The World Peace: The Legacy of Edmund S. Muskie

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When Ed Muskie’s parents came to the United States, they left the Polish province of the Imperial Russian Empire. Their son served with millions of other Americans in World War II, a war which began with the Nazi onslaught against his ancestral homeland and ended with a partially resurrected Poland.

A few weeks before Ed Muskie ended thirty-five years in public office as more than thirty Soviet armored divisions massed on Poland’s borders, he found himself meeting his NATO counterparts in Brussels to issue joint warnings to the Soviet Union. In December 1980, it was an open question if the Soviets would invade. The Soviets did not invade, though no one at that time could have predicted the outcome of that chapter of the Cold War with certainty.

When Ed Muskie entered public life in 1946, a surge of isolationism in America led to a hasty post-war demobilization. He served as governor of Maine at the height of the Cold War. Yet, when he died in 1996, isolationism was no longer a tenable idea.

In 1968, he travelled America as the vice-presidential candidate on Hubert Humphrey’s ticket. Some observers described him as the best of the four men then contending for the presidency. He often said that this campaign was the best experience of his political career, because he saw and learned so much about this country.

In the midst of that presidential campaign, Ed Muskie found himself on the stage of a small college in western Pennsylvania. A few students tried to shout him down, insult him, and, in the end, deny him the chance to be heard. Those who did not live through the Vietnam War can have no notion of the ferocity with which anti-war and anti-anti-war Americans criticized each other. Anti-war activists shaped the debate. Anti-anti-war activists developed intense loathing of the campus rebellions. Before Vietnam, America had seen race pitted against race, region pitted against region, rich pitted against poor. It had never experienced generation against generation. It was a time of emotional intensity that is hard to recapture today.

In those days, officials who were confronted by unruly crowds usually registered their disgust and left the event. Most of them simply avoided college audiences.

* This article was prepared with the assistance of Leon G. Billings, former Administrative Assistant to Edmund S. Muskie, and Anita Holst Jensen, former legislative assistant to Edmund S. Muskie.

Ed Muskie was made of different stuff. Confronted by a noisy student crowd, Ed Muskie did not waver or retreat. Instead, he reached across the generational abyss. He offered his opponents the chance to be heard—he agreed to turn over the microphone to one of them for ten minutes on the condition that they then listened to him for ten minutes. The students accepted and when his turn came, he told them his American story. Here, in America, it is possible to do anything. The son of a tailor could rise to unimagined political heights.

What he told those students explains much about his politics:

I was born the son of parents who knew the disadvantages that came with discrimination and poverty. If you think all of these things were invented yesterday, or since you were born, you are sadly mistaken.

I have had to work all of my life. I have worked for myself, I have worked for my family, I have worked for my community, I have worked for my State, and I have worked for my country.

And I did so under the guidance of a father who left Russian-occupied Poland under the Czarist tyranny when he was less than 17 years old, to find the very things that Rick Brody [the students' speaker] says you are protesting to find.

He tore himself out of his home life, tore himself away from a family he was never to see again, to go into a foreign land with only five years of formal education, with a newly learned trade as a tailor, to take up life and to find opportunity for himself and for the children who were yet unborn.

And the year before he died, his son became the first Polish-American ever elected Governor of an American State. Now, that may not justify the American system to you, but it sure did to him....

It is not my purpose to belabor you with... any argument, or any point of view or any personal view. But I want to say to you that there are those of us in this system who have worked for the objectives that I hear you voicing every day. Maybe not as effectively as we might, because of our own shortcomings and weaknesses; maybe not in the way you would and that you will when you are given the opportunity. But don't misjudge the basic good will of this American system toward the objective of making it truly a system responsive to the needs and the will and the voice of the 200 million Americans who make up this society.¹

Ed Muskie will always be one of the most distinguished graduates of the Cornell Law School—not because he was an active litigator and not because he became President. He was neither. He will be remembered for the quality of his mind; the toughness, the rigor, the common sense; and for another quality: the courage to take risks for what he saw as right.

* * *

When Ed Muskie entered public life there were two nuclear superpowers, the U.S. and the U.S.S.R. He never lost the intuition that Soviet intentions were not all peaceful. However, he maintained the common sense

that told him a nuclear-armed world demanded some kind of accommodation.

