

THE POLITICS OF NATIONAL SECURITY

Congress and U.S.
Defense Policy

A TWENTIETH CENTURY FUND BOOK

Barry M. Blechman

with the assistance of
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**THE POLITICS
OF NATIONAL
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Foreword

Over the past two decades, presidents of both parties have complained that Congress has been too involved in defense policy, spending, and management. Congress and its partisans have responded by citing the constitutional power of the purse, the dangers of secrecy and centralization, and the practical political reality of a public that holds both branches accountable for the major policies of the United States. Recognizing the legitimacy of the claims of both the executive and the legislative branches means accepting an inevitable measure of conflict. This book is about how these competing views of power and responsibility are accommodated and reconciled. It should contribute to an understanding of the continuing necessity to cope with the institutional partisanship that is built into the American system of checks and balances.

The subject could not be more timely. As this foreword is being written, the countries of central and eastern Europe literally are redefining their economic and political makeup. Several may be in the midst of major shifts in territorial jurisdiction. Ethnic tensions and nationalist sentiments are rising to levels not seen in a half century. Economists are confident that some of the changes are sure to result—at least in the short run—in sharp increases in prices and unemployment. Most observers believe that the strongest military power in the region is the nation with perhaps the smallest chance of achieving significant gains in prosperity.

Out of context, this description of events sounds like cause for alarm. Yet, because the new Europe may be structured on the ideas of democratic capitalism, the upheavals have produced an unprecedented surge of optimism in the West. Even though destabilization in Europe has

drawn us into war twice in this century, the United States is debating how to spend the “peace dividend” that would result from a reduction of involvement abroad. Indeed, the arguments about defense policy over the next decade are likely to be unusually intense—in part because they inevitably will take place during the sorting out period of the new European order.

Members of both the executive and legislative branches are confronted by the necessity of changing the way they see the world. Should the course of events in Europe turn dangerous, the threat to world peace could well be the greatest since World War II. Even without such mighty events, redefining U.S. strategic interests is sure to be untidy and even unsettling. A generation of policymakers has “relied” on the certainty of the Soviet threat (and of *de facto* spheres of influence) to guide their thinking about defense policy.

In the past, Congress often weakened its constitutional powers by permitting the executive relatively broad latitude in defense matters. After all, the period since 1945 involved the clearest external threat in the nation’s peacetime history. As this perceived danger recedes, consensus about basic defense needs may prove even more elusive than it has since the Vietnam War. The role of Congress in the making of national security policy appears certain to expand. Yet political disagreements on this subject are likely to come to resemble fights over domestic issues more than they have in the past. Without a clear danger, one might ask, “So what?” Perhaps the answer is that we need to be especially clear-headed in reformulating security plans for an uncertain future.

International negotiations, as a practical matter, require a semblance of national unity. The president and Congress seldom speak with one voice, although they often work hard to define a common view of the national interest. In this sense, Barry M. Blechman’s provocative analysis of how the two branches function on crucial issues has value far beyond the specifics of particular national defense disputes. In an era of increasing international interdependence, on economic and other matters, the nation’s need to have the national policy process function well is growing.

Blechman, a respected Washington expert on defense, shows here why Congress has a legitimate and constructive role in the making of national security policy—and by implication on broader international

questions. The Twentieth Century Fund appreciates his effort to produce this timely study, which is sure to contribute to the continuing debate over America's place in the post-cold war world.

March 1990

Richard C. Leone, Director
The Twentieth Century Fund

Preface

The White House and the Capitol building in Washington, separated by a physical distance of little more than a mile, sit on opposite sides of a gulf in attitudes and prejudices so vast as to defy most efforts to bridge them. The president and the Congress, the respective inhabitants of these two buildings, represent widely divergent perspectives on the sources, the means, and the impact of American policy options. These differences of outlook color all policy debates, but perhaps none so virulently as issues of U.S. defense and national security—fateful subjects in which presidents claim more than usual powers, just as citizens and their elected representatives are often more than usually concerned.

