

TRANSPARENCY AND AMERICAN PRIMACY IN WORLD POLITICS

JAMES J. MARQUARDT



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ASHGATE

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For my parents

Preface

The year 2010 will go into the record books as one of the most contested and nasty in American national politics in recent memory. After a protracted debate and a series of desperate and obscure parliamentary maneuvers by the Democratic Party's legislative leadership, in March Congress passed and the president signed into law the most sweeping reform of the American health care system in nearly half a century. The political wrangling over the new law hardened political battle lines as Democrats and Republicans headed into the fall mid-term elections. Concerned that the Democrats might lose many more seats in both chambers of Congress than is normally the case for the party in power, the Democrat-controlled Senate took up a bill in July (passed earlier in the year by the Democrat-controlled House of Representatives) that would have required political action committees airing campaign advertisements to identify their major funders. This piece of legislation came in response to a controversial 5 to 4 decision of the US Supreme Court in *Citizens United v. Federal Election Commission* that struck down a provision of the McCain Feingold Act of 2001 prohibiting corporations and unions from funding political ads in the run-up to national elections.

The endless struggle for power between the two parties is at the heart of the political debate on transparency of campaign financing. Since corporations spend much more money on political ads than unions, and since they are more closely aligned politically with Republicans than Democrats, the Senate Democrats' proposed legislation – the Democracy is Strengthened by Casting Light on Spending in Elections or DISCLOSE Act – has clear political motives. The Democrats wanted a floor debate on the proposed legislation so as to draw public attention to the close ties between corporations and the Republican Party. Certain that Senate Republicans would oppose it, they also wanted a debate on the disclosure bill so that they might use transparency of campaign financing as a wedge issue in the fall elections by identifying the Republicans as interested in protecting special interests at the expense of cleaning-up elections.

Like their Democratic counterparts, Senate Republicans used their opposition to the bill for their own benefit. They successfully filibustered the bill on the grounds that it placed Republicans in a no-win situation. If Republicans let the bill come to the floor and voted against it, the bill would have probably passed anyway, and they would have gone on record as opposing campaign finance reform. If they had instead voted for the bill, then the advantage they have accrued over the years from independent campaign ads would have been put at risk in the event corporations balked at having their names associated with conservative causes. Cleverly, Republicans also claimed the disclosure rules in the Democrats' bill did not go nearly far enough in exposing the true extent to which the many hundreds

of millions of dollars spent in each election cycle (by corporations *and* unions) is corrupting American national politics. In effect, they portrayed themselves as the true champions of greater transparency of campaign financing.

The bottom line is this: These long-time political rivals have failed to cooperate because neither side can separate its political interests – measured in terms of expected gains and losses in the mid-term elections – from its transparency declarations on the reform of the campaign finance system. It should come as no surprise that the real casualty of this zero-sum, political power struggle is the much-needed reform both sides claim they want.

You may be wondering what this story has to do with transparency and American foreign policy. First, the prevalence of transparency in the domestic politics of the United States underscores transparency's place as a core value of American political life. Given the importance many attach to the advancement of American values abroad, greater transparency among the countries of the world (and involving other international actors) is a top priority of American foreign policy. Indeed, since the time of Woodrow Wilson the US has advocated "openness and publicity" (as it was called back then) in international relations. As it is with its support for other core values like democracy and human rights, however, America's support for greater transparency cannot be separated from its national interests defined in terms of power.

Second, just as the two dominant political parties in the United States approach transparency in the political life of the country in relation to the struggle between them for political power (and especially in situations of divided government, when one party controls the White House and the other controls Congress), the United States does something quite similar in its relationships with its rivals on the world stage. The struggle for power between the US and others has no hard-and-fast laws and well-established institutional mechanisms and norms to guide it. Consequently, in an anarchic international system, the politics of transparency, in military-security affairs especially, is a gambit in which pro-transparency rhetoric clashes with and succumbs to the harsh reality of the competition for security.

