

David Brock

## THE PRINCE METTERNICHS OF CONGRESS

They undercut the President's leadership in foreign policy at every opportunity, to the detriment of our nation's interests and political stability. But there are ways to contain these kingpins, and unlike his predecessor, George Bush has shown a willingness to defend the foreign policy prerogatives of the executive branch.

With Marcos and now Pinochet gone, Zaire's President Mobutu Sese Seko is the world leader with the worst image on Capitol Hill. It's not that he's more odious than any other African dictator, and in fact a persuasive case can be made that, for all his faults, Mobutu is one of the few African leaders deserving of U.S. support. Mobutu condemned the Soviet invasion of Afghanistan when others were silent; he followed Washington's lead in boycotting the 1980 Olympic Games in Moscow; and he sent his troops into Chad to thwart Libyan aggression. In 1989, Mobutu brought together for the first time Angolan President Eduardo dos Santos and the U.S.-backed rebel leader Jonas Savimbi (whom Mobutu also has helped) for talks on ending Angola's civil war. Zaire has granted U.S. forces access to an important southern air base, no doubt in part because his country is surrounded by what Mobutu, in a flash of unfashionable rhetoric, calls "menacing Red states."

Of course, it is precisely this list of accomplishments as a U.S. ally in the region that has earned Mobutu the unending ire of Capitol Hill, or, more precisely, the ire of those on the Hill who matter most when it comes to U.S. policy on Africa. ("Most members couldn't find Zaire on a map," one House Foreign Affairs aide assures me.) The group is small, and includes Rep. Howard Wolpe (D-Mich.), chairman of the House subcommittee on Africa; Steve Weissman, the committee staff director; Rep. David Obey (D-Wisc.), chairman of the House Subcommittee on Foreign Operations; Rep. Ronald V. Dellums (D-Calif.), an outspoken member of the Congressional Black Caucus; and Dellums aide Bob Brauer. They in turn are affected mightily by

the Rainbow Lobby, a New York-based anti-Mobutu outfit. This crowd's basic beef is simple enough: they don't like U.S. policy on Africa, of which Zaire is a lynchpin. And since they cannot win a fair and square policy victory—for example, ending U.S. aid to Savimbi's UNITA—they beat up on Mobutu and run Africa policy on the sly through a cornucopia of legislative restrictions.

The Bush Administration proposed \$9 million in military aid and \$49 million in development aid for Zaire in the 1990 fiscal year. The military aid was to go for maintenance of U.S. equipment in Zaire, especially C-130 transport planes; the economic aid was to be channeled through "private voluntary organizations," or PVOs. The administration's program had none of the money passing through the hands of Zaire's government, to ameliorate critics' concerns about corruption. To underscore the importance of the U.S.-Zaire relationship, Bush decided that Mobutu would be the first African

leader he received on a State visit (in June).

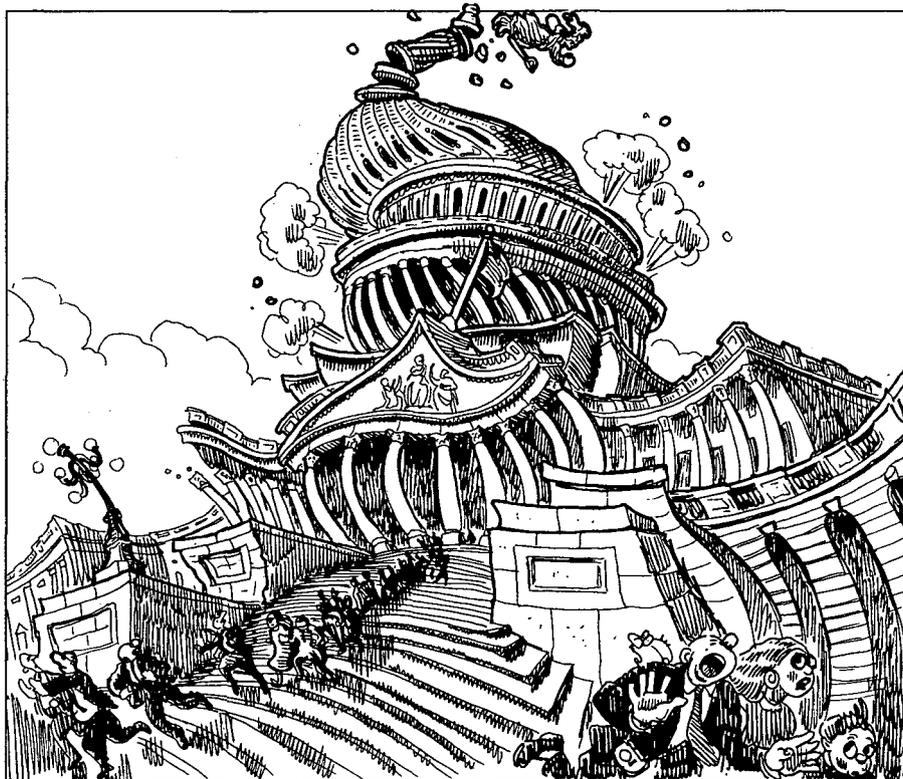
Meanwhile, the anti-Mobutu people marshaled their forces. In April, the Rainbow Lobby prevailed upon Brauer to have Dellums introduce a bill prohibiting military aid. "It does not benefit the United States to be identified with such a corrupt and repressive regime," the bill stated. Zaire's population is living "in a state of permanent insecurity as a result of extortion and brutality" by government officials and army officers, and human rights abuses are "significant," it claimed. The bill was introduced on the heels of a February report by the U.N. Commission on Human Rights that cited Zaire for its improving human rights record and found that no further investigation was warranted.

