the next annual budget review cycle.³¹

Another aspect of the F-4 sale to Iran was brought to light by Dr. Bader:

DR. BADER. The recent sales of F-4's represents the first time that a member of a Western alliance has purchased Soviet military equipment. That is correct, is it not?

MR. KUSS. In a formal sense of alliances, I believe that to be correct.³²

This was enough to concern Senator Symington about joining Communist countries in the supply of arms to third nations. Later in the hearings, Townsend Hoopes,

³¹Ibid., pp. 13-14.

³²Ibid., p. 62. The alliance referred to was the Central Treaty Organization (CENTO), consisting of Turkey, Iran, Pakistan, and Britain. The U.S. was associated through Executive Agreements. CENTO was announced on August 19, 1959 in order to change its name from the Baghdad Pact after Iraq withdrew its membership following a revolution in July 1958. "Pact Minus Baghdad Adopts a New Name," New York Times, 19 August, 1959, p. 3:3.

Assistant Secretary of Defense for International Security Affairs was questioned on the same subject:

SENATOR SYMINGTON: Have we now put ourselves in the position of being a cosupplier of military equipment to a country receiving Communist military aid?

MR. HOOPEES. In the case of India that is true, sir. That has been true for some years.

SENATOR SYMINGTON. Pakistan also?

MR. HOOPEES. Yes.

SENATOR SYMINGTON. So in the case of Iran, Pakistan, and India, we are supplying arms, and the Communists are supplying arms.

MR. HOOPEES. Yes, sir; that is true.³³

Concerning the transfer of F-4's, tanks, and other equipment by various means, the Senator observed: "There has been practically no knowledge about these programs."³⁴ He went on to say that the Senate's knowledge of such things came from the newspapers, not from any source in the Administration.

Still another facet of arms sales was brought out by Senator Symington's subcommittee hearings. This added fuel to the entire controversy and involved F-86 jet fighters. Through questioning, it was established that 90 F-86 Sabrejets of the Korean War

³³U.S., Congress, Senate, Arms Sales to Near East and South Asian Countries, p. 62.

³⁴Ibid., pp. 63-64.

era had been manufactured in Canada under U.S. license and transferred to West Germany. From West Germany, the planes were supposedly sold to Iran with U.S. approval but, in the actual event, ended up in Pakistan where the U.S. had an embargo applied on all lethal equipment as a result of the 1965 India-Pakistan war.³⁵ Senator Bourke Hickenlooper (R-IA) pressed Townsend Hoopes with repeated questions as to whether or not the Administration knew that the F-86's were destined for Pakistan, but he could not receive a yes or no answer.³⁶ Despite the testimony of Administration witnesses to the contrary, at best it seemed that the Administration's monitoring and enforcement capabilities were inadequate to prevent improper re-transfer of U.S. weapons, and at worst the suspicion remained that the Administration had knowingly permitted the transfer to occur in a deliberate circumvention of congressional policy and U.S. law.

At the end of Mr. Hoopes' appearance at the hearings, Senator Symington gave part of his conclusions:

³⁵ Ibid., pp. 6-9.

³⁶ Ibid., p. 77.

What worries me is the extent to which this whole arms program has been under the rug, so far as the Congress is concerned. I do not mean to be redundant, but I mentioned that the first knowledge we had on the Foreign Relations Committee or the Armed Services Committee, of the sale of sophisticated planes to Iran, was when we read about it in the press. This, in effect, such sales, formulate foreign policy. In such cases, if there is no "advice and consent," what is the use of having us here? . . . This is either going to stop or there is going to be a lot more said about it. We want to know. When you set foreign policy through the sale or grant of arms, we believe the appropriate Senate committees have the right to know the details before it is detailed to the public press, and the reasons for each major decision.³⁷

During July, a New York Times article stated that Senator Symington was reported to be convinced that the Administration was bypassing Congress and existing law by the financing of arms sales to lesser developed countries. His particular case in point was his belief that through the "back door financing" of the Country-X loan system, the Administration was circumventing the legal limit on arms sales to Latin America. He was quoted as saying: "We were assured that Central and South American development was economic--not an arms race. Then we find there's this trick of back door financing through the ex-im bank. All I can say is that we (Congress)

³⁷Ibid., p. 79. [emphasis added]

have been taken."³⁸ Even though his amendment was couched in terms of all lesser developed countries, the primary region intended for application of his amendment was Latin America. That Latin America was the intended target has been confirmed by Mr. Pat Holt who, as a staff member, helped draft the Symington amendment. In a personal interview with the author, he stated: "Our concern over Latin America was the prime mover" for the amendment.³⁹

Through his participation in the hearings by the Subcommittee on Disarmament and the Subcommittee on Near Eastern and South Asian Affairs, Senator Symington was fully briefed on the subject of arms transfers when the Senate Foreign Relations Committee started hearings on June 12 on the proposed Foreign Assistance Act of 1967. As a result of Symington's dissatisfaction with the arms transfer program, he proposed an amendment commonly associated with his name. In its final form, as passed by Congress, the

³⁸Stuart Symington, quoted in Neil Sheehan, "Leader in House Acts to Compel Arms Sale Study," New York Times, 25 July 1967, pp. 1:1, 2:2.

³⁹Interview with Pat M. Holt, former staff member, Senate Foreign Relations Committee, Washington, D.C., 18 April 1978. Mr. Holt was a staff member for the committee from 1950 to 1977. After 1958, he was considered to be the staff specialist on Latin American matters.

Symington amendment became section 620(s) of the Foreign Assistance Act of 1961, as amended:

In furnishing development assistance under this Act, and in making sales under the Agricultural Trade Development and Assistance Act of 1954, as amended, the President shall take into account (1) the percentage of the recipient or purchasing country's budget which is devoted to military purposes, and (2) the degree to which the recipient or purchasing country is using its foreign exchange resources to acquire military equipment. When the President finds that development assistance under this Act, or sales under the Agricultural Trade Development and Assistance Act of 1954, as amended, are being diverted to military expenditures, or a recipient or purchasing country is diverting its own resources to unnecessary military expenditures, to a degree which materially interferes with its development, the President shall terminate such assistance and sales until he is assured that such diversion will no longer take place. No other provisions of this Act shall be construed to authorize the President to waive the provisions of this subsection.⁴⁰

After his amendment had become law, Senator Symington was paid a visit by Under Secretary of State Nicholas Katzenbach who consulted with Symington concerning the effects and implementation of the amendment. Mr. Katzenbach reported: "The Senator said that he would never have introduced his amendment in the first place if he had not been misled about the F-4 sales to Iran."⁴¹

⁴⁰ Foreign Assistance Act of 1967, Statutes at Large, vol. 81, sec. 301(f)(4) (1968), p. 459.

⁴¹ Nicholas deB Katzenbach, Under Secretary of State, "Memorandum for the President. Report of Our Hill Consultations on the Conte-Long and Symington

In the events leading to the Symington amendment, it can be seen that as Senator Symington and his congressional colleagues became more acquainted with the area of arms transfers, they become more appalled at what they perceived to be willful and express disregard for the Senate's opinion in the orientation and execution of foreign policy. Because of the catalytic effect of Dr. Bader's staff study, the outlines of the primary questions were well drawn early in the year, and the targets for later questioning were clearly defined. In the subcommittee hearings prior to convening the Foreign Relations Committee hearings on the Foreign Assistance Act, most members had become well acquainted with the issues and the major players in the administration's line-up. Because of the warm-up, the Senate Foreign Relations Committee was better equipped than usual to enter the annual discussions with the Administration on the subject of the Foreign Assistance Act.

The Administration might have been perceptive enough to realize that keeping the information from the Congress on the sale of F-4's to Iran would be unsatisfactory on several grounds. First, any senator

Amendments," Washington, D.C., 13 February 1968, Tab. A., p. 6. On file at the Department of State.

from Missouri would have a desire to know of major F-4 sales since the prime contractor for the F-4, the McDonnell-Douglas Corporation, was located in St. Louis. A sensitive Administration might have notified the senators and representatives from Missouri so they could have informed the public and reaped the political benefits of spreading the good news of F-4 sales which would increase employment in the St. Louis area rather than allow this prerogative to pass to the press. Second, as congressmen, they could hardly approve the executive's independent pursuit of such an arms sales program with such international political ramifications or tolerate the fact that Congress was to learn about it after the fact. Third, they would have had to question the judgment of an executive branch which would sell the country's most advanced fighter planes to a nation which at the time was involved in arms purchases from the avowed enemy. If the bed-rock reason for a program of arms transfers to allies was anti-communism, that foundation was certainly shaken by the disclosure of hearings early in 1967.

Senator Symington and his fellow members were dismayed to learn that the U.S. had joined the two primary Communist antagonists--China and the Soviet Union--in being co-suppliers of weapons to at least

three other nations. Such revelations had to bring into question the rationale of the underpinnings of the entire arms transfers program. As a senator, he would have to take affront at any administration whose policies deliberately precluded the Senate from serving his concept of its proper role in the formulation and direction of foreign policy. The exposure of the Administration's performance in intentionally not informing the Congress on decisions such as to sell F-4's to Iran could only bring into mind serious questions of executive motives. Gradually becoming aware of how arms transfers or their denial actually made foreign policy, Senator Symington was determined to assert the Senate's obligation to exercise "advice and consent" to this mechanism.

Because of the assertions by Dr. Bader, which were confirmed in the hearings, plus the additional information brought to light in the hearings, Senator Symington became angered by the purposeful circumvention of Congress by the executive. As a result, Senator Symington offered an amendment which served to limit the flexibility of the executive in this area. The primary objective of the Symington amendment was to make economic assistance of the purchase of arms more effective by preventing the waste of natural resources. A second objective was an

attempt to ensure the executive did not circumvent the regional dollar ceiling on arms transfers to lesser developed countries, especially to Latin America.

The Conte-Long Amendment

The third major restriction, which developed during 1967, was primarily the result of the views of Congressman Silvio O. Conte (R-MA). This restriction dictated against the transfer of sophisticated weapons and had particular relevance to Latin America.

Mr. Conte was first elected to Congress in 1958 and became a member of the Appropriations Committee. It was the responsibility of this committee to appropriate funds approved by the House Foreign Affairs Committee to support programs such as the foreign assistance legislation.

During the hearings held in 1967 by the Appropriations Committee and its subcommittees, Mr. Conte gave an early synopsis of his views on arms transfers to Latin America when he stated: "I have been very unhappy with our programs of providing military aid to Latin America on an individual country rather than on a regional program basis." This section will display how Mr. Conte's unhappiness resulted in a separate

new congressional restriction on the executive's policy on conventional arms transfers, with particular application toward Latin America.⁴²

During hearings by the House Appropriations Foreign Operations Subcommittee on the Foreign Assistance Act, Mr. Conte engaged Henry Kuss in a discussion of Chile's purchase of British Hawker Hunter jet fighters. Mr. Kuss, Director of the International Logistics Negotiations Office of the Defense Department, argued that the Administration had tried to exercise restraint and had attempted to dissuade Chile from buying costly and elaborate jets. He explained that when faced with the Administration's reluctance to sell planes, Chile bought planes from Britain. Mr. Conte observed:

It is discouraging to see that they are able to get around us. We can turn them down and they go to some of our allies that we are helping out. I think the chairman really hit on this where we are giving grant aid to some of these countries and then they turn around and use their own resources to buy this military equipment. . . . It [Chile] should be plowing that money into education and doing away with some of the misery and hunger that they are faced with down there. . . . We are giving them grant aid. . . . then they divert that grant aid for these Hawkers.⁴³

⁴²U.S., Congress, House, Committee on Appropriations, Foreign Assistance and Related Agencies Appropriations for 1968, Hearings, before the Subcommittee on Foreign Operations and Related Agencies, 90th Cong., 1st sess., 1967, p. 496.

⁴³Ibid., pp. 592-593.

Mr. Conte's viewpoint was to gain support from his fellow congressmen throughout the session. This same conviction was evidenced also in a later episode when Peru bought Mirage jets from France. It seemed inconsistent for the U.S. to provide economic assistance to a nation which in turn used other equivalent assets for the purchase of unneeded military equipment. After the hearings and during the subcommittee's preparation of the report, Mr. Conte offered two similar amendments to the appropriations act.⁴⁴ They were co-sponsored by Congressman Clarence D. Long (D-MD) and were called the Conte-Long Amendments.

In their final form, the Conte-Long Amendments to the Foreign Assistance Act read:

Military Assistance paragraph:

Provided further, That none of the fund contained in this paragraph and none of the funds contained in the military assistance credit sales revolving fund shall be used to finance directly or indirectly the purchase or acquisition of sophisticated weapons systems, such as missile systems and jet aircraft for military purposes, by or for any underdeveloped country other than Greece, Turkey, Iran, Israel, the Republic of China, the Philippines, and Korea unless the President determines that such purchase or acquisition of

⁴⁴This was somewhat unusual in that such "legislative" amendments were the normal responsibility of the Foreign Affairs Committee. The standard function of the Appropriations Committee was to merely review the legislative programs and officially appropriate the funds to support these programs.

weapons systems are vital to the national security of the United States and reports within 30 days each such determination to the Congress.

The President is directed to withhold economic assistance in an amount equivalent to the amount spent by any underdeveloped country other than Greece, Turkey, Iran, Israel, the Republic of China, the Philippines, and Korea for the purchase of sophisticated weapons system, such as missile systems and jet aircraft for military purposes from any country, unless the President determines that such purchase or acquisition of weapons systems are vital to the national security of the United States and reports within thirty days each such determination to the Congress.⁴⁵

If the executive was weary of the assault on its flexibility in carrying foreign policy, there was no time to rest. The day after the signing of the Foreign Assistance Act, the Secretary of Defense appeared before the Senate Banking and Currency Committee. His mission was to restore the \$225 million in funds targeted for cutting from the Appropriation Bill for foreign assistance. Mr. McNamara stated, "It is just impossible to take it out without disastrously affecting our security." When it was pointed out to him that some reduction was inevitable, he described it as "disastrous."⁴⁶

⁴⁵Foreign Assistance and Related Agencies Appropriations Act, 1968, Statutes at Large, vol. 81 (1968), pp. 937, 940-941.

⁴⁶U.S., Congress, Senate, Foreign Assistance and Related Agencies Appropriations for Fiscal Year 1968, Hearings, before the Committee on Appropriations, 90th Cong., 1st sess., 1967, pp. 336-337.

In a response to a question by Senator Margaret Chase Smith, the Secretary focused on Latin America:

The total amount of military assistance we propose to give to Latin America--with 21 nations and a population of 240 million is \$45 million. Far from being the foundation for dictatorships or the catalyst that supports movement toward dictatorships, this \$45 million is, in my opinion, a restraining influence, an influence toward democracy. Perhaps even more importantly, because it is a more powerful influence in this other area, it is an influence toward restraint on military expenditures.⁴⁷

Later Mr. McNamara was asked for his views on the proposed Conte-Long Amendment and he provided these in a memo:

1. The apparent intent of the amendment is to prevent the U.S. military aid programs from contributing to arms races or the diversion of development resources to unnecessary military expenditures. Avoidance of such results is and has been Executive Branch policy--one which the President has used persuasion and the influence of the U.S. military and economic aid to further. No additional legislation is needed to state or enforce this policy.

2. The amendment would be harmful. The effects go far beyond its apparent intent. It sets up a rigid and arbitrary standard which simply ignores less developed countries' needs and political realities. . . . The proposed amendment . . . fails to distinguish the legitimate from the excessive.

3. . . . the proposed amendment is almost impossible from a technical standpoint. There is no effective standard for definition of "sophisticated weapons systems". . . . The technical deficiencies are not simply a question of definitions. Rather they reflect the basic

⁴⁷ Ibid., pp. 344-346.

difficulty of any prohibition which seeks to apply a single arbitrary standard to widely and constantly varying situations.

4. The Executive Branch opposes the amendment because its inflexibility and excessive scope would be harmful in many situations. . . . The proposed amendment recognizes neither the legitimate defense needs of less developed countries . . . nor the importance of providing economic assistance to achieve important U.S. foreign policy objectives. . . . The proposed amendment puts achievement of U.S. policy objectives at the mercy of sales efforts of other nations, whether western European or Communist.

The proposed amendment discriminates against countries which do not or cannot manufacture sophisticated weapons themselves, but must obtain them from other countries. In effect, it puts a premium on the diversion of LDC productive capacity from development-oriented industries into the production of armaments.⁴⁸

At the conclusion of the hearings, Senator John Pastore (D-RI) asked Mr. McNamara if he had any more remarks. He replied:

The legislation this year is particularly restrictive . . . the first problem we have is with the monetary amount. I plead with you to raise it back to the authorized level.

The second problem we have is with the so-called Conte-Long Amendment which restricts the grant or sale of so-called sophisticated equipment to certain countries. That is a very serious restriction.⁴⁹

The appropriations bill passed both House and Senate and was signed into law on January 2, 1968,

⁴⁸Ibid., pp. 348-349.

⁴⁹Ibid., p. 363. Secretary McNamara's pleading is in marked contrast with his performance in April when he answered Congressional questions with such disdain.

by President Johnson. The objectives set for the Conte-Long amendments are quite readily determined. Mr. Conte felt strongly that his amendments were essential and he attached his personal views in a supplement to the report on the Foreign Assistance Act prepared by the Appropriations Committee. Because of the extraordinary costs of the Vietnam war, the budget deficit and looming financial crisis, Mr. Conte said, in part:

Last year I quoted the following statement from the report of the Foreign Affairs Committee:

It is important that less developed countries not be encouraged to divert their limited resources from programs to economic and social development to building military establishments larger than are necessary to maintain internal security and defend against border incursions.

Last year I quoted that statement favorably and with hope. This year I cannot.

Today, it is not sufficient "not to encourage." Positive steps are now required. We must neither assist nor support these highly dangerous self-defeating actions.

It is illusion to answer this by stating-- Who are we, the United States, to decide what are highly dangerous and self-defeating actions for others to take.

It is absolutely true that we do not have the right to decide that question for others. This is not what is being advocated. . . .

I am deeply concerned with and disturbed by the development of an arms race in Latin America. As I stated earlier, I have held this concern since I first came to Congress. . . .

And we are dealing with countries who simply cannot afford to and do not have any need to invest their precious limited resources in the sophisticated devices that man has invented to

to destroy himself. . . .

The greatest threat to security in Latin America today comes from within, not from without. Any dangers there to national sovereignty are from internal unrest and dissatisfaction, not from external attack and aggression. . . .

For as all of the countries of Latin America find themselves more and more heavily armed, there is more and more a chance that one country is going to use this armament against another. . . .

No country can afford to be wasteful and these countries least of all.

The purchase of sophisticated weapons of war by these countries can be classified in no other category than that of being wasteful. We should take no part in assisting or encouraging this unfortunate misuse of limited resources.

We are on the one hand trying to supplement limited resources in order to assist these countries in developing to their fullest capacity as quickly as possible. If, on the other hand, we turn around and sell them weapons that they cannot afford and do not need, we are defeating our own programs. Similarly, if we provide assistance to any underdeveloped country which, in turn, uses its own resources to purchase sophisticated weapons, it is as if our economic assistance was being diverted to the purchase of these sophisticated weapons, a result which cannot be justified. . . .

By no stretch of anyone's imagination can the purchase of sophisticated weapons by underdeveloped countries be considered an efficient mobilization of resources. It is just the opposite. By diverting the country's own resources from being used in an effective manner, it completely dilutes the effectiveness of our assistance.⁵⁰

In his lengthy summary, Mr. Conte stressed his views, fears, and objectives. The goals for his

⁵⁰ U.S., Congress, House, Committee on Appropriations, Foreign Assistance and Related Agencies Appropriation Bill, H. Rept. 891, 90th Cong., 1st sess., 1967, pp. 28-30.

amendments in lesser developed countries were:

(a) to stop arms races, particularly in Latin America, (b) to prevent diversion of local resources from social and economic development to unnecessary purchase of weapons, (c) to prevent this diversion by prohibiting the procurement of sophisticated weapons, and (d) to make U.S. economic aid more effective in assisting the development of the recipient nations.

By inference in some cases and explicitly in others, Mr. Conte stressed that the primary location for the application of his amendments was Latin America. This was also brought out by Mr. Katzenbach. During consultations with congressional leaders on Capitol Hill, the Under Secretary of State visited with Mr. Conte and discussed the subject of the restrictions the Congressman had sponsored. Mr. Katzenbach reported in his summary to the President that "Conte said that when he proposed his amendments he was interested primarily in Latin America and sub-Sahara Africa." Mr. Katzenbach also called on Mr. Long and reported, "He [Mr. Long] was adamantly against arms sales to Latin America. He said that his Amendment had been principally aimed

at the Latins and sub-Sahara Africa."⁵¹ Several months later, William S. Gaud, the Administrator of the Agency for International Development (AID), paid a similar call on Mr. Long. Mr. Long was reported to be of the opinion that "all military assistance to Latin America should be eliminated."⁵² There can be little doubt that both Mr. Conte and Mr. Long were concerned about the procurements of arms by Latin American countries. Since in their view, the economic development and the judgment displayed in arms purchases were unsatisfactory in Latin America, the two congressmen proposed to help correct both conditions with their amendments.

When Under Secretary of State Katzenbach made his visit to Capitol Hill to talk with the leaders after the new restrictions had become law, he also visited House Majority Leader Carl Albert. In the resume of the conversations, Mr. Albert was reported to be of the view that there was not widespread

⁵¹Nicholas deB. Katzenbach, "Memorandum for the President. Report of Our Hill Consultations on the Conte-Long and Symington Amendments," Tab A., p. 2.

⁵²William S. Gaud, Memorandum from the Administrator of the Agency for International Development for Under Secretary of State Katzenbach, "Meeting with Congressman Long," Washington, D.C., 13 May 1968, p. 1. On file at Agency for International Development.

support for the restrictions and that modifications in the future were a reality. He did not think the limitations were based on any deep belief but that the "legislative action was more of a mood than a conviction."⁵³ If the actions of Congress were only a mood, it was fed by the frustrations and uncertainties of Vietnam, fear that the U.S. was overextended in its commitments, and apprehension that arms transfers was one element which fostered such gradual assumption of commitments. It was only a mood, but it would continue for a long time to come.

A reflection of this mood can be seen in a report by the Senate Foreign Relations Committee after considering additional restrictions on arms transfers. Some of the advantages to the restrictions as seen by the Committee would be a "reassertion of the Congress' proper role in the formulation of foreign policy," and they would "force the executive branch to practice what it preaches about preventing arms races and discouraging wasteful military expenditures by poor nations." In the eyes of the Committee, the restrictions would provide "additional leverage" on nations diverting their resources and would also "restrain

⁵³Nicholas deB. Katzenbach, "Memorandum for the President. Report of Our Hill Consultations on the Conte-Long and Symington Amendments," Tab A, p. 1.

some of our own officials."⁵⁴ It became plain in this Senate report that the target for the restrictions was not only the actions of foreign nations but also the behavior of the Executive Branch of the U.S. government! Not only was the Congress concerned about such rationale as poor nations diverting resources, but was perhaps even more concerned about "reassertion" of its proper role in the creation of foreign policy for the United States.

The three major legislative restrictions on arms transfers did not grow in isolation. There were major world events which occurred in 1967, and had a measure of influence on the considerations of individuals in the U.S. Congress, not just in 1967 but beyond. There was, of course, the Vietnam War which was an omnipresent and increasing factor. Additionally in 1967, the Six-Day War between Israel and the Arabs occurred, and Peru decided to buy new military jet aircraft.

