

Dean Rusk Oral History Collection

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Dean Rusk interviewed by Loch Johnson, Richard Rusk, and Thomas J. Schoenbaum

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RICHARD RUSK: --Congressional relations and his experience in the Congress, and the making of foreign affairs. Loch Johnson is with us today. In addition to Tom and Rich Rusk. This is January 3, 1985.

And Pop, I have noticed reading back through some of these transcripts that some of our best ones have been those where you start off and open with your remarks and we more or less stay out of the picture.

DEAN RUSK: Perhaps we ought to begin with a few simplicities. The American constitutional and political system is probably the most complicated such system in the world, at least since the Dalai Lama was driven out of Tibet by the Chinese. I think his might have been more complicated, deliberately made complicated by the founding fathers to put restraints upon the exercise of power. The late Chief Justice Earl Warren was here at our Law School shortly before his death, and on that occasion said that if each branch of the federal government were to pursue its own constitutional powers to the end of the trail, our system simply could not function. It would freeze up like an engine without oil. Impasse is the overhanging threat in our constitutional system.

Now, one consequence of this complexity is, by the way, that it is almost impossible for foreigners to understand it. And many Americans don't understand it. We spend a lot of time with representatives of other countries trying to give them elementary education about the nature of our constitutional system. I myself have spent a good deal of time with Mr. [Andrei A.] Gromyko and Ambassador [Anatoly] Dobrynin on just that matter.

Another consequence of complexity is that those who hold positions of responsibility within the system, either by election or by appointment, have to spend an enormous amount of time just to make the system work. The separation of powers is a very important concept in our Constitution, but that is only one side of the coin. The other side of the same coin is the constitutional necessity for comity among the branches of government, for cooperation among the branches of government. Our Constitution forces us to seek a consensus in order that the government can function and I personally think that this is a wholesome influence. But it is always there.

Now in the case of a Secretary of State, he has a five-foot shelf of statutory law organizing his department and setting many of the main lines of policy which he is expected to pursue, and he must take those seriously. Almost everything that is done in the foreign policy field of any importance requires legislation, or appropriations, or both, and that means action by the Congress. So a Secretary of State has to be prepared to spend a great deal of time with the Congress. Henry [Alfred] Kissinger called me while he was Secretary and said he had looked into the time spent by Secretaries of State with the Congress and that I turned out to be the

champion. Well, that doesn't surprise me because I did spend a lot of time.

RICHARD RUSK: How much of your time?

DEAN RUSK: Well, my appointment books could give you a basis for some figure on that, but let me indicate how this works. Your most important contacts are with committees and subcommittees of Congress in hearings: either private hearings or in public hearings. Now, I went to those committees literally hundreds of times during my eight years. And every time you go you have to take another two or three days ahead of time to be prepared because in the Congress there is no rule of relevance which limits members to questions on particular fields. They can throw at you a question on any subject whatever. So you have got to go to school for two or three days before you go down to meet those committees. So it is a time-consuming activity.

Then, there is the business of meeting with the individual senators and congressmen from time to time. Those of particular importance to you are the chairman and principal minority member of the Senate and House Foreign Relations committees. But also the chairmen of your appropriations subcommittees come to be extraordinarily important people to you because they are the ones who basically control your budget. So you spend a good deal of time with them both before and after hearings on the budget.

But then there are breakfast clubs of all sorts among the Congress. All those who came in in a particular year sometimes form a breakfast club and give themselves a nickname of some sort. There are special meetings called with the leadership on Capitol Hill, when a particular problem arises and they want some prompt information and a chance to give some reaction. Then there are other things you do as a matter of courtesy. I tried to have a three-day turnaround time on congressional mail to give that top priority because those fellows are hounded by their constituencies and it seemed to me that the State Department ought to do what it could to help them serve those constituencies. Now very often those answers to that congressional mail cannot be very decisive or helpful because the situation simply doesn't permit it.

I would go down fairly frequently and join a congressman or a senator in a taped radio or television show which he would send back to his constituency. Some of them did that at least once a week. I would do that on a non-partisan basis - a bipartisan basis. I would occasionally go with a particular senator or congressman to his own state or district to make a speech. And I did that, again, on a non-partisan basis. I bumped into one thing which I think made some brownie points for me on Capitol Hill. Congressmen and senators occasionally find themselves with a bunch of twenty-five or thirty of their constituents who come to town as a group and they don't know what to do with them. So I would, on quite a number of occasions, tell these senators and congressmen to send them down to look at the State Department and visit with me for forty-five minutes or so. I enjoyed that, the senators and congressman were grateful, and the constituents were quite set up if they had a chance to meet the Secretary of State.

SCHOENBAUM: Do you remember some specific incidents of that happening? That's a very kind gesture.

DEAN RUSK: I would have to check with my appointment books. One thing that is important, that is the communication between the two branches of government. This is absolutely indispensable, and yet it is not easy. The pressures of time on senators and congressmen are hard to believe. The general public has no idea how tough a job it is to be a senator or congressman. You might have 150 desk officers following events in all parts of the world, each one of them, one per country, almost twenty-four hours a day. And there is just no way that you can get the time from senators and congressmen to give them an in-depth understanding of everything that is going on in the world. Senators and congressmen often find it difficult to find time to get to committee meetings. Chairman [James William] Fulbright and I used to talk to each other about this problem. Of course, one way to solve it was to be on television, then they all turned up: half of them with pancake on all ready for the show. But this pressure of time complicates the communication business. I tried never to turn down any invitation to come to Capitol Hill in any way, shape, or form. On one occasion in 1967 President Lyndon [Baines] Johnson did not want me to go on a public television hearing on Vietnam because of the particular stage of some negotiations.

RICHARD RUSK: Could you spell that out in a little more detail--why he didn't want you to?

DEAN RUSK: Well, Fulbright wanted a public hearing on Vietnam in 1967 and I offered to go down in a private meeting with the committee, but he didn't want that. He wanted a televised public meeting. Well, Lyndon Johnson did not want me to go because there were some negotiations going on at the time with those in contact with Hanoi and he just thought it was bad timing and bad business to have a public television row over Vietnam right at that particular moment. And he was agreeable for me to go in a private session, but Fulbright didn't want that. However, in the middle of that delaying tactic that I was using, both Fulbright and I knew that if we wanted a foreign aid bill, that I would have to come down there in public session to talk about foreign aid. So, eventually that moment arrived and he had me. And although the hearing was supposed to be about foreign aid, we didn't talk about foreign aid, we talked about Vietnam.

RICHARD RUSK: Was that the two-day hearing.

DEAN RUSK: That's right: a two-day hearing. But this business of consultation: I would have to say that the practice is that the initiative rests with the executive branch: with the President and the Cabinet officers. During my eight years you may be astonished to hear me say that I can remember only four or five times when a senator or a congressman would call me on the phone and say, "Look, the next time you're down here, drop by my office," or "Let me come by to see you on the way home. I want to talk to you about something or other." Very, very rarely do they take the initiative in consultation.

RICHARD RUSK: Ever speculate on the reasons why?

