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# Congress and National Strategy

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*While the author suggests that he is "not sure what is gnawing at the innards of Congress" as regards national security, he does indicate two dominant and interrelated themes. First, Congress is deeply disturbed over the continual erosion of legislative authority in security affairs; and, secondly, there is a growing congressional disposition that the military budget should be given the same painful scrutiny that is applied to other budget items—a comprehensive cost analysis. An understanding of these problems by military officers and senior Government officials is essential if they are to deal with Congress on national security matters.*

## CONGRESS AND NATIONAL STRATEGY

A lecture delivered at the Naval War College

by

Mr. William B. Bader

Admiral Colbert, Admiral Bennett, ladies and gentlemen; from what I know of the composition of the student body of the Naval War College, you are a group with diverse backgrounds, broad professional interests, and presumably catholic tastes. I would venture to say, however, that as a group you hold at least one attitude in common—and that is a profound uneasiness, bordering on dislike, of the disorder that is the U.S. Congress. Many a time I have seen a beribboned service stalwart approach the witness table of certain congressional committee rooms with all the grim determination and controlled terror of a second lieutenant ordered to lead the first assault on Monte Cassino.

I say "certain" congressional committees for a reason. Until recently the representatives of the Department of Defense, the military services, and the Department of State could readily and comfortably divide the cast of congressional characters with all the certainty

we brought as children to a Tom Mix movie: the villains always tended to be from Little Rock; the heroes from Charleston. This comfortable character identification extended from the Halls of Congress to the groves of academe. Senator Pastore would give a stern and patriotic commencement address at the Naval War College, while Senator Fulbright spoke in dark terms of a sick society to a cheering multitude at Princeton. In fact, identification of heroes and villains by institution rather than performance has become so extreme in recent years that when I told one of my former colleagues on the staff of the Committee on Foreign Relations that I was going to speak here, he suggested that I would be as welcome at the Naval War College as Nasser would be in Beverly Hills.

I think we would all agree that this stereotyping has been bad. It's been bad for the communications so vital among the policymakers, bad for the wider

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national dialog, and bad indeed for the best interests of the country.

Fortunately, the hard lines of congressional division on national security issues have begun to blur; and the new combinations of congressional opinion are often as bewildering as they are fascinating. We find Senator Fulbright and Senator Russell opposing the FDL (Fast Deployment Logistics) program for virtually the same reasons. We find Senator Stennis supporting a congressional resolution offered by Senator Fulbright on the division of the war powers for the same reason, according to Senator Stennis, that he, Senator Stennis, supported the Brieker Amendment. We find the Senate Armed Services Committee badly divided on the ABM issue, and finally, we find 50 Senators from both parties voting against the President of the United States on the Safeguard ABM program, despite the fact that the Commander in Chief stated unequivocally that the deployment of this system was essential to American security.

As a British observer put it rather indelicately a few months ago, "What, in heaven's name, has gotten the bowels of Congress in such an uproar?"

Let me put it to you as clearly as I know how, that any explanation for recent congressional behavior that begins with a charge that muddle-headed, leftwing intellectuals have declared "open season" on the military is as absurd as it is unhelpful. I have been asked this morning to describe, perhaps even to explain, the contemporary role of Congress in the formulation of national security policy. The task is, I am afraid, as formidable as the invitation was flattering. I will admit to you at the outset that even after several years of association with the Senate, I'm not entirely sure what is gnawing at the innards of Congress. But I do believe that it is essential that you, as military officers and senior Government officials, make a solid effort to evaluate and

then to understand the current institutional problems of the Congress in the making of foreign and national security policy.

There are two dominant and inter-related themes that condition the attitudes and guide the actions of those Congressmen and Senators who are now dissatisfied with Congress' role in the making of American national security policy. The first is their concern with what they hold to be the continued erosion of legislative authority and the accompanying growth of the power of the executive branch. Second, and perhaps most important to a predominant military audience, there is the growing congressional disposition to bring the military budget under the same painful scrutiny that has been applied to the budgets of the civilian agencies. The Halls of Congress now resound with questions and demands for justification for defense projects. Some of these questions would do credit to the most sophisticated of system analysts. Senators now want to know not only why you want a Nimitz class nuclear-powered aircraft carrier and how much it is going to cost, but they're asking the critical questions of cost projections over a 20-year period for the entire carrier task force. These are new questions asked very often by new men; questions which contribute, in my view, to challenging and well-informed debate. But more of this theme later.

