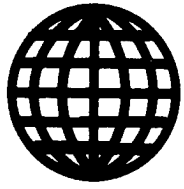


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Role of Congressional Committees

904K0003A Moscow SSHA: EKONOMIKA, POLITIKA, IDEOLOGIYA in Russian No 12, Dec 89 (signed to press 27 Nov 89) pp 12-22

[Article by Vladimir Arkadyevich Savelyev, doctor of historical sciences and senior scientific associate at Institute of U.S. and Canadian Studies; first paragraph is SSHA: EKONOMIKA, POLITIKA, IDEOLOGIYA introduction]

[Text] This is the second article explaining the workings of the highest legislative body in the United States. For the first, see N.A. Sakharov, "The U.S. Congress: Parliamentary Procedure," SSHA: EKONOMIKA, POLITIKA, IDEOLOGIYA, No 8, 1989.

When American lawmakers established their own form of parliament more than 200 years ago, they introduced several new elements into political practice. One of the cornerstones of American parliamentary procedure, for example, became the system of "little legislatures"—the working bodies of Congress, its committees.

During the first congressional sessions, the legislators introduced their bills into the Senate or the House of Representatives, and the latter then forwarded them for detailed consideration to specially created groups, which sprang up like mushrooms after the rain. Around 350 temporary special committees were formed, for example, in 1793-1795 to deal with specific matters. In 1800 the House of Representatives had only six standing committees.

It was not until after 1815 that the Senate, and then the House of Representatives, established the more stable system of standing committees which still exists with few changes today (see Addendum 1). Incidentally, the first to be formed were the rules committees: They always play a tremendous role in the business of parliament. Standing committees were better equipped in the legal sense than the temporary committees because they removed the problem of frequent selections, reassignments and appointments and had the even more important political advantage of immediately giving the parliamentarians a stronger position in their rivalry with the president for legislative influence. The development of the organizational structure of Congress also included the creation of smaller subdivisions—the subcommittees. These working bodies changed the nature of the legislative process: The harangues and turmoil of the plenary debates during the early stages of congressional work gave way to comprehensive and profound discussion of the recommendations of specialized committees; the leaders of party factions began to share their power with committee chairmen; because of the committees' oversight of the activities of executive agencies, the members of Congress began to call them "the eyes, ears,

hands and, in part, brains" of the Capitol.¹ In the words of American political scientist R. Davidson, "committees and subcommittees are at the center of the political process on Capitol Hill. They are the political nerve endings, keepers of information, sifters of alternatives, and engineers of legislative components."² It is no coincidence that the American parliamentary system was commonly referred to as "government by committee" in the past.

The history of the formation and development of the system of committees in the Capitol reflects the general process of the institutional maturation of a parliament. With a view to the hypothetical nature of analogies, we could say that our own reformed Supreme Soviet is now encountering approximately the same organizational problems the U.S. Congress had to deal with at the turn of the century.

Legislation in the Committee System

The activities of the highest legislative body, politically guided by the Democratic and Republican party factions, are carried out by the specialized working bodies of Congress—committees and subcommittees. It is here that the text of bills is discussed and drafted (see Addendum 2 for the procedure of considering bills).

This is the strongest filter of legislative proposals. Of the 3,740 bills introduced in 1988, for example, 1,013 were returned by committees for discussion by the full house, and only 280 of these became law.³ Most legislators have traditionally "put their trust" in the committees. This means that on frequent occasions, if the one or two members of Congress who usually make the main decisions of the committee should reject a bill, it will be defeated, at least by the current Congress. The committee can "kill" a bill by refusing to consider it, attaching amendments which change the original character of the bill, or using delaying tactics to put off the discussion indefinitely.

Committees analyze bills and compile qualified opinions on them, which are submitted to plenary sessions of the parent chambers. Without committees, a legislative assembly of 100 senators and 440 members of the House of Representatives (including 5 delegates with advisory status) could never cope with 7,000-10,000 bills and resolutions each year in our day. After all, each year they have to approve a federal budget which passed the trillion-dollar mark long ago, and they have to solve an endless stream of contradictory problems.

The functions of the committees include the maintenance of contacts with corresponding federal executive agencies, the approval of presidential appointments, the approval of treaties and executive agreements, the oversight of executive departments, consultations with their representatives and with private individuals and organizations, the organization of hearings on matters within their jurisdiction, and the issuance of recommendations.

The jurisdiction of the committees is defined by law, precedent, and the rules of procedure, covering over 220 items in the House of Representatives and around 200 in the Senate. According to Rule 25, for example, the Senate Armed Services Committee considers matters pertaining to 10 main spheres:⁴ aeronautics and activity in space connected with military systems; general questions of defense; the activities of military departments; the work of the Panama Canal Zone administrators; military research and development; the use of nuclear energy for national security purposes; offshore oil, with the exception of Alaskan resources; military salaries, promotions, and pensions and other rights and privileges of servicemen; military recruitment; defense-related strategic resources.

The jurisdiction of the Senate Foreign Relations Committee extends to 19 areas of public policy,⁵ including the use of the land and buildings of U.S. embassies and overseas missions; the borders of the United States; the diplomatic service; economic, military, technical, and humanitarian aid to foreign states; overseas loans; the international activity of the American Red Cross; international aspects of nuclear power engineering; international law; the International Monetary Fund and other organizations; intervention in the affairs of other states and the declaration of war; the protection of U.S. economic interests abroad; the oceans and international ecological and scientific problems; U.S. relations with foreign states; treaties and executive agreements; the United Nations and related organizations.

It must be said that the jurisdiction of various committees can overlap for objective reasons. This has its good and bad points. On the one hand, legislators increase the scope of their knowledge; no small group can establish a monopoly; external factors are given fuller consideration; competition between committees is encouraged. In 1977, for example, a subcommittee of the Senate Judiciary Committee headed by E. Kennedy was looking into the deregulation of trade (the reduction of government control). As a result, the committee of principal jurisdiction, the Committee on Commerce, drafted a new bill much more quickly than it had planned to at the beginning. On the other hand, the competition sometimes threatens to cause battles between committees. When E. Kennedy, this time already as the chairman of the Judiciary Committee, announced his intention to push for a trucking deregulation bill, Chairman G. Cannon of the Commerce Committee protested, calling it a "breach of jurisdiction." "What next?" Cannon asked. "Will Senator Kennedy decide to take the Bank Merger Act away from the Banking Committee or to exclude political action from the arsenal of the Rules Committee?"⁶

Committees have the right to make changes in, or additions to, the wording of any bill, including a presidential one. The main thing is that they are virtually independent of their parent chamber in their activity because the committees are more likely to decide the fate of bills.

Procedure for the Consideration of Bills

The daily routine of the committee is stipulated in the rules of procedure and a special calendar containing the numbers and names of measures to be considered, the names of the people introducing the measures, the date of their referral to committee, and a list of the actions taken by the committee. In most cases, however, committee chairmen follow a schedule drawn up by them in conjunction with the party leadership of the chamber. Each committee sets specific days for its meetings, and the most important standing committees in the Senate and House meet weekly.

The committee chairman might refer a bill to a subcommittee for more detailed consideration on his own initiative or at the request of the initiator of the bill. If the bill is important or controversial, the committee schedules public hearings and announces the dates in newspapers and in the CONGRESSIONAL RECORD. Invitations are sent out to interested individuals and establishments. The volume of work conducted at hearings can be judged from the example of the House Committee on Appropriations, which conducted 720 days of hearings with 10,215 witnesses and published 2,225 volumes of hearings totaling 202,767 pages in 1979-1980.

Hearings generally follow a traditional procedure: Witnesses read prepared statements; each committee member has a limited amount of time to question the witnesses; sometimes the "roundtable" principle—testimony by several people at once—is used to save time.

The fate of the pending measure is decided in the presence of only committee members. In the past these sessions were not open to the public, but since 1975 a closed session is permitted only by a special vote of committee members during an open session ("for reasons of national security" or "to protect the personal rights of citizens"). A closed session on a single matter cannot last more than 14 days.

The committee can submit a written report on the pending legislation to the parent chamber with or without amendments, can reject it immediately, or can "pigeonhole" it—i.e., postpone its consideration indefinitely. In the last two cases the committee is not obligated to inform the Senate or House of its decision.

The written report sent to the parent chamber is compiled by the chairman or by members at the request of the chairman. The report reflects the majority opinion and contains information about all of the actions taken by the committee in connection with the measure, lists the reasons for amendments, cites excerpts from existing laws which could be affected by the amendments, etc. Each report has its own number. If a committee member wishes to express a dissenting opinion or if several legislators wish to submit a separate minority report, they can do this only with the consent of the chamber, but they usually have no trouble obtaining it.

If a committee does not report out a bill for unspecified reasons, any member of Congress can request the chamber to deprive the committee of its right to continue considering the measure. If this resolution is passed by a majority of the legislators, the bill will be discussed by the full chamber without a committee report. In fact, this procedure is rarely used, to avoid undermining the authority of the "little legislatures." The civil rights acts of 1964 and 1965, for example, were passed precisely in this way, bypassing the Senate Judiciary Committee, which was dominated by southern Democrats.

Types of Committees

The U.S. Congress has standing, select, joint, and conference committees and committees of the whole. The standing and select committees play the leading role in congressional activity. They are formed in both chambers and specialize in specific areas of public policy. The Senate has 16 standing and 4 select committees, and the House of Representatives has 22 standing and 5 select committees (see Addendum 1).

Standing committees remain in existence for many years, and congressional rules require the passage of almost every bill (with the exception of those considered in select committees) through one of the standing committees. This means that committee conference rooms become the graveyard of the majority of bills introduced (the proportional numbers of approved and rejected bills have already been cited: Only 280 of the 3,740 bills introduced in 1988 were enacted into law). From the procedural standpoint, however, the committees simply decide which bills warrant discussion and adoption by the chamber membership. In any case, only 1 out of every 7-10 (data for different years) of the bills introduced is sent back to the chamber by the committee for further consideration.⁷

The numerical composition of committees is governed by the permanent rules of the chamber by an agreement between party factions. In recent years the largest have been the appropriations committees (29 and 57 members respectively in the Senate and House) and the smallest have been the committees on veterans' affairs and on the District of Columbia (12 and 11 members).