DEAN RUSK: Well, they are so crowded. And also I think one would have to say that they were courteous about the time of the Secretary of State and they didn't press me too hard because they knew that I too was very busy. But the responsibility for the initiative in consultation almost always rests with the executive branch. Now, how that will be affected by the extraordinary increase in congressional staff is something else, because now they have as many staff people as

they have certain bureaucratic syndromes set in with respect to such staff. Each guy has got to earn his own brownie points in the year to justify his job and things of that sort. During the Carter administration I read a newspaper article saying that the Congressional Relations office of the White House was getting 1500 congressional calls every day. Now, in the first place, in my time, ninety-five percent of those calls would have gone to the departments. So I think a part of this was, these weren't senators and congressmen calling, most of those calls were staff people. And these were staff people who were going to be able to say to their boss, "Oh yes, I talked to the White House about this today." And that tends to multiply that kind of a problem.

But there are some things which can be useful devices. In the mid-sixties we began a weekly meeting in the House of Representatives every Wednesday morning at 9:00 o'clock to which every member of the House of Representatives was invited. And there would go to that meeting some senior officer of the Department of State to talk about some particular aspect of foreign policy.

JOHNSON: Did you ever go to that meeting?

DEAN RUSK: I went to it several times and the attendance would range from sixty or seventy to 350, depending upon who was coming and what the subject was. Well, any congressman who attended those meetings regularly would come out at the end of the year with a far broader and deeper understanding of what was going on in the world than would Members of Parliament get from question time in the House of Commons. I thought it was an excellent device and the congressmen themselves very much appreciated it. I remember when I went to, what was obvious to everybody, my last such meeting. I think it might have been in January 1969. I remember that at the end of the meeting a Republican congress man stood up and moved an ovation to me for having set up those meetings and coming myself several times. But it tended to peter out a bit later. I understand they are trying now to revive it in some fashion.

JOHNSON: Well, I was curious why this never happened in the Senate?

DEAN RUSK: Well, at the time we started these meetings in the House we offered them to the Senate, but there were members of the Senate Foreign Relations Committee who did not want backbench Senators to get that much involved with foreign policy. So they turned it down in the Senate. But the House Foreign Affairs Committee welcomed it. I gather at the present time, in 1984-85, that there is something like that for senators. I understand that maybe forty, fifty or sixty of them will gather once a month or so and talk about some of these things.

JOHNSON: Was the staff invited to the House meetings?

DEAN RUSK: No. Staff was not invited. My guess is that, given the number of staff now, the rooms couldn't accommodate them.

JOHNSON: What did you do when it came to sensitive matters?

DEAN RUSK: Well, we found that, both in discussions with the House Foreign Affairs Committee and these weekly meetings with the House of Representatives, that you could be very

candid and very frank because the House itself had established a pretty strong tradition against leaking. I don't recall a single indiscrete leak that came out of those Wednesday morning meetings. I think there was one occasion when there was what appeared to be a leak out of the House Foreign Affairs Committee. And they just gave that member hell for having broken their tradition. The House is much more close-lipped on confidential information than is the Senate, and so I was entirely comfortable about it. Now in such briefings it is important to have people who are senior enough to be able to be candid. If you send people down who are too junior, they'll be too nervous about what they ought to say and what they ought not to say. But senior people can be entirely candid because they are the ones who decide what is to be said or not, and so that makes some difference.

JOHNSON: Would you say a word on the format? Was it a Q&A session?

DEAN RUSK: In these Wednesday morning meetings, usually the guest would begin with a very few rather short summary remarks about the particular problem or area, and then they would go fairly promptly into questions and he would develop his further points in answer to questions.

JOHNSON: Did you have a sense of what members bothered to come to these meetings? Were they members of the Foreign Affairs Committee?

DEAN RUSK: I would say the Foreign Affairs Committee typically, not so much the appropriation committees. But if you were to look over a list of the House of Representatives membership with any knowledge of its membership, you could pretty well predict who would be at these meetings: the more active and lively and those most interested in foreign affairs. I would think that there would be about fifty or sixty regulars and then there would be added on others depending on the subject matter. But we met in the large room of the House Foreign Affairs Committee and they served doughnuts and coffee. And it was a good occasion.

RICHARD RUSK: Did that continue throughout the late sixties with the tension over Vietnam?

DEAN RUSK: As I say, they petered out for reasons I am not sure of during the Nixon, Ford, and Carter years. But there is some discussion now about trying to revive it.

RICHARD RUSK: As a result of these meetings perhaps the greater degree of rapport you had with the House--did you have greater success with the House than the Senate with respect to foreign policy issues?

DEAN RUSK: Well, the Senate is a rather different body than the House. You have a hundred sovereign senators, who sometimes act like a hundred Presidents in Congress assembled.

JOHNSON: Or their own Secretaries of State!

DEAN RUSK: And their own Secretaries of State. And remember, you usually have in the Senate a number of senators who are very grumpy because they didn't get to be President. And you have another group who would give their kidneys to get to be President. And so this reduces

the number of people who concentrate on being good senators. But in terms of experience and standing back home and things of that sort, the Senate is a somewhat different body than the House. But, again, it's time. During the 80th Congress, which was a Republican Congress and Arthur [Hendrick] Vandenberg was Chairman of the Senate Relations Committee, every report that came out of the Foreign Relations Committee, every bill, every report, with one trivial exception, came out unanimously from the Committee. Now that is because Arthur Vandenberg somehow was able to make members come to meetings, sit there, and hammer out a committee view. Now from the executive branch point of view, this was great. Because you knew where you were, you had someone with whom to negotiate, you had a known position to deal with, and that greatly facilitated consultation between the two branches. Now, when that kind of thing does not happen and you've got senators all over the place, you not only have to consult with a lot more senators, but you also have to put their views together in a jigsaw puzzle and try to figure out for yourself where the Senate comes out at the end of the day. There are usually some senators and congressmen who understand the fundamental constitutional principle, and that is that the powers given to the Congress under the Constitution are given to the Congress as a corporate body. They are not given to individual senators and congressmen. And if you are lucky there are always some members around who understand the necessity for the Senate to act as a corporate body at the end of the day. I am thinking of Arthur Vandenberg, Richard [Brevard] Russell [Jr.], Lyndon Johnson as Senate Majority Leader, Everett [McKinley] Dirksen. Those are the kind of people that Lyndon Johnson used to call the whales. But, you see, with 535 members of Congress, it is almost impossible to consult with 535 of them. So from the executive branch point of view, you need somebody in the Congress with whom to talk. Now this will change in a Congress from time to time. Back in the early sixties we could talk to four senators: Richard Russell of Georgia, Bob [Robert Samuel] Kerr of Oklahoma, Hubert [Horatio] Humphrey of Minnesota, and Everett Dirksen of Illinois, then go over to the House side and talk with Speaker Sam [Taliaferro] Rayburn. And we knew what the Congress would do or would not do because they could tell us, possibly because they could tell the Congress. I mean, Dick Russell could deliver twenty-five votes in the Senate on any subject whatever. But now the young turks of a later generation broke up that kind of leadership: broke up the whale system. And you don't have individuals who can speak for the Congress except after a formal vote, and that complicates the consultative process.

