In 1983 William Bundy called for increased study of Congress and foreign policy:

There is a marked deficiency in serious study on how the executive and Congress interact in an era when the range of issues requiring congressional approval has expanded way beyond the classic cases of treaties and foreign trade, when consensus on foreign policy has disappeared perhaps beyond recall, and when the practical need for congressional understanding and acceptance extends to almost every important step, however labeled or described.¹

We have made little progress over the past decade in answering his call. To be sure, we have witnessed the publication of a dizzying array of books and articles exploring the legal and normative aspects of Congress's role in foreign policy.²

But with a few exceptions, we have seen relatively little systematic, empirical research on congressional decision making on foreign policy. The lack of recent research means that most of the major studies of Congress and foreign policy are now more than two decades old. Relying on these studies to explain Congress today is problematic: by all accounts Congress's behavior changed dramatically following the Vietnam war. The deference Congress once accorded the president gave way to active questioning of presidential initiatives. Bipartisanship vanished, replaced instead by a substantial degree of partisanship. And the inside game, where a handful of senior legislators spoke for Congress on major issues, gave way to an outside game, where many legislators influenced policy. It would seem, then, that the time for systematic study of Congress and foreign policy is long overdue.

Or is it? One explanation for the dearth of research on Congress and foreign policy is that political scientists have neglected a pressing research topic. Another explanation, one more charitable to scholars, argues that the topic attracts little attention because it does not raise interesting substantive or theoretical questions. Pessimists argue that the executive dominates agenda setting and decision making on foreign policy; Congress plays at best a subsidiary role. As a result, studying congressional involvement in foreign policy represents "a Ptolemaic view of a Copernican universe."

These conflicting explanations for the lack of research on Congress and foreign policy raise a simple question: Does Congress matter? Pessimists are undeniably right that the White House matters more than Congress. The president enjoys inherent advantages over Congress in foreign policy, advantages that have been reinforced by various Supreme Court rulings. At the same time, the nature and structure of Congress frustrate congressional attempts to lead on foreign policy. But recognizing that Congress is a junior partner in policy making does not warrant the conclusion it is irrelevant. Even a subordinate Congress may influence foreign policy in important ways.

Most efforts to assess congressional influence look at the ability of Congress

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to generate and pass its own substantive policy proposals. Using legislative success as the benchmark, Congress does not appear to matter much. Despite the many changes in American politics over the past two decades, Congress generates relatively few of its own foreign policy proposals; the initiative on foreign policy continues to reside in the White House. Congress's influence over decisions appears no better. Although congressional foreign policy debates are more fractious than they were twenty-five years ago, the House and Senate remain reluctant to deny a president's foreign policy requests or to pass alternative policies of their own.

If Congress's influence over foreign policy resided solely in its ability to legislate its own policy preferences, then we would have our answer. But focusing on the legislative track record captures only part of the story. Congress influences policy through several indirect means: anticipated reactions, changes in the decision-making process in the executive branch, and political grandstanding. Indeed, the same factors that frustrate congressional attempts to lead on foreign affairs encourage legislators to use indirect means to influence policy. Attention to these indirect means suggests, contrary to the argument made by pessimists, that Congress often exercises considerable influence over the substance of U.S. foreign policy.

The significant indirect impact Congress has on foreign policy makes it imperative to take up William Bundy's challenge. We simply do not understand congressional behavior on foreign policy. The study of Congress and foreign policy gains additional importance because Congress's influence is likely to grow in the 1990s. Of course, the Gulf war produced a rally-round-the-president response in Congress, but that rally has crumbled in the face of other events. The end of the cold war is lowering the electoral costs to legislators who oppose the president on foreign policy. The ever-rising federal debt is forcing Congress to make hard choices about U.S. commitments abroad. Finally, with perceptions of a Soviet threat receding, national security policy is losing its privileged place on the policy agenda. As new types of issues move onto the agenda, congressional activism and influence on foreign policy will increase.

The Legislative Record

What does Congress's legislative track record on foreign policy look like? In the 1950s and 1960s, Congress seldom overruled the president. In the 1980s, however, things changed. On a variety of issues, Congress passed legislation that contradicted the preferences of the administration. In defense policy, Congress blocked President Ronald Reagan's attempt to reinterpret the Antibalistic Missile (ABM) treaty, canceled the navy's plans to develop a new generation of tactical nuclear missiles, and limited the deployment of the MX missile.7 On the hotly contested

issues of El Salvador and Nicaragua, legislators placed so many constraints on
the executive branch that by the end of the Reagan presidency "U.S. policy toward
Central America was effectively being set by Congress." With the Midgetman
missile and sanctions against South Africa, Congress even succeeded in gener-
atting and enacting its own policy initiatives. All of these successes would have
been unthinkable two decades ago.

Still, legislative victories on foreign policy appear to be the exception rather
than the rule. In some areas Congress appears to do no more than ratify the
president's proposals. This is especially so on decisions to use force. As Operation
Desert Storm illustrates, Congress exercises its war powers reluctantly. In other
areas Congress often fails to overrule the president, even when the circumstances
seem favorable. Take the debates over the Panama Canal treaties and the sale
of AWACS aircraft to Saudi Arabia. In both instances substantial numbers of
legislators opposed the president's preferred policy. The opposition legislators
were highly motivated, enjoyed the support of well-heeled interest groups, and
had public sentiment on their side. Congress seemed poised to overrule the White
House. But in both cases the president prevailed.