In 1971, after a visit to Moscow, a reporter asked him if he felt more hopeful about U.S.-Soviet relations, and he replied:

I don't find hope a very useful commodity. Realism is a better one, and as I said earlier I find a very positive prospect forthcoming in the first two areas [scientific and space cooperation] on the part of the Soviets. So I would like to see those pressed and in that respect you might say I feel better about those two than before I went there. But I don't like to use words like "hope" or hold up pie in the sky with respect of the Soviets' ultimate intentions.[2] I think we just get engaged in rather useless rhetoric when we get into speculation about that.2

He lived to see the fall of the Soviet Union and the corresponding reaction in favor of democracy and free markets.

It is possible to cast Ed Muskie as an idealist. He believed in this country and he believed in the human spirit. He was a person of deep religious faith, but his confidence in the human endeavor stemmed from something beyond the observance of religion. It stemmed from his strong belief that people, aided by their common sense and their will, can achieve.

He came from a small town, Rumford, Maine. He entered politics reluctantly, because he saw a one-party state which did not adequately serve the interests of the people. The people of Maine elected him Governor in 1954, at a time when Democrats were still a small minority. He came to the Senate in 1959, as a new Senator and promptly alienated Senate Majority Leader and future President, Lyndon Johnson.

In spite of this beginning, he was a very effective Senator, a dedicated vice-presidential nominee, and a respected Secretary of State. He failed to scale the mountaintop of American politics, but what he did with his time, in and out of public office, vastly overshadows the contributions that most of us have been able to make, even some who reached that far peak.

Upon his election to the Senate, he joined a group of Senators who spent thirty days in the Soviet Union, at a time when Khrushchev's boasts of the ultimate triumph of communism were made against the backdrop of the Sputnik satellite and the Luna moon craft successes.

A dozen years later, after a 1971 trip to Europe, the Soviet Union and the Middle East, he described the purpose of his travels in uniquely human terms:

I think it is rather obvious that personal exposure... adds a dimension to one's understanding of the country or its policies or its posture in a particular area of the world. It is easier to understand a policy if you have some personal acquaintance with the men who are responsible for the policy. It is easier to understand the people and their attitude if one moves and mingles with them. This is the kind of dimension I think I added to my understanding of the problem and the issues which make these particular countries in

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these particular areas of interest to American citizens at this time.\(^3\)

In 1969, Ed Muskie observed that American and Soviet nuclear forces had reached such a parallel of destructive force that the best course was to use the essential parity of nuclear reprisal available to both sides as a starting point for negotiations aimed at preventing the building of a new generation of weapons.

His analysis of the situation, and his warning, remains as clear a description of the nuclear stand-off as any:

Since the end of World War II, the United States and the Soviet Union have engaged in competition to develop more powerful armaments.

No one questions that—under present circumstances—military power is an essential part of our security system; but there is a point where preoccupation with purely military strength may diminish rather than increase our security. I believe we are at that point.

We are already involved in a new cycle of an ever more costly and perilous competition for nuclear superiority. At the same time, we and the Soviet Union have within our grasp a way to restrain this competition and to reassert a saner ordering of our national priorities.

A strategic stalemate exists between the United States and the Soviet Union today. Neither nation can launch an attack on the other without bringing on its own destruction. Neither nation can realistically hope to break this stalemate by developing a new generation of nuclear weapons. Each nation has the capacity to match any weapons developed by the other. Both sides tend to react to the potentialities as well as the actualities of action. It is precisely this cycle of action and reaction which fuels the arms race.

In spite of this fact, the public has been allowed—even encouraged—to believe that somehow there is safety in ever-growing weapons strength and that it still means something to be ahead numerically in nuclear weapons.

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Unfortunately, forces are now in motion which can undermine our chances for achieving a nuclear arms control agreement with the Soviets. The decision to proceed with the deployment of the ABM was a setback, but even more serious is the fact that both the United States and the Soviet Union are rapidly developing the capacity to deploy multiple independently-targeted re-entry vehicles—so-called MIRVs—missiles which can carry several warheads and launch them at separate targets.

