

# Congress v. Kissinger: The New Equalizers

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by Frederick Poole

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Over the years every member of the U.S. Foreign Service, imbued with the notion that foreign policy is implemented by this self-proclaimed elite corps, has had to face up in unusually wrenching ways to our role in Indochina. Some have supported the war policies and been happy to carry them out; some have managed to restrict their work to other regions of the world; many privately argue that they can be most effective as good soldiers quietly pressing their views from within American embassies, the State Department, or the National Security Council. But there have been others who have felt compelled to leave the Service. A small but significant number of those who did resign came back to Washington to fight their former masters from the Hill.

It is not too much to say that behind every significant congressional initiative in foreign policy since the war turned sour there has been a former member of the Foreign Service. Acting as legislative assistants or committee staffers, they have drafted legislation, prepared policy statements and speeches, and disseminated information that successive administrations have tried to suppress. They have worked on the ABM fight, the Cooper-Church and Church-Case amendments, the war powers legislation, and such current initiatives as the denial of military assistance to Turkey, the cutting of further funds

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for Vietnam and Cambodia, and the intense probing of the CIA, the FBI, and the rest of the nation's intelligence apparatus.

Former FSOs have become highly visible in the offices of senators and representatives and on committee staffs. There is a body of expertise on the Hill that did not exist when the war was first seriously questioned, and a network has been established. Any FSO wondering whether this might be the moment to switch sides now has precedent behind him. He knows exactly who to call to find out where the action is taking place and what congressman might need assistance.

High on the list of those to be contacted in the Hill's FSO network are the two men who set the pattern. One is William G. Miller, now a staff director of Senator Frank Church's Select Committee on Intelligence, previously legislative assistant to Senator John Sherman Cooper in the years of the ABM fight and the Cooper-Church legislation, and then, when Cooper left the Senate, legislative assistant to Senator Charles McC. Mathias, and staff director of the Senate Special Committee on the Termination of the National Emergency. The other is Albert A. ("Peter") Lakeland, Jr., who has been the top foreign policy man on Senator Jacob K. Javits' staff for the past eight years. Most of the FSOs on the Hill arrived after the Cambodian incursion of 1970; Bill Miller and Peter Lakeland have been there since 1967.

Although both came to the Hill in

May 1967, Miller and Lakeland knew each other only in passing when they were FSOs. And their reasons for leaving the Foreign Service were different enough to encompass the reasons of the 20 or so FSOs who were to follow them.

To Bill Miller—who now, with the select committee, has what is considered the plum staff position on the Hill, and whose name is always the first to come up when other staffers are asked who among their ranks is the most effective—there was nothing basically wrong with his life in the Foreign Service. It was simply that he found he could not be a party, even peripherally, to what was going on in Vietnam.

Like most FSOs who later went to the Hill, he was at the top of his class in the Foreign Service and had what he describes as “the best possible jobs,” beginning with Iran, which was “everything one could hope for.” At the time of his resignation he was back in Washington with State’s Senior Interdepartmental Group, an ambitious attempt begun in 1966 to coordinate all branches of the nation’s foreign policy machinery.

Although fully occupied on substantive matters himself, Miller felt that “inevitably in the long run there would be less and less challenge.” Cooper, who had just gone on the Foreign Relations Committee, was looking for a foreign affairs legislative assistant, and sought Miller out.

Lakeland’s reasons for leaving were also mixed, though he, more than Miller, was generally dissatisfied with the Foreign Service. His area of expertise was the Far East, “and I was disillusioned watching how Vietnam distorted the work of the entire Asian bureau, the coup and counter-coup in Indonesia being an example. Here was a country of vastly greater significance, but because of Vietnam it was put on the back burner. And it was because of Vietnam that there was a freeze on our policy toward the China mainland. . . .”

