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# Congress and Arms Control

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## PROFESSIONAL READING 125

Platt, Alan and Weiler, Lawrence D., eds. *Congress and Arms Control*. Boulder, Colo.: Westview Press, 1978. 227pp.

The very appearance of this volume signifies the recent self-assertion of the Congress in the formulation of national security policies of the United States. The congressional activism of the past decade or so has affected disparate national concerns ranging from foreign military sales, the SALT negotiations, nuclear proliferation and U.S. alliance policies. The President no longer enjoys a relatively unfettered reign in foreign policy decisionmaking, but instead increasingly finds his prerogatives constrained by the legislative branch. Perhaps only in the administration of President Andrew Johnson can we find a period of greater congressional involvement in policymaking. Unfortunately, *Congress and Arms Control* does not debate the contemporary activism of the Congress; instead it provides a brief for such a role. Not that this should surprise the reader inasmuch as almost all of the contributors share a link to Capitol Hill, and while they differ on specifics, most espouse "a central role [for Congress] in formulating this country's arms control policies."

Of the 11 contributions to *Congress and Arms Control*, several are noteworthy. Congressman Les Aspin has provided a very lively account of the "power of procedure." Dissenting from the predominant position of the contributors that the Congress needs more information in order to stand on an equal footing with the executive branch, Aspin argues that "... the problem is not information," but the innovative use of procedural tools. Noting that procedural ploys allow the legislator to avoid taking a stand that might cost him votes, Aspin asserts that "Congress feels more comfortable dealing with issues this way." A vivid example of the power of procedure is the Walsh Act of 1935. The Congress,

suspecting that President Roosevelt was planning to give destroyers to Britain, required the Navy to certify that they were not needed. Thus instead of confronting the President, the Walsh Act played on the predictable reluctance of the Navy to declare that warships were surplus. Such methods allow the Congressman to vote as he pleases and "leave his constituents scratching their heads."

Philip Farley, now with the State Department, provides a very competent exposition of the role of the Congress in regulating arms sales. While he finds that the Congress has done a better job than the Executive in coordinating arms sales with the national interests, he takes a less sanguine view toward congressional activism in this realm than the other contributors. In fact, he finds that "if Congress passed on all arms sales, it is far from certain that the outcome would differ greatly from that of the Executive Branch...." Warren Donnelly of the Congressional Research Service has also provided a commendable survey of congressional activity in the area of nuclear proliferation. He finds that without congressional interest, U.S. nuclear nonproliferation policy would not be moving forward as expeditiously as it is.

Another worthwhile treatment is provided by Kurt J. Lauk. Lauk addresses the European perspective on U.S. affairs, and he illuminates the incongruence of congressional activism for the European who is often more accustomed to a parliamentary form of government. To the European observer it is somewhat bewildering to encounter a system in which the legislature not only refuses to support the President, it often also proffers its own alternative policies. At the least, congressional activism has made it very difficult for foreign—and domestic—observers to determine the source(s) of U.S. foreign policy.

Finally, Lawrence D. Weiler's,

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argument against secrecy in arms control negotiations is without doubt the most provocative chapter in the book. He denigrates the tactical value of secrecy in negotiations with the Soviets, and argues strongly for congressional involvement in all stages of arms control negotiations. The reputation of Capitol Hill as a sieve for classified material is not confronted as directly, by Weiler, as many would believe appropriate. And one suspects that his argument for a broadened congressional role reflects the hidden assumption that such involvement will temper the Military Establishment; whether he holds the same view today, in light of the anti-SALT sentiment in the halls of Congress, and the increasing importance being ascribed to national defense, is at least an interesting question.

To conclude, *Congress and Arms Control* is a readable, interesting book that may be of value to the informed layman, as well as the specialist. However, the reader is not presented with the full story, the book's lack of balance necessitates an antidote on the other side of this most important topic.

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Stockholm International Peace Research Institute. *Anti-personnel Weapons*. New York: Crane-Russak, 1978. 299pp.

Aside from its annual yearbook, *Anti-personnel Weapons* is the latest product of the Stockholm International Peace Research Institute (SIPRI), an "independent" institute financed by the Swedish Parliament. This particular volume was prepared especially for the ongoing United Nations Conventional Weapons Conference, scheduled to hold its second formal session in Geneva in September 1980. Sweden, the principal proponent of that conference, freely distributed copies of *Anti-personnel Weapons* at the first session of the conference in September 1979.

A review of events of the preceding decade is necessary to an understanding of *Anti-personnel Weapons*. Sweden, a critic of United States participation in the conflict in Vietnam and of weapons being employed by the United States, pressed for an international conference to ban antipersonnel weapons which (it concluded) caused "unnecessary suffering." After various meetings of government experts from 1972-1977, Sweden was successful in obtaining United Nations sponsorship of the present conference. The myriad precedent conferences and events occurring in the interim have served to narrow the issues and tone down the highly politicized rhetoric of the Vietnam war era. For example, Sweden's condemnation of the U.S. M-18 claymore mine as an illegal weapon ceased abruptly in the mid-1970s when its army began development and testing of its version of the claymore, the FFV 013 (which it subsequently adopted). Likewise, Sweden now concedes that none of the weapons under consideration by the U.N. Conference is illegal *per se*. However, this has not deterred Sweden in its efforts to achieve restrictions on the use of certain antipersonnel weapons against exposed combatants, thereby possibly explaining SIPRI's rationale for publication of *Anti-personnel Weapons*. Confronted by the substantial armor forces of the Soviet Union, and predominantly an infantry-oriented nation, Sweden has sought unsuccessfully to impose legal restraints on weapons that may be employed against exposed personnel (i.e., infantry forces), while proposing no limits on the attack of armored, or mechanized, forces. (Students of history will recall a similar unsuccessful effort to use international law to overcome a tactical disadvantage in the various endeavors of Great Britain in the post-World War I era to ban the submarine as a weapon of war or, in the Rules of Submarine Warfare of the Treaty of