

LEGISLATIVE-EXECUTIVE RELATIONS AND U.S. FOREIGN POLICY:  
CONTINUUM OF CONSENSUS AND DISSENSION IN STRATEGIC POLITICAL  
DECISION PROCESS FROM 1970 TO 2010

by

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## DISSERTATION ABSTRACT

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During the last four decades, precisely from the early 1970s, U.S. foreign policy has played a dominant role in the U.S. political landscape. The current political discourse is predominantly marked by divided government, polarized politics and gridlock. Such a contentious political environment has proved to be detrimental for efficient and effective policy-making in foreign policy. There are significant factors that profoundly complicate the process of decision making and congressional-presidential relations. Partisan and ideological differences under the conditions of divided government are dominant in the current political process and in turn affect the prospects of legislative-executive consensus and dissension. Other factors such as media salience, public opinion, and electoral imperatives also complicate the dynamics of legislative-executive relations. In an era in which heightened political brinkmanship has enveloped Washington politics, a continuum of consensus and dissension between Congress and the president on strategic foreign policy issues has virtually become a norm. This dissertation examines the dynamics of legislative-executive relations in two high politics U.S. foreign policy issue areas of treaty process and war powers. It appears that in contemporary U.S. foreign policymaking the trajectory of a continuum of legislative-executive consensus and

dissension is a new normal and potentially irreversible, as Congress and the president try ardently to preserve their respective constitutional prerogatives.

Empirical investigation across these two issue areas demonstrates a new era of a resurgent Congress marked by its greater assertive role and acting as a consequential player in the foreign policy domain. The passage of the War Powers Resolution in 1973 by Congress, overriding a presidential veto, has profound implications in the modern political landscape. It was a pivotal moment that permanently transformed the future road map of congressional-presidential relations. Since then the U.S. political system has been relentlessly experiencing an institutional power struggle in the foreign policy domain. Findings suggest that when Congress determines to confront the president and exercise its constitutional responsibilities it becomes very difficult for the president to overcome such congressional resistance. Interbranch competition has virtually created a consistent trajectory of a continuum of legislative-executive consensus and dissension in the foreign policy decision-making process.

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Debasis Bhattacharya  
Eugene, Oregon

To my Father and Mother

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## CHAPTER I

### INTRODUCTION: LEGISLATIVE-EXECUTIVE RELATIONS AND U.S.

#### FOREIGN POLICY– CONSENSUS AND DISSENSION

##### Introduction

Since the beginning of the 1970s, the U.S. political system witnessed significant changes in the realm of legislative-executive relations. A momentous political shift began when Congress, in an unprecedented move, successfully passed the War Powers Resolution in 1973 by overriding a presidential veto. This event permanently transformed the national political landscape and marked a resurgence of congressional power in foreign policy sphere.<sup>1</sup> Such a resurgence of congressional power was quite extraordinary especially after its low levels during the Vietnam War and the Watergate affair. A resurgent Congress ushered in a new era of legislative-executive relations in which the national legislative branch started playing a more dominant role in the foreign policy process, with significant political consequences.<sup>2</sup> Implications of congressional resurgence are quite clear with regard to the balance of power between Congress and the president. With a more assertive Congress, Washington has witnessed greater levels of legislative-executive dissension in determining the direction of foreign policy, while presidents have generally attempted to preserve their traditional foreign policy dominance.<sup>3</sup> A consistent pattern of interbranch conflict between a resurgent Congress

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<sup>1</sup> Sundquist, James L. 1981; Lindsay, James and Randall Ripley 1993; Meernik, James 1993; Lindsay, James 1994.

<sup>2</sup> Mann, Thomas E. 1990.

<sup>3</sup> Peake, Jeffrey S. 2002.

and an uncompromising president has at times proved to be untenable and has created a dysfunctional government.<sup>4</sup> In turn the trajectory of congressional-presidential competition has greatly reaffirmed the famous analysis of “invitation to struggle” in the foreign policy sphere.<sup>5</sup> The genesis of legislative-executive competition is largely rooted in the inherent constitutional ambiguities which are responsible for creation of a gray area or “twilight zone”<sup>6</sup> which, in turn, acts as a delicate interface in balancing power between the legislative and executive branches across Pennsylvania Avenue. This dissertation cuts across the very essence of legislative-executive relations in foreign policy sphere in the current political environment of divided government and polarized politics. Since the early 1970s, interbranch competition has shown a consistent trajectory of a *continuum of consensus and dissension in legislative-executive relations*. This study investigates and analyzes how the principle of “separation of powers” creates political constraints and contingencies, which, in turn, often lead to “sharing of powers between separated institutions.”<sup>7</sup> For that purpose it explores two high profile strategic foreign policy issue areas – treaty process and war powers - which constitute the elite club of the “so called high politics of foreign policy.”<sup>8</sup> The timeline of this investigative study is from 1970 to 2010 which itself is unprecedented in terms of its reflection of such a continuum of legislative-executive consensus and dissension.

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<sup>4</sup> Some authors have interpreted a resurgent Congress as an “imperial Congress” and an uncompromising president as an “imperial president.” See Jones, Gordon S. and John A. Marini. 1988; Schlesinger, Arthur M. 1973.

<sup>5</sup> Corwin, Edward S. 1957.

<sup>6</sup> Mann, Thomas E. 1990.

<sup>7</sup> Neustadt, Richard E. 1990.

<sup>8</sup> Carter, Ralph G. 1986, p. 332.

The next section lays out the theoretical foundation of the dissertation and explains the framework of continuum of consensus and dissension between the legislative and executive branches. The third section maps the problem structure and discusses the complexities associated with the current political environment in the United States. In the fourth section research questions are highlighted. The fifth section analyzes the significance of the issue areas of treaty process and war powers. In the sixth section the research hypotheses are discussed. The concluding section sums up the project.

### **Theoretical Foundation of the Study**

The theoretical foundation of *continuum of consensus and dissension in legislative-executive relations* portrays a systemic conceptualization of the essence of constitutional underpinning about the functional relations between Congress and the president. Since the 1970s the trajectory of U.S. political system has been routinely experiencing a consistent pattern of legislative-executive consensus and dissension. Such pattern consistency of interbranch functional dynamic provides fertile ground for investigation on the efficacy of legislative-executive relations especially in the context of current political environment which is predominantly marked by divided government and polarized politics. When Capitol Hill and the White House converge and work as partners in the political process to arrive at a policy decision there is a legislative-executive consensus. Conversely, when these two coequal branches diverge and work as rivals the outcome is dissension. It is also important to recognize that in addition to interbranch level dynamic the theoretical framework of continuum of consensus and dissension also relates to intrabranh level, especially Congress, which is a collective bicameral institution. In Congress political exigencies and preferences of the legislators can lead to

consensus and dissension not only within the U.S. House of Representatives and the U.S. Senate individually but also across the two chambers. Intrabranh level complications in a collective institution like Congress significantly add to the overall complexities of legislative-executive relations.

The criteria for a continuum of legislative-executive consensus and dissension in the realm of treaty ratification process are examined within the constitutional provisions, which require the United States Senate's "advice and consent" by a two-thirds majority of all senators present and voting before proposed international treaties can be ratified and enter into force.<sup>9</sup> For war powers politics, the criteria for a continuum of legislative-executive consensus and dissension are examined within the constitutional framework of the War Powers Resolution (1973), which requires "collective judgment" by Congress and the president prior to the deployment of U.S. troops into hostilities and military operations abroad.<sup>10</sup> Empirical investigation for the two issue areas broadly corroborates the overarching theoretical analysis of a continuum of consensus and dissension between Capitol Hill and the executive branch. Conventional wisdom and scholarship assert that divided government results in congressional-presidential dissension and gridlock, whereas unified government leads to consensus and cooperation.<sup>11</sup> On the other hand, revisionist theory argues that legislative success (or failure) does not necessarily depend

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<sup>9</sup> U.S. Constitution Article II, section 2.

<sup>10</sup> Fisher, Louis. 1995.

<sup>11</sup> Sundquist, James L. 1980, 1988; Fiorina, Morris P. 1992; Cox, Gary and Samuel Kernell. 1991; Kelly, Sean. 1993; Edwards, George C., III, Andrew Barret, and Jeffrey Peake. 1997; Binder, Sarah. 1999; Coleman, John J. 1999; Bond, Jon R., and Richard Fleisher, ed. 2000; Conley, Richard S. 2000, 2003; Peake, Jeffrey. 2002.

on the presence of unified (or divided) government.<sup>12</sup> This investigative study constructs a bridge between the two schools of thought in order to project a *mutually intertwined institutional relationship* which in turn leads to a ***continuum of consensus and dissension between Congress and the president***, regardless of the presence of divided or unified government. The concept of a *mutually intertwined institutional relationship* relates to the fact that Congress and the presidency are not only interdependent in a symbiotic relationship,<sup>13</sup> but also functionally locked in a convoluted arrangement directly affecting the dynamics of political process and outcome. Analytical consideration of intertwined institutional relationship is broader in scope and extent than symbiotic relationship because it reflects not only mutual co-optation but also adversarial relationships which in turn affect interbranch struggle. As a result, what ultimately transpires is a consistent pattern of a ***continuum of legislative-executive consensus and dissension*** especially in the making of foreign policy where each branch ardently tries to preserve its own constitutional prerogatives. Such a theoretical premise allows for making a just and logical interpretation of the concept of “separation of powers” in terms of a more powerful and appropriate concept of “separated institutions sharing power.”<sup>14</sup> The theoretical framework of a continuum of legislative-executive consensus and dissension is laid out in Appendix A. In the ultimate analysis Congress and the president act as “interdependent parts of an adaptive system” on matters of foreign policy.<sup>15</sup> The

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<sup>12</sup> Mayhew, David. 1991, 2005; Peterson, Mark. 1990; Jones, Charles O. 1999; Krehbiel, Keith. 1996, 1998; Brady, David W., and Craig Volden. 2006.

<sup>13</sup> Peterson, Mark. 1990.

<sup>14</sup> Neustadt, Richard E. 1990.

<sup>15</sup> Krutz, Glen, and Jeffrey Peake. 2009, p. 10.

substantive nature of this study reflects some unique perspectives as explained in the following lines:

1. In this study efforts have been made toward making a comprehensive analysis of the contours of legislative-executive consensus and dissension in two strategic high-politics foreign policy issue areas – treaty process and war powers – under a single study. The scope and extent of this study establish unique dimensions in illustrating the complex nature of interbranch competition in foreign policy arena. The symmetrical perspective of the analysis is worth noting.

2. The substantive nature of the central thesis of continuum of legislative-executive consensus and dissension is unique by itself from the point of view of theoretical exploration and empirical observation. Until now, not much work has been done to investigate the contingencies of congressional-presidential competition in the foreign policy sphere. Therefore, a case can be made here quite strongly for a need to undertake such comprehensive research in order to enrich the existing knowledge base. This study is a modest step taken in that direction.

3. The time period from 1970 to 2010 provides this study with unique strategic and historical perspective. In the foreign policy sphere, this time period covers the global geopolitics of the Cold War and post-Cold War periods for the two issue areas. Also from the standpoint of interbranch relations this time period takes into account unique perspectives with regard to congressional resurgence and legislative-executive balance of power positions.

4. This study attempts to illustrate the empirical observations of the political dynamic in the making of foreign policy when the two coequal branches of the federal

government – legislature and executive - participate in the political process simultaneously. Such an assessment provides a unique perspective that ultimately strengthens the theoretical foundation of this study. In our discipline, adequate work has been done to explore the powers and prerogatives of Congress and the president on an individual basis. However, studies related to combining the dynamics of the legislative and executive branches are relatively fewer in number. Subsequently, a case can be made here with conviction that the current political environment of divided government and polarized politics has increased the necessity for more scholarly research concerning legislative-executive relations. This study is a small step in that direction by making an effort to understand the practical feasibility aspects as well as the limitations and ambiguities of the constitutional provisions affecting congressional-presidential functional prerogatives in foreign policy arena.

### **Mapping the Problem Structure**

The research problem relates to the imperatives of strategic political decision-making under the current environment of divided government, heightened political polarization, contentious politics, and higher levels of interbranch competition. In this context, it is important to analyze what Congress and the president, “can do and should do, how they fulfill their roles and what they actually achieve either singly or together,” in an attempt to shape the current political debate.<sup>16</sup> Moreover, it is high time to revisit the efficacy of the concept of “separation of powers” with “checks and balances,” and perhaps reinterpret the true intent of the constitutional principles in terms of consensus-

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<sup>16</sup> Foley, Michael, and John E. Owens. 1996. p. 367.

building and power-sharing.<sup>17</sup> The framers of the U.S. Constitution when they met in Philadelphia “sought to strike a balance between these divergent conceptions, in which the legislature and the executive would share power. But how precisely the line should be drawn is as elusive today as it was then.”<sup>18</sup> And it is exactly this elusiveness that persists even in the modern-day political landscape and thereby affecting the contours of legislative-executive consensus and dissension. These days there is a growing perception that the criteria of “checks and balances” should be regarded as a facilitator to prevent abuse of power and promote compromise.

Political outcomes are highly contingent on partisan and institutional dimensions.<sup>19</sup> While partisan models deal with the effect of divided party control between Capitol Hill and the White House, institutional models focus on the effect of “supermajority rule.”<sup>20</sup> The varied partisan compositions in Congress and the executive branch create political complications. This ultimately makes it imperative to find common ground to build a viable consensus, not only between Congress and the president, but also between the U.S. Senate and the U.S. House of Representatives. In the absence of such common ground, there will be legislative-executive gridlock. Also, there can be situations in which intraparty division disrupts the political process of consensus-building and ultimately results in confrontational politics.<sup>21</sup> In a situation of intra-party

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<sup>17</sup> In the absence of such analytical recalibration there is always a real danger of dysfunctional government.

<sup>18</sup> Mann, Thomas E. 1990. p. 36.

<sup>19</sup> Binder, Sarah. 1999.

<sup>20</sup> *Ibid.*, p. 520.

<sup>21</sup> The ratification process of the North American Free Trade Agreement (NAFTA) was one such example, in which many of the Democratic members of the House of Representatives and the Senate declined to comply with their party leader, President Bill Clinton.

conflict, there can also be instances of an interparty coalition in the form of a majority group that can override the adverse effects of intraparty division. If that happens, it will be a classic case of an unconventional bipartisan coalition, based on a broader policy perspective.<sup>22</sup> All such possibilities depend on the political composition of the U.S. Senate and the U.S. House of Representatives. In fact, U.S. constitutional design necessarily requires political leaders to build consensus, make compromises, and promote cooperation not only between and within the two chambers of Congress, but also between Congress and the president.<sup>23</sup> The question is to determine when and at what point of time legislative-executive consensus is practically feasible for effective policy-making and when it is not. While Congress is a collective institution with a pluralist design, the office of the president is a unitary institution. The collective institutional profile of Congress creates multiple interests and variable contingencies for coalitions at the intrabranched level, therefore “promoting a wide range of collective interests.”<sup>24</sup> Partisan and ideological differences create political contingencies for coalition-building and/or gridlock not only inside Congress, but also between Congress and the president. Nonetheless, it is important to recognize that even when volatility in political conditions results in a continuum of consensus and dissension in the political process, there is always an underlying current of seeking common ground and building consensus for tactical purpose at some level, especially in the current political environment when the

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<sup>22</sup> Instances are ratification of NAFTA and more recently, the political contingency of raising the debt ceiling.

<sup>23</sup> Bond, Jon R., and Richard Fleisher, ed. 2000; Sinclair, Barbara in Bond, Jon R., and Richard Fleisher, ed. 2000.

<sup>24</sup> Schickler, Eric. 2001. p. 4.

presence of divided government has become a norm. Whether consensus is achievable or not by successfully averting the risks of dissension is determined by the complex dynamics of the political process currently in place in Washington.

### **Research Questions**

Theoretical foundation and problem structure generate following research questions:

- 1. Is it possible to overcome legislative-executive gridlock under divided government?***
- 2. Under conditions of congressional resurgence and divided government, is there a greater effort from both White House and Congress to forge consensus?***
- 3. What political conditions facilitate dissension and/or consensus between Congress and the president? Are they case specific in their implications or can we draw generalizations?***
- 4. What is the impact of divided and/or unified government on consensus and dissension in foreign policy?***

### **Selection of Issue Areas**

The two foreign policy issue areas selected in this dissertation are: (1) Treaty process which comprises treaty negotiation, advice and consent, and ratification; (2) War powers which relates to deployment of troops into hostilities abroad for military operations as prescribed by the provisions of the War Powers Resolution (1973). These two issue areas are carefully selected based on their significance in the U.S. foreign policy sphere and congressional-presidential competition in making strategic political decisions.

### Selection of Issue Area of Treaty Process

According to the U.S. Constitution the treaty process treaty process is a joint institutional responsibility in which Congress and the president are required to share power and act as equal partners under the constitutional framework. Even George Washington, who presided over the Constitutional Convention, “believed that the Constitution intended joint executive-legislative action on treaties.”<sup>25</sup> Article II, Section 2 of the U.S. Constitution empowers the president “by and with the Advice and Consent of the Senate, to make Treaties, provided two-thirds of the Senators present concur.....”<sup>26</sup>

Also in Federalist No. 75, Alexander Hamilton clearly states:

The power of making treaties is, plainly, neither the one [legislative] nor the other [executive]. It relates neither to the execution of the subsisting laws, nor to the enactment of new ones ..... It must indeed be clear to a demonstration that the joint possession of the power in question, by the President and Senate, would afford a greater prospect of security, than the separate possession of it by either of them.<sup>27</sup>

The constitutional provisions, therefore, require the president to seek Senate advice and consent not just for treaty approval but also to shape the content of the treaty.<sup>28</sup> In essence, the intent of two-thirds majority in the Senate is to ensure that “treaties must reflect a broad national consensus.”<sup>29</sup> However, with the resurgence of Congress and greater congressional assertiveness treaty process has witnessed a fairly consistent pattern

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<sup>25</sup> Fisher, Louis. 1998, p.183.

<sup>26</sup> U.S. Constitution (Article II, section 2) as cited in Fisher, Louis 1989.

<sup>27</sup> Hamilton, Alexander. Federalist No.75. *The treaty-making power of the executive*. March 26, 1788. Available at <http://www.constitution.org/fed/federa75.htm>

<sup>28</sup> Fisher, Louis.1989. p. 1512.

<sup>29</sup> U.S. Senate official website. Available at <http://www.senate.gov/artandhistory/history/common/briefing/Treaties.htm>

of legislative-executive consensus and dissension over the last four decades. That makes this issue area especially appealing and intriguing for the purpose of scholarly investigation.

The procedural dynamic of the treaty process represents a classic portrait of legislative-executive competition in the foreign policy arena. Once the president negotiates and signs a treaty with a foreign partner the original treaty document is then transmitted to the United States Senate for advice and consent. Thereafter, the Senate refers it to the powerful Senate Foreign Relations Committee (SFRC herewith) for preliminary review and consideration.<sup>30</sup> In reality, the SFRC acts as a gatekeeper of the proposed treaty and determines whether it needs to be reported back to the U.S. Senate or not for further legislative consideration.<sup>31</sup> If the SFRC considers the proposed treaty to be significant, it has the power to report the treaty back to the U.S. Senate either favorably or unfavorably.<sup>32</sup> If the SFRC reports the treaty back to the Senate it is then considered on the Senate floor for debate and further deliberations, followed by Senate floor voting. If the voting outcome is favorable with a two-thirds majority of the senators present concurring then the treaty is accepted. Failing to garner two-thirds majority vote would automatically lead to rejection of the treaty. The Senate can directly intervene in the treaty consent process and restrain the president by the imposition of amendments, reservations, understandings, and policy declarations to that treaty's document of

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<sup>30</sup> The Library of Congress Thomas; Available at <http://thomas.loc.gov>

<sup>31</sup> Krutz, Glen, and Jeffrey Peake. 2009.

<sup>32</sup> Congressional Research Service, Report Number 98384. "*Senate Consideration of Treaties.*" 2012.

ratification.<sup>33</sup> Once such modifications are inserted by the Senate, it becomes very difficult for the president to reject them.<sup>34</sup> Because of all such procedural complications the president, at the time of negotiating any treaty (Level I), has to be aware of the possibilities of favorable Senate response toward treaty approval (Level II).<sup>35</sup> Any subsequent attempt by the president to reinterpret a treaty in direct contradiction of the common understanding on which the administration got Senate approval is severely reprimanded by the Senate.<sup>36</sup> In essence the Senate advice and consent process has significant consequences in determining the fate of the treaty. Moreover, treaty ratification is one of those strategic areas in which Congress tries to vigorously protect its foreign policy prerogatives. As a result every step of the treaty process is contentious and vulnerable to legislative-executive consensus and dissension.

Finally, one point deserves some clarification. This is with regard to the increasing use of executive agreements by the president over the years. It is argued that presidents are more inclined to strategically evade the Senate when the opposition party has a majority in the Senate or when the ideological composition in the Senate is not in favor of the president.<sup>37</sup> Such presidential action conforms to the fact that the current political environment, especially since the Vietnam War, has become so much more contentious in the foreign policy sphere that quite often the administration faces insurmountable congressional opposition. Under the conditions of divided government,

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<sup>33</sup> Auerswald, David P., and Forrest Maltzman. 2003; Auerswald, David. 2006.

<sup>34</sup> Auerswald, David P. 2003.

<sup>35</sup> Putnam, Robert D. 1988. p. 427-60.

<sup>36</sup> Frye, Alton in Peterson, Paul, ed. 1994. p. 197.

<sup>37</sup> Moe, Terry, and William Howell. 1999; Krutz, Glen, and Jeffrey Peake. 2009.

the ideological preferences of pivotal institutional players in Congress coupled with unfavorable partisan dynamics of congressional law-makers factor into presidential decisions to use executive agreements.<sup>38</sup> Executive agreements expose greater propensity of treaty process to the exigencies of interbranch competition. In this context, it is important to take into account that evading Congress and resorting to executive agreements on a frequent basis loses the popular legitimacy aspect which the nation's founders vigorously wanted to incorporate in the normal treaty process by specifically including the provision of "advice and consent" by a two-thirds majority of votes in the U.S. Senate.<sup>39</sup> Some analysts suspect that use of executive agreements vis-à-vis treaties does not necessarily support the notion of presidential dominance in the treaty process. They argue that presidents cannot evade the U.S. Senate at their own will. Such presidential behavior is contingent upon discretion granted by the U.S. Senate to the administration from time to time as warranted by swifter diplomatic action.<sup>40</sup>

### **Selection of Issue Area of War Powers**

The War Powers Resolution (1973), passed by Congress by overriding a presidential veto, is regarded as a major policy intervention which has profound implications on legislative-executive power balance with regard to conduct of war. This landmark Act symbolizes the resurgence of Congress in terms of heightened levels of congressional assertiveness in the foreign policy process.<sup>41</sup> During the Vietnam War the

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<sup>38</sup> Krutz, Glen, and Jeffrey Peake. 2009.

<sup>39</sup> U.S. Constitution. Article II, Section 2.

<sup>40</sup> Martin, Lisa. 2000; Krutz, Glen, and Jeffrey Peake. 2009.

<sup>41</sup> Sundquist, James L. 1981; Howell, William G., and Jon C. Pevehouse. 2007.

extent of presidential war powers climbed to such controversial levels, and with questionable consequences, that Congress felt compelled to intervene in an unprecedented manner by passing the War Powers Resolution in 1973.<sup>42</sup> The Act was intended to “rein in a presidency run amok and to reassert congressional prerogatives over foreign policy making.”<sup>43</sup> In turn, it has established “parameters for desired presidential behavior and subsequent congressional [retaliatory] action. With a few exceptions, presidents have significantly limited the duration of foreign interventions to conform to the limits set forth in the Act.”<sup>44</sup> A more assertive Congress has led to its having a greater confrontational position vis-a-vis the president.<sup>45</sup> The purpose of the War Powers Resolution (P.L.93-148) is to ensure sharing of power between Congress and the president in any decision-making process which might get U.S. armed forces involved in hostilities in a foreign land.<sup>46</sup> In essence, the constitutional statute calls for “collective judgment” by Congress and the president prior to the deployment of U.S. troops into hostilities and military operations abroad.<sup>47</sup>

The War Powers Resolution requires the president to mandatorily report to and consult with Congress for every U.S. military intervention into hostilities abroad.<sup>48</sup>

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<sup>42</sup> Fisher, Louis. 1994-5.

<sup>43</sup> Howell, William G., and Jon C. Pevehouse. 2007. p. 4.

<sup>44</sup> Auerswald, David P., and Peter F. Cowhey. 1997. p.506.

<sup>45</sup> Meernik, James. 1995.

<sup>46</sup>Congressional Research Service, Report Number RL33532. “*War Powers Resolution: Presidential Compliance.*” 2007.

<sup>47</sup> Fisher, Louis. 1995.

<sup>48</sup> Section 4(a)(1) and Section 3 of the War Powers Resolution (P.L.93-148).

Through this, the Act tends to emphasize interbranch collaboration whenever U.S. troops are to be deployed in a foreign land.<sup>49</sup> In this context, “the resolution was an effort by legislators to revitalize and give new meaning to the constitutional power of Congress to declare war.”<sup>50</sup> The hallmark of this Act is that it contemplates two means of legislative control – (i) a deadline of 60 to 90 days on presidential initiatives to use military force abroad;<sup>51</sup> (ii) the use of a concurrent resolution by Congress to require the president to withdraw U.S. troops engaged in hostilities in the event of Congress not authorizing any extension of the time limit for troop deployment.<sup>52</sup> Ever since the inception of the Act in 1973 there has been policy contestation between Congress and the president on troop deployment into hostilities abroad. A great deal of congressional-presidential tension reflects how and under what conditions the Act has been enforced from time to time. Variation in government typology (divided and/or unified) and differential policy preferences between Capitol Hill and the White House have often been responsible for dissension and consensus when it comes to enforcement of the Act. The overall dynamics of legislative-executive interactions regarding troop deployment into hostilities abroad significantly helps to map out a continuum of consensus and dissension (See Chapter V for “Consensus-Dissension Continuum Chart”). In essence the profound implications of the War Powers Resolution on U.S. foreign policy have justifiably made it a serious policy topic that is logically consistent with the theoretical framework of this dissertation.

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<sup>49</sup> Fisher, Louis. 1995.

<sup>50</sup> Crabb, Cecil V. Jr., Glenn J. Antizzo, and Leila E. Sarriddine. 2000.

<sup>51</sup> Section 5(b) of the War Powers Resolution (P.L.93-148).

<sup>52</sup> Fisher, Louis. 1995. p. 131.

## Research Hypotheses

Hypothesis formulation and testing constitute integral components of the research methodology adopted in this study. Such exercise helps to facilitate empirical investigation of the efficacy of consensus-building and conflict management in legislative-executive relations for the issue areas of treaty process and war powers. Each hypothesis incorporates the causal factors (independent variables) that affect the outcome (dependent variable) in the form of legislative-executive consensus or dissension. Following research hypotheses explain a continuum of legislative-executive consensus and dissension in strategic political decision process.

### Issue Area of Treaty Process

- **Hypothesis 1: *Divided government facilitates legislative-executive dissension in the treaty process, while unified government facilitates consensus.*** Presence of unified government facilitates the United States Senate's consent and approval to the negotiated treaty that is transmitted by the president. In contrast, divided government increases the probability of legislative-executive rivalry and political gridlock in the treaty process. As a result when divided government is formed, it is increasingly difficult to get the highly anticipated consent and approval of the Senate by the requisite two-thirds majority of the senators present and voting to the negotiated treaty that is transmitted by the president.
- **Hypothesis 2: *Ideological divisions and partisan differences result in greater dissension in the treaty process.*** Ideological differences between senators and the president create significant barriers in arriving at a consensus in the treaty legislation process. It is argued that split-party control of the legislative and executive branches creates greater partisan and procedural hurdles in the treaty consent process. The

ideological distance and partisan conflict between the pivotal institutional players in the Senate and the president is important in deciding treaty consensus and/or dissension.

- **Hypothesis 3: *Intraparty disagreement or squabbling results in dissension in the treaty process.*** A high degree of intraparty disagreement on treaty legislation under consideration significantly increases the probability of partisan dissension, which can derail the political process of treaty consent. In such a situation, it is highly likely that the Senate would deny its consent and approval to the proposed treaty document.

- **Hypothesis 4: *The effects of intraparty squabbling are mitigated by a comparatively greater degree of bipartisanship.*** There can be situations in which the adverse effects of intra-party squabbling or division will be offset by a comparatively greater degree of bipartisan consensus. In such a situation, the adverse effects of intraparty conflict can be mitigated by formation of a comparatively stronger interparty coalition, in which the majority alliance group overrides the effects of intraparty division. Such a situation is plausible if there is some kind of unusual political alliance across party lines.<sup>53</sup>

- **Hypothesis 5: *More extensive debate in Congress facilitates finding common ground that increases the propensity of legislative-executive consensus.*** Extensiveness of debate in Congress has major implications in the success of the treaty process. Opportunity for extensive debate allows greater time for analysis of the proposed treaty legislation. Extensive debate generally facilitates finding common ground and

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<sup>53</sup> Instances are ratification of NAFTA and more recently, the political contingency of raising the debt ceiling.

bargaining. The resultant outcome is more likely to be legislative-executive consensus which ultimately would lead to Senate consent and approval for the given treaty.<sup>54</sup>

- **Hypothesis 6: *High salience and media coverage increase the propensity of legislative-executive consensus.*** It is argued that a high volume of media attention in the form of print and electronic media coverage for significant treaty legislation generally puts considerable pressure on Congress and the White House to arrive at a mutually acceptable solution. Such political dynamism facilitates greater deliberation in Congress, with a potential outcome of legislative-executive consensus.

- **Hypothesis 7: *Electoral imperatives on pivotal opposition players in the Senate to get reelected in the ensuing elections by incurring favorable public opinion increase the propensity of legislative-executive dissension.*** The electoral pressure on pivotal senators from opposing party to get reelected in the next election cycle increases the chances of delay in Senate's consent and approval for treaty legislation. This in turn increases legislative-executive dissension. Also if an influential senator from opposing party plans for presidential campaign, then legislative-executive dissension is more likely to occur. Efforts to garner favorable public opinion influence congressional voting patterns and timing of lawmakers' position-taking in the treaty consent process.

#### **Issue Area of the War Powers Resolution and Making of War**

- **Hypothesis 1: *Divided government leads to congressional-presidential dissension in war-making, while unified government facilitates consensus.*** Presence of divided government significantly increases the probability of congressional-presidential dissension and interbranch difference of opinion in the decision-making process, with

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<sup>54</sup> *Congressional Record* – Senate, October 13, 1999. p. S 12507.

regard to deploying troops into hostilities abroad. Divided government also facilitates intrabranh conflict inside Congress on matters related to war.

- **Hypothesis 2: *Ideological divisions and partisan differences result in greater dissension in the decision process on conduct of war.*** Deployment of troops into hostilities abroad is a sensitive decision, which is influenced by the partisan and ideological distance between Capitol Hill and the White House. The greater the degree of political polarization based on partisan fault lines and ideological differences, the greater are the chances of interbranch dissension. Intrabranh conflict inside Congress is also determined by partisan and ideological factors.

- **Hypothesis 3: *Electoral imperatives on opposing congressional leaders to get reelected in the ensuing elections increase the propensity of legislative-executive dissension*** Members of Congress want to get re-elected. Electoral imperatives greatly influence congressional lawmakers' decision process on military deployment. If the approval rating of the president is poor, members of Congress are expected to oppose the executive branch in going to war. Also presidents seeking re-election are also greatly concerned about electoral fallout arising out of a wrong decision on troop deployment into hostilities abroad.

- **Hypothesis 4: *If there is favorable public opinion for military intervention, there is likely to be legislative-executive consensus, and vice versa.*** Public opinion significantly drives the decision process regarding conduct of war. Members of Congress and presidents seek favorable public opinion on the conduct of war for the purpose of political legitimacy for their decisions. (Stated as the hypothesis)

- **Hypothesis 5: *Opposition members of Congress disagree with president's decision on military intervention, and vice-versa.*** . Members of Congress belonging to the opposition party are skeptical about the legitimacy of the president's decision on military deployment into hostilities abroad. As a result, they tend to oppose any presidential initiative with regard to deployment of troops abroad because of fear of losing their public standing in their own constituencies. Conversely, congressional lawmakers belonging to the president's own party intend to support the White House decision on war in expectation of bolstering favorable public opinion in their own constituencies, if the president's approval rating is high.

- **Hypothesis 6: *Extensive media coverage increases the propensity of legislative-executive consensus in the decision-making process on military intervention.*** The amount of media coverage and media bias significantly influence the dynamics of the decision-making process on military operations abroad. Opposition members of Congress try to use media power to criticize the president's decision on military intervention abroad. In turn, they try to shape the national conversation in their favor. This result in congressional-presidential dissension. However, the president, by virtue of his unique capability to garner media attention and use a "bully pulpit," attempts to generate sufficient popular support in favor of his decision.

- **Hypothesis 7: *The longer the duration of military intervention the greater the propensity of legislative-executive dissension on the conduct of war.*** Once troops are deployed into hostilities abroad, the duration of war becomes a major factor in the decision-making process to invoke the War Powers Resolution. In the event of prolonged military conflict with no probable resolution in sight, members of Congress initiate

legislative process to invoke the War Powers Resolution in order to restrain the president. In the event of shorter duration of war Congress remains vigilant and rebukes the president for not consulting the legislative branch at the time of troop deployment.

### **Conclusion and Significance of the Study**

The political process of making foreign policy focuses on the constitutional principles with regard to balance of power between the legislative and executive branches. While Article I of the U.S. Constitution covers the powers and responsibilities of Congress, Article II does the same for the president. The constitutional provisions lay out the blueprint as to how the legislative and executive branches should jointly function. Over the last forty years, from 1970 to 2010, changes in the U.S. political environment have provided a perfect opportunity to take a fresh look at the contours of legislative-executive relations. Exploration of legislative-executive relations becomes particularly important under the current circumstances, which are characterized by divided government and polarized politics. Such analysis in turn helps in mapping the trajectory of the strategic political decision-making process and policy outcome. This dissertation project makes an effort to examine the interbranch political dynamic in the foreign policy sphere. The time period from 1970 to 2010 portrays significant changes in global geopolitics, as well as in U.S. domestic politics. In the international arena while the world has experienced a transition from the Cold War to the post-Cold War era, in U.S. domestic politics there has been a resurgence of Congress in the foreign policy sphere with the legislation of the War Power Resolution in 1973. In recent decades, both Congress and the president have vigorously tried to preserve their respective foreign policy prerogatives. In this study, two of the most contentious foreign policy issue areas –

treaty process and war powers - have been investigated with an aim at mapping the trajectory of legislative-executive relations.

The academic contribution and significance of this dissertation to the discipline relates to the theoretical framework of the *continuum of consensus and dissension in legislative-executive relations*. The analysis is theoretically rich and innovative because it specifically pays attention to the dynamics of political factors which are responsible for consensus and dissension between the two branches in the same political time. Also, the dissertation is unique in terms of its exploration and recognition of the existence of such a continuum of legislative-executive consensus and dissension with regard to two high-profile foreign policy issue areas – treaty process and war powers – within the ambit of a single study. Constitutional provisions necessarily require Congress and the president work together in the political process for these two issue areas.<sup>55</sup> In that endeavor this study attempts to make an integrative analysis of the theoretical framework and the empirical evidence as part of mapping the trajectory of legislative-executive relations. The empirical investigation in this study strengthens the theoretical framework of this study.

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<sup>55</sup> Treaty Process – Article II, Section 2 of the U.S. Constitution; War powers – War Powers Resolution 1973.

## CHAPTER II

### THEORETICAL OVERVIEW

This chapter explores the various factors which influence the dynamics of the continuum of consensus and dissension in policymaking, especially treaty powers and war powers. Such factors are as outlined: (1) Divided and unified government; (2) Degree of partisanship between Congress and the presidency; (3) Ideological dimensions in congressional-presidential relations and policymaking; (4) Public opinion and constituency preference; (5) Electoral concerns of the members of Congress and the president seeking re-election; (6) Role of media; and (7) Extensiveness of debate in Congress. This chapter aims at developing the theoretical framework by exploring the existing literature. Such theoretical work fits in the broader dimensions of empirical investigation in subsequent chapters. The overall endeavor is to correlate empirical and theoretical investigation into a compact model, in which the findings from the empirical work would bolster the theoretical premises. It is expected that theoretical explanation of the work done so far will provide the necessary base. This will be significantly strengthened by empirical investigation in validating the overarching theoretical framework of the continuum of consensus and dissension under the mutually integrative institutional system.

#### **Divided and Unified Government – Policy Process and Outcome**

Formation of divided and/or unified government is a critical factor affecting legislative-executive relations at the national level. Such political arrangement in Washington has substantial influence on how other explanatory factors will spin off in

foreign and domestic policy decisions. Divided government exists when there is split party control of legislative and executive branches. In contrast, unified government is formed when legislative and executive branches are controlled by the same party.<sup>56</sup> Split party control of one or both chambers of Congress and the White House also represents divided government.<sup>57</sup> In essence, government typology – divided or unified - reflects its partisan and ideological arrangement in the political composition on Capitol Hill and the White House. Such political complications play a critical role in determining foreign policy decisions. Overall, the criterion of divided and/or unified government is expected to have diverse ramifications on foreign policy outcomes. It substantially complicates the political process of decision making, especially for the “high politics of foreign policy” issues such as treaty politics and war power politics.<sup>58</sup> Based on the government typology, legislative-executive relations experience significant political bumps. In turn, foreign policy outcomes reflect the continuum of consensus and dissension between Capitol Hill and the White House.

Conventional scholarship suggests that divided government results in gridlock or dissension and unified government causes cooperation or consensus. On the other hand, revisionist theory suggests that the presence of divided and/or unified government does not matter in delineating legislative success. However, there are notable exceptions to this holistic proposition. For instance, when there was a long era of a solidly Democratic South, Southern Democrats made viable and stable coalitions with Northern Republicans

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<sup>56</sup> Clarke, Wes. 1998.

<sup>57</sup> Auerswald, David P., and Colton Campbell. 2012.

<sup>58</sup> Carter, Ralph G. 1986.

on a wide range of policy issues. More recently, successful passage of the North American Free Trade Agreement (NAFTA) in Congress was made possible by unusual and unexpected bipartisan alliance. But such exceptions are rare in normal politics. They are generally based on unconventional and regional political alignments. This study attempts to construct a paradigmatic bridge between conventional scholarship and revisionist theory. In essence, this study suggests that even though divided government enhances the chances of political gridlock, there can be dissension in the presence of unified government too. More specifically, this exploratory study argues that empirical investigation provides good evidence of a continuum of consensus and dissension in legislative and executive foreign policy decisions, regardless of specific government typology. The trajectory of political arrangement over the last four decades shows that divided government has prevailed in U.S. politics more often.<sup>59</sup> The majority of divided government tends to make this study more exploratory in nature in explaining the implications of rifts between the legislative and the executive branch on U.S. foreign policy. The following literature helps better analyze the concepts.

While arguing that unified government is the central factor for effective governance and legislation, James Sundquist blames the growing phenomenon of party disintegration for the increasing trend of the formation of divided government.<sup>60</sup> He argues that party disintegration has led to non-formation of unified government in recent years, therefore resulting in formation of divided government. Sundquist further states, “At such times [divided government], the normal tendency of the U.S. system toward

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<sup>59</sup> Fiorina, Morris. 1992; Conley, Richard. 2000; Peake, Jeffrey S. 2002; Mayhew, David. 2005; McCarthy, Nolan, Keith T. Poole, and Howard Rosenthal. 2006.

<sup>60</sup> Sundquist, James L. 1980.

deadlock becomes irresistible. Harmonious collaboration, barring national crisis, is out of the question. The president and Congress are compelled to quarrel.”<sup>61</sup> Elsewhere, in another seminal scholarly work, Sundquist clearly affirms the conventional view when he states,

For coherent and timely policies to be adopted and carried out -in short, for government to work effectively, as the established theory held - the president, the Senate, and the House must come into agreement. When the same party controls all three of these power centers, the incentive to reach such agreement is powerful despite the inevitable institutional rivalries and jealousies. The party does serve as the bridge or the web, in the metaphors of political science. But in divided government, it is not merely the separated institutions of government that must overcome their built-in rivalries but the opposing parties themselves. And that is bound to be a difficult, arduous process, characterized by conflict, delay, and indecision, and leading frequently to deadlock, inadequate and ineffective policies, or no policies at all.<sup>62</sup>

In essence, Sundquist (1980, 1988-9) concludes that when there is divided government conflict, bickering, tension, and stalemate are inevitable, even in the foreign policy domain. Cox and Kernell argue that when legislative and executive authorities are unified, there is cooperation in policymaking. They assert that divided party control leads to conflict and gridlock.<sup>63</sup> Conley argues that in a situation of divided government, congressional and presidential agendas are generally incompatible, resulting in political gridlock.<sup>64</sup> Binder argues that existence of unified government provides for better prospects of successful legislation. She asserts that divided government results in

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<sup>61</sup> Sundquist, James L. 1980. p. 192.

<sup>62</sup> Sundquist, James L. 1988-9. p. 629.

<sup>63</sup> Cox, Gary, and Samuel Kernell. 1991.

<sup>64</sup> Conley, Richard. 2003.

different policy preferences and electoral mandates leading to institutional rivalry between Congress and the president.<sup>65</sup> Cooper states that formation of divided government reinforces polarization of parties and increased resistance of Congress to presidential initiatives.<sup>66</sup> In a related vein, Krutz and Peake state that congressional-presidential cooperation is significantly diminished and legislative gridlock enhanced when divided government exists.<sup>67</sup> Coleman argues that while unified government produces political incentives for greater cooperation by reducing partisan gaps in policymaking, divided government reinforces inter-branch rivalry, enhances partisan standoffs, and makes significant policy enactments difficult.<sup>68</sup> According to Thurber, “unified and divided party governments” have the most important impact on congressional-presidential relations. He states that divided government is “a major electoral base impediment to legislative-executive cooperation.”<sup>69</sup> The effect of legislative-executive conflict has been experienced significantly since the 1980s. Since that time, there has been resurgence of partisan voting under the conditions of divided party government.<sup>70</sup> Carter argues that divided government enhances ideological fault lines between the Hill and the White House on issues of foreign and trade policy matters. The obvious implication is congressional-presidential gridlock.<sup>71</sup> Edwards, Barrett, and

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<sup>65</sup> Binder, Sarah. 1999.

<sup>66</sup> Cooper, Joseph in Lawrence Dodd, and Bruce Oppenheimer ed. 2005.

<sup>67</sup> Krutz, Glen, and Jeffrey Peake. 2009.

<sup>68</sup> Coleman, John J. 1999.

<sup>69</sup> Thurber, James A. 2009. p. 15-6.

<sup>70</sup> Peake, Jeffrey S. 2002; Thurber, James A. 2009.

<sup>71</sup> Carter, Ralph G. in Kelly, Donald ed. 2005.

Peake state that divided government prohibits successful enactments of important legislations. This is primarily because presidents oppose and block important legislations under the conditions of divided government.<sup>72</sup> Such an assertion is corroborated by Howell et al., who state that periods of divided government reduce the production of landmark legislation by 30%, as compared to periods of unified government.<sup>73</sup> Kelly challenges Mayhew's (1991) argument and states that passage of significant legislation is greater in the presence of unified government than under split party control.<sup>74</sup> While making a case that the dynamics of legislative-executive conflict does not vary much between foreign and domestic policy, Peake shows in his empirical study that when government is divided, legislative-executive cooperation diminishes substantially and gridlock is the likely outcome. He further states, "When government is divided presidents are forced to oppose a greater number of foreign policy bills initiated by Congress."<sup>75</sup> In a related vein, Destler states that divided government generates conflict and proves to be detrimental in matters of foreign policy.<sup>76</sup> Lohmann and O'Halloran claim that on foreign policy matters, especially trade policy, divided government increases the chances of congressional-presidential conflict.<sup>77</sup>

On the other side of the debate, one of the most important proponents of the revisionist claim is David Mayhew. He asserts that the existence of divided or unified

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<sup>72</sup> Edwards, George C., III, et al. 1997.

<sup>73</sup> Howell, William G. et al. 2000.

<sup>74</sup> Kelly, Sean. 1993.

<sup>75</sup> Peake, Jeffrey S. 2002. p. 80.

<sup>76</sup> Destler, I.M. in Dodd, Lawrence C., and Bruce I. Oppenheimer. 1985.

<sup>77</sup> Lohmann, Susanne, and Sharyn O'Halloran. 1994.

government does not matter, since a nearly identical amount of major new legislation is passed under these conditions, based on his investigation. Mayhew's empirical analysis for the period 1946-1990 shows that significant legislative enactments were just as frequent, regardless of whether there was divided government or unified government. Such findings of empirical investigation made Mayhew argue that the ability of Congress and the president to reach agreements reflects little difference between the existence of divided or unified government.<sup>78</sup> Along these lines, Peterson's assertion of "tandem-institutions" perspective is important. Peterson argues that the symbiotic relationship between Congress and the president is necessary for policymaking, irrespective of divided or unified control of government.<sup>79</sup> Fiorina in his empirical research did not find support to claim about significant differences between periods of divided and unified governments on matters of legislative productivity, dynamics of policy deliberations, inter-branch conflict, and even presidents' ability to deal with matters of foreign affairs.<sup>80</sup> Jones makes a case that Congress and presidents have worked together and achieved major policy breakthroughs from time to time across different partisan configurations. By elaborating the dynamics of partisanship, bipartisanship, co-partisanship, and cross-partisanship, Jones' analysis broadly supports the revisionist argument.<sup>81</sup> In a landmark study that strongly supports the revisionist view, Krehbiel asserts that political gridlock

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<sup>78</sup> Mayhew, David. 1991.

<sup>79</sup> Peterson, Mark. 1990.

<sup>80</sup> Fiorina, Morris. 1996.

<sup>81</sup> Jones, Charles. 1999.

can take place whether there is unified or divided government.<sup>82</sup> He argues that because of the supermajority procedure ingrained in U.S. political system, gridlock is equally likely in divided and unified government. This point is particularly relevant for the Senate's treaty consent, which requires approval by a two-thirds majority of the senators present and voting.<sup>83</sup> Krehbiel also states that as the status quo equilibrium moves toward median preferences, both unified and divided governments are likely to break gridlock.<sup>84</sup> Brady and Volden in their study state that legislative-executive gridlock does not occur because of divided government or partisan politics. Instead, gridlock occurs because it is an instrumental part of the government system, ingrained into the political institutions and maintained by the preferences of the political actors.<sup>85</sup>

The upshot of theoretical exploration regarding divided government is that scholars have tried from time to time to accurately analyze political ramifications of divided and unified governments on legislative-executive consensus and/or gridlock. Scholarly research so far does not unequivocally favor one argument over the other. Empirical investigation in this study shows that consensus and dissension in foreign policy can occur regardless of divided or unified government. The form of government is a conditional factor which influences other factors and complicates the political process.<sup>86</sup> Supporters of the conventional argument on foreign policy assert that legislative-

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<sup>82</sup> Krehbiel, Keith. 1998.

<sup>83</sup> Krutz, Glen, and Jeffrey Peake. 2009.

<sup>84</sup> Krehbiel, Keith. 1998; Coleman, John J. 1999.

<sup>85</sup> Brady, David, and Craig Volden. 2006.

<sup>86</sup> The curiosity about divided government has increased in recent years because of its existence for the majority of the time since the 1970s. As a matter of fact, it has become a norm, especially at the national level of politics.

executive gridlock has been on the rise during divided government since the end of the Vietnam War and with the simultaneous resurgence of Congress.<sup>87</sup> Scott and Carter go one step further by suggesting that divided government considerably affected levels of congressional activism and assertiveness in the foreign policy arena since World War II.<sup>88</sup> In the treaty process, when there is the presence of divided government with the opposition party in control of the U.S. Senate, there is generally confrontational politics between the Senate and the president. When the government is divided, the Chairman of the Senate Foreign Relations Committee (SFRC hereafter), the president, and the treaty pivot (i.e. the senator who is positioned to eventually cast the critical two-thirds vote in the Senate) are the pivotal institutional players determining the fate of the treaty.<sup>89</sup> Based on conventional understanding of the effects of partisanship on foreign policy during divided government, it is generally observed that the SFRC Chairman tends to block and frustrate presidential treaty-making efforts.<sup>90</sup> Congressional oversight of treaty-making also increases during the presence of divided government.<sup>91</sup> There is evidence that divided government diminishes the president's ability to liberalize trade at the time of negotiating trade-related treaties.<sup>92</sup> DaLaet and Scott argue that the implications of

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<sup>87</sup> Sundquist, James L. 1981; Meernik, James. 1995; Peake, Jeffrey. 2002; Howell, William G., and Jon C. Pevehouse. 2005.

<sup>88</sup> Scott, James, and Ralph Carter. 2002.

<sup>89</sup> Krepon, Michael, and Dan Caldwell, ed. 1991; Krutz, Glen and Jeffrey Peake. 2009.

<sup>90</sup> Krutz, Glen, and Jeffrey Peake. 2009; McCormick, James and Eugene Wittkopf. 1990. The Chairman of the SFRC is an important gatekeeper whose approval is required to move the treaty to the floor of the Senate for consideration.

<sup>91</sup> Krutz, Glen, and Jeffrey Peake. 2009.

<sup>92</sup> Lohmann, Susanne and Sharyn O'Halloran 1994; Epstein David and Sharyn O'Halloran. 1996; Milner, Helen. 1997.

divided government are more pronounced for arms control treaties because of heightened partisanship.<sup>93</sup> However, proponents of revisionist argument on foreign policy claim that congressional-executive cooperation or gridlock does not necessarily depend on divided or unified government. Auerswald and Maltzman show an insignificant probability of divided government on the imposition of reservations in the treaty ratification process. To what extent such reservations are imposed to the underlying treaty also depend on the ideological preferences of the pivotal players in the Senate, who are at the forefront in the senatorial advice and consent process regardless of the presence of divided and unified governments.<sup>94</sup> The pivotal senatorial players in the treaty approval process are the SFRC Chairman and the treaty pivot.<sup>95</sup> The ideological preference of the pivotal institutional players triumphs, regardless of divided or unified government. Such analysis gains traction especially in the context of the supermajority required for treaty consent in the U.S. Senate.<sup>96</sup> Another point to keep in mind is the type of treaty under consideration. Treaty characteristics often drive the treaty consent process, regardless of whether divided or unified government is in existence. For instance, bilateral treaties are more likely to draw reservations as compared to multilateral treaties. This is because senators realize that it is easier to negotiate with one other country than when a larger number of countries is involved.<sup>97</sup> Also, treaties belonging to “high politics” (i.e. sovereignty and

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<sup>93</sup> DaLaet, James, and James Scott. 2006.

<sup>94</sup> Auerswald, David P., and Forrest Maltzman. 2003; Interestingly such interpretation of Senate advice and consent consider elements of both conventional view and revisionist view on divided government criterion.

<sup>95</sup> Krepon, Michael, and Dan Caldwell, ed. 1991.

<sup>96</sup> Krehbiel, Keith. 1998.

<sup>97</sup> Auerswald, David P., and Forrest Maltzman. 2003; Krutz, Glen, and Jeffrey Peake. 2009.

security issues) are more likely to draw reservations and delay in consent than treaties belonging to “low politics” (i.e. economic, legal, or normative issues) regardless of divided or unified government.<sup>98</sup> Mann argues that divided government provides greater opportunity for legislative-executive collaboration and better bargaining possibilities between the two co-equal branches in foreign policy decisions.<sup>99</sup> Such functional characterization may be considered particularly important for the treaty process, because the Senate and the president are constitutionally equal partners in this particular policy arena. Gibson in her empirical study shows that defense issues are more affected by “unified partisan advantage” and “unified majority advantage” that the president enjoys and not merely by the incidence of divided (or unified) government. Her study also shows that in policy areas of trade, foreign aid, and agriculture, congressional support largely remains unaffected by divided government.<sup>100</sup> In essence, theoretical foundation on treaty consent and ratification process of historically significant international treaties reflects a combination of elements of both conventional and revisionist arguments in determining the outcome of the political process. Empirical investigation performed in this study bolsters such a theoretical premise by showing that consensus and dissension in matters of significant international treaties occurs in a continuum, regardless of divided and unified government. The Strategic Arms Limitation Treaty SALT II (Carter Administration) and the North American Free Trade Agreement NAFTA (Clinton Administration) witnessed unified government. However, SALT II failed in the

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<sup>98</sup> Auerswald, David P., and Colton Campbell. 2012.

<sup>99</sup> Mann, Thomas E. 1990.

<sup>100</sup> Gibson, Martha L. 1995.

ratification process, whereas NAFTA was successful. On the other hand the Intermediate-range Nuclear Forces INF Treaty (Reagan Administration) and the Comprehensive Test Ban Treaty CTBT (Clinton Administration) experienced divided government with variation in process outcomes. While the INF Treaty was ratified, CTBT failed in the ratification process. The reason for such variation in policy decisions is ingrained in the procedure and complexity of the political process, regardless of divided and unified government. The varying processes of treaty consent in the case studies analyzed suggest multifaceted political dynamics that overwhelmingly bolsters the theoretical framework of a continuum of consensus and dissension.

For war powers (based on the provisions of the War Powers Resolution 1973), the theoretical foundation overwhelmingly supports the conventional argument that divided government is responsible for legislative-executive conflict in the political process. Such interpretation by and large holds true when Congress acted to invoke the War Powers Resolution. For instance, during the Lebanon Multinational Force intervention (1982-84), when Congress successfully invoked the War Powers Resolution in its full intent, there was the presence of divided government. At that time, both the chambers of Congress were controlled by the Democrats, while there was a Republican President in the White House. The Lebanon intervention can be regarded as a classic case to assert that divided government creates conditions for confrontational politics between Congress and the president over foreign policy. Along these lines Meernik asserts that when government power is divided, Congress is more likely to restrict the president in deploying troops into prolonged military interventions. The presence of divided government has made invitation to struggle over foreign policy a dominant feature across Pennsylvania Avenue.

Meernik further asserts that when military conflict is protracted and government is divided, Congress is more likely to take legislative action in order to invoke the War Powers Resolution.<sup>101</sup> In a similar tone, Howell and Pevehouse argue that in periods of divided government when the executive branch confronts strong partisan opposition, Congress consistently constrains presidential war powers.<sup>102</sup> Thus divided government makes it harder [for both Congress and the president] to make decisions on new [foreign] policy commitments.<sup>103</sup> Brule asserts that conditions of divided government and “cohesive opposition” reduce the probability of use of force by presidents by 33 percent.<sup>104</sup> Rockman argues that divided government has resulted in sharp divisions between Capitol Hill and the White House on matters of foreign policy. He further argues that during periods of prolonged military engagement, [congressional] support or opposition [to the president] tends to cleave along partisan lines.<sup>105</sup> In essence, when government is divided, presidents feel more constrained in their choices to use force because of the greater likelihood of confrontational politics with Congress on war powers.<sup>106</sup> Scott and Carter in a separate study state that during divided government, foreign policy entrepreneurship in Congress remains at the forefront, particularly on matters of military and security issues. Their findings confirm that divided government has been the root cause of 80% of congressional-presidential dissension since 1970, and

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<sup>101</sup> Meernik, James. 1995.

<sup>102</sup> Howell, William G., and Jon C. Pevehouse. 2007.

<sup>103</sup> Cox, Gary, and Samuel Kernell. 1991; Auerswald, David P., and Peter F. Cowhey. 1997.

<sup>104</sup> Brule, David. 2006.

<sup>105</sup> Rockman, Bert A. in Deese, David A., ed. 1994.

<sup>106</sup> Scott, James, and Ralph Carter. 2002; Foster, Dennis. 2010.

about 80% of such dissension was related to strategic security issues such as arms control, war powers, military operations, and defense strategy.<sup>107</sup> Such analysis is similar to the study conducted by Prins and Marshall who show that between the post-Vietnam War era (1973-89) and the post-Cold War era (1990-98), when divided government was the dominant feature, bipartisan congressional support to of the president dropped from an already low level of 26% to less than 20% after 1989 on foreign and defense policy votes.<sup>108</sup> Foreign and defense policy issues largely include military and security matters. Along these lines, Howell and Pevehouse state that “presidents exercise major force [deployment of troops] roughly 45% more often during periods of unified government than during periods of divided government.”<sup>109</sup> Such findings reiterate the argument of Fleisher et al. (2000) regarding decrease in presidential success on foreign and defense policy during the presence of divided government because of rising opposition voting in Congress.<sup>110</sup> Empirical evidence in this study corroborates this theoretical foundation. This study shows that in the single case of the Lebanon deployment (1982-84), in which Congress invoked the WPR in letter and intent, and in other controversial military interventions, including Grenada (1983), Libya (1986), Bosnia- Herzegovina (1995), and Kosovo (1999), in which Congress came close to invoking the WPR by passing resolution in one of the chambers and rebuking the president, there was the existence of

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<sup>107</sup> Scott, James, and Ralph Carter. 2004.

<sup>108</sup> Brandon, Prins, and Bryan Marshall. 2002.

<sup>109</sup> Howell, William G., and Jon C. Pevehouse. 2007; p. 65.

<sup>110</sup> Fleisher, Richard et al. 2000.

divided government with deep partisan fault lines.<sup>111</sup> Empirical findings in this study bolster the overall theoretical framework of a continuum of consensus and dissension in the political process of the conduct of war.

### **Partisan Difference in Policymaking between Congress and the President**

Increase in partisanship between Capitol Hill and the White House in U.S. foreign policy has become a common phenomenon following the Vietnam War. Since the early 1970s, there has been a significant surge in terms of congressional activism in the making of U.S. foreign and defense policy.<sup>112</sup> The resurgence of Congress has had an earthshaking effect in the realm of foreign policy, where the concept of “Politics stops at water’s edge” has virtually been overtaken by the idea of politics that continue “past the water’s edge.”<sup>113</sup> In the current era of a divided legislative-executive political environment, foreign policy has become as partisan and contentious as domestic policy.<sup>114</sup> This is because the political landscape in Washington at the present time has greatly overshadowed the “two presidencies” thesis of Wildavsky (1966). In today’s perspective, foreign and domestic policy domains have become largely indistinguishable in terms of partisan conflict.<sup>115</sup> Sundquist argues that currently “politicians dispute foreign with the same intensity that they debate domestic policy, both within and between

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<sup>111</sup> Despite broad generalizations of the implications of divided government on producing congressional-presidential gridlock in the conduct of war certain conditions related to coalition building might prevail even when the government is divided as were during the Gulf War 1990-91.

<sup>112</sup> Sundquist, James L. 1981; Lindsay, James, and Randall Ripley. 1992.

<sup>113</sup> DaLaet, James, and James Scott. 2006.

<sup>114</sup> McCormick, James, and Eugene Wittkopf. 1990, 1992; 1998; Fleisher, Richard et al. 2000; McCormick, James, Eugene Wittkopf, and Danna David. 1997.

<sup>115</sup> Marshall, Bryan, and Brandon Prins. 2002.

the parties.”<sup>116</sup> Over the last few decades, particularly starting from the 1980s, political parties have become increasingly polarized, leading to heightened levels of partisan voting on policy issues.<sup>117</sup> There is a perceptible trend of increased party line voting in Congress (House as well as Senate) in the 1980s and 1990s, thereby making coalition building a difficult task.<sup>118</sup> Such a trend continues in the first decade of the 21<sup>st</sup> century as well. Over the years, Congress and the executive branch have become much more partisan in terms of their political composition and respective policy positions.<sup>119</sup> This higher degree of party differences has significantly increased the partisan gap, which contributes to policy gridlock. Binder points out that intense party polarization have proved to be counterproductive for effective policymaking.<sup>120</sup> When party leaders hold widely different opinions on issues of foreign policy, much as domestic policy, they tend to vote strictly along party lines in Congress.<sup>121</sup> Heightened partisan conflict between the Hill and the White House has enabled Congress to assert its foreign policy preferences over those of the president more aggressively.<sup>122</sup> Inter-branch partisan conflict and cleavages in foreign policy have become dominant at several stages of the policymaking

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<sup>116</sup> Sundquist, James L. 1992. p. 312.

<sup>117</sup> Rohde, David in David A. Deese, ed. 1994.

<sup>118</sup> Lindsay, James, and Randall Ripley. 1992; Cooper, Joseph, and Garry Young. 1997; Fleisher, Richard et al. 2000; Peake, Jeffrey S. 2002.

<sup>119</sup> Fleisher, Richard and Jon Bond. 2000.

<sup>120</sup> Binder, Sarah. 1999.

<sup>121</sup> Jacobson, Gary. 2000; Prins, Brandon, and Bryan Marshall. 2002; Souva, Mark, and David Rohde. 2007.

<sup>122</sup> Meernik, James. 1993; Ripley, Randall, and James Lindsay. 1993; Lindsay, James. 1994; Peake, Jeffrey. 2002; Marshall, Bryan, and Brandon Prins. 2002.

process.<sup>123</sup> In reality, political dynamics on the floor of each chamber of Congress, committee level activities (such as SFRC, Senate Arms Services Committee, other related House Committees, etc.), affirmation or rejection of presidential positions by legislators, actions and comments of the party spokespersons, and various consultations between the important members of Congress and the president in foreign policy arena are all largely influenced by partisan dimensions.<sup>124</sup> In essence, lack of trust between the legislative branch and the executive branch at every level of policymaking because of growing partisan divide has denied the president a free ride in foreign policy from Congress.<sup>125</sup> Not surprisingly, treaty process and war powers, which constitute the high politics of foreign policy, are not immune to the effects of partisan fault lines.

In the treaty process, partisan differences significantly influence the political dynamics, with variations in decision outcome. Treaty politics is one of those areas in which Congress tries to vigorously protect its foreign policy prerogatives, especially in the current political environment of party polarization. Also, it is one of those issue areas in which Congress is mandated to participate, based on the constitutional requirement of “advice and consent” by a two-thirds majority of the Senate vote.<sup>126</sup> It is argued that majority party leaders from the opposite side of the aisle more often are less likely to defer to the minority administrations.<sup>127</sup> Here the conventional understanding is that when

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<sup>123</sup> Patterson, Samuel, and Gregory Caldeira. 1988; Mann, Thomas E. 1990; Lindsay, James and Randall Ripley. 1992; Sinclair, Barbara in Bond, Jon R., and Richard Fleisher, ed. 2000; Rockman, Bert A. 2000.

<sup>124</sup> Rohde, David in David A. Deese, ed. 1994.

<sup>125</sup> Rockman, Bert A. in David A. Deese, ed. 1994; Oldfield, Duane, and Aaron Wildavsky. 1991.

<sup>126</sup> Article II, Section 2 of the U.S. Constitution.

<sup>127</sup> Ripley, Randall, and James Lindsay. 1993; Peake, Jeffrey. 2002.

the president garners support from more co-partisans in the Senate, his policies including treaties, are less likely to face partisan obstacles.<sup>128</sup> As legislators play a strategic role in setting policy priorities, particularly at the committee level, their partisan preferences become critically important in the overall political process.<sup>129</sup> Such a proposition gains traction particularly in a treaty consent process, in which the SFRC chairman is an important gatekeeper, allowing treaties to move from the committee level to the floor of the Senate for further deliberation. In the current environment of polarized politics, when the SFRC chairman and the president are opposing partisans, the treaty process becomes overly complicated. Partisan conflict between the SFRC chairman, the president, and the treaty pivot (i.e. the particular senator deciding the crucial two-thirds vote on the Senate floor) is critical in determining the fate of the treaty.<sup>130</sup> This development gains traction particularly when there is evidence that committee process both in the House and the Senate has become more partisan over time, starting with the 91<sup>st</sup> Congress (1969-70).<sup>131</sup> Moreover, such increase in partisanship has spilled over to the staged floor proceedings.<sup>132</sup>

Another dynamic aspect of the treaty process relates to the procedural tactics by which the Senate alters the original treaty by imposing amendments, reservations, understandings, and policy declarations to that treaty's document of ratification.<sup>133</sup> Such

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<sup>128</sup> Krutz, Glen, and Jeffrey Peake. 2009. p. 145.

<sup>129</sup> Cox, Gary, and Mathew McCubbins. 1993.

<sup>130</sup> Krutz, Glen, and Jeffrey Peake. 2009.

<sup>131</sup> Sinclair, Barbara in Bond, Jon R., and Richard Fleisher, ed. 2000.

<sup>132</sup> Increase in partisanship in the SFRC and Senate roll-call voting led to the rejection of CTBT in 1999.

<sup>133</sup> Auerswald, David P. 2006.

legislative procedures are influenced by partisan preferences, especially when Senate consent by a two-thirds vote of the senators present is a mandatory constitutional requirement.<sup>134</sup> In this regard, important examples include the congressional-presidential stalemate over the Strategic Arms Limitation Treaty (SALT II), the Senate's imposition of amendments and a common understanding clause with respect to the Intermediate-range Nuclear Forces (INF) Treaty, and the Senate's rejection of the Comprehensive Test Ban Treaty (CTBT).<sup>135</sup> The two-thirds majority requirement for treaty consent in the Senate provides real bargaining power to the opposition party leaders, who can flex their partisan muscle and determine the fate of the treaty to a considerable extent. Defenders of the two-thirds majority contend that the standard for the Senate's treaty consent should justifiably be severe and likewise bipartisan because treaties have generational consequences. They are binding for all future administrations, regardless of their party affiliations.<sup>136</sup> The opposing argument is that such a supermajority requirement for treaty consent can render the country incapable to act on any issue that is divisive and vulnerable to partisan dimensions.<sup>137</sup>

Whatever might be the case, partisan conflict between the Senate's and a president's priorities can deny the requisite two-thirds majority vote in the Senate and prove to be a significant hurdle in the treaty consent process.<sup>138</sup> Even after a treaty moves from the SFRC to the floor of the Senate, it may still languish and be delayed

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<sup>134</sup> Lindsay, James. 1994; Auerswald, David P., and Forrest Maltzman. 2003.

<sup>135</sup> Each of these cases are discussed extensively in Chapter IV of this dissertation.

<sup>136</sup> Sundquist, James L. 1992.

<sup>137</sup> *Ibid.*

<sup>138</sup> Krepon, Michael, and Dan Caldwell, ed. 1991.

indefinitely. At this stage, the partisan preference of the treaty pivot is critically important.<sup>139</sup> If the treaty pivot belongs to the opposition party, then the partisan dimension is expected to be the clearest contributor to treaty gridlock.<sup>140</sup> DaLaet and Scott suggest that on arms control treaties on weapons of mass destruction, partisanship has become a critical factor in the post-Vietnam and post-Cold War years.<sup>141</sup> This is more glaringly observable among conservatives, for whom partisan calculations trump policy preferences on their support to an arms control treaty when a president of their own party proposes it. However, when a president from the opposite party proposes such a treaty, conservatives align their partisan calculations with policy preference and oppose such a treaty proposal. This is in sharp contrast to liberals, for whom policy preferences are always more important than partisan dimensions for arms control treaty support, regardless of the political affiliation of the president.<sup>142</sup>

On war process and conduct of war, scholars argue that partisan composition in Congress considerably influences the president's initiative to use military force. Howell and Pevehouse assert that presidents are inclined to use military force abroad with greater frequency as their party's share in Congress increases.<sup>143</sup> Conversely, with increase in share of the opposition party in Congress there is less incentive for presidents to enter into military operations abroad. Such a proposition fits into the argument of the War Powers Resolution, in order to explain the theoretical framework of the continuum of

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<sup>139</sup> Krutz, Glen, and Jeffrey Peake. 2009.

<sup>140</sup> Ibid.

<sup>141</sup> DaLaet, James and James Scott. 2006.

<sup>142</sup> Ibid.

<sup>143</sup> Howell, William G., and Jon C. Pevehouse. 2005.

consensus and dissension on military interventions abroad. Rohde specifically argues that split decisions along partisan lines in Congress can be critical in a president getting authorization to use military force.<sup>144</sup> For instance, when Congress voted on authorizing use of force in Iraq during the Persian Gulf War (1990-91), then Republican President George H.W. Bush was able to garner the requisite majority vote in the Democratic-controlled House of Representatives, mainly because of intra-party split voting in the House Democratic caucus.<sup>145</sup> Such occasions present an opening for the president to accumulate the required vote from members of the opposition party in Congress in getting majority support for an order to deploy troops abroad.<sup>146</sup> Hence, intra-party squabbling is a critical factor in complicating the political process, because sometimes presidents are opposed by factions of their own party.<sup>147</sup> Notwithstanding such intra-partisan disagreement on policy matters, the overwhelming support or rejection along partisan dimensions is critically important.<sup>148</sup> Howell and Pevehouse mention that historically during times of international crisis, when hard decisions had to be made regarding deployment of troops into hostilities abroad, members of the president's party consistently fell behind the decision of the Commander in Chief, whereas dissenting

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<sup>144</sup> Rohde, David in David A. Deese, ed. 1994.

<sup>145</sup> Such unusual split voting on matters related to war process is relatively rare and cannot be usually expected by an administration under normal circumstances. However, this is one of the instances which show how partisan dimensions can be a delicate determining factor on sensitive foreign policy issues.

<sup>146</sup> Spitzer, Robert. 1992. In this context parallels can be drawn with President Reagan's getting support from the Democratic Senate during the treaty consent process for the Intermediate-range Nuclear Forces (INF) Treaty.

<sup>147</sup> Jones, Byran D., James L. True, and Frank R. Baumgartner. 1997. Prominent examples are NAFTA (1993) and SALT II (1979) and Lebanon MNF intervention (1982-84).

<sup>148</sup> Rockman, Bert A. 2000.

voices came disproportionately from the opposition party.<sup>149</sup> Thus the president's discretion to use military force abroad depends on the size and partisan unity of the members of his/her own party in Congress vis-à-vis the opposition party.<sup>150</sup> To complicate the matter, Lindsay points out that Congress flexes its partisan muscle once again and intends to take appropriate legislative action if the president's decision to deploy troops becomes unpopular with the public and loses legitimacy.<sup>151</sup> During such moments, Congress becomes active if the existing military deployment is limited, cost of pulling the troops back is small, and when the administration vacillates in its military decisions. Such actions relate to legislative steps taken to invoke the War Powers Resolution. Thus we can see that political dynamics dictated by partisan composition at the time of decision making and subsequently during the conduct of the war creates solid grounds for potential conflict between Congress and the executive branch. If and when such inter-branch collision course seems imminent (as the selected cases show), there is validity of the theoretical framework of the continuum of consensus and dissension in the political process of the conduct of war. In their study, Carter and Scott argue that foreign policy has become increasingly partisan in the recent decades, especially after the Cold War. Almost three-fourths of foreign policy entrepreneurs belong to the opposition party. They tend to flex their partisan muscles more often - about 80% of the time – on strategic

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<sup>149</sup> Howell, George W., and Jon C. Pevehouse. 2007. Important cases are Lebanon MNF (1982-84); Grenada (1983); Persian Gulf War (1990-91); Bosnia-Herzegovina (1992-98); Haiti (1993-96); (Kosovo (1999); Iraq War (2002). See chapter V for detailed analysis of these cases.

<sup>150</sup> Howell, George W., and Jon C. Pevehouse. 2007.

<sup>151</sup> Lindsay, James. 1994.

military-security issues that include military operations and war powers.<sup>152</sup> From the legislative perspective to invoke the War Powers Resolution and restrain the executive from using force, partisan polarization over time has greatly affected the continuum of consensus and dissension in the two chambers of Congress. Because the political parties have become more internally cohesive and externally divergent in recent years, partisan dimensions affect every stage of legislative process and procedural components.<sup>153</sup> Such political implications in turn are manifested by variation in the outcome of legislative action in the House and the Senate while attempting to invoke the War Powers Resolution. Over time, politics of war making has become more contentious on partisan dimensions between Capitol Hill and the White House. The so-called bipartisan consensus of the Cold War era has disappeared.

### **Ideological Dimensions and Congressional-Presidential Relations**

Ideological dispositions of the members of Congress and the president significantly affect the dynamics of policymaking, especially in the current era of inter-branch competition in Washington. Several previous studies have consistently claimed that after the Vietnam War, foreign policy issues have become ideologically divisive as domestic policy.<sup>154</sup> Since the 1970s, there has been a steady increase of ideological alignment and polarization of the congressional parties.<sup>155</sup> Ideology is generally regarded

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<sup>152</sup> Scott, James, and Ralph Carter. 2004.

<sup>153</sup> Aldrich, John H., and David W. Rohde. 2000; Carson, Jamie L, Charles J. Finnochiaro, and David W. Rohde. 2010.

<sup>154</sup> Bernstein, Robert A., and William W. Anthony. 1974; Schneider, Jerrold E. 1979; McCormick, James M., and Michael Black. 1983; McCormick, James M., and Eugene R. Wittkopf. 1992.

<sup>155</sup> Smith, Steven S. 1981; Jacobson, Gary. 2000.

as a dominant factor for political conflict in congressional voting behavior.<sup>156</sup> In turn it has directly affected the dynamics of consensus and dissension in the political process of policymaking between Congress and the president. In essence, ideological disposition goes beyond standard partisan lines because it directly centers on the internal belief system, conscience, and personal conviction of politicians.<sup>157</sup> Kingdon suggests that ideology and party are the top two most important factors affecting the political predispositions of members of Congress. When a decision is made by the executive, the coalition that forms in the legislature represents different ideological predispositions of the members.<sup>158</sup> A presidential decision represents a point along the “partisan-ideological spectrum.” The partisan and ideological predispositions of members of Congress show their relationship to that of the presidential position. In such a situation, “the coalition that forms reflects choices made by members [of Congress] with different partisan and ideological predispositions that vary not only in content (Democrat versus Republican, liberal versus conservative) but also in strength (mainstream predispositions versus cross-pressured predispositions).”<sup>159</sup> Binder states that ideological diversity has the greatest influence on policy gridlock between Congress and the White House.<sup>160</sup> Poole and Rosenthal have explored 200 years of the congressional roll-call voting pattern. They argue that over 80% of voting decisions made by members of Congress are attributed to a consistent and predictable ideological makeup ranging from ultra-liberalism to ultra-

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<sup>156</sup> LeoGrande, William M., and Philip Brenner. 1993.

<sup>157</sup> Fordham, Benjamin O. 2008; Krutz, Glen, and Jeffrey Peake. 2009.

<sup>158</sup> Kingdon, John W. 1981.

<sup>159</sup> Fleisher, Richard, and Jon R. Bond. 2000. p.160.

<sup>160</sup> Binder, Sarah. 1999.

conservatism.<sup>161</sup> In the foreign policy arena, ideology has shown consistency of liberal-conservative continuity in terms of congressional voting during and after the Cold War. In this context, conservatives have by and large provided greatest support to Republican presidents and liberals to Democratic presidents.<sup>162</sup> Such a trend has greatly contributed to the continuum of consensus and dissension between Congress and the President on foreign policy.

With respect to politics of treaty consent, ideological distance along the liberal-conservative continuum is a dominant factor in the treaty consent process. Traditionally, conservatives have shown greater distrust to international treaties and agreements than their liberal counterparts. This has adversely affected the ratification debate in the Senate.<sup>163</sup> The ideological distance between the pivotal institutional players, especially the SFRC chairman and the president, is of paramount importance in deciding the fate of the treaty. SFRC may prove to be a major roadblock in treaty approval process because the committee's chairman is an "important gatekeeper on treaties" and needs to "advocate for its adoption."<sup>164</sup> Traditionally, a conservative SFRC chairman (such as Jesse Helms) has a greater propensity to oppose and block certain treaties on principle, whenever a liberal president would submit the treaty to the Senate for consent.<sup>165</sup> This is because "conservatives have traditionally had a greater distrust for international agreements than

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<sup>161</sup> Poole, Keith T., and Howard Rosenthal. Poole and Rosenthal. 1997.

<sup>162</sup> McCormick, James M., and Eugene R. Wittkopf. 1990.

<sup>163</sup> Auerswald, David P. 2006.

<sup>164</sup> Krutz, Glen, and Jeffrey Peake. 2009. p.146.

<sup>165</sup> *Ibid.*, p.60; 158. Therefore, there is an argument that presidents more often prefer executive agreements when they face a SFRC Chairman who is conservative.

their more liberal colleagues” leading to the expectation that “[treaty] ratification reservations will be more likely when the Senate is tilted toward the conservative side of the ideological spectrum.”<sup>166</sup> In their study, DaLaet and Scott argue that both during and after the Cold War era, ideology had a statistically significant relationship with the congressional vote on arms control treaties. They found that there is a greater propensity for conservatives than liberals to vote against arms control treaties in the Senate.<sup>167</sup> An ideological dimension in Senate voting for arms control treaty ratification is also supported by Wayman in his study on treaty ratification.<sup>168</sup> While exploring the Senate’s role in arms control treaties, Wayman argues that ideological conflict dominates the voting pattern of senators, reflecting the trend that hawks generally support strong defense, whereas doves support reduced spending on defense-related policy issues. McCormick and Black state that ideological explanation in the Senate voting process is particularly a decisive factor in determining the fate of foreign policy matters such as international treaties. These authors argue that “Senators make their policy choices on the basis of some internalized set of political values and beliefs about the world.”<sup>169</sup> They also portray the political spectrum of senators in foreign policymaking based on a continuum from “conservative” to “liberal.”<sup>170</sup> Such ideological dimensions of individual senators are crucial in garnering a two-thirds majority vote in the Senate for a proposed

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<sup>166</sup> Auerswald, David P., and Forrest Maltzman. 2003. p. 1101.

<sup>167</sup> DaLaet, James, and James Scott. 2006. The effect of ideology was however lesser during the post-Cold War period, as compared to during the Cold War period.

<sup>168</sup> Wayman, Frank Whelon. 1985.

<sup>169</sup> McCormick, James M., and Michael Black. 1983. p. 45.

<sup>170</sup> *Ibid.*, p.46.

treaty. Bernstein and Anthony, in their celebrated study, also argue that ideological dispositions play a pivotal role in “determining Senator’s position on national security/war and peace issues.”<sup>171</sup> These authors also draw a liberal-conservative continuum in their study of the Senate’s role in the ABM treaty ratification process. Thus it is generally evident that while a highly conservative SFRC chairman (e.g. Senator Helms) is likely to contribute to gridlock in the treaty consent process, a more liberal SFRC chairman (e.g. Senator Fulbright) will show a greater propensity to support treaty making.<sup>172</sup> Ideological dimensions between the SFRC and the White House thus have a tremendous potential to create a continuum of consensus and dissension in the treaty consent process. Moreover, once the SFRC transmits any treaty to the floor of the Senate, the “ideological spatial difference” between the president and the senator located at the treaty pivot is significant. Clearly “if the treaty pivot is an ideologue, however, getting floor support for the president’s treaty should prove more difficult, as that individual’s preferences must be satisfied and are likely far from the president’s own preferences.”<sup>173</sup>

On matters related to use of force, ideological dimensions have been playing a dominant role in the process and outcome of policymaking.<sup>174</sup> Importantly, on the issue area of war powers, liberal-conservative ideology on congressional voting has gone through changes over the last fifty years. From the 1960s and more prominently after the Vietnam War, conservatives have been primary supporters of military intervention

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<sup>171</sup>Bernstein, Robert A., and William W. Anthony. 1974. p. 1199.

<sup>172</sup> Krutz, Glen, and Jeffrey Peake. 2009. p.146.

<sup>173</sup> Ibid., p.146-7.

<sup>174</sup> LeoGrande, William M., and Philip Brenner.1993; Burgin, Eileen. 1994.

abroad as compared to liberals.<sup>175</sup> This trend is observable across the board in Congress as well as the White House. After Vietnam, with congressional resurgence and presidential pre-eminence losing steam to an extent, two major political parties went on to an ideological collision course on important foreign policy issues such as war powers of Congress and the executive, among others.<sup>176</sup> McCormick and Wittkopf, in their study, explored “ideological-gap,” meaning “the difference in average presidential support of conservatives and liberals by party” for eight successive administrations, starting with President Lyndon Johnson. They found that such an ideological gap was quite large for national security (which includes military intervention abroad) and the foreign relations component in the House and the Senate vis-à-vis the president. These authors specifically stated that ideology was a particularly strong predictor of national security and foreign relations voting in the Senate.<sup>177</sup> LeoGrande and Brenner state that the deep ideological divisions that are prevalent in Congress and the current debating trend on sensitive foreign policy issues such as use of military force have more or less become a norm. These authors also argue that with Congress under Democratic control and the White House being occupied by a Republican president more often since the 1970s, national security policy difference based on ideological perspectives has intensified.<sup>178</sup> The widening ideological gap has also been a common phenomenon within the committees such as the Senate and House Foreign Relations Committee and Armed Services

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<sup>175</sup> Fordham, Benjamin O. 2008.

<sup>176</sup> McCormick, James M., and Eugene R. Wittkopf. 1992.

<sup>177</sup> Ibid. p. 44-46.

<sup>178</sup> LeoGrande, William M., and Philip Brenner. 1993.

Committee, with the Democratic and Republican members becoming more and more polarized ideologically. Such development has reduced the chances of making compromise on use of force and other national security matters.<sup>179</sup> Burgin states that lawmakers in Congress are overwhelmingly guided by their ideological preferences while participating in roll-call votes on matters of military intervention.<sup>180</sup> In related lines, Lindsay makes a point that on matters of strategic defense and national security, the ideological disposition of members of Congress is critical.<sup>181</sup> This was clearly the case at the time of congressional authorization to the administration for Gulf War I (1991), when members in Congress cast their votes based on their personal beliefs rather than what their party demanded (particularly for the Democrats).<sup>182</sup> The same argument holds true when Congress adopted legislation to attempt to invoke WPR. However, with liberals supporting Democratic presidents more and conservatives supporting Republican presidents more, ideological polarization has accentuated over time. Such a trend has contributed significantly to the continuum of consensus and dissension between Congress and the White House on military intervention.

### **Public Opinion and Constituency Preferences**

Public opinion has been a critical factor influencing congressional voting behavior and policy process.<sup>183</sup> Over the last few decades, with tremendous changes occurring in the global arena and the interrelation between elements of foreign and domestic policy,

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<sup>179</sup> Tierney, John T. in David A. Deese, ed. 1994.

<sup>180</sup> Burgin, Eileen. 1994.

<sup>181</sup> Lindsay, James. 1991.

<sup>182</sup> Doherty, Carroll. 1991.

<sup>183</sup> Souva, James, and David Rohde. 2007.

public opinion and constituency preferences have increasingly become dominant in foreign policy determination. Politicians give due importance to the fact that “collective public opinion is highly differentiated, patterned, coherent, consistent, and reflective of values that endure over long periods of time and seem to be deeply held.”<sup>184</sup> It is also important to note here that collective public opinion concerning foreign policy is not only differentiated and structured, but also quite stable.<sup>185</sup> Analysts argue that because the public has a definite opinion about the direction of U.S. foreign policy, similar to domestic policy, such opinion can be consequential in the policy process.<sup>186</sup> Cox and Duffin state that over the years, two schools of thought have emerged since the Vietnam War in explaining the implications of public opinion and constituency pressure on foreign policymaking. They argue while one premise shows that public pressure has hastened foreign policy initiatives in terms of deliberate congressional approval for presidential initiatives such as the Panama Canal Treaty and NAFTA, the other premise identifies significant congressional obstacles such as in the Iran-Contra case and presidential retreat by pulling troops from Somalia (1992-93).<sup>187</sup> With the current political environment being highly contentious, presidents often rally public opinion to advance their own agenda and block initiatives from their political adversaries in Congress.<sup>188</sup> On the other hand, Congress uses legislative instruments such as extensive hearings at the subcommittee and committee levels, larger and more contentious debates, and also

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<sup>184</sup> Shapiro, Robert Y., and Benjamin I. Page in David A. Deese ed. 1994. p.217.

<sup>185</sup> Ibid., p.221.

<sup>186</sup> Stimson, James A. 1991; Lindsay, James, and Randall Ripley. 1992.

<sup>187</sup> Cox, Daniel G., and Diane L. Duffin. 2008.

<sup>188</sup> Kernell, Samuel. 2007.

judicious use of the media to voice its arguments in order to sway public opinion in its own favor. Such action on the part of Congress enhances its capability to apply pressure and influence presidential decision-making to a considerable extent.<sup>189</sup> Lindsay states that “the glare of public spotlight” is often a powerful weapon that Congress possesses to force the President to change his/her course of action.<sup>190</sup> In a different study, Page and Shapiro state, “When the public has definite opinions, when those opinions change by large amounts, and when the changes endure over time, the political system will more often respond to the public’s preference.”<sup>191</sup> These authors found that public opinion changed the direction of about 62% of U.S. foreign policy decisions. Along similar lines, Bartels states that public opinion and constituency preference act as powerful factors to influence congressional voting on strategic defense policy matters such as President Reagan’s defense buildup.<sup>192</sup> As Congress is a constitutionally empowered equal foreign policy player, a recent study states that public opinion, group pressure, constituency preference, and the rise of “message politics” make Congress “an active partner and effective obstacle to presidential ambitions when it chooses to do so.”<sup>193</sup>

With regard to the issue area of treaty process, constituency interest and preference play a dominant role in determining not only congressional voting patterns, but also the timing of lawmakers’ position taking. This was clearly the case for the NAFTA approval process, which witnessed an unconventional cross-party coalition in

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<sup>189</sup> Howell, George W., and Jon C. Pevehouse. 2007.

<sup>190</sup> Lindsay, James. 1992-93.

<sup>191</sup> Page, Benjamin I., and Robert Y. Shapiro. 1983. p.182.

<sup>192</sup> Bartels, Larry M. 1991.

<sup>193</sup> Campbell, Colton C., Nicole C. Rae, and John F. Stack, ed. 2003. p. ix.

Congress.<sup>194</sup> The stronger constituency pressure on legislators' positions in Congress reflects the effect of NAFTA on Democratic Party constituents and the growing regional divide among the Republican Party on issues related to free trade.<sup>195</sup> In fact, in many of the contentious trade policy issues like NAFTA, in which foreign and domestic policy implications converge considerably, the influence of constituency preference and ideological overtones intertwine in the decision process.<sup>196</sup> Along similar lines, Gibson states that constituency pressure is critical in motivating individual members of Congress to oppose (or support) foreign policy initiatives of the executive branch.<sup>197</sup> Such analysis was upheld by comparing and contrasting the Chemical Weapons Convention (CWC, 1997) and the Comprehensive Test Ban Treaty (CTBT, 1999). These two treaties faced similar Senate composition, with Sen. Jesse Helms (R-N.C.) as chairman of the SFRC and Bill Clinton as the president. However, while the former received Senate approval, the later was rejected. This was possible because in the case of CWC, powerful constituency pressure motivated the lawmakers to support the treaty in the Senate.<sup>198</sup> Ostensibly such constituency pressure was absent during the CTBT consideration process. In stark contrast to the CWC case, during the treaty consideration process in the Senate for CTBT, there was intense procedural infighting, which resulted in devising "formal message agendas" comprising "issues, proposals, and policy symbols" that

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<sup>194</sup> Box-Steffensmeier, Janet M., Laura W. Arnold, and Christopher J.W. Zorn. 1997.

<sup>195</sup> Conley, Richard S. 1999.

<sup>196</sup> Sussman, Glen and Bryon W. Daynes. 1995.

<sup>197</sup> Gibson, Martha L. 1994.

<sup>198</sup> Parachini, John V. 1997. There was variation in outcome for CTBT and CWC because of constituency preference despite the presence of divided government.

legislators believed would resonate for their party among constituents to generate public opinion opposing such a treaty.<sup>199</sup> Senate consideration of the Intermediate-Range Nuclear Forces Treaty (INF, 1988) was another glaring instance when public opinion was a powerful component in treaty approval. Sigelman argues that strong public confidence in favor of a hard-liner Republican President Reagan, who took a specific policy position against the untrustworthy Soviets, triumphed in having the treaty validated by a Democrat-controlled Senate.<sup>200</sup>

On matters related to war powers, there is a positive correlation reflecting causal influences of public opinion on foreign policymaking. Starting in the Vietnam War era, public perception has been a major deciding factor both on Capitol Hill and the White House regarding level of troop deployment and the pace of troop withdrawal.<sup>201</sup> For instance, in the case of MNF in Lebanon, President Reagan had to pull out troops in March 1984, long before the expiration of the 18-month time limit authorized by Congress, because of lack of public support for the operation.<sup>202</sup> In a similar vein, Meernik argues that in the event the president decides to order a major military intervention, the way Congress reacts to constrain the president's military plan depends much on the level of public support and/or opposition.<sup>203</sup> As public opinion plays a deciding role in congressional opposition and/or support to a president's military intervention abroad, members of Congress can also express their dissent by influencing

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<sup>199</sup> Evans, Lawrence, and Walter Oleszek. in Colton C. Campbell et al. 2003. p.104.

<sup>200</sup> Sigelman, Lee. 1990. INF Treaty was approved when there was the presence of divided government.

<sup>201</sup> Shapiro, Robert Y. and Benjamin I. Page in Deese, David A., ed. 1994.

<sup>202</sup> Auerswald, David P., and Peter F. Cowhey. 1995; Grimmett, Richard F. 2010.

<sup>203</sup> Meernik, James. 1995.

public opinion against a president's decision.<sup>204</sup> In such situations, members of Congress use media to generate public opinion against use of force and underscore the risks involved, as may have been argued by the president while deploying troops abroad.<sup>205</sup> Thus, public opinion plays a critical role in determining the manner in which Congress reacts to a presidential military endeavor. Congressional support and/or opposition is likely to be influenced heavily by public perception and thereby will force the president to change his military plan. Constituency preference acts differently for members of Congress and the president. While members of Congress are more concerned about the public opinion in their respective congressional constituencies, the president has to be concerned about the national constituency. In general, if the president has a high public approval rating which can bolster the election prospects of members of Congress of his own party in their respective constituencies, then the president's plan for use of force gets a green light from members of his own party, because of their vested interest in the president's success. Conversely, members of Congress who are in the opposition party will oppose the president's military operations.<sup>206</sup> Hence, there is a partisan and ideological flavor in this interpretation. Bartels asserts that constituency opinion has a significant effect on patterns of roll call votes of members of Congress across the spectrum of defense policy decisions, which ostensibly includes military operations abroad. He specifically emphasizes "the very considerable scope of congressional responsiveness to variations in relevant district opinion" on matters related to defense

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<sup>204</sup> Howell, William G., and Jon C. Pevehouse. 2007.

<sup>205</sup> Brody, Richard in W.L. Bennett, and D. Paletz., ed. 1994.

<sup>206</sup> Howell, William G., and Jon C. Pevehouse. 2005.

policy.<sup>207</sup> Hence, there is consistency of members' voting patterns and policy position based on their respective constituency preferences, which may at times differ from national public opinion, on matters related to military operations abroad.

### **Electoral Imperatives – Context in Perspective**

Electoral incentives are fundamental aspects for members of Congress and the president seeking a second term in office. Heightened electoral competition in recent years has complicated the political process, especially in Congress, which consists of a total of 535 legislators. Mayhew in his seminal work argues that the primary goal of congressmen is to get re-elected. He states that the electoral goal “has to be the *proximate* goal of everyone, the goal that must be achieved over and over if other ends are to be entertained.”<sup>208</sup> As single-minded re-election seekers, legislators endeavor to pursue their “congressional career” and in turn promote their policy goals.<sup>209</sup> It is the re-election quest that drives the policy preference and position taking for not only members of Congress, but also the president who runs for a second term. Fenno makes a coherent argument by linking policymaking and electoral incentives for members of Congress. He asserts that congressmen's primary goals comprise not only getting re-elected, but also achieving influence within Congress and making good public policy.<sup>210</sup> Along similar lines, Arnold states that members of Congress weigh various policy alternatives and take legislative

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<sup>207</sup> Bartels, Larry M. 1991. p. 472-3.

<sup>208</sup> Mayhew, David. 1974. p. 16.

<sup>209</sup> Mayhew, David. 2008.

<sup>210</sup> Fenno, Richard. 1973.

action based on their calculations on electoral incentives.<sup>211</sup> Electoral imperatives are also interconnected with constituency pressure for politicians because it is the constituency which often tells lawmakers what to do and what not to do.<sup>212</sup> Binder states that electoral interests not only reinforce institutional rivalries between Capitol Hill and the White House, but also determine policy preferences of the members of the two primary political parties.<sup>213</sup> At times, lawmakers prefer to disagree more than compromise on specific policy issues, if such action results in increasing their electoral benefits in the next election cycle.<sup>214</sup> Fiorina asserts that whatever legislative action lawmakers take in Congress, their final goal is to secure political support, campaign resources, and electoral rewards.<sup>215</sup> Such analysis also proves appropriate for the president who is seeking re-election. Over the last 40 years, the distinction between the political dynamics between foreign and domestic policy has gotten increasingly blurred. At the same time, electoral competition has increased exponentially. In such a political environment, electoral context greatly determines the basic contours of congressional-presidential relations in foreign and domestic policy spheres.<sup>216</sup> There is a constant tension to relate respective policy positions taken by legislators and the president to electoral prospects.<sup>217</sup> The

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<sup>211</sup> Arnold, Douglas. 1990.

<sup>212</sup> Lindsay, James. 1994.

<sup>213</sup> Binder, Sarah. 1999.

<sup>214</sup> Gilmour, John B. 1995.

<sup>215</sup> Fiorina, Morris. 1974.

<sup>216</sup> Conley, Richard S. 2000.

<sup>217</sup> Denzau, Arthur, William Riker, and Kenneth Shepsle. 1985.

continuum of consensus and dissension in high politics foreign policy issues is all the more explicit in the current political perspective attributed to volatile electoral forces.

On matters related to treaties, electoral forces help to map out the continuum of coalitions, conflict, and conflict resolution. During the treaty consent process, treaty approval gets delayed in the SFRC, as well as in floor-level deliberations in the Senate. Such procedural delays are because of the conflict in the ideological policy preferences of pivotal senators and can be significantly connected to electoral prospects in their respective states.<sup>218</sup> Electoral pressures raise congressional-presidential competition to resolve urgent foreign policy issues.<sup>219</sup> For instance, in the congressional approval process for NAFTA, the dynamics of stiff opposition and an unconventional cross-party coalition in Congress backing President Clinton's efforts can be largely connected to the electoral incentives in states and districts.<sup>220</sup> It is generally perceived that the ratification provisions which require Senate advice and consent by a two-thirds majority empower the Senate to examine any treaty submitted by the president. In electoral context, Auerswald makes an important argument when he states:

The advice and consent process helps alleviate the electoral disincentives associated with questioning the president's foreign policy priorities. Senators can cloak their (perhaps contrary) actions in constitutional rhetoric. They can and do frequently argue that dissecting a treaty, and by extension the president's foreign policy goals, are mandated by the constitution. As a result, there may be fewer electoral disincentives associated with the advice and consent process than with foreign affairs legislation. When given the opportunity by the president's submission of

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<sup>218</sup> Krutz, Glen, and Jeffrey Peake. 2009.

<sup>219</sup> Conley, Richard S. 2000.

<sup>220</sup> Mayhew, David. 2005.

treaties, then, ratification documents are an attractive tool for Senate policy making.<sup>221</sup>

Because of such constitutional empowerment and greater electoral incentives, the Senate can directly intervene in the treaty process by attaching amendments, reservations, understandings, and policy declarations to the treaty's original document as part of ratification. Once such modifications are inserted by the Senate, it becomes very difficult for the president to reject them.<sup>222</sup> In turn, the political dynamic of the treaty ratification process on major international treaties is arguably contentious when the scope of continuum of legislative-executive consensus and dissension is predictably high. It is precisely because of such reasons that the president responds to electoral pressures at the time of negotiating treaties. In cases of major arms control and security treaties, electoral incentives are the strongest.<sup>223</sup> Greater congressional reaction and scrutiny of the contents of the treaty provide the electorate an opportunity to judge the value of the treaty. Such action enables the Senate to add reservations, in order to modify the treaty and make it more acceptable to the electorate.<sup>224</sup> Also in recent years, with the inclusion of greater number of newly elected legislators in Congress, the criterion of heightened electoral competition has gained traction. The direct implications are explicit when junior members, who are generally apprehensive of their re-election prospects, are less inclined to support fast-track agreements. For instance, newly elected Democrats in 1992 and

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<sup>221</sup> Auerswald, David P. 2006. By alleviating electoral disincentives, Auerswald refers to greater electoral incentives for the Senators to examine the treaty document submitted to the Senate by the president.

<sup>222</sup> Auerswald, David P. 2003.

<sup>223</sup> Morrow, James. 1991.

<sup>224</sup> Auerswald, David P., and Forrest Maltzman. 2003.

1994 were particularly fearful about electoral retaliation and expressed concerns about free trade in the aftermath of NAFTA.<sup>225</sup>

With regard to WPR, it is empirically observed that Congress faces an electoral dilemma while making decisions on matters related to military intervention. Members of Congress want to avoid any kind of electoral disincentives by not getting into blame-game politics in the event of a foreign policy disaster particularly related to military intervention. But prudent application of the Act minimizes such electoral disincentives to confront the president by legitimizing domestic institutional opposition to [unjustified] use of force.<sup>226</sup> In fact, congressional support or opposition to a presidential initiative to use force may depend entirely upon the expectations of Congress members as to how presidents will affect future congressional elections as a result of the intended military intervention.<sup>227</sup> Since all members of Congress want to get re-elected in the future<sup>228</sup>, electoral calculations dominate the decision-making process in Congress on sensitive foreign policy issues related to use of force, lest there should be electoral repercussions because of not supporting (or opposing) the president in the conduct of war.<sup>229</sup> Mann argues that one of the principal reasons for congressional behavior vis-à-vis presidents on issues related to foreign policy lies in the exigencies of electoral politics.<sup>230</sup> In a similar vein, Deese asserts that electoral developments in tandem with partisan politics have

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<sup>225</sup> Conley, Richard S. 1999.

<sup>226</sup> Auerswald, David P. and Peter F. Cowhey. 1997. p. 511-4.

<sup>227</sup> Howell, William G., and Jon C. Pevehouse. 2007.

<sup>228</sup> Mayhew, David. 1974.

<sup>229</sup> Lindsay, James M., and Randall B. Ripley. 1994.

<sup>230</sup> Mann, Thomas E. 1990.

taken center stage on matters related to foreign policy, more so on the conduct of war, in making a decision to support or oppose the president.<sup>231</sup> It is therefore critical to notice that in congressional decisions to oppose a war by either invoking or passing resolution in any single chamber or filing suit against the administration's military intervention, electoral concerns of members of Congress remain a crucial factor affecting the decision and outcome.

### **Role of Media – Policy Implications**

Over the last forty years, the media have played an increasingly strategic role in shaping the decision-making process on matters of both foreign and domestic policy. Ever increasing coverage by the press, 24 hour cable news channels, and high-speed global communications have had a major influence on how policymakers position themselves on specific policy initiatives in war zones, trade negotiations, etc. Policymakers across Pennsylvania Avenue have recognized the increasingly sensitive role that media power plays in policy process and outcome. Because media greatly influence mobilization of public opinion, politicians in the policy process try to optimally use and take advantage of media coverage in order to shape a favorable image of their policy positions, either in terms of generating domestic support or communicating directly with foreign countries.<sup>232</sup> Undoubtedly media attention greatly influences the scope and nature of legislative-executive interactions in policymaking in Washington. Edwards and Wood argue that while in the foreign policy sphere, the White House is more reactive in dealing with Capitol Hill, as a result of the magnitude of media coverage

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<sup>231</sup> Deese, David A., ed. 1994.

<sup>232</sup> Bennett, Lance W. in David A. Deese, ed. 1994.

in domestic policy, media attention generates a more interactive relationship between the legislature and the executive branches of government.<sup>233</sup> As a result, in each of the policy spheres, the nature and extent of media coverage can prove to be a powerful factor in shaping the momentum of congressional-presidential consensus and dissension in policy process and outcome. Not surprisingly, each of the branches pays attention to media power and events in determining its action plan in dealing with an unfolding situation.<sup>234</sup> At the same time, the ideological bias of the media is a dominant factor in shaping the story line. Media and press coverage focus some stories more than others because they fit their narrative style more conveniently.<sup>235</sup> Iyenger argues that the manner in which an unfolding story is narrated affects public opinion about policy options and preferred outcomes.<sup>236</sup> Barrett also states that there is a general tendency to cover foreign policy matters more than their domestic counterparts because of such narrative preference. Along similar lines, Barbaras and Jerit argue that the volume, extent, and prominence of news media coverage of issues increase the policy-specific knowledge of the public. These authors state, “policy-specific information may influence a person's evaluation of elected officials as well as the significance people attribute to particular social and political problems. Not only do these considerations influence vote choice, but they also color a person's disposition towards government (e.g., trust).”<sup>237</sup> Because of such direct interconnection between media attention and electoral consequences, often

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<sup>233</sup> Edwards, George C., III, and B. Dan Wood. 1999.

<sup>234</sup> Light, Paul. 2000.

<sup>235</sup> Barrett, Andrew W. 2007.

<sup>236</sup> Iyenger, Shanto. 1991.

<sup>237</sup> Barabas, Jason, and Jennifer Jerit. 2009. p. 86.

congressional-presidential relations in policymaking become highly contentious. Media coverage helps in examining the extent of inter-branch behavior by focusing on the degree of consensus (or dissension) within Congress, vulnerability of the president, the type of issue that is being covered, the degree of congressional and presidential leadership, and the degree of congressional-presidential rivalry in the policy process for the issue under consideration.<sup>238</sup> Baumgartner and Jones argue that the relationship between media attention and the congressional agenda is complex. It also influences the presidential agenda and thereby greatly affects policy process and consequences.<sup>239</sup> In the current period, the foreign policy sphere has particularly felt the effects of an exponential expansion of media influence. The presence of 24-hour television cable network channels has enabled television cameras to get into remote destinations in the world and draw attention to the political drama at home because of the unfolding events in the global arena. Bennett asserts that media power in foreign policy domain can influence policy process in three ways: “(1) the production of news images by journalists and political actors; (2) the effects of those news images on patterns of public opinion and participation; and (3) the policy effects resulting directly from the news coverage and indirectly from the impact of the news on opinion and participation.”<sup>240</sup>

In the treaty consent process, media attention plays a prominent role in determining the contours of continuum of consensus and dissension between Congress and the president. The extent of media attention is reflected in media coverage by print

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<sup>238</sup> Larson, Stephanie. 1988.

