

## INTRODUCTION

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# Oversight Hearings and U.S. Foreign Policy

AT THE DAWN OF THE COLD WAR, the United States confronted one of the most consequential foreign policy choices of the post–World War II generation. The Truman Doctrine, which the president announced in a speech to Congress on March 12, 1947, was the signature achievement of his administration and the cornerstone of U.S. strategy for more than four decades. Truman partnered with the Senate Foreign Relations Committee at this unique historical moment to shape the policy and sell it to the nation. The committee conducted public hearings to explain the urgency of restraining Soviet expansion into Greece and Turkey and to garner support from reluctant citizens and advocacy groups. Its members orchestrated secret hearings with administration officials and opposing lawmakers to negotiate compromise language that would give President Truman a convincing legislative victory. The next year, Foreign Relations facilitated the adoption of the ambitious Marshall Plan to reconstruct Europe through a strategic mix of public and executive sessions. Committee oversight hearings in 1947–48 thus proved indispensable for organizing deliberation and ensuring public accountability at a crucial turning point for the United States in international affairs.

Congress has engaged in oversight of the executive branch since the early days of the Republic.<sup>1</sup> The term “oversight” has roots in the verb “to oversee” and implies responsibility for an outcome by making sure that the people and organizations charged with a task complete it satisfactorily.<sup>2</sup> In the federal government, oversight encompasses a wide range of activity: “review of federal departments, agencies and commissions and the programs they administer . . . during program and policy implementation as well as afterward.”<sup>3</sup> Typically, oversight is retrospective: did the executive carry out the intent of Congress in implementing the law? Yet it also can be prospective: is the president addressing an emerging problem in an appropriate way? By its very nature, then, legislative

<sup>1</sup> Inquiries regarding President George Washington’s handling of the conflicts with Indian tribes on the western borders were the first congressional probes of foreign policy.

<sup>2</sup> Oversight can also be associated with the verb *to overlook*, which implies a lack of attention to a task, either inadvertently or deliberately.

<sup>3</sup> Aberbach (1990, 2).

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scrutiny of agency performance can either exacerbate conflict or bolster cooperation with the White House.

Oversight is built into the U.S. constitutional system to reinforce the rule of law and educate the public. Indeed, noted congressional observer Ralph Huitt asserted a generation ago that “the oversight function is probably the most important task the legislature performs.”<sup>4</sup> Contemporary observers continue to assert its importance as the federal government has grown in size and complexity. With respect to foreign policy, oversight entails two vital functions: policing the vast bureaucratic apparatus, which Congress erected after World War II to prosecute the Cold War and later to combat global terrorism; and fostering public deliberation about complex and potentially deadly choices.

Congress has assigned responsibility for oversight to specialized standing committees that conduct formal inquiries, in both open hearings and secret sessions. Although committees are not the sole source of information about the president’s conduct of foreign affairs, they enjoy the legal authority and resources to command attention from the White House and focus public awareness that few individual lawmakers can match. They represent the collective interests of the institution and citizens in obtaining reliable, timely information about government policy.

Many committees exert jurisdiction over some aspect of international relations, such as trade, resource management, or drug trafficking, housed in various federal and agencies. However, the biggest administrative players, the Departments of Defense and State, are under the respective supervision of the Armed Services Committees in the House and Senate, and the Foreign Relations Committee in the Senate and the Foreign Affairs Committee in the House.<sup>5</sup> The two Senate committees enjoy greater prestige, higher visibility, and more opportunities for policy entrepreneurship than their counterparts in the House. Such characteristics make them fruitful candidates for in-depth analysis of national security oversight because their actions are more likely to be consequential.

This book examines the formal hearing activity of the Senate’s key national security committees, Armed Services and Foreign Relations, from 1947 to 2008, to assess their efficacy in promoting due process and public understanding with respect to international affairs. In particular, I provide extensive anal-

<sup>4</sup>Quoted in Crabb and Holt (1992, 551).

<sup>5</sup>Until the 1970s, national intelligence functions were under the jurisdiction of the Armed Services Committees in the House and Senate and were then transferred to newly created select committees in each chamber. These committees operate under different rules regarding the tenure of their members and have limited capacity for conducting oversight in public or establishing a written record. In addition, observations over time are limited by their shorter history of operation. Comparison with the Senate Armed Services and Foreign Relations Committees thus would be a matter of apples and oranges. In a recent study, Zegart (2011) concluded that intelligence oversight is extremely weak because of the members’ limited tenure on the committee and their lack of budgetary power over intelligence operations. Each chamber has a committee charged specifically with oversight, but the focus of these committees generally has been domestic policy.

ysis of how much time the committees spent on public and secret hearings, what factors influenced their decisions to engage in oversight, and how they allocated their efforts to routine program review compared to scrutiny of crises and scandals. The empirical results and case studies suggest that the Senate's national security committees had an uneven record over the sixty-two years of the study that reflected the personal and political agendas of the members rather than the interests of the public. I use the findings, therefore, as a basis for rethinking the nature of national security oversight and proposing several reforms to promote public deliberation and education about U.S. foreign relations.

Overall, I find that the committees' official oversight activity during the sixty-two years of the study was greater than many political observers recognized, but declined markedly since the mid-1990s. Broad institutional changes in the Senate altered the frequency of hearings among all Senate committees, as well as Armed Services and Foreign Relations. The result was less time available for formal oversight, which affect both the amount and type of scrutiny of the executive branch.