The reluctance of Congress to dictate foreign policy to the president extends
beyond high politics, an area where presidents historically have exercised the
greatest power. Trade policy offers a case in point. For almost one-hundred-and-
fifty years Congress zealously guarded its constitutional prerogatives on trade.
Many analysts argue, however, that today legislators are more interested in taking
popular positions on trade issues than in making policy. With procedural inno-
vations such as fast-track legislation and private-sector advisory committees,
Congress has delegated enormous powers to the executive branch, while asking

(New York: Oxford University Press, 1990), 89–111; and James M. Lindsay, Congress and Nuclear

9 Among others, see Cecil V. Crabb, Jr. and Pat M. Holt, Invitation to Struggle: Congress, the
President, and Foreign Policy, 3d ed. (Washington, DC: CQ Press, 1989); I. M. Destler, Leslie H.
Gelb, and Anthony Lake, Our Own Worst Enemy: The Unmaking of American Foreign Policy (New
York: Simon and Schuster, 1984), 129–162; Harold Hongju Koh, "Why the President (Almost)
Always Wins in Foreign Affairs: Lessons of the Iran-Contra Affair," Yale Law Journal 97 (June
1988): 1255–1342; and John Rourke, Congress and the Presidency in U.S. Foreign Policymaking:
major exception to the view that Congress seldom legislates issues of consequence on foreign policy
is Thomas M. Franck and Edward Weisband, Foreign Policy by Congress (New York: Oxford

10 See I. M. Destler, American Trade Politics: System Under Stress (New York: Institute for
International Economics and the Twentieth Century Fund, 1986); I. M. Destler, "Protecting Congress
or Protecting Trade?" Foreign Policy 62 (Spring 1986): 96–107; Judith Goldstein, "Ideas, Institutions,
Congress and the Politics of U.S. Foreign Economic Policy, 1929–1976 (Berkeley: University of
Institute for Public Policy Research, 1983).
only for a process that will not offend "congressional sensitivities." The overwhelming margins of approval for trade legislation are often cited as conclusive evidence of the lack of congressional influence.

Even when Congress succeeds in legislating foreign policy, the results may be less than meet the eye. In passing legislation Congress typically delegates tremendous power to the executive branch. Such discretion is justified on the grounds that the president needs flexibility when conducting foreign affairs. But discretion gives the president the opportunity to subvert the intent of Congress. To take one of many possible examples, Congress appropriated military aid to El Salvador provided that President Reagan "certify every six months that the Salvadoran government was 'achieving substantial control' of its armed forces . . . that it was 'implementing essential economic and political reforms,' . . . and that it was holding free elections and demonstrating a willingness to negotiate a political settlement." But the constraint may have been more appearance than reality. Given President Reagan's ideological preferences, it is hard to imagine circumstances in which he would have withheld certification.

Efforts to explain the lack of legislative success on foreign policy usually cite the inherent advantages of the presidency: "decision, activity, secrecy, and dispatch." These inherent advantages are greatest in national security affairs, and especially in crisis situations. As Senator Arthur Vandenberg (R-MI) once complained, crises "never reach Congress until they have developed to a point where Congressional discretion is pathetically restricted." Even when legislators decide to confront the president, he can derail any legislation through the threat or use of a veto; Congress has overridden only one foreign policy veto since 1973. The inherent advantages of the presidency have been reinforced by the Supreme Court. I.N.S. v. Chadha, for example, made it more difficult for Congress to use the legislative veto to overturn executive decisions. The Court

has perhaps done even more to enhance the power of the presidency with its willingness to dismiss many congressional challenges to the executive on the grounds that the contested issues are not ripe for judicial decision or raise political and not legal questions. During Operation Desert Shield, for example, the courts refused to enjoin President George Bush from ordering U.S. troops into combat without congressional authorization.19

The difficulty Congress has in legislating foreign policy cannot be laid entirely at the feet of the other two branches of government. It also owes to factors specific to the House and Senate. Partisan and institutional divisions mean that lacking consensus—and today consensus is often absent on foreign policy—Congress will not act. Congressional action is further complicated by the widely held belief that presidential leadership is essential to successful foreign policy. Electoral considerations reinforce the inclination to defer to the president. Members want to avoid stands that might leave them open to blame and thus to punishment at the polls. Because much of the public believes in the need for strong presidential leadership, many members find “blame avoidance” strategies compelling.20

The inherent advantages of the presidency, Supreme Court rulings, and the nature of Congress take us a long way in explaining why Congress seldom defeats the president on foreign policy. They do not, however, tell the entire story. An essential lesson of life on Capital Hill is that members often have sound policy reasons for not wanting to defeat the president. The reasons for this are many. Congressional debate is public, and the rejection of presidential requests may undermine the negotiating posture of the president or jeopardize U.S. relations with other countries. Legislation almost by necessity is rigid, but diplomacy frequently requires flexibility. Congress acts slowly, but issues can change rapidly. In some cases, resorting to legislation may mean taking a sledgehammer to a problem that requires a scalpel. Legislation may even create perverse incentives: the president may drag his feet implementing congressional directives because he believes any policy failure will be blamed on Congress. In short, legislators often do not want to win, because they believe that legislated solutions will prove unwise or unworkable in practice.

