

## **President Vs Congress in US Foreign Policy Cooperation or Confrontation**

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### **Abstract**

The United States Constitution divides foreign policy powers between the President and the Congress with an object to achieve continuity, coherence, and consistency in foreign policy. Both have opportunities to initiate and change foreign policy, and the interaction between them continues throughout the entire process of formulation, and implementation of foreign policy. The making of US foreign policy is more difficult and complex, and the support of these two branches is required for the making of strong and effective foreign policy. The relations between the President and Congress in the field of foreign policy are based on the system of checks and balances. This is the most important feature of the US political system in order to prevent the one organ of Government to become so powerful to impose its hegemony and the domination over the other. The dispersal of power over foreign policy puts a heavy premium on consultation, coordination, and cooperation by these two important organs of US Government.

**Key Words:** President, Congress, Bipartisanship, Partisanship, Foreign Policy, Formulation, Cooperation, Consultation, Confrontation, Constitution,

### **Introduction**

The President of USA is regarded as a chief actor in the field of foreign policy. According to US constitution the President is the Chief Executive, Chief of the State, Commander-in-Chief, Chief Treaty Negotiator, Chief Appointing Authority, Chief Diplomat and Chief of foreign policy maker. With these powers, the President is able to control and dominate US foreign policy. While, on the other hand, the Congress is more powerful and independent position in the field of foreign policy. It has a power of purse, declares war, confirms or rejects presidential appointments, ratifies treaties, sanctions funds, manages and regulates trade, and approves the sale of arms. But, if the

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Congress passes a series of laws that are unconstitutional, the President checks the power of Congress with the ability to veto those laws.

The nature of cooperation between the President and the Congress are based on the principles of bipartisanship. Bipartisanship is a political situation, usually in the context of a two-party system (e.g. in case of United States), in which opposing political parties find common ground through compromise. While, partisanship is the opposite term which is characterized by a lack of cooperation between rival political parties. The success of the US foreign policy depends upon the mutual cooperation of President and the Congress. The cooperation between the President and Congress has a positive impact on the formulation of US foreign policy. On the other hand, the disagreement and uncompromising attitudes between them results in open confrontation, which, sometimes makes the making of foreign policy issues more difficult and complicated. An important element of cooperation is consultation.

The President is the chief architect of U.S. foreign policy, and therefore he has the primary responsibility for initiating consultation. Consultation fosters mutual trust between the President and Congress, and encourages them to develop a strong and effective foreign policy. It helps to prevent these two organs from taking foreign policy in two different directions. The confrontation between the two branches not only delayed the decisions on important global and regional issues, but adversely affected the cordial relations between the President and the Congress. And yet, both conflict and cooperation between the President and Congress are an essential elements and ongoing part of the policy-making process whatever the split in government might be.

Against this background, the research paper discusses the cooperation and confrontation between the President and Congress in the formulation, adoption, and implementation of US foreign policy. The paper tries to explore how presidential and congressional relations are different from issue to issue and how one can predict when the president and Congress will cooperate or when they will fight. This study examines new ground in combining several policy alternatives with analysis that sheds new light on the nature of relationship between the President and the Congress. The research paper looks to identify the factors that determine the President's ability to get the support and cooperation of the Congress in accordance with his preferences. The paper describes how presidential popularity, the president's party controls over congress, party unity, security and economic conditions affect the President-Congress relationship.

### **Making Foreign Appointments**

Article II, Section 2, of the US Constitution says that the President "shall nominate, and by and with the advice and consent of the Senate(The upper

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Chamber of Congress), shall appoint ambassadors, other public ministers and consuls, judges of the supreme court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law”.

In the United States, advice and consent is the term used to describe the role of the Congress in limiting the powers of the President regarding appointments. For example, under the U.S. Constitution, the President's nominations for posts do not come into effect unless they are confirmed by the Senate. Historically, the nomination and confirmation of presidential appointments has been regulated by strict, formal rules, but rather by informal customs that can change and have changed over the years, as the relative balance of power between the President and the Senate. The informal system through which this system operates, including senatorial courtesy, logrolling, individual holds, blue ships, consultation between presidents, members of congress, senators and interest groups, manipulation of the press, and nominees campaigning are the some and substance of the appointment process. (Gerhardt,2000:10)

Advice and consent is an example of the constitutional principle of ‘checks and balances’ because it limits the power of the executive branch by requiring legislative approval. Under constitution, the President has the power of appointment of major foreign policy bureaucracy, ambassadors, and councilors while Senate has the power of advice and consent. Sharing a joint responsibility in the process of appointing and confirming nominations can pose challenges to the President and the Senate, and it has sometimes been the focus of tension and confrontation between the two branches. The pace of appointment and confirmation process has been the subject of serious reports and proposals, with many critics charging that the vetting by the President is too long and difficult is excessive or that the confirmation process by the Senate is too long and difficult which discourages the foreign policy executives from seeking service. It has argued by Nolan McCarty and Rose Razaghian that Senate’s confirmation process is entirely consistent with all its other norms, traditions and rules. Concern for the right of prerogatives of individual senators gives rise to numerous opportunities for abstractions and delay (McCarty and Razaghian, 1999:37).On the other hand, Sarah Binder stated that most presidential nominees emerge from the Senate confirmation process and are eventually confirmed. In the 111<sup>th</sup> Congress, the Senate submitted 964 nominees and 843 of those were eventually confirmed by the Senate. (Binder,2001:37)