But then Mobutu's opponents in Washington seem more interested in winning control of U.S. Africa policy by any means necessary than they are

in realities on the ground in Zaire. This zeal emanates from a variety of sources, personal and political. Weissman, the committee staff director, was thrown out of Zaire by Mobutu's government for publicly criticizing the government when he was a Peace Corps volunteer in the 1960s, and he has harbored a grudge ever since. His boss, Wolpe, has said he won't change his tune on Zaire until Mobutu quits, and won't even consider talking to the man. Dellums and Obey, along with most of the Black Caucus, are against any military aid to Africa, or anywhere in the Third World, for any reason.

The Rainbow Lobby, which had an operating budget of more than half a million dollars in 1988, raised almost entirely on the anti-Mobutu cause, is not known for a nuanced approach to the issue either, though it does have a flair for disciplining congressmen who waver from its position. In July, a 28-year-old Peace Corps volunteer in Zaire gave an interview to the *Washington Post* in which she claimed that Rep. Gus Savage (D-Ill.) had sexually assaulted her while he was on a fact-finding trip to Zaire in March. Africa-watchers in Washington say that Savage, a member of the Congressional Black Caucus who was considering breaking ranks and coming out in favor of aid for Mobutu last year, was the unsuspecting target of a sting operation. They say Savage was encouraged to make advances in the back seat of his chauffeur-driven U.S. Embassy car by the woman, who volunteered to accompany Savage on a tour of Kinshasa's nightlife after being told he wanted a briefing on the corps' work in Africa. The woman—who then blew the whistle—is said to be a member of the Rainbow Lobby and a lesbian to boot. Entangled in an ongoing ethics investigation, Savage has had nothing subsequent to say about Zaire.

When the foreign aid authorization came up for House consideration,



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Wolpe and Weissman put a cap on military aid to Zaire at \$3 million. They also inserted a clause denying on human rights grounds any Economic Support Fund (ESF) money to Zaire (cash grants that go directly to the government, as opposed to development aid). Zaire's Washington lobbyist, van Kloberg & Associates, tried to get the cap lifted in the Senate, but failed on an 11-7 vote in the Foreign Relations committee. In Obey's appropriations subcommittee, the \$3 million cap was also written in, after a barrage from the Rainbow Lobby. Says one House subcommittee aide: "I can tell you the Rainbow Lobby made tons of calls up here. They sent tons of paper. Somehow it's hard to imagine that someone in your district is actually a member of the Rainbow Lobby. But it is effective." Van Kloberg won a major victory, however, in getting Senators Patrick Leahy (D-Vt.) and Bob Kasten (R-Wisc.), the ranking members of the Foreign Operations Appropriations Subcommittee, to lift the military aid cap and remove the ESF prohibition. But in the House-Senate appropriations conference, Wolpe and Obey pressed for no military aid to Zaire and van Kloberg somehow managed to work out a compromise, the \$3 million cap.

The bottom line, says Jim Woods, deputy assistant secretary of defense for Africa: "At \$3 million, we can't do the maintenance on our five C-130 planes. We can't really do much." And Zaire may not even get \$3 million, which after all is only a cap. In 1989, Congress earmarked—set aside specifically in law—only \$25 million in military aid for sub-Saharan Africa, down from a high of \$200 million in 1982, when the hard left had relatively less sway in certain congressional subcommittees; of the \$25 million, \$15 million was earmarked for Kenya "because they had a good lobbyist" (Neale & Co.), Woods observes. (Kenya is an easier account than Zaire, for despite the fact that Kenya has a worse human rights problem, the president of Kenya does not have the pro-U.S. credentials that outrage certain Democrats.) That left the Reagan Administration with \$10 million for the rest of the region, so Zaire didn't even get \$3 million. The \$9 million Bush request for 1990 would have fallen short, too, Woods says, but winning the full amount would have been a symbolic victory for Mobutu and his pro-U.S. policies. Mobutu can make up the difference with his vast personal wealth, but the U.S. restrictions make him a pariah nonetheless.

The most troubling aspect of the Zaire story (to those who would like to see coherence in U.S. foreign policy, anyway) is that it is not an

anomaly. It is merely one small example of the way an aggrandizing Congress, manipulated by single-issue lobbies, is running foreign policy at the expense of the constitutionally mandated authority of the executive branch. Yet to say that Congress "runs" policy is to give too much credit; Congress does not have one foreign policy in opposition to the executive's. Though by now it is a cliché, the best way to put it is that Congress has 535 Secretaries of State, each with his own foreign policy.

This being the case, Congress rarely accepts the institutional responsibility for reversing the policy intentions of the President outright. When it does, by tightening the federal purse strings

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or nixing a treaty, it is exercising a legitimate function. Sometimes, as when Congress voted to cut off aid to the Nicaraguan contras time and again in the Reagan years, a policy of vacillation results. (The Senate had twenty roll call votes on contra aid in 1987 alone.) But that lamentable situation is preferable to a more damaging institutional tendency: many members of Congress on the losing side of (or having conceded) a policy battle with the executive seek to micromanage or otherwise interfere with the policy to undermine it. This is dangerous when, as is often the case, a tiny minority of congressmen and their unelected aides usurp the powers of both the President and indeed of the Congress as a whole by negotiating with foreign powers, sitting on presidential appointments, or writing into law onerous reporting requirements, human rights restrictions, economic and trade sanctions, earmarks, policy riders to appropriations bills, legislative vetoes, and other specific administrative provisions—all without open debate or clear up-or-down votes. During the 1980s alone, Congress enacted more than 100 such legislative mechanisms on foreign policy that proscribed presidential authority, according to the Congressional Research Service.

