

Congress and the President
are deadlocked in balance

STALEMATE IN FOREIGN POLICY

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"AMERICAN Foreign Policy sometimes seems to be galloping in all directions at once, particularly when it is being adjusted to new circumstances." This sentence, with which *Newsweek* begins a recent discussion of our current Japanese policy, could also serve as an introduction to our German policy, to our Chinese policy, or to certain aspects of our Latin American policy. It could, in fact, be argued that ever since the end of World War I, when our foreign policy suddenly became of primary importance both to ourselves and to the rest of the world, it has lacked the unity of purpose without which it could not achieve its ends.

The average American is not to blame for this condition. He has at least as much ability for coherent and consistent action as does the average citizen of any other country. Nor is there any reason to assume that material for political leadership is less good, or less plentiful, in the United States than it is elsewhere. We must ask, however, whether both leaders and people possess the tools of action which they need in order to accomplish desirable results. This question is, as a rule, not raised in political controversies; when a political misfortune develops, it is customary to look for persons, or groups of persons, upon whom the blame can be fixed. This tendency is as strong in domestic as in foreign affairs, and partisanship aggravates the situation in both fields. Now and then, however, an observer insists on going below the surface, and then a more balanced judgment is obtained, as is evident from the following remarks made by Senator

Fulbright before the Joint Committee on the Organization of Congress:

I think in Hoover's later years, the severity of the depression was vastly accentuated by the two years between 1930 and 1932 in that Congress would not go along with him. We could not do much. We just sat there and things got much worse in that period. You had a two year period in which perhaps something should have been done to prevent or lessen the severity of that situation. When Representative Cox then asked: "Is that a criticism of Mr. Hoover or of the Congress?", Senator Fulbright answered: "I think it is a criticism of the system. There is no way out of that situation."

Similarly, there was no way out in 1919, when a Democratic President and a Republican Congress defied each other, and the cause of an active American foreign policy suffered a reverse from which it never recovered. The basic elements of Senator Fulbright's analysis apply fully to this case; in fact, the discussion within which his remarks were made began with a consideration of the condition prevailing during the last two years of Woodrow Wilson's presidency.

The possibility of a constitutional impasse arises from the fact that our political system does not have one head, but two. There is a President, chosen in one electoral process; there is a Congress, chosen by a different process, and divided into two houses. Important political steps cannot be taken unless both the executive and the legislature give their approval. If the two branches do not agree, a conflict arises which cannot be resolved either by the removal of the President by the Congress, or the dissolution of the Congress by the President. That this can lead to fundamental difficulties is implied in one of the two terms in which the theory of "check and

balances" is stated. While "checks" are, within their proper limits, a necessity, "balances" are an absurdity. The term "balance" has its proper meaning in physics, where it originated. In the field of politics, the result of two equal forces opposing one another is a deadlock. Montesquieu, the author of the theory of "checks and balances," in a strange passage in *The Spirit of the Laws* admits that from a balance of opposing forces there might result "a state of repose or inaction." He tries to escape the implications of this admission by adding that "since by the necessary movement of things, they (the different branches of government) are obliged to move, they will move in concert." Montesquieu gives no reasons for this assumption. Actually, movement in concert is but one out of several possibilities, and it is the one least likely to materialize. If two branches of government have been deliberately pitted against each other, because it was assumed that their mutual jealousy was a necessary safeguard of political liberty, it requires an unusual degree of patriotism to bring about cooperation. Alexander Hamilton rightly warned the Constitutional Convention that "a reliance on pure patriotism had been the source of many of our errors."

The alternative to action in concert is either that the deadlock continues, or that it is overcome by the dominating influence of one branch of the government. In this case, the balance postulated by constitutional theory is broken. In fact, the forces which are able to upset the balance are likely to be so strong that they will sweep desirable checks aside together with destructive balances.

If, for the purpose of this discussion, we limit ourselves to the field of foreign affairs, it is obvious that action resulting from domination is more likely to be taken by the executive than by Congress. Alexander Hamilton gave the reasons in No. 75 of *The Federalist* papers where, comparing the executive to the House of Representatives, he said:

Accurate and comprehensive knowledge of foreign politics; a steady and systematic adherence to the same views; a nice and uniform sensibility to national character; decision, *secrecy*, and despatch, are incompatible with the genius of a body so variable and so numerous. The very complication of the business, by introducing a necessity of the concurrence of so many different bodies, would of itself afford a solid objection.

The Senate has now more members than did the House of Representatives in 1789, therefore, what Hamilton says about the House also applies to the present Senate. So far as the complication of foreign affairs is concerned, it has tremendously increased in recent generations, and the advantage enjoyed by the executive on this account is correspondingly enhanced.