Under this provision, when Congress creates important positions in the federal government, the President gets to nominate, or recommend, people for those positions. The Senate then to consider and either approve or disapprove the nominations. The Senate usually approves the President's nominations, but

occasionally rejects them, requiring the President to make another nomination. If enough senators oppose a nominee, they can prevent the nomination from coming to a vote by using a procedure called a filibuster. A filibuster is a way to use up all of the time assigned to a particular issue without allowing the issue to come to a vote in the Senate. The President has the sole authority to remove people from purely executive positions, such as the heads of the executive departments. The President can remove such people at any time for any reason, because these positions must be held by people in which the President has complete confidence.

### **The Use of force & the Declaration of War**

With respect to war making power, the constitution states in Article 1 Section 8, that “the Congress shall have the power to declare war”. However, Article 1 Section 2 of the constitution specifies that “the President shall be the Commander-in Chief of the Army and Navy of the United States”. Of the Two provisions, the latter assumes more important for the President to defend the stationing of US troops all over the World. The provision was used to justify American military intervention in Korea (1950-1953), in Lebanon (1958), in the Dominican Republic (1965-1966), in Vietnam (1965-73), in Grenada (1983), and in Panama (1989). Yet, in none of those cases was military action accompanied by formal declaration. The President’s power in foreign policy is also limited by the Congress. Congress tends support the idea that the President knows best in regard to foreign policy. But there was less willingness to support the President’s foreign policy initiatives, especially, after the Vietnam War and Watergate Scandal.( Yankelovich, 1978:93)

From Roosevelt to Johnson, there was a strong cooperation between the President and the Congress. During this period, all the presidents enjoyed more influential and predominant position in the stationing of troops, the use of force and the declaration of war. In other words, there was a strong cooperation and coordination between the President and the Congress on the issue of foreign wars. In this regard, it is not surprising that foreign policy became more partisan. Party differences existed long before the early 1970s, of course. In addition, debates over Central and Latin America have divided the two parties since the Kennedy Administration.(Peterson and Greene, 1964:1-24). Harry Truman was accused by Republicans of having lost China and harboring the communists within State Department. John Kennedy discovered a missile gap as he was launching a presidential campaign in 1960. Republicans attacked Kennedy for the disaster in the Bay of Pigs, and in the months leading up to Cuban missile crisis and the President’s inability to identify missiles ninety miles from Florida coast. President Eisenhower sought to return to a more even presidential-congressional balance, stating that there should be no involvement of America in war, unless, it is the result of the constitutional process that is placed upon the Congress to declare it. In order

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to commit the US to counter threats in Middle East and Taiwan (Formosa), Eisenhower asked the Congress for the authority to respond the US forces. He believed that these area resolutions would other nations that Congress and President were united in their foreign policies.

But during Vietnam War this accommodation gave way to active antagonism, where Congress desired to play more active role in order to check the presidential dominance and hegemony. During the Johnson and Nixon Administration, the rising Congress dissatisfaction with the American's involvement in Vietnam War was reflected in the congressional actions to redress the imbalance of power in foreign policy fields between the President and the Congress. Since Vietnam War congress played more assertive role in US foreign policy. In the wake of serious weakening of the Presidency that was the result of Vietnam war, Congress attempted to recover its constitutional powers by passing the War Power Resolution of 1973.( The American Journal of International Law, 1974:372-76).

The War Powers Resolution requires the President to report to Congress "in every possible instance" within forty-eight hours after sending troops into hostile situations. The President then supposed to withdraw the troops unless Congress declares war or otherwise authorizes the military action within sixty days. Presidents, however, have routinely ignored the requirements of the War Powers Resolution, granting them an absolute authority over America's military decisions, offensive and otherwise. Although the goal of War Power Resolution was to stipulate the genuine dialogue between the legislative and executive branches on the issues of war and peace, and, to revive the constitutional war power ascribed to Congress, it has the reverse effect. The Resolution enhanced presidential war powers. As a result, the presidency is understood to be proactive, while Congress a reactive in the exercise of war power.(Fisher and Adler,1998:1-20).

The resolution stipulates that the President should inform Congress the sending of forces into hostilities or the situation where the eminent involvement in hostilities is clearly indicated by circumstances. Secondly, it prevents troops commenced by the President to extend beyond sixty days without specific congressional authorization (although this period can be extended up to ninety days if the safety of the American troops is at stake). Third, the American forces engaged in hostilities any time without a formal declaration of war or a specific congressional authorization, the law enable the Congress to direct the President to disengaged such troops by concurrent resolution of the two houses of the Congress (Kegley and Wittkope, 1991:433).