Let me warn you at the outset that my remarks on these two themes will be made from the vantage point of the Senate, for reasons both of constitutional issues involved and my own experience. I will admit to you some of the same prejudices about the Senate that James Madison revealed when he wrote that the unique value of the Senate is that it proceeds, according to Madison, "with more coolness, with more system, and with more wisdom than the popular branch."

What then is troubling the cool, wise,

systematic Senate in the area of congressional prerogatives and national security? Essentially, there has been a gathering Senate consensus on the need for restoring a degree of constitutional balance in the making of national and foreign security policy.

Goaded by academic critics and embittered by the undeclared Vietnam war, many Senators now perceive to their dismay that it is a demonstrable fact that the President of the United States wields national security power far exceeding the power of any executive of any other democratic country, perhaps beyond the power of some rulers of authoritarian states, and certainly far exceeding the intentions of the architects of the American Constitution. As belated as this realization may seem, many Senators now concede that Professor Ruhl Bartlett of the Fletcher School of Law and Diplomacy was all too correct when, during a series of hearings on the state of Congress's constitutional role in making American foreign policy, he told the Committee on Foreign Relations in 1967 that:

The positions of the executive and legislative branches of the Federal Government in the area of foreign affairs have come very close to reversal since 1789, a change that has been gradual in some degree but with acceleration during the past half century and breakneck speed during the last 20 years. The President virtually determines foreign policy and decides on war and peace, and the Congress has acquiesced in or ignored, or approved, or encouraged this development.

Dean Acheson, who could hardly be described as a champion of congressional prerogative in the national security field, bluntly presented the case in 1951 for executive preeminence, if not plenary power, in the field of

national security. Secretary of State Acheson told the Foreign Relations Committee in 1951 on the occasion of congressional hearings on President Truman's plan to send American troops to Europe—

Not only has the President the authority to use the Armed Forces in carrying out the broad foreign policy of the United States and implementing treaties, but it is equally clear that this authority may not be interfered with by the Congress in the exercise of power which it has under the Constitution.

"This authority may not be interfered with by the Congress . . ." What is particularly remarkable about this constitutionally outrageous statement is that the committee, by its silence, acquiesced in Acheson's view that there is almost no restraint on the President's powers to commit the country to a course of action. Bemoaning the fate of constitutional prerogatives to the Congress, the Foreign Relations Committee was forced to admit a few months ago in a report to the Senate—and I hope you would listen to this admission carefully:

Our country has come far toward the concentration in its national executive of unchecked power over foreign relations, particularly over the disposition and use of Armed Forces. So far has the process advanced that, in the committee's view, it is no longer accurate to characterize our government, in matters of foreign relations, as one of separated powers, checked and balanced against each other . . . . The executive has acquired virtual supremacy over the making, as well as the conduct, of the foreign relations of the United States.

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Gentlemen, I strongly believe that it is as critical for you as military officers and ranking civilian officials to try to understand why such a report drew the signatures of all but one member of the Foreign Relations Committee. That is, the statement I have just read drew the endorsement of Senators on the committee from Senator Fulbright to Senator Mundt and Senator Williams.

What are these congressional prerogatives that Senator Mundt and Senator Fulbright contend have been undermined by the executive? How many of you, for example, can recall the text and the legislative record of the two areas of our foreign relations in which the Constitution is quite explicit as to the authority of the Congress? I refer here to the power involved in the making of treaties and the initiation of war; powers which have passed largely into the hands of the President.

This morning I do not propose to belabor you with a discourse on constitutional prerogatives, but only to sketch out briefly why this issue is one of the most sensitive points of contemporary executive-congressional relations, spilling over into areas of great concern to all of you as military officers and senior civilian officials: U.S. military presence in Spain, the commitments we have to Thailand, Senator Cooper's and Senator Mansfield's concern over what U.S. forces are doing in Laos, to cite a few recent examples of congressional agitation involving the treaty and war powers. The roots of these contemporary issues are in Executive-congressional differences as to the constitutional balance in the making of foreign commitments.

There is no doubt that the treaty process was the instrument designed by the framers of the Constitution to bind the United States to solemn and significant agreements with other nations. Article 2, section 2, of the Constitution states that the President "shall have the power, by and with the advice and

consent of the Senate, to make Treaties, provided two thirds of the Senators present concur." Now let us hold this language of the Constitution up against what has actually happened to the treaty power of the Congress over the years.

