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U.S. Policy Toward Cambodia in the 101st Congress:
A Case Study of Congressional Initiation and Influence in Foreign Policy

A Dissertation
Presented to the Faculty of the Graduate School
of
Yale University
in Candidacy for the Degree of
Doctor of Philosophy

by
Jay B. Winik

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ABSTRACT

U.S. POLICY TOWARD CAMBODIA IN THE 101ST CONGRESS:
A CASE STUDY OF CONGRESSIONAL INITIATION AND INFLUENCE IN FOREIGN POLICY

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1993

This dissertation examines the potential nature and scope of Congressional influence over U.S. foreign policy making, with an eye toward the post-Cold War era. Through an in-depth case analysis of U.S. policy toward Cambodia in the 101st Congress, it asks: Can Congress successfully initiate U.S. foreign policy? In doing so, it seeks to call into question the commonly accepted proposition that the Hill's influence in foreign policy, however vigorous and sustained, is primarily reactive and almost exclusively negative.

Employing the participant observation method, or watching "over the shoulder," to use Richard Fenno's term, the focus is on the efforts of Representative Stephen Solarz and Senator Charles Robb, both of whom are shown to have played critical roles in formulating U.S. Cambodia policy.

The case explores in detail three separate phases of policy activity, including three attempted policy revisions by Congress, two successful, one not. Designed principally for heuristic and plausibility probe purposes, to varying degrees, the case can also be seen to act as a crucial case study.

The case reveals that Congress can indeed initiate foreign policy. In the analysis, seven explanatory factors (individual members of Congress, the Senate Foreign Relations and House Foreign Affairs Committees, staff members, executive branch involvement, policy alliances, public interest groups and the media, and developments in the international arena) are employed to assess sources of effective Congressional influence in foreign policy. The analysis suggests that individual members, acting as Congressional entrepreneurs, are a vital component of that influence. Finally, the longer-term question of future Congressional muscle-flexing is raised. In a post-Cold War era marked by international crises, presidents will be stretched thin, and opportunities for Congressional initiation should be ample. But the extent to which individual legislators are able or willing to seize such opportunities, however vast or extensive, remains a question mark.

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Preface

Contributions to one's scholarship come in a number of ways, the words or ear of a friend, the advice of a colleague or a mentor, the guiding hand or enthusiastic support of a scholar, the tradition of an institution, or the warmth and joy of one's home. In the course of this work, I have benefited, directly and indirectly, from each of these things. To the extent that these contributions were received in the same spirit that they were offered, I like to think of them not solely as debts incurred, but as gifts, however small or large, to be appreciated.

I have been fortunate to spend both undergraduate and graduate years at Yale, a place that seeks to blend genius and rigor in its scholarship, that emphasizes both the poetry of ideas and the richness of teaching, and that ably passes the tradition of scholarship and knowledge across generations.

Irving Janis, Mark Ryan, and Judy Rodin, all of Yale, imbued me with a keen appreciation of social science while a Yale undergraduate. Geoffrey Goodwin, Emeritus Professor of International Relations at the London School of Economics and Political Science, was an incisive teacher and as fine a tutor as a young graduate student could want. Beyond the confines of academia, Jim Billington and Alton Frye have vividly demonstrated to me that exciting, if not timeless, path where scholarship and policy making meet. Les Aspin, former boss, tennis

partner, mentor, and good friend, has at every step of the way been there with thoughts, advice, encouragement, and a willingness to help.

Peter Berkowitz, a subtle thinker and cherished friend, listened enthusiastically and tirelessly to ideas regarding this project, as did Jessica Korn.

Earlier in my graduate school career, I benefited enormously from the teaching and teachings of Bruce Russett. I am also grateful to Joseph LaPalombara, who provided a number of helpful suggestions for this project.

My greatest thanks goes to H. Bradford Westerfield and David Mayhew, thinkers, scholars, and teachers in the finest sense of the words. Both provided inspiration, direction, and shape for this project. They gave freely of themselves and their time. From start to finish, their careful and constructive comments were made with a generosity of spirit, balanced with wisdom, insight, and understanding. The end product of this work is much improved as a result.

Finally, my thanks to my wife, Lyric. She helped in every way on this project. A brilliant writer and thinker, her suggestions and assistance were always invaluable in this endeavor, as in everything else. Even more invaluable is Lyric's love and her smile. For these and too many other reasons to enumerate, this project is devoted to her.

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Abbreviations, Acronyms, and Explanations

AID	Agency for International Development
ANS	Armee National Sihanoukienne -- Sihanouk National Army
ASEAN	Association of Southeast Asian Nations -- Thailand, Malaysia, Singapore, Indonesia, the Philippines, and Brunei
CIA	Central Intelligence Agency
CGDK	Coalition Government of Democratic Kampuchea
CSIS	Center for Strategic and International Studies
DAS	Deputy Assistant Secretary of State
DK	Democratic Kampuchea (Khmer Rouge government)
DLC	Democratic Leadership Council
DoD	Department of Defense
DPC	Democratic Policy Committee
FUNCINPEC	Front Uni Pour un Cambodge Independent, Neutre, Pacifique, et Cooperatif -- United Front for an Independent, Neutral, Peaceful, and Cooperative Cambodia
GAO	Government Accounting Office
HFAC	House Foreign Affairs Committee
INF	Intermediate Nuclear Forces
I&R	Intelligence and Research (Bureau at the State Department)
JIM	Jakarta Informal Meeting
KPNLF	Khmer People's National Liberation Front
KPRP	Kampuchean People's Revolutionary Party
KR	Khmer Rouge
MIA	Missing in Action
MFN	Most Favored Nation
NCR	Non-Communist Resistance
NGO	Non-Governmental Organization(s)

NSC	National Security Council
NVA	North Vietnamese Army
POW	Prisoner of War
PRK	People's Republic of Kampuchea
PRM	Personal Representative of Member
SEATO	Southeast Asian Treaty Organization
SFRC	Senate Foreign Relations Committee
SNC	Supreme National Council
SSCI	Senate Select Committee on Intelligence
UN	United Nations
UNTAC	United Nations Transitional Authority in Cambodia
VC	Viet Cong
Khmer	ethnic name for the Cambodian people
Kampuchea	transliteration of Cambodia's name from the Khmer language
Perm Five	Permanent Five Members of the United Nations Security Council (United States, Soviet Union (now Russia), China, France, and Great Britain).

Chapter One

Introduction

"We have it in our power to begin the world all over again," Thomas Paine triumphantly wrote in January 1776, over a half-year before signers of the Declaration of Independence set pen to paper. Today, much the same can be said: the United States faces a similar and no less momentous challenge as it wrestles with a fresh appraisal of its place in the tumultuous post-Cold War world.

But as America charts a new course into the 21st century, one thing has not changed. Cooperation, and conflict, between Congress and the executive in the foreign policy making process will in large measure determine the policies this country undertakes abroad. And as in times past, the role of Congress will be a vital determinant of the character and even the success of American foreign policy.

Recall a previous moment of uncertainty in an equally uncertain world: 1919. Locked in a bitter struggle with the Senate over the ratification of the Versailles Treaty, an aide to President Woodrow Wilson sheepishly broke the unpleasant news: the Senate was poised to reject membership in the League of Nations. "Anyone who opposes me in

that, I'll crush," snapped an angry Wilson.¹ But Wilson sorely underestimated his opposition, a tragic misreading of Congressional power and intent that led to the defeat of the president's cherished program and America's subsequent two-decade withdrawal from the international arena.

Indeed, throughout the 20th century, in large ways and small, by action as well as inaction, Congress has made its impact felt on U.S. foreign policy -- whether during America's 20 year retreat into isolation, its eventual decision to enter World War II and develop the atomic weapon, its triumphant creation of the NATO alliance and the implementation of the Marshall Plan, its deepening involvement in Vietnam and eventual withdrawal years later, or its conduct of the Cold War over more than four grim decades.

Through a case analysis of U.S. policy toward Cambodia in the 101st Congress, this study examines a critical component of the executive-legislative relationship in foreign policy: the potential scope of Congressional influence over U.S. foreign policy making, with an eye toward the post-Cold War era. In doing so, it first asks: Can Congress successfully initiate U.S. foreign policy? Then, seven explanatory factors will be employed to provide a more detailed assessment and analysis of successful or unsuccessful Congressional initiative and influence, as demonstrated in the case study. Finally, drawing on the evidence, a longer term and more speculative question is raised: Under what circumstances is Congress likely to play a more assertive role in shaping U.S. foreign policy in the future?

¹ Quoted in Richard Hofstadter, The American Political Tradition (New York, Vintage Books, 1955), p. 281.

The Concept of Initiative and Influence

In asking can Congress successfully initiate U.S. foreign policy, the first question to be answered is what is meant by initiation. Political scientists have long used the concept of initiation to describe the policy making process, but the concept has consistently suffered from definitional problems. "Initiative" has often remained undefined, as in the case of Robert Dahl's landmark study, Who Governs?,² or has been given an ambiguous definition, open to multiple interpretations.³

By contrast, Lawrence Chamberlain, in his pioneering 1946 study of 90 bills enacted between 1873 and 1940, was more precise, equating initiation with origination. He writes that the measures are being studied "for the purpose of discovering their origins."⁴ But while origination, the formulation and proposal of a policy or measure, accurately defines Congressional initiative, Chamberlain deals only with "enacted" bills, i.e. adopted initiatives, and not ones that failed.

But, in fact, many Congressional initiatives are not successful. Policy proposals fall on deaf ears, bills are rebuffed, measures die in committee. Thus, the success of an initiative must also be accounted

² Robert Dahl, Who Governs? (New Haven: Yale University Press, 1964).

³ See David A. Baldwin, "Congressional Initiative in Foreign Policy," Journal of Politics 28 (1966), pp. 756-757. Nelson Polsby, for one, gives a reason for this. He notes there is perhaps no way precisely to distinguish what is an initiative (which he refers to as an "innovation"), and moreover, that there may never be. Political Innovation in America: The Politics of Policy Initiation (New Haven: Yale University Press, 1984), p. 7.

⁴ Lawrence H. Chamberlain, The President, Congress, and Legislation (New York: Columbia University Press, 1946), p. 21.

for. Here, influence, or the "relationship between the preferences of an actor for an outcome and the outcome itself,"⁵ comes into play. Congress can exert two kinds of influence, negative, in which the Hill constrains, blocks, amends, or repeals existing U.S. foreign policy, or positive, in which it pushes, requires, induces, or convinces the Administration to adopt a new policy stance. To produce a successful foreign policy initiative, Congress needs to employ positive influence - - blocking one's own proposal will not advance it very far. Thus, a direct relationship exists between initiative and influence, and the two must be explored hand-in-hand.

By focusing on both initiative and influence, one can ascribe not only origins, but also predominant responsibility for a new policy, who proposed, who shaped, who pushed -- in short, not just who first suggested the policy, but to whom did it ultimately owe its existence after adoption, the Congress or the executive? Thus, we will examine whether Congress initiated (i.e. originated) a new policy and also actively formulated and propelled that policy to adoption (i.e. positively influenced).

In his research, Chamberlain also confines his examination of initiation solely to legislation, as do other scholars.⁶ But Congress' reach in foreign affairs can extend well beyond the legislative arena, and a more expansive application of initiation to cover the overall

⁵ Jack H. Nagel, The Descriptive Analysis of Power (New Haven: Yale University Press, 1975), p. 29.

⁶ See Chamberlain, The President, Congress, and Legislation; David E. Price, Who Makes the Laws? Creativity and Power in Senate Committees (Cambridge, Mass: Schenkman Press, 1972); and James Robinson, Congress and Foreign Policy Making (Homewood, IL: Dorsey Press, 1962). Also, Polsby, in Political Innovation in America, similarly focuses primarily on legislated policies.

foreign policy making process is therefore needed. The focus here will thus be on the development of policy, including, but not restricted to, legislation.⁷ This is for several reasons. First, the impact of Congressionally passed measures, such as a series of high profile Congressional resolutions requiring the executive branch to change its stance on arms control negotiations, may have only a negligible effect on the overall policy. Yet viewed solely in the legislative context, the impression can easily be conveyed -- mistakenly -- that Congress exercised significant influence. Alternatively, one seemingly minor amendment may have a far-reaching effect. In this case, again, looking at the legislative record alone could be enormously deceptive.

Second, as Thomas Schelling observed a quarter of a century ago, many policy choices in foreign affairs -- such as negotiations with a foreign government -- are of a "non-budgetary sort,"⁸ and are largely immune to the power of the purse, exercised through the authorization and appropriation process. On such matters, the hand of Congress must be felt in other ways. Third, the executive branch may modify or change policy in response to an anticipated Congressional action.⁹ This type

⁷ Indeed, some of the more impressive works on the foreign policy process omit any systematic definition whatsoever. For example, see Roger Hilsman, The Politics of Policy Making in Defense and Foreign Affairs (New York: Harper & Row, 1971). For the purposes of this study, policy is defined as a deliberate course of action and/or declaration; policy making is how one deliberates, and policy implementation and policy outcomes are the follow-on stages. I wish to acknowledge H. Bradford Westerfield for this formulation.

⁸ Thomas Schelling, quoted in I.M. Destler, "Executive-Congressional Conflict in Foreign Policy: Explaining It, Coping With It," in Congress Reconsidered 2nd edition, ed. Lawrence C. Dodd and Bruce I. Oppenheimer (Washington: CQ Press, 1981), p. 302.

⁹ This is an example of Carl S. Friedrich's "rule of anticipated reactions." See Carl S. Friedrich, Constitutional Government and Democracy (Boston: Little Brown & Company, 1941), pp. 589-591. An illustration of anticipated reaction: Defense Secretary Robert McNamara sought to deploy 1,000 Minuteman ICBM missiles, believing this was the

of Congressional influence, by definition, could not be measured by legislative activity. Fourth, the executive branch may adopt policies that reflect the preferences or ideas of Congress, expressed in private or completely outside of the legislative realm. In short, the absence or presence of legislative activity can frequently be a poor indicator of the Congressional impact, minor or profound, on foreign policy.

Making such distinctions in foreign policy are critical. Thus, by focusing on the entire policy making process, we will look at a variety of avenues through which Congress can and does exercise initiative and influence.

Importance of the Problem

The Cold War ended not with a bang, but with a whimper,¹⁰ the toppling of a wall, the quiet burning of 100,000 candles in Wenceslas Square, the counting of Russian ballot boxes. Yet hopeful hearts and tears of joy were soon replaced by new global realities: ferocious ethnic and nationalistic conflict, gaping hunger and disease in Asia and Africa, an anarchical global system where the lines between allies and adversaries blur and shift, a continued proliferation of weapons of mass destruction. By all accounts, the period ushered in by the twilight of

smallest number Congress would accept. David Halberstam, The Best and the Brightest (New York: Random House, 1969), p. 72. Another illustration: President Lyndon Johnson was moved to deploy the Anti-Ballistic Missile (ABM) system in part because several important senators, notably Russell, Jackson, and Thurmond, spoke out in favor of its early deployment. Morton Halperin, Bureaucratic Politics and Foreign Policy (Washington: Brookings, 1974), pp. 297-298.

¹⁰ This idea was first raised with me by a former colleague, Stephen Sestanovich, previously a Senior Staff Member on the National Security Council and a Senior Scholar at the Center for Strategic and International Studies, CSIS, who in 1988 correctly predicted this outcome for the Cold War.

the Cold War, a time of enormous promise but also of disquieting peril, is without precedent.¹¹ No less than when the Wise Men of both political parties assembled with a dire sense of urgency in the aftermath of World War II, rallying the nation behind the burdens of global leadership and creating a foreign policy consensus, the U.S. is once again entering a prolonged period of trying to chart a doctrine to govern American involvement in the world. But more so than at any time since the end of World War II, the very questions, and not just the answers, are unclear.¹²

Appreciating the role that Congress may play in setting this future course is of great interest to political scientists. There are at least two important reasons to believe that Congress' role over the next decade can be profound. The first is the intellectual vacuum left by the end of the Cold War. Old paradigms of conduct have been rudely shattered.¹³ Consequently, Paul Nitze, a leading foreign policy Establishment figure and one of the architects of American Post War policy, has already argued that it will be a number of years before "the U.S. gets things right."¹⁴ Even this may be easier said than done.

¹¹ Michael Howard, "The Springtime of Nations," Foreign Affairs: America and the World 1989/90 69 (1990), p. 30.

¹² See Nicholas X. Rizopoulos, ed., Sea-Changes: American Foreign Policy in a World Transformed (New York: Council on Foreign Relations Press, 1990), esp., Peter Peterson, "Introduction," p. vii.

¹³ See Jay Winik, "The Quest for Bipartisanship: A New Beginning for a New World Order" and Robert E. Hunter, "Starting at Zero: U.S. Foreign Policy For the 1990's," in U.S. Foreign Policy After the Cold War, ed. Brad Roberts (Cambridge, Mass: MIT Press, 1992), pp. 311-326, 3-18, respectively.

¹⁴ Paul H. Nitze, The Changing Face of Europe: Is a New Strategic Concept Needed? Occasional Paper, no. 63 (Bologna, Italy: The Johns Hopkins University Bologna Center, May 1990).

Old fault lines dividing conservatives and liberals, hawks and doves, Republicans and Democrats, and even traditional internationalists and isolationists, have far less meaning today than they did in the past; and it is by no means clear that these previous views represent an adequate guide to positions that may be taken by political leaders in the future. New solutions are anything but apparent, and we are entering a period when members of Congress as much as Administration officials, will surely contribute to creative solutions and policies necessitated by world's problems. For the foreseeable future, it is reasonable to expect that solutions will percolate out of the Congress as much as out of the executive.¹⁵ A greater understanding of the potential for Congressional involvement in the foreign policy making process, particularly with respect to Congressional initiation, is thus of significant importance.

Second, Congress may involve itself with greater alacrity and intent because there is no clear-cut foreign policy consensus broadly accepted in the country. It may be up to a decade, even longer, before one takes hold and is sustained, if ever. And if the past 20 years is any guide, this dissensus is a recipe for increased Congressional activism.

During the earlier golden age of bipartisanship, the partnership between the two parties and both branches of government was the product less of presidential deference on the part of the Congress and more of

¹⁵ Les Aspin made this point in his remarks on the occasion of his swearing in as Secretary of Defense, February 1, 1993, Ceremonial Hall, Fort Myer, Virginia. Looking over to seated legislators, Aspin added, "In the New World Order, we are long on the 'New World' and short on the 'Order' -- I will need your help."

policy agreement.¹⁶ But since the Vietnam War, the breakdown of bipartisanship has led to repeated conflict between the president and the Congress -- from the Congressional hearings to end the Vietnam War, to the heated legislative-executive battles over aid to anti-Communist guerrilla movements and the nature of arms control in the 1980's, to the Congressional attempt to give sanctions more time in the 1990-91 Gulf conflict. Just as often as not, Congress, by its action or inaction, will make or break U.S. policy. Thus, in the post-Cold War era, Congressional participation could well be magnified.

The growing body of evidence clearly demonstrates that Congress has already become increasingly assertive in foreign policy making. And at this early date, scholars have also predicted that Congress will "inevitably play a key role in how the United States responds to [the new] challenges."¹⁷ If this is the case, we want to know more about whether, and under what conditions, Congress initiates policy and is a major player in the foreign policy making process. Moreover, given the existing and potential Congressional role, a full understanding of U.S.

¹⁶ George C. Edwards III, "The Two Presidencies: A Re-evaluation," American Politics Quarterly 14 (July 1986), pp. 247-263. On the beginnings of bipartisanship and the post-war consensus, see the recent work, Walter Isaacson and Evan Thomas, The Wise Men (New York: Simon & Schuster, 1986). For an important and still authoritative discussion of bipartisanship and the democratic control of foreign policy, see H. Bradford Westerfield, Foreign Policy and Party Politics: Pearl Harbor to Korea (New Haven: Yale University Press, 1955); also Cecil V. Crabb, Bipartisan Foreign Policy: Myth or Reality (Evanston, IL: Row, Peterson, 1957); for Vandenberg's own view, consult Arthur H. Vandenberg, Jr., The Private Papers of Senator Vandenberg (Boston: Houghton Mifflin, 1952). Concerning the House and bipartisanship, H. Field Haviland, Jr., "Foreign Aid and the Policy Process, 1957," American Political Science Review 52 (1958), pp. 689-727.

¹⁷ James M. Lindsay and Randall B. Ripley, "Foreign and Defense Policy in Congress: A Research Agenda for the 1990s," Legislative Studies Quarterly 17 (August 1992), p. 419.

foreign policy must by its very nature take into account the role of Congress in the foreign policy making process itself.

Probing the Interstices

There exists, however, another compelling reason to explore Congress and foreign policy making in the post-Cold War era: a methodological one. As undeniably important as Congress is in the foreign policy making process, the issue frequently falls between the cracks of the literature, largely ignored by Congressional scholars and international relations analysts alike.

On the one hand, national security scholars of U.S. foreign policy making tend to focus on the merits of the actual policies themselves. Analysts debate internationalism versus isolationism, the balance between stability and justice in the international arena, the desirability of employing international institutions as opposed to acting in informal coalitions, and the degree to which sovereignty is a meaningful concept when internal ethnic strife appears to be uncontrollable. When international relations scholars do examine the U.S. foreign policy making process, they focus principally on the executive branch, treating the Congress as a recurring afterthought or as a secondary player.

It is unclear why the bias in the national security literature has largely ignored the role of process and the role of Congress. William Bundy has noted:

And there is a marked deficiency in serious study on how the executive and Congress interact in an era when the range of issues 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....¹⁸

A thoughtful insight into this problem has been provided by one scholar of foreign policy, Charles W. Kegley, Jr. Kegley's words merit quotation at length. He asserts:

The policy making process has been like a black box to much of us since we see just what comes out but not much of what happens inside. We have often dealt with these secretive features and functions by ignoring them or failing to incorporate them into our models, forgetting that the absence of evidence is not evidence of absence. Surely studies conducted within the confines of this research perspective fail to tap much of the variance in the real world of foreign policy making and enable only a limited range of phenomena to be adequately explained.

Thus, our habits of inquiry have imprisoned us. We have repeated our inquiries so often to ourselves -- using the same framework to analyze the same kind of limited data -- that we have come to believe them and mistake them for reality.¹⁹

Perhaps Bundy and Kegley overstate a bit -- but just a bit.²⁰

On the other hand, the Congressional scholarship also leaves important questions unanswered. A quick glance at the literature would lead the casual observer to conclude that foreign policy falls outside of the field of Congressional studies. Robert Pastor, formerly a senior Carter Administration official and more recently an analyst of

¹⁸ William P. Bundy, "The National Security Process: Plus Ca Change...?" International Security 7 (Winter 1982/1983), p. 94.

¹⁹ Charles W. Kegley, Jr., "Decision Regimes and the Comparative Study of Foreign Policy," in New Directions in the Study of Foreign Policy, ed. Charles F. Hermann, Charles W. Kegley, Jr., and James N. Rosenau (New York: HarperCollins Academic, 1987), p. 248, emphasis in original.

²⁰ In fairness, the suggestion that we watch, listen to, and seek to understand actors in the decision making process is not new. For example, in 1976 Eugene Wittkopf recommended punching "pin-holes" that would allow light into the black box of the decision making process and thereby restoring the policy makers and the process into the conceptual equation. See Kegley, New Directions, p.268. Also see Margaret G. Hermann, Charles F. Hermann, and Joe D. Hagan, "How Decision Units Shape Foreign Policy Behavior," in New Directions, pp. 303-336. Obviously, studies in bureaucratic politics have immeasurably enhanced our knowledge as well. For example, see Morton H. Halperin and Arnold Kanter, Readings in American Foreign Policy: A Bureaucratic Perspective (Boston: Little Brown and Company, 1973).

Congressional behavior, has lamented that Congressional scholars are "much less interested in studying specific policy areas than in studying Congressional behavior in general."²¹

For example, today, Congressional scholars examine such things as committee decision making in Congress, institutional changes in the Senate, and the rise of Congressional caucuses -- in short, how Congress works.²² When specific policy issues are studied, they almost invariably focus on domestic issues: regulatory policy, health policy, agricultural policy, and so on. Even as the distinction between domestic and foreign policy has increasingly blurred²³ in some areas, such as trade and immigration policy, this has not, it would appear, markedly altered the overall general orientation in Congressional studies.²⁴ Consequently, as two political scientists have recently noted, "the relatively modest amount of recent systematic political science scholarship on Congress and foreign and defense policy means

²¹ Robert A. Pastor, Congress and the Politics of U.S. Foreign Economic Policy, 1929-1976 (Berkeley: University of California Press, 1980), p. 35.

²² For example, see the recent collection of essays in Congress Reconsidered, 4th edition, ed. Lawrence C. Dodd and Bruce I. Oppenheimer (Washington: CQ Press, 1989). In this thoughtful collection, only two of 18 essays deal with policy issues. Still, despite this focus within the field, a small but important body of literature on Congress and foreign policy has nonetheless been produced, and is discussed in greater depth in Chapter two.

²³ For an excellent treatment of this issue, see "Intermestic Issues" in Ryan J. Barilleaux, "The President, 'Intermestic' Issues, and the Risks of Policy Leadership" in The Domestic Sources of American Foreign Policy, ed. Charles W. Kegley, Jr. and Eugene R. Wittkopf (New York: St. Martin's, 1988), pp. 178-195.

²⁴ For example, a most recent and thorough study of congressional responses to presidential initiatives, which does not deal with foreign affairs, suggests that its exclusive focus on domestic policy helps the author "reduce the intricacy of the subject, as well as avoid the more restricted access to information associated with foreign affairs." Mark A. Peterson, Legislating Together: The White House and Capitol Hill from Eisenhower to Reagan (Cambridge: Harvard University Press, 1990), p. 27.

that many of the best systematic studies are now at least a quarter of a century old."²⁵

An analysis of Congress as initiator and policy shaper in the post-Cold War era seeks to fill in the gaps in both the national security and Congressional literature. Its specific focus, the question of Congressional initiation and influence in foreign policy making, is far from well-traveled terrain. In carrying out this task, this analysis is guided by the theme that the "Chinese Wall" separating the scholarship of international relations analysts and analysts of U.S. foreign policy making from that of Congressional scholars is largely artificial, analytically unwarranted, and hinders, rather than facilitates, a full understanding of the foreign policy process. As David Mayhew has written, scholars can "use each others' insights to develop collectively a more vigorous legislative scholarship."²⁶

Why This Case Study?

For a number of reasons, U.S. policy toward the crisis in Cambodia presents a rich case for analysis of Congressional initiative. To start, the chosen time frame, the 101st Congress, allows an exploration of a problem from its genesis to resolution. In this regard, political scientists have identified three phases in the policy making process.²⁷ The first is agenda setting, stating a problem requiring a solution.

²⁵ Lindsay and Ripley, "Foreign and Defense Policy," p. 418.

²⁶ David R. Mayhew, The Electoral Connection (New Haven: Yale University Press, 1974), p. 5.

²⁷ Randall B. Ripley and Grace A. Franklin, Congress, The Bureaucracy, and Public Policy 5th edition (Pacific Grove, CA: Brooks/Cole, 1991), p. 21.

The second is policy formulation and legitimation, including the proposed goals and means to achieve the policy. The third stage is policy implementation, often followed by reassessment, and sometimes amendment, reformulation, or reversal. In practice, the policy process is rarely this neat and tidy.²⁸ This case, beginning when the Bush Administration inherited a Cambodia policy rapidly becoming outdated by international events and ending with a joint Congressional-Administration legislative agreement at the close of the 101st Congress, will capture all of these stages, illustrating the highly dynamic character of the foreign policy making process, from conception to reappraisal to execution.

Second, U.S. policy toward Cambodia underwent two qualitatively separate revisions, and in each instance was also threatened with reversal. Indeed, this case is actually comprised of three separate, roughly equally timed, and distinct phases. As such, there is not just one, but three different periods from 1989-1991 in which to examine possibilities of Congressional initiation. In this sense, the three phases almost constitute three different cases, and allow greater opportunity to compare and contrast the Congressional role, and assess Congressional responsibility for policy.

²⁸ Thus, in the past there has been debate about the nature of decision making in the policy process. See Harold Lasswell, "The Decision Process: Seven Categories of Functional Analysis," in Politics and Social Life, ed. Nelson W. Polsby, et. al. (Boston: Houghton Mifflin, 1963), pp. 93-105; Harold Lasswell and Abraham Kaplan, Power and Society (New Haven: Yale University Press, 1950); and Gabriel Almond, "A Functional Approach to Comparative Politics," in The Politics of Developing Countries, ed. G.A. Almond and James S. Coleman (Princeton: Princeton University Press, 1960), pp. 16-17, 26-28. Also Charles E. Lindblom, The Policy-Making Process (Englewood Cliffs, NJ: Prentice-Hall, 1968).

Third, the Cambodia issue, a complex regional and ethnic conflict, with external and internal dimensions, attracted intense Congressional interest; policy makers and members of Congress alike devoted considerable time and effort to a dilemma they believed was particularly important. By any standard, this was not considered a trivial issue. Fourth, the rich material available enables a thorough and in-depth assessment of Congressional involvement, thus providing a fruitful opportunity to examine the possibility of Congressional initiation.

Finally, the case has an additional, albeit secondary, benefit. Most of, and arguably all of the case, takes place in a post-Cold War time frame, or at the very least, during a transitional phase.²⁹ From start to finish, Cambodia was never viewed principally as a pawn in the U.S.-Soviet superpower struggle, and moreover, Soviet cooperation in seeking to resolve the issue was relatively significant from the outset. Thus, the case not only helps us to understand the potential extent of

²⁹ Exactly when the Cold War ended will be a subject of debate for years to come. One can reasonably argue that during the time frame when Polish President Wojciech Jarulzelski consented to the April 5, 1989 Round Table Talks with the opposition movement, Solidarity, the death knell of the Cold War was sounded. Lech Walensa made this point to a U.S. Senate delegation, of which I was a member, at a meeting in Gdansk, Poland on August 21, 1989. Members of the Sejm, the Polish parliament, also echoed this view in Warsaw, as did Jarulzelski himself. In that same trip, from August 21-27, Czechoslovakian and Hungarian leaders, including Czech President Gustav Husak and Hungarian President Rezső Nyers, no longer referenced the Cold War, instead acknowledging a new era where each country was free to decide "its own way." Generally, many analysts accept that the Cold War ended during the period between the Round Table Agreement in Poland and the dismantling of the Berlin Wall later that year. See U.S. Senate, Subcommittee on European Affairs, Committee on Foreign Relations, Poland's Roundtable and U.S. Options, A report for the Subcommittee, 101st Congress, 1st Session (Washington: U.S. Government Printing Office, June 1989); "Update on Events in Poland: The Round Table Agreement," Unclassified Report by U.S. Helsinki Commission (July 31, 1989); and, Staff, "Situation Report," Radio Free Europe/Radio Liberty Research (Poland: July 6, 1989), pp. 1-37.

Congressional initiative and influence, but can provide clues to Congress' likely behavior in the future.³⁰

Structure of The Study

This study begins by laying a foundation for examining Congressional initiation and influence. From there, it will discuss the topic and its relationship to the literature on executive-Congressional relations and Congress and foreign policy. Chapter three explores the logic of the case study approach employed and the participant observation method used. Finally, seven potential explanatory factors that will assist in the task of analyzing any instances of Congressional initiation and influence found in the case study will be posited, and then employed in Chapter eight.

The second section contains the case itself: U.S. policy towards Cambodia during the 101st Congress. Chapter four provides an historical background of the crisis and an overview of the dilemmas U.S. foreign policy makers confronted in Cambodia. Chapters five, six, and seven

³⁰ Senator Daniel Patrick Moynihan has stated, "The defining mode of conflict in the era ahead is ethnic conflict. It promises to be savage. Get ready for 50 new countries in the world in the next 50 years. Most of them will be born in bloodshed." Quoted in David Binder, with Barbara Crossette, "As Ethnic Wars Multiply, U.S. Strives for a Policy: In Baring Old Hatreds, the Cold War's End Imperils the Peace," The New York Times, February 7, 1993. The U.S. reaction to the crisis in Cambodia can also be seen as potentially indicative of possible American responses to burgeoning conflicts now increasing throughout the globe in number and intensity. Much like in Somalia, or even in Bosnia, the U.S. did not have over-riding national security interests. Instead, moral concerns were the guiding principle for U.S. action, with secondary concerns for how the Cambodian crisis would impact on regional stability and on U.S. friends in the area. No hard claim can be made that U.S. policy toward Cambodia is representative of all types of foreign policy problems in the post-Cold War era, including such issues as trade, nuclear proliferation, or democracy building. Nonetheless, striking similarities between the terms of the U.S. debate and more recent issues -- weighing morality against security, the likelihood of another Vietnam as opposed to another Holocaust -- can yield additional insights into congressional action into the 21st Century.

provide a chronological narrative of the case. Chapter five focuses on U.S. policy leading up to the first Paris International Conference on Cambodia (PICC), detailing the Congressionally-led battle to secure lethal aid for the Cambodian Non-Communist Resistance (NCR). Chapter six looks at how Congressional activism led the U.S. to make a dramatic policy change and take the lead in fostering a U.N. Permanent Five Agreement on Cambodia (so named because of the involvement of the five permanent members of the U.N. Security Council), including an unprecedented interim U.N. trusteeship of the country. In these two chapters, the focus and perspective -- watching "over-the-shoulder" to use Richard Fenno's term³¹ -- will be on the efforts of Representative Stephen Solarz and Senator Charles Robb, both of whom are shown to have played critical roles in the formulation of U.S. Cambodia policy.

Chapter seven examines the efforts by an alliance of their Congressional critics, including the Senate Leadership, to undo the Solarz-Robb-Administration policies. Chapter eight analyzes the role of Congressional initiative and influence and assesses the relative power of the seven explanatory factors to account for Congressional initiative. Finally, the chapter concludes with a discussion of the conditions under which Congress may be likely to play a more assertive role in future foreign policy making.

Throughout the case study and analysis, employing the participant observation method, the dominant focus will be on the actions of Solarz and Robb. In each of the three time periods, the narrative will also

³¹ Richard F. Fenno, Jr., Watching Politicians: Essays on Participant Observation (Berkeley: Institute of Governmental Studies Press, 1990), p. 2.

detail the coalitions that they and their staffs built in Congress and in the executive to support and push their policy preferences; how they dealt with considerable institutional opposition in Congress and with reluctant elements of the Administration; their reactions to their public critics and their use of allies and surrogates to solidify their positions; and how they responded to changes in the international setting. Throughout, the interplay of domestic and international factors is captured.

Chapter Two

Establishing a Congressional Role in Foreign Affairs

Over the course of the long hot summer of 1787, as 55 delegates assembled in the close, airless drafting rooms of the Pennsylvania State House, the U.S. Congress first gained its footing in foreign policy. The Framers of the U.S. Constitution guaranteed Congress a role in, and thus an opportunity to influence, U.S. foreign policy. But the nature and extent of the role they ascribed was anything but clear, and is as heatedly debated today by the legislative and executive branches, as well as by scholars, as it was two centuries ago in the Administration of George Washington.

This chapter opens with a discussion of the Constitutional foundations of the Congressional role, which provides an historical and legal justification for Congressional involvement in foreign policy making. Then, drawing upon works in the fields of institutional and bureaucratic politics, and individual behavior, specifically the goal-oriented behavior of Congressman, an empirical foundation for expecting that Congress can act as an initiator is established.

Although rarely joined together, when viewed as a whole, these three areas of inquiry -- the Constitution, institutional behavior, and individual Congressional behavior -- provide a logical and empirical

basis for expecting that Congress can initiate, shape, and formulate policy, more than is commonly believed by conventional wisdom.¹

The second part of the chapter then focuses on the state of the relevant literature on Congress and foreign policy. Despite the paucity of work on Congressional initiative and influence, there are some older works which deal explicitly with Congress as an initiator that will be examined. Finally, three perspectives for looking at the Congressional role in foreign policy making will be discussed: presidential dominance, Congressional assertiveness, and co-determination. Despite providing useful insights, however, the literature falls short of answering the specific question of Congress as initiator.

Constitutional Framework

Like Adam Smith's invisible hand, the Framers' intentions and actions, especially their somewhat ambiguous separation of powers in foreign policy making in the Constitution, still touch upon the debate surrounding the conduct of American foreign policy today.

The Founders were shaped by their British, Colonial, and Confederation experiences, and were themselves uncertain as to who should dominate American foreign policy. The history of the British experience was characterized by a struggle for the control of foreign affairs. Parliament controlled the purse, the executive controlled information and dominated diplomacy. Parliament could block or pass legislation and impeach ministers, the executive could borrow money,

¹ This scheme thus builds upon the contention made in Chapter one: the division between national security and U.S. foreign policy scholarship on one hand, and American politics on the other, is often artificial.

dismiss Parliament, and act unilaterally when Parliament was not in session.² The Founders specifically drew upon this separation of powers embodied in British practice as a basis for the written American Constitution.

The Framers also looked to the British intellectual tradition, notably the writings of the theorist John Locke, who argued for a "federative power," or what modern scholars have termed "the foreign policy power."³ While foreign policy power at the time was accepted de facto as an inherent part of the executive's power, Locke was still fully conscious of examples of monarchical adventurism and an executive unrestrained by a legislature. Thus, he conceived of this foreign policy power as arising out of a persistent and energetic competition in which both branches sought control. The Americans consciously followed this pattern.⁴

The colonial experience also informed the Founders. Most of them had already participated in state government or the Continental Congress, and many felt a demonstrable suspicion toward an oppressive executive, represented either by the king or his royal governors. In 1776, eight states had written constitutions and all but New York adopted powerful legislatures with a subordinate executive. Yet as a

² Norman Ornstein, "The Constitution and the Sharing of Foreign Policy," in The President, the Congress, and Foreign Policy, ed. Edmund S. Muskie, Kenneth Rush, and Kenneth Thompson (New York: University Press of America, 1986), p. 36.

³ Robert A. Goldwin and Robert A. Licht, eds., Foreign Policy and the Constitution (Washington: American Enterprise Institute, 1990), pp. x-xi.

⁴ Ornstein, "The Constitution and the Sharing of Foreign Policy," p. 37; see also Nathan Tarcov, "Principle, Prudence, and the Constitutional Division of Foreign Policy," in Foreign Policy and the Constitution, esp. pp. 20-28.

result of the Revolution, they were also conscious of the practical problem of conducting a war and carrying out foreign policy, underscoring a need for a strong national government. The Articles of Confederation, which took effect in 1781, further heightened this view. The national government lacked even the power to levy taxes, and the president was but a token executive. Additionally, the inability of a weak Congress to maintain order, issue currency, or enter into alliances, bolstered advocates of a stronger national government. Not surprisingly, these mixed impulses about a central executive and the desire for efficiency and dispatch were fresh in the minds of delegates as they convened in Philadelphia in 1787.⁵

The debate centered around the various roles, powers, and inter-relationships of the branches of national government, and was often as lively as it was contentious. Roger Sherman of Connecticut proposed that the president should be "nothing more than an institution for carrying the will of the legislature into effect," whereas Gouverneur Morris of Pennsylvania spoke on behalf of an executive as "the guardian of the people, even of the lower classes, against legislative tyranny."⁶ Thomas Paine argued for a passive president who would serve as an executive officer of the Congress.⁷ In opposition, Alexander Hamilton wrote: "A feeble executive implies a feeble execution of the government. A feeble executive is but another phrase for a bad execution; and a

⁵ For a discussion of this period, see Gordon Wood, The Creation of American Republic 1776-1787 (New York: W.W. Norton, 1969).

⁶ Both statements quoted in Arthur M. Schlesinger, Jr., and Alfred DeGrazia, Congress and the Presidency: Their Role in Modern Times (Washington: American Enterprise Institute, 1967), p.5.

⁷ Schlesinger and DeGrazia, p.6.

government ill-executed, whatever it may be in theory, must be in practice a bad government."⁸

The debate over foreign affairs was equally extensive, following similar lines of thought. Well into August 1787, the Framers appeared to have assumed the Senate would have major responsibilities for managing the nation's foreign relations. When the Committee on Detail reported its draft Constitution on August 6, it gave the Senate the exclusive power "to make treaties and to appoint ambassadors," along with the power to regulate foreign commerce; the executive was left with the desultory function of receiving ambassadors.⁹ The idea behind making the Senate the principal repository of foreign affairs stemmed from several considerations. It would have ensured representation through debate and, it was believed, eventual consensus of the American people. Delay, however aggravating, would be the price of this decision.¹⁰ It was also envisioned that European foreign ministers would conclude treaties in America, enabling the Senate to serve as a direct partner to negotiations.

Yet as the delegates met in August and September, the debate turned, and the imperatives of secrecy, energy, and dispatch, more easily carried out by the executive, became a primary consideration. Belatedly, the convention divided treaty making powers between the

⁸ Alexander Hamilton, "The Federalist No. 70," in The Federalist Papers, ed. Clinton Rossiter (New York: New American Library, 1961), p. 423.

⁹ See Max Farrand, ed., The Records of the Federal Convention of 1787, Vol. 2, Second Revised Edition (New Haven: Yale University Press, 1987), pp. 183, 185.

¹⁰ See Jack N. Rakove, Beginnings of National Politics: An Interpretive History of the Continental Congress (New York: Knopf, 1979), see esp. Chapters five, six, and eleven.

Senate and the president, and generally moved to enlarge the executive's role in the formulation and implementation of foreign policy. Though it was a subject of earnest discussion, this change did not spark a bitter debate, suggesting that it was viewed more as a modest revision than a dramatic reappraisal.¹¹

Another important concern was whether to assign Congress the power to "declare war" or "make war." The original draft Constitution was changed from "make" to "declare" at the suggestion of James Madison and Elbridge Gerry, and adopted by a 7-2 vote. This would, it was argued, enable the executive to repel sudden attacks.¹² Thus, by September, the Constitutional Convention had decisively moved in the direction of making the president something more than the mere agent of the Senate, and less than an American version of the British crown.

In its specific grants of authority in foreign policy, the Constitution appeared to favor Congress. In addition to its exclusive

¹¹ See Charles C. Tansill, "The President and the Initiation of Hostilities: The Precedents of the Mexican and Spanish American Wars," in The President's War Powers: From the Federalists to Reagan, ed. Demetrios Caraley (New York: The Academy of Political Science, 1984), Chapter five, esp. pp. 70-73. Originally published in 1930, this essay is a richly detailed discussion of events leading up to and at the Constitutional Convention of 1787.

¹² Discussions of changes in the draft advised by James Madison and Elbridge Gerry can be found in Charles A. Lofgren, "War-Making Under the Constitution: The Original Understanding," Yale Law Journal vol. 81 (March 1972), pp. 672-702. The readings about the Constitutional Convention and this period are both voluminous and fascinating. A number of other works may be consulted. For example, see Arthur Bestor, Jr., "Separation of Powers in the Domain of Foreign Affairs," Seton Hall Law Review vol. 5 (1974), pp. 527-665, and also his "Respective Rules of the Senate and President in the Making and Abrogation of Treaties," Washington Law Review, vol. 55 (1979), pp. 1-135. Also, Charles A. Lofgren, Government from Reflection and Choice: Constitutional Essays on War, Foreign Relations, and Federalism (New York: Oxford University Press, 1979); Louis Fisher, President and Congress (New York: Free Press, 1972), see esp., pp. 1-28 and pp. 241-270. Also, David E. Narrett and Joyce S. Goldberg, eds., Essays in Liberty and Federalism: The Shaping of the U.S. Constitution (University of Texas at Arlington: Texas A&M University Press, 1988).

authority to make all laws and to tax and spend for the common defense and the general welfare, in Article I of the Constitution, the legislature's charter, the Congress was given the power to declare war, to raise and support armies, to provide and maintain a navy, to make rules for the government and regulation of armed forces, to grant letters of marque and reprisal, to define offenses against the law of nations, to advise and consent in treaties and ambassadorial appointments, and to regulate foreign commerce. This generous grant of specific authority was balanced by Article II, the president's principal guide, which vested "the executive power" in the president. The president was specifically authorized to receive foreign envoys, to serve as commander-in-chief of the Army and Navy of the United States, and to make treaties and to appoint ambassadors, other public ministers and consuls.¹³

While the records of the Constitutional Convention are still incomplete,¹⁴ and attempts to discern the meaning of war powers in the charter are hotly contested to this day,¹⁵ it is clear from the evidence that the Founders intended to create two vigorous, active and combative

¹³ For full text of the Constitution, see Christopher H. Pyle and Richard M. Pious, eds., The President, Congress, and the Constitution: Power and Legitimacy in American Politics (New York: Free Press, 1984), pp. 391-396.

¹⁴ James H. Hutson, "The Creation of the Constitution: The Integrity of the Documentary Record," Texas Law Review vol. 65 (November 1986), pp. 1-39.

¹⁵ For a sampling, see Louis Henkin, Foreign Affairs and the Constitution (Mineola, NY: Foundation Press, 1972); Abraham D. Sofaer, War, Foreign Affairs, and Constitutional Power: The Origins (Cambridge, Mass: Ballinger, 1976); and David Gray Adler, "The Constitution and Presidential Warmaking: The Enduring Debate," Political Science Quarterly 103 (Spring 1988), pp. 1-36. Also, Gordon Silverstein, "Constitutional Constraints? How Constitutional Interpretation Shapes the Making of American Foreign Policy" (Ph.D. dissertation, Harvard University, 1992)

branches with significant overlapping roles in foreign policy. The expectation was of shared power, the idea that the president was as much a check on the Senate as vice-versa, with both branches invested with substantial authority.¹⁶ At its conclusion, the Constitution was an untidy, albeit brilliantly crafted document that, in Edward S. Corwin's much quoted observation, was "an invitation to struggle for the privilege of directing American foreign policy."¹⁷

Indeed, where the precise line would be drawn between the executive and the legislative branches was, in many ways, as elusive over 200 years ago as it is today. Only a few short years after the Constitution's adoption, two of the convention's most prestigious participants, Alexander Hamilton and James Madison, debated the allocation of war-making responsibilities. In defense of the Neutrality Proclamation of 1793, Hamilton argued that the executive, not the legislature, is responsible for conducting foreign relations of the nation. While the president can use armed forces in all other situations in time of peace, only "Congress can move" the country to "public, notorious and general war," he noted.¹⁸ Madison fervently disagreed. The Neutrality Proclamation could not be valid because it conferred upon the president the legislative power to decide between a state of peace or war. "...[t]he power to declare war, including the

¹⁶ Jack N. Rakove, "Making Foreign Policy -- The View From 1787," in Foreign Policy and the Constitution, p. 16.

¹⁷ Edward S. Corwin, The President: Office and Foreign Affairs, 1787-1957 Fourth Revised Edition (New York: New York University Press, 1957), p. 171.

¹⁸ For the above discussion and quote, see Robert A. Katzmann, "War Powers: Toward a New Accommodation," in A Question of Balance: The President, the Congress, and Foreign Policy, ed. Thomas E. Mann (Washington: The Brookings Institution, 1990), esp. pp. 37-38.

power of judging of the causes of war, is fully and exclusively vested in the legislature....," wrote Madison.¹⁹

If Madison and Hamilton, surely both reliable witnesses to the intentions of the Framers, disagreed about the allocation of the Constitutional responsibility even then, it is hardly surprising in 1993 that discussion continues about exactly what the Framers intended. In a moment of apparent prescience, John Quincy Adams, in his eulogy of Madison, noted that the boundary between executive and legislative power in foreign affairs was yet undetermined and perhaps could never be delineated.²⁰

Thus, the Constitution established a partnership of built-in friction, one in which institutional prerogatives and interests are subject to ongoing competition and negotiation, a pattern that has been apparent from the very outset of the Republic. In 1789, George Washington instituted negotiations with the Creek Indians, and sought the Senate's advice before the negotiations began.²¹ On August 22, he strode in to the Senate in person. Unprepared, the Senate offered no advice, and the president stormed out in disgust, never again returning to the upper body. From then on, he obtained his consultations in

¹⁹ Gaillard Hunt, ed., "Letters of Helvidius, No. 1," in The Writings of James Madison, Vol. 6 (New York: G.P. Putnam, 1910), p. 174, emphasis in original. Madison was moved to respond to Hamilton in part upon the promptings of Jefferson, who wrote to him: "For God's sake, my dear Sir, take up your pen, select the most striking heresies, and cut him to pieces in the face of the public." Quoted in The President, Congress, and the Constitution, pp. 58.

²⁰ Eugene V. Rostow, "'Once More Unto the Breach': The War Powers Resolution Revisited," Valparaiso University Law Review, vol. 21 (Fall 1986), p. 5, fn. 9.

²¹ For discussion of the following, see Muskie et. al., eds., The President, the Congress, and Foreign Policy, pp. 10-11.

writing and relied on his Cabinet for advice, no longer consulting the Senate in advance. He also resisted efforts by the House in 1796 to influence the naming of presidential emissaries to the Jay Treaty through the appropriations process. As a result of his assertive actions, Washington set a precedent for assuring significant presidential control over foreign affairs and military policy. In the decades that followed, a number of presidents pressed their Constitutional authority to the limit, and found that Congress was, on the whole, acquiescent.²²

Thus, presidents managed foreign affairs on a day-to-day basis, reached agreements with other governments without codifying them in formal treaties, and deployed forces without Congress' explicit authorization. By its silent consent, Congress appeared to acknowledge the relative advantage of the executive to act quickly, secretly, and knowledgeably.

Yet it is wrong to deduce from these developments that Congress was complacent or that strong presidents premised their leadership on grounds of Constitutional primacy. Consider that Henry Clay and the so-called "War Hawks" in Congress goaded President James Madison into war with Britain in 1812, not an executive initiative.²³ Or that presidents have repeatedly explained their actions to Congress, but not by resorting to the Constitution itself. From Washington's declaration of U.S. neutrality in the war between France and England, to Jefferson's

²² See Holbert N. Carroll, The House of Representatives and Foreign Affairs (Boston: Little Brown, 1958) pp. 8-9.

²³ Carroll puts it more starkly. He writes, "This was a Congressional War." The House of Representatives and Foreign Affairs, p. 10.

decision to dispatch naval forces to fight the Barbary pirates without first getting Congressional sanction, to the emergency policies declared by Abraham Lincoln and Franklin Roosevelt, presidents have repeatedly premised their actions on emergency prerogative, not on Constitutional authority.²⁴

In the 20th Century, the courts have also waded into the debate, but have by their actions still left the issue of ultimate authority over foreign policy unsettled. In the case of the United States v. Curtiss-Wright Export, the Supreme Court cited approvingly the notion of the president as "the soul organ of the nation" in external affairs, and its "sole representative with foreign nations."²⁵ Writing for the majority, former Chairman of the Senate Foreign Relations Committee and then Justice George Sutherland pronounced the president's "very delicate, plenary and exclusive power of the president as the sole organ of the federal government in the field of international relations."²⁶ Yet even Sutherland's broad assertions of the need to accord presidents "a degree of discretion and freedom from statutory restriction which

²⁴ For above, see Arthur Schlesinger, Jr., "The Legislative-Executive Balance in International Affairs: The Intentions of the Framers," The Washington Quarterly 12 (Winter 1989), pp. 103-104. Also, for a full account of Jefferson, see David Allen Carson, "Congress in Jefferson's Foreign Policy, 1801-1809" (Ph.D. dissertation, Texas Christian University, 1983).

²⁵ United States v. Curtiss-Wright Export Corp., 299 U.S. 304, 320 (1936).

²⁶ United States v. Curtiss-Wright Export Corp., 299 U.S. at 320. Of historic note: 27 years earlier, in a 1919 article, Senator Sutherland wrote, "The men who made the Constitution were deeply learned in the science of government." In short, his much discussed decision was grounded on the view of a balance between democratic government and effective foreign policy. See George Sutherland, "The National Government and Foreign Relations," in American Foreign Policy, ed. Lawrence H. Chamberlain and Richard C. Snyder (New York: Rinehart & Company, 1948), p. 14.

could not be allowable were domestic affairs involved" did not exclude Congress from a role in foreign affairs; rather, it addressed the exigencies of carrying out an effective foreign policy with dispatch.²⁷

As a matter of course, only rarely did the courts intrude in a meaningful way into the ongoing discussion between the Congress and the executive concerning foreign affairs. However, one other landmark case stands out, Youngstown Sheet & Tube Company v. Sawyer. When the Supreme Court struck down President Harry Truman's attempts to seize steel mills in the midst of a nation-wide strike during the Korean War by invoking "emergency powers,"²⁸ Justice Robert H. Jackson, in his celebrated opinion, affirmed the Constitutionally assigned roles of both the president and the Congress. "Presidential powers are not fixed but fluctuate, depending upon their disjunction or conjunction with those of Congress," he wrote.²⁹ With these words, Jackson formulated the famous "zone of twilight," that gray area in which the president and the Congress either have overlapping authority in foreign affairs, or the distribution of authority is unclear and subject to interpretation.

And to this day, the architecture of the debate is little different. True, Congress has often been content to delegate to the

²⁷ Not surprisingly, Congressionally-oriented legal scholars have disputed Curtiss-Wright. For example, Lofgren writes, "...the historical accuracy of Sutherland's evidence...does not support the existence of...broad, independent authority," Charles A. Lofgren, "United States v. Curtiss-Wright Export Corporation: An Historical Reassessment," Yale Law Journal, vol. 83 (November 1973), p. 32. A similar view can be found in Louis Fisher, "Understanding the Role of Congress in Foreign Policy," George Mason University Law Review, vol. 11 (Fall 1984), pp. 153-168.

²⁸ See Alan F. Westin, Anatomy of a Constitutional Law Case: Youngstown Sheet and Tube Co. v. Sawyer (New York: MacMillan, 1958).

²⁹ Youngstown Sheet & Tube Co. v. Sawyer, 343 U.S. 579, 635 (1952). Also see Westin.

President the initiative in foreign policy. It has frequently given overt or tacit concurrence to executive branch action. Moreover, it is accepted that Congress does not make treaties or appoint ambassadors, and that the president oversees the management of diplomatic relations with other countries and conducts authorized military operations -- in short, executes policy.

But Congress has always reserved the right to object, to exert its influence, to play its role of advise and consent, often in the appropriations process, and to exercise its investigative and oversight capacity. And presidents, for their part, ordinarily now acknowledge that they may only spend funds with Congressional authorization, must conclude treaties with Senate consent, and can only declare war or wage a protracted military operation with Congressional authorization.

Indeed, the genius of the separation of powers in foreign affairs is that it actually combines and maximizes the comparative advantages of both branches. It is also evident as well that many of the most important questions of foreign policy fall within Justice Jackson's "twilight zone" of concurrent authority, where the question of who controls foreign policy is not resolved by the Constitution or by the courts, but in the political arena and by the vagaries of the times. And it is perhaps inevitable that the president and the Congress will test each other, to probe the limits of what the other side will tolerate. As Constitutional scholar Norman Redlich has pointed out:

[Because] the question of power in foreign affairs will be decided in the political arena...and because the executive and legislative branches are structured so as to allow such leadership to be exercised, the opportunities for creative political leadership are very great.³⁰

³⁰ Norman Redlich, "Concluding Observations: The Constitutional

Through the ambiguous mix of powers which it confers, the Constitution ensures deliberate, ongoing tension in the foreign policy making process. In doing so, it establishes an unimpeachable basis for presenting Congress with the formal powers, and both the right and even the expectation, that it will play an influential role in shaping foreign policy as warranted by the conditions of the day. Starkly put, the Constitution invites Congress, when it chooses, to act.

Institutional Behavior

"He'll sit here, and he'll say, 'Do this! Do that' and nothing will happen. Poor Ike -- it won't be a bit like the army."³¹
 -- President Harry S. Truman, commenting on Dwight D. Eisenhower's new-found problems as president.

Beyond the Constitution, a second area that establishes a basis for examining Congressional initiative and influence in foreign policy is found in studies of institutional politics, which provide powerful empirical insights into how policy is actually made.³²

Dimension" in The Tethered Presidency: Congressional Restraints on Executive Power, ed. Thomas M. Franck (New York: New York University Press, 1981), p. 296.

³¹ Quoted in Richard Neustadt, Presidential Power (New York: Signet, 1964), p. 22.

³² Institutional politics is an encompassing phrase that draws on insights from domestic policy studies, including governmental and bureaucratic politics. One analyst has noted that the distinction Graham Allison makes between his Organizational Process Model and Government Politics Model is "forced, artificial, and confusing." See Jeffrey A. Larsen, "The Politics of NATO Short-Range Nuclear Modernization 1983-1990: The Follow-On To Lance Missile Decisions" (Ph.D. dissertation, Princeton University, 1991), pp. 50-52. There is some truth to this: whether it is Allison's "Government Politics Model," Morton Halperin's use of "Bureaucratic Politics," or Roger Hilsman's discussion of the "political process," each addressees the relative interplay among individuals in bureaucracies and institutions, as well as the decision arena of actors and organizations that ultimately produces policy. See Graham Allison, Essence of Decision: Explaining The Cuban Missile Crisis (Boston: Little Brown, 1971); Morton H. Halperin, Bureaucratic Politics and Foreign Policy (Washington: The

Institutional politics³³ has demonstrated that the government is an arena characterized by continuous political struggle for power and influence among individuals at all levels of the organizational hierarchy.³⁴ Warner Schilling's rich but euphemistic description that there is a "strain toward agreement" only partially captures the rough-and-tumble nature of the pluralistic policy process.³⁵ This reality is true for no less than the president, whose leverage in the policy process is derived not from the power to command per se, but from the power to lead, to persuade, to bargain, to cajole, and to maneuver in building a consensus. As President Harry Truman, ruminating on the limitations of his office, once said: "I sit here all day trying to persuade people to do the things they ought to have sense enough to do

Brookings Institution, 1974); and Roger Hilsman, Politics of Policy Making in Defense and Foreign Affairs (New York: Harper & Row, 1971).

³³ For earlier foundations of institutional politics, in which analysts sought to understand decision making in terms of organizational process theory and the assumption that government policy is the result of the interaction of often semi-federal agencies, themselves competing within the government structure, see Allison, Essence of Decision; James G. March and Herbert Simon, Organization (New York: Wiley and Sons, 1958); and Richard Cyert and James G. March, A Behavioral Theory of the Firm (Englewood Cliffs, NJ: Prentice Hall, 1963). With its pioneering work in the 1950's and 1960's, organizational theory was a convenient starting tool for bringing the researcher into the vaunted "black Box" of decision making.

³⁴ For other studies of the theory of organization process and bureaucratic politics applied to American foreign policy making, the reader may consult: I.M. Destler, Presidents, Bureaucrats, and Foreign Policy: The Politics of Organizational Reform (Princeton: Princeton University Press, 1972); John Spanier and Eric M. Uslaner, How American Foreign Policy is Made (New York: Praeger, 1974), pp. 115-126; David Kozak and James M. Keagle, eds., Bureaucratic Politics and National Security: Theory and Practice (Boulder, CO: Lynn Rienner Publishers, 1988); Frances E. Rourke, Bureaucratic Power in National Policy Making (Boston: Little Brown, 1986); Sam C. Sarkesian, U.S. National Security: Policy Makers, Processes, and Politics (Boulder, CO: Lynn Rienner Publishers, 1989).

³⁵ See Warner Schilling's excellent study for citation and further discussion, "The Politics of National Defense: Fiscal 1950," in Strategy, Politics and Defense Budgets, ed. Warner Schilling, Paul Y. Hammond, and Glenn Snyder (New York: Columbia University Press, 1962).

without my persuading them...that's all the powers of the president amount to."³⁶ And even then, the president's decisions are not final; they are often open to further debate, interpretation, delay, if not wholesale re-appraisal.³⁷

In point of fact, on most foreign policy issues, save for crises, the president and his senior advisors are scarcely involved in the decision making process, if at all. Policy is instead a result of intricate and fierce bargaining among competing clusters and actors, played out not simply in the offices of political appointees, but in the bowels of the permanent bureaucracy and in the corridors of Congress.³⁸

In light of this, who then wins? Who has the greatest impact on the foreign policy making process? Roger Hilsman conceives of the foreign policy making process as a series of concentric circles, and suggests that the innermost circle, which includes the president and his advisors, and the departments and agencies who carry out the government's decisions, is where policy is primarily made.³⁹ In the next ring of influence lie the other departments of the executive branch, and beyond that is the open arena of "attentive publics," including the Congress. Yet as Hilsman himself cautions, this

³⁶ Quoted in Neustadt, Presidential Power, p. 22.

³⁷ For further discussion see Halperin, Bureaucrats, Politics, and Foreign Policy, Part Three.

³⁸ Randall Ripley and Grace Franklin, Congress, The Bureaucracy, and Public Policy 5th ed. (Pacific Grove, CA: Brooks/Coles Publishing, 1991). They refer to this as the sub-government phenomena, esp. in Chapter one. Allison refers to "chiefs," "staffers," "Indians," and "ad hoc players," all of whom occupy positions hooked into the channels for affecting the outcome of national security decisions. Essence of Decision, pp. 164-165.

³⁹ See Hilsman, Politics of Policy Making, pp. 118-130.

conception is more a guide than a hard-and-fast predictor of who has the greatest say in the conflictual process called foreign policy making. After all, as Hilsman notes, "policy making is a political process," that entails persuasion, bargaining, even coercion, with ever-expanding and contracting circles of decision makers.⁴⁰

Ultimately, the prize of influence will often go not to a slot on the organizational chart but to the decision maker himself, to the individual who demonstrates tenacity, initiative, drive, and a willingness to see an issue through to the end.⁴¹ Given that virtually hundreds of issues confront decision makers in a day, this insight should not be so surprising. Indeed, one's formal position in the decision making hierarchy is often a poor guide as to who will have the greatest impact.⁴²

In this sense, the decision making process in institutions resembles less a system of concentric rings than a "marble cake,"⁴³ with

⁴⁰ Hilsman, p. 117.

⁴¹ For example, see Halperin, Bureaucrats, Politics, and Foreign Policy, Part Two, esp. section on "Decisions." Allison maintains that it is an "elusive blend" of factors that determine each player's impact on a decision, Essence, pp. 168-169. For this point in the Reagan years, see Jay Winik, "The Neoconservative Reconstruction," Foreign Policy 73 (Winter 1988-1989), pp. 135-152. Nelson Polsby puts this general point nicely: "...whoever comes to the right meeting, or happens to have done his homework, or has the loudest voice, may carry the day." Political Innovation in America: The Politics of Policy Initiation (New Haven: Yale University Press, 1984), p. 151.

⁴² Destler, Presidents, Bureaucrats, and Foreign Policy, p. 52. Thus, it is regrettably often overlooked that Congress is explicitly viewed as an actor in bureaucratic politics. While many members of the school of bureaucratic politics acknowledge the theoretical presence and potential participation of Congress (e.g. Allison refers to Congress as an "ad hoc player"), it is unfortunate that they rarely ever explore or discuss the active role of Congress in bureaucratic-institutional politics in any depth. For example, see Allison, Essence of Decision, p. 165.

⁴³ I am grateful to Joseph LaPalombara for bringing this image to my attention.

individual actors situated throughout the government who can exercise considerable influence on issues, irrespective of their formal titles.

The work on institutional behavior thus offers several valuable insights. First, given that the foreign policy making process is often highly dynamic, open, and permeable,⁴⁴ and while Congress may be viewed in the "third ring" of decision making, or as an "ad hoc player," the findings do acknowledge that on any given issue, depending upon how it wields power and manipulates the to-and-fro of the negotiation process, the Hill can be a significant, even dominant player.⁴⁵ The key to policy is not so much "where you stand is where you sit,"⁴⁶ but that having a seat (i.e. a place in the decision arena) enables one to take a stand.

Second, policy is the product of expertise and the energy, determination, and political skills brought to bear on the internal

⁴⁴ I have borrowed the richly descriptive term of "permeability" from H. Bradford Westerfield. Westerfield used it in a somewhat different context in writing about the Vietnam War at a time when politics was more "closed;" yet the term strikes me as an apt phrase to be applied to institutional politics. H. Bradford Westerfield, "Congress and Closed Politics in National Security Affairs," in The Politics of U.S. Foreign Policy Making, ed. Douglas M. Fox (Pacific Palisades, CA: Goodyear Publishing, 1971), pp. 161-174.

⁴⁵ In domestic policy, Kingdon saw that the Department of Transportation was comprised of a collection of separate fiefdoms, in which actors, wherever they existed in the sprawling "policy community," could affect the outcome of the policy process. John W. Kingdon, Agendas, Alternatives, and Public Policies (New York: HarperCollins, 1984), esp. pp. 123-125.

⁴⁶ This phrase is usually attributed to Allison, which is mistaken. It is actually Don K. Price's. See fn. 72, p. 316 of Allison, Essence of Decision. In either case, the idea has limited application, as was demonstrated in the Reagan Administration. For example, Kenneth Adelman, the Director of the Arms Control and Disarmament Agency, was a skeptic of asymmetrically negotiated agreements and throughout his tenure resisted most formal arms control agreements. His views were broadly shared throughout the Agency during his tenure. Also see, Winik, "The Neoconservative Reconstruction," pp. 135-136.

negotiating process. While bureaucrats or political appointees usually have considerable expertise, many lack political skills. By contrast, legislators, whose home is the political arena, who from the outset must demonstrate grit and determination on the campaign trail, who day-in-and-day-out perform their work by building a consensus, and who stay in office by dint of their coalition-building and bargaining abilities, have generally mastered political skills and assertiveness. These very skills are readily transferable to the foreign policy making process -- even if the legislator's role is often unfortunately overlooked by students of institutional and bureaucratic politics.⁴⁷

Indeed, a legislator's bargaining power and leverage in the national security arena can be more significant than it may initially appear, for a number of reasons. Presidents come and go while Congress has largely become a career institution,⁴⁸ with members long preceding and long outlasting the occupants of 1600 Pennsylvania Avenue. Institutional bureaucrats, acutely aware of this, actively cultivate alliances with members of Congress and their staffs, freely offering information, advice, and ideas. Many disgruntled bureaucrats also look to the Hill where they are more likely to receive a sympathetic response to their views, and where action on their ideas can be taken quickly, bypassing a cumbersome bureaucracy. As often as not, for the bureaucrat

⁴⁷ While difficult to quantify, most politicians also have a remarkable gift for "timing," an intangible quality of knowing when to flatter an adversary or when to be tough, when to press ahead, or when, tactically, to retreat. It is this sense of timing, perhaps too little understood, that also makes politicians formidable in any decision making environment.

⁴⁸ The idea of the congressional career is, of course, one of the points made by David R. Mayhew, The Electoral Connection (New Haven: Yale University Press, 1974), see esp. pp. 14-15.

-- whether in State, DoD, or the CIA -- Congress is a far better and more powerful ally than is his or her politically appointed boss, serving at the discretion of the president.⁴⁹ In turn, legislators often cultivate their own ties with career civil servants, as well as with military, foreign service, and intelligence officers, who work in areas of interest to the member. Such symbiotic relationships typically stretch over three or more Administrations.⁵⁰

In the case of the Foreign Service, developing good ties with Congress is of added importance. As with presidential nominations, all foreign service promotions must pass through the Senate, literally giving individual legislators the power to make or break careers.⁵¹ Also, the State Department sponsors fellows programs for foreign service officers, giving them opportunities to work in Congressional offices. A number of these fellows have subsequently changed careers and become Congressional staffers. Furthermore, as former Undersecretary of State Lawrence Eagleburger's and Ambassador Thomas Pickering's careers have shown, foreign service officers often set their sights on more prestigious positions within the political realm.⁵² Invariably,

⁴⁹ I am indebted to Richard Perle for these insights.

⁵⁰ John Lehman, The Executive, Congress, and Foreign Policy: Studies of the Nixon Administration (New York: Praeger Press, 1976), p.33.

⁵¹ For a study of how individual bureaucrats behave in organizations, see Gordon Tullock, The Politics of Bureaucracy (Washington: Public Affairs Press, 1965). Tullock maintains bureaucrats are motivated by a desire for career advancement.

⁵² This assumes the seriousness of the bureaucrat as public servant wanting to influence policy. Destler notes the other kind of bureaucrat, just as preponderant, who, "lives in a world rather narrowly bounded by his own particular agency and program, and reserves his greatest interest for the annual unveiling of the new government pay scale. His behavior might be described as a flight from bureaucratic politics," Presidents, Bureaucrats, and Foreign Policy, p. 69.

Congress' endorsement is of great importance in this pursuit.

The Hill exerts similar leverage over political appointees in the executive branch. Long before they ever vote to confirm nominees, members play a key role in the staffing, vetting, and personnel selection process for an Administration, and as a rule can thus determine the success of most political appointments. This often has the effect of creating a dual allegiance among political appointees, to the Administration which has hired them, as well as to their Congressional sponsors. For appointees who wish to secure a post in another Administration, this allegiance is particularly heightened, and maintaining good relations with Congress is not just of paramount importance, but a necessity.

Thus, political appointees and ambitious bureaucrats must be careful about overstepping their bounds in the assertive decision making process. Many deal with the Hill on a regular, even daily, basis as part of the consultation and decision making process. Running afoul of a legislator can jeopardize a political appointee's job, or in the case of a civil servant, lead to a rotation to a relatively unimportant slot. It is no secret that a bureaucrat's or political appointee's worst nightmare is to have an influential legislator angrily pick up the phone and complain about him or her to the Secretary of State. Invariably, the mere threat of an irate phone call by a staffer gives his or her member increased influence with individuals in the executive branch.⁵³

By contrast, a member of Congress, who must ultimately answer only to the voters, has much more freedom of maneuver in the policy process.

⁵³ Interviews.

With few downsides, members can afford to step on toes and push hard, long after an appointee or bureaucrat would have retreated.

In short, there are deeply entrenched bonds tying the executive and the bureaucracy to the Congress, giving the legislative branch great leverage, bargaining power, and access to information in the decision making process. Almost 30 years ago Richard Neustadt noted:

The Constitutional Convention of 1787 is supposed to have created a government of 'separated powers.' It did nothing of the sort. Rather, it created a government of separated institutions sharing powers.⁵⁴

The two branches do have different characteristics -- the executive is hierarchically organized, with concentrated formal authority, making coherent policy theoretically possible, while Congress is a horizontal and largely decentralized body, with equal authority distributed throughout, conducive to diversity and debate. But, by history, habit, and formal powers, the two institutions are deeply interwoven and intermeshed. In this regard, I.M. Destler has aptly noted what the tug-and-pull in the domestic institutional arena looks like:

Most foreign policy issues do not involve a substantial struggle between the executive and Congress in that simple sense; rather, the typical pattern is policy advocates in one branch working with allies in the other against executive and legislative officials with opposing views...⁵⁵

And as the findings of Institutional Politics demonstrate, in examining initiative in the foreign policy making process, one must examine not just the role of the executive, but also of the Congress as well.

⁵⁴ Neustadt, Presidential Power, p. 46.

