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A 100,000 WORD DISSERTATION SUBMITTED IN FULFILLMENT OF THE REQUIREMENTS FOR THE DEGREE OF D.PHIL. IN POLITICS IN THE FACULTY OF SOCIAL STUDIES AT OXFORD UNIVERSITY

BY

CHRISTOPHER B. HOWARD

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ABSTRACT

This dissertation demonstrates that from 1975-1991, the House Foreign Affairs (HFAC) and House Armed Services (HASC) Committees played unique, consistent, and identifiable roles in the four decisiontaking phases of use of force policymaking: the deployment of force; regulation of the sustainment of force; the recall of force, and retrospective assessment. Furthermore, these roles constituted a pattern that was primarily the result of three factors: institutional and organizational characteristics of Congress; nature of the conflict; and public support for the involvement of US forces. The two Committees did not, however, perform the same acts in every event. Instead, they engaged in general activities including oversight, investigation, and passing legislation which constituted a pattern unique to use of force policymaking. The pattern, moreover, changed most notably when the conflict's nature intensified, and when the employment assumed the trademarks of the Vietnam War.

In addition to explaining what roles Armed Services and Foreign Affairs performed in use of force polciymaking, this dissertation:

(1) develops a more comprehensive explanation of legislative-executive relations in use of force policymaking that clarifies events from 1975 through 1991;
(2) identifies the context in which the HFAC and HASC exercised the most influence with respect to the executive branch; and,
(3) demonstrates the effect of roles played by the HFAC and HASC in other areas of foreign policymaking on their role in force employment policymaking.

Chapter 1: INTRODUCTION

Origins of this dissertation

This dissertation is the culmination of five years of reflection, analysis, research and exposure to congressional committees' roles in defense policymaking. It began during the summer of 1990 when I held the position of intern with the House Armed Services Committee (HASC) as a cadet at the US Air Force Academy. For six weeks, I worked with the professional staff to draft the Committee's central legislative document: the National Defense Authorization Act. This Act grants the Armed Services Committee the power to determine the budget, size, and composition of the US' military forces. However, the question remained of what the Committee might do when military forces were employed. The end of my stint at the HASC immediately prior to the Iraqi invasion of Kuwait in the summer of 1990, prevented my monitoring direct the Committee acting in this arena of policymaking.

I later addressed the topic of the HASC and the use of military force in an M.Phil. thesis - albeit for the Reagan presidency only.[1] The thesis also included analysis of the House Foreign Affairs Committee's (HFAC) role in the making of congressional policy on the use of military force: its aim was to determine what role both Armed Services and Foreign Affairs played in the four phases of force

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[1]Christopher B. Howard, "The Politics of Force Employment Policymaking" (M.Phil thesis, Oxford University, 1993), p. 2.

employment policymaking: the decisions to (1) employ force (2) sustain forces (3) recall forces and (4) assess the effectiveness of US forces after their withdrawal. The scholarly literature on the subject was unhelpfully vague on the two Committees' roles, concentrating upon the Senate's activities, and according little attention to those of the House.

In terms of the canonical writings, my framework was a hybrid of Lowi's crisis, strategic and structural policy, the first of which had been dominated by the executive branch since World War II (although to a lesser extent after 1973).[2] Moreover, according to Ripley and Franklin, congressional influence in crises had been via the Congress as a whole or the congressional leadership (rather than committees). Other works, notably Sundquist's The Decline and Resurgence of Congress implied that congressional activism in foreign policy had been largely confined to the Senate - the chamber vested with greater enumerated constitutional powers of national security than the House. The section of Sundquist's book dealing with war-making powers focused upon the activities of the Senate Foreign Relations and Senate Armed Services Committees; he scarcely considered their House counterparts.[3] Sidney Blumenthal,

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[2]Lowi's typology is set out in Randall B. Ripley and Grace A. Franklin, Congress, The Bureaucracy and Public Policy, 5th edition (Pacific Grove Calif: Brooks/Cole Publishing Company, 1991), pp. 23-24. Strategic policy usually includes decisions on allies, threats, and interests whilst structural and crisis policy refer to responses to unexpected events and personnel, equipment and organization respectively.

[3]James L. Sundquist, The Decline and Resurgence of Congress, (Washington D.C.: The Brookings Institution, 1981), pp. 240-272.

White House and congressional correspondent for The New Republic, argued that "the House Foreign Affairs Committee is not constitutionally vested with its [the Senate Foreign Relations Committee's] powers such as passing treaties; nor can it match its prestige."[4] In essence, the Senate has been held to be better placed constitutionally to affect national security policy, and to enjoy a higher reputation among the media and the public as the more contemplative forum. There remained two gaps in the scholarly literature, however, regarding House of Representatives committee-executive branch relations which derived from the unexamined proposition that House committees played only a marginal role in force employment policymaking. Committees were the most effective (and most frequently utilized) congressional fora for executive oversight, interchange, and the production of substantive policy; nonetheless, in strategic and crisis policy, most regarded their roles as insignificant.[5]

M. Phil thesis findings and expanding the research

While the scholarly literature on House committees and use of force policymaking was unsatisfactorily vague, the M. Phil. thesis has a conclusion which I reaffirm in this larger project: the House Foreign Affairs and House Armed Services Committees played unique, consistent, and identifiable roles in the four decision-taking phases of

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[4]Sidney Blumenthal, "Claiborne Bells Twilight Zone," The New Republic Vol 204 No 23 (10 June 1991): p. 23.

[5]Ripley and Franklin, Congress, the Bureaucracy and Public Policy, p. 4.

force employment policymaking: the deployment of force; regulation of the sustainment of force; the recall of force, and retrospective assessment from 1980 through 1988 (even from 1975 through 1991).[6] Furthermore, these roles constitute a pattern that was primarily the result of three factors: institutional and organizational characteristics of Congress; nature of the conflict; and public support for the involvement of US forces all of which were to some degree tempered by the "Vietnam legacy" (to be discussed shortly). As I have argued elsewhere, "the roles played by the HFAC and HASC seldom changed from one force employment to next."[7] The explanation developed in the M. Phil. thesis is sustained in the larger study, but should not be misconstrued as an argument that the Committees behaved similarly in each case. They did not. Instead, the general activities in which they engaged (including oversight, investigation, and passing legislation) constituted a pattern unique to force employment policymaking. Whereas the extent of Committee activism varied considerably when the conflict's nature intensified and the employment assumed trademarks of the Vietnam War, the roles Armed Services and

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[6]Henceforth, the House Armed Services Committees and House Foreign Affairs Committees shall be referred to as either Armed Services/HASC or Foreign Affairs/HFAC. Foreign Affairs was renamed International Relations from 1975 through 1978, and will be referred to by this name or HIRC for the relevant period. Also of importance, the Senate Armed Services and Senate Foreign Relations Committees shall be referred to as Armed Services/SASC and Foreign Relations/SFRC respectively. Finally, the House Committee on Appropriations Subcommittee on Defense and Subcommittee on Foreign Operations shall be referred to as Defense Appropriations and Foreign Operations respectively.

[7]Christopher B. Howard, "The Politics of Force Employment Policymaking" (M.Phil thesis, Oxford University, 1993), p. 2.

Foreign Affairs played (namely the particular types of activities in which they participated) did not change throughout the cases studied.

I am less concerned with answering the question of what role the Committees played in the decisionmaking process (namely, whether it was significant or influential) than with the type of activities in which they participated and why. The first question would require further (and different) analysis of (and interviews with) the principal participants. The problem which I examine here has received only limited scrutiny and merits closer attention. The difference between the two questions is apparent in the following example - whilst Foreign Affairs played an insignificant role in President Carter's decision to send US forces to rescue hostages in Iran, the Committee played the role of "well-informed observer" after Carter committed troops to action. I shall, however, on occasion identify those instances when the Committees were influential in one of the four phases of force employment policymaking, but that is not the primary purpose of this dissertation. A detailed definition and explanation of these "roles played" are provided on pages forty-five through fifty-six and again in the conclusion.

At an early stage in the research for this study, I realized that the original problematic addressed in the M.Phil. would have to be supplemented with three other intellectual questions if the role of Armed Services and

Foreign Affairs in use of force policymaking were to be understood. Whereas the previous study emphasized the pattern of Committee behavior, this thesis' purpose must be wider and seek to:

(1) develop a comprehensive explanation of legislative-executive relations in use of force policymaking that better clarifies events from 1975 through 1991.

(2) explain the roles played by both Committees in force employment policymaking and to identify those factors of greatest effect upon these roles;

(3) identify the context in which the HFAC and HASC exercised the most influence with respect to the executive branch;

(4) demonstrate the effect of roles played by the HFAC and HASC in other areas of foreign policymaking on their role in force employment policymaking.

Relationships this dissertation does not address

Alternative relationships that could have been adopted to explore congressional-executive relations during force employment policymaking are numerous: the same cases might have been considered for either Congress in its entirety or the House and Senate separately; alternatively, one of the relevant Senate Committees such as Armed Services and Foreign Relations could have been examined, or the Appropriations Committees' roles could have been assessed. Finally, analysis might have been confined to individual congressmen, congressional leaders or presidential allies in Congress.

Analyzing the Committees

The next six sections discuss in detail the Committees origins, standard operating procedures, structure and other

factors that influence their behavior and are meant both to provide the reader with a general working knowledge of Armed Services and Foreign Affairs and further to support my argument that they are institutionally and politically well placed to merit study in the rubric use of force employment policymaking. This section is followed by a deeper examination of the scholarly literature on congressional-presidential relations in use of force policymaking during the past fifty years.

Committee Charter and House Rules

Davidson and Oleszeck estimate that seventeen of the twenty-two standing committees in the House of Representatives in 1990 have some jurisdiction over national security policy.[8] I have selected the two most centrally involved authorizing committees, measured by their committee charters and the House Rules.

Of the HASC, the Rules state: it shall have jurisdiction over "common defense generally...the Department of Defense, Army, Navy and Air Force..." whilst the HFAC shall have jurisdiction over: "relations of the United States with foreign nations generally...interventions abroad and declarations of war...neutrality" and "protection of United States citizens abroad."[9] In both instances, Armed Services and Foreign Affairs will "ensure programs are

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[8]Roger H. Davidson and Walter J. Oleszek, Congress and Its Members, 3d ed.(Washington, D.C.: CQ Press, 1990), pp. 411-413.

[9]Rules of the House of Representatives, prepared by Donald K. Anderson, Clerk of the House of Representatives. Washington D.C: Government Printing Office, 1992. pp. 3-4.

carried out in accordance with the intent of Congress."[10] In essence, Foreign Affairs and Armed Services provide oversight of the State Department (and its agencies), and the Defense Department respectively.

Richard Fenno has argued that the two Committees have distinct member goals, strategic premises, and decision making processes.[11] While members of Foreign Affairs and Armed Services share the desire to be re-elected, to influence their colleagues in the House, and to make good public policy, HFAC members place special emphasis on the latter objective. They are generally, 'policy-oriented' members.[12] HASC members are more likely to be driven by the first objective, leading one prominent member of the HASC ruefully to announce that: "we are primarily a real estate committee."[13]

Four other points concerning the Committees assist in analyzing their role in force employment policymaking. The points relate to the following areas: origin, organization, jurisdiction, and membership. Information on ideology and partisanship will be provided in the next section.[14]

Committee Origin

House Armed Services was created by mandate of the Legislative Reorganization Act of 1946 to coincide with

[10]Ibid.

[11]Richard A. Fenno, Congressmen in Committees, pp. 5-10.

[12]Ibid, p. 25.

[13]Lewis A. Dexter, "Congressmen and the Making of Military Policy," in New Perspectives on the House of Representatives, 2d ed., Robert L. Peabody and Nelson W. Polsby (Chicago: Rand MacNally, 1969), p. 175.

[14]Information for the following section derives from Legislative Calendars for the HFAC and HASC 1975-1992.

consolidation of the Departments of War and the Navy into a unified Department of Defense. Both acts of consolidation were enacted over the outspoken protests of Representative Carl Vinson, the first Chairman of the HASC and last Chairman of the House Committee on Naval Affairs (which combined with the House Committee on Military Affairs to form the HASC).[15]

House Foreign Affairs dates back to the 1800s. For a short period, March 1975 (H.Res.163) through 1978, it was known as the House Committee on International Relations (HIRC), a name change prompted by the Chief of Staff, Mike Czarnecki whose purpose was to down play the HFAC's reputation as the Committee of foreign assistance by removing the word "foreign" from the title. Instead, Czarnecki convinced the members that it ought to promote an image of broad responsibilities in international relations.[16] In 1979, the Committee decided that its original name should be reinstated.

Committee Organization

In 1972, Richard Murphy presided over a commission established by Congress to address the prevailing problems with congressional-presidential relations in foreign policymaking. In 1975, the Murphy Commission recommended that the then HIRC convert its geographical structure of subcommittees to a functional one in order to deal more

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[15]Douglas Brinkley and Townsend Hoopes, The Driven Patriot: The Life and Times of James Forrestal, (New York: Alfred A. Knopf, 1992), pp. 319-350.

[16]Dante Fascell, phone interview with author, Washington, D.C., 5 April 1994.

effectively with contemporary principal international problems: energy, food shortages, and trade.[17] The following subcommittees were created:

(1) Oversight
(2) International Security & Scientific Affairs
(3) International Operations
(4) International Political & Military Affairs
(5) International Resources, Food & Energy
(6) International Economic Policy
(7) International Organizations
(8) International Trade & Commerce
(9) Investigations

Two years later, the Committee reestablished subcommittees based upon geographic region to include Africa, Europe and the Middle East, Asia and Pacific, and Inter-America (renamed Western Hemisphere in 1983). Oversight, Political & Military Affairs, and Investigation were disbanded while Economic Policy and Trade & Commerce were consolidated. The Committees have remained virtually unchanged since 1977.

The HASC's subcommittee organization remained static between 1975 and 1991 with only a few changes. The following subcommittees existed in 1975:

(1) Military Installations & Facilities
(2) Seapower & Strategic & Critical materials
(3) Military Personnel
(4) Investigations
(5) Military Compensation
(6) Research & Development
(7) Intelligence

The most significant changes came in 1981 when the Military Personnel and Compensation Subcommittees were

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[17]Margaret Goodman, ed., Congress and Foreign Policy 1975, (Washington, D.C.: GPO, 1976), pp. 29-35. Murphy's report coincided with a series of hearings entitled "The Congress and Foreign Policy" intended to explore the effectiveness of the two branches' relationship.

consolidated to make room for a new subcommittee: Readiness. The Intelligence Subcommittee along with the HFAC's Oversight Subcommittees were made redundant after repeal of the Hughes-Ryan Amendment in 1980.[18]

Thereafter, the House Permanent Select Committee on Intelligence (established in 1977) served as the primary consultative mechanism between Congress and the president on covert operations whilst Foreign Affairs and Armed Services respectively reported legislation on oversight/consultation amendments and hardware for "black programs."

By virtue of the House rules, one member from both the HFAC and the HASC must serve on the House Permanent Select Committee on Intelligence. Dave McCurdy (D-OK) of Armed Services and Hamilton of Foreign Affairs were Intelligence Committee chairmen whilst Zablocki served as Vice Chairman. The overlap in Committee membership affected the independent variable labeled "activities of other relevant committees" and is discussed in greater detail in the chapter on Angola.

Committee Jurisdiction

As indicated by their subcommittees' composition, the jurisdiction of the HFAC is much broader than that of the HASC. It encompasses the entire realm of foreign policy; legislation under its purview is, therefore, more eclectic than Armed Services. The Committee annually amends the following authorization legislation:[19]

[18]Congress, House, Committee on Foreign Affairs, Intelligence Oversight Act of 1980, report, 96th Cong., 2nd sess., 1 August 1980, H.Rept 96-1153 pt 2.

[19]Congress, House, Committee on Foreign Affairs, International Security and Development Cooperation Act of 1982, report, 97th Cong., 2nd sess., 17 May 1982, H.Rept 97-547.

(1) **Foreign Assistance Act** - In general, the act "seeks to balance foreign policy interest and [international] issues confronting the US." It includes
(a) Military support for US allies
(b) US access to foreign military facilities
(c) Middle East peace
(d) Economic development assistance
(e) Food for the hungry and development
(f) Trade and development
(g) Peace Corps
(h) Drug Control
The act has taken on various titles from 1975-1991. Moreover, security assistance and other areas of foreign assistance were authorized separately from 1976-1980.

(2) **Export Administration Act (EAA)**- This act "provides broad authority for controlling the export from the US to potential adversary nations of civilian goods and technology which could contribute significantly to foreign military capability if diverted to military application."

(3) **Arms Export Control and Nuclear Nonproliferation Acts** - These acts regulate "exports of munitions and nuclear technology respectively."

(4) **State Department Authorization Act**

The HASC has had jurisdiction over military organization, developing new weapons systems, and manpower policy since 1946. However, the Appropriations Committee both authorized and appropriated funding for specific arms programs until 1959. During that year the Committee began authorizing 15% of the Defense Department's annual budget. Its authorization authority has expanded since the mid-1960s today encompassing 95% of the Defense Department's budget. Unlike Foreign Affairs, which has not passed a separate Foreign Assistance Authorization Act since 1985, Armed Services successfully navigated the National Defense

Authorization Act through Congress every year from 1975-1991.[20]

The Committees' jurisdictions overlap in various areas including War Powers (especially under Aspin), arms exports, intelligence oversight and security assistance. The most relevant area for this dissertation - barring War Powers - is security assistance. More specifically, the Defense Security Assistance Agency (DSAA) is operated by DoD personnel, but funded through a State Department appropriation. Prior to 1973, security assistance was authorized by the HASC, but House members' assertions that the Committee was unwilling to criticize the administration's requests in line with the desires of a more liberal chamber resulted in the program being placed under Foreign Affairs' jurisdiction.[21] US forces deployed to El Salvador were assigned to DSAA. Funding for the Multinational Force Observers (MFO) came from security assistance whilst its manpower requirements were met by paratroopers provided by the 101st and 82nd Airborne Divisions. These units are under the DoD's authority, and therefore, subject to HASC oversight. Both Committees also receive notification of arms sales, and security assistance transactions between the US and other countries (see appendix for list of relevant legal authority).

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[20]"A Change of Style on House Armed Service" in Congressional Quarterly Almanac, 94th Congress (Washington, D.C.: Congressional Quarterly Inc.), p. 337.

[21]HASC professional staff member, interview by author, Tape recording, Washington D.C., 31 March 1994.

Ideology

During the period studied here, Foreign Affairs was the more liberal of the two Committees. More precisely, its members tended to vote against increased spending on military programs and foreign policy proposals that enhanced the military capabilities of other nations. Members of Armed Services were more likely than their colleagues on Foreign Affairs to have served in the military. However, HFAC Democrats with prior military service did not vote any more conservatively than HFAC Democrats without it. The opposite can be said of the veterans from the other three groups - HASC Republicans and Democrats and HFAC Republicans - who tended to vote more conservatively than their respective counterparts without military service. Finally, the HASC - especially its leadership - was more liberal from 1988 through 1991 than from 1975 through 1987.

My arguments are based on the National Security Index (NSI) rating - a report issued by the American Security Council that demonstrates how conservatively congressmen vote on national security issues during a given year. This information is found in tabular form in the appendix.[22]

Partisanship

Armed Services' conservative nature fostered a spirit of bipartisanship visible in the composition of its staff and the interaction between staff members of both parties. On Foreign Affairs, partisanship was more apparent.

[22]Michael Barone and Grant Ujifusa, The Almanac of American Politics 1976-1990, (Washington, D.C.: Barone & Company, 1976-1990).

Minority staff size is telling: Armed Services has averaged two per Congress studied whilst Foreign Affairs has averaged ten. In addition, many members of Foreign Affairs' minority staff have offices in the House annex, several hundred yards from the Rayburn, Longworth, and Cannon buildings where the members work.

Historical analysis of the resurgent Congress and the scholarly literature

Scholarly literature on the topic of congressional-executive relations can be divided into two phases: the Great Depression to Vietnam and the post Vietnam era. Many scholars including Sundquist, Schlesinger, and Cronin characterize it as a 'cyclical' theory.[23] During this period, approximately 1932 to 1975, the executive had distinct legal, constitutional, institutional, structural, and partisan advantages in force employment decision-making. Arguably, this context vested the president with ample political leverage to assert himself in force employment policymaking. Indeed, a paradigm of deferral to the president on almost all foreign policy matters had been established by the end of World War II. My intention during this section is not to present a comprehensive discussion of force employment policymaking in the periods before and since the Vietnam War, but rather to provide a brief synopsis.

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[23]For a good discussion on the post Vietnam Congress see esp Thomas E. Cronin, "President, Congress, and American Foreign Policy" in The Domestic Sources of American Foreign Policy: Insights and Evidence, ed. Charles W. Kegley, Jr. and Eugene R. Wittkopf (New York: St. Martin's Press, 1988), pp. 149-165.

Constitutional Analysis

The Constitution offers ambiguous claims to use of force authority since it attempts to vest Congress with some of the war powers, and the executive with others.

Article I sect(8)para(11) of the Constitution states "the Congress shall have the power to declare war" whilst Article I sect(8)para(12) extends to Congress the power to "raise and support Armies." The power to raise a Navy is vested in the legislature along with the authority to organize, arm and discipline militias. Congress also has the power to call the militia forth to "execute the laws of the Union, suppress insurrections and repel invasions."[24]

For the executive, the Constitution mandates in Article II that the "president shall be Commander-in-Chief of the Army and Navy of the United States, and the militia of several states."

Analysis of relevant Supreme Court rulings

Although less important than the other two branches in force employment policymaking, the Supreme Court had ruled in favor of presidential dominance in two important cases by the end of President Truman's tenure in the oval office. Neither case settled the matter, however; members of the administration are quick to note that the Court has

[24]The US Constitution, Article I sect(8)para(13).

recognized the importance of unity, clarity, and expedience in this area of policymaking.[25]

In The United States vs. Curtiss-Wright Export Corporation (1936), the Court held that Congress' "necessary and proper" powers were confined to internal affairs. Writing for the majority, Justice George Sutherland declared: "In the vast external realm, with its important, complicated delicate and manifold problems, the president alone has the power to speak or listen as the representative of the nation." Sutherland continues: "...in the international field most often [Congress] must accord to the President a degree of discretion and freedom from statutory restriction which would not be admissible in domestic affairs."[26] Sixteen years later in a case where presidential power was curtailed by a Supreme Court mandate, Justice Robert Jackson broadly adhered to Sutherland's position writing: "when dealing with outside forces that threaten US security, the Supreme Court must use the widest latitude in evaluating the constitutional powers of the president."[27]

Institutional constraints and bipartisanship (1932-1964)

Institutionally and structurally, the legislature has traditionally been ill-equipped to handle force-employment decisions. While the executive possessed "vigor, unity, and

[25]Professor Louis Fisher, interview by author, Tape recording, Washington, D.C., 6 April 1994.

[26]US v. Curtiss Wright Export Corporation, Supreme Court of the United States, 1936, 299 U.S. 304, 57 S.Ct. 216, 81 L.Ed. 255.

[27]Youngstown Sheet and Tube Co. V. Sawyer, Supreme Court of the United States, 1952, 343 U.S. 579, 72 S.Ct 863, 96 L.Ed. 1153.

singularity," the legislature was characterized by impasse, disunity and plurality.[28] With a host of resources dedicated to national security policy, i.e. the Department of State and Defense as well as the National Security Council and Central Intelligence Agency (since 1947), the executive was greatly advantaged by massive bureaucratic expertise. World War II saw the American public rally around its head of state, and the subsequent Cold War produced similar results. Congress acquiesced, and accommodated the presidential monopoly on national security policy.[29] Save for six years during Eisenhower's administration and a single Congress during Truman's tenure, the president enjoyed a majority in both chambers. There was an electoral incentive to agree with the president on policy issues either foreign or domestic, and again, national unity was regarded as a prerequisite for effective opposition to the Soviet threat. This paradigm changed, however, after the failures of the "Imperial Presidencies" of Johnson and Nixon.[30]

The "Imperial Presidencies"(1964-1973)

Shortly after the 'carte blanche' issued by the legislature in 1964 via the Gulf of Tonkin Resolution, the first indication of waning congressional support for a presidential monopoly on national security issues came in

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[28]Federalist paper number ten in James Madison, John Jay, and Alexander Hamilton The Federalist Papers (London: Penguin Books, 1987) -originally published in 1788.

[29]Davidson and Oleszeck, Congress and Its Members, p. 410.

[30]See esp. Arthur M. Schlesinger, The Imperial Presidency,(Boston: Houghton Mifflin Company, 1973).

1969 with the National Commitments Act. This senatorial resolution declared: "the Congress should take enough time to make its intent clear...to remove any doubt where the power to make war lies."[31] Many acts of Congress followed shortly thereafter to the same effect including: the Cooper-Church Amendments(1971) - prohibiting the use of US ground troops in Cambodia, Laos and Thailand; the Hughes-Ryan Amendment - requiring that Congress be regularly informed about covert operations and the president certify the necessity of those operations; and the National Emergencies Act(1976) - forbidding the president from exercising any statutory authority in the time of a national emergency until he informs Congress of the specific laws under which he proposes to act.[32] But among the myriad congressional initiatives during the Vietnam era attempting to curtail presidential power, none was more important than the War Powers Resolution.

Congressional resurgence and the War Powers Resolution

Introduced in 1970 by Representative Dante Fascell in the House and Jacob Javits in the Senate, the War Powers Resolution took three years to pass.[33] Both chambers wished to enrich the consultative process between the president and Congress without completely usurping his powers to sanction

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[31]Sundquist, The Decline and Resurgence of Congress, p. 245.

[32]For information on the Cooper-Church Amendment and the Hughes-Ryan Amendment see Cronin, "President, Congress and American Foreign Policy" in The Domestic Sources of American Foreign Policy, p. 156. For information on the National Emergencies Act see Harvey G. Zeidenstein, "The Reassertion of Congressional Power: New Curbs on the President," Political Science Quarterly 93 (1978): p. 401.

[33]Sundquist, The Decline and Resurgence of Congress, pp. 247-272.

the use of force. Zablocki was chairman of the HFAC subcommittee selected to review the War Powers Resolution. He sought a legislative act which the President would support and sign into law. The Resolution did pass, but only over Nixon's veto, by a 284 to 135 vote in the House, and a 75 to 18 vote in the Senate.[34] The War Powers Resolution requires the president to inform the Speaker of the House and President pro tempore of the Senate of any force employments within 48 hours of the action. Furthermore, troops may remain deployed for a maximum of sixty days unless Congress statutorily extends their stay. The president may - by specific request to Congress - extend the force employment to ninety days if the troops will be endangered by an immediate withdrawal.[35] The most contentious issue in the War Powers Resolution, however, is the application of a legislative veto provision by which Congress may - via concurrent resolution - force the president to withdraw American forces.[36] In the most pertinent case on a similar issue, Chadha vs INS (1983), the Supreme Court ruled legislative vetoes unconstitutional in as much as they violated the doctrine of separation of powers although it has not yet applied its judgement to the WPR (which has a severability clause), and more than 200 statutes have been passed since Chadha which include

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[34]Ibid.
[35]PL 93-148 "The War Powers Resolution."
[36]Ibid.

legislative vetoes.[37] Two points are of particular significance. First, Foreign Affairs and Armed Services have other mechanisms of congressional oversight and policymaking besides the War Powers Resolution. Accounts limited to the resolution omit much of the political significance: the WPR shapes the law and politics of force employment, and other tools are available to both Committees. Secondly, when analyzing the War Powers Resolution, its actual application must be sharply distinguished from the theoritical. In Grenada, President Reagan removed the troops from combat status on the forty-ninth day in order to avoid a conflict over the applicability of the War Powers Resolution, without conceding the statute's constitutionality.[38] The Bush administration pursued a similar course of action in Panama where it removed forces from combat status weeks before the two month window expired in order to avoid the question of War Powers' constraints.[39]

Diminishing institutional constraints and partisanship (1973 to the present)

Contemporaneously with the War Powers Resolution's passage, the institutional composition of Congress began to

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[37]Immigration and Naturalization Service v. Chadha, Supreme Court of the United States, 1983 462 U.S. 919, 103 S. Ct. 21764, 77 L.Ed.2d 317. The Foreign Affairs Committee concluded that the Chada decision was inapplicable to the War Powers Resolution because of its separability clause. Congress, House, Committee on Foreign Affairs, The U.S. Supreme Court Decision Concerning the Legislative Veto, hearing, 98th Cong., 1st sess., 19, 20, and 21 July 1983, p. 5.

[38]In A Question of Balance: The President, The Congress and Foreign Policy, ed. Thomas E. Mann (Washington D.C.: The Brookings Institution, 1990) Robert A. Katzmann frames his entire chapter in terms of the War Powers resolution.

[39]Brent Scowcroft, former National Security Adviser during the Ford and Bush administrations, phone interview with author, Washington, D.C., 8 June 1994.

change. In 1973, the subcommittee 'Bill of Rights' came into effect greatly diminishing the powers of the committee chairman and diffusing power to the subcommittees.[40] As the legislature decentralized its nodes of control, it also intensified its oversight of the executive branch. The result has been peculiar: hoping for a more significant role in the making of public policy, Congress has instead impaired its institutional ability to do so by curtailing the authority of its traditional leadership. Perceiving a deficit in resources between itself and the executive branch, Congress also increased its analytical capacity with greater bureaucratic support of its own. The number of congressional staff members in Congress increased significantly, and the General Accounting Office was used more often by legislators to challenge the executive's findings.[41] Finally, the Budget and Impoundment Control Act of 1974 (BICA) made it more difficult than previously for the president to withhold funds from those programs specifically authorized and appropriated by Congress. BICA also created Budget Committees in both chambers of Congress, established the Congressional Budget Office (CBO) and attempted to place the budgetary process on a more rigid schedule.[42]

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[40]Michael Rubner, "The Reagan Administration, the 1973 War Powers Resolution, and the Invasion of Grenada," Political Science Quarterly, Vol 100 No 4, pp. 627-647 and phone interview with General Herres.

[41]The size of Foreign Affairs' staff tripled between 1970 and 1978. Morris P. Fiorina, Congress: Keystone of the Washington Establishment 2nd edition,(New Haven: Yale University Press, 1989) p. 60, and Lee Hamilton and Mike Van Dusen, "Making the Separation of Powers Work," p. 23.

[42]Lecture series by Dr. Nigel Bowles "The Politics of Taxing, Borrowing and Spending," Oxford University, Trinity Term 1993.

Sources

Most of my primary sources are government documents including committee hearings (except those held in closed session), mark-ups, prints, reports to the House, Legislative Calendar, Survey of Committee Activities, Legislative Review Activities, conference reports, Public Papers of the President, the Congressional Record, the State Department Bulletin, GAO reports, Pentagon/State Department after action reports and press releases, and legislative texts. Memoirs and biographies written by and about relevant participants both in Congress and the administration were also consulted.

I conducted a series of personal interviews with members of Armed Services and Foreign Affairs, their professional staff, high ranking personnel in the administration, academic experts and members of the media. In addition, I undertook research at the Ronald Reagan Library, and used photocopies of documents found at the Gerald R. Ford Library by Captain William Raymond, an instructor in the Social Science Department at the United States Military Academy.

Newspaper and periodical sources include The New York Times, The Washington Post, The New Republic, US News & World Report, The National Journal, and Foreign Affairs In addition to print media sources, transcripts of Face the Nation, Meet the Press, and The MacNeil/Lehrer Hour were examined.

Justification for examining media sources in such detail is to assess Committee members' skill in using news coverage to manipulate interpretation of events to their benefit, and because it can affect administration and Committee decision taking.[43] Because their access to first hand accounts of events is often limited, congressional committees are perhaps more likely to be influenced by reports provided by the media than the administration.[44]

Anthony Downs' argument presented in An Economic Theory of Democracy offers a scholarly rationale for the above assertions. He explains:

> Every rational citizen [congressmen and administration officials included] eventually constructs for his political usage a system of information sources, a part of whose data he selects to use in political decision taking.[45]

These newspapers, magazines, and television programs serve both as fora of discussion for sustained arguments to gain contextual advantage, and as a source of information for Committee personnel.[46]

Also consulted were The Gallup Poll (in order to measure public support for both the force employment and the president) and other relevant secondary sources including

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[43]The National Journal claims that "The Sunday shows are phenomena worthy of an anthropologist's attention - rich in symbolism, gamesmanship and political nuance - and a window into the workings of Washington officialdom and the press corps." Carol Matlack, "Always on Sunday," The National Journal (24 November 1990): pp. 2857-2861.

[44]Dante Fascell, former HFAC chairman, interview by author, Tape recording, Washington, D.C., 5 April 1994.

[45]Anthony Downs, An Economic Theory of Democracy, (New York: Harper and Row, 1957), pp. 218-219.

[46]In The New Republic for the period of cases studied, there are two articles written by Les Aspin of the HASC, one by Michael Harrington of the HFAC, one by Dave McCurdy of the HASC, and a letter to the editor from Mr. Aspin regarding a recent article on Ron Dellums of the HASC.

books, journals, CRS reports and periodicals (especially Congressional Quarterly).

Problem 1: A more comprehensive explanation of use of force policy

The purpose of the following larger sections entitled "Problem 1, 2, 3, and 4" harken back to the four supplementary intellectual questions (see page six) that have subsequently arisen in revising my M. Phil. thesis to a D. Phil. dissertation. Again, by understanding - or at least appreciating them - one can better comprehend the central aim of this study: defining the roles played by Armed Services and Foreign Affairs in use of force policymaking. I begin with the most encompassing question: "a more comprehensive explanation" as it provides the larger context of legislative-executive relations within which the Committees operate.

This section has three objectives. First, to suggest a more comprehensive explanation of the relationship between Congress and the executive in force employment policymaking, based upon the concepts of authority and contextual advantage. Second, to define and then demonstrate the importance of the term 'nature of the conflict.' Third, to explain how the nature of use of force policymaking influences the behavior of government officials and the electorate.

The War Powers fallacy

Scholarship explaining decisions to utilize military force since the Vietnam War has primarily focused upon the war power, namely:

(a) the power to declare war, and

(b) the power to make war.

Academics are joined by members of the media and the government in misrepresenting both the politics and policymaking of using military force.[47] The legislature passed the "War Powers Resolution" in 1973; since the congressional power to make war is enumerated in the Constitution the title itself is problematic. Senator Jacob Javits' (R-NY) (formerly of the Senate Foreign Relations Committee) commentary is instructive: "There can be no doubt...that the constitutional intention was to endow the president with all the powers that ultimately adhere to a military commander but, at the same time, to withhold from him the ultimate authority on the gravest political decision of whether to 'declare war'."[48] Much media coverage regarding the use of military force is also in reference to war powers.[49]

There are two problems with the present representation of force employment policymaking (to include its development and conduct). Firstly, the US Congress has not declared war since 1941: discussion of war powers, therefore, excludes

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[47]See for example Michael Rubner, "Antiterrorism and the Withering of the 1973 War Powers Resolution," Political Science Quarterly Vol 102 No 2, (Summer 1987).

[48]Jacob K. Javits, "War Powers Reconsidered," Foreign Affairs (Fall 1985): p. 132.

[49]R.W. Apple, Jr., Washington, D.C. Bureau Chief of The New York Times, interview by author, Washington, D.C., 11 April 1994.

most conflicts in which the US has since engaged. Secondly, the US government deployed its forces in hostilities thirty-three times between 1975 and 1991 (see appendix for complete list). The question is, therefore, not which branch has the power to make or declare war - a subject on which the Constitution is quite clear - but rather which branch has the authority to conduct use of force policy.

Developing a new vernacular

The first necessary alteration is to the vernacular: the United States no longer fights congressionally declared wars. Instead, Congress and the president sanction the use of military forces to conduct a multitude of operations such as air raids, naval expeditions, and advising the military forces of other nations. Hence, the phrases 'use of force' or 'force employment' policymaking are more accurate than war powers. In addition, authority, not a simple definition of power captures congressional-presidential relations in this realm of policymaking more precisely.

The issue of using force remains unsettled because the nature of "military operations" since the Vietnam War has not been sufficiently clarified. Are they, as Senator Javits suggests, merely a "euphemism" for war or rather an entirely different service provided by the Armed Forces as some military professionals argue?[50] If Javits' claim is

[50]Jacob Javits, "War Powers Reconsidered," pp 132-133. Captain John Hillen, US Army reserve, maintains that many post-Vietnam military operations such as peacekeeping do not adhere to the nine principles of warfare including having a distinct objective or allowing the forces to take the initiative. He concludes that war and peacekeeping operations are, therefore, "disparate siblings" and not synonymous in John F. Hillen III, Parameters: US Army War College Quarterly, Vol 24 No 1, (Spring 1994): pp. 27-37.

correct, then the legislature's role is legitimated by the Constitution since Congress has the power to declare war. However, if the converse is true, then conducting these activities falls more under the president's brief since, as commander-in-chief, the president has responsiblity for the conduct of the US Armed Forces. As it stands, neither argument has resulted in consensus. Instead - as this dissertation suggests - clarification is made on a case by case basis.

Authority and Power

Dissension between both branches is not based solely upon claims of power as understood in the traditional one dimensional sense of the word. According to Robert Dahl's definition, an agent 'X' is said to be exercising power over 'Y' if he can induce the latter to perform an act he would not have otherwise performed.[51] To be sure, congressional rationale for passing the WPR was to compel the executive to consult with Congress and to limit the period of US forces deployed to hostilities without legislative mandate. Their power, the congressional majority claimed, lay in the Constitution.

Executive branch officials counter with assertions that it too has constitutional power in use of force policymaking. The conflict is plain; there are several legitimate sources of power which justify both congressional and presidential assertiveness in use of force policymaking. The real issue

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[51]Robert Dahl's argument is reproduced in Steven Lukes, Chapter 2 "The One Dimensional View," Power: A Radical View, (London: Macmillan Education Ltd, 1990), pp. 11-15.

lies elsewhere since members of both branches recognize the validity of the other's powers, but not their expertise.

Members of all four administrations I examined argue that, although Congress has the power to declare war, it lacks the expertise to take decisions on use of force short of war. Former Secretary of State Jamed Baker asserts that "to allow Congress to make decisions on the use of military force would conflict with the president's constitutional powers as commander-in-chief and the military would be uncertain whose orders to follow."[52] Members of the legislature recognize the administration's capabilities in force employment policymaking, yet insist they have much to offer. For example, HASC ranking minority member, Floyd Spence (D-SC), counters by identifying a key quality which Congress possesses: "we [the Congress] are better placed to measure public support for military operations."[53] Congressmen Michael Barnes (D-MD) of Foreign Affairs adds that "the president is more insulated from public opinion; we interact with members of our district daily while he must read about it in the newspaper."[54] In short, whilst the executive may possess the institutional capacity and organizational expertise to conduct military operations, the legislature is better placed to reflect the public's support (or lack of it) for such action.

Towards a better definition of authority

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[52]Jim Baker, interview by author, Tape recording, Washington D.C., 22 March 1994.
[53]Floyd Spence, interview by author, Tape recording, Washington D.C., 16 March 1994.
[54]Michael Barnes, interview by author, Tape recording, Washington, D.C., 29 March 1994.

Power and expertise constitute authority. It is the latter, not the former, that is regularly disputed amongst members of the legislature and the executive - perhaps unknowingly by both parties. The term authority, however, requires a more detailed definition if it is to supplant power in the new vernacular in use of force policy.

Dahl's definition of power offers no insight into the goals of agent 'X'. A better definition of power is that developed by Gerald MacCallum. His tripartite function reads that 'X' has power over 'Y' to do or become 'Z'.[55] The first portion is non-controversial; for partisan, personal, and institutional reasons, Congress desires power over the executive and vice versa. The problem of what lawmakers wish "to do or become" in this realm of policymaking is not solved by asking them; as my interviews revealed, their opinions differed greatly. There is, however, a lowest common denominator apparent in congressional activity, implicit in the comments of congressmen and their staff. Congress wants the executive branch to respect its role as a principal participant in use of force policymaking, and either to :

(a) endorse its authority to act in certain circumstances; or

(b) accept its authority to act in certain circumstances.

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[55]Gerald C. MacCallum, Jr., "Negative and Positive Freedom," in Liberty ed. David Miller, (Oxford: Oxford University Press, 1991), p. 117.

Senator Richard Lugar (R-IN) of Senate Foreign Relations concurs with this argument adding that congressmen routinely pursue the latter course of action.[56]

Whilst the goals of administrations have typically been more ambitious than the legislature's, they also want the other branch to respect its authority since, with endorsement or acceptance of authority, come fewer challenges to the actions taken by the respective branch. For the executive, this translates into unfettered conduct of military operations; for Congress, the meaning is more complex, as is to be expected of two bodies comprising 535 members divided by party, ambition, interest, and ideology.

Executive endorsement or acceptance of congressional authority permits legislators to perform two acts appreciated by all members regardless of party. Firstly, congressmen may examine the merits of US involvement in hostilities and the rules of engagement of participating American forces. Secondly, Congress may authorize the use of force for a large scale military operation. The executive branch's willingness either to endorse or accept congressional authority to perform these activities derives principally from the nature of the conflict.

Nature of the Conflict

The conflict's 'nature' has three components: intensity (lethality of weapons, type of operation, number of US servicemen involved, number of foreign

[56] Senator Richard Lugar, member and former chairman of the SFRC, interview by author, Washington, D.C., 18 April 1994.

forces involved, and ratio of air, ground and sea forces); duration; and region (location). The conflict's nature affects both Committee and House behavior (even more than the Senate) for two reasons.

Firstly, the House is more sensitive to shifts in public support for military operations because of frequent elections and smaller constituencies.[57] More importantly, as former Secretary of Defense Harold Brown argues, administration officials recognize congressional expertise in this area.[58]

Secondly, as bellwethers of use of force policymaking in the House, both Committees are encouraged by their respective oversight charters and non-Committee members to respond to changes in the nature of the conflict.

Politics of circumstance and context

Force employment policymaking is determined more by political circumstances than by statutes. Important as laws defining jurisdiction and authority are, they are but two of the many factors that determine which branch exercises the greatest influence upon any particular policy. In the absence of agreed, unambiguous guidelines for developing use of force policy, governmental branches utilize advantages offered by particular circumstances to assert their claims to authority.

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[57]Interviews with professional and personal congressional staff members are, at their request, anonymous. A list of all interviewees is provided in the appendix. SASC personal staff member, interview by author, Tape recording, Washington D.C., 30 April 1994.

[58]Harold Brown, interview by author, Tape recording, Washington D.C., 28 April 1994.

Within different contexts, each branch has authority resulting from power traceable to legitimate sources in addition to various levels of institutional and individual expertise. There are, however, multiple sources of authority of which three (constitutional, nature of the conflict, and legal statutes) have been identified in previous sections of this chapter. The remaining five that I have uncovered from my research are:

(1) Historical precedent

(2) Public support for the military operation

(3) Judicial rulings

(4) Media support

(5) Nature of the incident (crisis or non-crisis)

The elements listed are contextual rather than definitive in their own right for three reasons.

Firstly, seldom can either branch persuade the other to accept or endorse its authority by invoking a single element. During the Mayaguez crisis, for example, Ford reported to Congress that he had ordered the Marine landing on Koh Tang Island by virtue of his constitutional powers as commander-in-chief. Since members of Congress, the media and public viewed the incident as a crisis, congressional endorsement of the President's action was forthcoming. Ford's attempt to depict the Cuban and Soviet presence in Angola as a crisis was less successful. Congress refused to endorse the President's claim that his authority as commander-in-chief permitted him to conduct covert

operations in Angola, ultimately voting to prohibit the expenditure of US funds to support paramilitary or military activity in that country. In short, claims of constitutional power by one branch are insufficient to gain the endorsement or acceptance of the other.

Secondly, whilst disputes within the executive may be settled by the president, inter-branch conduct of use of force policy has no such final recourse. The relationship is essentially a struggle amongst peers with different bases of legitimacy and power. Although some scholars assert that either the judiciary or the American people perform this role in issues involving the use of force, their claim is unconvincing: the former consider the issue non-justiciable for the most part, and the latter lack the consistent singular and unified expression of will to be the final judge.[59] Public support and judicial rulings are, therefore, contextual and used by each branch to increase its claim of authority.

No algorithm is available to determine which branch will be most successful in asserting its claims of authority. Nevertheless, patterns of success may be detected. First, the mix of contextual elements most often utilized by both branches to justify authority can be identified. That done, one can then examine several cases in use of force policymaking to determine (a) which branch's claims of authority were either endorsed or accepted by the

[59]See for example Harold Hongju Koh, The National Security Constitution, (New Haven: Yale University Press, 1990).

other, and (b) the specific circumstances and stage in and at which endorsement or acceptance occurred. The resulting pattern is linked to "contextual advantage" or "circumstantial advantage," and applies to both chambers in addition to all relevant committees in use of force policymaking.

Two final points on contextual advantage should be made here: firstly, it is neither objective nor static. Congressmen and administration officials alike attempt to portray instances that might involve the use of US forces in order to manipulate the context of discussion to their advantage. They do so principally to sway media and public support. Finally, contextual advantage shifts between branches of government with the media often registering the change.

Nature of the Issue

The following section is intended to demonstrate how the three principal participants - the legislature, electorate, and executive - interpret the nature of use of force policymaking, and the effects which their interpretations have on roles played by Foreign Affairs and Armed Services.

The question of using military force is an extraordinary rather than routine issue. Its magnitude causes legislators to devote unusually close attention to the matter, and often depart from traditional voting coalitions. The heightened stature of use of force policy

affects the Committees in two ways: internally and externally. Firstly, a member of Armed Services or Foreign Affairs is unlikely to vote with his chairman or senior ranking member without first conducting his own independent analysis. Secondly, the non-Committee member is unlikely automatically to endorse the findings of the two lead Committees in this area of policymaking: the HFAC and HASC.[60]

Congressmen are inclined to discuss the administration's decision to use military force as if it were unrelated to previous congressional and administration policy towards the country recently attacked. For example, beginning in 1981, Reagan indicated his displeasure with Quaddafi's involvement in the increase of terrorist activity worldwide. Congress expressed its displeasure with the Libyan leader's barbarity via anti-terrorist legislation.[61] However, only a small portion of congressional debate on the bombing of Tripoli alluded to the previous five years of executive and legislative sanctions. Instead, discussion centered on War Power Resolution (WPR) reform. Both Committees have done so for three reasons: (a) to prevent appearances of hypocrisy; (b) to alter the premises of debate so as to increase their contextual advantage; and,

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[60]HASC professional staff member, interview by author, Tape recording, Washington D.C., December 1993.

[61]Congress passed HR 4151 on 12 August 1991 approving a $2.4 billion program aimed at strengthening U.S. over seas diplomatic posts against terrorist attack. Although passed four months after the attack on Libya, both chambers had received a $4.4 billion dollar request from the administration in February. Congressional Quarterly Almanac, 99th Congress, (Washington D.C.: Congressional Quarterly Inc, 1987).

(c) to perform their constitutional duties. The second rationale has met with little success both because the parameters of debate on introducing US military forces into hostilities have been set in terms of the War Powers Resolution, and also because the President who most frequently reported under the Act, Ronald Reagan, consistently received higher public support ratings for his foreign policy initiatives than did Congress.[62]

Foreign Affairs has played the role of "guardian" seeking to protect the Resolution from either being abused or marginalized by the executive branch, a role which it has invoked in almost every instance involving the use of force in my sample. The Committee has had few victories. Successive presidents have successfully argued that they are vested with constitutional powers as commander-in-chief, coupled with the historical precedent of taking control during crises. This latter power, although jeopardized by the failures of the "Imperial Presidencies," still applied to the cases studied.[63]

In short, legal statute was insufficient; Congress was unable to gain presidential endorsement of its authority vested in it by the WPR. No president has accepted the constitutionality of the Resolution, and with one exception (Lebanon) circumstances have not required him to do so. An observation made by Senator William Fulbright, former

[62]Barry M. Blechman, The Politics of National Security: Congress and U.S. Defense Policy, (Oxford: Oxford University Press, 1990), p. 18.

[63]Arthur M.Schlesinger, The Imperial Presidency, (Boston: Houghton Mifflin Company, 1973).

Chairman of the Senate Foreign Relations Committee, is telling: "with regards to the War Powers Resolution, the Congress does not trust the president, and the president does not respect the Congress."[64] Lugar reiterates this claim, arguing that controversy regarding the War Powers Resolution is fundamentally a symbol of diminishing trust between the two branches (no doubt exacerbated by partisanship).[65]

This said, Congress may choose to do little during those times when the nature of the issue is such that it has sufficient contextual advantage to assert itself. The reasoning is plain: although the legislature may desire the authority associated with certain circumstances, its members may not want the responsibility. Evidence regarding this assertion is found in David Mayhew's work on the electoral connection. Mayhew argues that "congressional career[ism] is unmistakably upon us. Turnover figures show that over the past century increasing proportions of members in any given Congress have been holdovers from previous Congresses - members have both sought re-election and won it."[66] Consequently, a congressman's decision to announce his position publicly on an issue as sensitive as using force is ipso facto to alienate portions of his constituency, and jeopardize his prospects of re-election.

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[64]William Fulbright, The Price of Empire, (London: Fourth Estate Ltd, 1989), p. 60.

[65]Richard Lugar, Letters To The Next President, (New York: Simon & Schuster, 1988), p. 15.

[66]David R. Mayhew, Congress: The Electoral Connection,(New Haven: Yale University Press, 1974), p. 14.

The other two rationales are more straight forward: Congressmen enjoy the freedom of being able to change their stated policies, and some view themselves as having a constitutional duty to do so. For instance, several members of both Armed Services and Foreign Affairs supported President Carter's assertion that military force may be used to free US hostages in Iran just weeks before the ill-fated operation took place. After the attempt failed, however, some of those same Committee members called for investigations. "Convenient schizophrenia" or "protector of checks and balances" - the answer is probably a combination thereof. The latter hypothesis, "protector of checks and balances" is encouraged by both members of the media and the public. The New Republic's report on 10 May 1980, a few days after the Desert-One operation is instructive:

> The questions go on and on. Why should we believe President Carter when he says this operation had a good chance of success? If the Senate [or House] Armed Services Committee, with full cooperation from the administration, concludes this was a well-conceived, adequately equipped operation that was merely the victim of fate, we'll believe. Otherwise no.[67]

The issue of using military force is an extraordinary one for citizens, provoking them to express their concerns and opinions to their representatives. With one caveat, Joseph Schumpeter's work on democracy assists in understanding why questions of military force invoke the

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[67]The Editors, "The Jimmy Carter Desert Classic," The New Republic (10 May 1980): pp. 7-9.

passions of the citizenry - even if not producing rational and contemplative discourse.

Schumpeter claims that:

> ...there are national issues that concern individuals so directly and unmistakably as to evoke volitions that are genuine and definite enough. The most important instance is afforded by issues involving immediate and personal pecuniary profit to individual voters...[68]

He develops the above claim in the following way:

> However, when we move still farther away from the private concerns of the family and business and office into those regions of national and international [emphasis added] affairs that lack a direct and unmistakable link with these private concerns, individual volition, command of facts and method of inference soon cease to fulfill the requirement of classical doctrine.[69]

There is no event so "direct and unmistakable" for the citizen to endure, yet so "international" in nature as the death of a relation or friend in war. The dual international-domestic nature of the enterprise of combat is self-evident: the nation sends its young men to distant lands to fight for a cause, idea or interest. Schumpeter may be correct when he asserts that the individual citizen irrationally contemplates the idea of resorting to military force, but to say his or her volitions are not genuine because the issue is international is both incorrect and irrelevant.

It is incorrect because the effect upon the electorate is apparent: citizens are attentive to governmental debate,

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[68]Joseph Schumpeter, Capitalism, Socialism and Democracy, (London: George Allen & Unwin Ltd, 1976), p. 260.

[69]Ibid, p. 261.

and do not permit their representatives to make decisions without close scrutiny - as the anti-war demonstrations during Vietnam (after the Tet Offensive), and the early stages of the Persian Gulf War show.

It is irrelevant because citizens' point of contact in the House is, inevitably, Armed Services, and thus the Committee's members electoral appeal may be affected. Representatives not belonging to the HASC, but receiving post from constituents who have lost a relation or friend in a force employment, have the letters forwarded to the Committee. The correspondence typically is accompanied by a poignantly written cover letter asking questions ranging from why their constituent was killed to the rationale for US involvement in the conflict.[70] On routine matters, US citizens may be less concerned with the outcome of governmental decisions, but such acquiescence is not true of instances involving the use of military force.

For the administration, refining an incident's nature is crucial, since it typically experiences high contextual advantage if capable of either consistently presenting the incident as a crisis or as a routine military operation. Presidents have excelled at the former exercise, at times with congressional assistance. Discussing the pending vote for military aid to Greece and Turkey with President Truman and Secretary of State Acheson, Senator Arthur Vandenburg proclaimed: "if this is what you want, there's only one way

[70]HASC professional staff member, interview by author, Tape recording, Washington D.C., 7 August 1992.

to get it. That is to make a personal appearance before Congress and scare the hell out of the country."[71] During the reflagging of Kuwaiti tankers, the Reagan administration successfully conveyed both to Congress and the public that patrolling international waters to ensure freedom of navigation was a routine mission for the US Navy, thus requiring no special congressional authorization.

Unlike the Congress, the administration is ever mindful of the history of its policies toward a specific incident or a region. The media, due in part to the executive branch's singularity, recall the history of administration policy towards an area in much greater detail than they do of an inconsistent congressmen.

That said, administration officials begin debate on use of military force from an advantageous position due in part to historical precedent. Moreover, members of the executive historically have not viewed Congress as their equal in the initial decision to use force. Instead, the legislature is an entity to be persuaded to support the administration's decision after the fact, ranking below support from allies in the succession of importance.[72]

Theodore Lowi has categorized the period of "crisis policy" as "responses to immediate problems that are perceived to be serious...having burst upon policy makers with little or no warning."[73] It is a time of high

[71]Nelson Polsby, Policy Innovation, (New Haven: Yale University Press, 1984), p. 87.

[72]Bush administration official, interview by author, Tape recording, Washington D.C., 4 April 1994.

[73]Ripley and Franklin, Congress, the Bureaucracy and Public Policy, p. 24.

presidential power, usually endorsed by the Congress. Several cases from my sample lay within this rubric of policymaking.

Nature of the Issue versus Nature of the Incident

US activity in Lebanon from 1982-84 illustrates the difference between the nature of the incident and nature of the issue. US Marines participating in the Multinational Force (MNF) firstly, were sent in response to political unrest in Beirut evident by the massacre of Palestinians in the Shatilia and Shagra camps (the Incident) and, secondly, were deployed as a result and subject to the guidance of the administration's use of force policymaking (the Issue).

The incident necessitating the use of force differed from that causing US forces to be sent to Vietnam. The Lebanese government was not threatened by hostile take over by communist insurgents. However, media reports compared the US military presence in Lebanon to Vietnam because the issues (deployment of military forces in hostilities) were similar in nature. Governmental responses to incidents are not limited to military options: for example, Congress passed legislation providing economic, security, and humanitarian assistance for the Lebanese government shortly after US forces were sent to Beirut.[74]

It is because of events such as Lebanon, which cannot fully be explained by the War Powers Resolution alone, that a new, more comprehensive explanation of use of force

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[74]PL 97-28 "Lebanon Emergency Relief, Rehabilitation, and Reconstruction Act."

policymaking is necessary. Later in this chapter I shall discuss the the Vietnam War's pivotal role in shaping members of both Committees' understanding of force employment policymaking, but first I examine their specific roles.

Problem 2: What role did both Committees play in the four phases of force employment, which factors had the greatest effect on determining roles played, and which on Committee activism?

Defining Roles Played

Within the larger framework of legislative-executive relations, Foreign Affairs and Armed Services played distinctive and recurring roles in force employment policymaking from 1975-1991, constituting a pattern for the cases studied. These roles are examined along a continuum of time divided into four phases: the deployment of forces, the sustainment of forces, the recall of forces, and retrospective assessment. The Committees certainly did not play each role in every instance involving the use of force; thus, the list I have developed provides a potential repertoire of these roles and is not exhaustive for each case. The most notable increases in Committee activism were due to changes in the nature of the conflict and public support for US military involvement. Activism is measured by the frequency of hearings, trips, briefs provided to the Committee by the executive, and the number of Committee publications. However, even when the Committees' activity

grew, the roles which they played remained unchanged. This phenomenon is attributable to another important variable: organizational and institutional structure. Nevertheless, HASC's operating procedures did change when Les Aspin became HASC chairman in 1985. Roles played by the HASC are listed below.

HASC roles played

Chairman Melvin Price's (D-IL) weak physical condition allowed de facto leadership by the subcommittee chairmen from 1975-1985, known also as the "committee of cardinals."[75] The resultant second tier, collegiate style of leadership had two effects: Armed Services lacked a clear focal point with which to address the administration, and the Committee's leaders were, like their chairman, "a throw back to the cold war era."[76] Most were veterans of World War II, believed that Armed Services should be concerned with force structure, and complied with the precedent of congressional deferral on force employment issues.[77] Les Aspin, and his more liberal colleagues, however, envisaged a Committee which would examine the executive's policies before autonomously formulating and articulating its own.

Under both chairmen, HASC activity and influence during the sustainment and recall phase were significantly influenced by the 'Vietnam legacy' both by members wishing to avoid the appearance of challenging the administration's

[75]HASC professional staff member, interview by author, Tape recording, Washington D.C., 17 September 1992.

[76]Ibid.

[77]Ibid.

decisions whilst US force were deployed to hostilities, and during unpopular force employments, by members of Armed Services wishing to avoid entanglment in a long term conflict.[78] They therefore meticulously re-evaluated administration policies. Finally, during after the fact assessment with the troops safely back home, the binding element of the Vietnam legacy subsided. The HASC membership believed the American citizenry expected checks and balances at this juncture, and so conducted a thorough examination of the military's performance.

Phase I: Deployment of force:

(1) Well informed observer

With the exception of the Persian Gulf War, Armed Services did not participate in the decision to use force, but instead received special briefs both initiated and provided by high-ranking officials in the executive branch including the national security advisor, director of the Central Intelligence Agency, Secretary of State, and Chairman of the Joint Chiefs of Staff.[79]

Phase II: Sustainment of force:

(1) Recipient of information from the administration and Disseminator of information to the House

(2) Alternative policy-planning and analysis center (under Les Aspin)

(3) Inspector General

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[78]HASC professional staff member, interview by author, Tape recording, Washington D.C., 7 August 1992.

[79]General Robert Herres, US Air Force, Former Vice Chairman of the Joint Chiefs of Staff, phone interview by author, San Antonio, Texas, 19 October 1992.

In response to an international incident, Aspin used both the Defense Policy Panel (a subcommittee he created to examine policy issues) and the Investigations Subcommittee:

(a) to evaluate the administration's policies and

(b) to generate his own alternatives.

After US forces were committed, the Committee created a task force comprising its most talented staff members to monitor events and to keep the members and chairman updated by coordinating briefings from administration officials for Armed Services, and co-sponsoring briefings with Foreign Affairs open to the entire House.

The Committee's role during this phase is comparable to that of a military Inspector General required to ensure that a unit is performing its operation in accordance with the standard codified doctrine. When the unit - in this case the administration - strayed from its congressionally - approved course, Armed Services invoked measures to ensure that the executive branch complied with its previously stated policies. The HASC has historically performed the role of inspector general. For instance, during the US' involvement in the Vietnam War, the Committee conducted an investigation into the My Lai massacre that resulted in 700 pages of published testimony.[80]

This phase was influential for Armed Services for two reasons. Firstly, its members and staff believed that

[80]Congress, House, Committee on Armed Services, Investigations Subcommittee, Investigations of the My Lai Incident, hearings under authority of H. Res. 105, 91st Cong, 2nd sess, 15, 16, 17, 23, 24, 27, 28, 29, 30 April and 8, 9, 12, 13 May, 9, 10, and 22 June 1970 published in 1975.

Americans expected more critical congressional oversight in prolonged force employments after the failures of Vietnam. Secondly, the administration accepted the Committee's authority to do so.

Phase III: Recall of force:

(1) Internal discussion panel

During force employments with high public support, Committee members discussed amongst themselves the repercussions of recalling US forces.

(2) Reevaluator of the administration's policies and Grievance court for House members

During force employments with low public support, the Committee's role differed for one reason primarily. If a service member were killed, his or her congressman would be notified in order to determine culpability for the serviceman's life. The representative invariably questioned members of Armed Services both about the rationale for US military involvement, and standard procedures of the operation. Inaction would have been politically unwise, diminishing a member's standing with colleagues and constituents alike.

Phase IV: After the fact assessment:

(1) Judge and jury of administration actions

(2) Bellwether for implementing and enforcing changes

(3) Investigation Team

This phase was the most influential for Armed Services because of its power to redirect authorization of appropriations via the National Defense Authorization Act, thus obliging the Department of Defense to conform to its wishes. It justified its changes by conducting hearings and issuing reports that assessed the performance of US military forces.

As the bellwether, Armed Services not only initiated changes in organization, equipment and national strategy, but was expected to do so by members of the House. Subsequently, legislation which the Committee recommended to correct failures of previous military operations won majority support on the House floor. The roles played by Foreign Affairs during force employments are listed below.

HFAC roles played

The origins of the Foreign Affairs Committee's role in force employment policymaking lie in the pre-Vietnam era. Dante Fascell (D-FL) and Clement Zablocki (D-WI), each of whom later chaired the Committee, campaigned vehemently against Congress' 'carte blanche' policies on force employments.[81] However, their campaigns for Congress to be a significant participant in the force employment decision-taking process never came to fruition. Lee Hamilton's (D-IN) observation sums up the Committee's and indeed the

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[81]Sundquist, The Decline and Resurgence of Congress, p. 247-272.

entire Congress' ineffectiveness prior to 1980: "at best, Congress [has been in] a position to affect only nuances of policy, not its substance."[82]

The sustainment phase, however, did afford the two biggest proponents of the War Powers Resolution the opportunity to question the deployment of forces when the conflict began to resemble the Vietnam War. Even if they did not agree with its content, other members of Foreign Affairs had no choice at this stage but to serve as guardian for the War Powers Resolution, both the symbol of a resurgent Congress, and Foreign Affairs' albatross. Until the WPR is amended or discarded, the Committee is politically obliged to consider it.

The rationale for the role played by the Foreign Affairs during recall is the same as that of Armed Services. Although members of Foreign Affairs wished to do more than criticizing the administration for its poor performance, it lacked the legislative tools of coercion: Congress failed to pass a foreign assistance authorization bill from 1981-1984 and from 1986-1991.[83] Thus, unlike Armed Services, it did not have a consistent, annual bill with which to promote its own agenda in foreign policy.

Phase I: Deployment of force:

(1) Conduit for House discussion

(2) Point of contact for information from the administration

[82]Lee Hamilton and Michael Van Dusen, "Making the Separation of Powers Work," Foreign Affairs (Fall 1978): p. 34.

[83]Rochelle I. Stanfield, "Floating Power Centers," The National Journal, (1 December 1990): pp. 2915-1919.

(3) Well informed observer

The HFAC actively discussed the force employment among its own members and with other representatives using its hearings to air their concerns. Its chairman and ranking minority member were informed (but not usually consulted) by senior administration officials on the status of the US forces. On the few occasions when Congress was consulted on the decision to use force, Foreign Affairs was the point of entry for legislation; it was more frequently the case that the Committee was the point of entry for WPR legislation initiated during the sustainment phase.

Phase II: Sustainment of force:

(1) Guardian of the War Powers Resolution

(2) Gatekeeper and bellwether for legislative proposals

(3) Recipient of information from the administration and Disseminator of information to the House

(4) Barometer of congressional convictions

Foreign Affairs enjoyed high contextual advantage when involvement of US forces could be depicted as resembling Vietnam. However, its attempts to protect the War Powers Resolution from being marginalized by the executive branch met with little success. The course of action taken by the Committee typically conformed to the following pattern.

After an international incident occurred that might necessitate invoking the WPR, the Committee discussed the issue. Thereafter, if thought appropriate, it endorsed a bill either initiated by one of its members, or referred to it by the Speaker of the House. Like Armed Services during

the sustainment phase, House members expected Foreign Affairs to perform this role (hence the term "bellwether"). All committees seek to attain bellwether status in the eyes of House colleagues, but in foreign policy, multiple jurisdictions render achieving the objective problematic.

Foreign Affairs increased its stature amongst House members due to its selectiveness; only six bills authorizing or regulating the use of force were reported favorably from Committee from 1975-1991. Four became law, one passed in the House, and the final proposal was a conference report that passed in the Senate but not the House.[84] Two conclusions flow from this.

Firstly, members of Foreign Affairs took decisions on using force only after careful thought and deliberation. Secondly, members' political judgment was sufficiently good to prevent those bills which were likely to fail a House floor vote from leaving the Committee. In doing so, their hearings and House reports were sound barometers of congressional convictions for the administration in addition to increasing members' standing with House colleagues.

Phase III: Recall of force:

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[84]Authorization for US participation in MFO in Sinai Peninsula - P.L. 97-132; Limiting number of US advisers in El Salvador to 55 - International Security Cooperation Act of 1985; Authorization under WPR to permit Marine participation in MNF in Lebanon for 18 months - P.L. 98-119; Authorizing President Bush to use force to enforce UN resolutions in Persian Gulf - P.L. 102-1; A joint resolution stating that WPR was triggered on 25 October 1983 by the invasion of Grenada - HJR 402 (the Senate passed a similar resolution, but neither became law); Request by President Ford to use force in evacuating Saigon - HR 6096 (Conference report failed House vote).

Foreign Affairs played the same role as Armed Services with one addition. The Committee served as the entry point for any draft legislation directed at withdrawing forces.

Phase IV: After the fact assessment:

(1) Investigation Team

(2) Judge of the administration's conduct

At this juncture, Foreign Affairs reexamined the administration's actions to determine if they complied with the War Powers Resolution, and whether it had pursued the optimal course of action. Lacking means to punish the executive, the Committee could attempt to exercise influence only by releasing its findings to the media.

Final observations on Roles Played

Four final observations on roles played are appropriate. Firstly, with the exceptions of Representatives Steve Solarz (D-NY) and Hamilton of Foreign Affairs, and Aspin of Armed Services, neither Committee has had members who played the role of public spokesman for the House on use of force policy by reason of perceived incapacity.[85] Interestingly, the Committee leadership including Fascell, Zablocki, Price, William Dickinson (R-AL) and William Broomfield (R-MI) were not amongst those representatives frequently called upon by either newspaper and magazine editors or television producers to offer the House's views on either impending force employments or those in progress. These individuals, according to members of the Washington

[85]See for example Christopher Madison, "Solarz's Brash Style Tempers His Quest For Influence in the Foreign Policy Arena," The National Journal (26 October 1985): pp. 2413-2417.

media, lacked the personal attributes necessary to draw viewers to television, or the necessary expertise on use of force policymaking to be considered first rate sources for print media. More importantly, their omission illustrates that each Committee lacks the institutional stature to place its leaders at the forefront of national discussion. The three individuals listed are exceptions who came into their own as defense experts. They did so, however, for different reasons: Solarz for his quick wit, panache and regional expertise in Africa, the Middle East, and Asia; Aspin for his intellect, analytical rigor, and candor; and Hamilton because of his professionalism, and clarity of mind.

Secondly, as authorizing Committees, Foreign Affairs and Armed Services gain limited benefit from Congress' power of the purse which remains primarily the preserve of the Appropriations Committee. Both Committees must, therefore, consistently promulgate legislation to gain prominence with House colleagues. Foreign Affairs has had less success than Armed Services in this capacity. Although the Senate's refusal to vote on a separate foreign assistance authorization bill on several occasions was beyond their control, the Committee has been likened to "a paper tiger."[86] The HASC, on the other hand, has jurisdiction over a bill (the National Defense Authorization Act) seldom vetoed by the president. Barry Blechman, author of The Politics of National Security: Congress and US Defense

[86]Christopher Madison, "Paper Tiger," The National Journal, June 15, 1991, pp. 1434-1437.

Policy, adds: "The Defense Authorization bill is among the most 'veto-proof' measures taken up by the Congress...presidents are generally unwilling to appear to be trifling with the nation's security because of what the public might perceive to be a quarrel with the legislature."[87] Foreign Affairs has been more successful at passing the State Department Authorization bill but, as Blechman observes, it is a small bill with limited political significance.

Thirdly, on foreign policy, Foreign Affairs was considered by administration officials to be more liberal than the House whilst Armed Services was considered to be more conservative. The result was that neither Committee was considered a reliable barometer of House support on force employments. The latter was, however, a barometer of House convictions to change the administration's policies on the occasions it reported favorably legislation to the floor.

Identifying the independent variables

The purpose of this section is twofold: to identify what HFAC and HASC personnel characterize as the "Vietnam syndrome", and to identify those independent variables that most affect roles played by both Committees and Committee activism. Again, I argue both Committees' activism increased as the nature of the conflict degenerated into what members and their professional staff refer to as "a

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[87]Barry Blechman, The Politics of National Security, p. 106

Vietnam-type scenario," but general roles played remained constant.

By HASC and HFAC "personnel", I refer to representatives, professional staff and staff assistants, members of personal staffs intimately involved in Committee affairs, and GAO/CRS employees performing work at either Committee's direction. The first group, representatives, comprises four subgroups: the leadership (chairman and ranking minority member), subcommittee chairmen including the leadership, members whose principal committee is either Armed Services or Foreign Affairs, and the remaining members. The leadership is the focal point of the Committee both for the House party leadership and the executive, and is responsible for disseminating classified information to other members.

It is not the purpose of this thesis either to assess the merit or to test the accuracy of Foreign Affairs and Armed Services' characterization of Vietnam, but rather to identify its perceived significance and explain how it influences the roles of both Committees in use of force policymaking.

The "Vietnam legacy": definition and usage

Perhaps, as Shafer has argued, the characteristics of the 'Vietnam legacy' are more significant than the label. That is to say, in the long-term, HASC and HFAC members will still wish to prevent the occurrence of long, protracted, force employments with high numbers of US casualties,

without ever mentioning the term itself.[88] But as it stands, both Committees, Congress in its entirety, the media, and the administration use the term to achieve various ends including increasing prestige amongst the public.

Yuen Foong Khong's work, The Analogies of War, explains HFAC and HASC behavior. Khong asks two questions, the second (with a modification) being more relevant for this dissertation:

(1) "how do analogies influence the selection of policy?"
and;
(2) "how well are analogies used?"[89]

My question is different: how well are analogies used to justify action or enhance contextual advantage? By invoking the analogy of Vietnam, both Committees enhance their contextual advantage to say more, but not actually to do more. Often, Committee members did not wish to take a more active role in the planning or conduct of US military involvement, but rather to induce the administration to endorse their authority to do so. Support for this assertion stems from the observation that Committee members seldom had an alternative policy in the form of draft legislation to substitute for the administration's.

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[88]Professor Byron Shafer, Nuffield College, Oxford University made this comment during a seminar for student researchers on 1 February 1993 and again 16 February 1994. For scholarly literature on the "Vietnam legacy" see for example Stephen E. Ambrose, Rise to Globalism 5th edition (London: Penguin Books, 1988), in addition to Leslie H. Gelb and Richard K. Betts, The Irony of Vietnam (Washington, D.C.: Brookings Institution, 1979).

[89]Yuen Foong Khong, The Analogies of War, (Princeton: Princeton University Press, 1992), pp. 9-10.

This revelation differs from Khong's discussion on the use and misuse of historical analogies. He alludes to Schlesinger's claim that policymakers use analogies as "justification and advocacy" of political aims rather than to make good decisions.[90] Individual members from Foreign Affairs and Armed Services certainly invoke the analogy of Vietnam for both reasons. However, the more subtle argument of "peer endorsement" or efforts to enhance contextual advantage outlined earlier are both less contestable and more easily demonstrated. In sum, both Committees invoked the analogy of Vietnam not necessarily to implement their own policy or to enhance electoral appeal (although they occasionally did so), but rather to signal to the administration that they had a legitimate claim to participate in policymaking. Reference to Vietnam - and the concomitant contextual advantage - attracted administration officials' attention when Committee claims would otherwise have gone unheeded.

Members of Armed Services and Foreign Affairs, along with their respective professional staffs, associate the following characteristics with the Vietnam War and as such, seek to avoid them:

(a) protracted duration
(b) low public support
(c) gradual escalation of mission objectives
(d) high number of US casualties
(e) little international support or assistance
(f) ambiguous or protean objectives
(g) little oversight from Congress
(h) persistent characterization of US involvement as

[90]Ibid, p. 8.

"another Vietnam" by the media

Identifying the independent variables

Listed below are the eleven principal independent variables that influence roles played by the HFAC and HASC in force employment policymaking (the dependent variable). I created this list after examining several cases involving the use of force - some used in this dissertation - and believe they represent best those factors that most frequently affect Committee behavior. Because the specific circumstances of the cases studied varied considerably, not every variable was significant in each case studied; therefore, only the most salient is examined in the methodological section of each chapter. The final three variables reflect several elements of the "Vietnam legacy."

(a) partisanship[91]
(b) political ideology
(c) personal attributes of the key participants
(d) institutional characteristics/organization of both Committees and Congress
(e) influence of other relevant congressional committees
(f) executive prerogative
(g) international support for involvement of US forces
(h) public support for involvement of US forces
(i) nature of the conflict
(j) historical precedent
(k) influence of the House leadership

Standards of measure

Partisanship is measured by determining the majority party in the House, Senate and the administration; political

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[91]Much discussion of post-Vietnam policymaking is conducted solely in terms of partisanship. As Mayhew argues that other factors influence legislative-executive interaction including electoral incentive, presidential leadership, broader majorities, external events, public moods, and issue cleavages, so I argue that partisanship is but one important factor in explaining governmental behavior. David R. Mayhew, Divided We Govern: Party Control, Lawmaking, and Investigations, 1946-1990, (London: Yale University Press, 1991).

ideology is measured by the National Security Index and discussed in a later section of this chapter; assessing the personal attributes of Committee members is accomplished by elite interviews, and examination of media reports. Institutional and organizational structure is assessed in terms of House rules, relevant legal statutes, the Constitution, and the respective Committee charters. Influence of relevant committees is measured by content analysis of laws reported by either Committee along with at least one other, and the final bill signed into law. It is also examined by interview data along with content analysis of hearings and trips.

Public support is measured primarily by the Gallup Poll, but other reputable opinion polls are also consulted. The nature of the conflict is defined by the criteria established in the CRS report entitled US Low Intensity Conflicts: 1899-1990, and DoD after action reports.[92] Executive prerogative is assessed in terms of (1) willingness to provide information; (2) authority under which president reported to Congress on employment of US forces, and (3) the number of Committee members consulted by the administration. Influence of the House leadership is measured (a) by their expressed support for Committee initiatives; (b) willingness to include Armed Services and Foreign Affairs in its interactions with the administration;

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[92]Congress, House, Committee on Armed Services, Readiness Subcommittee, U.S. Low-Intensity Conflicts 1899-1990, CRS report by John Collins, 101st Cong., 2nd sess., Committee print 13, 10 September 1990.

and, (c) decision to assign bills involving the use of force to several committees or only to the HFAC.

Tracing the pattern of behavior and its sources

The pattern of roles played may primarily be attributed to the nature of the conflict, institutional and organizational features of Congress, and public support. Partisanship, due in part to the "rally around the flag effect" whereby citizens and congressmen initially support the actions of the head of government during a crisis, and international support, play a lesser role.[93]

Mueller also argues that public support increases as the nation interprets international incidents as a crisis. David Broder, columnist of The Washington Post, concurs, arguing that even after the failures of Vietnam, the American people still look to the president rather than the Congress when crises occur.[94]

Actor attributes including personal expertise and charisma were significant in determining the role of Armed Services and Foreign Affairs in the sense that they alter activity of the Committees more than the Committees' influence with the executive. Specifically, an aggressive and able chairman, more critical of administration policy than a less aggressive one, can cause the HFAC or HASC to be more antagonistic towards administration policies. However, institutional and organizational inertia coupled with the

[93]John Mueller, War, Presidents, and Public Opinion, (New York: John Wiley and Sons, Inc, 1973), p. 267.

[94]David Broder, interview by author, Tape recording, Washington D.C., 5 April 1994.

nature of the conflict, structure the roles played by both Committees. The question is, therefore, one of activism versus roles played; the realistic options available to a Committee member who is opposed to a President or his policies, are limited both by the nature of the conflict, and organizational norms, whilst the vigor with which members pursue those roles may vary considerably.

The roles of "gatekeeper" and "bellwether" are influenced by the stature and decisions of both the House leadership and other relevant committees including: Senate Foreign Relations, Senate Armed Services, and House Appropriations (Foreign Operations and Defense Operations Subcommittees especially).

Methodology

The nuances of each instance involving the use of force, and the need to explain how they would determine which role from their respective potential repertoires the Committees would play, cause the case study method to be utilized in this dissertation. In sum, I have studied a series of cases culminating with an explanation of the roles played by the HFAC and HASC. Case chronologies are provided in the appendix along with a complete list of instances involving the use of US military forces from 1975-1991.

Non-Force Employments: Angola and El Salvador

The two cases studied where military forces might have been deployed but were not, illustrate how Committees and the administration utilize contextual advantage. In the

first case involving assistance for Angolan rebels in 1975, the threat of "another Vietnam" galvanized International Relations to conduct hearings and subsequently endorse Senator Dick Clark's amendments which prohibited security assistance to any faction fighting in the Angolan civil war. This case is compared with that of El Salvador where journalists, scholars, and the public predicted that President Reagan might send large numbers of combat forces perhaps involving America in an imbroglio similar to Vietnam. Nevertheless, US troops were permitted to serve in a limited capacity. I argue that it was the El Salvador's proximity to the United States that set it apart, with Congress ultimately accepting "a small solution to a large problem."[95]

It would prove difficult to test any hypothesis on congressional committee role playing during force employments without using some type of case study methodology. One cannot control for enough variables to use an experimental methodology, and statistical approaches or content analysis are of limited utility.

I employ the comparative case study approach as defined by David Collier in chapter two of Comparative Political Dynamics.[96] More to the point, I utilize 'small-N' analysis

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[95]Most congressmen preferred that the US not send any combat forces to El Salvador, but eventually, lawmakers did allow the administration to send a token force of 55 US military advisers in a compromise. Comment made by Professor Byron Shafer during a seminar for research students writing on US social studies, 16 February 1994.

[96]David Collier, "New Perspectives on the Comparative Method," in Comparative Political Dynamics: Global Research Perspectives, ed. Dankwart A. Rustow and Kenneth Paul Erickson, (New York: Harper Collins Publishers, 1991), pp. 7-31.

to generate a hypothesis for the roles played by Armed Services and Foreign Affairs from 1975-1991. In the words of Collier, the political scientist is able to "show that a particular set of concepts or a particular model usefully illuminates many cases" via systematic, qualitative, comparative historical analysis. The ultimate purpose of this approach is for the analyst to perform enough 'pattern matching' so that he or she can assess whether "the dynamics of change within each case, plausibly reflect the same causal pattern suggested by the broader appraisal...in relation to the other cases."[97] Collier claims that the small-N comparative approach lacks the capacity to distinguish between rival explanations where variables are many, and cases are few. Solutions to this problem include: increasing the number of cases; focusing on comparable cases; reducing the number of variables, combining variables or instituting a less complex theory. I embraced the final two options as a means to making my thesis more workable.

Having identified the lowest common denominator that links the pattern of HFAC and HASC role-playing in most cases, I was able to produce a typology that applies to the entire data set. My second modification also includes combining variables. As noted earlier, I shall demonstrate that even as certain independent variables changed, the basic roles of the HFAC and HASC followed the same pattern.

Structure

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[97]Ibid, p. 11.

Each chapter begins with a history of the respective case concentrating on HFAC and HASC activity. In addition, I highlight the contextual events that shaped the outcome of the case being studied (i.e. actions of the administration, Congress and media reports). In the methodological section, which follows, I analyze the HFAC and HASC in terms of the four phases of force employment. Each case study concludes by juxtaposing the roles played by both Committees with the typology of roles played and independent variables presented previously.

Problem 3: When were the Committees most influential?

Of the four distinct phases identified in the first paragraph: deployment, sustainment, recall, and assessment, Foreign Affairs and Armed Services realized their greatest contextual advantage in all but the third. In general, the Committees' influence was high with respect to the executive in those instances that lacked the immediacy indicative of crisis force employment policymaking. Instead, effective decisions in these instances was contingent upon lengthier discourse with a large number of participants, i.e., congressional expertise. The instances are listed below.

(I) Full scale conventional war:

Within this context, the HFAC has the political leverage to ensure that Congress will be included in the decision to use force even without passing a formal declaration

Rationale: Contextual advantage derives principally from constitutional justification and the nature of the conflict: Congress has the power to declare war (or to authorize large scale military operations with estimates of high casualties).

(II) After a failed military operation:

This context offers the HASC the opportunity to re-consider the organization, planning, training, strategy and equipping of the Armed Forces - uniformed and civilian - after the use of force has ended

Rationale: The aftermath of a force employment is a unique synthesis of two aspects of Theodore Lowi's typology: crisis and structural. Congress has traditionally experienced greater contextual advantage in the latter. With a recently failed force employment as its "report card," the HASC can use its authority in structural policymaking to affect the next crisis involving military force. In addition, the executive branch has little incentive to widen the forum of debate, as justification for opposing the HASC's initiatives is impaired by the tangible failures of the recent force employment.[98]

(III) Force employment assumes trademarks of Vietnam War

During the sustainment phase, the HFAC is well placed contextually to question the administration's objectives in addition to demanding that those objectives be openly articulated, debated and clearly linked to US interests in that area. The HASC may, in these circumstances, demand explanation of the rules of engagement and justification for US involvement in hostilities.

Rationale: The failures of the Vietnam War had an overwhelming effect upon how the American public view their responsibility to respond to international disputes; shortcomings in how it was conducted are to be avoided vigorously. In this instance, contextual advantage is based mostly upon the lack of public support for sending US forces into hostilities and media criticism of the administration.[99]

Problem 4: The nexus between the role played by the Committees in other areas of foreign and national security policymaking and force employment policymaking

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[98]HASC professional staff member, interview by author, Tape recording, Washington D.C., December 1993 and Congress, House, Committee on Armed Services, Lessons Learned As A Result of the U.S. Military Operations in Grenada, hearing, 98th Cong., 2nd sess., 24 January 1984, HASC No. 98-43.

[99]Michael Kinsley of The New Republic and CNN's Crossfire argues that current members of the media "grew up with the Vietnam War" with corresponding implications for their writings, Interview by author, Tape recording, Washington, D.C., 24 March 1994.

The International Incident Option Spectrum (IIOS) represents those instruments the executive and legislative branches of government may utilize when international incidents occur (see appendix). Its linear form does not accurately depict the manner in which decisions are taken, however, as any option may be selected at any time. More importantly, **by influencing the alternatives and supplements to military force, the HFAC and HASC can affect the administration's decision to use, sustain or recall military force.**

Unlike much of the literature on Congress, the executive, and use of force policymaking suggests, Foreign Affairs and Armed Services are often better placed to confront the executive on issues ranging from intelligence, to arms control, to security assistance than they are on the initiation and conduct of military operations per se.[100] More significantly, decisions taken in these other areas often influence the decision to use, sustain, and recall force, resulting in an important if somewhat opaque and indirect role for both Committees in use of force policymaking. Therein lies the nexus alluded to in "problem 3" between national security, foreign and force employment policymaking: in sum, these heretofore disparate regions, at times presented as distinct, are actually inter-connected.

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[100]An example of a work that fails to appreciate this nexus is David Locke Hall, The Reagan Wars (Boulder: Westview Press, 1991).

I define "foreign policy" as interaction with entities outside the US (usually other nation-states, intergovernmental organizations, and multinational corporations). I define, "national security policy" as the subset of foreign policy that involves both the instruments of war and those instruments capable of subverting and protecting the state. The National Security Act of 1947 is an excellent example. Finally, I define "force employment policy", as the subset of national security policy that includes the use of US military forces operating in a hostile area.

Although this dissertation seeks to explain Committee behavior in the final category on the IIOS, military force, there are four reasons why it will not suffice to examine their actions regarding the decision to use force without considering their responses to the "incident."

Firstly, there exists a general reluctance by both the executive and legislative branches of government to expose US forces to hostilities. Instead, various alternatives are implemented. Foreign Affairs clearly has jurisdiction to oversee those options presented in Section A while control over Section B is muddled, with jurisdiction shared by both Committees.