Because it has no domestic constituency to act as a brake on congressional meddling, foreign aid is the most common vehicle for congressional abuse of power. A report issued by the U.S. Agency for International Development documents the scope of the problem.

AID said the more than 500 pages of foreign aid legislation that have accumulated since 1961 contain ambiguous, contradictory, and obsolete provisions. Further, Congress has earmarked so much foreign aid spending that the administration has little flexibility: the proportion of Economic Support Funds—about one-third of the total foreign aid budget—over which AID has spending discretion dropped from 44 percent in 1985 to two percent in 1989. This means that administrators are busy meeting congressional spending mandates rather than determining who needs how much aid. The agency said its managers spend too much time writing required reports to Congress

—288 a year, and 700 additional "official notifications" of even minor changes in cost or administrative detail—and too little time evaluating the direction and impact of programs.

Even some members of Congress realize how irresponsibly they've behaved. A bipartisan congressional task force reported last year that Congress earmarks 98 percent of total foreign aid, leaving the programs "hamstrung." Earmarks give Congress an array of carrots and sticks with which to run independent foreign policies; they also reduce the executive's flexibility to shift aid priorities in response to changing international circumstances during the fiscal year. Rep. Dante Fascell (D-Fla.) led a reform effort, as chairman of the House Foreign Affairs Committee, during consideration of the foreign aid authorization bill for 1990. Disgusted with the way outside groups lobby members to fund pet programs or punish governments they don't like, Fascell proposed eliminating many earmarks and pruning the 500 pages of authorizing language. "We got a very good bill through the committee that was then disassembled by the subcommittee chairmen," says one House Foreign Affairs Committee aide. "You had people like [New York Democrat Rep. Stephen] Solarz [chairman of the subcommittee on Asia and the Pacific] insisting on his earmarks, like \$575 million for Pakistan. After all, who would Solarz be without his aid programs?" (Solarz and Senate Foreign Relations committee staffer Peter Galbraith did everything they could to

bring Pakistani President Benazir Bhutto to power and have backed her to the hilt since.)

Lee Hamilton, chairman of the subcommittee on Europe and the Middle East, moved \$1 billion in ESF money into the development aid account (this goes to PVOs with clout on the Hill). He also stuck in a protectionist requirement that countries receiving cash grants under ESF agree to buy an equivalent amount of U.S. products and services and ship at least half of those products on U.S.-flagged carriers. Restrictions on military aid to El Salvador—an annual cap of \$85 million, divided into two installments, and timed to coincide with two reports from President Bush on the human rights situation, prospects for a negotiated settlement to the civil war, and progress on a probe into the bombing of a union hall—were tacked on by Rep. George Crockett (D-Mich.), chairman of the subcommittee on the Western Hemisphere (his more stringent provisions didn't pass).

Though more tempting for members of the party that does not control the executive, micromanagement knows no party bounds, and House Republicans were quick to get in on the act when the bill reached the floor. Members proposed more than 170 amendments; these were then boiled down by Fascell staffers into "en bloc" amendments that were adopted by voice vote. Among them were requirements that the secretary of state report to Congress on compliance by the Nicaraguan government with its June 1979 pledge to respect human rights and hold free elections (initiated by Rep. Dan Burton, R-Ind.); that aid to Mozambique "bear a relation to" government talks with the Renamo rebels (also by Burton); and that 40 percent of Ecuador's aid be withheld until that country removes derogatory references to the U.S. in a mural in its Plenary Hall of Congress (by Rep. James Inhofe, R-Ok.).

The few Fascell reforms that remained in the House version of the authorization bill were enough to set off alarm bells in the Senate. Committee aides say Sen. Paul Sarbanes (D-Md.), a member of the Senate Foreign Relations committee, declared that he'd rather kill the bill than have to give up some earmarks in a House-Senate conference. He convinced his committee colleagues to do just that. But the committee got its crack at making foreign policy in the State Department's authorization bill for 1990. In all, the Senate considered seventy-eight amendments to the measure, which as adopted required the President to place economic sanctions on China; to open a consulate in Bratislava, Czechoslovakia; to

appoint no administrator for the Panama Canal until Panama holds a free election; to organize an international conference to promote "clean coal" technology; to refuse to negotiate with the PLO; to "facilitate the international conservation of sea turtles"; to fund the Committee on the Ukraine Famine; and to warn South Korea against trading sensitive technology in a U.S. jet-fighter deal.

Foreign aid policy is set in what is known as the authorizing process, while the actual money spent is determined in the appropriations process. As in 1989, it is not unusual for the aid program to go forward without an authorizing bill, but if this is the case, the appropriating committees have the sole power to earmark. From 1981 to 1988, Congress passed only two foreign aid authorizations (in 1981 and 1985) owing to the Reagan Administration's penchant for end-running the authorization process in favor of the appropriations committees. The Senate appropriations subcommittee was chaired first by Kasten and then by Sen. Daniel Inouye (D-Hawaii), both sympathetic to Reagan's foreign aid agenda. But faced with Leahy and Obey, the Bush people decided to try their luck in the authorizing committees last year. Though that effort was derailed, the restrictions passed by the House authorization were reflected in the final \$14.4 billion foreign aid appropriations bill.