Moreover, I uncover various types of bias in how the national security committees reviewed the executive branch. The orientations of the Senate Armed Services and Foreign Relations Committees led to striking differences in the frequency, content, and venues for oversight hearings. Armed Services, for example, tended to shield Republican administrations from public scrutiny of routine program implementation and crisis management, while Foreign Relations heightened broad inquiries into the "state of the world" during periods of divided government. Both committees reacted strategically to changes in federal spending priorities, to the president's use of force, and to major events. Over the period of study, then, oversight activity frequently deviated from orderly processes of review.

Finally, committee concerns about the reputations of the parties inhibited their capacity to generate information regarding the costs of war and incidents of bureaucratic wrongdoing. Both committees were most concerned with inquiries into administrative actions that were of interest to organized constituencies rather than the consequences of foreign policy decisions that citizens cared about. The frequency and content of oversight hearings by Armed Services and Foreign Relations consequently were only weakly connected to public opinion and deliberation about the nation's collective goals in U.S. foreign policy.

On the basis of such wide-ranging results, I conclude that a serious overhaul of these key Senate committees is necessary. I devote the last two chapters of the book, therefore, to proposing changes to the status quo. I outline expectations for national security oversight to restore the balance between the legislative and executive branches consistent with the U.S. constitutional system. I then review current proposals for reform and develop pragmatic incentives for committees

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to promote the rule of law in international affairs through regular, formal sessions modeled on aspects of a British-style Question Period.

## OVERSIGHT AND DEMOCRATIC GOVERNANCE

Oversight is integral to constitutional principles regarding the rule of law and public accountability. Article I, which defines the powers of Congress, contains no mention of the term, but the framers' debate at the Constitutional Convention made it clear that lawmakers would meet frequently to make sure that the president faithfully executed the law as his oath of office required.<sup>6</sup> The separation of powers establishes boundaries between the three branches of government, while the system of checks and balances depends on shared powers that enable one branch to resist encroachments on its prerogatives by another. Formal oversight supports the Constitution's design by monitoring whether the executive follows congressional intent and by bringing the public and the press into the review process. In these ways, oversight facilitates maintenance of the borders between the legislature and executive and offers a potent tool for reining in an incompetent or overly aggressive president.<sup>7</sup>

Although oversight frequently exposes administrative failure or presidential overreaching, it also uncovers the need for a new sequence of policy making, implementation, and evaluation. Consequently, formal congressional review fosters adherence to legitimate procedures for doing the government's business.<sup>8</sup> Such "regular order" serves the rule of law by promoting predictability, continuity, and transparency in governmental decision making.

Oversight is critical, as well, to the framers' idea of representative democracy, which requires extensive deliberation to forge consensus in a diverse nation. Since the nation's founding, the legislative branch has participated in defining the public sphere in both domestic policy and foreign affairs.<sup>9</sup> As Madison affirmed in *Federalist 10*, elected representatives have responsibility to "refine and enlarge the public view" in order to discover common interests.<sup>10</sup> By flagging salient issues and bringing administrators into conversation with members, oversight organizes public discourse about governmental objectives and performance.

<sup>6</sup> Madison (1987, 399); Fisher (2003, 1).

<sup>7</sup> The major ones include the power of the purse, confirmation of nominations, ratification of treaties, and override of a presidential veto. Deploying them can be costly in terms of time, potential failure, and escalation of the stakes in a dispute.

<sup>8</sup> Waldron (2013) argues that an orderly sequence in which each branch carries out its defined function of legislation, administration, and adjudication is characteristic of governments that follow the rule of law.

<sup>9</sup> Mayhew (2000).

<sup>10</sup> See also Maass (1983).

Oversight takes many forms in Congress, however. Individual lawmakers issue press releases, give speeches, and appear on television and radio to draw attention to an agency blunder or to challenge a president's decision.<sup>11</sup> They deploy staff members to solve constituent problems with federal programs, and they contact agency officials to ensure that their states or districts obtain governmental resources. They offer advice about policy implementation to department heads through informal channels or communicate privately with the White House. These personal activities constitute an important means of informal negotiation between the branches over policy choices, and they often develop into quasi-permanent issue networks.

To coordinate lawmakers' attention to governmental programs, however, Congress needs institutions, which not only magnify legislative influence over the executive branch but also increase presidential accountability. Organizational support for formal oversight occurs through specialized committees that exercise responsibility over specific policy domains and, since 1946, have been required by law to monitor the executive on behalf of the entire legislature. As agents of the House and Senate, committees represent the collective interests of the institution and consequently enjoy special authority and command formidable resources. Their professional staff members bring expertise and continuity to scrutiny of the executive, and their subpoena power reinforces the ability to call witnesses to testify. Committee-based oversight thus exerts substantial pressure on administration officials to disclose information in ways that most individual lawmakers cannot.

The elevated status of committees inside Congress suits them admirably to educate the public through oversight.<sup>12</sup> They have the means to organize discussion about complex problems and the discretion to examine agency activities in depth. By including members of both parties and allocating staff to the minority, committees bring competing viewpoints into a common space. As authoritative actors who affect government policy, they attract the news media and influence the frame reporters apply to policy deliberations. Generally, the information committees generate has proven to be of higher quality than the views members bring to floor debates.<sup>13</sup> Furthermore, the attributes of committee-led discourse contrast favorably with the disposition of the press toward "soft"

<sup>11</sup> Kriner and Shen (2014) demonstrate that lawmakers in districts with relatively high casualties during the war in Iraq increased the number of floor speeches about the conflict.

