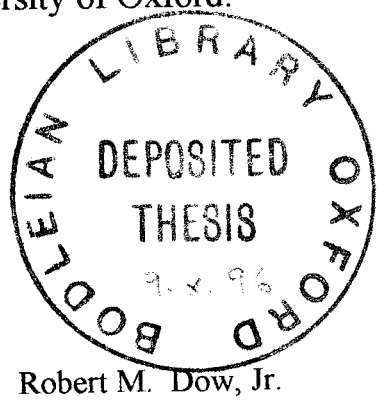
SENATOR HENRY M. JACKSON AND U.S.-SOVIET DETENTE

Thesis submitted in fulfillment of the requirements for the degree of Doctor of Philosophy in International Relations at the University of Oxford.





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INTRODUCTION

This thesis proposes to investigate important aspects of United States policy toward the Soviet Union through a close and critical examination of the views of Senator Henry M. Jackson, a Democrat from the state of Washington. For much of the postwar period, policies affecting the relationship between the United States and the Soviet Union were central to the structure of international relations. And for much of that period, Henry Jackson was central to the making of American foreign policy. Though the thesis necessarily includes a broad overview of the major themes of American diplomatic history (chapter one) and a more detailed analysis of the evolution of the Senator's own views (chapter two), beginning in 1940 when he first won election to the United States House of Representatives,[1] the thesis primarily focuses on the period of detente beginning with the election of President Richard M. Nixon in 1968 and ending with the Soviet invasion of Afghanistan in December, 1979. In particular, the several chapters that comprise the main body of the thesis (chapters three through eight) examine the Soviet policies of the Nixon, Ford, and Carter Administrations, exploring Senator Jackson's interactions with each administration in rough proportion to the lifespan of its respective detente policy.

Looking back a quarter of a century after the Nixon Administration began unveiling its policy of detente vis-a-vis the Soviet Union, and recalling all that has taken place in the interim, it is easy to forget that President Richard Nixon and his chief foreign policy adviser, Henry A. Kissinger, once considered Senator Jackson a key potential ally in their efforts to reshape U.S.-Soviet relations. Indeed, throughout the period of this study, the three men shared much in

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[1]Senator Jackson served in the House of Representatives from 1941 to 1953 and the Senate from 1953 until his death in September, 1983.

common with regard to their assessment of the Soviet Union and the prescriptions for United States foreign policy. For example, all three believed that the Soviet Union posed the single greatest threat to international order and stability and would continue to be a formidable and dangerous adversary for the foreseeable future. In addition, all three viewed the Soviet political system itself not only as an unappealing form of government, but also as a long-term threat to the security of the West.[2] Finally, in the wake of the shattered postwar, bipartisan, liberal-internationalist consensus on foreign policy,[3] Nixon, Kissinger, and Jackson agreed that an updated and reinvigorated containment policy remained the best hope of deterring any further expansion of Soviet influence.

In recognition of their shared views, and perhaps also in an effort to recapture the bipartisan support that had for so long facilitated containment, President-elect Nixon offered Senator Jackson the opportunity to join his Administration, either as Secretary of State or Secretary of Defense. Although Jackson declined the offers, he did provide critical support for

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[2]On this point, see Richard Nixon, RN: Memoirs (New York: Grosset & Dunlap, 1978), p. 876; Henry Kissinger, The Troubled Partnership: A Reappraisal of the Atlantic Alliance (New York: McGraw-Hill, 1965), pp. 190-206; Henry M. Jackson, "Know Your Adversary," speech delivered on March 6, 1969, available in Jackson Papers, Suzzallo Library, University of Washington at Seattle, Accession Number 3560-6, Box 7, Folder 4 [hereinafter "Jackson Papers"].

[3]It should be noted at the outset that to the extent such a consensus existed from about 1947 to 1966, it was limited to broad agreement on the parameters of a containment policy vis-a-vis the Soviet Union. Throughout the period, repeated clashes between the parties and the branches of government occurred on issues such as China, Korea, and the stationing of American troops in Europe. See e.g., I.M. Destler, Leslie Gelb, and Anthony Lake, Our Own Worst Enemy: The Unmaking of American Foreign Policy (New York: Simon & Schuster, 1984), p. 17; Richard A. Melanson, Reconstructing Consensus: American Foreign Policy Since the Vietnam War (New York: St. Martin's Press, 1991), p. 29 n.2; Richard E. Neustadt and Ernest R. May, Thinking in Time: The Uses of History for Decision Makers (New York: Free Press, 1986), pp. 258-259.

some of the Administration's initial foreign policy initiatives. However, as the details of the Adminstration's conception of detente slowly emerged, it became clear that the apparent similarities between the views of Jackson, on the one hand, and Nixon and Kissinger, on the other, had masked a much deeper and more fundamental disagreement on the ultimate aims of U.S. policy toward the Soviet Union.

Briefly stated, detente, as conceived by Nixon and Kissinger, represented "a strategy for a relationship among adversaries"[4] that ambitiously sought to transform the foreign policies of both the United States and the Soviet Union. The United States, Nixon and Kissinger believed, would have to learn to conduct foreign policy like any other great power, focusing primarily on the national interest as defined geopolitically. On this view, the key to the U.S.-Soviet relationship was the balance of power, and the means of moderating Soviet expansionism would be an intricate mixture of carrots and sticks designed to give the Soviets an interest in the stability of the international order. Moreover, alongside the professed intention of moderating Soviet external behavior, Nixon's and Kissinger's detente explicitly rejected the notion that American foreign policy ought to be geared toward the transformation of the Soviet domestic regime.

By contrast, Senator Jackson resisted the notion that the United States was, or could be, just another great power. Rather, he insisted that the United States continue to recognize a broader (and more ambitious) definition of the national interest, aimed not only at achieving a favorable balance of power but also a favorable balance of ideas -- democracy and freedom versus communism and oppression. On this view, detente, defined as a genuine relaxation of tensions,

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[4]Henry Kissinger, Years of Upheaval (Boston: Little, Brown & Company, 1982), p. 600.

was neither possible nor desirable so long as Soviet foreign policy remained unchecked by democratic domestic restraints.

Between 1972 and 1976, Senator Jackson and the Nixon and Ford Administrations engaged in a protracted battle over the direction of U.S.-Soviet relations. Jackson and his congressional allies succeeded in reshaping the arms control dialogue, creating an explicit linkage between the availability of U.S. trade/credits and Soviet emigration policy, and, more generally, making Soviet human rights practices a regular item on the bilateral and multilateral (CSCE) agendas. By 1976, the Jackson forces had wreaked such havoc with detente (and turned the American public so strongly against it) that President Ford banished the term from his vocabulary during the election campaign.[5]

Furthermore, even after the end of the Nixon/Ford/Kissinger era, Jackson continued to exert considerable influence over United States policy toward the Soviet Union. As the Carter Administration resumed the policy of offering arms control and trade concessions in exchange for improved superpower relations, after a brief flirtation with a Jacksonian approach to the Soviet Union, Jackson again deployed his considerable legislative power to reduce the prospects for a SALT II agreement and to block the Administration's efforts to pursue an evenhanded approach to trade relations with China and the Soviet Union. Accordingly, by the time the Soviet invasion of Afghanistan soured even Jimmy Carter on the notion of detente, Jackson had already succeeded, in large measure, in imposing his policy preferences with respect to arms control, trade, and the offensive advocacy of human rights.

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[5]William G. Hyland, The Cold War is Over (New York: Random House, 1990), p. 164-165.

This thesis proposes to examine both the substance and methods of Jackson's transformation of detente. Intellectually, the thesis will consider the contents and interconnectedness of Jackson's ideas on U.S.-Soviet relations: From where did his ideas come? How did they differ from the main alternative views of his time? Did his ideas form a coherent or consistent view? Were his policy prescriptions successfully adopted, and implemented? Institutionally, the thesis will examine how Jackson was able, as a *member* of the legislative branch -- not even the chairman of either the Senate Foreign Relations or Armed Services Committees -- to influence so profoundly the direction of such a critical international relationship. What were the elements of Jackson's power base in foreign affairs? How did he succeed in marshalling those elements into an effective challenge to the Soviet policies of three successive presidents?

Chapter one will introduce the broad, recurring themes of the thesis: the historically competing views as to whether a linkage should exist between America's domestic ideals, its foreign policy, and the institutional framework of American policymaking. Chapters two and three will trace the intellectual development of Senator Jackson's and the Nixon Administration's views on the U.S-Soviet relationship and discuss Jackson's critical support of the Administration's early initiatives. Chapters four through eight then will examine the Senator's defection from detente and his continuing efforts to gain control over the direction of U.S. policy toward the Soviet Union, using arms control, trade, and human rights as vehicles for exploring the ways in which his vision of international order and of the role of American ideals in creating and sustaining that order differed from that of the Nixon, Ford, and Carter Administrations. Finally, chapter nine will consider how the resolution of this national debate influenced the course of the

U.S.-Soviet relationship, and of international relations more broadly, over both the short-term and the longer-term.

CHAPTER ONE: SETTING THE CONTEXT -- THE ROLE OF IDEAS AND INSTITUTIONS IN AMERICAN FOREIGN POLICY

A. The American Creed: Ideas and the Concept of the American Nation

The political scientist Samuel P. Huntington has observed that in the vast majority of modern nation-states, "national identity is the product of a long process of historical evolution" often encompassing common ancestors, experiences, ethnic background, language, culture, and religion.[1] By contrast, the American nation "has been defined in political rather than organic terms."[2] The constitutive documents of the United States -- the Declaration of Independence and the federal Constitution -- form the most important and profound manifestations of the connection between ideas and the American polity, as well, of course, as explaining the national existence.[3] As Arthur M. Schlesinger, Jr., has argued, the Declaration of Independence and the Constitution "establish goals, imply commitments, and measure failures. . . . Where the Declaration set forth ends, the Constitution prescribed means."[4] These documents, with their emphasis on individual political rights and civil liberties, capture the "Lockian ethos"[5] that has characterized the United States from its inception by boldly proclaiming that "all men are created equal" and endowed with

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[1]Samuel P. Huntington, American Politics: The Promise of Disharmony (Cambridge, Mass.: Harvard University Press, 1981), p. 23.

[2]Id.

[3]See id. at 24 (citing William R. Brock, "Americanism," in Dennis Welland, ed., The United States (London: Methuen, 1974), p. 68).

[4]Arthur M. Schlesinger, Jr., The Cycles of American History (Boston: Houghton Mifflin, 1986), p. 21.

[5]See generally Louis Hartz, The Liberal Tradition in America (New York: Harcourt, Brace, 1955), pp. 3-32.

certain rights, generally stated as "life, liberty, and the pursuit of happiness"[6] and amplified more particularly in a bill of rights held by the individual against the potential tyranny of the state.[7]

The Constitution also created a structure of representative government that facilitated the early democratization of the United States through a rapidly developing internal two-party system, external mass parties, and widespread, if not universal, male suffrage.[8] Thus, from the early decades of the republic, American political culture simultaneously embraced the often contradictory ideals of liberty and equality, individual rights and majority rule. In recognition of these paradoxes, Huntington has argued persuasively that the ideas behind American politics are too "diffuse, incoherent, and undeveloped intellectually" to be called an ideology, yet, at the same time, too rich and complex to constitute simply a "tradition."[9] Instead, borrowing from Gunnar Myrdal, Huntington suggests that the distinct, multifarious, and amorphous collection of ideas and beliefs that forms the American political identity is best described as the "American Creed."[10]

The United States, of course, was not the first republic; it was, however, the first to have been so consciously and conspicuously created "to vindicate the idea of liberty."[11] From the

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[6]Declaration of Independence.

[7]U.S. Constitution, Amends. I-X.

[8]See Byron E. Shafer, ed., Is America Different? A New Look at American Exceptionalism (Oxford: Clarendon Press, 1991), pp. 240-241.

[9]Huntington, Promise of Disharmony, supra, at 15-16.

[10]Id. at 16.

[11]Henry Kissinger, Diplomacy (New York: Simon & Schuster, 1994), p. 18; see also R.J. Vincent, Human Rights and International Relations (Cambridge: Cambridge University Press in association with The Royal Institute of International Affairs, 1986), p. 65.

beginning, then, an intimate connection has existed between American ideals and the concept of the American nation. As the sociologist Peter Berger explained, the United States "is inextricably linked to a particular political creed . . . which was the original raison d'etre and continues to be the principle of legitimacy for the American nation-state."[12] In other words, as Huntington put it, "The United States has no meaning, no identity, no political culture or even history apart from its ideals of liberty and democracy and the continuing efforts of Americans to realize those ideals."[13] While other groups may define their nationality in terms of history, race, ethnicity, language, community, tradition, or geography, Americans trace their nationality to an acceptance of "a system of ideas, a solemn assent to a handful of final notions."[14]

Viewed collectively, the "cluster of ideas, institutions, and habits" comprising the American Creed represents "'the *most explicitly expressed* system of general ideals' of any country in the West: the ideals of the essential dignity and equality of all human beings, of inalienable rights to freedom, justice, and opportunity."[15] Moreover, the ideas underpinning the American Creed -- "self-evident" truths and "inalienable" rights -- were deemed by the American "revolutionaries" to have universal applicability. Thus, if, as Robert Osgood defines it, an "ideal"

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[12]Peter Berger, "Human Rights and American Foreign Policy: A Symposium," 72 Commentary 27 (November 1981).

[13]Huntington, The Promise of Disharmony, supra, at 260.

[14]Leon Samson, quoted in Seymour Martin Lipset, Continental Divide: The Institutions and Values of the United States and Canada (New York: Routledge, 1990), p. 26.

[15]Arthur M. Schlesinger, Jr., The Disuniting of America: Reflections on a Multicultural Society (New York: Norton, 1991), p. 27 (quoting from Gunnar Myrdal, An American Dilemma (New York: Harper & Bros., 1944), ch. 1.

is "a standard of conduct or a state of affairs worthy of achievement by its universal moral value,"[16] then the ideas of the American Revolution are more properly considered ideals. In enumerating the ideals of the new and disparate American nation, the Founders set a lofty, even unreachable standard for the republic. Perhaps not surprisingly, then, American adherence to her own ideals has often been found wanting. Yet despite these shortcomings, the great extent to which America has developed a single, coherent notion of her character and purpose, both at home and abroad, has been tied inextricably to the widespread allegiance to these ideals.

Especially in its self-idealized version, the United States, as Hoffmann observed, "is to a large extent a Rousseauistic society, moved by a vision of the general will and marked by a strong social pressure toward conformity."[17] The resulting harmony of ends is further reinforced by the interplay between the various themes of a distinctly American political culture. In short, the competing ideals of individual liberty and social equality have resulted in a political culture that allows individualism, but only within the context of a wider populist consensus that, as Byron Shafer has written, "implies that collective public life . . . should reflect the dominant attitudes and values, the modal social style, of the populace."[18] The "unprecedented sense of uniform values . . . lack[ing]the passion that doubt might give"[19] results in a reformist,[20] not a revolutionary,

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[16]Robert Osgood, Ideals and Self-Interest in America's Foreign Relations (Chicago: University of Chicago Press, 1953), p. 7.

[17]Stanley Hoffmann, Gulliver's Troubles: Or the Setting of American Foreign Policy, (New York: McGraw-Hill, 1968), pp. 124-125; see also Hartz, Liberal Tradition, pp. 57-59.

[18]Byron E. Shafer, Is America Different? A New Look at American Exceptionalism (Oxford: Clarendon Press, 1991), p. 24; see also Byron E. Shafer, "'Exceptionalism' in American Politics?" PS: Political Science and Politics, 593 (September 1989).

[19]Hartz, Liberal Tradition, pp. 57-58.

vision; Americans seek "improvement without apocalyse."[21] Thus, through repeated waves of immigration from every corner of the globe and across the expanse of an entire continent, the core ideals of the Creed have stood as the single most profound unifying theme of the American experience. The Creed has provided, as Myrdal phrased it, "the cement in the structure of this great and disparate nation,"[22] and, for Americans, served the "essential function of giving order to their vision of the world and defining their place in it."[23] Indeed, over time, the extent to which the American people have been defined, and have defined themselves, in terms of the American Creed inspired the historian Richard Hofstadter to conclude that "[t]he fate of our nation is not to *have* an ideology, but to *be* one."[24]

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[20]See Byron E. Shafer, "'Reform' in the American Experience," 6 Corruption and Reform (1991).

[21]Hoffmann, Gulliver's Troubles, p. 115.

[22]Gunnar Myrdal, An American Dilemma (New York: Harper & Bros, 1944), p. 1:3.

[23]Michael Hunt, Ideology and U.S. Foreign Policy (New Haven: Yale University Press, 1987), p. 13-14.

[24]Quoted in Hans Kohn, American Nationalism: An Interpretive Essay (New York: Macmillan, 1957), p. 13. Hofstadter's conclusion that Americans, uniquely, identify themselves more with their political ideals and institutions than with any other national qualities or characteristics has been supported by various empirical studies. For example, in a late 1950s poll 85% of Americans mentioned some aspect of American government or political tradition as something about the United States of which they were most proud. Correspondingly, only 46% of the British, 30% of the Mexicans, 7% of the Germans, and 3% of the Italians mentioned political factors. See Huntington, Promise of Disharmony, pp. 24-25. Polling data in the early 1980s reconfirmed the linkage between Americans, their ideals, and their perceived place in world affairs. In mid-1981, four-fifths of Americans believed that the United States still had a "special" role to play in the world, over half thought that the nation's "best times" were ahead of it, and two-thirds opposed an isolationist foreign policy. See Hunt, Ideology, pp. 188-189.

B. The American Creed and International Relations: A Brief Introduction

The historian Gordon Craig has written that "to establish the relationship between ideas and foreign policy is always a difficult task, and it is no accident that it has attracted so few historians."[25] In a study of American foreign policy, exploring this relationship becomes especially slippery because one cannot find either the intellectual coherence of an ideologically-based tradition (such as Marxism), or the organic coherence of an interest-based tradition (such as the British role as balancers of power from Elizabeth I to the Second World War).[26] As noted above, from the earliest days of the republic, Americans by and large have reached a consensus with respect to the essential goodness of the liberal, individualistic values subsumed within the Creed and the republican institutions created by the Constitution.[27] Moreover, this "common underlying faith: that the United States possessed the world's best system of government, and that the rest of mankind could attain peace and prosperity by abandoning traditional diplomacy and adopting America's reverence for international law and democracy"[28] has been viewed throughout American history as a "model for the world."[29]

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[25]Gordon Craig, "Political and Diplomatic History," in Felix Gilbert and Stephen R. Graubard, eds., Historical Studies Today (New York, 1972), p. 362.

[26]See Winston S. Churchill, The Second World War, Volume 1 ("The Gathering Storm") (Boston: Houghton Mifflin, 1948), pp. 186-190.

[27]For a cautious endorsement of the usefulness of the concepts of consensus and exceptionalism in American history, see the discussion in Bradford Perkins, The Creation of a Republican Empire, 1776-1865, vol. I, The Cambridge History of American Foreign Relations (Cambridge: Cambridge University Press, 1993), pp. 9-11 & 232-233.

[28]Kissinger, Diplomacy, p. 18.

[29]Perkins, The Creation of a Republican Empire, p. 9.

Yet, alongside the broad consensus regarding the commitment to liberty and the desirability of free institutions flourishing around the globe,[30] the history of American foreign policy has been characterized by a disagreement over the means of affecting the desired ends. Numerous observers have commented on the "deeply split personality" with which Americans have viewed their role in the world. Overwhelmingly, these writers have expressed this historical tension as a dichotomy: self-interest versus ideals;[31] realism versus vision;[32] experiment versus destiny;[33] crusade versus beacon,[34] and so on.[35] The remainder of this section will draw upon these various constructs in an effort to introduce what appear to be the *three* (not two) ideal-typical views that have characterized the American approach to international relations: America as Beacon; America as Crusader; and America as Traditional (Great) Power.[36]

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[30]See Stephen John Stedman, "The New Interventionists," 72 Foreign Affairs 4 (America and the World, 1992-93).

[31]See Osgood, Ideals and Self-Interest, *passim.*

[32]James H. Billington, "Realism and Vision in American Foreign Policy," 65 Foreign Affairs 630 (America and the World 1986).

[33]Schlesinger, Cycles of American History, pp. 3-22.

[34]Kissinger, Diplomacy, p. 18.

[35]Huntington cites additional formulations of this supposed dichotomy in The Dilemma of American Ideals and Institutions in Foreign Policy (Washington: American Enterprise Institute, 1981), p. 3.

[36]It should be noted that some of the dichotomies listed above capture all three views, often by combining "traditionalists" with either "crusaders" or "beaconists". It is true that both the first and second groups have favored an activist foreign policy; they differ, however, in the extent to which they believe that foreign policy should be directed toward intervention in other countries for the purpose of promoting American ideals and institutions. Likewise, the first and third groups share the view that the United States should adopt a passive posture with respect to linking its values and its foreign policy, but they part company over the extent to which America should participate in international relations. Because of these critical

This general discussion proceeds in full recognition of the limited utility of such broad postulates that "simplif[y] or distort[] a much richer reality."[37] However, despite these acknowledged shortcomings of overbroad classifications as diagnostic tools, the attempt to capture the spectrum of how Americans view their place in the world through the vehicle of the tripartite framework sketched below has the virtue of encompassing within it perhaps the two most fundamental foreign policy questions upon which the country has been divided from its inception: (1) should the United States play an active role in international affairs? and (2) should that role, however active, be "substantively directed to the promotion of [liberal] values"?[38]

The first (America as Beacon) and second (America as Crusader) of these categories share an idealized vision of America as, in John Winthrop's words, a "City on a Hill" and of Americans as, in Herman Melville's estimation, a "peculiar" people, chosen by divine Providence to "bear the ark of the liberties of the world."[39] They disagree, however, on the desirability of an active, interventionist effort to spread the message of freedom and democracy beyond the national borders. Beaconists, often drawing on historical examples of republics which have squandered liberty (and more) at home by reaching for greatness abroad, have tended to advocate a restrained foreign policy.[40] From James Madison and John Quincy Adams in the early nineteenth century

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fissures, it seems more appropriate to use three categories rather than two.

[37]The phrase comes from Hoffmann, Gulliver's Troubles, p. 87.

[38]See Huntington, Promise of Disharmony, p. 240.

[39]See the discussion in Schlesinger, Cycles of American History, pp. 13-16; the quote from Melville appears on p. 15 and comes from his novel White Jacket, published in 1850.

[40]See Hunt, Ideology, p. 43.

to Henry Wallace, J. William Fulbright,[41] and George McGovern in the nuclear age, beaconists have urged a "rigorous aloofness"[42] from unnecessary involvement in international affairs so that the United States could concentrate on the more important business of getting its domestic problems in order. From this view, extensive international involvement tempts leaders and diplomats to adopt expedient,and even imperial, methods that inevitably generate damaging spillover effects on the carefully designed republican institutions of government.[43]

In essence, then, beaconists have viewed the outside world as a potentially corrupting influence on the sanctity of the American experiment with institutions designed to check tyranny and to promote the ideals of life, liberty, and the pursuit of happiness. These ideals, in their view, comprise the challenge of America at home and the face of America to the world. To be sure, beaconists have viewed the spread of liberty and democracy as beneficial, both for individual citizens and for the international community, but they have insisted that the American contribution to its expansion ought to be by example rather than by intervention.[44] Thus, in the quintessential statement of the beaconist vision, President John Quincy Adams stated in his July 4, 1821, address:

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[41]On the evolution of Fulbright's public views between the approval of the Tonkin Gulf Resolution and the 1966 publication of his book on the arrogance of power, see James A. Nathan and James K. Oliver, Foreign Policy Making and the American Political System, 3d ed. (Baltimore, Johns Hopkins University Press, 1994), pp. 75-76.

