

July 18, 1989

INNOCENTS ABROAD: HOW THE PRESIDENT CAN DISCOURAGE CONGRESSIONAL DIPLOMACY

INTRODUCTION

The President is “the sole organ of the nation in its external relations, and its sole representative with foreign nations.” So spoke Congressman John Marshall several years before he became Chief Justice of the United States. When Marshall uttered these words two centuries ago, American leaders understood the need for the young nation to speak with one voice in world affairs and to present a united front to friend and foe alike.

The U.S. faces different threats today, but unity in the conduct of negotiations and executive direction of diplomacy are as essential as ever to let allies and enemies know where the U.S. stands. And unity is even more important to prevent foreign governments from manipulating divisions within the U.S. government.

“Shared Enterprise.” Although John Marshall called for an executive monopoly in the actual conduct of diplomacy, he recognized that, in the formulation of foreign policy in general, Congress and the President share some responsibilities under the U.S. Constitution. As Henry Kissinger announced a little more than a decade ago, “Congress must have both the sense and the reality of participation; foreign policy must be a shared enterprise.”

This is the second in a series of studies from The Heritage Foundation’s U.S. Congress Assessment Project. It was preceded by *Backgrounder* No. 701, “A Presidential Strategy for Repealing the War Powers Resolution” (April 20, 1979).

Kissinger's words merely restate what successful Presidents have always known — that congressional support is essential to the success of long-term foreign policy initiatives. Thus Republican Senator Arthur Vandenberg, the powerful Chairman of the Senate Foreign Relations Committee, advised President Harry Truman: "If you want us in on the landing, you have to let us in on the take-off."

Yet congressional deference toward the Executive in the day-to-day conduct of foreign policy is just as important as presidential attempts to secure the support of Congress. Congress must not infringe on the President's constitutional and practical powers to negotiate with foreign nations. The reason: When individual Congressmen or Senators attempt to cut deals with foreign governments, independently of and even in opposition to the diplomacy of an Administration, foreign regimes are able to play off one part of the U.S. government against another.

Dangerous Precedent. The communist dictatorship in Nicaragua recently pursued such a divide-and-conquer policy, encouraged by the independent diplomacy of Texas Democrat Jim Wright, then Speaker of the House. Wright's attempt to act as an unofficial Secretary of State from 1987 until just recently undermined the credibility of U.S. diplomats in Central America and set a dangerous precedent for future confrontations between the branches.

Although unprecedented in degree, Wright's maverick negotiations were only the latest and worst example of "congressional diplomacy," which typically has taken the more subtle form of letters by Congressmen to foreign leaders or attempts by ideological and ethnic lobbies in Congress to influence American diplomacy in favor of particular foreign governments.

Presidents can take a number of measures to reduce the likelihood of congressional diplomacy and to mitigate the damage that it causes.

First, the President should keep Congress accurately informed. This will reduce the possibility that individual Congressmen can justify congressional diplomacy as part of their "fact-finding" function.

Second, the President should consult with Congress, when appropriate, to gauge opposition and secure support for his conduct of U.S. diplomacy. He should deputize formally those congressmen he selects to undertake particular diplomatic missions.

Third, the President should insist that Congressmen allow State Department officials or other Administration representatives to be present at meetings between Congressmen and foreign leaders. This would reduce the possibility that such meetings will provide foreign governments with an incentive to play one branch of the U.S. government against another.

Some would-be congressional diplomats, however, probably will be deterred only by retaliation: presidential political retaliation against particular Congressmen, and in some cases, legal retaliation against foreign governments and agents who attempt to corrupt the American policy-making process for their own ends.

The President should expel or deny visas to foreign diplomats who meddle in domestic politics, and he should push for legislation to stiffen the 1938 Foreign Agents Registration Act to deter foreign encouragement of congressional diplomacy. Firm presidential action to curb congressional diplomacy will be good for the country and for Congress.

“SECRETARY OF STATE” JIM WRIGHT

“At best unseemly, and at worst unconstitutional,” was the verdict of Senator John McCain, the Arizona Republican. “Guerrilla theater” and “unbelievable melodrama” is what an unnamed senior Reagan Administration official called it.¹ “An intervention into the day-to-day running of foreign policy that was breathtaking in its scope and whose like is hard to recall,” was *The Washington Post*’s characterization in its November 16, 1987, editorial.