<sup>12</sup> Krehbiel (1991) analyzes the informational function of committees inside Congress and the rewards committees receive for providing high-quality information. His theory and results focus on the internal uses of information by lawmakers for passing bills rather than the broader public purposes of oversight.

<sup>13</sup> Mucciaroni and Quirk (2006). The authors evaluate the quality of debate on the basis of the accuracy of claims supported by the best available evidence to establish agreement about the facts and "shift disagreement to ... the implications of the facts" (2006, 51).

news and the tendency among individual lawmakers to avoid educating constituents in favor of credit claiming and casework.<sup>14</sup>

Formal committee hearings are the most important form of congressional oversight of the executive branch in terms of both the rule of law and public understanding. Although committees generate many different types of information, such as press releases, reports, and statements by members, hearings have the advantage of following defined processes. The benefits include public announcement in the *Daily Digest*, advance notification to witnesses, norms of discourse to promote civility, rules that compel testimony while protecting against self-incrimination, and written records of testimony and supporting documents. In addition, committee staff members compile the content of open hearings and make the material available in a timely manner, which facilitates public access.

Face-to-face contact between lawmakers and administration officials through formal hearings offers the further advantage of giving a human face to abstract policy debates. In public, personal contact forces the participants to acknowledge their different perspectives and raises the ante for grandstanding or stonewalling. In private, inquiries provide opportunities to build trust and negotiate compromise. The fact that review sessions occur on Capitol Hill, moreover, underscores the constitutional status of Congress as a coequal branch, even if administrators would prefer to keep lawmakers in the dark.

When legislators and executive branch officials clash publicly, their encounters can be riveting, providing the kind of drama and sharply informative exchange that make the Question Period in the British Parliament such popular entertainment. Interbranch confrontation, however, sometimes reveals stupidity, venality, or glaring political opportunism on one or both sides. Nevertheless, at their best, formal hearings enhance the legitimacy of government actions by joining decision makers in serious dialogue and bringing the public into their deliberations.

## OVERSIGHT HEARINGS AND FOREIGN AFFAIRS

The need for the rule of law and public education is particularly acute in the realm of foreign affairs. A lawful foreign policy follows regular order and fosters public deliberation. By “regular order,” I mean routines that follow a formal, predictable sequence for evaluating alternatives, making decisions, and evaluating their consequences. It is a process that promotes transparency and generates information that citizens can use to evaluate the performance of the president.

<sup>14</sup>Baum (2002; 2003); Baum and Groeling (2010). With respect to the behavior of individual lawmakers, see Fenno (1978) and Mayhew (1974).

An imbalance of power between the executive and legislative branches accelerated after World War II, fueled initially by Cold War rivalries and then by the post-9/11 “war on terror.” Congress has transferred much of its authority over war to the president and acquiesced to broad uses of executive discretion during states of emergency that have lasted for decades.<sup>15</sup> So much delegation, when combined with the uncertainty of international events and the dire outcomes from presidential miscalculation, has generated a strong need among lawmakers for reliable information, orderly review of past performance, and assessment of likely future outcomes. Although informal contacts have become a common means for reviewing foreign policy, particularly for low-profile issues,<sup>16</sup> oversight hearings introduce procedural regularity into a policy domain that routinely violates criteria of orderly review and accountability.

The responsibility of congressional committees to educate the public in international affairs confronts paradoxical public attitudes, however. The dual functions of the American president as chief minister and head of state combine political and symbolic roles that most democracies keep separate. In addition, Americans have limited interest and knowledge about world events, although they can be acutely sensitive to the costs of war and diplomacy.<sup>17</sup> Consequently, citizens tend to rally around the president in times of crisis, but lose confidence in his handling of events over time.<sup>18</sup> These conflicting patterns produce a high degree of volatility in public opinion polls and pose a dilemma for the committees that oversee an administration’s performance with respect to national security.<sup>19</sup> On the one hand, formal hearings cue the public and press to pay attention to an emerging crisis and organize deliberation about the objectives and likely success of the president’s policies.<sup>20</sup> On the other hand, information that

<sup>15</sup>The most heated exchanges have arisen over whether the president has unilateral authority to engage U.S. forces in military conflicts and whether legislative resolutions authorizing the president to use force satisfy the spirit (if not the language) of the Constitution. For the “congressionalist” perspective, see Lindsay (1992–93; 1994); Koh (1990); Silverstein (1997); Irons (2005); Fisher (1995; 2000; 2005; 2008); Fatovic (2004); Daalder and Lindsay (2003); Healy (2008); Griffin (2013). For the “presidentialist” perspective, see Crovitz and Rabkin (1989); Cheney (1990); Yoo (2005). Zeisberg (2013) rejects the idea of camps, but does find two different normative traditions in the Constitution.

<sup>16</sup>Hersman (2000).