CONGRESS IN FOREIGN AFFAIRS

Congress is under a particular handicap when it comes to taking the initiative in foreign affairs, where it lacks both the organs through which information could be secured and through which action could be taken. Its practical influence may be limited to the expression of approval or disapproval when an executive proposal requires Congressional consent. By that time, an accomplished fact may have been created which Congressional disapproval cannot undo. If, on the other hand, Congress does have an opportunity to assert itself, as when the ratification of a treaty, or the voting of appropriations is required, the freedom of action is often limited to the possibility of taking a negative attitude. Congress can block the plans of the administration (and bring about another deadlock), but it cannot take affirmative action of its own. There is no positive aftermath to the Congressional "No" spoken in regard to the executive. Thus, the isolationism which developed after the rejection of the League of Nations was not really a policy; it was the negation of a policy.

As a result of these limitations on positive action, the United States could, when the clouds of war gathered again, do nothing to dispel them, no matter how clearly the need of such an effort might be seen. Mr. Cordell Hull has informed us in his *Memoirs* that the famous warning issued by President Roosevelt in his "quarantine" speech of 1937 was delivered upon the advice of the State Department, which was under no illusions as to the trend of developments abroad. The negative reaction within both the public and the Congress made executive initiative impossible. Once again, when Congress tried to provide a substitute, it was positive only in appearance. The neutrality legislation to which it resorted merely served to put the world, including

those who were preparing for war, on notice that the United States would not apply any preventive measures during the time when they had a chance to succeed.

In the years that followed, the executive was not entirely passive; the Secretary of State issued solemn warnings, which were soon discounted, and President Roosevelt, blocked in his desire for direct action, resorted where possible to a policy of indirection. Thomas K. Finletter, in his book, *Can Representative Government Do the Job?* has commented as follows on this policy:

This peculiar authority of the Executive gives it the power to create the conditions which make war inevitable, or, contrariwise, to avoid war by yielding to the pretensions of other nations. But it does not give the President the power to stop war by affirmative collaboration with other nations, and to impose our own plans and principles on those nations who believe in war as an instrument of national policy.

After the war had broken out, the executive all of a sudden found itself released of almost all restraints in its conduct of foreign affairs. Military necessity, so often real, could be invoked to justify the secrecy of all measures, even if their political impact was strong. In countries with a parliamentary system, as in England, there is during a war at least the safeguard that the head of the government must discuss his plans with the heads of the competent government departments, each of whom is a political power in his own right, and each of whom could challenge the Prime Minister in Parliament if his advice is disregarded and if he leaves the Cabinet. Also, parliamentary discussion remains a vital factor; after the great inter-Allied conferences, Mr. Churchill not only addressed the House of Commons before President Roosevelt addressed Congress, but he felt it necessary to give more information than was contained in the reports of the President. Additional information was elicited in the subsequent parliamentary debates, of which there is no equivalent in the United States. Such checks make it likely that policy, even where it has to be secret, is at least developed through the proper channels, which provides a chance that as much wisdom will be employed in making it as is possible in this imperfect world.

In the United States, so influential during

the war on account of her military and economic power, vital decisions in the field of foreign affairs soon entirely escaped the guiding hand of the Secretary of State. The final stage in this development was reached in the summer and fall of 1944, when Mr. Morgenthau practically replaced Mr. Hull as the President's adviser on matters pertaining to Germany, although, at that time, these matters also determined the all-important relations to Russia. When, during the Quebec Conference, Mr. Morgenthau showed himself so obsessed with the desire to obliterate any potential German power that he disregarded all diplomatic consequences of his proposals, Mr. Churchill reminded him, as Mr. Morgenthau has revealed in his articles published in *The New York Post* last November, that he, (Mr. Churchill) was keenly interested in what might happen in the wide stretches "between the white cliffs of Dover and the white snows of Russia," and that he had no desire to be "chaining himself to a dead German." Mr. Morgenthau, whose weapons of persuasion included a reference to Lend-Lease, won out in Quebec. The storm which followed in the press when the outlines of the Morgenthau plan were made public caused it to be shelved for the time being, but in the directive dealing with the government of Germany (J.C.S. 1067) and in the Potsdam declarations, many of the original features of the Treasury plan re-appeared. The results were what Mr. Churchill had feared they would be: Russian power was drawn into the vacuum created by this negative German policy, and both England and the United States now find themselves chained to the dying body of the German economy.

Our policy has now been reversed so far as Russia is concerned; concessions based on unlimited confidence have been followed by a policy designed to bring about her "containment." Essential parts of this policy have come to be embodied in the Marshall plan, which is devised to make Western Europe economically self-sustaining, and politically stable enough to resist Communist penetration. The new policy is once again, and inevitably, the result of executive initiative, but, on account of the appropriations needed, Congressional approval is essential. The seeds of

conflict, and of frustration, are inherent in such a situation, and the fact that 1948 is an election year in which a Democratic president tries to turn the tide against a Republican majority in Congress, does not improve the prospects of a workable solution.