<sup>239</sup> Jones, Byran D. et al. 1997.

<sup>240</sup> Bennett. Lance W. 1994. p.174-5.

newspapers like the *New York Times*, *Washington Post*, etc., popular cable television network coverage such as CNN, CBS, NBC, Fox News, etc., occasionally various late-night talk shows, and others.<sup>241</sup> In general, when international agreements are more salient in the media, the executive branch is inclined to complete them as treaties.<sup>242</sup> This is because treaties are legally binding to the parties, can be enforced, and look more legitimate with the approval of Congress. Media attention can make treaty or agreement consent process extremely contentious. For instance, the media's attention to NAFTA, because of Ross Perot's opposition to it and the negativity he aroused in the mind of the public, greatly influenced the political dynamics in Congress. Such media salience in turn forced President Clinton to revisit negotiations with Mexico and make various concessions to the members of Congress in order to get the treaty passed.<sup>243</sup> Along similar lines, for major arms control treaties, Deibel argues that in the case of the Senate rejection of CTBT, the grassroots activists, right-wing media, and conservative Republican members of Congress "spared no effort to convince their constituencies that the CTBT posed a major threat to America's security and sovereignty...They wanted us [liberal Democratic members of Congress] in the end zone, spiking the ball on something that belonged to Bill Clinton."<sup>244</sup> Analysts such as Krepon and Caldwell suggest that the executive branch needs to have a well-planned strategy to counter such anti-treaty campaigns triggered by media bias. They argue that "Without strenuous efforts by the

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<sup>241</sup> See Figure 4.1 and chapter IV for greater discussion on media salience.

<sup>242</sup> Krutz, Glen, and Jeffrey Peake. 2009.

<sup>243</sup> Berens, Charlyne. 1999.

<sup>244</sup> Deibel. Terry. 2002. p.256.

executive branch, critics can establish the terms of debate, particularly through sophisticated media campaigns that drive up negative perceptions of the treaty in question.”<sup>245</sup> For instance, in the Chemical Weapons Convention (CWC) consent process, the Clinton administration took an aggressive media management strategy. High-level administration officials such as Secretary of State Madeleine Albright, Secretary of Defense William Cohen, and National Security Adviser Samuel Berger appeared regularly on radio and television to promote the CWC.<sup>246</sup> The non-consideration of the Senate for SALT II in contrast to the success of the INF Treaty consent process is largely attributed to a viable media strategy.

With regard to war politics and use of force, the effect of media salience has been explicit in channelizing the political process. Media coverage can either enhance or curtail a president’s capability on matters of war powers.<sup>247</sup> The contours of congressional-presidential consensus and dissension become all the more visible when members of Congress decide to oppose the president on a proposed use of force. Media coverage generally reports stories on a regular basis about legislators’ views on such use of force, especially when there is a possibility of conflict between Congress and the president and when the policy outcome is in doubt.<sup>248</sup> Members of Congress “at the front end of a prospective military venture” tend to influence presidential decision-making indirectly by “staging events that become focal points of media attention,” thereby

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<sup>245</sup> Krepon, Michael, and Dan Caldwell, ed. 1991.

<sup>246</sup> Evans, Lawrence, and Walter Oleszek. 2003.

<sup>247</sup> Lewis, David A. and Roger P. Rose. 2002.

<sup>248</sup> Arnold, Douglas. 2004. p.122.

shaping the direction of national conversations.<sup>249</sup> In this context, media can potentially play an effective role as a political check on a president's military ventures by raising questions and regularly reporting issues on war powers consistent with the War Powers Resolution.<sup>250</sup> On the other hand, the White House can marshal the instruments of strategic public diplomacy by optimally using a wide range of media apparatus, such as presidential press conferences, daily press briefing by the press secretary, television interviews, and image management.<sup>251</sup> For instance, "the Persian Gulf War demonstrated the ability of an administration to steer a policy course through months of public scrutiny and to use sophisticated news management techniques to turn saturation coverage by hundreds of news organizations into a public relations bonus."<sup>252</sup> Such judicious media management exerts great influence on public opinion and can thereby generate massive public support for presidential military ventures and bolster that president's political standing in Washington.<sup>253</sup> Also, as mentioned earlier, the political orientation of the media often shape national conservation based on ideological lines. Such analysis is all the more important when there is a general tendency for the media to engage in extensive coverage, if a proposed military intervention has potential to generate intense debate among influential government officials on Capitol Hill and in the White House.<sup>254</sup>

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<sup>249</sup> Howell, William G., and Jon C. Pevehouse. 2007. p.155. Such events generally comprise congressional hearings, congressional debates, and congressional oversights.

<sup>250</sup> Lewis, David A. and Roger P. Rose. 2002.

<sup>251</sup> Manheim, Jarol B. 1994.

<sup>252</sup> Bennett, Lance W. in David A. Deese ed. 1994. p.169. Such strategic use of media helped shape public opinion and policy position of members of Congress in their support to authorize the military operations.

<sup>253</sup> Zaller, John. 1994.

<sup>254</sup> Mermin, Jonathan. 1999.

Because of this, media coverage of the congressional-presidential tug of war on use of military force becomes strategic in deciding the course of events. Thus media coverage and its strategic role can influence the dynamics of congressional-presidential politics in the domain of war powers – at times enhancing and at other times curtailing the advantage of either of the co-equal branches.

### **Extensiveness of Debate in Congress – Policy Process and Consequences**

Congress uses debate proceedings extensively to engage in deliberations while considering various policy prescriptions. Lengthy debate proceedings in committees and on the floor of either of the chambers in Congress can further complicate the political process. Such practice can also lead to full analysis of the pros and cons of policy specific issues. Profound ideological-gap and partisan polarization at the inter-branch and intra-branch level in Washington greatly contribute to lengthy debate proceedings and policy gridlock.<sup>255</sup> In high politics foreign policy issue areas such as treaty process, lengthy debates in Congress can create political impediments in the treaty ratification process, particularly with regard to arms control treaties.<sup>256</sup> The Senate uses the debate proceedings to delay and often derail presidential efforts to get the treaty approved. This was clearly the case with respect to the non-approval of SALT II (1979).<sup>257</sup> At the same time, inadequate debate in the Senate because of partisan, ideological, and procedural hindrances led to the rejection of CTBT (1999) in the Senate.<sup>258</sup> But adequate caution

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<sup>255</sup> Binder, Sarah. 1999.

<sup>256</sup> Auerswald, David P., and Colton Campbell. 2012.

<sup>257</sup> Caldwell, Dan. 1991.

<sup>258</sup> Evans, Lawrence and Walter Oleszek. 2003.

should be sounded in generalizing the relationship between duration of debate and treaty ratification outcome.<sup>259</sup> For instance, the Chemical Weapons Convention CWC (1997), which witnessed good substantive debate, was ultimately successful in getting Senate approval.<sup>260</sup> Also, by stretching the duration of debate proceedings, the Senate can directly intervene in the treaty process by attaching amendments, reservations, understandings, and policy declarations to the treaty's original document as part of ratification. Once such modifications are inserted by the Senate, it becomes very difficult for the president to reject them.<sup>261</sup> During the lengthy debate proceedings for the Intermediate-range Nuclear Forces INF Treaty (1988), the Senate imposed the term "common understanding" which "defined to include the text of the treaty, the provisions of the resolution of ratification, and the authoritative representations provided by the president and his representatives to the Senate. Any interpretation that differed with the common understanding would require joint action by Congress and the president either by treaty or by statute."<sup>262</sup> Even though President Reagan sent a letter to the Senate expressing some concern about the amendment, finally he had to agree with the terms and conditions of the amendment that the Senate included as part of the INF Treaty approval. It appears that partisan and ideological barriers contribute significantly to debate complications and delay in the treaty consent process. With regard to military interventions, the dynamics of debate in the House of Representatives as well as the

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<sup>259</sup> Krutz, Glen, and Jeffrey Peake. 2009.

<sup>260</sup> Evans, Lawrence and Walter Oleszek. 2003.

<sup>261</sup> Auerswald, David P. 2003.

<sup>262</sup> Fisher, Louis. 1998. p. 189-90.

Senate also are primarily affected by partisan and ideological factors. Complicated debate generally contributes to the legislative initiative undertaken in Congress in order to invoke the War Powers Resolution.<sup>263</sup> However, in the war process too, no clear-cut causality between debate duration and resolution (to invoke the Act) outcome can be inferred. Partisan and ideological dimensions influence the dynamics of debate in each of the chambers. Such factors often contribute to the demise of a resolution passed in one chamber when the other chamber refuses to consider it (with the exception of the Lebanon MNF case, in which the Act was invoked in letter and spirit in full provision).

### **Concluding Remarks**

In this chapter efforts have been made to explore the various strategic factors which are largely responsible to define the contours of legislative-executive consensus and dissension in policy making especially with regard to the issue areas of treaty consent and war powers. Such factors have profound implications in policy process in the context of separated institutions sharing power.<sup>264</sup> The dynamics of these variables contribute greatly in complicating the policy process resulting in variation in outcome. In an era of resurgent Congress and invigorating presidency high politics foreign policy issue areas such as treaty process and war powers experience far reaching multi-dimensional political ramifications because of these salient factors. The contentiousness and outcome of the political process are greatly reflected by the continuum of consensus and dissension between Capitol Hill and the White House. It is also important to keep cognizance that in foreign policy sphere international politics and escalatory events

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<sup>263</sup> Howell, William G., and Jon C. Pevehouse. 2007.

<sup>264</sup> Neustadt, Richard E. 1990.

abroad add to the political dynamic of the policy process at home.<sup>265</sup> For instance such escalatory international events can be in the form of the Soviet invasion of Afghanistan in December 1979 that hardened the conservative base-line in the U.S. Senate resulting in the demise of Strategic Arms Limitation Treaty (SALT II).<sup>266</sup> Simultaneous news of Soviet troop buildup in Cuba and Soviet Union's unabated stockpiling of armaments in the thick of Cold War complicated the domestic political situation considerably and further diminished the prospects of SALT II ratification.<sup>267</sup> In case of Multinational Force (MNF) intervention in Lebanon (1982-84) the terrorist attack in Beirut that killed 241 U.S. Marines hastened the timeline of withdrawal of American troops.<sup>268</sup> From time to time such sporadic yet escalatory international events complicate the political process and add to the dynamics of continuum of consensus and dissension between the Hill and the executive branch in Washington. Finally, one point needs attention. That is the case of increasing use of executive agreements by the president over the years. It is argued that presidents are more inclined to strategically evade the Senate when opposition party outnumbered in the Senate or when the ideological composition in the Senate is not in favor of the President.<sup>269</sup> Such presidential action conforms to the fact that the current political environment, especially since Vietnam, has become so much contentious in foreign policy sphere that quite often the administration faces insurmountable congressional opposition. The ideological preferences of pivotal institutional players in

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<sup>265</sup> Krutz, Glen, and Jeffrey Peake. 2009.

<sup>266</sup> Destler, I.M. 1985; Peterson, Paul, 1994.

<sup>267</sup> *Christian Science Monitor*, February 5, 1981.

<sup>268</sup> Howell, William G., and Jon C. Pevehouse. 2007; Grimmet, Richard F. 2007.

<sup>269</sup> Moe, Terry, and William G. Howell. 1999; Krutz, Glen, and Jeffrey Peake. 2009.

Congress, particularly SFRC chairman, as well as unfavorable partisan polarization weigh in presidential decisions to use executive agreements.<sup>270</sup> Also evading Congress and resorting to executive agreements on a frequent basis loses the popular legitimacy aspect which the Framers wanted to incorporate in treaty process by specifically including the provision of “advice and consent” by two-thirds majority of votes concurred in the U.S. Senate.<sup>271</sup> Some analysts suspect that use of executive agreements vis-à-vis treaties does not necessarily support the notion of presidential dominance in treaty process. They argue that presidents cannot evade the U.S. Senate rampantly at their own will. Such behavior is contingent upon discretion granted by the U.S. Senate to the president from time to time as warranted by swifter diplomatic action.<sup>272</sup>

From the theoretical exploration undertaken in this chapter it is evident that all the factors discussed play a significant role in tandem and reinforce each other. Such exploration gains traction when for the majority of the time period 1970-2010 there has been the presence of divided government, partisan and ideological polarization in Washington. Also the theoretical exploration undertaken in this chapter brings some unique perspective in examining the contours of legislative-executive consensus and dissension in two critical high politics foreign policy issue areas – treaty process and war powers – under a single study.

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<sup>270</sup> Krutz, Glen, and Jeffrey Peake. 2009.

<sup>271</sup> U.S. Constitution, Article II, Section 2.

<sup>272</sup> Martin, Lisa. 2000; Krutz, Glen, and Jeffrey Peake. 2009.

## CHAPTER III

### RESEARCH METHODOLOGY AND PLANNING

#### Overview

The methodological approach of this study is inductive. In this dissertation a qualitative research design is adopted with features of strong interpretivism for making deductive analysis of the theoretical concept. The structural features of this project based on the essential characteristic features of the issue areas of treaty consent process and war powers logically fit into inductive approach for empirical investigation. Expectation is that such research design would facilitate empirical investigation of the selected case studies, test validity of the stated research hypotheses, and strengthen the overall theoretical foundational argument of continuum of legislative-executive consensus and dissension in foreign policy domain as part of theory advancement. In consideration of historical and contextual nature of the research topic, the plan of research is designed to conduct case study analysis as part of empirical investigation. In this study, small-N research design is adopted for the two issue areas. My assessment is that small sample size of empirical cases selected based on strictly scientific selection criteria would facilitate examination of fairly deterministic pattern of causal mechanism between each independent variable and the dependent variable. Moreover, attributes such as rich qualitative evidence-sifting, accuracy of process tracing, absence of perfect multicollinearity, fine-grained and contextually sensitive analysis has made it imperative to adopt small-N methodology which is also logically consistent and scientifically more

appropriate for this project.<sup>273</sup> Expectation is that when small-N methodology is applied here it would significantly strengthen the accuracy of process-tracing in explaining the causality between independent and dependent variables with more precision, and thereby reduce the problems of indeterminacy.<sup>274</sup> Simultaneously such research approach would substantially increase the internal validity of the study.<sup>275</sup> The intertemporal dimension of the project covering a period from 1970 to 2010 makes it possible for the proposed research design to justly analyze the theoretical framework of *continuum of consensus and dissension in legislative-executive relations*. Here it is also important to take into account that efforts have been made to incorporate objective case selection criteria so as to reduce selection bias and structural inefficiency in research design.

In this section, the structural design of the research is described. The second section contains discussion of research plan and data collection. The third section provides a detailed description of the case selection criteria for the treaty process. In the fourth section, the case selection criteria for war powers has been explained. The chapter ends with a short conclusion.

### **Research Plan and Data Collection**

This project is heavily grounded on primary and secondary research planning. As the research design is aimed at an optimal mix of qualitative and interpretive elements for getting a better analytical insight of the empirical evidence, collection of data from

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<sup>273</sup> Brady, Henry E., and David Collier. 2004; Lieberman, Stanley. 1991.

<sup>274</sup> King, Gary, Robert O. Keohane, and Sidney Verba. 1994; George, Alexander L., and Andrew Bennett. 2005; Gerring, John. 2007.

<sup>275</sup> George, Alexander L., and Andrew Bennett. 2005.

primary and secondary sources is considered to be vital in the process of analyzing the dynamics of congressional-presidential relations for treaty consent and war powers.

Primary research has been an integral component of this project. It includes exploration of government documents such as Congressional Records which extensively provide full deliberations in Congress. Here following items are examined: (i) Floor debates in the United States Senate and the United States House of Representatives; (ii) Congressional hearings in various major committees and sub-committees of the House and the Senate such as Foreign Relations, Armed Services, Intelligence, etc.; (iii) Congressional documents such as official reports of various high-profile congressional committees and subcommittees, messages and press conferences of the House Speaker, the Senate Majority Leader, and other prominent members of Congress; (iv) Records of roll-call votes in Congress, mainly obtained from various Congressional Records; (v) Excerpts of presidential conferences as obtained from the office of the White House press secretary and duly compiled; (vi) Public papers of various presidents; (vii) Daily press briefing by the White House press secretary; and (viii) State of the Union addresses of various presidents. Data collected from all these material sources constitute the most authentic and comprehensive elements of empirical evidence for making qualitative analysis. In particular, efforts have been made to adequately cover congressional deliberations at the subcommittee, committee, and actual floor levels and from various Congressional Records, in order to make an optimal assessment of all relevant facets of prevailing political arguments. I found congressional deliberations to be extremely important for assessing and getting a better perspective of the policy positions of pivotal congressional lawmakers on both sides of the aisle.

Apart from regular congressional deliberations, testimonies provided as part of the congressional hearings by various cabinet secretaries; high-level civilian officials on behalf of the administration and the State Department; top military officials from the Department of Defense; experts from nongovernment organizations, think tanks, research institutions, bureaucratic agencies and independent foreign policy experts are important documents for data collection, assessment, and empirical research. They provide evidence from the standpoint of congressional oversight. Finally, various volumes of Congressional Information Service (CIS) are useful congressional resources for data collection and empirical analysis. I found all these primary sources significant in strengthening the scope and content of empirical investigation. All these materials helped me immensely in connecting the dots, getting a better perspective and making an objective analysis of the empirical evidence.

Secondary research which constitutes the other major component of this project has been useful in analysis and synthesis of the empirical findings. The first and foremost aspect of secondary research is the existing literature used to explain the theoretical foundation. Various issues of Congressional Research Service (CRS) and Congressional Quarterly Weekly Reports (CQ Weekly) have been useful in getting a better perspective of the issue areas. I found the CRS Reports of Richard F. Grimmett especially helpful in collecting data for empirical research on the issue area of war powers.

The second aspect of secondary research has been in the context of exploring the dynamic role of media. Here, news clippings from various high-profile national dailies such as the *New York Times*, *Washington Post*, *Los Angeles Times*, etc. are reviewed as part of a larger qualitative analysis to ascertain the role of media coverage in influencing

the policy positions of politicians in Washington. I used Lexis-Nexis online resources to collect evidence from the newspaper clippings. I found news articles by Susan F. Rasky and Martin Tolchin of the *New York Times*, and Helen Dewar and Robert G. Kaiser of the *Washington Post* very helpful for empirical research. Media attention in the form of extensiveness of newspaper coverage has been especially important in case selection methodology for the issue area of treaty process. For that purpose I used coverage by the *New York Times* as an indicator of media attention. The *New York Times Index* has been used as the standard of measurement for ascertaining the degree of media attention in the process of case selection of major international treaties. This has been done on the basis of quantitative analysis of the number of editorials, front-page coverage, news articles, and opinion articles in the *New York Times* as part of media salience.<sup>276</sup> Apart from newspaper coverage, survey of electronic media in 24-hour national cable television networks such as CNN, ABC, NBC, Fox News, CBS, etc., has been instrumental to expand data collection and integrative analyses of facts and figures for each of the issue areas.

The third aspect of secondary research deals with examining public opinion for the cases considered in treaty process and war powers. This is done by survey of media publicity and public opinion from popular poll sites such as Gallup, Roper, and other electronic and newsprint media sources. Survey data collected from such secondary material sources has proved to be immensely important in doing qualitative analysis of public perception of the empirical cases under consideration across the issue areas and making logical interpretations.

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<sup>276</sup> See Appendix C for details on media attention.

## Case Selection – Treaty Consent and Ratification

This dissertation project selects four treaty/agreement cases which are classified as major international treaties and agreements. They are as follows: (1) Strategic Arms Limitation Treaty - (SALT II) - 1979; (2) Intermediate-Range Nuclear Forces Treaty (INF) - 1988; (3) North American Free Trade Agreement (NAFTA) – 1993; (4) Comprehensive Test Ban Treaty (CTBT) - 1999. Table 4.1 classifies these four treaty cases based on legislative-executive political arrangement and government typology. Treaty case selection is done in two phases. The first phase identifies definitive objective criteria for the purpose of filtering the prospective cases from a pool of major international treaties/agreements.<sup>277</sup> Here careful consideration is given to define the parameters of the individual objective criterion. Based on such logic five different objective criteria have been identified as explained below. In the second phase the selected treaties/agreements are evaluated in terms of the research hypotheses that are stated in the first chapter. The second phase aims at examining the variations in the relationship between the independent and dependent variables for the individual cases selected. The second phase validates the first phase and strengthens the theoretical framework of case selection process.

**Phase 1:** The various objective criteria for treaty case selection are: (1) Saliency of issue areas; (2) Major international treaties that were politically significant in terms of their ramifications on U.S. foreign policy since the second World War<sup>278</sup>; (3) Media attention (in terms of media coverage in the *New York Times*) that the treaties/agreements

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<sup>277</sup> See Appendix B for a list of major international treaties from 1950 to 2010.

<sup>278</sup> See Appendix B. Major international treaties for the period 1950 – 2010 are outlined.

generated during the specific core time period (1979-99) of case selection<sup>279</sup>; (4) Significant treaty legislation made during the core time period (1979-99) based on the dynamics of legislative-executive politics; and (5) The strategic significance of the specific core time period (1979-99) itself in the realm of international politics directly affecting U.S. foreign policy as well. Such objectivity in case selection criteria has significantly reduced the possibility of any selection bias. The various case selection criteria are explained below in detail:

1. **Salient Issue Area:** The four cases selected for this study, namely the Strategic Arms Limitation Treaty (SALT II), Intermediate-Range Nuclear Forces (INF) Treaty, North American Free Trade Agreement (NAFTA), and Comprehensive Test Ban Treaty (CTBT), belong to two very important issues, the so called elite club of high politics<sup>280</sup> in U.S. foreign policy – (i) arms control; and (ii) trade and economic relations. Importantly during the Cold War period the most strategic foreign policy issue area has traditionally been the one dealing with arms control.<sup>281</sup> Apart from arms control other potentially important issues are trade relations, environmental regulation, United Nations sponsored treaties, and human rights. Such strategic issues traditionally have had profound influence in determining the magnitude of contentiousness of legislative-executive relations in treaty-making. Based on the statistics on media attention it can be ascertained that treaties related to arms control and trade relations constitute the top 5 rankings for the core time

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<sup>279</sup> See Appendix C.

<sup>280</sup> Carter, Ralph G. 1986.

<sup>281</sup> Sundquist, James L. 1992, p. 311.

period (1979-99) that is the focal point of this study.<sup>282</sup> Among the cases selected SALT II, INF, and CTBT relate to arms control whereas NAFTA belongs to trade and economic relations.

2. **Major International Treaties:** The scope and extent of this study is confined to major international treaties signed by the United States during the time period of 1950 to 2010. Major international treaties, for the purpose of this study, are those which are strategic and profoundly consequential from U.S. foreign policy perspective.<sup>283</sup> In turn they also have significant ramifications on the dynamics of global geopolitics as well as U.S. domestic politics. This study has confined its sample population to major international treaties only. In compliance with this selection criterion the four cases considered in this project relate to the highest level of media attention and geopolitical consequences.<sup>284</sup> They are also regarded as important foreign policy legislation. Appendix B contains a comprehensive list of major international treaties signed by the United States during the period of 1950 to 2010.

3. **Media Attention:** A major determining criterion for international treaty and agreement first phase of case selection has been media attention. In this study the four treaty cases selected on the basis of highest extent of media attention occur during the time period from 1979 to 1999. For the purpose of media attention journalistic coverage in *The New York Times* has been surveyed. The *New York Times* is selected as a source of media attention because of its high reputation and widespread circulation. Specific case

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<sup>282</sup> See Appendix C. The implications of media attention on case selection for the core time period 1979-99 have been discussed later in point no. 3.

<sup>283</sup> Mayhew, David. 2005.

<sup>284</sup> See Appendix C.

selection criteria with regard to media attention are: (1) Total number of times a treaty/agreement is mentioned in any newspaper document type for the time period of 1979 to 1999; (2) Total number of front-page stories associated with a treaty/agreement for the same time period; and (3) Total number of editorial articles associated with a treaty/agreement during the same time period. Appendix C contains detailed statistical analysis of media attention with respect to 52 major international treaties/agreements for the time period of 1979 to 1999. Based on the specifics outlined hereby regarding media attention selection criteria Appendix C shows that out of the top five treaties that generated the highest amount of media attention, four are those that have been selected in this study – the North American Free Trade Agreement (NAFTA), the Strategic Arms Limitation Treaty (SALT II), the Comprehensive Test Ban Treaty (CTBT), and the Intermediate-Range Nuclear Forces (INF) Treaty. The four treaties in this study are ranked in descending order as follows: (1) NAFTA (Total: 2193; Front-page: 292; Editorial Article: 165); (2) SALT II (Total: 1164; Front-page: 75; Editorial Article: 150); (3) CTBT (Total: 545; Front-page: 81; Editorial Article: 57); (4) INF (Total: 497; Front-page: 65; Editorial Article: 56).<sup>285</sup> Other treaties/agreements were not selected because they did not attract the requisite media attention to be regarded as a filtering factor in order to examine the complexities of legislative-executive relations in the treaty process. Such ranking dimension stated hereby based on the criterion of media attention in the *New York Times* justifies that the four treaties selected in this study are extremely significant foreign policy initiatives that have had profound implications in shaping the dynamics of legislative-executive relations in the overall treaty process.

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<sup>285</sup>ProQuest Historical Newspapers New York Times (1851 – 2007). Available at <http://proquest.umi.com.libproxy.uoregon.edu>

4. **Significant Treaty Legislation:** One major objective criterion for case selection is the consideration of significant treaty legislation. I argue that each of the four treaties/agreements selected are significant piece of legislation not only from a U.S. foreign policy perspective, but also from the vantage point of studying the complexities of institutional politics with regard to Congress and the president as illustrated in phase 2 of the treaty case selection process. Such methodological approach gains traction when selected cases relate to the highest category of media attention rating.<sup>286</sup>

From methodological standpoint in this study a treaty or agreement is considered significant not only on the basis of whether the particular treaty was consequential from U.S. foreign policy perspective but also as to how the dynamics of unified and divided government structures affected the degree of contentiousness of legislative-executive relations irrespective of the treaty outcome (i.e. approval or rejection), and also irrespective of whether the given congressional term was considered to be significant in terms of legislative accomplishments or setting new precedents. Here the idea is that significant treaty legislation can be approved (or rejected) by Congress irrespective of whether the particular congressional term associated with such a treaty consent process was deemed to be significant or not.<sup>287</sup> This is where case selection model adopted here can be compared with that of Mayhew's model.<sup>288</sup> In this study, I consider treaties/agreements to be significant if they had far-reaching ramifications on U.S. foreign policy irrespective of whether the particular congressional term was deemed to be

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<sup>286</sup> See Appendix C.

<sup>287</sup> Significant congressional term refers to legislative productiveness and total quantum of legislation passed during the given term.

<sup>288</sup> Mayhew, David. 2005.

significant/productive or not. On the other hand, David Mayhew's study considers a significant congressional term to be a major factor for determining significant legislation. My assessment is that the methodological basis of the case selection model used in this study is structurally stronger in its approach to identify the complex dimensions of legislative-executive relations as illustrated in phase 2 of the treaty selection process.

5. **Strategic Significance of time period 1979-99:** The core time period (1979-99), during which all four treaties were selected, is generally regarded as one of the most momentous periods in the realm of global geopolitics influencing U.S. foreign policy and domestic politics. This period witnessed the peak of bipolar Cold War tension between the United States and the Soviet Union followed by the collapse of the Soviet Union and the Eastern Bloc countries, and finally emergence of the post-Cold War period with a multilateral geopolitical environment in which the United States is the single dominant power with a group of emerging countries coming up at a faster pace. On the domestic front in the post-Vietnam War era especially since the mid-1970s long-standing congressional-presidential foreign policy consensus was replaced by unprecedented level of contentious politics between the two coequal branches. Thus mid-1970s can be regarded as a turning point to usher in a new era of political dynamics in legislative-executive relations especially on matters of treaty consent by the U.S. Senate. Moreover, the trend of growing congressional assertiveness in the political process of arms control and national security was distinctively visible since 1977 when the Senate and House Foreign Relations and Arms Services Committees increased their oversight significantly.<sup>289</sup> From methodological standpoint all these factors make the core time

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<sup>289</sup> Platt, Alan. 1978.

period of 1979-99 politically unprecedented and strategically compelling for exploring treaty consent and ratification process.

**Phase 2:** The second phase evaluates each of the selected treaties/agreements in terms of the research hypotheses already stated in the first chapter. For each case study variations in the relationship between independent and dependent variables are explored in this phase.

**Strategic Arms Limitation Treaty SALT II :** During the 96<sup>th</sup> Congress (1979-81) there was the presence of unified government and even then SALT II was rejected. Because of the controversial nature of SALT II and its strategic implications the treaty sparked an enormous amount of political debate in the U.S. Congress. There was a great deal of apprehension in Washington about ramifications of the treaty on U.S. national security. Importantly, the United States Senate was unanimous in its opposition to the proposed treaty. Even President Carter, in his role as the leader of the ruling Democratic Party in a unified government setting, was unable to generate enough political capital in his favor inside his own party in order to get the treaty ratified by Congress. In turn the treaty was not approved by the U.S. Senate in a unified government setting.<sup>290</sup> SALT II also represented significant intra-party cleavage inside the Democratic Party. Such intra-party squabble was largely responsible for a rare ideological intersection between the moderates and conservatives in the Senate. As a consequence ideological distance between the U.S. Senate and the president widened that ultimately sealed the fate of SALT II. Extensive congressional debate proved to solidify such a rare ideological consensus in the Senate even simultaneously exacerbating legislative-executive

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<sup>290</sup> U.S. Congress and the White House were controlled by the Democratic Party.

dissension. While there was strong bipartisan consensus inside the U.S. Senate to block SALT II there was intra-party dissension between the Democratic Senate and Carter White House. Such political dynamic created tension in legislative-executive relations and established a precedent at the interbranch level. In the end there was no consensus at the legislative-executive level. Also treaty consent process for SALT II generated a lot of media attention. Extensive media coverage of congressional debate and unfolding international developments influenced the dynamics of Senate proceedings and position taking of influential lawmakers. International events such as Soviet brigade build-up in Cuba, Iranian hostage crisis, and Soviet invasion profoundly affected public opinion and electoral imperatives for not only the congressional lawmakers but also the incumbent President Carter and his formidable GOP presidential challenger Ronald Reagan. All such considerations enhance the significance of SALT II treaty consent process and demonstrate the variation in dependent variable and test the stated research hypotheses. The case study sets a rare precedent in understanding the poor working relations between Capitol Hill and the White House.<sup>291</sup> The controversial nature of salient issue area reflected in a major international treaty like SALT II led to unprecedented media attention.<sup>292</sup> The exigencies of domestic politics as stated above in turn made SALT II significant treaty legislation ever considered by the U.S. Senate. For all such reasons as stated in phases 1 and 2 of case selection process, SALT II is considered to be promising for empirical investigation.

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<sup>291</sup> The *New York Times*, December 17, 1980, p.A30. The *New York Times* reported, “The Congress had a poor working relationship with the Democratic president, Jimmy Carter, whom many members blamed for an Election Day rout that ended 26 years of Democratic control of the Senate and gave Republicans and conservative Democrats a working majority in the House.”

<sup>292</sup> See Appendix C for a comparative analysis. SALT II accounted for second-highest level in media attention.

**North American Free Trade Agreement (NAFTA):** With regard to the North American Free Trade Agreement during 103<sup>rd</sup> Congress (1993-95) there was the presence of unified government. Even though NAFTA legislation was approved by Congress in a unified government setting the highly contentious decision-making process was the hallmark of legislative-executive dynamics. The primary reason for the passage of NAFTA was a surprisingly rare non-conventional bipartisan consensus. The complexity of intraparty dissension inside the ruling Democratic Party in tandem with cross-partisan consensus between the Republican Party and the conservative Democrats in both chambers of Congress was somewhat unprecedented. Eventually legislative-executive consensus was reached and NAFTA was successful in getting congressional blessings.<sup>293</sup> In reality despite the presence of unified government structure NAFTA reflected stellar dynamics of complex partisan and intra-party maneuvering that in turn was responsible for rare ideological intersection in the Beltway. In such a situation legislative-executive consensus was by no means an easy accomplishment. Contentious debate in Congress extensively facilitated investigation of NAFTA pros and cons. Senate and House deliberations played major role in forging non-conventional bipartisan consensus that was further reinforced by delicate ideological intersection. Such dynamics in the NAFTA decision-making process directly address the research hypotheses stated in the first chapter. Also the case is significant from the standpoint of receiving highest level of media attention.<sup>294</sup> The pattern of media coverage was more sympathetic toward highlighting the merits of trade legislation and that in turn had positive effect on the

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<sup>293</sup> Contrast can be made between the 103<sup>rd</sup> Congress (1993-95) and the 96<sup>th</sup> Congress (1979-81), both of which experienced unified government structure with diverse political outcomes in treaty legislation.

<sup>294</sup> See Appendix C for a comparative analysis vis-à-vis other international treaties/agreements.

decision-making process. Moreover, ups and downs in public opinion based on regional dimensions of constituent preferences made decision-making process even more contentious especially in the House of Representatives. Because of such reasons NAFTA is considered as an appropriate case study to investigate variation in the dependent variable. Finally purely from the standpoint of theory advancement, the fact that NAFTA dominated the proceedings of a politically sensitive 103<sup>rd</sup> Congress (1993-95) reinforces the strategic nature of the case study and generates curiosity for a detailed empirical analysis.<sup>295</sup>

**Intermediate-Range Nuclear Forces Treaty (INF):** Senate consent process with regard to the Intermediate-Range Nuclear Forces treaty occurred during the 100<sup>th</sup> Congress (1987-89) when divided government was formed in Washington. Despite the presence of divided government the outcome of legislative-executive consensus treaty approval is in contradiction to the prediction of the concerned research hypothesis. Such variations in the relationship between independent and dependent variables warrant empirical investigation in the first place. Second, INF approval process was marked by not only strong bipartisan consensus but also rare intraparty cohesion especially among Democrats who controlled the Senate. Ideological intersection on high politics issue like arms control was critically important during the decision-making process. Importantly, extensive debate in the Senate during INF consent process facilitated finding common grounds between Democratic and GOP lawmakers and forging rare cross-partisan consensus for treaty approval in the backdrop of divided government setting. Media

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<sup>295</sup> The *New York Times*, November 24, 1993. Section A; Page 1. In particular media coverage also regarded NAFTA as a significant measure when the *New York Times* stated, “The 103<sup>rd</sup> Congress more or less ended a productive first session today....Congress passed a half-trillion-dollar, five-year deficit cut....and approved a measure to end trade barriers with Canada and Mexico.”

coverage was extensive<sup>296</sup> and broadly supportive of the merits of the treaty put forward by the hardline Reagan administration during hey days of Cold War. Because President Reagan enjoyed favorable job approval rating on the issue of dealing with the Soviet Union public opinion was also very much in favor of the treaty. Favorable public opinion played a vital role in the formation of ideological intersection and eventually strong bipartisan consensus. From methodological standpoint point all such political dynamics relate to the research hypotheses and make INF treaty a compelling case to investigate variation in the dependent variable. All these considerations in turn make INF treaty landmark foreign policy legislation during the 100<sup>th</sup> Congress (1987-89) that was eventually rated as a significant congressional term for its momentous legislative accomplishments and setting a precedent for bipartisanship in a divided government.<sup>297</sup>

**Comprehensive Test Ban Treaty (CTBT):** Senate consideration of CTBT occurred in divided government setting during the 106<sup>th</sup> Congress (1999-2001). The hallmark of the political process was unprecedented levels of partisan animosity and ideological divisions between the Republicans who controlled the Senate and the Democrats. The treaty was finally rejected by the U.S. Senate. The severity of partisan conflict at the legislative-executive level dominated the decision-making process all through. In fact, Senate rejection of CTBT in 1999 created history in 80 years since the Treaty of Versailles in 1919. The dynamics of divided government and polarized politics which were all encompassing during CTBT consent process help analyze the variation

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<sup>296</sup> See Appendix C for a comparative analysis. INF treaty ranked fifth in media attention.

<sup>297</sup> The *New York Times*, October 24, 1988. Page A1. The *New York Times* commented, “Although the fact that Congress and the White House are controlled by different parties is by no means unusual in American politics, the set of circumstances that drove Congress and the two branches into an unwilling partnership in the past two years was unique.”

between independent and dependent variables as stated in the research hypotheses. Lack of congressional debate because of partisan politics widened the policy gap between the two parties and denied any opportunity to reach a viable compromise, unlike INF treaty consent process. At the same time CTBT generated a high level of media attention.<sup>298</sup> Extensive media coverage had ideological overtone that in turn aggravated dissension in the Beltway. Unstable nature of public opinion coupled with the imperatives of upcoming presidential election in 2000 precipitated legislative-executive dissension. Incidentally, the 106<sup>th</sup> Congress (1999-2001) was famous because of intense political gridlock at the interbranch level in Washington.<sup>299</sup> For all these reasons CTBT is regarded as significant case study that warrants empirical investigation to test the research hypotheses stated in the first chapter.

### **Case Selection – War Powers**

The objective criteria in case selection for the issue area of war powers relate to three aspects: (1) Congress initiating and passing legislation to fully invoke the War Powers Resolution and compel the president to withdraw troops from abroad;<sup>300</sup> (2) At least one of the chambers in Congress initiating and passing legislation to invoke the War Powers Resolution<sup>301</sup>; and (3) Congress unanimously authorizing the president to use

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<sup>298</sup> See Appendix C for a comparative analysis. CTBT Treaty ranked fourth in media attention.

<sup>299</sup> The *New York Times*, November 21, 1999, Section 1; Page 2. The *New York Times* commented, "...the 106<sup>th</sup> Congress has mostly been characterized by fierce politicking, missed opportunities and legislative standoff."

<sup>300</sup> Such cases represent complete dissension between Congress and the White House.

<sup>301</sup> Such cases represent flickers/elements of consensus and dissension at two levels: (i) Inside Congress; and (ii) Between Congress and the White House. They represent partial invocation of the War Powers Resolution.

force in hostilities abroad by passing legislation.<sup>302</sup> For the purpose of this dissertation all that matters is legislative action taken and legislation passed by Congress to invoke the War Powers Resolution so as to curtail presidential military endeavors. Such well-defined case selection criteria have prevented selection bias from happening. Here it is important to recognize that Congress can also use other non-legislative methods to restrain the president from deploying troops abroad. For example Congress can generate public opinion against any kind of military intervention, use media power wisely to pressurize the president not to deploy troops, and publicly rebuke the president for dragging the country into an unnecessary and protracted military conflict.<sup>303</sup> From methodological vantage point such non-legislative congressional procedures do not qualify for case selection. Based on the prescribed selection process only a restricted number of war powers cases meet the necessary standard requirement for empirical analysis. Such relevant cases are mentioned in Figure 5.1 which displays the consensus-dissension continuum chart. Because of the historical and contextual nature of the limited number of relevant cases small-N technique is adopted in this study. Expectation is that such research approach would appropriately facilitate qualitative analysis in order to arrive at logical deduction with reasonable precision.

Based on the stated selection criteria the following war powers case studies are considered in this project: (A) Multinational Force in Lebanon 1982-84. This is the only case in which the War Powers Resolution was fully invoked in letter and intent; (B) Grenada 1983, Libya 1986, Somalia 1992-94, Haiti 1993-94, Bosnia-Herzegovina 1995,

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<sup>302</sup> Such cases represent complete consensus between Congress and the White House.

<sup>303</sup> Howell, William G., and Jon C. Pevehouse. 2005; 2007.

and Kosovo 1999. These cases represent partial invocation of the War Powers Resolution; (C) 1st Gulf War 1990-91, and Iraq War 2003. These cases represent wars which got congressional authorization. Generally speaking all war powers cases demonstrate variation in causal relationship between independent and dependent variables and facilitate hypotheses testing. Here it is important to recognize that during the decision-making process for each military intervention there were turning-point moments that illustrate continuous variations in outcome at different stages of the policy process. Such intermittent outcome variations contributed in shaping the final decision outcome. Chapter V conducts detailed investigation to analyze all such variations and relates individual interventions to the stated research hypotheses. From methodological standpoint the War Powers Resolution case studies are classified into three categories as illustrated in the “Consensus-Dissension Continuum Chart” (Figure 5.1). The extreme ends of the continuum bar in Figure 5.1 represent dissension case study (Lebanon-MNF) and consensus case studies (Iraq I and II). The central portion of the continuum bar represents the so-called middle range cases that represent flickers of consensus and dissension. In such cases at least one branch of Congress initiated legislative action to invoke the War Powers Resolution. The related case studies are Grenada, Bosnia-Herzegovina, Kosovo, Libya, Somalia and Haiti.

During Lebanon-MNF intervention presence of divided government resulted in legislative-executive dissension and Congress invoked the War Powers Resolution. Partisan animosity and ideological differences were at the highest level and had significant effect on dissension. Electoral imperatives for reelection motivated opposition Democratic lawmakers in Congress to challenge President Reagan’s Lebanon policy and

exacerbate interbranch dissension. Divided public opinion all through the Lebanon intervention kept the Capitol and White House on collision course. In early January 1984 with drastic fall in public opinion congressional-presidential dissension worsened and troops were pulled out almost immediately thereafter. While media coverage was more sympathetic to congressional opposition for prolonged military intervention in Lebanon it was equally critical of the administration's extensive plans. Such media dynamics, especially after the Beirut bombing incident, further intensified legislative-executive dissension so much so that the troops were pulled out much earlier than expected. Prolonged duration of the war coupled with deteriorating ground conditions also aggravated interbranch dissension. Therefore, one can assess that Lebanon-MNF military intervention demonstrates causal inference and generally conforms to the predictions as stated in the research hypotheses. Lebanon-MNF intervention is attributed as a dissension case in this study.

As for the consensus case studies (Iraq I and II) variations in final outcome are explicitly observed at the time of testing the validity of research hypotheses. For each of the two case studies we find that even with the presence of divided government in Washington legislative-executive consensus was reached on the issue of military intervention. In the Iraq I case study there was broad bipartisan support and ideological intersection leading to legislative-executive consensus despite split party control on Capitol Hill. In Iraq II case study there was intra-party split inside the Democratic Party, especially in the House of Representatives, and that was well exploited by the Bush 43 administration to reach a rare viable congressional-presidential consensus. For both Iraq I and II interventions midterm electoral imperatives and favorable public opinion for

military action resulted in forging viable legislative-executive consensus despite the presence of divided government. Opposition members of Congress were more cooperative in finding common ground with regard to military action. Extensive media coverage supportive of military intervention mobilized public support and influenced congressional leaders on both sides of the aisle to authorize military action. For each of Iraq I and II case study during authorization debate in Congress duration of war was not much of a concern because both Bush 41 and 43 administrations assured congressional leaders that military action would be for a short period of time.

With regard to the middle-range case studies where at least one branch of Congress contemplated legislative action to invoke the War Powers Resolution variation in causal inference is observed. Such variations in decision outcome reflect flickers of consensus and dissension in the decision-making process. Consensus–Dissension Continuum Chart (Figure 5.1) identifies such cases as middle range cases. Each case study in this group too demonstrates turning-point moments representing variations in outcome at different stages of the decision-making process as part of shaping the final process outcome. Chapter 5 illustrates extensively how for all the case studies - Grenada, Bosnia-Herzegovina, Kosovo, Libya, Somalia and Haiti – final decision outcome is significantly influenced by independent variables like divided/unified government, partisanship, ideology, electoral imperatives, public opinion, media, and duration of war. Table 3.1 below displays synoptic review of variations in final outcome to analyze causal inference as stated in the research hypotheses for the individual case studies in this group. Flickers of consensus and dissension in final decision outcome and intermediate turning-

point moments throughout the decision-making process are observed for the middle-range case studies.

Table 3.1: Synoptic Review of Causal Inference for Middle-Range Case Studies

Hypotheses ↓	Grenada (DG)	Bosnia- Herzegovina (D/U/D G)	Kosovo (DG)	Libya (DG)	Somalia (UG)	Haiti (UG)
Divided/ Unified Gov.	Dissension	Dissension	Dissension	Dissension	Consensus	Consensus
Ideology- Partisan	Dissension	Dissension	Dissension	Dissension	Dissension	Dissension
Electoral Imperatives	Not Applicable	Dissension	Not Significant	Not Applicable	Not significant	Dissension
Public Opinion	Dissension	Consensus	Dissension	Consensus	Dissension	Consensus
Opposition Members of Congress	Dissension	Dissension	Dissension	Dissension	Dissension	Dissension
Media Coverage	Consensus	Consensus	Consensus	Dissension	Dissension	Dissension
Duration of War	Not Applicable	Consensus	Dissension	Not significant	Dissension	Consensus

In addition to the precise objective criteria for war powers case selection as stated earlier a couple of supplementary reasons are also considered in the overall selection mechanism. First, whether case studies selected do adequately demonstrate the manner in which presidents adjust their military policy positions in order to accommodate congressional preferences and prerogatives.<sup>304</sup> Such policy adjustments by presidents reflect the practical feasibility aspects of getting congressional authorization or reprimand for the use of force abroad. For instance, here the degree and robustness of congressional opposition or support are considered while keeping in mind the overall objective criterion of legislative action taken. Second, whether case studies selected do adequately

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<sup>304</sup> Similar line of argumentation is pursued by Howell, William G., and Jon C. Pevehouse. 2007.

demonstrate contours of legislative-executive relations as a result of legislative action taken by Congress to compel the president to pull out troops from abroad. For instance, here the main consideration has been with regard to the middle-range cases in the continuum chart, in which only one of the chambers of Congress was successful in passing resolution based on the provisions of the War Powers Resolution.<sup>305</sup> In such analysis, adequate care has been taken to analyze the influence of such congressional action on making the president actually withdraw troops from abroad. These middle-range cases – Grenada (1983), Libya (1986), Somalia (1992-94), Haiti (1993-94), Bosnia-Herzegovina (1995), Kosovo (1999) – represent partial invoking of the War Powers Resolution. In such cases, flickers of consensus and dissension are distinctively explicit from empirical investigation in chapter V.

My overall assessment is that consistency in consensus-dissension pattern at the interbranch level reflects the appropriateness of the methodological perspective adopted in this project. I argue that small-N research design applied for a limited number of cases in war powers facilitates an optimal level of process tracing and significantly increase the accuracy of causality analysis. The issue area of war powers, much in similar to treaty consent and ratification, is extremely dynamic in which independent variables reinforce in unique dimensions. Here each individual case represents unique features of causal mechanism. From a methodological point of view the characteristics of causality between independent and dependent variables for each individual case can be meaningfully analyzed in a small-N setting. Also such research design has proved to be instrumental in analyzing variations in outcome for the cases under consideration especially when

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<sup>305</sup> See Figure 5.1 in Chapter V.

divided government was present in all the instances with the exception of the Iraq War in 2003. The question is if divided government was present during most of the cases why were there variations in outcome as reflected by the continuum chart? Complex dimensions of the small number of individual cases can be better explored by adopting small-N research design as a result of superiority of process tracing which in turn facilitates meaningful analysis of causal mechanism. My overall impression is that small-N research technique has significantly increased the precision of empirical investigation for war powers cases. Such approach has enriched the substantive analysis of individual cases, increased internal validity of cases, and ultimately facilitated deduction of more accurate logic of inference.<sup>306</sup> Such a conclusion gains traction when the continuum chart conforms to the consistency of the pattern of intertemporal consensus and dissension at the legislative-executive level for the issue area of war powers.

Finally, methodological discussion for war powers cases is never complete without analyzing the historical and contextual nature of the War Powers Resolution which is ultimately the driving force for this issue area. When Congress passed the War Powers Resolution in 1973 by overriding a presidential veto that incident itself exemplified unprecedented level of congressional-presidential dissension. In the aftermath of successful passage of the Act congressional-presidential relations in war powers were destined to witness a bumpy ride. In general once the troops are already being deployed presidents approach Congress to seek authorization to extend military operation.<sup>307</sup> Remarkably, only once, in the case of the Multinational Force in Lebanon

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<sup>306</sup> Similar line of argumentation is provided by King, Gary, Robert O. Keohane, and Sidney Verba.1994.

<sup>307</sup> Congressional Research Service, Report Number R41199. "*The War Powers Resolution: After Thirty-Six Years.*" 2010.

Resolution (1982-84), Congress invoked the War Powers Resolution in letter and intent. In that incident, Congress authorized a time limit of 18 months to the president for deployment of U.S. Marines in Lebanon.<sup>308</sup> On other occasions such as Grenada (1983), Libya (1986), Somalia (1992-94), Bosnia- Herzegovina (1995), and Kosovo (1999), Congress took legislative action by passing a resolution in one of the chambers (usually the House of Representatives), in an apparent bid to invoke the Act in some form or another.<sup>309</sup> On the other side of the continuum, there were occasions in which Congress authorized the president to use force in compliance with WPR. Prominent instances are the Persian Gulf War in 1990-91 and in the Iraq War in 2002-03. Variations in process and outcome are depicted by the consensus-dissension continuum chart.<sup>310</sup>

### **Concluding Remarks**

Overall, the research design adopted in this study contains elements of mixed methodology while attempting to increase the possibility of making a viable connection between theoretical perspectives and empirical findings. Here it is important to explain how independent variables such as ideological differences and electoral imperatives are assessed in this study.

**Ideology:** While conducting empirical investigation ideology is assessed based on the degree of variations (or intersection) between liberal Democrats and conservative Republicans in the two branches of Congress in Level I analysis and subsequently between Capitol Hill and the White House in Level II analysis. Each case study across

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<sup>308</sup> Congressional Research Service, Report Number RL33532. “*War Powers Resolution: Presidential Compliance.*” 2007.

<sup>309</sup> In none of such cases was there a joint resolution passed unanimously in the two chambers. Any such legislative endeavor by one chamber was either rejected or not considered in the other chamber.

<sup>310</sup> See Figure 5.1.

the two issue areas – treaty process and war powers – identifies ideological predisposition of congressional leaders who in turn had considerable influence in not only determining parliamentary procedure in Congress but also garnering support among like-minded members of Congress in either adopting or blocking legislations. For instance case study analysis identifies specific leadership roles in Congress such as House Speaker, Senate Majority Leader, Chairmen of the Senate Foreign Relations and Armed Services Committee, Senate Minority Leader, House Majority and Minority Leaders, etc. in assessing ideological predisposition and subsequently assessing their implications in determining final outcome of the decision-making process.

**Electoral Imperatives:** The significance of elections can never be underestimated in U.S. politics. Subsequently in this study electoral imperatives have been assessed based on legitimate concerns of congressional leaders facing elections with special focus on pivotal opposition players, presidents running for their second term, and potential presidential challengers. Also proximity of next election cycle, extent to which a congressional seat is safe for incumbent members, variations in public opinion are also considered in assessing electoral imperatives.

On the whole the research design in this study predominantly engages itself in qualitative analysis with an interpretive approach. It is also supplemented by quantitative elements in data collection. Small-N technique as adopted here for treaty process and war powers has provided a strong base for qualitative analysis. In the final analysis the overall research methodology and planning have been facilitative to conduct inductive analysis and make deductive logic of inference. The overall goal is to synthesize the empirical findings with the theoretical framework in order to make positive interpretation of the

systematic pattern of legislative-executive relations which in turn broadly reflects a continuum of consensus and dissension across the two foreign policy issue areas.

## CHAPTER IV

### TREATY MAKING, ADVICE AND CONSENT, AND RATIFICATION

#### Introduction

Treaty process is one of the key foreign policy issues in which the joint institutional responsibility of Congress and the president is mandated constitutionally. In turn, it reflects power sharing between the two coequal branches. There is a common perception that the executive branch somehow retains greater power as compared to the legislative branch on matters of foreign policy. However, from a constitutional standpoint, both Congress and the president are entrusted with coequal power and responsibilities. The implications of joint institutional responsibilities are apparent in the treaty process. Article II, Section 2 of the U.S. Constitution states that “all treaties must receive Senate advice and consent from a two-thirds majority of all senators present and voting before treaties can be ratified and enter into force.”<sup>311</sup>

In the contemporary sense, the “Advice and Consent” process is the critical point of congressional-presidential contestation. The Senate gives advice and consent as part of this legislative body’s constitutional authority to grant approval to the treaty ratification document. Only after obtaining Senate’s such approval can the president proceed and ratify the treaty document. It is also important to recognize that the constitutional provision of “Advice and Consent” implies “that the Senate will have an opportunity to shape the content of a treaty.”<sup>312</sup> Hence, the intent of the framers of the Constitution was

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<sup>311</sup> Auerswald, David P. 2012. p. 190.

<sup>312</sup> Fisher, Louis. 1989. p.1512.

clearly to make the Senate an equal partner in the treaty process. The cases presented in this chapter corroborate a similar political dynamic.

With the resurgence of Congress and greater congressional assertiveness over the last four decades, the treaty process has witnessed a consistent pattern of legislative-executive competition. In contemporary Washington, the politics of treaty-making congressional-presidential consensus and dissension are ongoing phenomena, as each of the coequal branches passionately strives to preserve its foreign policy prerogatives. Over the years, presidents have repeatedly struggled to obtain congressional consent to a negotiated treaty. The case studies presented in this chapter conform to such a political reality. The cases in general are consistent with the argument that with the “Advice and Consent” provision, the Constitution basically empowers “the Senate to initiate a related and parallel policy process that the president no longer controls.” In such a situation, “Rather than confronting the Senate with a take-it-or-leave-it dilemma, submitting a treaty for advice and consent begins a process in which the president gets confronted with his own take-it-or-leave-it policy dilemma.”<sup>313</sup> As the cases present, the Senate uses the treaty ratification document as an effective tool for shaping the direction of strategic foreign policy. Here the president has no other choice but to anxiously wait for the Senate’s consent. The cases explored in this chapter also comply with the assertion that the Senate can directly intervene in strategic foreign policy-making by imposing amendments, reservations, common understandings, and policy declarations to the treaty ratification document.<sup>314</sup> In strategic foreign policy decisions when the president requires

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<sup>313</sup> Auerswald, David P. 2012. p.192.

<sup>314</sup> Auerswald, David P. 2006.

congressional assent, the ability of the Senate members “to withhold their consent [to the treaty ratification document] gives them leverage over strategic policy.”<sup>315</sup> As a matter of fact, “if the president wants the treaty he must accept each and every additional ratification provision passed by the Senate.”<sup>316</sup> The formation of divided government and polarized politics in recent years has further complicated the treaty process. The case studies analyzed in this chapter attempt to illustrate all such political realities with regard to the constitutional boundaries that Congress and the president are required to maintain. The general assessment from the overall case analysis is that in the treaty ratification process, both Congress and the president are institutionally intertwined as coequal partners who are continuously navigating through the politics of consensus and dissension. Neither Capitol Hill nor the president has absolute power to dominate the treaty process.

One point deserves some clarifications here. This is with regard to the increasing use of executive agreements by the president in recent years. It is argued that presidents are more inclined to strategically evade the Senate when the opposition party has a majority in the Senate or when the ideological composition in the Senate is not in favor of the president.<sup>317</sup> Executive agreements expose the treaty process to the exigencies of interbranch contestation. Evading Congress and frequently resorting to executive agreements loses an aspect of popular legitimacy, which the nation’s founders vigorously wanted to maintain in the normal treaty process by specifically including the provision of

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<sup>315</sup> Lindsay, James. 1994. p.154.

<sup>316</sup> Auerswald, David P. 2012. p.192.

<sup>317</sup> Moe, Terry, and William G. Howell. 1999; Krutz, Glen, and Jeffrey Peake. 2009.

“Advice and Consent” by a two-thirds majority of votes in the Senate.<sup>318</sup> Also, the scope, extent, influence and international recognition of major treaties are vastly superior. Even presidents prefer the route of treaty consent by Congress for all major multilateral deals. Resorting to executive agreements is a last resort, when the president is convinced of a sure defeat when seeking congressional authorization. Some analysts suspect that use of executive agreements vis-à-vis treaties does not necessarily support the notion of presidential dominance in the treaty process. They argue that presidents cannot evade the U.S. Senate at their own will. Such presidential behavior is contingent upon discretion granted by the U.S. Senate to the administration from time to time, as warranted by swifter diplomatic action.<sup>319</sup>

The following four sections represent a detailed empirical analysis of case studies: Strategic Arms Limitation Treaty (SALT II) 1979; Intermediate-Range Nuclear Forces Treaty (INF) 1988; North American Free Trade Agreement (NAFTA) 1993; and Comprehensive Test Ban Treaty (CTBT) 1999.

### **Strategic Arms Limitation Treaty (SALT II)**

**Background:** The Strategic Arms Limitation Treaty (SALT II) was negotiated when the relationship between the United States and the Soviet Union was constantly evolving but extremely volatile during the Cold War. The basic purpose of SALT II was to reduce and limit the quantity of strategic nuclear weapons between the U.S. and the erstwhile U.S.S.R. From the point of view of the United States, the treaty was designed to serve and protect its strategic national security and foreign policy concerns during the

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<sup>318</sup> U.S. Constitution, Article II, Section 2.

<sup>319</sup> Martin, Lisa. 2000; Krutz, Glen, and Jeffrey Peake. 2009.

peak of the Cold War.<sup>320</sup> This treaty was completed in June 1979, after seven years of negotiations between the two countries. The completed version of the SALT II Treaty was signed by then-U.S. President Jimmy Carter and Communist Party of Soviet Union (CPSU) General Secretary Leonid Brezhnev in Vienna on June 18, 1979. President Carter submitted the treaty to the United States Senate on June 22 for advice and consent.<sup>321</sup>

The SALT II Treaty was a potential step toward reduction of nuclear arms possession by the United States and the Soviet Union. The treaty addressed issues of defense and national security for both the U.S. and the U.S.S.R. during the zenith of the Cold War period. Naturally the strategic implications arising out of SALT II sparked an enormous amount of political debate in the U.S. Congress and the larger sociopolitical diaspora. It was rated as one of the most controversial arms control treaties in its scope and extent. There was a great deal of apprehension among Washington politicians about ramifications of the treaty on U.S. national security. Importantly, the United States Senate was unanimous in its opposition to the proposed treaty. Even President Carter, in his role as the leader of the ruling Democratic Party in a unified government setup, was unable to generate enough political capital in his favor inside his own party in order to get the treaty ratified by Congress. In turn, SALT II was a classic case of treaty rejection by the U.S. Senate in a unified government political arrangement. The following hypotheses make a detailed analysis of the political dynamic continuum of legislative-executive consensus and dissension during the ratification process of SALT II.

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<sup>320</sup> Report of the Committee on Foreign Relations, United States Senate, November 19, 1979.

<sup>321</sup> U.S. State Department. Available at [www.state.gov](http://www.state.gov).

**Hypothesis 1: Unified government facilitates consensus in the treaty-making process, while divided government does not.** The consent and ratification process for the Strategic Arms Limitation Treaty (SALT II) was one of the rare occasions in which, despite the presence of unified government, there was no consensus between the U.S. Congress and the president on the implications of the potentially sensitive arms control treaty.<sup>322</sup> The provisions of the SALT II legislation, “consisting of a Treaty and a Protocol thereto,” were intended to impose “quantitative and qualitative” restrictions on the strategic nuclear weapons program of both the United States and the erstwhile Soviet Union.<sup>323</sup> The sensitive nature of these provisions was responsible for the treaty receiving a “cool Senate reception” in the first place.<sup>324</sup> There were differences of perception between the Capitol Hill and White House on the ramifications of the proposed treaty provisions on the strategic geopolitical balance between the U.S. and the U.S.S.R. This resulted in intense interbranch struggle in which the legislative and executive branches vigorously tried to preserve their respective foreign-policy prerogatives. The bipartisan consensus among congressional lawmakers in the U.S. Senate was sufficiently strong and cohesive to provide a tough political challenge to the Carter Administration. In the end President Carter was unable to overcome the strong resistance from the Capitol despite the presence of unified government under the control of the Democratic Party. He withdrew the treaty from Senate’s further consideration. The political process in turn

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<sup>322</sup> Mayhew, David. 2005.

<sup>323</sup> Congressional Research Service, Issue brief number IB 79074. “*SALT II: Major Policy Issues.*” 1980.

<sup>324</sup> Destler, I.M. 1985, p. 346.

portrayed a continuum of consensus and dissension, both at the intrabranh and interbranch levels.

Broadly speaking, arguments and counter-arguments with regard to the provisions of SALT II were ideologically polarizing and instrumental in fomenting congressional-presidential dissension. Importantly, centrist Democratic members of the U.S. Senate were more apprehensive about the treaty and generally accepted the arguments made by their conservative Republican colleagues. . They argued that the treaty would fail to check the nuclear arms race and advocated for even lower limits and actual reductions of the number of nuclear arsenals by both the U.S. and the U.S.S.R.<sup>325</sup> They also believed that the treaty would allow the Soviet Union to maintain strategic superiority over the United States, because the Soviet force, with large and land-based ballistic missiles, would be able to carry far greater numbers of warheads, even within the equal limits on delivery vehicles, than U.S. ballistic missiles.<sup>326</sup> They also claimed that with such a strategic arms advantage, the Soviet Union would be able to target all U.S. land-based ICBMs in a first strike, which would create a window of vulnerability for the United States.<sup>327</sup> On the other hand, the president accepted the position of the treaty’s supporters, who argued that “the Soviet advantage in large MIRVed ICBMs<sup>10</sup> was more than offset by the U.S. advantage in SLBM (submarine-launched ballistic missiles) warheads, which could not be destroyed in a first strike and could retaliate against Soviet targets, and the

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<sup>325</sup> Congressional Research Service, Report Number RL 33865. “*Arms Control and Non-Proliferation: A catalogue of Treaties and Agreements.*” 2010.

<sup>326</sup> Ibid.

<sup>327</sup> Ibid.

U.S. advantage in heavy bombers.”<sup>328</sup> The Carter administration claimed that rejection of the SALT II Treaty would lead to complete collapse of the SALT process including reversal of SALT I interim agreement and most importantly the Anti-ballistic Missile (ABM) Agreement.<sup>329</sup> Such divergent interpretations of the pros and cons of SALT II created fertile ground for congressional-presidential contests over the treaty ratification process. Importantly, the initial orientation toward negotiating SALT II started with a flavor of bipartisanship, when 25 senators, including 10 members of the Senate Foreign Relations Committee, were appointed advisers to the SALT Delegation in Geneva.<sup>330</sup> However, political dissension between Congress and the administration quickly started growing because of the embedded sensitivity attached to the provisions of the treaty. In the course of the negotiations of SALT II (1972-79), “problems of verification, non-circumvention, and qualitative arms control, that is, restraints on technological modernization, all grew prominent in legislative discussions of the impending agreement.”<sup>331</sup> In due course of time, SALT II experienced strong congressional resistance on a bipartisan basis, despite unified government being in place. The dynamics of intrabranch consensus and interbranch dissension was evident.

There was a powerful faction inside the ruling Democratic Party under the stewardship of Senator Henry M. Jackson (D-WA), Chairman of the Senate Arms

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<sup>328</sup> Congressional Research Service, Report Number RL 33865. “*Arms Control and Non-Proliferation: A catalogue of Treaties and Agreements.*” 2010. p. 5.

<sup>329</sup> Congressional Research Service, Report prepared for Subcommittee of European Affairs of the Committee on Foreign Relations, United States Senate. 1979.

<sup>330</sup> Report of the Committee on Foreign Relations, United States Senate, November 19, 1979; Fisher, Louis, 1998.

<sup>331</sup> Peterson, Paul E., ed. 1994, p. 184.

Control Subcommittee, which vigorously opposed SALT II. Jackson “vowed to fight in the Senate to send the Strategic Arms Limitation Treaty (SALT II) back to the bargaining table, with instructions to U.S. negotiators to seek an equal agreement that cuts the size of the Soviet Union's missile arsenal.”<sup>332</sup> Other congressional lawmakers who supported Jackson wanted modifications in the treaty. Such opposing political factions inside the ruling Democratic Party represented intraparty squabble that in turn led to contentious ratification process and strong congressional opposition to the executive branch’s treaty endeavor. The prominent officials who represented the administration and backed SALT II in the hearings of the Senate Foreign Relations Committee (SFRC) and the Senate Armed Services Committee were Cyrus R. Vance (Secretary of State), Harold Brown (Secretary of Defense), Ralph Earl II (Chairman, U.S. Delegation to the Strategic Arms Limitation Talks), and General David C. Jones (Chairman, Joint Chiefs of Staff).<sup>333</sup> With the legislative-executive differences already exposed, there was apprehension in the SFRC, especially about the viability of verification and noncircumvention provisions of the treaty. As a consequence, the SFRC failed to garner unanimous support for the passage of the treaty to the U.S. Senate. However, by a narrow margin of 9 to 6, the SFRC finally approved the treaty and sent it to the U.S. Senate for its consideration, subject to 20 reservations, understandings, and declarations.<sup>334</sup> The SFRC also made it clear that in the light of the reservations already placed, the treaty would not qualify for any unilateral action by the president. Such clarifications were strongly upheld by

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<sup>332</sup> *Washington Post*, June 18, 1979.

<sup>333</sup> Report of the Committee on Foreign Relations, United States Senate, November 19, 1979.

<sup>334</sup> *Ibid.*, p. 80. For all practical purposes, this paper asserts that it was a narrow margin, considering the partisan strength of the unified government.

Senator Jacob Javits (R-N.Y.), who was the ranking member of SFRC, and Charles Percy (R-IL), and later on were supported by Senator Frank Church (D-ID), who was the chairman of the SFRC.<sup>335</sup> This shows that there was bipartisan consensus among the Senate Democrats and Republicans on many of the concerns that the SFRC had identified. In response, Secretary of State Cyrus R. Vance assured the committee that the “President already has stated that the Protocol will not be extended without coming back to the Senate for consultation with the Senate.”<sup>336</sup> More specifically, the following lines will narrate a couple of specimens showing credible apprehensions by some members of the SFRC on the contentious issues of verification and noncircumvention:

*i) Noncircumvention provision (Article XII of the treaty):* Several witnesses of the hearings and some prominent members of the SFRC were left unpersuaded that the administration had made a compelling case concerning noncircumvention provision. The committee on a bipartisan basis, including prominent members from both sides of the aisle such as Senators Jesse Helms (R-N.C.) and Jacob Javits (R-N.Y.), Paul Sarbanes (D-MD) and Richard Stone (D-FL) felt that the administration needed to do more on the crucial issue in order to reassure the allies about the efficacy of Article XII and to strengthen the position of the United States in this regard.<sup>337</sup> These senators made their concern very clear to the secretary of state, the secretary of defense, and the chairman of the Joint Chiefs of Staff.

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<sup>335</sup> Report of the Committee on Foreign Relations, United States Senate, November 19, 1979. p. 126.

<sup>336</sup> Ibid., p.127.

<sup>337</sup> Ibid., p.128-32.

*ii) Verification provision (Article XV of the treaty):* While expressing the committee's extreme concern about the highly sensitive verification provision, Senator Paul Sarbanes (D-MD) grilled Secretary of Defense Harold Brown while assessing the effectiveness of the provision.<sup>338</sup> Yet another contentious area generating political controversy in the SFRC was the issue of a potential strategic military imbalance arising out of SALT II. The committee on a bipartisan basis expressed deep concern about the momentum in the Soviet missile development program, even within the limits of SALT II. The committee perceived that the U.S.S.R. would substantially improve and be potentially in an advantageous position in relative capability of missile development against the U.S. forces well into the 1980s.<sup>339</sup> Prominent members of the committee, including Senators Paul Sarbanes (D-MD), John Glenn (D-OH), George McGovern (D-S.D.) and Jacob Javits (R-N.Y.), and former Secretary of State Henry Kissinger expressed heightened apprehension about the implications of SALT II on U.S. ICBM vulnerability. At one time, Secretary of Defense Harold Brown also agreed to the perceived concern of the bipartisan group of Senators when he said, "This [vulnerability of U.S. ICBM] is the most serious problem we face, probably in terms of threats to our strategic forces and certainly in terms of perceptions of equivalence."<sup>340</sup> All such bipartisan concerns from the SFRC provided strong obstacles to the administration in creating adequate support for SALT II in its ratification process. The administration seemed to be weak in convincing Congress on the credibility factor of SALT II, despite

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<sup>338</sup> Report of the Committee on Foreign Relations, United States Senate, November 19, 1979. p.193-4.

<sup>339</sup> Ibid., p. 136-44.

<sup>340</sup> Ibid., p.142.

the presence of unified government. As a consequence, political fault lines between Capitol Hill and the White House continued to grow deeper, thereby significantly reducing the possibility of successful treaty ratification. Likewise, all other provisions were examined by the SFRC, which ultimately imposed 20 binding reservations on SALT II.

In the Senate Armed Services Committee during hearing procedures, senators on a bipartisan basis expressed concerns about the implications of SALT II on the U.S.-U.S.S.R. balance of power. Even though the secretaries of state and defense, along with the chairman of the Joint Chiefs of Staff, presented the case for SALT II, they were subjected to substantial bipartisan scrutiny, particularly from Senators Henry Jackson (D-Wash.), Sam Nunn (D-GA), James Exon (D-NE), John Tower (R-TX), and John Warner (R-VA).<sup>341</sup> Senators Jackson and Tower, irrespective of party lines, were very critical on the verification and monitoring provisions of the Soviet MX and SS-19 missile systems and the backfire bomber issue.<sup>342</sup> In an exchange with Secretary of Defense Harold Brown, Senator Tower openly stated, “Mr. Secretary [Harold Brown], the ratification process in the Senate is not simple. Many Senators have concerns about the treaty, and several have established conditions for their support of the treaty.”<sup>343</sup> Senator Sam Nunn (D-GA), a highly respected senator in the Democratic Party, expressed deep concerns about the credibility and efficacy of the theater nuclear force (TNF) modernization issue

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<sup>341</sup> Military Implications of the Treaty on the Strategic Offensive Arms and Protocol Thereto, Hearings before the Committee on Armed Services, United States Senate, 96<sup>th</sup> Congress, October 17,18,23, 24, 1979.

<sup>342</sup> Ibid.

<sup>343</sup> Ibid., p. 1503. This statement has considerable similarity when the hearing procedures in the Senate Armed Services Committee are compared to those in the Senate Foreign Relations Committee that imposed 20 reservations while transmitting the treaty to the Senate floor.

with the European allies because of SALT II. He even expressed his reluctance to vote in favor of SALT II approval because of such serious concerns. Senator Nunn's dissatisfaction was clearly reflected in his following exchange with the Secretary of Defense:

I see a very dangerous situation here because the ante is going up; TNF (theater nuclear force) has now been put in the SALT II pot by our administration and some of the Europeans. I think the Europeans are now backing out of that. I think they see the danger and I hope that before it goes too far this administration would re-examine its own position on that. I may end up voting for SALT II, I may not, but it won't be on the basis one way or the other of some [deleted] parliament. ....I think we still have a dilemma. I certainly will not use that [voting for SALT II] until we resolve that question [TNF modernization].....<sup>344</sup>

Apart from concern on TNF modernization issue, Senator Nunn, a highly respected military expert by himself in the Democratic Party, also expressed serious reservations about President Carter's defense budget proposals. He even said, "I'm tying my vote on SALT to what we do in defense [spending over the next few years] and to presidential leadership on national defense."<sup>345</sup> Such remarks from a pivotal player in the U.S. Senate provide a great deal of insight about the ongoing dilemma among the senators across party affiliations on various controversial issues of SALT II during the high-profile Senate committee hearings. Most of the senators on a bipartisan basis perceived that the United States would be less powerful compared to the Soviet Union if SALT II were ratified. The Senate was unanimous in its opposition to the president on the treaty.

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<sup>344</sup> Military Implications of the Treaty on the Strategic Offensive Arms and Protocol Thereto, Hearings before the Committee on Armed Services, United States Senate, 96<sup>th</sup> Congress, October 17,18,23, 24, 1979, p.1513-15.

<sup>345</sup> *Washington Post*, September 14, 1979, p.A1.

The Senate Intelligence Committee, along with the Foreign Services and the Armed Services Committees, actively participated in examining the provisions of SALT II. Here, Senator John Glenn (D-OH) was particularly apprehensive about the treaty's verification provisions. His reluctance along with that of other intelligence committee members to endorse the agreement proved to be a serious obstacle to the administration in the treaty ratification process. Glenn and others wanted to ensure that the proposed treaty deal met the required benchmark as far as monitoring and verification issues were concerned.<sup>346</sup>

The hearing procedures and discussions in powerful Senate committees provided compelling evidence that there was significant bipartisan concern in the U.S. Senate about the credibility and efficacy of SALT II on U.S. national security. It simultaneously exposed the high degree of dissension between Capitol Hill and the White House on this strategic foreign policy issue. Influential members of the Senate Democratic Caucus such as Senators Henry Jackson (D-WA), George McGovern (D-S.D.), Frank Church (D-ID), Sam Nunn (D-GA), Mark Hatfield (R-OR), William Proxmire (D-WI), John Glenn (D-OH), and Paul Sarbanes (D-MD), along with their Republican counterparts in the U.S. Senate such as Senators Jesse Helms (R-N.C.), Jacob Javits (R-N.Y.), John Tower (R-TX), Jake Garn (R-UT), and John Warner (R-VA) expressed their serious concerns over SALT II, especially with regard to the efficacy of its provisions on arms control and consequent balance of power between the U.S. and the U.S.S.R. These pivotal senators made it clear to the president that they would “reserve the right to vote against any

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<sup>346</sup> Peterson, Paul E., ed. 1994. p.188-9.

proposal [SALT II] that does not fundamentally curb the arms race.”<sup>347</sup> Even the Senate Majority Leader Robert Byrd (D-W.V.) and the Senate Minority Leader Howard Baker (R-TN) were not sure about their voting prospects. Thus, there was a bipartisan consensus in the U.S. Senate expressing reservations on SALT II even as early as June 1979. Such senatorial opposition was only to intensify in due course of time during the ratification process. Controversy about the long-term ramifications of the treaty in Congress significantly diminished President Carter’s political capital and power to persuade. As an urgent damage control measure, the president made a failed bid to convince the congressional lawmakers about the strengths of the treaty by this message to the joint session of Congress:

The SALT II Treaty reduces the danger of nuclear war. For the first time, it places equal ceilings on the strategic arsenals on both sides, ending a previous numerical imbalance in favor of the Soviet Union. SALT II preserves our options to build our forces we need to maintain that strategic balance. The treaty enhances our own ability to monitor what the Soviet Union is doing. And it leads directly to the next step in more effectively controlling nuclear weapons.....The MX missile which has been so highly publicized is permitted under SALT II; yet its verifiable mobile development system will enhance stability as it deprives an attacker of the confidence that a successful first strike could be launched against the United States ICBM’s.....<sup>348</sup>

There were sharp reactions to the president’s message from the U.S. Senate. Senator Howard H. Baker Jr. (R-TN), the Minority Leader in the Senate, claimed that SALT II “has no chance of being passed without amendment.” Other senators on a bipartisan basis

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<sup>347</sup> Congressional Quarterly Researcher, June 8, 1979.

<sup>348</sup> Message from the President of the United States urging the ratification of the SALT II Agreement, June 18, 1979. H. Doc. No. 152.

echoed their intentions to make alterations in the proposed treaty.<sup>349</sup> Senator George McGovern (D-S.D.), a senior member of the Democratic Party, expressed deep concern at the administration's controversial decision to develop a new MX super-missile and to push for SALT II at the same time. McGovern expressed fear that President Carter would "destroy hopes for real arms reductions" in the future by building big new weapons now.<sup>350</sup> Such divergent political dynamics between the Senate and the president reflected the fact that bipartisan consensus among congressional lawmakers was profound and stable. The continuum of intrabranched consensus in Congress and interbranch dissension was solid, thereby further reducing the political space for any compromise. The inability of the administration to steer clear of the dark clouds of congressional resistance was further worsened by the strong voice of opposition from the Republican presidential candidate Ronald Reagan, who asserted that "the stalled SALT II Treaty is fatally flawed because it gives undue benefits to the Soviets and legitimizes, instead of reduces, nuclear weapons."<sup>351</sup> Such powerful rhetoric from Reagan diminished the prospects in favor of the treaty. The administration started showing weakness in front of strong congressional pressure. Even the *Washington Post* once commented, "Key members of the Carter administration acknowledge privately that they have lost the momentum."<sup>352</sup> For the administration, there was no respite in sight.

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<sup>349</sup> *Washington Post*, June 19, 1979, p. A14.

<sup>350</sup> *Ibid.*

<sup>351</sup> *Washington Post*, June 19, 1979, p. A14.

<sup>352</sup> *Washington Post*, September 14, 1979, p.A1.

In addition to the strong congressional resistance, a crucial international event in the form of the Soviet invasion of Afghanistan on December 27, 1979 came as a massive blow to topple the SALT II ratification process. Global geopolitics associated with such a Soviet move hardened the conservative baseline in Congress.<sup>353</sup> Moreover, news of Soviet troop buildup in nearby Cuba, the Soviet Union's unabated stockpiling of armaments, and the Iranian hostage crisis further complicated the situation beyond repair and ultimately sealed the fate of the treaty.<sup>354</sup> In the end, President Carter was forced to withdraw the treaty from the consideration of the U.S. Senate.<sup>355</sup>

The overall analysis in the ratification process of SALT II makes it evident that the presence of unified government is not a sufficient condition for consensus between Congress and the president. In this case, the continuum of legislative-executive consensus and dissension was uniquely embedded in the congressional (dis)approval process. As a mark of departure from the normal tenets of unified government, during the ratification process of SALT II, moderate and conservative members of the U.S. Senate aligned to form a powerful coalition against the executive branch in order to alter the deal.<sup>356</sup> There was definitive yet unconventional ideological intersection between moderate Democrats and conservative Republicans in the Senate, which was formidable enough to garner bipartisan consensus to block the treaty. In fact it further intensified in the wake of the precipitating international event of sudden Soviet invasion of Afghanistan. The effect of

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<sup>353</sup> Destler, I.M. 1985; Peterson, Paul, E., ed. 1994.

<sup>354</sup> *Christian Science Monitor*, February 5, 1981.

<sup>355</sup> Congressional Research Service, Report Number RL 33865. "*Arms Control and Non-Proliferation: A catalogue of Treaties and Agreements.*" 2010.

<sup>356</sup> *Ibid.*

resultant bipartisan consensus in the U.S. Senate was strong enough to create congressional-presidential dissension and reverse the prospects of ratification for SALT II. Because of the unique nature of the continuum of legislative-executive consensus and dissension in the decision-making process culminated by extra-ordinary international events in the end there was legislative-executive dissension. Therefore, the hypothesis stating that unified government facilitates consensus and vice versa does not hold true for the ratification process of SALT II. Unwillingness between the Democratic-controlled Capitol Hill and the Carter White House to seek common ground resulted in the demise of the treaty to a considerable extent, apart from the escalatory international events which further complicated the contentious domestic politics. The unique outcome of legislative-executive relations in the case of SALT II is a constant reminder of the inherent complexities of the treaty consent process in U.S. politics.

**Hypothesis 2: Ideological divisions and partisan differences result in greater dissension in the treaty process.** The ideological and partisan composition of the United States Senate posed unique challenges to the Carter Administration during the SALT II debate. In the 1978 midterm elections, 20 new senators were elected – 11 Republicans and 9 Democrats.<sup>357</sup> The liberal-conservative continuum of these senators was significant in determining the fate of the treaty. This diverse group of senators reflected a conflict as well as rare intersection of ideological dimensions during the SALT II debate. A mixed bag of pro-treaty liberal antiwar sentiments and anti-treaty conservative pro-military orientation was discernible in the Senate. Constant conflict and intersection of ideological preferences reflected consensus-dissension continuum that eventually helped to

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<sup>357</sup> Caldwell, Dan. 1991.

strengthen the conservative cause because of evolving international events such as Soviet brigade build-up in Cuba, Iranian hostage crisis, and Soviet invasion of Afghanistan. As a consequence toward the end of the 1970s the Senate as an institution changed from being the most dovish to the most hawkish political body. This shift in ideological preference in the Senate had major implications on the SALT II consent process.<sup>358</sup> The formation of a liberal-conservative continuum across partisan fault lines at different stages of the treaty debate was a representation of diverse preferences in the Senate. The resultant dynamics experienced complications in the treaty consent process, especially when the Senate was divided among strong liberal supporters of the treaty, a mixed-bag of irreconcilable opponents, liberal critics, and an undecided block leaning toward opposing the treaty comprising conservative Republicans and liberal Democrats.<sup>359</sup> Some of the strong liberal supporters were Senators Alan Cranston (D-CA), John Culver (D-IA), Gary Hart (D-CO), and Joseph Biden (D-DE).<sup>360</sup> Prominent among the so-called mixed-bag of irreconcilable opponents were Senators Jesse Helms (R-N.C.), Jacob Javits (R-N.Y.), John Tower (R-TX), Jake Garn (R-UT), Henry Jackson (D-WA) and John Warner (R-VA). Influential among liberal critics were Senators George McGovern (D-S.D.), Frank Church (D-ID) and Chairman of the Senate Foreign Relations Committee, William Proxmire (D-WI), John Glenn (D-OH), and Paul Sarbanes (D-MD).<sup>361</sup> The undecided block was strategically significant in the decision-making process. Prominent among the undecided

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<sup>358</sup> Muravchik, Joshua. 1980-81.

<sup>359</sup> Caldwell, Dan. 1991.

<sup>360</sup> Ibid.

<sup>361</sup> Congressional Quarterly Researcher, June 8, 1979; Caldwell, Dan. 1991.

regardless of party affiliation were Senate Majority Leader Robert Byrd (D-W.V.), Senate Minority Leader Howard Baker (R-TN), John Stennis (D-MS) and Chairman of the Senate Armed Services Committee, Richard Stone (D-FL), Russell Long (D- LA), and S.I. Hayakawa (R-CA).<sup>362</sup> Throughout the entire decision-making process these diverse factions in the Senate were driven by ideological preferences that essentially portrayed a continuum of consensus and dissension at various stages of political process and eventual clustering into a broad-based anti-SALT II block. As a consequence two different sets of political dynamic were evident. On one hand there was an ideological dissension between the U.S. Senate and Carter White House with the Senate not in favor of SALT II approval despite Carter's repeated appeal for treaty approval. On the other hand there was broad-based ideological consensus (intersection) inside the Senate for rejection of the SALT II treaty. From the above analysis conclusions can be drawn that the given hypothesis is true at the legislative-executive level while the hypothesis is rejected at the intra-Senate level political process.

**Hypothesis 3: Intraparty cleavage causes dissension in treaty process.** During the SALT II debate, intraparty cleavage inside the Democrat-controlled Congress was a determining factor for the failure of the treaty to get Senate consent. From the outset, the Democratic Party was a divided camp on substantive issues concerning the long-term implications of the treaty. Inside the Democratic Party, prominent senators who opposed the treaty were Henry M. Jackson (D-WA), George McGovern (D-S.D.), Mark Hatfield

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<sup>362</sup> These senators expressed their opinions in the *New York Times*, *Washington Post*, and *Los Angeles Times*. See *New York Times*, September 6; November 20, 1979; *Washington Post*, September 6, 1979; *Los Angeles Times*, September 14, 1979.

(R-OR), and William Proxmire (D-WI).<sup>363</sup> The growing intraparty dissension in the Democratic Party gained momentum when Senate Majority Leader Robert Byrd (D-W.V.), Senate Armed Services Committee Chairman John Stennis (D-MS), and influential Senator Sam Nunn (D-GA) largely remained undecided and also raised serious concerns with the national security issues of the treaty.<sup>364</sup> Prominent among the Democratic senators who supported the treaty were John Culver (D-IA), Gary Hart (D-CO), and Joseph R. Biden Jr. (D-DE).<sup>365</sup> These different factions inside the Democratic Party kept it from taking a united stand on the treaty. Remarkably, intraparty squabbles inside the controlling party started even in the early days of the treaty ratification process. This was evident when Senator Alan Cranston (D-CA), the majority whip, reported on May 3, 1979 that he had counted 20 senators solidly against ratification, 10 leaning against, 40 leaning heavily in favor, 10 possibly in favor, and 20 undecided.<sup>366</sup> Such data conform to the degree of intraparty cleavage inside the Democratic Party, and that was a clear indication of a contentious political battle brewing in the U.S. Senate with regard to SALT II.

The Carter Administration's failure to notice such growing internal dissension inside the Democratic Party made the situation worse. Five weeks before the treaty was concluded, Senator Henry Jackson (D-WA), who was highly respected in arms control circles, issued a press statement in which he expressed his deep anguish by stating, "From

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<sup>363</sup> Caldwell, Dan. 1991.

<sup>364</sup> Ibid.

<sup>365</sup> Ibid.

<sup>366</sup> Congressional Quarterly Researcher, June 8, 1979.

what I know of the SALT II Treaty it is substantially unequal and unverifiable. It favors the Soviet Union. In its present form it is not in the security interest of the United States.”<sup>367</sup> Also, Democratic Senators McGovern, and Proxmire wrote to President Carter expressing their dissatisfaction while stating, “After considerable thought we have concluded that the proposed SALT II Treaty is very difficult, if not impossible, for us to support.”<sup>368</sup> Senator Sam Nunn criticized a number of provisions of SALT II, including “the vulnerability of U.S. land-based missiles, the Soviet Backfire bomber, the verification of the agreement, and the effect of the protocol to the agreement.”<sup>369</sup> The cumulative effect of such growing intraparty dissension inside the majority Democratic Party in the U.S. Senate proved to be costly for the administration during the ratification process.

Intraparty cleavage among the Senate Democrats, resulted in a strong bipartisan consensus between the dissenting faction of the Democratic Party spearheaded by Senators McGovern, Proxmire, Jackson and others, and an overwhelming number of Senate Republicans who opposed the treaty.. In turn, the coalition of treaty dissenting moderate and conservative members provided a formidable challenge to the administration and virtually reversing the prospects of treaty ratification. Intra-Democratic Party cleavage was largely responsible for eventual dissension between the U.S. Senate and Carter White House with regard to the fate of SALT II.<sup>370</sup> In reality the political dynamic inside the Senate reflected a continuum of consensus and dissension at

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<sup>367</sup> Caldwell, Dan. 1991. p. 310.

<sup>368</sup> *Congressional Record* – Senate; March 5, 1979. p. 2044.

<sup>369</sup> Caldwell, Dan. 1991. p. 313.

<sup>370</sup> *Christian Science Monitor*, May 3, 1988.

various levels of decision making. For the most part, the administration showed weakness and was unable to overcome the strong bipartisan opposition in the Senate. Differential preference at the interbranch level further exacerbated the conflict between the Democratic Congress and the Democratic White House. A high degree of intraparty cleavage defied the normal expectations of unified government and ultimately proved to be a determining factor in sealing the fate of SALT II. Thus the ring of political fire which started to burn inside the Democratic Party [in the form of intraparty dissension] later engulfed the Senate political process [forming an alliance between dissenting Democrats and the Republicans] and ultimately took a toll on congressional-presidential relations [interbranch dissension] during the ratification process of SALT II. Intraparty cleavage among the Democrats was the driving force for a series of subsequent adjustments, which in turn replicated a continuum of consensus and dissension at various levels of legislative-executive relations during the SALT II ratification process. Based on such characteristics of the political process, a conclusion can be drawn that the hypothesis stating that “intraparty squabbles lead to conflict and failure in the treaty ratification process” holds true for SALT II Treaty.

**Hypothesis 4: Effects of intraparty cleavage are mitigated by a comparatively higher degree of bipartisanship.** A tactical style to maneuver the trajectory of legislative-executive relations is to build a strong bipartisan consensus that can ultimately mitigate the effects of intraparty cleavage. During the SALT II treaty debate, there were different preferences between different factions inside the Democratic Party which experienced intraparty cleavage with regard to the efficacy of the treaty. Intraparty cleavage among Senate Democrats had a cascading effect on the larger political process and affected the

outcome of the treaty ratification debate. The dissenting faction of the majority Democratic Party made an alliance with an overwhelming number of Senate Republicans to form a bipartisan coalition in the U.S. Senate. Importantly, the bipartisan coalition so formed was strong and stable to constitute a supermajority in the Senate for the legislative purpose of blocking the SALT II treaty. As a result, the treaty-endorsing faction among the Senate Democrats became marginalized and politically ineffective. The discrete effect of intraparty cleavage attributed to the treaty-endorsing faction of Senate Democrats was completely mitigated or offset by the formation of a strong bipartisan consensus between the treaty-dissenting faction of Senate Democrats and the Senate Republicans who opposed SALT II overwhelmingly. This higher degree of bipartisanship, constituting a supermajority of congressional opposition, was ultimately critical in sealing the fate of the treaty. In the end, President Carter was compelled to withdraw the treaty from the Senate's consideration because of such acute domestic political obstacles and emerging international crises.

The bipartisan supermajority coalition, despite the presence of unified government, took the administration by surprise. It was made plausible by a preference convergence of like-minded Democrats and Republicans who opposed the treaty in a way that overwhelmingly mitigated the discrete effect of intraparty cleavage of those who endorsed the treaty among the Senate Democrats. Because the SALT II treaty process witnessed such political maneuvering, which ultimately determined the dynamics of legislative-executive relations, it can be inferred that findings support the given hypothesis.

**Hypothesis 5: Greater extensive debate in Congress facilitates finding common ground that increases the propensity of legislative-executive consensus.** Extensive deliberations in Congress normally have major implications on the treaty ratification process. Such congressional procedures, where extensive debate occurs, increase the potential to seek common ground and build a viable consensus. The general opinion of politicians is that greater time devoted for congressional deliberations and hearings helps detailed analysis of the legislation from all vantage points, which in turn enhances the probability of a successful outcome of the treaty ratification process.<sup>371</sup> In the case of SALT II, extensive hearings in the Senate Foreign Relations Committee, Senate Armed Services Committee, and the Senate Intelligence Committee provided significant opportunities for the proponents and opponents to discuss in detail the potential implications of the treaty. Such deliberations helped in building a viable bipartisan consensus in Congress. The congressional hearings and deliberations were largely responsible for identifying various like-minded factions in the Senate for the purpose of making an alliance to block the SALT II treaty. A majority of the senators from both sides of the aisle unanimously expressed their concerns about the provisions of the treaty directly related to national security and strategic defense. As a result, the political propensity to reject the treaty gained momentum in Congress. The extensiveness of the Senate hearing procedures and subsequent deliberations reflected the contentious nature of the political dynamic that was going on between the supporters and opponents of SALT II. However, such deliberations provided viable political space for a strong bipartisan consensus between Senate Democrats and Republicans who opposed the

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<sup>371</sup> *Congressional Record* – Senate, October 13, 1999; p. S12507.

treaty. Even when the Carter Administration was compelled to finally withdraw the treaty from the Senate's consideration, the supermajority bipartisan coalition was a potentially critical factor determining the ultimate fate of SALT II. Throughout the political process, congressional hearings and deliberations were important procedural components in reflecting a trajectory of consensus and dissension at the intraparty and bipartisan levels. In effect, the supermajority coalition opposing the treaty, comprising a faction of Senate Democrats and an overwhelming number of the Republicans, was the outcome of congressional hearings and discussions.

It is evident that extensive nature of congressional debate helped to forge and strengthen a rare bipartisan consensus against treaty approval in the Senate. While doing so it also simultaneously exacerbated legislative-executive dissension that eventually sealed the fate of SALT II. Throughout the debate proceedings reflections of continuum of consensus and dissension were discernible. However, from the standpoint of legislative-executive relations extensive debate in Congress proved to be detrimental. Therefore, conclusions can be drawn that for SALT II case study extensive debate in Congress did not facilitate forging legislative-executive consensus. The hypothesis cannot be accepted.

**Hypothesis 6: High media salience and coverage increase the propensity of legislative-executive consensus.** High media salience generates heightened public awareness and shapes public opinion. The magnitude of media coverage, especially in high-circulation newspapers like the *Washington Post*, *New York Times*, television channels, Cable News Network, domestic and international journals, etc. brings proposed

treaty legislation into the limelight for politicians as well as for the general public. Such increased exposure increases the propensity of reaching legislative-executive consensus.

In the case of the SALT II treaty, there was heavy publicity about the issue because of its strategic significance with regard to national security. The magnitude of media coverage and publicity in the *New York Times* for the SALT II treaty is evident from the statistics: (1) Total number of times SALT II was mentioned in any document type - 1164 ; (2) Total number of front-page stories - 75; and (3) Total number of editorial articles – 150.<sup>372</sup> High media attention for the SALT II treaty, in conjunction with increased constituency pressure, was greatly responsible for the dynamics of intraparty dissension and subsequent bipartisan consensus in Congress in opposition to the treaty. Members of Congress strategically used media and news conferences against the weak media strategy of the Carter Administration. Until the middle of August 1979, the administration was fairly confident of getting congressional approval on SALT II. But circumstances changed rapidly thereafter. Media played a prominent role here. On August 22, 1979, the National Foreign Assessment Center of the CIA issued an intelligence finding about the presence of a Soviet combat brigade in Cuba.<sup>373</sup> Senator Frank Church (D-ID), Chairman of the Senate Foreign Relations Committee (SFRC), expressed his deep concern with the latest development and wanted the Soviet brigade information to be made public. This was the turning point of heightened media activity. With a view to using media power strategically, Senator Church called a press conference

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<sup>372</sup> See Appendix C. It shows that the SALT II Treaty generated second highest level of media attention among the top five treaties during the time period 1979 - 1999. Data collected from the ProQuest Historical Newspapers the *New York Times* (1851–2007). Available at <http://proquest.umi.com.libproxy.uoregon.edu>

<sup>373</sup> Caldwell, Dan 1991. p.158. “The report was published in the *National Intelligence Digest*, a highly classified, closely read report that is circulated among some four hundred senior government officials.” Ibid.

and informed the public about the brigade episode. This event was reported by all major newspapers and television network channels.<sup>374</sup> This event was followed by a flurry of press conferences by senators and administration officials. Members of Congress on both sides of the aisle also started linking SALT II Treaty prospects to the Soviet combat brigade event. SFRC Chairman Senator Church commented, “There is no likelihood whatever that the Senate would approve SALT II as long as Soviet combat troops remain in Cuba.”<sup>375</sup> The *New York Times* reported the ranking Republican in the SFRC Senator Jacob K. Javits (R-N.Y.) as saying, “The issue of the Soviet troops could have a very profound effect whether the treaty [SALT II] could be ratified or not.”<sup>376</sup> Other prominent senators regardless of party affiliation – Senator Richard Stone (D-FL), Senate Minority Leader Howard Baker (R-TN), Senator Russell Long (D-LA), and Senator S.I. Hayakawa (R-CA) – used media to express deep concerns on the treaty and linking its prospects to the Soviet threat.<sup>377</sup> Media coverage further intensified as the SALT II debate became increasingly heated in the course of time. The *New York Times* reported a total of 445 articles just from May 1979 to December 1979.<sup>378</sup> The fallout of heightened media attention over the Soviet combat brigade significantly influenced the SALT II treaty ratification debate. It led to important senators like Russell Long (D-LA) changing his position from a proponent to an opponent of the treaty. The furor resulting from media

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<sup>374</sup> Caldwell, Dan 1991. p.162-3.

<sup>375</sup> *Washington Post*, September 6, 1979.

<sup>376</sup> *New York Times*, September 6, 1979.

<sup>377</sup> These senators expressed their opinions in the *New York Times*, *Washington Times*, and *Los Angeles Times*. See *New York Times*, September 6; November 20, 1979; *Washington Times*, September 6, 1979; *Los Angeles Times*, September 6; 14, 1979.

<sup>378</sup> [ProQuest Historical Newspapers: The New York Times \(1851-2009\)](#). See Appendix D.

coverage also reversed the prospects of treaty ratification. Media attention was also prominent during the Iranian hostage crisis and the Soviet invasion of Afghanistan in December 1979.<sup>379</sup> All of these international events and accompanying high-intensity media exposure widened the treaty policy distance between the Senate members and the Carter administration. The heightened media coverage had a negative effect that increased the propensity of legislative-executive dissension. Therefore, evidence did not support the prediction of the media hypothesis for the SALT II treaty consent process.

**Hypothesis 7: Electoral imperatives imperatives on pivotal opposition players in the Senate to get reelected in the ensuing elections by incurring favorable public opinion increase the propensity of legislative-executive dissension.** Domestic political exigencies in different congressional constituencies influenced the electoral prospects of some key senators during the SALT II ratification debate. Senator Richard Stone (D-FL), a key member of the Senate Foreign Relations Committee, was up for reelection and needed to strengthen support from conservatives in his own constituency in Florida. He was among the first to raise concerns about the Soviet brigade episode and eventually expressed his opposition to the treaty. Likewise Senator Frank Church (D-ID), Chairman of the Senate Foreign Relations Committee, was also running for reelection in a traditionally conservative state. He also raised serious concerns about the Soviet brigade and directly linked that event to SALT II treaty ratification prospects. Cuba and Soviet brigade fiasco were sensitive issues to Senator Church's constituency in Idaho, a state that was turning even more conservative.<sup>380</sup> With a "growing power of the New Right"

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<sup>379</sup> *New York Times*, January 29, 1980.

<sup>380</sup> Caldwell, Dan. 1991.

sweeping across the country and especially in Idaho, Church became the “target of a vicious campaign to prevent his reelection.”<sup>381</sup> In 1980 Church was running for his fifth term as US Senator. Although Church was a long-time incumbent running for office the last years of his fourth term proved to be rocky. His crusade to get congressional consent for the Panama Canal treaties three years ago was considered as a “giveaway” of the “American” canal in a conservative and traditionally Republican Idaho as Church was seeking reelection for the fifth term. As a matter of fact “conservative GOP challenger Steven Symms and a presumably independent ABC (Anybody But Church) Committee” based in the Idaho state capital Boise made “every effort to paint the Democratic incumbent as a big-government man associated with most federal programs coming out of Washington.” The GOP criticized Church’s every political move from “the economy to foreign policy” and viewed them to be “counter to those of his constituents.” The situation was so dire that Church was just two points ahead of his opponent in a late September Idaho Statesman poll.<sup>382</sup> Ultimately four-time Senate incumbent Senator Frank Church lost in his reelection. Democratic senators like Senator Church were under electoral pressure from their respective constituencies to carefully examine the provisions of the treaty. Electoral concerns of senators were greatly influenced by public opinion. Public opinion surveys conducted by NBC/*Associated Press* in September 1979 about the implications of SALT II on national security influenced senators’ policy preferences. The question was asked to 54% of the respondents who had heard or read about SALT II (presumably because of high publicity in the media). Public opinion was divided. While

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<sup>381</sup> LeRoy, Ashby and Rod Gramer. 1994. p. 561.

<sup>382</sup> *Christian Science Monitor*, October 16, 1980.

38% of the respondents thought that the treaty would strengthen national security, 43% thought it would weaken national security and 19% were not sure.<sup>383</sup> On the question of whether the Soviet Union could be trusted as a credible partner with regard to SALT II obligations, the September 1979 the NBC/Associated Press survey found that a majority comprising 71% of respondents thought that the Soviet Union could not be trusted. According to the Gallup poll, there was a consistent pattern of negative shift of public opinion with regard to ratification of the SALT II treaty from March to October 1979. The Gallup survey, conducted between September 28, 1979 and October 01, 1979 and after the presence of Soviet troops in Cuba, reported by the media showed that among the “aware group” of the United States public, 24% favored ratification, 26% were opposed, and 11% were uncommitted.<sup>384</sup> Importantly, these figures represented a proportional decline in public support since March 1979. In March the ratio in favor of ratification was 3 to 1; by June it slipped to 5 to 3; and by the end of September, the number in favor fell below the number of those who opposed.<sup>385</sup> Other polls also showed a downward trend in public opinion with regard to SALT II. The Harris/ABC survey showed that in May 1977, public support was about 10 to 1; it slipped to about 6 to 1 in May 1978 and further fell to 4 to 1 in May 1979.<sup>386</sup> The Roper poll showed much lower public support for SALT II than the NBC/*Associated Press* poll or the Harris/ABC survey, but it was somewhat comparable to Gallup survey figures. In the Roper poll, public opinion in favor

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<sup>383</sup> Congressional Research Service, Issue Brief Number IB79065. “*SALT II: A Review of Public Opinion Polls.*” 1980.

<sup>384</sup> The Gallup Poll, Public Opinion 1979. Survey # 139-G, p. 272.

<sup>385</sup> See Appendix D.

<sup>386</sup> Flynn, Gregory, and Hans Rattinger. 1985.

of SALT II declined from 2 to 1 in early 1979 to a roughly even split by mid-1979 to a majority opposing the ratification by the end of 1979.<sup>387</sup> Even President Carter's pollster, Patrick Caddell, found remarkable decline in public opinion in favor of SALT II. Caddell urged the administration to take steps to dispel the public's concern with issues like defense and foreign affairs.<sup>388</sup> All of these public opinion surveys reflected a trend of decline in public support for SALT II over time, despite some intermittent fluctuations. Members of Congress and the administration, though at times confused, were constantly struggling to assess the situation. The overall trend of declining public opinion across the country prior to the Senate decision proved to be challenging for Senate Democrats like Church who were facing tough reelection battle. On the other hand such declining public opinion emboldened the opposition GOP senators and campaign challengers to block SALT II. Therefore, we find that difficult electoral imperatives and declining trend of public opinion led to a situation where many moderate Democrats and conservative Republicans in the Senate came together to challenge the Carter administration's position on the treaty. Such political dynamic increased the propensity of legislative-executive dissension. Conclusions can, therefore, be drawn here that evidence basically supports the given hypothesis in the case of the SALT II treaty.