By and large, though, foreign policy in this postwar period has been largely bipartisan in character, and that facilitates consultation. In all of these hundreds of meetings with committees and subcommittees of the Congress that I attended, on no single occasion did I ever see differences of view turn on party lines: Republicans against Democrats. Now there were differences cutting across party lines because a lot of these things are very complicated, requiring on-balance, razor edge judgments on which honest men and women can disagree. But I never saw those differences turn on party lines. So that by and large, at least in between Presidential elections, foreign policy has been handled largely on a bipartisan basis.

Now let's put it another way. On every working day throughout the year something like three thousand cables will go out of the Department of State to our posts and to governments all over the world. Just getting on with the day's business is an enormous mass of business. I have here somewhere a typical day's breakdown of what those three thousand cables are about. Maybe I can put my fingers on them. But my guess is that only three or four of those cables on any given

day would require any kind of congressional consultation. A lot of it is simply carrying out the law which the Congress has already put on the books, or administering treaties that have already been ratified. So there is a mass of foreign policy action taken day by day that does not interest the Congress, does not complicate relations with Congress, on which the Congress does not have to take any fresh action. My guess is that if you spread these three thousand cables before the Congress on any typical day, that the overwhelming majority of the Congress would approve more than ninety-five percent of those cables. It is just getting on with the day's work arising from the state of our law, and the kind of people we are, and the shape of the world. Now there are times when people in the executive branch don't spend enough time and care on their relations with Congress. Both President [John Fitzgerald] Kennedy and particularly President Johnson, expected their cabinet officers to take primary responsibility for their own legislation in the Congress and not to expect the President to put all this through for them.

SCHOENBAUM: Were there things though that you considered to be so important to the administration, and that you considered to be paramount, and that you had discussions with Kennedy or Johnson on it: being things that the President should get directly involved?

DEAN RUSK: Well, most of the proposed legislation would go down from the President to the Congress. He would usually send along a letter to him from the Cabinet Officer--from me, for example--setting forth the reasons for the need for legislation and so forth, so that he would transmit proposed legislation to the Speaker and to the Vice President and then we would go on the congressional calendar somehow. For example, I appeared thirty-two times in eight years before committees of Congress on behalf of foreign aid. Each year you had to appear four times. During the authorization period you appeared before the Senate Foreign Relations Committee and House Foreign Affairs Committee, and then you appeared before the two appropriations committees when the time came to get your money. Well now, in connection with those thirty-two appearances, which is somewhat like pulling teeth getting money for foreign aid, I didn't really get much help from either President Kennedy or President Johnson. They let me sink or swim on that and I am not even sure to this day what Lyndon Johnson's real attitude was toward foreign aid. They just would not invest their own political capital in mean legislation which they thought they could somehow get along without doing.

JOHNSON: Would you argue that those thirty-two trips were an unreasonable surcharge on your time?

DEAN RUSK: Well it was a heck of a burden. But in my own case, since I started from a sort of a constitutional point of view I didn't mind, because I realized that that was how the wheels turned over: that was how you made the system function. In the case of my own State Department appropriations, over a period of three to four weeks ahead of time before going down to Congress with them, I would hold hearings myself in my own office with heads of different parts of the State Department to be sure that I knew where every dollar in that budget was. Because the chairman of my appropriations subcommittee in the Congress, when he took my budget to the floor, would have to be able to answer any question from any direction about any dollar. And I thought that I at least ought to know as much about it as he ought to know when he got up on the floor to defend the budget. And I became very much attached to the idea of zero budgeting in the sense that if you follow every dollar in your budget proposals coming to

you from the rest of the Department, you almost certainly will find situations of waste, duplication, things that ought to be corrected. I mean--One small example: I found when I was there that each officer of the Department seemed to want in his own personal office a complete file of all the things he was dealing with. This meant file cases and things like that. Well, I took steps to group these file arrangements for every, say, four or five officers in a particular area, working on a particular problem. So they could step two offices down the hall and get what they wanted out of a more or less semi-centralized file. Well, we saved thousands and thousands of feet of floor space that way and also stopped buying file cases for quite a while.

RICHARD RUSK: Didn't you have the same thing with water coolers?

DEAN RUSK: Those water bottles, yes. The bureaucracy does not fight for power, they fight for the symbols of power such as a rug on the floor, a coffee table by your sofa, a flag in the corner, a water bottle on the table. They used to cut each other's throats on these damn water bottles: vacuum water bottles of metal that sit there on a little tray. Well, I learned in one of these budget hearings that these darn water bottles cost the government about \$82.00, or something like that. And I also knew that I could go down to Sears and buy one for \$16.50. So you started putting pressure on water bottles. But the point I am making is that an enormous amount of work goes into your preparation for such hearings. Now I used to get a little annoyed because when I would get through my own budget presentation, then the committees would typically call all the Assistant Secretaries up one by one to talk about the work of their particular section and their own budget. And there were times when the Assistant Secretaries would not know where their own dollars were in their own budget. And that used to make me mad. And it obviously made the chairmen of the subcommittees mad. But we had a congressional relations staff there headed by an Assistant Secretary. I would have to get you the names of those. But they were a very busy group keeping in contact, visiting congressmen, preparing material requested by congressmen, handling congressional mail, and things like that. Our staff was relatively small in the Department compared to, say, the Pentagon staff for such a thing.

RICHARD RUSK: Turning to an earlier question: just if you had to make a rough estimate how much of your time during these eight years was spent toward congressional relations, not only your testimony but getting ready for testimony, what would you say?

DEAN RUSK: Well, it would be somewhere between a fourth and a third of your time. Put it all together, the preparation and everything else, it's a major part of the job. I don't want to appear too self-serving on this but I think President Kennedy and President Johnson both appreciated our relations with Congress. They got echoes from that from Capitol Hill a good deal from their own contacts with Capitol Hill and also we got our legislation. So they seemed to be satisfied with that. As a matter of fact, each of them spoke to me about that.

JOHNSON: You know, there seems to be a paradox. One gets the impression that there is a lot of consultation going on (unintelligible), but then if you look at many of the major foreign policy decisions during your tenure, Congress apparently was uninformed on (unintelligible).

DEAN RUSK: Bill Fulbright was informed on the Bay of Pigs and strongly opposed it. But at the time of the Cuban Missile Crisis, President Kennedy felt that he ought not to make public the

presence of the missiles in Cuba until he was ready to announce at the same time what he was going to do about it. So we sat on that information for a full week. Then about two hours before he went on television for his famous speech on this subject, he called about thirty of the congressional leaders down to the Cabinet Room of the White House to tell them about the missiles and go over with them what he was planning to do. Now that was the first time those senators and congressmen had heard about the missiles, and the executive branch had had a week to think about it, and look at all the alternatives, and analyze it in great depth, and give President Kennedy a chance to come to his own decision. Well this was not consultation as I think of consultation. The only operating question before those senators and congressmen at that moment was, "Are you prepared to support your country in this moment of danger?", which is not the right question to put to them. You see they had not had a chance to think about it, to talk to each other about it, and that sort of thing. So I think that is an example of consultation which is not consultation.

JOHNSON: Do you think that was a mistake then?

