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AMERICAN FOREIGN POLICY IN THE 20TH CENTURY UNDER AN 18TH-CENTURY CONSTITUTION*

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In a world beset by unparalleled forces of revolution and upheaval, we Americans are confronted with the painful and urgent duty of re-examining the functional adequacy of some of our most hallowed and hitherto unquestioned institutions. The question we face is whether our basic constitutional machinery, admirably suited to the needs of a remote agrarian republic in the 18th century, is adequate for the formulation and conduct of the foreign policy of a 20th-century nation, pre-eminent in political and military power and burdened with all the enormous responsibilities that accompany such power.

I raise this question with a feeling of sadness and more than a touch of historical nostalgia. The delicate and complex structure of federal decentralization, and of checks and balances on the national level, have served this heterogeneous nation well in its *internal* life, restraining us from hasty and ill-conceived actions and protecting us from the tyranny of both individual men and fervent majorities. Except for the tragic Civil War of a century ago, we have had a remarkably successful history. The system has proven durable and has served as a framework within which we have been able to provide a good life for most of our people.

I emphasize that this system has served us well in our *internal* life, and if our life as a nation were essentially domestic and not irrevocably linked to the life of the other peoples on this planet, no questions would have to be raised. At least since 1917, however, and for perhaps a good deal longer, our internal and external affairs have become increasingly interwoven; meanwhile, the ability of this nation to preserve the value system which constitutes the core of our national interest

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† See contributors' section, masthead, p. 69, for biographical data.

has come to depend principally upon our ability to cope with worldwide revolutionary forces.

The dynamic forces of the 20th century—communism, fascism, aggressive nationalism, and the explosive awakening of long quiescent peoples—are growing more and more unmanageable under the procedures of leisurely deliberation which are built into our constitutional system. To cope with these forces we must be able to act quickly and decisively on the one hand, and persistently and patiently on the other. We must make decisions which are painful and some which do violence to our fundamental values. We must do these things if we are to survive in a world that obstinately refuses to conduct its affairs under Anglo-Saxon rules of measured and orderly procedure.

My question, then, is whether we have any choice but to modify, and perhaps overhaul, the 18th-century procedures that govern the formulation and conduct of American foreign policy. More specifically, I wonder whether the time has not arrived, or indeed already passed, when we must give the Executive a measure of power in the conduct of our foreign affairs that we have hitherto jealously withheld.

The source of an effective foreign policy under our system is Presidential power. This proposition, valid in our own time, is certain to become more, rather than less, compelling in the decades ahead. The pre-eminence of Presidential leadership overrides the most logical and ingenious administrative and organizational schemes. The essence of our "policy-making machinery" and of the "decision-making process"—concepts of current vogue in the academic world—is the President himself who is neither a machine nor a process, but a living human being whose effectiveness is principally a function of his own knowledge, wisdom, vision, and authority. It is not within our powers to confer wisdom or perception on the Presidential person. It *is* within our power to grant or deny him authority. It is my contention that for the existing requirements of American foreign policy we have hobbled the President by too niggardly a grant of power.

Our institutional arrangements for foreign affairs were drafted in the late 18th century by men who assumed that these affairs would be few and insignificant. The Founding Fathers considered, for instance, that the Department of State would quite possibly wither away from disuse. Nonetheless, these men, deeply imbued with the philosophy that no man is beyond the corrupting influences of power, carefully restricted the authority of the President by the prerogatives of "advice and consent" vested in the Senate, and by the still broader limitations of the legislative process as a whole. As foreign policy has become

increasingly merged with domestic policy, and as its conduct has increasingly involved the expenditure of vast sums, Congressional authority, particularly that of the House of Representatives, has been accordingly enhanced. It is exceedingly difficult—if not impossible—to devise unified policies oriented to a clear and definite conception of the national interest through a system in which power and responsibility for foreign policy are “shared and overlapping.” Policies thus evolved are likely to be ill-co-ordinated, short-ranged, and often unsuccessful, while the responsibility for failure is placed squarely on the President, neither “shared” nor “overlapping.” As President Kennedy said recently: “Success has many fathers; failure is an orphan.” He might have added that every President finds himself the involuntary proprietor of a vast, unruly orphanage.