The MIRV-ABM development is a classic example of arms escalation which results in less, rather than more, national security.

We rationalized development of a MIRV system as a response to a limited Soviet ABM system and its possible expansion. The Soviets, in turn, started development of a MIRV system to insure parity in intercontinental missile systems for themselves. We moved to develop an ABM system in response to the Soviet moves to develop and deploy MIRVs. And so the arms race continues, unrelated to the real security of either nation.\(^4\)

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\(^3\) Id.

These words precisely describe the manner in which the two countries escalated the nuclear arms race. Muskie said it best when he pointed out: "It is a race with no finish line and the runner in second place always has time to close the gap."5

Events, of course, have fully borne out Muskie's warning. SALT I, limiting ABM sites to two on each side was ratified in 1971. But MIRVing of missiles was a central reason why it took until 1979 to reach agreement on SALT II. The Soviet invasion of Afghanistan ended any chance for Senate ratification of SALT II, which never even reached a Senate vote. Although both sides informally honored the SALT II provisions, that did not prevent President Reagan's long flirtation with abrogating the ABM treaty through his efforts to develop and deploy Star Wars weaponry to shoot down incoming missiles.

Out of office, Muskie remained actively engaged in the search for arms control. He endorsed the "build-down" rather than the Nuclear Freeze in the early 1980s, although he had himself proposed moratoriums on certain weapons developments in the late 1960s and early 1970s. In the early 1980s, Muskie joined former President Richard Nixon and others in private efforts to seek avenues by which President Reagan could be persuaded to lower his rhetoric against the Soviets, lest he inadvertently provoke a Soviet overreaction.

As he said in 1985 when the Geneva talks began,

[W]e should maintain dialogue with the Soviets, precisely because they are our adversaries... Any serious leader with responsibility for conducting our nation's foreign policy will eventually reach this conclusion, as President Reagan has. But we would all have been better served if the president had entered office intending to conduct serious negotiations rather than waiting to do so.6

Muskie had few illusions about what he called "summit fever." He also warned that "[i]f some Americans place a lower value on negotiations than they deserve, others invest higher hopes in them than are justified. Americans have a dismaying tendency to believe that negotiations inevitably must produce agreements and that agreements can do away with the problems dividing the two superpowers."7 He urged patience and realism, and reminded us that the Soviets were always stubborn and at times unreasonable. But he never gave up on the idea that the nuclear arms race was so potentially dangerous that it could not safely be ignored.

In 1987, long out of office, Muskie warned that former Secretary of State Kissinger and others who urged the abrogation of SALT I by reinterpretation were displaying a

cavalier attitude... toward American constitutional practice. To condone the notion that a president can sell a treaty on an interpretation that he or

5. Id.
7. Id.
his successor can subsequently alter would render meaningless the Senate's power to offer advice and consent. That is not constitutional government; it is despotism.

...What tragic irony if those who sold us MIRV as necessary to overwhelm nonexistent defenses would now sell us SDI as necessary to meet the thousands of warheads bred by MIRV! Responsible policy must forswear technological escapism.8

After the collapse of the Soviet system, he agreed to serve on an advisory council to a group headed by former President Nixon, which encouraged the development and growth of small and medium-sized private businesses in Russia. He believed that while negotiating with the Soviets as adversaries required patience and realism, aid to a struggling post-Soviet state was the highest kind of self-interested realism. He recognized that no matter how disparate American and Russian values and goals might be, Americans and Russians will always live on the same planet, and together we must choose between being antagonists or allies.

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Ed Muskie was a convinced internationalist from the beginning. Not only did he begin his Senate career with a trip to the Soviet Union in 1959, he joined what became known as the Mansfield Mission in 1965. At President Johnson's request, Senate Majority Leader Mansfield led a delegation that traveled 30,000 miles in 37 days, visiting eastern Europe, Western Europe, the Middle East, and Asia, including the five countries of Southeast Asia. The purpose of the Mission was to assess international reaction to the introduction of U.S. troops into South Vietnam. He returned to Vietnam in 1967 to monitor the elections there. In 1971, he undertook an unofficial visit to Europe, the Soviet Union, and the Middle East, to see and speak with as many foreign leaders as he could, informally, without the burden of carrying messages or signals from the United States Government.