During his Air Force Academy speech, President Nixon reminded us that since 1941 the United States "has paid for 14 years of peace with 14 years of war." I think some of us might amend this remark to suggest that since 1941 the United States has endured 14 years of war and 14 years of "cold" war. This depressing array of conflicts and preparation for conflicts has contributed substantially to blurring the traditional distinction, devised by the drafters of the Constitution, between the treaty as the appropriate means of making significant—and I underline the word *significant*—political commitments and the executive agreement as the appropriate instrument for routine non-political agreements. Since 1940 the word "commitment"—a marvelously flexible word—has increasingly come to mean engagement, ranging from those contracted by treaties consented to by the Senate to executive agreements or even simple declarations of ecstatic vice presidents.

Let me illustrate the damage to the Senate treaty power in two ways. First, let us consider the question of executive attitude toward what the framers of the Constitution considered was one of the most solemn of Senate powers. On 25 August 1966 Secretary of State Rusk declared before the Senate Preparedness Subcommittee, and I quote the former Secretary, "No would-be aggressor should suppose that the absence of a defense treaty, Congressional declaration, or U.S. military presence grants immunity to aggression." Whatever this stark warning may have meant to would-be aggressors, it certainly meant to the Congress that the Executive, with or without Congressional consent,

treaty or no treaty, was prepared to exercise plenary powers in combating or containing any or all would-be aggressors. Let me illustrate the problem of "treaty-overrun" as important members of the Senate see it.

I know you're all aware of the recent congressional uproar over our obligations in Thailand and the documents that Secretary Laird *did not* make available to the Senate Foreign Relations Committee—that is, the military contingency plan for Thailand of which you've heard so much. This all-too-embarrassing donnybrook is rooted in the general controversy over the treaty power of the Senate. A number of Senators contend that executive branch officials have created a commitment to Thailand going far beyond the commitments agreed to under the SEATO Treaty approved by the Senate in February of 1955. According to this argument, the United States is obligated under article IV, paragraph 1 of the SEATO Treaty to "act to meet the common danger in accordance with its constitutional processes" should Thailand be attacked. Should Thailand be threatened with subversion, the United States and the other treaty signatories are obliged under article IV, paragraph 2, "to consult immediately." Consider the outrage, then, in many parts of the Senate when Thanat Khoman, the Thai Foreign Minister issued a joint communique in 1962 with Secretary Rusk in which Secretary Rusk stated, and I quote, "the firm intention of the United States to aid Thailand, its ally and historical friend, in resisting Communist aggression and subversion." I think you will all agree that that statement is a far, far cry from consultation.

Or look at another issue affecting Thailand from the Senate's perspective. In 1967 the Senate gave its solemn advice and consent to a tax treaty, a double taxation treaty with Thailand; but at no time, before or since, was the issue of the deployment of 50 or 40,000

American troops to Thailand formally brought before the Congress. Now I contrast this example of the use of executive authority to the hearings before the Committees of Foreign Relations and Armed Services in 1951 concerning the deployment of U.S. ground forces to Europe. You may remember these hearings which were so important in establishing a basis of support and understanding within the Congress for the placement of American troops in Europe. Dean Acheson's insistence during these hearings on a remarkably broad view of executive authority, to which I have already referred, does not detract from the fact that in 1951, in contrast to the decision to place troops in Thailand, a concerted effort was made to inform and to involve the Congress in an important decision affecting national security. Is there any wonder then that a well-meaning briefing officer was cut up in small pieces when he went before the Senate Foreign Relations Committee recently to tell the Senators: "Yes indeed there was a contingency plan worked out for the defense of Thailand," but "No indeed you can't see it." This extraordinary position was later amended to a point where the Senators can now see the contingency plan if they go to Mr. Laird's office in the Pentagon. As military officers, you can certainly enjoy the bad theater of that entire episode, unless, of course, you happen to be the briefing officer. But I also suggest that you try to understand the roots of the problem because the military services are going to have to deal with this particular sensitivity of the Senate to the expansion of executive authority for a good long while. To the old service adage, "Know your enemy," I would add, "Know your Constitution and know your treaties" as an important tenet of escape and evasion on Capitol Hill.