⁵⁵ I.M. Destler, "Executive-Congressional Conflict in Foreign Policy: Explaining It, Coping with It," in Congress Reconsidered 2nd ed., ed. Lawrence C. Dodd and Bruce I. Oppenheimer (Washington: CQ Press, 1981), p. 298.

Finally, if there are Constitutional and institutional reasons to expect that Congress can exert influence over foreign policy, it is instructive to examine a third basis for exploring this question, the individual goals of legislators themselves. To wit: are legislators even interested and motivated to enter the rough-and-tumble world of foreign policy making?

Individual Goals

In his seminal 1973 comparative study of House committees, Richard Fenno found three goals animating members of Congress. The first is having more influence inside the House than other members; the second is helping their constituents, thus securing re-election; the third is helping to make "good public policy."⁵⁶ In fact, Fenno found that in foreign affairs, members were almost singularly concerned with making good policy; Fenno quoted one legislator, summing up the views of his colleagues, "I had an interest in world problems and wanted to make some contribution."⁵⁷

Fenno's study was largely carried out during the years when the bipartisan consensus on foreign policy was strong, and was finished when this consensus was just starting to fracture under the weight of mounting criticism and dissatisfaction over the Vietnam War. Not unsurprisingly, Fenno wrote that there was a "monolithic" policy environment that was overwhelmingly dominated by the president and the executive branch. On one hand, members sought to channel their policy

⁵⁶ Richard F. Fenno, Jr., Congressmen in Committees (Boston: Little, Brown, 1973), p. 1.

⁵⁷ Fenno, p. 11.

energies into being responsive to Administration requests; on the other hand, in the wake of the upheaval over Vietnam, they saw an "opportunity and a necessity" to become more assertive and critical in pursuing their policy oriented agendas.⁵⁸ Though somewhat dated on its face, Fenno's comprehensive and elegant study presents persuasive evidence of the desires of legislators to pursue good policy in foreign affairs. Moreover, his research has been confirmed by subsequent findings.⁵⁹

But how do legislators attempt to make good public policy in foreign affairs? Of specific relevance to Congressional initiation is the fact that the desire to make good public policy can lead legislators to become policy entrepreneurs in foreign affairs. John Kingdon has found that "policy entrepreneurs" are advocates who are willing to invest their resources, their time and their energy, to promote positions about which they care.⁶⁰ Found in-and-out of government, entrepreneurs specify problems, advocate solutions, and attempt to seize favorable opportunities to resolve an issue. Within the legislature itself, entrepreneurs typically display concern, outstanding political skills, and in his view, and probably most important, successful entrepreneurs are persistent.⁶¹ In this assessment, policy

⁵⁸ For forgoing discussion see Fenno, Congressmen, esp. pp. 283-284. It is almost quaint to read Fenno's description of members' goals in the 1960's when the prevailing consensus on foreign policy was strong. Legislators, wanting to make good public policy but not wanting to hinder the efforts of the administration, were often vague about where to direct and how best to exert their policy efforts.

⁵⁹ For example, Alton W. Frye, "Congress and the President: The Balance Wheels of American Foreign Policy," Yale Review 69 (Autumn 1979), pp. 6-7. See also David Price, "Congressional Committees in the Policy Process," in Congress Reconsidered, 2nd ed., p. 165.

⁶⁰ The discussion in this paragraph follows Kingdon, Agendas, Alternatives, and Public Policies, esp. pp. 188-198.

⁶¹ The reader should note the parallels between Kingdon's description of successful policy entrepreneurs and descriptions of

entrepreneurs are usually "central figures in the domain of policy making."⁶²

Destler further notes that legislative entrepreneurs have a disproportionate impact on the actions of the executive branch, adding that since the Vietnam War legislators who differ with the executive on foreign policy are also likely to exert their statutory authority to attempt to make their views prevail.⁶³ Galvanized by conviction, such members as a Senator Henry Jackson on strategic nuclear arms policy, are not only effective, but often become "exceptional."⁶⁴ In short, policy entrepreneurs in general, and foreign policy entrepreneurs specifically, get involved and can make a difference.⁶⁵

In addition to good public policy, at least three other goals motivate members to become involved in foreign affairs: the desire for

successful policy makers found in the institutional and bureaucratic politics literature.

⁶² Kingdon, Agendas, Alternatives, and Public Policies, p. 189.

⁶³ I.M. Destler, "Executive-Congressional Conflict," pp. 299-300. Two recent examples of members seeking to make good policy are the efforts of Senators Edward Kennedy and Mark Hatfield in the nuclear freeze debate in the early to mid 1980's, and the ongoing efforts of Senators Nancy Kassebaum and Paul Simon to address the problem of famine, poverty, and disease in the Horn of Africa throughout the late 1980's and early 1990's.

⁶⁴ Destler, "Executive-Congressional Conflict," p. 300.

⁶⁵ For recent studies of Congressional policy entrepreneurs, see Richard Fenno, The Emergence of a Senate Leader: Pete Domenici and the Reagan Budget (Washington: CQ Press, 1991); Learning to Legislate: The Senate Education of Arlen Specter (Washington: CQ Press, 1991); and The Making of a Senator: Dan Quayle (Washington: CQ Press, 1988). For an important study of changes in the Senate, transforming it into a predominantly individualist chamber, one more conducive to entrepreneurs, see Barbara Sinclair, The Transformation of the United States Senate (Baltimore: Johns Hopkins University Press, 1989). Largely gone are the quaint "folkways" and "proper apprenticeships" so richly described by Donald R. Matthews, U.S. Senators and Their World (New York: Vintage Books, 1960), esp. Chapter five.

status, the pursuit of ideology,⁶⁶ and the quest for re-election.

These factors are not mutually exclusive, but are often overlapping and quite frequently build upon and re-enforce each other. And these goals also lead members of Congress to become foreign policy entrepreneurs.

For legislators, acquiring status means acquiring a reputation not just in Congress itself, but within the larger Washington policy community.⁶⁷ Outside of Congress, this quest for status is typified by member involvement in the Council on Foreign Relations. A private organization open only to its members, participation solely in the Council offers neither specific opportunities for public recognition nor for publicity with the national media, let alone in the member's state or district. But it does offer an entree into the foreign policy elite, and as much as any other single organization, the Council confers legitimacy and stature upon those who belong to it.⁶⁸ Indeed, the rewards of acceptance into the inner circles of the foreign policy ranks are not just intrinsic, but can be tangibly substantive, including good committee assignments⁶⁹ and wider recognition as an authority on foreign

⁶⁶ Jack Walker discusses the broader issue of ideology in a study of agenda setting in the U.S. Senate, where he found that a "knot" of Senate liberals was responsible for introducing the brunt of bills, including those on the discretionary agenda. Jack L. Walker, "Setting the Agenda in the U.S. Senate," The British Journal of Political Science 7 (October 1977), pp. 423-445. Ideological motivations for action are also raised by Destler, "Executive-Congressional Conflict," p. 300.

⁶⁷ Price, "Congressional Committees in the Policy Process," p. 165; also Lawrence C. Dodd, "Congress, the Constitution, and Crisis of Legitimation," in Congress Reconsidered, 2nd ed., pp. 397-398.

⁶⁸ On the Council: "It was, in short and in the words of Washington Post Columnist Joseph Kraft, 'an incubator of men and ideas.'" Leonard Silk and Mark Silk, The American Establishment (New York: Basic Books, 1980), p. 184. For discussion of the Council, see pp. 183-225.

⁶⁹ Price, "Congressional Committees in the Policy Process," p. 163-167.

policy by both the legislative and executive branches. In turn, this can lead to positive media exposure, as well as being courted and even promoted by the foreign policy establishment at large. Thus, status provides a crucial motivation for serious engagement in international relations.

Related to good public policy and status is ideology.⁷⁰ Whether liberal or conservative, isolationist or internationalist, ideology leads members to become intense, impassioned advocates of a favored cause in foreign affairs. In the 1980's, for example, many legislators were either intensely pro- or anti-Strategic Defense Initiative (SDI), or fervently pro- or anti-Contra. For the better part of the Reagan era, ideologically driven legislators were deeply entrenched in protracted foreign policy battles.

Finally, there is the quest for re-election. Above all else, members are invariably driven by the desire to be returned to office. In Mayhew's persuasive formulation, this is "the proximate goal of everyone [legislators], the goal that must be achieved over and over if other ends are to be entertained."⁷¹

Members thus concentrate on three types of activities affecting how they appear to their constituents: credit claiming, advertising (of one's name), and position taking on public issues (to strengthen identification with stances favored in the legislator's support coalition).⁷² Mayhew doesn't argue that legislators have no other

⁷⁰ Price, p. 171.

⁷¹ Mayhew, Electoral Connection, p. 16, emphasis in original.

⁷² Mayhew, see discussion in Part I.

goals,⁷³ but says that "whatever else it may be, the quest for specialization in Congress is a quest for credit."⁷⁴ However, a careful reading of Mayhew shows that this quest can actually lead legislators to become policy entrepreneurs. Indeed, the entrepreneurs who make good public policy, acquire status, or pursue ideological issues of importance to their constituents, are in many instances also positioned to better enhance re-election prospects.⁷⁵

For example, reeling from a near defeat, Senator Warren Magnuson went on to pursue a passionate agenda as a champion of consumer affairs.⁷⁶ More related to foreign affairs is the case of Senator Joseph McCarthy. Casting about for an issue to assure re-election in 1952, he fervently took up the cause against "the Communist menace" two years earlier.⁷⁷

Specifically, specialization in foreign affairs can benefit members in three potential ways. First, in some districts, attention to foreign affairs is a heartfelt issue or deeply important to voters, as

⁷³ Thus Mayhew writes, "...a complete explanation (if one were possible) of a congressman's or anyone else's behavior, would require attention to more than just one goal." Electoral Connection, p. 15.

⁷⁴ Mayhew, p. 95.

⁷⁵ Kingdon points out that the quest for power and the quest for re-election may not be amenable to easy resolution, because many actions serve both interests at once. Kingdon, Agendas, p. 42. Price, who presents convincing evidence of legislators as policy entrepreneurs driven by goals for good public policy and ambitions for reputation, adds a caveat: "It is doubtful that [member] goals can be reduced to the simple and standardized form often assumed by economic and other general theories," David Price, Policy Making in Congressional Committees: The Impact of "Environmental" Factors (Tucson, AZ: University of Arizona Press, 1979), p.54. This does not rule out the member goals above -- only that they may not be the final word, and other goals that drive legislators to become involved in foreign policy may yet be found.

⁷⁶ David Price, Who Makes the Laws? Creativity and Power in Senate Committees (Cambridge, Mass: Schenkman Press, 1972), p. 29.

⁷⁷ Mayhew, Electoral Connection, for McCarthy example, see p. 69.

is the case with many American Jews and Israel, or as was witnessed during the Détente debates in the 1970's, with midwestern farmers on grain credits and trade with the Soviet Union. Second, attention to foreign affairs can help a legislator with fundraising; for example, former Representative Stephen Solarz benefited heavily from contributions by Asian-Americans, pleased with his work on Asian issues.⁷⁸ Third, involvement in foreign affairs can help provide members with additional opportunities for media exposure and thus help raise their profile and stature further with voters.

In short, the four goals that motivate members to become actively involved in foreign policy making, just as often may motivate them to become successful policy entrepreneurs -- to be concerned with solving foreign policy problems, to build considerable expertise, to apply their political and bargaining skills in search for solutions, and, above all, to be persistent.

To recap the foundation for inquiring into Congressional initiation and influence in foreign policy making, the basis is threefold: the first is found in the Constitution, the second is found in the nature of institutional policy making, the third is found in individual goals of members of Congress.

The Constitution confers formal powers to the Congress in the

⁷⁸ Chuck Alston, "Solarz Looks Abroad to Find Election Cash At Home," Congressional Quarterly Weekly Report, March 11, 1989, pp. 501-504. The article mentions that three-quarters of Solarz's 1988 contributions came from Asian-Americans.

foreign policy making process, and the Founders expected, indeed invited, Congress to play a role in seeking control of foreign policy. Institutional behavior reveals that any actor with formal powers can have a predominant influence, often irrespective of where the individual lies in the bureaucratic organizational chart or Congressional hierarchy. Those predicted to be most successful in this intense process are individuals with deft negotiation and political skills, the ability to manipulate levers of power skillfully, the willingness to be persistent, and who have a claim to policy expertise. This analysis from institutional behavior leads us to expect that legislators, who often possess these skills in abundance, can be significant players in the foreign policy process.

Finally, from research on individual legislators, we know that members of Congress are in fact interested in foreign affairs, are driven by the goals of good public policy, status, ideology, and re-election, all of which may lead them to become foreign policy entrepreneurs. In sum, then, we should be able to posit that under certain circumstances, Congress can indeed initiate and play an active role in the formulation of foreign policy. It is appropriate at this point to examine what the specific literature says.

Views of Congress As Initiator and Legislative- Executive Relations in Foreign Policy

In spite of the fact that there is an ample foundation to believe that Congress can initiate foreign policy, the literature falls short of answering or even exploring this question in a rigorous manner.⁷⁹

⁷⁹ In Chapter one, the paucity of work on Congress as initiator in

Nevertheless, the available scholarship provides insights and a context for this inquiry. Divided into two parts, this section first looks at literature specifically examining the question of Congress as initiator. From there, it explores the broader state of the literature, touching on the central theme of Congressional initiation and influence.

Congress As Initiator

Systematic studies of Congressional initiative and influence are surprisingly rare in the political science literature, amounting to less than a handful.⁸⁰ In 1946, Lawrence Chamberlain came the closest to a survey of the relative importance of Congress and the presidency in the initiation and formulation of 90 bills enacted between 1873-1940. In his words, the question was:

To which branch of the government -- the legislative or the executive -- does the bill owe its existence? Some benefit may be derived from a survey of recent legislation to ascertain more clearly what have been relative contributions of the president and the Congress in the case of laws already passed. Under the system of presidential-Congressional relationships that has existed heretofore, how important has each partner been?⁸¹

Summing up his research effort, Chamberlain asked: "To which branch of the government -- the legislative or the executive -- does the bill owe its existence?"⁸² He found that Congress was the primary initiator prior to 1900, then there was a sharp decline in its role concurrent

foreign policy, as a result biases in the literature, was touched on. Why these biases exist will be addressed more fully in Chapter three, in the discussion of methodology.

⁸⁰ David Price, Who Makes the Laws?, p. 3.

⁸¹ Lawrence H. Chamberlain, The President, Congress, and Legislation (New York: Columbia University Press, 1946), p. 5.

⁸² Chamberlain, p. 29.

with the presidency of Theodore Roosevelt, followed by a slight increase until 1925 (roughly equivalent to its role in 1900). Then, Congress' role drops off again and remains relatively low until the end of his survey. Chamberlain's results yield the following: of the major laws he studied, approximately 20% can be credited to the president, roughly 40% were primarily the product of Congress, and 30% were the result of joint presidential and Congressional input.⁸³

He concludes that while Congressional influence wanes as the president jointly participates with Congress in the initiation of legislation, his findings nonetheless demonstrate "not that the president is less important than generally supposed, but that Congress is more important."⁸⁴ In short, there were times when Congress did initiate policy and when it did play a principal role in shaping policy.

Several points about Chamberlain's impressive study are necessary. First, he deals exclusively with policy as defined by legislation, ignoring efforts that are not founded upon legislation. Second, although he does include national defense bills and immigration,⁸⁵ none of his bills are foreign policy measures -- thus generalizing Chamberlain's results to Congress and foreign policy must be done with caution. Third, his data is culled from before the Cold War and the

⁸³ Chamberlain, The President, Congress and Legislation, p. 453.

⁸⁴ Chamberlain, p. 454.

⁸⁵ Immigration is often considered an "intermestic" issue, which refers to those matters of international relations that by their nature closely involve the domestic economy, and intermestic issues are a separate analytic category for exploration. See Ryan J. Barilleaux, "The President, 'Intermestic Issues,' and the Risks of Policy Leadership," in The Domestic Sources of American Foreign Policy Making, ed. Charles W. Kegley, Jr. and Eugene R. Wittkopf (New York: St. Martin's Press, 1988).

rise of America as a major internationalist power. Thus, one must be careful about indiscriminately relating Chamberlain's pre-post-Cold War findings to the contemporary Congressional situation and foreign policy making.⁸⁶

Nonetheless, however, these findings do at least provide a tentative basis for the view that Congress does play a role in initiating and formulating policy in general. But what about in foreign policy itself?

In a dated, though slightly more recent work, James Robinson explicitly examined Congressional initiation and influence in foreign policy making. He explored 22 foreign policy decisions made during the 1933-1961 period, predominantly resolutions and bills. The decisions varied widely in the degree of importance and urgency, ranging from the momentous 1944 agreement to build the atomic bomb, to the relatively less important Charles Bohlen nomination as Ambassador to the Soviet Union, to the failed 1961 Bay of Pigs rescue attempt. Despite high Congressional involvement in 16 of the 22 instances, and the need for Congressional action in the form of legislation or a resolution in 17 of the 22 cases, the legislature initiated only three decisions and exerted

⁸⁶ James Robinson, Congress and Foreign Policy Making (Homewood, IL: Dorsey Press, 1962). Robinson laments the "unsystematic sample" of the 90 bills Chamberlain chooses. However, Chamberlain himself did address this question, writing that "every effort has been made, however, to select those acts which seemed to constitute a representative cross-section of each...field." Chamberlain, The President, Congress and Legislation, p. 21. For his part, Robinson does use Chamberlain's findings, despite this ostensibly unscientific choice of cases, Robinson, pp. 8-9. Finally, Robinson goes on to explain that his own body of case studies has been chosen in a manner "most unscientific," Robinson, pp. 22-24. The general point here is not to single out Robinson for inconsistency, but to highlight that there is always a certain degree of uncertainty involved in this form of social science inquiry, which of necessity imposes limitations. This does not, however, detract from the results of either of these two important studies.

"predominant influence" over only six policy choices.⁸⁷ And Robinson concluded:

Recommendations of important measures are initiated by the executive rather than the legislative branch. Thus, in the prescriptive stages Congress is legitimizing, amending, or vetoing executive proposals....The domain of Congressional influence, especially when it is initiative, tends to be on marginal and relatively less important matters.⁸⁸

While Robinson presents Congress as a relatively unimportant player in foreign affairs,⁸⁹ his own explanations about Congressional weaknesses have been outpaced by subsequent events, such as the growth of staff. Indeed, on the basis of structural changes in the Congress and the broader policy making environment since the Vietnam War, Robinson's findings can only have limited application to current foreign policy making.⁹⁰

⁸⁷ Robinson, see summary chart on p. 65. In the instances where Robinson attributes the initiative to the legislature, he minimizes the actual influence of Congress. For example, concerning the 1948 Vandenberg resolution, he writes, "...the role of Congress was of legislating and facilitating the general objectives of the administration." p.46.

⁸⁸ Robinson, Congress and Foreign Policy Making, pp. 14-15. See also Leroy N. Rieselbach, Congressional Politics (New York: McGraw-Hill, 1973). Rieselbach concurs with Robinson's findings, p. 181.

⁸⁹ In 1970, two scholars sought to dispute the conclusions of Robinson's findings relegating Congress to a pronounced secondary role, although they did so more in degree than in kind. Moe and Teel found that Congress can be creative in approving, amending, and criticizing proposals of an active president, and detected an expanded congressional role in foreign affairs. See Ronald C. Moe and Steven C. Teel, "Congress as Policy-Maker" A Necessary Reappraisal," Political Science Quarterly 85 (September 1970), pp. 443-470.

⁹⁰ Robinson himself, perhaps in anticipation of the very changes that were brought about in the last 20 years, hinted at the possible limited application of his findings. He wrote, "The role of Congress has not been as influential as it might have been," thus implying that Congress could actually have exerted greater initiative and influence than found in his study. Robinson, Congress and Foreign Policy Making, p. 184, emphasis added. Additionally, Robinson reaches no firm conclusions on policies outside of legislative effort, which prompted him to note: "Future case studies might usefully explore means of influencing foreign policy other than formal legislative actions." See p. 67.

Finally, a third major study of Congressional initiation merits mention. David Price examined 13 major bills processed by three Senate committees -- Commerce, Finance, and Labor & Public Welfare -- during the 89th Congress. He set out to question conventional wisdom that had prevailed in political science, namely that "the president is now the motor in the system; the Congress applies the brakes."⁹¹

Rejecting any simplistic explanations, Price says that responsibility for the development and passage of a bill takes many forms and is frequently shared by both Congress and the executive. Still, he contends that there were bills where Congress did play a principal role as a policy initiator and shaper.⁹²

Ultimately, Price's conclusion is mixed: while stating that Congressional initiative and influence will always vary from bill to bill, and eschewing any definitive conclusions,⁹³ he asserts there is a greater role for the legislator in the policy process than is supposed, just as there is greater potential for legislative undertaking in filling gaps left by the executive.⁹⁴ But, once again, with Price's

⁹¹ For this view, see Robert Dahl, Pluralistic Democracies in the United States: Conflict and Consent (Chicago: Rand McNally, 1967), p. 136.

⁹² For discussion of this point see Price, Who Makes the Laws?, pp. 289-333, esp. pp. 292, 311.

⁹³ Price, see esp. pp. 292 and 315.

⁹⁴ Nelson Polsby concurs, writing, "Yet no sophisticated student of contemporary American policy making believes that policies normally spring fully formed from the overtaxed brow of the president or even from his immediate entourage," Political Innovation in America, p. 5. In this thoughtful study of the emergence of eight new public policies in the post-New Deal era, which focuses principally on domestic issues, but also includes two foreign policy cases (both of which are unfortunately dated -- the Truman Doctrine and the 1961 creation of the Peace Corps), Polsby concludes that "policy innovations tend to belong to people who take an interest in them," p. 172. These people may be in the executive, but may also be from a number of sources in and out of government, including the Congress. Thus, Polsby echoes some of Price's conclusions.

work, there is a dilemma; it is uncertain whether data accumulated for domestic policy can reliably be generalized to U.S. foreign policy making.⁹⁵

The question thus remains, especially in the post-Cold War era, can Congress play a role in the initiation and formulation of U.S. foreign policy? Studies of Congressional initiation and influence do not give an answer, but rather provide tentative evidence, suggesting further exploration is warranted.

Executive-Legislative Relations

While there is an abundance of material on Congress and foreign policy, the literature neither agrees upon a theory of Congressional decision making, nor on what role Congress plays in the making of international policy. This has prompted some degree of scholarly hand-wringing. One analyst, commenting on the dilemma confronting students of Congress and public policy, has recently lamented: "This area simply has not achieved the intellectual maturity exhibited in other fields of political analysis."⁹⁶ Lawrence Dodd, a careful student of Congress, has gone even further:

I approach the study of American politics in the midst of an intellectual crisis of faith. The crisis centers on a sense of intellectual powerlessness to explain and predict politics in the

⁹⁵ As recently as 1992, two congressional scholars concluded that the data on domestic policy cannot yet be applied to foreign policy. They add, "Even if Congress did behave essentially the same on all policy issues [domestic and foreign], this fact would have to be carefully studied and documented," James M. Lindsay and Randall B. Ripley, "Foreign and Defense Policy in Congress: A Research Agenda for the 1990s," Legislative Studies Quarterly 17 (August 1992), p. 419.

⁹⁶ Mark A. Peterson, Legislating Together: The White House and Capitol Hill from Eisenhower to Reagan (Cambridge: Harvard University Press, 1990), p. ix.

manner that I was taught to expect and with the theories and framework that I had come to believe were appropriate.⁹⁷

A quest for any grand theory, he adds, will forever be elusive; instead, it is better to understand the political dynamics of each era.

These lamentations are perhaps unduly harsh, and it remains a fact that in studying Congress and foreign policy, the researcher stumbles into a world of enormous complexity. But the question can plausibly be raised whether the field has fully kept pace with the new phenomena of Congressional activism and changes in the foreign policy making process. For instance, a recent review essay, summarizing the current state of the literature and identifying opportunities for new research, fails to cite the question of Congressional initiative and influence in foreign policy, or even to call for an inquiry into this subject.⁹⁸

Nonetheless, a body of relevant work does exist that can serve as a back-drop to this study. This literature broadly falls into three related, and at times overlapping, perspectives. The first is a perspective that emphasizes presidential dominance in foreign affairs; the second emphasizes Congressional assertiveness and resurgence; the third focuses on co-determination in foreign policy, with the president as the primary crafter of foreign policy and the Congress as a significant, but lesser, influence.

The presidential dominance perspective largely characterized the thinking of political scientists after World War II through the Vietnam War, when Congress regularly deferred to the executive in foreign

⁹⁷ Lawrence C. Dodd, "Congress, the Presidency, and the American Experience: A Transformational Perspective," in Divided Democracy: Cooperation and Conflict Between the President and Congress, ed. James A. Thurber (Washington: CQ Press, 1991), p. 275.

⁹⁸ Lindsay and Ripley, "Foreign and Defense Policy."

affairs. As Congress became disenchanted with the Vietnam War and openly challenged the policies of the executive branch, political scientists shifted their focus to examining this newly assertive behavior. Finally, in the mid-1970's-1980's, when the tug-of-war for the control of foreign policy between the two branches was waged with greater intensity and regularity, scholars explored the perspective of co-determination of foreign policy in greater depth. Thus, much of the scholarly analysis has been geared to and spurred on by the period in which it was written, and, in this sense, is very much a product of its time. For this reason alone, an examination of Congressional initiation in foreign policy may represent a logical new line of inquiry in the 1990's.

Presidential Dominance Perspective

The perspective that emphasizes presidential dominance in international relations has long been employed by scholars of foreign policy. Since World War II, this perspective has held that the executive branch -- for normative or Constitutional reasons or both -- is best suited to guide the U.S. in foreign policy and effectively controls the making of foreign affairs. A recurring idea in this strand of scholarship is not simply that the Congress does not initiate and exercise significant influence, but that what influence it does exercise is "negative." Moreover, Congress' influence is regarded as effective more at the margins than on the central policy. Finally, in this view, Congress is seen mainly as a democratic voice of the people and a brake on the Administration, but distinctly a secondary player in the actual foreign policy process itself.

For example, two political scientists, Lawrence Chamberlain and Richard Snyder, asserted in 1948, that even if the Constitutional power of the president was largely implicit when compared to the explicit Constitutional powers of Congress, presidential power has been amply and broadly defined and accepted by history, precedent, and judicial interpretation. Seeing Congress as a secondary player ("...in foreign affairs this is the position it actually holds."),⁹⁹ they contended that the Congress, lacking resources and information, often constituted a babble of voices, ill-equipped to play a significant role in foreign affairs.¹⁰⁰ Setting the tone for a generation of scholars, they noted that the power Congress does have is "largely negative" -- rejecting a treaty, denying appropriations, disapproving presidential nominations. And where the president is forced to represent all of the American people, balancing domestic considerations against international ones, Congress, a deliberative body, is instead most "sensitive to domestic implications."¹⁰¹

Robert Dahl, concerned with democratic governance in a crisis-torn world,¹⁰² felt a high degree of collaboration between the executive and the Congress in the conduct of foreign policy was necessary. But this did not vitiate his conclusion: Congress, divided and parochial, was remarkably ill-equipped to exercise wise control over the nation's

⁹⁹ Chamberlain and Snyder, American Foreign Policy, p. 89.

¹⁰⁰ Chamberlain and Snyder, see esp. Chapters two, three, and four.

¹⁰¹ Chamberlain and Snyder, American Foreign Policy, quotes taken from p. 89.

¹⁰² Robert Dahl, Congress and Foreign Policy (New York: Harcourt Brace, 1950), p. 64.

foreign policy.¹⁰³

In his important 1958 study on the House and foreign affairs, Holbert N. Carroll documents a more energetic Congressional involvement in foreign policy. But, expanding upon Chamberlain and Snyder's "babble of voices," he emphasized that the dispersal of power among the committees, the intense friction and jealousy that pervaded the institution, the weak role of party leaders, all hampered the ability of the Congress to play a leading role.¹⁰⁴ Despite finding considerable give-and-take between the Congress and executive in foreign affairs, including a growing Congressional role in being consulted by the executive and in such efforts as legislative fact-finding trips abroad, he nevertheless concluded that the president had gained additional initiative, discretion, and authority in foreign affairs relative to the Congress.¹⁰⁵

Samuel Huntington, in 1960, more pointedly asserted that the president can do what Congress cannot: get all the interested parties -- diplomats, politicians, military officers -- together for intensive but secretive discussions leading to foreign policy choices.¹⁰⁶ Huntington found that, "The locus of decision making is executive; the process of decision making is primarily legislative."¹⁰⁷ He concluded that in most cases, the legislature is hard put to resist the proposals of a united

¹⁰³ Dahl, see esp. Chapter XV and p. 3.

¹⁰⁴ Carroll, The House of Representatives, p. 345.

¹⁰⁵ Carroll, see esp. p. 351.

¹⁰⁶ Samuel P. Huntington, The Common Defense: Strategic Programs in National Politics (New York: Columbia University Press, 1961), pp. 135-166.

¹⁰⁷ Huntington, p. 147

executive branch.

As the consensus in foreign policy began to erode in the late 1960's, Francis Wilcox, formerly a Congressional staff member and a State Department official, explored executive-legislative relations in a study for the Council on Foreign Relations. Wilcox determined that the energy and initiative in foreign policy lay with the executive, but was concerned that the friction between the two branches of government could undermine the effective conduct of foreign policy. Presaging later scholars, he concluded that the more powerful executive needed to work with the legislative branch toward a greater consensus.¹⁰⁸

In his landmark 1971 study, Roger Hilsman stressed that the increasing technicality of foreign affairs robbed Congress of its power.¹⁰⁹ Like other scholars of his day, he found that the executive had control of both information and expertise, and that for this reason, Congress rarely, if ever, took the initiative in foreign policy. Instead, Congress could add to, block, or amend executive actions, prompting Hilsman to note that Congress' power is primarily in "setting limits" on the actions of the executive branch.¹¹⁰ Congressional scholar Leroy Rieselbach agreed. "Congressional power," he summed up, is "as a restraining influence on the executive."¹¹¹

¹⁰⁸ Francis O. Wilcox, Congress, The Executive Branch, and Foreign Policy (New York: Harper & Row, 1971), see esp. Chapter seven. Wilcox's work builds on a tradition richly articulated in 1955 by Westerfield, who persuasively wrote: "The resulting consensus is not only a democratic desideratum in foreign affairs. It is usually also a mighty weapon for America in her hazardous dealing with the outside world." H. Bradford Westerfield, Foreign Policy and Party Politics: Pearl Harbor to Korea (New Haven: Yale University Press, 1955), p. 409.

¹⁰⁹ Hilsman, Politics of Policy Making, esp. Chapter eight.

¹¹⁰ Hilsman, pp. 82-83.

¹¹¹ Rieselbach, Congressional Politics, p. 180.

Later in the 1970's, Charles Kegley and Eugene Wittkopf argued the power of the presidency in foreign affairs was based principally on its institutional powers, which they regarded as far superior to those of Congress. Weakened by everything from the dispersion of power and responsibility¹¹² to a lack of expertise, they found that Congress could do little more than respond to the initiative of the executive. Echoing the work of previous decades, they wrote that Congress "essentially plays a negative role by acting as a public critic of the executive and otherwise setting limits on permissible behavior."¹¹³ They noted that, ironically, Congress actually affects policy by ceding influence to the executive through statutorily delegating additional power to the Administration, such as with the creation of the National Security Council in 1947 and the Arms Control and Disarmament Agency in 1961.¹¹⁴

Almost a decade later, in his 1988 study, Michael Mezey detected no less than the transformation of the presidency from an office ambiguously defined in the Constitution to the dominant institution in the national government.¹¹⁵ He contends this is due in part from the expansion of presidential powers,¹¹⁶ but also from the emergence of a

¹¹² For a discussion of how decentralized power impedes the ability of Congress to formulate a unified foreign policy position with which to confront the president, see Kenneth A. Shepsle, "Representation and Governance: The Great Legislative Trade-Off," Political Science Quarterly 103 (Fall 1988), pp. 461-484.

¹¹³ Charles W. Kegley, Jr., and Eugene R. Wittkopf, American Foreign Policy: Pattern and Process (New York: St. Martin's Press, 1979), p. 302.

¹¹⁴ Kegley and Wittkopf, p. 306.

¹¹⁵ Michael L. Mezey, Congress, The President, & Public Policy (Boulder, CO: Westview Press, 1988), see esp. discussion in Chapter three.

¹¹⁶ For a variation of the institutional presidency, scholars have noted that the president can conduct foreign policy by executive

significant presidential role in policy initiation and the increasing assumption of presidential responsibility over foreign policy.¹¹⁷

But above all else, perhaps two seminal works stand out most prominently as characteristic of the presidential dominance school, the first by Aaron Wildavsky, the second by Richard Fenno. More than a quarter of a century ago, Wildavsky observed that the president invariably has his way on major issues in foreign affairs. In his words:

The United States has one president, but it has two presidencies; one presidency is for domestic affairs, and the other is concerned with defense and foreign policy. Since World War II, presidents have had much greater success in controlling the nation's defense and foreign policies than in dominating its domestic policies.¹¹⁸

Wildavsky's two presidencies thesis portrayed foreign policy as more resilient to the pluralistic pressures than is the case in the domestic policy process. The perceived importance of foreign policy after World War II characterized by the new internationalist role assumed by the

agreements and "non-agreements" that need not be considered by Congress. Many of these executive agreements and non-agreements are routine (e.g. protection of Mexican archeological artifacts), others are more significant (e.g. the 1972 Interim Agreement on SALT I limitations that capped offensive nuclear weapons). See Loch K. Johnson, The Making of International Agreements: Congress Confronts the Executive (New York: New York University Press, 1984); also Loch Johnson and James M. McCormick, "The Democratic Control of International Commitments," Presidential Studies Quarterly 8 (Summer 1978), pp. 275-283; and Loch Johnson and James M. McCormick, "Foreign Policy by Executive Fiat," Foreign Policy 28 (Fall 1977), pp. 117-138; and Ryan J. Barilleaux, "Executive Non-Agreements and Presidential-Congressional Struggles" World Affairs 148 (Spring 1986), pp. 217-227.

¹¹⁷ Mezey, Congress, the President & Public Policy, see esp. the discussions in Chapters three and six. This is also the view, in 1989, of Dorothy Buckton James: "What characterizes the contemporary presidency is the inevitable and irreversible shift of active, initiating power to the executive branch...[due]...to daily prominent involvement in issues of foreign and military policy," in "The Changing Nature of the Presidency," in Separation of Powers in the American Political System: The Legacy of George Mason, ed. Barbara B. Knight (Fairfax, VA: George Mason University Press, 1989), p. 69.

¹¹⁸ Aaron Wildavsky, "The Two Presidencies," Trans-Action 4 (December 1966), reprinted in Perspectives on the Presidency, ed. Aaron Wildavsky (Boston: Little, Brown, 1975), p. 448.

United States elevated policy making above partisan conflict, and attracted a substantial share of the president's resources. By comparison, the president's competition -- the Congress -- was weak in the foreign policy arena. Moreover, the notion of the foreign policy process itself was seen as an issue first and foremost in the domain of presidential problem solving (i.e. for the commander-in-chief), freed of the back-and-forth process and battle engendered by the interest groups, political parties, and the bureaucracy in domestic politics.

Fenno's study of the Congressional Foreign Affairs committees, published in 1973, but based on evidence gathered before dissatisfaction over Vietnam reached its peak, provided powerful evidence that supported the two-presidencies thesis. Fenno found that members dealing with foreign affairs, in contrast to domestic issues, were less inclined to challenge the executive branch. Fenno himself stipulated firmly: "The president's negotiating prerogative and his commander-in-chief prerogative give him the ability to initiate actions and create commitments that the Foreign Affairs Committee is virtually powerless to alter."¹¹⁹ Additionally, legislators saw the policy making environment, i.e. executive involvement, as monolithic and dominated by the executive, even though existing literature on institutional and bureaucratic behavior had already revealed that the policy making environment was not in fact monolithic.¹²⁰

¹¹⁹ Fenno, Congressmen in Committees, p. 29

¹²⁰ For example, writing about "closed politics" in 1966, H. Bradford Westerfield noted that he had nonetheless detected a decade earlier, "...a cluster of ad hoc oppositionists would begin to form, largely on the initiative of those who were losing within the administration. They would be able to take advantage of the diffusion of authority and responsibility in the media and the Congress, and, no matter where they were located in the executive branch...they could be

Despite the fact that legislators were principally concerned with making "good public policy," Fenno demonstrated they did not expect to become responsible for making the nation's foreign policy. Thus, Thomas (Doc) Morgan, Chairman of the House Foreign Affairs Committee, is quoted as saying: "Under the Constitution, the president is made responsible for the conduct of foreign relations and the job of developing a...program rests with him."¹²¹

The presidential dominance school continues to be a staple of many presidential and foreign policy scholars to this day, in which they effectively deny the possibility of Congressional initiation and active influence in foreign affairs. But developments brought about by the end of the Cold War consensus and the Vietnam War have given rise to a school of thought emphasizing not Congressional acquiescence and weakness, but Congressional assertiveness. It is to this that we now turn.

Congressional Assertiveness Perspective

The Congressional assertiveness perspective focuses as a starting point on the end of the bipartisan consensus, and covers the latter 20th Century period of greater Congressional activism and involvement in foreign affairs. But it is important to note that the period of bipartisan foreign policy agreement in the Post-World War II era was an anomaly, not the norm.¹²² Nor was the bipartisan consensus of this

reasonably sure to find collaborators somewhere outside the executive." "Congress and Closed Politics in National Security Affairs," in The Politics of U.S. Foreign Policy Making, pp. 737-753. Also see Huntington, The Common Defense, p. 127.

¹²¹ Fenno, p. 70.

¹²² See Jay Winik, "Restoring Bipartisanship," The Washington

period exclusively a form of deference to the president; rather it was a result of policy agreement, involving a partnership between the legislative and executive branches that required intensive political bargaining to forge the Marshall Plan and U.S. participation in NATO designed as a bulwark against Soviet expansionism. (Indeed, Senator Arthur Vandenberg's leadership in helping forge a bipartisan policy of containment did not prevent bitter conflict with Truman on such issues as China.)¹²³

Quarterly 12 (Winter 1989), pp. 109-122.

¹²³ Thus, the two presidencies thesis has been a subject of continued reassessment and question in ensuing years. For instance, Leloup and Shull compared Wildavsky's data from 1948-1964 with similar data from 1965-1975. The percentage of presidential proposals dipped from 70% to 55% in the latter time frame, narrowing the foreign and defense policy initiatives to domestic policy initiatives gap from 70%-40% to 55%-46%. Lance T. Leloup and Steven Shull, "Congress Versus the Executive: The 'Two Presidencies' Reconsidered," Social Science Quarterly 59 (March 1979), pp. 704-719. For an example of a revisionist view, that defense and foreign policy were increasingly evaluated in terms of their domestic implications, thereby blurring the two policy areas, see Donald A. Peppers, "The Two Presidencies: Eight Years Later," in Perspectives on the Presidency, pp. 462-471. A more recent study found that, since Eisenhower, presidents have not enjoyed a clear foreign policy advantage in dealing with Congress when measured by support on Roll Call votes. No president since Eisenhower has consistently won a majority of the opposition party on foreign policy votes. See George C. Edwards III, "The Two Presidencies: A Re-evaluation," American Political Science Quarterly 14 (July 1986), pp. 247-263. For Wildavsky's own reassessment, in which he acknowledges the limited utility of the two presidencies thesis, in an age of political dissensus, see Duane M. Oldfield and Aaron Wildavsky, "Reconsidering the Two Presidencies," Society 26 (1989), pp. 54-59. Also see Wildavsky's essays in The Beleaguered Presidency (New Brunswick, NJ: Transaction Publishers, 1991), esp. Introduction and Chapter three. "The Two Presidencies," Wildavsky writes, "is time and culture bound," p. 53.

For other revisions, see Ralph G. Carter, "Presidential Effectiveness in Congressional Foreign Policy Making: A Reconsideration," in The American Presidency: A Policy Perspective from Readings and Documents, ed. David Kozak and Kenneth Ciboski (Chicago: Nelson-Hall, 1985) and "Congressional Foreign Policy Behavior: Persistent Patterns of the Post War Period," Presidential Studies Quarterly 16 (1986), p. 329-359; and Jeffrey Cohen, "A Historical Reassessment of Wildavsky's 'Two Presidencies' Thesis," Social Science Quarterly 63 (1982), pp. 549-555; Richard Fleisher and John R. Bond, "Are There Two Presidencies? Yes, But Only For Republicans," Journal of Politics 50 (1988), pp. 747-767; Frederick P. Lee, "The Two Presidencies Revisited," Presidential Studies Quarterly 10 (1980), pp. 620-628; Lee Sigelman, "A Reassessment of the 'Two Presidencies' Thesis," Journal of Politics 41 (1979), pp. 1195-1205. For an older but still important study providing evidence that members of Congress will support foreign policy initiatives of the president if they share the same party, see

In the wake of Vietnam, however, public opinion changed, weakening the president's leadership position and increasingly pitting him against popular public opinion as well as with Congress.¹²⁴ An aroused public became more distrustful of government policies and less passive in making its views known.¹²⁵ In turn, these changes in the currents of mass and elite opinion helped open up, even transform, the foreign policy making process. The old foreign policy establishment, the so-called Wise Men, composed of pragmatic, relatively homogeneous East Coast financial and legal figures, were replaced by a more diverse and often ideological cadre of elite foreign policy professionals.¹²⁶ Research organizations and think-tanks cropped up throughout the country, and a far wider range of policy specialists became involved in the policy making process, promoting ideas to elected officials and

Mark Kesselman, "Presidential Leadership in Congress on Foreign Policy," Midwest Journal of Political Science 5 (1961), pp. 284-289; also see Aage R. Clausen, How Congressmen Decide (New York: St. Martin's Press, 1973). Clausen suggests the president does not have the same kind of pull on domestic issues, see Chapter eight.

One scholar, Steven Shull, in 1990, indicated that methodological issues have confounded many of these studies, such as whether presidential and congressional influence vary from issue to issue (Cited in Lindsay and Ripley, "Foreign and Defense Policy," p. 434). Despite the contention that the gap has narrowed between the domestic and foreign policy realms, the issue is hardly resolved. See unpublished review essay by Patrick Wolf, "Congress, the President, and American Foreign Policy, 1960-1990," (Cambridge, Harvard University, December 1989).

¹²⁴ See John E. Mueller, War, Presidents, and Public Opinion (New York: Wiley, 1973)

¹²⁵ See, for example, William Schneider, "Public Opinion," in The Making of American Soviet Policy, ed. Joseph S. Nye, Jr. (New Haven: Yale University Press, 1984), pp. 11-35.

¹²⁶ One of the best treatments of the old foreign policy establishment remains David Halberstam, The Best and the Brightest (New York, Random House, 1969). See also Joseph Kraft, Profiles in Power: A Washington Insight (New York: The New American Library, 1966); Walter Isaacson and Evan Thomas, The Wise Men (New York: Simon & Schuster, 1986); and for a newer treatment see David Callahan, Dangerous Capabilities: Paul Nitze and the Cold War (New York: Edward Burlingame Books, 1990).

frequently joining in policy alliances with them against the Administration.¹²⁷ At the same time, the foreign policy process was opened further by the growth of interest groups and the rise of polls.¹²⁸

Among the most sweeping and significant changes that led to Congressional assertiveness were organizational changes and reforms within Congress itself.¹²⁹ Disenchantment over Vietnam and Watergate stimulated broad alterations in the Congress. To start, Congress was no longer willing to follow the lead of the executive, and the consensus on foreign policy was fragmented. Then, prodded by the twin concerns of strengthening the legislative branch vis-à-vis the executive, and breaking down the old Congressional power structure, Congress moved to change the way business was conducted on the Hill itself. Power shifted from senior committee chairmen down to aggressive junior subcommittee chairmen, as well as to rank-and-file members themselves. As one scholar has put it, "Sub-committee chairmen became independent policy entrepreneurs in foreign affairs, seeking to control policy making in

¹²⁷ I.M. Destler, Leslie H. Gelb, and Anthony Lake, Our Own Worst Enemy: The Unmaking of American Foreign Policy (New York: Simon & Schuster, 1984), see Chapter two; and Isaacson and Thomas, esp. Chapter 24.

¹²⁸ Schneider, "Public Opinion," p. 19.

¹²⁹ For a thorough treatment of this, see James L. Sundquist, The Decline and Resurgence of Congress (Washington: Brookings Institution, 1981), esp. Part II; also see Thomas E. Mann and Norman J. Ornstein, The New Congress (Washington: American Enterprise Institute, 1981); Susan Webb Hammond, "Congress in Foreign Policy" in The President, The Congress, and Foreign Policy, pp. 67-92; also see Lawrence C. Dodd and Bruce I. Oppenheimer, "The House in Transition," in Congress Reconsidered, ed. Lawrence C. Dodd and Bruce I. Oppenheimer (New York: Praeger, 1977), pp. 21-53; David W. Rohde, Norman J. Ornstein, and Robert L. Peabody, "Political Change and Legislative Norms in the U.S. Senate, 1957-1974," in Studies of Congress, ed. Glenn R. Parker (Washington: CQ Press, 1985), pp. 147-188; and Steven S. Smith and Christopher J. Deering, Committees in Congress, (Washington: CQ Press, 1984), pp. 35-58.

specialized areas, without the offsetting brokerage and coordinating power of committee chairmen in the immediate post war era."¹³⁰ National political parties were weakened, while by contrast, within the Congress itself, the two party caucuses, especially among the Democrats, had a greater say in the outcome of Congressional activity.

Moreover, committee meetings were opened up to the public, roll call votes permitted on major floor amendments, and Congressional sessions were eventually televised in both bodies. The staff capabilities of Congress were greatly expanded in members' offices and in committees and subcommittees.¹³¹ They were buttressed in their work by support agencies such as the Congressional Budget Office, the General Accounting Office, the Office of Technology Assessment, and a vastly improved Congressional Research Service.

Taken together, these changes turned Congress into a more decentralized and democratized institution, with improved independent access to information, and generally stronger in its potential policy making capabilities. More entrepreneurial and adept at seeking favorable publicity for themselves, and more determined to advance their own personal agendas, including when they conflicted with party elders as well as with the president, Congress now had the incentives, the mindset, and resources to challenge the executive on major foreign policy issues. This was evident in a flurry of acts the Hill passed designed to strengthen its own powers in foreign policy making,

¹³⁰ Hammond, "Congress in Foreign Policy," p. 70.

¹³¹ The best treatment on staff remains Michael J. Malbin, Unelected Representatives (New York: Basic Books, 1980). Malbin later went on to become a staffer in the House of Representatives during the mid to late 1980's, before returning to academia.

including the War Powers Act of 1973 and the Hughes-Ryan Intelligence Oversight Act of 1974.¹³² Finally, members also turned to ad hoc coalitions, which enabled members to take greater individual roles in foreign policy as they saw fit.¹³³

Against this backdrop of the new foreign policy process, the breakdown of the foreign policy consensus, the organizational and information changes taking place in the legislative branch, scholars shifted their focus to examining the role of Congress not as an afterthought, but as a major participant.

Thomas Franck and Edward Weisband thus chronicled the pace and intensity of this new legislative involvement, going as far as speaking of "foreign policy by Congress."¹³⁴ They likened Congressional activism to no less than a revolution. It is worth quoting them in full:

Since the end of the Vietnam War, more than a president has been deposed -- a certain system of power has been overturned. The presidency itself, not just Richard Nixon, has been the subject of a revolution that radically redistributed the power of government...among the booty redistributed by the revolution was control over U.S. foreign policy, long a presidential perquisite.¹³⁵

Franck and Weisband document the changes in the Congress and the foreign policy making process, pointing out that Congress, through its newly enhanced powers and the newly democratized system, increased its legislative input into the policy process via formal reporting and

¹³² See, for example, Thomas E. Cronin, "The President, Congress, and Foreign Policy," in The Domestic Sources of American Foreign Policy Making, pp. 149-165.

¹³³ Charles W. Whalen, Jr., The House and Foreign Policy: The Irony of Reform (Chapel Hill, NC: University of North Carolina Press, 1981), esp. pp. 176-180.

¹³⁴ Thomas Franck and Edward Weisband, Foreign Policy by Congress (New York: Oxford University Press, 1979), p. 1.

¹³⁵ Franck and Weisband, p. 3.

review and certification requirements asked of the executive (e.g. certification of human rights). Franck and Weisband's argument is not, however, that Congress initiates policy; rather, that the intrusion of the Congress into the process unduly restrains the "creative ambiguity and flexibility of initiative and response" necessary for effective executive branch foreign policy making.¹³⁶ They stressed that Congress powerfully affected foreign policy like a blunt instrument, a process, they concluded, that generated "unwisdom" in foreign policy.¹³⁷

Notably, they did not disagree with the central thrust of the presidential dominance perspective as posited three decades earlier by Chamberlain. They accepted that Congressional power is negative. But the emphasis is different: sketching how Congress increasingly exercised formal powers that had generally lain dormant during the years of bipartisan policy agreement, and decrying its impact upon the effective execution of a nuanced foreign policy.

Other studies have largely followed the same pattern of charting the sources and nature of increased Congressional activism, a primary difference sometimes being the normative emphasis attached to this increased assertiveness. Hoyt Purvis and Steven Baker speak of the new "complex pattern of interaction between the executive and the Congress," and the insistence of Congress that it be consulted with greater regularity and depth.¹³⁸ Destler, a careful chronicler of Congress and

¹³⁶ Franck and Weisband, Foreign Policy by Congress, see, for example, pp. 32-33.

¹³⁷ Franck and Weisband, p. 283.

¹³⁸ Hoyt Purvis and Steven J. Baker, "Introduction," in Legislating Foreign Policy, ed. Hoyt Purvis and Steven J. Baker (Boulder, CO: Westview Press, 1984), p. 15.

foreign policy, asserted that by the end of the 1970's, "much of the bloom had left the Congressional rose," and "the cost of conflict and decentralization had become too great."¹³⁹ James Sundquist felt that the pendulum had begun to swing back to the White House, at least partly.¹⁴⁰ Other analysts, however, praised the potential benefits of Congressional involvement as a way of formulating a higher degree of public support and consistency in foreign policy making.¹⁴¹ A variation of this has been posited by Thomas Cronin. Congress, by energetically reasserting itself to rein in perceived executive branch excesses, may have regained some of its lost power, but without really weakening the presidency -- which ultimately remains the leader in foreign affairs.¹⁴²

The debate among scholars continued in the 1980's, as the pace of Congressional activism accelerated during the Reagan years, with heated battles between the two branches over the Strategic Defense Initiative (SDI) and adherence to the Anti-Ballistic Missile (ABM) Treaty, funding of the Contras, War Powers, and "micromanagement" of foreign policy. One set of arguments was that Congress, through its investigation powers and extensive use of reporting requirements, had overstepped its Constitutional bounds and over-reached in foreign policy, weakening the country's ability to defend its interests around the globe.¹⁴³ At its

¹³⁹ Destler, "Executive-Congressional Conflict," pp. 344, 306.

¹⁴⁰ For elaboration on this point, see Sundquist, The Decline and Resurgence of Congress.

¹⁴¹ Douglas Bennett, "Congress in Foreign Policy: Who Needs It?," Foreign Affairs 57 (Fall 1978).

¹⁴² Thomas E. Cronin, "A Resurgent Congress and the Imperial Presidency," Political Science Quarterly 95 (Summer 1980), pp. 209-224.

¹⁴³ See esp. Gordon S. Jones and John A. Marini, eds., The Imperial Congress: Crisis in the Separation of Powers (Washington: Heritage Foundation and Claremont Institute, 1988) and Lehman, The

worst, Congress is portrayed as a collection of individual political entrepreneurs claiming credit and avoiding blame, and pressing parochial agendas on the Administration without taking responsibility for their actions.¹⁴⁴ By the end of the decade, the rise of Congressional assertiveness prompted a new round in the ongoing debate about the wisdom of the exercise of Congressional influence in foreign affairs. Some scholars defended Congress' prerogative and flatly asserted the necessity for Congressional involvement.¹⁴⁵ And the most recent strain of discussion by scholars has centered around whether Congressional assertiveness hinders the United States in its efforts to act strategically abroad, or has helped it.¹⁴⁶ But like the presidential dominance school before it, the Congressional assertiveness school, has failed to address or specifically examine Congressional initiative and influence in foreign policy, instead tracking the rise of Congress from the largely acquiescent partner of earlier years to the more active and involved body it has become since Vietnam.

Foreign Policy by Co-determination Perspective

Executive, Congress, and Foreign Policy.

¹⁴⁴ Dick Cheney, "Congressional Overreaching in Foreign Policy," in Foreign Policy and the Constitution.

¹⁴⁵ Louis Fisher, "Foreign Policy Powers of the President and Congress," The Annals of the American Academy of Political and Social Science 499 (1988), pp. 148-59.

¹⁴⁶ Aaron L. Friedberg, "Is the United States Capable of Acting Strategically?" The Washington Quarterly 14 (Winter 1991), pp. 5-23; Robert Pastor, "Congress and U.S. Foreign Policy: Comparative Advantage or Disadvantage?" The Washington Quarterly 14 (Autumn 1991), pp. 101-14; and Jay Winik, "The Quest for Bipartisanship: A New Beginning for a New World Order" in U.S. Foreign Policy After the Cold War, ed. Brad Roberts (Cambridge, Mass: MIT Press, 1992), pp. 311-326. Friedberg asserts that Congress is a liability, Pastor asserts Congress is an asset, and the author argued that in the post-Cold War era there is a need for a presidentially-led new consensus.

Finally, in the 1980s and early 1990s a third strain of foreign policy scholarship has been explored with greater rigor, that of co-determination. In contrast to the presidential dominance perspective, co-determination specifically acknowledges the significant role that Congress plays in foreign affairs. And unlike the Congressional assertiveness perspective, it seeks to portray the new Congressional role as an inevitable part of the foreign policy process, while acknowledging that the executive branch ultimately will have the upper hand.¹⁴⁷ A central theme of this line of thought is accepting tension between the two branches: the president and the Congress are partners in the making of foreign policy, each with an important role to play, and an understanding that no foreign policy can be sustained over the long haul when there is serious policy disagreement.¹⁴⁸ The task, as some scholars have seen it, is to weigh the comparative advantages of the two branches of government, thus emphasizing their respective strengths, e.g. speed, dispatch, and unity in the executive; representation and

¹⁴⁷ For example, see John Rourke's study Congress and the Presidency in U.S. Foreign Policy Making: A Study of Interaction and Influence, 1945-1982 (Boulder, CO: Westview Press, 1983). Rourke contends that Congress has always played a subtle, albeit secondary role in the foreign policy making process since World War II, and suggests that the new assertiveness of Congress is less dramatic than others may contend.

¹⁴⁸ For older and somewhat comparable views, the reader can look to earlier studies arising out of the "pluralist perspective" of policy making, which argues that each branch possesses some basis for power and influence. There is a shifting balance arising out of the dispersion of power, which ensures no one branch has complete dominance. Decisions on policy are reached as a result of bargaining, negotiation and compromise. Specific policy outcomes will vary depending on the skill of the actors taking part in the decision at hand. See Rieselbach's discussion of this in Congressional Politics, pp. 364-64; also Robert A. Dahl, A Preface to Democratic Theory (Chicago: University of Chicago Press, 1956) and Pluralist Democracy in the U.S.: Conflict and Consent (Chicago: Rand McNally, 1967); and Charles Lindblom, The Intelligence of Democracy (New York: The Free Press, 1965) and The Policy Making Process (Englewood Cliffs, NJ.: Prentice Hall, 1968).

deliberation in the legislative. For example, Thomas Franck's important inquiry notes that a number of scholars "search diligently for a middle ground, examining the prerequisites and prospects for a creative policy, co-determined by both Congress and the president."¹⁴⁹

Writing in this tradition, several years earlier, Alton Frye, himself a former Congressional staffer, explored the possibilities of constructive Congressional involvement. He found that the Congress can serve as a "liberator" -- underscoring its support for the president through Congressional resolutions; or that Congress can serve as a "constrainer" -- in which, through constructive pressure, it aids the Administration in adjusting policies that have become outmoded or futile.¹⁵⁰ Frye concludes, "The Congressional impact in policy is more often indirect than direct, informal than formal, marginal than fundamental. Nevertheless, in complex issues of foreign policy, the margins are frequently the vital edges."¹⁵¹

Other scholars have been less sanguine about the positive role of an assertive Congress in co-determining policy. For instance, continuing the discussion found in the two previous perspectives,

¹⁴⁹ Thomas Franck, "Introduction," in The Tethered Presidency, p. ix.

¹⁵⁰ Alton Frye, A Responsible Congress: The Politics of National Security (New York: McGraw-Hill, 1975). In this excellent study, Frye also very briefly discusses Congress as initiator, but unfortunately he essentially uses the definition of negative influence, that is, of Congress amending or blocking executive activity. He also does not treat the relationship between initiative and influence, p. 172.

¹⁵¹ Frye, p. 148. It is also interesting to note that Frye is, in effect, endorsing James Robinson's contention made years earlier that Congress only makes policy at the margins. The difference is that Frye emphasizes the positive role Congress plays in assisting the U.S. foreign policy outcome by doing so. His emphasis is not, however, on congressional initiative and influence. See also Alton Frye, "Congress: The Virtues of Its Vices," Foreign Policy 3 (1971), pp. 108-125.

Sundquist feared that Congressional assertiveness is frequently not matched by responsibility commensurate with its more aggressive use of power. Congress speaks with one voice, the executive with another, confusing allies and adversaries alike. This led Sundquist to recommend that, "the key to harmony in foreign affairs," if there is one, "is continuous and genuine consultation."¹⁵² Sundquist also suggested structural reforms to modify conflict.¹⁵³

Others writing in the co-determination school see Congress as more assertive but less powerful than Sundquist does. Its influence is in heightening pressure -- public and legislative. A recent examination of the Congressional nuclear freeze concluded that the freeze movement's direct effects were in fact negligible, but it did play an important role in facilitating a voice for public concern about the nuclear arms race, which in turn helped prompt some modifications in the Reagan arms control policies.¹⁵⁴ In their earlier, but authoritative study, documenting what they called the new "Congressional militancy in foreign relations," Cecil Crabb and Pat Holt, the former a longtime Congressional scholar, the latter previously a Senate staffer, concluded the president is still in charge of foreign policy. For the most part, they contend, "Congress' powers are limited to telling the White House

¹⁵² Sundquist, The Decline and Resurgence, see esp. Chapter 15; for quotes see p. 308.

¹⁵³ It is common for students of foreign policy to seek structural reform to improve the policy making process. I did so in 1989. I later concluded (in 1991) that procedural mechanisms are a poor substitute for shared principles and philosophy. The bottom line is that there is no "silver bullet" solution. See Winik, "Restoring Bipartisanship" and "The Quest for Bipartisanship."

¹⁵⁴ Douglas C. Waller, Congress and the Nuclear Freeze: An Inside Look at the Politics of a Mass Movement (Amherst: University of Massachusetts Press, 1987).

what it cannot do...."¹⁵⁵ While worrying about a decentralized and fragmented Congress that potentially impedes effective U.S. foreign policy making, they viewed Congress as the repository of popular will, and they accepted as inevitable continued efforts by the legislative branch to prescribe limits on presidential actions.¹⁵⁶

Another careful student of Congress, former Representative Les Aspin, has accepted that both branches have their strengths and play ongoing roles in foreign policy, but has also asserted that "new initiatives on the federal scene rarely are a product of Congress."¹⁵⁷ Instead, Congress demonstrates its power by serving as a guardian of procedures, exemplified by such an action as the 1961 Symington Amendment, which required that in allocating foreign economic aid, consideration be given to the resources a recipient country assigns to defense.

Recent scholarship has taken a slightly different tack on the role of the Congress. In a new study, Barry Blechman paints a convincing portrait of Congress as more willing and able to assert itself in the last decade, particularly through the authorization and appropriation

¹⁵⁵ Cecil V. Crabb and Pat M. Holt, Invitation to Struggle: Congress, the President, and Foreign Policy 4th ed. (Washington: CQ Press, 1992), p. 3 (emphasis in original).

¹⁵⁶ Crabb and Holt, Invitation to Struggle, see esp. commentary in Chapters one, two, and eight.

¹⁵⁷ Les Aspin, "Congress v. the Defense Department," in The Tethered Presidency, p. 262. Aspin is careful to qualify his findings, however, noting that individual members of Congress or groups of members may act differently from Congress as an institution. Unfortunately, he does not explore this point in any greater depth. Aspin, formally an academic, has been a prolific and insightful contributor on Congress and defense policy. Also see Aspin, "Why Doesn't Congress Do Something?" Foreign Policy 15 (Summer 1974), pp. 70-82; "Games the Pentagon Plays," Foreign Policy 3 (Summer 1973), pp. 155-174; and "The Defense Budget and Foreign Policy: The Role of Congress," Daedalus 104 (Summer 1975), pp. 155-174.

process on issues such as arms control and defense, specifically SDI and the ABM Treaty. He concludes that presidents should adapt to this new Congressional assertiveness by accepting it as normal, and reach out to the Congress to develop policies capable of garnering wider support.¹⁵⁸

By contrast, Yale Law School Professor Harold Hongju Koh, has highlighted what he views as the appropriate normative component of foreign policy making. Where political science scholars have documented rising Congressional participation, Koh instead finds Congressional acquiescence; but he asserts that there is a "core Constitutional notion" which requires "balanced institutional participation" in foreign affairs. Thus, by right, albeit not yet by action, Congress' should play an equal role to the executive in foreign policy making.¹⁵⁹

¹⁵⁸ Barry M. Blechman, The Politics of National Security: Congress and U.S. Defense Policy (New York: Oxford University Press, 1990). For a similar treatment that covers the search for equilibrium in foreign policy between the legislative and executive branches on arms control and foreign policy issues, over a broader time period but less detailed in its specifics, see Gerald Warburg, Conflict and Consensus: The Struggle Between Congress and the President over Foreign Policy Making (New York: Harper & Row, 1989). For a treatment that specifically discusses ways of bridging executive-legislative tensions, see Michael Barnhart, ed. Congress and United States Foreign Policy: Controlling the Use of Force in the Nuclear Age (Albany: State University of New York Press, 1987).

¹⁵⁹ Koh's revisionist interpretation of the Constitution is based on what he calls "a textual exegesis of particular Constitutional clauses," and then on "inferences" from the broader government structure created by the Constitution, which then create what he deems "a National Security Constitution." Harold Hongju Koh, The National Security Constitution: Sharing Power After the Iran-Contra Affair (New Haven: Yale University Press, 1990), esp. pp. 68-69. This controversial reading of the Constitution, at odds with the traditional mainstream of political science and legal scholarship, is not only problematic in practice, but may also be antithetical to the long established heritage of representative democracy. For example, how and by whom is it decided that there is "balanced institutional participation" in foreign policy making? Is imbalanced participation potentially unconstitutional? Does the requirement of balanced institutional participation mean legislators must be active in foreign affairs, even if their constituents prefer otherwise? As part of balanced participation, Koh maintains that the judicial branch should be much more involved in foreign affairs than it has traditionally been. As but one example, he writes "because federal judges enjoy life-tenure and salary independence and owe nothing to those who appoint them, it is their business to say what the law is in

Finally, in a study of Congress and U.S. policy towards Nicaragua during the Reagan presidency, two political scientists did find the emergence of a potential alternative Congressional policy. While Congress ultimately was unable to impose its will on the executive, it undertook extraordinary efforts that modified Administration support for the Contras, and in this sense, Philip Brenner and William LeoGrande assert that Congressional influence was significant. But to the extent that the Administration set the agenda, and framed the problem which Congress reacted to, these two analysts conclude that Congressional influence was, in the end, limited. Brenner and LeoGrande do agree, however, that the legacy of the 1970s foreign policy changes in Congress "is likely to lead to greater efforts by legislators to develop distinctive Congressional policies," at least until there is a new foreign policy consensus.¹⁶⁰

To sum up, the co-determination perspective lays out a body of evidence that Congress has been, is, and will increasingly be involved in foreign policy making. Unfortunately, like the two previous perspectives, it fails to address adequately Congressional initiative in foreign policy. But building upon the general views and findings of a more active partnership role of Congress, a study of Congressional

foreign affairs," p. 224, emphasis in original. Presumably, this construction would limit the judges' freedom of legal choice and interpretation to find that the courts should not be involved in passing judgment on foreign affairs. Thus, Koh's work is controversial in this area as well. I want to thank Peter Berkowitz for his input into some of the above points.

¹⁶⁰ See Philip Brenner and William M. LeoGrande, "Congress and Nicaragua: The Limits of Alternative Policy Making," in Divided Democracy: Cooperation and Conflict Between the President and Congress, ed. James Thurber (Washington: CQ Press, 1991), p. 274.

initiative and influence is a logical new line of inquiry.

Summary

By blending insights from international relations and Congressional scholarship, we have seen that there is a solid historical and empirical foundation to examine Congressional initiative and influence in foreign policy making. Yet despite enormous attention accorded to Congress and its role in foreign policy, the question of Congressional initiation remains very much an unsettled one.

The broader literature on Congress and foreign policy addresses many issues and answers many questions; we know that presidents are generally seen to prevail in foreign policy, but must often work harder to do so; foreign policy also now attracts a substantial share of Congressional resources and attention; moreover, a number of members are experienced foreign policy hands with strong policy interests and vast expertise. Indeed, it is no longer a question of whether Congress is a player, but to what extent. As one thoughtful political scientist, Thomas Mann, has concluded:

...the trend toward Congressional involvement in foreign policy, itself part of a broader transformation of the process of foreign policy making, is irreversible. The institutional legacy of Vietnam, Watergate, and the Iran-Contra Affair; the political incentives for foreign policy activism; and the culture of Capitol Hill all ensure a resurgent Congress for the foreseeable future, whatever the partisan makeup of the national government.¹⁶¹

Unfortunately, however, the literature has focused almost exclusively on such normative questions as the appropriate role of

¹⁶¹ Mann, "Making Foreign Policy: President and Congress," in A Question of Balance, p. 28.

Congress in foreign policy making and, secondarily, the consequences of Congressional activity on the effective and nuanced execution of U.S. foreign policy. Often lost in the shuffle is the continuing search for what Congress actually does -- i.e. what is the extent and scope of its influence? It is perhaps ironic that in the 1970s and 1980s, and even in the 1990's, scholars examining the new powers and newly assertive role of Congress, nonetheless also accepted concepts prevalent in the 1940s and 1950s -- namely that Congress' influence in foreign affairs is reactive, and lies in its effective blocking or amending of executive branch policy, rather than successfully initiating its own policy measures to be adopted by the Administration.

This current examination hopes to take the work from the previous decades to its logical next step by examining the question of Congressional initiative and active influence in the shaping of U.S. foreign policy. This question is all the more relevant, even urgent, in the Post-Cold War era, a time when the groping for appropriate U.S. policies is shared by the executive and Congress alike. The concern here is not whether such Congressional influence is Constitutionally right or wrong, or practically desirable or undesirable -- questions of the appropriate balance for an effective American foreign policy are a constant part of the democratic discussion in America, and rightly so. But such broader questions will ultimately be most meaningful when they are informed by a sound appreciation of the actual Congressional role in the foreign policy making process. After a discussion of methodology in the next chapter, we will then turn to the case study.

Chapter Three

Method

Aristotle could have avoided the mistake of thinking that women have fewer teeth than men by the simple device of asking Mrs. Aristotle to open her mouth.

-- Bertrand Russell

Logic of the Case Study

The debate about the benefits of the case study approach has raged for years. Among skeptics of the case method it has become almost commonplace to: (a) announce that case studies account for the preponderant number of studies in the field; (b) engage in an angst-ridden discussion about the utility and the place of the case study method in political science; (c) declare the case study method inadequate if a comparative study or a statistical study is being carried out; or (d) if a case study is being carried out, mount an explanation as to its benefit. But indeed, if case studies are as poverty-ridden as the almost obligatory apologia were to suggest, and given that they are the most frequent method of inquiry in the field, then political science would indeed be in a poor state. But in fact, case studies immeasurably benefit political science, both in the theory building and theory testing process on one hand, and in helping political scientists arrive at a more rigorous understanding and explanation of events, relationships and patterns in the political world

on the other.

One of the more thoughtful voices on research methodology has been Donald Campbell, a social scientist known for his unswerving search for the truth and his disciplined approach to research. In 1963, Campbell made the bold and much-quoted assertion that one-shot case studies are "of almost no scientific value."¹ But a decade later, Campbell refined his thinking, and demonstrated that case studies are in fact the basis of most comparative research, and moreover, that qualitative knowing provides important bases and assumptions for quantitative research to build upon.²

Harry Eckstein, in an important 1975 essay on case studies,³ demonstrates the range of their uses and provides a solid defense of their methods.⁴ Eckstein asserts that "case studies permit intensive

¹ Donald T. Campbell and Julian C. Stanley, Experimental and Quasi-experimental Designs for Research (Chicago: Rand MacNally, 1963), esp. pp. 3-4.

² See, Donald T. Campbell, "Qualitative Knowing in Action Research," in Methodology and Epistemology for Social Science, reprinted from The Social Contexts of Method, ed. M. Brenner, D. Marsh, and M. Brenner (Croom Helm, Ltd., 1978) pp. 184-209. Also see, Donald T. Campbell, "'Degrees of Freedom' and the Case Study," Comparative Political Studies 8 (July 1975), pp. 178-193.

³ Harry Eckstein, "Case Study and Theory in Political Science," in Handbook of Political Science, Volume 7: Strategies of Inquiry, ed. Fred I. Greenstein and Nelson Polsby (Reading, Mass: Addison-Welsey, 1975), see esp. pp. 104-122 from which quotes in following paragraph are taken. This essay is commended to the interested reader for reasons beyond its rich discussion of the many important uses of the case study method. Considering its abstract topic, it is written with a remarkable degree of clarity, precision, and movement. To this day, the article still serves an example of employing solid logic, a willingness to challenge orthodoxy, and finally, it is a model of good political science writing.

⁴ For more on the case study approach, and additional views, the reader may consult Alexander George, "Case Studies and Theory Development: The Method of Structured, Focused Comparison," in Diplomacy: New Approaches in History, Theory, and Policy, ed. Paul Gordon Lauren (New York: Free Press, 1979). For an overview, see Dankwart A. Rustow and Kenneth Erickson, eds., Comparative Political Dynamics: Global Research Perspectives (New York: HarperCollins, 1991), see esp. Chapter two.

analysis," and "the possibility of less superficiality in research," adding later that it is possible for the researcher to "go more deeply into a single case than a number of them, and thus compensate for loss of range by gains in depth...."

In terms of their uses, Eckstein identifies five types of case studies. However, he devotes the bulk of his discussion to the final three -- heuristic cases, plausibility probes, and crucial case studies. Heuristic cases, that "seek to find out" and explore general patterns and problems, may, in Eckstein's phrase, "stimulate the imagination," thus producing candidate generalizations that provide a basis for further research.⁵ Moreover, he persuasively argues that heuristic studies are useful and important for uncovering occurrences in the political world previously dismissed or ignored, whether they are indeed unique or occur with greater regularity once the surface is scratched.