DEAN RUSK: Not necessarily. By the way, let me say that at that meeting with congressional leaders, despite the fact that Kennedy was moving to a major, major crisis, no member of Congress, senator or congressman, raised any question about whether Kennedy had the constitutional power to do what he was about to do without coming to Congress. As a matter of fact, as we left the room one Senator turned to me and said, "Thank God I am not the President of the United States." Now there may be times where the sheer gravity of the crisis will affect the allocation of constitutional responsibility. But no one at that meeting raised any question, so far as I know, later about Kennedy's doing what he did at the time of the Cuban Missile Crisis without any action by the Congress.

RICHARD RUSK: Did Kennedy strictly, simply inform the Congress as to what was going to happen or did he ask?

DEAN RUSK: He told that what he was planning to do.

RICHARD RUSK: Did he ask for an endorsement?

DEAN RUSK: But he went around the table asking people for their comments. Senator Fulbright, Senator Russell both thought that we ought to begin with a strike against Cuba and not through the quarantine method.

RICHARD RUSK: Did he ask for an endorsement?

DEAN RUSK: Not by any formal vote or anything. But it was clear that when the meeting broke up that the senators and congressmen realized that we were all in this canoe together and that we would come through together or go down together. And they all wished him well, including Russell and Fulbright.

SCHOENBAUM: What about Tonkin Gulf? How would you contrast the way that was handled with the way the Cuban Missile Crisis was handled?

DEAN RUSK: Well, after the second incident in the Gulf of Tonkin--well, when the first incident occurred in the Gulf of Tonkin, we decided to ignore it on the grounds that this might be simply trigger-happy local commanders doing something but not a major political connection by North Vietnam. But when the second incident occurred, then that raised a more serious issue: namely that this might well have been, almost had to be, a political decision in Hanoi. [It] also raised the question and point that they were trying to drive us out of the Gulf of Tonkin which they were busily using to infiltrate people into South Vietnam. So President Johnson decided to retaliate against the bases from which these torpedo boats were coming. But he called the congressional leadership in and he went over with them the incidents in the Gulf of Tonkin and the retaliatory strikes. But then when that was all over, he turned to the experience that Truman had had with [Robert Alphonso] Taft at the time of Korea. I was present when Truman met with the congressional leaders about his intervention in Korea and it was clear at that meeting that everybody present thought that the President should go ahead on the basis of his own presidential powers, reinforced by resolutions of the U.N. [United Nations] Security Council and should not come to the Congress for a resolution on the subject. Well about three or four days later, Senator Taft, who had not been at that meeting because he was more or less the domestic man on the Republican side, got up on the Senate floor and said, "I approve of what President Truman is doing, but I strongly oppose his doing it without coming to the Congress." Lyndon Johnson remembered that very clearly. And when he first became President after the tragedy of November, 1963, he told us that if we were going to stay in Vietnam very long or to do more in Vietnam than we were doing, we would have to go to the Congress for a resolution. So Johnson went over this with the congressional leaders at the time of the Gulf of Tonkin as a matter separate from the actual incidents in the Gulf of Tonkin. And they urged him to come to the Congress with a resolution. They said, "Make it short and we will pass it promptly with an overwhelming vote." And the origin of the Gulf of Tonkin Resolution was really the Taft episode in Korea.

SCHOENBAUM: And you say that that was consultation as opposed to the Cuban missile crisis?

DEAN RUSK: Yes, I think this was consultation.

RICHARD RUSK: Loch Johnson's question relates to this paradox. Some observers of American politics have called the Johnson years the so-called "Imperial Presidency," in a situation where the administration led the country down certain paths without sufficient congressional consultation whatever. And yet you yourself had excellent relations with Congress, perhaps better than any Secretary before or since: had really gone all out to keep in close touch with Congress. How do we deal with this paradox? You probably don't agree with half of it but that is the idea.

DEAN RUSK: Well, let me make a comment on that. There is a lot of literature around on the increase in the powers of the President. There is much less on the extraordinary increase in the powers of Congress: the great expansion of the Interstate and Foreign Commerce Clause, the power to tax and spend, all the legislation that surrounds the Fourteenth Amendment, Civil Rights Legislation, and so forth. The founding fathers would turn over in their graves if they

thought the Congress was telling us that we have to put men and women in the same gym classes at the University of Georgia. I mean, there is an extraordinary increase in the powers of Congress. They have bought through appropriations, they have bought away from the states a lot of powers that used to adhere to state governments by saying to the states, "If you will do it the way we are suggesting, we will give you some money for it." And the states have been yielding up their own powers.

RICHARD RUSK: The Congress and the executive share a responsibility for this increased role in the Federal government. A lot of this was in response to--

DEAN RUSK: Yes, but what I am saying is that when people talk about an "imperial" President, they should also talk about an all-consuming Congress.

SCHOENBAUM: Do you think that the War Powers Act would be something that you would have not liked to work with?

DEAN RUSK: Well, the War Powers Act--and Loch Johnson may disagree with me on this. The War Powers Act was, in effect, an effort by the Congress to find its own alibi for Vietnam. I call your attention to the fact that Barry Goldwater got up in the early seventies on the Senate floor and said, "I am getting tired of all of this talk here about the President usurping his powers in regard to Vietnam, and acting without the Congress, and things of that sort." And he spelled out, chapter and verse, the involvement of the Congress in Vietnam up to its ears at all stages of the Vietnam business. One of my students here at the Law School once did a paper on "What did the executive branch have a right to believe was the view of the Congress at the various stages of the Vietnam affairs?" It is quite a revealing business. So the War Powers Act to me had uncertain ancestry, and there are certain sections of it that are clearly unconstitutional in my judgment. For example, the War Powers Act provides that under certain circumstances Congress can require the withdrawal of American forces by concurrent resolution. Now, concurrent resolutions do not go to the President for veto.

RICHARD RUSK: What is a concurrent resolution?

DEAN RUSK: That is a resolution of the Congress that it uses in its own administration and things of that sort. But concurrent resolutions, as contrasted with joint resolutions, do not go to the President for his signature or veto. And for the Congress to try to use a concurrent resolution to bring about a significant legal change is a deprivation of the President's legislation role under Article 1 of the Constitution. So I think that is going to turn out to be just as unconstitutional as it can be. I've never lost any sleep over the War Powers Act because it is not going to mean anything when it is supposed to apply. Because if a crisis develops somewhere, God forbid, and a President has to go to the Congress for something like the Gulf of Tonkin Resolution, almost certainly there will be a simple clause put on at the end saying, "In carrying out the purposes of this act, the War Powers Resolution shall not apply." Because in the hoopty-do and the hoorah of the takeoff of the initial action, it is almost certain that Congress will adopt that. They have some pretty silly things in the War Powers Act. For example, the President--

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DEAN RUSK: One of the items on which the War Powers Act would have the President report fairly regularly to the Congress would be, "How long is this going to last?" Now what President can know that? Bear in mind, by the way, that the War Powers Act was passed over the President's veto. In the case of the Gulf of Tonkin Resolution, paragraph 3 provided that the Congress could rescind that resolution by concurrent resolution. Well that was by agreement with the President. It is a very different thing to use a concurrent resolution against the wishes of the President instead of a joint resolution.

