

The Domestic Constraints on US Foreign Policy

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Domestic Constraints on the President's Foreign Policy: Congress, Media and Public Opinion

Few would argue outright against the existence of constraints on the power of a US President to conduct foreign policy and exercise the use of force. Yet the source of those constraints has always been a topic of discussion. Some would insist that the primary constraints on a President come from international factors, including the preferences and actions of other countries and organized bodies beyond our borders. Yet others would vouch for the realist model, according to which constraints are based solely on the current and true national interest, and would not fluctuate as a function of public opinion or changes in leadership. And, despite abundant evidence to the contrary, there are those who insist that the President is largely unconstrained when it comes to foreign policy and has a relatively free hand when it comes to the use of force. In this paper, I will argue that such constraints do in fact exist and, furthermore, that the most significant constraints faced by a President in the conduct of US foreign policy arise from domestic sources, primarily Congress and public opinion. I discuss each of these main domestic constraints, offering supporting evidence from the cases of Vietnam, Somalia and Bosnia. I will also discuss several counterarguments and the reasons I believe each is incorrect.

Public Opinion & Vietnam

While some insist that public opinion is erratic and unreliable as a measure of true support, there is significant evidence to the contrary. Robert Shapiro and Benjamin Page argue that American public opinion is not only stable, but changes "by responding in rational ways to international and domestic events" based on the information available.[1] While this information is not always complete or accurate, it nonetheless is processed and formed into veritable opinion, and that opinion does indeed become a part of elite policy-making. The Vietnam War, and the approach to public opinion displayed by the Johnson Administration, provides an excellent example of the extent to which opinion affects policy.

In a 2007 article, Tara Egan argues that President Johnson's decision-making circle took public opinion into account at nearly every stage of the conflict. This happened through a variety of methods. One obvious tool was opinion polling, which the Johnson White House frequently commissioned to supplement information available from Gallup and other groups. The President was also known to place great importance on mail received by his office and on views expressed by major figures in the media. While it is difficult to know exactly how this array of information was integrated into the Administration's decision-making calculus, the emphasis is consistent with Johnson's guiding philosophy that public opinion was important, and as such should be managed and controlled. While some may argue that this indicates that Johnson disregarded public opinion as malleable to his own needs, the sheer amount of attention paid to it is evidence of the constraint it placed on his freethinking. The importance President Johnson attributed to public opinion is visible in accounts from his time in office which show that among his advisors, "[Johnson] would not...tolerate any dissenting attitudes which might further damage the fragile consensus erected around the nation's Vietnam policy." [2]

Early actions in Vietnam were mostly consistent with public sentiment. Johnson was able to put off much of the heavy decision-making to escalate the conflict in Southeast Asia because most Americans at the time were ambivalent or undecided on the issue. Likewise, public opinion did not clash with Johnson's response to the Gulf of Tonkin.

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However, there was soon dissent over Operation Rolling Thunder, and Johnson immediately took steps to manage the discontent, including his April 7th speech at Johns Hopkins University, in which he sought to reiterate clear goals for US involvement. Throughout the course of the war, Johnson's White House launched a full-scale public relations effort to manage popular opinion on Vietnam. From campaigns targeting college campuses to the strategic mobilization of friendly public officials, little effort was spared to address the President's concerns.

The scope of these efforts is a testament to the importance of public opinion during the Vietnam War. However, to truly address whether opinion constrained President Johnson's Administration, it helps to analyze the degree to which it limited the President's actions or range of available options. There is clear evidence that Johnson was reluctant to engage in a serious conflict in Southeast Asia. In a transcript of one conversation with National Security Advisor McGeorge Bundy, Johnson said, "It just worries the hell out of me, I don't see what we can ever hope to get out of there with, once we're committed...What the hell is Vietnam worth to me? What is Laos worth to me? What is it worth to this country?...This is a terrible thing we're getting ready to do...It's damned easy to get in a war but it's gonna be awfully hard to ever extricate yourself if you get in." [3] However, Johnson was unable to act on his core conviction that the war was a mistake. As discussed by Professor Schultz, polarized public opinion forced the President to consider a limited range of options, from a "minimum necessary to prevent the loss of South Vietnam" to the "maximum feasible" intervention. [4] Excluded from this narrowed continuum were the opportunities to either disengage or pursue a full-scale military effort. Whatever his motivations may have been—concerns about reelection, his personal legacy as President, or a genuine belief that the war was unjustified—it is clear from the evidence that Johnson was constrained to a limited and ineffective series of options in Vietnam. Given this dissonance, it seems not only possible, but plausible, that in the absence of these constraints the President would have chosen an option closer to the edges of the decision-making spectrum.

Congress and Somalia

Although it has become common to view the President as the dominant player in the conduct of US foreign policy, it is important not to forget the great extent to which Congress regulates the President's activities. Of course, some of the most fundamental constraints were built directly into the Constitution by the Founding Fathers, who sought to avoid an imperial Presidency. Among the most basic protections are the requirements for Senate approval of treaties and of Presidential appointments of key cabinet officials like the secretaries of State and Defense. Congress was also granted the sole power to issue Declarations of War.

