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Forging a Bipartisan and Strategic Approach to Foreign Affairs

ZBIGNIEW BRZEZINSKI*

OPENING ADDRESS

One of the guests invited to the conference was the Vice President. Unfortunately, he could not be with us, but he has written me the following letter.

Dear Zbig,

I would like to think I played a small part in inspiring this event when I addressed the Federalist Society last January on the struggle between the executive and legislative Branches over the conduct of our Foreign Policy. The Iran-Contra Affair, the events in the Persian Gulf, and the debate over the interpretation of the ABM Treaty all underscore the timeliness and importance of your discussions. The impressive lineup of panels and speakers for the conference shows that you have brought together some of the Nation's best minds to conduct a balanced examination of these important issues. I hope that the conference will address some of the reasons for our current situation, as well as concrete proposals for structural change. I look forward to hearing back from you soon on any conclusions you reach. Once again, I wish you success with this most important endeavor.

Sincerely,
George Bush

A successful symposium requires not only the presentation of contending views, but also their interaction. It is from a creative exchange of views that we all benefit the most. I am, therefore, very pleased to chair this symposium assembled by the Federalist Society, particularly because it deals with a most timely and important topic—foreign affairs and the Constitution.

Who makes national security policy is not an idle question for academic debate. How we answer this question in practice determines America's capacity to act in the world. This, in turn, affects

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not only our ability to ensure the survival and security of the United States, but also our capacity to affect the future course of world events. The subject of this symposium is especially timely, given the current tensions between the executive and legislative branches—and among contending factions within Congress itself—over the American role in the Persian Gulf. This debate highlights what I consider to be the political dimension in the constitutional struggle over foreign policy. Without prejudging our panels' conclusions on the specific aspects of the subject, I would like to address a few remarks to the political dimension, for I believe it to be central to any reasonable management of the relationship between the executive and legislative branches. Let me repeat that I intend to focus on the political, not the legal or constitutional, aspects of the dilemma.

As a point of departure, we must recognize two very obvious facts. First, in the last fifteen years, the balance in the movable, dynamic relationship between the executive and legislative branches has clearly shifted from the President to the Congress. Congress has become more active, more involved, perhaps even more central, in the shaping of national security policy. This has resulted from a variety of factors, but it is certainly a fact of life. Second, we must recognize that an inherent ambiguity exists in the Constitution, regarding the proper boundaries of the prerogatives of the legislative and the executive branches. Quite simply, the Constitution does not hand down clear-cut guidelines for the process of shaping national security policy. It gives neither the legislative, nor the executive branch, exclusive powers in this area. These powers are not separated, but instead, are blended between the two branches.

The President has specific powers accorded to him by the Constitution, such as the treaty-making power. Furthermore, the President has all the powers inherent in national sovereignty, not explicitly given to Congress, and those powers implied by his role as Commander-in-Chief. Yet Congress has the power to declare war, and the Senate has the power to ratify, or reject, treaties. The legislative branch also has the decisive role in the budgetary process, and the exercise of that role clearly affects national security policy. All of this means that the relationship between the executive and the legislative branches is, inevitably, a fluid one. Determinate power will shift in one direction, and then another, depending on the prevailing political circumstances. This fluid accommodation is a part of our constitutional tradition, and is quite normal as such. In recent years, however, our flexible arrangements have become less manageable, more polarized, and even gridlocked.

I would like to comment briefly on the causes of some of our current difficulties. The first is the collapse of bipartisanship. The delicate, informal, and flexible relationship between the executive and the legislative branches in foreign affairs operates differently in the context of bipartisanship, than it does in the context of partisanship. The United States has been engaged as a major power in the world for forty years. For roughly the first twenty, we shaped our foreign policy largely on the basis of bipartisanship, which inevitably affected the nature of the relationship between the executive and legislative branches. It made for a greater mutual trust through a more automatic, although informal, process of consultation. Bipartisan consensus also meant that both branches shared certain common assumptions. I emphasize the word "assumptions" because a great deal of our foreign policy operates on automatically shared assumptions, rather than deliberately framed strategy.