[42]This very apt phrase comes from Gordon A. Craig,"The United States and the European Balance," 54 Foreign Affairs 187 (October 1976).

[43]See the discussion in Robert W. Tucker and David C. Hendrickson, "Thomas Jefferson and American Foreign Policy," 69 Foreign Affairs 150 (Spring 1990).

[44]Schlesinger, Cycles of American History, p. 89.

> Wherever the standard of freedom and independence has been or shall be unfurled, there will [America's] heart, her benedictions and her prayers be. But she goes not abroad, in search of monsters to destroy. She is the well-wisher to the freedom and independence of all. She is the champion and vindicator only of her own. She will commend the general cause by the countenance of her voice, and the benignant sympathy of her example. She well knows that by once enlisting under other banners than her own, were they even the banners of foreign independence, she would involve herself beyond the power of extrication, in all the wars of interest and intrigue, of individual avarice, envy, and ambition, which assume the colors and usurp the standard of freedom. The fundamental maxims of her policy would insensibly change from *liberty* to *force*. . . . She might become the dictatress of the world. She would no longer be the ruler of her own spirit.[45]

Similarly, nearly a century and a half later, Senator Fulbright declared that "[i]nsofar as a nation is content to practice its doctrines within its own frontiers, that nation, however repugnant its ideology, is one with which we have no proper quarrel."[46]

The vision of "America as Crusader" fuses together Winthrop's "City on a Hill", Thomas Paine's optimistic pronouncement that "[Americans] have it in our power to begin the world all over again,"[47] and Alexander Hamilton's quest for national greatness. In contrast to the beaconists, the crusaders have been less preoccupied with America's imperfections at home and more confident of the transferability of the American experience. America, they have opined, has a unique destiny, not to spark a world revolution, but to actively promote the *reform* of the international system through the widespread adoption of America's democratic ideals and republican institutions.

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[45]John Quincy Adams, Fourth of July address, 1821 (quoted in Schlesinger, Cycles of American History, pp. 89-90) (emphasis in original).

[46]J. William Fulbright, speech on Senate floor, Congressional Record, March 25, 1964.

[47]Thomas Paine, Common Sense (pamphlet published in 1776) (quoted in Schlesinger, Cycles of American History, p. 17.).

Beyond the natural affinity for peoples struggling to be free that J.Q. Adams recognized, crusaders have taken the view that "freedom at home is inextricably linked to freedom abroad."[48] Thus, from Thomas Jefferson[49] to Woodrow Wilson to Henry Jackson and Ronald Reagan,[50] advocates of this view have drawn a connection between a state's domestic institutions and its external behavior and have argued on this basis that democracy enhances the preservation of peace. In sum, as Craig has succinctly summarized, the crusaders have believed "that there [is], indeed, a balance of ideas in the world as well as a balance of power, and that it [is] only by tipping the former in the direction of liberty that humanity could be freed from the evils of the

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[48]Kissinger, Diplomacy, p. 47.

[49]Tucker and Hendrickson, "Thomas Jefferson," pp. 135 & 150. As these authors have concluded, "Jefferson was the first president who sought to reform the international system," yet his pronouncements on foreign affairs often have been invoked by those arguing for a more limited American role in international relations. Id. p. 150. The likely explanation for this phenomenon, as Tucker and Hendrickson have noted, is that Jefferson "wished to have it both ways" by renouncing traditional statecraft (raison d'etat) while desiring to enjoy the fruits of power. Id., p. 141.

[50]Although Wilson, Jackson, and Reagan (and perhaps Jimmy Carter) all might properly be classified broadly as crusaders in that each believed that American foreign policy ought to reflect and promote American ideals, it is worth noting that this grouping masks important differences in the philosophical underpinnings of their respective approaches. Wilson proclaimed an absolute commitment to human rights (an idealistic view) to make the world safe for democracy (a realist view focusing on national security concerns). While Carter's lofty rhetoric also claimed an absolute commitment, his approaches to China and the Soviet Union demonstrated a willingness to subordinate human rights to other foreign policy goals (a realist view). Moreover, Carter tended to see human rights more as a moral concern (an idealistic view) than as a security interest. In contrast to Wilson, Reagan and Jackson explicitly allowed for a differentiated approach to human rights (a realist position) -- treating China and the Soviet Union on separate tracks for national security reasons -- and like Wilson, but not Carter, they viewed the offensive advocacy of human rights more as a security issue than as a humanitarian effort.

latter."[51]

The third vision of American foreign policy combines the crusaders' desire for an active role in world affairs with the beaconists' pessimism about the portability of American values and the wisdom of incorporating them in the practice of American diplomacy. Much like the British before Gladstone, the American "traditionalists"[52] have preferred, all other things being equal, that their great power rivals be governed democratically.[53] But they have generally rejected foreign policy as an instrument for affecting changes in the internal composition of states at an acceptable price. In essence, traditionalists have exhorted foreign policymakers to leave out the proselytizing, advocating instead that the United States, at least in the international realm, behave like any other great power.

Thus, in the early days of the republic, this view insisted that "it was patently impossible for the United States to remain indifferent to the convulsions of European power politics without running intolerable risks to its security and that, therefore, the proper line for American statesmen to follow was one of defensive accommodation to the balance of power, adjusting their policy to

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[51]Craig, "The United States and the European Balance," p. 187; see also Kenneth Waltz, Man, the State, and War: A Theoretical Analysis (New York: Columbia University Press, 1959), p. 113.

[52]The term "traditionalists" refers to the notion that the United States ought to conduct foreign policy as a traditional great power. International relations scholars frequently identify as "realists" many of those classified here as "traditionalists". One might conclude, however, that a realist ought to recognize that American ideals are an essential component of the American national character and an element of national power. See Hans Morgenthau, "The Question of Detente," 19 Worldview 13 (March 1976). Accordingly, the label "traditionalist" seems more appropriate than "realist" to describe the view that the United States should be actively involved in the global balance of power but should refrain from interfering with another state's treatment of its own citizens.

[53]On this point, see Kissinger, Diplomacy, pp. 65 & 101.

its nature at any particular moment, and exploiting the opportunities that it offered for the promotion of American interests."[54] Later generations of statesmen, diplomats, and commentators -- from Theodore Roosevelt to Walter Lippmann and George Kennan to Richard Nixon and Henry Kissinger -- have likewise defined the national interest geopolitically and have argued that American foreign policy ought to be focused first and foremost on the balance of power.

Over the course of American history, the conflict between the three visions sketched above has provided the central tension within a self-consciously American tradition in foreign policy. Each of the three views has enjoyed periods of ascendancy, though it would be fair to say that the beaconist and crusader have captured the dominant attitudes to a greater extent than the traditionalist. Indeed, the two former views have descended from the unique brand of American liberalism that has given rise to "[a]n absolute national morality inspired either to withdraw from alien things [beaconists] or to transform them [crusaders]."[55] The latter view, on the other hand, follows more closely the European tradition of international relations based upon the principles of balance of power and non-interference in the internal affairs of other sovereign states. These themes will recur intermittently throughout the main body of thesis, as the policy preferences of the main protagonists reflect, more or less closely, the ideal-typical classifications introduced in the foregoing paragraphs.

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[54]Craig, "The United States and the European Balance," p. 187; Kissinger, White House Years (Boston: Little, Brown, 1979), pp. 58-59.

[55]Hartz, Liberal Tradition, p. 286.

C. The Institutional Framework of American Foreign Policy

Although the process of making foreign policy can in no way be reduced to a simple formulaic prescription, it seems reasonable to conclude that the political institutions charged with responsibility for developing a state's policies toward the outside world perform a critical function by filtering competing ideas and attitudes. In the case of the United States, the Constitution sets out the institutional framework of foreign policymaking, though with "astonishing brevity regarding the allocation of foreign affairs authority among the branches [of government]."[56] "'Foreign affairs,'" as Louis Henkin has observed, "is not a term found in the Constitution, and what we characterize as foreign affairs is not a discrete constitutional category."[57] In fact, as Henkin has further argued, "The constitutional blueprint has proved to be unclear and incomplete as regards foreign affairs, and there is no agreed guiding principle to help make its provisions clear, or to fill the lacunae."[58] Yet, despite these deficiencies, scholars are well advised to look to the constitutional arrangements as a starting point for analysis of the role of institutions in American foreign policymaking.

By 1787, a number of prominent citizens had become alarmed by the inability of the former colonies to meet the internal and external challenges confronting them, both individually and collectively. Accordingly, Congress voted to convene in Philadelphia "for the sole and

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[56]Harold Hongju Koh, The National Security Constitution: Sharing Power After the Iran-Contra Affair (New Haven: Yale University Press, 1990), p. 67.

[57]Louis Henkin, "Foreign Affairs and the Constitution," 66 Foreign Affairs 284 (Winter 1987/88).

[58]Id., p. 285.

express purpose of revising the Articles of Confederation."[59] Deliberating in secret, the delegates quickly found themselves exceeding their mandate, and, in fact, negotiating an entirely new compact -- a Constitution -- aimed at a more efficient union. As the experience of her diplomats, including Benjamin Franklin, Thomas Jefferson, and John Jay, had indicated, the United States would have to speak with one voice in order to conduct a coherent and effective foreign policy. Toward that end, the delegates added two provisions to the Constitution which had been absent from the Articles.

First, they concentrated the power to conduct foreign affairs within the domain of the national government. This reflected the understanding, as Justice George Sutherland later wrote, that powers of external sovereignty must be vested in the federal government "as necessary concomitants of nationality."[60] Second, after weeks of debate, the delegates agreed that a single authority -- a President -- ought to be vested with substantial, though not exclusive, power to oversee many of the functions of external affairs. In strengthening the national government and creating the office of the Presidency, the Framers well understood the challenge of reconciling the necessity of a strong executive to protect the nascent nation from external threats with the requirement of precluding the development of a threat from within as a result of arbitrary and tyrannical abuse of executive power.

On the one hand, as Alexander Hamilton wrote in Federalist No. 70, "Energy in the executive is a leading character in the definition of good government. It is essential to the

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[59]Clinton Rossiter, 1787: The Grand Convention (New York: Norton, 1987), p. 55.

[60]United States v. Curtiss-Wright, 299 U.S. 304 (1936).

protection of the community against foreign attacks. . . ."[61] Later in No. 70, Hamilton also noted that "unity is conducive to energy" in that "[d]ecision, activity, secrecy, and dispatch will generally characterize the proceedings of one man, in a much more eminent degree, than the proceedings of any greater number; and in proportion as the number is increased, these qualities will be diminished."[62] At the same time, however, the Framers heeded James Madison's warning that:

> In time of actual war, great discretionary powers are constantly given to the Executive Magistrate. Constant apprehension of war, has the same tendency to render the head too large for the body. A standing military force, with an overgrown Executive will not long be safe companions to liberty. The means of defense against foreign danger, have been always the instruments of tyranny at home.[63]

Indeed, even Hamilton expressed accord with Madison's insistence on a scheme of checks and balances to executive power, writing in Federalist No. 75 that:

> The history of human conduct does not warrant that exalted opinion of human virtue which would make it wise in a nation to commit interests of so delicate and momentous a kind as those which concern its intercourse with the rest of the world to the *sole* disposal of a magistrate, created and circumstanced, as would be a president of the United States.[64]

Accordingly, the Framers solved their dilemma of making the President both strong and weak by endowing the executive with primary authority in foreign affairs while at the same time

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[61]Alexander Hamilton, "Federalist Paper No. 70," in The Federalist Papers, (Toronto: Bantam Books, 1982), p. 355.

[62]Id., p. 356.

[63]James Madison, Notes of Debates in the Federal Convention of 1787 (New York: Norton, 1969), p. 214.

[64]Alexander Hamilton, "Federalist Paper No. 75," in The Federalist Papers, pp. 380-381 (emphasis added).

vesting in the legislature important counters to that authority. In the end it was not an especially neat structure, but, as one study concluded, "[t]he pattern of overlapping, shared, and even conflicting powers was deemed a necessary price to pay to protect the transcendent republican values."[65] The idea of separation of powers, supported by a system of checks and balances, represented a "distinctive American contribution to the art of government."[66]

By separating foreign affairs powers between the branches, the Framers of the Constitution established an institutional framework for American foreign policymaking that endures to this day and has left as its legacy the celebrated "invitation to struggle for the privilege of directing American foreign policy."[67] In Article II, sections 2 and 3, the Constitution empowers the President to command the armed forces, receive ambassadors, execute laws passed by the Congress, and, with the advice and consent of the Senate, negotiate treaties and appoint ministers and ambassadors. To check the executive, sections 8 and 9 of Article I grant the legislative branch the authority to levy taxes, appropriate public money, regulate commerce with foreign nations, declare war, and raise and support an army and a navy.

Though the Constitution thus allocates certain powers to one or another of the branches of government, it is more notable for its ambiguity than its clarity in the realm of foreign affairs. In fact, a great many decisions concerning the direction of American foreign policy, as Justice Robert H. Jackson observed, fall into "a zone of twilight in which [the President] and Congress

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[65]Nathan and Oliver, Foreign Policy Making, (3d ed.), p. 238.

[66]Arthur M. Schlesinger, Jr., The Imperial Presidency (New York: Popular Library, 1973), p. vii.

[67]Edward S. Corwin, The President: Office and Powers, 1787-1957 (New York: New York University Press, 1957), p. 171.

may have concurrent authority, or in which distribution [of power] is uncertain."[68] Within this zone, it often is the case that "the actual art of governing under our Constitution does not and cannot conform to judicial definition of the power of any of its branches,"[69] and, indeed, as one prominent observer has noted, "the courts have removed themselves to a backseat and have not played a major part" in the governance of foreign affairs.[70] Thus, as Justice Jackson remarked in Korematsu v. United States, the final arbiters of the decisions made by foreign policy makers often are not the courts, but "the political judgments of their contemporaries and . . . the moral judgments of history."[71]

The historical struggle for control of American foreign policy engendered by the "separation of powers" has been marked, both in theory and in practice, by fluidity rather than rigidity. For two hundred years, the subtle and ambiguous institutional framework of the Constitution has divided and redivided the spoils of power in foreign affairs; power ebbs and flows between the political branches depending on such variables as consensus, personality, initiative, and exigent circumstances. As Justice Jackson further explained:

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[68]Youngstown Sheet & Tube Company v. Sawyer, 343 U.S. 579, 637 (Jackson, J., concurring).

[69]Id. at 635 (Jackson, J., concurring).

[70]Louis Henkin, Constitutionalism, Democracy, and Foreign Affairs (New York: Columbia University Press, 1990), p. 69.

[71]323 U.S. 214, 248 (1944) (Jackson, J., dissenting), quoted in John Lehman, The Executive, Congress, and Foreign Policy (New York, 1974), p. 12..

> While the Constitution diffused power the better to secure liberty, it also contemplated that practice will integrate the dispersed power into a workable government. It enjoins upon its branches separateness and interdependence, autonomy but reciprocity.[72]

By imprecisely dividing foreign policy powers, the Framers intended that neither the President nor the Congress unilaterally chart the course of the nation's external relations. The deliberate division of authority to prosecute wars, enter into treaties, and arrange foreign commerce (among other areas) illustrates that, at least in the realm of foreign affairs, the Constitution created a government of "separated institutions sharing power."[73] What the Constitution makes clear is that the President, the Senate, and the Congress as a whole have certain powers relating to foreign policymaking. What is not clear, however, is which branch "shall have the decisive and final voice in deterimining the course of the American nation." This, according to Corwin, "is left for events to resolve."[74]

That foreign affairs power is separated and shared does not mean, however, that it is evenly distributed between the branches. Even when the President's share of the power, for whatever reasons, has been at its lowest ebb, the President has remained the preeminent instrument of American foreign policymaking for a number of reasons.[75] Clinton Rossiter, for

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[72]Youngstown Sheet & Tube, 343 U.S. at 635 (Jackson, J., concurring).

[73]Richard E. Neustadt, Presidential Power (New York: Macmillan, 1986), p. 33.

[74]Corwin, The President, p. 171.

[75]See Lehman, The Executive, pp. 13-15 for a useful survey of scholarly opinion through the early 1970s, and Barbara Hinckley, Less than Meets the Eye: Foreign Policy Making and the Myth of the Assertive Congress (Chicago: The University of Chicago Press, 1994) for a comprehensive study of the extent of Congressional assertiveness in foreign affairs over the past three decades. As her title suggests, Hinckley concludes that despite occasional flurries of activity (often on symbolic issues) Congress largely has been deferential to the

example, writes that the "Constitution, laws, custom, the practice of other nations, and the logic of history" have made the President's position in foreign affairs "necessarily dominant but not necessarily absolute."[76] In addition to the significant powers conferred by or implied in the Constitution, Presidents have enhanced their authority in times of crisis, real or perceived, over the past two centuries. Especially in recent years, Presidents have successfully used their superior access to information and to the media to mold public opinion and to preempt Congressional objections to perceived executive aggrandizement. Thus, for example, Richard Nixon managed to generate sufficient momentum in favor of the 1972 Interim Agreement (SALT I), despite its several technical and substantive shortcomings (see chapter four), by dramatically announcing its finalization at the much publicized Moscow summit conference. Moreover, in an international system of well over one hundred fifty sovereign states, and in an age of instantaneous global communication, sophisticated destructive weaponry, and intricate international commercial arrangements, the American people and their elected representatives appear to have acknowledged that only the executive branch has the capacity to direct the diverse range of American foreign policies.

D. Congress Within the Framework

Yet the trends of history and circumstance have not entirely washed away the Madisonian scheme of Congressional restraints on executive action. The United States Congress retains more power to influence the content and direction of foreign policy than any other national legislature

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executive on the substance of foreign policymaking even during its so-called "assertive phase" during the mid-1970s.

[76]Quoted in Lehman, The Executive, p. 14.

in the world.[77] While Congress is incapable of broadly managing foreign policy, it can "facilitate, influence, or frustrate the President's handling of it,"[78] depending on the mood of the country, the state of executive-legislative relations, and the ability of legislators, both individually and in concert, to harness effectively the various checks and balances in their policymaking arsenals. When Congress coherently raises an objection to a foreign policy initiative, as Presidents Nixon, Ford, and Carter learned with respect to detente, it can employ a vast array of levers to control or constrain the administration:

> Congress monitors, reviews, questions, criticizes, challenges, defines, modifies, approves, vetos, and provides or withholds the appropriation for executive action. It stimulates executive action through both informal and legislative means, and occasionally . . . mandates and initiates policies and operations against strong executive opposition.[79]

In fact, in periods of congressional assertiveness, foreign diplomats can find themselves negotiating not only with the President, but also with the Congress.[80] For example, the Soviet hierarchy -- at first to its surprise and always to its displeasure -- frequently engaged in tripartite discussions with Senator Jackson and the White House over critical aspects of arms control and

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[77]Cecil V. Crabb, Jr., and Pat M. Holt, Invitation to Struggle: Congress, the President, and Foreign Policy, 3d ed. (Washington: CQ Press, 1989), p. 2; also see generally Charles O. Jones, The Presidency in a Separated System (Washington: Brookings, 1994).

[78]See Robert R. Bowie, "The President and the Executive Branch," in Joseph S. Nye, ed., The Making of America's Soviet Policy (New Haven: Yale University Press, 1984), p. 63.

[79]Lehman, The Executive, p. 31.

[80]See Crabb and Holt, Invitation to Struggle, pp. 241-242.

trade policy.[81] In sum, as John Rourke has written, the President is like Gulliver on the shores of Lilliput: "Although he is a giant among the Lilliputians, he is nonetheless their captive. . . . The President's powers are awesome, even imperial, but Congress can cast a constricting web."[82] On the other hand, in delineating the sources of Congressional influence in foreign affairs, one must be careful to note that powers are separated and shared not only between the political branches, but also within the legislative branch itself. The Constitution assigns certain formal powers to one or the other house of Congress, while certain other powers are exercised concurrently by both houses.

Historically, the Senate has played a more prominent role in the making of foreign policy, largely because of its prescribed duties in approving treaties and executive appointments -- both of which would become useful levers in Henry Jackson's efforts to redirect the course of United States arms control policy. While the Framers recognized that the process of negotiation, ratification, and implementation of treaties involved both executive and legislative functions, they deliberately entrusted the check on the executive's treaty-making power to the Senate alone because they feared that popularly elected representatives would lack a "due sense of national

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[81]For a discussion of the Soviet Union's reliance on the "shopworn ideological framework" of executive dominance in the early stages of detente and the role of the Jackson-Vanik amendment and the SALT II ratification battle in educating the Kremlin to Congress' significant foreign affairs powers, see Robert T. Huber, Soviet Perceptions of the U.S. Congress: The Impact on Superpower Relations (Boulder, Colo.: Westview Press, 1989), especially pp. 19 & 164.

[82]John Rourke, Congress and the Presidency in U.S. Foreign Policymaking (Boulder, Colo.: Westview Press, 1983), p. xiii.

character" and an "accurate and comprehensive knowledge of foreign politics."[83] Senators, on the other hand, because they were to be chosen by state legislatures,[84] would "always be of the number of those who best understand our national interests"[85] and whose deliberations would be more compatible with the virtues of secrecy, dispatch, and the like thought to be critical to an effective foreign policy.

With respect to the appointment power, Hamilton argued that the purpose of requiring the Senate's participation was two-fold: to prevent the selection of unfit characters and to promote stability in the exercise of executive functions.[86] As with the treaty powers, the Framers rejected the suggestion that a "body so fluctuating, and at the same time so numerous" as the House of Representatives ought to share in the appointment power.[87] Thus, the Senate alone has exercised the responsibility (and enjoyed the prestige) of casting final judgment over treaties and appointments submitted for approval by the President.

Excluding the provision limiting "advice and consent" of treaties and appointments to the Senate alone, the remaining foreign affairs powers of the legislative branch, save one, are shared

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[83]See James Madison, "Federalist Paper No. 63," in The Federalist Papers, pp. 318-325 and Alexander Hamilton, "Federalist Paper No. 75," in id., pp. 379-383.

[84]Until 1913, when the XVIIth Amendment to the Constitution provided for the direct, popular election of Senators.

[85]John Jay, "Federalist Paper No. 64," in The Federalist Papers, p. 326.

[86]Alexander Hamilton, "Federalist Paper No. 76," in id., p. 386.

[87]Alexander Hamilton, "Federalist Paper No. 77," in id., p. 391.

by the House and Senate.[88] These shared prerogatives roughly fall into three categories -- war powers, appropriations, and trade policy -- the latter two of which also would play a role in Senator Jackson's assault on detente.[89] The "power over the purse," as Madison noted in Federalist No. 58, "may, in fact, be regarded as the most complete and effectual weapon with which any constitution can arm the immediate representatives of the people."[90] While the President may initiate foreign policies, he must depend on Congressional appropriations for the resources with which to implement them. Within the general domain of foreign commerce, numerous specific policy decisions -- involving, for example, trade agreements, tariff rates, government loans and credits, and foreign aid (military, humanitarian, and security assistance) -- all require Congressional approval. Furthermore, in recent decades, the blending of domestic and foreign policy issues caused by increasing economic and political interdependence among states has provided both the rationale and the vehicle for greater Congressional participation in foreign economic policy decisions.