In the midst of hearings on Capitol Hill on the costs and benefits of arms transfers and foreign aid, the Six-Day War broke out. Because Israel feared an attack by its neighbors, it launched a pre-emptive

⁵⁴U.S., Congress, Senate, Committee on Foreign Relations, Foreign Assistance Act of 1967, S. Rept. 499, 90th Cong., 1st sess., 1967, pp. 8, 12, 13.

attack on Egypt, Jordan and Syria on June 5, 1967. The brief but fierce conflict fanned the fires of criticism by congressional opponents of arms transfers. The critics pointed out that U.S. arms had been transferred to both sides and asserted that U.S. actions had helped lead to the war. In other words, the occurrence of the Six-Day War supported the critics' conclusion that the procurement of arms led to their use. To the critics it was clear that arms transfers caused arms races, and arms races led to wars. In the particular case of the Six-Day War, the arms transfers confirmed the example of the Indian-Pakistan War of 1965 when the U.S. again had been providing military support to both governments. The desire for the U.S. to remain clear of such conflicts would also be reenforced by C. L. Sulzberger's fourth cardinal rule of diplomacy.⁵⁵

In 1967, an additional factor which added to the controversy of the overall issue of arms transfers was Peru's decision to obtain modern military jet planes. During that summer, it became known through

⁵⁵"There are, in diplomacy, four cardinal rules. Rule one is always keep the initiative. Rule two is always exploit the inevitable. Rule three is always keep in with the outs. And rule four is never stand between a dog and a lamppost." C. L. Sulzberger, "The Middle East--A New Initiative," New York Times, 27 May 1957, p. 30:3.

the press that Peru wanted to purchase the U.S. F-5 jet fighter for its air force to replace the aging F-80 Shooting Stars. President Belaúnde Terry told the author in a personal interview that by 1967 the Peruvian air force had a 35 different types of aircraft and wanted to reduce this inventory to 7. For reasons of improved economy of maintenance and logistics, President Belaúnde Terry approved of this consolidation. The U.S. F-5 was initially selected for price, performance and ease of logistic support. Because of an excessive delay in receipt of a U.S. response, he started to consider other aircraft from Britain, Sweden and France.⁵⁶ It may be recalled that President de Gaulle of France had offered "anything reasonable" in way of arms during his state visit in 1966.

Partly as a result of previous U.S. policy to hold down costs of arms purchases by lesser developed countries and partly as a reluctance to introduce supersonic aircraft to Latin America, the executive branch refused permission for the F-5 sale. The decision not to sell F-5's had to have been influenced also by a separate expropriation controversy between the U.S. and Peru.

⁵⁶Interview with Fernando Belaúnde Terry, President of Peru, 1963-1968. Washington, D.C., 18 April 1978.

The case at issue was a dispute over the La Brea y Pariñas oil fields owned by the International Petroleum Company (IPC). After a long controversy, in July 1967 the Peruvian Congress declared the oil fields were national property. Peru then charged IPC \$690 million for back taxes and the value of oil extracted. The State Department became involved by trying to apply the specifications of the Hickenlooper amendment which set out punitive actions in the event of expropriation of U.S. property.⁵⁷

After the U.S. refused to sell F-5's, it became known that Peru was seriously considering the purchase of a dozen French Mirage jets for more than \$30 million.⁵⁸ After the possibility of a Mirage purchase became known, the State Department began to reconsider the decision about F-5's. As the controversy grew over arms sales in general and Peru in particular, the subject of F-5's came to threaten the passage of the entire foreign aid bill.

On October 25th, Congressman Henry S. Reuss (D-WI) and 20 of his colleagues wrote to Secretary

⁵⁷U.S., Congress, Senate, United States Relations with Peru, Hearings, before the Committee on Foreign Relations, 91st Cong., 1st sess., 1969, pp. 98-99.

⁵⁸Paul L. Montgomery, "Peru's President Faces Major Decisions as 4th Year Begins," New York Times, 28 July 1967, p. 8:4.

of State Rusk warning him that if the Administration did consummate the sale of F-5's to Peru, they would have to withdraw their support of the foreign aid legislation.⁵⁹

It may be recalled that at this point, the foreign aid bill was still in the Senate/House Conference Committee, deadlocked over the issue of the revolving fund. The Secretary replied on November 4th that for a number of reasons, it was in the best interests of the U.S. that the sale be completed.⁶⁰ On November 7th in a turn-about, Secretary Rusk wrote that he would "take very seriously" the expressed desires of the Congress in any amendment to limit such transfers.⁶¹

In the midst of the arms sales controversy, the Administration found itself in a quandary. On the one hand it desired to sell F-5's to Peru to forestall the purchase of Mirages from France. On the other

⁵⁹Neil Sheehan, "Latin Jet Sales Vexing to Congress," New York Times, 27 October 1967, p. 15:1.

⁶⁰Dean Rusk, Secretary of State, letter, to Representative Henry S. Reuss, dated 4 November 1967, Washington, D.C. Reprinted in U.S., Congress, House, 90th Cong., 1st sess., 6 November 1967, Congressional Record, vol. 113, pp. 31383-31384.

⁶¹Dean Rusk, Secretary of State, letter to Representative Thomas E. Morgan, dated 7 November 1967, Washington, D.C. Reprinted in U.S., Congress, House, 90th Cong., 1st sess., 8 November 1967, Congressional Record, vol. 113, pp. 31745-31746.

hand, there was the threat that any such sale of F-5's might very well block the passage of the entire foreign aid bill. In effect, was the prevention of supersonic European jets from entering Latin America worth the sacrifice of the entire foreign aid bill? The Administration chose not to make that decision.

The year 1967 had seen three major restraints placed on arms transfers, and they significantly affected Latin America. Also, separate events and revelations of previous Administration policies fed the controversy which carried into 1967 and resulted in new restrictions.

1968

In 1968, the sale of arms was separated from the Foreign Assistance Act and was the subject of distinct legislation. This new authority became known as the Foreign Military Sales Act. In 1968 during the development of both acts, a number of restrictions--both old and new--were incorporated. This section will describe the expansion of congressional restrictions on arms transfers during the year 1968 and define their objectives.

Because the foreign aid bill of 1967 had received such a mauling by the Congress, in 1968 the executive branch proposed separating the sale and grant of arms

Even though the Foreign Military Sales Act was introduced as brand new legislation, by the time it reached its final version it was a veteran with a number of amendments with particular application to Latin America. Two were proposed by Mr. Reuss, one by Mr. Conte, and one by Congressman Thomas M. Pelly (R-WA).

The language and intent of Senator Symington's amendment of the previous year was proposed by Mr. Reuss to be included in the New Foreign Military Sales Act, and this amendment became known as Reuss One. The act as originally drafted applied the Symington provisions only to sales for credit. Mr. Reuss stated the objective for his amendment was to broaden its application to include sales for cash.⁶² As proposed and as finally passed, the amendment read:

When the President finds that any economically less developed country is diverting development assistance furnished pursuant to the Foreign Assistance Act of 1961, as amended, or sales under the Agricultural Trade Development and Assistance Act of 1954, as amended, to military expenditures, or is diverting its own resources to unnecessary military expenditures, to a degree which materially interferes with its development, such country shall be immediately ineligible for further sales and

⁶²U.S., Congress, House, 90th Cong., 2nd sess., 10 September 1968, Congressional Record, vol. 114, p. 26229.

into two separate legislative acts. This separation was proposed for at least three reasons. First, the controversy over the sale of F-5 jet fighters threatened to wreck the entire foreign aid program developed in the previous year. In order to avoid such a dispute from creating havoc with a separate program in the future, the executive branch wanted the separation so that each could be debated on its own merits. Second, since the arms sales program had grown to such proportions in relation to grants, both branches desired to collect all of the applicable rules for sales in one document. This would ease the understanding, application and execution of the specifications. A third consideration was that the grant of arms, like other items in foreign aid, was a drain on U.S. tax dollars to be appropriated. Sales, on the other hand, were conducted at no cost to the U.S. taxpayer but were paid for by the foreign purchaser. Both branches agreed that considerations for the granting of both economic and military assistance should be concentrated in one article of authority. Likewise, both bodies wanted the specifications for sales to be assembled in one place. Thereafter, the authority for the grant of arms was contained in the Foreign Assistance Act and the authority for sales was contained in the Foreign Military Sales Act.

guarantees . . . until the President is assured that such diversion will no longer take place.⁶³

Mr. Reuss also proposed a second amendment, known as Reuss Two, aimed at the protection of foreign populations from oppression by military dictators. He said his aim was to include the same provision in the Sales Act as was contained in the Export-Import Bank Act.⁶⁴ As to his real objectives, it will be recalled that Mr. Reuss was the leader of some 20 House members who threatened to overturn the 1967 foreign aid program if F-5 fighters were sold to Peru.

The next major restrictive amendment was offered by Congressman Thomas M. Pelly (R-WA) and involved fishing vessels. The seizure of U.S. fishing boats operating inside the territorial or economic zones claimed by foreign nations had been an issue for years. By 1968, the problem's proposed punitive solution was to involve the transfer of arms. Mr. Pelly's answer would be to prohibit arms sales to any offending nation. As finally approved, the amendment read:

No defense article or defense service shall be sold by the United States Government under this Act to any country which, after the date

⁶³Foreign Military Sales Act of 1968, Statutes at Large, vol. 82, sec. 35 (1969), p. 1325.

⁶⁴U.S., Congress, House, 90th Cong., 2nd sess., 10 September 1968, Congressional Record, vol. 114, p. 26221.

of enactment of this Act, seizes or takes into custody or fines an American fishing vessel engaged in fishing more than twelve miles from the coast of that country. The President may waive the provisions of this subsection when he determines it to be important to the security of the United States, and promptly so reports to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate.⁶⁵

During the discussion of his amendment, Mr. Pelly made clear his target: "The importance of such an amendment is evidenced by the criminal activities of some Latin American countries, which, at gunpoint, have been seizing American fishing vessels on the high seas."⁶⁶ There is no doubt that the seizure of fishing boats was a significant problem. The New York Times reported that since 1961, 28 U.S. ships had been seized by Peru, and an additional 47 others had been seized by other Latin American governments.⁶⁷ One immediate problem with the Pelly amendment, however, was the question of the length of term of applicability. In other words, if the sanctions of a cutoff of defense sales was made, what would be the duration of the prohibition? As written, the duration was open-ended and could be seen as an extremely

⁶⁵Ibid., p. 26222.

⁶⁶Ibid.

⁶⁷"Peruvians Attack U.S. Fishing Boats and Capture One," New York Times, 15 February 1969, p. 2:2.

harsh measure in retribution for the seizure of one fishing boat. Since the majority of the previous incidents involved primarily Ecuador, Peru and Chile, Latin America was the region most likely to be affected.⁶⁸ The U.S. vessels engaged in fishing in the South American waters would logically come from California, Oregon and Washington, the latter being the state represented by Mr. Pelly.

A separate but related act of legislation was offered by Senator Thomas H. Kuchel (R-CA). It was not part of the Foreign Assistance Act but included a penalty for acts similar to those specified by the Pelly amendment. In order to safeguard the fishermen from his state of California who fished in the controversial waters of Latin America, Senator Kuchel's amendment was added to the Fisherman's Protective Act of 1954. The Secretary of State was directed to make a claim against any government which seized a U.S. vessel. If after 120 days the claim was not satisfied, he was to initiate the punitive clause. The clause stated: "The Secretary of State shall

⁶⁸For a more complete discussion of the fishing rights controversy, see Virginia M. Hagen, The Latin American-United States Fishing Rights Controversy, with Specific Reference to Chile, Ecuador and Peru. Congressional Research Service (Washington, D.C.: Government Printing Office, 1969).

withhold . . . an amount equal to such unpaid claim from any funds programmed for the current fiscal year for assistance to the government of such country."⁶⁹

There was an existing section of the Foreign Assistance Act of 1961 which had been added in 1965, but it obviously was not specific enough for Mr. Pelly or Senator Kuchel. It read:

In determining whether or not to furnish assistance under this Act, consideration shall be given to excluding from such assistance any country which hereafter seizes, or imposes any penalty or sanction against, any United States fishing vessel on account of its fishing activities in international waters. The provisions of this subsection shall not be applicable in any case governed by international agreement to which the United States is a party.⁷⁰

The last major amendment made to the Foreign Military Sales Act that year was offered by Congressman Silvio Conte (R-MA). As he explained, his purpose was to include in the act the same provision against sophisticated weapons as contained in the foreign aid appropriations act of the previous year. An annual appropriations act is effective only during the applicable fiscal year. As a result, his amendment in

⁶⁹Fisherman's Protective Act of 1967, Statutes at Large, vol. 82, sec. 3 (1969), p. 730.

⁷⁰Foreign Assistance Act of 1965, Statutes at Large, vol. 79, sec. 301(d)(4) (1966), p. 660.

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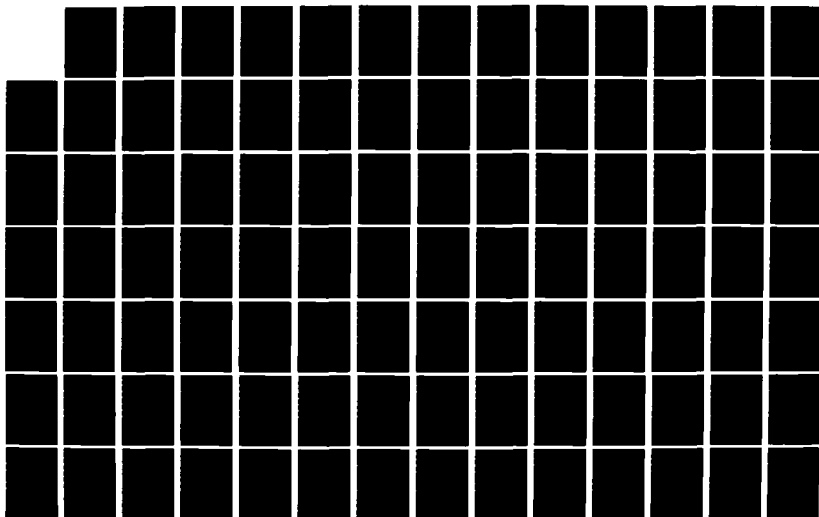
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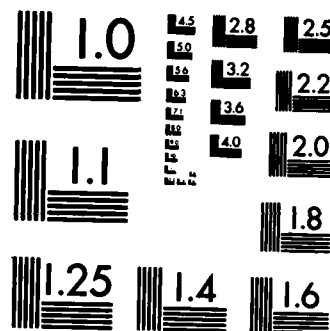
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MICROCOPY RESOLUTION TEST CHART
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1967 expired on June 30, 1968, which was at the end of fiscal year 1968. In order to make the same restriction effective for all following years, he proposed it in the authorization bill for arms sales. The amendment was approved in the final legislation and read:

Provided, that none of the funds contained in this authorization shall be used to guarantee, or extend credit, or participate in an extension of credit in connection with any sale of sophisticated weapons systems, such as missile systems and jet aircraft for military purposes, to any underdeveloped country other than Greece, Turkey, Iran, Israel, the Republic of China, the Philippines and Korea unless the President determines that such financing is important to the national security of the United States and reports within thirty days each such determination to the Congress.⁷¹

In defining his objectives for his amendment, Mr. Conte explained:

In my original amendment last year I was driving at Latin America and Africa. I was attempting to prevent the sale of sophisticated weapons of war, such as jet fighters, especially to Latin America and Africa. . . . the main thrust of the amendment, both here and in the foreign aid bill, was to put a stop to the arms race that was building up in South America and Africa.⁷²

One difference should be noted between the 1967 and 1968 versions of his amendments. In 1967, it read

⁷¹Foreign Military Sales Act of 1968, Statutes at Large, p. 1323.

⁷²U.S., Congress, House, 90th Cong., 2nd sess., 10 September 1968, Congressional Record, vol. 114, p. 26224.

that the prohibition would be in effect unless the President determines such sales to be "vital" to the national security of the United States. The 1968 version changed the criteria to "important." Congressman Long thought the word "vital" made the rule "tighter" and proposed two separate amendments to have this one word changed, but both attempts were rejected by the House.⁷³ In 1967, Mr. Long was a co-sponsor of the legislation, but in 1968, he declined to co-sponsor the legislation again.

The regional ceiling on military assistance to Latin America, including arms sales, was continued at \$75 million. This ceiling was applied to cash sales, credits, guarantees, grants, and loans. A proviso was included to permit the President to waive the ceiling if he determined it to be "important to the security of the United States."⁷⁴

Under the legislation of 1968, authority for the granting of arms was contained in the Foreign Assistance Act. Mr. Conte again offered an amendment; this one was to ensure that the restrictions contained in the 1967 amendment were permanently applied in the future when arms to lesser developed countries were granted.

⁷³Ibid., p. 26223.

⁷⁴Foreign Military Sales Act of 1968, Statutes At Large, p. 1325.

As approved by the President, it read:

The President is directed to withhold economic assistance in an amount equivalent to the amount spent by an underdeveloped country for the purchase of sophisticated weapons systems, such as missile systems and jet aircraft for military purposes from any country unless the President determines that such purchase or acquisition of weapons systems is important to the national security of the United States and reports within thirty days each such determination to the Congress.⁷⁵

As a result of authority for grant and sales of arms being split into two different acts, the article containing the regional ceiling had to be changed. It was altered to set a limit of \$25 million in arms that could be given to Latin America. Another specification provided \$10 million that could be granted only for use in patrolling coastal waters to prevent Communist infiltration. Therefore, if \$10 million were expended for coastal patrol and if \$25 million were used in other grant aid, then \$40 million would remain authorized for sales through the Foreign Military Sales Act which set an overall limit of \$75 million.

So the mood of Congress continued. As a result of its hearings and deliberations on the foreign aid bill, on June 26, 1968 the House Foreign Affairs Committee made its report and approved the measure

⁷⁵ Foreign Assistance Act of 1968, Statutes at Large, vol. 82, sec. 301(c) (1969), pp. 963-964.

with a vote of 24 to 9. An addendum for minority views said:

We strongly oppose the efforts of underdeveloped countries to spend money that is urgently needed for economic development on the purchase of sophisticated weapons such as Mirage supersonic jet fighters from France, at a time when the United States is being asked to support the country's economic development. The plight in which the United States finds itself represents another tragic inconsistency in the foreign aid program. Expensive, supersonic jets are not needed for the external defense of any Latin American country.⁷⁶

Part of the mood of Congress was certainly directed at Latin America.

The Senate Foreign Relations Committee made its report on July 26, 1968 and supported the amendment with a vote of 14 to 4. In its dour report, the committee said that "the United States is beset by more demands, both home and abroad, than it can meet," but seemingly had an "inability or unwillingness . . . to reduce its international commitments." Concerning the Conte amendment, the committee was hopeful that it would "serve to deter an arms race."⁷⁷ Elaborating on the Conte amendment, the report said:

⁷⁶U.S., Congress, House, Committee on Foreign Affairs, Foreign Assistance Act of 1968, H. Rept. 1587, 90th Cong., 2nd sess., 1968, p. 56.

⁷⁷U.S., Congress, Senate, Committee on Foreign Relations, Foreign Assistance Act of 1968, S. Rept. 1479, 90th Cong., 2nd sess, 1968, pp. 3, 12.

It passes no judgment on the determinations which other sovereign countries may make of their own defense needs. It is simply a statement that the United States, as a sovereign country itself, is not going to use its economic assistance to offset the cost of sophisticated weapons systems acquired by countries receiving assistance from the United States. (p. 12)

Such a disclaimer on making judgments for other actions did not prevent such nations from perceiving that such judgments were consistently being made by the U.S. on their behalf.

The Foreign Military Sales Act also provided an occasion for congressional attitudes to be expressed. The Senate Foreign Relations Committee reported that the act was in response to "Congressional concern that a large military sales program, unless it is carefully managed, may contribute to the development of regional arms races, thereby diverting scarce economic resources and contributing to regional tensions."⁷⁸

The House Foreign Affairs Committee asserted:

The basic purpose of foreign assistance has been to enhance the security of the United States through the development of economic and military strength in the non-Communist world.

For more than two decades the military assistance program has been a vital part of the U.S. foreign policy.⁷⁹

⁷⁸ U.S., Congress, Senate, Committee on Foreign Relations, Foreign Military Sales Act, S. Rept. 1632, 90th Cong., 2nd sess., 1968, p. 1.

⁷⁹ U.S., Congress, House, Committee on Foreign Affairs, The Foreign Military Sales Act, H. Rept. 1641, 90th Cong., 2nd sess., 1968, p. 2.

The report described the gradual shift from arms sales as nations became more self-sufficient after World War II. It stated that this continuing shift was in the national interest because such sales reduced the cost to the U.S. of maintaining essential U.S. or allied forces and also helped offset the balance of payments effects of maintaining U.S. forces overseas.⁸⁰

In a lengthy justification for sales, the report went on:

It has been suggested that the United States, as a great power, should take the initiative in discouraging arms purchases by refusing to make defense equipment and services available to would-be purchasers, particularly underdeveloped countries.

This is neither feasible nor wise. The United States is not the only arms supplier in the world. Indeed, the major sources of arms to the underdeveloped countries is the Soviet bloc, principally the Soviet Union. Soviet military sales, integrated with grant programs, play a major role in Soviet foreign policy in the Middle East, Southeast Asia, the subcontinent, and the Western Hemisphere through Cuba.

There is also a great deal of evidence that some of the larger non-Communist countries are also expanding their arms sales programs.

U.S. arms sales policy cannot operate in a vacuum, taking no notice of the arm sales policies of other countries.

It is in our own national interest to make carefully controlled and selective arms sales to some undeveloped countries to assist them to maintain the internal security which is so vital to orderly development of democratic, social, economic, and political institutions. And that it should continue to be U.S. policy to limit

⁸⁰ Ibid., pp. 2-3.

rather than to promote military sales to such countries in order to insure that scarce resources are not diverted to unnecessary military expenditures.

It makes no sense to have a grant military assistance program and not be able to make sales to those countries that are capable of assuming a larger burden in their own defense.⁸¹

The committee's report seemed to favor judicious use of arms sales to allied countries in order to ease the defense burden on the United States. Nevertheless, before the act was finally passed, Latin America seemed to be the focus of restrictions written into the bill.

As evidence of the congressional dissatisfaction with foreign aid, the final amount authorized in 1968--for fiscal year 1969--was the lowest amount in the history of the program, which stretched over two decades. In recognition of such congressional displeasure, President Johnson's proposed bill had asked for \$2,920,000,000, the lowest ever proposed. Despite the lowered figure, Congress was in the mood to assert its budget authority over the executive as well as express its general discontent with the foreign aid program. As a result, the foreign aid authorization, which included both economic and military assistance,

⁸¹Ibid., p. 4.

was cut to \$1,974,050,000.⁸² As a measure of comparison, the amounts requested for military assistance by the executive and the amounts authorized by Congress were as follows:

Fiscal Year	Executive Branch Request	Congressional Authorization	Percent of Reduction
1964	\$1,405,000,000	\$1,000,000,000	28.8%
1965	1,055,000,000	1,055,000,000	0
1966	1,170,000,000	1,170,000,000	0
1967	917,000,000	875,000,000	4.5
1968	620,000,000	510,000,000	17.7
1969	420,000,000	375,000,000	10.7
1970	425,000,000	350,000,000	17.6

SOURCE: U.S., Department of Defense, Congressional Presentation, Security Assistance Program, FY 1977 (Washington, D.C.: Government Printing Office, 1977), p. 2.

In summary, because of the controversy over arms transfers in 1967, in 1968 the executive proposed and the Congress concurred that the grant and sale of arms should be separated for better review and management. The Foreign Military Sales Act became the locus of the authority and the rules covering arms sales, while grants remained contained in the Foreign Assistance

⁸²"Congress Clears Smallest Foreign Aid Bill in History," Congressional Quarterly Almanac, 1968 (Washington, D.C.: Congressional Quarterly Service, 1969), p. 419.

Act. Several new restrictions or punitive amendments became law. These were offered by Congressmen Pelly, Reuss and Conte, and Senator Kuchel. The objectives of the restrictions were to curtail fishing boat seizures, prevent arming military dictators, and prohibit the transfer of sophisticated weapons. The punitive clause in each case was to be a denial of the grant or sale of conventional arms. Although written in terms of universal application, the region largely affected was Latin America. The discontent of Congress with the policies of the executive can be seen in the assertion of congressional budget power by authorizing the lowest amount in history for the support of the foreign aid program and for military assistance.

Congress had continued to assert itself in 1968 and had disapproved of executive policies. Fears of more Vietnams and too many overseas commitments led to cutbacks and restrictive policies. Apprehensions of an arms race in Latin America coupled with the disapproval of underdeveloped nations buying unnecessary weapons brought more limitations at the beginning of 1969.

1969

During 1969, even though U.S.-Latin American relations were eclipsed by the war in Vietnam and

overshadowed by U.S. domestic problems, several events highlighted Latin America in the eyes of Congress. These included unique congressional hearings specifically on Latin America, the first Latin American war since 1942, and a fact-finding tour of the region by Nelson Rockefeller. A new president was inaugurated who would also have new policies to apply toward Latin America.