The correlation of party groups is a more complex matter. Neither the Constitution of the United States nor the rules of the chambers make any stipulations with regard to this. It would seem that the overall correlation of party forces could be used as a point of departure in committee assignments. This is the general approach of the Senate leadership. This was reflected, for example, in the Republican faction's compromise decision to increase the number of committee members after it had won a majority of seats in the Senate in 1980 so that Democrats would not have to give up their committee assignments. In the House of Representatives, however, the Democrats have been dominant since 1955 and have usually violated this balance openly, especially in the

most important committees. In 1980, for example, although Republicans had been elected to 44 percent of the seats in the House, the speaker yielded to the Democratic majority's pressure and assigned only 40 percent of the seats on the committees on appropriations and the budget, 34 percent on the Committee on Ways and Means, and 31 percent on the Rules Committee to the minority. Republican complaints about "majority tyranny" did not change anything.⁸

Almost all of the standing committees create subcommittees which deal with specific questions within the committee's jurisdiction. It is in the subcommittees that bills are drafted, after which the text is considered in the committee (only the latter has the right to submit the bill for final discussion) and on the floor of the chamber. Incidentally, subcommittees hold approximately twice as many meetings as committees. In recent years (1987-1988) the Senate has had 98 subcommittees and the House of Representatives has had 160.

In 1989 the House Foreign Affairs Committee had, for example, eight subcommittees: on Arms Control; International Security and Scientific Affairs; Europe and the Middle East; Human Rights and International Organizations; Asian and Pacific Affairs; Africa; Inter-American Affairs; International Economic Policy and Trade; International Operations.

Select committees are established for a limited time period and for a special purpose (investigation or research), but many of them have remained in existence for several congressional sessions and have differed little from the standing committees in terms of authority and procedure.

The joint committees of both houses do not draft bills. Their purpose is the coordination of the views of both chambers. (In this respect, they are similar to the temporary conference committees, which are formed to settle differences of opinion between the houses and to draw up a compromise bill.) Appointments to joint committees are made separately in each chamber, but supervision is exercised jointly by both; senators and members of the House take turns as the chairmen of these committees.

The committee of the whole—essentially the full membership of the chamber acting as a committee—plays a special role. This kind of committee is formed—or, more precisely, announced—to simplify and expedite legislative procedures. In the House of Representatives it consists of a minimum of 100 legislators (the fewer there are, the easier it is to constitute a quorum); meetings are conducted by a temporary chairman rather than the speaker. In the Senate this kind of committee meets to consider international treaties, and in the House it usually discusses financial matters.

When a bill passes the two houses in different forms, a conference committee is appointed to reconcile the differences and draw up a compromise version. The decision to turn the bill over to a conference committee must

be unanimous. The number and names of senators on the committee are decided by the majority leader and by the chairman of the standing committee considering the pending legislation with the approval of the chairman of the Senate. The seniority rule (the amount of time spent in the chamber or on the standing committee) is usually not followed in the appointment of members to a conference committee.

The chambers frequently issue instructions to their delegates, but they are not obligated to follow them to the letter. The members of a conference committee openly violate the rule of procedure against the modification of portions of a bill on which both houses agree and against the addition of new provisions. The conference committee frequently draws up a new bill which differs radically in form and in content from the two original bills.

Until November 1975 all meetings of a conference committee were secret. Only the official report of the committee and its substantiated decision on the matter under consideration were published. In 1975 the legislators decided that future conference committee meetings would be closed only if a majority of committee members "from any house and for any reason" should declare the need for this at an open meeting. This "reform" led to a situation in which conference committee members began holding "private secret meetings" to work on the bills.

Each chamber appoints from 2 to 10 members to a conference committee, and proportional representation is not observed because the senators and members of the House vote separately. Therefore, the conference committee effectively consists of two separate bodies, with all matters being decided by a majority vote in each. The committee report is signed by the congressional members constituting the majority. In contrast to the procedure in the standing committee, here the dissenting members do not have the right to submit a minority report. The final text of the bill cannot be amended. It can either be rejected by both houses or passed. In the first case the bill is sent back to the conference committee, with the old members or new ones, for further negotiation or is rejected, and the latter requires the passage of a joint resolution of both chambers.

Committee Assignments

Who guides and uses the strength of the committees? Above all, this is done by the chairmen of the standing committees, selected by the majority faction. They are the obvious choice when questions are asked about who controls the Capitol. It is true that the chairman of a standing committee wields great power. He decides which measures the committee will consider, the order of their consideration, and whether hearings will be held, he writes up the report on each bill, and he usually guides the bill through floor debate. He controls the hiring of

staff members and the distribution of staff among committee members. He creates and dissolves subcommittees and approves the list of their rights and obligations, their membership, and their budget. He selects the members of conference committees. In most cases the chairman decides which of the legislators, at least in his own party, will be sent on the foreign trips of such great importance from the standpoint of prestige.

The power of the chairman, and of the ranking minority member of the committee (the leading legislator from the minority party), naturally depends on his official powers (financial, personnel, etc.) and on political factors (the correlation of party mandates, the degree of faction unity, the ideological outlook of the majority, and the chairman's personal style and his relations with the party hierarchy, the president, and his staff). There is something like a table of ranks, both official and unofficial, for the committees. The distribution of legislators among committees is conducted in accordance with it. Assignments to various committees are made by party groups, and these recommendations are then approved at plenary sessions of the chambers.

The nature of the power of committee chairmen began changing in the 1970's. Many of them still act like dictators, but they no longer have despotic power. These changes are connected largely with the increasing role of subcommittees, which are playing a much more important part in the legislative work of Congress. Statistics show that each senator is a member of approximately three standing committees and seven subcommittees, and the respective figures for the House of Representatives are two and four.⁹ Situations in which a legislator must attend meetings of three or four subcommittees simultaneously are common. For this reason, decisions on bills are usually made by the chairman of the subcommittee, and not of the whole committee. The bill then passes easily through the committee, where the members rarely read the full text of documents, and is almost automatically passed on the floor of the chamber. The system of subcommittees provides opportunities for bargains behind the scenes and simultaneously enhances the role of "expert legislators."

The Democrats divide the House committees into three categories: the most important (Appropriations, Ways and Means, and Rules); important (Agriculture, Armed Services, Banking, Finance, and Urban Affairs, Education and Labor, Foreign Affairs, Energy and Commerce, Judiciary, and Public Works and Transportation); and minor (there are 11 of these). A Democrat who is a member of one of the major committees cannot be a member of another; members of the Committee on Ways and Means are allowed to work on the Budget Committee as well because of its specific jurisdiction. Each Democrat is guaranteed at least one seat on a major or important committee, and no one can be a member of more than one important and one minor committee or more than two minor committees. No one can be

selected for more than five subcommittees. Finally, each can head up only one committee and only one subcommittee of that committee.

The Republican rules of selection for House committees are less rigid: They do not prohibit simultaneous assignments to several subcommittees. The ranking Republican—i.e., the head of the party faction—on a committee can also work on another.

Senate committees are divided into two categories—main (there are 12 of them: Agriculture, Appropriations, Armed Services, Banking, Housing and Urban Affairs, Commerce, Energy, Environment, Finance, Foreign Relations, Governmental Affairs, Labor, and Judiciary) and secondary—a category taking in three standing committees and all of the joint and select committees. According to the “Johnson rule,” which has been in effect since 1953, all Democrats should receive at least one assignment to the main committees before anyone receives a second assignment. Each Democrat or Republican can serve on two main committees and one secondary committee and must not be a member of more than three subcommittees of one main committee and two subcommittees of a secondary committee. The size of committees can be changed by an agreement of the majority and minority leaders.¹⁰

Obviously, all of these criteria take the current influence and prestige of committees into account, but the situation can change. After 1974, for example, the Committee on the Judiciary, which was once one of the most prestigious in the House of Representatives, lost its appeal. Its liabilities included the limited resources at the disposal of the committee and the difficulty of building up a campaign fund on this committee. Chairman P. Rodino of the committee wrote that the committee has “no money for distribution. No grants. No loans. No credit. No subsidies.... The social problems (abortion, prayer in the schools, school busing, gun control, and capital punishment) the committee has to deal with are so controversial that a single wrong statement or wrong vote can mean election defeat.”¹¹

The informal criteria by which the legislators solicit committee assignments are campaign considerations, the interests of their state, region, or district, and party and ideological motives. Tradition is also important to the leadership: When S. Nunn insisted on his appointment to the Armed Services Committee, he substantiated his claim not only with the high concentration of military installations in his native state of Georgia, but also with the experience of his relative C. Vinson, who headed up the House Committee on the Armed Services for a long time. Sometimes the gender of the legislator is taken into account in assignments to prestigious committees.

Pros and Cons of “Little Legislatures”

“The committee structure of Congress is simultaneously one of its strengths and one of its weaknesses,” observed former Congressman B. Eckhardt (Texas).¹² It is true

that, on the one hand, the committees allow Congress to analyze a constantly growing variety of complex legislative issues. On the other, the fragmentation of power in the committees and subcommittees creates something like departmental cross-purposes within the Congress and complicates the coordination and elaboration of a single approach.

In any case, the committees indirectly decide the agenda of the chambers when they prepare reports on bills. It is extremely difficult to bypass the committees, although procedures for this do exist.¹³

Committees usually act independently of one another. It is interesting that the system of committee assignments strengthens their wish for autonomy. What is more, each forms its own traditions, and these are frequently more important to the legislators than other factors, even party loyalty. This is the reason for the attempts to protect the “little legislatures” from criticism, violations of their jurisdiction, and the reduction of their role in the legislative process.

The dispersal of power in the Congress as a result of the reform of the 1970’s (the development of subcommittees, the non-observance of the seniority rule in the selection of committee chairmen, the reinforcement of the technical and informational support staff of the Capitol, etc.) complicated the work of party faction leaders, who now have to depend more on compromises and on putting together various coalitions. Finally, the development of the committee system is continuously strengthening committee contacts with executive departments and simultaneously enhancing the role of non-elected representatives—congressional employees—in the legislative process.