What both the conservatives and the liberal newspaper were condemning was the unauthorized diplomacy of then House Speaker Jim Wright. When Ronald Reagan refused to receive Nicaraguan dictator Daniel Ortega during his trip to Washington in 1987, Wright, without notifying the White House or the State Department, met with Ortega. The Speaker, who has since resigned while being investigated for ethics violations, engaged in what amounted to full-scale negotiations with Ortega, even volunteering the services of congressional staff to facilitate proposed negotiations between the Sandinistas and the U.S.-backed rebels.

Meeting with “Friends.” Claiming that he merely was acting in a private capacity in talking with “people...from foreign countries whom I regard as friends,”² Wright asserted: “I’m not trying to replace Secretary [of State George] Shultz.”³ Yet, others such as Massachusetts Governor Michael Dukakis, Wright’s fellow Democrat, thought that the Speaker was trying to play Secretary of State. Quipped Dukakis sarcastically to an audience of supporters: “I hope every single one of you has called or written Jim Wright to thank him for taking over as Secretary of State, pro tem.”⁴

When Wright was not claiming that he was acting as a private citizen — “I don’t need to get permission from anybody to talk to any human being” — he was attempting to justify his exercise of the diplomatic authority of the President and the Secretary of State on dubious constitutional grounds. “I regard the relationship between the executive and legislative branch as a co-equal relationship,” he said, “and I think it’s my responsibility to uphold the dignity of the legislative branch.”

-
- 1 *The Washington Post*, November 15, 1987, p. A1.
 - 2 *The Washington Times*, November 17, 1989, p. A1.
 - 3 *The Washington Post*, November 17, 1987, p. A1.
 - 4 *The New York Times*, January 4, 1988, p. A12.

Critical Distinction. In offering such a justification, Wright ignored the long-established constitutional tenet that, while the branches of the U.S. government are coequal, the Constitution unequivocally assigns them distinctly different powers. The President, for example, cannot supervise the daily business of the House of Representatives, decide which Congressmen shall be allowed to speak, or appoint members to congressional committees. These are duties that the Constitution assigns to the Speaker of the House. Similarly, the Speaker has no authority to conduct foreign diplomacy.

This critical distinction was brushed aside by Wright, who proclaimed that Congress "should not be subservient and subordinate to the Administrative branch on these issues." This prompted even *The Washington Post* to warn that:

... the proprieties of the American system come under heavy assault when the Speaker uses such power as though the actual conduct of diplomacy in this delicate passage were his responsibility. By inserting himself into a negotiation in a way that keeps the president out, he over-reaches recklessly.⁵

The Speaker's foray into diplomacy had real consequences. It reduced significantly the Administration's leverage in dealing with Nicaragua. One Sandinista official boasted that Ortega's strategy of playing Wright off against Reagan would "leave the administration totally isolated."

THE CONGRESSIONAL FOOT IN THE FOREIGN POLICY DOOR

The Speaker's adventures in congressional diplomacy are but the latest in a series of independent congressional diplomacy initiatives by members of Congress. In early May 1985, for example, less than a week after the House had rejected an Administration request for humanitarian aid for the Nicaragua Freedom Fighters, known as the Contras, Sandinista leader Ortega flew to Moscow to seek more military aid. The next weekend Representatives George Miller of California, and David Bonior of Michigan, both Democrats, flew to Managua, the Nicaraguan capital, to talk with Sandinista officials. U.S. Embassy officials were excluded from the meetings. According to press reports, the Congressmen asked the Nicaraguan Marxists to "help them (the Democrats in Washington) out of a difficult political situation" by making concessions to opposition groups in Nicaragua.⁶ Ortega's trip to Moscow had embarrassed Democrats by seeming to prove Reagan's point that the Sandinista regime was a Soviet client state.

5 *The Washington Post*, November 16, 1987.

6 Evans and Novak, *The Washington Post*, May 15, 1985.

Central America is not the only region of the world in which maverick congressional diplomats take an interest. In January 1985, during a visit to Washington, Belgian Prime Minister Wilfried Martens was handed a letter signed by thirteen House Democrats. They urged Martens to reverse his position supporting the immediate deployment of cruise missiles in Belgium. The Congressmen were asking the Belgian leader to repudiate the policy of the U.S. government and NATO.

Congressional diplomacy was not an innovation of the Reagan years or of congressional Democrats. In the Carter Administration, for example, during the controversy over the Panama Canal Treaty, Senate Majority Leader Robert Byrd, Minority Leader Howard Baker, and other Senators travelled to Panama and negotiated changes in the treaty with Panamanian officials. George Hansen, the former Republican Congressman from Idaho, traveled to Tehran in November 1979 and attempted to negotiate the release of 52 Americans held hostage in the U.S. Embassy. Hansen reported that the purpose of his ten-day visit was to "get in on an unofficial basis and do business."⁷ During the 1980s, however, maverick diplomacy by Congressmen has become more aggressive, and with greater consequences for U.S. policy.