### **Intermediate-range Nuclear Forces (INF) Treaty**

**Background:** The Intermediate-Range Nuclear Forces (INF) Treaty was signed by U.S. President Ronald Reagan and Soviet Union Communist Party General Secretary Mikhail Gorbachev on December 8, 1987 in Washington D.C. This Treaty was a

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<sup>387</sup> See Appendix D.

<sup>388</sup> Caldwell, Dan.1991.

“significant milestone in arms control because it established an intrusive verification regime and because it eliminated entire classes of weapons that both sides regarded as modern and effective.”<sup>389</sup> According to the provisions of the Treaty the United States and Soviet Union “agreed to destroy all intermediate-range and shorter-range nuclear-armed ballistic missiles and ground-launched cruise missiles.”<sup>390</sup> The Treaty would ban all ground-launched missiles with ranges of 300-3,300 miles. It would also require that more than 800 U.S. missiles and twice that number of Soviet weapons be scrapped.<sup>391</sup> The object and purpose of the INF Treaty was to eliminate all of the intermediate-range and shorter-range missiles by the United States and Soviet Union along with launchers and support facilities for those missiles over a period of three years.<sup>392</sup>

The United States Senate began hearings of INF Treaty on January 25, 1988 amidst expectations of a bipartisan support and early approval. However, while sentiments in the Senate was largely favorable toward the efficacy of the Treaty some members voiced concern about its long term implications on the U.S.-U.S.S.R. strategic military balance, U.S.-NATO political and military cooperation, and future role of nuclear weapons on the western alliances.<sup>393</sup> Importantly the INF was the first arms control Treaty to be ratified by Congress since 1972 when the Anti-Ballistic Missile

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<sup>389</sup> Congressional Research Service, Report Number RL 33865. “*Arms Control and Non-Proliferation: A catalogue of Treaties and Agreements.*” 2010.

<sup>390</sup> Ibid.

<sup>391</sup> *Congressional Quarterly Weekly Report*, March 26 1988. p. 800-803.

<sup>392</sup> Report of the Committee on Foreign Relations, United States Senate, *The INF Treaty*. U.S. Government Printing Office, April 14, 1988.

<sup>393</sup> Congressional Research Service, Report Number 88-211F. “*Assessing the INF Treaty.*” 1988.

(ABM) Treaty was ratified.<sup>394</sup> While these concerns loom large in the Senate hearing and debate proceedings there were other following complications which need attention too: (1) President Reagan's long-standing skepticism about Soviet motives in arms control and other arenas; (2) Public apprehensions in the western world that arms control treaties were the best means of achieving elimination of the nuclear weapons; (3) A significant proportion of general public did not trust the Soviet Union's arms control commitments; and (4) The executive branch's testimony was not adequate for the Senate to be completely satisfied with all conditionality for the approval of the Treaty.<sup>395</sup> In the end INF Treaty was approved by the Senate on May 27, 1988 after four months of hearings and deliberations. The Treaty entered into force on June 1, 1988.<sup>396</sup> Strategically the timing of Senate approval was significant because it was just 2 days prior to Moscow visit by President Reagan to hold a summit meeting with Soviet Leader Gorbachev.

**Hypothesis 1: Unified government facilitates consensus-building in the treaty making process, while divided government does not.** The Senate gave its consent to the Intermediate-Range Nuclear Forces (INF) Treaty on May 27, 1988 by a resounding 93-5 vote under the political arrangement of divided government.<sup>397</sup> During the 100<sup>th</sup> Congress (1987-88), U.S. Congress (inclusive of the House of Representatives and the Senate) was controlled by Democrats while the White House was controlled by a Republican president. In such a political set up the relatively unanimous approval by Congress of a

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<sup>394</sup> *Congressional Quarterly Weekly Report*, May 28, 1988. p. 1431.

<sup>395</sup> Congressional Research Service, Report Number 88-211F. "Assessing the INF Treaty." 1988.

<sup>396</sup> Arms Control Association. Available at <http://www.armscontrol.org/factsheets/INFtreaty>

<sup>397</sup> *Congressional Record* – Senate, May 27 1988. p.12849.

major arms control treaty like INF was itself regarded an outstanding political event in the annals of congressional-presidential relations especially in an era of divided government. This landmark Treaty was also regarded as the most significant arms control achievement of the Reagan administration, especially after the shocking Iran-Contra affairs.<sup>398</sup> The ratification of INF Treaty was politically significant because of its setting up precedence to the overall dynamics of legislative-executive relations in which consensus ultimately prevailed over dissension resulting in congressional approval of a highly sensitive Treaty having strategic ramifications on national security.

The INF Treaty hearings started on January 25, 1988 as the Senate Foreign Relations, Armed Services and Intelligence Committees began their review almost simultaneously. Although there was a lot of political infighting during the four month period of Senate consideration of the INF, there had never been real doubt that the Senate would ultimately give its consent to the Treaty.<sup>399</sup> In a way INF Treaty enjoyed sufficient amount of goodwill on both sides of the aisle and that was quite remarkable in a divided government set up where the probability of legislative-executive dissension is generally higher. Nonetheless, there were reservations in the mind of influential senators across the political spectrum regarding various provisions of the Treaty when it came for hearing at the three powerful Senate committees. In fact the “content of the INF Treaty was a microcosm of the way in which fundamental disagreements over arms control philosophies were worked out among individuals surrounding Reagan, only to resurface

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<sup>398</sup> *Congressional Quarterly Weekly Report*, May 28 1988. p. 1431.

<sup>399</sup> *New York Times*, May 28 1988, p.1.

during the ratification debate.”<sup>400</sup> As a result the Treaty was most likely to witness heated debate during the Senate proceedings which in turn would influence the political process across the Pennsylvania Avenue.

Perhaps the most formidable challenge that the INF Treaty initially faced in Congress was from Senator Sam Nunn (D-GA), Chairman of the Senate Armed Services Committee and one of Washington’s most influential defense specialists. Nunn had been very critical of the administration’s intention to use the fine print of 1972 ABM Treaty to reinterpret other arms control treaties inclusive of INF Treaty. In fact, Nunn had warned the administration to abandon the rhetoric of reinterpretation. Nunn had repeatedly conveyed to the Reagan administration for months that “he might hold the INF hostage to make his point on ABM.”<sup>401</sup> Such a warning from a pivotal institutional player was supposed to come up as a document clause later in the INF ratification process. President Reagan expressed his concern on this matter in his diary where he wrote, “A clause bearing on futuristic weapons is being used to block ratification.”<sup>402</sup> At the same time North Carolina Republican Senator Jesse Helms, who was also ranking member of the powerful Senate Foreign Relations Committee, virtually “launched a broad-based assault on the [INF] Treaty.”<sup>403</sup> It was evident that a number of senators from both sides of the aisle were willing to challenge the efficacy of various provisions of the Treaty which were vital to the prospects of national security. Despite such reservations and possibilities

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<sup>400</sup> Nolan, Janne E. in Krepon, Michael and Dan Caldwell, ed. 1991. p. 366.

<sup>401</sup> *Congressional Quarterly Weekly Report*, September 5, 1987. p.2123.

<sup>402</sup> Reagan, Ronald. 2007. p.601.

<sup>403</sup> *Congressional Quarterly Weekly Report*, January 30 1988. p.192.

of heated debate, behind the closed doors, “senators waged a more subtle battle over how – and whether – to use the INF debate to influence future defense and arms control policies, without going overboard and seeming to jeopardize the Treaty.”<sup>404</sup> Empirical observations revealed the delicate balancing that the legislative and executive branches were gearing for during the future course of congressional ratification debate.

To facilitate Senate hearings with transparency the Reagan administration prepared a compelling line up of top administration officials to make a strong pitch in favor of INF Treaty. Secretary of State George P. Shultz would head off to the Senate Foreign Relations Committee on January 25, 1988. The same day Secretary of Defense Frank C. Carlucci would inaugurate the hearings at the Senate Armed Services Committee. As part of initiating three pronged pressure on Congress, President Reagan pressed for speedy approval of the Treaty at the State of the Union Address on the same evening. Clearly mentioning the Treaty the president said, “Our recently signed INF treaty is historic, because it reduces nuclear arms and establishes the most stringent verification regime in arms control history, including several forms of short-notice, on-site inspection.....I urge the Senate to give its advice and consent to ratification of this landmark agreement [Applause].”<sup>405</sup>

The Senate Intelligence Committee hearings began on January 28, 1988.<sup>406</sup> During the hearing proceedings the administration’s official strategy would be to apprise the committee members that the Treaty was structurally sound and stood on its own

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<sup>404</sup> *Congressional Quarterly Weekly Report*, January 30 1988. p.192.

<sup>405</sup> State of the Union Address. January 25, 1988. Available at <http://millercenter.org/president/speeches/detail/5684>

<sup>406</sup> *Congressional Quarterly Weekly Report*, January 23 1988. p.149.

merits and, therefore, needed to be approved by the Senate without any strings attached. That approach was “endorsed during the hearings by a bipartisan group of liberals and centrists including Alan Cranston (D-CA); Paul S. Sarbanes (D-MD); Richard G. Lugar (R-IN); and Nancy Landon Kassebaum (R-KS).”<sup>407</sup> Thus it was evident that there was a favorable wind of bipartisanship consensus already blowing during the congressional consent process of the INF Treaty. The Senate and the administration officials took a conciliatory tone to the Treaty in general during the ratification debate and in turn explicitly indicated a sense of seeking common grounds. Most observers saw the Treaty getting the requisite two-thirds majority vote in the final analysis.

In the run up to the hearings at the Senate Foreign Relations Committee (SFRC) hardline conservatives were primarily concerned with the standards for verifying Soviet compliance with the requisite provisions of the Treaty.<sup>408</sup> One of their apprehensions was that in case the Soviets resorted to cheating and did not comply with the standards set for verification and testing other long-range strategic weapons, then that would be dangerous from national security perspective.<sup>409</sup> Conservative hard-liner Republican senator from North Carolina and SFRC ranking member Jesse Helms (R-N.C.) challenged the Treaty’s verification provision. He questioned with his customary national security concern that the INF Treaty would ultimately leave the Soviets relatively more powerful even with compliance if they resorted to cheating by concealing hundreds of missiles that are liable

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<sup>407</sup> *Congressional Quarterly Weekly Report*, January 30 1988. p.192.

<sup>408</sup> *Congressional Quarterly Weekly Report*, September 5 1987. p. 2123.

<sup>409</sup> *Ibid.*

to be eliminated under the strict provisions of the Treaty.<sup>410</sup> In similar lines reflecting the traditional conservative apprehensions that the verification rules would be less stringent in case the Soviets violate the provisions and cheat, Senator Dan Quayle (R-IN) proposed “Senate resolution would declare that the INF verification agreement will not be accepted as a precedent for verifying a strategic-weapons deal.” According to Quayle “This is the minimum that can be expected from Senate conservatives, but it may also be the maximum they can hope for” since any more intrusive specific verification method could bring direct confrontation and political gridlock with the administration.<sup>411</sup> Thus it was relatively explicit that the conservative Republicans, even though they were apprehensive about the compliance by the Soviets of the crucial provision related to verification of strategic weapons, they were not quite willing to cross the line and create a perpetual political stalemate with the Reagan administration. The administration took necessary action to cooperate with the Senate to diffuse the interbranch tension. In a letter the Secretary of State George Shultz wrote to the senators about the eagerness of the administration to work with the Senate to examine the Treaty from all angles.<sup>412</sup> For that purpose the administration “appointed former Senator John Tower (R-TX), who had served his last term as chairman of the Senate Arms Services Committee, to help guide the Treaty through the ratification process.....and to allay the fears of conservatives about the verifiability of the INF Treaty and to prevent any crippling amendments or

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<sup>410</sup> *Congressional Quarterly Weekly Report*, January 30 1988. p.192.

<sup>411</sup> *Congressional Quarterly Weekly Report*, September 5 1987. p. 2123.

<sup>412</sup> Nolan, Janne E. 1991.

reservations that could force renegotiation of the treaty's terms.”<sup>413</sup> In the end even though the ranking member Republican Senator Jesse Helms wanted to bring in some amendments to the proposed document to make it more usable in the context of verification and compliance, such initiatives were rejected by voice vote by other members of the SFRC. Thus it was quite evident that the Senate committees, perhaps the Senate in totality, did not want to create any deliberate obstruction in the ratification process of INF Treaty. There was a distinct air of bipartisan consensus despite patches of internal dissension amongst the conservatives in the Republican Party during the Treaty consent process in the Senate.<sup>414</sup>

In the Senate Armed Services Committee, Chairman Sam Nunn (D-GA) who was one of the most respectable defense experts in the Senate made it explicit that he would not allow the INF Treaty to proceed further without making the Reagan administration accountable about its attitude toward 1972 ABM Treaty.<sup>415</sup> Nunn had written a letter to President Reagan on September 01, 1988 expressing his utmost dissatisfaction on administration's propensity to overstep the boundary of the ABM Treaty 1972. This was the closest that Nunn would go in confronting the administration. Nunn was critical about the Reagan administration's action about testing some anti-missile weapons thereby violating the provisions of ABM Act 1972. As a result he wanted to link INF Treaty ratification to the administration's inclination to stretch ABM Treaty too far and its reinterpretation. Although such a measure by an influential senator might be regarded as

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<sup>413</sup> Nolan, Janne E. 1991. p. 378.

<sup>414</sup> This kind of political dynamic was in sharp contrast to the typology of political contestation that is normally expected in a political situation of divided government.

<sup>415</sup> *Congressional Quarterly Weekly Report*, September 5 1987. p.2123.

confrontational, it was not destined to be a perpetual problem to permanently block the ratification of INF Treaty.

On a conciliatory note the Senate Select Committee on Intelligence (SSCI) provided a favorable report about the INF Treaty monitoring and verification capabilities. In its report to the United States Senate, some of the findings and conclusion of the SSCI were as follows:

The Committee notes that by a combination of National Technical Means and on-site inspection, the intelligence community will be able to monitor the drawdown and elimination of declared Soviet missiles launchers and associated equipment with great certainty....The specific requirements imposed by the Treaty, including the bans on production, flight testing and storage, will limit the ability of the Soviets to maintain non-deployed missiles in a high state of readiness.<sup>416</sup>

This favorable report from SSCI and later submitted to the SFRC proved to be important in quelling the apprehensions of the hardline conservative senators about the effectiveness of the verification and monitoring provisions in the INF Treaty. By and large, the Foreign Relations panel was satisfied with the findings of SSCI report and that was a significant step forward in the ratification process. In fact, the general perception was that the landmark INF Treaty enjoyed widespread bipartisan support and was scheduled to be overwhelmingly approved by the SFRC.<sup>417</sup> As part of the conciliatory move the Senate committee rejected several proposed amendments to the Treaty which were moved in the Foreign Relations panel by the hardline conservative opponents in March 1988. Jesse Helms' proposal to exempt non-nuclear cruise missiles from the INF Treaty was rejected, 12 to 3, with only fellow far-right conservatives Frank H.

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<sup>416</sup> Report of the Senate Select Committee on Intelligence (SSCI) to the US Senate. The INF Treaty monitoring and verification capabilities. April 21, 1988, p.7.

<sup>417</sup> *Congressional Quarterly Weekly Report*, March 26 1988. p.800.

Murkowski (R-AK) and Larry Pressler (R-S.D.) voting in favor. Helms' other proposals to ban short-range Soviet SCUD B missiles and flight-testing of intermediate-range strategic weapons were also defeated by the committee with only Helms and Pressler voting in favor.<sup>418</sup> All of these amendments would have required the Reagan administration to renegotiate with the Soviet Union. As part of a bigger response to such demands of Helms and in an unprecedented move "the amendments were opposed not only by all voting Democrats and by centrist Republicans such as Richard G. Lugar (IN), Nancy Landon Kassebaum (KS), and Daniel J. Evans (WA), but also by mainstream Republicans like Rudy Boschwitz (MN), Paul S. Trible Jr. (VA), and Mitch McConnell (KY).<sup>419</sup> The political dynamic of the Foreign Relations Committee reflected the broad sentiment in the Senate in favor of a bipartisan support for the INF Treaty. This proves that the propensity to forging bipartisan consensus was able to dispel the adverse consequence of internal dissension between the hardline and centrist and/or center-right conservatives within the Republican Party in the Foreign Relations panel of the Senate.

The Senate hearing proceedings in various committees indicate that there was no intention among the members to block the INF Treaty on a permanent basis despite the presence of divided government. Evidence from the discussion so far shows that from the outset there was a general willingness on the part of majority senators from both sides of the aisle and the Reagan administration to work out a viable consensus, if possible, for treaty approval that would facilitate elimination of short and medium-range nuclear missiles on each side of the Atlantic. Nonetheless a few influential senators like Sam

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<sup>418</sup> *Washington Post*. March 24, 1988. Section A. Page10.

<sup>419</sup> *Ibid*.

Nunn (D-GA) and Jesse Helms (R-N.C.) expressed reservations and apprehensions. In response the administration took necessary steps to mitigate such differences. As part of that process the Secretary of State George Shultz wrote a letter to the dissenting senators about the eagerness of the administration to work with the Senate to examine the treaty from all angles. The administration even appointed a former senator John Tower (R-TX), who had previously served as chairman of the Senate Arms Services Committee, to allay fears of the dissenting senators on the controversial aspect of verifiability of the INF treaty.<sup>420</sup> President Reagan's acceptance of the "common understanding" condition on INF treaty interpretation as imposed by Senate Majority Leader Robert C. Byrd (D-W.V.) and Senate Armed Services Committee Chairman Sam Nunn (D-GA) reflects the compromising attitude from the administration to reach bipartisan consensus and get the treaty approved ahead of the upcoming Moscow Summit.<sup>421</sup> At the same time the political dynamic in the Senate broadly signaled a distinct propensity toward bipartisan support for the treaty because of its strategic significance on national security during the pinnacle of Cold War era. It was evidential that the INF treaty enjoyed "strong and essentially unreserved support from the great preponderance of Senate Democrats and from a hefty number of Republicans, including such senior members of the party's mainstream as Minority Whip Alan K. Simpson (R-WY), Ted Stevens (R-AK), and Richard G. Lugar (R-IN)."<sup>422</sup> Therefore, it is quite evident that there were significant efforts among the treaty supporters from the Senate and the White House to iron out

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<sup>420</sup> Nolan, Janne E. 1991.

<sup>421</sup> *New York Times*, May 28, 1988, p.1.

<sup>422</sup> *Congressional Quarterly Weekly Report*, January 23, 1988. p. 149-53.

differences during the treaty approval process. Such political dynamic was unprecedented in a divided government setting.

However, even though when the spirit of broad bipartisanship under the conditions of divided government was in air there was a small caveat that needs attention here. While insisting that they were not trying to settle any misgivings on ABM Treaty 1972, the 1985 experience of Reagan administration's violating the provision of that treaty made Senate Armed Services Committee Chairman Sam Nunn (D-GA), and Majority Leader Robert C. Byrd (D-W.V.) skeptical. Consequently, these powerful senators demanded assurance from the administration that the interpretation of the INF Treaty as presented to the various Senate committees during hearing proceedings was authoritative, and thereby foreclosing any future attempt to reinterpret this pact.<sup>423</sup> For that purpose the Senate adopted the amendment - S.AMDT.2305 – filed by Senate Majority Leader Byrd stating that no president could later repudiate without Senate approval the INF Treaty interpretations as presented by administration officials/aides during the Treaty hearings and ratification process.<sup>424</sup> After complicated parliamentary maneuvering, the Senate finally adopted such an amendment to the INF ratification resolution by 72-27.<sup>425</sup> From the standpoint of the final document the amendment as “crafted by several members of the Senate Foreign Relations Committee, which was led by Senator Joseph R. Biden (D-DE), the Biden Condition stipulated that the Constitution required that the interpretation of a treaty should derive from the shared understanding

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<sup>423</sup> *Congressional Quarterly Weekly Report*, March 26, 1988. p.800.

<sup>424</sup> Bill Summary & Status. 100<sup>th</sup> Congress (1987-1988). S.AMDT. 2305. Available at <http://thomas.loc.gov/cgi-bin/bdquery/z?d100:SA02305>: See Appendix E.

<sup>425</sup> *Congressional Quarterly Weekly Report*, May 28, 1988. p.1431.

between the executive branch and the Senate of the treaty's text at the time of ratification."<sup>426</sup> Thus the approval of the INF Treaty had a constitutional overtone attached to it by the Senate and legally binding the Reagan administration to interpret the terms of the Treaty "in accordance with the common understanding of the Treaty shared by the president and the Senate at the time the Senate gave its advice and consent to ratification."<sup>427</sup> The clause related to "common understanding" as included in the terms and conditions of the Treaty was "defined to include the text of the Treaty, the provisions of the resolution of ratification, and the authoritative representations provided by the president and his representatives to the Senate. Any interpretation that differed with the common understanding would require joint action by Congress and the president either by treaty or by statute."<sup>428</sup> Even though President Reagan disliked such restrictions as imposed and even sent a letter to the Senate expressing concern about the amendment, in the end he had to agree with the terms and conditions of the amendment imposed by the Senate as part of the INF Treaty approval. As the *New York Times* rightly reported, "Of the half dozen conditions the Senate finally adopted as part of its advice and consent to the treaty, the one on treaty interpretation was the most significant and by far the most hotly contested - and it was a domestic battle. The condition, eventually offered by Mr. Byrd, seeks to establish that neither President Reagan nor any future president can reinterpret the treaty without the Senate's approval."<sup>429</sup> The final version of the INF

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<sup>426</sup> Nolan, Janne E. 1991. P.381.

<sup>427</sup> Fisher, Louis. 1998. p. 189.

<sup>428</sup> Ibid., p. 189-90.

<sup>429</sup> *New York Times*, May 28, 1988, p.1.

Treaty Resolution explicitly mentions the common understanding clause.<sup>430</sup> After taming the administration on prescribed terms and conditions the Senate took credible steps to expedite the INF Treaty approval process. In turn the Senate rejected procedural hurdles like other amendments filed by Senators Jesse Helms (R-N.C.) and Larry Pressler (R-S.D.). However, prior to approving the most important arms control achievement of the Reagan White House, Senate Democrats claimed victory in the latest round of contentious power struggle with the president in the overall process of negotiation and interpretation of the Treaty. Nevertheless the approval of INF Treaty by a near unanimous margin of 93-5 was a rare showcase of significant bipartisan support in a divided government set up. In an unprecedented move, and perhaps because of the strategic significance of the Treaty, the Democratic Senate generally remained highly cooperative in its efforts to build viable bipartisan consensus during the congressional approval process. The strength of such bipartisan support and cooperation can be estimated by the fact that out of 5 dissent votes, 4 belonged to Republican Party - Senators Jesse Helms of North Carolina, Gordon J. Humphrey of New Hampshire, Steve Symms of Idaho and Malcolm Wallop of Wyoming - and the remaining 1 belonged to Democratic Party - Senator Ernest F. Hollings of South Carolina - while two other Democratic senators – Joseph Biden of Delaware and John Glenn of Ohio – did not vote.<sup>431</sup>

The overall analysis of congressional approval process of the INF treaty appraises the academic community of the consensus-dissension continuum embedded in

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<sup>430</sup> See Appendix E for excerpts of the INF Treaty Resolution as approved by the United States Senate.

<sup>431</sup> *Congressional Record* – Senate, May 27, 1988, p. 12849; *New York Times*, May 28, 1988, p.1.

the treaty consent process. In this case the dynamics of divided government were distinctly observable with regard to the “common understanding” clause imposed by the Democrat-controlled Senate in the final text of resolution of advice and consent to ratification for Treaty Doc. 100-11 as part of exercising constitutional prerogatives under Article II, Section 2, of the Constitution. Common understanding condition was also the most critical issue for Senate approval. Political willingness on behalf of the Senate Democrats and Reagan White House to seek compromise on such a complicated issue was a milestone in deciding the fate of the treaty. INF treaty approval process narrates the complex trajectory of consensus and dissension that was embedded in the overall treaty consent process. Nonetheless, political willingness and capability to seek compromise amidst legislative-executive dissension in a divided government setting were unprecedented during the decision-making process. In the end a rare bipartisan consensus was reached and the treaty was approved by a near unanimous majority in the Senate. Therefore, evidence does not support the prediction of the given hypothesis for INF Treaty case study.

**Hypothesis 2: Ideological divisions and partisan differences result in greater dissension in the treaty process.** The dynamics of congressional approval process of the INF treaty reflected considerable influence of ideological variance especially between hardline conservative wing and the moderate wing within the Republican Party. A handful of influential far-right conservatives spearheaded by Senator Jesse Helms (R-N.C.) and Larry Pressler (R-S.D.) moved some amendments to block the treaty consent process. The ideological gap among the conservatives was constantly in play during the political process in the Senate. On the other hand there was a strong showcase of

bipartisan support for the INF Treaty. Such bipartisan consensus was able to successfully navigate the internal ideological conflict within the Republican Party in the form of rejecting some of the obstructive amendments which could have jeopardized the prospects of the Treaty getting approved. Even in the case of imposing the “Biden Condition” which constrained the president to interpret the Treaty based on shared understanding between the Senate and the president, some complex parliamentary maneuvering was dealt with on a bipartisan basis. Also the relatively speedy Senate approval of the INF Treaty in a divided government set up by an overwhelming 93-5 margin reflected diminished implications of partisan fault lines in the consent process. The Senate Democrats and Republicans showed unanimity as far as the strategic significance of the INF Treaty was concerned. Also there was broad based ideological intersection among Senate Democrats and Republicans on INF Treaty basically because of the strategic significance of the nuclear deal. Conclusions can therefore be drawn that evidence does not support the predictions of the given hypothesis for the INF Treaty case study.

**Hypothesis 3: Intra-party disagreement or squabble results in dissension in the treaty process.** In the case of approval process of the INF Treaty there was no significant intra-party dissension associated for which analysis can be made. There was near unanimity in the support for the Treaty, perhaps because of its strategic significance on national security and that the Treaty was negotiated by a hawkish president. The nominal and politically insignificant amount of whatever intra-party cleavage was evident in the Republican Party particularly with regard to hardline conservative group pioneered by Senator Jesse Helms (R-N.C.), Larry Pressler (R-S.D.) and Frank H. Murkowski (R-AK)

occasionally splitting from the mainstream Republicans. This group filed a few amendments without much real political consequence in the Senate ratification debate. The other instance of intra-party cleavage was observable in the final roll-call vote number that showed the INF Treaty getting approved by a near unanimous margin of 93-5. The strength of exceptionally strong bipartisan support and cooperation was distinctly experienced throughout the congressional approval process in a significant manner. by the fact that out of 5 dissent votes, 4 belonged to Republican Party - Senators Jesse Helms of North Carolina, Gordon J. Humphrey of New Hampshire, Steve Symms of Idaho and Malcolm Wallop of Wyoming - and the remaining 1 belonged to Democratic Party - Senator Ernest F. Hollings of South Carolina - while two other Democratic senators – Joseph R. Biden of Delaware and John Glenn of Ohio – did not vote.<sup>432</sup> Overall implications of such degree of intra-party dissension were largely inconsequential from the perspective of the outcome of the INF Treaty consent process. Therefore, evidence does not support predicted effect of the given hypothesis.

**Hypothesis 4: Effects of intra-party dissension is mitigated by higher degree of bipartisanship:** During the course of the ratification debate in the Senate there were several major obstacles which were imposed by a dissenting faction within the Republican Party. Hardline conservatives distanced themselves from the mainstream Republicans and moved amendments to block the passage of the INF Treaty. Evidence showed that Senate leaders from both sides of the aisle took appropriate action to overcome the intra-Republican Party “conservative filibuster against the INF Treaty” in an attempt to get the treaty ratified just in time prior to the Reagan-Gorbachev Summit in

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<sup>432</sup> *Congressional Record* – Senate. May 27, 1988. p. 12849. *New York Times*, May 28, 1988. p.1.

Moscow on May 30 – June 2, 1988. For that to happen Senate Majority Leader Robert Byrd (D-W.V.) and Minority Leader Bob Dole (R-KS) “stood together on the Senate floor in an end the conservative filibuster [intra-party cleavage within the Republican Party].”<sup>433</sup> When the far-right conservative wing sponsored amendments were hanging in the Senate in order to block the INF Treaty, in a rare display of strong bipartisanship the Minority Leader “chided Republican treaty opponents for the delay and told them that they have a duty to their Republican President.”<sup>434</sup> Overall, there was strong bipartisanship between the two parties on a unanimous basis and that was solely responsible to mitigate the effects of intra-party dissension within the Republican Party mainly based on ideological differentials. Such a trend was ultimately reflected in the roll call vote margin of 93-5 which showcased unprecedented level of bipartisan strength enough to mitigate any implications of intra-party dissension from the Senate Republicans. Therefore, the given hypothesis is accepted in the case of INF Treaty consent process.

**Hypothesis 5: More extensive debate in Congress facilitates finding common ground that increases the propensity of legislative-executive consensus.** The entire Senate ratification debate for the INF Treaty was about four months long. It was rigorous and frequently witnessed political infighting. Run up to the Senate deliberation was marked by divisions in certain sections of both Democratic and Republican Party. Key Democrats like Majority Leader Robert C. Byrd (D-W.V.) and Chairman of the Senate Armed Services Committee Sam Nunn (D-GA) were apprehensive about the

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<sup>433</sup> *Chicago Tribune*. May 25, 1988.

<sup>434</sup> *Los Angeles Times*. May 19, 1988.

reinterpretation of the INF Treaty, if approved, by the administration without due consultation with the Senate.<sup>435</sup> Despite such reservations these Democrats also showed willingness to cooperate if President Reagan accepted the legally binding “common understanding” condition as demanded by them. On the GOP side the resistance was more intense as a handful of conservative senators like Jesse Helms (R-N.C.), Dan Quayle (R-IN), Steven Symms (R-ID), Malcolm Wallop (R-WY) were dissatisfied on the issue of verification and compliance of the treaty provisions from Soviet Union’s perspective.<sup>436</sup> Notwithstanding such differences in certain sections of both parties, the overall sense of the legislative body generally reflected genuine interest to find out common grounds, cooperate and compromise regardless of strict party affiliations. This study asserts that extensive congressional deliberations along with the administration’s willingness to cooperate (as discussed elaborately in hypothesis 1) helped in strengthening the spirit of bipartisanship and consensus building in a divided government setting. One factor leading to convergence of interest across the aisle was the strategic significance of the treaty itself and that it was negotiated by a hawkish administration which was essentially very skeptical about Soviet intentions. As a result the rift observed sporadically during the Senate debate proceedings between hardline conservative and centrist wing of the Republican Party was not consequential as the legislative body was determined to go ahead with the approval process anyway. In fact, during the 4 month period of Senate consideration of the Treaty approval hardline conservative Republicans such as Jesse Helms (R-N.C.), Larry Pressler (R-S.D.), Arlen Specter (R-PA), and

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<sup>435</sup> The fear arose from the Reagan administration’s previous efforts to reinterpret the 1972 Anti-Ballistic Missile Treaty.

<sup>436</sup> Nolan, Janne E. 1991.

Malcolm Wallop (R-WY) pressed for amendments that were rejected by the Senate.<sup>437</sup> Those amendments were filed to create restrictions on the administration with regard to verification, monitoring and compliance issues of missile testing. Extensive debate proceedings were helpful to clarify the implications of these issues at length and ultimately dispel such unfounded apprehensions with regard to the efficacy of the deal. Longer debate increased the momentum toward forging stable bipartisan consensus between the Senate Democrats and Republicans. In such a situation where congressional deliberations were useful, the Senate ultimately considered that such would not have a positive effect on the ratification of the treaty. Hence they were rejected. However, the Senate approved the amendment proposed by Senator Sam Nunn (D-GA) and Majority Leader Robert Byrd (D-W.V.) intended to impose the provision of “common understanding” by a healthy margin of 72-27 vote.<sup>438</sup> Lengthy deliberations facilitated the Senate to recognize the critical importance of the constitutional intent to bring in the legislative and executive branches on the same page for consideration, ratification, and implementation of the treaty because of its far-reaching ramifications. Overall, conclusion can be drawn that the given hypothesis is true in case of congressional approval of the INF Treaty.

**Hypothesis 6: High salience and media coverage increase the propensity of legislative-executive consensus.** There was good indication of strong media salience and coverage during the INF Treaty approval process. The high amount media attention for the Treaty for the full time span from January 1, 1979 to December 31, 1999 is as

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<sup>437</sup> Congressional Information Service. CIS Number S 3842.

<sup>438</sup> *Congressional Quarterly Weekly Report*, May 28, 1988. p.1431; Fisher, Louis. 1998. p.189-90.

follows: (1) Total number of times the INF Treaty was mentioned in any document type - 497; (2) Total number of front-page stories - 65; and (3) Total number of editorial articles – 56.<sup>439</sup> In addition to the newspaper coverage, over the seven-year period “from 1981 through 1987, *ABC World News Tonight*, *NBC Nightly News*, and *CBS Evening News* devoted more than 2,000 minutes of total air time to the INF issue.”<sup>440</sup> The amount of media coverage – both in terms of articles and airtime – devoted to INF showed the serious importance of the INF issue during the Cold War era. Over the eight-month period prior to the congressional approval the *New York Times* published 154 news documents averaging about 20 news pieces on a monthly basis.<sup>441</sup> Out of these total news documents there were 25 editorials, 15 front-page articles, 95 articles, and 7 letters to editor published by the *New York Times* over the eight-month period.<sup>442</sup> Such large number of news documents bears testimony to the extensive nature of print media coverage and further reiterated the strategic significance of INF issue. Initially the *New York Times* covered the INF issue in a somewhat critical manner from 1982 to 1984. However, from 1985 onwards the *Times* apparently shifted its tone and started supporting the official INF policy perspectives. The rise in supportive coverage by the Times was more pronounced in 1987. Analysts argue, “This trend toward supportive press coverage actually reaffirms the notion that the press was pursuing a pro-arms-control agenda. That

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<sup>439</sup> See Appendix C. It shows that in terms of media attention the INF Treaty belongs to top five treaties during the time period 1979-99. Data collected from the ProQuest Historical Newspapers the *New York Times* (1851–2007). Available at <http://proquest.umi.com.libproxy.uoregon.edu>

<sup>440</sup> Genest, Marc A. 1995. p. 29.

<sup>441</sup> ProQuest Historical Newspapers The New York Times (1851 – 2007). Available at <http://search.proquest.com.libproxy.uoregon.edu/hnpnewyorktimes/results/>

<sup>442</sup> See Appendix E.

is, the only point when supportive coverage heavily outweighed critical coverage – in a ratio of approximately two to one – was in the year the agreement on INF was signed [1987].”<sup>443</sup> Over the four-month time period from January 1, 1988 to May 31, 1988 during which the Treaty was under the Senate consideration, the combined number of total evening television news coverage on *ABC*, *NBC*, and *CBS* was 75.<sup>444</sup> That constituted one story every two days during the congressional approval process. Over this period *ABC* covered the topic 25 times, *NBC* 23 times and *CBS* 27 times. Total time range for such evening news coverage was from a minimum of 10 seconds to a maximum of 5 minutes 20 seconds. Cable network coverage attained maximum attention in May 1988 when the number was 44.<sup>445</sup> This was because of the intensification of the ratification debate and eventual roll call vote in the month of May. The overall impression was that the network news channels covered the INF Treaty issue from a pro-arms-control perspective and in conformity to the administration’s official policy on the matter especially from 1986 onwards.<sup>446</sup> In the case of INF Treaty scholars argue that media represented public opinion and that “public debate was actually a press debate.”<sup>447</sup> Also the press acted as an effective “communicator” for the treaty and was “particularly effective as a lobby pressuring for arms control.”<sup>448</sup> Such media salience incentivized the

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<sup>443</sup> Genest, Marc A. 1995. p. 77.

<sup>444</sup> Vanderbilt Television News Archive. Available at <http://tvnews.vanderbilt.edu.libproxy.uoregon.edu/tvn-processquery.pl> See Appendix E.

<sup>445</sup> Ibid.; See Appendix E.

<sup>446</sup> Genest, Marc A. 1995. p. 41.

<sup>447</sup> Kegley, Charles and Eugene R. Whitkopf, 1987 as cited in Genest, Marc A. 1995. p. 121.

<sup>448</sup> Genest, Marc A. 1995. p. 126.

Senate to override in a rare strong bipartisan manner some of the obstacles brought up by a handful of hardline conservatives in the form of moving amendments in an attempt to block the nuclear deal. In the final analysis it can be concluded that the given hypothesis is accepted in the case of INF Treaty approval process.

**Hypothesis 7: Electoral imperatives on pivotal opposition players in the Senate to get reelected in the ensuing elections by incurring favorable public opinion increase the propensity of legislative-executive dissension.** Toward the end of 1987 when the INF Treaty was signed by President Reagan and General Secretary Gorbachev on December 8, 1987 in Washington, D.C. public opinion in the United States was highly favorable for the nuclear arms control deal. A Gallup survey conducted between December 4 and 7, 1987 showed that an overwhelming 76 percent of American people approved the Treaty while 11 percent opposed the Treaty and 12 percent did not know about it.<sup>449</sup> Reagan's reputation as the most conservative president of the 20<sup>th</sup> century and his hardline demeanor with Soviet nuclear threat was responsible for high public support for the INF Treaty.<sup>450</sup> According to a voter survey conducted during the second week of January 1988, "six out of ten Americans (59 percent) believed that an INF Treaty must in the national interest if Regan believed it to be a good deal. The poll found a near consensus for the INF Treaty, which was supported by 79 percent of Americans and opposed by only 17 percent."<sup>451</sup> Also Reagan's personal popularity among American people in general helped the administration to garner substantial support for this strategic nuclear

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<sup>449</sup> Gallup Survey # 282-G, December 4-7. 1987.

<sup>450</sup> Russett, Bruce. 1990-91.

<sup>451</sup> Cannon, Lou. 1991. p. 700.

missiles treaty.<sup>452</sup> Moreover, traditionally there had been consistent rise in public approval when major international nuclear missiles treaties like the INF Treaty showed promise. This was distinctly evident with the increased public approval on a sustained basis following the successful completion of the INF Treaty.<sup>453</sup> During the Senate hearing and debate proceedings which took place from January to May 1988 high public approval for the Treaty continued unabated. After the Treaty was signed a Gallup survey conducted for the time span January 4 – 11, 1988 found that 77 percent of the American people were in favor of the ratification of the INF Treaty.<sup>454</sup> A CBS News/New York Times survey conducted between January 17 and 21, 1988 showed that 67 percent of population wanted the U.S. Senate to ratify the INF Treaty.<sup>455</sup> An NBC/Wall Street Journal opinion poll from a sample population of 2392 taken in January 1988 showed that an overwhelming 67 percent of the public were in favor of the U.S. Senate ratifying the INF Treaty while 20 percent opposed such ratification.<sup>456</sup> The Washington Post reported on December 04, 1987 that in the latest Washington Post/ABC News poll, 52 percent of 1007 persons interviewed showed support for the INF Treaty as against 8 percent who opposed it, while 40 percent did not know enough about the deal to provide an opinion.<sup>457</sup> The *Washington Post* reported on January 30, 1988 that national survey of a sample of

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<sup>452</sup> Krutz, Glen, and Jeffrey Peake. 2009.

<sup>453</sup> Smith, Tom W. 1988.

<sup>454</sup> Survey of the Gallup Organization for the Times Mirror Company, January 4-11, 1988. See Appendix E for detailed analysis of Gallup Opinion Poll.

<sup>455</sup> Public Opinion. American Enterprise Institute for Public Policy Research. Vol.10; No.6; March/April 1988. p. 27. See Appendix E.

<sup>456</sup> Smith, Tom W. 1988.

<sup>457</sup> *Washington Post*. December 04, 1987. Section A. Page A1.

1000 registered voters showed an increase in public support since October 1987 for the proposed INF Treaty.<sup>458</sup> In similar lines as a show of support for the INF Treaty, an opinion poll conducted by Gordon S. Black Corporation in January 1988 from a sample population of 1406 showed that 62 percent of the public would vote for a candidate who supported the treaty in the ensuing presidential election.<sup>459</sup> Based on a national survey conducted by Market Opinion Research (MOR) between January 7 and 14, 1988 it was observed that 49 percent of the population indicated strong approval for the treaty, 33 percent indicated approval somewhat, and 18 percent indicated mild or strong disapproval.<sup>460</sup> Altogether about 82 percent of the population surveyed in this project expressed strong to moderate amount of support for the INF Treaty. Interestingly a whopping 94 percent Americans who had a more favorable view of the Soviet Union expressed support for the Treaty with 68 percent declaring strong support as compared to 67 percent and 30 percent respectively among those who had a relatively unfavorable view of the Soviet Union.<sup>461</sup> Also such opinion favorability continued when it came to cutting down long-range nuclear forces of both the United States and the Soviet Union into half. In this category an overwhelming 81 percent of the population surveyed approved such a move as against 12 percent who expressed disapproval.<sup>462</sup> In addition to the high domestic public approval rating in favor of the INF Treaty, international public

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<sup>458</sup> *Washington Post*. January 30, 1988. Section A. Page 04.

<sup>459</sup> Smith, Tom W. 1988.

<sup>460</sup> Sigelman, Lee. 1990. p. 39-40.

<sup>461</sup> *Ibid.* p. 41.

<sup>462</sup> Survey by Market Opinion Research for Americans Talk Security. January 7-14, 1988; Public Opinion. American Enterprise Institute for Public Policy Research. Vol.10; No.6; March/April 1988. p. 27. See Appendix E.

opinion was also phenomenally favorable. This was clearly evident when “Members of West European parliaments told the Senate Foreign Relations Committee yesterday [February 05, 1988] that their countries support the new U.S.-Soviet nuclear arms-reduction treaty and warned that rejection of the pact would jeopardize NATO and revive pressures for unilateral disarmament.”<sup>463</sup> It was argued that “A major reason approval is likely is the very widespread belief that if the Senate blocks the agreement, public opinion in other NATO countries would turn against the United States.”<sup>464</sup> For that purpose European allies urged the United States to make sure that the Senate approved the Treaty. Most significantly West German Chancellor Helmut Kohl endorsed the Treaty.<sup>465</sup> Such high favorability in public opinion for the INF Treaty both in the domestic and international spheres put pressure during the congressional approval process in the United States Senate. It proved to be a powerful incentive for the pivotal institutional players on both sides of the aisle from electoral standpoint to forge viable bipartisan coalition and get the Treaty approved. The combination effect of high public approval and electoral imperatives encouraged the Senate to successfully overcome some of the procedural obstacles brought up in the form of amendments by the hardline conservatives spearheaded by Jesse Helms (R-N.C.), Larry Pressler (R-S.D.), and Gordon Humphrey (R-N.H.).<sup>466</sup> These senators were not in immediate electoral trouble since none of them were running for 1988 Senate elections. While Senators Helms and Pressler

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<sup>463</sup> *Washington Post*. February 06, 1988. Section A. Page. 12.

<sup>464</sup> Congressional Quarterly Weekly Report. February 27, 1988. Page. 530.

<sup>465</sup> Nolan, Janne E. 1991.

<sup>466</sup> Mann, Thomas E. 1990.

were up for reelection in 1990, Senator Humphrey did not seek reelection in 1992. Two-time Republican incumbent from traditionally conservative state of Wyoming, Senator Malcolm Wallop who opposed INF Treaty, however faced a tough reelection battle in 1988. He barely received 50 percent of the vote against his Democratic challenger, State Senator John Vinich, and survived narrowly. Although his constituent was not satisfied with him because of his low connection to their domestic aspirations, his extreme conservative and intellectual position on INF Treaty in a conservative state was able to get over the threshold margin.<sup>467</sup> Republican senator Steve Symms from another conservative state of Idaho was not running for reelection that was way away in 1992. That means in general the main reason for these handful senators' opposition to the INF Treaty was far-right conservative ideology. They set up a right-wing "Anti-Appeasement Alliance" that would fight the trend exemplified by the INF Treaty." These groups of senators as members of the anti-communist alliance considered Reagan's signing of the INF Treaty as "his public embrace of the Soviet leader."<sup>468</sup> Thus the opposition seemed to be more ideological in its characterization. However, such opposition by a small group of far-right conservative senators was successfully overcome by majority of senators present and voting.

In the end high level of public opinion, both domestically and internationally, was the driving force behind successful passage of the Treaty that was eventually passed in the Senate by a near unanimous margin of 93-5. Therefore, it can be concluded that

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<sup>467</sup> Abramowitz, Alan I., and Jeffrey A. Segal. 1992.

<sup>468</sup> *New York Times*, January 17, 1988, Section 6, p.36.

evidence supports the given hypothesis largely in the context of high public approval for the Treaty.

### **North American Free Trade Agreement (NAFTA)**

**Background:** The North American Free Trade Agreement (NAFTA) was signed by President George H.W. Bush on December 17, 1992.<sup>469</sup> In 1991 Congress granted “Fast Track” authority to President Bush to negotiate NAFTA with Canada and Mexico.<sup>470</sup> Congressional authorization for a speedy trade deal enabled negotiation and ultimately the signing of NAFTA by the outgoing Bush Administration. NAFTA was later supported by President Bill Clinton, who in turn submitted the agreement to Congress for approval on November 3, 1993.<sup>471</sup> Although the agreement had a bipartisan initiative from the White House point of view, it witnessed one of the most contentious political contestations ever to happen in modern legislative-executive relations. Despite NAFTA being submitted to Congress by President Clinton under the political structure of unified government, it created an insurmountable political dissension inside his own Democratic Party. Interestingly, the ratification of the agreement in Congress was finally possible with the help of the support of the Republican Party. The United States House of Representatives passed the NAFTA bill on November 17, 1993, after a contentious debate and a lot of political maneuvering from the White House.<sup>472</sup> That was followed by

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<sup>469</sup> Congressional Research Service, Issue Brief Number IB 93049. “*North American Free Trade Agreement: Environmental Issues.*” 1993.

<sup>470</sup> Brown, Sherrod. 2004. p. 71.

<sup>471</sup> House Document Number 159, *North American Free Trade Agreement.* January 5- November 26, 1993.

<sup>472</sup> *Congressional Record* – House. November 17, 1993. p.29949.

passage by the United States Senate on November 20, 1993.<sup>473</sup> Interestingly, NAFTA had the unique distinction of acquiring unconventional and somewhat convoluted alliances at the interbranch level – (1) between Capitol Hill and the White House; and (2) between the like-minded Democrats and Republicans in Congress despite the presence of a unified government political arrangement at the institutional level. The run-up to the congressional approval of NAFTA portrayed a continuum of consensus and dissension inside Congress, as well as at the congressional-presidential level.

**Hypothesis 1: Unified government facilitates consensus-building while divided government does not.** In the case of NAFTA, the agreement was successful in obtaining congressional approval after a prolonged debate in both chambers of Congress.<sup>474</sup> While in the U.S. House of Representatives, NAFTA was approved by a margin of 234-200, in the U.S. Senate it was approved by a margin of 61-38.<sup>475</sup> From the bigger political perspective, unified government in the 103<sup>rd</sup> Congress (1993-1994) can be regarded to be the causal factor for the approval of NAFTA. But the dynamics of the political process leading to the successful passage of NAFTA reflect a very different story, in which unusual political alliances had to be forged and political maneuvering needed to be pursued primarily by the effort of the president in order to get congressional approval for NAFTA. President Clinton had to spend a lot of his political clout to help form such unconventional bipartisan alliances, in which like-minded Democrats and Republicans

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<sup>473</sup> *Congressional Record* – Senate. November 20, 1993. p. 31040.

<sup>474</sup> Since NAFTA is a trade agreement, it relates to regulation of interstate commerce. The U.S. Congress, comprising the House of Representatives and the Senate, is required to give approval to such a trade legislation bill.

<sup>475</sup> *Congressional Record* – House. November 17, 1993. p. 29949; *Congressional Record* – Senate. November 20, 1993. p. 31040.

came together in building a viable consensus for the successful passage of NAFTA. In the end, the House of Representatives approved the North American Free Trade Agreement by a comfortable margin of votes and provided President Clinton with a highly sought-after victory after a spell of lengthy, contentious debate that “crisscrossed party and ideological lines.... A bipartisan coalition of 132 Republicans and 102 Democrats prevailed over the opposition of 156 Democrats and 43 Republicans, and one independent.”<sup>476</sup> There was also a regional dimension in the process of building such rare political alliances. For that purpose, President Clinton had to find support in the Centrist and Sun Belt House districts.<sup>477</sup> The Senate also witnessed political alliances on such regional dimensions that ultimately resulted in the safe passage of NAFTA by a comfortable margin of votes.<sup>478</sup> In the Senate, the bipartisan coalition of 34 Republicans and 27 Democrats prevailed over the opposition of 28 Democrats and 10 Republicans.<sup>479</sup> Importantly, in every step of the congressional approval process, there was consensus and dissension in the House and the Senate. Such political dynamics ultimately influenced congressional-presidential relations.

From an analytical point of view, NAFTA was uniquely accompanied by unusual political conditions, in which the mere presence of unified government was not a sufficient causal factor for congressional approval. Partisan and ideological dimensions were seriously in play in mapping the contours of consensus and dissension in the political process. The urgency of reaching compromise between like-minded Democrats

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<sup>476</sup> *Washington Post*, November 18, 1993, p.A01.

<sup>477</sup> *Congressional Quarterly Weekly Report*, November 20, 1993. P.3181-92.

<sup>478</sup> *New York Times*, November 21, 1993, p.1.

<sup>479</sup> *Ibid.*

and Republicans ultimately prevailed in mitigating the negative implications of intraparty dissension within the majority Democratic Party. The NAFTA approval process in Congress qualifies the given hypothesis in a more refined manner. Despite the condition of unified government, unusual bipartisan consensus was critically important for success in the ratification process. Such unconventional consensus was accomplished by crisscrossing partisan and ideological dimensions. This was facilitated by unprecedented cooperation between Congress and the president, despite the odds of possible dissension. In such a political environment, defection by a group of Democrats was not strong enough to block the passage of NAFTA. Even though President Clinton had to face opposition within his own party, such as that from House Democratic Majority Leader Richard A. Gephardt and House Democratic Majority Whip David E. Bonior and their surrogates in the House of Representatives, such action by the dissenting group did not deter Clinton from forging a viable bipartisan alliance with the members of the Republican Party to effect the safe passage of NAFTA.<sup>480</sup> Notwithstanding internal dissension inside the Democratic Party in the House, there was a solid block of 102 Democrats who remained loyal to President Clinton. Additionally, Clinton was able to garner support from 132 members of the Republican Party members in the House. The presence of unified government helped in garnering support from 102 House Democrats. Aggressive political maneuvering on the part of President Clinton and House Republican Whip Newt Gingrich was instrumental to get more than the magic number of 218 votes required for the successful passage of NAFTA in the House of Representatives. In the end, NAFTA was successfully passed in the House by a comfortable margin of 234-

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<sup>480</sup> *Congressional Quarterly Weekly Report*, September 11, 1993. p. 2373.

200.<sup>481</sup> In the Senate, similar political dynamics helped to gain bipartisan support from Senate Majority Leader George J. Mitchell (D-ME) and Senate Minority Leader Robert J. Dole (R-KS), who assured the administration of the safe passage of NAFTA.<sup>482</sup> In the Senate, the bipartisan coalition of 34 Republicans and 27 Democrats was instrumental in getting a convincing margin of 61-38.<sup>483</sup> Interestingly, the president was more confident about the prospects of safe passage of NAFTA in the Senate.

The congressional approval process for NAFTA makes it evident that the desired effects of unified government to empower the president with adequate political capital were not present. The internal dissension within the Democratic Caucus weakened President Clinton. In the wake of unexpectedly low support from his own Caucus Clinton had to face serious challenges to garner unusual bipartisan support and build a consensus crisscrossing ideological and partisan dimensions. In order to secure congressional approval of NAFTA the president “expended significant political resources in delivering the votes of House Democrats amid the opposition of Democratic House leaders.”<sup>484</sup> To offset intra-Democratic Party dissension in the House Clinton tried to get some Senate members on his side and urged them to announce their pro-NAFTA position in order to give cover to the House members from the same respective states.<sup>485</sup> Thus the president had to resort to a lot of political maneuvering to make sure that he was able to accumulate just enough support from his own Democratic Caucus and also get an overwhelming

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<sup>481</sup> 234 votes comprised 132 Republicans and 102 Democrats. Of the 200 negative votes, there were 156 Democrats, 43 Republicans, and 1 independent.

<sup>482</sup> *Washington Post*, November 18, 1993, p.A01.

<sup>483</sup> Of the 38 negative votes, there were 28 Democrats and 10 Republicans.

<sup>484</sup> Krutz, Glen, and Jeffrey Peake. 2009. p. 170.

<sup>485</sup> Drew, Elizabeth. 1994. p. 339.

number of Republican Party members to forge a viable coalition. Overall the political process was highly contentious and reflected a continuum of consensus and dissension inside Congress as well as in the legislative-executive domain. In the end NAFTA was successful in getting through Congress purely based on a number game. But the traditional effects of unified government were not evident. Therefore, conclusion can be drawn technically in favor of the given hypothesis with qualification that because NAFTA was just able to garner simple majority vote in Congress, it was ultimately passed in a unified government setting. However, in reality the expected causal effect of unified government was absent throughout the political process. Presence of unified government did not provide President Clinton with political advantage to build resources from his own Caucus for the passage of NAFTA.

**Hypothesis 2: Ideological divisions and partisan differences result in greater dissension in the treaty process.** The congressional approval process for NAFTA shows that ideological dimensions were more dominant in the ratification debate. Evidence from the previous hypotheses shows that the crux of the ratification debate centered on dissension between congressional members who favored free trade and those who supported organized labor. Liberal members with strong unionization in their districts voted against NAFTA. Also, environmentalists feared that industry backers would take full advantage of less stringent pollution regulations in Mexico. The strong influence of ideology indicated that conservatives would generally vote in favor of NAFTA regardless of party affiliation. As a result, it was evidential that more moderate Democrats joined hands with the Republicans and supported NAFTA. This shows that strong ideological alignment dominated congressional proceedings. Even President Clinton projecting

himself as a New Democrat pitted against organized labor established credibility for him as someone who was willing to make compromises beyond traditional party affiliations.<sup>486</sup> Evidence shows that party affiliation did not have discernible influence on the NAFTA consent process. This was showcased by strong symbolic bipartisan support from Republican and Democratic presidents – Gerald Ford, Jimmy Carter, and George H.W. Bush when on September 14, 1993, at a press conference President Clinton was accompanied by these former presidents. Lack of party coherence in turn was overshadowed by the stronger effects of ideological dimensions. This ultimately helped to accomplish an unconventional bipartisan coalition between traditional Republicans and moderate Democrats, while the majority of liberal-wing Democrats voted against the trade deal. Therefore, the conclusion can be drawn that the given hypothesis applies to the NAFTA consent process.

**Hypothesis 3: Intraparty disagreement or squabbling results in dissension in the treaty process.** The approval process for NAFTA experienced formidable opposition inside the Democratic Party. At the forefront of this intraparty cleavage were two prominent Democratic congressmen, House Majority Leader Richard A. Gephardt and Whip David E. Bonior. Their opposition did reflect how intense the internal dissension within the House Democratic Caucus was regarding the fallout effect of NAFTA on job losses to Mexico and in turn making those congressmen who voted in favor of NATFA be held accountable in their respective constituencies.<sup>487</sup> David Bonier (D-MI), who was a pro-labor liberal, had been persistently working for months to round up votes to defeat

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<sup>486</sup> Box-Steffensmeier, Janet M, Laura W. Arnold and Christopher J. W. Zorn. 1997.

<sup>487</sup> *Congressional Quarterly Weekly Report*, September 11, 1993. p.2373.

NAFTA. Richard Gephardt (D-MO) from St. Louis shared the same views and was an opponent as well. However, within the powerful top Democratic leadership in the U.S. House of Representatives, Speaker Thomas S. Foley (D-WA) supported NAFTA.<sup>488</sup> Hence it was evident that there was a significant dissension within the top leadership of the Democratic Party in the House. Quite predictably, President Clinton was particularly more concerned about the internal dissension within the Democratic Caucus in the U.S. House of Representatives. In order to secure congressional approval of NAFTA, he “expended significant political resources in delivering the votes of House Democrats amid the opposition of Democratic House leaders.”<sup>489</sup> To offset such intraparty dissension in the House, Clinton tried to get some Senate members on his side and urged them to announce their pro-NAFTA position in order to give cover to the House members from the same respective states.<sup>490</sup> Such a political dynamic explains the nature of dissension and consensus based on intraparty ideological differences. Additionally, similar internal cleavage was observable in the U.S. Senate. As a consequence, the political ramifications of intraparty cleavage in the legislative-executive domain were imminent.

The organized labor and environmental communities vehemently opposed the proposed NAFTA bill.<sup>491</sup> Opposition from such powerful special interests further intensified intraparty cleavage within the Democratic Party. The rift with organized labor

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<sup>488</sup> *Congressional Quarterly Weekly Report*, September 11, 1993.

<sup>489</sup> Krutz, Glen, and Jeffrey Peake. 2009. p. 170.

<sup>490</sup> Drew, Elizabeth. 1994. p. 339.

<sup>491</sup> *Congressional Quarterly Weekly Report*, October 16, 1993. P.2791.

was, in particular, more daunting to cope with. Within the Democratic Party opposition came primarily from pro-labor states such as those that are situated along the country's northern border, the industrial Northeast and Midwest, and the inner cities.<sup>492</sup> These were also the states where organized labor opposition was stronger and “centered in the industrial unions, such as the Electrical Workers, the Machinists, Auto-Workers, and the Amalgamated Clothing Workers – the declining parts of the economy – as well as the Teamsters.”<sup>493</sup> About 59 percent of congressional lawmakers from the seven Great Lakes states ultimately voted against NAFTA.<sup>494</sup> Importantly, organized labor groups were reinforced by the opposition of a “large umbrella organization, the AFL-CIO” that demonstrated solidarity in opposing NAFTA.<sup>495</sup> Organized labor feared loss of jobs and lowering of wages and benefits because of NAFTA. In order to keep the channel of communication with organized labor open and also to win over the dissenting faction of the Democratic Party, Clinton brought in Bill Daley from Chicago to seek compromises with them.<sup>496</sup> This was a tactical political move, well made to control the effects of internal dissension.

Like organized labor, the environmental community opposed NAFTA. Three powerful environment and consumer groups the Sierra Club, Friends of the Earth, and Public Citizen – were influential in creating an internal rift inside the Democratic

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<sup>492</sup> *Congressional Quarterly Weekly Report*, November 20, 1993. p. 3181-92.

<sup>493</sup> Drew, Elizabeth. 1994. p. 339.

<sup>494</sup> *Washington Post*, November 18, 1993, p.A01.

<sup>495</sup> *Ibid.*

<sup>496</sup> *Washington Post*, November 18, 1993, p.A01.

Caucus.<sup>497</sup> In order to satisfy their demands, President Clinton reopened talks with Mexico to improve environmental protections and workers' safeguards. Negotiations with Mexico to strengthen environmental safeguards "were intended, in part, to mollify Democrats in Congress, many of whom campaigned against NAFTA, arguing that it would cost jobs and induce companies to relocate to Mexico to take advantage of looser enforcement of environmental laws."<sup>498</sup> Such talks were also intended to dispel the Ross Perot effect from any chances of deepening the rift inside the Democratic Party.<sup>499</sup>

The internal dissension within the Democratic Party divided the votes of Democratic lawmakers both in the House and the Senate. In the House, while 102 Democrats supported NAFTA, 156 Democrats opposed it.<sup>500</sup> In the Senate, while 27 Democrats supported NAFTA, 28 Democrats opposed it.<sup>501</sup> There was also a split within the Republican Party on the issue of NAFTA. But that was relatively inconsequential and technically less obvious, compared to the split within the Democratic Party. The extent of internal dissension within the Democratic Party was potentially significant enough to bring NAFTA down. But the administration was fortunate enough to make a viable cross-partisan political alliance and garner adequate support from the minority Republican Party. Had that unconventional bipartisan alliance not occurred, NAFTA would have been a failure.

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<sup>497</sup> *Congressional Quarterly Weekly Report*, July 3, 1993. p.1720.

<sup>498</sup> *Ibid.*

<sup>499</sup> Ross Perot campaigned hard against NAFTA on environmental issues.

<sup>500</sup> *Washington Post*, November 18, 1993, p.A01.

<sup>501</sup> *New York Times*, November 21, 1993, p.1.

Finally, this study states that the given hypothesis is relevant in the case of NAFTA, with the slight qualification that an unusually strong, abnormal alliance was instrumental in congressional approval for the agreement. However, the dynamics of internal dissension, especially within the Democratic Party, followed by the president making frantic efforts to forge a unconventional bipartisan alliance in Congress with the opposition Republican Party, portray the nature of a continuum of consensus and dissension in the political process of NAFTA approval in the midst of intra-party cleavage.

**Hypothesis 4: Effects of intraparty cleavage are mitigated by a comparatively higher degree of bipartisanship:** The approval of NAFTA was a classic case in which the effects of intraparty cleavage within the Democratic Party was mitigated or offset by a comparatively higher degree of bipartisanship. Dissension within the Democratic Party was a difficult political roadblock to the successful passage of NAFTA in Congress. Clinton anticipated the magnitude of the split in his own party, further propelled by stiff resistance by powerful organized labor and environmental protection groups against NAFTA. This evolving political situation prompted the president to take quick action toward forging an unusual alliance with the Republican Party. Such proactive efforts made by President Clinton to garner adequate bipartisan support mitigated the potential negative implications of internal dissension within the majority Democratic Party. In a dramatic turn of events, House Minority Whip Newt Gingrich (R-GA), generally a confrontationist leader, appealed to House Republicans to support NAFTA. Gingrich, who later became Speaker of the U.S. House of Representatives in 1995, claimed, “This is a vote for history, larger than politics, larger than reelection, larger than personal

ego.”<sup>502</sup> Meanwhile, the president, in a quest for stable bipartisan support, continued lobbying Congress on a regular basis, calling congressmen one at a time, meeting members of Congress in one-on-one sessions, meeting opinion leaders, making deals with individuals and groups of House members irrespective of party affiliations, and also appealing to the general public to support the agreement.<sup>503</sup> With a view to building viable bipartisan consensus amidst dissension within his own party, President Clinton in an unprecedented tactical move recruited a respectable former Republican congressman, William Frenzel from Minnesota, to generate support from Republican lawmakers.<sup>504</sup>

It so happened that even a couple of weeks before the crucial vote scheduled in the House, the president was still a dozen votes short. In order to make bipartisan consensus successful, the president sprang into action once again in full force. He started making phone calls to like-minded congressmen on both sides of the aisle and made plenty of deals to win over their vote in favor of NAFTA. Most conspicuous of the deals was the one that President Clinton made with Florida Republicans, who in turn extended support to NAFTA after getting special deals from the White House regarding greater protection for the state’s citrus, sugar, and winter vegetables from cheaper Mexican imports. Consequently, out of 23 Republican congressmen, 13 voted in favor of NAFTA.<sup>505</sup> In order to gain sufficient bipartisan support to successfully mitigate the loss from intraparty cleavage within his own Democratic Party, President Clinton also hosted

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<sup>502</sup> *Washington Post*, November 18, 1993, p.A01.

<sup>503</sup> Brown, Sherrod. 2004. p.77; Drew, Elizabeth. 1994, p.340.

<sup>504</sup> *Washington Post*, November 18, 1993, p. A01.

<sup>505</sup> *Ibid.*

public events together with Nobel Prize-winning economists, with former presidents, and with former secretaries of state. Among them, the most significant was the support from Henry Kissinger, former Secretary of State and a lifelong Republican, who publicly announced, “About once in a generation, this country has an opportunity in foreign policy to do something [NAFTA] defining, something that establishes the structure for decades to come.”<sup>506</sup> Colin Powell, another influential Republican, was invited to the White House to meet with President Clinton and endorse NAFTA.<sup>507</sup> Shortly before the vote, President Clinton threw White House dinners for the undecided policymakers. In order to seek alliance with pro-NAFTA business executives, Clinton met with Lee Iacocca, the former president of Chrysler.<sup>508</sup> The alliance with corporate America proved helpful in gaining wider support for NAFTA. Proponents of NAFTA were also supported by the Chamber of Commerce, the accountant community, trade consultants, etc.<sup>509</sup> On November 9, just eight days before the NAFTA vote in the House, Vice President Al Gore debated NAFTA opponent Ross Perot on national television on the popular CNN talk show “Larry King Live”. This debate was widely viewed across the political spectrum in the United States and helped generate public opinion that ultimately helped the administration in getting adequate support for NAFTA.

Overall proactive initiatives undertaken by President Clinton to build bipartisan support in Congress paid off and resulted in the successful passage of NAFTA. The

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<sup>506</sup> Brown, Sherrod. 2004. p.79.

<sup>507</sup> Drew, Elizabeth. 1994. P.340.

<sup>508</sup> Ibid.

<sup>509</sup> *New York Times*, November 18, 1993. p. A1.

strength of bipartisanship consensus was significantly greater than the intraparty dissension within the Democratic Party. The Republican Party joined hands with Clinton in a big way to mitigate the effects of such internal dissension within the Democratic Party. In fact, at the time of the vote, the administration was short of 100 or so Democrats due to internal defection, and President Clinton was counting on some 120 votes from the Republicans to put NAFTA over the top.<sup>510</sup> It is significant to notice that the NAFTA vote, done in a strong bipartisan manner, proved to be a new kind of legislative victory for President Clinton and an “apparent discount between Ross Perot and his political base.”<sup>511</sup> This is evident when House members from Perot’s strongest regional bases overwhelmingly supported NAFTA by a 2-1 margin, despite his strong opposition to the trade agreement. Reference can be made here about President Clinton’s compliments to “an investigative report in the Washington Post about how the administration had made several changes in prospective NAFTA rules to satisfy Hispanic legislators.”<sup>512</sup> In the end, NAFTA was passed by the House (November 17, 1993) by 234-200 and in the Senate (November 20, 1993) by 61-38.<sup>513</sup> Thus it was explicitly observable that “the legislation to implement the agreement [NAFTA] could pass only with Republican support. This was an example within a single party government of the Democratic president working with the House and the Senate Republican leaders to build majority support on a major issue. A majority of Democrats in each house opposed the

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<sup>510</sup> *Congressional Quarterly Weekly Report*, September 11, 1993. p.2373.

<sup>511</sup> *Congressional Quarterly Weekly Report*, November 20, 1993. p. 3181-92.

<sup>512</sup> *The Clinton Tapes*. 2009. p. 73.

<sup>513</sup> *Washington Post*, November 18, 1993, p.A01; *New York Times*, November 21, 1993, p.1.

agreement.”<sup>514</sup> The pro-NAFTA bipartisan support from both sides of the aisle was strong enough to result in NAFTA’s approval in Congress with only 40 percent of Democrats supporting President Clinton.<sup>515</sup> From the analysis it can be inferred that congressional approval of NAFTA was ultimately possible because of the unconventional bipartisan consensus in Congress. This was essentially possible because President Clinton skillfully used his presidential resources and showed leadership in reaching a compromise deal with the Republicans in Congress. Efforts on the part of GOP whip in the House, Newt Gingrich (R-GA), was also important to unite the pro-NAFTA members of the Republican Caucus. The Senate Republicans also followed similar pattern of coalition building to get NAFTA through. The effects of intra-party cleavage on both sides, especially in the Democratic Caucus, were successfully mitigated by comparatively higher degree of bipartisanship. Because of formation of such nonconventional bipartisan coalition in Congress in the wake of prolonged political maneuvering, in the end consensus at the congressional-presidential level was also reached. Therefore, conclusion can be drawn that evidence supports the given hypothesis in the case of NAFTA. There is no better way to confirm such an argument than when President Clinton himself expressed apprehension that NAFTA might be turned down by Congress in the end. Such concern was clearly portrayed during a conversation with a noted journalist, Taylor Branch, in the Truman Balcony of the White House on October 17, 1993, when President Clinton said,

The fate of NAFTA would rest on his [President Clinton] temporary alliance with House Republicans plus concerted effort to pick off enough

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<sup>514</sup> Jones, Charles. 1993. p. 257.

<sup>515</sup> Stack Jr., John F., and Colton C. Campbell. 2003.

Democrats from their own united leadership. Although the partisan lines were blurred, he said, it would come down to a struggle for votes, district by district.<sup>516</sup>

**Hypothesis 5: More extensive debate in Congress facilitates finding common ground that increases the propensity of legislative-executive consensus.** The approval process of NAFTA in Congress included extensive debate and hearing procedures. It is generally considered that prolonged debate and hearing procedures in Congress during the passage of a treaty or agreement represent the significance of the legislation debated. From the outset, NAFTA proved to be a challenging and difficult legislation to deal with in Congress. A significant split within the Democratic Party, in conjunction with stiff opposition by powerful organized labor groups and the environmental community, led to a highly contentious NAFTA approval process. The House debate procedures were especially marked by heated exchanges in which emotions and passions were running high. While powerful congressional leaders comprising House Speaker Thomas S. Foley (D-WA), Democratic Caucus Chairman Steny H. Hoyer (D-MD), Vice Chairman Vic Fazio (D-CA), and Deputy Majority Whip Bill Richardson (D-NM) supported the trade agreement, Majority Whip David E. Bonior (D-MI) and Majority Leader Richard A. Gephardt (D-MO) opposed NAFTA legislation.<sup>517</sup> From the procedural vantage point, extensiveness of debate also led to finding common ground and building consensus on a bipartisan basis. Prolonged congressional deliberations helped to clarify the positions of the congressional members across party affiliations and in turn to explore the prospects of bipartisan support for NAFTA. Extensive debate in turn was

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<sup>516</sup> The Clinton Tapes. 2009. p. 50.

<sup>517</sup> *Washington Post*, November 18, 1993, p.A01.

responsible for influencing the trajectory of consensus and dissension across party lines inside Congress, with ramifications at the congressional-presidential level. The degree of bipartisan support was eventually sufficiently strong to overrule a major Senate amendment (S.AMDT.1221) proposed by Senator Ted Stevens (R-Alaska). This amendment was ruled out of order by the Chair by a vote of 73-26.<sup>518</sup>

The proponents of NAFTA, including the White House, claimed that the trade bill would be pro-growth, pro-jobs, pro-exports and, once approved by Congress, would greatly improve the status quo with respect to trade, environmental conditions, labor rights, and help in creating and protecting large numbers of American jobs.<sup>519</sup> This characterization was echoed by the speech of House Speaker Thomas S. Foley (D-WA),

[NAFTA] is for this moment an opportunity to expand our trade, to reach out beyond our borders, to continue our leadership, to seize the future, and to do so on behalf, first of all our constituents and our citizens, but with the knowledge that it will be to the benefit of those neighbors, north and south, on both sides of the border.<sup>520</sup>

Another prominent supporter of NAFTA Steny H. Hoyer (D-MD) who was also Chairman of the Democratic Caucus commented,

If NAFTA passes, first the people of the United States stand to gain; second, America's credibility as a world leader, and as a trading partner will be enhanced; third, America's businesses and workers will profit from a market not just in Mexico but eventually throughout Latin America; fourth, America's competitiveness will be strengthened....<sup>521</sup>

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<sup>518</sup> Record Vote Number 329. The Library of Congress Thomas. Website: <http://thomas.loc.gov/cgi>

<sup>519</sup> Message of the President to the Congress of the United States, November 3, 1993.

<sup>520</sup> *Congressional Record* – House. November 17, 1993. p. 29948.

<sup>521</sup> *Ibid.*, p.29944.

Importantly, as a mark of bipartisan support, House Minority Leader Newt Gingrich (R-GA), while rallying House Republicans to support NAFTA, commented, “This is a vote for history, larger than politics, larger than reelection, larger than personal ego.”<sup>522</sup>

The opponents were of the view that NAFTA would lead to rampant plant shutdowns, job loss in the form of job flight from the United States to Mexico, decline of wages and labor benefits, relocation of major industrial plants to Mexico, and environmental degradation.<sup>523</sup> This was echoed by House Majority Leader Richard A. Gephardt (D-Mo.),

....we must not expose our workers and our corporations to unfair competition; to a wage system where the government sets the wages and artificially holds them down. We must not do that.<sup>524</sup>

House Majority Whip David E. Bonior (D-MI) made a passionate appeal to dissenting Democrats at the end of the long debate proceedings by asserting, “It will cost jobs. It will drive down our standard of living. If we don’t stand up for the working people in this country, who is going to?”<sup>525</sup> In the Senate, however, there was a higher degree of bipartisan consensus between Democrats and Republicans at the completion of deliberations and hearings. This was evident when Senate Majority Leader George J. Mitchell (D-ME) and Minority Leader Robert J. Dole (R-KS) expressed confidence on the successful passage of NAFTA in the Senate.<sup>526</sup>

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<sup>522</sup> *Washington Post*, November 18, 1993, p.A01.

<sup>523</sup> Brown, Sherrod. 2004. p. 73.

<sup>524</sup> *Congressional Record* – House. November 17, 1993. p.29947.

<sup>525</sup> *Washington Post*, November 18, 1993, p.A01.

<sup>526</sup> *Ibid.*

The nature and extent of lengthy debate proceedings in Congress resulted in a continuum of consensus and dissension during the NAFTA approval process. Growing bipartisan consensus amidst serious intraparty dissension within the majority Democratic Party was the consequence of extensive debate proceedings in Congress. Extraneous factors such as the Gore-Perot debate on CNN's "Larry King Live" also helped to generate favorable public opinion that had influenced the nature of congressional debate and ultimately accomplished rare bipartisan support. For instance, Vice President Gore was more articulate in analyzing the advantages of NAFTA and directly challenged Perot for his vested interest in opposing the trade bill.<sup>527</sup> The CNN debate was critical in shaping the trajectory of congressional deliberations.

Evidence from the above discussion shows that extensive debate in Congress was responsible for reaching consensus and successful bargaining across party lines and that ultimately led to legislative-executive consensus. In that regard the given hypothesis is true in the case of NAFTA. However, there was also negative fallout from long congressional deliberations as they led to more dissension within the Democratic Party. Overall the given hypothesis is true in the case of the NAFTA approval process because it was able to garner bipartisan support at the legislative-executive level.

**Hypothesis 6: High salience and media coverage increase the propensity of legislative-executive consensus.** NAFTA being a controversial and fast-track trade agreement, media salience and extent of coverage were critical in influencing the treaty approval process in Congress. The level of media attention that NAFTA received especially was overwhelming. In fact, NAFTA received the highest amount of media

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<sup>527</sup> *New York Times*, November 10, 1993, p.B.15.

attention in the *New York Times* for the time period from January 01, 1979 to December 31, 1999. Media attention numbers are as follows: (1) Total number of times NAFTA was mentioned in any document type 2193; (2) Total number of front-page stories - 292; and (3) Total number of editorial articles – 165.<sup>528</sup> Such a high level of media attention in conjunction with constituency pressure influenced NAFTA's approval process in Congress. Such media salience put enormous pressure on members of Congress on both sides of the aisle to clearly state their policy positions on such a hot-button issue. The high level of media attention, while influencing the congressional approval process, also helped members of Congress and the president to seek common ground and henceforth enhance the prospects of unconventional bipartisan consensus despite internal dissension within the Democratic Party. Media salience was an enabling factor for proponents of NAFTA to generate favorable public opinion. In contrast, NAFTA opponents, primarily constituting the dissenting faction within the Democratic Party, organized labor, and the powerful environmental community had difficulty in convincing the frontline media about the negative effects of the issue. By and large, all major newspapers in the country editorialized in support of and the desirability of free and open markets as proposed by NAFTA.<sup>529</sup> For instance, while the *Washington Post* editorials and op-eds were supportive of the trade deal by an almost 6 to 1 ratio, the *New York Times* quoted three NAFTA supporters for every one opponent in its news coverage.<sup>530</sup> The *New York Times* Editorial Notebook dated September 12, 1993, was highly critical of Texan businessman

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<sup>528</sup> ProQuest Historical Newspapers The New York Times (1851 – 2007). Available at <http://proquest.umi.com.libproxy.uoregon.edu>

<sup>529</sup> Brown, Sherrod. 2004.

<sup>530</sup> *Ibid.*, p.76.

Ross Perot's assertions about NAFTA's negative implications published in his latest book *Save Your Jobs, Save Our Country*.<sup>531</sup> Media coverage started to pick up from September 1993 and reached its crescendo in November 1993 because of the CNN debate and heightened expectations of congressional voting due to take place in that month. The *New York Times* recorded 180 reports for NAFTA in November out of a total of 467 news items from January 1, 1993 to November 30, 1993.<sup>532</sup> As far as cable TV network channels were concerned the combined evening news coverage of ABC, CBS, and NBC constituted 86 records for the time period from July 01, 1993 to November 25, 1993.<sup>533</sup> In all ABC produced 28 stories, CBS produced 30, while NBC had 28 evening news programs.<sup>534</sup> Television news broadcast with regard to NAFTA increased from a total of 30 stories in 1992 to 120 stories in 1993.<sup>535</sup> Particularly, in November 1993 the amount of TV coverage was exceptionally high because of the ensuing congressional voting scheduled for that month. For the most part, media coverage remained favorable toward NAFTA. Mainstream media coverage, both newsprint and electronic, was critical for issue salience. Particularly repeated TV coverage on such a contentious issue proved to be very effective in increasing issue awareness and issue important for the viewers.<sup>536</sup> Members of Congress were mindful of the overall tone of media coverage, and that

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<sup>531</sup> *New York Times*. September 12, 1993.

<sup>532</sup> [ProQuest Historical Newspapers: The New York Times \(1851-2009\)](#). See Appendix 16

<sup>533</sup> Vanderbilt Television News Archive. Available at <http://tvnews.vanderbilt.edu/libproxy.uoregon.edu/tvn-processquery.pl>

<sup>534</sup> See Appendix F.

<sup>535</sup> Rankin, David M. 2006.

<sup>536</sup> *Ibid*.

accordingly influenced congressional deliberations to a considerable extent. One of the tipping points of media attention was the highly publicized and widely viewed Gore-Perot debate on CNN's "Larry King Live" television show aired on November 9. Perot's vociferous assertions about NAFTA's devastating impact on American jobs particularly amplified media attention.<sup>537</sup> Perot's allegations were criticized and virtually dismissed by media narratives. The *New York Times* even commented, "Mr. Gore got the better of the evening.....Mr. Perot's opposition to NAFTA sprang from personal interests."<sup>538</sup> Favorable media coverage for NAFTA shaped public opinion that had direct bearing on congressional deliberations. As much as media salience was instrumental in influencing the dynamics of consensus and dissension, its favorable tone allowed the formation of a viable yet unconventional bipartisan coalition which was successful in overcoming the adverse effects of party-line dissension at various stages of congressional approval process. Media analysis confirms the acceptance of the given hypothesis for the case of NAFTA.

**Hypothesis 7: Electoral imperatives on pivotal opposition players in the Senate to get reelected in the ensuing elections by incurring favorable public opinion increase the propensity of legislative-executive dissension.** Electoral imperatives in the minds of

members of Congress were crucial in making their voting decisions. Democrats who were more vulnerable to electoral debacle and felt election insecurity supported President Clinton's coalition efforts.<sup>539</sup> House members from districts with high union membership

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<sup>537</sup> Berens, Charlyne. 1999.

<sup>538</sup> *New York Times*. November 11, 1993.

<sup>539</sup> Uslaner, Eric. 1998.

overwhelmingly voted against NAFTA.<sup>540</sup> Prominent among them were Representatives Gephardt (D-MO) and Bonier (D-MI) and their surrogates. They belonged to the Midwest and the Sunbelt areas dominated by organized labor unions. Members with large Hispanic constituencies regardless of party affiliations supported the Clinton coalition and voted in favor of NAFTA.<sup>541</sup> While taking full advantage of the congressmen's electoral imperatives being in his favor, Clinton "contacted eight Mid-Atlantic Republicans who were more sympathetic to his overall agenda and five Florida legislators whose districts had large Cuban-American populations."<sup>542</sup> House members from Mid-Atlantic States and the Southeast were more likely to vote against NAFTA because of electoral concerns. On the other hand, members belonging to districts with a high number of white-collar workers and farmers were more likely to support NAFTA.<sup>543</sup> Representatives from states with high unemployment rates also voted in favor of NAFTA because of electoral incentives. Electorates from such high-unemployment states as California, Oregon, Washington, Massachusetts, and New York accepted President Clinton's message that NAFTA was a jobs bill, and hence they were likely to benefit from trade with Mexico and Canada.<sup>544</sup> Another significant factor that influenced the congressional approval process for NAFTA was public opinion. In 1991, Gallup polls found support for NAFTA at a significantly high level of more than 70%. This figure fell

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<sup>540</sup> Livingston, C. Don, and Kenneth A. Wink. 1997; Box-Steffensmeier, Janet M, Laura W. Arnold and Christopher J. W. Zorn. 1997.

<sup>541</sup> Uslaner, Eric. 1998. The Hispanic community was overwhelmingly pro-NAFTA.

<sup>542</sup> Ibid., p.355.

<sup>543</sup> Ibid., p.361.

<sup>544</sup> Livingston, C. Don, and Kenneth A. Wink. 1997. p. 64.

dramatically by the fall of 1992. In September 1992, a Gallup poll showed that only 54% of the population favored NAFTA.<sup>545</sup> At the time of the passage of NAFTA, public opinion was virtually evenly split. With regard to the effect of NAFTA on U.S. exports to Mexico and job creation too in early November Gallup polls found public opinion to be evenly divided.<sup>546</sup> A preview of other public opinion polls is as follows: (1) In early November 1993, a Time/CNN poll found that while 41% of the population supported NAFTA, 39% opposed it and 20% were undecided; (2) In early November 1993, ABC News found the public evenly divided on the issue of NAFTA, with 42% supporting and 42% opposing it; (3) In November 1993, a CBS/New York Times poll found 37% in favor and 41% against NAFTA.<sup>547</sup> Mixed response by the public over NAFTA was the consequence of a contentious political process in Congress, in conjunction with a high level of media attention on the issue. Overall politicians in Washington recognized the latent underpinning of public support for NAFTA and in turn explored the prospects of forging a rare bipartisan consensus. Such underlying public support for NAFTA became stronger immediately in the aftermath of congressional approval of the trade deal. An NBC/Wall Street Journal poll found that 53% of Americans said it was a “step in the right direction,” and just 33% said it was a “step in the wrong direction.”<sup>548</sup> Public opinion in conjunction with electoral imperatives was instrumental in achieving a

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<sup>545</sup> The Program on International Policy Attitudes (PIPA).

Website: [http://www.americans-world.org/digest/global\\_issues/intertrade/nafta.cfm](http://www.americans-world.org/digest/global_issues/intertrade/nafta.cfm)

<sup>546</sup> See Appendix F.

<sup>547</sup> The Program on International Policy Attitudes (PIPA).

Website: [http://www.americans-world.org/digest/global\\_issues/intertrade/nafta.cfm](http://www.americans-world.org/digest/global_issues/intertrade/nafta.cfm)

<sup>548</sup> The Program on International Policy Attitudes (PIPA).

Website: [http://www.americans-world.org/digest/global\\_issues/intertrade/nafta.cfm](http://www.americans-world.org/digest/global_issues/intertrade/nafta.cfm)

nonconventional bipartisan coalition in Congress. Therefore, a conclusion can be drawn in support of the given hypothesis for the case of congressional approval of NAFTA.

### **Comprehensive Test Ban Treaty (CTBT)**

**Background:** The Comprehensive Test Ban Treaty (CTBT) was a major international arms control treaty that was signed by President Bill Clinton. This treaty was intended to ban underground nuclear weapons testing worldwide. It was a key step toward complying with the obligations of Article VI of the Nuclear Non-Proliferation Treaty (NPT).<sup>549</sup> The strategic significance of the treaty made it highly controversial in Washington because of its direct implications on national security and arms control. Partisan conflict between the Democratic White House and the Republican Senate were profound, resulting in full-scale legislative-executive contestation. CTBT was signed by President Clinton on September 24, 1996.<sup>550</sup> Clinton submitted the treaty to the United States Senate for advice and consent one year later on September 22, 1997.<sup>551</sup> As a classic case portraying conditions of divided government and polarized politics, the treaty was expected to encounter a contentious ratification process. In the end, the United States Senate rejected CTBT on October 13, 1999, by a vote of 48 to 51 with 1 abstention.<sup>552</sup> Analysis of the CTBT ratification process reveals the potential difficulties of finding common ground to forge bipartisan consensus, especially in a divided government setup

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<sup>549</sup> Congressional Research Service, Report Number RL33865. *“Arms Control and Nonproliferation: A catalogue of Treaties and Agreements.”* 2010.

<sup>550</sup> Krutz, Glen, and Jeffrey Peake. 2009.

<sup>551</sup> Congressional Research Service, Report Number IB92099. *“Nuclear Weapons: Comprehensive Test Ban Treaty.”* 2002.

<sup>552</sup> *Congressional Record* – Senate. October 13, 1999. p.25143.

marked by partisan conflict.<sup>553</sup> Long-term political ramifications of the treaty's demise were far-reaching for arms control. This case reinforces the assertion that constitutional provisions allow the treaty process to be a contentious foreign policy issue area, which is often marked by a continuum of consensus and dissension in the modern era.

**Hypothesis 1: Unified government facilitates consensus-building in treaty consent process, while divided government does not.** When the Comprehensive Test Ban Treaty was submitted to the United States Senate under the conditions of divided government, political tension on partisan lines between the Republican Senate and the Democratic White House was at an all-time high. As a result, the clash of titans between Congress and the president was almost a certainty. Also, the domestic political environment was conducive to partisan conflict. President Clinton was in the last two years of his second term, the so-called lame duck session, and the country was bracing for a tough presidential election cycle. Republicans were desperate to regain control of the White House after eight years. Amidst such political tension, the prospects of finding common ground at the congressional-presidential level were exceedingly slim.

However, there was also an extraordinary situation unique to the political environment of the 106<sup>th</sup> Congress (1999-2001), and that further enhanced political complications. In the Senate, where CTBT was expected to come up for advice and consent in the due course of time, the year witnessed intensely divisive politics because of the Senate trial of President Clinton, following his impeachment by the House of Representatives.<sup>554</sup> The prevailing high level of partisan animosity under the conditions

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<sup>553</sup> Bond, Jon R., and Richard Fleisher, ed. 2000.

<sup>554</sup> Evans, Lawrence, and Walter Oleszek, 2003.

of divided government worsened the dynamics of the already contentious CTBT ratification process. The treaty virtually became a pawn of brinksmanship and was destined to face serious political challenges in Congress. Once the president transmitted CTBT to the Senate for advice and consent, political contestation at the congressional-presidential level lingered for about two years.<sup>555</sup> Ultimately, on October 13, 1999, the Senate rejected the Treaty on a mostly party-line vote of 48 to 51 with 1 abstention.<sup>556</sup> Conditions of divided government dominated the treaty consent process throughout, resulting in legislative-executive dissension. Importantly, there was a remarkable amount of intraparty consensus within both the political parties. In the run-up to the roll-call vote, partisan division and political gamesmanship overshadowed any attempts at interbranch cooperation.<sup>557</sup> The continuum of consensus and dissension in legislative-executive relations was overwhelmingly discernible during the treaty consent process.

From the outset, the CTBT received cold treatment in the Senate. The typology of divided government was critical in setting the stage for a contentious political process. The treaty was held to be strategically flawed by its opponents. Notwithstanding significant differences between the Democratic White House and the Republican Senate, in his letter of transmittal President Clinton asked the Senate for speedy consent and approval. The letter assured members of the Senate about the long-term merits of the treaty as mentioned in the following lines:

The Comprehensive Nuclear Test-Ban Treaty is of singular significance to the continuing efforts to stem nuclear proliferation and strengthen global

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<sup>555</sup> The president transmitted the treaty to the Senate for advice and consent in September 1997. The Senate rejected the treaty in October 1999.

<sup>556</sup> *Congressional Record* – Senate. October 13, 1999. p. S12548.

<sup>557</sup> Evans, Lawrence, and Walter Oleszek. 2003. p. 90.

stability. Its conclusion marks the achievement of the highest priority on the international arms control and nonproliferation agenda.....I believe that the Comprehensive Nuclear Test-Ban Treaty is in the best interest of the United States. Its provisions will significantly further our nuclear non-proliferation and arms control objectives and strengthen international security. Therefore, I urge the Senate to give early and favorable consideration to the Treaty and its advice and consent to the ratification as soon as possible.<sup>558</sup>

In this letter, the president pointed out the various safety and security provisions of CTBT with regard to verification and monitoring of nuclear weapons and their sites. He also assured the Senate about the effectiveness of the Stockpile Stewardship Program (SSP) and provisions of strict enforceability of the treaty in the international community. Nevertheless, each one of these features became contentious and a source of heated debate in Senate proceedings during the ratification process. A majority of the Republican senators were in complete denial of the accuracy of the claims that the president made. The differences between Senate Republicans and the president reflected the partisan divide across Pennsylvania Avenue. This was evident when Senator Jesse Helms (R-N.C.), Chairman of the powerful Senate Foreign Relations Committee, expressed his reservations about committee consideration of CTBT.<sup>559</sup> In a letter to President Clinton, dated January 21, 1998, Senator Helms categorically stated his position:

Mr. President, let me be clear. I will be prepared to schedule Committee consideration of the CTBT only after the Senate has had the opportunity to consider and vote on the Kyoto Protocol and the amendments to the ABM treaty. When the administration has submitted these treaties, and when the

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<sup>558</sup> Message from the President of the United States transmitting Comprehensive Nuclear Test-Ban Treaty, 105<sup>th</sup> Congress, Senate Treaty Document 105-28, p. VII-VIII.

<sup>559</sup> Congressional Research Service, Number IB92099. *"Nuclear Weapons: Comprehensive Test Ban Treaty."* 2002.

Senate has completed its consideration of them, then and only then, will the Foreign Relations Committee consider the CTBT.<sup>560</sup>

In response to the letter of Senator Helms, President Clinton in his State of the Union Address on January 27, 1998 once again asked the Senate to give its consent to the treaty.<sup>561</sup> The battle lines between the Republican Senate and the Democratic White House were drawn based on the contours of divided government. Legislative-executive dissension got more intense because of a deficit of trust between Senate Republicans and the president regarding the controversial provisions of CTBT. Also, the administration did a poor job in aggressively lobbying and consulting with pivotal Republican leaders about how the treaty would be implemented.<sup>562</sup> Such “tactical blunders” by President Clinton and Senate Democrats to seek common ground put prominent “internationalist” Republicans such as Senators John W. Warner of Virginia (Chairman, Senate Armed Services Committee), Pete V. Domenici of New Mexico, Richard G. Lugar of Indiana, and Ted Stevens of Alaska in the camp of other, isolationist GOP colleagues.<sup>563</sup> In addition, tensions between the Republican Senate and the Clinton White House took an unexpected escalation in the wake of Clinton’s impeachment and trial procedures on Capitol Hill in the winter of 1998.<sup>564</sup> Subsequently, the Senate tried in every way to block CTBT and deprive President Clinton of attaining a coveted “legacy trip” in ensuring a major foreign policy triumph just 15 months before the completion of his second term in

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<sup>560</sup> *Congressional Record* – Senate, September 30, 1999, p.S11667.

<sup>561</sup> Address before a Joint Session of Congress on the State of the Union on January 27, 1998.

<sup>562</sup> Evans, Lawrence, and Walter Oleszek. 2003.

<sup>563</sup> *Congressional Quarterly Weekly Report*, October 16, 1999. p.2435-38.

<sup>564</sup> *Washington Post*, October 8, 1999, p. A24.

office.<sup>565</sup> Eventually, CTBT became a pawn of political gamesmanship, in which the two opposing parties in a divided government setup were fully committed toward intense contestation.

This was also the time when crucial hearings took place in the Senate Foreign Relations Committee and the Senate Armed Services Committee. Those who testified on behalf of the administration before the Senate Armed Services Committee were William S. Cohen (Secretary of Defense), Bill Richardson (Secretary of Energy), and General Henry H. Shelton (Chairman, Joint Chiefs of Staff). Others who testified were James R. Schlesinger (former Secretary of Defense), and General John M. Shalikashvili (former Chairman, Joint Chiefs of Staff). During the hearings, Senator John Warner (R-Va.), Chairman of the Senate Armed Services Committee, expressed his serious concerns about the implications of CTBT on U.S. national security. In the opening remarks of the crucial hearings on October 6, 1999, in which Secretary Cohen and General Shelton were supposed to testify, Senator Warner voiced his concerns and set the stage for contentious committee procedures:

I believe the burden is on the administration in this important treaty to prove almost beyond a reasonable doubt that the ratification of this treaty is in the National security interests of the United States today, tomorrow, and decades hence. This is a tough case. We are being asked to give up permanently – our tried and true ability to maintain the safety and reliability of our nuclear stockpile, subject to this monitoring system largely composed of computers, and to rely, as I say, on our computer simulation and modeling capability. That capability, while it is in progress, is not present today and it is inconclusive as to how soon it can be developed and whether in fact it will be able to be developed to replace the accuracy of the data.....Simply put, CTBT at this point in time could jeopardize our ability to remain a stockpile that is safe.....No previous president has ever proposed a test ban of zero yield and unlimited

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<sup>565</sup> *Washington Post*, October 8, 1999, p. A24.

duration.....CTBT will not allow us to replace aging or unsafe weapons in the future.<sup>566</sup>

The remarks of Senator Warner, who by and large represented the general perception of Senate Republicans, were critical of the treaty provisions. Such comments were indicative of a contentious treaty consent process that was expected under the conditions of divided government. In return, Senate Democrats, spearheaded by Senator Carl Levin (D-Mich.), refuted the claims made by Republican senators when Levin stated,

The CTBT, if it comes into effect, will increase significantly our ability to observe and monitor tests because it will create an international monitoring system of 321 monitoring stations in 90 countries.....The CTBT would make it harder for nations that already have advanced nuclear weapons to improve them.....I cannot understand why, when we have already decided to forgo nuclear testing ourselves, we would not support a Treaty that places constraints on the ability of other nations to engage in such testing..... it is important that this Treaty be ratified, but it is also important that it not be defeated.<sup>567</sup>

Such viewpoints of Senate Democrats were supported by Defense Secretary Cohen, General Shelton, and General Shalikashvili in their testimonies. In due course of the hearing procedure, Secretary Cohen and General Shelton were grilled by Senate Republicans such as Senator Strom Thurmond (R-S.C.), Jeff Sessions (R-AL), Olympia Snowe (R-ME), and James M. Inhofe (R-OK). Senator Thurmond, while asking questions of Secretary Cohen, directly accused the administration with his following remarks:

I believe that the CTBT may significantly weaken the National security of the United States.....I agree with Chairman Helms<sup>568</sup> that the United States has more urgent priorities than an unverifiable, ineffective, and

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<sup>566</sup> Hearings before the Committee on Armed Services, United States Senate. October 6, 7, 1999, p.3-4.

<sup>567</sup> Ibid., p.8-9.

<sup>568</sup> Senator Jesse Helms (R-N.C.) who was then Chairman of the Senate Foreign Relations Committee.

undesirable nuclear test ban. The administration's political calendar is dictating the urgent push for ratification<sup>569</sup> .....While this Treaty will tie our hands, other nations will proceed to test in secret.<sup>570</sup>

While denying Senator Snowe's (R-ME) criticism of President Clinton's support for a zero-yield CTBT, Senator Levin (D-MI) advocated that a zero-yield CTBT would make it harder for other countries to maintain existing stockpiles.<sup>571</sup> He asserted, "A zero yield Test Ban Treaty will make it harder and more expensive for other nations to become nuclear states."<sup>572</sup>

The political dynamics of the Senate Foreign Relations Committee was also characterized by interbranch competition, thereby further diminishing any prospects of political convergence between the president and Senate Republicans. The hearing process and subsequent deliberations were highly politicized.<sup>573</sup> In his opening remarks, Chairman Helms (R- N.C.) made it very clear about his intentions of not supporting CTBT. He stated that U.S. foreign policy experts were generally against treaty ratification. Helms added,

Four former Directors of Central Intelligence have weighed in against the CTBT, including two of President Clinton's CIA Directors....two former chairmen of Joint Chiefs are likewise strongly opposed, and yesterday the Senate received a letter signed by six – count them, six – former Secretaries of Defense. In any case, perhaps we should be reminded that it's not the Republicans who asked for this vote [CTBT ratification]. It

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<sup>569</sup> A vivid specimen of highly polarized political process typical in an environment marked by divided government.

<sup>570</sup> Hearings before the Committee on Armed Services, United States Senate. October 6, 7, 1999, p.25-6.

<sup>571</sup> *Ibid.*, p. 44.

<sup>572</sup> *Ibid.*, p. 98.

<sup>573</sup> Congressional Quarterly Weekly Report, October 9, 1999. p.2393-95.

was forced upon us by the President and all 45 Senators on the other side of the aisle.<sup>574</sup>

The comments made by Senator Helms were highly political. On one hand, he attempted to show evidence of general distaste among retired defense and intelligence officials for CTBT. On the other hand, he directly blamed the president for the political impasse that had erupted over the issue of CTBT. This classic political overtone was reminiscent of the divided government in existence on either side of Pennsylvania Avenue. In return, the ranking member of the Senate Foreign Relations Committee, Senator Joseph Biden (D-DE) criticized Helms about his low priority for CTBT. Biden said,

I would argue it is the first hearing as well as the final hearing.<sup>575</sup> And as it relates to a clear consensus of the foreign policy community, I would ask, rather than take the time now, to enter in the record a list of prominent individuals including the present and five former Joint Chiefs of Staff, as well as 32 Nobel laureates, et cetera, and so if we can duel on who supports what, I am confident that there are more prominent Americans, particularly scientists, who support this than oppose it...<sup>576</sup>

The political rhetoric that characterized heated exchanges between the chairman and the ranking member of the Senate Foreign Relations Committee in the very beginning of the CTBT hearings provides for ample evidence of the partisan divide that was witnessed during the ratification debate. Political deliberations were reduced to a clash of political egotism between the Democratic proponents and Republican opponents.

Among the key speakers who testified before the Senate Foreign Relations Committee were Madeleine K. Albright (Secretary of State) and Caspar W. Weinberger

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<sup>574</sup> Hearings before the Committee on Foreign Relations, United States Senate. October 7, 1999, p.2.

<sup>575</sup> This is a sharp criticism of the Republican-dominated Senate Foreign Relations Committee hearing procedure that gave only one session of hearing for CTBT. Incidentally, this criticism comes up again in the Senate debate during the roll call vote on October 13, 1999.

<sup>576</sup> Hearings before the Committee on Foreign Relations, United States Senate. October 7, 1999, p.2.

(former Secretary of Defense). While Secretary Albright represented the point of view of the Democratic White House, Secretary Weinberger represented the Republican Senate. By and large, this was a perfect lineup for dramatizing the prospects of partisan politics in an already tension-ridden and divided government setup. As was expected, Secretary Weinberger opposed CTBT when he said,

...the treaty means we would be committing ourselves in perpetuity, forever, not to use the most effective means of being able to assure us and the world that our stockpile works, and for that reason I would very much oppose the treaty, and I would hope the Senate would, too.<sup>577</sup>

Albright, on the other hand, supported the treaty. While welcoming the Secretary of State to the Senate Foreign Relations Committee, ranking member Biden (D-DE) set the tone for a positive appraisal of CTBT, thereby refuting the claims made earlier by Helms and Weinberger. Biden said in his statement,

The Comprehensive Test Ban Treaty is manifestly in the security interests of the United States.....Ratification of the test ban treaty is in our national security interests because the treaty is going to help reduce the ability of nations to join the nuclear club or to field sophisticated nuclear weapons they do not now have....The CTBT is in our interest because it will cap the nuclear programs of the existing nuclear powers, thus giving our military planners greater certainty about the arsenals of possible adversaries.<sup>578</sup>

Echoing a similar proposition, Albright made a powerful statement in a highly convincing manner, thereby making every effort to dismiss the claims of Weinberger. Her main arguments were:

Under the Treaty [CTBT], America would retain a safe and reliable nuclear deterrent, but by preventing testing, the treaty will inhibit the development of more advanced weapons by other nuclear weapons states

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<sup>577</sup> Hearings before the Committee on Foreign Relations, United States Senate. October 7, 1999, p.15.

<sup>578</sup> Ibid., p. 70-1.

and make it harder for countries that do not now have such weapons to build them....We can keep our weapons fully safe and reliable under the provisions of the treaty and the special safeguards President Clinton has proposed. This view is echoed by our senior military leaders, including General Hugh Shelton, Chairman of the Joint Chiefs, and four of his predecessors, and has been supported consistently by the chiefs of all our Armed Services....The CTBT would improve our ability to deter and detect clandestine nuclear weapons activity in three ways. First, every signatory would be required to accept intrusive monitoring. Second, the treaty establishes a comprehensive international verification regime....Third, the treaty would give us the right to call for onsite inspections when we have evidence that a test has occurred....The CTBT prohibits all explosive tests, and we would take any sign of cheating very seriously....<sup>579</sup>

Albright's testimony was very comprehensive, covering the gamut of the provisions of CTBT. However, her words did not conform with the critical appraisal made earlier by prominent Senate Republicans such as Senator Jesse Helms (Chairman, Senate Foreign Relations Committee) and Senator John Warner (Chairman, Senate Armed Services Committee). Such hearings further exacerbated the already existing political fault line between Congress and the president, almost to the crisis point. After the hearing procedures were over, Senate Majority Leader Trent Lott (R-MS) said, "Just in the last two days, in hearings before the Armed Services Committee and the Foreign Relations Committee, it's become apparent that this Treaty is flawed -- should not be ratified, now or in the foreseeable future."<sup>580</sup> Such a political development had adverse ramifications down the line when the Senate took up CTBT for floor debate and roll-call voting. The political gridlock between the Democratic White House and Republican Congress was distinctly observable in the Senate debate, when CTBT was ultimately rejected by a 51-48 margin. The yeas were substantially less than the required number of 67.