Therefore, the main advantage of the committee system is the specialization which raises the standards of the expert draftsmanship of bills and provides broad opportunities for the profound and thorough consideration of specific measures. Another important advantage is that many members of politico-ideological groups and the academic community can cite arguments “for” and “against” measures during committee hearings. In this way, political pluralism and a variety of possible approaches to the resolution of problems are exercised not only in the speeches and positions of parliamentarians, but also in the announcement (even if only partial) of the needs and desires of the most diverse forces and organizations. Congressional committees are distinguished by efficient division of labor, the expert collection and processing of data, the dismissal of obviously weak legislative proposals and the reinforcement of promising ones, and a procedure facilitating necessary political compromises. In short, it is through its committees that the Capitol performs almost all of its functions in one way or another—legislative or representational, the accomplishment of institutional consensus or feedback from the voters, oversight of the bureaucracy, or the legitimization of chosen policy lines. The clear disadvantages of the committee system must not be overlooked

either. It is within the corridors of the "little legislatures" that it is easiest of all to manipulate information, to conceal important features of bills or compromises from the majority of voters, and to block the passage of vitally important and popular proposals. Excessive conservatism, procrastination, biases, exclusive interests, and "agent-client" relationships with the powers that be can also diminish operational efficiency.

Footnotes

1. "Cannon's Procedure in the House of Representatives," House Document (hereafter abbreviated HD) 122, 80th Congress, 1st Session, Washington, 1959, p 83.
2. "CONGRESSIONAL QUARTERLY (hereafter abbreviated CQ) Guide to Congress," Washington, 1982, p 451.
3. CONGRESSIONAL RECORD, 21 October 1988, p D1397.
4. "How Our Laws Are Made," HD 96-352, Washington, 1980, p 10.
5. "CQ Guide to Congress," pp 950-952.
6. R. Davidson and W. Oleszek, "Congress and Its Members," Washington, 1985, p 225.
7. "Vital Statistics on Congress, 1987-1988," Washington, 1987, pp 165-167.
8. R. Davidson and W. Oleszek, *Op. cit.*, pp 210, 211-212.
9. "Vital Statistics on Congress, 1987-1988," pp 128-130.
10. "CQ Guide to Congress," pp 462-463.
11. R. Davidson and W. Oleszek, *Op. cit.*, p 214.
12. *Ibid.*, p 232.
13. In the House of Representatives: a) the suspension of a committee's right to consider a bill (bills have been passed only twice in this manner since 1910); b) the use of the special device known as "Calendar Wednesday," envisaging the possibility of expediting the consideration of virtually any bill on Wednesdays, and also limiting general debate to 2 hours (the procedure has been used 13 times since 1943); c) a decision by the Rules Committee on the consideration of a bill without a committee report. In the Senate, in addition to suspending the committee's right to consider the bill, the legislators use: a) the attachment of the bill to another bill in the form of an amendment; b) the placement of the bill directly on the calendar for discussion on the chamber floor; c) the suspension of rules by unanimous consent. The amendment procedure is used most frequently.

Addendum I

Committees of U.S. Congress

The figures in parentheses are the years the standing committees were established, and the figures following the parentheses are the number of subcommittees (many committees were established under other names and with other jurisdictions than those they have today. All of the names are taken from the reference encyclopedia "Sovremennyye Soyedinennyye Shtaty Ameriki" [The United States of America Today], Moscow, 1988, p 59).

I. Senate

Standing Committees

1. Agriculture, Nutrition, and Forestry (1825)—7
2. Appropriations (1867)—13
3. Armed Services (1816)—6
4. Banking, Housing, and Urban Affairs (1913)—9
5. Budget (1975)—none
6. Commerce, Science, and Transportation (1958)—8
7. Energy and Natural Resources (1816)—6
8. Environment and Public Works (1837)—6
9. Finance (1816)—9
10. Foreign Relations (1816)—9
11. Governmental Affairs (1842)—7
12. Judiciary (1816)—9
13. Labor and Human Resources (1869)—7
14. Rules and Administration (1816)—none
15. Small Business (1950)—9
16. Veterans' Affairs (1970)—none

Select Committees

1. Intelligence (1976)—(the intelligence committees of both houses are permanent in terms of their functions, but they are listed among the select committees in line with the rules of procedure)
2. Indian Affairs
3. Ethics
4. Aging

II. House of Representatives

Standing Committees

1. Agriculture (1820)—8
2. Appropriations (1865)—13

3. Armed Services (1822)—7
4. Banking, Finance, and Urban Affairs (1865)—8
5. Budget (1875)—9
6. District of Columbia (1808)—3
7. Education and Labor (1867)—8
8. Energy and Commerce (1795)—6
9. Foreign Affairs (1822)—8
10. Government Operations (1816)—7
11. House Administration (1822)—8
12. Interior and Insular Affairs (1805)—6
13. Judiciary (1813)—7
14. Merchant Marine and Fisheries (1887)—5
15. Post Office and Civil Service (1808)—7
16. Public Works and Transportation (1837)—6
17. Rules (1880)—2
18. Science, Space, and Technology (1958)—7
19. Small Business (1942)—6
20. Standards of Official Conduct (1967)—none
21. Veterans' Affairs (1813)—5
22. Ways and Means (1802, a select committee from 1795 to 1802)—6

Select Committees

1. Intelligence
2. Aging
3. Children, Youth, and Families
4. Hunger
5. Narcotics Abuse and Control

Joint Committees

1. Economic
2. Taxation
3. Library of Congress
4. Printing

Addendum 2

Main Stages of the Passage of a Bill Through the House of Representatives

1. Introduction of the bill
2. Referral to a standing (or select) committee

3. Committee report on bill—usually following committee or subcommittee hearings
4. Calendaring of bill
5. Consideration by the Committee of the Whole (on the "Union Calendar"—a special House calendar for the discussion of financial measures in the order of their return to the floor by standing committees, including debates and the reading of amendments, with a time limit of 5 minutes on speeches)
6. Second reading of bill and discussion, with the right to introduce amendments
7. Approval of the wording of the bill and third reading
8. Passage
9. Notification of Senate
10. Consideration by Senate—usually following committee referral and report
11. Return of bill to House of Representatives (with or without amendments), notification of defeat of bill in the event of Senate rejection
12. Consideration of Senate amendments in House
13. Settlement of differences in conference committee
14. Approval of final draft
15. Verification of accuracy of text by appropriate committee
16. Signing of bill by speaker of House and presiding officer of Senate
17. Delivery of bill to president of the United States
18. Presidential signature or veto
19. Action in the event of veto—reconsideration of draft by both chambers, scheduling of vote or referral to committee

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"SShA—ekonomika, politika, ideologiya", 1989

Improving Quality of U.S. Armed Forces

904K0003B Moscow SSHA: EKONOMIKA, POLITIKA,
IDEOLOGIYA in Russian No 12, Dec 89 (signed to
press 27 Nov 89) pp 23-32

[Article by Mikhail Ivanovich Gerasev, candidate of historical sciences and senior scientific associate at Institute of U.S. and Canadian Studies, and Sergey Aleksandrovich Kulik, candidate of historical sciences and senior scientific associate at Institute of U.S. and Canadian Studies; first four paragraphs are SSHA: EKONOMIKA, POLITIKA, IDEOLOGIYA introduction; passages in boldface as published]

[Text] Today there is probably no need to prove that the armed forces of the USSR, like many of our other government institutions, need fundamental restructuring. The political decisions of recent years have stipulated the guidelines, assigning priority to the principle of reasonable sufficiency and the consistent reinforcement of the defensive nature of all components of Soviet military policy. Although this policy line obviously requires further elaboration and clarification, its final goal is quite clear and consists in a much lower level of military confrontation and the guarantee of the increasing stability and security of this level.

Along with this outwardly directed goal of military restructuring, there is an equally important and urgent domestic goal—a lower level of military spending to free production and financial resources capable of providing additional momentum for the ongoing economic reform. In the final analysis, this is a matter of guaranteeing stronger security with a reduced volume of military investment.

It is clear that the only way of attaining this goal now consists in the reduction of armed forces and arms combined with their qualitative improvement. Although the idea of this improvement seems unquestionable in theory,¹ it is clear that its realization will necessitate answers to several major questions and, above all, the determination of the exact quality criteria to be applied to specific aspects of the military. One of the most important aspects consists of the development and modernization of military equipment and weapons, a process which is certain to continue even under the conditions of disarmament. It is in this sphere that there can be different interpretations of the principle of qualitative improvement and it is here that we can expect conflicts between effectively opposite points of view with regard to the qualitative criteria of weapons.

The American experience could be of indisputable value in the investigation of this matter. The United States has traditionally assigned priority to the factor of quality as a much more important component of the combat strength of armed forces and arms than their numbers. Besides this, American publications contain the kind of extensive and detailed military-technical information without which a sound analysis would be impossible.

The prevailing approach in the United States was described quite accurately by well-known American researchers J. Reppy and F. Long, who were already saying at the end of the 1970's that "the appearance of new technical possibilities...creates the strongest incentive for finding their military applications."² Of course, the use of the latest scientific and technical achievements in the military is not a goal in itself for the Pentagon, but a way of enhancing the combat effectiveness of weapons (i.e., their quality) by improving certain key features, such as kill probability, survivability, flexibility, etc.

The "Quantity-Quality" Dilemma

Although this approach seems entirely convincing on the surface, it has been the target of pointed and logical criticism by many American experts for several years. Above all, they have said that the increasing complexity of weapons systems is unavoidably accompanied by their higher cost, and this, in view of the limited nature of the budget, is leading to the reduction of the total number of arms. It is true that the higher cost of each new generation of weapons and even of each new model has become a chronic process in the United States. In the postwar period, for example, the cost of American tanks in constant dollars rose 10-fold, the cost of combat aircraft rose 100-fold, and the cost of air defense weapons rose 2,000-fold. During the same period the average cost of airborne electronic equipment rose from 3,000 dollars to 2.5 million dollars, and the cost of airplane engines rose from 4,000 dollars to 2 million dollars.³ The rate of increase in the cost of the main types of weapons can be judged from the data in Table 1, which compares the average costs of the two latest generations. The same tendency can be seen in each successive model of the same weapons system. Between 1970 and 1985, for example, the cost of new models of airborne weaponry almost tripled.⁴

Table 1. Average Cost of Basic Types of U.S. Weapons, in Thousands of Dollars, 1982

Weapon categories	1970	1982
Transport helicopters	1,000	7,600
Assault helicopters	3,500	15,000
Basic combat tanks	1,200	2,600
Infantry fighting vehicles and armored carriers	200	1,500

Source: A. Goodpaster, L. Elliot, and A. Hovey, "Toward a Consensus on Military Service: Report of the Atlantic Council's Working Group on Military Service," Washington, 1988, p 171.

American experts discovered the following tendency: An increase in the technical complexity of weapons leads to higher combat effectiveness, but as this indicator reaches the theoretical maximum, any further rise of 1 percent increases the cost of the system by 30-50 percent.⁵ In line with this tendency, the enhancement of the kill probability factor of a weapons system from 96 to 99 percent can only be accomplished with a threefold (or higher) increase in its price.