In such times an alert public opinion is vital. It is little use to side with one protagonist or the other, and to engage in the old game of blaming political opponents. There are strong and weak points in the arguments of both the executive and of its congressional critics; an effort should be made to combine the good elements of both.

Senator Taft's New York speech of November 10 indicates some of the ingredients of a workable solution. It was natural for a prominent leader of the opposition to remind the administration that the ills which we are now trying to cure were, to a large extent, brought on by its own acts. During the last phase of the war, it neglected the opportunity of occupying much of the German territory which is now under Russian control, and extended the area of Russian occupation as late as in the fall of 1945. Senator Taft also stressed the continuing effects of the economic policy pursued in regard to Germany, and added: "I would like to suggest that the German policy of the Government is even more important to the re-establishment of Europe than the Marshall plan." At this point, the criticism begins to imply negative as well as positive elements, but before Senator Taft's criticism is discounted, it is well to remember that ever since J.C.S. 1067 was made public (October, 1945), *The New York Times* has, in its editorial columns, taken a stand which was similar in substance and no less vigorous in form. Thus, in an editorial published on February 25, 1947, *The Times* said:

Both Japan and Germany were well able to feed themselves before the war, not because they could grow all their own food but because they were among the important workshops of the world. Today they are within our power, and our power has made the workshops still. Yet, given the chance, they could easily start up again, not only to produce goods to buy their food but also to repair the damage they have done and to help industrialize their respective continents. If that means increasing their industrial and therewith their military potential, this factor is more than balanced by our own control, expected to last for many years, and even more permanently by the

creation of an industrial potential elsewhere, which means a new balance of power. It would seem obvious that if the world is to return to peace and prosperity it will have to turn from destruction to construction.

The case of Germany is more immediately pertinent to the discussion of the Marshall plan than is the case of Japan. Not enough observers in this country are aware of the criticism of Germany's economic strangulation advanced in such countries as Italy, Greece, Turkey, Denmark, Norway, The Netherlands, Belgium, and Luxembourg. All of these countries are suffering substantial damage on account of the loss of their German trade; not so long ago an Italian government spokesman emphasized that until a few years ago Italian exports of fruit to Germany brought in the foreign exchange needed to pay for coal imports, and striking examples along similar lines could be given in regard to the other countries mentioned. *The New York Times* commented on November 13:

The fact remains that the American attempt to finance Europe's recovery, while at the same time also financing Germany's economic strangulation under the Potsdam plan, has proved a costly failure. That fact has now been taken into account in both the European recovery plans and in the new level of industry decreed for Western Germany. But it may be doubted that the full import of past errors has really sunk into our consciousness, or that the plans and measures for their correction are anywhere near adequate. On the contrary, we appear to pursue policies of both recovery and strangulation simultaneously.

The editorial then refers to the 682 additional plants to be dismantled in the British and American zones (the addition of the French zone would bring the number close to 1000), and concludes: "Let the plants stand and go to work."

If economic strangulation were ended in Germany, our economic burden could be eased perceptibly.¹ Even now the Germans, if allowed to do so, could make agreements with their neighbors which would benefit both sides. Large-scale German exports would not be possible before a two year period has

¹ Interesting data concerning the way in which the dismantling of German factories interferes with the Marshall plan are contained in the pamphlet entitled "Destruction at Our Expense: How Dismantling Factories in Germany Helps Inflation in the United States and Sabotages the Marshall Plan," written by Christopher Emmet and Fritz Baade, and published by Common Cause, Inc., 48 East 48th Street, New York 17.

elapsed; such exports would, however, still come in time to provide substantial assistance during the final years of the proposed European Recovery Program. This prospect should not cause us to slash blindly the proposed appropriations, and "underfinance" the program from the start. We should, however, be aware of the fact that, if we want the Marshall plan to succeed, a full utilization of the productive potential of Western Germany would be a great help; and that it might turn out to be an absolute necessity.

Similar considerations apply to Japan. When various political leaders suggested a program of definite support for the Nationalist government of China, Walter Lippmann objected that this would mean dissipating our limited resources. Our resources would not be so limited, however, if we did not increase existing scarcities by a policy of economic strangulation in regard to what used to be the chief producer of continental Europe, and of the Far East. The unused productive potential of Western Germany and Japan is still large enough to provide us with the margin needed to undertake an effective program in both Europe and the Far East. In the case of Japan, the opposition to misguided economic policies has been led by *Newsweek*, which made certain vital facts public that had been withheld from us, and to Senator Knowland, who forcefully pointed to the discrepancy between promoting economic disintegration and pouring in hundreds of millions to help the victims of that disintegration.