Lakeland had put up with con-

siderable nonsense. He was the India desk officer when, ten days before the 1965 India-Pakistan war, a supervisor wrote in his “efficiency report” that Lakeland was “making life difficult for the bureau. Mr. Lakeland’s usefulness is somewhat hindered by his sounding the dangers of an India-Pakistan war.” The disturbing sequel was that no one on the promotion panel seemed to notice that the war he had predicted actually did take place. It was time to think of leaving. When the offer came from Javits, he had little trouble making up his mind.

The close relationship between Lakeland and Miller grew rapidly. “Javits and Cooper sat beside each other in the Senate and on the Foreign Relations Committee, and Bill and I sat beside each other on the staff couch on the Senate floor.” They were seated together when it all began, the first major congressional initiative—the fight on ABM. One day in the spring of 1969, when Senator Henry Jackson was on the floor presenting the military construction budget, Miller and Lakeland, watching from the staffers’ couch, noted that this new weapons system Jackson was praising was going to be passed simply because the military and Jackson were for it. Together they scribbled the wording for a measure to stop funds for the construction of ABM. Miller took it over to Cooper, who liked it and offered it on the spot as an amendment. The battle was on.

Cooper, who, with Miller at his side, remained the prime mover, would eventually lose his fight against the ABM, but only technically. After the final, close, pro-ABM vote, Senator Barry Goldwater, among the most vocal ABM proponents, came up to Miller, shook his hand, and offered congratulations. With the kind of opposition that had been arrayed against ABM, Goldwater pointed out, the Administration would never go ahead with the plan as originally conceived. Goldwater was so impressed with Miller’s effectiveness as an adversary that when Barry Gold-



Peter Lakeland

water Jr. was elected to Congress, the elder Goldwater suggested that he hire Miller as his administrative assistant.

"No other liberal foreign affairs legislative assistant has ever been able to operate that way," the staffer who related the story says. "Miller's the only one on our side who can just walk up and chat with Goldwater, the only one with that kind of respect." The staffer, also an ex-FSO, talks about Miller fondly as "the Godfather" of all those who came to the Hill later from the Foreign Service.

The most important thing about the lengthy ABM fight was the precedents it established. During the extensive hearings held before the Foreign Relations Committee, what Lakeland calls "the elite of the military scientific community" defected from the military course. "These scientists testified against ABM and also met privately in senators' offices over lunch. We discovered for the first time that we could outgun the Administration. We also discovered that these were issues we could deal with, that the Pentagon invents jargon to obscure its case, but actually the argument is about public policy decisions. And we

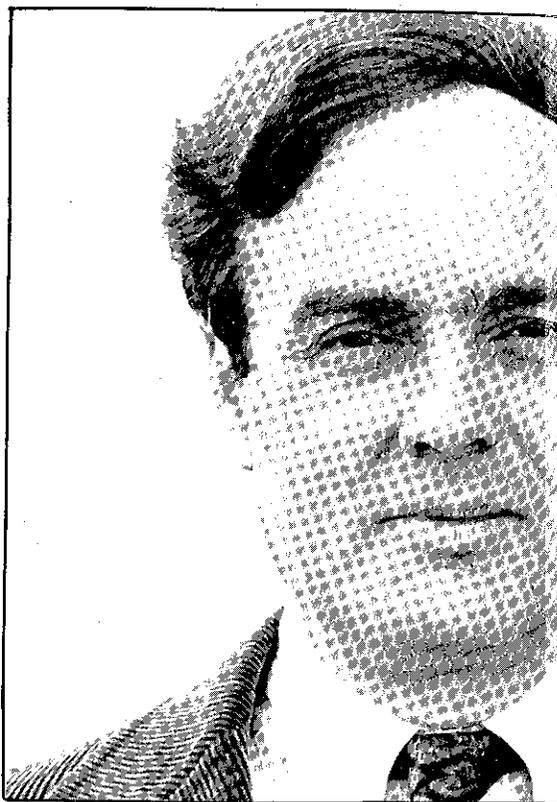
had the weight of the best expert opinion on our side." Since that time the scientific-elite approach has had few spectacular victories, but it remains an important element in reassertion of congressional power.