FOREIGN LOBBIES IN CONGRESS – A PATTERN OF MANIPULATION

Highly visible ventures in unofficial diplomacy by leaders of Congress are still relatively rare. Much more common is behind-the-scenes negotiation between Congressmen and domestic lobbies and agents for foreign states.

Congress is far too susceptible to lobbying by special interests to be a reliable participant in the conduct of U.S. diplomacy. Just as pork-barrel politics dominates the contemporary federal budget process, congressional foreign policy-making often serves the interests of powerful, yet narrow, constituencies.

Worldwide Pressure Groups. Such constituency pressures are not new. Examples: In the 19th and early 20th centuries, Congress often acted upon the demands of German-American and Irish-American lobbies to oppose the pro-British foreign policies of U.S. Presidents. Since the 1950s, Congress has been especially responsive to the demands of American citizens with relatives in the "captive nations" of Eastern Europe. East Asian countries also have been powerful lobbyists on Capitol Hill, from the days of the postwar "China Lobby" to the "Koreagate" of the 1970s.

The pro-Israel lobby is the most powerful domestic pressure group devoted to the national interest of a foreign power. The Eisenhower Administration's Middle Eastern diplomacy suffered an embarrassing defeat in 1956 when

7 John Felton, "Iran, Tensions Mount as Crisis Continues," *Congressional Quarterly*, December 1, 1979, p. 2704.

Congress, under pressure from American advocates of Israeli interests, refused to fund the Administration's proposed loan to Egypt for the Aswan Dam. This congressionally imposed reversal in policy contributed in part to Egyptian strongman Gamal Nasser's decision to nationalize the Suez Canal, which provoked war between Egypt and Britain, France, and Israel, as well as a rift between these allies of the U.S. and the U.S. government. It was also a factor in the drift of Egypt into the Soviet camp for more than a decade.

In 1975, the American Israel Public Affairs Committee (AIPAC) authored "the letter of seventy-six" Senators protesting the Ford-Kissinger position in the delicate negotiations about the future of the Israeli-occupied Sinai.⁸ During the Reagan Administration, pro-Israel groups pressured Congress to oppose Reagan's sale of the advanced technology of the Airborne Warning and Control System (AWACS) to Saudi Arabia and to prevent his visit to the military cemetery in Bitburg, West Germany.

Extreme Actions. Under pressure from Greek-American lobbyists, Congress defied presidential requests and imposed an embargo of arms sales to Turkey in 1975 because of the Greek-Turkish conflict over Cyprus. Congress has imposed even harsher measures against the South African government. The anti-British policies of the Ad Hoc Committee on Irish Affairs, which now includes 122 Congressmen, have been too extremist even for the Republic of Ireland; its former Prime Minister, Jack Lynch, appealed to members of Congress in the 1970s not to join the Ad Hoc Committee.

Although American citizens clearly have the right to express themselves on any issue they choose, the success of ethnic lobbies in Congress suggests that Congress is too vulnerable to special interest pressure to be trusted with the formulation of a coherent foreign policy in the American interest. Said former House Foreign Affairs Committee Chairman Clement Zablocki, the Wisconsin Democrat, in 1978, "Congress is too responsive to the lobbies of ethnic and special interests in the U.S. to be able to take the lead in foreign policy without endangering the national interest."⁹

DIPLOMACY AND THE CONSTITUTION

Although no general "foreign affairs" power explicitly is granted either the President or Congress by the Constitution, the President is granted far more diplomatic authority than Congress. One source of presidential authority in diplomacy is found in Article II of the Constitution:

8 Sen. Charles McC. Mathias, Jr., "Ethnic Groups and Foreign Policy," *Foreign Affairs*, Summer 1981, p. 993.

9 Thomas M. Frank and Edward Weisband, *Foreign Policy by Congress* (New York: Oxford University Press, 1979), p. 165.

He shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two-thirds of the Senators present concur....¹⁰

[Additional authority has been derived from the President's power] to receive ambassadors and other public ministers,¹¹ [and the power to] nominate, and by and with the Advice and Consent of the Senate,... appoint Ambassadors, other public Ministers and Consuls....¹²

Inasmuch as treaties have the force of laws, the President is responsible for their execution. The Constitution in Article II, Section 3, provides that "He shall take care that the Laws be faithfully executed." This "take care" clause also gives the President the power to enter into executive agreements with foreign governments, without Senate ratification, in the course of carrying out the obligations of laws or treaties. Congress and the courts always have recognized the customary right of the President to appoint executive agents, who may be private citizens, to carry out particular diplomatic missions.