This section will examine the development of congressional restrictions on arms transfers to Latin America during 1969. It will also review the effects of significant events during the year which were related to the question of arms procurement in Latin America.

A new development in the congressional restrictions was the combination of the previous Symington and Conte-Long amendments and the repeal of the Conte-Long amendment itself. In the Foreign Assistance Act of 1961, as amended by the Act of 1968, the Symington amendment was contained in section 620(s). The Conte-Long amendment was section 620(v). In the new legislation, section 620(v) was repealed and combined into the existing section 620(s).

The combined version read:

(1) In order to restrain arms races and proliferation of sophisticated weapons, and to

ensure that resources intended for economic development are not diverted to military purposes, the President shall take into account before furnishing development loans, Alliance loans or supporting assistance to any country under this Act, and before making sales under the Agricultural Trade Development and Assistance Act of 1954, as amended:

(A) the percentage of the recipient or purchasing country's budget which is devoted to military purposes;

(B) the degree to which the recipient or purchasing country is using its foreign exchange resources to acquire military equipment; and

(C) the amount spent by the recipient or purchasing country for the purchase of sophisticated weapons systems, such as missile systems and jet aircraft for military purposes, from any country.

(2) The President shall report annually to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate his actions in carrying out this provision.⁸³

Such a combined version of the Symington and Conte-Long amendments had been contemplated by the executive branch. The modification of the Conte-Long amendments had been desired by the executive and at least part of the legislative branch.

In April 1969 during the congressional deliberations, the Senior Interdepartmental Group (SIG) met to discuss alternatives for changing the amendments. Proposals prepared for discussion at the meeting ranged from attempting an outright repeal, to waivers under certain conditions, to exemptions of certain

⁸³ Foreign Assistance Act of 1969, Statutes at Large, vol. 83, sec. 303 (1970), pp. 820-821.

types of equipment.⁸⁴ In a separate memorandum, Mr. Arthur A. Hartman from the Department of State, proposed a combination of amendments which would provide "considerable discretion to the Executive." The essential elements of a proposal contained in this memorandum, but proposed by Mr. Robert Klein from the Military Assistance Staff, eventually constituted the revised restrictive section as passed by Congress and approved by the President.⁸⁵

The executive branch was obviously interested in having the Conte-Long amendments modified in order to permit the executive more flexibility. It now became evident that at least part of the legislative branch had second thoughts about the rigidity of the amendments. A special subcommittee of the House Armed Services Committee conducted a series of hearings

⁸⁴Arthur A. Hartman, U.S., Department of State, NSC Under Secretaries Committee, Memorandum, NSC-U/SM 9, "Discussion Memorandum for Meeting of Under Secretaries Committee on Conte Amendments," dated 4 April 1969. On file at Department of State, Washington, D.C. Originally classified "Confidential." Received through Freedom of Information Act request, 2 May 1978.

⁸⁵Robert M. Klein, Military Assistance Staff, Agency for International Development. Memorandum, dated 16 April 1969. Contained in a memorandum from Arthur A. Hartman, U.S., Department of State, NSC-U/SM 11, dated 16 April 1969. On file at Department of State. Originally classified "Confidential." Received through Freedom of Information Act request, 2 May 1978.

and studies on various factors affecting the national defense of the U.S. One of the subcommittee's conclusions was:

The Subcommittee has no quarrel with the Conté-Long Amendment as it applies to foreign aid. The purpose of the Amendment has a great deal of merit. However, while we applaud its intent to impose restraints on purchases of sophisticated weapons systems by underdeveloped nations, third countries are motivated by other considerations. Consequently, rather than preventing an arms race among our Latin American neighbors, we may have given impetus to one that could grow to unparalleled proportions. For if we remove the United States from the strong competitive position that it formerly held in the sales of major items of military equipment, we will also diminish U.S. moderating influence. The United States would be replaced by vendors to whom an arms race would have great economic appeal and who, therefore, might make every effort to bring about such a condition.⁸⁶

Another new amendment with significant application to Latin America and little application to foreign policy was offered by Senator Fulbright. It involved limiting the numbers of foreign military students. As originally proposed, the amendment was to limit the number of foreign military students that could be trained in the U.S. to one-half the number of foreign civilians brought to this country under the Fulbright

⁸⁶U.S., Congress, House, Committee on Armed Services, Review of U.S. Military Commitments Abroad, Phase III--Rio and ANZUS Pacts. Report of the Special Subcommittee on National Defense Posture, Committee Print, 90th Cong., 2nd sess., 1968, p. 12.

scholarship program.⁸⁷ In the Conference Committee discussions, this was altered to have the numbers be equal. Its final version read:

The number of foreign military students to be trained in the United States in any fiscal year, out of funds appropriated pursuant to this part, may not exceed a number equal to the number of foreign civilians brought to the United States under the Mutual Education and Cultural Exchange Act of 1961 in the immediately preceding fiscal year.⁸⁸

The Senate Foreign Relations Committee reported that since 1949, there were 202,611 foreign military students trained in the U.S., while only 89,754 civilians were brought to this country under the Fulbright program. The number scheduled for fiscal year 1970 was 5,834; whereas only 5,026 civilians came in 1968.⁸⁹ The result, obviously, had to be a cut in the number of foreign military students. The Department of Defense reported that between 1950 and 1969, there were 22,494 Latin American military students trained in this country, and 28,087 were

⁸⁷ U.S., Congress, House, Conference Report on Foreign Assistance Act of 1969, H. Rept. 91-767, 91st Cong., 1st sess., 1969, p. 17.

⁸⁸ Foreign Assistance Act of 1969, Statutes at Large, vol. 83, sec. 203 (1970), p. 820.

⁸⁹ U.S., Congress, Senate, Committee on Foreign Relations, Foreign Assistance Act of 1969, S. Rept. 91-603, 91st Cong., 1st sess., 1969, pp. 27-28.

trained in Panama or in their own country.⁹⁰ Although a majority of those students had not been trained in the U.S., the new restriction was to have a significant effect on Latin America.

Since no time duration for either type of schooling was specified, this restriction was keenly felt in Latin America. As applied, one military student in a two-week truck maintenance course was equivalent to an aviator undergoing eighteen months of pilot training. The two-week maintenance course was not differentiated from a foreign civilian Fulbright scholar attending a college for one or two years.

In a personal interview with Senator Fulbright, he said he proposed the amendment in an attempt to increase the support for the scholarship exchange program. He was not interested in cutting down the number of military students. He explained that in 1966, the Senate Appropriations Committee had cut in half the funds which supported the program because of concern over Vietnam war expenses. He thought the committee would be more interested in having the number of military students expanded with the result that funding for Fulbright scholars would be increased. Actually

⁹⁰U.S., Department of Defense, Military Assistance and Foreign Military Sales Facts (Washington, D.C.: Government Printing Office, 1970), p. 17.

the reverse occurred. The number of military students was cut to that of the civilians.⁹¹

In previous foreign aid acts, the costs of training foreign military students on a grant basis had been exempted from the regional ceiling for either the grant or sale of arms. The Fulbright amendment served to limit the number that could be trained even if the grant funds were available.

The provisions of the Foreign Assistance Act and the Foreign Military Sales Act remained unchanged with regard to the Latin American regional ceiling. The overall total of sales, credits and grants was \$75 million. The limit on grants was \$25 million. The cost of training was not counted against the overall total, although the Fulbright amendment did affect the numbers which could be trained.

In reviewing the restrictions of 1969, it can be seen that the executive wanted to ease the restrictions of the Conte-Long amendments. This desire found some sympathy in the Congress and resulted in a more flexible combination of the Symington and Conte-Long amendments. This indication of sympathy in the

⁹¹Interview with former Senator J. William Fulbright, Washington, D.C., 5 June 1978. Senator Fulbright was a member of the Senate Foreign Relations Committee from 1949 to 1975. He served as Chairman of the Committee after 1959.

legislature is also reflected in the statement by the House Armed Services Committee which displayed the apprehension that the effects of the Conte-Long amendments would be exactly opposite to those desired. Additionally, an attempt to increase the number of foreign Fulbright scholars backfired and inadvertently resulted in another restriction on Latin America.

There were several events during 1969 which were relevant to the question of restrictions on arms transfers to Latin America. There were two congressional hearings which specifically focused on Latin America. In July, El Salvador and Honduras engaged in their "football war," and in the fall, Nelson Rockefeller gave a report of his fact-finding mission to Latin America. Richard Nixon was inaugurated president in January and in a speech on October 31st, gave a summary of his Latin American policy. A few days later he announced the Nixon Doctrine, which was to affect Administration policy toward arms transfers.

Because of a general dissatisfaction with the accomplishments of the Alliance for Progress, the House Foreign Affairs Subcommittee on Inter-American Affairs held hearings from March to May.⁹² One of the

⁹²U.S., Congress, House, New Directions for the 1970's: Toward a Strategy of Inter-American Development, Hearings, before the Committee on Foreign Affairs, 91st Cong., 1st sess., 1969.

subjects was military assistance. In June and July, the Senate Foreign Relations Subcommittee on Western Hemisphere Affairs conducted hearings specifically on the subject of arms transfers.⁹³

During July, Honduras and El Salvador became embroiled in a brief war. Although the real reason for the war was a long standing border dispute, it is often referred to as the Football War because of the disagreement which precipitated the war. As a result, Senator Fulbright suggested a complete embargo on grant arms to all of Latin America.⁹⁴ The Organization of American States quickly called for a cease fire and submission of the dispute to mediation. Because of the unanimity of the remaining members of the OAS, the war was ended after only several weeks.

Also in 1969, Governor Nelson A. Rockefeller of New York was sent by President Nixon on a fact-finding mission to Latin America. His report was to be the basis for the President's new policy statement on the region. The Governor's report was presented at

⁹³U.S., Congress, Senate, United States Military Policies and Programs in Latin America, Hearings, before the Committee on Foreign Relations, 91st Cong., 1st sess., 1969.

⁹⁴Peter Grose, "O.A.S. Peace Move is Backed by the U.S." New York Times, 16 July 1969, p. 12:3.

the end of August, and the President made his Latin American policy speech at the end of October.⁹⁵ At first glance this might appear as an indication of interest and concern in the area. The reverse was feared to be the case. Nixon was the first post-war U.S. president not to mention Latin America or its problems in his inaugural address. He did not get around to naming an Assistant Secretary of State for Inter-American Affairs until he was several months into his term. His policy address on the region did not come until nine months after he was sworn in. It was clear that Latin America was far removed from the top of the list of priorities with the new president. The Secretary General of the Organization of American States, Galo Plaza, commented on the Latin American discontent with the U.S. sense of priorities. He said it stemmed from a resentment that the goals of the Alliance for Progress had not been met in housing, land reform and economic growth. The former Ecuadorian president said the dissatisfaction also was derived from the perception that Latin

⁹⁵ Nelson A. Rockefeller, Quality of Life in the Americas. Report of a U.S. Presidential Mission for the Western Hemisphere. Reprint by Agency for International Development (Washington, D.C.: Government Printing Office, 1979).

America had become a "backwater" in the foreign policy of the U.S.⁹⁶

For several years the Congress had become increasingly concerned by U.S. commitments abroad and the extent of the involvements these obligations might lead to. On February 5, Senator Fulbright introduced a bill in the Senate which became known as the "national commitments" resolution. It was an attempt to reassert the congressional role in foreign policy and to clearly inform the President of the congressional displeasure at the current perceived increase in overseas commitments. The resolution passed the Senate with a vote of 70 to 16 on June 25th.⁹⁷

In response to such criticism and after reviewing Governor Rockefeller's report, the President gave his Latin American policy speech on October 31st to the Inter-American Press Association. He listed his objectives as a "more mature partnership in which all voices are heard and none is predominant." He promised changes in U.S. policies and procedures

⁹⁶Galo Plaza, as quoted in Juan de Onis, "O.A.S. Chief Cites Rancor Over U.S.," New York Times, 3 June 1969, p. 2:4.

⁹⁷U.S., Congress, Senate, 91st Cong., 1st sess., 25 June 1969, Congressional Record, vol. 115, p. 17245.

which would "center on economic development and especially on the policies by which aid is administered and by which trade is regulated."⁹⁸

A few days later, President Nixon made a major pronouncement for a new direction in U.S. foreign policy, and this became known as the Nixon Doctrine. The doctrine was announced in a radio and television address on November 3rd. The principal portion which was to affect military assistance read:

In cases involving other types of aggression [by a nuclear power], we shall furnish military and economic assistance when requested in accordance with our treaty commitments. But we shall look to the nation directly threatened to assume the primary responsibility of providing the manpower for its defense.⁹⁹

In other words, the President was pledging increased hardware to allies in need but fewer men to defend mutual interests. Areas of tension and conflict would receive more material support but less in the way of U.S. troops.

⁹⁸Richard M. Nixon, "Action for Progress for the Americas," Department of State Bulletin, vol. 61 (17 November 1969), pp. 409-410.

⁹⁹Richard M. Nixon, "The Pursuit of Peace in Viet Nam," Department of State Bulletin, vol. 61 (24 November 1969), p. 440. The President had mentioned his new doctrine to newsmen on Guam on 25 July but it was not officially announced until his broadcast on 3 November.

The public and Congress had sent clear signals to the President. Both bodies were becoming increasingly weary of the war in Vietnam and skeptical of U.S. military obligations overseas. With the rising dissatisfaction evidenced in the public press, coupled with the national commitments resolution of Congress, it was made plain to the President what his policy should be. Originally intended to apply to South East Asia, the doctrine was soon made the worldwide prescription for U.S. foreign policy. It was the basic formula for the withdrawal of U.S. troops from Vietnam but also presented congressional leaders with a new factor to contemplate in arms transfer to Latin America. If Rio Treaty allies were to provide any support for common interests, sales credits, grants, and sales of arms would have to be more forthcoming.

From the relatively small number of restrictions created in 1969, the impression might be gained that Congress was satisfied with its accomplishments in setting parameters for military assistance and foreign aid. The opposite is the case. Congressional displeasure with foreign assistance continued to increase in 1969. The Congress did not alter the Foreign Assistance Act with a flurry of amendments because it had intended to completely rewrite and restructure the act during the next session. Indications of this

intent can be seen in the somewhat unusual step of making foreign aid authorizations for two years rather than the normal one year. The final authorization was for \$1,972,525,000 for fiscal year 1970, and \$1,936,525,000 for fiscal year 1971.¹⁰⁰ These amounts were successively the lowest authorized in the history of the program. The foreign aid appropriations bill then became locked in controversy over funds for Taiwan and South Korea. As a result, the appropriation of funds to support the specifics of the economic and military aspects of the foreign aid program for fiscal year 1970 was not completed in 1969.

In summary, the new strictions of 1969 were the combination of the provisions of the Symington and Conte-Long amendments and were put into one section of the Foreign Assistance Act. The new section permitted more flexibility by the executive. Senator Fulbright's amendment to obtain more funds for the Fulbright scholarship program resulted instead in a cut in the number of military students that could be trained. Since the majority of those trained in the past had

¹⁰⁰Foreign Assistance Act of 1969, Statutes at Large, pp. 805-826.

come from Latin America, the inadvertent effect of the amendment was to fall primarily on Latin America.

Events which affected decisions on restrictions on arms aid to Latin America were the continuing and heightened dissatisfaction with the war in Vietnam and a feeling that the U.S. was overcommitted abroad. This feeling was evidenced in the Senate's national commitments resolution and the commencement of a two-year study of those commitments. The House and Senate held hearings specifically on the problems of Latin America and focused wholly or in part on the subject of arms transfers. In July, the first Latin American war in 27 years broke out between Honduras and El Salvador. This brief war drew attention and criticism to U.S. arms transfers to Latin America because both sides had been supplied by the U.S. Governor Rockefeller presented his report on Latin America in August with many recommendations on how to improve U.S.-Latin American relations. In November, the President announced his new doctrine for U.S. foreign policy guidance. It contained the principle that in the future, the U.S. would provide more equipment but less manpower in defense of mutual allied interests overseas. The doctrine was intended originally for Vietnam but was formally expanded early in 1970.

Executive Branch Overview

Executive Reaction

The congressional restrictions on arms transfers beginning with 1967 were not created in isolation. As already described, outside events and considerations also had effect on the development of the limitations. One primary tempering effect on the growth and direction of the restrictions was the reaction of the executive, although this was not always contrary. In order to place the expansion of the restrictions in proper perspective, this initial executive reaction will be outlined in order to show how the executive shifted to accommodate the new restrictions and their requirements. This will be followed by a review of the contemporary response to the congressional initiatives from sources in and out of government, both in support of and in opposition to these initiatives.

Initial Executive Reaction

In order to review the reaction by the executive to the restrictions of 1967, it is necessary to turn back to the summer after the Church and Symington amendments had been proposed. It is recalled that the Church amendment was to abolish the Department of Defense revolving fund which had been used to make loans to lesser developed countries, thus enabling

them to purchase arms and defense services. The Symington amendment specified the termination of assistance to a lesser developed country if the recipient nation diverted resources from economic development to unnecessary military expenditures.

As the foreign aid bill proceeded through its hurdles, the Senate version passed on August 17th. The House passed its version on August 24th. By September 13th, both houses had agreed on a procedure for a conference, and 11 senators and 7 representatives were designated to the conference committee.¹⁰¹ The conference committee met for the first time on September 14th and was to remain deadlocked on the issue of the disposition of the revolving fund until November 7th.

In an attempt to have its views known and to influence the outcome of the conference committee's deliberations, the executive branch provided to the conference committee position papers pertaining to a number of items contained in the proposed legislation. The executive branch position paper stated that the elimination of the revolving fund would

¹⁰¹U.S., Congress, Senate, Committee on Foreign Relations, Legislative History of the Committee on Foreign Relations, 88th, 89th, and 90th Congresses, 93rd Cong., 2nd sess., 1974, p. 144.

eliminate loans for military purposes to any Middle Eastern or Latin American country and to many other countries around the world.¹⁰² This was true because the lesser developed countries were unable to qualify for loans from the Export-Import Bank or from private banks. Without the revolving fund, the lesser developed countries would be reduced to outright grants or strictly cash purchases. Another factor mentioned by the executive to try to sway the conference committee was the fact that outstanding obligations of the fund were more than \$700 million. If the fund was terminated, the alternatives would be to default on the obligations or for Congress to appropriate the funds. The position paper concluded that it was "absolutely essential" for the fund to be retained.¹⁰³

As far as the Symington amendment was concerned, the reaction was somewhat different. In the position paper, the executive branch said it supported the "intent" of the amendment, which was "to make certain that U.S. aid was properly used and to discourage

¹⁰²"Executive Branch Position Papers for House/Senate Conference on FY 68 MAP Authorization," Conference Paper F, "Revolving Fund," dated 8 September 1967, p. 2. Located in Record Group 51, Records of the Bureau of the Budget, Legislative Reference Division, 1965-1968, Series 65.2. File on Public Law 90-137, National Archives, Washington, D.C.

¹⁰³Ibid.

excessive military expenditures by the less developed countries." But the executive opposed the amendment in its original form. First, as originally written, the provisions and penalties would have applied to all types of assistance. The executive recommended the amendment be limited to development assistance, which would "properly limit the amendment to Development Loans, Technical Assistance and Alliance for Progress Loans."¹⁰⁴ Second, as first proposed, the amendment was aimed at preventing diversion of sources to military expenditures "to a degree which interferes with economic development."¹⁰⁵ The executive position was that it could be argued that "any military expenditures are, by definition, inconsistent with the development of a country, because the military expenditures were for goals other than development." The executive's proposal was to prescribe "unnecessary military expenditures" which would permit taking into account the resources of a nation, its developmental

¹⁰⁴Conference Paper 43, "Excessive Military Expenditures," in "Executive Branch Position Papers for House/Senate Conference on FY 68 MAP Authorization," dated 8 September 1967. Located in the National Archives, Record Group 51, Records of the Bureau of the Budget, Legislative Reference Division, 1965-1968, Series 65.2. File on Public Law 90-137.

¹⁰⁵U.S., Congress, Senate, 90th Cong., 1st sess., 11 August 1967, Congressional Record, vol. 113, p. 22434.

needs and its military requirements and, thereby, make the amendment "more realistic and effective."¹⁰⁶

Third, the original amendment sought to restrain military expenditures which were "likely to cause an increase in the arms race."¹⁰⁷ The executive branch position said, "The provision ought to be limited to the effect of a country's military expenditures on its development, and exclude the effect on 'the arms race' which is, by its very nature, impossible to determine."¹⁰⁸

The fourth objection to the amendment by the executive was that it provided for the President's determination to terminate aid as a result of the provisions, but it would take a concurrent resolution of the entire Congress to recommence the aid. The executive's view was that if the President could turn off the aid, he should be permitted the flexibility to turn it on again.¹⁰⁹ The position paper then recommended an altered version of the amendment which incorporated the previously mentioned proposed changes.

¹⁰⁶Conference Paper 43, "Excessive Military Expenditures," pp. 2-3.

¹⁰⁷Congressional Record, 11 August 1967, p. 22434.

¹⁰⁸Conference Paper 43, "Excessive Military Expenditures," p. 3.

¹⁰⁹*Ibid.*

In the actual event, the Symington amendment as actually approved by the Congress and signed by the President was worded exactly as was recommended by the executive branch in its position paper.¹¹⁰

In addition to expressing an opinion on the two major new restrictions, the executive branch responded in its position papers to other aspects of the foreign aid bill. One such item was the regional ceiling on the grant and sale of arms to Latin America. The position paper stated:

There has been talk of an "arms race" in Latin America, but the facts do not bear this out. . . . In almost all countries in the Region, pay and allowances and other fixed operating costs consume 80-85% of the military budget. After other costs are deducted, very little remains available for new equipment.

In the whole area, during the five year period FY 63-67, the United States sold only 70 light tanks, 72 howitzers, and 60 combat aircraft--about one half of which were trainers but are included in the total because they mount machine guns and possibly could assume a combat role in counterinsurgency.¹¹¹

¹¹⁰ These files on Public Law 90-137 in the National Archives were not opened to the public until June 1978. It was not previously known that the Symington amendment, in the final form, was worded as expressly desired by the executive branch.

¹¹¹ Conference Paper N, "Latin American Ceiling," in "Executive Branch Position Papers for House/Senate Conference on FY 68 MAP Authorization," dated 8 September 1967, p. 2. Located in the National Archives, Record Group 51, Records of the Bureau of the Budget, Legislative Reference Division, 1965-1968, Series 65.2. File on Public Law 90-137.

In 1967, when a bill was passed by Congress and sent to the President for signature, the Director of the Bureau of the Budget would send copies to all Cabinet officers interested in the particular subject and would ask for their comments and recommendations on what is referred to as enrolled legislation. The comments returned from the departments often contained proposed remarks for the President to use in any public statement he might wish to make on the occasion of the signing of the bill. These comments were compiled and summarized by the director in a final memorandum which accompanied the bill to the President.¹¹²

In view of the opposition during the hearings to the congressional restrictions, the Defense Department's reply was surprisingly mild. The Defense Department's reply said, in part:

Congress . . . imposed several new restrictions on grant aid and sales operations. However, these obstructions are not so severe as to warrant veto of the Act. . . . The Act is

¹¹²This same procedure is still in effect, only now performed by the Office of Management and Budget (OMB). OMB superceded the Bureau of the Budget as a result of the Federal Reorganization Plan No. 2 of 1970, which took effect on 1 July 1970. See "Reorganization Plan No. 2 of 1970," Code of Federal Regulations, 1966-1970 Compilation (Washington, D.C.: Government Printing Office, 1971), pp. 1070-1071.

acceptable . . . and will permit an adequate level of operations.¹¹³

The State Department appeared much more concerned about the effects of the bill. Its reply stated that the bill created "major problems" that would affect foreign assistance and the conduct of foreign policy but concluded that there was "no effective alternative" to signature of the bill.¹¹⁴ The alternative was, of course, to have no foreign aid support at all. The State Department's concern was mirrored in the suggested signing statement enclosed in its reply. The suggestion included:

The planned military assistance and sale program was designed to help the countries . . . stand firm against the pressures upon them; to let those menaced by subversion and guerilla war--as in our own hemisphere--maintain order and security so their economies can grow. . . .