During the conference on the bill, however, another pitched battle erupted over spending levels and earmarks. Overall, the measure provided \$500 million less than Bush requested, with major cuts in economic and military aid to U.S. allies. The bill earmarked all but \$546 million of \$3.2 billion in economic aid and all but \$355 million of \$4.7 billion in military aid. Obey deleted a \$42.5 million earmark for aid

to Tunisia favored by Inouye, in revenge for a \$20 million earmark for military aid to Jordan that Inouye, now chairman of the Senate defense appropriations subcommittee, put in the defense bill at Bush's request. The provision normally would come under the jurisdiction of Obey, who opposed the Jordan earmark but couldn't do anything to stop it. Conferees also eliminated an earmark of \$440 million for the Central America democracies favored

Democrats favored neither the means nor the ends of the policy. When the bill came up, Obey took \$50 million away from El Salvador and \$10 million in ESF money from Honduras (another country supporting the U.S. position) and split the \$60 million between Costa Rica and Guatemala, countries with a softer line on the Sandinistas.

According to a former high-level U.S. official who was privy to Salvadoran diplomatic cables between Washington

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ored by Sen. Christopher Dodd (D-Conn.) as a way of ensuring that aid for Costa Rica was not cut by the administration.

It certainly wasn't the first time Obey and two aides, Mark Murray and Terry Peel, used the foreign operations subcommittee, which has jurisdiction over foreign aid, export finance, and other international trade matters, to manage their own foreign policy and to punish foreign governments for pursuing policies they don't like. Soon after the Salvadoran earthquake in 1986 that left 300,000 homeless, the Reagan Administration added \$150 million in earthquake assistance to its foreign aid request. Unfortunately for El Salvador, then-President Jose Napoleon Duarte favored the U.S. government's policy in Central America of funding the contras to press Nicaragua to democratize; Obey and many other

and San Salvador, El Salvador's ambassador in Washington wrote to Duarte that he was told by an Obey staffer: "Tell your president that we reward peacemakers and punish warmongers." In another instance in 1986, Obey held up delivery for months of four Hughes helicopters used by El Salvador for non-lethal spotting and reconnaissance, despite congressional approval of a military aid package. Obey cited human rights abuses by the government. "The irony is that the helicopters helped prevent indiscriminate warfare by ensuring civilians were not in the area," says the former U.S. official.

Though Obey often is unable to enact his preferences into law, threats from the congressman and his staff are enough to scare foreign governments into line. In 1987, Obey aide Murray told Honduran President Azcona that U.S. aid would be cut off if he took a pro-contra stance at an upcoming conference of Central American presidents. "Everybody always wondered why the leaders down there privately supported the contras but would never say so publicly," says the former official. This year, after the election of conservative Alfredo Cristiani as El Salvador's president, Obey quietly moved to scotch the country's Most Favored Nation trade status. Says one former Hill aide: "Trade with the U.S. supports 50 percent of the Salvadoran economy. This would have devastated foreign currency earnings. So a victory [by the Marxist FMLN] that can't be won on the battlefield is won by destroying the economy." Obey wasn't able to bring this off, but his proposal pressured the Cristiani government to negotiate in circumstances favorable to the FMLN and helped spread a virulent strain of foreign policy micro-management mixed with trade protectionism.

Such crude and cowardly blustering by individual congressmen or their aides tends to intimidate small countries or fragile governments dependent on U.S. support—which explains why remote "regional conflicts," in addition to their ideological appeal, lend themselves more to freelancing by members of Congress than do U.S. relations with, say, the European allies or the Soviet Union. These sorts of activities are unprecedented in the history of the Congress; they are not an extension of the prominent foreign policy role once played by legislators like Sen. Henry "Scoop" Jackson, who adhered to the concept of "loyal opposition" in the traditional sense and employed straightforward means to influence policy. Today's congressional efforts are politely called "personal diplomacy," though in an earlier era they might have been more properly identified as treason. Fundamentally, such personal diplomacy amounts to taking the side of enemy governments or movements against U.S. policy, and more generally against democratic values, and then lying about it in the language of "human rights."

A flying platoon of congressional Democrats has been intimately involved in Central America in the past decade. Most prominent has been Senator Dodd, whose personal negotiating among contending Central American states resulted in the 1989 Tela accord, nicknamed "the Dodd plan" in the region. It called for disbanding the contras prior to a Nicaraguan election in February. From Contadora, through the Esquipulas accords, Costa Rican President Arias's peace plans, to Tela, the end game of Dodd and the likes of Sen. Tom Harkin (D-Iowa), Rep. David Bonior (D-Mich.), Rep. George Miller (D-Calif.), and their aides, was to get the Central American democratic leaders to water down requirements that the Sandinistas democratize while eliminating the contras as a force. One former U.S. official says that after talking with Dodd, President Duarte would "use the phrase 'Chris Dodd suggests on behalf of Ortega.'" In 1987, Harkin tried to get *La Prensa* publisher Violetta Chamorro to reopen the paper—giving the world the impression that the Sandinistas were reforming—but Harkin asked her to accept prior Sandinista censorship. (Chamorro refused.) Victor Johnson, staff director of Rep. Crockett's subcommittee on the Western Hemisphere, pressured Nicaraguan oppositionists Alfredo Cesar and Alfonso Robelo to reintegrate themselves into Nicaragua without any guarantees for free expression, again to give the false appearance of Sandinista liberalization. Bonior and Johnson regularly showed up at regional diplomatic meetings, pushing the Sandinista



position to the other Central American delegations, according to U.S. aides who also attended. The most famous instance of a U.S. official treading water for the Sandinistas, of course, is former House Speaker Jim Wright's maneuverings in the summer of 1988. Wright cleared in advance through Nicaraguan Ambassador Carlos Tunnerman the contents of the Reagan-Wright peace plan, then double-crossed the administration by embracing an even more toothless plan put forth by Arias.