In a career that so far spans 26 years in Washington, I have been fortunate enough both to have served two stints in the executive branch, in the Pentagon and the State Department, and also to have worked closely with numerous members of the Congress. This association with the two, often disparate, branches has given me an appreciation of their relative strengths and weaknesses. It has made clear to me how poorly the country is served when the institutional clashes between the two branches, however predictable, overwhelm consideration of the national interest. It has also encouraged me to believe that a collaborative relationship may yet be developed—a relationship that would permit each branch to fulfill its special needs and perspectives, but also allow each to bring its unique talents, knowledge, and skills to the formulation and implementation of American defense policy.

By describing the evolution of congressional roles in U.S. defense policy in the period since the Vietnam War, I seek to demonstrate the reasons for, and the surprising endurance of, the legislature's newly assertive posture in foreign affairs, and also to describe its conse-

quences for the national interest—both positive and negative. These new congressional roles have emerged despite the efforts of every recent president, from Lyndon Johnson to Ronald Reagan, to minimize the legislature's access and influence. Only when the Executive Branch accepts the fact of congressional influence as a permanent feature in the landscape of U.S. policymaking can the specific formulations of congressional activities be modified to ensure that the legislature plays its part as constructively as possible. George Bush still has the opportunity to cause the reforms described in this volume to come to fruition.

My understanding of the Congress is derivative. Never a member nor full-time employee, I have learned by observing, by listening, and by working informally with dozens of members and their staffs on a variety of projects. Some of the members interviewed for this project are cited in the footnotes; others chose to remain anonymous. Because of the sensitivity of their positions, none of the staff members who contributed to this book are named directly. I can only indicate my respect for the dedication, professionalism, and competence of these talented men and women by way of this book. I hope that they find it worthy.

The book is the result of a project sponsored by the Twentieth Century Fund. Of the many individuals associated with the Fund who helped along the way, I am particularly grateful to Marcia Bystryn, Beverly Goldberg, Carol Kahn, and Roger Kimball for their assistance.

I was very fortunate during the course of the project to have had a series of extraordinarily able research assistants, each of whom contributed significantly to my knowledge of the subject before passing on to more exciting pursuits. I remain deeply indebted to W. Philip Ellis, Kevin O'Prey, Marc Smyrl, and Margaret Sullivan—not only for their solid research and insightful analyses, but also for their good cheer and delightful companionship.

It would not have been possible for me to have completed this book without the help of Dr. David J. Schoetz of the Lahey Clinic in Burlington, Massachusetts. If his standards of performance, professionalism, and humanity were ever matched in Washington, the ideals of the brave men and women who founded and have fought for this Republic would lie much closer to hand.

Finally, I would like to thank Janne E. Nolan, to whom this book

is dedicated. Born knowing more about politics than I will be able to learn in a lifetime, Janne was an inspiration and advisor throughout this project. Far more importantly, in the most difficult moments in Washington and Massachusetts, she did no less than to preserve my soul. I will always be grateful.

January 1990
Washington, D.C.

B. M. B.

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**THE POLITICS
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| 1 |

The Congress and Defense Policy Since Vietnam

Throughout the summer and fall of 1987 the nation was treated to the spectacle of the U.S. Senate striving desperately to save itself from itself. Over a six-month period, against the determined efforts of a small band of Democratic and Republican senators, the majority of the Senate employed an extraordinary series of parliamentary and rhetorical maneuvers to avoid invoking the “war powers” it had been granted in a historic struggle with the executive branch only fourteen years before.

The 93d Congress had passed the War Powers Resolution over President Richard Nixon’s veto in 1973. Impatient with the difficulty of utilizing traditional means—primarily the power of the purse—to force the executive branch to end the war in Vietnam, and determined to ensure that no future commitment of U.S. armed forces in combat take place without prior approval of the legislative branch, Congress passed this unprecedented legislation. Among other things, it required that the president:

Consult with Congress before introducing United States Armed Forces into hostilities or into situations where imminent involvement in hostilities is clearly indicated by the circumstances. . . .

[In such situations] submit within 48 hours . . . a report . . . setting forth . . . the circumstances . . . the constitutional and legislative authority . . . the estimated scope and duration of the hostilities or involvement. . . .