A second type, plausibility probes, while related to heuristic studies, have the more sophisticated goal of producing rather loose and inconclusive, but still suggestive and important tests to establish that a construct or idea ("a counter-idea"), believed previously not to be the case, is worth pursuing in greater depth. Indeed, as this is carried out, a plausibility probe, at the higher levels of case studies, may become a third form of case study, a crucial case study, i.e., a test that confirms or invalidates (e.g. "scores a knockout blow") a theory or commonly held view.

⁵ Richard Fenno, in a more recent essay, has put one important benefit of case studies as follows: "To uncover some relationship that strikes others as worth hypothesizing about or researching further." "The Political Scientist as Participant Observer" in Watching Politicians: Essays on Participant Observation (Berkeley: Institute of Government Studies Press, 1990), p. 57.

Eckstein is careful to point out that individual cases can serve one or more of these purposes, frequently overlapping in their goals and simultaneously performing a number of tasks.⁶ In terms of selecting actual cases, Eckstein offers several guiding principles. He asserts that "not all cases are equal in their import, even for the modest purposes of heuristic exploration," i.e., some cases are better than others. Thus, whether attempting a heuristic study or something more, a researcher should not, in Eckstein's view, select "just any case on any grounds, but a special sort of case: one considered likely to be revealing, on some basis or other."⁷

What tends to make a case "revealing," however, may not necessarily be its so-called typicality or regularity -- indeed, Eckstein argues, for example, that some of the best cases for crucial case studies are ones "that are extreme" and thus "'most-likely' or 'least-likely'...to invalidate or confirm."⁸ Rather, revealing cases are ones, "if well-selected,...such that a result for or against [a proposition] cannot be readily shrugged off."⁹ Eckstein also states that such cases can be especially important "where required information is not readily available in aggregate data or good secondary sources and is intrinsically hard to get."¹⁰

⁶ Thus, Eckstein suggests that Dahl's famous 1961 study of power in New Haven, Who Governs?, in which Dahl sought to explore whether power may be pluralistic or monolithic, is both a heuristic study as well as a "Plausibility Probe," see "Case Study and Theory," pp. 108-109.

⁷ Eckstein, p. 106.

⁸ Eckstein, "Case Study and Theory," p. 118-119.

⁹ Eckstein, p. 110.

¹⁰ Eckstein, "Case Study and Theory," p. 110.

Eckstein's principles have guided the selection of the case of U.S. policy toward Cambodia for this study. The criterion for the choice of this case was the judgment that it best demonstrates Congress as an initiator in the post-Cold War era, and thus can be considered likely to be revealing.¹¹

To the extent that there are generally accepted propositions about the scope and influence of the Hill in foreign policy making -- during or post-Cold War -- it is that Congress's influence, however vigorous, is primarily reactive and almost exclusively negative. An in-depth study demonstrating that Congress can indeed act as an initiator calls into question the blanket application of prevalent wisdom about Congressional influence. In this regard, the case itself has the benefit of a rich body of material available, allowing for the exploration of three separate phases of activity, including three attempted policy revisions, two successful, one not; fitting within the designated time frame of the research question, the post-Cold War; and also permitting the researcher to observe events over what Eckstein calls "a reasonable period of time," in this instance, the 101st Congress. This minimizes the "likelihood of unlucky chance findings," in his formulation, a vital component, especially for a crucial case study.¹² Indeed, the ability to examine changes in Cambodia policy over

¹¹ This follows Eckstein's "face value" approach. He notes that cases, including the more crucial (e.g. extreme ones) are "identifiable without taxing preliminary studies -- on their face value or because the special work required has already been done, even if for other purposes." And while cases are available "en masse" (Eckstein's phrase), it is up to the researcher to use his or her best assessment in choosing a case considered "likely to be revealing," and, moreover, "where the results cannot be readily shrugged off." See pp. 120, 106, 110. To wit: select the case that best serves the research question based on the researcher's best assessment.

¹² Eckstein, "Case Study and Theory," p. 124.

the course of three separate and distinct phases, to witness it unfold from genesis to resolution, can give more confidence to this analysis.

It may be asked, though, is this study designed principally for heuristic and plausibility probe purposes, i.e., suggesting possibilities for future Congressional action and exhorting other scholars to spend more time sifting through evidence from other cases in search of further instances of Congressional initiation? Or is it baldly and confidently asserting that the blow has indeed been struck, that the emperor has no clothes, and that the view that Congress doesn't initiate foreign policy in the post-Cold War era is flat wrong? The answer to the first, and somewhat more modest goal of a heuristic study and plausibility probe, is yes. Before answering the second question, however, it is fruitful first to ask, how does one know that this case can indeed be a crucial case study, rather than a deviant case.

Eckstein notes that claims of deviance and irregularities can always be made for any case; thus, the question is not whether they are made, but "how far-fetched or perverse" they are.¹³ In effect, he sets up a reasonable person test, which can fairly be applied here. The case of U.S. policy toward Cambodia may or may not be representative of Congressional muscle-flexing in the post-Cold War era. At this early stage, when a sufficient body of evidence has yet to be collected, it is too early to render a hard-and-fast judgment on this score. However, this much can be said. In the post-Cold War era, international crises and hot spots will abound, over-taxed Presidents will no doubt be stretched thin, and, all said and done, members of Congress will retain

¹³ Eckstein, p. 118.

an abiding interest in foreign affairs. Quickly, suddenly, unexpectedly, much can happen in the international arena, prompting unanticipated responses and input by the Congress, as well as by the executive in the foreign policy making process. This may happen in one year, let alone in five, ten, fifteen, or twenty. Given this, there is no reason at the present point to conclude that this case is deviant, which is to say it represents a convergence of factors that will never happen again. And that it may appear to be an extreme might well enhance its ability also to act as a crucial case study.

With these thoughts in mind, and perhaps ducking the ultimate verdict of the degree to which it is a crucial case study (a wholly allowable duck under Eckstein's formulation, which says there are degrees of crucial case studies, and they in turn represent stronger degrees of plausibility probes, themselves often overlapping with heuristic studies), while the case may not be designed to deliver a TKO, it certainly is also intended to deliver a strong punch against the view that Congress does not initiate U.S. foreign policy.

With regard to mechanics, the case study format enables a coherent presentation of each phase of the policy, a view that permits one to assess the actions of a wide range of Congressional and Administration actors, what they did or shied away from, why they moved forward or held back, and which actions were decisive and which were not. The narrative can unfold in such a manner as to concentrate on and allow a detailed judgment about the central question: who was largely responsible for the policy's initiation and formulation?

Emphasizing decision making over roughly a two year time period, this analysis could face problems that often do not confront assessments

of short-term crises, such as the Cuban Missile crisis, which over time have benefited from a fuller disclosure of documents and material. As two scholars have noted:

This type of study is often more difficult than the 'crisis type' to cast in the mold of precise decision making analysis because it involves a harder-to-research cumulative process which takes place in a sprawling [governmental] labyrinth and a more comprehensive political arena over a longer time period.¹⁴

Fortunately, this need not be an insuperable obstacle for this inquiry. Principal reasons why are discussed in the next section on the participant observation method.

Participant Observation

Participant observation fits within the tradition of field work carried out in natural settings, pioneered originally in work undertaken by anthropologists and sociologists.¹⁵ One of the seminal studies employing this technique was carried out by the social psychologist, Leon Festinger, and two colleagues, who studied a group of people predicting the imminent destruction of the world.¹⁶ However, due to

¹⁴ James E. Dougherty and Robert L. Pfaltzgraff, Jr., Contending Theories of International Relations: A Comprehensive Survey (New York: Harper & Row, 1981), p. 18. Of course, it can also be noted what John F. Kennedy once wrote: "The essence of ultimate decision making remains impenetrable to the observer -- often, indeed, to the decider himself....There will always be the dark and tangled stretches in the decision making process: mysterious even to those who may be most intimately involved," John F. Kennedy, "Preface," in Theodore Sorenson, Decision-Making in the White House: The Olive Branch and the Arrows (New York: Columbia University Press, 1963), p. viii, emphasis in original.

¹⁵ For example, see discussion of the work of the Chicago School of Sociologists by John C. McKinney, who writes: "Go and sit in the lounges of the luxury hotels and on the doorsteps of the flop houses; sit on the Gold Coast settees and on the slum shakedowns; sit in the Orchestra Hall and in the Star and Garter burlesque. In short, gentlemen, go get the seat of your pants dirty in...research." Quoted in Robert M. Emerson, ed., Contemporary Field Research (Boston: Little Brown, 1983), pp. 7-8.

¹⁶ Leon Festinger, Henry Riecken, and Stanley Schachter, When

methodological problems, problems of access, time, money, resources, and training, most researchers assume the more common "participant-as-observer" role, rather than immersing themselves in the complete "participant observer" role. John Van Maanen's research on police training, in which his identity and research goal were explicitly identified, nonetheless enabled him to gain valuable insights that would have otherwise been denied to him as a researcher. In his words, he was able "to get to know well other persons involved and to see and hear what they do and say."¹⁷ For both the political scientist specifically, and the social scientist in general, the participant observer and participant-as-observer method has long been a valuable research tool.

In political science itself, Richard Fenno has energetically used this well-established method to increasingly good effect in studies of Congress and domestic policy.¹⁸ Fenno calls this method "hanging around," and "poking and soaking."¹⁹ Behind these colloquial phrases, however, he has demonstrated important benefits of the method to the field. His findings merit a brief summary.

Fenno notes that the method is less likely to be used to test hypotheses than to uncover some relation that strikes the researcher as worth hypothesizing about or exploring further, i.e., the method has

Prophecy Fails (New York: Harper & Row, 1956). This important pioneer study gave rise to the theory of cognitive dissonance.

¹⁷ John Van Maanen, "The Moral Fix: On the Ethics of Field Work," in Contemporary Field Research, pp. 269-270.

¹⁸ See Richard F. Fenno, The Emergence of a Senate Leader: Pete Domenici and the Reagan Budget (Washington: CQ Press, 1991); Learning to Legislate: The Senate Education of Arlen Specter (Washington: CQ Press, 1991); and The Making of a Senator: Dan Quayle (Washington: CQ Press, 1988).

¹⁹ The following discussion is culled from Fenno, Watching Politicians.

benefits for a valuable exploratory basis. Second, the end product of the research is likely to be a more developed reformulation of a question or a problem. On this point, consider the words of Eckstein, who writes: "Raising questions, especially penetrating ones, is anything but a simple matter."²⁰ Thus, in generating such questions, participant observation fulfills a vital goal of political science. Third, the participant observation method sensitizes the researcher to matters of "context and sequence."²¹ In other words, data that some researchers may otherwise minimize, dismiss as unimportant, overlook, or even miss altogether, the participant observer may observe is absolutely critical to understanding and explaining certain actions and behavior.²²

Fourth, while no claim can be made for the complete representativeness of the observations made by the participant observer,

²⁰ Harry Eckstein, "Case Study and Theory," p. 91.

²¹ Fenno, Watching Politicians, see esp. pp. 114-117.

²² Directly related to this issue is Friedrich's "Rule of Anticipated Reaction," see Carl J. Friedrich, Constitutional Government and Democracy (Boston: Little Brown, 1941), pp. 589-591. A classic example of this important phenomenon was portrayed by Warner Schilling. Analyzing the politics of the 1950 defense budget, he noted "...the measure of Congressional influence on the budget cannot be taken solely through reference to committee action. It must also be taken through reference to...the choices the Executive made in anticipation of Congressional wants and power," Warner Schilling, "The Politics of National Defense: Fiscal 1950," in Strategy, Politics, and Defense Budgets, ed. Warner Schilling, Paul Y. Hammond, and Glenn Snyder (New York: Columbia University Press, 1962), p. 97.

Richard Perle, perhaps among one of the most effective Congressional staff members in modern years, has explained somewhat further how this principle of anticipated reaction can operate in the policy making process: "You can be effective not by legislation, but by finding the right person in the right place in the Administration and threatening hearings, legislation, or some other action. Some of my greatest successes have never been recorded, because this is how they happened. To be effective in Congress, you have to know this is how power really works." (Interviews)

Ironically, this important aspect of Congressional initiative and influence is frequently overlooked, precisely because there is no written record; it is also difficult material to get from interviews. Participant observation is a potential remedy to this perplexing research dilemma.

as Fenno has demonstrated, the result of the "over-the-shoulder" method, watching actors in their natural habitat, seeing things from their vantage point, yields data that simply cannot be gotten otherwise -- if at all. How important are the collection of data and view of the actual environment? Very.

More than a quarter of a century ago, William S. White, the chief Congressional correspondent for The New York Times, helped influence 25 years of political science scholarship with his 1956 work about the Senate, Citadel.²³ Other books by journalists, such as Elizabeth Drew's work on Senator John Culver and Bernard Asbell's book on Senator Edward Muskie, have also stimulated inquiry among political scientists.²⁴ In The Electoral Connection, David Mayhew wrote that, "Journalists commonly offer better insights on Congressional affairs than social scientists."²⁵ Fenno agrees: "It is a simple fact that some of the most stimulating work on Congress has been produced by journalists."²⁶

²³ William S. White, Citadel: The Story of the United States Senate (New York: Harper & Brothers, 1956).

²⁴ See Elizabeth Drew, Senator (New York: Simon & Schuster, 1978); Bernard Asbell, The Senator Nobody Knows (New York: Doubleday, 1978); although not a journalist, see Max M. Kampelman, Entering New Worlds: The Memoirs of a Private Man in Public Life (New York: HarperCollins, 1991). A political scientist by training and a former Congressional staffer to Senator Hubert Humphrey, Kampelman, who also served three presidents in a number of high-ranking foreign policy roles, provides a variety of interesting insights into the workings of the Congress. For a perceptive and important treatment of Washington policy makers, see David S. Broder, Changing of the Guard: Power & Leadership in America (New York: Penguin, 1981).

²⁵ David R. Mayhew, The Electoral Connection (New Haven: Yale University Press, 1974), see fn. 73 on p. 118.

²⁶ Fenno, Watching Politicians, p. 99. In addition, one particularly "stimulating work" on Congress has been written by a former legislator and academic, the late Senator John Tower. The highly revealing insights into the inner workings of both the Senate and the executive branch, which he provides in his memoir, Consequences (Boston: Little, Brown, and Company, 1991), surpass those of any journalist, and should be of interest to academics and policy makers alike. Moreover, it is a classic example of the kind of information that can be gained by

Along this line, Fenno rightly highlights two related considerations that must be of concern to the field of political science. The first is that political scientists have become too dependent on journalists for data and insights,²⁷ and the second is that an over-reliance on journalists is not without its hazards.

By the nature and requirements of their work, journalists often have an interest in the episodic, the idiosyncratic, and the conflictual. They are not required to be conceptualizers or generalizers.²⁸ Not all journalists subscribe to a professional code of ethics. Moreover, the journalist's view of the world can often be a slanted or biased one.²⁹ In news accounts, entire dimensions and sides of a problem may be sidestepped or ignored. This is not a result of perfidy, dishonesty, or a lack of standards; often it is simply the case

a participant observer.

²⁷ Fenno's actual language is more pointed: he writes, "...up to now, journalists have been doing the work of political scientists," Watching Politicians, p. 2.

²⁸ Of course, political scientists are also interested in the episodic and the conflictual, but as a means, not an end, to create building blocks of systematic generalizations, and to discern potential regularities about political behavior.

²⁹ On this point, see Richard Fenno, "Political Scientists and Journalists: The Dan Quayle Experience," in Watching Politicians, pp. 27-54. This essay is an important caveat for political scientists exclusively relying upon journalistic data. While one may not agree with all of Fenno's conclusions, he raises serious issues that warrant significant consideration. His observations are supported by previous findings. For example, on this same issue, Donald Matthews has written: "If the relationship between senator and reporter matures into one of close collaboration and respect, the reporter is very likely to become an informal advisor to his Senate news source." Donald R. Matthews, U.S. Senators and Their World (New York: Vintage Books, 1960), p. 204; also see his Chapter six on reporters and the Senate. On this same issue, Kampelman vividly describes one such instance of journalistic-Congressional collaboration between Republican Congressman H.R. Gross and Clark Mollenhoff of the Des Moines Register and Tribune, Entering New Worlds, pp. 157-160.

For a different view of the journalist by a journalist, see Joseph Kraft, Profiles in Power: A Washington Insight (New York: The New American Library, 1966), pp. 90-102.

that journalists are hampered by their own method. Writing under severe time pressures and under constant pressure to "scoop" their competition, they have become ever more dependent upon sources, who often have their own parochial interests in "spinning" the story. As a practical matter, this can lead to skewed reporting and may obscure whole data sets, which in turn may then form the basis for systematic observations of social scientists.

By contrast, political scientists, in accordance with the discipline and their training, will almost certainly produce a more reliable and balanced body of systematic data than the media community. Indeed, the record of political scientists drawing on their own observations is not just good, but impressive. Mayhew has credited his own personal experience on Capitol Hill with convincing him that "scrutiny of purposive behavior offers the best route to understanding of legislatures...."³⁰ James Robinson was a participant observer in the Congressional liaison office of the Agency for International Development, which provided material for his study of Congressional initiative. Morton Halperin served for a time in the executive branch, where he culled important insights for his work on bureaucratic politics. H. Bradford Westerfield, a scholar of international relations, served on the staff of the Senate Foreign Relations Committee and as a Legislative Assistant to a member of the House Foreign Affairs Committee.³¹ The argument is not then, that political scientists do not

³⁰ Mayhew, Electoral Connection, p. 5.

³¹ To take one last example, David Price, a Congressional scholar for more than 25 years, is now a member of Congress, but continues to contribute to the scholarship in the field. See his observations in David E. Price, "From Outsider to Insider," in Congress Reconsidered, 4th ed., ed. Lawrence C. Dodd and Bruce I. Oppenheimer (Washington: CQ

profit from different forms and types of participant observation -- they have and they do. It is that more of it should be undertaken.

This final point touches on the bias existing in the study of international relations that downplays Congressional influence in foreign affairs. Charles Kegley, for one, has already decried the failure of political science "...to approximate the real world of foreign policy determination."³² He notes that the findings are an "artificial" result of the methods employed by political scientists which impose an inadequate shape on events.³³ The participant observation method, by allowing first-hand Congressional insights into the process of foreign policy making to be gained, offers a potential remedy to this.

In this case study, I draw upon my own participant observation in the legislative and policy process from roughly a two-year stint as a senior foreign policy aide to Senator Charles S. Robb and as his designee to the Senate Foreign Relations Committee. From start to finish, I was in a position to observe U.S. policy towards Cambodia develop in the legislative and policy arenas, to watch the actions of involved members of Congress, of staff members, of executive branch officials, of the alliances and coalitions that emerged, and the effect of interest groups and the media. This experience is supplemented by my on-the-ground knowledge of the situation in Cambodia culled from an intensive trip to the region that entailed meetings with the key

Press, 1989), pp. 413-442.

³² Charles W. Kegley, Jr., "Decision Regimes and the Comparative Study of Foreign Policy," in New Directions in the Study of Foreign Policy, ed. Charles F. Hermann, Charles W. Kegley, Jr., and James N. Rosenau (New York: HarperCollins Academic, 1987), p. 248.

³³ Kegley, p. 248.

regional as well as U.S. in-country actors, including Prince Sihanouk and Prime Minister Hun Sen.³⁴

In my formal role, I was as much participant as observer.³⁵ This is valuable for this study because, regarding Cambodia, the legislative record alone is both often misleading and clearly episodic, and represents an inadequate guide to the actual substance and sequence of the policy process. The benefit of my participant observation role, however, is that I had a vantage point to watch a policy unfold in its most intimate and intricate details, which enables me to draw on first-hand experience and a detailed recording of the facts relevant to the study.³⁶ Thus I am able to write without relying primarily on secondary and tertiary sources of data, which are often questionable. I also have the additional benefit of extensive memoranda, a number of relevant documents, and highly detailed records and copious handwritten notes made on almost a daily basis, to inform this study. In some instances, I did not directly observe an event, but within hours afterwards, or the same day, had it described to me by participants in detail, which I then often recorded or typed up in memoranda for the record. Among other things, this also helps combat the potential problem of distortions in memory -- a pervasive problem, incidentally, that can confound the more

³⁴ See Appendix E for list of meetings.

³⁵ As Raymond L. Gold has pointed out, the complete participant observer interacts with the observed "as naturally as is possible in whatever areas of their living interest him and are accessible to him." See, "Roles in Sociological Field Observation," Social Forces 36 (1958), pp. 217-23. For an earlier but interesting article on participant observation, see Florence Kluckhohn, "The Participant-Observer Technique in Small Communities," American Journal of Sociology 46 (1940), pp. 331-343.

³⁶ For stylistic purposes, during the case study and analysis, I will not refer to myself by the pronoun "I," but will instead use the third person, e.g. Robb's staffer or Robb's aide.

common technique of data drawn from interviews after the fact.³⁷

This study is not designed to be an authoritative history or a comprehensive overview -- this is beyond its scope and could itself fill several volumes. Moreover, from an historical perspective, the data culled from my vantage point, however centrally located, is but one vantage point.

While the majority of data bears directly on the research question of Congressional initiative and influence, some material is also included because it is relevant to the overall sweep of the policy making process and can add to the explanatory power of the data. At times, the writing and descriptions will be rich, even vivid, because this best portrays the decision making process as it actually happened, and presents the data in its purest form. When I am in a position to do so, relevant dialogue is also included. Additionally, when journalistic accounts are indeed accurate, and can assist the narrative, they are

³⁷ This study has also been supplemented by 72 interviews conducted between January 1992 and January 1993, with: members of Congress, committee and personal staff, former officials from the executive branch, including the White House, the State Department, the National Security Council, the Defense Department, the United Nations, the Central Intelligence Agency, and with analysts from the Washington think-tank community.

The interviews lasted from 15 minutes to three hours. Most were conducted in person, although a number were carried out by telephone. All were conducted on an open-ended basis, to provide background and supporting information, and two areas were broadly explored. First, the interviews inquired into the question of Congress, the executive, and foreign policy making, and legislative influence in foreign affairs more generally; and second, they supplemented the case study of U.S. policy toward Cambodia with additional background information.

A no-attribution rule was followed with all Capitol Hill staffers, and officials in sensitive positions, including those in the CIA, civil servants, and individuals who have gone or might go into the current Administration. In addition, many members of the previous Administration, at the time of the interviews, requested non-attribution, regardless of election outcome. The no-attribution rule was necessary for individuals to speak freely in an election year cycle.

Either a recording device was used or notes were taken during all the interviews.

I do want to acknowledge here the assistance of Representative Stephen Solarz and his staff.

directly employed. In other instances, where they may be deemed only partially reliable, but can help other researchers with the flow of events, news accounts are included in footnotes.

I worked with highly classified information on a daily basis. As a backdrop, this has helped to inform my research, allowing me better to assess much of the data, then and now. But in accordance with ethical and professional considerations, and rules governing this particular exercise, no classified material that has not been previously disclosed in public will be discussed. This study did not have to be cleared by any security monitors, although I have consulted closely with the Office of Senate Security, which provided both general guidelines and specific advice for the material used in this work. As a matter not just of the terms of the security clearance agreement outlining treatment of classified information by which I am bound, but by fundamental respect for the spirit of that agreement, I have sought to adhere to the highest standard in preserving all classified information, including content as well as sources and methods. Still, it can be noted that no findings or conclusions will be made in this study which are not supported by the full range of data, disclosable or not, with which I am acquainted.

Finally, two additional points about the participant observation method must be made. The first has to do with the relationship of the observer and the observed, leading to potential biases in the reading of the data; the second pertains to ethical and professional considerations.

It is always a potential problem that the participant observer may "go native," that is, lose the intellectual distance necessary for a

detached research perspective.³⁸ One answer here is, as Fenno has noted from his own experiences, maintaining a willingness to criticize and render hard judgments.³⁹ But there is also the consideration that the participant observer may develop a deep attachment with respect to the observed.⁴⁰ William Kornblum in his study of how Yugoslav immigrants adapted in the United States, has written that the way to avoid inevitable biases is: "to try, in the analysis of events, to be on guard against [one's] own particularities so that [one] might connect them or use them knowingly."⁴¹

In this study of U.S. foreign policy toward Cambodia, incentives for detached analysis are inherent in the research topic. This inquiry is not about rendering a verdict as to the wisdom of one side or the other in the development of U.S. policy toward Cambodia; moreover, the subject of Congressional initiation and influence does not require a policy judgment about any of the actors in the policy making process or the policy options themselves. While human nature is always a factor in assessing data and some biases are inevitable, the political scientist ultimately "lives in the scholarly world," and this is where his or her obligation lies.⁴² Thus, the demands of the discipline require

³⁸ Still, Campbell and Stanley point out that there are no guarantees with the reading of quantitative data either. See Campbell and Stanley, Experimental and Quasi-experimental Designs, pp. 3-4.

³⁹ Fenno, Watching Politicians, p. 78.

⁴⁰ For example, Eleanor Miller writes, "With a sinking feeling, I started to question whether or not I could ever be comfortable enough personally to do this study." Eleanor Miller, Street Woman (Philadelphia: Temple University Press, 1986), esp. pp. 221-222, emphasis added.

⁴¹ Quoted in Contemporary Field Research, p. 255.

⁴² Fenno, Watching Politicians, p. 25.

vigilance against bias that could distort data, advice which guides this specific study as well.

A number of ethical and professional considerations have also governed the writing of this study. At its core, this study is a scholarly exercise aimed at answering a basic question about Congress' role in foreign policy making. Its interest is in process and events, not in disclosure of individuals. Accordingly, only individuals who have been elected or subjected themselves to Congressional confirmation, and thus by their own consent have placed themselves under public scrutiny and as spokesmen on the record, will be identified by name. In most cases, quotes made in a non-public forum will be attributed by name only to members of Congress, who both accept and understand that anything they say in virtually any context is a subject for the political record.⁴³ Political scientists and participant observers have an obligation both to the individuals involved, to maintain their legitimate privacy concerns, and to themselves, not to foreclose access to future political science research and related professional options.

Perhaps it can be argued that such considerations may have little relevance in an age of full disclosure and constant leaks for anyone stepping into the public eye, including not only elected representatives, but also staffers and Administration officials -- ABC News "Nightline" correspondent, Jeff Greenfield, has put it this way:

⁴³ As one former White House official, and a former top aide to a U.S. Senator remarked, using virtually identical words: "We have to expect that anything we do, write on paper, or say, is going to end up on page one of the Washington Post; there's no escaping this reality in our jobs." (Interviews). Thus, Kai Erikson's criticism of participant observation as being painful to people who may be misled does not necessarily hold for the political realm. Kai T. Erikson, "A Comment on Disguised Observation in Sociology," Social Problems 14 (1967), see esp. p. 368.

"There is no privacy in public life in the government and the media. It's a Faustian bargain -- we all know the rules and we all accept them."⁴⁴ But the fact remains that political science is not a "Faustian bargain." The purpose of its inquiry is to assess data, understand, evaluate, and illuminate the process that is politics and policy, while also maintaining legitimate respect for all individuals involved.

In today's political climate, while it is relatively easy, in theory, to draw lines around individual privacy, those lines substantially blur when it comes to studying and writing about the policy process. The fluidity of movement between government and academia and the think-tank/research world has already ensured the transfer of information and material from one realm to another. Moreover, even some current Congressional practitioners with academic backgrounds, and in some cases political science training, have chosen to write about the legislative realm and their specific experiences in a political science context. David Price is perhaps the most prominent example.⁴⁵ And beyond this lies the dizzying proliferation of memoirs from across the executive and into the legislative branch,⁴⁶ as well as legions of unnamed executive and legislative branch sources providing blow-by-blow descriptions for writers and journalists, that detail

⁴⁴ Jeff Greenfield, round table discussion on PBS, "Ethics in America," conducted by University Seminars on Media and Society, Columbia University, originally broadcast November 1, 1987.

⁴⁵ David E. Price, The Congressional Experience: A View From the Hill (Boulder, CO: Westview Press, 1992).

⁴⁶ For example, see Eric Redman, The Dance of Legislation (New York: Simon & Schuster, 1973), and Richard Perle's thinly disguised memoir in the guise of a novel, Hard Line (New York: Random House, 1992). A number of the descriptions of the policy making process in Hard Line are highly revealing and very insightful.

private meetings and closed events in the policy making process, including the words and reactions of the policy participants themselves.⁴⁷

Certainly, subjects will be written about, information opened to inspection, and data shared in-and-out of the government. The question for someone combining a political science and policy making background must ultimately be one of fairness. Fairness not to exclude or censor valuable or insightful data which could benefit other scholars in the field, and fairness to those who are acting as policy makers and dealing solely in that capacity. Above all else, this study has adhered to the tenet of fairness in both the selection and presentation of material and analysis.⁴⁸

Explanatory Factors

In addition to exploring the question of whether Congress can initiate and exercise responsibility over foreign policy making, this inquiry will explore the potential effect of seven factors that may lie behind Congressional initiative and influence. The goal is not to posit that one factor, at the exclusion of all others, is indispensable to Congressional initiation; rather, it is to look at the interplay of

⁴⁷ See, for example, Bob Woodward, The Commanders (New York: Simon & Schuster, 1991). This work vividly shows that the line between leaking by participants during an event and writing after-the-fact is thin, if not negligible.

⁴⁸ For further reading on participant observation, see Lewis Anthony Dexter, Elite and Specialized Interviewing (Evanston, IL: Northwestern University Press, 1970); Alexander Heard, "Interviewing Southern Politicians," American Political Science Review 44 (December 1950), pp. 886-896; also George McCall and J.L. Simmons, eds., Issues in Participant Observation: A Text and a Reader (Reading, MA: Addison-Wesley, 1969); and James Robinson, "Participant Observation, Political Internships and Research" in Political Science Annual, Volume 2, ed. James Robinson (Indianapolis: Bobbs Merrill, 1970), pp. 71-110.

domestic and international factors, and to assess their relative power in the policy process, thus helping to explain the components and form of Congressional influence over policy. The seven factors are:

(1) Individual Members of Congress. Chapter two discussed policy entrepreneurs. To what extent are individual policy entrepreneurs, whether or not they are members of the Foreign Relations or Affairs committees, significant influences that lie behind Congressional initiative and influence in foreign policy making?

(2) The Senate Foreign Relations and House Foreign Affairs Committees. In his much quoted passage, Woodrow Wilson wrote, "Congress in its committee rooms is Congress at work."⁴⁹ Yet two political scientists have recently noted that we know virtually nothing about the House Foreign Affairs Committee, and nothing about the Senate Foreign Relations Committee.⁵⁰ Thus we want to assess the potential influence and power of these two committees in explaining Congressional influence.

(3) Staff Members. Perhaps no factor remains as elusive as the influence of staff members, and perhaps no issue demands greater attention and scrutiny than the modern Congressional staff. The growth of staff and its heightened expertise have often been cited to account

⁴⁹ Woodrow Wilson, Congressional Government (New York: Houghton Mifflin, 1913), p. 79.

⁵⁰ James M. Lindsay and Randall B. Ripley, "Foreign and Defense Policy in Congress: A Research Agenda for the 1990s," Legislative Studies Quarterly 17 (August 1992), p. 427. The interested reader may consult two older studies on the House Foreign Affairs Committee: James M. McCormick "The Changing Role of the House Foreign Affairs Committee in the 1970s and 1980s," Congress and the Presidency 12 (1985), pp. 1-20; Fred Kaiser, "Oversight of Foreign Policy: The U.S. House Committee on International Relations," Legislative Studies Quarterly 2 (1977), pp. 255-280; also see Lee Hamilton, "Congress and the Presidency in American Foreign Policy," Presidential Studies Quarterly 18 (1988), p. 507-512. For a general overview of Congressional committees, see Steven S. Smith and Christopher J. Deering, Committees in Congress, (Washington: CQ Press, 1984).

for the growth of Congressional influence.⁵¹ But it is not just the growth or expertise of staff alone. Individual staff members are clearly independent policy actors in their own right. How much freedom of maneuver as entrepreneurs do they enjoy and to what extent are they capable of affecting the foreign policy process themselves? We want to explore the degree to which staff are driving factors behind Congressional influence in the policy making process.

(4) Executive Branch Involvement. Conventional wisdom holds that in foreign policy, "The president proposes, Congress disposes." Yet as Price has demonstrated in his studies of domestic policy, when legislators perceive that the executive branch (or whatever forces are dominant within it) will neglect or give short-shrift to a policy area that they deem important, they are more likely to undertake independent legislative involvement.⁵² To the degree that the executive branch is involved, to what extent does this constrain and hinder effective Congressional policy making in foreign affairs? Put another way, we will seek to abstract the opportunities for Congressional influence and how this varies with the degree, intensity, and form of executive branch involvement.

(5) Policy alliances. Policy coalitions are often a driving force

⁵¹ For example, see Michael J. Malbin, Unelected Representatives (New York: Basic Books, 1980); Harrison W. Fox, Jr. and Susan W. Hammond, Congressional Staffs: The Invisible Force in America (New York: The Free Press, 1977); David E. Price, "Professionals and 'Entrepreneurs': Staff Orientations and Policy Making on Three Senate Committees," Journal of Politics 31 (May 1971), pp. 316-336; and for an older (and almost quaint by today's standards) study of Congressional staffs from the 80th through the 82nd Congress, see Kenneth Kofmehl, Professional Staffs of Congress (Purdue, IN: Purdue University Studies, 1962).

⁵² David Price, Policy Making in Congressional Committees: The Impact of "Environmental" Factors (Tucson, AZ: University of Arizona Press, 1979).

in policy making.⁵³ As one analyst has written, "Unity, in short, means strength, while isolation is often associated with the loss of influence and initiative."⁵⁴ Therefore, we will pay attention not just to legislators, staff members, executive branch actors, and public interest groups and the media, but attempt to derive a more sophisticated analysis by examining the coalitions they form and the effects of these coalitions. This will also enable us to see if strength is in numbers, or if effective coalitions in policy initiation and influence are due to other factors, such as entrepreneurial behavior.

(6) Public Interest Groups and the Media. Today's more open foreign policy process is in part the result of the rise of interest groups and a more aggressive media. To what extent do ethnic and policy lobby groups and a more skeptical media affect the outcome of the government's foreign policy decisions?⁵⁵ Usually, the literature focuses on "intermestic issues" or "ethnically" based policies. Nonetheless, as the nation-state system continues to fragment in the

⁵³ See, for example, Randall B. Ripley and Grace A. Franklin, Congress, the Bureaucracy, and Public Policy 5th ed. (Belmont, CA: Brooks/Cole Publishing, 1991); and John W. Kingdon, Agendas, Alternatives, and Public Policies (New York: HarperCollins, 1984).

⁵⁴ David Price, Who Makes the Laws? Creativity and Power in Senate Committees (Cambridge, MA: Schenkman Press, 1972), p.21.

⁵⁵ For background, see Alan J. Cigler and Burdett A. Loomis, Interest Group Politics 3rd ed. (Washington: CQ Press, 1991). For an older but interesting study on the role of formally organized interest groups in the policy making process, see Harmon Zeigler, Interest Groups in American Society (Englewood Cliffs, NJ: Prentice Hall, 1964). Also, Mancur Olson's work on collective goods, which establishes that small, narrow-based groups have distinct advantages over larger groups when it comes to marshaling resources and energizing their memberships for collective ends, is a useful theoretical treatment to consult as background. Mancur Olson, The Logic of Collective Action (Cambridge: Harvard University Press, 1965). On Congressional staffs as an enterprise, see Robert H. Salisbury and Kenneth A. Shepsle, "U.S. Congressmen as Enterprise," Legislative Studies Quarterly 6 (November 1981), pp. 559-576.

post-Cold War order, the number of possible interested ethnic and policy interest groups will surely magnify. Also, representatives of foreign governments have increasingly sought to influence U.S. policy making. And with the increase in world-wide journalism, epitomized by CNN, with its almost instantaneous transmission of events, the media has a potentially enlarged capability to influence calculations and concerns of decision makers and the interest groups involved in the policy making process. Thus, we will seek to assess the impact of pressure groups, foreign representatives, and the media on the Congress as well as the executive branch.

(7) Developments in the International Arena. Scholars have posited that when an issue is elevated to a crisis, the president and his chosen advisors will get directly involved -- and the literature predicts they will prevail.⁵⁶ But most issues do not entail direct and sustained presidential involvement. Thus, we will ask, as there were changes in the international arena, did they affect the interest and ability of Congress to exercise influence over the policy making process? Moreover, to the extent that Congress has a modest ability to involve itself directly in developments abroad, did this strengthen or weaken its hand in the policy making process?

In sum, this study will permit a detailed assessment of the input of each of these factors, and the affects of their relative interplay. The seven enumerated factors will be specifically examined with respect

⁵⁶ Ripley and Franklin, Congress, the Bureaucracy, and Public Policy, see esp. Chapter seven.

to the case study in the analysis in Chapter eight.

The Congressional View: The Rashomon Effect⁵⁷

In the lore of the Rashomon Effect, we see the difficulty of recreating reality from different eyewitness accounts. In the tale of Rashomon, a Japanese samurai warrior is killed. A trial ensues and each of the individuals involved states a different version of what happened. The story is told from their perspectives, with each of the witnesses providing new details and a new view of reality. Only when all the versions are taken together, is a more complete explanation of what actually took place ultimately possible. In the study of foreign policy making, the view of Congress has, on the whole, been largely neglected. Yet we have seen that there is a far greater basis for believing that Congressional influence and responsibility for foreign policy is more significant than has been acknowledged or systematically examined in the scholarship. This study, employing the participant observation method, portrays the Congressional perspective. As with the Rashomon Effect, it is not the definitive account, but it is most certainly an important account of the policy making process. This examination may contribute to understanding in the field by shedding light on the role of Congress in foreign policy making.

Summary

This chapter has established the methodological basis for employing the case study approach to examine Congressional initiative

⁵⁷ I am grateful to Ben J. Wattenberg who first pointed out the importance of the Rashomon Effect to me.

and influence. The case approach offers not just the heuristic prospect of stimulating future research on Congressional initiation and influence, but of casting doubt on largely accepted orthodoxy that Congress' influence is primarily negative. It will also allow us to advance tentative explanations as to how Congress can exert initiation and influence and suggest circumstances under which this may happen again in the future. Gaps in the field concerning the role of Congress and foreign policy may not be solely theoretical, but may instead stem from methodological approaches that have re-enforced biases about Congressional influence in the literature. The use of the participant observation method, employed in this study, holds promise for opening up new lines of inquiry and analysis, as well as raising previously ignored questions. Finally, seven potential explanatory factors that may account for Congressional influence were set forth, and will be specifically applied in the case study analysis in Chapter eight.

At this point, we turn to part two of the study. Chapter four presents an overview that sets the stage for the case study. The case study itself is presented in Chapters five, six, and seven. The detailed analysis of the data presented in the case study follows in Chapter eight. In light of the findings, that chapter closes with observations about Congress and foreign policy making as the United States seeks to meet the challenges of the post-Cold War era.

Chapter Four

Historical Background and Overview

The drama of Cambodia throughout the last three decades has foreshadowed some of the ghastly beasts that now freely stalk the world. Cambodia has been beset by brutal civil war; has been a victim of great power and regional power intervention conducted from afar; has been prey to more powerful neighbors; and has been dominated by nationalism, exaggerated into paranoid racism, vengeful revolution, and fratricide. As Cambodia chronicler William Shawcross aptly put it, Cambodia "ha[s] been cast into the outer reaches of hell and only barely retrieved."¹ This chapter will provide a brief historic overview of Cambodia's frequently tortured history, including key U.S. responses to Cambodia in the last three decades, and introduce the central actors and dilemmas that the U.S. would confront as it sought to craft a policy in 1989. In doing so, it provides a background for calculations made by decision makers, the goals they harbored, and the different layers of controversy and passions at play.

History: A Legacy of Shattered Pride, Colonization, and Civil War

¹ William Shawcross, The Quality of Mercy (New York: Simon & Schuster, 1984), p. 19.

The history of Cambodia has been one of numerous attempts to maintain independence and neutrality in the face of hostile machinations and designs from more powerful neighbors. For the last 700 years, the country has been fought over and repeatedly occupied -- including by Thailand, Vietnam, and for nearly a century, by France. To its people, Cambodia's borders are highly symbolic, not just of hundreds of years of rivalry over its territory, but also of its national survival.²

The high point of Khmer, or Cambodian, history was the Angkor Period, the ancient water empire that ruled the region as the first millennium was drawing to a close. The monarch of the Angkor empire, Jayavarman II, was believed to be semi-divine, a god-king model that has inspired Cambodian monarchs and sensibilities to this day. He conquered the region and the lush lands around the Tonle Sap Lake, and his successors then steadily expanded Cambodian territory through wars against surrounding kingdoms in Siam (modern Thailand), and the region now called Vietnam. Angkor Wat, the greatest single architectural masterpiece in Southeast Asia, came to symbolize the grandeur of the Cambodian kingdom. But in the 14th Century, the Siamese sacked Angkor Wat, and Cambodia's fate turned. From that point on, Cambodia's decline, hastened by its vulnerable geography, began at the hands of preying neighbors.³

In the 1400's, a move southward by the Vietnamese into the vast, fertile Mekong Delta, a part of the ancient Angkor empire, embedded a

² Cecil V. Crabb, Jr., American Foreign Policy in the Nuclear Age 3rd edition (New York: Harper & Row, 1972), pp. 364-365.

³ Robert G. Sutter, The Cambodian Crisis and U.S. Policy Dilemmas (Boulder, CO: Westview Press, 1991), pp. 7-9.

legacy of fear and hatred between the two countries and peoples spanning the next 500 years. To this day, the land seized by the Vietnamese is territory which the Cambodians continue to call Kampuchea Krom (Southern Cambodia) and still covet as their own.⁴

Colonization and the Quest for Survival

In 1765, the Nguyen Vietnamese settled newly acquired Cambodian territory. They exploited divisions within the Khmer court and manipulated weak Khmer rulers to win favors and land. Instituting policies that have echoes in the modern era, the Vietnamese allowed their own least desirable elements -- including deserters and vagabonds -- to openly settle Cambodian territory. Later, land grants were given in Cambodian territory as a pay-off to Vietnamese soldiers for their military service.⁵

Then, in 1831, the Siamese seized all of Cambodia west of the Mekong River, and the Vietnamese emperor, Minh Mang, dispatched 15,000 soldiers to reclaim the land. The Siamese were repelled, and three years later the Vietnamese in turn sought to absorb what was left of Cambodia into their own empire. For the next seven years, the Vietnamese divided Cambodia into provinces, much as Vietnam itself had once been divided by China, and required that the Chinese and Vietnamese languages and Vietnamese customs be adopted. Moreover, they allowed Vietnamese citizens once again to settle Cambodia, and Vietnam, not the

⁴ Roger M. Smith, Cambodia's Foreign Policy (Ithaca, NY: Cornell University Press, 1965), pp. 158-159.

⁵ For above, see Smith, pp. 2-13. Also see, Elizabeth Becker, When the War Was Over: The Voices of Cambodia's Revolution and Its People (New York: Simon & Schuster, 1986), p. 337.

puppet Khmer Queen installed by Minh Mang, was the source of all law and authority. Deep resentment swelled among the Cambodians.⁶

In 1840, however, the Cambodians revolted and massacred their Vietnamese overlords. But they were unable to force a total Vietnamese troop withdrawal, and in 1845, the Cambodian King, Ang Duong, accepted protection from both Vietnam and Siam, placing the country under joint suzerainty of its neighbors. This bitter Vietnamese occupation, reinforced by later Vietnamese ambitions for a greater Indochina, seared the Cambodian memory and prompted a belief that Vietnam was the country's greatest historic enemy.

In the 1850's, the French intervened and created a new balance of power in the region. They established a protectorate over Vietnam in 1862, and, by the turn of the century, had colonized and occupied all of Vietnam, Cambodia, and Laos -- a new union they called "Indochina." But when the French spoke of Indochina, they typically thought first of Vietnam. Vietnamese became the second language, after French, in Cambodia and Laos, and the Vietnamese were given important bureaucratic positions in Cambodia itself. For their part, the Vietnamese accepted the notion of a united Indochina, while vigorously rejecting an often brutal French colonial rule. By contrast, the Cambodians refused to accept either the idea of Indochina or even to use the name in their own language. Cambodia was a virtual colony once again, humiliated by the

⁶ Becker, p. 342. Also consult David Chandler, Cambodia Before the French: Politics in a Tributary Kingdom, 1794-1848 (Ann Arbor, MI: University of Michigan Press, 1973).

French and the Vietnamese, who referred to the Cambodian people as lazy, incompetent, and less intelligent.⁷

A New Era in Cambodia

In 1941, when the reigning Cambodian monarch died, the French chose an 18-year-old prince, Norodom Sihanouk, to be king. Sihanouk, round-faced and fair-skinned, with his penchant for horses, ice cream, the cinema, and the saxophone, was regarded as less independent and more pliable than his relatives. But the French would soon be proven wrong in their calculations, and Sihanouk would develop into a modern deva-rai, or god-king, a semi-divine ruler with absolute secular power. Educated, French-speaking, mercurial, at times ruthless, and invariably enigmatic, Sihanouk viewed Cambodia as a paradise and its people as his children. He took it upon himself to protect Cambodia from outside influence, and to keep Cambodia an "Asian beauty," unspoiled by hasty modernity or colonization.

Through the 1940's, up to 1953, Sihanouk struggled to oust the French. In June 1953, after imposing martial law, he left the country on self-imposed exile (a tactic he would use again and again), and refused to return to Phnom Penh until the French granted Cambodia independence. His gambit worked, and on November 9, 1953, Cambodia became a free nation.⁸

In 1954, the Geneva Conference formally enshrined Cambodia's independence. The next year, Sihanouk attended the Bandung Conference,

⁷ For the three paragraphs above, see Becker, When the War, pp. 345-352; p.147.

⁸ Sutter, The Cambodian Crisis, p. 10.

which argued that developing nations should resist ties to either super-power and instead chart their own course. Sihanouk soon became known world-wide, not just as a fierce nationalist, but also for his strong belief in neutrality. When the U.S. asked Cambodia to join the Southeast Asia Treaty Organization (SEATO) in 1956, a defense pact among American-allied states, Sihanouk refused. He rejected all military alliances and ideological blocs, as well as formal relations with Communist neighbors.⁹

In 1960, as the second Indochina war was starting to heat up, neutrality would prove more difficult. Cambodia was dead center in the fire of white-hot hostilities, with South Vietnam and Laos as battlegrounds, Thailand a rear-guard for the Americans, and the North Vietnamese and Viet Cong (VC), hostile enemies to the north. Stuck in the unstable middle, for Cambodia the war would unleash a chain of events that would determine the course of the country's fate for the next three decades.¹⁰

When the Americans told Sihanouk that neutrality was tantamount to supporting the Communists, Sihanouk shot back by requesting that the U.S. provide him tangible security guarantees with his neighbors. The U.S. refused. Then Cambodian relations with Saigon soured, and the South Vietnamese curtailed shipping up the Mekong to Phnom Penh. In 1963, after border violations by South Vietnamese forces, all ties between Cambodia and South Vietnam were severed. When the South

⁹ Smith, Cambodia's Foreign Policy, esp. pp. 104-105.

¹⁰ For a discussion of Cambodia's conception of neutrality and external forces influencing its politics, see Michael Leifer, Cambodia: The Search for Security (New York: Praeger, 1967).

Vietnamese ruler Ngo Dinh Diem was overthrown by a coup, Sihanouk saw the hidden-hand of the U.S. Fearing he could be the next target, the Prince renounced all U.S. aid, and two years later, in 1965, broke off relations with the United States. Relations with Thailand were also severely strained.¹¹

By the mid-1960's, Cambodia was hopelessly stuck between the warring parties, and Sihanouk was all but powerless to stop the North Vietnamese Army (NVA), and the VC from using Cambodia's eastern provinces as staging bases for guerrilla attacks in South Vietnam. In 1969, the U.S. began a series of air-raids against the Communist bases in Cambodia. In mid-March, the Cambodian government asked the NVA and VC to evacuate their strongholds, and the Vietnamese refused, instead fanning out deeper into Cambodian territory.¹²

Worried by the turn of events, Sihanouk had already told an American representative, Chester Bowles, in a private meeting, that he would allow "U.S. hot pursuit of the NVA and VC." In June 1969, after U.S. bombing had begun, Sihanouk announced the restoration of U.S.-Cambodian relations.¹³ In doing so, Sihanouk was once again balancing all sides against the middle -- a pattern he had followed since assuming the throne. As each situation had warranted, he had willingly collaborated with the Vichy French, the Japanese fascists, French colonialists, Vietnamese Communists, and American capitalists. He

¹¹ For above, see Crabb, American Foreign Policy, pp. 364-365.

¹² For a thorough discussion of the war and bombing, see William Shawcross, Sideshow: Kissinger, Nixon, and the Destruction of Cambodia (New York: Simon & Schuster, 1987).

¹³ On Sihanouk's actions and the Bowles meeting, see Shawcross, Sideshow, pp. 416-451, esp. p. 418.

sought to balance rhetoric favoring socialism with harsh repression of Cambodian Communists. He abdicated his throne, but ruled as a monarch; he held elections, but was anything but a western-style democrat; and he allowed the Vietnamese to violate his country when he had no choice, but tilted toward the Americans when he felt Cambodia was imperiled by the very activity he had acquiesced to.

But while an external war was raging, Cambodia was also wracked by internal divisions. In the countryside, a radical Communist opposition to Sihanouk was growing, led by Paris-educated Cambodians, many of whom had been trained by the Communist Party of Kampuchea, not in Cambodia, but inside North Vietnam. In 1967, this Communist faction staged an uprising in Cambodia's Battambang province, and Sihanouk responded with a massive crackdown against the movement he had dubbed, "Les Khmers Rouges."

But in addition to the Khmer Rouge, Sihanouk was also confronting a mounting conservative opposition movement in Cambodia, which he had earlier sought to counter and assuage by forming a new government under General Lon Nol. The center, however, could not hold.¹⁴

As opposition from the left and right continued unabated and North Vietnamese forces further infiltrated Cambodia, fanning already powerful anti-Vietnamese sentiment, Sihanouk, needing medical treatment, decided to leave for France in January 1970. On March 18, following anti-Vietnamese riots, Sihanouk was ousted in a coup. On October 19, the new Khmer Republic, headed by Lon Nol, was born.

¹⁴ Tad Szulc, The Illusion of Peace (New York: Viking Press, 1978), esp. p. 239. Also, Smith, Cambodia's Foreign Policy, p. 210.

The Khmer Republic and the War

At the outset, the new Khmer Republic appeared to enjoy support from the middle classes in the cities and towns. Indeed, many thousands initially joined the expanding army. Lon Nol, an extreme Cambodian nationalist with peasant sensibilities, promised a purification of the Cambodian nation from the Vietnamese. He also changed course from Sihanouk's long-standing policy of neutrality, wedded his country's fate to the United States, and openly accepted American material assistance. At the same time, he rejected overtures from North Vietnam and China to allow Cambodia to serve as a staging ground in the war against South Vietnam. At home, incited by government propaganda, anti-Vietnamese fervor continued to swell. Thousands of ethnic Vietnamese were killed in bloody riots, and tens of thousands of Vietnamese settlers fled Cambodia. Quickly, the early flush of the Khmer Republic wore off.¹⁵

Rather than accede to Lon Nol's request to withdraw its troops, the North Vietnamese re-infiltrated some 2,000-4,000 Cambodians who had trained in North Vietnam since 1954 as Communist Party cadres.¹⁶ Once in Cambodia, they joined up with the Khmer Rouge insurgency. For his part, Sihanouk, from his exile in Beijing, also joined with the insurgents. At the time, the full nature of the Khmer Rouge -- its mindset, its methods, its goals -- was still unclear, and Sihanouk's name lent important prestige and legitimacy to this insurgency against Lon Nol.¹⁷ Sihanouk enjoyed a considerable following in the

¹⁵ Sutter, *The Cambodian Crisis*, esp. pp. 12-13.

¹⁶ For an overview of this and the Lon Nol period in general, see Becker, *When the War*, pp. 133-170.

¹⁷ Becker's analysis puts it this way: "The [Khmer Rouge] deceived nearly every party to the war. [It]...created a hall of mirrors that distorted and magnified [the truth]," p. 153.

countryside, which remained fiercely loyal to the former monarch; in a number of areas, the peasantry even openly demonstrated in support of the deposed Prince.

Despite presidential elections and a new constitution in 1972, Lon Nol's government was increasingly plagued by disunity, spreading corruption that weakened the civil administration of the country, and the enormous difficulties of raising a 200,000 man national combat force. Meanwhile, the Khmer Rouge insurgency, aided by supplies and military support from North Vietnam and China, continued to grow.

The Khmer Rouge rejected Vietnamese attempts to co-mingle their military units under Hanoi's control, and by 1973, the insurgents were fighting major battles on their own, controlling up to 60% of Cambodia's territory and 25% of the population. Hanoi was also unable to compel the Khmer Rouge to take part in the 1973 Paris Peace Agreement.

In January 1973, however, the Paris Peace Accords moved the Lon Nol government to the first of three attempts to enter into negotiations with the insurgents. It was unsuccessful. U.S. bombing briefly came to a halt to observe the cease-fire with Vietnam, and Lon Nol in turn suspended offensive actions to enable an NVA and VC withdrawal. It never happened. Lon Nol made two subsequent attempts to open negotiations with the Khmer Rouge. Both failed.¹⁸

The Khmer Rouge responded at the start of the new year in 1974 with a dry season offensive, which included a savage attack on the

¹⁸ Shawcross, Sideshow, esp. pp. 398-399; Becker, When the War, p. 147.

northwest perimeter of Phnom Penh. China and Vietnam continued to aid the insurgents, and the stage was set for Khmer Rouge bid for power.

The U.S. Response

By 1973, the U.S. was weary and drained by the war. In the Congress, anti-war forces held a clear majority, and a resolute one at that.¹⁹ When the Administration resumed massive bombing of Cambodia in February 1973, in response to the North Vietnamese violation of the Paris Peace Accords, and to prevent the Khmer Rouge and Vietnamese Communists from over-running Cambodia, the House of Representatives dissented, voting instead to block the use of funds to continue the assault.²⁰

President Richard Nixon's response was swift. He vetoed the bill and declared it would, "cripple or destroy the chances for an effective negotiated settlement in Cambodia," and that it would be "nothing short of tragic if this great accomplishment [the Paris Accords] bought with the blood of so many Asians and Americans were to be undone now by Congressional actions."²¹ Unable to muster the two-thirds majority to over-ride the president, Congress forced the Administration's hand by threatening a halt of all pay to the entire federal bureaucracy. A beleaguered Nixon, reeling from the pressure of the war and Watergate,

¹⁹ For a thorough treatment of Congressional responses to the war, starting with the first Cooper-Church amendment to prevent any further military operations in Cambodia, see John Lehman, *The Executive, Congress, and Foreign Policy Making: Studies of the Nixon Administration* (New York: Praeger, 1974), esp. pp. 37-64, and pp. 170-210.

²⁰ This section draws heavily on Thomas M. Franck and Edward Weisband, *Foreign Policy By Congress* (New York: Oxford University Press, 1979).

²¹ Quoted in Franck and Weisband, p. 20.

was forced to work out a compromise with the Congress. The president was provided with 45 more days to bomb Cambodia, and on August 15, 1973 all further bombing would cease.

In mid-1974, after the Khmer Rouge offensive, the Administration asked for \$358 million in military assistance to see Cambodia through 1975; 80% was earmarked for ammunition. A fatigued Congress, unwilling to bankroll the war anymore, and with the commander-in-chief at his nadir, cut the Administration's request in half. Then, in January 1975, the Khmer Rouge launched their bitterest offensive against the Lon Nol government to date. At this time, the NVA forces across the border were also rapidly approaching Saigon.

In an impassioned letter to House Speaker, Carl Albert, then-President Gerald Ford requested \$222 million in aid to Cambodia, pleading:

The government forces will be forced, within weeks, to surrender to the insurgents [for lack of ammunition]....This is a...question that must be faced squarely. Are we deliberately abandoning this small country in the midst of its life-and-death struggles?²²

But Congress was no longer listening. Thus, Senate Majority Leader Mike Mansfield said, "...[more aid] means more killing, more fighting, and that's got to stop sometime. It's up to those people to settle their differences themselves in their own way." The mood of Congressional anti-war sentiment was summed up by Senator Joseph Biden's argument that even food and medical assistance should be refused, because it would only prolong the will of the Cambodians to struggle further. Still, it was not so cut-and-dried as Congressional doves

²² Quoted in Franck and Weisband, Foreign Policy By Congress, p. 26.

calling for a halt and conservatives arguing to continue U.S. operations. Even George Mahon, the hawkish Chairman of the House Appropriations Committee, and a friend of the Cambodian regime, sighed, "It is almost impossible to convince rank-and-file American citizens that there is an end to this. If ultimately Cambodia cannot survive, why expend additional hundreds of millions?"²³

On April 1, Lon Nol and his family fled to Hawaii. The next day, the U.S. embassy began evacuating its personnel. When Ford gave one last plea for assistance in his State of the World address on April 10, he asked for emergency assistance for South Vietnam, but concerning Cambodia, poignantly noted: "I regret to say that as of this evening, it may soon be too late."²⁴ Indeed, as he spoke, the Khmer Rouge were furiously engaging in simultaneous attacks around the edges of Phnom Penh, and over-running vital lower Mekong re-supply routes to the capital. Khmer Rouge rocket attacks pounded Phnom Penh and other cities daily. But unlike Lon Nol, most of the Cambodian cabinet stood their ground and remained. And for its part, the Cambodian army continued to fight after the final American evacuation had been completed on April 12, 1975.

But it was too late. Five days later, Phnom Penh fell to the Khmer Rouge.

The day the Khmer Rouge marched into Phnom Penh, on April 17, 1975, Democratic Kampuchea was effectively born. What ensued would be

²³ All of the above statements quoted in Franck and Weisband, pp. 25-26.

²⁴ Quoted in Franck and Weisband, Foreign Policy By Congress, p. 29.

one of the darkest chapters in the history of Cambodia and one of the crueler episodes witnessed by the modern world.

While dark reports of Khmer Rouge atrocities had surfaced among refugees flooding Phnom Penh as the war drew to a close, they were largely ignored in the West. For example, as the Khmer Rouge prepared to take power, The Los Angeles Times wrote on its editorial page on April 11, that the withdrawal of U.S. support for the Cambodian government "was for the good of the Cambodians themselves."²⁵

In Cambodia itself, there was no mass panic at first, and the mood was eerily calm, anxious but patient. Yet from the outset of the Khmer Rouge takeover, there were ominous signs of what was to come. In one of its first acts, the new Khmer Rouge regime marched Long Beret, the just-surrendered Cambodian prime minister, to the lush lawns of the private Circle Sportif Country Club. There, he was beheaded and his severed skull pierced with a single Khmer Rouge bullet.²⁶

Democratic Kampuchea

Upon taking power, the Khmer Rouge promptly isolated Cambodia from the outside world, refusing offers of food and medicine, banning international flights except from Hanoi and Peking, expelling foreigners, and closing or mining the borders. Overnight, the new Maoist inspired-regime launched an experiment in pure Communism. Private property and money were abolished; commerce was outlawed; and

²⁵ Quoted in Shawcross, Quality of Mercy, p. 51. Also see similar views in Sideshow, p. 432.

²⁶ Becker, When the War, p. 174. This story is now part of lore among Asian diplomats, and I have heard it recounted a number of times, in the region as well as in Washington.

all farms and factories were now owned by the state. The government also instituted measures to monitor the movements of all Cambodians. Frighteningly reminiscent of China's Cultural Revolution, a spy network of ubiquitous informers -- children against parents, neighbor against neighbor, cooperative against cooperative, and comrade against comrade -- was formed throughout the country. All human relationships were rendered suspect, even intercourse between married couples was regulated by the authorities, and all occupations were dissolved.²⁷ There were only revolutionary classes of people -- workers, peasants, soldiers, and political cadres -- and there was only one source of power, shadowy and largely hidden from view, known simply as "the organization."²⁸

On their first afternoon in control of Phnom Penh, the Khmer Rouge, with its small, youngish army, 68,000 strong, clad in black pajamas, ordered the evacuation of all cities and towns, sending the entire country out to work the land. During this process, thousands died of starvation, disease, and sheer weakness. Hospitals were emptied immediately, as 20,000 patients, the wounded, the disabled, the feeble, and the sick were forced to leave the capital. Those who resisted were executed on the spot, as were most military and civilian leaders from the previous government who failed to disguise their past. Within days, Phnom Penh and other Cambodian cities looked like eerie ghost towns. By

²⁷ For a riveting and personal account of this point and the Khmer Rouge reign of terror, see Haing Ngor, with Roger Warner, A Cambodian Odyssey (New York: MacMillan Co., 1987). Also see John del Vecchio's For the Sake of All Living Things (New York: Bantam, 1992). Written in novel form, this often chilling book is historically accurate throughout.

²⁸ Becker presents a detailed account of Cambodia under the Khmer Rouge, When the War, esp. pp. 217-298.

edict and by terror, the Khmer Rouge cut the Cambodians off from their history, their culture, and even their dreams and memories.

Ironically, while the state claimed ownership over all property, and control over all its citizens, there were few laws and few published guidelines for the people. Cambodians were at the arbitrary mercy of the whims of their unknown leaders, hidden forces who decided what punishment should be meted out, how much food would be eaten, what recreation was allowed. Religion was banned in totality and schools were closed.

In the fall of 1975, Sihanouk returned from exile. But the revolution had not waited for his return, and he was to have no role in the new government. In April of 1976, the Prince resigned as head of state, and was placed under house arrest. For the duration of the Khmer Rouge regime, he was kept caged in his former royal palace, in virtual isolation. Surrounded only by omnipresent guards, the former monarch paced by his radio, his only link to the outside world. Sihanouk reportedly said upon his return, "The Khmer Rouge spit me out like a pea."²⁹

It will perhaps remain one of the mysteries of history why Sihanouk and his wife, Monique, were allowed to live at all -- although they did lose five children and 26 grandchildren, sacrificed at the hands of the new regime.

All told, from April 1975 to the first weeks of 1979, the Khmer Rouge regime, through mass wholesale executions and torture, as well as

²⁹ See Nayan Chanda, Brother Enemy: The War After the War: A History of Indochina Since the Fall of Saigon (San Diego: Harcourt Brace Jovanovich, 1986), pp. 9, 10-38.

through policies which allowed disease and starvation to ravage the nation, presided over the deaths of an estimated 1.5 - 2 million Cambodians, out of an estimated 7.3 million total population. Cambodia, a rural nation of dry expanses, thick forests, dense jungles, and sprawling lakes, became a blood-soaked killing field.

The Khmer Rouge allowed the world to know as little as possible about its methods and its rule, operating under a sinister shroud of secrecy and deceit. Fantastic stories about life under Khmer Rouge rule did slowly leak out, told by the few Cambodians who managed to escape over the boarder to Thailand. The tales were terrible: taking place was nothing less than a complete restructuring of Cambodian society and the destruction of the Cambodian people.³⁰

U.S. Response to the Khmer Rouge Reign

In the United States, the response to events in Southeast Asia after 1975 first reflected war-weariness and exhaustion. In the words of one scholar, "Indochina was [now] mainly an Asian problem," and under President Ford, the first years were characterized by shock at

³⁰ In January 1977, the Khmer Rouge brutality was witnessed firsthand in three Thai villages. Khmer Rouge cadres slithered over the border to conduct a raid in which they murdered pregnant women, slit children's throats, and openly left piles of dead Thai civilians behind. Photographs of the bodies were published, informing the world, but the response was mute and short-lived, including by Thailand itself. See Shawcross, Quality of Mercy, pp. 60-61. Some important works warning the world about the Khmer Rouge atrocities during the Khmer Rouge period were, Anthony Paul and John Barron, Murder of a Gentle Land (Pleasantville, NY: Reader's Digest Press, 1977) and Francois Ponchaud, Cambodia: Year Zero (New York: Holt, Rinehart and Winston, 1978). (This book was published in 1977 in French and received wide attention.) Unfortunately, despite the attention these books received, their contents and conclusions were largely ignored or fell on deaf ears.

losing the war and retrenchment.³¹ Indeed, the United States seemed to be abandoning the very dominoes which it had sought to protect in the first place -- the countries of the Association of Southeast Asian Nations, (ASEAN): Thailand, Malaysia, Singapore, Indonesia, and the Philippines.³² In the late 1970's, under President Jimmy Carter, while there was some discussion of normalizing relations with Vietnam, Cambodia was all but ignored in the corridors of the Washington.³³

Only in May 1977, did a lone voice, an anti-war member of Congress and a liberal legislator from New York City, Stephen Solarz, puncture the American silence over Cambodia. In hearings convened by the House Committee on International Relations, Solarz sparked the first official examination of Khmer Rouge atrocities. Elected in 1974 as an anti-Vietnam War candidate, Solarz was among those who had opposed further expenditures to continue the war in Phnom Penh and Saigon. But where other politicians allowed their interest in the area to lapse after 1975, Solarz's only intensified.

He opened his office door to Cambodian refugees, meeting freely and at length with them in Washington, and immersed himself in the subject with an unusual intensity. In 1976, Solarz traveled as part of a delegation to Bangkok, where he heard first-hand stories by Cambodian refugees who had just escaped from the country.³⁴ Solarz was seized by

³¹ See Frederick Z. Brown, Second Chance: The United States and Indochina in the 1990's (New York: Council on Foreign Relations Press, 1989), p. 8.

³² A sixth member, Brunei, joined ASEAN in 1984.

³³ See Brown, Second Chance, esp. p. 22-23 on above point. Also, Becker, When the War, pp. 376-377, and Shawcross, Quality of Mercy, p. 60.

³⁴ Interviews. Also see Becker, pp. 376-377, 384.

what he was told about the Khmer Rouge, and upon his return to Washington, he called for hearings entitled simply, "Human Rights in Cambodia."³⁵ Even if the U.S. were powerless to stop what was happening, he felt the government had to condemn the atrocities taking place. Previously, no one else in the Congress had taken sufficient interest in the issue, and this was thus the first such hearing held. All the witnesses were either academics or journalists. There were no Administration representatives. The witnesses were chosen on the basis of their credentials and reported expertise, and without any expectation that they would be hostile. As it turned out, however, they proved to be less than sympathetic to Solarz's concerns.

Indeed, the hearing had an almost surreal quality to it: the witnesses claimed the reports of atrocities taking place were an exaggeration, that the methodology of the reports was wrong; that the medical situation in Phnom Penh was inadequate, which justified moving patients to the countryside; that any transgressions taking place were anomalous and not Khmer Rouge policy. Solarz was unconvinced and unsatisfied by such explanations, as several of the exchanges and comments illustrate.

Mr. [Gareth] Porter: As a specialist, I made it my business to investigate very carefully the documentation on which [charges] are based....[the Khmer Rouge] policy of execution in Cambodia [is] a vast exaggeration on a scale of many fold....

Solarz: This isn't some kind of a put-on where you are playing a role? I mean you actually believe that what you have said is true?

³⁵ U.S. House of Representatives, Subcommittee on International Organizations, Committee on International Relations, Hearing on Human Rights in Cambodia, 95th Congress, 2nd session, May 3, 1977, esp. pp. 35-53.

Mr. [Peter] Poole: ...If you are trying to run and organize a guerrilla force and your objective is to take over the capital of the country, they went about it in a business like manner.

Solarz: I think there is no society so unjust that it can justify what has happened in Cambodia, presumably in the name of dealing with injustice. I would just hope that, when the history of this sad and sorry episode is ultimately written, no one will be able to say that the U.S. Congress let it pass without any official effort to do something, however modest it might have been.³⁶

For Solarz, the events in Cambodia had ominous echoes of the Holocaust, and he called the efforts to quibble over the precise numbers of slaughtered Cambodians "contemptible." Laying down a gauntlet that would propel him even deeper into the issue, he said, "The only thing which is necessary for the triumph of evil is for good men to do nothing." Then, in words that would guide him for the next 15 years, he noted:

We have a moral obligation to consider every conceivable possibility of doing something about the situation. I am not simply talking about making statements so that we can wallow in our own sense of virtue. I am talking about doing something which can bring a criminal regime to its senses and can prevent a continuation of what has happened.³⁷

Solarz's efforts did begin to jar the American consciousness, but did not succeed in focusing widespread attention. That summer of 1977, Solarz and Senator Robert Dole, a Kansas Republican, successfully changed the refugee laws to allow 15,000 Cambodians to enter the United States immediately as a group. And while the executive branch then began compiling documentation of human rights abuses in Cambodia, its response to the Khmer Rouge regime was still largely muted, in good measure hostage to events occurring on the geopolitical stage -- between

³⁶ Hearing on Human Rights in Cambodia, quotes taken respectively from p. 35, p. 43, p. 40, and p. 48.

³⁷ Hearing, p. 39.

Hanoi and Phnom Penh, and just as important, between Vietnam and China.³⁸

Indeed, any American efforts on behalf of Cambodia were occurring against a backdrop of rapidly shifting alliances and smoldering tensions in the region itself. On December 31, 1977, after a series of increasingly violent border skirmishes precipitated by the Khmer Rouge, Democratic Kampuchea severed ties with Hanoi. At the same time, the long-standing historical and ideological hostilities between Vietnam and China that had lain dormant during the Vietnam War, re-surfaced with a vengeance. China began to tilt decisively toward Cambodia, and the mutual alliance between these two nations was effectively solidified by the announcement of a joint Vietnamese-U.S.S.R. security agreement on November 2, 1978.³⁹

On December 15, 1978, the U.S. and China established full diplomatic relations, each nation seeing the other as a hedge against what they both regarded as growing Soviet power. Ten days later, on December 25, Vietnam, which just a year and a half earlier had glowingly praised Pol Pot and the Khmer Rouge (saying, "Under the leadership of

³⁸ Shawcross, Quality of Mercy, esp. p. 64. After prodding by Solarz, the Administration did send witnesses to a second House hearing that summer before the Committee on International Relations to report on the human rights situation. Yet the response of the executive branch officials was still measured and designed not to hinder larger events in the international arena. For further discussion, see Shawcross, esp. p. 63. During the Carter years, the brunt of Congressional and Administration attention was focused on what turned out to be a failed attempt to normalize relations with Vietnam, rather than the situation in Cambodia. See Brown, Second Chance, esp. pp. 18-36, and Becker, When the War, esp. pp. 384-402.