RICHARD RUSK: The War Powers Act was passed by Congress for reasons more than simply trying to assign their guilt over Vietnam or their involvement with Vietnam. I mean, some of the reasons would include things like the administration getting us involved in foreign policy initiatives without going to Congress, using covert aid, getting us involved with police actions and thereby avoiding declarations of war. Surely there has been more impetus behind the passage of this War Powers Act than what you mentioned. Do you care to comment on some of those forces?

DEAN RUSK: Well, that kind of thing has been going on since the beginning of the Republic. I forget now the exact number, but it depends on which ones you count. But over two hundred times when the President of the United States has used the armed forces of the United States without any declaration of war by Congress or prior authorization by Congress--Sometimes those authorizations come after the fact, but there is nothing new about this, it is one of the oldest constitutional problems we have had.

JOHNSON: Apparently in 1954 President Eisenhower invited Richard Russell and Lyndon Johnson down to the White House to discuss what ought to be done about the pending defeat of the French in Vietnam, and Eisenhower said that he benefited greatly from the thoughts he got from Russell and Johnson. It seems to me that that is an example of our government working at its best: a real consultation between the two branches of government. That doesn't seem to happen very often.

DEAN RUSK: Well I suspect that it happens more than we know. For example, when we negotiated the Nuclear Test Ban Treaty, and started the talks on the Nonproliferation Treaty, we kept in the closest touch with the disarmament subcommittee of the Senate Foreign Relations Committee. It always helps to do that because when the time comes for advice and consent on a treaty, you have Senators who are part of the whole process and who can get up on the Senate floor and urge their colleagues to give it advice and consent. When we negotiated the Kennedy Round of trade negotiations, we kept in the closest touch with Wilbur [Daigh] Mills, Chairman of the Ways and Means Committee, at all stages of those negotiations. And we got approval of the Kennedy Round by a very substantial vote in the Congress. And then you involve senators and congressmen directly in a good many international meetings. We always have either two

senators or two congressmen on our delegation to the United Nations General Assembly every year. And that is a fine experience for them and it works very well. When I would go to meetings of the Organization of American States Foreign Ministers meetings, I would take two senators and two congressmen with me as a part of my delegation. Now senators and congressmen cannot act strictly as a member of an instructed delegation, so you have to give a little careful thought to that point. At the U.N., for example, we do not ask senators or congressmen who are members of the delegation to take questions, to represent us on questions to which they might disagree, but we work that out ahead of time.

SCHOENBAUM: The one instance that stands out where there were problems with Congress is Vietnam, kind of after the Gulf of Tonkin Resolution and, of course, you mention the whale system and the great four senators who stood out in the early sixties. They were, as I remember, succeeded by people like [Michael Joseph] Mansfield, Fulbright, John Sherman Cooper, and in the House, Speaker [John W.] McCormack. Why could you--In retrospect, why couldn't you keep--You kept the Congress with you in terms of votes, but these powerful senators were not kept in the fold, and probably not because of lack of consultation. What happened there in the relationship?

DEAN RUSK: Well, I remember a Senate hearing along about 1966, Senator [Clifford Philip] Case of New Jersey had some rather critical views about Vietnam. And I turned to him and said, "Senator, put your views in a resolution and have it voted on. What we need to know is what the Congress thinks." And he didn't like that suggestion very much. And in 1966 Wayne [Lyman] Morse put in a resolution to rescind the Tonkin Gulf Resolution. There was a motion to table his resolution. There were only five senators voting not to table his resolution, not to kill it. And that was as late as 1966. I think, in retrospect, we might have done something we did not do. We gave some thought to putting the question of Vietnam to the Congress once a year. We had the Gulf of Tonkin Resolution; only two Senators voted against it. We gave some thought as to whether or not we should not hold their feet to the fire once a year so that we would have an annual expression of the views of the Congress. Well Lyndon Johnson talked about that with some of the congressional leaders and they urged him not to do it. They said, "You would get your resolution. It would pass, but with a somewhat diminished majority. Live with the resolution you got."

RICHARD RUSK: Do you remember who advised him of that?

DEAN RUSK: Oh I forget now. It might have been Mansfield and Dirksen, the two leaders, the Democrat and Republican. You see, there were all sorts of opportunities for the Congress to put riders on appropriations bills, all sorts of things if the Congress had changed its mind. But the record shows that the Congress did not change its mind until they rescinded the Gulf of Tonkin Resolution in 1971 or so. Now there were some congressional voices speaking.

SCHOENBAUM: Of course, what would the executive have done if one of these resolutions had passed, even a relatively innocuous sounding resolution?

DEAN RUSK: Well if it were simply a statement of the sense of the Congress, that's one thing, but if it were embodied into a statute which was becoming law, it would have had the greatest of

consequences, of course. You would have had to make an orderly withdrawal. You see, no President can maintain armed forces in action for any period of time without the support of the Congress and the American people.

RICHARD RUSK: With that in mind, did you folks consider seriously a declaration of war at any point in the Vietnam situation?

DEAN RUSK: I can't remember a declaration of war since 1945. It may be that one or two Arab states declared war on Israel, I am not sure. But formal declarations of war have gone out of style. Now, I happen to think that that is a useful development because the formal declaration of war brings about a much more rigid situation, makes it more difficult to resolve it informally, as we did with Korea or the Berlin blockade or things like that. Furthermore, from the point of view of the Congress, a declaration of war has a profound effect upon the constitutional powers of the President, and so that would have been a major grant of authority to the President to do all sorts of things that we don't expect him to do in the absence of a declaration of war. Now Senator Wayne [Lyman] Morse raised the issue over the Gulf of Tonkin Resolution that this was an evasion of the Congress' war powers, but my view was that this was an exercise of the war powers of the Congress. The Congress has the right to declare war. But surely that encompasses lesser actions that they might take in the exercise of their war powers. And so I thought that the Gulf of Tonkin Resolution was not an evasion, but an actual exercise of the war powers.

JOHNSON: Congress could have rejected it.

DEAN RUSK: Yes, it stated what it clearly has the power to state under its own war powers.

JOHNSON: Some people argue that they didn't realize that the administration was going to use that resolution to conduct a long (unintelligible).

DEAN RUSK: Well, neither did the administration. If you look at the discussion on the Senate floor of the War Powers Resolution, and you look at Senator Fulbright's reply to various questions, those were the views of the President of the United States at that time. Senator Fulbright was asked "Does this resolution authorize the President to introduce American forces on a massive scale, in effect." And Senator Fulbright said, "Yes, it does. I hope it doesn't come to that, but this resolution would clearly authorize it." Well now, Lyndon Johnson at the time of the passage of the War Powers Resolution was not looking for a massive war out there. As a matter of fact, for a full year after he became President he got along on the numbers out there that were authorized by President Kennedy. But then at the end of 1964 and the beginning of 1965, North Vietnam began to move the divisions and regiments of their regular forces into South Vietnam and Johnson was confronted with a new situation which Kennedy had not had to face.

RICHARD RUSK: Although it was more the hopes of our policy rather than intentions that there would not be a long war rather than some of the intelligence estimates--and whatever other intelligence--That is part of the problem with the Pentagon Papers. Apparently some of the intelligence people predicted a longer conflict than was--

DEAN RUSK: Bear in mind that the CIA documents that were included in the Pentagon Papers

were selected out of a whole lot of CIA documents. You would have to look at the total to see what the intelligence people were saying about Vietnam during this period.