In this country, we do not have a tradition of shaping a geostrategic approach to foreign policy, but rather, we have a tradition of responding to certain basic, commonly shared feelings. There is no doubt, for example, that our Anglophile feelings had a lot to do with the emergence of the Anglo-American alliance in World War II, and with the special relationship between the United States and Great Britain, that remains after the war and extends into the alliance that we undertook with Europe. After twenty years, however, the tradition of bipartisanship in foreign policy collapsed in the course of the Vietnamese War. Today, alternative, partisan conceptions color a great deal of the dialogue on foreign policy issues. These conceptions are based on increasingly different assumptions about the world, the uses of power, the nature of the threat, American values, and American priorities.

A partisan approach to foreign policy inevitably affects the relationship between the executive and legislative branches, especially if one party controls Congress, and the other holds the White House. When there is a partisan split between these branches of government, policy differences inevitably intensify, further complicating the process of making sound policy. It subjects foreign policy to partisan debate and maneuvering, and encourages the legislative branch to counterpose itself to the executive branch on the nature of strategic issues.

The second problem which has compounded tensions between the executive and legislative branches over foreign policy is our national tendency to confuse strategy with tactics. We do not have a strategic tradition in this country, nor do we have a tradition of artic-

ulating a set of explicit strategic assumptions that clearly define our priorities. We often fail to distinguish central strategic fronts from peripheral fronts in our conflict with the Soviets. We tend to be driven toward a policymaking process, in which tactical considerations become dominant. As a result, tactics tend to shape the substance of strategy.

Consider, for example, a current issue in the forefront of public attention: the Iran-Contra debate. This problem would not have become acute had there been a deeper awareness of the strategic issues involved. Such an awareness would not have allowed the issue of the hostages in Lebanon to become paramount. It also would have facilitated a greater discrimination in the choice of tactics designed to save the strategic objective of renewing the American-Iranian relationship. Yet the preoccupation with tactics became so strong, and the choice of tactics became so bizarre in the end, that the ultimate strategic objective of the enterprise was overshadowed, and finally negated.

In the context of the collapse of bipartisanship, this second problem has become intertwined with the debate between the executive and legislative branches. The United States simply has not cultivated a process of devising and articulating a national strategy. Rather, the national strategy is periodically revised, and then tactics are adapted to serve it. The confluence of these problems has led Congress to legislate tactics, rather than debate strategy. The executive branch, which is prey to the same preoccupation, often compounds the problem by emphasizing tactics without thinking seriously about strategic assumptions.

The third problem in the formation of a coherent foreign policy is the absence of adequate and sufficiently serious consultation between the executive and legislative branches, regarding strategic matters. Presidents have tended not to engage their colleagues in Congress on this issue, and the executive branch lacks an adequately developed mechanisms to do so.

The National Security Council could serve as a vehicle to promote such a dialogue on strategy. One of the Council's proper roles is to advise the President on the development of a strategic approach to the world, and to coordinate the actions of the different executive departments: the Department of State, the Department of Defense, and the respective intelligence communities. That is how the National Security Adviser should see his role; yet, he is unable to appear before Congress to explain his efforts, or his assumptions. If he does so informally, he is often viewed by those in the traditional executive departments—such as the Department of State—as usurp-

ing their legitimate role. This, in turn, further inhibits the process of promoting a dialogue on strategy.

I know from my own experience that whenever I appeared on Capitol Hill to meet with Senators or Congressmen, I could only do so informally, and even then, only under quasi-surreptitious circumstances, that were almost inevitably followed by recriminations from the Department of State on the grounds that I was usurping its role. Yet, the Department of State does not, and cannot, shape national security policy. It too often confuses diplomacy with foreign policy, forgetting that diplomacy is only one aspect of foreign policy. Military power, covert activity, financial power, intelligence, and threat assessment are all part of the process of making a national security policy. Diplomacy is but one component.