³⁹ On Sino-Vietnamese tensions and war, and Khmer Rouge-Vietnamese hostilities, see Chanda, Brother Enemy, esp. Chapter 10, and Charles McGregor, The Sino-Vietnamese Relationship and the Soviet Union, Adelphi Paper, no. 232 (London: International Institute for Strategic Studies, 1989), esp. pp. 6-14, pp. 30-31. Also, Brown, Second Chance, p. 28.

the Cambodian revolutionary organization...the heroic people of Cambodia ...have upheld the spirit of self reliance...[and] the Vietnamese people warmly hail these fine achievements"), invaded Cambodia.⁴⁰

Cambodia's Khmer Rouge army was quickly driven to the Thai border, and on January 10, the Vietnamese installed a new regime, the People's Republic of Democratic Kampuchea, PRK, headed by two former Khmer Rouge cadres, Heng Samrin as head of State and Hun Sen as Foreign Minister. The Khmer Rouge reign of terror had come to an end. But for the people of Cambodia, the era brought about by the new regime installed by Vietnam would not mark a time of peace and reconstruction, but continued strife and oppression.⁴¹

Vietnamese Occupation: The Regional Response and Formation of the Resistance

Sihanouk, released from house arrest before the second fall of Phnom Penh, flew to New York where he denounced the Vietnamese invasion. While virtually any alternative should have been preferable to the tyranny of the Khmer Rouge, the invasion touched a nerve of historical nationalism in the Cambodian psyche. It was not the atrocious policies that turned Vietnam against Cambodia, but questions of security, domination, control, and territory. As Cambodia expert Elizabeth Becker has put it, "With the signing of the 25 year peace and friendship treaty between Vietnam and the government it installed in Cambodia, the rulers in Hanoi were dominant over all Indochina. A historic drive for power

⁴⁰ Shawcross, Quality of Mercy, see fn. on p. 57.

⁴¹ On the Vietnamese occupation, see Sutter, The Cambodian Crisis, esp. pp. 15-17.

had been completed."⁴² Thus, the invasion appeared to be a final fulfillment of the ancestral prophecy that one day Cambodians would be forced to choose between being eaten by tigers or swallowed by the crocodile. The Khmer Rouge tigers had already devoured more than one million Cambodians; the Vietnamese now seemed poised as the crocodile to swallow Cambodia, just as they had Kampuchea Krom, centuries earlier.⁴³

The reaction in the region to the invasion was swift. Fearing a shift in the regional balance, and publicly humiliated before the world, China invaded Vietnam on February 17, sending in 250,000 troops, who fought along a 500 mile wide border for four weeks. The aim was to teach Hanoi "a lesson."⁴⁴ Thailand, which had itself coveted Cambodian territory numerous times before in history, now feared a consolidation of Vietnamese control in the region. As a result, Thailand joined with China, and with assistance from ASEAN, and underwrote the growth of a guerrilla movement along the border. However astonishing by standards of Western morality, this effort included no less than the care and feeding, and ultimately the resuscitation, of the Khmer Rouge.

These countries also successfully backed Democratic Kampuchea as the superior claimant to Cambodia's U.N. seat -- the principle being that the government of a nation should not be altered by outside military force.⁴⁵

⁴² Becker, When the War, p. 438.

⁴³ See Norodom Sihanouk, War and Hope (New York: Pantheon, 1980), esp. Introduction. Also, meeting between U.S. Senator Charles Robb and Prince Sihanouk, February 18, 1990, Pattaya, Thailand.

⁴⁴ See Chanda, Brother Enemy, Chapter 10.

⁴⁵ On rebuilding of the Khmer Rouge, see Shawcross, Quality of Mercy, p. 83. Also, Cyrus Vance, Hard Choices: Critical Years in American Foreign Policy (New York: Simon & Schuster, 1983), esp. pp.

For its part, Vietnam did little to dispel or defuse these actions. The Vietnamese at first denied that any of their troops were even in Cambodia. Once the dust settled, and this claim could no longer hold, the Vietnamese declared the situation in Cambodia "irreversible," not open to negotiations, not a concern of the international community.⁴⁶

With the installation of a pro-Hanoi regime in Phnom Penh, a new era in the region, and in U.S. policy, began. For a number of years, the conflict had had a superpower dimension, dominated by the U.S.-Soviet rivalry. But it was now also prominently characterized as a regional problem, involving a struggle for power and influence between Vietnam and its surrogates, on the one hand, and China, ASEAN, the anti-Vietnamese resistance movement, and the United States on the other. The issue cut across layers of geopolitics, between China and Vietnam, then between ASEAN and Vietnam, and among the Cambodians themselves. It was at this time that the United States entered a new phase of U.S. policy toward the region, extending until 1988: maintaining a low profile, and deferring to the lead of ASEAN, as well as to China.⁴⁷

In Cambodia itself, and at the Thai border, three resistance groups had sprung up. In addition to the 30,000-40,000 strong Khmer Rouge, now camped out along the mountainous Thai-Cambodian border in the west, a non-Communist resistance group, the Khmer People's National Liberation Front, KPRLF, which came to number between 3,000-10,000 and

123, 126-127. On ASEAN, see Evelyn Colbert, "Southeast Asia: Stand Pat," Foreign Policy 54 (Spring 1984), pp. 139-156, esp. p. 149.

⁴⁶ For above, see Brown, Second Chance, p. 39.

⁴⁷ Brown, pp. 37-46.

was headed by the aging Cambodian diplomat and statesman Son Sann, had formed. In 1981, it was de facto joined by a Sihanouk-led non-Communist group, known as Armee Nationale Sihanoukienne, ANS.

In 1982, the two resistance groups, Sihanouk's ANS and Son Sann's KPNLF, were pressured by their benefactors, and with American consent, into a paper alliance with the Khmer Rouge forces. However odious the Khmer Rouge was, and despite strong protestations from Sihanouk and Son Sann, ASEAN was determined to prevent Vietnam's occupation of Cambodia from becoming a fait accompli. This new alliance, the Coalition Government of Democratic Kampuchea, or CGDK, held recognition as the official representative of Cambodia at the United Nations and other international fora. On the ground, however, the alliance was effectively a fiction: the three factions did not train together, and often skirmished with one another in the field. And that same year, the ANS and KPNLF forces formally banded together to form the Non-Communist Resistance, or NCR, and thus separated themselves from both the Khmer Rouge and the PRK.⁴⁸

Warfare became a constant in Cambodia among the four factions. In 1982, Vietnam launched a major offensive against the Khmer Rouge, but failed to defeat it. This time, as in other times of crisis, Thailand and China continued to aid and assist the Khmer Rouge, notwithstanding public denials. Later, in a massive 1984-85 dry season offensive, the Vietnamese forces were, however, successful in permanently driving all

⁴⁸ On resistance groups, see, for example, Stephen J. Morris, "Everyone's Playing the Cambodia Card," Southeast Asia and Afghanistan Review 9 (September 1989), pp. 9-13. On the NCR being forced into the alliance, see Shawcross, Quality of Mercy, pp. 340 and 354. On Sihanouk's protestations and Vance's earlier decision to turn down his request to defect to the U.S., see Chanda, Brother Enemy, pp. 364-370.

the guerrilla base camps and civilians into neighboring Thailand. The Vietnamese consolidated these gains by drafting tens of thousands of Cambodians, including children, into forced labor groups to seal off all possible guerrilla infiltration routes into Cambodia using mines, trenches, and barbed wire.⁴⁹

The Phnom Penh government and Vietnamese liberators became the new overlords in Cambodia. Even though Cambodia remained destitute, unable to produce enough rice to feed its own population, it was required to send rice and fish to Vietnam. As happened under French colonial rule, Vietnamese became the second language in government offices, and once again, settlers from Vietnam moved into the country. Far from rebuilding the country, Vietnam sought to turn Cambodia into a docile satellite. Moreover, Phnom Penh and Hanoi were unable to stake their claim as benign alternatives to the Khmer Rouge.⁵⁰ A 1985 study by the Lawyers' Committee for Human Rights, repeating earlier findings by Amnesty International, noted an alarming record of arbitrary arrests, re-education camps, torture, imprisonment for political views, and mistreatment of political prisoners, carried out under the supervision of the PRK and sanctioned by the Vietnamese.⁵¹ Additionally, Cambodian political leaders and bureaucrats were regularly required to attend "study sessions" for political training and instruction in Vietnam.⁵²

⁴⁹ Sutter, The Cambodian Crisis, p. 17.

⁵⁰ Becker, When the War, p. 444.

⁵¹ Kampuchea: After the Worst (New York: The Lawyers Committee for Human Rights, 1985). For Amnesty International, also see their report, Kampuchea: Political Imprisonment and Torture (New York: Amnesty International Publications, June 1987).

⁵² Becker, When the War, p. 444.

Nor was there ever a "de-Nazification" in Cambodia after the invasion -- the sole responsibility for the Killing Fields was ascribed not to the Khmer Rouge or the Communists, but "the Pol Pot-Ieng Sary clique." And aside from those two KR individuals, no other single Khmer Rouge official was ever charged with any offense related to their brutal reign.⁵³

Paradoxically, this heavy-handed rule by the Vietnamese-backed PRK government, and the Vietnamese occupation itself, had the effect of strengthening the Khmer Rouge resistance in the countryside. As hostility toward the Vietnamese mounted, the Khmer Rouge claimed to renounce Communism; Pol Pot claimed to "retire;" and the guerrilla group was able to stake its claim as an authentic defender of the Cambodian nation.

On the battlefield, the Khmer Rouge was stronger than either of the non-Communist factions in their struggle against the PRK. Wanting to even the playing field and relieve the NCR of their complete reliance on ASEAN, and secondarily on China, the U.S. began to re-engage, even if moderately, in Southeast Asia.⁵⁴

U.S. Response 1984-1985: A New Policy of Aid

Under the Reagan Doctrine principle of aiding anti-Communist insurgents fighting Communist regimes, in the mid-1980's, the Reagan Administration, and specifically the CIA, began to examine possibilities for aiding the NCR. While a covert lethal aid program in Southeast Asia

⁵³ Shawcross, Quality of Mercy, p. 357.

⁵⁴ Colbert, "Southeast Asia: Stand Pat," p. 149 and 157.

was deemed politically unpalatable, plans were drawn up for non-lethal financial and material assistance to go to the NCR. The program was reportedly set at \$10-15 million annually, making it far less than U.S. aid to Afghan, Angolan, and Nicaraguan rebels, and also far less than what the Khmer Rouge was said to be receiving from China or the up to \$350 million annually that the PRK was receiving from Vietnam, itself the beneficiary of up to \$1 billion annually from the U.S.S.R.⁵⁵

In July of 1985, Solarz, who had by now distinguished himself as one of the leading foreign policy experts in the U.S. Congress, and had maintained an on-going interest in Cambodia, heightened his involvement in the issue once again. After the NCR had been badly battered by a PRK offensive, which had forced them to roll up their camps in western Cambodia, Solarz felt a public expression of American commitment to the NCR was necessary, especially because they were deemed the only alternative to the Khmer Rouge and the PRK. After discussions with the Administration about how best to accomplish this, the House Subcommittee on Asian and Pacific Affairs that he now chaired -- in a joint executive-legislative branch undertaking inspired by Solarz's initial stirrings -- authorized up to \$5 million in overt aid to the NCR.⁵⁶

⁵⁵ On the Reagan Doctrine, see, for example, Mark N. Katz, "Anti-Soviet Insurgencies: Growing Trend or Passing Phase?" Orbis (Summer 1989); Jeane J. Kirkpatrick, "Anti-Communist Insurgency and American Policy," The National Interest (Fall 1985), pp. 91-96. Also, Mark D. Lagon, "Crusade for Freedom? International and Ideological Sources of the Reagan Doctrine" (Ph.D. dissertation, Georgetown University, 1991); also Raymond Copson, Reagan Doctrine: Assistance to Anti-Marxist Guerrillas (Washington: Congressional Research Service Issue Brief 1B86113, 1986). On Cambodia, see Bob Woodward, Veil: The Secret Wars of the CIA, 1981-1987 (New York: Simon & Schuster, 1987), esp. pp. 216 and 373, and Lagon, pp. 282-292.

⁵⁶ Interviews. Also see Congressional Quarterly Weekly Report, July 13, 1985, p. 1361 for account of aid authorization to the NCR. Also see Stephen J. Solarz, "When to Intervene," Foreign Policy 63 (Summer 1986), pp. 20-39, and Charles Krauthammer, "Morality and the Reagan Doctrine: The Rights and Wrongs of Guerrilla Warfare," The New

Distributed by the U.S. Agency for International Development, AID, in Thailand, the assistance would be used for civic and political education and training, medical supplies, malaria prevention, and so on. The program was funded at roughly \$3.5 million annually, and came to be known as the Solarz program.⁵⁷ Beyond this, Congress and the executive were relatively passive concerning Cambodia, continuing to take a back seat to the regional actors themselves, until 1988.⁵⁸

However small and symbolic, the Solarz aid program modestly changed the balance on the ground: able to hold up the banner of tangible U.S. support, NCR recruitment shot up. Between 1985-1988, the KPNLF would grow up to 15,000 men and the ANS forces up to 20,000. The two groups routinely undertook operations deep within Cambodia's interior, and on occasions mounted joint operations. The better equipped and trained Khmer Rouge forces had stabilized at roughly 40,000 men. For its part, the PRK forces numbered roughly 40,000-50,000, augmented by 140,000 Vietnamese troops, and an organized militia estimated at 50,000.⁵⁹ The PRK forces, on their own, however, remained untested. Moreover, the CGDK political alliance among the three resistance factions was often overshadowed by Khmer Rouge attacks

Republic (September 8, 1986), pp. 20-21, in which Krauthammer comments on Solarz's views.

⁵⁷ Raymond Copsen, Cambodia Foreign Assistance Facts (Washington: Congressional Research Service Issue Brief, IB85153, 1986).

⁵⁸ Brown, summing up U.S. policy during this time period, writes it amounted to: "Let ASEAN take the lead on Cambodia." Second Chance, p. 47. Also see p. 8.

⁵⁹ Brown, p. 100. All numbers are estimates and frequently fluctuated.

against the NCR on the battlefield. By 1988, a military stalemate endured in Cambodia.

1988: A Year of Activity

Nineteen-eighty-eight marked a major turning point for Cambodia: among the great powers party to the conflict, among the regional actors, and among the four Cambodian factions. These events would set in motion a new dynamic concerning the resolution of the Cambodian problem, and set the stage for the U.S. to reconsider its Cambodia policy under a new Administration.

With the Cold War quickly coming to a close, and guided by new thinking in its foreign policy, the Soviet Union indicated a clear desire to find a political solution to Cambodia, and not necessarily on the terms of its clients, Vietnam and the PRK. Soviet leader, Mikhail Gorbachev decided to curtail foreign military support to the region and seek a rapprochement with China. Gorbachev moved quickly to meet China's conditions for normalizing, which included bringing Soviet pressure to bear on Vietnam to withdraw its forces from Cambodia. A joint Sino-Soviet agreement called for a September 1989 Vietnamese withdrawal, one year earlier than Vietnam had promised publicly since 1982. Cambodia had thus been removed as a pawn in the Cold War conflict.⁶⁰

Within ASEAN, there was also significant movement. At the United Nations General Assembly, ASEAN revised its Kampuchea resolution,

⁶⁰ See Robert A. Manning, Asia Policy: The New Soviet Challenge to the Pacific, A Twentieth Century Fund Paper (New York: Priority Press Publications, 1988). Also Brown, Second Chance, p. 50.

routinely passed each year by the body since 1979, to reflect its desired outlines for a solution to the Cambodia situation. In addition to calling simply for the full withdrawal of Vietnam, three provisions were added. The first asked for an effective international mechanism to monitor Vietnam's departure, the second noted the key role of Sihanouk, "in the promotion of national reconciliation among all Kampuchians," and the third change referenced "the non-return to the universally condemned policies and practices of the past." In diplomatic parlance, this third change was a not so thinly veiled reference to the genocidal practices carried out by the Khmer Rouge.

In effect, ASEAN had brokered the outlines of a deal with China with this resolution, and also begun to pave the way for a Cambodia settlement which would include: (a) Sihanouk as head of state, whom they felt would be acceptable to all external parties as well as to a majority of Cambodians; (b) the ouster of the Vietnamese (an absolute condition for China); and (c) condemnation of China's client, the Khmer Rouge. The resolution passed overwhelmingly: 132 in favor, 19 against, with 13 abstentions.⁶¹

Finally, there was movement among the Cambodian factions. Earlier, in 1987, Sihanouk met with Hun Sen, now the PRK Prime Minister, in Paris, and the two opened up an exploratory dialogue. In January of 1988, they met again, this time to talk about national reconciliation and possible power sharing among the factions. Then, that July ASEAN hosted the so-called Jakarta Informal Meeting, or JIM I, talks among the four Cambodian factions. They were also joined by Vietnam, Laos, and

⁶¹ Brown, p. 57.

ASEAN. Despite this movement, however, the differences were clearly deep and no communiqué was signed.

Yet even though the meeting ended deadlocked, the momentum was enough that, by the beginning of 1989, the possible seeds of a compromise among the four factions could be contemplated for the first time, after more than two decades of civil strife and war in Cambodia. And the time was ripe for the U.S. to look anew at the role it could play.⁶²

Policy Dilemmas

In 1989 as U.S. policy makers wrestled with these new developments, they were also confronted at home by two haunting images: the tragedy of American involvement in Vietnam, and the horrific spectre of the Killing Fields. While from 1975 onward, as a reaction to the war, any U.S. role in Indochina had been relatively passive and sporadic, the legacy of devastation in Cambodia had also created a strong moral imperative for American action, and even leadership, at some level. Thus, domestically, and often personally, policy makers had to address these two conflicting realities. Furthermore, for anyone seeking to make the dim promise of a Cambodian solution a reality, both the region and the process presented daunting obstacles and often contradictory considerations.⁶³

Externally, the Cambodian problem had three interlaced dimensions: global, regional, and local. Geopolitically, Cambodia had, for roughly

⁶² Sutter, The Cambodia Crisis, pp. 24-38.

⁶³ See Brown, Second Chance, pp. 82-102 and Sutter, pp. 36-67.

three decades, been a pawn, engulfed in the antagonisms and machinations of great powers. It was wracked by the U.S.-Soviet rivalry in the 1960's into the 1970's, the Sino-Soviet rivalry in the 1970's, and, most significantly, by the centuries old Sino-Vietnamese hostilities. No lasting solution could be achieved if this external dimension were ignored, especially the roles of China and Vietnam. A full Vietnamese withdrawal was thus of considerable importance, as were measures to account for Vietnam's legitimate security interests.

In the region, ASEAN was another important consideration for U.S. calculations. An important ally of the U.S., and in Thailand's case a treaty ally, ASEAN, by virtue of geography, had great stakes in a resolution of the Cambodian problem and its removal from the arena of Chinese-Vietnamese tensions. As the countries physically closest to the problem, ASEAN was deeply attuned to the nuances of the problem, and were also an important barometer of Chinese and Vietnamese views. Finally, they were major suppliers to the NCR. Thus, to succeed on a regional level, to some extent, U.S. policy had to take into account ASEAN's views and have its endorsement.

At the local level was the challenge of overcoming Vietnamese-Khmer enmity, which had long preceded Communist Vietnam's efforts to exert hegemony over Indochina. Whether in the name of ideology or as part of a centuries old territorial expansionism, Vietnam's ambitions toward Cambodia, and Cambodia's fervent mistrust of Vietnam in turn, had deep historic roots. Thus, genuine Cambodian independence and neutrality had to be part of any policy considerations, which at the same time also had to take into account how to ensure the legitimate security needs of Cambodia's neighbors.

The internal dimension of the problem was equally as vexing. Khmer nationalism had fueled Cambodian passions since the almost millennium-old assault on Angkor Wat, through the murderous reign of the Khmer Rouge. The ancient Khmer fear of national annihilation, which played upon the darker side of the Cambodian soul, still ran deep, to such an extent that the Khmer Rouge, in 1989, continued to have a nationalistic appeal in the countryside, as a guardian of the Cambodian nation against outsiders. In the name of nationalism, Cambodians have committed, and to some extent were willing to endure, searing atrocities. Thus, to ensure that a civil war in the name of nationalism would not continue, any solution had to be seen by the Cambodians as authentically Cambodian, not just protecting their interests, but also their history and their culture.⁶⁴

Finally, within Cambodia, the passions dividing the Cambodians themselves were deep and almost irreconcilable. During the previous 25 years, the country had been ruled at one point by each of the four Communist and non-Communist factions. Whether the Cambodians could bridge more than 20 years of war, internecine strife, and autogenocide, was very much a question mark. Thus, while any solution would have to be acceptable to the Cambodians, it would also have to find a way to bridge their differences, a need which would almost certainly require significant outside involvement as well.

In 1989, given these dilemmas and considerations, U.S. policy makers faced a limited number of options. The first decision was quite

⁶⁴ For an in-depth look at the Khmer Rouge, see Khmer Rouge Abuses Along the Thai-Cambodian Border: An Asia Watch Report (Washington: Asia Watch, February 1989).

basic, namely whether or not the U.S. should involve itself in the conflict in any meaningful way, or even at all.

If the U.S. opted for involvement, there were in turn two principal options: diplomatic involvement alone or diplomatic involvement accompanied by the military assistance, principally in the form of supplying lethal aid to the NCR forces. Both routes were envisaged as offering essentially a "bottom-up" solution, in which it would be up to the four factions to reach a solution, preferably by negotiations, amongst themselves. If military supplies were provided, while they might be helpful on the battlefield if no agreement were reached, they would be designed to give the NCR enhanced bargaining leverage at peace negotiations with the other two more powerful Cambodian factions. A second variation of the military option, in theory, was the direct infusion of U.S. forces, which ultimately received little serious consideration.

Diplomatic efforts, with or without military "teeth," also presented their own set of new choices. The United States could either continue to support the NCR exclusively; work towards a negotiated settlement which would be predicated on power-sharing among the factions, either including or excluding the Khmer Rouge (the so-called quadripartite versus tripartite approaches); or, finally, reverse course and recognize the Vietnamese-backed Phnom Penh government.

A fourth diplomatic choice, which was never seriously discussed as part of the original menu of diplomatic options, and which was a qualitatively different policy choice, would instead be a "top-down" solution, in which external actors would seek to facilitate and, if necessary, impose a solution on the Cambodians. In the end, this was

the approach agreed upon by the Permanent Five Members of the United Nations Security Council, and also agreed to by the Cambodians themselves. All of the approaches, in varying degrees, could be buttressed by the use of international institutions, such as the United Nations.

Ultimately, in the early months of 1989, the U.S. did opt for involvement, and the policy choice to be made was over whether or not to authorize lethal aid as a way of encouraging diplomatic movement. It was not, however, an easy choice, nor the last policy choice which would be made in the course of the 101st Congress on the issue of Cambodia.

For the decision makers themselves, there would often appear to be a trade-off between solutions that sounded politically popular as opposed to ones that they felt appeared to be more substantively effective. Because of the enormous complexity of the issue, the multiplicity of external and internal actors involved, the deep historic and ideological antagonisms underpinning the problem, there was no clear-cut solution, no silver bullet answer. Whatever policy course was undertaken would, by definition, be fraught with innumerable perils, potentially bringing about the very evil it was designed to prevent: a return of the Khmer Rouge, or perhaps the end of Cambodia as a state, and even as a civilization. It was also an issue with a profound and troubling legacy for U.S. policy makers themselves, in and out of the Congress, and thus not an easy issue to confront head on.

Yet ultimately, as is invariably the case in the harsh realities of the policy making and political process, decision makers had to exercise their best analytic and political judgments, and come down on

one side or the other of policies seeking to provide a solution to the Cambodian dilemma.

Chapter Five

Phase One:

The Fight for Lethal Aid

As the 101st Congress convened in January of 1989, events were rapidly conspiring to thrust Cambodia back into the international spotlight and onto the national foreign policy agenda. The Administration, however, was slow to react and largely mired in its own lengthy policy review. But by July 24, 1989, some seven months later, as nineteen nations gathered at the Paris International Conference on Cambodia, the U.S. had boldly staked out a new policy of military support for the Cambodian Non-Communist Resistance in anticipation of the discussions. This initiative was neither a product of the Administration, nor actively supported by it. Rather, it was initiated by Representative Stephen Solarz in conjunction with Senator Charles Robb, and then after heated debate, legislated by the Congress. At that point, the Administration embraced the policy, even claiming it as its own.

Setting the Stage: Solarz Takes the Initiative

On March 1, 1989, Stephen Solarz, the Chair of the House Foreign Affairs Asian and Pacific Affairs Subcommittee, gaveled a hearing to order. At 48, now in his 8th term, Solarz had become Congress' most

visible member on Asian affairs and quite possibly its leading figure in foreign policy. He was renowned in Congress for his forceful intellect, his relentless persistence, a willingness to work at an exhausting pace, and his availability to the media. Having entered the House as an anti-Vietnam War Democrat, he later fought bitterly with the Reagan Administration over aid to the Nicaraguan Contras and UNITA rebels in Angola. But during the 1980's he had also come to advocate the judicious use of American military muscle abroad, notably in Afghanistan, where he had championed support for the Mujahideen. The decade had also seen him gain a new prominence within the Democratic Party councils, underscored by the Party's decision to tap his expertise and appoint him chair of the Foreign Policy Task Force for its 1986 Mid-term Policy Commission Report. Solarz, a regular contributor to national op-ed pages and talk-show guest, who visited dozens of countries a year, made it no secret that he would like to become secretary of state. Even his critics grudgingly acknowledged his suitability for the post.¹

Concerning his extensive focus on foreign affairs, Solarz quipped, "I may not have much influence in Brooklyn, but they think I'm very important in Mongolia." In more private moments, he revealed, "My constituents indulged my efforts, and a safe seat gave me the luxury to work in foreign affairs."

¹ See "Stephen J. Solarz," Politics in America 1992: The 102nd Congress, ed. Phil Duncan (Washington: Congressional Quarterly, Inc., 1991), pp. 1025-1028. Also, Chuck Alston, "Solarz Looks Abroad to Find Election Cash at Home," Congressional Quarterly Weekly Report, March 11, 1989, pp. 501-504. Also see New Choices in a Changing America, Report of the Democratic Policy Commission of the Democratic National Committee (Washington: 1986), pp. 59 and 82.

As he gaveled the hearing to order at 3:30 on March 1, 1989, Solarz was dealing with an issue that for him almost bordered on religious conviction, so concerned was he with the stakes of the problem: Cambodia.

Events on the ground in Southeast Asia were weighing heavily on his mind. The upcoming withdrawal of Vietnamese forces from Cambodia and the absence of any apparent peace settlement among the four rival factions made more prolonged conflict likely in Cambodia. After some evaluation, Solarz had increasingly come to believe that the U.S. needed to place its full support behind the Non-Communist Resistance (NCR), not simply with medicines and communications, as it had since Solarz's program first began in 1985 and which still continued to this day, but with guns and other lethal military supplies. Such support, from non-lethal to lethal aid, even simply stating a willingness to back the NCR militarily, would constitute a dramatic new U.S. policy. It would strengthen the NCR's hand in power-sharing discussions with the Vietnamese-installed Phnom Penh government, and, should negotiations break down and civil war ensue, lethal aid would protect them from being largely at the mercy of the stronger forces of the Khmer Rouge and also of the People's Republic of Kampuchea (PRK).

The Executive Branch had recently sent signals that it could support Solarz's view. The previous October, then-President Ronald Reagan had met with exiled Cambodian Prince and resistance leader, Norodom Sihanouk in the White House, and had reportedly pledged increased U.S. support for the NCR.² And as recently as February, the

² For an account see "Reagan Vows to Support Sihanouk Forces," The New York Times, October 12, 1988.

new President, George Bush, in China, met with senior Chinese leaders and discussed the need to bring about a settlement in Cambodia.³

But, as of March 1, the Administration had not yet stated a specific policy on aid to the NCR.⁴ Solarz was worried that any aid program might fall through the cracks of inter-agency process, and he was thus determined to give this issue a high priority, set the agenda, and shape the policy himself.

The lead witness for the Administration at the Cambodia hearing was Deputy Assistant Secretary (DAS) of State for East Asian and Pacific Affairs, David Lambertson, an old Asia hand. He had known Solarz for years, and the two got along well. After the hearing, a House Foreign Affairs aide described how Solarz had run the afternoon:

Steve orchestrated the whole thing with a firm hand. He knows the issue [Cambodia] as well as anyone, and everyone knows it. He ran the thing like a lawyer building a case or a general laying the groundwork before a battle. And he got what he wanted, a respected Administration official acknowledging that lethal aid was important.

Indeed, Solarz was a persistent questioner, prodding and guiding the usually taciturn Lambertson in a friendly manner. The effort succeeded at first in revealing that Bush on his February 1989 trip to China had pressed the Chinese to cease aiding the Khmer Rouge. Then, in an exchange between the congressman and the DAS, Solarz gained a tangible

³ An account of the Bush meetings with the Chinese can be found in Gerald M. Boyd, "Bush says 'Common Ground Was Found' in Asia Trip," The New York Times, February 28, 1989.

⁴ Also see, U.S. Senate, Committee on Foreign Relations, "Major Issues of U.S. Policy in East Asia," A State Department Report to the Committee on Foreign Relations, 101st Congress, 1st session (Washington: U.S. Government Printing Office, March 1989).

sign of Administration willingness to go along with the policy of lethal aid.

Solarz: Does the Administration want us to remove the cap on assistance to the NCR?

Lambertson: It would give us additional flexibility.⁵

Lest there be any doubt later of this sign, as well as of Solarz's own intentions, he took the added step of summing up Lambertson's testimony himself at the end. "Whatever the case for or against lethal aid to the NCR may have been in the past, I think there is probably a growing willingness in the Congress to support it now...the real question is, should we be helping? I think we have answered in the affirmative," Solarz concluded.⁶

The first panel was the main event, and Solarz used the second witness panel, composed of private citizens, active on the Cambodia issue, to gather information, focusing in part on how best to conduct fair elections after a peace settlement, and also on human rights, and reconstruction measures that would later follow. The next day, Don Oberdorfer of The Washington Post reported on the hearing, thus giving Solarz a success on two fronts: getting the Administration on record as not opposing lethal aid, and getting the issue onto the public agenda.⁷

The next step for Solarz was an exhaustive, comprehensive trip to Asia, where he conducted what would be tantamount to shuttle diplomacy.

⁵ U.S. House of Representatives, Subcommittee on Asian and Pacific Affairs, Committee on Foreign Affairs, Hearings and Markup, 101st Congress, 1st session, Washington, D.C., March 1, 1989, quote from p. 199, also see pp. 180-268.

⁶ Hearings and Markup, p. 202.

⁷ See Don Oberdorfer, "Bush Asked China's Help in Settlement of Cambodia War," The Washington Post, March 2, 1989.

One of the principal questions which he explored was the policy of lethal aid -- its merits and desirability. Between March 25-31, he covered six countries in six days, moving across vast distances, from Beijing to the NCR camps in Thailand, from Hanoi to Phnom Penh, from Bangkok to Singapore.⁸ He met with virtually all the key actors relevant to the Cambodia settlement, testing his ideas against the realities of the region. In addition to solidifying his thinking, the trip also had the benefit of shoring up his credibility and authority at home on the issue. This was important because Solarz might well face a divisive debate over lethal aid in Washington.

On the evening of March 25, Solarz and his aide met with Sihanouk at the Diayutai Guest House in the heart of Beijing, near the massive red walls of the Forbidden City.⁹ Worried that their conversation might be bugged by the Chinese, at one point, the two took a stroll outside. They covered all aspects of the Cambodian problem, from the roles of China, Vietnam and Thailand, to the situation inside Cambodia, the NCR's need for lethal aid, and possible modalities for a peace settlement. Solarz was all-too familiar with the Asian preference for indirectness and their habit of talking around an issue. But he felt he had no time to waste, and at one point said to Sihanouk, "This is a time for candor and truth. There are serious discussions underway in Washington concerning assistance to the NCR, including arms and ammunition. My assumption is that you can use these weapons. But we cannot be more Catholic than the Pope. Do you want lethal assistance? What kinds?"

⁸ See Appendix A for full Solarz trip itinerary.

⁹ All descriptions and quotes of the Solarz meetings are taken from trip transcripts provided to the author. Also, interviews.

Sihanouk, however, did not deviate from his penchant for speaking in code, and answered that his son, Prince Ranariddh, spoke for him on such matters. To Solarz, also scheduled to meet with Ranariddh, this meant yes, but also indicated that Sihanouk did not want to risk his prestige on the chance that his request would be turned down by either the executive or the legislative branch.

Sihanouk emphasized that the Chinese would have to be satisfied with any settlement, and that, for "face" to be saved, Chinese terms required that any settlement make provisions for including the Khmer Rouge. Solarz probed for other ways to partially isolate the Khmer Rouge, such as a Thai cut-off of the Chinese arms pipeline. Sihanouk said that such a cut-off would not happen unless China agreed, adding, "Don't tell the Thai what I said, China is a big country. It can pressure the Thai. Chatchai [then-Thailand's prime minister] was recently here [in Beijing]; Third-World leaders who come to Beijing don't just come for the banquet."

The next day, Solarz continued his meetings in Beijing, this time visiting with the Chinese Deputy Minister of Foreign Affairs, Liu Shuqing, who indicated Chinese support for a Sihanouk-led coalition, which would also contain the other Cambodian factions, including the Khmer Rouge. When Solarz raised the prospect of a settlement which would exclude the Khmer Rouge, but still meet a number of key Chinese demands, Liu firmly expressed China's opposition to such an idea. He said:

This would make the Vietnamese very happy. They have fought ten years for such a settlement; it would lead them to set off firecrackers. There would be no upholding of justice. I urge my American friends not to talk about a tripartite government. It is not conducive to a Cambodia settlement.

Solarz's next stop was Thailand, where he conferred with the second resistance leader, Son Sann, in Bangkok and then traveled to NCR camps along the Thai-Cambodian border. Here, Ranariddh confirmed that the NCR wanted lethal aid from the Americans, and that it would be an important symbol of support, which itself would be invaluable to them.

Back in Bangkok, Solarz huddled with U.S. embassy personnel to discuss the Cambodian drama, and then met with Thai Prime Minister Chaitchai Choonhaven. This meeting made clear that despite any public pronouncements or actions, Thailand would follow China's lead in agreeing to any Cambodia settlement. When Solarz sought confirmation that Thailand was opposed to any return to power by the Khmer Rouge, Chaitchai responded, "I have no comment," and added shortly after, "I told Deng Xiaoping that I would support the three [resistance] factions...." This, by definition, meant including the Khmer Rouge.

Solarz's following stop was Vietnam, where he attempted to persuade Foreign Minister Nguyen Co Thach of the benefits of a sizable U.N. peace-keeping force to be placed in Cambodia, and also to institute a U.N. mechanism to verify the scheduled Vietnamese withdrawal from Cambodia, explaining that it would help assuage Chinese hostility over the issue. The foreign minister dismissed both ideas, suggesting instead that Solarz conduct "shuttle diplomacy" to resolve the problem, adding, "Let the Cambodians have their silly talks. We will be out in September."

From Hanoi, Solarz flew by commercial aircraft to Phnom Penh, where he met with PRK Prime Minister Hun Sen. The two had met twice before. Solarz outlined to Hun Sen where the other parties in the

conflict stood and looked for ways to bridge the gap, holding out the possibilities of more positive U.S. relations with Cambodia and his endorsement of reconstruction and humanitarian aid after a political settlement. For his part, Hun Sen dismissed Solarz's fears that the Khmer Rouge could regain power. "They are in disarray," he said, adding, "For the sake of national reconciliation we need the political participation of the Khmer Rouge."

Solarz's final stop was Singapore, where he met with the Prime Minister, Lee Kuan Yew. Lee shared his country's latest intelligence information that the Soviet Union was unwilling to continue to bank-roll the Cambodian conflict. The two then discussed Chinese and Vietnamese intractability and the need to cut a deal that would satisfy the basic requirements of all parties. Solarz summed up the state of play: "We are in for a long winter. The prospects for a political settlement are not good because the positions are too far apart....Meanwhile, we are rapidly approaching a decision on lethal assistance."

Solarz's trip had confirmed his personal view that lethal aid was a vital next step if the Cambodian conflict was to begin moving toward a political settlement. Upon his return, he used the media, including a major op-ed in The Washington Post, to get his message out and launch a public campaign for lethal assistance. He advocated a lifting of the \$5 million cap on aid to the NCR, thus removing any prohibitions and opening the way for a covert lethal aid program, which he then called on the Bush Administration to undertake.¹⁰

¹⁰ See Stephen J. Solarz, "Pol Pot Could Return," The Washington Post, April 19, 1989. Also see "Solarz Urges U.S. Military Aid for Sihanouk," The Washington Post, April 8, 1989.

Vice-President Dan Quayle, on his own trip to Southeast Asia, indicated that the Administration was taking Solarz's proposal into account as part of its overall review of Cambodia policy.¹¹ In a statement in Jakarta, Quayle stated his personal support for lethal aid. Solarz had clearly set the stage and had, by virtue of his hearing and op-ed, and informal discussions, provided a policy rationale for the Administration to go ahead with lethal aid. But on foreign policy, Quayle was rarely a leading spokesman for the Administration, and the State Department, which had the final say, had yet to make a decision.

Opposition in the Senate Foreign Relations Committee

Unexpectedly, however, opposition to the Solarz proposal for lethal aid cropped up in the Senate, setting the stage for a prolonged struggle as much within the Congress itself as between the Congress and the Administration. As one senior Administration official put it, "Solarz was doing all the heavy lifting and pushing the issue, while the Administration, with the exception of the veep [Quayle], was sitting on its ass. Then the Senate got into the act."

On May 6, some twenty Senate Foreign Relations Committee (SFRC), and Personal Member Representative (PRM), staffers designated to the committee, gathered in the main hearing room to review S.928, Chairman Claiborne Pell's Mark of the State Department Funding Authorization Bill. This was a meeting for Democratic staffers only, an opportunity for them to ask questions, raise potential grievances, and to unite Party support on the committee for the bill. S.928 was a fairly

¹¹ For an account see Murray Hiebert, "Quayle Backs Cambodian Guerrillas," The Washington Post, May 5, 1989.

straight-forward authorization, except for Section 801, entitled "Policy Provisions: Aid to Cambodia." The provision prohibited any U.S. aid to any group "in alliance, coalition, or association with" the Khmer Rouge. Since 1982, under the rubric of the CGDK, the NCR and the KR had jointly held the Cambodian seat at the United Nations, and this arrangement, coupled with the language in the bill, would prohibit the NCR from receiving any U.S. aid of any kind.

A senior Pell aide explained the provision as non-controversial and designed to prohibit aid to the Khmer Rouge. No mention was made of Solarz or of his position. Because Cambodia had been on the back-burner, few staffers present were familiar with the issue, and most, as a general principle, did not support military aid in regional conflicts. Moreover, as a rule, these staffers, while having a general knowledge of most international issues, focused more narrowly on the priorities set by their members. Thus, they looked to staff specialists on the committee or to other PRMs for guidance on unfamiliar issues. No one questioned the Cambodia provision, and the meeting ended with little fanfare or discussion.

That afternoon, through the grapevine, Solarz got wind of Section 801. He immediately called Pell's aide himself, and the two talked for about 45 minutes. As the Pell aide later recounted:

Steve walked me through everything. He tried to point out how dangerous the measure was. I told him I didn't agree and the provision was staying in -- and that Chairman Pell agreed. In the Senate, we aren't going to tolerate covert lethal aid going to this alliance.

Solarz, who was already setting in motion his effort to lift the cap on aid in the full House Foreign Affairs Committee (HFAC),¹² now faced a potentially serious challenge to his initiative in the Senate. Meanwhile, the Administration still had yet to make and announce a decision on lethal aid. Blocked by SFRC staff, Solarz realized that for lethal aid to survive in the Senate, he would need an influential ally on the committee to strike the prohibition on aid. Solarz reviewed the list of members. Paul Simon, whom Solarz had supported for president, had previously refused to endorse assistance to the NCR when Solarz urged the position upon him in the 1988 campaign. Chris Dodd, a Solarz ally on Central America, rarely involved himself outside of this issue. Pat Moynihan, a fellow New Yorker, was unpredictable. One name, however, did have possibilities: Chuck Robb, a new freshman Democrat on the committee. Solarz decided to call Robb and, for added muscle, urged Quayle to also put in a call to the Virginia senator, knowing that it was both flattering and somewhat rare for a senator, especially a member of the opposition party, in his first months in office to be courted by a vice president. Quayle, who also felt strongly about the issue, did call Robb, and, according to the senator, the two "spoke at great length and Dan briefed me on his trip to Southeast Asia."

Solarz, it turned out, had made an astute calculation.

Chuck Robb was one of the few members entering the Senate with star status.¹³ A decorated Vietnam War hero, and son-in-law of the late

¹² On April 18, 1989, Solarz's subcommittee formally lifted the \$5 million cap on aid to the NCR, paving the way for a covert lethal aid program to the NCR. For a wrap-up, see Alyson Pytte, "Asia and the Pacific," Congressional Quarterly Weekly Report, April 22, 1989, p. 905.

¹³ For an account of Robb, see "Charles S. Robb," Politics in America 1992: The 102nd Congress, pp. 1525-27.

President Lyndon Johnson, Robb had emerged in the mid-1980's as a key moderate voice in the Democratic Party and a figure with national recognition. He was a successful governor of Virginia, and a founder of the Democratic Leadership Council (DLC), a group of largely southern officeholders, dedicated to moving the Party to the center. A firm believer that the next Democratic president would be a son of the South, Robb had also successfully campaigned for the Super Tuesday primary structure.

Tall, clean-cut, handsome, and often blunt, Robb had a reputation for not shirking controversy. A self-described hawk in foreign policy, he supported both aid to the Contras in the 1980's and a muscular defense budget. The former governor had also traveled widely throughout the globe, effectively enhancing his reputation on foreign affairs.

When Robb reached the Senate, some of the more liberal members had tried to keep Robb from going on the Foreign Relations committee. But the Democratic leadership felt they could not ignore Robb's stature and granted him a seat on every committee that he requested, including Foreign Relations. From the outset, Robb, who had chosen to lie low on domestic issues, had developed a higher profile on foreign policy. He had already tangled with more liberal committee members over such issues as Nicaragua and El Salvador. By his own acknowledgment, Robb had a moderate to conservative bent on defense and foreign policy issues and was a strong believer in a bipartisan foreign policy approach. On the SFRC itself, he had instructed staff that their role was not to keep him out of fights, but to give him the best policy advice. He often quipped, "Let's make a little trouble."

But, in sharp contrast to Solarz, Robb was not a hands-on, detail man. He preferred to delegate broadly to staff, much as he effectively did when he was governor. When the State Department Authorization Bill appeared on the agenda, he instructed his foreign affairs aide to carefully review it for any potential disagreements that he might have with Pell's bill, with an eye toward getting involved. Even before Robb spoke to either Solarz or Quayle, his aide had highlighted three potential issues with yellow marker for the senator, one of which included Section 801, largely because Robb had a long history of supporting aide to guerrilla movements. In addition, Robb, who had aspirations to be commander-in-chief himself, was especially wary of Congressional restrictions on foreign policy, a position which he termed, "my executive bias."

Robb also frequently commented that on any controversial issue, it was important to "go with your gut." On the issue of lethal aid for the NCR, Robb found his gut to be in agreement with Solarz. After being called by the congressman, he asked Solarz to explore a possible role for him with his Senate aide. Shortly thereafter, in his talk with Quayle, Robb indicated interest in the issue.

Publicly, the issue was heating up, particularly after Sihanouk and Hun Sen had failed to bridge their differences at the March Jakarta II Informal Meeting. On May 8, The Washington Post slammed the Solarz proposal to furnish military assistance to the NCR as long as it was in "deadly association with the Khmer Rouge."¹⁴ The next day, The Post

¹⁴ "The Sihanouk-Hun Sen Connection," The Washington Post, May 8, 1989. Also The New York Times editorialized, "It's hard to imagine what Cambodia needs less than...the military aid proposed by Mr. Solarz," "Cambodia Deserves Better Than Guns," May 7, 1989.

ignored the rest of the State Department bill and focused exclusively on the Pell opposition to arming the Cambodian resistance, a measure that it said pitted the Chairman of the SFRC "in the opposite direction from a fellow Congressional liberal, Rep. Stephen J. Solarz."¹⁵

Solarz followed up his conversation with Robb with a letter to the senator, asking him to offer a substitute amendment comparable to the language in Solarz's bill that he had reported out of his subcommittee, lifting the cap on aid to the NCR. Solarz also forwarded a May 8 cabled letter that he had solicited from Prince Ranariddh, in which the Prince gave assurances, "that the [NCR] will not use the weapons (if provided by the U.S.) if they would benefit the Khmer Rouge."¹⁶ Before the letter even arrived, Solarz personally put in six calls throughout the day, to Robb as well as to Robb's aide. Finally, he and Robb's staffer spoke, and Solarz said, "We need a positive vote in the Senate."

After some discussion about the merits of the issue, the two then talked politics. Robb's aide said to Solarz that the senator was predisposed to offering the amendment, but noted: "I don't think we'll get any of the Democrats in the committee on this vote, so we'll need every Republican." In a phrase that would be repeated over the next year and a half, Solarz chimed in, "I'll do whatever it takes. I'll make calls to Moynihan and the rest of the members. I'll also work on the Republicans. I believe Quayle will help too."

¹⁵ John Goshko, "Pell Opposes Arming Cambodians," The Washington Post, May 9, 1989.

¹⁶ Cabled Letter from Prince Norodom Ranariddh to Representative Stephen Solarz, May 8, 1989.

Two days later, Solarz once again demonstrated his continuing leadership on behalf of his initiative. Solarz believed with an almost unshakable faith that being able to demonstrate expertise on an issue in the legislative arena mattered, and that members could be persuaded on the merits of a case. To help ensure that his new ally, Robb, was well-prepared, he offered his resources. Solarz sent over comprehensive talking points for Robb to use in the SFRC debate. Solarz then had his House subcommittee aide follow-up with a phone call to Robb's aide, both to ensure that the policy points were received and that any further questions would be answered.

The SFRC mark-up on the State bill was slated for May 17, 1989, and military aid to the NCR was now looming as the principal point of controversy. In a speech before the Philadelphia World Affairs Council, Quayle blasted the Pell legislation, declaring "It would decrease the prospects for a peaceful settlement in Cambodia."¹⁷ The speech had been written by a senior National Security Council aide, who personally supported lethal aid and had offered his services to help the vice president, the only senior Administration official to indicate any public support for the policy.

The lethal aid initiative also received a boost from the ambassadors of ASEAN, who in a united front wrote an op-ed piece in The Post sharply rebuking the Pell measure.¹⁸ The Wall Street Journal then weighed in, devoting a lead editorial to deriding the Pell provision,

¹⁷ See account of the speech in Paul Bedard, "Sihanouk Forces to Get Arms Aid," The Washington Times, May 11, 1989.

¹⁸ See ASEAN Ambassadors, "Cambodia: Arm Sihanouk to Help Him Negotiate," The Washington Post, May 14, 1989.

attributing it less to Pell and more to his "hyperactive staff." It added, "In Congress, it's sometimes hard to tell who's in charge."¹⁹ The public editorial interest reflected the clear drawing of lines on the issue within the Congress. But press pressure, pro and con, did not encourage either side to seek compromise. And while the press attention guaranteed the issue a high profile once mark-up began in the SFRC, it had little substantive impact on the debate.

Robb went to the mark-up with his amendment, a slightly modified version of what Solarz had sent over to him, which allowed for lethal aid but stipulated that no assistance to the NCR could be used, directly or indirectly, to benefit the Khmer Rouge. Senator Jesse Helms, the ranking Republican on the committee, was also prepared to offer an amendment, which would strike Section 801 altogether, not because he had an interest in the issue himself -- he didn't -- but as a courtesy to the Administration. This was not unusual. Helms and other Republicans frequently offered such amendments on the Administration's behalf. As a general rule, the Bush Administration was opposed to any Congressional effort to restrain its foreign policy flexibility. And, in this specific case, the executive branch was still sitting on the fence and wanted more time to finish its internal foreign policy review.

Senator Alan Cranston, the Senate Democratic Majority Whip and Chair of the SFRC East Asia and Pacific Affairs Subcommittee, also came prepared to offer his own amendment, that would explicitly bar any form of lethal aid to the NCR whatsoever.

In a memo written to Robb before the hearing, his aide noted:

¹⁹ "A Senator Demurs," The Wall Street Journal, May 15, 1989.

It's a terribly complicated issue and there are some close calls. The issue has potential to heat up like the Central America debate....There is simply a fundamental divide between you and those who oppose any form of lethal assistance....Your amendment would have the effect of ginning up public discussion [including over] the contours of what a responsible U.S. policy ought to be.²⁰

As the most controversial item in the bill, the Cambodia debate was put off until other issues were resolved. Finally, after two days of discussion on the bill, at 2:45 on May 18, the committee moved to Section 801. Helms immediately warned that if any prohibition on aid was maintained, it would sink the entire bill. Presented in such a manner, the North Carolina senator gave the appearance that all nine committee Republicans were prepared to cast a party line vote in favor of completely dropping Section 801, and that Bush was prepared to veto the bill over this measure. Unknown at the time, Helms was bluffing. But his tactic worked.

Robb then announced that he would vote against the Cranston amendment, and was prepared to offer his own, which would give the Administration authorization to seek covert lethal aid.

With doubts now raised about whether either the Pell or Cranston provisions could survive a committee vote, Chairman Pell, in consultation with Cranston, suddenly withdrew Section 801 altogether, settling instead for a State Department promise to consult with the committee before any decision on military aid was launched. Cranston also said his Foreign Relations subcommittee would first hold a hearing on the matter. In turn, Robb pulled his amendment.²¹

²⁰ Memorandum to Senator Charles Robb, May 15, 1989.

²¹ The reader may consult the stenographic transcript of U.S. Senate, Committee on Foreign Relations, Markup: S.928. The Foreign Relations Authorization Act For Fiscal Year 1990 (Washington: Alderson Reporting Company, May 16, 17, 18, 1989).

As one aide later put it, describing Cranston's effort, "He was skunked, and did the smart thing. He temporarily retreated and put the issue where he had the greatest amount of control, in his subcommittee."

But for now, Solarz's efforts had paid off. Not only did he "dodge a bullet in the Senate," as one staffer put it, but in Robb he had picked up a key ally. Moreover, ASEAN had galvanized behind his measure, and now so were ordinary Cambodian-Americans, supportive of his policies, who had packed the audience during the SFRC mark-up. And if the Administration had doubts about the political viability of going along with a lethal aid policy in the Congress, and specifically the Senate, those should also have been dispelled -- Robb would carry the water in the upper body. It was just a matter of time before the Administration finished its policy review, which at this juncture increasingly seemed to be moving in favor of Solarz's initiative.

Gaining Administration Support -- and Losing It

Solarz wasted little time in solidifying his alliance with Robb and further pushing the Administration to seek lethal aid. By now, his chief subcommittee aide and Robb's staffer had bridged the divide between the House and Senate and were working as a team, exchanging talking points, position papers on issue details, ideas about legislative strategy and general gossip about Cambodia. This staff level cooperation freed Solarz to deal with other aspects of selling his initiative. On May 31, the congressman published another op-ed, this time in The Los Angeles Times, which again framed the rationale for

assisting the guerrillas.²² He sent a copy of this piece to every member of the SFRC.

The next day, the Administration announced the much-awaited results of its policy review.²³ Solarz's efforts had finally paid off: the Administration would support his proposed lethal aid program, calling it "enhanced aid." In line with the assurances given to SFRC during the mark-up earlier in the month, State Department spokesmen promised the Administration "would consult closely" with Congress "on all aspects of the program."

But the Administration announcement served only to stiffen further opposition to lethal aid in the Senate, and the remainder of the battle would shape up to be principally within the Congress itself, between Solarz and Robb on one hand, and the Senate Democratic leadership and the SFRC on the other.

The first real shot in this new round of confrontation was fired by Senator Robert Byrd, the powerful Chairman of the Senate Appropriations Committee and President Pro Tempore of the Senate. The initial salvo occurred at the staff level. The very day after the Administration's announcement, one of Byrd's senior foreign affairs staffers called Robb's aide. This Byrd staffer was feared as much as, if not more than, many of the junior senators. "He's a real institution around here, whose wrong side you never want to get on. [He] knows

²² Stephen J. Solarz, "Military Aid Would Help Avoid A Return of the Khmer Rouge," The Los Angeles Times, May 31, 1989.

²³ See account in David Ottoway, "U.S. Apparently Will Aid Non-Communist Cambodian Forces," The Washington Post, June 1, 1989.

where all the bodies are buried and will cut your nuts off to get what he and Byrd want," explained one staffer.

The Byrd aide was cordial enough at first, prodding Robb's staffer for information, specifically asking if Senator Robb planned to go ahead with his amendment. When told that "it was Robb's intention to press ahead," and that "perhaps Chairman Byrd might want to speak directly to Senator Robb," Byrd's aide immediately changed his tone and turned to outright intimidation. He said:

Senator Byrd is deeply, deeply opposed. If you and your senator insist upon going ahead, you better be prepared for a Secret Senate session. It will be at [a specific clearance level was mentioned] level, equal to the INF debate....We'll get into every bit of graft and dirt about [a foreign country is mentioned here]. No stone will be left unturned. Your member will be left isolated on the Senate floor....Let me be clear, Senator Byrd knows the history of Southeast Asia and does not want to get re-involved.

The next day, after having been informed of Robb's intentions by his aide, Byrd himself strode out to the Senate floor and delivered a lengthy and stern speech against covert action in Cambodia. His voice quivering, Byrd said that Southeast Asia is fraught with "too much sad history" and "too much spilled blood" for the U.S. to undertake a new covert military operation without first building "a strong national consensus." He added:

If the United States is to play a new role in Southeast Asia, that role must be based on solid, bipartisan, fully debated and understood consensus....Surely we have learned from our experience in Vietnam, if nothing else, that if we are to succeed in a new policy toward that region, it cannot be achieved through secret policy making, secret military programs, secret arms transfers, or secret deals.²⁴

²⁴ See account in David Ottoway, "Byrd Warns Against Trying Covert Action in Cambodia," The Washington Post, June 3, 1989. For full speech, see Congressional Record, June 2, 1989, S6090-S6092.

This was no run-of-the-mill speech. In effect, Byrd had drawn a line in the sand, putting his institutional might and power behind the issue. In doing so, he cast the possibility of lethal aid as a partisan issue - - ignoring the fact that it was an initiative begun by Democrats in the first place. Nonetheless, Byrd sent the clear signal that powerful forces would be arrayed against the junior senator from Virginia, for whom it was already known he had no great love. In the Senate, most members feared Byrd more than the Majority Leader, and for that matter, the Administration itself.

The action resumed in the SFRC on June 12, in Cranston's subcommittee.²⁵ By that time, Cranston had let the word out that, like Byrd, he too would make Cambodia a test of party loyalty. As part of the promise of consultation, the Administration sent an undersecretary of State to testify; this official, who had been designated as the Administration point person on lethal aid, was a peripheral member of Secretary of State James A. Baker, III's inner circle, albeit still an official with considerable clout. His selection, however, was interpreted as a subtle indication that Baker was not fully behind the program himself. But during the hearing, the undersecretary gave what was regarded by senators and staffers alike as a lackluster performance, and failed to counter senators who sought to punch holes in his argument, barraging him with question after question.

²⁵ U.S. Senate, Subcommittee on East Asian and Pacific Affairs, Committee on Foreign Relations, Hearing on Proposals for U.S. Assistance to Cambodia, June 12, 1989. (Note: This hearing had both closed and open sessions, and the hearing transcript was never published. Quotes from the transcript were provided to staffers specifically requesting them at the time.)

The next witness was Representative Chet Atkins, a House Democrat and a vigorous opponent of covert lethal aid. Cranston's choice of Atkins was shrewd. Atkins' testimony would dispel the appearance of unanimous support in the House behind Solarz's position. In contrast to the undersecretary, the fiery Atkins spoke with great intensity and effect, charging that the "United States has conferred new life on one of history's most discredited regimes [the Khmer Rouge]." The congressman was warmly received by most of the Democrats on the panel, including Cranston who noted: "I too reject the notion that the best means of dealing with the volatile and potentially violent situation in Southeast Asia is to inject military aid."

Solarz followed. Speaking directly to the senators without any prepared text or notes, he cast the issue as "one of the transcendental moral issues of our time," saying that arms aid "is essential to helping Cambodians reach a political settlement that will prevent a Khmer Rouge return to power." Solarz articulated the arguments that the Administration official had failed to make effectively, explaining that the NCR alliance with the Khmer Rouge was nothing more than a paper alliance and was "pure fiction," that the aid program to the NCR must be covert in order to give "Cambodia's neighbors plausible deniability," adding, "history will not forgive us if we stand idly by while Pol Pot, once again, turns Cambodia into an Asian Auschwitz." Noting that he opposed covert aid to Nicaragua and Angola, Solarz told the senators that they must consider what appears to be "morally ambiguous actions in order to prevent morally repugnant consequences."

Yet Solarz's testimony fell largely on deaf ears. As he began to speak, Cranston walked out of the hearing, pleading a prior engagement,

and asked Robb to chair the remainder of the meeting. Cranston's unspoken message to the hearing room was clear. On one hand, he could not deny a member with Solarz's stature on the issue the platform to speak, so he chose instead to publicly slight and ignore him. Solarz was left to preach largely to the converted, Robb, and a row of empty seats on the dais. Cranston's action signaled that Solarz's views were not the views of the SFRC.

But though Cranston left, the large audience, filling the visitors' section to the point of overflow, stayed, including the press, many of whom, by their own admission, wanted to hear what Solarz had to say. As important to Solarz, the hearing provided him with an opportunity, as much by accident as by design, to further cement his relationship with Robb. Thus, when Robb noted to Solarz that he had an amendment in the Senate similar to the congressman's, Solarz, in an impassioned voice, improvised:

Senator Robb, I applaud your courageous decision to offer an amendment to aid the NCR; the sweep of history will show that you acted bravely in a time of great need for an imperiled nation.

In a rare display of emotion, the normally stoic and inscrutable Robb, even if slightly, was visibly touched by Solarz's words. After the hearing, Robb was energized, forcefully dispatching his aide, "to make sure everything is taken care of with the amendment."

Robb's aide felt that a number of obstacles still lay ahead, but, as one of the senator's political advisors put it, "[For Robb] the train has left the station." Solarz's leadership on the issue had proved infectious. Emboldened by Solarz, his gut seized, Robb planned to go ahead, almost no matter what the odds.

The following day, however, the fate of the lethal aid initiative appeared increasingly in peril. In closed testimony, this time before the Senate Select Committee on Intelligence (SSCI), an Administration witness was again reportedly met with sharp questioning.²⁶ As one aide explained, "[The Administration official] was shredded." On paper, Solarz and the Administration were saying the same thing, but in person on the Hill, the Administration seemed to be failing to mount a strong, credible defense against the lethal aid policy critics. Further underscoring the difference between Solarz's leadership on the issue and the Administration's, that same day as the HFAC concluded its foreign aid authorization mark-up, it retained the provision allowing for covert lethal aid to the NCR. There was no opposition to Solarz.²⁷

But while Solarz's efforts were sailing through the House, they were rapidly deteriorating in the Senate. On June 15, two days after the SSCI hearing, the influential Chair David Boren stunned both the Administration and Solarz by calling for a public debate, because "broad foreign policy issues are at stake." In a terse statement released not from the Intelligence committee, but from his personal office, Boren said:

If the United States should decide to inject itself in any way in Cambodia, I believe that the decision is essentially a political foreign policy decision that should be decided by all 100 members of the Senate and the House, rather than using procedures that would use only certain committees to make that judgment.²⁸

²⁶ For a limited account of the hearing, see David Ottoway, "Amid Congressional Unease, U.S. Weighs Cambodian Arms Aid," The Washington Post, June 16, 1989.

²⁷ See John Felton, "Trouble Prone [Foreign Aid] Making Progress Despite Disputes," Congressional Quarterly Weekly Report, June 17, 1989, pp. 1487-1491.

²⁸ "Policy Prospects in Cambodia," Statement released by the Office of U.S. Senator David Boren, June 15, 1989. Also see, David

By most accounts, this was a dramatic and unusual action. It is rare for a committee chair to give up jurisdiction over an issue, and this had never happened over aid to the Nicaraguan Contras or the Afghan and UNITA rebels. Publicly, the Boren statement reflected mounting unease in the Senate over the prospect of renewed U.S. military aid in Southeast Asia, and Boren declined to say whether he personally favored the covert lethal assistance. Privately, a senior aide informed Robb's staffer that Boren was "inclined to support" lethal assistance. But, this aide added:

Chairman Boren no longer feels that he can keep the issue within his committee. It's become too much of a hot potato...[But] I think he'll be with you when you need him.

The Administration response to the events of the previous three days in the Senate was swift and equally surprising. Speaking on behalf of the Administration, Undersecretary of State for Political Affairs Robert Kimmitt used The New York Times to convey that it was backing off from seeking military aid, conceding that the Administration ran "into brick walls" in discussion with Congress and that "there is hardly any prospect of military aid being approved in the Senate."²⁹ In light of this opposition, the Administration said that it would seek other ways to show support for the NCR.

Neither Solarz, who had begun the initiative in the first place, nor Robb, who against great odds had placed himself solidly behind the measure in the Senate, were consulted. At this juncture, if they were

Ottoway, "Amid Congressional Unease, U.S. Weighs Cambodian Arms Aid," The Washington Post, June 16, 1989.

²⁹ See Robert Pear, "Congress Stymies Plan to Arm Cambodian Rebels: In Setback to the President, Administration Concludes It Can't Win Approval," The New York Times, June 18, 1989.

to succeed, it was clear that they would have "to go to the mat," as Robb put it, and essentially go it alone. The only way to ensure that military aid could serve as a tangible symbol of support for the Cambodian guerrillas was by a clear and, if necessary, public vote in favor in both chambers. But it appeared a dim prospect in the Senate. Facing harsh opposition from the president Pro Tempore, the chairman of the SFRC, the Majority Whip, their combined staff resources, and without the clear support of moderates like Boren, Robb remarked, "This is shaping up to be David versus Goliath."

Shoring Up Support -- and Moving Ahead

After the Administration backed off from seeking lethal aid, Solarz and Robb had little choice but to gear up for a legislative battle in both houses. But first, Robb made one more attempt to open up a direct window to the Administration and draw them back to the May 31 policy announcement of support.

On June 19, Robb's aide spoke twice by telephone to Kimmitt at length, one conversation taking place in the morning, the second a follow-up call to Kimmitt at his home that evening. Kimmitt measured his words carefully. He said that The Times article was not accurate in its representation, that the reporter had misused his quotes. But it was clear from the conversation that the Administration had in fact retreated; far from going full blast on this issue, Foggy Bottom³⁰ was now going to take a back seat. The Administration had cut its losses,

³⁰ Term frequently used to refer to the State Department. "Foggy Botton" is the name of the area in Washington, D.C. where the building is located.

and Robb felt double-crossed. Miffed by the turn of events, an undaunted Robb decided to speak directly to Secretary Baker.

The following day, Baker was up on the Hill for another matter, and Robb buttonholed the secretary in a hearing room. Baker spoke in the reassuring tones of a veteran politician, avoiding making any substantive statements. Baker's studied ambiguity left it unclear as to where he stood, but he had conspicuously refused to make an explicit commitment to military assistance. In an unspoken language that is almost unique to a secretary and a senator, however, the smooth effect of Baker's words, his wink of the eye signaling solidarity to a fellow politician, mollified Robb. His staffer, however, less than convinced, muttered a very weak protest to the secretary. Without skipping a beat, Baker, who would quickly become legendary on the Hill for remembering the names and faces of Senate staffers, responded: "Continue to keep in touch with Bob [Kimmitt]." But this was an artful dodge. The secretary had made it clear that this was not his issue.

The discussion had, though, served one important purpose for Robb. Whatever may have been said, Baker did not indicate in any way that he opposed lethal aid. Henceforth, Robb would cast his bid to secure lethal assistance as an Administration position supported by the secretary of state. Needing every vote he could get, this tactic would help Robb elicit Republican support in the Senate. The policy process is often like a hall of mirrors, and appearances and perceptions are often as important as reality. Robb understood this. Until there was an Administration denial, which was unlikely because it would then possibly be seen as an embarrassing defeat by a handful of powerful liberal Democratic senators, he would freely invoke the executive

branch. At this point, Robb would take what he could get in his search for support.

Another member of the Administration, the vice president, though less important, was a help. On June 22, Quayle gave a major speech at a Heritage Foundation conference on U.S. policy in Asia.³¹ Quayle's speech included a lengthy discussion on aid to the NCR. Tightly reasoned and well argued, it was the most cogent and forceful of any Administration pronouncement on the issue to date. Quayle acknowledged the ghost of Vietnam hovering over the debate and addressed the fears that aid constituted a "slippery slope" -- thus seeking to rebut the argument that further aid would lead to "another Vietnam," and pointing out that "an absence of a negotiated settlement" would "increase the prospects of a Cambodian civil war." Finally, he noted -- directly addressing Byrd's criticisms about secret policies -- that his remarks were not in secret, but in a "public forum." In an unusually strong challenge, Quayle concluded, "A vote this year [on aid] will provide an opportunity for individual members to stand up and be counted before the bar of history."

While Quayle was generally regarded as being "out of the loop on most major foreign policy decisions," a certain independence also came with being vice president, which afforded him greater freedom to weigh into the policy debate with his own views on policy than was enjoyed by other senior officials. But in the Senate, while Quayle's assistance would have marginal, if any positive impact on most Democrats, the vice

³¹ See "Text of Remarks by the Vice President," The Heritage Foundation Asian Studies Center Conference: U.S. Policy in Asia: The Challenges for 1990, Washington, D.C., June 22, 1989.

president had cachet with conservatives. For Robb, a vote was a vote and their support was just as important to have.

In another outgrowth of Quayle's involvement, as a result of mutual interest, Robb's aide was now regularly working with NSC staff members, cooperation which the senator strongly encouraged and even demanded of his aide. The ties had benefits. The day before the Quayle speech, for example, an NSC official who was working with the vice president sent over a preliminary draft, which included sections that were later deleted in the Administration review process. At the same time, other individual officials in the State Department were also increasing their cooperation with Robb's aide, providing information and intelligence, albeit discreetly and carefully.

Quayle's remarks were a prelude to the House floor debate on lethal assistance.³² The opposition to Solarz was minimal, and most members in the Chamber readily deferred to his judgment and expertise. As it turned out, there was no floor fight over lethal aid. Instead, pre-arranged at the staff level, Solarz and his critics -- principally Representatives Barbara Boxer and Mel Levine, but not Chet Atkins in this instance -- engaged in a colloquy on the floor. The purpose of this was to enable critics of covert lethal aid to put their objections on the record, while comparably allowing Solarz to re-assure them in public.

Solarz told Boxer, "There is explicit language in the bill which prohibits any of our assistance, directly or indirectly, from going to the Khmer Rouge. [Also] we have assurances from the leadership of the

³² See debate on HR2655 in Congressional Record, June 29, 1989, esp. H3451-3455.

NCR." To Levine, he promised, "This is not an open-ended authorization," going on to add, if either the Appropriations or Foreign Affairs committees objected to any money over \$7 million (which would then be lethal), "the aid would be prevented." Solarz summed up that aid "will not be quietly approved in the still of the night without members knowing about it."³³

After the vote, one senior House Foreign Affairs Committee staffer explained, "Steve was moving the whole process and handled it with ease. He was barely contested at all in the House."

Having achieved victory in the House, Solarz quickly turned his attention to the battle brewing in the Senate. He had heard from his staffer that Robb's aide was losing enthusiasm for the fight for lethal aid, and didn't relish the thought of his senator using all of his political capital and time against the combined forces of the Senate leadership for one amendment. Knowing how important it was that Senate staff remain engaged, so that the senator in turn would remain focused and not be distracted by other matters, Solarz called Robb's aide. His goal was to help counter the growing opposition confronting the Robb forces.

Solarz started out saying that he wanted "to share his thoughts on ensuing steps," and indicated that whatever followed was "Chuck Robb's decision." The congressman said:

We prevailed in the House. We now need a vote in your committee - go for it. The U.S. is not without influence in this matter. This one of the great moral issues of our time. If we do this, history will record we at least gave it a shot....I know what

³³ Quotes taken from Congressional Record, June 29, 1989, H3452 and H3451, respectively.

you're up against, [my aide] has told me -- but some fights are worth losing.

Solarz then ticked off what he called "some possibilities." He predicted that a vote in the Senate would get support from "90% of the Republicans, 30% of the Democrats, those from the South." If Robb decided to go ahead, the Administration would come around. He concluded that for a mandate, "We need a public vote in the Senate."

Solarz's pep-talk worked. Buoyed by the promise of Solarz's continuing support and by his energy, Robb's aide sought to educate other Senate staffers who could be helpful, as well as to mitigate the opposition of potential critics. He first looked to the staffers of moderate Democrats, whom he and Robb had worked with on other issues and were natural allies, and arranged a State Department briefing for them. He invited committee and personal aides representing Senators Sam Nunn, David Boren, Bob Graham, Lloyd Bentsen and Joseph Lieberman. At the time, he used a pitch that often mattered as much in the Senate as actual substance itself: "This issue is really important to Senator Robb." All the staffers agreed to come.

As a courtesy, staffers representing members of the SFRC were also invited to the briefing.

The briefing completely backfired. Put together by the State Department Bureau of Legislative Affairs, or "H," as it was known on the Hill, the Department sent over officials from the Bureau of Intelligence and Research (I&R), rather than from East Asian affairs. The briefing dwelt on what was by now obvious to everyone, the brutal and completely untrustworthy nature of the Khmer Rouge. It barely touched on the Administration supported goal of seeking a negotiated settlement as a bulwark against a Khmer Rouge bid for power. There was no defense, and

scarcely a discussion of a policy of lethal aid and its relationship to this goal. Staffers left the briefing, shaking their heads in disbelief, wondering what Robb and Solarz were advocating. The briefing also made clear that there was an internal war within the Administration itself over appropriate policy directions, but this was of little help or consolation to Robb's aide -- the damage was done.

Robb's aide later informed the senator, "If that were all I heard as an introduction to the issue, I'd be totally against lethal aid myself." Robb instructed his staffer to work the problem with "other methods and using other ways."

As part of the "other methods," Robb and his aide met with the ASEAN ambassadors and a number of Cambodian-Americans who had survived the Killing Fields and vigorously supported lethal aid to the NCR. At this stage, especially while Robb was still becoming fully acquainted with the complex details of the issue, talks with these groups had important intellectual and policy benefits. The Thai and Singapore embassies, for example, furnished background papers and talking points and up-to-date analyses on the political and military situation in Cambodia and the region, all of which the senator and his aide found helpful. This direct access to these embassies was also often useful in providing Robb and his staffer with timely and detailed information, keeping them neck-and-neck with, or ahead of, the critics and even the Administration. To take but one example, at one point lethal aid critics charged that Sihanouk said he did not need American help. This charge was repeated in the media.³⁴ A foreign diplomat provided Robb's

³⁴ For example, see "Arming Prince Sihanouk," The Washington Post, June 12, 1989.

aide with the full French text of Sihanouk's statement, in which the Prince actually said, "[the NCR] is not going to get aid."³⁵ Sihanouk, it turned out, was reacting to the debate taking place in the Senate, and was afraid of being embarrassed and undercut.