The United States has long championed greater transparency among the countries of the world, but it has traditionally sought to place the burden of advancing this goal on its rivals. In so doing, the US is in search of gains in the form of transparency arrangements that oblige its rivals to disclose more about their military-security matters than they are inclined to do otherwise. The US also maintains that it is an open society and that, as such, its rivals already know a lot more about the US than the US does about them. Therefore, the argument goes, these arrangements are necessary to bring greater balance to the flow of information between them. The resistance of America's rivals to many of its transparency initiatives has the effect of further complicating relations between them. Paradoxically, what is promoted as a partial solution to reducing tensions has negative effects – the US interprets the resistance of others as indicative of their secrecy and aggressive aims, and America's rivals see in its transparency

initiatives an effort to entrap them in an unequal power relationship in which they are under the watchful eye of their more powerful potential adversary. Like Democrats and Republicans battling it out on Capitol Hill, the US and its rivals recognize that there is mutual benefit to greater transparency, but they are unable to separate their support for transparency from their core interest of enhancing their power at the others' expense.

In one crucial sense the politics of transparency plays itself out differently at home than it does abroad. At home, American national politics is akin to a balance of power system in which no single party or institution of government dominates others. There are multiple mechanisms at play to keep one center of power from controlling the country's national political life. (On foreign and national security policy, however, the balance of power clearly favors the executive branch, which employs secrecy as a mechanism to bolster and extend this advantage.) The same cannot be said abroad. The US has been the dominant country in the international system for some time. It has pursued a strategy of primacy in world politics since the 1940s, and its transparency policy is part of its long-term objective to forge and maintain a favorable international order. In effect, the aspiration behind America's support for greater transparency abroad is about maintaining an imbalance of power among the countries of the world, with America on top. From the American perspective, its preponderance of power is benign, and other countries committed to peace have nothing to fear from American power and should welcome American primacy – and a more transparent international system of states. The argument that transparency serves primacy is a controversial one. There is no single document I can point to in which an American statesman is recorded as having said that the purpose of America's quest for greater transparency is to advance American primacy. I nevertheless hypothesize this relationship because the two run parallel in my reading of American foreign policy since the 1940s. There is even evidence of this relationship in Woodrow Wilson's time. Wilson did not advocate American primacy *per se*, but he did see the US as a rising world power and the up-and-coming leader of a new world order, and he certainly envisioned openness and publicity among the countries of the world as integral to America's vision of that order. Whether my argument about transparency and primacy in American foreign policy has merit is, of course, for the reader to decide.

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I am also eternally grateful for the inexhaustible well of emotional support and the unconditional love that have been bestowed upon me by my family. My parents and siblings are my very best friends, and although many, many miles have kept us apart for much of the past quarter century they will always be close to my heart. An accomplished researcher and writer, my wife Elizabeth is a role model, and her comments on draft chapters, and her patient listening as I shared with her my ideas and frustrations, are indeed testament to her love for me. My children Marianna and Thomas are pleased this project has come to an end, for

in their minds this means I have more time to be with them and Elizabeth in the evenings and on the weekends. I am looking forward to spending more time with them, too.

J.J.M.
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List of Abbreviations

Association of Southeast Asian Nations (ASEAN)
Association of Southeast Asian Nations Regional Forum (ARF)

Central Intelligence Agency (CIA)
Communist Party of the Soviet Union (CPSU)
Comprehensive Test Ban Treaty (CTBT)
Conference on Disarmament in Europe (CDE)
Conference on Security and Cooperation in Europe (CSCE)
Confidence Building Measure (CBM)
Conventional Forces Europe Treaty (CFE)

Defense Policy Guidance (DPG)
Department of Defense (DOD)

Environmental Protection Agency (EPA)

Federal Trade Commission (FTC)
Foreign Broadcast Information Service (FBIS)
Freedom of Information Act (FOIA)

Government Accountability Office (GAO)

International Monetary Fund (IMF)
Interstate Commerce Commission (ICC)

National Security Agency (NSA)
National Security Council (NSC)
North American Air Defense Command (NORAD)
North Atlantic Treaty Organization (NATO)