The President already enjoys far greater authority in foreign affairs than in domestic policy, but it is still authority that falls short of his responsibilities. The President, according to the Supreme Court in *United States v. Curtiss-Wright Export Corp.*,¹ is vested with “delicate, plenary, and exclusive powers” in the conduct of foreign affairs. While it is not for me to query the juridical basis of this dictum, I do not think that it is accurate in fact.

The pre-eminent *responsibility* of the President for the formulation and conduct of American foreign policy is clear and unalterable. He has, as Alexander Hamilton defined it, all powers in international affairs “which the Constitution does not vest elsewhere in clear terms.” He possesses sole authority to communicate and negotiate with foreign powers. He controls the external aspects of the Nation’s power, which can be moved by his will alone—the armed forces, the diplomatic corps, the Central Intelligence Agency, and all of the vast executive apparatus. As Commander-in-Chief of the armed forces, the President has full responsibility, which cannot be shared, for military decisions in a world in which the difference between safety and cataclysm can be a matter of hours or even minutes. The President is the symbol of the nation to the external world, the leader of a vast alliance of free nations, and the prime mover in shaping a national consensus on foreign policy. It is important to note, however, that while this responsibility is indeed very broad, his authority is often infringed upon or thwarted in practice by unauthorized persons.

Each new President, on taking office, inherits a complete foreign policy in being, with roots as far back in the past as Washington’s Farewell Address and the Monroe Doctrine. He must preserve, imple-

¹ 299 U.S. 304 (1936).

ment, and—in our own time—frequently reshape these broad lines of policy, taking care not to violate the deep psychological bases of our “national character,” or what Walt Rostow calls the “national style.”

The President’s power is informally but effectively checked by the workings—or, more precisely, the non-workings—of the sprawling administrative apparatus of government, with its complex subdivisions and overlapping jurisdictions. The Department of State, it is estimated, participates in a vast number of inter-departmental committees dealing with problems of foreign policy. The road between a Presidential directive and its practical implementation is long and tortuous. The complexity and seemingly built-in inertia of the bureaucracy make it much easier and much safer on the operative level to continue time-honored routines than to embark upon new initiatives. It is much easier and much safer to pursue policies which proved to be successful ten years ago, but which have been made obsolete by recent events, than to try to meet recent events by novel and perhaps risky policy changes.

In a statement before the Senate Committee on Foreign Relations in 1959, Professor Hans J. Morgenthau summed up the situation in these words:

The executive branch of the government is constituted in such a way, particularly with regard to the conduct of foreign policy, as to make it virtually impossible to pursue consistently a dynamic foreign policy which takes the initiative away from the enemy and which is mobile enough to answer effectively sudden challenges which may confront us.

Calling for drastic simplification of the processes of bureaucracy, Professor Morgenthau declared:

I think it is not by accident that Mr. Dulles to a great extent disregarded the institutional processes of foreign policy formulation and reached many important decisions without reference to them. It is the only thing he could have done when he was confronted with a task which required immediate decision.

The principal subordinate of the President in the foreign policy process is, of course, the Secretary of State. The Office of the Secretary of State, unlike its counterpart in most parliamentary democracies, is scarcely defined in institutional terms. The Secretary is the creature of the President, with as extensive or restricted powers as the President may choose to give him. The President can take his counsel from whomsoever he chooses. President Wilson, for example, relied heavily on Colonel House, who held no official position, and virtually ignored Secretary Lansing, whom he neither liked nor trusted. President Roosevelt relied little on Secretary Hull and was in great measure

"his own Secretary of State." Under President Eisenhower, on the other hand, Secretary Dulles seemed at times to be exercising those "delicate, plenary, and exclusive powers" which are supposed to be vested in the President.

The lack of clear institutionalization in the office of the Secretary of State, as well as the absence of a continuing corps of high-level professionals in the Department of State, in sufficient numbers and quality, *add* a most deplorable element of disorder and amateurism to the inherent defects of an overly complex bureaucracy.