Cambodian-Americans also offered to mobilize on Robb's behalf. Guided by Robb's foreign affairs aide and other staff, they engaged in a mass mailing campaign which called on senators to support a Robb amendment for lethal aid. Overall, they collected and sent out more than 10,000 signatures, targeting every senator on the SFRC. As it turned out, lacking a political infrastructure, financial resources, and the political savvy characteristic of more organized lobbies, their clout was minimal. No matter how genuine or credible their appeals, no matter how touching their stories, their efforts were to no avail. They did help in one way, however, by giving Robb the sense that he had the moral high ground and thus providing him with a personal lift.

But once again, Robb's efforts were complicated by Administration actions. At a major speech before the annual conference of the ASEAN nations in Brunei on July 6-7, Baker sent mixed signals concerning Administration policy, in public as well as in private. On one hand, he indicated support for Sihanouk as the July 24 Paris International Conference on Cambodia neared; on the other, he remarked, "As the negotiation process quickens, we should increase, not decrease, the influence of those who are best positioned to counter the beneficiaries of aggression and agents of brutality." This and similar ambiguous

³⁵ "Statement of Prince Sihanouk," (in French), June 25, 1989, released from Pyongyang, North Korea.

comments fueled fierce press and Congressional speculation that Baker might consider cutting a separate deal with the Phnom Penh government that excluded the Khmer Rouge, and perhaps even the NCR itself.³⁶

On July 10, the action returned to the SFRC, where a three-day long foreign aid authorization mark-up was beginning;³⁷ once again, Robb planned to seek a vote on his lethal aid amendment. The senator had a simple, straight-forward strategy. While he was armed with three large briefing books and a ream of other background material, he felt the issue would not necessarily be won in the committee on the merits. At this stage, he was content to have his amendment rammed through the committee in a party line vote -- with Robb getting the votes of all nine Republicans. As the tenth Democrat on the 19 member committee, the Virginia senator would be the decisive swing vote. Concerned that a defeat of the Robb amendment in the committee would be perceived as a defeat for the Administration, State Department Legislative Affairs Bureau agreed to line up Republican votes. Yet despite assurances from the deputy assistant secretary of state, a former Republican Senate staffer, a cardinal error was made by the DAS in the course of doing the legwork. The effect would be to unduly complicate Robb's efforts and even threaten him with a humiliating setback in the SFRC.

³⁶ For accounts, see Thomas Friedman, "Bush Said to Shift Cambodia Policy: Baker Hints U.S. May Accept Rulers Installed by Hanoi," The New York Times, July 7, 1989. Also, Keith Richburg, "Baker Endorses Sihanouk's Talks with Phnom Penh as 'Crucial,'" The Washington Post, July 7, 1989. Also Statement by The Honorable James A. Baker, III Before the ASEAN Post-Ministerial Conference, Seri Beguwan, Brunei, July 7, 1989, released by the Department of State; and background briefing by senior State Department officials, Thursday, July 6, 1989, Brunei, pp. 1-13 (released through the U.S. Embassy in Tokyo, Japan).

³⁷ See stenographic transcript of U.S. Senate, Committee on Foreign Relations, Hearings to Mark-up Foreign Assistance Legislation for Fiscal Year 1990 (Washington: Alderson Reporting Company, July 10-12), esp. pp. 57-88.

This State Department DAS violated the first rule of a headcount: it polled staffers for the Republican members, but not the members themselves. While often a good gauge of the likely outcome, staffers do not always accurately reflect the intentions of members, and indeed may not always know their member's intentions. In the culture of the Senate, a staffer's power is diminished if he or she is seen as being out of step with his or her boss; thus, many are frequently reluctant to acknowledge they do not know their member's exact position. In this case, State encountered a second pitfall in polling staffers. The DAS touched bases with Senator Frank Murkowski's legislative assistant designated to the SFRC, who was herself a strong proponent of lethal aid. However, she was not the staff point person on the Cambodia issue for Murkowski. Rather, for guidance on this vote, Murkowski was relying on his designated staffer to the Intelligence committee, a Republican aide who frequently crossed party lines and unofficially staffed Democrats as well. At the time, Murkowski himself was unaware of this.

Keenly involved in this issue, this staffer bolstered his influence by working both sides of the fence, advising opponents of lethal aid, while casting himself as a "Quayle Republican" to conservatives. Indeed, unknown even to Murkowski, this aide was working behind the scenes with Byrd's staffer on the lethal aid issue. As the Murkowski staffer himself explained at a later point, "As an Intel staffer, I'm not restricted to any one member or either party, though of course I do what the Senator [Murkowski] says."

For Robb's staffer, work began at 6am on July 12, the last day of the mark-up, when he learned from an Administration informant in Foggy Bottom that State might have misread the vote count, and that the State

official was busy "covering his ass, but not Senator Robb's." In a desperate panic, Robb's aide spoke to an NSC official, whom he considered to be a more reliable on this issue, for backup assistance. This led to Deputy NSC advisor, Robert Gates, agreeing to be "on call" to speak with Republican members during the markup, if needed. Informed of the state of play, Robb was completely livid and considered calling Baker to demand that the DAS be fired for putting him in this position. But time was short, and after a hurried meeting with his aides, Robb decided to take his chances and bring his amendment to a vote in the committee.

From the start, the markup was tense. It began at 10am, and Pell announced a 12 noon deadline for a vote on the entire SFRC foreign aid bill being marked up. Robb wanted to move immediately to a vote on his Cambodia amendment, but Cranston was conspicuously absent. Pell pleaded with Robb to wait for Cranston as a courtesy. It appeared that Pell and Cranston were trying to box Robb in by limiting the time available for discussion. But Robb nonetheless agreed not to move for a vote until Cranston arrived. However, discussion about the amendment did begin immediately.

What then transpired was an object lesson in one of the arcane ways through which power and influence are exercised in the Senate. The senior Democrats on the committee immediately attacked the Robb amendment, not on substantive grounds, but on relatively esoteric procedural grounds. Senator Paul Sarbanes stared straight at Robb and demanded, "How much money is being made available for this authorization?" It was a masterful example of a trick question. Because the exact amount of money was classified, it could not be

discussed in an open markup; but failure to answer the question looked bad for Robb. Sarbanes then queried, "What is this language 'notwithstanding any other provision of law' for?" Robb briefly floundered. Still somewhat new to Senate procedure, he was completely thrown off guard. While he did an extremely effective job of discussing the substance of the issues, his inability to explain the technical language had created a whole new dynamic in the committee debate. Robb was tripped up, visibly shaken, and badly weakened by fellow senators, who themselves were relatively unfamiliar with the issue.

About this sequence, one committee staffer said, "The attack on Robb was crafted by the Pell and Cranston staff ahead of time. It was brilliant. It really threw Robb." And it was not just Robb who was thrown. William Clark, Jr., the Acting Assistant Secretary of State for East Asian Affairs, who was present at the mark-up, fared little better. Beckoned by senators to move to the witness table and explain the language of the amendment, including the "notwithstanding" clause, to the committee, Clark muttered, "This is language that has been used. I do not have a legal person with me. I cannot give you the specific law cites it is designed to cover."³⁸ The answer was less than convincing, and the fact that a senior State Department official was unable to explain what he claimed was standard language only further weakened Robb.³⁹

³⁸ Hearings to Mark-up (July 12), pp. 62-63.

³⁹ "Notwithstanding any other provision of the law," is standard language used to override any other law that may exist. Because Cambodia, as a Communist nation, was prohibited from receiving any U.S. aid, this clause was necessary for aid to flow even to the NCR. After the hearing, Robb had his foreign affairs aide double-check the meaning of the clause by calling State Department lawyers to get their interpretations of its meaning. Four lawyers offered four different

With Robb losing momentum, Cranston then strode in, with three of his personal aides in tow. The entrance and its symbolism could not have been better timed by the Majority Whip. But feeling that he might still have unanimous Republican support, Robb tried to regain his footing and get back to the substance of the amendment, this time only to be derailed by Republican Senator Frank Murkowski.

The senator from Alaska also tackled the issue on procedural grounds. He said that this debate should be taking place not in the Foreign Relations committee, but in closed session in the Intelligence committee, of which he was also a member. Both by words and body language, he provided no indication of whether he would vote for Robb's amendment. Not did he tip his hand as to whether he would support a Cranston amendment to bar lethal aid. His Intelligence aide was whispering repeatedly in his ear.

While Murkowski was speaking, Deputy NSC Advisor Gates, tipped off by a Republican committee staffer who had helped Robb's aide in the past, called the Alaska senator at the SFRC inner offices, just outside the hearing room. Murkowski refused to take the call and continued speaking. Gates was left on hold. The two never spoke.

It was a mutual stand off. Robb didn't know which way Murkowski would vote, but neither did Cranston. "I learned early how to count," the former Virginia governor announced. Both Cranston and Robb decided

interpretations, and two legal scholars also offered different opinions of what the phrase meant. None of them was able to describe it precisely, and all only seemed vaguely familiar with it. A follow-up conversation with Solarz's aide provided a concise and to-the-point answer as a second interpretation.

On a similar matter of legislative interpretation, another House aide noted, "I'm constantly amazed at how little State Department officials understand about the legal workings of their own government. They don't even know about how a 'hold' on a bill works and how it's really used."

to lay their respective amendments aside rather than suffer a possible defeat. Other members, such as John Kerry, indicated a willingness to fashion a compromise on the lethal aid amendment before the bill reached the floor. Robb countered, however, "You're not going to be able to compromise the basic issue." He was right -- it was either aid or no aid, there was no middle ground. For his part, Pell, anxious to report out the authorization bill, sought to mollify Robb and promised another committee meeting to discuss the issue.⁴⁰

But this year, Senate bills were moving much faster on the floor than anticipated, and the SFRC never held another meeting. For the Solarz-Robb initiative to survive, the issue could only be resolved, once and for all, in a legislative show-down on the Senate floor.

Lining Up Support: The Final Days

Closely following events, Solarz thrust himself into the process once more, determined not to let the lethal aid initiative die. On July 13, he called Robb's staffer to discuss final strategy. His comments demonstrated that he felt it was inconceivable not to go ahead at this point -- no matter what the outcome. The conversation amply demonstrated Solarz's entrepreneurial qualities and complete confidence which were so critical to his influence in the foreign policy realm.

Solarz labeled the "assurances" and "efforts" of the Administration "amateurish." He said they were compromising the "trust

⁴⁰ For an account of the mark-up see, John Felton, "Panel, In Surprise, Finishes Authorization Measure," Congressional Quarterly Weekly Report, July 15, 1989, pp. 1796-1797.

factor." He added the additional assessment that he and Robb both had "been burned." Quayle would do what he could, Solarz said, but:

The real problem is a failure of Administration leadership. Most senators don't know anything about this issue. The president doesn't, Baker, Cheney, and others. But I'm telling you this is a winnable issue.

Solarz spoke tirelessly for an hour, laying out every conceivable criticism of lethal aid and providing a rebuttal for each. Seized by the issue, he discussed the minutia of Cambodian negotiations at length and a number of possible scenarios for a settlement. The New York congressman was upset about what he felt were "phony arguments," as opposed to ones that merited real scrutiny -- which he asserted were not being discussed in the Senate.

Solarz closed the conversation by saying that he and his committee aide would be available around-the-clock to help out for a Senate vote on the Robb amendment, in any way Senator Robb or his aide felt would be helpful. Solarz proved to be true to his word.

Robb's efforts were now aimed in a final push to line up allies, and furnish them with more information. Key swing votes were targeted, notably among the moderate Democrats and Republicans. These included principally Lieberman, Bob Kerrey of Nebraska, Republican John Danforth, Boren and Nunn. Where possible, Robb was strongly encouraged by his aide to speak directly to Senate colleagues.

Despite State's lukewarm and often half-hearted efforts, the Robb office prevailed upon the State Department to speak with Nancy Kassebaum, the respected moderate Kansas Republican, and a key SFRC member. She had privately expressed unease about the lethal aid policy, and her aide was also opposed, but the senator's support was deemed

vital. For the Robb vote to be successful, the moderate Republicans had to be held. It is common for senators to vote in clusters based on rough philosophical agreement. A loss of Kassebaum would likely mean the loss of others who generally shared her views, including a heavyweight such as Richard Lugar.

Because the Administration needed Robb on a number of other votes and the senator made it clear that he wanted help with Kassebaum, the Department finally accommodated him. Baker would not get directly involved himself, but Deputy Secretary of State, Lawrence Eagleburger did speak to the Kansas senator.

The second task was to educate other potentially supportive foreign affairs staffers, most of whom were consumed with other issues and possessed different areas of expertise, and knew little about Cambodia -- or might have been turned off by the I&R briefing. Robb's staffer and Solarz's aide, who were now in touch with each other every couple of hours, divided up the labor. They answered questions for other Senate staffers, drew up questions and answers for Senate debate, and wrote draft speeches for other members. Because of the unwritten code that the House does not interfere in the Senate and also the propensity of most senior Senate staffers to bypass House aides and speak directly to members themselves, Robb's aide made all preliminary calls, with Solarz's aide handling follow-up.

A minor break-through occurred when a Lieberman aide called Robb's office, and said, "Joe's on board and will speak for Robb, but can you get me a draft speech to work with?" Tied up in discussions with other Senate staffers, Robb's aide relayed the request to the Solarz staffer, who provided a draft speech in full for the Connecticut senator's

staffer. On other fronts, a senior NSC official offered to speak with Republican aides or senators, responding to lists of names provided to him by Robb's staffer.

Floor debate on the State Department Authorization Bill, S.1160, started on July 15. With almost 100 amendments expected to be offered, some trivial, some important, but all time consuming, Robb had to work fast to focus other members. At this point, he traded on a bond forged earlier in the spring and solicited the influential conservative Republican, John McCain, as a co-sponsor. Earlier in the year, Robb, McCain, Bob Graham and Connie Mack of Florida, and their staffs had traveled on an extensive tour throughout Central America. They all got along well, especially Robb and McCain. In the Senate, few things are as important as the personal dimension when working on an issue. McCain was without a senior foreign affairs staffer at the time -- his former staffer was now at the State Department -- so Robb sent his aide to talk with McCain directly about the lethal aid amendment. In a dire voice, McCain's former aide had already told the Robb staffer, "John will never get involved in this one." But to the contrary, McCain, who had a sound grasp of the issue, was eager to lend his support. "Get me talking points," he told Robb's aide, "And we're really going to have fun on this one."⁴¹

The stage was set for the vote. Yet as some tentative support and momentum on Robb's behalf was building, the State Department threw a final monkey wrench into the process. On July 19, while other issues were being debated, Janet Mullins, the Assistant Secretary of State for

⁴¹ McCain had spent five and a half years an American POW in Vietnam during the war, and lost partial use of his right arm from being held in chains in a Vietnamese prison.

Legislative Affairs, asked to speak to Robb and his aide off the Senate floor. They moved into the vice president's Senate office, a typical meeting place for the Administration on the Hill. Mullins sought to extract a promise from Robb not to offer his amendment unless he was "guaranteed of success," a clear sign that State was not throwing its weight behind him. This was hardly what Robb needed. Robb was visibly displeased, and said he expected Department support. Though Robb saw little need to get into an argument, the fact remained that he knew, and State knew, that it is almost impossible to provide a guarantee of passage for a controversial amendment on a free-floating and fast-moving bill. Robb also felt, however, that once he actually offered his amendment, the Administration would have little choice but to back him.

When Solarz learned about Mullins' attempt to dissuade Robb that day, he sprung into action once again. This time, he wrote a detailed, three-page, single-spaced letter urging senators to support a possible Robb amendment.⁴² The letter was marked "Urgent," and was co-signed by HFAC Chairman Dante Fascell, and Congressmen Bill Richardson, Robert Torricelli, and Charles Wilson.

At 10pm that night, in an almost unprecedented step, Solarz hand-carried more than 50 copies of his letter and strode onto the Senate floor after a vote on another issue. As a House member, he was entitled to be on the Senate floor, but this was a highly unusual move and risked the possibility that Solarz would be seen as meddling excessively in Senate affairs. One indignant Senate aide complained, "I've been here 15 years, and I've never seen this before. The nerve of Solarz to

⁴² See Appendix B for copy of the letter.

intrude upon our affairs like this. Doesn't he realize he's just a congressman?"

One by one, Solarz stopped Senate Democrats, handed them his letter, and pleaded for them to support Robb. Wisely, Solarz never identified the initiative as his. When he emerged, almost an hour later, it was clear that his persistence was not yet exhausted. He told Robb's aide, "Call me if you or Chuck need me."

The vote on the Robb amendment would be the next evening.

Showdown

July 20 was a frenetic day.⁴³ For five grueling days, the Senate had been debating the State authorization from early morning to late night. Robb had assiduously spent his time pulling senators to the side and asking for their help. Around noontime on the 20th, two of Pell's and Cranston's committee staffers stopped Robb and his aide and declared:

You can't win. We have the Majority Leader, the chairman of Appropriations, Chairman Pell of SFRC. The Administration is nowhere to be found. Let's put this aside and work out a compromise.

Robb appeared barely to be listening and stormed off without a word. He was apparently not going to allow anything to distract him. Robb's aide also felt that the staffers were bluffing.

Later in the day, using a phone just off the Senate floor, bits of good news reached Robb's staffer; moderate Democrats appeared to be

⁴³ See Appendix C for "DPC (Democratic Policy Committee) Daily Report," documenting amendments to the extent that they were known. Robb's amendment is listed as number eight. Not all the proposed amendments were offered, and the subjects listed are based on the best information available to the Leadership. The Daily Report lists 54 possible amendments and states, "Today's session could be very late, with roll call votes possible well into the evening."

coming around. It started with Bentsen's aide, who made a special call to Robb's staffer to say his senator would support Robb. Then, while non-committal, staffers for Boren and Nunn both said they thought their bosses would line up with Robb. It finally appeared that the moderates were falling into line.

For his part, the more experienced McCain worked tirelessly with Robb into the evening, frequently leading Robb around by the hand to speak with members. At times, McCain even appeared to be sprinting across the Senate floor. It was an impressive display of cooperation by the feisty McCain. Robb was also tireless, letting nothing stand in his way of winning votes.⁴⁴

Debate on Cambodia finally commenced after 8pm and continued for up to three hours.⁴⁵ One Intelligence committee staffer summed up the vote afterwards:

It was one of those rare, classic Senate debates. Members were actually listening to the arguments, many waiting to hear everything before they decided how to vote. There was no wandering in and out, like with the rest of the bill. There were some 75 senators in the chamber, sitting down, making up their minds. It was an incredible evening.

The debate was often acrimonious and personal, highlighting the unusually emotional nature of an issue that was filled with history for the Senate as an institution.⁴⁶ At one stage, McCain lost his temper,

⁴⁴ Late in the day, Robb sent out a "Dear Colleague" letter, announcing his intention to offer his amendment, along with a copy of the amendment. See Appendix D for copy. Byrd said the amendment was a "blank check," but in fact, Byrd was not correct. The section, "Clarification of Authorities Granted" makes clear that earmarked funds could not be raided for a covert program.

⁴⁵ For full debate and quotes, see Congressional Record, July 20, 1989, S8413-8425.

⁴⁶ For accounts, see Pamela Fessler and John Felton, "Senators Use Bill as a Forum for Foreign Policy Views," Congressional Quarterly

and, addressing the Chamber, said of Cranston: "I'm doing some research on some of his speeches....and his predictions as to what would happen to Vietnam if the United States left the area and how grand and glorious it would be...and also that if we stopped the bombing of Cambodia, peace would prevail."

Cranston countered that he was proud of his efforts to stop the war, but added, "I never said anything sympathetic to North Korea [he meant North Vietnam]."

When Robb finally offered his amendment, Byrd sent a signal to the entire chamber indicating his personal views. He insisted that the full Robb amendment be read, a measure reserved only for the most important of votes. On the floor, the reading of an amendment is usually dispensed with by the routine procedure of a Unanimous Consent request. Not this time.

Robb spoke, casting the amendment as "a moral responsibility for the United States." He concluded:

This amendment does nothing more than give the non-Communists a fighting chance to achieve a stable, self-determined and peaceful future for Cambodia. I believe we owe them that chance, and I hope very much that my colleagues will join me in giving it to them.

Cranston's rebuttal was somewhat disjointed, which surprised both Robb and his aide because Cranston had extensive staff resources, three personal foreign affairs aides as well as committee staff at his disposal for this issue. Then, Lieberman in his speech, his first on foreign affairs in the Senate, echoed Robb's call for "moral leadership by our great nation," and added:

Weekly Report, July 22, 1989, pp. 1879-1882. Also, Robert Pear, "Senate Favors Sending Arms to Aid Cambodia's Sihanouk," The New York Times, July 22, 1989.

You can feel it in the air in the chamber tonight of the tragedy that was our involvement in Southeast Asia once before. But this is a different time and a different circumstance.

Lieberman had personally penned in these words himself. Murkowski then announced that he intended to vote for the Robb amendment, and called for the Senate to follow the lead of the House of Representatives.

But next, in a surprise to the Robb camp, Kerrey of Nebraska spoke out against lethal aid. Earlier in the week, the Robb forces had thought that Kerrey might speak on their behalf. Like Robb, Kerrey was a highly decorated Vietnam veteran, who had fought with great distinction and lost part of his leg in the war. Kerrey's appeal was emotional and convincing largely by dint of his stature as a war hero.

And in yet another twist, Danforth rose, yanked his tie, held up a copy of the Robb amendment, waved it, and asked to be added as a co-sponsor. Echoing Robb's statement, he said, "There are no guarantees and we do not have all the answers, but that is no justification for standing by and doing absolutely nothing."

Byrd then spoke, and characterized the proposal as a "blank check." His argument was simple and largely institutionally based. "The president has never even asked for one penny in military assistance for Cambodia that I can recall," he said. McCain quickly jumped in and countered, "The Administration had requested this action." (In actual fact, after the Kimmitt recant in The New York Times, up until the time of the vote, they had not made this request. But McCain's statement seemed to validate Robb's and Solarz's earlier view that once he offered the amendment, the Administration would be boxed in and have to back him.) When Byrd sought clarification, McCain startled the chamber by his attempt to beat the senior parliamentarian at his own game. He

refused to yield any of his floor time to Byrd for a response. Byrd was enraged.

As the debate wound down, the exact vote count was impossible to predict. While the clerk called the roll, Robb and McCain made one final attempt to round up last minute votes. To Robb's horror, a southern Democrat, breaking an earlier promise to support the Virginia senator, voted against the amendment. Byrd had convinced this fellow member of the Appropriations committee to side against Robb, even though a promise to vote with a senator is rarely broken. Another moderate southern Democrat on the SFRC, approached Robb plaintively and said, "Chuck, I really want to be with you, but my staff tells me I promised I'd go the other way. I'm terribly sorry." Robb was upset, but appreciated being informed.

But then, votes fell in line for Robb. Nunn, Boren, James Exon, Max Baucus. There were surprises. Dodd confounded his own staff who had been with him for more than a decade, and voted with Robb, as did Alan Dixon of Illinois. Robb personally escorted Kassebaum as she went to cast her vote. When it was over, the amendment had passed by a surprisingly safe margin, 59-39, winning support from Republicans and Democrats, liberals and conservatives, southerners and northerners. Most observers felt that Robb had put together an impressive coalition, defying both party and ideological lines. The Solarz-Robb effort had paid off.

Robb went up to his office to celebrate with his wife, Lynda Johnson Robb. Around mid-night, his aide was left the task of making thank-you calls to supporters from just off the Senate floor. He spoke with officials at the NSC, foreign diplomats, and friendly officials who

had been watching the vote from the State Department. He then reached an enthusiastic Solarz at home. Despite the late hour, Solarz had been sitting by the phone.

The Robb aide asked, "Steve, let me ask you a personal question, what's been driving you on this issue? You never quit."

Solarz, who had seen his policy through from start to finish, said, "The Holocaust. The memory of the Holocaust." The congressman paused and added, "On our watch, we had a blood-bath once in Cambodia. As long as I have a say in this matter, it will never, ever happen again."

Chapter Six

Phase Two:

Change of Course: The U.N. Perm Five Trusteeship Initiative

After the failure of the high profile Paris peace conference in the summer of 1989, and with the Vietnamese troop withdrawal from Cambodia slated to conclude by September's end, concern about the fate of Cambodia escalated. In the fall, the Administration sought to revise its existing negotiating stance to come to grips with changed realities on the ground. By contrast, Steve Solarz dramatically departed from his support of covert lethal aid as a centerpiece of U.S. policy toward Cambodia. After reassessing his own views, he conceived and formulated a bold new negotiating initiative that was a radical change from any previous U.S. approach toward Cambodia. Operating completely outside of the legislative arena, Solarz successfully interested foreign actors and governments in his U.N. Interim Trusteeship Perm Five plan, which ultimately culminated in the Administration's wholesale adoption of this policy in January of the new year. Yet the directions outlined by the U.N. Perm Five policy came under intense fire in the Senate by the same coalition that had opposed lethal aid, threatening to reverse the new policy in its infancy. This time, this new initiative's fate hung on Chuck Robb. Unwilling to endorse the Solarz plan at the outset, the Virginia senator had now amassed sufficient influence to tip the balance

in the Senate for support of the plan, and quite possibly in the Administration as well.

Reassessment

In the aftermath of the victory over lethal aid, Robb continued to enhance and expand his expertise on the Cambodia issue. As a result of the legislative triumph, he had emerged as the dominant authority in the Senate on Cambodia. In early August, he directed his foreign affairs staffer to prepare a series of lengthy policy papers to bring him up to speed on the most detailed nuances of the issue. He was also regularly briefed by his staffer on the progress being made in the Paris conference. At this point, flush with victory, Robb sought to parlay his new-found expertise on Cambodia into positive media exposure. He gave a variety of interviews to the press,¹ and was delighted with the press attention he received as a result.

On August 18-27, 1989, Robb traveled to Eastern Europe with Senators Cranston, Sarbanes, and Graham to take stock of the latest developments in the region, after the startling announcement that Solidarity had been legitimized as a political party in Poland, and as

¹ For example, see coverage in the Virginia press, Robert Becker, "Robb Leads the Way on Cambodia," The Richmond-Times Dispatch, August 7, 1989. Also see, Becker, "Robb Finds Pace Demanding in D.C.," The Richmond-Times Dispatch, August 18, 1989. In this article, Becker writes, "[Norman] Ornstein says Robb's quiet style and hard-work have quickly won him admirers. 'You hear the cloakroom talk about him, and its almost uniformly positive' Ornstein says. 'Here's a guy who came into the Senate with a national reputation. He was already being mentioned as a presidential prospect....'" Pamela Fessler and John Felton, "Senators Use Bill as a Forum for Foreign Policy Views," Congressional Quarterly Weekly Report, July 22, 1989, prominently features a picture of Robb, p. 1880. Also, Patrick G. Marshall, "Cambodia's Never Ending Civil War," Editorial Research Report by Congressional Quarterly vol. 2, no. 11 (September 22, 1989), pp. 522-536.

Soviet influence and the Communist parties generally weakened.² But Robb had a secondary agenda for the trip. As he told his staffer ahead of time, "Work with Alan [Cranston] in putting this trip together. Maybe we can forge some bonds with him."

Indeed, to give one small but revealing example of how much Robb wanted to build better relations with Cranston, in Czechoslovakia, he directed his aide to play a 6am tennis match with Cranston, over the aide's protests about the early hour for exercise. During the trip, relations between Robb and Cranston were cordial, and Robb felt Cranston did an effective job as the Codel leader, and praised him a number of times for his leadership.³ But while after their return, the two Senators did cooperate on a major piece of legislation for Eastern Europe, the so-called Support for Eastern European Democracy (SEED) 1 legislation, no long-term gains resulted from the trip, especially in the area of Cambodia. The chemistry between the two senators, Cranston, an old-fashioned liberal and fierce partisan, and Robb, a self-styled moderate and a head of the DLC wing of the party, who was willing to work with Republicans, just did not click.

As Robb later noted to his aide at the trip's end in Yugoslavia, "Poor Alan, he's already lost to me once, but what can we do?" Robb's

² The delegation went to Switzerland, Poland, Hungary, Czechoslovakia, and Yugoslavia on this ambitious trip, meeting with heads of state and top opposition leaders in the Eastern European countries.

³ "Codet" refers to Congressional Delegation. As the highest ranking senior Senate member, protocol dictated that Cranston would lead the trip, thus it was called "Codet Cranston." After a speech by Cranston at Auschwitz, where the Codet met up with George Will, Jeane Kirkpatrick, William Brock, and representatives of the U.S. Holocaust Memorial Commission, Robb went out of his way to praise Cranston.

staffer managed to develop a better working relationship with Cranston and also Sarbanes that later extended to a host of other issues, but here again not to Cambodia.⁴ The political rivalry and personal distance between the opposing senators was too great to be overcome on one trip.

After the East European visit, Robb continued to build his intellectual capital on Cambodia. Despite the remarkable changes taking place in Eastern Europe, to which he was now according a good deal of attention, he nonetheless plowed through updated, extensive briefing materials and met at length with experts on Cambodia. This included calling in Assistant Secretary of State Richard Solomon to brief him on the Paris peace talks, and a lengthy meeting with the Singapore foreign minister, who was a high profile and influential figure on the issue.⁵ However, by the end of September, Robb's active enthusiasm was increasingly being curtailed by new institutional and political pressures.

For instance, on September 25, Byrd delivered a long and rather personal attack against the Robb amendment on the floor of the Senate.⁶ Byrd did this while Robb was in the chair presiding over the Senate, and thus, forced to listen publicly to the president Pro Tempore, but precluded from responding. Among other things, Byrd evoked ominous

⁴ Cranston sent Robb's aide a warm note after the trip, thanking him for all his work, and asked for a photograph taken of the two in Poland with their arms around each other.

⁵ Wong Kan Seng was an active and well-known figure on Cambodia in the international scene. See his speech at the United Nations 45th Session of the General Assembly, Wednesday October 4, 1989, released by the Permanent Mission of Singapore to the United Nations.

⁶ See Remarks of Robert C. Byrd, Congressional Record, September 25, 1989, S11750-S11752.

images of Cambodia after the Vietnamese withdrawal. "And so we must [act] quickly. The clouds of new war and fresh killing are gathering over Cambodia," he said. Then in a pointed reference to the July 20 Senate vote, Byrd openly scolded Robb and his supporters, asserting, "I felt very strongly at that time many senators did not clearly understand the nature of the amendment." Calling it once again a "blank check," Byrd set down the haunting images of America getting bogged down in another Vietnam. "The [Robb amendment] would plunge us right back to where we were in the 1960's to the mid-1970's, involved in a civil war in Indochina. I oppose a major new military involvement in the wars of Southeast Asia."

Byrd then charged that Solarz had called on the Administration to reconsider the plan to supply military assistance to the NCR. This humiliating dress down was too much for Robb.

Robb returned to his office enraged, and gave his aide "five minutes" to get an immediate response from Solarz and the Administration regarding where they stood. To reach Solarz, his aide had to pull him from a meeting with a prominent governor. He then called Undersecretary Kimmitt on his beeper. Both reaffirmed that there had been no deviation in policy from the Robb amendment. Robb then charged down to the floor to defend himself, and noted for the record that he had just spoken with Solarz and the Administration, and neither had altered the policy.⁷

But if outwardly Robb appeared to be boldly taking on Byrd, the incident left him somewhat chastened and reluctant to continue to put

⁷ See Robb response in Congressional Record, September 25, 1989, S11758.

himself so publicly on the line for the lethal aid policy.⁸ (It should be noted that while the discussion and debate surrounding the lethal aid amendment was public, any program resulting from the approval of the amendment would be a covert, classified program. Thus, the very existence, type, or mix of a lethal program cannot be discussed or even affirmed here. It can be said, however, that the Congressional debate and vote giving the president the authority to provide military assistance was itself a major policy change.)⁹

In the face of on-going institutional pressure from such powerful Senate barons as Byrd, Robb now preferred to keep his head somewhat down. Thus, at an October 2 SFRC hearing to review "U.S. policy toward Indochina," focusing on Cambodia, Robb attended for only a brief 20 minutes rather than his scheduled hour.¹⁰ He left without delivering the staff prepared statement which he had in his briefing book. Nor did he ask a single question, this despite the fact that Senator Bob Kerrey was testifying against the policy of lethal aid at the request of Cranston and his staff.¹¹ Instead, Robb asked his staffer to submit prepared questions in writing to the Administration for the record.¹²

⁸ Congressional Record, September 25, 1989, S11758. Indeed, as Robb noted in his reply to Byrd, "I do not wish to reopen that particular debate [on lethal aid]."

⁹ Guidelines for discussion provided by Office of Senate Security.

¹⁰ U.S. Senate, Subcommittee on East Asian and Pacific Affairs, Committee on Foreign Relations, Hearing on U.S. Policy Toward Indochina, 101st Congress, 1st session, Washington, D.C., October 2, 1989.

¹¹ Hearing on U.S. Policy Toward Indochina, pp. 6-11. Kerrey spoke with great verve and charisma, thus giving Robb even less of an incentive to ask questions at the time.

¹² Hearing on U.S. Policy Toward Indochina, pp. 28-31. These questions gave little hint of Robb's views, asking for pure analysis without indicating Robb's own position.

Additionally, Robb's top political advisor, who cared little about the substance of the issue, began actively lobbying against Robb's high-profile involvement -- indeed, any involvement -- on Cambodia. A long-term confidant of Robb's and a gruff and seasoned pol, this advisor held considerable sway with the senator, and was viewed by most political pundits as Robb's alter-ego. The previous spring and summer, this advisor had strongly counseled Robb not to offer the lethal aid amendment, even huffing about Robb and his foreign affairs aide, "You're two skinny little kids who are going to get bloodied in the sandlot with the big boys." At the time, Robb had shrugged off the advice.

But by late September he was listening far more closely. This was especially the case when this advisor echoed Byrd's call that Cambodia was another Vietnam and could sink the senator's presidential aspirations. Unspoken, but clearly present in this conversation, was the ghost of the one-term President Lyndon Johnson. So while Robb continued to follow the issue carefully, and he instructed his foreign affairs aide to do likewise, the senator's future involvement was at this point uncertain. For Robb, any new policy effort on Cambodia would have to fall to someone else, which, for all practical purposes, meant Solarz, or the Administration, if it so chose.

Solarz Re-examines His Views

In the House, with the failure of the Paris peace conference and the changing situation in Cambodia itself, where a period of military testing among the Cambodian factions had begun, to coincide with the

planned Vietnamese withdrawal,¹³ Solarz was becoming increasingly disenchanted with the ability of the current U.S. stance to respond to the problems in Cambodia. He also began to doubt the ability of legislation as an effective tool for grappling with new developments. More than providing lethal aid had to be done.

On September 14, Solarz's doubts and anxieties about the pace of U.S. policy efforts were confirmed at a hearing he convened to review the aftermath of Paris.¹⁴ From the outset, the hearing was collegial, and had little rancor or debate.¹⁵ Solarz treated the lead Administration witness, Assistant Secretary of State for East Asia Affairs, Richard Solomon, almost like a colleague, noting, "I certainly agree with you that this is a situation which calls not simply for the manifestation of our own virtue, but for the formulation of policies designed to produce virtuous results." Solomon explained that it was unrealistic to think that a one-month long conference, even as dramatic and intense as Paris was, and which included 19 countries, the Secretary General of the U.N. and the four Khmer factions, all assembled in a room would "somehow be able to pull this rabbit out of a hat, given the long history that preceded Paris in 1989." And at one point, Solarz even

¹³ For example, see Elizabeth Becker, "Troops Won't Return to Cambodia, Vietnamese Foreign Minister Says," The Washington Post, September 13, 1989, and Keith B. Richburg, "Cambodia Seen Facing Rebel Influx," The Washington Post, September 20, 1989.

¹⁴ For a partially accurate glimpse of Solarz's thinking, see Don Oberdorfer, "Hill Chairmen Urging Review of Cambodia Aid," The Washington Post, September 9, 1989.

¹⁵ U.S. House of Representatives, Subcommittee on Asian and Pacific Affairs, "Committee on Foreign Affairs, Hearing on the Paris Peace Conference on Cambodia: Implications for U.S. Policy, 101st Congress, 1st session, Washington, D.C., September 14, 1989.

defended the Administration against charges from a colleague that it had been ineffective.

But in the first public indication that Solarz was rethinking the nature and scope of U.S. policy, he declared, "It seems to me we need a comprehensive strategy for preventing Khmer Rouge from returning to power, a strategy that includes political, diplomatic, humanitarian, and perhaps military components."¹⁶

An aide later recounted that following a private briefing that afternoon, Solarz was troubled by an assessment of the relative effect of lethal aid in an environment that could include the Khmer Rouge in an interim formal power sharing arrangement. This presentation by intelligence analysts also reportedly deeply concerned Solarz because the intelligence analysts presented their case more as if they were policy makers than impartial analysts -- and indeed, it would be more than a year and a half before he would accept subsequent intelligence assessments on their face. But, at that time, he felt that he couldn't gamble on the issue. With the imminent Vietnamese withdrawal from Cambodia, Solarz, not unlike Robb, did not relish the thought of being tagged with the charge, "that he brought the Khmer Rouge back to power."

The day after the Solarz hearing, the Administration was also groping. The State Department invited Solarz's aide to Foggy Bottom for a half day brainstorming session. State was aware that the House subcommittee chairman was uncomfortable with the lack of progress on the issue. As the Solarz aide commented later:

¹⁶ Hearing on the Paris Peace Conference on Cambodia, see esp. pp. 1-2.

We all sat around a table and tossed out ideas. They were looking to me to help formulate policies. It was really a remarkable experience since I've been on the Hill. The distinction between the Administration and the House, the Republican and Democratic parties, was not a factor. We were all searching for an answer.

The following week, Robb's aide was invited to the Department for a similar exploratory session. But these exploratory sessions yielded no concrete results.

Solarz, however, was engaged in his own thorough review. Rather than back off from his previous Cambodia initiative, he decided to explore a bold new initiative to address new Cambodian realities. The congressman began focusing on an idea that he had first touched upon the previous spring during his trip to Asia. The essential concept was to set up an interim U.N. trusteeship of Cambodia in which the U.N. would become the trustee of Cambodia's sovereignty while it organized and then monitored elections for a new, democratically elected Cambodian government. The four Cambodian factions would continue to exist, but as political parties vying for power in the election process rather than as legal coalition partners sharing power in an interim quadripartite government, as envisaged in the early Paris talks. While details would have to be worked out, until the election, the U.N. would work throughout the existing bureaucracy, in consultation with the representatives of the four factions, to ensure a neutral political environment conducive to free and fair elections. Solarz felt that this might be something the five permanent members of the U.N. Security Council should begin discussing among themselves.

While it was expected that elements of the Khmer Rouge would continue to wage war after the election, this approach would have the important benefit of providing China with an incentive to cut off their

arms supply to the Maoist group. In Singapore, the previous spring, Lee Kuan Yew had told Solarz, when the congressman floated this Perm Five idea, "The idea is the best -- but can you make it happen?" At the time, Solarz, who was more focused on the policy of lethal aid, and because there had been scant discussion of the concept in Asia or elsewhere, simply shrugged. In the same trip, Sihanouk also indicated his support for this approach.

Now, Solarz asked his aide if there was any reason why the U.N. policy couldn't now be implemented. "Beats me. I don't see any reason now why not," his staffer said. Solarz responded that he wanted to look into it in greater detail.

Once again, before launching a new initiative, Solarz felt it was important to gain a first-hand reading of the situation on the ground in Cambodia. He sent his aide for a two-day trip to the region. Among other things, Solarz wanted confirmation that the NCR would be able to accept the U.N. idea if he proposed it. The answer turned out to be yes.

After his staffer returned, Solarz was confident that he was again up-to-date in his information, and effectively able to assess the current military and diplomatic state of play. It was at this juncture that he called Senator Robb's office to schedule a meeting. The date was set for October 12, 1989. Two days before the meeting, Solarz spoke with Robb's staffer to provide a preview of what he had in mind. (In Robb's office, it was routine for the senator to get an advance memo that fully prepared him for a meeting, including not just what would be

talked about and any background information, but also recommendations for how he should respond.)¹⁷

Solarz briefly mentioned the U.N. concept to Robb's aide, but didn't discuss it with any special enthusiasm. He did say, in light of recent analysis, "I'm concerned about what our policy should be."

Solarz was fearful that Sihanouk might be hopelessly boxed in by external forces, and felt it would be difficult to support the Prince directly. More importantly, he added, "The burden of proof shifts to us to explain any inclusion of the Khmer Rouge; whatever substantive merits of our policies and realities that exist, it creates a real political problem for us."

In the meeting itself between Robb and Solarz, Solarz unexpectedly emphasized the U.N. trusteeship. In contrast to the lethal aid initiative, this was a dramatic, new, and, by any measure, comprehensive solution for the Cambodian problem. Solarz gave a forceful and compelling presentation, outlining the conceptual thrust of his plan. He then proposed that he and Robb work in tandem, thrashing out "a common position," and that the two actually devise the full details of the plan themselves so that there would be no ambiguity about what was being proposed.

Once having done this, Solarz then offered an equally bold idea, that he and Robb meet directly with Secretary Baker, and also perhaps with a few other Congressional colleagues, to present the plan. As

¹⁷ For example, the October 11, 1989 memo to Robb for his meeting with Solarz ran three single-spaced pages. Solarz's staffer, who had just returned from Cambodia, also conferred with Robb's aide at great length prior to the meeting, the details of which were included in the memo to Robb. The Solarz staffer also attended the meeting.

Solarz saw it, the presentation would not be a negotiation with the Secretary, but a fait accompli, subject only to discussion about details that experts might want to refine, but not the overall concept.

Solarz added, "To be successful, our policy must do two things: be substantive, and politically sustainable." Referring to the rhetoric of his critics, he said, "We have to avoid the pathetic excesses of purely wishful thinking."

Robb nodded in agreement. Solarz then raised the issue of the problem of Byrd, "He's haunted and obsessed by Vietnam, but we can't be immobilized, we can't let Cambodia be a casualty once again of American indifference or short-sighted behavior."

Robb, a lawyer by training, was intrigued by the entire plan, and only expressed one reservation. "This has never been done before, the U.N. literally assuming the sovereignty of a country, is it even legal?"

Solarz laughed, and responded, only half-jokingly, "Chuck, this is what lawyers and bureaucrats are for. If you tell them what to do, the legal experts can always figure out a way. This will not be a problem. Besides, if we just listen to the lawyers, we'd never get anything done in the world." He added that he had already touched bases with a couple of legal experts, and, without discussing specifics, indicated that he had been told that legal principles existed to support almost any initiative with the U.N.

Though leery of personally exposing himself, and despite his self-proclaimed executive bias that typically led him to defer to the Administration, Robb nonetheless appeared taken by the idea. He told Solarz that the congressman and his staff, and his aide, should work out

the details in "a policy paper" and present it to him when finalized. He would review it then, he said.

By his actions, Robb indicated that he was now of two minds. He would explore the U.N. concept with Solarz, but also keep some distance, committing his staffer but not yet himself.

For the next month, the Robb and Solarz staffers, often closely overseen by Solarz, prepared a detailed policy paper outlining the U.N. trusteeship plan. At the start, they spoke with a broad array of top experts on international law and on the U.N., both in-and-out of government. After gathering information on precedents governing the parameters of U.N. operations, they then explored the myriad of potential operational difficulties the U.N. plan would encounter. Beyond that, they talked to representatives of ASEAN and diplomats of other countries concerned with Cambodia. During this process, Solarz reviewed the drafts and provided detailed, in-depth input.

As the plan progressed, the two staffers exchanged drafts on a daily basis and conferred by phone almost every day, and often on weekends. After three weeks, Solarz felt the detailed paper was ready. Robb's staffer and Solarz's aide gave the paper "a final scrub" before presenting it to Robb.

On November 13, Robb's aide gave the finished proposal to the senator, and then waited.¹⁸ Two days later, Robb, flanked by his

¹⁸ The detailed 16 page proposal, stamped Confidential, was entitled "Toward a New, Broadly-Based United States Policy on Cambodia." Among other things, the proposal outlined how the U.N. would act as an interim authority over Cambodia, working through the existing bureaucracy and in consultation with representatives of the four factions, prior to the formation of a newly elected government. The factions would exist separately, and only as political parties, not as legal entities in an interim government. In addition to transitional arrangements regarding the U.N. administration of Cambodia, including organizing and monitoring the elections, comprehensive military

political advisor, who had earlier been against the lethal assistance policy, called in his aide. At the outset, Robb was silent.

"It's a little loosey-goosey," the political advisor said to the foreign affairs aide. Robb himself then raised several substantive questions, albeit relatively minor ones. But it was clear from the tone of the meeting that for political reasons, Robb did not intend to sign on to the U.N. plan. But while the senator did not say that he would endorse the plan, he also did not indicate that he would oppose it. Instead, the political advisor chimed in, "This thing will never fly. I don't see why the senator should muck around in this."

Robb asked his foreign affairs aide to relay his concerns and thoughts to Solarz. Ever persistent, Solarz did not take no for an answer, and wrote a detailed four page letter addressing every one of the concerns Robb had raised with his foreign affairs staffer. (Solarz's aide even had Robb's staffer examine the letter before it was sent over in final form under Solarz's signature.) The letter had little effect. Robb's answer was still no. Yet, clearly wanting to keep his political options open, Robb then instructed his aide to continue to work with and help Solarz. But, the senator added, "Steve will have to go it alone on this one." In a rare display, Robb praised the analytic work of the paper, but concluded, "I'm not sure this one will ever fly."

arrangements were also discussed. This included a large U.N. peacekeeping force to implement a cease-fire plan and disarm the four factions. Also, the paper outlined an international program of relief, rehabilitation, and reconstruction in Cambodia to begin under U.N. supervision, as well as the repatriation of all Cambodian refugees with full freedom of movement back to the country. Moreover, the paper discussed human rights monitors to be fielded during the transition, principles for dealing with the Khmer Rouge, as well as guidelines for the writing of a new constitution after the elections.

From the state of play in the office, there was little doubt that the senator's final conclusions had been based on political considerations, but as a general rule, he was loath to admit so directly, regarding this or most any issue, to his foreign affairs aide.

Undaunted, Solarz Presses Ahead

Solarz and Robb's aide spoke again by phone after this meeting. Solarz was somewhat miffed by Robb's change of heart, in part because he had invested a fair amount of his own personal time in the formulation of the plan itself. But he had to be pragmatic, and raised another concern, "Will Chuck oppose me on this?"

The Robb aide said, "No, I can't say for sure, but I don't think he will. From the way he was talking to me, I believe he actually agrees with most of it."

Robb's aide left it to Solarz's staffer to point out that Robb's recalcitrance had everything to do with the institutional politics of the Senate and his presidential ambitions, and little to do with substance.

Solarz was undeterred. He still had reason for optimism regarding his plan, for while he had counted on Robb's support on the inside, he had not placed all his eggs in that one basket. Earlier in October, he had met at length with Gareth Evans, the Australian foreign minister. Evans had a strong personal interest in Cambodia and Solarz discussed the conceptual framework of the U.N. plan in some detail with him. Evans liked the idea and indicated his continuing interest in playing an active role on the issue. Solarz had since kept this channel to the Australians open. At the time, Solarz had indicated to Evans a need for

an individual figure of stature to support the plan and give it a push before the world community. Evans, who Solarz and his aide knew was considered by many in international circles to be a media hog and clearly liked the spotlight, was more than happy to oblige.

According to an official in a position to know, on November 24, after studying the concept and when it was clear that little, if any, action would be taken on it in the U.S., Evans announced his country's support for an enhanced U.N. role to resolve the Cambodia crisis along the lines of the Solarz plan.¹⁹ As a Solarz aide later noted:

Gareth [Evans] took Steve's idea whole-cloth and announced it as his. It was actually better for it to be called the Australian plan at the time, but it was Steve's plan. This was fine with Steve, who had encouraged it. Steve's idea was for it to help push the idea along.

This time, Solarz himself also took the U.N. concept directly to the Administration. For over a month, Administration policy had been wracked by bureaucratic inertia and a lack of definition. In mid-October, the secretary of state personally waded into the debate and floated his own plan, which in international circles was dubbed "the Baker formula."²⁰ The formula called for inclusion of the Khmer Rouge, but in a minimal role. But Baker's plan fell by the wayside for two reasons. First, on substantive grounds, the formula was overly legalistic and effectively ignored the realities on the ground in Cambodia, and in the political sphere, it appeared convoluted when presented. Second, and important to the Department, Solarz was

¹⁹ For example, see discussion in Steven Erlanger, "Diplomats Step Up Drive in Cambodia: Australians Plan Talk to Search for a Way to End the Civil War," The New York Times, December 16, 1989.

²⁰ For example, see, Don Oberdorfer, "U.S. Explores Role for Khmer Rouge: 'Minimal' Formula Aims to Break Impasse," The Washington Post, October 16, 1989.

unwilling to support the Baker formula. As one Administration official later put it, "Without Steve's endorsement, there was no way we could sustain the secretary's plan."

Against this backdrop, Solarz presented the U.N. plan to the State Department. At first they were reluctant to accept a policy that was such a radical departure from previous approaches. Moreover, State was being asked to accept a fully developed proposal presented by a congressman. But the Department, with no ready alternative of its own, took the Solarz plan under consideration. There was a policy void and Solarz's idea had begun to fill it.

As part of the Administration review process, State tested the reaction among lethal aid supporters on the Hill, especially Robb. In early December, three Department officials went to see Robb's aide to discuss the concept of an enhanced U.N. role. They laid out a sheet of paper with two options, one called the Solarz plan, the other the Australian plan. The two were essentially the same.²¹

How would the senator feel about the U.S. considering these two options and would he have a preference, the Robb aide was asked. Robb's staffer indicated the senator "could" support either of them. What would the Senate reaction be to the two plans, the aide was then asked. "I wouldn't bet all my money on overwhelming support in this body," he replied, "but what's your alternative [to either version of the plan]?"

²¹ Comparisons of "Evans Proposal" and "Solarz's Proposal for a U.N. Interim Authority" can be found in U.S. Senate, Subcommittee on East Asia and Pacific Affairs, Committee on Foreign Relations, Hearing on Prospects for Peace in Cambodia, 101st Congress, 2nd session, Washington, D.C., February 28, 1990, pp. 140-141.

Outside of the Hill, other forces were working in Solarz's favor. He got a boost when Sihanouk, from Beijing, publicly announced that he would accept the U.N. plan.²² Two days later, Son Sann, the other NCR leader, followed suit.²³ Within State itself, there was also movement toward the U.N. plan. In the words of one senior Administration official:

The more we studied it, the more it made sense. It touched all the bases. It solved the China problem. It dealt with the Khmer Rouge problem. It involved the international community, which Sihanouk had long wanted and which made sense to us. As unprecedented as it was, it was better than anything anyone else had cooked up. Although at first, it gave our guys in 'L' [Legal Affairs] and 'IO' [International Organizations] fits.

As another Administration official confirmed, "Steve was pretty committed to the plan. It's not as though we were able to offer any reason why we shouldn't go ahead with it."

At the beginning of January, Solarz was in Europe, and, in an aide's words, was "getting antsy about the final Administration decision on the plan." The congressman spoke with a senior Administration official by phone, and made it clear that the U.S. should not leave such an important issue exclusively to the Australians. He added that he was prepared to hold a hearing on the issue unless there was movement by the Administration. Solarz was, however, talked out of holding a hearing, and progress by the Administration was promised.²⁴

²² See Sheryl WuDunn, "Sihanouk Backs a U.N. Trusteeship for Cambodia," The New York Times, December 3, 1989.

²³ Elizabeth Becker, "Cambodia Asks Truce, More Talks: Resistance Leader Son Sann Calls on Bush and Gorbachev to Act," The Washington Post, December 5, 1989. The article also said, "the U.S. government" was not encouraging "in response" to the U.N. plan.

²⁴ From London, Solarz was also preparing to appear with New York Newsday columnist, Sydney Schanberg, on ABC News' "Nightline," on January 9, 1990. Solarz wanted to be able to announce the U.S. was taking the lead in the Perm Five talks. See "Nightline: Khmer Rouge on

Finally, on January 9, the Administration quietly issued a three-page press statement through Rick Boucher, the Department spokesman.²⁵ Boucher announced support for the U.N. approach and confirmed an American leadership role in bringing together the members of the U.N. Perm Five to discuss a U.N. role in brokering a comprehensive political settlement in Cambodia. Boucher specifically noted, "Congressman Stephen Solarz more recently has been an advocate of the concept using the U.N. to attempt to facilitate an agreement regarding a political transition, and we have worked with him for several months to explore possible formulas."

In a little under four months, Solarz had successfully crafted an entirely new, comprehensive proposal to serve as the bulwark of U.S. policy efforts, a radical departure from his lethal aid initiative of the previous spring and summer, and gotten the Administration to sign on to it. With Administration endorsement, the policy was two-thirds of the way home. But to ensure that the policy would not be undermined by domestic opposition, or that the Administration would not back off its word, the task now was to bring the Senate along, thus creating a united front behind the Perm Five approach.

The Opposition Expands

In the Senate, the fact that Chuck Robb had not visibly or publicly endorsed the newly adopted U.N. approach was conspicuous. As

Offensive in Cambodia," ABC News Journal Graphics Transcript, New York, January, 9, 1990, esp. p. 4.

²⁵ See Press Statement, Office of the Assistant Secretary/Spokesman, "Cambodia: Perm Five Discussions in Paris," U.S. Department of State, January 9, 1990, esp. pp. 1-3.

author of the successful lethal aid amendment, Robb was now viewed by other members in the Senate and also in the Administration as a key, if not pivotal, figure in the debate. However, even with the Administration's imprimatur on the new Solarz Cambodia policy, Robb was still reluctant to embrace it, a fact not lost on lethal aid opponents.

On one hand, Robb was more drawn to the plan than he had been in November, and felt a small degree of authorship as a result of his aide's involvement in drafting the initial document. But this was outweighed by continuing institutional opposition to Solarz's efforts by the same coalition that had earlier opposed lethal aid. Chief among the critics was now Senator Bob Kerrey, who was working in tandem with the SFRC, a relationship that had grown since his testimony at the October 2 hearing.²⁶

In addition to Senate opposition, Robb was also concerned by media reports that suggested Khmer Rouge territorial gains in skirmishes inside Cambodia.²⁷ On the latter score, the media coverage created an atmosphere of deep concern among many policy makers, who feared that they would be perceived as helping return the Khmer Rouge back to power. In view of the media reporting and indications of continued Senate opposition, Robb was not willing to stake out a firm ground on either

²⁶Solarz and Kerrey had lunch after the October 2, 1989 SFRC hearing and discussed the Cambodia issue at great length. While Solarz found Kerrey deeply interested in the issue, there was no meeting of the minds and Solarz decided not to attempt to form an alliance with the Nebraska senator.

²⁷ For example, see discussion of Khmer Rouge in "Sihanoukists Use Captured Soviet Tank to Seize District," Bangkok Post, December 30, 1989; also Steven Erlanger, "Khmer Rouge Reported to Seize a District Capital," The New York Times, October 26, 1989. The latter article spoke of the loss of Pailin, a largely empty gem-mining town in Northwest Cambodia. Also, Rodney Tasker, "Another Year Zero? International Concern Focuses on Khmer Rouge Strength," Far Eastern Economic Review, November 9, 1989.

side of the issue. Privately, however, he seemed to be leaning towards the U.N. plan.

At this stage, the debate over Cambodia policy was almost exclusively among Democrats, and almost exclusively in the Senate. Few Republicans were taking much of an interest in the issue, and the Administration's low-key efforts essentially followed Solarz's lead. Robb's fence-sitting now led Senate critics to believe they could wear Robb over to their side.

Unknown outside of his office, Robb, for his part, now feared that his expertise and perhaps his credibility on the issue could well be slipping, and that he might lose his role as a pivotal voice. These concerns were partially prompted by a late November fact-finding trip taken to Cambodia by four Senate staffers, which included a Byrd aide, an SFRC staffer, Murkowski's Intelligence committee aide, and an aide to Danforth, who had disagreed with his boss's vote for lethal assistance. All four were critical of the Solarz plan. As another Robb political staffer later recounted his advice to the senator after the staff trip:

You know how staff can free-lance around the Senate. Staffers on the SFRC are all over the place trying to run the show. And the senator needed to take some action to maintain his clout on the issue.

Indeed, among the Robb political staff, the fear of a Robb loss of influence and potential political embarrassment as a result was pronounced. Throughout the month of January, political aides met repeatedly to hash out concrete measures that Robb could undertake to shore up his stature in Cambodia, both politically and institutionally. They feared the staff trip was a warning sign and that Robb could be

blindsided by an unforeseen Senate leadership-led action,²⁸ and they were particularly concerned that Robb's championing of lethal aid would expose him to what they referred to as "the Bob Kerrey charge": that he bore responsibility for bringing the Khmer Rouge back to power. As one of these Robb aides quipped, "Being the guy to bring a genocidal group back to power is not exactly the best way to kick off a presidential campaign. This whole thing could explode. Don't forget, this is LBJ's son-in-law we're talking about."

It was at this point that Robb decided to go to Cambodia. Explained one aide, "It doesn't matter what the senator does over there, all that matters is that he goes. This is what will get folks in this place [the Senate] to listen to him." As it would turn out, however, going to Cambodia, a country wracked by civil war and with which the U.S. had no diplomatic relations, was not going to be as easy as it seemed. Moreover, it would pit Robb in a skirmish against the Administration.

Planning to Go to Cambodia

Robb's intentions to go to Cambodia highlighted the critical position that he occupied on the policy debate in the Senate. From the outset, the Administration was firmly opposed to his trip, and it went to great lengths at first to dissuade him, and even to frustrate his planning efforts. By contrast, critics of the Perm Five talks, hoping that Robb would be impressed by the Phnom Penh PRK government or that

²⁸ For example, rumors flew throughout the Senate that Byrd himself was considering going to Cambodia.

Robb's trip was the sign of a change of heart, strongly urged the senator to go and openly offered their assistance.

On January 23, a senior State Department official called Robb's aide and outlined reasons why the Administration did not want Robb to take the trip. First, the official said, "the timing was bad." He noted that in the initial meeting of the Perm Five, held on January 14-15, there was broad philosophical agreement around an enhanced role for the U.N., but he added that it would take at least two or three more rounds before details could be agreed upon.

Second, the official said "the Vietnamese and Phnom Penh regimes were digging in their heels," and that a trip directly to Phnom Penh by Robb "would complicate the delicate chemistry of negotiations," just now beginning. Third, he said the "symbolism of a senator with Robb's stature on the issue landing in Phnom Penh in a U.S. military plane, bearing American markings and the American flag, could prematurely signal to Hun Sen de facto recognition of the regime." This would undercut U.S. efforts at the Perm Five level and with the Cambodian factions themselves.

Last, the official added that Congressman Solarz had refrained from holding a hearing on the Perm Five discussions about the U.N. plan on the same basis -- timing, complicating the negotiations, symbolism. "Would Robb similarly hold off?" he asked.

Robb's staffer suggested a meeting between Robb and the State Department official to resolve the issue, and indicated that it was unlikely the senator would change his plans. He also stressed that the senator did indeed want a U.S. military aircraft, perhaps a C-12 or a C-21 Gulfstream, to ferry him directly to Phnom Penh from Bangkok, and not

force the senator to waste precious time flying on commercial aircraft.²⁹ The Administration representative was noticeably silent about whether the State Department would approve use of the government plane.

The Robb aide closed by saying that if a meeting of the minds could not be reached, the Department should know that Robb would then speak directly to Baker. A meeting date for Robb and the official from State was penned in for February 2, 1990. The trip date was set for February 13-18. In view of the extensive preparations that still had to be made, time was short.

Several days after the call from State, a senior NSC staffer requested a meeting with Robb's aide, once again in an attempt to dissuade Robb from making the trip. While still weighing his words, the NSC official was impassioned.

"It would be most unhelpful to our negotiations," he stressed. He then added, "Look, Bush told Brent [Scowcroft], 'We don't have a dog in this chase. This is not an issue where we can have all this kind of fanfare.'"

Administration pleas did not in fact fall on deaf ears. Both Robb and his foreign affairs aide, although not the political staffers, took quite seriously the possibility that they could "upset" delicate negotiations. As a consequence, they consulted with a number of former high-ranking U.S. negotiators, including from both the SALT I and SALT II nuclear arms talks. A threshold test standard was then devised: it

²⁹ These government planes, among other things, were equipped with ample work space and telephones, able to make international calls, that could be used while in flight.

was decided that if the Administration said that Robb's trip would, in effect, "overwhelm" the Perm Five talks, then the trip to Phnom Penh, though not to the region itself, would be canceled. But the Administration would have to explicitly make this case and it would have to be reaffirmed by Baker himself.

Moreover, there were other obstacles imposed by the Administration, further complicating matters. State was still holding up clearance on the plane, pending its meeting with Robb. And beyond that, the military escort who would be accompanying them on the trip informed Robb's aide that the Administration would "prefer I not go." On a majority of foreign trips, it is standard procedure to take along a military escort. (These escorts are uniquely qualified to assist with the logistics of travel, security concerns, and any emergency situations, small or large, that may arise.) Robb and his aide had already traveled with this particular escort to three different continents, and relations between them were good.

For his part, the military aide was relatively unmoved by the Administration statement and offered the following advice, "Look, if the senator insists, the brass will give the go-ahead. I do leg [legislative] affairs and want to go."

Robb followed the advice. He insisted, and the military acquiesced. The one provision they in turn insisted upon was that the escort not wear his uniform or be identified as U.S. military. This was a perfectly acceptable compromise, especially in view of security considerations. Because the U.S. did not recognize the Phnom Penh government and did not have an embassy or U.S. personnel on the ground, the safety of American citizens could not be guaranteed. An incident

involving a U.S. Senator, or just as significantly, a clearly identified U.S. military official, could be a potential international provocation. For this trip, the escort would be identified as a Robb aide and would carry a personal passport, not his official one.

When the State Department official came to meet Robb on February 2, 1990, he brought along an entourage of three aides. "The Department is pulling out all the heavy artillery on this one," commented one Robb aide at the time. Robb, in turn, included his political staff in the meeting. This was a rare step for the senator, and his way of saying that he had political reasons for taking this trip that might transcend or take precedence over policy considerations.

Within the first five minutes, as part of a pre-planned strategy, Robb simply declared that he was going to Phnom Penh. At that point, the State Department representative immediately shifted gears, and spent the rest of the time providing Robb with a thorough and helpful briefing for the trip. Robb was also told that he would get the C-21 Gulfstream he needed, which would be flown in especially to Bangkok from Japan. As one Administration official would sum up the meeting afterwards:

We felt we couldn't afford to alienate Robb and it was better to have him on our side. Domestic support for the U.N. policy was still unstable and we needed him in the Senate, he was our best hope. There was no point in prolonging the discussion, so we wanted to help him out the best we could.

The next day, the NSC briefed Robb's aide at great length, the first of a number of briefings and discussions before the trip.³⁰

But there were other roadblocks, and it was Pell and Cranston's SFRC staff, not the Administration, which sought to help. Aside from

³⁰ In this meeting, the Robb aide and NSC also discussed POW/MIA issues and selected MIA case file folders to present to the PRK.

the visit to Eastern Europe led by Cranston, the SFRC staff had never made any special effort to help with any previous Robb trip, although technically such responsibilities were part of their job. Robb, for his part, had not particularly sought their help in the past. Moreover, he was still smarting from an incident only weeks earlier, in which one committee senator, with whom Robb violently disagreed on an issue, refused to bump a single member of his staff to make room for Robb on a trip plane. But this time things were different, and the SFRC far more cooperative. "It was like a lovefest," said one aide, noting how helpful the committee staffers were willing to be.

The staff overtures were part of a tug of war between the Administration on one hand, and the SFRC-led coalition on the other, to entice Robb over to their respective policy sides. Visas to Cambodia had to be obtained through the Vietnamese through their U.N. mission in New York, or in Laos or Hanoi. It was a lengthy, frustrating and bureaucratic process. One SFRC staffer, who in the spring of 1989 worked to thwart the Robb amendment, called Robb's aide and cheerily said, "I speak to the Vietnamese all the time. I'll be happy to go myself to New York and get the visas for you and the senator."

Robb declined the offer, knowing full well that this was "a struggle for his soul," as one political aide put it. He was not ready to choose sides. But ever since word had gotten out that Robb was not wedded to the Solarz plan, he was bombarded by offers to help prepare him for his trip, or even to accompany him to the region, from critics of the U.N. policy. To take one other example, Representative Chet Atkins, a vigorous opponent of the Perm Five efforts, lobbied Robb's

aide heavily for an invitation to join the Senator on the trip.³¹ Robb, however, wanted to preserve his flexibility, and never issued an invitation. Another example occurred when former Secretary of State, Edmund Muskie, now in his capacity as Chairman of the Center for National Policy, a Democratic Party think tank, requested to brief the senator. Muskie had spent two-and-a-half weeks in Indochina in late September and October, and, in tandem with the SFRC, was undertaking his own campaign to change the direction of American policy toward Cambodia.³² The crusty former secretary implored Robb to keep an open mind on this trip. Robb, who respected Muskie, indicated little of what he thought personally, but assured Muskie that he would.

For his part, Solarz did not abandon his pursuit of Robb either, but this time he chose a low-key approach. Because he and his staff had been to the region several times, he had his staffer work with Robb's aide to help sift through the complexities and enormous logistical details of putting together the trip. The task of planning was not insignificant. For all practical purposes, Phnom Penh was sealed off from much of the West. With no U.S. presence in Cambodia, a low-level civil war in the countryside, no direct telephone links with Phnom Penh, the added burden of having to work through the Vietnamese, and no

³¹ Atkins was attending a conference with Robb on February 14-17, 1990, entitled "The American-Vietnamese Dialogue," in Bali, Indonesia.

³² On December 19, 1989, Muskie released the text of his speech that he had given at an off-the-record luncheon session in New York at the Council on Foreign Relations. He also released a press release. See Edmund S. Muskie, "Cambodia: Time to Change Policy," Address to the Council on Foreign Relations, released by the Center for National Policy, Washington, D.C. In January, his lengthy trip report, "Exploring Cambodia," was released. See reprint in U.S. Senate, Subcommittee on East Asian and Pacific Affairs, Hearing on Prospects for Peace in Cambodia, pp. 1450-1476.

structure or contact person for requesting meetings in Phnom Penh, as well as no way to confirm any meetings which might have been set up, planning a set itinerary was all but impossible. The Solarz aide, who had been through this process before, was enormously helpful.

Solarz also maintained direct contact with Robb. After a Solarz-sponsored resolution endorsing the U.N. concept and Perm Five talks passed the House by 412-0 on February 6, 1990,³³ he sent a copy of the resolution to the senator and in a note asked, "If you could see your way clearly to promoting Senate action on this measure, I would be very grateful." He also sent over a draft of a major article which he was preparing for the spring edition of Foreign Affairs that outlined the negotiating process currently underway at the Perm Five level.³⁴ In an almost uncanny display of subtle entrepreneurship skills, Solarz seemed to know when to push hard and when to pull back in order to maximize his possible options for influence. This time, Solarz was smartly pulling back.

Solarz's note to Robb was a soft sell and, in a departure from his usual political style, understated.³⁵ He did not follow-up with a phone

³³ See reprint of House Concurrent Resolution 254, "Expressing the Sense of Congress Concerning Negotiations for a Political Settlement in Cambodia," in U.S. Senate, Subcommittee on East Asian and Pacific Affairs, Committee on Foreign Relations, Hearing on Cambodian Peace Negotiations: Prospects for a Settlement, 101st Congress, 2nd session, Washington, D.C., July 20 and September 19, 1990, pp. 141-142.

³⁴ See Stephen J. Solarz, "Cambodia's Best Chance," The Washington Post, February 6, 1990. Also see, Steven J. Solarz, "Cambodia," Foreign Affairs 69 (Spring 1990), pp. 99-115.

³⁵ For example, in his February 6, 1990 letter, Solarz signed it "Steve," as compared to a November 6, 1989 letter to Robb in which he scribbled an indistinguishable "S." In the November letter, he also referenced "us," as opposed to his February letter, which had a more formal and less familiar tone.

call to either Robb or his aide. Nor did he ask to brief Robb ahead of time, even though it would have made sense to do so.

For his part, Robb did not take Solarz up on the suggestion to offer a similar resolution in the Senate. Given his current thinking, it would have been at the very least premature. But he did specifically ask that Solarz's draft article be included in his briefing materials in preparation for the trip.

By the time Robb left, however, neither side was certain where the senator stood. Moreover, Robb went out of his way to discourage public speculation. He released neither the exact dates of his trip nor the planned meetings to the press. In a solemn voice before departure, he told his aide, "This is a work trip, I want no frills, no distractions."

The Trip to Cambodia

Robb dispatched his aide to Thailand on February 14, three days before he would arrive himself. The intention was for his staffer to have sufficient time to finalize the itinerary for the senator, and to conduct a number of meetings with officials on his own. Robb himself went first to a conference in Bali, Indonesia, sponsored by the Aspen Institute, entitled "The American-Vietnamese Dialogue." The conference covered a range of topics of mutual interest to both nations, and because it included high-level Vietnamese officials, would provide the senator with a setting to probe Vietnamese views in advance, thereby relieving him of the necessity to go to Hanoi.

Before the senator arrived in Thailand, Robb's aide was able to cover extensive ground on substantive issues, meeting with high level officials in the Thai, Chinese, and Singapore governments; key

journalists who had been covering Cambodia; and representatives of three of the four Cambodian factions.³⁶ He also was briefed at length by the U.S. embassy, including by the CIA station chief. It quickly became apparent that all the officials in the embassy were presenting a significantly different picture of the military and political situation than had been presented by their colleagues in Washington. Moreover, these officials expressed puzzlement over the nature and tone of the debate in D.C., particularly in the Congress. As one senior embassy official summed it up, "The debate in Washington ignores what's actually happening over here, and shows no understanding of the Asian mindset." Another senior official put it more starkly:

They don't listen to us at all in Washington anymore. They seem to be more concerned by screaming senators than by what we have to say. Solarz is responsible on this issue and has got balls. This doesn't help us and we're being increasingly cut out of the action, though.

In between meetings, Robb's staffer had to contend with continuing logistical problems. Two difficulties still loomed. First, the Vietnamese unexpectedly refused to give flight clearance for Robb to fly over Indochina airspace. Second, absent the ability to contact Phnom Penh directly, there was no way to know what, if any, meetings had been agreed to by the PRK government.