Soon after the ABM fight the Miller-Lakeland partnership was bolstered by new recruits from the Foreign Service—John D. Marks, for instance, who, after serving in Vietnam, had quit State's Bureau of Intelligence and Research in outrage over Cambodia; and Thomas A. Dine, a former Peace Corps official who had become a personal aide to Ambassador Chester Bowles in India. Dine had considered making his full career in the Foreign Service, particularly because of his fascination with India, but had come to the realization he "could not serve faithfully," even in India, while the war was going on. Marks, co-author with Victor Marchetti of last year's best-selling *The CIA and the Cult of Intelligence* and now a full-time anti-CIA gadfly for the Center for National Security Studies, spent his time on the Hill as an aide to Senator Clifford Case. Dine, currently at Harvard's Kennedy Insti-

tute of Politics, felt when he came back from India that his most effective possible contribution would be to fight the "Vandenberg bi-partisan castration" from which the Senate suffered. After a brief stint with Senator Alan Cranston, he became foreign affairs legislative assistant to Church.

Marks and Dine were working closely with each other and with Miller and Lakeland when in June of 1973 the Senate passed the Church-Case amendment setting a cut-off point to the American bombing of Cambodia. Later, Dine joined with Miller on the special committee set up to straighten out the tangle of emergency powers legislation that had built up over the years. When he left the special committee last autumn to go to Harvard, among the guest speakers he brought up to Cambridge to address his seminar were Miller, Marks, Brian Atwood—a former embassy administrative officer who became legislative assistant for Senator Thomas Eagleton, and Jerome Levinson, a former assistant director of AID in Brazil who is now counsel for the Senate Foreign Relations Subcommittee on Multinational Corporations.

Diana H. Walker



William G. Miller

lem on the basis of Congress' legal power to declare war. Javits' War Powers bill attempted to delineate the specific emergencies in which the President could use armed force and to require the President to report to Congress within 48 hours and obtain consent within, at most, 90 days.

It took three and a half years for the War Powers bill to finally get through both houses, overriding a Nixon veto. But to Lakeland, as important as the passage of the bill was what happened in the time between introduction and passage.

Lakeland was charged with compiling the witness list for the critical hearings held by the Senate Foreign Relations Committee on the bill in 1971. The hearings became a sort of national forum: the country's leading constitutional legal experts and historians came to Washington to testify in the bill's favor. It gave the bill's supporters strength from expertise. "When we went to the floor," Lake-

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## Fighting Over War

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Back in 1970, the Senate's bid to play a role in foreign policy decisions still centered on Indochina. With the Cooper-Church legislation—which prohibited U.S. ground troops being used in Laos, Thailand, and Cambodia—out of the way, the fight shifted to the War Powers bill, directed by Javits. Up to this point, the foreign policy efforts had all worked through the Senate's appropriation power. But Javits and others were coming to see the dangers of relying on riders to appropriations bills, since there was the ever-present possibility of a presidential veto. With the War Powers bill, a group of senators which eventually included the usually-hawkish John Stennis began to approach the prob-



out field investigators. Most people familiar with its work agree that, from the standpoint of bringing in information, the committee's finest hour was the time these investigations were handled by two ex-FSOs, men who had learned political reporting within the Foreign Service and now were given what amounted to a completely free hand.

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### Non-Innocents Abroad

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For four years, the full committee and Senator Stuart Symington's Foreign Relations Subcommittee on U.S. Security Agreements and Commitments Abroad were kept abreast of what the U.S. government was doing overseas by the team of Richard M. Moose, a former National Security Council staffer, who is still making forays abroad for the senators as a committee consultant, and James G. Lowenstein, who last year returned to the State Department as Deputy Assistant Secretary for European Affairs.

During these years their cables went directly to the committee and subcommittee—as opposed to Foreign Service reporting which must be approved by a long string of superiors in embassies and the Washington bureaucracy before reaching men in policy-making positions. The cables and the longer reports that Moose and Lowenstein wrote when their trips were over provided the senators with a steady stream of fresh, undiluted information.