As could have been expected, the administration goes ahead with its policies in Germany and Japan, where it can act without

Congressional approval, and Congress questions substantial parts of the appropriations demanded for the E.R.P. Friction has developed over the administrative aspects of this program as well as over the expense. Congress wants the task of reconstruction to be entrusted to a new agency rather than to those sections of the State Department which have, in recent years, been so unbusinesslike in their policies. Secretary Marshall counters: "There cannot be two Secretaries of State." He is right in principle, since the E.R.P. has a definite political purpose and should be integrated with the rest of our foreign policy; he will be wrong in practice, if the State Department fails to integrate its own policies, and continues to acquiesce in destruction while billions are asked for reconstruction.

Whether, in a campaign year, Congress and the administration can find enough common ground is difficult to tell. Powerful forces tend to tear them apart. Much would be gained, however, if some of the agencies which have access to impartial public opinion would point out the basis for possible agreement, and work for its attainment, rather than to engage in pressure on behalf of one side or the other. If this should prove impossible, we might as well re-examine the political system which forms the basis for destructive conflicts, and ask ourselves whether, before we spend so much energy on promoting a World State, we should not try to harmonize the constitutional machinery of the country which, in this period of history, is the only one that can provide the leadership for the cooperation, and perhaps eventual federation, of the nations interested in peace and freedom.

"If the truth were admitted," says Reginald A. Johnson, Director of Field Services of the National Urban League, "the [following] would be a typical advertisement describing rental property for Negro occupancy in one of our larger cities."

Ten room house, at least 60 years of age, badly in need of repair and redecoration. House is cold in winter and hot in summer. Conveniently located near smoky factories, noisy railroad yards, and receives frequent fragrance from nearby stockyards. Neighborhood is highly deteriorated and is well supplied with all the factors that encourage crime and delinquency. Heavy truck traffic in area, no nearby playgrounds, and firetrap schoolhouse within walking distance. Best thing available for nice Negro family at exorbitant rent.

—American City

THE LIBERALS' DILEMMA

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New goals ahead for liberals

ONE of the classic stories of World War I is about Marshal Foch. His forces driven back and disorganized by the German onslaught in the first Battle of the Marne, he wired the French General Headquarters: "My center gives way; my right recedes; the situation is excellent; I shall attack."

Perhaps it is not stretching analogy too far to see in today's political situation a comparison with that French army of 1914. Embattled and driven back on their citadel are the American Liberals. They have lost battle after battle, their ranks are decimated, their center gives way and their right recedes.

Whether the situation is equally favorable for a counter-offensive to stem the nation's determined march back to reaction is doubtful, but we have a new party in American politics today because some of the Liberals decided that it was time to stop running and start fighting.

In the swing to the right after the gains of the New Deal era, the Liberals in America fell upon evil times. In fact, it may be said that they fell upon their faces. They lost the fight for federal controls to slow inflation and give effective aid to home building. They saw the peace bungled and federal safeguards over civil liberties weakened. Hope for a just peace and a stable world order recedes daily.

Not only has the Liberals' influence on our federal policy ebbed to a new low since the 1920's, not only are they unable to mount any but weak, rear-guard actions—they have been pushed clear out of the main battle line, to a point where they waste their strength in indecisive skirmishes over programs instead of principles, details instead of doctrine. The

witch hunts of Washington illustrate the point. Administrative firings of those suspected of disloyalty, without the usual safeguards against false witness granted to any thief, do not go unnoticed. Nor do the congressional inquisitions which seek to pluck "un-American" thoughts from every bosom. The Liberals charge into the fray, but they break their lances not against the *purges* and the *smear techniques* but against the *methods* employed. They seek only a sort of limitation on the infringement of American freedom, or perhaps a diversion that will spare this minority or that one but let others suffer. The main battle goes by default.

Thus conditioned by compromise and defeat, the Liberals now face a political dilemma. Whether they support the Democratic party, the Republican party or the new party founded by Henry Wallace, all the roads seem to lead to defeat.

Let us examine the alternatives.

President Truman has been hard at work in recent months, patching up the old Rooseveltian campaign vehicle with a bit of scotch tape and baling wire here and a lick and a promise there, seeking to bind it together for one more run to the wire in November. While some of the repairs have been startlingly effective—notably the mending of the breach between the administration and the Trainmen's A. F. Whitney who once threatened to bankrupt his union if necessary to defeat Truman—the President is faced with the loss of considerable strength on the left and, since his "human rights" message of February 2, the possibility of a major revolt on the right. Nor has the course of events in Washington been such as to hearten the more moderate elements of either wing. A succession of Truman pro-