The Indochina Project, a small and relatively low-budget, Washington-based interest group supportive of the Hun Sen government and of normalizing relations with Vietnam, stepped in to help Robb's staffer with the meetings. It turned out that this group had been in contact for weeks with the Phnom Penh government, urging its maximum cooperation

³⁶ See Appendix E for itinerary of trip.

with Robb for his visit. And via a Soviet satellite connection, down-linked to Phnom Penh, the group received confirmation that the PRK government would go out of its way to accommodate the senator during his visit. This news, along with daily updates about Robb's possible itinerary, was faxed from Washington to the aide's hotel room in Bangkok. For good measure, they also faxed morning and afternoon A.P. wire stories on the situation inside Cambodia.³⁷

The Indochina Project also volunteered to "have friends look after" the Robb aide. This turned out primarily to be a Washington Post reporter, who had close personal ties with Hun Sen, and also sought to assist in setting up meetings inside Cambodia.

Despite all this help, there was still no definitive way to know who would greet Robb's plane when it landed and what meetings would be held. But at least there were assurances that meetings with senior officials would take place.

The second problem remained Vietnamese clearance for the flight. In this case, as with meetings with foreign diplomats and the NCR, the U.S. embassy was of enormous help. Robb's aide and an embassy official met with a stone-faced Vietnamese official in an unmarked building. The Vietnamese official professed a complete inability to solve the problem. By prior agreement with the embassy, Robb's aide took a hard line and told the Vietnamese official that if there were no clearance by the next morning, "the trip was off." The Vietnamese official did not respond.

³⁷ In fact, the English language press in Bangkok, such as the Nation, provided far more extensive coverage of Cambodia. For example, on February 16, 1989, The Nation carried an article, "Vietnamese Active in Cambodian Fighting," which raised the possibility of continued Vietnamese military participation well before it was raised in the West.

The U.S. embassy official then shouted, "Stop jerking us around. We go through bullshit like this with you all the time. Let's not go through the dog-and-pony-show once again."

The Vietnamese official nodded politely, and responded, "I have no power." The meeting ended.

"You'll have the clearance in the morning," the embassy official said. He was right.

Finally, a third problem arose, this time creating a brief conflict between Robb's aide and the Administration. When the flight manifest and plane arrived from Japan, there were four pilots, not three, as originally intended. Robb's aide asked about the change. The three originally listed pilots claimed not to know how the fourth pilot was added or who he was. They suggested asking the embassy. The embassy said it didn't know who the fourth pilot was and suggested asking the pilots. If only because the Vietnamese had given clearance for just three pilots, the fourth could create unforeseen problems, particularly once they arrived in Cambodia itself.

Robb's aide insisted the fourth man not be included unless some concrete reason could be provided as to why he was needed. Without a fight, the embassy officials agreed. After discussing it with the military escort, it was decided that there was no reason even to bother Robb with the details. Nothing further was ever said by the Administration about the incident.

Shortly thereafter, Robb arrived from Bali to good news. Prince Sihanouk had rearranged his plans and would be at his seaside resort in Pattaya, Thailand, where he could meet with the senator. Until then, it

had been unclear whether this meeting would materialize, but Robb had felt it was extremely important to meet with the Prince.

In the actual meeting itself, Robb explored Sihanouk's thinking at great length and specifically focused on different variations of the Solarz/Australia U.N. plan that would be acceptable to Sihanouk and to China. Robb's intense focus on this issue highlighted that he was far more interested in the U.N. plan than he had previously let on in Washington.³⁸

At one point, Sihanouk said he felt the U.N. seat, held by the CGDK, should be replaced by a Supreme National Council (SNC) of the Four Cambodian Factions, which would also include Hun Sen. "This will allow me to tell my good friend Steve Solarz that I am reasonable," said Sihanouk.

Robb interjected, saying that he had "worked at great length with Steve in developing the proposal," but, "felt what was missing was the U.N. seat."

Robb then added, "We have difficulty in explaining your relationship with the Khmer Rouge....We would like to support you." Sihanouk then made clear to Robb that if the U.S. cut him off, he would have no choice but to align himself fully with China. But, if the U.S. supported him, he would "have much greater independence in acting to resolve the situation."

The lengthy meeting covered a good deal of territory. Robb closed, "I will try to help out and do everything I can." However,

³⁸ Detailed and complete transcripts to all the meetings were typed up after the trip. All quotations are taken from those transcripts.

afterwards, he revealed that Sihanouk struck him as a weak leader. The Virginia senator was unimpressed with Sihanouk's frequent references to things French and his penchant for sometimes rambling, obliquely and in code, and occasionally giggling, which gave him an excessive flair.³⁹ Robb interpreted these actions as signs of instability and weakness. He was also concerned about Sihanouk's son, Ranariddh, who was silent during the meeting. Later embassy explanations that Ranariddh had not spoken out of deference to his father, considered a god-king, failed to satisfy Robb.

The rest of the day was spent at Site 2, Son Sann's NCR border camp, where Robb was briefed at length about the military situation, met with both Khmer Rouge and PRK defectors to the NCR ranks, and assessed the status of the more than 300,000 languishing Cambodian refugees. Then, after some private time with the CIA station chief, Robb returned to Bangkok where he met with Son Sann himself.

Over dinner, Robb and his aide had a lengthy off-the-record session with Bangkok based American journalists, and the senator asked them to put themselves in his "role as a policy maker." To Robb's surprise, seven of the eight journalists said the Khmer Rouge had to be included in a peace settlement, and, to varying degrees, all supported the U.N. plan. They also surprised Robb and his aide by saying that

³⁹ For example, Sihanouk laced his discussion with French expressions and repeatedly used arcane metaphors. At one point, his white French poodle, Miki, jumped onto the lap of a U.S. embassy official, prompting Sihanouk to apologize. For a vivid description of Sihanouk, see Steven Erlanger, "Sihanouk Explains His High-Wire Role in Awkward Cambodia Coalition," The New York Times, December 19, 1989. Speaking of his need to juggle alliances, Sihanouk said, "It is something very tragic, very Shakespearean." Then-Assistant Secretary of State, Richard Solomon, used to say, however, "If Sihanouk is crazy, he's crazy like a fox."

their story copy was heavily edited stateside by their home bureaus, to the point where they often didn't recognize their own pieces.

The next morning, after boarding the plane to Cambodia, Robb's aide reminded the senator that there were still no way of knowing exactly whom they would be meeting with. The military escort would later describe Robb's reaction this way, "I had never seen Robb nervous before. He was really on edge."

Robb's anxieties only heightened shortly after landing in Phnom Penh. During the morning, a PRK official clandestinely pressed an envelope marked "Confidential" into Robb's coat, which Robb later turned over to his aide to conceal.⁴⁰

Robb's first meeting was with Hun Sen. He discussed his meetings with Prince Sihanouk the day before and outlined the terms Sihanouk thought were necessary for a political solution. The two then talked extensively about the U.N. plan, the military situation inside of Cambodia itself, and the strength of the Khmer Rouge. Hun Sen declared, "If the tiger comes out of the jungle, we will eat it." He likened the Khmer Rouge to "being nothing more than bandits," much "like the P.L.O." He also agreed that the Khmer Rouge, absent Pol Pot and the top five leaders, "had to be included in any political settlement."

The two talked for three hours. Robb showed sensitivity to the separate roles of the U.S. executive and legislative branches, and stressed that he was there as an individual, "not representing the U.S."

⁴⁰ In the envelope were two lengthy documents that provided one of the most extensive and in-depth accounts of the internal workings of the PRK available, including an extensive discussion of massive dissent within the PRK and wide-spread secret support for Sihanouk.

government." He added, however, that he would relay his conversations to the secretary of state, to the Senate, and to Steve Solarz.

At the meeting's end, Robb asked for Hun Sen's cooperation in helping to resolve outstanding MIA cases in Cambodian territory. Cambodia had refused all previous American requests to discuss the issue. In perhaps the clearest sign of Robb's status on Cambodia and his value to both sides, Hun Sen flattered Robb, saying that the PRK would like to work with the senator and that he himself would like to help. He even went as far as sitting down with Robb's aide to look over three special file folders of unresolved MIA cases that the Robb aide had brought with him. The exchange later resulted in the first-ever successful repatriation of remains for examination from Cambodia to the American government in July of 1990, brokered in the spring by the Robb office.⁴¹

Robb was ebullient after the meeting with Hun Sen concluded. The senator liked Hun Sen, and the chemistry between the two clicked. He was impressed with Hun Sen's explanation as to why he had previously been a member of the Khmer Rouge, and the two found common ground when

⁴¹ On July 13, 1990, Robb was able to announce to 500 POW/MIA families gathered in Washington, D.C. for the 21st Annual Meeting of the National League of POW/MIA Families that the Phnom Penh government was willing to permit a U.S. forensic team to examine and repatriate remains that were determined to be those of Americans missing in Cambodia from the Vietnam War, purely on a humanitarian basis. As the League noted in its press release that day, "Despite these humanitarian appeals [since 1984], Cambodia has failed to respond until recently...The League deeply appreciates Senator Robb's responsible role in gaining this long-sought agreement...." Press Release, "Cambodia Responds to U.S. Humanitarian Appeals: U.S. Experts to Examine Alleged MIA Remains," National League of Families of American Prisoners and Missing in Southeast Asia, July 13, 1990. At the actual Robb announcement, family members, some with tears in their eyes, profusely thanked the Senator and his aide. Also see announcement of this breakthrough that same day by State Department Spokesman Richard Boucher, "Cambodia: POW/MIA Activity," U.S. Department of State, July 13, 1990.

they discussed military matters. For the former Marine, this in particular led Robb to feel that Hun Sen had leadership qualities.

Despite Robb's efforts to keep his visit out of the press, a reporter was waiting for him outside of the Council of Foreign Ministers. Tipped off by a Washington lobby organization, The New York Times correspondent peppered Robb with questions. Robb refused to go into details about the meeting, beyond saying that they discussed the U.N. plan at great length. In yet another indication that the senator was still sitting on the fence, he informed The Times reporter that his aide had written the original U.N. plan with Steve Solarz, now endorsed by the Australians and the Administration, but failed to mention whether he himself had any personal involvement.

After lunch, including fresh fish out of the Mekong, Robb was informed that Heng Samrin, the General Secretary of the Kampuchean People's Revolutionary Party (KPRP) and Head of State, would meet with the senator. This was a second unmistakable sign of the importance now being accorded to Robb. No American, including Solarz, and few westerners at any level had ever spoken face-to-face with Heng Samrin. The General Secretary always hovered mysteriously in the shadows. This meeting was also important because there was now endless speculation in the U.S. as to who wielded the most authority in the Phnom Penh government, Heng Samrin or Hun Sen. In view of Hun Sen's age, 39, he was unusually young to be a leader in an Asian nation. Many experts, though not all, felt Hun Sen might be mainly a front man, presenting the public case for the government, with Heng Samrin calling the shots in private.⁴²

In the meeting, it became apparent from the start that Heng Samrin was a dogmatic Leninist, principally espousing theories of revolution. Robb felt it would be a waste of time to discuss the U.N. peace plan, and instead focused on human rights issues. Also, the meeting was being openly recorded, by a bulky machine off to the side, so Robb carefully weighed his words. Nevertheless, Robb felt the meeting was critical in helping size up what had previously been an unknown but important figure, who could potentially make or break the PRK's willingness to be flexible concerning a peace settlement.

After a visit to Tuol Sleng, the torture chamber that stood as a memorial to the Khmer Rouge Killing Fields, and a walk through Phnom Penh to assess the state of the economy and mingle with the residents, Robb returned to Thailand that evening.

All told, Robb acquitted himself well. While he didn't have Solarz's extensive background, he had sufficiently done his homework and was effective in piecing together information from one meeting to the next, carefully probing the different sides for common ground. He was also served well by his political skills as a former governor and seasoned politician. This was demonstrated not just in the discussions, but in his keen observations on the state of Phnom Penh residents and the condition of the capital's economy after two hours of "pressing the flesh" with people in street and walking through the markets. Politicians need the ability to make quick "constituent" observations, and spend years honing these skills in a domestic setting. By contrast,

⁴² In State Department bios of all PRK leaders, provided to Robb, there was no picture of Heng Samrin and details were scarce. By contrast, Hun Sen had been widely photographed in a number of settings.

many foreign policy makers have little opportunity, or need, to "read crowds." In this context, though, Robb's skills, along with his political assessment of the actors, were extremely important.

While Robb spent only eight hours in Phnom Penh, the contents and nature of the overall trip had the effect of significantly enhancing the senator's stature on the issue upon his return to the Senate. He had now firmly established himself as an expert as well as a pivotal voice. It was also evident that many of his colleagues and their staffers were prepared to defer to Robb's judgment on the issue in the Senate. Explained one aide, "Robb's put in his time. As you know, members are independent around here, but they're also busy. And many senators [he was referring especially to moderates] now looked to him for leadership on what to do."

Poised to exercise leadership, there was one problem: Robb had still not yet determined exactly what his lead would be.

Robb Struggles to Decide

Everyone wanted to know Robb's position on the U.N. plan. But instead of going public, Robb closeted himself off, and asked his aide to prepare an extensive trip report outlining his views, which would be presented to the Senate as a published SFRC trip report. He gave no guidance to his staffer, saying simply, "Write it up." For his part, the Robb aide was constantly fielding calls from critics of the U.N. plan, including SFRC staffers, the Indochina Project and other interest groups, and Muskie, who wanted to know Robb's stance.

Alternatively, a high level Administration official asked to be debriefed by the senator, and the CIA and other Administration officials

asked to be debriefed by Robb's aide. Solarz's aide also met with the Robb staffer. Throughout this period, because the senator had made no public statements, Robb's staffer was hampered from speaking to groups on both sides of the issue, and had to carefully qualify his remarks by saying that he could only speak for himself. This fueled even greater speculation that the senator would not endorse the U.N. plan approach.

Robb Equivocates

During the week of February 20-28, Robb's aide drafted and revised the report for the senator. But after a number of drafts, Robb was still unsatisfied with the report's conclusions. In part, this was exacerbated by the fact that the senator still gave no direction as to the general points to be made or even the orientation he wanted to convey. Nor did he specifically mention or indicate a single example of where the draft report failed to reflect his views. In and of itself, this was not unusual. As a general matter, Robb's aide had learned to be in sync with the senator, and rarely required guidance for preparing the senator's speeches and statements.

Robb often operated on instinct, his "go with your gut" principle. In turn, his aide learned to read those instincts, and his job was to flesh them out in a detailed manner. Because Robb was unable to devote his efforts full time to foreign policy matters, he looked to and even deferred to his aide, "to do justice to the nuances of a policy issue," as the senator frequently put it. This routine had served the two well on a range of issues, from Nicaragua, El Salvador, and Panama, to U.S. trade policy, to the Middle East and a rapidly changing Eastern Europe, and virtually every defense issue.

This time was different, however, primarily for two reasons. First, the senator was not completely clear as to what he believed. This was largely a function of the second factor, namely, the complicated politics of the issue.

In the latter regard, Robb's political advisors now wanted him "off the issue." More precisely, they preferred to see him fall in line with the rest of the Democrats on the SFRC, and just, if not more, importantly, with the Senate Democratic leadership. Robb himself believed that he could potentially make or break the still fragile U.S. efforts to pursue the U.N. plan. He told his aide he wanted to do the right thing, "not the politically expedient thing." But by February 26, he had still not moved off the fence.

On the 26 and 27, Hun Sen met in Jakarta with Sihanouk, and agreed to accept an enhanced U.N. presence, brokered by the Perm Five.⁴³ But before Robb was briefed on this event, the SFRC held what was to be its most dramatic hearing yet on Cambodia.

The hearing convened at 1 pm on February 28, 1990⁴⁴ and demonstrated the SFRC's potentially awesome power, reminiscent of the halcyon era of the 1960's and 70's when the committee enjoyed its glory days. This was a result as much of committee staff efforts as of the members themselves.

The hearing itself was preceded by the most detailed committee preparatory memo on Cambodia to date. For example, the September 27,

⁴³ For example, see Ruth Youngblood, "Cambodian Prime Minister Announced Support For Sweeping U.N. Role," UPI press dispatch out of Jakarta, February, 28, 1990.

⁴⁴ All subsequent quotes from the hearing can be found in U.S. Senate, Subcommittee on East Asian and Pacific Affairs, Hearing on Prospects for Peace in Cambodia.

1989 committee memo prepared for members for the October 2 Cambodia hearing was five single-spaced pages.⁴⁵ It was a standard memo that would then be supplemented by talking points provided to senators by individual staffers. By contrast, this February 26 staff memo was five times longer, numbering 25 single-spaced pages in length, and significantly more detailed than was customary for this or any other issue.⁴⁶ It was a clear sign of staff seeking to shape the issue and its definition.

As another example, Pell and Cranston's staff kept an unusually tight rein on the committee witnesses. Robb's office had requested of the committee that Winston Lord, the respected former President of the Council on Foreign Relations and former U.S. Ambassador to China, be able to testify on the public witness panel. Earlier in the year, Lord had written a strong defense of the emerging U.N. plan and of Prince Sihanouk, and had spoken at some length with Robb's aide afterwards.⁴⁷ But more important to Robb, he was a serious foreign policy hand with significant stature, and whose judgment the senator respected.⁴⁸

The SFRC staff, however, rebuffed Robb's request and refused even to entertain the idea. Moreover, they withheld the full witness list

⁴⁵ "East Asian and Pacific Affairs Subcommittee Hearing on Indochina," SFRC Committee Memo, MM-101-299, September 27, 1989.

⁴⁶ "Hearing on Prospects in Cambodia," SFRC Committee Memo, MM-101-427, February 26, 1990.

⁴⁷ See Winston Lord, "Peace Without the Khmer Rouge? And Without Vietnam's Henchmen?" The New York Times, December 10, 1989.

⁴⁸ Lord had also been a member, with Robb, of the Trilateral Commission. At one point, Robb sent his aide to a New York meeting of the Council on Foreign Relations to have lunch with Lord and discuss U.S. policy toward Cambodia.

until two days before the hearing itself, suggesting a major committee effort. The hearing itself proved it.

From start to end, the hearing emphasized a number of themes. First, the hearing suggested that the PRK government was more pragmatic than Communist and provided the most effective hedge against a return of the Khmer Rouge to power. Therefore, the U.S. should talk directly to the PRK. Second, that the Khmer Rouge were making gains on the battlefield, and unless the U.S. acted quickly, Phnom Penh could fall while the Perm Five were still seeking agreement over a comprehensive U.N. plan. Third, that the U.N. plan was essentially impossible to implement and much too costly. Explained one aide, "It was dead on arrival [at the committee]." Instead, U.S. policy should consider encouraging the PRK to conduct the elections itself, much as the Sandinistas had done in Nicaragua the previous Sunday. The election could be verified by such groups as the Carter Center.

Finally, committee Democrats echoed a theme that at the time was perceived as President Bush's Achilles heel in foreign policy: China. As one witness summed it up in his testimony, "The issue is China, China, China."

Yet more than the actual substance of the hearing, what mattered was the relentlessness of the message delivered by the witnesses and repeated by committee Democrats themselves. Indeed, the transcript fails to convey the hearing's intensity, which was so vital to its effectiveness, even though the hearing was ultimately unable to unite its many themes into one coherent plan or policy.

The committee opened with Muskie. Revered in the Democratic party, the former secretary of state added a sense of statesmanship.

"Let's have a new U.S. policy," he implored, adding, "In clear and simple terms, [let's] send a clear message to China."

Robb was immediately put on the defensive by this tack. He said plaintively to Muskie, "I'm not here to defend China." After posing a few neutral questions to the former secretary, Robb declared, "I am not [now] prepared to share at length all of my observations."

Robb then looked over to Muskie and said, "I have a number of questions I would like to pursue with you...but I would prefer to do that privately rather than in a public forum."

By the time the lanky former secretary left, he had received extensive praise for his statesmanship and contribution to the issue from Senators Biden, Cranston, Kerry, and Sarbanes. It did not go unnoticed that Biden, who had demonstrated no interest in the issue and had not previously attended any specific hearings on Cambodia, made a special appearance, conveying the image of committee unity. The message to Robb, as one aide privately noted at the time, was "Get with the program."

Speaking for the Administration was the DAS, David Lamberston, and John Bolton, Assistant Secretary for International Organizations. They were bombarded by questions. As one aide, who attended the hearing from the House side, later noted, "The senators' statements were all choreographed. They weren't there to listen, that was clear. It was an all-out assault on Representative Solarz and Administration policy. You have to hand it to them, the committee coordinated this one like the L.A. Lakers."⁴⁹

⁴⁹ Except for Murkowski, who briefly attended the hearing and left after Muskie's testimony, no other Republican senators appeared.

At one point, for instance, Senator Kerry made a rather strong charge, accusing the Administration of being indifferent to concerns about the Khmer Rouge. "We do not seem to be sensitive to it in our policy," he said. "We just mouth these words." When his turn came, Sarbanes tied Lambertson up in knots over Administration policy, much the way a trial lawyer puts a hostile witness on the defensive by forcing him to contradict or seemingly discredit himself. He led Lambertson through a chain of either/or questions on U.S. policy, culminating in one which forced Lambertson to state that he would prefer a Vietnamese occupation to a Khmer Rouge takeover in Cambodia, although, for virtually every senior policy maker, the objective was to avoid both outcomes. When Lambertson gave his answer, Sarbanes pounded on dais, and shook his head, muttering, "I don't understand what you guys are doing then."

The committee's harsh treatment of Lambertson, generally regarded as a serious, hardworking, and devoted public servant who had spent his career in the foreign service and State Department, prompted one normally soft-spoken Administration official later to protest:

Can you believe what they did? I've never seen anything like this. These senators know almost nothing about Cambodia, and could barely find it on a map until recently. [Cranston's staff] gave them the script and they followed it. Those senators knew full well that they were distorting the policy, but I guess they weren't interested in listening to what we had to say. I can understand that they wanted to humiliate Solarz and the Administration, I guess that's what politicians do. But Dave [Lambertson] was really given a bum rap. He didn't deserve to be put through that.

Cambodia as an issue had not attracted a high level of interest among SFRC Republicans.

Regardless of motives, the hearing was working on Robb, who sat through the rest of it, transfixed. He ignored all his other scheduled appointments for that afternoon. And as a sign of the unusual nature of the hearing, Cranston did not impose any time limit on the public witnesses, because, as the California senator said, "of the importance of all this." Cranston himself called the hearing "a rather unusual session."

Cranston left in the middle of the public witnesses. But rather than call the hearing to an end, or have another senator chair the hearing, he took the almost unheard of and almost never used measure of allowing a committee staffer to chair the forum in his absence.

Also, instead of the usual practice of excusing the public witnesses once they had finished, Cranston asked them to stay longer and talk. Thus, until 6:05 pm, William Colby, a former CIA director, Jeremy Stone, President of the Federation of American Scientists, Helen Chauncey, a Georgetown University professor, and Michael Horowitz, a Washington lawyer, discussed and debated the issue at length, often among themselves, as though the hearing were an informal Washington think-tank seminar.

Robb himself was greatly affected by Horowitz's testimony. Horowitz, likable and bubbly, was a former Reagan appointee and a Contra supporter, a fiscal conservative, and an impassioned speaker. Repeatedly referring to himself as a devoted anti-Communist and a Reaganite, he accused the Bush Administration of accommodating China, and declared that such conservatives as Elliott Abrams and Richard Perle would go to Cambodia and then join him in speaking out against the U.N. policy. Horowitz was a skilled Washington operator and knew which

buttons to push. He stared directly at Robb most of the time when he spoke.

The Horowitz testimony gave the impression that the Perm Five policy was about to be steamrolled, not just by Senate liberal Democrats, but by Reagan conservatives as well. The political dynamic created that afternoon at the hearing completely unnerved Robb.

For five hours, Robb said almost nothing, and he walked out of the hearing in a near daze. Cranston's concluding statement referencing "this extraordinary hearing," was not far from the mark: it had its effect on Robb. Leaving with his aide the Virginia senator said, "I may be ready to go with the committee [Democrats] on this one, not with the Solarz plan and the Administration." But indicating that this move was not definitive, he also asked his aide to investigate any reasons why he should do otherwise. At this point in time, the onus was now on the proponents of the Perm Five plan, not its critics. After this powerful hearing, it was clear that the senator was less and less in a frame of mind to buck the tide in the Senate.

In the Administration and among the Solarz staff, the hearing was met by bitter recriminations. One staffer called it "pure farce, the product of frenetic activity." An Administration official labeled it a "travesty." The sentiment was probably best summed up by one Congressional aide much later, "The committee really came to life and showed its power this time. It didn't make things very easy for Robb."

An SFRC aide, however, had a very different reaction. "The proponents of the U.N. plan, ...[and Senator Robb]...heard us loud and clear this time."

Countdown to the Robb Announcement

After the hearing, Robb's aide quietly let the word out to the U.N. plan supporters that Senator Robb was probably going to break ranks and throw his lot in with Cranston. As a courtesy, he also told delegates of the NCR that Robb was likely to shift sides. He then complied with Robb's request to see if there were any solid reasons why the senator should not change his stance.

As part of this effort, the Robb aide tapped into the resources of the Administration, of ASEAN, and of Solarz's staff. After listening to these parties, he would then present Robb with a detailed memo exploring the pros and cons.

For the better part of a day, the Robb aide discussed the implications of the possible breakdown of the Perm Five talks with a senior ASEAN embassy official at a downtown Washington restaurant. In turn, this official shared extensive up-to-date information about his government's position, and what his government saw as China's bottom line views. The official gave the Robb aide information that he had never seen before. This information was then matched against information received in a separate meeting with a diplomat representing another ASEAN country. The Robb aide then met with a Chinese diplomat, not in the embassy, but in a coffee shop off of Connecticut Avenue, where the two could speak more freely.

After canvassing a host of foreign government views, the Robb aide met with individual Administration officials. In one meeting, he was startled to be given a copy of a memo drafted by an influential State Department official, which referenced the negative hearing in the Senate and mounting Congressional pressure, and pronounced, "It's time to cut a

deal." This memo said that it might be better to abandon the Perm Five approach, if in doing so it could get a policy that could be sustained in the Senate. At that point, the memo had been held up internally in the State Department and not yet forwarded to Baker. Although some officials considered the memo to be "a slap in the face to Solarz" and "dumb, dumb, dumb, because we're finally making progress with the Soviets and especially the Chinese [at the Perm Five talks]," they allowed that final decision on sending the memo would not be made until after Robb made a formal statement of his position.

On March 4, Robb's aide had completed his review and presented it to the senator. Among other things, it concluded that the Administration was unable "to articulate what had been its own policy." The memo also pointed out a number of serious questions that had either been ignored or not dealt with at the February 28 hearing, and, at one point, paraphrased the shared observations of diplomats, the Solarz staff, and Administration officials:

It is almost remarkable, upon reflection, that Cranston and the committee are taking a stance that ignores the consensus about an enhanced U.N. presence reached by the international community, which the ASEAN countries have signed off on, which the Japanese have signed off on, which the Khmer Rouge and Hun Sen have signed off on, which Prince Sihanouk and Son Sann have signed off on, which the Cambodian community in the U.S. strongly support, and which the Chinese, the Soviets, and the U.S. are assiduously working toward.⁵⁰

The memo also summarized how the Perm Five talks were starting to come together, as well as obstacles to an agreement that remained. And it outlined dangers of sticking with, as well as of abandoning, the Perm Five plan.

⁵⁰ Memorandum to Senator Charles S. Robb, March 4, 1990.

After reading the memo, Robb was less convinced of the merits of Cranston's position. Once again, he was on the fence. Moreover, as time passed, he now felt that he was being railroaded by political forces, rather than by substantive views. This bothered him. He decided that the thrust of the committee position was probably quite premature, and could potentially cause the demise of negotiations just at the juncture where they were starting to pick up steam. It was at this point that Robb said he wanted to meet with a high level Administration official, whose views he respected on Cambodia, before he made up his mind. This official was chosen not just because he represented the Administration, but more because the senator felt "the guy has his head screwed on straight." The meeting was quickly arranged.

One point Robb also focused on at this time was a February 23 front page report in The New York Times that, according to senior Eastern European diplomats, at least 5,000 Vietnamese troops, military advisors, and special forces were currently fighting on behalf of the PRK against the resistance inside Cambodia.⁵¹ Earlier that month in Bali, the Vietnamese Deputy Foreign Minister, Le Mai, had categorically denied to Robb the existence of a single Vietnamese soldier or advisor in Cambodia. This denial had also been supported previously by the U.S. intelligence community in Washington, which also asserted there was no solid evidence of any Vietnamese fighting in place of PRK soldiers. By contrast, Sihanouk had alleged continued Vietnamese military involvement to Robb in their February meeting.

⁵¹ Steven Erlanger, "Vietnamese Forces Helping Cambodia, Diplomats Assert," The New York Times, February 23, 1990.

After further investigating the report and substantiating it, Robb was irked that Le Mai had "lied to me," and added, "I pressed him repeatedly on this issue." In focusing on this, Robb also concluded that the PRK government might be a lot less stable than Hun Sen had led him to believe, and therefore, a potential house of cards that could fall if assaulted by a full-blown, Chinese-supported Khmer Rouge bid for power. These revelations set off a chain reaction for Robb, leading him once again to reassess his views.

More than three weeks after returning from Cambodia, Robb had made up his mind, and finally, he articulated explicitly to his aide what he wanted to do. He wanted to give a major speech on the issue and intended to state his support for the Australia/Solarz plan being discussed by the Perm Five. The one change he wanted was that once an agreement was signed, elections should be held as soon as possible, preferably in 14 months. This had the effect of positioning himself between Cranston, who wanted a Cambodian election within a year, regardless of the Perm Five talks and of whether there was any U.N. involvement, and the Administration, which had set no timetable for an election.

The speech was to be delivered on March 26 at the Indochina Policy Forum, sponsored by the Aspen Institute.⁵² The Forum comprised a diverse set of Administration officials, Congressional staffers, journalists, and academics, and was considered one of the primary policy groups on the issue of Cambodia in Washington. Headed by former Iowa Senator Dick Clark, who himself was supportive of Hun Sen, Robb

⁵² See "Remarks by Senator Charles S. Robb," The Indochina Policy Forum, Washington, D.C., March 26, 1990.

deliberately chose this forum as an attempt to bring the various sides of the domestic debate together. During the drafting of the speech, Robb maintained his policy of not speaking to the press, nor did he signal to his Senate colleagues his intentions.

If Robb's silence before the hearing was read as his reluctance to endorse the Perm Five efforts, it was now viewed with greater puzzlement. Still, critics of the Perm Five plan did not cease in their efforts to secure Robb's support. Cranston sought to get Robb's co-sponsorship on a resolution calling for a change of U.S. policy. He believed that Robb would join, but Robb, with little explanation, demurred. On March 7, according to one aide, Cranston sought to smoke Robb out. He delivered a floor speech calling for early elections in Cambodia, regardless of any Perm Five agreement.⁵³ Cranston then sent a note to Robb saying, "I hope you join us." Through his own aide, Robb communicated that he would make his views known in his speech. No other response was provided.

In the final stages of the drafting process for the speech, Robb personally included several changes, extremely subtle ones, designed to send some clear political signals. First, he penned in a few positive references to Muskie, who had recently received and released a letter from Hun Sen, in which the PRK prime minister thanked Muskie for his statements at the February 28 SFRC hearing.⁵⁴ Second, in the section that noted the senator's work with Solarz in initially devising the

⁵³ See discussion of Senate Concurrent Resolution 101 in Congressional Record, March 7, 1990, S2618-S2619.

⁵⁴ "Hun Sen Sends Letter to Muskie, Horowitz," Southeast Asia Foreign Broadcast Information Service, FBIS-EAS-90-044, March 13, 1990, pp. 36-37.

"Australia plan," Robb added his aide's name as a drafter with Solarz, once again putting some distance between himself and the plan. And third, in a clear signal to the Administration designed to take some of the political heat off himself, Robb said, "For the first time in years, the Administration is taking the lead on the issue, and I now support their efforts." Thus, Robb cast his announcement of support for the U.N. plan solely as support of current Administration policy, rather than as the outgrowth of any Congressional initiative.

These changes allowed him the best of both worlds regarding any future outcome: an ability to take credit for a success when it served his purposes, and providing him with the opportunity to distance himself from the policy if there were a failure, by laying it at the doorstep of the Administration.

After Robb's March 26 speech was delivered, he had definitively, even if cautiously, cast his lot with the U.N. plan. The Administration response was immediate. As the official who had shown the memo calling for "a deal" to Robb's aide noted, "The kibosh was put on it." The official added that the memo was never sent to Baker, and there was no longer any talk of changing policy. "This was Congress' initiative, and we weren't about to sell our friends [Solarz and Robb] down the river. Screw [an SFRC staffer] and the Senate. We're intensifying our efforts."

Solarz, for his part, was delighted that Robb had finally come around.

Chapter Seven

Phase Three:

Holding the Line on the U.N. Plan

In mid-spring, after the Robb speech in March, President Bush personally signed off on the Perm Five U.N. plan, and the Administration threw its full weight behind the policy. Undaunted, the Congressional critics of U.S. policy intensified their efforts, and undertook a counter-initiative led by no less than the Senate Majority Leader, George Mitchell. Solarz and the Administration sought to hold the line and give negotiations a chance, but the critics, in a show of strength, successfully peeled away the support of Chuck Robb, eliminating him as an adversary. Alarmed at the diminishing Congressional support, Solarz, who first framed and devised the policy, now sought to establish the terms of the policy debate for the Administration at home. For the first time, he also had to fend off serious opposition that cropped up in the House. In the end, however, the critics of the Perm Five U.N. plan failed to offer a coherent alternative policy of their own, and for all their institutional power and extensive resources, succeeded only in amending U.S. policy, and only at the margins.

The Critics Begin to Fight Back

Far from embracing the Perm Five U.N. position supported by the Solarz-Administration-Robb coalition, the critics in the Senate intensified and diversified their opposition. The first sign of this new round of opposition occurred only a few days after Robb's speech to the Aspen Institute. Bob Kerrey began making plans for the most extensive trip to Cambodia yet made by an American official, to be coupled with an overnight stay in Vietnam. Nor was this simply a trip being undertaken by a single senator; Kerrey, a freshman, would be traveling at the request of and as a representative of the Senate Democratic leadership, who would be covering the nine day, April 8-16, trip with moneys out of the Appropriations committee and leadership funds. Quipped one aide at the time, "Kerrey was Bob Byrd's hand-picked golden boy among the new class, and he got the royal treatment on this one."

In sharp contrast to Robb, Kerrey brought along not just his senior legislative aide from his personal office, but two other assistants as well, the Republican Murkowski staffer from the Intelligence committee, who increasingly was developing a close working relationship with the Nebraska Senator, and Garry Parrott, a former Navy Seal and a close personal friend of Kerrey's.

The nine day trip differed from Robb's in other respects. Where Robb refused even to release his itinerary to the press and went out of his way to hold his meetings free of the media spotlight, Kerrey ensured that his trip would be given publicity, by bringing along Dennis Farney of The Wall Street Journal and C. David Kotok of The Omaha World-

Herald.¹ From Kerrey's completed itinerary, which Robb's aide managed to get an advance copy of, the concern over media participation was evident. For instance, for Wednesday April 11, 1990, the day when Kerrey's group was scheduled to visit border camps along the Thai-Cambodian line, the notation under participants read: "Media hopefully can go: we are checking -- military plane to helicopter."²

Second, the war hero also ignored the U.S. executive branch prescribed prohibition on meeting with any members of the Khmer Rouge or going to their refugee camps. In effect, this prohibition meant that no American executive branch officials representing the U.S. were permitted to meet with the Khmer Rouge in any context, except at the Paris peace talks. While members of Congress could theoretically meet with Khmer Rouge representatives, neither Robb nor Solarz had ever done so, feeling that strict adherence on the legislative branch's part to the guideline was necessary. ("I don't meet with murderers," Solarz said when asked if he ever met with Khmer Rouge officials.) But Kerrey not only went to Site 8, which was the Khmer Rouge "show camp," at the Thai border, he was also successful in bringing along the press, which then highlighted the visit. "Inside a sweltering shelter, [Kerrey] had a tense, tough exchange with three cold-eyed Khmer Rouge officials," wrote Farney of The Journal.³

¹ See "Kerrey To Report On Trip To Southeast Asia: Senator Will Appear on National News Programs to Talk About Fact Finding Mission," The Nebraska Journal, April 13, 1990. The article notes that three dozen news organizations tried to accompany Kerrey on the trip, but were turned down. Instead, the largest weekday circulation newspaper, The Wall Street Journal, and a Nebraska paper were selected.

² Fax copy of "Bob Kerrey Travel Itinerary," p. 3.

³ Dennis Farney, "One Man's Quest: Sen. Kerrey's Return to Vietnam Opens Wounds Old and New," The Wall Street Journal, April 26, 1990.

Kerrey did not meet with Prince Sihanouk, but otherwise covered virtually the same ground as Robb had, and, with the precedent already set by the Virginia senator, Kerrey received military travel to Phnom Penh from Bangkok. But in contrast to Robb, the Vietnamese did not require Kerrey's plane to overfly Vietnam, and instead allowed it proceed directly over Cambodian airspace to Phnom Penh. After five separate meetings with the very same Cambodian leaders with whom Robb had met, the group spent two days traveling and sight-seeing around Phnom Penh, including a trip to Angkor Wat, one of the eight wonders of the world. The final leg of the trip took Kerrey to Vietnam, where he met with Vietnamese Prime Minister Do Muoi, and Foreign Minister Nguyen Co Thach.

The trip was a great success for the Nebraska senator, and was best summed up by the headline in his home-town paper, "After Asia Trip: Spotlight Awaits Kerrey When He Returns Home."⁴ Almost overnight, Kerrey became much sought-after by the press, appearing on NBC's "Today Show," ABC's "Good Morning America," CNN's "Newsmakers," and ten days later, an appearance on Peter Jennings' special 2 and 1/2 hour investigative report, "Peter Jennings Reporting: From the Killing Fields."

During this round of media appearances, Kerrey avoided making any "hard" policy pronouncements, and instead played up his confrontation

⁴ Paul Taylor, Washington Post wire story in The Nebraska Journal, April 14, 1990. For example, also see, Paul Taylor, "Vietnam War Critic Completes a Passage to Indochina: Two Decades After Navy Duty, Freshman Sen. Kerrey Making First Foray Into the National Spotlight," The Washington Post, April 13, 1990, and C. David Kotok, "Kerrey Confronts Khmer Rouge: Tense Exchange at Refugee Camp," The Omaha World-Herald, April 11, 1990, and also by Kotok in The World-Herald, "Kerrey Tells of Battle That Cost Him his Leg," April 10, 1990, and "Kerrey Critical of Viet Policy on Cambodia," April 15, 1990.

with the Khmer Rouge at Site 8 and his humanitarian concern for the Cambodian people. But this did not hinder something equally important for Kerrey's purposes: the Nebraska senator had emerged as a credible spokesman on Cambodia and as Robb's equal. And for the purposes of the Democratic leadership which had sponsored his trip, Kerrey, in contrast to the Virginia senator, was not only a critic of U.S. Cambodia policy, but also generally more charismatic, heartfelt in his presentation, and more willing to use the media to promulgate his views.

The meaning and impact of Kerrey's leadership sponsored trip was neither lost on Robb nor on his political staff. Thus, when Kerrey returned, Robb sought to form an alliance with the Nebraska freshman. The two huddled on the Senate floor and talked at length, and Robb mentioned that he had been working on an op-ed piece for The Washington Post, but would be interested in the possibility of a joint piece. Kerrey liked the idea, and suggested that the two staffs "work it out."

On its face, the principle of a joint effort was sound: the two senators were both former governors, both much decorated Vietnam veterans, both rising freshmen Senate stars with their sights set on the White House, and now the two dominant voices in the Senate on Cambodia. If appearances matter, and in politics they certainly do, their potential for affecting policy seemed enormous.

However, the venture was ill-fated from the start. Despite the outward similarities, there was a substantive gap between the two on the issue. Robb had come out squarely in support of the Perm Five U.N. process, and while Kerrey never out-rightly opposed the Perm Five talks, he was essentially cool or unenthusiastic about the plan.

And as it turned out, at the time Kerrey was himself wavering in terms of what he did support. Not unlike Robb, he was going through a period of re-evaluation. His staff, however, expressed strong opposition to the Perm Five sponsored talks over the U.N. plan.

Robb's aide handed the first op-ed draft to Kerrey's people and for a week the two offices exchanged versions. The effort foundered, however, because of the undeniable philosophical differences separating the two Senate offices. Ultimately, Kerrey's office was unwilling to commit itself to a clear policy statement concerning the Perm Five, on one side or another, and Robb decided to go it alone.

Robb still sought to forge some type of alliance with a more liberal Democrat relatively active on the issue. The very political and institutional discomfort that had almost swayed Robb in February after his Cambodia trip, was now leading him to undertake a deliberate strategy to seek an alliance with previous adversaries, rather than with his earlier supporters, such as moderate Senators Lieberman or Graham, or a bi-partisan effort with McCain. Nor did he seek to solidify his relations on this issue with such DLC stalwarts as Sam Nunn or David Boren, both of whom he had long-term relationships with and would have been more natural allies.

On the 25 of April, a day after the collapse of the Robb-Kerrey collaborative effort, Robb initiated yet another joint venture with a critic of the Perm Five talks, this time with Vietnam Veteran John Kerry of Massachusetts. The impetus was April 30, 1990, the fifteenth anniversary of the fall of Saigon.⁵ Kerry and Robb discussed

⁵ The press ran major articles about Indochina for the anniversary. In addition to coverage on Vietnam, some focused on Cambodia. For example, see Stanley W. Cloud, "Still a Killing Field:

introducing a resolution to commemorate the day. Robb was particularly keen about this effort, and even had his staffer meet directly with Senator Kerry to discuss language of the resolution.

Once again, substantive differences between the two senators posed what appeared to be an insurmountable obstacle to a successful collaboration. Kerry wanted to call for: a) lifting all legal restrictions on travel to Vietnam; b) initiating negotiations leading to the normalization of relations between the U.S. and Vietnam; and c) establishing an American interest section in Vietnam in anticipation of normalization between the two countries.⁶ While strongly favoring normalized relations at the right time, Robb felt that Vietnam was first obliged to play a constructive role in bring about an acceptable resolution to the Cambodian conflict. He felt that the Vietnamese were now stonewalling all the discussions, and encouraging Phnom Penh to do the same. Thus, he reasoned, a premature discussion of normalized U.S.-Vietnamese relations would diminish Hanoi's incentives to facilitate Phnom Penh's cooperation in agreeing to a Perm Five brokered agreement. Far more than Kerry at the time, he was also concerned about a full accounting of American POW/MIA remains.

The divide was considerable. Still, both sides made a serious attempt to bridge the gap. For example, Robb's aide devised a watered-down compromise resolution, which, among other things, emphasized America's desire to normalize relations with the Vietnamese government, and stated clearly that Americans harbor good will toward the Vietnamese

Cambodia Remains a Pawn in the Regional Power Game -- and the Slaughter Continues," Time, April 30, 1990, pp. 20-28.

⁶ From Senator John Kerry, "working draft resolution."

people. Still, neither of the senators was willing to abandon his previous policy stance to achieve a compromise, so the effort ultimately failed, and no resolution was offered.

Afterwards, Robb was noticeably unhappy. He was stuck in a bind and did not like it. On one hand, he had staked out his stance, one which he believed in, but on the other hand, he was searching for ways to be less isolated among the ranks of the more liberal SFRC members and the leadership. However, he could not have it both ways. To fit in, he would have to repudiate the views that he had espoused for much of the last year. Otherwise, he would likely continue to remain an outcast on this issue among liberal Democrats.

Robb never saw the paradox or contradictions of his efforts. Having staked out a clear and decisive position, one that had a demonstrable impact on Administration actions, he still sought to hedge his bets and play the middle ground. But where his earlier political fence-sitting in phase two had served him well and made him a swing voice on the issue, his attempts to ingratiate himself with his opponents now, without renouncing his support of the Perm Five talks, had the effect of isolating him in the Senate and diminishing him in the eyes of his allies.

The marginalization of Robb as a key spokesman for the Perm Five plan became painfully apparent in the selection of guests to appear on the much publicized Peter Jennings' ABC News special on Cambodia. Robb was asked to be available to participate in the show, but was bumped at the last minute. Jennings and his producer instead choose Solarz and McCain to represent the U.N. supporters and Bob Kerrey to represent the critics.

More than any other single media commentary or report, this ABC April 26 special had a dramatic impact on the tone of the public and political debate.⁷ Substantively, the show itself had some glaring factual distortions and inaccuracies, which were later hotly debated and highlighted by the print media.⁸ To take but one example, former CIA chief Bill Colby declared on the show that the Vietnamese had largely withdrawn from Cambodia, although this had been disproved by media reports since February, prompting one Administration official in a fit of pique to note in a memo sent out to policy makers after the show, "I guess Bill Colby had not only lost access to classified material, but his subscription to The New York Times has evidently run out too."⁹ To take a second example, the report also darkly alleged, without presenting any piece of supporting evidence, direct collaboration between U.S. special forces and the Khmer Rouge.

⁷ See ABC News transcript, "Peter Jennings Reporting From the Killing Fields, An ABC News Investigative Special," April 26, 1990.

⁸ The show transcript itself was passed around in advance within the government on the day it aired. For commentary and debate on the show, see "Cambodia on TV," The Washington Post, May 7, 1990. The editorial asserted, "...the program fails to recount adequately the defects and vices of the Vietnamese-seated, Soviet supported regime in Phnom Penh, among them: Hun Sen's own guerrilla record, the roughneck nature of his rule, and his debt to Hanoi." Also, Stephen Morris, "ABC Flacks for Hanoi," The Wall Street Journal, April 26, 1990; Peter Jennings' unusually lengthy reply appeared as a Letter to the Editor, "ABC Sought Truth About Khmer Rouge," The Wall Street Journal, May 1, 1990; See also The Journal editorial regarding this debate, "The Cambodian Dilemma," The Wall Street Journal, May 14, 1990, and Morris' follow-up Letter to the Editor, responding to Jennings, "Cambodia vs. Vietnam's Colonialism," The Wall Street Journal, May 14, 1990; and more letters, "The Black Hat Gangs of Cambodia," The Wall Street Journal, June 5, 1990.

⁹ Colby pointed out in a Letter to the Editor in The Wall Street Journal, June 5, 1990, that he qualified his statement of a Vietnamese withdrawal, saying, "essentially withdrawn." (According to the transcript, he also said on the show, "Well, they've withdrawn.") Colby also referenced ABC's decision to cut some of his answer, in which he qualified his statement, suggesting that what he said was taken out of context, during the editing process.

But all told, the show, with its mix of powerful images, sounds, and facts, including heart-rendering pictures of desperately ill Cambodian children, flies perched on their flesh ("Think of the poor children," the movie star Liv Ullman, appearing on the show, said to Jennings), had a significant impact that touched off broad discussion of U.S. policy. In the show's aftermath, a spate of individuals harshly condemned American policy, causing Solarz to become concerned about the Administration's disastrous "public relations" efforts. Robb himself was furious after the show aired, and in private, angrily condemned it as a "hatchet job." He was also upset about the Administration's poor defense of the Perm Five policy, which he attributed to the "weaknesses" of a number of Administration officials. But it was clear that the tide of public opinion, given a jolt by the Jennings show, seemed to be turning against current policy, further emboldening Solarz and Robb's opponents.

But in spite of the public lift given to the Perm Five critics after the show, they failed to capitalize on the momentum building in their direction. Rather than presenting their own bold initiative on Cambodia, as Solarz had done the previous fall, they chose instead to amend U.S. policy at the edges.

On the night of April 30, the Senate was considering HR.4404, the Dire Emergency Supplemental for Panama and Nicaragua.¹⁰ After midnight, when most of the staff and senators dealing with the bill had already left, the two substitute bill managers were disposing of routine,

¹⁰ See account of HR.4404 in Phil Kuntz, "Senate Approves Spending Bill, Puts off the Biggest Fights," Congressional Quarterly Weekly Report, May 5, 1990, pp. 1325-1328, esp. 1327-1328.

noncontroversial amendments under a Unanimous Consent Rule. Senators Patrick Leahy and Robert Kasten, the respected Chair and Ranking Member of the Appropriations Foreign Operations Subcommittee with jurisdiction over the bill, had already gone home, secure in the knowledge that by agreement nothing controversial would be proposed until the next morning.

But from out of the blue, at 12:15 am, amendment 1564 was announced in Senator Leahy's name. Proposed by Senators Kerrey and Cranston, the amendment would provide \$5 million "through international relief agencies to children within Cambodia."¹¹ None of the funds could be made available, directly or indirectly, to the Khmer Rouge, which by its language could be construed to deny funds to children in NCR refugee camps.¹²

Innocuous on its face, this amendment, drafted and shopped around for sponsors by an SFRC staffer, was not without some controversy. Its significance was several-fold. First, it sought to appropriate funds roughly equivalent to what the NCR had been receiving under the Solarz aid plan prior to the summer of 1989. But for the first time, money would be apportioned not to the resistance, but to territory controlled by the Phnom Penh government. Implicit was the not so subtle signal of a willingness to deal directly with the PRK, irrespective of the Perm Five negotiations. Second, the amendment was shrewdly written to capitalize upon the Jennings program, and was all but impossible to

¹¹ Language in original amendment; also see Kuntz, pp. 1327-1328.

¹² This was due to the ongoing CGDK alliance.

oppose politically. "What are we going to do, be seen as keeping money from starving kids?" griped one Administration official that night.

Third, it was a signal of the direction and tactics being employed by the Perm Five critics. They had chosen to exploit parliamentary procedures, rather than subject the issue to floor debate, a roll call vote, or discussion in the SFRC which they dominated. By doing so, they avoided having this amendment be scrutinized in terms of its effect on the Perm Five talks.

An objection to the U/C agreement for the amendment was raised that night, but after a flurry of calls between Congressional aides and the Administration in the early morning hours, the decision was made not to oppose the amendment or try to block it; substantively, it was deemed relatively unimportant and politically, it wasn't worth the effort. It slid through by voice vote the next morning. This amendment, which came to be called "the Cambodian kids provision," marked the first of a series of steps taken by Administration critics.

But it was unclear at the time if the critics would seek to do more than chip away at current policy or if they would present their own alternative plan. Indeed, beyond this amendment, the critics, including Kerrey, were still largely silent about what they stood for, rather than what they were against.

Administration Steps Into the Breach

Throughout the month of May, the Administration was internally solidifying its support for the negotiations at the Perm Five level. This was most apparent on May 10 when the NSC met and discussed its just concluded internal evaluation of Cambodia policy. Bush, Baker, and

Brent Scowcroft attended. They concluded, according to a White House official present, that the policy was "on the right track," and despite any public relations difficulties, to press ahead.¹³

On May 15, Baker wrote a letter to Representative Jamie Whitten, Chairman of the House Appropriations Committee, formally accepting the Cambodian kids amendment. The secretary wrote, "We are prepared to work with Congress to help Cambodian children -- in both the Communist and non-Communist controlled areas of the country, as well as those languishing in displaced persons camps in Thailand." To underscore that this meant no recognition of the Phnom Penh government, neither de facto nor de jure, Baker added, "The motivation for this assistance is strictly humanitarian, and does not imply recognition of the Phnom Penh regime, which was illegally installed by the Vietnamese army. None of these funds expended inside Cambodia should be used to support PRK organizations."¹⁴ In effect, Baker and his aides, working with Solarz and Robb, redefined the amendment and treated it as largely a non-event. Additionally, Baker ignored the Senate entirely in his formal response, failing even to send a letter to Byrd or Leahy, as a courtesy.

The day before the fourth Perm Five meeting, May 24, the president held a general press conference at the White House. As Scowcroft and Gates stood off to the side, Brit Hume, the ABC News White House correspondent, asked:

¹³ For an account of this meeting that was later leaked, see Don Oberdorfer, "U.S. Policy on Cambodia Reaffirmed: Khmer Rouge Role Disturbs President," The Washington Post, May 25, 1990.

¹⁴ Letter from Secretary of State James A. Baker III to the Honorable Jamie L. Whitten, Chairman, Committee on Appropriations, U.S. House of Representatives, May 15, 1990. Fax copy.

Is it time now, sir, for a review of our policy toward Cambodia in light of the expressed willingness of the government there to permit internationally supervised elections, and in light of the fact that our policy has drawn widespread condemnation for helping directly or indirectly the Khmer Rouge, the -- .

Taken by surprise, Bush broke in and answered in a rambling fashion.

"Anytime we can get free and fair, certifiably fair, elections, we should be encouraged by that. I am troubled by it, because it isn't clear in Cambodia at all."

Hume pressed Bush further. "Well, are you made partially uncomfortable, sir, by the fact that our support for the non-Communist resistance has the effect, at least, since they are fighting alongside the Khmer Rouge, of helping the notorious Khmer Rouge?"

Looking visibly uncomfortable, Bush sought to find the right words. "To the degree it has any effect to help them, yes, I am uncomfortable about it. But when we have this kind of compromise that has been worked out -- it -- at this juncture, I think we're on the right track." Bush further added that U.S. policy concerning Cambodia was, "very complicated," and "if anyone ever perceived that we're trying to help [the Khmer Rouge] why, then it does cause discomfort."¹⁵

That same day, Solarz watched the press conference and was profoundly dismayed. He knew that Bush now understood the issue, and felt that the president was a serious foreign policy hand with a personal interest in Asia, but he was worried by the president's awkward and weak presentation. Solarz had already been disturbed by the Jennings show, which had put him publicly on the defensive. After the

¹⁵ Also see, "Excerpts From Bush's News Session on China's Trade Status With U.S.," The New York Times, May 25, 1990.

show, Anthony Lewis of The New York Times, in a surprisingly personal attack, charged:

The Administration and those in Congress who share responsibility for the [Cambodia] policy -- particularly, and surprisingly, Representative Stephen Solarz of New York -- seem to believe they can somehow detach themselves from the consequences. But if there are mass murders in Cambodia again, in Phnom Penh, Washington's role will not be forgotten.¹⁶

Stung by attacks such as this, Solarz felt it was imperative that the Administration "get its story straight and get its act together. Steve decided he had to take the bull by the horns once again," explained a Solarz aide. Progress concerning Cambodia at the international level, both among the Perm Five and, in light of secret talks that would soon be underway between China and Vietnam, suggested that the diplomatic momentum was in favor of the U.N. plan. Yet, from all appearances, Solarz and the Administration were losing the public relations battle at home.

There was little substantively that Solarz could do at this point; the task was largely in the hands of the Perm Five negotiators. What Solarz could do, however, was help buy time and breathing space to give the negotiations a chance to succeed. Solarz had his aide call Robb, Assistant Secretary Solomon, another member of the State Department, and a senior NSC staffer, to invite them to Solarz's house for dinner on June 12. As the Solarz aide explained, the stated purpose of the dinner was "to get the Administration to take greater action in explaining its policy so that it is more sustainable."

¹⁶ Anthony Lewis, "The Killing Fields: Shameless U.S. Policy on Cambodia," The New York Times, May 4, 1990. Solarz responded with a Letter to the Editor, "Cambodia's Khmer Rouge Won't Go Away," The New York Times, June 12, 1990.

Critics Raise the Volume and Launch a Counter-initiative

In early June, Robb regained his footing on Cambodia. His op-ed on Cambodia was published on June 5 in The Washington Post.¹⁷ The following day, he hosted a CSIS morning meeting, "What Next for Cambodia?" which included an array of speakers and a number of journalists, Congressional staffers, and other interested individuals in Washington. The meeting had the tangible effect of convincing the respected Deputy Editorial Page Editor and Washington Post columnist, Stephen Rosenfeld, to whole-heartedly embrace the Perm Five plan.

Rosenfeld noted at the meeting, "Every once in a while, this town is seized by an issue which has 'policy energy.' Cambodia is now that issue." Rosenfeld was moved to support the Perm Five idea in his weekly column, becoming the first major columnist to do so.

The principal author of the new policy is Representative Stephen Solarz [D-NY]. What he did was to break through the wearing stalemate in American thinking about Cambodia....Indochina expert Stephen Young finds a 'genius' in the Solarz idea.... in creating an unprecedented U.N. sponsored entity that could assume working sovereignty over Cambodia and move on from there to Cambodian elections.¹⁸

The afternoon of June 5, Robb lunched with U.N. Secretary General Xavier Perez de Cuellar, and discussed further details of the plan. But around the same time, Senate critics were once again gearing up, sparked by a meeting in Japan.

¹⁷ Charles S. Robb, "Cambodia Between Horror and Hope," The Washington Post, June 5, 1990.

¹⁸ Stephen S. Rosenfeld, "Cambodia: Putting a Country in 'Trust,'" The Washington Post, June 8, 1990.

On June 4-5, the Japanese government hosted a meeting among the four Cambodian factions, its first regional peacemaking effort since the end of World War II. The meeting, opened by Japanese Prime Minister Toshiki Kaifu, had been encouraged by the Thai Prime Minister. The Tokyo meeting ended with a communiqué, initialed only by Sihanouk and Hun Sen, in which the two Cambodians discussed the creation of a Supreme National Council (SNC), "composed of equal numbers of [Cambodian] personalities from both parties."¹⁹ (In the separate negotiations underway among the Perm Five powers, in working papers, the SNC was already envisioned as serving as a repository of Cambodian sovereignty after a Perm Five settlement and before elections.) In contrast to the Perm Five efforts, this Sihanouk-Hun Sen document appeared far more limited in scope, only referencing the SNC "to symbolize" Cambodia's "national sovereignty and national unity."

The day after the Tokyo meeting, Senators Cranston and Kerrey descended to the Senate floor to discuss its implications. Cranston delivered a broad indictment against any plan that included any component of the Khmer Rouge, and called for dialogue with Hun Sen. "With the most recent Perm Five meetings, no significant progress has

¹⁹ On its face, "Equal numbers of Cambodian personalities from both parties" appeared to signify that an SNC would be composed of an equal number of representatives from the CGDK and the PRK. But this did not mean that each of the four factions would be equally represented on the council, nor did it resolve what the specific composition and make up of the SNC would be. In short, it was an ambiguous document. See six point communiqué, signed by Prince Norodom Sihanouk and Prime Minister Hun Sen, June 5, 1990, released from Tokyo and issued in English. Text also reprinted over A.P. June 5 wire. Also see, Steven Erlanger, "Sihanouk in Break With Khmer Rouge," The New York Times, June 6, 1990; and "Two Factions in Cambodia Sign Truce," The Washington Post, June 6, 1990.

been made. Negotiators can only agree on the need for further negotiations," Cranston declared.²⁰

Kerrey took a more ambitious tack. Flanked by staffers from both the Intelligence and Appropriations committees and from his office, Kerrey declared that he would offer a joint resolution that praised the progress made at Tokyo, which he said "satisfies all requirements of the United States and the Permanent Members of the United Nations Security Council."²¹ The resolution would further declare the intention of the U.S. to expeditiously "establish diplomatic relations with the Supreme Council." This was Kerrey's first substantive policy statement after his long silence on directions for U.S. policy since returning from Cambodia. Embracing the Tokyo accord, Kerrey had chosen this opportunity to stake out his ground, though he gave only a brief statement on the floor. He then spoke to Robb's staff and asked if Robb would join him on the resolution.

Robb asked the staffer for a recommendation. While his aide was unable to tap into the extensive resources of the SFRC staff and the Senate leadership for information, he had been relying upon well-placed sources in the Administration and foreign officials to provide updates and analysis throughout the Tokyo meeting. The aide gave Robb a detailed memo that stated Kerrey and his staff had, like the immediate reports in the press, misread and misunderstood the events in the outcome of the meeting.

²⁰ Congressional Record, June 6, 1990, S7421-S7422.

²¹ File copy of Kerrey draft resolution; also see Congressional Record, June 6, 1990, S7424.

For example, the Kerrey resolution claimed that both leaders of the NCR had initialed the communiqué, when in fact only Sihanouk did. Moreover, Sihanouk and Hun Sen did not initial the document as "representatives" of their respective factions, but only in their capacity as individuals, and thus not committing their factions to the document. This was a last-second compromise, worked out to enable the Japanese to save face and spare them the likely embarrassment that would result from a completely failed meeting that could not even produce a communiqué. Moreover, nowhere were elections of any kind, let alone U.N. administered elections as sought by the Perm Five, mentioned. Thus, the document ran contrary to Robb's stated support of the Perm Five.

Despite the sizable number of staff members and resources at his disposal, Kerrey was poorly staffed and ill-advised about what had actually happened in Tokyo. Not only did Robb not join him, but Kerrey was forced to abandon his resolution within days as details came to light.

Over the next couple of days, Robb's staff became aware that aides to the leadership, to Kerrey, to the SFRC, and the Murkowski intelligence staffer were holding a series of meetings among themselves with the intent of launching another concerted effort. But neither Senator Robb nor his staff knew what form it would take.

On June 11, the strategy of the critics became quickly apparent. One by one, three senators swept down to the floor to make statements criticizing U.S. policy on Cambodia. Completely unexpected this time, however, was that the senators were led by Majority Leader George Mitchell. The Leader minced no words, and delivered a harsh broadside.

"In the literal sense of the word, the Administration's Cambodia policy is incredible. It is unsupportable," he charged. "It must be changed."²² Developing and refining a theme which the SFRC had started in its February 28 hearing, Mitchell struck at what he considered the Achilles heel of the Administration: China. "China cannot be an effective party in the search for peace as long as it supports the Khmer Rouge," he said. This statement pitted him directly at odds with Solarz, Robb, and the Administration, all of whom considered China as a critical key to unlocking the problem.

The Leader then called on the Administration to undertake six steps: 1) withdraw U.S. support for the CGDK seat at the U.N.; 2) seek to divorce the NCR from the Khmer Rouge; 3) ensure that there is no direct or indirect U.S. support for the Khmer Rouge; 4) open a dialogue with the Hun Sen regime; 5) implement the five million dollars of aid for assistance to Cambodian children; and 6) state that the U.S. will not support a negotiated solution that includes the Khmer Rouge in any future Cambodia settlement.

Mitchell was then followed by Bob Kerrey, who used this opportunity to lay out his impressions gained from his Indochina trip, as well as to echo some of the themes outlined by Mitchell.²³ John Kerry followed, speaking in a similar vein.²⁴

Mitchell's decision to take the lead in such a forceful manner greatly strengthened the Senate coalition of Perm Five critics. While he had always been supportive of their efforts, and his Cambodia staffer

²² Congressional Record, June 11, 1990, S7675-7677.

²³ Congressional Record, June 11, 1990, S7677-7681.

²⁴ Congressional Record, June 11, 1990, S7721-7722.

had been working with them since the previous summer, Mitchell had never before so publicly and dramatically taken their side. This one speech was signaling that the considerable institutional power and political muscle of the Leader would now be heading the efforts of this coalition.

Although initially a surprise, upon examination, the timing of this announcement is more easily understood. For a number of months, Mitchell had challenged the president over his China policy, and specifically criticized the extension of Most-Favored Nation (MFN) Trade Status to China. He had been hoping to lead a broad array of senators against the Bush China policy on the one year anniversary of Tiananmen Square, June 4, but was unable to put it together. As one Senate staffer working on the issue later put it, "Mitchell's staff was extremely frustrated that they couldn't pull off the China initiative. They were actively looking for a foreign policy stick with which to beat the Administration, and so they turned to Cambodia. Cambodia was their new China policy by other means."²⁵

But whatever the reason, the ante had been raised considerably by Mitchell's inclusion.

The same day, Mitchell sent out his speech to all Democratic senators in the form of Democratic Policy Committee (DPC) Issue Alert.²⁶

²⁵ In a May 16, 1990 floor statement, Mitchell said, "I believe that it is time to change our policies toward China, to recognize that the president's policy has failed, and the answer policy is not to continue it unchanged," quoted in an unpublished paper by Wang Ping, "U.S. China Policy: A Chinese Perspective" (College Park, MD, University of Maryland, School of Public Policy, 1993).

²⁶ The DPC is the policy arm of the Leader's office. DPC Issue Alerts are simply reprints of the Majority Leader's floor statements. Only important speeches are printed. They are then sent out to all Democratic Senate offices. See "Senator George J. Mitchell Calls For a New U.S. Policy Toward Cambodia," DPC Issue Alert, no. 101-20, June 11, 1990.

Lest there be any doubt about the actions earlier in the day, the unstated but unmistakable message from Mitchell was: support the Perm Five plan and risk incurring the wrath of the Leader.

But while Mitchell's counter-initiative offered a list of what he called "fundamental principles of a new U.S. policy," it did not offer an alternative framework to the Perm Five for negotiating a settlement. Moreover, despite Mitchell's implicit indication of opposition to the Perm Five plan, he neither praised or criticized the Perm Five talks themselves, instead ignoring them altogether. In contrast to Solarz's initiative in the fall, Mitchell and the critics were, in effect, only seeking to amend current policy, rather than offering a clear-cut formula of their own.

In spite of the demonstrable institutional power of the critics, the sum total of their principles was more marginal than fundamental, more ad hoc and fragmentary than comprehensive and fully formed. To Robb, a pattern had been established. The critics were, at each step of the way, seeking to restrain proposals on the table, first pointing out problems with lethal aid, then with the Perm Five approach. In both instances, no matter how legitimate their reservations, the critics were reacting rather than prescribing, expressing concern but not firm solutions, and frequently doing little more than restating existing policy. Moreover, it was unclear how the critics' reservations would translate into specific policies to guide the U.S. For reasons such as these, Robb, despite the difficult political position in which he was now placed, felt vindicated on substantive grounds. At this point, he adopted a wait-and-see attitude.

Solarz Holds the Line

The next day, on June 12, Robb and the Administration officials dined at Solarz's house in McLean, Virginia. They first talked substance, discussing the progress at the Perm Five talks; the emerging outlines of a secret deal developing between China and Vietnam that would increase the prospects for a final Perm Five settlement; and military events on the ground in Cambodia. Dinner then turned to the focus of the evening, the politics of the issue.²⁷

After taking stock of the Mitchell-Kerrey effort with his aide, Robb came prepared to make the point that the battle was principally taking place in the Senate, and would get more rather than less intense. No one disagreed.

But the Administration officials at the dinner also expressed the feeling that they were in somewhat of a quandary, in part because of the diffuseness of the Mitchell message. The group discussed the points Mitchell had raised. For example, Mitchell called on the U.S. to "confront China," prompting one Administration official angrily to note, "This is just rhetoric, what does he think we've been the doing the last six months. This is why we have the Perm Five talks." Mitchell also criticized the policy for not seeking the cooperation of the Soviet Union, when in fact the Perm Five talks were premised on enlisting the support of the Soviets. (Laughed one official, "The Soviets can't wait to get rid of this baby. They basically ask us what we want and then they do it.") Thirdly, Mitchell had also demanded that the U.S.

²⁷ The next day, Robb briefed his aide in great detail about the dinner, as did all the other participants, except for one executive branch official. Solarz's staffer also took notes at the dinner.

withdraw support for the CGDK seat the U.N. Robb pointed out that Sihanouk had already called for replacing the seat with an SNC representing the four Cambodian factions when the two had met in Thailand in February. Administration officials also signaled that this step was "in the policy pipeline." On the whole, the guests concluded that the Administration was being asked to do things it had either already done or was in the process of doing.

But neither Solarz nor Robb were satisfied with the Administration's spin control, which often seemed designed more to ignore or brush off the critics than to deal with them. "If I'm going to carry water for this policy, the Administration has to do more," Robb had said earlier in the day. For Solarz, there was never any thought of wavering on the U.N. plan, but he was concerned that somehow the critics had to be dispelled. He felt they still didn't understand the Perm Five talks underway, and were therefore nine months out of date in their analysis of the situation, even laboring under the misconception that the U.S. supported the quadripartite power-sharing arrangement that failed to garner support at the Paris conference the previous summer. Solarz and Robb also felt the critics were motivated by political considerations having little to do with Cambodia itself.

So that night, Solarz proposed a solution. The Administration should consider a series of tactical retreats made with fanfare at appropriate times -- but retreats which, substantively, would have little real effect. Solarz pointed out that because some of Mitchell's suggestions had already been anticipated and factored in to the negotiating equation, or were current policy, this could work to their benefit. He said that the task was to carefully time any policy

alterations to maximize their ability to mollify the critics while minimizing any negative impact they might have on the negotiations taking place.

As one participant summed up the dinner afterwards, "We talked about giving [them] a bone, things we could give away and make a big deal over, to make the [staffers] of the world happy," adding there was a general agreement that this was the approach to take.

The next day, Solarz succeeded in finalizing a compromise on his non-lethal aid program to the NCR, which had been operating continuously since 1985, with the influential House Foreign Operations Subcommittee Chairman, David Obey.²⁸ For the first time since the program's inception, opposition had now sprung up in the House against any aid to the NCR, which Solarz sought to rebut. Obey promised to permit aid to the NCR as long as it did not benefit the Khmer Rouge. Already a part of existing law sponsored by Solarz, this was fine with the New York congressman.²⁹ Solarz had to strike this deal with Obey because neither SFRC nor HFAC had produced an authorization bill that year. As a result, foreign aid for the 1990 legislative cycle was entirely in the hands of the appropriators. But Solarz failed to take into account the vigorous opposition of even non-lethal aid to the NCR by Chet Atkins, an appropriations committee member and previously a long-term Solarz ally.

²⁸ The reader should note that the non-lethal aid program had been and was still separate from any lethal aid effort.

²⁹ Since 1985, any aid authorizations or appropriations in any form going to the NCR had included the basic clause: "Notwithstanding any other provision of law, none of the funds made available to carry out this section may be obligated or extended for the purpose or with the effect of promoting, sustaining, or augmenting, directly or indirectly, the capacity of the Khmer Rouge or any of its members to conduct military or paramilitary operations."

Before the full committee markup on June 24, Atkins heatedly argued against the aid and prevailed upon Obey to delete the provision during the markup. The panel acceded and placed a flat ban on all aid to the NCR.³⁰ "They double-crossed Solarz," said one House aide. "Steve was extremely bitter about this and upset with Atkins," said one of his aides.

The possibility of an aid cutoff troubled Solarz because he feared the symbolism, as well as the substance, of halting this long-standing program could upset the next rounds of Perm Five talks, now entering a critical phase. He also felt the aid was important to maintain the viability of the NCR as a political force for elections that would follow a Perm Five agreement. For these reasons, Solarz decided to fight the ban by forcing a full House floor vote.

The debate was scheduled for June 27.³¹ Unlike the previous year, this time Solarz faced stiff opposition and was confronted with the additional task of having to insert a potentially controversial provision rather than fend off opponents attempting to delete an existing provision. This put the onus on him. Solarz was prepared to do what was necessary, and his strategy was essentially three-fold.