In at least one case, the discovery in 1973 that the bombing of Cambodia was being controlled from the U. S. Embassy in Phnom Penh, their reports had an immediate effect on Senate deliberations. Moose believes it was their expose of the embassy's direct role in ordering B-52 and F-111 bomber strikes that convinced the senators “this was Vietnam and Laos all over again”—which was basically why they voted for the Church-Case amendment to halt the bombing.

land says, “we could outgun the Administration. . . . If you looked on this as a biblical dispute, you could say we had the Bible on our side.”

This technique, the use of expertise to restore the balance between the White House and the Hill, has been an essential part of the efforts of the FSOs who have defected. To some extent they themselves have been supplying the expertise because, for the first time, a substantial number of men who know the foreign affairs machinery of the executive branch from the inside have been at the command of the legislative branch. But expertise means information, and it is a common lament that the legislative branch simply does not have the resources of information of the executive at its command. One of the most important ways to even the score is to go out and gather information from the field.

For some years the Senate Foreign Relations Committee has been sending

In April of 1973, two months before the passage of Church-Case, Moose and Lowenstein went to Cambodia for a first-hand look into the embassy's role. "At that time," Moose says, "we had no idea the embassy was at the center of air operations." But they were suspicious because, according to Moose, they felt they had been given the run-around when they had asked questions at the Pentagon and at Seventh Air Force Headquarters in Thailand.

On April 5, just in from Thailand, they presented themselves at the embassy in Phnom Penh and were given what Moose calls "a cursory briefing by a colonel who was the air attache." While revealing nothing about the bombing missions, the colonel did hint vaguely that the embassy was playing a small role as go-between for the Cambodian government and the Seventh Air Force. When they asked for a more detailed briefing, he said he would have to get permission from senior embassy officials.

While waiting for the colonel to get permission, Moose and Lowenstein stopped by the local UPI office, where they found the resident correspondent, Sylvana Foa (an American who was soon to be expelled from the country), listening with an ear plug to a small transistor radio. "She looked puzzled," Moose recalls. "She passed over the earplug and said, 'Listen to this and tell me what you think of it.

I immediately recognized the terminology. F-111 pilots and controllers were speaking to each other." There were references to "the embassy." It was so clear that what he was hearing were bombers being directed from the embassy itself that he and Lowenstein quickly got a message off to Symington telling him about it. They then confronted the Ambassador, Emory C. Swank, who refused to confirm what they had heard.

Late that night, when they were having trouble sleeping because the beds were shaking and the walls rat-

ting from the impact of American bombs outside the city, an embassy driver appeared carrying a lantern and a note that said Senator Symington was waiting to speak to them on the telephone. Symington had been in touch with Secretary of State William P. Rogers, who insisted that he had no idea what Moose and Lowenstein were talking about.

As Moose has since reconstructed it, Rogers may well have been ignorant of the embassy's role. It was a tightly held secret known, of course, to Ambassador Swank and to his Deputy Chief of Mission, Thomas O. Enders—an arrangement probably worked out with General Alexander Haig (while Haig was Kissinger's deputy on the National Security Council), the Joint Chiefs of Staff, and the Seventh Air Force in Thailand. After talking with Moose and Lowenstein, Symington again called Rogers, who immediately dispatched two FSOs to the Pentagon to demand an explanation.

In the meantime the Senate investigators were still having problems in Phnom Penh. They were not allowed to move around the chancery building except with a Marine guard, and parts of the building were declared off-limits to them.

For the next week, embassy personnel continued to give them vague statements, including, towards the end of the week, one in writing from Enders that Moose remembers as "extraordinarily inaccurate and deliberately misleading." It was not until April 12, after Rogers had uncovered what was going on from the Washington end, that Enders said he had new instructions from Washington authorizing him to give them the details of the embassy's involvement and take them on a "walk-through" of the Air Attache's operations center, where targets were being plotted. The final decisions on targets, as Moose and Lowenstein reported to the committee, were supposed to be made by Enders.