The overriding problem of inadequate Presidential authority in foreign affairs, however, derives not from the internal relationships within the executive branch, but from the "checks and balances" of Congressional authority in foreign relations. While Congress has many powers under the Constitution, having to do with foreign affairs, these powers do not enable the Congress to initiate or shape foreign policy, but to implement, modify, or thwart the proposals of the President. These powers, moreover, are widely dispersed within Congress, distributed among autonomous committees each under a chairman who owes little if anything in the way of political obligation to the President.

Besides the Senate Committee on Foreign Relations and the House Committee on Foreign Affairs, the principal centers of foreign policy power in Congress are the Armed Services and Appropriations Committees in each House. The Appropriations Committees are particularly sensitive to the preservation of their prerogatives against executive incursions, with the result that it is all but impossible to secure funds on a long-range basis. The Mutual Program, one of the keystones of our foreign policy, is put in jeopardy annually by the lengthy ritual of hearings, debates, and amendments to the President's proposals. The Secretary of State and other high officials are obliged to expend prodigious amounts of time and energy in shepherding their programs through the glacial legislative process. For any given program, an Administration spokesman must usually appear four times before Congressional units, before the authorizing Committees of each House and then before the two Appropriations Committees.

The appropriations process in Congress, moreover, is governed by a basically faulty attitude. The central consideration is invariably *money* rather than *policy*. The annual debate on foreign aid is focused on the single question: How much money ought we to spend? Instead the truly vital question should be: What kind of policy ought we to have? It is policy that should be determined first, and this determination should provide us with the rationale by which it is decided how much we ought

to spend. As Professor Morgenthau said when he testified before the Senate Committee on Foreign Relations in 1959:

If you ask me how much money we ought to spend, I couldn't tell you. I would say we ought to spend sufficient money to keep India going. This might be twice as much as we are willing to appropriate or half as much. I wouldn't know. . . .

These difficulties are further compounded by the premium which our political system places on localism and parochialism. Foreign policy is scarcely ever the crucial factor in the election of Congressmen. The rise of a successful politician to power in the United States bespeaks an impressive measure of skill in two areas: the ability to satisfy the domestic needs and desires of a substantial portion of our citizenry, and the ability to manipulate political machinery with shrewdness and deftness. At no point in his rise to powerful office does the typically successful politician find it imperative to school himself in the requirements and problems of foreign policy. Indeed his preoccupation with local matters and with political machinery is virtually *bound* to prevent him from acquiring any breadth or depth of knowledge in the field of foreign affairs.

With their excessively parochial orientation, Congressmen are acutely sensitive to the influence of private pressure and to the excesses and inadequacies of a public opinion that is all too often ignorant of the needs, the dangers, and the opportunities in our foreign relations. Walter Lippmann, as astute an observer of the political process as we have in American journalism, contends that public opinion consistently lags a generation behind in its attitudes and assessments of international relations. The tyranny of public opinion, says Lippmann, imposes upon our policy-makers a "compulsion to make mistakes." The poet Yeats was not wholly wrong when he laid down this harsh pronouncement on public opinion: "The best lack all conviction—the worst are filled with passionate intensity."

These views may be overstated, but they are not wholly without merit, and I point to them in order to stress the point that public opinion must be educated and led if it is to bolster a wise and effective foreign policy. Only the President can provide the guidance that is necessary, while legislators display a distressing tendency to adhere to the dictates of public opinion, or at least to its vocal and organized segments.

I return now to my basic question: Are our formal political institutions basically inadequate for the requirements of our foreign policy? Harlan Cleveland, former Dean of the Maxwell School of Citizenship and Public Affairs at Syracuse and now Assistant Secretary of State for

International Organization Affairs, stated the problem succinctly when he commented: "We know in our hearts that we are in the world for keeps, yet we are still tackling twenty-year problems with five-year plans staffed with two-year personnel with one-year appropriations."

And there is wisdom for the present in Abraham Lincoln's words:

The dogmas of the quiet past are inadequate for the stormy present. The occasion is piled high with difficulty and we must rise with the occasion. As our case is new, so we must think anew and act *anew*. We must disenfranchise ourselves and then we shall save our country.