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[88]The important exception, found in Article I, section 7, requires that bills for raising revenue originate in the House of Representatives. While the Senate may approve, amend, or reject revenue bills, it is powerless to act without an initiative from the House of Representatives. Because tariffs are a means of raising revenue, the House Ways and Means Committee has been, at times, an important actor in the United States' economic relations with other countries. Indeed, as we shall see in chapter six, the Ways and Means Committee and its then-Chairman Wilbur Mills (D.-Ark.) played a significant role in the enactment of the Jackson-Vanik restrictions on trade with communist countries.

[89]While controversies over issues of war and peace probably have produced as much strife between the branches as any other issue -- and, indeed, permeated much of the period of this thesis in regard to the war in Vietnam -- they are not discussed in even a generalized sense here because they did not figure prominently in Jackson's challenge to detente.

[90]James Madison, "Federalist Paper No. 58," in The Federalist Papers, p. 297.

Congress thus possesses wide latitude to check the executive through its broad (though circumscribed) powers in foreign affairs. Moreover, when Congress chooses to deny an appropriation, reject or amend a treaty, or raise a tariff, the President may find it difficult or impossible to circumvent the will of the legislature. Yet no less an authority than J. William Fulbright (D.-Ark.), the longtime Chairman of the Senate Foreign Relations Committee, has acknowledged the institutional limitations of Congress in the realm of foreign affairs. In 1961, Fulbright wrote,

> While Congress has many powers under the Constitution, having to do with foreign affairs, these powers do not enable the Congress to initiate or shape foreign policy, but to implement, modify, or thwart the proposals of the President. . . . The President alone can act to mobilize our power and resources toward the realization of clearly defined objectives . . .[91]

In sum, to paraphrase Professor Corwin, the President proposes, while the Congress disposes.[92] Although Congress, at times, disposes of executive initiatives rather forcefully -- as with the Treaty of Versailles, for example -- the executive retains the power to make the next move.

While many of the practical limitations on Congress' ability to influence foreign policy stem from the tilting of the constitutional balance in favor of the executive, other factors relating to the organization of Congress as an institution and the incentives facing each individual legislator also generally relegate Congress to a reactive role. The organization of Congress into committees and subcommittees, for example, brings mixed results in regard to the legislature's impact on the direction of American foreign policy.

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[91]Quoted in James L. Sundquist, The Decline and Resurgence of Congress (Washington: Brookings, 1981), p. 120.

[92]Corwin, The President, p. 171.

On the one hand, the committee system permits a division of labor among members[93] that facilitates the development of real expertise by those legislators and staff assistants, who for reasons that will be explored below, choose to make their mark in international affairs. Here the early "professionalization" of the U.S. Congress -- meaning the provision of salary, personal and committee staff, and other resources[94] -- has permitted American legislators to obtain critical information independently of the executive branch and to generate alternative policy proposals.[95] Indeed, those few legislators who cultivate their own foreign affairs fiefdom (usually by ascending to the top of the Foreign Relations or Armed Services Committees or an important subcommittee of one or the other committee) often can hold their own in a sustained battle with the executive branch, as Senator Jackson did over arms control and trade policy in the detente era.

On the other hand, the committee system also reinforces the tendency of Congress to take a reactive approach to foreign policy issues. Treaties, agreements, and other legislation must progress through subcommittee and committee to the floor of one house (where it may be amended), then through the same process in the other house, and finally, perhaps, through a conference committee before being presented to the President.[96] Though this deliberative process has the benefit of ensuring careful consideration of the obligations the United States chooses to

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[93]See David R. Mayhew, Congress: The Electoral Connection (New Haven: Yale University Press, 1974), p. 92.

[94]Ibid., p. 7. Mayhew described the U.S. Congress as "probably the most highly 'professionalized' of legislatures" in the world, a description that still seems apt over two decades later.

[95]See Neustadt and May, Thinking in Time, p. 202.

[96]Sundquist, Decline and Resurgence, pp. 156-157.

undertake with other countries, it would present an insurmountable obstacle if every reaction to international events or every negotiating position were subject to such exacting scrutiny. Hence, the legislature usually is limited to approving, amending, or rejecting actual deployments or final proposals generated and negotiated almost exclusively by the executive branch, though occasionally involving consultation with key legislators.

Another important institutional factor that constrains Congress' ability to influence foreign affairs is occasioned by the need to reach consensus among legislators representing 50 states and 435 districts, no two of which are exactly alike. Quite understandably, each member seeks to manipulate the diffuse levers of power to the maximum advantage for himself and for his constitutents. The task of reconciling the various conflicting factions that arise over each issue into a majority consensus thus requires persistence, leadership, and -- particularly on issues that are difficult to master such as arms control -- deference to expert members. In fact, all of these elements were to be present in the two most central cases of this thesis. The Jackson amendment to SALT I gained enactment only after its main sponsor, the acknowledged congressional expert in the field, engaged in an intense three-month period of detailed investigation into the shortcomings of the proposed agreement and a shorter (though perhaps even more intense) period of negotiation with the administration. Similarly, the extraordinarily successful effort to fashion the Jackson-Vanik coalition would require, over the span of more than two years, a massive expenditure of political capital, staff resources, behind-the-scenes maneuvering with interest groups, and painstaking negotiations with numerous interested factions from labor unions to ethnic and religious organizations.

While both of the amendments bearing Senator Jackson's name ultimately gained the support of congressional majorities, they illustrate the point that the legislative branch struggles mightily to reach a single coordinated position. Here the internal reforms of the past quarter century actually have exacerbated the problem. The increase in information available to individual legislators, the decline in party discipline brought about by the weakening of committee chairs, and the election of large numbers of ambitious, media-sensitive, issue-oriented representatives who have been unwilling to toil as apprentices for a decade or so before making their views heard all have complicated the already formidable task of uniting 51 senators or 218 representatives behind any particular position.[97] Of course, as we shall see particularly in chapter five, the executive branch also faces the challenge of settling bureaucratic disputes -- for example, whether the United States position in SALT II should have reflected "equal aggregates" or "offsetting asymmetries" -- but the President's acknowledged position as final arbiter tends to resolve differences more easily and more quickly than is the case within the informal congressional hierarchy.

E. Individual Legislators Within Congress

In addition to the constitutional and institutional factors outlined above, the incentives confronting individual legislators also often hinder the ability of Congress to take on a significant role in formulating foreign policy. While the President represents a national constitutency, members of the House and Senate represent much smaller groups of citizens who often have

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[97]See David Leyton-Brown, "The Role of Congress in the Making of Foreign Policy," 38 International Journal 74 (Winter 1982-83); Destler, et al., Our Own Worst Enemy, pp. 134-135; Roger H. Davidson, "Subcommittee Government: New Channels for Policy Making," in Thomas E. Mann and Norman J. Ornstein, eds., The New Congress (Washington: American Enterprise Institute, 1981), p. 107.

particularized interests. This means that legislators, even more so than presidents,[98] frequently must focus most of their attention on the domestic issues most salient to the concerns of their state or district. As one of the most prominent exceptions to this general phenomenon, Senator Fulbright, once explained:

> At no point in his rise to powerful office does the typically successful politician find it imperative to school himself in the requirements and problems of foreign policy. Indeed his preoccupation with local matters and with political machinery is virtually *bound* to prevent him from acquiring any breadth or depth of knowledge in the field of foreign affairs.[99]

In the decades since Fulbright's observation, the explosion in the number of Congressional staff members and the corresponding increase in the amount of information available to Congress have generally improved the foreign affairs acumen of most legislators.[100] Furthermore, both the increasingly interdependent world economy and the global information network have increased the prominence of international issues in all aspects of national life, thereby focusing the American people and their representatives more frequently on relations with other countries. Nevertheless, even today few legislators could be considered experts on any aspect of foreign affairs, and the executive branch remains incomparably better equipped to monitor and react to the pace of world events.

Occasionally, though, individual legislators overcome the constitutional, institutional, and individual obstacles to exert influence in a particular area of foreign policy. The most important

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[98]Although, as George Bush learned in 1992, presidents, too, run a risk if they appear overly attentive to foreign policy.

[99]Quoted in Sundquist, Decline and Resurgence, p. 120.

[100]See Nathan and Oliver, Foreign Policy Making (3d ed.), p. 83; Leyton-Brown, "The Role of Congress," p. 74.

factors in ascertaining the capacity of individual senators or representatives to impact foreign policy include (1) electoral insulation; (2) personal incentive; (3) development of expertise; and (4) favorable external circumstances. Some of these factors are mutually reinforcing, and a legislator who cabins most or all of them has an uncommon opportunity to carve out a niche in foreign affairs.

Electoral insulation not only contributes to a legislator's ability to develop an area of expertise in foreign affairs but also enables him or her to accrue enough seniority to become a committee or subcommittee chairperson. A legislator who consistently racks up large electoral majorities is more likely to risk diverting attention away from parochial concerns and toward acquiring expertise in some aspect of foreign policy. Moreover, Senators who find themselves comfortably ensconsed with their constitutents may be more likely than their similarly-situated House colleagues to branch out into foreign affairs by virtue of the enhanced prestige of playing a prominent role in the treaty-making and appointments process[101] and because of the greater flexibility provided by the six-year election cycles. To take one particularly relevant example, Senator Jackson's interest and involvement in foreign affairs started while he was still a member of the House of Representatives, but his decision to seek a more prominent, leadership role coincided with his comfortable 1958 Senate re-election margin (68% to 32%) and his growing ambitions for national office.[102]

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[101]See Richard F. Fenno, Jr., Congressmen in Committees, (Boston: Little, Brown, 1973), p. 151.

[102]See Peter J. Ognibene, Scoop: The Life and Politics of Henry M. Jackson (New York: Stein & Day, 1975), p. 99; William W. Prochnau and Richard W. Larsen, A Certain Democrat: Senator Henry M. Jackson, a Political Biography (Englewood Cliffs, NJ: Prentice-Hall, 1972), p. 187.

Electoral insulation surely helps spur a nascent interest in foreign affairs, but it is not a prerequisite for legislative involvement; Senator Sam Nunn (D.-Ga.), for example, assumed a prominent place on the Armed Services Committee during his first term of office. Even if they are motivated primarily by reelection, many legislators are motivated secondarily (and still significantly) by other ends that do not *directly* relate to re-election, including the accrual of influence within Congress and the enactment of good public policy.[103] Particularly in the Senate -- where by virtue of the Constitution foreign policy is "a special institutional preserve . . . critical to the power of the institution within the American political system"[104] -- individual legislators sense an opportunity to play a significant part in shaping the national experience. Senator Jackson, for one, attributed his growing interest in foreign affairs after World War II to the realization that "the Cold War was going to be the great challenge of our time."[105] Likewise, senators, more so than representatives, have endeavored to enhance their prospects for higher office -- namely, either the Presidency or Vice-Presidency -- by establishing a reputation as a foreign policy expert.[106] Thus, it was no accident that Senators Estes Kefauver (D.-Tenn.), John F. Kennedy (D.-Mass.), Hubert Humphrey (D.-Minn.), Eugene McCarthy (D.-Minn.), Edmund Muskie (D.-Me.), and George McGovern (D.-S.D.) all sought (and the middle four gained)

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[103]Ibid., p. 1 & pp. 141-142 & 150-151 for a discussion of these goals in the context of foreign affairs. See also James M. Lindsay, Congress and the Politics of U.S. Foreign Policy (Baltimore: Johns Hopkins University Press, 1994), pp. 4 & 33-52.

[104]Ibid., p. 151.

[105]Jackson, quoted in Prochnau and Larsen, A Certain Democrat, p. 72.

[106]Fenno, Congressmen in Committees, p. 142; Lindsay, Congress and the Politics of U.S. Foreign Policy, p. 42.

membership on the Senate Foreign Relations Committee prior to their presidential candidacies.[107] And, in similar fashion, Henry Jackson more deeply immersed himself in national security matters after his appetite for national office had been whetted by his near-miss for the Vice Presidential nomination in 1960.[108]

A legislator who possesses incentives -- personal and/or electoral -- to become involved in foreign policy stands the best chance of actually influencing the course of events by developing a reputation for expertise in a particular field. Because most Senators and Representatives are, at best, generalists in foreign affairs, an individual member who becomes known as a specialist in an area -- whether arms control, trade, Latin American affairs, or whatever -- gains a potentially disproportionate influence in his field of expertise.[109] Congressional colleagues often seek the advice of, or defer to the judgment of, recognized experts when voting on treaties and other pieces of legislation. Furthermore, the executive branch also recognizes and consults with legislative experts in foreign affairs. In some instances, Presidents seek the advice of key legislators in an effort to foster interbranch (and sometimes bipartisan) cooperation; in other cases, Presidents consult Congressional experts because they fear the consequences of ignoring a determined legislative opponent. The former objective was to inspire a temporary alliance between President Nixon and Senator Jackson, while the latter concern compelled President Carter very early in his Administration to invite Jackson's input into arms control policy. In any

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[107]Fenno, Congressmen in Committees, p. 142.

[108]See Ognibene, Scoop, pp. 113-118; Prochnau and Larsen, A Certain Democrat, pp. 179-201.

[109]See Paula Stern, Water's Edge: Domestic Politics and the Making of American Foreign Policy (Westport, Conn.: Greenwood Press, 1979), p. 204.

event, expertise can bring significant leverage to a legislator, both among his Congressional colleagues and with the executive branch.

The development of expertise most often results from a combination of circumstances, including committee assignments, seniority, access to information, and staff contributions. Historically, the Senate Foreign Relations Committee, by virtue of its jurisdiction over treaties, has been the vehicle through which the legislature and its individual members have most profoundly influenced American foreign policy.[110] In recent decades, however, additional committees including Senate and House Armed Services, House Foreign Affairs, House Ways and Means, Senate Finance, and the respective Appropriations and special investigative committees have performed, at one time or another, critical roles in foreign affairs. In addition, the proliferation of subcommittees has further expanded the opportunities for individual members to gain a foothold in the policy arena.[111] Thus, for example, Jackson's Armed Services Subcommittee on Arms Control became the focal point of congressional resistance to the SALT process.

Not surprisingly, seniority, both in the legislature at large and on a particular committee, also contributes substantially to the development of expertise and of a reputation for having it. The institutional reforms of the 1970s notwithstanding, senior members, and especially chairpersons, continue to exercise considerable influence, particularly if their "turf" includes issues that are complex and/or politically significant. Longevity also increases a legislator's ability to

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[110]Crabb and Holt, Invitation to Struggle, p. 45.

[111]See Davidson, "Subcommittee Government," in Mann and Ornstein, The New Congress, p. 108.

overcome the information gap between the branches. As John Lehman has written,

> Every Congressman of seniority has cultivated numbers of career civil servants, military, foreign service, or intelligence officers throughout those agencies dealing in his areas of committee or constituent interest. . . . For the bureaucrat, the relationship yields benefits (or protection) to his agency or bureau office, or perhaps to his job. . . . The Congressman of course gains access to information and influence on the day-to-day application of policy. . . . They consult formally, informally, and often covertly; and their decisions on both policy and personnel are heavily influenced by those consultations.[112]

As we shall see, Senator Jackson and his staff were particularly adept in this regard, obtaining useful information from their contacts in academia, business, labor, and other interest groups and, occasionally, even using their clout to pry useful data from high-level administration officials.

An often overlooked factor in a legislator's ability to gain a reputation for expertise is the effective deployment of foreign policy experts from within their personal or committee staffs. These specialists, one study concluded, comprise "a virtual counter-State Department composed of predominantly young, experienced, and aggressive experts who are out to make their own marks on the foreign policy map."[113] Not only have they enhanced the reputations and proficiency of their employers by gathering data, drafting speeches and reports, and consulting with outside authorities, but they have also utilized their own knowledge, aggressiveness, and connections on the Hill to mobilize support for legislative initiatives.[114] And, for present purposes, it is worth

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[112]Lehman, The Executive, p. 33.

[113]Quoted in Crabb and Holt, Invitation to Struggle, p. 227 (citing a study by Professors Thomas Franck and Edward Weisband discussed in the New York Times on November 29, 1976).

[114]Destler, et al., Our Own Worst Enemy, p. 138; see also I. M. Destler, "Trade Consensus; SALT Stalemate; Congress and Foreign Policy in the Seventies," in Mann and Ornstein, The New Congress, p. 332.

noting than no less an authority than Henry Kissinger paid a back-handed tribute to Senator Jackson's sizable and proficient staff, remarking that they "matched [Jackson's] erudition and exceeded even his finely honed manipulative skills" in their efforts to undermine the Nixon and Ford Soviet policies.[115]

In addition to substantive policy expertise, political craftsmanship remains an essential ingredient of a successful legislative effort to leave a lasting imprint in foreign affairs. As longtime Washington observer David Broder recently observed,

> Moving legislation is one of the most arduous, exacting tasks imaginable. It requires keen knowledge of the issues, but even more, a keen judgment of individuals. The skilled legislator can find areas of compromise among seemingly intractable foes. He or she can also sense when concessions must stop and the question be put to a vote.[116]

In view of the institutional developments noted above -- the declining influence of the Congressional leadership and committee chairs, the weak influence of party discipline, and the proliferation of activist, entrepreneurial members -- consensus building appears more difficult in the modern Congress than at any time in its history. Accordingly, political acumen of the kind described by Broder -- and, as chapter six and seven show, demonstrated by Jackson in securing the passage of his trade restricting amendment -- has become a critical factor in the degree to which even a senior legislator with acknowledged expertise in foreign affairs can gain enactment of his policy proposals.

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[115]Kissinger, Diplomacy, p. 757; see also Kissinger, Years of Upheaval, pp. 985-998 for additional examples of the role played by Jackson's staff in the tripartite negotiations on the Jackson-Vanik amendment.

[116]David Broder, "Legislatures Face Loss of Experience Through Term Limits," Chicago Tribune, Feb. 9, 1994, p. 19.

Finally, it must be acknowledged that outside forces also affect the likelihood that legislators, either individually or collectively, can influence the making of American foreign policy. Naturally, an issue that captures the attention of the electorate at large, or at least powerful interest groups within it, is likely to generate an unusual degree of scrutiny from the legislature. Apart from popular pressures, institutional factors also open and close opportunities for an active legislative role in foreign affairs. Perhaps the most important of these variables are the leadership qualities of the executive.

By imprecisely dividing the foreign affairs powers, the Constitution creates a fluidity in the distribution of authority between the branches that calls to mind the maxim attributed to Napoleon that "The tools belong to the man who can use them."[117] A President who is (or appears to be) disengaged from foreign affairs, either because of disinterest or distraction (as was the case with Nixon after his re-election), risks forfeiting control over key aspects of foreign policy to a legislator or group of legislators emboldened by his perceived debility. By contrast, in Woodrow Wilson's estimation, the office of the Presidency in the hands of a bold and effective leader "is anything he has the sagacity and force to make it"[118] -- though it bears mentioning that a ruthlessly aggressive and independent President runs the risk of provoking a backlash if Congress, regardless of its approval or disapproval of his substantive policies, senses a grave degree of executive aggrandizement.

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[117]quoted in Youngstown Sheet & Tube, 343 U.S. at 654 (Jackson, J., concurring).

[118]Woodrow Wilson, Constitutional Government in the United States (New York: Columbia University Press, 1908), pp. 68-69.

Though, as the foregoing discussion suggests, individual legislators can overcome the political and institutional obstacles to gaining influence in foreign affairs, few actually have succeeded in sustaining a central role in the making of American foreign policy. In most instances and on most issues, the President has dictated the course of America's international relations, with the Congress either cooperating or acquiescing. On relatively rare occasions, however, individual legislators, by stirring their colleagues to action (or inaction), have left an significant imprint on the course of the United States' involvement with the rest of the world.

Senator Henry Jackson was one such legislator. Jackson's success hinged on his ability to harness the institutional and ideological framework of American foreign policy to undermine the Soviet policies of three successive administrations. Relying on a rare combination of key committee assignments, seniority, acknowledged expertise in military affairs, access to the White House, talented staff members, and skillful draftsmanship and coalition building, Jackson became a principal protagonist of the Nixon, Ford, and Carter Administrations' detente policies. Taking advantage of the platform provided by his own presidential ambitions and tapping into growing public discontent with a Soviet policy that appeared to disregard America's historical commitment to individual human rights, Jackson successfully waged a protracted battle against the Republican Administrations for control over the direction of U.S.-Soviet relations. When President Carter, after an initial flirtation with a Jacksonian approach, chose a policy that rather closely tracked the Nixon/Ford/Kissinger detente, the Senator again proved an insurmountable obstacle to progress on arms control and trade. No outcome could satisfy both the Kremlin and Senator Jackson, and the resulting stalemate helped pave the way for the confrontational ideological and geopolitical agenda pursued by the Reagan Administration. The next chapter will explore the roots of

Jackson's approach to U.S.-Soviet relations and the development of the institutional power base from which he would eventually launch his assault on detente.

CHAPTER TWO: THE DEVELOPMENT OF JACKSON'S VIEWS ON U.S.-SOVIET RELATIONS, 1940-1968

A. Introduction to a Complex and Controversial Career

The tenure of Henry Jackson in the United States Congress, both the House of Representatives and the Senate, spanned nine presidential administrations: Roosevelt, Truman, Eisenhower, Kennedy, Johnson, Nixon, Ford, Carter, and Reagan. In forty-three years of service, Jackson played many roles: influential legislator, determined legislative opponent, party chairman, presidential aspirant, party critic, and elder statesman, to name only some. And, like most politicians and statesmen who occupy center stage for an extended period of time, Jackson left behind a complex and controversial legacy. George Will praised Jackson as "the finest public servant I have ever known."[1] In a similar vein, Charles Krauthammer observed that:

> The death of Senator Henry Jackson has left an empty stillness at the center of American politics. Jackson was the symbol, and the last great leader, of a political tradition that began with Woodrow Wilson and reached its apogee with John Kennedy, Lyndon Johnson, and Hubert Humphrey. That tradition -- liberal internationalism -- held that if democratic capitalism was to have a human face, it had to have a big heart and a strong hand.[2]

More specifically in the context of foreign affairs, then-Secretary of State George P. Shultz remarked that "[f]ew public figures in the post-war world have done so much as Scoop Jackson

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[1]George F. Will, "The Finest Public Servant I Have Ever Known," in The Morning After: American Successes and Excesses, 1981-1986 (New York: Free Press, 1986), p. 410 (column from Washington Post, September 6, 1983).

[2]Charles Krauthammer, "Whatever Became of the American Center?" in Cutting Edges: Making Sense of the 80s (New York: Random House, 1985), p. 98 (column from Time, December 19, 1983).

to shape American thinking about [the U.S.-Soviet] relationship."[3]

Others were not so generous. Senator Fulbright had long referred to Jackson as "the Senator from Boeing," a reference to the largest employer and largest recipient of government contracts in Jackson's home state. A mid-1970s political biographer offered a critical assessment of Jackson's foreign policy views, derisively labelling the Senator himself a "Cold War ideologue."[4] Much later, a headline caption over an essay written by Jonathan Alter in The New Republic summed up Jackson as a "big spender, big hawk, and big loser."[5]

After entering Congress at the tender age of twenty-eight, with little practical or other experience with international affairs,[6] Jackson gradually adopted a cautiously internationalist outlook during World War II. After the war, Jackson used his committee assignments to become well-steeped in the liberal internationalist approach championed by President Truman and his advisers and maintained with bipartisan support for a generation. By the mid-1950s, Jackson had

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[3]George P. Shultz, "U.S.-Soviet Relations in a Changing World," remarks before the Henry M. Jackson School of International Studies, University of Washington, February 5, 1988, quoted in Dorothy Fosdick, ed., Henry M. Jackson and World Affairs: Selected Speeches, 1953-1983 (Seattle: University of Washington Press, 1990), p. 5.