During an international incident, Foreign Affairs and Armed Services often serve as final arbiters on options where Congress enjoys greater contextual advantage. Whereas it is often disadvantageous for Congress to exercise its

solely legal "veto" power with the WPR, there are options on the IIOS where congressional activism typically enhances members' political appeal with the electorate. Security assistance policy, to take but one example, is an area where Congress possesses substantive circumstantial advantage; the constituents of many congressmen are skeptical about the value of US public funds being spent on seemingly insoluble foreign problems.[101]

US policy toward El Salvador from 1981-1982 is illustrative. In that instance, Foreign Affairs influenced the US' policy toward the Central American country by utilizing several options from the IIOS where it possessed greater contextual advantage. More specifically, by premising the release of security assistance funding upon human rights certifications to Congress, the Committee ensured that the legislature would have the contextual advantage necessary to enhance its role as final arbiter of national security policy in El Salvador. In this capacity, its efforts to preclude the introduction of US forces was enhanced by legal statute, public support, and media support.

Secondly, the legislature - principally with HFAC initiatives - has codified the executive's powers along the IIOS in statutes reserving at a minimum, an oversight role for itself. The Committee can initiate an option without administration support as it did in the Persian Gulf where

[101]Ernest Graves and Steven A. Hildreth, U.S. Security Assistance: The Political Process, (Lexington, Massachusetts: Lexington Books, 1985), p. 126.

it imposed trade sanctions before President Bush did so. In practice, however, it is the president who is responsible for initiating a given option, and the Committee's privilege to respond. Former Secretary of the Navy, John Lehman, refers to this phenomenon as "the power of inquisition" and in general, Committees reply to administration efforts to utilizing options from the IIOS in one of two ways:[102]

(1) By minimizing the intensity of their oversight activities in the country where an international incident has occurred, thereby granting maximum flexibility for the administration to achieve its objectives, especially in security assistance funding;

(2) By pursuing more intensive oversight in countries where an international incident has occurred via hearings, trips, letters to administration officials, presidential certification requirements or simply writing legislation so specific that if the administration exercises discretion, its members risk violating the law.

How aggressively Foreign Affairs and Armed Services choose to oversee executive operations is - as instances involving only the use of military force are - primarily a function of context.

Thirdly, insofar as the Committees' influence over the executive during the first two phases of force employment was limited, the next logical problem is: at what stage was their influence felt? The answer is that both Committees affected use of force policymaking in those areas where they had more constitutional, historical, and political credibility, that is to say when they had greater contextual advantage on the IIOS.

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[102]John Lehman, Making War, (Oxford: Maxwell Macmillan International, 1992), pp. 157-182.

Retrospective assessment: The Apex of HASC Power

The IIOS represents only those options available to US governmental officials before the decision to use force is taken. There are, however, several activities that occur after the use of force has subsided including reassessment of:

-- military doctrine and strategy
-- military equipment used
-- military training
-- military organization, planning and advice to civilian leadership
-- the national security decisionmaking apparatus (principal examination in this category is performed by the HFAC)

The first four categories denote the apex of HASC power: the power to reevaluate the above categories in relationship to the force employment that has recently ended. Although in theory each decision taken by the HASC regarding equipment, personnel, or research and development indirectly affects the way in which US forces are utilized, some instances have an almost direct cause and effect relationship. There are several reasons why this should be so.

Firstly, Armed Services can use the force employment as a tangible measure of success or failure to challenge the executive and more specifically, the defense establishment.

Secondly, if portions of the force employment were deemed a failure by the HASC, it creates an opportunity to enact legislation implementing change in one of the above categories.

Finally, unlike invocation of the War Powers Resolution, reassessment of military capabilities is not considered an issue that arouses much sentiment and passion amongst the electorate. This lack of concern is evident by the small number of media reports on Department of Defense (DoD) reorganization that culminated in the Goldwater-Nichols Act of 1986, an excellent example of congressional reassessment of military capabilities after previous inadequate performances.[103] In short, the Committees' success in implementing change relating to use of force policy is best understood when considered relative to the their respective avenues of influence. Whereas Foreign Affairs often attempted to exercise its influence via the War Powers Resolution, a highly publicized forum where the president has historically enjoyed greater contextual advantage, Armed Services' influence derives from more routine affairs better suited for contemplative deliberation involving many people and requiring much time. The writings of Joseph Schumpeter (see section on nature of the issue: the electorate), Hedrick Smith, and Theodore Lowi provide further explanation.

Schumpeter's writings stress that the citizenry typically remains silent on mundane issues of governance that do not appear to affect their everyday lives. For example, Pentagon reorganization, catalyzed by the failures of Grenada and Lebanon, notwithstanding its importance to

[103]From 1982-6, Meet the Press, The MacNeil/Lehrer News Hour and the New York Times covered DoD reorganization on fewer than ten occasions.

HASC members and the Joint Staff, attracts little public attention. Smith describes the different context as inside versus outside games.[104] He points out that the key participants are usually limited to members of the Washington establishment, in this case members of the defense establishment. Furthermore, since the HASC's after the fact assessment often included the mission's shortcomings, the executive branch could not increase its contextual advantage by expanding debate to include the electorate.

However, the changes need not be inimical to administration preferences. The HASC favorably reported draft legislation on three occasions between 1975 and 1986 culminating in a statute that enabled the president to activate up to 200,000 reservists for a limited period without a declaration of war or national emergency.[105] These statutes indicate that the HASC membership appreciated the need to mobilize public support if military forces were introduced into hostile areas - all the easier if significant numbers of the reserves were activated. By using this authority during the Persian Gulf War, President Bush generated high levels of US support for a conflict with estimated casualties of 1,000 to 5,000 American servicemen. Their participation was critical to US success, and HASC

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[104]Hedrick Smith, The Power Game, (New York: Random House, 1988), p. 89.

[105]Congressional Quarterly Almanac, 94th Congress, (Washington, D.C.: Congressional Quarterly Inc, 1975).

decisions taken to correct mistakes of US military personnel policy in Vietnam made it possible.[106]

In sum, routine issues regarding the Pentagon will have a substantive effect on how military forces perform when deployed in combat because it is more an example of structural than of crisis policy according to Lowi's typology. In the terms defined by this dissertation, structural policy is an area where Congress and thus the HASC realizes greater contextual advantage, whilst the executive dominates crisis policymaking. Because of its jurisdiction over War Powers, the latter category lay within the HFAC's purview, making it difficult for that Committee to implement substantive change in force employment policy.

The Goldwater-Nichols Defense Department Reorganization Act of 1986

Passage of several clauses in the Goldwater-Nichols Act of 1986 resulted from the HASC's retrospective assessment of failed military operations and the process outlined above. Relevant portions include:

(1) increasing the powers of the chairman of the Joint Chiefs of Staff and;
(2) increasing the powers of the unified commanders and the specified commanders to ensure their authority was commensurate with their responsibilities.

In addition, the act was a product of policy incubation as described by Nelson Polsby. Polsby writes that Type B policy incubation has four characteristics.[107]

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[106]Colonel Harry G. Summers Jr., USA(ret), On Strategy II: A Critical Analysis of the Gulf War, (New York: Dell Publishing, 1992), pp. 1-7, and phone interview, by author, Washington, D.C., 28 March 1994.

[107]Polsby, Policy Innovation, p. 153.

Firstly, it takes place over a long period. The first DoD reorganization came in 1949, two years after the Department was created. House Armed Services began its examination in 1982. Secondly, there is no widespread acknowledgment of the existence of the problem. Members of the Office of the Secretary of Defense and the Department of the Navy asserted that the system in place operated satisfactorily even days before the bill passed on 1 October 1986. Thirdly, demand for innovation is built slowly, and typically the work of those whom Smith refers to as "insiders" such as congressional staff members and scholars working for think-tanks. Finally, the incubation reaches a stage where promoters reshape and publicize it to achieve their own political needs. Support for DoD reorganization originated with Congressman Bill White (D-TX), Chairman of the HASC Subcommittee on Investigations, and eventually included Congressmen Bill Nichols (D-AL), Ike Skelton (D-MO) and Les Aspin (D-WI) in the House, along with Barry Goldwater (D-AZ) and Sam Nunn (D-GA) of the Senate Armed Services Committee (SASC). Many of the original recommendations from 1982 remained throughout the final passage; however, congressional members, motivated by political circumstances, made changes to the bill before it was signed into law in 1986.

An entire dissertation could be devoted to the origins of the Goldwater-Nichols Act. It was the most comprehensive such reorganization act in twenty-five years, and epitomizes

how committees utilize the timing of world events to pass legislation. However, in terms of use of force policy, Armed Services recognized the shortcomings of the Defense Department's operating procedures after the Iran rescue mission, twice attempted unsuccessfully to pass legislation to rectify the problem, but utilizing the failures of Lebanon, and Grenada as their justification, finally promulgated Goldwater-Nichols in 1986. The entire episode is, thus, an extended six year retrospective assessment performed within the framework of routine defense policymaking where the HASC enjoys a high degree of contextual advantage. Furthermore, the Act assisted the executive branch's ability to conduct use of force policy in three subsequent military operations including the Persian Gulf reflagging, Panama, and the Persian Gulf War. Members expressed their displeasure with the Pentagon's ineffectiveness immediately following Iran, Lebanon, and Grenada, but reserved most of their complaints for hearings dedicated to JCS reorganization. I shall highlight a few of their observations in the "after the fact assessment" section of the relevant chapters. However, most analysis is reserved for section one of chapter seven which is devoted solely to the Goldwater-Nichols Act.

Forging a new paradigm

By the early 1970s, the original Cold War paradigm of congressional acquiescence had shifted to one of congressional assertion in both foreign and domestic policy.

Public support for the Vietnam War had decreased considerably, and Congress was being blamed for the Southeast Asia disaster. As a result, incumbency levels were amongst the lowest in several decades. In 1974, seventy-four new members of the House had been elected. These 'Watergate Babes' held that theirs was a mandate for change: more specifically, to revitalize congressional activity in all aspects of policymaking and oversight.[108] Congressman Hamilton provides a compelling interpretation:

> For nearly twenty years, from 1950 to the mid 1960s, there was a national consensus on the main lines of foreign policy associated with the Cold War. With strong executive leadership, there developed a mystique of the President and the State Department being absolutely in control, and Congress, barring rare exceptions, going along. The national trauma over Vietnam ended this phase, both in terms of the consensus (and overriding emphasis on security issues that went with it) and in terms of congressional or popular willingness to accept [or endorse] executive leadership as had been done in the 1950-68 period.[109]

The odyssey of "post-Vietnam" force employment policymaking era began even before the War had officially ended. In April 1975, US forces evacuated approximately 6,500 US citizens and eligible foreigners from the embassy in Saigon. With their reports on relevant legislation presented by President Ford, International Relations and Armed Services were to play a crucial role in establishing the new paradigm.

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[108]Smith, The Power Game, pp. 132-133.
[109]Lee Hamilton and Mike Van Dusen, "Making The Separation of Powers Work," p. 1.

Chapter 2 - Section I: SAIGON

Introduction

The evacuation of Saigon was amongst the first force employments subject to the War Powers Resolution.[1] The manner in which it was conducted is important because many precedents were established for post Vietnam presidential-congressional relations when the question of using military force arose. Three paradigms were especially significant.

Firstly, the President reported to the Speaker of the House and President pro tempore of the Senate "consistent with" rather than "according to" the WPR. Each subsequent president has done the same, and challenged congressional authority in the process.

Secondly, upon the initiative of John Marsh, Director of the Office of Congressional Relations, the HASC and House International Relations (HIRC) leadership were amongst those congressmen notified of pending military operations before their compatriots.[2] Marsh devised a list of twenty-two congressmen which included the congressional leadership and the leadership of the relevant committees. Unless overtaken by events, the Committee leaders would in-turn inform their respective members.[3] The list was utilized for all three evacuations - Saigon, Danang, and Phnom Penh - in addition to the Mayaguez rescue mission. President Ford explained

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[1]The other three instances were the Danang sealift (2 April 1975), evacuation of Phnom Penh (12 April 1975) and the Mayaguez rescue mission (15 May 1975).

[2]President Gerald R. Ford, phone interview by author, Washington, D.C., 4 April 1994.

[3]Representative William Dickinson, former ranking minority member of the HASC, interview by author, Tape Recording, Washington, D.C., 7 April 1994.

that he approved Marsh's list in order to establish "the best possible spirit of comity between the two branches."[4] Determining the criteria for prior notification is purely executive prerogative (an independent variable defined in the introductory chapter). Although not every administration has elected to include the HASC-HIRC leadership in its early notification group - namely Ronald Reagan in Lebanon and Grenada - most have.

Finally, the Saigon evacuation marked the transition in use of force policymaking from long-term congressionally declared and undeclared wars to short-term military operations. Thenceforth, the president knew to assert his use of force authority only for brief periods in order to accomplish specific tasks rather than to ensure the unconditional surrender of an enemy. The Vietnam legacy had begun; war costs were high both in terms of human lives (57,000), and financial expenditures ($150 billion).[5] Congress and the media were reluctant to endorse presidential authority to employ force unless the operation would be short, with clear objectives, low casualties, and accompanied by high public and international support.[6]

In addition to establishing three precedents for use of force policymaking, Ford did something subsequent commander-in-chiefs seldom did; he requested statutory authorization or more precisely statutory clarification regarding the use

[4]Ford interview

[5]"The End in Vietnam," US News & World Report (12 May 1975) p. 16.

[6]Michael Kinsley, columnist, writer and contributing editor in The New Republic, interview by author, Tape Recording, Washington, D.C., 24 March 1994.

of US forces in Indochina. HR 6096 "The Vietnam Humanitarian Assistance and Evacuation Act of 1975" was sent to conference committee where it later passed in the Senate, but failed in the House. Its failure was important for two reasons.

First, it was the only bill requesting statutory authorization to use force reported upon favorably by International Relations that did not pass a House vote between 1975-1991. One of the functions the Committee serves during force employments is that of a barometer for the administration on House convictions (see introductory chapter). When legislation supported by International Relations does not pass muster in the House, the Committee's function is jeopardized. Timing is crucial, however, since Ford ordered the use of US forces for the evacuation of Saigon three days before the House voted on the conference committee report.[7] By then , the House had already approved the initial bill reported from Committee. The final vote could, therefore, be labeled either moot or a vote against providing humanitarian assistance for South Vietnamese refugees. Representative Thomas "Doc" Morgan (D-PA), chairman of International Relations, criticized his colleagues for failing to pass HR 6096. He stated that it was Congress' first opportunity to pass the War Powers Resolution and "it would be a good many years before another

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[7]Congressional Quarterly Almanac. 94th Congress, 2nd Session 1975, Vol. 31, Washington, D.C. Congressional Quarterly Inc., 1975. p. 305.

legislative vehicle came along that Congress could use to test the act."[8]

Second, the House vote against HR 6096 was the only instance where the president requested statutory authorization to use force, but did not receive it. Ford, exercising executive prerogative, asked the legislature to endorse his authority as commander-in-chief; Congress proceeded too slowly and was forced to accept his authority instead. In general, presidents do not ask for statutory authorization unless they are fairly certain they will receive it: Reagan - the Multinational Force Observers (Sinia Peninsula 1981) and Multinational Force (Lebanon 1982), and Bush - the liberation of Kuwait (1991). Morgan's comment is all the more prescient upon further reflection. Congress missed an opportunity to play a substantive role in the making of force employment policy. More importantly, the legislative branch missed a chance to have an administration formally endorse its authority in use of force policymaking process.

Overview of roles played by International Relations and Armed Services

Of all the cases studied, Angola and the evacuation of Saigon were the two most influenced by both Committees' fear of another Vietnam. The reasoning is plain: location and timing. US citizens were wary of the slippery slope from permitting combat forces to participate in an evacuation, to

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[8]Judy Gardner., "House Rejects Vietnam Evacuation, aid bill," Congressional Quarterly Weekly Vol 33 No 18 (3 May 75): p. 904.

America's re-entry into the War. The roles played by International Relations and Armed Services reflected public angst. Furthermore, both Committees were more active throughout Phase I than anticipated by the introductory chapter; their unusally keen behaviour may be attributed to the extreme sensitivity of using military force in Vietnam.

The decision to use force - Phase I - was inextricably linked to another option from the IIOS: foreign assistance. President Ford requested (a) statutory clarification on the use military force in an evacuation and (b) $1 billion in foreign assistance funding for the government of South Vietnam (SVN).[9] As the conduit for House discussion and point of contact for the administration, International Relations introduced legislation meant to satisfy both criteria. The HASC was to report on the $722 million request for further security assistance. HR 6096 was the last time the Committee considered security assistance legislation, thenceforth security assistance came under International Relations and Appropriations (Foreign Operations Subcommittee) jurisdiction. Three final observations regarding International Relations and Armed Services during Phase I are educational.

Firstly, Committee members were more amenable to the latter request for additional foreign assistance than the former request for clarfication on the use of US forces. Congress does not wish to place America's servicemen in

[9]Public Papers of the President, Gerald Ford, 1975 (Washington, D.C.: GPO., 1976) 10 April 1975.

harms way nor risk entering into long-term military commitments. Instead, it would prefer that other countries fight their own battles. Many scholars refer to this preference as the "Nixon Doctrine."[10] Secondly, by exercising their less controversial power on other options along the IIOS, both Committees can affect use of force policy. Finally, the role of both Committees and indeed Congress in its entirety is marginal in Phase I - at least within certain contexts. Ford used force before statutory authorization was granted because historical precedent and legal statute dictates that the president can act to ensure the safety of US citizens abroad whilst the nature of the conflict - an evacuation lasting 16 hours - routinely favors unilateral action by the chief executive.

Neither International Relations nor Armed Services played any role during the sustainment or recall phase since the operation lasted less than one day. Ford ordered the recall of US forces immediately after the evacuation was complete.

Several months after the evacuation of Saigon, International Relations conducted hearings on the administration's conduct throughout the operation. In its role as judge of the administration's policies, the Committee analyzed the economic, diplomatic and military decisions taken by the executive branch.

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[10]Steven A. Hildreth, "Perceptions of U.S. Security Assistance, 1959-1983: The Public Record," in U.S.. Security Assistance: The Political Process ed. Ernest Graves and Steven Hildreth (Lexington, Massachusetts: Lexington Books, 1985) p. 84.

Two observations on these hearings are important. Firstly, International Relations was unaware of the inner workings of the administration's various crisis command posts; a deficiency also noticeable during its subsequent review of the Mayaguez rescue mission. In short, the Committee was performing a function with greater intensity than it had ever done previously, and was apparently learning as it went along.

Secondly, Armed Services did not conduct an investigation to determine useful lessons learnt from the evacuation. Such reports or hearings were not the style of Melvin Price. In addition, the evacuation, although resulting in four American casualties was considered a success.[11] Success, however, is not always sufficient cause to discourage HASC investigations. Despite Operation Just Cause in Panama being acknowledged by Congress, the media, and the administration as a "success," Armed Services performed an investigation and issued two reports on the invasion.[12] The difference between the two events was personal attributes of the principal participants, namely the divergent leadership styles of Price and Aspin.

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[11]Public Papers of the President, Gerald Ford, 1975 (Washington, D.C.: GPO., 1976) 29 April 1975.

[12]Chairman Les Aspin,_"Panama Military Success, But Limited Guide to the Future," News Release House Armed Services Committee, 12 January 1990 and Congress, House, Committee on Armed Services, The Invasion of Panama: How Many Innocent Bystanders Perished?, report, 102nd Cong., 2d sess., 7 July 1992.

Historical Analysis: The Paris Peace Accords

On 23 January 1973, the governments of the US, South Vietnam and North Vietnam signed the Paris Peace Accords.[13] This document was intended to denote the end of the Vietnam War. US forces were to withdraw according to an agreed upon schedule in return for a North Vietnamese (NVN) pledge to respect the sovereignty of its southern neighbor. Although US combat operations were to cease, the US government was permitted to intervene on behalf of SVN in the event that NVN violated the treaty.

Armed Services: Establishing a precedent on resolutions of inquiry

Members of Congress remained wary of possibly re-entering the war in Vietnam in the years following the peace accords' signing. On 3 February 1975, several representatives including Michael Harrington (D-MA) from International Relations and Patricia Schroeder (D-CO) from Armed Services introduced HRes 129: "a resolution requesting "certain information on the activities of US military personnel in Indochina since 1973."[14]

The Committee met in executive session on 19 February receiving testimony from the Secretary of Defense, James Schlesinger. In an open session hearing held on 27 February, members of Armed Services agreed by voice that the resolution be adversely reported to the House. The House

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[13]Walter Isaacson., Kissinger: A Biography, (New York: Simon & Schuster, 1992) 480-483.

[14]Congress, House, Committee on Armed Services, Military Activities with Regard to South Vietnam, North Vietnam, and Cambodia, House Report No. 94-23, 94th Cong., 1st sess., 27 February 1975. p. 1.

report cites Schlesinger's answers presented in closed session as being sufficient response to HRes 129. The report also indicates that all comments made by the Secretary of Defense were available to any members of the House upon request although his testimony was classified.[15] There are two salient conclusions to be drawn from this episode.

Firstly, Armed Services reported similar resolutions of inquiry adversely after the Mayaguez rescue attempt, the Grenada invasion, and the Persian Gulf War.[16] Its members preferred to gather their information through less intrusive means i.e. hearings and briefings.

Secondly, although classified material is available to all members of the House, staff members are not privy to such information. Representatives are extremely busy and often use their personal staffs to gather information on various topics. Sometimes, if staff members are unable to retrieve information the House member simply does without.[17] Professional staff members from Armed Services have access to classified information unlike their counterparts working on personal staffs exacerbating differences between the two groups.

Ford's initial request: Security Assistance in South Vietnam

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[15]Ibid.

[16]HCR 383 Grenada (introduced by Dellums of the HASC), H.Res. 536 & 537 Mayaguez (introduced by Schroeder of the HASC, reported adversely by the HIRC requesting information from the Secreatary of State), and the H.Res. 19 Persian Gulf War(introduced by Boxer of the HASC).

[17]William Hogan, former HASC General Counsel, interview by author, Tape Recording, Washington, D.C., 7 April 1994.

On 28 January 1975, President Ford requested $522 million in emergency security assistance for SVN and Cambodia.[18] The House Speaker, Carl Albert (D-OK) determined that the $300 million request in military assistance for SVN would be considered by the House Appropriations Committee (Defense Subcommittee) whereas the $222 million request for humanitarian and military assistance for Cambodia was to be considered by International Relations. Although the HIRC was to consider legislation regarding Cambodia in this instance, national security policy toward the entire Southeast Asian region was inextricably linked.[19] There are three interesting observations one ought make about the substance and handling of Ford's request.

First, the President requested foreign assistance in lieu of requesting authorization to use force. Foreign assistance is both more palatable for congressional examination and affords the legislature greater contextual advantage; it has power to act as the final arbiter.

Second, Armed Services did not consider draft legislation on military assistance: the House Appropriations Committee did instead. Armed Services previously authorized $300 million in 1974 for military assistance to SVN and Cambodia that the House did not appropriate.[20] As indicated

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[18]"On the Issues," Congressional Quarterly Weekly Vol 33 No 7 (15 February 75): p. 342.

[19]Congress, House, Committee on International Relations, The Vietnam-Cambodia Emergency, 1975, Parts I & II, hearings, 94th Cong., 1st sess. and 2nd sess., 6, 11, 2, 13 March; 9,14,15,16,18 April and 7, 8 May. pp. 1-500.

[20]"On the Issues," Congressional Quarterly Weekly Vol 33 No 7 (15 February 75): p. 342.

earlier, the Committee was too conservative to serve as a useful barometer to the administration for House convictions. Furthermore, as an authorizing committee, it lacked the clear institutional "power of the purse" privy to Defense Appropriations.[21]

Finally, the Ford administration's humanitarian and security assistance request for Cambodia had not yet been authorized, therefore, International Relations was given sole jurisdiction. Their considering Ford's request also marks the transition from authorizing authority on security assistance from Armed Services to International Relations.

Shortly after Ford's gave his request to the House, two events occurred illustrative of how distrustful Congress' had become of the chief executive in national security policymaking. First, one of the House's most liberal members, Representative Robert Drinan (D-MA), filed suit against President Ford in an effort to stop alleged military operations in Cambodia.[22] Congressmen have, on occassion, attempted to use the federal judiciary to resolve issues involving the use of military force with little success including in El Salvador, the Persian Gulf reflagging operation, and the Persian Gulf War. The court typically labels these suits as non-justiciable, and the administration pays them only minimal attention.[23]

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[21]HASC Professional Staff Member, interview by author, Tape Recording, Washington, D.C., 22 March 1994.

[22]"On the Issues," Congressional Quarterly Weekly Vol 33 No 7 (15 February 75): p. 342.

[23]Borden Gray, Counsel to President Bush, interview by author, Tape Recording, Washington, D.C., 31 March 1994.

In addition, a bipartisan group of congressmen called "Peace Through Law" sent Ford a letter opposing his request for military assistance.[24] Members of both International Relations and Armed Services signed the letter, but more importantly, it exemplifies congressional fears of reentering the War in Southeast Asia.

International Relations as gatekeeper: Denying the President's request

The Defense Subcommittee of House Appropriations was the first to respond to Ford's request receiving testimony from Schlesinger on 27 February. The Defense Secretary argued that the additional $300 million would probably allow SVN forces to last through the wet season.[25] International Relations did not conduct its hearings until 11 and 12 March after three important events had occurred. The first two involved new information sources, the last, a change in the nature of the conflict in SVN.

On 24 February through 2 March an eight member congressional delegation (CODEL) visited SVN and Cambodia to assess the military and economic situation at President Ford's request.[26] Ford came to the conclusion during January of 1975 that federal legislators were misinformed about the status of US forces in Indochina - especially by the press - and decided that a fact-finding trip to the region might be useful.[27] Don Fraser (D-MN) of

[24]"On the Issues," Congressional Quarterly Weekly Vol 33 No 7 (15 February 75): p. 342.

[25]New York Times(New York), 28 February 1975.

[26]Congressional Quarterly Almanac. 94th Congress, 2nd Session 1975, Vol. 31, Washington, D.C. Congressional Quarterly Inc., 1975. p. 304.

[27]Ford interview.

International Relations and John Murtha (D-PN) of Defense Appropriations were among the eight delegates selected. Congressional delegations requested by the administration are among the few that comprise members from both other relevant House committees in addition to senators. They afford congressmen a unique opportunity to discuss issues of mutual concern, and to influence their colleagues in a forum seldom available to members serving in different chambers.[28] Upon arriving back in the US, a majority of the delegation voiced their support for additional military, economic and humanitarian assistance to both SVN and Cambodia.

International Relations sent two of its own staff members, Jack Brady and John Sullivan, to Indochina at approximately the same time as the congressional delegation's visit. Their independent analysis was, however, less optomistic.[29]

Finally, 5 March 1975, the North Vietamese regular Army mounted a major offensive on the Central Highlands of South Vietnam. The attack heightened congressional apprension that the SVN government would expect US forces to intervene if Saigon were to come under fire.

International Relations began receiving testimony of HR 2704: draft legislation on Ford's request in early March. The Special Subcommittee on Investigations, chaired by Lee Hamilton, eventually agreed upon a complex schedule for

[28]Senator Richard Lugar, interview by author, Tape Recording, Washington, D.C., 18 April 1994.

[29]Jack Brady, former HFAC Chief of Staff, interview by author, Tape Recording, Washington, D.C., 13 April 1994.

providing security assistance to Cambodia stipulating that Congress could cease funding by concurrent resolution.[30]

On 12 March, prior to the 14:00 full Committee mark-up, the Democratic Caucus met to discuss the ramifications of the pending legislation. The Caucus had voted 189-49 against granting Ford's request for assistance.[31] Unable to resolve its differences, members of International Relations agreed to meet the following day in order to complete their mark-up. Eventually the Committee voted along party lines to adjourn without taking final action by a 18-15 vote. Four observations are important.

First, by voting along party lines to adjourn the mark-up session, International Relations demonstrated that it was prone to act upon partisan impulses.

Second, the Committee voted to adjourn rather than go on record explicitly opposing Ford's request with an adverse report. Their action is common for congressmen even in the post-Vietnam era; there is a general reluctance to defy presidential authority in national security policymaking because it may adversely effect the member's chances at re-election.

Third, the Committee voted in line with the Democratic Caucus. Their action could be attributed to partisanship; however, the nature of the conflict in both Cambodia and SVN

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[30]The subcommittee voted 4 to 3. Congress, House, Committee on International Relations, The Vietnam-Cambodia Emergency, 1975, Part II, hearings, 94th Cong., 1st sess., 12 March 1975, p. 394.

[31]"Behind the Upheaval in Congress," US News & World Report Vol 78 No 14 (7 April 1975) pp. 11-12.

appeared likely to drain US financial and human resources yet again. More than a decade later, the Democratic Caucus voted against using military force to expel Iraqi forces from Kuwait prior to House consideration. Nevertheless, the HFAC leadership, subcommittee chairmen, and most active members supported the legislation against Caucus wishes demonstrating the limited utility of partisanship as a determiner of roles played.[32]

Finally, International Relations later proposed initiatives intended to increase presidential authority in providing security assistance during emergencies - similar to the crisis Ford was reacting to in South Vietnam. In so doing, it provided President Reagan with more alternatives to address the conflict in El Salvador (1981-2). After President Carter chastised Congress for limiting his ability to provide security assistance for the government of Zaire in 1978, the Committee favorably reported legislation that would increase the amount of emergency funding the president could provide to other nations without congressional authorization.[33] Reagan used this new emergency authority in his security assistance package for El Salvador which included fifty-five US military advisers.[34] In sum, the Foreign Affairs initiative as gatekeeper in national security policy affected the Reagan administration's ability to use of force policy.

[32]Representative Steve Solarz, Former member of the HFAC, interview by author, Tape Recording, Washington, D.C., 20 April 1994.

[33]State Department Bulletin, (Washington,D.C.: GPO 1978) July 1978, pp. 17-18.

[34]Ibid., July 1981, p. 56.

Rationalizing an exit, diminishing chances for victory, and the first evacuations

After International Relations disapproved Ford's request for security assistance in Cambodia, opportunities for maintaining the status quo in that country and SVN decreased considerably. By 17 March, 40% of all SVN force in the northern regions were retreating.[35] Domestic events were equally discouraging as top officials in the administration began to question the efficacy of US policy in SVN. Defense Secretary Schlesinger commented that "losing SVN and Cambodia would not be vital to US security interests, however; it would be a psychological blow to the nation."[36] Eight days later, on 31 March 1975, Schlesinger predicted that the NVN Army would soon attack Saigon.[37]

Preparing for the worst, the Defense Department announced the recent dispatch of 700 Marines aboard Navy ships to assist in possible evacuations from either Cambodia or SVN. US embassy officials dismissed claims that the evacuation of Saigon had begun whilst simultaneously announcing the evacuation of Cambodia.[38] Expressing his skepticism regarding SVN, Vice President Nelson Rockfeller proclaimed that "it's really too late to do anything about it [NVN advances in SVN]."[39]

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[35]Congressional Quarterly Almanac. 94th Congress, 2nd Session 1975, Vol. 31, Washington, D.C. Congressional Quarterly Inc., 1975. p. 304.

[36]Philadelphia Bulletin(Philadelphia) 23 March 1975.

[37]New York Times(New York) 31 March 1975.

[38]Ibid., 1 April 1975.

[39]Ibid.

On 3 April 1975, President Ford ordered the sealift of refugees in Danang to safer locations further south. An Amphibious Task Force consisting of 700 Marines and 12 helicopters participated. The leadership of International Relations and Armed Services were amongst the initial group of congressmen notified of the operation. However, because Congress was in recess, its members were scattered worldwide.[40] Officials from all four administrations have expressed their displeasure at being unable to contact congressmen in at a moments notice to inform them of decisions to use force. This claim is not entirely correct. The Bush administration authorized the deployment of 150,000 US servicemen to Saudi Arabia in August of 1990 during a congressional recess. Some observers argue that because most congressmen were absent, the President felt less inhibited to sanction such a massive undertaking.[41]

President Ford submitted a report on the use of US forces in the Danang sealift on 4 April 1975 "taking note of section 4(a)(2) of the WPR." In addition, Ford's report stated: "this effort is being undertaken pursuant to the President's constitutional authority as Commander-in-Chief and Chief Executive in the conduct of foreign relations."[42] Thus the first report on using military force evaded the question of constitutionality and the WPR, reiterated the president's enumerated and inherent powers as commander-in-

[40]Gerald R. Ford., A Time to Heal, (New York: Harper and Row Publishers, 1979) p. 252.
[41]Les Aspin, interview by author, Tape Recording, Washington, D.C., 11 April 1994.
[42]Public Papers of the President, Gerald Ford, 1975 (Washington, D.C.: GPO., 1976) 4 April 1975.

chief, yet established a precedent of submitting written reports to Congress - albeit after US forces had already been deployed to hostilities.

Administering blame: Recrimination and review

During a 3 April news conference, President Ford, angered by charges of incompetence and the poor performance of SVN forces, began to recriminate Congress for losing Vietnam. The President also pledged not to reintroduce US combat forces into Indochina, however; he would continue to request additional funding from Congress.[43]

R.W. Apple, Jr. of The New York Times, published an article the same day arguing that "Ford's defense of US policy in Indochina runs counter to general political attitudes."[44] In short, the president lacked congressional, media, and scholarly support for his persistent efforts to gain additional assistance for the governments of Cambodia and South Vietnam.

On 5 April, Ford and his top national security aides met in Palm Springs to review US policy towards Indochina. General Fred C. Weyand, the Army Chief of Staff, had just returned from his fact-finding trip in SVN, and administration officials wished to hear his opinion.[45] Upon arriving in the US, Weyand declared that "the SVN still have the spirit and the capability to defeat the NVN."[46] Privately, the General recommended at least $500 million in

[43]New York Times(New York) 3 April 1975.
[44]Ibid.
[45]Ford, A Time to Heal, p. 253.
[46]New York Times(New York) 5 April 1975

security assistance for the government of SVN. Ford and his top assistants agreed. After the two-day meeting Secretary of State, Henry Kissinger, participated in a news conference declaring that the US had "a moral obligation" to assist South Vietnam.[47]

Congress reconvened on 5 April. Several congressmen expressed their displeasure with the present administration policy toward SVN, and Ford's allegations of congressional incompetence. Senate Majority Leader, Michael Mansfield (D-MN) suggested a congressional review of US policy in Indochina.[48] Morris Udall (D-AZ) of International Relations and a presidential candidate in the 1976 election encouraged the President to admit that the war in Vietnam had been a fiasco rather than attempt to make it a partisan issue.[49]

In an effort to mend relations with the legislature, the Defense Secretary contested charges that the President was accussing Congress of any wrongdoing. Appearing on Face the Nation, Schlesinger asserted: "Congress cannot in anyway be held responsible for the cohesion and training of SVN forces."[50] He continued to allay congressional fears that the US might re-enter the War by revealing that the administration denied a recent SVN request for B-52 strikes against NVN.

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[47]State Department Bulletin, (Washington,D.C.: GPO 1978) 28 April 1975, pp. 547-555.
[48]New York Times(New York) 6 April 1975.
[49]New York Times(New York) 3 April 1975.
[50]Face the Nation(Washington, D.C.) 6 April 1975.

President Ford's second request: The State of the World Address

On 10 April 1975, President Ford delivered his "State of the World Address" to Congress. In his remarks on SVN, Ford offered two extreme courses of action:

> On the one hand, the US could do nothing more; let the government of South Vietnam save itself and what is left of its territory...On the other hand, I could ask Congress for authority to enforce the Paris accords with our troops and our tanks and our aircraft and our artillery and carry the war to the enemy.[51]

Ford eventually offered two "narrower" alternatives including re-submitting his initial 28 January request for $300 million in unappropriated funds that had been held up in committee, or increasing his initial request. Ford selected the latter course stating: "I am therefore asking Congress to appropriate without delay $722 million for emergency military assistance and an initial sum of $250 million for economic and humanitarian assistance."[52] On requesting statutory authorization to use force, Ford added:

> ...I ask the Congress to clarify immediately its restrictions on the use of U.S. military forces in Southeast Asia for limited purposes of protecting American lives by ensuring their evacuation, if this should be necessary...because of the gravity of the situation, I ask the Congress to complete action on all measures not later than 19 April.[53]

At that point, four congressmen walked out of the House chamber.[54] House Majority Leader, Tip O'Neill, responded to

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[51]Public Papers of the President, Gerald Ford, 1975 (Washington, D.C.: GPO., 1976) 10 April 1975.

[52]Ibid.

[53]Ibid.

[54]Ford., A Time to Heal, p. 254.

Ford's address: "It would take a complete turn around in public opinion for Congress to pass this aid request."[55]

Ford's comments were stern, straightforward and politically masterful. To begin with, Ford suggested that using military force was the option he least desired. Acting upon Bismarck's assertion that citizen's value the lives of their own countrymen above those of any other, Ford sought to manipulate public and congressional fears to his advantage.[56] Next, the President indicated the shortcomings of both inaction and maintaining the status quo request from 28 January. Aware of the institutional inertia associated with congressional policymaking, he placed a deadline on his request of 19 April. Finally, Ford did not request authorization to use force per se, but rather clarification as to the restraints on using US forces in this region for "limited purposes." The wording of his request permitted the President to maintain his authority to use force, yet simultaneously endorse Congress' authority to provide oversight and clarification.

Immediately following his 10 April address, President Ford ordered 386 Marines to assist in the evacuation of Phnom Penh on 12 April.[57] The congressional leadership had been notified of the administration's intentions a week earlier, and a WPR report was transmitted to Congress. Ford

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[55]New York Times(New York) 11 April 1975.
[56]Bismarck on Slavic and German live
[57]Public Papers of the President, Gerald Ford, 1975, 12 April 1975.

had asserted his authority to use force without specific authorization yet again.

535 Secretaries of State: Armed Services, International Relations, and HR 6096

White House officials transmitted draft legislation to the House Speaker the day after Ford's address. The HIRC Special Subcommittee on Investigations debated the issue on 14 April without access to specific draft legislation; the House leadership - including the HIRC and HASC chairmen - were settling the issue of committee jurisdiction. In addition to "examining the supplemental emergency economic and humanitarian requests", the subcommittee wished to analyze the administration's objectives for its policy in Vietnam.[58]

By 15 April, the House leadership decided that International Relations would consider the President's solicitation for additional economic assistance and clarification on the use of US forces while Armed Services would be responsible for military assistance.

The previous day, Senate Foreign Relations met with the President at the White House upon the Committee's request. It was the first such meeting since 1919 when it met with Woodrow Wilson to discuss the Treaty of Versailles. The consensus amongst members from both parties was (a) humanitarian assistance would be approved immediately and (b) US forces should only be used for evacuation purposes.

[58]Congress, House, Committee on International Relations, The Vietnam-Cambodia Emergency, 1975, Part II, hearings, 94th Cong., 1st sess., 14 April 1975, p. 427.

Senators also offered the President a deal: if he were to begin evacuating all non-essential civilian personnel immediately, Foreign Relations would report legislation authorizing a $200 million contingency fund for use by the administration. Ford declined the Senators' offer.[59] When asked how he might have reacted to a similar request for a meeting with International Relations, Ford replied that he had a great deal of respect for "Doc" Morgan, and would have obliged him.[60]

The full HIRC met on 15 April to hear testimony on HR 5961 "a bill to authorize additional economic assistance for South Vietnam." The Committee leadership decided to consider security assistance and statutory authorization clarifying the use of force separately. Morgan began his opening statement by urging his colleagues not to remark on use of force authorization until the following day. Demonstrating their desire to stay out of the conflict, many members suggested that international organizations administer any additional funding provided by the US.

On 16 April, International Relations conducted hearings on HR 5960 "a bill clarifying restrictions on the availability of funds for the use of US armed forces in Indochina."[61] Three individuals testified including: Les Aspin from Armed Services, Philip Habib, Assistant Secretary of State for East Asian and Pacific Affairs; and

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[59]Ford, A Time to Heal, p. 255.

[60]Ford interview.

[61]Congress, House, Committee on International Relations, The Vietnam-Cambodia Emergency, 1975, Part I, hearings, 94th Cong., 1st sess., 16 April 1975, p. 213.

Monroe Leigh, legal adviser to the State Department. Aspin identified seven acts of Congress that prohibited US forces from conducting combat operations in Indochina. He also outlined four options for Congress:

(1) to pass the President's request unchanged;

(2) to amend the President's request, adding some constraints and trying to prevent indiscriminate use;

(3) to ignore the President's request and pass its own; or,

(4) to pass the President's request, but limit its application.[62]

Aspin recommended that Congress pass no legislation at all. By doing so, it would be signaling the President that he needed no additional authority to use US forces to evacuate Saigon while his action's would still be subject to the WPR. Aspin's testimony is important for three reasons.

Firstly, the substance of Aspin's comments demonstrate his early interest in use of force policymaking. Secondly, the form of Aspin's testimony is a glimpse of his White Papers issued prior to the vote authorizing the use of force in the Persian Gulf: analytical, erudite and succinct.

Finally, it is the first example from the case studied in which members of Armed Services utilized hearings conducted by International Realtions as forum to express their views on use of force or national security policy. Subsequently, several members of Armed Services testified before International Relations including: Patricia Schroeder

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[62]Ibid., pp. 78-79.

(Mayaguez), Ronald Dellums (Grenada) and Charlie Bennett (Persian Gulf War).

After hearing testimony form Kissinger the following day, the Committee reported HR 6096 (HR 5960 and 5961 were merged into one bill) favorably by an 18 to 7 vote. The new bill authorized $150 million in humanitarian assistance, re-authorized $177 million in previously unappropriated funds available for FY 1975, and lifted restrictions on using military force stipulated by five of the seven bills alluded to during Aspin's testimony.[63] As reported by International Relations, HR 6096 "had no express authorization for the use of US Armed Forces but defined 'evacuation' as one without the use of military force, if possible, but should it become necessary and essential, with the minimum use of necessary force."[64] Representative Broomfield, the senior ranking member of International Relations, indicated shortly after the Committee vote that "White House officials are generally in accord with our legislative proposal."[65]

Armed Services received testimony from General Weyand on 18 April regarding HR 5929: the administration's request for additional security assistance. Weyand claimed that "the SVN Army has only weeks if it does not receive at least part of the aid request."[66]

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[63]Congressional Quarterly Almanac, p. 309.

[64]Congress, House, Committee on International Relations, Vietnam Humanitarian Assistance and Evacuation Act of 1975, House Report No. 94-155, 94th Cong., 1st sess., 18 April 1975. pp. 7-8.

[65]Judy Gardner., "Congress nears Final Action on Vietnam Aid, Congressional Quarterly Weekly Vol 33 No 17 (26 April 1975): pp. 835-847.

[66]New York Times(New York) 19 April 1975.

Before the 24 April House vote on HR 6096, media reports expressed skepticism regarding the efficacy of greater security assistance in SVN while others argued that Congress' should play an intricate role in taking this decision.[67]

Changes in the nature of the conflict, i.e., South Vietnam's territorial losses, boded ill for the administration's request. On 19 April, three more carriers were put to sea for possible evacuation duty off the coast of Vietnam increasing the total to five. Eight hundred Marines were flown to the carriers participating in the littoral task force. Three days later, President Thieu of SVN resigned. The Defense Department announced the immediate withdrawal of non-essential personnel in Saigon, and President Ford declared that "there was no problem about his authority to use of force in Saigon."[68]

Overtaken by events: The final vote on foreign assistance and using force

Armed Services formally refused Ford's request for an additional $722 million in military assistance on 22 April when the Committee voted to table the resolution by a 21-17 vote. The significance of tabling rather than voting the bill down is the same as when International Relations voted to adjourn rather than report a bill authorizing economic

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[67]See for example the Editors, "Too little Too late," The New Republic Vol 172 No 16, (19 April 1975) pp. 8-10 and Kim Chrysler, "Is it too late to Save Vietnam," US News and World Report, Vol 78 No 16 (21 April 1975) pp. 21-22 and Anthony Lewis, "A Responsible Congress", Op-Ed, New York Times.

[68]Public Papers of the President, Gerald Ford, 1975 (Washington, D.C.: GPO., 1976) 21 April 1975.

assistance in Cambodia adversely (HR 2704); members of both Committees shun direct confrontations with the chief executive fearing a loss in political capital both with their constituents and the administration.

The House eventually voted in favor of HR 6096 by a 230 to 187 vote after a fourteen hour debate. An amendment offered by Steve Solarz of International Relations to limit the use of US forces to thirty days was rejected by slim margin of 196 to 208. Sam Stratton's offer to provide $150 million in security and economic assistance was handily defeated by a 22 to 394 vote.[69] The fate of Solarz and Stratton's amendments demonstrates two important points:

(1) the liberal Solarz was closer to House ideology in national security policy than the more conservative Stratton; and,

(2) members of both Committees do not limit their desire to act as bellwether for use of force policymaking to committee chambers.

The Senate had approved its version of HR 6096 the previous day.

A conference committee convened immediately following the House vote with seven members from the House International Relations and six members from Senate Foreign Relations participating. Without haste, the conference committee reported to Congress on their compromise (discussed in the methodological analysis section). By a 46 to 17 vote, the Senate approved the conference report on 25 April.

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[69]Judy Gardner., "Congress nears Final Action on Vietnam Aid, Congressional Quarterly Weekly pp. 835-847.

Primarily because of institutional inertia, the House did not consider the conference report on HR 6096 as quickly as the Senate. By procrastinating, the House watched as the President ordered the immediate evacuation of Saigon without statutory authorization on the evening of 28 April. During an emergency meeting of the NSC, Ford commanded US forces to fly approximately 6,500 US citizens, their dependents, and other eligible South Vietnamese nationals to carriers deployed off the coast of Vietnam.[70] The operation lasted sixteen hours followed almost immediately by the surrender of the President of South Vietnam. Eighty-one Marine helicopters participated receiving tactical air cover from the Navy and the Air Force. Exchange with the NVN forces was minimal; an Air Force aircraft fired on an NVN aircraft. The President transmitted a WPR report on the operation and delivered a nationally televised address on 29 April.[71]

Ford sent a letter to the House Speaker encouraging House members to vote in favor of HR 6096. Arriving on 30 April, Ford included the following plea in his correspondence:

> although section 4 through 9 of the bill have been overtaken by events...the enactment of the bill as recommended by the Conference Report is the most expeditious method of obtaining funds...needed for the care and transportation of homeless refugees.[72]

Ford's efforts to lobby the House in favor of HR 6096 were unsuccessful. The bill failed by a 192 to 246 vote.

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[70]"The End in Vietnam," US News & World Report (12 May 1975) p. 16.
[71]Presidential Papers, 29 April 1975.
[72]Presidential Papers, 1 May 1975.

Closing events

After 1 May, the administration faced three immediate problems. First, it still required immediate funding for refugee relief; second, it needed to establish a new foreign policy toward Vietnam; and third, it wished to heal the inevitable fissures between the two branches of government and the American public created by the Vietnam War.

Accomplishing the first task was comparatively easy. The House Speaker reassigned the administration's request to the House Appropriations and the House Judiciary Committees. Congress eventually authorized and appropriated $455 million in refugee relief funding on 22 May 1975.[73]

The administration's new policy toward Vietnam was simple: a complete severing of all diplomatic ties, a trade embargo, and travel prohibition. Members of International Relations questioned the President's authority to act unilaterally in formulating the new Vietnam-US policy during several hearings.[74]

Ford had already begun efforts to resolve the final issue during a 23 April speech given at Tulane University where he declared "an end to the Vietnam era."[75] Even Secretary of State Kissinger, at times forgetful of

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[73]Judy Gardner.,"Final Action: Indochinese Refugee Aid", Congressional Quarterly Weekly Vol 33 No 21 (24 May 1975).

[74]Congress, House, Committee on International Relations Subcommittee on International Trade and Commerce, Export Licensing of Private Humanitarian Assistance to Vietnam, hearings, 94th Cong., 1st sess., 9 September 1975, and Congress, House, Committee on International Relations Subcommittee on international Trade and Commerce, US Embargo of Trade with South Vietnam and Cambodian, hearings, 94th Cong., 1st sess., 4 June 1975.

[75]Ron Nessen., It Sure Looks Different from the Inside (Chicago: Playboy Press, 1978) p. 108.

Congress' constitutional role in formulating public policy, stated that the administration will pursue a new, post-Vietnam, repertoire with Congress "without recrimination or vindictiveness."[76] But wounds created by the conduct of foreign policy in Vietnam over two decades were not easily healed. HASC and HIRC personnel argue that it remains an intangible influence in foreign, national security, and use of force policymaking even today.

Methodological Analysis

The puropose of this section is twofold:

(1) to identify the roles played by each Committee throughout the four phases; and,
(2) to identify and analyze the most salient independent variables with a brief examination of some of the remaining others when appropriate.

Phase I: Decision to deploy force (10 April 1975 - 19 April 1975)

Roles played:

Well informed observer (HIRC & HASC)
Recipient and disseminator of information (HIRC & HASC)
Gatekeeper for legislative proposals (HIRC)
Guardian of the WPR (HIRC)

Along with the Persian Gulf War, the evacuation of Saigon was one of the rare instances when both Committees played roles in Phase I they typically played in Phase II. Executive prerogative explains both cases; President Ford and Bush requested statutory authorization at least ten days before ordering US forces into imminent hostilities allowing International Relations and Armed Services ample time to play a more robust role in the policymaking process.

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[76]New York Times(New York) 18 April 1975.

Throughout House consideration of HR 6096 and HR 5929, International Relations and Armed Services remained well-informed of administration activity. The former Committee held four hearings in as many days whereas the latter held two. In addition, both Committees were briefed by General Weyand on the political-military situation in SVN in executive session.

These hearings also demonstrated the Committees functioning as recipients and disseminators of information. In addition, International Relations compiled a staff report on the conflict in Indochina while Armed Services made Schlesinger's answers presented during closed session on HRes 129 available to fellow legislators. Members of the House had access to these sources along with numerous hearings conducted by both Committees.[77]

As gatekeepers for legislative proposals - a role usually played only by the HIRC - both Committees determined if the administration's legislative request would be considered on the House floor and in what form.

In its role as guardian of the WPR, International Relations included the following provision in HR 6096: "any evacuation would be subject to the provisions of the War Powers Resolution, including a requirement for prior

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[77]Quite often, representatives send junior members from their personal staffs to take notes on important hearings they cannot attend in person. Former personal staff member of Congressman Marvin Leath (HASC), phone interview by author, College Station, Texas, 30 June 1994.

consultation with Congress, a detailed report, and an automatic cutoff of activities after 60 days."[78]

Two roles International Relations did not perform during Phase I, but meriting further explanation are listed.

Firstly, the Committee did not perform the role of bellwether for legislative proposals authorizing or regulating the use of force since the administration transmitted its own draft legislation introduced by "Doc" Morgan. The Committee did, however, perform the role of gatekeeper receiving eight proposals regarding the use of US forces in Saigon. Of those, all were either sponsored or co-sponsored by members of International Relations.[79] Again, the administration's offered the initial legislation, setting the tone for subsequent modification (or substitution) by the HIRC.

Neither did International Relations serve as a barometer for House convictions. The Committee favorably reported legislation on using force the lower chamber voted against even if the final vote may have been against refugee relief.

Salient Independent Variables:

Nature of the conflict
Public Support
Executive prerogative
Influence of House leadership
Influence of other relevant committee
Institutional norms/Organization

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[78]Congress, House, Committee on International Relations, Vietnam Humanitarian Assistance and Evacuation Act of 1975, House Report No. 94-155, 94th Cong., 1st sess., 18 April 1975. pp. 7-8.

[79]Congress, House, Committee on International Relations, Legislative Calendar, 94th Cong.

By the time General Weyand returned from Southeast Asia to brief the President and his top aides on the crisis, the SVN Army was on the brink on disaster. Ford recognized that the Congress and public at large would not tolerate re-entry into what surely would be a protracted war (duration), with high casualties (lives) in Southeast Asia (locality). Gallup Poll ratings for Ford's initiative were low: only 15% of those questioned favored sending additional assistance to SVN on 23 April 1975.[80] Even during his State of the World address, he indicated US tanks, artillery, troops and aircraft would be necessary to ensure victory. I argued in the introductory chapter that military operations involving a mix of air, ground, and sea forces usually incites greater activitiy from International Relations, Armed Services, and indeed, the entire Congress. Hoping to be unfettered in his conduct of use of force policy in Saigon, Ford struck a compromise of sorts with Congress. He would utilize his executive prerogative to request clarification for a military operation intended to achieve a limited objective, but carry out the mission without congressional interference.

The House leadership effected the roles played by both Committees throughout this episode in two ways. Firstly, the House leadership assigned legislation providing clarification on the use of US forces to committee level. Use of force is deemed by many congressmen as being purely

[80]George Gallup, Jr., The Gallup Poll: Public opinion 1975 (Willmington, Delaware: Scholarly Resources inc., 1975) p. 456.

one of conscience; committee politics encumbers the process.[81] Therefore, it is only necessary that a resolution be brought before the House, debated and voted upon without committee interference. House Foreign Affairs never considered HJR 1 - authorizing the use of force to liberate Kuwait - before the Gulf War although Steve Solarz wrote the resolution, and managed it during House consideration. Foreign Affairs did, however, report on HJR 364: triggering the WPR for US Marines deployed to Lebanon. The course taken is somewhat random but typically influenced by two variables identified in the introductory chapter: the House leadership and nature of the conflict.

Secondly, the House leadership divided President Ford's request into several smaller resolutions, thus ensuring many committees might have jurisdiction. Armed Services considered the $722 million military assistance request (HR 5929), International Relations reported on economic assistance and clarification on the use of US forces (HR 6096) while House Appropriations examined a supplemental appropriation bill to fund up to $165 in military assistance and $165 million in economic assistance of any new authorization (HJR 407).

Having several committees consider legislation on a similar topic invariably leads to influence both by other relevant committees and the institutional norms and organization of Congress. Whether by timing of reports to

[81]Former Speaker Jim Wright, interview by author, Tape Recording, Ft. Worth, TX, 1 April 1994.

the House, informal conversations, or conference committees, these two variables will to some degree influence HASC and HIRC behavior. Woodrow Wilson's addage that "a Congress in committee is a Congress at work" epitomizes the legislature's activity during this frantic twenty day period.[82] Not only were the three committees previously mentioned reviewing legislation, so too were their Senate counterparts.

Both International Relations and Armed Services were affected by decision taken by the House Appropriations Committee (Defense and Foreign Operations Subcommittees). Any newly authorized funds would have to be appropriated, making HJR 407 a trump on much of the foreign assistance funding for SVN. The one exception was funding that had been previously authorized but not appropriated. Some of the funding solicited by the various resolutions under consideraton were to derive money from this source. Since the money had already been appropriated in 1974, the House leadership could have brought them directly to a floor vote circumventing House Appropriations. Ultimately the role of relevant committees was moot, events overtook HR 6096, the House leadership removed HJR 407 from the calendar, and Armed Services tabled HR 5929.

A measure of the role of relevant committees shall be conducted in two ways: (1) timing of House reports and, (2)

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[82]Portions of Woodrow Wilson's seminal work Congressional Government are reprinted in Nelson W. Polsby., Congress and the Presidency 4th ed., (Englewood Cliffs, New Jersey: Prentice Hall, 1986).

the conference report on HR 6096. Since it is impossible to determine the precise influence hearings had on HIRC and HFAC behavior, I will not speculate. Instead, I have constructed a time line for reference.[83]

Timeline of HIRC, HASC, House Appropriations, SFRC, SASC and Senate Appropriations activity (10 April - 1 May 1975)

10 April - Ford delivers address
14 April - HIRC Special Investigation Subcommittee meets to discuss Ford's request without draft legislation
SFRC meets with President at White House
15 April - SASC conducts hearing on additional military assistance for SVN
15 April - "Doc" Morgan introduces HR 5690 (use of force) and 5691 (economic assistance)
HIRC conducts hearing on HR 5691
16 April - HIRC conducts hearing on HR 5690
16 April - Senate Appropriations conducts hearing on supplemental appropriation for SVN
17 April - Leaders of SFRC, SASC and Senate Appropriations meet to discuss draft legislation re: SVN
17 April - SASC rejects Ford's request for additional military assistance for SVN by a 8 to 7 vote
17 April - HIRC reports HR 6096 favorably by an 18 to 7 vote
18 April - SFRC reports S 1484 favorably (similar to HR 6096)
18 April - HASC conducts hearing on HR 5929
21 April - House Appropriations conducts hearing on HJR 407 reporting it favorably to the House by a 36 to 15 vote.
22 April - HASC tables HR 5929 by a 21 to 17 vote
23 April - Senate passes S 1484 by a 75 to 7 vote
24 April - House passes HR 6096 by a 230 to 187 vote
25 April - Conference Committee files report on HR 6096
25 April - Senate approves conference report by a 46 to 17 vote
28 April - Ford orders the evacuation of Saigon
28 April - HJR 407 is removed from the House calendar
29 April - Evacuation of Saigon is completed
1 May - House rejects conference report by a 162 to 246 vote

International Relations reported HR 6096 (17 April) before House Appropriations reported HJR 407 (21 April) making it the bellwether. It was less likely to have been

[83]Lugar and Aspin argue that relevant committees exert maximum influence at conference committee stage. Aspin and Lugar interviews.

influenced by House Appropriations than the House Armed Services. The HASC tabled HR 5929 (22 April) the day after Appropriations reported its bill to the House.

House International Relations was clearly influenced by its Senate counterpart during the conference committee. Of the eight contested provisions in the conference report regarding the use of force, the House receded four times, the Senate thrice, and a compromise between both Committees substituted once.[84]

Phase II and III: Sustainment and Decision to recall force (28 April 1975 - 29 April 1975)

Because of the nature of the conflict - its duration being only sixteen hours - International Relations and Armed Services played no substantive role in either Phase II or III. Had HR 6096 passed prior to 29 April, the former would have had some influence since the resolution declared that "the evacuation should be accomplished in a single operation if possible."[85]

Phase IV: Retrospective Assessment

Roles played:

Investigation Team (HIRC)
Judge of Administration's conduct (HIRC)

International Relations conducted two hearings on 7 May 1975 to examine how the administration handled the Saigon evacuation.

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[84]Congress, Conference Committee, Conference Report on H.R. 6096 Vietnam Humanitarian Assistance and Evacuation Act of 1975, conference report, No. 94-176, 94th Cong., 1st sess., 28 April 1975 pp. 5-10.

[85]Ibid.

First, International Relations met in full Committee to review the evacuation of South Vietnam in an effort to determine "the extent to which funds from the Foreign Assistance Act and related legislation have been used to pay civilian evacuation costs."[86]

Second, the Subcommittee on International Security and Scientific Affairs investigated how well the administration had complied with the WPR. Clement Zablocki chaired the hearing emphasized his desire "to explore - in a through, impartial, and dispassionate manner - all relevant circumstances surrounding the incident."[87]

Two final observations are important. First, the full Committee hearing illustrates how International Relations capitalizes on those powers it derives by controling the Foreign Assistance Authorization Act. That power waned after 1981, but until then, it afforded the Committee some leverage in its dealings with Congress and the executive. Secondly, members of International Relations exposed their ignorance of the administration's operating procedures during crises throughout the War Powers hearing. The majority of the questions were, therefore, dedicated to determining what happened rather than if the administration acted effectively.

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[86]Congress, House, Committee on International Relations, The Vietnam-Cambodia Emergency, 1975, Part II, hearings, 94th Cong., 1st sess., 7 May 1975, pg 157.

[87]Congress, House, Committee on International Relations, War Powers: A Test of Compliance Relative to Danang Sealift, the Evacuation of Phnom Penh, the Evacuation of Saigon, and the Mayaguez incident, 94th Cong., 1st sess., 7 May 1975, pg (v).

The Committee also conducted hearings on the administration's emergent foreign policy toward the newly unified Vietnam. The subject matter varied, but included both the trade embargo and export licensing for private humanitarian assistance.

The next instance involving the use of force occurred shortly after the evacuation of Saigon. The epitome of what Lowi calles "crisis policy", the Mayaguez rescue saw International Relations establish itself as the congressional bellwether in force employment policymaking. It also demonstrated how institutionally weak the Committee was to change problems it discovered during retrospective assessment.

Chapter 2 - Section II: MAYAGUEZ

Distinctive characteristics and the intellectual problem

The Mayaguez rescue mission was similar to the Saigon evacuation in both duration and theme. US forces were to conduct a swift military operation, achieve a limited objective, then leave hostilities immediately. Occurring just thirteen days after the last U.S. helicopter departed Saigon, the Mayaguez incident had four distinctive characteristics. In addition, the HIRC's behavior raises a twofold intellectual question answered by the hypothesis presented in the introductory chapter.

Firstly, the rescue operation was the first post-Vietnam force employment. As the end of one era and the beginning of the next, the manner in which policymakers handled the Mayaguez crisis was unique. Its uniqueness lay in the necessity to secure a military victory after the loss in Southeast Asia whilst simultaneously discouraging the use of force to resolve conflicts.[1] Owing to the new paradigm, members of International Relations and Armed Services focused on two questions during the Mayaguez episode that they revisited in every force employment thereafter:

(1) did the incident merit the use of force? and;

(2) was the operation conducted as quickly as possible with the minimal number of U.S. casualties?

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[1]David Broder, columnist for The Washington Post, interview by author, Tape Recording, Washington, D.C., 5 April 1994.

In their role as judge of the administration's actions, representatives from both Committees especially Pat Schroeder and Dante Fascell derided the President for resorting to military force too quickly.[2] They would have preferred that the administration utilize other options from the IIOS short of military force.

Secondly, the rapidity in which Armed Services and International Relations both demanded and received information on the Mayaguez mission was astounding. It is both a tribute to the Ford administration's desire to "maintain a spirit of comity," and the Committees' reaction to criticisms of inaction throughout the Vietnam War.[3]

Thirdly, the duration of the conflict was only three days. Similar to the evacuation of Saigon which lasted sixteen hours, the brevity of the Mayaguez rescue attempt resulted in a minimal role for both the HIRC and HASC during the sustainment and aftermath phases.

Fourthly, President Ford successfully portrayed the rescue operation as a crisis thus experiencing the concomitant contextual advantage of Mueller's "rally around the flag effect" early on.

The final distinction or rather intellectual question is the most important; why did both Committees initially support the military action against Cambodia then within weeks, shift positions and criticize the President?

[2]Congress, House, Committee on International Relations, Subcommittee on International and Political Affairs, Seizure of the Mayaguez: Part II, hearing, 94th Cong., 1st sess., 19, 25 June and 25 July 1975, pp. 133 & 164.

[3]President Gerald R. Ford, phone interview by author, Washington, D.C., 4 April 1994.

According to Fascell, representatives from International Relations were disenchanted by conflicting testimony from Defense Department and State Department officials.[4] Although it received myriad information on the mission, the quality of that information was poor.[5] As a result, the Committee transformed from protagonist to antagonist shortly after the operation ended. The clearest evidence of this change was the unprecedented 473 page, four part investigation into the handling of the crisis which included a GAO report commissioned by the Subcommittee on Political Affairs and International Relations.[6] Almost every aspect of the GAO report was critical. Upon further reflection, one finds that the intellectual problem is comprised of two questions; why did International Relations shift from supporting the administration to criticizing it, and did the shift effect their general roles played?

The answer to the first question is best attributed to three variables presented in the introductory chapter: personal attributes of the HIRC membership, partisanship, and the nature of the conflict. Fascell argues that in addition to receiving faulty information, some individuals in the administration attempted to make the rescue operation a "political battle" and his Committee simply reciprocated.[7]

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[4]Dante Fascell, former HFAC Chairman, phone interview by author, Washington, D.C, 5 April 1994.

[5]Larry Winn, former member of the HIRC, phone interview by author, Washington, D.C., 28 March 1994.

[6]Congress, House, Committee on International Relations, Legislative Calendar, 94th Cong., 1st & 2nd sess., 14 January 1975 - 1 October 1976, pp. 3-10.

[7]Fascell interview.

In addition, many members resented Henry Kissinger's disregard for Congress' constitutional role in formulating US foreign policy. More specifically, the Secretary of State's formula for realpolitik was often at odds with Committee members' desire to use force only as a last resort. The fact that he was from a different party than the majority on International Relations only exacerbated the problem.

Finally, causality estimates provided by the administration throughout the tumultuous three day crisis were significantly lower than the 37 actually lost.[8] Unacceptable casualty rates offer Congress the contextual advantage to criticize the administration's use of force policy. In addition, respected members of the media began to ask similar questions thus increasing International Relation's contextual advantage to pursue its investigation.[9]

Throughout Phase IV, the aftermath, International Relations remained highly critical of administration action. However, the roles they played did not differ from those presented in the introductory chapter. The Committee, acting as an investigation team and judge of the administration's policies conducted hearings, reviewed a resolution of inquiry, commissioned a GAO study and issued statements to the press. After the Persian Gulf War - a

[8]Roger Morris., "What to Make of the Mayaguez," The New Republic (14 June 1975): pp. 9-12, number of fatalities includes a helicopter crash in Thailand killing 23 people that was scheduled to participate in the operation.

[9]Ibid.

case when the Committee remained supportive throughout all four phases - they repeated these activities. Thus the pattern is not one of actions, but of the intensity of those actions. Institutional norms and organizational structure limit the tools of oversight available to any committee, force employment policymaking is no exception.

Overview of International Relations and Armed Services roles played

During Phase I, members of both Committees encountered a dilemma. They could either subscribe to the pre-Vietnam War paradigm of deferring to the president during a crisis, or remain vigilant in their support for the WPR by demanding a robust consultative role. They selected the former course of action with two caveats. First, members of both Committees articulated their support for the President's increasingly stern actions to resolve the crisis both in private and public. Second, International Relations criticized the administration for poor judgment after the troops completed their mission. In so doing, they avoided possible charges of complicity from the media and public for any alleged shortcomings of the operation, yet demonstrated their willingness to question the efficacy of military force as an instrument of foreign policy.

During the sustainment phase, International Relations and Armed Services were amongst those Committees selected by the administration to receive briefings on the status of events. The administration's actions were important for several reasons. Firstly, it was the initial instance in

which the administration and the relevant committees argued about the acceptable reaction time to requests for briefings. International Relations, Armed Services, and House Appropriations along with their Senate counterparts wish to receive accurate information from the administration as quickly as possible both for themselves, and for dissemination to their colleagues. Any administration wishes to avoid leaks, and often has not determined its response to an international incident by the time they are asked to brief the relevant Committees. After many years of confrontation beginning with the Mayaguez rescue mission, administrations have usually preempted Congress by sending top Defense, State, and CIA officials to the Capitol before they are requested.[10] The lingering problem, however, is not quantity or timing, but rather quality. An experienced HASC professional staff member and former writer for UPI commented that "the nightly news or CNN reports usually offer more insight than briefings provided early in a military operation."[11]

As with the evacuation of Saigon, the scope of the Mayaguez operation minimized the role of Armed Services and International Relations during Phase III: the decision to recall force. Ford's final order was threefold:

(1) Marines were to land on Koh Tang Island from helicopters to recover crew members;

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[10]General Robert T. Herres, USAF(ret), former Vice Chairman of the Joint Chiefs of Staff, phone interview by author, Washington, D.C., 6 April 1994.

[11]HASC professional staff member, interview by author, Tape Recording, Washington, D.C., 31 March 1994.

(2) Marines were to board the SS Mayaguez off the coast of Koh Tang Island; and,

(3) US Navy attack aircraft were to bomb installations on the Cambodian mainland to prevent the dispatch of reinforcement for Koh Tang.

When US forces achieved these objectives, the war was over. It is important to note the minimal role played by both Committees during short-term military operations such as the Mayaguez rescue. Save for the possible long-term commitment of US personnel (CIA or DoD) in Angola, Ford consistently adhered to one of the two central tenets of use of force policymaking: brevity. As such, his actions during the recall phase were unfettered. The former Congressman from Michigan did not meet the second criterion of minimizing casualties, however, and confronted an extremely vocal International Relations Committee as a result.

During Phase IV, the aftermath, International Relations scrutinized decision's taken by the administration. The Committee's zeal in response to the death of 37 US servicemen participating in the rescue mission. The number of deaths, although unfortunate, was by no means catostrophic; however, the operation was undertaken to save a crew comprising just fifty-five members. HASC criticisms were minimal in comparison, the most in-depth not surfacing for several years. Reporting on a resolution to make the Secretary of Treasury a statutory member of the NSC, Sam Stratton (D-NY) of Armed Services suggested that the Mayaguez crisis exemplified the importance of ensuring that the president was advised by individuals not affilitated

with the military. Also, during hearings on the Goldwater-Nichols Act, Stratton identified the Mayaguez operation as an example of the inadequate planning and advisory capabilities of the Joint Chiefs of Staff.[12]

Initial Events

At 03:18 on 12 May 1975, John Neal of the Delta Exploration Company in Jakarta, received a distress call from the S.S. Mayaguez indicating that the ship had been boarded by Cambodian nationals, and the crew of fifty-five was in jeopardy.[13] Within two hours, the US embassy in Indonesia informed crisis center personnel in both the Defense and State Department. The Commander-in-Chief of Pacific Command (CINCPACOM), having been notified as well, authorized

reconnaissance flights to locate the vessel.

First NSC Meeting

At 12:05, President Ford led the first of four NSC meetings on the Mayaguez incident. At this point, the meeting participants were primarily concerned with obtaining the location of the ship and the status of the crew. Ford did issue one command to the Defense Secretary, however,

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[12]Congress, House, Committee on Armed Services, Subcommittee on Investigations, Reorganization Proposals for the Joint Chiefs of Staff: HR 6954 & HR 6828, hearing, 97th Cong., 2nd sess., 21, 22, 28, 29 April, 5, 6, 20, May 8, 16, 17, 23 June, 14, 16, 21, 28 July and 5 August, pp. 163-164.

[13]Unless otherwise indicated, all information chronicling major events is given in U.S. Eastern Standard Time and may be found in Richard G. Head, Frisco W. Short, and Robert C. McFarlane., Crisis Resolution: Presidential Decision Making in the Mayaguez and Korean Confrontations. (Boulder, Colorado: Westview Press, 1978) pp. 265-276 and
Congress, House, Committee on International Relations, Subcommittee on International and Political Affairs, Seizure of the Mayaguez: Part II, hearing, 94th Cong., 1st sess., 19, 25 June and 25 July 1975, pp. 229-231.

ordering the aircraft carrier USS Coral Sea and its escorts to proceed to the seizure area off the Koh Tang Island coast.

Ford's initial meeting is important in two respects. First, it illustrates the difference between the incident and the issue. An international incident had occurred - Mayaguez seizure - and the President had at his disposal a rangey of options with which to respond. Military force was but one of those options. Second, the political costs associated with using force had been forever altered with the evacuation of Saigon and the end of the Vietnam War.[14]

In pursuit of a diplomatic solution

Immediately following the first NSC meeting, Ron Nesson, the White House Press Secretary, announced that Cambodian nationals had seized the S.S. Mayaguez. Administration officials were unsure at that time if these individuals were acting on behalf of the Cambodian government. At 16:30, officials from the Peoples Republic of China's (PRC) liaison office in Washington, D.C. refused to transfer a diplomatic message to the Cambodian government. Ford wished to maintain all possible courses of action.[15] After the failed attempt at diplomacy, he approved a JCS request to transfer 125 Air Force security police officers from Nakhon Phanom to Utapao, Thailand.

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[14]Brent Scowcroft argues that the administration was more concerned with preserving America's stature as a world power at this stage than the reprecussions of an extended military operation. Phone interview by author, Washington, D.C., 8 June 1994.

[15]On day two of the crisis, President Ford sent a message to UN Secretary General Kurt Waldhiem requesting UN assistance in freeing the ship's crew.

Prior to approving the JCS request, White House officials were told that US aircraft searching for the Mayaguez located it, but were fired upon in the process.

13 May: Preparing to use force

Around midnight, the US Liaison office in Peking delivered demands that the ship be set free to both the Cambodia embassy and the Foreign Ministry of China. Administration officials then became very apprehensive upon hearing that the Mayaguez crew was transferred to Koh Tang Island. Ford called a second NSC meeting to evaluate events. The President then made two important decisions that influenced the role of Congress. First, he ordered the Secretary of Defense to begin positioning ground forces in the vicinity of Koh Tang Island for a possible invasion; and second, he instructed Jack Marsh, Director of the OCR to inform the appropriate members of Congress of his decision.

Congressional notification not consultation

Ford's decision to notify Congress at this point set an important precedent. Members of the legislature were notified of events but not consulted. Of the twenty-one members notified, however, fourteen offered their support.[16] Nevertheless, the phone calls were not meant to solicit advice but merely to inform. Thereafter, phone calls or meetings with congressional groups of varying sizes became a checklist item for administrations that had decided to use

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[16]William M. Raymond., "Collision or Collusion? The Congress, the President and the Ambiguity of War Powers Vols. I & II, (Ph.D. dissertation, University of Michigan Dissertation Services, 1993) p. 124.

force. To his credit, Ford distinguished himself from future president's in two ways. He consistently notified twenty-two rather than six congressmen, and he had not ordered US forces into combat before the initial notification.

With the exception of Bob Wilson (R-CA), the minority ranking member of House Armed Services, the leadership of both Committees were notified by Marsh's office. Officials from the OCR attempted to reach Wilson, but were unsuccessful.[17] Of the three officials reached, Price was the only member that did not pledge his support replying only with "Fine thanks sir." Morgan and Broomfield's comments clearly indicate their support for the President's action, the marginality of partisanship, and the resilience of congressional deference to the executive during crises. Morgan responded that "That's exactly what he should have done" whilst Broomfield asserted "I'm all for it."[18]

A Congress in committee is a Congress informed

By 13 May, several prominent members of Congress announced their support for the President's action. The Chairman of Senate Armed Services, John Stennis (D-AL), urged Ford "to be as severe as necessary."[19] Echoing Stennis' espirit de corps, John Sparkman (D-AL), Chairman of Senate Foreign Relations, argued that "we should do anything we can" to recover the vessel.[20] Members of the

[17]John Marsh File, Gerald R. Ford Library.
[18]Ibid.
[19]Washington Post(Washington, D.C.) 25 May 1975.
[20]Ibid.

administration spoke with similar resolve. Kissinger, for example, labeled the seizure "an act of piracy."[21] Unbeknownst to either Congressmen, a helicopter carrying a detachment of US Air Forces personnel scheduled to participate in the rescue mission, crashed in Thailand at 18:30 on 13 May killing twenty-three.

The following day, twenty-two congressmen, including the leadership of both Armed Services and International Relations were notified by the OCR that US aircraft sank three Cambodian ships and damaged four others.[22] The second round of phone calls is important for two reasons. First, the administration had been in contact with Congress on two occasions in less than twenty-four hours informing them on the status of US forces. Secondly, the second calls came as a result of increasing intensity of the conflict.

International Relations, Armed Services, Senate Foreign Relations, and House Appropriations Committee (Defense Subcommittee) were briefed by State and Defense Department officials shortly after the second round of phone calls ended. International Relations elected to conduct a hearing in lieu of being briefed in an effort to provide wider access to any information given by its witnesses. Armed Services, often the more secretive of the two Committees, held its entire briefing in private. Questions posed by HIRC members were generally supported the President's

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[21]Congress, House, Committee on International Relations, Seizure of the Mayaguez: Part I, hearing, 94th Cong., 1st sess., 14 & 15 May 1975, pp. 90.

[22]John Marsh File, Gerald R. Ford Library.

resolve, but indicated disfavor with the lack of in-depth information provided by the briefers.[23]

Final NSC Meeting: the decision to use force

It was during the fourth NSC meeting that President Ford issued the order to rescue the crew of the Mayaguez. The meeting began at 15:52 coinciding with the congressional committee briefings. Obviously, Congress did not participate in the final decision to use ground forces; nor did it participate in the earlier decision taken during the second NSC meeting to utilize air assets as a means of preventing Cambodian forces from taking the crew to the mainland. However, Congress - especially the "group of 22" - did influence the President's decision. Almost every indication Congress gave regarding the administration's increasing sternness was positive. The leadership of Armed Services and International Relations along with their Senate counterparts expressed their support for Ford's extreme measures both privately and publicly. In short, although no congressman participated in the actual decision, their support for Ford helped him take a very difficult decision with greater confidence.

Being interviewed on NBC nightly news, Charlie Wilson (D-TX) from Armed Services illustrated the therapeutic qualities of a possible military confrontation with Cambodia forces stating: "I'm exhilarated by it; I think the whole

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[23]Congress, House, Committee on International Relations, Seizure of the Mayaguez: Part I, hearing, 94th Cong., 1st sess., 14 & 15 May 1975, pp. 1-30.

country will be."[24] An hour after Wilson delivered his comments, a Marine assault force comprising 175 men boarded the USS Holt. Forty-five minutes later that same force attacked Koh Tang Island reinforced by 682 more Marines. By 21:33, the crew of the S.S. Mayaguez was liberated, and at 23:16 all ground operations were ordered to an end (air strikes continued until 0021 on 15 May). Ron Nesson, announced the crew's freedom at 23:21 followed by a presidential televised address at 12:30, and a WPR report to Congress on 15 May.[25]

Closing Events

With the exception of the liberation of Kuwait, Congress' sycophantic praise during and immediately after the Mayaguez rescue operation is unsurpassed in my cases studied. However, as reports revealing the true cost of the operation became known, the HIRC vigorously reassessed the administration's decisions.

On 14 May, Senate Foreign Relations unanimously approved a resolution supporting the President's decision to use force. The entire text of the resolution appeared in The New York Times.[26] Wayne Hays (D-OH) of International Relations commented "I'm only sorry that three rather than seventeen ships have been sunk."[27] Fellow Democrats Morris Udall, Clement Zablocki, and Dante Fascell of International

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[24]Ron Nesson File, Gerald R. Ford Library.

[25]Presidential Papers of the President, Gerald R. Ford, 1975 (Washington, D.C.: GPO, 1976), 15 May 1975.

[26]The New York Times(New York), 15 May 1975.

[27]Ibid.

Relations were joined by Melvin Price, Sam Stratton, and Sonny Montgomery of Armed Services in praising the Commander-in-Chief's decision.[28] Max Friedersdorf of the OCR notified President Ford of congressional support in a 16 May memorandum emphasizing comments made by both Zablocki and Stratton.[29] Praise for Ford continued during a meeting he held at the White House with approximately fifty Congressmen on 16 May including the leadership of both Committees.[30]

International Relations conducted another hearing on the matter on 15 May. A portion of the testimony was given in executive session. Members expressed some skepticism about the mission, and wished to know the financial costs, number of casualties, and if other options short of force had been genuinely considered.[31] Morgan's closing remarks exemplify the sentiments of many HIRC members, and foreshadow the findings of Fascell's Subcommittee on International and Political Affairs: "My concern now is that I think carrying out the operation successfully has been done from a military point of view, but I think the costs are much higher than I wish they were...perhaps if we were patient we would have those seven Marines back."[32]

In a four part series of hearings entitled "Seizure of the Mayaguez," the Subcommittee on International Political

[28]Max Friedersdorf File , Office of Congressional Relations, Gerald R. Ford Library.
[29]Ibid.
[30]Ibid.
[31]Congress, House, Committee on International Relations, Seizure of the Mayaguez: Part I, hearing, 94th Cong., 1st sess., 14 & 15 May 1975, pp. 31-127.
[32]Ibid., p. 60.

and Military Affairs sought "to make certain that our imperfect system works as well as it can when the lives of American are at stake."[33] The Subcommittee invited all members of Congress to testify on the subject. Both Pat Schroeder and Larry McDonald (D-GA) from Armed Services appeared as witnesses. Schroeder criticized the administration on grounds that it provided faulty information to Congress. She stated: "unless the appropriate committees of Congress continue to push for further detailed information, that information will never be provided for the public record."[34] But the comments of McDonald are more important because they reveal why Armed Services did not conduct its own investigation. McDonald opines: "You only conduct an autopsy when the patient dies so in my view, it would be more appropriate to conduct an autopsy on our policy in Vietnam."[35]

The final GAO report criticized the administration for its maritime warning system charging that it did not notify seamen of possible dangers resulting from political events.[36] The study also analyzed the national security

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[33]Congress, House, Committee on International Relations, Seizure of the Mayaguez: Part II, Subcommittee on Political Affairs and International Relations, hearing, 94th Cong., 1st sess., 19, 25 June and 25 July 1975, p. 133.

[34]Ibid., p. 162, for examples of news articles critical of the President's actions see esp. Roger Morris, "What to make of the Mayaguez," The New Republic (14 June 1975), I.F. Stone, "Conned in Cambodia," The New York Review of Books (12 June 1975)" pp. 16-18, and R.W. Apple Jr., "Timing of Attack Raises Questions," The New York Times, pp. 1 & 14.

[35]Congress, House, Committee on International Relations, Subcommittee on Political Affairs and International Relations, Seizure of the Mayaguez: Part IV: Reports of the Comptroller General of the United States, report, 94th Cong., 2nd., 4 October 1976, pp. 227.

[36]Congress, House, Committee on International Relations, Subcommittee on Political Affairs and International Relations, Seizure of the Mayaguez: Part I, hearing, 94th Cong., 1st sess., 19, 25 June and 25 July 1975, pp. 1-162.

decisionmaking apparatus and effectiveness of congressional-presidential relations during crises. The report found that the administration was delinquent in both areas. More importantly, White House officials and members from International Relations disputed the declassification of portions of the report and its release date.[37] The report was eventually released the day before the presidential debate between Ford and Carter. Larry Winn (R-KS) from International Relations allied with the administration to criticize Fascell's antics, but by then, the negative report had already been released.[38]

In addition to the extensive set of hearings conducted by the Subcommittee on Political Affairs and International Relations, the Committee performed two other notable acts after the rescue operation. On 12 June, it considered HRes 536 requesting that the Secretary of State furnish certain information on diplomatic alternatives the administration had considered to the resolve the Mayaguez crisis. Morgan notified Kissinger of the request, and received a letter from Robert McCloskey, Assistant Secretary of State for Congressional Relations, with the administration's answers on 18 June. The Committee did not report the bill to the House deeming McCloskey's response as sufficient.[39] Also, the Subcommittee on International Security and Scientific

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[37]Philip Buchen File, Gerald R. Ford Library.

[38]Winn interview.

[39]Congress, House, Committee on International Relations, Seizure of the Mayaguez: Part II, Subcommittee on Political Affairs and International Relations, hearing, 94th Cong., 1st sess., 19, 25 June and 25 July 1975, pp. 244-245.

Affairs conducted a hearing on WPR compliance for all four force employments reported by President Ford.[40]

Methodological Analysis

Phase I: Decision to use force (12 May 1975 - 14 May 1975)

Roles played:

Well informed observer (HASC & HIRC)
Conduit for House discussion (HIRC)
Point of contact for the administration (HASC & HIRC)

Both Committees were active observers during Phase I, if they were well informed, however, is questionable. Along with their Senate counterparts, House Appropriations, and the House leadership, International Relations and Armed Services received more information from the administration than any other group in Congress. Only the former functioned as conduit for House discussion, however, by conducting a hearing rather than a briefing on the Mayaguez crisis. In addition, the Committee held part of its hearing in open session allowing easier access by House members. Armed Services received one briefing in executive session.

Salient Independent Variables:

Nature of the conflict
Historical precedent

The nature of the conflict in addition to the nature of the incident provided the contextual advantage for presidential autonomy in the Mayaguez episode. The locality offered the US an opportunity to purge itself of past losses

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[40]Congress, House, Committee on Iinternational Relations, Subcommittee on International Security and Scientific Affairs, War Powers: A test of Compliance Relative to the Danang Sealift, the Evacuation of Phnom Penh, the Evacuation of Saigon, and the Mayaguez incident, hearing, 94th Cong., 1st sess., 7 May and 4 June 1975.

in that region. The operation would be swift with a clear, unambiguous mission. Although a mix of air, ground and sea forces were to be utilized, historical precedent tempered congressional thoughts of intruding. Members from International Relations and Armed Services wished to prevent "another Pueblo" more than they wished to prevent "another Vietnam."[41]

Phase II: Sustainment of forces (14 May 1975 - 15 May 1975)

Roles played:

Recipient and disseminator of information (HIRC & HASC)
Guardian of the WPR (HIRC)

Both Committees received information on the Mayaguez rescue operation during this phase. Much like Phase I, only International Relations disseminated that information to the House by virtue of conducting a hearing rather than receiving a briefing. Armed Services opted to pursue the latter course yet again. In so doing, they kept themselves informed, but not the House.

International Relations was relegated to performing its role as guardian of the WPR via discussion during the hearing and the 16 May meeting with the President attended by some of its members. The brevity of the sustainment phase made it difficult to introduce or hear legislation -

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[41]Representative Larry McDonald of the HASC proclaimed: "Any action had to be taken early and rapidly before the crisis grew to major proportions and the number of casualties involved in any rescue efforts grew to be completely out of proportion, one need only recall the Pueblo incident in which the US did not act promptly and decisively" in order to recognize the grim alternative. Congress, House, Committee on International Relations, Subcommittee on Political Affairs and International Relations, Seizure of the Mayaguez: Part I, hearing, 94th Cong., 1st sess., 19, 25 June and 25 July 1975, pp. 227.

although not impossible.[42] Questions on WPR seemed more perfunctory than genuine. The majority of Congress supported the President's action initially as did the voters, therefore, members from House International Relations had little incentive to convolute matters with arguments about the Resolution. It did, however, revisit the matter during Phase IV. First, the Subcommittee on International Relations and Scientific Affairs conducted a hearing on WPR compliance, and secondly, the full Committee considered draft legislation on reforming the Resolution introduced by Steve Solarz.[43]

Eight members from International Relations and one from armed Services provided comments on the House floor regarding the ship's rescue. Seventeen representatives entered comments in total with 47% coming from either HASC or HIRC members.[44]

Salient independent Variables:

Nature of the conflict
Public Support

The duration of the rescue operation severely limited what functon either Committee might perform during this phase; combat operations only lasted thirty hours. No Gallup polls were conducted from 14-15 May measuring public support for the mission, but the White House did receive

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[42]The House passed HJR 402 triggering the War Powers Resolution for US forces in deployed to Grenda within two days.