However, in the aftermath of the Vietnam War and events like the Watergate scandal, Congress has made an effort to constrain the Presidency even further. It employed new mechanisms like the Case Act, National Commitments Resolution, and regulation of intelligence activities. Most significantly, Congress passed the War Powers Act, requiring Presidents to notify Congress within 48 hours of committing armed forces to action and forbidding those forces from remaining in combat for more than 60 days without formal Congressional authorization.

Beyond its legally and constitutionally enumerated powers, Congress has a number of other tools at its disposal. Using its "power of the purse," Congress can cut off the funding for a mission. It can also mount popular appeals for or against Presidential agendas and proposals to use force. While the President may ultimately have a free hand in deciding when to engage, Congress can increase the political price of an executive decision. There is also the less obvious tactic of congressional *inaction*. While it may appear that in this scenario, Congress is taking a step back and offering the President a choice, this inaction places the onus on a President for a military action that may end badly, thus forcing a president to act with more caution, knowing the potentially grave ramifications.

In the case of Somalia, the constraints placed on the Presidency by Congress are evident primarily in the way in which the war was fought. It is instructive to examine the shape and scope of the intervention, and the extent to which it would have been different in the absence of Congressional constraint. In November 1992, President Bush faced 3 options for intervention in Somalia: an effort solely carried out by the UN, a "UN-plus" mission, and the so-called "Heavy Option", which would have entailed using overwhelming force to quickly achieve its goals. Presumably, if the President, who was by then a lame duck, wanted to resolve the situation in Somalia quickly and effectively, without a drawn out commitment, the Heavy Option would have been preferred, and unilateralism would have been justified.

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However, support for a unilateral mission was not present in Congress. This may have been due to the lack of salience of the Somalia issue among the American public. In a September 1992 Times Mirror poll presented by Professor Schultz, only 2 percent of respondents cited Somalia as the story they were following most closely.[5]

President Bush was thus forced to accept serious constraints on his ability to use force to overthrow Mohamed Farah Aideed and achieve the ultimate goal of stabilizing Somalia. Instead of an overwhelming American response to the crisis, UNITAF was formed as a multilateral force whose objectives were to secure infrastructure for the delivery of food aid in southern Somalia. While later on UNOSOM II adopted more heavy-handed goals, such as disarming belligerent factions and training a police force to maintain security, the overall narrowing of the mission's goals was not lost on either President Bush or Clinton. Further, steps taken by Congress limited the options available to the Commander in Chief. While a number of these measures were either non-binding or in support of Clinton's March 31 withdrawal deadline, votes like the House's passage of an early withdrawal deadline on November 9 kept the pressure on the President to abide by agreements backed by a Congressional majority.

Congress & Bosnia

Coming into office in 1993, President Clinton inherited a difficult position on Bosnia. While campaigning for the Presidency, he routinely criticized President Bush and made clear his support for the Bosnian cause. The conflict in Bosnia had been framed as a European issue, and polls showed that only a small minority of the American public regularly followed news from the conflict. Even when multilateral participation in a US mission was assumed, only 49 percent of respondents in national polls favored intervention.[6] Clinton understood the risks of taking such an unpopular action, especially in the infancy of his term in office.

The back and forth between the Clinton White House and Congress over Bosnia is a prime example of the constraint placed on the President by the legislature. Like the American people, Congress was reluctant to get involved in Bosnia in a meaningful way. Among the options discussed early on was the lifting of an arms embargo initially implemented to stop the flow of weapons into Bosnia. The intent was to allow Bosnian Muslims and Croats to rearm against the Serbs. In theory, this action would also reduce the need for American intervention. For Congress, this was a way to show US support for a resolution of the conflict while avoiding the direct use of force. President Clinton had objections to the plan, arising mainly from the risks that would be faced by allied European troops in a rearmed conflict. Nevertheless, Congress passed the bill to lift the embargo by a veto-proof majority in 1995. In a move fraught with political risk, Clinton vetoed the authorization anyways, and the veto was not overridden.

Although Clinton seems to have won that particular battle, it was by no means the only one that would be fought between Capitol Hill and the West Wing over Bosnia. Even before the embargo bill was introduced, President Clinton faced a Congress eager to encroach on his powers as Commander in Chief. One amendment, which was considered but ultimately not enacted, would have prohibited the deployment of additional US troops in Bosnia without Congressional approval. In addition, leaders in both houses of Congress made public their opposition to Clinton's often-ambiguous plans for Bosnia. John Ashcroft, a Republican Senator from Missouri said, "Instead of articulating a clear policy on Bosnia which pursues these principles, we have a chaotic, constantly changing approach that bounces from pillar to post with each new event." [7] The criticism was not limited to the opposition party. Senator John Kerry commented, "I believe that we have to be clearer about exactly what lines we're willing to draw, precisely what distance we're willing to go to achieve them and then stick by it—not be moving back and forth." [8] In their article on the topic, Howell and Pevehouse discuss mechanisms by which Congress can constrain the President's military hand. Among them is the ability to affect and shape public opinion with statements like those quoted above. According to the authors, "if there is debate inside the American government over US policy, critical perspectives appear in the news...Anticipating that Congress will push public opinion against them, presidents may be less likely to engage the military, especially on ventures that pose considerable risks." [9] In this vein, it is important to remember that Clinton was in his first term at the time, and determined not to scuttle his chances at reelection.