Muskie was an internationalist, but he did not believe U.S. interests could or should be held hostage to the goals of the global community when the global community failed to act or found itself unable to act.

As the Senate's and the nation's leading environmental lawmaker, he served as an advisor to the U.S. delegation to the Law of the Sea Conference. In 1974, he went to Caracas in that capacity. Initially one of the strongest proponents of the proposed new international Law of the Sea, Muskie did not allow his hopes to overcome his common sense. When it became evident that the Conference would not produce a treaty within a reasonable time span, he backed the establishment of the 200-mile economic zone, now broadly accepted worldwide. He reported his experience several weeks later:

The reaction was that this kind of unilateral action could conceivably torpedo the conference. Well, with respect to the conference, let me state my own view.

I was reassured that the prospects for eventually writing a new law of the sea were more promising than I expected them to be before I attended the conference. But my second impression is that achieving that goal is going to take much longer than the more optimistic of the delegates to the conference would like to suggest.

.......

We were told that the United States ought not to act that irresponsibly. And so we suggested a course of action that might serve as a substitute. If we were being asked to exercise restraint with respect to this kind of legislation [the 200-mile economic zone], then it seemed to us not unreasonable to ask restraint of those who created the problem off our coasts—the Soviet Union and Japan. And I suggested that to them—got very little positive response, I might say.

.......

One of the Russian delegates said to me, 'Well, Senator, you're being a little hard-nosed about this.' I said, 'Yes, and I've never seen you Russians reluctant to be hard-nosed in protecting your national interests.' And I say it's time for us to be hard-nosed about this matter if we're to have any effective protection of our fishery stocks.

May I say that protecting these fishery stocks is something more than a national interest. It's a global interest. If we coastal states don't take effective action to protect these stocks, who in heaven's name is going to do so? The Russian fishing fleet? The Japanese fishing fleet? .... [W]hatever doubts I may have had on that score before I went to Caracas have been resolved by my attendance at that conference, notwithstanding the fact that I would still prefer an international law of the sea.9

In 1983 President Reagan declined to sign the final treaty.

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Just as he recognized it was futile for either nuclear power to seek superiority, because in a nuclear reckoning there is no such thing as superiority, he also recognized that there was no support in the Senate in 1966 for an immediate and abrupt end to the American role in Vietnam. He was right. In 1968, during the presidential campaign, he was asked if his views had changed. He replied: "Well, the situation has changed. So views change. The situation isn't static. Our policy has changed."

He acknowledged that he had been mistaken in thinking that because there was no support for withdrawal in 1966, there was no support for it later. He said, of the widespread war debate, that Americans were "engaged in a unique and somewhat awkward experiment. We are engaged in an effort to change a major aspect of our foreign policy in public view, while our country is involved in a war and in diplomatic negotia-

tions to end that war."10

He recognized the dangers in that experiment, but he thought that while it ought to induce caution, it should not impose silence on dissenting voices:

One of the most dangerous assumptions in a democratic society is to conclude that only the President, the Cabinet and his generals are competent to make judgments on the national interest. Their judgments and their actions, which are fallible, must be subjected to constant scrutiny, tempered by the knowledge of our own individual fallibility. As the President may be wrong, so may we be wrong.11

The long-lived legislative effort by the Congress to extricate U.S. troops from South Vietnam ended with a series of debates over the distinctions between resolutions to cut off funding for the military effort and laying down a specific date for the end of the American involvement. No clear-cut disengagement date ever garnered sufficient support in both houses to carry the day, and the continued wrangling over funding left President Nixon largely to his own devices to end the war, which ultimately "ended" with the peace treaty of 1973.

The arguments over how best to deal with intransigent Executives, when the Congress lacked the veto-proof two-thirds majorities needed to curtail military action resulted in passage of the War Powers Act, onto which the Members of Congress piled their resentments and ambitions. As the floor manager of the debate over the bill in the Senate, Muskie played a key role in the fashioning of this law and in the Congressional override of President Nixon’s veto.