Before the American involvement in Vietnam there was a wide spread support in the Congress for NATO alliance, the Marshall Plan, initial American

involvement in Korea, and the President Eisenhower's handling of Berlin and Formosa crisis. After Vietnam War, the War Power Resolution, the Panama Canal treaty, arms control negotiations, American involvement in Central America, and the host of other issues either created or publically demonstrated the division in presidential-congressional relations. Muller argues that during 1960s, the Johnson administration diligently cultivated bipartisan support for Vietnam War. Likewise, Nixon's policy of gradual withdrawal from Vietnam appear to have resulted in a long run in bipartisan support and breakdown in common consensus between the President and Congress (Muller,1973:228).

The war power resolution seeks to ensure greater congressional participation in the foreign policy decision making regarding the use of force by requiring consultation between the President and the Congress in every possible way prior to committing the US forces into hostilities. Presidents have generally claimed to meet this requirement, but, if sometimes a serious debate occurred between the two branches (legislative and executive) prior to presidential decision on the use of force, then under such circumstances, the Congress has sought to limit the power of the President. The rescue of the Mayaguez authorized by President Gerald R. Ford in 1975 and the abortive attempt to rescue American hostages in Iran authorized by President Carter in 1980, both proceeded without prior consultation. In the case of Iranian operation, Congress generally accepted Carter's contention that the need for secrecy plus the fact that the troops were engaged in the rescue operation rather than the military exercise precluded consultation with Congress. (Kegley and Wittkope, 1991:434-35).

Since Vietnam war Congress has become more active to question presidential authority to send forces into hostilities. For example, in the recent study of congressional responses to the military intervention between 1973-1990 James Meernik in his book, 'Congress, The President, and the Commitment of US Military,' discussed that the divided government is the most important predictor of congressional responses to the use of force into hostilities. (Meernik, 1995:377-92). Since 1970, party unity increased and partisan conflict intensified on foreign and defence policy. Most of the Democrats on Capitol Hill opposed the bombing of Cambodia in 1970, and resisted the Reagan defence built-up of 1980s; Party leaders became increasingly active on foreign policy questions and refused to support Contrass in Nicaragua.(Peterson, 1994:222). The trend towards increased partisanship over the war is also demonstrated by observing how many members of each party proposed bills or resolutions regarding the war Power Resolution during the US military action. According to the analysis made by Martha Gibson, between 1980 to 1989 sixty-two of the seventy-eights such measures (79%) were introduced by democrats in response to the deployment of forces made during Reagan and Bush administration. Of all the foreign policy issues she analyzed only the War

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Power shows both the partisan and ideological dimension clearly dividing presidential-congressional relationship (Gilbson, 1994:441-72).

Congress has adopted a conflicting nature regarding the three US military operations: the deployment of US forces in Central America during the mid 1980s, the US participation in peace-keeping mission in Lebanon in 1983, and the reflagging of Kuwaiti oil tankers in 1987 during Iran-Iraq war. Only the Central American intervention was directly and explicitly linked to the fear of communism in the Western Hemisphere, making it as a cold war intervention. President Reagan sent thousand of military personnel in the region by 1983. He also conducted training mission with the land and naval forces to intimidate the leftist government of Nicaragua and provided military aid and military facilities to contras in El Salvador, prompting Congress to attempt to ban the deployment. The invasion of Grenada in October 1983 again raised the question of applicability of War Power Resolution. In such invasion the President did not consult the Congress before deploying troops (Rubner, 1985:627).

The controversy over Lebanon has hardly subsided when the President's Persian Gulf policy came under severe attack from Congress. In May 1987, an Iraqi war plane fired two Exocet missiles at USS Stark, killing thirty-seven US sailors. The Stake was a large and growing naval presence in the Persian Gulf whose mission included the protection of Kuwaiti oil tankers from protracted Iran-Iraq war. After one year of this incident, the US naval Commander shot down an Iranian airliner, killing 290 civilians. Also Pentagon authorized immediate danger suffered by the armed forces in this deployment. Hence, Congress certainly considered the military intervention, the introduction of measures (HR-2342) to support at least delay in deployment.( Grabb & Holt, 1992:146-52).

The decision of the US President to protect Kuwaiti tankers was motivated by the desire to prevent Iranian expansionism from threatening other states in the region who were friendly to United States, and to keep the Soviet Union from expanding its influence in the region. The Strake incident created a divergence between the President and the Congress as the latter was not consulted about such operation. The incident prompted a heated debate in the Congress about the applicability of War Power Resolution. In the words of Warburg, by the end of 1987, the very mentioned of War Powers Debate brought groans from Republican and Democratic cloakrooms alike. Thus, legislators choose no option but to challenge the White House on the Gulf policy.( Warburg, 1989:139). There was a full congressional support for the President for the military intervention in the Post Cold period. The outstanding examples were the Persian Gulf War of 1991, the Somalian war of 1992-93, and the Haiti crisis of 1994. In all these cases the legislators of both parties

expressed full confidence for President. As a result, the spirit of bipartisanship again prevailed in the legislative-executive branches of government.