Unlike the treaty power we've just been discussing, the Constitution did not divide the war powers between the

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two branches of Government but conferred it upon the Congress and Congress alone. Dismayed by the power of the British monarchy to commit the colonies to war, the framers of the Constitution first proposed during the Constitutional Convention—this is really quite extraordinary when you think of it in historical terms—that the Congress be given the power to “make war.” This power was changed later in the Convention to the power to “declare war.” I think it is interesting to read from James Madison’s notes on the reasons for this change of wording. According to Madison’s notes on the proceeding of the Convention: “Mr. Madison and Mr. Gerry moved to insert ‘declare,’ striking out ‘make’ war; leaving to the Executive the power to repel sudden attacks.”

Again, there was obviously no question in Thomas Jefferson’s mind as to where the war power was lodged when he wrote to Madison in 1789: “We have already given in example one effectual check to the Dog of war by transferring the power of letting him loose from the Executive to the Legislative body, from those who are to spend to those who are to pay.”

I do not have time this morning to describe fully the pattern and pace of increasing Presidential dominance in the power to commit the country to war. If I may attempt a summary:

(1) The Congress generally did not resist or oppose encroachments upon its constitutionally given war powers. Indeed, when President Wilson took American forces into Mexico, the Congress, which was never consulted prior to the action, gave its *post-facto* endorsement in the form of a resolution.

(2) The trend initiated by Theodore Roosevelt, Taft, and Wilson has accelerated to such a point that the real power to commit the country to war is now in the hands of the President.

(3) The period from the commitment of American forces to the Korean war without Congressional authoriza-

tion to the lightly given blank check of the Southeast Asia resolution in 1964 marks the most abject abdication in our history of congressional responsibility in the area of national security policy.

(4) Finally, the acquiescence of the Congress in the process of constitutional erosion was conditioned, if not largely the result, of a shared view of the 1950’s that the Communist world was a unified imperium mounting a powerful offensive against every point on the globe. The reaction within the United States to this threat was to delegate power to the Presidency and to concentrate all resources in the President’s hands. One of the results of this concentration of power in the 1950’s was congressional abdication in the realm of foreign policy.

The changes you’ve now seen in congressional attitude from acquiescence to agitation, from faith to skepticism, in what Senator Fulbright once called, “the cult of executive expertise,” has been building for at least 3 years. The reasons for this change, beyond the frustration and bitterness born of the Vietnam war, can, I believe, be identified:

(1) The weakening, if not the collapse, of the notion of the unified Communist imperium. Now we speak within the Congress and throughout the country, not of a concentration of Communist power, but of the diversity within and the weaknesses of the Communist World—indeed, it has become as meaningless in power terms to speak of the “Communist World” as it is to speak of the “Western World.” This collapse of the notion of a Communist imperium has removed, in the eyes of many, the necessity for concentrating our forces. It also has removed for many the obligation to hold to a bipartisan foreign policy—that is, in the interests of preserving the Republic all controversy over national security policy must be kept behind closed doors.

(2) I would stress the impact on

many Senators of the reopening in 1968 of the Gulf of Tonkin issue. This episode may have been painful for Mr. McNamara, but it was also painful for those Senators, including Fulbright and Gore, who in 1964 substituted trust in President Johnson for the responsible use of the Senate's constitutional authority with regard to the war powers. The entire debate and discussion of the Southeast Asia Resolution in the U.S. Senate, including the hearing of that incident, was a little less than 9 hours. Eight hours and 40 minutes for Senate consideration of the Southeast Asia Resolution—a resolution that has been used to justify the President's determination to wage war in Vietnam. One result of the lessons of Tonkin "re-visited" has been the increasing Senate demand for documentation. You also see a difference in congressional staff style; you see a determination to conduct hard-boiled and painfully thorough reviews of what the United States is doing in Laos, for example. Many of these changes in attitude and technique have their roots in this Tonkin incident.

(3) And finally, I think there is a simple truth here. I think that the Senate looked at its collective face in the collective mirror and decided it really wasn't doing its job.

Now, let me turn away from the treaty and war powers to that other member of the congressional trioka of agitation; that is, the power and responsibility of the Congress to raise and support armies and, for my Navy colleagues, the power and responsibility to provide and maintain a Navy.