The act was intended to allow effective use of the Article I power granted by the Constitution, that the Congress shall have the power to declare war. Unfortunately, and over Muskie’s objections, it contained and still contains, the seeds of its own limitations. Efforts to reform it and efforts to invoke it have been unsuccessful ever since. No Congress wants to be seen as tying the hands of the Commander-in-Chief when the lives of American soldiers are on the line. Yet no President of either party has ever acknowledged any duties under the War Powers Act as it currently stands.

It is an odd quirk of history that the failed Desert One mission to Iran, leading to Muskie’s nomination to the Cabinet, prompted several Senators to demand the reason why President Carter had failed to consult Congress (as the War Powers Act requires) within the first 48 hours of the mission’s being launched.

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A related interest of Muskie’s in those years, the question of government secrecy in an open society, was one to which he returned when the Iran-Contra scandal exploded. Along with former Senator John Tower and Major General Brent Scowcroft, Muskie was appointed to the Tower Com-

11. Id.
mission which undertook the first outside review of the Reagan White House acts involving secret fund-raising, weapons sales, and freelance diplomacy to covertly finance a war which Congress refused to finance overtly.

The Tower Commission was not given either the time or the resources to fully flesh out all that had taken place, but its report provided a valuable first look at an administration which ran a virtual parallel foreign policy with respect to Iran and Nicaragua, alongside the publicly-acknowledged policy of not negotiating for hostages.

Twelve years earlier, he had addressed the question of secrecy in American policy. In 1975, responding to President Ford’s State of the Union address, Muskie said of Angola, “As in Vietnam, we find ourselves deeply committed without prior notice or consultation with our people in a country where United States interests could not possibly be served at any price.”

He continued to make the point that only an open process could “guarantee that interventions in other countries are an appropriate expression of deliberate United States policy, not the making of some faceless bureaucrat.”

Asked about the Tower Report in 1987, he said:

Well I think the single most important factor here is the over-obsession with secrecy . . . there are occasions when it’s necessary to hold closely information about especially covert operations, but even possibly other operations of the Government. But every time that you are over-concerned about secrecy, you tend to abandon process . . .

The conundrum of secret policies operated in the name of and on the authority of an open society remains very real today. Muskie began working on this dilemma, in the domestic sphere, very early in his political career. He was the principal sponsor of the proposal which ultimately became known as the “Sunshine Law.” This law built on the 1966 Freedom of Information Act, an essentially dead letter law until the 1970s. He was fond of saying that “sunshine is the best disinfectant.” His outrage against secrecy was aggravated in 1971 when he obtained a classified FBI report, routinely circulated to high officials in all relevant government agencies, which included reports on his appearance at an Earth Day Rally on the Mall. He thought it unconscionable that in a free country agents of government could be permitted to file reports on open meetings of people gathered legally to speak and raise questions about government policy.

Muskie had a very keen sense of how far government ought to be allowed to go and when government absolutely ought to be stopped, and his views reflected very clearly the reasoning that guided those who drafted the Bill of Rights.

In 1977, Congress created the Intelligence Committees of each House, an action in which Muskie’s hearings on CIA activities played a founding role. But ten years later, in 1987, Iran-Contra showed that bypassing the Congress is easy for a determined Administration to accomplish. There is little reason to doubt that a secret policy will embarrass some future President.

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He often said in later years that his greatest disappointment in public life was that he was able to serve such a short time as Secretary of State. Although his time of service at the State Department was short, it was crowded with demanding, contentious, and dangerous issues. The revolutionary regime of the Ayatollah Khomeini held fifty-four American embassy employees hostage. The Soviet Union invaded Afghanistan in late 1979, the first direct Soviet incursion on the sovereign territory of another nation since 1968. That, in turn, led to the NATO agreement to counter Soviet intermediate-range missiles in Eastern Europe with the 1983 deployment of 572 new American cruise and ballistic missiles in the West. The Polish labor union, Solidarnosc, was gaining support as the regime in Poland was losing it. By the end of 1980, thirty Soviet armored divisions surrounded Poland on all her borders. A victorious Vietnamese Army conquered Cambodia in 1979. The Chinese were supporting the Khmer Rouge against Vietnam. The U.S., its final retreat from Saigon still a fresh memory, could not support the Vietnamese puppet government. In El Salvador, three American nuns working on aid projects were brutally murdered by supporters of the military junta then in power, sparking outrage in the U.S.