For these members, then, the object is not to pass bills but to use the threat of legislation as a lever with which to pressure the president. Take the efforts of Representative Les Aspin (D-WI) to save the MX missile. Like many of his fellow Democrats, Aspin doubted the strategic argument for the MX. If stopping the MX were his sole concern, a vote against the missile would have been in order. But Aspin concluded that killing the MX undermined a higher policy goal, namely, arms control. Keeping the missile alive would place pressure on the administration to negotiate an arms control treaty.

It seemed to me that if [Brent] Scowcroft came up with a bipartisan package and the President accepted that, the Democrats would not be in good shape if it was voted down. It was clear that most Democrats would vote against it. But if enough voted for it, and Reagan got it, the headline would say "Reagan Gets MX." If not, the headline would be "Democrats Block MX." Reagan could have used that as an excuse. Now that he has the tools he needs, the Administration is in a bit of a hot seat. It has to produce an agreement.  

Similar concerns dominated the 1985 debate in the Senate Finance Committee over fast-track legislation for the U.S.–Canada free trade negotiations. Angered by what they saw as an incoherent American trade policy, half the members of the committee voted against granting fast-track status to the negotiations. The opponents, however, believed that the trade talks were necessary and that denying fast-track status would damage U.S.–Canadian relations as well as future trade negotiations. The senators voted no anyway, because they were "expecting to lose; theirs was to be a protest vote."  

The desire many members of Congress have to change policy without passing legislation begins to highlight the problem with using legislative scorecards to assess congressional influence. Executive-legislative relations on foreign policy are far more complicated than can be captured simply by examining which bills pass. Congress often influences policy indirectly. It is to those indirect means of influence that I now would like to turn.

**ANTICIPATED REACTIONS**

A major flaw with legislative scorecards is that they assume that influence can be determined on the basis of observed behavior alone. Yet in any stable institutional arrangement people will act strategically. Just as chess players consider their opponent's possible moves and plan several steps ahead, Congress and the executive branch anticipate one another's behavior and modify their own behavior accordingly. Presidents are especially likely to anticipate the mood in Congress on foreign policy, because public defeats threaten to weaken their credibility on the world scene. As Secretary of State James Baker explained President Bush's reluctance to request congressional authorization for Operation Desert Storm: "The President has not wanted to ask for such a resolution unless the leadership of the Congress could assure him that such a resolution would be forthcoming, because your hand would be weakened if it were not forthcoming."

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22 "US–Canada Free Trade Negotiations: Gaining Approval to Proceed (B)," Case C16-87-786.0, Harvard University, John F. Kennedy School of Government, 1987, 8.
Of course, anticipated reactions have always influenced executive-legislative
relations. The essential question is whether anticipated reactions matter more
today. That question is far easier to ask than to answer. No systematic studies
have been done on anticipated reactions in foreign policy. We can only turn to
logic and anecdotes. Logic suggests that today the president is more inclined to
incorporate congressional positions into his own policy proposals. The willing-
ness of the president to act strategically varies directly with the willingness of
Congress to contest his proposals, and by all accounts Congress over the past two
decades has become more willing to challenge the president.

On the anecdotal level, stories abound of administrations changing course
because of anticipated congressional opposition. Take for example arms sales.
In the mid-1970s, Congress passed legislation giving itself the power to veto major
arms sales. Although Congress has never vetoed an arms sale, the threat of a veto
appears to have shaped many presidential proposals. On several occasions the
Ford and Carter administrations modified their proposed arms packages to de-
fuse congressional opposition. Three times between 1983 and 1985 the Reagan
administration proposed selling arms to Jordan, and all three times it withdrew
the proposal because of the mood in Congress. Following the Iraqi invasion of
Kuwait, the Bush administration postponed its plans to ask Congress to approve
the sale of $13 billion in weapons to Saudi Arabia. Officials calculated that if the
proposal had gone forward, "Israel's major supporters in Congress would have
raised an uproar."

The history of arms control talks also gives some flavor of the increased impor-
tance of anticipated reactions. In the 1960s, presidents typically ignored Congress
on arms control. During the SALT I (Strategic Arms Limitations Treaty) negotia-
tions, for example, Senator John Sherman Cooper (R-KY) repeatedly failed to
convince the Nixon administration to include senators in the American negoti-
ating delegation. When Senator Hugh Scott (R-PA), the Senate minority leader,
announced he would visit Helsinki, the U.S. delegation discussed whether it
should meet with him. The delegation eventually decided to meet with Scott but
agreed to tell him little of substance.

White House attention to the mood in Congress soon increased. Jimmy Carter
actively solicited congressional views, especially the views of Senator Henry
"Scoop" Jackson (D-WA).