JOHNSON: Getting back to consultation: some have argued, perhaps wrongly, that escalation of the war in Vietnam (unintelligible).

DEAN RUSK: Well the escalation was public. I mean, when we put additional forces out there, it was announced. And President Johnson would not make decisions until he was ready to execute them. When he made a decision he wanted to execute it right away so that--You see, for the executive branch to consult with the Congress requires at the beginning, in my judgment, a view of the executive branch from which to consult. [If y]ou just go down there and ask the Congress questions, that doesn't get you anywhere. They would be all over the place. So when you consult with Congress, you need to put to them a point of view and let them chew it up, let them wrestle with it.

SCHOENBAUM: Now some would say on the other side--The Congressman would say "Well if you have come to us and you have already decided the matter, then what good is it?" Then they would say, "We can't have any input."

DEAN RUSK: Oh, there are constant adjustments being made in the view of the executive branch based upon reactions of the Congress. Any policy officer has a checklist in his mind with dozens and dozens of questions on it before he takes off on a policy. There are two questions that are always on that checklist. One is, "Is there a constitutional issue here?" And the second question is, "What would the Congress think about this?" or "What does the Congress think about it?" And that is just two of the many questions that any policy officer has to have in his mind.

SCHOENBAUM: But then when you put forth this view, then you say that you want a corporate response from the Congress.

DEAN RUSK: You have to make a judgment sometimes as to whether those with whom you are consulting are accurately reflecting the views of the Congress. And that is something that nobody in the Congress is able to give you an answer to; you have got to make that judgment on your own.

JOHNSON: As you look at these two very important questions with reference to the Cuban missile crisis and the Dominican Republic situation probably the first question asked (unintelligible). The answer was the executive branch has the constitutional right to act on these situations. But (unintelligible) Congress think about the Cuban missile crisis (unintelligible). So there are some circumstances where the Congress is not consulted.

DEAN RUSK: Well, if you bear in mind my observations on the nature of the meeting with congressional leaders which President Kennedy had two hours before he made his television speech, I think we went away from there believing that at least these congressional leaders would support the President: that they would not create utter confusion in the Congress by all sorts of critical speeches and thereby mislead Mr. [Nikita Sergeevich] Khrushchev.

RICHARD RUSK: Probably part of that understanding was a feeling on behalf of the Congress that because of the nature of the crisis, there really wasn't a chance for a full congressional consultation.

DEAN RUSK: I did meet, and my appointment books will show it, but I did meet with key committees of Congress during that week just to keep them up to date on that state of play after Kennedy's television speech.

JOHNSON: There are occasions when Congress is presented with a fait accompli (unintelligible). You make a persuasive case with respect to Vietnam that there was pretty good consultation going on, and maybe in Bay of Pigs too. After all Fulbright was called--

DEAN RUSK: He was the only one who was really brought into it, so I wouldn't call that consultation. Now there are other situations where you don't consult for what I consider to be very good reasons. In the mid-sixties, about 600 Caucasian hostages were seized by the Simbas in northeastern Congo, Stanleyville. These Simbas were not under the control of the Congolese government. We tried for several weeks with the help of President [Jomo] Kenyatta of Kenya and [Julius K.] Nyerere of Tanzania to free these hostages by negotiation, and those all broke down. These Simbas were a pretty crude bunch of people. So we discussed with the Belgians the possibility of using American planes and dropping a battalion of Belgian paratroopers into Stanleyville to rescue those hostages. Now had the slightest word of such a possibility leaked out, these hostages would all have been killed. There is no doubt about it in my mind. We did not consult with the Congress on that rescue effort. We told them about it as soon as it happened. But you see, it is very hard to be sure of the confidentiality of information in the Congress. The House record is pretty good. The old Joint Atomic Energy Committee of Congress had an excellent record in this regard. They received some of the most sensitive secrets in our government and they had special rooms and special arrangements. I don't recall that there was ever a leak out of the Joint Atomic Energy Committee. But you see, there is a constitutional provision which gives a senator or congressman immunity for anything he says on the Senate floor or in committees. And it can't be challenged in any other place. So the only penalty that can be imposed upon a senator or congressman who breaches such an obligation of confidentiality is expulsion from the Congress and they aren't going to do that.

RICHARD RUSK: Can you just think back for a minute, and can you recall any other instances where the administration decided not to consult the Congress for (unintelligible).

DEAN RUSK: Well, I just mentioned this Stanleyville situation.

RICHARD RUSK: This Stanleyville one is a good one, but can you recall any others?

JOHNSON: Maybe that is one reason why Fulbright (unintelligible).

DEAN RUSK: But shortly after that we did consult in a way. In the Congo a group of about 200 white mercenaries who had been working for the Congolese government rebelled and established a position over in the eastern Congo. And this created great fury throughout the country and

great anti-white sentiment throughout the country. And our Ambassador was very much afraid that this situation was going to get out of hand. So he said if any important white country made some gesture of support for the government, that it might be possible then for the government to quieten all this anti-white feeling all over the country. So we cooked up the idea of sending three transport aircraft out there, just transport aircraft, to move some government troops and to just fly around, and be seen, and so forth. So I talked to Senator Russell and Senator Fulbright about this idea and they both were strongly opposed to it. I reported that back to President Johnson. Well he then went ahead and moved these transport aircraft to Ascension Island, nearer the Congo in the South Atlantic. And then the situation in the Congo got increasingly desperate as seen by our Ambassador out there. For example, they had called for mass rallies here and there and told people coming to the rallies to bring their machetes with them because there would be things to do after the rally was over. This sounded like a massacre of whites, you see. So President Johnson then moved these three transport aircraft on into the Congo, and the government got in jeeps with loud speakers and went all over the country saying, "Now look here," and so forth, and the situation was quieted down. Now, let's envisage a situation where we had not sent the transport aircraft and there had been a massacre of whites in the Congo. The President's next press conference:

"Mr. President, did you do anything about trying to prevent this massacre?"

"No, not really."

"Did anybody have any suggestions as to what might be done to prevent it?"

"Well, our Ambassador thought that if we moved three transport aircraft down there it might help."

"Well, why didn't you?"

"Well, Senator Russell and Senate Fulbright didn't think it was a good idea."

Now what would have been the reaction to that kind of an answer by a President? People would say, "Good God, what's going on around here. Who is President of the United States?" So there are times when you can consult but you don't have to agree. And both Senator Fulbright and Senator Russell got up on the Senate floor and blasted President Johnson for sending those three transport aircraft down there.

RICHARD RUSK: Let me read you a comment by William Fulbright. He speaks to the same thing. And Fulbright once headed this congressional oversight. He said, "I must confess to increasingly serious misgivings about the ability of the Congress to play a constructive role in our foreign relations." He must have said this in the 1970s. "Those of us who prodded what seemed to be a hopelessly immobile herd of cattle a decade ago, now stand back in awe in the face of a stampede." You know, we are getting into a separate but related issue, and that is how well does foreign affairs work out when Congress does play an increasingly important role or tries to play an increasingly important role?