<sup>17</sup>Holsti (2004); Jentleson (1992); Jentleson and Britton (1998); Burk (1999); Feaver and Gelpi (2004); Gelpi, Feaver, and Reifler (2005; 2007); Karol and Miguel (2007); Aldrich et al. (2006); Eichenberg (2005); Boettcher and Cobb (2006); Berinsky (2007; 2009); Eichenberg, Stoll, and Lebo (2006); Voeten and Brewer (2006); Gartner, Segura, and Wilkening (1997); Gartner and Segura (1998; 2008); Baum and Potter (2008); Hill, Herron, and Lewis (2010); Kriner and Shen (2014).

<sup>18</sup>Mueller (1973; 1994; 2005).

<sup>19</sup>Page and Shapiro (1992); Holsti (2004); Aldrich, Sullivan, and Borgida (1989); Bartels (1991); Aldrich et al. (2006); Page and Bouton (2006).

<sup>20</sup>Zaller (1992; 1994); Zaller and Chiu (1996); Brody (1994); Bennett (1990; 1996); Bennett, Lawrence, and Livingston (2007); Voeten and Brewer (2006); Berinsky (2007; 2009); Howell and Pevehouse (2007, chap. 6); Baum and Groeling (2010).



contradicts the executive's course of action undermines Americans' desire for national unity during times of crisis.

The salience of national security issues for the national reputations of the Republican and Democratic Parties complicates matters, as well. Since the 1980s, polls have documented a substantial Republican advantage among voters for competence in the conduct of foreign policy.<sup>21</sup> As committees weigh the effect of formal hearings on the public's perceptions of executive competence in foreign affairs, therefore, their members' electoral interests often conflict with their institutional responsibilities.

The case of the Truman Doctrine provides a compelling example of how oversight hearings by the Senate Foreign Relations Committee furthered the rule of law and promoted public acceptance of U.S. efforts to contain the expansion of Soviet-sponsored communism. The committee's oversight depended upon the policy entrepreneurship of senior Republican members that was both prospective in setting the foreign policy agenda and retrospective in evaluating whether the early steps toward containment worked. In this respect, the case illustrates the intimate connection between making policy and implementing it. The events of 1947–48 also illustrate the importance of closed sessions in fostering negotiation between the legislative and executive branches and the importance of strategic calculation among committee members in scheduling public hearings. In addition, the informational focus of Foreign Relations Committee hearings varied as senators first prodded the White House to proclaim the growing Soviet threat, modified the president's proposals, vetted opposing arguments in secret, and conducted an exceptionally effective public relations campaign. In other words, formal oversight involved many types of content to balance the executive and educate the public. Finally, the partnership between the president and the committee occurred under divided government. What made the extraordinary alliance work were the political ambitions of key committee members, who provided the institutional prestige, national visibility, and drive to revamp a new Republican majority's approach to foreign policy in the aftermath of World War II.

## THE PUBLIC AND PRIVATE MEANING OF S.938

The Cold War was a deadly struggle between two super powers that lasted more than four decades. From the vantage point of the twenty-first century, the logic of the Truman Doctrine appears irrefutable, and the brilliant statesmen who

<sup>21</sup> Petrocik (1996); Petrocik, Benoit, and Hansen (2003–4); Woon and Pope (2008). After 9/11, voters perceived Republicans as superior to Democrats in handling terrorism by more than a two to one margin. Even in 2006, while survey respondents perceived that Democrats would do a better job in Iraq, they still favored Republicans by a margin of 7 to 10 percentage points as better able to handle a crisis. See, for example, <http://www.ropercenter.uconn.edu/> (accessed January 2014).



crafted it well deserve their status as heroes of the age. Yet the hearing record for S.938, the bill to provide economic and military aid to Greece and Turkey, indicates how tentative were the first steps on the road to containing Soviet expansion. The ideas came from strategic thinkers in the executive branch, Dean Acheson, George Marshall, and George Kennan, but much of the political deliberation that led to national consensus for restraining Soviet ambitions happened in the chambers of the Senate Foreign Relations Committee.

The aftermath of World War II was chaotic all over Europe, and the terrible conditions suited Joseph Stalin's purposes admirably. One by one, governments in Central Europe fell to communist insurgents, who received abundant help from the Russian Army, but also benefited from the displacement and starvation of local populations and the shaky regimes that attempted to replace Nazi occupiers. Poland, Hungary, Albania, Romania, Bulgaria, and East Germany had all fallen behind what Churchill termed the Iron Curtain by the time Truman appeared before Congress on March 12, 1947, and Czechoslovakia soon followed. Greek and Italian communists were in a particularly advantageous position because of their heroic actions against the Nazis, and in Greece they were getting help from guerillas based in Bulgaria and Albania. Turkey, which had not participated in World War II, nevertheless experienced intense pressure from the Russians along its borders and was struggling with serious financial strains from a constant state of mobilization.

The United States had not responded directly to these events, but the administration was increasingly gripped by a sense of emergency, sparked by George Kennan's famous Long Telegram predicting Soviet expansion and a subsequent secret analysis overseen by the president's trusted advisor, Clark Clifford, in September 1946. Truman's State of the Union message in January 1947, in which he addressed the first Republican majority in Congress since 1932, called for a bipartisan approach to foreign policy, but was short on particulars. In February, Truman met with key lawmakers, including Senator Arthur Vandenberg (R-MI), the new chair of the Foreign Relations Committee, and subsequently dispatched Secretary of State George Marshall to brief other Foreign Relations members privately about the growing Soviet threat in Europe. A report to the Cabinet on March 7 predicted that the Greek government was within a few weeks of complete financial collapse.<sup>22</sup> Subsequently, a leak on March 31 from the British Foreign Office about its decision to withdraw financial and military support from the regime reinforced the president's call to action.