I am very concerned about arms competition among less developed countries and about their diversion of scarce resources to the procurement of sophisticated weapons. We are taking these problems very seriously. But crippling the ability of the United States to meet legitimate

¹¹³ Secretary of Defense, letter to Charles L. Schultze, Director of the Budget, Washington, D.C., dated 14 November 1967, p. 1. Located in the National Archives, Record Group 51, Records of the Bureau of the Budget, Legislative Reference Division, 1965-1968, Series 65.2. File on Public Law 90-137.

¹¹⁴ William B. Macomber, Jr., Assistant Secretary of State for Congressional Relations, letter, to Charles L. Schultze, Director, Bureau of the Budget, Washington, D.C., dated 13 November 1967, pp. 1-2. Located in the National Archives, Record Group 51, Records of the Bureau of the Budget, Legislative Reference Division, 1965-1968, Series 65.2. File on Public Law 90-137.

needs of friendly countries for order and security in no way prevents an arms race.

To respond to the real challenges of development and security in a timely and meaningful way, we need more money and more authority than this bill affords.¹¹⁵

Although the President did not use the State Department's suggested words, the apprehension of the department is evident.

In the final memorandum to the President from the Director of the Bureau of the Budget, the director described the provisions which eliminated the revolving fund and reported that the Defense Department "informally advises that these provisions will not present any significant problems this fiscal year."¹¹⁶

¹¹⁵Ibid., pp. 3-4.

It is to be noted that no mention of the Conte-Long amendments is made in the executive branch position papers or the comments to the President from Cabinet departments on the Foreign Assistance Act. This is because the Symington and Church amendments were contained in the Foreign Assistance Act; whereas, the Conte-Long amendments were later to be included in the Foreign Assistance Appropriations Act. At the time of the Presidential signing of the Foreign Assistance Act of 1967 on November 14, the appropriations act was still in hearings.

¹¹⁶Charles L. Schultze, Director, Bureau of the Budget, Memorandum for the President, "Enrolled Bill S. 1872--Foreign Assistance Act of 1967," Washington, D.C., 13 November 1967, p. 4. Located in the National Archives, Record Group 51, Records of the Bureau of the Budget, Legislative Reference Division, 1965-1968, Series 65.2. File on Public Law 90-137.

Even though State and Defense seemed to differ on the evaluation of the effect of the restrictions, the President took a dim view of the results. The President signed the bill on November 14th and said, "I believe the restrictions in this Act will seriously inhibit this Government's effort to assure and enlarge the security of the free world. For 20 years we have recognized the link between that security and our own. We should not lose sight of it now."¹¹⁷

As previously described, in November and December 1967, the appropriations act proceeded through hearings, and conference committee deliberations, and was approved and sent to the President for signature. The forwarding memo from the Bureau of the Budget highlighted the cuts--44 percent in the loans for countries outside of Latin America, 27 percent in Alliance for Progress loans, 35 percent in military assistance--and pointed out that Congress had cut the program to "the lowest level in the 20 years since the Marshall Plan began." The memo went on to evaluate the Conte-Long amendments:

. . . these provisions present difficult policy and administrative problems. Among these

¹¹⁷"Foreign Assistance Act of 1967. Statement by the President upon Signing the Bill. November 15, 1967." Weekly Compilation of Presidential Documents, vol. 3, (20 November 1967), pp. 1569-1570.

difficulties are:

- the definition of "sophisticated" weapons;
- the extent of spending of the affected country for "sophisticated" weapons systems (we do not know this for all countries);
- the "base" aid level from which such military expenditures are to be withheld;
- whether to deduct spending under prior year contracts made before this enactment.

They will certainly increase the number and complexity of Presidential determinations as to our vital national security interests, especially for planned military credit and commercial sales programs, for Latin American (F-5 aircraft) and Arab countries.¹¹⁸

As a continuation of the reaction of the executive branch, it can be established that an honest effort was made to abide by the specifications of the Symington and Conte-Long amendments, even if the specifications were vague. In order to develop a framework to handle the problem, the State Department needed information on arms procurement by each lesser developed country. On January 27, 1968, the State Department sent a message to U.S. embassies in all

¹¹⁸Wilfred H. Rommel, Assistant Director for Legislative Reference, Bureau of the budget, Memorandum for the President, "Enrolled Bill H.R. 13893-- Foreign Assistance and Related Agencies Appropriations Act, 1968," Washington, D.C., 26 December 1967, pp. 1-3. Located in the National Archives, Washington, D.C.,

capitals of lesser developed countries and requested information for background information for implementation of both the Symington and Conte-Long amendments. Although the message admitted that the meaning of "sophisticated weapons systems" was not clear, it was at least a first step in a serious effort to fulfill the intent of the Congress.¹¹⁹

In order to continue this effort, the Senior Interdepartmental Group (SIG) assigned to the Agency for International Development (AID) the responsibility of preparing procedures for implementation of the Symington amendment. The SIG assigned to the State Department the responsibility for the Conte-Long amendment procedures. On January 25, 1968, AID announced the formulation of what became known as the Inter-Agency Symington Committee. In addition to State Department members, the AID Symington Committee consisted of representatives from Treasury, Agriculture, Arms Control and Disarmament Agency, the Joint Chiefs of Staff, and the Assistant Secretary of Defense for

Record Group 51. Records of the Bureau of the Budget, Legislative Reference Division, 1965-1968, Series 65.2. File on Public Law 90-249.

¹¹⁹U.S., Department of State, message #106007, date-time group 271657Z January 1968, pp. 4-5. Originally classified "Confidential." Declassified and released to the author through Freedom of Information Act request, 2 May 1978. On file at the Department of State.

International Security Affairs.¹²⁰ The committee's first meeting was on February 16, 1968, and by March 14th, an approved screening process had been devised.¹²¹ By March 21st, the State Department had also created a committee and a method for screening arms sales for possible violations.¹²²

The State Department's Conte-Long committee's functions were eventually accommodated within the normal functions of the member offices and were formally terminated. The Inter-Agency Symington Committee was disestablished on January 4, 1973.¹²³ However, the annual report is still submitted to the Congress by AID as required by the revised Section 620(s) of the

¹²⁰Rutherford M. Poats, Acting Administrator, Agency for International Development, memorandum, "Committee to Advise on Economic-Military Matters," Washington, D.C., 25 January 1968. On file in Agency for International Development.

¹²¹Paul G. Clark, Assistant Administrator for Program and Policy Coordination, Agency for International Development, memorandum, "Approved Symington Procedures and Criteria," Washington, D.C., 14 March 1968. On file in Agency for International Development.

¹²²Arthur D. Foley, Staff Director for Political-Military Group, Department of State, memorandum, "Conte-Long Procedures," Washington, D.C., 21 March 1968. On file in Department of State.

¹²³John A. Hannah, Director of Agency for International Development, memorandum, "Deactivation of the Inter-Agency Committee on Section 620(s)," Washington, D.C., 4 January 1973. On file in Agency for International Development.

Foreign Assistance Act of 1970. The report lists the evaluations of the performance of the lesser developed countries in economic and defense expenditures in light of the Symington and Conte amendments.

Later Evaluations and Complaints
By the Executive Branch

The Administration had a long list of complaints about the restrictive amendments. With a year's experience to draw on in attempting to implement the Conte-Long amendments, the Administration objected to the deliberate inflexibility of the limitations and termed them "self-defeating." To the State Department, this rigidity was evidenced in four primary ways. First, the concept of "sophisticated" did not take into account the type of equipment in the inventories of a nation's neighbors. Second, no allowance was made for valid security needs of potential recipients. Third, the only criteria permitted for exception was "importance to the national security of the United States."¹²⁴ Again, no allowance was made for the valid security needs of other nations nor was any

¹²⁴Arthur A. Hartman, U.S., Department of State, NSC Under Secretaries Committee, Memorandum, NSC-U/SM 9, "Discussion Memorandum for Meeting of Under Secretaries Committee on Conte Amendments," 4 April 1969, pp. 1, 7-8.

latitude given for consideration of U.S. interests other than national security. Four, the Conte-Long amendments assumed that the best solution was a simple case of either-or between defense and economic development.

Other problems were pointed out by the State Department. These included lack of information, the question of future penalty deductions and the costs of penalties to the U.S.¹²⁵ The first problem, lack of information, was immediately foreseen. The need for accurate information placed U.S. diplomats in the awkward position of approaching a host government for information, the intent of which possibly was to be used to apply a penalty against that government. It is small wonder that some governments were less than candid. The information needed to make a decision under the Conte-Long restrictions included the exact equipment involved, the amount to be paid, the time schedule for payments, the date of the agreement, and the method of payment.

A second problem area involved the issue of penalty deductions.¹²⁶ In applying a penalty, was

¹²⁵Ibid., pp. 8-10.

¹²⁶During interviews with State Department officials (not named in the bibliography), mention was made of the examples of two nations against which

the same amount as the purchase price to be deducted only from that fiscal year's total economic assistance? Or was the deduction to be parceled out over the series of repayments? A related question was what target amount was the penalty to be subtracted from? Also, what if the purchase did not involve funds but was a barter arrangement?

The application of penalties to technical assistance projects was a third problem. The State Department explained that technical assistance projects were long range in nature, required continuity to be effective, and involved U.S. technicians and experts working in the foreign countries. The cancellation of a project could cost the U.S. more than the amount of

penalties had been taken. In both cases, not in Latin America, as a result of arms purchases revealed through intelligence reports, deductions were made from the following year's economic assistance. However, because of the highly sensitive nature of the intelligence sources, these deductions were never revealed to the subject governments. Several years later it was learned that the information was erroneous. Just as quietly the amounts for economic assistance were increased for the next year.

Documentation on this subject was requested via the Freedom of Information Act in an effort to display the ludicrous effect of sanctions against a government which is unaware it has been the subject of such penalty. However, because of a desire not to exacerbate present relations between the U.S. and the two countries, the request was denied. Nevertheless, it reveals the type of problems involved in obtaining detailed information on a foreign government in an attempt to apply the Conte-Long amendments.

the penalty it was trying to impose. After the penalty period was over, an additional expense was involved in restarting the project. The disruption to the U.S. personnel and the companies involved often caused contractual problems.¹²⁷

The Administration's drum-fire against the restrictions continued. Armistead Selden, while serving as Deputy Assistant Secretary of Defense for International Security Affairs, said that the restrictions "impeded our traditionally friendly relations with the Latin American military. This situation has helped Communist nations to gain access to the Latin American military."¹²⁸

Other Administration officials added their condemnation. Deputy Assistant Secretary of Defense William Lang testified:

I think it would be fair to say that legislation, such as the Conte Amendment, has hurt our relations with Latin America. You will recall that the Conte Amendment says, in effect, to the lesser developed countries of the world that they shall not acquire sophisticated equipment, such as jet aircraft, unless we determine it to be important to our national security that they acquire such equipment. This has had a

¹²⁷ Arthur A. Hartman, U.S., Department of State, Memorandum No. NSC-U/SM 9, dated 4 April 1969, p. 10.

¹²⁸ Armistead I. Selden, Jr., "Latin American Problems of Concern to the United States," Commanders Digest, 25 November 1971, p. 2.

substantial negative effect in terms of our relationships with the Latin American countries.

. . . it might help to understand why the larger countries of Latin America--Brazil, in particular, which fought with us in two world wars--are going to again react in a negative fashion.

[The Conte amendment] creates an antagonistic reaction within the Latin American countries because of what they consider to be a very paternalistic attitude on our part trying to judge what is best for them. We know what motivated the sponsors of the amendment, and why the Members of the Congress voted for it. But the Latin Americans look at it through a different end of the telescope, particularly when they see that the sponsors of the amendment have made it crystal clear that they were aiming the restrictions primarily at Latin America.¹²⁹

Another State Department spokesman reiterated the Administration's support for the basic motivation of the Conte-Long amendment. This was given as preventing lesser developed countries from diverting resources from social and economic development to the purchase of unnecessary arms. In the area of modern aircraft, however, he explained that if the U.S. was not forthcoming, then much more capable and expensive planes would be purchased elsewhere. The second area of concern to the Administration was "the cost to our political relations with these countries of our

¹²⁹U.S., Congress, House, Committee on Foreign Affairs, New Directions for the 1970's: Toward a Strategy of Inter-American Development, Hearings, before the Subcommittee on Inter-American Affairs, 91st Cong., 1st sess., 1969, pp. 517, 534.

continued inability to supply aircraft which they consider reasonable and necessary for the modernization of their forces."¹³⁰

The Assistant Secretary of State for Inter-American Affairs continued the criticism:

The marginal nature of our influence means, however, that its long-term cumulative effect can be very great--if it is exercised quietly, wisely and consistently. Our foreign affairs managers are always being called upon to "use influence vigorously" in order to effect some occurrence in Latin America. The call may occasionally be justified. More commonly it is a call to do something emotionally satisfying now at the expense of our long-term capacity to get a mutually acceptable solution. The origins to many current problems lie beyond rationality, and their treatment by diplomatic logic--let alone threats of force--may delay effective resolution dangerously.

The case of Latin American military expenditures could become an outstanding example of short-term satisfaction versus long-term accomplishment. Congress has, through directives having the force of law, tied development assistance to military austerity on the part of the recipient. The objective is admirable, and it is rather widely shared by foreign policy-makers in Latin American executive branches. But the tactics are deplorable.¹³¹

¹³⁰ John H. Crimmons, as quoted in U.S., Congress, House, Aircraft Sales in Latin America, Hearings, before the Committee on Foreign Affairs, 91st Cong., 2nd sess., 1970, p. 3. Mr. Crimmins was serving as Deputy Assistant Secretary of State for Inter-American Affairs.

¹³¹ Covey T. Oliver, "Foreign Affairs and Human Relations with Latin America," Foreign Affairs, vol. 47 (April 1969), pp. 523-524.

As previously mentioned, Nelson Rockefeller, at the request of the President, made a series of tours of Latin America in 1969 to make an assessment of the conditions and to report back to the President. In his report, Mr. Rockefeller recommended that the United States adopt a "national policy objective" to "cooperate with other nations of the Western Hemisphere in measures to strengthen internal security." In his recommendations to achieve this objective, he specifically mentioned the primary restrictions.

The Executive Branch should seek modification of the Conte and Symington amendments to permit the United States to sell aircraft, ships and other major military equipment without aid cut penalties to the more developed nations of the hemisphere when these nations believe this equipment is necessary to protect their land, patrol their seacoasts and airspace, and otherwise maintain the morale of their forces and protect their sovereignty. Realistically, if the United States doesn't sell such equipment, it will be purchased from other sources, east or west, and this would not be compatible with the United States' best interests.

. . . Each country should be permitted to buy such equipment through purchase orders placed with the United States Defense Department through the Military Assistance Program, in order that each country may get full value for its military investment, more reliable delivery dates, and better maintenance.¹³²

¹³² Nelson A. Rockefeller, Quality of Life in the Americas. Report of a U.S. Presidential Mission for the Western Hemisphere. Reprint by Agency for International Development. Washington, D.C.: Government Printing Office, 1969), pp. 52, 54-55.

In this brief review, it can be seen that despite its opposition to restrictions on its freedom of action, the executive's policy was largely aligned with that of the Congress as reflected in the Symington amendment. So much so that the final wording of the amendment is as recommended by the Administration. It can also be seen that the Conte-Long amendments posed a much more serious problem for the Administration. Despite its opposition, when the amendments became law, the executive branch quickly readied the administrative machinery to handle its business in accordance with the new laws.

Because the issue of Peru's purchase of Mirage fighters was so central to the arms transfer controversy, it will be examined next as a review of the Administration's handling of this case within the confines of the new congressional limits.

In 1963, Fernando Belaunde Terry was elected as president of Peru in a democratic election which brought a constitutional government to power. The advent of his government also brought great hopes for accelerated social progress and economic development in a role envisioned by the U.S. as a model government in the overall plan of the Alliance for

Progress.¹³³ He was described by Senator Frank Church as being "a man who qualified as a true Alliance for Progress president."¹³⁴ By 1968, however, he was involved in difficult controversies, such as repayment of large government loans, inflation, and a 40 percent currency devaluation. A final crisis led to a coup on October 3, 1968. This crisis was an outgrowth of the controversy surrounding the expropriation of the International Petroleum Company (IPC).¹³⁵ Adding to Peru's problems at the time, was the dispute over the purchase of either F-5 jet fighters from the U.S. or Mirage jets from France.

The issue of Peru and the Mirages was a critical issue during the congressional discussions of the restrictions on arms transfers and seemed to become a test case after the restrictions became law.¹³⁶ It can now be seen that as early as January 15, 1968, the

¹³³U.S., Department of State, Peru Desk, "U.S. Aid to Peru Under the Alliance for Progress," in Daniel Sharp, ed., U.S. Foreign Policy and Peru (Austin: University of Texas Press, 1972), p. 423.

¹³⁴U.S., Congress, Senate, 91st Cong., 2nd sess., 10 April 1970, Congressional Record, vol. 116, p. 11212.

¹³⁵David Scott Palmer, Peru. The Authoritarian Tradition (New York: Praeger, 1980), pp. 98-99.

¹³⁶The Conte-Long amendments became law on 2 January 1968 when the Foreign Assistance Appropriations Act was signed by President Johnson.

State Department had decided to postpone all pending and proposed loans and assistance to Peru because of its undetermined status under the new Symington and Conte-Long amendments.¹³⁷ This disagreement over military aircraft was merely new salt in an old wound between the U.S. and Peru--the problem of the International Petroleum Company. The U.S. executive branch had quietly restricted loans and aid to Peru for several years in the past to bring pressure to bear in order to force a solution to this long-standing issue.¹³⁸ This new delay was to continue, pending the achievement of an understanding between the U.S. and Peru as to Peru's intentions in avoiding future unnecessary military expenditures for sophisticated aircraft. The U.S. ambassador, John Wesley Jones, was directed by the State Department, via a telegram,

¹³⁷ U.S., Department of State, message, number 100372 of 18 January 1968 to American Embassy, Lima, Peru, pp. 1-3. Originally classified "secret." Declassified and released to the author through Freedom of Information Act request of 3 February 1978. On file at Department of State.

¹³⁸ Richard N. Goodwin, "Letter from Peru," The New Yorker, 17 May 1969, p. 60. This account provides fascinating details on the background of the IPC controversy, the Mirage purchase, and the events following President Belaunde Terry's overthrow. Also see, U.S., Congress, Senate, United States Relations with Peru, Hearings, before the Committee on Foreign Relations, 91st Cong., 1st sess., 1969.

to inform President Belaúnde Terry of the various aspects of the contemplated delays in U.S. assistance. Because of the second Symington amendment, which applied to the operations of the Inter-American Development Bank (IADB) loans, the ambassador was to inform the President that the U.S. had decided to request postponement of a scheduled vote on a proposed IADB loan to Peru "in order to avoid [a] public negative vote." The State Department suggested a "high level emissary" visit to Peru to discuss further these problems with the Peruvian president. Additionally, concerning the purchase of the Mirages, the ambassador was told, "You may wish to point out [to President Belaunde] that news of this diversion of Peru's scarce resources was a major factor in inducing introduction and approval of Symington and Conte-Long amendments."¹³⁹ It seemed that the Peruvians were to be saddled with the guilt and were to be blamed for the Administration's frustrations over being hobbled by the congressional restrictions.

Ambassador Jones immediately replied to the State Department that a "high level emissary" would be welcome and necessary to "discuss potentially harmful situation created" by the new amendments. He

¹³⁹U.S., Department of State, message of 18 January 1968, pp. 1, 3.

recommended that the high level person be Mr. Walt Rostow, President Johnson's Special Assistant for National Security Affairs. Mr. Rostow had made an earlier visit to Peru in an attempt to reach a solution to the IPC question. Ambassador Jones continued by stressing that, "We must spare no effort [to] reach understandings which will not rule Peru out of Alliance for Progress."¹⁴⁰

Secretary of State Rusk had his own views on whom the emissary should be and recommended to the President that it be Ralph Dungan--Rusk's first choice--because he would be "helpful in convincing Senate and House liberals behind the Amendments" who were "skeptical that we are taking them seriously." Mr. Rusk's second choice was Covey T. Oliver, Assistant Secretary of State for Inter-American Affairs. Mr. Oliver was second choice because he "would do as well with the Latins but--because of his position--will be less persuasive on the Hill." It was pointed out that "in selecting an emissary we must keep in mind that his effectiveness on the Hill will depend on his

¹⁴⁰ U.S., Department of State, American Embassy, Lima, Peru, message, number 3157, date-time group 192122Z, January 1968 to Secretary of State, Washington, D.C., pp. 1-2. Originally classified "Confidential." Declassified and released to the author through Freedom of Information Act request of 3 February 1978. On file at the Department of State.

ability to persuade the liberals."¹⁴¹ In the end, Assistant Secretary Oliver made the trip to Lima and other Latin American capitals to discuss the new U.S. policy of restrictions. The implications of this selection process of a government spokesman showed that there was an awareness and a serious concern in the executive branch over how to satisfy the liberals in the legislative branch.

At the end of January, the State Department sent a telegram to U.S. embassies in all countries receiving U.S. economic or military assistance. The purpose was to request information on host countries' military expenditures, to give background information, and to explain the new amendments. The message stated, "It is U.S. policy to discourage arms races, wasteful military expenditures and diversion of scarce resources from development, and to use foreign

¹⁴¹Dean Rusk, Secretary of State, Memorandum for the President, "Special Emissary to Discuss Latin American Arms Policy," dated 6 February 1968, Washington, D.C., pp. 1-2. Originally classified "secret." Declassified and released to the author through Freedom of Information Act request of 3 February 1978. On file at Department of State. Mr. Dungan was the former U.S. Ambassador to Chile from 1964 to 1967. The recommendation for Mr. Dungan to be the U.S. emissary is interesting because of his sharply critical views of arms transfers to Latin America. Note his testimony in U.S., Congress, Senate, United States Military Policies and Programs in Latin America, Hearings, before the Committee on Foreign Relations, 91st Cong., 1st sess., 1969, pp. 3-13.

assistance programs where appropriate as means of promoting that policy." Concerning the Symington amendment, the message stated, "Administration gave amendment full support." Concerning the Conte-Long amendments, the message said they applied "technically to contracts entered into after January 1, 1968, although we would reserve policy option of imposing penalties for earlier contracts in certain circumstances--for example, where USA [U.S. government] had registered objections prior to conclusion of contract."¹⁴² From the now declassified documents, it is obvious that by the time of the January 27th message, the decision had already been made in Washington to withhold the loan from Peru. This "reservation of rights" to apply the sanction retroactively was an interesting new rule formulated to use later in publicly justifying the termination of the loan.

In response to this request for information, Ambassador Jones replied:

We believe we have discussed this subject so much and so long with the GOP [Government of Peru] that a further approach to GOP not only unwise but nonproductive. . . . In contacts at highest levels Peruvian Government loan

¹⁴²U.S., Department of State, message, date-time group 271657Z, January 1968, pp. 3-6.

offer of 40 million became involved and made subject condition cancel Mirage purchase. Failure to stop French sale has resulted in U.S. Executive Branch administrative determination not to proceed with program loan. . . . In addition attempt was made to use Declaration of Presidents at Punta del Este against unnecessary military expenditures to block French Mirage purchase.

It is clear that we must recognize here in Peru all points suggested . . . have been made and are known by the Peruvian Government but are deemed not sufficiently valid to overcome firm decision Peruvian armed forces proceed with modernization and equipment after several years of delaying equipment replacement. This is considered by military as essential to Peru's security, a view not opposed by anyone and vigorously supported by many.¹⁴³

Only a month after the foreign aid appropriation bill was signed by the President and the Conte-Long amendments became law, a State Department memorandum summed up its views of the restrictive amendments.

While Congress seemed clear in its intent, we do not believe that individual sponsors of these amendments foresaw the particularly difficult and perhaps destructive consequences which might flow from their implementation in specific cases.¹⁴⁴

¹⁴³U.S., Department of State, American Embassy, Lima, Peru, message, date-time group 011715Z, February 1968 to Secretary of State, Washington, D.C., pp. 1-2. Originally classified "Confidential." Declassified and released to the author through Freedom of Information Act request of 3 February 1978. On file at Department of State. The exact amount of the loan involved is unclear. It is reported in various sources as \$30 million, \$37 million, and \$40 million.