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<sup>579</sup> Hearings before the Committee on Foreign Relations, United States Senate. October 7, 1999. p. 72-3.

<sup>580</sup> *New York Times*, October 9, 1999, p.8.

The political process associated with Senate debate on CTBT and the dramatic manner in which the roll-call vote was conducted on the Senate floor was unique. In the Senate debate, Republicans reiterated their concern that the treaty would not ensure that other nations would comply with its provisions. They also argued that if CTBT were ratified, it would be difficult for the United States to ensure the viability of its own strategic nuclear stockpile. Senate Republicans utterly rejected the Democrats' viewpoint that failure to ratify CTBT would send a wrong message to other nations interested in joining the nuclear club.<sup>581</sup> Among others, key Republican Senators who took part actively in Senate debate were Senate Majority Leader Trent Lott (R-MS), Jesse Helms (R-N.C.)<sup>582</sup>, John Warner (R-VA)<sup>583</sup>, John Kyl (R-AZ), and James Inhofe (R-OK). On the Democratic side, the political heavyweights were Senate Minority Leader Tom Daschle (D-S.D.), Carl Levin (D-MI)<sup>584</sup>, Joseph Biden (D-DE)<sup>585</sup>, Dianne Feinstein (D-CA), and Barbara Boxer (D-CA).

In the executive session of the Senate debate on CTBT, Daschle pointed out that CTBT did not get enough time for consideration. In fact, he brought in on the Senate record a comparative chart of the time for consideration of all other major international treaties for the period 1972-99.<sup>586</sup> This concern was echoed by Senator Robert Byrd (D-W.V.), who expressed dissatisfaction with the inadequate time given by Senate

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<sup>581</sup> The Washington Post, October 14, 1999, p.A01.

<sup>582</sup> Chairman, Senate Foreign Relations Committee.

<sup>583</sup> Chairman, Senate Armed Services Committee.

<sup>584</sup> Ranking member, Senate Armed Services Committee.

<sup>585</sup> Ranking member, Senate Foreign Relations Committee.

<sup>586</sup> *Congressional Record* –Senate. p.12507.

Republicans for the consideration of the CTBT.<sup>587</sup> In fact, indirectly, Daschle and Byrd were criticizing the high level of partisan politics that was rampant in the divided government setup of the 106<sup>th</sup> Congress. This partisan politics on the procedural level was also heavily criticized by President Clinton in his news conference on October 14, 1999.<sup>588</sup> The Republicans by and large ignored all such criticism. To worsen the politics of animosity and extreme rhetoric in the divided government setup in the 106<sup>th</sup> Congress, there was a war of words, especially between Minority Leader Tom Daschle (D-S.D.) and Senate Foreign Relations Committee Chairman Senator Jesse Helms (R-N.C.). Daschle said, “This is a terrible, terrible mistake. If politics don’t stop at the water’s edge, nothing does.” Senator Helms considered CTBT as “the most egregious Treaty ever submitted to the Senate for advice and consent....a dangerous Treaty” that deserved the Senate’s rejection.<sup>589</sup>

However, the really problematic issues on which the Senate Republicans and Democrats encountered major differences again concerned verification, monitoring, enforceability, nuclear stockpile, nonproliferation, and the ultimate implications for national security. In his statement, Helms referred to the letter written by Henry Kissinger, former Secretary of State, voicing utmost concern about the national security implications of CTBT on the United States.<sup>590</sup> Voicing such concerns, Helms stated,

The CTBT is a dangerous treaty which, if ratified, would do enormous harm to our national security. It will not and cannot accomplish its highly

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<sup>587</sup> *Congressional Record* –Senate. p.12523.

<sup>588</sup> 182<sup>nd</sup> News Conference of the President of the United States, October 14, 1999.

<sup>589</sup> *Washington Post*, October 14 1999, p.A01.

<sup>590</sup> Kissinger pointed out his apprehensions about the treaty’s effectiveness on verification, monitoring, enforceability (provisions of sanction), nuclear stockpile, and non-proliferation.

exaggerated stated goal of halting the spread of nuclear weapons.....Unable – indeed unwilling even to try to respond to these facts, the White House has spitefully argued that Republicans are playing politics with the national security of the United States – a spurious charge, which is one of the many reasons why the Administration has failed to convince Senators who have raised substantive concerns.....We [the Senate Republicans] are opposed because the CTBT is unverifiable, and because it will endanger the safety and reliability of the U.S. nuclear arsenal. Those who support the CTBT have failed to make a compelling case, and that, Mr. President, is precisely why the CTBT is headed for defeat.<sup>591</sup>

Such rhetorical comments were highly detrimental in seeking compromises on a crucial issue like CTBT and further intensified the vitriolic tone of the day's politics. Politicians across party lines did not want to budge an inch from their respective positions, in a typical pattern of political gridlock catalyzed further by a divided government set up. To counterattack the Republican criticisms, Democrats fired back. Senator Dianne Feinstein's (D-Calif.) comments on the issue clarify this point:

The treaty [CTBT] is a key element of global non-proliferation regime....The CTBT will constrain the development of nuclear capabilities by rogue states, as well as the development of more advanced weapons by declared nuclear states.....The CTBT will improve the U.S. ability to detect and deter nuclear tests.....The CTBT will make the world a safer place and safeguard U.S. national security interests.....The treaty's onsite verification provisions will increase our current verification capabilities.....With the Stockpile Stewardship Program (SSP) further nuclear testing is not necessary to maintain the safety and reliability of the U.S. arsenal.<sup>592</sup>

Feinstein's viewpoints were largely supported by the Democratic Caucus. For instance, Senator Carl Levin (D-MI) expressed deep concern about the political brinkmanship that was being played on the Senate floor purely on a partisan basis, to take advantage of the

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<sup>591</sup> Congressional Record – Senate. p.12507.

<sup>592</sup> Ibid., p.12528.

divided- government political scenario. He echoed the sentiments of the administration, its point men, and other prominent officials who testified in support of the treaty.<sup>593</sup>

One of the most outspoken opponents of the treaty was Republican Senator John Kyl (R-AZ), who severely criticized the CTBT and took away the momentum of the debate in favor of the Republican Party. In his speech, Kyl reiterated the Republican Party's opposition as:

The inescapable fact about the CTBT is that it is a fatally flawed treaty – it jeopardizes this Nation's nuclear deterrent, it will not contribute to the cause of nonproliferation, and it is unverifiable and unenforceable....The CTBT is unverifiable, meaning that states who choose to violate the CTBT may never be caught, and it is unenforceable, meaning that violators who are caught will likely go unpunished.<sup>594</sup>

Kyl also referred to the letter (dated October 13, 1999) that former Secretary of State Henry Kissinger wrote to Senator Jesse Helms, Chairman SFRC, expressing his concern and disapproval for the CTBT. GOP Senators Helms and Inhofe expressed their strong reservations about President Clinton's zero-yield provision in CTBT, that is, no testing at all for an unlimited duration.<sup>595</sup> GOP Senator Richard Lugar (R-IN), a well-respected expert on national security, provided a thoughtful indictment of the CTBT as mentioned below:

The treaty will prevent the United States from ensuring the reliability, effectiveness and safety of our nation's nuclear deterrent; the treaty is not verifiable – not only due to our simple technical inability effectively

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<sup>593</sup> Such prominent individuals were Secretary of Defense Bill Cohen; General Hugh Shelton (Chairman, Joint Chiefs of Staff); General Shalikashvili (former Chairman, JCS); C.Paul Robinson (Director, Sandia National Laboratories); John C. Browne (Director, Los Alamos National Laboratories); and C.Bruce Tarter (Director, Lawrence Livermore National Laboratory). All these individuals testified in favor of CTBT in the Hearings of Senate Armed Services Commission. For details, see Hearings before the Committee on Armed Services, United States Senate. October 6, 7, 1999.

<sup>594</sup> *Congressional Record* – Senate. p.12529.

<sup>595</sup> *Ibid.*, p.12511, 12547.

to monitor for tests, but due to lack of agreement on what tests are permitted or not permitted in the treaty.....This Treaty simply has no teeth.<sup>596</sup>

Heated deliberations between Senate Democrats and Republicans during the hearing proceedings at the Senate Armed Services Committee were reflections of intraparty consensus in conjunction with a partisan divide, leading to legislative-executive dissension under the conditions of divided government. The political climate in the 106<sup>th</sup> Congress, in turn, was marked by extreme rhetoric and animosity that was explicit throughout the entire CTBT ratification debate. It significantly diminished the chances of any compromise. The Senate and the president in this divided government setup kept hanging onto their respective positions, which enhanced the political gridlock. Dissension in the political process during the CTBT ratification debate was the consequence of the presence of divided government. Political passion and partisan politics in the divided government set up carried the day. Ideological, procedural, and substantive differences between the Republican Congress and the Democratic White House remained at a very high level and were further reinforced by the politics of divided government. Even on substantive and technical issues, despite the testimonies given by various experts, Democrats and Republicans were not able to develop compromises for consensus building, primarily because of the polarization of politics in a divided government. Political passion was so high that the members of the Senate on both sides of the aisle were not even willing to properly accommodate each other's viewpoints on the merits of the arguments and testimonies – a classic situation of political gridlock, primarily

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<sup>596</sup> *Congressional Record* – Senate. p.12513.

fomented by deep cleavages in a situation of divided government politics.<sup>597</sup> Empirical evidence shows that even if there could have been some compromises in a typical situation of normal politics, there was no willingness, or perhaps incentive, on the part of either the Republican or Democratic Party to reach into any viable consensus in the case of ratification of the CTBT.<sup>598</sup> Very often, it appeared that the various provisions of the treaty, along with their hearing testimonies, were debated with political overtones and rhetoric that were inflamed by the structural composition of divided government and a polarized political environment. The Republican Party did not want to provide an opportunity for the Democratic Clinton Administration to claim a “legacy trip,” particularly in the presidential election cycle when the Republicans were desperate to gain control of the White House.<sup>599</sup> So it was a virtual political deadlock on every front.

With regard to the CTBT case study presence of divided government provided enabling institutional environment for partisan animosity to play. Even though divided government and partisan animosity are different variables, with overlapping elements, evidence from the above investigation shows that formation of divided government facilitated partisanship to dominate the proceedings in the Senate. Unlike INF Treaty, where implications of partisan politics were minimal despite divided government setting as discussed earlier in the chapter, the CTBT case study presents a completely different political dynamic in which divided government had a complimentary effect on partisan wrangling. A conjectural question may be raised here as to whether similar outcome

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<sup>597</sup>As noted earlier in the case analysis, the CTBT was debated in the Senate under an extraordinary condition of political cleavage because of other circumstantial factors that came as baggage with the issue.

<sup>598</sup>The paper wonders what could have been the situation if there were a unified government, hypothetically, at that time. This can be a case for further research.

<sup>599</sup> *Washington Post*, October 8, 1999, p.A24.

would have been possible in a unified government setting with same level of partisan animosity. On the whole based on the findings from the investigation conclusion can be drawn that divided government had credible implications in reaching legislative-executive dissension. Therefore, the hypothesis is accepted with regard to the CTBT case study.

**Hypothesis 2: Ideological differences and partisan fault lines influence treaty consent process.** The Senate ratification process of CTBT bears significant evidence of the presence of deep partisan fault lines between the Republican Senate and the Democratic White House. The effects of partisan divide resulted in legislative-executive dissension and in turn offset all efforts taken toward a conciliatory political process that could have opened the door for viable consensus. From the very outset, Senator Jesse Helms (R-N.C.), Chairman of the Senate Foreign Relations Committee, made it clear that CTBT was not a priority for his committee to consider in the near future.<sup>600</sup> Also, very little time was allotted by the Republican Senate to debate the treaty in a comprehensive manner on the Senate floor. Minority Leader Tom Daschle (D-S.D.) and another influential Democratic Senator, Robert Byrd (D-W.V.), blamed partisan divide for such inadequate opportunity for congressional deliberations.<sup>601</sup> For the purpose of expediting Senate consideration of CTBT before the next presidential election, Senate Democrats and the president himself kept pressing the Republican Senate for the whole of 1998 and most of 1999 to take up consideration of the treaty and to give consent. The Democrats miscalculated the tactical move, camouflaged by hyperpartisan dimensions, of Senate

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<sup>600</sup> Congressional Research Service, Number IB92099. “*Nuclear weapons: Comprehensive Test Ban Treaty.*” 2002.

<sup>601</sup> Congressional Record – Senate. October 13, 1999. p.S12507; p. S12523.

Majority Leader Trent Lott (R-MS). The Senate Democrats thought that Lott did not have enough Republican votes to block the successful passage of the treaty, hence he avoided taking up the measure despite repeated requests. What the Senate Democrats failed to realize was that Lott had already amassed enough Republican votes to reject the treaty. Since the spring of 1999, a small group of influential Republican senators, under the leadership of John Kyl (R-AZ) and Paul Coverdell (R-GA) had been working to garner adequate Republican votes against CTBT.<sup>602</sup> What Lott was doing was to wait until a propitious time for a roll-call vote to take place, and the Senate Democrats inadvertently fell into the hyperpartisan trap. Once the Senate Democrats attempted to compel Lott to take up the treaty by a margin of 55-45, he was ready to take up the treaty for Senate consideration.<sup>603</sup> In fact, by doing that, Lott totally surprised the Senate Democrats. On September 30, 1999, Majority Leader Lott allowed to move forward with an expedited action on the treaty and asked unanimous consent that CTBT be discharged from the Senate Foreign Relations Committee for Senate consideration.<sup>604</sup> With that action, Senate consideration of the CTBT started formally on October 6, 1999, and ultimately ended with the rejection of the treaty on October 13, 1999 by a margin of 51 nays, 48 yeas, and 1 present (Senator Robert Byrd).<sup>605</sup> Expressing a deep sense of surprise in his press conference, President Clinton said:

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<sup>602</sup> Evans, Lawrence, and Walter Oleszek, 2003.

<sup>603</sup> *Congressional Record* –Senate. October 13, 1999. p.S12505.

<sup>604</sup> *Congressional Record* –Senate. September 30, 1999. p.S11667; Evans. Lawrence, and Walter Oleszek. 2003. p.105.

<sup>605</sup> *Congressional Record* –Senate. October 13, 1999. p.S12548.

So this whole thing came as a complete surprise to us when we realized that we had 8 or 10 days on a subject that we thought they had decided in a determined way not to bring up, because Senator Helms had made it clear that he didn't want to bring it up, and he wouldn't even talk about it until he disposed of two other treaties that he said were ahead of it in his consideration. We had no earthly idea that it was going to be on the Senate calendar.<sup>606</sup>

In addition to the deep partisan dynamics in the treaty consent process, there was also an ideological dimension that needs attention here. As part of a serious political miscalculation, Senate Democrats and the Clinton Administration had been banking throughout on the support of moderate Republicans in the Senate to garner the requisite two-thirds majority vote for treaty ratification. Although 24 moderate Republican senators out of a total of 62 senators signed a letter written by Senators John W. Warner (R-VA) and Daniel P. Moynihan (D-N.Y.) and requested Majority Leader Trent Lott to postpone the vote, three conservative GOP senators – Tim Hutchinson (Arkansas), Robert C. Smith (New Hampshire), and James M. Inhofe (Oklahoma) – objected to such a measure.<sup>607</sup> But in the final roll-call vote, when CTBT went down by a margin of 51-48, all 44 Senate Democrats were joined by only four moderate Republican senators John H. Chafee (R.I.), James M. Jeffords (VT), Gordon Smith (OR), and Arlen Specter (PA).<sup>608</sup> After the defeat of CTBT, four influential moderate Republican senators – Chuck Hagel (NE), John McCain (AZ), John W. Warner (VA), and Thad Cochran (MS) – along with 12 other moderate Republicans later in various interviews expressed regret regarding their “nay” vote while extending their consent “to continue the seven-year-old

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<sup>606</sup> 182<sup>nd</sup> Press Conference of the President of the United States, President Bill Clinton. October 14, 1999.

<sup>607</sup> Deibel, Terry L. in Kelley, Donald R. 2005; Evans, Lawrence, and Walter Oleszek. 2003.

<sup>608</sup> *Congressional Record* –Senate. p. S12548.

U.S. moratorium on nuclear tests.”<sup>609</sup> Hence, it was evident that ideological distance between the far-right and moderate conservatives within the Republican Party also was in play in the final vote count. But overall, the congressional approval process was overwhelmingly dominated by hyperpartisan dimensions which created difficult parliamentary and procedural obstacles, leading to the ultimate demise of the treaty. In the final analysis, it can be inferred that the implications of partisan and ideological dimensions in varying intensity determined the contours of consensus and dissension at various stages during the CTBT consent process.

**Hypothesis 3: Intraparty disagreement/cleavage causes dissension in treaty consent process.** During the CTBT consent process, there was hardly any intraparty dissension, except when four Republican senators switched sides at the time of roll-call voting. On the contrary, the political process was dominated by partisan politics, characterized by a high level of passion and emotions between the Democrats and the Republicans. Roll-call voting suggested that the votes were cast mainly on the basis of party lines. All Republicans, except for four moderates, John H. Chafee (R.I.), James M. Jeffords (VT), Gordon Smith (OR), and Arlen Specter (PA), voted against the treaty.<sup>610</sup> Only these four moderate Republican senators switched sides. Hence, there was no significant amount of political dissension inside the two political parties. There was 100% party cohesion among the Senate Democrats and 93% party cohesion among the

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<sup>609</sup> *Washington Post*, October 15, 1999. p. A.16.

<sup>610</sup> *Congressional Record* –Senate. p. S12548.

Senate Republicans.<sup>611</sup> Hence, it can be concluded that the hypothesis was not meaningfully evident in the case of CTBT.

**Hypothesis 4: Effects of intraparty dissension are mitigated by a comparatively higher degree of bipartisanship.** In the case of treaty ratification of CTBT, there was no evidence of any significant bipartisanship. The treaty was rejected completely on partisan lines. Even if there was a very nominal level of intraparty split in the Republican Party when four senators defected and voted in favor of the treaty alongside the Democratic senators, the resultant bipartisanship was not enough to mitigate the dominant effects of partisan divide. This was evident when the Senate ultimately rejected CTBT by a margin of 48-51. Hence, the conclusion can be drawn here that for the CTBT ratification process, the given hypothesis had no tangible effect.

**Hypothesis 5: More extensive debate in Congress facilitates finding common ground that increases the propensity of legislative-executive consensus.** During the CTBT consent process, there was insufficient debate time allotted by the Senate Republicans. The treaty was always a low priority for the Republican senators, who in turn “offered the Democrats only ten hours of Senate debate on the treaty.”<sup>612</sup> Senate proceedings make it evident that little time was allotted by the Senate Republicans, perhaps due to tactical reasons, for Senate consideration of the treaty. Senate Democrats such as Minority Leader Tom Daschle (D-S.D.) and Robert Byrd (D-W.V.) blamed the controlling Republican Party for that matter.<sup>613</sup> Whatever amount of hearings and

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<sup>611</sup> Senate Voting Record Number 325. October 13, 1999.

<sup>612</sup> Deibel, Terry L. p.149.

<sup>613</sup> *Congressional Record* –Senate, 106<sup>th</sup> Congress, p.12507; p. 12523.

deliberations took place, they generally inflamed the rhetoric and intensity of partisan politics. Instead of bridging the gap between the Senate Democrats and Senate Republicans, the nominal amount of deliberations were characterized by polarized politics. Comments and testimonies were interpreted with political overtones.<sup>614</sup> The contentious issues, such as verification, monitoring, national security, and the stockpile stewardship program were interpreted purely from the perspective of partisan politics. For instance, on the joint statements by the three Nuclear Weapons Laboratory Directors, there were different interpretations made by the senators based on party lines.<sup>615</sup> While the Senate Democrats generally expressed satisfaction with their comments on the efficacy of the CTBT on national security, the Senate Republicans were not impressed and bore apprehensions.<sup>616</sup> These specimens of the debate procedures further accentuated the political partisanship in a divided government setup during the ratification process of the CTBT.

From the empirical investigations outlined in the previous hypotheses, this study concludes that during the ratification debate of CTBT, the complexities associated actually deepened the already existing dissension between the Senate Republicans and their Democratic counterparts. Insufficient time for debate proceedings also denied any chances for amendments and reservations, which normally help to find some kind of

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<sup>614</sup> Comments made by Senator Jesse Helms (R-N.C.), Chairman Senate Foreign Relations Committee, on the issue of “effective verification” of nuclear weapons as implied by the CTBT. See *Congressional Record* – Senate. p.12546.

<sup>615</sup> C.Paul Robinson (Director, Sandia National Laboratories); John C. Browne (Director, Los Alamos National Laboratories); C.Bruce Tarter (Director, Lawrence Livermore National Laboratory).

<sup>616</sup> Hearings before the Committee on Armed Services, United States Senate. October 6, 7, 1999; *Congressional Record* –Senate. p. 12521 (Democratic Senator Carl Levin who was Ranking member of Senate Armed Services Committee); p.12533 (Republican Senator John Warner, who was the Chairman of the Senate Armed Services Committee).

common ground to facilitate consensus building between Congress and the president.<sup>617</sup> Hence, it can be concluded that evidence does not support the prediction of the given hypothesis.

**Hypothesis 6: High salience and media coverage increase the propensity of legislative-executive consensus.** Despite its rejection by the Senate, CTBT was regarded a major international treaty of epic proportion. It generated a high level of publicity in the media. Media attention in the *New York Times* for the time period from January 1, 1999 to December 31, 1999 was substantial. This is evident from the following statistics: (1) Total number of times CTBT was mentioned in any document type in the *New York Times* 545; (2) Total number of front-page stories 81; and (3) Total number of editorial articles – 57.<sup>618</sup> The high level of media attention influenced the treaty consent process in the Senate and also revealed the extent of partisan animosity in the political process. While the *New York Times* recorded 127 documents of all types from January 1 to December 31, 1999, the *Washington Post* recorded 134 documents for the same period about the treaty.<sup>619</sup> For each of these major newspapers, the coverage was at the highest level in the month of October 1999, because of the ensuing congressional debate and roll-call voting schedule.<sup>620</sup> The high level of media coverage shaped the dynamics of congressional deliberations to a significant extent. The October 6, 1999 edition of the

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<sup>617</sup> Contrast can be made with regard to the Strategic Arms Limitation Treaty (SALT II). The Senate came out with twenty reservations after the hearings were over. These reservations prepared the ground for common understanding between Congress and the president. Extensive hearings in various Senate committees played a crucial role in the proceedings in the Senate.

<sup>618</sup> ProQuest Historical Newspapers The New York Times (1851 – 2007). Available at <http://proquest.umi.com.libproxy.uoregon.edu>

<sup>619</sup> See Appendix G.

<sup>620</sup> Senate voting was scheduled on October 13, 1999.

*New York Times* reported that 32 Nobel laureates in physics urged the U.S. Senate to ratify CTBT, as it was “central to future efforts to halt the spread of nuclear weapons” and that United States approval was “imperative” in advancing such global policy.<sup>621</sup> In a letter to the editor in the *New York Times* (dated October 9, 1999), former CIA Director Stansfield Turner urged the Senate to ratify the treaty, in order to put pressure on other countries “to come into force to do the same.”<sup>622</sup> Apart from influencing domestic politics, media power was successful in generating foreign pressure during the CTBT ratification debate. In a major opinion piece in the *New York Times* (dated October 8, 1999), three influential heads of government – French President Jacques Chirac, British Prime Minister Tony Blair, and German Chancellor Gerhard Schroeder – urged the U.S. Senate to approve the treaty.<sup>623</sup>

The mainstream media campaign in support of the treaty prompted action from Senate Majority Leader Trent Lott (R-MS). However, such action proved to be a double-edged sword which would have hardly pleased CTBT supporters, while simultaneously satisfying the treaty opponents (mainly the Republican base). This was a classic situation of overlapping consensus and dissension in the political process. Lott, while sensing that he had sufficient votes to defeat the measure comfortably on the Senate floor, “surprised the Democrats by proposing, in a unanimous consent agreement (UCA), for very quick scheduling of a floor vote, after the pact was suddenly fast-tracked though Senator

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<sup>621</sup> *New York Times*, October 6, 1999. p. A12.

<sup>622</sup> *New York Times*, October 9, 1999. p. A16.

<sup>623</sup> *New York Times*, October 8, 1999. p. A27; Davidson, Roger H. in Campbell, Colton C., and Nicol C. Rae, ed. 2001.

Helms's SFRC with only minimal discussion at the hearings."<sup>624</sup> Such an action plan by the Senate Majority Leader started the next round of the media campaign by the proponents and opponents of the treaty. Apart from the normal coverage in regular cable news channels, television talk shows also became an important forum to put pressure on the Senate to ratify CTBT. In a last-ditch effort to save the treaty just three days prior to the Senate vote, top Clinton administration officials were "in an all-out effort to persuade the Senate to delay this week's vote on a nuclear test ban treaty, warning that its rejection would damage U.S. prestige and hinder non-proliferation efforts."<sup>625</sup> For instance, Defense Secretary William S. Cohen and General Henry H. Shelton (Chairman, Joint Chiefs of Staff) jointly appeared on *NBC's "Meet the Press"* on October 10, 1999. The same day, Secretary of State Madeleine K. Albright appeared on *ABC's "This Week,"* while Energy Secretary Bill Richardson appeared on *"Fox News Sunday."* Senator Jon Kyl (R-AZ), an influential opponent of CTBT, also appeared on *"Fox News Sunday."*<sup>626</sup> In all such television appearances, the administration officials unanimously pressed the Senate to postpone a consent vote, because it was certain that the treaty would fail to get a supermajority of 67 votes, should the voting take place on October 13. On the contrary, Kyl strongly opposed postponing the Senate vote on the pretext of unnecessary future parliamentary maneuvers. Despite the mainstream media's strong campaign in support of the measure, the Senate proceeded with the planned schedule and rejected CTBT.<sup>627</sup>

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<sup>624</sup> Krutz, Glen, and Jeffrey Peake. 2009; p. 131.

<sup>625</sup> *Washington Post*, October 11, 1999. p. A10.

<sup>626</sup> *Ibid.*

<sup>627</sup> See Appendix G for Secretary of State Madeleine Albright's interview on CNN.

From the above discussion it can be concluded that evidence does not support the prediction of the given hypothesis.

**Hypothesis 7: Electoral imperatives on pivotal opposition players in the Senate to get reelected in the ensuing elections by incurring favorable public opinion increase the propensity of legislative-executive dissension.** Public opinion with regard to CTBT was initially slow to register. With the intensification of media coverage toward the closing months of debate, opinion polls showed a consistent trend of public approval for the treaty. Surprisingly, even then a good percentage of the American people were not adequately aware of the CTBT issue. One Gallup poll showed that two-thirds of the population only heard about the treaty, and only 25 percent were aware of its defeat in the Senate. Overall, only 8 percent of the population closely followed the congressional approval proceedings, and another 30 percent somewhat closely.<sup>628</sup> However, among those who were keeping track of the CTBT ratification debate in Congress, a growing percentage was in favor of the Senate to ratify the treaty. According to the Gallup poll conducted between October 21 and 24, 1999, just about a week after the treaty was rejected, 59 percent of respondents said that the Senate should have voted to ratify the treaty, as against 29 percent who opposed it.<sup>629</sup> About 45 days prior to the Senate roll-call vote, the *New York Times* reported on August 30, 1999 that CTBT had an overwhelming backing of public opinion, in addition to the support of scientific community, military commanders, and arms control groups.<sup>630</sup> About a month prior to the roll call vote,

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<sup>628</sup> Gallup News Service, November 5, 1999. Website: <http://www.gallup.com/poll/3487/Public-Supports-Comprehensive-Test-Ban-Treaty-Principle.aspx>

<sup>629</sup> The Gallup Public Opinion Poll. Survey # GO907190. 1999. p. 230. See Appendix G.

<sup>630</sup> *New York Times*. August 30, 1999, Section A, p. 1.

Senator Byron Dorgan (D-N.D.) and Senator Arlen Specter (R-PA) wrote in *USA Today* that a new bipartisan opinion poll commissioned by the Coalition to Reduce Nuclear Dangers found that a whopping 82 percent of the American people wanted the Senate to ratify CTBT, as against 14 percent who opposed it.<sup>631</sup> On October 7, 1999 (about one week prior to the roll-call vote) in a press conference, President Clinton mentioned the overwhelming public support for the CTBT to put pressure on the Senate to ratify the treaty. He said to the Senate members,

You have heard from Nobel laureates and other experts in nuclear weapons. I hope you listen to them. You listen to our military and scientific leaders about national missile defense. Listen to them about the Comprehensive Test Ban Treaty. Listen to the religious leaders who say it is the right thing to do. Listen to our allies, including nuclear powers Britain and France, who say America must continue to lead. And listen to the American people who have been for this treaty from the very beginning.<sup>632</sup>

The presidential conference depicted a clear picture of a broad spectrum of public support among the American people for CTBT. As reiterated by Clinton, evidence showed that apart from favorable domestic public opinion, in the international sphere too there was high approval for the treaty. For instance, following the defeat of CTBT, the *Australia* reported that despite 80 percent of the American population backing the nuclear deal and America's key European allies, including Britain, France, and Germany, supporting the deal, the U.S. Senate did not ratify the treaty.<sup>633</sup> However, such favorable public opinion fell flat in front of the hyperpartisan environment in the Senate. Electoral imperatives were also in play. Because of the Clinton impeachment proceedings in Congress and the

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<sup>631</sup> *USA Today*. September 13, 1999. Page 27A.

<sup>632</sup> Remarks on the Comprehensive Nuclear-Test Ban Treaty and an Exchange with Reporters. *Administration of William J. Clinton*. October 7, 1999. p.1704-5.

<sup>633</sup> *The Australian*, October 15, 1999, p. 11.

lack of political capital of the president following this incident, Senate Republicans were fully geared up to work against the legacy of the embattled president for electoral benefit in the next election cycle. Such election-dominated political exigencies on the part of Senate Republicans were constantly in conflict with favorable public opinion throughout the treaty consent process. Ultimately, partisan election preferences trumped public opinion as far as GOP senators were concerned.

Based on the evidence presented above conclusion can be drawn that high public opinion did not lead to consensus building. In so far as electoral imperatives were concerned, the Republicans were desperate to regain control of the White House in ensuing presidential election cycle. Also in the wake of Clinton's impeachment in the House and the prevailing environment of partisan animosity, GOP members in Congress looked for every opportunity to oppose presidential endeavors on foreign policy to prevent him from building a good legacy. Therefore, it can be inferred that while findings on public opinion do not support the prediction of the given hypothesis, electoral imperatives basically conforms to the predicted effect.

### **Concluding Remarks & Summary of Empirical Findings**

The treaty ratification process directly focuses on an effective power balance between Congress and the president within the constitutional principle of institutional checks and balances. The treaty process perfectly exemplifies an issue area in which the U.S. constitutional design requires political leaders to build consensus in order to avert dissension, make compromises, and promote cooperation not only between the two houses of Congress, but also between Congress and the president.<sup>634</sup> Diverse motivational

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<sup>634</sup> Bond, Jon R., and Richard Fleisher, ed. 2000.

aspects and policy priorities of pivotal institutional players make the treaty process highly contentious and thereby result in a continuum of legislative-executive consensus and dissension. The cases explored in this chapter explain such a political dynamic with various hypotheses.

The conformity/nonconformity of motivational and priority aspects between the congressional lawmakers and the president lead to legislative-executive consensus/dissension. From the perspective of diverse motivations, the unitary institutional nature of the presidency motivates presidents to make foreign policy decisions independently. Also, presidents have often tried to expand their powers and take unilateral decisions in foreign policymaking because of constitutional ambiguities.<sup>635</sup> The matter gets more complex when we look at congressional politics characterized by the model of the collective institution. The multimember institutional profile of Congress creates multiple interests and different varieties of coalitions, therefore “promoting a wide range of collective interests.”<sup>636</sup> Congress is a collective institution, and every legislator has a motivation to get reelected.<sup>637</sup> In the absence of a single interest in Congress, the complicated dynamics of the intersection of multiple interests drive the diverse motivations and policy priorities of congressional lawmakers.<sup>638</sup> All cases discussed in this chapter witness the motivational and policy priority differentials in

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<sup>635</sup> Moe, Terry, and William G., Howell. 1999. p.153.

<sup>636</sup> Schickler, Eric. 2001, p.4.

<sup>637</sup> Mayhew, David. 1974. Electoral interest is the driving force in Congressional politics.

<sup>638</sup> Schickler, Eric. 2001.

varied magnitude. The resultant outcome is explicitly seen as a continuum of legislative-executive consensus and dissension.

It is evident in this chapter that there is no common thread to reach legislative-executive consensus in treaty-making and the ratification process. Even though theoretically there is a claim that unified government facilitates forging consensus, on empirical grounds there is no definite validity to such a claim. The four case studies analyzed in this chapter are selected based on unified and divided government compositions, under a variety of administrations with different political affiliations. As presented in the Table 4.1 we can see that for SALT II (1979), there was unified government with a Democratic president (Jimmy Carter) and a Democratic Congress. SALT II failed to be ratified. On the contrary, for NAFTA (1993), there was a unified government with a Democratic president (Bill Clinton) and a Democratic Congress. NAFTA was successfully ratified. As illustrated in the chapter, the political dynamic was very different for the two cases, resulting in different outcomes. For the INF Treaty (1988), there was divided government, with a Republican president (Ronald Reagan) and a Democratic Congress. INF was successfully ratified. In contrast, with CTBT (1999), there was divided government, with a Democratic president (Bill Clinton) and a Republican Congress. CTBT failed to be ratified. Varied political complexities and priorities associated with these two cases led to different outcomes.

Table 4.1: Summary of Empirical Findings

Treaty Name	Year	Govt. Typology	Public Opinion	Election	Media	Ideology	Congress and Presidency	Status
SALT II	Dec 1979	Unified Govt.	√	√	x	√	Democratic Congress Jimmy Carter (D)	Rejected by U.S. Senate
INF	May 1988	Divided Govt.	√	√	√	x	Democratic Senate Ronald Reagan (R)	Approve by U.S. Senate
NAFTA	Nov 1993	Unified Govt.	√	√	√	√	Democratic Congress Bill Clinton (D)	Approve by U.S. Congress
CTBT	Oct 1999	Divided Govt.	x	√	x	√	Republican Senate Bill Clinton (D)	Rejected by U.S. Senate

Empirical investigations presented in the Summary of Empirical Findings (Table 4.1) help to conclude that the independent variables like government typology, ideology, media, elections, and public opinion had significant implications on the strategic political decision process at the legislative-executive level. Importantly, in the decision-making process there were critical moments that shaped future course of political process and ultimately influenced final outcome. Nonetheless, each treaty case study had its own unique characteristic features that influenced the dynamics of the treaty ratification process, based on the prevailing political exigencies. Different political constraints complicated various hypotheses explored, resulting in varied outcomes. From all the analyses done in this chapter, it also can be concluded that there is no single variable that has complete causality in determining the treaty ratification outcome. There are multiple factors that act in diverse manners in the ratification process. Summary of empirical findings for the four treaty case studies is presented below.

**Strategic Arms Limitation Treaty SALT II :** Despite the presence of unified government SALT II was withdrawn from Senate consideration and ultimately rejected. President Carter was unable to generate enough political capital in his favor inside his own Democratic Party in order to get the treaty ratified by Congress. Intra-party cleavage

inside the ruling Democratic Party in turn was largely responsible for widening the ideological distance between the U.S. Senate and the president in determining the fate of SALT II. Extensive congressional debate exacerbated legislative-executive dissension. Large amount of media coverage on congressional proceedings and other precipitating international events also worsened legislative-executive dissension. Electoral imperatives of congressional leaders especially for those belonging to the minority GOP along with a continuous declining trend in public opinion further increased the propensity of legislative-executive dissension.

**Intermediate-Range Nuclear Forces Treaty (INF):** Despite the presence of divided government there was legislative-executive consensus in favor of approval of the INF Treaty. There was significant ideological intersection between Senate Democrats and Republicans on the issue and intra-party cohesion inside the Democratic Party to support the treaty was unprecedented. Extensive debate in the Senate during INF consent process facilitated finding common grounds between Democratic and GOP lawmakers. Large scale media coverage was broadly supportive of the merits of the treaty and in turn considerably helped forging legislative-executive consensus, Favorable electoral imperatives and high public opinion also significantly contributed toward legislative-executive consensus.

**North American Free Trade Agreement (NAFTA):** There was legislative-executive consensus in a unified government setting. The decision-making process was contentious. Ideology was an important factor because traditional conservative Republicans and centrist Democrats supported the trade deal while the majority of more liberal Democrats voted against the pact. The complexity of intra-party dissension inside

the Democratic Party was overridden by the nonconventional bipartisan consensus between traditional GOP and conservative Democrats in Congress. Extensive nature of Senate and House deliberations played major role in forging non-conventional bipartisan alliance. High level of pro-trade media coverage increased the propensity of legislative-executive consensus. Generally favorable public opinion and positive electoral imperatives from NAFTA prospects also helped forge non-conventional bipartisan consensus.

**Comprehensive Test Ban Treaty (CTBT):** In a divided government setting there was legislative-executive dissension. Heightened levels of partisan animosity and ideological divisions between the Senate Republicans and Democrats resulted in legislative-executive dissension. Lack of congressional debate further exacerbated dissension and denied any opportunity to seek compromises. Extensive media coverage had ideological overtone that in turn aggravated legislative-executive dissension and denied CTBT approval. Electoral imperatives of opposition GOP senators in the next election cycle trumped the implications of treaty favorable public opinion, thereby aggravating the degree of legislative-executive dissension during Senate approval process of CTBT.

Although the hypothesis dealing with unified and/or divided government is the primary one, other independent variables act in unique perspective, determining the treaty process outcome. Based on the findings, it can be further concluded that there is always a grand hypothesis of treaty-making and ratification, unique to a treaty, which takes into account a conglomerate of variables whose political context changes very rapidly leading to formation of critical moments in the decision process, based on the dynamics of

political development in the domestic and international spheres of polity. However, it is also important to recognize that although each individual case of treaty-making and ratification may have its own situational imperatives or constraints, the broader patterns of political process in the constitutional responsibilities of Congress and the president remain the same. Finally, it is clearly evident from the findings that treaty ratification in an era of divided government and partisan politics traverses through rough political terrain, reflecting a continuum of legislative-executive consensus and dissension at various stages of the political process. In the end, treaty outcome depends on how the political process will unfold in terms of the high-stakes roller-coaster ride that Congress and the president are constitutionally mandated to embark on.

## CHAPTER V

### WAR POWERS RESOLUTION AND U.S. MILITARY INTERVENTION

#### Introduction

The War Powers Resolution (P.L. 93-148), adopted by overriding a presidential veto in 1973, is regarded as a major policy intervention which has profound implications on legislative-executive prerogatives regarding war powers. As a major turning point in U.S. political history, the resolution symbolizes the “resurgence of Congress” in terms of heightened levels of congressional assertiveness in the foreign policy arena.<sup>639</sup> The resolution is intended to “rein in a presidency run amok and to reassert congressional prerogatives over foreign policy making.”<sup>640</sup> In turn it has established strict “parameters for desired presidential behavior and subsequent congressional [assertive] action. With a few exceptions, presidents have significantly limited the duration of foreign interventions to conform to the limits set forth in the Act.”<sup>641</sup>

Keeping that in the backdrop, this chapter illustrates the dynamics of congressional-presidential relations for nine different U.S. military interventions, when Congress took significant legislative actions in order to invoke the War Powers Resolution. These cases portray a trajectory of *continuum of consensus and dissension legislative-executive relations* in war powers, as shown in the “Consensus-Dissension Continuum Chart” (Figure 5.1). The cases are classified into three categories consistent

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<sup>639</sup> Sundquist, James L. 1981.

<sup>640</sup> Howell, William G., and Jon C. Pevehouse. 2007. p. 4.

<sup>641</sup> Auerswald, David P. and Peter F. Cowhey. 1997. p. 506.

with the *consensus-dissension continuum* argument: (1) Legislative-executive dissension when the War Powers Resolution was formally invoked (Lebanon MNF – 1982-84); (2) Flickers of legislative-executive consensus and dissension (Grenada – 1983; Bosnia-Herzegovina – 1992-95; Kosovo – 1999; Somalia – 1992-94; Haiti – 1993-95; Libya – 1986); (3) Legislative-executive consensus (Iraq I – 1990-91; Iraq II – 2003). During all of these military interventions, Congress initiated legislations in an effort at power sharing and collective judgment, as required by the constitutional provisions of the War Powers Resolution. In essence, the dynamics of these cases portray the joint responsibility of Capitol Hill and the president in war-making decisions.

#### **Lebanon Multi-National Force (1982-84)**

**Background:** The War Powers Resolution was put to a really significant test for the first time in the case of the Lebanon MNF Intervention from 1982 to 1984. On that occasion, the resolution was completely successful in fulfilling its intended constitutional goals. This was a period of divided government, when the United States Senate and the White House were controlled by the Republican Party with Ronald Reagan as the president, whereas the United States House of Representatives was controlled by the Democratic Party. The Lebanon MNF episode reflected legislative-executive war powers prerogatives in full action, with the resurgent Congress successful at invoking the War Powers Resolution and in turn significantly constraining the military powers of the president. The significance of the case is that President Reagan, who had the reputation of being the most conservative president of the twentieth century, had to be deferential to congressional assertiveness when Capitol Hill invoked the War Powers Resolution and imposed a time limit of 18 months for troop withdrawal. On September 29, 1983,

Congress under the conditions of divided government unanimously passed the “Multinational Force in Lebanon Resolution (MNFLR),” determining unilaterally that the requirements of section 4(a)(1) of the War Powers Resolution became operational on August 29, 1983.<sup>642</sup> The MNFLR was the outcome of intense legislative-executive confrontation and compromise with regard to continued troop presence in Lebanon. The hostilities in Lebanon had already dragged on for a prolonged time period and increasingly became an unpopular military venture in domestic politics, especially in the wake of the Beirut truck bombing incident in which 241 U.S. Marines were killed on October 23, 1983.<sup>643</sup> The outcome of this case clearly represented the implications of a congressional-presidential foreign policy power struggle on the conduct of war, based on the provisions of the War Powers Resolution.<sup>644</sup> The case study exemplifies a situation in which Congress took significant action to curtail the president’s power on the conduct of war by using institutional prerogatives provided by the War Powers Resolution to codetermine policy.<sup>645</sup>

**Hypothesis 1: Divided government leads to congressional-presidential dissension in war-making while unified government facilitates consensus.** U.S. troop deployment in Lebanon was controversial from the very beginning, with Congress and the president distancing themselves from each other on the purpose of such a military intervention. The Republican Senate and the Democratic House of Representatives in the

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<sup>642</sup> P.L. 98 – 119. Available at <http://www.gpo.gov/fdsys/pkg/STATUTE-97/pdf/STATUTE-97-Pg805.pdf>

<sup>643</sup> Spitzer, Robert J. 1992.

<sup>644</sup> Congressional Research Service, Report Number 41199. “*The War Powers Resolution: After Thirty Six Years.*” 2010.

<sup>645</sup> Sullivan, John H. in Michael Barnhart, ed. 1987.

Capitol were not convinced of the real purpose of troop deployment as claimed by the Reagan administration. Historically, the Lebanon MNF intervention from 1982 to 1984 was the first instance when the duration of the U.S. troop deployment exceeded a 60- to 90-day time limit, as granted by the War Powers Resolution. As a result, a situation had arisen in which the constitutional provisions of Section 4(a)(1) became fully operational. This in turn bound the president under statute to seek authorization from Congress for further extension of the time limit for the purpose of keeping the Marines on the ground.<sup>646</sup> Section 4(a)(1) of the War Powers Resolution “triggers the time limitation in Section 5(b) that requires the president to terminate the use of forces after 60-90 days unless Congress declares war or authorizes such use.”<sup>647</sup> Constitutional provisions of the 1973 Act eventually resulted in intense congressional-presidential contestation on war powers under the conditions of divided government.

The whole deployment of U.S. Marines in Lebanon was a twofold operation. As for the first dispatch, President Reagan on August 20, 1982, informed the nation that he had authorized 800 U.S. Marines to go to Lebanon to take part in the Multinational Force (MNF) for peacekeeping and overseeing withdrawal of the Palestine Liberation Organization force.<sup>648</sup> Accordingly, the Marines landed in Beirut on August 25, 1982, to take part in the first MNF and began supervising the PLO evacuation from

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<sup>646</sup> Auerswald, David P., and Peter Cowhey. 1997.

<sup>647</sup> Committee on Foreign Affairs. U.S. House of Representatives. “Congress and Foreign Policy 1983.” Report Number H382-19. 1984. p.4.

<sup>648</sup> Kriner, Douglas L. 2010.

the Lebanese capital.<sup>649</sup> As Congress raised eyebrows regarding this deployment, the president withdrew the troops in less than three weeks on September 10, 1982, to avoid confrontation with Capitol Hill.<sup>650</sup> Thereafter, with the assassination of Lebanese President Bashir Gemayal on September 16, 1982, and further deterioration of the security situation in Lebanon, President Reagan announced on September 21, 1982, that U.S. Marines would be redeployed in Lebanon as part of the second Multinational Force. This announcement made Congress concerned once again about the final goal of such military intervention. Two influential senators – Chairman of the Senate Foreign Relations Committee Charles Percy (R-IL) and ranking member Clairborne Pell (D-R.I.) - wrote on September 24 to the president that such redeployment of troops should be reported to Congress under Section 4(a)(1) of the War Powers Resolution.<sup>651</sup> Also, Senate Majority Leader Howard Baker (R-TN), and Chairman of House Foreign Affairs Committee Clement Zablocki (D-WI) raised the issue of the War Powers Resolution.<sup>652</sup> This shows that opposition from Congress was generally based on bipartisan consensus, which in turn generated the initial momentum for a perfect storm brewing between Capitol Hill and the White House. The situation worsened when the president did not comply with the congressional guidelines of citing Section 4(a)(1) of the War Powers Resolution, which triggers the time clock. As a result, a constitutional crisis was imminent, leading to a full-scale congressional-presidential confrontation on war powers

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<sup>649</sup> Congressional Research Service, Report Number RL 31133. *“Declarations of War and Authorizations for the Use of Military Force: Historical Background and Legal Implications.”* 2011.

<sup>650</sup> Zablocki, Clement J. 1984.

<sup>651</sup> “Multinational Force in Lebanon” U.S. Senate Report No. 98-242. September 26, 1983.

<sup>652</sup> Kriner, Douglas L. 2010.

for the first time since the passage of the resolution in 1973. Also, there was an added component of internal cleavage within the administration that contributed to legislative-executive dissension. There was a fundamental difference of opinion between Defense Secretary Caspar Weinberger and Joint Chiefs on one side and Secretary of State George Shultz, special envoy Robert McFarlane, and the National Security Council on the other side. Such internal division within the administration was also mirrored in the initial ambivalence on Capitol Hill about the mission's purpose.<sup>653</sup> Nonetheless, on September 29, 1982, U.S. troops reentered Beirut and took control of the Beirut International Airport.<sup>654</sup> President Reagan's dispatch of a small contingent of U.S. Marines in 1982 as part of the MNF for peacekeeping in Lebanon quickly converted into a larger, more complex military commitment which ultimately resulted in a "foreign policy dilemma of the first order."<sup>655</sup> The root cause of legislative-executive dissension was related to the war power prerogatives of Capitol Hill and the administration, based on the provisions of the War Powers Resolution. During each of the deployments (i.e. first and second MNF), President Reagan submitted reports to Congress as required by the War Powers Resolution by writing letters to the House Speaker Thomas P. (Tip) O'Neill (D-MA) and the Senate president pro tempore Senator Strom Thurmond (R-S.C.), and he assured them that such troops would not be engaged in long or violent conflict.<sup>656</sup> Reagan wrote to congressional leaders, "I want to emphasize that there is no intention or expectation that

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<sup>653</sup> Kriner, Douglas L. 2010.

<sup>654</sup> Hall, David Locke. 1991.

<sup>655</sup> *Congressional Quarterly Almanac*, 1983. p. 113.

<sup>656</sup> Howell, William G., and Jon C. Pevehouse. 2007.

U.S. Armed Forces will become involved in hostilities....Our agreement with the Government of Lebanon expressly rules out any combat responsibilities for the U.S. forces.”<sup>657</sup> By ruling out the possibilities of troops’ involvement into hostilities in the report submitted to Congress, the president avoided citing Section 4(a)(1), which specifically triggers a 60- to 90-day time limit for troop deployment and authorization from Congress for any further extension of troop presence on the ground, in accordance with the provisions of Section 5(b) of the War Powers Resolution. Instead he cited in the report Section 4(a)(2), which only clarified that the troops were equipped for combat and hence that the 60- to 90-day time limitation did not apply for such deployment.<sup>658</sup> Reagan’s not mentioning Section 4(a)(1) angered members of Congress in a divided government, and this added momentum to the already growing congressional-presidential dissension. In a powerful article in the *Washington Post*, Chairman of the House Foreign Affairs Committee Clement J. Zablocki (D-WI) wrote that while the situation in Lebanon was critical enough for imminent involvement of U.S troops into hostilities, the president was ignoring Section 4(a)(1) of the War Powers Resolution as part of the reporting requirement to Congress.<sup>659</sup> Several Democrats in Congress, such as Representative John Seiberling (D-OH) and Senators Carl Levin (D-MI) and Christopher Dodd (D-CT), raised the issue that the president should abide by the constitutional provisions of the War

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<sup>657</sup> *Congressional Quarterly Almanac*, 1982. p. 169.

<sup>658</sup> Hall, David Locke. 1991.

<sup>659</sup> *Washington Post*. October 3, 1982. p. B7.

Powers Resolution in letter and intent.<sup>660</sup> Consequences of divided government were observable as the congressional-presidential dissension continued to increase.

As it emerged, the second MNF intervention turned out to be a complex and difficult mission that required months.<sup>661</sup> U.S. Marines faced hostilities, were involved in fighting, and suffered casualties. With each passing day, with the situation on the ground getting worse and with no end of conflict in sight, Congress expressed more and more outrage and rebuked the president. The increased level of congressional resistance created serious barriers for the president regarding the conduct of the already controversial military intervention. In a significant move reflecting bipartisan consensus, in the Senate Foreign Relations Committee 14 out of 17 of its panel members signed a letter asking Reagan, in a December 15, 1982, letter to seek congressional authorization before sending any more Marines for an extended mission.<sup>662</sup> The issue of invoking the War Powers Resolution in compliance with Section 4(a)(1) flared up again in early 1983. In March 1983, five U.S. Marines were injured in a grenade attack.<sup>663</sup> The situation deteriorated further on April 18, 1983, with terrorist bombing at the U.S. Embassy in Beirut in which 50 persons were killed.<sup>664</sup> That was the tipping point when Congress took its first significant step toward limiting Reagan's capability to use U.S. troops in Lebanon

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<sup>660</sup> Howell, William G., and Jon C. Pevehouse. 2007.

<sup>661</sup> It appears that President Reagan made serious miscalculations at the time of troop deployment by underestimating the complexities of Middle East political realities.

<sup>662</sup> *Congressional Quarterly Almanac*, 1983.

<sup>663</sup> Zablocki, Clement J. 1984.

<sup>664</sup> *Congressional Quarterly Almanac*, 1983.

by initiating legislative action on the Lebanon Emergency Assistance Act (P.L. 98-43).<sup>665</sup> The legislation set the first stage of a prolonged period of congressional-presidential contestation in a divided government setting and ultimately resulted in invocation of the War Powers Resolution. P.L. 98-43 empowered Congress to impose severe restrictions on the president's power toward further Marine deployment in Lebanon, along with an authorization for economic and military aid to Lebanon.<sup>666</sup> The language dealing with the issue was a clear representation of such restrictions:

The president **shall** obtain statutory authorization from the Congress with respect to any substantial expansion in the number or role in Lebanon of United States Armed Forces, including any introduction of the United States Armed Forces into Lebanon in conjunction with agreements provided for the withdrawal of all foreign troops for Lebanon and for the creation of a new multinational peace-keeping force in Lebanon.”

“Nothing in this section is intended to modify, limit, or suspend any of the standards and procedures prescribed by the War Powers Resolution of 1973.”<sup>667</sup>

P.L. 98-43 thus made it legally binding for the president to seek permission from Congress before sending any more U.S. Marines to Lebanon. Importantly, while there was bipartisan consensus in each of the two houses in Congress leading to the passage of P.L. 98-43, the act further widened the dimensions of legislative-executive dissension across Pennsylvania Avenue.

The situation on the ground deteriorated in August 1983. On August 28, 1983, the Lebanese armed forces and the Druze militia got into heavy fighting, which later spilled

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<sup>665</sup> *Congressional Quarterly Almanac*, 1983.

<sup>666</sup> Howell, William G. and Jon C. Pevehouse. 2007.

<sup>667</sup> Lebanon Emergency Assistance Act of 1983. Public Law 98-43.

into the U.S. military compound. The Marines returned fire.<sup>668</sup> On August 29, 1983, fighting continued and the U.S. Marine positions came under mortar, rocket, and small-arms fire, which resulted in the death of two Marines while fourteen others were injured.<sup>669</sup> Congress was furious when in his August 30, 1983, report President Reagan did not cite Section 4(a)(1) of the War Powers Resolution even after Marines were involved in fighting and were injured and even killed, in an explicit display of heightened hostilities on the ground.<sup>670</sup> In reality, “there was widespread feeling in Congress that the president should have reported under Section 4(a)(1) and that Congress should either authorize the continued use of the Marines in Lebanon or the Marines should be withdrawn.”<sup>671</sup> Chairman of the Senate Foreign Relations Committee Charles H. Percy (R-IL) said, “We have people up in helicopters, we’re shooting rockets and artillery – if that isn’t imminent hostilities, I don’t know what is.”<sup>672</sup> Senate Minority Leader Robert C. Byrd (D-WV) commented, “American forces are clearly involved in hostilities within the meaning of Section 4(a)(1) of the War Powers Resolution.”<sup>673</sup> The specter of divided government loomed large as congressional leaders warned that renewed fighting in Lebanon might “lead to a stiff confrontation between Congress and the Reagan

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<sup>668</sup> Hall, David Locke. 1991.

<sup>669</sup> Communication from President Reagan to the Speaker of the U.S. House of Representatives Thomas P. O’Neill, Jr. Document No. 98-100. August 30, 1983.

<sup>670</sup> *Public Papers of the Presidents: Ronald Reagan*. August 30, 1983. p.1216.

<sup>671</sup> Committee on Foreign Affairs. U.S. House of Representatives. “Congress and Foreign Policy 1983.” Report Number H382-19. 1984. p.4

<sup>672</sup> *Congressional Quarterly Weekly Report*, September 3, 1983.

<sup>673</sup> *Congressional Quarterly Almanac*. 1983. p.114.

administration.”<sup>674</sup> In total, Reagan reported to Congress three times from the beginning of the Lebanon MNF mission, but he never admitted “imminent hostilities” or cited Section 4(a)(1) of the War Powers Resolution, leading to serious discontentment on Capitol Hill.<sup>675</sup> All of these events contributed to the second and more critical phase of dissension between Capitol Hill and the White House in a divided government political environment. As Marine casualties increased and military action enlarged in the midst of increasing hostilities, several influential members of Congress called for immediate invocation of the War Powers Resolution. Capitol Hill took legislative action in earnest and introduced resolutions to “start the clock” by reporting under Section 4(a)(1) of the War Powers Resolution, which in turn would allow the president a time limit of 60 days to get congressional authorization or else withdraw troops immediately.<sup>676</sup> This was a clear indication that while consensus inside Congress was growing, it was also widening the contours of congressional-presidential dissension. Senator Charles Mathias (R-MD) introduced S.J. Res. 159, stating that “the time limit specified in the War Powers Resolution had begun on August 31, 1983, and authorizing the forces to remain in Lebanon for a period of 120 days after the expiration of the 60-day period.”<sup>677</sup> Senate Minority Leader Robert Byrd (D-W.V.) introduced S.J. Res. 163, insisting that Section

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<sup>674</sup> *United Press International*. September 1, 1983. Senate Minority Leader Robert C. Byrd. wrote President Reagan a letter urging him “to resubmit his plan for sending the Marines into Lebanon for congressional review.”

<sup>675</sup> Congressional Research Service, Issue Brief Number IB81050. “*War Powers Resolution: Presidential Compliance.*” 1983.

<sup>676</sup> Congressional Research Service, Report Number IB 83154. “*Lebanon: The United States and the Multinational Force.*” 1984.

<sup>677</sup> Congressional Research Service, Report Number RL 31133. “*Declarations of War and Authorizations for the Use of Military Force: Historical Background and Legal Implications.*” 2011.

4(a)(1) of the War Powers Resolution was applicable in the existing, increasingly hostile situation in Lebanon, where U.S troops were routinely taking part in fighting.<sup>678</sup> S.J. Res. 163 was intended to give Congress legal control over the duration of the stay of Marines in Lebanon.<sup>679</sup> Senate Majority Leader Howard Baker (R-TN) introduced S.J. Res. 166 in which Section 2(b) specifically stated, “The Congress determines that the requirements of Section 4(a)(1) of the War Powers Resolution became operative on August 29, 1983.”<sup>680</sup> Such unprecedented congressional action to curtail presidential power to regulate the Lebanon MNF intervention created real and significant barriers for the Reagan administration. To resolve this legislative-executive impasse and constitutional crisis, leaders in Congress and members of the Reagan administration started to negotiate and came up with a compromise on September 20, 1983. The negotiations that led to the compromise were initiated by House Foreign Affairs Chairman Zablocki and firmly backed by House Speaker O’Neill.<sup>681</sup> Significantly, the lead here was taken by the House of Representatives, controlled by the Democratic Party in an environment of divided government. The compromise ensured the invocation of the War Powers Resolution and congressional authorization for troop deployment for 18 months with effect from August 29, 1983, the date from which Section 4(a)(1) was enforceable and the one which the president repeatedly refused to recognize. Thereafter, on September 20, 1983, Zablocki introduced in the House H.J. Res. 364, which provided “Statutory authorization under the

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<sup>678</sup> Congressional Research Service, Report Number 84-22 F. *“The War Powers Resolution: A Decade of Experience.”*1984.

<sup>679</sup> *Congressional Quarterly Almanac*. 1983.

<sup>680</sup> *Congressional Record* – Senate. September 20, 1983. p. 24845.

<sup>681</sup> *Congressional Quarterly Almanac*. 1983.

War Powers Resolution for continued U.S. participation in the multinational peacekeeping forces in Lebanon in order to obtain withdrawal of all foreign forces from Lebanon.”<sup>682</sup> After a lengthy debate, the House of Representatives adopted H.J. Res. 364 by a 270-161 vote on September 28, 1983.<sup>683</sup> The Senate adopted S.J. Res. 159, as amended, on a more party line vote of 54-46 on September 29, 1983.<sup>684</sup> Passage of the Multinational Force in Lebanon Resolution (H.J. Res. 364; S.J. Res. 159, as amended; PL 98-119) was historic as it invoked the War Powers Resolution and curtailed the presidential war powers. It also set the precedent of legislative-executive dissension, leading to the president’s concession to the constitutional provisions of the War Powers Resolution and congressional authorization for troop deployment into hostilities abroad. President Reagan signed the resolution on October 12, 1983.<sup>685</sup> P.L. 98-119 was negotiated to arrive at a compromise between Capitol Hill and the Reagan White House to break the prolonged legislative-executive impasse, which created constitutional crisis in a setting of divided government.

However, here it is important to note that the Multinational Force in Lebanon Resolution (MNFLR, P.L. 98-119) by itself did not bring an end to the legislative-executive conflict on the Lebanon mission. A turning point event occurred on October 23, 1983, when a truck bomb exploded at the Marine headquarters at the Beirut airport,

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<sup>682</sup> *Congressional Record* – House, September 20, 1983, p. 24819.

<sup>683</sup> *Congressional Quarterly Weekly Report*, October 1, 1983, p. 2015.

<sup>684</sup> *Ibid.*

<sup>685</sup> *Congressional Quarterly Almanac*, 1983.

killing 241 U.S. Marines.<sup>686</sup> Following that incident, Congress became united in stepping up pressure on the administration for troop withdrawal as early as possible. Senate Democrats, who always considered congressional authorization of an 18-month time limit for deployment of U.S. Marines on the ground a “blank check” for the president in the first place, increased their efforts and took legislative action to either repeal the MNFLR by introducing S.J. Res. 187 or to drastically curtail presidential power on Lebanon MNF by introducing S.J. Res. 190.<sup>687</sup> The Democrat-controlled House of Representatives publicly rebuked the president. Two prominent House Democrats, Representatives Les Aspin of Wisconsin and Lee H. Hamilton of Indiana, backed by the House Speaker Thomas P. O’Neill (D-MA), “warned that they did not view the American military commitment in Beirut as open-ended.”<sup>688</sup> Heightened levels of congressional opposition created significant roadblocks for the president, particularly because of the negative tone of media coverage and dwindling public approval of the Lebanon mission. Importantly, members of Congress in both the House and the Senate stepped up their opposition to the administration’s military policy in Lebanon. Congressional leaders belonging to both political parties started to pressure the administration to withdraw troops from the ground as fast as possible. This time, the Democratic leadership in the House – Speaker O’Neill in particular – who earlier sided with the president and significantly helped in getting H.J. Res. 364 passed, expressed deep concern about the

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<sup>686</sup> Congressional Research Service, Report Number IB 83154. *“Lebanon: The United States and the Multinational Force.”* 1984.

<sup>687</sup> Committee on Foreign Relations, U.S. Senate. “Authorization for U.S. Marines in Lebanon” S. Hrg. 98 – 528. November 10 and 15, 1983.

<sup>688</sup> *New York Times*, December 15, 1983, p.1.

goal of the mission. O'Neill even supported his Democratic colleagues in the House in a big way to initiate legislative action in order to pull back the troops.<sup>689</sup> The implications of divided government on congressional-presidential dissension were seen explicitly, as some influential Senate Democrats, backed by House Democrats, initiated legislative actions to curtail presidential military powers and force Reagan to pull out the troops after the earliest possible time period. Congressional pressure for an immediate withdrawal of Marines mounted further with "the release of the House Armed Services and Pentagon-sponsored reports on the October 23 bombing of the Marines."<sup>690</sup> Senior administration officials too privately acknowledged the severe difficulties of continuing with the Lebanon mission, because of the mounting political pressure from Congress.<sup>691</sup> In early 1984, even prominent Republican leaders in Congress such as Senate Majority Leader Howard Baker (R-TN), Charles Mathias (R-MD), and Barry Goldwater (R-AZ) joined the bandwagon of majority Senate and House Democrats, including pivotal players House Speaker O'Neill (D-MA) and Senate Minority Leader Byrd (D-WV), calling for early withdrawal of the Marines.<sup>692</sup> Shortly thereafter, with deteriorating conditions on the ground and legislative-executive dissension reaching its highest point, the president ultimately gave in to the insurmountable congressional pressure and pulled out all troops by February 26, 1984, long before the end of the 18-month time extension valid until

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<sup>689</sup> Kriner, Douglas. 2010.

<sup>690</sup> *Congressional Quarterly Almanac*, 1983. p. 123.

<sup>691</sup> Kriner, Douglas. 2010.

<sup>692</sup> Quandt, William B. 1984.

mid-April 1985, as previously authorized by Congress.<sup>693</sup> In reality, congressional opposition from both sides of the aisle and its potential domestic political costs forced the administration to abandon its Lebanon policy at the earliest possible time.<sup>694</sup> From the above analysis conclusions can be drawn that the implications of divided government proved to be detrimental and was responsible for legislative-executive dissension. Therefore, evidence in the Lebanon-MNF intervention supports the given hypothesis.

**Hypothesis 2: Ideological divisions and partisan differences result in greater dissension in the decision process on conduct of war.** The passage of MNFLR (P.L. 98-119) was a reflection of partisan and ideological dimensions in a divided government setting. While voting for MNFLR there were considerable elements of partisan and ideological dispositions in the pattern of voting inside each chamber. The House of Representatives passed H.J. Res. 364 on September 28, 1983, by a vote of 270-161.<sup>695</sup> In the House, where there were 270 Democrats and 165 Republicans,<sup>696</sup> all but 27 Republicans supported the bill, while Democrats were evenly divided 130-134 with two House Democrats not voting.<sup>697</sup> The Democrat-controlled House was ultimately successful in passing the MNFLR, and especially the contentious 18-month authorization, in a bipartisan manner. Almost half of the House Democrats, inspired by House Democratic leaders like Speaker O'Neill and Chairman of the House Foreign Affairs

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<sup>693</sup> Howell, William G., and Jon C. Pevehouse. 2007.

<sup>694</sup> Kriner, Douglas L. 2010.

<sup>695</sup> *Congressional Record* – House. September 28, 1983. p. 26176.

<sup>696</sup> United States House of Representatives. *History, Art, and Archives*. Available at <http://history.house.gov/Institution/Party-Divisions/Party-Divisions/>

<sup>697</sup> *Congressional Quarterly Weekly Report*. October 1, 1983. p. 2015.

Committee Zablocki, joined the House Republicans to reach the magic number of 218 in order to pass H.J. Res. 364. Earlier, the House rejected the Democrat-sponsored Long-Obey Amendment moved by Representatives Clarence D. Long (D-MD) and David R. Obey (D-WI), which threatened to cut funding for the Marines in Lebanon and force President Reagan to withdraw the troops from the theatre unless he submitted reports to Congress under Section 4(a)(1) of the War Powers Resolution, on a party line vote of 158-272.<sup>698</sup> The Senate on September 29, 1983, passed S.J. Res. 159 to invoke the War Powers Resolution by a more intense partisan vote of 54-46.<sup>699</sup> Only two Democratic Senators – George J. Mitchell (D-ME), and Edward Zorinsky (D-NE) – favored the bill, whereas three Republican Senators – Mark O. Hatfield (R-OR), William V. Roth Jr. (R-DE), and Lowell P. Weicker Jr. (R-CT) – opposed it.<sup>700</sup> Importantly, the real dynamics of such an unprecedented partisan divide “took place off the floor as Majority Leader Howard H. Baker (R-TN) and Vice President George H.W. Bush worked to keep Republicans in line and Minority Leader Robert C. Byrd (D-W.V.) urged Democrats to unify in opposition.”<sup>701</sup> In stark similarity to the rejection of the Long-Obey Amendment in the House, the Senate displayed heightened partisan dynamics when Senate Minority Leader Byrd sponsored an amendment to S.J. Res. 159, intended to force Reagan to withdraw the troops before the end of the year 1983 unless he provided Congress with specific reports on war powers. It was defeated by a perfect straight party-line vote of 55-

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<sup>698</sup> Congressional Research Service, Report Number IB 83154. *“Lebanon: The United States and the Multinational Force.”* 1984.

<sup>699</sup> *Congressional Record* – Senate. September 29, 1983. p. 26295.

<sup>700</sup> *Congressional Quarterly Almanac*, 1983.

<sup>701</sup> *Washington Post*. September 30, 1983. First Section. p. A1.

45.<sup>702</sup> The Associated Press reported, “Before the final vote, the Republican-controlled Senate rejected repeated efforts by Democrats to rein in Reagan's authority over the troops dug in around the Beirut airport since Sept. 28, 1982. Proposals to cut back the time limit from 18 months to six months, and to force Reagan to bring home the Marines in 60 days unless Congress decided otherwise, also failed on largely party line votes.”<sup>703</sup> Reporting about the House response to the Senate vote, the *New York Times* commented, “In less than 10 minutes the Democratic-controlled House of Representatives, which approved a nearly identical version on Wednesday [September 28, 1983] agreed to accept the Senate bill....”<sup>704</sup> Four hours later, the House accepted minor differences contained in the Senate version of the resolution [S.J. Res. 159] by a vote of 253-156, thereby clearing the legislative hurdle for the passage of P.L. 98-119.<sup>705</sup> In the Senate, there were 55 Republicans and 45 Democrats.<sup>706</sup> During the congressional debate over S.J. Res.159, the Senate Republicans overwhelmingly supported Reagan’s Lebanon policy, while the Democrats opposed the mission. Especially with regard to the controversial 18-month authorization, during the Senate debate most of the influential Senate Democrats, such as Edward Kennedy of Massachusetts, Thomas Eagleton of Missouri, Senate Foreign Relations Committee ranking member Clairborne Pell of Rhode Island, and many others

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<sup>702</sup> *Congressional Quarterly Almanac*, 1983. p. 120. All 55 Republicans and 45 Democrats sided to their own party affiliations and the amendment was defeated.

<sup>703</sup> *Associated Press*. September 30, 1983.

<sup>704</sup> *New York Times*, September 30, 1983, p. A1.

<sup>705</sup> *Congressional Quarterly Weekly Report*. October 1, 1983. p. 2015.

<sup>706</sup> United States Senate. Art and History section  
[http://www.senate.gov/pagelayout/history/one\\_item\\_and\\_teasers/partydiv.htm](http://www.senate.gov/pagelayout/history/one_item_and_teasers/partydiv.htm)

labeled it as a “blank check” to the president.<sup>707</sup> The liberal-conservative continuum was distinctly observable in the interpretation of the Lebanon mission and the role of the American military in the global sphere. The conservative Republicans overwhelmingly supported the conservative president, while the liberal Democrats were skeptical about the purpose of the whole mission. Prominent Democratic Senators such as Sam Nunn of Georgia, Paul S. Sarbanes of Maryland, and Joseph R. Biden of Delaware were highly critical of the MNFLR (P.L. 98-119), as they argued that the United States was committing to military goals which were unrealistic and beyond reach.<sup>708</sup> A similar pattern was observed in the Democrat-controlled House of Representatives, where the Republicans overwhelmingly supported Reagan’s Lebanon policy during the debate of H.J. Res. 364 and later while adopting S.J. Res. 159. However, there was a split among the Democrats, many of whom even tried to block the passage of the bill. Empirical findings from the Senate and House debates during September 26-29, 1983, make such partisan and ideological dynamics and the consequent consensus-dissension trajectory at various levels evident.<sup>709</sup> Hence, even if technically Congress was successful in passing the MNFLR (P.L. 98-119) in a bipartisan manner and invoked the War Powers Resolution, yet congressional debate proceedings and the roll call vote patterns in each chamber displayed a robust partisan and ideological underpinning. Overall the Republican-controlled Senate proceedings showed a much higher degree of partisan politics as compared to the Democrat-controlled House, where the House leadership

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<sup>707</sup> *Congressional Record* – Senate. September 29, 1983.

<sup>708</sup> *Congressional Quarterly Weekly Report*, October 1, 1983. p. 2015.

<sup>709</sup> 129 *Congressional Record*. September 26-29, 1983.

generally was able to whip up a sufficient number of Democrats to pull through the required number of votes for the passage of P.L. 98-119.

In the aftermath of the October 23, 1983, Beirut truck-bomb incident, the partisan and ideological dimensions in Congress intensified further. Congressional Democrats immediately and publicly rebuked the president, and the media paid attention to this reaction.<sup>710</sup> While the Senate continued to remain in an extremely polarized state, in the House the political dynamics quickly changed as the Democratic leadership, particularly House Speaker O'Neill became more critical of the administration. Under the new circumstances, congressional politics witnessed a tremendous surge of opposition from the Democrats in both chambers. Heightened levels of congressional opposition catalyzed by partisan politics created considerable hurdles for the Republican administration to continue with its stated Lebanon military policy. In Congress, while intraparty consensus was coherent among both the Democrats and Republicans, there was growing interparty dissension on the Lebanon mission. The overall effect of intensified partisan polarization transpired into higher levels of legislative-executive dissension. In the wake of renewed interbranch competition, Democrats in Congress introduced a string of new legislations to invoke the War Powers Resolution in a more stringent manner so as to curtail presidential war powers in a Republican administration, particularly with regard to the 18-month authorization aspect as stipulated by P.L. 98-119. Democrats, particularly in the Senate, were highly critical about such a time limit, which they generally regarded as a "blank check."<sup>711</sup> New bills were introduced by Senate Democrats, with overwhelming support

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<sup>710</sup> Howell, William G., and Jon C. Pevehouse. 2007.

<sup>711</sup> 129 *Congressional Record*. September 26-29, 1983.

from House Democratic leadership, particularly Speaker O'Neill and Chairman of House Foreign Affairs Committee Zablocki. Shortly after the October 23, 1983, Beirut bombing incident, in the Senate S.J. Res. 187 was introduced on October 26, 1983, by Senators John Melcher (D-MT) and David Pryor (D-AR) in order to repeal the recently enacted Multinational Force in Lebanon Resolution (P.L. 98-119). Thereafter, S.J. Res. 190 was introduced on October 28, 1983, by Senators Thomas F. Eagleton (D-MO), Edward M. Kennedy (D-MA), Alan J. Dixon (D-IL), and Senate Foreign Relations Committee ranking member Clairborne Pell (D-RI) in order to "reduce the period of the original authorization from 18 months [as granted by MNFLR] to 3 months, causing the current authorization to expire in mid-January [of 1984]." <sup>712</sup> Importantly, in the Republican-controlled Senate, when S.J. Res. 190 arrived at the Senate Foreign Relations Committee, Chairman Charles Percy (R-IL) and other Republicans "first blocked committee action on November 10, and then stalled a November 15 markup of S.J. Res. 190 long enough to put the issue over until the 1984 session of Congress." <sup>713</sup> Such incidents were evident of a heightened level of partisan politics following the Beirut bombing incident. In the Senate, the Democrats also introduced S. Res. 253 on October 26, 1983, to replace the Marines by a U.N. or other "neutral" force. <sup>714</sup> But the Senate Democrats were unable to force a vote on that proposal. With the situation on the ground further deteriorating, with incremental casualties of U.S. servicemen following the October 23 bombing and

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<sup>712</sup> Committee on Foreign Relations, U.S. Senate. "Authorization for U.S. Marines in Lebanon" S. Hrg. 98 – 528. November 10 and 15, 1983. p. 14.

<sup>713</sup> *Congressional Quarterly Almanac*, 1983. p. 122-3.

<sup>714</sup> Committee on Foreign Relations, U.S. Senate. "Authorization for U.S. Marines in Lebanon" S. Hrg. 98 – 528. November 10 and 15, 1983.

congressional discontent growing exponentially, on December 9, 1983, Representative Bill Alexander (D-AR) and chairman of a Lebanon Oversight Committee earlier appointed by Speaker O'Neill said "given the lack of progress toward U.S. goals and the continued U.S. casualties, the Lebanon compromise [P.L. 98-119] had lost majority support in Congress."<sup>715</sup> In the House of Representatives, too, there was a rapid and dramatic increase in criticism of Reagan's handling of the Lebanon mission. Influential House members such as Representatives Les Aspin (D-WI) and Lee Hamilton (D-IN), who earlier supported Reagan's military policy in Lebanon, sent a letter to President Reagan criticizing his handling of military operations on the ground and illustrating growing congressional impatience on the issue.<sup>716</sup> Significantly, the *Washington Post* reported that House Speaker O'Neill, whose support was a key ingredient in the compromise formula allowing U.S. forces to remain in Lebanon for 18 months, said "he was supportive of the Hamilton-Aspin letter and hopeful that the president will weigh it heavily."<sup>717</sup> Congressional outrage based on partisan dynamics was clearly observable in the voice of O'Neill, when he criticized the administration and said, "They have to know a message was sent to them that they're running out of time [time limit authorized by Congress in accordance with Section 5(b) of the War Powers Resolution and as implemented in the Lebanon Multinational Force Resolution]. If the diplomatic isn't working, we'd better get the hell out of there. There is no way we want to escalate this

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<sup>715</sup> *Congressional Quarterly Almanac*, 1983. p. 123.

<sup>716</sup> Howell, William G., and Jon C. Pevehouse. 2007.

<sup>717</sup> *Washington Post*, December 15. 1983, p. A1.

war.”<sup>718</sup> The ultimate partisan blow to the Reagan administration came in January 1984, with a complete reversal in O’Neill’s viewpoint about the mission.<sup>719</sup> After meeting with his Lebanon monitoring group in the House and reviewing the deteriorating conditions in Lebanon, O’Neill was totally convinced about the need for an early withdrawal of troops from the theatre. He commented, “I will join with many others in Congress in reconsidering congressional authorization for Marine presence in Lebanon.”<sup>720</sup> Erosion of support from O’Neill created untenable political pressure from Congress on the administration’s failure to show speedy and tangible progress on the ground. Thereafter, in roughly two months, the administration pulled all the troops out of Lebanon as the congressional opposition became untenable, based on the constitutional limits provided by the War Powers Resolution. From the above analysis it can be inferred that evidence supports the given hypothesis.

**Hypothesis 3: Electoral imperatives of opposing congressional leaders to get reelected in the ensuing elections increase the propensity of legislative-executive dissension.** During the entire process of congressional debate leading up to the passage of P.L. 98-119 (or MNFLR), electoral imperatives and constituency pressure loomed large in position taking and roll call vote among the members of Congress. Empirical findings also provided evidence that the Democrats in Congress were primarily more concerned about electoral consequences in their decision process in voicing their opposition to P.L.

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<sup>718</sup> *Wall Street Journal*. December 14, 1983.

<sup>719</sup> Kriner, Douglas L. 2010.

<sup>720</sup> *Congressional Quarterly Weekly Report*, January 7, 1984. p. 3.

98-119.<sup>721</sup> While criticizing the 18-month congressional authorization for troop deployment in Lebanon as part of the deal on P.L. 98-119, several liberal Democrats expressed their displeasure. For instance, Senator Patrick Leahy (D-VT) commented, “As I travel through Vermont, I find, as I said before, my constituents see no justification for risking the lives of American young men...If I could say what I wish Congress would do, it would be to invoke the War Powers Act without setting the 18-month time limit.”<sup>722</sup> The same sentiment was largely echoed by Senators James Sasser (D-TN), Dale Bumpers (D-AR), and Edward Kennedy (D-MA).<sup>723</sup> There was also an element of party loyalty, especially among the Senate Democrats and Republicans, and also among the House Republicans, which had electoral connections.<sup>724</sup> While Senate Democrats were united in opposing P.L. 98-119, Senate Republicans showed allegiance to President Reagan, who happened to maintain a steady but moderate public approval. The Republicans were inclined to take electoral benefit from the president’s modestly rising approval rating from January 1983 until the conclusion of the mission in February 1984.<sup>725</sup> In the House proceedings, issues related to the ensuing 1984 election cycle were raised. In consideration of electoral consequences, about half of the House Democrats did not support the 18-month time limit, as against the overwhelming number of Republicans

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<sup>721</sup> 129 *Congressional Record*. September 26-29, 1983.

<sup>722</sup> *Congressional Record* – Senate. September 29, 1983. p. 26251-2.

<sup>723</sup> *Ibid.*; p. 26259; 26264; 26280.

<sup>724</sup> Rohde, David in David A. Deese, ed. 1994. David Rohde wrote a generalized argument which bears similarity to the empirical findings during the congressional debate, regarding the contentious issue of an 18-month authorization as part of P.L. 98-119. The majority number of Democrats considered their constituency issue and electoral consequences, while that was apparently not the case with the majority of Republicans, who tried to identify their policy preference with that of the president.

<sup>725</sup> Kriner, Douglas L. 2010. p. 213.

who supported the president and the deal. In order to alleviate electoral apprehensions of the remaining half of the Democrats, and to garner support for the passage of H.J. Res. 364 as a step toward invoking the War Powers Resolution, Chairman of the House Foreign Affairs Committee Zablocki commented, "...this length of time [18-month congressional authorization as part of P.L. 98-119 in compliance with Section 5(b) of the War Powers Resolution] will carry the authorization for troop involvement past the 1984 elections, thus insulating the U.S. participation from partisan wrangling and election-year politics."<sup>726</sup> From the congressional debates, it appears that there was also an element of regional political contingencies (i.e. industrial liberal Northeast and upper Midwest pitted against the more conservative Sun Belt political dynamics) having potential electoral ramifications in the decision-making process for the individual members of Congress on both sides of the aisle. All such electoral imperatives were responsible: strict partisan voting (inter-party dissension) in the Senate and relative bipartisan consensus in the House, which in turn resulted in invocation of the War Powers Resolution on the administration. In the aftermath of the Beirut bombing, when opposition from Congress became untenable and further legislative actions (S.J. Res. 187 and 190) were taken to repeal P.L. 98-119 and/or reduce the 18-month time limit to just 3 months, the Reagan administration yielded to congressional pressure but kept in consideration the tangible electoral ramifications it might confront in the midst of declining public approval, had the Marines not withdrawn as demanded by Congress.<sup>727</sup> In early 1984, even prominent Republican leaders in Congress such as Senate Majority Leader Howard Baker (R-TN),

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<sup>726</sup> *Congressional Record* – House. September 28, 1983. p. 26113.

<sup>727</sup> Kriner, Douglas L. 2010.

Charles Mathias (R-MD), and Barry Goldwater (R-AZ) called for early withdrawal of the Marines, keeping in mind the upcoming election cycle of 1984.<sup>728</sup> In addition, growing congressional discontent and members of Congress hearing their respective constituencies' demand immediate withdrawal of Marines also put insurmountable pressure on the Reagan administration, resulting in troops being pulled out of Lebanon long before the 18-month time limit as permitted by the Multinational Force in Lebanon Resolution (PL 98-119).<sup>729</sup> From the above analysis it is evident that for the entire period of Lebanon-MNF military intervention electoral imperatives acted as a driving force for the Democrats in Congress. After the Beirut bombing incident GOP lawmakers too overwhelmingly joined hands with their Democratic colleagues to press for early troop withdrawal because of growing constituent discontent about the ongoing military mission and concerns for re-election in the ensuing fall 1984 election cycle. Such analysis largely supports the given hypothesis.

**Hypothesis 4: If there is favorable public opinion for military intervention, there is likely to be legislative-executive consensus, and vice versa.** For the major part of the Lebanon MNF intervention, the Reagan administration witnessed a steady and moderate rate of public support nationally.<sup>730</sup> Throughout the same period of time, Reagan's approval rating also rose moderately. As a result, Republicans in both the Senate and the House by and large supported the administration's Lebanon policy in congressional debates and roll call votes. On the other hand, in liberal states which were

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<sup>728</sup> Quandt, William B. 1984.

<sup>729</sup> *Congressional Quarterly Almanac*. 1983.

<sup>730</sup> Kriner, Douglas L. 2010.

heavily represented by congressional Democrats, public opinion in general was against the military mission. Hence, the Democrats in the Senate in particular and about half of them in the House were against the Lebanon MNF policy. Thus, the dynamics of public opinion influenced the political process, leading to the passage of the Lebanon Emergency Assistance Act (P.L. 98-43) in the spring of 1983 and later the Multinational Force in Lebanon Resolution (P.L. 98-119) in the fall of 1983, both of which were based on the constitutional principles of Section 4(a)(1) and Section 5(b) of the War Powers Resolution. In the wake of the Beirut bombing, public support for the Lebanon mission even increased. To be more precise, from September 1983 to November 1983, public approval of the mission, based on the CBS News/*New York Times* poll showed a rise from 40 percent to 61 percent.<sup>731</sup> Such an increase in public support enhanced the intensity of partisan politics in Congress, with the Senate Democrats sufficiently backed by the House Democratic leadership introducing S.J. Res. 187 and 190 to repeal PL 98-119 and to reduce the 18-month authorization to only 3 months in compliance with Section 5(b) of the War Powers Resolution. Congressional Republicans and the Reagan administration opposed such initiatives in the first place. However, with the situation on the ground fast deteriorating since December 1983, followed by mounting congressional pressure to withdraw troops at the earliest possible time, public opinion with regard to the Lebanon mission took a plunge. As the media coverage of congressional resistance increased, public sentiment for withdrawal of Marines rose sharply, reaching 61 percent by January 1984.<sup>732</sup> Such a reversal in public opinion put considerable pressure both on

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<sup>731</sup> Burk, James. 1999.

<sup>732</sup> Ibid.

the congressional Republicans and the administration. Congress became more united in its opposition to further continuance of the mission, in an effort to reduce the time limit of troop deployment to comply with Section 5(b) of the War Powers Resolution. In the end, in the face of such insurmountable congressional pressure and the potential domestic political cost because of falling public support for the mission, the administration withdrew troops by the end of February 1984. Therefore, it is evident that sharp fall in public opinion following the Beirut bombing increased congressional-presidential dissension on the conduct of war. In the end the administration was forced to pull out troops much early. Thus evidence by and large supports the given hypothesis.

**Hypothesis 5: Opposition members of Congress disagree with president's decision on military intervention, and vice-versa.** For the case study of the Lebanon MNF intervention, Democrats in Congress played major role in the decision-making process first in the passage of the Lebanon Emergency Assistance Act (P.L. 98-43) in the spring of 1983 and later the Multinational Force in Lebanon Resolution (P.L. 98-119) in the fall of 1983. The role of various influential opposition members of Congress was primarily responsible for legislative-executive dissension which ultimately resulted in the War Powers Resolution invoked. Various legislations, which were introduced in Congress to comply with the constitutionality of Section 4(a)(1) and Section 5(b) of the War Powers Resolution, were generally attributed to the partisan dimensions of the Democratic members of Congress. The given hypothesis goes hand in hand with the analysis in hypothesis 2. Findings from the investigation support the given hypothesis.

**Hypothesis 6: Extensive media coverage increases the propensity of legislative-executive consensus in the decision-making process on military intervention.** Because

of the prolonged two-tier dimension of the Lebanon MNF intervention, stretching from August 1982 to February 1984, media coverage, even though extensive, displayed varied dynamics over time. Initially the media coverage was somewhat ambivalent about President Reagan's decision and the purpose of the intervention.<sup>733</sup> The success of the first MNF and the relatively incident-free beginning of the second MNF was completely overshadowed by the catastrophe of the latter mission, which the media covered extensively.<sup>734</sup> Over time, as the mission became more extensive and complicated in nature with Marines suffering casualties, the tone of media coverage became relatively sympathetic to congressional actions to invoke the War Powers Resolution while criticizing the administration's Lebanon policy.<sup>735</sup> In reality, media coverage of congressional proceedings to invoke the War Powers Resolution was extensive. This was explicitly reflected by the statistical figures from the *New York Times*, *Washington Post*, and prominent television networks such as ABC, CBS, and NBC. Later, in the post-Beirut bombing period, the media reflected in detail on the congressional outrage over the administration's Lebanon policy and further legislative actions taken to reduce the so-called 18-month time "blank check" to 3 months in order to comply with Section 5(b) of the War Powers Resolution.<sup>736</sup> On the other hand, President Reagan judiciously used prime time television networks as a powerful tool to go over the heads of congressmen and speak directly to the American people, explaining the justification for and legitimacy

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<sup>733</sup> Mermin, Jonathan. 1999.

<sup>734</sup> McDermott, Anthony and Kiell Skjelsbaek. 1991.

<sup>735</sup> Berry Nicholas. 1990.

<sup>736</sup> Kriner, Douglas L. 2010.

of the Lebanon mission in an attempt to garner public support during the conduct of the intervention.<sup>737</sup> Reagan addressed the nation on October 27, 1983 in a televised speech about the situation in Lebanon.<sup>738</sup> The speech was effective in reversing a dwindling public opinion in the administration's favor, even though it was short lived.<sup>739</sup> Empirical analysis provides an impression that the liberal mainstream media's criticism of a hawkish president's seemingly uncertainty over the Lebanon policy considerably influenced the dynamics of congressional-presidential relations. The administration also received negative coverage from television network news, ABC, CBS, and NBC.<sup>740</sup>

From August 1, 1982 (the first MNF deployment took place on August 25), to February 29, 1984 (Marines were pulled out on February 26), the *New York Times* had 514 documents classified into four categories - 322 articles, 175 front-page articles, 13 editorials, and 4 letters to editor.<sup>741</sup> For the same time period, the *Washington Post* reported 433 documents, including 225 articles, 185 front-page articles, 18 editorials, and 5 letters to editor.<sup>742</sup> The *Times* coverage reached its pinnacle in September to October 1983, when the congressional debate and hearings took place to invoke the War Powers Resolution in the form of the Multinational Force in Lebanon Resolution (P.L. 98-119), followed by the Beirut bombing incident, and again in February 1984, when

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<sup>737</sup> Kernell, Samuel. 1986.

<sup>738</sup> *Public Papers of the Presidents*, Ronald Reagan. October 27, 1983. p.1517 - 22.

<sup>739</sup> Gilboa, Eytan. 1990.

<sup>740</sup> Smoller, Fred. 1986.

<sup>741</sup> [ProQuest Historical Newspapers: The New York Times \(1851-2009\)](http://search.proquest.com/hnpnewyorktimes/results/); Available at <http://search.proquest.com/hnpnewyorktimes/results/>

<sup>742</sup> *Washington Post*; Available at <http://pqasb.pqarchiver.com/washingtonpost/historical/results.htm>

congressional pressure to withdraw troops effective immediately compelled the administration to take this drastic action long before the end of the original 18-month time limit.<sup>743</sup> The coverage of the *Post* represented a similar trend as that in the *Times*.<sup>744</sup> Members of Congress used the *New York Times* and *Washington Post* to air their concern about the Reagan administration's Lebanon policy as part of exerting pressure on him to submit a report to Congress, citing Section 4(a)(1) of the War Powers Resolution to start the clock for the presence of troops. Senator Charles Mathias (R-MD) and a member of the Senate Foreign Relations Committee, who later introduced S.J. Res. 159, wrote in an editorial desk piece, "I believe that the president should officially notify to the Congress that the United States armed forces are now in a situation of imminent hostilities. He should make his case to the Congress for maintaining a United States presence in Lebanon and seek formal Congressional authorization for his policy."<sup>745</sup> Analysis of the *New York Times* editorial pieces gives a general impression about the tone of media coverage, which was mostly critical of the Reagan administration's decision to send Marines into danger in the Middle East without proper policy determination. Approximately 60 percent of the *New York Times* editorials were critical of the administration's handling of the Lebanon military mission. Some of the critical editorial pieces were those of Thomas Friedman (December 11, 1983)<sup>746</sup>; Ronald Steel (October

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<sup>743</sup> See Appendix H.

<sup>744</sup> See Appendix H.

<sup>745</sup> *New York Times*, September 7, 1983, p. A23.

<sup>746</sup> *New York Times*, December 11, 1983, p. E1.

30, 1983)<sup>747</sup>; Hedrick Smith (December 11, 1983)<sup>748</sup>; Summary of the major news (October 16, 1983)<sup>749</sup>; and Flora Lewis (September 2 and October 25, 1983).<sup>750</sup>

Immediately following the Beirut bombing incident, a highly critical article in the *New York Times* directly raised issues regarding the purpose of the mission:

In the 13 months since the marines were sent to the Beirut area, the reasons for their presence there have shifted with the situation.... [Political] inhibitions have been evident ever since the marines were first sent to Lebanon and officials assured Congress they would not be involved in life-threatening situations.... What precisely is the mandate for the Marines and the other members of the four-nation multinational force?<sup>751</sup>

Raising the specter of Section 5(b) of the War Powers Resolution, which deals with the congressional authorization of the time limit, Senator Sam Nunn (D-GA) and ranking member of the Senate Armed Services Committee commented, “It seems to me that we ought to go back to the drawing board and say, ‘Mr. President, what are the marines doing there and under what terms would they be withdrawn’?....Our forces in Lebanon now are not a deterrent, they're hostages.”<sup>752</sup> Criticisms of other Members of Congress – Senator Alan Cranston (D-CA), Senate Minority Leader Robert Byrd (D-W.V.), Senator Donald W. Riegle Jr. (D-MI), Senator Ernest F. Hollings (D-SC), former Secretary of State Henry Kissinger, and Senator John Glenn (D-OH) were also reflected by the *New York Times* very vividly. In comparison to the congressional coverage, the coverage of

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<sup>747</sup> *New York Times*, October 30, 1983, p. E19.

<sup>748</sup> *New York Times*, December 11, 1983, p. E2.

<sup>749</sup> *New York Times*. October 16, 1983, p. E11.

<sup>750</sup> *New York Times*, September 2, 1983, p. A19; *New York Times*, October 25, 1983, p. A35.

<sup>751</sup> *New York Times*, October 24, 1983, p. 1.

<sup>752</sup> *New York Times*, October 24, 1983, p. 8.

the administration was scarce, which in turn showed definite empathy toward the congressional perspective on the issue. Similarly, the *Washington Post* also displayed a critical tone regarding the administration's policy in its coverage. Prominent among the *Post* coverage were John Goshko's article (October 28, 1983)<sup>753</sup>; William Raspberry's OPED piece (October 28, 1983)<sup>754</sup>; and Philip Geyclin's OPED piece (October 11, 1983).<sup>755</sup> To add to the unpopularity of the long-drawn-out military mission and the administration's ambiguity on its handling, television network channels also reflected the same trend as that of the print media. From August 1, 1982, to February 29, 1984, there were 308 programs reported by ABC, CBS, and NBC combined.<sup>756</sup> ABC aired 95 programs, CBS presented 114 programs, and NBC brought 99 programs to the viewers.<sup>757</sup> Consistent with newspaper coverage, stories ran by network channels reached its peak in September to October 1983, when the congressional debate and hearings took place to invoke the War Powers Resolution in the form of the Multinational Force in Lebanon Resolution (P.L. 98-119), followed by the Beirut bombing incident, and again in February 1984, when congressional pressure to withdraw troops effective immediately compelled the administration to take this drastic action long before the end of the original 18-month time limit.<sup>758</sup> The coverage of the television network channels also showed a general criticism of the military mission by talking about the difficulties that the U.S.

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<sup>753</sup> *Washington Post*, October 28, 1983, p. A7.

<sup>754</sup> *Washington Post*, October 28, 1983, p. A23.

<sup>755</sup> *Washington Post*, October 11, 1983, p. A15.

<sup>756</sup> Vanderbilt Television News Archive. Available at <http://tvnews.vanderbilt.edu/tvn-processquery.pl>

<sup>757</sup> Appendix H.

<sup>758</sup> Appendix H.

Marines were facing on the ground. Television reporting straight from the war zone also influenced the trajectory of congressional-presidential relations regarding the Lebanon policy and the constitutional provisions of the War Powers Resolution. From the analysis, it can be concluded that the given hypothesis is acceptable when determining the role of media coverage influencing the decision-making process of the Lebanon MNF intervention. Although extensive media coverage was responsible for continuum of legislative-executive consensus and dissension during the decision-making process on the conduct of war, media's general negative tone of the administration's Lebanon policy aggravated dissension between the Capitol and White House in a divided government setting. Hence it can be argued that findings do not support the hypothesis.

**Hypothesis 7: The longer the duration of military intervention the greater the propensity of legislative-executive dissension on the conduct of war.** The Lebanon MNF intervention was a Congress and the Reagan administration on the matter of Section 4(a)(1) of the War Powers Resolution, which in turn triggered the time clock of 60 days for troop withdrawal, unless Congress authorizes further extension of the time limit in accordance with the provisions of Section 5(b). The Reagan administration repeatedly avoided citing Section 4(a)(1) in its reporting to Congress. This action by the administration outraged Congress, and in turn members triggered the provisions of Section 4(a)(1) on their own from August 29, 1983, discarding presidential preference and implemented Section 5(b) in the Multinational Force in Lebanon Resolution (P.L. 98-119).<sup>759</sup> The passage of PL 98-119 on Capitol Hill compelled President Reagan to concede to the constitutional provisions of the War Powers Resolution. At the same time,

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<sup>759</sup> Fisher, Louis. 1995.

by passing PL 98-119, Congress authorized the administration to have an 18-month time limit for deployment of Marines on the ground. Over time, the Lebanon intervention became a prolonged mission and grew more complicated, and in turn it was a contentious foreign policy issue in the realm of domestic politics. After the Beirut bombing, Congress started reassessing the 18-month time limit. Members of Congress, particularly those belonging to the Democratic Party, again raised serious concerns about the so-called “blank check” time limit and introduced legislations (S.J. Res. 187, 190) to reduce the time limit from 18 months to only 3 months. Later, with further deteriorating conditions on the ground, congressional leaders unanimously called for immediate withdrawal of the Marines, stressing the immediate implementation of Section 5(b) of the War Powers Resolution in such a dire situation. When administrative support became untenable in the context of the prolonged, complicated nature of the military intervention, the administration reacted to congressional pressure and pulled the troops out of Lebanon by the end of February 1984, long before the authorized time limit of 18 months from deployment.<sup>760</sup> Apart from legislative actions, negative media coverage of the mission and plummeting public opinion about the prolonged intervention, particularly after the precipitating event of the Beirut bombing, put enormous pressure on the administration to pull the troops out as quickly as possible in accordance with Section 5(b).<sup>761</sup> Internal dissension within the administration also kept growing about the Lebanon-MNF mission, and that gave traction to the already difficult relationship between Capitol Hill and the White House. In the end, the administration realized the potentially heavy political cost

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<sup>760</sup> Details of the legislative process are already discussed in the previous hypotheses.

<sup>761</sup> Kriner, Douglas L. 2010; Howell, William G., and Jon C. Pevehouse. 2007.

that it might have to pay if the troops were not withdrawn at the earliest opportunity. Under heavy pressure, eventually the Reagan administration relented and ordered the troops pulled out by the end of February 1984. In conclusion it can be asserted that evidence supports the given hypothesis in the case of Lebanon-MNF military intervention.

### **Grenada Intervention (1983)**

**Background:** On October 25, 1983, 1,900 U.S. Marines and Army Rangers and 300 military and police forces from seven Caribbean islands landed in the small island nation of Grenada.<sup>762</sup> On the same day, President Ronald Reagan submitted his report to Congress in conformity with the War Powers Resolution, insisting that “the action was in response to a request from the Organization of Eastern Caribbean States (OECS) which had formed a collective security force to restore order in Grenada, where anarchic conditions had developed, and to protect the lives of U.S. citizens.”<sup>763</sup> The Reagan administration cited the primary reason for such intervention to be the rescue of several hundred American students attending medical school in Grenada.<sup>764</sup> The other reason for the use of force in Grenada was the growing political relationship between Cuba and the Soviet Union in the Caribbean region, especially with regard to the ongoing construction of a 9,800-foot airstrip capable of handling military aircraft.<sup>765</sup> When Congress responded

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<sup>762</sup> Congressional Research Service, Report Number IB 83170. “*Grenada: Issues concerning the use of U.S. Forces.*” 1983.

<sup>763</sup> Congressional Research Service, Report Number 41199. “*The War Powers Resolution: After Thirty Six Years.*” 2010. p. 15.

<sup>764</sup> Mermin, Jonathan. 1999.

<sup>765</sup> Congressional Research Service, Report Number IB 83170. “*Grenada: Issues concerning the use of U.S. Forces.*” 1983.

fast and took legislative action to invoke the War Powers Resolution, the Reagan administration assured the Capitol that it had plans to withdraw troops from Grenada by December 23, 1983, which was before the expiration date of 60 days from the date of intervention.<sup>766</sup> Eventually, all U.S. combat troops were removed from the island nation on December 15, 1983, which was a few days earlier than what the administration earlier projected.<sup>767</sup> Grenada intervention was contemporary with the Lebanon MNF intervention and, therefore, divided government was in place in Washington. The United States Senate and the White House were controlled by the Republican Party, whereas the United States House of Representatives was controlled by the Democratic Party.

**Hypothesis 1: Divided government leads to congressional-presidential dissension in war-making, while unified government facilitates consensus.** While deploying U.S. troops to Grenada, President Reagan did not consult with Congress in advance regarding such troop deployment. Also, the president skirted Section 4(a)(1) requirements when submitting a report to Congress in conformity with the War Powers Resolution.<sup>768</sup> For these reasons, Congress was outraged, publicly rebuked the president, and responded immediately in a decisive manner by initiating legislative action in order to invoke the War Powers Resolution by unilaterally imposing the “trigger clause” of Section 4(a)(1).<sup>769</sup> Congress, which was already absorbing the shock of the Beirut bombing in Lebanon, this time, took immediate action the day following the landing of

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<sup>766</sup> Fisher, Louis. 1995.

<sup>767</sup> Congressional Research Service, Report Number RL 31185. “*The War Powers Resolution: After Twenty-Eight Years.*” 2001.

<sup>768</sup> Zablocki, Clement J. 1984.

<sup>769</sup> Sullivan, John H. in Barnhart, Michael, ed. 1987.

the U.S. troops on Grenada. The House of Representatives was the first to act. The Chairman of the House Foreign Affairs Committee (HFAC) Representative Clement J. Zablocki (D-WI) introduced H.J. Res. 402, which stated, “That for purposes of Section 5(b) of the War Powers Resolution, the Congress hereby determines that the requirements of Section 4(a)(1) of the War Powers Resolution became operative on October 25, 1983, when United States Armed Forces were introduced into Grenada.”<sup>770</sup> The purpose of the bill was to trigger Section 4(a)(1), which in turn would ensure that U.S. troop presence in Grenada would end in 60 days, unless Congress authorized their continued presence in accordance with the provisions of Section 5(b) of the War Powers Resolution. Here it is significant to notice that Congress unilaterally imposed Section 4(a)(1), despite the president’s refusal to do so. Such congressional action immediately sparked legislative-executive confrontation in a divided-government setting. The HFAC approved the bill on October 27 by a 33-2 vote.<sup>771</sup> The full House later passed H.J. Res. 402 in a bipartisan manner by a margin of 403-23 on November 1, 1983.<sup>772</sup> The measure was supported in a bipartisan manner, including 256 Democrats and 147 Republicans.<sup>773</sup> In the Senate, identical language to H.J. Res. 402 was introduced in the form of an amendment to the debt ceiling bill by Senator Gary Hart (D-CO).<sup>774</sup> The full Senate later adopted such an amendment, i.e. Amendment No. 2462, on October 28, 1993, as part of the debt ceiling

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<sup>770</sup> *Congressional Record* – House; October 31, 1983. p. 29994.