[43]Congress, House, Committee on International Relations, Legislative Calendar, 94th Cong., 1st & 2nd sess., 14 January 1975 - 1 October 1976, pp. 4 & 81.

[44]The Congressional Record, 94th Congress, 1st sess., (Washington, D.C.: GPO, 1975) pp. 14506-14111.

telegrams praising the President's decision to use force. The exact breakdown is listed:

Telegrams received at the White House regarding the President's decision to use force:[45]

PRO: 1,071
CON: 123

Remaining variable(s):

International support: International support for US actions in Koh Tang and Cambodia was either neutral or supportive throughout and prior to the sustainment phase. The only notable protest came from the government of Thailand. They objected to the use of bases in their country as stagging ground for the rescue mission because they were not given prior notification. The Washington Post reported on the Thai's plight, but HIRC and HASC supported was uneffected.[46]

Phase III: Decision to recall force

Similar to the evacuation of Saigon, neither Committee played a role in the decision to recall force due to the nature of the conflict.

Phase IV: Retrospective Assessment

Roles played:

Investigation Team (HIRC)
Judge of the administration's conduct (HIRC)

The International Relations Committee's desire to serve as investigator and judge of the administration's conduct is evident both by the number of hearings (4), pages of testimony (over 400), and conclusions of the GAO report (negative).

Salient Independent Variables:

Public support
Executive prerogative

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[45]The Washington Post(Washington, D.C.), 16 May 1975
[46]The New York Times(New York), 14 may 1975.

Public support for the President's actions in rescuing the Mayaguez were never measured in the Gallup Poll per se. However, Ford's approval rating went from 40% to 51% between early May and 12 June.[47] This 11% increase was one of the sharpest gains since the Gallup Poll was started in 1930. The shift is most likely attributed to the success of the rescue mission.[48] Ford's remarkable opinion rating afforded him the contextual advantage to ignore late congressional criticism which is precisely what he exercised his executive prerogative to do.

Whereas Ford had to reconcile governmental relations with a hostile Congress immediately following the twin catastrophes of the Vietnam War and Watergate, Carter entered office under more propitious circumstances. However, his ineptness in foreign affairs alienated his relationship with Congress (especially House Armed Services). The Zaire airlift was among his few "successes" in use of force policymaking, and is discussed in the next chapter.

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[47]George Gallup, Jr., The Gallup Poll: Public Opinion 1975 (Wilmington, Delaware: Scholarly Resources Inc., 1975), p. 519.

[48]Ibid.

Chapter 3 - Section I: ZAIRE

Introduction

After eight years, a Democratic party candidate was finally victorious in his bid for the US presidency. Jimmy Carter, a former governor of Georgia, defeated Gerald Ford receiving 50% of the popular vote to become the 39th president of the United States.[1] Divided government, the norm since 1968, was no longer an excuse for inaction by members of either the executive or the legislature.

A natural assumption about presidential-congressional relations would be that partisanship would no longer play as important role in policymaking. Democrats would naturally rally around their new President providing both support for his initiatives and excuses for his failures. Although partially correct for International Relations, this assumption was incorrect for Armed Services in use of force and indeed national security policymaking.

Hawks and the Dove: Armed Services and President Carter

Armed Services has sustained two characteristics since its creation: an aggregate ideology in national security more conservative than the House's average, and a disdain for partisan politics. The latter point is applicable for activities within the Committee, within the Congress, and within the federal government. Therefore, the election of a Democratic president did not ensure amiable relations with the HASC ipso facto. For this Committee, ideology is

[1]Richard A. Watson and Norman C. Thomas., The Politics of the Presidency, 2nd ed.(Washington, D.C.: CQ Press, 1988) p. 509.

usually more important. President Carter espoused more liberal beliefs in national security than did most members of Armed Services often resulting in less than convivial relations between the Committee and the administration.

These differences were readily apparent twice during Carter's tenure. First, the President wished to remove all US forces from South Korea without consulting Congress.[2] Committee members took umbrage to the chief executive's unilateral action, criticizing his decision and the heavy handed manner in which it was enacted. Sam Stratton was especially upset with what he deemed a dangerous step in light of the communist threat in Asia. Stratton also chastised the President for firing Major General John K. Singlaub, a commander of US Forces in Korea. Singlaub foolishly revealed his displeasure with Carter's decision to a Washington Post writer "off the record." His comments were published, and the General was subsequently dismissed on charges of insubordination. During a hearing on US defense policy in Korea, Stratton expressed his irritation with Carter's decision to remove Singlaub, decrease the number of troops stationed in Asia, and his generally weak stance against the Soviet threat.[3]

Secondly, members of Armed Services were skeptical about Carter's lack of foresight in negotiating the Panama Canal Treaty. In particular, the Committee wished to ensure

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[2]Congress, House, Committee on Armed Services, Subcommittee on Investigations, Review of the Policy Decision to Withdraw United States Ground forces from Korea, hearing, 95th Congress, 1st sess. 25 May, 14 July, 1 August and 3 October 1977, 4, 5, 6, 9, 10, 11, 12, 13, and 14 January 1978.

[3]Ibid., p. 2.

that US forces could respond to crises in Panama with legal justification.[4] By placing the Canal under Panamanian control, obtaining such justification would be more difficult. In short, the Committee wanted to maintain the contextual advantage of international legal statute in case it was in US interests to use armed forces in Panama; they were unsure if Carter appreciated this point.

The effect of Carter and the HASC's differing views on national security was plain; the "partisanship" variable does not amount to what many scholars might assume. The Committee has unique characteristics that render traditional concepts of unmitigated partisan support inapplicable. Regardless of these differences, when the question of the Zaire airlift arose, Armed Services played only a minimal role because of the nature of this conflict.

Distinctive characteristics of the Zaire Airlift

The airlift of allied and friendly forces to Zaire had two distinctive characteristics that help deliniate the significance of the variable "nature of the conflict." Recall that nature of the conflict comprises the following: locality, duration, casualties, and lethality of weapons. In sum, the airlift occurred on a continent where US forces seldom stay for long periods and virtually no lethal weapons were to be carried; thus, both Committees played only minimal roles throughout. More importantly, the roles they did play were the same as those played during Ford's tenure.

[4]Congress, House, Committee on Armed Services, The Panama Canal Treaties, hearing, 1st sess., 20 October 1977, p. 5.

Firstly, the Zaire operation occurred in Africa. Between 1975 and 1991, with the exception of various skirmishes in the Gulf of Sidra and the air raid on Libya, the US has not used military forces in that continent except for evacuation operations.[5] Even Us involvement in Angola comprised covert assistance rather than overt military action. As a component of nature of the conflict, location influences expectations of how long US force will be involved and thus the role of Armed Services and International Relations. Unlike in the Middle East and Latin America, the US government has no history of sustained military operations in Africa. As such, Carter's declaration to Congress and the public that US forces participating in the airlift in Zaire would remain in country for only a limited period was not questioned by either Committee. President Reagan made similar pledges regarding US forces in El Salvador, but his reputation as a belligerent coupled with the US tradition of long term intervention in Central America resulted in several hearings conducted by Foreingn Affairs.[6]

Secondly, members of Armed Services and Foreign Affairs wish to avoid the slippery slope from brief military operation to long term war. One indicator members examine

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[5]President Bush ordered the evacuation of US personnel in Liberia on 6 August 1990 and the airlift of French and Belgian forces to Zaire 25-27 September 1991. Operation Restore Hope, the humanitarian relief effort in Somalia, began on 10 December 1991, placing only 21 days within the period of my case studies.

[6]The HFAC published 1,600 pages of testimony in conjunction with US national security policy towards El Salvador. Congress, House, Committee on Foreign Affairs, Legislative Calendar, 97th Congress, 5 January 1981-21 December 1982.

is the lethality of weapons. In Zaire, the US provided just eighteen aircraft and seventy-three ground troops for the mission.[7] In addition, only pistols (rather than automatic machine guns) were carried by both air crews and Combat Control forces operating on the ground. The effect of these characteristics were noticeable; members of both Committee were not fearful of "another Vietnam;" therefore, they only performed very few roles throughout the mission.

Overview of roles played

Becasue of the nature of the conflict, Armed Services played virtually no role during the Zaire airlift apart from being notified about the pending operation, and recieving a briefing from the Defense Secretary and Chairman of the Joint Chiefs of Staff.[8] The leadership of International Relations was informed of the administration's plans along with their counterparts on Armed Services, but again; their role in the first three phases of this force employment was limited.[9] As guardian of the WPR , gatekeeper for legislative proposals, and judge of the administration's actions, the Committee did conduct hearings and consider WPR legislation on the mission during Phase IV: the aftermath.[10]

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[7]Congress, House, Committee on International Relations, Subcommittee on International Security and Scientific Affairs, Congressional Oversight of War Powers Compliance: Zaire Airlift, hearing, 95th Cong., 2nd sess., 10 August 1978, pp. 20 and 32.

[8]Dr. Harold Brown, former Secretary of Defense, interview by author, Tape Recording, 28 March 1994.

[9]Dr. Zbigniew Brzezinski, former National Security Adviser, interview by author, Tape Recording, 31 March 1994

[10]Congress, House, Committee on International Relations, Subcommittee on International Security and Scientific Affairs, Congressional Oversight of War Powers Compliance: Zaire Airlift, 95th Cong., 2nd sess., 10 August 1978.

Although International Relations did little throughout the force employment itself, the Committee participated in the larger foreign policy debate triggered by US activity in Zaire during the aftermath. CIA analysts argued that the rebel faction residing in Angola that perpetrated the raid on the Shaba Province in Zaire was trained by Cuban and Warsaw Pact advisers.[11] Carter assailed both Fidel Castro for his complicity, and Congress for restricting his ability to respond to incidents in the Cold War with alternatives short of military force. The International Relations Committee issued its own report after investigating Carter's charges. Eventually it championed legislation to lift some of the restrictions alluded to by the Commander-in-Chief.[12]

The HIRC's action in the aftermath of the Zaire airlift were important for two reasons. Firstly, it indicates the vastness of the Committee's jurisdiction. By engaging the President in his policy on communism, the Committee demonstrated its expansive jurisdiction in foreign policy compared with the more limited purview of Armed Services. Finally, by performing its own independent analysis on security assistance, the Committee showed how it can regulate - both positively and negatively - an administration's ability to utilize options from the IIOS.

The First intervention: Operation Dragon Rouge 1964

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[11] The Washington Post (Washington, D.C), 20 May 1978.

[12] Congressional Quarterly Almanac., 96th Congress, Vol. 36 (Washington, D.C.: Congressional Quarterly Inc.,1978) p. 317.

In 1960, Congo (renamed Zaire in October of 1971) gained its independence from Belgium.[13] The country's new leader, Moise Tshombe, was loyal to his former Belgian masters and sympathetic to western interests in general. Four years later, a rebellious movement comprised of factions unsatisfied with the new status quo led to uprisings in Stanleyville and Kisangani. Sixty US and eight hundred Belgian citizens were taken hostage in November while rebel forces, mainly from the Katanga tribe, threatened to kill all Westerners if outside nations interfered.

Military action by the West consisted of US C-130 Hercules dropping 600 Belgian paracommandos in an operation known as "Dragon Rouge." The US ambassador to the United Nations, Adalai Stevens, explained the rationale for intervention: "the US provided air transport for a mission of mercy to effect the release of over 1,000 civilian hostages held in and around Stanleyville."[14] Belgian forces eventually regained control of both turbulent cities, but not before twenty hostages were killed.

Three aspects of the Operation Dragon Rouge were relevant to the 1978 Shaba II airlift. Firstly, the international incidents prompting US assistance were similar. In 1978, rebel Zairean forces comprised of members of the Katangan tribe residing in Angola, attacked the adjacent Shaba province. Secondly, only air transport was

[13]Lowenthal and Goldich., Use of Force by the United States, p. 33.
[14]Ibid., p. 34.

provided by the US whilst combat ground forces were provided by the Belgians. Finally, in both instances, Americans and other Westerners were trapped in Zaire. The key difference in the two operations was the participation of US aircraft in hostilities. C-130s dropped combat forces in an around Stanleyville where fighting was fierce. In 1978, US aircraft landed 100 miles away from hostitlities, and French and Belgian forces drove their own vehicles into combat.[15] The similarities between both episodes provided President Carter with an element of contextual advantage helpful in limiting congressional interference: historical precedent. Historical precedent in this instance was twofold. A former President, Lyndon Johnson, had provided air transport for foreign forces to end hostilities in Zaire. He also provided US forces (aircraft) to protect the lives of US citizens abroad. Carter did not mention the first element of historical precedent during his public remarks about Zaire, however, he did refer to the second.[16] Similar to Ford's justification for evacuating Saigon, Carter called upon the need to protect US citizens abroad as justification for using force. Both he and Ford were successful; save for previous statutory restrictions on security assistance, congressional interference throughout the actual airlift and the evacuation was negligable.

Mobutu's rise to power

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[15]HIRC, Zaire Airlift., hearing, p. 32.

[16]Public Papers of the President, Jimmy Carter, 1978 (Washington, D.C.: GPO, 1979) 19 May 1978.

In 1965, Sese Mobutu, a member of the Army overthrew Tshombe during a coup d'état. Along with South Africa, Mobutu's Congo was the center stage of pro-western, anti-communist efforts in Sub-Saharan Africa. Despite its corrupt practices, the Congo had two redeeming characteristics in that it was not a racist apartheid regime; and, it was led by black Africans. A fact appreciated by the Carter administration.[17] Some scholars argue that the perception amongst most administrations was that Mobutu's graft paled in comparison to the chaos that would follow if the Congo was not under draconian rule.[18] Therefore, US President's have provided his regime with abundant security assistance since he came to power in the mid 1960s.[19]

In 1967 for example, former Katangan gendarme and mercenaries based in the Kivu Orientale Provinces instigated an uprising against Mobutu. President Johnson dispatched three C-130s and 150 support personnel to assist in putting down the rebellion. US involvement included logistical operations, evacuation of civilians from Kisangani, and transport of government troops (but not directly into combat).[20]

Carter's policy on Africa

17Jimmy Carter., Keeping Faith: Memoirs of a President, (New York: Bantam Books, 1983) p. 150.

18Michael G. Schatzberg., Mobutu or Chaos? the United States and Zaire 1960-1990, (Washington, D.C.: American University Press, 1991) p. 1-10.

19Stephen R. Weissman., "CIA Covert Action in Zaire and Angola," Political Science Quarterly Vol 94 no 2 (Summer 1979): p.263-286.

20Lowenthal and Goldich., Use of Force by the United States, p. 34.

Early during his tenure as President, the Carter administration declared a new policy toward Africa with two central tenets:

(1) US-Africa policy would not be treated as an index for East-West relations; and,
(2) the US government would support black ruled (pro-western) African nations.[21]

A final tenet was not exclusively meant for Africa; the US government would promote human rights worldwide. It was, however, disregarded when dealing with Mobutu's Zaire for geopolitical reasons.[22]

Shaba I and the first HIRC intervention

By 1977, approximately 35,000 of the Katangan rebels who led the 1967 uprising were residing in Angola. Known also as the National Front for the Liberation of Congo (FNLC), this group wished to reclaim the Shaba Province located in the most westerly region of Zaire. They were disenchanted, and indeed oppressed by Mobutu's rule.

In early 1977, they invaded the Shaba Province inciting a civil war with the Zairean government. Fighting lasted 180 days with Mobutu eventually requesting western assistance to quell the uprising. Responding to his plea, the French flew Moroccan troops to Zaire to counter the uprising.[23]

Soon thereafter in what observers refer to as the "Shaba I" incident, FNLC members attacked the Shaba province

[21]Speech given by Cyrus Vance on 2 July 1977 referred quoted in State Department Bulletin, "The Secretary: Us Relations with Africa" (Washington,D.C.: GPO, 1978) August 1978, p. 10.
[22]Cyrus Vance., Hard Choices, ( ) p. 70
[23]Ibid., p. 71.

in late April 1977. The rebels eventually aborted the operation, but not before the US government provided non-lethal security assistance for the Zairean government. Secretary of State, Cyrus Vance, met with congressional leaders on 11 April to discuss the details of US participation.[24] No US military assets were used in Zaire. Instead, assistance was channeled through international humanitarian relief agencies.

Members of International Relations and Armed Services generally supported the administration's actions. Appearing on The MacNeiL/Lehrer Report, Representative Don Bonker (D-WA) offered an even-handed analysis of the conflict stating that Carter was sincere in his efforts to consult with Congress, but urged the President not to abrogate his pledge to emphasize human rights in foreign policy.[25] On 4 May 1977, Several Republican members from International Relations were joined by conservative Democrats from Armed Services in sponsoring HCR 215: "Commending the executive branch for assisting the government of Zaire."[26]

Although the resolution was never reported from subcommittee level, their actions were important for three reasons. First, it demonstrates that ideology is at times more important than partisanship in crafting national security policy. Second, it indicated to the administration

[24]Ibid.

[25]MacNeil/Lehrer News Report, transcript, New York, 18 March 1977, p.5.

[26]HIRC cosponsors included: Edward Derwinski (R-IL), Benjamin Gilman (R-NY), and Larry Winn (R-KN); HASC cosponsors included Sonny Montgomery (D-MS), Sam Stratton (D-NY), and David Treen (R-LA) in Congress, House, Committee on International Relations, Legislative Calendar, 95th Cong., 4 January 1977-15 October 1978, p. 159.

where some of its congressional support for assisting Zaire lay. Finally, it demonstrated that some congressmen recognized the implications of an unstable Zaire in the larger context of the Cold War.

Following the civil war, Mobutu implicated several military officers for their alleged involvement. Thirteen officers were executed and 700 purged despite clemency pleas from the US.[27]

Carter, the Cold War, and Africa

Beginning in 1978, relations between the US and the USSR regarding Africa were severely strained. Meeting with his Soviet counterpart in April, Vance asserted: "be careful how you use your military strength in Africa, if you want to be a friend of the US and maintain peace throughout the world."[28] Testifying before the Senate Select Committee on Intelligence, Deputy Director of the Central Intelligence Agency, Frank Carlucci declared: "the degree of Soviet and Cuban military activity in Sub-Saharan Africa is unprecedented."[29] Even the media noted the increasing tensions between East and West. US News & World Report estimated that 42,000 Cuban troops were in Africa with manpower commitments to fourteen nations.[30]

The Carter administration faced a two part dilemma. They did not want to reverse their early policy by using

[27]Lowenthal and Goldich., Use of Force by the United States, p. 35-37.

[28]"Turmoil in Africa: Will Carter Act?" US News & World Report, Vol 54 No 21, 29 May 1978: p. 17.

[29]"As US is Drawn Deeper into Africa," US News & World Report, Vol 54 No 16, 24 April 1978: p. 52.

[30]"Turmoil in Africa," US News & World Report, p. 18.

Africa as a venue for East-West confrontations; at the same time, they did not wish to capitulate to Soviet aggression rampant in Ethiopia, Angola and Somalia amongst other places. Carter opted to risk charges of hypocrisy, and challenge Soviet-Cuban advances in Africa both with rhetoric and security assistance. On 12 May - ironically the same day as the FNLC attacked the Shaba Province for the second time in ten months - Carter proclaimed that "Cubans and Soviets are at the forefront...of providing military forces in areas of Africa."[31]

Shaba II, US intervention, and HASC-HIRC participation

On 12 May 1978, members of the FNLC invaded the Shaba province occupying Kolwezi, the country's mining center - and threatening Lumbambashi, the provincial capital. Upon the advice of National Security Adviser, Zbigniew Brzezinski, Carter put two infantry battalions from the 82nd Airborne on alert status should a forceful evacuation of US citizens become necessary.[32] By this time, an estimated seventy-seven Americans in addition to 2,500 French and Belgian nationals were residing in Zaire.[33] The slaughter of both Zairean and western citizens continued until 18 May when Carter approved emergency security assistance for the government. In addition, he approved plans for the military airlift of French and Belgian forces.

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[31]Public Papers of the President, Jimmy Carter, 1978, 12 May 1978.
[32]The Washington Post(Washington, D.C.), 17 May 1978.
[33]Ibid.

The administration had originally requested $20 million in security assistance for Zaire on 2 March. Exercising his special authority stipulated in provisions of past foreign assistance legislation, Carter issued a presidential determination instructing Vance to issue those previously requested provisions immediately.[34] In accordance with section 506 of the Foreign Assistance Act, Carter notified the HIRC and SFRC leadership of his intentions.

Between 19 and 27 May, 18 US C-141 aircraft transported 600 French Legionnaires and 1,200 Belgian paratroopers to Zaire both to counter the invasion and ensure the safety of Western citizens. Approximately fifteen US ground troops were used as air traffic controllers. Flying a total of 32 missions, US aircraft transported munitions from Belgium, and vehicles from France to the Kamina airfield.

Carter announced the administration's plans during a 19 May news conference emphasizing that the administration was acting within the bounds of international and domestic law, the US had only a very limited role to play, and that the congressional leadership had been consulted.[35]

The HIRC and HASC leadership was notified prior to the beginning of airlift.[36] Vance and Secretary of Defense, Harold Brown, briefed their respective Committees on or around 20 May stressing the limited extent of US involvement.[37] No member of either Committee expressed

[34]State Department Bulletin, (Washington D.C.: GPO, 1978) July 1978, p. 35.
[35]Public Papers of the President, Jimmy Carter, 1978, 19 May 1978.
[36]Brzezinski interview, 31 March 1994.
[37]Brown interview, 28 March 1994.

reservations about the operation upon being briefed. The mission was clearly defined, succinct, and enjoyed international support and participation.

Final mission, manipulating contextual advantage, and the security assistance polemic

On 20 May, the 82nd Airborne was removed from alert status ending congressional concern that the operation might require additional US participation.

On 25 May, Carter participated in a news conference in Chicago. He hoped to present the airlift in a favorable context so as to have Congress and the public endorse his actions. More specifically, he wished to dispel fear that Zaire might escalate into "another Vietnam" (nature of the conflict), highlight international support for US actions, and prove that the communists lay at the root of the problem. Four aspects of Carter's announcements were significant.

Firstly, he announced that US operations in Zaire had almost ended, and that the administration acted with the full support of its allies and consulted congressional leaders throughout.

Secondly, the Zairean airlift had caused the President to "reflect on the ability of our government, without becoming involved in combat, to act promptly and decisively to help those countries whose security is threatened by external forces."[38] Carter's comment reiterates an argument from the introductory chapter; use of force

[38]Public Papers of the President, Jimmy Carter, 1978, 25 May 1978.

policymaking and its alternatives such as security assistance identified on the IIOS, are interconnected. As a result of his concern, Carter instructed the Secretary of State to review relevant legislation on providing emergency security assistance.

Thirdly, the President implicated Cuban advisers in Angola for training the FNLC. Appearing on Meet the Press three days later, Brzezinski asserted that the invasion of Shaba could not have taken place without the full knowledge of the Angolan government, and therefore, the Cubans.[39]

Finally, when asked if the operation in Africa could somehow escalate into a long-term commitment like Vietnam, Carter responded: "We do not want to send military forces into Africa to meet the challenge of Soviet and Cuban intrusion..." Reaffirming Carter's claim, Harold Brown commented: "I repeat, we have no intentions of engaging US military forces in combat in Africa."[40]

Between 31 May and 16 June, US aircraft flew French and Belgian troops back to their respective countries, after which they transported Tanzanian and Moroccan soldiers to Zaire to participate in an Organization of African Unity (OAU) peacekeeping force. US planes conducted forty-eight missions in this capacity before 16 June.

House International Relations and security assistance

With the exception of a hearing conducted by the Subcommittee on International Security and Scientific

[39]Meet the Press, transcript, Washington, D.C.,28 May 1978, p.1.
[40]Face the Nation, transcript, New York, 4 June 1978, p. 145.

Affairs (to be discussed shortly), International Relations focused on two aspects associated with the airlift: relevant security assistance legislation and charges by the CIA that Soviet-Cuban forces were responsible for the attack.[41] Many members of the Committee speculated that the attack was based purely upon tribal animosity, and that the Carter administration was merely looking for an excuse to escalate the Cold War in Africa. They expressed their concern privately with CIA and DIA officials during an informal meeting in late May.[42] Unlike Armed Services, International Relations has traditionally been more liberal than the House in its entirety, and more skeptical about charges of the communist threat than most other committees.

Both the SFRC and the HIRC commissioned independent studies of relevant security assistance legislation confirming that the two seldom interact save for conference committees. International Relations' actions are important because they demonstrate how it can effect Presidential authority at all stages along the IIOS. At the same time, they illustrate that International Relations did not view congressional-presidential relations in national security policy as a zero-sum game; ultimately the Committee successfully removed several of the restrictions President Carter suggested.

41Ibid., p. 143.

42Congress, House, Committee on International Relations, Survey of Legislative Activities, 95th Cong., p. 115.

From the onset, Committee Chairman, Clement Zablocki, claimed that foreign assistance clauses identified by the administration as overburdening were in fact legitimate.[43] Both Committees concluded that the only legislative restriction prohibiting security assistance in Africa was the Clark amendments, and it only applied to Angola. Nonetheless, the administration persuaded members of International Relations to support its request for removing several restrictions on security assistance in the International Security Assistance Act of 1979.[44]

House International Relations, the War Powers Resolution, and partisanship

Discussion regarding the WPR began when James Leach (R-IO) and members of his staff visited the State Department's Legal Adviser, Herbert Hansell, at his Foggy Bottom office. Two days later, Hansell issued a Memorandum of Law explaining why US activity in Zaire did not necessitate triggering the WPR. The principal components of Hansell's argument were that US forces were not equipped for combat, and that US servicemen never came closer than a staging area 100 miles away from direct fighting.[45]

That same day, Leach sent a letter to Secretary of Defense Brown, requesting the statutory authorization in which DoD was acting. Brent Rushforth, Assistant General Counsel for Intelligence and Investigative Programs,

[43]David M. Maxfield, "Administration Wrestling With Foreign Aid Limits Imposed by Congress," Congressional Quarterly Weekly, 3 June 1978, p. 1412.

[44]P.L. 96-92 in Congressional Quarterly Almanac., 96th Congress, Vol. 36 (Washington, D.C.: Congressional Quarterly Inc.,1978) p. 317.

[45]HIRC, Zaire Airlift., hearing, pp. 31-32.

responded on Brown's behalf stating: "The operation was carried out by the Department of Defense at the direction of the President pursuant to his constitutional executive authority and his constitutional authority as Commander-in-Chief."[46] Paul Findley (R-IL) of International Relations sent a letter requesting similar information from Hansell, an received an almost identical response.

The correspondence between the Committee and administration officials is important because it highlights the significance of partisanship for HIRC-executive relations in use of force policymaking. In addition, it exposes the executive's institutional desire to remain unfettered by congressional intrusion regardless of party affiliation. To begin with, Findley and Leach were Republicans - albeit very moderate ones.[47] As such, their actions may have been based upon ideological impulses, and maintaining a role for Congress in use of force policymaking. But if ideology and guarding the institution's authority were the true rationale, why were they not joined by moderate or liberal Democrats in challenging the administration? Clearly, they were at least partially motivated as members of the Republican party to challenge the President just as Democrats were inclined to remain silent. On the other hand, Rushforth's response to Leach's letter illustrates that President's, regardless

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[46]Ibid., pp. 29-30.

[47]Leach's NSI rating in 1982 was only 10 whilst Findley's rating in 1976 was slightly higher at 50 out of a possible 100.

of party affiliation, wish to maintain the institutional authority of the executive in national security policy. His reference to "the President's authority as Commander-in-Chief" is almost identical to Ford's letter to Congress reporting on the Danang sealift.[48] At play then are three variables: partisanship, institutional norms, and ideology. All three account for roles played in Congress and in the administration. In this instance, the first two were the most salient.

The final action taken by International Relations was a 10 August hearing entitled "Congressional Oversight of War Powers Compliance: Zaire Airlift" conducted by the Subcommittee on International Security and Scientific Affairs, and legislation stating the WPR ought to have been triggered on 19 May introduced the same day. Zablocki opens the hearing in an anti-climatic fashion stating "I believe that the Zaire airlift operation did not fall within the class of actions requiring reports under terms of law [the WPR]." Zablocki's comments were less confrontational than any towards the WPR he made during the Ford or Reagan administrations indicating that partisanship influenced his assessment. The administration's defense lay mainly in the fact that US forces were not equipped for combat and did not enter directly into hostilities. Principal challenges mounted by International Relations came from Republican

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[48]Public Papers of the President, Gerald Ford, 1975, 12 April 1975.

members culminating with Findley's announcement that he was introducing legislation after the hearing.

HCR 289 was cosponsored by fellow Republicans presiding on International Relations including: Shirley Pettis of California, Robert Lagormarsino of California and Leach. Declaring that the WPR should have been triggered on 29 May, the concurrent resolution offers two important final points for the Zaire airlift. First, partisanship matters in force employment policymaking. While the other members might have been acting on an ideological impulse, the conservative Lagormarsino was not.[49] Finally, regardless of which party occupies the oval office, International Relations performs the role of gatekeeper and barometer for congressional convictions; HCR 689 was never reported from subcommittee.[50]

Methodological Analysis:

Phase I: Decision to use force (12 May 1978 - 19 May 1978)

Roles played

Well informed observer (HASC & HIRC)

International Relations and Armed Services performed the predictable role of well-informed observer during Phase I of the Zaire airlift. The leadership of both Committees were informed by top administration officials, and the full Committee received a briefing on the operation.

Salient Independent Variables:

Nature of the conflict
Historical precedent
Partisanship

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[49]Lagormarsino's NSI rating in both 1976 and 1980 was 100.
[50]HIRC, Legislative Calendar, 95th Cong., p. 186.

Although partisanship may have played a minor role in the HIRC's decision not to criticize the President for notifying rather than consulting with Congress, the nature of the conflict was much more important in determining the role played by both Committees. Compared with the previous evacuation of Saigon and the Mayaguez rescue operation, the Zaire airlift was tiny, only requiring eighteen US aircraft. In addition, Lyndon Johnson had provided airlift in response to similar incidents twice in 1964 and in 1967.

Phase II: Sustainment of forces (19 May 1978 - 16 June 1978)

Roles played:

Recipient of information (HASC & HIRC)

During this phase, both Committees received briefings from the administration, but neither sponsored briefings for the House meeting in Committee in the whole. Nor did International Relations receive its briefing in hearing format permitting other representatives - or their staff - to participate as it had done during the Mayaguez crisis. International Relations also met with CIA and DIA personnel to discuss Cuban and Soviet complicity.

Salient independent variables:

Nature of the conflict

Despite the controversy surrounding possible involvement of Cuban and Soviet advisers, alleged CIA misrepresentation of communist influence, and overly restrictive security assistance legislation, the military operation was an unmitigated success. None of the seventy-

seven Americans residing in Zaire was injured, other nations provided combat personnel while the US air operation was virtually flawless. Most importantly, although the duration of the conflict was the longest examined thus far (27 days), US service members suffered no casualties.

Phase III: Decision to recall force

Neither Armed Services nor International Relations played a role in the administration's decision to recall US personnel participating in either portion of the Zaire airlift including the transport of French-Belgian forces or the transport of Morroccan-Tanzanian peacekeeping troops. Although maintaining order in the Shaba province was a more ambiguous mission than either the evacuation of Saigon or rescue of the Mayaguez crew, US forces were not sustaining casualties. As with the Multinational Observer Force positioned in the Sinai peninsula in its thirteenth year of operation, Congress is unlikely to oppose extended force employments if the US is not sustaining casualties related to the mission. In addition, members of both Committees recognized Carter's disdain toward using force. The President was, therefore, unlikely to continue a military operation any longer than absolutely necessary.

Phase IV: Retrospective Assessment

Roles played:

Guardian of the WPR (HIRC)
Judge of the administration's actions (HIRC)
Gatekeeper for legislative proposals (HIRC)
Barometer of congressional convictions (HIRC)

In sum, the HIRC played in Phase IV those roles it typically played in Phase III. As guardian of the WPR and judge of the administration's actions, the Committee conducted a hearing on the airlift two months after it was completed. In addition, it received legislation introduced by Findley stating that the Resolution should have become operative on 19 May. Upon receiving HCR 689, International Relations performed the role of gatekeeper for legislative proposals, upon deciding not to report it out of Subcommittee the Committee also served as a barometer for congressional convictions since the resolution would surely have failed a House vote.

Salient Independent Variables

Nature of the conflict
Partisanship
Institutional norms/Organization

Prior to the Grenada operation in 1983, Armed Services has spent little time reassessing successful military operations in their aftermaths. Its members, for the most part, reserved their comments for the four year debate on DoD reorganization and private meetings with administration officials. The Zaire airlift was no exception in that the operation was a success in both achieving its objectives and minimizing casualties - the latter observation being a principal element of the nature of the conflict.

The mission also provides convincing evidence that partisanship has limited influence in use of force policymaking; a Democratic International Relations Committee

conducted a hearing on the War Powers Resoluton while a Democratic administration was in power. In short, the Committee vigilently seeks to ensure that the executive respects Congress' legitimate role in the making of force employment policy. Hearings on War Powers are one manifestation of this phenomenon, and have been an institutional norm since 1973.

Partisanship did play a role in the airlift, however, in two ways. First, only Republicans critically analyzed the operation beginning with Leach's initial meeting with the State Department's Legal adviser, and culminating with Findley's resolution to invoke the WPR. Finally, although Zablocki previously stated that hearings on War Powers were meant to offer an "impassionate and disinterested" assessment of the administration's treatment of the Resolution, he sided with the administration in the first few minutes of the hearing before some members had time to arrive at their own conclusions.[51]

Two years passed before Carter invoked his use of force authority in an effort to rescue US hostages held in Iran. The mission ended in disaster, however, prompting House Armed Services to consider reorganizing both the structure of the Joint Chiefs of Staff, and the method in which it provides advice to the administration's civilian leadership (Goldwater-Nichols antencedent). More importantly,

[51]Congress, House, Committee on International Realtions, Subcommittee on International Security and Scientific Affairs, War Powers: A Test of Compliance Relative to the Danang Sealift, the Evacuation of Phnom Penh, the Evacuation of Saigon, and the Mayaguez Incident, hearing,a 94th Cong., 1st sess., 7 May and 4 June 1975.

criticisms of the administration presented by both Committeess indicated that partisan impulses to protect the president were less significant than Congress' desire to preserve its role in the making of force employment policy.

Chapter 3 - Section II: IRAN

Distinctive Characteristics

The Iran rescue attempt, commonly referred to as Desert One, was both a military mission and a covert intelligence operation.[1] As such, it occupies a special place amongst the cases studied. More than any other, it required absolute security and thus a minimal role for Congress throughout Phase I. According to White House Counselor, Lloyd Cutler, to have informed Congress prior to the mission would have placed the lives of US servicemen in jeopardy.[2] Admiral Stansfield Turner, the Director of the CIA, argues that many aspects of the operation made Hughes-Ryan legislation regarding covert operations more appropriate than the WPR.[3]

Overview of HFAC and HASC roles

The Foreign Affairs and Armed Services played unique and identifiable roles throughout the Iran hostage rescue episode. In so doing, they demonstrated that the institutional desire to maintain the executive's respect in force employment policymaking supersedes the partisan impulse to protect the leader of one's own party from criticism.

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[1]The actual name of the rescue operation was "Eagle's Claw," "Desert One" was merely the rendezvous point for Delta Force and eight Ch-53 helicopters before they were to proceed to "Desert Two" and finally into Teheran.

[2]Lloyd Cutler, comment made during "Constitutional Forum" sponsored by the House Foreign Affairs and House Judiciary Committee, broadcast on C-Span, March 1994.

[3]Stansfield Turner., Democracy & Terrorism, (Boston: Houghton Mifflin Company, 1991) p. 64.

With the exception of not playing the role of well informed observer during Phase I, both Committees performed the same roles that they did under Republican administrations. Similar to the evacuation of Saigon and the Mayaguez operation, the mission's brevity limited the role of both Committees in Phase II to naught. In the aftermath of the failed rescue attempt, however, both Foreign Affairs and Armed Services served as judge of the administration's actions whilst the latter acted as inspector general - albeit in a more discretely than perhaps they would have done for a Republican administration.

It is difficult to ascertain precisely what caused the Committees to respond to the failed operation with such restraint. Partisanship did have some influence, however, the rescue operation took place on day 175 of the hostages' captivity while they were not released until day 444. Representative William Dickinson (R-AL) of Armed Services indicated that nobody wished to imperil the hostage's lives by discrediting the administration.[4]

There are three final points of importance relating to secrecy, the IIOS, and ideology. Firstly, the nature of the conflict was so secretive that not even the House leadership was informed. House Speaker Tip O'Neill comments: "when the failed mission took place on April 24, 1980, I was as

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[4]William Dickinson, former HASC senior ranking minority member, interview by author, Tape Recording, Washington, D.C., 7 April 1994.

surprised as anyone."[5] Secondly, Carter's handling of the incident subscribed to the tenets of what Alexander George refers to as "coercive diplomacy."[6] President Reagan's actions before the air raid on Libya, and President Bush's actions prior to the Gulf War also follow this pattern. George argues that a nation utilizes alternatives short of military force to coerce another nation into performing a specific action with the implicit threat that it will resort to military force if its demands are not met. The alternatives he refers to are similar to those outlined on the IIOS. When Carter exhausted the less severe options from the IIOS, congressional support for his gradualist approach led him to believe that the legislature and the public would support his decision to use force. Finally, Sam Stratton introduced a resolution threatening the use of military force should the government of Iran not release the hostages by a specified date. By doing so, he demonstrated yet again that Armed Services possessed a more "hawkish" outlook on national security policy than the President.[7] His initiative also placed the Committee at the center of House discussion on using force rather than Foreign Affairs.

The US government and the Shah of Iran

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[5]Tip O'Neill., Man of the House: The Life and Political Memoirs of Speaker Tip O'Neill, (New York: St. Martin's Press, 1987) p. 392.

[6]George argues that coercive diplomacy is "a defensive strategy that attempts to persuade an opponent to stop or undo an aggressive action. This strategy involves the threat of force or a limited exemplary force as a means of restoring peace in a diplomatic crisis." Alexander I. George., Forceful Persuasion: Coercive Diplomacy as an Alternative to War, (Washington, D.C.: United States Institute of Peace Press) p. ix.

[7]Congress, House, Committee on Foreign Affairs, Legislative Calendar, 96th Cong., 15 January 1979 - 16 December 1980, p. 155.

Similar to its relation with Mobutu in Zaire, the US government had a special relationship with the Shah of Iran. In sum, it overlooked many of his violations of human rights because of the strategic importance of maintaining Iran as an ally. In 1953, the US demonstrated its commitment to maintaining the Shah as head of Iran by providing CIA agents to foil a coup d'état led by Mossadegh, an enemy of the royal family.[8] The coup attempt subsequently failed, and the Shah became even more loyal to his western ally.

Beginning in 1977, International Relations began to examine of allegations of human rights violations in several countries including Iran. It did not, however, attempt to limit foreign assistance to that nation as a result of its investigation.[9] Armed Services was also forthcoming in its support for the Shah, approving numerous sales of military equipment to the Persian state since the 1950s.

Signs of a Revolution

In August of 1978, the CIA issued its infamous report on suspected turbulence in Iran. The report read: "Iran is not a revolutionary or even a pre-revolutionary country," and was entirely incorrect. National Security Adviser, Zbigniew Brzezinski recognized that instability in the Persian Gulf nation was rising, and as a result asked the

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[8]Gregory F. Treverton., Covert Action: The Limits of Intervention in the Postwar World, (New York: Basic Books, Inc., 1987) pp. 52-54.

[9]Congress, House, Committee on International Relations, Subcommittee on International Operations, Human Rights in Iran, 25 October 1977, pp. 1-43.

Secretary of Defense, Harold Brown, to develop contingency plans for a possible invasion.[10]

Brzezinski's actions are important for two reasons. Firstly, one can surmise rather early that he was the individual in the Carter administration most comfortable with using military force to achieve foreign policy objectives. As the NSA, he was also less accountable to Congress than either the Defense Secretary or the Secretary of State although he did speak to members on a regular basis about the administration's policy toward Iran.[11] Secondly, contingency plans are closely guarded by the uniformed leadership on the Joint Staff and the unified command headquarters. As such, members of Armed Services and civilian leaders in DoD rarely have access to them.[12] On 6 November 1979, two days after the embassy was overrun by Iranian militants, the JCS began to devise contingency plans for possible military action. Armed Services was not privy to these plans in either instance, however, typical of the limited role it plays in the decision to use force.

By January 1979, the administration realized that the dissident spiritual leader of Iran, the Ayatollah Khomeini, would return to Iran shortly, ending the Shah's reign. On the tenth of January, the President decided to offer his support for Khomeini in the hopes that the US and Iran could

[10]Zbigniew Brzezinski., Power and Principle: Memoirs of the National Security Adviser 1977-1981, (New York: Farrar, Straus, Giroux, 1985) p. 370.

[11]Brent Scowcroft argues that the NSA is "part of the president" and therefore never formally testifies before Congress. Phone interview by author, Washington, D.C., 8 June 1994.

[12]General Robert T,. Herres, former Vice Chairman of the Joint Chiefs of Staff, phone interview, Washington, D.C., 6. April 1994.

maintain their alliance. The HFAC's Subcommittee on Europe and the Middle East conducted a hearing a week later entitled "US Policy toward Iran." Opening the discussion, Lee Hamilton asserted that "there can be no question that Iran is an important country to the US."[13] The focus of the hearing, however, was to determine why revolution in Iran seemed inevitable at this point, and what US policy would be toward Iran in the future. Several members also expressed their anxiety about military sales contracts with the turbulent country.[14]

Other relevant committees demonstrated their apprehension and anger with the collapse of the Shah's regime. For example, the House Permanent Select Committee on intelligence (HPSCI), established in 1977, criticized the CIA for failing to predict the revolution.

Revolution: options and responses

By late January, the Carter administration recognized the dangers associated with supporting Khomeini upon his return from Paris. Its members, therefore, gave considerable thought to providing tacit support for military rule either with or without the Shah as the head of state. General Robert Huyser, the Deputy Commander-in-Chief of European Command, was sent to Iran to assist in retaining the cohesiveness of Iranian military forces and assess the possibilities of military rule.[15] In an example of

[13]Congress, House, Committee on Foreign Affairs, Subcommittee on Europe and the Middle East, US Policy Towards Iran, January 1979, hearing, 96th Cong., 1st sess., 17 January 1979, p. 1.

[14]Ibid., pp. 49-50.

[15]Brzezinski., Power and Principle, p. 376

executive prerogative, the objectives of Huyser's mission were withheld from members of Foreign Affairs. They did not discover what the General did in Iran until after the hostages were released.[16]

On 31 January 1979, Khomeini returned from Paris to his native Iran. The Shah left Iran some time earlier - ostensibly to take a vacation. He realized by then, however, that his thirty years of rule would soon end. He eventually arrived in the US on 23 October. Participating in a meeting with the Deputy Secretary of Defense and the Ambassador from the United Kingdom, the dislocated leader ruled out any plans for military rule in Iran.[17] The administration's options were, therefore, limited to either supporting the Ayatollah or implementing a military takeover without the Shah's support.

Marxist guerillas attacked the US embassy on 4 November in a harbinger of events to come. The episode was ironic because the same militant follwers of Khomeini that freed the captives in this instance seized the embassy nine months later. Both Foreign Affairs and Armed Services received briefings on events leading to the attack on 22 and

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[16]Congress, House, Committee on Foreign Affairs, Subcommittee on Europe and the Middle East, General Huyser's Mission to Iran January 1979, hearing, 97th Cong., 1st sess., 9 June 1981.

[17]Brzezinski., Power and Principle, p. 364

28 February respectively.[18] The former also conducted a hearing on general security procedures at embassies worldwide on 26 February.[19]

The hostage saga begins: A case study in coercive diplomacy and the IIOS

Sixty-six US citizens were captured when Iranian militants seized the embassy in Teheran on 4 November. Two days after the embassy was captured, the Ayatollah and his Revolutionary Council assumed complete control of the Iranian government.

The President's and indeed Congress' responses are interesting because they follow a gradual pattern along the IIOS to the final option: military force. Members of Foreign Affairs were especially mpressed by the restraint President Carter demonstrated in dealing with the militants.[20] When the administration's efforts at crisis resolution failed, few congressmen from both parties could legitimately criticize the President - even though he had not consulted with them. A member of the HASC professional staff quipped that "it was difficult to poke holes in the ship in which you were on board."[21]

Diplomacy, military force, and economics

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[18]HASC archives, Guide to Full Committee Meetings/Briefings and Information Regarding Transcript Files: 96th Congress, held by Ms. Nancy Jones 2170 Rayburn House Office Building, and Congress, House, Committee on Foreign Affairs, Survey of Activities, 96th Cong., pp. 138-139.

[19]Congress, House, Committee on Foreign Affairs, Subcommittee on International Operations and on Asian and Pacific Affairs, Security Procedures at US Embassies, hearing, 96th Cong., 26 February and 26 April 1979, and 28 February and 19 June 1980.

[20]Dante Fascell, former HFAC Chairman, phone interview by author, Washington, D.C., 5 April 1994.

[21]Discussion with HASC Professional Staff Member, interview circa 25 March 1994.

Carter's initial response to the crisis was diplomacy; he dispatched former Attorney General Ramsey Clark and SFRC staff member, William Miller, to Teheran for talks with Khomeini; however, the Ayatollah refused to see them. In line with the tenets of coercive diplomacy, Carter maintained military force as an option when he ordered the JCS to devise plans should diplomatic and economic initiatives fail. On 6 November, Carter and his top assistants had four military options to choose from:

(1) rescue operation
(2) retaliatory strikes to cripple the Iranian economy
(3) attack on vital strategic interests in Iran, or
(4) naval blockade and/or mining of Iranian harbors.[22]

The President selected option one.

Three days after he approved plans by the Chairman of the JCS and the Defense Secretary to create a rescue team, Carter utilized another option from the IIOS: discontinuing military assistance. He blocked a scheduled $300 million military equipment sale to Iran. Under the Foreign Assistance Act, Foreign Affairs was notified of the President's actions as was Armed Services.[23] The latter Committee, however, received notice out of courtesy rather than statutory obligation.[24] The following day, Carter ordered the Justice Department to review deportation procedures against Iranians illegally residing in the US,

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[22]Gary Sick., "Military Options and Constraints," in American Hostages in Iran: The Conduct of a Crisis, ed. Warren Christopher (, 1985) p. 144.

[23]"Iran Chronology," Congressional Quarterly Almanac, 96th Cong., Vol 35 (Washington, D.C.: Congressional Quarterly Inc., 1980) p. 352.

[24]Professional HASC Staff member, interview by author, Tape Recording, Washington, D.C., 31 March 1994.

with emphasis on students not holding valid visas. In mid November, Carter shifted to economic alternatives. He suspended Iranian oil imports, declared a national emergency with respect to Iran, and froze all its assets held in US banks both stateside and abroad.[25] Congressional support was evident by a 379-0 vote on 16 November in favor of a resolution prohibiting the sale of military equipment to and economic assistance for Iran.[26]

The role of International Organizations

The administration also attempted to use international channels - both covertly and overtly - to resolve the crisis. On 17 November, Vance delivered a list of US objectives to Kurt Waldheim, the UN Secretary General. In addition, Hamilton Jordan, White House Chief of Staff, conducted secret negotiations with friendly intermediaries close to the Iranian Prime Minister.[27] Foreign Affairs indicated its support for greater reliance upon the UN in foreign policy even before the hostage crisis began during a hearing entitled "US Participation in the United Nations and UN Reform."[28]

Keeping the Congress informed

The administration met regularly with members of Congress to discuss the hostage saga. As a primary

[25]Public Papers of the President, Jimmy Carter, 1979 (Washington, D.C.: GPO, 1980) 10-14 November 1979.

[26]Congressional Quarterly Almanac., p. 281.

27. Hamilton Jordan., Crisis: The Last Year of the Carter Crisis, (New York: G.P. Putnam's Sons, 1982) pp. 129-130.

[28]Congress, House, Committee on Foreign Affairs, Subcommittee on International Relations, US Participation in the United Nations and UN Reform, 96th Cong., 1st sess., 14 June 1979.

recipient of information from the administration, Foreign Afairs received four briefings from members of the executive between 4 November and 25 April.[29] At the same time, DoD was perfecting its new elite anti-terrorist unit known as Delta Force in the forests of Fort Bragg, North Carolina. Although congressmen questioned top administration officials about a possible military strike or rescue operation, they were not told about DoD's preparation.

Drawing the line with Khomeini: No trials.

Carter's efforts to effect the release of the US hostages in Iran looked promising between 19 November and 29 December. On 19 and 20 November, the Persian state released thirteen hostages either black or female.[30] Iranian militants holding the hostages indicated that they might place the remaining fifty-three on trial for spying, but quickly ended their charade when Carter secretly informed Khomeini that a military strike would be the consequence. The largest naval force since World War II was subsequently assembled in the Indian Ocean to demonstrate US resolve and to put the Iranian government on notice that the President was willing to use force. Carter continued to discuss various options involving military force, this time during a meeting with top advisers held at Camp David.

Staying the international course: The UN and the ICJ

In addition to improving its capability to resolve the crisis by using force, the administration continued to use

[29]HFAC, Survey of Activities, p. 138.
[30]Congressional Quarterly Almanac., p. 352.

international channels. Two days after the Camp David meeting, Waldheim called a special session of the UN because of Iran's failure to respond to international appeals to release the hostages. His meeting was a success for America; on 4 December, the UNSC unanimously adopted Resolution 457 calling for the release of the hostages. Five days later, the White House announced that the Attorney General would appear before the International Court of Justice (ICJ) in the hopes of gaining the hostages release by legal means.[31]

Foreign Affairs, Armed Services, rhetoric and congressional support

Congress weighed in with its support for the administration on two different occasions, both initiated by members of Foreign Affairs. Its actions demonstrated how congressmen often resort to rhetoric as their preferred alternative from the IIOS.

First, it passed HCR 224, introduced by Robert Largomarsino of Foreign Affairs on 14 December "expressing support for the hostages." Second, it passed HCR 221 "expressing concern for the welfare of the hostages" on 18 December by a 369 to 4 vote. The bill was sponsored by Fascell, Zablocki and Broomfield of the HFAC.[32]

The only calls for belligerency came when Sam Stratton introduced HCR 218 with fifty-three co-sponsors primarily from Armed Services. Stratton called upon the

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[31]Public Papers of the President, Jimmy Carter, 1979., 9 December 1979.
[32]HFAC, Survey of Activities, p. 77.

administration to enact "selected, deliberate, sustained, and increasingly severe military operations against Iran" should they not release the hostages on a date stipulated by President.[33] Two aspects of Stratton's actions - one anticipated the other unanticipated - are important.

The anticipated aspect of Stratton's action is the flexibility he provided the President in stipulating the date in which military action would begin should Iranian militants not release the hostages. In some senses, it was similar to HJR 364, providing statutory authorization for US forces in Lebanon for 18 months under the WPR. In both instances, the President was given the flexibility to conduct the nation's security policy as he deemed appropriate with Congress providing explicit endorsement of his actions and marginal guidance. As a "Cold-War Democrat," Stratton subscribed to two tenets: (1) deference to the president in the implementation of national security policy, and (2) an aggressive stance against those nations that challenge US interests.[34] The wording of HCR 218 permitted him to adhere to both.

The unanticipated aspect of Stratton's actions was the public recognition it received. The Congressman even appeared on the MacNeil/Lehrer News Report to discuss his proposal.[35] The most obvious explanation is that he was one

[33]Congress, House, Congressional Record, 96th Cong., 2nd sess., p. 34147.

[34]Professional HASC Staff member, interview by author, Tape Recording, Washington, D.C., 17 September 1992.

[35]MacNeil/ Lehrer Report, transcript, New York, 30 November 1980.

[36]Jimmy Carter., Keeping Faith: Memoirs of A President, (New York: Bantam Books, 1983) p. 467.

of the few individuals to advocate the use of military force so early that he piqued the curiosity of the media.

The Soviet's invade Afghanistan and diplomacy falters

The Soviet Union invasion of Afghanistan on 27 December dramatically altered the administration's policy towards Iran. Prior to the invasion, US policymakers' sole concern was to secure the release of the hostages, but thenceforth, they had to avoid instigating a possible alliance between Iran and the USSR.[36]

The Soviet invasion also interfered with US efforts within the UN to pressure Iran into releasing the hostages. On 31 December, UNSCR 461 was approved calling for the release of the US hostages and an agreement to discuss economic sanctions on 7 January if Americans were still held captive. Waldheim embarked on a special mission to Iran to deliver UN and US demands to government officials. Arriving in the US on 6 January, the UN Secretary General issued a negative report on his findings to Carter, Vance and the UNSC.[37] The US ambassador to the UN, Donald McHenry, introduced a resolution on 13 January calling for a multilateral economic embargo against Iran that failed because of a Soviet and East German veto. Carter was livid, expressing his dissatisfaction with the Soviet Union during a news conference the following day.[38]

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[36]Jimmy Carter., Keeping Faith: Memoirs of A President, (New York: Bantam Books, 1983) p. 467.
[37]Ibid., p. 482.
[38]Public Papers of the President, Jimmy Carter, 1979., 28 December 1979.
[39]Congressional Quarterly Almanac., p. 352.

The administration remained hopeful, however, for two reasons. Hamilton Jordan's covert diplomacy was proceeding nicely, and the UN had agreed to send a fact-finding team to Iran in February to review their grievances and present terms acceptable to the US. Iranian officials had three demands:

(1) the US must acknowledge its past crimes
(2) the US must recognize Iran's right to extradite the Shah and take control of his fortune
(3) the US must agree not to meddle in Iranian affairs.[39]

Carter was completely opposed to the idea of US citizens being tried in conjunction with "past crimes", but was flexible on other recommendations proposed by the Iranian government. Unfortunately, the 23 February UN mission was a fiasco because Khomeini's government would not alter its demands.

Congressional-executive discussions continued, as did the training of Delta Force. Brzezinski met with forty congressmen on 23 February followed by a 10 March meeting between the President and the congressional leadership.[40] Tip O'Neill indicted that Carter mentioned the possibility of a rescue mission in passing, but provided no details at that time.[41] Finally, Vance appeared before Senate Foreign Relations on 27 March urging that body not to publish a White Paper on US-Shah relations.[42]

The decision to use force

[39]Congressional Quarterly Almanac., p. 352.

[40]Brzezinski., Power and Principle, p. 489 and Carter., Keeping Faith, p. 499.

[41]O'Neill., Man of the House, p. 392.

[42]Andrea J. Yank, "Iran's Ruling Council Delays Vote on Taking Control of the Hostages," Congressional Quarterly Weekly, 5 April 1980: p. 927.

Carter and his top aides gathered for a second meeting at Camp David to receive a full briefing on a possible rescue operation by JCS Chairman, General David Jones. According to Brzezinski, the decision to use force crystallized over the subsequent three week period.

Two events influenced the President's decision to abandon less severe measures and to opt for military force. First, soil samples collected during a 2 April CIA reconnaissance flight indicated that the selected staging area for the rescue mission could sustain US aircraft scheduled to participate in the operation.[43] Secondly, on 3 April, militants holding the hostages did not honor their pledge to turn them over to the government.

Carter was nearing a decision to proceed with the rescue operation when a member of his staff leaked that the administration was contemplating the use of force to The Washington Post. Senate Majority Leader, Robert Byrd (D-WV), and the Senate Foreign Relations Chairman, Frank Church (D-ID), immediately responded that if this were the case, the President needed to consult with Congress before acting.[44] During a 7 April NSC meeting, Carter decided to sever all diplomatic relations with Iran, and to impose an embargo of all US exports except food and medicine. He announced his plans that same evening.[45] Khomeini responded by declaring that the Americans would continue to be held in

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[43]Turner., Terrorism & Democracy, p. 103.
[44]The Washington Post(Washington, D.C.), 4 April 1980.
[45]Public Papers of the President, Jimmy Carter, 1980., 7 April 1980.

captive until the parliament considered the matter when it reconvened in May. He also placed Iranian forces on their highest level of alert.

Despite pledges by the European Economic Community to join the US in imposing an embargo, President Carter tentatively approved the rescue operation during an 11 April NSC meeting.[46] At a news conference given two days later, Carter declared that "we prefer to keep our action non-belligerent in nature, but we reserve the right to secure the safe release of our hostages [with any instrument of foreign policy]...military, economic, or diplomatic."[47] The Chairman of Senate Foreign Relations voiced his support for Carter's more aggressive policy pronouncements, but urged the President to proceed with caution.[48] In the time between 13 April and 24 April (the day of the rescue mission), numerous news articles predicted that Carter had approved a military option to resolve the crisis.[49]

On 16 April, two commanders that were to participate in the mission including Colonel Charlie Beckwith, the leader of Delta Force, briefed top administration officials in the White House.[50] The following day, Carter ordered trade sanctions banning all Iranian imports, prohibited travel

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[46]Vance., Hard Choices, p. 409.

[47]Public Papers of the President, Jimmy Carter, 1980., 13 April 1980.

[48]Face the Nation, transcript, Washington, D.C., 13 April 1980.

[49]See for example "Where Will it All Lead," US News & World Report, 12 April 1980: pp. 25-28 and Don Oberdorfer, "Carter Hints About Force Upset Staff," The Washington Post, 4 April 1980: pp. A1 and A27.

[50]Carter., Keeping Faith, p. 507.

there by US citizens, and made military equipment originally intended for Iran available for sell to other nations.[51]

Congressional notification and the War Powers Resolution

On 18 April, Carter met with his closet advisers to discuss notification procedures for Congress. Vance preferred the most extensive list whilst Carter and Mondale wished only to notify the five members comprising the congressional leadership. Eventually, Carter decided to notify only Senator Byrd prior to the beginning of the operation. The group of twenty-two congressmen identified by Ford prior to the Mayaguez operation along with the leaders of allies in the Middle East were to be notified after the operation had "reached the point of no return."[52] Carter's notification procedure corroborates my earlier argument that in this area of policymaking, the executive branch holds Congress and relevant allies in equal esteem.

Meeting the night of 23 April, Carter and Byrd discussed a short list for congressional notification concerning possible military action. Carter did not tell the Senator that the mission was to be launched a few hours later at 10:30 EDT on 24 April.[53]

Lloyd Cutler was given the task of determining the applicability of the WPR on 20 April and permitted only to receive assistance from the Deputy Attorney General.[54]

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[51]Public Papers of the President, Jimmy Carter, 1980., 17 April 1980.

[52]Carter., Keeping Faith, p.511.

[53]"Imperfect War," in National Security Law, ed. Stephen Dycus, Arthur L. Berney, William C. Banks, and Peter Raven-Hansen, (Boston: Little, Brown and Company, 1990) p. 261.

[54]Cutler, "Constitutional Forum," March 1994.

The administration's actions at this point are significant for two reasons. First, with the exception of Byrd, executive officials neither consulted with or notified members of Congress. Secondly, the administration expended considerable energy devising a rationale to justify its secrecy. Carter later confessed that he should have consulted with more members of Congress prior to operation Desert One.[55]

Members of Senate Foreign Relations grew anxious amidst rumors that the administration was going to use force to release the hostages. Ironically, on the day of the rescue mission, they sent a letter to the President insisting that the Committee be informed prior to the beginning of any military operation.[56]

The Operation began on 24 April 1980. At 20:00, Carter and his aides again discussed congressional notification procedures. The congressional leadership, in addition to the leadership of the Armed Services, Foreign Affairs, Intelligence, and Defense Appropriations Committees in both chambers were ultimately notified between 01:00 and 02:00 the following morning.[57] On the evening of 24 April, the President received notice that three helicopters had not made it to the Desert One site. He then instructed Colonel Charlie Beckwith to decide whether to proceed with or abort the mission. The Colonel elected to abort. During the

[55]Carter., Keeping the Faith, p. 513.

[56]The Washington Post(Washington, D.C), 24 April 1980.

[57]Dr. Zbigniew Brzezinski, interview by author, Tape Recording, Washington, D.C., 31 March 1994.

recall, however, an Air Force C-130 collided with a a Marine helicopter killing eight people.

A few hours after receiving the grim news of the night's events, President Carter participated in a nationally televised address to describe the rationale and tragic outcome of the mission. Mimicking Ford's actions, he transmitted a letter to Congress the following day "consistent with the reporting provisions of the War Powers Resolution."[58]

Congressional responses

Congress did not immediately rally to support the President's decision, but rather waited for the public to pass judgment. Initial support came from "hawkish conservatives" including Senator Howard Baker (R-TN).[59] Opposition to the President's decision was divided into two groups: those congressmen upset that he had not consulted lesgislators under the WPR (e.g. Senator Frank Church), and those congressmen upset that the mission was a failure (e.g. Senator John Warner (D-VA)). Eventually both Foreign Affairs and Armed Services supported the President's decision, but not the inefficiency with which it was conducted.[60] A comment by Representative Paul Findley (R-IL) epitomizes HFAC and HASC sentiment: "despite the mission's outcome, this undertaking stirred in me as in many others, some sense of relief...the US government was

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[58]Dycus et al., National Security Law, p. 261.
[59]The Washington Post(Washington, D.C.), 26 April 1980.
[60]Fascell and Dickinson interviews.

demonstrating a willingness to take action [to free the hostages]." Clement Zablocki indicated which factor had the greatest influence on congressional support when he observed: "we would be dancing in the streets had the mission succeeded." In short, congressional opinion of the operation was based upon ideology, the nature of the conflict, institutional norms, public support, and not partisanship.

Differentiating between the mission's failure and the courageous Americans who participated in it, Jim Courter (R-NJ) of Armed Services introduced HCR 323 commending the US servicemen who risked their lives at Desert One. It passed by a voice vote on 10 June, and like similar commendation resolutions introduced after the Mayaguez operation, Lebanon barracks' bombing, invasion of Panama and the Persian Gulf War, was considered by Armed Services rather than Foreign Affairs. HASC members have always fancied themselves as being the service member's ally on Capitol Hill, and Courter's iniative is a good example.[61]

HFAC-HASC Investigations

On 26 April, Foreign Affairs, Aremed Services, and their Senate counterparts announced that they would conduct hearings on the rescue operation. True to form, the latter focused on operational aspects of the mission during its 26 April and 6 and 9 May closed session hearings. Among questions it sought to answer were why an insufficient

[61]Beverly Byron, former member of the HASC, interview by author, Tape Recording, Washington, D.C., 19 April 1994.

US diplomats, for dealing with terrorism, and for responding and handling crises in the future."[65]

Gathering information during the early proceeding was problematic. Some CIA operatives remained in Teheran, and the NSC was contemplating another rescue mission or military attack; therefore, administration officials were reluctant to provide sensitive information while testifying.[66] Members of Armed Services were especially upset at what they perceived as disrespect on the part of the executive. Its members ultimately were satisfied with the information they received regarding the mission, but infuriated by the military's ineffectiveness. Representatives Schroeder and Dellums cited the failed mission as one of their reasons for voting against the National Defense Authorization Act in 1980. Both claimed that DoD funding was being spent on irrelevant programs to increase bureaucracy rather than to enhance military capabilities.[67]

In early May, the JCS commissioned a Special Operations Review Group (the Holloway Commission) to conduct a broad examination of the rescue mission. The Commission issued its report on 23 August 1980 concluding that the operation was feasible, but poorly planned and organized.[68] It was especially critical of the ad hoc structure for inter-service special operation training. Unlike its Senate

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[65]House, Committee on Foreign Affairs, Iran's Seizure of the United States Embassy, hearing, 97th Cong., 1st sess., 17, 19, and 25 February and 11 March 1981, pp. 1-2.

[66]Turner., Terrorism & Democracy, p. 124-125.

[67]Congressional Quarterly Almanac., p. 54.

[68]The Holloway Commission, "Rescue Mission Report," Pentagon Reading Room, Document No. 158, Washington, D.C.

number of helicopters reached Desert One, and if the President had coerced Beckwith into prematurely aborting the mission. Beckwith testified during the final hearing telling the Committee that he took the decision to abort the mission autonomously, thus, exonerating the President of charges of being overly intrusive.[62]

Foreign Affairs was more concerned about questions of congressional notification, and determining the stage in which the administration approved the operation. Its investigation had three components. First, the Committe received a briefing from General John S. Pustay, Assistant to the Chairman of the Joint Chiefs of Staff, on 8 May.[63] Second, similar to the Memorandum of Law submitted by the State Department's Legal Adviser, Herbert Hansell, after the Zaire airlift, Cutler transmitted a legal opinion to the Committee on 9 May arguing that Carter's actions were a lawful exercise of his constitutional powers as Commander-in-Chief, and did not violate the WPR.[64] Third, Foreign Affairs continued its investigation in February and March after the hostages had been released. But rather than conclude their analysis by solely examining the failed rescue mission, its members wished to expose "the lessons which can be learned for future US policy - for protecting

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[62]Charlie A. Beckwith., Delta Force, (New York: Dell Publishing, 1983) pp. 262-267.
[63]HFAC, Survey of Activities, 96th Cong., p. 138.
[64]Dycus et al., National Security Law, p. 263.

counterpart, the HASC did not perform its own independent study.[69] However, its members supported the general conclusions of the Holloway Report, and adopted several of its recommendations in implementing DoD reform and creating an independent Special Operations Command in 1986.[70]

The hostages were eventually released on 20 January 1981.

Methodological Analysis

Phase I: Decision to use force (4 November 1979 - 11 April 1980)

Roles played:

Conduit for House discussion (HASC)
Gatekeeper for legislative proposals (HFAC)
Barometer for congressional convictions (HFAC)

Performing a role typically reserved for Foreign Affairs during this phase, Armed Services served as a conduit for House discussion. A similar phenomenon occurred prior to the Persian Gulf War when the HASC, conducting nine days of hearings, was the focal point of discussion in the House rather than the HFAC. Neither Committee was a well-informed observer for the 175 days prior to rescue mission. With the exception of Byrd, not even the congressional leadership knew about the pending mission.[71] Foreign Affairs served as gatekeeper for legislative proposals on using force, when it blocked Stratton's HCR 218. It also

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[69]Robert McFarlene, future national security adviser to Reagan, was a memebr of the SASC professional staff where he performed an independent assessment of the resuce attempt. SASC Professional Staff Member, interview by author, Tape Recording, Washington, D.C., 13 April 1994.

[70]Les Aspin, former HASC Chairman, interview by author, Tape Recording, Washington, D.C., 11 April 1994.

[71]O'Neill., Man of the House, p. 392.

acted as barometer on congressional convictions in that instance.

Salient Independent Variables:

Nature of the conflict
Public Support
Historical Precedent
Executive Prerogative
Ideology

More than any other case studied, the mission in Iran required absolute secrecy. Dozens of CIA operatives were involved for extended periods, and no more than thirty people in the administration were aware of the planning. Cutler's recent comments on the Desert One operation are telling: "to have informed even the congressional leadership, Tip O'Neill for example, would have placed US lives in danger."[72]

The public agreed with Carter's rationale, with 63% supporting his decision not to inform Congress prior to the mission and only 27% disagreeing.[73] The adminstration's contextual advantage was also enhanced by historical precedent. Cutler cited two federal cases in his legal opinion in which the courts have recognized the President's constitutional power to protect the lives of US citizens held abroad against their will.[74] These three variables influenced the President to use his executive prerogative not to inform, consult or even notify the leadership of

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[72]Cutler, "Constitutional Forum," March 1994.

[73]George Gallup, Jr., The Gallup Poll: Public Opinion 1980, (Wilmington, Delaware: Scholarly Sources Inc., 1980) p. 102.

[74]Cutler cites re Neagle, 135 U.S. 1, and Durand v. Hollins, 8 Fed. Cases 111 in Dycus et al., National Security Law, p. 263.

either Committee prior to the commencement of Operation Desert One.

The final variable, ideology, explains why Armed Services played the role of conduit for House discussion rather than Foreign Affairs. Ideologically, the former has been both more conservative and hawkish than the latter. Stratton's resolution, co-sponsored by ten other HASC members is illustrative. The majority of HFAC members were not contemplating military force as a viable alternative as early in the crisis as the HASC, therefore, members-at-large looked to Armed Services for both guidance and a forum for discourse.

Phase II: Sustainment of forces (24 April 1980 - 25 April 1980)

Similar to the Saigon evacuation and the Mayaguez rescue operation, neither Committee played a role during this phase due to the nature of the conflict; the operation lasted less than one day.

Phase III: Decision to recall forces (25 April 1980)

The nature of the conflict dictated that the President, in conjunction with the on-site military commander, would decide when US forces would be recalled. Colonel Charlie Beckwith made this decision at the Desert One staging area on 25 April.[75]

Phase IV: Retrospective Assessment

Roles played:

Inspector General (HASC)

[75]Beckwith., Delta Force, p. 254.

Grievance Court (HASC)
Judge and jury of the administration's actions (HASC)
Bellwether for implementing changes (HASC)
Investigation Team (HASC & HFAC)
Judge of the administration's conduct (HFAC)

The aftermath of the Desert One operation is the most important section of methodological analysis in the entire dissertation. It demonstrates that the nature of the conflict, namely number of casualties and institutional norms, have a greater effect upon roles performed by either Committee and indeed Congress than does partisanship. It is also the first unmitigated failure examined thus far. The first two roles, inspector general and grievance court, are usually reserved for Phase II and III respectively, however, the brevity of the mission made this impossible. In its three closed session hearings, Armed Services assessed the mission requirements for CH-53 helicopters in the context of expected performance as provided in the relevant aircraft operating manuals. Committee members also received numerous criticisms from their House colleagues on the ineffectiveness of US forces. Although the Armed Services Committee did not produce its own report, it did privately pass judgment on the operation.[76] Of equal importance, the Committee performed three hearings after the rescue attempt in Iran resulted in eight fatalities; after the successful mission in Zaire, it performed none. In essence, the independent variable "partisanship" was held constant while

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[76]Interview with Congressman William Dickinson of the HASC.

the nature of the conflict increased as did HASC activism.

Its role as bellwether for implementing changes manifested in 1986 with the creation of Special Operations Command. Congress Dan Daniel (D-VA) of Armed Services galvanized House support for the new, independent, unified command using the failures of Desert One as his justification.[77]

Foreign Affairs' final hearings on the seizure of the US embassy in Teheran illustrate its role as an investigation team. Unlike the HASC, however, it examined both the decision to use force, and the administration's actions throughout the crisis.

Salient independent Variables:

Nature of the conflict
Institutional norms/organization

Eight US servicemen perished as a result of the Iran rescue operation. The US lost credibility as a superpower with friend and foe alike. As the two House Committees principally involved with use of force policy, it was their responsibility to investigate. However, an important independent variable had changed, perhaps altering the role played by Armed Services and Foreign Affairs; the administration was from the same party as the majority of both Committees.

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[77]Earl Hutto, member of the HASC, interview by author, Tape Recording, Washington, D.C., 18 April 1994.

Foreign Affairs and Armed Services, nevertheless, performed a comprehensive examination of the operation playing the same roles they had done regarding similar operations under Republican administrations. By doing so, they demonstrated that the institution of Congress has norms and customs in use of force policymaking that trump partisan impulses. Their actions were all the more impressive considering that public opinion ratings registered overwhelming support for the President's decision: 71% in favor to 18% against.[78]

Reagan's first decision to exercise his use of force authority also occurred in the Middle East, but under much more favorable conditions. Continuing his predecessors' legacy of securing peace between Israel and Egypt, the former Governor of California received abundant support from both House Armed Services and Foreign Afairs in sanctioning the creation of the Multinational Force and Observers (MFO) in the Sinai peninsula.

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[78]Gallup., The Gallup Poll: Public Opinion 1980, p. 102.

Chapter 4 - Section I: MULTINATIONAL FORCE AND OBSERVERS

Introduction

Elected president in 1980, Ronald Reagan seldom consulted with Congress before committing US forces to hostilities for three reasons.

First, he had won a convincing electoral victory over the incumbent, Jimmy Carter, by 51% to 41% of the popular vote.[1] Since Carter was considered weak on national security issues by a large number of the electorate, Reagan interpreted his victory as a mandate to increase the US's defense capability.[2] As such, congressmen had little electoral incentive to oppose him on national security issues.

Second, the Republicans held a majority in the Senate from 1981 through 1986. Unlike Carter's experience, members of Reagan's party supported his national security initiatives without having to be cajoled into doing so.

Third, the President was an effective communicator, capable of influencing popular opinion to his advantage. Often, Reagan circumvented Democratic opposition in the House by directly addressing the electorate via television.[3]

In sum, Reagan took decisions to use force autonomously because Congress had little power or incentive to oppose him. That said, both Armed Services and Foreign Affairs

[1]Richard A. Watson and Norman C. Thomas., The Politics of the Presidency, 2d ed., (Washington, D.C.: CQ Press, 1988), appendix A.

[2]See for example Edwin Meese III., Chapter 12 "The Man Who Won the Cold War," With Reagan: The Inside Story, (Washington, D.C.: Regenery Gateway, 1992), pp. 163-173.

[3]For example, Reagan delivered televised addresses on the Nicaraguan Contras, communist threat in Grenada, and SDI.

played an intrusive role in the President's use of force policy in the latter three phases of force employment in those cases when the conflict began to resemble Vietnam - i.e. Lebanon.

Distinctive Characteristics

Reagan's decision to send US military forces to participate in the Multinational Force and Observers (MFO) in the Sinai Peninsula is the only case where he consulted with Congress prior to deploying troops to hostilities. Like George Bush prior to the Persian Gulf War, he made his request for statutory authorization, however, knowing that approval was imminent. The President's confidence can be explained by the nature of the conflict and historical precedent. Nature of the conflict comprises locality, lethality of weapons, (expected) number of casualties, and (expected) duration. In sum, the mission was of low intensity in a region important to US interests, therefore; congressional support was forthcoming. Only its duration caused skepticism among lawmakers.

In addition to Latin America, US forces have been sent into hostilities in the Middle East more often than any region in the world from 1975 to 1991. Even dating back to the 1950s, US policymakers have recognized the economic significance of the region, and the affiliation its citizens share with the Jewish state of Israel.[4] Liberal members of

[4]In 1958, Congress passed the Middle East Resolution which stated that "if the President determines the necessity thereof, the United states is prepared to use armed force to assist" victims of communist aggression in the Middle East in James L. Sundquist., The Decline and Resurgence of Congress, (Washington, D.C.: Brookings Institution, 1981), p. 115-116.

Foreign Affairs including Mel Levine (D-WA), Robert Torricelli (D-NJ), and Howard Berman (D-CA) typically opposed to using force, have frequently considered defending Israel an exception.[5]

US forces were not equipped for extensive combat operations. The MFO was to comprise no more than 1,200 US soldiers including eight hundred infantrymen.[6] This was a small expedition, for example, when compared to the force assembled to invade Grenada in 1983.[7] In addition, only small arms including machine guns and pistols were to be carried by US forces. No heavy equipment such as artillery, tanks, or fighter aircraft was necessary.

The Sinai was not a combat zone per se. Israel and Egypt had maintained peace in the peninsula for eight years dating from the Yom Kippur War cease fire. In addition, Israel voluntarily left the Sinai in accordance with the Camp David Treaty signed in 1977. As a result of the frequent peaceful overtures exhibited by both countries, members of the executive and legislative branches were not apprehensive that US servicemen would be killed or injured while keeping the peace.[8]

The final element of nature of the conflict, duration, caused some hesitation by the legislature since the mission

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[5]Fred Barnes, reporter for The New Republic, interview by author, Tape Recording, Washington, D.C., 23 March 1994.

[6]Congress, House, Committee on Foreign Affairs, HJR 349: Multinational Force Observers Participation Resolution, report, 97th Cong., 1st sess., 2 November 1981, p. 6.

[7]Approximately 3,000 US service members participated in Operation Urgent Fury, the invasion of Grenada.

[8]Floyd Spence, HASC ranking minority member, interview by author, Tape Recording, Washington, D.C., 16 March 1994.

was open ended. Two factors, however, assuaged congressional fear. Other aspects of the operation superseded the possible negative effects that may have been caused by a long term military commitment, and several nations were to contribute personnel and money to the operation.

In sum, The US was to deploy a light force to a region critical for US interests with significant assistance from allies and friendly nations; the nature of the conflict was, therefore, ideal for congressional-executive cooperation. Foreign Affairs took no chances, however, drafting legislation with numerous provisions meant to prevent repeating mistakes committed during the war in Vietnam.

Overview of HFAC and HASC Roles

Foreign Affairs and Armed Services played five distinct roles in Phase I. Their most significant role in this case, however, was that of barometer for congressional convictions. Throughout the decision to provide statutory authorization for US participation in the MFO, both Committees convened numerous trips, hearings, and briefings in addition to favoring several legislative proposals dating back to the conclusion of the Yom Kippur War in 1973. They provided constant and consistent support for the administration's initiatives signaling to three successive presidents that Congress was willing to expend considerable resources to ensure peace between Israel and Egypt.

In addition to barometer for House convictions, both Committees acted as an internal discussion panel and recipient and disseminator of information from the administration.

Foreign Affairs' role was not, however, limited to either use of force policy or mere discussion. As gatekeeper, it considered legislation requesting greater security assistance for both Israel and Egypt, and a civilian observer mission to monitor an early warning system. By reporting these requests favorably to the House floor, the HFAC corroborated my earlier argument that both Committees affect use of force policy via their actions in other realms of foreign and national security policymaking. In this instance, Foreign Affairs support for increased security assistance signified congressional support for more controversial measures including US peacekeepers.

Finally, by remaining at the forefront of congressional decisions on US national security policy in the region, the HFAC and HASC served as the bellwether for House initiatives.

Phase II of US participation in the MFO has lasted more than a decade, and been dominated by Armed Services. As the principal oversight entity for the Defense Department in the House, Armed Services has served as inspector general since US troops arrived in the Sinai. An example of the Committee serving in this capacity was its investigation of a plane

crash in 1985 that killed 248 infantrymen returning from their six month tour with the MFO.[9]

Because the mission continues today, analysis of Phase III and IV is inapplicable.

Historical Analysis

With few exceptions, Israel and Egypt have demonstrated a sincere desire to maintain peace between their respective nations since the end of the Yom Kippur War. The executive branch has provided numerous incentives to reward this behavior including diplomatic, economic, personnel, and military support. Armed Services and Foreign Affairs have consistently supported the administration's initiatives, and shared its belief that the US is crucial for an Egyptian-Israeli peace. The purpose of the next several sections is, therefore, fourfold:

(1) to provide a brief history of the end of the Yom Kippur War;

(2) to identify examples of actions taken by Egypt and Israel demonstrating their desire for peace;

(3) to demonstrate that Armed Service and Foreign Affairs were convinced both nations were serious about peace, and how the Committee conveyed their conclusions to the House and the administration, and;

(4) to identify the four key legislative initiatives supported by Foreign Affairs that implicitly signaled the administration that congressional support for deploying US forces would be granted if requested.

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[9]The Committee did not publish its findings, but a member of the HASC's minority professional staff recalled the investigation. Interview by author, Tape recording, Washington, D.C., 16 March 1994. For information on the fatal plane crash see The Multinational Force and Observers: Servants of Peace, (Rome, Italy: Office of Personnel and Publications, MFO, 1993) p. 14.

The Yom Kippur War cease fire - Armed Service and Foreign Affairs begin participation

After sixteen days of warfare, the Israeli and Egyptian governments agreed to a cease fire in October 1973.[10] The UNSC immediately passed a resolution establishing the United Nations Emergency Force (UNEF) while the UN General Assembly created the United Nations Disengagement Observer Force (UNDOF). The intention of both forces was to monitor the new Arab-Israeli peace.

The US government participated in two ways. First, it provided air transport for ground forces assigned to both missions; and second, it contributed $2.2 billion in funding. Foreign Affairs was intricately involved in the latter task because funding was derived from an Emergency Economic Assistance Act. This was the first of four relevant legislative proposals the Committee reported favorably that indicated House support for extensive US involvement in the Middle East.[11] Armed Services also quickly responded to the cease fire establishing a Special Subcommittee on the Middle East "to asses the military situation in the area and to evaluate the military lessons for US Armed Forces."[12] Actions taken by both Committees subscribe to arguments presented in the first chapter.

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[10]Unless otherwise indicated, all information in this section is taken from Congress, House, Committee on International Relations, HJR 683: To Implement the United States Proposal for the Early- Warning System in Sinai, report, 94th Cong., 1st sess., 6 October 1975, pp. 4-7 and Walter Isaacson., Kissinger, (New York: Simon & Schuster, 1992), p. 511-545.

[11]PL 93-199 "The Emergency Assistance Act of 1973."

[12]See Congress, House, Committee on Armed Services, Report of the Special Committee on the Middle East, report, 94th Cong., 1st sess., 11 March 1975, p. 1.

As the manager of the foreign assistance act - and its ancillaries - Foreign Affairs can influence foreign policy by its reports to the House floor. In this instance, it reported the legislation favorably. Armed Services typically assesses US force employments in an effort to determine lessons for future operations. After the Yom Kippur War, it examined the performance of US equipment and tactics used by Israel to fight against the Soviet made weapons used by Arab forces.[13] The role played by Armed Services whether in the aftermath of Yom Kippur or the invasion of Panama was the same: investigation team. A general point is, however, more important. Both Committees became involved with various aspects of the Israeli-Egyptian peace process at an early stage, eight years before Congress approved legislation permitted US forces to participate in the MFO.

Egypt and Israel: More peaceful overtures

Israeli forces continued to encircle Egypt's Third Corps after the initial cease fire in late 1973. On 18 January the following year, the two countries signed an agreement to disengage their troops along the Suez canal within the framework of a peace conference that had recently convened in Geneva. Crafted by Henry Kissinger, the Sinai Disengagement Treaty sent a second UN Emergency Force (UNEF II) to the peninsula to supervise the agreement. Again, the US government provided air transport, but no ground forces.

[13]Former HASC Staff Director, interview by author, Tape Recording, Washington, D.C., 5 April 1994.

Ten days later, Israel lifted its siege on Egypt's Third Corps followed on 10 January by a message from Prime Minister Golda Meir asserting that her country had no interest in those territories it had occupied since 1973.

The US increased international community's hope for peace between Israel and Egypt by renewing full diplomatic relations with the latter after a seven year hiatus. President Sadat of Egypt reciprocated by announcing that his country would no longer rely solely upon the Soviet Union for its military arsenal.

The following month, May 1974, Syria and Israel signed a peace agreement that is significant for two reasons. First, it occurred at a time that the executive and legislative branches considered Arab-Israeli peace as one in the same because several Arab nations had participated in the Yom Kippur War. By the mid-1970s, however, both Congress and subsequent administrations differentiated between the Arab-Israeli peace process (often in serious disarray), and the Egyptian-Israeli peace process (steady, consistent, and sincere). During its 1978 trip to the region, a delegation from Armed Services, for example, highlighted the differences between the two in its report to the full Committee emphasizing its belief in the latter and skepticism about the former.[14]

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[14]Congress, House, Committee on Armed Services, Report of the Delegation to the Middle East and Africa, report, 95th Cong., 6 February 1978.

Second, the Secretary State briefed Foreign Affairs on the Middle East peace process on 4 June demonstrative of its role as recipient of information from the administration.[15]

Early US Commitment

Throughout the eight years between the Yom Kippur War and the assignment of US forces to the MFO, the government has committed itself to providing economic and security assistance for both Egypt and Israel in an effort to ensure peace. With both nations experiencing economic prosperity, and confident in their defense capabilities, it was thought that there would be little incentive for the other to attack. When informed about these commitments, Armed Services and Foreign Affairs have supported the administration's initiatives unequivocally. The only dispute occurred in October 1975 when members of Senate Foreign Relations discovered that President Nixon and Secretary of State Kissinger had secretly pledged to defend Israel from armed attack in exchange for peace agreements.[16] Members from both the SFRC and the HIRC were upset that the executive branch acted without consulting either Committee, in short, disrespecting Congress' legitimate role in crafting US foreign policy.

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[15]HIRC, HJR 683: To Implement the United States Proposal for the Early-Warning System in the Sinai, 6 October 1975, p. 5.

[16]Department of Defense, Pentagon Reading Room, "Memorandum of Agreement Between the Governments of Israel and the United States: 1 September 1975" and 3 October 1975 Senate Foreign Relations Committee press release Document No. 347.