¹⁴⁴U.S., Department of State, Memorandum for Mr. Walt W. Rostow, The White House, "National Security Council Discussion of Conte-Long and Symington

Perhaps the "destructive consequences" were not foreseen, but perhaps they were. Perhaps because of a lessened appreciation for U.S. security interests in Latin America, other interests achieved dominance. Perhaps in the pursuit of some select interests, it was worth "destructive consequences" to other interests if U.S. security was not involved.

The State Department memorandum pointed out that President Belaúnde of Peru did not have the political strength to ignore the demands of the Peruvian air force for new planes. A planned coup was reported during the previous December because of dissatisfaction with the President's attempts to slow down new purchases of equipment and the handling of the IPC problem. It was also pointed out that the Peruvian legislature had overwhelmingly voted the authorization for the new equipment.¹⁴⁵ The Mirage purchase was an extremely popular undertaking in Peru. Not only was it supported by the armed forces, the Congress, and

amendments to the Foreign Assistance Act and the Symington Amendment to the Inter-American Development Bank Act," Washington, D.C., 6 February 1968, Tab B., p. 1. Originally classified "confidential." Declassified and released to the author through Freedom of Information Act request of 3 February 1978. On file at Department of State. The author's Freedom of Information Act request to the National Security Council was denied for the records of the National Security Council discussions of the new restrictive amendments.

¹⁴⁵Ibid., Tab C, p. 7.

the opposition party but also the Catholic Church. The Archbishop of Lima attended the arrival of the first Mirages and gave them his blessing.¹⁴⁶ Therefore if the U.S. was going to counter the Peruvian current, it would have to convince President Belaúnde to stand firm against demands for new planes. It also would have to persuade the Peruvian air force and the Peruvian Congress to reverse their decisions to obtain modern military aircraft. This would have taken a high order of persuasion.

One can measure the popularity of the Mirage purchase by the Peruvian reaction to the disclosure of the U.S. loan cut-off. The sanction was revealed in May in an article in the New York Times and caused an uproar in Peru.¹⁴⁷ The Peruvians were enraged. For example, in retaliation for the U.S. decision, a motion was entered in the Peruvian senate to cancel all Peruvian debts to the U.S., expropriate all U.S. mining concessions, and nationalize all companies owned by U.S. interests. The New York Times reported

¹⁴⁶John Goshko, "Liberals Among Latin Bishops Seek Condemnation of Militarism," Washington Post, 2 September 1968, p. A21:3.

¹⁴⁷Benjamin Welles, "U.S. Ends Peru Aid in Censure Move," New York Times, 17 May 1968, p. 1:8.

that "rarely in her history have Peru's political groups shown such unity."¹⁴⁸

Punishment of Peru is a consideration and a possible motive on the part of Congress as well as a sacrifice by the executive branch as a demonstration for congressional consumption. Concerning the restrictions at the time, the State Department stated, "While Congress was clear on the penalties to be applied, we assume that punishment was not the primary motive."¹⁴⁹ If not the primary motive, by implication it was a secondary motive as inferred by the State Department. Yet, Peru was the only country to be punished retroactively under the provisions of the Conte-Long amendments. The Mirage sale was consummated in the fall of 1967, but the amendments did not become law until January 2, 1968. If punishment was not the purpose, then the motive is not clear. Certainly the State Department's assumption can be questioned.

The punishment of Peru, during this same time period, is even more exceptional when compared with the handling of two other questions concerning

¹⁴⁸ Malcolm W. Browne, "Peruvians Angry Over U.S. Aid Ban," New York Times, 17 May 1968, p. 7:1.

¹⁴⁹ U.S., Department of State, Memorandum for Walt W. Rostow, 6 February 1968, Tab C, p. 3.

the retroactive application of the amendments. Prior to the enactment of the amendments, two sales of F-5 fighters had been consummated--one to Ethiopia and one to Morocco. It was proposed by the State Department that these two cases be handled by reprogramming loan funds for the aircraft purchases and that the leftover funds from the fiscal year 1967 budget be used. In other words, the planes would be financed with 1967 funds, and the originally targeted 1968 funds would be used to reimburse the depleted 1967 account. In this way, no technical conflict was encountered with the intent of Congress. This procedure was even more unique because it was worked out in Congressman Conte's office with his concurrence.

The Congressman was informed the planes for Ethiopia were a quid pro quo for the Navy Communications Station at Kagnew. The planes for Morocco were to counter the Soviet build-up in Algeria because of Morocco's strategic location at the entrance to the Mediterranean and also because the U.S. had an important communication state there.¹⁵⁰

¹⁵⁰U.S., Department of State, Memorandum of Conversation, "Application of the Conte-Long Amendments: F-5's for Ethiopia and Morocco," Washington, D.C., 11 March 1968. Originally classified "Confidential." Received through Freedom of Information Act of 3 February 1978. On file at the Department of State. In addition to Congressman Conte, the

In the case of Peru, there was no quid pro quo involving U.S. national security interests; therefore, the punishment of \$40 million was imposed for the purchase of foreign jets. Actually, the F-5's for Ethiopia were financed with fiscal year 1967 funds through reprogramming. In the case of the F-5's for Morocco, a presidential determination, as was provided for in the amendment, was made, and it was decided that the sale of planes to Morocco was "important to the national security of the United States."¹⁵¹ In this way, the planes were financed through appropriated funds. As a result of these different devices, a conflict between the executive and the law was avoided even when the purchases involved the same type of aircraft originally requested by Peru but refused by the U.S. The State Department acknowledged that the Mirage purchase had occurred prior to the amendments, but "as a matter of policy," the decision was made to withhold the loan.¹⁵²

participants were Joseph Palmer, II, Assistant Secretary of State for African Affairs; William E. Lang, Deputy Assistant Secretary of Defense for International Security Affairs; and John S. Leahy, Congressional Relations Office, Department of State.

¹⁵¹Foreign Military Sales Act of 1968, Statutes at Large, vol. 82 (1969), p. 1323.

¹⁵²U.S., Department of State, Memorandum for Walt W. Rostow, 6 February 1968, Tab C, p. 6.

In effect, since U.S. national security interests were not involved, the executive branch decided to sacrifice the constitutional democracy of Belaúnde's Peru to undetermined fate in order to placate congressional liberals from possibly enacting further restrictions. The executive decided it had to "convince the members of Congress" that the amendments were being taken "seriously."¹⁵³

In order to provide a sense of balance to the issue, it is worthwhile to review briefly comments and criticisms provided at the same on the subject of the restrictions. As the debate increased in the Congress and the press over the United States arms trade, the differing views of two of the nation's leading newspapers provide a stark contrast. On the one hand, the New York Times supported more congressional restrictions:

Some members of Congress are beginning to ask searching questions about America's

¹⁵³U.S. Department of State, Memorandum for Walt W. Rostow, The White House, 6 February 1968, Tab B., p. 1.

Government-sponsored, booming international arms business. It's about time. A series of events in recent years has cast serious doubt on some of the basic assumptions that underlie the arms aid and sales programs. In a number of situations, it is clear that the decision to sell or give American arms has done more harm than good to the interests of the United States.

. . . the search for alternatives, such as arms limitation and the development of effective United Nations peace-keeping forces, must be pressed with vigor and imagination. To continue to peddle arms with the reckless enthusiasm that has characterized American policy in the recent past is to settle for a solution to the problem of international insecurity that is demonstrably self-defeating.¹⁵⁵

On the other hand, the Los Angeles Times took the opposite view and stated:

Members of Congress who should know better seem determined to hamstring the Executive Branch in its handling of delicate foreign policy situations. The lawmakers' motives are good, but their actions are nonetheless unwise and potentially dangerous to the U.S. national interest. . . . The congressional moves are well intended. They grow, for one thing, out of a growing conviction that the United States should avoid allowing military aid programs to get this country committed to any more Vietnam-type situations. They also reflect a feeling that the arms are used, all too often, for purposes at odds with overall U.S. foreign policy. Pakistan's use of American weapons against India, and the similar employment of U.S. arms against Israel by Jordan are typical of the problem. Finally, many lawmakers feel that the Pentagon has used the device of "Country-X" loans from the Ex-Im to make arms deals without the knowledge of Congress. All three concerns are legitimate. If the current

¹⁵⁵"Feeding the Arms Race," New York Times, 24 July 1967, p. 26:2.

furor induces the Administration to take a more skeptical and hard-eyed view of arms purchase requests, and to keep Congressional committees properly informed, a useful purpose will have been served. It would be a mistake, nevertheless, for Congress to write rigid restrictions that would endanger the intelligent and flexible conduct of foreign policy. As the Middle East crisis and renewed guerrilla fighting in Latin America demonstrate, this is still a dangerous world. There are many cases where supply of U.S. weapons is vitally important. And, in some instances, the transactions cannot be broadcast from the rooftops. It should be remembered that there has been no massive increase in the flow of U.S. arms to developing countries. But weapons which previously were given away are now sold--with a credit boost from the Ex-Im. The taxpayers benefit thereby.

Congress is not qualified to legislate the details of foreign policy implementation, and shouldn't try.¹⁵⁶

In assessing the numerous criticisms of the congressional restrictions on arms transfers to Latin America, a surprising aspect emerges. Some of the most severe critics of U.S. arms transfers to Latin America were also critical of the congressional restrictions on those transfers. Their evaluation is also probably a much more meaningful and valid condemnation of the entire framework of the congressional limitations on arms transfers which was unbalanced against Latin America. Their criticism is more significant because even though they disapproved of arms transfers themselves, they were sensitive to the

¹⁵⁶"Congress Misguided on Arms," Los Angeles Times, 31 July 1967, Part II, p. 4:1.

predominantly negative repercussions, ineffectiveness, and inappropriateness of the congressionally-imposed limitations which served to reduce the transfers. In other words, they realized the restrictions were the wrong means to the same ends.

One example of this, is the case of David Bronheim. From 1965 to 1967, he served as Deputy U.S. Coordinator for the Alliance for Progress and later held the position of Director, Center for Inter-American Relations in New York from 1968 to 1970. In a 1972 article, he severely criticized the arms transfers and derided all of the basic reasons given by the Congress and the executive branch for transferring arms to Latin America. In conclusion, however, his recommendations included a call for "a clear general rule permitting most Latin American countries to buy on commercial terms most weapons in whatever amounts their domestic political process budgets." He said it should be made clear that the U.S. would not "meddle in the domestic process of deciding how much arms are necessary."¹⁵⁷

¹⁵⁷David Bronheim, "U.S. Military Policies and Programs in Latin America," in Yale H. Ferguson, ed., Contemporary Inter-American Relations. A Reader in Theory and Issues (Englewood Cliffs, N.J.: Prentice-Hall, 1972), p. 346. On 15 May 1978, Mr. Bronheim became the Assistant Administrator of the Agency for International Development.

A second example is reflected in the remarks by Senator Frank Church, who served as Chairman of the Senate Foreign Relations Subcommittee on Western Hemisphere Affairs and was a long-term critic of arms transfers to Latin America. As a result of the hearings held by his subcommittee in 1969, the Senator concluded that "on balance our military assistance program in Latin America has resulted in a net loss to the United States." It is notable that at the same time he concluded that:

. . . we have interferred too much. We have insisted upon our right to decide what these countries should do, including the purchase of military equipment, to the degree that we have even sought to penalize them, when they decided differently, and I think that this has exacerbated our relationships.¹⁵⁸

The next year Senator Church continued the same theme on Latin America. He castigated the U.S. system of grant arms transfers as a "shabby business" but continued on to condemn the series of restrictions which had been built-up by Congress. In his speech he condemned the congressional restrictions several times:

The trouble with attaching such penalties to the aid program is that, although they might give

¹⁵⁸ U.S., Congress, Senate, United States Military Policies and Programs in Latin America, Hearings, before the Committee on Foreign Relations, 91st Cong., 1st sess., 1969, pp. 88-89.

us some emotional satisfaction, they do not stop the behavior against which they are aimed. What is worse, they provide a series of diplomatic showdowns that corrode, weaken, and eventually destroy good relations . . . as these punitive sections have been added, as we have intervened more and more, trying to direct and instruct our Latin neighbors as to what action they should take in given cases, difficulties have been compounded, and indignation toward the United States has grown.¹⁵⁹

After completion of Senator Church's speech, Senator Fred R. Harris (D-OK) supported Senator Church's views and added the example of the negative effects of the U.S. cutoff of aid to Peru. Senator Church remarked that the illustration of the case of Peru pointed up the "unfortunate tendency of our government to equate our national interest in any given foreign country with the narrow interest of some particular group of U.S. investors."¹⁶⁰

The views of Dr. Abraham Lowenthal are a third example of this type of evaluation. He found fault with the system of arms grants; yet at the same time, disapproved of the congressional restrictions. Dr. Lowenthal assessed the military assistance program as being "worse than ineffective" and as a "dismal"

¹⁵⁹ Frank Church, "Toward a New Policy for Latin America," U.S., Congress, Senate, 91st Cong., 2nd sess., 10 April 1970, Congressional Record, vol. 116, pp. 11212, 11214, 11215.

¹⁶⁰ Ibid., p. 11216.

failure.¹⁶¹ Nevertheless, he spoke out against the automatic unilateral economic sanctions because they were inappropriate between sovereign nations, exacerbated any dispute they were supposed to help resolve, and undermined the construction of friendly relationships. He also condemned the U.S. actions which manipulated the Inter-American Development Bank "to support narrow U.S. political and economic interests."¹⁶²

The period 1967 to 1969 witnessed an unusual surge in congressional restrictions on conventional arms transfers. This new trend was to continue. Next, the restrictions developed during the remainder of the decade, through 1976, will be reviewed.

¹⁶¹ Abraham F. Lowenthal, "Alliance Rhetoric Versus Latin American Reality," Foreign Affairs, vol. 48 (April 1970), pp. 499, 506.

¹⁶² U.S., Congress, Senate, U.S. Relations with Latin America, Hearings, before the Committee on Foreign Relations, 94th Cong., 1st sess., 1975, pp. 122-123.

CHAPTER V

THE CONGRESSIONAL RESTRICTIONS

FROM 1970 TO 1976

By 1970, the greater part of the most significant restrictions on arms transfers to Latin America had been enacted. In the three years, from 1967 to 1969, orientations had been set, policies fixed, convictions solidified, concepts aligned, congressional enemies identified, and allies selected. During the remainder of the decade--until 1976--there were elements of continuity as well as trends toward change in the composite attitude of Congress. Some of these applied toward arms transfers to Latin America, specifically; some applied inadvertently; and some pertained to the arms transfers in general.

One general thread of continuity was a congressional dislike for the granting of arms and the Military Assistance Program. Gradually, year by year, Congress came closer to eliminating the program completely. Another consistent strand was a steady increase in congressional assertion of its control of foreign policy through the legislation

of specifications to be applied to both the grant and the sale of arms and defense services.

As Congress became more concerned about the political repercussions of arms transfers, it prescribed more limitations on the executive and became more involved not only in the setting of policy parameters but also in the oversight of ongoing transactions. As this oversight grew, one element of change was seen in the relaxation of specific monetary restrictions on Latin America. The change was in the regional ceilings of grants and sales. The sales limit was increased, then waived by the President, then both limits were removed altogether by the Congress.

In this chapter, the congressional restrictions which applied to Latin America and those which largely affected the region will be reviewed. These restrictions primarily involved a more restrictive limit on grants, a reduction in the number of military advisors, and a reduction in the number of countries eligible for assistance. The regional ceilings on grants and sales of arms to Latin America were raised and then removed. Additionally, the issue of human rights became a criteria for eligibility for receipt of arms.

In 1970, because of problems of interpretation, the Pelly amendment regarding fishing vessels was altered. As originally written in 1969, the penalty was undefined and could be interpreted to mean an absolutely permanent cutoff of assistance. The new version specified a one-year moratorium. Mr. Pelly's original amendment called for sanctions against a country who seized "an American fishing vessel engaged in fishing more than twelve miles from the coast." As revised, the restriction read:

No sales credits, or guaranties shall be made or extended under this Act to any Country during a period of one year after such country seizes, or takes into custody, or fines an American fishing vessel for engaging in fishing more than twelve miles from the coast of that country. The President may waive the provisions of this subsection when he determines it to be important to the security of the United States or he receives reasonable assurances from the country involved that future violations will not occur, and promptly so reports to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate. The provisions of this subsection shall not be applicable in any case governed by an international agreement to which the United States is a party.¹

Senator Fulbright again entered the Latin American picture in 1970 with the offer of an amendment to reduce

¹Foreign Military Sales Act Amendments, Statutes at Large, 1971, vol. 84, sec. 1, pt. 2 (1971), p. 2053.

the grant of arms from \$25 million to \$10 million. It is to be recalled that in 1969 he had suggested the cut-off of all grant military aid to Latin America. His suggestion resulted from his anger over U.S. arms being used by both sides in the El Salvador-Honduras football war. As approved, his amendment read:

Except as otherwise provided in this section, the value of defense articles furnished by the United States Government under this Act to Latin American countries shall not exceed \$10,000,000. Not to exceed \$25,000,000 in value of defense articles may be furnished under this part on a cost-sharing basis to an inter-American military force under the control of the Organization of American States.²

The new restriction also allowed up to \$25 million for an Inter-American military force. This had been suggested previously but had been steadfastly ignored by the Latin Americans.

A separate amendment of that same year was written for general application and certainly applied to the Middle East. However, in Latin America it was interpreted to pertain largely to that region. It read:

Decisions to furnish military assistance made under this part shall take into account whether such assistance will--

²Foreign Assistance Act of 1971, Statutes at Large, vol. 86, sec. 201(e), (1973), p. 25.

- (1) contribute to an arms race;
- (2) increase the possibility of outbreak or escalation of conflict; or
- (3) prejudice the development of bilateral or multilateral arms control arrangements.³

An element of continuity during these years was the low opinion Congress held for the Military Assistance Program and its system of military advisors. It was often pointed out that the U.S. involvement in Vietnam started with the sending of these advisors to the area. As an indication of this skeptical judgment on the part of Congress, it was specified in 1971 that the number of personnel assigned to such military aid missions be reduced by 15 to 25 percent between September 30, 1971 and September 30, 1972.⁴

Another element of continuity in the congressional policy was the doubt and anxiety over the results which might evolve from the transfer of weapons. This continuity of discontent is indicated by the 1973 amendment which further lowered the number of countries eligible for grant assistance from 40 to 31.⁵ This was followed in 1974 by the call for the end of the program. It was the sense of Congress that:

³Ibid.

⁴Ibid.

⁵Foreign Assistance Act of 1973, Statutes at Large, vol. 87, sec. 12(b)(2) (1974), p. 721.

. . . the policies and purposes of the military assistance program . . . should be reexamined . . . and that the program, except for military education and training activities, should be reduced and terminated as rapidly as feasible consistent with the security and foreign policy requirements of the United States.⁶

The number of eligible countries was again lowered to 20 for the fiscal year 1976 and to 12 for the fiscal year 1977. Among these aforementioned countries, eight were specifically named by Congress as eligible recipients, none of which was in Latin America.⁷ The eight countries were: Greece, Indonesia, Jordan, Korea, the Philippines, Thailand, Turkey, and Ethiopia. Even if it had been desired, the numbers specified and the eight countries named left little room for flexibility by the Administration to include any of the Latin American countries in the grant assistance program. In 1976, the Congress continued the trend by setting the termination date of September 30, 1977 for the Military Assistance Program. Although the formal program was to be phased out, Congress could still authorize grants to countries of

⁶Foreign Assistance Act of 1974, Statutes at Large, vol. 88, sec. 17, pt. 2 (1976), p. 1800.

⁷International Security Assistance and Arms Export Control Act of 1976, Statutes at Large, vol. 90, sec. 101, pt. 1 (1978), p. 729. It should be noted that this act changed the former name "Foreign Military Sales Act" to "International Security Assistance and Arms Export Control Act."

its choosing. Congress had said the grant program should be terminated as "consistent with the security and foreign policy requirements" and then defined which countries were important to those requirements. Congress had made it clear that as far as the grant of arms was concerned, Latin America was not included in the serious security interests of the United States.

The separate limit on arms grants to Latin America was repealed by the Foreign Assistance Act of 1973. This act also raised the aggregate limit on sales, grants and loans from \$100 million to \$150 million.⁸ In 1974, the \$150 million limit was removed completely.⁹

In line with the previous congressional practice of asserting itself in the making of foreign policy, the Congress continued to set limits or to prescribe executive reaction to certain events. Although there was no change in direction, the new restrictions might even be described as an acceleration in the direction of congressional control. By 1974, this evolved into direct oversight of the ongoing operations

⁸Foreign Assistance Act of 1973, Statutes at Large, pp. 722, 731.

⁹Foreign Assistance Act of 1974, Statutes at Large, p. 1815.

of the Administration's execution of foreign policy. This oversight prerogative was contained in the amendment offered by Senator Gaylord Nelson (D-WI) and Representative Jonathan B. Bingham (D-NY):

In the case of any letter of offer to sell any defense articles or services under this Act for \$25,000,000 or more, before issuing such letter of offer the President shall submit to the Speaker of the House of Representatives and to the Chairman of the Committee on Foreign Relations of the Senate a statement with respect to such offer to sell. . . . The letter of offer shall not be issued if the Congress, within twenty calendar days after receiving any such statement, adopts a concurrent resolution stating in effect that it objects to such proposed sale, unless the President in his statement certifies that an emergency exists which requires such sale in the national security interests of the United States.¹⁰

In 1976, Congress continued its drive to gain control of the foreign policy process. This can be seen in the development of legislation which had as a goal the enhanced congressional control over the programs dealing with the transfer of arms and related services. Its passage was not easy, but the earnestness with which the Congress fought for it, is indicative of the importance that was placed on

¹⁰ Ibid., pp. 1814-1815. This act also prescribed termination of military assistance to Chile. For additional background on U.S. actions, see U.S., Congress, Senate, Select Committee to Study Governmental Operations, with Respect to Intelligence Activities, Covert Actions in Chile, 1963-1973, Staff Report, 94th Cong., 1st sess., 1975.

on the legislation and the increased control sought by Congress over foreign policy and the executive.

The legislation originated in the Subcommittee on Foreign Assistance of the Senate Foreign Relations Committee. The subcommittee chairman was the former Vice President, Senator Hubert H. Humphrey (D-MN). He said at the time that the legislation was necessary because heretofore all manner of arms transfers had taken place in a "policy vacuum." He also said that because of "a new attitude and a new perspective," the Congress now "insisted upon sharing in the policy formulation of our foreign policy" which was a considerable change from habits developed in previous years.¹¹ The objectives of the bill were listed as follows:

1. Shift the focus of U.S. arms sales policy from that of selling arms to controlling arms sales and exports.
2. To provide the Congress with additional information about government arms sales actions.
3. To provide the public with more information about government arms sales actions.

¹¹Hubert H. Humphrey, "United States Arms Transfers," Lecture, School of Advanced International Studies, The Johns Hopkins University, Washington, D.C., 5 February 1976. A tape recording of his remarks is in the possession of the author. An edited version of his remarks is contained in "The Arms Transfer Problem," U.S., Congress, Senate, 94th Cong., 2nd sess., 17 February 1976, Congressional Record, vol. 122, pp. 3372-3372.

4. To reduce significantly the number of military grant assistance programs and U.S. military missions abroad over the next year and a half and to require a specific authorization for any grant programs or missions after that, and
5. To reduce the cost of military assistance grants.

After its initial consideration by the Senate Foreign Relations Committee, the bill was somewhat immodestly described by its authors as "the most significant piece of legislation in the field of foreign military assistance policy since the enactment of the Mutual Security Act more than a quarter of a century ago."¹²

In its original version, the bill was passed by both the House and Senate on April 29, 1976. However, it was such a strident encroachment on presidential prerogatives that President Ford vetoed it on May 7th. The language of the President's veto statement was so vigorous it can be assumed that the proposed legislation struck a very sensitive presidential nerve. The President said that the legislation contained:

. . . unprecedented restrictions . . . misguided provisions . . . unwise restrictions that would seriously inhibit my ability to implement a coherent and consistent foreign policy. . . . was a serious threat to our system of government . . . [and was] an

¹²U.S., Congress, Senate, Committee on Foreign Relations, International Security Assistance and Arms Export Control Act of 1976, S. Rept. 94-605, 94th Cong., 2nd sess, 1976, pp. 4, 6.

attempt of Congress to become a virtual co-administrator in operational decisions which would seriously detract from its administrative role.¹³

With regard to human rights, the President said it would:

. . . impair our ability to deal by more appropriate means with objectionable practices of other nations . . . [and that] such restrictions would most likely be counter productive as a means for eliminating discriminatory practices and promoting human rights . . . [thereby] diminishing our ability to advance the cause of human rights through diplomatic means.