"We had to take a stand," said a Solarz aide. "So we sent around a 'Dear Colleague Letter' enlisting support. Steve was putting his name on the line." Principally, Solarz focused on moderate Democrats for support, such as David McCurdy, Ike Skelton, and John Murtha to deliver

³⁰ See an account in Pat Towell, "House Passes Spending Bill After Shifting Priorities," Congressional Quarterly Weekly Report, June 30, 1990, pp. 2077-2081, esp. box on p. 2078.

³¹ See Pat Towell, "Cambodia: Democrats Split," Congressional Quarterly Weekly Report, June 30, 1990, p. 2078.

their wing of the party to Solarz. He also hoped to get the influential moderate chairman of the House Armed Services Committee, Les Aspin.

A second prong of the strategy was to have Administration officials and Robb's aide, who had previously worked in the House, make calls to help "lock in" support on both sides of the aisle. The Administration focused on delivering the Republicans, and Robb's aide called several committee chairmen personally and spoke to over 25 members or aides in the several days preceding the vote.

"Solarz is never with us on aid to Salvador or Angola," complained one member, commenting on Solarz's otherwise liberal record. But in general, the reaction by Democrats to Robb's staffer was as follows: One aide to a prominent Democrat asked, "What do you want us to do?"

"Vote with Solarz."

"Is it good?"

"It's good."

"You got it. I'll let you know if we have any problems."

And third, Solarz had the vocal support of Dante Fascell, his committee chair and an articulate and animated voice on foreign policy in the House. Solarz made his own rounds, while the Solarz and Fascell staffs worked out a division of labor to guarantee sufficient Democratic support that would ensure victory. As a testimony of the success of his strategy, and, perhaps more importantly, Solarz's prestige on the issue, among the House leadership only Richard Gephardt supported Atkins and Obey.

During the debate, Atkins dismissed the NCR as carrying any political weight in a settlement. "The negotiations have failed. There is no possibility at this point of any peaceful negotiations."

Along with Atkins, the chief opponent of Solarz was Bob Mrazek of New York, who told the House, "It is a lie to say that our aid does not benefit the Khmer Rouge....Sihanouk supplies the Khmer Rouge...because his people don't have the will to fight."

Solarz sharply retorted that this was "flatly untrue." Pounding his right fist into his left hand, he added, "I stake my reputation for integrity on the proposition that there is no credible evidence whatsoever that our aid is going to the Khmer Rouge." He further noted that his amendment required an immediate cut off to any group that the president finds, "engaged in a pattern of military cooperation" to help the Khmer Rouge.³²

After a heated debate that found the Democrats split, the House adopted Solarz's amendment, allowing the Bush Administration to spend \$7 million for non-lethal aid to the NCR by a comfortable margin of 260-163. One-hundred and seven House Democrats joined Solarz, including McCurdy, Aspin, Skelton, and Murtha. The strategy had paid off.

The bitter fight prompted Congressional Quarterly, one of the consummate insider journals of Hill events, to write that this fight "pitted...liberal Democrats...against each other."³³ Indeed, it was a bittersweet victory for Solarz himself. "He and Chet never got along quite the same after this one," one official who knew them both pointed out. Solarz himself later noted the split, saying, "Chet was a real purist on this one."

³² The above quotes can be found in Towell, p. 2078.

³³ Towell, "Cambodia: Democrats Split," p. 2078.

For now, Solarz had held off a potential legislative obstacle and the House had held the line concerning the broad sweep of current Cambodia policy. But things were shaping up very differently in the Senate.

Volume Increases Another Octave in the Senate

June 28, the day after the Solarz victory in the House, the Senate Intelligence committee, in a closed session markup of S.2834, the Intelligence Authorization Bill, reportedly voted to cut all covert aid to the NCR.³⁴ "This was a staff-driven measure," said one aide.

You know how it is, members were coming in and out, they had dozens of things on their mind, and hardly knew the issue. And Boren [the Chair] was sensitive to Mitchell's call for an Intelligence committee review of aid. He just wanted this issue out of the committee, and like last year, let the entire Senate deal with it.

Within hours of the markup, Perm Five supporters, troubled by this unexpected action, decided that they should take stock of its impact in a meeting. But ironically, they were effectively prohibited from devising an immediate strategy because of classification rules which required them to discuss the issue either over secure telephone lines or in a secure environment. This created a logistical dilemma for action. The next morning, however, they were surprised to find that the proceeds of the closed committee markup were reported in depth, in The Wall Street Journal, with all signs that the leak had come from either a staffer or a senator present at the markup.³⁵ Although the aid could be

³⁴ See an account in Carroll J. Doherty, "Bush Team Rethinking Aid as Hill Wariness Grows," Congressional Quarterly Weekly Report, July 14, 1990, pp. 2232-2233.

³⁵ David Rogers, "Senate Panel Votes to End Covert Aid to Non-Communist Forces in Cambodia," The Wall Street Journal, June 29, 1990.

reinstated in the House during its markup of the bill, the move was troubling because it signaled that Boren, previously a member of the Robb coalition on lethal aid, now appeared to have responded to Mitchell's pressure. Robb, however, at the time and afterwards, made no attempt to speak to Boren. Heightening the tension around this event, an Intelligence committee staffer sought to blame the leak on an Administration official -- although this staffer was later forced to apologize directly to the Administration for his statements.

On July 1, The Washington Post reported that the Khmer Rouge were ominously making gains in Cambodia, "following the same strategy as in 1975," and declaring that Phnom Penh was "encircled." It also alleged cooperation between the Khmer Rouge and the NCR.³⁶ While Solarz and many in the Administration privately assailed the accuracy of the article ("It's really an acoustic war, lots of bombs being set off for show but with little effect," said one official.), it affected the tone of discussions about Cambodia in the political arena, leading to the first visible "tactical retreat" by the Administration.

On July 8, when Baker appeared on ABC's "This Week with David Brinkley," he alluded to the Intelligence committee vote and gave only a lukewarm endorsement of aid to the NCR. "I think it's fair to say that we are rethinking the question of assistance to the non-Communist resistance."³⁷ But in fact, this highly visible statement had more bark

³⁶ Keith B. Richburg, "Khmer Rouge Gaining in Cambodia: Thousands Are Reported Fleeing Villages; Phnom Penh Tense," The Washington Post, July 1, 1990.

³⁷ "This Week With David Brinkley," ABC News Journal Graphics Transcript, July 8, 1990.

than bite, according to an Administration official, and there were no serious discussions about cutting off aid until a Perm Five agreement was reached.

Two days later, on July 10, a draft letter to the president from Senators Mitchell, Byrd, Pell, Kerrey, Boren, Cranston, Danforth, William Cohen, Mark Hatfield, and Kassebaum arrived in Robb's office. Coming out the Leader's office, the letter called for a re-evaluation of American policy toward Cambodia and was essentially a restatement of the Mitchell June 11 floor speech. But this time, it was accompanied by a broad bi-partisan coalition of Republicans and Democrats, including respected moderate heavyweights, along with liberals. In the Robb office, facing this kind of institutional pressure, there was little doubt that the senator would sign the letter. "The riot act has been read to the junior senator from Virginia," said one Robb political aide.

Mitchell, however, was uncertain whether Robb would sign it, and was deeply anxious to have him on board. Rather than circulate the letter to other senators beyond the ten original signatories and Robb, as is customary, Mitchell informed Robb that he would first await his response. Robb's staffer indicated potential reservations about the substance of the letter to a Democratic Policy Committee Mitchell aide, and the need to make it consistent with Robb's previous statements. Mitchell's office then completely shocked the Robb staff. Unexpectedly, the Leader extended an offer to Robb to meet in Mitchell's private chambers and negotiate with him about the text.

As one long term Senate aide put it, "You don't often see the Leader negotiating with a single freshman, only in his second year, in this place. For Robb, this was the big time."

That afternoon, Robb and his aide met with Mitchell and his staff. The setting of the meeting itself, the Leader's ornate and spacious marble and mirrored chambers, conveyed Mitchell's power. The Mitchell aide and Robb and his staffer seated themselves, and waited for the arrival of the Leader. Robb, who earlier had privately expressed reservations about this Mitchell staffer, made awkward chit-chat about Senate business. The staffer spoke to Robb as though talking to a colleague.

Finally, a door opened from one side of the cavernous office, and Mitchell took his seat at the head of a long conference table. Mitchell opened, "Thanks for coming here, Chuck. I know how much time you've invested in this issue and I respect your expertise." Folding his hands on the table, Mitchell then went on to tell Robb that he very much wanted to take into account the Virginia senator's views and how much he wanted him as part of his letter. Robb was visibly flattered.

For fifteen minutes, the four then discussed the issue, and several facts became apparent. First, Mitchell was relatively unfamiliar with the details of the issue, and depended heavily upon staff, to whom he repeatedly deferred for answers about specifics. At one point, Mitchell nodded in agreement when his staffer stated, "The Administration never protests aid to the Khmer Rouge," when in fact the president himself had raised the issue directly with the Chinese, which had been widely publicized after it was discussed at Solarz's subcommittee's March 1989 hearing.

It was also soon clear, from Robb's statements, that he was inclined to sign off on the contents of the letter without engaging in substantive negotiation. At the beginning of the meeting, Robb did go

out of his way to demonstrate his mastery of the nuts and bolts of the issue, discoursing about relatively obscure facts at great length. But he also signaled solidarity with the thrust of the Mitchell letter, and even, as a sign of this, proclaimed, "Sihanouk is a crazy old man. I don't care what he does."

The meeting progressed like a mating dance, where the words were unspoken, but the intentions were clear. The Leader was willing to pay deference to Robb's hard work and knowledge and investment of time by according him a personal meeting and up to a half hour of discussion; Robb, in turn, would come around and sign the letter.

At one point, the two staffers became embroiled in a detailed discussion, and the senators waved the talk aside. "Chuck, staff can work out the rest of the details, don't you think?" Mitchell said. Robb agreed, saying there should be little problem. The meeting then ended, and the staff left to talk.

Throughout that day and the remainder of the next, Administration officials, who by now knew all about the letter and the Robb-Mitchell meeting, repeatedly called Robb to dissuade him from signing. Robb refused to take their calls.

During the afternoon and next morning, Robb's and Mitchell's aides, occasionally joined by staffers of members already on the letter, negotiated over its wording and contents. Robb's aide successfully secured a number of changes designed to protect Robb's original position and insulate him from the charge that he was inconsistent, or even waffling. This prompted a Mitchell staffer at one point to declare, "You've made far more changes than anyone, and now I have to clear them with everyone else on the letter." But in fact, the majority of the

changes were meager ones and little more than cosmetic fig leaves designed to give Robb some cover.

On July 12th, one month to the day after Robb, Solarz, and Administration officials had gathered at the congressman's house for a strategy dinner, the deal was cut, and Robb signed the Mitchell letter calling for a change in U.S. Cambodia policy.³⁸

Upon doing so, Robb instructed his aide to inform Steve Solarz and Assistant Secretary Solomon that he had signed the letter, but to emphasize that he had also made a number of important changes that improved it. Even now, Robb still clung to the belief that he could have it both ways, siding at once with Solarz and the Administration on one hand, and their critics on the other. But as it would turn out, by his signature on the letter, he increasingly marginalized and decreased his influence with the Perm Five proponents.³⁹ For instance, it now became more difficult for his office to get information from the Administration on Cambodia issues, and Robb's aide had to rely largely on long-established Administration sources and contacts for information beyond what was routinely shared between the two branches of government.

Solarz and his office were disappointed by Robb's action, but were far more conciliatory and understanding. Relentless as he was on the issue, this showed Solarz's instincts as a politician at work. As a fellow member of Congress, unlike Administration policy makers and

³⁸ "Dear Colleague Letter and Letter to the President on Cambodia," July 13, 1990. File copy.

³⁹ At first, however, roughly 21 Senate offices checked with Robb's office to confirm his signature on the Mitchell letter. Other offices' aides later called and said, "We saw Robb's name and assumed signing the letter was the right policy."

experts, he understood the pressure Robb was facing and intuitively appreciated the dilemma which Robb was in.

But the impact of the Perm Five critics finally peeling away Robb was apparent almost immediately, especially in the Administration.

The Administration Follows the Solarz Script of Tactical Retreats

On July 13, less than 24 hours after Robb's aide spoke with Solomon, President Bush met privately in the Oval Office in the late afternoon with Scowcroft and Baker. No other aides were included, and there was only one topic on the agenda: Cambodia. The meeting was called for one reason: In light of Robb's perceived defection, how to head off a further erosion of Congressional support? They largely followed the blueprint established at Solarz's house, and decided to make a series of phased tactical concessions without altering in any fundamental ways the actual policy itself. According to a well-placed source who was briefed on the meeting that evening, Baker, more sensitive to Senate pressure than Scowcroft, called for more highly visible changes to be considered. Bush and Scowcroft felt otherwise, and the difference was split.

At the day's end, Robb's aide got a call from an Administration official who still felt that Robb had not been entirely lost, and that even he if weren't going to take the lead in the Senate in support of the Perm Five negotiations anymore, could be prevented from becoming a public critic of Administration efforts. "You and the senator should keep your heads down for the next couple of days," he said. At that time, the official described the meeting in only broad brush tones, but

the impact was obvious. "Just wait a few days before you and the senator say anything or do anything else," the official cautioned.

The Administration carefully selected the time and place to announce adjustments in Cambodia policy, using all the trappings of its office in doing so. It chose July 18, one day after the conclusion of the fifth Perm Five meeting in Paris. Baker, who was also in Paris for separate talks with Soviet Foreign Minister Eduard Shevardnadze to discuss German reunification and regional conflicts, used a joint news conference with the Soviet foreign minister at the palatial U.S. ambassador's residence to make a high profile announcement of changes in U.S. Cambodia policy.⁴⁰

The secretary announced to the press that the Administration was withdrawing its support for the CGDK credentials at the United Nations, that it would begin a dialogue with Hanoi about Cambodia, and would consider one with Phnom Penh if it were felt this would advance free and fair elections, and that it would ease licensing restrictions on humanitarian projects in Cambodia, specifically referencing the \$5 million for Cambodian children.⁴¹

Asked if this would undercut Sihanouk, Baker snapped, indirectly referring to Robb's action, "No, not at all. In fact, it works in the other direction in our view because in the absence of the bipartisan policy approach, I think it will be even more difficult to continue to generate the funds that we need for the Congress to continue their

⁴⁰ "Remarks of Secretary of State James A. Baker, III and Soviet Foreign Minister Eduard Shevardnadze at the Conclusion of Bilateral Meeting," at U.S. Ambassador's Residence, Paris, France, Press Release, U.S. Department of State, July 18, 1990.

⁴¹ Preceding and following media questions and Baker responses included in "Remarks," press release.

support to the NCR." Then, referring directly to the reported Intelligence committee aid cutoff, the secretary added, "As you know, we've recently had an adverse vote in that connection."

Baker also hastened to add, "This was not a negotiated agreement between us and the Congress." That same day, however, Baker sent a warmly written, personal letter to Mitchell, informing him of the policy changes.⁴²

The press portrayed the announcement as a major overhaul of American policy and as a series of fundamental changes. The Chicago Tribune editorialized that it was, "a long overdue reversal of policy on Cambodia;" Elizabeth Becker's Washington Post op-ed was headlined "Finally Facing Facts In Cambodia;" and The Christian Science Monitor called it a "welcome U.S. shift on Cambodia."⁴³

But the announcement was viewed by most of the proponents of the Perm Five plan, including the Administration, Solarz, and even Robb, as little more than minor policy adjustments. "Secretary Baker simply did what we talked about and planned at Steve's house," said one individual who was at the June 12 dinner. And Solarz himself pointed out in a New York Times August 1 op-ed, "Although the Baker announcement represents a timely adjustment in some aspects of our policy, Washington is still

⁴² Letter from Secretary of State James A. Baker, III to the Honorable George J. Mitchell, United States Senate, July 18, 1990. This letter was also distributed by Pell to all SFRC members on July 19.

⁴³ See "A New, Better Policy on Cambodia," The Chicago Tribune, July 20 1990; Elizabeth Becker, "Finally Facing Facts in Cambodia," The Washington Post, July 26, 1990; "Welcome U.S. Shift on Cambodia," The Christian Science Monitor, July 20, 1990; also Anthony Lewis, "When Reality Dawns," The New York Times, July 20, 1990.

pursuing the basic course it set nine months ago. It is trying to broker a U.N. managed comprehensive political settlement."⁴⁴

Despite the flurry of glowing press after the announcement, the critics of the Perm Five approach continued undaunted and intensified their opposition. Immediately after the Baker statement, Senators Mitchell, Kerrey, Cranston, and Edward Kennedy went to the Senate floor, one by one, to call on the Administration to undertake additional steps.⁴⁵ Mitchell sent out his statement as a DPC issue alert, which was headlined, "Response to Senate Pressure: Administration Alters Policy on Cambodia."⁴⁶ The four senators focused on measures not yet carried out by the Administration, such as "excluding the Khmer Rouge from a diplomatic political solution," "confronting China," "opening up an interest section in Phnom Penh (Kerrey)," and cutting off aid to the NCR if it is "tactically or strategically cooperating with the Khmer Rouge on the battlefield."

"They read the Administration changes as a sign of weakness and as their victory," said one aide. "They smelled blood." On July 20, Cranston's subcommittee followed up with yet another hearing.⁴⁷ The momentum clearly seemed as though it were with the critics. Cranston

⁴⁴ Stephen J. Solarz, "What New Policy Toward Cambodia?" The New York Times, August 1, 1990.

⁴⁵ See Congressional Record, July 18, 1990, Mitchell on S9910-S9911; Kerrey on S9985-S9986; Kennedy on S9987; and Cranston on S10005.

⁴⁶ "Response to Senate Pressure: Administration Alters Policy on Cambodia," DPC Issue Alert, no. 101-23, July 18, 1990.

⁴⁷ U.S. Senate, Subcommittee on East Asia and the Pacific, Committee on Foreign Relations, Hearings on Cambodian Peace Negotiations: Prospects for a Settlement, 101st Congress, 2nd session, Washington, D.C., July 20, 1990. All subsequent quotes are taken from the hearing transcript.

and John Kerry began the session with long and impassioned opening statements. "Today we have to ask if whether we are engaged in a continued self delusion," asked Kerry. For his part, Cranston noted, "Today we are convening the fourth hearing in the past year of this subcommittee on the situation in Cambodia," and then alerted the Administration, "It will not be the last hearing on that matter."

When Cranston asked Robb if he would like to make a statement, the senator declined, shaking his head, "Mr. Chairman...I am here to listen to the witnesses."

Once again, Bob Kerrey and Ed Muskie were the lead witnesses. The hearing was powerful at the outset, and the two Administration witnesses, Solomon and John Bolton, fared poorly in the face of sharp questioning at the hands of Sarbanes, Cranston, and Kerry.

Ironically, however, it was Chuck Robb who broke the spell of Democratic unity on the committee. In the previous two hearings, Robb had been low-key and surprisingly neutral. But this time, he seized the opportunity to highlight the complexity of the issue and to underscore his differences with Muskie and Kerrey. He also did not shy away from actively confronting them. After pointing out the potential hazards of normalizing prematurely with Phnom Penh, Robb openly dismissed Muskie, saying, "All right Mr. Secretary, I do not want to debate you on that point at this point and time."

Muskie replied, "I understand." Not content to let it sit, Robb then added for emphasis, "I think we have an honest difference of opinion on that particular point." There was no mistaking the nature of this exchange. Taking place between a senator and a former secretary of

state, both of whom had high regard for each other, these were strong words.

With Kerrey, Robb went on record stating his support "of bipartisanship in our foreign policy deliberations," and tried to get beyond what he saw as Kerrey's ambiguities and pin him down on his precise view of an endgame solution for Cambodia. At one point, Robb asked, "Who do we want to win then?" Kerrey replied defensively, "I appreciate that [point] Senator Robb, and I also understand that this may sound like Dorothy and the Wizard of Oz when I respond, but I think we want the people of Cambodia to win."

Robb shot back with a hint of sarcasm, "Just one follow-up, Mr. Chairman, I agree with you certainly, I think all of us want, ultimately, the people of Cambodia to win." During the course of Robb's exchanges with Kerrey and Muskie, Robb sounded more like a vigorous defender of the Perm Five than a signatory of the Mitchell letter. This was done in full view of the Administration witnesses, hardly unintentional on Robb's part.

In this hearing, Robb was attempting to reposition himself and recreate the pivotal status which he had held six months earlier. But it was too late. In light of his contradictory actions, he was now an unreliable ally for either side. Unable to offer up a ready coalition of his own, by his actions Robb was inadvertently neutralizing his political effectiveness and even his credibility on the issue.

But it was not just Robb who failed to increase his political capital and influence at this July 20 hearing. Led by Cranston, the SFRC Democrats who promised "to provide practical suggestions for U.S. policy," ultimately produced a diffuse hearing that offered no coherent

policy message. The hearing included a report from Raul Jennar, a Belgian consultant⁴⁸ to the NGO Forum in Cambodia, and a memo written by an unknown Harvard Law student who claimed to have interviewed high-level Khmer Rouge defectors and had sent his memo documenting Pol Pot's "top secret strategy" to Pell's office just that morning. Finally, Cranston highlighted a single paragraph from a 1989 AID memo that requested a \$64,000 grant for a youth center, which he charged was sponsoring a paramilitary program for 200 NCR students.

All told, the hearing failed to produce practical policy suggestions, or for that matter, what one aide termed, "a super-secret smoking gun," to debunk the Administration policy. Instead, the critics chipped away at the edges.

The hearing was summed up by a Republican staffer, whose member was a strong critic of the Administration's China policy and had some reservations about the Cambodia policy. This staffer said:

I thought they [the Democrats] were going to do a lot more, they seemed to have the opportunity after the Baker announcement, but that morning it seemed like they didn't have their act together. They offered no guidance as to where we ought to go or what we ought to be doing. It looked like they were grasping at straws. Come on, introducing a memo from some Harvard Law student on serious information, that we have access to on classified levels, at a U.S. Senate committee hearing. The whole thing looked silly.

As a result, the substantive points made by the committee Democrats, such as the possibility of NCR tactical cooperation with the Khmer Rouge on the battlefield and what this would really mean, was effectively lost among the disconnected laundry list of charges.

⁴⁸ Senate rules prohibit hearing testimony from foreign citizens before the Foreign Relations committee. To accommodate Jennar's testimony, the committee had to "adjourn" for an "informal" testimony.

Following the hearing, the critics were now losing rather than gaining momentum and influence. For example, by the time the Mitchell letter was sent to President Bush on July 24, bearing 66 signatures, it was anti-climatic, its real influence having been felt when Robb had signed the letter twelve days before.⁴⁹

But inside the Senate itself, the core group of staffers advising Mitchell and his coalition sought to keep the issue alive. On July 27, the SFRC, in conjunction with a Mitchell aide, arranged a staff level briefing with Nat Thayer, an A.P. correspondent. Thayer, on his fifteenth trip into the country, had spent five weeks traveling 400 miles inside the war zone of Cambodia with the NCR, the first-ever Western correspondent to do so. The son of a former American ambassador, he was respected and renowned in Southeast Asia for his fearless reporting and having twice escaped death, including one incident in which his jeep was blown up by a Chinese land mine.⁵⁰ Thayer had already briefed Thai government officials in Bangkok, and had been invited to speak before the CSIS Washington think-tank. Gerrit Gong, the CSIS program director and a former deputy to Winston Lord at the U.S. embassy in China, sent out summaries of Thayer's remarks to members of Congress.⁵¹

⁴⁹ "66 Senators Urge Further Change in U.S. Policy Toward Cambodia," DPC press release, July 24, 1990.

⁵⁰ For three accounts of Thayer's fearless reporting, see Nat Thayer, "A Trek Through Minefields, Pursued by Soldiers," AP Dispatch, July 27, 1990; "In the Jungle With Advancing Cambodian Rebels," International Herald Tribune, July 17, 1990; and also "Once Hated, KR Slowly Winning Support," The Nation, July 20, 1990.

⁵¹ Thayer briefed the Thais in July. Gerret Gong sent out a summary of Thayer's July 31 briefing at a CSIS Asian Studies Briefing, "The Situation Inside Cambodia," CSIS, Washington, D.C., August 8, 1990.

The staff briefing took place in the SFRC anteroom, and, as expected, was widely attended.

Thayer had the unique opportunity to observe at length all of the factions on the battlefield, to speak with villagers in the countryside, which few outsiders had access to, but comprised ninety percent of the Cambodian people, and to assess the political dynamics of this situation. Armed with over 1,000 photographs, he relayed some stark facts. The Khmer Rouge were far more popular among the anti-Vietnamese Cambodian peasants than had been portrayed in the popular media, and the Vietnamese were feared more than any of the Cambodian factions. Morale was low among the PRK, stories of corruption and violence were rampant, and desertions were numerous. Some 3,000-10,000 Vietnamese special combat forces were the backbone of the PRK army. Pictures of Sihanouk were commonplace in the villages, often buried in the ground for safe-keeping, and the Prince "is still revered as something of a god-king." And despite what looked like occasional tactical cooperation, the NCR and the KR were "deeply mistrustful of each other," and "often engaged in skirmishes against each other."

The briefing contradicted much of what passed for conventional wisdom among the critics in Washington. For over two hours, the staffers systematically attacked, challenged, or restated what Thayer had said, prompting a number of unexpected exchanges in which Thayer repeatedly said, "No, that's not what I said, I didn't say that at all." The briefing devolved into a series of attacks on Thayer and his observations by the core group of staffers, notably the Mitchell and Murkowski aides.

Afterwards, Thayer walked out of the briefing as though in shock, shook his head and noted:

Five weeks inside malaria infested, civil war torn Cambodia, didn't compare with what they put me through. They're worse than the Khmer Rouge...I thought this was supposed to be a briefing to serious policy makers trying to collect the facts, but it was clear they didn't want to hear what I had to say. It was a very odd experience.

Thayer, who had contracted a serious illness while in the Cambodian countryside and had to pause to spit periodically into a tin can he was carrying, then added, "The debate as they portrayed inside that room to me, has almost nothing to do with what is actually happening in Cambodia."

Thayer also briefed a number of members of Congress, including Solarz. Robb, at first skeptical of Thayer when he heard about the staff briefing from his aide, nonetheless asked to meet with him. The senator was in fact impressed with Thayer's credibility on the issue. As a credibility test, he first posed a number of trick questions on military and weapons details to Thayer, who, in Robb's view, acquitted himself well, thus leaving little doubt in the senator's mind that the reporter had a trained eye and knew what he was talking about.⁵² Thayer told Robb about the staff briefing, and said, "Senator, I've got a pretty thick skin, I've been around Chicago machine politicians, I've been around. Nothing prepared me for those [staffers]. That was not a real briefing. It was a show." Thayer also tried to meet with Mitchell, but was rebuffed by his staff.

⁵² Questions included the make of weapons, how they were held, projectiles used, and where the weapons were obtained. These questions were not prepared for Robb in advance by staff, but stemmed from his military background.

But if the staff briefing had a big impact on Thayer, it had little impact on the views of Democratic staffers, who for a number of days afterwards made a concerted effort to discredit Thayer. As a result, his role in the debate, particularly in the Senate, was thus rendered almost completely negligible.

As the attacks on the Cambodia policy continued in the Senate after the Baker announcement, Senator McCain explored filling the vacuum left by Robb and mounting a defense for Administration policy. As part of this, he sought to enlist Robb's support, despite the Virginia senator's decision to sign the Mitchell letter. On the floor of the Senate, McCain handed Robb a draft op-ed that he had been working on and asked if Robb would co-author it with him. The piece favored a hard-line in negotiations with the Chinese and the Vietnamese, and cautioned against improving diplomatic and trade relations with Phnom Penh in advance of a finalized Perm Five settlement. While Robb agreed with the substance, the piece was laced with tougher rhetoric than the senator would normally use.

Surprisingly, although the op-ed directly contradicted the thrust of the Mitchell letter, Robb asked his aide to see if it could be put into acceptable shape. The staffs passed drafts back and forth, but no agreement was ultimately reached. The failure of any collaborative effort had less to do with the op-ed or disagreements over the Cambodia issue itself, but rather with the events of August 2, 1990 -- Saddam Hussein's invasion of Kuwait and the start of the Gulf Crisis.

And when most of Washington was riveted to events in the Persian Gulf, on August 27-28, after their sixth meeting, the Perm Five stunned the world and announced an agreement on the main elements of a framework

document that entailed a wide-ranging political settlement.⁵³ The Perm Five called for transferring temporary Administration of the country to the United Nations during a pre-election period. A Supreme National Council, representing the four factions of Cambodia, would be established to embody the sovereignty of the country, as well as to assume the seat at the U.N. During the transition period, the SNC would transfer all authority "as necessary" to UNTAC, the U.N. transitional authority for Cambodia. Also included were military arrangements for disarmament and peacekeeping, and measures to help guarantee observance of human rights and the neutrality of the country. Envisioning the largest U.N. operation in history, this was the most ambitious cooperative effort ever reached by the Five Permanent Members of the U.N. Security Council.

All that remained was for the four factions to accept the agreement, which, as a sign of their seriousness, the big five declared was "unamendable."

The general response to the agreement was amply expressed by The Washington Post, which editorialized, "The new agreement...is extraordinary" and "marks a breakthrough." The Post concluded, "Anyone who blocks the path takes on an immense responsibility."⁵⁴

⁵³ See "Statement of the Five Permanent Members of the Security Council of the United Nations on Cambodia," released by the United Nations Press Office, New York and Paris, August 29, 1990, and Press Release, "Framework For a Comprehensive Political Settlement of the Cambodian Conflict," U.S. Department of State, August 29, 1990. Also see account in Frank J. Prial, "Five U.N. Powers Announce Accord on Cambodian War: A Big Peacekeeping Task," The New York Times, August 29, 1990; and Trevor Row, "Cambodian Peace Plan Announced," The Washington Post, August 29, 1990. Earlier anticipatory press articles, "Phnom Penh Waits for Perez de Cuellar," The Economist, January 20, 1990, pp. 33-34, and "Here's UNTAC," The Economist, March 17, 1990, p. 41.

⁵⁴ "Agreement on Cambodia," The Washington Post, August 29, 1990.

Closure

The momentum of the Perm Five agreement left the Congress with only a minimal role to play. The fate of a solution was now in the hands of the governments of the big five, with China, the Soviets, the U.S. responsible for delivering their respective clients to agree to form the SNC, the United Nations as the implementers, and the Cambodians themselves.

As a symbol of the diplomatic success made, on September 4, the Bush Administration held its first-ever briefing on the Cambodian negotiations for interested staffers, not on the Hill, but at the State Department. The message of the meeting's location and the briefing itself was simple: the agreement was largely wrapped up, and this session was not a consultation, but was merely designed to re-iterate the details decided at the August 27-28 meetings. A few key staffers were offered separate briefings in advance, notably Solarz's aide. Then, on September 5, appearing before the SFRC to discuss the Gulf, Baker announced that the Administration would open up direct talks with Hun Sen in Laos.⁵⁵ This was another of the policy changes that Mitchell and the SFRC had long been calling for, and which Baker, on July 18, indicated was under consideration.

But far from a concession, at this stage, discussion with the Phnom Penh authorities was a logical step in the diplomatic process. The talks were to be held in Laos, and not Phnom Penh, so as not to confer any measure of premature recognition to the PRK until the four

⁵⁵ See account in "U.S. Talks Planned with Phnom Penh," Congressional Quarterly Weekly Report, September 8, 1990, p. 2839.

factions had agreed to the formation of the SNC. Tentative progress on this score quickly followed. On September 9-10, the four Cambodian parties met in Jakarta and accepted the Perm Five agreement as a basis of a Cambodian settlement and agreed to the formation of an SNC.⁵⁶ The endgame was now largely in foreign hands and at diplomatic negotiating tables.⁵⁷

In the U.S. House, buoyed by the recent success of the Perm Five and the Jakarta agreement, Solarz convened his subcommittee on September 12 to review the progress that had been made. It had been dormant on this issue for a year. Noting that details still remained to be ironed out, a jubilant Solarz flashed the thumbs up to some Washington supporters in the audience as he opened the hearing. "As President Kennedy was fond of saying," he said, "'Victory has a thousand fathers and defeat is an orphan.' There are many individuals who have contributed to the success to date of this effort." After a long hiatus from testifying on the Hill, Undersecretary Kimmitt was the witness for the Administration.

The mood during the hearing was upbeat, and Solarz even playfully chided his critics. Referring to one, Solarz grinned:

Let me ask you a final question about Mr. [Michael] Horowitz's scribblings...He seems to be pitting the secretary [of state] against the mid-level bureaucrats in the Department. He writes that unlike the mid-level "experts," working hard at destabilizing the Hun Sen regime -- I must say that just looking at them, they don't look like destabilizers to me. I know all of them. They are very nice gentlemen.⁵⁸

⁵⁶ See U.S. House of Representatives, Subcommittee on Asian and Pacific Affairs, Committee on Foreign Affairs, Hearing on United States Policy Toward Cambodia: Prospects for a Negotiated Settlement, 101st Congress, 2nd session, Washington, D.C., September 12, 1990.

⁵⁷ The details were completed and a full agreement signed in Paris in October of 1991.

That afternoon, he then parlayed the leverage created by the recent events to his advantage and reportedly was successful in restoring the covert funds to Cambodia deleted by the Senate intelligence committee in the closed House intelligence committee markup of HR. 5422 - S. 2834.⁵⁹ In Solarz's eyes, a view shared by Perm Five proponents, restoration of this aid, as was the case with the overt, non-lethal assistance, was important to ensure sufficient incentives to the NCR to cooperate in forming the SNC, as well as acting as hedge against any last minute backsliding by Phnom Penh or the Vietnamese.

On September 19, the SFRC held its fifth hearing, which in advance a Cranston SFRC staffer billed as "an extremely important hearing that will wake up the Administration." But the hearing was a sign of the now diminished interest of senators in an issue that was essentially resolved. Only Senator Cranston attended the session, which lasted but a mere 21 minutes, dealing with a Government Accounting Office (GAO) report on non-lethal assistance and the status of the Cambodian seat at the United Nations.⁶⁰

Moreover, only a handful of staffers were present, notably Cranston's four aides and the Murkowski Intelligence committee aide. At any given hearing, whether or not members attend, there is usually at

⁵⁸ U.S. House of Representatives, Subcommittee on Asian and Pacific Affairs, Hearing on United States Policy Toward Cambodia: Prospects for a Negotiated Settlement, September 12, 1990, p. 22.

⁵⁹ See account in Carroll J. Doherty, "Administration Wins Victory on Funds for Secret Wars," Congressional Quarterly Weekly Report, September 15, 1990, pp. 2935-2936.

⁶⁰ U.S. Senate, Subcommittee on East Asia and the Pacific, Hearings on Cambodian Peace Negotiations: Prospects for a Settlement, September 19, 1990.

least one staff member representing each senator on the subcommittee, as well as other staffers whose senators have a general interest in the area. Light staff attendance is usually the first sign of an issue being accorded a low or diminished priority. Cranston sought to put a good face on the event, and closed by saying, "I do want to note for the record that many senators are interested in this matter."

The next Senate action on Cambodia came on October 2, when Leahy's Foreign Operations subcommittee struck the \$7 million in non-lethal assistance to the NCR during markup of HR. 5114. This was the provision for which Solarz had gained passage in the June 27 House vote. But while this seemed on its face to set the stage for yet another struggle, behind the scenes a deal was being cut between the Administration and the Senate that would end the ongoing institutional conflict over this issue, once and for all.

Senate staffers, led by Mitchell's and Byrd's aides and the Murkowski staffer, were now negotiating with the Administration. Signaling that it believed that matter was behind them, the Administration detailed a relatively low-level official, a deputy assistant secretary of state for legislative affairs, to speak on its behalf. With little need to get involved, Solarz stayed out of the fray. Robb, because he now belonged to neither side, played only a minimal role, and after a perfunctory discussion with Solomon, and a briefing by his aide, the senator indicated through his staff that he agreed to the principles of the evolving deal.

The basic outline of the deal was simple. Any covert funds would eventually become overt, lumped together with the \$7 million in overt funds from the House, and what would be a \$20 million aid package would

then be used to help the NCR make the transition from being a guerrilla force to a political force, and more generally to assist the election process. In addition, the still yet unappropriated \$5 million to Cambodian children would also be included. The final legislative package would be offered as an amendment by Senator Mitchell on the foreign ops bill. This provided Mitchell with a way to claim victory, freeing him from an issue that no longer offered any payoff, but leaving the current policy relatively unchanged.

The low key approach of the Administration and the members was in direct contrast to that of the Senate staffers, who considered the legislative bargain vital. "I'm trying to save the people of Cambodia," said one committee staffer. The staffers promised the State Department that final details on the negotiations would be completed before the Leader offered the amendment. As it turned out, they misled the Administration.⁶¹

On the Friday night of October 12, after most senators had boarded planes to return to their districts in this election year and had left believing no major issues remained, Mitchell took to the floor and offered his Cambodia amendment. Boren and Danforth, both respected moderates, were co-sponsors. Because all of the final details had not been agreed upon, the DAS representing the State Department acknowledged to a number of interested parties, "I can't believe it, they double-crossed me."

⁶¹ See account in Carroll J. Doherty, "Use of Cambodia Aid Questioned," Congressional Quarterly Weekly Report, October 20, 1990, p. 3533, and also see Clifford Krauss, "With Gains by Khmer Rouge, Congress Looks to Hun Sen," The New York Times, October 31, 1990.

From all indications, the senators were completely unaware that there were any loose ends -- for example, on the floor, Mitchell told Robb that he understood that everything had been worked out between the staff and the Administration -- when they passed it by voice vote.

The actual area of disagreement was relatively small, centering around a "needs assessment" report to be conducted within four months in Cambodia that would be used as a guide for allocating the appropriated funds. The Administration preferred that the needs assessment be conducted after the final agreement was signed at a reconvened Paris peace conference. Baker was reportedly so angered over the principle of being misled by Senate staffers that he later passed on to The New York Times that he was vigorously opposed to the amendment on the grounds that it constituted Congressional micromanagement of foreign policy, despite the fact that the negotiations had the Department's imprimatur.⁶²

Finally, there was one last effort by Senator Bob Kerrey to influence the Cambodia package. Five days later, at 9 am on October 17, while the foreign ops bill was still being debated, Kerrey, on the Senate floor, made his intention known through staff that he would offer an amendment calling on the U.S. to lift the trade embargo with Cambodia. When informed of this, Robb immediately called John McCain, and asked if the two could "meet by the elevator [the "senators' only" elevator] in two minutes." Robb then grabbed his aide and the two, along with McCain, quickly discussed the issue, as they sprinted to the floor for a final confrontation with Kerrey.

⁶² See Krauss, October 31, 1990.

On the floor, Kerrey was flanked by the Murkowski staffer and his personal aide, and standing nearby were a Byrd and an SFRC staffer. Robb and McCain motioned to Kerrey that they wanted to speak.

Kerrey walked over, and the staffers followed, forming a semi-circle behind him. Robb said, "Bob, I agree with the amendment, but it should really wait until after the Paris agreement. It will do most good then, and implemented now could delay conclusion of the negotiations."

Kerrey responded, "I just want to help the people of Cambodia. I'm not looking to cause a problem for the negotiations." Robb said, "A peace agreement is the best way to do that. We first need to make sure that we get the peace agreement."

Kerrey paused and then McCain jumped in. "We'll do anything we can to work with you on this and get the Administration to lift the embargo, after the Paris agreement." Then uttering the golden phrase of a senator, McCain added, "I give you my word." Robb nodded in agreement.

Kerrey turned around to his personal staffer and to the Murkowski aide. "Okay with you?" he asked. McCain, sensing a possible "staff press," stared straight at the Republican committee staffer, and addressed him directly, "What about it?" The Murkowski aide threw up both his hands, as if someone had pulled a gun on him, and said, "I'm a bystander when it comes to policy. I just give neutral advice about the facts, I don't advise on policy."

Kerrey wheeled around to his personal staffer, "What do you think?" Kerrey's aide said nothing, instead giving a shake of the head to signify non-support. McCain then repositioned himself so as to

completely block the Kerrey staffer. "Let's all work on this together, Bob," he said.

Robb then added, "Our staffs can work it right now in the cloakroom." Kerrey replied, "Okay," adding again that he wasn't seeking to derail an agreement.

It was now up to staff to finalize the details. Robb's aide approached the Kerrey aide, who he thought would be speaking for Kerrey. But the Kerrey aide withdrew, leaving the Murkowski staffer to finalize language to be included in the bill on the issue. The Robb aide and the Murkowski staffer moved to the Republican cloakroom to rewrite the Kerrey amendment, which was then included by Unanimous Consent. The amendment called on the Congress and the Administration to consult with each other within 30 days following the signing of an agreement at the Paris peace conference to lift the U.S. trade embargo on Cambodia.⁶³ It was completely noncontroversial in this form.

On October 24, the bill passed the Senate and on November 5, the president signed it into law, complaining about the restrictions placed on aid to Cambodia, which referred to the needs assessment. This complaint was less about substance and more about the principle adhered to by the White House that the Congress should not legislate executive branch actions in foreign policy.⁶⁴ With this final action, the long

⁶³ As an example of a source "spinning" a story, Krauss in his October 31, 1990 New York Times piece wrote, "Potentially the most significant language in the Cambodian amendment is a provision that calls on Congress and the Administration to 'consult to lift the U.S. trade embargo on Cambodia within 30 days of an international peace conference...'" But, in fact, this language was not controversial nor was it opposed by any of the Perm Five plan backers. But Krauss did not speak to any of the plan supporters.

⁶⁴ See "State Department Authorization Cleared," Congressional Quarterly Almanac 1990, (Washington: Congressional Quarterly Inc., 1991), p. 844. Also see Carroll J. Doherty, "New Openness Marks Debate on Intelligence Bill; Provisions to Cut Covert Action, Enforce

and bitter struggle over U.S. policy toward Cambodia that had consumed enormous time and energy in the 101st Congress came to a close.

Disclosure Draw GOP Ire, But Measure Will Likely Be Signed,"
Congressional Quarterly Weekly Report, October 27, 1990, pp. 3625-3676.

Chapter Eight

One of the disadvantages of the American system of democracy is that it is sometimes hard to find where effective power lies.

-- Clement Attlee¹

Assessments and Conclusions

After the 101st Congress, the Cambodian crisis largely ebbed from the international scene. Measured by the written record, Congress left a legacy of hearings, statements, and amendments, noticeable but not immense, its role seemingly episodic, its influence apparently secondary. Yet the written record is deceiving. Through its involvement in the Cambodia issue, Congress initiated, formulated, and shaped a policy that has since served as a model and inspiration for a number of subsequent international actions, ranging from the U.S. effort leading up to Desert Storm, to U.N. activity in famine-ridden Somalia and strife-torn Mozambique, as well as peace proposals for the war-ravaged former Yugoslavia. Whatever the U.N. plan's merits and limitations, whatever judgment will ultimately be passed on its success or failure,² the development of this Cambodia policy, viewed "over the

¹ Great Britain, Parliamentary Debates (Commons), vol. 515 (1953), p. 1064.

² For one extremely tentative assessment, see, Paul Lewis, "The U.N. Is Showing Promise As Poll Watcher For the World; This Time, Cambodia," The New York Times, May 30, 1993. Also, on June 1, 1993, Secretary of State Warren Christopher called the Cambodian elections, "a triumph of democracy," Newsmaker Interview, "MacNeil/Lehrer Newshour," PBS.

shoulder" offers a remarkable picture of Congressional action in the foreign policy arena, both innovative and traditional, positive and negative.

Congress as Initiator of Foreign Policy

Can Congress initiate foreign policy? Yes.

Over three separate, largely distinct, roughly seven month-long phases, three different types of Congressional initiation occurred in the case of U.S. policy toward Cambodia. The first, a Congressional legislative initiative giving authorization to the Administration to provide covert lethal aid, was proposed and passed in both bodies of Congress. This was accomplished with relatively minimal Administration participation. While the Administration seconded and then advanced the concept of lethal aid after Steve Solarz first proposed it, when faced with Congressional opposition, it dropped its active support of the policy, and indeed, just prior to the Senate vote, asked Senator Chuck Robb not to offer the amendment and risk defeat. Throughout this phase, it was up to Solarz and Robb to push the policy to a vote and to secure its support. Using traditional legislative means, Solarz and Robb were, at every step of the way, the driving forces behind the proposal and passage of the covert lethal aid policy.

In the second phase, the initiative, in the form of the U.N. trusteeship to be negotiated among the Permanent five members of the Security Council, was extra-legislative, accomplished almost entirely outside the Congressional arena. The effort involved conceiving, formulating, and drafting a totally new and complex plan for the U.S., and was accomplished by Solarz. After Solarz failed to win Robb's

initial endorsement of the plan, he sought and successfully garnered international endorsements, first gaining Australia's imprimatur, and then he built upon public and private statements of support for the concept that he had already received from the NCR and ASEAN. Ultimately, after much cajoling, persistence, and persuasion, he secured the Administration's acceptance of his policy as its own. But full acceptance actually required a two-stage effort.

Even after the official endorsement of the plan and the start of negotiations at the Perm Five level in the January and February rounds, within the Administration, key policy makers were initially divided over the issue and support was still somewhat soft. But after Robb gave his Aspen Institute speech in March, the plan had an important Senate ally, and at the highest levels, the Administration decided to go ahead with the policy. President George Bush himself signed off on it shortly thereafter.

In the third phase, an alliance of Congressional critics of the Perm Five policy coalesced around the leadership of George Mitchell and undertook their own Cambodia policy initiative, a counter-initiative. Upon examination, however, the initiative was predominantly an amalgam of disparate steps to restrain and amend already existing U.S. policy. As such, it was reactive and based upon negative influence, a more common Congressional tool, witnessed in the past by scholarly observers of the foreign policy making process.³

Moreover, this initiative relied solely upon traditional avenues of Congressional action, amendments, speeches, hearings, and

³ See discussion of this point in Chapter two.

Congressional letters. Specifically, the critics did not propose a new policy of their own. Only the aid to Cambodian children, and the later provision for a needs assessment in Phnom Penh, had the effect of genuinely amending or achieving any real differences in current U.S. policy. But these amendments were made only at the margins, and had only limited impact. For all the activity of the critics, in terms of changing or substantively altering U.S. policy, or even presenting a coherent alternative of their own, this counter-initiative was unsuccessful.

The contrast between the counter-initiative in phase three and the initiatives in phases one and two provides useful insights into the ingredients of a successful Congressional effort to make and shape policy. The triumphant struggle for lethal aid was achieved by bringing the policy to what amounted to a clear up-or-down decision in both the House and the Senate. As Robb emphasized firmly in advance of the vote on his amendment, "I want the Senate to have a clear and unambiguous choice on this one. I don't want there to be lots of extra legislative language. This way every senator will be clear about exactly what's being voted on."

There was little doubt in the minds of the proponents, or opponents, of the covert lethal aid amendment that this step marked a major change for U.S. policy, thus provoking the intensity and conflict surrounding the Senate vote. For Cambodia, in 1985 when the Solarz non-lethal aid program first began, a definite line had always been drawn at supplying weapons and munitions -- covert lethal aid crossed that line,

signifying a qualitatively new and altogether different policy.⁴

Indeed, the mere act of having a successful vote itself signified a major policy change and indicated a far more pronounced commitment on the part of the U.S. to be involved in the issue.

Again, in phase two, Solarz's second initiative, the U.N. Perm Five plan, resulted in an even more dramatic transformation of U.S. policy. The shift here was from the battlefield to the ballot box, from seeking to halt a civil and guerrilla war to starting a permanent political process. Observers at the time all generally agreed, irrespective of their assessments, that this was an immensely creative and imaginative effort on the part of Solarz. Rather than being limited by the traditional route of the legislative and hearing process, both of which often constitute blunt instruments when applied to the nuances of the international arena, he effectively used the freedom, the flexibility, the resources, and access offered by his House position to develop and mount a campaign on behalf of his plan.

In contrast to phase one, where changes in policy were accomplished by the force of a vote, in phase two the policy change was accomplished by the force of persuasion and problem solving.⁵ With his

⁴ See Robert G. Sutter, Cambodian Crisis: Problems and Policy Dilemmas for the United States (Washington: Congressional Research Service Issue Brief, IB89020, 1989), esp. pp. 9-10. Also, Interviews.

⁵ It is not that political scientists deny this potentially valuable means of initiative and influence; rather, they generally tend to ignore or overlook it altogether. For instance, see the otherwise thorough work, Walter Oleszak, Congressional Procedures and the Policy Process 2nd Edition (Washington: CQ Press, 1984). But the likelihood of a seasoned and respected legislator deriving influence in part on the basis of "solving a foreign policy problem" should not be overlooked.

James M. Lindsay, in an interesting essay, says a focus on the legislative record ignores Congress' influence through other means, and he speaks of anticipated reactions, structures and procedures, and grandstanding. "Congress and Foreign Policy: Why the Hill Matters," Political Science Quarterly 107 (Winter 1992-93), pp. 607-628, esp. pp. 613-626. A fourth means, which can also account for considerable

plan, it appeared that Solarz had solved a complicated foreign policy puzzle that had frustrated the Administration for months. While only the Administration can ultimately execute policy, and in this instance the task fell to Administration negotiators at the Perm Five talks and then to the U.N. for the implementation of the plan, the blueprint had already largely been laid out by the New York congressman.

Phase three, however, poses a stark contrast to the first two phases. Whereas in phase one, the Robb-Solarz amendment for covert lethal aid presented the Congress with a decisive policy choice -- authorization to start a new program of covert lethal aid -- the Mitchell-led coalition never offered any measure that provided the Congress with an opportunity for an up-or-down roll call vote on existing policy or a decisive new policy choice for Cambodia. Nor did it ever offer an alternative to the policy in place at the start of phase three, the Perm Five negotiations over a U.N. trusteeship.

To be sure, the critics were clearly reluctant to openly oppose or be seen as obstructing the negotiations that were underway, reflecting the deference which Congress typically accords to the Administration in such matters.⁶ But the weakness of the Mitchell counter-initiative was also due to more than Congressional deference. Where Solarz had in both phases one and two offered a positive policy vision and set the agenda,

congressional influence, and which should be included, is "persuasion and problem solving" -- the result of good policy making. In the policy making world, these skills clearly do not go unrecognized. Consider, for example, that the Clinton Administration selected legislators to fill three of the four top Cabinet slots, including Senator Lloyd Bentsen for Treasury, Representative Les Aspin for Defense, and to head the Office of Management and Budget, Representative Leon Panetta. Representative Mike Espy was also selected to head the Department of Agriculture.

⁶ On deference to the executive, see Lindsay, p. 610.

and with the U.N. plan had formulated the policy in detail ahead of the Administration, the Mitchell forces were reacting. The agenda had already been set, the script already formulated. Mitchell's quarrel was, in the final analysis, over questions of timing, degree, and emphasis. For example, when to withdraw recognition of the seat at the U.N., when to start talks with Phnom Penh, or how soon elections should be held? And in the end, the Mitchell coalition failed to provide answers to many of the conditions and concerns it itself had raised, such as at what point was the NCR unacceptably cooperating with the KR, or how to "confront China," (e.g. through a public speech? a tough message in private? a U.N. resolution?).

Clearly, the Leader had to accommodate a much broader, albeit institutionally powerful, coalition, where different members each had their own specific preferences and ideas. But the result was often a more diffuse message, an admittedly powerful expression of concern about the possible weaknesses of U.S. policy, but never a complete policy formulation that posed a definite choice or a path for the Administration and the Congress. Even in this regard, Solarz was partly able to set the boundaries of the agenda for his critics through his strategy of phased tactical retreats to be made by the Administration. The critics' lack of a fundamentally different alternative agenda for U.S. Cambodia policy was clearly reflected in the final outcome, a Mitchell amendment principally worked out in advance with Administration representatives that served to acknowledge and ratify an Administration policy that was by then over ten months old.

Few serious observers of Congress doubt the Hill's ability to exert extraordinary influence over foreign policy, through its ability

to chip away at, block, or even nullify Administration policy. But the evidence from phases one and two strongly demonstrates that creative possibilities for Congressional initiative and input in shaping foreign policy also exist, and that they go beyond and are significantly greater than simply amending existing efforts (see Figure 8.1). In short, Congress' influence need not be negative or reactive. In both phases one and two, U.S. Administration policy at the outset was, in effect,

Summary Chart

	Phase 1	Phase 2	Phase 3
Initiator	Solarz/Robb	Solarz	Mitchell et. al.
Means	Legislative/ Roll Call vote	Extra- legislative/ persuasion	Speech/amendment
Policy	Covert lethal aid authorized to the NCR	Perm Five U.N. proposal	Mitchell six point Administration policy revision*
New U.S. Policy Stance	Yes	Yes	No
Successful change of existing U.S. Policy Stance	Yes	Yes	No

* As indicated in the discussion, Mitchell's phase three counter-initiative was difficult to define. His six points included points which were already part of existing Administration policy and when he made his June 11 speech, the Administration had already accepted the Cambodian children amendment. Ultimately, the six points produced only minor policy adjustments.

(Figure 8.1)

"stuck" -- outpaced by quickly evolving international events. It was Solarz, not the Administration, who set and framed the terms of the policy debate, and then offered demonstrable, thought-through solutions, one conventional, in the form of legislative action, the second less conventional, in the form of a complete policy.

And in both phases one and two, when policy flowed first from Congress, and Congress took the lead, it exerted the lion's share of the influence. Only when Congress reacted after the fact, as in phase three, was its influence relatively limited. While Alton Frye's view that Congress plays a major role by affecting policy "at the margin"⁷ is often true, as seen in phase three, far from being important, the margin can sometimes be relatively minor, and Congress' influence relatively small.

Far from appearing to be a deviant case, given the tools and opportunities available, one wonders why there are not more instances of Congressional initiative in foreign policy, and, if this case is potentially a harbinger of foreign policy making in the post-Cold War era. But before turning to this question, a more detailed discussion of the seven factors outlined in Chapter three, based on the three phases, that can help account for Congressional influence and successful Congressional initiative is in order. After a brief overview of the general characteristics of each factor, its role will be discussed in terms of the specifics of the case.

⁷ See Alton Frye, A Responsible Congress: The Politics of National Security (New York: McGraw Hill, 1975), p. 148.

Assessing the Seven Factors Behind Congressional Initiative and Influence

Individual Members of Congress

More than any other single factor, individual legislators lie at the heart of any explanation of Congressional initiative and influence. By bringing to bear an array of skills, expertise, persistence, innovation, and institutional stature, members are the engine that drives a policy initiative. Once an opportunity has been seized, for a Congressional effort to succeed, it must have leadership, which only individual members are in a position to provide. Indeed, individual legislators govern the ultimate strength and success of the other factors, including committee efforts, staff activities, policy alliances, and the role of the media and interest groups.

The success of the legislator is often determined by the extent and degree of policy entrepreneurship that he or she exercises. While persistence is usually considered indispensable to successful entrepreneurship,⁸ the evidence from the three phases strongly suggests that it alone is not sufficient for a successful initiative in the arena of foreign policy making. Persistence must be coupled with clearly acknowledged expertise, and moreover, is greatly enhanced by innovation.⁹ The case of Cambodia provides a powerful illustration of the importance of the individual member in this regard.

⁸ On persistence, see John W. Kingdon, Agendas, Alternatives, and Public Policies (New York: HarperCollins, 1984), esp. p. 288.

⁹ Beyond persistence, Kingdon does not provide a precise guide to the other qualities necessary for a successful policy entrepreneur, see pp. 189-190. For example, he suggests expertise and a congressional committee chairmanship are interchangeable. Nor is expertise even necessary in his conception. The evidence from the case study, however,

No member dominated the thorny issue of Cambodia or was more pivotal to the policy process than Stephen Solarz. Critical to his effectiveness as a leader was his success as a policy entrepreneur, in an enlarged sense of the concept. He was not just persistent, but over the years he had developed an almost unrivaled expertise in Congress on foreign policy in general, and Cambodia in particular, and would also display, in this case, an almost unmatched ability to innovate.

When Solarz detected a policy vacuum, with time running out for a solution, he jumped into the fray and seized the opportunity by being the first to call for lethal aid; when there was a vacuum again in the fall of 1989, he jumped into the fray a second time, devising the U.N. plan. Throughout the time span, at virtually every step along the way, Solarz provided leadership. Not content just to formulate and propose, he framed the arguments; he galvanized support among members in the Congress, even taking the unusual step of going to the Senate floor the night before the lethal aid debate; he prodded the international community and the Administration; and he rebutted his critics. No punch went unanswered. Moreover, his personal and heartfelt concern for the issue, spanning nearly a decade and a half, was evident. It gave him credentials and accorded him enormous respect with Administration officials and colleagues alike.

Solarz's combination of entrepreneurial attributes formed the foundation of his power and influence. His expertise made him the natural leader of his subcommittee and a recognized voice in the House. Here, the frequent refrain among House members often was: "What does

strongly suggests that expertise is indispensable for the foreign policy entrepreneur, along with persistence and innovation.

Solarz think?" His stature similarly enhanced that of his staff. But beyond this, Solarz's expertise accorded the congressman almost inordinate sway with the Administration, which cared about, respected, and even deferred to his judgment and views on this issue. When Solarz made pronouncements, the Administration listened. It would not be an overstatement to say that he functioned almost as a shadow secretary of state on the issue of U.S. policy toward Cambodia.

This influential role was further enhanced by Solarz's ability to innovate. In the first instance, his innovative skills led him to build coalitions around his ideas rather than rely on political alliances or institutional power, although he clearly understood the workings of both chambers, and used this knowledge to his advantage, especially in phase one. Solarz's idea-based coalitions may not have readily lent themselves to large Congressional numbers in the case of Cambodia, but they provided consistency, coherence, and substance to the policies themselves and thus served as a source of strength. For his part, Solarz never diluted the policy choices he was offering. Each time it was a package deal, take it or leave it. To take one example, Solarz willingly walked away from Robb rather than water down his U.N. plan in an effort to gain the senator's acceptance. And time and again, in the face of powerful opposing forces, Solarz's clearly defined positions prevailed.

His innovative abilities extended beyond simply ideas, however, to his creative use of the institutional benefits of Congress without being restrained by the daily routine of the authorization process. When Congress could serve his policy goals, he relied on the legislative process -- i.e. authorizing covert lethal aid. When the legislative

confines proved inadequate, he used the power conferred upon him by his office to go outside of the Congressional arena.¹⁰ In formulating policy in both phases one and two, and in his later efforts to build and maintain support for the U.N. plan, Solarz creatively and expansively used opportunities available to all members of Congress. For instance, he turned foreign travel into a form of shuttle diplomacy; he used resources at his disposal as a subcommittee chair, as well as simply a member of Congress, to piece together information required to formulate the U.N. plan; then he used his access to foreign officials and actors to gin up their support.

In sum, while Solarz's persistent and creative investment of resources, time and energy is evident throughout the three phases, it was his expertise and innovative inclinations that led him to develop his different policy prescriptions. It was this full range of entrepreneurial qualities -- persistence, innovation, and expertise -- that resulted in his becoming the pre-eminent voice on Cambodia.

Other individual members were also important to the Cambodia issue, but none was ever able to match the effectiveness of Solarz. Alan Cranston had considerable institutional power, both as a subcommittee chair and as majority whip, and his ongoing set of hearings revealed a persistence of purpose and high degree of interest. But Cranston's effectiveness as a foreign policy entrepreneur faltered on two fundamental qualities: he was neither innovative in his approach to the issue, nor did he achieve recognition as an authoritative voice on

¹⁰ Extra-legislative efforts are another area that is too often overlooked in the scholarship, when in fact, resorting to any measure or resource available, in or out of Congress, is consistent with the profile of a policy entrepreneur.

Cambodia. One lesson that can be drawn from this case is that, in foreign policy, senators respond to expertise. Members did not adopt a Cranston position on Cambodia due to his command of the issue; they did not ask "What is Alan's analysis?" As a result, Cranston's appeal and effectiveness were limited, flowing exclusively from his institutional and political positions.¹¹

Not an entrepreneur, Claiborne Pell's influence was limited exclusively to his chairmanship of the SFRC, and, as a result of his relative infirmity, extensive reliance on staff, and his inability to line up all his committee members, he was regarded as a weak chair. By contrast, Robert Byrd possessed almost unmatched institutional power. But his role in this case was episodic. Whatever influence he could have exerted was undermined by his inconsistent involvement and exclusive reliance on parliamentary tactics. Additionally, he demonstrated no expertise on Cambodia in particular, however strong his feelings on American involvement in Southeast Asia.

Chuck Robb was a very different story. He studiously educated himself about Cambodia and carefully, even painstakingly, cultivated a reputation of thoughtfulness and expertise. While never matching Solarz's ability, Robb was successful enough that senators, and to a lesser degree officials in the Administration, were generally interested in his views. And initially, many senators were willing to follow his lead. In this regard, Robb's status was enhanced by his image as a

¹¹ To take Kingdon's conception again, Cranston displayed all the ingredients Kingdon deems necessary for a successful entrepreneur -- a leadership position and chair of an important subcommittee; well-honed negotiating skills; and persistence. Yet his influence on Cambodia was relatively small. Thus, this suggests, a high degree of expertise may be vital for the foreign policy entrepreneur, although it may be less necessary for an entrepreneur in domestic affairs.

moderate Democrat, a presidential aspirant, and a much decorated Vietnam veteran. But while Robb was influential on the issue, he was never an initiator or innovator like Solarz. His principal opportunities on Cambodia came about not because he seized them, but because Solarz, and later the Administration needed an ally in the Senate.

When Robb was persistent on behalf of a clear position -- lethal aid -- he was effective. But over time, as he sought to align himself with both sides, thus straddling an uncertain middle ground, he undercut his own influence. Indeed, when he based his positions primarily on political rather than policy considerations, he ended up with almost the worst of both worlds: reaping neither the benefits of a clear political alignment nor of a principled policy stance. His lack of persistence and consistency on the latter score resulted in Robb squandering the potential for great influence on this issue.

Bob Kerrey was, in many ways, a mirror image of Robb. A highly decorated Vietnam veteran and a former governor, with his own designs on the White House, Kerrey, like Robb, made an admirable and determined effort to build up his expertise, positioning himself as a key figure both concerning lethal aid and with the U.N. plan critics. But he never stayed firmly in the critics' camp, despite efforts by Byrd and Cranston to help Kerrey to establish stature and provide him with a forum, through such efforts as testimony at hearings and a trip to Cambodia. Kerrey often wavered on the substance of the issue, much the way Robb did on the politics of the issue. As a result, Kerrey never pursued a clean, consistent position, and never took and maintained a strong stand for or against the Perm Five talks. His vacillation on substantive grounds did not necessarily undermine his influence within the critics'

coalition, but it did make him appear ungrounded and unfocused to Solarz and the Administration. Solarz early on, after meeting Kerrey for a lunch in 1989, rejected trying to form an alliance with Kerrey for this very reason, and neither he nor the Administration felt a need to respond to Kerrey's statements.

Both Robb and Kerrey accumulated significant influence, only then to squander large measures of it. Each in his own way provides vivid examples of the acquisition and loss of power in the foreign policy making process.

A late-comer to the Cambodia debate, George Mitchell displayed power, influence, and persistence. He provided much needed leadership to a disparate coalition of critics, who prior to that had failed to speak with one unified voice. He was willing to invest his time and resources, and by definition, his reputation on the issue of Cambodia. For the Senate Majority Leader, able to pick and choose any issue facing the nation and in doing so to thrust it into the limelight, the choice to involve himself was extremely significant. The Leader's involvement meant that Cambodia had become an issue that could not be ignored within the Senate, raising the stakes for the Administration, for Solarz, and for Robb.

But Mitchell's leadership, considerable institutional power, and the ability to focus the Senate chamber's attention could not compensate for a lack of gravitas and expertise on Cambodia, and also for a failure to be innovative in his approach. Mitchell never looked beyond the traditional mechanisms of the legislative arena, relying solely on floor statements, Congressional letters, amendments, and hearings to promote his ideas. There is also no evidence that he sought to explore any

international avenues to generate outside support. Furthermore, he never formulated or presented an alternative to the Perm Five plan, nor did he rigorously make a case to the Administration experts or to Solarz as to why they should reject the framework of the U.N. approach. In the final analysis, his proposals were piecemeal, ill-defined, and often nothing more than rhetorical reformulations of existing policy. Because of this, and unlike Solarz, his leadership of his coalition was based on political prowess, not on ideas. As a result, his effectiveness was predominantly a function of his considerable political muscle, and the Administration, like Robb, responded to him only as much as politics necessitated, but no more.

Finally, it is evident that the actual intellectual formulation of policy prescriptions on Cambodia mattered, and here Solarz had the upper hand. Solarz was able to reevaluate his own policy stance, analyze its potential flaws, keep an open mind to new information, and then craft a more appropriate alternative in the form of the U.N. approach. Mitchell, by contrast, never demonstrated that his own ideas had undergone comparable intellectual scrutiny and refinement. Thus, he diminished his ability to persuade the Administration or Congressional colleagues on substance, effectively ceding this ground to Solarz. All told, not all entrepreneurs are equally entrepreneurial. In the Mitchell v. Solarz battle, Solarz won. In good measure, this proved to be determinative for the policies adopted by the U.S.

The Senate Foreign Relations and House Foreign Affairs Committees

The Foreign Affairs committees perform a number of important functions, but their effectiveness is determined largely by their

membership. The committees provide a forum both for the views of individual actors, and for creating a public case around an issue. This is principally accomplished through the hearing process. While ostensibly billed as an effort to gather information, i.e. oversight, hearings often work more to focus a member's time and attention on an issue and to place material about a policy on the public record. Moreover, they also serve the important role of providing an arena in Congressional territory in which to confront the Administration, or conversely, to work with or support the executive branch.¹²

The committees' legislative responsibilities do provide a second, albeit limited, avenue through which to affect the foreign policy process. This is principally through the authorization cycle and resolutions referred to the committees. In the modern day Congress, however, authorization bills are becoming increasingly irregular, especially in the foreign policy arena.¹³ This further limits the potential for SFRC and HFAC to have an impact on international issues through spending measures.

In addition, in recent years, HFAC and SFRC in particular, have suffered from the perception that a majority of their members lack serious expertise in foreign policy. Solarz has been the notable

¹² For a recent discussion of both the SFRC and HFAC, see James M. McCormick, American Foreign Policy and Process 2nd Edition (Itasca, IL: F.E. Peacock Publishers, 1992), esp. pp. 333-338. In his otherwise illuminating discussion, McCormick treats what he refers to as an "active role" and "greater attentiveness" of both committees almost synonymously with heightened influence. As evidence of greater clout for example, he notes that the number of HFAC hearings has risen dramatically since the 94th Congress (pp. 333-337). But greater activity may -- or may not -- be a sign of successful influence and/or initiative, and the latter cannot be assumed from the former.

¹³ For a discussion of this point for both HFAC and SFRC, see John Felton, "Authorizer Sees Relevance Slip," Congressional Quarterly Weekly Report, June 2, 1990, p. 1737.

exception. But in the Senate, on foreign policy, no legislator has acquired the status of a Steve Solarz, or more close to home, on a different issue, defense, of a Sam Nunn. This is compounded by the fact that a number of committee members attach a relatively low priority to active participation in the formal work of the Foreign Affairs committees, even devoting more of their time to other committee assignments.

Finally, the SFRC in particular is hamstrung by the weak and detached leadership of Claiborne Pell, who is both elderly and eschews active personal involvement, routinely delegating to staff.¹⁴ Any Foreign Affairs committee is only as strong as its individual chair or subcommittee chair -- not the other way around.¹⁵ If the chair is perceived as weak, ineffectual, or lacking gravitas in foreign policy, the committee, which is run by and generally viewed as an extension of the chair, suffers as a result. Conversely, if the chair is strong and respected, the committee will be perceived as strong and be viewed as

¹⁴ For Pell's recurrent problems, see "Another Day, No Quorum," Congressional Quarterly Weekly Report, June 3, 1989, p. 1338. "Sen. Claiborne Pell, D-R.I., chairman of the Foreign Relations Committee, has spent several hours in recent weeks sitting in a nearly empty meeting room waiting for his colleagues. Pell waited patiently for 47 minutes on June 2 before deciding that his committee was not going to get the necessary quorum for a meeting on a routine bill (S. 928) authorizing \$4.5 billion annually in fiscal 1990-91 for the State Department and related agencies." Also see, "Senate Bill: Snail's Pace," Congressional Quarterly Weekly Report, June 17, 1989, p. 1488. "After a week of trying...Pell...finally got enough members together on June 14....But the committee met for less than two hours before losing its working quorum of seven members -- and Pell failed to summon enough colleagues for sessions on the following two days."

¹⁵ This is a critical, but often overlooked point. For example, McCormick notes that the Senate and House Armed Services Committees "benefited from [the] more assertive leadership" of Sam Nunn and Les Aspin. American Foreign Policy, p. 33. This is an understatement -- the leadership of the chair can make or break the Foreign Affairs and Defense committees. Oleszak does touch on this point. See Congressional Procedures, pp. 85-86.

effective by association. While in theory, however, the Senate committee would be expected at a minimum to have equal clout with its House counterpart, buttressed by the added weight of being a breeding ground for presidential candidates, this was largely not the case. The full SFRC, and Cranston's subcommittee, were generally regarded as relatively ineffective, although, by contrast, Solarz's House subcommittee was regarded as having clout.

Despite the weaknesses of the SFRC, it did three things well. While difficult to gauge from transcripts, the committee successfully put Administration witnesses on the defensive, both by intimidating them and taunting their positions. For instance, after the Administration's poor showing in the face of harsh questioning before SFRC and Senate Intelligence committee in June of 1989, warning signals were sounded and a weakly committed executive began to back off of lethal aid. Second, the committee provided a hospitable forum for opponents of Solarz and the Administration, enabling them to put their criticisms on the agenda, giving their ideas a public platform, and conferring upon them committee legitimacy. To this end, Ed Muskie and Kerrey each testified twice before the committee; and in the February 1990 hearing the public witnesses were extended the highly unusual courtesy of being able to address the committee and each other without any time limit and with virtually a free rein.

Third, for the period when Robb was viewed as pivotal to the success of the U.N. plan, the committee created an environment to restrain Robb's endorsement of this approach. This was accomplished in part by presenting outlines of an alternative approach, however vague. But far more importantly, it was accomplished through a remarkable show

of party strength (i.e., the presence of other members of the committee, and of Muskie, the last Democratic secretary of state) and of bipartisan criticism (i.e., a former Reagan Republican witness, and a former CIA director). They conveyed the not-so-subtle message to Robb that any support of the U.N. plan would carry a substantial political cost. While the committee's effectiveness in this regard was only temporary, it demonstrated its potential power as an institution when operating at its peak, even without a strong leader.