As for the reduction of the number of weapons, this tendency can be illustrated with the following figures: Since the middle of the 1950's annual Pentagon purchases of fighter planes decreased from 3,000 to 200, and tank purchases decreased from 6,500 to 700.⁶

Another significant aspect of this matter warrants consideration: The reduction of equipment purchases (and, consequently, of production) increases the cost of equipment. This occurs because, first of all, the R & D costs included in the price of the item must be distributed among a smaller number of finished products when

production volume is reduced. Second, there is an economically sound optimal production volume, distinguished by minimal production costs, for any item. The conclusions of a study conducted by the Congressional Budget Office are indicative: Experts from this office analyzed 40 of the main military programs in 1987 and found that only 4 of them had reached this optimum.⁷

Therefore, the rise in production costs in connection with increasing technical complexity activates the economic factor promoting the continuous rise of expenditures on new weapons. We can trace this tendency in a comparison of the costs of specific weapons systems in different purchasing volumes. In 1978-1971, for example, the U.S. Defense Department bought 277 F-15 planes at 26.8 million dollars each and 605 F-16's at 15.1 million dollars each. In 1982-1985 purchases of these fighter planes decreased respectively to 153 and 534, while the price soared to 42.5 million and 17.5 million dollars.⁸ The rapid reduction of the production of another fighter, the F-14, in connection with budget problems was also accompanied by the rise of its cost by more than 100 percent: from 31 million dollars in 1986 to 74 million in 1988.⁹ Although it is obvious that this economic mechanism was not the only reason for the increase, it seems to have played a substantial role in the rising price of these planes. According to an expert, Senator S. Nunn, the proportional cost of weapons could be reduced by 5-25 percent just by producing them in economically optimal quantities.¹⁰

Another direct result of the increasing complexity of new weapons systems is their much slower development. As a result, the existing arsenal becomes less flexible from the standpoint of its ability to respond quickly to changing operational requirements, and the new equipment delivered to troops is often obsolete even before the development project is finished. Besides this, slow renewal also leads to the noticeable physical depreciation of existing weaponry, and this gives rise to an entire group of problems connected with their maintenance and repair.

Finally, the heightened complexity of new military equipment and its high cost, as Soviet research V.V. Borisov pointed out, frequently exclude the possibility of the simultaneous development of several alternative weapons systems, and this raises the already high level of technical risk.¹¹

These are the most conspicuous consequences mentioned by critics of the current U.S. approach to the use of scientific and technical innovations in the military sphere. During the debates, the advocates of a continuous increase in the complexity of weapons offer counterarguments. Above all, they stress that the latest technology augments the combat effectiveness of weapons to such an extent that it more than compensates for the decrease in their number and all other consequences. As proof, they usually cite the results of tests and evaluations of the so-called "exchange factor," according to

which, for example, the effectiveness of the F-15 fighter is equivalent to the effectiveness of 88 planes of the previous generation (F-5).

The opponents of the Pentagon's prevailing practice, however, assert that these evaluations are artificial because they are based on comparisons of a limited group of performance characteristics. Isolated "duels" between the chosen systems are used as the model of combat operation in these comparisons. When more realistic and complex models of a dynamic nature and with a higher number of interacting participants are used, these evaluations can change considerably. There is corroboration for this serious theoretical argument. During a series of special Pentagon tests in 1976 and 1977, for example, multiple-aircraft air-to-air combat options were tested with the most technically advanced American F-15 fighters and other, less complex planes. It turned out that the differences in the performance specifications of the fighters had less and less influence on their combat indicators as the number of participants in the multiple-aircraft battles rose (beginning approximately at the level of four planes).¹²

Technical Complexity as a Factor of Combat Readiness

The effect of the increased technical complexity of weapons on an indicator as important as combat readiness is given an extremely negative assessment by most experts, who stress that the reliability and the necessary level of maintenance of equipment are unavoidably diminished by an increase in complexity. The reasons are quite clear. An increase in the complexity of a technical system primarily means a higher number of components, and this diminishes the reliability of the entire system even when the reliability of individual elements is enhanced.¹³ Experience has confirmed this conclusion. If we compare two generations of aircraft engines—the J-79 used in the F-4 fighter, and the F-100 used in the F-15 and F-16 fighters, the number of elements just in their fuel monitoring system is 1,000 in the first case and 4,500 in the second. The radar system of the F-4B consisted of under 5,000 elements, but the same system in the F-4J is made up of more than 30,000.¹⁴

Indicators of reliability, generally measured as the average number of operating hours between malfunctions, also change in line with this tendency. It was 3,049 hours for the J-79 and only 386 hours for the F-100.¹⁵ For tactical aircraft the tendency is illustrated in Table 2. The choice of airborne systems as examples was connected with the fact that technical improvements and all of the tendencies in question are revealed in their most pronounced form in these systems today. In general, however, these trends are also characteristic of other types of military equipment. For example, the new American M-1 tank requires an average of 2 hours and 42 minutes of maintenance for each hour of operation, whereas its predecessor, the M-60, required only 24 minutes.¹⁶

Table 2. Reliability and Required Maintenance Indicators of U.S. Tactical Aircraft

Type of plane	Level of complexity	Percentage of combat-ready systems	Operating hours between malfunctions	Man-hours of maintenance per flight	Man-hours of maintenance per month
A-10	low	67.4	1.2	18.4	20.9
A-4M	low	72.3	0.7	28.5	41.0
A-7D	medium	61.4	0.9	23.8	20.3
F-4J	medium	65.8	0.3	82.7	77.4
A-6E	high	60.7	0.3	71.3	67.9
F-14A	high	52.9	0.3	97.8	74.5
F-111D	high	34.1	0.2	98.4	30.5

Source: ARMED FORCES JOURNAL INTERNATIONAL, May 1980, p 28.

We could conclude from these data that higher complexity also means a lower percentage of combat-ready systems in good working order. American expert E. Riccioni, a retired Air Force colonel, suggested a formula in which the percentage of combat-ready weapons is inversely proportional to the square of the coefficient of complexity.¹⁷

This situation gives rise to a whole group of negative tendencies. First of all, the intensity of personnel training programs is diminished. In the last 10 years, for example, the average flight time of a tactical air crew in the United States was reduced by more than a third—from 26 to 16 hours a month. Second, the cost of military equipment test programs rises, and in many cases this necessitates program cuts. Third, servicing and maintenance are also more complex and require more time and more highly skilled personnel. The routine inspection and maintenance of the Patriot missile, for example, consists of more than 600 operations, and it takes 38 weeks to train a mechanic. It took no more than 120 operations to service its predecessor, the Hercules, and the training course was only half as long.¹⁸ Besides this, according to reports in the American press, for the servicing and maintenance of the new super-complex electronic equipment on naval ships, the U.S. Navy, even with its professional maintenance staff, has to use the services of the companies producing these systems on a permanent basis, and this could cause definite difficulties in wartime.

After reviewing all of these facts and estimates, we can conclude that the higher technical complexity and, consequently, higher cost of new weapons have a negative side because they have an adverse effect on such characteristics of the armed forces as the combat readiness of military hardware and personnel. The seriousness of these problems has been pointed out repeatedly by civilian experts and congressmen and even by Pentagon spokesmen.

Former U.S. Secretary of Defense H. Brown presented a thorough analysis of the problem in a special report sent to the military departments at the beginning of 1980. It said that "the purchasing and maintenance costs of our tactical air force are consuming an ever increasing share of the defense budget. Its higher complexity is an important cause of its rising costs and of problems in maintaining the combat readiness of crews and equipment. If these tendencies continue, our ability to maintain the armed forces will be jeopardized.... The feasibility of combat training programs is related directly to the complexity and cost of military equipment. The higher the cost, the less realistic the testing program."¹⁹

The consequences of this policy line first took the form of the perceptible disruption of the internal proportions of the American defense budget, because the servicing and maintenance of more complex and more expensive equipment unavoidably require much larger appropriations. According to the U.S. Defense Department data cited in the previously mentioned work by V. Borisov, the approximate distribution of U.S. Air Force expenditures on aircraft throughout their service life was the following in 1960: 30 percent on development, 40 percent on production, and 30 percent on operation. In 1980 the respective figures were 11, 17, and 70 percent. Similarly, the cost of purchasing surface ships and submarines does not exceed 25-40 percent of total service-life expenditures at this time. Therefore, an increasing share of the defense budget is being used for maintenance and operation.

In the 1980's the emphasis on technically complex and expensive arms programs in American military organizational development became even more pronounced, and this naturally had a negative effect on the combat readiness of American armed forces. Their real combat potential naturally increased more slowly than might have been expected from predictions based solely on the dynamics of the "investment" portion of the budget.

In fact, in spite of the absolute quantitative increase in the amount of equipment in the U.S. military arsenal and the rise in appropriations for programs for the enhancement of combat readiness, the increase in the percentage of completely combat-ready systems was far from proportional, and the Reagan administration was unable to reach projected indicators for most categories of weapons. More and more equipment ended up in repair shops or warehouses waiting for spare parts or servicing and maintenance. This was accompanied by the spread of the "cannibalistic" practice of removing the necessary spare parts from serviceable equipment instead of getting them from reserve stocks. Besides this, the increasing purchases of more complex military equipment kept the Reagan administration from solving the problem of the chronic shortage of reserve stocks of weapons, ammunition, spare parts, and other equipment, and also (despite the absolute growth of appropriations) from improving the situation with regard to training programs. As a result, according to several experts, in spite of the unprecedented growth of the

defense budget, the real combat capabilities of the American Armed Forces were qualitatively no better than at the end of the 1970's. It appears that this was largely due to the emphasis on technically complex weapons in military organizational development in the United States.

The relationships, cited here, between the level of complexity, reliability, and other service parameters of weapons would seem to contradict common assumptions. It is true that scientific and technical development in virtually all civilian branches is accompanied by the improvement of the operational and service characteristics of the product, and frequently with a drop in the cost of the product. The reasons for this contrast are not connected with the fundamental features of military equipment per se, but with the radical differences in operating conditions in the civilian and military markets. In the civilian sector the possibility of selling a product depends not only on its level of technical originality and its superior characteristics in comparison with competing items, but also, to an equal or greater extent, on such parameters as reliability, durability, and—certainly—cost, which is becoming an integral part of the concept of product quality.