In general, the President favored a strong American intervention to help resolve the conflict, while Congress preferred policies that would allow Bosnians to settle the disputes internally. Votes such as the one taken on November 18, before the signing of the Dayton Accords, to defund any mission not explicitly approved by Congress,

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placed a serious burden on President Clinton. Facing a possible legal challenge, the White House needed to be especially cautious, aware that such a dispute could jeopardize other elements of the President's agenda going forward. Another one of Howell and Pevehouse's arguments becomes relevant here: Dismantling the President's Military Venture. Much has been said about the practical ineffectiveness of the War Powers Resolution to constrain Presidential power. However, despite the skepticism, it is a fact that the mere threat of Congress citing the law to challenge Clinton would force the President to narrow his options to those that would avoid facing serious blowback from the legislature.

Counterarguments

As is to be expected when dealing with a topic as vast and controversial as the one addressed in this paper, there are many legitimate counterarguments to be made, and I will discuss a few of them here. It has been argued that the influence seen on Presidential decision-making may have more to do with external, or international, constraints than with domestic factors. However, it makes sense that the weight of the international system would have a greater effect on the decision-making of small, weak nations, and relatively little effect on that of the United States. As a wealthy and largely self-sufficient country with vast natural resources and the world's strongest military, the United States is more likely than other countries to set the international agenda based on its own domestic needs than accept an agenda based on the concerns of others. If there is a country that can withstand external pressures, it is only logical to assume it is the most powerful one. In this vein, some would insist that during periods like the Cold War, the US had no choice but to allow external threats to dominate its foreign policy thinking. However, to the extent that this is true, the United States was no more constrained in its decision-making than other countries. While the containment of the Soviet threat was important to the United States, its failure would have had much more direct and significant ramifications for other countries involved.

In assessing the effect of public opinion, many would say that the general indifference among the general population with regards to foreign policy matters gives the President a relatively free hand in this area. It is more accurate, however, to describe this indifference as a constraint in itself. While foreign policy may not be as routinely salient to the electorate as the economy or domestic social issues, it also carries an implicit liability. Any President would hesitate to expend valuable political capital on an issue that means relatively little to the public. If his decisions are correct, the success will go largely unappreciated. On the other hand, failure carries an added burden in a situation where the initial action was without widespread support.

Conclusion

In analyzing the three historical cases discussed above, it becomes clear that domestic factors serve as serious constraints on the ability of the President to conduct foreign policy and use military force. While each of the examples studied here were paired to one such constraint, it is not hard to see the effect of the others. In Somalia, for example, congressional maneuvers isolated President Clinton while holding him solely accountable for the outcomes of the operation. In Bosnia, the politics of "do something" compelled the decision to intervene. Additionally, constraints not addressed here such as bureaucratic structure and electoral strategy also influence and constrain presidents. Today, foreign policy continues to be seen as an area of Executive domination. Even so, it is critical to view choices seemingly made with a free Presidential hand through the lens of these domestic constraints. Without this nuanced perspective, it is all too easy to misunderstand the real motives behind a President's most consequential decisions.

[1] Robert Y. Shapiro and Benjamin I. Page, "Foreign Policy and the Rational Public," *Journal of Conflict Resolution*, vol. 32 (June 1988), pp. 211-247.

[2] Egan, Tara. "Vietnam, the Johnson Administration and the Role of Domestic Public Opinion." 49th Parallel, Vol 21. Autumn 2007. Page 4.

[3] Taking Charge: The Johnson White House Tapes, 1963-64. Edited by Michael R. Beschloss (New York: Touchstone, 1997), pp. 371-372.

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[4] Schultz, Kenneth. PoliSci 110D Lecture Slides, 31 January 2012.

[5] Schultz, Kenneth. PoliSci 110D Lecture Slides, 9 Feb 2012.

[6] Schmidt, Benjamin. "American Domestic Policy and Bosnia: Foreign Policy Constraints and the Clinton Administration." American University School of International Service.

[7] Moss, J. Jennings, "House Votes Lift Bosnia Arms Embargo; Senate Raps Clinton's 'Chaotic' Policy," *The Washington Times*, June 9, 1995.

[8] Ibid.

[9] William G. Howell and Jon C. Pevehouse, "Presidents, Congress, and the Use of Force," *International Organization*, vol. 59 (Winter 2005), pp. 209-232.

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Date written: March 2012