His involvement in some of these issues continued long after his formal service ended. Although he left office before Iran released the American hostages, the fact that they were released in time for President Reagan to celebrate their freedom on his inaugural day can be credited to the efforts Muskie made during his brief tenure.

In addition, the Reagan administration asked Muskie for his help in dealing with the situation in Cambodia, which was complicated by refugees on the Thai border, Vietnamese incursions into Thailand, Chinese-Vietnamese clashes, and a continuing low-level civil conflict in the countryside throughout the decade. Indeed, even as this is written, the Vietnamese-backed Second Prime Minister, Hun Sen, has apparently concluded a successful coup against the First Prime Minister, Norodom Ranariddh.

Throughout the 1980s Muskie was active, but not publicly outspoken about Southeast Asia. He took a trip to the region in October, 1989, and issued a report on his return which urged a shift in U.S. policy:

For almost a decade, U.S. policy toward Cambodia has consisted primarily of support for the resistance coalition fighting against the Vietnamese-installed government of Cambodia.
A policy that committed us in fact, if not in purpose, to an alliance with Pol Pot was never morally comfortable, but it was felt by many to be justified as a practical expression of our opposition to the Vietnamese invasion, and as support for the ASEAN nations who feared Vietnamese expansionism. The policy is no longer justifiable.

. . . .

We should reject the idea that Cambodia must be subjected to war until a comprehensive political settlement is achieved . . . [if] this means that we must part company with China, which backs the Khmer Rouge, so be it. China's interests are not our interests in every case, and here is one area in which we should be firm and clear that we differ.14

The subsequent Vietnamese withdrawal, substantially completed by the end of 1990, was a key element of the process which permitted the U.N.-supervision of the 1993 elections, lost by the Vietnamese-backed Hun Sen.

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Ed Muskie's life spanned the era that brought the United States centrally into the community of nations, beginning with the triumph of victory in World War II, through the contradictions and conflicts of the Cold War, and to the victory of democratic systems and free communications among peoples taking shape today. For most of that time, conflict was far more common than peace, and global war was almost always a possibility.

The calculations and tradeoffs that are routine in political life can be tolerated when the ultimate issue at stake is the distant chance of a regional, conventional war. But they cannot be tolerated when the risk is global nuclear war. Throughout his political life, Muskie knew the ultimate risk was always a global nuclear war. So he did not think of international peace with any kind of millennial enthusiasm. He knew that what one generation regards as peace, the next may experience as the pretext for war. He was always a level-headed man who did not lose his way among the rhetorical claims of true believers—in any cause.

He knew that peoples and cultures would differ, might well offend each other, and could ultimately choose to settle the differences by shooting.

He was animated by a different notion, one that may well seem retrograde in the present day, when "government" is reviled and "private" action is vaunted. He did not think that it was possible to eliminate the sources of tension among and between people, even people who were forced into close proximity with each other. But he always believed that in the institutions that peoples invent for themselves, what we call governments, there lay possibilities for creating a kind of tough-minded acquiescence to the facts of life.

In short, Ed Muskie was a realist. He knew that peace has never yet been permanent in our world. He knew it would take more than agreements heavy on symbolism but light on sanctions. He understood that

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peace demands large and difficult sacrifices from those who believe there is truth on their side as well as from those whose theories have been discredited. In the early 1970s, when US and Soviet goals were vastly distant from each other, he thought that people satisfied with the material goods of life would be less inclined to risk their own well-being to the goal of slaughtering their neighbors. Events have proven him right. Russians today, challenged by poverty, pose no immediate threat and no immediately identifiable future threat to our lives or our well-being.

Few people in our history could match Ed Muskie’s eloquence on the meaning of America. Once in public office, his profound respect for American democracy led him to act always with dignity and restraint, lest he dishonor those he represented. As a result, he was the ideal in public service, a man who accomplished much without ever compromising his principles or his dignity. He was, above all, a man of peace.