President's Unqualified Right. The President also is given constitutional authority over executive foreign affairs agencies by his power to "require the Opinion in writing, of the principal Officer in each of the executive Departments, upon any subject relating to the Duties of their respective Offices...." In the Department of Foreign Affairs Act of July 27, 1789, creating what later became the Department of State, the First Congress, many of whose members had helped to draft the Constitution, ordered U.S. diplomats to conduct diplomacy "in such manner as the President of the United States shall from time to time order or instruct." The same act gives the President an unqualified right to remove the Secretary of State, demonstrating the intent of the Founders to make the Secretary the President's agent in foreign affairs.

THE ROLE OF CONGRESS

The Senate

Under the Constitution, "the treaty power" is a concurrent power, shared by the President and the Senate. Controversy has arisen from time to time over the scope of the Senate's share in the treaty power.

George Washington believed that the Constitution permits Senate advice on treaties in the negotiation as well as the ratification stage. Although Washington, after a visit to the Senate in 1789, never returned in person to

10 Article II, Sec. 2.

11 Article II, Sec. 3.

12 Article II, Sec. 2.

answer questions (a duty he considered undignified and unpleasant), he continued to consult the Senate at most stages of negotiation. He submitted the names of treaty negotiators to the Senate for confirmation, and (except in the case of the Jay Treaty with Britain) he submitted the instructions given to the negotiators for Senate approval.

Consulting the Senate. Over time, the Senate ceased insisting on its right to approve treaty negotiators or their instructions and acquiesced to more presidential discretion in treaty-making. As the great presidential scholar Edward Corwin noted, "The wording of the Constitution itself visualizes treaty-making as one continuous process to be performed by a single authority, the President acting throughout in consultation with the Senate." The Senate, over time, split "the constitutional authority into two authorities... a Presidential function of formulation and negotiation followed by a Senatorial function...of criticism and amendment,...or rejection."¹³

Nevertheless, subsequent chief executives followed many of the precedents set by Washington: consulting with key Senators during negotiations, appointing Members of Congress to negotiating teams, and occasionally seeking Senate confirmation for important negotiators. The 1945 United Nations Participation Act, for example, requires Senate confirmation of the U.S. representative and other delegates to the United Nations. Congress, of course, by statute, created the State Department and other federal agencies engaged in diplomacy, and defines the duties of subordinate officials in the executive branch. The Senate can influence the President's selection of ambassadors by refusing to confirm his nominees. All of this may be considered the "diplomatic policy making" for which Congress has a constitutional role.

The House of Representatives

Although the Senate has a concurrent if not clearly defined share with the President in diplomatic policy making, the House has but an indirect role. The distinction was dramatized in 1796, when George Washington notified the House that the Senate had ratified Jay's Treaty with Britain. When the House demanded a copy of the negotiator's instructions, Washington (who had shared the instructions with the Senate) refused, citing the need for secrecy and the exclusive role of the Senate as the President's partner in diplomatic policy making.

Although the Constitution does not give the House a role in treaty formulation or ratification, the power to appropriate funds and pass legislation executing a treaty gives the House considerable indirect influence. It can also use its exclusive power to appropriate funds to render executive agreements meaningless. Example: During the Ford Administration,

¹³ Edward Corwin, *The Constitution and World Organization* (Princeton: Princeton University Press, 1944), p. 36.

Congress in 1974 refused to enact legislation to carry out an executive agreement with Turkey which would have ended the embargo on U.S. arms sales to that country.

Its appropriations power means that the House in practice is a participant in diplomacy. And with the Senate, the House has a role in creating the State Department and defining its duties. No theory, however, justifies or condones participation by members of the House in the conduct of diplomacy, rather than in diplomatic policy-making.

Wilson's Approach vs. Washington's

A drastic break with the Washingtonian tradition of cooperative presidential leadership in diplomacy came with Woodrow Wilson, who as a professor urged the President not to consult with the Senate at all, but to pursue unilateral, independent negotiations. Wilson suggested that the President force the Senate to comply with his actions by getting the U.S. "into such scrapes, so pledged in the view of the world to certain courses of action, that the Senate hesitates to bring about the appearance of dishonor which would follow its refusals to ratify the rash promises or to support the indiscreet threats of the Department of State."