The special attention that was paid to the Washington senator was manifested in nu-
merous ways, including: (1) a willingness on the part of the administration to study

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25 Robert S. Gilmour and Barbara Hinkson Craig, "After the Congressional Veto: Assessing the
29 Personal communication with Joseph Kruzel, member of the SALT I delegation, 22 September
seriously and ultimately incorporate a number of Jackson's SALT recommendations into the comprehensive U.S. proposal presented to the Soviets in March 1977; (2) an unprecedented commitment by Secretary [Cyrus] Vance in October 1977 to meet with Jackson's Armed Services Subcommittee every two weeks; and (3) President Carter's agreement to reappoint General Edward Rowny, Jackson's choice, to be the representative on the SALT delegation.30

The Carter administration also approved the creation of a Senate SALT advisers group. "Members were permitted to attend plenary sessions of the negotiations as observers, to sit in on delegation meetings in Geneva, and even to read the joint draft text of the treaty."31 The Reagan administration initially tried to shut Congress out of the arms talks. Congressional pressure forced the administration to retreat, however, and in 1985 a Senate Arms Control Group was reestablished. "In addition to the functions carried out by their predecessors, the new Senate observers were permitted to meet separately with Soviet negotiators, both to learn firsthand of Soviet positions and to express their own concerns."32

It should be said that in influencing executive branch behavior, anticipated reactions function as a negative power.33 As presidents look to Capitol Hill, their reading of the congressional mood tells them what policies are not politically possible. But the mood in Congress seldom compels the president to pursue specific policies. The one exception is the rare case where consensus reigns on Capitol Hill on a particular issue. As U.S. policy toward China after Tiananmen Square attests, however, presidents can resist congressional attempts to push them in a specific policy direction even in the face of near unanimous opposition.

Anticipated reactions clearly influence the executive branch. Yet does the impact of anticipated reactions extend beyond the margins of policy? On a major policy issue a president may ignore congressional objections or sidestep the objections by changing the style but not the substance of policy.34 Refuting this claim is impossible, both because we lack systematic studies of anticipated reactions and because the claim inevitably involves counterfactuals.35 Even if anticipated reactions operate only at the margins, Congress's influence still should not be dismissed as inconsequential. "The margins are frequently the vital edges, and

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32 Ibid., 122.
Congress's ability to shape them is of real importance.\textsuperscript{36} As the history of U.S. involvement in Vietnam illustrates, incremental decision making can lead to major policy commitments.

**Structures and Procedures**

A second reason why a focus on the legislative track record underestimates Congress's influence over foreign policy is that it assumes that legislators only try to change policy directly. Yet legislators are far more savvy than this assumption suggests. They know all too well that efforts to change policy face considerable obstacles. That's why they often try to change structures and procedures in the executive branch. As Representative Aspin writes: "often by establishing new procedures, which are, of course, ostensibly neutral, Congress is able to effect substantive changes."\textsuperscript{37}

Political scientists have been slow to recognize how process shapes policy. Recently, however, the "new institutionalism," which seeks to uncover how different institutional forms affect policy outcomes, has begun to explore the topic.\textsuperscript{38} New institutionalists begin by noting that electoral incentives limit the enthusiasm legislators have for proactive, systematic reviews of agency behavior. Such "police patrol" oversight has limited electoral appeal either because the agency usually complies with the intent of Congress or because the agency does not harm a legislator's supporters. Either way, legislators often cannot gain credit for their legislative work. Moreover, police patrols entail opportunity costs; legislators could be devoting time to more electorally valuable activities. This incentive structure encourages legislators to fashion the decision-making process in the executive branch in ways that will promote executive compliance with legislative intent or, failing that, will make it easier for affected groups to seek remedies from the agency, the courts, or Congress itself.

Although new institutionalists generally assume legislators are single-minded seekers of reelection, the assumption is not critical.\textsuperscript{39} Members who want to influence policy also have reason to prefer procedural innovations over police

\textsuperscript{36} Alton Frye, "Congress: The Virtues of Its Vices," *Foreign Policy* 3 (Summer 1971): 125.


\textsuperscript{39} McCubbins and Schwartz, "Congressional Oversight Overlooked," 167.
patrol oversight. Because procedural changes are often seen as neutral, members find it easier to build a winning coalition around a procedural change than around a substantive policy change. Legislators also know that “an ounce of prevention is worth a pound of cure.” Policy battles are most easily won if the policy can be countered before it gains momentum. And policy-oriented legislators also have an incentive to shift the burden for monitoring the behavior of agencies to other groups: it frees them to work on other issues.

Whatever the motives of legislative behavior, attention to process leads to two conclusions at odds with the conventional wisdom about Congress. One is that the decision to delegate authority to the executive branch does not necessarily mean Congress has abdicated its powers. Congress may have created a decision-making process that incorporates congressional views or that provides Congress with opportunities to influence the development or implementation of policy. The other conclusion is that a decline in traditional indicators of oversight (for example, hearings, reports) does not mean that Congress has abandoned oversight; Congress may have designed procedures that lessen the need for police patrols.

Over the past several decades Congress has created several institutional structures inside the executive branch in an effort to shape foreign policy outcomes. In 1961 it created the Arms Control and Disarmament Agency (ACDA) because many members believed that insufficient attention had been given to arms control. Congress established the Office of the Special Trade Representative in 1974 because legislators believed “that the State Department . . . was unsympathetic and unresponsive to domestic interests and that the responsibility should be assigned elsewhere.” And in 1986 Congress created the post of Under Secretary of Defense for Acquisition “to prod the system to buy weapons that work, on time and at cost.” All of these efforts proceeded from a simple assumption about bureaucratic life: policies that don’t have champions in the bureaucracy are doomed.