Let me now read the section of the Constitution which relates not only to the war power of which Mr. Jefferson spoke, but to another subject of immediate and oftentimes emotional interest to senior military officers. That is the question of congressional oversight and regulation of military services and their expenditures. Article I, section 8, of the Constitution states that Congress

shall have the power "To declare War, . . . ; To raise and support armies, . . . ; To provide and maintain a Navy, . . . To make Rules for the Government and Regulation of the land and naval forces; To provide for calling forth the Militia to execute the Laws of the Union, to suppress Insurrections and repel Invasions; To provide for organizing, arming, and disciplining the Militia, . . . To make all Laws which shall be necessary and proper for carrying into executing the foregoing powers, . . ."

The recent performance of the Senate in what must be described as unprecedented debate over the Defense authorization bill may have seemed to many of you as bad French theater. Whatever the esthetic merits of congressional performance or the demonstrated knowledge of individual Congressmen or Senators of the technical issues in comparison with your own, you should not overlook the stark fact that since the Second World War the Defense budget has never been more vulnerable. The expressed requirements of the military today are confronted, as you well know, with a seemingly unrelenting array of congressional criticism and skepticism. Indeed, on occasion it has bordered on disbelief. And this congressional mood has ranged from conservatives to liberals. Even if you view this process now going on in the Congress as a distasteful exercise of overcoming the prejudices of stubborn and ignorant men, you should not rejoice or feel comfortable over recent Senate approval of the Safeguard program or the authorization of new carriers. For there is one thing of which I can assure you, and that is that the scrutiny and the skepticism and the pruning will go on. Many in Congress now have decided that the basic techniques of systems analysis are not necessarily the special province of the executive.

If this trend of scrutinizing military spending continues, as I believe it will,



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there will certainly be a temptation among many military officers to assign congressional skepticism over military expenditures to a new form of antimilitarism. This would be unfair, in my opinion, though I do not deny that there are members of both the House and the Senate who are "antimilitary" in the generally accepted sense of the word. In summing up the long debate over the administration's \$20 billion defense authorization bill, Margaret Chase Smith, who can hardly be described as antimilitary, had the following to say: "Never has the Senate known more about what it was voting than on this bill. I fully anticipate that all other committees can now expect to be challenged on major legislation." "From now on," and this is Margaret Chase Smith talking, "From now on, the United States Senate will be a true and deliberating body." I urge you as officers to view what is now going on in Congress in regard to military expenditures in the spirit of Senator Smith's remarks. The Congress, in my view, is finally assuming the responsibility assigned to it by the framers of the Constitution. That is to raise and to support armies, to provide and maintain a Navy, to make rules for the government and regulation of the land and naval forces. I personally believe that those decisions taken after thorough Senate debate on the military spending will, in the main, be sound decisions; certainly decisions the Congress, and hopefully the public, will support. I would trust you would see the Congress in its new role, not as your enemy but rather as an interested, albeit occasionally grumpy, partner.

I will close by taking the subject of Congress and national security a bit beyond my initial assignment. As senior military officers and Government officials, you will share with the Congress in the years to come, the difficult, troublesome task of adjusting American foreign policy to the bitter harvest of the

Vietnam war, to the grim domestic problems that confront us on every street corner of our troubled cities, to the complexities of arms control in a world of ABM's and MIRV's, and, finally, to a reduction of America's worldwide commitments. This last task will be a most difficult one of attempting to reduce our commitments without an important loss of power and influence. As we make these adjustments, I put the thought to you as strongly as I am able, that the turmoil between the executive and legislative branches over the past 3 years is compelling witness to the fact that foreign and national security policy cannot be imposed on the Congress and its constituents. These policies must be understood—and then assumed. I would hope that any executive official would appreciate that national leadership ultimately rests on public consent, and public opinion often changes much more slowly than an aggressive executive branch would like it to. I would urge you to recall that a fundamental step such as joining the United Nations required 2 years of preparation. The Marshall Plan took a full year of public preparation before it came to legislative action. Military aid to Western Europe took the same amount of time. I mentioned the issue of the deployment of U.S. forces to Europe in 1951. In contrast, I think historians will view our China policy from 1945 to 1949 as a complete mystery as it unfolded and, therefore, an object of suspicion. With the collapse of Nationalist China, ignorance turned to abuse and then to witch hunts. The point here is that the Congress and the public must be involved in both the formulation and implementation of foreign policy—or the policy will suffer—and so eventually will its architects. Let us hope that when "the dust settles" in Vietnam, this country will not fall victim to another spasm of McCarthyism.