Office of Legal Council (OLC)
Office of Management and Budget (OMB)

People's Liberation Army (PLA)
People's Republic of China (PRC)

Shanghai Cooperation Organization (SCO)
Swedish International Peace Research Institute (SIPRI)

Special Access Programs (SAP)

Strategic Arms Limitation Treaty (SALT)

Strategic Arms Reduction Talks (START)

Transparency International (TI)

Uniform Code of Military Justice (UCMJ)

United Nations (UN)

United Nations Disarmament Commission (UNDC)

United Nations Register of Conventional Arms (UNROCA)

United States of America (USA)

Union of Soviet Socialist Republics (USSR)

World Trade Organization (WTO)

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Chapter 1

Introduction

“Transparency is the word of the moment.” So wrote William Safire in 1998 in his regular *New York Times Magazine* column titled “On Language.”¹ For Safire, transparency’s place in contemporary political discourse is very much tied to the end of the Cold War. So that humankind never again journeys down the inglorious path of totalitarianism, Safire presents the fall of the Berlin Wall and the dissolution of the Soviet empire as potent reminders to our and future generations of the malevolence wrought on humankind by the exercise of power under the veil of state secrecy. More prescient, Safire associates transparency with a momentous, on-going transformation in social affairs from the machinations associated throughout time with the pursuit and the abuse of power to a new and hopeful order in which modernity and the virtues associated with it – reason, objectivity, truth, and democratic and accountable governance – help secure individual liberty and peace and prosperity among the countries of the world.

Today transparency remains the word of the moment – and it may be better described as the word of the era. At home and abroad, and on a diverse range of issues, transparency is regularly invoked by those who see the arc of history bending in their direction. In the United States, transparency is a well-established public value.² Politicians from across the political spectrum – from libertarians and conservatives on the right to liberals and progressives on the left – routinely proclaim its importance to good governance. Advocacy of transparency is hardly limited to the United States. The world’s liberal democracies have made a special point of recognizing transparency as a core principle of good governance.³ As part of its worldwide campaign to fight corruption, Transparency International (TI), a Berlin-based non-governmental organization formed in the mid 1990s, sees a link between corruption and secrecy, especially in countries lacking a tradition of public scrutiny of government and business. The World Bank and the International

1 William Safire, “Transparency, Totally,” *New York Times Magazine*, January 4, 1998, Section 6, p. 4.

2 See Bernie Horne, “Taking Our Values Public,” June 13, 2005. http://www.tompaine.com/articles/20050713/taking_our_values_public.php. Accessed on February 1, 2006.

3 In the Warsaw Declaration of 2000, for instance, over 100 countries agreed that government institutions must be “transparent ... and fully accountable to their citizenry” and that legislatures must be “duly elected and transparent and accountable to the people.” See United States Department of State, “Final Warsaw Declaration: Toward a Community of Democracies,” <http://www.state.gov/drl/rls/26811.htm>.

Monetary Fund's (IMF) anti-corruption campaigns include mechanisms to ensure transparency of financial matters among aid-recipient countries. They have taken up the charge against official corruption by calling upon their member countries – and private enterprises – to conduct themselves in a more open and transparent manner. They have also joined forces with other international organizations, including TI, by backing the United Nations Global Compact, which among other things calls on the private sector to undertake measures to tackle corruption.⁴

The conventional wisdom about transparency in world politics echoes these favorable sentiments.⁵ It views greater transparency among countries as a positive development, one that, among other things, fosters international cooperation on a range of matters and is emblematic of liberal democratic governance. This wisdom suggests further that transparency is a global phenomenon (i.e., evident in the affairs of state and non-state actors alike) – not merely an international one (i.e., limited to relations among countries) and therefore opens new possibilities for human progress. The central purpose of this book is to recast our thinking about transparency. The consensus view is incomplete and, therefore, faulty because it represents transparency as a mechanism to transcend – and perhaps, once and for all, vanquish – power politics. Yet transparency can also be represented as part and parcel of power politics such that what it means, how it works, and the outcomes associated with it, for instance, are very much a function of the power dynamics that characterize world politics. That transparency is very much wrapped up with and therefore inseparable from power politics escapes serious attention.