Foreign Affairs as Gatekeeper: Part I - Financing the Second UNEF

The next two sections will illustrate how Foreign Affairs influenced US policy toward Egypt and Israel in its role as gatekeeper.

On 29 November 1974, the UNSC extended the mandate of the UNDOF for six months; it had extended the UNEF's mandate a month earlier for the same period. The US was to provide 28.9% of the necessary funds.[17]

The Senate and House passed different versions of a bill providing the US's share of funding during the summer of 1974, but Congress adjourned before House International Relations and Senate Foreign Relations could convene a Conference Committee. The following spring, members of International Relations introduced HR 5457, the second of four relevant legislative proposals approved before Congress granted statutory authorization for US participation in the MFO. The bill authorized $28,837,000 for payment of UN peacekeeping operations in the Middle East.[18] Committee members were comforted by an announcement made by Sadat four days later on 29 March stating that he would honor the renewed mandate. Sadat's actions toward Israel until his tragic death in October 1980 consistently enhanced congressional and presidential confidence in the possibilities for peace.

[17]Unless otherwise indicated, all information in this section is taken from Congress, House, Committee on International Relations, HR 5457: Authorizing United States Funding for United Nations Middle East Peacekeeping Forces, 94th Cong., 1st sess., 8 April 1975.

[18]HR 5457 was co-sponsored by Edward Derwinski (R-IL) and Donald Fraser (D-MN) of the HIRC.

The Subcommittee on International Organizations met on 8 April to mark-up HR 5457, reporting it to full Committee by voice vote. The full Committee replicated the action taken by International Organizations, reporting the bill to the House floor by a voice vote. On 9 June, the House passed a Senate substitute, S 818, by a 350 to 21 vote, with Ford's signature coming ten days later.[19] Ford stated a week before the signing that he "would work with Congress to give reality to this continuing peace" illustrating the spirit of comity that has marked congressional-presidential relations in this area since 1973.

Foreign Affairs as Gatekeeper: Part II - Early Warning System (SFM)

In its role as gatekeeper, Foreign Affairs has provided consistent support for the administration's initiatives in the Middle East. Thus far, those initiatives have consistedd only of requests for money to fund peacekeeping operations where no US ground forces were to involved. On 1 September 1975, however, Ford - continuing along the IIOS - requested approval for a more controversial project, one in which US personnel would be sent to the Sinai.

In identical letters transmitted to Israel and Egypt, the President proposed an early warning system that would be monitored and maintained by US civilian observers. Both states responded presently, signing the trilateral "Sinai II

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[19]HR 5457 became PL 94-37 see Congress, House, Committee on International Relations, Legislative Calendar, 94th Cong., 14 January 1975 - 1 October 1976.

Disengagement Agreement" with the US in Geneva on 4 September.

With approval from both involved states in-hand, Kissinger appeared before International Relations in open session to discuss the early warning proposal. The system consisted of two surveillance stations intended to provide strategic early warning with one operated by Israeli and the other operated by Egyptian personnel.[20] In support of these stations, US civilian personnel were to establish three watch stations providing maintenance for the electronic sensory equipment in addition to reports to the UNEF on any divergent or unusual actions taken by either side.

The briefing is in important in two respects: timing, and nature of the request. First, Kissinger approached Congress after Egypt and Israel had already approved the administration's proposal indicative of how the legislature follows the administration's lead in foreign policy. Second, International Relations was amongst the first committees briefed on early warning proposal emblematic of its institutional role at the forefront of national security policymaking.

Committee hearings followed shortly after the Secretary of States' briefing on 11, 18 and 23 September. Of utmost concern was protecting the civilian observers from harm, and imparting to the President that approving this request in no way authorized the administration to expand the US presence

[20]Unless otherwise indicated, all information in this section is taken from HJR 683: To Implement the United States Proposal for the Early-Warning System in the Sinai, 6 October 1975.

in the Sinai without specific congressional assent. Upset with the slow speed in which the Committee was acting upon his request, Ford transmitted a letter to International Relations on 30 September urging action on the early warning system.

The President catalyzed the Committee chairman, "Doc" Morgan and senior ranking minority member, William Broomfield, to introduce HJR 683 three days later. The bill provided 200 civilian technicians to operate the early warning system as entity to be known as the Sinai Field Mission (SFM). Specifically it was "to implement the US proposal for an early warning system in the Sinai," and was the third relevant bill the Committee considered prior to discussing US participation in the MFO.

International Relations reported the bill favorably by a 31 to 0 vote on 3 October. House approval of HJR 683 came on 8 October with a 341 to 69 vote, followed by Senate endorsement the following day by an equally impressive margin of 70 to 18. Only Clement Zablocki (D-WI) and Paul Findley (R-IL) of International Relations voiced their objections on the House floor introducing an amendment that would have terminated the mission after two years. The amendment failed; however, and the bill was signed by President Ford on 13 October.

It contained five important clauses that reflect the tension inherent in using force in the Middle East experienced by members of both Committees in Lebanon, the

Persian Gulf reflagging, and the Persian Gulf War. In sum, representavtives have recognized the strategic importance of region to US interests, but reamined fearful of repeating the mistakes of Vietnam. Zablocki's supplemental views presented in the Committee's report to the House are telling when he proclaims: "Any effort which may lead to lessening of tensions in this highly volatile area must be commended." But mindful of the negative consequences of the deployment, Zablocki concedes that "the resolution creates a US obligation of substantial magnitude and risk."[21]

The relevant clauses follow. First, only volunteers were to be used. Second, US personnel were to be removed immediately if Israel and Egypt began fighting. Third, nothing in the joint resolution either construed or constituted congressional approval of further US commitments to region. Fourth, the Congress could by concurrent resolution, terminate the mission if it determined US observers were in jeopardy, and fifth, the President was to report to Congress on the status of the SFM every six months.

In short, International Relations had crafted a document which reflected the congressional sentiment on US participation in hostilities in the post-Vietnam era: limited involvement, regular congressional oversight, and with a clear exit strategy.

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[21]Ibid., p. 25.

Armed Services as Recipient and Disseminator of information

While International Relations was busy acting as gatekeeper for legislative proposals regarding the Israeli-Egyptin Peace effort, the Armed Services Special Subcommittee on the Middle East embarked upon two additional visits to the region. As mentioned in an earlier section, the first visit occurred just after the Yom Kippur War, and allowed HASC members to assess the effectiveness of US equipment in combat. The following visits were equally important in three regards.

First, they demonstrate that Armed Service maintained a visible role in security assistance although officially International Relations had jurisdiction.

Second, their favorable reports, like those provided by the HIRC, affirmed the administration's assertions that Israel and Egypt sincerely desired peace. In doing so, the Committee signified that it would support requests presented by the executive, and attempt to persuade the House to do the same.

Third, since the delegation published its finding, their visits illustrate the Armed Services' role as recipient and disseminator of information. Often, congressional delegations do not publish their findings, limiting access to one or two committees rather than the House in its entirety; publishing alleviates this problem, and indicates a desire to inform.

The second Armed Services visit to the Middle East occurred between 6 and 17 February 1975 and included 18 members. The delegation:

> examined the military balance in the area at the time prior to the Sinai withdrawal when the fear of further confrontation was heightened and when a large request for additional military aid was pending in Congress.[22]

After discussion with the heads of both the Egyptian and Israeli governments, the Committee concluded that the two nations were well on their way to peace.

The third visit occurred between 6 and 22 November 1977 travelling to Egypt, Israel and Iran.[23] Ironically, the delegation arrived in Jerusalem on 8 November, the day before Sadat announced his willingness to visit the Israeli capital.

An interesting aside followed. As representatives of the US government, Prime Minister Menachem Begin of Israel used the congressional delegation as an intermediary between himself and Sadat presenting the Armed Services Committee Chairman, Melvin Price (D-IL), with a message to carry to Sadat when the they arrived in Egypt on 10 November. This dialogue eventually led to Sadat's visit to Jerusalem in late November 1977, the Camp David Accords signed in September 1978, and the Egypt-Israel Peace Treaty signed in March 1979. Although the Committee's role was marginal -

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[22]HASC, Report of the Special Committee on the Middle East, 11 March 1975, p. 1.

[23]Unless otherwise indicated, all information in this section is taken from HASC, Report of the Delegation to the Middle East and Africa, 6 February 1978.

passing a note from Begin to Sadat - its members enjoy taking credit for peace in the Middle East.[24]

But aside from the theatrics of covert shuttle diplomacy, the delegation drew three important conclusions from their visits to Israel and Egypt. First, they concluded that Israel appeared to be enjoying superior military capability in the region thus satisfying concerns from politically active Jewish groups in the US. Second, US manning of the SFM (discussed in the previous section as authorized by HJR 683) was critically important to maintaining the cease fire zone. Third, the delegation concluded that "1978 would be the crucial year in determining if war would break out."[25] HASC members surmised that five years after the Yom Kippur War, both sides were tired of negotiations, and would take a decision during this year to either accept peace or make war. The Committee did not, however, believe War was inevitable, but rather that 1978 would be the cataclysmic year either way. Finally, in order to maintain internal political stability, Egypt and to a lesser extent Israel, required security and economic assistance from the US or some outside entity. This final point leads to the fourth legislative initiative considered by Foreign Affairs prior to MFO participation.

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[24]Interview former HASC staff director, 5 April 1994.
[25]HASC, Report of the Special Committee on the Middle East, 11 March 1975, p. 12.

The Camp David Peace Accords and the Special International Security Assistance Act of 1979

The Camp David summit on the Middle East began on 4 September 1978. After a tumultuous two weeks of discussion with representatives from Israel and Egypt, Sadat, Carter, and Begin signed the Camp David Accords on 17 September.[26] Foreign Affairs' Subcommittee on Europe and the Middle East examined the significance of the meeting during a hearing entitled "Assessment of the 1978 Middle Camp David Agreements."[27] On 26 March, Sadat and Begin signed a treaty ending the state of war between the two countries that had been in effect since 1948. Two elements of this final agreement and the Camp David Accords are significant. The first is an agreement by Carter to provide additional security assistance for both the Egypt and Israel, the second is a clause in Annex I of the treaty calling for a UN force to monitor the peace settlement and will be discussed in the next section.

On 9 April 1979, Carter transmitted draft legislation to House Speaker Tip O'Neill and directly to the HFAC Chairman, Clement Zablocki, requesting additional security assistance for Egypt and Israel. The Speaker also received a letter on 24 April requesting permission to transfer the SFM's facilities to Egypt. Foreign Affairs amalgamated

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[26]Jimmy Carter, Keeping Faith: Memoirs of a President, (New York: Bantam Books, 1983), p. x.

[27]Congress, House, Committee on International Relations, Legislative Calendar, 95th Cong., 4 January 1977 - 15 October 1978, p. 8.

these two requests into HR 4035 "The Special Security Assistance Act of 1979." The Committee's role in passing this legislation demonstrated (for the fourth time) that it was willing to expend resources to secure peace in the Middle East thus signaling the administration that it would support more imposing requests. It also indicates how little an effect partisanship had in the entire MFO process; both Ford and Carter had minimal difficulty in obtaining congressional support for their actions in the Egypt-Israeli peace process.

Two HFAC Subcommittees, International Security and Europe and the Middle East, conducted hearings on HR 4035 in late April and early May. The full Committee received testimony from the Defense Secretary and Secretary of State on 8 May with mark-up occurring two days later. In a show of unity, Foreign Affairs reported the bill favorably to the House by a voice vote. The Senate passed their equivalent to HR 4035 on 14 May by a 73 to 11 vote. House approval came later on 30 May, with a 347 to 28 vote.

The bill had five important provisions that were "in support of the peace treaty between Egypt and Israel" including:

(1) an additional supplemental authorization of $1.47 billion in security assistance;

(2) permission for the President to provide for construction of air bases in Israel to replace those it would lose upon vacating the Sinai;

(3) requirement that the President report annually on Egypt and Israel's ability to pay for assistance;

(4) like HJR 683 - the resolution establishing the early warning system - explicit clarification that nothing in the act signifies congressional approval of any other agreement made by the executive branch, and;

(5) a House Concurrent Resolution stipulating that other countries should provide financial support for the peace effort.[28]

Mimicking its actions in HJR 683, Foreign Affairs had crafted legislation permitting the administration to pursue its policy in the Middle East whilst ensuring a prominent oversight role for Congress.

Foreign Affairs and HJR 364: Providing statutory authorization for US participation in the MFO

> Congress considers the establishment of the MFO to be an essential stage in the development of a comprehensive settlement in the Middle East...[29]

That Foreign Affairs supported the administration's efforts to gain statutory authorization for US participation in the MFO is not surprising; the Committee had endorsed numerous initiatives regarding the Israeli-Egyptian peace effort since 1973. It is also not surprising that Foreign Affairs attached conditions to the resolution guaranteeing that US participation in the MFO would not replicate the mistakes of the war in Vietnam. The four clauses subscribing to this paradigm are apparent.

First, no more than 1,200 US servicemen could participate in the MFO. Second, if the UNSC could establish an acceptable force, it was to replace the MFO immediately. Third, the President was to report to Congress in writing on

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[28]Congress, House, Committee on Foreign Affairs, HR 4035: Special International Security Act of 1979, report, 96th Cong., 1st sess., 15 May 1979,

[29]Ibid., p. 5.

the status of the MFO every six months. These reports are transmitted to the House Speaker and President pro tempore of the Senate and in-turn referred to Foreign Affairs and Foreign Relations. Third, US forces were not to engage in combat activities including the Rapid Deployment Force (RDF) created in 1980 after the Soviet invasion of Afghanistan. The RDF was established to respond to crises in the Middle East and included the 82nd and 101st Airborne Divisions. Because the infantry units participating in the MFO were drawn solely from these two Divisions, Foreign Affairs specified that the two would not interact even if the RDF was deployed to hostilities. Finally, the Committee stipulated that nothing in the act was meant to detract from the President's additional reporting responsibilities as stated in the War Powers Resolution.

Annex I of the Egypt-Israel Peace Treaty stipulated that the Israelis were to leave the Sinai Peninsula with Egypt re-occupying a portion of the area it had lost during the 1973 War.[30] In addition, a UN peacekeeping force was to be positioned between the two countries. Wary that the UNSC would be unable to muster the necessary forces, President Carter sent identical letters to Israel and Egypt specifying that the US would form an acceptable alternative peacekeeping force should the need arise. Carter's letter did not, however, condition US assistance on congressional

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[30]The Multinational Force and Observers: Servants of Peace, pp. 33-35.

approval indicative of the legislature's secondary role in use of force policymaking.

In July 1979, Zablocki sent a letter to the Secretary of State asking if US forces were to be involved in the UN peacekeeping force alluded to in Annex I to which Cyrus Vance replied "no."[31] But by February 1981, it was apparent that the UN would be unable to meet its requirements, and that US forces would have to participate in an alternative peacekeeping unit. Illustrative of their role as recipient of information, Armed Services and Foreign Affairs then received one and three briefings respectively on the possibility of US troops participating in a peacekeeping force.[32] Keen members of Foreign Affairs also performed their own independent analysis on the efficacy of having US forces participate in a Sinai peacekeeping force. Lee Hamilton, for example, sent a letter to the Israeli ambassador in Washington, D.C. in June, asking if his government supported the idea. The Ambassador assured Hamilton that his government did so wholeheartedly.[33]

Almost two weeks after Hamilton received a reply to his letter, the governments of Israel, Egypt and the US signed a trilateral agreement establishing the MFO. Both the timing and the content of the treaty are significant. Armed

[31]Congress, House, Committee on Foreign Affairs, HJR 349: Creation of the Multinational Force and Observers (MFO) for the Sinai, hearing and mark-up, 97th Cong., 1st sess., 21, 28 July and 27 October 1981, p. 66.

[32]For HFAC briefings see Survey of Congressional Activities 94th-97th Cong. for HASC briefings see Full Committee Briefings, held by Ms. Nancy Jones, HASC professional staff, 2339 Rayburn House Office Building 94th-97th Cong.

[33]HFAC, HJR 349: Creation of the Multinational Force and Observers (MFO) for the Sinai, pp. 244-245.

Services and Foreign Affairs had received a total of four briefings in addition to performing various other forms of independent fact-finding before the treaty was signed. One cannot know what influence their actions had on the administration's decisions, but unlike most other force employments, the Committees had an opportunity to articulate their concerns before the executive branch unilaterally committed the US to action. More importantly, the agreement stipulated that the US contribution of both personnel (an infantry battalion and a logistics support group) and money ($60 million) was subject to congressional authorization and appropriations. As the House's foreign policy authorization committee, the effect of including the word "authorization" in the agreement was to guarantee an extensive role for Foreign Affairs.

The HFAC's Subcommittee on International Security and Scientific Affairs conducted two hearings on draft legislation creating the MFO on 21 and 28 July 1981. Most members from both parties supported the administration's plan, but because of a recess, the full Committee did not consider the resolution during August.

A cataclysmic event occurred on 6 October, expediting the authorization process. Anwar Sadat, the President of Egypt, was assassinated on that day. Within forty-eight hours, the Senate approved SJR 100, their bill establishing the MFO. On 13 October, SJR 100 was assigned to House Foreign Affairs full Committee, and renamed HJR 349. It is

difficult to determine if Sadat's death galvanized what had been a rather staid Foreign Affairs Committee. Media reports focused attention on the region emphasizing US efforts to maintain stability which did provide Reagan with the contextual advantage to press Congress for immediate statutory authorization.[34] But it is unclear that they would not have completed work on the bill by late October regardless of the changing context.

Nevertheless, Committee support, although slower than anticipated, was overwhelming. Concern regarding greater international participation was resolved on 21 October when Uruguay, Columbia, and Fiji agreed to send their forces followed by a 23 November announcement that France, the UK, and Italy would provide theirs. Subsequently, Foreign Affairs reported HJR 349 to the House floor by a unanimous 37 to 0 vote on 27 October. It then passed on the House floor six days later by a 368 to 13 vote. After the Senate conceded to minor changes in the House bill by a voice vote, President Reagan signed the bill into law on 29 December 1981.

The MFO arrived in the Sinai on 25 April 1982, and remains in operation today.

Methodological Analysis:

Phase I: Decision to use force (October 1973 - 29 December 1981)

Roles played:

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[34]See for example "US Role in Mideast: How far will it go?" US News & World Report (26 October 1981) p. 25.

Recipient and Disseminator of information (HFAC & HASC)
Internal Discussion panel (HFAC & HASC)
Gatekeeper for legislative proposals (HFAC)
Guardian of the WPR (HFAC)
Barometer for congressional convictions (HFAC & HASC)

Foreign Affairs played five of the roles presented in the introductory chapter whilst Armed Services played four. Typically, both Committees perform only the marginal role of well informed observer during this phase. In this case, however, the President (a) realized congressional support was a given and (b) wished to share complicity should the open-ended nature of the conflict become an issue.

The Committees' role as recipient and disseminator is evident by the number of hearings, briefings, trips and reports it conducted regarding the region from 1973 through 1981.[35] The following chart is helpful.

	Briefings	Trips	Hearings	Reports
Armed Services	1	3	0	3
Foreign Affairs	5	5	7	1

In total, both Committees received six briefings, participated in eight trips, held seven hearings, and issued four reports. Other forms of communication including the numerous telegrams, letters, and phone calls with members of the executive branch are not listed, but are equally

[35]Congress, House, Committee on Foreign Affairs and Committee on Armed Services, Legislative Calendars, 94th-97th Cong.

important in verifying Armed Services and Foreign Affairs' role as recipient and disseminator of information.

According to numerous interviews with members and professional staff from both Committees, they acted as internal discussion panels throughout the eight years.

Foreign Affairs performed its role as gatekeeper for legislative proposals five times including its report on HJR 364, providing statutory authorization for US participation in the MFO. In two instances, Foreign Affairs served as guardian of the WPR since it inserted clauses specifically stating that nothing in the act relieves the President of his duty to report under the Resolution.

Finally, Armed Services - via its three trip reports - and Foreign Affairs - via its five favorable legislative reports to the House floor - served as barometer for congressional convictions, signaling three administrations that the legislature considered Egyptian-Israeli peace critical to US interests.

Salient Independent variables

Historical precedent
Nature of the conflict
International support

US policymakers have historically considered stability in the Middle East to be a prerequisite for stability in the free world. Beginning with the Eisenhower administration, both the executive and legislative branches have authorized the use of American forces for this purpose.

But unlike the Middle East Resolution that provided vast discretion to the President in the use of US forces, Congress placed numerous conditions on Reagan's authority over the MFO. The rationale is plain; the legislature, especially Foreign Affairs and Aremd Services, wish to avoid the failures of Vietnam.

The most effective way to accomplish this goal is to simply prohibit any force employment. However, the nature of the conflict rendered such action inappropriate for four reasons. First, the location in which the MFO was to operate was crucial to US interests: financially, strategically, and culturally. Second, only 1,200 US troops were to participate with the assistance of at least eight other nations. Third, US servicemen would carry only light weapons, and finally, policymakers expected no casualties as a result of fighting between Egypt and Israel. The only contentious issue was duration, but since the MFO had a clear mission and was welcomed by both sides, statutory authorization was granted.

In the following chapter, we discover that in 1982, the Reagan administration felt that conditions in Lebanon were sufficiently peaceful to ordain US participation in the Multinational Force (MNF) along with Italy, the United Kingdom, and France. The mission was a complete failure, however, resulting in the loss of more than 200 Marines. The key difference was in the nature of the two conflicts: Lebanese factions did want peace, nor did they view the US

as a neutral participant as the Egyptians and Israelis did in the Sinai.[36] In addition, heavy weapons including fighter aircraft and naval artillery were used. Finally, although open ended missions can be effective, operations are seldom successful when there objectives are protean and ambiguous.

With respect to the sustainment phase, neither Committee has performed a hearing strictly dedicated to US participation in the MFO save for Armed Services' investigation of the 1985 plane crash. Moreover, as gatekeeper of the annual foreign assistance legislation, Foreign Affairs provides bi-annual authorization for America's share of the peacekeeping force. Lastly, the conflict's nature (more precisely, no combat related fatalities in more than a decade) offers little incentive for either Committee to increase its level of activity in the near future.[37]

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[36]Stansfield Turner, Terrorism & Democracy, (Boston: Houghton Mifflin Company, 1991). pp. 165-169.

[37]Apathy, however, is not limited to Congress. Asked how many articles he had written about the MFO during his five years as The New York Times' Penatagon correspondent, Eric Schmiit responded "zero." Interview by author, Tape recording, Washington, D.C., 11 April 1994.

Chapter 4 - Section II: LEBANON

Overview of HASC and HFAC roles

The Lebanon peacekeeping and peacemaking operation exemplifies the pattern of Foreign Affairs' and Armed Services' activity during the Reagan administration. Initially, both Committees performed only marginal roles in formulating US policy, but as the conflict's nature intensified, their participation increased dramatically. However, even with what was probably the highest measure of contextual advantage of all the cases studied, Congress did not require the President to withdraw US forces from the military operation in Lebanon.

Armed Services

Throughout Phase I, Armed Services' role in the conflict was limited - an example of Price's thesis about deferring to presidential initiative in the making of force employment policy.[1] Instead, the Committee merely acted as a well informed observer of the administration's actions.

During the early portion of the sustainment phase, the Committee's activity increased, but again, members of Armed Services made most of their criticisms of the administration's policies in private. An illustration of typical HASC-executive relations at this juncture occurred when Sam Stratton (D-NY), having recently completed a trip to Marine facilities in Lebanon, visited Casper Weinberger

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[1]HASC professional staff member, interview by author, Tape recording, Washington, D.C., 17 September 1992.

in the Pentagon to discuss his grievances.[2] Stratton met with the Defense Secretary once more before the 23 October bombing, and was on that occasion accompanied by three of his colleagues: Representatives Beverly Byron (D-MD), Bill Nichols (D-AL), and Sonny Montgomery (D-MS) whose purpose was to reiterate Armed Services' anxieties about security arrangements for the Marines in Lebanon.[3]

Phases III and IV were interrelated. After the 23 October bombing, members of Congress and the administration divided over the need to remain in Lebanon to demonstrate US resolve (sustainment phase) or redeploy American forces stateside in order to prevent "another Vietnam" (recall phase).[4] Functioning as a grievance court, members of Armed Services were subjected to considerable pressure from their House colleagues - especially those members with constituents injured or killed in the 23 October bombing - to reevaluate current policy.[5] Acting as an investigation team, Committee members obliged their fellow representatives' requests by conducting hearings in early November and December followed by a comprehensive report in mid-December.[6]

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[2]Congress, House, Committee on Armed Services, Terrorist Bombing at Beirut International Airport, report, 98th Cong., 2d sess., 31 Jan 1984, House report 98-28, p. 7.

[3]Representative Beverly Byron, interview by author, Tape recording, Washington, D.C., 20 April 1994.

[4]Messrs. Baker and Weinberger both indicated during their interviews with the author that members of the administration discussed ending US participation in the MNF immediately following the bombing. Several members of the HASC professional staff said the same was true for the Committee.

[5]HASC professional staff member, interview by author, Tape recording, Washington D.C., 7 August 1992.

[6]Congress, House, Committee on Armed Services, Investigations Subcommittee, Review of Adequacy of Security Arrangements for Marines in Lebanon and Plans for Improving that Security, hearing, 98th Cong., 1st sess., 1, 2, 12, and 13 November and 8, 9, 14, and 15 December and

Armed Services did not perform a formal assessment of the administration's actions after the conflict subsided. The rationale is plain: having already conducted extensive hearings and issued a report, Committee members believed additional analysis to be unnecessary. However, several congressmen referred to mistakes committed throughout the operation in Lebanon when they discussed the Pentagon Reorganization Act of 1986.[7]

Foreign Affairs

During Phase I, members of Foreign Affairs discussed President Reagan's decision to deploy US forces to Lebanon, but with little hope or prospect of making any substantive changes had they disagreed with him. They too acted as well informed observers. The administration had little incentive to accept Foreign Affairs' claims of authority to shape US policy in Lebanon: Reagan enjoyed high levels of public support, and the conflict's intensity was low (at least in the operation's early stages).

During Phase II, Foreign Affairs played a significant role in designing legislation to provide congressional assent for the deployment. In its role as gatekeeper and barometer of congressional convictions, the Committee favorably reported two resolutions to the House floor on US forces in Lebanon; both were subsequently voted into law.[8]

Congress, House, Committee on Armed Services, Adequacy of USMC Security in Lebanon, report, 98th Cong., 2d sess., 19 December 1983, Committee Print 11.

[7]HASC professional staff member, interview by author, Tape recording, Washington D.C., 21 September 1992.

[8]PL 98-43 (HR 2532) on 27 June 1983 provided security assistance funding and required the President to obtain statutory authorization to increase the number of US forces in Lebanon while

Phase II, the sustainment of forces, and Phase III, the decision to recall forces, were again intertwined; as with Armed Services, Foreign Affairs' level of activity increased at this point. Mimicking their colleagues on Armed Services, an individual from Foreign Affairs visited the site of the bombing, demonstrating the Committee functions both as a recipient of information and investigation team.[9] Serving as both gatekeeper and conduit for House discussion, the HFAC also held hearings to consider alternative policies.

With legislation referred to it by the Speaker of the House, Zablocki and his colleagues from Foreign Affairs examined the administration's policies in Lebanon.[10] Most indications from both the press and the public were that the mission should be ended immediately, but the Committee refused to report legislation requiring the President to redeploy forces to the US.[11] The hearings did, however, provide House members with a forum for discussion indicative of Foreign Affairs role as disseminator of information.

The Committee's decision not to report legislation demonstrates that, even after the Vietnam War, congressmen remain reluctant to challenge the president in conducting use of force policy. Despite having the contextual

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PL 98-119 (HJR 364) passed on 12 October 1983 and triggered the War Powers Resolution for eighteen months.

[9]Gerald Solomon (R-NY) visited Lebanon on 30 December 1983. Office of the Clerk of the US House of Representatives, Report of Expenditures for Official Foreign Travel, 1983-1984.

[10]Congress, House, Committee on Foreign Affairs, Crisis in Lebanon: US Policy an Alternative Legislative Proposal, hearing, 98th Cong 2d sess., February 1984,

[11]In early February, 74% of those polled wanted the Marines to returned to the US. George Gallup, Jr., The Gallup Poll: Public Opinion 1983(Willmington, Delaware: Scholarly Resources Inc., 1983), p. 60. and articles

advantage to assert itself, the legislature did not require the president to terminate combat operations. Lebanon is the most stark example of the legislature's disinclination to act: if Congress would not impose its will after 241 US citizens were killed, it is unlikely to do so under less grave circumstances.

Like Armed Services, Foreign Affairs did not perform formal analysis following the withdrawal of US forces from Lebanon. The Committee had previously reported legislation invoking the War Powers Resolution, therefore, additional examination on compliance would have been superfluous.

In sum, both Committees subjected to the roles presented in the introductory chapter, increasing their respective levels of activity when the conflict began to resemble Vietnam.

Historical analysis of events

Instability and controversy in Lebanon dates back to a precarious balance of power between Christians and Muslims maneuvering for political control after gaining independence from France in 1946. A violent coup erupted in Iraq twelve years later prompting President Eisenhower to send 14,300 Marines to Lebanon in July to protect American lives and the sovereignty of the Lebanese government. In October, the Marines returned to the United States, but turbulent activity in the region persisted.[12] By 1970, King Hussein had ejected the Palestine Liberation Organization(PLO) from

[12]Casper Weinberger, Fighting For Peace: Seven Critical Years in the Pentagon, (New York: Warner Books, Inc., 1990), p. 136.

Jordan; the PLO, in turn, infiltrated Lebanon. Shortly thereafter, a civil war began in Lebanon with a fragile peace - brokered by the Arab League - following in 1976.

In July of 1981, Reagan negotiated a cease-fire between Israel and Syria hoping for as much success in the Middle East as Carter had enjoyed two years earlier.[13] Unfortunately for Reagan's plan, just as the Egyptian-Israeli Peace Treaty had taken effect in April 1982, the Israelis invaded Lebanon - ostensibly in response to PLO activity in Israel. Some political analysts such as William Quandt of the Brookings Institution, argue that Menachem Begin, then the Prime Minister of Israel, needed an excuse to impede peace talks with other Middle East countries.[14] Intense deliberation with the parties involved, led by US envoy to Lebanon, Philip Habib, yielded an agreement to withdraw all PLO freedom fighters from Lebanon whilst simultaneously ensuring the withdrawal of Israeli forces. On 25 August 1982, the first Multinational Force (MNF) was established to administer the withdrawal of PLO forces without prior congressional consent. The MNF consisted of 800 French, 400 Italian and 800 American servicemen. Reagan delivered a televised address to explain his action to the American people on 1 September.[15] Shortly before his

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[13]William B. Quandt, "Reagan's Lebanon Policy: Trial and Error," The Middle East Journal Vol 38 No 2 (Spring 1984): pp. 237-239.

[14]Ibid., pp. 240-243.

[15]Public Papers of the President, Ronald Reagan, 1982 (Washington D.C.: GPO, 1983) 1 September 1982.

address, came the first involvement of Congress which intimately involved Foreign Affairs.

Initial Involvement by Foreign Affairs

On 17 and 22 June 1983, Foreign Affairs conducted hearings on HR 6631: "The Lebanon Emergency Relief, Rehabilitation, and Reconstruction Assistance Act".[16] By it, Congress gave the President authorization to "furnish assistance, on such terms and such conditions as he may determine,... [with emphasis on] food, medicine, clothing, shelter, and water supply systems."[17] PL 97-28 was to replace section 495C of PL 94-329, the International Security Assistance and Arms Control Act of 1976, and increased the authorized level of funding in Lebanon from $20,000,000 to $50,000,000 per annum.

There are two important points to be considered when examining this episode: although the act gave no explicit support for the military operation in Lebanon, as an alternative from the IIOS, it did provide a clear indication of Congress' desire to sustain US' objectives in Lebanon. Foreign Affairs performs here, one of its roles for the first time. As the gatekeeper of the International Security Assistance Act, the Committee can significantly influence the content of bills and resolutions referred to it.

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[16]PL 97-28 passed on 30 June 1983. The Lebanon Emergency Relief, Rehabilitation, and Reconstruction Assistance Act, Joint Committee Print (GPO, 1991), included in Legislation on Foreign Relations Through 1990 Vol 1., Committee on Foreign Relations and Committee on Foreign Affairs, p. 431.

[17]Ibid.

Also in its role as gatekeeper, the Committee favorably reported yet another act providing supplemental assistance for the Lebanese on 19 May 1983. "The Lebanon Emergency Assistance Act of 1983" (HR 2532) provided $150 in economic support funding (ESF), $1 million for international military education training (IMET), and $100 million in foreign military loan guarantees (FMS).[18] This proposal differed from the previous humanitarian assistance act in authorizing funding for security assistance, and stipulating that the President must gain congressional approval before increasing the number of US forces deployed to Lebanon.[19] The first change represents escalation along the IIOS from a less controversial increase in humanitarian relief, to the more controversial alternative of increasing funding for military assistance. Foreign relations' legislation was, however, interpreted differently by factions in Lebanon and the US electorate.

The Committee's intention was to reassure the American public that the Lebanese would retain responsibility for their own security, and that American forces would not have

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[18]FMS - Defense articles and services purchased with cash, credit, or grants from the US government by a foreign government or international organization.

IMET - Training of foreign military students both over seas and in the continental US, including cost of training aids and materials associated with such training.

ESF - Money intended to promote economic or political stability, but not authorized by other foreign assistance legislation such as humanitarian relief.

In the Pentagon Reading Room, Department of Defense Security and Assistance Agency, Foreign Military Sales, Foreign Military Construction Sales, and Military Assistance Facts, As of September 30, 1992 and Congress, Committee on Foreign Relations and Committee on Foreign Affairs, Legislation on Foreign Relations Through 1992, April 1993, p. 209.

[19]Congress, House, Committee on Foreign Affairs, Lebanon Emergency Assistance Act of 1983, report, 98th Cong., 1st sess., 19 May 1983, p. 7.

to assume control. For some groups in Lebanon, however, it represented a US abrogation of its pledge of neutrality.

HR 2532 was one of the rare occasions were legislation dealt directly with the regulation of US forces in hostilities:

> as amended [this act] requires the President to obtain statutory authorization from Congress with respect to the introduction of US Armed Forces into Lebanon in conjunction with any agreements providing for the withdrawal of all foreign troops from Lebanon and for the creation of a new, more permanent multinational peacekeeping force in Lebanon.[20]

Foreign Affairs attempted to specify conditions under which consultation should occur:

> to the maximum extent possible the Committee intends that the executive branch request authorization before US Armed Forces are stationed in Lebanon as part of such a peacekeeping force...the committee would expect full consultations with the Congress in a timely fashion should any such change be contemplated in the status and mandate of US peacekeeping forces [already] stationed in Lebanon.[21]

The bill reflects Congress' unease with initiatives that may be construed as risking the welfare of troops deployed in hostile circumstances: hence it merely restricts changes in the status quo. It also indicates that the War Powers Resolution is not the only legislative instrument with which Foreign Affairs may regulate the sustainment of US forces deployed in hostilities.

Protean Objectives: The Second Deployment

Upon successfully overseeing the last PLO fighters evacuated from Beirut and the withdrawal of US Marines,

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[20]Ibid.
[21]Ibid.

American policymakers suffered a grave setback four days later when the President of Lebanon, Bashir Gemayel, was assassinated on 14 September 1982. Subsequently, Lebanese forces (from the pro-Israeli Phalangist Christian group) entered the Palestine refugee camps of Sabra and Shatilia to exact revenge for their fallen leader, a move which Israel was extremely slow to react and which led Begin to dismiss the Israeli Defense Minister, Ariel Sharon.[22] A month before Gemayel's death, Foreign Affairs had held hearings entitled "The use of US supplied Military Equipment in Lebanon" in an attempt to examine Israel's use of American arms against Lebanese factions.[23] The Committee received detailed information on Israeli use of such arms in the invasion of Lebanon to determine if it had violated the Arms Export Control Act. Here is further evidence of how Foreign Affairs can remain active in foreign policy (utilizing other options from the IIOS) on those issues related to the use of force without directly challenging administration policy.

On 29 September 1982, the MNF returned to Lebanon. Reagan had increased the number of US Marines from 800 to 1200 with the other participating nations enacting similar enlargements. At the request of the Israeli government, Reagan opted not to join the UN team already deployed at the

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[22]Quandt, "Reagan's Lebanon Policy," p. 242.

[23]Congress, House, Subcommittee on International Security and Scientific Affairs and Subcommittee on Europe and the Middle East, The Use of US Supplied Equipment in Lebanon, hearing, 97th Cong., 2d sess., 15 July and 15 August 1982, p. 1.

Israeli-Lebanese border.[24] Thus in neither multilateral Middle East peacekeeping/peacemaking operations, the MNF and MFO, did the US operate under UN auspices; nor did it do so during the Kuwaiti reflagging or the liberation of Kuwait.

The primary objective of the second MNF was to position itself between the Syrians, Lebanese and the Israelis as a means of restoring the government of Lebanon's sovereignty and ultimately monitoring the removal of all foreign troops. Congress received notification of this movement by the President on 29 September, further supporting the argument that the legislature plays a very small role in the actual decision to employ force.[25] Unlike Armed Services, Foreign Affairs received a specific announcement from the President. The HASC established a small cell comprising four professional staff members to monitor the conflict; they were in constant contact with various executive agencies including the State Department, Joint Staff, Central Intelligence Agency and Department of Defense.[26] Their main purpose was to keep the Committee leadership and membership informed, but also organized many of the briefs provided by administration officials for the entire House.

Representative Ike Skelton (D-MO) wrote to President Reagan on 2 December 1982 expressing concern that the administration might increase the size of the US contingent.

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[24]Weinberger, Fighting For Peace, p. 154.

[25]Congress, House, Committee on Foreign Affairs, Legislative Calendar, 97th Cong., January 1981 - December 1982, House Document 97-243. p. 13.

[26]HASC professional staff member, interview by author, Tape recording, Washington D.C., 21 September 1992.

The Congressman concluded his correspondence requesting that the President "keep our troops home this Christmas".[27] Powell Moore, Assistant Secretary of State for Congressional Relations, responded to Skelton's letter stating that "to date no decision has been made to increase the US's contribution to the MNF."[28]

Skelton's stance is significant on the grounds of ideology, timing, and concluding request. He generally supported the administration's national security policies and was one of its key Democratic allies.[29] As a conservative Democrat from Armed Services rather than a liberal one from Foreign Affairs, the administration was more likely to attach importance to his view. Furthermore, the letter was sent just three months into the deployment, and reflected congressional resistance to long-term military commitments. Reagan addressed the nation on 23 March 1983 in an attempt to solidify public support for US involvement in the second MNF.[30] Three weeks later on 18 April, the US embassy in Beirut was bombed, killing seventeen Americans and thirty-three Lebanese. Within weeks, Foreign Affairs conducted hearings to investigate security weaknesses present at the time of the bombing.[31] By the seventeenth of

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[27]Congress, House, Congressional Record, 98th Cong., 1st sess., 28 September 1983, p. H 26155-26157.

[28]Ibid.

[29]File on "Recommended Phone Calls" by William Ball and Kenneth Duberstein, FI004 FG013, Ronald Reagan Library.

[30]Public Papers of the President, Ronald Reagan, 1982 (Washington, D.C.: GPO., 1984) 23 March 1983.

[31]Congress, House, Committee on Foreign Affairs and its Subcommittee on International Operations, U.S. embassy bombing in Beirut, hearing, April 1983, 98th Cong., 1st sess.

May, the new Lebanese president, Amin Gemayel (brother of the former president) had agreed to a cease fire with Israel, on the assurance that Israel would withdraw its troops. Syria too was to leave.

Invoking the War Powers Resolution

Events in Beirut became more precarious with the death of four Marines over a period of two weeks in August 1983.[32] By mid-September, concerned about the chances of public backlash over their policy, the administration initiated talks with congressional leadership to win support for US policy.[33] Reagan submitted two reports to Congress, explaining the deaths of the Marines but announcing that US air power and artillery could be used to defend both Marines and important positions for Lebanese government forces.[34] This shift in policy fundamentally changed America's role in Lebanon as perceived by those factions involved in the fighting and increased the intensity of the conflict. Thereafter, US forces were no longer considered neutral by the Druze, Shias and other Muslim groups but rather, allies of the pro-Israeli Phalangist Christians and the Lebanese government forces.[35]

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[32]Robert A. Katzmann, "War Powers: Toward a New Accommodation," in A Question of Balance: The President, the Congress and Foreign Policy, ed. Thomas E. Mann (Washington D.C. The Brookings Institution, 1990), pp. 58-59.

[33]Quandt, "Reagan's Lebanon Policy," p. 245.

[34]Report to Congress on Marine deaths can be found in House Document 98-100 of the Committee on Foreign Affairs, Legislative Calendar, 98th Cong. p. 10 and Weinberger, Fighting For Peace, p. 157.

[35]HASC professional staff member, interview by author, Tape recording, Washington D.C., 21 September 1992.

Summoned by Foreign Affairs, Secretary of State George Shultz briefed the House on events in Lebanon on 14 September.[36] Within a week, Reagan's new policy was implemented when US naval guns fired upon Syrian-held territory. Naval firepower was also directed at the Druze, an anti-government faction, to prevent Lebanese forces from losing a strategic town near the Sug al-Ghrab.

Many members of Foreign Affairs, especially Lee Hamilton, Chairman of the Subcommittee on the Middle East and Europe, doubted the administration's ability to adapt to the changing political climate in Lebanon. Hamilton's skepticism was most apparent during his Subcommittee's hearings entitled "Developments in the Middle East" which began shortly after US forces entered Lebanon. The frequency of hearings increased as congressional and public support for US policy fell.

On 21 September 1983, four months after passing HR 2532, Foreign Affairs held another hearing relating to the sustainment of US forces in Lebanon. Before them was House Joint Resolution 364: a bill that would provide statutory authorization under the War Powers Resolution for continued United States participation in the multinational peacekeeping force in Lebanon. The chairman of the Committee, Daniel Zablocki, and its ranking minority member, William Broomfield, were joined by the Speaker of the House, the House majority and minority leaders, and twenty-two of

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[36]Weinberger, Fighting For Peace, p. 234.

their HFAC colleagues in sponsoring the resolution.[37] Zablocki claimed that the bill struck a "... balance between the need for presidential flexibility and congressional control."[38] Testifying in its favor were the Secretary of State, George Shultz, and the Marine Corps Commandant, General P.X. Kelly. Questions asked by members of Foreign Affairs ranged from the Marines' rules of engagement for self defense to the Soviet role in Lebanon. Committee members repeatedly attempted to determine when the administration thought the Marines might return to the US, warning that a high level of public support was needed to continue participation in the MNF. Seeking to avoid another long term commitment similar to Vietnam, one member voiced his concern over the conflict's open-ended nature.[39]

Ultimately the Committee supported HJR 364 by a 30 to 6 vote, rejecting an amendment introduced by Representative Ted Weiss (D-NY) to "force the President to come back to Congress to seek expansion" or have the troops automatically withdrawn. The joint resolution then passed by a vote of 270 to 161 in the House, 52 to 46 in the Senate and was signed by President Reagan on 29 September, becoming public law 98-119.[40]

Five elements of PL 98-119 were of particular importance:

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[37]Congress, House, Committee on Foreign Affairs, Statutory Authorization Under the War Powers Resolution - Lebanon: HJR 364 and HRes 315, 21 and 22 September 1983.

[38]Ibid., p. 1.

[39]Ibid., p. 32.

[40]Congress, House, Committee on Foreign Affairs, Legislative Calendar, 98th Cong., January 1983 - October 1984, p. 642.

The first lay in the triggering of section 4(a)(1) of the War Powers Resolution that would normally start the 60 day period governing US forces involved in hostilities. In this case, however, PL 98-119 gave statutory authorization for the use of force for an extended eighteen month period.

The second was the explicit limit upon the use of US forces to those activities involved directly with MNF operations, thereby preventing Reagan from following his own agenda.

Thirdly, the Resolution reemphasized the President's obligation to report on the status of forces in the region every six months, and fourthly, declared that the participation of armed forces from other countries in the MNF was essential to maintaining the peacekeeping operation's international character. Emphasis was placed upon constructing an executive-legislative agreement that would permit presidential freedom of action but, at the same time, deny him the carte blanche issued some two decades earlier in the Gulf of Tonkin Resolution. Although he applauded the actions of Broomfield and Zablocki, Reagan warned lawmakers that the Resolution:

> should not be viewed as any acknowledgment that the president's constitutional authorization would be required if and when the period specified in Section 5(b) of the War Powers Resolution might be deemed to have been triggered and the period had expired.[41]

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[41]Katzmann, "War Powers" in A Question of Balance, ed. Mann, p. 59.

Finally, Foreign Affairs and Congress risked detracting from the President's ability to perform his duties as commander-in-chief.

In sum, the Committee was in somewhat of a "Catch 22": troops were by this time both on location and receiving considerable public support, therefore, congressmen did not wish to be accused of endangering them. However, to pass no legislation would have been perceived by the public and the media as Congress shunning its responsibilities in use of force policymaking. Ultimately, Foreign Affairs had little choice but to support the administration's recommendations - albeit with various conditions.

HASC analysis: The inspector general at work

By early 1983, the Lebanon conflict had evolved into a large scale force employment, thereby provoking comparisons by the media with Vietnam and prompting Armed Services to intensify its monitoring activity. The Committee began to function as an active inspector fearful that Reagan had committed the US to a protracted operation. Representative Skelton sent two more letters to the President on 10 February and 1 March 1983 to this effect, requesting that he end US participation in the MNF.[42]

On 24 and 25 September, a delegation of HASC members visited Lebanon.[43] The group, led by Congressman Sam Stratton, Chairman of the Investigations Subcommittee,

[42]Congress, House, Congressional Record, 98th Cong., 1st sess., 28 September 1983, p. H 26155-26157.

[43]Congress, House, Committee on Armed Services, Lebanon: Limited Involvement, Frequent Accounting, report, 98th Cong., 1st sess., 18 October 1983, Committee Print 9.

consisted of five Democrats and four Republicans. As the principal legislative authorizing body for the Defense Department, Armed Services dealt more with operational matters, allowing Foreign Affairs to consider issues of legitimacy and justification of using force - at least during Price's tenure. The Committee's declared purpose was:

> to assess the American participation in the peacekeeping role as part of the MNF there, and to question the US political and military officers who deal with the complex situation presented in Lebanon on a day to day basis.[44]

Unlike the previous HFAC hearings, this HASC report from the full committee clearly articulated its members' opinions on the administration's policies in Lebanon. The report offered the following positive finding: "The Marines in the MNF are filling a necessary role in the steps to stability in Lebanon, but under hazardous conditions [emphasis added]."[45] Concerns of the HASC delegation included the Marines' exposure to enemy fire, indications that the conflict could lead to another "intractable military involvement", and skepticism about the strength of President Gemayel's commitment to the peace process. But members of the Committee were ambivalent:

(1) "Our goals and reasons for being in Lebanon are not clear to the American people ...[however] that does not mean that those interests do not exist."

(2) "There is a potential threat to our long term interest

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[44]Ibid., p. 1.
[45]Ibid.

if unfriendly forces seize control of the country." The conclusions of Armed Services' report were that there should be:

- o No immediate withdrawal
- o No long term commitment
- o An overriding goal of the removal of all foreign forces, and, finally, that
- o The administration must be subject to congressional monitoring to achieve its goals.

The second point is clearly a consequence of the failures of Vietnam. The Gallup Poll began to compare the two incidents with discouraging results for the administration. Further proof of unwillingness to make long term military commitments was also apparent both within the administration and on Capitol Hill.[46] Finally, Armed Services wished to ensure some authority - but not necessarily responsibility - for itself in the continuing crisis. Congress has lost prestige and political capital with both the public and the media as a result of its ineffective role during the Vietnam War; the Committee, therefore, wished to prevent a repeat of its past performance.[47]

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[46]Between 7 and 10 October, the Gallop poll revealed that 64% of those surveyed believed that US involvement would be either very likely or likely to turn into another situation like Vietnam. Gallup, Jr., The Gallup Poll: Public Opinion 1983), p. 232. Also, the Baker and Weinberger interviews in addition to HASC professional staff member, interview by author, Tape recording, Washington D.C., 7 August 1992.

[47]See for example "Leadership in the age of individualism" in James L. Sundquist, The Decline and Resurgence of Congress, (Washington, D.C.: Brookings Institution, 1981), pp. 395-402.

Again, in its capacity as inspector general, Armed Services initiated amendments to Title XXXVII ensuring "imminent danger pay" for US forces deployed to hostilities. Prior to US involvement in the MNF, members of the armed forces did not receive additional pay when serving either in areas of "civil insurrection or terrorist activity" as did members of the State Department. Foreign Service Officers were receiving imminent danger pay in two localities when US military personnel were not: El Salvador and Lebanon. Representatives Byron and Pat Schroeder (D-CO) of the Subcommittee on Military Personnel and Compensation devised legislation to rectify the disparity.[48]

The lawmakers encountered one problem which they successfully averted: imminent hostilities pay could be used during future debates on force employments to force the initiation of the War Powers Resolution. Schroeder, assisted by the professional staff, avoided the administration's concern when she offered her amendment to the National Defense Authorization Act of 1983 by depoliticizing the issue.[49] She stated that she was not persuaded by the administration's arguments that such action was too expensive: "We have 55 advisers in El Salvador and 1,200 marines in Lebanon: $65 a month for all of them comes to less than $1 million a year."[50]

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[48]HASC professional staff member, interview by author, Tape recording, Washington, D.C, 5 April 1994.

[49]Congress, Senate and House Committees on Armed Services, conference report, 98th Cong, 1st sess., 12 September 1983, p. 225.

[50]Congress, House, Congressional Record, 98th Cong., 1st sess., 26 July 1983, p. H 5678.

The Subcommittee's actions indicate that the Committee perceived its role as a body meant to serve the personal needs of the troops without invoking larger arguments about use of force authority. The issue was not resolved in 1983, however: Chairwoman Byron encountered the problem yet again in 1987 when the Defense Department was reluctant to provide imminent danger pay for US forces sent to the Persian Gulf to escort Kuwaiti tankers.[51]

Terrorist bombing of the Marines' Barracks

Early on Sunday, 23 October 1983, whilst US Marines slept, a truck loaded with explosives was driven into their compound by an Islamic fundamentalist later identified as having affiliations with the Syrian government: two hundred and forty-one US Marines were killed. Another truck was driven into the French compound that same day killing approximately fifty legionnaires and paratroopers. On 27 October, President Reagan addressed the nation via television taking full responsibility for the Lebanese bombing and discussing the invasion of Grenada which began on 25 October.[52] In response to this cataclysmic event, Foreign Affairs and Armed Services intensified their respective workloads.

HASC Investigations

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[51]Congress, House, Committee on Armed Services, Military Personnel and Compensation Subcommittee, Imminent Danger Pay for Those Serving in the Persian Gulf, hearing, 100th Cong., 1st sess., 6 August 1994 and interview with Beverly Byron.

[52]Public Papers of the President, Ronald Reagan, 1982(Washington D.C.: GPO, 1984) 27 October 1983.

A joint delegation of Armed Services and Veteran Affairs Committee members led by Sonny Montgomery - a member of both - arrived in Lebanon on 28 October staying for two days. Its purpose was "to assess the tragic bombing of the US Marines installation at Beirut International Airport that took the lives of 241 Americans, review plans for greater security to protect Marines in the future, and to observe the care being given to the wounded."[53] SASC chairman John Tower (R-TX) and member John Warner (D-VA) visit to Lebanon coincided with Montgomery's, but operated independently (save for the annual Defense authorization Act, the Senate and House Armed Services rarely interact, regardless of partisanship).[54] At the request of the delegation, Armed Services supported Weinberger's proposal for a commission led by retired Admiral Robert Long to investigate the 23 October mishap. The report also supported a separate investigation and report on the incident by the Investigation Subcommittee.

HASC members' responses were not, however, limited to formal channels. Sam Stratton opined in a 25 October New York Times interview "I don't like to see Marines' lives wasted. If you're smart, you know when to cut your losses. That's what we didn't understand in Vietnam."[55] Similar

[53]Congress, House, Committee on Armed Services and Committee on Veteran Affairs, Beirut Tragedy: A New Crowd in town and Beirut Casualties: Care and Identification, report, 98th Cong., 1st sess., November 1983, Committee Print 12. p. 1.

[54]A SASC professional staff member argues that his Committee is more concerned with the actions of the SFRC than the HASC, and that until conference, "they [the HASC] could just as well be on Mars as far as we are concerned."SASC professional staff member, interview by author, Tape recording, Washington, D.C., 13 April 1994.

[55]New York Times (New York), 25 October 1983.

declarations followed from Sonny Montgomery and Nick Mavroules (D-MA).[56] Foreign Affairs' Chairman, Clement Zablocki, echoed his colleagues' concerns during a US News & World Report interview declaring: "Congress will not approve additional forces or an escalation into a Vietnam-type situation."[57] Ironically, the HASC report published just one week earlier, warned of the dangers of withdrawing from Lebanon prematurely.

Stratton, a conservative northern Democrat held in high repute by the administration, had specifically gone out of his way to discuss discreetly with Weinberger the problems in Lebanon. Early in 1982, the Congressman proclaimed that he was "a card-carrying Democrat who was totally supportive of President Reagan's defense program."[58] His comments to the press were, therefore, significant indicating a willingness on the part of even the most conservative members of Armed Services to challenge the administration's policies in a public forum.

During a 25 October meeting chaired by Price and Zablocki, George Shultz and Casper Weinberger briefed Congress.[59] They declared that the administration's overall policy of neutral peacekeeper and overseer of the withdrawal of foreign forces had not altered, and echoed the sentiments

[56]Congressman Montgomery makes a similar comment in the same New York Times report. Congressman Mavroules's comments may be found in Congress, House, Committee on Armed Services, Terrorist Bombing at Beirut International Airport, report, 98th Cong., 2d sess., 31 Jan 1984, House report 98-28, p. 8.

[57]"Two Lawmakers Asses the Impact," US News & World Report (October 1983): p. 36.

[58]"Recommended Telephone Call" by Kenneth M. Duberstein and M.B. Duberstein, FI004, FG013, PR005-02, Ronald Reagan Library.

[59]New York Times (New York), 26 October 1983.

of a Reagan press conference proclaiming that US resolve must now be greater than ever.[60] They did not, however, mention that the administration was contemplating retaliatory strikes against terrorist camps in southern Lebanon believed to be responsible for the bombing of French paratroopers and US Marines.[61]

Stratton offers draft legislation

Stratton's disenchantment with America's participation in the Multinational Force was plain. He had voted against HJR 364, visited the Secretary of Defense to voice his concerns, and written an editorial for the Washington Post two days before the bombing entitled "Let's Get Out of Lebanon."[62] After 23 October, disgruntled House members joined Stratton in his attempts to end funding for US forces in Lebanon and force their return to the US no later than April. The proposal, House Joint Resolution 459, failed, however, on 2 November by a 150 to 274 vote.[63]

Armed Services' Report on bombing: Assessing the blame

In early November, the Armed Services' Subcommittee on Investigations conducted intensive hearings aboard the U.S.S. New Jersey chaired by Congressmen Nick Mavroules of Massachusetts. Testimony ranged from the Marine Amphibious Unit (MAU) Commander to the guards on duty at the compound on 23 October. On December 8,9,14, and 15 those hearings

[60]Public Papers of the President, Ronald Reagan, 1982(Washington D.C.: GPO, 1984) 25 October 1983.

[61]Stansfield Turner, Terrorism & Democracy, (Boston: Houghton Mifflin, 1991), p. 166.

[63]The Washington Post(Washington, D.C.), 21 October 1983.

[63]Stratton proposed an Amendment to the National Defense Authorization Act The Washington Post (Washington, D.C.), 2 November 1983.

were continued in Washington D.C. with various civilian and military officials from the administration testifying.

Melvin Price, the Committee chairman and quintessential Cold-War Democrat, observed that "Inevitably the security of the Marines is tied to the mission they were asked to carry out and inevitably, therefore, we have to ask what US policy objectives in Lebanon are and how does the Marine mission contribute to those objectives."[64]

Not limiting its blame to one specific tier of the chain of command, Armed Services' concluded security measures taken in Beirut were inadequate, the MAU commander committed serious errors in judgment, and "the higher policy-making authority adopted and continued a policy that placed military units in[to] a deployment where protection was inevitably inadequate."[65] The report was released on 19 December 1983 entitled "Adequacy of USMC Security in Beirut." The Long Commission report was published on the following day; its conclusions were similar.[66]

Functioning as an inspector general, Armed Services had identified wrong doings committed by the administration and responded - by hearing, investigation and report - to amend those actions. Although many Committee members insisted

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[64]Congress, House, Committee on Armed Services, Adequacy of USMC Security in Lebanon, report, 98th Cong., 2d sess., 19 December 1983, Committee Print 11, p. 1.

[65]Ibid., p. 2.

[66]The similarities between the two is not surprising because the Long Commission interviewed the same individuals as Armed Services, asking virtually identical questions. HASC professional staff member, interview by author, Tape recording, Washington, D.C. 17 September 1992. CRS noted the similarities in the two reports in Congress, CRS, Marine Security in Beirut: A Comparison Of The House Armed Services Committee and Long Commission Reports, by Clyde R. Mark, report, 98th Cong., 2d sess., 6 January 1983.

that the present administration policy in Lebanon was unacceptable, US forces there remained on duty.

The administration made some marginal changes, however, including: a larger role for European Command Headquarters; increasing CIA intelligence gathering capabilities in the area; shortening the chain-of-command; and, establishing a single set of Rules of Engagement (ROEs) for all US Marine Corps personnel in Lebanon.[67] In addition, some officials, such as the Defense Secretary, Chairman of the Joint Chiefs of Staff, and the White House Chief of Staff, privately considered ending America's participation in the Multinational Force.[68]

Hamilton and Aspin: A joint Armed Services-Foreign Affairs protest

Les Aspin of Armed Services and Lee Hamilton of Foreign Affairs wrote to the President on 14 December 1983 requesting that he encourage other nations to participate in resolving the conflict in Lebanon in addition to warning against the dangers of an "open-ended" presence in the Middle East.[69] Both congressmen supported the use of US forces in Lebanon, but believed diplomatic options would be more appropriate. Reagan replied on 19 January, praising both men for their insight, but insisting that his policies were designed ultimately to secure a diplomatic solution and

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[67]Ibid., pp. 164-165.

[68]At the Defense Secretary's prompting, the Joint Staff prepared a paper entitled "Strategy for Disengagement in Lebanon" in December 1983, Weinberger, Fighting For Peace, p. 167.

[69]Congress, House, Committee on Foreign Affairs, Crisis in Lebanon: US Policy an Alternative Legislative Proposal, hearing, 98th Cong 2d sess., February 1984, pp. 53-56.

likely to achieve success.[70] Even before his accession to the committee chairmanship three years later, Aspin was willing to question the president's policies directly.

Foreign Affairs as reevaluater

In the aftermath of the terrorist attack, Foreign Affairs began to reevaluate the administration's policies. On 26 January 1984, the Subcommittee on Europe and Middle East Affairs again heard testimony under its scheduled "Developments in Lebanon and the Middle East" series. As the gatekeeper for legislative proposals relating to the use of force, the full Committee also conducted a hearing on a resolution calling for "the prompt and orderly withdrawal of US forces from Lebanon."[71] The draft proposal enumerated several members' grievances with the Marine's presence and included support for Armed Services' recent findings. In addition, the bill indicated that the conflict in Lebanon was drifting out of control and asserted that the present policy was no longer in the national interest. In an attempted "Lebanonization" of the crisis, the draft resolution also sought the withdrawal of US troops by February, promoted diplomacy as the best means to resolve the incident, and intensified training of Lebanese forces. After heated debate, the Committee decided not to proceed further with the legislation.[72]

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[70]Ibid., pp. 57-59.

[71]Ibid. p. 87.

[72]HFAC professional staff member, interview by author, Tape recording, Washington D.C., 3 August 1992. A possible explanation for the HFAC's decision is that they considered the draft resolution on 1 February and the White House announced the end US involvement one week later. This

Final events

In an attempt to show his resolve in the wake of terrorist activity, President Reagan increased US military activity in the region.[73] US naval ships and Marine artillery attacked positions believed to be conducting sniper operations against US forces. Reconnaissance flights and aerial raids were also used. But even as the President publicly reaffirmed the US commitment to Lebanon as late as 3 February, he had already directed the Secretary of Defense to draw up plans for the redeployment of US Marines to Naval ships positioned off the coast.[74] On 8 February, the White House Press Secretary announced the initial withdrawal plan which took thirteen days to complete.[75] The final report to Congress was transmitted on 2 April, with the total number of Americans killed standing at 264, Lebanese factions still feuding, and foreign forces still in Beirut.

Methodological analysis:

Phase I: Decision to employ force (1 August 1982 - 15 September 1982)

Role(s) played:

Well Informed Observer_(HASC & HFAC)
Conduit for House Discussion (HFAC & HASC)

Analysis of the role played by Foreign Affairs and Armed Services in the decision to employ force during the

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is unconvincing: the bombing occurred on 23 October 1983 allotting the Committee at least three months to report legislation if it so desired.

[73]Quandt, "Reagan's Lebanon Policy," pp. 251-254.

[74]Weinberger, Fighting For Peace, p. 168.

[75]Public Papers of the President, Ronald Reagan, 1982(Washington D.C.: GPO, 1985) 8 February 1984.

Lebanon crisis yields similar results for both the first and second Multinational Force. The Committees played virtually no role in the actual decision to use force other than the predicted "well-informed observer". Not until 27 June 1983 did Congress - by way of legislation steered through Foreign Affairs - provide funding for the Marines participating in the mission. The Committee leadership was not given prior notice of the deployment.

The reason for the negligible role of both Armed Services and Foreign Affairs in force employment decisions are clear: Congress as a whole, and in its constituent committees and subcommittees, is ill-equipped to handle affairs requiring speed and decisiveness. As Congressman George Crockett (D-MI) of Foreign Affairs opines: "it takes us at least a week to even get a subcommittee hearing together."[76] Historically, decisions to employ force have been a sacrosanct area of policymaking for the commander-in-chief, an accurate claim even in post-Vietnam cases such as Lebanon where Committee members envisaged short deployments on both 25 August and 29 September 1983.

Salient Independent Variables:

Historical Precedent
Personal attributes of key participants
Public support for involvement of US forces
Nature of the conflict

With his exceptional communication skills, President Reagan was able to define the conflict in his own terms. He

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[76]Representative George Crockett, Jr., interview by author, Tape recording, Washington, D.C., 21 March 1994.

emphasized the United States' interest in maintaining peace and stability in the Middle East from the onset of his tenure in the Oval Office.[77] Reagan also invoked the historical precedent of US involvement in Lebanon by referring to Eisenhower's 1958 decision to land troops after a coup d'état. By reminding US citizens of the initiative taken by a former Commander-in-Chief in that area, Reagan convinced many Americans that he had the authority to act independently - e.g. without statutory congressional endorsement. After the successful and brief initial MNF deployment (17 days), members of both Committees had little reason to challenge this claim. Reagan's personal communication skills were most apparent on 1 September 1982 when he explained in a televised address to the American public his objectives in Lebanon. In the wake of his huge reelection victory in 1984, public disagreement with the President was difficult for members of Armed Services and Foreign Affairs. No Gallup Polls were conducted on the use of US troops in Lebanon immediately upon the issuance of the order in August or September, but Reagan's general approval rating was high.[78]

Finally, the conflict's nature provided the most crucial element for the executive's contextual advantage. Unlike Vietnam, the Marines were originally sent to Lebanon

[77]Casper Weinberger, Former Secretary of Defense, phone interview by author, Washington, D.C. 13 November 1992 also see for example Chapter 9 "Israel and Saudi Arabia: The AWACS Controversy" in Alexander M. Haig, Jr., Caveat: Realism, Reagan and Foreign Policy, (New York: Macmillan Publishing Company, 1984), pp. 167-193.

[78]George Gallup, Jr., The Gallup Poll: Public Opinion 1982(Willmington, Delaware: Scholarly Resources Inc., 1982), p. 200.

in direct response to a crisis, with specific objectives, and not necessitating large scale expenditure. Proximity was also crucial; US forces were to be deployed to the Middle East where no fewer than seven of the twelve cases studied occurred (to include Libya). Casualty expectations were minimal whilst at least three other nations would participate in the operation. Furthermore, the MNF's mandate explicitly stated that it was "not to engage in combat."[79]

Phase II: Sustainment of force (15 September 1982 - 23 October 1983)

Roles played:

Recipient and disseminator of information (HFAC & HASC)
Inspector General (HASC)
Guardian of the WPR (HFAC)
Gatekeeper and bellwether for legislative proposals (HFAC)
Barometer for congressional convictions (HFAC)

During the sustainment phase, the Committees' role as recipient and disseminator of information was evident. Foreign Affairs and Armed Services received nineteen briefings from the administration on the activities of US forces in Lebanon, and frequently sponsored briefings for the House meeting as a Committee in the whole.[80] The latter published a report on the MNF whilst the Committees traveled to Lebanon a combined eleven times.[81] The number of

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[79]New York Times(New York), 21 September 1982.

[80]Congress, House, Committee on Armed Services, "Full Committee and Investigation Subcommittee Briefings/Meetings," filed with Ms. Nancy Jones, Rayburn House Office Building, 98th Cong. and Congress, House, Committee on Foreign Affairs, "Compilation HFAC Briefings since 1982," held by Ms. Cathy Zimmer, Rayburn House Office Building.

[81]Office of the Clerk of the US House of Representatives, Report of Expenditures for Official Foreign Travel, 1981-1984.

hearings is also telling: Foreign Affairs sponsored fifteen while Armed Services sponsored four.[82]

Extensive hearings, trips and briefings coupled with the two private meetings between Stratton and the Secretary of Defense, corroborate arguments that Armed Services functioned as inspector general during US participation in the Multinational Force.

Foreign Affairs' role as guardian of the WPR and gatekeeper and bellwether for legislative proposals are intertwined. In 1982, for example, the House Speaker referred HR 7150 to the Committee: a resolution stating that the WPR is applicable to US forces on duty in Lebanon which was not reported to the House.[83] Of all legislation introduced regarding the sustainment of US forces in Lebanon, most were either sponsored or co-sponsored by members of Foreign Affairs: the bellwether.

The Committee eventually reported HJR 364 providing for statutory authorization for the Marine presence in Lebanon under the War Powers Resolution for eighteen months. By not reporting on legislative proposals that would have enacted the Resolution earlier than September 1983, the Committee's willingness to report HJR 364 served as the administration's barometer of House convictions.[84]

With Zablocki acting as floor manager, seventy-seven representatives, of which twenty-five were members of

[82]HFAC & HASC, Legislative Calendars, 97th & 98th Cong., 5 January 1981- 12 October 1984.

[83]Ibid., p. 271.

[79]Recall that HR 2532 passed in June 1983.

Foreign Affairs and five Armed Services, offered their comments. Foreign Affairs' role as bellwether is evident by its share of the House discussion: the Committee provided 30% of floor debate relating to HJR 364 with 68% of its total membership participating.[85] In the five days following the 23 October bombing, forty-seven representatives entered remarks into the Congressional Record, fifteen of which were members of either Armed Services or Foreign Affairs.[86] The two Committees, therefore, accounted for 48% of all entries made.

Salient Independent Variables:

Executive prerogative
Partisanship
Institutional/Organizational structure of Congress
International support for involvement of US forces
Influence of House leadership
Public support for the involvement of US forces
Nature of the conflict

First and foremost, efforts to gain statutory authorization for the Marine presence in Lebanon came only after administration personnel approached the congressional leadership in mid-September 1983. White House officials initiated dialogue for two reasons. Firstly, the administration wanted to share complicity if events in Lebanon went awry; and secondly, changes in the conflict's nature (including unacceptably long duration and increasing casualties) indicated that participating in the

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[85]Congress, House, Congressional Record, 98th Cong., 1st sess., 28 September 1983, pp. H 26108-26171.

[86]Ibid., H 29254-20343.

Multinational Force would be more costly than originally anticipated.[87]

The administration elected to include Zablocki in the bargaining team that ultimately reached the eighteen month compromise. President Reagan praised the Chairman of Foreign Affairs in a 27 September 1983 letter stating: "it is my belief that your agreement to advance the compromise resolution on war powers - and the favorable action by the Foreign Affairs and Foreign Relations Committees - were particularly important."[88]

Mindful of the Republican majority in the Senate, moderate Democrats and Republicans from Foreign Affairs blocked efforts by liberal members of the Committee to attach restrictive amendments to HJR 364 in a marriage of partisanship and pragmatism. In addition, the institutional composition of Congress, rather than the untenable 60 day limit as enumerated in the WPR, contributed to the eighteen month compromise.

International support for the deployment of armed forces came in two forms. Both had the effect of limiting congressional concerns that the US would have to bear the military, diplomatic and financial burden alone. First, Italy, France, and the UK participated in the MNF. Second, the UNSC passed a French-Egyptian resolution calling for UN Observers to be stationed in Beirut. Although the latter

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[87]Interview with Weinberger.

[88]Congress, House, Congressional Record, 98th Cong., 1st sess., 28 September 1983, p. H 26113.

contingent was outside the MNF's mandate, it indicated world support for resolving the crisis in Lebanon.[89]

These factors combined to provide members of Foreign Affairs and Armed Services with little latitude to disagree with the President's initiatives in Lebanon until September of 1983. The Committee leadership's opinion of Lebanon was the same as that of the House leadership. Former House majority leader, Jim Wright (D-TX) has observed that Zablocki and the Foreign Affairs Committee played a crucial role in enacting HJR 364 working very closely with the Speaker, House Majority Leader, and House Minority Leader.[90] In addition, the House Speaker (Tip O'Neill) gave Foreign Affairs sole jurisdiction of the bill whereas he could have referred it jointly to the Armed Services or House Appropriations Committee (Subcommittee on Foreign Operations). Partisanship was not an issue since the Democratic Caucus revealed its preference before the September vote in favor of the eighteen month authorization.

By September 1983, public support for Reagan's Lebanon policy fell to its lowest level to date: just above 50% of those surveyed.[91] Waning public support added to Congress' contextual advantage in demanding statutory authorization. It also induced the President to accept the legislature's

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[89]Richard W. Nelson, "Multinational peacekeeping in the Middle East and the United Nations Model," International Affairs Vol 61 (Winter 84/85): p. 79.

[90]Wright was House Majority Leader at the time of the conflict in Lebanon. Former House Speaker Jim Wright, interview by author, Tape Recording, Ft. Worth, TX, 1 April 1994.

[91]Gallup, The Gallup Poll: 1983, p. 232.

intrusion in order to sustain support for what he believed would be an extended military operation.[92]

Phase III: Recall of force (24 October 1983 - 8 February 1984)

Roles played:

Internal discussion panel (HFAC & HASC)
Reevaluator of the administration's policies (HFAC & HASC)
Grievance court for House members (HFAC & HASC)

The bombing of the Marine Barracks on 23 October 1983 fatally undermined Reagan's policy in Lebanon. Within two months, Armed Services shed its role as inspector general to join with Foreign Affairs as a reevaluator of public policy. In addition, the latter Committee served as the gatekeeper for legislative proposals on the issue (one coincidentally originating from a HASC member). As an internal discussion panel, members of both Committees discussed possible withdrawal of US forces extensively beginning in late October.[93]

As the grievance court for House concerns, members received numerous phone calls, post and telegrams from constituents expressing their dismay with the US presence in Lebanon. More importantly, however, were comments by House members, querying their colleagues from Foreign Affairs and

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[92]Weinberger interview.

[93]HFAC professional staff member, interview by author, Tape recording, Washington D.C., 3 August 1992 and HASC professional staff member, interview by author, Tape recording, Washington, D.C., 17 September 1992. Incidentally, members from Senate Foreign Relations and Armed Services rather than members House Foreign Affairs or House Armed Services appeared on Face the Nation and Meet the Press following the bombing. With the exception of the Persian Gulf War, neither Committee attracted the publicity of their counterparts in the Senate.

Armed Services as to the rationale for US forces participating in the MNF.[94]

As anticipated, Committee activity increased with the nature of conflict. Recall that Armed Services conducted its hearings and issued its most comprehensive report after Reagan sent additional forces to Lebanon and the bombing occurred. In addition, of the sixteen resolutions considered by Foreign Affairs relating to US forces participating in Lebanon, thirteen or 81% came after 23 October.[95]

Salient Independent Variables:

Nature of the conflict
Public support for the involvement of US forces

The nature of the conflict offered Congress the contextual advantage to effect a change in US policy - more so than any other case studied save for the Persian Gulf War. Foreign Affairs did not, however, report legislation out of Committee.[96] The actions of individual members in this and most other instances involving the use of force, may be explained in one of five ways:

(1) Vietnam legacy I - the Committee member wished to avoid issuing the president a carte blanche;

(2) Vietnam legacy II - the Committee member did not wish to risk being portrayed as imperiling the safety of US troops;

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[94]Ibid.

[95]HFAC, Legislative Calendars, 97th and 98th Cong.

[96]Stratton's failed proposal was an amendment to the National Defense Authorization Act; it was, therefore, never considered by the HFAC.

(3) Political awareness - the Committee member believed that the resolutions would not be passed by the House;

(4) Political prudence - the Committee member believed that challenging the President might impair his own chances of re-election; or,

(5) Pre-Vietnam paradigm - the Committee member believed that deferring to presidential authority during a foreign policy crises was the most effective course of action.

Other aspects of the nature of the conflict indicate that congressional contextual advantage was high. Firstly, American casualties were well over 250 and public support for the conflict was declining. US Marines numbered over 1,500, battleships had been deployed off the coast, and US fighter aircraft began flying combat sorties with two losses in just over a week.[97]

Secondly, the conflict lasted for more than a year, and finally, public support for the Marine presence declined over time, increasing briefly after the bombing almost certainly due to Mueller's "rally around the flag effect." Table 3-1 shows that by January of 1984, 57% of those surveyed wanted the Marines brought home, whilst by November 1983, 64% of those individuals surveyed felt Lebanon "could turn into a situation like Vietnam." Fred Barnes of The New Republic and R.W. Apple Jr. of The New York Times both argue that members of the media pay close attention to

[97]Richard W. Nelson, "Multinational peacekeeping in the Middle East and the United Nations Model," pp. 76-78..

declarations by congressmen that US policy is reminiscent of Vietnam which usually results in increased contextual advantage for legislators.[98]

Reflecting public sentiment, Armed Services and Foreign Affairs began to scrutinize Reagan's foreign policy in Lebanon. The conflict had become protracted and, unlike the earlier stages of the operation (September 1982), its goals had become obscured and its financial, political and human costs high. The President had initially promised Congress that US forces would carry out "a carefully limited non-combatant role."[99] However, members of Armed Services and Foreign Affairs came to doubt his assertion, demanding a more precise policy statement. The administration accepted the Committees' increased oversight (authority) as appropriate due to the conflict's changing nature.[100]

An appropriate parting note relates to the HASC and HFAC members who openly questioned the President's policy. Weinberger claims that he had a deep respect for Dante Fascell, Ike Skelton, and Sam Stratton calling them "very patriotic and fine congressmen."[101] Furthermore, Stratton and Skelton were amongst those conservative members of House Armed Services whom the administration coveted throughout Reagan's tenure on controversial defense and national security issues such as the MX missile, increased defense

[98]Interview by author, Tape recording, Washington, D.C., (Barnes) 23 March 1994, (Apple) 11 April 1994.

[99]New York Times(New York), 21 September 1982.

[100]Weinberger and Baker both conceded that they anticipated and accepted increased congressional oversight after the bombing during interview with the author.

[101]Weinberger, Fighting For Peace, p. 156.

spending, SDI, and aid for the Contras. Other members of this coalition included Dave McCurdy (D-OK), Albert Bustamante (D-TX), Dan Daniel (D-VA), Beverly Byron (D-MD), John Spratt (D-SC), and Norm Sisisky (D-VA).[102] All three reluctantly altered their roles, just as the two Committees did to coincide with the degenerative nature of the conflict that changed to resemble Vietnam.

Phase IV: Retrospective Assessment

Neither Committee played a notable role immediately following the redeployment of US forces to naval vessels off the coast, but Armed Services served as (1) the judge and jury of administration policies and (2) bellwether for implementing change when it passed the Goldwater-Nichols Act in 1986.

The next case studied, Grenada, occurred almost simultaneously with the Marine barrack's bombing on 23 October 1983. Although the House and Senate did invoke the War Powers Resolution (separately), the administration encountered little difficulty in asserting its authority and was able to conduct the mission unfettered by Congress. The rationale for the executive's autonomy is plain: the operation lasted less than two weeks, and was a "success".

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[102]File on "Recommended Phone Calls" by William Ball and Kenneth Duberstein, FI004 FG013, Ronald Reagan Library.

Table 3-1 Lebanon Public Opinion Ratings

Date	Question 1	Question 2
7-10 Oct 1983	51%	*64%
18-21 Nov 1983	47%	
21-28 Dec 1983	52%	57%
10-13 Feb 1983	58%	74%

Question 1: "Do you think the United States made a mistake in sending the marines to Lebanon, or not?"

Question 2: "Do you think the United States should withdraw its troops from Lebanon at this time, or not?"

*Question 2: "How likely do you think it is that the US involvement in Lebanon could turn into a situation like Vietnam...Very likely or Fairly likely"

Source: The Gallup Poll: Public Opinion 1983-84, George Gallup, Jr., (Willmington, Delaware: Scholarly Resources, Inc., 1985)

Chapter 4 - Section III: GRENADA

Contributing Factors:

In addition to the ubiquitous Vietnam legacy, five factors influenced the activities of both House Armed Services and Foreign Affairs during the invasion of Grenada.

Firstly, together with the contemporaneous Lebanon conflict, it made several members of both Committees nervous about their "trigger happy president" (Ron Dellums - HASC) and less willing to endorse his authority than they previously had been.[1]

Secondly, the conflict was short: although American forces remained in Grenada for approximately nine months, they were on combat status for less than two. By contrast, the Lebanon conflict lasted eighteen months.

Thirdly, a force employment marked by brevity, overwhelming manpower, opposing communist expansion, and enacted to rescue US citizens abroad, facilitates autonomous presidential action.[2] He clearly has the contextual advantage, and little incentive to either endorse or accept congressional interference. President Ford's decision to use US military forces to evacuate personnel in Saigon while Congress was considering legislation authorizing such action is an excellent example. However, in the light of terrorists' attack against US Marines in Lebanon, the

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[1] New York Times (New York), 26 October 1983.

[2] Louis Fisher, Constitutional Conflicts between Congress and the President, 3d ed., (Lawerence, Kansas: University Press of Kansas, 1991), p. 265.

Committees were more reluctant to grant the executive unrestricted control in this instance.

Fourth, Congress, via legislation referred to and initiated by Foreign Affairs, moved quickly to invoke section 4(a)(1) of the War Powers Resolution. With images of foot-dragging on HR 364 (providing statutory authorization for the US presence in Lebanon) in the minds of most of its members, the Committee acted with uncharacteristic speed to prevent "another Lebanon."[3] Although Foreign Affairs was instrumental in invoking the War Powers Resolution, both it and Armed Services played equally crucial parts in blocking legislation that would have required the President to justify his actions in Grenada.

Finally, wishing to avoid a confrontation over the War Powers Resolution, the Reagan administration decided to remove American forces from combat status before the sixty day window expired. A personal interview with a former high ranking member of the Joint Staff revealed that as the deadline of section 4(a)(1) grew nearer, administration officials believed "it would not be politically wise" to challenge Congress on this particular issue.[4]

Roles played by Foreign Affairs and Armed Services: An overview

[3]The House of Representatives approved HJR 402 on 1 November 1983.

[4]General Robert Herres, US Air Force (ret), Former Vice Chairman of the Joint Chiefs of staff, phone interview by author, San Antonio, Texas, 19 October 1992.

For both Committees, participation in the decision to use force again came in the form of notification rather than consulation. Although the five members of the House and Senate leadership were invited to the 24 October meeting at the White House to discuss the ensuing invasion, the HFAC and HASC leadership were not.[5] The Committee Chairmen and Ranking Minority Members were, instead, briefed on the morning of the invasion, first at 08:15 by the President with the congressional leadership, and later that day by the Secretaries of State and Defense after Urgent Fury (code name of the Grenada operation) had begun; their marginal role as well-informed observer during Phase I was thereby confirmed.[6]

Both Committees influenced the definition of parameters for the sustainment of forces. Foreign Affairs reported its approval of HJR 402 - initiating the War Powers Resolution - and both it and Armed Services reported adversely on HRes 383 - requiring the President to answer questions on the Grenada invasion.

As the guardian of the War Powers Resolution, Foreign Affairs also played a key role in the American decision to recall forces from Grenada by reporting legislation that triggered the WPR.

After the fact assessment saw Armed Services assert its authority by conducting hearings on a range of lessons

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[5]Casper Weinberger, Fighting For Peace: Seven Critical Years in the Pentagon, (New York: Warner Brooks, Inc., 1990), p. 118-119.

[6]Ibid., p. 122.

learnt both by civilians and the military. Particular shortcomings of Operation Urgent Fury and the Lebanon conflict resurfaced during discussion of the Pentagon Reorganization Act of 1986 (Goldwater-Nichols Act). More to the point, the impotence of the theater commander in both situations prompted the authors of Goldwater-Nichols to provide greater authority for the unified and theater commanders in decisions on training and procurement of equipment under their command.[7]

Historical analysis

The turbulent state of affairs in Grenada began in March of 1979 when members of the New Jewel Movement (NJM) carried out a coup d'état. British control of the country ended on 7 February 1974, and Grenada was drifting toward despotic rule under Soviet and Cuban influence. The NJM installed its own leader, Maurice Bishop, as Prime Minister on 13 March 1979 who embarked upon a visit to the Soviet Union shortly thereafter. By 1980, Cuban advisors and construction workers were in Grenada prompting condemnation by the American government. On 27 October 1980, much to the chagrin of US policymakers, the Grenadian Defense Minister

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[7]HASC professional staff member , interview by author, Tape recording, Washington D.C., 21 September 1992.
A theater commander is the General or Admiral in direct command of service personnel. He reports to one of the eleven unified or specified commanders (e.g. General Norman Schwarzkopf, USA [retired] of US Central Command) during a force employment, who in turn reports to the chairman of the Joint Chiefs of Staff and the secretary of defense (General Colin Powell and Dick Cheney respectively). The Goldwater-Nichols Act provided more authority to commanders at General Schwarzkopf's level and below to make decision about the training and equipping of their forces. This authority has been historically vested in the chiefs of staff of the four services.

traveled to Cuba to sign a military aid agreement with the Soviet Union, Bulgaria, Czechoslovakia, and East Germany.[8]

Early intervention by Foreign Affairs

To analyze the economic and political conditions in Grenada and to examine US policy alternatives, the Foreign Affairs Subcommittee on Inter-American Affairs conducted hearings on 15 June 1982 by which time the United States had limited its interaction with the Grenada government, prohibiting virtually all diplomatic or political intercourse. Testifying before Foreign Affairs, Congressman Ron Dellums of Armed Services argued that "America's policy of ignoring and isolating [is] both inconsistent and unnecessary."[9] He and other members of the Congressional Black Caucus (CBC) had visited Grenada and concluded that many of the administration's assertions about the island-state were false. Congressman Dellum's testimony, however, was probably more a reflection of CBC or his own beliefs than of Armed Services.[10]

Calm before and the storm

There were indications that American-Grenadian relations would normalize as Prime Minister Bishop visited Will Clark, President Reagan's National Security Adviser, on

[8]I relied primarily upon Weinberger, Fighting for Peace, to report the history of modern day Grenada.

[9]Congress, House, Committee on Foreign Affairs, Subcommittee on Inter-American Affairs, US Policy Toward Grenada, hearing, 97th Cong., 2d sess., 15 June 1982, p. 15-21.

[10]Opinions offered by the CBC were also significant for other black members of Armed services and Foreign Affairs in other cases studied. For example, Congressman Charles Diggs (D-MI) of then International Relations led discussion on the Clark Amendments in 1976 in both fora. This was not problematic for Diggs because ultimately both groups opposed the use of force and security assistance. Professor Ronald Walter, Department of Political Science Howard University, Interview by author, Tape recording, Washington, D.C., 17 April 1994.

7 June 1983. Although the President had publicly criticized the Grenadian government's policies twice in the previous two months - first before a nationally televised audience then again in a joint session of Congress - the 7 June meeting still offered a glimmer of hope. Bishop's public support in Grenada was low, however, and he was placed under house arrest by disenchanted members of the NJM's Central Committee on 12 October 1983. One week later he was killed by Army troops loyal to the Central Committee, and replaced by General Austin Hudson who placed the country under martial law.[11]

America's call to arms:

On 21 October, Secretary of Defense Casper Weinberger directed the Joint Staff to begin drawing up plans for a non-combative evacuation of American citizens in Grenada, the majority of whom were approximately 1,000 medical school students studying on the island. On that same day, a meeting of the Organization of East Caribbean States (OECS) offered a unanimous resolution to the United States requesting intervention in Grenada. Officially laid before the US government on 23 October, it requested that democracy and order be restored in Grenada.[12] Sir Paul Scoon, governor general of Grenada, joined with the OECS presenting a written request for US assistance in maintaining security and order on the island state.[13]

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[11]Weinberger, Fighting for Peace, p. 106.