[4]Ognibene, Scoop, p. 153.

[5]See headline caption to Jonathan Alter, "The Myth of Scoop Jackson," The New Republic, May 12, 1986, p. 15.

[6]Jackson had taken two courses in international relations at Stanford University in the summer of 1931 in preparation for a career in the Foreign Service, but dropped out to pursue the study of law on account of the depression and a hiring freeze at the State Department. See Jackson, "National Security: Basic Tasks," speech before the Hoover Institution Conference on Fifty Years of Communism in Russia, October 11, 1967, Jackson Papers, 3560-6, Box 6, Folder 48.

become a noted expert on military weaponry and preparedness, and over the next decade he served as a prominent spokesman on national security issues.

Until the mid-1960s, Jackson's views on the U.S.-Soviet relationship placed him well within the consensus shared by most prominent Democrats of his generation. Paraphrasing the theologian Reinhold Niebuhr, the Senator was skeptical of his contemporaries whose views on international relations tended exclusively toward either realism or idealism, the former because they had too little conscience, the latter because they harbored too many illusions.[7] Jackson believed that the post-war internationalist consensus, by merging anti-communist realism with pro-democracy idealism, represented an appropriate balance between two extreme views. Like most of his contemporaries, Jackson supported American efforts to promote freedom, liberty, and democracy abroad and perceived the Soviet Union as the primary threat to those ideals. And, along with other liberals, "[t]he Communist threat, in Jackson's eyes, existed in the Kremlin, not in the State Department."[8] In sum, this group would likely have agreed with James Billington's assessment that the "success of freedom [in the United States] and the spread of free institutions elsewhere has been the most constructive force in the post war world."[9]

Long after most of his fellow Democrats ceased supporting an activist foreign policy, however, Jackson remained a dedicated supporter of traditional liberal internationalism -- the "last

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[7]See Fosdick, ed., Henry M. Jackson and World Affairs, p. 7, quoting Reinhold Niebuhr, Christianity and Power Politics (New York: Charles Scribner's Sons, 1940), p. 104.

[8]Prochnau and Larsen, A Certain Democrat, p. 128.

[9]James H. Billington, "Realism and Vision," p. 645.

remaining senior spokesman" of a once distinguished current in American political opinion.[10] As the war in Vietnam took its toll on American resources and resolve, Jackson rejected the course advocated by many of his Senate colleagues who urged a self-purifying withdrawal from international affairs. Rather, Jackson steadfastly retained the view that the Cold War was the defining event of his time; that it was a contest between incompatible ways of life; that a vigorous American effort was indispensible to victory; and that the United States and its allies ultimately would prevail if they "stay[ed] the course," both geopolitically and ideologically.

This chapter will explore the evolution of Jackson's views on international relations and particularly his attitudes toward the U.S.-Soviet relationship. Thematically, this will serve two purposes. First, by advancing the discussion beyond generic and (over)broad labels, it helps place Jackson more precisely within the American foreign policy debate of his time and illuminates the ideological roots of his opposition to the Nixon, Ford, and Carter detente policies. Second, it sheds light on the development of Jackson's institutional power base -- a combination of key committee and subcommittee positions, expertise, persistence, and political skill -- from which he exerted a degree of influence on important aspects of American foreign policy seldom duplicated in the two hundred years of the United States Congress.

B. Henry Jackson and the Post-War Liberal Internationalist Consensus

1. Congressman Jackson, 1941-1953

Henry Jackson won election to the United States House of Representatives from the second district of Washington in 1940, riding the coattails of the first (and only) third-term

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[10]George Weigel, "The World According to Scoop," in U.S. Congress, Henry M. Jackson, Late a Senator from Washington (Washington, D.C.: Government Printing Office, 1983), p. 198.

President, Franklin Delano Roosevelt. Prior to his election, Jackson had been Prosecuting Attorney for Snohomish County and, before that, an attorney in private practice. With such a background, it is not surprising that Jackson lacked clearly formulated ideas about foreign policy upon assuming office. Almost immediately, however, Jackson received his foreign affairs baptism in the crucible of the Congressional debate over President Roosevelt's Lend-Lease bill and its implications for America's involvement in the European War.

Letters to constituents reveal a hesitancy and a lack of sophistication in the young congressman's views on America's role in the world.[11] With respect to Lend-Lease, Jackson found himself torn between his desire to support the President's policy of aiding Britain and his own misgivings about Britain's ability to pay for American war materials. In March, 1941, Jackson voted against the first Lend-Lease Bill, although not without some misgivings.[12] Over the summer, like most in Congress, Jackson continued to state publicly his desire to prevent direct American involvement in the war.[13] But, by October, Jackson and his colleagues had voted to extend the military draft and to arm United States merchant ships.[14] In sum, then, Jackson

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[11]Letter from Jackson to Judge Charles R. Denney, January 6, 1941, Jackson Papers, 3560-2, Box 56, Folder 28; Letter from Jackson to Mr. Frank Cooper, February 11, 1941, Jackson Papers, 3560-2, Box 56, Folder 27; Letter from Jackson to Judge Charles R. Denney, March 1, 1941, Jackson Papers, 3560-2, Box 56, Folder 28.

[12]See letter from Jackson to Cooper.

[13]Letter from Jackson to Mr. W.J. Pilz, May 19, 1941, Jackson Papers, 3560-2, Box 56, Folder 27; letter from Jackson to Mr. Laurence Kirkland, June 6, 1941, Jackson Papers, 3560-2, Box 56, Folder 26.

[14]See letter from Jackson to Reverend Fred W. Shorter, October 18, 1941, Jackson Papers, 3560-2, Box 56, Folder 28.

gradually accepted the need for American intervention to restore the global balance of power, but no more quickly and with no greater enthusiasm than most of his contemporaries.

During the war itself, Jackson focused his attention primarily on its domestic consequences, acting more as an ombudsman than as an innovative legislator or spokesperson on national or international issues. Toward the end of the war, however, he did tour both the European and Pacific theatres. Upon returning home, Jackson delivered a speech reporting his observations, including a graphic description of the conditions he observed at the Nazi concentration camp at Buchenwald.[15] In the same speech, the congressman simultaneously expressed his hopes for the success of the upcoming San Francisco conference to establish an international security organization and his recommendation that the United States retain its network of forward bases in the Pacific as insurance against the unpreparedness that plagued the early war effort.[16]

Although Congressman Jackson had become at least an incipient student of international relations, he remained without a practical vehicle for asserting himself within the foreign policy debate until his assignment to the Joint Congressional Committee on Atomic Energy in 1948. By 1948, of course, the Cold War had become the most prominent overarching issue in American foreign policy. As a result, interested and ambitious politicians such as Jackson increasingly devoted their attention to the U.S.-Soviet relationship. As Jackson himself commented,

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[15]"Speech by Congressman Henry M. Jackson," *c.* May-June 1945, Jackson Papers, 3560-2, Box 55, Folder 19.

[16]Ibid.

> It was clear to me that the Cold War was going to be the great challenge of our time. Just as the challenge of the thirties was the Depression, now the predominant issue was the survival of the Western world.[17]

Jackson's appointment to the Atomic Energy Committee would prove to be a turning point of sorts for the young legislator who for the next three and a half decades assumed an increasingly important role in the national security debate. Using his position to full advantage, Jackson immersed himself in the technical details of warheads and delivery systems, keeping a watchful eye on the relative American and Soviet capabilities. He advocated increased defense spending, particularly on the hydrogen bomb and tactical nuclear weapons, even prior to the Korean War.[18] In addition, Jackson correctly predicted that the Soviets would explode atomic and hydrogen bombs long before many American scientists and policymakers thought possible.[19]

Moreover, after over a decade in Congress, Jackson had begun to articulate a more comprehensive and coherent view of the totality of U.S.-Soviet relations -- a view to which he continued to adhere with remarkable consistency until his death over three decades later. Both before and after the foreign policy upheaval occasioned by Vietnam, Jackson's vision was that of liberal internationalism, in its exclusionist (as opposed to inclusionist) bent.[20] The goal of American foreign policy, Jackson asserted "is the achievement of a world situation in which our freedom to live as individuals in an orderly society will be absolutely secure, not only from the

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[17]Quoted in Prochnau and Larsen, A Certain Democrat, p. 72.

[18]See the citations, especially to the Congressional Record compiled in "The Jackson Record on National Security: 1949-1958," Jackson Papers, 3560-6, Box 29, Folder 23; also see Neustadt and May, Thinking in Time, pp. 199-200.

[19]Ibid.

[20]See infra note 47 and accompanying text.

attacks of aggressors, but from the very insecurity which their presence may create."[21] The only means of achieving this goal, Jackson continued, lay in the abandonment of the traditional isolationism and the commitment to an alternative course of "steady resistance and mobilization against the Soviet menace."[22]

In regard to the competition for military supremacy, Jackson proposed that the United States redouble its preparedness, focusing on the development and production of nuclear weapons, the enhancement of its alliance structure, and the improvement of its overseas basing arrangements. Reiterating his warnings about Moscow's parallel efforts, Jackson stressed the need to "dedicate ourselves to achieving and retaining a high degree of strength against the day we may be forced to use it for the preservation of our liberties."[23]

But it was not enough to be against communism; to win the "battle for the minds of men" America also had to be *for* something -- the liberal ideals of individual freedom and democratic government -- and emphatically so. Thus, Jackson argued that the time had arrived "to reassert America's historic role of the exporter of great and compelling ideas."[24] Drawing upon history, Jackson submitted the following analysis of America's role in the world:

> The world influence of our country was never higher than during the half century following the American Revolution. We did not export guns; we did not export goods. We exported something even more important -- a vision of the world in

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[21]Henry M. Jackson, "Address Before Democratic Party Dinner at Vancouver, Washington," September 1, 1951, Jackson Papers, 3560-2, Box 67, Folder 3.

[22]Ibid.; see also Jackson, "Address Delivered on the Floor of the House," June 5, 1952, Jackson Papers, 3560-2, Box 67, Folder 5.

[23]Jackson, "Address at Vancouver, Washington."

[24]Jackson, "June 5, 1952, Address."

> which decent peoples could live in equality and justice and brotherhood. We exported a vision which fanned into flame the idealistic hopes of people everywhere. It is now our task to rekindle that flame once more.[25]

Yet while accepting the ends of his political forbears, Jackson rejected the beaconist analog with respect to means. He felt that the Soviet challenge could be met only with an activist, interventionist foreign policy -- in short, a realist crusade. Thus, in response to a thoughtful letter from a constituent suggesting that the United States ought to bring its overseas troops home and "teach other nations by a good example," Jackson tactfully disagreed, noting that "when faced with aggression which threatens our ideals of life, liberty, and freedom, I believe our love of those ideals must outweigh our hatred for war."[26]

In the circumstances of a grave ideological threat emanating from Moscow, Jackson concluded that John Quincy Adams' vision of America as well-wisher to all but vindicator only of her own freedom would be insufficient. The promotion of liberty required an external dimension as well. Moved by the conviction that the Soviet regime feared "the plain and everyday truth" even more than America's nuclear stockpiles, Jackson proposed that American foreign policy "get about the job of making the truth known -- by word and, even more, by deed." More concretely, Jackson suggested that the combination of military alliances, economic and security assistance, and aggressive public diplomacy through the Voice of America would convince

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[25]Ibid.

[26]Letter from Jackson to Mrs. Hermina Flowers, March 26, 1951, Jackson Papers, 3560-2, Box 53, Folder 3.

ordinary citizens on both sides of the Iron Curtain that "our free way of life offers them both infinitely more material wealth and infinitely more freedom than the way of the Kremlin."[27]

Congressman Jackson understood full well that his ambitious vision of an American foreign policy that combined a vigorous geopolitical resistance to Soviet expansionism with a spirited ideological response -- a vision shared not only by then-President Truman, but also by many of his successors -- represented a significant reorientation for a nation accustomed to isolation from international affairs, punctuated only briefly and reluctantly by periods of involvement. Furthermore, Jackson candidly admitted that the most likely scenario ("the lesser of the evils and the most favorable to us") under his proposed policy was "the continuation of the present cold war for a long time to come."[28] With neither Soviet withdrawal nor a third world war over the immediate horizon, Jackson took solace in "the firm and devout belief that we have in America a society and a system of government far more precious and permanent than that of Soviet Russia" and the "hope that, given time, the Russian system may collapse of its own weight" and "disintegrate" in the face of a sustained challenge from a unified alliance of free peoples.[29]

2. Senator Jackson, 1953-1968

Upon moving to the Senate in 1953, Jackson's initial committee assignments -- Government Operations and Interior -- did not provide much opportunity for involvement in foreign affairs. Nevertheless, the freshman Senator periodically made his views known by

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[27]Jackson, "June 5, 1952, Address."

[28]Jackson, "Address at Vancouver, Washington."

[29]Ibid.

testifying before the Senate Armed Services Committee in support of Admiral Hyram Rickover and by expressing his concerns over American military preparedness, both in floor debates and public speeches.[30] During his first eighteen months in the Senate, however, Jackson received national attention not for his concern with the external communist threat, but rather for his role in investigating the alleged internal communist threat. As a member of the Government Operations Committee, Jackson opposed and eventually helped hasten the downfall of Wisconsin Senator Joseph R. McCarthy, the most prominent of the Congressional fear-mongers.[31]

In June 1954, Senate Majority Leader Lyndon B. Johnson (D.-Tex.) awarded Jackson the committee assignment he coveted most, a seat on the Armed Services Committee, and after the Democrats recaptured control of the Senate in that year's fall elections, Jackson also regained a seat on the Joint Committee on Atomic Energy.[32] From these new and prestigious perches, Jackson resumed his detailed study of national security issues and rededicated his efforts to educate his colleagues and constituents about the seriousness of the Soviet challenge. In particular, Jackson championed the development of intercontinental ballistic missiles (ICBMs) and the nuclear submarine long before the Eisenhower Administration, the military bureaucracy, or his colleagues in Congress committed to these programs.[33] He also became an early advocate of

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[30]See excerpts of Jackson's public statements in "The Jackson Record on National Security," pp. 3-5.

[31]See generally Prochnau and Larsen, A Certain Democrat, pp. 128-153.

[32]Ibid., p. 153.

[33]See Jackson, "Address Before the Annual Fellowship Dinner of the Grand Lodge of Masons of the State of Washington," June 21, 1955, Jackson Papers, 3560-11, Box 15, Folder 9, reprinted in Congressional Record, July 27, 1955, pp. 11730-11731; Jackson, "The Race for the Ballistic Missile," address to United States Senate on February 1, 1956, in

negotiations "effective and enforceable disarmament," though he cautioned that progress toward that end would likely take years, even decades.[34]

Despite signs that "the iron fist of Stalin ha[d] been supplanted by the disarming diplomacy" of a new generation of "subtle, clever, and flexible" Soviet leaders,[35] Jackson remained skeptical about the likelihood of an immediate relaxation of tensions between the superpowers. Likewise, he remained steadfast in his conviction that the decisive battle of the Cold War would be fought not on a battlefield, but in the minds of ordinary citizens.

A visit to the Soviet Union in the fall of 1956 did nothing to disabuse Jackson of either notion. As he reported in a speech the following spring, an admission by Soviet authorities that only one mosque, one synagogue, and one church were open in a city of 300,000 people illustrated the extent of the Soviet campaign against religious and cultural freedom.[36] By failing to proclaim boldly the "Soviet lack of hospitality to civil rights and religious freedom," Jackson repeatedly stressed, the United States was neglecting "the most potent idea in history" and America's greatest export -- namely, the concept of freedom.[37] And, like Wilson before him,

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Fosdick, ed., Henry M. Jackson and World Affairs, pp. 36-46; Jackson, "Ballistic Seapower -- Fourth Dimension of Warfare," address to United States Senate in ibid., pp. 47-60.

[34]See e.g., "Statement to the U.S. Senate Introducing Senate Concurrent Resolution 47," May 1, 1953, Jackson Papers, 3560-6, Box 34, Folder 6; Jackson, "National Security and Foreign Policy," excerpt from Senate speech, May 27, 1957, Jackson Papers, 3560-5, Box 323, Folder 30.

[35]Jackson, "Address Before the Grand Lodge of Masons."

[36]Jackson, "Notes for Press Release -- Scarsdale Speech," April 7, 1957, Jackson Papers, 3560-6, Box 3, Folder 42.

[37]See e.g., Jackson, "Forging a National Strategy," address to the Military Government Association, June 13, 1959, in Fosdick, ed., Henry M. Jackson and World Affairs, p. 70.

Jackson emphasized the indivisibility of freedom: "[u]nless the liberties of all minorities are protected, the liberties of all majorities are in danger."[38]

As the foregoing paragraphs indicate, neither Jackson's views on the nature of the Soviet threat nor his preferred strategy for coping with it (and even overcoming it) had changed since his election to the Senate. By the end of Jackson's first term in the Senate, however, even outside observers began recognizing his expertise on military matters. For example, an article in the Bulletin of Atomic Scientists proclaimed, "Perhaps no civilian in public life in the U.S. is better informed on the facts of missile development or more deeply concerned about their meaning for the future security of the nation than Henry M. Jackson, Democratic Senator from Washington."[39] Likewise, an overseas commentator acknowledged Jackson's "special role as the Senate's expert on modern weapons . . . he has been, not only a good prophet, but the first to defend the policies everyone now supports."[40]

Yet despite his growing reputation and his many important contributions, Jackson's forays into foreign affairs and national security remained largely behind-the-scenes until after his first re-election campaign. After a landslide win in which he garnered better than two-thirds of the vote, Jackson finally concluded that his local political base was secure and that he could begin cultivating a more national constituency if he so desired. Still only in his mid-40s, but with nearly two decades of service on Capitol Hill, Jackson had been touted by some of his colleagues as a

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[38]Jackson, "Scarsdale Speech."

[39]Bulletin of Atomic Scientists, October, 1957, cited in "The Jackson Record on National Security," title page.

[40]London Observer Foreign News Service, November, 1957, cited in ibid.

potential Vice Presidential candidate in 1956 and may even have harbored future ambitions to aim for the White House. Accordingly, the Senator began to take a more sustained, systematic, and public role in matters of national significance.[41]

In particular, Jackson mounted an effective critique of the Eisenhower Administration's foreign policy on two fronts. First, he directed the first full-scale review of the national security process since the enactment of the National Security Act of 1947, in his capacity as Chairman of the Subcommittee on National Policy Machinery of the Senate Government Operations Committee. Throughout the election year of 1960, Jackson and his colleagues took testimony from dozens of distinguished witnesses, calling attention to what Jackson termed "the inability of the United States to marshal the elements of its national power in a coherent fashion."[42] Second, Jackson joined other prominent Democratic senators in alleging the existence of a potential "missile gap".[43]

Jackson's experience in national security matters, his early support for Senator Kennedy's presidential bid, and his friendship with the Senator's brother, Robert, nearly resulted in Jackson's

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[41]This paragraph relies on the two existing political biographies of Jackson, see especially Ognibene, Scoop, p. 99; Prochnau and Larsen, A Certain Democrat, p. 187.

[42]See e.g., Jackson, "The Cold War," speech before the Industrial College of the Armed Forces, 1960, Jackson Papers, 3560-6, Box 4, Folder 69; see also Jackson, "Organizing for National Security," Chairman's statement concluding inquiry of Senate Subcommittee on National Policy Machinery, November 15, 1961, in Fosdick, ed., Henry M. Jackson and World Affairs, p. 83.

[43]Jackson later conceded that he had been wrong about the existence of a missile gap in 1960, but insisted that his conclusions had been drawn on the basis of intelligence information provided by the Eisenhower Administration. See Prochnau and Larsen, A Certain Democrat, pp. 172-173.

nomination for the Vice Presidency.[44] Jackson, in fact, received substantial support from the various state delegations, but, as Lyndon Johnson himself later told Jackson, Senator Kennedy's father, Joseph P. Kennedy, successfully argued for Johnson over Jackson on political grounds.[45] As a consolation prize, Jackson was appointed Democratic Party Chairman, a post he relinquished immediately after the election.

In view of Jackson's near-miss as a vice presidential candidate and his service as party chairman, one might have expected that he would play a prominent role, at least in an advisory capacity if not as a cabinet member, in the Kennedy Administration. As things turned out, however, Kennedy's foreign policy team chose not to consult Jackson on any more than an occasional basis.[46] Undaunted, Jackson continued to concentrate his attention on national security policy as he waited for another opportunity to pursue the ambitions for higher office that had been whetted by the events of 1960.

While Jackson carefully avoided any harsh criticism of the new Democratic administration, he did not hesitate to offer his suggestions on areas for improvement. In 1962, for example, the Senator tweaked the more idealistic faction within the Administration for what he perceived to be excessive reliance on the United Nations as an instrument of American foreign policy. As Charles Krauthammer noted, the liberal internationalist consensus included both a "harder exclusionist" strain, stressing geopolitics, military power, and the balance of power, and a "softer inclusionist" branch, emphasizing universality, international organizations, and the balance of

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[44]See generally ibid., pp. 179-201; Ognibene, Scoop, pp. 113-118.

[45]See Prochnau and Larsen, A Certain Democrat, pp. 59-60.

[46]Neustadt and May, Thinking in Time, p. 200.

ideas.[47] While Jackson shared the universalist aims of the "inclusionists", he strongly doubted the capacity of international organizations such as the U.N. to influence the outcome of the Cold War. Moreover, in a familiar refrain to which he would return in his criticism of the Nixon/Ford/Carter detente, Jackson feared that overly optimistic expectations for international cooperation would weaken America's resolve. In a provocative speech to the National Press Club, Jackson framed the issue as follows:

> The truth is, though we have not often spoken it in recent years, that the best hope for peace with justice does not lie in the United Nations. Indeed, the truth is almost exactly the reverse. The best hope for the United Nations lies in the maintenance of peace. In our deeply divided world, peace depends on the power and unity of the Atlantic Community and on the skill of our direct diplomacy.[48]

By October, 1962, Jackson's pessimism seemed well founded as the U.S.-Soviet standoff over the presence of Soviet missiles in Cuba raised Cold War tensions to their highest level yet. However, after driving their respective countries and, indeed, the world to the brink of war, President Kennedy and Premier Khrushchev quickly took measures to reduce the mutual suspicion that had characterized U.S.-Soviet relations. Political observers began circulating the term "detente" to describe the emerging mutually conciliatory approaches of the superpowers. By April, 1963, the "hotline" agreement had been concluded, and three months later President

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[47]See Charles Krauthammer, "The Poverty of Realism," The New Republic, February 17, 1986, p. 14.

[48]Jackson, "The U.S. in the U.N.: An Independent Audit," address before the National Press Club, Washington, D.C., March 20, 1962, Jackson Papers, 3560-6, Box 5, Folder 12. Quite predictably, Jackson's comments provoked a response from some of the prominent "inclusionists" who were among the U.N.'s most passionate defenders, including Eleanor Roosevelt and U.N. Ambassador Adlai E. Stevenson. See Prochnau and Larsen, A Certain Democrat, p. 214; Letter from Ambassador Stevenson to Senator Jackson, April 13, 1962, Jackson Papers, 3560-6, Box 50, Folder 30a.