Perhaps before we get into that or as we continue to discuss it, can I ask you one question about Vietnam, and that is: wasn't there a considerable debate within the administration over the degree of candor and the degree of congressional consultation with respect to policy decision making? Weren't you, in fact, advocating President Johnson to speak a bit more forthrightly about what our intentions were over there with greater frequency and to consult with the Congress?

DEAN RUSK: Well, during two years--I forget which years these were. I think they were 1966 and 1967--President Johnson invited every senator and congressman to come down to the White House later in the afternoon in groups of about thirty. And there we--McNamara and I--would give some briefing. And then we would take questions and comments from anybody present. Now he covered the entire Congress in those meetings in two successive years. Now, one wonders whether senators and congressmen in such circumstances will express their real views. Sometimes they may not want to for one reason or another. But I must say that looking back over those discussions with all the members of the Congress in those groups, one had a right to believe that they were supporting what he was trying to do.

RICHARD RUSK: Was there a debate within the administration over the degree of frequency, the extent to which the administration would consult with the Congress and also fully inform the American people as to what the decisions were?

DEAN RUSK: Well, if you are talking about decisions which have not yet been made, all right, there was not all that much consultation with Congress about possible decisions yet to be made. If you are talking about decisions in pace with their being made, there was a lot of consultation on that. You won't really get a full answer to this until the Senate Foreign Relations Committee and the House Foreign Affairs Committee complete the publication of their executive meetings. But there was a lot of discussion on Vietnam at all stages throughout this. Now, let's talk a little bit more about the Congress; and Loch, you can put in a rebuttal if you want to. I happen to believe that the overwhelming majority of senators and congressmen are honest men and women trying to do a good job. Lyndon Johnson once said that he never knew a senator who was trying to do the wrong thing. I think he was being a little generous when he said he never knew any senator who was trying to do the wrong thing. But nevertheless, there are some rotten apples in the group as there would be in any population of 535. And sometimes those create some real problems and create a certain sense of disgust on the part of anybody who has to deal with those rotten apples. But the Congress itself has not organized itself for the purpose of looking at foreign policy as a whole. Almost literally every committee of Congress finds itself getting into foreign relations problems. This is not only the Foreign Affairs committees, it's the committees on the District of Columbia which are constantly getting into issues involving in the way we take care of foreign embassies in our capital and things of that sort. I have long suggested, without any effect whatever, that if necessary the rules of the Congress be changed and make it clear that the Senate Foreign Relations Committee and the House Foreign Affairs Committee can call up before themselves any bill pending in any other committee for the purpose of commenting on it from the point of view of foreign policy as a whole. But these committee jealousies are such that that is not likely to be adopted. But there is no one who has a comprehensive responsibility for foreign policy in the Congress and that greatly complicates the problem of consultation from the point of view of the executive branch. We used to meet occasionally with the joint meetings of the Foreign Affairs and Armed Services Committees. But you see, you have the House Ways and

Means Committee, the Senate Finance Committee, and all sorts of other committees. The agriculture committees have a bearing on these things. So there is a kind of disarray in the Congress on how the Congress deals with foreign policy matters. But that is not likely to change.

RICHARD RUSK: Craft refers to that in his book.

DEAN RUSK: Now also bear in mind that senators and congressmen--

RICHARD RUSK: Let me take a little extra from Craft's book. He deals with this in his study and he really sums it up well. He says that as a nation enters the 1980s Congress appears to be more decentralized, fragmented, and resistant to unified influences than at any previous period in American history. "To date Congress has supplied little evidence to show that it is prepared to adapt its own organizational structure and internal procedures to the demands of an active foreign policy role its members are determined to plague. In the long run this failure could prove decisive in determining the future of congressional activism in foreign affairs." Does Congress itself agree with that assessment?

DEAN RUSK: Well all I can say is that when I went up the Gerald [Rudolph] Ford [Jr.] Library for consultation between some former Secretaries of State and former members of Congress on relations between the two in foreign relations, the former members of Congress, I think, would agree that Congress has a job to do within itself in organizing itself better for the conduct of foreign relations. Now, make another point: and that is the oversight function of Congress has almost run wild. And part of that is due, I think, to the multiplication of congressional staff because they have got to earn their keep and they have got to demonstrate their job is important. And one of the ways you do is to tinker with something. And in carrying out this oversight function, the Congress is inclined to get into the kinds of detail which simply are not a part of the legislative function at all. But again, I doubt that that is going to decrease very much in the present circumstances.

Then another development that I am really quite concerned about. In my day the General Accounting Office was a bunch of bookkeepers. Their job was to insure that funds expended by the government were expended in pursuance of appropriations authority. President Kennedy once asked me to make an expenditure for something and my lawyers and I just decided that we did not have any legislative authority to use such funds. There was no appropriations that would cover it. So I called the then Attorney General, who was then Bobby [Robert Francis] Kennedy, and asked him if he had any advice. He just laughed and said, "Well if you go to prison, your salary will continue while you are in prison." That wasn't very helpful from the chief law officer of the government. So I went back to President Kennedy and said, "Sorry, Mr. President, I can't make this expenditure, I have got no legal appropriation that would cover it." And he didn't press the point; he dropped it.

In the last fifteen years or so, the General Accounting Office has been roaming all over the place now, making policy judgments about all sorts of things: not just whether or not the funds are being used in accordance with appropriations. Now, if they don't have anyone on their own staff who can do these things, they will go out and get a couple of professors to study the matter. And they insert themselves into all sorts of policy issues for which they have no responsibility. And

there is no real congressional supervision of the General Accounting Office. Any member of Congress can ask them to do a study and report back to them on it. And it is sort of growing up to be a sort of fourth branch of government.

JOHNSON: (unintelligible) fly by night?

DEAN RUSK: Oh yes. Well a couple of these General Accounting Office types went out to SAC [Strategic Air Command] Headquarters and demanded of the Commanding General of SAC that he turn over to them the nuclear targeting plans. Fortunately, he told them to go to hell. And they will go off to foreign countries where the writ of the United States law does not run and they will try to question and interrogate officials of foreign governments about various things. Well, it is just getting out of hand and somebody really ought to take a look at that. I have been getting the weekly reports on studies of the GAO [General Accounting Office] and it is just a chamber of horrors in terms of what they are now doing.

RICHARD RUSK: GAO was just accused of mismanaging its own funds. Do you think the American people would want Congress to play a more active role? Will [William Penn Adair] Rogers once made the comment that, "There is good news from Washington; Congress has adjourned." We tend to place a lot of faith in the presidency as an institution and give it a lot of power in foreign affairs. Do you think basically the American people, with the exception of the problems we got into in Vietnam and some of these other issues, do you think basically they're comfortable with the Executive being dominant in these matters?

DEAN RUSK: The Executive is not really dominant. If you make a list of the things that a President can do all by himself, it is a very short list. He can pardon criminals; he can discuss matters with other governments; can't send ambassadors unless he get advice and consent for their nomination, although he can have some personal representatives go about doing various things. But it is really quite surprising to see how few things a President can do all by himself. In a real sense, the presidency is a license to persuade because he has got to carry others along with him, particularly the Congress. So I think a good deal of this "imperial presidency" talk sort of misses the point.