Since 9/11, there was an overwhelming consensus between Bush Administration and the Congress to eradicate the Taliban regime in Afghanistan, who has been accused as a strong supporter of Al Qaeda terrorist network and provided a safe haven for Osama bin Laden. On September 12, 2001, Congress called for military action against the Taliban government in Afghanistan. Congress etched this determination in stone by passing Resolution 23, which authorized the use of force against the perpetrators of September 11, attack. Such step enabled the Congress to be a reliable partner of President in the making of foreign policy. On October 6, President Bush warned that the Taliban regime has made that the nation (Afghanistan) into sanctuary and training ground for international terrorists-terrorists who have killed innocent citizens of many nations including of our own. ( White House, 2002:1430).

The next attempt of President Bush was the invasion of Iraq. He was determined to remove Saddam Hussain from power. Thought the year 2002, he initiated a number of arguments to get congressional support in order to justify US invasion against Iraq. But, US invasion of Iraq was different from Afghanistan. There was a complete cooperation between the President and the Congress regarding US invasion on Afghanistan. But, there was a lack of cooperation between the President and the Congress in case of Iraq. All the accusations made by President Bush against Saddam Hussain for possessing the weapons of destruction, providing protection to terrorists for murdering thousands of the innocent people around the world, particularly in the United States, and his aggressive intention to dominate Middle-East became meaningless due to the uncompromising attitude of the Congress. The available information at the time to the Congress showed that Iraq did not pose an immediate threat to the United States, its allies and its interests in Middle-East. Indeed, the Bush Administration rarely claimed that Iraq posed an imminent threat. The Washington Post wrote that US President called Iraq an "immediate threat to the nation", while Bush, in fact called Iraq "a grave threat". (Washington Post, 2002).

During the first half 2002, while the administration sought to get maximum public support for war against Iraq, Congress showed a little inclination to investigate the issue, even after it had become clear that the President would ask Congress to authorize military action against Iraq in the coming few months. As the result, Congress relinquished its constitutional prerogative to initiate hostilities against Iraq, and instead put the entire responsibility on President Bush. At last, Congress voted in October 2002 to authorize President Bush to use military force to address the continuing threat posed by



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Iraq. It also required the President to report to the Congress every two months on the progress implementing this measure.( New York Times, 2002).

### **Negotiation and Making of Treaties**

The President also has the authority to negotiate treaties, although the treaty must be ratified by two-third vote in the senate before it can enter into effect. The constitutional powers give the President a great control over both the initiation and implementation of foreign policy. As the result of these formal constitutional powers, the President has three formal political resources in the field of foreign policy, information control, personal diplomacy, and crisis management.(Bliss and Johnson, 1975:145-154). A treaty is a formal agreement with another nation. The US constitution gives the President the power to make treaties "provided two-thirds of the senators present concur and agree." When the President signs a treaty, the Senate Foreign Relations Committee studies it before submitting it to the Senate for vote. All the US Presidents have involved the Senate in the process of negotiating treaties. In this way a treaty has a greater likelihood of being approved by the Senate. Article II, Section 2 of the United States Constitution grants power to the President to make treaties with the "advice and consent" of two-thirds majority of the Senate.This is different from normal legislation which requires approval by simple majorities in both the Senate and the House of Representatives. The Senate usually approves treaties signed by the president. But, sometimes, the Senate does not approve it. One of the most famous exceptions was the Treaty of Versailles, which ended World War I. The Treaty of Versailles created the League of Nations, an international organization and the fore-runner of the United Nations. President Woodrow Wilson negotiated this important treaty, but, the Senate refused to approve it.

Further, Presidents have sometimes entered into executive agreements or accords with the head of foreign governments without submitting them for ratification as treaties. Such executive agreements have been used in the recent years to station American troops and to establish military bases and installations in foreign countries.( Nash, 1978:151-152). The President alone negotiates treaties. In the field of negotiation, the Senate cannot intrude; and Congress itself is powerless to invade it. The Senate must get itself with such information as the President chooses to furnish it eg it may consent unconditionally to a proposed treaty, it may refuse its consent, or it may stipulate conditions in the form of amendments to the treaty, of reservations to the act of ratification, or of statements of understanding or other declarations, the formal difference between the first two and the third being that amendments and reservations. If accepted by the President it must be communicated to the other parties to the treaty, and, at least, with respect to amendments or reservations, require reopening of negotiations. The act of ratification for the United States is the President's act, but it may not be

forthcoming unless the Senate has consented to it by the required two-thirds of the Senators present, which signifies two-thirds of a quorum, otherwise the consent rendered, would not be that of the Senate as organized under the constitution to do business. Conversely, the President may, if dissatisfied with amendments which have been affixed by the Senate to a proposed treaty or with the conditions stipulated by it to ratification, decide to abandon the negotiation, which he is entirely free to do. (Crandall, 1916:109-120).