The purpose of this book is to investigate transparency and power politics by examining efforts by the United States to promote institutionalized, cooperative transparency internationally.⁶ The book poses these central questions: What are the origins of America's advocacy of greater transparency in its foreign relations? How does the cause of greater transparency among nations fit into America's strategy of primacy in world politics? American statesmen have long held that

4 See United Nations Global Compact, "Transparency and Anti-Corruption." <http://www.unglobalcompact.org/aboutthegc/thetenprinciples/anti-corruption.html>.

5 This favorable thinking about transparency and world politics is explored at some length in Chapter 2. Some scholars have a mixed view on transparency. Bernard I. Finel and Kristin M. Lord are noteworthy for the attention they give to power – to the extent that greater transparency might increase the risk of international conflict. See their edited volume *Power and Conflict in the Age of Transparency* (New York: Palgrave Macmillan, 2002). Also see their article "The Surprising Logic of Transparency," *International Studies Quarterly*, vol. 43 (1999): 315–39.

6 Dan Lindley defines cooperative transparency as a form of transparency in international relations in which countries use institutional mechanisms (e.g., discussion forms, meetings, verification provisions of treaties) to increase the information they have about each other. A regime's rules, bureaucracy, procedures, and functions determine whether it is an example of formal or informal cooperative transparency. See *Promoting Peace with Information: Transparency as a Tool of Security Regimes* (Princeton: Princeton University Press, 2007).

peace and security depend on America possessing a preponderance of global power. In the aftermath of World War II and again at the end of the Cold War, the United States stood alone as the most powerful country in the world by considerable margins. This preponderance of power is not the result of historical circumstances, however. Rather than resign itself to the rise of one or more peer competitors, the United States has sought a global imbalance of power, one that has placed it head and shoulders above friend and foe alike. This strategy of primacy is also about America harnessing its vast power for the purpose of constructing a liberal world order. As one component of the strategy, America has championed greater transparency in world politics, and by virtue of its formidable power and influence transparency among nations today bears America's imprimatur. Since the late 1940s, America has invested heavily in transparency-producing international institutions and bilateral arrangements and has used them, with some success, as mechanisms to manage the complex affairs of countries on a diverse set of issues. By championing transparency in this way, America has sought to normalize its preponderant power and legitimize its uncommon standing in the international system. America has also employed transparency as a tool to coerce other countries, potential rivals especially, and undercut the efforts of these countries to undo America's preponderance of power and challenge the American system of world order. By placing the onus of openness on its rivals, America has also sought to discipline their behavior, cast doubt on the legitimacy of their revisionist political aims and ambitions, and encourage their internal political transformation into "normal" and "open" societies that are amenable to or at least tolerant of American primacy.

Transparency in American statecraft is also at its core paradoxical. In international military-security affairs, the United States has long advocated transparency as a means to reduce the international tensions that circulate around the fears and worse case assumptions countries make about each other's intentions. By placing the onus of openness on others, however, America's transparency proposals have embodied *and* frequently heightened the very mistrust they are meant to alleviate. American statesmen typically hold that the burden of proof for reducing tensions depends on its rivals opening themselves up to outside scrutiny in ways and on matters America deems appropriate. Sensing a trap and ever mindful of the potential negative effects that outside scrutiny may have on their security, especially in relations with a powerful United States, rivals either seek to carefully circumscribe information exchanges or oppose them altogether. Regretfully, America has all too often interpreted resistance to its lop-sided transparency initiatives as a manifestation of its rivals' secretiveness and duplicity. All too often each side views the other's posture as proof-positive of its malevolence. America's transparency initiatives and the resistance of others to them have exacerbated tensions and exaggerated each side's security dilemma, thereby feeding into a spiral of hostility from which there is no easy exit. Consequently, in relations with its rivals, the United States has employed military transparency as a blunt tool of statecraft in a quest for strategic and political gain. This paradox is largely