Dodd used micromanagement both ways: To get Honduras to sign off on the Esquipulas plan, he promised he'd unblock some \$70 million in economic aid withheld by AID because local Honduran agencies weren't complying with congressional administrative guidelines. To manipulate Arias (he wavered between a hard and soft line on Nicaragua) Dodd, a member of the U.S. Senate Committee to Observe the Central American Peace Accords, threatened Arias with release of a report alleging gross human rights abuses in Costa Rica, a former aide to the committee says. (The dubious information was fed to Dodd staffers by the pro-Sandinista Mexican Foreign Ministry.) In a Dodd-Harkin bullying session before the 1988 U.S. presidential elections, the senators told Honduran officials that they had better shut down contra refugee camps before Michael Dukakis became President and forced them to do so.

Dodd and aides Janice O'Connell and Bob Dokeray excluded U.S. Embassy officials from their meetings with foreign leaders and kept the Reagan Administration in the dark as to the substance of their talks. Last July, Dodd refused to permit the U.S. chargé d'affaires in Managua to attend a meeting he had with President Daniel Ortega. After the meeting, Dodd praised Sandinista preparations for February's election. On an earlier trip to Honduras, Dodd insisted that he see President Jose Azcona without U.S. Ambassador Everett Briggs present. Wise to Dodd's antics, Briggs saw to it that no private meeting took place. When Bush nominated Briggs to be ambassador to Brazil last spring, a livid Dodd told Secretary of State James Baker that he'd fight the nomination, and Baker withdrew it. In a more venal vein, O'Connell, Dodd's aide on the Foreign Relations committee, made sure that the committee sat on the promotion of the deputy chief of mission at the U.S. Embassy in San Salvador because the U.S. ambassador there had not seated her at Duarte's table at an official dinner. Republicans, too, freelanced in Central America. Dodd and Sen. Jesse Helms (R-N.C.) collaborated on an amendment to the 1987 Foreign Assistance Act that removed congres-

sional personnel from the purview of the U.S. Embassy when visiting a foreign country. This followed an effort by U.S. officials in El Salvador to get Helms aide Deborah DeMoss thrown out of the country for conspiring with right-winger Roberto D'Aubuisson. Former Rep. Jack Kemp also ruffled the U.S. Embassy's feathers by holding private meetings with Salvadoran oppositionists in an attempt to get them to unify behind one presidential candidate.

Sen. John Kerry (D-Mass.) has used his post as chairman of the Subcommittee on Narcotics, Terrorism and International Affairs to issue mendacious smears against his political enemies in Central America (not coincidentally,

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these were often friends of the U.S. government). The flimsy drug-smuggling charges he leveled against the contras have been widely publicized. Last June, Kerry sought to discredit the opposition Social-Christian Unity party (PUSC) in Costa Rica to boost the re-election prospects of Arias's National Liberation party (NLP). Kerry aides, who go on many fishing expeditions in Central America, had gotten word that Jose Bandon, a former aide to Panama's Manuel Noriega, was willing to testify that PUSC candidates had received money from Noriega in the 1985 elections. Kerry brought Bandon to Washington and took his closed-door testimony (with no Republicans present). Much to Kerry's consternation, Bandon testified that both PUSC and Arias's NLP had received Noriega money. Kerry tried to put his own spin on the story by sending to NLP headquarters in San Jose a telefax from his office leaking only the information damaging to PUSC. The information was then leaked to the Costa Rican press. Five opposition legislators have addressed a complaint to Congress about the "unacceptable behavior by Sen. John Kerry and his staff in Costa Rica's internal political affairs."

**A**n even more recent case of personal diplomacy involves the efforts of Rep. Wolpe, chairman of the House Africa subcommittee, to subvert U.S. policy in Angola by going further than Moscow to prop up the sickly Marxist regime there. In the first half of 1989, Zaire's Mobutu had made substantial progress as a go-between for

Angola's President dos Santos and Savimbi's UNITA rebels in talks to end the war. The Cuban troop withdrawal in February had convinced dos Santos to seek a settlement with UNITA. But the peace process foundered this fall after a meeting between dos Santos and Mobutu ended with dos Santos reverting to a hard-line stance of no negotiations. Diplomatic sources in Washington say dos Santos told Mobutu that he had been told by Wolpe that there was no longer any need to accommodate his political opponents, because Wolpe finally had secured the votes to cut off U.S. aid to Savimbi next time the issue comes up.

If Wolpe followed the strategy of Sen. Robert Byrd (D-W. Va.), however,

tee opponents of the aid told administration officials they would not keep the program secret, according to committee sources. One committee aide says: "If a vote goes against you, you're supposed to keep quiet. But what happens is they get their way through threats." So Bush decided to put the program on hold, though he wanted to keep open the option, now precluded by Byrd, especially in the face of sharp increases of Soviet funds to the Vietnamese-installed regime of Hun Sen.