<sup>771</sup> Committee on Foreign Affairs, U.S. House of Representatives. “Grenada War Powers: Full Compliance Reporting and Implementation.” Report Number H381-5. October 27, 1983, p. 32.

<sup>772</sup> *Congressional Record* – House; November 1, 1983. p. 30285.

<sup>773</sup> Rubner, Michael. 1985-1986.

<sup>774</sup> *Congressional Quarterly Almanac*. 1983.

bill H.J. Res. 308 by a margin of 64-20.<sup>775</sup> With that move, Congress sent a clear message to the Reagan administration, just in three days, that the president's unilateral action to deploy troops in Grenada without consulting with the Capitol was in violation of the constitutional provisions of the War Powers Resolution. Swift response from Congress to invoke the War Powers Resolution was a clear reflection of the contours of legislative-executive dissention under a divided-government political configuration. October 28, 1983, also marked the watershed moment of congressional opposition to the Grenada operation, because of the harsh criticism of House Speaker Thomas P. O'Neill (D-MA) of the administration's Grenada policy for the first time.<sup>776</sup> The Speaker said, "To be perfectly truthful, his [President Reagan] policy scares me. We cannot go the way of gunboat diplomacy. His policy is wrong. His policy is frightening."<sup>777</sup> O'Neill even sent a bipartisan delegation of House Members to Grenada on a fact-finding mission from November 4-7, 1983.<sup>778</sup> Congressional opposition in the form of prompt legislative actions taken to invoke the War Powers Resolution in the days following the Grenada intervention clearly displayed the implications of divided government, resulting in congressional-presidential dissension in war-making. The initial jolt from Congress forced the Reagan administration to hasten its military plans in Grenada and limit it to less than 60 days in accordance with the provisions of Section 4(a)(1) of the War Powers Resolution. In consideration of the dynamics of legislative-executive relations, we may

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<sup>775</sup> *Congressional Record* – Senate; October 28, 1983. p. 29838.

<sup>776</sup> Mermin, Jonathan. 1999.

<sup>777</sup> *New York Times*, October 29, 1983, p.1.

<sup>778</sup> *Congressional Quarterly Weekly Report*, November 5, 1983. p. 2292.

draw conclusions in favor of the given hypothesis for the case of the Grenada intervention.

**Hypothesis 2: Ideological divisions and partisan differences result in greater dissension in the decision process on conduct of war.** The political posture adopted by the two chambers of Congress while taking legislative actions displayed elements of partisan and ideological dimensions. Congressional proceedings during the debate and roll call provide evidence that the Reagan administration's decision to send U.S. troops to Grenada divided the Democrats in a significant manner, while the Republicans were generally steady in their support for the administration.<sup>779</sup> Even then, the majority of the Democrats were critical of the administration while the Republicans supported Reagan in his Grenada mission.<sup>780</sup> Such a distinct rift in relative support between the two political parties was also a reflection of the liberal-conservative continuum, because unlike the liberals, congressional conservatives were overwhelmingly vocal in extending their support to one of the most conservative presidents of the twentieth century. The *New York Times* reported, "Many hawkish supporters [conservative Republicans] greeted the news [of the Grenada invasion] with a sense of enthusiasm and relief...But opponents [liberal Democrats] of Mr. Reagan derided his 'cowboy mentality' in the words of Representative Ronald V. Dellums, Democrat of California."<sup>781</sup> While the Democrat-controlled House was more proactive in initiating legislations to invoke the War Powers Resolution, the Republican-controlled Senate showed a relatively cautious approach in

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<sup>779</sup> *Congressional Record*. October 27 – November 01, 1983.

<sup>780</sup> Howell, William G., and Jon C. Pevehouse. 2007.

<sup>781</sup> *New York Times*, October 26, 1983, p. A22.

the decision-making process. In their deliberations, the Democrats in Congress, in particular, had misgivings about the legality of such military intervention in Grenada under the provisions of international and American law.<sup>782</sup> Most of the Democrats in the Capitol criticized Reagan because he did not consult with congressional leaders in advance before deploying the troops in Grenada, as required by the War Powers Resolution.<sup>783</sup> The ranking member of the Senate Foreign Relations Committee, Senator Clairborne Pell (D-R.I.), remarked, “There is a world of difference between being consulted and being asked do we think this is wise or not, or being informed, saying we are doing this at 5 AM tomorrow.”<sup>784</sup> Speaker of the House O’Neill said, “We weren’t asked for advice, we were informed what was taking place.”<sup>785</sup> Intense partisanship among congressional lawmakers was also evident from the fact that the legislations to enforce Section 4(a)(1) of the War Powers Resolution were solely introduced by the Democrats in both the Senate (Democratic Senator Gary Hart) and the House (Democratic Representative Clement J. Zablocki). Senator Sam Nunn (D-GA), the ranking member in the Senate Armed Services Committee, told a news conference that “official application of the War Powers measure to the [Grenada] conflict was a matter of principle.”<sup>786</sup>

Partisan dimensions were also reflected in the parliamentary procedural discrepancy with regard to legislative activities in the Democrat-controlled House and the

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<sup>782</sup> *Congressional Quarterly Weekly Report*, October 29, 1983. p. 2221.

<sup>783</sup> *Congressional Quarterly Almanac*. 1983.

<sup>784</sup> Rubner, Michael. 1985-1986, p. 632.

<sup>785</sup> *New York Times*, October 26, 1983, p. A1.

<sup>786</sup> *New York Times*, October 27, 1983, p. A18.

Republican-controlled Senate toward invoking the War Powers Resolution's troop withdrawal clock. The House Foreign Affairs Committee voted on October 27, 1983, in favor of reporting H.J. Res. 402, asserting that the provisions of Section 4(a)(1) of the War Powers Resolution became operative on October 25, 1983, the day when U.S. troops landed in Grenada.<sup>787</sup> The House Committee deliberations displayed partisan and ideological conflict. Liberal Democrats said they were "ashamed" of the invasion, while conservative Republicans were "proud."<sup>788</sup> The Senate adopted the language of H.J. Res. 402 on October 28, 1983, as an amendment to an unrelated debt ceiling bill, H.J. Res. 308, which in turn failed to pass the Senate.<sup>789</sup> The full House of Representatives later voted on H.J. Res. 402 on November 1, 1983.<sup>790</sup> When H.J. Res. 402 arrived at the Senate on November 2, 1983, Senate Majority Leader Howard Baker (R-TN) referred it to the Senate Foreign Relations Committee in an apparent move to stall the bill. Later the Majority Leader's aide said that the full Senate was unlikely to act on H.J. Res. 402 before adjourning for the year.<sup>791</sup> Thus, the Republican-controlled Senate was able to block the Democrat-controlled House version of H.J. Res. 402 in a parliamentary procedural maneuver, which in turn was a reflection of partisan delaying tactics toward implementing the troop withdrawal clock under Section 4(a)(1) and enforcing Section

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<sup>787</sup>Committee on Foreign Affairs, U.S. House of Representatives. "*Grenada War Powers: Full Compliance Reporting and Implementation.*" Report Number H381-5. October 27, 1983.

<sup>788</sup> *Congressional Quarterly Weekly Report*, October 29, 1983. p. 2221.

<sup>789</sup> *Congressional Quarterly Weekly Report*, November 5, 1983. p. 2292.

<sup>790</sup> *Congressional Record* – House. November 1, 1983. p. 30285.

<sup>791</sup> *Congressional Quarterly Weekly Report*, November 5, 1983. p. 2292.

5(b) of the War Powers Resolution. Expressing his frustration on the partisan dynamics in each chamber, Senate Minority Leader commented,

...each House has produced legislation finding that the War Powers Act, Sections 4(a)(1) and 5(b), was triggered by events that occurred in Grenada. Both measures have identical language. But they were like two ships passing in the night. The Senate acted on one vehicle; the House of Representatives acted on another.<sup>792</sup>

Partisan dynamics were also observable with regard to different decision outcomes on the issue of sending a bipartisan fact-finding mission to Grenada. In the wake of President Reagan's non-consultation with Congress before deploying U.S. troops in the theatre, House Speaker O'Neill used his power to quickly dispatch a bipartisan delegation of House members on a fact-finding mission from November 4-7, 1983, to "investigate publicly the causes and consequences of the American invasion, and the House Foreign Affairs Committee commenced its own inquiry into the administration's policy in Grenada."<sup>793</sup> Even though the administration resisted a fact-finding mission appointed by the Democrat-controlled House on the issues of logistical problems and short-term military commitment, in the end the House demand prevailed.<sup>794</sup> However, in the Republican-controlled Senate, Senate Majority Leader Baker (R-TN) twice blocked a similar proposal to appoint a bipartisan Senate delegation on a fact-finding mission put forward by Senate Minority Leader Byrd (D-W.V.). While "one version of Byrd's resolution, S Res 256, was referred to the Senate Rules Committee upon its introduction Oct. 31, Byrd asked for immediate consideration of a second, identical version, S Res

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<sup>792</sup> *Congressional Record* – Senate. November 17, 1983. p. 33775.

<sup>793</sup> Kriner, Douglas L. 2010, p.19.

<sup>794</sup> Rubner, Michael. 1985-1986.

257, and Baker objected to the unanimous consent necessary to approve the request.”<sup>795</sup>

Here too, parliamentary procedural dynamics were affected by partisan dimensions. The Republican-controlled Senate was reluctant to act on a proposal by Senate Democrats, which might undermine the military policy of a Republican administration in Grenada.

From the analysis, it is clear that there was bipartisan consensus on record (roll call vote) in the House of Representatives (even though the House Democrats were internally divided on the issue) when it passed H.J. Res. 402 in order to invoke the War Powers Resolution in the Grenada situation. However, there was intense interparty dissension in the Senate when Senate Majority Leader Baker blocked the House version of H.J. Res. 402 before the adjournment of Congress for the year. Such political dynamics displayed flickers of consensus and dissension in congressional legislative actions between the House and the Senate on the War Powers issue on partisan and ideological dimensions, which in turn influenced the administration’s decision to withdraw troops within a time limit of 60 to 90 days. Therefore, conclusion can be drawn that the given hypothesis is accepted in the case of the Grenada intervention. Partisan and ideological dimensions significantly influenced the political process, and they were quite dominant in influencing the political process on war-making decisions in Grenada.

**Hypothesis 3: Electoral imperatives of opposing congressional leaders to get reelected in the ensuing elections increase the propensity of legislative-executive dissension.** In this case, the main issue centered on the institutional prerogatives, in accordance with the War Powers Resolution. Also, the military intervention was too short

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<sup>795</sup> *Congressional Quarterly Weekly Report*, November 5, 1983. p. 2292.

to be affected by the ensuing election cycle scheduled for the fall of 1984. Therefore, the given hypothesis is not applicable for the Grenada intervention.

**Hypothesis 4: If there is favorable public opinion for military intervention, there is likely to be legislative-executive consensus, and vice versa.** After the nationally televised speech by President Reagan on October 27, 1983 there was a temporary bump in public support for the Grenada military operations. Despite such temporary rise in public support there was no consensus in the Democrat-controlled House of Representatives which adopted H.J. Res. 402 by a vote of 403-23. However, the Republican-controlled Senate was influenced by the rise in public support. Thus public opinion had mixed influence on the political process of legislative action in Congress. This was reflected by the outcome of flickers of consensus and dissension in congressional-presidential interactions. On the whole brief surge of favorable public opinion after Reagan's television address failed to forge legislative-executive consensus. Evidence does not support the given hypothesis in case of Grenada military intervention.

**Hypothesis 5: Opposition members of Congress disagree with president's decision on military intervention, and vice-versa.** When troops were deployed in Grenada by the Reagan administration, a majority of the congressional Democrats were critical of the administration, while the Republicans supported Reagan in his Grenada mission.<sup>796</sup> The Democrat-controlled House was more proactive in initiating legislation to invoke the War Powers Resolution; the Republican-controlled Senate showed a relatively cautious approach in the decision-making process. Empirical investigation showed that some of the pivotal Democrats who wanted to invoke Section 4(a)(1) of the WPR were

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<sup>796</sup> Howell, William G., and Jon C. Pevehouse. 2007.

House Speaker O'Neill and House Foreign Affairs Committee Chairman Zablocki. On the Republican side, the pivotal player who wanted to block any legislation favoring invocation of WPR was Senate Majority Leader Baker. Members of Congress from each political party greatly supported their respective political leadership. The dynamics that members of Congress in each chamber instituted played an important role in the congressional proceedings on the issue of the war powers institutional prerogatives, which in turn influenced the decision-making process on the mission. Therefore, conclusions can be drawn that the given hypothesis is true for the case of the Grenada intervention.

**Hypothesis 6: Extensive media coverage increases the propensity of legislative-executive consensus in the decision-making process on military intervention.** The first week of the Grenada intervention, precisely from October 26 to November 2, 1983, received substantial media coverage as compared to the remaining period, despite the prohibition imposed on media coverage by the administration for the first hours of the operation. Many of the articles were critical of the administration's military intervention in Grenada.<sup>797</sup> The *New York Times* published a total of 252 reports, including 202 articles, 38 front-page articles, 10 editorials, and 2 letters to the editor.<sup>798</sup> During the same time period, the *Washington Post* published a total of 237 reports, including 190 articles, 45 front-page articles, 9 editorials, and 2 letters to the editor.<sup>799</sup> Daily breakup of the *Times* and the *Post* coverage showed fairly substantial reporting from October 26 to

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<sup>797</sup> Mermin, Jonathan. 1999.

<sup>798</sup> [ProQuest Historical Newspapers: The New York Times \(1851-2009\)](http://search.proquest.com/hnpnewyorktimes/results/); Available at <http://search.proquest.com/hnpnewyorktimes/results/>

<sup>799</sup> The *Washington Post*; Available at [http://pqasb.pqarchiver.com/washingtonpost\\_historical/results.html](http://pqasb.pqarchiver.com/washingtonpost_historical/results.html)

October 30, 1983, with October 27 (when the House Foreign Affairs Committee approved H.J. Res. 402) showing the maximum number of reports.<sup>800</sup> Since this was also the week when intense deliberations took place in Congress to invoke the War Powers Resolution, any critical content of the coverage of the *Times* and *Post* surely encouraged congressional Democrats, particularly the Democrat-controlled House of Representatives, to introduce legislation in order to obligate the administration to meet the requirements of Section 4(a)(1), which in turn would trigger Section 5(b) of the WPR. For instance, Steven V. Roberts' articles in the *New York Times* articulated general discontent among the congressional Democrats over the administration's actions by citing an influential Democratic Senator, Daniel Patrick Moynihan (D-N.Y.). Moynihan called the invasion "an act of war" and added, "I don't know that you restore democracy at the point of a bayonet."<sup>801</sup> Stuart Taylor's article in the *Times* was critically important for the debate on the War Powers Resolution in the Grenada situation. Taylor commented, "Mr. Reagan did not report that the troops had been introduced 'into hostilities or into situations where imminent involvement in hostilities is clearly indicated by the circumstances,' as the War Powers Resolution requires him to do when that is the case."<sup>802</sup> On October 27, 1983, Roberts of the *Times* reported widespread anger on the part of congressional Democrats on the Grenada intervention and commented, "In both houses, these Democrats said they would push for legislation declaring that the War Powers Resolution now covers events

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<sup>800</sup> See Appendix I for the *Times* and for the *Post* daily coverage from October 26 to November 2, 1983.

<sup>801</sup> *New York Times*, October 26, 1983, p. A22.

<sup>802</sup> *New York Times*, October 26, 1983, p. A19.

in the Caribbean island [Grenada].”<sup>803</sup> Also on October 27, 1983, the *Times* published a big story on a midtown Manhattan protest march against the Grenada intervention,<sup>804</sup> while Taylor again brought the legality aspect of the invasion into question.<sup>805</sup> The *Washington Post* editorial piece of October 28, 1983, by Robert J. McCloskey criticized the administration on the prohibition of media and noted, “Another denial that created needless controversy was the administration’s prohibition against reporters’ going to Grenada.”<sup>806</sup> The October 30 outlook piece by Robert G. Kaiser in the *Post* was very critical of Reagan’s foreign policy, particularly with regard to Grenada.<sup>807</sup> Television news organizations made the Grenada intervention a subject of instant foreign policy analysis.<sup>808</sup> Network television, consisting of ABC, CBS, and NBC, produced 70 programs from October 26 to November 2, 1983. ABC presented 29 stories, CBS reported 19 stories, and NBC aired 22 stories.<sup>809</sup> Participants in the Grenada situation on television network programs “were firmer and more ideological in their positions.”<sup>810</sup> Such a tone in media coverage significantly influenced congressional deliberations on the issue of the War Powers Resolution. However, over time, the media coverage became less critical in its approach because the military operation itself was for a short duration

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<sup>803</sup> *New York Times*, October 27, 1983, p. A18.

<sup>804</sup> *New York Times*, October 27, 1983, p. A21.

<sup>805</sup> *New York Times*, October 27, 1983, p. A22.

<sup>806</sup> *Washington Post*, October 28, 1983, p. A22.

<sup>807</sup> *Washington Post*, October 30, 1983, p. C1.

<sup>808</sup> *New York Times*, October 27, 1983, p. A1.

<sup>809</sup> Vanderbilt Television News Archive. Available at <http://tvnews.vanderbilt.edu/tvn-processquery.pl> - See Appendix I.

<sup>810</sup> *New York Times*, October 27, 1983, p. C31.

and the Reagan administration had assured Congress that it would wind up the intervention long before the time limit of 60 days, in compliance with the requirements of Section 5(b) of the War Powers Resolution. The *Washington Post* highlighted the sudden increase in public support for the Grenada intervention after Reagan delivered his televised address on the issue.<sup>811</sup> Henceforward, media coverage became less hostile in its analysis and covered the administration's position as a single voice representing U.S. foreign policy. Such a shift of content in media coverage toned down the congressional Democrats considerably and emboldened the Republicans, particularly in the Senate (which was controlled by the Republican Party), in supporting the administration's Grenada military policy. This was evident from House Speaker O'Neill's reversal from his initial position as he said, "The overwhelming consensus of the members of the delegation was that a real potential threat to the American citizens existed in Grenada. Since this was the case, I believe that sending American forces into combat was justified under these particular circumstances."<sup>812</sup> The House Democrats were even willing to extend their support for a longer stay of troops in Grenada if necessary.<sup>813</sup> Clearly this was a sign of flexibility by members of Congress, as part of congressional authorization for extension of a time limit for military presence on the ground, if need be, in conformity to Section 5(b) of the War Powers Resolution.

Empirical investigation indicates that earlier in the intervention extensive nature of negative media coverage of administration's Grenada policy resulted in

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<sup>811</sup> *Washington Post*, October 30, 1983, p. A1.

<sup>812</sup> *Washington Post*, November 9, 1983, p. A1.

<sup>813</sup> *New York Times*, November 6, 1983, p.1.

congressional-presidential dissension. In the end when the administration declared its intentions to wind up military intervention before 60 days, as required by the War Powers Resolution, media coverage became less hostile of the Reagan's policy. This helped to greatly reduce ongoing legislative-executive tension and consensus was forged on the termination of the military mission. Therefore, it can be asserted that evidence supports the given hypothesis for Grenada case study.

**Hypothesis 7: The longer the duration of military intervention the greater the propensity of legislative-executive dissension on the conduct of war.** Grenada was a short military intervention. It started on October 25, 1983 and ended on December 23, 1983. The Reagan administration assured the Capitol that it had plans to withdraw troops from Grenada by December 23, 1983, which was earlier than 60 days from the date of intervention, as required by Section 4(a)(1) of the War Powers Resolution.<sup>814</sup> Subsequently, complications with regard to a long-lasting military campaign did not arise for the Grenada intervention. As a result, it can be concluded that the given hypothesis is not applicable for the case of the Grenada intervention.

### **Bosnia-Herzegovina Intervention (1992-95)**

**Background:** U.S. participation in Bosnia-Herzegovina was confined primarily to limited airstrikes against Bosnian Serb targets to protect the capital Sarajevo from Serbian military aggression from 1992 to 1994. This was later followed by ground deployment of troops in Bosnia-Herzegovina in 1995, in response to the UN Security Council Resolution and joint NATO operations.<sup>815</sup> On August 13, 1992, the UN Security

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<sup>814</sup> Fisher, Louis. 1995.

<sup>815</sup> Hendrickson, Ryan C. 2002.

Council Resolution 770 called on nations to take “all measures necessary” to make sure that much-needed humanitarian assistance was delivered to Sarajevo.<sup>816</sup> In response, the U.S. participated in “airlifts into Sarajevo, naval monitoring of sanctions, aerial enforcement of a ‘no-fly zone,’ and aerial enforcement of safe havens.”<sup>817</sup> The situation in the Balkan region was dire, and according to a Senate Foreign Relations Committee report, the Bosnian Serbs were on a spree of ethnic cleansing in Bosnia-Herzegovina.<sup>818</sup> Three years of conflict came to an end with the signing of the Dayton Peace Accords in December 1995, under which Bosnia-Herzegovina would remain an internationally recognized state within its prewar borders.<sup>819</sup> The issue of the War Powers Resolution came to the forefront in U.S. domestic politics, thereby resulting in congressional-presidential tension with regard to the U.S. participation in airstrikes and ground deployment of troops. Legislative-executive confrontation related to the constitutional provisions of the resolution was largely responsible for keeping the Clinton administration confined to limited airstrikes, with no boots on the ground for most of the conflict.<sup>820</sup> The complex nature of the legislative-executive struggle became more intense with the sweeping victory of the Republicans in the 1994 congressional midterm

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<sup>816</sup> Congressional Research Service, Report Number 41199. “*The War Powers Resolution: After Thirty Six Years.*” 2010. p.29.

<sup>817</sup> Congressional Research Service, Report Number RL33532. “*The War Powers Resolution: Presidential Compliance.*” 2007. p. 3.

<sup>818</sup> Hendrickson, Ryan C. 2002.

<sup>819</sup> Congressional Research Service, Report Number RL32392. “*Bosnia-Herzegovina: Issues for U.S. Policy.*” 2005.

<sup>820</sup> Howell, William G., and Jon C. Pevehouse. 2007.

elections, resulting in the Republican Party's gaining a majority in both the House of Representatives and the Senate in Congress.<sup>821</sup>

**Hypothesis 1: Divided government leads to congressional-presidential dissension in war-making, while unified government facilitates consensus.** From the perspective of interbranch competition on war power prerogatives, the Bosnia-Herzegovina conflict was unique because of the presence of divided and unified governments at various stages of the war. These shifts in political composition in Washington were one of the primary reasons that resulted in flickers of consensus and dissension between the legislative and executive branches at various points in time. Such variations in the decision outcome due to variations in government typology at various stages of the long-drawn-out Bosnia-Herzegovina conflict were significant.

From 1992 to 1994, a period marked by transition from the administration of George H.W. Bush (divided government) to that of Bill Clinton (unified government), Congress remained strongly opposed to U.S. troop deployment in Bosnia, despite Clinton's repeated calls for congressional approval on his military policy.<sup>822</sup> At the same time, Congress was supportive of the administration's taking all necessary steps to provide humanitarian assistance in Bosnia to comply with UN Security Council Resolution 770. Reflections of consensus and dissension between Capitol Hill and the White House were seen in such actions, which kept the Clinton administration from any ground deployment of troops in the foreseeable future. Also, members of Congress on a bipartisan basis in both chambers wanted President Clinton to lift the arms embargo as

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<sup>821</sup> Hendrickson, Ryan C. 2002.

<sup>822</sup> Ibid.

authorized by the UN Security Council Resolution 713, so that the Bosnian Serbs did not get any undue advantage from such a controversial weapons ban.<sup>823</sup> Thus, while Congress disapproved of any additional deployment of troops as requested by Clinton to operate under the auspices of the UN peacekeeping operations, the administration did not relent under the congressional demand to lift the arms embargo.<sup>824</sup> It was a tit-for-tat situation, in which the legislative-executive rift continued to grow regarding institutional prerogatives on war powers during the period of 1992 to 1994. Congress denied the Clinton administration authorization for any ground deployment of U.S. troops in Bosnia.

With the Republican Party's sweeping victory in the fall 1994 congressional elections and the party's eventual majority in both the House of Representatives and the Senate, an escalation of legislative-executive tension with regard to intervention in Bosnia could be expected. Under the new Republican leadership of Senate Majority Leader Bob Dole (R-KS) and House Speaker Newt Gingrich (R-GA), and further with the implementation of the Contract with America, Republican Congress members began to seek a more assertive role in every aspect of foreign policy, including U.S. military operations in Bosnia-Herzegovina.<sup>825</sup> In March 1995, Dole and some senior Senate Republicans, including Senate Armed Services Committee Chairman Strom Thurmond (R-S.C.), Senate Foreign Relations Committee Chairman Jesse Helms (R- N.C.), John McCain (R-AZ), and Richard Lugar (R-IN), wrote a letter to Clinton laying out strict conditions before any U.S. troop deployment could take place as part of assisting UN

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<sup>823</sup> *Congressional Quarterly Almanac*, 1995.

<sup>824</sup> *Congressional Quarterly Almanac*, 1994.

<sup>825</sup> Hendrickson, Ryan C. 1998.

peacekeeping operations.<sup>826</sup> Thereafter, Congress in a divided government arrangement further intensified its assertive role by initiating major legislative actions with regard to the Bosnia conflict. As a prelude to the larger, contentious debate on congressional authorization for U.S. troop deployment as required by Section 5(b) of the War Powers Resolution (1973) that was about to come up in the fall of 1995, the House of Representatives on June 8 voted overwhelmingly by 318 to 99 in favor of an amendment, as a rider to a foreign aid bill HR 1561, to require that the president unilaterally lift the arms embargo on Bosnia.<sup>827</sup> Such a legislative measure was in direct opposition to what Clinton desired; he had earlier pledged to veto such a measure. Notwithstanding the administration's objection, the Senate on July 26, 1995, passed the bill S 21 by a margin of 69-29, requiring the administration to end the arms embargo on Bosnia.<sup>828</sup> Later, on August 1, 1995, the House cleared the Senate Bill S 21 by a large margin of 298-128.<sup>829</sup> Such congressional measures contradicted Clinton's war plans in Bosnia and in turn created roadblocks to the president's troop deployment endeavors. Implications of divided government were clearly observable in the realm of congressional-presidential relations on the Bosnia-Herzegovina conflict.

As expected, in the fall of 1995, deliberations on Capitol Hill regarding deployment of troops in Bosnia-Herzegovina in accordance with the provisions of the War Powers Resolution became increasingly heated and complicated. On September 29,

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<sup>826</sup> *Congressional Quarterly Weekly Report*, June 10, 1995. p. 1653-54.

<sup>827</sup> *Congressional Quarterly Almanac*, 1995. H-102.

<sup>828</sup> *Congressional Record* – Senate. July 26, 1995. p. 20460.

<sup>829</sup> *Congressional Record* – House. August 1, 1995. p. 21387.

1995, the Senate adopted overwhelmingly, by a vote of 94-2, the “sense of the Senate” resolution, sponsored by Senator Judd Gregg (R-N.H.) as an amendment to the State Department appropriations bill (HR 2076), which prohibited any ground deployment of U.S. troops in Bosnia-Herzegovina unless authorized by Congress.<sup>830</sup> With that, the U.S. Senate showed its commitment to enforce Section 5(b) of the War Powers Resolution. Such Senate action was in response to the confirmation hearing of General John Shalikashvili before the Senate Armed Services Committee on September 21, 1995, as a second-time nominee for the Chairman of Joint Chiefs of Staff, when he described the Clinton administration’s intention to send 25,000 troops to participate as part of a NATO-led force for maintaining peace and security in Bosnia-Herzegovina.<sup>831</sup> Congressional-presidential dissension was clearly observable, regarding the institutional prerogatives of the War Powers Resolution under the political arrangement of divided government.

On October 30, 1995, the House of Representatives adopted, by a significant margin of 315-103, a nonbinding resolution that imposed restrictions on the administration by saying, “U.S. troops should not be deployed without congressional approval.”<sup>832</sup> On November 17, 1995, the House passed a bill, HR 2606, originally sponsored by Joel Hefley (R-CO) to bar the Clinton administration from sending troops to Bosnia-Herzegovina unless approved by Congress.<sup>833</sup> The legislation also sought to

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<sup>830</sup> *Congressional Record* – Senate, September 29, 1995, p. 27057.

<sup>831</sup> *Congressional Quarterly Almanac*, 1995.

<sup>832</sup> *Washington Post*, October 31, 1995, p. A09.

<sup>833</sup> *Congressional Quarterly Almanac*, 1995, H-234.

prohibit funds for deployment in Bosnia of U.S. peacekeeping forces.<sup>834</sup> The aggressive nature of the House of Representatives in its denial of any ground troop deployment as requested by the White House was a reflection of the implications of divided government on congressional-presidential relations with regard to troop deployment in Bosnia. That said, it was also a political reality that the long and complex nature of the Bosnia-Herzegovina conflict was responsible for a great deal of ambivalence in the decision-making process, both on Capitol Hill and in the White House. Such ambivalence at times led to mixed responses, which were eventually reflected by flickers of dissension and consensus inside the Beltway.<sup>835</sup> The Senate's rejection of the House bill, HR 2606, by 22-77<sup>836</sup> was a clear reflection of such flickers of consensus and dissension at various stages of the decision-making process as to how to conduct the Bosnia war. Congressional ambivalence also made the administration vulnerable in its decision-making process regarding troop deployment, because Clinton wanted to get approval from Capitol Hill in order to avoid any domestic political cost in the wake of the Republican Party's sweeping victory in the recently conducted midterm elections. That said, the president also made explicit to congressional lawmakers his intention to act as commander-in-chief with any troop deployment decisions. Thus, there was a mixed response from each side of Pennsylvania Avenue as to how to conduct the Bosnia war in

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<sup>834</sup> U.S. House of Representatives. Report 104-349. "Providing for the Consideration of H.R. 2606; Prohibition of Funds for Bosnia Deployment." November 16, 1995.

<sup>835</sup> The "*Consensus-Dissension Continuum Chart*" shows cases in which flickers of consensus and dissension at the interbranch level were observable. See Figure 5.1.

<sup>836</sup> *Congressional Quarterly Almanac*, 1995. Ibid. S-98.

a divided government arrangement, thereby escalating tension in congressional-presidential relations during most of 1995.

December 1995 marked the tipping point for the decision-making process and legislative activities influencing relations between Congress and the president on deployment of troops in Bosnia. On December 13, 1995, the House approved a bipartisan resolution, HR 302, sponsored by Representatives Steve Buyer (R-IN) and Ike Skelton (D-MO) by a margin of 287-141, thereby authorizing the administration to send U.S. troops to Bosnia as part of the NATO-led peacekeeping operation.<sup>837</sup> With such an authorization for troop deployment, the House of Representatives met the requirements of Section 5(b) of the War Powers Resolution. HR 302 also insisted that the United States remained totally neutral among the warring parties in Bosnia.<sup>838</sup> To express solidarity with the U.S. troops, the same day the House rejected the bill HR 2770 by a close margin of 210-218, skirting any denial of funds for the ongoing mission.<sup>839</sup> In continuation of the political stand to support the troops on the ground and criticize Clinton's Bosnia policy, the Senate rejected S Con. Res. 35 (that would have denied troop deployment) sponsored by Kay Bailey Hutchison (R-TX) by a close margin of 47-52.<sup>840</sup> As a follow-up to HR 302 passed in the House authorizing troop deployment, the Senate on December 13, 1995, adopted S.J. Res. 44, engineered by Senate Majority Leader Bob Dole in a bipartisan manner by a vote of 69-30 to meet the requirements of Section 5(b) of the War

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<sup>837</sup> *Congressional Record* – House. December 13, 1995. p. 36360-61.

<sup>838</sup> *Congressional Quarterly Almanac*, 1995.

<sup>839</sup> *Congressional Record* – House. December 13, 1995. p. 36372-73.

<sup>840</sup> *Congressional Record* – Senate; December 13, 1995. p. 36907.

Powers Resolution.<sup>841</sup> S.J. Res. 44 allowed Clinton to “fulfill his commitment to send troops, provided that he also promised to begin beefing up the armed forces of Bosnia’s Muslim-led government.”<sup>842</sup> Although the complex nature of the Bosnia conflict was responsible for the congressional final authorization for troop deployment, Capitol Hill did that to support the troops, while severely criticizing the administration’s overall military strategy. Even then, the aggressive nature of the House of Representatives under a divided-government setting was clear until the concluding days of legislative activities, consistent with the general expectation of the hypothesis. On December 14, 1995, the House rejected the resolution H Res. 306, sponsored by Lee Hamilton (D-IN) by a convincing margin of 190-237.<sup>843</sup> Because the bill intended to declare support for the troops without slamming Clinton’s military policy in Bosnia, the House rejected it, maintaining its aggressive stance on matters of war powers in a divided-government setting.

Empirical evidence shows that formation of divided government in the wake of the Republican Party gaining a majority in both chambers of Congress led to congressional-presidential dissension for most of the period of the Bosnia-Herzegovina conflict. This was consistent with the expectations of the given hypothesis. Even though there were flickers of consensus and dissension at some points in discussion of the war, such variations were because of the long and complicated nature of the conditions on the ground. In the end, even when Congress reluctantly granted approval to President Clinton

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<sup>841</sup> *Congressional Record* – Senate; December 13, 1995. p. 36908.

<sup>842</sup> *Congressional Quarterly Almanac*, 1995. p. 10-15.

<sup>843</sup> *Congressional Quarterly Almanac*, 1995. H-248.

for troop deployment, it did so laying out strict conditions for the administration, largely to support the troops already on the ground, while severely criticizing the president's overall Bosnia military policy. Evidence shows that while throughout the entire period of the Bosnia intervention, President Clinton remained mindful of the war powers constitutional prerogatives of Capitol Hill regarding troop deployment, yet he maintained his constitutional role of commander-in-chief. Congress repudiated in principle Clinton's military policy while showing support to the troops already deployed previously as part of maintaining peace and security in the region. Based on such observations, it can be concluded that the expectations of the given hypothesis were generally met with regard to the conduct of the Bosnia war, in accordance with the provisions of the War Powers Resolution.

**Hypothesis 2: Ideological divisions and partisan differences result in greater dissension in the decision process on conduct of war.** Intense legislative-executive confrontation on partisan and ideological dimensions began with the formation of the 104<sup>th</sup> Congress in January 1995, after the Republican Party gained a majority in the House of Representatives as well as in the Senate. Until then, the nature of congressional-presidential contestation centered on institutional war powers prerogatives. With the shift in nature of governmental composition in 1995, the interbranch conflict took a sharp turn toward partisan and ideological elements in the decision-making process in the conduct of foreign policy, including military interventions abroad.<sup>844</sup> Incidentally, this was also the year that witnessed the Bosnia-Herzegovina conflict becoming all the more complex in nature. Subsequently, the Clinton administration stepped up its rhetoric in favor of

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<sup>844</sup> Hendrickson, Ryan C. 2002.

ground troops in Bosnia as part of an international peacekeeping force, under the control of first the United Nations and later NATO. The response of the Republican Congress was prompt and decisive in checking Clinton's military plans. The first taste of the partisan and ideological rift came in the form of the passage of the Republican Party-sponsored National Security Revitalization Act (HR 7) on February 16, 1995, by the House of Representatives, following "two days of bitterly partisan floor debate."<sup>845</sup> The bill was passed by 241-181 and would cut funding for UN peacekeeping operations including that in Bosnia, where U.S. troops would be deployed.<sup>846</sup> The bill was passed with near-full support by the House Republicans.<sup>847</sup> Apart from being able to frustrate the president's Bosnia war plans, the passage of HR 7 was a clear sign of congressional ascendancy in foreign and military policy, purely on partisan and ideological dimensions. Senior administration officials and many Democrats contended that the measure was "an important test case pitting advocates of internationalism against a growing tide of isolationists in Congress."<sup>848</sup> In the Senate, too, Republican resurgence was observable when the Senate Majority Leader and presidential hopeful Bob Dole, along with nine cosponsors, introduced the Peace Powers Act (S 5) on the first day of the 104<sup>th</sup> Congress.<sup>849</sup> The legislation was intended to "clarify the war powers of Congress and the president in the post-cold war period."<sup>850</sup> The legislation made provisions "to make it

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<sup>845</sup> *Congressional Quarterly Weekly Report*, February 18, 1995. p. 535-38.

<sup>846</sup> *Congressional Record* – House. February 16, 1995. p. 5093-94.

<sup>847</sup> *Congressional Quarterly Almanac*, 1995.

<sup>848</sup> *New York Times*, February 15, 1995, p. A8.

<sup>849</sup> Hendrickson, Ryan C. 1998.

<sup>850</sup> *Congressional Record* – Senate. January 4, 1995. p. 104.

more difficult [for the president] to place American troops under UN command in peacekeeping operations” and also included “new limitations on command and funding arrangements for United Nations peacekeeping activities.”<sup>851</sup> Legislations such as the Peace Powers Act (S 5) in the Senate and the National Security Revitalization Act (HR 7) in the House were consistent with the ideological orientation of the Republican Party’s “Contract with America.” Thus, the 104<sup>th</sup> Congress clearly set the tone for an intense confrontation between the Republican Congress and the Democratic White House.

From the beginning, Clinton was mindful of congressional resistance to ground troop deployment and was apprehensive about the potential political cost of going against the 104<sup>th</sup> Congress that had come to power with a sweeping Republican victory in the recently concluded elections. Consequently, prior to the peace talks in Dayton, the Clinton administration started its efforts to appease Congress by reiterating the constitutional importance of Capitol Hill in any decision regarding future deployment of troops.<sup>852</sup> In a major policy address on October 6, 1995, Clinton said that he “would want and welcome congressional support [on future troop deployment].”<sup>853</sup> Secretary of State Warren Christopher, while indicating the administration’s intentions to seek approval from Congress regarding troop deployment in Bosnia, said, “We want Congress’ approval, we’ll consult very closely with them.”<sup>854</sup> But key congressional leaders of the Republican Party were skeptical with the administration’s intentions and plan for troop

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<sup>851</sup> Hearing before the Committee on Foreign Relations. United States Senate. “The Peace Powers Act (S 5) and the National Security Revitalization Act (H.R. 7).” S. Hrg.104-144. March 21, 1995. p. 59-60.

<sup>852</sup> Hendrickson, Ryan C. 2002.

<sup>853</sup> *Congressional Quarterly Weekly Report*, October 14, 1995. p. 3158.

<sup>854</sup> *Associated Press*, September 27, 1995.

deployment. The partisan and ideological differences were evident when Senate Majority Leader Dole on October 6, 1995, commented that “Clinton has yet to make his case for the mission and should seek Congress’ approval. I think he should have congressional authorization.”<sup>855</sup>

With the administration’s increasing determination to send U.S. troops to Bosnia-Herzegovina as part of a NATO-led peacekeeping force once the Dayton Peace Accords were successfully completed, partisan and ideological divisions at the congressional-presidential level widened further. Even as the Dayton peace talks were at a crucial stage, the House of Representatives approved a bill sponsored by Joel Hefley (R-CO) by a largely party-line vote of 243-171.<sup>856</sup> The vote represented “the strongest action” taken by the Republican Congress so far “to challenge Clinton’s Bosnia policy.”<sup>857</sup> The legislation barred Clinton from sending troops without congressional authorization and also made provisions to cut funding for troop deployment.<sup>858</sup> In order to gain support from the Republican members of Congress while the peace talks were in progress, Vice President Al Gore in a separate meeting assured key House members, “The administration was fully committed to a fair, full debate and vote [in Congress], conducted in a timely manner, after the conclusion of the peace agreement.”<sup>859</sup> In a letter to House Speaker Gingrich, President Clinton assured him that Congress would be consulted by his administration before any ground deployment of troops and wrote, “I

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<sup>855</sup> *Congressional Quarterly Weekly Report*, October 14, 1995. p. 3158.

<sup>856</sup> Edwards, Lee. 2001.

<sup>857</sup> *Washington Post*, November 18, 1995, p. A22.

<sup>858</sup> U.S. House of Representatives. Report Number 104-349. November 16, 1995.

<sup>859</sup> *Congressional Quarterly Weekly Report*, November 11, 1995. p. 3467-68.

will submit a request for a Congressional expression of support for U.S. participation in a NATO-led implementation force in Bosnia promptly” once the peace negotiations were over and that support from Congress was “important and desirable.”<sup>860</sup> However, the aggressive nature of the House on partisan dimensions to exercise its war powers was plain in Speaker Gingrich’s skeptical response to Clinton’s military endeavors. Gingrich said, “We should not automatically say no, nor should we automatically say yes.”<sup>861</sup> However, after the successful conclusion of the Dayton peace negotiations, when Clinton addressed the nation by a televised speech, it was quite evident that the administration had already made a call to deploy U.S. troops in Bosnia-Herzegovina as part of the NATO-led peacekeeping force. Consequently, in order to express solidarity with the troops already deployed previously, Congress reluctantly supported such an arrangement. From the findings, it is clear that all through the decision-making process on troop deployment, the Republican Congress created significant roadblocks for a Democratic administration to pursue its Bosnia military policy. Rhetoric on each side of Pennsylvania Avenue was running high, based on partisan and ideological dimensions, when it came to troop deployment and conduct of the war in Bosnia. The constitutional provisions of the War Powers Resolution and the institutional prerogatives of war powers were at the heart of the contentious relations between Congress and the president. In consideration of the findings, conclusions can be drawn that the given hypothesis is true for U.S. military intervention in Bosnia.

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<sup>860</sup> *The New York Times*, November 18, 1995, p.5.

<sup>861</sup> *Congressional Quarterly Weekly Report*, November 25, 1995. p. 3603.

**Hypothesis 3: Electoral imperatives of opposing congressional leaders to get reelected in the ensuing elections increase the propensity of legislative-executive dissension.** During the second half of 1992 and before the fall presidential elections, the George H. W. Bush administration was fairly cautious, at times ambivalent, and in turn avoided escalation of military operations in Bosnia-Herzegovina.<sup>862</sup> With the revelation of “ethnic cleansing” and television-run media images in August 1992 of deplorable human conditions as a result of Serbian atrocities in Bosnia, public support in the U.S. increased dramatically in favor of military intervention. It was also the time when the incumbent Bush administration, facing a serious Democratic challenger in Bill Clinton with the slogan “It’s the economy, stupid!”, mobilized most of its resources to fix the dwindling economy.<sup>863</sup>

Keeping the upcoming presidential elections in mind, Democratic presidential candidate Bill Clinton severely criticized the Republican White House for inaction, and in turn he promised action if voted into power.<sup>864</sup> Eventually, Bush lost and Clinton won the White House. The Democrats also gained a majority in each house of Congress. Thus, the 1992 presidential election influenced the decision-making process in the Bosnia intervention, primarily based on partisan dimensions. After assuming office in January 1993, consistent with his election campaign promises, President Clinton in coordination with the Democratic Congress increased military operations in Bosnia-Herzegovina in terms of participation in NATO-led airstrikes and imposing an arms embargo. With

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<sup>862</sup> Mermin, Jonathan. 1999.

<sup>863</sup> Howell, William G., and Jon C. Pevehouse. 2007.

<sup>864</sup> Carey, Henry F. 2001.

Congress strongly opposing ground troop deployment, particularly from his Republican opponents, Clinton resisted such a move without congressional approval. With the 1994 midterm elections coming up and with the situation on the ground fast deteriorating, the Clinton administration's foreign policy approval rating dropped significantly.<sup>865</sup> This was also the period when the North American Free Trade Agreement (NAFTA) legislation was the primary foreign policy issue in U.S. politics. In consequence, the attention of electorates was diverted from the Bosnia war to the contentious conflict between Congress and the president on NAFTA. Nonetheless, evidence shows that the majority of the American people were opposed to the Clinton administration's plan to send troops to Bosnia. During the spring and summer of 1994, one poll showed that only 26 percent of the public supported military action against Bosnia.<sup>866</sup> After the Republican Party's sweeping victory and the Democratic Party's defeat in the 1994 congressional elections, Clinton's attention turned to the 1996 presidential election cycle. The fall 1994 elections were in a way a turning point in Clinton's Bosnia military plans, as the president became concerned about his reelection and also gaining his party's seats in Congress. In order to improve his image in the foreign policy sphere and keeping in mind the 1996 presidential election, the Dayton peace negotiations in the fall of 1995 to end the Bosnia conflict was carefully crafted by the Clinton White House during the Democratic primary season.<sup>867</sup> Assistant Secretary of State Richard Holbrooke, Clinton's point person at the Dayton, Ohio, talks, stated that the situation in Bosnia already put

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<sup>865</sup> Carey, Henry F. 2001.

<sup>866</sup> *St. Louis Post-Dispatch*. July 29, 1994. p. 5C.

<sup>867</sup> Carey, Henry F. 2001.

Clinton right into the ballpark of the 1996 presidential election, and the decisive positive outcome of the talks was highly expected to boost Clinton's prospects.<sup>868</sup> Eventually, successful conclusion of the Dayton peace negotiations was a major foreign policy victory which contributed to Clinton's second term. In addition, the 1996 presidential election was important for Senate Majority Leader Bob Dole, who was a presidential aspirant from the Republican Party. With an eye to the presidential election and in order to mobilize support from the Republican base, Dole introduced the Peace Powers Act (S 7) in January 1995, consistent with the ideological agenda of the Republican Party's Contract with America. It also appears that the strong opposition to any ground troop deployment in Bosnia by Senate Republicans under the stewardship of Dole for most of 1995 was directed to the prospects in the upcoming presidential election. Clinton's deference to congressional opposition to troop deployment was partly because of the Republican Party gaining public legitimacy from the big victory in the 1994 midterm elections and also partly because he was averse to taking any action without support from Congress. This was true especially prior to the 1996 presidential election, in consideration of the low public approval for troop deployment.<sup>869</sup> Later, in December 1995, with the Dayton peace agreement ready for signature in Paris, Dole compromised with his hardline position, and thereafter the Republican Senate finally passed a carefully worded resolution that allowed for troop deployment to express support for the troops already on the ground but doubted whether it was prudent to send them. At the same

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<sup>868</sup> Holbrooke, Richard. 1998.

<sup>869</sup> *Associated Press*, December 14, 1995; *CBS News Transcript*, July 26, 1995; December 13, 1995.

time, the resolution severely criticized Clinton's Bosnia military policy.<sup>870</sup> Dole's action was an apparent bid to garner support from the moderates in the electoral process without much angering the conservative base of the Republican Party, keeping an eye on the 1996 presidential election as a Republican challenger to the incumbent Democratic president.

From the analysis, it is clear that the long and complicated nature of the Bosnia-Herzegovina conflict spanned two presidential elections and one crucial midterm congressional elections. Electoral imperatives and reelection concerns in each of the elections influenced the trajectory of dissension and consensus between Congress and the president as to how to conduct the war in Bosnia. Based on the findings it can be concluded that the given hypothesis is true for the case of Bosnia-Herzegovina intervention.

**Hypothesis 4: If there is favorable public opinion for military intervention, there is likely to be legislative-executive consensus, and vice versa.** U.S. military intervention in Bosnia-Herzegovina was a complex political maneuver between Congress and the Clinton administration because of the ups and downs in public opinion during the long-drawn-out period of the conflict. In the spring and summer of the presidential election year 1992, public opinion showed fluctuations and mixed results. In May 1992, 55 percent of the people and 61 percent of women opposed U.S. airstrikes against the Bosnian Serbs.<sup>871</sup> Subsequently, the Bush administration was reluctant to go for full-scale military intervention in Bosnia-Herzegovina. Presidential candidate Clinton also opposed major U.S. military intervention. By August 1992, public opinion reversed and started to

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<sup>870</sup> Banks, William C., and Jeffrey D. Straussman. 1999.

<sup>871</sup> Carey, Henry F. 2001.

rise, with 53 percent of registered voters in favor of U.S. military engagement under the auspices of the UN-led intervention for either airstrikes or some kind of ground operations.<sup>872</sup> Although the incumbent Bush administration (41) ignored Bosnia-Herzegovina as an immediate action plan and concentrated on fixing the domestic economy despite a rise in public support of intervention, both Congress and Democratic presidential candidate Clinton pressed for tougher measures to deal with the crisis in Bosnia-Herzegovina.<sup>873</sup> In response to the rise in public support, the U.S. Senate passed a resolution, S Res. 330, by a bipartisan vote of 74-22, calling Bush 41 to work with the United Nations to use “all means necessary, including use of military force” in Bosnia-Herzegovina as part of humanitarian aid.<sup>874</sup> Thus, there was a moment when President Bush could have capitalized on support from Congress and Clinton for military intervention, but he failed to act.

After Clinton took office in January 1993, public opinion was still in favor of sending troops to restore peace in Bosnia, with 57 percent supporting the proposition.<sup>875</sup> During that time, in compliance with public opinion, Congress was generally supportive of military intervention in Bosnia. But Clinton softened his stance on his Bosnia military policy in a stunning reversal from his campaign rhetoric on the use of airstrikes, let alone troop deployment. Once again, the executive branch failed to act, despite some consensus from the legislative branch to extend support for military intervention. Thereafter, the

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<sup>872</sup> Carey, Henry F. 2001.

<sup>873</sup> Howell, William G., and Jon C. Pevehouse. 2007.

<sup>874</sup> *Congressional Record* – Senate. August 11, 1992. p. 22808.

<sup>875</sup> Carey, Henry F. 2001.

trajectory of public opinion became divided, making it more difficult to reach a congressional-presidential consensus. Members of Congress also showed ambivalence about the right course of military intervention that needed to be taken in Bosnia-Herzegovina. Halfway through the year 1993, public opinion became murky, which led to a difficult relationship between Capitol Hill and the Clinton White House. According to a *USA Today*/CNN/Gallup poll conducted on May 6, 1993, 55 percent of the respondents were opposed to U.S. airstrikes against Serbian artillery in Bosnia-Herzegovina.<sup>876</sup> The CBS News poll conducted on May 4-5, 1993, found that 52 percent of respondents did not believe that the United States had responsibility in Bosnia. The same poll also found that an overwhelming 77 percent of the American people considered the Bosnia war to be the responsibility of Europeans.<sup>877</sup> In the ABC poll, while 65 percent of the respondents supported airstrikes against Bosnian artillery installations and supply lines, nearly 9 in 10 respondents insisted upon European participation in any use of ground force.<sup>878</sup> Capitol Hill and the White House closely followed such divided public opinion in 1993, which in turn led to greater ambivalence among policymakers in Washington. Depending on the situation on the ground, the trajectory of legislative-executive relations experienced flickers of consensus and dissension at various stages of the ongoing crisis. Throughout this period, Congress wanted Clinton to continue with airstrikes, which the president did. But when Clinton wanted to mobilize support for ground troop deployment, the Hill denied authorization to send troops to Bosnia-

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<sup>876</sup> *Washington Times*, May 8, 1993, p. A8.

<sup>877</sup> CBS News: "The United States and Yugoslavia." 4-5 May, 1993.

<sup>878</sup> Hays, Peter L. et al. 1997.

Herzegovina. The editorial board of the *Christian Science Monitor* commented, “Confusion and cross-purposes about intervening in Bosnia have caused President Clinton to delay approval of military action there. Congress isn’t settled.”<sup>879</sup> The *New York Times* commented, “Bosnia is as vexing a foreign policy question as any that has faced an American president since World War II. There are conflicting moral imperatives and no good options.”<sup>880</sup> In 1994, Clinton’s approval rating reached its lowest level. Inaction in Bosnia was one of the primary reasons for such a low public perception about his handling of foreign policy.<sup>881</sup> That cost Clinton dearly in the 1994 midterm elections when his party suffered electoral defeat and the Republican Party’s eventual ascendancy in Congress.

In order to alter his foreign policy image among the public to jump-start the 1996 presidential election cycle, Clinton took a more aggressive stance in his Bosnia military policy during 1995. As the Dayton peace talks mediated by Richard Holbrooke progressed to end the Bosnia war, Clinton pushed for greater U.S. military involvement in Bosnia-Herzegovina. However, throughout 1995, public opinion was opposed to any ground troop deployment and Congress, sailing with the wind of such public opinion, strongly opposed the Clinton White House’s military plan. However, both Congress and the administration were in favor of greater military airstrikes against Bosnian Serbs. As a result, while there was congressional-presidential dissension in a divided-government setting on ground troop deployment, there was consensus on the issue of airstrikes. Such

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<sup>879</sup> *Christian Science Monitor*. “Three Basics on Bosnia.” May 13, 1993. p. 20.

<sup>880</sup> The *New York Times*, May 13, 1993. Section A. p. 23.

<sup>881</sup> Carey, Henry F. 2001.

findings corroborate that the mixed response in terms of public opinion was greatly responsible for the flickers of consensus and dissension in legislative-executive relations.<sup>882</sup> A *Washington Post*-ABC News poll, conducted in July 1995, showed that 58 percent of respondents were opposed to “sending in ground forces to try to stop the fighting in Bosnia,” while 56 percent said that “they generally disapprove of the way Clinton is handling Bosnia.”<sup>883</sup> Resonating with similar public perception, a CBS News/*New York Times* poll conducted in July 1995 showed that most Americans did not believe that the United States had a responsibility to end fighting in Bosnia, while 61 percent of those polled said they favored lifting the arms embargo on Bosnia.<sup>884</sup> In tune with the public opinion, the Senate had already passed a bipartisan legislation, S 21, on July 26, 1995, by 69-22, asking Clinton to lift the arms embargo in Bosnia so that Bosnian Serbs did not get an undue advantage from such a military policy.<sup>885</sup> Later, on August 1, 1995, the House passed the Senate bill S 21 by an overwhelmingly bipartisan margin of 298-128.<sup>886</sup> Such a bipartisan measure by Capitol Hill was a sign of “a political rebuke of the [Clinton] administration” for what many members of Congress regarded as “an inconsistent and failed policy.” This shows that public opinion significantly influenced the trajectory of congressional-presidential consensus/dissension and the political process in the conduct of the Bosnia war. As the Dayton talks reached their climax in October 1995, an October 1995 opinion poll conducted by CBS News and the

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<sup>882</sup> See Figure 5.1 for *Consensus-Dissension Continuum Chart*.

<sup>883</sup> *Washington Post*, July 19, 1995, p. A01.

<sup>884</sup> *New York Times*, July 27, 1995, p. A1.

<sup>885</sup> *Congressional Record* – Senate. July 26, 1995. p. 20460.

<sup>886</sup> *Congressional Record* – House. August 1, 1995. p. 21387.

*New York Times* showed that 57 percent of the public were opposed to sending U.S. ground troops to participate in a NATO-led peacekeeping force, while only 37 percent supported it.<sup>887</sup> In response, Congress continued strong opposition to any ground troop deployment, despite Clinton's renewed push for such approval from Capitol Hill. The latest Gallup poll, conducted in November 1995, showed that 47 percent of the American people were in favor of sending U.S. troops to Bosnia, while 49 percent opposed it.<sup>888</sup> A CBS News/*New York Times* poll conducted in December 1995, after the successful completion of the United States-mediated Dayton peace negotiations between Bosnia, Serbia, and Croatia, found that 64 percent of the respondents were in favor of sending U.S. troops to Bosnia for the purpose of "stopping more people from being killed in this war."<sup>889</sup> Therefore, on the basis of moral responsibility to stop killings of innocent people in Bosnia, there was sufficient public support for sending troops. At the same time, a December 1995 CBS News/*New York Times* poll also showed that Clinton's overall job approval rating had risen to over 50 percent in two years, while that of the Republicans in Congress declined.<sup>890</sup> This was a sufficient red-flag warning for the Republicans in Congress to start making a viable compromise in their position on sending U.S. troops abroad, especially after the successful conclusion of the Dayton peace agreement to end the conflict in Bosnia. Subsequently, the Republican Congress was quick to respond and authorized the Clinton administration to send U.S. troops to Bosnia as part of the NATO-

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<sup>887</sup> *New York Times*, October 29, 1995, p. E1.

<sup>888</sup> *New York Times*, November 22, 1995, p. A23.

<sup>889</sup> Kull, Steven and I.M. Destler. 1999. p.52.

<sup>890</sup> *New York Times*, December 14, 1995, p. A1.

led peacekeeping operation. On December 13, 1995, the House approved a bipartisan resolution, HR 302, by a margin of 287-141 and authorized troop deployment.<sup>891</sup> The Senate too on December 13, 1995, adopted S.J. Res. 44 engineered by Senate Majority Leader Dole by a vote of 69-30 as part of congressional authorization to send troops to Bosnia.<sup>892</sup> The implications of public opinion were clearly observable on congressional authorization that was required by the War Powers Resolution. Importantly Capitol Hill made it clear that such authorization was to express support and solidarity with the troops already present on the ground and those who were about to be deployed soon, while it severely criticized Clinton's overall military policy in Bosnia.<sup>893</sup> With congressional authorization, the conditions of Section 5(b) of the War Powers Resolution were met. Although the complex nature of the Bosnia conflict was responsible for congressional final authorization for troop deployment, Congress did that to support the troops, while severely criticizing the administration's overall military strategy.

From the empirical investigations done in this section, it was clear that there were ups and downs in public opinion during the long and complicated nature of the conflict in Bosnia- Herzegovina. Divided public opinion was greatly responsible in shaping the trajectory of congressional-presidential consensus/dissension as to how to conduct the Bosnia-Herzegovina intervention. From the findings, it was clear that for most of the time period during the course of the conflict, public opinion was averse to troop deployment on the ground while supportive of airstrikes. This led to on one hand congressional-

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<sup>891</sup> *Congressional Record* – House. December 13, 1995. p. 36360-61.

<sup>892</sup> *Ibid.* p.36908.

<sup>893</sup> Hendrickson, Ryan C. 2002.

presidential dissension on the issue of ground troop deployment, while on the other hand there was consensus on the issue of military airstrikes without actual boots on the ground. However, after successful completion of the Dayton Peace Accord and repeated appeals by President Clinton to garner public support,<sup>894</sup> public opinion became more favorable toward sending troops on a high moral ground to stop killings in Bosnia.<sup>895</sup> It was only then that Congress changed its policy position and authorized troop deployment in compliance with the requirements of Section 5(b) of the War Powers Resolution. Congressional authorization marked legislative-executive consensus in the conduct of war. Therefore, conclusions can be drawn that evidence supports the given hypothesis with regard to Bosnia-Herzegovina military intervention.

**Hypothesis 5: Opposition members of Congress disagree with president's decision on military intervention, and vice-versa.** From the very beginning of U.S. intervention in Bosnia-Herzegovina, members of Congress were generally opposed to actual troop deployment on the ground. However, most of the congressional lawmakers, in a bipartisan manner, were supportive of airstrikes under the United Nations and NATO to cripple the military strongholds of Bosnian Serbs. Thus, members of Congress influenced the Clinton administration's Bosnia military policy in a significant manner during the prolonged course of the conflict. The fact that a majority of the congressional lawmakers were opposed to any ground troop deployment, as discussed in detail in hypotheses 2, 3, and 4, was by itself a major factor in restricting the administration from sending troops to Bosnia during most of the conflict. Such congressional resistance

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<sup>894</sup> *New York Times*, November 26, 1995, p.1.

<sup>895</sup> Kull, Steven and I.M. Destler. 1999. p.52.

became a partisan issue after the 1994 midterm elections, when the Republican Party gained the majority in both houses of Congress. Pivotal players in Congress were greatly influential in engineering and determining the fate of legislations which would directly affect the decision process on deployment of troops, as analyzed in detail in hypotheses 1 and 2.<sup>896</sup> It was also seen that throughout the long and complicated course of the Bosnia-Herzegovina conflict, members of Congress were ambivalent on several occasions based on exigencies of impending elections, thereby resulting in cross-party alliance in passing legislations which would affect the decision-making process of military deployment.<sup>897</sup> Therefore, it can be concluded that the given hypothesis is true for the case of the Bosnia-Herzegovina intervention.

**Hypothesis 6: Extensive media coverage increases the propensity of legislative-executive consensus in the decision-making process on military intervention.** War in Bosnia- Herzegovina was covered extensively by media. In addition to the traditional print media, this was a case in which television news coverage played a significant role in showing the images of horrible atrocities and human rights violations that were taking place in the region. In reality, U.S. intervention in Bosnia was preceded by a high level of television news coverage. The “CNN effect” regarding the horrible atrocities in Serb detention camps caught the attention of the U.S. public and policymakers so much so that it brought the issue of U.S. military intervention to the center stage of political

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<sup>896</sup> National Security Revitalization Act HR 7 – Newt Gingrich (R-GA); Peace Powers Act S 7 and S.J. Res. 44 – Bob Dole (R-KS); HR 302 - Representatives Steve Buyer (R-IN) and Ike Skelton (D-MO); Amendment to the State Department appropriations bill (HR 2076) – Judd Gregg (R-N.H.).

<sup>897</sup> Howell, William G., and Jon C. Pevehouse. 2007.

deliberations.<sup>898</sup> Vivid images of atrocities were showed extensively by network television such as ABC, CBS, and NBC.<sup>899</sup> Collectively, U.S. media made the Bosnia-Herzegovina conflict a major story in their foreign policy agenda, forcing Congress and the White House “to devote more attention to the conflict than they otherwise would have” on how to deal with the ongoing humanitarian crisis in the region.<sup>900</sup>

By the middle of May 1992, Bosnia became a major story in the U.S. foreign policy arena, mainly because of the high level of media exposure. The *New York Times* had 82 stories just in May 1992, 90 in June 1992, and from May to December of 1992, there were 880 news items.<sup>901</sup> News items in this study comprise Article; Editorial; Front-page Article; and Letter to Editor. The dramatic increase in *Times* coverage from May 1992 onwards was consistent with that of television coverage, which presented images of horrible atrocities by Bosnian Serbs in the region.<sup>902</sup> From January 1 to December 31, 1993, the *New York Times* had 1740 news items on Bosnia; there were 1329 news items from January 1 to December 31, 1994; and there were 1554 news items from January 1 to December 31, 1995.<sup>903</sup> Such extensive news coverage by the *New York Times* not only increased public awareness but also made Bosnia-Herzegovina a contentious foreign

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<sup>898</sup> Carey, Henry F. 2001.

<sup>899</sup> Mermin, Jonathan. 1999.

<sup>900</sup> Edwards, Lee. 2001. p. 96.

<sup>901</sup> [ProQuest Historical Newspapers: The New York Times \(1851-2009\)](http://search.proquest.com/hnpnewyorktimes/results/); Available at <http://search.proquest.com/hnpnewyorktimes/results/> - See Appendix J.

<sup>902</sup> Mermin, Jonathan. 1999.

<sup>903</sup> [ProQuest Historical Newspapers: The New York Times \(1851-2009\)](http://search.proquest.com/hnpnewyorktimes/results/); Available at <http://search.proquest.com/hnpnewyorktimes/results/> - See Appendix J.

policy issue in congressional-presidential relations, thereby influencing the decision-making process on U.S. military intervention.

For most of 1992, the media coverage was critical of the Bush administration's relative ambivalence and hesitation to act to resolve the Bosnia crisis. The *New York Times* published a powerful editorial written by former British Prime Minister Margaret Thatcher. Thatcher commented, "Hesitation has already proved costly. The matter is urgent."<sup>904</sup> *Time's* cover photo of August 17, 1992 and *Newsweek's* photo, published on January 4, 1993, were extremely powerful in stimulating the military policy debate at the congressional-presidential level.<sup>905</sup> During 1993 and 1994, print media coverage provided a holistic picture of the Bosnian war and kept interviewing the U.S. public to state their opinion on the issue of U.S. troop deployment. The media coverage pointed out that people were predominantly against boots on the ground, while generally supportive of airstrikes on Bosnian Serbs' military installations. It was evident that Congress also supported the Clinton administration to continue with the airstrikes but strongly opposed any authorization on the issue of troop deployment, as required by Section 5(b) of the War Powers Resolution. Also, the TV networks continued to show horrible images to put pressure on the public. Network television tried to impress upon Washington policymakers to act in a decisive manner, stressing the point that the Western nations had a moral and social responsibility to try to end the Bosnian conflict. Hence, with regard to congressional-presidential relations, there was dissension on actual boots on the ground, while there was consensus on military airstrikes.

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<sup>904</sup> *New York Times*, August 06, 1992, p. A23.

<sup>905</sup> Edwards, Lee. 2001.

By the middle of 1995, the Bosnian Serbs' retaliation against NATO forces and UN peacekeeping operations intensified. Deterioration of the situation on the ground led NATO to draw up a tougher policy.<sup>906</sup> Media covered the fallout of the Serbs' full-scale retaliation. Television networks constantly brought the graphic images of human atrocities, death, and destruction. Such extensive and vivid media coverage influenced public perception in terms of U.S. intervention of some nature to meet a social and moral responsibility. But still the public was strongly opposed to troop deployment. In response, the Republican-controlled Congress started to put enormous pressure on the Clinton administration and passed resolutions to lift the arms embargo on Bosnia so that the Serbs were not able to take advantage of this policy. The Senate on July 26, 1995, passed the bill S 21 by a margin of 69-29, requiring the administration to end the arms embargo on Bosnia.<sup>907</sup> Later, on August 1, 1995, the House cleared the Senate bill S 21 by a big margin of 298-128.<sup>908</sup> Such measures by Capitol Hill were in direct opposition to Clinton's policy. Legislative-executive dissension on the arms embargo issue and troop deployment as required by Section 5(b) of the War Powers Resolution continued. In the fall of 1995, after the successful completion of the Dayton Peace Accord, President Clinton used U.S. media effectively to garner public support for ground troop deployment and put pressure on Congress to authorize such a military plan. He gave a major televised speech on November 27 to address the American people on the need for ground troop deployment in Bosnia. The Secretary of State, Secretary of Defense, and Richard

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<sup>906</sup> *Washington Post*, August 31, 1995.

<sup>907</sup> *Congressional Record* – Senate. July 26, 1995. p. 20460.

<sup>908</sup> *Congressional Record* – House. August 1, 1995. p. 21387.

Holbrooke, who brokered the Dayton Peace Accord, went on various Sunday talk shows to convey the president's message to the American people. Gradually, public perception started to change very modestly. In December 1995, the American public's tacit acceptance of U.S. troop deployment in Bosnia under NATO-led peacekeeping operations was attributed in a great extent to the media's relentless coverage of the bloody conflict in Bosnia-Herzegovina. When media were able to change people's perception about some kind of ground troop deployment, Congress acted accordingly. Capitol Hill shifted its position from strongly opposing any troop deployment to reluctant approval for such a move. On December 13, 1995, the House approved a bipartisan resolution, HR 302, by a margin of 287-141 and authorized troop deployment.<sup>909</sup> The Senate, too, on December 13, 1995, adopted S.J. Res. 44 engineered by Senate Majority Leader Dole by a vote of 69-30 as part of congressional authorization to send troops to Bosnia.<sup>910</sup> Without such extensive media coverage and "graphic pictures of death, destruction, and despair in Sarajevo and elsewhere, Americans and a skeptical Congress would have rejected any significant U.S. part in keeping the peace in Bosnia."<sup>911</sup> Media coverage, in the end, was able to influence congressional-presidential consensus on troop deployment. That said, Congress also severely rebuked the Clinton administration on its Bosnia military policy before giving such an authorization, which was primarily given in support of the troops already present in the region and those who were to be deployed

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<sup>909</sup> *Congressional Record* – House. December 13, 1995. p. 36360-61.

<sup>910</sup> *Ibid.*, p. 36908.

<sup>911</sup> Edwards, Lee. 2001. p.101-2.

soon. From the analysis, it can be concluded that the given hypothesis is true and highly relevant for the case of the Bosnia-Herzegovina conflict.

**Hypothesis 7: The longer the duration of military intervention the greater the propensity of legislative-executive dissension on the conduct of war.** The long and complicated nature of the Bosnian war affected the trajectory of the decision-making process. There was ambivalence among policymakers regarding the timing and nature of military intervention. For most of 1992 through 1995 there was dissension between Congress and the executive branch on the contentious issue of U.S. troop deployment and arms embargo in the region. At the same time there was consensus on airstrikes and enforcement of no-fly zones. Public opinion showed ups and downs throughout the long period of time making it difficult for Washington policymakers to make decisions on military operations. However, with the successful completion of the Dayton Peace Accord and extensive media coverage of horrible humanitarian conditions on the ground there was grudging acceptance by American people for the need to send troops to Bosnia if Congress authorized such a measure primarily from the standpoint of moral and social responsibility to end the conflict in the region. Finally consensus was reached between Capitol Hill and the White House on the contentious issue of sending U.S. troops to Bosnia as part of a NATO-led peacekeeping operation despite war-weariness from long duration of the conflict. Evidence therefore does not support the given hypothesis in Bosnia-Herzegovina intervention.

### **Kosovo Intervention (1999)**

**Background:** U.S. military intervention in Kosovo in 1999, as part of NATO-led airstrikes and commitment to deploy troops as part of NATO-led peacekeeping forces,

brought the issue of the War Powers Resolution to the center stage of legislative-executive prerogatives on matters related to war powers. Kosovo was a Serbian province with a population of more than 2 million people, the vast majority of whom were ethnic Albanians. Conflict in the Serbian province of Kosovo erupted in the spring of 1998, when the Serbian army shelled areas around the Kosovan capital of Pristina and killed a large number of civilians.<sup>912</sup> That incident provoked the Kosovo Liberation Army (KLA) to attack Serbian forces, which in turn transpired into full-scale sectarian violence and a massive humanitarian crisis. Eventually the United States and its NATO allies intervened to end the Kosovo conflict. This resulted in a 78-day NATO bombing against the Serbian military from March to June 1999.<sup>913</sup> Thereafter, Yugoslav leader Slobodan Milosevic consented to withdraw Serbian police and military forces from the province of Kosovo, thereby paving the way for a NATO-led peacekeeping force of 28,000 troops, in which the United States would participate with the deployment of 4,000 U.S. troops.<sup>914</sup>

**Hypothesis 1: Divided government leads to congressional-presidential dissension in war-making, while unified government facilitates consensus.** During the U.S. military intervention in Kosovo, there was the presence of divided government in Washington. Congress, both the House of Representatives and the Senate, was controlled by the Republican Party, while the White House was controlled by the Democratic Party. All through the course of the Kosovo intervention, Congress declined to give President Bill Clinton a free hand on the issue of conducting the war. In particular, Congress

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<sup>912</sup> Howell, William G., and Jon C. Pevehouse. 2007.

<sup>913</sup> Congressional Research Service, Report Number RL31053. June 20, "Kosovo and U.S. Policy: Background to Independence." 2008.

<sup>914</sup> Committee of International Relations, U.S. House of Representatives. Report 106-116. April 27. 1999.

expressed serious reservations on the issue of ground troop deployment, as required by the War Powers Resolution.<sup>915</sup> These were clear signs of legislative-executive dissension on the conduct of the Kosovo war.

With regard to legislative action, on March 11, 1999, the House of Representatives adopted a resolution, H. Con. Res. 42, by 219-191, authorizing Clinton to send troops to participate in a NATO-led peacekeeping operation if the ongoing Rambouillet Accords were successful in ending conflict between the Kosovo Liberation Army and the Serbian military forces.<sup>916</sup> The resolution met the requirement of Section 5(b) of the War Powers Resolution and was passed with the cooperation of the leadership of the Republican House. On March 23, 1999, the Senate adopted a bipartisan, nonbinding resolution, S. Con. Res. 21, by 58-41, authorizing President Clinton “to conduct military air operations and missile strikes in cooperation with the NATO allies against the Federal Republic of Yugoslavia (Serbia and Montenegro)”.<sup>917</sup> NATO airstrikes eventually began on March 24, 1999, against the Federal Republic of Yugoslavia and were intended to force Serbian military withdrawal from Kosovo.<sup>918</sup> On March 26, 1999, President Clinton reported to Capitol Hill, consistent with the War Powers Resolution, about U.S. participation in NATO airstrikes.<sup>919</sup> These legislative measures adopted by Congress thus far were signs of legislative-executive consensus, in

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<sup>915</sup> *Congressional Quarterly Weekly Report*, November 27, 1999. p. 2874.

<sup>916</sup> *Congressional Record* – House. March 11, 1999. p. 4337-38.

<sup>917</sup> *Congressional Record* – Senate. March 23, 1999. p.5202.

<sup>918</sup> *Congressional Quarterly Almanac*, 1999.

<sup>919</sup> Congressional Research Services, Report R41199. “*The War Powers Resolution: After Thirty Six Years.*” 2010.

an effort to finding long-lasting peace in Kosovo. But the trajectory of congressional-presidential relations quickly changed into all-out confrontation, as expected under the conditions of divided government. On April 28, 1999, as the airstrikes continued unabated and there were talks calling for greater military action, the House of Representatives rejected the Senate resolution S. Con. Res. 21 (earlier passed in the Senate on March 23, 1999), by a tie vote of 213-213.<sup>920</sup> The same day, the House passed a resolution (HR 1569) by a healthy margin of 249-180 prohibiting the use of funds by the Department of Defense for the deployment of ground forces in Kosovo unless such deployment was authorized by Congress.<sup>921</sup> On April 28, 1999 the House also rejected H.J. Res. 44 by an overwhelming margin of 2-427, because this bill would have declared a state of war between the United States and the Federal Republic of Yugoslavia.<sup>922</sup> Such legislative action in turn showed the aggressive nature of the House on the issue of war powers under the conditions of divided government, marking legislative-executive dissension. Consistent with expectations of interbranch dissension in a divided government setting, the Senate on May 4, 1999, tabled (killed) a resolution, S.J. Res. 20, by 78-22. This was intended to authorize the president to use “all necessary force” in Kosovo.<sup>923</sup>

Findings from legislative action in Congress and its broader implications on the Kosovo war shows that expectations for divided government were generally met in

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<sup>920</sup> *Congressional Record* – House. April 28, 1999. p. 7795-96.

<sup>921</sup> *Ibid.* p. 7756.

<sup>922</sup> *Congressional Record* – House. April 28, 1999. p.7784.

<sup>923</sup> *Congressional Quarterly Almanac*, 1999. p. 14-19.

terms of the outcome of the decision-making process. In most instances Capitol Hill declined authorization for ground troop deployment to the Clinton administration. Evidence shows that by and large, legislative-executive dissension prevailed in the conduct of the war. Therefore, conclusions can be drawn that the given hypothesis is true and accepted for the Kosovo intervention.

**Hypothesis 2: Ideological divisions and partisan differences result in greater dissension in the decision process on conduct of war.** The Kosovo war and the issue of U.S. military intervention came up soon after the House impeachment and Senate trial of President Clinton. As a result, partisan and ideological differences in Washington were at their highest level, and the Republican-controlled Congress showed deep distrust of the president.<sup>924</sup> The *New York Times* commented, “Many in the White House and the Capitol said the bad blood was so pervasive, the ideological divisions so vast and the political interests so disparate that they doubted productive bridges could be built between Mr. Clinton and the Republican majority in the Congress.”<sup>925</sup> Legislative-executive relations regarding Kosovo set off on a bumpy road, when President Clinton on a weekly radio address on February 13, 1999, pushed for military involvement, including the possible use of U.S. troops as part of a NATO-led peace implementation force to restore peace in the region.<sup>926</sup> The GOP reaction was quick and explicit in criticizing Clinton’s Kosovo military plans. Republican lawmakers in both houses of Congress showed skepticism and concern about the wisdom of such a military plan. Representative

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<sup>924</sup> Hendrickson, Ryan C. 2002.

<sup>925</sup> *New York Times*, February 14, 1999, p. 1.

<sup>926</sup> *Compilation of Presidential Documents*. President Bill Clinton’s Radio Address. February 13, 1999.

John R. Kasich (R-OH) called Clinton's weekend announcement about U.S. troop deployment in Kosovo as part of an international peacekeeping operation a "terrible decision."<sup>927</sup> Senator John McCain (R-AZ), while comparing the proposed Kosovo mission to that of Bosnia, commented, "We have no exit strategy. We have no concept of how we want to settle this situation. The American people and the Congress deserve to know that."<sup>928</sup> Both McCain and Kasich were planning to run in the 2000 presidential election.

House Speaker J. Dennis Hastert (R-IL) told President Clinton in a White House meeting on February 23, 1999, that he would like the House of Representatives to have sufficient time to debate and vote on troop deployment as part of the congressional authorization required by the provisions of the War Powers Resolution.<sup>929</sup> Later, the House GOP leaders pushed ahead with their plan to debate ground troop deployment in Kosovo, "turning aside warnings from the White House that they could undermine peace talks in the Balkans."<sup>930</sup> In a hearing at the Senate Armed Services Committee on February 25, 1999, Senator Olympia J. Snowe (R-ME) said while asking a question of Thomas Pickering (Assistant Secretary of State for Political Affairs), "I think we understand the constitutional challenges between the two branches, and the War Powers Act, but frankly what we are dealing with here is another open-ended commitment....and

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<sup>927</sup> *Washington Post*, February 15, 1999, p. A.1.

<sup>928</sup> *Ibid.*

<sup>929</sup> *Congressional Quarterly Weekly Report*, February 27, 1999, p. 499.

<sup>930</sup> *Washington Post*, March 10, 1999, p. A04.

I think you have heard a lot of expressions of concern here.”<sup>931</sup> While talking to reporters on March 30, 1999, Senate Armed Services Committee Chairman John W. Warner (R-VA) did not agree that the use of ground troops should be considered so early.<sup>932</sup> Such issues were pertinent to congressional debate on troop deployment as required by Section 5 (b) of the War Powers Resolution. As Senate GOP opposition against the deployment of U.S. troops in Kosovo kept growing Majority Leader Trent Lott (R-MS) in a letter to the president raised several questions about the viability and effectiveness of Clinton’s proposed Kosovo military policy.<sup>933</sup> GOP opposition on Kosovo intervention was considered as a precursor of the tough partisan conflict that was expected later in fall when the Comprehensive Test Ban Treaty (CTBT) would come up for Senate consideration.<sup>934</sup> In a hearing at the House Committee on International Relations former Secretary of State Henry Kissinger argued that the Kosovo military intervention was dangerous and imprudent.<sup>935</sup> Along similar lines Senate Majority Whip Don Nickles (R-OK) commented that the U.S. military operation against the Serbs was “a debacle in the making.” Nickles and some other conservatives in Congress began to see parallels in the Kosovo intervention to the Vietnam War.<sup>936</sup>

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<sup>931</sup> Hearings before the Committee on Armed Services, United States Senate. “U.S. Policy and NATO Military Operations in Kosovo.” S. Hrg. 106-794. February 25, 1999. p. 65.

<sup>932</sup> *Congressional Quarterly Weekly Report*, April 3, 1999: p. 809-11.

<sup>933</sup> *Congressional Quarterly Weekly Report*, February 27, 1999. p. 499.

<sup>934</sup> See Chapter IV for a detailed discussion on the Comprehensive Test Ban Treaty (CTBT).

<sup>935</sup> Committee on International Relations United States House of Representatives. “The United States’ Role in Kosovo.” March 10, 1999.

<sup>936</sup> *Congressional Quarterly Weekly Report*, April 10, 1999. p. 835-36.

Partisan wrangling was clear when on April 28, 1999, the Republican-controlled House passed a resolution HR 1569 by a healthy margin of 249-180 prohibiting the use of funds by the Department of Defense for the deployment of ground forces in Kosovo unless such deployment was authorized by Congress, while rejecting the Senate resolution S. Con. Res. 21 (earlier passed in the Senate on March 23, 1999) by a tie vote of 213-213.<sup>937</sup> The aggressive action by the House was an indication of this legislative body's denial of authorization for troop deployment in Kosovo, as required by the War Powers Resolution. Passage of HR 1569 by a vote of 249-180 was primarily a party line vote, in which 203 Republicans were joined by 45 Democrats and 1 independent to support the measure, while 16 Republicans joined 164 Democrats to oppose the legislation.<sup>938</sup> The House rejection of Senate resolution S. Con. Res. 21 was also a partisan vote, in which 181 Republicans rejected troop deployment while only 31 supported the measure. On the other hand, 181 Democrats supported the measure, while only 26 opposed it.<sup>939</sup> The House Republicans mostly rallied behind the House Majority Whip Tom DeLay (R-TX), who vehemently opposed S. Con. Res. 21 and urged his fellow Republican members, "not to take ownership of an incompetent administration's policy."<sup>940</sup> On another occasion, evidence shows that as the U.S. airstrikes over the Federal Republic of Yugoslavia (FRY) were going on as part of the NATO mission, Representative Thomas Campbell (R-CA) on April 12, 1999, challenged the Clinton

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<sup>937</sup> *Congressional Record* – House, April 28, 1999. p. 7756; p. 7795-96; p. 7784.

<sup>938</sup> *New York Times*, April 29, 1999, p. A1.

<sup>939</sup> *Congressional Quarterly Almanac*, 1999.

<sup>940</sup> *Congressional Quarterly Weekly Report*, December 4, 1999. p. 2931.

administration on the issue of violating the War Powers Resolution. Campbell introduced two resolutions – (i) H. Con. Res. 82 that intended to direct the president, pursuant to Section 5 (c) of the War Powers Resolution, “to remove United States Armed Forces from their positions in connection with the present operations against the Federal Republic of Yugoslavia”<sup>941</sup>; and (ii) H.J. Res. 44, that intended to declare war against Yugoslavia.<sup>942</sup> Later, on April 28, 1999 the House of Representative rejected both H. Con. Res. 82 by a margin of 139-290 and H.J. Res. 44 by a vote of 2-427.<sup>943</sup> The House rejection of these two legislations was intended to show unity with the Clinton administration, the NATO allies, and international partners as the situation on the ground warranted.<sup>944</sup> While doing so, the House rejected Clinton’s call for a new batch of troop deployments, pursuant to Section 5(b) of the War Powers Resolution. In response, Campbell and 17 other House members “filed suit in federal District Court for the District of Columbia seeking a ruling requiring the president to obtain authorization from Congress before continuing the air war, or taking other military action against Yugoslavia.”<sup>945</sup> Therefore, it is obvious that even if there was fundamental partisan disagreement between the Republican Congress and the Clinton White House on future strategy on the Kosovo war there were occasions when there were flickers of consensus and dissension, attributed to an intraparty ideological rift in both political parties. The

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<sup>941</sup> House of Representatives. Report 106-116. April 27, 1999.

<sup>942</sup> Campbell, Thomas. 2000.

<sup>943</sup> *Congressional Record* – House; April 28, 1999. p.7770; p.7784.

<sup>944</sup> Howell, William G., and Jon C. Pevehouse. 2007.

<sup>945</sup> Congressional Research Service, Report Number 41199. “*The War Powers Resolution: After Thirty Six Years.*” 2010.

issue of intra-GOP ideological division came into the limelight once more on May 4, 1999, when the Senate tabled (killed) a resolution S.J. Res. 20, sponsored by Senator McCain, by a margin of 78-22.<sup>946</sup> The bill, if adopted, would have authorized Clinton “to use all necessary force to prevail in the war over Kosovo.”<sup>947</sup> The *Wall Street Journal* reported that “conservative GOP voters, the party’s base support, accounted for the strongest resistance to any plan to send U.S. infantry into Kosovo to drive out Serb forces. 54 percent of the conservatives polled strongly opposed the use of U.S. ground troops, compared with 34 percent among swing voters and 27 percent among liberal Democratic-base voters.”<sup>948</sup> The Republican-controlled Senate’s rejection of S.J. Res. 20 reiterated deep-rooted partisan wrangling at the legislative-executive level leading to interbranch dissension, while also exposing the issue of ideological rift in intraparty-level politics.

Overall findings corroborate that congressional-presidential relations on the issue of congressional authorization for troop deployment in Kosovo, pursuant to Section 5(b) of the War Powers Resolution, were driven by partisan and ideological forces between the Republican Congress and the Clinton White House. Such partisan wrangling led to legislative-executive dissension and greatly impacted the political process in the conduct of the Kosovo war. At the same time it was also evident that there was a constant ideological tension going on at the intra-party level both inside the Republican and the Democratic Party. This in turn complicated the political process resulting in turning-point moments in decision outcomes at various stages of the political process. On the

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<sup>946</sup> *Congressional Quarterly Almanac*, 1999, p. 14-19.

<sup>947</sup> *Congressional Quarterly Weekly Report*, May 8, 1999. p. 1091-93.

<sup>948</sup> *Wall Street Journal*, May 5, 1999. p. A18.

whole evidence indicates that partisan divisions and ideological differences were greatly responsible for legislative-executive dissension in decision-making process on the conduct of Kosovo war. Therefore, conclusions can be drawn that the given hypothesis is true and significantly relevant for the case of the Kosovo intervention.

**Hypothesis 3: Electoral imperatives of opposing congressional leaders to get reelected in the ensuing elections increase the propensity of legislative-executive dissension.** Congressional proceedings on military intervention and troop deployment, pursuant to Sections 5(b) and 5(c) of the War Powers Resolution, took place in the spring of 1999. This was immediately after the November 1998 midterm elections, and the next election cycle was almost two years away. Also, the actual duration of airstrikes in Kosovo was limited to only 78 days (March 24, 1999 to June 10, 1999).<sup>949</sup> Moreover, the deliberations on Capitol Hill and the resultant congressional-presidential interactions were primarily confined to the institutional prerogatives regarding war powers. Because of all these reasons, electoral imperatives and concerns did not affect congressional debate and legislative action. Therefore, it can be concluded that the given hypothesis is not applicable in the case of the Kosovo war.

**Hypothesis 4: If there is favorable public opinion for military intervention, there is likely to be legislative-executive consensus, and vice versa.** The Kosovo conflict witnessed divided public opinion similar to that regarding Bosnia four years earlier. The diversity of public opinion complicated legislative-executive relations and influenced the political process in the conduct of the Kosovo intervention. A Gallup poll/CNN/USA

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<sup>949</sup> Congressional Research Service, Report Number RL31053. "Kosovo and U.S. Policy: Background to Independence." 2008.

*Today* poll, conducted on March 25, 1999, showed that 50 percent of the public supported U.S. participation in NATO airstrikes against the Serbian military, whereas 39 percent opposed it. This was a 4 percent increase in favorability in less than a week's time, when compared to the previous Gallup poll/CNN/*USA Today* poll, conducted on 19-21 March, 1999, when 46 percent favored such airstrikes and 43 percent were opposed.<sup>950</sup> Showing a similar trend, a *Washington Post*/ABC News poll, conducted on 26-29 March, 1999, found that 55 percent of respondents supported U.S. participation in NATO airstrikes against Serbia, while 33 percent opposed it.<sup>951</sup> Similarly, a Harris poll conducted on the eve of the NATO bombings (March 23, 1999), found that 52 percent of the respondents favored such airstrikes against Serbian targets, whereas 42 were against them.<sup>952</sup> Reflecting the general trend of favorable public opinion, the *New York Times* reported that while in the first week of NATO bombings (i.e. the last week of March 1999), public support "varied from very slim – 44 percent in favor, 40 percent opposed in a *Time*/CNN poll – to quite broad – 60 percent to 30 percent in a Pew Research Center poll," in the second week of the airstrikes (i.e. first week of April 1999) "a CBS poll showed no change; a *Newsweek* poll showed a modest increase in support, to 58 percent from 53; but two polls done Monday night – ABC/*Washington Post* and NBC/*The Wall Street Journal* – showed big jumps."<sup>953</sup> Gallup News Service reported that from the middle of March 1999 to the middle of April 1999, public support for U.S. airstrikes and

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<sup>950</sup> Frank Newport. Gallup News Service, March 30, 1999. See Appendix K.

<sup>951</sup> *Washington Post*, March 30, 1999, p. A12.

<sup>952</sup> Howell, William G., and Jon C. Pevehouse. 2007.

<sup>953</sup> *New York Times*, April 8, 1999, p. A27.

troop deployment showed a rising trend.<sup>954</sup> Capitol Hill was mindful of this trend of favorable public opinion for U.S. participation in NATO airstrikes. The Republican-controlled Senate on March 23, 1999 passed a non-binding resolution, S. Con. Res. 21, by 58-41, authorizing President Clinton “to conduct military air operations and missile strikes in cooperation with the NATO allies against the Federal Republic of Yugoslavia (Serbia and Montenegro).”<sup>955</sup> Subsequently, NATO airstrikes eventually began on March 24, 1999, against the Federal Republic of Yugoslavia and were intended to force Serbian military withdrawal from Kosovo.<sup>956</sup> On March 26, 1999, President Clinton reported to Capitol Hill, consistent with the War Powers Resolution, about U.S. participation in NATO airstrikes.<sup>957</sup> A modest increase in favorable public opinion for such airstrikes led the Republican-controlled Congress and the Clinton White House to forge consensus about conducting airstrikes as an immediate response.

However, such legislative-executive consensus was short lived, as very soon public support declined steadily on the issue of U.S. military involvement in Kosovo. Gallup News Service in April 1999 reported that from the middle of April, there was a significant drop in public support for U.S. participation in NATO airstrikes, as well as with regard to any future deployment of troops. In a *Gallup* poll conducted on April 26-27, 1999, 56 percent of the respondents supported the current U.S. and NATO air attacks, down from 61 percent on April 13-14, 1999. More importantly, on the issue of sending

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<sup>954</sup> Frank Newport. Gallup News Service, April 29, 1999.

<sup>955</sup> *Congressional Record* – Senate. March 23, 1999. p. 5202.

<sup>956</sup> *Congressional Quarterly Almanac* 1999.

<sup>957</sup> Congressional Research Services, Report R41199. “*The War Powers Resolution: After Thirty Six Years.*” 2010.

U.S. troops to the region in the event of airstrikes not being successful, the same *Gallup* poll showed that public approval was just 40 percent, while 56 percent were opposed. This was a significant drop from the previous approval rating of 52 percent in the middle of April.<sup>958</sup> On April 28, 1999, the House of Representatives responded by adopting a resolution, HR 1569, by a healthy margin of 249-180, thereby prohibiting the use of funds by the Department of Defense for the deployment of ground forces in Kosovo unless such deployment was authorized by Congress, while rejecting the Senate resolution S. Con. Res. 21 (earlier passed in the Senate on March 23, 1999 and which authorized U.S. participation in NATO airstrikes) by a tie vote of 213-213.<sup>959</sup> The House decisions on April 28, 1999, to block Clinton's military plans in Kosovo were clear signs of legislative-executive dissension. The Senate further intensified the trend of interbranch dissension by rejecting a resolution, S.J. Res. 20 (intended to authorize Clinton to use *all necessary forces* in Kosovo), by a margin of 78-22.<sup>960</sup>

In May 1999, public support on the issue of U.S. military participation in Kosovo further declined. The *New York Times* reported that there were signs of public weariness with the Kosovo war, as the Clinton administration felt growing public pressure to resolve the conflict as early as possible.<sup>961</sup> The *Washington Post* on May 24, 1999 reported that while public support for the NATO air campaign dropped from 65 percent to 59 percent in the latest ABC News/*Washington Post* poll, more importantly a clear

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<sup>958</sup> Frank Newport. *Gallup News Service*, April 29, 1999. See Appendix K.

<sup>959</sup> *Congressional Record* – House. April 28, 1999. p.7756; p.7795-96; p.7784.

<sup>960</sup> *Congressional Quarterly Weekly Report*, May 8, 1999. p. 1091-93.

<sup>961</sup> *New York Times*, May 19, 1999, p. A1.

majority of the American people – 56 percent – were opposed to sending U.S. ground troops into Kosovo.<sup>962</sup> In response to such a drop in favorable public opinion, Congress remained indecisive and refused to authorize President Clinton to deploy ground troops as part of a NATO-led Kosovo peacekeeping force (KFOR). Hence, legislative-executive dissension on fresh deployment of troops continued to persist.

Overall, the trend of public opinion regarding the Kosovo conflict showed ups and downs as it remained divided. Such oscillation influenced the trajectory of congressional-presidential relations in the decision-making process on the conduct of the Kosovo war. Findings show that in the initial phase of congressional proceedings, when public opinion was favorable for U.S. and NATO airstrikes, Congress authorized the Clinton administration to proceed, resulting in legislative-executive consensus. In the later phase of congressional proceedings, as favorable public opinion diminished on the issues of continued air campaigns and, more importantly, on troop deployment Congress took stringent legislative measures to block the executive branch from sending troops into Kosovo, resulting in legislative-executive dissension. Therefore, in conclusion it can be asserted that evidence supports the given hypothesis on Kosovo war.

**Hypothesis 5: Opposition members of Congress disagree with president's decision on military intervention, and vice-versa.** In the case of Kosovo intervention opposition members of Congress belonging to the Republican Party played a significant role in the decision-making process. In a divided-government setting, there was a deep, underlying partisan divide between the GOP-controlled Congress and the Clinton White

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<sup>962</sup>Washington Post, May 24, 1999. Available at <http://www.washingtonpost.com/wp-srv/politics/polls/wat/archive/wat052499.htm>

House. Since the early days of the Kosovo conflict, influential Republican leaders like Representative Kasich, Senator Snowe, Senator McCain, Senate Majority Leader Lott, House Majority Whip Representative DeLay, and Representative Campbell tried to create roadblocks for the administration in conducting the Kosovo war. The deep partisan divide and distrust between the Congress Republicans and President Clinton in the wake of Clinton's impeachment and trial spilled over into the decision-making process concerning the Kosovo conflict. The difficult political climate in Washington also made the GOP members of Congress, particularly in the House of Representative, more aggressive in blocking Clinton's Kosovo war plans, as explained in detail in hypotheses 1 and 2. Based on all such analyses, conclusions can be drawn that the given hypothesis is true for the Kosovo case.

**Hypothesis 6: Extensive media coverage increases the propensity of legislative-executive consensus in the decision-making process on military intervention.** Kosovo intervention attracted extensive media coverage. The influence of media in the political and social domain in the United States was significant. Media coverage framed U.S. military intervention in Kosovo, both in the form of air campaigns and possible troop deployment, as highly necessary operations in order to provide humanitarian aid and security to Kosovo Albanians, who were subjected to brutal ethnic cleansing initiated by the Serbs.<sup>963</sup> In March 1999, the *New York Times* ran a powerful editorial (with a captivating headline) that said, "We [United States] do have a strategic and humanitarian interest in not allowing this Kosovo-Albanian conflict to get out of control.... You cannot care about the future of NATO, and the stability of Southern Europe, and then say we

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<sup>963</sup> Yang, Jin. 2003.

have no interest in Kosovo.”<sup>964</sup> Network television, through ABC, CBS, NBC, and cable television channels such as CNN, brought images of horrible atrocities and fleeing Kosovo refugees to the TV screens in America night after night.<sup>965</sup> Extensive media coverage in turn influenced the decision-making process in Washington in favor of military action, not only to provide much-needed humanitarian aid to the Kosovo Albanians, but also to preserve the U.S. national interest.

The sheer magnitude of media coverage speaks for itself. Over a four-month period during March to June 1999 (when congressional proceedings took place on the issue of authorization in the use of force, pursuant to the 1973 War Powers Resolution), the *New York Times* ran 1,657 news items in total, consisting of 1,000 articles, 303 front-page articles, 191 editorials, and 163 letters to the editor.<sup>966</sup> Consistent with the pattern of congressional debate, the *Times* ran 602 items just in April 1999.<sup>967</sup> During the same time, the *Washington Post* ran 920 articles, 61 editorials, and 273 op-ed items.<sup>968</sup> Similar to the pattern of the *Times* coverage, the *Post* reported a maximum of 312 articles in April 1999.<sup>969</sup> Network and cable television coverage was also astonishingly high from March to June 1999. ABC ran 222 stories, CBS aired 167 stories,

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<sup>964</sup> *New York Times*, March 2, 1999, p. A19.

<sup>965</sup> Edwards, Lee. 2001.

<sup>966</sup> [ProQuest Historical Newspapers: The New York Times \(1851-2009\)](http://search.proquest.com/hnpnewyorktimes/results/); Available at <http://search.proquest.com/hnpnewyorktimes/results/>

<sup>967</sup> See Appendix K

<sup>968</sup> The *Washington Post*; Available at <http://pqasb.pqarchiver.com/washingtonpost/historical/results.htm>

<sup>969</sup> See Appendix K

NBC aired 142, and CNN ran 248 stories in total.<sup>970</sup> ABC peaked with 76 stories in April 1999, while the number for CBS was 55, for NBC 51, and for CNN 69.<sup>971</sup> Television coverage painted a vivid picture of the miserable conditions that the Kosovo Albanians were going through and framed the U.S. military intervention as a just cause. Premier U.S. newspapers such as the *Times* and *Post* maintained a similar tone by running stories which were constantly pushing for U.S. military action in Kosovo. For instance, the *Times* ran stories like “Is Kosovo worth it?”<sup>972</sup> – (*Editorial*); “In Kosovo, War is Peace”<sup>973</sup> – (*OPED*); “The Kosovo Refugee Emergency”<sup>974</sup> – (*Editorial*); “Tales from Kosovo Villages: Thousands Expelled by Serbs”<sup>975</sup> – (*Article*); “Stop the Music: Give the air war a chance”<sup>976</sup> – (*Editorial*); “Congress and Kosovo”<sup>977</sup> – (*Editorial*); and “A Refugee River, Dammed at the Border: Macedonia.”<sup>978</sup> – (*Article*). The *Post* ran stories like “Be Serious”<sup>979</sup> – (*Editorial*); “Fleeing Misery, Finding More: Survivors from Kosovo town are seared by Flames and Fear”<sup>980</sup> – (*Article*); “New Waves of Kosovo

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<sup>970</sup> Vanderbilt Television News Archive. Available at <http://tvnews.vanderbilt.edu/tvn-processquery.pl>

<sup>971</sup> See Appendix K

<sup>972</sup> *New York Times*, March 2, 1999, p. A19.

<sup>973</sup> *New York Times*, March 26, 1999, p. A23.

<sup>974</sup> *New York Times*, April 1, 1999, p. A26.

<sup>975</sup> *New York Times*, April 14, 1999, p. A1.

<sup>976</sup> *New York Times*, April 23, 1999, p. A25.

<sup>977</sup> *New York Times*, April 29, 1999, p. A28.

<sup>978</sup> *New York Times*, May 26, 1999, p. A17.

<sup>979</sup> *Washington Post*, March 25, 1999, p. A36.

<sup>980</sup> *Washington Post*, April 4, 1999, p. A1.

Exiles Tells of Atrocities by Serbs<sup>981</sup> – (*Article*). Such news stories reflected the overall tone of media coverage that intended to put pressure on Washington policymakers to act toward resolving the crisis in Kosovo. Extensive newspaper coverage, including powerful articles, editorials, and op-ed items, coupled with television footage of shocking images and evening news analysis, had a significant influence on foreign policy debate and public consensus in favor of U.S. military action.<sup>982</sup> The positive influence of media coverage on public opinion was significantly noticeable, starting from the middle of March to the middle of April 1999. During this period, even the public support for the controversial ground troop deployment also registered a substantial increase, from 31 percent to 47 percent.<sup>983</sup> In response, both the Republican-controlled House of Representatives and the Senate acted and passed legislations in support of airstrikes and even future ground troop deployment, pursuant to the requirement of Section 5(b) of the War Powers Resolution. On March 11, 1999, the House of Representatives adopted a resolution, H. Con. Res., 42 by 219-191, authorizing Clinton to send troops to participate in a NATO-led peacekeeping mission to end conflict between the Kosovo Liberation Army and Serbian military forces.<sup>984</sup> The Senate on March 23, 1999, adopted a bipartisan, non-binding resolution, S. Con. Res. 21, by 58-41, authorizing President Clinton “to conduct military air operations and missile strikes in cooperation with the

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<sup>981</sup> *Washington Post*, April 15, 1999, p. A1.

<sup>982</sup> Carey, Henry F. 2001.

<sup>983</sup> *Christian Science Monitor*, April 9, 1999.

<sup>984</sup> *Congressional Record* – House. March 11, 1999. p. 4337-38.

NATO allies against the Federal Republic of Yugoslavia (Serbia and Montenegro).”<sup>985</sup> Thereafter, the U.S. air campaign started on March 24, 1999 to destroy Serbian military positions. Such congressional measures symbolized legislative-executive consensus in the first phase of the Kosovo intervention.

That said, from the middle of April 1999 until June 1999, the American people were growing less optimistic about the Kosovo air campaign and the conflict as a whole. During this time, media coverage became much more objective in its analysis. Media coverage, apart from extensively portraying the miserable conditions in Kosovo, also highlighted the growing dilemma of the NATO countries about the future prospects of military action and the public perception about the war. On May 24, 1999, the *Washington Post* reported, “Americans have grown weary of a war that seems to be going nowhere.... Americans apparently are no longer quite so captivated by pictures of laser-guided missiles and smart bombs.”<sup>986</sup> The *New York Times*, while referring to the remarks of Andrew Kohut, Director of the Pew Research Center for the People and the Press, reported that the public was skeptical about the prospects of peaceful resolution of the conflict because the ground results thus far had been messy and confusing.<sup>987</sup> Subsequently, the Republican-controlled House and Senate reversed their earlier, somewhat compromising position into a more aggressive posture in the conduct of war. By reversing the earlier approval of troop deployment, Congress checked Clinton’s military plans. On April 28, 1999, the House of Representatives responded by adopting a

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<sup>985</sup> *Congressional Record* – Senate, March 23, 1999, p. 5202.

<sup>986</sup> *Washington Post*, May 24, 1999. Available at <http://www.washingtonpost.com/wp-srv/politics/polls/wat/archive/wat052499.htm>

<sup>987</sup> *New York Times*, June 22, 1999, p. A24.

resolution, HR 1569, by a healthy margin of 249-180, thereby prohibiting the use of funds by the Department of Defense for the deployment of ground forces in Kosovo unless such deployment was authorized by Congress, while rejecting the Senate resolution S. Con. Res. 21 (earlier passed in the Senate on March 23, 1999 and which authorized U.S. participation in NATO airstrikes) by a tie vote of 213-213.<sup>988</sup> The Senate further intensified the trend of legislative-executive dissension by rejecting a resolution, S.J. Res. 20 (intended to authorize Clinton to use *all necessary forces* in Kosovo), by a margin of 78-22.<sup>989</sup> Thus the second phase of the war showed legislative-executive dissension.