Kennedy submitted the limited Test Ban Treaty for the Senate's approval. In a nationally televised address, the President mixed optimism with restraint, calling the treaty "a victory for mankind" and an "important first step . . . toward peace," while conceding that it would not "cause the Communists to forego their ambitions or eliminate the dangers of war."[49]

Although the Kennedy Administration viewed the chances of Senate approval with cautious optimism, they invested considerable time and effort in obtaining the support of a few critical senators, particularly Everett Dirksen (R.-Ill.), the Senate minority leader, Richard Russell (D.-Ga.), the Senate Armed Services Committee chairman, and Jackson, who was believed to be the Senate's leading expert on nuclear weapons.[50] In view of Jackson's acknowledged expertise in what admittedly was a highly technical area of national security policy, the Administration believed that Jackson's ultimate conclusion about the treaty might sway the votes of some of his undecided colleagues and understood all too clearly that only one-third plus one would defeat the treaty. Indeed, Jackson's support was thought to be so critical that the chief U.S. delegate to the test ban talks, W. Averell Harriman, sent the Senator a cable on the day the treaty was initialed asking him not to adopt a public position on the treaty before he had received a personal briefing from Harriman.[51]

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[49]President John F. Kennedy, address to the nation, July 25, 1963, quoted in Prochnau and Larsen, A Certain Democrat, p. 215.

[50]See Benjamin S. Loeb, "The Limited Test Ban Treaty," in Michael Krepon and Dan Caldwell, eds., The Politics of Arms Control Treaty Ratification (New York: St. Martin's Press, 1991), pp. 176-186, 191-204.

[51]Quoted in ibid., p. 185.

Senator Jackson characteristically took a cautious approach to the treaty, and, as he had done in 1955, embarked on a campaign to douse the public euphoria over "detente" with a bucket of cold water. In a New York Times Magazine article published ten days after the President's address, Jackson criticized the "widespread assumption that we can win our way with the Russians with a policy of inoffensiveness."[52] The notion that the United States ought to take unilateral initiatives "to reduce our strength and to set a 'good example' and quiet Soviet suspicions" represented, in Jackson's view, an experiment "best left undone."[53] The Senator cautioned that the improvements in superpower relations in the ten months since the missile crisis were strictly cosmetic in nature -- the Soviets had not renounced either their expansionist external tendencies or their repressive internal policies -- and remained of the view that "international peace and security depend not on a balance of power but on a certain imbalance of power favorable to the defenders of peace."[54]

In the specific context of the Senate's deliberations on the Test Ban Treaty, Senator Jackson also counseled restraint, arguing that "[i]t does not advance the cause of peace to propound the dogma that every disarmament conference is the last best hope of mankind."[55] Jackson's probing questions during the hearings and debate caused many treaty advocates to fear

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[52]Henry M. Jackson, "Seven Assumptions That Beset Us," New York Times Magazine, August 4, 1963.

[53]Ibid.

[54]Ibid.

[55]Jackson, quoted in Prochnau and Larsen, A Certain Democrat, p. 216.

that he would vote against the treaty,[56] but in the end the Senator staked out a position between his right-wing colleagues who opposed the treaty to the bitter end and his left-wing colleagues who reflexively endorsed it.

Two years earlier, Jackson had expressed skepticism of the bilateral moratorium on testing nuclear weapons, forecasting accurately that the Soviets would resume testing.[57] In view of this history, the Senator undertook to preserve American freedom of action should the Soviets again rethink their position on testing. Jackson thus took the lead in negotiating with the Administration and the Joint Chiefs of Staff a series of four "safeguards" pledging the continuation of underground testing, preserving America's readiness to resume atmospheric testing in the event of Soviet abrogation of the agreement, and calling for improved verification methods. From the Administration's perspective, the addition of the "safeguards" would likely secure Jackson's support as well as providing "cover" for conservative senators who might be inclined to follow Jackson's lead. Accordingly, they took seriously Jackson's offer to cut a deal and ultimately accepted his terms.[58] On September 13, Jackson announced that he would vote for the Limited Test Ban Treaty "in light of the testimony given and understandings reached with

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[56]See, e.g., the New York Post editorial quoted in ibid., p. 217.

[57]See Neustadt and May, Thinking in Time, p. 200.

[58]Jackson, "The Limited Nuclear Test Ban Treaty," speech on the Senate floor, September 13, 1963, in Fosdick, ed., Henry M. Jackson and World Affairs, pp. 121-135; Richard Perle, "The Senator and American Arms Control Policy," in Dorothy Fosdick, ed., Staying the Course: Henry M. Jackson and National Security, (Seattle: University of Washington Press, 1987), pp. 91-92.

respect to the policy of the administration in safeguarding the national interest."[59] Eleven days later the Senate approved the treaty by a vote of 80-19.

For the remainder of the decade, two issues dominated the American foreign policy debate: the war in Vietnam and the direction of the U.S.-Soviet relationship. From the 1941 Lend-Lease debates to the 1964 Tonkin Gulf Resolution, Jackson and most of his congressional colleagues had acquiesced in, and often endorsed, the transition from an isolationist to an internationalist foreign policy. The most salient features of this transformation were the agreement on containing Soviet expansionism and the almost reflexive acceptance of executive prerogative in foreign policymaking. During this period, Schlesinger observed,

> Congress receded not alone from the effort to control the war-making power, but almost from the effort to participate in it, except on occasion when national security zealots on the Hill condemned the executive branch for inadequate bellicosity.[60]

Schlesinger no doubt viewed Jackson as one of the "national security zealots," and, indeed, it would be difficult to name a legislator, save perhaps Senate Foreign Relations Chairman Fulbright and Senate Armed Services Chairman Russell, whose influence over foreign affairs rivaled Jackson's during the Eisenhower, Kennedy, and Johnson Administrations. Over the course of a quarter century in Congress, Jackson himself had progressed from an unsophisticated freshman Representative to a learned senior Senator. Committee assignments provided Jackson with access to critical data and expert opinions. Personal ambition led him to carve a niche for himself in the debate over "the great challenge of [our] time," the Cold War.

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[59]Loeb, "The Limited Test Ban Treaty," in Krepon and Caldwell, eds., The Politics of Arms Control Treaty Ratification, p. 200.

[60]Schlesinger, The Imperial Presidency, p. 169.

Jackson's instincts and judgments regarding Soviet intentions and capabilities often proved correct, earning him the respect (if not always the admiration) of Senate colleagues and executive officials. The breadth and depth of his technical grasp of defense-related issues also enabled Jackson to probe more deeply into executive decisions and agreements than perhaps any other legislator. In addition, by embracing many of the tenets of both strands of liberal internationalism, Jackson's arguments often resonated with Republicans and Democrats, liberals and conservatives, alike. Finally, the institutional power accruing over the Senator's years of service provided increasingly influential platforms from which he could affect the direction of U.S.-Soviet policy and enhance his own reputation as an expert on issues of national concern.

C. Jackson and the Decline of the Liberal Internationalist Consensus

1. Vietnam

For almost two decades after the proclamation of the Truman Doctrine in 1947, the broad agreement on the means and ends of American foreign policy toward the Soviet Union remained intact, effectively marginalizing congressional input in foreign affairs for as long as the consensus was preserved.[61] Thus Jackson's "safeguards" represented about as deep a legislative incursion into the foreign policy making process as any during the period. And while Vietnam ultimately would precipitate the unravelling of the consensus discussed in the previous paragraph, at the time of the Tonkin Gulf Resolution and for some time thereafter, Congress remained predisposed "toward accepting not only presidential initiative but also the substantive thrust of that policy."[62]

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[61]See ibid., p. 169; I.M. Destler, "Congress," in Nye, ed., The Making of America's Soviet Policy, p. 54.

[62]Nathan and Oliver, Foreign Policy Making, (1st ed.), p. 98.

Like most of his contemporaries, Jackson initially viewed the conflict in Vietnam as yet another skirmish in the all-encompassing Cold War.[63] As the Senator's speeches demonstrated,[64] he understood better than most of his colleagues that Vietnam represented a particularly stern challenge because of its distance from the United States and difficult terrain. Moreover, he recognized that South Vietnam as an American ally lacked either a stable political culture, strong institutions, or experienced leadership. By 1967, Jackson even admitted that "if the stakes in Vietnam were restricted to Vietnam, we would be concerned and unhappy at the fate of the Vietnamese people, but it is not likely that we would have taken a stand there" because "we could not justify the cost of that stand in terms of a clear and present threat to our national interests."[65] Nevertheless, he could not conceive of sitting out this battle because its significance went beyond the immediate stakes. Even as many of his colleagues began to question, and later to oppose, deeper American involvement in Vietnam, Jackson continued to view the war as an episode in a much larger contest between democracy and totalitarianism. Accordingly, like President Johnson (and later President Nixon), the Senator was convinced that a humiliating American compromise or retreat in Vietnam simply would beget more aggression by both major communist powers and their local proxies.[66] Thus, as the respective American

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[63]See, e.g., Jackson, "The Will to Stay the Course," speech delivered before the World Affairs Council of Seattle, November 23, 1965, Jackson Papers, 3560-6, Box 5, Folder 69.

[64]See ibid.; Jackson, "The Challenge of Vietnam," address to the National Security Commission of the American Legion, Portland, Oregon, August 21, 1965, reprinted in Congressional Record, August 30, 1965, pp. 22220-22221.

[65]Jackson, quoted in Ognibene, Scoop, p. 176.

[66]See letter from Jackson to Mrs. William J. McClure, July 19, 1967, Jackson Papers, 3560-4, Box 164, Folder 2.

administrations maneuvered to extricate the United States from Southeast Asia, Jackson endorsed their gradual approach over the more rapid alternative supported by the vast majority of Senate Democrats.

Once mainstream, Jackson's hardline views on Vietnam gradually fell out of favor with a substantial segment of the Democratic Party. Over the four years between the Tonkin Gulf Resolution and the election of 1968, the ever-increasing gap between expectation and reality compelled many prominent Democrats to distance themselves from their President's Vietnam policy. The first notable fissure was caused by the defection of prominent liberal intellectuals such as Hans Morgenthau, Arthur Schlesinger, and John Kenneth Galbraith.[67] The early critics, as Kissinger has pointed out, based their conclusions on "practical grounds: the war was unwinnable, the costs exceeded the benefits, and America was overextending herself."[68]

These conclusions soon were echoed, and even extended, by a number of influential Senate Democrats, most notably Senator Fulbright. Beginning late in 1965, Senator Fulbright began openly attacking the Administration, calling the war "unnecessary and immoral" and lamenting the "arrogance of power" that provoked "a false and dangerous dream of an imperial destiny."[69] Fulbright's assault reflected his loss of confidence not only in President Johnson's leadership of the war effort but also more fundamentally in America's capacity to engage constructively in foreign affairs. In public statements and in his book The Arrogance of Power,

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[67]See Allen J. Matusow, The Unravelling of America: A History of Liberalism in the 1960s (New York: Harper & Row, 1984), pp. 377-378.

[68]Kissinger, Diplomacy, p. 666.

[69]See Matusow, The Unravelling of America, pp. 380-385.

published in 1966, Fulbright lambasted American foreign policy for confusing its "power with virtue and major responsibilities with a universal mission."[70] From this view, the excesses of a foreign policy generated by harnessing the capacity of a great power to a crusading ideology had resulted in overextension abroad and neglect at home.[71] Thus, Fulbright, like Wallace, John Quincy Adams, and other beaconists before him, argued that the United States could far better advance its ideals of liberty, equality, and democracy by perfecting them at home rather than attempting to impose them overseas.

Beginning with the Senate Foreign Relations Committee's public hearings on Vietnam, liberal intellectuals and politicians, including most prominently Senators Robert F. Kennedy (D.-N.Y.) and Eugene McCarthy (D.-Minn.), joined the ever-expanding chorus, first criticizing the escalation and then, after 1967, finding fault with the pace of de-escalation and withdrawal. By election year, the scope and intensity of opposition to the war had deeply divided the country.[72] Although a majority of the public continued to favor the bombing,[73] President Johnson, confident of the congressional support of only conservative Republicans, conservative Southern Democrats, and Scoop Jackson on the issue of Vietnam, chose to de-escalate the conflict and to seek a negotiated settlement.

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[70]Fulbright, address on May 5, 1966, quoted in Kissinger, Diplomacy, p. 666.

[71]See Matusow, The Unravelling of America, pp. 381-382.

[72]See the discussions in Kissinger, Diplomacy, pp. 666-673 & 699 and Stanley Hoffmann, Primacy Or World Order: American Foreign Policy Since the Cold War (New York: McGraw Hill, 1978), p. 21.

[73]See Arthur M. Schlesinger, Jr., Robert Kennedy and His Times (Boston: Houghton Mifflin, 1978), p. 843.

2. Toward a New Relationship With the Soviet Union?

In addition to Vietnam, the potential for a new relationship with the Soviet Union emerged as a significant foreign policy issue in the mid-1960s. Both internal and external trends seemed to influence the debate as American policymakers discussed the pros and cons, hopes and realities, of detente with their long-time Cold War adversary. Domestically, economic problems, civil unrest, and national self-doubt generated by the failure to achieve a successful outcome in Vietnam fueled the search for alternatives to the costly global geopolitical and ideological competition between the superpowers. Internationally, American allies such as France and West Germany began exploring improved relations with the Soviet Union, thereby placing some pressure on the United States to become involved in shaping possible new directions in East-West relations. Finally, the Soviet military buildup had created a rough parity in strategic forces, with both sides having sufficiently large and secure second-strike forces to constitute mutually assured destruction in the event of nuclear war.[74]

In these circumstances, even Jackson, the self-professed skeptic, began cautiously to endorse "frequent and frank discussions between the United States and the Soviet Union, in order that each side might gain a clearer understanding of the range and limits of each other's intentions and actions and that we and they might work toward an identification of areas of common or parallel interest."[75] Indeed, close study of his record suggests that Jackson's positions on arms control, trade, and detente in general were not nearly as rigid as caricaturists came to believe. For

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[74]Richard Smoke, National Security and the Nuclear Dilemma (New York: Random House, 1984), pp. 151-152.

[75]Jackson, "National Security: Basic Tasks."

example, during the 1960s, Jackson supported the creation and funding of the Arms Control and Disarmament Agency (ACDA), the Test Ban Treaty, and the U.S.-Soviet Consular Convention, actions that were opposed by 14, 19, and 28 of his Senate colleagues, respectively.[76]

However, the prevailing trends of the 1960s -- toward reducing American military spending and commitments around the globe while simultaneously seeking an accommodation with the Soviet Union -- did not bode well for Jackson's preferred negotiating posture or for his overall approach to U.S.-Soviet relations. In this political climate, Jackson took on the mission of sobering his audiences to the dangers of pursuing detente at any cost. In a 1965 speech, the gist of which Jackson repeated time and again over the next decade and a half, the Senator complained that:

> The hope of taking additional steps to control nuclear weapons is enticing some enthusiasts to appeal for almost any sort of treaty or arrangement with the Soviets that would give even the appearance of an accommodation. This raises false hopes and is very dangerous business. It could easily lead to major concessions by this country without any compensating change of policy on the other side.[77]

Throughout the period of growing national pessimism generated in large measure by Vietnam and further stimulated by the perception that the Soviet Union had become at least the military equal of the United States, Senator Jackson remained optimistic that the West ultimately would prevail in the Cold War on the strength of "the truly revolutionary idea of our time . . . that

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[76]See "Significant Roll Call Votes in the U.S. Senate, 1953-1970," Jackson Papers, 3560-6, Box 46, Folder 14, see also Congressional Record, September 8, 1961, p. 18755; Congressional Record, September 24, 1963, p. 17832; and the discussion of the Senate deliberation on the Consular Convention in Destler, "Congress," in Nye, ed., The Making of America's Soviet Policy, p. 45..

[77]Jackson, "The Will to Stay the Course;" see also Jackson, "Statement on U.S. Forces in Europe," September 1, 1966, Jackson Papers, 3560-6, Box 6, Folder 20.

man need not choose between individual liberty and economic well-being."[78] Jackson's optimism was founded in part on the observation that the "shaping forces of the modern world" -- by which he meant an appreciation for the risks of nuclear war, the desire for improvements in living standards, the political force of nationalism, and the appeal of democratic ideals -- had even penetrated Soviet society.[79] As a result, the Senator detected a "leavening of world revolutionary dogmatism" in the Soviet Union, and opined that a return to "Stalinism" would be difficult, if not impossible.[80]

Indeed, Jackson optimistically suggested that the Soviet regime's decision to pay "lip-service" to the democratic ideas that were increasingly sprouting within their country might some day produce a situation in which "mere lip-service may not be enough."[81] In keeping with this view, he vigorously endorsed the West German effort to expand cultural, scientific, trade, and diplomatic contacts with Eastern Europe and the Soviet Union[82] and continued to reject any notion of a European settlement that did not include an end to Soviet domination of Eastern

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[78]Henry M. Jackson, ed., The Atlantic Alliance: Jackson Subcommittee Hearings and Findings (New York: Praeger, 1967), p. ix.

[79]Jackson, "National Security: Basic Tasks," speech delivered before The Hoover Institution on War, Revolution and Peace Conference on Fifty Years of Communism in Russia, Stanford, California, October 11, 1967, Jackson Papers, 3560-6, Box 6, Folder 48, reprinted in Vital Speeches of the Day, Vol. 34, No. 2 (November 1, 1967), p. 34.

[80]Ibid.

[81]Ibid.

[82]See ibid.; also see Jackson, "Perspective on the Atlantic Alliance," address delivered in Chicago, Illinois, March 23, 1968, in Fosdick, ed., Henry M. Jackson and World Affairs, p. 109.

Europe.[83] And, in a precursor of his later activism on behalf of minority rights in the Soviet Union, Jackson joined a majority of Senators in a resolution condemning the Kremlin's anti-Semitic policies.[84]

For its part, the Johnson Administration approached detente with less fervor than the academic and congressional doves would have preferred, but with more enthusiasm than Senator Jackson could muster. Overall, the final years of the Johnson Administration, in Stanley Hoffmann's words, were "years of rather muted containment of Moscow and limited accommodation. . . . a detente more improvised than thought through."[85] This "de facto detente," Hoffmann explained, proceeded on three fronts: preparations for arms control negotiations, efforts to increase cultural, scientific, and diplomatic exchanges, and communications on political conflicts in places like Vietnam and the Middle East.[86] Despite the two-year struggle to gain Senate approval of the Consular Convention and the failure to win Congresssional authorization to grant limited most-favored-nation (MFN) status to Eastern bloc countries, the Administration remained optimistic about the prospects for commencing arms control discussions.

In regard to arms control, perhaps the most significant event on the American side during this period was the debate in the United States Senate on whether to press ahead with President Johnson's proposal to develop and deploy a "thin" anti-ballistic missile (ABM) system designed

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[83]Ibid.; also see Jackson, ed., The Atlantic Alliance, pp. 13-14.

[84]Sixty-nine Senators approved the resolution, reported in the Congressional Record, April 18, 1966, p. 8240.

[85]Stanley Hoffmann, "Detente," in Nye, ed., The Making of America's Soviet Policy, pp. 234-235.

[86]Ibid., p. 235.

to shield the United States against a limited missile strike (possibly launched by China), though insufficient to defeat a full-scale Soviet attack. Senator Jackson long had advocated an ABM system, especially in view of the well-known Soviet efforts to construct one around Moscow, and immediately endorsed President Johnson's so-called "Sentinel" proposal.[87]

The debate over Sentinel was the first in a series of political skirmishes over how best to prepare for arms talks with the Soviets. In each instance, Jackson paired with the current administration -- whether Democratic or Republican -- in favor of funding the development and deployment of weapons, often to be used almost solely as bargaining chips, against the congressional doves who at all turns opposed funding programs solely for the purpose of trading them away. In the case at hand, opponents of Sentinel argued that it would not work despite a multi-billion dollar investment. Worse yet, they viewed additional weapons deployments as inconsistent with the Administration's professed goal of beginning arms control discussions with the Soviet Union.

Proponents of Sentinel, led by Secretary of Defense Clark Clifford and Senator Jackson -- the floor manager for Sentinel (as he would be with President Nixon's "Safeguard ABM" proposal -- advanced precisely the opposite argument: deployment of an ABM system would strengthen the American bargaining position and improve the chance of obtaining agreement on the limitation of both offensive and defensive systems. A unilateral decision to mothball Sentinel, they argued, would have offered the Soviet Union absolutely no incentive to scrap its own ABM program, squandering in the process an important bargaining chip made all the more attractive by perceived American technological advantages.

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[87]Jackson, statement in Senate, Congressional Record, September 19, 1967, p. 25933.

Jackson's arguments prevailed as the Senate voted 52-34 against a one-year delay in the deployment of Sentinel. Three days after the ABM vote, Soviet Foreign Minister Andrei Gromyko announced his country's readiness "to enter an exchange of opinions" on "the mutual limitation and later reduction of strategic weapons, both offensive and defensive, including antimissile missiles."[88] Senator Jackson perceived a direct correlation between the outcome of the Senate vote and the Soviet willingness to commence negotiations, proudly citing an editorial from the Washington Post that conceded this linkage as a possibility.[89]

By the summer of 1968, then, the United States delegation to the Strategic Arms Limitation Talks (SALT) was prepared for an opening round of talks.[90] However, the Soviet invasion of Czechoslovakia in August, 1968, delayed SALT until after the American elections. To Senator Jackson's mind, the intervention was instructive of the mindset of the Soviet leadership in two respects. First, it illustrated the hollowness of the Kremlin's claims of fidelity to the principle of "non-interference in the internal affairs of other states and peoples," demonstrating instead that the Soviet Union would not hesitate to use military force to quell peaceful efforts at liberalization and reform where it could do so at an acceptable cost. Second,

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[88]Andrei Gromyko, quoted in Jackson's statement on the Senate floor, Congressional Record, June 28, 1968, pp. 19251-19253.

[89]Jackson, in ibid., p. 19252-19253 (citing "Dialog of Hope," Washington Post editorial, June 28, 1968).

[90]Gerard Smith, Double Talk: The Story of SALT I (Garden City, N.Y.: Doubleday, 1980), pp. 19-20.

it suggested "a deep Soviet concern over the kind of urge toward freedom that appeared in Czechoslovakia and that could spread to adjacent regions, including the USSR itself."[91]

The first of these observations concerned Jackson greatly, as he feared that declining American defense budgets would place the United States at a geopolitical disadvantage vis-a-vis the Soviets, who appeared determined to continue deploying missiles and tanks apace. The second, however, reconfirmed Jackson's belief in the long-term vulnerability of the Soviet system and his conviction that the United States must overcome the national self-doubt generated by Vietnam to continue the vigorous geopolitical and ideological competition with the Soviet Union.

By 1968, however, whether the United States would, in fact, do so seemed very much in doubt. Containment had expanded to the limits of its logic, in the process stretching to the breaking point both the policy assumptions that had undergirded it and the liberal internationalist consensus that had sustained it. Vietnam had driven a wedge between the exclusionist anti-communist and the inclusionist pro-democracy strands of liberal internationalism, leaving a temporary foreign policy void. Although a large percentage of Americans remained convinced that their country's foreign policy ought both to oppose Soviet expansionism and promote democratic values, two alternative visions of America's role in the world also seemed plausible as of 1968.