Colonel North held that the President can act in foreign policy without sharing information with the Congress. The President has its confidential source of information. He has its agents in the form of diplomatic consular and other officials. Secrecy in the respect of information gathered by them is highly essential in other case it may produce harmful and negative results. Indeed, so clearly the President refuses to accede to a request as lay down before the House of representatives. (Iran-Contra Hearing Transcript, 1987:11).

The President has the constitutional rights to deny information to the Congress in the area of foreign affairs. President Washington's full statement clearly shows that he never intended to withhold information from the Congress as a whole. He excluded the House of Representatives on this occasion, because it has no constitutional role in treaty making process. The Senate's role in the treaty making process became the subject of sharp dispute in 1987 between Reagan Administration and Congress over the re-interpretation of 1972 Anti-Ballistic Missile treaty. (ABM). The reinterpretation would have permitted the administration to test technology as the part of strategic defence initiative (SDI) previously thought to be prohibited by the ABM treaty. Without the Senate's ability to rely on the executive branch for reliable information about the treaty negotiation, the Senate's constitutional prerogatives in the treaty making process would be severely impaired. The State Department's legal advisor contended that nothing in the original record precluded a broad interpretation of what was permitted under ABM. Senator Sam Nunn that the document submitted by the Nixon administration fifteen years earlier permitted only a narrow interpretation. (Nonn, 1987:45-57).

### **Regulating and Managing Trade**

There was also ups and down in presidential-congressional relations over trade and commercial policies. The conflict between the President and Congress started during the Kennedy Administration, when he appointed United State Trade Representative at the rank of ambassador. His prime responsibility was to develop, coordinate, and implement international trade policy. He was a principal Spokesman to the US President on trade and economic relations. He was also responsible for directing American participation in trade negotiations with other nations, such as Uruguay Round of 1986, and General agreement on Trade and Tariff (GATT), and other

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international forums such as United Nations Conference on trade and Development (UNCTAD), and the organization for economic cooperation and Development (OECD). This showed the preeminent role of the President in the affairs of trade relations. The role of Trade Representative became more enhanced and expanded during the Carter's administration, when Robert Strauss played a key role in Tokyo Round of multilateral trade negotiation. President Reagan also pledged that his Trade Representative would play a dominant role in the national trade policies.

The notion that the President is the exclusive negotiator of the treaties and international agreements have been challenged even more in the recent decades by trade legislation that gives Congress a great role in the negotiation process. Article 1, section 8, of the constitution gives both houses the authority to regulate foreign commerce and trade. In delegating some authority to the President, Congress is in position to establish mechanisms and procedures to protect legislative interests. In 1974, Congress offered the President the fast-track legislative procedure for implementing trade agreements with other nations. Under this system, the President's implementing bill is automatically introduced in the Congress, Congress must complete floor action within a limited time, while, the amendments to the bill are prohibited on the floor. The Fast track negotiating authority also called (Trade Promotion Authority) TPA, since 2002) for Trade Agreement. This act greatly reduced the power of President and Trade Representative in trade and commercial relations. When the first track procedure was developed in 1974 as a part of Trade Reform Act, the Senate finance Committee set forth negotiating objectives. " The all over negotiation objectives of the United States under the bill achieved more open and equitable market access for US export goods and services and to harmonize, to reduce, and even to eliminate barriers in international trade. (The US. Congress, 1974:93)

But the relations between the legislative and executive branch again strained over trade during the time of Reagan when he pledged that his Trade Representative will continue to play a dominant role in trade policy. The situation became when a trade office was reorganized in 1980 that give it a greater voice among government agencies involve in determining the overall US trade policy. Congress, however, became increasingly agitated about the nation's increasing trade imbalances between the President and the Congress. In order to maintain a balance between the President and Congress over national trade, the Congress, ultimately, passed a bill known as Omnibus Trade and Comprehensive Act of 1988.

### **Arms Sales**

Arms sales, is yet, another issue which remain the bone of contention between the President and the Congress. Since 1970, Congress was highly

critical of the President's policy of US arms sales to Middle-East and South-Asia. The Congress's accusation was that the arms sales to these regions were creating tensions and arm race among the hostile neighbors. In 1974, the US arms sales abroad hit an all time high of \$ 10.8 billion more than ten times the total for 1970.( The Congressional Quarterly Almanac,1975:356).