On the whole, it is evident that extensive media coverage played a vital role in influencing public opinion and pushing Washington policymakers to intervene militarily in Kosovo. On the issue of U.S. airstrikes for 78 days extensive media coverage had a significant contribution toward reaching congressional-presidential consensus. Therefore, it can be concluded that the given hypothesis is true for the case of the Kosovo intervention.

**Hypothesis 7: The longer the duration of military intervention the greater the propensity of legislative-executive dissension on the conduct of war.** Congressional deliberations, pursuant to the War Powers Resolution, were centered on a 78-day air campaign and a possible future U.S. ground troop deployment as part of a NATO-led Kosovo Peacekeeping Force (KFOR), whose nature and extent were largely uncertain. Legislative-executive relations were focused on the institutional war powers prerogatives

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<sup>988</sup> *Congressional Record* – House. April 28, 1999. p.7756; p.7795-96; p.7784.

<sup>989</sup> *Congressional Quarterly Weekly Report*, May 8, 1999. p. 1091-93.

basically for a short-term military intervention. Complications from a long-term military intervention based on speculations were mostly downplayed. Therefore, the given hypothesis does not hold merit for the Kosovo case.

### **Somalia Intervention (1992-94)**

**Background:** Political unrest in Somalia started in January 1991, when Somali strongman Mohammad Said Barre was ousted after 22 years in power.<sup>990</sup> Immediately thereafter, civil war among various clans broke out. With the threat of severe drought looming large, widespread starvation, hunger, and poverty became a reality. Out of the chaos, Mohammad Aidid emerged as the strongest clan leader.<sup>991</sup> Along with political instability, a massive humanitarian crisis was unfolding. On December 3, 1992, the United Nations Security Council passed Resolution 794, authorizing member states to “use all necessary means to establish as soon as possible a secure environment for humanitarian relief operations in Somalia.”<sup>992</sup> On December 4, 1992, President George H. W. Bush announced U.S. troop deployment to join a UN peacekeeping force to provide humanitarian assistance in compliance with Security Council Resolution 794.<sup>993</sup> Thereafter, an advance deployment of 1,700 U.S. Marines arrived at the capital city, Mogadishu, under Operation Restore Hope.<sup>994</sup> Over time, U.S. military intervention in Somalia became increasingly controversial, as troops were involved in hostilities,

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<sup>990</sup> *Congressional Quarterly Almanac*. 1993.

<sup>991</sup> Hendrickson, Ryan C. 2002.

<sup>992</sup> *Congressional Quarterly Almanac*. 1992. p. 43-E.

<sup>993</sup> Congressional Research Services, Report R41199. “*The War Powers Resolution: After Thirty Six Years.*” 2010.

<sup>994</sup> *Congressional Quarterly Weekly Report*, December 12, 1992. p. 3807-8.

increased fighting, and in turn suffered casualties.<sup>995</sup> Under increased congressional pressure for early troop withdrawal, the Clinton administration pulled the troops out of Somalia on March 31, 1994.<sup>996</sup>

**Hypothesis 1: Divided government leads to congressional-presidential dissension in war-making, while unified government facilitates consensus.** When on December 4, 1992, the outgoing Bush administration announced deployment of U.S. troops to Somalia, it had already obtained congressional approval as both the Senate and the House passed S. Con. Res. 132 by voice vote earlier in August 1992.<sup>997</sup> When President Bill Clinton took office on January 20, 1993, he continued with the troop deployment, and there was unified government in Washington. Consistent with the expectations of the given hypothesis, the Democrat-controlled Congress supported the Clinton administration's Somalia military plan. On February 4, 1993, the Senate approved with a voice vote S. J. Res. 45, authorizing the administration's use of U.S. armed forces to support the UN Resolution to establish a "secure environment" in Somalia.<sup>998</sup> The Senate resolution also expressed the belief of the Senate that President Clinton should consult with the U.N. Secretary General "to ensure that the United Nations can swiftly assume primary responsibility for the operation in Somalia."<sup>999</sup> The House of Representatives on May 25, 1993, passed its own version of S. J. Res. 45 by a

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<sup>995</sup> Congressional Research Services, Report RL33532. "War Powers Resolution: Presidential Compliance." 2007.

<sup>996</sup> *Congressional Quarterly Almanac*. 1993.

<sup>997</sup> *Congressional Quarterly Weekly Report*, October 16, 1993. p. 2826.

<sup>998</sup> *Congressional Quarterly Almanac*. 1993.

<sup>999</sup> *Congressional Record* –Senate. February 4, 1993. p.2272.

margin of 243-179.<sup>1000</sup> The House version of S. J. Res. 45 authorized U.S. troop deployment in the U.N. peacekeeping operation for a period of one year, pursuant to Section 5(b) of the War Powers Resolution.<sup>1001</sup> By August 1993, 4028 U.S. troops were deployed in Somalia, and on August 8, four American troops were killed by a Somali landmine.<sup>1002</sup> This incident energized Capitol Hill to take a fresh look at the continued U.S. military mission in Somalia. In a clear effort to check the administration's Somalia military policy, the Senate on September 9, 1993, adopted an amendment to the Senate defense authorization bill, S 1298, that was earlier introduced by Chairman of the Senate Appropriations Committee Robert C. Byrd (D-W.V.), by an overwhelming vote of 90-7, requiring Clinton to report to Congress on the troop deployment in Somalia by October 15, 1993, and also to seek congressional authorization for the military mission by November 15, 1993.<sup>1003</sup> With that measure, Byrd wanted to assert the role of Congress in the Somalia case in a substantial manner. Subsequently on September 28, 1993, the House, while expressing widespread concern about the continued U.S. military mission in Somalia, endorsed the Senate measure and adopted an identical amendment by a huge margin of 406-26 to pass the fiscal 1994 defense authorization bill, HR 2401.<sup>1004</sup> Hence, by and large, until the end of September 1993 there was legislative-executive consensus, consistent with the expectation of the given hypothesis with regard to unified

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<sup>1000</sup> *Congressional Record* –House. May 25, 1993. p.11037.

<sup>1001</sup> *Congressional Quarterly Weekly Report*, May 29, 1993. p. 1373.

<sup>1002</sup> Hendrickson, Ryan C. 2002.

<sup>1003</sup> *Congressional Record* –Senate. September 9, 1993. p.20707.

<sup>1004</sup> *Congressional Record* –House. September 28, 1993. p.22763-64.

government, despite signs of growing frustration with the mission on Capitol Hill. The next phase of the congressional-presidential showdown was about to come up in October.

Congressional outrage reached its peak when 18 U.S. troops were killed and nearly 80 wounded on October 3, 1993, in dangerous fighting with the forces of the local warlord General Mohammad Farah Aidid.<sup>1005</sup> Capitol Hill publicly rebuked the president and put intense pressure on Clinton to withdraw the troops at an early opportunity. President Clinton complied and on October 7, 1993, he announced that “All American troops will be out of Somalia no later than March the 31st, except for a few hundred support personnel in noncombat roles.”<sup>1006</sup> President Clinton complied with the Senate’s demand and sent the administration’s Somalia military policy report two days before the prescribed deadline. On October 15, 1993 the Senate endorsed Clinton’s new plan to “sharply narrow the mission of U.S. forces in Somalia and to remove them from that country by March 31” by voting in an amendment to the defense appropriations bill (HR 3116) by a margin of 76-23.<sup>1007</sup> In an apparent show of resentment in the House, the ranking Republican on the House Foreign Affairs Committee, Benjamin A. Gilman of New York, introduced a nonbinding resolution, H. Con. Res. 170, to invoke Section 5(c) of the War Powers Resolution, calling on Clinton to pull out all U.S. troops from Somalia by January 31, 1994, which would be two months before the deadline that the president accepted under congressional pressure.<sup>1008</sup> After contentious debate, the Democrat-

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<sup>1005</sup> *Congressional Quarterly Weekly Report*, October 16, 1993. p. 2826.

<sup>1006</sup> *Compilation of Presidential Documents*, William J. Clinton; October 7, 1993. p. 2024.

<sup>1007</sup> *Congressional Quarterly Weekly Report*, October 16, 1993. p. 2823-27.

<sup>1008</sup> *Congressional Quarterly Weekly Report*, October 30, 1993. p. 2987-88.

controlled House on November 9, 1993 in a unified government structure overturned Gilman's measure and adopted an amendment by a margin of 226-201, supporting Clinton's previously announced troop withdrawal deadline of March 31, 1994.<sup>1009</sup> The House also included the March 31 deadline in the final version of H. Con. Res. 170, which was later on adopted in the House on November 10, 1993.<sup>1010</sup>

From the empirical investigation, it is clear that the Democrat-controlled Congress was able to reverse any dissent that the opposition party was trying to introduce by legislative action. The final glaring example of this trend was the passage of H. Con. Res. 170, despite an effort by the Republicans to put pressure on the administration for an early withdrawal by January 31, instead of March 31, 1993. Hence, Democrat-controlled unified government was able to forge legislative-executive consensus consistent with the expectations of the given hypothesis, despite some flickers of dissension at times in the decision-making process on the use of force in Somalia.<sup>1011</sup> Therefore, it can be concluded that evidence supports the given hypothesis for the case of the Somalia intervention.

**Hypothesis 2: Ideological divisions and partisan differences result in greater dissension in the decision process on conduct of war.** The first signs of partisan and ideological divisions were observable on May 25, 1993, when the House version of S. J. Res. 45, adopted primarily on partisan lines by a margin of 243-179, authorized U.S.

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<sup>1009</sup> *Congressional Record* – House. November 9, 1993. p.28087-88.

<sup>1010</sup> *Congressional Quarterly Almanac*. 1993.

<sup>1011</sup> If there were the presence of divided government then such legislative-executive consensus on the Somalia intervention might not have been possible, particularly in the wake of the October 3, 1993, incident when 18 U.S. troops were killed.

troop deployment in the U.N. peacekeeping operation with a time limitation of one year, pursuant to Section 5(b) of the War Powers Resolution.<sup>1012</sup> Conservatives, who earlier supported President Bush's decision to begin military intervention in December 1992, changed their position once President Clinton came to office in January 1993. Now they expressed skepticism about the ongoing military mission under a liberal administration, and they repeatedly tried to curtail the time limit for the Somalia intervention by introducing legislations and/or amendments to that effect. The first signs of such liberal-conservative dissension were shown on May 25, 1993, when House Foreign Affairs Committee ranking member Benjamin A. Gilman (R-N.Y.)'s amendment to limit authorization of troops for six months instead of one year was rejected by a margin of 179-248 by the Democrat-controlled House.<sup>1013</sup> Partisan differences clearly flared up when the Democrat-controlled House rejected by 127-299 an amendment by Toby Roth (R- WI) that would "have cut off the troop authorization and funding for the Somalia mission by June 30."<sup>1014</sup> Republican opposition continued to grow throughout the second half of 1993 on the issue of U.S. troop deployment under the command of the United Nations Operations in Somalia II (UNISOM II).<sup>1015</sup> Congressional Republicans expressed their frustration with the continued deployment of U.S. troops in Somalia under UNISOM II at the time of adopting the fiscal year 1994 defense authorization bill, HR 2401, requiring the president to report to Congress on the military deployment in Somalia

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<sup>1012</sup> *Congressional Record* – House, May 25, 1993. p.11037.

<sup>1013</sup> *Ibid.* p.11028.

<sup>1014</sup> *Congressional Quarterly Weekly Report*, May 29, 1993. p. 1373.

<sup>1015</sup> Hendrickson, Ryan C. 2002.

by October 15, 1993, and also to seek congressional authorization for the mission by November 15, 1993. The House Republicans “bashed Clinton for committing the nation to an open-ended mission in Somalia - and the Democratic leadership for preventing a tougher version from coming to a vote.”<sup>1016</sup> Clearly partisan and ideological fissures were widening with the expanded role of U.S. troops under UNISOM II.

The October 3, 1993 incident, in which eighteen U.S. Army Rangers were killed on the streets of Mogadishu, was a turning point. Partisan wrangling reached its peak. The GOP outrage, especially in the House, was distinctly widespread and intense, even though Clinton faced some opposition from his own party members such as Senator Byrd, Senator Russ Feingold (D-WI), and Representative Peter DeFazio (D-OR).<sup>1017</sup> A group of 142 House Republicans sent a letter to President Clinton, calling for immediate withdrawal of U.S. forces from Somalia, pursuant to Section 5(c) of the War Powers Resolution. The letter said, “The United States could not afford an indecisive and naive foreign policy.”<sup>1018</sup> Under intense congressional pressure, Clinton was compelled to change the Somalia military plans. On October 7, 1993, in a nationally televised speech, Clinton announced that most of the U.S. troops would be pulled out of Somalia by March 31, 1994.<sup>1019</sup> Even after the president’s announcement of an early pullout deadline, Republicans continued to push the issue hard. Senator John McCain (R-AZ) said, “If Senators are hearing the same things.....there is incredibly strong sentiment to bring the

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<sup>1016</sup> *Congressional Quarterly Weekly Report*, October 2, 1993. p. 2655-57.

<sup>1017</sup> Hendrickson, Ryan C. 2002.

<sup>1018</sup> *Congressional Quarterly Weekly Report*, October 9, 1993. p. 2750-51.

<sup>1019</sup> *Compilation of Presidential Documents*, Bill Clinton; October 7, 1993. p. 2024.

troops home as soon as possible.”<sup>1020</sup> Hence, it was clear that in the wake of the October 3, 1993 incident, overwhelming opposition from conservatives and some liberals in Congress changed the course of military action in Somalia.

The third phase of GOP opposition flared up when the minority party tried to aggressively pursue a policy for prompt and faster troop withdrawal, long before Clinton’s announced deadline of March 31, 1994. On October 15, 1993, by a comfortable margin of 61-38, the Senate tabled (killed) an amendment, introduced by Senator McCain, which would have repudiated Clinton’s Somalia policy and called for “prompt withdrawal” of U.S. troops. The same day, the Democrat-controlled Senate endorsed Clinton’s new plan to “sharply narrow the mission of U.S. forces in Somalia and to remove them from that country by March 31” by adopting an amendment to the defense appropriations bill (HR 3116) by a margin of 76-23.<sup>1021</sup> In the House, Representative Gilman, the ranking member of the Foreign Affairs Committee, introduced a nonbinding resolution, H. Con. Res. 170, on October 22, 1993, calling on President Clinton to withdraw U.S. troops from Somalia by January 31, 1994, pursuant to Section 5(c) of the War Powers Resolution, that would be two months before Clinton’s announced deadline of March 31, 1994.<sup>1022</sup> On November 3, 1993 both Gilman and House Foreign Affairs Committee Chairman Lee Hamilton (D-IN) “played hardball” in order to garner more votes at the House Committee level.<sup>1023</sup> Partisan dynamics on the war powers issue were

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<sup>1020</sup> *New York Times*, October 12, 1993. p. A1.

<sup>1021</sup> *Congressional Quarterly Weekly Report*, October 16, 1993. p. 2823-27.

<sup>1022</sup> *Congressional Quarterly Weekly Report*, October 30, 1993. p. 2987-88.

<sup>1023</sup> *Congressional Quarterly Almanac*, 1993.

distinctly observable when the House panel narrowly defeated the GOP challenge by a margin of 22-21, in order to endorse Clinton's March 31, 1994, deadline. Earlier the House Committee defeated by voice vote an amendment sponsored by Bill Goodling (R-PA), "calling on the president to withdraw U.S. forces within 30 days of the resolution's (H. Con. Res. 170) adoption."<sup>1024</sup> Thereafter, on November 9, 1993, the House of Representatives adopted an amendment supporting Clinton's March 31, 1994, pullout deadline by a party line vote of 226-201. Under the "king of the hill" procedures that the House Rules Committee set for the congressional debate, the amendment prevailed.<sup>1025</sup> GOP lawmakers expressed frustration with the Democrat-controlled House defeating Republican opposition by a narrow margin and thereby reinforcing Clinton's March 31, 1994 pullout deadline. Minority Whip Newt Gingrich (R-GA) said, "It is a signal that says to the president there is not support in this Congress for a muddled, confused and unexplained policy which risks the lives of Americans for no purpose." House Speaker Thomas S. Foley (D-WA) and other leading Democrats pointed out, "wrong signal would be sent if the House went on record in opposition to the president's support for an orderly withdrawal from Somalia."<sup>1026</sup>

From the empirical investigation it is evident that with regard to Somalia intervention congressional proceedings on the issue of invoking Sections 5 (b) and 5 (c) of the War Powers Resolution were dominated by partisan and ideological dimensions. Conservative GOP lawmakers were reluctant to support President Clinton's military

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<sup>1024</sup> *Congressional Quarterly Weekly Report*, November 6, 1993. p.3060.

<sup>1025</sup> *Congressional Quarterly Weekly Report*, November 13, 1993. p. 3139.

<sup>1026</sup> *Ibid.*

policy in Somalia. Time and again, they criticized the president's policy as muddled and confusing. In fact, after the October 3, 1993 incident, congressional pressure and rebuke forced Clinton to revise his military strategy and announce the new troop pullout deadline of March 31, 1994. Flickers of dissension were narrowly overturned by reaching consensus on several occasions. In the end partisan and ideological dimensions especially from the GOP initiative led to interbranch dissension. As a consequence President Clinton was forced to change the original timeline of the Somalia military intervention. GOP leadership was able to constraint Clinton's ability to conduct the military mission in the remaining six months. Overall evidence supports the given hypothesis.

**Hypothesis 3: Electoral imperatives of opposing congressional leaders to get reelected in the ensuing elections increase the propensity of legislative-executive dissension.** In 1992 President George H.W. Bush delayed sending U.S. troops to Somalia because "he was in the middle of a reelection campaign" for the fall 1992 presidential election and "feared he would be accused of playing politics if he acted" in favor of a military intervention.<sup>1027</sup> After the election, Bush sent troops to Somalia, in compliance with the U.N. Security Council Resolution 794 and congressional authorization. When President Clinton took office in 1993, he continued with the deployment without any immediate electoral concerns. With Clinton's announcement of troop withdrawal by March 31, 1994, any potential electoral imperatives/concerns of the fall 1994 midterm election cycle were greatly mitigated. Therefore, it can be concluded that except for the Bush administration's initial decision to delay sending troops, on the whole there was no

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<sup>1027</sup> Edwards, Lee. 2001. p. 104. President Bush feared adverse electoral consequences arising out of a new military intervention abroad. Instead he preferred to concentrate on fixing the domestic economy.

significant evidence of electoral imperatives influencing the decision-making process of military deployment in the case of the Somalia intervention.

**Hypothesis 4: If there is favorable public opinion for military intervention, there is likely to be legislative-executive consensus, and vice versa.** After President Clinton came to office in January 1993, public opinion was very much in favor of U.S. troop deployment in Somalia. A *New York Times*/CBS poll conducted in January 1993 showed that 69 percent of the public favored the ongoing U.S. military intervention in Somalia.<sup>1028</sup> A Roper poll, conducted on March 23 - April 4, 1993, showed that 56 percent of the American people approved the use of U.S. military force in Somalia primarily for humanitarian reasons.<sup>1029</sup> A *Gallup* poll, conducted on June 18 – 21, 1993, showed that 65 percent of the American public supported the United States' participation in a recent military operation with the United Nations (UNISOM II) against one of the warlords in Somalia.<sup>1030</sup> In response to such high public approval, Congress continued to authorize U.S. troop deployment, pursuant to Section 5(b) of the War Powers Resolution. Subsequently, the Clinton administration continued with the military intervention in Somalia as part of UNISOM II. The situation, however, changed dramatically after October 3, 1993 when 18 U.S. Army Rangers were killed in Somalia. In the wake of the incident, a *Gallup* poll conducted on October 5, 1993 (two days after the killing of U.S. soldiers) showed that 43 percent of the American public wanted immediate withdrawal of all U.S. troops from Somalia while 26 percent supported gradual withdrawal, with only 8

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<sup>1028</sup> *New York Times*, February 18, 1993, p. A23.

<sup>1029</sup> Roper Center Public Opinion Archives. Available at: <http://webapps.ropercenter.uconn.edu/CFIDE/cf/action/ipoll/questionDetail.cfm?>

<sup>1030</sup> The Gallup Poll, Public Opinion 1993. Survey # GO 322061. p. 114.

percent of the public supporting continuation of current military policy.<sup>1031</sup> An ABC poll, conducted on October 5, 1993, found that 53 percent of the public did not approve of U.S. military intervention in Somalia. Citing the ABC poll, the *New York Times* reported that a majority of the American people had doubts about U.S. military involvement in Somalia and President Clinton's handling of foreign policy.<sup>1032</sup> A survey taken for NBC News on October 6, 1993, showed that the public favored speedy withdrawal of all U.S. troops from Somalia.<sup>1033</sup> A *Gallup* poll, conducted on October 8 – 10, 1993, showed that only 40 percent of the public approved Clinton's handling of foreign policy, down 15 points from two weeks earlier, while 52 percent disapproved, a jump of 20 points over the same two-week period.<sup>1034</sup> Public outcry for U.S. troop withdrawal resulted in intense congressional pressure to curtail the military intervention in Somalia. Such a huge plummet in public approval resulted in contentious debate in Congress to pull out troops by January 31, 1994, which would have been two months before Clinton's pullout deadline. In the end, the administration's revised deadline of March 31, 1994, prevailed because of an intense partisan fight in a unified government. However, extreme outrage on Capitol Hill over the whole Somalia military intervention was obvious. A huge decline in public support and increased pressure from Congress led to congressional-presidential dissension on the administration's original military policy. Such dissension in turn forced President Clinton to change his original military strategy in Somalia as he announced

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<sup>1031</sup> The Gallup Poll, Public Opinion 1993. Special Survey, p. 173.

<sup>1032</sup> *New York Times*, October 9, 1993, p.1.

<sup>1033</sup> *Christian Science Monitor*, October 15, 1993, p. 18.

<sup>1034</sup> The Gallup Poll, Public Opinion 1993. p. 176.

U.S. troop withdrawal from Somalia by March 31, 1994.<sup>1035</sup> From the above analysis it can be inferred that evidence supports the given hypothesis.

**Hypothesis 5: Opposition members of Congress disagree with president's decision on military intervention, and vice-versa.** For the case of Somalia, the reaction from members of Congress was vivid in the fall of 1993. After the October 3, 1993, incident when 18 U.S. soldiers were killed, members of Congress on both sides of the aisle raised concerns about the ongoing mission. However, during this phase of congressional reaction, partisan-ideological conflict was especially visible. The GOP lawmakers in Congress, especially in the House, took a lead role in introducing legislations to invoke Section 5 (b) of the War Powers Resolution, when they pressed to pull out troops by January 31, 1994, which was two months before the Clinton administration's announced deadline. House GOP leadership comprising Representative Gingrich, Representative Gilman, and ranking member of the House Armed Services Committee Floyd Spence (R-S.C.), were vocal in criticizing the president's military policy in Somalia. In the wake of the October 3, 1993 tragedy, members of Congress such as Senator Jesse Helms (R-N.C.) expressed increasing concern about the issue of command and control of U.S. forces. Helms said, "I do not want to play any more U.N. games. I do not want any more of our people under the thumb of any U.N. commander – none."<sup>1036</sup> On the Democratic side, Senator Byrd was active in asserting the role of Congress in the wake of U.S. soldiers suffering casualties. During this time, the political climate in Washington was tense. Members of Congress were also dealing with other

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<sup>1035</sup> *Compilation of Presidential Documents*, Bill Clinton; October 7, 1993. p. 2024.

<sup>1036</sup> *Congressional Record* – Senate. October 6, 1993. p. 13125.

contentious foreign policy issues such as the Bosnia intervention (discussed elsewhere in this chapter) and the North America Free Trade Agreement NAFTA (discussed in chapter IV). By and large investigation shows that actions of GOP members of Congress, either individually or in coalition, took lead role in creating institutional roadblocks to Clinton's ability to conduct the Somalia conflict, even after he was forced to trim down the mission to March 31, 1994. Therefore, the given hypothesis is accepted for the case of Somalia intervention.

**Hypothesis 6: Extensive media coverage increases the propensity of legislative-executive consensus in the decision-making process on military intervention.** For the case of the intervention in Somalia, media coverage was extensive and played a significant role in influencing the decision process in two ways: (1) to stage intervention by the Bush administration in December 1992 by forging legislative-executive consensus and; (2) to pull out most of the U.S. troops by the Clinton administration in the wake of the October 3, 1993, deaths of troops because of interbranch dissension. Media coverage on congressional proceedings, especially the partisan debate in October 1993 influenced the dynamics of congressional-presidential interactions with regard to early troop withdrawal. Analysts argue that next to Vietnam, Somalia might be the “most often cited case of media influence on American foreign policy.”<sup>1037</sup> During the 16-month duration of military intervention – December 1992 through March 1994 – the *New York Times* ran a total of 1160 stories, including 759 articles, 195 front-page articles, 136 editorials, and 70 letters to editor.<sup>1038</sup> Two critical months in particular impacted decision-making

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<sup>1037</sup> Mermin, Jonathan. 1999.

<sup>1038</sup> [ProQuest Historical Newspapers: The New York Times \(1851-2009\)](http://search.proquest.com/hnpnewyorktimes/results/); Available at <http://search.proquest.com/hnpnewyorktimes/results/>

process in Washington. First, December 1992 when U.S. troops were deployed by President Bush 41. The other one was October 1993 when intense congressional pressure forced President Clinton to announce early troop withdrawal. Monthly data for the *New York Times* shows highest coverage for these two months – December 1992 had 211 stories and October 1993 had 188 stories.<sup>1039</sup> Coverage by the *Washington Post* showed a similar trend. For the entire 16-month period, the *Post* ran a total of 1445 stories, including 1155 articles, 32 editorial articles, 208 front-page articles, and 50 letters to editor.<sup>1040</sup> Similar to the *New York Times* pattern, *Washington Post* also registered its highest number of stories for the months of December 1992 and October 1993, with 244 and 211 stories respectively.<sup>1041</sup>

The U.S. broadcast television networks (ABC, CBS, and NBC) played a dominant role in the case of the Somalia intervention. By focusing on starving children in Somalia on a daily basis, “TV mobilized the conscience of the nation’s public institutions, compelling the government into a policy of intervention for humanitarian reasons.”<sup>1042</sup> For instance, in order to mobilize political action in Washington in favor of humanitarian intervention, while *Time* magazine printed on its cover a “haunting picture of a skeletal child,” CBS’s “60 Minutes” devoted a news segment to the humanitarian tragedy taking place on a regular basis in Somalia, where “corpses were buried under mounds of sand

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<sup>1039</sup> See Appendix L

<sup>1040</sup> The *Washington Post Archive*; Available at <http://pqasb.pqarchiver.com/washingtonpost/historical/results.htm>

<sup>1041</sup> See Appendix L

<sup>1042</sup> Cohen, Bernard C. 1994.

and emaciated adults received one 600-calorie bowl of gruel a day.”<sup>1043</sup> During the 16-month period, ABC ran 190 stories, CBS ran 211 stories, and NBC ran 176 stories.<sup>1044</sup> Also for the months of December 1992 and October 1993 television coverage was the highest.<sup>1045</sup> By and large from December 1992 until September 1993 both electronic and print media portrayed a positive picture of the benefits from military action as part of humanitarian assistance in Somalia. Such media coverage helped to reach sustained congressional-presidential consensus.

After the October 3, 1993 tragedy, when broadcast television networks and CNN showed graphic pictures of American soldiers killed in Somalia, public opinion took a nosedive. Members of Congress unanimously voiced their strong opposition, calling on Clinton to withdraw U.S. troops from Somalia at the earliest possible time period. The *New York Times* promptly reported congressional outrage and noted, “Congressional anxiety, already high, has been fueled by a wave of constituents’ telephone calls reflecting outrage over the prospects of a new hostage crisis, and television pictures of Somali crowds dragging a dead American serviceman through the streets.”<sup>1046</sup> In a powerful editorial, the *Washington Post* commented, “It’s time to get out of Somalia. It has been time, for a long time.... Somalia, and places like it, deserves not a penny of U.S. money or a drop of American blood.”<sup>1047</sup> In the wake of the tragedy, media not only presented graphic images of soldier casualties but also extensively reflected strong

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<sup>1043</sup> Edwards, Lee. 2001. p. 104.

<sup>1044</sup> Vanderbilt Television News Archive. Available at <http://tvnews.vanderbilt.edu/tvn-processquery.pl>

<sup>1045</sup> See Appendix L

<sup>1046</sup> *New York Times*, October 6, 1993, p. A1.

<sup>1047</sup> *Washington Post*, October 5, 1993, p. A18.

congressional opposition in both print and electronic coverage. In the wake of October incident the negative tone of media played a major role in fomenting legislative-executive dissension. In the end President Clinton was forced to make changes in his original military strategy and subsequently announced early pull out of U.S. troops from Somalia. Therefore, conclusions can be drawn that evidence supports the fundamental logic of media hypothesis.

**Hypothesis 7: The longer the duration of military intervention the greater the propensity of legislative-executive dissension on the conduct of war.** U.S. intervention in Somalia lasted for 16 months (December 9, 1992 to March 31, 1994). From December 1992 to September 1993, the intervention was perceived as a humanitarian mission to maintain a “secure environment” and distribution of food.<sup>1048</sup> In the wake of October 3 tragedy continuation of military presence on the ground became an extremely controversial foreign policy issue in Washington. Before it got worse President Clinton announced the U.S. troop pullout deadline of March 31, 1994, under intense congressional pressure. The administration’s efforts to trim down its previous long-term military strategy significantly lowered the complications related to duration of war. Although GOP lawmakers introduced legislations to bring back the troops by January 31, 1994, two months before the administration’s deadline, such measures were by nature reflections of partisan politics. Therefore, it can be concluded that evidence does not support the potential implications of the given hypothesis especially in the context of early troop withdrawal.

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<sup>1048</sup> United Nations Security Council Resolution 794.

## **Haiti Intervention (1993-1994)**

**Background:** Haiti became a U.S. foreign policy issue in 1991 when a military coup led by Lt. General Raoul Cedras deposed the democratically elected President Jean-Bertrand Aristide from power.<sup>1049</sup> After President Bill Clinton came to office, he focused his attention on reinstating the Aristide government in Haiti. Although for most of 1993 and 1994, Clinton relied more on U.N. economic sanctions and an international oil embargo on Haiti, he also kept the option of use of force open.<sup>1050</sup> Subsequently the issue of the War Powers Resolution came to the forefront in legislative-executive relations. After former President Jimmy Carter had negotiated an agreement with military leaders in Haiti to peacefully transfer power to the Aristide government, U.S. troops landed at the capital city, Port-au-Prince, under Operation Uphold Democracy to oversee a peaceful transition of power and to maintain stability in the country.<sup>1051</sup>

**Hypothesis 1: Divided government leads to congressional-presidential dissension in war-making, while unified government facilitates consensus.** The dynamics of the Haiti intervention took place when unified government was present, with the Democratic Party controlling both the Capitol Hill and the White House. After his inauguration, President Clinton came under increasing pressure from a group of liberal Democrats who advocated tougher measures to restore the democratically elected Jean-Bertrand Aristide government in Haiti and to dislodge the military junta under Lt.

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<sup>1049</sup> Congressional Research Services, Report Number R41199. “*The War Powers Resolution: After Thirty Six Years.*” 2010.

<sup>1050</sup> *Congressional Quarterly Almanac*, 1994.

<sup>1051</sup> Fisher, Louis. 1995.

General Raoul Cedras.<sup>1052</sup> The Clinton administration kept the option of use of force open throughout 1993 and 1994.<sup>1053</sup> However, before deciding on troop deployment, Clinton attempted to dislodge the military junta through economic sanctions and an international oil embargo approved by the United Nations.<sup>1054</sup> The administration, by supporting the UN Security Council Resolution 841, indicated a possible use of force in the near future.<sup>1055</sup> After the October 11, 1993, incident when the USS Harlan County, carrying U.S. engineers and medical specialists, was turned away from a Port-au-Prince dock by hostile Haitian militia, Capitol Hill took preemptive measures, pursuant to the War Powers Resolution, to prevent Clinton from deploying U.S. troops in Haiti. The first signs of congressional action were observed when on October 18, 1993, Senator Don Nickles (R-OK) introduced an amendment to the fiscal 1994 defense appropriations bill (HR 3116) to “disallow the participation of U.S. combat forces of any part of any prospective standing U.N. international army” without congressional authorization.<sup>1056</sup> Thereafter, on October 21, 1993, the Democrat-controlled Senate adopted a nonbinding “sense of Congress” amendment to HR 3116, sponsored by Senate Majority Leader

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<sup>1052</sup> *Congressional Quarterly Almanac*, 1994.

<sup>1053</sup> *Public Papers of the Presidents*, William J. Clinton. “Interview on CNN’s Global Forum with President Clinton.” May 3, 1994. p. 823-4.

<sup>1054</sup> Congressional Research Services, Report R41199. “*The War Powers Resolution: After Thirty Six Years.*” 2010.

<sup>1055</sup> Hendrickson, Ryan. 2002. The UN Resolution allowed for the deployment of 1,200 policy and military advisors in Haiti to ensure peaceful transition of leadership from military junta leader Lt. General Raoul Cedras to ousted democratically elected President Jean-Bertrand Aristide scheduled on October 30, 1993. The military junta, however, later declined to transfer power to Aristide in violation of the previously negotiated agreement.

<sup>1056</sup> *Congressional Record – Senate*. October 18, 1993. p. 24911. The amendment would also “deny funds for U.S. combat forces under foreign command in the United Nations Operations unless authorized by Congress.”

George J. Mitchell (D-ME) and Senate Minority Leader Bob Dole (R-KS) by an overwhelming margin of 98-2.<sup>1057</sup> The “sense of Congress” amendment stated that “the U.S. military should not operate in Haiti unless Congress granted prior approval or the president sent Congress a detailed report before the deployment.”<sup>1058</sup> Clearly the legislation was adopted as required by the constitutional provisions of the War Powers Resolution. On November 10, 1993, after the Democrat-controlled House accepted the nonbinding Haiti amendment voice vote, the Senate cleared the bill by a margin of 88-9.<sup>1059</sup> Such a nonbinding resolution, adopted with the advantage of a Democratic majority, had hardly any effect on limiting Clinton’s ability to conduct military affairs in Haiti. It was clear that for the entire year of 1993, the Democrat-controlled Congress aligned with the Clinton administration and supported his Haiti policy by not constraining his military powers on the issue, disregarding Republican opposition. Such congressional-presidential consensus was consistent with the expectations of the given hypothesis.

While the administration’s policy of enforcement of UN economic sanctions and the international oil embargo continued during 1994, congressional pressure to quickly resolve the Haiti situation and reinstate the deposed Aristide government also increased. Congressional scrutiny on the issue of U.S. military deployment and the lack of the Clinton administration’s consultation with Capitol Hill,

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<sup>1057</sup> *Congressional Record* – Senate. October 21, 1993. p. 25729.

<sup>1058</sup> *Congressional Quarterly Almanac*, 1993. p. 501.

<sup>1059</sup> *Congressional Record* – Senate. November 10, 1993. p. 28445.

pursuant to the War Powers Resolution, also increased in 1994.<sup>1060</sup> On June 9, 1994, the Democrat-controlled House rejected the Goss amendment, earlier sponsored by Representative Porter Goss (R-FL) by a margin of 195-226, which would have required prior congressional authorization for U.S. troop deployment in Haiti.<sup>1061</sup> On July 14, 1994, the Democrat-controlled Senate tabled (killed) by a vote of 57-42 an amendment introduced by Senate Minority Leader Robert Dole (R-KS) to the fiscal 1995 foreign operations spending bill, HR 4426.<sup>1062</sup> The Dole amendment offered creation of a congressional commission of senior lawmakers to assess and report to Congress the conditions in Haiti within 45 days to explore the possibilities of slowing down the momentum of troop deployment.<sup>1063</sup> With the ground troop invasion becoming a definite reality, the Senate on August 5, 1994, tabled (killed) by a vote of 63-31 an amendment sponsored by Senator Arlen Specter (R-PA), which would have required the Clinton administration to get congressional approval before sending U.S. troops to Haiti.<sup>1064</sup> These were clear signs that under the conditions of unified government, the Democrat-controlled Congress (both the Senate and the House of Representatives) continued to extend support to Clinton's Haiti military strategy. Legislative-executive consensus prevailed for the most part, consistent with the expectations of legislative-executive relations under a unified government, despite opposition from many GOP lawmakers. With President Clinton's televised Oval Office address on September 15, 1994, it was

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<sup>1060</sup> Hendrickson, Ryan. 2002.

<sup>1061</sup> *Congressional Record* – House. June 9, 1994. p. 12420-21.

<sup>1062</sup> *Congressional Record* – Senate. July 14, 1994. p. 16671.

<sup>1063</sup> *Congressional Quarterly Almanac*, 1994.

<sup>1064</sup> *Congressional Record* – Senate. August 5, 1994. p. 19821.

almost certain that U.S. troops would be landing in Haiti in just a few days.<sup>1065</sup> With the Carter delegation's successful conclusion of an agreement with the Cedras regime (the military junta) to step down by October 15, the first deployment of U.S. troops arrived at Port-au-Prince on September 19, 1994, as part of an international coalition force to oversee a peaceful transfer of power from the military regime to the deposed but democratically elected Aristide government.<sup>1066</sup>

On the eve of the arrival of the U.S. armed forces in Haiti, on September 18, 1994, in an Oval Office televised address, President Clinton announced he had directed "the United States forces to begin deployment into Haiti as part of the U.N. coalition."<sup>1067</sup> On September 21, 1994, Clinton reported to Congress on troop deployment, consistent with the requirements of the War Powers Resolution. In a letter to congressional leaders, Clinton justified the deployment of the U.S. troops "as part of the multinational coalition provided by the U.N. Security Council Resolution 940 of July 31, 1994."<sup>1068</sup> Lack of consultation with the congressional leaders sparked outrage among many lawmakers, especially on the GOP side. Earlier, on September 19, 1994, the House adopted a resolution, H. Con. Res. 290, commending the U.S. troops and praising President Carter for concluding an agreement with the military junta.<sup>1069</sup> On October 3, 1994, the House

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<sup>1065</sup> *Public Papers of the Presidents*, William J. Clinton. "Address to the Nation on Haiti." September 15, 1994. p. 1558-61.

<sup>1066</sup> *Congressional Quarterly Weekly Report*, September 24, 1994. p. 2704.

<sup>1067</sup> *Public Papers of the Presidents*, William J. Clinton. "Address to the Nation on Haiti." September 18, 1994. p. 1571-72.

<sup>1068</sup> *Public Papers of the Presidents*, William J. Clinton. "Letter to Congressional Leaders on Deployment of United States Armed Forces to Haiti." September 21, 1994. p. 1594-95.

<sup>1069</sup> Congressional Research Services, "The War Powers Resolution: After Twenty Eight Years."

Foreign Affairs Committee reported H. J. Res. 416 to the full House, authorizing the forces in Haiti until March 1, 1995, pursuant to Section 5(b) of the War Powers Resolution.<sup>1070</sup> As adopted in the House Committee, H. J. Res. 416 stated that the president should have sought congressional approval before deploying U.S. forces to Haiti, called for prompt and orderly withdrawal as soon as possible, and required executive branch reports on the scope and duration of the U.S. mission in Haiti. The same language was also adopted by the Senate on October 6, 1994, in a resolution, S. J. Res. 229, that was adopted by a vote of 91-8.<sup>1071</sup> Later on the same day, the House passed S. J. Res. 229 by a comfortable margin of 236-182.<sup>1072</sup> Here too we can see that there was mild reaction from members of the Democrat-controlled Senate and House, who were generally supportive of the Clinton administration's Haiti intervention with an authorization for troop deployment until March 1, 1995, pursuant to Section 5(b) of the War Powers Resolution.

Congressional proceedings showed that the Democrat-controlled Congress mostly aligned with the Clinton administration's Haiti military policy. Even though the GOP lawmakers on several occasions put up strong opposition, such flickers of dissension were mostly defeated by the Democrat-controlled House and Senate by sheer numbers at the time of roll call votes. In the midst of this, Capitol Hill was successful in imposing a firm deadline for troop withdrawal, pursuant to Section 5(b) of the War

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<sup>1070</sup>Committee on Foreign Affairs, House. "Limited Authorization for the U.S.-Led Force in Haiti Resolution." H. Rpt. 103-819, pt.1. October 1, 1995.

<sup>1071</sup> *Congressional Quarterly Almanac*, 1994, p.56-S.

<sup>1072</sup> *Congressional Record* – House. October 6, 1994. p. 28609.

Powers Resolution. On the whole, the unified government was able to forge legislative-executive consensus. Therefore, it can be concluded that evidence supports the given hypothesis for the case of intervention in Haiti.

**Hypothesis 2: Ideological divisions and partisan differences result in greater dissension in the decision process on conduct of war.** Congressional deliberations reflected partisan animosity and ideological divisions on several occasions, even though a unified government structure was present in Washington. Time and again, GOP lawmakers in both chambers introduced resolutions/amendments to put pressure on the Clinton administration to seek congressional approval before any troop deployment. Almost every time, the Democrats who controlled the Capitol overcame GOP obstacles by sheer numerical strength at the time of roll call votes.

Initial signs of partisan animosity were observed on October 18, 1993, when Senator Don Nickles (R-OK) introduced an amendment to the fiscal 1994 defense appropriations bill (HR 3116) to “disallow the participation of U.S. combat forces of any part of any prospective standing U.N. international army” without congressional authorization.<sup>1073</sup> Clinton reacted sharply against the GOP’s partisan move by reiterating that he fundamentally opposed such amendments because they limit the president’s constitutional authority to act as commander-in-chief.<sup>1074</sup> Initial partisan and ideological confrontation between GOP lawmakers and the majority Democrats set the tone for future deliberations. Clinton’s naval deployment to enforce the UN Resolution 794 embargo and the October 11, 1993 forced retreat of USS Harlan County from Port-au-

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<sup>1073</sup> *Congressional Record* – Senate. October 18, 1993. p. 24911. The amendment would also “deny funds for U.S.combat forces under foreign command in the United Nations Operations unless authorized by Congress.”

<sup>1074</sup> Hendrickson, Ryan. 2002.

Prince angered Republicans in Congress. This was also the time when the Somalia intervention suffered a tragedy with the killing of U.S. soldiers on October 3, 1993 (discussed elsewhere in this chapter). At the same time, contentious debate was going on, regarding the North American Free Trade Agreement NAFTA (discussed in chapter IV). As a result, the political environment on Pennsylvania Avenue was tense. Conservatives who in earlier years supported Reagan and Bush 41 military missions were now trying to limit Clinton's policy in the Haitian intervention, similar to their actions regarding Somalia and other missions. Senator Phil Gramm (R-TX) said on CNN on October 14, 1993, "I don't understand why the president seems determined to use American military power in regions where it is not clearly applicable."<sup>1075</sup> House Minority Whip Newt Gingrich (D-GA) reflected the discontent among the GOP lawmakers and said,

Frankly we in Congress have an obligation to send a signal to the president. I think the signal we have to send is that we are not satisfied with the way this foreign policy is being run. ....I think it is very important for this president to understand that he has a deep, serious foreign policy crisis and that he needs to thoroughly over haul his defense and foreign policy establishment and he needs to find a way to calmly and consistently lead Americans in a way that we can support and follow.<sup>1076</sup>

Reflections of partisan wrangling were again observed when on October 21, 1993, the Democrat-controlled Senate rejected by 19-81 an amendment introduced by the ranking member of the Senate Foreign Relations Committee, Jesse Helms (R-N.C.), that would require prior authorization by Congress to send U.S. forces into Haiti. The Senate thereafter on the same day adopted a nonbinding "sense of Congress" amendment to HR

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<sup>1075</sup> *Congressional Quarterly Weekly Report*, October 16, 1993. p. 2825.

<sup>1076</sup> *Congressional Record – House*; November 9, 1993. p. 28075.

3116 by an overwhelming margin of 98-2.<sup>1077</sup> Anger was building up among the GOP lawmakers. In early November 1993, Senator Helms once again openly challenged Clinton's policy of Haitian intervention. In a heated exchange with Secretary of State Warren Christopher at a Senate Foreign Relations Committee hearing, Christopher "reacted strongly to Helms' criticisms of the administration's efforts to bring democracy to Haiti by returning to power ousted President Jean-Bertrand Aristide."<sup>1078</sup> Ideological division during 1993-94 was also a serious factor affecting decision-making on military intervention in Haiti. Conservatives who earlier supported the Reagan and Bush 41 administrations on military interventions were greatly opposed to the Clinton administration's Haiti military policy. On the other hand, Clinton was overwhelmingly supported by the Congressional Black Caucus and liberal Democrats, who earlier were critical of Republican administrations' military policy.<sup>1079</sup> Prominent Congressional Black Caucus lawmakers such as caucus chairman Kweisi Mfume (D-MD) and Representative Major Owens (D-N.Y.) were vocal advocates of Clinton's Haiti military strategy.<sup>1080</sup> The dynamics of liberal-conservative divide were distinctly observed in the decision-making process on Haiti mission.

Along with ideological divisions, heightened partisan animosity was also observable throughout 1994. During May 1994 partisan wrangling reached fever pitch. On May 24, 1994, the House adopted the Goss amendment to the House fiscal 1995

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<sup>1077</sup> *Congressional Record* – Senate, October 21, 1993, p. 25729.

<sup>1078</sup> *Congressional Quarterly Weekly Report*, November 6, 1993, p. 3059-61.

<sup>1079</sup> *Congressional Quarterly Almanac*, 1994.

<sup>1080</sup> *New York Times*, July 14, 1994, p. A.10.

defense authorization bill (HR 4301) by a vote of 223-201.<sup>1081</sup> The amendment, sponsored by Representative Goss, expressed the “sense of Congress” that no U.S. military action should be undertaken in Haiti without prior authorization of Congress, pursuant to Section 5(b) of the War Powers Resolution, and also unless the president “first certified to Congress that clear and present danger to U.S. citizens or interests required such action.”<sup>1082</sup> Later, on June 9, 1994, the Democrat-controlled House rejected the Goss amendment by a margin of 195-226.<sup>1083</sup> The overturning of a Republican-sponsored amendment by the Democratic majority was a reflection of the aggressive partisan divide in the House. The Senate followed such House action. On July 14, 1994, the Democrat-controlled Senate tabled (killed) by a vote of 57-42 an amendment introduced by Senate Minority Leader Dole to the fiscal 1995 foreign operations spending bill, HR 4426.<sup>1084</sup> The Dole amendment offered creation of a congressional commission of senior lawmakers to assess and report to Congress the conditions in Haiti within 45 days, to explore the possibilities of slowing down the momentum of troop deployment.<sup>1085</sup> The ranking member of the House Foreign Affairs Committee, Benjamin Gilman (R-N.Y.), sent a letter to Clinton with signatures from 102 House members, asking the president to seek congressional authorization prior to any troop deployment in

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<sup>1081</sup> *Congressional Record* – House. May 24, 1994. p. 11632-33.

<sup>1082</sup> Congressional Research Services, Report R41199. “*The War Powers Resolution: After Thirty Six Years.*” 2010. p. 39.

<sup>1083</sup> *Congressional Record* – House. June 9, 1994. p. 12420-21.

<sup>1084</sup> *Congressional Record* – Senate. July 14, 1994. p. 16671.

<sup>1085</sup> *Congressional Quarterly Almanac*, 1994.

Haiti.<sup>1086</sup> With the ground troop invasion becoming a definite reality, the Senate on August 5, 1994, tabled (killed) by a vote of 63-31 an amendment sponsored by Senator Specter, which would have required the Clinton administration to get congressional approval before sending U.S. troops to Haiti.<sup>1087</sup> All through 1994, President Clinton was mindful of significant flickers of dissension in Congress, especially from the GOP lawmakers, on the contentious issue of U.S. troop deployment. In response, on September 16, 1994, in a last-minute effort to avert U.S. military invasion, Clinton dispatched a delegation including former President Jimmy Carter, former Joint Chiefs of Staff Chairman General Colin L. Powell, and Senate Armed Services Committee Chairman Sam Nunn (D-GA) to resolve the Haiti problem peacefully.<sup>1088</sup>

After the deployment of U.S. troops in Haiti, when President Clinton reported to Congress and justified his actions based on U.N. Security Council Resolution 940, there was widespread outrage on Capitol Hill, mainly from GOP lawmakers. However, some Democratic members also showed concerns. Such glimmers of bipartisanship in criticizing the administration were, however, short-lived. Republicans complained about the lack of consultation with congressional lawmakers and “accused the administration of seeking to occupy Haiti for an indefinite period,” while Democrats described such GOP criticism as “election-year politics.”<sup>1089</sup> During this time, partisan animosity in the House was more aggressive in nature. On October 6, 1994, while debating H.J. Res. 416 for

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<sup>1086</sup> *Congressional Record*- House. H 6552, August 2, 1994.

<sup>1087</sup> *Congressional Record* – Senate. August 5, 1994. p. 19821.

<sup>1088</sup> Congressional Research Services, Report R41199. “*The War Powers Resolution: After Thirty Six Years.*” 2010.

<sup>1089</sup> *Congressional Quarterly Weekly Report*, September 24, 1994. p. 2701-5.

authorization of troop deployment until March 1, 1995, the Democrat-controlled House rejected by a primarily party line vote of 205-225 a GOP amendment sponsored by House Minority Leader Robert H. Michel (R-IL) and Representative Gilman, which would have criticized and embarrassed the administration regarding the Haiti intervention.<sup>1090</sup> Later on the same day, in a glaring display of partisan dynamics, the House handily approved, 258-167, an amendment that was identical to the Senate resolution S. J. Res. 229 by a comfortable margin of 236-182.<sup>1091</sup>

Findings demonstrate that throughout U.S. intervention in Haiti the Democratic majority in Congress was able to overcome GOP obstacles affecting Clinton's ability to conduct military policy. Partisan conflict between the Republicans and Democrats centered on the constitutional provisions of Section 5(b) of the War Powers Resolution that requires congressional authorization on the use of force. Investigation indicates that even when congressional Democrats had an advantage in the passage of legislations in support of the administration's Haiti military policy opposition from GOP lawmakers was serious roadblock in the decision-making process. Intense Republican opposition was responsible for legislative-executive dissension and forced Clinton to delay deploying troops in Haiti for a long time. Evidence therefore supports the given hypothesis in the case of U.S. intervention in Haiti.

**Hypothesis 3: Electoral imperatives of opposing congressional leaders to get reelected in the ensuing elections increase the propensity of legislative-executive dissension.** Congressional debate on the Haiti intervention was taking place during the

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<sup>1090</sup> *Congressional Quarterly Weekly Report*, October 8, 1994. p. 2895-96.

<sup>1091</sup> *Congressional Record – House*. October 6, 1994. p. 28609.

1994 midterm election cycle. Members of Congress were positioning themselves in the context of electoral imperatives in the ensuing elections. Public opinion all through the period was pretty much against any military intervention (discussed in hypothesis 4). Conservative Republicans, especially in the House, constantly challenged Clinton's Haiti policy to gain an advantage in the election cycle. Liberal Democrats, while generally supportive of the president's position, criticized the House GOP lawmakers' aggressive nature as an election-year gimmick.<sup>1092</sup> Thus, in the House, there was partisan animosity all around in the context of the congressional election cycle. By contrast, the response in the Senate was much more restrained. Some influential Republicans in the Senate such as Senators Dole, Richard Lugar (R-IN), Specter, and Gramm were planning for the 1996 presidential election campaign and therefore preferred not to be too extreme in their policy position.<sup>1093</sup> On the whole electoral imperatives influenced the decision-making process on troop deployment in Haiti. The hypothesis is therefore accepted.

**Hypothesis 4: If there is favorable public opinion for military intervention, there is likely to be legislative-executive consensus, and vice versa.** For most of 1993 and 1994 public opinion was against any troop deployment in Haiti. The American people were already weary of the ongoing wars in Bosnia-Herzegovina and Somalia (discussed elsewhere in this chapter). The trajectory of legislative-executive relations on the issue of Haiti military intervention was greatly influenced by public opinion. A *Gallup* poll, conducted in August 1993, found that 67 percent of the respondents were

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<sup>1092</sup> *Congressional Quarterly Weekly Report*, September 24, 1994. p. 2701-5.

<sup>1093</sup> Hendrickson, Ryan C. 2002.

opposed to U.S. troop deployment in Haiti while just 27 percent were in favor.<sup>1094</sup> A *CBS News* poll, taken on October 18-19, 1993 showed that a majority of 69 percent of the American people opposed U.S. troop deployment in Haiti to restore deposed President Aristide to power while by “more than two-to-one, Americans say they trust Congress more than the presidency and the Clinton administration to deal with the rest of the world.”<sup>1095</sup> In an October 21, 1993, *Time/CNN/Yankelovich* poll quoted by the Roper Center for Public Opinion Research, 66 percent of respondents opposed sending U.S. troops to Haiti to reinstate the ousted democratically elected Aristide government to power, while just 22 percent were in favor of such a move.<sup>1096</sup> A *Los Angeles Times* poll conducted during December 4-7, 1993, and quoted by the Roper Center for Public Opinion Research found that 54 percent of the American people opposed deployment of U.S. troops in Haiti, while 29 percent favored such a move.<sup>1097</sup> The trend of unfavorable public opinion with regard to military intervention in Haiti continued unabated in 1994. On May 8, 1994, CNN reported that a new *CNN/TIME* poll found that “the U.S. public has little appetite for military action. Just one-quarter of the respondents favored sending U.S. troops, and 55 percent opposed it.”<sup>1098</sup> On the issue of the administration seeking congressional authorization before any kind of troop deployment in Haiti, a *Gallup* poll

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<sup>1094</sup> The Gallup Poll, Public Opinion 1993. p. 270.

<sup>1095</sup> CBS Evening News Transcript, October 20, 1993.

<sup>1096</sup> Time/CNN/Yankelovich Partners Poll, October 21, 1993. The Roper Center for Public Opinion Research, University of Connecticut. Available at [http://www.ropercenter.uconn.edu/data\\_access/ipoll/ipoll.html](http://www.ropercenter.uconn.edu/data_access/ipoll/ipoll.html)

<sup>1097</sup> *Los Angeles Times* Poll, December 4 – December 7, 1993. The Roper Center for Public Opinion Research, University of Connecticut. Available at [http://www.ropercenter.uconn.edu/data\\_access/ipoll/ipoll.html](http://www.ropercenter.uconn.edu/data_access/ipoll/ipoll.html)

<sup>1098</sup> CNN, May 8, 1994.

conducted on August 8-9, 1994 found that 74 percent of the American people favored seeking congressional authorization while 23 percent opposed it.<sup>1099</sup> Another survey conducted by *Gallup* on September 23-25, 1994 showed that respondents wanted the administration to seek congressional authorization before sending U.S. troops to Haiti.<sup>1100</sup> Such public sentiment emboldened lawmakers in Congress, especially on the GOP side, to repeatedly introduce legislations to force President Clinton to seek congressional authorization before sending U.S. troops to Haiti, pursuant to Section 5(b) of the War Powers Resolution. Because the American people were primarily opposed to U.S. military intervention in Haiti and trusted Capitol Hill more than the Clinton administration on foreign policy matters, members of Congress, especially GOP lawmakers, offered strong opposition to Clinton's policy of troop deployment at any time. Partisan animosity and dissension was widespread on this issue. In consideration of the negative public opinion coupled with strong Republican opposition in Congress President Clinton kept delaying his plans for troop deployment while relying more on U.N. economic sanctions.

After the televised speech on September 15, 1994 when President Clinton presented his case for sending U.S. troops to Haiti to oust the military leaders there there was a temporary bump in public opinion in favor of such intervention. According to a *Gallup* poll, "that interviewed Americans the night before he delivered his address and re-interviewed the same people immediately after the speech was over," support for sending troops to Haiti jumped from 40 percent before the speech to 56 percent after the

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<sup>1099</sup> The Gallup Poll, Public Opinion 1994. p. 224.

<sup>1100</sup> Ibid.

speech, a rise of 16 points.<sup>1101</sup> Favorable public opinion motivated Clinton to deploy U.S. troops to Haiti. The Democratic majority in both chambers of Congress were able to adopt legislations supporting such troop deployment. Also GOP lawmakers were able to successfully impose Section 5(b) of the War Powers Resolution when the legislation regarding congressional authorization for troop deployment until March 1, 1995 (S.J. Res. 229; H.J. Res. 416) was adopted on October 6, 1994.<sup>1102</sup>

Overall investigation shows that during 1993 and most of 1994 negative public opinion was responsible for serious opposition from GOP lawmakers and some Democrats in Congress on use of force. Congressional opposition resulted in legislative-executive dissension and kept President Clinton from ground troop deployment. In the wake of Clinton's September 15 televised speech public opinion shifted in favor of troop deployment. Subsequently troops were sent to Port-au-Prince on September 19, 1994 and congressional-presidential consensus was reached on the use of force. Congress authorized a time limit for such deployment until March 1, 1995 as required by Section 5(b) of the War Powers Resolution. Therefore, it can be inferred that evidence supports public opinion hypothesis in the case of U.S. intervention in Haiti.

**Hypothesis 5: Opposition members of Congress disagree with president's decision on military intervention, and vice-versa.** Members of Congress had varied motivations and interests while making decisions on troop deployment in Haiti. House GOP leadership led by Minority Whip Newt Gingrich (R-GA) and ranking member of the House Foreign Affairs Committee Benjamin Gilman (R-N.Y.) were aware of negative

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<sup>1101</sup> The Gallup Poll, Public Opinion 1994. p. 141-2.

<sup>1102</sup> *Congressional Record* – House. October 6, 1994. p. 28609.

public opinion regarding sending troops to Haiti (discussed in hypothesis 4). The combination of negative public opinion, electoral imperatives of the fall 1994 midterm election cycle and negative tone of media (discussed in hypothesis 6) motivated Republican lawmakers in Congress to challenge Clinton's military policy in Haiti. Strong GOP opposition in Congress in turn constrained President Clinton in acquiring domestic legitimacy for any troop deployment strategy. On the other hand liberal Democrats spearheaded by a group of Congressional Black Caucus members wholeheartedly supported Clinton on his Haiti intervention policy. They called for decisive action to resolve the problem. Prominent Black Caucus members such as Chairman Kweisi Mfume (D-MD) and Representative Major Owens (D-N.Y.) were vocal advocates of Clinton's Haiti military strategy.<sup>1103</sup> However, President Clinton was more concerned about the persistently strong opposition from GOP lawmakers because of potential political cost his party might face in fall 1994 midterm elections. As a result he kept delaying use of force. On the basis of such political considerations, and as also explained in hypotheses 2, 3, and 4, it can be argued that evidence supports the given hypothesis when it came to drawing an exact timeline on the use of force in Haiti.

**Hypothesis 6: Extensive media coverage increases the propensity of legislative-executive consensus in the decision-making process on military intervention.** During U.S. intervention in Haiti the tone of media coverage was by and large critical of use of force. Media devoted more time to congressional deliberations that showed significant opposition on the issue of sending troops to Haiti. In contrast media focus was less on the Clinton administration's assertion of the need to use force and reinstate the deposed

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<sup>1103</sup> *New York Times*, July 14, 1994, p. A.10.

Aristide government.<sup>1104</sup> All through the decision-making process media also highlighted the negative public opinion about troop deployment. Media projected the Haiti intervention as unnecessary, especially in the wake of the ongoing Bosnia-Herzegovina and Somalia interventions. Critical nature of media reflections had an effect in making President Clinton delay military deployment in Haiti.

Media coverage was extensive for the crucial year of 1994 when congressional-presidential interactions became intense and a decision to intervene was implemented in the fall of that year. From January 1, 1994 to December 31, 1994 the *New York Times* ran 1070 stories that consisted of 669 articles, 187 front-page articles, 150 editorial articles, and 64 letters to editor.<sup>1105</sup> The *Times* coverage reached its peak in September-October 1994 when Clinton actually sent troops to Haiti, followed by rancorous congressional deliberations leading to subsequent authorization of troop deployment until March 1, 1995.<sup>1106</sup> A similar trend was shown by the *Washington Post*, which for the entire year of 1994 ran 1214 stories, consisting of 950 articles, 51 editorial articles, 171 front-page articles, and 42 letters to editor.<sup>1107</sup> Much like the *Times* coverage the *Post* also extensively covered the dynamics of political action in September-October 1994 that was consistent with the significance of congressional-presidential relations during those two months in particular.<sup>1108</sup> Broadcast networks such as ABC, CBS, and NBC also displayed

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<sup>1104</sup> Jonathan Mermin. 1999.

<sup>1105</sup> [ProQuest Historical Newspapers: The New York Times \(1851-2009\)](http://search.proquest.com/hnpnewyorktimes/results/); Available at <http://search.proquest.com/hnpnewyorktimes/results/>

<sup>1106</sup> See Appendix M

<sup>1107</sup> The *Washington Post Archive*; Available at <http://pqasb.pqarchiver.com/washingtonpost/historical/results.htm>

<sup>1108</sup> See Appendix M

similar trends in covering the stories on the Haiti intervention. For the time period of January 1 – December 31, 1994, ABC ran 162 stories, CBS ran 158 stories, and NBC ran 125 stories.<sup>1109</sup> Much like newspaper coverage, network television also registered maximum coverage in September-October 1994.<sup>1110</sup> Unlike the cases of Bosnia-Herzegovina, Kosovo, and Somalia (discussed elsewhere in this chapter) the critical tone of media coverage for the Haiti intervention dampened the Clinton administration's original aggressive military posture, while simultaneously bolstering the momentum on Capitol Hill to challenge Clinton on his "confused and muddled" foreign policy.<sup>1111</sup> Partisan dissension between GOP lawmakers in Congress and the Clinton White House was well covered by the media, decreasing the public legitimacy for troop deployment. On the whole, the mainstream media through its coverage discouraged any attempts to send troops to Haiti. It restrained the president's Haiti military strategy. From the above analysis it can be claimed that extensive media coverage generally encouraged congressional opposition and discouraged the administration's troop deployment plans for most of the legislative-executive political process. Hence evidence does not support media hypothesis.

**Hypothesis 7: The longer the duration of military intervention the greater the propensity of legislative-executive dissension on the conduct of war.** Even though congressional-presidential interactions for the Haiti intervention were going on during 1993 and 1994 the actual duration of troop deployment was for about six months

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<sup>1109</sup> Vanderbilt Television News Archive. Available at <http://tvnews.vanderbilt.edu/tvn-search-advanced.pl>

<sup>1110</sup> See Appendix M

<sup>1111</sup> *Congressional Record* – House. November 9, 1993. p. 28075. House Minority Whip Newt Gingrich's remarks on Clinton foreign policy.

spanning from September 1994 to March 1995. Also because troops were deployed within the contours of a peace agreement forged by the Jimmy Carter delegation and the Haitian military junta, U.S. soldiers did not have to face any imminent hostilities. The duration of actual troop deployment in Haiti therefore did not affect the direction of military operations, unlike Lebanon-MNF and Bosnia-Herzegovina interventions.

### **Libya Intervention (1986)**

**Background:** President Ronald Reagan ordered U.S. military actions in the form of missile strikes against Libya on March 24-25, 1986, in response to Libyan missile attacks on U.S. Navy in the Gulf of Sidra.<sup>1112</sup> Subsequently, on April 5, 1986, a terrorist bombing at a West Berlin disco, LaBelle, killed one American soldier and injured 50 American servicemen.<sup>1113</sup> In response, the United States launched massive airstrikes against Libya on April 14, 1986. President Reagan claimed that there was unequivocal evidence that Libyan leader Muammar Qaddafi sponsored such attacks as a retaliation against U.S. Navy's missile strikes on March 24-25, 1986.<sup>1114</sup> U.S. bombing on Libyan targets once again brought issues related to the War Powers Resolution into focus, especially in the context of combating international terrorism.

**Hypothesis 1: Divided government leads to congressional-presidential dissension in war-making, while unified government facilitates consensus.** When the Libya intervention took place in March-April 1986, divided government was present in

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<sup>1112</sup> *Congressional Quarterly Almanac*, 1986.

<sup>1113</sup> Fisher, Louis. 1995.

<sup>1114</sup> *Congressional Quarterly Almanac*, 1986.

Washington.<sup>1115</sup> In the wake of U.S. airstrikes over Libya in March-April 1986, congressional reaction was quick, and there was outrage, especially among Democrats, about the administration's lack of consultation with Congress before the use of force. For each incident of U.S. airstrikes (March 24-25, 1986 and April 14, 1986), President Reagan reported to Congress about the use of military force, although he never cited Section 4(a)(1) in his reports, and the Gulf of Sidra report did not mention the War Powers Resolution.<sup>1116</sup>

Even if the Libya intervention was for a short duration, there was dissension and outrage between Capitol Hill and the White House, in a divided government setting, as to the constitutional provisions of the War Powers Resolution and the institutional prerogatives. On April 17, 1986, Senator Robert Dole (R-KS) introduced Anti-Terrorism Act (S. 2335)<sup>1117</sup> and on the same day in the House, Representative Joe Burton (R-TX) introduced the same Act (H.R. 4611) to strengthen the presidential military power to combat terrorism.<sup>1118</sup> But in the Senate, as a mark of outrage about the administration's lack of consultation with congressional leaders prior to U.S. missile strikes, a joint resolution, S.J. Res. 340, was introduced by Senator Robert Byrd (D-WV) on May 8, 1986, to "amend the War Powers Resolution to establish a permanent body for the purpose of consultation as required by Section 3 of the Resolution."<sup>1119</sup> No further

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<sup>1115</sup> The U.S. Senate and the White House were controlled by the Republicans whereas the U.S. House of Representatives was controlled by the Democrats.

<sup>1116</sup> Congressional Research Services, Report R41199. *"The War Powers Resolution: After Thirty Six Years."* 2010.

<sup>1117</sup> *Congressional Record* – Senate. May 8, 1986. p.7957.

<sup>1118</sup> *Congressional Record* – House. May 8, 1986. p. 7890.

<sup>1119</sup> *Congressional Record* – Senate. May 8, 1986. p.10066.

actions were taken on these legislations. Because of the very short nature of the U.S. military intervention in Libya, legislative-executive dissension in a divided government setting was only limited to fixing the loopholes in the consultation requirements as enshrined in Section 3 of the War Powers Resolution. In that context evidence supports the given hypothesis.

**Hypothesis 2: Ideological divisions and partisan differences result in greater dissension in the decision process on conduct of war.** Although U.S. military intervention in Libya was for a short duration, there were reflections of partisan animosity and ideological differences in the political dynamics. Conservative Republicans in Congress supported President Reagan in his use of force. Several conservative GOP leaders in the House sought to give him more freedom to combat international terrorism. In the Senate, Majority Leader Senator Dole introduced S. 2335, and on the same day in the House, Representatives Joe Burton, Duncan L. Hunter R-CA), and Bob Livingston (R-LA) sponsored its counterpart H.R. 4611 to “exempt counterterrorist military action from the requirements of the War Powers Act.”<sup>1120</sup> But as a mark of outrage about the administration’s lack of consultation with congressional leaders prior to U.S. missile strikes, Senate Minority Leader Byrd introduced a joint resolution, S.J. Res. 340, on May 8, 1986, to “amend the War Powers Resolution to establish a permanent body for the purpose of consultation as required by Section 3 of the Resolution.”<sup>1121</sup> Byrd criticized the White House consultation meeting, and in a letter to Reagan, Byrd and other Senate Democratic leaders noted that “the raid had been the

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<sup>1120</sup> *Congressional Quarterly Weekly Report*, April 19, 1986. p. 838-39.

<sup>1121</sup> *Congressional Record – Senate*. May 8, 1986. p.10066.

subject of intense press speculation for days before April 14, fueled by leaks and public statements from administration officials.” In that context, they complained that inviting members of Congress to the White House shortly before the raid “amounts to a notification of your actions rather than the consultation required by law [War Powers Resolution].”<sup>1122</sup> Echoing the same sentiment, influential senior Senate Democrat and member of the Senate Armed Services Committee Sam Nunn (D-GA) characterized the White House meeting by stating, “True consultation would allow congressional leaders to review options facing the president, rather than simply supporting or opposing a planned attack.”<sup>1123</sup> Earlier, on March 24, 1986 (the day the Gulf of Sidra bombing started), House Foreign Affairs Committee Chairman Dante B. Fascell (D-FL) wrote a letter to Reagan, raising concern that the administration failed to comply with the War Powers Resolution’s requirement of prior consultation with Congress.<sup>1124</sup> President Reagan complied with the Congressional Democrats’ demand and on March 26, 1986, he sent letters to House Speaker Thomas P. O’Neill (D-MA) and Senate president pro tempore Strom Thurmond (R-S.C.), detailing all the information as required by the War Powers Resolution.<sup>1125</sup> In the wake of such criticism from congressional Democrats Reagan reported to Congress about the second raid (April 14, 1986), consistent with the

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<sup>1122</sup> *Congressional Quarterly Weekly Report*, May 10, 1986. p. 1021-24.

<sup>1123</sup> *Congressional Quarterly Weekly Report*, April 19, 1986. p. 838-39.

<sup>1124</sup> *Congressional Quarterly Weekly Report*, March 29, 1986. p. 699-702.

<sup>1125</sup> *Public Papers of the Presidents*, Ronald Reagan. March 26, 1986. p. 406-07.

requirement of the War Powers Resolution, but he did not cite specifically Section 4(a)(1).<sup>1126</sup>

From the analysis made so far, we can see clear reflections of partisan and ideological differences in congressional measures to make the executive branch more accountable on the issue of the Libya intervention. Partisan criticism from congressional Democrats especially on the issue of lack of consultation, as required by Section 3 of the War Powers Resolution, appears to keep the Reagan administration under constant pressure with regard to limiting the dynamics of the Libya intervention to two events of airstrikes. Therefore, it can be concluded that the given hypothesis is true and accepted for the case of Libya intervention.

**Hypothesis 3: Electoral imperatives of opposing congressional leaders to get reelected in the ensuing elections increase the propensity of legislative-executive dissension.** The Libya intervention took place in the spring of 1986. It was too short and too far away from the 1986 fall midterm elections to have any influence on them. Therefore, electoral imperatives did not influence the decision-making process on airstrikes. The hypothesis is not applicable for the case of U.S. intervention in Libya.

**Hypothesis 4: If there is favorable public opinion for military intervention, there is likely to be legislative-executive consensus, and vice versa.** At the time of the Libya intervention, public opinion was overwhelmingly in favor of U.S. military action. A *Gallup* poll, conducted on April 17 – 18, 1986, found that 71 percent of the American people approved the April 14 U.S. raids on Libya, while 21 percent disapproved.<sup>1127</sup> A

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<sup>1126</sup> Congressional Research Services, Report R41199. “*The War Powers Resolution: After Thirty Six Years.*” 2010.

<sup>1127</sup> The Gallup Poll, Public Opinion 1986. p. 87.

concurrent *Gallup* poll showed that 80 percent of Americans were willing to support similar future U.S. raids, while only 10 percent disapproved.<sup>1128</sup> Another question in the *Gallup* survey found that 68 percent of respondents believed that the “U.S. should have conducted the bombing raid against Libya even if it turned out that such action did not reduce future terrorism,” while 23 percent were against such a move.<sup>1129</sup> A *New York Times* poll, conducted on April 29 – May 1, 1986, found that 65 percent of respondents approved the April 14 U.S. bombing on Libya, while 24 percent opposed it.<sup>1130</sup> Another survey by NBC News and the *Wall Street Journal*, conducted on April 28 – 29, 1986, found that 67 percent of the American people favored the April 14 bombing on Libyan targets, while 25 percent opposed it.<sup>1131</sup> Another opinion poll, conducted by ABC News and the *Washington Post* on April 24 – 28, 1986, found that 77 percent of Americans approved (56 percent “approve strongly,” while 21 percent “approve somewhat”) the April 14 U.S. bombing in Libya, while 22 percent disapproved of it (14 percent “disapprove strongly,” while 8 percent “disapprove somewhat”).<sup>1132</sup> A *USA Today* poll, conducted by the Gordon S. Black Corporation on April 30 – May 1, 1986, found that 73 percent of respondents approved the U.S. air attack on Libyan targets, while 21 percent disapproved.<sup>1133</sup>

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<sup>1128</sup> The Gallup Poll, Public Opinion 1986. p. 84.

<sup>1129</sup> *Ibid.*, p. 85.

<sup>1130</sup> *New York Times* Poll. April 1986.

<sup>1131</sup> NBC News/*Wall Street Journal* Poll. April 1986.

<sup>1132</sup> ABC News/*Washington Post* Poll, April 1986.

<sup>1133</sup> Gordon Black/*USA Today* Poll. April 1986.

Because of such overwhelming public support for U.S. air attacks on Libya, the Reagan administration was all the more emboldened to initiate such military intervention without adequate consultation with Capitol Hill. Also, congressional leaders, especially on the Democratic side, were dampened in raising strong opposition to Reagan's Libya policy. The Democrats mainly raised their concern on the issue of lack of consultation, pursuant to Section 3 of the War Powers Resolution. On the whole favorable public opinion definitely gave an edge to the administration with regard to its Libya policy. Therefore, evidence supports the hypothesis.

**Hypothesis 5: Opposition members of Congress disagree with president's decision on military intervention, and vice-versa.** Members of Congress had diverse motivations, based on their partisan and ideological dispositions. Congressional leaders from both sides of the aisle introduced legislations for diverse political reasons. GOP lawmakers such as Senate Majority Leader Dole and other conservatives like Representatives Burton, Hunter, and Livingston in the House wanted to strengthen President Reagan's military powers and give him more freedom from the constraints of the War Powers Resolution.<sup>1134</sup> On the other hand, liberal Democrats such as Senate Minority Leader Byrd, senior Democrat and member of the Senate Armed Services Committee Nunn, and House Foreign Relations Committee Chairman Fascell (D-FL) raised concerns about the Reagan administration's failure to consult with congressional lawmakers prior to U.S. bombings on Libyan targets.<sup>1135</sup> These congressional leaders were also strongly supported by their respective partisan base. Congressional Democrats'

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<sup>1134</sup> *Congressional Quarterly Weekly Report*, April 19, 1986. p. 838-39.

<sup>1135</sup> *Congressional Quarterly Weekly Report*, March 29, 1986. p. 699-702.

criticism kept President Reagan constantly under pressure to end the intervention quickly and to retain the legitimacy of military action among American people. Hence, evidence supports the given hypothesis as GOP lawmakers supported Reagan while Democrats raised concerns on the conduct of war in Libya.

**Hypothesis 6: Extensive media coverage increases the propensity of legislative-executive consensus in the decision-making process on military intervention.** The media extensively covered U.S. air attacks on Libyan targets during March-April 1986. Both the print and electronic media made the Libya intervention an important news item. In the U.S., the tone of mainstream media coverage was basically critical about the Reagan administration's hardline policy. This was similar to the tone of media coverage during the Grenada intervention (1983) and to an extent during the Haiti intervention (1994), as discussed elsewhere in this chapter. Analysis of the statistical data presented later in the hypothesis makes it clear that the mainstream media, apart from narrating the day-to-day situation on the ground, also criticized the administration on three fronts: (1) Lack of consultation with Congress before making decision about air attacks; (2) Wisdom behind such intervention in terms of long-term national security consequences; and (3) Image and moral standing of the United States in the world because of such bombings. It appears that the media were more sympathetic to the demands of congressional leaders, especially the Democrats, who expressed dissatisfaction and raised concerns about the administration's violating the provision of consultation, required by Section 3 of the War Powers Resolution.

From March 1, 1986 to April 30, 1986 (which constituted the two months of U.S. bombings on Libya), the *New York Times* ran a total of 497 stories, which

included 353 articles, 91 front-page articles, 43 editorial articles, and 10 letters to editor.<sup>1136</sup> In March, there were 106 stories, while the *Times* ran a whopping 391 stories in April.<sup>1137</sup> Displaying a similar trend during March-April 1986, the *Washington Post* ran a total of 461 stories, which included 365 articles, 86 front-page articles, 8 editorial articles, and 10 letters to editor.<sup>1138</sup> In March, the *Post* ran 96 stories, while the number for April significantly rose to 365.<sup>1139</sup> An analysis of the editorial articles and other articles from both the *New York Times* and *Washington Post* reflected the critical tone of the coverage. Some of these stories are mentioned: “Officials Certain Libya Fired Missiles, but Details Are Unclear” (*Washington Post*, March 25, 1986)<sup>1140</sup>; “The Sidra Account” (*New York Times*, March 26, 1986)<sup>1141</sup>; “The Reagan Doctrine” (*New York Times*, March 28, 1986)<sup>1142</sup>; “Moscow Says It Urged Against U.S. Aggression” (*Washington Post*, April 15, 1986)<sup>1143</sup>; “Unanswered Questions: How wise was the raid on Libya?” (*New York Times*, April 16, 1986)<sup>1144</sup>; “Where will Reagan’s

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<sup>1136</sup> ProQuest Historical Newspapers: The *New York Times* (1851-2009); Available at <http://search.proquest.com/hnpnewyorktimes/results/>

<sup>1137</sup> Ibid.

<sup>1138</sup> The *Washington Post* Archive; Available at <http://pqasb.pqarchiver.com/washingtonpost/historical/results.htm>

<sup>1139</sup> Ibid.

<sup>1140</sup> *Washington Post*, March 25, 1986, p. A13.

<sup>1141</sup> *New York Times*, March 26, 1986, p. A22.

<sup>1142</sup> *New York Times*, March 28, 1986, p. A35.

<sup>1143</sup> *Washington Post*, April 15, 1986, p. A20.

<sup>1144</sup> *New York Times*, April 16, 1986, p. A27.

Libyan Battle Plan Lead?” (*New York Times*, April 20, 1986)<sup>1145</sup>; “Views of the Strike against Libya: Consult Congress” (*New York Times*, April 23, 1986)<sup>1146</sup>; “Civilian Deaths in Libya” (*Washington Post*, April 24, 1986)<sup>1147</sup>. The critical tone of mainstream newspaper coverage was also reflected on network television. From March 31 to April 30, 1986, ABC ran 76 stories, CBS ran 83 stories, and NBC ran 77 stories.<sup>1148</sup>

The media’s generally critical tone of the Reagan administration’s Libya military policy emboldened Democrats in the Capitol to criticize the administration on its reckless foreign policy and lack of consultation, pursuant to Section 3 of the War Powers Resolution. Such media coverage also discouraged the Reagan administration to continue the intervention for long fearing potential domestic political cost in terms of legitimacy of military action. Extensive and critical nature of media coverage helped widening congressional-presidential dissension. Therefore, evidence does not support the given hypothesis for the Libya case.

**Hypothesis 7: The longer the duration of military intervention the greater the propensity of legislative-executive dissension on the conduct of war.** U.S. intervention in Libya was for a very short duration. The first phase of U.S. bombings took place on March 24-25, 1986 while the second phase occurred on April 14, 1986.<sup>1149</sup> Unlike Lebanon (1982-84) and Bosnia-Herzegovina (1992-95) the short duration of the Libya

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<sup>1145</sup> *New York Times*, April 20, 1986, p. E1.

<sup>1146</sup> *New York Times*, April 23, 1986, p. A23.

<sup>1147</sup> *Washington Post*, April 24, 1986, p. A22.

<sup>1148</sup> Vanderbilt Television News Archive. Available at <http://tvnews.vanderbilt.edu/tvn-search-advanced.pl>

<sup>1149</sup> Hall, David Locke. 1991.

intervention did not affect the decision-making process on military operations. Therefore, the hypothesis is rejected for the Libya case study.

### **Iraq Intervention I (1990-91)**

**Background:** On August 2, 1990, Iraq invaded Kuwait, sparking widespread international condemnation. The United Nations Security Council acted quickly and unanimously passed Resolution 660 that called for “Iraq’s unconditional withdrawal from Kuwait.”<sup>1150</sup> President George H.W. Bush reported to Congress on August 9, 1990, consistent with the War Powers Resolution, about deployment of U.S troops to Saudi Arabia to prevent Iraqi invasion of that country under Operation Desert Shield.<sup>1151</sup> U.N. Security Council Resolution 678 was passed on November 29, 1990, authorizing member states to use “all means necessary” to remove Iraq from Kuwait if it did not withdraw by January 15, 1991.<sup>1152</sup> Iraq violated U.N. Resolution 678. After getting congressional authorization, as required by Section 5(b) of the War Powers Resolution, President Bush ordered military action against Iraq on January 16, 1991, under Operation Desert Storm. This intervention was over on February 28, 1991, when Iraq withdrew its military forces from Kuwait.<sup>1153</sup>

**Hypothesis 1: Divided government leads to congressional-presidential dissension in war-making, while unified government facilitates consensus.** U.S. intervention in Iraq in 1990-91 took place in a divided government setting. While

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<sup>1150</sup> *Congressional Quarterly Weekly Report*. January 5, 1991. p. 41-44.

<sup>1151</sup> Congressional Research Services, Report R41199. “The War Powers Resolution: After Thirty Six Years.” 2010.

<sup>1152</sup> *Congressional Quarterly Almanac*, 1990.

<sup>1153</sup> Congressional Research Services, Report RL 33532. “*The War Powers Resolution: Presidential Compliance.*” 2007.

Congress was controlled by Democrats the White House was under GOP control. On August 2, 1990, after Iraq invaded Kuwait, there was widespread outrage on Capitol Hill and in the White House. Congress acted swiftly and decisively to expand the president's military role in the Persian Gulf region. The same day, the U.S. Senate adopted a resolution, S. Res. 318, by a unanimous vote of 97-0, authorizing President Bush "to act immediately, using unilateral and multilateral measures, to seek the full and unconditional withdrawal of all Iraqi forces from Kuwaiti territory."<sup>1154</sup> Later on August 2, 1990, the House adopted H.R. 5431 unanimously by a vote of 416-0, to endorse the Senate resolution, condemn the Iraqi invasion of Kuwait, and impose economic sanctions on Iraq.<sup>1155</sup> There was consensus between Congress and the president on the evolving crisis.

On August 9, 1990, President Bush reported to Congress about troop deployment to the region under Operation Desert Shield, consistent with the requirements of the War Powers Resolution. But the president did not cite Section 4(a)(1) by stating, "I do not believe involvement in hostilities is imminent."<sup>1156</sup> Most lawmakers supported Bush, in consideration of the sensitivity of the situation in the region. On October 1, 1990, the House passed H.J. Res. 658 by an overwhelming vote of 380-29, supporting U.S. military deployment in the Persian Gulf region.<sup>1157</sup> The following day, the Senate

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<sup>1154</sup> Congressional Record – Senate. August 2, 1990. p. 21808-09.

<sup>1155</sup> *Congressional Record* – House. August 2, 1990. p. 21965-66.

<sup>1156</sup> Congressional Research Services, Report R41199. "The War Powers Resolution: After Thirty Six Years." 2010.

<sup>1157</sup> *Congressional Record* – House. October 1, 1990. p. 26861-62.

voted overwhelmingly by 96-3 to approve a similar resolution, S. Con. Res. 147.<sup>1158</sup> Legislative-executive consensus continued to determine the military policy in the region. On October 23, 1990, Senate Majority Leader George Mitchell (D-ME) and House Speaker Thomas Foley (D-WA) proposed a bipartisan leadership committee to facilitate proper consultation between congressional leaders and the administration.<sup>1159</sup> Such a proposal showed the level of confidence regarding ongoing consensus between Capitol Hill and the White House. After the 102<sup>nd</sup> Congress convened on January 4, 1991, still as a divided government in Washington, both the House and the Senate decided to debate on the situation in the Gulf. On January 8, 1991, President Bush sent a letter to congressional leaders, requesting them to pass legislations that would approve U.S. troop deployment in compliance with the directives of the U.N. Security Council Resolution 678.<sup>1160</sup> U.N. Resolution 678 authorized member states to use “all means necessary” to remove Iraqi forces from Kuwait by January 15, 1991.<sup>1161</sup> In response, on January 12, 1991, the U.S. Senate adopted a resolution, S.J. Res. 2, by a vote of 52-47, authorizing the president to use military force against Iraqi forces occupying Kuwait.<sup>1162</sup> The same day, the House approved a similar resolution, H.J. Res. 77, by a margin of 250-183.<sup>1163</sup> Passage of S.J. Res. 2 and H.J. Res. 77 led to congressional approval of the legislation “Authorization for

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<sup>1158</sup> *Congressional Record* – Senate. October 2, 1990. p. 26959.

<sup>1159</sup> Congressional Research Services, Report R41199. “The War Powers Resolution: After Thirty Six Years.” 2010.

<sup>1160</sup> *Public Papers of the Presidents*, George H.W. Bush. “Letter to Congressional Leaders on the Persian Gulf Crisis.” January 8, 1991. p. 13-14.

<sup>1161</sup> *Congressional Quarterly Almanac*, 1990.

<sup>1162</sup> *Congressional Record* – Senate. January 12, 1991. p. 1018-19.

<sup>1163</sup> *Congressional Record* – House; January 12, 1991. p. 1139-1140.

Use of Military Force against Iraq Resolution,” pursuant to Section 5 (b) of the War Powers Resolution.<sup>1164</sup> Hence, legislative-executive consensus prevailed until the end of congressional proceedings on the issue of authorization of use of force.

Iraq intervention (1990-91) is one of the rare cases of consensus, consistent with the *Consensus-Dissension Continuum Chart* (Figure 5.1), in which congressional-presidential consensus prevailed despite the presence of divided government during the 101<sup>st</sup> and 102<sup>nd</sup> Congress. Outcome in the form of consensus was primarily because of the sensitivity of the issue especially with regard to national security. During such times traditionally Capitol Hill supports presidential military endeavors to initiate quick action. Even though the decision outcome here does not support the normal expectations of the given hypothesis, the fact is that backers of the Iraq intervention case perceived an extraordinary national security threat from the Iraqi leader, Saddam Hussein. This trumped the dynamics of divided government in Washington, leading to a rare display of congressional-presidential unity in foreign policy. Despite the presence of divided government Capitol Hill and the White House acted in a unified manner because there was “nearly universal agreement on the fundamentals that Saddam is a dangerous enemy of U.S. interests and that strong action had to be taken to counter his invasion of Kuwait.”<sup>1165</sup> On the whole even though evidence in Iraq I case study does not support normal expectations of the given hypothesis such variations in outcome is consistent with the framework of continuum of legislative-executive consensus and dissension in a divided government setting.

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<sup>1164</sup> Congressional Research Services, Report R41199. “The War Powers Resolution: After Thirty Six Years.” 2010.

<sup>1165</sup> *Congressional Quarterly Weekly Report*, January 5, 1991. p. 7-10.

**Hypothesis 2: Ideological divisions and partisan differences result in greater dissension in the decision process on conduct of war.** Iraq intervention I is one of the rare cases when strong bipartisan support for use of military force existed from the very beginning. Members of Congress from both sides of the aisle realized the real danger that Iraqi invasion of Kuwait posed for the United States and agreed with the Bush administration's military policy in the Persian Gulf. Support from the Democratic Party was overwhelming, and that significantly diminished the domestic political hurdles for the Bush administration for making decisions on the Iraq intervention. Responding to President Bush's August 2, 1990, comments regarding the possibility of military intervention in Iraq, one of the most liberal Democrats, Christopher J. Dodd (D-CT), said, "My own view is that at some point military action is probably going to be necessary."<sup>1166</sup> Influential Democrat Senator Sam Nunn (D-GA), Chairman of the Senate Armed Services Committee, supported the probability for a long-term military intervention and said, "I'd say we're going to be there several months with whatever ground forces we have and we're going to be there a long time with our Air Force."<sup>1167</sup> President Bush's Democratic challenger in the 1988 presidential election, Michael Dukakis of Massachusetts, endorsed the administration's Iraq military policy when he said, "I think he's [President Bush] doing exactly the right thing."<sup>1168</sup> The Reverend Jesse Jackson, another Democratic contender in the 1988 presidential election, also endorsed Bush's military plan in Iraq when he said, "He [Saddam Hussein] must be driven back to

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<sup>1166</sup> *Congressional Quarterly Weekly Report*, August 4, 1990. p. 2533.

<sup>1167</sup> *Congressional Quarterly Weekly Report*, August 11, 1990. p. 2598-99.

<sup>1168</sup> *Washington Post*, November 9, 1990, p.A33.

the borders and the United States must be prepared to use military force, either multilaterally or unilaterally.”<sup>1169</sup> Hence, it was evident that U.S. intervention in Iraq was really unique because unlike the Vietnam War debate, in this case “there were not simply hawks who supported U.S. intervention and doves who opposed it. Instead, there was nearly universal agreement on the fundamentals that Saddam was a dangerous enemy of U.S. interests and that strong action had to be taken to counter his invasion of Kuwait.”<sup>1170</sup> From the overall analysis, it is clear that in the case of Iraq intervention a strong bipartisan consensus was the hallmark of congressional-presidential interactions. Evidence therefore does not support the hypothesis.

**Hypothesis 3: Electoral imperatives of opposing congressional leaders to get reelected in the ensuing elections increase the propensity of legislative-executive dissension.** Congressional debate occurred during the 1990 fall midterm elections. Overwhelming political and public support nationwide for President Bush’s Iraq military policy gave congressional lawmakers, especially on the Democratic side, an impression about negative electoral consequences had they not supported the administration. Therefore, one can argue that prospects for getting reelected by lawmakers seemed to be much greater if they extended their bipartisan support to the Bush administration, since the issue had national security ramifications. It can be inferred that electoral imperatives did influence the decision-making process on U.S. intervention in Iraq. The hypothesis is accepted.

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<sup>1169</sup> *Washington Post*, August 8, 1990, p.A12.

<sup>1170</sup> *Congressional Quarterly Weekly Report*, January 5, 1991. p. 7-10.

**Hypothesis 4: If there is favorable public opinion for military intervention, there is likely to be legislative-executive consensus, and vice versa.** During Iraq intervention I, President Bush enjoyed strong and steady public support for his military policy. A *Gallup* poll, conducted on August 3-4, 1990, just three days after the Iraqi invasion of Kuwait, found that 60 percent of the American people were in favor of direct U.S. military action against Iraq, if Saddam Hussein were to invade Saudi Arabia in addition to Kuwait. Only 26 percent opposed it.<sup>1171</sup> A week after the deployment, a *Gallup* poll, conducted on August 16-19, 1990, found that 79 percent of respondents approved Bush's "handling of the situation in the Middle East involving Iraq and Kuwait," while 76 percent of the public approved "U.S. decision to Saudi Arabia as a defense against Iraq."<sup>1172</sup> Similarly, a CBS News/*New York Times* poll, conducted on August 16 - 19, 1990, showed that 76 percent of the respondents approved (50 percent "strongly approved"; 26 percent "somewhat approved") the way President Bush was handling Iraq's invasion of Kuwait, while only 14 percent disapproved.<sup>1173</sup> Interestingly, high public approval continued. According to a ABC News/*Washington Post* poll, conducted on October 10, 1990 (about two months after U.S. troop deployment in the region), 70 percent of the public agreed that the United States should "take all action necessary, including the use of military force, to make sure that Iraq withdraws its forces from Kuwait," while only 27 percent disagreed.<sup>1174</sup> A *Gallup* poll, conducted on

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<sup>1171</sup> The Gallup Poll, Public Opinion 1990. Survey # GO 1222002. p. 93.

<sup>1172</sup> The Gallup Poll, Public Opinion 1990. Survey # GO 922016. p. 96-7.

<sup>1173</sup> CBS News/*New York Times* Poll. August, 1990.

<sup>1174</sup> ABC News/*Washington Post* Poll. October, 1990.

November 1-4, 1990 (three months after the deployment) found that 69 percent of respondents “felt that U.S. had a clear idea of the military goal in the Persian Gulf.”<sup>1175</sup> An ABC News/*Washington Post* poll, conducted on January 9, 1991 (just three days prior to the congressional authorization vote), found that 75 percent of the public agreed that the United States should “take all action necessary, including the use of military force, to make sure that Iraq withdraws its forces from Kuwait,” while only 23 percent disagreed.<sup>1176</sup> After President Bush’s nationally televised address for military action against Iraq upon getting congressional authorization, a *Gallup* survey, conducted January 16, 1991 between 9:25 PM and 11:30 PM EST, found that 81 percent of the American people approved the way the president was handling the current situation in the Persian Gulf.<sup>1177</sup>

Such overwhelmingly favorable public support consistently played a dominant role in the decision-making process on intervention in Iraq. Congress was clearly mindful of such strong public support for military action against Iraq. Under such circumstances, members of Congress had little incentive to oppose the Bush administration’s commitment for use of U.S. forces against Iraq. Subsequently, on January 12, 1991, Congress adopted legislations (S.J. Res. 2 and H.J. Res. 77), authorizing President Bush to use U.S. military force against Iraq to liberate Kuwait from Iraqi occupation.<sup>1178</sup> Empirical investigation and follow-up analysis help to conclude that

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<sup>1175</sup> The Gallup Poll, Public Opinion 1990. Survey # GO 122008. p. 159.

<sup>1176</sup> ABC News/*Washington Post* Poll. October, 1990.

<sup>1177</sup> The Gallup Poll, Public Opinion 1991. Survey # GO 122002W. p. 26.

<sup>1178</sup> *Congressional Record* – Senate. January 12, 1991. p. 1018-19; *Congressional Record* – House. January 12, 1991. p. 1139-1140.

public opinion was a dominant factor for congressional-presidential consensus in the use of U.S. forces against Iraq. The hypothesis is accepted for the Iraq I intervention.

**Hypothesis 5: Opposition members of Congress disagree with president's decision on military intervention, and vice-versa.** The Bush White House's commitment to liberate Kuwait from Iraqi occupation and concerns for U.S. national security if Saddam Hussein was not checked significantly influenced members of Congress from both sides of the aisle. Moreover, favorable public opinion (hypothesis 4), supportive media coverage (hypothesis 6), and international pressure (U.N. Resolution 678 "which authorized member states of the United Nations to use all necessary means, after January 15, 1991, to uphold and implement all relevant Security Council resolutions and to restore international peace and security in the area") were important factors behind strong unanimity of support among congressional lawmakers.<sup>1179</sup> Once U.S. troops were deployed in the region, members of Congress "acknowledged their reluctance to take any action that might place the nation's armed forces in even greater danger."<sup>1180</sup> From time to time, members of Congress expressed the prevailing consensual mindset. Influential lawmakers, even from the Democratic Party, openly expressed their support for the Bush administration's Iraq military policy. A frequent critic of the president, Representative Stephen Solarz (D-N.Y.), noted that Bush could bank on congressional support in his firm determination to stand against the Iraqi invasion of Kuwait.<sup>1181</sup> House Speaker Foley assessed the general mood of the members of Congress as one of cooperation with the

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<sup>1179</sup> *Congressional Quarterly Weekly Report*, January 12, 1991. p. 131.

<sup>1180</sup> Crabb, Cecil V. Jr., Glenn J. Antizzo, and Leila E. Saredidine. 2000.

<sup>1181</sup> *Congressional Quarterly Weekly Report*, September 8, 1990. p. 2828-39.

Bush administration in both the House and the Senate deliberations.<sup>1182</sup> However, in the run-up to war, some Democrats in Congress expressed concern on December 3, 1990, about Bush not seeking congressional authorization before committing U.S. troops to war, as required by Section 5 (b) of the War Powers Resolution.<sup>1183</sup> In response, on January 8, 1991, President Bush formally requested Congress to authorize use of armed forces against Iraq to liberate Kuwait.<sup>1184</sup> Once Bush sought congressional approval, members of Congress were quick to give it on January 12, 1991. The overall collaboration between members of Congress and the Bush White House at various stages of congressional deliberations on the use of U.S. forces against Iraq resulted in lawmakers' reluctance to take any action that would fundamentally jeopardize Bush's military policy.<sup>1185</sup>

Therefore, it can be concluded that opposition members of Congress were generally inclined toward working with the Bush administration and did not tend to fundamentally disagree with Bush's military policy in Iraq. Such a consensual attitude from opposition lawmakers in the Capitol was highly effective in the decision-making process in staging a united stance regarding U.S. military deployment and eventual successful military intervention in Iraq. Hence, evidence does not support the given hypothesis in the case of Iraq intervention I.

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<sup>1182</sup> Crabb, Cecil V. Jr., Glenn J. Antizzo, and Leila E. Saredidine. 2000.

<sup>1183</sup> Fisher, Louis. 1995.

<sup>1184</sup> *Congressional Quarterly Almanac*, 1991.

<sup>1185</sup> Crabb, Cecil V. Jr., Glenn J. Antizzo, and Leila E. Saredidine. 2000.

*Hypothesis 6: Extensive media coverage increases the propensity of legislative-executive consensus in the decision-making process on military intervention.* When Iraqi leader Saddam Hussein invaded Kuwait it set in motion some of the most prolific news coverage in U.S. media history. Media coverage throughout Gulf War I was uninterrupted involving the entire U.S. intervention – the military buildup, followed by the launching of Operation Desert Storm and the eventual liberation of Kuwait.<sup>1186</sup> Importantly, evidence shows that the Iraq intervention I was not only the most dominant media topic of the day in foreign policy, but it also received a tremendous amount of public attention, both in terms of readership and viewership.<sup>1187</sup> According to a *Gallup* survey, conducted on January 3 - 6, 1991, a total of 87 percent of the public closely followed “news about the situation involving the invasion of Kuwait by Iraq.”<sup>1188</sup> Therefore, media coverage had a significant effect in generating public awareness/opinion and political momentum in the decision-making process in Washington regarding military intervention.

By and large, the tone of media coverage right from the beginning was supportive of the Bush administration’s military policy in the Persian Gulf. Extensive media coverage which was essentially favorable to Bush’s action plan was also fairly successful in creating in Saddam Hussein a perfect enemy who needed to be checked.<sup>1189</sup> Such a trend in news coverage was evident from the analysis of the editorial pages of

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<sup>1186</sup> Iyengar, Shanto, and Adam Simon in ed. W. Lance Bennett and David L. Paletz. 1994.

<sup>1187</sup> Ibid.

<sup>1188</sup> The Gallup Poll, Public Opinion 1991. Survey # GO 122011. p. 8.

<sup>1189</sup> Dorman, William A., and Steven Livingston in ed. W. Lance Bennett and David L. Paletz. 1994.

some of the leading U.S. newspapers, such as the *New York Times* and *Washington Post*.<sup>1190</sup> In a powerful editorial piece the day after President Bush announced deployment of U.S. ground troops in the region, the *Times* commented, “President Bush has drawn a line in the sand, committing U.S. forces to face down Saddam Hussein. The costs and risks are enormous ..... on balance, he has made the right choice in the right way.”<sup>1191</sup> Media content that projected a real threat to national security and an imminent full-scale war between the United States and Iraq generated huge public support in the form of rallying behind the administration.<sup>1192</sup> The *Washington Post* narrated the Gulf crisis: “Forces are gathered under many flags, and President Bush is leading this gigantic enterprise with skill.”<sup>1193</sup> The aspects of agenda setting, framing, and priming of news coverage from the beginning to the end of the U.S. intervention were generally favorable for the Bush White House to initiate military action.<sup>1194</sup> Media coverage was trying to build a case for an urgent need of international [military] intervention against Iraq. The *New York Times* on August 3, 1990, ran a provocative editorial with the captivating headline “Iraq’s Naked Aggression,” whose first sentence said, “Without warrant or warning, Iraq has struck brutally at tiny Kuwait, a brazen challenge to world law.”<sup>1195</sup> Another example was the September 15, 1990, *Times* editorial that read “Iraq Swings Wild, and Low” which pointed out repeated violation of international laws and

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<sup>1190</sup> Dorman, William A., and Steven Livingston in ed. W. Lance Bennett and David L. Paletz. 1994.

<sup>1191</sup> *New York Times*, August 9, 1990, p. A22.

<sup>1192</sup> Brody, Richard A. in ed. W. Lance Bennett and David L. Paletz. 1994.

<sup>1193</sup> *Washington Post*, August 8, 1990, p. A 20.

<sup>1194</sup> Iyengar, Shanto, and Adam Simon in ed. W. Lance Bennett and David L. Paletz. 1994.

<sup>1195</sup> *New York Times*, August 3, 1990, p. A26.

humanitarian norms by Iraq.<sup>1196</sup> Analysts argue that a careful analysis of all the *New York Times* editorials and op-ed columns during congressional deliberations from November 1990 to January 15, 1991 (the U.N. Resolution 678 deadline for Iraqi forces to withdraw from Kuwait) found that the coverage was generally supportive of the Bush administration's military policy. Although there were criticisms, most of the critical comments "tended to be displayed less saliently than supportive information, and much of the reported criticism was procedural rather than substantive."<sup>1197</sup>

The sheer volume of news stories speaks about the extensive nature of media coverage. During the seven-month period from August 1, 1990, to February 28, 1991, that began with U.S. military buildup in the region and ended with the successful completion of Operation Desert Storm, resulting in the liberation of Kuwait from Iraqi forces, the *New York Times* ran a total of 4166 stories that consisted of 3303 articles, 583 front-page articles, 144 editorials, and 136 letters to editor.<sup>1198</sup> The *Times* coverage was maximum in August 1990, which marked the momentum- building phase of the Persian Gulf crisis, and January 1991, when congressional debate reached its highest intensity, leading to the authorization of troop deployment as required by Section 5 (b) of the War Powers Resolution.<sup>1199</sup> Displaying a similar trend for the same time period, the *Washington Post* ran a total of 3777 stories that consisted of 3039 articles, 529 front-page

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<sup>1196</sup> *New York Times*, September 15, 1990, p. A22.