One view, drawing much from the beaconist school, looked to a greatly diminished American presence in the world. This view -- the Fulbright/McGovern view -- counted among its supporters a sizable percentage of the inclusionists who, disillusioned with the excesses of

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[91]Jackson, "Does the Leopard Change His Spots," address to the Military Committee of the North Atlantic Assembly, Brussels, Belgium, November, 1968, Jackson Papers, 3650-6, Box 6, Folder 94, reprinted in 35 Vital Speeches of the Day, 98-99 (December 1, 1968).

containment, now called for a rapid departure from Vietnam, sought the withdrawal of some, if not all, American troops from Europe, opposed new missile and anti-missile systems, and embraced immediate negotiations with the Soviet Union. The other, looking to the traditional foreign policy of great powers, suggested that America ought to maintain active participation in world affairs, but on the basis of a more careful appraisal of the national interest and largely devoid of the crusading universalism whose overly zealous pursuit of justice had jeopardized the prospects for international order by provoking a popular movement for near-complete withdrawal from international relations. Most of the exclusionists preferred this approach -- the Nixon/Kissinger approach -- backing the Vietnam policies of Presidents Johnson and Nixon, voting to keep American troops in Europe, supporting advanced weapons systems, and adopting a wait-and-see attitude toward detente.

The old consensus was not, however, wholly without its defenders, and the most prominent of them in the detente era was Senator Jackson. Vietnam notwithstanding, Jackson continued to subscribe to the fundamental tenets of liberal internationalism. On the one hand, Jackson still supported large defense outlays and prudent interventions in the name of preventing the spread of communism and maintaining the global balance of power. On the other hand, he had not lost faith in the ability of the United States, by virtue of its domestic constitution and its international position, to act as the leading agent of liberal, democratic reform around the world. In sum, the Cold War remained, in Jackson's view, not only a conflict between great powers, but also a contest between two ways of life fundamentally at odds with each other.

Having been abandoned by so many of his colleagues, Jackson became the leading proponent of the traditional policy of engaging the Soviet Union on two-tracks: the balance of

power and the balance of ideas. In contrast to the neo-beaconists, Jackson continued to insist that the United States should remain actively engaged in international relations and that American ideals should have a prominent role in foreign policy. In contrast to the neo-traditionalists, Jackson, like the classical liberal in Hedley Bull's scheme, was "reluctant to accept that there is any necessary conflict between order and justice in world politics" and "consistently [sought] after ways of reconciling one with the other."[92]

Jackson asserted the continued importance of a link between American ideals and foreign policy for two reasons: (1) in a democracy, and particularly in the United States, an activist foreign policy must reflect the ideals of its citizens to maintain its legitimacy; and (2) the widespread adoption of thse ideals would make the world a safer place over the long term by placing domestic constraints on the arbitrary exercise of power. Thus, in the context of the U.S.-Soviet relationship, Jackson maintained that the active (even offensive) promotion of American ideals would promote stability in international relations. In his view, detente -- meaning a lasting relaxation of tensions between East and West -- could take place only in the context of a consensus among the principal powers, if not on the ideals of the American Creed, at least on certain fundamental human rights principles.

Although this approach to U.S.-Soviet relations echoed much of the orthodoxy of the previous two decades of American foreign policy, by 1968 it no longer reflected the prevailing wisdom of the Democratic Party. In fact, Jackson's colleagues from the left wing of the Party had come to view his skepticism toward detente with the Soviet Union and his hardline views on

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[92]Hedley Bull, The Anarchical Society: A Study of Order in World Politics (London: Macmillan, 1977), p. 94.

Vietnam and military spending as stubbornly conservative. As a consequence, Jackson's influence within the Senate appeared to be waning. Although the Senator had amassed seniority, expertise in national security matters, and an impressive and generally progressive record on domestic issues, an anonymous Johnson Administration official recalled that, "[i]f you had asked me in 1967 or '68 who were the most effective Senators, I would not have named Jackson in the top ten."[93]

Indeed, Jackson's views on foreign affairs undoubtedly meshed better with those of the incoming Republican Administration of Richard M. Nixon than with those of moderate Democrats such as Senate Majority Leader Mike Mansfield (D.-Mont.) and defeated Presidential candidate Hubert Humphrey (D.-Minn.), to say nothing of his even more dovish colleagues such as Fulbright, McGovern, Frank Church (D.-Idaho), or Edward Kennedy (D.-Mass.). Chapter three will introduce in some detail the Nixon Administration's novel approach to U.S.-Soviet relations, the temporary Nixon/Jackson foreign policy alliance, and the Senator's subsequent defection from -- indeed, his burgeoning opposition to -- what became known as the policy of detente.

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[93]Quoted in Ognibene, Scoop, p. 217.

CHAPTER THREE: NIXON, KISSINGER, JACKSON AND DETENTE, 1969-1972

A. The Politician and the Professor

The decline of the liberal internationalist consensus in foreign policy presented both a challenge and an opportunity for President-elect Richard M. Nixon. During the year prior to Nixon's inauguration, the United States had endured a series of foreign and domestic crises -- stalemate in Vietnam, campus protests, urban riots, and the assassinations of Dr. Martin Luther King, Jr. and Senator Robert F. Kennedy (D.-N.Y.). And as the incoming administration pondered how to stem the rising isolationist and anti-military tides in Congress and among a small but vocal section of the electorate, its principal rival, the Soviet Union, continued to deploy strategic forces at a rate designed to achieve at least nuclear parity, if not superiority.[1]

On the other hand, despite its military achievements, the Soviet Union too faced a variety of challenges. For the second time in a dozen years, a Soviet-led invasion had successfully repressed a liberal uprising in "socialist" Eastern Europe, though not without costs for Soviet prestige. At the same time, the decade-old Sino-Soviet conflict was threatening to escalate as border conflicts grew increasingly intense and frequent. Accordingly, both superpowers approached bilateral relations guardedly optimistic that the nascent detente begun with the Limited Test Ban Treaty and extended, however fitfully, in the latter years of the Johnson Administration might grow and prosper under the new president.

The domestic and international upheaval that had cast liberal internationalism into disrepute presented President Nixon with a rare opportunity to chart a new direction for American foreign policy. No one could have been more aware of or excited by this prospect than

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[1]Smoke, National Security, pp. 121-126.

Nixon himself.[2] Though a career politician, Nixon had immersed himself in the study of international affairs to a far greater extent than almost any of his predecessors.[3] As Eisenhower's Vice-President, Nixon had visited dozens of countries and had been at the center of such well-known international incidents as the riots in Caracas, Venezuela, and the kitchen debate with Soviet Premier Nikita Khrushchev. From this apprenticeship, Nixon understood "that it was in the conduct of foreign affairs that a president could have his most important effect, while operating most nearly without hindrance from Congress, the press, even public opinion."[4]

After two decades of influential Secretarys of State -- Dean Acheson, John Foster Dulles, and Dean Rusk -- Nixon sought to shift the focus of foreign policymaking from Foggy Bottom to the White House. He believed that "you need a President for foreign policy. No Secretary of State is really important; the President makes foreign policy."[5] In fact, during the election campaign, Nixon had gone so far as to hint that he might act as his own Secretary of State.[6] In the event, Nixon chose his former law partner, William P. Rogers, for the position, but excluded

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[2]See e.g., Tom Wicker, One of Us: Richard Nixon and the American Dream (New York: Random House, 1991), pp. 420-421; Garry Wills, Nixon Agonistes: The Crisis of the Self-Made Man (Boston: Houghton Mifflin, 1970), p. 422.

[3]In Kissinger's estimation, "No American president possessed a greater knowledge of international affairs. None except Theodore Roosevelt had traveled as much abroad, or attempted with such genuine interest to understand the views of other leaders." Diplomacy, p. 704.

[4]Wicker, One of Us, p. 419.

[5]Richard Nixon, quoted in A.J. Reichley, Conservatives in an Age of Change (Washington: Brookings, 1981), p. 64.

[6]See Henry Kissinger, White House Years (Boston: Houghton Mifflin, 1979), p. 8.

Rogers and his department from many major foreign policy decisions.[7]

Over the course of his two decades in national politics, Nixon had developed an almost reflexive distrust of Washington bureaucracy. He felt that the State Department, like the news media, consisted of liberal elites who viewed him with contempt, perhaps for his role in publicizing the alleged communist-infiltration of the Department in the late 40s and early 50s. Thus having concluded that foreign policy bureaucrats had no loyalty to him, Nixon moved the locus of national security planning to the National Security Council, where Presidential fiat controlled the agenda and the personnel.

This concentration of power in the White House caused one critic to write later that "Nixon, when he entered office was on issues of war and peace the most absolute monarch (with the possible exception of Mao Tse-Tung) among the great powers of the world."[8] As illustrated by the struggle for defense appropriations detailed below, this appraisal may have overstated Nixon's power even during his first term, and surely no longer held true in the final year of his Presidency. Nevertheless, it is true that Nixon directed an unprecedented effort to hoard control over foreign policy in his own hands and those of a select few advisers.

Almost immediately, President Nixon began making major decisions on foreign affairs and military planning during his daily meetings with National Security Assistant Henry A. Kissinger. Nixon's choice of Kissinger as a confidant had at least a superficial oddity to it, though the

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[7]As Kissinger somewhat acidly commented, "Nixon considered Rogers's unfamiliarity with the subject [of foreign affairs] an asset because it guaranteed that policy direction would remain in the White House. . . . Few Secretaries of State can have been selected because of their President's confidence in their ignorance of foreign policy." Ibid., p. 26.

[8]Schlesinger, The Imperial Presidency, p. ix.

selection turned out to be "a choice of genius on [Nixon's] part."[9] Prior to Nixon's election, the two men were at best passing acquaintances, and as a Harvard intellectual and long-time adviser to Nixon's intra-party rival Nelson Rockefeller, one might have thought it more likely that Kissinger would spend the Nixon years on the outside looking in. However, at their initial post-election meeting, Nixon and Kissinger discovered that they shared similar views on many of the pressing foreign policy issues of the day.[10]

Both men saw the world from a geopolitical perspective, understood the centrality of the balance of power in that worldview, viewed the Soviet Union as necessarily the central focus of American policy, ambitiously sought to establish a coherence and structure to American foreign policy that they believed had been historically lacking, and believed that a gradual extrication from Vietnam was necessary to preserve American credibility around the world.[11] Perhaps even more importantly, Nixon recognized Kissinger's talent for molding and articulating broad concepts and and shared his soon-to-be adviser's views on the process of foreign policymaking. As Joan Hoff has stated, "Both relished covert activity and liked making unilateral decisions; both distrusted bureaucracies; both resented any attempt by Congress to interfere with initiatives; and both agreed that the United States could impose order and stability on the world only if the White

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[9]Raymond L. Garthoff, Detente and Confrontation: American-Soviet Relations from Nixon to Reagan (Washington: Brookings, 1984), p. 26 n.4.

[10]Kissinger, White House Years, p. 12; Nixon, RN: Memoirs, pp. 340-341.

[11]On the similarities between Nixon's and Kissinger's views, see, e.g., Wicker, One of Us, p. 432; Walter Isaacson, Kissinger: A Biography (New York: Simon & Schuster, 1992), p. 139.

House controlled policy by appearing conciliatory but acting tough."[12]

Kissinger rapidly tamed the feared and despised bureaucracy by establishing himself, with Nixon's blessing, as the conduit between the numerous agencies claiming some jurisdiction over foreign affairs and the President. Virtually every piece of paper prepared for the President's attention went through Kissinger. In effect, Kissinger became Nixon's foreign policy gatekeeper, and, eventually, "very nearly Nixon's *only* foreign policy adviser, one of unparalleled influence."[13] Much of the Nixon foreign policy (particularly in reference to Vietnam, China, and the Soviet Union) emerged secretly, with only Nixon and Kissinger aware of its full design and implications.[14]

In light of subsequent events -- Watergate, Nixon's resignation, and Kissinger's stewardship of foreign policy for President Ford -- it is perhaps too easy to view Kissinger, and not Nixon, as the final arbiter of the foreign policy of the Nixon Administration. At least for the first term, though, Hoff's evocative description of Kissinger as "the Tonto, not the Lone Ranger,"

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[12]Joan Hoff, Nixon Reconsidered, (New York: Basic Books, 1994), p. 150.

[13]Wicker, One of Us, p. 436; see also Hoff, Nixon Reconsidered, p. 156, describing Nixon's and Kissinger's "special relationship" as going so far beyond other celebrated examples of collaboration on foreign policy (e.g., Wilson and Colonel House, Franklin Roosevelt and Harry Hopkins) that "it is possible to speak of a 'Nixinger' diplomacy." In a similar vein, Senator Fulbright opined that "Kissinger's role is comparable to that of Colonel House in about the same way that a moon rocket is comparable to the Wright brothers' airplane." J. William Fulbright, The Crippled Giant (New York: Random House, 1972), p. 238.

[14]William Hyland, Mortal Rivals: Superpower Relations from Nixon to Reagan (New York: Random House, 1987), p. 8. Hyland was a member of Kissinger's staff at the National Security Council.

of U.S. foreign policy probably is correct.[15] As she points out, Nixon's broad initiatives (especially with China and the Soviet Union), international credibility, and ability to broker a minimum political consensus for his foreign policy provided the essential underpinnings for both his and Kissinger's diplomatic maneuvers.[16] On the timing and substance of foreign initiatives, Nixon's judgments were decisive.

Nevertheless, Kissinger's contributions were extraordinary. With Nixon's assistance, Kissinger succeeded in vanquishing all potential bureaucratic rivals. As a result, Kissinger rather remarkably became the President's principal counselor on almost every aspect of foreign policy. From China to Vietnam and SALT to NATO, the National Security Adviser not only helped formulate policy but also played a substantial role in executing it by engaging in the kind of sensitive and high-stakes diplomacy that traditionally had been the province of local ambassadors or secretaries of state. By concentrating so much authority in one subordinate, Nixon was able to monitor and direct his foreign policy, though he permitted Kissinger a large measure of tactical autonomy. Thus, it is fair to conclude that if Nixon called the shots, Kissinger gave them unity and direction.

As Michael Howard has observed, "Kissinger's actions were based on a set of coherent principles to an extent unusual among world statesmen."[17] In contrast to the politicians, bankers, and lawyers who had conducted so much of America's post-war diplomacy, Kissinger came to

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[15]Hoff, Nixon Reconsidered, p. 153.

[16]Ibid.

[17]Michael Howard, The Causes of War and Other Essays (Cambridge, Mass.: Harvard University Press, 1983), p. 267.

his job with strongly held notions about international order and the place of the United States in that order. In his world view, Kissinger, probably more than any other American statesman, descended from the tradition of the nineteenth century European conservatives such as Castlereagh, Metternich, and Bismarck. Though Kissinger found much to admire in their respective diplomacies, a close study of his writings and policies indicates that Kissinger was not a clone of his forbears. Indeed, Kissinger himself was well aware that nuclear weapons and the globalization both of the international system and of ideological competition added new and challenging burdens to the diplomacy of modern statesmen.

Nevertheless, Kissinger (and Nixon) can be said to have drawn upon Kissinger's academic work on the Concert of Europe at least to the extent that the twentieth-century Americans, like their European counterparts a century and a half earlier, sought to transform a revolutionary world order into a legitimate one "by spinning a sort of web of common interests and arrangements between the revolutionary and status quo powers."[18] This effort to build a "structure of peace" focused primarily on relations between the United States and the Soviet Union and came to be known as "detente," even though both of its primary architects, Nixon and Kissinger, often eschewed the use of that term.[19] The next section will examine the foreign policy ends which Nixon and Kissinger sought to achieve using their policy of detente as the means.

B. The Policy of Detente and its Implications for International Order

From the first day of his presidency, Richard Nixon "felt that the relationship between the United States and the Soviet Union would probably be the single most important factor in

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[18]Coral Bell, The Diplomacy of Detente (London: Martin Robertson, 1977), p. 26.

[19]See Garthoff, Detente and Confrontation, pp. 25-29.

determining whether the world would live at peace during and after [his] administration."[20] Of course, Nixon and Kissinger understood that the Soviet Union, on account of perceived changes in the balance of military and political power, seemingly "had emerged as America's equal in foreign affairs and was demanding recognition as such."[21] More particularly, the Soviets desired (1) acceptance of strategic parity; (2) formal recognition of the post-war partition of Europe; and (3) acknowledgement of a Soviet right to support "national liberation" struggles around the world.[22]

The first of these demands Nixon readily conceded at his very first presidential news conference, jettisoning his campaign promise to restore "clear-cut military superiority"[23] in favor of the concept of "sufficiency."[24] With respect to the division of Europe, the Nixon Administration, like its predecessors, appeared tacitly to acknowledge a Soviet sphere of influence, though, as we shall see in chapter eight, the Soviets believed that the Helsinki Final Act of 1975 constituted a formal and final acceptance of this arrangement.[25] The third Soviet demand, however, deeply troubled the new administration as it had the potential adversely to shift the

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[20]Nixon, RN: Memoirs, p. 344.

[21]Hyland, Mortal Rivals, p. 20.

[22]Ibid.

[23]Nixon, speech on October 24, 1968, quoted in Garthoff, Detente and Confrontation, p. 11.

[24]Richard Nixon, "The President's News Conference of January 27, 1969," Weekly Compilation of Presidential Documents, vol. 5 (February 3, 1969), p. 178, cited in ibid.; see also Wicker, One of Us, pp. 437, 454.

[25]Of course that document presciently left open the possibility of peaceful change.

balance of power against the United States and its allies in key regions of the world such as the Middle East.

Detente was an effort to reorient American foreign policy along the lines of a "more complex and nuanced definition of its international enterprise,"[26] thereby promoting the twin goals of accommodating the Soviet aspiration for superpower status while preserving a favorable balance of military and political power. No longer could the United States sustain a global crusade aimed at ridding the world of communism. Rather, the nation would have to recognize both the limits of its own power and the stark reality that "Soviet communist power was a permanent aspect of international reality, one that could not be wished away or fundamentally reformed, and Americans would have to get used to the idea of accommodation rather than confrontation in dealing with it."[27] Accommodation, of course, required negotiation -- which Kissinger had defined as "the essence of stability because it symbolizes the adjustment of conflicting claims and the recognition of legitimacy."[28] And, indeed, Nixon announced in his inaugural address that "[a]fter a period of confrontation, we are entering an era of negotiation. Let all nations know that during this administration our lines of communication will be open."[29]

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[26]Kissinger, Diplomacy, p. 704.

[27]This description of Kissinger's views belongs to Francis Fukuyama, The End of History and the Last Man (New York: Free Press, 1992), p. 251. For an example of Kissinger expressing the same view, using only slightly different words, see Henry A. Kissinger, "The Permanent Challenge of Peace," in Kissinger ed., American Foreign Policy, 3d ed. (New York: Norton, 1977),. p. 302.

[28]Henry A. Kissinger, A World Restored: Metternich, Castlereagh and the Restoration of Peace, 1812-1822 (Boston: Houghton Mifflin, 1957), p. 172.

[29]Richard M. Nixon, "Inaugural Address," January 20, 1969, Weekly Compilation of Presidential Documents, vol. 5 (January 27, 1969), p. 152.

As Raymond Garthoff has observed, "Nixon and Kissinger saw detente as a strategy, rather than as an objective; it was a means rather than a goal."[30] Indeed, the ultimate aim of the Nixon Administration's detente policy went far beyond the traditional meaning of the term -- simply a "relaxation of tensions" -- seeking instead the creation of a new international order for the adjustment of conflict between great powers.[31] Detente did not represent a complete repudiation of containment; rather, it was "yet another in a long series of attempts to 'contain' the power and influence of the Soviet Union" by updating and reinvigorating a policy that had gone awry.[32]

Yet despite Nixon's and Kissinger's rhetoric, emphasizing the limits of American means and the need for a multipolar or pentagonal concert of great powers, their strategy was, as Stanley Hoffmann described it, "a scheme for universal, permanent, and successful containment, marshaling all our instruments of power more effectively than before."[33] With key allies acting in concert with American direction, Nixon's and Kissinger's "grand design" envisioned "a far more diversified use of means" and "a complex system of incentives and sanctions aimed at inducing

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[30]Garthoff, Detente and Confrontation, p. 29.

[31]See Gordon A. Craig and Alexander L. George, Force and Statecraft: Diplomatic Problems of Our Time (Oxford: Oxford University Press, 1983), p. 239; Richard W. Stevenson, The Rise and Fall of Detente (London: Macmillan, 1985), pp. 1-17.

[32]See John Lewis Gaddis, Strategies of Containment: A Critical Reappraisal of Postwar American National Security Policy (Oxford: Oxford University Press, 1982), p. 289; John Lewis Gaddis,"The Rise, Fall, and Future of Detente,"62 Foreign Affairs 359 (Winter 1983/84).

[33]Stanley Hoffmann, Dead Ends (Cambridge, Mass.: Ballinger, 1983), p. 32.

Soviet self-containment."[34] By enmeshing the Soviet Union in a web of relationships with the West -- cultural, commercial, political, and strategic -- the Americans hoped to establish a set of norms by which the superpower rivalry would be diplomatically restrained. Then, after a period of restraint in which both sides learned the benefits of cooperation, a new and legitimate international order might emerge.

In its essence, detente was a strategy of realist containment, tempered in large measure by Nixon's and Kissinger's pessimistic view of international relations. Kissinger, Hoffmann argued, was "a follower of Hobbes in his assessment of human nature and of the behavior of states in the international state of nature."[35] In a state of nature, power considerations became preeminent. Detente aimed at the effective deployment of American power -- both carrots and sticks -- in an attempt to achieve the local and global equilibria that would both protect American security interests and form the basis of a stable international order. Because the United States "had to define the nature of the world order and . . . assign roles to all the others,"[36] its interests remained global, although divided into vital and peripheral to avoid a repeat of the Vietnam debacle. The United States, then, was to sit at the center of a global containment policy, subtly directing China, Western Europe, and Japan toward protecting their own (and our) interests.

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[34]Stanley Hoffmann, "Detente," in Nye, ed., The Making of America's Soviet Policy, p. 238; see also Warren I. Cohen, The Cambridge History of American Foreign Relations, vol. IV, America in the Age of Soviet Power, 1945-1991 (Cambridge: Cambridge University Press, 1993), p. 183.

[35]Hoffmann, Dead Ends, p. 28.

[36]Ibid., p. 16.

The Nixon Administration's major modification of the *means* of containment was the policy of "linkage" which became the essential element of the detente strategy. Less than a month into his Administration, President Nixon declared that "on the crucial issues of our day, I believe we must seek to advance on a front at least broad enough to make clear that we see some relationship between political and military issues."[37] This policy, as Kissinger pointed out, recognized that U.S.-Soviet relations comprised "a mixed bag of issues with varying degrees of solubility," and endeavored "to emphasize those areas in which cooperation was possible, and to use that cooperation as leverage to modify Soviet behavior in areas in which the two countries were at loggerheads."[38]

Linkage both served great purposes and presented continual challenges for Nixon and Kissinger. It integrated the Administration's system of rewards and punishments in the service of short-term goals such as extrication from Vietnam or arms control and longer-term aims such as providing the Soviets with a stake in a new international order or preserving the military and political balance of power.[39] In theory, linkage enabled Nixon and Kissinger to exercise more control over the U.S.-Soviet agenda than previous Administrations had enjoyed. As Kissinger explained,

> We insisted that progress in superpower relations, to be real, had to be made on a broad front. . . . We proceeded from the premise that to separate issues into distinct compartments would encourage the Soviet leaders to believe that they

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[37]Nixon, letter to Cabinet members, Febuary 4, 1969, quoted in Kissinger, Diplomacy, p. 717.

[38]Ibid., p. 714.