The domestic politics of the looming security crisis were unfavorable to bold action in Europe, however. Truman's party had suffered a dramatic defeat in the 1946 election, and the president himself was subject to ridicule by some in Congress. The newly elected Republicans contained avid anticommunists, such as Senator Joseph McCarthy (R-WI) and Representative Richard Nixon (R-CA),

<sup>22</sup> McCulloch (1992, 545).

who appeared more eager to expose domestic spies than confront the Soviet Union abroad. The old isolationist strains in the GOP lingered, as well, adding to the difficulty of developing an initiative that would commit the country to a larger role in Europe.

The Democrats were a problem, too. Many on the left wanted to continue the wartime alliance with the Russians and had difficulty reconciling differences between an ideology that attracted them intellectually and the alarming behavior of the rulers in the Kremlin. Indeed, Truman's vice president, Henry Wallace, had given a highly controversial speech in 1946 advocating friendlier ties with the Russians. Those liberal internationalists who opposed the Soviet Union, moreover, favored cultivating the United Nations rather than asserting American power directly into Europe. At the very least, they wanted to give the fledgling organization a chance to prove its mettle.

Finally, large swaths of the public simply wanted to be left alone after the intense mobilization of World War II. Millions of veterans were in school under the GI Bill, labor unrest had finally settled down, factories were humming to meet pent-up demand, and Americans were busy producing the Baby Boom generation. Who wanted to think about international crises?

As the administration debated options in February, Senator Vandenberg had advised the president to appear before a joint session of Congress and “scare the hell out of the American people.”<sup>23</sup> Several weeks later, Truman followed that advice. His short address exemplified the plain speaking for which he is now admired, as he delivered the essence of the doctrine that bears his name: “It is the policy of the United States to assist free peoples to work out their destinies in their own way.”<sup>24</sup> Truman stressed the urgency of the situation in the eastern Mediterranean, the inability of the United Nations to extend help in a timely manner, and the limited nature of the aid, themes that the administration officials later reiterated in public testimony.

While the nation absorbed the president's rhetoric, deliberation between Foreign Relations Committee members and executive officials moved behind closed doors. The first of eight executive sessions began on March 13, 1947, with a small group of senior senators and Under Secretary of State Acheson, Secretary of War Patterson, Secretary of the Navy Forrestal, and several high-ranking military officers. The transcript indicates that neither the administration officials nor the senators believed that the operation would be short-lived or limited in scope.<sup>25</sup> Equally plain, moreover, was the fact that no one in the room had a sense of how far the imaginary line they were drawing in the east-

<sup>23</sup> Quoted in Zelizer (2010, 68).

<sup>24</sup> Address of the President of the United States, House of Representatives, 80th Congress, 1st Session, document 171, [http://www.trumanlibrary.org/whistlestop/study\\_collections/doctrine/large/documents/pdfs/5-9.pdf#zoom=100](http://www.trumanlibrary.org/whistlestop/study_collections/doctrine/large/documents/pdfs/5-9.pdf#zoom=100) (accessed March 2013).

<sup>25</sup> This discussion is based on the transcripts of the hearings published by the Senate Foreign Relations Committee as part of its Historical Series on major U.S. foreign policy decisions.

ern Mediterranean would take them. The meeting's participants were dealing with the practicalities of crafting a policy that could survive criticism from left- and right-wing groups, withstand House and Senate debate, and pass muster with a skeptical public. The absence of grand strategy in the discussion, incidentally, confirms recent scholarship that the policy of containment developed incrementally rather than emerged from the White House as full-blown doctrine.<sup>26</sup>

The senators used these early sessions to assess the extent of the crisis, how much time they had, and the viability of alternative solutions. Once convinced of the need for action, they suggested changes in the bill's language to make it less threatening to the Russians and to disarm domestic critics. They held private sessions, as well, for Senate colleagues to discuss possible amendments with Acheson and other officials and to review strategy for managing the legislation on the Senate floor when debate began on April 7, 1947.

Most striking about the secret hearings before and after the public sessions is the atmosphere of candor and mutual respect that pervades the transcripts as the participants addressed a wide range of issues. Could temporary financing be found while Congress wrestled with the larger concerns? Would the World Bank handle this matter better? Should Turkey, which was in better financial shape than Greece, be included in the package? Would passage of the bill give the president a blank check, when Republican senators had committed to reasserting a role for Congress in foreign policy? Would the United States end up the defender of the British Empire, and should Whitehall be rewarded for having provided so little advance warning of its decision? Would the Russians react aggressively to being designated a threat, albeit not by name? Was the country committing to assist besieged governments around the globe? Could the U.S. government afford to undermine the United Nations with unilateral action before the organization got off the ground? Would the public recognize the limitations on UN action without also losing confidence in the fledgling organization?

Even Senator Tom Connally (D-TX), the ranking minority member, served a useful purpose. His limited understanding of world affairs and penchant for alcohol had prompted Acheson's scornful assessment that he "often doesn't understand what he is told."<sup>27</sup> Yet, his simplistic solutions and constant worries about how ordinary people would view the aid package were a valuable, if irritating, reminder of the formidable challenge of winning over the public.