<sup>1197</sup> Entman, Robert M., and Benjamin I. Page in ed. W. Lance Bennett and David L. Paletz. 1994.

<sup>1198</sup> [ProQuest Historical Newspapers: The New York Times \(1851-2009\)](http://search.proquest.com/hnpnewyorktimes/results/); Available at <http://search.proquest.com/hnpnewyorktimes/results/>

<sup>1199</sup> See Appendix N.

articles, 102 editorial articles, and 107 letters to editor.<sup>1200</sup> The *Post* also ran the highest number of stories in August 1990 and January 1991, as did the *Times*, because of the significance of those two months from the vantage point of legislative-executive political dynamics.<sup>1201</sup> Network television news coverage was immensely significant in generating public opinion and political momentum, since people at that time watched late-night television news coverage to get a first-hand idea of the situation on the ground. For the period from August 1, 1990 to February 28, 1991, ABC ran 633 stories, CBS ran 439 stories, NBC ran 419 stories, and CNN ran a total of 441 stories.<sup>1202</sup> Network television also registered robust monthly coverage of news stories during the Iraq intervention.<sup>1203</sup>

On the basis of empirical investigation it can be asserted that a combination of favorable and high-volume media coverage painted an image of a dire situation in the Persian Gulf region, which in turn generated favorable public opinion toward military action to stop the evolving crisis. Members of Congress from both sides of the aisle were also influenced by the growing political momentum in favor of military intervention. Congress adopted legislations (S.J. Res. 2 and H.J. Res. 77) on January 12, 1991, authorizing President Bush to deploy U.S. troops in the region against Iraq and to force the Iraqi military to withdraw from Kuwait.<sup>1204</sup> The analysis made above leads us to the

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<sup>1200</sup> The *Washington Post Archive*; Available at <http://pqasb.pqarchiver.com/washingtonpost/historical/results.htm>

<sup>1201</sup> See Appendix N.

<sup>1202</sup> Vanderbilt Television News Archive. Available at <http://tvnews.vanderbilt.edu/tvn-search-advanced.pl>

<sup>1203</sup> See Appendix N.

<sup>1204</sup> *Congressional Record* – Senate. January 12, 1991. p. 1018-19; *Congressional Record* – House. January 12, 1991. p. 1139-1140.

conclusion that media coverage greatly influenced the decision-making process during Iraq intervention I. Therefore, the hypothesis is accepted.

**Hypothesis 7: The longer the duration of military intervention the greater the propensity of legislative-executive dissension on the conduct of war.** On getting congressional authorization for military intervention on January 12, 1991, and in compliance with U.N. resolution 678, President Bush ordered military action against Iraq on January 16, 1991.<sup>1205</sup> The Iraq war continued until February 28, 1991, when Kuwait was liberated. Therefore, the actual duration of Gulf War I was less than 60 days. Once the war was over, U.S. forces were pulled out of Iraq. Hence, the duration of war did not affect legislative-executive relations, unlike more complicated cases such as Lebanon MNF (1982-84) and Bosnia-Herzegovina (1992-95). Therefore, the given hypothesis does not apply in the case of Iraq I intervention.

### **Iraq Intervention II (2003)**

**Background:** In the summer of 2002, President George W. Bush described the grave national security danger for the United States from the Saddam Hussein regime in Iraq, because of stockpiling of weapons of mass destruction (WMD hereafter).<sup>1206</sup> On September 12, 2002, while addressing the United Nations General Assembly, President Bush stated that the United States would resort to military action against Iraq if it continued to violate U.N. resolutions and if the United Nation did not disarm Iraq.<sup>1207</sup> In

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<sup>1205</sup> *Congressional Quarterly Almanac*, 1991.

<sup>1206</sup> Congressional Research Services, Report R41199. “*The War Powers Resolution: After Thirty Six Years.*” 2010.

<sup>1207</sup> Congressional Research Services, Report IB92117. “*Iraq: Weapons Threat, Compliance, Sanctions, and U.S. Policy.*” 2002.

October 2002, Congress passed a joint resolution, H.J. Res. 114, authorizing Bush to use U.S. force if necessary to eliminate the threat posed by the Saddam Hussein regime, as required by Section 5(b) of the War Powers Resolution.<sup>1208</sup> Thereafter, on March 19, 2003, the United States and its allies launched Operation Iraqi Freedom to disarm Iraq and topple the Saddam Hussein regime, which eventually fell on April 9, 2003.<sup>1209</sup>

**Hypothesis 1: Divided government leads to congressional-presidential dissension in war-making, while unified government facilitates consensus.**

Congressional-presidential interactions on the issue of authorization for troop deployment against Iraq, pursuant to Section 5(b) of the War Powers Resolution, took place in the presence of divided government in Washington.<sup>1210</sup> In the fall of 2002, congressional deliberations occurred, and “the nation was fixated with the prospects of war against Iraq.”<sup>1211</sup> On September 4, 2002, President Bush invited congressional leaders from both parties to a meeting at the White House, where he announced that he would seek congressional authorization before going to war against Iraq.<sup>1212</sup> On September 26, 2002, Senate Majority Leader Thomas Daschle (D-S.D.) and Senate Minority Leader Trent Lott (R-MS) introduced a joint resolution, S.J. Res. 45 (initially drafted by the Bush White House), to authorize the president to use U.S. armed forces against Iraq.<sup>1213</sup> The Senate

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<sup>1208</sup> Congressional Research Services, Report RS21325. “Iraq: Divergent Views on Military Action.” 2003.

<sup>1209</sup> Congressional Research Services, Report RL31339. “Iraq: U.S. Regime Change Efforts and Post-Saddam Governance.” 2004.

<sup>1210</sup> The U.S. House of Representatives and the White House were controlled by the Republican Party while the U.S. Senate was under the control of the Democratic Party.

<sup>1211</sup> Howell, William G., and Jon C. Pevehouse. 2007.

<sup>1212</sup> *Congressional Quarterly Almanac*, 2002.

<sup>1213</sup> U.S. Senate. S.J.Res. 45. September 26, 2002.

used this bill as a focus for extensive debate, which continued from October 4 to October 11, 2002.<sup>1214</sup> In the end, the Senate adopted H.J. Res. 114, which was introduced by House Speaker Dennis Hastert (R-IL) and House Minority Leader Richard Gephardt (D-MO).<sup>1215</sup> The provisions of H.J. Res. 114 were agreeable to most of the congressional lawmakers, as a mark of the consensual sentiment that was prevalent on Capitol Hill. Such provisions were also acceptable to the Bush White House. The House of Representatives, after debating the bill extensively, ultimately adopted H.J. Res. 114 on October 10, 2002, by an overwhelming margin of 296-133.<sup>1216</sup> The following day, on October 11, 2002, the Senate passed the House resolution, H.J. Res. 114, by a vote of 77-23.<sup>1217</sup> Congressional authorization of the use of troops met the requirements of Section 5 (b) of the War Powers Resolution. With that, legislative-executive consensus prevailed on the use of U.S. armed forces against Iraq.

Empirical evidence shows that in the run-up to congressional authorization for the use of U.S. Armed Forces against Iraq, the majority of lawmakers were on board with the Bush administration's military strategy. Although party loyalty from the GOP side was expected, a solid number of centrist Democrats also supported the legislation. Subsequently, there was legislative-executive consensus despite the presence of divided government. Therefore, evidence does not support the normal expectations of the given hypothesis. However, the dependent variable in this case is consistent with the theoretical

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<sup>1214</sup> Congressional Research Services, Report R41199. *"The War Powers Resolution: After Thirty Six Years."* 2010.

<sup>1215</sup> *Congressional Quarterly Almanac*, 2002.

<sup>1216</sup> *Congressional Record* – House. H 7739. October 10, 2002.

<sup>1217</sup> *Congressional Record* – Senate. S 10233. October 10, 2002.

foundation of *continuum of legislative-executive consensus and dissension*, as illustrated in the “Consensus-Dissension Continuum Chart” (Figure 5.1). Also in play was the political climate prevalent in Washington in the fall of 2002, which was “decidedly stacked against any overt challenge to Bush in the military arena,” especially in the aftermath of the September 11, 2001 terrorist attack.<sup>1218</sup> In the end concern for national security trumped political arrangement in Washington.

**Hypothesis 2: Ideological divisions and partisan differences result in greater dissension in the decision process on conduct of war.** Partisan and ideological elements were in play, especially in the form of party loyalty among conservative GOP lawmakers and liberal Democrats. As congressional debate proceeded, the Bush White House, fully aware of the partisan dynamics on Capitol Hill, was able to garner support from an adequate number of centrist Democrats to overcome opposition mounted by the liberal wing of the Democratic Party. In the Republican-controlled House, 215 out of a total 221 Republicans supported H.J Res. 114, while only 81 out of 207 Democrats supported it. In the Democrat-controlled Senate, while 48 out of 49 Republicans voted in favor of H.J. Res. 114, only 29 out of 50 Democrats supported the bill.<sup>1219</sup>

On September 4, 2002, when Bush met with bipartisan congressional leaders to inform them that he would seek congressional support before launching military attacks on Iraq, he also asked for quick bipartisan support from Congress. On September 12, 2002, President Bush, while addressing the United Nations General Assembly, insisted that the United States would hold Iraqi President Saddam Hussein

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<sup>1218</sup> Kriner, Douglas L. 2010. p. 272.

<sup>1219</sup> *Congressional Quarterly Almanac*, 2002. p. H-142; S-48.

accountable, with or without U.N. support, for violation of previous U.N. resolutions and also for the threat that Hussein posed from WMD.<sup>1220</sup> Congress reacted quickly to Bush's military plans in Iraq. Republicans almost uniformly supported Bush's initiative. An "intensely loyal and ideologically polarized" GOP controlled the House of Representatives, and Speaker Hastert (R-IL) described "his job as that of being the president's field marshal in the legislature."<sup>1221</sup> The Democrats were divided, and many raised concerns about a hasty action. Senate Majority Leader Daschle contended that in order to get congressional authorization, the president needed to convince Congress that a national security threat from Iraq was imminent.<sup>1222</sup>

To speed up congressional proceedings, on September 19, 2002, the Bush White House submitted a draft resolution to Congress in order to gain speedy authorization for the use of force against Iraq.<sup>1223</sup> In order to deal with partisan dynamics, the White House initially focused on negotiations with the Democrat-controlled Senate, as many senators wanted considerable changes in the language of the draft resolution. The Senate also sought more clarity about what other options were available to the administration before President Bush were to launch a unilateral pre-emptive military action.<sup>1224</sup> When negotiations with the Senate showed no signs of quick progress, the White House got frustrated with Majority Leader Daschle and other influential Senate Democrats, such as

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<sup>1220</sup> *Compilation of Presidential Documents*, George W. Bush. 2002. p. 1717-18.

<sup>1221</sup> Kriner, Douglas L. 2010. p. 272.

<sup>1222</sup> *Congressional Quarterly Weekly Report*, September 7, 2002. p. 2313-16.

<sup>1223</sup> Congressional Research Services, Report R41199. "*The War Powers Resolution: After Thirty Six Years.*" 2010.

<sup>1224</sup> *Congressional Quarterly Almanac*, 2002. p. 9-4.

Robert Byrd (D-WV) and Senate Armed Services Committee Chairman Carl Levin (D-MI).<sup>1225</sup> Not comfortable with the partisan delay in the Senate the White House aides “tried to cut a separate deal” with House Minority Leader Gephardt, who was a centrist Democrat and showed a hawkish disposition on military interventions.<sup>1226</sup> Here Bush was successful in exploiting the intra-party squabble inside the Democratic Party. With the help of House Speaker Hastert and Chairman of the House International Relations Committee Henry J. Hyde (R-IL), the Bush White House was able to forge a compromise deal with Gephardt.<sup>1227</sup> By striking the compromise deal, Bush was able to garner bipartisan support and greater military flexibility to deal with Saddam Hussein. On October 2, 2002, President Bush announced the compromise deal (H.J. Res. 114) in a Rose Garden ceremony in a rare display of bipartisan support, as dozens of lawmakers from both parties stood by the president.<sup>1228</sup> The *New York Times* noted, “Mr. Gephardt, the House Democratic leader from Missouri, gave the White House some cherished high-level Democratic support in its drive to move against Iraq.”<sup>1229</sup> Conspicuously absent from the gathering was Daschle, who was isolated in the whole process by the House-White House compromise deal. At Gephardt’s insistence, the Bush administration agreed to report to Congress within 60 days of the start of hostilities, pursuant to Section 4(a)(1) of the War Powers Resolution, instead of 90 days, as proposed earlier by Bush. Also, the compromise deal required Bush to report to Congress within 48 hours of launching any

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<sup>1225</sup> Howell, William G., and Jon C. Pevehouse. 2007.

<sup>1226</sup> *Congressional Quarterly Weekly Report*, October 5, 2002. p. 2606-10.

<sup>1227</sup> *Ibid.*

<sup>1228</sup> *Congressional Quarterly Almanac*, 2002.

<sup>1229</sup> *New York Times*, October 3, 2002, p. A14.

military action about why diplomacy was no longer sufficient to enforce previous UN resolutions.<sup>1230</sup> In the end, Daschle had no other option but to support the compromise deal.

Empirical evidence showed that President Bush was able to exploit the internal partisan and ideological divisions inside the Democratic Party successfully. We can see that while there was high party unity among the GOP lawmakers, the Democratic camp was divided between the centrist wing and the more liberal wing of the party. The support from Gephardt and other centrist Democrats strengthened significantly the bipartisan consensus that was overwhelmingly in favor of congressional approval for military action against Iraq. Although some partisan delay, especially from Senate Democrats, threatened to slow approval, congressional approval in the end trumped strong bipartisan support because of the internal ideological split inside the Democratic Party. On the basis of above analysis conclusions can be drawn that evidence does not support the given hypothesis. Overwhelming concern for national security trumped partisan and ideological differences in the case of Iraq II intervention.

**Hypothesis 3: Electoral imperatives of opposing congressional leaders to get reelected in the ensuing elections increase the propensity of legislative-executive dissension.** Congressional-presidential interactions took place in the thick of the 2002 midterm election cycle. During that time, President Bush enjoyed high public approval. Republicans took full advantage of Bush's approval rating and wholeheartedly supported the president to increase the prospects of getting reelected.<sup>1231</sup> Democrats faced the

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<sup>1230</sup> *New York Times*, October 3, 2002, p. A1.

<sup>1231</sup> Kriner, Douglas L. 2010.

dilemma and were largely divided on the Iraq issue. President Bush also played the elections card successfully when he urged members of Congress to give him war authorization before November 5, 2002.<sup>1232</sup> As a result, liberal Democrats in particular faced a great dilemma in the decision-making process on whether to oppose Bush's military policy and face public backlash in the elections. According to a 2002 *Washington Post*/ABC News survey, 45 percent of Republicans considered Iraq as an issue crucial to their voting decision in the midterm elections, compared with 33 percent of Democrats and 28 percent of independents.<sup>1233</sup> That showed that Iraq was a fairly important issue for the ensuing midterm elections in the fall of 2002. In that context, efforts by House Minority Leader Gephardt to strike a deal with Bush were considered to be an election-year imperative, especially when Gephardt "already was known to be more hawkish on the issue — and more specifically, a hawk with presidential ambitions."<sup>1234</sup> Senate Majority Leader Daschle was also in a dilemma as to how to retain his cherished political position while taking a stand on the Iraq debate, which was "so dominating the political landscape that it was hard for his party's candidates to be heard on bread-and-butter issues that worked to their advantage."<sup>1235</sup> Speculation was present that Daschle's eleventh-hour decision to support the Gephardt-White House compromise deal was an imperative forced upon him by the 2002 midterm elections, in a tough situation of

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<sup>1232</sup> *Congressional Quarterly Almanac*, 2002.

<sup>1233</sup> *Washington Post*, October 11, 2002, p. A 37.

<sup>1234</sup> *Congressional Quarterly Weekly Report*, October 5, 2002. p. 2608-9.

<sup>1235</sup> *New York Times*, October 4, 2002, p. A14.

leading “a Senate with a one-seat majority.”<sup>1236</sup> Based on the empirical investigation it can be concluded that evidence supports the given hypothesis.

**Hypothesis 4: If there is favorable public opinion for military intervention, there is likely to be legislative-executive consensus, and vice versa.** When congressional-presidential negotiations were taking place in September-October 2002 public opinion overwhelmingly was in favor of U.S. military intervention in Iraq to dispel threats from Saddam Hussein. A CNN/*USA Today*/Gallup poll, conducted on September 20-22, 2002, found that 57 percent of the American people favored “invading Iraq with U.S. ground troops in an attempt to remove Saddam Hussein from power,” with 38 percent opposed. The same poll also showed that 64 percent of respondents approved of Bush’s “handling the situation with Iraq,” with 34 percent opposed.<sup>1237</sup> Another survey, conducted by NBC News/*Wall Street Journal* on September 3-5, 2002, showed that 58 percent of the public favored the United States to “take military action to remove Saddam Hussein from power,” with 30 percent opposed.<sup>1238</sup> Toward the end of September, an ABC News/*Washington Post* poll, conducted on September 3-6, 2002, showed that 64 percent of respondents supported the United States to “take military action against Iraq to force Saddam Hussein from power,” with 33 percent opposed.<sup>1239</sup> President Bush was also mindful of the fact that the public supported congressional approval before troops were deployed. A CNN/*USA Today*/Gallup poll, conducted on September 2-4, 2002,

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<sup>1236</sup> *Congressional Quarterly Weekly Report*, October 5, 2002. p. 2608-9.

<sup>1237</sup> The Gallup Poll, Public Opinion 2002. Survey # GO 137439. p. 285.

<sup>1238</sup> NBC News/*Wall Street Journal* Poll, September 2002.

<sup>1239</sup> ABC News/*Washington Post* Poll, September 2002.

found that 69 percent of American people favored a “resolution of support from Congress,” with 29 percent opposed.<sup>1240</sup> Bush acted according to such public desires when on September 4, 2002, he called a meeting with congressional leaders from both political parties to announce that he would seek support from Congress before launching military attacks against Iraq.<sup>1241</sup>

In the first week of October 2002, when the authorization debate took place on Capitol Hill, poll numbers stayed high in favor of military intervention. In a CNN/*USA Today*/Gallup poll, conducted on October 3-6, 2002, it was found that 53 percent of the American people favored “invading Iraq with U.S. ground troops in an attempt to remove Saddam Hussein from power,” with 40 percent opposed. The same poll also showed that 64 percent of respondents favored Bush’s “handling the situation with Iraq,” with 34 percent opposed.<sup>1242</sup> In a related vein, a CBS News/*New York Times* poll, conducted on October 3-5, 2002, showed that 67 percent of respondents approved of the United States “taking military action against Iraq to try to remove Saddam Hussein from power,” while 27 percent disapproved.<sup>1243</sup>

Empirical investigation shows that throughout the duration of congressional-presidential negotiations and congressional debate on authorization of war, public support for military action consistently remained high. Such favorable public opinion significantly influenced the dynamics of congressional-presidential interactions and

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<sup>1240</sup> The Gallup Poll, Public Opinion 2002. Survey # GO 137274. p. 258.

<sup>1241</sup> *Compilation of Presidential Documents*, September 4, 2002. p. 1481-82.

<sup>1242</sup> The Gallup Poll, Public Opinion 2002. Survey # GO 137521. p. 306; 308.

<sup>1243</sup> CBS News/*New York Times* Poll, October 2002.

helped to reach a compromise deal with strong bipartisan support. Therefore, evidence supports the given hypothesis.

**Hypothesis 5: Opposition members of Congress disagree with president's decision on military intervention, and vice-versa.** At the time of congressional deliberations on Iraq, the military intervention positions taken by some influential members of Congress were important. As discussed in hypotheses 2 and 3, House Minority Leader Gephardt's (D-MO) initial compromise deal and Senate Majority Leader Daschle's final support were significant breaks for the Bush administration.<sup>1244</sup> Much like Gephardt in the House, in the Senate, Joseph Lieberman (D-CT) and Evan Bayh (D-IN) were "willing to grant Bush broad latitude to decide whether and when to invade Iraq."<sup>1245</sup> House Speaker Hastert's (R-IL) open support for President Bush was significant in mobilizing rank-and-file votes from House GOP lawmakers.<sup>1246</sup> However, in the Senate, Robert Byrd (D-WV), Chairman of the Senate Armed Services Committee Carl Levin (D-MI), and Chairman of the Senate Foreign Relations Committee Joseph Biden (D-DE) raised numerous concerns about the Bush administration's Iraq policy.<sup>1247</sup> As a steward for maintaining congressional war powers prerogatives, Byrd in fact mounted a valiant "one-man campaign to persuade his Senate colleagues to flex constitutional muscle and slow the march toward war."<sup>1248</sup> Liberal Senate Democrats moved amendments (which were defeated) to check presidential power regarding the Iraq

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<sup>1244</sup> *Congressional Quarterly Weekly Report*, October 5, 2002. p. 2606-10.

<sup>1245</sup> Howell, William G., and Jon C. Pevehouse. 2007. p. 169.

<sup>1246</sup> Kriner, Douglas L. 2010.

<sup>1247</sup> Howell, William G., and Jon C. Pevehouse. 2007.

<sup>1248</sup> *Congressional Quarterly Almanac*, 2002. p. 9-4.

intervention.<sup>1249</sup> Actions taken by some opposition members of Congress proved to be just temporary delaying tactics. In the final decision-making process on the Iraq military intervention, a majority coalition of bipartisan lawmakers overcame the opposition of the minority coalition. Therefore, findings do not support the given hypothesis.

**Hypothesis 6: Extensive media coverage increases the propensity of legislative-executive consensus in the decision-making process on military intervention.** Media coverage was extensive during the Iraq intervention congressional-presidential interactions and congressional debate on authorization for military action. Most of the media coverage – newspaper and television – highlighted in detail congressional debate in the run-up to authorization. During the eight-month time period from May 1 to December 31, 2002, the *New York Times* ran a total of 2221 stories, consisting of 1531 articles, 312 front-page articles, 195 editorials, and 183 letters to editor.<sup>1250</sup> Displaying a similar trend during the same time, the *Washington Post* ran a total of 1730 stories, consisting of 1232 articles (A Section) and 498 editorial articles.<sup>1251</sup> Both the *Times* and *Post* coverage peaked in October 2002, when the authorization debate occurred on Capitol Hill.<sup>1252</sup> Network television coverage was also significant. From May 1 to December 31, 2002, ABC ran 195 stories, CBS ran 130 stories, NBC ran 187 stories, and

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<sup>1249</sup> See Appendix O.

<sup>1250</sup> [ProQuest Historical Newspapers: The New York Times \(1851-2009\)](http://search.proquest.com/hnpnewyorktimes/results/); Available at <http://search.proquest.com/hnpnewyorktimes/results/>

<sup>1251</sup> The *Washington Post Archive*; Available at <http://pqasb.pqarchiver.com/washingtonpost/historical/results.htm>

<sup>1252</sup> See Appendix O for *Times* coverage and *Post* coverage.

CNN ran 221 stories.<sup>1253</sup> Much like print coverage, network television coverage peaked in September-October 2002, when congressional-presidential negotiations occurred.<sup>1254</sup>

During the run-up to the authorization for use of military force, the general tone of media coverage was sympathetic to the cause of dispelling the imminent threat perceived from Saddam Hussein. Both the *New York Times* and *Washington Post*, in their respective editorial pieces, wrote about the need for prudent action, including diplomatic initiatives to effectively deal with Iraq. While they covered congressional debate more extensively, liberal-leaning media called on the members of Congress to take appropriate action and explore all options, including military intervention. For example, the *New York Times* editorial on October 3, 2002, noted that while there was no dispute that Saddam Hussein was an “evil dictator [framing the “axis of evil” typology], whose continued effort to build unconventional weapons in defiance of clear United Nations prohibitions” was a real threat, “the issue is how Washington and the international community can best eliminate or reduce this danger.”<sup>1255</sup> The *Washington Post* editorial on October 10, 2002 stated, “If Saddam Hussein is dangerous now, he will grow only more so as he rearms without the restraint of international inspectors or meaningful trade sanctions. And if the threat is so great as to justify a war, can it really be safe not to act just because U.S. allies won't go along?”<sup>1256</sup> Such favorable media coverage for some immediate action just before the congressional vote on authorization influenced the

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<sup>1253</sup> Vanderbilt Television News Archive. Available at <http://tvnews.vanderbilt.edu/tvn-processquery.pl>

<sup>1254</sup> See Appendix O.

<sup>1255</sup> *New York Times*, October 3, 2002, p. A 26.

<sup>1256</sup> *Washington Post*, October 10, 2002, p. A.32.

lawmakers in their decision-making process. Also, both national and local television channels granted members of Congress significant exposure to speak out on their policy position. Media coverage also highlighted public opinion, which was favorable toward military intervention. From the above analysis conclusions can be drawn that evidence supports the media hypothesis in the case of Iraq II intervention.

**Hypothesis 7: The longer the duration of military intervention the greater the propensity of legislative-executive dissension on the conduct of war.** During the decision-making process in Washington in September-October 2002 regarding Iraq intervention II, the Bush administration projected expectations of a short military operation. As a result, during congressional debate on authorization for use of armed forces, duration of war was not a consideration, unlike the Lebanon-MNF case (1982-84), the Bosnia-Herzegovina case (1992-95), and potentially the Somalia case (1992-94) and the Haiti case (1993-94), discussed elsewhere in this chapter.<sup>1257</sup> Therefore, the given hypothesis does not apply for Iraq II intervention. Although Iraq War 2003 in due course of time became a very long and complex military intervention and was eventually ended by the Obama administration in 2011, analysis of such complications is beyond the scope of this research. It does not relate to the October 2002 congressional debate and authorization, pursuant to Section 5(b) of the War Powers Resolution.

### **Conclusion and Summary of Empirical Findings**

Detailed empirical investigation of all the cases presented in this chapter shows that since the inception of the War Powers Resolution a more assertive Congress has led

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<sup>1257</sup> For Somalia case duration of war was potentially a concerning factor if President Clinton would not have announced to pullout U.S. troops within a six-month deadline. For Haiti case the peace agreement forged by the delegation led by former President Jimmy Carter reduced the time duration of the intervention, which otherwise might have the potentiality to be a major concern. See the related discussions elsewhere in this chapter.

to its having a greater role in checking presidential war powers.<sup>1258</sup> Each military intervention accounted for sharing of power between Congress and the president in the decision-making process on the use of U.S. armed forces into hostilities in a foreign land.<sup>1259</sup> In turn, these interventions displayed “collective judgment” by Congress and the president prior to the deployment of U.S. troops into hostilities and military operations abroad.<sup>1260</sup>

From the analysis made in this chapter, we can see that greater involvement of Congress in the conduct of war led to scaling down the duration and scope of military interventions such as in the cases of Somalia (1992-94), Haiti (1993-95), and Libya (1986). For the case of Lebanon-MNF (1982-84), a classic example when the War Powers Resolution was formally invoked, greater involvement of Congress in the decision-making process compelled President Reagan to make compromises and concede to the constitutional provisions of the Resolution, especially with regard to Section 5(b). In the Grenada (1983) situation, congressional influence was felt in the executive branch when the president declared on his own that the intervention would be completed before the expiry of 60 days, as required by Section 4(a)(1) of the War Powers Resolution. Libya (1986) also shows similar war dynamics when the intervention was confined to only two events of U.S. bombings. In other cases like Bosnia-Herzegovina (1992-95) and Kosovo (1999) a larger discretionary role by Capitol Hill in war-making process restricted President Clinton to military airstrikes only and later peacekeeping mission as

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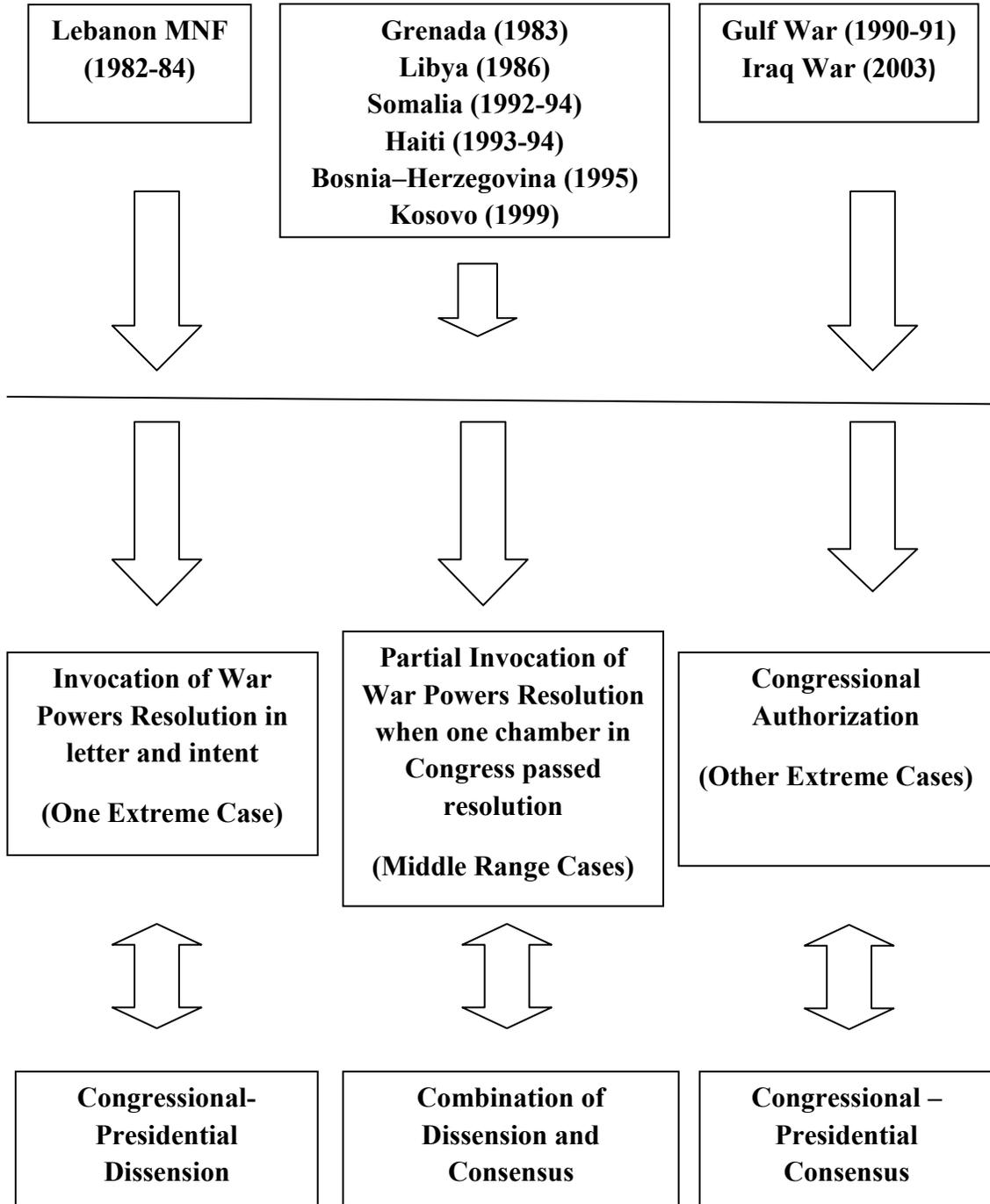
<sup>1258</sup> Meernik, James. 1995.

<sup>1259</sup> Congressional Research Service, Report Number RL33532. “*The War Powers Resolution: Presidential Compliance.*” 2007.

<sup>1260</sup> Fisher, Louis. 1995.

part of NATO-led operations respectively. Finally in the cases of Iraq I (Persian Gulf War – 1990-91) and Iraq II (2003) interventions, Presidents George H. W. Bush and George W. Bush respectively put U.S. armed forces into full-scale military action only after getting authorization from Capitol Hill, as required by the War Powers Resolution. On the whole empirical investigation of all the case studies clearly reflects the notion that the War Powers Resolution has played a significant role in portraying a trajectory of *continuum of consensus and dissension legislative-executive relations* in war powers, as shown in the “Consensus-Dissension Continuum Chart” (Figure 5.1).

Figure 5.1: War Powers Resolution: Consensus-Dissension Continuum Chart



The extreme ends of the continuum bar in Figure 5.1 represent dissension case study (Lebanon-MNF) and consensus case studies (Iraq I and II). The central portion of the continuum bar represents the so-called middle range cases that represent flickers of consensus and dissension. In such cases at least one branch of Congress initiated legislative action to invoke the War Powers Resolution. The related case studies are Grenada, Bosnia-Herzegovina, Kosovo, Libya, Somalia and Haiti. Empirical findings on war powers case studies corroborate to the Consensus-Dissension Continuum Chart presented in Figure 5.1. In each case study of military interventions there were critical moments in the decision-making process that shaped future course of political process and ultimately influenced final outcome. Nonetheless, each case study is unique in the analysis of operationalization of the variables.

During Lebanon-MNF intervention presence of divided government resulted in legislative-executive dissension and Congress invoked the War Powers Resolution. Partisan animosity and ideological differences were at the highest level and had significant effect on dissension. Electoral imperatives for reelection motivated opposition lawmakers in Congress to challenge President Reagan's Lebanon policy and exacerbate legislative-executive dissension. Divided public opinion all through the Lebanon intervention kept the Capitol and White House on collision course. In early January 1984 with drastic fall in public opinion congressional-presidential dissension worsened and troops were pulled out almost immediately thereafter. While media coverage was more sympathetic to congressional opposition for prolonged military intervention in Lebanon it was equally critical of the administration's extensive plans. Such media dynamics further intensified legislative-executive dissension. Prolonged duration of the war coupled with

deteriorating ground conditions also aggravated legislative-executive dissension. Lebanon-MNF intervention represents the dissension case in this study.

For each of the two consensus case studies (Iraq I & II) even with the presence of divided government in Washington legislative-executive consensus was reached on the issue of military intervention. In the Iraq I case study there was broad bipartisan support and ideological intersection leading to legislative-executive consensus despite split party control on Capitol Hill. In Iraq II case study there was intra-party split inside the Democratic Party, especially in the House of Representatives, and that was well exploited by the Bush 43 administration to reach a rare viable congressional-presidential consensus. For both Iraq I and II interventions electoral imperatives for the ensuing congressional elections coupled with favorable public opinion for military action resulted in forging viable legislative-executive consensus despite the presence of divided government. Opposition members of Congress were more cooperative in finding common ground with regard to military action. Extensive media coverage supportive of military intervention mobilized public support and influenced congressional leaders on both sides of the aisle to authorize military action.

With regard to the middle-range case studies where at least one branch of Congress contemplated legislative action to invoke the War Powers Resolution variations in decision outcome reflect flickers of consensus and dissension in the decision-making process. Consensus–Dissension Continuum Chart (Figure 5.1) identifies such cases as middle range cases. Each case study in this group too demonstrates critical moments representing variations in outcome at different stages of the decision-making process as part of shaping the final process outcome. Empirical findings on operationalization of

variables for all the related case studies - Grenada, Bosnia-Herzegovina, Kosovo, Libya, Somalia and Haiti – demonstrate that final decision outcome in general was significantly influenced by independent variables like divided/unified government, partisanship, ideology, electoral imperatives, public opinion, media, and duration of war. Summary of empirical findings is presented in Table 5.1.

Table 5.1: Summary of Empirical Findings for Middle-Range Case Studies

Hypotheses ↓	Grenada (DG)	Bosnia- Herzegovina (D/U/D G)	Kosovo (DG)	Libya (DG)	Somalia (UG)	Haiti (UG)
Divided/ Unified Gov.	√	√	√	√	√	√
Ideology- Partisan	√	√	√	√	√	√
Electoral Imperatives	Not Applicable	√	Not Significant	Not Applicable	Not significant	√
Public Opinion	x	√	√	√	√	√
Opposition Members of Congress	√	√	√	√	√	√
Media Coverage	√	√	√	x	√	x
Duration of War	Not Applicable	x	√	Not significant	√	x

Finally like many other laws, the War Powers Resolution (P.L. 93-148) is also not perfect. There are areas especially with regard to consulting, reporting and authorization requirements, pursuant to Sections 3, 4, and 5 respectively, where legislative improvements can and should be made in order to make the executive branch more accountable to the legislative branch. Also it is absolutely important to enforce the War Powers Resolution in letter and intent in order to ensure that constitutional balance of

power is maintained. A set of recommendations regarding such improvements are presented in chapter VI.

## CHAPTER VI

### CONCLUSION: CONTINUUM OF LEGISLATIVE-EXECUTIVE CONSENSUS AND DISSENSION IN U.S. FOREIGN POLICY -- AN IRREVERSIBLE TREND

#### Contemporary Political Reality – An Overview

During the last four decades, U.S. foreign policy has played a dominant role in the U.S. political landscape. This has also been a period when a resurgent Congress increasingly displayed greater assertiveness and acted as a consequential player in the making of foreign policy.<sup>1261</sup> The passage of the War Powers Resolution in 1973 by Congress, overriding a presidential veto, was a pivotal moment that permanently transformed the future road map of congressional-presidential relations. Since then, the U.S. political system has been relentlessly experiencing an institutional power struggle in the foreign policy domain, thereby establishing a *continuum of legislative-executive consensus and dissension*. Moreover, in the recent period, the foreign policy arena in particular has become highly contentious, having far-reaching ramifications on congressional-presidential relations. In this dissertation, an attempt has been made to illustrate the contours of the institutional relationship between Congress and the president in two high-profile foreign-policy issue areas: (1) Treaty consent and ratification; and (2) The War Powers Resolution and U.S. military interventions. The period of study is 1970-2010. This period represents a tumultuous era in world politics, characterized by a transition from Cold War to post-Cold War dynamics.

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<sup>1261</sup> Sundquist, James L. 1981.

Empirical investigation in this study identifies a distinct trajectory of the *continuum of legislative-executive consensus and dissension* in the decision-making process. Findings confirm that greater congressional activism during the period 1970 – 2010 significantly checked presidential freedom in determining foreign policy. Interbranch competition to dominate the political process often led to “an invitation to struggle” in foreign policymaking.<sup>1262</sup> Subsequent efforts from time to time to resolve such institutional conflict for the purpose of effective policymaking compelled Congress and the president to adopt “power sharing between separated institutions.”<sup>1263</sup> Empirical investigation also suggests that greater congressional involvement in foreign policymaking is an irreversible fact that the executive branch has come to terms with. While doing so congressional-presidential foreign policy prerogatives depend on how each branch perceives “legitimacy and competency of the other” based on constitutional principles.<sup>1264</sup> Because of the constitutional “ambiguities, omissions and overlapping grants of authority” that have generated the so-called “twilight zone” in foreign policy domain, especially with regard to deployment of troops, treaty ratification, and executive agreements among others, both the legislative and executive branches have often been in conflict with each other to dominate the political process.<sup>1265</sup> That said, this study shows that during the time period of 1970-2010, a greater frequency in the formation of divided government and higher levels of polarized politics has enhanced the propensity of

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<sup>1262</sup> Corwin, Edward S. 1957.

<sup>1263</sup> Neustadt, Richard E. 1990.

<sup>1264</sup> Jones, Charles O. 1999.

<sup>1265</sup> Mann, Thomas E. 1990, p.5.

legislative-executive struggle. Other major factors, such as public opinion, electoral imperatives, and media salience, further complicate the foreign policy process. Interactions between a resurgent Congress and a unitary president under the prevailing conditions have become more contentious. The act of balancing institutional powers amidst constant legislative-executive competition has become an increasingly difficult task to accomplish. Such a complex institutional dynamic in turn is responsible for the trajectory of the *continuum of legislative-executive consensus and dissension*. This dissertation investigates the nature of legislative-executive consensus/dissension dynamics in contemporary foreign policymaking.

### **Institutional Struggle for Constitutional Balance of Power**

The U.S. constitutional framework of “separation of powers,” with checks and balances between coequal branches, is designed to make policymaking a complex exercise.<sup>1266</sup> The system is intended to make the legislative and executive branches fully engaged in policy decisions, while it prevents one branch from dominating the other in making strategic political decisions. Debates surrounding the Constitutional Convention in Philadelphia make it pretty clear that foreign policy had a special position in the mind of the Framers, who in turn “intended to create two vigorous, active and combative branches [Congress and the president] with significant overlapping roles in foreign policy.”<sup>1267</sup> Therefore, it can be argued that the way the blueprint of constitutional framework was designed more than 200 years ago deliberately facilitates interbranch competition in the foreign policy process. The implications of such a constitutional

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<sup>1266</sup> Weaver, R. Kent and Bert A. Rockman, 1993.

<sup>1267</sup> Mann, Thomas E. 1990, p.5.

construct were never observed as vividly as they have been in recent times. In the wake of the Vietnam War and the Watergate burglary, Congress in 1973 adopted the War Powers Resolution, ushering in a new era of institutional contests in the U.S. political system.<sup>1268</sup> Since then, a resurgent Congress started to assert a greater and more consequential role in foreign policymaking, vis-à-vis an invigorated president. As a result, for the most part during the last four decades, the two branches have been in an intense power struggle, especially in the foreign policy process.

The increasingly adversarial relationship between Congress and the president since the early 1970s has once again brought the balance of power debate onto the center stage of U.S. political dialogue. Empirical evidence in this dissertation supports heightened levels of legislative-executive competition, with each branch trying to dominate the decision-making process in high-profile issue areas such as treaty consent and war powers. Observations made here also suggest that repercussions of interbranch struggle, arising out of the current political environment of frequently divided government and heightened polarized politics have enhanced the opportunity for effective partnership and bargaining between Capitol Hill and the White House. However, increasingly it appears that under the prevailing context of an institutional balance of power, the principle of “separation of powers” often creates great political constraints and obstacles which in turn have become untenable for effective foreign policymaking. As a result, it is important to revisit the efficacy of the constitutional principle of “separation of powers” in the contemporary political scenario. Is it still working as originally

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<sup>1268</sup> Sundquist, James L. 1981; Lindsay, James and Randall Ripley 1993; Meernik, James 1993; Lindsay, James 1994.

intended, or does it need reinterpretation in proper perspective to fit the requirements of the current political scenario? Such a theoretical premise allows for making a just and logical interpretation of the concept of “separation of powers,” in terms of a more powerful and appropriate concept of “sharing of powers between separated institutions.”<sup>1269</sup> Because there is no clear winner in interbranch competition under the current political environment, there is also no substitute for the “power sharing” premise, especially when there are constitutional ambiguities in the foreign policy sphere. The consequence of “sharing of power between separated institutions” under a mutually intertwined institutional framework has in turn firmly established the trajectory of the *continuum of legislative-executive consensus and dissension* in modern times in the U.S. foreign policy process.<sup>1270</sup> Empirical observations from the two high-profile foreign-policy issue areas of treaty powers and war powers are consistent with such a theoretical foundation.

### **Reflections from Empirical Investigation - Major Considerations**

**Institutional Politics:**<sup>1271</sup> In this study, evidence demonstrates that institutions (Congress and the presidency) act as primary driving agents in the foreign policy process. While doing so, institutional dynamics are affected by the political composition across Pennsylvania Avenue. Empirical investigation shows that legislative-executive interactions and partisan/ideological composition are inextricably blended in the making of contemporary foreign policy. This is all the more significant for the two high-profile

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<sup>1269</sup> Neustadt, Richard E. 1990.

<sup>1270</sup> See Appendix A.

<sup>1271</sup> Institutional politics in this section includes: Government typology (divided and/or unified government); Legislative-executive political composition (partisan-ideological dimensions); Members of Congress; and Extensiveness of Congressional deliberations.

foreign-policy issue areas considered in this dissertation, because they necessarily require Congress and the president to work together and exercise joint institutional responsibilities. For the treaty consent process, the constitutional blueprint mandates a requirement for the United States Senate’s “advice and consent” by a two-thirds majority of all senators present and voting before proposed international treaties can be ratified and enter into force.<sup>1272</sup> For the war powers issue area, the War Powers Resolution (P.L. 93-148) requires “collective judgment” by Congress and the president prior to the deployment of U.S. troops into hostilities and military operations abroad.<sup>1273</sup> The principle of “collective judgment” is ensured by consultation and reporting by the president to Capitol Hill and authorization or denial by Congress regarding use of military force.<sup>1274</sup>

Findings from this study demonstrate that the presence of divided and/or unified government influences the dynamics of legislative-executive interactions in diverse manners. When divided government is formed, the normal expectation is legislative-executive dissension. Similarly, we expect consensus in the presence of unified government. Evidence from chapters IV and V supports such claim in general. However, there are outstanding cases in the treaty process, such as SALT II and INF, and in war powers decisions, such as Iraq Intervention I & II, when consensus/dissension outcomes are seen to be different from what is generally expected in the government typology hypothesis. Empirical investigation to a large extent attributes such outcome variations to

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<sup>1272</sup> U.S. Constitution Article II, section 2.

<sup>1273</sup> Fisher, Louis. 1995; Auerswald, David P, and Peter F. Cowhey. 1997.

<sup>1274</sup> Section 3, Section 4, and Section of the War Powers Resolution (P.L. 93-148).

the partisan and ideological dimensions within the existing political composition/arrangement at the institutional level. Moreover, partisan-ideological divisions of pivotal lawmakers on Capitol Hill are especially significant in determining variations in outcome. In the wake of the Vietnam and Watergate backlash, individual members of Congress have become more proactive political entrepreneurs who are committed to participate in foreign policymaking. While doing so, Congressional lawmakers advance their political interests, which more often than not are in conflict with the president.<sup>1275</sup> The implications from lawmakers' active participation are seen in the form of legislative-executive consensus/dissension in the policy process. Observations from the case analyses also reveal the critical significance of intraparty cleavages that often create disruptions at various stages of the decision-making process. In the treaty politics issue area, cases such as SALT II (intra-Democratic Party cleavage in Democrat-controlled unified government), INF (bipartisan consensus in divided government), NAFTA (intraparty and interparty consensus/dissension and unusual coalition in unified government), and CTBT (interparty dissension in divided government) provide us with ample reflections of institutional dynamics on policy outcome. In war powers, cases like Lebanon-MNF (interparty dissension and intra-Democratic party cleavage until Beirut bombing episode in divided government), Grenada (interparty dissension and intra-Democratic party rift in divided government), Bosnia-Herzegovina (interparty dissension in divided government), Kosovo (interparty dissension in divided government), Somalia (interparty dissension/consensus and divided government), Haiti (interparty dissension in divided government), Iraq I (bipartisan consensus in divided government) and Iraq II

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<sup>1275</sup> Mann, Thomas E. 1990.

(bipartisan consensus and inter-Democratic party cleavage in divided government) come to mind while illustrating reflections of the role of institutions. Moreover, evidence demonstrates that Grenada, Bosnia-Herzegovina, Kosovo, Somalia, and Haiti are those war power cases when there were flickers of legislative-executive consensus and dissension in the decision-making process. Observations also reveal that the nature and extensiveness of congressional deliberations are crucial in determining legislative-executive consensus/dissension. The more extensive the debate, the more there is a propensity to make compromises. In this context, NAFTA and CTBT are important contrasting cases.<sup>1276</sup>

Reflections from cases across the two issue areas assert that in an era of congressional resurgence, the institutional political dynamic, as affected by partisan-ideological dimensions, constitutes the basic underpinning in the determination of foreign-policy outcomes. Empirical investigation also shows that at various stages in the decision-making process, there are turning-point moments that define institutional action, which in turn shapes the course of the political process. In the ultimate analysis, contemporary foreign policymaking represents institutional competition for exercising constitutional prerogatives in a manner that is consistent with the theoretical framework of the *continuum of legislative-executive consensus and dissension*.

**Public Opinion:** Findings from this study show that public opinion is another major factor influencing the foreign policy process. Cases from each of the issue areas reflect plenty of evidence supporting the role of public opinion in determining not only

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<sup>1276</sup> In NAFTA case extensive debate in Congress played crucial role in making compromises among diverse factions of the Democratic and Republican Party thereby helping to forge unusual bipartisan coalition. For CTBT inadequate debate in Congress widened the partisan divisions and deprived the chances of any kind of compromises.

the president's policy position, but also that of pivotal congressional leaders. Evidence demonstrates that changes in public opinion from time to time determine the various turning-point moments in a long-drawn-out and complicated process in determining policy outcome. This in turn influenced the dynamics of congressional-presidential politics.

For the treaty process issue area, public opinion plays a significant role in determining policy outcome. In SALT II, we see that decline in favorable public opinion throughout the course of the decision-making process ultimately led to the treaty's demise in the Senate. In contrast, for the INF treaty case, public opinion was highly in favor of the treaty throughout the political process. Also, the favorable approval rating of President Ronald Reagan helped in forging rare bipartisan support in the Senate, despite the presence of divided government. In the NAFTA case, public opinion was divided, and that further complicated congressional deliberations. It also made the trade policy highly contentious in terms of legislative-executive interactions. In the end, a narrow edge in favorability of public opinion, along with regional electoral imperatives, helped in forging a nonconventional bipartisan coalition, thereby getting congressional approval. In the CTBT case, evidence shows that public opinion gave incentive to Democratic and GOP members in diverse manners, leading to legislative-executive dissension and the Senate's rejection of the treaty.

For the war powers issue area, public opinion played a critical role across the board. In the Lebanon-MNF case, for most of the time during the course of military intervention, public opinion was divided. While the Reagan administration had a slender edge in favorable public opinion, in liberal states, opinion was highly against military

action. Divided public opinion led to persistent legislative-executive dissension in a divided government setting. In January 1984, with the situation on the ground fast deteriorating, public opinion slipped away from the Reagan administration. In the wake of a drastic reversal in public opinion and a demand for immediate troop withdrawal, congressional-presidential dissension intensified. Ultimately Congress invoked the War Powers Resolution. For the Bosnia-Herzegovina case, evidence shows that public opinion was against the Clinton administration's intention to deploy troops for most of the political process. This resulted in strong opposition from Congress on use of force, resulting in denial of congressional authorization for troop deployment. In the end, in the wake of a humanitarian crisis in the region and the successful Dayton peace negotiations, public opinion reversed course and became favorable for U.S. troop deployment, as part of a NATO-led coalition force. It was then only that the Clinton administration got authorization from Capitol Hill for military intervention. Thus, the Bosnia-Herzegovina case clearly shows the role played by public opinion in legislative-executive consensus/dissension. For the Somalia case, public opinion initially played a prominent role in favor of military intervention. However, after October 1993, when 18 U.S. troops were killed, public support for military action declined. This led to strong congressional opposition that forced the Clinton administration to pull out troops in a six-month period. Here too, public opinion influenced the trajectory of legislative-executive consensus/dissension. Kosovo is another case when public opinion was a major factor. During the initial half of the 78-day U.S. airstrikes on Serbia, public opinion was in favor of such military exercises. This resulted in legislative-executive consensus. However, in the second half of the airstrike campaign, public support declined, leading to Congress

denying authorizing troop deployment and resultant legislative-executive dissension.<sup>1277</sup> In the Libya case, favorable public opinion gave an upper edge to the Reagan administration in conducting bombing operations on Libyan military targets. Finally, Iraq I & II are cases when public opinion in favor of military intervention ultimately led to legislative-executive consensus on use of force. In general, empirical investigation of the cases across the two issue areas demonstrates that ups and downs in public opinion at various stages of the decision-making process generated turning-point moments in a manner that conforms to the *continuum of legislative-executive consensus and dissension*.

**Electoral Imperatives:** These are political contingencies faced by congressional lawmakers and first-term presidents to get reelected in the ensuing election cycles. Empirical investigation demonstrates that congressional deliberations and subsequent legislative-executive interactions are affected by the prospects of future election cycles, midterm as well as presidential. As a result, electoral imperatives significantly affect politicians' position-taking, which in turn has a spiral effect on the overall policy decision-making process. SALT II, INF, and NAFTA are prominent cases in treaty process. In SALT II, the sudden attack of Afghanistan by the Soviet Union was the escalatory factor for lawmakers from the two parties to unanimously disagree with the Carter administration's treaty endeavor, because of the possible dire consequences in the ensuing fall 1980 election cycle. In the INF case, the high approval rating of President Reagan and confidence of the people on a conservative president's foreign policy initiative against the Soviet Union gave the GOP lawmakers in general and many

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<sup>1277</sup> See Appendix K.

Democrats incentive to support the treaty, keeping in mind the possible electoral benefits in the ensuing fall 1988 election cycle by supporting a popular president. For the NAFTA case, the intraparty split inside the Democratic Party and the resultant unconventional bipartisan consensus were largely affected by the constituent pressure arising out of the ensuing fall 1994 election cycle imperatives. Much like treaty cases, the war powers cases of Lebanon-MNF, Bosnia-Herzegovina, Somalia, Haiti, Iraq I & II are prominent ones that support the influence of electoral imperatives on policy outcome. In the Lebanon-MNF case, evidence shows that the Reagan administration's efforts toward speedy withdrawal of U.S. troops deployed in Beirut after Congress invoked the War Powers Resolution was largely influenced by the possible political cost that the Republican Party might have paid in the ensuing fall 1984 presidential election cycle. In the case of Bosnia-Herzegovina, observations made in this study show that for most of the political process, electoral imperatives arising out of the fall 1994 presidential election cycle kept President Bill Clinton from ground deployment of troops in the region. In the Somalia case, strong congressional pressure for speedy withdrawal of U.S. troops after 18 soldiers were killed led President Clinton to troop withdrawal in six months. While doing so, lawmakers from both parties in Congress, as well as Clinton, were mindful of the electoral imperatives in the ensuing fall 1994 presidential election cycle. In a related vein, empirical investigation reveals that during the Iraq II case, the Bush (43) administration was able to get adequate support from the Democratic Party because of the intraparty split among House Democrats, largely because of the electoral imperatives arising out of the ensuing fall 2002 midterm elections. Observations from other cases also reveal that electoral imperatives influenced the political process in a

manner that conforms to the theoretical framework of the *continuum of legislative-executive consensus and dissension*.

**Media Salience:** Empirical investigation for treaty process and war powers cases overwhelmingly demonstrates the influence of media on legislative-executive consensus/dissension in foreign policymaking. Findings show that media attention and news coverage affected public opinion and influenced political action in Washington.<sup>1278</sup> For the war powers cases, such as Bosnia-Herzegovina, Kosovo, and Somalia, evidence shows that in addition to print coverage by the *New York Times* and *Washington Post*, television images of grave humanitarian crises and atrocities in the region were crucial in generating favorable public opinion toward military intervention (airstrikes and/or ground deployment of troops). Media put considerable pressure on Capitol Hill and the White House to take military action. In the Kosovo case, we see that media coverage framed U.S. military intervention, particularly in the form of air campaigns, as a highly necessary operation in order to maintain security and provide humanitarian aid to Kosovo Albanians, who were subjected to brutal ethnic cleansing initiated by the Serbs.<sup>1279</sup> In the Somalia intervention after the U.S. troops were killed in October 1993, media not only presented graphic images of soldier casualties but also extensively reflected strong congressional opposition in print and electronic coverage. Such media attention was effective in forcing President Clinton to make changes in his military strategy and eventual early withdrawal of U.S. troops in just six months. In the Lebanon-MNF situation, empirical investigation shows that media coverage was generally more

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<sup>1278</sup> Bennett, Lance W. in ed. David A. Deese, 1994.

<sup>1279</sup> Yang, Jin. 2003.

sympathetic toward congressional opposition of Reagan's military intervention and less favorable to the administration. In the wake of the terrorist attack on U.S. Marines in Beirut, media coverage became more critical of the administration's military policy and generally supported strong action by Congress to check presidential power. Moreover, television reporting straight from the war zone described the difficulties that U.S. soldiers were facing on the ground. Such media coverage greatly influenced Congress to invoke the War Powers Resolution and force President Reagan to pull out troops long before the authorized withdrawal deadline. For the Iraq I case, findings show that media coverage virtually built a case for an urgent need for international [military] intervention against Iraq and was able to garner widespread public support in favor of military intervention. Such media coverage helped forge legislative-executive consensus on military intervention, despite the presence of divided government. In the Iraq II case, evidence shows that during the run-up to the congressional authorization for use of force, the general tone of media coverage was sympathetic to the cause of dispelling the imminent threat perceived from Saddam Hussein. In the Grenada case despite prohibition of media coverage by the Reagan administration in the initial days of the mission, sheer media power and critical coverage spurred strong congressional opposition. Media was a critical factor in forcing President Reagan to end military action in Grenada in less than 60 days, in compliance with the War Powers Resolution. Other case studies in the war powers issue area also provide explicit evidence of media power in influencing legislative-executive politics regarding military intervention.

In treaty process, all case studies illustrate the crucial role of media salience on legislative-executive consensus/dissension. In the SALT II case, members of Congress

strategically used media and news conferences against the weak media strategy of the Carter administration. Moreover, media attention was prominent during the Iranian hostage crisis and the Soviet invasion of Afghanistan, and that in turn hurt the administration's credibility on SALT II. To a great extent, the skeptical tone in media coverage about the treaty was responsible for legislative-executive dissension and the eventual demise of SALT II in a unified government setting. However, in the INF treaty case, we see the opposite dynamic, when press coverage was generally supportive of the pro-arms-control agenda that the Reagan administration was pursuing. From the findings, it is clear that media by and large did not dispute the position of a hardline conservative president while dealing with the Soviet Union during the height of the Cold War. Positive media coverage was an important factor in forging a rare legislative-executive consensus in a divided government setting. In the NAFTA case, empirical investigation shows that the general positive tone and high level of media coverage influenced the congressional approval process.<sup>1280</sup> Media acted as an important enabling factor for members of Congress and the president to seek common ground and forge nonconventional bipartisan consensus, despite internal dissension within the Democratic Party. In the CTBT case, the mainstream media's campaign in support of the treaty prompted action from Senate Majority Leader Trent Lott (R-MS) for an early vote on the Senate floor. However, such action proved to be a double-edged sword which hardly pleased CTBT supporters (Senate Democrats), while it simultaneously satisfied treaty opponents (mainly the Republican base). This was followed by a poor media strategy by the Clinton administration, as

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<sup>1280</sup> Positive tone in media coverage was a major factor for proponents of NAFTA to generate favorable public opinion. In contrast, NAFTA opponents, primarily constituting the dissenting faction within the Democratic Party, organized labor, and the powerful environmental community had difficulty in convincing the frontline media about the negative effects of the trade agreement.

compared to GOP lawmakers. Thus, interestingly for the CTBT case, media attention backfired for the Democrats and proved to create greater partisan conflict between the Republican-controlled Senate and the Clinton White House. The outcome was legislative-executive dissension and the Senate's rejection of CTBT. Overall reflections from empirical investigation on media salience highlight its role on variations in policy outcome and portraying a trajectory of the *continuum of legislative-executive consensus and dissension*.

### **Treaty Consent and Ratification Process – Evidence and Implications**

U.S. constitutional framework of fragmentation of power has major implications on the treaty consent and ratification process, in terms of legislative-executive competition over the last four decades. The political process of treaty consent and ratification focuses into the core constitutional principle, addressing effective balance in the interaction between Congress and the president within the broader context of institutional checks and balances. The provisions of Article II, Section 2 that require all treaties to receive Senate “advice and consent” from a two-thirds majority of all senators present and voting make treaty process a joint institutional responsibility between Congress and the president.<sup>1281</sup> This in turn clarifies that the intent of the U.S. Constitution is to make treaty consent process a “strategic” foreign policy issue, where power is shared between the legislative and executive branches.<sup>1282</sup> In essence, the purpose of the two-thirds majority to get Senate consent is to make sure that treaties reflect national consensus because of their profound ramifications on the international

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<sup>1281</sup> Fisher, Louis 1989; Auerswald, David P. 2010.

<sup>1282</sup> Lindsay, James. 1994.

arena.<sup>1283</sup> In the current political environment, characterized primarily by divided government and polarized politics, such constitutional requirements have made the treaty consent process all the more contentious between Capitol Hill and the White House. Observations made from the cases investigated in this study support this assertion.

Evidence demonstrates that in a system of shared power, the Senate has been highly assertive in influencing foreign policy and in turn not allowing the president “to unilaterally usurp its advice role.”<sup>1284</sup> In reality, the Senate actively uses the “advice and consent” process to intervene and make changes in foreign policymaking.<sup>1285</sup> For example, in the SALT II and INF treaties, the Senate restrained the president in the “advice and consent” process by imposing amendments, reservations, understandings, and policy declarations to the treaty’s document of ratification.<sup>1286</sup> Once treaty modifications were inserted by the Senate as part of advice, it became very difficult for the president to reject them.<sup>1287</sup> Here it is important to notice that during the INF treaty approval process, the Democrat-controlled Senate and the Reagan White House were in contradiction on the aspect of treaty interpretation and common understanding. The criterion of “common understanding” was a powerful tool in the hand of the Senate to assert its role in the overall treaty consent process. This amendment was also intended to prevent Reagan from reinterpreting the treaty in a way that might have distorted its

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<sup>1283</sup> U.S. Senate website. Available at <http://www.senate.gov/artandhistory/history/common/briefing/Treaties.htm>

<sup>1284</sup> Krutz, Glen, and Jeffrey Peake, 2009, p. 32.

<sup>1285</sup> Auerswald, David P., and Forrest Maltzman, 2003.

<sup>1286</sup> Auerswald, David P. 2006.

<sup>1287</sup> Auerswald, David P. 2003.

essential provisions and destroyed the “mutuality of obligations” aspect in international agreements.<sup>1288</sup> For the CTBT case, implications of divided government and partisan divisions are observed when the Republican-controlled Senate delayed the consideration of the treaty. Thereafter, inadequate congressional debate and a unanimous consent agreement (UCA) proposal further complicated the decision-making process. NAFTA is a classic case of a congressional-presidential trade agreement in which intraparty dissension and interparty collaboration occurred simultaneously in order to garner unconventional bipartisan consensus, amidst constant opposition from prominent Democratic House leaders.<sup>1289</sup> President Clinton had to lobby members of Congress of both parties in order to generate bipartisan consensus, amidst widespread dissension inside the Democratic Party.<sup>1290</sup>

Findings from Chapter IV demonstrate that the treaty consent process is complex and often produces mixed results in terms of treaty policy outcome. The four case studies analyzed here bear such characterization under the conditions of unified and divided government situations. For the SALT II and NAFTA cases, there was the presence of unified government with a Democratic Congress and White House. SALT II failed to get ratified because of legislative-executive dissension. In contrast, NAFTA was successful in obtaining congressional approval and represented a classic case of legislative-executive consensus. For the INF treaty, there was divided government present, with a Democrat-controlled Senate and a Republican White House. INF was eventually

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<sup>1288</sup> Auerswald, David P. 2003. p.198.

<sup>1289</sup> Trade agreements require simple majority approval from the U.S. Senate and House of Representatives.

<sup>1290</sup> Hypotheses 1 and 2 in NAFTA case study.

successful in obtaining Senate consent because of legislative-executive consensus. In the CTBT case, there was the presence of divided government with a Republican-controlled Senate and a Democratic White House. In contrast to the successful outcome during the INF treaty process, CTBT was rejected by the Senate and in turn represented legislative-executive dissension. Variations in treaty process outcome observed in this study reflect a trajectory of the *continuum of legislative-executive consensus and dissension*.

Importantly, empirical observations in this study indicate something very unique that makes treaty politics different from other foreign policy issues. The distinctive nature of the treaty process lies in the constitutional requirement of Senate “advice and consent” and the subsequent two-thirds majority support necessary for approval. No other foreign policy issue area has such strict requirements. The provisions for treaty consent necessarily require the legislative and executive branches to work as “tandem institutions.”<sup>1291</sup> Evidence shows that obtaining the mandated two-thirds majority support in the Senate has proved to be an uphill task for the president. As a consequence, the treaty consent process has become highly contentious over the years. In the present-day political environment, Congress uses the “advice and consent” prerogative to actively intervene in foreign policymaking and significantly alter presidential endeavors. Findings in this study indicate that under conditions of divided government and heightened polarization of politics, congressional-presidential interfaces more often turn out to be confrontational, where each branch tries to exercise respective constitutional prerogatives. Because of far-reaching implications of treaty commitments in the international domain, coupled with the strict constitutional provisions at the interbranch

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<sup>1291</sup> Peterson, Mark. 1990.

level, over the years the treaty consent process has become all the more contentious. Evidence from the case studies demonstrate that congressional-presidential confrontation takes place in similar intensity for both arms control and trade issues which are considered to be “high politics”<sup>1292</sup> foreign policy matters. It is equally difficult to garner two-thirds majority support in the Senate for the passage of arms control treaties such as SALT II, INF, and CTBT as it is to generate a majority in each house of Congress for approval of important trade agreements such as NAFTA. For arms control treaties in general, deep concerns about national security dominate the political process and complicate the prospects of obtaining two-thirds majority support in the Senate. For trade-related agreements in general, ramifications on domestic economy and employment opportunities dominate the political process and complicate the prospects of getting majority support in Congress. On the whole, the four case studies, belonging to diverse administrations and issue types, illustrate the general framework of the political process that influences the dynamics of congressional-presidential entanglements with regard to international treaties and agreements. Evidence from the case studies reveals that at various stages of the political process, regardless of issue types, there are turning-point moments that define the fundamental logic of subsequent action and determine the fate of the treaty/agreement. Variations in treaty policy outcome in turn reflect a trajectory of the *continuum of legislative-executive consensus and dissension*.

### **War Powers Resolution and U.S. Military Interventions**

Congress enacted the War Powers Resolution (PL 93-148) in 1973 by overriding a presidential veto. The resolution is regarded as a major foreign policy intervention

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<sup>1292</sup> Krutz, Glen, and Jeffrey Peake, 2009.

which has profound implications on the legislative-executive balance of power in the conduct of war. It is intended to “rein in a presidency run amok and to reassert congressional prerogatives over foreign policy making.”<sup>1293</sup> The War Powers Resolution empowered Congress in the area of foreign policymaking by breaking the tradition of legislative-executive consensus in the 1950s and 1960s.<sup>1294</sup> The resolution directs the president to consult with, report to, and seek authorization from Congress for military interventions into hostilities abroad.<sup>1295</sup> Clearly the purpose of the War Powers Resolution is to ensure sharing of power between Congress and the president in decision-making on the use of force in a foreign land.<sup>1296</sup> In essence, the constitutional statute calls for “collective judgment” by Capitol Hill and the White House prior to the deployment of U.S. troops into hostilities and military operations abroad.<sup>1297</sup> In turn it has established “parameters for desired presidential behavior and subsequent congressional [retaliatory] action. With a few exceptions, presidents have significantly limited the duration of foreign interventions to conform to the limits set forth in the Act.”<sup>1298</sup> This dissertation illustrates the dynamics of congressional-presidential relations for nine different U.S. military interventions, when Congress took significant legislative actions in order to invoke the War Powers Resolution. These case studies portray a trajectory of the

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<sup>1293</sup> Howell, William G., and Jon C. Pevehouse, 2007, p. 4.

<sup>1294</sup> Sinclair, Barbara in eds Randall Ripley, and James Lindsay, 1993.

<sup>1295</sup> Section 3, Section 4 (a) (1), and Section 5 (b) of the War Powers Resolution (P.L. 93-148).

<sup>1296</sup> Congressional Research Service, Report Number RL33532. 2007. “*War Powers Resolution: Presidential Compliance.*” 2007.

<sup>1297</sup> Fisher, Louis. 1995.

<sup>1298</sup> Auerswald, David P., and Peter F. Cowhey, 1997, p. 506.

*continuum of consensus and dissension legislative-executive relations* in war powers, as shown in the “Consensus-Dissension Continuum Chart” (Figure 5.1). Evidence from all the case studies presented in Chapter V shows that because of the War Powers Resolution, Congress is more assertive in checking presidential war powers.<sup>1299</sup> The case studies demonstrate that the resolution has strongly emboldened Congress to actively engage in the conduct of war. Findings indicate that Congress affects and alters the president’s military plans with regard to the nature of military interventions (Lebanon-MNF, Bosnia-Herzegovina, Kosovo), and timing of troop deployment (Bosnia-Herzegovina, Kosovo, Somalia, and Haiti interventions). Capitol Hill also actively engages in determining the scope and duration of military ventures abroad.<sup>1300</sup> Prominent examples for this are Lebanon-MNF, Grenada, Libya, and Iraq Interventions I & II.

During the Lebanon-MNF intervention (1982-84), Capitol Hill altered the president’s original strategy and duration of the military mission. From the very beginning, Congress showed serious apprehensions about the military policy in Lebanon. When the situation on the ground deteriorated, congressional engagement increased exponentially and the War Powers Resolution was invoked. Such drastic action compelled President Reagan to make compromises and consult with Congress while conceding to the constitutional provisions of the War Powers Resolution, especially Section 5(b). In the wake of the Beirut bombing event, when 241 U.S. Marines were killed, Congress again actively intervened in altering the course of military engagement. Strong congressional pressure for immediate troop withdrawal forced Reagan to pull U.S.

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<sup>1299</sup> Meernik, James. 1995.

<sup>1300</sup> Howell, William G., and Jon C. Pevehouse, 2007.

troops out of Lebanon by the end of February 1984, which was long before the authorized deadline. Evidence demonstrates that Grenada (1983), Bosnia-Herzegovina (1992-95), Somalia (1992-94), Haiti (1993-95), and Kosovo (1999) are other interventions when Congress weighed in to alter the president's original military strategy in terms of its timing, scope, and duration. For the Grenada situation, congressional pressure was felt by the Reagan administration from the inception of the intervention. Strong opposition from the House of Representatives forced the president to declare on his own that the intervention would be completed before the expiry of 60 days, as required by Section 4(a)(1) of the War Powers Resolution. The Bosnia-Herzegovina case study demonstrates that strong opposition from Capitol Hill regarding ground troop deployment forced President Clinton to conduct airstrikes only for years. Congressional opposition delayed ground troop deployment for almost three years. Also, the Bosnia-Herzegovina case study shows the influence of an assertive Congress in the form of the president consulting with congressional leaders from time to time and sharing information about the military mission. In the Kosovo situation, we again see the discretionary role of Capitol Hill, especially the House of Representatives, in determining the nature and scope of U.S. military action. Congressional engagement declined any ground troop deployment and constrained Clinton to conduct airstrikes only for 78 days (March 24, 1999 to June 10, 1999). During the Libya intervention, strong reaction from members of Congress restricted President Reagan to only two phases of U.S. bombings (March 24-25, 1986 and April 14, 1986), and the military mission was over long before the expiry of 60 days. The Somalia case study demonstrates how Congress influenced the timing and duration of military intervention. The outgoing President George Bush (41) deployed U.S. troops

(December 1992) only after obtaining authorization from Congress (August 1992). President Clinton continued with the military policy. Congressional assertiveness in the Somalia intervention is explicitly observed when after the October 1993 killing of U.S. soldiers, strong opposition from Capitol Hill forced Clinton to change his original military strategy and eventual withdrawal of troops within a period of six months (March 31, 1994). The Haiti situation reveals that strong opposition to and denial of authorization of the use of force by Capitol Hill forced the Clinton administration to delay U.S. troop deployment for almost a year until after the successful agreement that the Carter delegation was able to forge with the Haiti military leader Cedras. The Iraq intervention I (Persian Gulf War) and Iraq War II are two classic cases of legislative-executive consensus. Presidents George H. W. Bush and George W. Bush respectively engaged U.S. armed forces into full-scale military action only after getting authorization from Capitol Hill, as required by the War Powers Resolution.

Evidence from case studies demonstrates the profound implications of the War Powers Resolution on legislative-executive relations. What is indicative from empirical investigation is the significant enhancement of congressional involvement in determining the course of military interventions abroad. In contemporary U.S. foreign policy, Congress constantly monitors prospects of use of force in a foreign theater and actively influences the decision-making process. Because of the War Powers Resolution, legislative-executive entanglement on military action has become a normal expectation in the U.S. political system. The case studies reveal that Congress, empowered by the War Powers Resolution, actively intervenes in military decision-making and more often successfully frustrates the president's original strategy. Implications of congressional

engagement are often made explicit by the constraints that the executive branch faces, especially when Congress either blocks or alters the timing, scale, and duration of use of force.<sup>1301</sup> From the case study analyses we can interpret that because of the War Powers Resolution military decision-making has become increasingly contentious frequently resulting in congressional-presidential contestation. Efforts on the part of Capitol Hill and the White House to exercise their respective constitutional prerogatives on the conduct of war have displayed a trajectory of a *continuum of legislative-executive consensus and dissension*, as illustrated by the “Consensus-Dissension Continuum Chart” (Figure 5.1).

### **Recommendations for Foreign Policymaking**

**The War Powers Resolution:** Empirical analyses of the War Powers Resolution demonstrate that the Act has significantly influenced the conduct of war and restrained the presidential war powers. However, there are some deficiencies that need to be corrected in order strengthen the Act and streamline legislative-executive relations in foreign policy-making. Following are some recommendations that may be useful based on the evidence from the case study investigation:

**Enforcement:** It is highly recommended that the constitutional provisions of the War Powers Resolution are fully upheld and enforced unless they are duly revised or amended. Enforcement of the Resolution in its intent is expected to reduce legislative-executive competition as evident.

**Consultation:** The consultation provision, pursuant to Section 3 of the War Powers Resolution, may be revamped and made statutorily binding for the president to initiate consultation no less than fifteen days prior to any possible military intervention.

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<sup>1301</sup> Kriner, Douglas L. 2010.

The purpose is to make the president more accountable to Congress and allow sufficient time for congressional deliberations. Non-compliance of this statutory binding provision may result in the Capitol's denying appropriation of funds for the possible military intervention. Also to streamline the consultation process a high powered Congressional War Consultancy Committee may be formed that will comprise twenty-three members: Speaker of the House, House Majority Leader, House Minority Leader, President Pro Tempore of the Senate, Senate Majority Leader, Senate Minority Leader, Chairman and Ranking Members of nine committees: Senate Foreign Relations, House Foreign Affairs, House Homeland Security, the Senate and House Armed Services Committees, the Senate and House Intelligence Committees, the Senate and House Appropriations Committees.

**Reporting:** The reporting provision, pursuant to Section 4 of the War Powers Resolution, may be made more specific and statutorily binding. In an emergency situation of troop deployment prior to congressional authorization the president may report to the Speaker of the House and the President Pro Tempore of the Senate on the purpose of such military intervention within twenty-four hours. The president may specifically mention "imminent hostilities," pursuant to Section 4(a)(1) or "equipped for combat," pursuant to Section 4(a)(2) of the War Powers Resolution. If the reporting relates to Section 4(a)(1) then the president may seek provisional authorization from Congress within ten days of initial deployment. The president may seek continuing authorization for extension of time limit for troop deployment after sixty days of initial deployment. If the reporting relates to Section 4(a)(2) then the president may seek provisional authorization from Congress within fifteen days of initial deployment. The president may seek continuing

authorization for extension of time limit for troop deployment after sixty days of initial deployment. Non-compliance of such statutory binding conditions may result in the Capitol's non-appropriation of funds. This recommendation is expected to correct the president's frequent non-citing of "imminent hostilities" while reporting to Congress and resultant confusion and discontentment in the legislative branch as observed in the case study analyses. Also such recommendation is expected remove the deficiencies related to the president's citing of "equipped for combat" that in the current format does not need authorization from Congress.

**Authorization:** The authorization provision, pursuant to Section 5 of the War Powers Resolution, may be made statutorily mandatory prior to use of force. Non-compliance of prior congressional authorization provision may lead to denial of funds by Congress for such military action. The initial authorization granted by Congress prior to military action may be renewed after sixty days as part of making "collective judgment" on the conduct of military intervention.

**United Nations Resolutions:** If there is U.N. Security Council Resolution authorizing military intervention, then the president may order troop deployment only with congressional authorization. If for emergency purpose military deployment has to be immediate, then the recommended provisions of Section 4(a)(1) need to be fulfilled.

**Treaty Advice and Consent Process:** Following are some recommendations based on evidence:

**Advice:** It is highly recommended that the president consults with and seeks necessary advice from a bipartisan select group of pivotal senators before negotiating a treaty. Such a select group may comprise the President Pro Tempore of the Senate,

Senate Majority Leader, Senate Minority Leader, Chairman and Ranking Member of the concerned Senate committee(s) based on the issue type of the treaty. If the president is aware of the sense of the Senate before negotiating the terms of an international treaty it may significantly reduce subsequent political tension when the Senate formally considers the treaty document for its consent. Case study investigation indicates that in majority instances there is an apparent disconnect/communication gap between the Senate members and the president on the details of the treaty originally negotiated.

**Treaties versus Executive Agreements:** International treaties are considered far more superior, well acclaimed, and preferred by the international community as compared to executive agreements. Therefore, it is recommended with high priority that efforts should be made jointly by the Senate and the White House to reduce the use of executive agreements as much as possible. As explained in chapter I there is an increasingly compelling argument that presidential behavior to sign executive agreements, especially in a divided government setting, is contingent upon discretion granted by the U.S. Senate to the administration from time to time as warranted by swifter diplomatic action because of certain defeat that the administration is likely suffer in the Senate approval process. Expectation is that if the recommendation made in the preceding point with regard to “advice” is followed in good spirit it may lead to interbranch consensus on the proposed treaty and significantly reduce the use of executive agreements in the long run.

### **The Way Forward**

Contemporary U.S. foreign policymaking is dominated by legislative-executive entanglement in every step of the way. In the wake of the Vietnam War backlash and

eventual adoption of the War Powers Resolution in 1973, a new era of a resurgent Congress and an invigorated presidency has begun, the implications of which are widely evident in the making of present-day U.S. foreign policy. The era of legislative-executive consensus of the 1950s and 1960s has long been replaced by a climate of widespread interbranch dissension. This dissertation attempts to position itself in this newly evolving congressional-presidential political turf, which is increasingly confrontational. In this study, efforts have been made to investigate the dynamics of legislative-executive relations with regard to two strategic foreign policy issue areas, treaty process and war powers, which constitute the elite club of the “so called high politics of foreign policy.”<sup>1302</sup> Empirical investigation demonstrates that since the 1970s, the U.S. political system has been routinely experiencing a consistent pattern of a *continuum of legislative-executive consensus and dissension*. Such pattern consistency in interbranch entanglement provides fertile ground for investigation on the nature of legislative-executive relations, especially in the context of the current environment of divided government and polarized politics.

However, it is important to reflect upon the efficacy and effectiveness of the constitutional principle of “separation of powers” in the present-day political context. Findings in this study reveal that there is an intense legislative-executive power struggle in the making of contemporary foreign policy as Congress and the president try to exercise their respective constitutional prerogatives. Article II, Section 2 of the Constitution regarding treaty process and the War Powers Resolution regarding war powers categorically direct Capitol Hill and the president to share power and work

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<sup>1302</sup> Carter, Ralph G. 1986, p.332.

together.<sup>1303</sup> Evidence shows that in the current environment of confrontational politics between the two coequal branches, the constitutional principle of “separation of powers” with checks and balances has become an increasingly difficult proposition to accomplish and perhaps a political liability in some cases. Because of the mutually intertwined institutional relationship,<sup>1304</sup> especially in the foreign policy domain, basic fulfillment of the principle of “separation of powers” is difficult to accomplish unless there is some level of cooperation between Congress and the president. Such a premise allows for making a just and logical interpretation of the concept of “separation of powers” in terms of a more powerful and appropriate concept of “sharing of power between separated institutions.”<sup>1305</sup> Under the current political norm of divided government and polarized politics in Washington it is absolutely imperative for Congress the president to operate as “tandem institutions” to find common ground and make compromises for the purpose of prudent foreign policymaking.<sup>1306</sup> This is all the more crucial in the present-day context, when the dynamics of legislative-executive relations operate under the constant influence of fluctuating public opinion, 24-hour media attention, and competitive electoral contingencies.

Case study investigation for each of the issue areas demonstrates that evidence generally supports the prediction of the research hypotheses. However, at times there are also significant variations in outcome and such variations in turn further reinforce the

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<sup>1303</sup> Fisher, Louis. 1998.

<sup>1304</sup> See Appendix A.

<sup>1305</sup> Neustadt, Richard E. 1990.

<sup>1306</sup> Peterson, Mark. 1990.

theoretical foundation of *continuum of consensus and dissension*. In treaty consent process evidence related to hypotheses on divided/unified government, partisan and ideology, intraparty cleavage, congressional debate, media coverage, public opinion and electoral imperatives generally supports the prediction for NAFTA, INF and CTBT case studies. For INF case study outcome variation is observed in divided government hypothesis while for CTBT case study such variations are observed in media and public opinion hypotheses. SALT II case study is unique by itself because here final decision outcome shows outcome variations in majority of the hypotheses prediction because of precipitating international events occurred during the closing days of the decision-making process. In war powers issue area for Lebanon-MNF case study evidence supports the predictions of all hypotheses such as divided/unified government, partisan and ideology, electoral imperatives, public opinion, opposition members of Congress, duration of war with the exception of media coverage which fomented greater interbranch dissension. On the whole during Lebanon-MNF intervention dynamics of decision-making process with regard to all explanatory variables resulted in overarching legislative-executive dissension. For Iraq I and II case studies evidence shows outcome variations in divided/unified government, partisan and ideology, opposition members of Congress whereas evidence supports electoral imperatives, public opinion, and media coverage hypotheses. For such two case studies overall dynamics of decision-making process with regard to all explanatory variables reinforce overarching legislative-executive consensus. For the middle-range case studies - Grenada, Bosnia-Herzegovina, Kosovo, Libya, Somalia, and Haiti - that reflect flickers of consensus and dissension evidence generally support most of the hypotheses with some variations in each case study as illustrated in

the empirical chapter. Analysis of hypotheses demonstrates that there are times when it is possible to overcome legislative-executive dissension/gridlock under divided government. If members of Congress and the president have genuine willingness and amicable political opportunity to cooperate on strategic foreign policy matters, legislative-executive consensus is possible in a divided-government setting. For this to happen, there have to be viable ideological intersection, favorable public opinion, positive media attention, and electoral incentives in cooperation. Also, the executive branch has come to terms with the irreversible trend of congressional resurgence in contemporary U.S. foreign policy. Under the prevailing conditions of a resurgent Congress and divided government case study analyses across the two issue areas indicate that in a majority of cases there is greater effort on the part of Congress and the White House to forge consensus especially in strategic foreign policy matters. Such efforts are welcome in current dynamics and even have the potential to achieve tangible consensus in some cases. Also, there are situations when flickers of consensus and dissension transpire at various stages of the political process. Findings in this study suggest that political conditions such as divided government and partisan and ideological divisions facilitate dissension. These conditions can be further influenced by the existing trends in public opinion, nature of media coverage, and electoral consequences. It appears from the case study analyses that even if these conditions are case specific in their implications, on a long-term perspective one can draw some generalizations. Empirical analysis overwhelmingly indicates that presence of divided and/or unified government in an era of polarized politics has cascading effect on interbranch competition that in turn portrays a trajectory of *continuum of consensus and dissension in legislative-executive relations*.

As I write the closing remarks of this dissertation, the possibility of U.S. military intervention in Syria looms large. President Barack Obama's decision to seek authorization from Congress for use of force in Syria is a bold and appropriate move that complies with the requirements of the War Powers Resolution. Presidential decision like this is unprecedented and it has once again brought back the contentious debate on legislative-executive constitutional prerogatives at the center stage. Obama's intention to seek congressional authorization for use of force has upheld constitutional provisions of the War Powers Resolution. The president's decision has substantially reinforced the argument that there is no substitute but to share power between the legislative and executive branches, in order to make "collective judgment" on military interventions. If and when Congress will vote on the force authorization resolution, the outcome will make a new precedent and in turn strengthen the theoretical foundation of a *continuum of legislative-executive consensus and dissension*. It appears that in contemporary U.S. foreign policymaking the trajectory of a *continuum of legislative-executive consensus and dissension* is a new normal and potentially irreversible, as Congress and the president try ardently to preserve their respective constitutional prerogatives.

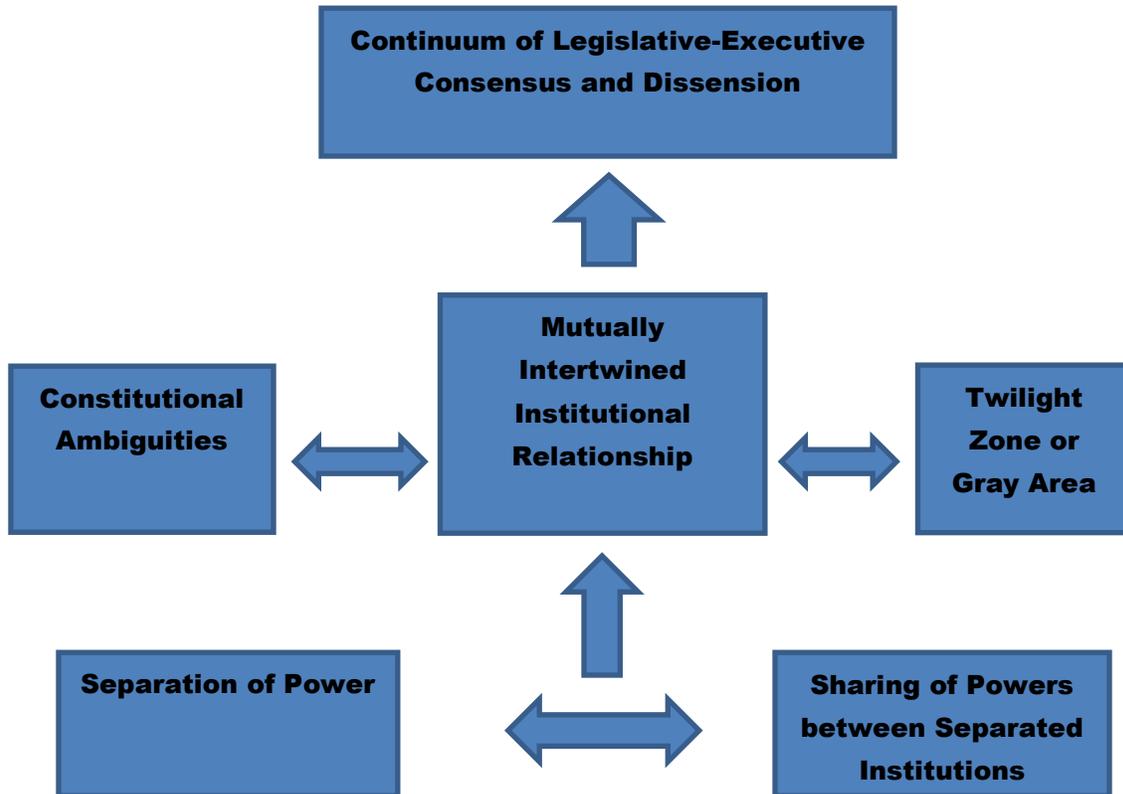
### **Perspectives for Future Research**

In this dissertation efforts have been made to analyze the theoretical foundation of a *continuum of legislative-executive consensus and dissension* in high profile foreign policy issue areas such as treaty consent process and war powers. The theoretical framework of this inductive study explores major variables which are critically important in U.S. foreign policymaking. In the light of the nature of the investigation done in this study some new perspectives for future research are proposed below:

- 1) The research framework adopted in this study is to be used in future to explore other contentious foreign policy issue areas such as environment, global trade and economy, human rights, and non-proliferation regime with an aim to identifying the trajectory of legislative-executive relations. The agenda here is to investigate and extend the base of the theoretical foundation of this study to other potential issue areas in foreign policy arena.
- 2) Diversification of the research framework to examine domestic policy measures is to be considered to extend the dimensions of the theoretical foundation of this study. Some prospective domestic policy issue areas are tax reforms, energy, immigration, and financial sector reforms. The idea is to investigate whether similar decision-making dynamics prevail in domestic policy.
- 3) Another area for future research is to explore the role of special interests in policy process. In this study there has been relatively limited scope for detailed investigation of the implications of special interests because of the nature of the issue areas. However, for some of the above-mentioned foreign and domestic policy issues special interests might be crucial in the decision-making process.
- 4) Further research is possible in exploring ramifications of regional politics at the national level especially in Congress. This is because of the rapidly changing profile of the growing electorate with significant regional affiliations. Resurgence of Congress and increasingly more active role played by the House of Representatives make a compelling case for greater analysis of regional complexities in national policymaking.
- 5) A massive long term agenda for future research is to compare efficacy in policymaking process between presidential and parliamentary systems. The purpose here

is to investigate pattern consistency in policymaking at the national level between the two models. Such research agenda would facilitate comparing political complexities embedded in decision-making process for the two models and the feasibility of identifying systemic convergences/divergences. Expectation is that this long term research plan would be innovative and potentially significant for theory advancement in the discipline.

APPENDIX A  
THEORETICAL FOUNDATION



**APPENDIX B**

**LIST OF MAJOR INTERNATIONAL TREATIES: 1950-2010**

(Chronological order based on the year signed)

<u>Treaty Name</u>	<u>Year Signed</u>	<u>Year Voted</u>	<u>Senate Approval</u>	<u>Govt. Structure (Voting year)</u>
Convention on the Prevention and Punishment of the Crime of Genocide	1948	1986	Yes	Divided Government
Convention establishing a Customs Cooperation Council	1950	1968	Yes	Unified Government
Treaty of Peace with Japan	1951	1952	Yes	Unified Government
International Telecommunications Convention	1952	1955	Yes	Divided Government
Mutual Defense Treaty between the United States and South Korea	1953	1954	Yes	Unified Government
International Convention for the Prevention of Pollution of the Sea by Oil	1954	1961	Yes	Unified Government
The Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict	1954	2008	Yes	Divided Government
The Antarctic Treaty	1959	1960	Yes	Divided Government
Convention on the Organization for Economic Cooperation and Development	1960	1961	Yes	Unified Government
International Convention for Safety of Life at Sea	1960	1962	Yes	Unified Government
Vienna Convention on Diplomatic Relations	1961	1965	Yes	Unified Government
Single Convention on Narcotic Drugs	1961	1967	Yes	Unified Government
International Convention for the Protection of New Varieties of Plants	1961	1998	Yes	Divided Government
Limited Test Ban Treaty (LTBT)	1963	1963	Yes	Unified Government
Vienna Convention on Consular Relations	1963	1969	Yes	Divided Government
Convention on Offenses and Certain other acts committed on board aircraft	1963	1969	Yes	Divided Government
Sea Exploration Treaty	1964	1967	Yes	Unified Government
Protocol relating to the Status of Refugees	1966	1968	Yes	Unified Government
International Covenant on Economic, Social and Cultural Rights (U.S. signing in 1977)	1966	Action pending	No	Unified Government
International Convention on the Elimination of All Forms of Racial Discrimination	1966	1994	Yes	Unified Government
Outer Space Treaty	1967	1967	Yes	Unified Government
Treaty for the Prohibition of Nuclear Weapons in Latin America	1967	1971	Yes	Divided Government
Nuclear Non-Proliferation Treaty (NPT)	1968	1969	Yes	Divided Government

Convention establishing the World Intellectual Property Organization	1969	1970	Yes	Divided Government
International Convention Relating to Intervention on the High Seas	1969	1971	Yes	Divided Government
Vienna Convention on the Law of Treaties	1969	Action pending	No	Divided Government
Patent Cooperation Treaty (PCT)	1970	1973	Yes	Divided Government
Convention for the Suppression of Unlawful seizure of Aircraft	1971	1971	Yes	Divided Government
Seabed Arms Control Treaty	1971	1972	Yes	Divided Government
Convention on Psychotropic Substances	1971	1980	Yes	Unified Government
Convention on Wetlands of International Importance	1971	1986	Yes	Divided Government
Anti-Ballistic Missile Treaty (ABM Treaty)	1972	1972	Yes	Divided Government
Convention for the suppression of Unlawful Acts against the safety of Civil Aviation	1972	1972	Yes	Divided Government
Convention on International Liability for Damage caused by Space Objects	1972	1972	Yes	Divided Government
Universal Copyright Convention, as revised, with Protocols	1972	1972	Yes	Divided Government
Convention concerning the protection of the world cultural and natural heritage	1972	1973	Yes	Divided Government
Convention on the Prevention of Marine Pollution	1972	1973	Yes	Divided Government
Biological Weapons Convention	1972	1974	Yes	Divided Government
Convention on the international regulations for preventing collisions at sea	1972	1975	Yes	Divided Government
Convention for the Conservation of Antarctic Seals	1972	1976	Yes	Divided Government
Convention on international trade in endangered species of wild fauna and flora	1973	1973	Yes	Divided Government
Convention on the prevention crimes against internationally protected persons	1973	1975	Yes	Divided Government
International Telecommunications Convention	1973	1976	Yes	Divided Government
Polar Bear Treaty	1973	1976	Yes	Divided Government
International Convention for the Prevention of Pollution from Ships	1973	1979	Yes	Unified Government
Strategic Arms Limitation Treaty (SALT I)	1974	1975	Yes	Divided Government
International Convention for the Safety of Life at Sea	1974	1978	Yes	Unified Government
Convention on Programme-Carrying Satellites	1974	1984	Yes	Divided Government
Threshold Test Ban Treaty (TTBT)	1974	1990	Yes	Divided Government
Convention on Registration of Objects Launched into Outer Space	1975	1976	Yes	Divided Government
Peaceful Nuclear Explosions Treaty (PNE Treaty)	1976	1990	Yes	Divided Government

American Convention on Human Rights	1977	Action pending	No	Divided Government
Panama Canal Treaty	1977	1978	Yes	Unified Government
International Covenant on Civil and Political Rights	1977	1992	Yes	Divided Government
International Convention on Standards of Training, and Watchkeeping for Seafarers	1978	1991	Yes	Divided Government
<b>Strategic Arms Limitation Treaty (SALT II)</b>	<b>1979</b>	<b>Not debated</b>	<b>No</b>	<b>Unified Government</b>
Convention on the Elimination of All Forms of Discrimination Against Women (U.S. 1980)	1979	Action pending	No	Unified Government
International Convention on Maritime Search and Rescue	1979	1980	Yes	Unified Government
International Convention against the taking of Hostages	1979	1981	Yes	Divided Government
Convention on the physical protection of Nuclear Material (U.S. signed in 1980)	1979	1981	Yes	Divided Government
Convention on the Conservation of Antarctic Marine Living Resources	1980	1981	Yes	Divided Government
United Nations Convention on Contracts for the International Sale of Goods	1980	1986	Yes	Divided Government
Constitution of the United Nations Industrial Development Organization	1981	1983	Yes	Divided Government
United Nations Convention on the Law of the Sea	1982	Action pending	No	Divided Government
Convention against Torture and Other Cruel Treatment or Punishment (U.S. signed in 1988)	1984	1990	Yes	Divided Government
Vienna Convention for the protection of the Ozone Layer	1985	1986	Yes	Divided Government
Convention of Early Notification of a Nuclear Accident	1986	1988	Yes	Divided Government
<b>Intermediate-Range Nuclear Forces Treaty (INF)</b>	<b>1987</b>	<b>1988</b>	<b>Yes</b>	<b>Divided Government</b>
Montreal Protocol on Substances that Deplete the Ozone Layer	1987	1988	Yes	Divided Government
United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances	1988	1989	Yes	Divided Government
Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation	1988	1989	Yes	Divided Government
Regional Agreement on Broadcasting Service Expansion in the Western Hemisphere	1988	1992	Yes	Divided Government
International Convention on Salvage (U.S. signed in 1990)	1989	1991	Yes	Divided Government
Basel Convention on the Control of Transboundary Movements of Hazardous Wastes	1989	1992	Yes	Divided Government
Treaty on the Final Settlement with Respect to Germany	1990	1990	Yes	Divided Government
Treaty on Conventional Armed Forces in Europe (CFE)	1990	1991	Yes	Divided Government
International Convention on Oil Pollution Preparedness, Response and Co-operation	1990	1991	Yes	Divided Government
Strategic Arms Reduction Treaty (START I)	1991	1992	Yes	Divided Government
Convention on the Marking of Plastic Explosives for the Purpose of Detection	1991	1993	Yes	Unified Government

United Nations Framework Convention on Climate Change (UNFCCC)	1992	1992	Yes	Divided Government
<b>North American Free Trade Agreement (NAFTA)</b>	<b>1992</b>	<b>1993</b>	<b>Yes</b>	<b>Unified Government</b>
Treaty on Open Skies	1992	1993	Yes	Unified Government
Convention on Biological Diversity	1992	Action pending	No	Divided Government
Chemical Weapons Convention (CWC)	1993	1997	Yes	Divided Government
Strategic Arms Reduction Treaty (START II)	1993	1996	Yes	Divided Government
Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons	1994	1995	Yes	Divided Government
Trademark Law Treaty	1994	1998	Yes	Divided Government
Convention on Nuclear Safety	1994	1999	Yes	Divided Government
Convention on Safety of UN and Associated Personnel	1994	Action pending	No	Unified Government
Inter-American Convention on Mutual Assistance in Criminal Matters	1995	2000	Yes	Divided Government
Flank Document Agreement to the CFE Treaty	1996	1997	Yes	Divided Government
World Intellectual Property Organization Copyright Treaty (U.S. signed in 1997)	1996	1998	Yes	Divided Government
World Intellectual Property Organization Performances and Phonograms Treaty (U.S. 1997)	1996	1998	Yes	Divided Government
<b>Comprehensive Test-Ban Treaty (CTBT)</b>	<b>1996</b>	<b>1999</b>	<b>No</b>	<b>Divided Government</b>
Inter-American Convention for the Protection and Conservation of Sea Turtles	1996	2000	Yes	Divided Government
Inter-American Convention Against Corruption	1996	2000	Yes	Divided Government
Kyoto Protocol to the United Nations Framework Convention on Climate Change (U.S. in 1998)	1997	Not debated	No	Divided Government
International Plant Protection Convention (IPPC)	1997	2000	Yes	Divided Government
International Convention for the Suppression of Terrorist Bombings (U.S. signed in 1998)	1997	2001	Yes	Unified Government
Joint Convention on Safety of Spent Fuel and Radioactive Waste Management	1997	2003	Yes	Unified Government
Convention on Supplementary Compensation on Nuclear Damage	1997	2006	Yes	Unified Government
Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms	1997	Action pending	No	Divided Government
Rotterdam Convention on Hazardous Chemicals and Pesticides in International Trade	1998	Action pending	No	Divided Government
Food Aid Convention	1999	2000	Yes	Divided Government
Convention for International Carriage by Air	1999	2003	Yes	Unified Government
International Convention for Suppression of Financing Terrorism (U.S. signed in 2000)	1999	2001	Yes	Unified Government
Geneva Act of the Hague Agreement Concerning the International Registration of Industrial Designs	1999	2007	Yes	Divided Government

U.N. Convention Against Transnational Organized Crime	2000	2005	Yes	Unified Government
Patent Law Treaty	2000	2007	Yes	Divided Government
Stockholm Convention on Persistent Organic Pollutants	2001	Action pending	No	Unified Government
International Treaty on Plant Genetic Resources for Food and Agriculture	2001	Action pending	No	Unified Government
Cybercrime Convention	2001	2006	Yes	Unified Government
The Moscow Treaty (Strategic Offensive Reductions Treaty)	2002	2003	Yes	Unified Government
Inter-American Convention Against Terrorism	2002	2005	Yes	Unified Government
U. N. Convention Against Corruption	2003	2006	Yes	Unified Government
Extradition Agreement with the European Union	2003	2008	Yes	Divided Government
Mutual Legal Assistance Agreement with the European Union	2003	2008	Yes	Divided Government
International Convention for Suppression of Acts of Nuclear Terrorism	2005	2008	Yes	Divided Government
CCW Protocol on Explosive Remnants of War	2006	2008	Yes	Divided Government
New START Treaty	2010	2010	Yes	Unified Government
<i>Note:</i>				
<b>Year Signed:</b> Year when the treaty was signed by the International Community				
<b>Year Voted:</b> Year when the treaty was voted in the U.S. Senate for approval				
<b>Govt. Structure (Voting Year):</b> Divided or Unified govt. on the year of Senate approval or disapproval				
<b>Source of data collection:</b>				
U.S. Senate website (Treaties): <a href="http://www.senate.gov/reference/reference_index_subjects/Treaties_vrd.htm">http://www.senate.gov/reference/reference_index_subjects/Treaties_vrd.htm</a>				
U.S. Senate website (Votes): <a href="http://www.senate.gov/reference/Index/Votes.htm">http://www.senate.gov/reference/Index/Votes.htm</a>				
U.S. Senate website (Art and History): <a href="http://www.senate.gov/artandhistory/history/common/briefing/Treaties.htm#5">http://www.senate.gov/artandhistory/history/common/briefing/Treaties.htm#5</a>				
The Library of Congress Thomas: <a href="http://thomas.loc.gov/">http://thomas.loc.gov/</a>				
Office of the Clerk – U.S. House of Representatives website: <a href="http://artandhistory.house.gov/house_history/partyDiv.aspx">http://artandhistory.house.gov/house_history/partyDiv.aspx</a>				
U.S. State Department website (Treaty Affairs): <a href="http://www.state.gov/s/l/treaty/">http://www.state.gov/s/l/treaty/</a>				
U.S. State Department website (Treaty Pending): <a href="http://www.state.gov/s/l/treaty/pending/">http://www.state.gov/s/l/treaty/pending/</a>				

Wikipedia website: <a href="http://en.wikipedia.org/wiki/List_of_United_States_treaties">http://en.wikipedia.org/wiki/List_of_United_States_treaties</a>				
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APPENDIX C

MEDIA ATTENTION OF MAJOR INTERNATIONAL TREATIES

(From the *New York Times*)

<u>Treaty Name</u>	<u>Year Signed</u>	<u>Year Voted</u>	<u>Senate Approval</u>	<u>Govt. Structure (Voting Year)</u>	<u>Total</u>	<u>Front-page</u>	<u>Editorial</u>
Strategic Arms Limitation Treaty (SALT II)	1979	Not debated	No	Unified Government	1164	75	150
Convention on the Elimination of All Forms of Discrimination Against Women (U.S. 1980)	1979	Action pending	No	Unified Government	13	0	0
International Convention on Maritime Search and Rescue	1979	1980	Yes	Unified Government	0	0	0
International Convention against the taking of Hostages	1979	1981	Yes	Divided Government	10	1	1
Convention on the physical protection of Nuclear Material (U.S. signed in 1980)	1979	1981	Yes	Divided Government	1	0	0
Convention on the Conservation of Antarctic Marine Living Resources	1980	1981	Yes	Divided Government	5	1	1
United Nations Convention on Contracts for the International Sale of Goods	1980	1986	Yes	Divided Government	0	0	0
Constitution of the United Nations Industrial Development Organization	1981	1983	Yes	Divided Government	1	0	0
United Nations Convention on the Law of the Sea	1982	Action pending	No	Divided Government	46	3	4
Convention against Torture and Other Cruel Treatment or Punishment (U.S. signed in 1988)	1984	1990	Yes	Divided Government	18	0	6
Vienna Convention for the protection of the Ozone Layer	1985	1986	Yes	Divided Government	9	1	0
Convention of Early Notification of a Nuclear Accident	1986	1988	Yes	Divided Government	2	0	0
Intermediate-Range Nuclear Forces Treaty (INF)	1987	1988	Yes	Divided Government	497	65	56
Montreal Protocol on Substances that Deplete the Ozone Layer	1987	1988	Yes	Divided Government	3	1	0
United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances	1988	1989	Yes	Divided Government	1	0	0
Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation	1988	1989	Yes	Divided Government	0	0	0
Regional Agreement on Broadcasting Service Expansion in the Western Hemisphere	1988	1992	Yes	Divided Government	0	0	0
International Convention on Salvage (U.S. signed in 1990)	1989	1991	Yes	Divided Government	3	0	0
Basel Convention on the Control of Transboundary Movements of Hazardous Wastes	1989	1992	Yes	Divided Government	1	1	0
Treaty on the Final Settlement with Respect to Germany	1990	1990	Yes	Divided Government	3	2	0
Treaty on Conventional Armed Forces in Europe (CFE)	1990	1991	Yes	Divided Government	60	12	5
International Convention on Oil Pollution Preparedness, Response and Co-operation	1990	1991	Yes	Divided Government	0	0	0
Strategic Arms Reduction Treaty (START I)	1991	1992	Yes	Divided Government	762	118	52
Convention on the Marking of Plastic Explosives for the Purpose of Detection	1991	1993	Yes	Unified Government	0	0	0
United Nations Framework Convention on Climate Change (Earth Summit)	1992	1992	Yes	Divided Government	395	33	25
North American Free Trade Agreement (NAFTA)	1992	1993	Yes	Unified Government	2193	292	165
Treaty on Open Skies	1992	1993	Yes	Unified Government	43	5	6

Convention on Biological Diversity	1992	Action pending	No	Divided Government	29	6	1
Chemical Weapons Convention (CWC)	1993	1997	Yes	Divided Government	263	44	32
Strategic Arms Reduction Treaty (START II)	1993	1996	Yes	Divided Government	261	33	32
Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons	1994	1995	Yes	Divided Government	127	12	9
Trademark Law Treaty	1994	1998	Yes	Divided Government	22	2	1
Convention on Nuclear Safety	1994	1999	Yes	Divided Government	22	1	3
Convention on Safety of UN and Associated Personnel	1994	Action pending	No	Unified Government	0	0	0
Inter-American Convention on Mutual Assistance in Criminal Matters	1995	2000	Yes	Divided Government	0	0	0
Flank Document Agreement to the CFE Treaty	1996	1997	Yes	Divided Government	0	0	0
World Intellectual Property Organization Copyright Treaty (U.S. signed in 1997)	1996	1998	Yes	Divided Government	17	2	0
World Intellectual Property Organization Performances and Phonograms Treaty (U.S. 1997)	1996	1998	Yes	Divided Government	0	0	0
Comprehensive Test-Ban Treaty (CTBT)	1996	1999	No	Divided Government	545	81	57
Inter-American Convention for the Protection and Conservation of Sea Turtles	1996	2000	Yes	Divided Government	0	0	0
Inter-American Convention Against Corruption	1996	2000	Yes	Divided Government	1	0	0
Kyoto Protocol to the United Nations Framework Convention on Climate Change (U.S. in 1998)	1997	Not debated	No	Divided Government	35	6	1
International Plant Protection Convention (IPPC)	1997	2000	Yes	Divided Government	8	2	0
International Convention for the Suppression of Terrorist Bombings (U.S. signed in 1998)	1997	2001	Yes	Unified Government	1	0	0
Joint Convention on Safety of Spent Fuel and Radioactive Waste Management	1997	2003	Yes	Unified Government	0	0	0
Convention on Supplementary Compensation on Nuclear Damage	1997	2006	Yes	Unified Government	0	0	0
Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms	1997	Action pending	No	Divided Government	0	0	0
Rotterdam Convention on Hazardous Chemicals and Pesticides in International Trade	1998	Action pending	No	Divided Government	0	0	0
Food Aid Convention	1999	2000	Yes	Divided Government	73	5	3
Convention for International Carriage by Air	1999	2003	Yes	Unified Government	5	0	0
International Convention for Suppression of Financing Terrorism (U.S. signed in 2000)	1999	2001	Yes	Unified Government	1	0	0
Geneva Act of the Hague Agreement Concerning the International Registration of Industrial Designs	1999	2007	Yes	Divided Government	0	0	0
<i>Note:</i>							
<b>Year Signed:</b> Year when the treaty was signed by the International Community							
<b>Year Voted:</b> Year when the treaty was voted in the U.S. Senate for approval							
<b>Govt. Structure (Voting Year):</b> Divided or Unified govt. on the year of Senate approval or disapproval							
<i>Media Attention:</i>							
New York Times coverage for treaties signed between January 1, 1979 and December 31, 1999							

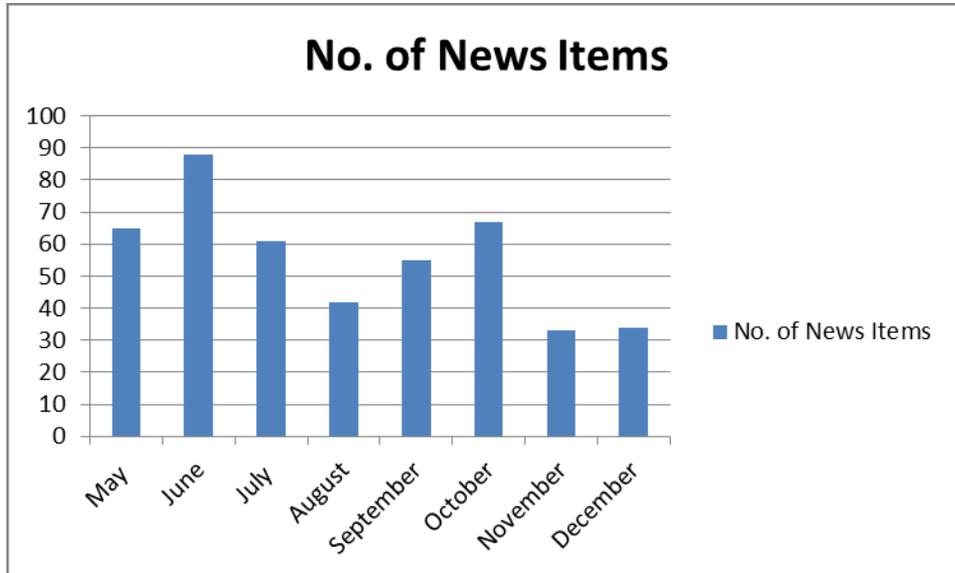
<b>Media Attention (Classification):</b>							
Total number of any document type							
Front-page story/coverage							
Editorial article							
<b>Source:</b>							
ProQuest Historical Newspapers The New York Times (1851 – 2007). Available at <a href="http://proquest.umi.com.libproxy.uoregon.edu">http://proquest.umi.com.libproxy.uoregon.edu</a>							

**APPENDIX D**

**STRATEGIC ARMS LIMITATION TREATY (SALT II)**

**Media Attention – The New York Times**

**May 1979 – December 1979**



**Total Number of News Items: 445**

**Articles: 337**

**Front-page Article: 62**

**Letter to Editor: 29**

**Editorial: 17**

**Monthly Statistics:**

May – 65 Records; June – 88 Records; July – 61 Records; August – 42 Records; September – 55 Records; October – 67 Records; November – 33 Records; December – 34 Records.