The absence of real competition in the military market, combined with the "consumer's" emphasis on a strictly limited set of product quality parameters and his willingness to pay an ever higher price for the improvement of products, create a fundamentally different situation in the military sector, and this is what gives rise to the problems in question. We could conclude that the source of these problems is not the process of technical improvement per se, but the American military establishment's approach to this process, assigning priority to the improvement of only a limited group of quality criteria even when this is done at the expense of service and maintenance parameters and results in rapidly rising costs.

Weapons in Combat

To what extent is this practice dictated by the objective requirements of the contemporary armed conflict? Is it possible that the present specifications of weapons are so high that technical super-complexity, despite all of the previously listed drawbacks, is the only way of keeping the military potential of a state at the necessary level?

Available data, especially information about the use of weapons in combat, do not seem to provide grounds for this kind of categorical conclusion. The most detailed studies to date have dealt with the combat experience of U.S. tactical aircraft. Three generations of American planes were tested in combat, first in Korea and then in Vietnam and the Middle East. There have been sufficient examples to prove that new and more technically advanced planes are not always more effective in a combat situation.

In general, many data raise questions about the expediency of several basic directions in the improvement of

tactical aircraft, particularly the rapid increase in flight speed and the combination of different combat functions.

In reference to the increase in speed, which occasioned several necessary technical innovations, the following data are indicative. During the war in Vietnam, American planes with a maximum speed of Mach 2 made 100,000 combat flights. Not one second of flight time at speeds over Mach 1.8 was recorded, and the total amount of time at speeds above Mach 1.4 was measured in minutes. All of the combat missions were conducted at speeds of no more than Mach 1.2, and primarily in the subsonic range. There were several reasons for this, including the sharp increase in fuel expenditures at supersonic speeds and the considerable increase in infrared emissions, making the plane more vulnerable to antiaircraft weapons with infrared-guidance systems. The main reason, however, was probably the fact that the survivability of aircraft ultimately depends not on their speed, but on their maneuverability, and this is sharply limited in the supersonic range.

In the same way, the experience of combat operations did not provide any unequivocal confirmation of the accuracy of the second direction—the development of the multi-purpose fighter-bombers, which were much more complex and much more expensive because of the need to combine different functions. As Soviet specialist V.K. Babich observed, "in the planning stage there were many arguments in favor of a multi-purpose plane, but in the complexity of real battle all of these arguments were refuted."²⁰

The multi-purpose aircraft turned out to be much less survivable for several reasons, but the main obstacle to their use was the human being. In the opinion of American experts, it turned out to be much easier to produce a multi-purpose plane than a multi-purpose pilot.

The latter fact, indicating the importance of the human factor, aroused the interest in another area of aircraft modernization, which could be defined in general as the development of systems replacing the pilot in the performance of specific functions. These include automatic terrain-following systems for flight at extremely low altitudes, air-launched homing missiles, equipment for the computerized monitoring of the air situation with an increasing radius of action, etc. The combat tests of several of these systems have also left many important questions unanswered.

In spite of the vigorous efforts to improve navigation and performance aids and to automate flight control systems, the indicators of accidents caused by flight personnel during flights at low altitudes have always remained approximately the same. In other words, the training and skill of pilots—in short, everything that makes up the concept of the "human factor"—have lost none of their significance as a result of technological development.

The same conclusion can be drawn from data on the use of various categories of weapons in air battles. In spite of the development and rapid improvement of long-range and highly accurate air-launched missile systems, a comparison of the statistics of air battles in the last several local conflicts indicates that airborne guns have not been used less frequently by air crewmen. Available data indicate that the opposite tendency is more likely. Even when missiles have been used in air battles, they have not been effective enough. According to the data of INTERAVIA magazine, only 1 out of every 11 Sidewinder missiles launched during the war in the Middle East hit the target, and most of these were at close range (1-2 kilometers).²¹

The list of examples of this kind could go on, but even these isolated facts and estimates would seem to offer sufficient confirmation of the main conclusion: **At any given level of the development of military equipment, the human factor is still the decisive component of its combat effectiveness.** This conclusion is also corroborated by general statistics: 20 percent of all pilots are responsible for 80 percent of all the planes shot down in air battles.²² This brings us back to the negative effects of more complex military equipment on the intensity and feasibility of personnel training programs. In other words, it might turn out that the increase in the combat potential of weapons will not compensate for deficiencies in personnel training in many cases, and the combined effect might turn out to be negative.

Therefore, in this area there would seem to be something like a **law of diminishing returns, in which the improvement of the traditional performance characteristics of weapons beyond a certain point begins to diminish their combat effectiveness and is accompanied by an entire group of problems.** In this situation, indicators of combat readiness and such "non-material" factors as the fighting skills of personnel and progressive tactics in the use of armed forces will play the decisive part in the further growth of the combat potential of individual weapons systems and whole categories of armaments. The effectiveness of any system, including a military system, depends largely on the effectiveness of its weakest link. If the human being is this link, then no technical improvement in the weapons themselves can compensate for this. In connection with this, it is evident that the final result of the continued augmentation of the combat potential of weapons by making them extremely complex, with a progressive increase in material expenditures, might be the direct opposite of those anticipated.

It would certainly be wrong to believe that the facts and estimates cited in this article apply exclusively to American military organizational development. In spite of all the significant differences between the U.S. and USSR military structures, the practice of military organizational development in these countries seems to reveal more similarities than differences.

It goes without saying that many of these problems are more pronounced today in the United States because of

the definite American fascination with technocratic processes and because of our country's technical underdevelopment. Many facts pertaining to our own experience, however, suggest that these tendencies could be just as characteristic of Soviet military departments. There is a distinct bias in favor of investment in the USSR budget. In other words, priority is assigned to financing programs to equip forces with new weapons and materiel, military R & D, and the construction of military installations. Whereas investment items represented 43 percent of the U.S. budget in fiscal year 1989, the figure in the USSR was 68 percent. Even at the height of the Reagan administration's program for the modernization of the armed forces, investments did not exceed 47 percent of the Pentagon budget, and the average for the 1970's was below 30 percent. The natural conclusion is that **the problems, mentioned in this article, in maintaining the combat readiness of U.S. armed forces and their effect on the military potential of the country are equally likely, and perhaps even more likely, to be present in our country.**

On the basis of this analysis of American experience, we can formulate some important principles which should be borne in mind during the choice of a new approach to military organizational development in the restructuring of the Soviet Armed Forces.

1. The decisive factor of the qualitative level of armed forces, despite technical developments, is still the combat, emotional, and mental fitness of troops, their degree of training and combat readiness;
2. During the course of military organizational development, unconditional priority must be assigned not to the quicker renewal of military equipment, but to the maintenance of already deployed weaponry at the optimal level of material and technical sufficiency;
3. The technical improvement of weapons can only follow positive results in implementing the first two principles;
4. The direction and speed of technical improvement should be determined not on the basis of the potential capabilities made possible by scientific and technical development, but on the basis of a strict and sound analysis of the real requirements of a hypothetical military conflict, with a view to the criteria listed above and the need to minimize the rise in the cost of new generations of military equipment;
5. Assessments of the qualitative level of weapons should be conducted with consideration for a broad range of criteria, among which the level of technical complexity and modern design of weapons systems will occupy far from the leading place.

The suggested approach to the qualitative improvement of armed forces brings up another problem. The process of the technical improvement of weapons and, consequently, of the constant augmentation of weapon complexity is objective in nature and will continue as long as

the weapons themselves exist, even if it is managed with maximum efficiency. This raises a question: How can the objective of the qualitative improvement of the armed forces with an emphasis on the human factor be attained in the future with a non-professional army? It is clear that the discussions of this matter in the Soviet press should carefully examine not only the social and economic aspects of the repeal of universal military service obligations, but also the purely military aspect.

Footnotes

1. For more about this, see, for example, G.K. Lednev, "Can the Nuclear Deadlock Be Broken," SSHA: EKONOMIKA, POLITIKA, IDEOLOGIYA, 1989, No 7.
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3. J. Fallows, "National Defense," New York, 1981, pp 37-38.
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6. J. Fallows, Op. cit., p 38; "The Defense Reform Debate. Issues and Analysis," Baltimore, 1984, p 194.
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9. "Budgets and Bullets," p 7.
10. Ibid.
11. V.V. Borisov, "Militarizm i nauka" [Militarism and Science], Moscow, 1988, pp 92-93.
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13. This conclusion is based on the formula for calculating the reliability of a complex product. If the system consists of 10 elements with a reliability factor of 0.99, for example, the reliability of the entire system is 0.9. If another element with a reliability indicator of 0.5 is included in the system, system reliability is cut in half.
14. T. Blanco et al, "Technology Trends and Maintenance Workload Requirements for the A-7, F-4 and F-14 Aircrafts," New York, 1979, p 6.
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17. J. Fallows, Op. cit., p 43.
18. M. Binkin, "Military Technology and Defense Manpower," Washington, 1986, p 44.
19. ARMED FORCES JOURNAL INTERNATIONAL, May 1980, p 29.
20. V.K. Babich, "Aviatsiya v lokalnykh voynakh" [The Air Force in Local Wars], Moscow, 1988, p 94.
21. INTERAVIA, 1974, No 12.
22. V.K. Babich, Op. cit., p 118.

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SOCIETY AND LAW

U.S. Supreme Court as the Constitutional Controlling Body

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[Text] One of the main principles of bourgeois democracy is that constitutional law overrides all other sources of law and that any legislative activity by government bodies must be conducted strictly in accordance with the constitution. **Judicial review, the power to rule on the constitutionality of laws and other legislative instruments, may be exercised by all courts, especially the Supreme Court, which theoretically conducts strict judicial scrutiny.** By its very nature and definition, however, constitutional jurisdiction, including that of the Supreme Court, is much more political than ordinary jurisdiction.¹ Even V.I. Lenin was already aware that "law is a political measure, it is policy."²

The American Model of Constitutional Control

The doctrine of constitutional judicial review in the United States was actually and theoretically embodied in the now fundamental 1803 federal Supreme Court decision on *Marbury v. Madison*. This was the first time the court declared an act of the federal Congress unconstitutional, and therefore void and not subject to enforcement in the courts.³ In this way, although the Constitution of the United States does not directly endow the Supreme Court with the right to rule on the constitutionality of congressional laws,⁴ the court implemented and instituted this right. Legal precedent and constitutional usage became the formal legal grounds for the birth and evolution of constitutional control in the United States. Although the extent of the power of the courts to rule on

the constitutionality of acts is still the subject of heated debates in the United States today, the legitimacy of this power has never been questioned. Even the most conservative members of the court, such as F. Frankfurter (a Supreme Court justice from 1939 to 1962) or the current chief justice of the Supreme Court, W. Rehnquist, never wanted the court to give up the power of constitutional control. In their opinion, "it is vitally necessary that in the daily functioning of our democracy...the powers of an undemocratic body of our government be exercised with the strictest self-restraint."⁵ We should bear in mind that the U.S. Supreme Court is not an elected body: The justices are appointed for life by the president "with the advice and consent of the Senate" and can only be removed by the institution of special impeachment proceedings.