Intelligence operations, understood for nearly a quarter of a century to lie within the realm of the executive, are another area ripe for usurpation of executive authority, if only because of their confidential nature. Legitimate oversight responsibilities often devolve into leaks and threat of leaks of covert operations and tortured exchanges of "letters of understanding" between the committees and the administration, not to mention new laws, regulations, and reporting requirements. In mid-1988, the chairman and ranking minority member of the Senate Intelligence Committee, Senators David Boren (D-Ok.) and William Cohen (R-Maine), raised objections to an administration plan to support coup-plotters in Panama. The senators sent the White House a letter arguing that the CIA had an obligation to prevent an assassination of a foreign leader (Noriega) if foreigners recruited as agents by the U.S. tried to carry one out. This was their extrapolation from an executive order barring U.S. involvement in assassinations that was issued in 1976 by President Ford and reaffirmed by his successors. The Boren-Cohen letter was interpreted in the executive as requiring the CIA to warn Noriega about even potential assassination dangers arising from the plans of people working with U.S. intelligence to oust him. Writing back to



the committees, Gen. Colin Powell, at the time Reagan's national security adviser, made this understanding clear. When the Bush Administration cited this de facto congressional management as one of the reasons for its failure to back a coup attempt against Noriega in October, Boren, apparently accustomed to power without responsibility, cried foul. And he refused to release the correspondence that could have made the administration's case. "If Mr. Boren would release those letters, they would be very revealing, and very damaging to the case that Congress was not to blame," says the committee aide.

As it turns out, objections to a U.S. effort to oust Noriega were emanating from the House intelligence committee through the fall of 1988 as well. One committee member says: "Before the last election, the administration had some things underway. The Senate and House committees were very concerned and expressed their concerns. What they were really afraid of was that the U.S. would get rid of Noriega and give the election to Bush. Dukakis would be finished. So domestic politics was put above our foreign policy."

Rep. Henry Hyde (R-Ill.), an astute critic of congressional overstepping, has written of "self-righteous second-guessing of presidential decisions . . . which flows from the fact that micromanagement fundamentally involves a capricious process of applying shifting standards to basic rules of conduct." One such rule was the subject of negotiations between the Senate intelligence committee and the White House throughout most of 1989. In 1988, a statement by Speaker Wright linking the activities of the Nicaraguan opposition to the CIA fouled the air



for intelligence "reform," and a bill requiring that the President notify the intelligence panels within forty-eight hours of approving any covert action died in the House (after passing the Senate). Current law requires only "timely notification"; the Reagan Administration stretched this to ten months in the case of arms sales to Iran. Last year, Bush negotiated with Senators Boren and Cohen and agreed in an October 30 letter to disclose within forty-eight hours all covert operations while reserving the right to withhold notification for as long as he feels necessary in "special cases." The senators then dropped the 48-hour notification from the 1990 intelligence bill. Many in the intelligence communi-

### An informal working group chaired by White House Counsel C. Boyden Gray is meeting weekly to consider ways to enhance the executive's position.

ty fear that the letter could come back to haunt Bush, should he withhold notification; the committee, applying Hyde's "shifting standards," could challenge Bush's claim that the particular circumstance warranted delay. "Only time will tell how long the committee will buy such compromises," says one committee aide.

The intelligence bill contained another measure opposed by the administration that requires appointment of an outside inspector general—confirmed by and accountable to Congress—for the CIA. Director William Webster argued that giving an inspector full access to agency files will impair seriously the agency's ability to recruit agents and get cooperation from friendly governments. The law mandates such access; the director can withhold documents only if he notifies Congress and explains why. In opposing the measure, Sen. Ernest Hollings (D-S.C.) said: "To get information, and to be able to act on the information we do get, we need the most energetic and entrepreneurial intelligence service which patriotism and dedication to duty can buy and trust can maintain. We do not need the CIA to be a group of cautious bureaucrats who avoid the risks that come with taking action, who fill out every form in triplicate." Congressional oversight taken to an extreme already has practically paralyzed the agency. Says one former Reagan CIA official: "They send you a list of 106 questions they want answered by 9:00 the next morning. You do nothing else."

Considering the gamut of executive-legislative turf battles in 1989, however, Bush appears to be serious about his

campaign pledge, an implicit criticism of Reagan, to protect the powers of the presidency in the face of the congressional putsch. The point man on this score is Bush's White House counsel, C. Boyden Gray, who made headlines last year with a public criticism of a deal made between Secretary Baker and congressional committee chairmen, notably Rep. Obey, that made continued humanitarian aid to the contras subject to a legislative veto by the chairmen of four committees. The deal was attacked by many conservatives as the greatest giveaway of presidential power in recent memory, but it kept the aid flowing.

Baker's worrisome propensity to gain policy ground by compromising on the principles of presidential prerogative did

not carry the day with Bush in other cases. This was evident in the closing days of the congressional session, when the White House vetoed several measures on the grounds that they unconstitutionally impinged on executive foreign policy powers, bringing to ten the number of vetoes (all sustained) issued last year by the White House. Among these were the State Department authorization bill and the foreign aid appropriation bill, both of which would have written into law one of the primary Democratic agenda items of the post Iran-contra period: criminalization as the final step in the assault on the executive. The State Department bill contained an amendment crafted by Sen. Daniel Patrick Moynihan (D-N.Y.) that would have barred any official of the executive branch from aiding with privately collected money a foreign government or group for which U.S. aid had been banned. Violation of the prohibition would have been punishable by up to five years in prison and/or a fine. Bush vetoed the measure. The foreign aid bill contained similar language intended to stop the administration from holding out the prospect of U.S. aid as an inducement for foreign countries to promote activities that the administration was barred by Congress from promoting. After a Bush veto, the criminal sanctions were dropped and the President signed it.