The fourth problem of shaping foreign policy is the nature of modern warfare and its threat to our national survival, both of which have altered the dimensions of the decisionmaking of the Executive. Modern circumstances, in particular, have compressed the time available for critical decisionmaking under circumstances of the most dire threat.

We live in an age in which we are always faced with the potential—I repeat, potential—danger of having to make critical life and death decisions under the most incredible pressure. This inevitably complicates the constitutional responsibilities of the executive branch, vis-a-vis the legislative branch. In the event of a nuclear conflict between the United States and the Soviet Union, the President would have approximately four minutes to make the most difficult and most critical decisions. If the Soviet Union initiates a nuclear strike at night, the National Security Adviser would wake up the President roughly three minutes after the launch of the Soviet missiles. The President would then have to consult with the National Security Adviser, and roughly, from the fourth to the eighth minute, review certain, rather complex procedures, and engage in critical decision-making with some other key individuals. The President would then have to choose among several options, and undertake certain decisions whose execution would have to be initiated, roughly, from the eighth to the tenth minute.

Clearly, these procedures literally require a few individuals to assume an enormous amount of responsibility. They pose a question that is enormously sensitive and of the utmost national importance. This question obviously affects both how we operate as a nation, and how we make policy under the most dire of circumstances. Yet, these procedures cannot be governed by the conventional guidelines con-

tained in the Constitution that govern the declaration and conduct of war.

Given the compressed time available for decisionmaking under such circumstances, there would be an unavoidable collision between constitutional provisions and actual real life situations. Here, concentration of command and control of authority in the hands of a single person must be ensured in order to prevent political decapitation. Without this, our ability to initiate a retaliatory strike, and therefore, the credibility of our deterrence threat, would come into question.

The Carter administration was the first, in some twenty years, to exercise these complex crisis procedures. The executive branch, particularly the President, has to be both versed in, and prepared for, these critical procedures. There is no time to learn them in the event of a real crisis. The survivability of our government under the circumstances of modern warfare requires attention to this matter, not only for the purpose of fighting war—should that become necessary—but primarily for that of deterrence. In this regard, it seems inevitable that the Congress must delegate authority to the President.

The fifth problem complicating relations between the executive and legislative branches involves covert action. Today, there are widely divergent perceptions about the role of covert activity in our national security policy. Few would dispute that there is a need, from time to time, for covert activity. It is a legitimate form of international action, designed to obtain desired political objectives. It can involve supporting foreign trade unions, counteracting disinformation in the foreign press, influencing key foreign decisionmakers, or exercising other forms of persuasion. Some of these actions are relatively harmless and risk-free, while others carry serious consequences and involve great risks to the individuals concerned in undertaking them.

Can such activities be undertaken without consulting the legislative branch? The answer is clearly no. Some consultations are necessary. Yet if there is such consultation, can it be achieved with the security needed for the operation to succeed? Unfortunately, my own experience in the White House, and recent experience more generally, indicates that the chances for success in this context are not quite certain. Both the executive and legislative branches must ensure that leaks will not compromise policymaking, so as to place into jeopardy not only the objectives of the operation, but also the safety of individuals engaged in these potentially hazardous actions. Any leak destroys the needed mutual confidence between the legislative and executive branches, thereby complicating the ability of individuals of

goodwill on both sides to undertake the needed cooperation for integrating covert action into our overall national policy.

In a sense, all of these problems are crystallized in the War Powers Resolution, which represents the outcome of a profound struggle over the proper lines of authority for the exercise of military force by the United States. After the end of the American involvement in the Vietnam War, there was a pervasive fear in the Congress that the executive branch had overstepped its constitutional authority during that conflict. That was the political context in which the Resolution was passed. Since then, no President has invoked its procedures, nor even conceded the constitutionality of its provisions. The issues it raises are genuine political problems that need to be addressed, but the Resolution may not have been a proper response to those issues, and it may not, now, provide proper answers to the real dilemmas we face, specifically those that I have tried to outline.