The Supreme Court, however, is not the only body with the power of judicial review in the United States. The power to declare an official act based on law or any action by a government official contrary to the supreme law of the land and consequently legally invalid can officially be exercised by any court of the appropriate jurisdiction. This "decentralized" model of judicial review⁶ is distinguished by the following features: the exercise of judicial review by courts of common jurisdiction—furthermore, a ruling on constitutionality is indissolubly connected with the circumstances of a specific case and is confined to these circumstances; the interpretation of the functions of judicial review as purely judicial and legal—in other words, the formal refusal to consider political questions and to issue advisory opinions to political government bodies. This is, therefore, a matter of the strictly judicial assessment of the constitutionality of a government act, conducted by professional jurists in connection with the investigation of a specific case.

The efficiency of the decentralized model of judicial review stems from classical approaches to the interpretation of statutes. In the most general terms, they can be described as the following. First, it is the job of the courts to interpret laws for the purpose of their application in the settlement of concrete disputes submitted for adjudication. Second, one of the most basic methods of interpretation consists in choosing one of two conflicting laws. Third, in the presence of two statutes of equal legal force, the prevailing one will be chosen in accordance with the classical principles: "Lex posterior derogat legi priori" and "Lex specialis derogat legi generali."⁷ Fourth, this criterion will cease to be applied in the case of conflicting statutes with differing legal force. In this case, another classical principle is applied: "Lex superior derogat legi generali"—i.e., the constitution prevails over common law statutes, in the same way that a law prevails over an administrative ordinance. From these principles we can draw the general conclusion that any court ruling on a matter in which the applicable law is contrary to the constitution must reject the former and apply the latter.

Parameters of Control

The development of the American model of constitutional control was a result of economic and political-legal prerequisites, the distinctive features of national government, and the views of the authors of the American idea of constitutionalism, especially A. Hamilton, who insisted on the validity and necessity of judicial control of the constitution.⁸

The natural-legal ideals of limited government authority over citizens, which were secured by the principles of English common law and were transplanted to American soil by Enlightenment thinkers, were already reflected in the Declaration of Independence. The power of judicial review is a logical extension of the principle of "separation of powers" and is one example of its functioning. This principle was included in the 1787 Constitution in the form of a system of "checks and balances."

The concept of judicial control of constitutionality presupposes that executive and legislative branches will accept court rulings on the unconstitutionality of legislative acts and will loyally assist in the implementation of these rulings. The idea is rooted in the history of English common law and dates back to the struggle which was waged at the beginning of the 17th century by judges against the unlimited executive power of the king: It was then that Sir E. Coke quoted Bracton, the famous English scholar and judge, to unequivocally remind James I, the English king, that although no mortal could oppose the will of the king, the king was nevertheless "under God and the law."

Judicial review is simultaneously a logical result of the specific hierarchy of rules of law in the American legal system. There is no question that the Constitution occupies the highest place in this hierarchy; below it are the legal acts of the legislative branch, and below them are the resolutions of executive bodies. In spite of its sound politico-legal base, the principle of judicial review has encountered some opposition in the bourgeois democracies, including the United States. The main argument of the opposition is that the supreme legislative body is made up of representatives of the people or of the nation, and that nullifying the laws passed by these representatives is therefore tantamount to violating the will of the people. In other words, judicial review is supposedly directed against the will of the people. The argument seems quite sound on the surface, but a parliament represents the will of the people only as long as its activity does not transcend constitutional bounds and is conducted in accordance with the constitution. A body responsible for overseeing the constitutionality of laws (usually the Supreme Court) does not go against the will of the people: It is merely protecting the constitution, which is the most "solemn and profound" expression of the will of the people.

The opponents of judicial activism, on the other hand, are afraid that possible abuses of the power of judicial review could lead to a system of "government by judges"

and reduce the role of legislative and executive bodies. In connection with this, **the accuracy and precision of the wording of constitutional phrases are of great importance.** Most of the provisions of the U.S. Constitution are formulated with enough precision and exactness. They include the procedures for the formation of the highest government bodies, the length of congressional terms, and the principles of rotation in government service). The statements about "due process of law" and "impartial trial," the phrases in the first amendment about freedom of speech, and some others are ambiguous, and this is corroborated by their broad judicial interpretation. The tendency of judges to play a more important role was particularly clear when E. Warren presided over the Supreme Court (1953-1969) and when the sphere for the exercise of the constitutional rights of American citizens and the means of their legal protection acquired unprecedented dimensions as a result of constitutional interpretation.

Therefore, the determination of the parameters of judicial review is connected with the search for a constructive combination of two fundamental factors: on the one hand, the assessment of government acts with a view to compliance with constitutional standards and procedures; on the other, comprehensive control of government operations with a view to their observance of the constitutional rights and liberties of citizens in their broad interpretation.

In American politics and law there are at least **two methods of eliminating or preventing excessive judicial power.** The first is the "separation of powers" doctrine, which means that the Supreme Court decisions that are objectionable to most of the members of Congress can be overturned by a constitutional amendment or, in the case of the unconstitutionality of a legal act, the introduction of the appropriate changes into the act.

The second method consists in applying the principle of legal precedent, presupposing the possibility of changing judicial decisions, including Supreme Court decisions. The Supreme Court, however, does not always use its prerogative to expand the legal guarantees for the democratic gains of the people and the progressive public. The judicial principles, for example, which were formulated in the decisions of the liberal Warren Court—the obligatory presence of an attorney during the interrogation of a suspect (the decision on the Gideon case),⁹ the inadmissibility of incriminating evidence acquired by the police in violation of constitutional restrictions (the decision on the Mapp case),¹⁰ and the obligation of police to inform a suspect of his constitutional rights prior to interrogation (the decision on the Miranda case)¹¹—were limited considerably in the 1970's by the more conservative justices of the Burger Court.

The Mechanism and Problems of Constitutional Scrutiny by the Supreme Court

A procedure which could be described as "retroactive control" is practiced in the United States. In other

words, control extends to laws which have been passed by the legislature, published, and enacted. It is also called "review on appeal" because it is connected with the consideration of the objections of one party in a specific case.

This form of judicial review is made possible by the fact that **checks upon government acts are conducted in the country by the courts, the judiciary, and not by political or quasi-legal bodies.** It is precisely for this purpose that a judicial ban, or injunction, is issued when an individual or an organization demands a ruling on the constitutionality of a law before it is applied in a court. Finally, citizens are provided with private explanations of the constitutionality of a law if it becomes the object of disputes between the individual and an administrative body.

The review on appeal of the constitutionality of an executive or legislative act presumes that the party against whom the provisions of this act will be applied will try to prove its inadmissibility because it is unconstitutional. This procedure gives the American courts, including the Supreme Court of the United States, the ability to rule portions of an act unconstitutional, using the "balancing doctrine" and tests of the "reasonableness" of legislation. The ruling of unconstitutionality applies only to the parties in a specific case and cannot be used to change the legal status of other individuals in a similar position.

In turn, the fate of a law which has been struck down as unconstitutional can vary. The law is not officially repealed, because a legislative act passed by a government body at a specific level must be repealed by a body at the same level—for example, by Congress or by a state legislature. In effect, however, it ceases to be enforceable because the lower courts are obligated to uphold the higher court's ruling on the constitutionality of an act. In other cases, it is possible to change a Supreme Court decision by proposing a constitutional amendment or by modifying the act in such a way that it conforms to the constitution.

In recent decades, the U.S. Supreme Court has struck down an average of two congressional acts a year as unconstitutional.¹² The role of the Supreme Court was quite evident at the beginning of F. Roosevelt's New Deal, when several governmental measures were ruled unconstitutional in separate court decisions. The resulting complication of relations between different "branches" of the government—legislative, executive, and judicial—was one of the causes of a serious constitutional crisis.

In turn, legislative bodies exercise reciprocal control: Four Supreme Court decisions, for example, were overturned directly as a result of constitutional amendments.¹³ The Congress made a serious effort to amend the constitution in two other cases.¹⁴ Several Supreme Court rulings on the unconstitutionality of the acts of the federal Congress and state legislatures were

later subjected to extensive criticism within the U.S. political and judicial communities.

The clear vulnerability of the Supreme Court's position in the system of the "separation of powers" and its place in the hierarchy of supreme government bodies is the reason for the extreme prudence with which the court approaches rulings on the constitutionality of legislative acts and for its attempts to avoid political and judicial controversy in the practice of constitutional law.

The following statistics provide clear evidence of this: Between 1803—i.e., the time the mechanism of judicial review was put in place—and the 1980's, the federal Congress passed around 70,000 legislative bills. Around 90 of them were declared unconstitutional, and in most cases this applied to specific portions of the bills. During the same period, more than 900 statutes on the state level were declared void.¹⁵ We could conclude that in many respects the authority of the U.S. Supreme Court to control the legislative instruments of the states is more important and more sweeping than its widely publicized right to control the acts of federal government bodies (the laws of Louisiana—the only state to rely on continental law instead of precedent—are most frequently ruled unconstitutional).

For almost 200 years, however, the Supreme Court has enjoyed considerable prestige and has been distinguished by stability (in comparison with the two other branches of government). In two centuries there have been only 15 chief justices and fewer than 100 justices of the Supreme Court, even though there were never any more than nine members of the court in the last century (of course, we must not forget that justices are appointed for life).¹⁶

In the atmosphere of continuing debate over the legitimacy of the Supreme Court's exercise of the functions of judicial review, on the one hand, and its vulnerability to attack by administrative and political bodies on the other, the court developed the specific procedure which allows it to accept certain cases for consideration and to dismiss risky or ambiguous constitutional questions at its own discretion. It is as if it passes them through a unique filter based on the "presence of dissent and argument," which allows it to steer clear of dangerous "constitutional reefs" and maintain its relatively high political and legal prestige.