As you've listened to my incan-

tations about congressional prerogative, you must have wondered what, in heaven's name, difference does it make? You might argue that executive responsibility and executive flexibility are the prerequisites of maintaining the security of the country when total destruction is just minutes away. Fair enough. But the subject under discussion is not the Executive's responsibility to respond to external attack. What we were talking about is the Executive's tendency to involve the Congress and the American public in foreign adventures of which they know little and understand less. I grant that it's always possible for the executive branch to undertake commitments and stage interventions using subterfuge, that is, to accomplish with deception what it cannot accomplish through discussion and debate. One can certainly argue, although I would not go as far as the late Charles A. Beard, that President Roosevelt needed the bombing of Pearl Harbor to convince the American public that the United States had an important stake in the developing Second World War. Arthur Schlesinger struggled manfully in a book review he did recently for *The New York Times* to find in the Roosevelt papers somewhere where Roosevelt was writing and thinking about what was happening in Europe in the 1930's. Whatever Arthur Schlesinger may say about President Roosevelt's understanding of the threat to the United States from Hitler's Germany, the record shows that the President made little effort to educate and convince the American public in the period before Pearl Harbor of what was potentially at stake.

Unfortunately for President Johnson, there was no Pearl Harbor to the Vietnam war. In my opinion, the President decided to fight a hidden war in Vietnam, neither explaining the circumstances nor the necessity for the war. Indeed, I believe, that President Johnson, rather than taking the Southeast

Asia Resolution to the Congress for sustained debate, chose the moment of the Gulf of Tonkin incident to wrap a controversial issue in the American flag and thereby to put aside the opportunity to explain and to define what was the issue in Vietnam. Lacking congressional support and public understanding for his Vietnam policies, President Johnson was subjected to and, I believe, finally acquiesced in a process of national impeachment. In my view, President Johnson neglected a fundamental consideration of the successful management of national policy; whenever great sacrifices are potentially required under a proposed commitment, congressional and public understanding and support are absolutely essential. Considering the bitter consequences of President Johnson's inability to commit the American people while he was committing the Nation, I suggest to you that you should welcome the fact that Congress has come to the conclusion that it

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### BIOGRAPHIC SUMMARY



Mr. William B. Bader received his bachelor's degree from Pomona College in 1953, following which he did a year's study in Munich as a Fulbright scholar. He then accepted a commission in the U.S.

Naval Reserve and while on active duty served as an air intelligence officer. Upon completing his active duty, he continued with his graduate studies as a student at Princeton, where he earned a doctorate in 1964. Mr. Bader served as a Foreign Service Officer with the Department of State from 1965 to 1967, and from 1967 to 1969 he served as a staff consultant for the Senate Foreign Relations Committee, a position which gave him an opportunity to observe firsthand the attitudes and workings of Congress. He has written two books, *Austria between East and West, 1945-1955* and *The United States and the Spread of Nuclear Weapons*. His present position is with the Ford Foundation.

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must reassert its rights and its obligations to participate in the formulation of American foreign and national security policy.

May I leave you with the last thought that you not only try to understand the reassertion of congressional authority but to accept it and to support it as a fundamental step in building the public and congressional support for the great sacrifices we may have to make as a nation in the future. If we do not have the means of building a *true* national consensus, we will, as a nation, not be able to undertake great sacrifices when called upon.

Professor Bartlett has made perhaps the best argument for welcoming the hopes of the Congress to recapture a full share in the foreign policy process. In completing his testimony on the state of Congress's constitutional role in the making of American foreign policy, Professor Bartlett stated:

Perhaps in conclusion I may be allowed a judgment on the basis of my study of human affairs and

of American history. It is that the greatest danger of democracy in the United States and to the freedom of its people and to their welfare--as far as foreign affairs are concerned--is the erosion of legislative authority and oversight and the growth of a vast pyramid of centralized power in the executive branch of the government . . . The framers of the Constitution bequeathed to the American people a great heritage, that of a constitutional, federal, representative government, with its powers limited in scope and divided among its three separate branches, and this system was devised not because it would produce efficiency or world dominion, but because it offered the greatest hope of preventing tyranny.

And this, gentlemen, as far as the Congress is concerned, is what the uproar is all about.

I thank you very much.



Congress provides; the President commands.

*Charles Evans Hughes, C.J., 1862-1948*  
*(on the division of power over the military establishment between the executive and legislative branches.)*