Moose feels there is something,

though not very much, to be said for this procedure, which had been established in January 1973. That was the time that Lon Nol had made a cease-fire offer, and Moose believes that the U.S. government may have felt that firm policy control was essential, so that the military would not do anything to damage the chances for a cease-fire.

"But as the cease-fire faded, the system was turned around and made a tool for making the bombing more effective," Moose says. "Then they felt they had to hide it—and they damn near succeeded."

On another occasion, Moose and Lowenstein were the first to report that we were using B-52s to bomb

Laos, which forced an Administration admission that such bombing was in fact taking place. That report was part of their continuing focus on Indochina, which began when they teamed up for a trip to Vietnam in December of 1969. In the spring of 1970, just after the incursion, they were in Cambodia, and returned again that winter, when they also went to the colonels' Greece. The next spring they were in Laos; in early 1972 they went to Thailand, Laos and Cambodia; in May of that year they were in Vietnam; in the autumn they were in Korea and the Philippines; the following spring they were in Laos and Vietnam as well as Thailand and Cambodia; in the autumn of 1973 they were in Europe

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looking into security arrangements. Since Lowenstein's departure, Moose has made more trips to Vietnam and also Indonesia and the Philippines.

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### A Completely Unique Experience

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Moose, who worked under both Walt Rostow and Henry Kissinger on the National Security Council, had first gone to the Hill in 1966 on an American Political Science Association Congressional Fellowship—a program under which promising younger men from the executive branch departments spend a year working in a legislator's office.

He first worked with Rep. Morris K. Udall, and it was while assisting Udall that Moose had what he now describes as a revelation. He was asked to write a routine report, and when he sat down at the typewriter he found he began to think of what was expected of him. Then he suddenly realized that this report, unlike those he had written in the Foreign Service, had to please no one but the Congressman; he was expected only to write what he truly thought and felt, not what some superior already considered the acceptable view. There was, of course, another, less attractive difference: the legislator who received his report lacked the bureaucrat's ability to mandate a change in policy. While the former FSOs can get their reports straight to the top much more easily on the Hill than in the State Department, what happens after that depends on how successfully the senator or representative can exert his influence. Some legislators have used the reports to generate public pressure through the press; others have tried to take them back to the bureaucracy and persuade officials who are not really aware of how their policies are being implemented (as with Rogers and Cambodia); still others have used the reports to help get votes for legislation.

From Udall's office, Moose moved to the office of the Foreign Relations Committee Chairman, Senator J. W.

Fulbright. Then, with the fellowship year over, he moved back to the NSC as an assistant to Rostow. There his main responsibilities were Vietnam and press relations, and he quickly realized he would have to leave because of Rostow's unflinching position on Vietnam. His next stop was a study financed by the Ford Foundation on decision-making in national security affairs. That led to his meeting with Kissinger and his return to the NSC staff. After a few more months at the NSC, sensing the same dissatisfaction with the war policies, he decided to go full time with the Foreign Relations Committee.