Legislators also at times seek to change procedure. One approach is to give Congress a veto over executive actions. The War Powers Resolution is a case in point. Of course, Chadha reduced the effectiveness of the legislative veto as a check on executive power. Still, it did not require that all congressional resolutions of disapproval be presented to the president (and, hence, subject to his veto).

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40 See Duncan Clarke, Politics of Arms Control: The Role and Effectiveness of the U.S. Arms Control and Disarmament Agency (New York: Free Press, 1979), x.


So long as they affect congressional procedure rather than policy, committee, one-house, and two-house vetoes remain constitutional. Thus, the Omnibus Trade and Competitiveness Act of 1988 allows the president to extend the fast-track procedure so long as neither chamber adopts a resolution of disapproval within ninety days of his request for an extension. President Bush invoked the procedure in March 1991 when he asked Congress to extend for two years the fast-track procedure for considering any agreement that emerged from the Uruguay round of negotiations on the General Agreement on Tariffs and Trade.44

A second type of procedural innovation stipulates conditions the executive must meet before it can go forward with a policy. This type of procedural innovation has been popular in human rights policy.45 The Jackson-Vanik Amendment, for example, barred the president from granting most-favored-nation status to nonmarket countries that deny their citizens the right to emigrate. Likewise, in 1981 Congress acceded to President Reagan's request that it repeal a 1976 ban on military assistance to Chile. But in doing so, Congress conditioned future aid on presidential certification that Chile had taken steps to bring the murderers of Orlando Letelier to justice, a condition the Reagan administration could not meet.

A third procedural tactic popular with legislators is to impose reporting requirements on agencies. Current statutes contain roughly 600 requirements for routine reports in the area of foreign policy.46 Many of these reporting requirements merely require the executive to inform Congress of agency decisions. Ever since the passage of the Hughes-Ryan amendment, for example, the Central Intelligence Agency (CIA) has been required to report each covert operation to the appropriate congressional committees. Other reporting requirements are designed to force the executive to assess the implications of its policies. For instance, Congress requires the Department of Defense (DOD) to submit an arms control impact statement for every major weapons program. Besides recurring reporting requirements, Congress also directs agencies to undertake studies of specific issues. The use of such reports has been especially popular in defense policy, where requests for reports rose from roughly 30 per year in the 1960s to over 500 in the 1980s.47

A fourth procedural innovation legislators use is to enfranchise new groups into the decision-making process. Sometimes the newly enfranchised groups are existing agencies that share the preferences of Congress. In 1988, Congress re-

quired DOD to solicit recommendations from the Commerce Department when negotiating agreements with foreign governments on the production of defense equipment. At other times Congress incorporates nongovernmental groups into decision making. The Trade Act of 1974 "established various private sector advisory groups, representing labor, industry, agriculture, consumers, and the general public, to provide policy and technical advice during negotiations." Members even legislate themselves into the process. In 1983, for example, Congress "created a formal process of executive-legislative consultations in anti-drug policy." Congress may even create a space for itself in international negotiations. The Trade Act of 1974, for instance, provided for members to serve as official advisers in international trade negotiations. At a recent meeting of the Uruguay Round of trade talks, a dozen members of Congress and many more congressional aides participated.

Structural and procedural innovations need not be directed at changing policy. Legislators may alter the process because they want to protect themselves from constituent wrath. Here innovations become a ruse designed to "pass the buck" for decisions to the bureaucracy. Yet, innovations probably aren't used very often to accomplish this end. If constituents are intelligent and forward-looking (as most of the literature in the new institutionalism assumes), they will see through the ruse, and the incentive to use the innovation will evaporate. Conversely, if constituents are ignorant of congressional actions, then legislators do not need the protection that the innovation would afford.

While procedural innovations might be used as ruses, many (if not most) innovations are designed to influence policy. They do this in several ways: they keep Congress abreast of what the agency is doing; they discourage the agency from acting in ways substantial numbers of legislators would disapprove of; they force the executive branch to consult with Congress or key legislators; and they ensure that someone in the executive branch is accountable. For instance, the sponsors of the arms control impact legislation believed the statements would force DOD to consider the arms control implications of the weapons it was developing, and, failing that, provide Congress with advance warning of the

potential arms control ramifications of new weapons systems. The authors of the provision requiring DOD to consult with the Commerce Department when negotiating co-production agreements wanted to check what they saw as the willingness of DOD to negotiate agreements that hurt American commercial interests. The sponsors believed that including the Commerce Department in the process would substantially change policy outcomes.

How successful are structural and procedural changes in shaping policy? Definitive answers are hard to come by, because the subject is understudied. Even when scholars begin to address the question, it will be a slippery one to answer, because it involves anticipated reactions and counterfactuals. We have no way of knowing how many covert operations or arms sales packages were stillborn because administration officials knew the proposals would not pass muster in Congress. Moreover, studies of structural and procedural innovations will have to put aside conventional notions of oversight. Innovations are often designed to force executive compliance with legislative preferences without requiring Congress to act. For example, much has been made of the fact that Senator Gaylord Nelson (D-WI) seldom read DOD reports on U.S. arms sales, even though he had sponsored the legislation that mandated the reports. Many observers point to Nelson as an example of the emptiness of much of Congress's work on foreign policy. Such an inference, while tempting, is wrong. Nelson didn't need to read the reports for his legislation to affect policy. By requiring DOD to make public its arms sales proposals, he had ensured that interested groups would receive advance notice and could mobilize to defeat proposals they opposed.