The question I put, without presuming to offer solutions, is whether in the face of the harsh necessities of the 1960's we can afford the luxury of 18th century procedures of measured deliberation. It is highly unlikely that we can successfully execute a long-range program for the taming, or containing, of today's aggressive and revolutionary forces by continuing to leave vast and vital decision-making powers in the hands of a decentralized, independent-minded, and largely parochial-minded body of legislators. The Congress, as Woodrow Wilson put it, is a "disintegrated ministry," a jealous center of power with a built-in antagonism for the Executive.

I have no objection to this arrangement in its own terms, and I wish that the conditions of tranquility in which this system flourished were still in existence. They are not, however, and I submit that the price of democratic survival in a world of aggressive totalitarianism is to give up some of the democratic luxuries of the past. We should do so with no illusions as to the reasons for its necessity. It is distasteful and dangerous to vest the executive with powers unchecked and unbalanced. My question is whether we have any choice but to do so.

Another aspect of the question of the appropriateness of our institutional structure for the effective formulation and conduct of our foreign policy is the dual role which the President of the United States is compelled to fill. He is both head of state and head of government, both King and Prime Minister. If he fails to fulfill the requirements of either of these roles with skill and success, he seriously jeopardizes his effectiveness in the other. President Truman was in many respects a forceful and imaginative head of government, but his failure to make his own person a living symbol of the unity and dignity of the nation contributed to the unbridled partisanship of the early fifties which did grave damage to both his foreign and domestic policies. President Eisenhower, on the other hand, was an exemplary head of state, a virtual personification of the American ideal, but his failure to exercise the *full* measure of his powers

and duties as "Prime Minister" was the cause of basic failures and omissions in our foreign policy. President Roosevelt was relieved, because of his physical afflictions, from some of the ceremonial duties required of other Presidents, with the result that he was probably a more effective head of government for this very reason.

Perhaps it is too much to ask one man to formulate and execute national policy, both foreign and domestic, and at the same time to preside benignly over the opening of the baseball season, to present an award to the outstanding boy scout of the year, to crown a beauty queen, and to participate enthusiastically in very ceremonial aspect of our national life.

In neither the parliamentary nor totalitarian systems of government is the Executive called upon to exercise this dual function. While the President's time is consumed and his efforts diluted by innumerable diversions of ceremony, such world leaders as Macmillan and Khrushchev and Mao Tse-tung are able to focus the full weight of their formidable talents and energy on the charting of national policy. I believe we should find some way to relieve the President of the burdens and diversions of ceremony. I do not know exactly how, or even whether, this can be done, but I submit that we should try to devise some means of divorcing the duties of the King from those of the Prime Minister.

Let me consider briefly some of the contrasting techniques of policy formation utilized by both friendly and hostile foreign powers.

The outstanding characteristic of the British parliamentary system, by contrast with our own, is the single line of power and responsibility for the initiative, execution, and control of national policy that runs from the Prime Minister and the Party leadership through the Cabinet and Parliament. With a disciplined party majority in the House of Commons, a British Prime Minister can count upon solid legislative support in virtually all aspects of policy. The Cabinet itself is collectively responsible to Parliament and must give regular accounts of its stewardship through weekly "question hours."

Besides the immense advantages of unified control and responsibility, the Prime Minister is free of the burdens of ceremony and ritual, which are admirably borne by the Queen. The Prime Minister need not take even the time to deliver his own "state of the union message." The Queen performs this service in her annual "Speech from the Throne."

The Prime Minister has final responsibility for the formulation and conduct of British foreign policy, and, unlike the President, he has commensurate authority.

In comparing the powers of the Prime Minister and the President

of the United States, the President would appear to have two advantages. He has, first of all, a fixed term of office, no matter how unpopular he may be with Congress or with the voters, he has the constitutional right to retain his office and exercise its powers until the next quadrennial election. The second *apparent* advantage is that the President is supreme within his Cabinet, which has no constitutional status and need not be consulted at all by the President.