In his West Wing office in late November, a battle-weary Boyden Gray tells me: "Our commitment was to withstand further erosion of presidential power and to get back some of

the power lost. To the extent that we have halted a trend, we may have regained some momentum. The question is: Do you win by not losing? In virtually every case, we got what we wanted." This is a marked difference from the weakening of the presidency in the Reagan years, most importantly in the executive's failure to challenge through a veto or a court fight the vaguely worded Boland amendments, which ultimately ensnared the White House in the Iran-contra fiasco.<sup>1</sup> Reagan on the one hand was unwilling to confront Congress over the issue of usurpation and on the other hand was unwilling or unable to persuade lawmakers of the correctness of his policies or reach effective compromises. Bush seems to understand the importance of both, consulting and compromising more with Congress but knowing when to just say no. Expect more of the latter this year than last. An informal working group chaired by Gray is meeting weekly to consider ways to enhance the executive's position. Gray says he is looking for a test case to assert the line-item veto that some legal scholars consider implicit in the Constitution. It would enable the President to delete individual items in an appropriations bill without vetoing the entire bill.

Gray believes that the Founding Fathers recognized the "aggrandizing instincts of any legislature" and so placed the responsibility for foreign policy with the executive. They wanted, in the words of Alexander Hamilton, "more decision, more dispatch, more secrecy and more responsibility" in foreign policy, qualities likely to be found "where single men" not "bodies" exercised power.<sup>2</sup> Such aggrandizement in the modern day, says Gray, "gives congressmen a platform to play the D.C. game. They get visibility and collect money. The more power they assert, the more media coverage they get. A challenger can't match that, and we get very high incumbency rates." One example: Rep. Solarz, chairman of the subcommittee on Asia and the Pacific, listed with the Federal Elections Commission PAC contributions to his 1988 re-election campaign from such groups as: Taiwanese Americans for Solarz; the American Association of Indian Physicians Educational and Political Contributions Committee; the India Association Political Committee for Better Government; and the Philip-

<sup>1</sup>For elaboration on this point, see L. Gordon Crovitz, "How Ronald Reagan Weakened the Presidency," *Commentary*, September 1988.

<sup>2</sup>Discussions of constitutional theory can be found in *The Fettered Presidency*, published in 1989 by the American Enterprise Institute, edited by Crovitz and Jeremy A. Rabkin.

pine Physicians in America PAC.

In moving from defense to offense, Gray's group ought to consider getting Bush to back several reform proposals:

- Republicans led by Rep. Hyde have introduced proposals to reduce the size of the intelligence committees and the Democrats' disproportionate advantage in membership and to require that all committee members undergo security checks and swear oaths not to reveal secrets.

- The bipartisan foreign aid panel's suggestions on scaling down earmarking and excising contradictory mandates in the foreign aid authorization should be pursued. Also, funds might be appropriated on a "no-year" basis rather than requiring they be spent by the end of each fiscal year.

- The congressional staff has grown from 8,428 in 1965 to more than 20,000 today. Subcommittees have also proliferated. The President ought to scrutinize the multibillion dollar legislative branch appropriations bill, which finances the subcommittee staffs who work to intrude on his authority.

- Another place to cut the congressional budget is in travel. Taxpayer money goes to fund the "personal diplomacy" that undermines the U.S. position around the world. Public Citizen, a Washington Nader outfit, has documented \$13.5 million in expenses for 386 members to take 1,053 trips during the 100th Congress.

- The Justice Department should consider prosecuting congressmen under the Logan Act, which prohibits unauthorized negotiations with foreign powers. Also, the administration should investigate whether members are divulging classified information in conducting their own foreign policies, as some said Speaker Wright did in connection with Nicaragua. This would be at the least a violation of congressional rules.

- Have private U.S. lobbies violated the Foreign Agents Registration Act or other federal laws in flacking for foreign governments and movements?<sup>3</sup> At a minimum, members of Congress like Rep. Bonior, who serves as chairman of the pro-Sandinista, pro-FMLN lobby Pax Americas, ought to decide which job they want to keep.

- In the coming debate on congressional campaign finance, perhaps limits on donations from PACs that front for the interests of foreign governments should be considered.

- The administration ought to propose legislation that would make the Moynihan amendment apply to Congress too, by outlawing the blackmailing of foreign governments by congress-

sional appropriators who condition foreign aid on quid pro quos.

Such reforms admittedly do not stand a good chance of enactment, since Congress has no incentive to vote itself out of its current foreign-policy role. The situation stands even less chance of being corrected if Republicans themselves are unclear about what constitutes abuse of congressional power, a problem that has grown enormously since the end of the Vietnam war and the Watergate scandal, when bipartisanship in foreign policy fizzled, distrust of presidential power peaked, and an issues-oriented left supplanted the Southern conservative and Northern ethnic wings of the Democratic party. The current struggle is more than the age-old institutional struggle among contending branches of government; given the gerrymandered Democratic dominance of Congress and the inability of the Democrats to capture the presidency, the executive-legislative competition is a partisan left-right political struggle. What is needed more than any reform package is an energetic conservative movement willing to fight that battle.

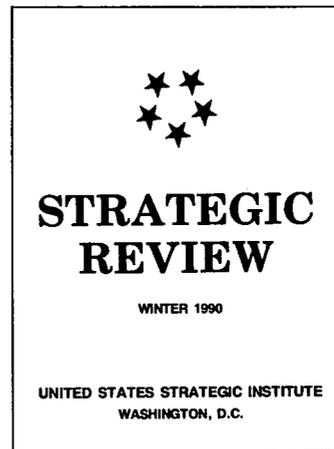
Conservative critics of a strong executive such as Rep. Mickey Edwards (R-Ok.)<sup>4</sup> fail to give sufficient attention to this political dimension, arguing that in foreign policy a strong President can be dangerous and a strong Congress can be salutary. In doing so, these conservatives confer a kind of moral equivalence to all sorts of congressional action, ignoring the crucial distinction between congressional initiative that follows from and enhances executive policy and that which seeks to undermine it by dishonest and bullying, if not illegal, means. Despite empire-building tendencies that lend incoherence to policymaking, the activities of Democratic activists like Rep. Solarz in pushing for more money for the Afghan resistance or a more engaged U.S. policy in the Philippines are not akin to the sleazy Dodd-Obey *modus operandi*.