What conclusions can be drawn then? The least controversial one is that some innovations flop. ACDA, the War Powers Resolution, and the post of under secretary of defense for acquisition all failed to fulfill legislative expectations. These examples notwithstanding, however, in many instances structural and procedural innovations do affect policy. In the case of trade, Congress often tinkers with the decision-making process to ensure executive compliance with legislative intent. The 1988 Trade Bill took several steps to limit presidential discretion. Concerned that the president was unwilling to punish trading partners who engage in unfair trade practices, Congress transferred responsibility for retaliation from the president to the special trade representative. The 1988 Trade Bill also broadened the definition of unfair trade practices and terminated the International

56 Destler, Gelb, and Lake, Our Own Worst Enemy, 145.
Trade Commission’s discretion to investigate claims of dumping. Both changes were designed to make it easier for injured groups to claim relief.\textsuperscript{58}

In changing the rules of the game, the Omnibus Trade Bill also changed the behavior of the White House, which underscores the link between procedural skirmishes and anticipated reactions. When Congress began in the mid-1980s to debate proposals for restricting presidential discretion on trade, the Reagan administration suddenly made trade policy a priority.\textsuperscript{59} Then-Vice President George Bush spelled out the link between the new-found executive interest in trade and the mood on Capitol Hill: “Frankly, we are trying as hard as we can to derail the protectionist juggernaut now sweeping through the United States Congress. . . . That’s one more reason why our recent actions have been necessary. If we don’t demonstrate good faith in enforcing our existing trade laws, we risk inviting sterner medicine from the Congress.”\textsuperscript{60} When the Omnibus Trade Bill finally passed, the Bush administration initiated the Structural Impediments Initiative talks with Japan in an effort to avoid invoking the retaliatory provisions of the bill. The Omnibus Trade bill also altered the behavior of several of America’s trading partners. South Korea, for example, apparently worked to increase its import of American-made goods in an effort to avoid becoming the target of the retaliatory provisions of the bill.\textsuperscript{61}

The success of procedural innovations on trade policy might not seem remarkable given Congress’s historical and constitutional interests in trade policy. But innovations appear to work in other areas of foreign policy as well. The CIA provides an example that challenges conventional wisdom. As a result of the reforms implemented over the past fifteen years, virtually all CIA assessments go to the Intelligence Committees. The Appropriations, Armed Services, Foreign Affairs, and Foreign Relations Committees also receive CIA reports, and many individual members receive CIA briefings.\textsuperscript{62} These reforms have made the CIA more attentive to the views of Congress. To quote Robert M. Gates, then deputy director of Central Intelligence: “The result of these realities is that the CIA today finds itself in a remarkable position, involuntarily poised equidistant between the executive and legislative branches. The administration knows that the CIA is in no position to withhold much information from Congress and is extremely sensitive to congressional demands; the Congress has enormous influence and infor-


mation yet remains suspicious and mistrustful. Even the Iran-contra affair supports Gates's conclusion about Congress's influence over the CIA. William Casey tried to create an “off-the-shelf” covert operations team precisely because he wanted to circumvent congressional oversight of covert operations.

Structural and procedural innovations give Congress an indirect means for influencing foreign policy. Again, we do not know precisely how important such innovations are. Some matter, others don’t. More research is needed. Future studies should try to answer two questions. First, why at times does Congress push policies on the executive while at other times it pushes procedures? Second, under what conditions do structural and procedural innovations give an advantage to Congress? The answers to these two questions will greatly improve our understanding of how Congress influences foreign policy.

Grandstanding

Observers often lament that Congress contains too many showhorses and not enough workhorses. It is understandable why members of Congress grandstand. Well packaged comments on major issues can attract considerable media attention. Representative Stephen Solarz (D-NY), for example, figured prominently in news coverage of the Philippines in 1986. “By his staff's count, he appeared on thirty-four radio and television shows and was quoted in eighty articles in The New York Times, The Washington Post, and The Wall Street Journal in a five month period.” Exposure can help a legislator if the position taken pleases constituents, interest groups, or campaign donors, or it may help simply by giving the member more visibility. However helpful grandstanding may be to legislators, many people believe that playing to the galleries hurts U.S. interests. As one work complains: “We pay when loud position taking and ideological point scoring substitute for a willingness to act and share or bear the consequences.”

The inclination of critics to assume that the work of Congress should be an “eat your peas and spinach” endeavor fundamentally misunderstands life on Capitol Hill. To be sure, members sometimes grandstand for cynical reasons. Senator Frank Church (D-ID) sounded the tocsin on the Soviet “brigade” in Cuba less to influence President Jimmy Carter than to ingratiate himself with voters back home. Much the same occurred with the neutron bomb controversy. The

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67 Destler, Gelb, and Lake, Our Own Worst Enemy, 157.
floor debates revealed that many legislators did not understand the weapon they were discussing. But even when motivated by cynical reasons, grandstanding may affect policy. Senator Church's charges exacerbated anti-SALT II sentiment, and the flap over the neutron bomb turned an obscure weapons program into a divisive issue for the Atlantic alliance.