Thus, the sale of military equipments became a critical instrument for the President's re-orientation of US foreign policy without consulting Congress. In order to limit the power of the President regarding arms sales, the Congress passed Nelson-Bingham Amendment for Foreign Aid Authorization in 1975, which required President to give Congress formal and advance notice of arms sales exceeding \$ 25 million. It also gave Congress the power of legislative veto i.e. the power to block any proposed arms sales by concurrent resolution. Congress used this veto in July 1975, against President Ford's decision over the issue of Hawk missiles to Jordan. After intense negotiation President compromised his proposal in accordance with the Congressional concerns.(Gibson, 1992:68).President Jimmy Carter also turned to compromise and cooperation after Congress threatened to veto the sale of AWACS to Iran in 1977. Attempts to regain cooperation between the President and the Congress failed miserably in the next year, when the Senate by 97-1 rejected the proposed arm deals with Jordan. But on March 1, 1986 in compromise gesture the Congress allowed the sale. Again, a conflict arose in the executive-legislative branch when the Congress forced the President not to transfer the supply of Stinger missiles, F-15 fighters aircrafts and M1-Tanks to Saudi Arab.( Grabb & Holt, 1992:118).

In 1985 Congress passed a joint resolution (P.L. 99162) prohibiting a proposed sale of certain advanced aircrafts and air defense systems to Jordan prior to March 1, 1986, unless direct and meaningful peace negotiations between Israel and Jordan were underway. Afterwards, the Administration did not propose the sale, apparently in the belief it would be disapproved by Congress. In 1986, both Houses passed a joint resolution disapproving a sale of advanced missiles to Saudi Arabia.The President vetoed the resolution; the Senate sustained the veto by a 66-34 vote, but only after the Administration removed Stinger (handheld) missiles from the package.

The confrontation between the President and the Congress continued in the proceeding years. There was a strong opposition from the Congress over the sale of sixteen hundred Maverick Missile to Saudi Arabia in 1987, the sale of arms to Kuwait in 1988, an advanced Fighter Jets to Saudi Arabia in 1989, and to maintain balance with President regarding arms sale. Congress adopted an alternative mechanism and passed a number of resolutions of disapproval and counter legislation on arms sale proposals. On some occasions the President has been forced to decline the offer that has highly embarrassing for both US and the recipient country. Even when Congress

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establishes foreign policy through legislation, the Administration continues to shape policy as it interprets and applies the various provisions of law. This is illustrated in arms sales policy. Congress has established the objectives and criteria for arms sales to foreign countries in the Arms Export Control Act, and it has required advance notification of major arms sales and provided procedures for halting a sale it disapproves. But the executive branch makes the daily decisions on whether or not to sell arms to specific countries and what weapons systems to provide.(Grimmett, 1982:39). As an example, on September 14, 1992, President Bush notified Congress of his intention to sell 72 F-15 fighter aircraft to Saudi Arabia, and after the 30-day congressional review period expired, the sale proceeded. Congress has found it necessary to maintain close supervision to prevent sales, particularly, to Middle Eastern countries that it did not approve. In some cases its actions had an adverse effect of halting sales, and frequently brought about changes in proposed arms sales packages.

### **Policy Statements**

The President also establishes U.S. foreign policy through unilateral statements or joint statements issued with other governments. Sometimes unilateral statements are the broad descriptions of the American goals and objectives. In an address to the United Nations on September 21, 1992, President Bush called for strengthening the peacekeeping capabilities of the United Nations. Other times, the President articulates policy on a specific issue. In the State of Union Address of January 28, 1992, President Bush proposed that the United States and Russia eliminate all their land based multiple warhead ballistic missiles. On April 5, 1991, President Bush announced the United States would join international efforts to airdrop relief supplies to Kurdish refugees along the Iraqi-Turkish border. In January 1994, the Clinton Administration proposed the expansion of the alliance at the NATO Summit. With congressional support over the next four years, a number of gradual steps were taken leading to the Senate giving its consent to the amendment of the North Atlantic Treaty on April 30, 1998, by a vote of 80-19, permitting the admission of Poland, the Czech Republic and Hungary to the alliance.( Katzman, 1991:21-53).

Joint statements-policy statements made with other countries-are not legally binding international agreements, but they commit the President to a course of action. At the conclusion of the Summit Conference in Tokyo on May 5, 1986, for example, leaders of seven nations including the United States issued a joint statement pledging to fight terrorism through specified economic and diplomatic actions. At the conclusion of the economic summit of the Group of Seven on July 8, 1992, the leaders issued a communiqué embodying a wide range of policies including support for the strategy of cooperation between the Russian Government and the International Monetary Fund.

Congress may support the policy enunciated by the President, attempt to change it, or find a way to participate in the further development of the policy. After the Conference on Security and Cooperation in Europe in Helsinki, on August 1, 1975, President Ford and 34 other heads of state signed the Final Act of the Conference that provided for the free flow of people and information between East and West Europe. Congress by legislation established a Commission on Security and Cooperation in Europe to monitor the implementation of the accords. Since that time the Commission, 12 of whose 15 members are Members of Congress, has closely monitored the accords and played an active role in development of U.S. policy in this area.