Problems of federalism, the constitutional parameters of the distribution of powers between the national government and the parties to the federation, still occupy an important place in the Supreme Court's practices as a judicial review body. On the whole, the court's decisions on these matters were distinguished by the **principle of national supremacy** after 1937 (Roosevelt's New Deal). This means that when federal laws conflict with the laws of individual states, the judges in the states should be guided by the former.

In the 1960's, however, the situation began to change gradually. The passage of sweeping civil rights legislation made the rights and liberties of American citizens the

main "beneficiary" of the institution of judicial review in the United States, and the terms, principles, and concepts which were declared in the Bill of Rights in 1789 became an established part of judicial interpretation. Furthermore, judicial review has protected more than just the rights guaranteed in the constitution or the related legal context. This applies above all to the political and personal rights of citizens, whereas socioeconomic rights, which are secured only by temporary statutes, are not objects of judicial consideration during the process of constitutional adjudication.

The Reagan administration's "new movement for states' rights" in the 1980's was significant in this context. The idea of limiting the jurisdiction of the central government is a contradictory concept in general. The movement for broader states' rights, for example, was actually designed to deregulate federal standards and means of legal protection in the sphere of racial discrimination and reserve the states' rights to make decisions on these matters at their own discretion—the very rights which had essentially given birth to the problem itself. The attempts to limit federal—primarily judicial—intervention in the sphere of civil rights were aimed at nullifying the constitutional gains of the two previous decades, which led to the erosion of constitutional judicial standards in three spheres: the protection of the rights of American citizens belonging to racial and ethnic minorities; the limitation of the jurisdiction of federal courts in cases of civil rights violations; the protection of the social and procedural rights of the indigent (the problem of access to courts). Although constitutional law in the states has undergone a period of revival in recent years, it is still an extremely unreliable basis for the official judicial protection of civil rights. What could Martin Luther King and other civil rights activists have hoped for if they had had to bring suit for violations of the constitutional rights and liberties of black Americans in the courts of southern states such as Alabama, Georgia, or Mississippi?

The procedure for verifying the legality of detention, based on the constitutional principle of "habeas corpus" (inviolability of the individual), was another of the targets of the Reagan administration. During the stage of preventive custody, the arrested person can use "habeas corpus" to object to the grounds for the charges against him or to the refusal to set bail. This is far from an academic question because the practice of keeping a person in custody without bail is employed widely by U.S. authorities to suppress dissident views, and all of the rigors of preventive custody are experienced primarily by the targets of political persecution.¹⁷

This is why progressive groups in the United States are actively opposing the limitation of the sphere of judicial review in the belief that this will undermine the ideals of the American people. The history of constitutional law, especially in the last 40 years, clearly demonstrates that broad strata and groups of American citizens have become involved in the American legal system precisely through the actions of the Supreme Court: The rights and

liberties of black Americans, the indigent, defendants, and "conscientious objectors" have won judicial recognition. Without denying the positive implications of this process, we must not forget that the federal justices with conservative views have been trying to change the liberal decisions of earlier decades on civil rights and liberties in recent years on the pretext of the "strict interpretation" of the constitution.

Footnotes

1. For a more detailed discussion, see O.A. Zhidkov, "Verkhovnyy sud SShA: pravo i politika" [The U.S. Supreme Court: Law and Politics], Moscow, 1985.
2. V.I. Lenin, "Poln. sobr. soch." [Complete Collected Works], vol 30, p 99.
3. A state law was first ruled unconstitutional in the decision on *Fletcher v. Peck* in 1810. Actions of the chief executive were first categorized as illegal by the Supreme Court in 1804.
4. In contrast to the federal Constitution, the constitutions of some states do stipulate the power of judicial review. The Constitution of the State of Georgia, for example, says that "legislative acts violating this Constitution or the Constitution of the United States are legally invalid, and the courts are empowered to nullify them" (GEORGIA STATE UNIVERSITY LAW REVIEW, 1986-1987, No 1, p 163).
5. From the decisions on *American Federation of Labor v. American Sash and Door Co.*, 335 U.S. 538, 555 (1949).
6. There is a "centralized" model of judicial review in West European countries (Italy, the FRG, Spain, and Austria). It is distinguished by the existence of specialized bodies of a quasi-legal nature (constitutional courts), separate from general trial courts. The states which employ this model in answer to the need for a specific form of constitutional control underscore the political essence of this function.
7. Latin: "The latest law supersedes the earlier one" and "A specific law supersedes a general one."
8. H. Chase, R. Holt, and J. Turner, "American Government in Comparative Perspective," New York-London, 1980, p 134.
9. *Gideon v. Wainwright*, 372 U.S. 335 (1963).
10. *Mapp v. Ohio*, 367 U.S. 643 (1961).
11. *Miranda v. Arizona*, 387 U.S. 436 (1966).
12. JUDICATURE, 1983, vol 66/No 6.
13. The decision on *Chisholm v. Georgia*, 2 Dallas 149 (1793) was overturned in 1798 by the ratification of the 11th amendment to the Constitution, prohibiting the federal adjudication of cases brought against a state by foreign citizens or individual citizens of another state.

The decision on *Pollock v. Farmer's Loan and Trust Co.*, 158 U.S. 601 (1895) was overturned by the ratification in 1913 of the 16th amendment, establishing the right of the federal Congress to collect an income tax in the states. The decision on *Dred Scott v. Sanford*, 19 Howard 393 (1857) was overturned by the ratification of the 13th amendment, abolishing slavery, in 1865. The decision on *Oregon v. Mitchell*, 400 U.S. 375 (1970) was overturned by the ratification of the 26th amendment in 1971, lowering the voting age to 18.

14. Congress tried to overturn the decisions on *Hammer v. Dagenhart* (1919) and *Bailey v. Drexel Furniture Co.* (1922) in 1924 with a constitutional amendment limiting the use of child labor in industry, but it was not ratified by three-fourths of the states.

15. A. Mathiot, "Cours I.E.P.," Paris, 1980, p 406; H. Abraham, "The Judicial Process: An Introductory Analysis of the Courts of the United States, England and France," New York-Toronto, 1975, p 280.

16. E. Gellhorn, "Introduction," LAW AND CONTEMPORARY PROBLEMS, vol 43, No 3, 1980, p 4.

17. L. Weinreb, "Denial of Justice. Criminal Process in the United States" (afterword by V.A. Vlasikhin), Moscow, 1985, p 184.

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BOOK REVIEWS

Review of Book on Arms Control Talks

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[Review by V.I. Yerofeyev of book "From the Atlantic to the Urals. Negotiating Arms Control at the Stockholm Conference" by John Borawski, Washington-New York, Pergamon—Brasse's International Defense Publishers, 1988, VI + 258 pages]

[Text] The experience of the Stockholm conference on confidence-building measures and on security and disarmament in Europe, which will serve as a point of departure for a new generation of such measures, and materials connected with the discussion of arms control issues are acquiring increasing relevance. This serious study by J. Borawski, reflecting the evolution of the ideas of Western diplomacy, is of interest in this context. The author of the book is the director of the political committee of the North Atlantic Assembly in Brussels. He is a renowned expert on international security issues and has written several works on arms control in Europe.

Borawski did not attend the Stockholm conference but he consulted the leaders and members of many delegations from NATO countries and from neutral and non-aligned states when he was writing his book. This made it possible to discuss the work of the conference in detail.

As a member of the Soviet delegation in Stockholm, I witnessed many of the problems which arose there, and my impression of the conference differs in some respects from the author's description and evaluation of events. Furthermore, the historical portion of the book could also arouse objections. I also disagree with the author's approach to some issues. I will begin with the statements with which I disagree strongly. In reference to the agreement on the framework and procedure of future talks, which was concluded on 14 October 1985 for the purpose of stepping up the work of the conference and was based on the preparatory work performed by the Soviet and American delegations, Borawski asserts that it was based "largely on NATO terms" and was devoid of "non-specific" Soviet proposals.

The statement that an agreement described as a "gentlemen's agreement" at the conference was based primarily on "NATO terms" is wrong if only because, as Borawski himself points out, it included the issue of non-aggression, and, I might add, as the first point of the agreement. Furthermore, the United States and its closest NATO allies categorically objected for a long time to the inclusion of this important political commitment in the document of the Stockholm conference and even to its discussion. They declared that the political confidence-building and security measures proposed by the Soviet Union were supposedly inconsistent with the conference mandate drafted at the Madrid meeting of the states party to the Conference on Security and Cooperation in Europe (CSCE). It appears that Borawski shares this opinion.

This narrow interpretation of the conference mandate was essentially an attempt to fit the comprehensive principle of non-aggression into the Procrustean bed of separate military measures, although it constitutes the basis and import of all measures in the military sphere.

The Soviet Union's position was supported by most of the participating countries and eventually prevailed, as a result of which the Stockholm document was crowned with a declaration by participating states on the non-use of force or threats of force in their mutual relations and their international relations in general. There are no grounds, therefore, to cite the prevalence of "NATO terms." The "gentlemen's agreement" gave the interests of all parties reasonable consideration on the whole, and in this sense it was one of the main agreements securing the success of the Stockholm conference.

These objections, however, are not a denial of the fact that Borawski's book reveals a desire for an objective analysis of the complex process of the joint elaboration of sweeping measures to strengthen confidence and security on the European continent by 33 European states

and the United States and Canada. In this sense, it was a sign of the times, because it reflected the objective and realistic approach stemming from the new political thinking.

Borawski says that the confidence-building and security measures approved at the Stockholm conference will reduce the risk of surprise attacks, the possibility of confrontations resulting from the miscalculation or misinterpretation of the military activities of the other side (especially at a time of crisis), and the use of force or threats of force. In this sense, the author says, "the Stockholm agreement on confidence-building measures and security is the first significant military achievement in the long history of postwar talks on the control of armed forces and arms in Europe" (p xiii).

Borawski's account of the history of earlier talks on security and arms control in Europe provides further evidence that the Soviet Union almost always supported effective measures actively, while the U.S. position was reserved and often negative. The different approaches to these problems are also evident: The USSR invariably viewed European security as a collective matter, combining political moves with practical measures in the military sphere, while the United States reduced the entire matter to its military-technical aspects.