Upon submission of such a report the resolution specified that a clock would be set in motion, requiring that:

Within sixty calendar days after a report is submitted . . . the President shall terminate any use of United States Armed Forces . . . unless the Congress . . . has declared war or has enacted a specific authorization for such use of United States Armed Forces. . . .¹

The situation in the Persian Gulf was one in which “imminent involvement in hostilities” was “clearly indicated by the circumstances.” After seven years of war between Iran and Iraq, both nations had taken to mounting frequent and increasingly deadly attacks on oil tankers and other neutral shipping plying the waters of the gulf. In March the United States agreed to protect eleven Kuwaiti oil tankers by placing them under U.S. flags and providing U.S. warships to escort them. In May, well before the start of this “reflagging” operation, a U.S. frigate, the *Stark*, operating in the gulf was attacked by an Iraqi fighter aircraft. Thirty-seven American sailors were killed, another twenty-one wounded. In July, when the first U.S. convoy set sail, one of the tankers (*Bridgeton*) struck a mine that had been placed by Iranian Revolutionary Guards. In September U.S. helicopters attacked and disabled an Iranian ship that had been observed planting additional mines. In October armed U.S. helicopters attacked a group of Iranian patrol boats that had fired upon a U.S. observation helicopter, sinking one of them. Later that month, following a successful Iranian missile attack on a reflagged tanker at a Kuwaiti oil-loading facility, U.S. warships and naval commandos attacked three platforms in the gulf that were being used by Iran to monitor shipping and to coordinate attacks.²

As the level and scope of violence in the gulf escalated, the United States introduced more powerful forces into the region. By October the U.S. Navy’s Middle East force, based in Bahrain, had been increased from three or four destroyers and a command ship to twelve major warships and several smaller vessels. Eleven more U.S. warships, including the aircraft carrier *Ranger* and the battleship *Missouri*, patrolled the northern Arabian Sea, just outside the gulf. The former carried nuclear as well as conventional ordnance for its strike aircraft, while the latter was known to be equipped with nuclear-armed Tomahawk cruise missiles. Sixteen additional U.S. warships were deployed elsewhere in the Indian Ocean.

Given the refusal of local states, including Kuwait, to provide bases for the U.S. forces and the small size of the U.S. installation at Bahrain, temporary support facilities were constructed on barges and platforms. In recognition of the risks of military operations in the gulf, the Defense Department on August 25 decided to authorize “extra danger” pay for U.S. military personnel assigned there.

By the fall of 1987, thus, the War Powers Resolution was clearly pertinent to the Persian Gulf situation. United States forces had been involved in hostilities four times in six months with no signs of diminishing risks. The situation was a classic example of a *de facto*, gradual assumption of a foreign defense commitment that could embroil U.S. forces in combat over a sustained period of time. As the year progressed, the United States was increasingly committed to thwarting Iran’s war aims, and to preventing it from disrupting traffic through the gulf.

This was precisely the type of situation that had inspired the 1973 act. Under it the president was required to report to the Congress—prior to commitments of U.S. forces or immediately thereafter—and the Congress was required to vote its consent. If not, the troops would have to be withdrawn *automatically*. Yet in this case, neither the administration nor the Congress was prepared to invoke the law.

The question of the relevance of the War Powers Resolution was first brought up within the administration itself. According to reports, when the question of reflagging Kuwaiti tankers was first raised, White House Chief of Staff Howard H. Baker, Jr., argued that the resolution should be invoked. This was not a typical administration view, but rather reflected Baker’s previous three terms as a senator from Tennessee, including four years as the Republican majority leader. The more typical executive branch perspective was expressed by an anonymous senior official as follows: “We don’t think much of the War Powers Resolution to begin with and we certainly don’t want to report to Congress when we don’t have to. . . .”³

Such reluctance was not surprising; every administration since President Nixon’s has labored to avoid any action that might legitimate the resolution—and most particularly its most onerous provision, paragraph 4(a)(1), which sets in motion the time limit on continued involvements in situations with actual, or imminent risk of, hostilities.

What was surprising in 1987, however, was that a majority of the Senate also seemed “not to think much of the War Powers Resolu-