JOHNSON: Can you think of an example where the Congress has played a major constructive role (unintelligible)?

DEAN RUSK: Well to begin with, very rarely does the Congress itself take initiative in dreaming up its own foreign policy. Once in a while you get a horrible example of it. Ann [Swinford] Dunn can give you a copy of the Captive Nations Resolution. Now when I first joined President Kennedy, along about April there came to my desk a proclamation that I was supposed to send over to the President proclaiming a certain week in July to be Captive Nations Week. I looked through this proclamation, and it would clearly break the Soviet Union up into about eleven independent nations. It mentions a number of component parts of the Soviet Union, including one, Idel Ural, which you can't even find in the Encyclopedia Britannica. And so I called my colleagues and said, "What in the hell is this all about?" And they brought to me this Captive Nations Resolution which had been passed unanimously by the Congress in 1958 or 1959. It came out of the Judiciary Committee, not out of the Foreign Relations Committee, and it

is one the wildest kinds of cold war kind of thing you ever see in your life. So I sent the proclamation on over to the President; and every year the President proclaims a certain week in July to be Captive Nations Week.

Well, there is a little sequel to that. During the early 1970s, Bill Fulbright was trying, as chairman of the Committee, to get as much of the rhetoric as possible out of legislation--all these high-flying preambles and all that kind of stuff. And I sympathize with that. So I wrote him a note suggesting that his committee take a look at the Captive Nations Resolution and get that damn thing off the books. And I got a note back from him later saying that they had discussed it in Committee, but there were some senators up for reelection who would not want to vote on rescinding that resolution, but they would be glad if the President were to discontinue issuing the proclamation. You see, you have got a lot of ethnic groups in Illinois and places like that - - Croats, and Serbs, and Ukrainians, and all sorts of things--so we go ahead with something that makes no sense whatever. Now there was a congressional initiative. Let's see now something on the more positive side.

JOHNSON: Well I suppose you could mention the Kennedy Rounds and the Test Ban Treaty. There was legislative involvement there.

DEAN RUSK: Oh yes. As a matter of fact, the Kennedy Rounds had prior congressional authorization. Early in the Kennedy administration we realized that the Trade Expansion Act would have to be renewed. And the idea had been that we renew it with, just get an annual extension. But it looked like it was going to be a helluva fight just to get an annual extension. So Kennedy and I, despite some of the advice of some of our colleagues, decided that if you're going to have a fight, you had better have a fight about something and not have a fight about nothing. And so we went for the five-year trade expansion pact, which laid the groundwork for the Kennedy Round of trade negotiations. And it passed the Congress with a wholesome majority.

SCHOENBAUM: The initiative came out of the State Department but you consulted with Congress?

DEAN RUSK: We consulted very closely with Wilbur [Daigh] Mills, by the way who, in my day, was in his prime. He was chairman of the Ways and Means Committee. He knew his business; he had great influence in the Congress. His committee was the Committee on Committees that determined who was going to sit on which committee. So the Ways and Means Committee had great power in those days and he was at the peak of his powers.

JOHNSON: You know it seems like the crunch comes when it comes to the use for force: that is where the pattern of prior consultation begins to look a little spotty, when he comes to trade or arms control (unintelligible).

SCHOENBAUM: On both sides?

JOHNSON: Yes (unintelligible).

DEAN RUSK: Yes and partly because of sheer necessity.

JOHNSON: (unintelligible)

DEAN RUSK: You can't deal with trade matters without the Congress, for example.

JOHNSON: You can't conduct a successful military operations without (unintelligible)

DEAN RUSK: Now sometimes that relationship is subject to certain abuse. They tell the story that Teddy [Theodore] Roosevelt wanted to send the Great White Fleet around the world but the Congress wouldn't approve the idea or approve the funds. So Teddy Roosevelt simply sent the Great White Fleet half way around the world and then said to Congress, "If you want to get them home, you will have to put up the money."

RICHARD RUSK: He also said, "Let's take the Panama Canal and let Congress debate that one; meanwhile, we will go ahead and take it."

DEAN RUSK: Well, the Louisiana Purchase was consummated on the basis of executive power; it was not until later that we got Congressional approval. And there is still the story around that Napoleon bribed some members of the Congress to get that approved.

JOHNSON: And it seems to me, rightly or wrongly, this is why Congress has tried (unintelligible) prevent instances like that.

DEAN RUSK: The Congress could assert itself much better if it organized itself to be assertive.

RICHARD RUSK: What would it have to do? You are not much one for procedural reforms and organizational changes. You prefer to see things handled by good quality people--

DEAN RUSK: To begin with, if Congress wants to exercise more influence in foreign policy matters, its members have got to commit time to the business. They just can't do it off their cuffs or let some staff officer do it for them. They have got to commit time to it. And that is one thing they find in very short supply. The pressures of time on any individual senator or congressman are just hard to describe.

JOHNSON: Even if they had the time, aren't the issues of foreign policy too complicated for them to--

DEAN RUSK: I don't think so. I have long opposed the elitist attitude toward foreign policy: the attitudes expressed sometimes by Walter Lippmann, and George [Frost] Kennan, and sometimes Dean [Gooderham] Acheson. I have lived with the elite a good many years of my life, but when it comes down to common sense, practical judgment, considerations of right and wrong, considerations of the gap between what is and what ought to be, I don't find the elite having any advantage over my country cousins in Cherokee County, Georgia. I think we underestimate the capacity of the people to make sensible judgments on things if they know what the issues are and why. One of the reasons Harry Truman was a great President is that this little man from

Independence had great confidence in the grass roots of the American people. He really did believe that at their best the American people are a very good people and will do what has to be done at the end of the day if they understood what it was and why. And his reelection in 1948 was an appeal to the grass roots. But we are not always at our best. During the Truman years, for example, we came up with something more than three percent of our Gross National Product for the Marshall Plan, for foreign aid, for technical assistance, and things of that sort because our minds and spirits had been purged in the fires of World War II and we were prepared to do such things. But now you can't get one-half of one percent of our GNP for foreign aid. No, I think we should not underestimate the American people. As a matter of fact, I would rely upon the common sense of fourth grade school children on this question of Star Wars if they really understood what the issues were, what the prospect is.

SCHOENBAUM: I wanted to ask about these senators like Fulbright and Mansfield: they supported you and then they withdrew their support. Did they ever privately come to you and explain to you their reasoning before they went public with--and they caused a lot of grief and they took positions that were different from the administration's fundamental ways. Did they come to you? Did they consult with you and say, "Look I can't support you any more on this"?

DEAN RUSK: Particularly Mansfield would give his reasons. He would write occasional letters to the President, a copy to me, giving his reasoning behind his views. Ironically, he was one of the cosigners of the SEATO [Southeast Asia Treaty Organization] Treaty. He, and Senator [H. Alexander] Smith of New Jersey, and [John] Foster Dulles made up the delegation that signed that treaty for us. When he was reminded of that later he said, well he did so reluctantly. Well, I again went to the Congressional Record to look at the floor discussion in the Senate on the advice and consent of the SEATO Treaty and he didn't tell the Senate that he signed it reluctantly. He urged them to vote it through.

END OF SIDE 2