While quiet deliberation proceeded in the Foreign Relations executive sessions, the committee orchestrated an elaborate public ritual involving five days of open hearings in late March. Acheson led off with remarks that echoed Truman's address, including a stirring quotation from an 1824 speech by Daniel

<sup>26</sup> Johnson (2006).

<sup>27</sup> Johnson (2006, 15).

Webster: “With Greece, now is the crisis of her fate—her great, it may be her last, struggle. Sir, while we sit here deliberating, her destiny may be decided.”<sup>28</sup> Remarks followed from the secretary of war, the secretary of the navy, and the ambassadors to Greece and Turkey that stressed the perils these governments confronted and their strategic importance in protecting access to the eastern Mediterranean and Middle East oil. The administration officials elaborated on the need for speed, the magnitude of the destruction in Greece, and the importance of halting communist advances in Europe, although the Soviet Union was never named. Extensive coverage in the *New York Times* during and after the hearings positively reinforced the administration’s position.

A large portion of the hearings, however, was given over to thirty-one private citizens and spokespersons for advocacy groups, with heavy representation from peace activists, and several senators, along with the mercurial Claude Pepper (D-FL), who gave an impassioned plea to let the United Nations prove its worth. The committee made a great show of airing alternative viewpoints from groups as diverse as the World Federalists, the Socialist Party, the American Veterans Committee, and the Macedonian American People’s League. Publicly, committee members echoed the administration’s assurances that aid would be limited, but the executive sessions revealed how little weight the opposing testimony carried and how carefully senators had accommodated potential opponents behind closed doors.

After nine days of floor consideration, the bill passed with amendments on April 22 by a vote of 67–23. The House approved the measure on May 9, voting 287–107, and the two chambers reconciled their differences by mid-May. The president signed the legislation on May 22. Without the adroit use of secret and public hearings in the Foreign Relations Committee, there likely would have been no Truman Doctrine.<sup>29</sup>

When the administration sought authorization of an additional \$275 million the following year, the strategic collaboration between the Foreign Relations Committee and the White House continued. Three days of executive sessions brought the secretary of state, the State Department’s aid coordinator, and three high-ranking military officers to Capitol Hill. Their assessment of the situation in the two countries was guarded and critical of the corrupt Greek regime, and it fueled members’ concern about wasting U.S. funds on a losing cause.

Going public with this information would have not only killed the bill, but also jeopardized the passage of the European Recovery Act, otherwise known as the Marshall Plan. Marshall had proposed the idea of massive economic assistance to rebuild Europe in a speech at Harvard in June 1947, shortly after S.938 became law. His ideas received further elaboration in George Kennan’s

<sup>28</sup> U.S. Senate Foreign Relations Committee, “Aid to Greece and Turkey,” CIS No. 80-S816-10 (March 24, 1947, 4).

<sup>29</sup> Johnson (2006, 20–21).

*Foreign Affairs* article that summer in which the Truman Doctrine evolved into the broader strategy of containment. Truman endeavored to resurrect the Marshall Plan legislation, which had stalled in the Senate, with a speech in March 1948 in which he famously declared, “We must be prepared to pay the price for peace, or assuredly, we shall pay the price of war.”<sup>30</sup> Clearly, the conversations behind closed doors that same month about the lack of progress in Greece would have proved highly damaging to the larger cause of rebuilding Europe. Thanks to the committee’s silence, the reauthorization bill eventually passed in April 1948.

The collaboration between the Senate Foreign Relations Committee and the administration during the 80th Congress appears astonishing to contemporary eyes. Truman was unpopular, the Republicans had just taken control of the Congress after a long exile in the minority, and two of the president’s most important GOP collaborators, Vandenberg and Lodge, wanted his job. Surely, the conditions were ripe for recrimination, gridlock, and grandstanding rather than cooperation. Instead, Foreign Relations conducted a serious review of a major foreign policy initiative that consumed thirteen days of private and public deliberation, all in the span of ten weeks.

Both sides accomplished important political goals from the collaboration. Truman, who had adopted a tough anticommunist line to protect the domestic legacy of the New Deal from the new Republican majority, achieved a major policy victory.<sup>31</sup> He gained aid from a handful of senior Republicans, who needed to reinvent a foreign policy that would help voters forget how wrong their party had been about World War II and who enjoyed the prestige and visibility to make a deal and garner their colleagues’ support. A strong stand in favor of the Truman Doctrine in Europe not only burnished the GOP’s anti-communist credentials, but added force to its criticism of the administration’s policies in China.<sup>32</sup> The example of S.938 thus drives home how much the cooperation between the two branches depended upon a unique alignment of interests between Democrats and Republicans, remarkable even in an era of relatively low partisan polarization.

The confluence of political ambitions in the White House and the Senate Foreign Relations Committee proved temporary, however. Truman campaigned in 1948 on his approach to contain Soviet expansion in Europe. He dismissed the GOP’s embrace of anticommunism as a “smokescreen,” contrasted Republican “talk” with his own bold efforts, and pushed the Truman Doctrine and Marshall Plan hard in immigrant communities, which made up 25 percent of the nation’s population in 1948 and were concentrated in large northern and

<sup>30</sup> McCulloch (1992, 608).