More often than is acknowledged, however, members of Congress grandstand to influence policy. Because of the power of the presidency, playing to the galleries is an essential tool of policy entrepreneurs. Legislators understand far better than their critics E. E. Schattschneider's point that increasing the scope of the decision-making arena may change the ultimate decision. The media, and especially television, give members the means to overcome the obstacles that block attempts to shape policy through substantive legislation. The glare of the public spotlight is often the best weapon legislators have to dislodge a bill from a hostile committee, to force the administration to reverse its course of action, or to build public support for new policy initiatives.

The fact that legislators usually stand to benefit politically from grandstanding does not make it any less useful a tool for influencing policy. The American political system rests on the assumption that self-interest will motivate legislators to address pressing policy issues. As James Madison wrote, the best way to promote the public good is to create a system in which "the private interest of every individual may be a sentinel over the public rights." Grandstanding also is no less useful because it typically invokes simple, if not simplistic, arguments. Not only do presidents themselves indulge in simple and dramatic appeals—recall President Reagan's Star Wars speech—such appeals are essential to winning the support of the average citizen. Roger Hilsman's discussion of defense policy illustrates why legislators must simplify issues if they want to shape opinion: "There is a great advantage in having an investigation of our military policy concentrate on the single question of who has the most airplanes, the Russians or ourselves. This is a question that anyone can understand, and if the answer is that it is the Russians, then the burden of proof lies on the Executive to justify itself and its policy."

At the most general level, legislators grandstand to change public opinion. Writing thirty years ago, Warner Schilling argued that legislators who want to influence defense policy should "change their policy target from the budget to the


climate of opinion that shaped it.” In the mid-1980s, Senator Charles Grassley (R-IA) showed the wisdom of Schilling’s advice. Rather than attacking individual defense programs, Grassley released information that the air force had paid $916.55 to purchase a small plastic cap for the leg of a navigator’s stool. The story captured national headlines, and soon other legislators were scrambling to reveal stories of waste, fraud, and abuse in the Pentagon budget. As the Almanac of American Politics described Grassley’s grandstanding: “He has shown the capacity to change the terms of the debate, and future historians may date the end of the Reagan Administration’s huge increases in defense spending to Grassley’s initiative.”

Legislators also grandstand to convince the administration to change its policies. Trade policy is driven by a “cry-and-sigh” paradox. Although members know that the protectionist tariffs contained in the Smoot-Hawley bill of 1929 helped cause a world depression, electoral incentives push them toward protectionism. Caught between competing impulses, members use threats of protectionist legislation, fiery speeches, and political theater to pressure the administration to address their grievances. “In short, the signals from Congress are received, and upon recognizing this, the congressional frustration quotient drops, and a liberal trade law is passed, or at the least, a restrictive bill fails. A sigh of relief is heard.” Legislators also used grandstanding to force the Reagan administration to withdraw its support for Ferdinand Marcos. When President Reagan disputed reports of massive fraud in the February 1986 Philippine elections, Senator Richard Lugar (R-IN), the chair of the Senate Foreign Relations Committee, countered with a media blitz. “He appeared on all three network television interview shows (Meet the Press, Face the Nation, and This Week with David Brinkley) . . . From that television platform, Lugar called on Reagan to telephone Marcos to ask him to resign.” Lugar’s media campaign worked; within days Reagan withdrew his support for Marcos.

In sending signals to the president, legislators often act on behalf of midlevel officials in the executive branch who believe current policy is flawed. The fall of Marcos illustrates the point. By 1985, midlevel officials at State, DOD, and the National Security Council had concluded that the United States should ease out Marcos if it wished to avoid another Iran. With Reagan and his senior advisers staunchly supporting Marcos, however, mid-career officials encouraged congres-
sional debate over the Philippines "as a way to persuade their bosses, not least the president, that Marcos might have to go." More recently, a government scientist turned to Senator Albert Gore, Jr. (D-TN) for help when the Bush administration toned down his conclusions on the need to combat global warming. When Gore played the story to the hilt with the media, the White House found itself under a barrage of criticism. Bowing to public pressure, "the White House announced it would hold a workshop on global warming to prepare for negotiations on an international treaty."81

The third possible target of political grandstanding is another country. Legislators often want to send signals to friends and foes. At times the administration encourages grandstanding as a way of strengthening its own hand in foreign negotiations. For instance, during the Nixon administration Secretary of Commerce Maurice Stans asked Wilbur Mills, the chairman of the Ways and Means Committee, to introduce a bill on textile quotas. Stans apparently hoped to create a good cop/bad cop scenario that would force the government of Japan to make additional concessions in trade negotiations.  

More often, however, the executive and legislative branches are not colluding. Take the case where a subsidiary of Toshiba sold sensitive technology to the Soviet Union. The government of Japan initially dragged its feet on the issue. Then the matter reached Capitol Hill. On 20 June 1987, five members of Congress took sledgehammers to a Toshiba radio on the grounds of the Capitol building. The video clip was replayed again and again on Japanese television. One day later, the chairman and president of Toshiba Corporation announced their resignations. On July 20, the Toshiba Corporation ran a full-page ad in dozens of American newspapers apologizing for the actions of its subsidiary. By the end of July, a memorandum between MITI [Ministry of International Trade and Industry] and the Japanese Foreign Ministry provided for ministerial review of sensitive exports, thus raising export control to a higher government level. On July 31, the Japanese government sent a tougher export control law to the Diet; the bill passed in early September. In a series of talks over the summer and fall, the Japanese agreed to become partners with the US in a new program to develop anti-submarine warfare technology. Japanese companies, led by Toshiba Corp., began formulating their own COCOM [Coordinating Committee for Multilateral Export Controls] compliance regulations.83