The executive branch makes a policy statement when it casts the U.S. vote in international organizations. Most measures adopted by international organizations, such as United Nations General Assembly resolutions, are not legally binding, but they put the United States on record as for or against a proposed course of action. The executive branch also determines the U.S. position on resolutions of the United Nations Security Council, which many authorities consider binding, such as Resolution 678 (1990) calling for nations to use "all necessary means" to uphold earlier resolutions aimed at getting Iraq to withdraw from Kuwait.

Congress sometimes influences the U.S. vote in international organizations. It has on several occasions directed U. S. representatives in international financial institutions to vote in a specified manner. For example, in 1992 Congress provided that the Secretary of the Treasury should direct the U.S. Executive Director of the Inter-American Development Bank to vote against funding for any project of the Multilateral Investment Fund if the project was likely to cause loss of jobs in the United States. Members of Congress also serve on inter-parliamentary groups such as the North Atlantic Assembly and the parliamentary assembly of the Organization on Security and Cooperation in Europe, where their views may affect the perspectives and votes of members from other participating nations. Whenever implementation of the measures promised by the executive in unilateral or joint statements requires legislation or appropriations, Congress has more power in deciding whether to support or modify U.S. policy. When the Administration pledges funds to the multilateral development banks, for example, the funds must be authorized and appropriated by Congress. The United States could not increase its quota in the International Monetary Fund for assistance to Russia in 1992 until Congress appropriated the necessary funds.

### **Power of Purse**

The power of the purse is the ability of one group to **manipulate** and control the actions of another group by withholding funding, or putting stipulations on

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the use of funds. The power of the purse can be used to save their money and positively (e.g. awarding extra funding to programs that reach certain benchmarks) or negatively (e.g. removing funding for a department or program, effectively eliminating it). The power of the purse is only exercised by those who have a full control over budgets and taxation. The power of the purse plays a critical role in the presidential-congressional relationship, and has been the main historic tool by which Congress can limit executive power. One of the most recent examples is the **Foreign Assistance Act of 1974**, which eliminated all military funding for the government of **South Vietnam** and effectively ended the **Vietnam War**. Presidents have been accused of "trying to bring more and more power into the executive branch and not going through Congress at all. So-called signing statements are one way in which a President can "tip the balance of power between Congress and the **White House** a little more in favor of the executive branch. The other example of divergence between the President and the Congress was the publication of Cooper-Church Amendment, which sought to cut off funds for US war efforts in Cambodia following the Nixon's incursion into the country in 1970. In 1974, Congress passed the Budget Control and Impoundment Act in an attempt to consolidate some control over the purse, as it requires Congress to specify overall spending guidelines and the ability of the Congress to scrutinize the President's budgetary requests. Before that the President has more independent position to spend the funds as it desires, irrespective of Congressional wishes and oversight. Impoundment, is one mechanism by which the President refuse to spend money appropriated by the Congress.

Discretionary funds have provided to the President to deal with the situations unforeseen at the time of annual budgetary process, but they have often been used for other purposes than emergencies. President Johnson used \$ 1.5 billion in contingency funds to finance military operations in South-East Asia during 1965 and 1966. (James A. Nathan and James Collier, 1976:495-96). The Reagan Administration used \$ 10 million in CIA discretionary funds to finance the Contras during its first term. (Copson, 1988:4) Constraining the executive's flexibility in using funds appropriated by the Congress is the principal purpose of Budget Control and Impoundment Act. It specifies that the President has two avenues by which to impound funds, both subject to congressional review. Temporary spending delays, which can extend up to twelve months, are known as deferrals, permanent effort to cancel budget authority are known as rescissions. (Ellwood and Thurber, 1988:246-71).

To preserve the system of check and balances as remarked by Fisher that 'foreign policy must be carried out with funds appropriated by Congress. Allowing foreign policy to be conducted with funds supplied by executive and other US agencies to foreign governments would open the doors to widespread corruption, compromise and the loss of public accountability. There have been examples, of course, when the Clark Amendment to the

1976 appropriations bill barred the use of fund in the bill for any activities involving Angola and in the early 1980s when the Boland Amendment sought to prevent covert activities in Central America. President **Ronald Reagan, George H. W. Bush, Bill Clinton, and George W. Bush** have made public statements when signing congressional legislation about how they understand a bill or plan to execute it, and commentators have described this practice as against the spirit of the **Constitution**. There is some evidence that President **Barack Obama** intends to limit but, not abandon this practice. Under **George W. Bush's** administration officials argued for an "expansive view of presidential power, with requests for broader presidential power; in 2009, a **treasury secretary** asked Congress for "unprecedented powers to initiate the seizure of non-bank financial companies, such as large insurers, investment firms and hedge funds, whose collapse would damage the broader economy. Other recent examples include limitations on military funding placed on **Ronald Reagan** by Congress, which led to the withdrawal of **United States Marines** from Lebanon. **Appropriation bills** cannot originate in the Senate, but the Senate can amend appropriation bills that originate in the House.