Yet despite an ability to criticize the Administration, provide a forum for committee views, and attempts to get its own members to toe the line, the committee failed to be effective. All said and done, it was unable to enforce unity among all its members on the majority side. The more liberal members of the SFRC failed to bring the moderate freshman, Robb, on board. Legislatively, it failed to maintain the prohibition on lethal aid in the committee during the spring and summer of 1989, which had the effect of strengthening Robb's hand for a favorable floor vote. And when the amendment was brought to the floor, the committee was soundly defeated on an issue to which it had publicly attached importance and invested its prestige.

In the second and third phases, despite repeated opportunities and significant resources, the committee failed to devise an alternative plan to rival the U.N. trusteeship. Finally, in the third phase, and, notwithstanding continued committee activity, its role was all but supplanted by the emergence of Mitchell as the leader of the critics.

By contrast, Steve Solarz used his subcommittee as a right arm, enjoying essentially complete control over the panel. In phase one, he used the subcommittee to launch his lethal aid initiative and to cement

the provision legislatively in markup, enabling him more easily to rebuff a potential floor challenge. In phase two, he used the subcommittee purely for informational purposes, which subsequently would provide an impetus for him to initiate the Perm Five plan. (This was committee oversight in the traditional sense of the term.) Beyond that, the subcommittee lay dormant on the issue of Cambodia until after the successful announcement of the framework document by the Perm Five in August of 1990. Following that, Solarz held two hearings to document the preceding months on the public record and generally to assess the next steps that could profitably be taken to secure the final details of an agreement.

An irony of Solarz's strength vis-à-vis his subcommittee, which he could use when he saw fit, is that in the success of his Cambodia initiatives, the committee played a relatively minor role, with the exception of the beginning of the very first phase, when he removed the cap on aid to the NCR. In the same way, the subcommittee's greatest effect may have been in conferring the imprimatur of "Chairman" upon Solarz and thus providing him with additional institutional and international credibility. Concerning the full committee, he was also given a ready network of allies for floor fights, as was witnessed by the letter he hand carried over to the Senate in phase one, bearing Fascell's signature, and in the battle over non-lethal aid to the NCR in phase three.

In the final analysis, however, neither committee was particularly determinative of the outcome of Cambodia policy. Especially in the case of the critics, the majority of the coalition (e.g., Kerrey, Byrd, Mitchell), and ultimately its most influential members, were not members

of the SFRC, nor were they dependent upon the committee's stamp of approval for their influence.

Staff Members

In each of the three phases, Congressional staff played a vital role. Operating behind the scenes, the staff and their role are largely resistant to quantification or post-hoc analysis, and almost entirely unrepresented in the written record. But staff undeniably often helped to drive the issue, displaying an impressive record of activity and even of influence.

Staff perform a dual role, profoundly shaping and guiding a member's views and actions on one hand, and acting as independent entrepreneurs in their own right on the other. While it is often said that a staffer is only as effective as the member he or she serves and this is usually true, it is not always.

Many of the same opportunities available to members are also available to staff: travel, an almost unrestricted access to information, extensive resources in and out of government that can be tapped into, and an open door to Administration officials and senior international actors at all but the highest levels (e.g. secretary of state and president, foreign minister and prime minister). It is for reasons such as this that foreign governments spend substantial resources and time courting staff, frequently as much as they do Administration officials. This is done through such efforts as private meetings, invitations to official functions, and staff trips. Foreign governments do not tend to make significant distinctions between the legislative and executive branches, and what they are unsuccessful in

obtaining from one, they readily seek to obtain from the other, even playing the two off against each other. Staffers are primary recipients of this largesse.

For its part, the Administration invariably spends a significant amount of its time cultivating and keeping its lines open to staff as well as to members. And this is not just in legislative affairs offices, but in the more powerful regional and functional bureaus, and as high up as the 7th floor of the State Department, where the undersecretaries sit. Communication between senior Congressional staff and assistant secretaries of state is commonplace.

On the whole, staff members themselves bring to their roles a high degree of professionalism. They often have years of policy experience, as well as graduate and professional degrees. But perhaps more significantly, in the foreign policy context, staff -- particularly senior Senate staff and committee staff in both bodies -- "know their way around," know how to manipulate the levers of power in the bureaucracy, know where the bodies are buried, and can trade off of established contacts built over years of service.¹⁶ This is particularly the case for staffers who have spent a stint in the executive branch.¹⁷

¹⁶ Richard Perle is a classic example of such an effective Hill staffer in the national security arena. See discussion of Perle's role throughout Strobe Talbott, Endgame: The Inside Story of SALT II (New York: Harper & Row, 1979). On domestic policy, Harley Dirks, to name one example, is legendary to this day as an influential policy maker. Dirks is mentioned in Eric Redman's The Dance of Legislation (New York: Simon & Schuster, 1973), but he is still remembered by foreign and domestic policy makers alike. Interviews.

¹⁷ For instance, a number of officials in the Carter Administration subsequently worked on the Hill, and many have or are now entering the new Administration. Alternatively, a number of former Bush national security aides are or intend to return to the Hill, especially to HFAC and SFRC.

The result is that the potential avenues for independent staff entrepreneurs and for staff to exercise influence are vast. The most obvious example is in the hearing process. As a general rule, a hearing's timing and topic are chosen and shaped by staff. Witnesses are screened, selected, and pre-interviewed by staff, and informational memos before hearings are written by the committee staff. At the hearing itself, members' prepared questions and follow-up questions are often based upon material provided on the spot by aides feeding them a steady stream of paper and facts. Highlighting this final point, staffers usually arrive at hearings bearing copious files, and regularly exit in the middle of testimony to the ante-room, where they can gather to plan strategy, check information over the phone, access their computer files, and type up additional questions with supporting information and statistics to present to their members.¹⁸

But other examples of avenues for staff power are abundant. Independent of members, staff can write legislation and draft policy speeches, which they then shop around to legislators other than their own. "Free-lancing" is a common expression used to describe this form of staff entrepreneurship. Staff also routinely collaborate with Administration officials on areas of mutual interest, dramatically blurring the lines between the Congress and the executive, and between principal and aide. Staff freely float policy ideas and leak information, including classified material, to journalists, and on more complicated issues readily provide a spin for the story. "We can always

¹⁸ Thus, at any given foreign policy hearing, just behind the closed door to the rear of the committee chair, or off to the side in the House, staffers are working furiously.

count on old [name deleted] of The New York Times to write what we want and with the slant we want," boasted one aide.¹⁹ Last, staff themselves have independent contacts with foreign officials and may advise them at length on policy issues and legislative strategy concerning the Congress and the executive branch.

These independent staff strengths often translate into magnified influence with the legislators themselves. In the first case, staff members serve as "guardians of the gate." They control, interpret, and analyze much of the information which the overworked legislator receives on any given foreign policy issue, thus framing the issue itself. They often recommend whom a legislator should meet with (e.g. which foreign official, which Administration official, which policy advocate, which lobbyist). Beyond that, they can often effectively block members from meeting with individuals hostile to the staffers' views. And in either case, for most meetings, staff are usually present, and may openly participate in the meeting, in addition to setting the agenda and steering the course of the meeting through detailed memos they send to the member in advance.

Particularly in the Senate, legislators have limited time to devote to any single issue, and of necessity must rely upon staff as a reservoir of expertise and analysis in foreign policy. It is also common in the folkways of the Senate for members "to task" staff to speak on their behalf and negotiate legislation and policy questions with the Administration, as well as with other Congressional offices.

¹⁹ This prominent reporter still writes for The New York Times. It should be noted, of course, that the Administration also "works" reporters.

The longer the leash given to a staffer, the greater his or her power. The leash varies from member to member, committee to committee, and office to office, but even when it is short, it is rarely overly restrictive.

In the case of Cambodia, all of these activities are in evidence. Solarz, who did not have to rely heavily upon staff for information, or even analysis on the issue, had complete confidence in his aides. In the initial stage of formulating the U.N. plan, he entrusted his staffer to conduct a fact-finding trip to Cambodia and report back to him. He then entrusted his aide with a crucial role in helping draft the U.N. plan with Robb's staffer, under his supervision. He also placed his staffer at the disposal of Senate offices in phase one, and relied upon the aide to represent his views in these discussions. Finally, Solarz had his aide sitting by his side at the June 12, 1990 dinner with senior Administration officials.

In the case of Robb's staff, the aide was responsible for selecting government and private individuals to brief Robb, culling information and providing analysis of events in Cambodia, and was expected routinely to speak to senior Administration officials and foreign governments on behalf of the senator. For example, Robb left his aide to discuss the details of a humanitarian repatriation of remains with PRK Prime Minister Hun Sen in Phnom Penh, and the aide also held regular discussions with Undersecretary Kimmitt and Assistant Secretary Solomon. In this regard, Robb expected that his staffer would have and use his own independent sources of information that would then be employed to assist the senator. He also expected and encouraged his staffer to speak with other senators, as in the cases of McCain and

Kerry; to represent him in the drafting of the U.N. proposal; and to speak directly with House members to assist Solarz. To some extent, especially in the case of the U.N. plan, staff also served as a "fire wall" for Robb, protecting him from adverse consequences and enabling him to take credit when he desired, while also providing him with a means of distancing himself from an issue.

It is clear from the case, that the critics in the Senate relieved extensively upon staff, operating both on their behalf and independently as well. On detailed questions, Mitchell deferred to staff for answers, and would explain, "My staff informs me that...." Cranston, at the February 1990 SFRC hearing even called on a staffer to chair the subcommittee meeting, rather than on Senator Robb, when he left the room. The case of Kerrey demonstrates, however, the occasional pitfalls of heavy reliance on staff, such as when he was misinformed about the details of the Cambodia meeting in Tokyo. Staff's sway was also evident with Kerrey when Robb and McCain asked him not to offer his amendment to end the trade embargo in the fall of 1990, and Kerrey on the spot asked his staffers for their opinions.

Moreover, staffers displayed a high degree of entrepreneurial skill on the issue. At the outset of the case, The Wall Street Journal, in an editorial about the SFRC prohibition on lethal aid, railed against staff influence.²⁰ The importance of this influence is born out by Solarz's decision to speak with Pell's staffer at length, rather than to discuss the matter with the chairman himself. But indeed, much of the entrepreneurial behavior of staffers was member sanctioned. For

²⁰ "A Senator Demurs," The Wall Street Journal, May 15, 1989.

example, by working together as independent actors in the policy drama, apart from their members, the Robb and Solarz staffers were able to magnify the power of their clearly outnumbered bosses and offset the efforts of the much larger staff coalition in the Senate. Robb and Solarz's primary concern was simply that the job get done, and they felt little need to supervise their staffs on a daily basis in that process, although Solarz, by his own nature, was far more hands-on than Robb.

Perhaps the clearest example of entrepreneurial staff behavior was demonstrated by the Intelligence committee staffer, placed on the committee by Frank Murkowski and recognized as Murkowski's aide. This staffer collaborated with Republicans and Democrats alike, and was the principal intellectual resource and policy formulator for the Mitchell coalition. Bob Kerrey relied upon this Republican aide as much as his own staff and exclusively for issues involving highly classified material. This aide also still retained influence over Murkowski, leading to the stand off over lethal aid in the SFRC in the spring of 1989. Last, this aide worked both with the Intelligence committee and the SFRC, exercising his influence in the open, as well as behind closed doors. As a Republican, he was instrumental in peeling away John Danforth from the senator's previous alliance with Robb, by working on Danforth's aide at length. This staffer dramatically demonstrated not just the freedom with which an aide can operate, but that the power an aide can accumulate may transcend the member or even the committee or the party for which he works.

In general, committee staffs face fewer restrictions and constraints than members' personal staffers, or staffers designated to the committees, who must handle all foreign policy issues, rather than

being afforded the luxury of focusing only on a particular region or function. In one breath, committee staffers served both the chair or subcommittee chair, but were also free to assist other members at their request. In the case of the SFRC staffers, this freedom allowed them a broad range of maneuver, with little or no supervision by senators.

Like the members they serve, however, not all staffers are alike in their entrepreneurial behavior. For this reason, the number of staffers is often a poor or misleading indicator of staff or member effectiveness and power.²¹ For instance, there is little evidence that Kerrey's influence was significantly enhanced by the number of staffers who regularly advised him, and immediately after the Tokyo meeting, their staffing even resulted in the senator's embarrassment and a serious set-back for his efforts. By contrast, Robb and Solarz had only one aide each for Cambodia. Robb's aide also had to cover events alone across the rest of the foreign policy spectrum. Solarz, as a subcommittee chair, was able to devote one aide exclusively to Cambodia and Asia. Yet these two staffers, working overtime and persistently, were able to utilize resources, contacts, and accumulated foreign policy expertise to neutralize their far more numerous staff adversaries.

But despite their strength, power, and abilities, staff can never be a substitute for members themselves. There are limits. Staffers must be careful about getting out in front of their bosses on an issue. Furthermore, there always exists a certain ceiling beyond which all but the most exceptional staffers cannot rise. Only in the most rare of circumstances can a staffer deal directly with the head of a foreign

²¹ This is not to say that the growth of staff over the years is unimportant, but it does underscore that greater staff numbers in and of themselves do not translate into greater influence.

government or speak with the secretary of state, let alone the president. Additionally, it is also more effective for a member to speak to another member, rather than having his staffer do it.²²

Moreover, it is not at all clear that in the final analysis, staff have the intangible but vital qualities of wisdom, judgment, and sense of timing possessed by many members, and especially demonstrated at those critical, but often indefinable, moments when action needs to be taken or a fleeting opportunity must be seized. In fact, these are fundamental differences between a policy expert and an official who has been forced to face voters to win an election. Robb confounded everyone in deciding to press ahead with the covert lethal aid amendment, but was clearly served well in this case by his instincts. (His political advisors, one of whom was well-renown in Democratic circles, thought he would be badly beaten.) Solarz knew precisely when to move beyond lethal aid and formulate the U.N. plan, at a time when both the Administration and the critics in Congress were still mired in a debate over an issue that had been outpaced by events. Staffers rarely possess this precise sense of timing -- Robb's staffer, for one, initially had reservations about the U.N. plan idea when Solarz first raised it over the phone. Indeed, in Solarz's case, on the issue of Cambodia, he combined the expertise and knowledge of staff with the skills of a politician.

For all their power, neither staffers, nor staff size, can supplant the role that can only be played by members. On the Hill,

²² This is more a general rule -- not ironclad -- and it depends upon the importance of the issue.

knowledge and policy expertise are replaceable, even among the most outstanding of staffers. But only a very few members ever possess the combination of political instincts and foreign policy expertise to make them influential on an issue. In contrast to the staffers who serve them, they are far less replaceable.

Executive Branch Involvement

The absence of significant, high-level Administration involvement in an unresolved foreign policy matter leaves a vacuum waiting to be filled. For committed and knowledgeable members of Congress, this poses a challenge to undertake an initiative, and an opportunity to define the agenda and influence its outcome.²³

Conversely, the presence of a committed Administration, and especially presidential involvement, makes it much more difficult for Congress to play a dominant role. In part, this is due to the powers accorded to the Administration. The executive branch conducts formal negotiations; recognizes foreign governments; controls assignments for the foreign service, the functioning of embassies abroad, and the bureaucratic and intelligence agencies; regularly engages in official consultation with foreign actors; and the president, as commander-in-chief, has the formal responsibility for overseeing all foreign policy.

While Congress is perfectly willing to criticize Administration foreign policy, such as was the case with President Reagan's support of the Contras, President Bush's China policy over MFN, and even the Desert

²³ David Price has demonstrated this in domestic policy. See Policy Making in Congressional Committees: The Impact of "Environmental Factors" (Tucson, AZ: University of Arizona Press, 1979), esp. p. 54.

Storm operation, by tradition, custom, and the mores of the foreign policy establishment, Congress is also frequently sensitive to the charge that it is conducting a separate "Congressional foreign policy" and "directly undermining the president." This is particularly the case once a president, wearing his hat as commander-in-chief, personally invests his reputation and the prestige of the office in an issue. In many such instances, though not all, Congress will largely defer to the president.

But despite the power of the presidency, the Administration cannot go it alone in Congress, and needs to have at least some significant allies on the Hill in order for controversial policies to prevail.²⁴

The fact remains that a majority of foreign policy decisions are dealt with at lower levels in the executive branch and do not require substantial presidential involvement, if at all. This is where significant opportunities for Congress exist.²⁵

Cambodia policy initially fell into this realm. In the early months of 1989, events on the ground in Cambodia and diplomatically in Asia, were surpassing the slow bureaucratic review process in the State Department. Aware of a need for timely action, and unhindered by a bureaucracy, Solarz initiated the call for lethal aid. While the Administration eventually followed suit, its commitment was half-hearted, and in the face of mounting Congressional opposition, it backed off from the policy. This left Solarz and Robb to go it alone. By its

²⁴ Les Aspin, for one, notes that an Administration essentially needs a major ally in one of the two bodies on tough issues.

²⁵ Nelson Polsby puts it this way, "Peripheral [attentiveness] by the most important actors in the political system [i.e., in the executive] leaves center stage to less important figures," Political Innovation in America: The Politics of Policy Initiation (New Haven: Yale University Press, 1984), p. 172.

actions, the Administration relegated itself to the role of a passive bystander, rather than an active participant, ceding the debate over lethal aid almost exclusively to the Congress, and allowing the policy to be decided by legislative means. During this period, one of the forces that galvanized Solarz, as he acknowledged at the time, was the absence of Administration leadership and involvement.

In phase two, a similar pattern occurred. The Administration was slow off the mark to assess the full implications of the failed Paris peace conference, and once again was slow in revising its policy stance. While the gears of the Administration bureaucracy were still grinding, Solarz had already assessed the implications of new developments, had drafted, and was pushing his new initiative in the form of the U.N. plan. When the new year started, the Administration adopted the Solarz framework, acknowledging the congressman's role in this preparation. Yet, while the Administration had been persuaded to take on the Solarz plan due to its merits, executive branch divisions existed, and it was reluctant to commit itself fully for political reasons, due to a restive Senate. Only after Robb's endorsement in March did the Administration put its full support behind the policy and accord Cambodia attention at the presidential level.

In contrast to the first two phases, two things were well established and settled in the third phase. First, there was no intellectual policy vacuum to be filled, and second, there was no ambiguity about the Administration's support of that policy. This meant that the Mitchell-led Congressional opposition, more institutionally powerful and larger than the Solarz-Robb coalition in the first two phases, was now confronting a firmly implanted policy and a determined

executive/Congressional coalition behind it, making it harder for them to prevail.²⁶

Additionally, Administration involvement in the on-going Perm Five talks, seemingly made the critics reluctant to directly confront the U.N. plan, and forced them to couch their criticisms in such language as, "If the negotiations fail...." And while the critics did have contact with Vietnam and Phnom Penh, the increased Administration role may likely have made them wary of using those ties in a public manner, as Solarz had done in the first two phases. Moreover, as negotiations increasingly yielded results, this provided a powerful argument against the Congressional critics, whose opposition was rendered more and more marginal. By the time the Cambodian framework document was agreed to in August 1990, final resolution of the issue had been largely divorced from the Congressional arena, falling principally to executive branch negotiators.

Yet throughout phase three, the Administration needed its Congressional allies. It was Solarz, not the much touted Bush Legislative Affairs Bureau at the State Department, who recognized the warning signs of Congressional slippage, held a strategy dinner to address it, and presented the Administration with a plan for phased tactical retreats to modulate the critics. From the spring of 1990 onward, the Administration also should have been focusing its efforts to ensure that no Congressional measures that could impede the negotiations would be successful on the floor. Yet while State's Legislative Affairs bureau monitored all bill activity, on at least three occasions, it was

²⁶ This is the flip-side of Aspin's proposition, cited in fn. 24.

caught unprepared (by the Cambodian children's amendment, the needs assessment provision, and Kerrey's final amendment). The task of responding to the critics' parliamentary efforts fell to individual senators and staffers who supported the Perm Five.

Thus, while there were enormous opportunities for Congressional entrepreneurs to take the initiative when the Administration demonstrated lackluster involvement, as executive branch interest increased, Congressional opportunities diminished. However, it is also clear that even when the Administration was deeply involved in the issue, it needed significant Congressional support to prevent any legislative attempts to thwart its policies.

Policy Alliances

Contrary to what may pass as standard wisdom, it is often not the size of an alliance or coalition that determines its success, but instead the strength and effectiveness of its leader. Not unlike with committees, an influential alliance immeasurably benefits from having a respected leader and an innovative entrepreneur guiding it. Moreover, this type of entrepreneurial leadership increases the likelihood that the coalition can be united by a shared idea or policy, rather than primarily by political ties. The presence of a clearly articulated policy message is often the key to a successful initiative. Alternatively, a loose alliance, lacking a leader respected for expertise in foreign policy, and built around a diffuse set of ideas, will likely be weak, irrespective of its numbers or institutional strength.

These differences were readily apparent in the alliances and coalitions formed over Cambodia policy. The Solarz led alliances were small, tightly knit, unified, and with a coherent message, and were largely defined by Solarz's leadership. Upon examination, these coalitions were built around policy ideas -- covert lethal aid and the U.N. plan -- and Solarz would not compromise the ideas in an attempt to expand or even maintain his coalition. Thus, in phase one, Solarz explicitly formed an alliance with the Virginia senator because Robb wholeheartedly agreed with him on lethal aid. In phase two, rather than water down the U.N. plan in order to continue to work with Robb, Solarz chose to go it alone in the Congress and find an alternative route by drumming up international support. In phase three, his principal ally was the Administration, but the goal here was different, not to initiate a new policy but to maintain the existing one.

In terms of initiative, Solarz's coalitions were hierarchical. He was both the intellectual leader and political driving force. He never wavered. "Steve had complete certainty and conviction about his policies, he never once doubted himself once his mind was made up," a Solarz aide later said.

By contrast, the critics had many cooks and many different ideas. Over the three phases, they lacked a consistent leader, were often propelled as much by staff as by members, and much of their unity was predicated on the exigencies of politics rather than a commitment to any one organizing policy.

Both coalitions made use of outside forces to bolster their efforts, to strengthen their case politically, to give legitimacy to their side, and to gain information. The critics marshaled a diverse

range of interest groups and allies from across the political spectrum, while Solarz's alliance drew strength from the support of ASEAN, Cambodian-American citizens, and a collection of Administration officials. In this latter instance, for example, despite his differences with the vice president in most other areas, Solarz -- without hesitation -- accepted and even sought Quayle's support.

Overall, the Solarz alliance's ability to enlist the Administration on its side was clearly a plus and was obviously necessary for the implementation of his plan in the international arena. But when the debate took place in the Congressional arena, while it helped that he was never opposed by the Administration, neither was Administration support a guarantee of success.

Solarz's coalition operated like the small and lean upstart computer companies that have recently bested IBM.²⁷ It made effective use of every resource available, was unencumbered by excess fat, its fewer people worked harder, did their homework, were more persistent, and made fewer mistakes. The result was "a better product," i.e. a more coherent and ultimately persuasive message. In this sense, Solarz's coalition reflected the congressman himself, acting as a classic entrepreneur.

The critics possessed more political power, but as an alliance, they failed to present an alternative proposal and failed to get their message across. They were hampered by their inability to co-opt any

²⁷ For a discussion of one such company, see Steve Lohr, "How Did Dell Computer Stumble?" The New York Times, May 28, 1993. Lohr writes, "Management experts had pointed to Dell as the model of the lean, nimble company of the future."

significant Administration support. In part this was due to the political overtones of their opposition, and to some degree, this left them in the position of fighting the bipartisan Solarz-Administration coalition with political appeals rather than a plan of their own.²⁸

²⁸ Indeed, on a related point, the issue of political parties, party loyalty, and partisanship in the case of Cambodia is certainly of interest. While scholarly debate continues about the actual extent and degree of bipartisanship during the years of the Cold War consensus, and even whether bipartisanship ever existed (see McCormick, American Foreign Policy and Process, esp. pp. 445-451), it is clear that partisan acrimony over foreign policy issues in the past 20 years has been quite pronounced. In turn, this has led to significant discussion about the impact of "divided government" on the effective conduct of U.S. foreign policy (e.g. see Thomas Mann, ed., A Question of Balance: The President, the Congress, and Foreign Policy (Washington: The Brookings Institution, 1990); James Thurber, ed., Divided Democracy: Cooperation and Conflict Between the President and Congress (Washington: CQ Press, 1991); and Jay Winik, "Restoring Bipartisanship," The Washington Quarterly 12 (Winter 1989), pp. 109-122.) For the most comprehensive study yet undertaken on divided versus unified government, see David R. Mayhew, Divided We Govern: Party Control, Lawmaking, and Investigations, 1946-1990 (New Haven: Yale University Press, 1991). In his thorough and persuasive review, Mayhew finds no compelling evidence in the historical record to suggest that periods of divided government are any less productive than periods of unified control in terms of producing significant legislative enactments and Congressional investigations. On foreign policy, he asserts: "...let the reader try the following thought experiment. Choose any plausible set of standards and, using them, scan through the history of American foreign policymaking since World War II. Here's a prediction of what most readers will conclude: In general, the record was no worse than when the parties shared power." (p. 195).

In this study dealing with a post-Cold War era policy, partisanship was evident throughout the three phases, but despite its periodic intensity, its sway over and impact on outcomes was limited (thus appearing to bear out Mayhew's general findings). For example, Byrd, Cranston, Pell, and Mitchell all sought to influence U.S. policy toward Cambodia, not just by dint of their important institutional positions, but by seeking to cast their views as the Democratic "party line." But all said and done, in each phase, this appeal failed -- lethal aid passed, enjoying Democratic support; the SFRC chair and also the SFRC Asia subcommittee chair could not hold their Democratic majority together; Mitchell was unable to maintain unity among Congressional Democrats. And more often than not, the policy battles were fought principally between Democrats (e.g. Robb v. Byrd, Solarz v. Mitchell, Robb v. Cranston, Solarz v. Atkins). Indeed, the chief initiators and proponents of U.S. Cambodia policy were Democrats, and the chief critics of those policies were also Democrats.

For their part, except for McCain, Republican interest in this issue on the Hill was relatively low. Still, it can be noted that there were differences both in shades and intensity of opinion among Republicans. Thus, the Murkowski aide staffed Kerrey and collaborated with Byrd's aides; Danforth and Kassebaum signed the Mitchell letter in phase three; and one of the Administration's staunchest defenders and advocates on the SFRC, Senator Richard Lugar, himself knowledgeable on Asian issues, remained silent on U.S. Cambodia policy.

To be sure, party and partisan influence did matter to a point, and a number of Democrats as well as Republicans chose a position

Just as Solarz's coalition was a reflection of the congressman, Mitchell's coalition was a reflection of the Leader.

All told, a determined Congressional entrepreneur, leading a coalition, can compensate for an absence of forceful Administration leadership. It is the type of coalition and its message, rather than its size and apparent political clout, that can tip the balance between success or failure.

Interest Groups and the Media

The interest groups and the media are significant in as much as they help to set the tone of the debate about an issue and to force the issue on to the foreign policy agenda. The proliferation of media outlets has given rise to a symbiotic relationship between interest groups and an expanded, more vigorous press. By providing free and quick information, the media particularly levels the informational playing field, placing interest groups on a closer par with decision makers. Interest groups and policy makers alike have access to, and in

because it was endorsed by their respective party leadership. But in the final analysis, this issue was not characterized by monolithic party support or criticism, nor was it determined by partisanship or political parties; rather, it was decided in a bipartisan manner by policy arguments and policy preferences cutting across party lines, laid out principally by Solarz, a Democrat, working with like-minded Congressional and Administration officials, both Republicans and Democrats.

In view of this, the contention sometimes made that the end of the Cold War and the proliferation of issues will intensify partisan conflict (e.g. see McCormick, esp. p. 451), may in fact be unlikely. Indeed, it may well be the case that there will be significant differences and cleavages within parties and the branches of government as much as between them -- whether or not the same party controls the White House and the Congress, whether or not there is divided government. Put another way, for the foreseeable future, this age of foreign policy dissensus may now be as much within parties as between them. (On this score, consider what Mayhew writes: "American [politicians] at both legislative and executive levels have managed to navigate the last two centuries without becoming minions of party leaders." (p. 199))

varying degrees rely upon, the instantaneous transmission of information through such outlets as CNN and newswires. Additionally, interest groups offer the media ready sources of commentary, analysis, and background opinions. Thus each provides a forum for the other. Together, they can move the Congress and the Administration to focus and act more intently on an issue.

But concerning the timing, form, and, most important, the actual policy undertaken, the impact of the media and interest groups is less pronounced. More often than not, policy makers in Congress and the executive branch see media analysis as somewhat shallow and pay little attention to it. The same is often the case, though to a lesser extent, for the analysis done by foreign policy interest groups, which varies from group to group and issue to issue. Finally, the impact of the media and interest groups is only as great as members allow it to be. They choose what to pay attention to and what to ignore, which groups to give play to and which groups to exclude.

Throughout much of the three phases, Solarz was assaulted by hostile editorials, placed on the defensive by sensational articles, and repeatedly attacked or criticized by domestically based interest groups such as the Indochina Project. Though Solarz became personally angry and even bitter over what he perceived as inaccurate and personal attacks by the media and the interest groups, they did not affect his substantive policy formulation and actions.²⁹ What positive press he did get, he took, and the same with interest group support. But in neither case did these outside forces generally succeed in altering his policy formulations.

²⁹ Interviews.

The notable exception was the Jennings television special in phase three and the Bush press conference when Solarz feared that the president's answer about U.S. Cambodia policy was somewhat rambling. In response, Solarz decided that tactical retreats -- but not substantive policy changes -- were necessary to contain Congressional and public criticism.

Like Solarz, the Administration was relatively impervious to effect of media and the interest groups by the third phase. But this was not the case in the first two phases. Press reports about Khmer Rouge atrocities and ostensible territorial gains in Cambodia, coupled with the early public discussion in the press of a possible covert lethal aid program, helped put an already uncertain Administration on the defensive. But this was largely because these reports and criticisms had found their way into the Congressional arena, and had become part of the general chorus of dissatisfied legislative voices, and not because of their own independent strength.

Within the Congressional arena, interest groups had a special relationship with both proponents and opponents of Cambodia policy. On Solarz's side, were groups such as ASEAN, Cambodian-Americans, and to a lesser degree organizations such as CSIS and the Heritage Foundation. Representatives of ASEAN (including their Washington embassy representatives), in particular, provided in-depth analyses of events and actions which often proved invaluable. And because of its special status, ASEAN was an important ally for Solarz (and Robb) in each phase.

On the other hand, the Cambodian-Americans, while large in number and, by virtue of their experiences as survivors of the Killing Fields, constituting a powerful moral voice, were ineffective at presenting

their case. This was because they were a poorly organized, ad hoc coalition, that lacked funding and substantial resources, did not have the sophisticated understanding of the American political process that more established Washington-based groups did, and had little electoral power. This was particularly evident in phase one, when more than 10,000 Cambodian Americans worked tirelessly to send out letters and sign petitions supporting covert lethal aid, and were routinely dismissed by Pell and Cranston.

CSIS and Heritage were somewhat more effective, helping to enlist conservative and moderate support for votes, but they contributed little substantively to the debate. Indeed, on both sides of the Cambodia issue, senior staffers knew the details, arguments, and many nuances of the situation more fully than outside policy experts and scholars.

The critics worked with U.S.-based public interest groups, including the Indochina Project, the Federation of American Scientists, Ed Muskie's Center for National Policy, and assorted human rights organizations. These groups, which regularly weighed in on the public debate and frequently lobbied Congress on Cambodia and other foreign policy issues, helped to keep Cambodia a high-profile issue. Many of the groups drafted supplemental memos re-emphasizing, and, just as importantly, explicitly advertising the points made by the Congressional critics. Still, while their energetic presence at times effected the proponents of lethal aid and the U.N. plan, their presence did not impact policy, and by the third phase, their importance was virtually nil. By then, members were more than familiar with the groups and their positions on both sides.

Among the media, television was more effective than the print press on the Hill, as well as with the Administration. The print press provided a psychological lift to whichever side it endorsed, namely the critics in the first two phases and to Solarz in the latter part of phase three, but neither Solarz or his opposition was deterred or swayed by the press with one notable exception. The New York Times late February article documenting the presence of Vietnamese soldiers in Cambodia, a public confirmation of what had been classified information, set off a chain reaction, helping to affirm in Robb's mind that he had been lied to by the Vietnamese and by Hun Sen. The belief that he had been willfully deceived was one of the impetuses behind Robb's movement toward endorsing the U.N. plan.

By contrast, as evidenced by the Jennings show, the graphic and dramatic quality of television that so vividly transmits the language of suffering, and by cutting and splicing can shape its own reality, did have more of an impact, if only rather fleeting.

The continued presence of the press and the interest groups guaranteed a high profile for the issue over the course of the three phases. While the media and interest groups did not directly effect the substance of policy, they did succeed in intensifying the debate within the political sphere.

Developments in the International Arena

New developments breaking in the international arena invite and justify Congressional participation and policy conflict. Until the issue is resolved or until the Administration solidly articulates and

pursues a policy, Congress is, in effect, given a hunting license to involve itself.³⁰

There are also, in general, ample opportunities for interplay between Congress and international actors, providing legislators with the direct ability to have at least a minimal influence on international events. By virtue of their ability to speak directly to foreign governments and international actors through meetings with high level officials and travel abroad, legislators can conduct a form of diplomacy on their own, and have separate lines through which to access information. But this is a tricky issue. As much as in any other area, legislators are acutely aware that the Administration has ultimate responsibility and jurisdiction for discussions with foreign governments, even though members are not adverse to walking up to the edge of the diplomatic line through "exploratory discussions." When Administration involvement on an issue is limited or cursory, in turn legislators have greater freedom to explore possibilities for U.S. policy measures.

But direct Congressional involvement with international actors and any ability Congress has to influence their actions typically diminishes as the Administration involves itself more deeply, particularly at the presidential level. Conversely, as the issue moves closer to resolution, extensive Congressional participation often becomes unnecessary.

The case study bears out these observations. Developments inside Cambodia and the intensified activity at the regional and international

³⁰ In a similar vein, Polsby points out that "crises create opportunities," Political Innovation in America, p. 169.

levels over a negotiated settlement heightened Solarz's interest on one side of the issue, and that of the critics on the other. The Administration's failure to demonstrate a firm commitment to a policy stance then opened the way for active Congressional involvement. In the face of this, members on both sides of the issue viewed their intervention as imperative. The crisis atmosphere surrounding the issue in Congress only intensified members' participation in the search for a solution. Indeed, it was the Administration's inability to take decisive action that led Solarz in both phases one and two to launch two separate policy initiatives.

Interaction with international actors was also evident. In each of the three phases, an influential member of Congress made a major trip to the region. Solarz's purpose was to assess the situation, explore a range of policy initiatives and how they might fare, and to signal the deep interest of the Congress itself in resolving the issue. While lethal aid was his principal focus at the time, the genesis of the U.N. plan also arose out of this trip. During his visit, Robb was effectively able to size up the individual players in the Cambodian drama, leading him to conclude that the Cambodians on their own would be unable to reach a peace agreement. It also gave the senator the opportunity to probe points where the four factions shared common ground, particularly with reference to the U.N. plan. Finally, Robb was able to set in motion the first-ever humanitarian release of MIA remains by the Phnom Penh government -- an example of tangible pay-offs from what is tantamount to a form of Congressional diplomacy.³¹

Kerrey's trip emphasized to him the nationalistic appeal of the Khmer Rouge and the urgent need for a humanitarian gesture to be made to Phnom Penh, leading him to become a chief sponsor of the \$5 million aid for Cambodian children amendment after his return.

For each of these three members, the trips enhanced their stature and expertise on the issue, giving them the aura of policy "seriousness," and in so doing, served to strengthen their hand in the policy making process.

By mid-spring of 1990, the impact of changing developments in the region on the foreign policy making process was manifest once again. The potential prospect of a Khmer Rouge bid for power finally stirred presidential interest and in part led Bush to involve himself personally as he ratified current U.S. policy. Prior to that, events had succeeded in encouraging involvement at the highest levels only within the Congress. The Tokyo Meeting, for example, in June of 1990 was a catalyst for a new round of Congressional opposition. But in the Administration, Bush's participation also led to a magnified push to wrap up an agreement in the Perm Five talks. And once the Perm Five discussions had attained measurable success that summer, opportunities and the need for Congressional involvement severely diminished. The final Cranston hearing more than illustrates this point.

Nevertheless, it was the original developments that created an issue and a need for Congressional involvement, providing the opportunity for Congressional initiatives and action in the first place.

³¹ It is important to emphasize that this was carefully worked out in advance with the Administration, which was supportive, helpful, and grateful. The National League of Families also assisted.

In each of the three separate phases, all of the seven factors are present, and there is an interplay among them. But some of the factors were more indispensable to Congressional initiative and influence than others. In particular, three factors stand out as most important.

First is developments in the international arena. There needs to be some event or confluence of events that triggers a change in U.S. policy. In short, these events act as a catalyst, providing a reason for members to get involved in the first place and a need to re-evaluate the soundness of the current U.S. policy stance.

The second and third factors flow from the first, and work hand-in-hand: they are individual members and Administration involvement. The executive branch's failure or unwillingness to respond to events in a timely manner opens the way for individual members of Congress to initiate their own foreign policy efforts. To succeed, however, such members need to demonstrate a full range of policy entrepreneurial skills, notably expertise, persistence, and innovation. All three of these qualities are vital.

Individual members of Congress govern the ultimate power and effectiveness of the four remaining factors: committees, staff, policy alliances, and interest groups and the media. Despite staff's ability to operate with a significant measure of independence and to manipulate the levers of power in a variety of ways, their success is limited by the ability of the legislator leading the fight on an issue. The same is the case for committees, whose strength is generally determined by the strength of its members and chair, and policy alliances. (It should

also be noted that there is additional overlap among and between the various factors, particularly the Administration and interest groups, within the factor of policy alliances.) While policy alliances also may include members of the Administration and interest groups, individual members are still the dominant force in determining effectiveness and success.

Finally, the least important factor is media and interest groups. They can play a significant role in helping to force an issue on to the agenda and sustaining interest in it, but they have less impact on the actual formation of foreign policy. In addition, as already noted, the media and interest groups are only as effective as legislators allow them to be.

Thus, in assessing the seven factors that help to explain Congressional initiation in foreign policy, it is important to recognize that their configuration and interplay is often subtle and complex -- not the least of which because sometimes the greatest opponent of the Congressional initiator is other elements of the Congress itself. But if one conclusion, above all others, can be drawn, it is that, in the presence of an international event and the absence of effective Administration leadership, individual entrepreneurs will largely determine the success or failure of any initiative.

Conclusion: What About the Future?

Over the course of this study, in two of three separate instances, Congress successfully initiated U.S. foreign policy. Seven factors were isolated that have helped to explain the success of such Congressional

initiative and influence. From this analysis, the outlines for a similarly assertive Congressional role in the future can be posited.

Whenever a new international issue erupts or an existing problem heightens, and the Administration is slow to respond, opportunities will exist for Congressional entrepreneurs. How likely is this? In the current post-Cold War environment, very.

First, consider the new international climate. The end of the Cold War has unleashed a multiplicity of new foreign policy challenges.³² From Haiti, to the former Yugoslavia, to the Horn of Africa, to the former Soviet Republics, to India and Kashmir, to China and North Korea, and the list goes on. In addition, the replacement in this century of Communism with a second "ism," nationalism, has lent a new intractability to a wider range of localized conflicts, both within and between states, fueled by ancient and tribal rivalries and age-old passions. This burgeoning of complex regional conflicts is but one example of the new problems confronting the U.S. Another, nuclear proliferation, has moved from the defense arena into the foreign policy realm as a priority. Furthermore, today, old alliances are in need of recasting, just as the U.S. must also chart a new course with former

³² The literature on the challenges of the Post-Cold War era is already extensive. For three initial assessments that present a range of illuminating essays, the reader may consult: Sheryl J. Brown and Kimber M. Schraub, eds., Resolving Third World Conflict: Challenges for a New Era (Washington: United States Institute of Peace Press, 1992); Brad Roberts, ed., U.S. Foreign Policy After the Cold War (Cambridge, MA: MIT Press, 1992); and Nicholas X. Rizopoulos, ed., Sea-Changes: American Foreign Policy in a World Transformed (New York: Council on Foreign Relations Press, 1990). Also, for one of the finer essays on this subject see, Charles Krauthammer, "The Unipolar Movement," Foreign Affairs 70 (Winter 1990-1991), esp. p. 33. Finally, see the entire edition of Foreign Affairs: America and the World 1989/1990 69 (1990).

enemies. And once again the list goes on. There is no shortage of turmoil.³³

From late 1992 through the first half of 1993, the U.S. has already awkwardly groped for answers to Somalia, Haiti, Russia, and Bosnia. Yet with each passing day, far from getting a handle on resolving these and other problems, the dilemmas seem to expand with a dizzying perplexity. At any given moment, the possibilities and places for U.S. intervention are numerous. And across a range of issues and areas, U.S. policies are being reworked or are awaiting overhaul on a daily basis.

Even if the U.S. chooses to be inactive on a range of issues, this too is also a form of action. And finally, this chronically unstable international climate has created fertile opportunities for future crises, a number of which are unfolding right now, some rather dramatically, some out of view.

Second, how will any Administration rise to the task? Obviously, the future is unpredictable. In the wake of the end of the Cold War, both the Bush and Clinton Administrations have debated the very nature and purpose of the U.S. role abroad. This can be seen institutionally, as the Pentagon struggles to revamp its forces and cope with budget cuts; as whole agencies that were once a bulwark of U.S. policy, such as the United States Information Agency and Arms Control and Disarmament Agency face severe cutbacks and even repeated talk of possible elimination; as there is discussion about what the new role of the CIA

³³ Michael Howard has put it this way: "Whatever happens, the structure of world politics has been changed, and changed irrevocably." in "The Springtime of Nations," Foreign Affairs: America and the World 1989/1990 69 (1990), p. 30.

ought to be; and as environmental issues have been given a formal place in the State Department, and as the National Economic Council in the White House, with status equal to the NSC, has been created. Conceptually, a debate now rages between former hawks and doves, isolationists and interventionists, advocates of realpolitik versus supporters of humanitarian intervention. All this is a vivid manifestation of the U.S.'s difficulty in developing and articulating a post-Cold War global role for itself, and at the same time, it has hampered how the U.S. responds to individual foreign policy issues.³⁴

As of late, pressing domestic issues have shifted the focus of the Clinton Administration, largely crowding out foreign policy issues and often relegating them to a secondary or tertiary role.³⁵ Second, the current budgetary climate has created a resource dilemma. The ability of the U.S. to respond to multiple problems at the same time has been limited by the deficit crisis. Third, there are no ready answers to many of the dilemmas currently facing foreign policy makers in the new world order. In sharp contrast to the bipolar system during the Cold War, most of today's issues are not amenable to the policy prescriptions that guided America in the previous 40 years. On a majority of these

³⁴ This is not without historical precedent. In the late 1930's, both the Congress and the executive continued to vigorously debate what, if any, role the U.S. should play overseas, as Hitler was swallowing whole segments of Europe. This is vividly portrayed in H. Bradford Westerfield, The Instruments of America's Foreign Policy (Westport, CT: Greenwood Press, 1963), pp. 42-44.

³⁵ Indeed, Peter Tarnoff, Undersecretary of State for Political Affairs, at first shocked many observers and the international community in openly acknowledging this point in May 1993. It was later disavowed by Secretary of State Warren Christopher, although, quietly, officials did later acknowledge Washington "must make every effort to keep the expenditures of American resources commensurate with the interests at stake." See "A Brand X Foreign Policy," The New York Times, May 28, 1993.

issues, an intellectual vacuum must be filled, and, as noted in Chapter one, the questions themselves, let alone the answers, are often unclear.³⁶

Fourth, where there are answers, or at least competing solutions, there is often a lack of consensus within the Administration itself and among the foreign policy establishment at large. This was most evident in the rocky first 100 days of the Clinton Administration on Bosnia,³⁷ surely a harbinger of future dilemmas, not just to be faced by this White House, but also by those that follow.

In light of this, it is a virtual certainty that in the foreseeable future, as presidents seek to come to grips with the international arena, a host of issues will be left unresolved, festering, and intensifying.

Third, enter Congress. Clearly the opportunities for Congressional entrepreneurs to play a role in initiating foreign policy will exist and may be quite extensive. But while there are multiple possibilities, and the Senate, and even the House, are hotbeds of spirited debate and discussion, it is unclear whether there will be anyone in Congress able to seize the opportunities.³⁸ Concerning the likelihood of Congressional initiative, the principal question mark is the Congress itself.

³⁶ This point was noted in Chapter one. See also, Jay Winik, "The Quest For Bipartisanship: A New Beginning for a New World Order" in U.S. Foreign Policy After the Cold War, pp. 311-326.

³⁷ See, for example, "While Europe Stalls..." The New York Times, May 12, 1993.

³⁸ The historian Barbara Tuchman put it this way, "So long as man remains the Unknowable Variable -- and I see no immediate prospect of his ever being pinned down in every facet of his infinite variety...." Practicing History (New York: Knopf, 1981), p. 255.

In foreign policy, only a handful of individual members have demonstrated the range of entrepreneurial skills that the case study indicates are necessary for successful initiation. It must be pointed out that, in many ways, Solarz was both exceptional and unique. His personal drive was evident from the outset, but his expertise and ability to innovate were the product of no less than a decade and a half of extensive immersion in foreign policy. His reputation and the regard he was accorded by colleagues and the Administration was a hard-won result of these years of work. To name another example, from an earlier era, much the same can be said for the late Senator Henry M. "Scoop" Jackson.

Few members today appear willing to invest their time and reputations the way Solarz did. But just as important, it remains to be seen if those who do have comparable talent and ability. For example, Senator Joseph Biden, a veteran of the Senate for over two decades and extremely knowledgeable about foreign policy, long active on European issues, and the Chair of the SFRC European Affairs Subcommittee, has yet to achieve stature on foreign policy remotely comparable to that of Solarz, although he has "paid his dues" and made a concerted effort. Others who have earned greater recognition as thoughtful foreign policy heavyweights, such as Richard Lugar, John McCain, and on Russia and international debt, Bill Bradley, have failed to demonstrate the other qualities of successful entrepreneurship -- innovation and persistence. Although, on issues concerning the former Soviet Union, Lugar is tentatively displaying a greater willingness to involve himself somewhat more actively over a sustained period of time. McCain and Bradley are

both examples of still largely untapped, but clearly significant potential.

In the area of defense, two other members have shown the full range of entrepreneurial qualities: Sam Nunn in the Senate and Les Aspin in the House. But Aspin is now Defense Secretary and a leading policy maker in the Administration, and whatever else may be said, Nunn has noticeably shied away from branching out beyond defense into foreign policy, though he has steadily increased his expertise and interest in Russia over the past several years. All said and done, however, the expertise required in the area of defense is very different from that required for foreign policy.

Nunn did launch a major foreign policy effort, throwing his full muscle and his personal prestige behind support of a sanctions policy and opposition to military action in the Gulf Crisis. But while he came within five votes of victory in the Senate, the defeat stung him and threatened to mar his reputation, particularly as subsequent developments concerning Iraq have led some to call into question his policy judgment and prescription on the issue, as well as his willingness to put politics before statesmanship.³⁹ Still, Nunn has remarkable abilities, which could enable him to become in foreign policy what he is in defense, should he decide to exercise them. And if one thing may galvanize the senator, most knowledgeable observers believe that a series of profound foreign policy failures by an Administration

³⁹ For an insightful article on Nunn, see David Von Drehle and Helen Dewar, "The Contrary Democrat: What is Sam Nunn Thinking?" The Washington Post, May 3, 1993. For discussions of the Gulf War crisis, including Sam Nunn and the Congressional role, see Bob Woodward, The Commanders (New York: Simon & Schuster, 1991), esp. Prologue and Part II, and John Lehman, Making War (New York: Charles Scribner's Sons, 1992), pp. 1-57.

could spark Nunn's sense of senatorial duty and propel him to delve into the area once again, with greater vigor and perseverance, and likely success.

But, ultimately, we are left with a question mark on future prospects for Congressional initiation. More than any time in the last 45 years, the possibilities for a vigorous Congressional role exist in the foreign policy making process. The stakes are vast, the rewards are many. In pondering the great issues of the day, what remains to be seen is if there are individual legislators able or willing to rise to the task.

Appendix A: Solarz Asia Itinerary

March 25-31, 1989

March 25	Beijing	Evening	Prince Norodom Sihanouk
March 26	Beijing	Morning	U.S. embassy country team discussion Deputy Foreign Minister Liu Shuqing
March 27	Bangkok	Evening	U.S. embassy country team discussion
	Bangkok	Morning	Bangkok based journalists roundtable Son Sann Thai Foreign Minister Sitthi Savetsila
		Afternoon	Thai Prime Minister Chatchai Choonhaven Interior Minister Praman Adirehsan Thai Prime Minister advisors Representatives of International Committee of the Red Cross, U.N. High Commission on Refugees, and U.N. Border Relief Organization
March 28	Site 2	Morning	General Sak Sutsakan and walk-around Thai border
	Site B	Noon	Prince Norodom Ranariddh
	Hanoi	Evening	Foreign Minister Nguyen Co Thach
March 29	Hanoi	Morning	Foreign Ministry discussions
		Afternoon	Australian Ambassador to Vietnam Graham Aliband
	Phnom Penh	Evening	Non-Governmental Organizations Representatives
March 30	Phnom Penh	Morning	Prime Minister Hun Sen
		Afternoon	Head of PRK National Assembly Chea Sim
	Singapore	Evening	Prime Minister Lee Kuan Yew
March 31	Singapore	Morning	Foreign Minister Wong Kan Seng

Return to U.S.

Appendix B: Solarz Letter to Senate Democrats

STEPHEN J. SOLARZ
13TH DISTRICT, NEW YORK

COMMITTEES
FOREIGN AFFAIRS
CHAIRMAN, SUBCOMMITTEE ON ASIAN
AND PACIFIC AFFAIRS

JOINT ECONOMIC COMMITTEE
EDUCATION AND LABOR
POST OFFICE AND CIVIL SERVICE

Congress of the United States
House of Representatives
Washington, DC

WASHINGTON OFFICE
1538 LONGWORTH HOUSE OFFICE BUILDING
WASHINGTON, DC 20518
(202) 225-2381

DISTRICT OFFICE:
532 MEYER AVENUE
BROOKLYN, NY 11224
(718) 372-8900

619 LORRAINE STREET
BROOKLYN, NY 11211
(718) 706-6603

368 COURT STREET
BROOKLYN, NY 11231
(718) 902-1400

URGENT

July 19, 1989

Dear Democratic Senator:

We write to you as Democrats on one of the great moral issues of our time--the need to prevent the Khmer Rouge from returning to power in Cambodia now that Vietnam appears to be withdrawing from that country.

We believe that one of the best ways of achieving this objective is to strengthen the Non-Communist Resistance (NCR) in Cambodia. It is precisely for this reason that we urge you to vote for an amendment which may be offered by Senator Robb to the State Department authorization bill which would give the President the authority to provide military and economic assistance to the NCR forces. We also ask that you vote against amendments which would significantly restrict that authority. It is not, in our judgment, an exaggeration to say that the fate of Cambodia may depend on the outcome of these votes.

The United States, as you may know, has provided assistance to the non-Communist forces of Prince Sihanouk and Mr. Son Sann since 1985, in order to pressure Vietnam to withdraw its forces from Cambodia, to prevent the Khmer Rouge from returning to power in Phnom Penh, and to permit the Cambodian people a genuine act of self-determination. Precisely because the Vietnamese now seem to be withdrawing from Cambodia, it is all the more important to secure a satisfactory political settlement, thereby blocking a Khmer Rouge bid for power. Indeed, more than any other conceivable development, a negotiated agreement among the various Cambodian factions would help to prevent this dreaded and dreadful scenario from coming to pass.

We are convinced providing assistance--both lethal and non-lethal--to the NCR will clearly enhance the prospects for a political settlement. Prince Sihanouk and Son Sann are prepared to enter into a genuine power-sharing arrangement with Hun Sen, the prime minister of the Phnom Penh regime. His willingness to agree to a genuine coalition government, a sizable peace-keeping force, and a multi-party system will be much greater if he knows we are prepared to help the NCR with arms and aid than if he believes we are turning our backs on them. Yet so far, Hun Sen, who is the major obstacle to a settlement has only offered cosmetic concessions. Furthermore, in the

THIS STATIONERY PRINTED ON PAPER MADE WITH RECYCLED FIBERS

event that there is no settlement, or if a settlement is reached and then breaks down, providing assistance to the NCR forces will strengthen their ability to hold their own militarily in the ensuing civil war. Restricting the President's authority to provide lethal aid at this present critical moment will send a signal to the Vietnamese, to Non-Communist Cambodians, and to the Khmer Rouge that the United States no longer cares about the fate of Cambodia.

We also urge you to vote against any amendment would prohibit aid to "allies" of the Khmer Rouge. This would effectively require the NCR to withdraw from the so-called "Coalition Government of Democratic Kampuchea" as a condition for US aid. This coalition, which consists of the two NCR groups and the Khmer Rouge, was created for purposes of international public diplomacy, and was imposed on the NCR leaders by China and ASEAN. It is nothing more than a political fiction. It bears no relation to the situation on the ground, where Khmer Rouge units have regularly attacked NCR units, or to the democratic objectives of the NCR leaders. Forcing Sihanouk and Son Sann to withdraw from the CGDK as a condition for US assistance would seriously undercut their negotiating position and secure nothing from Vietnam and Hun Sen in return.

The presence of the NCR in this paper coalition has provoked understandable concerns that US lethal assistance to the NCR would fall into Khmer Rouge hands or be used in ways which directly or indirectly benefit the Khmer Rouge. If we thought there were any serious possibility of that occurring, we would be opposed to the program. Yet we believe these worries are unfounded. None of the military assistance provided to the NCR by China and others has fallen into Khmer Rouge hands, and the NCR is already committed to safeguard its American aid.

Moreover, current law already prohibits any assistance "for the purpose or with the effect of promoting, sustaining, or augmenting, directly or indirectly, the capacity of the Khmer Rouge or any of its members to conduct military or paramilitary operations in Cambodia." We have had assurances from the Administration that before it goes forward with an assistance program, it will secure firm and reliable assurances from the NCR leadership that they will not use US assistance in cooperation or coordination with the Khmer Rouge or to benefit the Khmer Rouge in any way whatsoever, and that it will institute effective controls to ensure that diversion or unintended consequences do not occur.

There have been suggestions that undertaking an expanded program of assistance for the NCR will start the United States down the slippery slope of a major and direct re-involvement in Indochina. We believe that these concerns are unfounded. Our measured involvement over the past eight years in Afghanistan, Nicaragua, and Angola demonstrates that we can pursue an active policy without sending in the Marines. Moreover, precisely because Cambodia is part of our searing Indochina legacy, there is no chance that American forces would be introduced to prevent the Khmer Rouge from returning to power. Yet precisely because American troops will not be sent, it is all the more

incumbent on us provide whatever assistance we can to members of the NCR who are willing to fight and die to prevent Pol Pot from returning to power and to make possible a Cambodia that is free, independent, democratic, and rid of mindless violence.

Let there be no mistake about the view of the Bush Administration. It remains committed to an active policy for securing Vietnam's withdrawal from Cambodia, for facilitating an acceptable political settlement, and for preventing the Khmer Rouge from returning to power. It seeks a variety of means to achieve these ends and the discretion to apply them flexibly as circumstances require. Yet if the Administration is to carry out this policy, it will require strong bipartisan support from the Congress. In order to prevent a repetition of the Killing Fields, we urge you to join us in supporting assistance for Cambodia's Non-Communist Resistance.

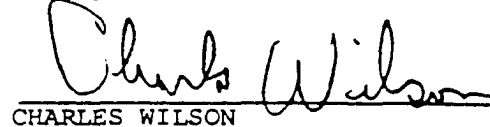
Sincerely,


STEPHEN J. SOLARZ


ROBERT G. TORRICELLI


DANTE B. FASCELL


BILL RICHARDSON


CHARLES WILSON

P.S. The Robb amendment is very close to the Cambodia provision of H.R. 2655, the Foreign Aid Authorization Bill, which the House endorsed by more than a three-to-one margin.

Appendix C: DPC Daily Report

DPC

Democratic Policy Committee

George J. Mitchell, Chairman
Thomas A. Daschle, Co-Chairman

J. Thomas Sliter, Staff Director
U.S. Senate, Washington, D.C. 20510
202-224-5551

To be distributed to: Senator, Administrative Assistant, Press Secretary, and Legislative Director
Committees: Distribute to Staff Director

DPC Daily Report
Thursday, July 20, 1989

CURRENT UNANIMOUS CONSENT AGREEMENT

At 9:25 a.m., the Senate will proceed to consideration of S. 83, the Uranium Enrichment bill, Cal. No. 136, with 5 minutes equally divided, with no amendments in order other than the committee amendments, and with a roll call vote on final passage to occur at 9:30 a.m. Following the vote on S. 83, the Senate will return to consideration of S. 1160. On Wednesday, a cloture petition was filed on S. 1160. Today's session could be very late, with roll call votes possible well into the evening.

The following amendments are the only amendments remaining in order to S. 1160. The amendments are in the first degree, except where noted, and there are time limitations on amendments when noted. Relevant second degree amendments are in order under the same time limitation as the first degree amendments.

- 1. LAUTENBERG: Refugee status (40 minutes equally divided)
2. GRAHAM: Soviet Military Assistance to Nicaragua (30 minutes equally divided)
3. SANFORD: Reduce bill's level across the board to conform with the Budget Agreement (30 minutes equally divided)
4. SIMON: Sense of Senate re: South Africa (30 minutes equally divided)
5. LEVIN: 2nd degree to death penalty amendment providing for life imprisonment without parole (no time limit)
6. DODD: Relating to Foreign Aid policy (30 minutes equally divided)
7. ROCKEFELLER: USTR in Tokyo (30 minutes equally divided)
8. ROBB: Cambodia (1 hour equally divided)
9. GRAHAM/MACK: Cuba (30 minutes equally divided)
10. BREAUX: Sea Turtles
11. DOLE-MITCHELL: PLO amendment
12. MITCHELL-DOLE: PLO amendment
13. DODD: USIA programming information (30 minutes equally divided)
14. WILSON: Prohibit Mid-East Peace Conference at UN (20 minutes equally divided)
15. SYMMS: Hong Kong refugees (10 minutes equally divided)
16. SYMMS: Mt. Alto (60 minutes equally divided)
17. MACK: Cuba - (20 minutes equally divided)
18. MACK: Cuba - (20 minutes equally divided)
19. SPECTER: Death Penalty to terrorists (no time limit)
20. THURMOND: 2nd degree to Specter death penalty (no time limit)
21. BOSCHWITZ: PLO (40 minutes equally divided)
22. KASTEN: VOA to China (10 minutes equally divided)
23. MCCLURE: MFN status/USSR (no time limit)
24. CHAFFEE: Sense of Senate on Middle East (60 minutes equally divided)
25. MURKOWSKI: Cambodia (60 minutes equally divided)
26. MURKOWSKI: Plastic explosives (10 minutes equally divided)
27. ARMSTRONG: China refugees (30 minutes equally divided)
28. SIMPSON: 2nd degree to Lautenberg (Pan Am 103) (30 minutes equally divided)
29. SIMPSON: refugee financial aid (30 minutes equally divided)
30. SIMPSON: refugees (30 minutes equally divided)
31. GORTON/KOHL: Chinese students status (no time limit)
32. ROTH: Polish-American equity fund (20 minutes equally divided)
33. DANFORTH-BOREN: Role of Congress in foreign policy (20 minutes equally divided)
34. HEINZ: Slepak principles for trade
35. HEINZ: rautorests (pending #272) (10 minutes equally divided)
36. KASTEN: 2nd degree to Heinz #272 (10 minutes equally divided)
37. HUMPHREY: 2nd Degree to Poland Ammend
38. SPECTER: Victims of Terrorism (20 minutes equally divided)
39. SPECTER: Inter-Sink Force (20 minutes equally divided)
40. D'AMATO: Panama Re-elections (30 minutes equally divided)
41. GRASSLEY: Pending Amendment #270
42. HELMS: Pending Amendment #269
43-54. HELMS Amendments: (20 minutes equally divided on each)
- Soviet Georgia
- Ukrainian Famine Commission
- VOA Construction (Morocco and Thailand)
- Soviet Bloc Loans
- U.S./Soviet Boundary Agreements as Treaties
- Report on U.S. Membership in OAS
- Revolving Door - State Dept. Ethics
- Moscow Embassy
- Additional PLO
- State Dept. Grievance Board
- U.N. Transition Assistance Group
- South Africa

Appendix D: Robb Dear Colleague Letter

CHARLES S. ROBB
VIRGINIA

United States Senate
WASHINGTON, DC 20510

COMMITTEES:
BUDGET
COMMERCE, SCIENCE,
AND TRANSPORTATION
DEMOCRATIC POLICY
FOREIGN RELATIONS

July 20, 1989

Dear Colleague:

Today in the halls of Congress and in the media, debate is beginning to take shape on what our policy toward Cambodia should be as Vietnam prepares to end its 10-year occupation of that country. During mark-up of the Foreign Aid bill, Senators on the Foreign Relations Committee expressed the view that a matter of such gravity should be debated before the full Senate.

I have prepared an amendment which allows the administration to seek lethal aid for Cambodia's Noncommunist resistance forces if it sees fit, in order to give the Noncommunists a fighting chance in their struggle with the Communists.

This is an issue with important consequences, and this amendment gives this body the opportunity to give the issue the kind of full and thoughtful debate it deserves.

Sincerely,



Charles S. Robb

ASSISTANCE FOR THE CAMBODIAN PEOPLE

(a) POLICY.-- It shall be the policy of the United States to:

(1) Support the Cambodian non-communist resistance in its efforts to establish an independent, democratic government in Cambodia responsive to the freely expressed will of the Cambodian people.

(2) Support the establishment of a coalition government in which the non-communists have a leading role that will not support, accept, recognize, or tolerate any political arrangement in Cambodia that would enable the Khmer Rouge to reestablish their control over Cambodia.

(b) ASSISTANCE FOR THE NON-COMMUNIST RESISTANCE.-- Notwithstanding any other provision of law, the President may make available to the non-communist resistance forces and non-communist civilians in Cambodia funds made available for foreign military financing and economic support assistance for fiscal year 1990 under the Foreign Assistance Act of 1961.

(c) PROHIBITION ON ASSISTANCE TO THE KHMER ROUGE.-- Notwithstanding any other provision of law, none of the funds made available to carry out this section may be obligated or expended for the purpose or with the effect of promoting, sustaining, or augmenting, directly or indirectly, the capacity of the Khmer Rouge or any of its members to conduct military or paramilitary operations in Cambodia or elsewhere in Indochina.

(d) CLARIFICATION OF AUTHORITIES GRANTED.--

(1) EARMARKINGS OF FUNDS NOT AFFECTED.-- Nothing in this section supersedes any provision of this Act or the Annual Foreign Operations, Export Financing, and Related Programs Appropriations Act that earmarks funds for a specific country, region, organization, or purpose.

(2) APPROPRIATIONS ACT LIMITATIONS NOT AFFECTED.-- Nothing in this section supersedes any provision of the annual Foreign Operations, Export Financing, and Related Programs Appropriations Act that specifically refers to the assistance authorized by this section and establishes limitations with respect to such assistance.

(3) REPROGRAMMING REQUIREMENTS NOT AFFECTED.-- Nothing in this section supersedes the requirements of section 634A of the Foreign Assistance Act of 1961 or any provision of the annual Foreign Operations, Export Financing, and Related Programs Appropriations Act that requires prior notification to congressional committees of proposed reprogramming of funds.

Appendix E: Robb Asia Itinerary

SENATOR CHARLES ROBB
Visit to Thailand February 16-19, 1990
Proposed Schedule
Control Officer - Ralph (Skip) Boyce
Tel: 152-5040 (Ext. 1034 (C); Ext. 1018 (H))

Thursday, February 15

- 0930 Meet with General Thirawat Putamanonda, MFA Assistant Political-military Coordinator. (Boyce to accompany.)
- (1115) departs for Bali via LH 774. Car departs Regent Hotel at 0800.)
- 1230 Lunch with Ross Munro, outgoing Time Magazine Bureau Chief at Thien Duong Restaurant, Dusit Thani Hotel.
- 1500 Meeting with Prime Minister's advisor (and son) Kraissak Choonhavan, accompanied by Skip Boyce. *Ponah*
- 1630 Possible meeting with Prince Ranariddh. *Plan to meet with Prince Ranariddh*

Friday, February 16

CIA paper from 5/19/81
0800

- 07³⁰ Meet with Refugee Counselor David Pierce at Regent Hotel.
- 0800 Breakfast with Urs Soegli (ICRC) at Regent Hotel. *Conf. of groups*
- 0915 Depart Regent Hotel for UN Building.
- 1000 Meeting with Robert Burroughs (UNBRO).
- 1100 Meeting with Pierre Jambor (UNHCR).
- 1200 Depart for Embassy.
- 1230 Lunch with Bill Erdani (USAID). *W. W. W.*
- 1430 Meeting with [] CIA
- 1530 Call at Singaporean Embassy (Calvin Eu). (To be confirmed.)
- pm Meeting with Khmer Rouge Ambassador to ESCAP Pet Bun Rec. (To be arranged.) *S. - ...*
- 2130 Senator Robb and [] arrive Bangkok via TG614, Don Muang airport. Met by Ambassador O'Donoghue, Political Counselor Skip Boyce (Control Officer) and [] Briefing by Ambassador en route to Regent Hotel.

Saturday, February 17

- 0630 Breakfast with Special Assistant 10.44/
(If desired, will accompany Senator Robb
to airport.)
- 0700 Depart Regent Hotel for airport for meeting in
✓ Pattaya with Prince Sihanouk and Prince
Ranariddh and visit to Thai-Cambodian border.
Accompanied by DCM Victor Tomseth, Pol Counselor
Boyce and political officer Steve Blake.
- 0730 Depart Don Muang via DAO C-12.
- 0800 Arrive Utapao. Transfer to Embassy van and
proceed to Royal Cliff Hotel in Pattaya.
- 0850 Arrive Royal Cliff Hotel (Royal Wing).
- 0900 Meet with HRH Prince Sihanouk and Prince
Ranariddh.
- 1045 Depart Royal Cliff. Board Embassy van and
proceed to Utapao.
- 1130 Arrive Utapao. Board C-12 and take off for
Wattana Nakorn airfield.
- 1210 Arrive Wattana Nakorn airfield.
- 1215 Board Royal Thai Army UH-1H helicopter and take
off for Baan Kasang.
- 1235 Arrive Baan Kasang helipad. Met by Refugee
Officers Allan Jury and Sos Kem. Drive by
embassy van from Baan Kasang to Site 2, camp for
displaced Cambodian civilians affiliated with
Khmer People's National Liberation Front
(KPNLF). Population 148,000. Briefing by
United Nations Border Relief Operation (UNBRO)
representative en route to the camp.
- 1300 Arrive at Site 2. Courtesy call on Thai
Displaced Persons Protective Unit camp commander
Kontnee Wichakwong.
- 1315 Welcome and lunch with Khmer camp leaders.
- 1415 Briefing by KPNLF Commander-in-Chief General Sak
Sutsakhan on military situation. Other
attendees will include Khmer camp leaders,
including Ley Knek, and regional commanders,
such as Kho Chnien, if available.

- 3:45 1500 Meet PRK and Khmer Rouge defectors.
- 3:45 1545 Depart Site 2 for Baan Kasang (Briefing by International Committee of the Red Cross (ICRC) en route).
- 4:05 1605 Arrive Baan Kasang. Depart by helicopter for Wattana Nakorn airfield
- 4:30 1630 Arrive Wattana Nakorn airfield. Board C-12 for return flight to Bangkok.
- 5:45 1705 Arrive Don Muang airport. Proceed to Regent Hotel.
- 7:00 1900 Drinks with KPRLF leader Son Sann at Political Counselor Boyce's residence (five minutes from hotel).
- 7:30 1930 Dinner hosted by DCM Tomseth (next door to Boyce residence). Guests include small number of local reporters covering Cambodia, including Ross Munro.
- 8:30 2130 Dinner ends. Return to hotel.

Sunday, February 18

- 0630 Depart Regent hotel for airport, Wing 6 (military side).
- 0700 Wheels up via C-21 aircraft for Phnom Penh.
- 0845 Arrive Phnom Penh.
- 11:30 1630 Depart Phnom Penh.
- 1:15 1815 Arrive Bangkok. Return to Regent Hotel.
- 1930 Dinner hosted by Deputy Foreign Minister Praphat Limpapandhu to include senior MFA officers, at the Japanese Restaurant, Dusit Thani Hotel (ten minutes from Regent Hotel). Ambassador, DCM and Pol Counselor to attend.
- 2130 Dinner ends. Return to hotel.

*Hun Sen
 Heng Samrin
 Tia Buhn
 Chua Sim*

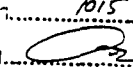
Monday, February 19

- 0500 Baggage, ticket, airport tax (Bant 200 per person) pickup at Regent Hotel.
- 0545 Depart Regent Hotel for airport.
- 0700 Wheels up from Bangkok.
- (1130 Prime Minister Chatchai has offered this time to meet with Senator Robb, if the Senator can stay over in Bangkok.)

ลับ

โทรเลข

วันที่ 7 กพ 33 1015
 ระบบสื่อสาร เทเลกราฟที่ 21/2533 หน้า 1 ของ 1 หน้า
 จาก กระทรวงการต่างประเทศ
 ถึง สถานเอกอัครราชทูต ณ กรุงวอชิงตัน

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RYT 83/2533 ON SEN. ROBB'S VISIT.

FOLLOWINGS ARE ARRANGEMENTS BEING MADE FOR SEN. ROBB.

1. H.E. DFM WILL HOST DINNER FOR SEN. ROBB ON 18 FEB.
2. ON 17 FEB. U.S. EMB C-12 PLANE WILL TAKE ROBB AND HIS PARTY TO WATTANA NAKORN AIRFIELD WHERE THEY WILL FLY IN RTG'S HELICOPTER TO SITE 2, AND SITE B, RESPECTIVELY. U.S. EMB'S C-12 PLANE WILL TAKE ROBB AND PARTY BACK TO BKK FROM SURIN.
3. SARANROM WAS INFORMALLY INFORMED BY GOVERNMENT HOUSE THAT IT IS HIGHLY UNLIKELY THAT H.E. PM WILL BE ABLE TO RECEIVE ROBB DUE TO HIS HEAVY ENGAGEMENTS. HOWEVER, THE MATTER IS STILL TO BE CONFIRMED.
4. MEETING BETWEEN ^{นายพันเอก} .. AND MAJ. GEN. TEERAWAT HAS BEEN FIXED AT 09.30 A.M. 15 FEB. AT SARANROM.
5. SARANROM ALSO LEARNED THAT KRAISAK HAS AGREED TO MEET ^{กับ} ..


 7. 2. 33

KASEM

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