[12]Ibid., p. 108.

[13]Constantine Menges, Inside the National Security Council: the true story of the making and unmaking of Reagan's foreign policy, (New York: Simon & Schuster, 1988), p. 78.

Reagan approved a combative rescue for Americans in Grenada that day. Before doing so, however, "there was a ...short discussion of the War Powers Resolution [by administration officials, who decided that there was] little question that U.S. Combat troops would be out before that time."[14] During the evening, he addressed a nationally televised audience discussing the Marine barracks' bombing in Lebanon, the Strategic Defense Initiative and the recent turn of events in Grenada.[15] The President indicated that a 10,000 foot runway was under construction in Grenada allegedly built for civilian purposes. Reagan, however, was convinced the runway was to be used for military operations. As with El Salvador, Reagan increased his contextual advantage by asserting that Grenada was a communist regime posing an acute threat to the Western Hemisphere.

Congressional involvement

On the evening on 24 October, Reagan summoned the House and Senate leadership - not including the HFAC or HASC chairmen - to the White House sitting room to brief them on plans to invade Grenada. Having suffered politically for supporting the administration's policy in Lebanon just a week before their pullout, Tip O'Neill told the President: "I can only say Mr. President, God be with you and good luck to us all."[16] Later, the Speaker of the House made less

[14]Ibid.

[15]Public Papers of the President, Ronald Reagan, 1983 (Washington D.C.: GPO, 1984), 23 October 1983.

[16]An interpretation of political capital lost by O'Neill during the Lebanon crisis can be found in Hedrick Smith, The Power Game,(New York: Random House, Inc., 1988) and Weinberger, Fighting for Peace, p. 118-119.

supportive observations about the Commander-in-Chief's tactics stating that "his foreign policy makes me nervous." O'Neill's ambivalence made it difficult for members of Foreign Affairs and Armed Services to determine whether the House leader supported the invasion or not.[17] They could therefore, not be expected to support the Speaker's policy in Grenada since it changed from day to day.

HJR 402: Invoking the War Powers Resolution

Eugenia Charles, leader of the OECS, flew to Washington, D.C. on 25 October to meet with Will Clark, President Reagan's National Security Advisor. She was to participate in a joint press conference with the President in order to convince US citizens that the United States was not acting without the support of Caribbean nation-states.[18] At approximately the same time, a report from the President on the situation in Grenada was delivered to Congress. Reagan asserted American forces would remain in Grenada "until the job was done."[19]

Of the Vietnam legacies discussed earlier, two are pertinent here. Firstly, Congress - due to anticipated castigation by the general public - will neither delegate to nor endorse the president's authority to conduct long term, unpopular force employments. Second, although Congress will not grant unfettered discretion to the chief executive on use of force issues, it wishes to avoid being perceived as

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[17] New York Times (New York), 29 October 1983.
[18] Ibid., 25 October 1983.
[19] Public Papers of the President, Ronald Reagan, 1983, 23 October 1983.

imperiling the troops by publicly criticizing the president's policies. In addition to these two legacies, I suggest the following as an hypothesis on how the executive has responded to the failures of Vietnam: since past imperial presidents have suffered political humiliation as a result of misleading American citizens about the status of its military campaigns (e.g. the Tet Offensive and President Johnson), recent commanders-in-chief often portray force employments to the American public in worse case format. President Bush subscribed to this course of action prior to the Persian Gulf War. As indicated earlier, it is primarily the first two "legacies" which influenced actions of both Armed Services and Foreign Affairs throughout the cases studied, the third 'legacy', however, was also apparent during Grenada. In short, the legislature is not the only branch of government willing to correct past mistakes by altering its rules, norms and procedures as the executive branch has also modified its behavior.

Most members of the House, and particularly Foreign Affairs, were dissatisfied with the President's projections of the operation in Grenada. Therefore, on 26 October, one day after US forces arrived in Grenada, twenty-five members of the Committee introduced HJR 402. This seven-line document significantly but simply declared that "the Congress hereby determines that the requirements of section 4(a)(1) of the WPR became operative on 25 October 1983."[20]

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[20]House Joint Resolution 402, 98th Cong., 1st sess., lines 4-6.

An amendment submitted by the HFAC's George Crockett (D-MI) to require withdrawal by 24 November, failed by 33 to 2.[21]

In Lebanon, Foreign Affairs waited a year to invoke the War Powers Resolution, but then for an extended 18 month period. The overriding cause of prompt congressional action in Grenada was plain: the administration's policy in Lebanon had failed.[22] Since Lebanon was perceived by many as having evolved into another Vietnam with the concomitant political risks, members of the HFAC and the HASC were determined not to commit a similar error in Grenada. Moreover, Foreign Affairs acted as the gatekeeper for force employment legislation and guardian of the WPR.

HJR 402 was reported favorably by Foreign Affairs on 27 October, and subsequently approved in the House on 1 November by 403 to 23.[23] Senator Gary Hart (D-CO) attached similar language to an unrelated debt limit bill in the Senate that also passed overwhelmingly: 64 to 20. But because Foreign Affairs' debt limit bill contained no similar provisions, Hart's language was dropped during conference, and HJR 402 never passed into law.[24]

Members of both Committees were equally critical of the administration's decision to invade Grenada. Barbara Boxer

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[21]Congress, House, Committee on Foreign Affairs, Grenada War Powers : Full Compliance Reporting and Implementation on HJR 402, mark-up, 98th Cong., 1st sess., 27 October 1983, p. 4.

[22]HFAC professional staff members, interview by author, Tape recording, Washington, D.C., 22 September 1992.

[23]The Committee voted 30 to 2 in favor of the joint resolution. Michael Rubner, "The Reagan Administration, the 1973 War Powers Resolution, and the Invasion of Grenada," Political Science Quarterly Vol 100 No 4 (Winter 1985-86): p. 638.

[24]Barry M. Blechman, The Politics of National Security: Congress and U.S. Defense Policy, (Oxford: Oxford University Press, 1990), p. 179.

of Armed Services stated: "this administration is using military force instead of foreign policy...it's relying on bullets instead of brains." Echoing his colleagues sentiments, Dellums derided Reagan's "cowboy mentality" assailing the President for acting as "a throw back to the wild west exercising gunboat diplomacy."[25] Tacitly linking American commitments in Grenada to Lebanon and Vietnam, Representative Jim Leach, a moderate Republican from Foreign Affairs, postulated: "it may be easy for foreign troops to land in Grenada but difficult for them to leave."[26] Finally, Daniel Zablocki, wise old sage of the HFAC, expressed "dismay and regret" at the President's lack of action on the WPR adding, "the Congress and the American people will not accept this complete disregard of the law."[27] Only William Broomfield of the HFAC and Ike Skelton and Duncan Hunter (R-CA) of the HASC initially supported the President's actions in Grenada.[28]

The above comments vividly demonstrate the antipathy which several members of both Committees felt toward Reagan because of his actions in Grenada. They also highlight a larger issue: congressmen's greater willingness, since the Vietnam War, to criticize the chief executive in a traditionally sacrosanct realm of policymaking. Skelton, who opposed US participation in Lebanon, initially applauded involvement in Grenada indicating the influence of brevity

[25]New York Times(New York), 26 October 1983.
[26]Ibid.
[27]Ibid.
[28]Congress, House, Congressional Record, 98th Cong., 25 October 1983, H 29183-H 29403.

and clarity in determining support for military operations. In short, they will generally be supported by conservatives from both Committees when coupled with a communist threat.[29]

During floor debate on HJR 402, however, Skelton altered his original position on US intervention admitting that he was one of the few members of his party to support the President's decision. The Congressman then warned his colleagues that the resolution "is no panacea," and that US forces should be removed from Grenada immediately.[30] Skelton had conveyed a similar message to the President the previous day by post, requesting immediate withdrawal just as he had done twice during the Marine's presence in Lebanon.[31] The pattern is, therefore, evident; conservative HASC Democrats are opposed to long-term military commitments.

Foreign Affairs and Armed Services fact-finding

On 29 October, the UN Security Council voted 11-1 condemning America for invading Grenada without NATO, OAS or UN assent.[32] Similarly to Armed Services during the Lebanon conflict, Foreign Affairs acted as an active inspector general and investigation team when two of its subcommittees held joint hearings entitled "US Military Actions in Grenada: Implications for US policy in the East Caribbean" on 2,3 and 16 November, the purpose of which was "to hear

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[29]Representative Ike Skelton, interview by author, Tape recording, Washington, D.C., 21 March 1994.

[30]Congress, House, Congressional Record, 98th Cong., 31 October 1983, H 29999.

[31]Ibid.

[32]New York Times(New York), 29 October 1983.

the administration's justification for US military actions in Grenada."[33] The two committees examined administration officials on several aspects of the operation including:

o US objectives in Grenada

o the impact of the invasion on wider US national security interests in Latin America

o prospects for restoring peace and order in the Caribbean

o the projected role and duration of US military forces in Grenada, and

o estimated number of civilian casualties.

The Committee also sought to identify those military officers which its members participating in the House Speaker's delegation to Grenada should question during the 5 and 6 November visit.

Armed Services was equally ambitious in its desire to scrutinize administration activity in Grenada. It heard testimony from three of its members who visited Grenada on 5 and 6 November as part of a 14 member bipartisan delegation including Ron Dellums.[34] The findings were mostly positive, and generally praised the men and women engaged in the East Caribbean conflict, again reinforcing Congress' desire to be supportive of the troops' well-being even if disagreeing with the executive's policy. Upon returning from the Speaker sponsored trip to Grenada, Michael Barnes, Chairman on the HFAC's Subcommittee of the Western Hemisphere Affairs,

[33]Congress, House, Committee on Foreign Affairs, Subcommittee on International Security and Scientific Affairs with the Subcommittee on Western Hemisphere Affairs, US Military Actions in Grenada: Implications for US Policy in the Eastern Caribbean, hearing, 98th Cong., 1st sess., 2,3, and 16 November 1983, p. 1.

[34]Congress, House, Committee on Armed Services, Visit to Grenada with Speaker's fact-finding Mission, report, 98th Cong., 1st sess., 15 November 1983, House report 98-19, p. 3.

stated the President had "adequate justification" for sending US forces into Grenada to protect American citizens.[35] Dellums disagreed. Believing that the President had misled Congress about the situation in Grenada, he subsequently introduced House Concurrent Resolution 383 - requiring the President to release certain information about the invasion.

House Concurrent Resolution (HCR) 383:

Officially entitled "Resolution of Inquiry with Respect to US Activities Regarding Grenada," HCR 383 was referred jointly to Foreign Affairs and Armed Services on 18 November 1983. HFAC chairman, Daniel Zablocki, wrote a letter to President Reagan on 29 November asking him to respond to allegations that the administration had exaggerated Cuban troop strength in Grenada. Reagan's response came from W. Tapley Bennet, Assistant Secretary of State for Legislative and Intergovernmental Affairs, and William H. Taft IV, Deputy Secretary of Defense. Coupled with testimony by military officials on 23, 31 and 24 January respectively, the replies persuaded HFAC and HASC members to report adversely on HCR 383 by an oral vote.[36] The official reports came on 8 February from the former and 9 February from the latter. Dellums had chosen the least authoritative

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[35]Rubner, "The Reagan Administration," p. 644.

[36]Congress, House, Committee on Foreign Affairs, Resolution of Inquiry with Respect to US Activities Regarding Grenada, hearing, 98th Cong., 1st sess., 9 February 1984, appendices.

avenue of congressional legislative options, the House Concurrent Resolution, and failed.[37]

Foreign Affairs: The gatekeeper - more evidence

On many occasions during the Grenada conflict, the HFAC opposed proposed legislation. On 27 October, the HFAC's Merv Dymally introduced a concurrent resolution calling upon the President to remove US Armed forces from Grenada; it was tabled by the Committee a few days later. The following day, Don Edwards, another California Democrat, introduced a bill with bipartisan support declaring that "the President violated the constitutional power of Congress to make war," and requiring the immediate withdrawal of US forces in Grenada. This bill was also tabled by Foreign Affairs. Finally, Ted Weiss, a liberal Democratic member of the Committee, introduced a resolution calling for the impeachment of the President for the "high crime of ordering the invasion of Grenada in violation of the Constitution." This bill never left the House Judiciary Committee.[38] Although many claims set out in these proposals were as Michael Rubner argues more often than not, "charges about Reagan's procedural mishandling of the Grenada episode," they in turn spawned superfluous charges of substantive impropriety as well.[39] Congressmen were displeased with the President's monopolistic conduct of the Grenada invasion,

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[37]Although it requires a favorable vote of two-thirds in both chambers, a HCR does not carry the force of law, it is rather a "sense of Congress".

[38]Information on congressional initiatives during Grenada can be found in, Rubner, "The Reagan Administration," p. 627-647.

[39]Ibid., p. 643.

particularly in light of recent events in Lebanon, and subsequently attacked both the way he conducted Urgent Fury and his justification for allowing it. Rubner also asserts that Foreign Affairs tried - with some success - to differentiate between the two issues.[40]

Closing events

Reagan reported to Congress on the operation in Grenada on 8 December while the Departments of State and Defense issued preliminary reports on the invasion and its implications eight days later. The Pentagon announced the ending of hostilities on 2 November, and on 15 December, Reagan declared that US Forces in Grenada were no longer on combat status.[41] Four days later, free elections were held. Three hundred troops remained in Grenada on non-combat status as the HASC held hearings on lessons learned on 24 January in both open and closed session.[42] The last official action by Congress in the Grenada episode was a HASC delegation visit on 5 through 12 April 1984.[43]

The Department of Defense indicated that approximately 6,000 US service members participated in Operation Urgent Fury assisted by a force from the OECS, Jamaica and Barbados.[44] Pentagon officials estimated that 24 Cubans were killed, and 45 wounded. Grenadian casualties were

[40]Ibid.

[41]Congress, House, Committee on Foreign Affairs, Legislative Calendar, 98th Cong., January 1983 - October 1984, House Document 98-145, p. 10.

[42]Congress, House, Committee on Armed Services, Lessons Learned from US Military Operations in Grenada, hearing, 98th Cong., 1st sess., 24 January 1984.

[43]HASC, Legislative Calendar, 98th Cong., p. 32.

[44]Department of Defense, Headquarters Atlantic Command, "Operation Urgent Fury Report," Pentagon Reading Room, Document No 181, 6 February 1984.

estimated at 45 killed and 337 wounded, including 24 civilians in an accidental bombing of a mental hospital. American forces suffered 18 killed and 116 wounded.[45]

On 16 December 1983 and again in September 1984, the Department of State and the Department of Defense released a joint publication entitled "Grenada Documents: An Overview and Selection."[46] In total, both publications consisted of over 1,200 pages of documents captured by the US government after the invasion of Grenada, and were meant to offer evidence of a communist plot on the tiny island and that the US medical students were in imminent danger. More importantly, the reports illustrated how the branches of government attempt to manipulate context to their advantage. By persuading the media and the public that its action were in fact in response to threat of the spread of communism - coupled with a threat to American citizens' lives - the administration could deflect congressional criticism. Neither Foreign Affairs nor Armed Services issued an official statement upon the reports' release.

Methodological Analysis:

Phase I: Decision to use force (15 June 1982 - 25 October 1983)

Role(s) played:

Well informed observer (HFAC & HASC)

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[45]Weinberger, Fighting for Peace, p. 135.

[46]The Department of State and the Department of Defense, "Grenada Documents: An Overview and Selection" and "Grenada: A Preliminary Report," Pentagon Reading Room, Document No 154, September 1984.

HFAC member, Merv Dymally, together with the HASC's Ronald Dellums wished to shape US policy toward Grenada even before the administration contemplated the use of military force. Their congressional delegation (CODEL) visit and subsequent hearing met with little success due in part to the congressmen's reputations as "liberal doves" on Capitol Hill. In sum, the administration decided to use military force without consulting with Congress.

The HFAC and HASC leadership were not invited to the White House to receive the initial briefing on Operation Urgent Fury, but were privy to the second meeting at 08:15 on 25 October. Administration officials were unable to explain why the HFAC and HASC leadership were not included in the first meeting. The decision appears to be somewhat random, as they were invited to the 14 April 1986 briefing prior to the air raid on Libya.[47] Weinberger suggests that in light of the recent bombing in Lebanon, the administration may have wished to keep the circle as small as possible to limit political fall-out.[48]

Salient Independent Variables:

Historical precedent
Nature of the conflict
Public Support
Executive Prerogative
Personal attributes
International support

Grenada was a force employment in which the chief executive had the historical precedent to act independently

[47]Michael Rubner, "Antiterrorism and the Withering of the 1973 War Powers Resolution," Political Science Quarterly, Vol 102 No 2, (Summer 1987): p. 205.

[48]Casper Weinberger, interview by author, Tape recording, Washington, D.C., 6 April 1994.

- at least in the short term. Therein, however, lies the paradox because the entire conflict was brief. Reagan, assisted by the OECS, wanted to depose General Hudson and repel communist expansion. The President certainly appreciated the limited capabilities of the Grenadian forces, and that American victory would be swift and decisive, thereby subduing images of Lebanon and Vietnam. He defined the efficacy of US military intervention in a nationally televised address stirring a sense of urgency in the American population by highlighting the threat to US medical school students in Grenada. In a symbol of his effectiveness, an ABC poll report issued before the President's television address on 27 October had 64% approval rating for his actions in Grenada: after the speech the support level rose to 86%.[49]

With the exception of the OECS, the majority of the international community disagreed with Reagan's decision. However, the most important ally eventually supported him. The United Kingdom's Prime Minister, Margaret Thatcher, reluctantly supported the President during a phone conversation coinciding with the congressional leadership's initial briefing at the White House.[50] The timing of her notification also reaffirms the relative importance of allies and Congress in use of force policy. A high-ranking official in the Bush administration asserts that the

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[49]Rubner, "The Reagan Administration," p. 644.

[50]Admiral William J. Crowe, former CJCS, interview by author, Tape recording, Washington, D.C., 14 April 1994.

executive branch perceives public, congressional, and key allies support as equal. Moreover, he confides, "they are not partners in the true sense of the word, but rather groups we try to persuade after the decision has already been taken."[51]

In what amounts purely to executive prerogative, White House officials decided to exclude the HFAC or HASC leadership in the initial meeting with Congress. Instead, only the five members comprising the congressional leadership were invited.

Finally, Foreign Affairs was particularly effective in linking Reagan's failures in Lebanon to the constitutional illegitimacy of his action in Grenada. Its members' assertions bolstered Congress' contextual advantage during the sustainment phase - evident by HJR 402.

Phase II: Sustainment of force (26 October 1983 - 2 November 1983)

Roles played:

Guardian the WPR (HFAC)
Gatekeeper and bellwether for legislative proposals (HFAC)
Recipient and disseminator of information (HFAC & HASC)
Barometer of congressional convictions (HFAC)

Passage of HJR 402 marks the only time in history that the House triggered the WPR without modification. With the exception of Lebanon, all other instances when the House has regulated the sustainment of US forces have been

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[51]Interview by author, Tape recording, Washington, D.C., 4 April 1994.

accomplished with different legislative devices. The bill represents four roles of the Foreign Affairs. First, it initiated the WPR (guardian). Second, the 30-2 Committee endorsement led to a Floor vote (gatekeeper). Third, the bill was sponsored by eighteen members of the HFAC (bellwether); and fourth, it notified the administration that Congress was paying close attention to its actions in Grenada (barometer). During the Floor vote, ten members, including four members of Foreign Affairs and two from Armed Services, made observations - over 50% of those participating in the debate.[52]

Both Committees received two briefings on US military operations in Grenada from the administration in addition to each conducting a hearing.[53] In addition, the principal briefing for the House meeting as committee in the whole was jointly sponsored by the HFAC and the HASC reaffirming their role as recipient and disseminator of information.

After the invasion a total of sixty-four representatives entered remarks into the Congressional Record. Of those remarks, thirteen came from HFAC members and three from HASC members, comprising approximately one-sixth of all comments made.[54]

Salient Independent Variables:

Nature of the conflict

[52]Congress, House, Congressional Record, 98th Cong., 31 October 1983, H 29997-H 29999.

[53]HASC, "Full Committee Briefings and Meetings," 98th Cong., filed with Ms. Nancy Jones, Rayburn House office Building, and HFAC, "Compilation of HFAC briefings," 1983-1992, held by Ms. Kathy Zimmer, Rayburn House Office Building.

[54]Congress, House, Congressional Record, 98th Cong., 25 October 1983 - 1 November 1983, H 29183 - 30269.

Personal attributes
Historical Precedent
Institutional norms/Organization
Public support

The intensity of the conflict provided the context for congressional authority: over 6,000 air, ground, and sea personnel were deployed. However, the conflict's brevity (less than 60 days) was an advantage for the executive. Much of the administration's contextual advantage is also rightfully attributed to President Reagan's personal communication skills. While demanding an open timetable for the Grenada crisis, he convinced most Americans the mission would be completed both quickly and decisively.

Historical precedent made members from Foreign Affairs and Armed Services suspicious of Reagan's promises in light of the disastrous intervention in Lebanon, but not so suspicious as legally to require him to provide information on the decision to invade Grenada. The institutional norm - even during the final years of Vietnam - was to gather this information through briefings or closed session hearings rather than legal statutes.

Public support for the invasion was generally high, however, as it traditionally is when US forces are first committed to hostilities. Both Gallup and New York Times/CBS polls indicated well over fifty percent support for Reagan's policy in Grenada on October 27th.[55] High public support ratings are particularly interesting since

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[55]Michael Rubner, "The Reagan Administration, the 1973 War Powers Resolution, and the Invasion of Grenada," p. 646.

Foreign Affairs presented legislation to invoke the WPR on that same day. Senator Patrick Moynihan (D-NY) of Senate Foreign Relations offers a telling comment: "the move is popular, therefore, there's no disposition in the Senate to oppose it."[56] One encounters difficulty when trying to explain congressional activism in light of public support for the use of force.

Resolving the dilemma lies in the nature of HJR 402 and moreover, the War Powers Resolution itself. In short, HJR 402 did not force the President to change his policy in Grenada; in fact, the HFAC and HASC, blocked all attempts by the House to do so. Instead, the Resolution merely set a time limit to Reagan's scheme. Thus, Committee members had an alibi with the electorate if the administration's policy failed, while still allowing the President to direct US policy from the White House.

Phase III: Decision to Recall forces (2 November 1983 - 15 December 1983)

Roles played:

Internal discussion panel (HFAC & HASC)
Reevalutor of administration policies (HFAC & HASC)

Foreign Affairs' role as internal discussion panel was more prominent than that of Armed Services'. Whereas discussion by the latter group was generally low key and informal, the former conducted a serious of hearings in early and mid-November to determine the implications of US military intervention in Grenada on US relations with East

[56] New York Times (New York), 27 October 1983.

Caribbean states. These hearings, coupled with testimony from its members participating in the Speaker's delegation to Grenada led to a general endorsement of the President's decision to use force. In addition, the WPR did influence the administration's decision to remove US forces deployed to Grenada from combat status before 60 days had elapsed even though HJR 402 did not pass.

Salient Independent Variables:

Partisanship
Ideology
Institutional norms/Organization
Nature of the conflict

The HFAC's decision to conduct hearings was influenced by partisanship; Reagan's foreign policy hadcome to rely heavily upon the use of military force, and Democrats (especially liberals) saw the Grenada invasion as a means to express their disapproval. As an institution, Congress has limited avenues in which to scrutinize the administration, hearings are the most common device. Finally, the conflict's nature was conducive to congressional intervention. By 2 November, Reagan had removed US forces from combat status, and many service members were returning home. The Committee could, therefore, challenge the administration without fear of imperiling US troops.

<u>Phase IV: Retrospective Assessment (16 December 1983 - 1 October 1986)</u>

Roles played:

Investigation Team (HASC & HFAC)
Judge of the administration's conduct (HASC & HFAC)

In late January, Armed Services conducted hearings in both open and closed session on lessons learnt in Grenada. According to Representative Jim Courter (R-NJ), Operation Urgent Fury served as a report card for HASC members to reassess the nation's defense capabilities.[57] Although the immediate response of the Committee was favorable, later comments during hearings on JCS reorganization chastised DoD for two shortcomings: inability to conduct joint operations effectively, and inadequate special operations capabilities. Congressmen Sam Stratton and Bill Nichols were especially outspoken in their later criticisms of Operation Urgent Fury.[58] In short, the HASC served as investigation team during the 24 January 1983 hearing, and judge of the administration's conduct during the DoD reorganization debate thereafter.

Members of both Committees played the role of investigation team by way of their participation in the Speaker's delegation to Grenada: three members of Foreign Affairs and Armed Services took part.

Those same members of Foreign Affairs acted as judge of the administration policies more publicly than in any case studied thus far. Along with the Speaker of the House, Tip O'Neill, and House Minority Whip, Richard Cheney, Representatives Michael Barnes (D-MD), Don Bonker (D-WA) and Michael Broomfield (R-MI) contributed editorials to the

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[57]Congress, House, Committee on Armed Services, Lessons Learned As A Result Of The U.S. Military Operations In Grenada, hearing, 98th Cong. 2nd. sess., 24 January 1984, p. 35.

[58]HASC professional member, discussion with author, Washington, D.C., March 1994.

Washington Post.[59] Bonker even appeared on the television program Good Morning America. After O'Neill's unremarkable op-ed appeared on 7 November, Barnes offered an erudite and compelling argument endorsing Reagan's decision to use force two days later. Barnes article sought to answer five questions:

(1) to what extent was the invasion meant to rescue US citizens and were those citizens in imminent danger;

(2) did the administration make a sincere effort to resolve the problem through means short of war;

(3) was this action really an initiative of the OECS;

(4) was any consideration given to the costs of the operation; and

(5) had the administration given any thought to our abilities to institute a democratic government?

After finding acceptable answers to these questions, Barnes claimed: "I have reluctantly concluded that the president was justified in his action."[60] He added, however, that US forces should leave Grenada before the 60 day WPR limit was breached, and that "the Grenadian intervention may represent a military triumph, but it represents even more a diplomatic failure."[61]

Barnes' commentary is both important and distinctive. It was offered in the newspapers rather than Committee chambers ensuring a larger audience; it signified liberal Democratic endorsement of executive authority, thus, demonstrating that use of force policy often does not always

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[59]Washington Post(Washington, D.C.), 9, 11, and 14 November 1983.
[60]Ibid., 9 November 1983.
[61]Ibid.

adhere to either traditional partisan or ideological politics; Barnes offered a caveat to his sanctioning of Reagan's actions, namely that other options from the IIOS should be pursued more rigorously so as to avoid the use of force in the future; and finally, the five questions presented by Barnes served as the starting point for Cheney's, Broomfield's, and Bonker's analysis.

Representative Bonker's editorial "An Answer to Mike Barnes" opens with the following declaration:

> I [too] had initial misgivings about the President's use of military force on Grenada. But unlike him, having toured the island...I remain disturbed by the invasion and convinced that the central questions [those presented by Barnes] have not been resolved.[62]

Bonker and Barnes, equally liberal - each having received NSI ratings of zero in 1982 - disagreed as to Reagan's rationale for invading Grenada.

Op-eds submitted by Congressmen Broomfield and Cheney - both Republicans - amount to rejoinders to Bonker's analysis. Both representatives criticized Bonker for having left Grenada a day prior to the remainder of the delegation, insisting that it affected his ability to make an informed decision. Cheney also criticized Ron Dellums of Armed Services for his paternalistic method of dealing with black Prime Ministers in the region during the visit.[63]

Finally, commentary provided by all five congressmen demonstrated that Foreign Affairs and House leadership were

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[62]Ibid., 11 November 1983.
[63]Ibid., 14 November 1983.

at the forefront of discussion on use of force policy in the lower chamber.

Salient Variables:

With the exception of the executive's prerogative to request that portions of the HASC's hearing be held in closed session, no other variable was an issue. Not even partisanship or ideology played a pivotal role as Republicans and Democrats alike supported investigations.

Occurring in the Middle East and lasting eighteen months, the final case studied during Reagan's tenure, the Persian Gulf reflagging, had more in common with the conflict in Lebanon than the invasion of Grenada. But because the administration was able to present the mission as a standard naval operation, members of Foreign Affairs encountered difficulty in passing legislation regulating America's participation, while members of Armed Services saw little reason to even attempt to do so.

Chapter 4 - Section IV: PERSIAN GULF REFLAGGING

Distinguishing Characteristics:

> "In many ways, this was the classic battle between the legislative and executive branches of our government. The President had to decide whether to agree to Kuwait's plea for protection ...the Congress finally gave up trying to block the President and we accomplished everything we set out to do."[1]

This quotation, by former Defense Secretary, Casper Weinberger, exemplifies the nature of HFAC-executive and HASC-executive relations during the Persian Gulf Protective Expedition. It was indeed, a "classic battle" (Casper Weinberger) between the two branches of government, and was won - at least ostensibly - by the executive in the sense that the War Powers Resolution was never invoked, and US forces remained in the Gulf until the Iran-Iraq War ended. However, it is more important to determine why this conflict is different from other cases studied. Four distinguishing characteristics in the Persian Gulf conflict determined the roles played by both Foreign Affairs and Armed Services.

Firstly, the conflict's nature made it difficult for Foreign Affairs to invoke the War Powers Resolution. Secondly, the crisis was conducted with new, more aggressive chairs of both Committees who were more willing openly to challenge the President's policies. Thirdly, the Defense Secretary succeeded in ensuring that the United States' allies participated from the onset of the conflict, thereby making it more acceptable to American public opinion and

[1]Casper Weinberger, Fighting For Peace: Seven Critical Years in the Pentagon, (New York: Warner Books, Inc., 1990), p. 428.

Congress. Lastly, the Iran-Contra hearings took place at the same time, intensifying discussion about Reagan's conduct of foreign policy.

Of all the cases examined, the Persian Gulf is singular for involving no ground forces, a distinction which bears directly upon the principal argument developed in this thesis, that the conflict's nature influences HFAC and HASC role-playing in force employments. The former did not approve legislation that would provide statutory authorization for America's activity in the Persian Gulf as it had done in the Sinai, Grenada, and Lebanon because naval expeditions traditionally have been classified differently to land expeditions, and accordingly, different rules apply. Members of Foreign Affairs' professional staff indicated that "American forces were not in a war type scenario, instead, they were patrolling international waters - a legitimate peace time mission of the US Navy - [therefore] we killed the bill [to invoke the War Power's Resolution] in Committee."[2]

Because of historical precedent (the US has traditionally maintained a presence in the Persian Gulf) the prospect's for Foreign Affairs successfully invoking the War Powers Resolution were limited from the outset. However, both Committees scrutinized initiatives taken by the executive nonetheless. Of equal importance, by the time the conflict began, the Committees had elected new chairmen.

[2]HFAC professional staff member, interview by author, Tape Recording, Washington D.C., 22 September 1992.

Changing the chairmanship of the Armed Services was the more substantial and controversial of the two shifts because of the marked difference between Aspin's views on HASC-executive relations in defense policy and those of his predecessor, Melvin Price. The final result was a Committee that formulated its own policy in the crisis arena and challenged the administration's policies publicly. However, the basic roles played by the HASC, even under the less orthodox leadership of Aspin, remained intact.

The third distinguishing factor in the Persian Gulf episode was the early and explicit internationalization of the conflict. Weinberger realized that in order to secure congressional support for the "reflagging" of Kuwaiti tankers he had to persuade his allies in NATO, the Arab world and the Pacific rim to assist. By securing assistance so quickly, Weinberger calculated that Foreign Affairs and Armed Services would find it difficult to remove American naval vessels from the Persian Gulf, lest they be viewed as ceding America's role as a world power to its allies.[3]

Finally, the Iran-Contra hearings took place at approximately the time as the Persian Gulf expedition. Reagan suffered his lowest popularity ratings ever, and members of Foreign Affairs and Armed Services were skeptical about his method of conducting foreign policy.

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[3]Weinberger, Fighting For Peace, p. 398.

Changing the HASC paradigm: Les Aspin forges a new "bully-pulpit":

Armed Services had undergone a fundamental change in its understanding of the executive branch's conduct of America's national security policy. The Committee was no longer disposed to accept the administration's calculations, assessments or initiatives without performing its own internal analysis. The catalyst for change was Les Aspin, a Democratic congressmen from Wisconsin elected to the House of Representatives in 1970. Dissatisfied with Price's ineffective leadership, Aspin launched an unprecedented campaign in the Democratic Caucus in 1985 - the body charged with electing committee chairmen - to capture the chairmanship. He succeeded by a 121-118 vote, but two years later nearly lost the post on charges by his more liberal colleagues that his views on support for the Contras in Nicaragua and the MX missile program were too conservative.[4] Within these accusations lie the crucial paradox of Les Aspin's leadership: his passion. Aspin, recipient of an M. Phil. from Oxford and a Ph.D. in Economics from the Massachusetts Institute of Technology, has a predisposition to examine issues in great detail, and a willingness to challenge the conventional wisdom on a subject. Regardless of the conclusions he draws, the quality of his analysis is

[4]In fact, after his views on Nicaragua and on the MX missile were made public, HASC influence in the House declined. A House member of Barbara Boxer's (D-CA) personal staff remarked that "to side with Aspin on defense issues was to ensure defeat since he disagreed with the Democratic leadership so often." Donna Martin, personal staff member of Congresswomen Barbara Boxer, interview by author, Tape Recording, Washington D.C., 7 August 1992 and David C. Morrison, "Sharing Command," National Journal Vol 24 No 24 (13 June 1992): pp. 1394-1398.

high, often raising more questions than supplying answers.[5] However, his analytical inclinations must be tempered by political considerations, sharpened between 1981-1991 by working against presidents from a different party. The Reagan administration recognized Aspin's primacy in national security policymaking, one example being a phone call from the President himself congratulating the Wisconsin congressman on his ascension to the chairmanship.[6] Aspin's dilemma was plain: to support the president too frequently risked losing the support of fellow Democrats. The Chairman eventually found the perfect balance between analysis and calculation in what amounts to the "HASC's finest hour" just prior to the vote on using force to liberate Kuwait in January 1991.[7]

Aspin envisaged an alternative policy planning institute to formulate not only defense policy, but also national security policy, and use of force policy.[8] In his estimation, the HASC should also participate in decisions to use the hardware, personnel and equipment it had authorized in Defense Authorization Acts. To accomplish this task, Aspin made three changes.

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[5]Hedrick Smith, The Power Game, (New York: Random House, Inc., 1988), p. 530.

[6]"Recommended Telephone Calls" by M.R. Oglesby, Jr. of the White House Staff, 9 January 1985, PR007-02 FG033-03, ND018, Ronald Reagan Library. In addition, other important congressmen in defense policymaking supported Aspin's move including Representative Martin Sabo (D-MN) of Defense Appropriations. Sabo even lobbied the Democratic caucus in Aspin's favor. Representative Martin Sabo, House Defense Appropriations, interview by author Tape recording, Washignton, D.C., 14 April 1994.

[7]Defense specialist on SASC member's personal staff, interview by author, Tape recording, Washington, D.C., 14 April 1994.

[8]HASC professional staff member, interview by author, Tape Recording, Washington, D.C., 7 August 1992.

First, the staff director, John Ford, whose ideology "mirrored" that of Melvin Price retired.[9] He was replaced by Kym Wyncup who in turn was replaced by Rudy de Leon (both with visions of Armed Services similar to Aspin's). De Leon told his fellow staff members on the Committee he envisaged a group that would be more influential than its counterparts in the Senate.[10] Both he and Wyncup thought less about "individual widgets" and more about "over-all policy."[11] The Committee subsequently became less bipartisan than it had been under Price. For the first time, the Republican Committee members hired individuals to handle their affairs. Wade Heck, and his new minority staff personnel, began working independent of, rather than in conjunction with, their majority counterparts. According to the National Journal: "by hiring people like Vernon A. Guidry, Jr., Clark A. Murdock, [and Larry Smith] Aspin has turned the committee's Rayburn House Office Building headquarters into a think tank."[12]

Second, Aspin realized that in order to be heard on national security issues, he must be able to provide options quickly and with panache. Therefore, he asserted that Armed Services would become a "bully-pulpit" for national security policy.[13] To accomplish this mandate, the Committee

[9]John Ford, former HASC staff director, interview by author, Tape Recording, Washington, D.C., 15 September 1992.

[10]HASC professional staff member, phone interview by author, Oxford, England, 25 January 1993.

[11]Morrison, "Sharing Command," p. 139

[12]Ibid.

[13]HASC professional staff member, interview by author, Tape Recording, Washington, D.C., 1 August 1992.

distributed policy papers to professionals and intellectuals involved in national security policymaking including academics, think tank members, journalists, economists, military officers and other politicians on both Capitol Hill and in the administration. Press releases were used to provide a comprehensive statement on important topics for public consumption. In addition, by appearing on television interview programs such as Nightline, Meet the Press, This Week, and Face the Nation, Aspin sought to influence those who were professionally and intellectually interested in national security matters.[14] The HASC Chairman was successful in his efforts to establish himself as a national security policymaking guru amongst the Washington media establishment.[15]

The third and final change by Aspin was the creation of the Defense Policy Panel. This subcommittee, which Aspin himself chaired, examined a range of issues in national security from strategic arms control to America's security policy in the Middle East. It had been assailed by HFAC members who often referred to it as a "mini-HFAC" since both investigated similar areas of concern - particularly before the Persian Gulf War.[16] It was Aspin's think tank; its members were intelligent, original and (more importantly)

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[14]HASC professional staff member, interview by author, Tape Recording, Washington, D.C., 17 September 1992.

[15]Similar remarks were made by the following individuals during personal interviews with the author: Eric Schmitt and R.W. Apple, Jr. of The New York Times, David Broder of The Washington Post, Fred Barnes of The New Republic, and Betty Dukhart of Meet the Press.

[16]HFAC professional staff member, interview by author, Tape Recording, Washington, D.C., 3 August 1992.

quick thinkers who had the ability to produce proposals on an issue before their competition could namely the National Security Council, Senate Armed Services, the Joint Staff, the Defense and State Departments, and of course, House Foreign Affairs.

Historical Analysis

Events leading to America's decision to reflag Kuwait tankers date back to December 1979 when President Carter, reacting to the Soviet Union's invasion of Afghanistan announced what has became known as the 'Carter Doctrine.' He declared that: "An attempt by an outside force to gain control of the Persian Gulf region will be regarded as an assault on the vital interests of the United States."[17] One year later, war erupted in the Gulf region between Iran and Iraq. In 1986, Kuwait harbors were mined and its ships fired upon by Iranian forces; Kuwait, a country composed mainly of Sunni Muslims, had been specifically targeted by fundamentalist Shiite Iran because of its close connections with the West and because of boundary and resource disputes.

By November of that year, Kuwait officials approached the Gulf Cooperation Council (GCC) to gain its support for a plan to have either the Soviet Union or the United States protect its oil tankers. The GCC was skeptical about the request, but preferred an American over a Soviet presence. The USSR quickly responded to Kuwait's December request, stating it would assume escort duties immediately. The

[17]Cecil V. Crabb and Pat M. Holt, Invitation To Struggle, 4th ed., (Washington, D.C.: Congressional Quarterly Inc., 1992), p. 108.

United States' response took longer. After the question was formally placed before Reagan on 13 January 1987, he faced a national security team divided on the issue. The Secretary of Defense and National Security Advisor supported the reflagging idea, whilst the Secretary of State opposed it. Kuwait offered a compromise. The Soviets would reflag five Kuwaiti ships while the US reflagged six others. This plan was deemed unacceptable by Reagan's defense planners since in their estimation, it would demonstrate that America was unable to handle the request alone.[18]

As US officials debated the merits of the Kuwaiti request, Congressmen Solarz, Gilman and Torricelli - all Democrats from Foreign Affairs - introduced HJR 216 calling for a cease-fire in the seven-year long Iran-Iraq War; the resolution also advocated international sanctions against either party who violated the cease-fire. By this time, both the executive and legislative branches of America's government were contemplating means by which America could help stabilize activity in the Persian Gulf. In April, Kuwait accepted a US offer to escort all eleven Kuwaiti tankers from below the Strait of Hormuz to the harbor of Kuwait City.[19] Reagan decided that the reflagging would not begin until June.

Initial Debate

As in previous force employments, Foreign Affairs and Armed Services did not contribute to the decision to commit

[18]Weinberger, Fighting for Peace, pp. 387-428.
[19]Ibid.

American servicemen to the conflict, but were "well-informed observers" privy to special administration briefs. However, the Persian Gulf operation, could have been different. Since Reagan publicly announced his decision to employ force a month early, Foreign Affairs and Armed Services could have challenged his policy without the stigma of being perceived as endangering the troops. Neither Committee chose this course of action, but rather perceived the conflict's nature to be in stark contrast to Vietnam because no ground forces would be used, and the American public provided popular support. Even Les Aspin's staff members paid little attention to the administration's policy, releasing no reports to the media either supporting or opposing the administration.

Rationale for the Committees' silence can be partially explained by the actions of Casper Weinberger. Upon Reagan's acceptance of Kuwait's request, he observed that: "In an attempt to respond preemptively to what I knew would be congressional and other demands for our allies, I suggested we sound out Britain and our other NATO allies.[20] The Defense Secretary spoke plainly to his alliance colleagues. He would not act without popular and congressional support, a lesson which Vietnam had taught him. But Weinberger sought the support of his authorizing committee, Armed Services, and realized that the key was to define the issue as being entirely different from Vietnam.

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[20]Ibid., p. 398.

US allies would have to participate in the expedition, popular support would have to be secured, and Foreign Affairs and Armed Services would have to be offered briefs on the topic to persuade them that they were a critical part of the decisionmaking process. Neither Committee was interested in Weinberger's proposed meetings. "We in Defense made many attempts to brief the appropriate Senate and House Committees, but usually they did not have time for my briefs. They were too involved in putting together a congressional committee to investigate the Iran-Contra Affair."[21]

Before 17 May 1987, the Persian Gulf issue was attractive neither to Armed Services nor Foreign Affairs. There was little reason to take a position or adopt a posture on Navy ships performing one of their specified and historical missions: patrolling international waters. Taken together with Grenada, the Persian Gulf expedition illustrates the significance of the conflict's nature in determining the role of both Committees in force employments. American ground forces engaged in combat immediately upon arriving in Grenada, and casualties were expected on both sides from an early stage. The result was immediate and continuous action by House Foreign Affairs and Armed Services. In the Persian Gulf, the United States would be able to show the American flag without endangering its servicemen nearly as much as it had in Lebanon. The

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[21]Ibid., p. 400.

scenario changed considerably on 17 May as it had on 23 October 1983 after the US Marines' barracks were attacked by terrorists.

17 May 1987: A change in the nature of the conflict

After the U.S.S. Stark was attacked by an Iraqi jet on 17 May 1987, killing thirty-seven American servicemen, the way in which Foreign Affairs and Armed Services addressed the Persian Gulf crisis changed significantly. Both Committees attempted to take positions and initiatives similar to those taken during the Marine presence in Lebanon. However, members of the HFAC and HASC soon discovered that their influence was bounded by the nature of the conflict: the Persian Gulf was no Vietnam or Lebanon.

On 20 May, Secretary of State Shultz officially informed Jim Wright, the House Speaker, of the Stark attack.[22] By utilizing his most senior Cabinet official, Reagan wanted the Persian Gulf to be regarded as a diplomatic and not a military action by Congress and American citizens. Shultz's letter did not mention the War Powers Resolution. In an attempt to maintain autonomous control over the execution of America's policy in the Gulf, administration officials framed the content of their report so as to understate the military significance of the operation. Weinberger immediately informed the Commander-in-Chief of Central Command, General George Crist, that American forces were thereafter permitted to fire first in

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[22]Ibid., p. 408.

the Persian Gulf if they believed they were in imminent danger.[23] The number of briefs requested by Congress increased dramatically, reflecting perceptions of the changing nature of America's role in the Gulf. Robert Torricelli (D-NJ) criticized Reagan's policy in the Gulf proclaiming: "the administration is launching a policy without understanding where it might lead." The Congressman sensed "real anger" developing amongst his colleagues on Foreign Affairs towards the executive, indicating that "there was rising concern on the War Powers Resolution question."[24] The Senate echoed Torricelli's concerns when it formally demanded assurances (by a 91 to 5 Senate Concurrent Resolution) that the Navy have suitable Rules of Engagement and authorizing preemptive strikes for self-defense.[25] However, criticisms, were not limited to members of Congress. In the weeks following the attack on the Stark, articles written by defense correspondent, R.W. Apple, Jr., and former Under Secretary of State, George Ball, appeared in the New York Times comparing America's involvement in the Persian Gulf to Lebanon, Nicaragua and Vietnam.[26] "Now, congressional opposition to our whole Gulf operation flared, and many briefings were demanded [by congressmen] and given," wrote Casper Weinberger many years later.[27]

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[23]Ibid., pp. 403-404.

[24]New York Times(New York), 21 May 1987.

[25]New York Times(New York), 22 May 1987.

[26]Ball also compared US activities in the Persian Gulf to "the Soviet's Afghan imbroglio." Ibid., 22 May 1987 and 19 June 1987.

[27]Weinberger, Fighting For Peace, p. 404.

Armed Services: Inspector General role revisited

On 23 May, Armed Services (playing the role of active inspector general) dispatched four of its professional staff members to the Persian Gulf to gather information on the 17 May attack.[28] Overshadowed by his authorizing committee's activity in the Gulf, Weinberger requested his NATO allies' assistance during a meeting in Brussels on 27 May.[29] By early June, the Committee had completed its investigations on the Stark incident, and issued a report. Entitled "Report On The Staff Investigation Into The Iraqi Attack On The USS Stark", it listed the findings of HASC staff members from the Investigation Subcommittee. In his cover Memorandum for Members attached by the Chairman, Aspin stated: "the report examines the role of the Iraqi plane in the attack and the response of the Stark in light of information from observers in the area at the time of the attack."[30] The initial section of the report presented those conclusions generated by the four staff members acceptable to members of the Committee leadership. Congressman Aspin was joined by Congressman Nichols, Chairman of the Investigation Subcommittee, and Congressmen Dickinson, the Ranking Minority Member, in endorsing the report's claims, thereby insulating Aspin from the charge of partisanship.

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[28]Congress, House, Committee on Armed Services, Investigations Subcommittee, Staff Investigation Into The Iraqi Attack On The USS Stark, report, 100th Cong., 1st sess., June 1987, Committee Print No. 8, p. 3.

[29]New York Times(New York), 27 May 1987.

[30]Stark Report, p. III.

The report began: "The Rules of Engagement provided all the legal authority necessary for the Stark to defend itself in any circumstances - up to and including the technical authority to have shot down the Iraqi Mirage that approached it on 17 May."[31] The administration was thereby exonerated from any mistakes it may have committed in formulating its rules of engagement in the Persian Gulf. The remainder of the report chastised the Captain of the vessel and his fellow commanders for not taking the necessary steps to protect the ship. Armed Services did, however, temper its remarks by distinguishing between how the Stark leadership was permitted to act hypothetically, and how it was expected to act in light of the political realities surrounding its mission. Iraq was considered an ally in the Gulf and, therefore, the Stark crew understandably did not position itself defensively as Iraqi jets approached. The final two salient points presented by the report were the breadth of issues it analyzed and its obligatory praising of the American servicemen involved. Aspin requested that his staff members examine how this incident would affect defense policy in the future. Specifically, eight of the twenty sections of the report were dedicated to assessing the crew's use of hi-tech weaponry aboard the ship. The Chairman wanted to know how effective America's new weapons would be in combat and believed the Stark incident could provide some answers. A greater appreciation for US

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[31]Ibid., p. 1.

military capabilities gained at this point, assisted Aspin in his understanding and subsequently his predictions on how the Persian Gulf War would be fought in 1991.[32] In closing the first section, the report stated: "The actions taken by the crew after the Stark was hit were nothing short of heroic..." illustrative of how the failures in Vietnam have stigmatized any action that might be perceived as not fully supporting the troops while they are engaged in a conflict.[33] In this instance, the ship's commanders were criticized, but not the crew.

Congress takes a stand: HR 2533, HCR 137, HJR 216

Shortly after the report's publication, House Majority Leader, Tom Foley (D-WA) and House Minority Leader Bob Michel (R-IL) introduced HR 2533. Similar to HJR 364 from Lebanon in its bipartisan support, the bill would have required the Secretary of Defense to report on the circumstances in the Persian Gulf every six months. Foley and Michel were joined by Representatives Snowe, Broomfield, Hamilton and Gilman (three Republicans and one Democrat) who together also proposed legislation. These four lawmakers sought even greater international support for efforts in the Gulf than Weinberger had secured. HCR 137 was a formal request by Congress to encourage Japan and Europe to assist US Forces in the patrolling of international waters in the Persian Gulf. These two proposals, along with HJR 216 -

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[32]Les Aspin, "Significant Issues Series - The Aspin Papers: Sanctions, Diplomacy, and War in the Persian Gulf," Vol XII No 2, Center for Strategic and International Studies, 1991.

[33]Ibid, p. 2.

requesting a cease-fire in the Iran-Iraq War - were considered by the HFAC Subcommittee on International Security on 19 May and 2, 9, 10, 11, and 23 June (HR 2533 was also referred to the HASC).

During the hearings, which included testimony from the Defense Secretary, personnel from the State Department and the Joint Staff, Congressmen Dante Fascell (D-FL) indicated the issues which the Subcommittee would examine. He included the attack on the Stark and ramifications of the administration's policies in the Persian Gulf among his list of priorities. The Subcommittee also considered the efficacy of air cover in the Gulf operation in addition to asking the obligatory questions about triggering the WPR - the Foreign Affairs' albatross.[34] Armed Services conducted hearings on HR 2533 simultaneously, where its members heard testimony from the Vice Chairman of the Joint Chiefs of Staff and the Chief of Naval Operations. Both men indicated their willingness to provide updated information on the Rules of Engagement for US forces in the Gulf.[35] All three bills were passed by an oral vote in Committee. Within a week of the final day of hearings, they were passed by both chambers of Congress.

Challenging the status quo

At the height of activity surrounding the hearings, President Reagan defined America's objectives in the Persian

[34]Congress, House, Committee on Foreign Affairs, Subcommittee on Arms Control, International Security and Scientific Affairs and the Subcommittee on Europe and the Middle East, HR 2533, HCR 135, HJR 216, HCR 137, hearing and mark-up, 100th Cong, 1st sess, June 1987, pp. 1-3.

[35]New York Times(New York), 29 May 1987.

Gulf whilst attending a G-7 Economic Summit in Venice. They included: ensuring free navigation of shipping through international waters; not creating a vacuum of power that would be filled by the Soviet Union; and the protection of oil in that region essential to the US and its allies.[36] On the same day, 29 May 1987, the Chairman of Foreign Affairs, Dante Fascell, released a paper to the media stressing the dangers of unilateral action by the President in the Persian Gulf. The paper included details from his letter to the Secretary of State the previous day. In his correspondence, Fascell recommended the establishment of a Congressional Consultative Committee on National Security (CCC) "to serve as an ongoing informal structure for executive branch consultations with Congress on major national security issues."[37] A maximum of eighteen members would comprise the CCC including the House Speaker, the Senate and House majority and minority leaders, chairmen of the HASC and SASC, and the chairmen of the HFAC and SFRC. It would hold regular meetings with the executive's national security team, engage in discussions on major foreign policy, and offer opportunities for candid exchange between the two branches.

As the principal point of contact for House discussion on force employments, Fascell remarked: "I believe it is absolutely essential that the Congress and the American

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[36]Public Papers of the President, Ronald Reagan, 1987 (Washington, D.C.: GPO, 1988), 29 May 1987.

[37]HFAC mark-up and hearing, June 1987, pp. 294-295.

people fully understand exactly what the administration is planning in the Persian Gulf and the consequences," adding, "with congressional knowledge and concurrence, US interests can best be served. Without it, we unnecessarily risk failure."[38] Fascell's comments were not unusual, but his methods were. The assertive actions of the Committee chairman support this thesis by reaffirming the limited effect personal attributes have on the roles played by Foreign Affairs during force employments. Fascell's grievances regarding the Persian Gulf were more extensive than those of his predecessor, but no more critical. Daniel Zablocki declared after the Grenada invasion: "the American people will not accept this complete disregard of the law." In both instances, the HFAC chairmen were playing the lead role for Congress on analyzing force employment decisions by the administration and preserving the sanctity of the WPR. As previously stated, the chairmen's personal attributes can influence the activity of Armed Services and Foreign Affairs, but the Committee's roles are influenced more by the conflict's nature and institutional/organizational parameters (see introductory chapter).

Fascell faced a dilemma during the hearings over a point implicit in the remarks of his press release. Challenged by Gerald Solomon, a Republican member of Foreign Affairs from New York, who enquired whether Fascell believed the President had to receive explicit congressional assent

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[38]Ibid.

to conduct foreign policy in a crisis, the Chairman realizing the inefficiencies arising from having 535 "secretaries of state", replied that the president did not.[39] In doing so, he once again demonstrated that Congress did not wish to conduct America's national security policy alone, but rather to be an important participant in the process. Each member of the Committees must develop his or her own test to determine if Congress is playing an important role in formulating force employment policy, but regardless of the individual's definition, congressmen expect to play a greater role than before the Vietnam War ,i.e., authority to grant statutory assent, hearings, fact-finding missions, and briefings.

The bills, investigated by Armed Services and Foreign Affairs, represent a Congress unwilling to allow the President a free-hand in conducting operations in Gulf, but unable to invoke the WPR. The requests from the three bills were also telling. HR 2533 dictated that the Secretary of Defense submit a report to Congress which included "a plan which fully meets the security needs of our forces."[40] The document then stated in detail what information was to be provided by the administration. HCR 137 expressed a sense of Congress that "United States allies with significant security and economic interests in the Persian Gulf should join the United States in protecting our mutual interests in

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[39]Ibid.

[40]HR 2533, p. 1.

the region."[41] It then provided data about several of those countries already participating in the operation and urged other European nations and Japan to help as well.

Members of Armed Services, Foreign Affairs, and indeed, many individuals in Congress wished to emphasize the dangers associated with the Persian Gulf operation in order to avoid permitting the President a carte blanche. This task was problematic, however, since it was unable to invoke the WPR. To ensure some accountability, however, the executive would have to report to Congress on the status of the expedition from time to time (HR 2533), other countries would have to bear a portion of the burden since their strategic interests were threatened (HCR 137) and America's policy in the Gulf would have to be linked to a greater objective (HJR 216 - demanding a cease-fire in the Iran-Iraq War).

Three more details from the barrage of legislative proposals in late May 1987 are also relevant. First, HCR 137 had formal bipartisan support from its inception. The the ranking Republican member of Foreign Affairs was an original co-sponsor, a fact illustrating the limited effect which partisanship has on Foreign Affairs' role in force employment policymaking. Despite having a Republican President, Broomfield endorsed legislation to require a report from a high-ranking administration official on the executive's policies and actions in the Gulf. Second, two of the three bills introduced, HJR 216 and HCR 137, were

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[41] HCR 137, p. 1.

passed as part of the Foreign Relations Authorizations Act (FRAA), while the other, HR 2533, was passed as part of the National Defense Authorization Act (NDAA). As indicated in the introductory chapter, Foreign Affairs plays the role of gatekeeper for force employment legislation and in most cases examined, it has. In addition, the NDAA is a tool Armed Services can use to dictate defense policy which it has done in this and other instances. Finally, as noted previously, some scholars studying Congress suppose the WPR is the sole statutory instrument in which it may inoculate itself against an over zealous executive. By utilizing the FRAA, the HFAC has challenged their assertions.

The "imminent hostilities" polemic: Debate on section (4)(a)(1) of the War Powers Resolution and Imminent Danger Pay

One of the issues at the forefront of the Persian Gulf controversy was the question of describing the nature of hostilities in the theater of operations. The WPR specifically required that the president notify Congress if American Forces are introduced into "hostilities or situations where imminent involvement in hostilities is clearly indicated by the circumstances."[42] If the administration could convince members of Congress and America's population that such circumstances did not obtain, then it could circumvent the WPR.

In late June, the Pentagon authorized imminent danger pay for the military forces in the Persian Gulf. However,

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[42]The War Powers Resolution (P.L. 93-148, November 7, 1973), section 4(a)(1).

imminent danger pay does not imply the imminence of hostilities either in law or in fact. The former could be used to describe any member of the US services who was at risk of being injured by foreign sources while on duty. The latter presupposes US Forces faced a particular adversary. As in Lebanon, US Forces declared their neutrality in the Gulf, but since the operation comprised mostly naval assets, Reagan was better placed to refer to it as non-hostile.

Provision of imminent danger pay was not, however, an administration initiative. Armed Services' Subcommittee on Military Personnel and Compensation conducted hearings on imminent danger pay for servicemen in the Persian Gulf on 6 August 1987. Recalling her previous comments from the initial discussion on the subject four years earlier during the El Salvador and Lebanon crises, Congresswoman Beverly Byron derided the administration for abandoning its commitments to US servicemembers.[43] Privately, she warned the Secretary of Defense that if DoD did not act immediately, Armed Services would initiate legislation providing imminent danger pay for personnel serving in the Persian Gulf.[44] Shortly thereafter, the Defense Department obliged Byron's concern demonstrating how congressional

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[43]Congress, House, Committee on Armed Services, Military Personnel and Compensation Subcommittee, Imminent Danger Pay for those Serving in the Persian Gulf, hearing, 100th Cong. 1st sess., 6 August 1987, p. 1.

[44]Representative Beverly Byron, interview by author, Tape recording, Washington, D.C., 19 April 1994.

committees, as Lee Hamilton suggests, can often affect the "nuances", if not the substance of foreign policy.[45]

Reflecting the frustrations of some of his fellow members of Congress, Senator Lowell Weicker (R-CN) opined: "How can anyone in this Nation...say that there are no hostilities or the situation is not imminent of hostility?" adding, "The mines ... are not beach balls."[46] Robert Katzmann from the Brookings Institute remarked, "there was no single congressional view."[47] As microcosms of the larger organization, Foreign Affairs and Armed Services were also divided over the issue.

Aspin's Alternative Policy Planning Center

Shortly after the Secretary of Defense submitted his initial mandated report on the Gulf to Congress, Reagan met with congressional leaders to discuss the topic.[48] Both the executive and the legislature sought international assent for the expedition and on 20 July 1987, the UN Security Council approved Resolution 598 calling for a cease-fire in the Iran-Iraq War and sanctions against either party not complying.[49] The vote was taken a day prior to the first Kuwaiti convoy escorted by American ships. That same convoy struck an Iranian mine, still managing to reach Kuwait City.

[45]Lee H. Hamilton and Michael H. Van Dusen, "Making the Separation of Powers Work," Foreign Affairs (Fall 1978): p. 34.

[46]Robert A. Katzmann, "War Powers: Toward a new Accommodation," in A Question of Balance: The President, the Congress and Foreign Policy, ed. Thomas E. Mann (Washington D.C.: Brookings Institution, 1990), p. 64.

[47]Ibid.

[48]Secretary of Defense, Casper W. Weinberger, "A Report to the Congress on Security Arrangements in the Persian Gulf," 15 June 1987, Pentagon Reading Room, Document No 72.

[49]Dr. Mats Berdal, research fellow on UN peacekeeping operations at the International Institute of Strategic Studies, phone interview by author, London, Hilary Term 1993.

Reagan had originally stated that the escort operation would begin in June, but it was delayed by the Iraqi attack on the Stark, and a pending resolution introduced by Charles Bennett (D-FL), chairman of Armed Services' Subcommittee on Seapower. Bennett submitted legislation which would have forbade the reflagging of Kuwaiti vessels; the proposal failed by 126 to 283.[50] The House then settled on a motion, introduced by Mike Lowry (D-WA), to delay the operation for three months; it subsequently failed in the Senate.[51] Faced with a conflict which whilst below the threshold of the WPR, clearly placed the lives of US servicemembers in jeopardy. Congress was left with few options.

Les Aspin of Armed Services did not wait passively while Reagan implemented his policy in the Persian Gulf but attempted to shift some balance of control over the conflict to his Committee. He did so by publishing a report analyzing the administration's objectives in the Gulf at the operation's onset, and releasing sensitive information to the media provided during a meeting with Weinberger. Between the first and seventh of July 1987, Aspin (accompanied by other Armed Services and professional staff members) visited Bahrain, Kuwait, Iraq and Saudi Arabia. The trip was a departure from his usual practice of refraining from visiting crisis locations in person.[52]

[50]Cecil V. Crabb and Pat M. Holt, Invitation To Struggle, p. 151.

[51]Ibid.

[52]Congress, House, Committee on Armed Services, Subcommittee on Investigations and the Defense Policy Panel, National Security Policy implications Of The United States In The Persian Gulf, report, 100th Cong., 1st sess., July 1987, Committee Print No 9, p. 1, and interview with HASC professional staff member by author on 17 September 1992.

His work culminated in a late July report entitled "National Security Policy Implications of United States Operations in the Persian Gulf", written by the Defense Policy Panel and the Investigations Subcommittee, in which Aspin's staff considered each of Reagan's objectives in the Gulf. The introduction - endorsed in its entirety only by Aspin and Nichols - states: "the area of the Persian Gulf holds at current prices and technology almost two-thirds of the world's known oil reserves. Primarily - though not solely - for that reason, the US has had interests in the area for many years."[53] The final section offers "a policy for the future" and epitomizes Armed Services' new role under Aspin as an alternative policy planning center during Phase II of force employments.

On the administration's policies in the Gulf, the report concluded that: "On balance, the negatives stemming from a refusal to reflag appear to exceed those from the reflagging itself."[54] The reports also stated that the reflagging must be a "political decision" since the current military threat to the flow of oil is "quite low."[55] Therefore, the administration's main policy must be to prevent Soviet dominance in the area. The first observation was important since it resembled the Committee's conclusions presented in its 17 October 1983 report on Lebanon which stated: "the Marines in the MNF are filling a necessary

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[53]Ibid.
[54]Ibid., p. 78.
[55]Ibid., pp. 67-78.

role in the steps to stability, but under hazardous conditions."[56] Aspin's report endorsed the administration's three objectives:

1) Ensuring free-world access to Persian Gulf oil supplies

2) Inhibiting the spread of Islamic fundamentalism

3) Minimizing Soviet influence

Aspin also supported the administration's plan to achieve these objectives:

1) Ending the Iran-Iraq War

2) Maintaining trust of moderate Gulf states

3) Maintaining a presence in the Gulf

4) Encouraging a more moderate Iranian government

Armed Services' report is the first instance in which Aspin utilized the Defense Policy Panel on a use of force issue. The document's structure is similar to those written by research institutions which consider national security issues - examining the full gambit of options, objectives, and policies - just as Aspin envisaged. The Chairman simultaneously supported the administration's objectives and plans while offering several criticisms. By doing so, he avoided the charge of failing to act in the interests of America's forces while denying a carte blanche to the President. The report contained dissenting views by Republican Committee members including Duncan Hunter, Andy Ireland, Mac Sweeny, and Henry Bateman on the grounds that it curtailed presidential authority in the Gulf. Formal

[56]Congress, House, Committee on Armed Services, Lebanon: Limited Involvement, Frequent Accounting, report, 98th Cong., 1st sess., 18 October 1983, Committee Print No 9, p. 1.

endorsement by all Democrat's on the Committee was also absent.

To be sure, Armed Services does not act as a monolithic body. Constant dissension among Committee members persists in both inter and intra party affairs - especially on issues of war and peace. This phenomenon was apparent prior to the Persian Gulf War as Aspin includes a disclaimer stating that "the opinions presented in this document are my own, not those of the House Armed Services Committee" in each of the three white papers he released on the subject.[57] Although party matters less than the conflict's nature in determining which role the HASC will play, it remains influential. Republicans can demand statutory constraints to curtail the president's conduct of force employments, but to disagree openly with his policies when public support for the conflict is high would not prove advantageous. The cleavages that divide Armed Services' membership are dynamic, and not limited to party lines - although partisanship is among the most predictable. District composition, personal ideology, and region often matter. However, the nature of the conflict has been a better method of explaining and anticipating the Committee's behavior during force employments.

Aspin's second ploy to debunk executive autonomy in conducting operations in the Persian Gulf came after a meeting he had with the Defense Secretary, National Security

[57]Les Aspin, "Significant Issues Series - The Aspin Papers: Sanctions, Diplomacy, and War in the Persian Gulf," p. 52.

Advisor, and the Chairman of the Joint Chiefs of Staff on 14 July 1987. The administration had persuaded King Faud of Saudi Arabia to permit AWACS air support for the naval vessels in the Gulf on 4 June 1987. The three officials informed Aspin, the congressional leadership, the chairmen and ranking members of the oversight committees of this and other crucial information regarding the pending Persian Gulf expedition during the meeting. Since the convoy operation would commence the following week, Admiral Crowe, the Chairman of the Joints Chiefs of Staff, specifically stated that the information to be briefed was "extremely sensitive and should be treated accordingly."[58] Aspin was an active questioner, arguing that the CIA had a gloomier view of the Gulf conflict than the DIA, but were not permitted to air their views to Congress. Upon leaving the meeting, the HASC Chairman held a press conference "divulging the exact details of the convoy."[59] Details of the escort operation and the involvement of two of the Gulf states appeared in a front page article of the Washington Post. Aspin's actions appeared in epithet form in the Pentagon when officials quipped "Les's lips sink ships" since the initial convoy struck an Iranian mine.

Aspin's actions were controversial, but differed little from Representative Stratton's, a conservative member of Armed Services from the Cold-War era. Upon completing his trip to Lebanon, Stratton went to Weinberger with grievances

[58]Weinberger, Fighting For Peace, p. 410.
[59]Ibid.

about inadequate security; Aspin went to the press with his grievances on analysis of intelligence. Both members played the same role - active inspector general - but in different ways. In short, personal attributes influenced the method of interaction, but not the substance.

The federal judiciary: An unwilling umpire and Foreign Affairs' attempt to invoke the War Powers Resolution

In August of 1987, Representative Mike Lowry filed a federal suit against President Reagan claiming section 4(a)(1) of the WPR should have been triggered on 22 July when the US began escorting Kuwaiti tankers. Lowry was joined by 110 congressmen in an effort to thwart presidential control of the Persian Gulf operation. The case was dismissed by Judge George H. Revercomb who indicated "constraints of the equitable discretion and political question doctrines" adding "the plaintiffs' dispute was primarily with [their] fellow legislators."[60] By premising his decision on "equitable discretion," Revercomb's argument mirrored Judge Robert Bork's ruling in Crockett vs Reagan (1983) regarding US forces in El Salvador. The suit was ultimately dismissed by the US Circuit of Appeals on 17 October 1988 on grounds of mootness since a cease-fire in the Iran-Iraq War had taken effect by this time.

Lowry's impatience regarding the WPR was indicative of many members of Congress. It was viewed with disdain by Representatives and Senators alike, yet it has remained in

[60]Katzmann, "War Powers" in A Question of Balance ed. Mann, p. 63.

place to color the arguments for every force employment since its inception. Foreign Affairs considered proposed legislation by one of its members, Stephen Solarz (D-NY), on imposing War Powers. He introduced HJR 387 on 22 October 1987, two months after Lowry's suit was considered.

Together with twelve Democrats members from Foreign Affairs, Solarz argued that section 4(a)(1) of the Resolution had become operative on 16 October 1987. In order to preserve the sanctity of the WPR, Solarz included the following clause in the resolution: "nothing in this joint resolution modifies, limits or supersedes any provision of the War Powers Resolution."[61] The bill was equally explicit in indicating both its demands on the President, and the prerogatives of Congress. Congress may by joint resolution "direct the withdrawal" of America's Armed Forces from the Persian Gulf whilst the President is obliged to report to the legislature on: activities of the Armed Forces; the steps being taken by allies to ensure protection of non-belligerent shipping; the results of efforts to implement UN Security Council Resolution 598; and how US involvement in the Persian Gulf advances America's interests in foreign and national security policy.[62] The bill was not reported out of Committee.

HJR 387 was not introduced until US forces had been in the Gulf for over three months, and all of its sponsors were Democrats. Typically, as conflicts lengthen, US casualties

[61] HJR 387, p. 4.
[62] Ibid. p. 3.

increase, and lawmakers perceive that it is being conducted with little congressional control, party cleavages diminish in importance. In this instance, however, most Committee members were unconvinced that such circumstances existed. In short, they did not believe that the conflict had come to resemble Vietnam and did not, therefore, pass legislation. Foreign Affairs reluctance to report legislation is endemic to congressional timidity on use of force issues, and typically results in a modified version of the WPR passing in the House or no bill passing at all (see chapter on Lebanon).

Solarz had unsuccessfully attempted to convince his cohorts that US forces were in imminent danger of embroilment in hostilities. Implicit in his colleagues' response was the implausibility of the conflict evolving into another Vietnam War. Instead of War Powers, Foreign Affairs opted for other less controversial forms of congressional oversight such as briefs, hearings, and alternative legislation.

Closing Events

In an effort to persuade Iran to support UN Security Council resolution 598, Reagan imposed a trade embargo against Iran called Operation Staunch (whilst secretly trading it missiles in return for hostages held in Lebanon).[63] On 15 December 1987, the HFAC Subcommittee on Europe and Middle East Affairs conducted hearings entitled

[63]Bob Woodward, Veil: The Secret Wars of the CIA 1981-1987, (London: Simon & Schuster, 1987), p. 435.

"US Policy in the Persian Gulf" where it examined recent political and military developments in the Persian Gulf.[64] By September 1987, Reagan began reporting in accordance with the WPR as he had in Grenada and Lebanon. He did so six times including the 3 July 1988 missile attack on an Iranian airliner by the U.S.S. Vincennes.[65]

Armed Services conducted hearings on Iran Air Flight 655 but with less intensity that it had the Stark attack or Marines barracks' bombing in Lebanon. Members wished to provide for those innocent civilians killed, however, Islamic custom dictates that any compensation must go to the eldest male in the family rather than wives and children.[66] The Secretary of Defense issued his own report (Fogarty Report) on the mishap, submitting it to the President on 19 August.[67] The US government eventually offered more than $100,000 to the families of those killed, but the Iranian government rejected it. The International Court of Justice heard arguments on the case in April of 1994, but has not issued a ruling.[68]

Members of Foreign Affairs and Armed Services received no pressure from fellow legislators to "get the troops out"

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[64]According to Lee Hamilton, the Subcommittee met to hear administration officials discuss "recent political and military developments in the Persian Gulf Region and how they affect U.S. policies in this vital region." Congress, House, Committee on Foreign Affairs, Subcommittee on Europe and the Middle East, Developments in the Middle East, September 1987, hearing, 100th Cong., 1st sess., 1 December 1987, p. 1.

[65]HFAC, Legislative Calendar, "House Documents," 100th Cong., 6 January 1987 - 22 October 1988.

[66]Congress, House, Committee on Armed Services, Defense Policy Panel, Iran Air Flight 655 Compensation, hearing, 100th Cong., 2nd sess., 3 and 4 August and 6 October 1988, p. 66.

[67]Weinberger, Fighting For Peace, p. 426.

[68]Judge Abraham Sofaer, interview by author, Tape recording, Washington, D.C., 19 April 1994.

since none of their colleagues' districts were affected as in Lebanon. Apparently, the Vietnam legacy as understood by members of Congress, excludes high numbers of foreign casualties as one of the imperatives to be prevented. The President's final report to Congress arrived 14 July 1988 after US ships fired on Iranian vessels in self-defense.[69] Four days later, Iran accepted UN Security Council Resolution 598, ending the Iran-Iraq War. The President in turn changed America's "reflagging" policy to "accompanying" which ended within a month.

Foreign Affairs remained abreast of events in the Persian Gulf via a series of hearings called "Developments in the Middle East" similar to those it conducted throughout the US military presence in Lebanon. Also, in its role as inspector general, Armed Services' Defense Burdensharing Panel received testimony on common security interests in the Middle East in an effort to identify the precise level of international financial support for military operations in that region.[70]

In 1992, four years after the Vincennes accidentally shot down Iran Air Flight 655, John Barry of Newsweek magazine alleged the following:

(1) the Vincennes was the aggressor and not the victim of an Iranian gunboat attack;

(2) the US was engaging in a secret war against Iran on behalf of Iraq; and

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[69]HFAC, Legislative Calendar, "House Documents," 100th Cong., 6 January 1987 - 22 October 1988.

[70]Congress, House, Committee on Armed Services, Defense Burdensharing Panel, Common Security Interests in the Middle East, 100th Cong., 2nd sess., 20 April 1988, pp. 1-4.

(3) the Fogarty report on the Vincennes mishap was part of the cover-up of the secret war.[71]

In its extended role as inspector general, Armed Services conducted hearings and performed an investigation meant to determine the validity of Barry's charges.[72] The principal witness was Admiral William J. Crowe, former Chairman of the Joint Chiefs of Staff. The Committee found the allegations to be unsubstantiated, but the hearings were important for two reasons. Firstly, the HASC's role as inspector general has no statute of limitations. Secondly, the media can affect HASC activity. John Barry and Les Aspin have had "a special, cordial and close relationship for many years", and it probably influenced the Chairman's conduct in this instance.[73]

Finally, Congressmen Price, Nichols, and Daniels died during the Persian Gulf episode. They were replaced by a less conservative group of subcommittee chairmen and Armed Services' members whose views on the Committee's role in force employment policy was to be heard shortly thereafter both in Panama(1989) and the Persian Gulf(1990).

Methodological Analysis:

Phase I: Decision to Employ Force (1 April 1987 - 14 June 1987)

Roles played:

[71]Newsweek's comments are reprinted in Congress, House, Committee on Armed Services, Defense Policy Panel, The July 3, 1988 Attack by the Vincennes on an Iranian Aircraft, hearing, 102nd Cong., 2nd sess., 21 July 1993, p. 1.

[72]Ibid.

[73]HASC professional staff member, interview by author, Tape recording, Washington, D.C., 11 April 1994 and Fred Barnes, writer for The New Republic, interview by author, Tape recording, Washington, D.C., 23 March 1994.

Well informed observer (HFAC & HASC)
Conduit for House discussion (HFAC)
Point of Contact for information from the administration (HFAC & HASC)

As with the decision to deploy US forces to Lebanon, the administration took the decision to provide naval escort for Kuwaiti tankers without consulting Congress. Therefore, it is not surprising that Foreign Affairs and Armed Services played the superficial role of well informed observer. However, after Reagan announced his intentions, the former considered six legislative proposals regulating the conduct of those forces.[74] Three of the less obtrusive measures passed whilst three failed including one introduced by HASC Subcommittee Chairman, Charlie Bennett. In addition to its role as conduit for House discussion (evident by the volume of proposals received), both Committees participated in numerous briefings given by the State Department, DoD, the WHS and CIA.[75]

Salient independent Variables:

Historical precedent
Nature of the conflict
Influence of House leadership
Role of other relevant Committees
Institutional norms/Organization

President Reagan was able to define the content, establish options, and set the parameters of the United States' involvement in the Persian Gulf. A historical precedent had been established both for deploying naval

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[74]HFAC, Legislative Calendar, 100th Cong., 6 January 1987 - 22 October 1988.

[75]HASC professional staff member, interview by author, Tape recording, Washington, D.C., 17 September 1992.

expeditions to demonstrate US resolve and more specifically, to patrol the international waters of the Persian Gulf. Reagan often alluded to expeditions and sea patrols initiated by Eisenhower in the same region over thirty years earlier.[76] Dante Fascell reaffirms this claim in his 28 May 1987 letter sent to Secretary of State, George Shultz, when he wrote: "For nearly forty years, U.S. national security interests in the Persian Gulf have been maintained by a combination of U.S. diplomatic activities and military presence."[77] However, his Committee was unable to generate sufficient internal support to secure statutory authorization for US military activities in the region during either Phase I or Phase II.

The explanation lay in naval operations having traditionally been viewed - even by members of Congress - as a legitimate arena for autonomous control by the commander-in-chief. Naval deployments lack the political importance, crisis appeal, and sense of urgency, that force employments involving ground forces do. Therefore, the institutional norm of Congress is to defer to presidential authority. Not until a cataclysmic event such as the 17 May bombing of Stark occurred did either Foreign Affairs or Armed Services become more than marginally involved in the conflict. At

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[76]Public Papers of the President, Ronald Reagan,1987 (Washington, D.C.: GPO, 1988), May-July 1987.

[77]Congress, House, Committee on Foreign Affairs, Subcommittee on Arms Control, International Security and Scientific Affairs and the Subcommittee on Europe and the Middle East, HR 2533, HCR 135, HJR 216, HCR 137, hearing and mark-up, 100th Cong., 1st sess., June 1987, pp. 291-293.

that time, members of both Committees conducted hearings, investigations, and commented to the press.

By 1987, Democrats had reclaimed a majority in the Senate resulting in increased interchange between Foreign Relations and their counterparts in the House.[78] As three legislative initiatives were passed by Congress, coordination with the SFRC, thus the variable "other relevant committees", did influence the HFAC. The House leadership was also influential in determining which role the Committee would play by referring proposed legislation to Foreign Affairs alone.

Phase II: Sustainment of forces (15 June 1987 - November 1988)

Roles played:

Recipient and disseminator of information (HFAC & HASC)
Alternative policy-planning and analysis center (HFAC & HFAC)
Inspector General (HASC)
Guardian of the WPR (HFAC)
Gatekeeper and bellwether for legislative proposals (HFAC)
Barometer for congressional convictions (HFAC)

As the extensive list indicates, during the Kuwait escort operation, Foreign Affairs and Armed Services performed every role presented in the introductory chapter. True to form, the Committees became more activist with changes in the conflict's nature, the attack on Iran Air Flight 655 being an excellent example.

The HFAC and HASC received information in the traditional manner. The former conducted nine hearings, received seven briefings, and took six trips to the region

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[78]Senator Richard Lugar, interview by author, Washington, D.C., 18 April 1994.

while the latter performed three hearings, issued a report, and took two trips.[79]

The HFAC and HASC leadership also participated in regular meetings with top administration officials which usually occurred at the White House just before military attacks were launched. According to both Admiral Crowe and Speaker Jim Wright, they were informative rather than consultative although the President ostensibly indicated his willingness to abort missions at the participants' request.[80] Reluctant to challenge the President's use of force authority, congressmen typically offered no more than subtle suggestions that rules of engagement or commencement times be altered. The Committees disseminated information to the House by jointly sponsoring briefings as they had done during the Lebanon conflict.

Armed Services' report released in early July 1987, epitomized Aspin's re-fashioning of the Committee into an alternative policy-planning and analysis center whilst its inspector general role was vindicated by its hearings on burdensharing and Iran Air Flight 655.

By considering legislation introduced by Steve Solarz on enacting the WPR, Foreign Affairs reaffirmed its role as gatekeeper, bellwether and (ineffective) guardian. Finally,

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[79]Congress, House, Committee on Armed Services, "Full Committee and Investigation Subcommittee Briefings/Meetings," filed with Ms. Nancy Jones, Rayburn House Office Building, 100th Cong. and Congress, House, Committee on Foreign Affairs, "Compilation HFAC Briefings since 1982," held by Ms. Cathy Zimmer, Rayburn House Office Building. Office of the Clerk of the US House of Representatives, Report of Expenditures for Official Foreign Travel, 1987-1988. HFAC & HASC, Legislative Calendars, 100th Cong., 6 January 1987 - 22 October 1988.

[80]Representative Jim Wright and Admiral William Crowe, interview by author, Tape recording, Ft. Worth, TX and Washington, D.C., 1 April & 14 April 1994.

the HFAC's decision not to report legislation demonstrates its understanding of House opinion and, thus, preserving its role as barometer for members of the lower chamber's convictions.

Salient Independent Variables:

Nature of the conflict
Executive prerogative
International support
Public support

America's forces remained in the Persian Gulf for approximately the same time as they had in Lebanon (18 months). However, congressional dissent and pressure to leave was much less intense. Barring the 17 May mishap, the explanation lies in the Persian Gulf operation having been a clearly defined force employment with a high probability of securing its objectives.[81] Armed Services conducted hearings on the Stark incident, finding no fault with the administration's policies. When the Committee later reported on the implication's of America's involvement in the Gulf, criticizing certain administration policies, the conflict was subdued: no US casualties had been sustained for some time; the UN sanctioned the operation, and other countries were participating. Members of both Committees had, therefore, little reason to think it likely that the conflict would degenerate into another Vietnam War. Finally, executive prerogative resulting in an invitation for the HFAC and HASC leadership to participate in White

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[81]HFAC professional staff member, interview by author, Tape Recording, Washington, D.C., 22 September 1992.

House discussions decreased the sense amongst the Committee membership that Reagan was acting unilaterally. By doing so, the President refrained from acting in manner reminiscent of executive behavior during the Vietnam War.

Phase III: Decision to Recall Force

Roles played:

Internal discussion panel (HFAC & HASC)

Simply stated, Congress does not call for the cessation of US military operations when US forces are performing effectively.[82] Members of Foreign Affairs and Armed Services did discuss amongst themselves recalling US forces, but neither Committee made a concerted effort to effect a change late in the operation.

Salient Independent Variables:

Nature of the conflict
International Support
Public Support

The nature of the conflict throughout the final months of Operation Earnest Will (code name of the naval escort) was such that neither Committee would have benefited by suggesting it be stopped. The mission was not only clearly defined, but public support was high, and international support forthcoming. In addition, US military forces successfully performed their operations with widely applauded success. Even special operations, under close scrutiny after mishaps both in Iran and Grenada, passed muster. After the shortcomings of the two previous missions

[82]Crowe interview.

were revealed, members of Armed Services initiated legislation creating Special Operation Command, and therefore, were especially pleased with the recent example of US forces performing so effectively.

The increase in public support for the US's presence in the Persian Gulf was registered by the Gallup poll. An 18 June measure indicated that 47% of those surveyed approved of the administration's plan to allow Kuwaiti oil tankers to fly the American flag while 61% of those polled believed retaliation by the US (if attacked) should be against the attacker only and not the mainland.[83] The limited extent of America's involvement in the Persian Gulf e.g. assistance from allies and no ground forces was appealing not only to Congress, but America's population. On 20 July 1987, after the Stark incident, America's approval rating for the Persian Gulf reflagging had fallen to 42%. However, when asked how likely they thought it that US involvement in the Persian Gulf would evolve into another Vietnam, only 27% answered "very likely" compared to 35% during the Lebanon crisis.[84] Finally, by 1 November 1987, no less than 56% of those surveyed approved of America's policy in the Persian Gulf.[85]

Having examined public opinion on the Gulf conflict, it becomes more apparent why neither Foreign Affairs nor Armed Services did more to press the administration to recall US

[83]George Gallup, Jr., The Gallup Poll: Public Opinion 1987 (Willmington, Delaware: Scholarly Resources Inc., 1987), p. 143.

[84]Ibid., p. 181.

[85]Ibid., p. 182.

forces from that region. Mayhew and other congressional scholars have emphasized the importance of an "electoral connection," by which congressmen's sensitivities to district opinion is high.[86] If Mayhew's argument has force, it is irrational to take a position against an administration's policy if the people appear to support it. Therefore, both Committees - Armed Services especially - monitored the conduct of the operation to ensure the executive acted in accordance with its own previously announced policies.

Phase IV: Retrospective Assessment

Roles played:

Judge of the administration's conduct (HFAC)
Investigation Team (HASC)

Foreign Affairs performed "a thorough examination of the War Powers Resolution in light of the administration's conduct of Operation Earnest Will."[87] Additional questions about the Resolution's relevance in the Persian Gulf episode surfaced during hearings dedicated to the "origins, purposes, and applications" of War Powers held in the summer of 1988.[88] Although the Committee did not explicitly dedicate a specific hearing to examining the WPR and Operation Earnest Will as it had done previously, its

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[86]See esp. David R. Mayhew, Congress: The Electoral Connection, (New Haven: Yale University Press, 1974).

[87]Robert A. Katzmann, "War Powers: Toward a new Accommodation," p. 65.

[88]Congress, House, Committee on Foreign Affairs, Subcommittee on Arms Control, International Security and Science, 100th Cong., 2nd sess., 4 August and 27 September 1988, p. 359.

actions nonetheless can be included in the rubric of judge of the administration's conduct.[89]

Finally, Armed Services role as investigation team was evident by its 1992 hearings on allegations of a secret war against Iran coordinated with Iraq in violation of the Case-Zablocki Act.[90]

Salient Independent Variables:

Nature of the conflict
Institutional norms/Organization
Partisanship

The Kuwaiti reflagging mission was considered a success both by members of Armed Services, and the administration. More importantly, Admiral Crowe proclaimed that "there was no doubt that my ability to discharge my duties was made possible by passage of the Goldwater-Nichols Act."[91] With top DoD officials issuing praise for legislation the Committee labored for years to pass, coupled with the operational successes throughout Earnest Will, Armed Services had little incentive to challenge formally the military efficacy of US policy. In the end, however, institutional norms exacerbated by partisanship did prompt

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[89]Those instances in which Foreign Affairs has explicitly dedicated hearings to the WPR include the air raid on Libya, Mayaguez rescue, Zaire airlift, Saigon evacuation, Phnom Penh evacuation, Danang evacuation, and the air interception of terrorists who captured the Achille Lauro.