Or take Operation Desert Shield. Germany and Japan initially balked at providing aid. In September, a burden-sharing amendment to the House defense appropriations bill sparked "a storm of animosity, extraordinary in its extent and intensity," over the reluctance of Germany and Japan to help support the

80 Treverton, "Intelligence," 98. (Emphasis in the original.)
multinational force.\textsuperscript{84} Within two days of the debate, Germany agreed to contribute to the Gulf effort, and Japan quadrupled its aid offer.\textsuperscript{85}

Of course, it is difficult to establish that grandstanding in Congress causes real changes in the behavior of other political actors, be they the public, the administration, or foreign countries. Public support for high levels of defense spending may have fallen without the efforts of Senator Grassley and his imitators. The Reagan administration might have dropped its support for Ferdinand Marcos even without being pushed by Senator Lugar. And the changes Japan made to its export controls might be all style and no substance. Even so, it's hard to deny the conclusion that members of Congress often focus the glare of the public spotlight on foreign policy issues and that sometimes the results matter. Scholars must abandon their implicit assumption that grandstanding simply injects politics into an otherwise technocratic process and recognize it as another tool members use to counter the inherent advantages presidents have on foreign policy.

**CONCLUSION**

To return to the question that began this article, Congress does matter on foreign policy. To be sure, pessimists are right to claim that Congress sustains the policies of the president far more frequently than it overturns them. And within foreign policy, Congress's record of success varies across policy domains; Congress seldom defeats the president on issues involving high politics. But focusing on the legislative scorecard overlooks the dynamics of influence. The bulk of Congress's influence over foreign policy rests in indirect means. The failure of political scientists to scrutinize anticipated reactions, structural and procedural innovations, and political grandstanding has created a serious gap in our understanding of how Congress influences foreign policy.

Rigorous study of Congress and foreign policy is more imperative today than ever before. Several ongoing developments at home and abroad promise to enhance the power of Congress in foreign policy. The first is the end of the cold war. As perceptions of external threat recede, the public is much more likely to tolerate legislative dissent on foreign affairs. Faced with fewer electoral costs in opposing the president, legislators are more likely to deal the president public rebuffs. Some signs of increased congressional assertiveness appeared in 1990, when Congress imposed significant restrictions on how DOD spends money on "black programs."\textsuperscript{86} Congress also passed a bill, subsequently pocket-vetoed, that


would have required the president to inform Congress whenever an American intelligence agency sought foreign help in conducting covert operations. The Gulf war is likely to prove only a brief detour on the road to increased congressional assertiveness.

A second reason why Congress is likely to become more influential is that global interdependence is blurring the line that once separated domestic policy from foreign policy. Acid rain provides an example of such an “intermestic” issue. The problem affects not only U.S. relations with Canada but also the economic well-being of states in the Midwest. Drugs, energy policy, farm subsidies, global warming, and immigration are other salient issues that lie astride the domestic and international spheres. Intermestic issues encourage congressional influence because they involve decisions traditionally considered part of domestic policy. Members of Congress, who can be counted on to protect their institutional prerogatives and their constituents, will feel comfortable rewriting presidential proposals on intermestic issues, regardless of the foreign policy implications.

The third development pushing Congress toward greater influence is the ever rising gap between American commitments abroad and American resources. No one denies that today the United States operates under a severe budget constraint. With it becoming increasingly unlikely that the federal government can solve the commitment-resources gap by running larger budget deficits, Congress will have to choose between guns and butter. As the steady decline in real spending on defense illustrates, guns are likely to lose that showdown.

The last development that offers to enhance Congress's power stems from growing fears that the American economy is falling behind the economies of Germany and Japan. In the words of Representative Aspin, today we are seeing “the emergence of an entirely new concept of national security. It embraces economics and competitive, commercial relations.” Former U.S. trade negotiator Clyde Prestowitz put the same point more bluntly: “Trade is defense. We must recognize the nature of the game.” If the argument that economic vitality is national security continues to gain ground, Congress will become more involved in national security policy for the same reasons it is more influential on intermestic issues. If issues are defined in domestic economic terms, Congress becomes less likely to defer to the wishes of the president. In this respect the 1989 debate over the FSX fighter may be a harbinger of things to come.

Today the United States is crossing a watershed in its history. The collapse of the Soviet Union and the decline of American hegemony are forcing the first

89 Quoted in John Greenwald, “Friend or Foe?” Time, 24 April 1989, 44.
90 Ibid., 45.
major rethinking in fifty years of the premises of U.S. foreign policy. Congress will play a key role in redefining America's interests and strategies. How well or poorly elected representatives handle the coming challenges will shape the future of both the country and the world. Unfortunately, a fixation with the legislative scorecard has led scholars to underestimate how Congress influences foreign policy; as a result, we are ill prepared to explain and predict congressional behavior. Hopefully, future research will take up William Bundy's challenge to explore the complexities of congressional decision making on foreign policy. The reward is not only a better understanding of how Congress operates, but also a better understanding of how U.S. foreign policy is made.*

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