Although this view has no basis in the Constitution or the practice of the Founders who became Presidents, Wilson, who sought to replace the system of "checks and balances" in America with a European-style executive/party government, followed his own advice in connection with the League of Nations treaty, which he presented as a *fait accompli* to the Senate, refusing to permit the amendments that probably would have ensured its passage.

After Wilson, successive Presidents, without returning to Senate approval of instructions to treaty negotiations or other early practices, have been careful to secure Senate (and sometimes House) support during the negotiation of treaties.

Congressional Diplomacy at the President's Request

Certain activities, however, are forbidden to Congress under the Washingtonian as well as the Wilsonian view. Example: Neither the Senate nor the House of Representatives may appoint agents to carry on actual negotiations with foreign powers, nor may individual Senators or Congressmen carry on such negotiations themselves. The only exception is when the President appoints Members of Congress to diplomatic teams under his supervision. The President has the power to appoint Senators or Congressmen as diplomats to negotiate treaties or to undertake other diplomatic activities.

Congressional Negotiators. As early as 1814, James Madison appointed Senator James A. Bayard of Delaware and House Speaker Henry Clay of Tennessee to negotiate a peace treaty with Britain. William McKinley appointed three members of the Senate Foreign Relations Committee to negotiate the 1898 Treaty of Paris, which ended the Spanish-American War.

Theodore Roosevelt, in 1903, appointed Senator Henry Cabot Lodge of Massachusetts to an Alaskan boundary tribunal. Warren G. Harding, in 1921, appointed Lodge, then Chairman of the Senate Foreign Relations Committee, to the Conference on the Limitation of Armament. To encourage bipartisan support, Harding also appointed Senate minority leader Oscar W. Underwood of Alabama to the same disarmament conference. Herbert Hoover followed Harding's example in appointing Congressmen to the London Naval Conference in 1930.

Franklin Roosevelt appointed congressional commissioners for the World Monetary and Economic Conference in 1933 and the International Refugee Conference in 1943. More important was Truman's appointment of Members of Congress to the 1945 United Nations conference in San Francisco. Recalling the dismal fate of Wilson's projected League of Nations, Truman wanted to ensure that congressional opposition would not torpedo his plans for U.S. participation in international organizations. This strategy of securing congressional support for the U.N. was furthered by the statutory requirement that two Senators and two Representatives be alternate members of the U.S. delegation to the U.N.

DISCOURAGING CONGRESSIONAL DIPLOMACY

Congressional diplomacy can take many forms. It can be unauthorized negotiations between individual Congressmen and foreign representatives; it can be letters to foreign leaders by Members of Congress dissenting from the official U.S. diplomatic line; or it can be congressional efforts on behalf of foreign states motivated by the desire of Congressmen to please powerful domestic lobbies.

To reduce the likelihood of congressional diplomacy, the President should:

1) Keep Congress accurately informed.

Congressional diplomacy, in the form of off-the-record negotiation with foreign governments and intermediaries, is often disguised as "fact finding" by Congressmen and Senators. The President cannot easily prevent such abuses, but he can remove the ostensible justification for them by asking executive branch foreign affairs agencies to provide accurate and timely briefings to Congressmen. The Constitution gives the President a limited executive privilege in foreign affairs, which he should use only when absolutely necessary. If an Administration unreasonably withholds information which Congress needs to make informed decisions about its own duties in foreign policy making, Congress will have no choice except to try to obtain accurate information about foreign affairs from sources other than the President, including foreign governments. In such circumstances, reasonable fact-finding meetings or travel may provide a cover for an extension of unreasonable congressional diplomacy.

2) Consult with Congress.

Some Members of Congress may be tempted to engage in congressional diplomacy to remind the Executive that they belong to a coequal branch. Some Senators and Representatives who do not care about a particular policy on a given issue may want the President to show respect either to them or to their branch of government. These legislators can sometimes be convinced of a particular policy if the President and his policy makers simply keep them informed.

3) Insist that the Senate has greater prerogatives than the House in foreign policy.

Members of particular factions in the House of Representatives have been the most consistent opponents of presidential foreign policy in recent decades. Reforms of the 1970s that dispersed power in the House have increased the power of ethnic and ideological foreign policy lobbies. In addition, ethnic lobbies can have more impact on House than on Senate races, because of the smaller amounts of money that can prove decisive in a congressional district campaign. This makes Representatives more responsive to these groups even if the groups do not represent the members' constituencies. The President can minimize the effect of such pressure group politics in the House by publicly reaffirming the unique responsibilities in diplomacy that the Constitution assigns to the Senate. He can do this by following the example of George Washington: share some information with the Senate that is not shared with the House.