<sup>31</sup> Zelizer (2010, 70–71).

<sup>32</sup> Zelizer (2010, 88).

midwestern cities.<sup>33</sup> His victory and the return of the Democratic majority in the 81st Congress, when combined with Vandenberg's failing health, the weak leadership of Foreign Relations' new chair, Senator Connally, and increasingly aggressive partisanship among Republicans, put an end to the exceptional partnership. Acheson endeavored to collaborate with Lodge, but by 1950 judged the committee to be "unworkable."<sup>34</sup>

Overall, the Senate Foreign Relations Committee's handling of the Truman Doctrine in 1947 and 1948 marked one of the high points of its influence in foreign affairs and conferred an aura of prestige that lasted for more than two decades. Indeed, the committee's prominent position contrasted starkly with the passive role of the Senate Armed Services Committee, which did not seek jurisdiction over the military assistance funds in the plan,<sup>35</sup> and which held no hearings, either public or private, during the initial consideration of the policy or its subsequent review.

Despite the active leadership of Republican senators, the administration was able to claim the lion's share of the political credit because so much legislative effort was out of public view. Nevertheless, the committee's efforts proved indispensable. As Johnson observed, "The conventional image of the congressional role in the early Cold War—somewhat condescending nods to Vandenberg's susceptibility to flattery, or what Acheson dubbed the 'Vandenberg treatment'—seems well off the mark, since the real practitioners of the 'Vandenberg treatment' were [Senators] Smith, Lodge, and Vandenberg himself."<sup>36</sup>

## OVERVIEW OF THE BOOK

The Senate Foreign Relations Committee's inquiries with respect to the Truman Doctrine raise compelling questions about the decades of oversight that have transpired since. Did the Senate's national security committees enhance the rule of law in foreign affairs by carrying out orderly processes of review? Did they generate information that citizens could use to hold government officials accountable? In light of this historical experience, what can the public reasonably expect today from the congressional watchdogs that monitor the executive's conduct of international affairs?

In this book, I evaluate the performance of the Senate Armed Services and Foreign Relations Committees in conducting formal oversight of defense and policy from 1947 to 2008. The study begins with the Cold War and ends with the final years of the George W. Bush administration. Between these bookends

<sup>33</sup> McCulloch (1992, 679, 683).

<sup>34</sup> Johnson (2006, 42).

<sup>35</sup> Johnson (2006, 13).

<sup>36</sup> Johnson (2006, 21).

are four lengthy, unpopular wars, multiple uses of military force of varying scale, one crisis of nearly apocalyptic proportions over Soviet missiles in Cuba, many diplomatic breakthroughs and failures, numerous scandals, and abundant decisions dealing with treaties, military weapons, and foreign assistance. The sweep of events provides ample fodder for statistical analyses and case studies to illustrate the main arguments about the sources of variation in national security oversight.

The empirical analysis at the center of the project draws on formal hearings by the Senate Armed Services and Foreign Relations Committees in *public* and *executive* sessions. I use the data to first to examine the big picture of the workload of the national security committees, then to narrow the focus to their propensity for oversight, and finally to drill down to the specific content of their hearing agendas. I answer three separate but related questions. Why did the national security committees become less active since the mid-1990s? What motivated variation in the committees' frequency of oversight inquiries and their venues from 1947 to 2008? What influenced committee decisions to favor routine inquiries into the administration of Defense and State Department programs compared to highly salient events of wartime casualties and scandal? I use the results of this analysis to make the case for revitalizing the Senate's national security watchdogs and to develop a set of reforms to accomplish that goal.

Together the Senate Armed Services and Foreign Relations Committees conducted 3,257 public hearings and 2,124 executive sessions for a total of 5,381 observations and 11,276 formal hearing days. Of the total, Armed Services allocated 2,098 days and Foreign Relations devoted 3,423 days to oversight hearings. I coded the content of hearings, as well, to determine if committee activity varied with the types of oversight involved. The breadth and depth of the data set are unique for studying oversight generally and foreign policy specifically.

In addition, I consider a variety of institutional influences on the frequency of committee hearings, ranging from committee prestige, visibility, and assignments per member to party polarization. I also address the effects of external conditions, such as divided government, budgets for defense and diplomacy, use of major force, public opinion, and war casualties, on committee hearing topics. Appendix A describes my methods in coding the committee hearings, and Appendix B summarizes the dependent and explanatory variables.<sup>37</sup>

By limiting the scope of my research to the Senate Armed Services and Foreign Relations Committees, I am able to delve deeply into the processes that influenced the frequency of formal national security oversight for a very long period. With this approach, I connect institutional changes in the Senate directly to committee behavior. I link Senate norms for placing members on

<sup>37</sup> Contemporary search engines, as I discuss in Appendix A, have significant limitations in producing consistent results for coding the content of hearings. In addition, they cannot deal with the complicated sleuthing involved in compiling information on executive session hearings.



committees that match their personal political interests to biases in the hearing agendas of Armed Services and Foreign Relations. I assess the disparate effects of external influences on different types of inquiries, including review of budget requests, routine program implementation, crises, or scandal. Thus, I explore aspects of congressional involvement with national security policy that have remained largely out of public view and have been overlooked by other scholars. Along the way, I confirm widespread perceptions among knowledgeable insiders that something is amiss in the Senate and its national security committees.