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### Letters from the Field

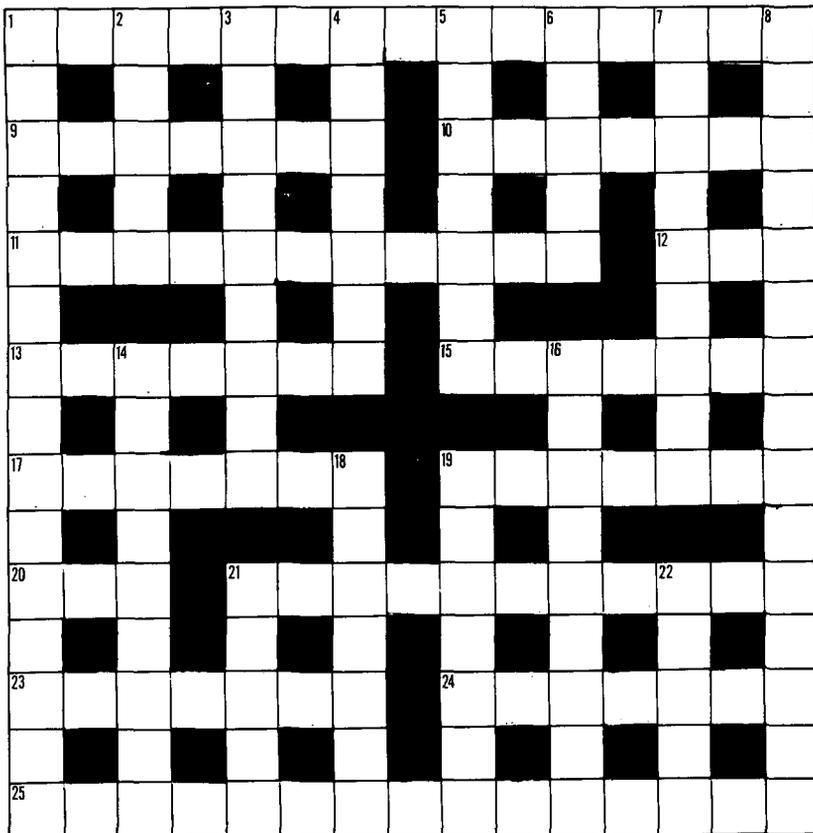
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Moose's experience in the State Department followed what seems to be a general rule accepted by most of the defectors—the higher you go within the government, the less seriously you take the work of FSOs in the field. Like some others who defected later from the NSC, he went away with the feeling that little attention was paid to reports from FSOs, often including ambassadors. He decided that the Foreign Service would not give him the effectiveness he sought in foreign affairs. He also saw how great the need was for increasing the information flow to Congress if Congress were ever to rise from its supine posture in foreign policy.

Lowenstein, who resigned back in 1965 on the grounds that, between the Navy and the Foreign Service, he had spent eight and a half years in virtually constant transit, says emphatically that "information is power." He has pointed out to numerous panels that the legislative branch can send representatives abroad who can have access to the same sources of information as the executive branch. They can look and listen in the same way as diplomats and intelligence officials. They can send classified messages through the same channels to their employers as can executive branch officials. Moose adds that too

# the political puzzle

by John Barclay



## Across

1. They come ahead of welfare in Washington. (6,9)
9. Use this oil to tune gun. (7)
10. Underwater tennis player? (7)
11. Put in between what law enforcers consumed? (11)
12. One of the signs found in Nile origins. (3)
13. Stagery make hardest to perceive. (7)
15. What Nixon left unfinished. (3,4)
17. When it's marked-up, don't eat! (7)
19. At the Ritz, 50 in a box. (7)
20. Employ musers without

- a wife. (3)
21. M. Angel Reach mixed-up before DeGaulle. (11)
23. Nothing back in passes gives author names. (2,5)
24. Plan in favor of weight? (7)
25. Sam Erwin, for instance. (5,10)

## Down

1. They come ahead of development in Washington. (7,3,5)
2. A goat or how they say it. (5)
3. Throne tie in China or Japan. (3,6)
4. Broken statue with

- nothing inside goes to Sans Souci. (4,3)
5. If sun heal upset, let go. (7)
6. Get author out of lab with ease. (5)
7. Brain power in cell up in S.E. Asian holiday. (9)
8. Clearly not a broad-gauged person. (6-6,3)
14. Real trade for Parke or Bernet. (3,6)
16. Get bromo list from island... (9)
18. ... in body of water that gives dad ease. (4,3)
19. Music for lay cops. (7)
21. Something to wrap around a lead pipe? (5)
22. Decorated food in vinegar. Nice! (5)

The numbers indicate the number of letters and words, e.g., (2, 3) means a two-letter word followed by a three-letter word. Groups of letters, e.g., USA, are treated as one word. Answers to last month's puzzle are on page 17.