4) Deputize Congressmen as diplomats formally, not informally.

The Reagan Administration mistakenly solicited the cooperation of Speaker Wright in diplomacy without defining a formal and limited role for him. Whenever possible, a President who seeks to enlist congressional help in the details or conduct of diplomacy should formally appoint Members of Congress as part of a diplomatic team, with a defined mission of a limited duration. This will tend to persuade the public and Members of Congress that the President's solicitation of a Congressman's aid is neither the beginning of an indefinite congressional partnership with the President in negotiations, nor the recognition of inherent congressional prerogatives in the conduct of diplomacy. Another advantage: the presence of Administration officials on the team might impose discipline on congressional members.

5) Insist that Members of Congress notify foreign leaders that they cannot speak for the U.S. government.

The State Department recognizes that Members of Congress can communicate with foreign officials as part of their legislative duties, as long as they advise the foreign officials that they cannot negotiate on behalf of the U.S. The Bush Administration should advise all foreign embassies in the U.S. of this policy.

6) Insist that a member of the Department of State or other Administration official be present at meetings between Members of Congress and foreign leaders.

Rather than announce such a policy during a conflict with Congress and risk having the policy labeled a political move in a particular controversy, the President should consistently insist on the presence of Administration officials at all significant meetings between foreign leaders and Members of Congress.

Stiffer Measures. Sometimes these measures to limit congressional diplomacy may not be enough. A Congressman may be determined to embarrass the Administration or to pursue his or her goals or those of a constituency through independent, informal negotiation with foreign governments. In such cases, the President should punish the congressional diplomat politically. In rare instances, as when foreign agents attempt to manipulate the U.S. political process, legal penalties may be appropriate.

If necessary, the President should:

1) Expel foreign diplomats who meddle in U.S. domestic politics.

Foreign diplomats, who engage in attempts to manipulate policy divisions between the President and Congress, should be declared *persona non grata* and sent out of the country.

2) Deny visas to foreign leaders who show contempt for America's constitutional processes.

The Administration should deny visas to foreign heads of state and other foreign agents who clearly come to the U.S. to meet with Members of Congress without including any Administration officials. In extreme cases, the Administration should bring criminal prosecutions against foreign agents who impermissibly interfere in the constitutional processes of U.S. foreign policy making.

3) Stiffen the Foreign Agents Registration Act.

The 1938 Foreign Agents Registration Act¹⁴ should be amended to stiffen the penalties for foreign inducements to congressional negotiation. The Act requires U.S. organizations that engage in activities on behalf of foreign countries and groups to identify themselves and disclose their activities and finances. The Act should be amended to increase specific requirements for disclosure of all lobbying efforts directed at Members of Congress by foreign agents. The President also should direct the Justice Department to use its discretion according to the present act to prosecute Americans who have not registered as foreign agents, even though their political activities on behalf of foreign governments would come under the Act.

14 Foreign Agents Registration Act of 1938, Sec. 1 et seq., as amended 22 U.S.C.A. and 611 et seq.

CONCLUSION

Congressional diplomacy weakens the ability of the U.S. to carry out a consistent and effective foreign policy. The Constitution, which gives Congress as an institution important roles in foreign policy-making, does not give individual Members of Congress any authority to engage in diplomacy with foreign countries or their agents. As the success of the Nicaraguan government in exploiting divisions between the White House and Congress showed, the practice of maverick diplomacy by members of Congress encourages foreign regimes to try to take advantage of America's uniquely open and decentralized government.

Speaking with a Single Voice. Countries that attempt to play one branch of the U.S. government against another, whether dramatically as in the case of the Wright-Ortega affair, or quietly through influence over domestic pressure groups, need to be firmly discouraged by the Executive. So do Congressmen who abuse the powers of the legislative branch. The President should use all the means at his disposal and request additional, new measures, to ensure that the U.S. government speaks in the diplomatic arena with a single voice.

Michael E. Lind
Visiting Fellow

All Heritage Foundation papers are now available electronically to subscribers of the "NEXIS" on-line data retrieval service. The Heritage Foundation's Reports (HFRPTS) can be found in the OMNI, CURRNT, NWLTRS, and GVT group files of the NEXIS library and in the GOVT and OMNI group files of the GOVNWS library.