[90]The Case-Zablocki was enacted in 1972 an requires administrations to report to Congress (via the SFRC and HFAC) on certain international executive agreements within 60 days of their enactment excluding treaties which must be ratified by the Senate. Congress, House, Committee on international Relations, Congress and Foreign Policy - 1975, 94th Cong., committee print, 12 August 1976, pp. 39-40.

[91]Crowe interview.

the committee to investigate allegations of covert US-Iraqi activities during the reflagging operation.[92]

Elected President after Reagan's unprecedented two-term tenure (since Vietnam), George Bush inherited both the positive and negative legacies of the President whose actions most resembled his "imperial" predecessors. Reagan had demonstrated to friend and foe alike his willingness to use force, but also his forgetfulness on Congress' constitutional role in the making of foreign policy (namely the Iran-Contra Affair). Bush also inherited Reagan's rift with Panama's despot, Manuel Noriega. The next chapter examines his decision to authorize Operation Just Cause, deposing of Noriega. Bush was no zealot, however, receiving high levels of support from both Armed Services and Foreign Affairs to use force.

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[92]Although Aspin's relationship with John Barry of Newsweek also played a role in the decision to conduct the 1993 hearing.

Chapter 5 - Section I: PANAMA

Introduction

The election of George Bush as the nation's forty-first president saw the least dramatic change in use of force policymaking in the entire sixteen year period covered by this dissertation. Bush, who had served as Ronald Reagan's Vice President for the previous eight years, held similar views in national security policymaking. Early in his tenure, the press portrayed the President as weak, some caricatures depicting him clad in women's clothing.[1] Eventually, however, Bush was considered a pragmatist, strong on defense yet less likely than Reagan to use force to achieve foreign policy objectives. More importantly, he and his top advisers were recognized by the public, media, and Congress as having learnt the "lessons of Vietnam."[2] Members of the administration believed that US lives were not to be placed into ambiguous scenarios to accomplish protean objectives. Bush's principal military adviser, General Colin L. Powell, summarized the Commander-in-Chief's orthodoxy proclaiming that if force were to be used, it would be done both decisively and overwhelmingly.[3]

Important Characteristics

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[1]Pat Oliphant, political cartoonist of The New York Times, was the leading culprit.

[2]See for example "Lines in the Sand: America's top Commanders have learned the hard lessons of Vietnam and Lebanon," US News & World Report (1 October 1990): pp. 28-36.

[3]Colin L. Powell, "U.S. Forces: Challenges Ahead," Foreign Affairs Vol 71 (Winter 1992-3): pp. 32-45.

There are four important characteristics of the US invasion of Panama that ultimately afforded Bush the necessary contextual advantage to use force.

Firstly, the conflict between Panama and the US lasted over three years and featured a personal confrontation between the leaders of both countries. Originally between Reagan and Noriega, the US-Panamanian rift culminated in a clash with Bush and the putative Central American head of state. Bush's subsequent confrontation with Saddam Hussein in Iraq was similar, as was Reagan's clash with Qadhfi in Libya. By personalizing a conflict, administrations have been able to present clearer mission objectives even if not explicitly stating them. For example, by Christmas of 1989, US citizens realized that Bush's objective was to capture Noriega; there was, therefore, no widespread fear of a long-term occupation after his arrest.

Secondly, both the Reagan and Bush administrations implemented several alternatives from the IIOS before opting to use military force such as economic sanctions, diplomacy, and covert actions. As a result, Congress could not legitimately accuse the President of acting hastily. In a unique use of historical precedent, Bush - as Carter had tried with the rescue attempt in Iran, and Reagan had achieved with the air strike on Libya - presented Operation Just Cause as the logical conclusion of past policies. According to the President, the invasion was the culmination of a continuum of responses to an international incident,

Noriega's foul play in Panama, not an impulsive act of US interventionism.

Thirdly, with the exception of El Salvador, the crisis in Panama presented the clearest threat to US interests in the cases studied.

Proximity: Panama is located on the same land mass and within the same hemisphere as the US

Prosperity: Noriega was indicted on drug charges. Drugs are considered the scourge of several US cities, and root of many social ills

Militarily: The Panama Canal provides the US with a shipping lane for large vessels to cross from the Pacific into the Atlantic Ocean and vice versa

Ideologically: Noriega's savagery appalled Americans who believe in the democratic process.

Taken separately, none of these factors would have been compelling. Repellent acts of Latin American dictators do not automatically result in a call to arms, as the US's alliances with Somoza in Nicaragua and Batista in Cuba show well. Together, however, these factors possess a synergy that resulted in congressional acquiescence and for several members, endorsement of Operation Just Cause.

Overview of HFAC and HASC Roles

The role of Congress in the US invasion has a peculiar aspect. Members of Congress, especially those on Armed Services, actually encouraged the administration to use force to resolve the crisis. In no other case studied were congressmen more aggressive than an administration in resorting to force in order to achieve US goals with the

possible exception of Stratton's resolution on Iran.[4] I shall argue that they did so because (a) Noriega was making a mockery of the US government and (b) congressmen believed that the US military could quickly dispose of him.

As well informed observers and conduits for House discussion, Armed Services and Foreign Affairs were kept abreast of developments in Panama throughout Phase I: June 1987-December 1989. Both Committees received four briefings and conducted seven hearings on the crisis; its members and staff travelled to the troubled nation four and eleven times respectively.[5] Emblematic of his more aggressive role in use of force policymaking, Aspin was even informed about contingency plans for a possible invasion of Panama developed in late 1987.[6] As with the commencement of the air campaign over Iraq in January 1991, the leadership of both Committees were informed approximately one hour before the beginning of the operation.[7]

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[4]Sam Stratton (D-NY) introduced HCR 218 on 29 November 1979 calling for the President to specify when the hostages were to be released then commence "deliberate and specific" military operations against Iran if they did not respond in Congress, House, Committee on Foreign Affairs, Legislative Calendar, 96th Cong., 15 January 1978 - 16 December 1980, p. 155.

[5]For hearings see HFAC, Legislative Calendar, 100th Cong, pp. 2-9, For briefings see HFAC Compilation of HFAC briefings 1983-1992, Rayburn House Office Building, Rm 2170.
For travel reports, see Report of Expenditures for Official Foreign Travel, Office of the Clerk of the US House of Representatives, January 1987 - January 1989.

[6]Les Aspin, former HASC Chairman, interview by author, Tape Recording, Washington, D.C., 11 April 1994, and Thomas M. Donnelly, Operation Just Cause: the storming of Panama, (New York: Lexington Books, 1991), p. 18.

[7]James Baker, former Secretary of State, interview by author, Tape Recording, Washington, D.C., 22 March 1994.

Neither Committee played a substantive role early in Phase II since Congress was in recess until 3 January - ironically the same day that Noriega was captured.[8] Six members from Foreign Affairs and four from Armed Services participated in the congressional delegation that visited Panama on 4-5 January.[9] The Committees also acted as re-evaluators of the administration's policies and as internal discussion panels between 3 January and 31 January. The Bush administration preempted legislation to recall US forces (Phase III) by starting the redeployment of service personnel on 3 January.[10]

During the final phase, Armed Services issued two reports, the first on 12 January 1989 and a second on 1 July 1992; both reports were examples of the Committee's role as judge and jury of the administration's actions.

As with resolutions of inquiry introduced after the Mayaguez operation, Grenada, and the Persian Gulf War, Foreign Affairs acted as gatekeeper, this time reporting on a congressional request on civilian casualties resulting from Operation Just Cause. As in those past instances, the Committee did not report the legislation favorably to the House floor, but rather received reports from DoD and CIA.[11] Again as gatekeeper, the Committee reported on legislation

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[8]Department of Defense, USSOUTHCOM Public Affairs After Action Report: Dec. 20 1989 - 31 Jan. 1990, Pentagon Reading Room, Document No 3, p. 157.

[9]Report of Expenditures for Official Foreign Travel, Office of the Clerk of the US House of Representatives, 4-5 January 1989.

[10]Department of Defense, SOUTHCOM After Action Report, p. 157.

[11]HRes 411 in HFAC, Legislative Calendar, 101st Cong, p. 260.

commending the US service members who participated in Operation Just Cause.[12]

There was, however, one puzzling aspect of Phase IV: the Committee did not conduct an investigation on the applicability of the WPR to Operation Just Cause as it typically does after a force employment. The media noted that Congress (i.e., the HFAC) was neglecting its responsibility to defend the Resolution, but to no avail.[13] The best explanation for this stems from two actions taken by the Bush administration. First, the redeployment of US forces stateside began on 3 January immediately after Noriega's capture; and secondly, the President announced that those remaining would return by mid-February - two weeks before the WPR required congressional authorization. The Subcommittee on Western Hemisphere Affairs did, however, serve as judge of the administration's actions assessing the status of democracy in Panama and examining the controversy regarding claims of excessive civilian casualties.[14]

Panama and the US: A special relationship (1903-1968)

> The president's decision to send troops to Panama was merely the latest in a long series of U.S. and European interventions in the area. Indeed, but for the United States, there may never have been a republic called Panama.[15]

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[12]HCR 262 was sponsored by eight members of the HFAC including the Chairman and Senior Ranking Minority member and agreed upon by a 389 to 26 House vote in HFAC, Legislative Calendar, p. 234.

[13]Richard E. Cohen, "Marching Through the War Powers Act," The National Journal, (30 December 1989): p. 3120.

[14]Congress, House, Committee on Foreign Affairs, Subcommittee on Western Hemisphere Affairs, Post-Invasion Panama: Status of Democracy And The Civilian Casualties Controversy, hearing, 102nd Cong., 1st sess., 17 and 30 July 1991.

[15]All facts in the section are taken from Donnelly, Operation Just Cause, pp. 1-14.

The above statement reveals the nature of US-Panamanian relations since the beginning of the 20th century: interventionist, exploitative, paternalistic and reluctantly accepted by the Panamanians. The purpose of this section is to trace US-Panamanian relations through 1968 emphasizing these three themes.

The US first became involved in Panamanian affairs in 1903. Columbia had agreed to grant the Central American nation its independence, but its senate was slow to ratify the treaty. The US government was amongst the first to lend its support to the Panamanian secessionist party, extending it formal diplomatic recognition on 6 November. Within two weeks, the two countries negotiated a treaty to build a canal granting the US perpetual control of the area surrounding it. The government of Panama quickly regretted its decision to permit what amounted to legalized US imperialism. The waterway eventually opened in August 1914.

US military involvement in Panama also began in 1903 when US Marines were sent to protect the railroad which crossed the isthmus. The marines were subsequently replaced by army troops who established a formal headquarters in Panama City in 1916; their principal duties were to protect and operate the canal.

During World War II, 68,000 US service members were assigned to defend the canal from the more than one hundred bases located throughout the country. Later, the US reluctantly decreased the number of troops stationed in

Panama and closed several of the bases at the Panamanian government's prompting. Rising tension in Central America in 1963, however, resulted in the creation of the new unified Southern Command (SOUTHCOM) with over 25,000 troops stationed in Panama. SOUTHCOM's chief mission has always been to protect the canal.

Panama was ruled by a series of constitutional and democratic governments from 1903 through 1968. In October of that year, a military junta, led by Colonel Omar Torrijos, instigated a coup d'état ousting the popularly elected president, Arnuflo Arias. Thenceforth, the military dominated the Panamanian political system until Operation Just Cause in 1989.

Necessary Alliance: The US and Torrijos

Torrijos' principal support base was the Guardia Nacional, the Panamanian military's official name. His rise to power was received with mixed levels of apprehension by US policymakers. Arias, the displaced head of state, had been a nationalist, and was often hostile toward the US. Despite the dubious methods of his rise to power, Torrijos was more supportive of US interests in Panama than his predecessor.

Relations between US forces and the Guardia Nacional were less amiable. In 1964, for example, US troops fired on Panamanian protesters wounding three hundred and killing twenty-eight. US officers believed that Panamanian troops either permitted or at least encouraged the protest. The

turbulence that has marked the military to military relationship is significant. In December of 1989, random acts committed by members of the Panamanian Defense Force against US service personnel ultimately compelled President Bush to authorize the use of force in Panama.[16]

Armed Services, Foreign Affairs, and the Panama Canal Treaty

In 1977, President Carter negotiated the controversial Panama Canal Treaty relinquishing control to Panama in the year 2000. The treaty was ratified in April 1978, but not without considerable congressional examination.[17] Constitutional factors limited the Foreign Affairs and Armed Services' ability to affect the conditions of the Treaty: only the Senate votes on treaty ratification. However, both Committees investigated the ramifications of Carter's proposal.[18]

Of the two, Armed Services dedicated more time to examining possible instances that might involve the use of US forces in hostilities. The Committee was divided into two camps. Some members, both Republican and Democrat, were convinced that the US's ability to protect the canal would be curtailed as a result of the new treaty. Sam Stratton's question is telling: "how do we defend the Panama Canal after all our forces are out of Panama in the year 2000?"[19]

[16]Bob Woodward, The Commanders, (New York: Simon & Schuster, 1991), pp. 158-159.

[17]Jimmy Carter, Keeping Faith: Memoirs of a President, (New York: Bantam Books, 1983), p. x.

[18]Congress, House, Committee on Armed Services, Panama Canal Treaties, hearing, 95th Cong., 1st sess., 20 October 1977 and Congress, House, Committee on International Relations, The Panama Canal and United States-Panamanian Relations, report of study mission, 95th Cong., 2nd sess., 16 January 1978.

[19]HASC, Panama Canal Treaties, hearing, p. 1.

Other members were concerned with Article IV of the treaty which obliged the US to defend the canal's neutrality. Elizabeth Holt, for example, opposed any treaty statute that might require the US to engage in a long-term military occupation reminiscent of Vietnam. Although unable to vote on ratification, the hearings provided the administration with a sense of who from Foreign Affairs and Armed Services supported the treaty, and who were most likely to support using force to defend the canal.

Noriega's rise to power

Manuel Noriega served as one of Torrijos' young assistants during the 1968 coup. A young Captain in the intelligence corps, he enjoyed a long association with the US military.[20] By 1981, Noriega had trained with US forces in North Carolina, Georgia, and Panama. William Casey, the Director of the CIA, also recruited him for several clandestine operations.[21]

In August of 1981, Torrijos died in a plane crash, and was succeeded by Colonel Florencio Flores. More importantly, Torrijos had scheduled free democratic elections for May of 1984 which were jeopardized by his death. Flores rule was short lived as he was "retired" in a bloodless coup - led by Noriega - in March of 1982. Noriega then entered into an agreement with two other military leaders to ensure his future as a leader in Panama. According to the plan,

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[20]Donnelly, Operation Just Cause, p. 5.

[21]Bob Woodward, Veil: the Secret Wars of the CIA 1981-1987, (London: Simon & Schuster, 1987), pp. 232-233.

Lieutenant Colonel Ruben Paredes, the new commander of the Guardia Nacional was to resign and run for President with Noriega taking control of the military. The troika included Colonel Roberta Diaz Herrera, Noriega's cousin, and were to share control of the Central American state.

When Paredes' campaign faded, however, he was replaced by Barletta, who was also close to Noriega. Noriega's newly renamed Panamanian Defense Forces (PDF) rigged the 6 May election ensuring Barletta's victory. The Reagan administration, although disgruntled with the blatant fraud throughout the balloting, was more concerned about maintaining a pro-US, non-communist foothold in Central America. The Sandinistas were in power in Nicaragua, and allegedly threatening El Salvador with the assistance of Cuba and Soviet Union.[22] By assisting the Contras, conducting covert operations for the CIA, and destroying the opposition within his country, Noriega had truly become the "Panamanian strongman."[23]

The Reagan administration and Noriega: Avoiding the use of force

After the members of the Reagan administration realized that Noriega's rule in Panama was detrimental to US interests, they exercised various options from the IIOS short of military force to remove him. These efforts were

[22]See for example U.S. State Department White Paper, "Communist Interference in El Salvador," March 1981 in El Salvador: Central America in the New Cold War, ed. Marvin Gettleman, Patrick Lacefield, Louis Menashe, David Mermelestein and Ronald Radosh, (New York: Grove Press, 1981), pp. 314-324.

[23]Many media reports and books refer to Noriega as "the Panamanian strong man" see for example R.M. Koster and Guillermo Sanchez Borbon, In The Time of the Tyrants: Panama 1968-1989, (London; Secker & Warburg, 1990).

unsuccessful, however, and highly criticized by Congress - especially the Foreign Affairs Committee.

Noriega's fall from grace with the US began in June of 1987 when the second in command of the PDF, Colonel Roberto Diaz Herrera, alleged that he engineered the presidential election that placed Barletta in power, was responsible for the death of Torrijos, and ordered the death of a former opposition leader: Dr. Hugo Spafadora.[24]

The HFAC's Subcommittee on Western Hemisphere Affairs quickly responded to these allegations, conducting hearings on 18, 24, and 25 June. In his opening remarks, Chairman George Crockett (D-MI), identified the three objectives of the hearing:

(1) to discuss reports that opposition leaders were being detained by the PDF;

(2) to ascertain the validity of allegations of censorship, and,

(3) to hear a clear presentation of the administration's present policy toward Panama.[25]

On the final day of testimony, the Committee considered HCR 149, a resolution reaffirming the US's treaty obligation to defend the Canal, calling for the lifting of the current suspension of constitutional guarantees, and encouraging the establishment of a democratic government in Panama. The bill was reported to the floor favorably by a voice vote, but not

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[24]Congressional Quarterly Almanac, 1989, 101st Cong., (Washington, D.C.: Congressional Quarterly Inc., 1989), p. 550.

[25]Congress, House, Committee on Foreign Affairs, Subcommittee on Western Hemisphere Affairs, Recent Developments in Panama, hearing and mark-up, 100th Cong., 1st sess., 18, 24 and 25 June 1987, p. 1.

considered by the House.[26] The Senate passed a similar resolution calling for Noriega to relinquish power by an 84 to 2 vote.[27]

The Committee's actions were important for three reasons. First, this was the first of many instances where it was at the forefront of congressional activity regarding Panama, reaffirming its role as bellwether, and in this case, gatekeeper in national security policymaking. Secondly, members alluded to the use of force by referring to the US's obligation to protect the canal without explicitly advocating military intervention (since the Vietnam War, there has been a stigma attached to being the first institution to support the military option). Finally, it indicated what the majority of HFAC members considered to be the root of Panama's problems: Noriega and military rule.

Both the Senate and House resolutions were examples of the IIOS rubric labeled "rhetoric", the least controversial of all options. The legislature and the executive did not rely upon rhetoric, however, but escalated their responses. Reagan suspended all economic and military assistance to Panama, followed shortly thereafter by Congress' ban on foreign aid in its omnibus spending bill. As was the case with security assistance requirements in El Salvador, the ban could be lifted only with presidential certification that Noriega resigned as leader of the PDF.

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[26]HFAC, Legislative Calendar, 100th Cong., p. 716.

[27]SRes 239 passed on 26 June 1987 calling for Noriega to relinquish his command, Congressional Quarterly Almanac, 101st Cong., p. 550.

With elections scheduled for May 1989 and Noriega deeply implicated in several publicized wrong doings, the administration began a series of secret meetings on 30 December 1987 in the hope of persuading him to leave power.[28] Reagan's advisors applied pressure to Noriega both publicly and privately until the end of the President's second term. The administration also hinted at the use of military force with steady increases in the number of troops in Panama, and military exercises. On 11 January 1988, Secretary of State Shultz called for Noriega's resignation. On 4 February, a federal grand jury in Miami indicted him on charges of drug trafficking.[29]

Internal opposition to Noriega manifested itself when Panamanian President, Eric Delvalle, fired him as head of the PDF on 26 February 1988. Delvalle was quickly removed, but not without consequences. The US State Department froze all Panamanian government funds in US banks to deny access to Noriega, and advised US citizens not to travel to Panama. Nine days later, on 11 March, Reagan approved a series of economic sanctions for the same purpose including placing all US government canal payments in escrow, placing all other government to government payments in escrow, and suspending Panama's low tariff trade privileges with the US. A second round of economic sanctions followed on 8 April when Reagan declared a state of emergency with respect to

[28]Pulitzer prize winner, Seymour Hersh wrote an article for the New York Times on 12 June 1987 detailing Noriega's wrong doings in Donnelly, Operation Just Cause, p. 10.

[29]All information from this section may be found in Congressional Quarterly Almanac, 101st Cong., p. 550 unless otherwise indicated.

Panama at which point the President blocked all Panamanian assets in the US and barred American citizens from making payments to the Noriega regime.[30]

Prior to the second round of economic sanctions, Noriega demonstrated his resilience when he survived a coup attempt led by the Panama City Chief of Police on 16 March. Two days later, he rejected an offer by US envoys to step down while retaining most of his wealth in addition to refusing asylum in Spain. The Reagan administration made two final efforts to remove the Panamanian leader from power with two options from the IIOS. In late May 1988, US envoys offered Noriega a deal that included an extended respite on a small island away from Panama well before the May 1989 election. He was then never to return, but would be permitted to retain a sizeable portion of his money.[31] When Noriega rejected the offer, the administration then turned to more controversial alternatives. Reagan approved a CIA "finding" for a covert operation to assist local Panamanians in deposing Noriega, and on 15 July notified both congressional select committees on intelligence.

Reagan's final effort at removing Noriega via covert operations is important for three reasons. First, members of the administration are reluctant to inform Congress of missions requiring secrecy because of leaks.[32] True to

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[30]Public Papers of the President, Ronald Reagan, 1987, (Washington, D.C.: GPO, 1987), 8 April 1987.

[31]George Shultz, Triumph and Turmoil: My Years As Secretary of State, (New York: Charles Scribner's Sons, 1993), p. 1065.

[32]Casper Weinberger, interview by author, Tape Recording, Washington, D.C., 6 April 1994.

form, news of Reagan's finding was leaked on Capitol Hill by 26 July, and to the press by the following day.[33] Second, executing covert operations is riskier (in terms of political, financial, and human capital) than other options from Section A of the IIOS. As such, they are typically approved as a final option, after other less controversial alternatives have been exhausted. Finally, since the creation of the House Permanent Select Committee on Intelligence (HPSCI) in 1977, the HFAC and HASC's role in covert operations has diminished. Neither Committee was notified of the finding in Panama; however, the two statutory members who served on the HPSCI knew about the administration's plans.

Foreign Affairs, Armed Services, and Congress: remaining informed and active

Throughout the final two years of the Reagan administration, Congress - especially Foreign affairs and Armed Services - kept abreast of US policy toward Panama. Its members often uncovered additional damaging evidence against Noriega, pressed the administration for sterner action, passed legislation condemning his rule, and called for international support in deposing the Panamanian leader. But when the administration hinted at the use of force, congressmen responded more equivocally until his barbaric actions following the 7 May 1989 election (discussed in the next section).

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[33]Washington Post(Washington, D.C.), 27 July 1987.

Coinciding with the federal grand jury indictment of Noriega, Foreign Affairs conducted a hearing entitled "Review of US Foreign and National Security Policy" on 2 February and 9 March. Representative Micheal DeWine (R-OH) questioned both the Defense Secretary, Frank Carlucci, and the Chairman of the JCS, Admiral William Crowe, about the safety of US civilians and military personnel residing in Panama. Carlucci responded that with the exception of a few minor confrontations with the PDF, US citizens in residing in Panama were not in jeopardy.[34] The two men also fielded questions on the rationale for recently scheduled military exercises involving SOUTHCOM in Panama.

The Senate contributed to the debate at approximately the same time with Foreign Relations receiving testimony from Panamanian General Counsel, Jose Blandon, verifying charges presented by Diaz Herrera on Noriega's illicit activities.[35] Senator Christopher Dodd, Chairman of the Subcommittee on Western Hemisphere Affairs, called for greater participation by international governmental organizations - especially the Organization of American States (OAS) and the UN - to resolve the crisis in Panama.

Congress' most significant action came on 8 March 1988, and intimately involved Foreign Affairs. On that day, eleven Democratic members of the Committee joined two Republicans - including the Senior ranking minority member - to introduce

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[34]Congress, House, Committee on Foreign Affairs, Review of U.S. Foreign and National Security Policy, hearing, 100th Cong., 2nd sess., 2 February and 9 March 1988, p. 130.

[35]Congressional Quarterly Almanac, 101st Cong., p. 550.

HRes 397.[36] The Resolution affirmed that the House recognized Delvalle as the legitimate President of Panama, and called upon Noriega to comply with Delvalle's order dismissing him as Commander of the PDF. Renamed HRes 399, it was reported favorably from Committee by a voice vote, and subsequently approved during a House floor vote.[37] The Resolution is significant for two reasons. Firstly, it demonstrates Foreign Affairs acting as bellwether in US-Panamanian relations; secondly, it illustrates George Crockett's skepticism of Reagan's policies. A former US federal judge, Crockett was one of only two representatives who voted against HRes 399. In 1983, he filed a federal suit against Reagan for violating the WPR and the Foreign Assistance Act in El Salvador.[38] Reflective and thoughtful, Crockett was skeptical of any actions taken by Reagan in Latin America.[39] He did, however, ensure that the Committee was well informed about US policy in Panama, and conducted a set of hearings reminiscent of those staged by Hamilton throughout the Lebanon crisis.[40] Entitled "The Political Situation in Panama and Options for US Policy," these hearings provided the Committee with a forum for internal discussion, and the House a conduit for channeling

[36]HFAC, Legislative Calendar, 100th Cong., p. 221.

[37]The House voted in favor of HRes 399 by a 367 to 2 vote. Congressional Quarterly Almanac, 101st Cong., p. 553.

[38]George Crockett, Jr. v. Ronald Wilson Reagan, US Court of Appeals, District of Columbia Circuit, 1983, No. 82-2461, 720 F.2d 1355.

[39]George Crockett, former member of the HFAC, interview by author, Tape Recording, Washington, D.C., 21 March 1994 and HFAC professional Staff Member, interview by author, Tape Recording, Washington, D.C., 14 April 1994.

[40]See hearing series entitled Recent Developments in the Middle East, in the HFAC, Legislative Calendar, 97th Cong. and 98th Cong.

information.[41] During the June first hearing, Sam Gejdenson (D-CN) of the Committee introduced HR 4703, providing $194 million in economic assistance for Panama if Noriega stepped down, but the bill was not reported out of committee.

The Senate passed a SCRes on 25 March by a unanimous 92 to 0 vote calling upon the administration to implement additional "diplomatic, political, and economic pressure" to remove Noriega from power.[42] The Senate's actions exemplify congressional preferences for sterner actions in Panama short of military force, and were not without effect: the administration imposed additional economic sanctions against Panama on 8 April. Dave McCurdy (D-OK) of Armed Services offered a sensible criticism of instituting greater economic sanctions arguing that "targeting the Panamanian government is OK, but when the people start to feel it, then we become the bad guy."[43] The Senate subsequently barred the use of any security assistance funding from use by the PDF until the president certified that Noriega had yielded power and left the country.

Considering the use of force

Congress, various individuals in the Reagan administration, and the military regarded the use of force with apprehension. Their calculations were tempered by three factors. First, as indicated in the introductory

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[41]Congress, House, Committee on Foreign Affairs, Subcommittee on Western Hemisphere Affairs, The Political Situation in Panama and Options for U.S. Policy, hearing and mark-up, 100th Cong., 2nd sess., 20 April, 4 May and 1 June 1988.

[42]Congressional Quarterly Almanac., 101st Cong., p. 554.

[43]Ibid., p. 553.

chapter, there has since Vietnam, been a general reluctance amongst US policymakers to use force. Second, the US has a controversial history of over-zealous intervention in Latin America. Although several American nations wanted to dispose of Noriega, they did not wish to encourage "Yankee imperialism".[44] Thirdly, neither the executive nor the legislature wished to be seen as acquiescing in Noriega's bullying tactics. Ultimately, both branches proceeded with extreme caution, hoping for resolution by other means, yet preparing for the use of force and its repercussions. Of the two Committees, Armed Services was less reluctant to consider military force as a viable option.

By early April 1988, the State Department's Bureau of Inter-American Affairs circulated a proposal for military action in Panama.[45] The JCS rebuffed the idea, but devised contingency plans nonetheless.[46] Joint planners from both Southern Command in conjunction with Special Operations Command (SOCOM) crafted Operation Blue Spoon/Prayer Book, the antecedent of Operation Just Cause. Planning officially began in late 1986 going through numerous iterations before implementation on 20 December 1989.[47]

Three months earlier, Senators Sam Nunn (D-GA) and Richard Lugar (R-IN) of Armed Services and Foreign Relations respectively, indicated their resolve in opposing Noriega.

[44]Lawerence Eagleburger, former (Deputy and) Secretary of State, interview by author, Tape Recording, Washington, D.C., 12 April 1994.

[45]Shultz, Triumph and Turmoil, p. 1053.

[46]Admiral Crowe referred to the idea of military intervention as "harebrained," Ibid., p. 1053.

[47]Donnelly, Operation Just Cause, p. 18.

Nunn declared that "the US will defend itself" whilst Lugar claimed that it would be "unwise" for Noriega to take action against US citizens.[48] Lee Hamilton's assessment was completely at odds with the two senators in that he claimed that "the price of the military intervention in Panama would be too high, and we could not foresee the consequences."[49]

The administration was also divided. Treasury Secretary James Baker, commented during a background report to The New York Times that the US had other options besides economic sanctions, but was not willing to expend the political, economic, or human capital to utilize them.[50] Admiral Crowe also opposed the use of force.[51] Reminiscent of Carter's policy of coercive diplomacy towards Iran, Shultz wished to maintain force as an alternative and ensure that Noriega knew it. Discussion on the use of force culminated during a 21 May meeting consisting of top national security officials from the Reagan administration. The President and his advisers were contemplating dropping drug indictment charges to entice Noriega to leave office. When only Shultz and to a lesser extent, Edwin Meese, supported the covert deal, Reagan derided his colleagues explaining that "there is no alternative to this deal besides troops," and that would be unacceptable to Latin American allies, Congress, and the public."[52] The Chief Executive's comments were prophetic,

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[48]Meet the Press, transcript, Washington, D.C., 28 February 1988.
[49]Washington Post(Washington, D.C.), 28 April 1988.
[50]Shultz, Triumph and Turmoil, p. 1057.
[51]Ibid., p. 1066.
[52]Ibid., p. 1072.

but more importantly his political sensibility persuaded him not to authorize a military strike. Eventually, the public, Congress, individuals deeply involved with foreign policy, and the media advocated the use of force.[53] In doing so, they provided President Bush with the contextual advantage to launch Operation Just Cause. That support was not, however, apparent at the time Reagan took his decision to offer Noriega a final deal in 1988.

Bush, Congress, and the IIOS

Bush's policy towards Panama was similar to Reagan's: exercise options from the IIOS short of force whilst enhancing the US's capability to conduct a military attack if necessary. In April for example, DoD dispatched 1,300 military police officers to Panama City. Several troop level increases, military exercises, economic sanctions, and even clandestine operations were to follow.

The 7 May election and response

The decisive event in US-Panamanian relations was the fraudulent 7 May election. Noriega's audacity outraged the administration, Congress, the US public, and the international community.

Foreign Affairs initiated legislation that provided funding for observers which included two members from the Committee.[54] Former Presidents Carter and Ford also participated in observation teams. Election observers,

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[53]See for example Linda Robinson, "Dwindling Options in Panama," Foreign Affairs Vol 68 No 5, (Winter 1989/90): pp. 187-200.

[54]HR 1373 in HFAC, Legislative Calendar, 101st Cong., p. 691.

consisting of people from several countries, verified that the anti-Noriega coalition led by Guillermo Endara won the presidential election. Three days later, however, Noriega nullified the results and placed his own candidate in power.

Bush's responded rapidly, implementing a six-part plan that included:

(1) dispatching 1,881 additional combat and support troops to Panama
(2) recalling the US ambassador
(3) continuing economic sanctions
(4) supporting regional initiatives via the OAS
(5) notifying Panama that the US would carry out its treaty obligations, and,
(6) moving military dependants back to secure areas.[55]

When asked about the administration's latest actions, Les Aspin quipped, "What do you do for an encore."[56] The HASC Chairman's comment indicates that members were aware by this juncture that military action might be necessary to remove Noriega from command. Other members of Congress (including Senator John McCain (R-AZ) from Armed Services and Representative John Murtha (D-PN) Chairman of Defense Appropriations) agreed that military force was now a politically viable option. McCain and Murtha participated in the election observation commission, but were more disappointed by the timidity of General Fred Woerner, Commander-in-Chief SOUTHCOM, than the election results. The two were sufficiently alarmed that upon returning to the US,

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[55]Congressional Quarterly Almanac, 101st Cong., p. 597.
[56]Ibid.

they met with President Bush and persuaded him to replace Woerner with a more "suitable" General.[57]

The administration's six-point plan was well received by both Congress and the OAS which, on 17 May, adopted a resolution condemning Noriega. It also sent a four person delegation comprising the foreign ministers from Trinidad, Tobago, Ecuador, and Guatemala to Panama for talks with the unpopular leader; the mission withdrew on 5 August after four days of unproductive negotiations.[58]

Congress voiced its support when its top five leaders issued a joint statement praising Bush's "measured and deliberate steps to assist the Panamanian people in restoring democracy."[59]

Congress advocates the use of force

A month after the unsuccessful OAS mission to Panama, one hundred members of the PDF led by Major Moises Goroldi tried to overthrow Noriega.[60] The US military provided only limited support for the coup by blocking two major roads. There began a series of congressional criticisms directed at ineffective decisionmaking in the administration unmatched in the cases studied. The press was equally critical with articles entitled "The gang that wouldn't shoot" and "the

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[57]McCain and Murtha wanted a "warrior" to serve as CINCSOUTH rather than a "soldier-diplomat." Ironically, General Maxwell Thurman was selected to replace Woerner. Although Thurman was a highly capable individual, he was no warrior. In reality, he was a staff, not a line officer with no combat command responsibilities since the rank of Lieutenant Colonel. Donnelly, Operation Just Cause, p. 47 and discussion with a member of the RAND Corporation, Santa Monica, California, 29 April 1994.

[58]Congressional Quarterly Almanac, 101st Cong., p. 597.

[59]Ibid.

[60]Ibid., p. 601.

fiasco in Panama" headlining news publications across the political spectrum.[61] Lawmakers were upset both because the administration instigated a coup, but failed to provide support at the critical moment, and because the US government missed an opportunity to depose Noriega with minimal loss of US lives.[62]

Dave McCurdy of the HASC opined that Bush's ineptitude on 3 October was "a renewal of the whimp factor." Representative Frank McCloskey (D-IN), a member of both Foreign Affairs and Armed Services, asserted that "despite advance notice of the coup, American officials were clearly disorganized and failed to communicate throughout the rebels' effort." Even liberal members from both Committees chastised the President with Pat Schroeder (D-CO) of Armed Services claiming that the administration's confusion was responsible for Noriega remaining in power. However, it was an observation made by Henry Hyde (R-IL), a conservative member of Foreign Affairs, that was most telling: "I have never seen so many goose-stepping doves in my life."[63]

Congressional discontent with Bush culminated in a 5 October senatorial resolution that included the following:

> the Senate hereby supports...the efforts of the President to restore the constitutional government of Panama and to remove General Noriega from his illegal control...; [and] the President's utilization of a full range of appropriate diplomatic, economic, and <u>military</u>

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[61]The Editors, "Fiasco in Panama," <u>The New Republic</u>, (30 October 1989): pp. 5-6. and Brian Duffy, Kenneth T. Walsh, and Peter Cary, "The Gang that Wouldn't Shoot: A bungled coup embarrasses Bush," <u>US News & World Report</u>, (16 October 1989): pp. 26-27.

[62]The Editors, "Fiasco in Panama," p. 5.

[63]All comments were taken from Pat Towell, "Abortive Coup Spurs Debate Over How Much to Help," <u>Congressional Quarterly Weekly</u>, (14 October 1989): pp. 27233-2726.

options [emphasis added]..."[64]

Some periodicals immediately compared the action to the Gulf of Tonkin Resolution erroneously for one simple reason: the incident in Panama (1989) was dissimilar to the incident in Vietnam (1964) in that US forces were neither charged with removing Ho Chi Minh from power, nor installing a legitimately elected government. In short, the media confused the nature of the issue - congressional authorization for the use of military force - with the nature of the incident - containing communism versus deposing of a crazed pariah. Senators, and to a lesser extent vocal representatives in the House, recognized the difference and were, therefore, not inhibited by the Vietnam legacy.

Bush's rejoinder is worth mentioning, however, because it epitomizes the difficulty inherent in authorizing the use of force:

> I have at stake the lives of American kids, and I am not going to thrust them into battle unless I feel comfortable with it, and unless those general officers in whom I have total confidence feel comfortable.[65]

Launching Operation Just Cause

On 15 December, Noriega deposed his puppet president, Francisco Rodriguez, installing himself as the head of government, and declaring "a state of war" with the US.[66] On the same night, a Marine Lieutenant, Robert Paz, travelling

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[64]Richard E. Cohen, "Hang the Consequences: Get Noriega!" The National Journal, (14 October 1989): p. 2537.

[65]Congressional Quarterly Almanac, 101st Cong., p. 602.

[66]Donnelly, Operation Just Cause, p. 93.

with three companions, was mortally wounded during a confrontation with PDF members at a roadblock. Shortly before, a US Navy Lieutenant and his wife had been accosted at the same roadblock where the Lieutenant was severely beaten while his wife was verbally abused.

Upon hearing the news, US national security officials conducted two meetings. The first included Defense Secretary Cheney and his policy deputies, with members of State and the NSC participating. The second was more informal; members of the JCS discussed their pending recommendation to the President during a barbecue at General Powell's home where they ultimately decided to advocate a military operation.[67] It was, however, at a third meeting on 17 December consisting of the President and his eight closest advisers that Bush authorized the use of force. Operation Just Cause was to have four objectives:

(1) safeguarding the lives of 35,000 US citizens in Panama
(2) defending democracy
(3) combating drug trafficking by apprehending Noriega, and
(4) protecting the integrity of the Panama Canal Treaty.[68]

The administration's decision must be integrated in the context of events that transpired over the previous two and one half years:

8 - skirmishes with PDF units or individuals
3 - distinct initiatives imposing economic sanction
5 - separate increases in the number of US forces
3 - coup attempts
1 - drug indictment

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[67]General Robert T. Herres, Former Vice Chairman of the JCS, phone interview by author, Washington, D.C., 6 April 1994.

[68]Congress, CRS, Use of Force by the United States: Case Studies, 1950-1991, by Mark Lowenthal and Robert Goldich, report, 14 October 1992, pp. 89-92.

1 - declaration and two reaffirmations of a state of national emergency with Panama, and
5 - military exercises.

Administration officials notified the congressional leadership, including the leadership of both Foreign Affairs and Armed Services, an hour prior to the beginning of the operation. At 01:00, 13,000 troops - of a force that eventually reached over 25,000 - arrived in Panama.

Congressional reaction

Richard Lugar from Senate Foreign Relations, along with Tip O'Neill, the House Speaker, voiced their support immediately. Aspin and Hamilton were more skeptical, however, each wishing to define the mission's success not in terms of removing Noriega, but rather, by its effect upon limiting the proliferation of drug trafficking and restoring democracy in Panama.[69]

On 22 December, Bush transmitted a letter to Congress "consistent with the WPR," as Ford, Carter, and Reagan had done previously. By Christmas, the PDF was in disarray, but Noriega remained at large. Sonny Montgomery (D-MS) accompanied by John Murtha visited Panama on 28 and 29 December followed by Nunn and Warner of Senate Armed Services on 2 through 4 January.

The media's initial reaction was generally supportive of the administration's actions with three caveats: Noriega was still at large; congressmen made no mention of the

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[69]Although congressional opinion of Bush's decision was unclear because of a recess, according to my interview responses, members from both Committees claimed that they were not surprised that Bush decided to use force to eject Noriega.

applicability of the WPR, and nobody knew where funding for rebuilding Panama would come from.[70] Noriega was captured on 3 January, however, making redundant congressional and media charges of mission ineffectiveness.

On the fourth and fifth of January, a congressional delegation resembling that taken to Grenada after Operation Urgent Fury, visited Panama. Of the thirty members participating, a third were from either the HFAC or the HASC. Members of both Committees reflected positively upon what they saw. As chairmen of the Intelligence and Armed Services Committees respectively, Congressmen McCurdy and Aspin were treated to special intelligence briefs, and a closer look at the destruction wrought by US forces on the PDF.[71] Hamilton's observation helps explain why support from Foreign Affairs and Armed Services was forthcoming: "residents came out and gave us a thumbs up...they look upon us as a liberation not as an invasion [emphasis added]."[72] In short, although the mission resulted in the loss of 23 US lives and 324 wounded, it was a well conceived and symbiotic exercise rather than the most recent example of "Yankee imperialism".

Foreign Affairs, Armed Services and after the fact assessment

The administration preempted any discussion by either Committee to force the troops' return to the US by starting

[70]John Felton, "Don't Get Your Hopes Up, U.S. Tells New Leaders," Congressional Quarterly Weekly (13 January 1990): pp. 112-114.

[71]Dave McCurdy, former HASC member, interview by author, Tape Recording, Washington, D.C., 20 April 1994.

[72]Congressional Quarterly Almanac, 101st Cong., p. 602.

redeployment on 3 January.[73] With clear signals that US forces would not be involved in a long-term expedition, Armed Services set out to assess the military's performance. It did so producing a 12 January report. Endorsed only by Aspin, the report found that "US military action in Panama was a success but cautioned that intervention in the Third World may never again come so easily." The report was not completely complimentary of Operation Just Cause pointing out the need for better analysis on future force requirements.[74] Aspin's report is significant in content, form, and timing. The Chairman characterized the mission as a success, subscribed to the paradigm introduced in chapter one that the House Armed Services Committee reassesses military operations after the event, and demonstrates Aspin's ability to obtain media coverage by acting quickly.

The second and third HASC reports were published the following year.[75] Armed Services' hearing on the effectiveness of night vision goggles illustrates the Committee's traditional domain in after the fact assessment: examining prosaic structural or equipment issues both methodically and apolitically. The final report was more

[73]Scowcroft concedes that the administration was aware of the WPR when it decided to redeploy US forces stateside before the sixty day window elapsed. Phone interview by author, Washington, D.C., 8 June 1994.

[74]Les Aspin, "Panama Military Success, But Limited Guide to the Future," News Release, House Armed Services Committee, 12 January 1990.

[75]Congress, House, Committee on Armed Services, Investigations Subcommittee, The Invasion of Panama: How Many Innocent Bystanders Perished?, report, 102nd Cong., 2nd sess., 7 July 1992 and Congress, House, Committee on Armed Services, Investigations Subcommittee, Use of night vision goggles in Operation Just Cause, 101st Cong., 2nd sess., 6 June 1990

controversial. On 7 July, the HASC's Subcommittee on Investigations produced a report entitled "The Invasion of Panama: How many innocent Bystanders Perished." The Subcommittee concluded that fewer than 100 innocent civilians died, and that higher estimates (ranging from 300 to 1,000) were incorrect.

Discussion on the deaths of civilian bystanders overlapped between HFAC and HASC jurisdiction. The former Committee examined the subject during a 17 and 19 July hearing. Conducted by the Subcommittee on Western Hemisphere Affairs, it was intended to examine the political and economic conditions in Panama, in addition to the controversy surrounding the number of civilian casualties inflicted by US forces.[76] Notably absent was any discussion about the applicability of the WPR; Foreign Affairs dedicated no hearing specifically to the subject. Of my cases studied, the Committee conducted a hearing on the WPR after the use of force unless some form of statutory authorization (e.g. Lebanon) or unilateral enactment of the resolution by congress (e.g. Grenada) had been enacted. The only exceptions were Iran and Panama.

The other significant act Foreign Affairs performed following the invasion was sponsoring legislation transmitted by the administration offering relief assistance

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[76]Congress, House, Committee on Foreign Affairs, Subcommittee on Western Hemisphere Affairs, Post-Invasion Panama: Status of Democracy And The Civilian Casualties Controversy, hearing, 102nd Cong., 1st sess., 17 and 30 July 1991.

for the devastated nation. The bill, HR 3952, passed on 6 February 1990 providing $42 million in funding.[77]

Methodological Analysis

Phase I: Decision to use force: (June 1987 - 19 December 1987)

Roles played:

Well informed observer (HASC & HFAC)
Conduit for House discussion (HFAC)
Point of Contact for information from the administration (HASC & HFAC)

Both Committees played robust and significant roles in Phase I. Compared to most other cases studied, members realized that the US might eventually have to use force and were, therefore, able to discuss the merits and demerits of pursuing this course of action. A helpful contrast is Grenada, where members were surprised by Reagan's decision to use force, thus, apart from a general HFAC hearing on US-Grenadian relations, neither Committee discussed the possibilities of a military invasion.

Foreign Affairs and Armed Services served as well informed observers during Phase I of the Panama invasion receiving a combined total of four briefings, conducting seven hearings, and making fifteen trips. Congressmen McCurdy and Aspin were also informed about Operation Blue Spoon/Prayer Book, the contingency plan for an invasion of Panama, at some point during this period.[78]

Primarily via its seven hearings, Foreign Affairs acted as the conduit for House discussion. Finally, both

[77]HFAC, Legislative Calendar, 101st Cong., pp. 150-153.
[78]McCurdy and Aspin interviews.

Committees were points of contact for the administration. McCurdy indicated that representatives from Armed Services participated in numerous informal meetings with officials from the executive branch in addition to frequent telephone calls initiated by both sides.[79]

Salient independent variables:

Nature of the conflict
Historical precedent
Institutional norms/organization
Role of other relevant committees

When discussing the nature of this conflict, I am referring primarily to locality. Combined with the second salient independent variable, historical precedent, it makes for an interested Congress. Although opposition to Noriega was not set in the context of containing communism - as were relations with El Salvador and Honduras - proximity typically inspires both Committees and Congress to examine the possibility of using force. Often they decide that military intervention is problematic in light of past US exploits in the Americas and the Caribbean. However, liberals and conservatives alike will usually examine the issue closely.

Also, the period between the June 1987 charges made against Noriega, the magnitude of headlines, and the fact that other relevant committees were performing their own independent fact-finding, encouraged members of Foreign Affairs to conduct their own hearings.

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[79]Ibid.

its initial assessment of Operation Just Cause on 12 January.

Salient Independent Variables:

Institutional norms/organiztion
Nature of the conflict
Historical precedent
Role of House leadership
Personal attributes of principal participants

Congress was in recess between 20 December 1989 and 3 January 1990. It is an institutional norm for its members to return to their congressional districts during these periods. Therefore, very few representatives from either Foreign Affairs or Armed Services were in the capital where they could play a more active role in scrutinizing the administration's actions. Members of both Committees were upset that twenty-three US servicemen perished during Operation Just Cause. Significantly, they did not believe it to be an unacceptable figure: congressmen are more likely to examine a military operation if US forces sustain casualties, but if those casualties are not in vain, congressional scrutiny will not necessarily be disparaging. The Persian Gulf War is illustrative: whilst over three hundred US troops were killed, US forces achieved their objectives effectively and were, therefore, treated well during subsequent investigations.

Historical precedent is considered in two contexts. First, the US has a historical precedent dictated by international treaties to protect the integrity of the Panama Canal. Second, the Reagan and Bush administrations

exercised extreme restraint and demonstrated considerable creativity in attempting to resolve the rift with Panama using methods short of military force. Members of both Committees recognized this and were, therefore, mostly supportive.[81]

Aspin's reputation as the House guru in defense policy explains the HASC's highly visible role as inspector general and alternative policy-planning center.

Finally, by assigning several members of Foreign Affairs and Armed Services to the 4-5 January delegation, the House leadership influenced the Committees' ability to perform the role of investigation team.

Phase III: Decision to recall force (3 January 1990 - 31 January 1990)

Neither Committee played a significant role during the decision to recall force; the administration preempted their action by redeploying forces immediately after Noriega's capture. On 31 January, the President announced that the additional 13,000 troops in Panama would return to the US by the end of February. A few media reports were apprehensive about a long-term military commitment, but members of Foreign Affairs and Armed Services did not share this fear.[82]

Bush's 31 January announcement that US forces would return to the US came on day 42 of Operation Just Cause,

[81]Dante Fascell, former HFAC Chairman, interview by author, Tape Recording, Washington, D.C., 5 April 1994.

[82]Linda Robinson and Louise Lief, "When to get out of Panama," US News & World Report (8 January 1990): pp. 20-26.

eighteen days before the WPR became a factor. The spirit of Resolution can often be more effective than its strict implementation.

Phase IV: Retrospective Assessment

Roles played:

Judge and jury of the administration's actions (HASC)
Judge of the administration's conduct (HFAC)

The principal difference between the role of Foreign Affairs and Armed Services during this phase, is that the latter is better suited to affect the next force employment. In short, the HASC has been more successful in serving as both judge, examining policies, and jury, implementing changes, than the HFAC. For example, both Committees conducted hearings and issued reports in response to allegations that an inordinate number of civilians were killed as a result of Operation Just Cause. Whereas Foreign Affairs could either release its findings to the press, or introduce legislation criticizing US forces (highly unlikely), Armed Services could enter an amendment into the National Defense Authorization Act (NDAA). Their request could be very small, two lines stating that US military officers attending their respective war colleges must devote two hours of study to collateral damage in warfare. Less politicized, less controversial, and rudimentary, the Committee would not have to challenge the administration in a sensitive area. This scenario is purely hypothetical; both Committee's agreed that several groups inflated their estimates of civilian casualties in Panama. However, it

does indicate that, as the manager of the NDAA, Armed Services is better placed institutionally to affect the next force employment than the HFAC.

Institutional norms and organization was, therefore, the most salient independent variable during Phase IV.

The final case studied during Bush's tenure was the most massive: over 500,000 US service members participated in the Persian Gulf War. In addition, the President assembled an impressive coalition of more than fifty nations to expel Iraq's forces from Kuwait. Armed Services and Foreign Affairs support was also forthcoming especially from Les Aspin and Steve Solarz who distinguished themselves in Bush's efforts to gain statutory authorization to use force.

Chapter 5 - Section II: PERSIAN GULF WAR

Distinctive Characteristics

Three aspects of the Persian Gulf War distinguish it from other force employments.

Firstly, comprising 532,000 US service members, it was the largest use of force since the Korean War.[1]

Secondly, the Gulf War is one of only three instances in which Congress provided statutory authorization for the use of US forces in hostilities. The others were the Multinational Force and Observers (MFO) in the Sinai, and the Multinational Force (MNF) in Lebanon.

Thirdly, it was the seventh time in sixteen years that US forces had been deployed to the Middle East.[2] But despite its special characteristics, the roles of both Committees followed the same pattern in the Gulf War as they had in earlier force employments with a level of activity commensurate with the conflict's nature.

Overview of HFAC and HASC roles played

Armed Services and Foreign Affairs played each of the roles identified during the first chapter. More importantly, the former performed activities typically reserved for the latter. Its nine days of hearings entitled "Crisis in the Persian Gulf: Sanctions, Diplomacy, and War" was the best example. With four days of televised coverage on C-Span,

[1]Department of Defense, "Conduct of the Persian Gulf Conflict: An Interim Report to Congress," pursuant to Title V of the Persian Gulf Supplemental Authorization and Personnel Benefits Act of 1991 (PL 102-25), July 1991, p. A-1.

[2]The other six instances included the Iran hostage rescue attempt (1980), the MFO to Israel (1982), the MNF to Lebanon (1983), the Kuwaiti reflagging (1986-7), the freedom of navigation exercises and air raid on Libya (1986).

the hearings were meant "to look at the three broad policy options open to resolve the crisis" and marked the beginning of a new era of HASC activism.[3] Melvin Price's understated approach to formulating use of force policy had been supplanted by his successor's alternative policy-planning center. But the Chairman's ambition encountered some opposition from Foreign Affairs whose members and professional staff believed he had exceeded his brief.[4] Because the HASC conducted its hearings during the congressional recess, and with the blessing of the House leadership, there was little Foreign Affairs could do, however, to curtail his actions. Ultimately, Aspin presented a professional, unbiased assessment of US policy toward Iraq culminating in his support for the use of force.[5] Furthermore, Armed Services not only received more praise and publicity for its analysis than did Foreign Affairs, its hearings overshadowed those conducted by Sam Nunn's (D-GA) Senate Armed Services Committee.[6]

The rationale for Armed Services' success is plain: Les Aspin had come into his own as the House's and indeed

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[3]Congress, House, Committee on Armed Services, Crisis in the Persian Gulf: Sanctions, Diplomacy, and War, hearings, 101st Cong., 2nd sess., 4, 5, 6, 12, 13, 14, 17, 19, and 20 December 1990, p. 1 and C-Span video library archivist, phone interview by author, Washington, D.C., 11 April 1994.

[4]Former HFAC Chief of Staff, interview by author, Tape Recording, Washington, D.C., 13 April 1994.

[5]Colonel Harry G. Summers, Jr., US Army(ret) is a decorated veteran of both the war in Korea and Vietnam. He is also author of two books: On Strategy: A Critical Analysis of the Vietnam war and On Strategy II: A Critical Analysis of the Gulf War, (New York: Dell Books, 1982 & 1992). The Colonel offered his assessment on Armed Services hearings during a phone interview by the author, Washington, D.C., 25 March 1994.

[6]This assessment was provided by R.W. Apple, Jr., director of the Washington, D.C. bureau of the New York Times, interview by author, Tape recording, Washington, D.C., 4 April 1994.

Congress' serious expert on national security policy. The Chairman was recognized by his colleagues, members of the administration, and the media as an authority on issues involving US military forces, and Aspin had achieved his original goal of making the HASC a prolific entity in defense policymaking.[7] The Chairman's activism, however impressive, falls within the categories presented earlier in this dissertation.

The purpose of the remainder of this section is to identify the most significant role played by both Committees in each phase, followed by a brief exegesis of the effect of nature of the conflict.

During Phase I, which lasted almost six months, both Foreign Affairs and Armed Services played the role of barometer of congressional convictions. Similar to the HFAC's actions prior to Reagan's request to place US forces in the Sinai (MFO), actions taken by both Committees signaled the administration that the House would support the use of force to expel Iraqi forces from Kuwait. There were three groupings within Armed Services and Foreign Affairs that placed the administration on notice that House support - if requested - would be granted. They included: the HASC Chairman, Les Aspin; pro-Israeli liberal Democrats from Foreign Affairs, Robert Toricelli (D-NJ), Howard Berman (D-

[7]Leon Panetta, former director of the House Budget Committee, Betty Dukhart, producer of NBC's Meet the Press, and Lieutenant Brent Scowcroft, USAF(ret), former NSA to President Bush. Comments by Panetta and Dukhart were provided during an interview by author, Washington, D.C., 18 April and 28 March 1994. Comments by Scowcroft were made during a phone interview with author, Oxford University, 8 June 1994. Observations on Aspin's "original goal" were provided by former HASC Staff Director, interview by author, Tape Recording, Washington, D.C, 25 April 1994.

CA), and Stephen Solarz (D-NY); and the Foreign Affairs leadership Dante Fascell and William Broomfield.[8] Aspin's efforts were the most influential. After numerous meetings, telephone calls, hearings, and White Papers, the administration was convinced by the Chairman when he proclaimed that "he could deliver the House['s support during a floor vote]."[9]

Having performed their constitutional role in providing statutory authorization to use force, both Committees were less active during the sustainment phase. In sum, since the President explicitly endorsed their authority by requesting congressional authorization, Congress permitted him to perform his constitutional role as Commander-in-Chief. As they had done in previous force employments, Armed Services and Foreign Affairs did, however, act as recipients and disseminators of information during this phase by sponsoring briefings which were provided at least thrice weekly, and well attended by House members.[10]

During the recall of forces, Phase IV, the HFAC and HASC performed their own internal discussion. In late January, two members from Armed Services signed a letter requesting that President Bush not start the ground campaign

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[8]James Baker, former Secretary of State, interview by author, Washington, D.C., 22 March 1994 and Fred Barnes, "The President's Men," The New Republic, (4 February 1991): p. 15.

[9]C. Boyden Gray, former White House Counselor, interview by author, Tape recording, Washington, D.C., 31 March 1994.

[10]Former Representative Steve Bartlett (R-TX), phone interview by author, Washington, D.C., 18 April 1994 and Christopher Madison, "Holding Their Fire," The National Journal, (16 February 1991): p. 390.

too early.[11] In addition, Ron Dellums and Lee Hamilton called for the President to consider a Soviet cease fire initiative in late February, but no other members from either Committee spoke publicly about ending the War.[12] Realizing that US policy toward the Middle East would be severely altered after the Gulf War, both the HFAC and HASC began independent assessments of US policy toward the region even before combat operations ended.

After the fact assessment of the Persian Gulf War persists in 1994. Operation Provide Comfort and the UN embargo on Iraq are two examples. Because of the length of this period, my analysis is confined to the twelve months immediately after the War. During that period, both Committees served as investigation teams, and judge and juries of the administration's actions. Consistent with its established practice, Armed Services reported on the effectiveness of US forces and lessons learnt whilst Foreign Affairs examined the effect of arms sales on peace in the Middle East. The HFAC, utilizing the Persian Gulf War as evidence of past failed policies, initiated legislation limiting arms sales to the region. Their actions illustrate that either Committee can use past force employments as justification to alter national security policy.

The role of Armed Services and Foreign Affairs in all four phases was greatly influenced by the conflict's nature.

[11]Thomas Foglietta (D-PN) and Ronald Dellums (D-CA) of the HASC signed the letter. Washington Post(Washington, D.C), 18 February 1991.

[12]Congressional Quarterly Almanac, 102nd Cong., Vol 47, (Washington, D.C.: Congressional Quarterly, Inc., 1991), pp. 447-448.

As its intensity increases, both Committees become more activist but the roles which they play remain constant. Evidence for this claim may be found in the number of briefings, hearings, reports, and trips in which Armed Service and Foreign Affairs participated from 2 August 1990 through 28 February 1992.

Table 6-1

	Trips	Briefings	Reports	Hearings
Foreign Affairs	16	7	10	0
Armed Services	8	4	6	7

As Table 6-1 indicates, with twenty-four hearings, eleven trips, sixteen briefings, and seven General Accounting Office (GAO) reports commissioned by Armed Services, the Gulf War was easily the most intensive military operation in terms of Committee activity of any case studied, because the conflict's was the most intense also.[13]

[13]Congress, House, Committee on Armed Services and Committee on Foreign Affairs, Legislative Calendars, 101st and 102nd Cong., Armed Services Committee Briefings, 101st and 102nd Cong., filed with Nancy Jones, HASC professional staff, Rayburn House Office Building, Foreign Affairs Committee Briefings, 101st and 102nd Congresses filed with Cathy Zimmer, HFAC professional staff, Rayburn House Office Building, Congress, Office of the Clerk of the Hose of Representatives, Report of Expenditures for Official Foreign Travel, 2 August 1990 - 28 February 1991. HASC reports

Excluding the use of nuclear weapons at the end of World War II, this was the most lethal military operation in which US forces had ever participated. Casualty and duration estimates varied, but even the lowest were higher than any other case studied.[14] The expected number of casualties is important considering that only twenty-three service members died in Operation Just Cause - the second largest US force employment since Vietnam. Ultimately, the US suffered over three hundred fatalities with the air and ground campaign lasting six weeks.[15] Finally, the War was conducted in a region in which the US, on several occasions since 1975, has been willing to use force. Even as early as 1985, Les Aspin asserted that he would be willing to support the use of military forces to protect vital US interests in the Middle East.[16]

Historical Analysis and general themes

The purpose of the following sections is to provide a history of those important events prior to, during, and after the Persian Gulf War. Six themes are apparent.

First, similar to his actions prior to invading Panama, Carter's policy prior to the rescue mission in Iran, and Reagan's activities before the air raid on Libya, Bush implemented several options from the IIOS in an exercise of

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were performed by the General Accounting Office, compilation of GAO Reports 101st and 102nd Cong. Library of Congress data base.

[14]Aspin's estimate was amongst the lowest anticipating 3,000 US casualties and four weeks of combat. Les Aspin, The Aspin Papers: Sanctions, Diplomacy, and War in the Persian Gulf, Significant Issues Series, Vol XIII No 2, (Washington, D.C.: CSIS, 1991), p. 86.

[15]Colonel Arthur H. Blair, US Army(ret), At War in the Gulf: A Chronology, (College Station, Texas: Texas A&M Press, 1992), p. 120.

[16]Meet the Press, transcript, Washington, D.C., 17 March 1985, p. 9.

coercive diplomacy before ordering the 17 January air strike on Baghdad. By exhausting other less belligerent methods, it was difficult for congressmen to argue that the President acted precipitately.

Second, wishing to avoid the mistakes of the Vietnam War, the administration performed three tasks:

(1) frequently communicated with Congress on its plans;
(2) masterminded an international coalition against Hussein; and,
(3) activated 236,800 US reservists, invoking a sense of national purpose amongst the electorate.

By the time Bush requested congressional endorsement of HJR 77, authorizing the use of force to expel Iraqi forces from Kuwait, his contextual advantage was high. He had convened nineteen meetings in the White House with various groups from Congress, fostering a sense among most lawmakers that he respected their role in decisionmaking.[17] International support crystallized on 29 November 1990 with a 12 to 2 vote approving "all means necessary" to remove Hussein's Army from Kuwait.[18] In addition, by activating over 200,000 members of the reserve, Bush unleashed a formidable part of America's military arsenal and alerted the public to the magnitude of the impending mission in the

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[17]On 3 January, Armed Services and Foreign Affairs considered HCR 19, "a resolution of inquiry calling for the submission to the House of Representatives of certain information regarding Operation Desert Shield" introduced by Barbara Boxer (D-CA) of the HASC. Although neither Committee reported the bill favorably to the House, the administration provided useful information on executive-legislative communication throughout Desert Shield and Desert Storm including meetings with the President. Congress, House, Committee on Armed Services and Foreign Affairs, HCR 19, report, 102nd Cong., 1st sess., 27 February 1991, p. 13.

[18]Karel C. Wellens ed., Resolutions and Statements of the United Nations Security Council (1946-1992), (Boston: Matinus Nijhoff Publishers, 1993), p. 540.

Gulf.[19] Kennedy and his three predecessors activated fewer than 20,000 reservists between the early 1960s and the mid-1970s impairing their ability to mobilize national support for the military campaign.[20] Bush's plan was successful: public support for using force was 62% when Congress voted on 15 January.[21]

Thirdly, Les Aspin was at the forefront of discussion on US policy in Iraq, out performing even Sam Nunn of the SASC and Richard Lugar of the SFRC as the principal congressional spokesmen.[22] Stephen Solarz of Foreign Affairs was almost as impressive as Aspin, concluding quite early that it was necessary to use force in the Gulf and subsequently supporting the administration's efforts to sway Congress.[23]

Fourth, media reports generally supported the use of force to expel the Iraqi Army from Kuwait. Several publications highlighted the broad degree of international support for punishing Iraq, depicted Hussein as a villain (as it had Noriega in Panama and Qaddafi in Libya), and recognized that because of their personal experiences,

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[19]Congress, House, Committee on Armed Services, Defense for a New Era: Lessons of the Persian Gulf War, report, 102nd Cong., 2nd sess., 30 March 1992, p. 51.

[20]Colonel Harry G. Summers, Jr., On Strategy II: A Critical Analysis of the Gulf War, pp. 1-7.

[21]From a survey taken between 3 and 6 January 1991 in George Gallup, Jr., The Gallup Poll: Public Opinion 1991, (Willmington, Delaware: Scholarly Sources Inc., 1991), p. 21.

[22]Observation made by both Carin Pratt, producer of CBS's Face the Nation, Fred Barnes, journalist from The New Republic, and David Broder, columnist from the Washington Post, interview by author, Tape Recording, Washington, D.C., 29 and 23 March, and 5 April 1994. See also Pat Towell, "Aspin's Political Clout Grows... As Nunn's Leverage is Questioned," Congressional Quarterly Weekly (23 March 1991): pp. 756-757, Sidney Blumenthal, "The Mystique of Sam Nunn," The New Republic (4 March 1991): pp. 23-27, and David Gergen, "The Democrats Go-Slow Gulf Policy," US News & World Report (10 December 1990): p. 36.

[23]Ibid.

senior national security officials in the administration were unlikely to repeat the mistakes committed during the Vietnam War.

Fifth, although Bush wished to receive statutory authorization before using force against Iraq, he did not feel that it was a prerequisite for launching Operation Desert Storm.[24] Bush would have faced a dilemma had Congress refused his request, but as with the case of Reagan and the MFO, he would not have asked for authorization if he were unsure of receiving it.[25]

Finally, congressional activity waned after statutory authorization was granted.[26] Congress - Foreign Affairs and Armed Services especially - had performed its role by providing explicit endorsement for the executive branch's request to use force; now it was necessary for the President to perform his role as Commander-in-Chief.

The 2 August 1990 Iraqi attack and international response

On 2 August 1990, Iraqi forces invaded the independent nation-state, Kuwait, causing the royal family to flee to Saudi Arabia. The administration responded quickly, freezing Iraqi and Kuwaiti assets in the US, and banning air and sea travel to that country.[27] Bush reported to Congress on his choice of sanctions, citing the International

[24]Richard Clarke, former Assistant Secretary of State for Politico-Military Affairs, interview by author, Tape recording, Washington, D.C., 18 March 1991.

[25]James Baker, former Secretary of State, interview by author, Tape Recording, Washington, D.C., 22 March 1993.

[26]See esp. Carroll J. Doherty, "Congress Applauds President From Sidelines of War," Congressional Quarterly Weekly (19 January 1991): pp. 176-180.

[27]Public Papers of the President, George Bush, 1990, (Washington, D.C., GPO, 1991), 3 August 1990.

Economic Emergency Act as his authority. Passed in 1976, this act is meant to ensure that the president remains accountable to Congress even during times of emergency.[28] It was initiated by House International Relations, and illustrates how Congress has codified the president's power along the IIOS.

International condemnation of Hussein's actions was widespread. Participating in a joint news conference with President Bush, Margaret Thatcher, Prime Minister of the United Kingdom, stated that the invasion was "totally unacceptable."[29]

The UNSC approved one of its twelve resolutions relating to the Iraqi invasion. Passed by a unanimous vote on the day of the invasion, resolution 660 called for the Iraqi government to withdraw its forces from Kuwait immediately.[30] In a joint news conference with US Secretary of State, James Baker, and USSR Foreign Minister, Edward Shevardnadze, even the Soviet Union accepted that Iraq's invasion was unacceptable . A day after the attack, both officials called for a halt of arms sales to Hussein.[31] Finally, the Arab League and the Gulf Cooperation Council condemned the attack, and called for the withdrawal of

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[28]Congress, House, Committee on Foreign Affairs, International Economic Policy and Trade Subcommittee, Emergency Economic Powers: Iran, 97th Cong., 1st sess., 6 March 1981, pp. 1-4.

[29]Sheldon Yett, "Key Dates in the Gulf Crisis," Congressional Quarterly Weekly (5 January 1991): pp. 41-44.

[30]Karel C. Wellens ed., Resolutions and Statements of the United Nations Security Council (1946-1992), p. 527.

[31]Sheldon Yett, "Key Dates in the Gulf Crisis," pp. 41-44.

Iraq's military forces, whilst the European Community imposed a boycott on Iraqi and Kuwaiti oil.[32]

Foreign Affairs once again acted as the bellwether for the congressional response. Ironically, the HFAC had been considering HR 4585, legislation prohibiting the sale or grant of military equipment to Iraq on the first day of August. The bill passed by a voice vote, but was quickly revamped to include the more severe restrictions implemented by the administration.[33] Congress passed another resolution on 27 August in support of Bush's decision to send military forces to Saudi Arabia. Wishing to avoid any misunderstandings, HJR 658 stipulated that nothing in the bill authorized the President to launch a military attack in the Persian Gulf.[34]

Early reaction to the Iraq invasion was important because numerous international intergovernmental organizations and nation states immediately condemned Hussein's actions. Although early rhetorical support does not amount to endorsing the use of force, it does, however, provide contextual advantage for the president to impose more severe measures even if Congress is reluctant to do so. It was also important because Congress - with Foreign Affairs acting as gatekeeper - quickly endorsed Bush's authority by passing two resolutions commending his policy towards Iraq.

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[32]Ibid.

[33]The new bill, HR 5431, passed by a 416 to 0 vote on 2 August 1990, HFAC, Legislative Calendar, 101st Cong., p. 694.

[34]Ibid.

Initial US military response

On 5 August, Bush declared that Iraq's invasion "will not stand."[35] To demonstrate his resolve, the President - without consulting Congress - despatched 2,300 troops from the 82nd Airborne Division and forty-eight F-15s to Saudi Arabia, and activated 48,800 reservists. Three days after delivering his firm pronouncement, the President announced his objectives in the region during a television and radio broadcast. Bush presented the following four provisions:

(1) immediate and unconditional withdrawal by Iraq;

(2) restoring Kuwait's legitimate government;

(3) maintaining stability in the Persian Gulf; and,

(4) protecting the lives of US citizens.[36]

Within a week, US forces numbered over 50,000. US service members were joined by a contingent from the UK shortly thereafter, providing the initial units for a multinational force.

Early actions of Armed Services and Foreign Affairs

Within two weeks of the Iraqi invasion, members from both Foreign Affairs and Armed Services had taken stock of the possible negative repercussions of Hussein's actions. Three matters gave them concern. First, fearful that the conflict might spread into Saudi Arabia, they wished to be kept abreast of Iraq's activities in Kuwait. Second, they wanted clear lines of communication with the administration, and general information relating to any pending military

[35]Public Papers of the President, George Bush, 1990, 5 August 1990.
[36]Ibid., 8 August 1990.

plans. Third, they wanted constant updates on diplomatic and security assistance proposals for other nations in the region. Significantly the third provided final arbiter authority to Congress whilst the first two were contingent upon executive prerogative.

Foreign Affairs, in addition to approving two resolutions endorsing the administration's sanctions, conducted a series of hearings entitled "The Persian Gulf Crisis." Reminiscent of those it conducted prior to the US invasion of Panama, these hearings were intended both to determine the precise status of Iraqi activities and intentions in the region, and also to induce the administration to define US objectives and policies to Congress.[37] The hearing's title was misleading because congressmen were unwilling to delegate similar authority to the president that they had done in earlier crises. For most lawmakers, the invasion of Kuwait was no Mayaguez, thus, members of the legislature expected a more salient role in decisionmaking. A comment provided by Dante Fascell is educational: "no one [in Congress] wishes to provide the administration with a carte blanche."[38]

Armed Services early responses were less public. As it had done during the Marine deployment to Lebanon, its professional staff formed a cell comprised of approximately

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[37]For hearings regarding US options for Panama see House, Committee on Foreign Affairs, Subcommittee on Western Hemisphere Affairs, Recent Developments in Panama, hearings, 1987-89.

[38]Christopher Madison, "No Blank Check," The National Journal (6 October 1990): pp. 2395-2398 and Carroll J. Doherty, "Hill Support Remains Firm, But Questions Surface," Congressional Quarterly Weekly (8 September 1990): p. 2838.

ten individuals. The task force met daily to discuss both US policy towards Iraq, and to liaise with various executive agencies.[39] Aspin relied upon these staff members to schedule his hearings on the Gulf incident, write his speeches and white papers, and keep him abreast of important events in the region.[40]

Three principal congressional responsibilities

Between late August and early September, Bush continued his policy of coercive diplomacy with the Iraqi government: he pursued numerous diplomatic initiatives, constructed an international coalition against the renegade state, imposed unilateral and multilateral economic sanctions whilst simultaneously enhancing US military capabilities in the region. The President's objective was, without having to resort to warfare, to persuade Hussein to adhere to world opinion and leave Kuwait.

The legislature soon established three niches within the President's plans. Many of these roles such as approving arms sales and debt relief in addition to requests for emergency funding, demonstrated the institutional powers inherent in Congress, whilst others, such as authorizing the use of force, illustrated how the conflict's nature stimulates congressional activity. Although Armed Services and Foreign Affairs remained at the forefront of several of

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[39]HASC professional staff member, interview by author, Tape recording, Washington, D.C., 31 March 1991.

[40]Ibid.

these activities, House Appropriations dominated many others.

Other relevant committees Part I: Security Assistnace, Debt Relief request and the Foreign Operations Subcommittee

The administration made the first of two security assistance (arms sales) requests on 8 August, asking for 24 F-15s, 160 M-60 tanks, 200 stinger missiles, and 1,500 anti-tank shells.[41] Saudi Arabia was to purchase the equipment and use it in a possible battle with Iraq, thus limiting their dependency on the lives of US servicemen to attain their objectives. Armed Services received written notice of the proposed sale a few days later. Deputy Secretary of State, Lawerence Eagleburger, discussed the sale with members of Foreign Affairs, but only after meeting with the House Appropriations Committee's Subcommittee on Foreign Operations. In addition, Eagleburger's briefing came after Bush's public announcement.[42]

The administration made a second request to sell 400 Bradley Fighting Vehicles to Saudi Arabia on 6 September. A week later, the administration requested $7 billion in debt relief for Egypt because it had pledged substantive support for the multinational coalition created to defend against Iraq's forces.

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[41]David C. Morrison, "Mideast Lining Up For Arms," The National Journal (15 September 1990): pp. 2201-2202.

[42]Lawerence Eagleburger, former Deputy Secretary of State, interview by author, Tape Recording. Washington, D.C., 12 April 1994 and Carroll J. Doherty, "Bush's Plan to Waive Egypt Debt...Raises Questions About Israel," Congressional Quarterly Weekly (15 September 1990): p. 2933.

Several aspects of the administration's proposals were important for both the roles played by Armed Services, Foreign Affairs, and Congress in its entirety.

First, because the president's authority to provide security assistance without congressional authorization is limited to $75 million, it has been customary for the chief executive to consult with the Appropriations Committees in both chambers when reprogramming funds for emergencies.[43] In this regard, Foreign Affairs role is marginal; it is the prerogative of the executive branch to consult with it or solely with the Foreign Operations Subcommittee of House Appropriations. The HFAC did, however, conduct a hearing on the proposed arms sale to Saudi Arabia in late October.[44]

Second, since the administration requested permission to sell rather than to donate equipment to Saudi Arabia, the Appropriations Committees were more likely to approve.

Third, since the Vietnam War, Congress has preferred to offer security assistance rather than the lives of US servicemen in order to resolve hostilities including in El Salvador (1981-88) and Zaire (1978). In short, it impinges less on the individual congressman's conscience, and his or her electoral appeal.

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[43]Section 506 "Special Authority" of the Foreign Assistance Act of 1961 as amended by the International Security Act of 1979 in Congress, Senate, Committee on Foreign Relations, and House, Committee on Foreign Affairs, Legislation on Foreign Relations Through 1992, Vol I, joint committee print, April 1993, p. 196. See also appendix on the Foreign Assistnace Act of 1961 (amended).

[44]Congress, House, Committee on Foreign Affairs, Subcommittee on Arms Control, International Security and Science with Europe and the Middle East, Proposed Sales to Saudi Arabia in Association with the Conduct of Operation Desert Storm, hearing, 101st Cong., 1st sess., 31 October 1991.

Finally, support for the President's request would signal the international community and the US electorate the unity of effort between both branches to remove Hussein's Army from Kuwait. Signals are a crucial aspect of statecraft and diplomacy. In a democratic system with separation of powers and checks and balances, even gestures on matters tangential to the use of force may signify the necessary resolve to persuade potential adversaries to cease their inappropriate behavior without having to resort to warfare.

Eventually, House and Senate Appropriations endorsed the first request for Saudi Arabia worth $7.3 billion, but persuaded the administration to suspend the second until after the Gulf crisis subsided.[45] Its members shared the President's belief in the need for enhancing the military prowess of friendly Arab states, but feared the repercussions for Israel after hostilities subsided.[46]

Similarly, Appropriations (and subsequently Congress) recognized both the sacrifices and commitment Egypt was making to the coalition effort against Iraq. However, the legislature did not forgive Egypt's debt; instead, Congress permitted Egypt to receive loans from the US regardless of its ability to make payments on its outstanding debt.[47] Thus, in both instances, the administration received a part

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[45]Rochelle L. Stanfield, "Weighing Arms Sales for the Saudis," The National Journal (1 December 1990): pp. 79-80.

[46]Mel Levine (D-CA), a liberal pro-Israeli member of Foreign Affairs, opined that "the idea of using Operation Desert Shield as an excuse to justify an unwarranted shift in the balance of power in the Middle East...was skewed from day one.", Ibid.

[47]Congress, House, Committee on Appropriations, Continuing Resolution, 1991, report, 101st Cong., 2nd sess., 25 September 1990, p. 10.

of what it had requested with Congress exercising its authority to deny the full amount.

Other relevant committees Part II: Defense Appropriations - paying for Operation Desert Shield

On three occasions, Congress considered legislation providing additional funding to cover the costs of military operations in the Persian Gulf. Armed Service was intimately involved in the second and the third. On 14 September 1990, the administration requested $1.9 billion to cover the costs of Operation Desert Shield.[48] Typically, requests for additional funding are handled by supplemental appropriations thus limiting the role of Armed Services - an authorization committee.[49] This first request was no exception with the House Appropriations Subcommittee on Defense considering draft legislation. The Subcommittee reported the resolution, "HJR 655: Title II Supplemental Appropriations for Operation Desert Shield" favorably in late September. The continuing resolution passed in early October.

HJR 655 was important for illustrating Congress' institutional "power of the purse," and the Defense Appropriations Subcommittee's typically greater influence than Armed Services in this realm of policymaking, demonstrating congressional endorsement for the President's activities in the Persian Gulf, and (together with the

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[48]Carroll J. Doherty, "Bush's Plan to Waive Egypt Debt...Raises Questions About Israel," p. 2932.

[49]Interview with Leon Panetta, also, for more information on Defense Appropriations see Christopher Madison, "Murtha the Insider," The National Journal (8 November 1990): pp. 1947-1951.

security assistance request) for illustrating how timing and executive prerogative can affect the roles Armed Services and Foreign Affairs play in use of force policy. Members of the administration consulted with representatives from the HFAC and HASC on both issues although Defense Appropriations and Foreign Operations served as the formal gatekeeper. This is not always the case. In El Salvador, for example, Foreign Affairs reported on legislation placing restrictions on security assistance and the role of US military advisers; while later in the Gulf conflict, Armed Services reported a supplemental authorization bill.

Armed Services and Foreign Affairs: Early discussion on the use of force

Whilst the previous two aspects of Bush's policy toward Iraq - security assistance and emergency funding - were dominated by other relevant committees, determining if the US would use force was not. Early discussion on the use of force focused upon whether utilizing force to expel Iraqi military forces from Kuwait was the most effective method for the international community to resolve the conflict, and whether the President needs congressional authorization to use force. To address these issue Armed Services and Foreign Affairs performed five activities: members of both Committees participated in meetings at the White House with President Bush and other congressmen; Foreign Affairs conducted hearings on the subject; members from both the HFAC and HASC visited the Gulf region; Hamilton and Aspin appeared on various television programs to express their

views on US policy and to stress the importance of congressional involvement, and finally, Armed Services created a task force comprised of professional staff members to follow events in the Persian Gulf.

In performing these tasks, Armed Services and Foreign Affairs served as points of contact for the administration, disseminators of information, conduits for House discussion, well informed observers, and internal discussion panels. Overall, members of both Committees disagreed about the first question, but agreed about the second. Dante Fascell's 23 August observation on the House floor is emblematic of HFAC and HASC opinion:

> Should it become necessary for the United States alone or collectively to initiate military action...it is essential that the Congress be fully involved in view of its Constitutional responsibilities and that the American people fully understand the reasons why its government believes such grave action has become necessary.[50]

Four actions taken by the administration alerted Armed Services and Foreign Affairs that US forces may be used in hostilities in the near future. On the 9th of August, Bush notified Congress of his decision to send 50,000 US servicemen to Saudi Arabia. On 12 August, he ordered the US Navy to halt all imports to Iraqi ports. Ten days later, the President called up more than 40,000 members of the reserves for possible deployment to the Persian Gulf. Finally, on 16 October, the administration announced that

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[50]"Fascell Calls on President to Broaden Dialogue on Mid-East Crisis," HFAC, press release, 23 August 1990.

over 200,000 US service personnel were in Saudi Arabia.[51] More studied examination of the possibility of using force came after 8 November when President Bush doubled the size of the US contingency. Because the Committees' activities increased sharply, the period of 8 November 1990 through 15 January 1991 requires its own independent section of analysis.

Presidential meetings with Congress

Initiated by members of the executive branch, the President sponsored meetings with congressmen on 28 August, 5, 21, and 26 September, and 30 October in addition to delivering an address to a joint session on 11 September.[52] Often, as many as ten members from both Armed Services and Foreign Affairs were in attendance. These meetings sometimes included General Powell, the Chairman of the Joint Chiefs of Staff, and Dick Cheney, the Defense Secretary, and were meant to keep Congress abreast of the administration's plans. Never truly consultative, they nonetheless provided members of the HFAC and the HASC with a forum within which to express their views on use of force policy in the Gulf. For example, during the 28 August meeting, Patricia Schroeder (D-CO) from Armed Services voiced her concern about obtaining international financial support for possible US military action.[53] Bush expressed his resolve to counter Hussein whilst addressing a joint session of Congress on 11

[51] Washington Post (Washington, D.C.) 16 October 1990.

[52] HFAC and HASC, HCR 19, report, p. 13.

[53] Caroll J. Doherty, "Members Rally Around Flag As Bush Solicits Support," Congressional Quarterly Weekly (1 September 1990): p. 2777.

September stating: "Iraq will not be permitted to annex Kuwait. And that's not a threat, it's not a boast - it's just the way its going to be."[54] In the final two meetings, Bush reportedly "gave no indication that the conflict would be resolved diplomatically."[55]

Foreign Affairs hearings

Between 2 August and 8 November, Foreign Affairs conducted four hearings on the situation in the Persian Gulf. Members compared possible military operations in the Persian Gulf with the war effort in Vietnam; administration officials duly dismissed the comparison. It is impossible to know individuals' motivations for invoking the Vietnam legacy. Some representatives inevitably did so to gain attention in the media; others spoke of the controversial conflict in Indochina in a sincere effort to prevent another comprehensive and divisive embroilment. Nevertheless, the Committee played the role of recipient and disseminator of information, and conduit for House discussion via the four hearings.

The 18 October hearing is the most important both because groups supporting and opposing the use of force were then most clearly delineated, and because Dante Fascell, the HFAC Chairman, advised his colleagues not to press Secretary Baker on the relevance of the War Powers Resolution on the grounds that it would diminish the quality of discourse

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[54]Public Papers of the President, George Bush, 1990, 11 September 1990.
[55]The Editors, "War Options," The New Republic (15 October 1990): p. 7.

between the two branches.[56] Ironically, members wishing to discuss the WPR also supported the use of force including Robert Torricelli from New Jersey. In support were Torricelli, Berman, Solarz and Fascell; the group opposing a military attack was led by Lee Hamilton. Hamilton was not wholly opposed to military action, but argued that sanctions should be given ample time to take effect before resorting to warfare. Fascell's counselling on the WPR indicates his frustration with the political quagmire that usually resulted when members of either branch mentioned the subject. Although he co-sponsored the Resolution in 1973, he had as early as 1988 come to doubt its utility. During the Kuwait reflagging operation for example, Fascell introduced a proposal to create a committee comprising approximately twenty congressmen to liaise with the administration regularly on national security issues, abandoning the more general consultative requirements stipulated in the WPR.[57] Hamilton, on the other hand, believed that the WPR still ensured effective communication between both branches of government.[58] Ultimately, Torricelli and Sam Gejdenson (D-CN) challenged Baker on the applicability of War Powers. The Secretary of State evaded the question suggesting that

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[56]Congress, House, Committee on Foreign Affairs, Crisis in the Persian Gulf, hearing, 101st Cong., 2nd sess., 18 October 1990.

[57]Fascell recommended a Consultative Committee on National Security be created "to serve as an...informal structure for executive branch consultations with Congress," in Congress, House, Committee on Foreign Affairs, Subcommittee on Arms Control, International Security and Scientific Affairs and the Subcommittee on Europe and the Middle East, HR 2533, HCR 135, HJR 216, HCR 137, hearing and mark-up, 100th Cong., 1st sess., June 1987, pp. 294-295.