I recognize that my theoretical and empirical claims may extend no further than the Senate Armed Services and Foreign Relations Committees. Their jurisdictions over defense and diplomacy, after all, pose special challenges in understanding the motives driving their behavior that other committees do not encounter. In foreign affairs, national security oversight has far-reaching strategic, political, and economic consequences, and the president not only enjoys a unique degree of delegated power, but also exercises special prerogatives over statecraft and war. The high-stakes and White House prerogatives, in turn, require an unusual reliance on executive sessions and distinctive approaches to party competition and external conditions. Given the vital national interests associated with war and peace, my findings compel attention in their own right, even if they are not broadly representative of other committees' oversight behavior.

Beyond the substantive importance of national security oversight, the historical trends and statistical relationships that emerge in this study pose challenges for the way that scholars analyze oversight. Since oversight activity depends upon the status of committee work inside the Senate, changes in total hearing activity account for much variation in routine monitoring and investigations that researchers mistakenly attribute to other factors. Moreover, given the considerable diversity in the hearing agendas of the Senate Armed Services and Foreign Relations Committees, scholarly tendencies to treat oversight by committees as an aggregate phenomenon within Congress is quite problematic. Divided government, for example, creates problems for a consensus-minded committee like Armed Service, but generates opportunities for one inclined to debate like Foreign Relations. Its true effects wash out empirically, therefore, unless researchers make appropriate allowances for committee diversity. Finally, high frequencies for oversight, generally, and routine program implementation, particularly, raise questions about the applicability of major theories in the literature regarding congressional control of executive officials. Together, these patterns raise questions, in my mind at least, about issues of research design and efforts to craft an overarching explanation of congressional oversight behavior.

I have written with three audiences in mind: citizens, foreign policy experts, and scholars who focus on American political institutions. Citizens may find

the book informative in shaping their expectations about how the president and Congress interact in the realm of national security under the pervasive pull of members' personal political goals and partisan agendas. Foreign policy experts may recognize that I have put meat on the bones of the concept of domestic constraints, if only to challenge their long-held assumptions that the United States is a unitary actor with clearly defined strategic goals. Students of American politics may find that the under-tilled field of oversight yields new insights into ongoing scholarly debates about legislative committees and parties, as well as the nature of Congress's relationship with the president.

James Madison once noted that "war is the true nurse of aggrandizement [of power]."<sup>38</sup> My larger purpose, therefore, is to draw attention to the importance of political institutions and the seemingly arcane process of committee oversight of international affairs in fostering the rule of law in international affairs. Too much legislative deference to the commander in chief can be a slippery slope, a gradual erosion of constitutional responsibility that occurs without fanfare. This study reveals an overall decline in formal processes of review and inadequate efforts to gather information that the public cares about. It is a system in serious need of repair.

The book divides into three sections. Part I explores the big questions regarding oversight and offers a framework for thinking about committee watchdog activity. Having argued that oversight matters to the rule of law in foreign affairs in this chapter, I turn in Chapter 1 to review previous scholarship about congressional scrutiny of the executive branch and about general patterns of legislative influence on foreign policy decisions. I then examine hearing activity of the Senate Armed Services and Foreign Relations Committees from 1947 to 2008 to assess the overall trends in oversight and identify similarities and differences in their behavior. In Chapter 2, I develop theoretical expectations, which address three different committee phenomena relevant to oversight: sources of change in the total frequency of hearings, biases within committees regarding the frequency and venues of oversight hearings as a result of external stimuli, and influences on the content of routine and event-driven review.

Part II examines the extent to which the Senate Armed Services and Foreign Relations Committees contribute to the rule of law and public accountability in the realm of national security. The section is organized to move from broad issues of committee capacity for oversight, to general propensities for conducting review of the executive, to particular types of oversight hearings. Chapter 3 assesses long-term changes in the Senate committee system that devalued committee work and negatively affected the total hearing activity of Armed Services and Foreign Relations. Chapter 4 examines how the distinctive goals of each committee led to strategic choices about how much attention to devote to oversight, particularly in comparison to budget activity. Chapter 5 analyzes partisan

<sup>38</sup> Hamilton, Jay, and Madison (1962, *Federalist* 4).

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calculations about party reputations as influences on routine and event-driven inquiries, using the classic typology of police patrols and fire alarms. Taken together, these chapters assess the performance of Armed Services and Foreign Relations in promoting regular order and educating the public in foreign affairs.

Part III connects national security oversight to broad constitutional issues of congressional war powers. Chapter 6 takes up normative political issues regarding the importance of legislative oversight in fostering the rule of law and public deliberation about foreign policy. I argue that widespread misconceptions among the public and members of Congress about the constitutional system have impeded the ability of legislators to address the need for change. I also contend that the executive, while enjoying short-term political benefits from congressional impotence in dealing with particular foreign policy issues, pays a high price for the institutional weakness of the legislature. Chapter 7 applies the empirical findings from Part II to the issue of reform and makes practical recommendations for improving the performance of the Senate's national security watchdogs. In addition to challenging the efficacy of proposals currently circulating in Washington, I stress reforms that create greater incentives among members of Armed Services and Foreign Relations to master the complexities of statecraft for the benefit of the institution as a whole and to make foreign policy decisions accessible to the public.