Source: ProQuest Historical Newspapers: The New York Times (1851-2009).

[Available at](http://search.proquest.com.libproxy.uoregon.edu/hnpnewyorktimes/results/)

<http://search.proquest.com.libproxy.uoregon.edu/hnpnewyorktimes/results/>

**Gallup Public Opinion Survey**

**Interviewing Date: March 16, 1979 to March 19, 1979; Survey # 124-G**

Q 1. Have you heard or read about SALT II, the proposed nuclear arms agreement between the United States and Russia?

Yes: 58 percent

No: 42 percent

Q 2. Asked of those who replied in the affirmative: Everything considered would you like to see the United States Senate ratify (vote in favor of) this proposed treaty or not?

Yes: 30 percent    No: 10 percent    No opinion: 18 percent    Total: 58 percent

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**Interviewing Date: June 22, 1979 to June 25, 1979; Survey # 131-G**

Q 1. Have you heard or read about SALT II, the proposed nuclear arms agreement between the United States and Russia?

National ----- Yes: 58 percent

Q 2. Asked of those who replied in the affirmative: Everything considered would you like to see the United States Senate ratify (vote in favor of) this proposed treaty or not?

Yes: 39 percent    No: 22 percent    No opinion: 21 percent    Total: 82 percent

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**Interviewing Date: September 28, 1979 to October 01, 1979; Survey # 139-G**

Q 1. Have you heard or read about SALT II, the proposed nuclear arms agreement between the United States and Russia?

Yes: 81 percent

No: 19 percent

Q 2. Asked of the aware group [61 percent of the total sample]: Everything considered would you like to see the United States Senate ratify (vote in favor of) this proposed treaty or not?

Would: 24 percent    Would Not: 26 percent    No opinion: 11 percent

Total: 61 percent

Source: The Gallup Poll. Public Opinion 1979.

**Roper Public Opinion Poll**

Question:

In June of 1979, President Carter for the United States and President Brezhnev for Russia signed a new SALT treaty. The treaty, which would last until 1985, limits each country to a maximum of 2,250 long-range nuclear missiles and bombers. As you know, there is a good deal of controversy about this proposed treaty. Do you think the US Senate should vote for this new SALT treaty or against it?

Response (Figures in percent)

	<u>10/78</u>	<u>1/79</u>	<u>4/79</u>	<u>7/79</u>	<u>9/79</u>	<u>10/79</u>	<u>1/80</u>	<u>11/80</u>
For -----	42	40	33	31	30	30	22	26
Against -----	20	21	24	29	39	35	42	36
Mixed feelings -----	17	19	20	21	15	19	17	20
Don't know -----	20	20	23	19	17	17	18	19

Source: Schneider, William in (eds.) Flynn, Gregory and Hans Rattinger. 1985.

## APPENDIX E

### INTERMEDIATE-RANGE NUCLEAR FORCES TREATY (INF)

**Bill Summary & Status**  
**100th Congress (1987 - 1988)**  
**S.AMDT.2305**

#### **S.AMDT.2305**

**Amends:** Treaty 100-11

**Sponsor:** Sen Byrd, Robert C. [WV] (submitted 5/26/1988) (proposed 5/26/1988)

#### **PURPOSE:**

To provide that the Senate's advice and consent to ratification of the INF Treaty is subject to the condition, based on the Treaty Clauses of the Constitution, that (1) the United States shall interpret the Treaty in accordance with the common understanding of the Treaty shared by the president and the Senate at the time the Senate gave its advice and consent to ratification; (2) such common understanding is based on (a) the text of the Treaty and the provisions of the resolution of ratification, and (b) the authoritative representations which were provided by the President and his representatives to the Senate and its Committees, in seeking Senate consent to ratification, insofar as such representations were directed to the meaning and legal effect of the text of the Treaty; (3) the United States shall not agree to or adopt an interpretation different from that common understanding except pursuant to Senate advice and consent to a subsequent treaty or protocol, or the enactment of a statute; and (4) if, subsequent to ratification of the Treaty, a question arises as to the interpretation of a provision of the Treaty on which no common understanding was reached in accordance with paragraph (2), that provision shall be interpreted in accordance with applicable United States law.

#### **TEXT OF AMENDMENT AS SUBMITTED: CR 100**

#### **STATUS:**

5/26/1988:

Proposed by Senator Byrd.

5/26/1988:

Byrd amendment SP2305 agreed to, (RC #158, Ex.) 72 yeas, 27 nays.

Source: The Library of Congress Thomas. Available at <http://thomas.loc.gov/cgi-bin/bdquery/z?d100:SA02305>:

## Common Understanding Clause

**Treaties:**

**100th Congress (1987 - 1988)**

**100-11**

**Treaty Number:** 100-11

**Transmitted:** January 25, 1988

**Short Title:** TREATY BETWEEN THE UNITED STATES OF AMERICA AND THE UNION OF SOVIET SOCIALIST REPUBLICS ON THE ELIMINATION OF THEIR INTERMEDIATE-RANGE AND SHORTER-RANGE MISSILES

**Type:** Arms Control

**Countries:** Union of Soviet Socialist Republics

**TIAS Number:** 12101

**Popular Title:** INF TREATY; INTERMEDIATE-RANGE NUCLEAR FORCES TREATY

**Formal Title:** The Treaty between the United States of America and the Union of Soviet Socialist Republics on the Elimination of Their Intermediate-Range and Shorter-Range Missiles, together with the Memorandum of Understanding and Two Protocols, signed at Washington on December 8, 1987.

**Text of Resolution of advice and consent to ratification:** Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to ratification of the Treaty between the United States of America and the Union of Soviet Socialist Republics on the Elimination of Their Intermediate-Range and Shorter-Range Missiles, together with the Memorandum of Understanding and the two Protocols thereto, collectively referred to as the INF Treaty, all signed at Washington on December 8, 1987 (Treaty Doc. 100-11), provided that the Senate's advice and consent to ratification of the INF Treaty is subject to the following condition, which shall be binding on the Executive:

That this Treaty shall be subject to the following principles, which derive, as a necessary implication, from the provisions of the Constitution (Article II, section 2, clause 2) for the making of treaties:

**(a) the United States shall interpret this Treaty in accordance with the understanding of the Treaty shared by the Executive and the Senate at the time of Senate consent to ratification;**

**(b) such common understanding is:**

**(i) based on the text of the Treaty; and**

**(ii) reflected in the authoritative representations provided by the Executive branch to the Senate and its committees in seeking Senate consent to ratification, insofar as such representations are directed to the meaning and legal effect of the text of the Treaty;**

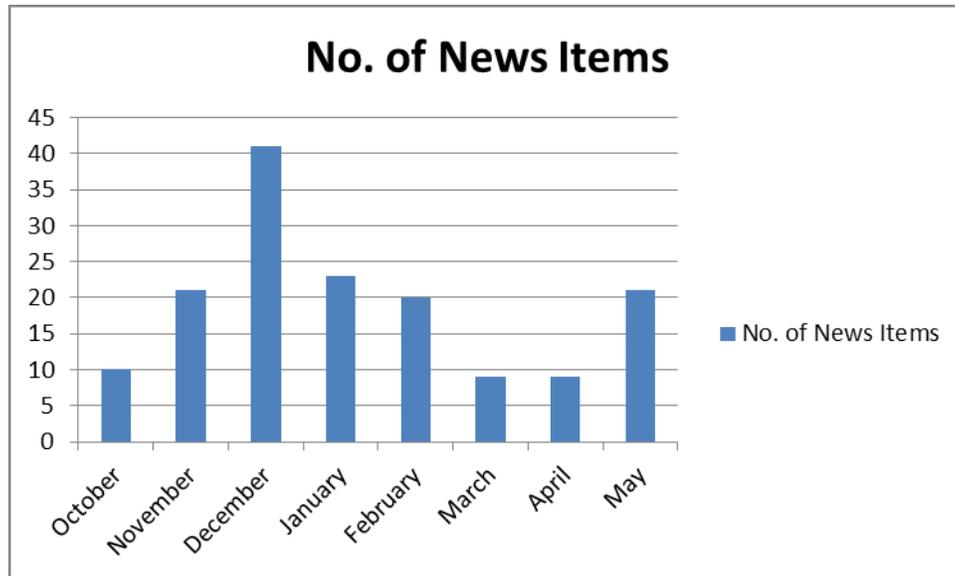
**(c) the United States shall not agree to or adopt an interpretation different from that common understanding except pursuant to Senate advice and consent to a subsequent treaty or protocol, or the enactment of a statute.**

**This understanding shall not be incorporated in the instruments of ratification of this Treaty or otherwise officially conveyed to the other contracting Party.**

Source: The Library of Congress Thomas. Available at <http://thomas.loc.gov/cgi-bin/ntquery/z?trtys:100TD00011>:

**Media Attention – The New York Times**

**October 1987 – May 1988**



**Total Number of News Items: 154**

**Articles: 95**

**Front-page Article: 25**

**Letter to Editor: 15**

**Editorial: 7**

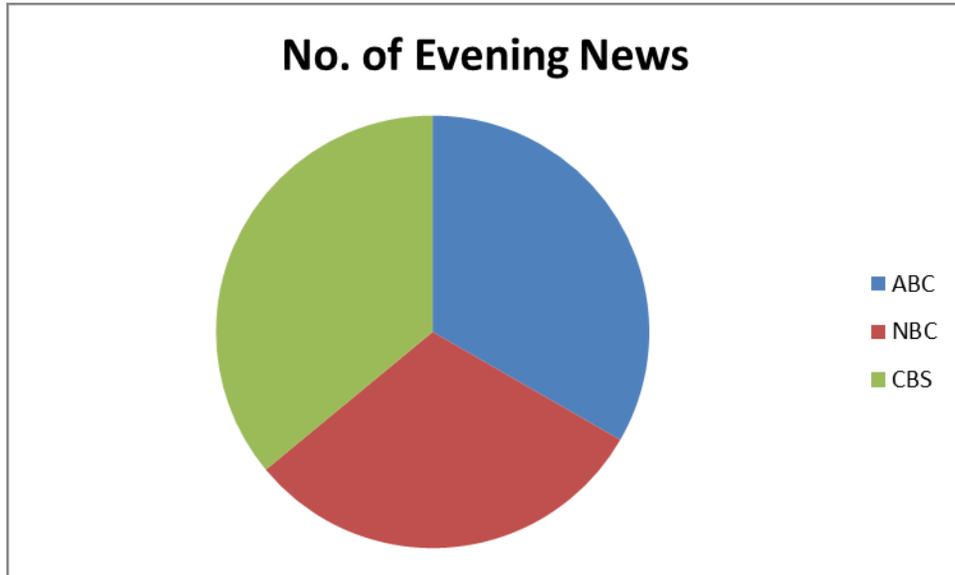
**Monthly Statistics:**

October 1987 – 10 Records; November 1987 – 21 Records; December 1987 – 41 Records; January 1988 – 23 Records; February 1988 – 20 Records; March 1988 – 9 Records; April 1988 – 9 Records; May 1988 – 21 Records.

Source: ProQuest Historical Newspapers: The New York Times (1851 – 2007). Available at <http://search.proquest.com.libproxy.uoregon.edu/hnpnewyorktimes/results/>

**Media Attention – Cable TV Networks**

**January 1988 – May 1988**



**Total Number of Evening News Coverage (All Networks): 75**

**ABC – 25 Items**

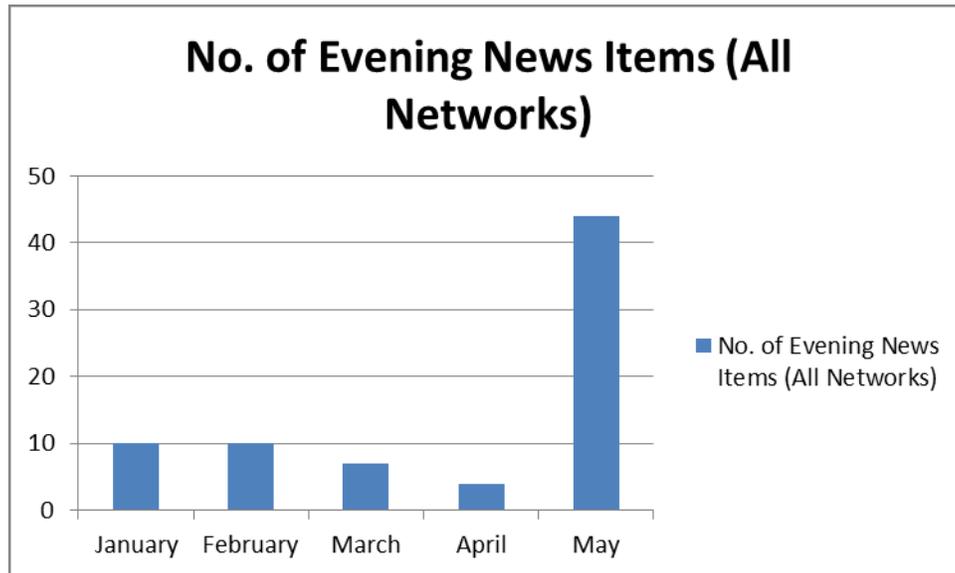
**CBS – 27 Items**

**NBC – 23 Items**

Source: Vanderbilt Television News Archive. Available at  
<http://tvnews.vanderbilt.edu.libproxy.uoregon.edu/tvn-processquery.pl>

**Media Attention – Cable TV Networks**

**January 1988 – May 1988**



**Total Number of Evening News Coverage (All Networks): 75**

**Monthly Statistics**

January – 10 Records; February – 10 Records; March – 7 Records; April – 4 Records;  
May – 44 Records.

Source: Vanderbilt Television News Archive. Available at  
<http://tvnews.vanderbilt.edu.libproxy.uoregon.edu/tvn-processquery.pl>

**Public Opinion Poll**

**Survey A**

**Survey Conducted by the Gallup Organization**  
**Interviewing Date: January 4 – 11, 1988**

Question:

Do you favor or oppose the ratification of the INF Treaty between the United States and the Soviet Union to eliminate their inter-mediate range nuclear weapons?

Response:

- Favor ratification of the Treaty - 77 percent
  - Oppose ratification of the Treaty - 11 percent
  - Don't Know - 12 percent
- 

**Survey B**

**Survey Conducted by Market Opinion Research**  
**Interviewing Date: January 7 – 14, 1988**

Question:

The United States and the Soviet Union are talking about cutting their long-range nuclear forces in half. Do you approve or disapprove of this proposal?

Response:

- Approve ----- 81 percent
- Disapprove ----- 12 percent
- Don't Know/Refused ----- 7 percent

Source: Public Opinion. American Enterprise Institute for Public Policy Research.  
Vol.10; No.6; March/April 1988. p. 27.

## Public Opinion Poll

**Survey Conducted by CBS News/New York Times**

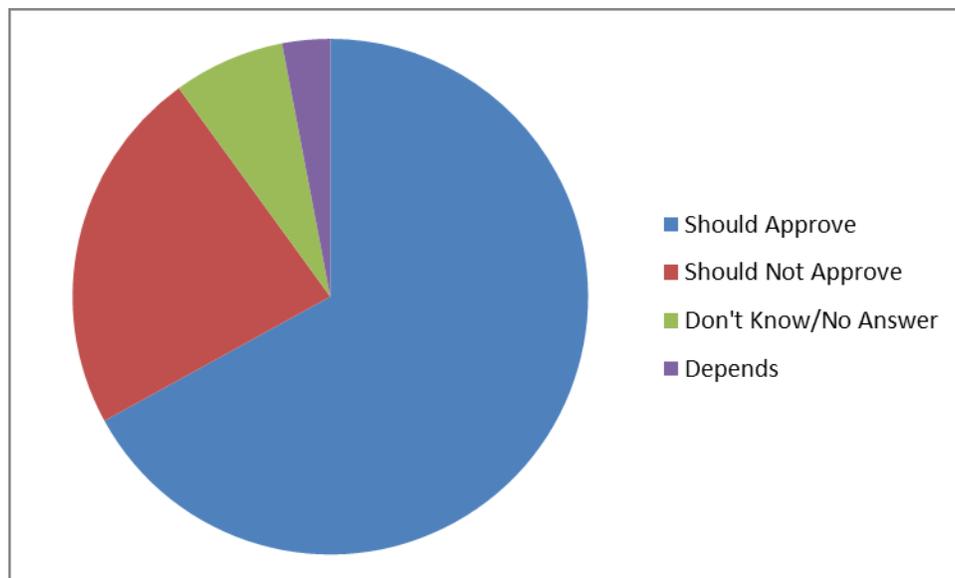
**Interviewing Date: January 17-21, 1988**

### Question:

The United States and the Soviet Union have signed a treaty [INF] to eliminate all of their nuclear missiles which are based in Europe or the Soviet Union and can hit targets between 300 and 3,000 miles away. This treaty now goes before the United States Senate. Should the Senate approve this treaty, or not?

### Response:

- |  |       |            |
|--|-------|------------|
| • The Senate should approve the treaty     | ----- | 67 percent |
| • The Senate should not approve the treaty | ----- | 23 percent |
| • Don't Know/No Answer                     | ----- | 7 percent  |
| • Depends                                  | ----- | 3 percent  |



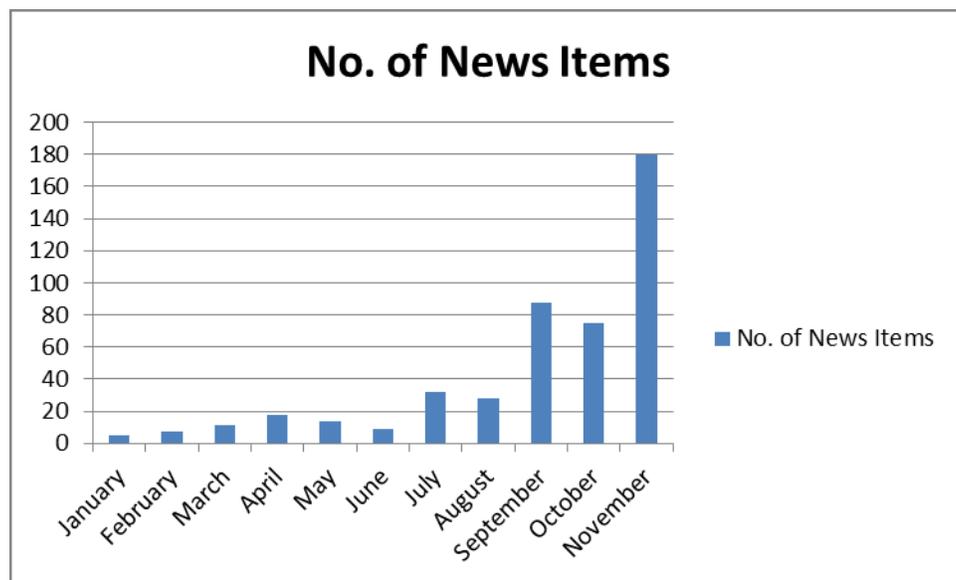
Source: Public Opinion. American Enterprise Institute for Public Policy Research.  
Vol.10; No.6; March/April 1988. p. 27.

## APPENDIX F

### NORTH AMERICAN FREE TRADE AGREEMENT (NAFTA)

#### Media Attention – The New York Times

#### January 1979 – November 1979



**Total Number of News Items: 467**

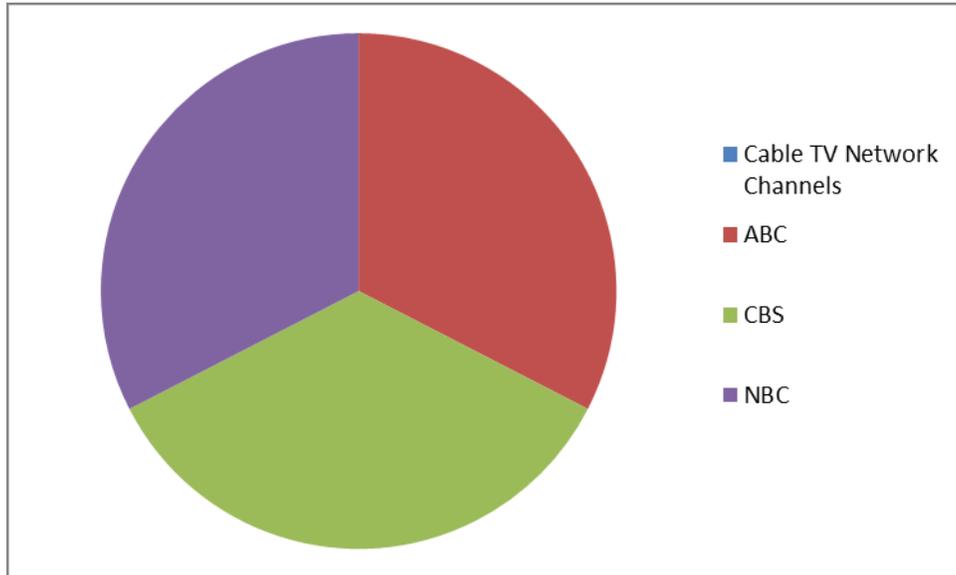
#### **Monthly Statistics:**

January – 5 Records; February – 7 Records; March – 11 Records; April – 18 Records; May – 14 Records; June – 9 Records; July – 32 Records; August – 28 Records; September – 88 Records; October – 75 Records; November – 180 Records.

Source: [ProQuest Historical Newspapers: The New York Times \(1851-2009\)](http://search.proquest.com.libproxy.uoregon.edu/hnpnewyorktimes/results/). Available at <http://search.proquest.com.libproxy.uoregon.edu/hnpnewyorktimes/results/>

**Media Attention – Cable TV Networks**

**July 01, 1993 – November 25, 1993**



**Total Number of Evening News Coverage: 86**

**ABC – 28**

**CBS – 30**

**NBC - 28**

Source: Vanderbilt Television News Archive. Available at <http://tvnews.vanderbilt.edu.libproxy.uoregon.edu/tvn-processquery.pl>

**Gallup Public Opinion Survey**

**Interviewing Date: November 02-04, 1993; Survey # GO422020**

Q. Please tell me whether you agree or disagree with the following statement: NAFTA will expand U.S. exports to Mexico, creating more jobs in the United States?

Agree ----- 47 percent  
Disagree ----- 46 percent  
No opinion ----- 7 percent

**By Special Status (figures in percent):**

<u>opinion</u>	<u>Agree</u>	<u>Disagree</u>	<u>No</u>
Pro-NAFTA -----	77	20	3
Anti-NAFTA -----	26	72	2

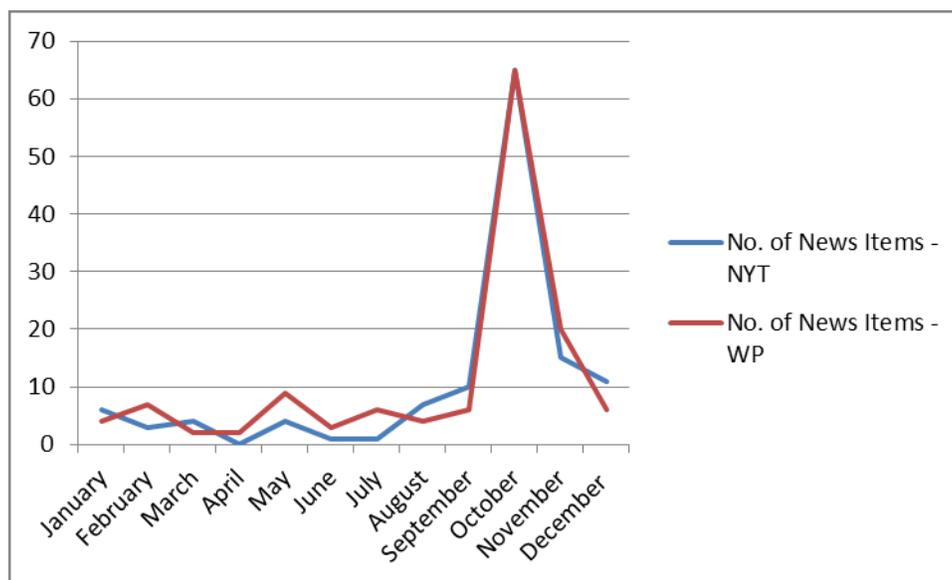
Source: The Gallup Poll. Public Opinion 1993.

## APPENDIX G

### COMPREHENSIVE TEST BAN TREATY (CTBT)

#### Media Attention – New York Times and Washington Post (Comparative)

##### January – December 1999



**The New York Times (NYT) – 127**

**Washington Post (WP) - 134**

Source: ProQuest Historical Newspapers: The New York Times (1851 – 2007). Available at <http://proquest.umi.com.libproxy.uoregon.edu>; The Washington Post Archival Website: <http://pqasb.pqarchiver.com/washingtonpost/advancedsearch.html>

## Television Interview of Secretary of State Madeleine Albright on CNN

U.S. DEPARTMENT OF STATE  
Office of the Spokesman  
October 18, 1999

Washington, D.C.

October 17, 1999

### *Excerpts of the Interview:*

**BLITZER:** But a lot of people say that there was some serious consideration, mostly the Republicans generating opposition over a long period of time; the White House, the Clinton Administration, by and large neglecting this treaty. It was signed by the President in '96 but only submitted to the Senate in '97; '98 the investigation of the President seemed to sort of dominate everything. It was neglected by the Administration, bad management, where the Republicans upstaged the President.

**SECRETARY ALBRIGHT:** Well, the Republicans defeated a major landmark treaty that would really have helped generally in controlling nuclear weapons and our whole nonproliferation agenda. We have, obviously, negotiated this treaty. We are very proud of it. The President was the first world leader to sign it. We have all spoken about it at great length in speeches. We tried to have hearings on it. It was refused to have hearings on it.

So I believe that what has to remain here as a point of fact, this treaty was defeated for no good reason after a very cursory look at it by the Senate.

**BLITZER:** Well, Senator Trent Lott, the Majority Leader, says that is simply not the case. He says there were very substantive reasons why this treaty was rejected. In fact, listen to what Senator Lott said on Thursday on this specific issue:

"To vote against ratification of the Comprehensive Test Ban Treaty was not a vote involving personalities. It was not about politics. It was about the substance of the treaty, and that's all it was." There were six former Defense Secretaries, and Henry Kissinger, a lot of serious foreign policy experts saying this treaty was flawed.

**SECRETARY ALBRIGHT:** Well, look, I think every treaty that comes before the Senate there are questions about, and I have been involved in both sides of it when I was working on the Hill or other treaties that the White House has presented. The reason that you have hearings and that you have a debate on the floor is in order to be able to put in -- if you want to call them improvements to the treaty that then secure it for each individual country. That is acceptable. That is what happened on the Panama Canal Treaty. It's happened on many, many treaties.

What I'm saying is -- and I'm not going to get into the personalities or the motivations -- I'm just telling you that even if there were substantive problems, which there well may

have been from the perspective of some of the senators, there is a way to work it out. The President himself had put forward six kinds of ways to secure the treaty better that could have been part of an amendment process. They didn't allow any of that. The debate, which was very shortened, did not allow for any of that -- and that's what we're arguing about.

**QUESTION:** So what happens right now? For all practical purposes, this treaty is dead until the President leaves office.

**SECRETARY ALBRIGHT:** Well, let me just say this: The President has made very clear that we will continue to abide by it, that we will not be testing unilaterally. What we've lost for the time being is the real international leadership in terms of trying to make others live up to the CTBT. And I've gotten calls all week, Wolf, about countries trying to -- from my fellow foreign ministers -- trying to figure out what has happened here.

Source: Distributed by the Office of International Information Programs, U.S. Department of State. Available at <http://www.fas.org/nuke/control/abmt/news/991017-dos-usia1.htm>

**Gallup Public Opinion Survey**

**Interviewing Date: October 21-24, 1999**

**Survey # GO907190**

Question 1:

Regardless of what the Senate actually did, what do you think the Senate should have done – voted to ratify the treaty, or voted to defeat the treaty?

Response:

- |                          |       |            |
|--------------------------|-------|------------|
| • Voted to ratify treaty | ----- | 59 percent |
| • Voted to defeat treaty | ----- | 29 percent |
| • Other (Volunteered)    | ----- | 1 percent  |
| • No Opinion             | ----- | 11 percent |

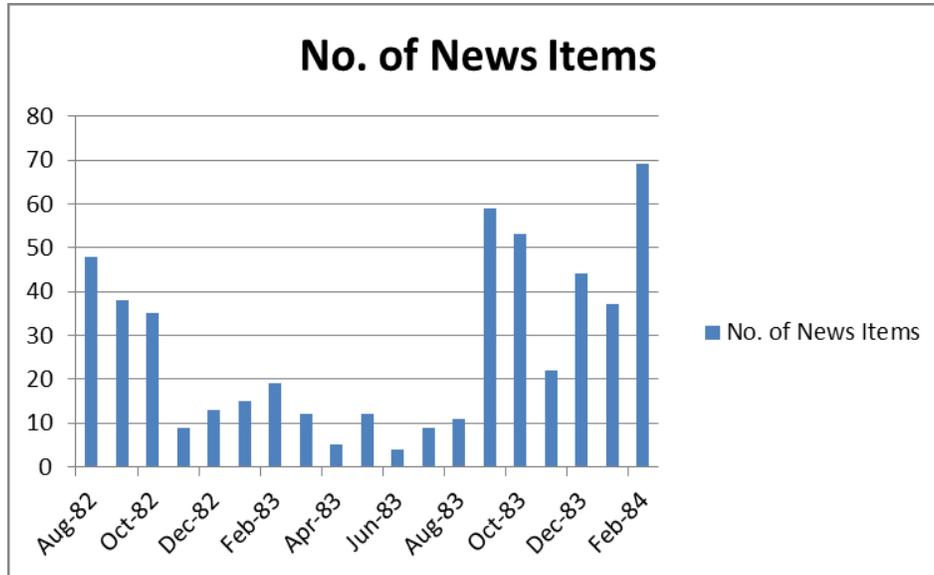
Source: The Gallup Poll. Public Opinion 1999. p. 230.

## APPENDIX H

### LEBANON MULTINATIONAL FORCE INTERVENTION (1982-84)

#### Media Attention – The New York Times

#### August 1982 – February 1984



**Total Number of News Items: 514**

**Articles: 322**

**Front-page Article: 175**

**Editorial: 13**

**Letter to Editor: 4**

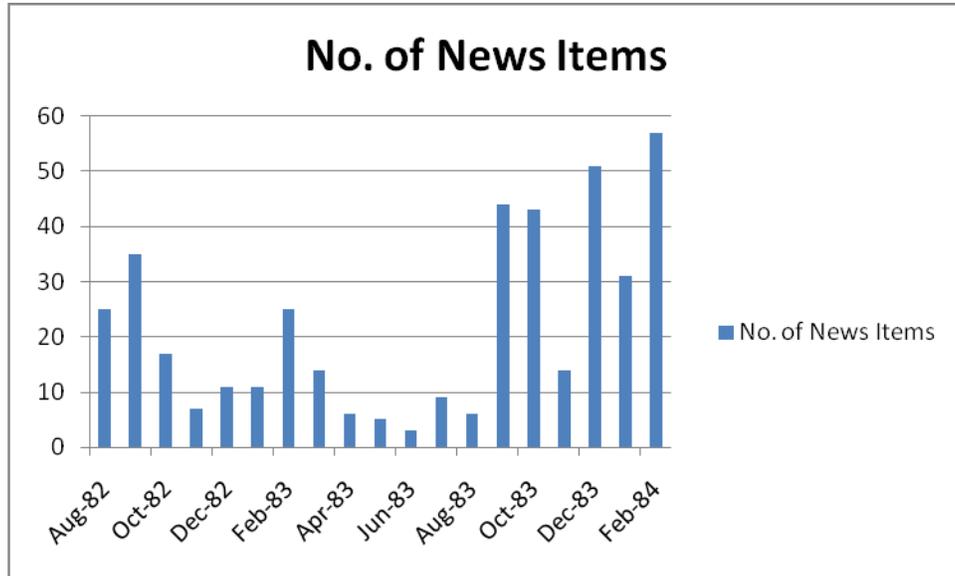
#### **Monthly Statistics:**

Aug'82 – 48 Stories; Sep'82 – 38 Stories; Oct'82 – 35 Stories; Nov'82 – 9 Stories; Dec'82 – 13 Stories; Jan'83 – 15 Stories; Feb'83 – 19 Stories; Mar'83 – 12 Stories; Apr'83 – 5 Stories; May'83 – 12 Stories; Jun'83 – 4 Stories; Jul'83 – 9 Stories; Aug'83 – 11 Stories; Sep'83 – 59 Stories; Oct'83 – 53 Stories; Nov'83 – 22 Stories; Dec'83 – 44 Stories; Jan'84 – 37 Stories; Feb'84 – 69 Stories.

Source: [ProQuest Historical Newspapers: The New York Times \(1851-2009\)](http://search.proquest.com.libproxy.uoregon.edu/hnpnewyorktimes/results/).  
Available at <http://search.proquest.com.libproxy.uoregon.edu/hnpnewyorktimes/results/>

**Media Attention – Washington Post**

**August 1982 – February 1984**



**Total Number of News Items: 433**

**Articles: 225**

**Front-page Article: 185**

**Editorial: 18**

**Letter to Editor: 5**

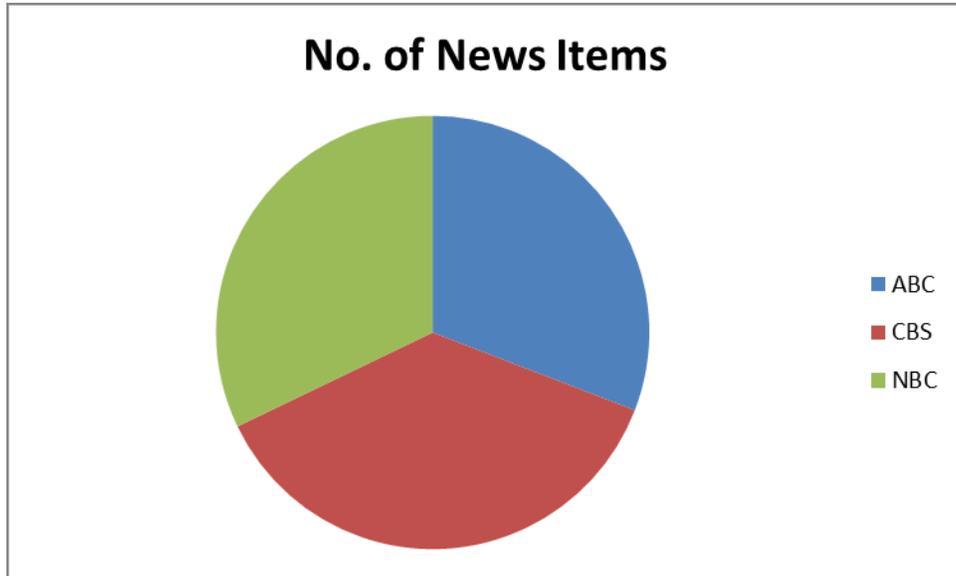
**Monthly Statistics:**

Aug'82 – 25 Stories; Sep'82 – 35 Stories; Oct'82 – 17 Stories; Nov'82 – 7 Stories; Dec'82 – 11 Stories; Jan'83 – 11 Stories; Feb'83 – 25 Stories; Mar'83 – 14 Stories; Apr'83 – 6 Stories; May'83 – 5 Stories; Jun'83 – 3 Stories; Jul'83 – 9 Stories; Aug'83 – 6 Stories; Sep'83 – 44 Stories; Oct'83 – 43 Stories; Nov'83 – 14 Stories; Dec'83 – 51 Stories; Jan'84 – 31 Stories; Feb'84 – 57 Stories.

Source: The Washington Post Archive; Available at  
<http://pqasb.pqarchiver.com/washingtonpost/historical/results.htm>

**Media Attention – ABC, CBS, NBC**

**August 1982 – February 1984**



**Total – 308 Stories**

**ABC – 95 Stories**

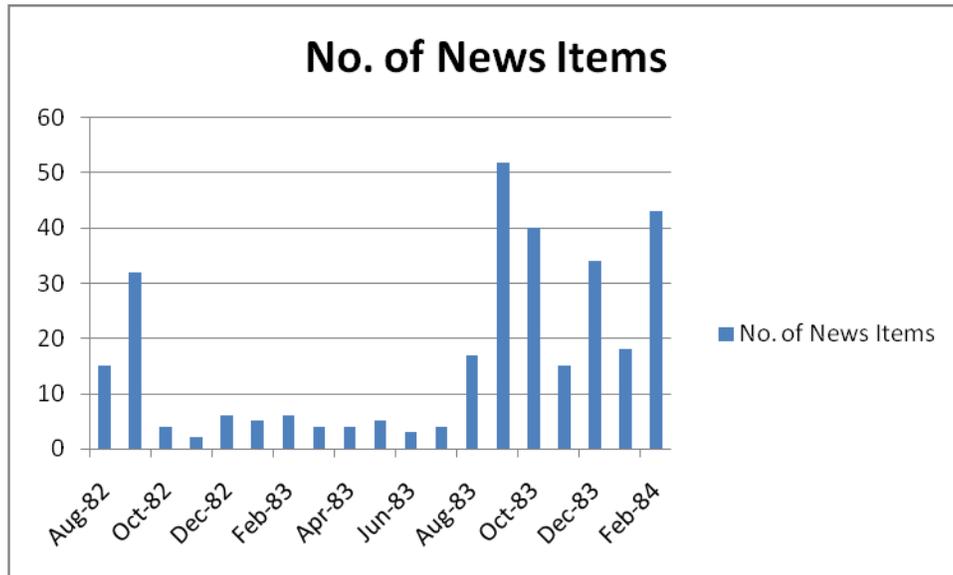
**CBS – 114 Stories**

**NBC – 99 Stories**

Source: Vanderbilt Television News Archive.  
Available at <http://tvnews.vanderbilt.edu/tvn-processquery.pl>

**Media Attention – ABC, CBS, NBC**

**August 1982 – February 1984**



**Total Number of News Items: 308**

**Monthly Statistics:**

Aug'82 – 15 Stories; Sep'82 – 32 Stories; Oct'82 – 4 Stories; Nov'82 – 2 Stories; Dec'82 – 6 Stories; Jan'83 – 5 Stories; Feb'83 – 6 Stories; Mar'83 – 4 Stories; Apr'83 – 4 Stories; May'83 – 5 Stories; Jun'83 – 3 Stories; Jul'83 – 4 Stories; Aug'83 – 17 Stories; Sep'83 – 52 Stories; Oct'83 – 40 Stories; Nov'83 – 15 Stories; Dec'83 – 34 Stories; Jan'84 – 18 Stories; Feb'84 – 43 Stories.

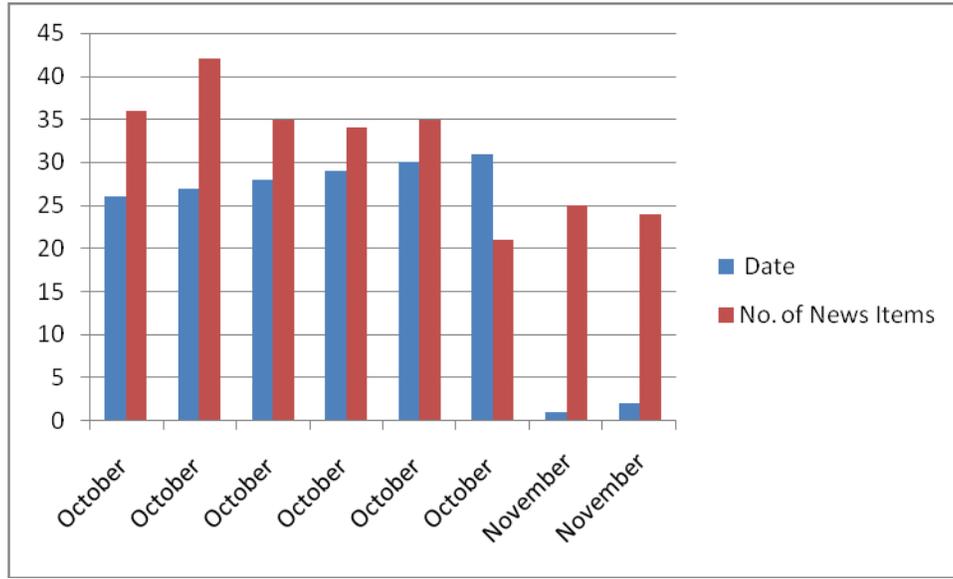
Source: Vanderbilt Television News Archive.  
Available at <http://tvnews.vanderbilt.edu/tvn-processquery.pl>

## APPENDIX I

### GRENADA INTERVENTION (1983)

#### Media Attention – The New York Times

#### October 26, 1983 – November 02, 1983



**Total Number of News Items: 252**

**Articles: 202**

**Front-page Article: 38**

**Editorial: 10**

**Letter to Editor: 2**

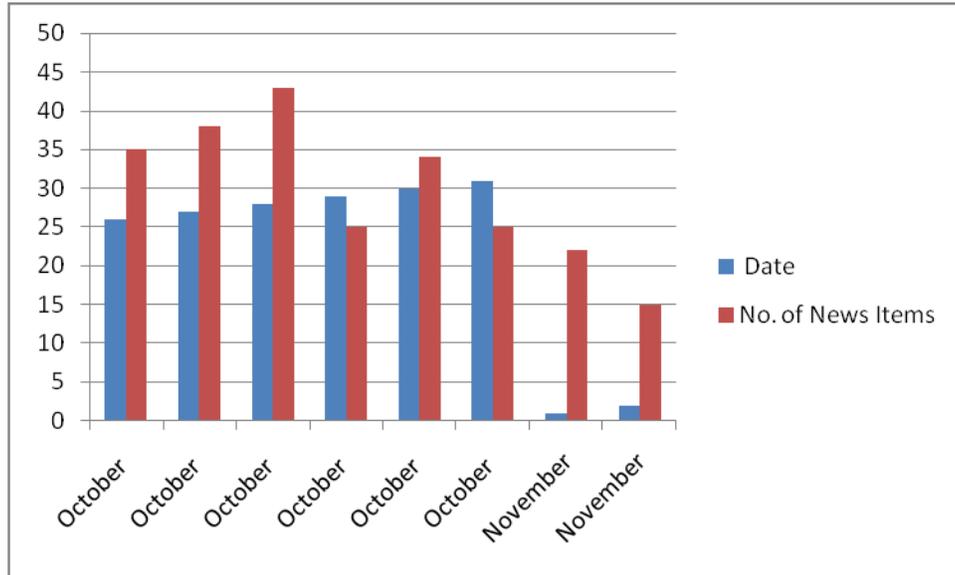
#### **Daily Statistics:**

October 26 – 36 Stories; October 27 – 42 Stories; October 28 – 35 Stories; October 29 – 34 Stories; October 30 – 35 Stories; October 31 – 21 Stories; November 1 – 25 Stories; November 2 – 24 Stories

Source: [ProQuest Historical Newspapers: The New York Times \(1851-2009\)](http://search.proquest.com.libproxy.uoregon.edu/hnpnewyorktimes/results/). Available at <http://search.proquest.com.libproxy.uoregon.edu/hnpnewyorktimes/results/>

**Media Attention – Washington Post**

**October 26, 1983 – November 02, 1983**



**Total Number of News Items: 237**

**Articles: 190**

**Front-page Article: 45**

**Editorial: 9**

**Letter to Editor: 2**

**Daily Statistics:**

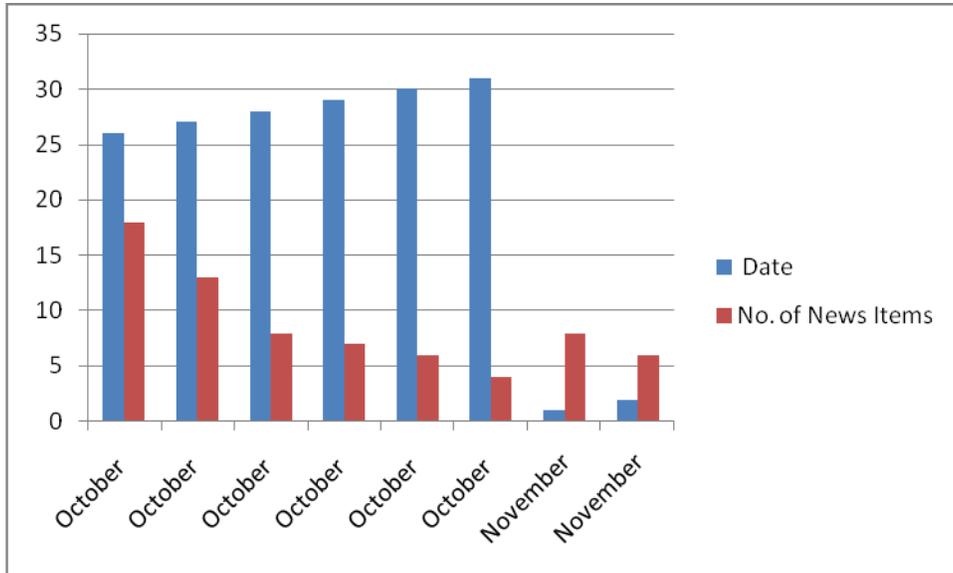
October 26 – 35 Stories; October 27 – 38 Stories; October 28 – 43 Stories; October 29 – 25 Stories; October 30 – 34 Stories; October 31 – 25 Stories; November 1 – 22 Stories; November 2 – 15 Stories

Source: The Washington Post Archive

Available at <http://pqasb.pqarchiver.com/washingtonpost/historical/results.htm>

**Media Attention – Network Television**

**October 26, 1983 – November 02, 1983**



**Total Number of News Items: 70**

**ABC – 29**

**CBS – 19**

**NBC – 22**

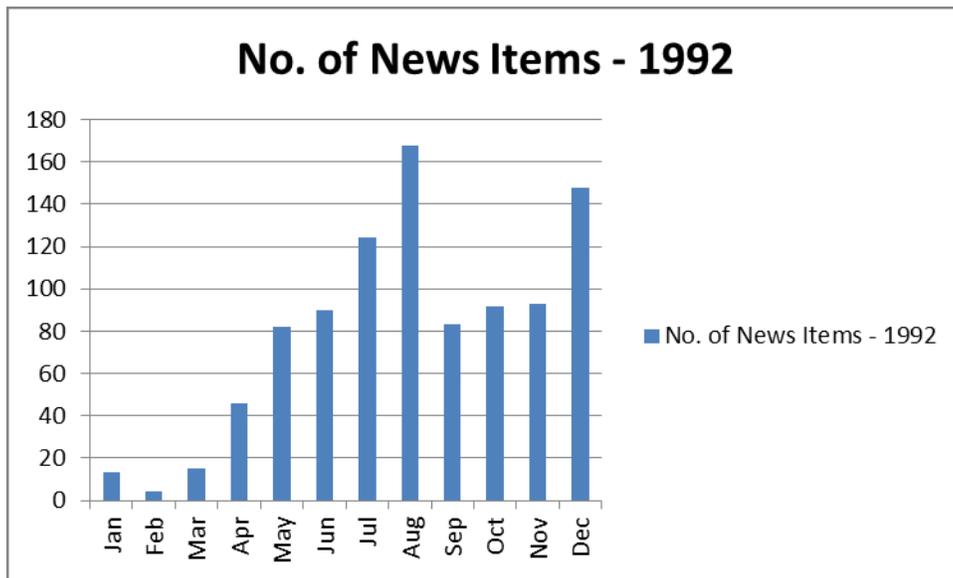
Source: Vanderbilt Television News Archive.  
Available at <http://tvnews.vanderbilt.edu/tvn-processquery.pl>

## APPENDIX J

### BOSNIA-HERZEGOVINA INTERVENTION (1992-95)

#### Media Attention – The New York Times

January 01, 1992 – December 31, 1992



**Total Number of News Items: 958**

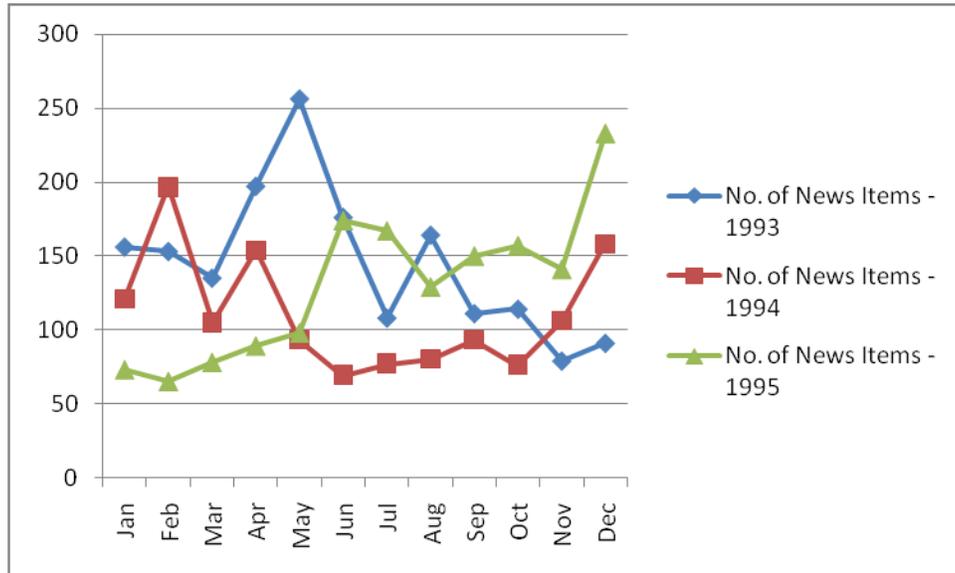
#### **Monthly Statistics:**

January – 13 Stories; February – 4 Stories; March – 15 Stories; April – 46 Stories; May – 82 Stories; June – 90 Stories; July – 124 Stories; August – 168 Stories; September – 83 Stories; October – 92 Stories; November – 93 Stories; December – 148 Stories

Source: [ProQuest Historical Newspapers: The New York Times \(1851-2009\)](http://search.proquest.com.libproxy.uoregon.edu/hnpnewyorktimes/results/).  
Available at <http://search.proquest.com.libproxy.uoregon.edu/hnpnewyorktimes/results/>

**Media Attention – The New York Times**

**January – December 1993, 1994, 1995**



**Total Number of News Items**

**1993 – 1740 Stories**

**1994 – 1329 Stories**

**1995 – 1554 Stories**

## APPENDIX K

### KOSOVO INTERVENTION (1999)

#### **Public Opinion on U.S. participation in NATO airstrikes against the Serbian military**

*For results based on the March 25, 1999 sample of national adults (N=675) the margin of sampling error is  $\pm 4$  percentage points. Polls conducted entirely in one day are subject to additional error or bias not found in polls conducted over several days.*

**Q. “As you may know, yesterday the military alliance of Western countries called NATO, launched air and missile attacks against Serbian military targets in Yugoslavia. Do you favor or oppose the United States being a part of that military action?”**

	<b>Favor</b>	<b>Oppose</b>	<b>No opinion</b>
99 Mar 25	50%	39%	11%
99 Mar 19-21 <sup>^</sup>	46	43	11
99 Feb 19-21 <sup>^</sup>	43	45	12
98 Oct 9-12 <sup>**</sup>	42	41	17

<sup>^</sup> Question Wording: “If a peace agreement is not reached between the Yugoslavian Serbs and Kosovo's ethnic Albanian majority, NATO has said it would carry out air and missile attacks against Serb military installations. Would you favor or oppose the U.S. being a part of that military action?”

<sup>\*\*</sup> Question Wording: “Based on what you have read or heard, do you think the United States and its Western European allies should or should not conduct military air strikes against the Serbian forces in Kosovo?”

Source: Frank Newport. *Gallup News Service*, March 30, 1999.

Available at: <http://www.gallup.com/poll/3970/Public-Support-US-Involvement-Yugoslavia-Lower-Than-Gulf.aspx>

**Public Opinion on U.S. Military Participation**

*For results based on the sample of national adults (N=1,073) surveyed April 26-27, 1999, the margin of sampling error is ±3 percentage points.*

**Q. 1. “As you may know, the military alliance of Western countries called NATO, launched air and missile attacks against Serbian military targets in Yugoslavia. Do you favor or oppose the United States being a part of that military action?”**

	<b>Favor</b>	<b>Oppose</b>	<b>No opinion</b>
99 Apr 26-27	56%	40%	4%
99 Apr 21	51	39	10
99 Apr 13-14	61	35	4
99 Apr 6-7	58	36	6
99 Mar 30-31	53	41	6
99 Mar 25	50	39	11
99 Mar 19-21^	46	43	11
99 Feb 19-21^	43	45	12

^ Question Wording: “If a peace agreement is not reached between the Yugoslavian Serbs and Kosovo's ethnic Albanian majority, NATO has said it would carry out air and missile attacks against Serb military installations. Would you favor or oppose the U.S. being a part of that military action?”

**Q. 2. “From what you have heard or read, do you think the Clinton Administration has a clear and well-thought-out policy on the Kosovo situation, or don't you think so?”**

	<b>Clear and well-thought-out policy</b>	<b>Don't think so</b>	<b>No opinion</b>
99 Apr 26-27	38%	54%	8%
99 Apr 13-14	41	51	8
99 Apr 6-7	39	50	11

99 Mar 30-31	46	47	7
-----------------	----	----	---

**Q. 3. “If the current NATO air and missile strikes are not effective in achieving the United States' objectives in Kosovo, would you favor or oppose President Clinton sending U.S. ground troops into the region along with troops from other NATO countries?”**

	<b>Favor</b>	<b>Oppose</b>	<b>No opinion</b>
99 Apr 26-27	40%	56%	4%
99 Apr 13-14	52	45	3
99 Apr 6-7	47	47	6
99 Mar 30-31	39	57	4
99 Mar 25^	31	65	4
94 Apr 16-18**	41	53	6

^ Question Wording: “If the current NATO air and missile strikes are not effective in achieving the United States' objectives in Kosovo, would you favor or oppose President Clinton sending U.S. ground troops into the region to stop the Serbian attacks on Kosovo?”

\*\* Question Wording: “If the air strikes are not effective in stopping the Serbian attacks, would you favor or oppose President Clinton sending U.S. ground troops into Bosnia to join ground troops from other Western European countries?”

**Q. 4. “Now thinking about the current situation in Kosovo, would you favor or oppose sending U.S. ground troops, along with troops from other NATO countries, to serve in a combat situation in the region right now?”**

	<b>Favor</b>	<b>Oppose</b>	<b>No opinion</b>
99 Apr 26-27	36%	60%	4%
99 Apr 13-14	43	53	4
99 Apr 6-7	41	54	5

**Q. 5. “From what you've heard and read, do you think the current NATO military action in Yugoslavia has been a success or a failure?”**

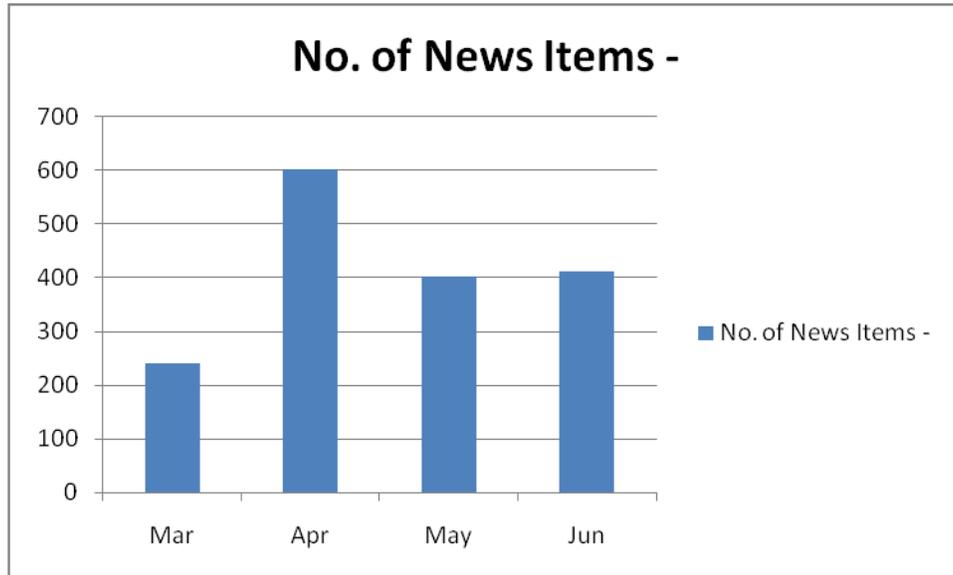
	<b>Success</b>	<b>Failure</b>	<b>TOO SOON TO TELL (vol.)</b>	<b>No opinion</b>
99 Apr 26-27	35%	47%	9%	9%
99 Apr 13-14	37	46	9	8
99 Apr 6-7	37	41	15	7

Source: Frank Newport. *Gallup News Service*, April 29, 1999.

Available at: <http://www.gallup.com/poll/3892/Public-Support-US-Involvement-Kosovo-Diminishing.aspx>

**Media Attention – The New York Times**

**March 01, 1999 – June 30, 1999**



**Total Number of News Items: 1657**

**Articles: 1000**

**Front-page Article: 303**

**Editorial: 191**

**Letter to Editor: 163**

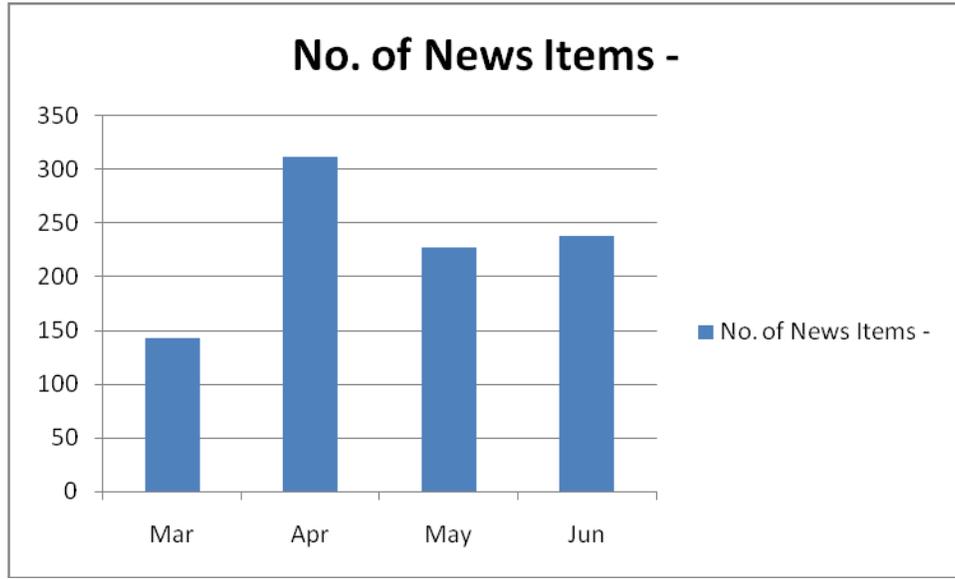
**Monthly Statistics:**

March – 241 Stories; April - 602 Stories; May - 402 Stories; June - 412 Stories

Source: [ProQuest Historical Newspapers: The New York Times \(1851-2009\)](http://search.proquest.com/hnpnewyorktimes/results/); Available at <http://search.proquest.com/hnpnewyorktimes/results/>

**Media Attention – The Washington Post**

**March 01, 1999 – June 30, 1999**



**Total Number of Articles (A Section) - 920**

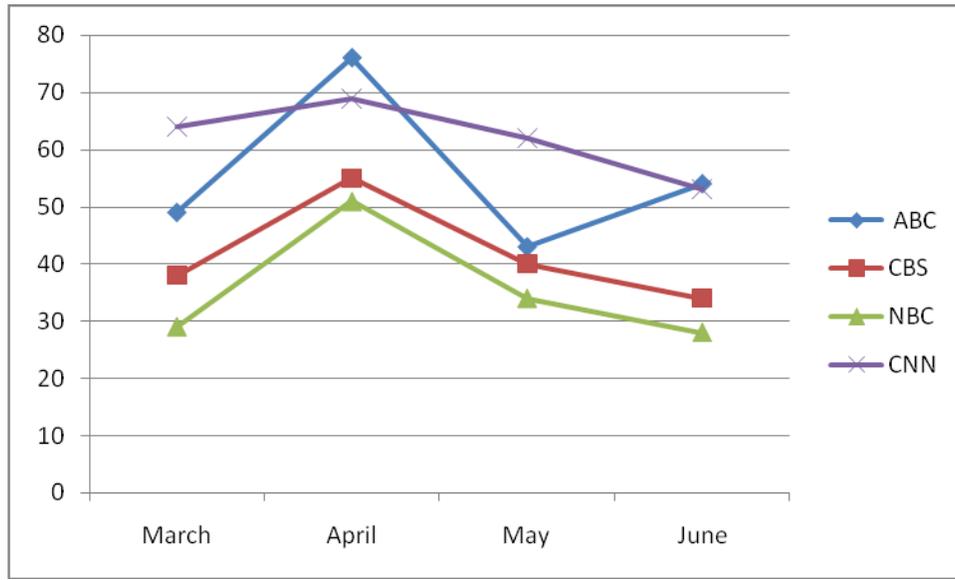
**Monthly Statistics:**

March – 143 Stories; April - 312 Stories; May - 227 Stories; June - 238 Stories

Source: The Washington Post Archive;  
Available at <http://pqasb.pqarchiver.com/washingtonpost/historical/results.htm>

**Media Attention – ABC, CBS, NBC, CNN**

**March 1999 – June 1999**



**Total Number of Stories**

**ABC – 222 Stories**

**CBS - 167 Stories**

**NBC - 142 Stories**

**CNN - 248 Stories**

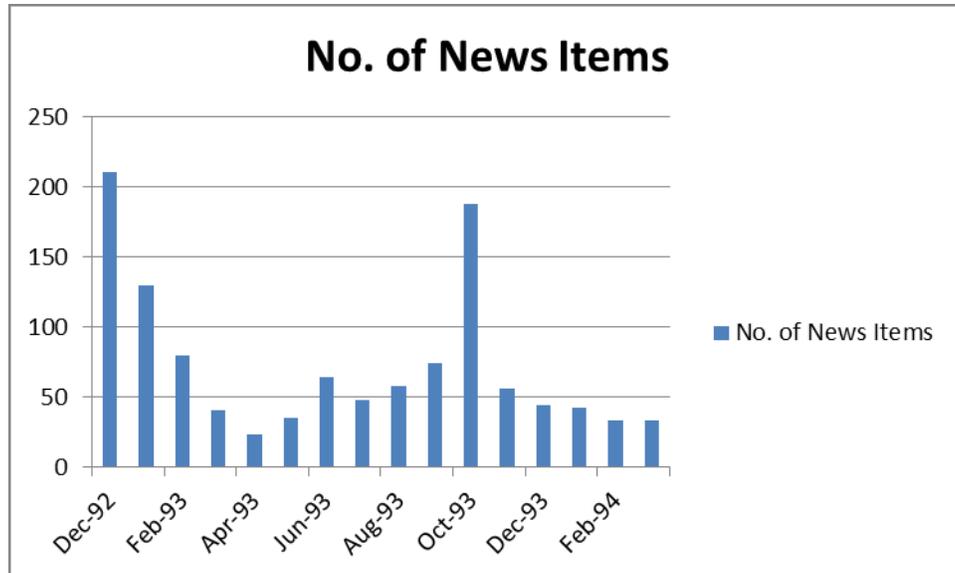
Source: Vanderbilt Television News Archive.  
Available at <http://tvnews.vanderbilt.edu/tvn-processquery.pl>

## APPENDIX L

### SOMALIA INTERVENTION (1992-94)

#### Media Attention – The New York Times

December 01, 1992 – March 31, 1994



**Total Number of News Items: 1160**

**Articles: 759**

**Front-page Article: 195**

**Editorial: 136**

**Letter to Editor: 70**

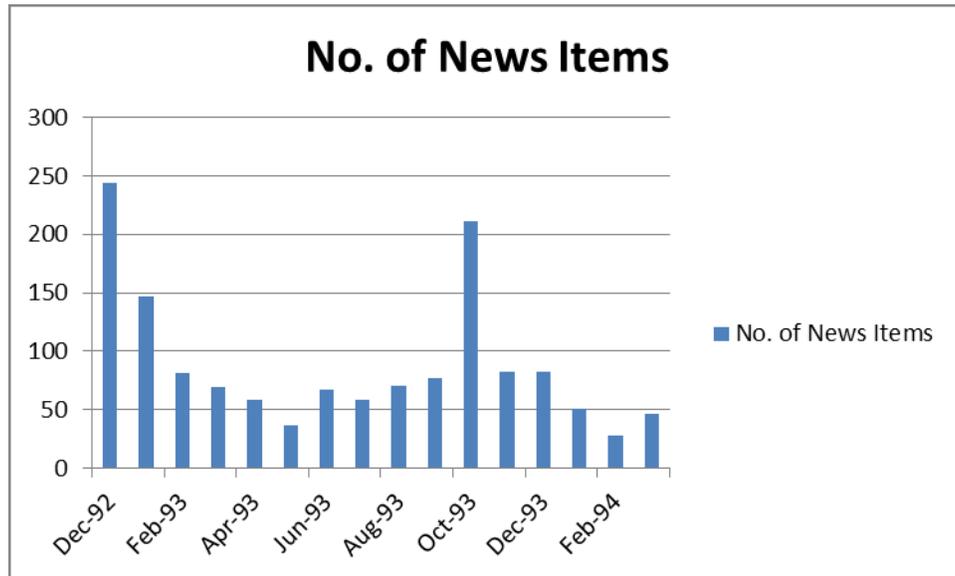
#### **Monthly Statistics:**

Dec'92 – 211 Stories; Jan'93 – 130 Stories; Feb'93 – 80 Stories; Mar'93 – 41 Stories;  
Apr'93 – 23 Stories; May'93 – 35 Stories; Jun'93 – 64 Stories; Jul'93 – 48 Stories;  
Aug'93 – 58 Stories; Sep'93 – 74 Stories; Oct'93 – 188 Stories; Nov'93 – 56 Stories;  
Dec'93 – 44 Stories; Jan'94 – 42 Stories; Feb'94 – 33 Stories; Mar'94 – 33 Stories

Source: [ProQuest Historical Newspapers: The New York Times \(1851-2009\)](http://search.proquest.com.libproxy.uoregon.edu/hnpnewyorktimes/results/).  
Available at <http://search.proquest.com.libproxy.uoregon.edu/hnpnewyorktimes/results/>

**Media Attention – The Washington Post**

**December 01, 1992 – March 31, 1994**



**Total Number of News Items: 1445**

**Articles: 1155**

**Front-page Article: 208**

**Editorial: 32**

**Letter to Editor: 50**

**Monthly Statistics:**

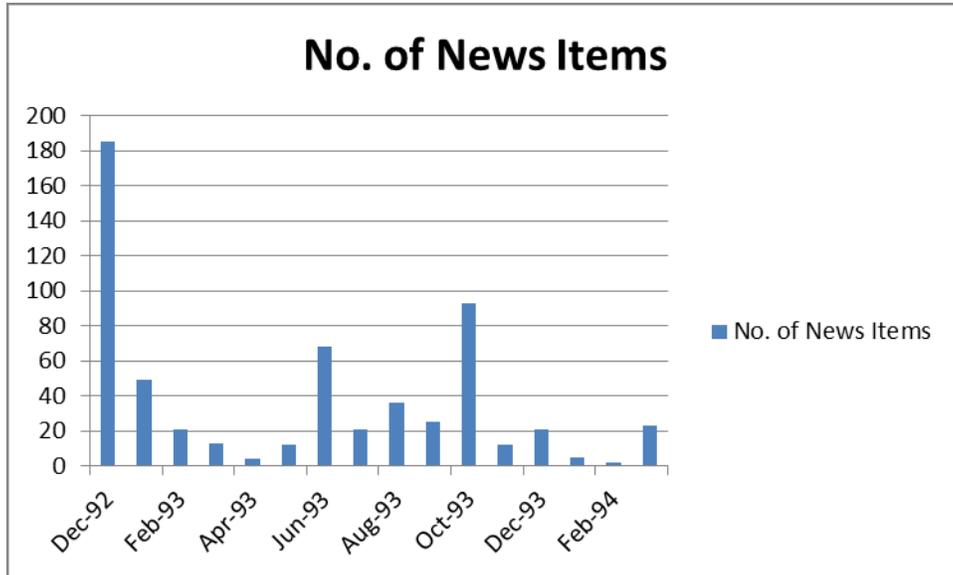
Dec'92 – 244 Stories; Jan'93 – 147 Stories; Feb'93 – 81 Stories; Mar'93 – 69 Stories;  
Apr'93 – 59 Stories; May'93 – 37 Stories; Jun'93 – 67 Stories; Jul'93 – 58 Stories;  
Aug'93 – 70 Stories; Sep'93 – 77 Stories; Oct'93 – 211 Stories; Nov'93 – 82 Stories;  
Dec'93 – 82 Stories; Jan'94 – 51 Stories; Feb'94 – 28 Stories; Mar'94 – 47 Stories

Source: The Washington Post Archive;

Available at <http://pqasb.pqarchiver.com/washingtonpost/historical/results.htm>

**Media Attention – Network Television (ABC, CBS, NBC)**

**December 01, 1992 – March 31, 1994**



**ABC – 190 Stories**

**CBS - 211 Stories**

**NBC - 176 Stories**

**Monthly Statistics:**

Dec'92 – 185 Stories; Jan'93 – 49 Stories; Feb'93 – 21 Stories; Mar'93 – 13 Stories;  
Apr'93 – 4 Stories; May'93 – 12 Stories; Jun'93 – 68 Stories; Jul'93 – 21 Stories;  
Aug'93 – 36 Stories; Sep'93 – 25 Stories; Oct'93 – 93 Stories; Nov'93 – 12 Stories;  
Dec'93 – 21 Stories; Jan'94 – 5 Stories; Feb'94 – 2 Stories; Mar'94 – 23 Stories

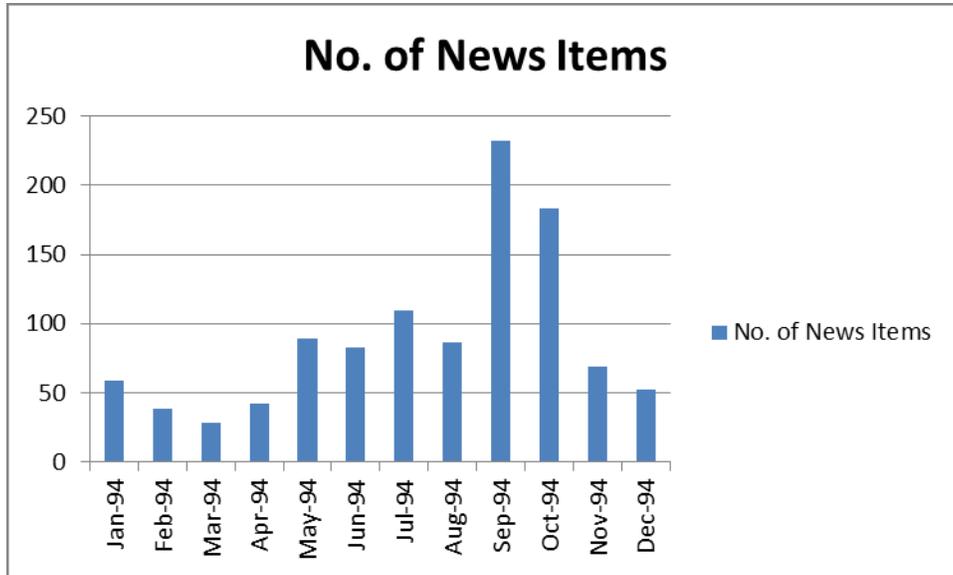
Source: Vanderbilt Television News Archive.  
Available at <http://tvnews.vanderbilt.edu/tvn-processquery.pl>

**APPENDIX M**

**HAITI INTERVENTION (1993-94)**

**Media Attention – The New York Times**

**January 01, 1994 – December 31, 1994**



**Total Number of News Items: 1070**

**Articles: 669**

**Front-page Article: 187**

**Editorial: 150**

**Letter to Editor: 64**

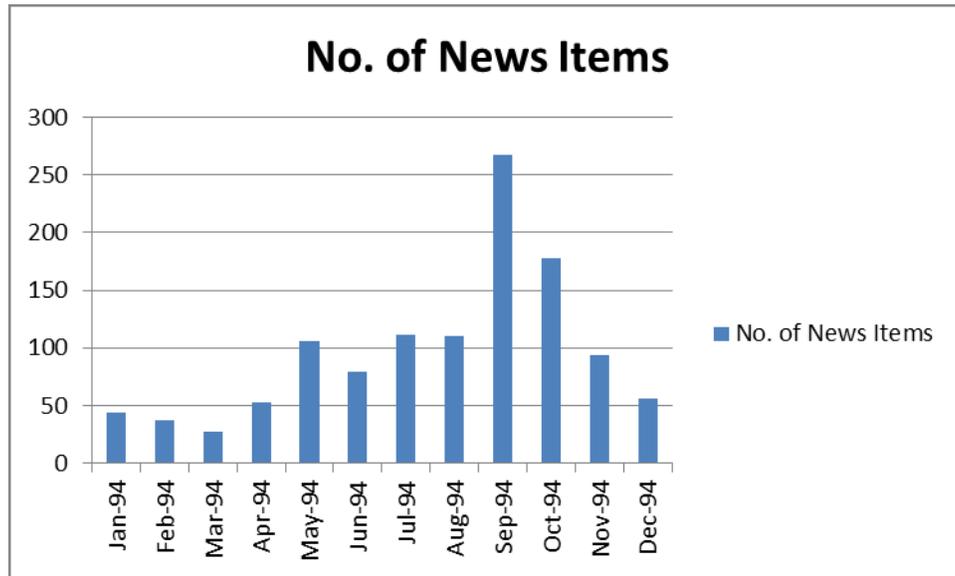
**Monthly Statistics:**

Jan'94 – 59 Stories; Feb'94 – 38 Stories; Mar'94 – 28 Stories; Apr'94 – 42 Stories;  
May'94 – 89 Stories; Jun'94 – 83 Stories; Jul'94 – 109 Stories; Aug'94 – 86 Stories;  
Sep'94 – 232 Stories; Oct'94 – 183 Stories; Nov'94 – 69 Stories; Dec'94 – 52 Stories

Source: [ProQuest Historical Newspapers: The New York Times \(1851-2009\)](http://search.proquest.com.libproxy.uoregon.edu/hnpnewyorktimes/results/).  
Available at: <http://search.proquest.com.libproxy.uoregon.edu/hnpnewyorktimes/results/>

**Media Attention – The Washington Post**

**January 01, 1994 – December 31, 1994**



**Total Number of News Items: 1214**

**Articles: 950**

**Front-page Article: 171**

**Editorial: 51**

**Letter to Editor: 42**

**Monthly Statistics:**

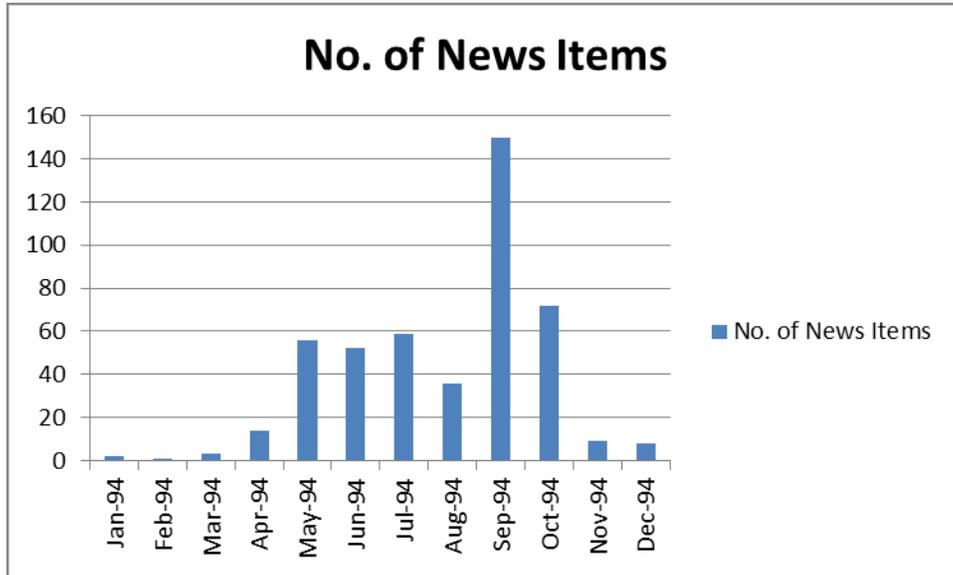
Jan'94 – 44 Stories; Feb'94 – 37 Stories; Mar'94 – 27 Stories; Apr'94 – 53 Stories;  
May'94 – 106 Stories; Jun'94 – 79 Stories; Jul'94 – 111 Stories; Aug'94 – 110 Stories;  
Sep'94 – 268 Stories; Oct'94 – 178 Stories; Nov'94 – 94 Stories; Dec'94 – 56 Stories

Source: The Washington Post Archive;

Available at <http://pqasb.pqarchiver.com/washingtonpost/historical/results.htm>

**Media Attention – Network Television (ABC, CBS, NBC)**

**January 01, 1994 – December 31, 1994**



**ABC – 162 Stories**

**CBS - 158 Stories**

**NBC - 125 Stories**

**Monthly Statistics:**

Jan'94 – 2 Stories; Feb'94 – 1 Stories; Mar'94 – 3 Stories; Apr'94 – 14 Stories; May'94 – 56 Stories; Jun'94 – 52 Stories; Jul'94 – 59 Stories; Aug'94 – 36 Stories; Sep'94 – 150 Stories; Oct'94 – 72 Stories; Nov'94 – 9 Stories; Dec'94 – 8 Stories

Source: Vanderbilt Television News Archive.

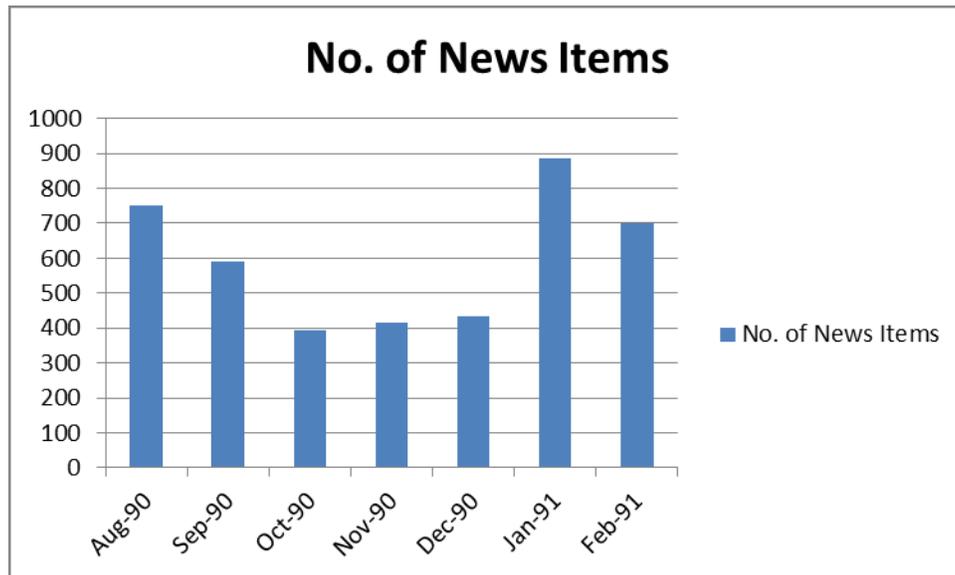
Available at <http://tvnews.vanderbilt.edu/tvn-search-advanced.pl>

## APPENDIX N

### IRAQ INTERVENTION I (1990-91)

#### Media Attention – The New York Times

August 01, 1990 – February 28, 1991



**Total Number of News Items: 4166**

**Articles: 3303**

**Front-page Article: 583**

**Editorial: 144**

**Letter to Editor: 136**

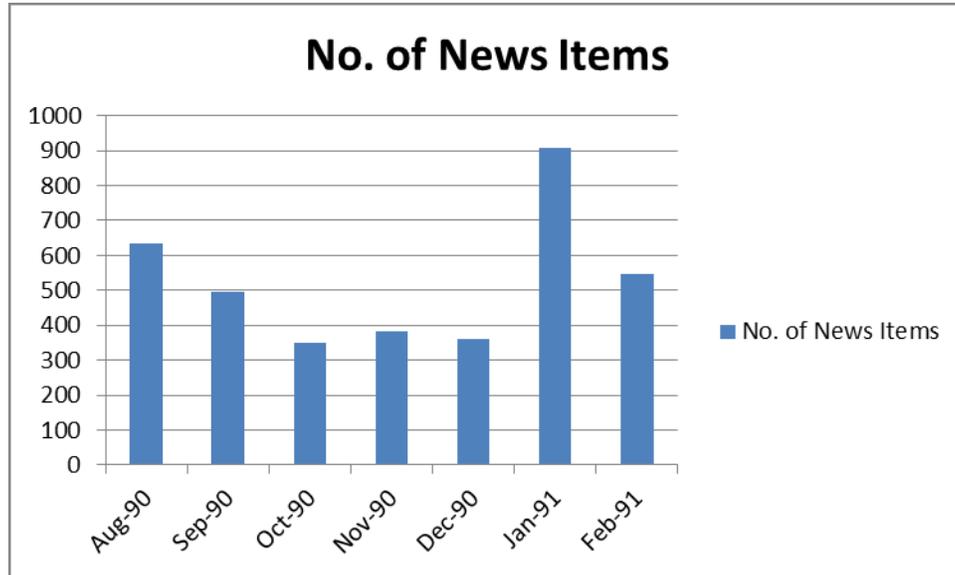
#### **Monthly Statistics:**

Aug'90 – 750 Stories; Sep'90 – 592 Stories; Oct'90 – 394 Stories; Nov'90 – 414 Stories;  
Dec'90 – 432 Stories; Jan'91 – 886 Stories; Feb'91 – 698 Stories

Source: [ProQuest Historical Newspapers: The New York Times \(1851-2009\)](http://search.proquest.com.libproxy.uoregon.edu/hnpnewyorktimes/results/).  
Available at: <http://search.proquest.com.libproxy.uoregon.edu/hnpnewyorktimes/results/>

**Media Attention – The Washington Post**

**August 01, 1990 – February 28, 1991**



**Total Number of News Items: 3777**

**Articles: 3039**

**Front-page Article: 529**

**Editorial: 102**

**Letter to Editor: 107**

**Monthly Statistics:**

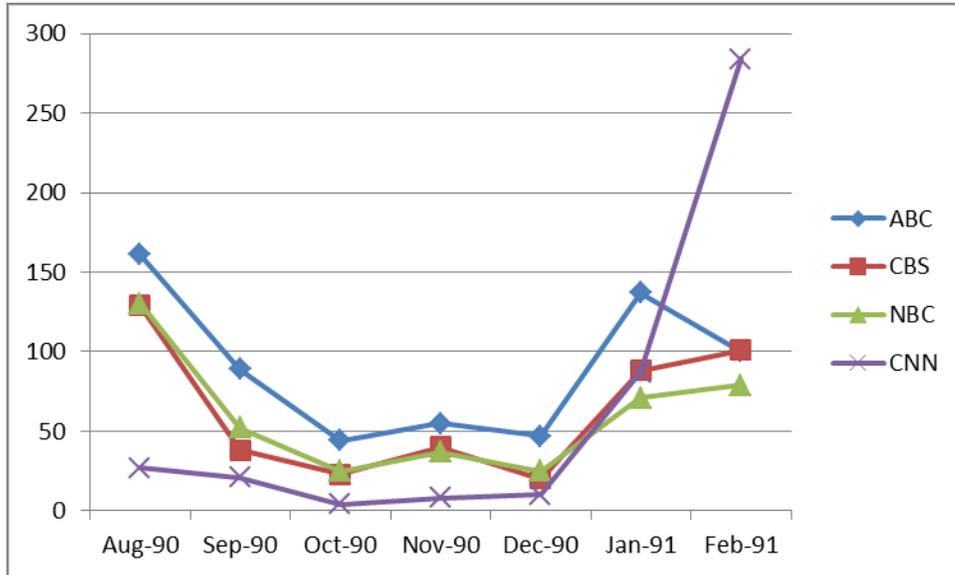
Aug'90 – 634 Stories; Sep'90 – 495 Stories; Oct'90 – 350 Stories; Nov'90 – 381 Stories;  
Dec'90 – 360 Stories; Jan'91 – 909 Stories; Feb'91 – 546 Stories

Source: The Washington Post Archive;

Available at <http://pqasb.pqarchiver.com/washingtonpost/historical/results.htm>

**Media Attention – Network Television (ABC, CBS, NBC, CNN)**

**August 01, 1990 – February 28, 1991**



**ABC – 633 Stories**  
**CBS - 439 Stories**  
**NBC - 419 Stories**  
**CNN – 441 Stories**

Source: Vanderbilt Television News Archive.  
Available at <http://tvnews.vanderbilt.edu/tvn-search-advanced.pl>

## APPENDIX O

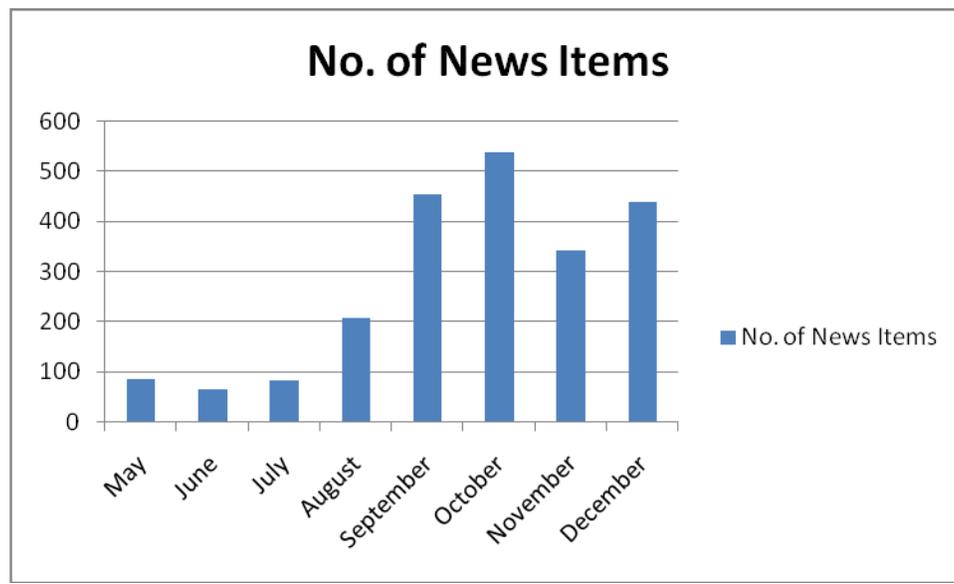
### IRAQ INTERVENTION II (2003)

#### **Major Amendments Rejected by the U.S. Senate – Consensus Building**

- 1) On October 10, 2002 the Senate rejected by a margin of 14-86 votes an amendment introduced by senior Senator Robert Byrd (D-WV) that would have stated that the resolution H.J. Res. 114 would not “alter the constitutional authorities of the Congress to declare war.” (*Congressional Quarterly Almanac*, 2002. S-48)
- 2) On October 10, 2002 the Senate defeated by 31-66 an amendment, introduced by Senator Robert Byrd (W-VA), to “put a two-year limit on any congressional authorization of military action, pursuant to Section 5(b) of the War Powers Resolution.” (*Congressional Quarterly Almanac*, 2002. S-48)
- 3) On October 10, 2002 the Senate defeated by a vote of 24-75 an amendment introduced by Senator Carl Levin (D-MI), Chairman of the Senate Armed Services Committee, that “would have allowed the use of force only if it had been authorized by the United Nations and only for the purpose of eliminating weapons of mass destruction in Iraq” (*Congressional Quarterly Almanac*, 2002. S-48)
- 4) On October 10, 2002 the Senate rejected by 30-70 an amendment introduced by Senator Dick Durbin (D-IL) that would have authorized use of force to meet “an imminent threat posed by Iraq’s weapons of mass destruction,” a higher threshold than “continuing threat posed by Iraq” that was cited in the resolution H.J. Res. 114. (*Congressional Quarterly Almanac*, 2002. S-48)

**Media Attention – The New York Times**

**May 01, 2002 – December 31, 2002**



**Total Number of News Items: 2221**

**Articles: 1531**

**Front-page Article: 583**

**Editorial: 195**

**Letter to Editor: 183**

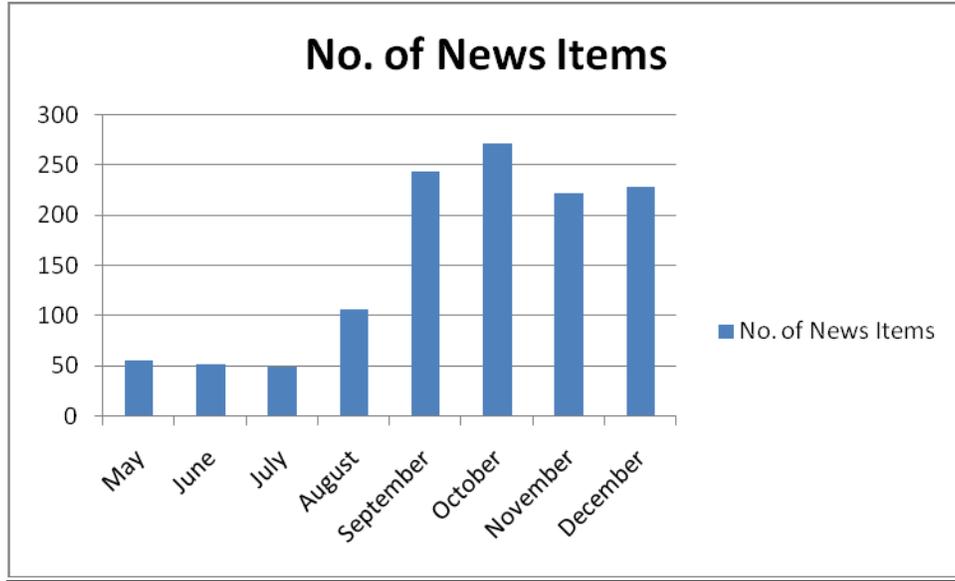
**Monthly Statistics:**

May'02 - 86 Stories; Jun'02- 66 Stories; Jul'02 - 84 Stories; Aug'02 – 209 Stories;  
Sep'02 – 455 Stories; Oct'02 – 538 Stories; Nov'02 – 344 Stories; Dec'02 – 439 Stories

Source: [ProQuest Historical Newspapers: The New York Times \(1851-2009\)](http://search.proquest.com.libproxy.uoregon.edu/hnpnewyorktimes/results/).  
Available at: <http://search.proquest.com.libproxy.uoregon.edu/hnpnewyorktimes/results/>

**Media Attention – The Washington Post**

**May 01, 2002 – December 31, 2002**



**Total Number of News Items: 1730**

**Articles (A Section): 1232**

**Editorial: 498**

**Monthly Statistics (A Section Articles):**

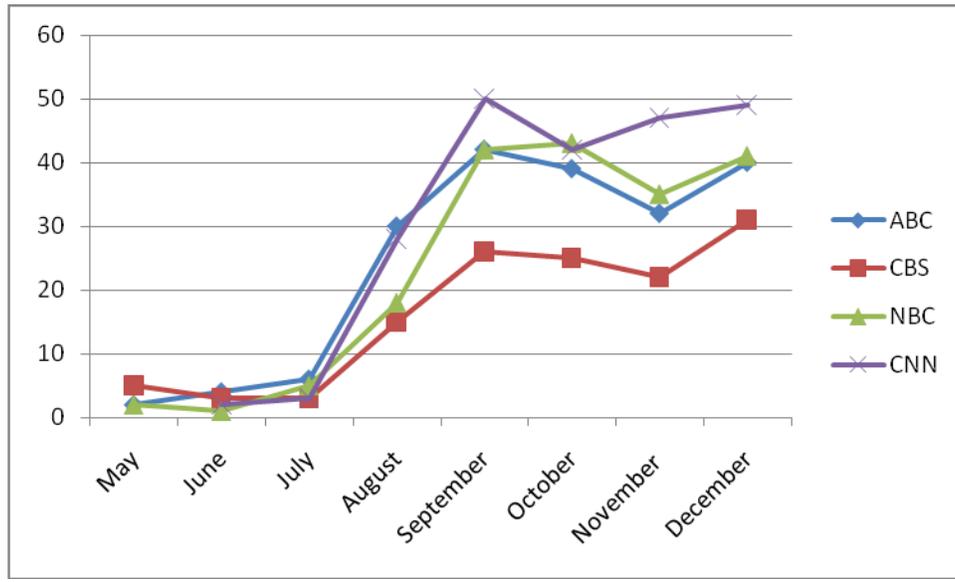
May'02 - 56 Stories; Jun'02- 52 Stories; Jul'02 - 49 Stories; Aug'02 – 107 Stories;  
Sep'02 – 244 Stories; Oct'02 – 272 Stories; Nov'02 – 223 Stories; Dec'02 – 229 Stories

Source: The Washington Post Archive;

Available at <http://pqasb.pqarchiver.com/washingtonpost/historical/results.htm>

**Media Attention – Network Television (ABC, CBS, NBC, CNN)**

**May 01, 2002 – December 31, 2002**



**ABC – 195 Stories**

**CBS - 130 Stories**

**NBC - 187 Stories**

**CNN - 221 Stories**

Source: Vanderbilt Television News Archive.  
Available at <http://tvnews.vanderbilt.edu/tvn-search-advanced.pl>

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