As to the termination of grant military aid, the President said the bill was:

. . . inconsistent . . . would limit flexibility . . . would impair close and long-standing military relationships . . . and would have a severe impact on relations with other nations whose security and well-being are important to our own national interests.

America can have only one foreign policy. Moreover, that foreign policy must be certain, clear and consistent. For governments must know that they can treat with the President on foreign policy matters, and that when he speaks within his authority, they can rely on his words.¹⁴

After being rebuffed by the President, the Congress redrafted the bill to remove most of the offensive provisions and resubmitted it to the

¹³Gerald R. Ford, "Veto of Foreign Assistance Bill," Weekly Compilation of Presidential Documents, vol. 12, 10 May 1976, pp. 828-829.

¹⁴Ibid., pp. 829-830.

President who signed it on June 30th. The bill became known as the International Security Assistance and Arms Export Control Act of 1976. An indication of the mood of Congress and its objectives is revealed in the fact that the title of the former legislation, the Foreign Military Sales Act, was changed to the Arms Export Control Act when the new legislation was passed. The legislation, as finally approved, had a number of prominent provisions:

1. After September 30, 1977, the grant military assistance program would be terminated except by specific authorization from the Congress.
2. It established a procedure for Congressional termination of security assistance to any country that the Congress considered engaged in a consistent pattern of gross violations of internationally recognized human rights.
3. No security assistance was to be provided to Chile.
4. No security assistance was to be provided which would aid any nation's capacity to conduct military operations in Angola.
5. It directed the establishment of a Coordinator for Human Rights and Humanitarian Affairs in the Department of State. The Coordinator was to be appointed by the President with the advice and consent of the Senate.
6. It strengthened the Nelson-Bingham provision from the 1974 legislation and provided Congress with increased oversight of arms transfers. The 1974 provisions required that any letter of offer for sale or transfer of defense articles or services be submitted to Congress if for more than \$25 million after which Congress had 20 days

to take action to formally stop the transfer. In the 1976 legislation the time period was expanded to 30 days for Congress to act, and required notification of the Congress of any proposed sale of \$25 million or more of defense articles or services or any major defense equipment of \$7 million or more.¹⁵

By 1976, the general authority for military assistance in the Foreign Assistance Act of 1961, as amended, stated that:

. . . The President is authorized to furnish military assistance, on such terms and conditions as he may determine, to any friendly country or international organization, the assisting of which the President finds will strengthen the security of the United States and promote world peace.¹⁶

With apologies to the Bible, the law as passed by Congress gives the authorization, but it also taketh away. On the one hand, the President was authorized to furnish arms to Latin America (as well as to other countries), if it strengthened the security of the United States. But on the other hand, the Congress restricted the President's flexibility to transfer arms to Latin America. The logical conclusion is

¹⁵International Security Assistance and Arms Export Control Act of 1976, Statutes at Large, pp. 729-769. [emphasis added]

¹⁶"Foreign Assistance Act of 1961, as amended," U.S., Congress, Senate, House, Committees on Foreign Relations and International Relations, Legislation on Foreign Relations Through 1976, Joint Committee Print, 1977, vol. 1, p. 72. [emphasis added]

that Congress did not consider Latin America, or the need to strengthen the region, important to the security of the United States.

After reviewing the restrictions themselves during this period, it is beneficial to examine briefly the reactions of the executive and the comments of contemporary observers. During a news conference, Secretary of State Rogers was asked a question concerning Latin America. As part of his reply the Secretary of State said:

On the question of military assistance, I don't want to generalize on that. The President has made it clear that we are going to try to take a long view in Latin America and not necessarily determine every decision we make on the makeup of the government at that moment.

It is interesting to me that we have had a study made of how many times we have been able to influence the policy of another government by withholding military aid, and we find that it has not been successful in any instance.¹⁷

The Secretary of State was referring to a secret study by the Director of Intelligence and Research which focused on the effectiveness of arms cutoffs as a means of influencing the policies and behavior of recipients. The study was based on the experience of other nations as well as the U.S. It stated that

¹⁷ William P. Rogers, "Secretary Rogers' News Conference of December 23," Department of State Bulletin, vol. 62 (12 January 1970), pp. 27-28.

in no case had the practice been an unqualified success and several times had "distinctly negative consequences" for the suppliers. Some of the additional conclusions of the study were:

- (a) Cutting off or suspending military aid rarely achieves the desired purpose.
- (b) Rather than achieving the supplier's policy goals, cutting off military aid often has the reverse effect.
- (c) Military aid will not provide enough leverage to force a recipient to take any actions contrary to his vital interests.
- (d) An arms cut-off will not succeed unless the recipient has no other source of supply.
- (e) Arms cut-offs will not succeed unless the supplier uses all other means at its disposal to reinforce the policy.¹⁸

Despite the lessons from the past or the failure by numerous supplying nations to influence recipients' policies through the cutoff of military or economic assistance, Congress still could not resist trying it again.

An indication of the contempt President Nixon held for the congressional restrictions can be seen in his

¹⁸U.S., Department of State, Research Memorandum, "Arms Suspension: A Big Stick or a Weak Reed?" 12 November 1969, unclassified abstract, pp. i-iii. The study remains classified "secret." A Freedom of Act request was denied, although the unclassified abstract was released to the author. On file at the Department of State.

handling of the regional ceiling. These ceilings set a dollar limit on the amount of defense articles and services that could be sold or granted each year to Latin America by the U.S. The law provided a waiver clause which the President could exercise. For both fiscal years, 1972 and 1973, the President used the waiver authority to issue presidential determinations which merely stated that the transfers, in his judgment, were important to the U.S. national security.¹⁹ The President's evaluation of the other restrictions, in general, is mirrored in his 1973 report to the Congress on U.S. foreign policy. When discussing the restrictions, he said:

I urge the Congress to take a new and thorough look at existing legislation that affects our relations with Latin America. We need to study, for example, whether various legislative restrictions serve the purposes for which they were designed. Do they deter other governments from various actions, such as seizing fishing boats? Or do they merely make the solution of such problems more difficult? I believe some current restrictions are entirely too rigid and deprive us of the flexibility we need to work out mutually beneficial solutions.

¹⁹"Waiver of Regional Ceiling on Military Assistance and Sales for Latin America (Presidential Determination 72-13)," Federal Register, vol. 37, 5 May 1972 (Washington, D.C.: Government Printing Office, 1972), p. 9101.

"Waiver of Regional Ceiling on Military Assistance and Sales for Latin America (Presidential Determination 73-16)," Federal Register, vol. 38, 3 August 1972 (Washington, D.C.: Government Printing Office, 1973), p. 20806.

Similarly, we should inquire whether current limitations on military equipment sales serve our interests and whether they promote or weaken our cooperation with Latin America. I believe our unilateral efforts to restrict arms sales have helped contribute to the rise of nationalist feelings and to the growing resentment against remnants of U.S. paternalism. The irritation thus aroused helps explain at least some of our problems in other matters. I urge the Congress to take a hard look at this problem and to take steps to rectify past errors. For I think we have been hurting ourselves more than anyone else by insisting on such limitations, and harming our relations with Latin America in the process.²⁰

But not all opponents of the restrictions on arms transfers to Latin America were in the executive branch. Numerous others were interested in Latin America and were opposed to the restraints.

A noted specialist on Latin American affairs, Dr. Abraham Lowenthal, said that it was only because the U.S. had such dominant power in the hemisphere that the U.S. had been "able to get away with" such actions as the congressional restrictions on arms transfers to Latin America.²¹ In a similar vein during Senate hearings, Curtis W. Tarr, Under Secretary of State for Security Assistance, pointed

²⁰Richard M. Nixon, U.S. Foreign Policy for the 1970's. Shaping a Durable Peace. A Report to the Congress, 3 May 1973 (Washington, D.C.: Government Printing Office, 1973), p. 129.

²¹U.S., Congress, Senate, U.S. Relations with Latin America, Hearings, before the Committee on Foreign Relations, 94th cong., 1st sess., 1975, pp. 122-123.

out to Senator Fulbright that the restrictions on Latin America were not normal.

MR. TARR. These restrictions do not exist, for instance, in the Near East; they do not exist in the Far East; but they do in Latin America.

SENATOR FULBRIGHT. Of course. We would like to impose them elsewhere, but we couldn't get by with it. But they are not normal in any case.²²

There are several implications that can be drawn from the comment made by the Chairman of the Senate Foreign Relations Committee, Senator Fulbright. First, Latin America was singled out as a location for the application of arms restrictions because it was a region in which the Congress could exert their influence on foreign policy in spite of the fact that this could not be accomplished in other regions. Second, the U.S. could "get by" with imposing the restrictions because their interests were not of sufficient magnitude to worry about the U.S. being threatened with reprisals by Latin America. By inference, therefore, U.S. national security interests were not involved. Third, the Congress could posture rhetorical and moralistic arguments for the domestic

²²U.S., Congress, Senate, Foreign Assistance Act of 1973, Hearings, before the Committee on Foreign Relations, 93rd Cong., 1st sess., 1973, p. 44. [emphasis added]

consumption of business and other special interests; yet, this still would not affect the mainstream of U.S. foreign policy. Fourth, Senator Fulbright admitted that the restrictions on Latin America were not normal and were an exception to the conduct of U.S. foreign affairs. In his brief comment, the chairman voiced an opinion--which, in a different slant, has been shared by many critics of the congressional restrictions on arms transfers to Latin America. If Congress could not assert itself adequately or could not make its weight felt sufficiently in other areas, at least it could vent its frustrations and could impose its will on a relative backwater such as Latin America. Such sentiments are reflected in the comment by former Texas governor and one-time Secretary of the Treasury, John Connally, when he said: "We can afford to be tough with Latin America. We don't have any friends there anymore."²³ Such an arbitrary unilateral exercise of U.S. dominance and influence in the home hemisphere is a clear example of arrogance of power--a phrase made famous by Senator Fulbright himself.²⁴

²³ John Connally, as quoted in Donna Radcliffe, "Republicans, Democrats, Cervantes, Shakespeare," Washington Post, 18 October 1977, p. B4:1.

²⁴ J. William Fulbright, The Arrogance of Power (New York: Random House, 1966).

In line with Mr. Connally's assessment was the conclusion of a RAND study. It stated that the "restrictive attitudes toward arms transfers fostered, perhaps more than any other single element, the deterioration of U.S.-Latin American relationships during the past decade."²⁵

In an article in 1973, U.S. News and World Report concluded that the restrictions on Latin America had backfired. It quoted the Secretary of Defense as saying the restrictions had operated to everyone's disadvantage. The opinion of the chairman of the Inter-American Defense Board was quoted:

Our restrictions have not resulted in a direct switch from "guns to butter," but only in a switch from the U.S. to Europe as principal arms suppliers.²⁶

In 1974, the Center for Inter-American Relations sponsored a commission of 23 persons chaired by Sol Linowitz, to conduct a study of U.S.-Latin American relations. After a five month study, the commission issued its report. The report took issue with the congressional restrictions in several instances.

²⁵ David F. Ronfeldt, Future U.S. Security Operations in the Latin American Contexts, Study P-5342, (Santa Monica, CA: RAND Corporation, 1975), p. 17.

²⁶ "Where Arms Ban Backfired on U.S.," U.S. News and World Report, 22 January 1973, p. 54.

For example, the report stated:

The Elimination of Paternalistic and Discriminatory Policies

In the past, the disparities in size and power between the United States and Latin America have led the United States to adopt "special" policies towards Latin America in an effort to affect the behavior of Latin American governments. Other legislative policies, although phrased in general terms, have been in fact directed primarily at Latin American countries. Some of these policies--such as restrictions on military sales--have been meant to be beneficial; others--such as automatic sanctions in cases of expropriation--have been designed to be retaliatory. Whatever the intention, in the changed circumstances of today, such policies can only be viewed as paternalistic and discriminatory.

Consequently, Congress and the Executive Branch should, at a minimum, repeal policies which apply special restrictions or penalties to Latin America or which seek to impose on Latin American countries a U.S. conception of what is good for them.²⁷

The report continued its disapproval of the congressional restrictions. Speaking of the U.S. refusal to transfer arms, the report explained:

Latin American governments . . . simply turned to European suppliers for equipment which was often more costly than that originally requested from the United States. Since

²⁷The Americas in a Changing World, Report of the Commission on United States-Latin American Relations (New York: Quadrangle, 1975), p. 22. This commission was assisted in its efforts by several persons with association with the School of Advanced International Studies, The Johns Hopkins University, Washington, D.C. These persons, all of whom served as consultants were: Drs. Roger Hansen, Ann Hollick, Roger Leeds, Theodore Moran, and Riordan Roett.

1967, 85 percent of Latin American arms expenditures have been made outside the United States. The resulting situation satisfies no one: Latin American countries resent discriminatory United States restrictions, and some U.S. critics decry the decline in the U.S. share of the market, while others are disappointed that U.S. policy has failed to curb arms purchases.

Legislative restrictions on arms transfers to Latin America have been ineffective in preventing arms purchases and have resulted in deep resentment among Latin American military and political leaders, who have viewed such stipulations as paternalistic. The restrictions are inconsistent with the attempts this Commission supports to make policies toward Latin America mutually respectful. It is also inappropriate to discriminate against Latin America when total military expenditures consume a much lower percentage of the GNP of that region than of most other parts of the world.

The commission's report specifically recommended that "legislative restrictions on arms transfers that discriminate against Latin America ought to be repealed."²⁸

There were other subject areas which received the commission's disapproval. These involved expropriations and disputes over fishing rights. In cases of expropriations, the commission felt that the U.S. government "should negotiate with flexibility and patience and not be forced--through automatic sanctions--into the position of staking its overall relations with other countries on the interests of individual investors." Similarly, a first step in

²⁸ Ibid., pp. 33-35. [emphasis added]

the resolution of fishing disputes would be the removal of the automatic sanctions. The commission held that,

. . . in these cases, as in cases of investment disputes, the threat of coercive sanctions is more likely to stiffen the host country's position rather than induce it to relax its demands.²⁹

The commission's specific recommendations called for the repeal of the restrictive amendments and the automatic sanctions.

During a personal interview with the author, former President Belaúnde of Peru was asked what the disadvantages were to the congressional restrictions. He replied:

First, harmony is endangered. Second, understanding is endangered, and that affects all relationships, affects every undertaking which might need a common frame of mind for success. As a result, every relationship between us is affected. And also to a certain extent those with other Latin American countries.³⁰

In effect, the former president said that the congressional restrictions on arms transfers were not the surgical instrument necessary to correct one discrete portion of overall national policy. Instead, it was a "meat ax" that had negative repercussions on all

²⁹ Ibid., pp. 37-38.

³⁰ Interview with Fernando Belaúnde Terry, President of Peru, 1963-1968, Washington, D.C., 18 April 1978.

aspects of relations between the U.S. and a particular country and other Latin American countries as well. As has been pointed out, the restrictions could hardly be considered a deft and agile tool of foreign policy or international diplomacy.

In his book on Latin America, Herbert Goldhammer asked how the "unquestionable deterioration of the United States' ability to influence Latin American behavior" could be explained. He answered that one of the contributing causes was the restrictions proposed in amendments, such as the Hickenlooper, Symington, Conte-Long and Pelly amendments. He went on to assert that:

. . . the target of these amendments was not only Latin America but the United States Executive, which in congressional views was lax in using military and economic assistance to protect United States investments and tuna boats and in discouraging Latin American purchase of expensive "sophisticated" weapons.³¹

Conclusions - 1967-1976

During the period 1967 to 1976, several consistent trends are discernible in the congressional policies toward conventional arms transfers to Latin America. First, Congress perceived Latin America

³¹Herbert Goldhammer, The Foreign Powers in Latin America (New Jersey: Princeton University Press, 1972), p. 276.

as becoming less important to U.S. security. Second, Congress became more dissatisfied with the results of the Military Assistance Program and its system of grant arms transfers. Third, as perceived U.S. security interests in Latin America declined, the Congress became more involved with the internal domestic policies of Latin American nations than with their external foreign policies, which had been the earlier concern. It is true that some of these policies and concerns applied worldwide. It is also true that if Congress had been concerned about the contribution Latin America might make in countering a threat to U.S. security, Latin America would have been exempt from these policies as were some countries in other regions. A fourth trend, in conjunction with the aforementioned one, saw the Congress become more involved in other interests in the area as perceived U.S. security interests receded in the region. To use a country simillie from the prairies and farmlands of Kansas from the author's youth, as the security pond was drained with regard to Latin America, Congress focused more on the stumps of issues that were uncovered. In somewhat of a paradox, a fifth trend saw Congress denigrate the results of programs which provided arms and ridiculed their influence on foreign friendly governments; yet, they turned to the

curtailment and cutoff of these same arms transfers as a means of influencing these same governments. Sixth, a trend which was reversed involved the congressionally-imposed regional ceiling on arms that could be transferred. Upon closer analysis, however, this reversal can be seen to be consistent with the other trends in congressional policy. As additional restrictions were created, they were seen as accomplishing the same ends as the regional ceilings. By removing the explicit ceilings, Congress could avoid some of the stigma attached to this particular restriction. As a result, the formal specific ceilings were no longer required.

In further elaboration, the first trend was that Congress gradually perceived less of a threat to U.S. security interests from external challenges to Latin America. As a member of the House Foreign Affairs Committee asserted in 1947, enemy missiles just would not come from the direction of Latin America but from across the North Pole.³² This concept of the decreasing importance of Latin America to U.S. security was reenforced by Secretary of Defense Neil McElroy

³²John Davis Lodge (R-CT), U.S., Congress, House, Committee on International Relations, Selected Executive Session Hearings of the Committee, 1943-1950, Military Assistance Programs. Historical Series, vol. 6, pt. 2 (1976), p. 490.

in 1958 when he said, "The large threat is not there."³³ As the external threat declined, Latin America became increasingly irrelevant to the congressional appreciation of U.S. security interests. This can be seen in the establishment and increase in severity of regional ceilings on grants and sales and other limitations which inhibited the defense capabilities of the Latin American nations who might be used to help defend U.S. interests.

The decline in security interests--which were based on various criteria which had little, if any, relevance to U.S. security interests in the Latin American region--also can be seen in the restrictions on arms transfers. These criteria were centered on fishing boats, diversion of local resources, concern for human rights, and the desire to equate the numbers of civilian and military students. The evidence of this decline is further seen in the fact that the worldwide number of countries eligible to receive grant arms was set at 40, then reduced to 31, later to 20, and finally to 12. Congress specified eight nations to be included in the latter numbers, but no

³³U.S., Congress, Senate, Mutual Security Act of 1958, Hearings, before the Committee on Foreign Relations, 85th Cong., 2nd sess., 1958, p. 24.

Latin American country was important enough to U.S. security to merit this selection by Congress. In the Foreign Assistance Act, the policy for military assistance was given:

. . . it is therefore the intention of the Congress to promote the peace of the world and the foreign policy, security, and general welfare of the United States by fostering an improved climate of political independence and individual liberty, improving the ability of friendly countries and international organizations to deter or, if necessary, defeat Communist or Communist-supported aggression, facilitating arrangements for individual and collective security, assisting friendly countries to maintain internal security, and creating an environment of security and stability in the developing friendly countries essential to their more rapid social, economic, and political progress.³⁴

As Robert Jefferson Wood has said, "The Congressional intention thus declared supports the view that the military assistance program was designed to be in our own interest."³⁵ In line with the policy statement, since arms assistance was designed to bolster "the security . . . of the United States," the curtailment of that assistance could only mean that the former recipient was no longer relevant to U.S. security or "Yankee self-interests," or that other interests had

³⁴Foreign Assistance Act of 1961, Statutes at Large, vol. 75, sec. 502 (1961), p. 435.

³⁵Robert J. Wood, "Military Assistance and the Nixon Doctrine," Orbis, vol. 15 (Spring 1971), p. 250.

come to overshadow the perceived security interests in the region.

The second trend was the increasing congressional dissatisfaction with the Military Assistance Program. This is obvious because the program was reduced and then finally eliminated by Congress. Any future grant recipient must be specifically authorized by Congress.

A third trend was the development of a new phenomenon, a gradual shift in congressional concerns from the foreign policy orientation of Latin American countries to uneasiness and worry over their domestic policies. As evidenced by the criteria of the restrictions as they were added, Congress became more attentive to internal policies in Latin America and the actual ends for which these arms were being used.³⁶ These internal aspects, which gained in importance, included worry over whether local resources were being diverted, whether arms acquisitions were unnecessary, whether the arms obtained were too sophisticated, or whether military dictators were denying social progress to their people. (The question of civilian dictators remained unanswered.) Indeed, the entire issue

³⁶For an elaboration of this point with relation to the Alliance for Progress, see William P. Gerberding, United States Foreign Policy: Perspectives and Analysis (New York: McGraw Hill, 1966), pp. 351-353.

of internal policies toward human rights was to receive magnified attention as the crucial test to determine if arms could be transferred at all began.

It was natural that any nation giving or selling arms might want some assurance that the intended use of such arms matched the actual employment. But as Professor Gerberding has said, such assurance "raised with special force the old problem of when acceptable monitoring becomes unacceptable meddling."³⁷ With the increase in the number of restrictions, the number and severity of the sanctions and penalties also grew. If the foreign recipients' internal policies and actions did not conform to U.S. definitions and specifications, then the penalties were imposed. These penalties ranged from reduction in either economic or military assistance to outright termination of both, plus prohibition of arms sales. It is small wonder that Latin American nations complained of U.S. meddling in their internal affairs. It was a natural result of the Congress focusing its attention and concern on the internal policies of these countries.

A fourth trend saw Congress become more involved in other interests as perceived U.S. security interests diminished in the region. During World

³⁷ Ibid., p. 352.

War II, the Korean War, the height of the Cold War, and immediately after the advent of Castro in Cuba, to be eligible for arms aid, the U.S. considered it sufficient if a Latin American nation was anti-Axis, or anti-Communist. During these times, because a security threat to the U.S. or its serious interests was perceived, little or no attention was paid to the internal policies of a country as long as it was an ally. In the 1960's--and as the Communist threat diminished in Latin America--the congressional restrictions on arms increased. The fact that a government was anti-Communist became no longer sufficient justification for arms transfers. As the security pond receded, other interest stumps became predominant. These included the definition of territorial seas, the right of passage on the high seas, the rights of fishing boat owners, and the rights of U.S. private investors in foreign countries.

A fifth trend saw Congress deride the accomplishments of arms transfers in swaying foreign country policies to align more closely with U.S. desires. Yet, Congress specified the threat of termination of the transfers as a means of influencing the policies of allies as well. At the same time, in some cases the Congress feared that the results of arms

transfers were contrary to U.S. interests, such as in the 1969 Honduras-El Salvador war. Nevertheless, Congress used the threat of stopping arms transfers as a means of trying to force the other nations to conform to U.S. views and judgments.

The sixth trend initially appears as a small ripple of change on a sea of continuities. The regional ceilings on U.S. arms grants and sales gradually became more strict until 1971. In an abrupt reversal, the limit was repeatedly raised, then repealed completely. At first glance, this seems to be a discontinuity in the congressional policy of restrictions. On closer analysis, however, it can be seen that ceilings were continued through other means. The specific regional ceiling on grants to Latin America was removed in 1973 and included in a larger overall limit on sales, grants and loans. At the same time, the number of countries eligible for grants was further reduced to 31. In 1974, the limit on sales, grants, and loans to Latin America was repealed. At the same time, the Nelson amendment directed that all sales amounting to \$25 million or more were to be reviewed and approved by Congress. Also in that year, the termination of the grant program--with the exception of a few countries authorized by Congress--was specified. So, it can

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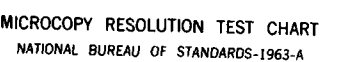
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be seen that the repeal of the regional ceilings was actually in consonance with the previous congressional policy of restrictions. The policy was continued through new limitations which gave the Congress confidence that the ceilings could not be circumvented and could be consummated only with congressional approval.

A distinct seventh thread in this fabric of congressional policy is a determined effort by the Congress to assert itself into the realm of foreign policy. This went hand-in-hand with congressional disapproval of various policies followed by its disapproval of the executive, particularly in the area of arms transfers. The congressional restrictions were aimed as much at the executive as they were targeted at Latin America.