[39]See Hoffmann, "Detente," in Nye, ed., The Making of America's Soviet Policy, p. 238.

could use cooperation in one area as a safety valve while striving for unilateral advantage elsewhere.[40]

Linkage also made sense in Nixon's and Kissinger's view because it reflected the reality of international relations in the late twentieth century. Linkage marked an acceptance of the limits of unilateral deployments of American power. For the first time in its history, the United States could neither dominate nor withdraw from the world, and as a consequence it would have to accept its critical role in an interdependent economic and security structure.

Institutionalizing detente and its complex linkages, Nixon and Kissinger realized, would be a formidable task both internationally and domestically. Whatever their long-term goals for Soviet foreign policy, the President and his top adviser, in contrast to some of their critics in Congress, did not believe that the Soviet Union already had become a status quo power. As Kissinger explained, "The Soviet practice, confident of the flow of history, is to promote the attrition of adversaries by gradual increments."[41] Over the short-term at least, Nixon and Kissinger understood that decades of ideological hostility and military competition would complicate the process of fashioning a consensus with respect to mutually acceptable international behavior. Moreover, they believed that Soviet resistance to change and suspicion of bold Western initiatives also would limit the prospects for instant results.

For the immediate future, then, the Adminstration believed that the Soviets would continue to pursue a policy of "ruthless opportunism" and would not be deterred from pursuing

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[40]Kissinger, White House Years, p. 129.

[41]Ibid., p. 118.

incremental geopolitical gains by promises of economic assistance.[42] In sum, in Kissinger's estimation, "Detente defined not friendship but a strategy for a relationship among adversaries."[43] Detente also squarely presented a domestic challenge for its statesmen-architects, who needed to "bridge the gap between [their] society's experience and [their] vision, between its tradtions and its future."[44] As Nixon and Kissinger well understood, their foreign policy significantly departed from traditional American foreign policy in several respects.

First, after decades of straining to maintain the lead in the nuclear arms race, the American people were being told by Nixon and Kissinger that a draw was good enough. This notion had been circulating throughout the Pentagon in the latter years of the Johnson Administration and, indeed, had been championed by Robert S. McNamara, the former Defense Secretary, but it still came as something of a surprise to a significant proportion of ordinary Americans. Second, the complex linkages of detente aimed "to free our foreign policy from oscillations between overextension and isolation and ground it in a firm conception of the national interest."[45] The traditions of isolationism, idealism, pragmatism, and compartmentalization had for so long dictated a case-by-case approach to international relations. Sustained involvement tended to provoke disillusionment and renewed calls for withdrawal from world affairs.

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[42]See ibid., p. 119; Hoffmann, "Detente," in Nye, ed., The Making of America's Soviet Policy, p. 239.

[43]Kissinger, Years of Upheaval, p. 600.

[44]Kissinger, A World Restored, pp. 236-237.

[45]Kissinger, White House Years, p. 130.

These historical tendencies, Nixon and Kissinger insisted, were incompatible with a successful great-power foreign policy in an age of interdependence; a great power with global interests had to be alert to, if not involved in, all international events of significance, each of which could have consequences beyond the issue or region of immediate concern. Finally, in keeping with an interest-based foreign policy, geopolitics had to replace ideology as the driving force behind America's conception of its role in the world. This shift grew in large part from Nixon's and Kissinger's traditionalist view of international relations. As Professor Hoffmann wrote of Kissinger (though he also could have been describing Nixon), "Geopolitics is Kissinger's religion -- its god is the balance of power, its dogma is linkage, faith is credibility, and the high priest is a United States acting on Henry Kissinger's maxims."[46] Accordingly, in marked contrast to the vision of liberal internationalism, detente aimed to transcend the Cold War not by reforming Soviet domestic practices, but by transforming the Soviet concept of international relations.

Kissinger insists that Nixon envisioned a foreign policy in which "Wilsonianism and *Realpolitik* would merge,"[47] yet in practice his Administration surely emphasized the latter over the former, particularly in its dealings with the Soviet Union. After a quarter century of frequent outbursts of moralism and idealism from American statesmen, Nixon and Kissinger harkened back to the latent realism of Theodore Roosevelt and George Washington, believing that tethering foreign policy to national interest would help "to define a *sustainable* role for an idealistic America in an unprecedentedly complex interntional environment."[48]

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[46]Hoffmann, Dead Ends, p. 38.

[47]Kissinger, Diplomacy, p. 707.

[48]Ibid.

As we observed above, Nixon and Kissinger desired, above all else, to construct an overarching international code of conduct through which disputes between nations, and especially great powers, could be adjusted without recourse to potentially catastrophic war. As Kissinger noted in A World Restored, such an international order can be created in two ways: conquest and legitimacy.[49] In his (and Nixon's) view, the intractability of communism and the presence of nuclear weapons rendered conquest highly unlikely, if not impossible. Accordingly, the Nixon Administration set their sights on an international order loosely based on the concept of legitimacy.

Legitimacy did not require justice; "it means no more than an international agreement about the nature of workable arrangements and about the permissible aims and methods of foreign policy. It implies the acceptance of the framework of the international order by all major powers."[50] Legitimacy neither requires nor expects the absence of grievances between the powers, but it ensures that redress will be sought, at least in the first instance, by working within the accepted framework rather than by overturning it.[51] Hence, diplomacy and adjustment replace war and conquest as the primary means of regulating the international order. Perhaps most significantly, a legitimate order aims to discipline external power grabs, not to transform the internal political structures of its member states. As Professor Hoffmann summarized,

> The consensus legitimacy rquires is not a consensus of statesment on the principles of domestic government, on the internal social order. The Congress of Vienna had to accommodate both Alexander and Castlereagh, just as the

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[49]Kissigner, A World Restored, p. 172.

[50]Ibid., p. 1.

[51]Ibid., p. 145.

> moderate system of the nineteenth century consisted of authoritarian states as well as of liberal states.[52]

Applying these maxims to the contemporary situation, the Nixon Administration's 1971 foreign policy report acknowledged that "[t]he internal order of the USSR, as such, is not an object of our policy, although we do not hide our rejection of many of its features. Our relations with the USSR, as with other countries, are determined by its international behavior."[53] This decision to deemphasize the ideological component of U.S.-Soviet relations was made primarily on the basis of practical and prudential considerations. Although, as noted in the introduction, Nixon and Kissinger acknowledged that Soviet domestic practices may have increased the aggressiveness of its foreign policy, they remained extremely skeptical of the ability of the United States (or any other power) to effect internal reform at a worthwhile price, at least in the short term. Echoing Kennan, Kissinger argued that "we cannot demand that the Soviet Union, in effect, suddenly reverse five decades of Soviet, and centuries of Russian, history."[54] In the short term, Nixon and Kissinger believed, American foreign policy ought to be geared toward taking advantage of the burgeoning opportunity for a new and improved relationship based on common interests in preventing nuclear war and reducing the burdens of the arms race.

Improvements in these areas, and in the regional conflicts drawn into the dialogue through linkage, would be challenge enough for a United States attempting to scale back its overseas commitments. To forego these opportunities by tying improvements in U.S.-Soviet relations to

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[52]Hoffmann, Primacy or World Order p. 39.

[53]Second Annual Report to the Congress on United States Foreign Policy, February 25, 1971, quoted in Kissinger, Diplomacy, p. 712.

[54]Kissinger, quoted in Gaddis, Strategies of Containment, p. 292.

the pace of domestic reform, as former Kissinger-aide William Hyland wrote, "would be to evade the necessity for policy choices and rely on history for vindication."[55] Nixon and Kissinger had a maximum of eight years in which to construct their "structure of peace." Accordingly, they sought an unprecedented concentration of institutional power in their own hands and tried to preserve the widest possible degree of tactical flexibility. Any linkage of geopolitical progress to Soviet internal matters was bound to (and perhaps even calculated to) infuriate the Kremlin and make its leadership less willing to deal on what, to Nixon and Kissinger, were ultimately the more critical issues.

This is not, however, to say either that Nixon and Kissinger operated under an illusory understanding of conditions in the Soviet Union[56] or that traditional American ideals -- or in the modern vernacular, human rights -- played no role whatsoever in their detente policy. "How to strive for both peace and justice, for an end of war that does not lead to tyranny, for a commitment to justice that does not produce cataclysm," Kissinger wrote, "to find this balance is the perpetual task of statesmen in the nuclear age."[57] Put differently, the Nixon Administration was "not abandoning the ideological struggle, but merely trying -- tall order as it was -- to discipline it by precepts of the national interest."[58] Whether particular human rights initiatives could be tolerated within the broader scheme of detente would be resolved on a case-by-case

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[55]Hyland, Mortal Rivals, p. 21.

[56]Indeed, the historical record of Nixon's half century in public life rather convincingly supports his assertion that he "never had any illusions about the brutally repressive nature of Soviet society." RN: Memoirs, p. 876.

[57]Kissinger, White House Years, p. 70.

[58]Kissinger, Years of Upheaval, pp. 236-237.

basis.

In general, though, where interest and ideology clashed, Nixon and Kissinger sided with interest as the overriding objective -- a decision which they justified on moral grounds. As Kissinger explained,

> Where the age-old antagonism between freedom and tyranny is concerned, we are not neutral. But other imperatives impose limits on our ability to produce internal changes in foreign countries. Consciousness of our limts is recognition of the necessity of peace -- not moral callousness. The preservation of human life and human society are moral values, too.[59]

For Nixon and Kissinger, then, order preceded justice. Detente, they believed, would discipline Soviet external conduct, giving rise in the short-term to a more stable international order, and -- perhaps -- in the long-term to better circumstances for ordinary Soviet citizens. Soviet domestic reform was not a precondition for detente, although it was a possible result of detente. In direct contrast to liberal internationalism -- which sought immediately to reshape Soviet society while gradually resolving other issues -- Nixon and Kissinger placed their highest priority on reaching a geopolitical accommodation and left the evolution of Soviet society largely to the course of history.

The cornerstone of the Nixon Administration's efforts to improve human rights in the Soviet Union illustrates the extent to which detente departed from the crusading ideology of earlier iterations of containment. Nixon's and Kissinger's so-called "quiet diplomacy" eschewed public criticism of Soviet domestic practices and avoided explicit linkages between geopolitical and ideological issues. "Quiet diplomacy" largely consisted of presenting lists of dissidents to

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[59]United States Department of State Bulletin, Secretary of State Kissinger's Statement to the Senate Foreign Relations Committee (Washington: September 19, 1974).

Dobrynin, Gromyko, and even Brezhnev as a method of tacitly communicating the message that favorable treatment of the enumerated Soviet citizens would be rewarded in various (and often unarticulated) ways. Thus, human rights became a "top priority" item on the private U.S.-Soviet agenda, but, as a concession to the Soviets, Nixon and Kissinger declined to publicize (and, by way of extension, claim any credit) for their efforts or their successes. This policy reflected the Administration's firm belief that the Soviets would not willingly suffer the indignity of negotiating their internal policies with another government.[60]

In sum, then, Nixon and Kissinger viewed international relations primarily from a functionalist perspective. From this view, as John Vincent wrote, "States engage in the international system for the benefit they derive from it, neither committing nor compromising their cultures."[61] The fundamental units of the system are sovereign states, whose relevant behavior has been compared to that of billiard balls or the proverbial "black box" in that the critical relationships are those between states, not within them. Domestic and international order, then, are largely compartmentalized, overlapping very little, if at all. What goes on within the borders of a state is thought to be almost exclusively the business of the local sovereign. Ambitious crusades on behalf of universalistic conceptions of liberty and democracy must be restrained because, as Vincent explained, "order in such a rudimentary society as that formed between states is placed under threat if statesmen make too many demands on it, such as the expectation that it

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[60]Nixon continued to hold this view long after he left office. See Richard Nixon, "Superpower Summitry," 64 Foreign Affairs 1 (Fall 1985).

[61]R.J. Vincent, "Edmund Burke and the Theory of International Relations," 10 Review of International Studies 213 (1984).

is competent to act in the matter of human rights."[62]

This view draws heavily upon two critical elements of the post-Westphalia states system -- sovereignty, the principle of non-interference -- as well as a more venerable concept -- namely, the balance of power. Though well practiced and understood internationally, particularly in Europe, a foreign policy rooted in these principles was indeed innovative in the United States. The vast majority of Nixon's predecessors had grounded their foreign policies in either the beaconist or crusader traditions, both of which are sketched in chapter one. Only one previous twentieth-century President, Theodore Roosevelt, had approached international relations with the same determination to recast America's role in the world so thoroughly in the direction of power politics, and his efforts failed to gain a lasting foothold. Nixon, who greatly admired Wilson but shared few of his ideals,[63] endeavored to succeed where Roosevelt had faltered by institutionalizing an interest-based American foreign policy.

The fate of detente would largely determine whether Nixon and Kissinger would succeed. Two factors deemed critical to the implementation of detente -- the curbing of universalist pronouncements on human rights to advance the search for areas of mutual interest and the ever-expanding circumvention of both the bureaucratic process and the legislative branch to permit the coherent pursuit of linkage -- inevitably raised challenges to the policy and ultimately contributed to its undoing at the hands of a resurgent Congress led by Senator Henry M. Jackson, the Administration's erstwhile partner in national security affairs. The next sections of this chapter

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[62]R.J. Vincent, Human Rights and International Relations (Cambridge: Cambridge University Press in association with the Royal Institute of International Affairs, 1986), p. 70.

[63]See Kissinger, Diplomacy, p. 706; Michael Howard, "The World According to Henry," 73 Foreign Affairs 136-137 (May/June 1994).

will trace the Administration's initially successful effort to enlist the Senator's assistance in getting detente off the ground and conclude with a discussion of the reasons for Jackson's later decision to part company with Nixon and Kissinger over the course of U.S.-Soviet relations -- and indeed, his transformation from crucial ally to influential critic.

C. The Quest for Bipartisanship: the Nixon Administration and Senator Jackson, 1969-1972

In addition to the domestic and international crises noted at the outset of this chapter, incoming President Richard Nixon faced the reality of trying to build support for his policies from a relatively weak political base. Nixon had prevailed in a three-way race by just seven-tenths of one percent over Hubert Humphrey. In winning only 43.4% of the national vote, Nixon gained election with the smallest percentage since Woodrow Wilson in 1912.[64] Furthermore, Nixon was the first new President since before the Civil War whose party failed to carry at least one House of Congress.[65] These realities drove home to Nixon the limits of his own mandate and the obstacles to his ambitious personal agenda. Especially on the highly divisive issues of war and peace, the passionate opposition of many of the more energetic Congressional doves was virtually assured.

In an effort to preempt the potential partisan divide, Nixon shrewdly (though largely unsuccessfully) attempted to recruit prominent center-to-right Democrats to join his Administration. Among Nixon's principal targets was Senator Henry M. Jackson, to whom the

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[64]See Theodore H. White, Breach of Faith: The Fall of Richard Nixon (New York: Laurel, 1975), p. 105.

[65]See Nixon, RN: Memoirs, p. 351; Wicker, One of Us, p. 404.

President-elect offered one of his most prestigious Cabinet posts, Secretary of Defense.[66] Nixon believed that Jackson had tentatively accepted,[67] but a few days later the Senator telephoned Nixon to decline the position (which eventually went to Congressman Melvin R. Laird (R.-Wis.)). The Senator had been tempted -- and even had prevailed upon Nixon to secure a pledge from Daniel J. Evans, the Republican governor of Washington, to appoint a Democrat to the Senate seat that Jackson would have vacated[68] -- but in the end the risk of surrendering a safe electoral position, relinquishing his committee assignments, and jeopardizing his own presidential ambitions seemed too great for the potential benefits of what could have been a brief appointment.

While Jackson probably was unaware of the extent to which Nixon intended to make critical national security decisions in the White House, often without the input of the Cabinet officials who oversaw the foreign policy bureaucracy, it is not likely that a person of Jackson's personality and stature would have endured such slights for very long. Of course, one might also speculate that Jackson would have more skillfully contested Kissinger's attempt to monopolize the foreign policy process than either Secretary of State Rogers or Secretary of Defense Laird. In any event, for much of Nixon's first term Jackson was to work closely with the Administration. In fact, one might argue that Jackson proved more valuable to Nixon as a congressional ally than

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[66]In his 1975 biography of Jackson, Peter Ognibene reports that Nixon also asked the Senator to be Secretary of State. Ognibene, Scoop, p. 220. Neither Nixon nor Kissinger (nor anyone else for that matter) mention such an offer in their memoirs.

[67]In a 1980 letter, Jackson did not recollect accepting the appointment, "even on a tentative basis." See Reichley, Conservatives in an Age of Change, pp. 65-66.

[68]See Seymour M. Hersh, The Price of Power: Henry Kissinger in the Nixon White House (New York: Simon & Schuster, 1983), p. 71 n.*; Prochnau and Larsen, A Certain Democrat, pp. 241-242; Wicker, One of Us, p. 405.

he would have as a cabinet secretary.

Had Richard Nixon desired to leave his most lasting legacy in domestic affairs, it is doubtful that Henry Jackson would have been asked to play a prominent role in his administration. But Nixon believed that his greatest opportunities lay in foreign affairs, and he sought out Senator Jackson's assistance in fulfilling them. Nixon hoped that Jackson could help resurrect two elements of the old foreign policy consensus: inter-party and inter-branch cooperation. In many ways, Jackson seemed the ideal choice to serve as a conduit between Nixon and Congress, particularly in national security matters.

At bottom, Nixon and Jackson shared an apparent identity of views on a wide range of subjects. From their days as Congressional colleagues, both men had earned reputations as hardline anti-communists (although they had clashed over McCarthyism). Though many of their contemporaries had renounced their earlier views of the Soviet threat, Nixon and Jackson continued to support an active American role in containing Soviet expansionism. The Senator shared Nixon's and Kissinger's view of the Kremlin leadership as "opportunistic expansion[ists]," comparing the Soviets to "a burglar walking down a hotel corridor, trying the door-handles. When he finds one unlocked -- in he goes."[69]

Like Nixon, Jackson also swam against the tide in regard to military spending, believing that the critical ingredient to successful arms limitations was a strong American bargaining position. The two men also hoped to expand U.S. ties to China, both for bilateral trade and

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[69]Jackson, "The Strategic Balance and the Future of Freedom," speech to the American Society of Newspaper Editors, April 15, 1971, reprinted in Congressional Record, April 26, 1971, p. 11904.

diplomatic purposes and as a strategic counterweight to Soviet power in East Asia.[70] Finally, both the President and the Senator opposed a hasty retreat from Vietnam, not so much because they believed that the war could be won, but rather because they feared that American credibility would suffer.

Institutionally, Jackson was uniquely positioned to foster a consensus behind the foreign policy of a minority party President. Particularly in the more dovish Senate, Nixon would need the votes of the traditionally pro-defense Southern Democrats, many of whom admired and respected Jackson for his expertise on national security issues. Indeed, votes on the critical defense-related issues that arose during Nixon's first term -- for example, SALT, ABM, MIRV -- were especially susceptible to being influenced by a particularly knowledgable individual. As chief U.S. negotiator Gerard Smith explained, although arms control "as a general proposition was of great interest to the Congress . . . few members found the time to do the 'homework' needed to get a confident understanding of the major issues."[71] Within this void, however, Smith noted that "Senator Jackson of Washington had by far the best technical grasp of the subject matter."[72] Indeed, as we shall see below, the persuasive force of Jackson's expert views prevailed time and again on arms control matters during the Nixon Presidency (and for years thereafter), at first in support of the Administration's positions and later in opposition to them.

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[70]See Richard Nixon, "Asia After Viet Nam," 46 Foreign Affairs 121 (October 1967); Jackson, speech to Seattle Rotary Club, November 5, 1969, excerpted in "National Security and Foreign Policy: Recent Comment by Senator Henry M. Jackson," Jackson Papers, 3560-5, Box 323, Folder 30.

[71]Gerard C. Smith, Doubletalk: The Story of SALT I (Garden City, NJ: Doubleday, 1980), p. 112.

[72]Ibid.

Ironically, under the Nixon Administration, Henry Jackson's influence on foreign policy, and on the U.S.-Soviet relationship in particular, was probably far greater than it would have been had the Democratic Party retained the White House. In foreign affairs, Nixon's first term was marked by an increasingly assertive Congress. The Tonkin Gulf Resolution and the resulting executive dominance over the war in Vietnam had become an acute source of embarrassment to the Congress which had acquiesced in it. After three decades of executive aggrandizement in foreign policymaking, culminating in the so-called "imperial presidency", many in Congress aspired to reassert their constitutional prerogatives. For Nixon, who hoped to insulate foreign policy not only from the influence of the legislative branch but even the State Department, such congressional activism was anathema.

Throughout Nixon's first term, Senator Jackson rhetorically aided the Administration's resistance to congressional authority in several rather discreet ways. First, the Senator carefully straddled the middle ground on the separation of powers in foreign affairs, defending the Administration without appearing to be its mouthpiece.[73] Second, Jackson chided the more liberal members of his party whose attitude toward Nixon appeared to the Senator to be stuck in the 1950s.[74] Jackson urged his colleagues to focus on the President's policies, including his "remarkably progressive proposals for welfare and medical assistance," rather than their caricatures of Nixon the McCarthyite red-baiter.[75] Finally, Jackson frequently invoked the

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[73]See e.g., Jackson, "Congress and the National Security," comments on the "Commitments Resolution", June 25, 1969, Jackson Papers, 3560-6, Box 7, Folder 24.

[74]Jackson, "American Liberal Blindness on Soviet Power and Policy," 1971 essay, Jackson Papers, 3560-6, Box 9, Folder 9.

[75]Ibid.

"remarkable bipartisan cooperation . . . [that] made possible a vigorous, effective, forward-looking, and, on the whole, successful defense and foreign policy" for over two decades.[76]

Jackson's contributions to the Nixon foreign policy went far beyond rhetoric, however. Most importantly, the Senator became an effective advocate for the Administration's early efforts at arms control. Like Nixon, Jackson had continued to recommend that the United States maintain a preponderance of nuclear power long after the Johnson Administration had effectively resigned itself to parity with the Soviet Union. By 1969, however, both Nixon and Jackson understood that Congress would not be receptive to funding an all-out arms race and, in fact, preferred an approach emphasizing arms control. In these circumstances, the Administration, with Jackson's consistent support and leadership in the Senate, embarked on a dual-track strategy aimed at preserving a favorable bargaining position for arms limitation talks with the Soviets. As Jackson put it, in its relations with the Soviet Union, the United States ought to "pursue two consonant courses of action: to work with them where our interests converge,and at the same time to maintain the strength and the resolve to discourage peace-upsetting moves by them."[77]

Concretely, this strategy required two separate linkages: (1) negotiations with weapons deployments and (2) offensive with defensive weapons. The former provided the United States with bargaining chips (which were especially scarce in view of the virtual cessation of American nuclear deployments in the late 1960s), while the latter recognized that the two sides had

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[76]Jackson, 1971 statement on bipartisanship, Jackson Papers, 3560-6, Box 8, Folder 40; see also Jackson, "Negotiating the Future," 1969 speech, Jackson Papers, 3560-4, Box 233, Folder 49.

[77]Jackson, "Know Your Adversary," March 6, 1969, Jackson Papers, 3560-6, Box 7, Folder 4.

countervailing existing advantages: the United States in defensive technology, the Soviet Union in offensive capability. The linchpin of this scheme, according to Jackson and the Administration, was the Administration's "Safeguard" ABM system. Without Safeguard, they believed that the Soviets would have no incentive to stop developing their own defensive weapons and would be less inclined to offer concessions on offensive weapons.