The problems connected with the War Powers Resolution have been particularly evident in the continuing debate over the American role in the Persian Gulf. Congress wants President Reagan to invoke the provisions of the War Powers Resolution, and there have even been fitful movements to force him to do so. At the same time, however, it is clear that there is no consensus in Congress concerning our policy objectives, or our tactical requirements. Congress has debated, literally for months, about the proper role for American military forces in this region. There is a general consensus that the United States has interests in the Gulf that need to be protected. Beyond that, however, Congress cannot agree about the specific role that America should assume. Are our forces simply on a symbolic mission to show the flag? Should we require cooperation from our Arab friends in the Gulf before putting our forces there? Should we protect the reflagged tankers? Should we protect our Arab friends from Iranian attacks? Should we retaliate in the event of Iranian attacks on our forces? If so, what should be the character of the retaliation?

Congress will not give the President a blank check in the Gulf; however, it cannot formulate the legislative language to cope with the myriad of rapidly changing contingencies involved in our action. In brief, Congress cannot act as if it were the Commander-in-Chief. I mention this to highlight the fact that, over the last fifteen years, a pattern has developed in the relationship between the executive and legislative branches that creates serious difficulties that cannot be ultimately resolved by legislation or formal arrangements. Repealing the War Powers Resolution would not solve the problem, in spite of everything that I have said about it. Alone, repeal would not auto-

matically restore a proper balance. The difficulty does not arise from a deficiency in the statutes; rather, it is a political problem. What is needed is a process of political accommodation and adjustment that takes into account the global circumstances of the United States, and the political and constitutional realities at home.

It is with this in mind that I would now like to share five suggestions that might be helpful in dealing with these problems. I would like to note that I said "in dealing with," not "resolving," these problems. We are faced not with a puzzle that can be solved given enough ingenuity, but rather with a condition inherent in the complexity of our constitutional arrangement.

The first suggestion involves a deliberate quest for a greater degree of bipartisanship. For the sake of a better relationship between the executive and legislative branches in the area of national security policy, it is important and desirable that a more deliberate effort be made, particularly by the President, to move the country back toward some genuine degree of bipartisanship. This is not a pious wish, and it is not a prayer. Bipartisanship does not happen by itself, and it is not a gift from the gods. Rather, it is a relationship that is accomplished through patient, deliberate work. I believe that President Reagan has missed a very major opportunity to move in this direction.

When he came into office, President Reagan had a unique, broad mandate, particularly in the area of national security policy. His was a special, unprecedented opportunity in the post-Vietnam period. He was the first President, to my knowledge, who had as a member of his transition team a former Presidential candidate of the opposite party working on the issue of national security. If the President had appointed Senator Henry Jackson to be Secretary of Defense, he would have taken a giant step towards achieving bipartisanship.

That is the way it was done under Presidents Truman and Eisenhower. They shared powers with responsible members of the opposite party with whom a certain degree of shared consensus existed. I would like to stress that these things have to be done deliberately. I often urged President Carter to work more closely with Senator Howard Baker, and they both tried. In my judgment, however, our administration did not try hard enough. We did not go the last mile in this regard. We made no effort to draw members of the opposite party into our administration.

The first step must be taken by the executive branch, and then the legislative branch must respond. Future administrations must make a truly serious effort to enhance bipartisanship, in order to deal

with the political problems inherent in the relationship between the executive and legislative branches in foreign affairs.

The second suggestion involves a more deliberate formulation of national strategy. We need a strategic process—a method for developing a more coherent approach to our national security. This method must respect the needed distinction between strategy and tactics, and involve joint participation by the executive and legislative branches. We can no longer shape national strategy, or deal with strategic questions, simply by relying on the decisions of the President, his National Security Adviser, and his Secretaries of State and Defense. We are no longer living in an age, as we were in World War II, in which foreign policy is the exclusive prerogative of the executive branch.