The power of the purse in military affairs was famously subverted during the **Iran-Contra Scandal** in the 1980s. Congress denied further aid to the **Contras** in **Nicaragua**. Unwilling to accept the will of Congress, members of the **Reagan administration** solicited private donations, set up elaborate corporate schemes, and cancelled illegal arms deals with Iran in order to generate unofficial funds that could not be regulated by Congress. Presently, budget limitations and using the power of the purse form a controversial part of discussion regarding congressional opposition to the **Iraq War**. On March 23, 2007, the **U.S. House of Representatives** passed a supplementary war budget that imposed a timeline on the presence of American combat troops in Iraq, but, the legislation was not passed.( Fisher, 1988:148). This type of outside financing would fundamentally subvert the constitution and undermines the power of the Congress. The US Ex-Secretary the State for Foreign Relations Shultz's vigorous critic of the Iran-contra connection said, "that you cannot spend funds that the Congress cannot authorize you to obtain or appropriate." This is what the constitution says, and we have to stick to it. We have this very difficult task of having a separation of powers that means that we have to share the power. Sharing power is harder, but that is the only way.( Henderson, 1989:66).

## **Conclusion**

The influence of Congress on the Presidency has varied during the last two centuries: the degree of power depending on the leadership of the Congress, political influence, the character of the President's initiatives. During the first presidential administration, power in the field of foreign policy was equally shared between the President and the Congress, because early Presidents



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largely restricted their rights of suspensive veto. The impeachment of President Andrew Johnson reduced greatly the influence of presidential power upon the Congress. In twentieth and twenty-first centuries, we have been witnessed of the rise of power of Presidency due to the series of energetic Presidents: Franklin Roosevelt (1933-1945), Richard Nixon (1969-1974), Ronald Reagan (1981-1989), and George W. Bush (2001-2009). In spite that the Congressional Budget and Impoundment Control Act of 1974, as well as War Power Resolution have restricted the power of the President in the recent decades: the Presidency remains an institution considerably more powerful and influential than during the nineteenth century. Although, the struggle between the President and the Congress must always be unequal one, since the latter is certain of bearing down all the resistance by preserving in its plan that the Presidency carries enormous prestige that typically eclipses the power of Congress.

In the areas of treaties, war, and money, the constitution would appear to make Congress, not the President, preminent, but the reverse in fact been true. Congress has made some strides toward coping with its structural inadequacies, but power remain diffused, the ability to assume and discharge responsibility remains fragmented, and the incentives continue to favor attention to parochial needs rather than the broader picture. Moreover, the power of the institutionalized are so far superior to those of legislature that Congress far more likely to be co-opted by the wishes of the President than vice versa. Congress functions reasonably well as an avenue for expression of the constituent and other views and interests; as the overseer and the guardian of foreign policy.

But, there are some obstacles which greatly reduce the effectiveness and credibility of Congress in the foreign policy making process of USA. Congress is poorly equipped to compete effectively with the President in the conduct of US foreign policy. Congress is more oriented towards domestic than foreign affairs. Continual preoccupation with reelection, especially on the House side creates pressure to attend more to domestic than foreign concerns. All the 535 members of the Congress have much more narrowly construed electoral basis and correspondingly restricted constituency interests. Whereas the President has a nationwide constituency, the outlook from White House on foreign policy problems is broader. Secondly, power and responsibility within Congress are fragmented. Unlike the executive branch, where the policy debates take place in private with single individual, the President, often making the final choice, constitutional debates are perforce public, with the final choices made by continuing years and nays, and with the decision making diffuse. Under these circumstances, policy consistency and coordination are most unlikely. The dispersion of power and sharing responsibility within Congress frustrate executive-legislative consultation and coordination and make Congress appear irresponsible. Another form of

irresponsibility is found in the frequent tendency of member of the Congress to leak information. Congressional leaks arise from the independence that senators and representatives prize and the benefits they can realize by placing issues in the mass media's spotlights.

One of the consequences is that the President often has used executive privilege to conceal information, particularly classified information, thereby avoid Congressional involvement in policy making. The organizational weakness contributing to congress's respondent relationship with the President derives from the White House's relatively greater command of technical expertise and from its ability to control the flow of information about foreign policy. Moreover, the members of the Congress are ill-equipped to acquire the kinds of information that would enable them to better monitor, and hence influence, decision making in the times of crisis. Another disadvantage of the Congress is that it has no information gathering agency of its own. Most of the information comes to the Congress in a bias filtered form that support a single policy alternatives. While, the President has a strong and effective intelligence organization e.g. CIA which provides him recent and secret information in foreign policy.

More effective foreign policy input from Congress is essential for the America's success in the war against terrorism and the America's broader interests in international relations. Robust National leadership which includes effective Congressional participation in foreign policy making is prerequisite for strong US international leadership. Restoring due accountability to the process of foreign policy making will enhance the odds that the resulting projection of US power will serve American's interests at the lowest cost to the American people. Such accountability is important for US leadership that is commensurate with its global responsibilities, and that maximizes its chances of victory in the war for a more secure world.

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