[58]HFAC professional staff member and former member of Lee Hamilton's personal staff, interview by author, Tape Recording, Washington, D.C., 29 March 1994.

maintaining unity of effort was more important henceforth.[59] He told the Senate Foreign Relations the day before, however, that the President did not require congressional authorization to use force against Iraq.[60]

Congressional Delegations

Armed Services and Foreign Affairs embarked upon a total of three trips to the Persian Gulf region between early August and early November 1990 during which, as they had done in Lebanon, HASC delegations focused upon the coalitions' military capabilities and rules of engagement. while the HFAC examined the military and diplomatic aspects of US policy in the Gulf. Both delegations were instances of the two Committees functioning as "recipients of information." That HFAC and HASC members participated in more trips than any other committee further indicates that the two Committees served as bellwethers. The delegation of 31 August to 3 September (led by Richard Gephart (D-MO) and Robert Michel (D-IL) the House majority and minority leaders respectively) included the Armed Services and Foreign Affairs Committee leadership - another indication of both Committees institutional role at the forefront of constructing use of force policy. In publishing its findings, this delegation stated that they "strongly support the actions of President Bush in countering Iraq's invasion of Kuwait."[61]

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[59]HFAC, Crisis in the Persian Gulf, pp. 32-33.
[60]Sheldon Yett, "Key Dates in the Gulf Crisis," pp. 43.
[61]HFAC, Crisis in the Persian Gulf, p. 3.

House spokesmen: Lee Hamilton and Les Aspin

Few members of Armed Services and Foreign Affairs, Lee Hamilton and Les Aspin among them, have played a prominent public role in crafting America's use of force policy.[62] Appearing together on Meet the Press, both gentlemen offered a professional assessment of the incident.[63] More importantly, they appeared on the influential program even before Sam Nunn and Richard Lugar (the two principal spokesmen on use of force policy in the Senate) did so.[64]

Hamilton and Aspin agreed on several points, including the need to avoid the mistakes of Vietnam and maintain international support for US efforts in the region. Hamilton opined that "the President must not cast this confrontation as a confrontation between the US and Iraq, but rather a confrontation between the international community and Iraq."[65] Both expressed their anxiety over the approximately 3,000 US citizens in Iraq and Kuwait, and recent skirmishes with US Navy ships and foreign vessels bound for Iraqi ports. Finally, neither ruled out the possibility of using force, but warned that it was too early to determine if military action would be necessary. Aspin's comment on maintaining public and congressional support was significant because it epitomized the Bush administration's strategy in resolving the crisis in Kuwait. The Chairman

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[62]Interview with R.W. Apple, Jr.

[63]Meet the Press, transcript, Washington, D.C., 19 August 1990. Aspin later appeared on MacNeil/Lehrer News Hour and Nightline in January 1991.

[64]Interview with Betty Dukhart.

[65]Meet the Press, transcript, Washington, D.C., 19 August 1990, p. 3.

asserted: "I do not think at the moment that he [President Bush] has the political mandate to conduct a military attack on objectives inside Kuwait or inside Iraq [but] that could change."[66]

Indeed, through both his own diligent actions and those of top administration officials, President Bush constructed an international coalition rivaling that of the allied powers in World War II and Metternich's after the Napoleonic Wars. The next two sections show how he mustered international support, and demonstrate that the media also supported his policies. The third section culminates with Bush's 8 November decision to double the number of US servicemen in Saudi Arabia. By then, the President was close to securing the mandate for the use force to which Aspin had alluded in mid-August.

International Support

From the beginning of the Gulf crisis, Bush assembled an impressive international coalition that rebuked Iraq's invasion of Kuwait. International support was a principal element of the President's contextual advantage in pressing Congress to endorse his request to use force. It also appeased members of Armed Services and Foreign Affairs such as Barbara Boxer (D-CA) and Robert Dornan (R-CA) respectively who argued that the US was bearing an disproportionate amount of the effort to resolve the

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[66]Ibid., p. 5.

crisis.[67] Foreign Affairs even conducted a hearing entitled "Asian Responses to the Crisis in the Persian Gulf" in order "to ascertain precisely what contribution other Asian countries have made to [the] collective endeavor in the Gulf."[68] World support came in five forms: financial, military personnel, economic sanctions, and rhetoric.

On 6 September the Saudi Arabian government agreed to defray the costs of Operation Desert Shield, and to aid other Arab nations affected by the trade embargo. They were eventually joined by the governments of Germany, Japan and Kuwait in financing Operation Desert Shield.

Twenty-two nations - including Arab states - provided military personnel for a multinational force headquartered in Riyadh. Jointly commanded by a US General, Norman Schwarzkopf, and a Saudi Arabian Lieutenant General, Prince Khalid Bin Sultan al-Saud, the coalition force eventually numbered 737,000.[69]

The UN was the principal organization coordinating economic sanctions against Iraq. It passed several resolutions, the most severe of which came on 6 August, placing an international embargo on all imports to Iraq except medical and humanitarian supplies.[70]

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[67]Dornan quipped that "Americans do not die for princes, sultans, or emirs" whilst Boxer opined that "if the war is Americanized, Congress will have problems with it," Carroll J. Doherty, "Members Rally Around Flag," Congressional Quarterly Weekly (1 September 1990): pp. 2777-2778.

[68]Congress, House, Committee on Foreign Affairs, Subcommittee on Asian and Pacific Affairs, Asian Response to the Crisis in the Persian Gulf, hearing, 101st Cong., 2nd sess., 19 September 1990, p. 1.

[69]General Norman H. Schwarzkopf with Peter Petre, It Doesn't Take a Hero: The Autobiography, (London: Bantam Press, 1992), p. 329.

[70]Karel C. Wellens ed., Resolutions and Statements of the United Nations Security Council (1946-1992), p. 528.

Several nations and international governmental organizations lent public and private political support for the US and its effort to persuade Saddam Hussein to leave Kuwait. One example occurred during a joint press conference featuring President Bush and the Canadian Prime Minister, Brian Mulroney. Asked about the recent UN trade embargo Mulroney asserted that "it is a very important initiative to curb aggression in the Middle East."[71]

Media Support

Media reports from liberal and conservative publications generally supported Bush's handling of the crisis in the Persian Gulf. Three themes predominated:

(1) President Bush demonstrates US resolve comparable to that of Churchill and Roosevelt by sending US forces to the Persian Gulf;

(2) the Bush administration refuses to commit mistakes of past administrations in Vietnam; and,

(3) President Bush masterminds an effective coalition in an impressive diplomatic effort.[72]

Favorable news coverage did not, on its own, persuade Congress to support Bush's request for statutory authorization to use force. However, officials in the administration, including the National Security Adviser, Brent Scowcroft, wished to display consistency, resolve, and

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[71]Joint news conference reprinted in "Bush, Mulroney Meet in Maine Praise U.N. Action on Iraq," Congressional Quarterly Weekly, p. 2799.

[72]For articles praising Bush as an effective CINC and comparing him to Churchill see Fred Barnes, "Finest Hour," The New Republic (11 February 1991): pp. 14-15 and Kenneth T. Walsh, "Commander in Chief," US News & World Report (31 December 1990): pp. 23-25. For articles asserting that the Bush administration will avoid mistakes of Vietnam War see Stephen Budiansky et. al., "Lines in the Sand," US News & World Report (1 October 1990) pp. 28-36 and Mortimer Zuckerman, "You go in to win decisively: a discussion with General Colin L. Powell," (24 December 1990): p. 26. For an article commending Bush for his diplomatic exploits see William Schneider, "Isolationist Virus Could Weaken Bush," The National Journal (22 September 1990): p. 2306.

steadfastness in the conduct of their policy.[73] Most of all, Scowcroft wished to prepare public opinion for an intense military confrontation with Iraq; the media assisted the administration in this regard, providing another element of contextual advantage for the President.

Cataclysmic Event: Doubling the number of US forces

On 8 November 1990, President Bush ordered a near doubling of the number of US forces in the Persian Gulf abandoning an earlier plan to rotate new servicemen into the region.[74] Given two days after a congressional election, Bush's actions are important for several reasons.

First, with 430,000 US troops - including 188,000 recently activated reservists - the coalition could be assured of "an offensive capability."[75] Second, members of Congress realized that the administration anticipated that force would be used to repel Hussein's forces from Kuwait. Les Aspin identifies 8 November as the cataclysmic event in Phase I, stating that he and his Committee began their in-depth analysis of possible military operations on this date.[76] He also calculated that the administration was on course to resolve the crisis in January or February. Finally, Bush demonstrated that he was not above capitalizing on the uncertain political climate in Congress to achieve his objectives. Aware that congressmen would

[73]Interview with Brent Scowcroft.

[74]Sheldon Yett, "Key Dates in the Gulf Crisis," pp. 43.

[75]Declaration made by General Colin Powell can be found in David C. Morrison, "Raising the Stakes in the Mideast," The National Journal (17 November 1990): p. 2808.

[76]Les Aspin, former HASC Chairman, interview by author, Tape recording, Washington, D.C., 11 April 1994.

avoid challenging him on such a volatile issue shortly after an election, the timing of Bush's announcement was not coincidental.

The administration notified the congressional leadership including the Armed Services Committee Chairman, Les Aspin, prior to the 8 November announcement.[77] Aspin did not comment publicly, but Sam Nunn did so three days later. He and Lee Hamilton were livid that the President appeared close to ordering the use of force, without requesting statutory authorization. Even Republicans including William Broomfield, the ranking minority member of Foreign Affairs, chastised the administration for ordering such a drastic increase in the number of US forces without consulting with Congress.[78] Hearings by Senate Armed Services, House Armed Services, and House Foreign Affairs followed shortly thereafter.

Contemplating the use of force

The Gallup Poll indicated that 74% of those polled on 21 November believed that President Bush required congressional approval to use force in the Gulf. Conscious of their contextual advantage to assert their authority, three Committees conducted hearings on alternatives to resolve the Gulf crisis. Two issues are important. First, the Committees interacted neither in planning nor in the conduct of their respective hearings; consultation between chambers is typically reserved for conference committees on

[77]Ibid.
[78]David C. Morrison, "Raising Stakes," p. 2809.

legislation. Second, Aspin's hearings were the most highly regarded of the three by members of the media and the administration.[79]

Senate Armed Services utilized an annual series of hearings on US military strategy to examine alternatives in the Persian Gulf.[80] Referred to as "the parade of stars", Nunn brought in former high ranking administration officials including Admiral William Crowe and James Schlesinger between 27 November and 3 December to argue that sanctions should be given more time to take effect.[81] In short, the SASC's hearings reflected the Chairman's belief that a military strike before the spring of 1991 would be premature.

Foreign Affairs' hearings lasted only one day - 28 November - focusing upon the effectiveness of UN sanctions and the implications of using military force.[82] The following day, the UNSC passed Resolution 678 "authorizing all means necessary" to expel Iraqi forces from Kuwait.[83]

Hearings by House Armed Services began on 4 December and ended sixteen days later. Entitled "Sanctions, Diplomacy, and Military Force", testimony addressed a full range of alternatives in the Gulf by assessing "the costs,

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[79]Assessment of both Eric Schmitt, Pentagon correspondent of The New York Times and Colonel Harry Summers during an interview by author, Tape recording and by phone, Washington, D.C., 11 April and 25 March 1994.

[80]Defense specialist from Armed Services' Senator William S. Cohen (R-MA) personal staff, interview by author, Tape recording, Washington, D.C., April 1994.

[81]Conversation with HASC professional staff member, Washington, D.C., December 1993.

[82]Congress, House, Committee on Foreign Affairs, Crisis in the Persian Gulf, hearing, 101st Cong., 2nd sess., 28 November 1990.

[83]Karel C. Wellens ed., Resolutions and Statements of the United Nations Security Council (1946-1992), p. 540

risks and opportunities associated with each."[84] An eclectic group of thirty-four witnesses testified including General Powell, the current Chairman of the Joint Chiefs of Staff, Edward Heath, the former UK Prime Minister, and William Quandt, a distinguished scholar on the Middle East from the Brookings Institute and former member of the Carter administration. Despite the comprehensive nature of the hearings, on their own, they represent a divergent set of views on the perceived efficacy of using force in the Persian Gulf. The testimony is more important because it provided Les Aspin with the necessary information to produce his white papers supporting a military strike against Kuwait.

Aspin, Dellums, and Solarz - The politics of use of force policymaking

This thesis has focused primarily upon the institution of Congress - more specifically two of its Committees - and their role in use of force policymaking. Little attention has been given to the politics of individual members. The reason is clear: individuals from these Committees matter less than both the collective entities to which they belong and the systemic interchange between both branches. However, some politicians have greater expertise in exploiting the system than others. The purpose of the following section is to demonstrate how three members, Les Aspin, Steve Solarz, and Ronald Dellums attempted to affect US force employment policy by three distinct methods. Also important

[84]HASC, Crisis in the Persian Gulf: Sanctions, Diplomacy, and War, p. 1.

are their motivations. Aspin, a mid-western defense policy analyst, hoped to influence individuals deeply interested in formulating national security policy with erudite white papers and by addressing the prestigious Center for Strategic and International Studies (CSIS). Solarz, a pro-Israel northern liberal, wished to persuade reluctant moderates and liberals from the upper echelon of civil society by arguing in a New Republic article that for the sake of international justice, the US had an obligation to expel Iraq's forces from Kuwait. Finally, Ronald Dellums, an extremely liberal black member of Armed Services, had voted against every National Defense Authorization bill since being elected in 1970. For him, using military force to resolve world crises was no less than barbaric. Hoping to incite protests by liberal activists, the Congressman from California filed suit against President Bush asserting that he could not unilaterally authorize a military attack in the Persian Gulf.

Les Aspin addressed CSIS on 21 December 1990. His purpose was to discuss the effectiveness of sanctions and diplomacy in resolving the Persian Gulf crisis.[85] Three aspects of his speech were important. First, he identified the nexus between US national interests and the Iraqi invasion of Kuwait: oil, aggression, and nuclear weapons. Second, he asserted that 8 November marked a distinct change in the administration's policy in the Gulf, namely that

[85]Les Aspin, "Sanctions and Diplomacy in the Persian Gulf Crisis," David M. Abshire Lecture, in The Aspin Papers, p. 1.

sanctions would be given only a few months more to work. Finally, the Chairman argued that he "believed there was support for the use of force" both within the House and the general population.[86]

Aspin subsequently released three white papers on sanctions, diplomacy, and military force on 21 and 28 December, and 8 January respectively concluding that although sanctions were working, they were unlikely to compel Hussein to order his troops to leave Kuwait.[87] Diplomacy offered resolution without force, but would permit Hussein to claim victory over the coalition even if his army returned to Iraq.[88] Only the use of military force would address the immediate crisis and deter future aggression by Iraq.[89]

Aspin's white papers were significant in many respects. Each was prefaced with a disclaimer stating that the views presented were his own, not necessarily those of the Committee. The Committee had already performed its anticipated role as recipient and disseminator of information; now Aspin was offering his own observations. Next, the white papers were meant "to help provide Congress the information it needs to carry out its constitutional responsibility."[90] Aspin could have substituted "contextual

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[86]Ibid., p. 3.
[87]Ibid., p. 32.
[88]Les Aspin, "Securing U.S. Interests in the Persian Gulf through Diplomacy," in The Aspin Papers, pp. 50-51.
[89]Les Aspin, "The Military Option, The Conduct and Consequences of War in the Persian Gulf," in The Aspin Papers, pp. 86-87.
[90]Ibid., p. 12.

authority" for "constitutional responsibility" because the anticipated intensity of a military operation in the Gulf provided the contextual advantage for congressmen to assert themselves. Lastly, despite his sobering casualty estimates, the Democratic Chairman endorsed the administration's request to use force, emphasizing that a war in the Gulf would differ from the war in Vietnam.[91]

Steve Solarz noted the irony of his current predicament:

> I began my political career in 1966 as the campaign manager for one of the first anti-war congressional candidates in the country. Now, a quarter century later, I find myself supporting a policy in the Persian Gulf that many believe could become another Vietnam.[92]

Initially opposed to using force to achieve foreign policy objectives, Solarz had recently altered his views supporting Reagan's request to provide security assistance for "freedom fighters" in Cambodia and Afghanistan.[93] Thus, by the 7 January publishing of his New Republic article entitled "The Stakes in the Gulf: A Comprehensive case for the use of force," Solarz was no dove. Like Aspin, Solarz devotes considerable time to disputing myriad comparisons with the Vietnam War. He too identifies the nexus between US national interests as Iraqi aggression, Middle Eastern oil,

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[91]Ibid., pp. 86-87.

[92]Stephen Solarz, "A comprehensive case for the use of force: The Stakes in the Gulf," The New Republic, (7 January 1991): p. 18.

[93]Stephen Solarz, "Six questions for the Reagan Doctrine: Next Stop, Angola," The New Republic (2 December 1985): pp. 18-21.

and nuclear weapons.[94] Finally, after examining the alternative responses to Hussein's antics, Solarz asserts that the US will have increased the prospects of peace between the Arabs and Israel, thwarted one of the most ruthless expansionists in the world, and created the basis for a new world order.[95] Like Aspin, he takes his decision to support the use of force realizing that US casualties could be numerous.[96] Reflecting on Solarz's actions throughout Phase I, Scowcroft argues that he "helped the administration persuade crucial interest groups that using force was the most effective alternative."[97] In view of the New Republic's readership, this article illustrates the National Security Adviser's claim.[98]

Unlike his fellow Democrats, Ron Dellums was not an outspoken defense or national security expert; nor did he have much personal or political incentive to become one. A former Marine and civil rights leader, Dellums had suffered several injustices during his time in service.[99] Furthermore, he represented a liberal constituency, once home to the Black Panther Party. In short, he was wary of both the inherent repressive characteristics of the military

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[94]Aspin and Solarz communicated frequently during Phase I, however, I am not sure that they collaborated on this article. Stephen Solarz, interview by author, Tape recording, Washington, D.C., 20 April 1994.

[95]Stephen Solarz, "The Stakes in the Gulf," p. 25.

[96]Ibid., p. 24.

[97]Interview with Brent Scowcroft.

[98]Marty Peretz, Editor-in-Chief of The New Republic, states that he and Solarz wanted to spark debate amongst the "policymaking class in the Democratic party" with this article. Phone interview by author, Odense, Denmark, 29 June 1994.

[99]Graeme Browning, "Dellum's Turn," The National Journal (22 May 1993): pp. 1220-1224 and John B. Judis, "Dellum's Dilemma" The New Republic Vol 211 No 1 (4 Jul 1994): pp. 23-26.

as an institution, and the use of military force as instrument of foreign policy.

Recognizing that the administration was seriously contemplating a military strike against Iraq after the 8 November military personnel increase, Dellums filed a federal suit twelve days later along with forty-four other plaintiffs from Congress. In Dellums vs Bush, congressmen argued that the President must receive statutory authorization prior to proceeding with a military attack in the Persian Gulf.[100]

Dellums' actions and the subsequent court ruling have political and legal significance. Politically, Dellums utilized the least effective tool in challenging the presidency in national security policymaking: a federal suit to which, traditionally, administration officials have paid little attention.[101] Congressman George Crockett (D-MI) from Foreign Affairs and Michael Lowry (D-WA) had attempted similar tactics regarding US military forces in El Salvador and the Kuwaiti reflagging operations respectively to no avail, while Dellums himself sought a judicial injunction against President Reagan to prevent the deployment of Ground Launched Cruise Missiles to Great Britain in 1985, with similar results.[102] According to Crockett, a fellow member

[100]Ronald V. Dellums, et al. vs George Bush, United States District Court, District Court of Columbia, 13 December 1990, 752 F. Supp. 1141 (D.D.C.) 1990.

[101]Comment made by both Judge Abraham Sofaer, former State Department Legal Adviser in the Reagan administration, reiterated by C. Boyden Gray, former White House Counselor in the Bush administration during interview by author, Tape recording, Washington, D.C., 19 April and 31 March 1991.

[102]George Crockett, Jr. vs Ronald Wilson Reagan, United States District Court of Appeals, District of Columbia Circuit, 18 November 1983, 720 F.2d 1355 (1983) and Michael E. Lowry et al. vs

of the Congressional Black Caucus, however, members are aware of the probable outcome of their quixotic behavior.[103] Unable to ascertain Dellums' true motivations, it is likely that his action's were yet another example of what Mayhew calls "position taking."[104]

On 13 December, Judge Harold Greene declined to rule on Dellums' lawsuit arguing that the issue was not ripe for adjudication since Congress had yet to vote on authorizing the use of force. More importantly, Greene held that Dellums had standing to bring suit against the President, and that the courts were vested with the power to distinguish wars from military operations. Ruling on Crockett vs Reagan, Judge Robert Bork of the Washington, D.C. circuit court of appeals insisted that the plaintiff had no standing and that the issue was one of "equitable discretion" i.e. a quarrel amongst lawmakers. If upheld by higher courts, Greene's statement might have revolutionized the role of the federal judiciary in use of force policymaking by making it a legal rather than a contextual issue. Extrapolating from his initial argument, one could envisage a legal demarcation between "war" - congressional domain, and "military operations"- executive domain. Force

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Ronald W. Reagan, United States District Court, District of Columbia, 676 F.Supp. 333 (D.D.C. 1987). Greenham Women Against Cruise Missiles vs Reagan, United States Court of Appeals, Second Circuit, 8 February 1985, 755 F.2d 34 (1985).

[103]George Crockett, Jr., interview by author, Tape recording, Washington, D.C., 21 March 1994.

[104]Professor David Mayhew of Yale University argues that congressmen often take a position on an issue realizing their stance will not alter the final policy, but will, however increase their electoral appeal in David R. Mayhew, Congress: The Electoral Connection, (New Haven: Yale University Press, 1974), p. 61.

employment policymaking would remain problematic nonetheless. Do wars have to be declared or merely exhibit some threshold intensity that a reasonable person might regard them as a war? More significantly, for political reasons, Congress avoids enacting official war declarations: even the vote approving the use of force in the Gulf was in fact, an endorsement of UNSCR 678.

Final attempts at a diplomatic solution

Reminiscent of the final meetings between Noriega and OAS ministers weeks before the US invasion, the Bush administration extended to Hussein a final offer to comply peacefully with UNSCR 660 and vacate Kuwait. In so doing, the President demonstrated to Congress that he had exhausted almost every alternative from the IIOS before authorizing the use of force. On 3 January, the President proposed talks in Geneva between James Baker, and Iraq's Foreign Minister, Tariq Aziz.[105] Hussein refused to accept the venue, insisting that Baker come to Iraq to discuss the incident. Within a week, the talks concluded with Iraq refusing to comply with the UNSC resolutions' demanding that he leave Kuwait. On 8 January, Bush appeared on WORLDNET, an international satellite broadcast system, stating that "Hussein has chosen war over peace."[106]

HJR 77: Statutory Authorization for the use of force

Congress reconvened on 3 January 1991 with twenty-eight members - including several from Armed Services and Foreign

[105]Public Papers of the President, George Bush, 1991, 3 January 1991.
[106]Ibid., 8 January 1991.

Affairs - meeting with Bush at the White House that same day. Five days later, the President transmitted a letter to the House Speaker and pro tempore of the Senate writing that "It would greatly enhance the chances of peace if Congress were to go on record supporting the twelve UN Security Council resolutions regarding Iraq" including 678, authorizing "all means" to expel its forces from Kuwait.[107]

Members of Armed Services and Foreign Affairs were intimately involved in the authorization process. Four events were especially important in the illustration of both Committees performing the role of barometer for congressional convictions.

First, Les Aspin met informally with high ranking members of the administration on several occasions prior to the 12 January vote including Brent Scowcroft, and White House Counselor, C. Boyden Gray.[108] The Chairman stated with the utmost confidence that he could guarantee House approval of a presidential request.

Second, during an 8 January meeting of the Democratic Caucus, more than thirty members spoke against the use force. Solarz and Dante Fascell of Foreign Affairs were amongst the few that supported the President's request.[109]

Third, the leadership of both Committees along with Steve Solarz attended a 9 January meeting with top officials at the White House. After a forty-minute discussion in the

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[107]Ibid.
[108]Interview with C. Boyden Gray.
[109]Interview with Stephen Solarz.

Roosevelt Room, Solarz joined the President, with other congressmen, in the Oval Office for a drafting session (partly because Solarz had recently composed a bill for the administration to review). A State Department official voiced his concern that a clause in the resolution might encounter opposition during a floor vote to which the feisty Congressman from New York replied: "This is my House, and I know what will pass."[110] Eventually, the administration accepted Solarz's draft, requesting that he serve as floor manager.

Fourth, with Solarz acting as floor manager of HJR 77, authorizing the President to use US armed forces pursuant to the twelve UNSCRs regarding Iraq's invasion of Kuwait, and Hamilton managing HCR 33, a non-binding resolution asking that sanctions be continued, Foreign Affairs served as an effective conduit of House discussion presenting both sides of the issue.[111]

Finally, Charlie Bennett (D-FL) from Armed Services, sponsored HCR 32, a symbolic resolution affirming Congress' constitutional power to declare war which passed by a 302 to 131 vote on 12 January.[112] On the same day, the Senate passed its bill authorizing the use of force, SJR 2, by a narrow 52 to 47. The House approved HJR 77 by the larger margin of 250 to 183 votes three hours later.[113]

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[110]Interview with C. Boyden Gray.

[111]Carroll J. Doherty, "Bush is Given Authorization to Use Force," Congressional Quarterly Weekly (12 January 1991): pp. 65-69.

[112]Ibid., 68.

[113]Ibid.

Two final points are important. First, Foreign Affairs did not report on HJR 77 but merely served as gatekeeper vicariously by virtue of Solarz acting as the bill's floor manager. More importantly, House Speaker, Thomas Foley (D-WA) chastised the Committee for attempting to offer its own resolution on the use of force.[114] Foley's actions confirm his predecessor's claim that decisions of life and death are often the domain of the congressional leadership and the individual representative's conscience rather than the work of committees.[115] Secondly, Steve Solarz (D-NY) and Bob Michel (R-IL), the House minority leader and bill co-sponsor, participated in a news conference to discuss the resolution. Symbolic of the administration's bipartisan support, Solarz' appearance also illustrates his role as congressional spokesmen for national security issues and foreign affairs.[116]

Notification, sustainment, and recall

The air component of Operation Desert Storm began on 16 January. The leadership of Armed Services and Foreign Affairs was informed between 19:00 and 19:45 that day.[117] At 21:00 Bush delivered a televised address to the nation followed by a meeting with the congressional leadership the

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[114]Christopher Madison, "Paper Tiger," The National Journal (15 June 1991): p. 1434.

[115]Former House Speaker Jim Wright (D-TX), interview by author, Tape recording, Ft. Worth, Texas, 1 April 1994.

[116]For a summary of Solarz' public role in foreign policy see Christopher Madison, "Solarz's Brash Style Tempers His Quest For Influence in the Foreign Policy Arena," The National Journal (29 October 1985): pp. 2413-2417.

[117]Chuck Alston, "Bombers Heading for Baghdad As Hill Leaders Got Word," Congressional Quarterly Weekly, (19 January 1991): pp. 182-183.

next day at 10:20.[118] The Chairmen and ranking minority members of Armed Services and Defense Appropriations received a briefing from Defense Secretary, Dick Cheney, and his top aides on 17 January at the Pentagon whilst David McCurdy met with the Director of the CIA in his capacity as Intelligence Committee Chairman.[119] On 18 January, Congress passed SCR 2 commending the President and US forces operating in the Persian Gulf by a 399 to 6 vote. Solarz and Hamilton offered their individual support for the war effort during a 20 January appearance on Meet the Press. Bush had truly galvanized congressional, international, and public support for his actions. Congressional support for Operation Desert Storm was probably a reflection of public support which reached 79% by late January.[120]

Armed Services and Foreign Affairs sponsored briefings thrice weekly for the House meeting as Committee-on-the-whole just as it had done during Lebanon and Panama. Usually, over 100 congressmen attended these meetings.[121]

The critical issue became apparent by mid February: when to start the ground campaign. Earlier that month, twenty House Democrats sent a letter to Bush urging him to wait to initiate the ground war, but the HFAC and HASC

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[118]Ibid.

[119]Ibid. Notably absent from those receiving detailed briefings on the initial air strikes of the War were the leadership of Foreign Affairs. General Robert T. Herres, former Vice Chairman of the Joint Chiefs of Staff, explained that when an operation is in progress, operational and intelligence matters predominate; therefore, the administration provides information to the two most relevant committees: Armed Services and Intelligence. Phone interview by author, Washington, D.C., 6 April 1994.

[120]George Gallup, Jr., The Gallup Poll, 1991, p. 27.

[121]Christopher Madison, "Holding Their Fire," p. 390.

remained silent. Aspin's 16 February comment is telling: "Congress should not be in the business of micro-managing the war."[122]

At 04:00 on 24 February 1991, US ground forces conducted "what proved to be the shortest and most successful ground campaign in US history."[123] By 28 February, Iraq surrendered and coalition forces suspended combat operations and began negotiations. Amidst discussion that the next crucial task was getting US forces redeployed stateside, Congress passed HCR 95 commending the President for his leadership. Bush's approval rating reached a Gallup poll record of 89%. Taking full advantage of his new political capital, Bush declared that although the war was over, US forces must remain in the Gulf to ensure Iraq's compliance with the UN cease fire.[124]

The post ground campaign saga

After the ground campaign ended, Congress embarked upon numerous endeavors related to the Gulf region. Armed Services and Foreign Affairs acted similarly, actively reassessing several aspects of the administration's actions.[125] Four events, however, are especially important because they illustrate both Committees performing the role of judge and jury of the administration's actions as outlined in the introductory chapter. In addition, one

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[122]Ibid.

[123]Colonel Arthur H. Blair, At War in the Gulf, p. 104.

[124]Public Papers of the President, George Bush, 1991, 6 March 1991.

[125]A comprehensive list of all hearings and legislation passed after the Gulf War is provided at the end of this chapter.

event demonstrates how Foreign Affairs capitalized on a force employment to serve as bellwether for a change in policy it had sought to modify for several years.

First, Foreign Affairs began receiving testimony on post war issues in the Persian Gulf even before Iraq surrendered. Opening the first of three hearings on 31 January, Dante Fascell delivered the following poignant remark:

> While we have often viewed weapons proliferation as a superpower problem, the $300 billion in weapon sales of all types during the 1980s to the Persian Gulf region which culminated in a devastating war should underscore the bankruptcy of such a 'security' policy. Now that we have won the war, we must ensure that we win the peace.[126]

The Chairman's comment symbolizes how his Committee reassessed the war, its causes, and implications, and was bent on learning its lessons to avoid another. More importantly, they focused their attention upon arms sales rather than the War Powers Resolution; the legislature has traditionally been more successful in seeking to affect the former than the latter area of policymaking. In light of the "devastating war" in the Persian Gulf, members of the executive found advocating arms sales to nations in the Middle East difficult. In short, Fascell and his cohorts from Foreign Affairs replicated the actions of their colleagues from Armed Services: affecting use of force

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[126]Congress, House, Committee on Foreign Affairs, Subcommittee on Arms Control, International Security and Science with the Subcommittee on Europe and the Middle East, Post-War Issues in the Persian Gulf, 31 January, 21 and 28 February, and 11 April 1991, p. 1.

policy without directly challenging the executive branch's authority as commander-in-chief.

Second, Foreign Affairs did not limit its concern about arms proliferation in the Gulf to hearings. The Committee sponsored legislation in early March placing a moratorium on conventional arms sales to the region unless the administration convened a conference of major suppliers within sixty days after the law passed.[127] Part of the biannual State Department Authorization Act, the clause passed in the House by a voice vote on 8 October and was signed into law.[128] Ironically, the administration had satisfied the legislation's criteria four months earlier, convening a arms sales conference in Paris with the UK, USSR, France, and China.[129] More importantly, the serving Secretary of State for Politico-Military Affairs revealed that most of the administration's overtures in conventional arms sales were done at the prompting of legislators such as Dante Fascell, Lee Hamilton and Howard Berman of Foreign Affairs.[130]

Third, as was the case with its reports after Grenada and Panama, Armed Services produced its most comprehensive study on lessons learnt thus far. Entitled Defense for a New Era: Lessons of the Persian Gulf War, this eighty-nine page document included sections on issues of the future, the

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[127]HJR 2508 see also Pamela Fessler and Pat Towell, "Congress Pushes for Limits on Middle East Weapons," Congressional Quarterly Weekly, (18 May 1991): pp. 1301-1302.

[128]PL 102-138 in HFAC, Legislative Calendar, 102nd Cong., p. 651.

[129]Interview with Richard Clarke.

[130]Ibid.

air war, the ground campaign, and military technology. Like the previous report on the Lebanon bombing, it was endorsed by both Les Aspin and William Dickinson.[131] Indicative of Aspin's popularity, the report was even published in hardback.[132]

Finally, the HASC reported on HR 1175 "A supplemental authorization for the Persian Gulf War." Previously, the administration requested an additional $1.9 billion. Congress passed a supplemental appropriation to fund the earlier request, but opted for a supplemental authorization and appropriation in the latter. Leon Panetta (D-CA), former Chairman of the House Budget Committee, argues that the supplemental authorization was purely a reflection of Aspin's status amongst his House colleagues.[133] The House approved HR 1175 on 13 March authorizing $1.4 billion over five years; a supplemental appropriation, HR 1282, passed a week earlier.[134]

Methodological Analysis:

Phase I: Decision to use force (2 August 1990 - 15 January 1991)

Roles played:

Well informed observer (HFAC & HASC)
Conduit for House discussion (HFAC & HASC)
Point of contact for information from the administration (HFAC & HASC)

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[131]Congress, House, Committee on Armed Services, Adequacy of USMC Security in Lebanon, report, 19 December 1983.

[132]Les Aspin and William Dickinson, Defense For A New Era, (Washington, D.C.: Maxwell Macmillan Inc., 1992).

[133]Interview with Leon Panetta.

[134]George Hager, "War-Related Supplementals Win Approval From House," (9 March 1991): pp. 588-589 and Pamela Fessler, "Returning Troops Greeted by Packages of Benefits," (16 March 1991): pp. 690-692 both in Congressional Quarterly Weekly.

Gatekeeper for legislative proposals (HFAC)
Barometer for congressional convictions (HFAC & HASC)
Alternative policy-planning center (HASC)

Armed Services and Foreign Affairs performed each role presented in the introductory chapter relating to Phase I. More importantly, both Committees served as barometer for congressional convictions and gatekeeper for legislative proposals: two roles typically reserved for Phase II. Table 6-1 presented in the introduction of this chapter indicates the total number of trips, briefings, and hearings the Committees participated in and demonstrates precisely how both served as well informed observers, points of contact for the administration, and conduits for House discussion.

Although Foreign Affairs did not report on HJR 77, authorizing the use of force, it did, however, report on HR 5431: commending the administration for its handling of the Gulf conflict. The Committee's actions illustrate its functioning as both gatekeeper and barometer for congressional convictions. In addition, of the 122 representatives participating in the floor debate on HJR 77, thirty and thirteen were members of the Foreign Affairs and Armed Services respectively accounting for 35% of the discussion.[135] Finally, as an alternative policy-planning center, Armed Services conducted extensive hearings on the effectiveness of sanctions, diplomacy, and military force in resolving the Gulf crisis producing casualty estimates and

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[135]Congress, House, Congressional Record, 10-12 January 1991, pp. H 114-484.

possible scenarios of how a war in the Persian Gulf might proceed.

Salient Independent Variables:

Nature of the conflict
Historical precedent
Public support
Role of House leadership
Executive prerogative
Attributes of key participants

The conflict's nature ensured a significant role for Armed Services and Foreign Affairs throughout Phase I. With 535,000 troops deployed, and casualty estimates ranging from 1,000 to 3,000, members of both Committees believed they had a constitutional responsibility (authority) to participate in making the decision to use force. For perspective, Panama, the second largest expedition examined involved only 23,000 US troops, fewer than thirty of whom suffered fatal injuries. Aspin and Fascell argued that because of the magnitude of the impending military operation, Congress incurred a constitutional obligation either to endorse explicitly or deny explicitly any attack by US forces.

Constitutional responsibility leads to the second important variable: historical precedent. Because many congressmen view any large scale military operation as a war, they demand that the President endorse their authority to provide statutory authorization. Ron Dellums' federal suit is an example of how members of Congress perceive their traditional role in declaring war. Their understanding is not entirely correct, however: acting on a UN mandate, President Truman ordered US forces to Korea, the largest

military operation prior to the Gulf War, without congressional authorization. Thus, Bush's claim that his acting unilaterally as the Commander-in-Chief could also be justified by historical precedent. In short, there are numerous sources of authority which both branches may draw from. Ultimately, the President benefited politically by requesting congressional authorization to use force; seventy-four percent of those asked in a public poll believed he had to consult with the legislature before ordering a military attack in the Gulf.

Foreign Affairs' role as gatekeeper was influenced greatly both by the House leadership and executive prerogative. The former decided to place the resolution on using force directly before the House whilst the latter insisted that Steve Solarz serve as floor manager. Executive prerogative also influenced Armed Services role as point of contact for information, with members of the administration initiating several briefings and participating in informal meetings.

Phase II: Sustainment of forces (17 January 1991 - 28 February 1991)

Neither Committee played a significant role during this phase because of the conflict's nature and historical precedent. There exists a constitutional paradigm that dictates whilst Congress declares war, the president makes it. Because of its magnitude, members of both branches of government, the media, and the public referred to the

operation in the Persian Gulf as a war.[136] As such, Congress performed a less intrusive role during the sustainment phase reminiscent of its actions in force employments prior to World War II. In addition, President Bush provided a clear and consistent set of objectives convincing congressmen that he would not replicate the mistakes of the Vietnam War. Media reports also down played comparisons between the two conflicts, adding to the President's contextual advantage to act unilaterally throughout Phase II.[137]

In its role as recipient and disseminator of information, Armed Service and Foreign Services did however, jointly sponsor briefings by administration officials on an almost daily basis.

Phase III: Decision to recall force

Save for Hamilton and Dellums' comments on the Soviet Union's peace initiative, neither Committee publicly expressed their desire to end military operations in the Gulf. The administration was not replicating the mistakes of Vietnam; therefore, the decision was the executive's domain. Armed Services and Foreign Affairs discussed the transition from air to ground campaign, but only amongst themselves and privately with members of the administration.

Phase IV: Retrospective Assessment

[136]For an interesting examination of how the media shaped the public's and policymakers' perception of the Gulf War see esp. Douglas Kellner, The Persian Gulf TV War, (Boulder: Westview Press, 1992), pp. 1-11 and 420-436.

[137]See for example and Richard Perle, "Why the Gulf is not Vietnam," US News & World Report (19 November 1990): p. 53. and Paul Starr, "A liberal case for war: No Vietnam," The New Republic (18 February 1991): pp. 8-10.

Roles played:

Investigation Team (HFAC & HASC)
Judge and Jury of the administration's actions (HFAC & HASC)
Bellwether for implementing change (HFAC & HASC)

Both Armed Services and Foreign Affairs served as investigative teams, and judges, and juries of the administration's actions. The number of hearings and reports are telling. The HFAC conducted eight hearings on Gulf War related topics during Phase IV whilst the HASC conducted six. The latter Committee also commissioned seven reports by the General Accounting Office to examine numerous operational aspects of Operation Desert Storm.[138] Finally, the Committees' role as bellwether for implementing change is evident by Foreign Affairs legislation to limit arms sales to the Middle East, and Armed Services decision to endorse legislation permitting the Air Force and Navy to use women to fly combat missions.[139]

Salient variables:

Nature of the conflict

The Persian Gulf War was the most intensive military operation in the post-Vietnam era; the magnitude of reassessment after the fact is emblematic.

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[138]Examples include "Operation Desert Shield/Desert Storm: Use of Navy and Marine Corps reserves" and "The Army's Use of Water Purification equipment during the Persian Gulf War."

[139]After the Persian Gulf War, Pat Schroeder (D-CO) from the Subcommittee on Military Personnel and Compensation persuaded her colleagues Beverly Byron (D-MD) and Sonny Montgomery (D-MS) to support an amendment to the National Defense Authorization Act of 1992. Passed by a voice vote on 8 May, Schroeder based her argument on the brave acts performed by the 32,000 female veterans of the Gulf War. Beverly Byron, interview by author, Tape recording, Washington, D.C., 19 April 1994, Pat Towell and Elizabeth A. Palmer, "Women of War," Congressional Quarterly Weekly, (11 May 1991): p. 1210, and HASC professional staff member, interview by author, Tape Recording, Washington, D.C., 5 April 1994.

The following chapter consists of the anomalies: Armed Services efforts to reorganize the Defense Department in order to rectify problems from earlier force employments, and instances that might have involved the use of force but did not. Whereas the first case studied (the Goldwater-Nichols Act) illustrates the apex of Armed Services authority in Phase IV: after the fact assessment, the second (Angola-El Salvador) reveals that Foreign Affairs played slightly more active roles in non-force employments than it did when force was actually used.

Hearings Relating to the Persian Gulf War
2 August 1990 - 30 July 1991

Committee of Foreign Affairs

1990:

1,2 Aug: "Sanctions Against Iraq"

8 Aug, 18, 25 Sep, 17 Oct, 28 Nov, & 11 Dec: "The Persian Gulf Cris

4, 27 Sep & 18 Oct: "Crisis in the Persian Gulf"

19 Sep: "The Asian Response to the Crisis in the Persian Gulf"

26 Sep: "Update on the Situation in the Persian Gulf"

1991:

8 Jan: "Human Rights Abuses in Kuwait and Iraq"

9 Jan: "Consideration of Draft legislation in the Situation in the Persia Gulf"

31 Jan, 21, 28 Feb, & 11 Apr: "Post-War policy Issues in the Persian Gulf"

21 Mar: "US-Iraqi Relations"

23 Apr: "Proposed Legislation to Authorize Emergency Assistance for Refugees and Displaced Persons In and Around Iraq"

23 Apr, 18 Jul, 21 Oct: "UN Role in the Persian Gulf and Iraqi Compliance with UN Resolutions"

14 May: "Review of Persian Gulf Burden Sharing"

17, 26 Jun: "US Policy Toward the Middle East"

1 Aug: "Examine the Link Between an Illegal Military Procurement Network that Fueled the Iraq War Machine and the US Department of Agriculture's Export Credit Guarantee Programs"

Committee on Armed Services

1990:

4, 5, 6, 12, 13, 14, 17, 19 & 20 Dec: "Crisis in the Persian Gulf: Sanctions Diplomacy and War"

1991:

19 Feb: "Parenting Issues in the Persian Gulf"

27 Feb, 4, 8, 12, 19, 12, 16, 22, 25, 26, 30 Apr, 1 May, & 12 Jun: "The Impact of the Persian Gulf War and the Decline of the Soviet Union on How the US does its Defense Business"

18 Apr: "Redeployment of the Reserves"

10, 11 & 13 Dec: "Potential Threats to American Security in the post-Cold War"

29, 30 Jan & 27 Feb 92: "Friendly Fire and Casualty-notification Procedures"

Legislation relating to the Persian Gulf War Reported upon by Foreign Affairs or Armed Services

Committee on Foreign Affairs:

Bill/Law-Title-House Vote

(1990)

HR 5431/"Iraqi Sanctions"/416-0

HJR 658/HCR 147/"Iraqi Aggression Against Kuwait"/380-29

HCR 382/"Separate Iraq From Other Regional Conflicts"/406-5

(1991)

HJR 77/PL 102-1/"Authorize US Forces in Persian Gulf"/250-183

HCR 32/"Congressional Approval of Action Against Iraq"/302-131

SCR 2/"Support US Presence in Persian Gulf"/399-6

HCR 41/SCR 4/"Condemn Iraq Attack Against Israel/416-0

HCR 48/SCR 5/"Condemn Iraq Treatment of POWs"/418-0

HCR 19/"Operation desert Shield Resolution of Inquiry"

HR 586/"Persian Gulf War Expenditures"/393-1

HR 1176/PL 102-20/"Persian Gulf Costs/State Supplemental Authorization"/Voice

HR 95/SCR 13/"Operation Desert Storm:Commend President an Allied Forces"/410-8

HR 1284/PL 102-21/"Israel Emergency Assistance/Persian Gulf Costs"/Voice

HCR 57/"Iraq's Destruction of Environment in Persian Gulf Region"/Voice

HR 2122/PL 102-45/"Iraqi Refugee Aid"/Voice

HCR 242/"Persian Gulf Region,Environmental Damage"/Voice

Summary of HFAC legislation:

Total - 20
House Resolutions - 6
House Joint Resolutions - 2
House Concurrent Resolutions - 12

Committee on Armed Services:

Bill/Law-Title-House Vote

(1991)

HR 586/"Requring a Report on Persian Gulf War Expenditures"

HR 1175/PL 102-25/"Persian Gulf Supplemental Authorization"

HR 19/"Resolution of Inquiry Relating to Operation Desert Shield"

Chapter 6 - Section I: THE GOLDWATER-NICHOLS ACT

Introduction

The purpose of this chapter is twofold:

(1) to determine how members of Armed Services utilized their analysis of failed military operations to justify the need for a Defense Department reorganization act; and,

(2) to examine the role of Foreign Affairs in two cases when force might have been used but was not.

Apart from being unlike the previous four chapters, the Goldwater-Nichols and Angola/El Salvador case studies share few commonalities. The prime exception is the variable "influence of relevant committees": in both instances, their Senate counterparts played a more significant role in the resultant policy than Armed Services and Foreign Affairs, largely because the Senate has greater constitutional, institutional, and organizational resources to focus national debate.[1]

Goldwater-Nichols: The major themes

In order to demonstrate that passing certain portions of the Goldwater-Nichols Act represents the apex of Armed Services power in force employment policymaking, it is necessary to provide evidence regarding the following three arguments (see introductory chapter for initial arguments on this topic).[2]

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[1]For general discussion see esp. "The Senate" in Nelson W. Polsby, Congress and the Presidency, (Englewood Cliffs, New Jersey: Prentice-Hall, 1986), pp. 86-113. On the Goldwater-Nichols Act see for example Congress, House, Committee on Armed Services, HR 4730: To Amend Title 10, United States Code, To Reorganize the Department of Defense, report to full committee, 99th Cong., 2nd sess., 25 June 1986, p. 1. Congressmen Bill Nichols comments that "it [Goldwater-Nichols] owes a great deal to the efforts and leadership of Senator Goldwater and Senator Nunn, and the entire membership, both Democrat and Republican, of the Senate Armed Services Committee."

[2]Those portions include Title II Part A Section 151, increasing the powers of the chairman of the Joint Chiefs of Staff by making him the principal military adviser to the president, and

First, Committee members considered military operations in Iran, Lebanon, and to a lesser extent Grenada failures. Second, the HASC referred to these failures during discussion on Defense Department reorganization to effect a change in the status quo. Finally, Goldwater-Nichols influenced subsequent instances involving the use of force including the Persian Gulf reflagging (1987-88), Operation Just Cause (1989), and Operation Desert Shield/Desert Storm (1990-91).[3]

Goldwater-Nichols: Historical analysis and other themes

The next several sections trace the history of the Department of Defense Goldwater-Nichols Act of 1986 beginning with the creation of DoD in 1947, and highlight many important points that occurred thereafter.

Firstly, DoD reorganization began a year after the Departments of War and the Navy were unified in 1947; Goldwater-Nichols was but one of many iterations.[4]

Secondly, Armed Services began its consideration of a modification to the Joint Chiefs of Staff structure and organization in 1982, four years before Congress enacted Goldwater-Nichols. Their analysis was prompted by articles written by General David Jones, Chairman of the Joint Chiefs

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Title II Part B Section 161 and 162 increasing the role of the unified commanders to ensure that their authority was commensurate with their responsibilities in Congress, House, Committee on Armed Services, Goldwater-Nichols Department of Defense Reorganization Act of 1986, conference report, 99th Cong., 2nd sess., 12 September 1986.

[3]I shall rely upon content analysis to illustrate the first two arguments, and interviews and commentary from high ranking military officers and defense scholars for the final point.

[4]For information about previous efforts to reorganize the Department of Defense see for example Brian R. Duchin, "The Most Spectacular Legislative Battle of that Year: President Eisenhower and the 1958 Reorganization of the Department of Defense," Presidential Studies Quarterly Vol 24 No 2 (Spring 1994): pp. 243-262.

of Staff, and General Edward "Shy" Meyer, the Army Chief of Staff, indicating that some individuals in the administration agreed that change was necessary.[5]

Third, death of 241 Marines on 23 October 1983 while on duty in Lebanon galvanized several members of Armed Services to alter the Pentagon's structure, especially the Joint Chiefs and the unified commanders. The House passed two bills modifying the JCS before this date, but neither was voted upon in the Senate.[6]

Fourth, upon John Tower's retirement in 1985, Barry Goldwater (R-AZ) became chairman of Senate Armed Services.[7] Tower was a major obstacle to DoD reorganization, but realizing that the 99th Congress would be his last, Goldwater wished to leave his mark by sponsoring a substantive legislative initiative.[8] Soon he and Sam Nunn (D-GA) sought changes in the Pentagon's operating procedures that eclipsed those proposed by their House counterpart. The HASC quickly embraced these alterations, however, serving both as bellwether and gatekeeper for enacting legislation.

Finally, high-ranking military personnel praised Goldwater-Nichols for the assistance it provided in efficiently conducting subsequent combat operations.

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[5]General David C. Jones, "Why the Joint Chiefs of Staff Must Change," Armed Forces Journal International (March 1982): pp. 62-72 and General Edward C. Meyer, "The JCS-How much reform is needed?" Armed Forces Journal International (April 1982): pp. 82-90 both articles are reprinted in Congress, House, Committee on Armed Services, Investigations Subcommittee, HR 6954: Reorganization Proposals for the Joint Chiefs of Staff, hearings, 97th Cong., 2nd sess., 21, 22, 28, 29, April, 5, 6, 20, May, 8, 16, 17, 23 June, 14, 16, 21, 28 July and 5 August 1982.

[6]HR 6954 in 1982 and HR 3718 in 1983.

[7]John Tower, Consequences, (London: Little, Brown, & Company, 1985), p. 252.

[8]SASC professional staff member, interview by author, Tape Recording, Washington, D.C., 13 April 1994.

This chapter concludes with a section on methodological analysis the purpose of which is to examine the applicability of Nelson Polsby's Type B policymaking. Polsby argues that Type B policymaking has four tenets: it takes place over a period of several years; there is no widespread acknowledgment of the existence of the problem; demand for innovation is built slowly, and is typically, the work of those whom Hedrick Smith refers to as "insiders"; and finally, the incubation process reaches a stage where promoters reshape and publicize it to achieve there own political needs.[9]

Origins of the Defense Department, the Joint Chiefs of Staff, and Unified Commanders: World War II and the National Security Act of 1947

The Army and Navy's uniformed and civilian leadership seldom coordinated their activities prior to World War II. Requiring clear lines of communication with the United Kingdom, however, Franklin Roosevelt restructured the US's military command to mirror the royal defence forces by creating the Joint Chiefs of Staff.[10] Thereafter, any operation involving American military forces was referred to as "joint" while missions involving the US and the UK (or another ally) were known as "combined;" these labels are still used to today.

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[9]Nelson Polsby, Policy Innovation, (New Haven: Yale University press, 1984), p. 153 and Hedrick Smith, The Power Game, (New York: Random house, 1988), p. 89.

[10]Unless otherwise indicated, information in this section may be found in Townsend Hoopes and Douglas Brinkley, "The Struggle for Unification" in Driven Patriot: The Life and Times of James Forrestal, (New York: Knopf, Inc., 1992), pp. 320-350.

At the end of the War, President Truman and General Eisenhower, the Army Chief of Staff, appreciated that future military operations would usually involve more than one service; their preferences crystallized in the National Security Act of 1947.[11] Among other changes, the Act demoted the Secretary of War and the Navy creating a new cabinet level position: the Secretary of Defense. In addition, the Departments of the Army (newly renamed), Navy, and the Air Force (newly created) were integrated into the Department of Defense. The Departments comprised a civilian secretary, and a uniformed Chief of Staff who was in military phraseology, "dual-hatted," serving as both the head of his service, and as a member of the Joint Chiefs of Staff.

At the prompting of James Forrestal, the first Defense Secretary, Congress amended the 1947 Act to create a non-voting Chairman of the Joint Chiefs of Staff.[12] Reporting to the Joint Staff were component or unified commanders (of four star rank) who commanded joint units established to fight in combat as opposed to the service chiefs (also of four star rank) who commanded the resources necessary to organize, train, and equip their respective branches.[13]

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[11]Reflecting on the upcoming vote on the DoD Reorganization Act of 1958, President Eisenhower expressed his long held sentiments when he quipped "there is no such thing as a separate ground, air, or sea war." In Brian R. Duchin, "The Most Spectacular Legislative Battle of that Year: President Eisenhower and the 1958 Reorganization of the Department of Defense," p. 249.

[12]PL 81-216 "The National Security Amendments of 1949."

[13]General Norman Schwarzkopf for example was a unified commander serving as the Commander-in-Chief of Central Command during the Gulf War. General George Marshall was a service chief, serving as Army Chief of Staff during WW II.

A thirty year conflict ensued based upon three issues. First, service chiefs had difficulty balancing responsibilities to their respective services with those of the Defense Department; historically, loyalty to service has been the norm. This phenomenon is problematic when the president needs professional advice directed at maximizing military performance, but instead receives recommendations based upon parochial service interests. Second, although service chiefs and unified commanders were of the same rank, residing in Washington, D.C., the latter was better placed to control resource allocation and decisionmaking. Finally, unified commanders were responsible for fighting wars, even though their authority has been less than that of the service chiefs.[14]

Operation Desert One, the Jones-Meyers articles, and Armed Services first hearings

> The failure of the April 1980 mission to rescue the American hostages held by Iran helped set the stage for the Goldwater Nichols Act. Desert One reinforced doubts among many members of Congress, the defense establishment, and the military over the ability of the services to operate in a joint environment.[15]

Published in a reputable professional military journal, the above statement is important for several reasons. It affirms the earlier argument that congressmen considered the Iran rescue attempt a failure, and identifies the principal

[14]Representative Bill Nichols of Armed Services argued that "they [the unified commanders] are responsible for the very survival of the nation if war should come because they are our combat commanders. Yet, incredibly, their authority is limited in such areas as exercising command; organizing their commands; training their forces; [or] employing their forces as they see fit" in Congress, House, Committee on Armed Services, report, HR 4730: Bill Nichols Department of Defense Reorganization Act of 1986, 21 July 1986, p. 38.

[15]William M. Steele and Robert B. Kupiszewski, "Joint Education: Where Do We Go From Here?" Joint Forces Quarterly (Winter 1993-94): p. 64.

participants in the reorganization process: Congress, the defense establishment, and the military. Former Defense Secretary Casper Weinberger reiterates that defense professionals rather than public or media support ultimately determined the outcome of Goldwater-Nichols.[16] Finally, the writer identifies the nexus between the aborted mission and the DoD Reorganization Act six years later. Although a causal relationship exists between the two events, it is indirect. Armed Services examined the issue for many years before Goldwater-Nichols came to fruition.

Responding to articles written by General Jones and Meyer in March and April of 1982 respectively, Armed Services began receiving testimony on restructuring the Joint Chiefs of Staff on 21 April 1982.[17] Writing in The Armed Forces Journal, Jones recommended the following changes:

(1) strengthening the role of the chairman;
(2) limiting the role of the service chiefs and,
(3) enhancing the authority of the unified commanders.[18]

Meyer's article came the next month and called for even more radical changes.[19] Despondent about the dual role service chiefs were expected to perform, the General recommended that a National Military Advisory Council be established comprising four star officers serving in their final tour of duty. The service chiefs would remain as

[16]Casper Weinberger, interview by author, Tape recording, Washington, D.C., 6 April 1994.

[17]Congress, House, Committee on Armed Services, Investigations Subcommittee, HR 6954: Reorganization Proposals for the Joint Chiefs of Staff, hearings, 97th Cong., 2nd sess., 21, 22, 28, 29, April, 5, 6, 20, May, 8, 16, 17, 23 June, 14, 16, 21, 28 July and 5 August 1982.

[18]General David Jones, "Why the JCS Must Change," pp. 69-71.

[19]General Edward Meyer, "The JCS-How much reform is needed?", pp 87-90.

leaders of their respective branches, at liberty to act upon their parochial impulses.

During five months of hearings, Armed Services Subcommittee on Investigations received testimony from more than forty witnesses. The result of the Subcommittee's labor was HR 6954, a bill which included two important provisions:

(1) all members of the Joint Chiefs of Staff could submit military advice to the Defense secretary and the president in disagreement with the chairman; and,
(2) unified commanders would be permitted to comment on any report from the Joint Staff before it was given to the Joint Chiefs of Staff.[20]

In many respects, the changes stipulated by Armed Services were less comprehensive than suggested by either Jones or Meyer. A professional staff member intimately involved in the reorganization process argues that its was the Committee's intention to begin by setting limited objectives with the introduction of a resolution that would pass a floor vote; more significant changes would be sought later.[21]

The hearings were important for several other reasons besides the reported resolution. Firstly, Committee members engaged witnesses on the topic of past military failures in Vietnam and Iran. Les Aspin, for example, queried General Jones on the quality of advice President Carter received

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[20]The Joint Chiefs of Staff consists of the four service chiefs and the chairman. After 1986, a vice chairman was also included. The Joint Staff comprises approximately 200 hundred military personnel from all services that perform staff duties for the JCS in its capacity as part of the National Command Authority (NCA).

[21]HASC professional staff member, discussion with author, Washington, D.C., December 1993.

before authorization of Operation Desert One.[22] Other members vented their frustrations. Sam Stratton (D-NY) declared that: "it is the basic question of how we fight and win a war. It has been a long time since this country has ever won one [and] that is what the Defense Department is all about."[23]

In addition, many key participants revealed their beliefs on the subject. The Office of the Secretary of Defense remained non-committal, however, awaiting the views of three new members of the Joint Chiefs of Staff on the first of July. The Air Force and Army (represented by their Chiefs of Staff) voiced guarded support for changes whilst the Marine Corps and Navy (also represented by their Chiefs) denounced the proposed alterations as superfluous.[24] The observation of General Robert Barrow, Commandant of the Marine Corps, is telling: "the proposal set forth...would not only [impair] JCS effectiveness, it would do serious harm to the system."[25] Ultimately, HR 6954 passed unanimously both in Subcommittee and in full Committee by a voice vote. The House endorsed the bill on 16 August 1982, but Senate Armed Services did not report it to the Floor.[26]

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[22]HASC, HR 6954: Reorganization Proposals for the Joint Chiefs of Staff, pp. 89-90.

[23]Ibid., pp. 163-164.

[24]At least the Navy and the Marine Corps have been consistent in their opposition to DoD reform. Commenting on the 1958 reorganization proposal, the latter asserted that they categorically rejected "any radical changes in the foreseeable future" in Brian R. Duchin, "The Most Spectacular Legislative Battle of that Year: President Eisenhower and the 1958 Reorganization of the Department of Defense," p. 246.

[25]Ibid., p. 195.

[26]SASC professional staff member, interview by author, Tape Recording, Washington, D.C., 13 April 1994.

Armed Services held additional hearings on JCS reorganization in June 1983.[27] Believing that proposals presented in HR 6954 were too modest for effective change, members of the Investigations Subcommittee drafted a more comprehensive bill.[28] HR 3718 contained three proposals relevant to this dissertation. First, it stipulated that the chairman would be legally placed in the National Command Authority between the Defense secretary and the unified commanders. Although the chairman holds the highest position in the US Armed Forces, ironically he commands no forces de jure; HR 3718 was to rectify the anomaly. Second, the chairman would become the official supervisor of the unified commanders. Finally, the chairman was to become a statutory member of the National Security Council (NSC).[29]

Responding to draft legislation provided by Armed Services, Secretary of Defense, Casper Weinberger, expressed his opposition to all three provisos proclaiming that DoD could reform without congressional interference. His General Counsel indicated that officials in the Office of the Secretary of Defense preferred "management initiatives" rather than "radical legislation."[30] Members of the

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[27]Congress, House, Committee on Armed Services, Reorganization Proposals for the Joint Chiefs of Staff, hearings, 98th Cong. 1st sess., 14, 23, and 29 June 1983.

[28]HASC professional staff member, discussion with author, Washington, D.C., March 1991.

[29]The Secretary of the Treasury was the last member added to the NSC. This amendment was important for two reasons. Firstly, it was protested by the administration and secondly, the HASC (rather than the HFAC) reported the legislation to the House. Congress, House, Committee on Armed Services, S 2350: To Amend the National Security Act of 1947, as amended, to include the Secretary of the Treasury as a member, 94th Cong., 1st sess., 2 and 9 December 1975.

[30]Written by William H. Taft, IV, DoD General Counsel, on 20 September 1983, reprinted in Congress, House, Committee on Armed Services, Joint Chiefs of Staff Reorganization Act of 1983, report, 98th Cong., 1st sess., 27 September 1983.

Committee were reluctant to oppose Weinberger for three reasons.

Firstly, some conservative representatives still believed DoD could perform reorganization internally; Senator John Tower of Armed Services shared this view.[31]

Secondly, congressmen from the HASC feared the negative repercussions of vesting too much power in one military officer: the chairman. During discussion about creating the post of chairman, Carl Vinson, the first chairman of Armed Services, adamantly opposed endowing upon him "Czarist" powers exceeding those of his counterparts on the Joint Chiefs of Staff.[32]

Finally, liberal members of Armed Services, including Ron Dellums (D-CA), were concerned about the threat to civil-military control presented by making the chairman a statutory member of the National Security Council.

Eventually, most members decided that past failed advice - especially during Vietnam and Desert One - superseded the drawbacks of vesting one individual with considerable power to provide military advice to the president. In its report to the House, the Committee wrote that HR 3718 would address problems posed both by inadequate military advice, and shortcomings resulting from diffused

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[31]SASC professional staff member, interview by author, Tape Recording, Washington, D.C., 13 April 1994.

[32]Vinson also opposed any system he believed resembled either "a Prussian general staff" or a "man on horseback" in Townsend Hoopes and Douglas Brinkley, "The Struggle for Unification" in Driven Patriot: The Life and Times of James Forrestal, pp. 320-350 and Brian R. Duchin, "The Most Spectacular Legislative Battle of that Year: President Eisenhower and the 1958 Reorganization of the Department of Defense," p. 250.

authority and responsibility.[33] A floor amendment, however, removed the clause making the chairman a member of the NSC. Ironically, the bill passed on 27 September 1983, a month before terrorists bombed the Marine barracks in Beirut killing 241 servicemen. Again, Senate Armed Services failed to act upon their House counterpart's proposal.

Senate Armed Services joins the debate

During January 1985, Goldwater and Nunn requested that their staff produce a report on alternative methods of reorganizing DoD. The result was an impressive 645 page document entitled Defense Organization: The Need for Change. Released on 16 October 1985, four aspects of the SASC report were important. Firstly, it was a well-researched, assessment of problems encountered by the Defense Department.[34] Second, professional staff members from Committees in both chambers communicated often during the writing and research process foreshadowing their close relationship through the final stages of Goldwater-Nichols.[35] Third, with ninety-one recommendations, the SASC's proposals were more comprehensive than those previously presented by the HASC. Finally, upon presenting its staff report, Senate Armed Services moved to the forefront of discussion on DoD reorganization.[36] According

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[29]HASC, Joint Chiefs of Staff Reorganization Act of 1983, 27 September 1983, pp. 1-2.

[34]HASC professional staff member, discussion with author, Washington, D.C., December 1993.

[35]SASC professional staff member, interview by author, Tape Recording, Washington, D.C., 13 April 1994.

[36]Colonel Don Snider, US Army (ret), politico-military affairs scholar at CSIS, former member of the Joint Staff and NSC, interview by author, Tape Recording, Washington, D.C., 21 March 1994.

to administration officials, it is when the Senate became involved that members of the executive branch realized some sort of change was inevitable.[37]

Third HASC hearings

Appalled by the recent tragedy in Beirut, Representatives Bill Nichols (D-AL), Chairman of the Investigations Subcommittee, and Ike Skelton (D-MO), met with Weinberger in January 1985.[38] During the meeting, Nichols and Skelton informed the Defense Secretary of the Committee's intention to conduct hearings in June and report legislation making the chairman the principal military adviser to the president. Armed Services asked Weinberger for his opinion on four pending bills relating to JCS reorganization.[39]

Investigations eventually consolidated the four bills into HR 3622. Dissatisfied with the pending legislation, however, administration officials protested. Writing to Investigations in early June, Weinberger and General John Vessey, the Chairman of the Joint Chiefs of Staff, expressed their disapproval of HR 3622's provision that the chairman serve as the president's principal military

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[37]Interview by author with Colonel Don Snider and Admiral William Crowe.

[38]Congress, House, Committee on Armed Services, Investigations Subcommittee, Reorganization Proposals for the Joint Chiefs of Staff, hearings, 99th Cong., 1st sess., 13, 19 and 26 June 1985, pp. 1-2.

[39]Those four bills included: HR 2265 (Nichols and Hopkins - 29 Apr) same as HR 3718; HR 2165 (Skelton - 22 Apr) same as HR 2265 but created the position of Deputy CJCS and made the CJCS the principal military adviser to the President; HR 2314 (Skelton - 1 May) abolished JCS and created a Chief of Staff for the National Command Authority and a National Military Council; HR 2710 (Aspin - 11 June) same as HR 2165 but allowed all members of the JCS to give advice to president with prior notification of defense secretary and required a report to the HASC on the progress of reorganization implementation.

adviser.[40] Invoking the Lebanon tragedy, Nichols delivered a passionate report on the bill to full Committee where it passed by a 38 to 2 vote on 29 October.[41] Six days later the bill passed by an impressive 383 to 27 margin.

Final events: Senate Armed Services takes control and the fourth House Armed Services hearings

As work on Goldwater-Nichols concluded, the Senate moved to the forefront of debate appearing on television, pressuring the administration to endorse its proposals, and conducting hearings of its own. Sam Nunn appeared on The MacNeil/Lehrer News Hour, 16 October 1985, the night his Committee released its staff report asserting that "the Pentagon relegates joint [matters] to last place...they aren't used to practicing as a team."[42] Shortly thereafter, Weinberger wrote to Goldwater, accepting several of the SASC's recommendations including a clause stipulating that the chairman would serve as the principal military adviser to the president. Nichols of House Armed Services quipped that Weinberger "saw the handwriting on the wall" and, therefore, altered his earlier position.[43] The Senate Committee conducted hearings during December 1985,

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[40]HASC, Reorganization Proposals for the Joint Chiefs of Staff, pp. 4-15.

[41]Congress, House, Committee on Armed Services, Full Committee Consideration of HR 3622: To Amend Title 10, United States Code, To Strengthen the Position of the Joint Chiefs of Staff, hearing, 99th Cong., 1st sess., 29 October 1985, p. 5, and HASC professional staff member, discussion with author, Washington, D.C., December 1993.

[42]MacNeil/Lehrer News Hour, transcript, Washington, D.C., 16 October 1985.

[43]Pat Towell, "Weinberger Retreats on Joint Chiefs Reform," Congressional Quarterly Weekly (7 December 1985): p. 2570.

ultimately reporting a sweeping bill on DoD reorganization.[44]

The HASC conducted its fourth and final hearings. After their Senate counterparts stopped receiving testimony, the leadership of House Armed Services realized the need to perform their own independent analysis of Defense Department reorganization (rather than simply JCS), and thus, not have to depend upon the SASC's findings. Aspin directed the professional staff to schedule hearings for late winter and early spring 1986.[45] The result was fourteen days of testimony beginning on 19 February and ending on 12 March.[46] The final piece of legislation, HR 4370, included several changes relating to the authority of unified commanders such as:

(1) allowing the Defense secretary to create special combatant commands;
(2) stipulating that subordinate commanders are responsible to the unified commander including promotions and officer efficiency reports;
(3) allowing unified commanders to prescribe their own chain of command to ensure that it is the same during war and peacetime; and,
(4) allowing unified commanders to submit separate budgets for joint exercises, force training, selected operations and contingencies.

All four provisions were the Committee's attempts to solve past operational failures.[47] For example, one of the

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[44]Congress, Senate, Committee on Armed Services, S 2295: Department of Defense Reorganization Act of 1986, report, 99th Cong., 2nd sess., 14 April 1986.

[45]HASC professional staff member, discussion with author, Washington, D.C., December 1993.

[46]Congress, House, Committee on Armed Services, Investigations Subcommittee, Department of Defense Reorganization, 99th Cong., 2nd sess., 19, 20, 24, 25, 26, 27 February and 4, 5, 6, 7, 10, 11, and 12 March 1986.

[47]Goldwater from Senate Armed Services concurred with his House counterparts writing: "there were many reasons we believed the time was right [for change including]: the aborted Iranian hostage mission in Iran, April 1980, the terrorist bombing and killing of 241 Marines in Beirut,

criticisms of the mission in Lebanon was that the chain of command was both too long and confusing.[48] By permitting the secretary of defense to create special combatant commands, he could establish an effective command structure calibrated to suit circumstances.

Lastly, upon reporting HR 4370 both to Committee and to the House floor, Nichols cited the failures in Vietnam, Lebanon, Iran and Grenada as rationale for change. His remarks on 21 July are illustrative: "the bombing of the Marine barracks at the Beirut in 1983 demonstrated that command problems have not been corrected since Vietnam." Identifying the precise source of failure and a possible solution he adds that "the unified and specified commanders lack authority commensurate with their responsibilities [there is no panacea, but] for the Committee on Armed Services the answer lies in reform of the U.S. military command structure..."[49]

Ultimately, Armed Services approved HR 4370 by a 33 to 7 vote, followed by a successful Floor vote on 21 July. The Armed Services Committees from both chambers then convened a conference committee that reported an amended HR 3622 that included provisions from HR 4370. The House adopted the conference report on 17 September with President Reagan

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October 1983, and problems in the planning and execution of our invasion of Grenada" in Barry Goldwater, Goldwater, (New York: Doubleday, 1988), p. 342.

[48]Congress, House, Committee on Armed Services and the Investigations Subcommittee, Adequacy of USMC Security Lebanon, report, 98th Cong., 2nd sess., 19 December 1983, Committee Print 11, p. 1.

[49]Congress, House, Committee on Armed Services, Full Committee Consideration of HR 4370: To Amend Title 11, United States Code, To reorganize the Department of Defense, 99th Cong., 2nd sess., 25 June 1986, pp. 2-3.

signing the Goldwater-Nichols into law on the first of October.[50]

Effect on subsequent military operations

Admiral William J. Crowe, Chairman of the Joint Chiefs of Staff during the Kuwaiti reflagging mission, argues that by exercising his authority granted by Goldwater-Nichols, he and the Unified Commander in the Persian Gulf, General George Crist, were able to create a command structure that increased the effectiveness of forces participating in the operation.[51] The Chairman reallocated Army helicopters from Special Operations Command placing them on Navy ships under Crist's control.[52]

Goldwater-Nichols also affected the conduct of Operation Just Cause. According to General Robert T. Herres, Vice Chairman of the JCS at the time of the mission, the Act vested General Maxwell Thurman, the unified commander, with the authority to incorporate assets from the XVIII Airborne Corps into Southern Command, giving the very capable Corps Commander, Lieutenant General Carl Stiner, overall control of US forces in Panama.[53]

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[50]PL 99-433 "The Goldwater-Nichols Department of Defense Reorganization Act of 1986."

[51]Crowe later wrote of the Kuwaiti reflagging (Operation Earnest Will) that "Fortunately, the Goldwater-Nichols Defense Reorganization Act had passed the previous year, giving the Chairman and the unified commanders the authority to design command and control mechanisms to fit the special circumstances." Admiral William J. Crowe, Jr. with David Chanoff, The Line of Fire: From Washington to the Gulf, the Politics and Battles of the New Military, (New York: Simon & Schuster, 1993), p. 186.

[52]Interview with Admiral Crowe.

[53]After distinguishing himself in Panama, Stiner was promoted to four star general. General Robert T. Herres, phone interview by author, Washington, D.C., 6 April 1994.

Finally, Goldwater-Nichols affected the conduct of the Persian Gulf War in three ways. First, the Act "strengthened and clarified the unified commanders authority and his relationship with the Services and the National Command Authority."[54] Second, it enhanced the performance of US forces by requiring the Secretary of Defense to perform contingency planning in the Middle East and link those plans to national military strategy. Thirdly, the Reorganization Act gave General Powell the necessary authority to provide President Bush with professional, and timely advice on military operations in the Gulf.[55] Overall, "the success of the operation can be partially attributed to the impact Goldwater-Nichols has had on the Defense Department."[56]

Methodological Analysis: Polsby's Type B policy incubation

The purpose of this final section is to note the four elements of Nelson Polsby's Type B policy incubation and provide evidence that passing Goldwater-Nichols subscribes to his theory.

(I) Policymaking process takes place over a period of several years.

Department of Defense reorganization has been an iterated process that lasted thirty-seven years before

[54]Department of Defense, Conduct of the Persian Gulf Conflict: An Interim Report to Congress, Pursuant to Title V Persian Gulf conflict Supplemental Authorization and Personnel Benefits act of 1991 (PL 102-25), July 1991, p. 26-1.

[55]Upon retiring, General Powell sent a personal note to the HASC professional staff member most involved with writing Goldwater-Nichols offering his thanks for the Act having increased both his authority and his ability to perform his duties. HASC professional staff member, discussion with author, Washington, D.C., April 1994. Charles Cordy, the veteran defense correspondent from The Baltimore Sun adds "He [Powell] also had the benefit of Goldwater-Nichols, which makes him not just first among equals, but the boss," in Howard Means, Colin Powell: Soldier/Statesman - Statesman/Soldier, (New York: DIF, Inc., 1992), p. 258.

[56]Ibid.

Goldwater-Nichols. Congress passed major legislation on reorganization in 1949 and 1958 with the executive branch conducting its own independent analysis and changes on several occasions.[57] Furthermore, Armed Services conducted its first hearing on refurbishing the JCS on 21 April 1982; Goldwater-Nichols did not pass into law until October 1986, four years later.

(II) There is no widespread acknowledgment of the existence of the problem

During Investigations hearings in 1982, the uniformed leadership of both the Navy and Marine Corps emphatically denied that any changes to the JCS would impair US military effectiveness in combat. Civilian leaders also doubted the existence of any problem. As late as July 1985, for example, Weinberger told Armed Services that there was no need to make the chairman the principal military adviser to the president.

(III) Demand for innovation is built slowly, and typically the work of those whom Hedrick Smith calls "insiders".

From 1982 to 1984, professional staff members dominated HASC discussion on JCS reorganization. Evidence for this claim is found in the earlier hearings when one individual from the staff actually questioned witnesses. That same person - an unassuming combat veteran, West Point graduate,

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[57]Examples of the executive branch performing its own analysis of DoD include the Hoover Commission (1948), Eberstadt Report (1949), and the Steadman Report (1978), see also Goldwater-Nichols chronology in the appendicies.

an doctorate from Harvard - was by all measures an "insider" according to both Smith's and Polsby's typology.[58] He, was joined by a fellow West Point graduate from the Senate Armed Services professional staff in examining the issue years before it peaked Nunn and Goldwater's interest in 1985. Other members of the defense establishment who participated in policy incubation included the Heritage Foundation, the American Enterprise Institute and the Center for Strategic and International Studies all of which published scholarly reports about the subject between 1985 and 1984.[59]

(IV) The incubation process reaches a stage where promoters reshape and publicize it to achieve there own political needs.

Goldwater's decision to champion the cause of Defense Department reorganization in 1985 is the best example of the final element of Polsby's argument. The Senator from Arizona wished to leave the Senate with legislation upholding his legacy as a defense activist. With the assistance of Sam Nunn, and the background information provided by House Armed Services, he succeeded.[60]

As previously stated, the second section of this chapter is unrelated to the first, save for the rationale for including them in this dissertation: both provide

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[58]Committee staff members and think-tanks are among those groups Polsby and Smith identify as insiders.

[59]Examples include Theodore J. Crackel, "Defense Assessment," Chapter 19 in the Heritage Foundation's Mandate for Leadership II, 1984, Philip Odeen (chairman), Toward a More Effective Defense: The Final Report of CSIS Defense Organization Project, and Admiral James Holloway, US Navy (ret), "The Quality of Defense Advice," AEI Foreign Policy and Defense Review, Feb 1980, pp. 24-36.

[60]Goldwater was quick to praise the work of House Armed Services, however, stating that "Representative William Nichols and Les Aspin spent years in this effort. They deserve no less credit for the eventual passage of the [A]ct." Barry Goldwater, Goldwater, p. 342.

insight about the Committees' roles in areas related to use of force policymaking although neither is a case study involving the use of force per se. Angola (1975-6) and El Salvador (1981-2) were two instances when force might have been used but was not, and significant because Foreign Affairs' roles subjected to the pattern outlined in the introductory chapter.

Chapter 6 - Section II: ANGOLA (1975) & EL SALVADOR (1981-2)

Purpose of cases studied

The purpose of examining the cases in this section is to demonstrate that Foreign Affairs performed slightly more active roles in those instances when its members believed forces were to be deployed to hostilities, as those it did when forces were actually deployed (see introductory chapter section on Angola and El Salvador for intitial explanation). There are two rationales for this argument. First, the international incident requiring the use of force did not clearly threaten vital national interests; the president, therefore, lacked the authority traditionally associated with responses to crises. Secondly, less severe alternatives from the IIOS - where Congress has historically enjoyed greater authority than in use of force policymaking - then dominated discussion. In both Angola (1976) and El Salvador (1981-2), legislative-congressional debate centered on providing security assistance. However, as stated in stated in the introdcutory chapter, decisions taken in security assistance often affect the administration's ability to deploy US forces to hostilities as it did in both instances examined here.

Structure and other arguments

This section begins with a brief history of both cases, then provides the administration and Congress' response emphasizing the activities of Foreign Affairs. Next, evidence demonstrating that congressmen believed the

president was contemplating the use of force is presented, followed by an assessment of the role the media played by comparing both cases to Vietnam. The section concludes by examining three critical issues: the affect of nature of the conflict versus nature of the incident; the importance of Foreign Affairs authority in security assistance policymaking as final arbiter; and methodological analysis of roles played.

Angola (1976)

After five centuries as a colony, Angola gained its independence from Portugal in November 1975.[1] A civil war erupted shortly thereafter with three rival factions vying for control. Two of these groups, the National Front for the Liberation of Angola (FNLA) led by Holden Roberto, and the National Union for the Total Independence of Angola (UNITA) led by Jonas Savimbi, were primarily supported by western powers (including South Africa). The final group, the Popular Movement for the Liberation of Angola (MPLA), was led by Agostinho Neto, and received assistance from both Cuba and the Soviet Union.[2] US aid came in three forms: money, military equipment channeled through Zaire, and CIA advisers. The CIA station chief in Angola, John Stockwell, insists that the US government also provided funding for

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[1]Unless otherwise indicated all information on Angola is taken from Congress, House, Committee on International Relations, United States Policy on Angola, hearings, 94th Cong., 2nd sess., 26 January 1976, pp. 37-45.

[2]UNITA also received sporadic assistance from North Korea and China see John A. Marcum, "Lessons of Angola," Foreign Affairs Vol 54 No 3: pp. 407-425.

mercenaries.[3] Ultimately, President Ford authorized $32 million for IA Feature, code name for clandestine operations in support of UNITA and the FNLA. Soviet and Cuban assistance eclipsed that provided by the US, however, by a wide margin.[4] In addition, the latter stationed more than 4,000 military advisers in Angola by December 1975.[5]

El Salvador (1981-82)

El Salvador's history is marked by repression of ordinary people, wanton greed of the economic, military, and political elites - especially fourteen families known as the "catorce" - and intermittent military rule.[6] In October 1979, the first "revolutionary junta" was formed. Backed by the US government, it comprised two military and three civilian officials.[7] Three such juntas succeeded one another until a fourth, led by Jose Napoleon Duarte, established itself in December 1980. Duarte inherited the difficult task of appeasing the elites, satisfying the right wing faction of the military, and improving relations with the Farabundo Marti National Liberation Front (FMLN) - a newly formed conglomerate of left wing revolutionary parties.[8]

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[3]John Stockwell, "Chapter 10: Advisors, Technicians, and Foreign Troops", In Search of Enemies, (New York: W.W. Norton and Company, 1978), pp. 176-185.

[4]John A. Marcum, "Lessons of Angola," p. 419.

[5]Los Angeles Times(Los Angeles), 4 December 1975.

[6]Mark Danner, "The Truth of El Mozote," The New Yorker (6 December 1993): pp. 50-133.

[7]Unless otherwise indicated all information on El Salvador is taken from Marvin E. Gettleman, Patrick Lacefield, Louise Menashe, David Marmelstein editors, El Salvador: Central America in Cold War, (New York: Grove Press, 1982), pp. 52-60.

[8]Congress, CRS, El Salvador Highlights, 1960-1990, report by K. Larry Storrs, 13 March 1990, p. 3.

Two years after the Sandinistas overthrew the Somaza regime in Nicaragua, the FMLN launched a general offensive against the El Salvadoran government in January 1981. Carter responded by releasing $5 million in military assistance that had been withheld after the murder of four US churchwomen working in El Salvador in December 1980. Reagan, elected on what he took to be a mandate to stop the "spread of communism," built upon his predecessor's initiatives.[9] In January 1981, he invoked his special executive authority to send $5 million in military assistance to El Salvador along with six US military advisers. The following day, the congressional Appropriations Committees approved an additional $5 million. The latest package included three military advisers. US involvement culminated in March when State Department officials announced that fifty-five additional advisers would be deployed to El Salvador to assist in the training of that country's forces.[10] Their announcement coincided with a noted White Paper claiming that at least three communist regimes were funnelling equipment to FMLA revolutionaries via the Sandinistas in Nicaragua.[11] In practice, however, the American military presence in El

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[9]Reagan writes: "I was determined the Free World was not going to lose Central America or more of the Caribbean to the Communists..." in Ronald Reagan, An American Life, Ronald Reagan: The Autobiography, (New York: Simon & Schuster, 1990), p. 238.

[10]"US Assistance to El Salvador" in The State Department Bulletin, July 1981, p. 56.

[11]Those regimes included North Vietnam, the Soviet Union and Cuba, "Communist Interference in El Salvador: A State Department White Paper" reprinted in Gettlemen et al., El Salvador: Central America in Cold War, pp. 314-324.

Salvador usually exceeded that number by up to fifty servicemen daily.[12]

Congressional Responses

Upon learning of the Ford administration's program in Angola, Congress' response was sweeping. Led by Dick Clark (D-ID) of Senate Foreign Relations, the Senate dominated discourse on this topic. Congress promulgated legislation on two occasions culminating with the Clark Amendments which prohibited the administration from providing foreign assistance to any faction in the civil war in Angola without statutory approval.[13] The House International Relations Committee's role throughout this thirteen month period was less significant than that of its Senate counterpart. The HIRC did, however, consider fourteen legislative proposals meant to curtail the executive's activities in Angola in addition to providing a briefing for their House colleagues, and conducting five hearings.[14]

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[12]Lieutenant General Ernest Graves, US Army (ret) served as the Director of the Defense Security Assistance Agency the first several months of Reagan's tenure. He points out that the administration did not count all US service members entering El Salvador toward the 55 self imposed ceiling. Examples include transport pilots ferrying advisers around El Salvador, but stationed in Honduras. Interview by author, Tape recording, Washington, D.C., 12 April 1994.

[13]The Tunney Amendment passed in the House by a 323 to 99 vote on 27 January 1976; attached to HR 9861, the Defense Appropriations Bill, it banned military aid to Angola. The Clark Amendments were included in the HR 13680, the International Security Assistance Act of 1977. Passed in the House by a 255 to 140 vote on 19 June 1976 section 404 of the bill stipulated that "no assistance of any kind may be provided for the purpose, or which would have the effect, of promoting or augmenting, directly or indirectly, the capacity of any nation or group or organization, or movement, or individual to conduct military or paramilitary operations in Angola unless and until the Congress expressly authorizes such assistance by law." Pat Towell, "House Approves Cutoff of Aid to Angola," Congressional Quarterly Weekly (31 January 1976): pp. 208-209 and PL 94-329 "International Security Assistance Act for FY 1976-77," p. 226

[14]Hearings may be found in Congress, House, Committee on International Relations, Legislative Calendar, 94th Congress, 14 January 1975 - 1 October 1976. Information regarding the 19 January 1976 briefing may be found in the Gerald R. Ford Presidential Library, John O. March, Jr. File, "Briefing For Members of Congress on the War in Angola."

Unlike the congressional response to US policy in Angola, the House - led by Foreign Affairs - played a more robust role in the government's programs in El Salvador. After utilizing his special powers to provide an additional $10 million supplement to El Salvador, Reagan's policy returned to the annual foreign assistance authorization and appropriation process, thereby placing Foreign Affairs at the forefront.