Ad hoc consultations are not enough. Rather, an established process of consultation is needed. It would be desirable for the President to use the National Security Council meetings, on a roughly monthly basis, for enlarged consultations with the top congressional leadership, regarding strategic matters. These would not be decision-making meetings, and thus, would maintain the distinction between the executive and the legislative branches. They would be a way to engage congressional leaders in the process—for the entire national security policymaking process needs their input and involvement. In these meetings, the President and congressional leaders would discuss our national strategic objectives. Our leaders would define our goals, identify our priorities, distinguish between central and peripheral issues, and shape the guidelines for the exercise of our powers and diplomacy. Such meetings could begin to close the pernicious gap between these two branches of our government and could establish, more generally, a sense of shared direction.

The third suggestion involves appointing former congressional figures to top executive slots in the area of national security policymaking. I think it would be useful for our Presidents to look at this possibility more closely. I do not think it should become an established practice, nor should it become a pervasive practice, but I do think that it would be helpful if one of the three principal presidential advisers—the Secretary of State, the Secretary of Defense, or the National Security Adviser—was a well-respected and well-informed former senior Congressman or senior Senator who shares the President's strategic perspectives. Such an appointee would become a distinct, informal link with the Congress. Something along these lines is absolutely essential if we are going to redress current tensions between the executive and legislative branches, particularly the present trend

towards micromanagement of foreign policy among 535 putative Secretaries of State or Defense.

The fourth suggestion is that we consider the possibility of having the National Security Adviser make regular, but informal, appearances before pertinent congressional committees. There have only been two kinds of National Security Advisers over the years: those who play a useful role, and those who are irrelevant. If the individual plays the role he should be playing, he should be accessible on a limited, informal, yet regular, basis to the Congress, in order to help shape the needed executive and legislative branch consensus. The fact is that the Secretary of State cannot truly articulate national security strategy because his department cannot produce it for him. His department is essentially preoccupied with negotiations, and it has excellent people for that objective.

The same is true of the Secretary of Defense. This position requires someone who works closely with the President, who shares the President's strategic policy and bureaucratic perspectives, and who has legitimate authority to speak on behalf of the President with an overall strategic view, and to share that view informally with the congressional leadership.

Finally, it would also help if we had a single joint intelligence committee in the Congress. I think that the existence of two committees with two staffs creates some of the difficulties that we have experienced. Too many people are involved under the present system, making a shambles of any effort to conduct responsible, serious consultations. I believe that a single committee with strictly defined rules of procedure, both for its staff and its members, would help a great deal to infuse mutual confidence and mutual trust into the policy-making process. This, in turn, would make the intelligence agencies of the executive branch much more confident in fully consulting and sharing their views, aspirations, and problems with the legislative branch, as certainly should be the case.

This critique and these suggestions certainly will not resolve the problems inherent in the relationship between the executive and the legislative branches in the area of national security. No comprehensive solution is possible because the problems are inherent in our constitutional structure. Nonetheless, steps in the directions I have indicated might help to fashion a more favorable political context for executive and legislative branch decisionmaking, that would be better designed to mobilize public support for foreign policy, and to generate greater strategic consistency in our foreign policymaking.

None of my suggestions are designed to establish the supremacy

of one branch over the other. Rather, they reflect the recognition—based both on study and very direct personal experience—that in our system, neither side has ultimate supremacy, and that efforts to achieve supremacy by either side would be counterproductive to the national security policymaking process of the United States.

Our political system works well only when it is guided by the spirit of compromise. The quest for unilateral domination can only produce enmity or gridlock. I offer these views in the conviction that the cooperative balance is not only clearly desirable, but is, in fact, politically feasible. The point of departure for a remedy to our current dilemmas is, in fact, in the realm of politics.