During the ten-year period, 1967 to 1976, it cannot be assumed that Congress became less concerned about U.S. national security interests overall. However, in view of the record, it can be asserted that Congress did become convinced that these interests were no longer seriously hazarded by threats toward or in Latin America. As the threats to U.S. security interests receded in the Latin American region, other interests became predominant. Following

the dictates of these different interests, restrictions on arms transfers resulted.

It can be seen that the executive branch shared much the same goals as the legislative with regard to the restrictions on arms transfers to Latin America. One of the primary objectives was to prevent the Latin American countries from using their resources on projects or hardware which would have little if any beneficial effect on economic and social development. The primary differences between the executive and the Congress occurred over what means were feasible, reasonable, and suitable to reach these goals.

The case of Peru is an example of the Administration being more concerned about its relationship with Congress than its relationship with Peru. And with small wonder. An angry Peru was much easier to handle than an angry Congress. The Congress was in the process of hemming-in the executive with legal prescriptions and had the power to do much more. Peru, on the other hand, was far away and could do very little to harm the Administration. Peru could do nothing to inhibit the power or authority of the executive. The program loan to Peru was cancelled to pacify the liberals on Capitol Hill and to use the case of Peru as an example. The executive branch seemed to need

an example to show the Congress that the Administration meant business.

In reaction to the restrictions, the executive made an apparently honest effort to develop means to apply an established, rational criteria to the implementation of the restrictions. There is no evidence that the executive attempted to circumvent the limitations. The author is somewhat surprised at the conscientious effort continually expended by the executive to conform to the legal specifications used to inhibit the transfer of arms. Even though the executive was apprehensive about the results of the restrictions, it obeyed them.

The Congress also had a number of fears regarding the subject of arms transfers to Latin America. These included the near conviction that U.S. weapons transfers only led to arms races and coups. The Congress appeared to have the belief that defense expenditures were also a pure diversion of resources, which had predominantly negative effects on lesser developed countries. It is not evident that the Congress seriously studied the problems or investigated the potential results of various possible solutions. Statistical analyses have not supported the congressional fears relative to the effects of

arms transfers. These studies have not formed any consistent pattern as to the negative results of arms transfers postulated by the Congress. The restrictions seemed to result from simple, emotional reactions to situations with little serious thought as to their effects on numerous other U.S. national interests.

As time progressed after the enactment of the restrictions, their effects became increasingly clear. To observers both inside and outside the executive branch, the conviction grew that the restrictions were inappropriate, did not achieve their objectives, or were contrary to U.S. interests.

At this point, it is necessary to look at the actual accomplishments of the restrictions. From these results it will be possible to judge the effectiveness and to measure the success the restrictions had in meeting their objectives.

CHAPTER VI

RESULTS AND CONCLUSIONS

Results

In order to determine the effectiveness of the congressional restrictions on arms transfers to Latin America from 1967 to 1976, it is necessary to establish more closely the actual results of those limitations. This chapter will focus, in turn, on each of the principal aims of the restrictions which applied exclusively or primarily to Latin America. Other lesser restraints, which also had an effect, will be reviewed as well as the unintended results from the restrictions.

The congressional restrictions on arms transfers to Latin America had several primary objectives. The aims were.

- (a) Stop the diversion of local resources from economic and social development, which were spent on unnecessary military equipment.

- (b) Prevent the entry of sophisticated weapons into Latin America.
- (c) Stop the Latin American arms race.
- (d) Stop the seizure of U.S. fishing vessels.
- (e) Prevent coups.
- (f) Promote human rights.

The congressional restrictions on the transfer of conventional arms had a result on each of these objectives; they will be taken in turn.

Resource Diversion

One of the stated congressional concerns in formulating the legislative restrictions on arms transfers to Latin America was a desire to curtail the diversion of local resources. Congress wanted the lesser developed countries, particularly in Latin America, to use their resources for economic development rather than to use them to buy needless weapons. By preventing this diversion, the U.S. could theoretically decrease the amount of the economic assistance needed for the lesser developed countries and, in addition, increase the effectiveness of the aid actually provided. However, the fears Congress had of overspending by the U.S. and of possible diversion of resources by lesser developed countries may have clouded its outlook. The Congress may have overlooked

the possibility that there might be some beneficial results to defense expenditures.

In an article in 1962, Professor Emile Benoit concluded that "the economic burden of armaments has been considerably exaggerated in popular thinking. While burdensome to a degree, defense expenditures have also made a substantial contribution to the world's economic progress."¹ Professor Benoit was later commissioned by the Arms Control and Disarmament Agency to investigate further these relationships. In 1971, he completed a more thorough study and reported:

On the basis of all the evidence . . . we suspect that the net effects [of defense programs on LDC economic growth rates] may have been positive rather than negative. However, since this is uncertain, the point to be stressed here is the surprising fact that higher defense burdens are not clearly associated with lower growth rates.²

As a result of his continuing research and study, in 1973 Professor Benoit came to the somewhat

¹Emile Benoit, "The Economic Impact of Disarmament in the United States," in Seymour Melman, ed., Disarmament: Its Politics and Economics (Boston: American Academy of Arts and Sciences, 1962), p. 135.

²Emile Benoit, Max F. Millikan, and Everett E. Hagen, Effect of Defense on Developing Economies, prepared for U.S. Arms Control and Disarmament Agency, ACDA/E-136, June 1971, vol. 1, Summary (Cambridge: Center for International Studies, Massachusetts Institute of Technology, 1971), p. 4. [emphasis in the original]

startling conclusion that,

The evidence does not indicate that defense has had any net adverse effect on growth in developing countries. It even suggests the possibility, though this is not strictly demonstrable, that on balance the defense programs may have stimulated growth.

His research was based on analysis of the defense expenditures of 44 developing nations between 1950 and 1965. He found that their defense expenditures,

. . . were positively, not inversely, correlated with their growth rates over comparable time periods, i.e., the more they spent on defense, in relation to the size of their economies, the faster they grew and vice versa.³

The professor listed many qualifications to his findings and explained that the results may not hold for a nation in different circumstances. Nevertheless, his research does indicate that the simple equation formulated by Congress--that defense purchases were inherently deleterious to development--may have been faulty.

The stated intent of the original Symington amendment in 1967 was to prevent the diversion of resources in local lesser developed countries in order that these resources might be devoted to enhancing the subject nation's own economic and social

³Emile Benoit, Defense and Economic Growth in Developing Countries (Lexington, Mass.: Heath & Co., 1973), p. xix. [emphasis in the original]

development. It called for termination of development assistance if a recipient nation was found to be diverting such assistance or its own resources to unnecessary military expenditures.

In order to determine the effectiveness of the Symington amendment in meeting its objective, a review was conducted of the records of the Agency for International Development (AID). AID has the responsibility for monitoring the conduct of all nations and ascertaining their conformance to the specifications of the amendment. The review included the annual reports of the status of the implementation of the amendment and covered all reports since 1970, which were submitted to the Congress by AID. This review, by the author, revealed that the Symington amendment has never been used in dealing with a foreign country.

One interpretation could be that Section 620(s) was so effective that the threat of its possible use deterred all worldwide recipients of U.S. assistance from diverting resources to unnecessary military purchases. A more realistic view would first question the amendment itself. The concept of diversion is elusive and difficult to determine with accuracy. This would be especially true for a foreign nation

without access to the detailed information possessed by the subject country. There is also the question of the level at which arms become unnecessary. Without walking the mile in the other man's shoes, it is difficult for outsiders to accurately determine the extent of one's actions, and thus convince a sovereign nation that its governmental thought processes are biased and faulty if not completely wrong. With such ill-defined concepts as diversion and necessity as the basis for sanctions, it is more understandable why the Symington amendment has never been used.

As far as actually using the sanctions, the executive branch would be extremely reluctant to use formally the provisions of the Symington amendment. Because of negative repercussions, which would result from the use of Section 620(s), numerous other means and devices would logically be tried first to avoid exacerbating relations. The case of the cancellation of the \$40 million loan to Peru may be recalled. The sanctions for the purchase of sophisticated weapons were taken against Peru under provisions of the Conte-Long amendment. The penalty was not for the diversion of resources, which the Symington amendment was designed to prevent.

An example of the difficulty of applying the Symington amendment can be seen in the AID report to Congress. The report stated:

Where sophisticated weapons have been purchased by recipient countries it has not been with funds intended for economic development, nor have such purchases been found materially to interfere with development.⁴

From this it can be seen that, at best, Section 620(s) would be effective only to nullify the behavior of those nations which were also recipients of U.S. development assistance. Another difficulty, which becomes apparent, is how to determine which funds were earmarked for development; which were destined for defense; when this determination was made; and when, and if any, changing of funds occurred. Since money is fungible, it is difficult to follow. That is, a dollar or a peso could enter a national treasury from any source. Later a dollar or peso is expended on weapons. Who can determine with accuracy the source of the money spent on these weapons?

⁴U.S. Agency for International Development, "Annual Report of Implementation of Section 620(s) of the Foreign Assistance Act of 1961, as amended and Section 120 of the Foreign Assistance and Related Programs Appropriation Act, 1970," p. 2. Report contained as an enclosure to AID letter to Senator J. W. Fulbright, Chairman, Senate Foreign Relations Committee, dated 12 November 1970. On file at Agency for International Development.

The Agency for International Development has more experience than any other government agency in monitoring the actions of foreign countries for conformance with the provisions of the Symington and Conte amendments as combined in 1969. From the experience in attempting to apply the restrictions as directed by Congress, AID found:

- no rule of thumb to determine when a country is spending "too much" on defense;
- each country's special concerns, characteristics, and environment must be examined separately.
- that governments consider security as first priority and their perception of their own defense needs will prevail;
- economic aid levels are not sufficient to change military intentions;
- the withholding of economic aid could have a negative effect on needy people without reducing defense expenditures. It could exacerbate internal instability, thus triggering an increase in military preparations.⁵

The results of the congressional restrictions in preventing diversion of resources by Latin American countries can be seen in the oft-examined case of Peru and the Mirages. In its initial search for a suitable replacement for its aging and varied collection of

⁵Agency for International Development, "Military/Economic Coordination and 620(s)," Briefing Paper, dated 3 June 1975, p. 2. On file at Agency for International Development. [emphasis in the original]

airplanes, Peru first requested the F-5 from the U.S. The fly away cost of the F-5 was approximately \$1.1 million. The fly away price was for the complete, operable aircraft. To that price would be added the cost of the support package of initial spares, training aids, and ground support equipment. In the case of an F-5, this support package cost approximately \$400,000, bringing the total cost per plane to \$1.5 million. The sixteen Mirages for Peru, on the other hand, were reported to have cost approximately \$2.5 million each, including the initial spares. Therefore for the same number of planes, the F-5's would have cost \$24 million; whereas, the Mirage purchase was approximately \$40 million. As a means of contrast, the sixteen used A-4B jet fighters previously sold to Argentina had a price of some \$300,000 per copy, with a total package price in the neighborhood of \$5 million.⁶ Not only was the Mirage more expensive than the F-5, it was also twice as costly to operate. The operating cost of the Mirage was listed at \$380 per hour; the F-5 was listed at \$190 per hour.⁷

⁶U.S., Congress, House, Aircraft Sales in Latin America, Hearings, before the Committee on Foreign Affairs, 91st Cong., 2nd sess., 1970, pp. 4, 7, 25.

⁷Benjamin Welles, "U.S. Plans to Sell F-5 Tactical Jets to Latin Nations," New York Times, 18 October 1967, p. 18:8. This source listed the

But Peru was not an isolated case. After this initial entry of supersonic aircraft into Latin America, a number of other countries followed suit. Since modern aircraft were not available from the U.S., Latin America made their purchases in Europe. By 1977, four other countries had bought Mirages.⁸

It is evident that the congressional restrictions caused the Latin American nations to purchase higher priced aircraft, which were more costly to operate than U.S. planes. Even though diversion of the arms purchases of any foreign nation has never been found officially by the United States government, it is quite clear that Latin American nations used more of their resources for the arms they did purchase than if the weapons had been purchased in the U.S.

Arms restraint or disarmament is not necessarily an unmixed blessing. It must be realized that, contrary to what some congressional members seemed to have believed, the deliberate reduction in the expenditure for arms by a nation does not

price of the two planes as \$1.8 million each for the Mirage and \$1.04 million each for the F-5. The higher price listed in the House hearings is presumably more accurate because it is later, came from an Administration official, and included the important detail of the support package cost.

⁸ International Institute for Strategic Studies, The Military Balance, 1977-1978 (London: International Institute for Strategic Studies, 1977), pp. 67-73.

automatically ensure the same amount will be devoted to economic development. The funds not spent on defense items could be disbursed in a large number of ways but would not benefit the development of the local economy. As Nobel Laureate Wassily Leontief has pointed out, "Swords do not serve readily as plowshares."⁹

Also, funds that are not spent on the purchase of sophisticated weapons by a Latin American nation will not create a sudden windfall for the population. Dr. Luigi Einaudi has computed (using 1970 for a sample year) the effect that would result from a five percent reduction in military spending. His sample included the six major countries of Latin America: Argentina, Brazil, Chile, Colombia, Peru, and Venezuela. Even if the five percent had been spent in exactly the optimum way, the result on the gross national product (GNP), per capita, would have been small. Allowing for a number of variables, the minimum effect would have been a change of ten cents in the gross national product, per capita, and the

⁹Wassily W. Leontief and Marvin Hoffenberg, "The Economic Effects of Disarmament," Scientific American, April 1961, p. 47.

maximum would have been forty cents.¹⁰ Although the calculations are rough, they indicate that in the case of the Peruvian purchase of the Mirages, which brought such pressure and criticism on Peru for diversion of resources, the purchase probably had little, if any, significant negative effect on Peru's development. The dubious effects of the purchase came from the response of the U.S. Congress in its knee-jerk reaction to a Latin American nation because they did not follow the express wishes of the U.S. when purchasing jets from a third country.

On the other hand, this is not to advocate arms at any price or to propose that unlimited arms will provide unlimited butter. There are many considerations for any government to take into account in reaching its decisions on the amount and type of weapons which are necessary and are sufficient. These include political, economic and security factors as well as moral considerations. What this approach encourages is a realization that the question of arms transfers to Latin America is more complex than simply a "less is better" attitude.

¹⁰ Luigi Einaudi; Hans Heymann, Jr.; David Ronfeldt; and Cesar Sereseres, Arms Transfers to Latin America: Toward a Policy of Mutual Respect (Santa Monica, CA.: RAND, 1973), pp. 33-35.

Sophisticated Weapons

One of the major objectives of the Conte-Long amendments was to prevent the entry of sophisticated military equipment into lesser developed nations, particularly Latin America. The amendment's definition of sophisticated included jet aircraft for military purposes. As a consequence of the controversy in 1967 over arms transfers, the U.S. denied such aircraft to Peru. Peru, as a consequence, purchased the French Mirage, thus bringing supersonic military jets to Latin America for the first time. The United States' attempt to prevent the entry of such aircraft resulted in the increased alienation of Peru but did nothing to prevent the acquisition of supersonic jets. The U.S. then cancelled a planned \$40 million loan to Peru as punishment for consummating the deal for the Mirages. This further aggravated the Peruvians and undoubtedly caused other Latin American nations to pause and to ponder the wisdom of their involvement with the United States. However, the situation still had absolutely no positive effect toward solving the problem of prevention of jet aircraft entering Latin America. When other Latin American nations wanted to modernize their air forces, jets were not available from the U.S. In order to

obtain jets of sufficient modernity and capability and to locate a dependable source of planes and parts, the Latin Americans turned to third country suppliers. As a result, at least four other Latin American nations procured varying numbers of the supersonic Mirage jets. In addition to Peru, these nations were Argentina, Brazil, Colombia, and Venezuela.¹¹

Using the measure specified in the Conte-Long amendments--that "jet" was synonymous with "sophisticated"--the legislation plainly failed in its objectives and, therefore, was ineffective. The amendments not only failed to keep supersonic or sophisticated jets out of Latin America, but also the restrictions probably were counterproductive as well.

The restrictions may have acted as a catalyst and encouraged the purchase of increased numbers of more expensive and more capable aircraft. As the U.S. (that is, Congress) increased its restrictions on the transfer of weapons, its image deteriorated as a reliable source for modern aircraft. Into the void left by the U.S. withdrawal from the market, the arms dealers from third countries were eager to rush.

¹¹Robert C. Sellers, ed. The Reference Handbook of the Armed Forces of the World, 4th ed. (New York: Praeger, 1977), pp. 11, 30, 50, 242.

The capabilities of the more advanced aircraft and the more advantageous financing arrangements offered by the other suppliers were attractive to the Latin Americans, who turned to the new sources of supply. As far as overall results, in attempting to prevent the entry of sophisticated weapons into Latin America, the congressional restrictions were clearly ineffective and, in all probability, were counter-productive.

As a result of the congressional restrictions on arms transfers and Peru's dissatisfaction with the U.S., the Soviets were able to enter the Latin American market for the first time. The new government in Peru, irritated by the treatment by the U.S., established diplomatic relations with the Soviet Union on February 1, 1969.¹² The first trade agreement between the two countries was signed a few weeks later on February 17th.¹³ Relations between the U.S. and Peru fell to a new low.

Relations between the U.S. and Peru were severely strained by the International Petroleum Company

¹²"Soviet and Peru Set Up Diplomatic Relations," New York Times, 2 February 1969, p. 4:2.

¹³"Peruvians and Soviet Sign Their First Trade Accord," New York Times, 18 February 1969, p. 1:2.

problem and the Mirage controversy. There was also the continuing friction over Peruvian seizures of U.S. fishing boats inside Peru's 200-mile territorial zone. As a result of these seizures, the U.S. enforced the Pelly amendment in May 1969 and cut off the sale of military equipment to Peru.¹⁴ In retaliation, Peru withdrew its invitation for Governor Rockefeller's visit and expelled the U.S. military missions, the oldest one dating from 1922.

In June 1970, Peru was struck by a serious earthquake that warranted humanitarian response from around the world. As part of the international relief efforts, the Soviets sent three military helicopters that were eventually presented as gifts to the Peruvian air force.¹⁵ This was the first Soviet military equipment to enter Latin America. In 1973, one account called attention to the Soviet efforts to sell jet aircraft in Latin America, particularly to Chile, Ecuador, and Peru. Russian interest in such sales can be seen in the terms offered--a fifty-year

¹⁴"Information on the Suspension of U.S. Military Sales to Peru," Department of State Bulletin, vol. 60 (16 June 1969), p. 509.

¹⁵Norman M. Smith, "The Buildup of Soviet Gear in Peru's Army and Air Force," Armed Forces Journal International, May 1977, p. 23.

loan period with one percent interest.¹⁶ In 1976, the Central Intelligence Agency reported consummation of a \$250 million order by Peru for thirty-six Soviet supersonic SU-22 Fitter fighter-bombers; these planes were considered to be more sophisticated than the French Mirage.¹⁷ This was the first occasion that a Latin American country had purchased arms from the Soviet Union. Peru also was reported to have purchased from the Soviet Union some four hundred T-54 medium tanks, long-range artillery, howitzers, radar controlled anti-aircraft guns, and surface-to-air missiles.¹⁸ This entry of the Soviets into Latin America is a clear result of the congressional restrictions on arms transfers, even if it was not clearly foreseen.

¹⁶Cecil Brownlow, "Soviets Push Fighters in South America," Aviation Week and Space Technology, 28 May 1973, p. 163.

¹⁷U.S., Central Intelligence Agency, Communist Aid to the Less Developed Countries of the Free World, 1976, ER-77-10296 (Washington, D.C.: Government Printing Office, 1977), p. 25.

¹⁸Tad Szulc, "Russia Arms Peru. Meanwhile, the U.S. Refuses Planes to Ecuador," The New Republic, 19 February 1977, p. 18.

Arms Race

The issue of an arms race in Latin America was a primary topic in 1967 during congressional consideration of the restrictive amendments. This concern was to continue. Shortly after the President signed the bill making the Conte-Long amendments part of U.S. law, the Washington Post warned that "Latin Decisions to Buy Jets Could Trigger Arms Race."¹⁹ The concern of the Post was not shared by all commentators, some of whom referred to the activity in Latin America as an "arms walk" or an "arms crawl." Several months later, U.S. News and World Report asked the question: "Is There Really an Arms Race in Latin America?" The article concluded that "such fears are unfounded" and that it was not until "other nations turned to Europe for arms that the cry of 'Latin American Arms Race' arose."²⁰

The relatively little money spent for arms by Latin American nations was portrayed by several spokesmen. While serving as U.S. Representative

¹⁹Warren Unna, "Latin Decisions to Buy Jets Could Trigger Arms Race," Washington Post, 22 January 1968, p. A4:1.

²⁰"Is There Really an Arms Race in Latin America?," U.S. News and World Report, 4 March 1968, p. 52.

to the Organization of American States, Sol Linowitz spoke on the subject. He stated:

Latin America spends less on arms than any other part of the world. Approximately 90 percent of its military expenditures is for upkeep of military and defense establishments, and only 10 percent is for acquisition of new military equipment. . . . The current headlined effort on the part of one or two Latin American countries to acquire more sophisticated equipment arises from the desire to replace outmoded and obsolete equipment which is both uneconomical and ineffective.²¹

In an address at Stanford University, Under Secretary of State Katzenbach said:

Actually, the Latin American record on arms is a good one. . . . In relative terms, hemispheric defense budgets have declined by some 50 percent over the last 20 years. . . . The number of operational fighter squadrons has declined from 29 to 16. And Latin America's total annual outlays for military equipment are less than \$200 million--which, for those of you who enjoy comparisons, is about half the annual cost of the New York police department.²²

He concluded by pointing out that by adhering too rigidly and unswervingly to what is our basic policy--to avoid the supply of expensive and sophisticated military equipment to developing countries--might, in fact, help to defeat the aims of our policy.

²¹Sol M. Linowitz, "Hemisphere Cooperation through the Alliance for Progress," Department of State Bulletin, vol. 62, (6 November 1967), p. 619.

²²Nicholas deB. Katzenbach, "U.S. Arms for the Developing World: Dilemmas of Foreign Policy," Department of State Bulletin, vol. 57 (11 December 1967), pp. 797-798.

Secretary of State Dean Rusk was very concerned about the repercussions of the Conte-Long amendments. He said if their aim was to prevent arms races and unnecessary military expenditures, he and the executive branch could share the aim. However, he saw "serious dangers" in them because they would go:

far beyond their apparent intent by (a) depriving the President of flexibility, (b) applying rigid and arbitrary standards which ignored different situations and needs of various nations and (c) confusing sophisticated weapons with modern weapons in that by being jet did not make an aircraft "sophisticated."

He concluded by saying:

We cannot legislate unilateral disarmament for other nations--whether small or large, poor or rich.²³

During a speech to the Pan American Society of New York, Assistant Secretary of State for Inter-American Affairs, Covey T. Oliver, responded to accusations that the U.S. was contributing to a Latin American arms race. He asserted that the U.S. policies and the program of military assistance had been a success in helping to hold down Latin American defense expenditures. He pointed out that such expenditures amounted to 23.5 percent of the Latin

²³Dean Rusk, "Secretary Rusk Urges Appropriation of Full Amount Authorized Under the Foreign Assistance Act," Department of State Bulletin, vol. 57 (11 December 1967), p. 806.

American governmental budgets in 1947, but this figure had dropped to 12.7 percent by 1966. He went on to express his concern that if the U.S. refused to transfer modern replacement equipment, such as aircraft, it could result in the Latin American purchase of much more expensive equipment from other countries. This would result in exactly the opposite effect from what was desired. He said, "It could also force the purchase of aircraft, with performance characteristics Latin America agrees it does not need, just to obtain the more limited performance it believes it requires."²⁴

Former Secretary of State Lincoln Gordon served, in the past, as Assistant Secretary of State for Inter-American Affairs, as U.S. Ambassador to Brazil, and as President of The Johns Hopkins University. In his analysis of the situation, he called the existence of an arms race in Latin America a "widespread myth."²⁵ His successor, Covey T. Oliver, when he was Assistant Secretary of State, said:

²⁴Covey T. Oliver, "Our Continuing Commitment in the Home Hemisphere," Department of State Bulletin, vol. 57 (25 December 1967), pp. 871-872.