Should conservatives fear what Edwards calls a "king-like" presidency headed by a Democrat? Again, a crucial distinction must be made. In such a case, the Republicans' congressional strategy should be to defeat the President's policies openly and on their lack of merit, accepting responsibility for the outcome if they win, and accepting defeat with equanimity if they lose. This quite proper congressional role should not be confused with the pernicious rebellion of today's congressional left, abetted by extremist anti-American lobbies, against our constitutional democracy.

<sup>3</sup>This point is argued more fully in my article, "Democrat Foreign Policy Scandals," *TAS*, August 1987.

<sup>4</sup>See Edwards's article "Line-Item Monarchism," *Policy Review*, Spring 1989.

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# EUROPEAN DOCUMENT



## DISMANTLING SOCIALISM IN ONE COUNTRY

by Piotr Brozyna and Mark Lilla

The well-known Polish quip has it that "Communism is the longest road from capitalism to capitalism." If so, Poland is finally entering the home stretch on its long and circuitous journey back to a market economy. It has been a difficult voyage, and it will not be getting any easier. Building "socialism" turned out to be simple; appropriate property, centralize it in the hands of inefficient bureaucracies, distribute rewards to the nomenklatura, suppress initiative and dissent, subsidize the Soviet Union with underpriced raw materials, and, *voilà*, Polish "socialism." Building Polish capitalism won't be quite so easy, though, if only because Polish "socialism" must first be dismantled. Monopolies must be abolished and competitors given time to establish themselves; technologically backward factories must be retooled or (more likely) sold for scrap; workers must move in search of work; and the comfortable, unchanging work habits of a controlled economy must be unlearned. We know from experience that developed countries ravaged by war can be rebuilt. We even have examples, if only a few, of less-developed nations learning to nurture market economies. But we have yet to see what might be called "formerly developed" countries put back on the road to capitalism. After Hungary—always a special case—Poland may be the first.

Can the Poles succeed? No one, anywhere, knows. The new government is only months old, and the political-economic environment, both domestic and foreign, continues to change daily. (As we write, the Berlin Wall has been opened and the call for reunification has begun, further complicating the Polish situation.) Last June's elections were only half free, and the delicately balanced "cohabitation" with the Communists is still somewhat precarious. The results of upcoming local elections and the constitutional convention

must first be known before Poland's political institutions will be stable enough to allow a complete picture of the economic situation to emerge. For now, the important factors—short-term foreign aid, strikes, winter weather—rest in the hands of chance.

Nonetheless, if the Poles do succeed in overcoming their immediate economic crisis, it will then be time for interested Western observers—and investors in particular—to understand more about the context within which the "capitalization" of the Polish economy will be taking place. Although Western reporting on Poland has generally been quite good on a daily basis, it is our sense that both the intellectual and institutional backgrounds of the current economic reforms are insufficiently understood abroad. To put the matter bluntly: too much attention has been focused on an exaggerated ideological indifference to capitalism, not enough on the quite real structural barriers that could threaten an otherwise free market. The theoretical economic debate is, in our view, almost over; the institutional one is just beginning.

We have tried to describe this back-

ground to the Polish economic situation in two articles. Here in the first we thought it important to give readers a historical introduction to the current economic debates, a review of the main intellectual currents that have developed since the war and those that seem most important today. To complement this intellectual roadmap we hope to offer an institutional one in the article to follow. This will describe the institutional challenges offered by the dismantling of "state socialism," political and legal barriers we frankly consider the most important (and interesting) on the road back to capitalism.

Postwar Polish economic thought had its roots in the Second World War itself. In 1945 Poles found themselves not only under the Yalta-sanctioned military occupation of the Soviet Red Army, but also with little of the productive capacity their country boasted before 1939. It has been estimated that 65 percent of Polish factories had been completely or partially destroyed during the war, as had 20 to 40 percent of the housing stock.

In total, more than a third of Poland's economic infrastructure had disappeared. This figure does not include the machines and businesses transported to the Soviet Union as captured "German" war loot, whose value Molotov once estimated at \$500 million (in 1945 dollars).

Matching the material devastation of the country was the disappearance of the business class and its intellectual spokesmen. The Polish government formed in 1945 announced its willingness to return private businesses to their prewar owners, but hardly any such owners were in a position to demand that that promise be fulfilled. A great number of these businessmen were dead, others were in Communist prisons or had fled the country, while few of those remaining were able to take up legal action. The result was that the Polish government found itself the inheritor of a large part of the country's economy, which had already been essentially nationalized by the Germans. Capitalism had ceased to exist in any recognizable form in 1939, and by 1945 Poland was also without capitalists and their ideas.

Consequently, the Polish postwar economic debate took place among parties all hostile to capitalism in principle, whether those principles were Communist, socialist, or agrarian. The struggle over the Economic Plan during 1948 gives a good example of the alternatives then being considered. For the Communist party, obviously, this plan offered itself as the first major opportunity to revolutionize the economy with "futuristic" social planning and to centralize it permanently within the organs of the state. But the plan itself had been drawn up by the Central Planning Office, which was under the influence of respected socialist economists such as Oskar Lange, Czeslaw Bobrowski, and Edward Lipinski. Hardly proposing a free market, these economists had merely proposed a more realistic plan that focused on providing needed consumer goods rather than investing in heavy Soviet-style industry. Nonetheless, Communist op-



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