Both of these advantages lose a good deal in practice. While the Prime Minister is technically subject to a Parliamentary expression of "no confidence," any Prime Minister who enters office with a safe party majority is, to all intents and purposes, as sure of his five years in office as the President is of his four. And if the Prime Minister is more restricted by the views of his Cabinet colleagues, he is nonetheless usually in a position to exercise preponderant influence in Cabinet deliberations. The Prime Minister's most significant advantage over the President is the extent of his control over Parliament, which, far from being a co-equal partner, is for legislative purposes virtually an assembly under his control.

British foreign policy on the operational level has two distinct advantages over its American counterpart: a Foreign Secretary who occupies an institutionally defined and constitutionally sanctioned office and a professionalized Foreign Office with built-in procedures for continuity of administration regardless of changes of government.

While the American Secretary of State is directly responsible to the President and to no one else, serves only at his pleasure, and may be overridden by the President at any time, the British Foreign Secretary is usually a major political figure in his own right with a long experience and thorough knowledge of the Parliament, ranking high in his party, and being constitutionally responsible to the Cabinet and Parliament as well as to the Prime Minister. The power exercised by the Secretary of State essentially depends on the personality and will of the President. No British Foreign Secretary, on the other hand, has been or could be relegated to quite the ignominy that Lansing suffered under Wilson, or could exercise such great authority as did John Foster Dulles. There are, of course, variations. Anthony Eden played a decidedly secondary role under Churchill, much as Hull did under Roosevelt, but the office and position of Foreign Secretary remain relatively stable.

A change of Administrations in the United States is accompanied by a radical re-staffing of the top policy positions in the Department of State. The result is a periodical infusion of officials often inexperienced

in the exercise of governmental power and responsibility. In Britain, on the other hand, a high degree of administrative continuity and professionalism is assured by the existence of a Permanent Under-Secretary of State for Foreign Affairs, who serves as the head of the corps of permanent officials, including the Foreign Service, and who holds office regardless of changes of government. The Permanent Under-Secretary is always at the right hand of a new Foreign Secretary to advise him in the intricacies and prospects of current issues and in the assembling of information and documentation, and to caution him against courses of action which might depart from historic policies or lead the nation into unwarranted or dangerous commitments.

By contrast with Great Britain, the United States suffers from chronic amateurism among the men who bear the chief burdens of decision-making and foreign policy execution. Many of our policy makers have acquired wisdom and vision in the conduct of foreign affairs, but it has all too often been by on-the-job training. Under present circumstances, the conduct of our foreign policy requires an infusion of rigorous professionalism. The trials and errors of untried leaders were of little moment to the affairs of an isolated republic in the 19th century. In the mid-twentieth century, the errors and vacillations of amateurism can quite readily lead to irretrievable, indeed cataclysmic, disasters.

Further light may be thrown on the inadequacies of American foreign policy procedures by an attempt to penetrate the Alice-in-Wonderland façade of Communist institutions with a view to locating the true centers of power in Moscow and Peking.

While the elaborate structure of Soviet "institutions" is replete with checks and obstacles, by contrast with which the American Constitution is a monument of efficiency, these inconveniences are evaded by the simple and effective expedient of overriding institutional obstacles wherever they interfere with the dictates of policy, which is practically everywhere.

The institutions of the state in both the Soviet Union and Communist China are subordinate at all levels to the parallel institutions of the Communist Party, which in turn are subordinate to the will and dynamic personal interaction of a few powerful men exercising undefined and virtually unlimited powers.

The centralization of power in the Presidium of the Communist Party is the overriding characteristic of the Soviet system. Such policy decisions as are deemed appropriate are reported to the representative organs of the Party and state, either for information and propaganda purposes or for the formality of automatic approval. The Presidium

in fact is a self-perpetuating body of individuals who, though nominally "elected" by the Central Committee, hold their positions by virtue of their administrative ability, their prowess in the internal political struggles and intrigues of the Kremlin, and their loyalty to the current dictator.

The operations of the Presidium, unlike those of a Western Cabinet, must be understood almost entirely in personal rather than institutional terms. The overriding objective in the shaping of policy, both foreign and domestic, is to get the job done, and if machinery or legal red tape poses obstructions, it is ignored or overridden.