Borawski concludes that at the Stockholm conference in 1985, "progress was made possible by the improvement of U.S.-USSR relations, evident in the January agreement on the resumption of bilateral arms control talks, and by Mikhail Gorbachev's more constructive Soviet leadership." The author goes on to underscore the importance of Reagan's historic summit meeting with Gorbachev on 19-22 November 1985, when the two leaders announced their intention to "promote the successful completion of the conference as soon as possible."

Borawski justifiably underscores the significance of the activity by neutral and non-aligned countries in the conclusion of agreements in Stockholm. He also mentions the positive influence many European NATO states exerted on the United States for the purpose of eliminating the last obstacles impeding the successful completion of the conference. In particular, he recalls that in September 1986, when another crisis was brewing in Stockholm, the foreign ministers of Great Britain and the FRG visited President Reagan specifically to urge his acceptance of the Soviet proposal on the use of the aircraft of the inspected side in inspections. In fact, the author writes, the U.S. Joint Chiefs of Staff also would have preferred inspections of NATO countries to be conducted from Western aircraft rather than Soviet planes (p 99).

Borawski puts special emphasis on the fact that "the East won points in public diplomacy by publicizing its willingness to consent to on-site inspections," after which "the West's insistence on specific inspection procedures would have been difficult to justify to the public" (p 99).

Comparing the results of the Stockholm conference to the Helsinki Final Act, Borawski concludes that the Stockholm agreement on confidence-building and security measures has definite advantages because it puts the idea of security and confidence-building measures on a practical plane. Now participating states will be informed of all basic military operations, and not only maneuvers, a year or several years in advance. The author lists the agreements on observation, the exchange of annual plans of military operations, and restrictive measures among the successes of the conference along with the agreements on the development of system of advance information about specific types of military activity.

In the chapter called "The Future," Borawski makes several suggestions with regard to the further development of confidence-building and security measures. In his opinion, attention should be focused on measures for the actual limitation of military activity to preclude surprise attacks and eliminate the very possibility of aggression (p 121).

An extremely interesting part of the book is the author's description of the efforts to extend confidence-building and security measures to the independent activities of naval and air forces, which were thwarted when an agreement on these measures was categorically rejected in Stockholm by the United States and its closest NATO allies. Borawski criticizes the Western posture and admits that "independent action by naval and air forces could affect European security" (p 127). Borawski also specifically suggests the consideration of, at the very least, the inclusion of the main naval and air force exercises "Ocean Safari" (Navy) and "Central Enterprise" (Air Force) in annual plans, the subsequent provision of advance information about, for example, the dispersion of naval forces, and even the limitation of combined naval and ground force exercises.

The author examines some possible ways of expanding the observation and verification of compliance with the agreements: the attachment of liaison officers to the main ground and airborne units of the other side at the division headquarters level, the installation of sensitive automatic devices in transportation hubs, the establishment of land-based monitoring stations, the institution of the "open skies" framework, and others.

The author concludes his work with the observation that the future of the conference on confidence-building and security measures and of disarmament talks is a synonym for the future of Europe. He stresses that "although the road to future disarmament talks is strewn with controversial issues, Stockholm proved that agreements on militarily significant armed forces and arms control in Europe are possible" (p 135). We share the author's confidence in the success of the present talks, made possible by the Vienna meeting of the CSCE states.

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Review of Book on Technology, East-West Relations

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[Review by I.V. Sutyagin of book "Technology and Change in East-West Relations," edited by F. Stephen Larabee, New York, Institute for East-West Security Studies, 1989, 253 pages]

[Text] The competitive potential of the products of each country are now beginning to play the deciding role in its ability to influence the development of international relations actively. The level of technology also influences processes within the society, but the appearance and development of technological innovations are not enough in themselves to effect changes in the society directly. Only an accumulation of technological changes, combined with many other factors, can lead to social change. This is the main thesis of MIT Professor E. Skolnikoff, one of the authors of the work under review.

This evolutionary process of technological accumulation is now going on, in Skolnikoff's opinion, in Japan, the PRC, Brazil, South Korea, and India.

As for the Soviet Union, he believes that surmounting the technological and competitive gap between Soviet and Western goods will be connected directly with changes in the Soviet economic structure: the decentralization of management, the lifting of restrictions on information exchange, and the creation of conditions for independent initiative (p 24).

He lists the following among the factors impeding the incorporation of new technologies and the effective use of scientific and technical achievements in the economies of the socialist countries: the alienation of developers from production, the existing price mechanism, and the high military expenditures.

In another of the articles included in this work, Hungarian economist J. Bognar proposes a group of measures to correct the current situation: expert guidance of economic development; reforms in CEMA, as well as the assignment of higher priority in CEMA to contacts with third countries; cooperation with countries with convertible currencies; the export of by-products to these countries; the improvement of the quality of current export goods so that they can compete in terms of quality, and not only price, in the market; the creation of conditions allowing for joint ventures; a flexible trade policy promoting the export of goods from socialist countries to new markets; increased imports of technologies capable of raising the level of domestic industry and the infrastructure (pp 174-175).

Although Western technology is already influencing economic development in the socialist countries, it is not the deciding factor, the book says. The authors back up this opinion with data on the equipment imports and

exports of CEMA countries from 1961 to 1985 and the net balance of trade in the socialist countries from 1971 to 1983 (pp 151- 152).

The idea that the accumulation of technological innovations will lead to social changes is also supported by Finnish authors. One of these changes will be a more complex social-class structure (p 49). The contemporary developed society, according to P. Tarianne and M. Elovannio, is an "information society," and they substantiate their conclusion with data on the declining percentage of industrial workers in the total labor force of some countries. In the United States, for example, their numbers have decreased from one-third to one-fifth of the labor force in the last 15 years, and by 2010 the number of these workers in West European countries, the United States, and Japan will be the same as the present number of farmers in these countries—i.e., one-twentieth (p 195). West German author K. Seitz believes that the free movement of information and goods will promote international integration and that the limited inclusion of the East in this process in the future will step up the development of the entire world economy.

One of the areas in which changes in technology and in international relations display the strongest connection is military security. Skolnikoff lists what he believes to be the most significant factors in this area. The main one is the proliferation of nuclear weapons and conventional arms in the Third World (p 33). The redistribution of military power, the author stresses, will lead to a general lessening of the stability of international relations.

The authors attempt to define international stability. In the case of the nuclear superpowers, they distinguish between two types of strategic stability: crisis and political. The first presupposes the absence of incentives for a pre-emptive nuclear strike at a time of crisis due to one side's fear of a possible disarming strike by the other. Political stability, on the other hand, is the situation in which aggressive action by the opponent is deterred by the threat of the loss of security, the threat of retaliation against any attempt to change the status quo (pp 65-69).

Crisis stability is more of a technical problem, according to renowned American political scientist J. Nye, whereas political stability is mainly connected with purely political and psychological factors. Nevertheless, during discussions of strategic stability, Nye writes, the Soviet Union and the United States are frequently referring to different types of stability, and this causes certain difficulties in their relationship.

Today few people doubt that our planet is overcrowded with nuclear weapons. There is also the realization that disarmament can help mankind escape the nuclear threat. Nevertheless, nuclear arms limitation talks have not been easy. The authors write that the difficulties are not only the result of terminological confusion. There are also two different approaches to the use of nuclear weapons. The first envisions the use of nuclear weapons only in retaliation. The side taking this position, the

book says, can agree to deep cuts in strategic arms and stay fairly calm as it watches technological improvements on the other side—as long as it retains the ability to deliver a retaliatory strike.

The supporters of the first use of nuclear weapons have a completely different, extremely skeptical view of arms reduction. This approach presupposes the delivery of nuclear strikes primarily at the military installations of the opponent and is therefore suspicious of factors capable of changing the capability for this kind of strike, whether they are technological innovations or the opposite—arms reductions.

Norwegian scholar M. Ti writes that it is precisely the efforts of the supporters of the second approach that made the development of modern military technology the driving force of the arms race. In this kind of situation, he writes, scientific and engineering achievements sometimes promote the deployment of weapons even before there is any clear understanding of the possible need for these weapons, as in the case of the cruise missiles and the SDI (p 136).

In the presence of these different approaches to the use of nuclear weapons, the most important question of the next 10-20 years will concern the ability of technological development to change the situation in which offensive weapons outnumber defensive ones (the characteristic situation of the nuclear age). Viewing the American SDI program from this standpoint, Nye expresses doubts about its feasibility and, what is most important, about its ability to guarantee stability in international relations.

The current processes in Europe are discussed at length in the book. Polish researcher A. Karkorzka expresses the opinion that conventional arms reduction will be a matter of central concern to politicians in the next few years. He believes that the conceptual approach to the talks on these reductions requires substantial changes. Until recently, the discussion has concentrated on the quantitative side of the matter, while the qualitative improvement of conventional arms has been overlooked.

He insists that the qualitative side of disarmament must be discussed today. Participants in the talks must compare comparable, and not identical, types of weapons, and the functions, rather than the potential, of armed forces; they must discuss the weapons systems which are being planned and developed, and not existing systems, and they must pay as much attention to military doctrines and the structure of armed forces as to the characteristics of weapons, the Polish researcher writes (p 107).

West German scholar I. Krause disagrees. He says that a single technological innovation cannot have any serious effect on the organization of warfare. We must remember, he writes, that the political, technical, and administrative processes by which new technology is transformed into new weapons are just as important as

the technology itself. Furthermore, a new weapon will have a negligible effect on warfare unless it is linked with the doctrines of its use and the structure of armed forces—the tanks and combat aircraft which made their appearance during World War I are a good example of this (p 115).

For this reason, Krause sees no need to make technology the main issue in arms control. Besides this, the limitation of technologically advanced weapons will destabilize the situation in Europe because it will eliminate the Western qualitative superiority that offsets the numerical superiority of Warsaw Pact forces. Krause feels that the only acceptable way of establishing a connection between technological advances and quantitative factors would be an exchange in which the West would withdraw part of its high-technology weapons, such as antitank missiles, in exchange for the withdrawal of a certain number of tanks from the Western [sic] group of forces (p 128).

The book ends with an article by American diplomat T. Simmons, who writes that international politics were depoliticized to a considerable extent after the war and focused on the resolution of economic problems. In recent years, however, it has become increasingly obvious that a policy with this kind of excessive economic emphasis cannot deal with the problems of today's world. This is why politicians resumed the discussion of common human values. There is no question that these values will take shape on the basis of consideration for numerous interests inside and outside each specific country. For this reason, he believes, we must strive to unite these interests—the interests of the East and the West.

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