²⁵Lincoln Gordon, "Punta del Este Revisited," Foreign Affairs, vol. 45 (July 1967), p. 630.

There have been a few outstanding and well-publicized acquisitions of a relatively few pieces of expensive, modern military equipment, but there has been no arms race; and there will be none unless the moderating influences within the hemisphere come to lose acceptance.²⁶

There was no arms race in Latin America, despite the apprehensions of the Congress. Some may argue that it was only through the action of Congress in passing the restrictions on arms sales to Latin America after 1967 that prevented such an arms race. Such a problem of identifying causes is reminiscent of the man who rationalizes his consumption of martinis each evening as preventing a toothache. Just because he has never been afflicted with a toothache does not mean that the martinis prevented such an occurrence. Likewise, because a major arms race did not develop in Latin America, does not mean that the congressional restrictions prevented it. In fact, there is evidence that some arms racing did occur between certain Latin American countries only after the congressional restrictions were initiated.

One analysis in 1974 found a definite relationship between increased weapons procurement by certain Latin American countries and the acquisitions by

²⁶Covey T. Oliver, "Foreign and Human Relations with Latin America," Foreign Affairs, vol. 47 (April 1969), p. 524. [emphasis added]

specific rival neighbors during the 1960-1970 period.²⁷ In 1976, using multiple regression analysis and refined time intervals, Professor Edward Laurance found no evidence of arms races during the period from 1963 to 1967. But during the period from 1968 to 1973, the picture changed. For the latter period, he found that Argentina, Colombia and Chile increased their arms purchases in reaction to purchases by their respective rivals, Brazil, Venezuela and Peru.²⁸ But the reverse was not true; that is, the latter three nations did not react to increased purchases by the former. The earlier period of stable relationships and no arms races was replaced, coincidentally, by the formulation of the congressional restrictions, with a less stable period of increased rivalry between some Latin American nations. It is important to note that the period of reaction of neighboring states to arms purchases by rival states occurred only after the initiation of the congressional restrictions. This same period also saw the quick

²⁷ Jerry L. Weaver, "Arms Transfers to Latin America: A Note on the Contagion Effect," Journal of Peace Research, vol. 11, no. 3 (1974), pp. 213-219.

²⁸ Edward J. Laurance, Arms Transfers and Influence in Latin America: 1961-1973. Paper presented to the Annual Meeting of the International Studies Association, February 25-29, 1976, Toronto, Canada, pp. 24-26.

reduction of U.S. influence in the area of arms procurement by Latin American nations and the rapid domination of the market by Western Europeans.

In effect, the results of the cure for the illness of arms races--prescribed by Congress--turned out to be worse than the diagnosed disease. If the analysis performed by Professor Weaver and refined by Professor Laurance approximates reality, then the effects of the congressional restrictions were opposite to their intended results on arms races. The evidence is very convincing that the congressional restrictions were not only ineffective but also counterproductive with regard to controlling arms races in Latin America. In this case, the congressional martini was the direct cause of the toothache.

Prevention of Seizures of Fishing Vessels

The objective of at least three pieces of legislation was the prevention of the seizure of U.S. fishing vessels. These pieces of legislation were the Kuchel amendment to the Foreign Assistance Act of 1965, the Fisherman's Protective Act of 1967, and the Pelly amendment to the Foreign Military Sales Act of 1968. In all of these articles, the means of ensuring compliance involved the negative action of termination or the withholding of U.S. economic

or military assistance. It is the author's contention that such specifications were ineffective.

In order to judge the effectiveness of the congressional legislation, it is instructive to review the total number of U.S. fishing vessels seized by Latin American nations:²⁹

Fishing Vessels Seized

<u>Year</u>	<u>Number</u>
1965	12
1966	4
1967	14
1968	5
1969	7
1970	4
1971	43
1972	46
1973	36
1974	8
1975	18

In sheer numbers, it can be seen that the quantity of the seizures actually increased after enactment of the congressional restrictions. Any deterrent effect is certainly not evident.

Following a series of seizures in 1973 and 1974, the U.S. informed Peru and Ecuador that the U.S. had paid reimbursements on three occasion to U.S. fishing

²⁹"Seizure of U.S. Vessels," dated 11 November 1975, compilation provided to the author by the Office of International Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Washington, D.C.

vessel owners following seizures by the two countries. In accordance with the Fisherman's Protective Act, the amount of the reimbursements should have been deducted from U.S. economic and military assistance destined for the two countries. On each occasion, however, the executive branch determined that it would not be in the national interest to make such deductions. These determinations were based on the following reasons:

- a. The deduction of funds would not assist in resolving the several issues on which the U.S., Ecuador, and Peru were in disagreement. To the contrary, such action would have reduced the possibility of reaching a negotiated settlement of the issues.
- b. The deduction would have adversely affected other important U.S. interests in U.S. relations with Ecuador and Peru.
- c. The deduction would have prejudiced a broad range of U.S. interests in countries of the hemisphere other than Ecuador and Peru.³⁰

The Pelly amendment to the Foreign Military Sales Act of 1968 has been applied several times, particularly against Peru and Ecuador. Application toward Peru was enforced in: May to August 1969, March 1971 to March 1972, and from December 1972 to May 1973. Application against Ecuador was

³⁰U.S., Department of State, Memorandum, "Fishing Vessels Seizures. Application of Sanctions Provisions," dated 14 January 1975, p. 2. On file at the Department of State.

enforced from May to August 1969, and from January 1971 to January 1974. In a review of the subject, the State Department concluded:

The general approach has been that our actions should contribute to a negotiated solution of the fishing boat seizure problem. Sanctions have been clearly ineffective as a means of promoting a settlement. There is no evidence that either Ecuador or Peru has ever modified its position on this issue as a result of sanctions we have applied. In fact, the sharp escalation in fishing boat seizures in 1970-72, following the suspension of FMS [Foreign Military Sales] eligibility, would indicate that the Government of Ecuador is only too willing to take up the gauntlet whenever it feels compelled to defend what it conceives as its national sovereignty. On the other hand, it is clear that sanctions when imposed have blocked possibilities for negotiation. Ecuador in particular has taken firm position of refusing to discuss the issue when sanctions were in force. The use of sanctions has made it more difficult to resolve other bilateral issues with Ecuador and Peru and has also had a negative effect on various multilateral issues.³¹

Coups

Another area in which the Congress was concerned involved the subject of the influence of arms transfers on the stability of governments and the incidence of military coups. It had been asserted many times by congressional critics that the transfer of arms led directly to the use of these arms in the overthrow

³¹Ibid., pp. 2-3, 5.

of established governments or to the increase in militaristic and authoritarian regimes. Among these critics is Professor Edwin Lieuwen of the University of New Mexico. His book, Arms and Politics in Latin America, is one of the well known, early non-statistical criticisms of U.S. military-aid policy toward Latin America.³² In 1965, in a non-statistical analysis, John Duncan Powell concluded that the granting of arms contributed to the rise of militarism in Latin America.³³

In 1967, Professor Lieuwen prepared a study for the Senate Foreign Relations Committee in which he was even more critical of U.S. policies toward arms transfers to Latin America. In order to make Latin American countries align with U.S. desires, he advocated the cutoff of both economic and military aid in addition to non-recognition of governments. He further recommended the abolishment of the Inter-American Defense Board, the Inter-American Defense College, U.S.-Latin American anti-submarine

³²Edwin Lieuwen, Arms and Politics in Latin America (New York: Praeger, 1960).

³³John D. Powell, "Military Assistance and Militarism in Latin America," The Western Political Quarterly, vol. 18 (June 1965), p. 388.

programs and all grant programs of military assistance.³⁴ The next year during Senate hearings, Professor Lieuwen again strongly advocated the cutoff of economic and military aid to Latin America because of the "leverage" which could be wielded by the U.S. He also stated, "I don't think there is any reason to sell conventional arms in Latin America."³⁵

In line with Professor Lieuwen's thinking, there have been a number of indictments made by critics of arms transfers to Latin America. These seem to have been based on emotion or intuition and have a tendency toward hysterical reaction to the transfers. Recently, a more balanced non-statistical examination was made by Elizabeth Hyman. She concluded that:

The influence of foreign military aid is generally stressed more by critics than by those friendly to the military. . . .

Specifically, the recent country studies find that military men mirror their societies. Over the long run they resist foreign influences. They exhibit a high degree of adaptation to domestic political life; they are not self-determining political entities or superpowers, but interact closely with the civilian

³⁴Edwin Lieuwen, The Latin American Military. A study prepared for the U.S., Congress, Senate, Committee on Foreign Relations, Survey of the Alliance for Progress, 90th Cong., 1st sess., 1967, pp. 30-31.

³⁵U.S., Congress, Senate, Survey of the Alliance for Progress, Hearings, before the Committee on Foreign Relations, 90th Cong., 2nd sess., 1968, pp. 84, 87.

sector. Their political behavior is unrelated to the absolute or relative size and firepower of the armed forces nor does it seem related to their class origins or to degrees of so called professionalism.³⁶

A number of statistical studies also have been conducted in an effort to answer questions related to the effects of arms transfers, the increase in authoritarian governments, the increase in the incidence of military coups, and the demand for more sophisticated hardware. However, the results fall on both sides of the answer fence. For example, in 1963, Charles Wolf, in a statistical analysis, found no association between larger military programs and authoritarian governments. He concluded that:

Dictatorships, military and otherwise, are a frequent and disturbing phenomenon in Latin America. But their occurrence and recurrence is not properly attributable to simple causes like military aid or defense programs.³⁷

Philippe Schmitter found a positive correlation between military intervention and defense

³⁶Elizabeth H. Hyman, "Soldiers in Politics: New Insights on Latin American Armed Forces," Political Science Quarterly, vol. 87 (September 1972), pp. 406, 417.

³⁷Charles Wolf, Jr., The Political Effects of Military Programs: Some Indications from Latin America (Santa Monica, CA.: RAND, 1963), p. 28.

expenditures.³⁸ At the same time, a statistical examination of the subject by Miami University's Center for Advanced International Studies found no relationship between defense expenditures and military intervention.³⁹ In a later study, Philippe Schmitter found mixed results. "The impact of military aid varies from highly significant and positive, to indifferent, to highly significant and negative." He concluded that "none of the hypotheses linking military aid and military rule are exclusively and significantly supported by the . . . data."⁴⁰

In order to find a better answer to such questions, Dr. Milton Leitenberg of Cornell University's Peace Studies Program compiled and reviewed more than 80 studies which were conducted by other authors and dealt with the occurrence of wars and also

³⁸Philippe C. Schmitter, Military Intervention. Political Competitiveness and Public Policy in Latin America, 1950-1967. Cambridge, Mass.: Center for International Affairs, Harvard University, 1970.

³⁹Center for Advanced International Studies. The Political and Socio-Economic Role of the Military in Latin America (Coral Gables, Fla.: University of Miami, 1970).

⁴⁰Philippe C. Schmitter, "Foreign Military Assistance, National Military Spending and Military Rule in Latin America," in Philippe C. Schmitter, ed., Military Rule in Latin America. Function, Consequences and Perspectives (Beverly Hills: SAGE Publications, 1973), pp. 148, 182.

coups.⁴¹ From this data base, he asked several questions, such as: (1) Do arms transfers make war in the Third World more likely? and (2) Do arms transfers make military coups more likely?⁴² In answer to the first question, he said his presumption would be in the affirmative, but the data did not reveal such an answer. Such a conclusion could not be proven. The answer to the second question was similar--the data did not support such a finding. He reported that the implication was that arms transfers had very little to do with the frequency of coups.⁴³

During Senate hearings, Assistance Secretary of State Charles Meyer was quizzed on the subject of coups. He replied:

. . . since 1961 there have been 15 coups d'etat. Since 1930, and using a nice phrase called illegal and unscheduled changes of heads of state,

⁴¹Milton Leitenberg, A Survey of Studies of Post W.W. II Wars, Conflicts, and Military Coups. Paper Presented to the Symposium on Armament, Tension and War, September 26-28, 1977. Sponsored by the Nordic Cooperation Committee for International Politics, Hanaholmen, Finland.

⁴²Milton Leitenberg, The Military Implications of Arms Sales to the Third World. Paper Presented to the Conference on International Arms Trade, April 22-23, 1978. Sponsored by the Institute for Policy Studies, Washington, D.C.

⁴³Milton Leitenberg. Remarks made during the Conference on International Arms Trade, April 22-23, 1978. Sponsored by Institute for Policy Studies, Washington, D.C.

there have been 110 such upsets, or cessation of constitutional government, in Latin America.

In the decade or the period 1930 to 1939, inclusive, there were 35. In the decade, 1940 to 1949, inclusive, there were 28. In the decade 1950 to 1959 there were 29. In the decade 1960 to this date [1969] there have been 18 or almost exactly half of those suffered from 1930 to 1940.

Of those 18 in the year 1960 to date, three have occurred in Ecuador which is a civilian constitutional government now; three in the Dominican Republic, and the comment pertains still; one in Bolivia which is a civilian constitutional government now, and two in Peru, and Peru is a military government; two in Argentina, Argentina is a military government; one in Brazil, a military government; and one in Panama, a military government; one in Guatemala, and one in Honduras, both constitutional governments.⁴⁴

What Mr. Meyer pointed out was that there was no clear-cut case to prove that the transfer of arms by the U.S. precipitated coups in Latin America.

The general conclusion of the number of analytical studies shows that the congressional fears were unfounded. Congress was apprehensive over what was considered to be U.S. responsibility for causing arms races, wars, and coups in Latin America. It appears that the persons in Congress were directed by emotional responses rather than a hard-headed attempt to study the problem and to find valid answers. In effect,

⁴⁴U.S., Congress, Senate, United States Military Policies and Programs in Latin America, Hearings, before the Committee on Foreign Relations, 91st Cong., 1st sess., 1969, p. 68.

through simple reasoning, the persons leading the charge against arms transfers to Latin America formulated a simple solution to a complex problem and applied a bad answer to a good question.

Human Rights

The promotion of human rights became an increasingly important factor in U.S. foreign policy during the decade 1967-1976. As delineated in Chapter III, there were a number of reasons which lead to this elevation of human rights consideration. First and foremost was the influence of the war in Vietnam on the Congress and public opinion. As previously discussed, another major element included the increasing confrontation between the Congress and the executive branch and a desire in the Congress to restrict the executive's power in foreign policy.

Enhancement of human rights was the reported goal of a number of articles of legislation during the subject decade. However, due to the vagueness of the goals and the subjective nature of any evaluation of the accomplishments of these initiatives, it is difficult to evaluate the results of these congressional efforts to promote human rights. Nevertheless, to assist in the assessment, the results can be

divided into domestic and international results, particularly with regard to Latin America.

On the domestic side, there were several concrete results. First, the public and the Congress itself were made more aware of the wide range of elements within the subject of human rights. Numerous books and articles were written on the subject. Representative Donald Fraser's House Subcommittee on International Organizations and Movements held more than 150 hearings between 1973 and 1978 on the subject and produced numerous reports and records of the hearings.

Second, the administrative structure of government was changed to help ensure that human rights concerns were included in future deliberations. By the International Security Assistance and Arms Export Control Act of 1976, the Congress specified the establishment of a Coordinator for Human Rights and Humanitarian Affairs in the Department of State. This led to additional human rights officers being stationed throughout the State Department and in U.S. diplomatic posts overseas. This act specified that an annual report was to contain an analysis of human rights practices within those countries receiving security assistance from the United States. The act also

included the direction that if the Congress requested a report of human rights practices on any specific country, the State Department had to respond within 30 days or else all security assistance to that country would be terminated.⁴⁵

Third, the Congress established human rights considerations as absolutely mandatory in foreign policy by including them in various public laws. These new laws provided legal guidelines for the executive to follow in foreign policy decisions. The laws dictated U.S. policy in specified cases involving arms transfers or in instances of U.S. participation in monetary loans by international monetary institutions such as through the Inter-American Development Bank.

On the international scene, a tabulation of concrete results is much more difficult due to the subjective nature of such an evaluation. Undoubtedly, there were positive results, and in many cases, the positive results may not be realized until some future time.⁴⁶ However, examples of less than successful

⁴⁵ International Security Assistance and Arms Export Control Act of 1976, Statutes at Large, vol. 90, sec. 301, pt. 1 (1978), pp. 748-750.

⁴⁶ Assessment of the results of the congressional activism in the field of human rights through 1976 is brief. This is because the subject became an item

results exist, such as the effects of the Jackson-Vanik amendment which reduced rather than expanded the immigration of Jews from the Soviet Union. Historian Arthur Schlesinger summed up the charges against these human rights initiatives as including "Hypocrisy, double standards, undermining detente, undermining stalwart anti-communist allies, of cultural imperialism, racism, messianism and so on."⁴⁷ Dr. Riordan Roett, during testimony to the House Subcommittee on Inter-American Affairs, stated his conclusion:

The continual effort to employ U.S. policy in Latin America as a weapon in the struggle to achieve respect for human rights is counter-productive. It creates bilateral tension that prevents the negotiation and settlement of other outstanding issues. It reduces the possibility of quiet, effective pressure being brought to bear by the U.S. Government,

of even increased controversy and policy change under the direction of President Jimmy Carter. The issues of human rights and arms transfers provide numerous opportunities for future dissertation research and evaluation. Such subjects could be, for example, the effect on U.S. foreign policy of President Carter's views on human rights, the international results of his human rights policies, or the announced and actual policies that were to govern human rights considerations and the effects on U.S. arms transfers. Additionally, an area that could be investigated for the period of the Carter presidency would be the motivations, changes, and results in the congressional-executive conflict over the setting of U.S. foreign policy.

⁴⁷ Arthur Schlesinger, Jr., "Human Rights and the American Tradition," Foreign Affairs, America and the World 1978, vol. 57 (1979), p. 518.

through its diplomatic representatives in Latin America, on governments thought to violate human rights. The recommendation that policy be removed from the struggle for human rights is not to reduce the importance of those rights; it is to recognize the realities of power and sovereignty in the late 20th century in Latin America.⁴⁸

Fulbright Training Amendment

The Fulbright training amendment was a restriction which, although not aimed at Latin America, had its primary effect there. Its primary accomplishment was to serve as an irritant in U.S.-Latin American relations.

The amendment limited the number of foreign military personnel trained in the U.S. to the same number of foreign Fulbright scholars present in the U.S. during the previous year. In its execution, the amendment was to have more effect on Latin America than anywhere else. As applied by the Pentagon, each major command conducting military training was to have its number of trainees cut by a fixed percentage of the number previously trained. There was no attempt at setting priorities or establishing the merit of each instructional course. A group of

⁴⁸Riordan Roett, Testimony, in U.S., Congress, House, Committee on Foreign Affairs, United States and Chile During the Allende Years, 1970-1973, Hearings, before the Subcommittee on Inter-American Affairs, 93rd Cong., 2nd sess., 1975, p. 208.

congressmen studying the problem lamented about how such an arbitrary ceiling could be so arbitrarily applied.⁴⁹ In the actual event, for the first full year of application of the restriction, the worldwide reduction in the number of foreign military students trained in this country was 1,398. But of the 1,398 students deprived of training, 1,332 were from Latin America!⁵⁰ Although Senator Fulbright originally did not intend to reduce the number of military students or to eliminate any from Latin America, inadvertently more than 95 percent of the cut was applied to Latin America. The resentment of the Latin American military services involved is readily understandable. During congressional hearings on the subject, Colonel Amos A. Jordan, Professor and head of the Department of Social Sciences at West Point, was called to testify. He said that the Fulbright restriction had "absolutely no relationship to needs or to any other rational criterion." He went on to

⁴⁹U.S., Congress, House, Committee on Foreign Affairs, Reports of the Special Study Mission to Latin America on Military Assistance Training and Developmental Television, 91st Con., 2nd sess., 1970, p. 23.

⁵⁰U.S., Congress, House, Military Assistance Training, Hearings, before the Committee on Foreign Affairs, 91st Cong., 2nd sess., 1970, p. 141.

state that the "meat axe approach to asserting legislative influence over the executive branch, which this amendment represents, raises political problems as well as hamstringing defense programs."⁵¹

The goal of the Fulbright training amendment--to increase the funds for the scholarship program bearing the senator's name--clearly was not achieved. In addition to unsuccessfully accomplishing its objective, it was also counterproductive from the national point of view. Its effect could only have been a negative one and an irritant in U.S.-Latin American relations.

Local Production

Still another unintentional result of the restrictions was the development in Latin America of indigenous capabilities for arms production beyond U.S. control. The demonstrated unreliability of the U.S. as a source of weapons was clearly a major factor in Argentina's commencement of its Plan Europa in 1967. The plan had as its primary objective the development of local weapons production capabilities to reduce Argentina's dependence on the U.S. as the dominant source of arms.

⁵³U.S., Congress, House, Military Assistance Training, p. 102.

Brazil also has developed her capability to manufacture a sizable portion of her own requirements and has now entered the export market. As a result of local production of weapons, the U.S. has even less control. Not only are weapons sold within Latin America to customers the U.S. may not have approved of, but also sales are made to other Third World nations the U.S. definitely would have opposed if it possessed any measure of control.⁵²

The counterproductive nature of the congressional restrictions can be seen in the development of Latin American arms production and their independence from U.S. control. Congress imposed the restrictions in an attempt to gain control over Latin American arms purchases. The Congress thereby forced the larger Latin American countries into making their own weapons in order to be free from the restrictions. As a result, the U.S. lost all control, and the arms may now be sold to nations who possess national ideologies in strict opposition to the U.S. values and national interests. Again, the result of the restrictions was counterproductive.

⁵²Larry Rohter, "Brazil Sells Armored Cars to Libya, Warplanes to Chile," Washington Post, 19 December 1977, p. A8:1.

Conclusions

During the period 1967 to 1976, a number of events, influences, and perceptions led to a resurgence in congressional participation in United States foreign policy. A series of international events such as the Vietnam War, the Arab-Israeli War of 1973, the Cyprus Crisis of 1974, and the crisis in Angola in 1975 served to heighten congressional concerns over the direction of U.S. foreign policy and the international commitments made by the executive. Domestic events such as Watergate aggravated the relationship between the two branches and led to increased distrust of the executive. Issues such as human rights became a major influence on congressional thinking. The combination of the effects of these events, influences, and factors led to a congressional desire to "do something--anything" in the field of foreign policy. This desire, coupled with the perception that Latin America was on the margin of U.S. interests, resulted in new legislation targeted at Latin America.

Latin America was only a convenient and secondary target. Because of major U.S. security and political interests in other regions of the world and the relative lack of such concerns in Latin America, it became the focus of the new congressional activism

in the field of foreign policy. Numerous rationales were devised to restrict arms transfers to Latin America. These restrictions doubly served to reduce the flexibility of the executive. This gives foundation to the conclusion that the executive was as much of a target of the congressional restrictions as was Latin America, if not more!

The results of this mistargeting was a distinct disadvantage to the United States. The reported objectives of the restrictions were not achieved; the restrictions were often counterproductive; the Soviet Union gained entry into Latin America and its arms market, and the political and military relationships of long standing were quickly lost or damaged.

The Constitution affords the Congress and the President the joint responsibility in foreign affairs. In this episode of U.S. foreign policy, it is clear that the deep congressional involvement in the execution of foreign policy was the blunt instrument approach; whereas, it should serve as the scalpel during the formulation of future policy. A major improvement in the process would be increased consultation between the two branches during policy development rather than after the fact of policy determination.

This review of the past has relevance for the future. The present world situation is even more complex than during the subject decade. New political developments will confront U.S. objectives in many regions. The fall of the Shah of Iran, the Soviet invasion of Afghanistan, and the Iran-Iraq War have changed political and security alignments in that region. Increased activities of Castro's Cuba with Soviet support have challenged the status of previous U.S. concepts applied to Africa as well as Latin America. The growing capabilities of the Soviet military power present an increasing challenge to U.S. interests worldwide. If the United States is to remain externally competitive in the international political arena and influential in events that affect its future and its interests, it must be internally as competent and well-ordered as can be devised. Under current world conditions, the U.S. government cannot afford such debilitating internal confrontations as evidenced in these pages. The U.S. must be efficient in the formulation of its foreign policy and effective in the execution of that policy. To waste its energies in distrust and internal struggles may place its current objectives at risk and may hazard achievement of its national goals in the future.

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