From his vantage point at the apex of both party and government hierarchies, reinforced by his unmeasurable personal authority, Khrushchev exercises virtually unrestricted control of Soviet foreign policy. He does not rule in the high-handed fashion of Stalin, being by nature gregarious, extroverted, and garrulous, and he appears to have delegated substantial authority to trusted subordinates. Mikoyan, for example, is Khrushchev's closest adviser in foreign affairs. In addition to his pre-eminent political power in a totally centralized system, Khrushchev has also proclaimed himself to be chief of state, a ceremonial dignity which he finds convenient in his visits to foreign countries.

One would suppose that these all-encompassing powers and duties would impose upon Khrushchev a far heavier burden of detail and ceremony than those which afflict the President of the United States, but such is not the case. For reasons which are not wholly clear, Khrushchev finds ample time to reflect at leisure on the goals and means of Soviet policy. Walter Lippmann reports that during his recent Soviet visit, he was received by Khrushchev for an interview that lasted eight hours, during which time the Chairman was troubled by no interruptions and appeared to be completely relaxed and free from the distractions which plague our high officials.

The evidence is thus impressive that while the Soviet leader has virtually unlimited authority to act vigorously and decisively, to change courses with dispatch, and to focus the vast resources of the Soviet Union on any objective which he deems pre-eminent; he also has the time and the temperament that allow him to think and talk at length and to chart long-range policy goals.

What is true of the Soviet Union and Khrushchev appears to be even more true of Communist China and Mao Tse-tung. Like its Soviet counterpart, the Chinese Communist Party has absorbed the elaborate institutions of state, and pre-eminent power is lodged in the Party Politburo, the equivalent of the Soviet Party Presidium. Within the

Politburo there is a standing committee composed of the highest ranking members of the larger body. The leadership of this inner core consists of Mao Tse-tung, First Secretary of the Party, Liu Shao-chi, Chairman of the Republic, and Chou En-lai, Premier of the Government. These three men, and especially Mao, hold in their hands the real nucleus of power in Communist China.

Mao feels that his all-important position in policy formulation requires freedom from administration and ceremonial tasks. In 1959 he gave up the office of Chairman of the Republic and he now holds no position in government, allowing himself ample time for the consideration and reflective thinking that he regards as the essential prerequisite to sound policy formulation. In recent years he has apparently made very little attempt to intervene in matters of detail and has for the most part left the execution of programs to his trusted subordinates.

Confronted with adversaries who are thus able to focus unrestrained personal power and vast resources on the advancement of a grand design that, if realized, will mean the destruction of free institutions in the United States and throughout the world, the President of the United States is obliged to organize and lead the defense of the free world through the use of institutions and processes that were designed for a radically different world of almost two centuries ago. I do not contend that we should abandon these institutions, for their preservation constitutes the very core of our national interest. Nor do I offer at this juncture a blueprint for the overhaul of our national policy machinery. I do contend, however,—very urgently—that the American people and their leaders must give prompt and serious thought to the need for major changes in the cumbersome procedures of our foreign policy formulation.

As the leader of a beleaguered community of free nations, the United States is under the most pressing compulsion to form wise and far-sighted policies, oriented to a clearly conceived concept of the national interest and implemented by carefully devised and firmly co-ordinated specific lines of action. The essence of this compulsion is the conferral of greatly increased authority on the President, coupled with relief from many of his ceremonial duties. The President alone can act to mobilize our power and resources toward the realization of clearly defined objectives and to wean the American people and their representatives from the luxuries of parochialism and self-indulgence that they can no longer afford. The enhancement of Presidential power is, as I have said, a disagreeable and dangerous prospect. It is seen to be a compelling necessity, however, when set against the alternative of

immobility, which can only lead to consequences immeasurably more disagreeable and dangerous.

Even in the 1830's, De Tocqueville was able to say:

Foreign politics demand scarcely any of those qualities which a democracy possesses; and they require, on the contrary, the perfect use of almost all those faculties in which it is deficient . . . a democracy is unable to regulate the details of an important undertaking, to persevere in a design, and to work out its execution in the presence of serious obstacles. It cannot combine its measures with secrecy, and it will not await their consequences with patience. These are qualities which more especially belong to an individual, or to an aristocracy."