The Committee responded by reporting an International Security Assistance Act to the House floor including $27 million in military aid for El Salvador - $2 million less than the administration had requested.[15] In its report, the HFAC stressed its preference for economic and development rather than military assistance. The Committee also denounced a later administration request for an additional $35 million that Congress subsequently rejected outright.[16] Foreign Affairs was also successful in maneuvering an amendment through Congress introduced by Steve Solarz (D-NY) which required the president to certify certain information regarding the El Salvadoran government every six months lest all security assistance - including authorization for the fifty-five advisers - be stopped. Solarz's amendment stipulated that the president certify that El Salvador's government was:

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[15]Reagan, however, used his "defense drawdown authority" from section 506 of the Foreign Assistance Act of 1961 to award the El Salvadoran government with an additional $55 million in "El Salvador Aid," Congressional Quarterly Almanac, 98th Congress, Vol 40 (Washington, D.C.: Congressional Quarterly, Inc., 1984), p. 76 and Department of Defense Security Assistance Agency, Annual Security Assistance Program Summary, "American Republics - El Salvador," 1984, p. 351.

[16]Ibid.

(1) not engaged in a consistent pattern of gross violations of human rights;
(2) achieving substantial control overall all elements of the armed forces;
(3) making continued progress in implementing essential economic and political reforms;
(4) committed to holding free elections at an early date; and,
(5) demonstrating a willingness to negotiate with opposition groups.[17]

Congressional concern

The difficulty associated with analyzing those instances when US forces could have been deployed to hostilities, but were not, is plain: some congressmen believe or choose to proclaim that the administration is on the verge of launching a military strike in every scenario. However, one can, by using a consistent methodology, identify those cases where congressional concern was more apparent than others.

I have elected to use legislative proposals meant to limit or prohibit the activities of the US military in the given countries as my measure for three reasons because it is a better source for determining the individual congressman's conviction than comments to the press or public speeches, the necessary data is readily available The Legislative Calendar, and because it also demonstrates Foreign Affairs role as gatekeeper.

Representatives introduced thirteen and nine legislative proposals regarding US forces or security

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[17]Congress, House, Committee on Foreign Affairs, HR 3566: International Security and Development Cooperation Act of 1981, report, 19 May 1981, pp. 31-32.

assistance in Angola and El Salvador respectively.[18] HFAC members introduced the majority of these proposals illustrating their role as bellwether for implementing change in addition to gatekeeper.

Role of the Media and contextual advantage

Both President Reagan and Ford firmly denied that they intended to launch a military attack into either El Salvador or Angola; however, media reports exacerbated unease amongst the public and Congress principally through comparisons with the war in Vietnam.[19]

A 1988 Harvard study concluded that "during the early years of American involvement, stories about El Salvador were invariably negative. Reporters peddled a simplistic 'El Salvador, the next Vietnam hypothesis' to editors who should have known better."[20] Examples are numerous, each sharing the common theme that fifty-five US advisers and increased military assistance would inevitably lead to another long-term commitment of US human and financial capital to the region.[21] Media reports regarding Angola were similar, but coming closer to Watergate, chastised the

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[18]HFAC, Legislative Calendars, 94th and 97th Cong.

[19]Reagan writes: "I knew that Americans would be just as reluctant to send their sons to fight in Central America, and I had no intention of asking them to do that" in Ronald Reagan, An American Life, p. 239 while Ford claims that "we [the administration] had no intention of sending any U.S. military personnel to Angola..." in Gerald R. Ford, A Time To Heal, (New York; Harper & Row, 1979), p. 345.

[20]A.J. Bacevich, James D. Hallums, Richard H. White and Thomas F. Young, American Military Policy in Small Wars: The Case of El Salvador, (New York: Pergamon Brassey's International Defense Publishers, 1988), p. 34.

[21]See for example Alan Riding, "The Central American Quagmire," Foreign Affairs, Vol 61 No 3 (1982): pp. 641-659, Ronald Steel, "Did America Learn nothing from Vietnam? Salvadoran Quagmire," The New Republic (14 March 1981): pp. 15-17, and Joseph Benham, "El Salvador: Will It Turn Into Another Vietnam?" US News & World Report (16 March 1981): pp. 28-31.

Ford administration for conducting policy in the sub-Saharan state in such a secretive manner.[22] Dante Fascell of International Relations specifies his Committee's criticisms claiming that: "Dr. K [Henry Kissinger] had a notable disdain for Congress, and the Committee simply did not trust him to conduct US foreign policy."[23]

Media reporting in both cases was important because Congress' contextual advantage increases when journalists compare conflicts to Vietnam; under such circumstances, legislators feel more comfortable with challenging the administration, and the public is less likely to criticize congressmen for being intrusive.[24] Gallop polls indicated that the public shared the media's concern regarding the conflict in El Salvador. Thirty-eight percent believed the conflict was either very likely or fairly likely to degenerate into another Vietnam whilst only 21% thought the "slippery slope" into another protracted commitment was not very likely or not at all likely to occur.[25]

Nature of the conflict and nature of the issue

Since the end of World War II, US foreign policy has centered on containing communism. Officials in both the

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[22]See for example "Angola: Dangers That Arouse Congress," US News & World Report (29 December 1975): pp. 19-21 and Kenneth L Adelman, "Report from Angola," Foreign Affairs Vol 53 No 3 (April 1975): pp. 571-574.

[23]Dante Fascell, phone interview by author, Washington, D.C., 5 April 1994.

[24]This argument is derives from numerous sources including interviews with Fred Barnes, columnist for The New Republic, Michael Kinsley, an editor and columinst of The New Republic and host of Cable News Network's (CNN) television program Crossfire, David Broder, columnist for The Washington Post, R.W. Apple, Jr., Washington, D.C. bureau chief of The New York Times, Ike Skelton (D-MO), member of the HASC and Steve Solarz (D-NY), member of the HFAC.

[25]Survey conducted 26 March 1981 for George Gallup, Jr., The Gallup Poll: Public Opinion, 1981, (Wilmington, Delaware: Scholarly Resources, Inc., 1981), p. 63.

legislature and the administration have dealt with the issue on numerous occasions during a forty year period. The Truman Doctrine, the Korean Conflict, and the Gulf of Tonkin crisis are all contained within this rubric, each having been marked by a high degree of presidential authority and congressional acquiescence.

Angola in 1976 and El Salvador in 1981 are no different in terms of nature of the incident. Non-communist states were threatened by communist takeover; therefore, administration officials wished to help. But unlike Korea in 1950 or the Gulf of Tonkin in 1964, Congress was unwilling to defer untrammelled authority to the president. The rationale for the change in paradigms is clear: the Vietnam War stigmatized such effusive behavior resulting in the electoral defeat of some congressmen.[26] The question arises, therefore, of why the congressional response toward US policy in Angola was more extreme than five years later in El Salvador. The Clark Amendments prohibited all foreign assistance to any faction fighting in the civil war while the Reagan administration merely had to certify to Congress on certain activities by the El Salvadoran government to receive the $27 million in funds and authorization for fifty-five military advisers. The answer lies in timing, attributes of key participants, and the nature of the conflict.

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[26]Hedrick Smith, The Power Game, (New York: Random House, 1988), pp. 132-13.

At no time since the Vietnam War was Sundquist's thesis explaining the "resurgence of Congress" more true than 1973 through 1976.[27] An un-elected President from the opposition party was in the Oval Office having pardoned a former President recently resigned in disgrace after meticulous examination by the legislature, and the Vietnam War was nearing an end. Ford's policy in Angola, although enacted secretly, was moreover, the victim of an extremely zealous Congress. Reagan, conversely, controlled the Senate, and had come to office upon defeating a President perceived to be weak in containing communist expansion. More charismatic than Ford, he possessed superior communication skills with which to lead both congressional and public opinion.

Although the nature of the incidents in Angola and El Salvador were similar, the conflicts' nature - comprising (expected) lethality of weapons, casualties, duration, and locality - differed markedly. It is the final element, locality, which distinguished the two conflicts. Save for the Middle East, US troops have been deployed to Latin America more frequently than any other region in the world since 1975. Barring two airlifts of foreign forces to Zaire, US servicemen were not sent to hostilities in sub-Saharan Africa during the period covered by this dissertation. This phenomenon highlights an argument presented at the onset of this section; Foreign Affairs, and indeed Congress in its entirety, will play a more

[27]James L. Sundquist, The Decline and Resurgence of Congress, (Washington, D.C.: Brookings Institution, 1981).

significant role in formulating force employment policy during non-crises, and in those instances where vital US interests are not clearly threatened (this argument helps to explain why House International Relations did so little during the Mayaguez rescue attempt, for example).

For the two cases studied, proximity to the US renders El Salvador more vital to US national interests than Angola, thus, adding to the explaination of why Congress placed more restrictions on the administration's policy in the latter than the former instance.[28]

Foreign Affairs and Security Assistance: Institutional authority

Ultimately, confrontations over US policy in both El Salvador and Angola were argued in the realm of security assistance rather than force employment policymaking. These categories are not mutually exclusive, however, especially when media reports conflate the two. In addition, congressmen are often fearful that the former might evolve into the latter.[29] Security assistance policymaking matters because it is intended to "provide help for those countries vital to US interests that policymakers believe lack the means to provide for their own defense," and offers Congress a better opportunity to serve as final arbiter.[30] Votes on both the Clark Amendments and the presidential certification

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[28]Texas politicians, for example, were in the habit of observing that Brownsville - the most southerly town in the state - was within walking distance of both San Salvador and Managua, Nicaragua.

[29]HFAC professional staff member, interview by author, Tape recording, 14 April 1994.

[30]Ernest Graves and Steven A. Hildreth, U.S. Security Assistance: The Political Process, (Washington, D.C.: Lexington Books, 1985), p. 2.

requirements provided a less politically charged arena for Congress to challenge the president than triggering the War Powers Resolution after the invasion of Grenada for example. Moreover, as the principal authorizing committee for foreign assistance, institutional norms place Foreign Affairs at the forefront of policymaking in this area as both bellwether and gatekeeper.

Methodological Analysis

Roles played:

Gatekeeper for legislative proposals
Bellwether for implementing change
Recipient and disseminator of information
Guardian of the WPR

Salient independent variables:

nature of the conflict
partisanship
institutional norms/organization

Foreign Affairs, therefore, played slightly more active roles in the two instances when force could have been used but was not. The two most influential roles were those of bellwether for implementing change and gatekeeper for legislative proposals. In the latter role, the Committee favorably reported HR 13680, prohibiting foreign assistance for factions fighting in the Angolan civil war, and HR 3566, requiring presidential certification on certain activities of the El Salvadoran government. Drafted by Solarz, section 113 of HR 3566 was also an example of Foreign Affairs serving as bellwether for implementing change.

Not surprisingly, Senate Foreign Relations performed the role of bellwether during discussion on the formulation

of US policy towards Angola. In 1976, Democrats held the majority in the upper chamber which is institutionally better placed to dominate foreign policymaking. Partisanship simply increased their electoral incentive to exercise this advantage.

By 1981, however, Republicans controlled the Senate so that most opposition to Reagan's foreign policy originated in the House. Although members of the Senate Foreign Relations Committee feared "another Vietnam", they were reluctant to initiate legislation challenging the President's agenda so early in his tenure.[31]

As recipients and disseminators of information, Foreign Affairs conducted five and six hearings on Angola and El Salvador respectively during the period of study.[32] Finally, in its role as guardian of the WPR, Committee Chairman, Clement Zablocki, challenged Secretary of State, Alexander Haig, as to the Resolution's applicability. The result was periodic reports on the status of US military personnel stationed in El Salvador provided by the State Department that included the following information:

(1) instructions and guidelines governing the activities of US military personnel, and;

(2) a description of the internal security in that country and activities of US advisers.[33]

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[31]Senator Richard Lugar, former SFRC chairman, interview by author, Washington, D.C., 18 April 1994.

[32]HFAC, Legislative Calendar, 94th and 97th Congress.

[33]Congress, House, Committee on Foreign Affairs, Arms Control, International Security and Science Subcommittee, The War Powers Resolution: Relevant Documents, Correspondence, Reports, Committee print, May 1988, pp. 51-54.

Although Congress never triggered the WPR in El Salvador, Foreign Affairs received reports almost monthly with the same effect confirming that what the Resolution achieves for the legislature de facto is often more important than those actions that it compels the executive to take de jure.

Chapter 7 - CONCLUSION

The roles played by Foreign Affairs and Armed Services in formulating force employment policy, varied little between the 94th and 102nd Congresses. Their roles constituted a pattern throughout four distinct phases: deployment of forces, sustainment of forces, recall of forces, and retrospective assessment. Moreover, alterations in these roles played varied most noticeably when the conflict began to assume characteristics similar to the Vietnam War, and were not limited to the War Powers Resolution's formal requirements.

The WPR was crucial in framing debate between the executive and federal legislature throughout this study; however, both Committees and indeed the entire Congress utilized other instruments to affect policy including other legislative statutes and negative reports to the media. For Foreign Affairs, the Resolution influences, but does not necessarily determine, both discussions and outcomes. It was less critical in understanding Armed Services' roles, but the genesis of the bill (the Vietnam War) was not.

The war in Vietnam left an indelible scar upon the American psyche to include both the public-at-large and public policymakers. The War enters each key participant's decision on the use of force in force employment policymaking: for better or for worse, accurately or inaccurately assessed. In short, it has been the basis (to some degree) for government officials' understanding of the

nature of all subsequent incidents involving the use of military force. This dissertation has relied upon HFAC and HASC personnel's definition of the ubiquitous "Vietnam legacy" which, although a political judgment, nonetheless structured executive-congressional committee relations throughout the period examined. The characteristics they identified were: extended duration; high number of US casualties; perception that the president was conducting the operation without congressional oversight; and low public support for the US' role in the conflict. Other independent variables (besides the conflict's nature), such as personal attributes of the Foreign Affairs and Armed Services chairmen, were also significant. However, of the variables presented in the introductory chapter, none was more important than the conflict's nature for it was that which bounded the actions and influence of both Committees and was tempered by their assessment of the Vietnam War.

For example, during the Lebanon occupation, Armed Services and Foreign Affairs played a minimal role in America's policy until the Marines' barracks were bombed in late October 1983. In Grenada, US forces were placed in a hostile environment immediately upon landing on the small Caribbean island. The HFAC, therefore, responded almost immediately by voting favorably on a bill to invoke the War Powers Resolution within forty-eight hours. Finally, during the Persian Gulf reflagging, where traditional naval operations were conducted, both Committees lacked the

contextual advantage to curb presidential action. Unlike some other cases, no statutory constraints limiting the length of the engagement were placed upon the administration. In each instance, both Committees acted to "prevent another Vietnam" by ensuring an ostensibly active role for Congress in US policy. In Lebanon, Grenada, and the Persian Gulf War, the Committees were successful in convincing the public that the legislature's authority ought to be endorsed by the executive to avoid another Southeast Asian fiasco. During the Persian Gulf reflagging they, or more accurately, Foreign Affairs, were not.

The entire list of independent variables identified in the introductory chapter is provided below and has been re-ordered from the most to the least influential in roles played by both Committees:

(1) nature of the conflict
(2) institutional characteristics/organization of both Committees and Congress
(3) public support for involvement of US forces
(4) historical precedent
(5) political ideology
(6) executive prerogative
(7) partisanship
(8) influence of other relevant committees
(9) influence of House leadership.

Four principal findings

In addition to identifying and assessing the roles played by both Committees from 1975 through 1991, I have also sought to address three other problems in this dissertation:

(1) a more comprehensive explanation of legislative-executive relations in use of force policymaking that best explains events from 1975 through 1991;

(2) an explaination of both Committees' roles in force employment policymaking and identification of those factors of greatest effect (factors of greatest effect are provided in the previous section);

(3) the circumstances in which the HFAC and HASC exercised the most influence over the executive branch; and,

(4) the effect of roles played by the HFAC and HASC in other areas of foreign policymaking on their role in force employment policymaking.

Finding 1: Use of force authority: A more comprehensive explanation

Legislative-executive relations in this area of policymaking has as its premise a fallacy. While it is true that Congress has the constitutional power to declare war and the president the power to wage it, the terminology is both dated and incomplete. America has been involved in well over one hundred episodes involving the use of force but Congress has declared war in only five of those instances.[1] There is an ambiguous area in decisionmaking which I refer to as use of force authority in which America's servicemen risk losing their lives, yet members of Congress do not believe a declaration of war is merited. The result of this fluid arrangement was apparent in each case examined; context rather than constitutional dictates alone determined whether Congress has a significant role in this arena.

Finding 2: Committees' roles played

In all but two cases, the Persian Gulf War and the Multinational Force and Observers in the Sinai, the HASC and

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[1]Louis Fisher, Constitutional Conflicts between Congress and the President, 3rd edition, (Lawrence, Kansas: University Press of Kansas, 1991), p. 247.

the HFAC played limited roles in the decision to employ force.[2] Instead, they were usually relegated to the status of "well-informed observers". At the early stages of a conflict often marked by high tension and drama, the executive has traditionally taken the lead in decisionmaking both before and after the Vietnam War. It is the phase described by Ripley and Franklin as "crisis-policymaking," in which the Chief Executive had greater freedom to act as he wished than any other phase involving the employment of force.[3] It was also marked by what Mueller refers to as "the rally around the flag effect" - a synonym for high public support.[4] The end of the "crisis" stage of a force employment was usually indeterminate. Indeed, the president often spoke of an incident as a crisis in order to maintain greater authority. Members of Congress recognized the dangers of usurping presidential control during times of crisis, but they were more willing to take part in force employments more quickly during the last sixteen years than before the Vietnam War.

Armed Services performed two distinct roles during the second phase: sustainment of force. Under Melvin Price, a more conservative chairman than his successor, the Committee acted as an active inspector general where it ensured the executive's policies were adhered to in the theater of

[2]House International Relations could have played a significant role in the decision to evacuate Saigon had the House acted more expeditiously and passed HR 6096 before 29 April 1975.

[3]Randall B. Ripley and Grace E. Franklin, Congress, the Bureaucracy and Public Policy, 5th edition,(Pacific Grove Calif: Brooks/Cole Publishing Company, 1991), pp. 23-24.

[4]John Mueller, War, Presidents, and Public Opinion, (New York: John Wiley and Sons, Inc., 1973), p. 267.

operation. Where inconsistencies were detected, the Committee leadership privately drew them to the appropriate officials' attention. Like Price, Aspin ensured that the administration adhered to its own self-proclaimed policies, but was more likely to criticize policies publicly once fault was discovered. Aspin also envisaged Armed Services as an alternative policy-planning center that would independently examine, then articulate its own policies. The Committee achieved this objective prior to the Persian Gulf War with its white papers and extensive hearings. However, Aspin's influence with the executive was limited by other independent variables, just as Price's influence was. The distinction between 'influence' and 'activity' must be identified for the difference to be apparent. Where influence is marked by the Committee's ability to oblige the administration to adopt its policies, activity comprises discussion, media releases, hearings, briefings, trips, and investigations relating to the subject. Under Aspin, the HASC's activity level was higher than under Price's more sedentary leadership, but, the Committee was no more successful at having its policies implemented than before with the possible exception of the Persian Gulf War. Regardless of who was serving as chairman, Armed Services acted as a recipient and disseminator of information for the House.

The role of Foreign Affairs during the "sustainment of force" phase was dominated by the mandates of the War Powers

Resolution - the Committee's albatross. As the guardian of the Resolution, the Committee, ipso facto, began most force employments with discussion of its possible implementation. The HFAC endorsed the WPR twice in the cases examined: Lebanon and Grenada.[5] While discussing possible statutory authorization of the other cases studied, members of Foreign Affairs either decided that the conflict's nature was of insufficient intensity to meet the standard codified in article 4(a)(1) of the WPR, or had too little time to promulgate legislation before forces were redeployed to the US.[6] Members of the Committee wished to retain the legitimacy of the WPR and were therefore, reluctant to invoke it. Instead, they capitalized on their role as gatekeeper for statutory legislation on using force. By utilizing this less controversial avenue of congressional oversight, as it did during the Gulf War, the Committee could check executive initiatives whilst avoiding the possible constitutional crisis associated with invoking the WPR. When Foreign Affairs did decide to report favorably on legislation regarding US forces deployed to hostilities, however, the resolution passed in all but one instance - HR

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[5]Statutory authorization involving the deployment of US forces to hostilities between 1975 and 1991 include: authorization for US participation in MFO in Sinai Peninsula - P.L. 97-132; limiting number of US advisers in El Salvador to 55 - International Security Cooperation Act of 1985; Authorization under WPR to permit Marine participation in MNF in Lebanon for 18 months - P.L. 98-119; authorizing President Bush to use force to enforce UN resolutions in Persian Gulf - P.L. 102-1; a joint resolution stating that WPR was triggered by 25 October 1983 invasion of Grenada - HJR 402 (a similar version was also approved in the Senate, but neither became law); request by President Ford to use force in evacuating Saigon - HR 6096 (Conference report failed House vote).

[6]Section 4(a)(1) of the War Powers Resolutions states that "[the WPR is triggered when] US Armed Forces are introduced into hostilities or into a situation where imminent hostilities is clearly indicated by the circumstances."

6096: the Saigon evacuation - verifying its role as barometer for congressional convictions.

Both Committees played the role of re-evaluator of policies and grievance court for House members during the recall of force phase. When House members either grew discontented with the administration's policies, or an individual residing in their district suffered the loss of a friend or family member as a result of America's involvement in a conflict, representatives typically contact a member of Armed Services or Foreign Affairs. Increasing pressure from House colleagues led HASC and HFAC members to reevaluate administration policy. In Lebanon, it prompted members of both Committees to draft legislation to end the US' involvement in the area.

After the conflict ended, both Committees could act as investigation teams. In this capacity, they would scrutinize the operation from a micro (actions by US forces) to a macro (policies and decisions taken by the executive) level with no fear of endangering the lives of America's servicemen. Armed Services - as the principal DoD policymaking body - examined operational issues such as proper utilization of the chain-of-command, effectiveness of weapons used and the efficiency of relations between the different services. The Committee's work on Goldwater-Nichols was an extension of their performing these duties, but rather than reevaluating the Defense Department's actions from a single event, its reassessment spanned the

twenty year period from Vietnam to Grenada. Foreign Affairs acted as a judge of the action with respect to proper or improper use of the WPR. The Committee most often found the executive wanting - since the President reported to Congress "pursuant to" rather than "in accordance with" the WPR. More importantly, it was unable to implement any changes. For example, after the Mayaguez incident, International Relations conducted an extensive investigation of the administration's actions including a GAO report on congressional-executive relations in crises. Although the report suggested several changes regarding the WPR, the Committee lacked the statutory or political power to ensure the suggestions were implemented.

A comprehensive list of roles played is given below (for a more detailed explanation, see the introductory chapter pages 47 - 56).

HASC roles played

Phase I: Deployment of force:

(1) Well informed observer

Phase II: Sustainment of force:

(1) Recipient of information from the administration and Disseminator of information to the House

(2) Alternative policy-planning and analysis center (under Les Aspin)

(3) Inspector General

Phase III: Recall of force:

(1) Internal discussion panel

(2) Reevaluator of the administration's policies and

Grievance court for House members

Phase IV: After the fact assessment:

(1) Judge and jury of administration actions

(2) Bellwether for implementing and enforcing changes

(3) Investigation Team

HFAC roles played

Phase I: Deployment of force:

(1) Conduit for House discussion

(2) Point of contact for information from the administration

(3) Well informed observer

Phase II: Sustainment of force:

(1) Guardian of the War Powers Resolution

(2) Gatekeeper and bellwether for legislative proposals

(3) Recipient of information from the administration and Disseminator of information to the House

(4) Barometer of congressional convictions

Phase III: Recall of force:

Foreign Affairs played the same role as Armed Services with one addition. The Committee served as the entry point for any draft legislation directed at withdrawing forces.

Phase IV: After the fact assessment:

(1) Investigation Team

(2) Judge of the administration's conduct

Finding 3: Contextual advantage and Committee influence

In the realm of force employment decision and policymaking, Congress and its authorizing Committees are, primarily, reactive participants. The Committees' roles are

traditionally those of followers, with the executive acting as the leader, proposing and implementing its initiatives.

Since World War II and the subsequent Cold War, congressmen (regardless of party) have typically endorsed presidential authority during incidents involving the use of force.[7] Congress did maintain a significant role in 'strategic' policymaking (most notably America's participation in NATO), but when military force was called upon, the president acted with little or no congressional oversight or sanction.[8] An example is President Truman's decision to send US forces to assist South Korea without prior congressional assent.

In addition, the organizational and institutional composition of Congress is not conducive to the quick decisionmaking often required during force employments. Congress has 535 members, with different goals, constituencies, and no single leader. The HFAC and HASC each has an average membership of just under fifty, but even with their smaller size, their respective chains-of-command have been equally unclear since the 'subcommittee bill of rights' in 1973 increased the powers of the subcommittee chairmen.[9]

The composition and size of the president's national security team is for him to determine. It usually includes

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[7]James L. Sundquist, The Decline and Resurgence, (Washington, D.C.: The Brookings Institution, 1981) pp. 240-272.

[8]Ibid.

[9]Morris P. Fiorina, Congress: Keystone of the Washington Establishment, 2nd edition, (New Haven: Yale University Press, 1989), p. 60.

the national security adviser, vice president, secretary of state, defense secretary, director of Central intelligence, and the chairman of the Joint Chiefs of Staff.[10] Although the cabinet members may have their own organizational biases, they ultimately work for the president.[11] If a conflict of interest does arise, the president can limit viscosities by either excluding the renegade from the decisionmaking process as President Carter did with his Secretary of State, Cyrus Vance, or removing him from office as President Ford did with his first Defense Secretary, James Schlesinger.[12]

Members of Foreign Affairs and Armed Services are lightly constrained: all have the capacity, and often the incentive, to pursue policies of their own liking. Moreover, a Committee member can often increase his or her stature in the media and subsequently with the electorate by opposing the chairman's policy.[13] Les Aspin was famed for publicly exposing fraud in the Pentagon; his Chairman, Melvin Price, had little capacity (and no authority) to deter or deflect his activities. Consensus is difficult to

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[10]Although the National Security Act of 1947 established the National Security Council and its statutory members, the president can call upon whomever he desires to assist him in national security policymaking. See especially "From the Report of the President's Special Review Board" -- "The Tower Commission" reprinted in American Defense Policy, 6th edition, ed. Schuyler Foerster and Edward N. Wright (Baltimore: The Johns Hopkins Press, 1990), pp. 572-592.

[11]Graham T. Allison, "Conceptual Models and the Cuban Missile Crisis," in American Defense Policy, 6th edition, ed. Schuyler Foerster and Edward N. Wright (Baltimore: The Johns Hopkins Press, 1990), pp. 525-551.

[12]For information on Carter and Vance see Richard A. Watson and Norman C. Thomas, The Politics of the Presidency, 2d edition (Washington, D.C.: CQ Press, 1988), p. 472. For information on Ford and Schlesinger see Walter Isaacson, Kissinger, (New York: Simon & Schuster, 1992), pp. 669-671.

[13]Hedrick Smith, The Power Game (New York: Random House, Inc., 1988), p. 532.

achieve on any congressional committee, especially on Armed Services and Foreign Affairs where questions of war and peace are discussed. Often unable to present a united front on force employment policy, both Committees are limited in the amount of influence they will have on the administration. In sum, incidents necessitating the use of force favor the executive's organizational and institutional expertise.

There are, however, three instances in which the Committees enjoyed high levels of contextual advantage and thus, considerable influence with the executive. These categories lacked the immediacy indicative of crisis force employment policymaking. Instead, effective decisions in these instances was contingent upon lengthy discourse with a large number of participants, i.e., congressional expertise. The categories and examples are listed below.

(I) Full scale conventional war - The Persian Gulf War

Within this context, Foreign Affairs had the political leverage to ensure that Congress would be included in the decision to use force even without passing a formal declaration of war.

Rationale: Contextual advantage derives principally from constitutional justification and the nature of the conflict: Congress has the power to declare war (or to authorize large scale military operations with estimates of high casualties).

(II) After a failed military operation - The Goldwater-Nichols Act

This context offered Armed Services the opportunity to re-address the organization, planning, training, strategy and equipping of the Armed Forces - uniformed and civilian - after the use of force had ended.

Rationale: The aftermath of a force employment is a

unique synthesis of two aspects of Theodore Lowi's typology: crisis and structural. Congress has traditionally experienced greater contextual advantage in the latter than the former. With a recently failed force employment as its "report card," the HASC exercised its authority in structural policymaking to affect the next crisis involving military force. In addition, the executive branch had little incentive to widen the forum of debate, as justification for opposing the HASC's initiatives was impaired by the tangible failures of the recent force employment.

(III) Force employment assumed trademarks of Vietnam War - Multinational Force in Lebanon

During the sustainment phase, Foreign Affairs contextually was well placed to question the administration's objectives in addition to demanding that those objectives be openly articulated, debated and clearly linked to US interests in the area. Armed Services, could in these circumstances, demand explanation of the rules of engagement and justification for US involvement in hostilities.

Rationale: The failures of the Vietnam War had an overwhelming affect upon Americans' desire to risk the lives of US servicemen - shortcomings in how it was conducted were to be vigorously avoided. In this instance, contextual advantage derives mostly from the lack of public support for sending US forces into hostilities and media criticism of the administration.

Finding 4: Foreign policy, national security policy and force employment policy: the nexus

By influencing the alternatives and supplements to military force - i.e. foreign and national security policymaking - Foreign Affairs and Armed Services affected the administration's decision to use, sustain or recall military force. The International Incident Option Spectrum (IIOS) represents those instruments the executive and

legislative branches of government may use when international incidents occur (see appendix).

Unlike much of the literature on Congress, the executive, and use of force policymaking might suggest, both Committees were often better placed to confront the executive on issues ranging from intelligence, to arms control to security assistance - areas that influence instances involving the use of force before they occur - than they are on initiation and conduct of military operations per se. Therein lies the nexus alluded to in "finding 4" between national security, foreign, and force employment policymaking. More specifically, these heretofore disparate categories, at times presented as distinct, were in fact connected. The Committees' involvement in all three areas was applicable both to their responses to the international incident and the particular military operation.

During an international incident, Foreign Affairs and Armed Services often served as the final arbiter on options where Congress enjoyed greater contextual advantage. Whereas it was often disadvantageous for Congress to exercise its solely legal "veto" power with the WPR, there were options on the IIOS where congressional activism actually enhanced members political appeal with the electorate. Security assistance policy, for example, was an area where Congress possessed substantive circumstantial advantage; the constituents of many congressmen were

resistant to the expending of US resources on seemingly insurmountable foreign problems.

US policy toward El Salvador (1981-1982) and Angola (1976) illustrated the increased stature Foreign Affairs enjoyed in security assistance. In those instances, the Committee influenced US policy toward both countries by utilizing an option from the IIOS where it possessed greater contextual advantage based upon legal statute, public support, and media support.

Post Vietnam shift?

There has been no general shift to greater congressional control in force employment policymaking since Vietnam.[14] There has been heightened rhetoric, ineffective legal initiatives to curb presidential activity, and a greater willingness to act when the conflict's nature resembles Vietnam, but no fundamental alteration in the locus of control. Former House speaker, Tip O'Neill's statement to President Reagan during a discussion in the early 1980s was disproved:

> The Congress will really fight for its rights. We want to do everything you want. [But] there was an eroding of the power of the Congress. We just got back our powers. They [the members] are feeling pretty good about that right now, and we want to be treated as equals.[15]

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[14]See esp. Hedrick Smith, The Power Game, James L. Sundquist, The Decline and Resurgence of Congress, Richard A. Watson and Norman C. Thomas, The Politics of the Presidency and Roger H. Davidson and Walter J. Oleszek, Congress and its Members.

[15]Smith, The Power Game, p. 511.

Executive control was sustained during the Ford, Carter, Reagan, and Bush administrations for three reasons in particular:

Firstly, not all congressmen (members of Armed Services and Foreign Affairs included) sought complete control over force employment decision and policy making, but merely to be important participants in the process.[16] Again, to challenge the administration's policy was ipso facto to alienate members of almost any member's constituency.

Secondly, Congress remains a fragmented conglomeration of individuals with myriad ideas, biases, concerns, and objectives, and lacks a central leader to compel action by its members. Thus, regardless of partisan cleavages, representatives were not obliged to act in concert on any occasion. By contrast, the president's singularity affords him an opportunity of leadership.

Finally, members of the executive recognized the "failures of Vietnam" along with their congressional compatriots and how it made the American public wary of military involvement. Therefore, just as members of Armed Services and Foreign Affairs sought to present instances involving the use of force as "another Vietnam" implying the executive branch's past wrongdoings, subsequent administrations cried foul proclaiming that Congress was committing past mistakes from the disastrous war, as the

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[16]Thomas E. Cronin, "President, Congress, and American Foreign Policy," in The Domestic Sources of American Foreign Policy: Insights and Evidence, ed. Charles W. Kegley, Jr. and Eugene R. Wittkopf (New York: St. Martin's Press, 1988), pp. 149-165.

then Defense Secretary, Casper Weinberger's, observed in 1984:

> The centrality of decision-making authority in the executive branch has been compromised by the legislative branch to an extent that actively interferes with the process. At the same time, there has not been a corresponding acceptance of responsibility by Congress for the outcome of decisions concerning the employment of military forces.[17]

Weinberger concludes by demonstrating that the executive has also "learnt the lessons of Vietnam" or at a minimum the proper "post-Vietnam" vernacular:

> Before the US commits combat forces abroad, there must be some reasonable assurance we will have the support of the American people and their elected representatives in Congress. This support cannot be achieved unless we are candid in making clear the threats we face; the support cannot be sustained without continuing and close consultation. We cannot fight a battle with the Congress at home while asking our troops to win a war over seas or, in the case of Vietnam, in effect asking our troops not to win, just be there.[18]

In short, both participants in executive-legislative relations have been influenced by the Vietnam War, and both have adjusted their conduct and understanding of force employment policymaking as a result. Members of Congress sought greater authority in the larger area of national security policymaking whilst wishing to minimize culpability if the outcome was not to their liking. Members of the

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[17]Remarks from a speech to the National Press Club 28 November 1984 reprinted in Casper Weinberger, Fighting For Peace: Seven Critical Years in the Pentagon, (New York: Warner Books, Inc., 1990), pp. 435-436. See also, Casper Weinberger, "Dangerous Constraints on the President's War Powers" in The Fettered Presidency: legal constraints on the executive branch, ed. L. Gordon Crovitz and Jeremy A. Rabkin (Washington, D.C.: American Enterprise Institute, 1989), pp. 95-102.

[18]Remarks from a speech before the National Press Club, 28 November 1984, reprinted in Weinberger, Fighting for Peace, pp. 441-442.

administration sought the flexibility to act in a timely fashion to world events, without circumventing the citizenry or their elected officials in Congress.

Thus, from 1975 through 1991, force employment policymaking was a complex process, shaped by contextual variables such as the Constitution, public support, and, institutional norms. Moreover, it remained an "invitation to struggle" for members of both the executive branch and legislature to assert themselves, in perhaps the most important area of foreign policy.[19]

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[19]Edward S. Corwin, The President: Office and Powers, 1787-1984, (Ithaca: Cornell University Press), 1976.

Rhetoric	Diplomacy Demarshes/ Cutting-Off Diplomatic Relations	Freezing Financial Assets/ Confiscating Financial Assets	Cutting-Off or increasing funding for military purposes	Cutting-Off or increasing funding for non-military/ humanitarian purposes	Unilateral Trade Sanctions	Recommendations UN(SC) that 1st 6 categories be multilaterialized/ World Court	Intelligence Operations (Covert) [not involving U.S. personnel directly]	Intelligence Operations (Covert) [involving U.S. personnel directly]	Military Force

A B

INTERNATIONAL INCIDENTS OPTION SPECTRUM

SAIGON CHRONOLOGY

Duration of conflict - 29 April 1975

Intensity of conflict - Combative Evacuation

27 Jan 73: Paris Peace Accords signed

30 Jul 74: Congress fails to appropriate $600 mill in military assistance for SVN and Cambodia

28 Jan 75: Ford requests $522 million in emergency military assistance for SVN and Cambodia

27 Feb 75: HASC reports HRes 129 unfavorably

24 Feb-2 Mar 75: At Ford's request, 8 member congressional delegation visits Cambodia and SVN

Mar 75: NVN mount major military offensive attacking Central Highlands of SVN

6,11,12 Mar 75: HIRC SC on Investigations conducts hearings on draft legislation to provide $522 million in military assistance to Vietnam and Cambodia

13 Mar 75: HIRC votes 18-15 to adjourn without taking final action on the administration's request for economic and humanitarian assistance

3 Apr 75: Ford orders the sealift of refugees in Danang

4 Apr 75: Army Chief of Staff, General Fred C. Weyand returns from mission to Saigon reports that SVN "still has the spirit and the capability to defeat the NVN"

8 Apr 75: Two NVN divisions attack the upper Mekong Delta

10 Apr 75: During his "State of the World Address", Ford cancels original request then asks Congress for $722 million in military assistance and $250 million in "initial" humanitarian and economic assistance

12 Apr 75: 150 US Americans are evacuated from Phnom Penh at Ford's direction

14 Apr 75: SFRC meets with President Ford at the White House at their request

15 Apr 75: Congressman Thomas Morgan introduces HR 5690 and 5961 providing foreign assistance for SVN

17 Apr 75: HIRC reports HR 6096 (HR 5690 and 5691 combined) authorizing US troops for evacuation of Saigon and $150 million in humanitarian assistance by a vote of 18 to 7

21 Apr 75: Thieu resigns

22 Apr 75: HASC refuses Ford's request for an additional $422 million by tabling HR 5929 21 to 17

24 Apr 75: House passes HR 6096 230 to 187

25 Apr 75: Conference report filled authorizing $327 mill for costs of the evacuation and humanitarian relief; Senate approves conference report 46 to 17

28 Apr 75: Ford orders immediate evacuation of Saigon, approximately 900 Americans are flown to carries

29 Apr 75: Evacuation ends at 19:52; SVN surrenders to NVN

1 May 75: House rejects conference report on HR 6096 providing $327 mill for evacuation purposes and humanitarian aid for refugees 162-246

MAYAGUEZ CHRONOLOGY

Duration of conflict: 12 May 1975 - 15 May 1975

Intensity of conflict: Rescue Operation

12 May 75:

(03:18) John Neal of Delta Exploration Co in Jakarta receives Mayday call from the S.S. Mayaguez

(05:02) US embassy Jakarta informs Washington of the incident

(12:05) President chairs first NSC meeting

(14:12) Aircraft carrier, Coral Sea and escorts along with an amphibious ready group proceed to the seizure area

(21:16) US recon flight identifies Mayaguez and Cambodian gunboat escort

13 May 75:

(06:04) Mayaguez crew transferred from ship to Koh Tang Island

(10:15) Second NSC meeting

(15:12) Marine battalion is directed to move from Okinawa to Utapao, Thailand

(17:50-23:00) 21 members of the Congress - including the HASC and HIRC leadership - contacted by phone advising them that the President has ordered military operations to prevent hostages from being taken to mainland or Cambodian defense forces reinforcing island

(22:03) US air strikes turn back a Cambodian patrol boat and set a second a fire

(22:40) President chairs third NSC meeting

14 May 75:

(11:15-12:00) 22 members of the Congressional leadership notified by telephone that 3 Cambodian boats have been sunk and 4 damaged by air strikes

(15:00-17:00) State Department officials brief members of the HIRC, HASC, House Defense Appropriations, and SFRC

(15:52) President chairs fourth NSC meeting and authorizes military operations including air strikes on Kompong Som

(18:40-19:40) President meets with Congressional leadership (HIRC and HASC leadership attends save for Price)

(19:00) Marine assault force arrives at USS Holt

(21:33) Mayaguez is secured

(23:16) Order given to cease ground operations

(23:21) White House announces recovery of ship

14 May 75: HIRC conducts hearing "Seizure of the Mayaguez"

15 May 75:

(02:00-02:30) President sends WPR report to Congress including leadership of both Committees

(12:30) President delivers televised statement on recovery of ship

(07:17-00:21) Final extraction of US ground forces and last aircraft depart the area

15 May 75: HIRC conducts hearing "Seizure of the Mayaguez"

ZAIRE CHRONOLOGY

Duration of conflict: 19 May 1987 - 16 June 1978

Intensity of conflict: Combative evacuation

1960: Zaire gains independence from Belgium

1964: US participates in Operation Dragon Rouge

1965: Sese Mobuto comes to power in coup

1967: LBJ dispatches US aircraft Katagan revolt

Oct 71: Congo renamed Zaire

May 77: Katangan rebels (FNLC) attack Shaba province; US provides non-lethal assistance

4 May 77: HFAC and HASC members introduce HCRes 215 commending the executive branch for assisting the government of Zaire

2 Mar 78: State Department announces the administration's request for security assistance for Zaire FY 1979: (1) $17.5 mill in FMS credits and (2) Zairian officers shall be included in IMET technical training

12 May 78: Zairian dissidents (FNLC) in Angola invade Shaba province for the second time in 14 months

12 May 78: 82nd Airborne Division placed on alert in case US citizens need to be evacuated

17 May 78: Castro denies Cuban involvment in Katangan raid

18 May 78: Carter accelerates his 2 March security assistance request for Zaire

19-27 May 78: US airlifts 600 French Legionaires & 1,200 Belgium paratroopers to Zaire

20 May 75: 82nd Airborne units taken off alert status

31 May-16 June 78: US planes fly French and Belgian troops back to their respective countries, and fly elements from other African nations (Morocco and Tanzania) into Zaire to participate in a peacekeeping force

10 Aug 78: HIRC SC on International Security and Scientific Affairs conducts hearing "Congressional Oversight of War Powers Compliance: Zaire Airlift"; HIRC Republicans HCR 689 declaring that the WPR should have been invoked during the Zaire airlift (dies in Committee)

IRAN CHRONOLOGY

Duration of conflict: 24 Apr 80 - 25 Apr 80

Intensity of Conflict: Operation Eagle's Claw - Rescue Operation

1953: CIA Operation AJAX executed to keep the Shah in power

31 Jan 79: Khomeini arrives in Iran

14 Feb 79: US embassy in Teheran attacked by Marxist guerillas

4 Nov 79: US Embassy seized by Iranian militants, 66 US diplomatic personnel and visitors taken hostage

6 Nov 79: Ayatollah and the Revolutionary Council take complete control of Iranian government; JCS presents options for using military force in Iran to Carter

9/10 Nov 79: Carter orders deportation procedures against Iranian allegedly residing in US

12-14 Nov 79: Carter suspends Iranian oil imports and announces a national emergency with respect to Iran

19/20 Nov 79: 13 black and female hostages are released

29 Nov 79: US argues case against Iran before the ICJ

4 Dec 79: UNSC unanimously adopts resolution 457 calling for the hostages release

10 Dec 79: Carter's approval rating 75%

11 Dec 79: HCR 221 expressing concern for welfare of hostages reported favorably to House by unanimous consent sponsored by Fascell, Bingham, Zablocki, and Broomfield

15 Dec 79: ICJ interim ruling that Iran must release hostages

17/18 Dec 79: HCR 221 passes House: 369 to 4

27 Dec 79: Soviet Union invades Afghanistan

9 Jan 80: Carter's approval rating 61%

13 Jan 80: Soviet Union and East Germany veto US initiative to impose sanctions against Iran

29 Jan 80: Canada announces that 6 Americans have been flown out of Teheran

27 Mar 80: Carter approves CIA flight to evaluate Desert One

31 Mar 80: Iranian Prime Minister erroneously announces that hostages will be transferred to governmental control

12 Apr 80: CIA reports Desert One can sustain aircraft necessary for operation

7 Apr 80: Carter severs diplomatic relations with Iran

8 Apr 80: Carter's approval rating for his handling of crisis in Iran 40%

11 Apr 80: At NSC meeting Carter tentatively approves attempt rescue mission for 23 Apr 80

16 Apr 80: Top administration officials are briefed by rescue mission commanders at White House

17 Apr 80: Carter orders trade sanctions against Iran

24 Apr 80: Rescue mission begins; at 01:00 Carter aides notifies selected members of Congress

25 Apr 80: Operation Desert One aborted, 8 US servicemen killed; Carter addresses nation via television

26 Apr 80: Carter transmits letter to Speaker on Desert One consistent with the WPR; HASC, SASC, and SFRC all announce hearings on Desert One Operation

28 Apr 80: SecState Vance resigns in protest of Desert One Operation

29 Apr 80: HASC briefed on helicopter operations

6 May 80: HASC briefed on Iranian rescue mission

8 May 80: LTGeneral John Pustay briefs HFAC SC on Europe & ME on Operation Desert One

MFO CHRONOLOGY

Duration of conflict: 25 April 1982 - present

Intensity of conflict: Peacekeeping

1973: Yom Kippur War ends; UN establishes UNEF & UNDOF

1973: HASC creates Special Subcommittee on Middle East

1973: Congress approves $2.2 billion for UNEF/UNDOF

18 Jan 74: Israel and Egypt sign an agreement to disengage their troops along the Suez Canal

28 Jan 74: Siege on Egypt's III Corps is lifted

28 Feb 74: US and Egypt renew full diplomatic relations after a 7 year hiatus

11 Mar 75: HASC Special Subcommittee on the Middle East publishes report on 6-17 Feb trip to Israel, Egypt, Saudi Arabia, and Iran

25 Mar 75: Congressmen Fraser, Derwinski and Buchanan introduce HR 5457 authorizing payment for UN ME peacekeeping operations totaling $28,837,000

5 Jun 75: Egypt reopens the Suez Canal to international shipping

19 Jun 75: Ford signs S 818 (HR 5457) into law PL 94-37

4 Sep 75: US-Egypt-Israel sign an agreement endorsing the proposal for early warning system in Geneva

11,18, & 23 Sep 75: HIRC conducts hearings on proposed early warning system (HJR 683)

13 Oct 75: President signs HJR 683 into law PL 94-110

Nov 77: Sadat visits Begin in Jerusalem

6 Feb 78: HASC CODEL report from 6-22 Nov trip to Middle East and Africa including Israel and Egypt

17 Sep 78: Begin and Sadat sign the Camp David Accords

26 Mar 79: Treaty of Peace signed by Begin and Sadat; Annex I calls for a UN force to monitor peace

9 Apr 79: Carter transmits a draft bill (HR 4035) calling for special authorization for security assistance to Israel and Egypt to Speaker O'Neill

20 Jul 79: HR 4035 signed into law PL 96-35

11 Feb 81: State and DoD brief HFAC on possible US participation in MFO

26 Mar 81: HASC receives briefing on possible US participation in MFO

25 Jun 81: State Department announces that Egypt, Israel and US dignitaries have signed agreement on establishment of MFO

18 Jul 81: Haig transmits letter to O'Neill offering draft legislation (HJR 324) on creating the MFO

3 Aug 81: Israel and Egypt accept US offer to operate MFO by signing the Protocol to the Peace Treaty

6 Oct 81: Sadat assassinated

27 Oct 81: HFAC votes 37-0 on final day to report HJR 349 favorably a clean version of the original HJR 324 and similar to SJR 100

23 Nov 81: Great Britain, France, Italy and Holland announce participation in MFO

29 Dec 81: President signs SJR 100 - PL 97-132

25 Apr 82: Israelis leave Sinai, MFO begins operation

LEBANON CHRONOLOGY

Duration of conflict: 25 August 1982 - 26 February 1984
(1 year 6 months)

Intensity of conflict: Peacekeeping/Peacemaking

1946: Lebanon gains independence from France

July 1958: Coupt prompts Eisenhower to send Marines into Lebanon

1970: King Husein in Jordan ejects PLO who subsequently infiltrate Lebanon

1975: Civil War begins in Lebanon

1976: Tenuous peace established in 1976 by Arab League

June 1982: Israel attacks Lebanon

25 Aug 1982: USMC arrive in Lebanon

1 Sep 1982: Reagan addresses nation on TV on situation in Middle East

8 Sep 1982: Report from President to Congress on the use of US Forces to facilitate the withdrawal of the PLO from Lebanon

10 Sep 1982: USMC depart Lebanon

20 Sep 1982: Reagan announces formation of MNF

29 Sep 1982: USMC return to Lebanon with Italians, British, and French

18 Apr 1983: US Embassy in Beirut is bombed

May-Jun 1983: Druze increase sniper attacks on Marines who are now perceived as pro-Christian Lebanese and not neutral

17 May 1983: Israel and Syria agree to withdrawal

27 Jun 1983: Congress approves the Lebanese Emergency Assistance Act PL 98-43

29 Aug 1983: Two Marines killed and 14 wounded

13 Sep 1983: White House announces that US air power and artillery might be used to defend positions of the Lebanese armed forces important for defense of the Marines

20 Sep 1983: Zablocki introduces HJR 364

21,22 Sep 1983: HFAC hearing and mark-up of HJR 364 reported favorably by vote of 30 to 6

24,25 Sep 1983: HASC trip to Lebanon

29 Sep 1983: HJR 364 signed into law

18 Oct 1983: HASC full committee Report of the Delegation to Lebanon

23 Oct 1983: Terrorist attack on Marines kills 241

27 Oct 1983: President addresses nation on events in Lebanon and Grenada

1,2,12,13 Nov and 8,9,14,15 Dec 1983: HASC Investigations subcommittee hearing and report on bombing

20 Dec 1983: Long Commission issues report

1,2 Feb 1984: HFAC full committee hearing 'Crisis in Lebanon: US Policy and Alternative Legislative Proposals'

3 Feb 1984: Reagan reaffirms US commitment to remain in Lebanon to ensure peace

7 Feb 1984: Reagan orders redeployment of Marines to Naval vessels off the coast

2 Apr 1984: Final report to Congress by President in respect to situation in Lebanon

GRENADA CHRONOLOGY

Duration of conflict: 25 Oct 1983 (Urgent Fury ceased 2 Nov) - 4 Dec 1984

Intensity of conflict: Operation Urgent Fury - Punitive Expedition

7 Feb 1974: Grenada gains independence from Great Britain

13 Mar 1979: Maurice Bishop installed as Prime Minister

1980: Cuban advisors and construction workers arrive in Grenada

27 Oct 1980: Grenada signs military aid agreement with USSR, Czechoslovakia, Bulgaria, and East Germany in Cuba

15 Jun 1982: HFAC hearing subcommittee on Inter-American Affairs 'US Policy Toward Grenada'

27 Apr 1983: Reagan addresses joint session of Congress on situation in Central America including Grenada

19 Oct 1983: Bishop is murdered by Army troops loyal to Central Committee, General Hudson Austin becomes leader

21 Oct 1983: JCS devise plans for rescue operation

23 Oct 1983: OECS request assistance from US

23 Oct 1983: Reagan addresses nation on TV on subject of SDI and Grenada and after approving Operation Urgent Fury

24 Oct 1983: Congressional leadership notified in White House sitting room

25 Oct 1983: US Armed Forces deployed to Grenada with forces from six other OECS nations

26 Oct 1983: President reports to Congress on situation in Grenada under the War Powers Resolution

27 Oct 1983: HFAC approves HJR 402 30 to 2 invoking the WPR

27 Oct 1983: Presidential TV addresses on situation in Grenada and Lebanon

29 Oct 1983: UN Security Council votes 11-1 condemning US invasion

1 Nov 1983: House passes HJR 402

2,3,16 Nov 1983: HFAC hearings 'US Military Actions in Grenada: Implications for US Policy in the Eastern Caribbean'

5,6 Nov 1983: Speaker's delegation arrives in Grenada

15 Dec 1983: US combat forces leave Grenada

19 Dec 1983: Free elections held in Grenada

24 Jan 1984: HASC - full committee hearings on lessons learnt in Grenada

5-12 Apr 1984: HASC delegation visits Grenada

PERSIAN GULF REFLAGGING CHRONOLOGY

Duration of Conflict: July 1987 - December 1988 (1 year 6 months)

Intensity of Conflict: Operation Earnest Will - Protective Expedition

Dec 1979: "Carter Doctrine" announced

1980: Iran-Iraq War begins

Dec 1986: Kuwait asks USSR to escort its convoys (Soviets agree)

17 Jan 1987: Kuwait asks US to escort its convoys

Apr 87: Kuwait accepts US offer to escort 11 tankers

17 May 1987: Stark attacked by Iraqi jets - 37 US servicemen killed

23 May 1987: Four HASC staffers visit Stark site

28 May 1987: Foley introduces HR 2533 requiring a report on the situation in the Persian Gulf

28 May 1987: Fascell sends letter to Shultz recommending a Congressional Consultative Committee be established

30 June 1987: HR 2533 passes

Jun 1987: HASC issues report on Stark

15 Jun 1987: Sec Def submits mandated report to Congress on situation in Persian Gulf

late Jun 1987: President meets with congressional leadership to discuss US policy in the Persian Gulf

1-7 Jul 1987: HASC visits Persian Gulf nations

Jul 1987: HASC issues report 'National Security Policy Implications of the US Operations in the Persian Gulf'

14 Jul 1987: NSA, CJCS, and SecDef brief leaders of both chambers and the chairmen/ranking members of oversight committees

20 Jul 1987: UNSC approves resolution 598 calling for a cease-fire in the Iraq-Iran War

21 Jul 1987: First US convoy departs

PANAMA CHRONOLOGY

Duration of conflict: 20 December 1989 - 31 January 1990

Intensity of conflict: Operation Just Cause - Punitive Expedition

Jun 87: Colonel Roberto Diaz Herrera alleges Noriega's wrong doings

Dec 87: Congress bars all economic and military aid to Panama in its omnibus spending bill

30 Dec 87: Asst SecDef Armitage travels to Panama and urges Noriega to step down

4 Feb 88: Federal grand jury in Miami indicts Noriega on 12 drug charges

26 Feb 88: President Eric Arturo Delvalle fires Noriega as head of PDF and is forced into hiding

2 Mar 88: State Department freezes Panamanian funds held by US banks

4 Mar 88: State advises US citizens not to travel to Panama

10 Mar 88: House passes HRes 399 (367 to 2) calling for Noriega to step down as head of the PDF sponsored by HFAC's Dan Mica

11 Mar 88: White House places USG payments to GofP in escrow

16 Mar 88: Noriega survives coup attempt

18 Mar 88: Noriega rejects offer of to US envoys to step down

25 Mar 88: Senate unanimously passes SCR 92-0 urging the administration to impose "additional diplomatic, political, and economic pressure" on Panama

Early Apr 88: State's Bureau of Inter-Amer Affairs circulates proposal for military action

8 Apr 88: Reagan imposes tighter sanctions Panama

4 May 88: HFAC SC on Western Hemisphere conducts hearing "The Political Situation in Panama and Options for US Policy"

25 May 88: Administration negotiations to remove Noriega from power collapse

Aug 1987: Lowry and 110 congressmen file suit against Reagan arguing sec 4(a)(1) of the WPR should have been triggered 22 Jul 1987

21 Sep 1987: US forces destroy Iranian mine laying ship with air strikes

15 Oct 1987: US flag tanker, Sea Isle City, is attacked by Iranian forces

22 Oct 1987: Solarz introduces HJRes 387 to provide statutory authorization under the WPR (dies in Committee)

26 Oct 1987: Reagan imposes trade embargo on Iran

Dec 1987: Judge George Revercomb dismisses Lowry's case a as "political question"

18 Apr 1988: President orders an attack on Iranian oil platforms

19 Apr 1988: President reports to Congress on situation in the Persian Gulf

22 Apr 1988: HASC Chairman, Melvin Price, dies

3 Jul 1988: Vincennes shoots down Iran Air Flight 655

18 Jul 1988: Iran accepts UN resolution 598 for cease fire

26 Sep 1988: President changes US reflagging policy to accompanying

13 Dec 1988: Bill Nichols of the HASC dies

23 Jan 1988: Dan Daniels of the HASC dies

15 Jul 88: Hill leaders informed about Reagan's CIA "finding" in Panama

Apr 89: Bush dispatches 1,300 military police officers to Panama

7 May 89: Noriega is defeated in an internationally observed election

10 May 89: Noriega nullifies elections, and forces the winner, Guillermo Endara into hiding

11 May 89: Bush takes steps after election fiasco including dispatching 1,881 troops to Panama

17 May 89: OAS adopts a resolution condeming Noriega

1-5 Aug 89: OAS delegation fails to persuade Noriega to leave
3 Oct 89: 100 PDF members attempt to overthrow Noriega

5 Oct 89: Senate passes Nunn's amendment to anti-drug legislation that in vague terms, authorizes the president to use force in Panama (74 to 25)

17 Dec 89: PDF members kill and injure US military personnel and spouse

19 Dec 89: Administration notifies congressional leadership about Operation Just Cause

20 Dec 89: 01:00 Operation Just Cause begins; Endara takes oath at US military base

22 Dec 89: Bush sends letter to congressional leadership in consistent with WPR

3 Jan 90: Noriega is captured

4-5 Jan 90: 30 member CODEL visits Panama

12 Jan 90: Aspin releases report on Just Cause

31 Jan 90: Bush announces remaining US forces would return to US by early February

7 Feb 90: Congress passes emergency aid worth $42 mill (HR 3952 - PL 101-243) sponsored by Fascell

PERSIAN GULF WAR CHRONOLOGY

Duration of conflict: 16 January 1991 - 27 February 1991

Intensity of conflict: Operation Desert Shield/Desert Storm - Full Scale Conventional War

1990:

2 Aug: Iraq invades Kuwait; Bush freezes Iraqi and Kuwaiti assets and UNSC calls for Iraq's immediate withdrawal

4 Aug: EC imposes a boycott on Iraqi and Kuwait oil

6 Aug: UNSCR imposes boycott on iraqi and Kuwaiti products

7 Aug: Bush dispatches US forces to Saudi Arabia

8 Aug: HFAC Hearings "The Persian Gulf Crisis"

9 Aug: UK agrees to send forces to Saudi Arabia

9 Aug: Bush officially notifies Congress of troop deployment

12 Aug: Bush orders Navy to halt all Iraqi imports and exports

22 Aug: Bush calls up more than 40,000 Individual Ready reserves

23 Aug: Fascell calls for broader dialogue on Gulf policy

28 Aug: Bush meets with 170 members of Congress

30 Aug: Bush announces plan to ask allies to share cost of crisis effort

4 Sep: HFAC hearing "Crisis in the Persian Gulf," Baker testifies

6 Sep: Saudi Arabia agrees to defray the costs of Operation Desert Shield, and aid other Arab nations affected by the trade embargo

8 Sep: Mubarak, Baker and Faud announce there will be no negotiations with Hussein until his troops leave Kuwait

9 Sep: Bush and Gorbachev declare that Iraq must leave Kuwait

19 Sep: Bush administration announces it will scale down its plan to sale $20 billion of military weapons to Saudi Arabia

21 Sep: Bush meets with congressional leadership

22 Sep: Last flight of Westerners depart Iraq and Kuwait

1 Oct: House passes HJRes 655 'Title II Supplemental Appropriations for Operation Desert Shield'

16 Oct: US forces in the Persian Gulf reach 200,000

17 Oct: Baker refuses to promise that the administration will seek congressional approval before attacking Iraq

7 Nov: Ozal of Turkey and Mubarak of Egypt argue that the economic embargo should be given at least two more months

8 Nov: Bush orders the near doubling of US forces

19 Nov: Iraq adds 250,000 troops to its 430,000 troops already in or near Kuwait

20 Nov: Dellums and 45 congressmen file suit against Bush

21 Nov: 74% of those polled argue President must gain congressional approval before going to war

27-29 Nov: At SASC hearings, Schlesinger, Crowe and Jones urge that sanctions be given more time

29 Nov: UNSCR 678 votes 12-2 authorizing "all means necessary" to remove Iraq from Kuwait if he doesn't withdraw by 15 Jan

4,5,6,12,13,14,17,19 and 20 Dec: HASC hearings "Sanctions, Diplomacy and Military Force"

6 Dec: HFAC hearing "Update on the Situation in the Persian Gulf," Baker testifies

13 Dec: Federal Judge Harold Greene declines to rule on Dellum's lawsuit

21 Dec: Aspin delivers speech at CSIS and releases first White Paper (Sanctions)

28 Dec: Aspin releases second White Paper (Diplomacy)

1991:

3 Jan: Bush proposes talks in Geneva between Baker and Iraqi Foreign Minister Aziz

8 Jan: Aspin releases final White Paper (military force)

9 Jan: Solarz, Toricelli, and Aspin meet with Bush to edit draft legislation authorizing the use of force

12 Jan: Senate passes force authorization bill 52-47 (SJR 2) at 11:40; House passes its version (HJR 77) by 250-183 at 16:10

14 Jan: Bush signs HJRes 77 into law (PL 102-1)

16 Jan: Bush reports to Congress on the commencement of Operation Desert Storm and addresses the nation

31 Jan: HFAC hearing "Post-War Policy Issues in the Persian Gulf" focus on conventional arms control

27 Feb: Bush announces that Kuwait has been liberated and that military operations have been suspended

GOLDWATER-NICHOLS ACT OF 1986 CHRONOLOGY

1942: Joint Chiefs of Staff created

1947: National Security Act creates DoD

1948: Hoover Commission recommends creating the position of CJCS

1949: Congress amends the NSA of 1947 creating a non-voting CJCS

1949: Eberstadt Report recommends against having a "commander" of the JCS

1958: Congress enacts DoD reorganization legislation giving chairman the right to vote and provides that the JCS are the principal military advisers to the President

1970: Blue Ribbon Defense Panel concludes that the JCS' unified view is more often the product of accommodation than sound analysis

1978: The Steadman Report asserts that "the JCS...committee structure is not effective for the exercise of military command or management authority"

Jul 81: Senator Hart, Congressmen Jack Edwards, Norman Dicks, and Newt Gingrich commission a CRS study on defense planning structure

Mar 82: General Jones' article "Why the Joint Chiefs of Staff Must Change"

Apr 82: General Meyer's article "The JCS - How much Reform is Needed"

Apr, May, Jun, Jul & Aug 82:

HASC SC on Investigations conducts hearings entitled "HR 6954: Reorganization Proposals for the Joint Chiefs of Staff"

16 Aug 82: HR 6954 passes House vote

Jun 83: Senators Henry "Scoop" Jackson and John Tower direct SASC staff to examine JCS reorganization

17 Oct 83: HR 3718 passes House

1984: Heritage Foundation publishes "Mandate for leadership II" Chapter 19 "Defense Assessment"

Jan 85: Goldwater and Nunn direct SASC professional staff to write report on DoD reorganization

Feb 85: CSIS publishes "Toward a More Effective Defense"

13, 19 and 26 June 85: HASC SC on Investigations conducts hearings "Reorganization Proposals for the JCS - 1985"

16 Oct 85: SASC Staff Report released "Defense Organization: The Need for Change"

10 Nov 85: HR 3622 passes as amended 38 to 2

20 Nov 85: HR 3622 passes House 383-27

2 Dec 85: Weinberger sends letter to Goldwater accepting some organizational changes

Dec 85: SASC conducts hearings on DoD reorganization

Feb & Mar 86:

HASC SC on Investigations conduct hearings "Reorganization of DoD" Investigations SC reports HR 4370

6 Mar 86: SASC passes DoD reorganization legislation 19-0,

7 May 86: Senate passes HR 3622

1 Aug 86: HR 4370 passes the House

13, 14, 15 Aug and 10 Sep: Senate and House conference on HR 3622 and HR 4370

17 Sep 86: House adopts conference report

1 Oct 86: HR 3622 (includes elements of HR 4370 relating to DoD reorganization) signed into law PL 99-433

EL SALVADOR CHRONOLOGY

Duration of conflict: 1981 - 31 March 1982

Intensity of conflict: Military Advisors

13 Dec 80: Third Junta dissolves. Fourth Junta - headed by Jose Napoleon Duarte - formed

11 Jan 81: FMLN launches general offensive

14 Jan 81: US administration resumes FY 1981 military assistance to El Salvador

17 Jan 81: US administration invokes special executive powers to send an emergency package of $5 million in military assistance to El Salvador

23 Feb 81: State Department releases major White Paper purporting to show that what is occurring in El Salvador is indirect armed aggression by four communist regimes

5 & 11 Mar 81: HFAC hearing "US Policy Toward El Salvador"

Mar 81: Salvadoran Junta announces free elections are scheduled for March of 1982

Mar 81: Reagan provides $20 million in emergency assistance for El Salvador

10 Mar 81: HFAC hearing "The Role of International Security Assistance in US Defense Policy"

Apr and May 81: Congress passes strictures on US aid to El Salvador that require president to certify that the Salvadoran government is dedicated to assuring human rights and prepared to negotiate with leftist factions

24 Sep & 5, 19 Nov 81: HFAC hearing "US Policy Options in El Salvador"

17 Dec 81: HFAC hearing "Salvador Refugees in Honduras"

Dec 81: Congress adopts a two-year foreign aid authorization bill (S 1196/PL 97-113) providing $110 million for El Salvador

2, 23, 25 Feb & 2 Mar 82: HFAC hearing "Presidential Certification on El Salvador"

28 Mar 82: Right-wing coalition (ARENA and PCN) win a majority of sixty seats in the Constituent Assembly

ANGOLA CHRONOLOGY

Duration of conflict: 22 Jan 1975 - 30 Jun 1976

Intensity of conflict: Operation IA Feature - Clandestine Action

1974: Ford orders review of US policy toward Africa

Jul 74: CIA steps up connections with FNLA's Roberto

Aug 74: FNLA receives arms from China

Sept/Oct 75: MPLA receives arms from Soviets

25 Apr 74: Caetano ousted in Portuguese coup

22 Jan 75: 40 Committee approves $300,000 for Roberto of the FNLA for political action

7 Jun 75: Toronto Globe & Daily Mail disclose Soviet assistance to MPLA

14-15 Jul 75: 40 Committee approves covert operations in Angola

17-18 Jul 75: Ford approves Operation IA Feature

27 Jul 75: Ford authorizes additional $8 million

Aug 75: Senator Dick Clark (D-ID) discovers US operations in Angola during a visit to Zaire

29 Oct 75: Pravda reports that South Africa was helping UNITA

31 Oct 75: A report from Lusaka claims that 1,000 Cuban advisers have arrived in Angola

3 Nov 75: US Consulate General closed; Americans evacuated

7 Nov 75: During a closed session of the SFRC, CIA and State disclose that US is covertly supplying arms to UNITA and FNLA

10 Nov 75: Angola's High Commissioner Admiral Leonel Cardosa proclaims Angola's independence and hands power to "the people of Angola"

9 Dec 75: During a press conference, Kissinger admits that US aid is being funnelled through "neighboring states" to curb Soviet influence - claims that Soviets provided assistance before the US

15 Dec 75: Senator Tunney demands that Appropriations Committee Chairman release information on US funding of factions in Angola; Chairman refuses

16 Dec 75: Ford publicly rules out direct intervention in Angola implying troops and advisers

17 Dec 75: Senate meets in closed session to discuss US involvement in Angola; Tunney offers an amendment to cut-off $33 mill from the Defense Appropriations bill; Robert Griffin (R-MI) offers a substitute to prohibit US combat operations on or over Angola that fails 26-72

18 Dec 75: HIRC and SFRC adopt "Clark amendments" to their military aid bills by voice votes prohibiting US military assistance with legislative veto to block presidential proposals

19 Dec 75: Senate endorses Tunney Amendment to Defense Appropriations bill 54 to 22 blocking administration request for $28 million for additional arms

23 Dec 75: Castro refuses to stop support for MPLA

19 Jan 76: Experts brief members of Congress on the war in Angola sponsored by HIRC members

26 Jan 76: HIRC conducts hearing "US Policy in Angola"

27 Jan 76: House enacts Tunney amendments 323-99 ban covert military aid to Angola in the Defense Appropriations Bill (HR 9861)

22 Jun 76: House approves conference report; prohibiting the use of US assistance funds for paramilitary or military operations in Zaire and Zambia without presidential certification and Clark amendments by a 258-146 vote

30 June 76: International Security Assistance Act of 1976 (HR 13680) signed into PL 94-329

Complete List of Use of Forces Cases (1975-1992)

President Ford:

1. Evacuation of U.S. and Vietnamese personnel from Danang and Nha Trang
(Evacuation)(4 April 1975)

2. Evacuation of U.S. personnel from Phnom Penh
(Evacuation)(12 April 1975)

3. Evacuation of U.S. and Vietnamese personnel from Saigon
(Evacuation)(29 April 1975)

4. Rescue of the crew of the freighter S.S. Mayaguez
(Rescue)(12-15 May 1975)

5. Reconnaissance flights over Cambodia
(Reconnaissance)(1975)

6. Deployments of U.S. Tactical air units in the aftermath of the "tree-cutting incident"
(Increased military presence)(1976)

7. Evacuation of U.S. civilians in Lebanon
(Evacuation)(1976)

President Carter:

8. Attempted rescue attempt of U.S. Hostages from Iran
Included six transport planes and eight helicopters
(Rescue)(25 April 1980)

9. Airlift of French and Belgian troops to Zaire
(Military transport of foreign forces)(May - June 1978)

President Reagan:

10. Deployment of U.S. troops in the Sinai Desert in support of the Israeli-Egyptian peace treaty - Multinational Force Observers (MFO)
(Peacekeeping/Peacemonitoring)(19 March 1982 - present)

11. Deployment of U.S. Marines to Beirut as part of the Multi-National Force (MNF) to (a) supervise the withdrawal of Palestinian forces then (b) to supervise the truce cum withdrawal between Israel, Syria, and Lebanon
(Peacemaking/Peaceenforcement)(25 August 1982 - 21 February 1984)

12. Deployment of two AWACS electronic surveillance planes and eight F-15 fighter planes to Sudan to assist the government of Chad against Libya

(Tactical air cover & air weapons control for foreign forces)(8 August 1983)

13. After a Libyan plane bombed a city in Sudan, the U.S. dispatched an AWACS electronic plane to Egypt
(Air weapons control for foreign forces)(18 March 1983)

14. U.S. intervention in Grenada
(Intervention/Expeditionary operation)(Rescue)(25 October - 15 December 1983)

15. Aided by U.S. intelligence and fueled by a U.S. tanker, Saudi Arabian jet fighter planes shot down two Iranian fighter planes over the Persian Gulf
(Refueling support for foreign forces)(5 June 1984)

16. U.S. Air strikes against Libya
(Air/Bombing raid)(15 April 1986)

17. U.S. naval escorts in Persian Gulf
(Naval expedition)(Freedom of navigation)(17 May 1987-18 July 1988)

18. Military exercises, construction projects, and related activities in Honduras including the ferrying of Honduran troops to the Nicaraguan borders by unarmed U.S. helicopters
(Combined military exercises/assistance)(1983-88)

19. "Freedom of navigation exercises" in the Gulf of Sidra -- adjacent to Libya --
U.S. planes shot down two Libyan jets after being fired upon in 1981 and fired at one in 1986
(Freedom of navigation)(19 August 1981)(24,25 March 1986)

20. U.S. Navy pilots intercepted an Egyptian airliner that was carrying the hijackers of the Italian cruise ship the Achille Lauro
(Tactical air interception)(10 October 1985)

21. Deployment of 55 military advisors to El Salvador
(Military training advisors)(2 March 1981 - 1983)

22. U.S. Army personnel and aircraft assisted in anti-drug operations in Bolivia
(Anti-narcotic operation)(14 July 1986)

23. U.S. sent one thousand supplemental troops to Panama to "further safeguard the canal, U.S. lives, property and interests"
(Increased military presence)(1988)

President Bush:

24. A brigade-sized force of approximately one thousand nine hundred troops were used to capture General Noriega and to protect the lives of U.S. citizens in Panama (Intervention/Expeditionary)(20 December 1989 - 13 February 1990)

25. Downing of two Libyan fighter planes by two U.S. Navy F-14s in the Gulf of Sidra (Freedom of navigation)(4 January 1989)

26. Evacuation of U.S. personnel in Liberia by a reinforced Marine rifle company with helicopter support (Evacuation)(6 August 1990)

27. Military and law enforcement assistance began to Colombia, Bolivia, and Peru to help them combat illicit drug producers and traffickers (Anti-narcotic operation)(5 September 1989)

28. Persian Gulf War against Iraq (Conventional War)(2 August 1990 - 28 February 1991)

29. Tactical Air assistance to thwart Philippine coup attempt (Tactical air cover for foreign forces)(1 December1989)

30. Airlift of French and Belgian forces to Zaire (Evacuation)(Military transport of foreign forces)(25-27 September 1991)

31. Humanitarian relief and safe haven for Kurds in Iraq (Humanitarian relief)(Combat air patrols/Tactical air escorts)(5 April 1991- June 1991)

32. Humanitarian relief in Somalia (Humanitarian relief)(Intervention/Expeditionary operation)(10 December 1991-??)

33. U.S. forces evacuated all nonessential U.S. government workers and families in Sierra Leone(3 May 1992)

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Table 1 (NSI)

International Relations 1976
Average NSI rating*, Number of veterans

	Avg NSI	Num Vets
Full Committee	54.7	17 of 34
All Democrats	41.5	11 of 22
All Republicans	75.6	6 of 12
Committee Leadership**	35.8	4 of 8
All Veterans	55.8	17
Democratic Veterans	48.2	11
Republican Veterans	68.3	6

(Source: The Almanac of American Politics: 1976)
*Highest possible NSI rating is 100
**Includes committee and subcommittee chairmen

Table 2 (NSI)

Armed Services 1976
Average NSI rating*, Number of veterans

	Avg NSI	Num Vets
Full Committee	77.3	26 of 40
All Democrats	67.7	17 of 27
All Republicans	95.6	9 of 13
Committee Leadership**	78.7	5 of 6
All Veterans	75.0	26
Democratic Veterans	67.5	17
Republican Veterans	97.3	9

(Source: The Almanac of American Politics: 1976)
*Highest possible NSI rating is 100
**Includes committee and subcommittee chairmen

Table 3 (NSI)

Foreign Affairs 1982
Average NSI rating*, Number of veterans

	Avg NSI	Num Vets
Full Committee	48.6	13 of 37
All Democrats	28.0	6 of 21
All Republicans	68.6	7 of 16
Committee Leadership**	6.8	3 of 8
All Veterans	47.3	13
Democratic Veterans	20.0	6
Republican Veterans	71.2	7

(Source: The Almanac of American Politics: 1982)
*Highest possible NSI rating is 100
**Includes committee and subcommittee chairmen

Table 4 (NSI)

Armed Services 1982
Average NSI rating*, Number of veterans

	Avg NSI	Num Vets
Full Committee	82.8	26 of 47
All Democrats	72.3	13 of 28
All Republicans	93.3	13 of 19
Committee Leadership**	83.1	5 of 7
All Veterans	83.3	26
Democratic Veterans	79.5	13
Republican Veterans	93.9	13

(Source: The Almanac of American Politics: 1982)
*Highest possible NSI rating is 100
**Includes committee and subcommittee chairmen

Table 5 (NSI)

Foreign Affairs 1988
Average NSI rating*, Number of veterans

	Avg NSI	Num Vets
Full Committee	46.6	15 of 46
All Democrats	9.3	6 of 28
All Republicans	83.8	9 of 18
Committee Leadership**	18.8	2 of 8
All Veterans	57.4	15
Democratic Veterans	12.2	6
Republican Veterans	95.7	9

(Source: The Almanac of American Politics: 1988)
*Highest possible NSI rating is 100
**Includes committee and subcommittee chairmen

Table 6 (NSI)

Armed Services 1988
Average NSI rating*, Number of veterans

	Avg NSI	Num Vets
Full Committee	77.2	29 of 48
All Democrats	57.0	18 of 27
All Republicans	97.4	11 of 21
Committee Leadership**	18.8	3 of 7
All Veterans	82.2	29
Democratic Veterans	65.4	18
Republican Veterans	98.9	11

(Source: The Almanac of American Politics: 1988)
*Highest possible NSI rating is 100
**Includes committee and subcommittee chairmen

Table 7 (NSI)

Foreign Affiars 1990
Average NSI rating*, Number of veterans

	Avg NSI	Num Vets
Full Committee	41.1	13 of 46
All Democrats	9.7	5 of 28
All Republicans	84.4	8 of 18
Committee Leadership**	10.4	1 of 8
All Veterans	57.1	13
Democratic Veterans	12.0	5
Republican Veterans	95.7	8

(Source: The Almanac of American Politics: 1990)
*Highest possible NSI rating is 100
**Includes committee and subcommittee chairmen

Table 8 (NSI)

Armed Services 1990
Average NSI rating*, Number of veterans

	Avg NSI	Num Vets
Full Committee	65.9	28 of 52
All Democrats	53.1	16 of 31
All Republicans	93.3	12 of 21
Committee Leadership**	39.9	5 of 8
All Veterans	72.9	28
Democratic Veterans	56.0	16
Republican Veterans	99.0	12

(Source: The Almanac of American Politics: 1990)
*Highest possible NSI rating is 100
**Includes committee and subcommittee chairmen

Relevant Legislation on use of force authority excluding the War Powers Resolution[1]

Foreign Assistance Act

Military Assistance Program

Sect 506: Special Authority
(as amended by Sec 5(b) of the ISA Act of 1979 PL 96-92;93 Stat. 702)

1(A)If the president determines that an unforeseen emergency exists which requires immediate military assistance that cannot be met under authority of the Arms Export Control Act, he may drawdown defense articles and services from DoD together with military education and training not to exceed aggregate $75,000,000 in any FY

2(b)1 Authority in this section shall be effective for any such emergency only upon prior notification to the HFAC, SFRC and Appropriation Committees of both chambers; the president should keep Congress fully and currently informed on such actions

Sec 515: Overseas Management of Assistance and Sales Programs
(As amended by the ISCDA of 1981 PL 97-113)

(A) In order to administer military assistance programs (MAP,FMS, FMCS etc) the president may assign members of the US Armed Forces to a foreign country to perform the following 7 tasks only:

(1) equipment and services case management;
(2) training management;
(3) program monitoring;
(4) evaluation and planning of the host government's military capabilities and requirements;
(5) administrative support;
(6) promoting rationalization, standardization, interoperability, and other defense cooperation measures among members of NATO, Japan, Australia and New Zealand;
(7) liaison functions exclusive of advisory and training assistance.

(B) It is the sense of Congress that US personnel performing these tasks not be assigned under the auspices of Sec 515 but come from other sources and are detailed for limited periods of time to perform specific tasks

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[1]All information from this section may be found in Legislation on Foreign Relations Through 1992 - Volume I, Joint Committee Print, Committee on Foreign Relations and Committee on Foreign Affairs (Washington D.C.: GPO, 1993).

(C)1 The number of members assigned to a foreign country should not exceed six unless specifically authorized by the Congress. The president may waive this restriction if he so determines and notifies the HFAC and the SFRC 30 days prior to the introduction of additional US personnel.

(E) US personnel assigned under this section shall serve under the Chief of the US Diplomatic Mission[2]

Sec 614: Special Authority
(As amended by sec 117(a) Of the ISCDA of 1980, PL 96-533; 94 stat 3140)

(2) The president may make sales, extend credit, and issue guarantees under the Arms Export Control Act, without regard to provisions of the FAA or the AECA when he determines, and so notifies in writing the Speaker of the House and the Chairman of the SFRC that to do so is vital to the national security interests of the US

(3) Before exercising this authority, the President shall consult with, and shall provide a written policy justification to the SFRC, the HFAC and the Appropriation Committees of both chambers

(4) President may not exceed
(i) $750,000,000 in sales made under the AECA
(ii) the use of more than $250,000,000 made available under the AECA or the FAA
(iii) more than $100,000 in foreign currencies

(5)c The president may authorize up to $50,000,000 if it is inadvisable to divulge the nature of the use of these funds but must fully inform the chairmen and senior ranking members of the HFAC and the SFRC prior to using these funds

Arms Export Control Act

Sec 21: FMS: Sales From Stocks

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[2]This point is important since the Chief of Diplomatic Mission (Ambassador) is under State Department jurisdiction and, therefore, HFAC oversight. The regional unified Commander i.e. commander-in-chief Southern Command (CINCSOUTH) provides advice to the ambassador as to the optimal program for the following years security assistance program. The CINC receives input from Defense attaches, security assistance personnel, and other members of his command assigned to the respective country. He in-turn provides this information to the HASC and House Appropriations Defense Appropriations subcommittee during hearings and member visits. (Interview by author with General John Galvin, former CINCSOUTH and SACEUR, 13 April 1994).

(2)(c)(1) Personnel performing defense services sold under this Act may not perform any duties of a combatant nature, including any duties related to training and advising that may engage US personnel in combat activities
(Para 1 was amended and a para 2 added by sec 102 of the ISCDA of 1980 PL 96-533 Stat 3132)

(2)(c)(2) Within 48 hours of the existence of, or change in status of significant hostilities or terrorist acts or a series of such acts, which endanger American lives or property where US personnel are performing defense services pursuant to this Act or the FAA of 1961, the president shall submit to the Speaker of the House and President pro tempore of the Senate a report in writing, classified in necessary setting forth info provided in pr. 323
(As amended by sec 103 of the ISCDA of 1981 PL 97-113 95 Stat 1521)

LIST OF INTERVIEWEES

Presidents:

o Gerald Ford

Counselors to the president (White House Staff):

o C. Boyden Gray (Bush)
o Edwin Meese (Reagan)

Secretaries of Defense:

o Harold Brown (Carter)
o Casper Weinberger (Reagan)

Service, Under, & Assistant Secretaries of Defense:

o James Locher (Special Operations & Low Intensity Conflict)

Chairmans of the Joint Chiefs of Staff:

o Admiral William Crowe, USN (ret)

Vice Chairmans of the Joint Chiefs of Staff:

o General Robert Herres, USAF (ret)

Unified Comanders:

o General John Galvin, USA (ret)(US Southern Command)

Defense Security Assistance Agency:

o Tim Tyler
o Lieutenant General Ernest Graves, USA (ret)(Director)

Secretaries of State:

o James Baker (Bush)

Deputy, Under & Assistant Secretaies of State:

o Richard Clark (Bush)(Politico-Military Affairs)
o Lawerence Eagleburger (Bush)(Deputy)

State Department Officials:

o Abraham Sofaer (Reagan)(Legal Advisor)

National Security Advisors:

o Lieutenant General Brent Scowcroft, USAF (ret) (Ford &

Bush)

o Zbigniew Brzezinski (Carter)

National Security Council Members:

o Arnie Kanter (Special Assistant to President Bush)
o Colonel Don Snider, USA (ret) (and also former member of the Joint Staff)

HASC Members:

o Les Aspin (D-WI)
o Ike Skelton (D-MO)
o Floyd Spence (R-SC)
o William Dickinson (R-AL)
o Earl Hutto (D-FL)
o Dave McCurdy (D-OK)
o Robert Dornan (R-CA)
o Beverly Byron (D-MA)
o H. Martin Lancaster (D-NC)

HASC Professional Staff Members/Staff Assistants:

o Archie Barrett
o Warren Nelson
o Bill Fleshman
o John Ford (former staff director)
o William Hogan (former general counsel)
o Kim Wincup (former staff director)
o Rudy de Leon (former staff director)
o Anne Forester
o Matt Gardner
o Larry Caviola (former deputy staff director)
o Karen Heath
o Vernon Guidry
o Clark Murdock
o Douglass Necessary
o Andy Ellis
o Jim Miller

HASC Personal Staff Members:

o Tracey Butler - (for Marvin Leath (D-TX))
o Donna Martin - (for Barabar Boxer (D-CA))

HFAC Members:

o Dante Fascell (D-FL)
o Steve Solarz (D-NY)
o George Crockett(D-MI)
o Larry Winn (D-KN)
o Michael Barnes (D-MD)

HFAC Professional Staff Members/Staff Assistants:

o Mike Polayac
o Ivo Spalatin
o Lloyd Bishop
o Cathy Zimmer
o Jack Brady (former chief of staff)
o David Gordon
o Mara Rudman (general counsel)
o Chris Kojm (deputy chief of staff)
o Victor Johnson

House Members/House Leadership:

o Leon Panetta (D-CA)(former Chairman of House Budget Committee)
o Martin Sabo (D-MN)(Chairman of House Budget Committee)
o Jim Wright (D-TX)(former House Speaker and Majority Leader)
o Steve Bartlett (R-TX)

SASC Personal Staff Members:

o James Bodner (Defense Specialist for William Cohen (R-MN))

SASC Professional Staff Members:

o James Locher

SFRC Members:

o Richard Lugar (R-IN)

Resident Think Tank Scholars/Military Fellows:

o Norman Orenstein (American Enterprise Institute)
o Thomas Mann (Brookings)
o Robert Katzmann (Brookings)
o Louis Fisher (Congressional Research Service)
o Colonel Harry Summers, USA (ret) (Army War College)

Academics:

o Lieutenant General Benard Trainor, USMC (ret) (Harvard)
o Professor Ron Walters (Howard)
o Professor George Grassmuck (Michigan)

Journalists (Newspaper):

o David Broder (Washington Post)
o R.W. Apple, Jr. (New York Times)
o Eric Schmitt (New York Times)

Journalists/Editors (Magazines):

o Michael Kinsley (New Republic)
o Fred Barnes (New Republic)
o Christopher Madison (National Journal)
o Marty Peretz - Editor-in-Chief (New Republic)

Journalists (Television):

o Michael Kinsley (CNN Crossfire)
o Betty Dukhart - Producer (Meet The Press)
o Carin Pratt- Producer (Face the Nation)

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