D. Nixon and Jackson Versus the Senate Doves

Senate opponents of Safeguard attempted to stall the program by proposing an amendment, named Cooper-Hart after its primary sponsors, that would have provided funds only for research and development, but not for deployment. This determined group of Senators offered two justifications for their proposed action: first, Safeguard was not technologically feasible, and second, it would interfere with progress on the SALT negotiations. Unpersuaded by these arguments, Jackson took the lead in organizing the Administration's rebuttal during several weeks of hearings.

As noted in chapter two, Senator Jackson had strongly supported President Johnson's "Sentinel" ABM proposal. As Kissinger noted, Nixon's "Safeguard" program differed from "Sentinel" primarily in that it covered all of the United States with radars and concentrated somewhat more on defending ICBM sites (as opposed to population centers).[78] Jackson endorsed this modification, which he later called "the cheapest, most effective, and least provocative means of ensuring that the United States will have a deterrent to nuclear war in the middle and the late

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[78]See Kissinger, White House Years, p. 209; see also Smith, Doubletalk, pp. 535-536.

1970s should we fail to achieve effective agreements for arms limitation."[79] Safeguard, Jackson argued, would protect a sufficient number of American land-based ICBMs to prevent the Soviets from acquiring first-strike capacity, even if they continued to deploy "heavy" missiles with multiple warheads.

In Jackson's view, a modest ABM program like Safeguard represented "the moderate position in contrast to those who would have us unilaterally freeze our strategic weapons program while the Russians forge ahead and those who would put all the emphasis on offensive missiles and other attack weaponry."[80] A few weeks prior to the final vote on Cooper-Hart, in a rare closed session of the Senate, Jackson delivered a presentation aimed at refuting the technological arguments against Safeguard.[81] As Jackson acknowledged in his closing remarks on the day of the critical vote, distinguished scientists could be found on both sides of the debate.

Citing the faulty predictions of eminent scientists concerning the hydrogen bomb, the ICBM, and the space program, Jackson concluded that "exact prediction on these matters defies absolute assertion, and even great scientists can be wrong."[82] Only further experimentation would resolve the feasibility question. In the meantime, Jackson urged his colleagues to approve funds for the deployment of the initial phases of Safeguard, both as a bargaining chip for U.S.

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[79]Jackson letter to Mr. Harold Newman, September 4, 1969, Jackson Papers, 3560-4, Box 177, Folder 18.

[80]Ibid.

[81]See Ralph Kinney Bennett, "Henry Jackson: 'A Statesman of Uncommon Quality'," Reader's Digest article, reprinted in Congressional Record, July 1, 1970, pp. 22400-22402.

[82]Jackson, "Closing Remarks in the ABM Authorization Debate," August 6, 1969, Jackson Papers, 3560-6, Box 7, Folder 29.

negotiators and as an insurance policy in case their efforts failed. As he explained just prior to the roll call, "I do not see how anyone could realistically expect to get Moscow to agree to limit its ABM deployment if we abandon the deployment of our ABMs, unilaterally, before the negotiations even begin."[83] However, if the U.S. began its deployments, Jackson held out hope for an agreement limiting the number of ABMs for each side[84] -- and, as we shall see below, was even open to a complete ban on ABMs.

After weeks of debate, the pro-deployment forces prevailed in the Senate on the strength of a vote by Vice President Agnew to break a 50-50 deadlock and later gained easy approval in the House. Looking back, Senator Robert Packwood (R.-Ore.) recalled that "Jackson's [July 17] speech [in closed session] was clearly the turning point."[85] Despite this important victory, the Administration had by no means routed the opposition. No doubt there would be more confrontations between the branches of government over the related subjects of arms control and defense spending.

In the summer of 1970, Congress engaged in what the Washington Post termed "the most widespread assault on all kinds of military activities ever made on Capitol Hill."[86] In the concerted effort to divert spending from national defense to domestic concerns, Senators quite

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[83]Jackson, statement on Senate floor, in Congressional Record, August 6, 1969, p. 22483.

[84]Ibid.

[85]Quoted in Congressional Record, July 1, 1970, p. 22401.

[86]The quote, from the August 17, 1970, edition, appears in Kissinger, White House Years, p. 537. Kissinger discusses the difficulties of gaining approval for Safeguard and the challenge of reconciling an uncertain Congressional response to the Administration's authorization request with the American SALT negotiating position in ibid., pp. 536-551.

naturally targeted the Administration's ABM program. In recognition of the coming onslaught, Jackson pushed his colleagues on the Armed Services Committee, and later the Nixon Administration, to accept a scaled-down version of Safeguard. Instead of the twelve sites requested by the Administration, Jackson persuaded the Committee to approve four sites dedicated to the protection of land-based Minuteman missiles.[87]

This decision reflected Jackson's belief that Congress would not fund the full dozen (or more) needed for a thin-layer population defense, nor would it approve a single "national command" site in Washington, D.C.[88] Given these constraints, Safeguard could be justified only as a bargaining lever or as a limited defense of an American second-strike capability. To serve the former purpose -- the primary purpose in the Administration's eyes -- any number of sites would suffice. Jackson, however, remained optimistic that Safeguard could also serve the second purpose, but not with a one- or two-site program that would be, in the Senator's estimation, militarily irrelevant.[89]

On August 12, 1970, the Senate again turned back a proposal to set aside all further ABM construction by a vote of 52-47. The four-site proposal authorized by Congress, largely as the result of Jackson's efforts, completed the transformation of the American ABM system

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[87]See "Some Votes and Actions of Senator Henry M. Jackson on Defense and Arms Policy," Jackson Papers, 3560-5, Box 323, Folder 30.

[88]Jackson also had electoral reasons for opposing a broader ABM system designed to protect population centers. Because his home state of Washington lies at the northwest periphery of the contiguous 48 states, it very likely would have housed an ABM site in a nationwide system. See Kissinger, White House Years, pp. 538-539; Prochnau and Larsen, A Certain Democrat, p. 300.

[89]See Smith, Doubletalk, p. 262 for an account of his discussions with Jackson on this subject.

from a population defense to a missile defense. Although the four-site option differed from the ABM positions the United States had tabled in Vienna, the Administration acceded in the Congressional *fait accompli* by instructing the SALT delegation to incorporate the new numbers in discussions with their Soviet counterparts the following spring.[90]

This development complicated matters for the negotiators. In effect, Ambassador Smith had to argue that four U.S. sites to protect missile silos were the equivalent of a single Soviet site deployed around Moscow to protect the Soviet capital. Nevertheless, the Administration's primary objective of pushing ahead with some type of ABM deployment -- the details of which seemed not to matter much to Nixon and Kissinger -- had been achieved, thanks in large part to the determined efforts of Senator Jackson.[91]

Over the first two years of Nixon's Presidency, Jackson supported the Administration's position on foreign policy in every recorded vote, save one.[92] In return, Jackson's exertions did not go unnoticed or unrewarded by the Republican President. The Senator became something of an ombudsman to the Administration for congressional Democrats, especially on military

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[90]See Kissinger, White House Years, p. 813; Smith, Doubletalk, pp. 211-212. As Kissinger reported, the President's decision to go forward with the four-site Safeguard, and to bring the United States' negotiating position into line with Congress' funding decisions, occurred on March 11, 1971.

[91]Indeed, in Kissinger's recent book, Diplomacy, he remarks that Jackson "had been indispensable in guiding Nixon's proposed Anti-Ballistic-Missile (ABM) defense system through the Senate." See p. 747. Nixon also acknowledges Jackson's key contribution in his memoirs. See Nixon, RN: Memoirs, p. 417.

[92]This figure was tabulated by the nonpartisan Congressional Quarterly, and is quoted in Ognibene, Scoop, p. 220. The sole exception was the 1970 Cooper-Church Amendment which terminated funding for military operations in Cambodia.

matters such as potential base closings and defense contracts.[93] By virtue of his access to the White House and the respectful hearing Jackson received there, the Senator was able to recoup some of the institutional power and prestige he may have lost by his unpopular substantive positions.

The Administration even went so far as tacitly to support Jackson's 1970 re-election bid. Early in that year, President Nixon himself praised Jackson at a Veterans of Foreign Wars banquet, calling the Senator "a man who understands the threat to peace and freedom in the world as well as any man I know. . . . He understands national defense and is not afraid to speak out for it, understands national security and is not afraid to speak out for it. . . . He is a man who is a great credit to his party and to America."[94] Later in the year, prominent Republicans including Senator John Tower (R.-Tex.) and White House Assistant John Ehrlichman (formerly a Seattle lawyer) privately expressed their preference for Jackson to the Washington State Republican Chairman,[95] and Senator Barry Goldwater (R.-Ariz.) issued a thinly-veiled endorsement of Jackson on the Senate floor.[96]

Despite a spirited primary challenge by an anti-war candidate, Jackson was never in danger of losing his seat, and he ultimately captured an impressive eighty-four percent of the vote

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[93]Ibid., p. 230.

[94]Nixon, quoted in Prochnau and Larsen, A Certain Democrat, p. 323.

[95]See ibid.; Ognibene, Scoop, p. 221.

[96]Congressional Record, August 5, 1970, p. 27434.

in both the primary and general elections.[97] Nevertheless, the involvement of prominent Republicans in his re-election effort was testimony to Jackson's growing influence in the nation's capital. Having fallen out of favor with a sizable faction of his own party, Scoop Jackson suddenly discovered a bipartisan crowd of supporters who overlooked his progressive record on domestic issues to court his support in foreign policy.

After the election recess, the 92nd Congress commenced and began what was fast becoming an annual assault on the defense budget. The clamor for reduced spending grew louder after the disclosure that construction of new Soviet ICBM silos had slowed. This news, "taken by many as one of the ubiquitous Soviet 'signals' by which those diffident fellows in the Kremlin hinted at their intentions,"[98] prompted a number of eminent observers to recommend that the United States government offer a similarly favorable response on the critical issues of the day: ABM and MIRV. The New York Times urged the United States to accept the Soviet proposal for a separate ABM limitation agreement, arguing that "[i]t would be self-defeating to endanger a possible ABM agreement by insisting that offensive weapons limitations must be linked to it."[99]

By early spring, Senators McGovern, Church, Humphrey, and Muskie -- all thought to be presidential contenders -- had endorsed the same position. Senator Humphrey further proposed a unilateral freeze of the ABM and MIRV programs "to stop our part of the nuclear

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[97]Michael Barone, Grant Ujifusa, and Douglas Matthews, Almanac of American Politics, 1975 (Washington: National Journal, 1974), p. 894.

[98]Kissinger, White House Years, p. 811.

[99]New York Times editorial, January 17, 1971, quoted in Smith, Doubletalk, p. 206.

arms race in response to actions already taken by the Soviet Union."[100] Later that spring, Senator Fulbright chimed in with his claim that the Administration's (and Senator Jackson's) "bargaining-chip reasoning" was fallacious and served only to escalate the arms race.[101]

The supposed Soviet "signal" proved evanescent, as American intelligence sources soon discovered renewed silo construction. On March 7, Senator Jackson announced this development on the Senate floor and added, undoubtedly based on information leaked from the Pentagon, that the new silos were intended to house a much larger follow-on to the SS-9 (as was in fact the case).[102] As Kissinger later noted somewhat acidly, "None of those who had asked us to respond to the Soviet "signal" of restraint suggested that we react to the Soviet buildup."[103] Indeed, a writer in the New Republic berated Senator Jackson for publicizing what turned out to be an accurate statement of events:

> The tone and timing of Jackson's statement is strikingly similar to John F. Kennedy's illusory missile gap of 1960. These Soviet activities are subject to many different interpretations. . . . Focusing on the worst possible interpretation, exaggerating and even distorting facts, serves only to foster hysteria.[104]

Though unrepentant, Jackson did recognize that trends in the strategic balance --

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[100]"Senate Panel to Be Informed on Progress in Arms Talks," Washington Star, February 2, 1971, quoted in Kissinger, White House Years, p. 811-812.

[101]Ibid. Also, see generally Charles R. Morris, Iron Destinies, Lost Opportunities: The Post-War Arms Race (New York: Carroll & Graf, 1988), pp. 292-293; Hyland, Mortal Rivals, pp. 44-45.

[102]See Morris, Iron Destinies, p. 293; Smith, Doubletalk, p. 207; Kissinger, White HouseYears, p. 812.

[103]Kissinger, White HouseYears, p. 812.

[104]Ronald Tammen, "Wolf at the Pentagon Door," The New Republic, March 20, 1971, p. 14.

particularly, the willingness on the part of the Soviets to continue building and deploying ICBMs and the reluctance of the American Congress to keep pace -- had produced a situation in which "the pace of events may overtake our efforts to conclude a SALT agreement covering the whole range of systems under consideration."[105] Accordingly, the Senator suggested that President Nixon consider a partial, interim agreement with the Soviet Union that would address aspects of the arms race that were thought to be most threatening to each side's respective deterrent forces. Specifically, Jackson proposed that for a period of one year the United States immediately halt the deployment of MIRVed Minuteman III missiles while the Soviets would stop the deployment of new ICBM launchers and missiles, including those under construction. Both sides "would retain the freedom to ensure the survivability of their strategic land-based forces" -- presumably by deploying ABMs or by hardening existing silos -- but neither could add to their offensive potential or deploy a population-defending ABM.[106]

As with the four-site ABM proposal, Jackson attempted to generate an option between the extreme hawks -- who urged an immediate offensive build-up -- and the extreme doves -- who believed that Nixon should immediately sign an ABM treaty and then proceed to negotiate an agreement on offensive weapons. Jackson opposed the former as "a prescription for heating up the costly, offensive arms competition, not cooling it down" and denounced the latter for "permitting Moscow to continue deploying . . . the very weapons that could be aimed at

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[105]Jackson, "SALT: A New Initiative," speech on Senate floor, Congressional Record, March 29, 1971, p. 8385.

[106]Ibid.

destroying our capacity to strike back."[107] In Jackson's view, the planned deployment of a new "heavy" missile (the SS-18), with its increased throw-weight, coupled with likely improvements in accuracy and the possibility of a Soviet MIRV capacity, reinforced the arguments for insisting that limitations on offensive and defensive systems be negotiated in tandem.

Jackson defended the notion of a partial, interim agreement as a "simple and immediate" alternative to the Soviets' ABM-only offer: "simple so as to obviate complex negotiation and immediate so as to arrest the decline in the security of our deterrent."[108] Such an agreement, he believed, would buy time for the United States to reverse the increasingly ominous pace and direction of recent domestic and international trends. At home, Jackson decried the "wave of hostility to the military . . . that makes fair and objective discussion of defense issues a difficult thing to achieve."[109] Abroad, Jackson argued that "if present trends continue . . . it is difficult to escape the conclusion that our interests and those of our friends and allies would suffer in a strategic environment in which the American power position was widely questioned, even though the Soviet Union may not have achieved a clear preponderance."[110]

Probably unbeknownst to Jackson, a few months before the Senator's March 29 speech the Administration had embarked on a course that rather closely paralleled the Senator's proposal. On January 9, 1971, Kissinger approached Dobrynin in an effort to break the deadlock over the

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[107]Jackson, "The Strategic Balance and the Future of Freedom," reprinted in Congressional Record, April 15, 1971, p. 11903.

[108]Jackson, "SALT: A New Initiative."

[109]Jackson, "The Strategic Balance and the Future of Freedom."

[110]Ibid., p. 11904.

linkage of offensive and defensive weapons. Kissinger offered a compromise: the United States would agree to conclude a separate ABM treaty in conjunction with an interim freeze on the deployment of strategic offensive weapons.[111] Thus, while agreements on offensive (SALT) and defensive (ABM) weapons would be negotiated simultaneously, it was understood that the SALT agreement most likely would be of more limited scope and duration.

The May 1971 accord was a turning point in that it formed the essential outline of the final agreements signed a year later at the Moscow summit. As Kissinger pointed out, the President's announcement temporarily quieted the Senate doves, thereby enabling the delegation to negotiate the final details without the added pressure of Congressional moratoria.[112] Indeed, as Smith observed, the latest developments were well received by Congress and the country, with the notable exception of a "sour note struck by Senator Jackson, foreshadowing his attitude toward the agreements reached the next year."[113]

During Smith's briefing to Jackson's Subcommittee on Arms Control, the Senator expressed consternation over the Administration's apparent intention to submit a formal treaty on defensive systems and an informal agreement to freeze offensive weapons. To give the enhanced status of the treaty imprimatur to defensive but not offensive limitations was to put the cart before the horse. True, the United States obtained the "breathing space" Jackson desired, but at the

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[111]See Kissinger, White House Years, pp. 803-819 for a detailed discussion of his "backchannel" negotiations with Dobrynin; see also Richard C. Thornton, The Nixon-Kissinger Years: The Reshaping of American Foreign Policy (New York: Paragon House, 1989), pp. 72-73.

[112]Kissinger, White House Years, p. 822.

[113]Smith, Doubletalk, p. 243.

(permanent) cost of its greatest bargaining lever. In any event, Jackson reminded Smith that the 1961 Arms Control and Disarmament Act required affirmative Congressional approval of any non-treaty agreement to limit American armaments.[114]

The May 20 accord also confirmed, at least in Nixon's and Kissinger's minds, the apparent value of the Kissinger-Dobrynin "backchannel" and White House dominance of foreign policy.[115] Yet this accomplishment was not without its costs. First, as Kissinger himself admitted, the process was "unfair and demeaning" to individuals like Ambassador Smith.[116] Second, it pitted Kissinger -- a single gifted, though overextended, presidential aide -- against the resources of the entire Soviet government, a situation that the Soviets were bound to exploit (as they did in the subsequent negotiations just prior to the Moscow summit). Finally, it demonstrated, however subtly, a slowly mounting unease with the Administration's detente policy on the part of Senator Jackson.

E. Fissures in the Jackson/Nixon Alliance

For nearly two and a half years of his Administration, Richard Nixon, with the substantial assistance of Senator Henry M. Jackson, had rather remarkably succeeded in outmaneuvering a Democratically-controlled Congress with respect to defense-related issues, including the deployment of Safeguard and the continued presence of United States armed forces in Vietnam

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[114]See ibid., pp. 243-244.

[115]Ibid.

[116]Kissinger, White House Years, p. 822.

and Europe.[117] The *raison d'etre* of the Jackson-Nixon alliance was the congressional effort to reduce defense expeditures and scale back American commitments abroad. To the President and the Senator, the policy prescriptions of those who then were called "liberal intellectuals" -- "beaconists" under the labels outlined in chapter one -- harkened back to the era of "benign neglect" that characterized the liberal democracies of the 1930s.[118]

Revulsion at the actions of the United States in defense of an admittedly flawed ally, South Vietnam, had rendered the Administration's critics blind to the greater excesses of the enemy. Likewise, the emotional desire for more peaceful relations with the Soviet Union, the Senator argued, caused many Americans to view the Soviets as becoming increasingly less dangerous, when in reality the opposite was true. Stemming this tide became Jackson's top priority. Accordingly, he joined forces with the Adminstration to ensure that the President would retain both the material and authority with which to pursue an active foreign policy.

In analyzing the extent of the Jackson-Nixon partnership, it must be borne in mind that the overall conception of detente "was by no means fully developed at the outset" and, indeed, evolved gradually, often in response to events.[119] In fact, much of the substance of detente in the early years of the Nixon Presidency involved efforts by Nixon and Kissinger privately (even secretly) to lay the groundwork for later developments by establishing the necessary linkages

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[117]See Jackson, "U.S. Forces in Europe and the Mansfield Amendment," speeches in the United States Senate, May 13 & 18, 1971, in Fosdick, ed., Henry M. Jackson and World Affairs, pp. 111-118.

[118]See Jackson, "American Liberal Blindness on Soviet Power and Policy," 1971 speech, Jackson Papers, 3560-6, Box 9, Folder 9.

[119]Garthoff, Detente and Confrontation, p. 69.

across the globe. The SALT negotiations and the related debates over weapons authorizations and deployments -- perhaps because they required congressional approval -- represented an important and highly public exception to the Administration's behind-the-scenes diplomacy with respect to Vietnam, China, Berlin, the Middle East, and other issues and areas.

As a result, on these more visible issues, it was not difficult for Senators like Jackson to ascertain the Adminstration's position and to decide whether and with how much gusto to support it. And, as we have seen, with respect to arms control and defense spending, Jackson embraced the Administration's policy as an opportunity simultaneously to strike at two adversaries: the beaconist "New Left" at home and the totalitarian Soviet Union abroad.

While Nixon and Jackson shared a common approach to dealing with recalcitrant legislators, it is clear that the two men never completely saw eye-to-eye with respect to U.S.-Soviet relations, though their differences are much easier to detect with hindsight than they were at the time. Nixon and Kissinger not only believed their rhetorical flourishes about moving away from an era of confrontation to a new era of negotiation and building a structure of peac. They were genuinely committed to fulfilling their promises, believing that such a course best satisfied the needs of a mature American foreign policy and, not coincidentally, contributed to the President's political fortunes. Moreover, the need to win re-election and to accomplish these lofty goals within the two terms permitted by the United States Constitution added a sense of urgency to the enterprise.

The combination of time pressure and the delicate balances required to pull off the complicated linkages of detente affected substantive policymaking in several ways. With respect to the strategic balance, for example, Nixon and Kissinger tended not to be interested so much

in arms control *qua* arms control, but rather "as simply one key piece on the political chessboard."[120] While they surely paid attention to the bottom line -- in the case of SALT it was "sufficiency" -- they worried far less about the details of how it was reached. Thus, once an acceptable bottom line had been assured, Nixon and Kissinger apparently were willing to shape the SALT I agreements and the Moscow summit meeting and rush them into existence in order to promote Nixon's re-election prospects.[121]

Similarly, because their twin aims of re-election and the institutionalization of detente seemed to require concrete results of some kind -- though precisely on what seemed of secondary importance -- Nixon and Kissinger often postponed policy confrontations, preferring instead the path of least resistance.[122] In SALT I, this tendency manifested itself with respect to the Adminstration's negotiating position with respect to the possibility of completely banning ABMs and MIRVs. The Administration believed that either the Joint Chiefs or key Congressional allies (including Jackson) would balk at such a proposal, though Smith plausibly argues that a ban on ABMs might have been acceptable,[123] and Kissinger himself ultimately came to regret the refusal to consider stopping MIRVs in their tracks.[124] As we shall see in subsequent chapters, when Senator Jackson ultimately challenged the SALT process and the U.S.-Soviet Trade Agreement

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[120]Garthoff, Detente and Confrontation, p. 149.

[121]See Wicker, One of Us, p. 483; Cohen, America in the Age of Soviet Power, 1945-1991, p. 190.

[122]Garthoff makes a similar point, see Detente and Confrontation, p. 149.

[123]See Smith, Doubletalk, p. 262.

[124]See Isaacson, Kissinger, pp. 316-322.

during the 1972 campaign, the Administration negotiated compromises with the Senator that resulted in short-term political gains but later led to critical setbacks for the policy of detente.

Although Jackson provided critical support to the Adminstration's efforts to maintain the current U.S.-Soviet balance of power and to negotiate from the greatest possible position of military strength, the Senator, for both personal and political reasons, did not share Nixon's and Kissinger's sense of urgency with respect to the pace of detente. Jackson deeply treasured his reputation for patience and firmness with respect to U.S.-Soviet agreements, developed in part following his critical role in negotiating the so-called "safeguards" during the debate over the Test Ban Treaty.[125] Moreover, Jackson operated from a more secure power base -- a safe seat in the United States Senate -- and counted on being around to influence U.S.-Soviet relations (though less directly than a President or Secretary of State) long after Nixon and Kissinger had left office.

Accordingly, at the same time the Administration was trying its level best to conclude a SALT agreement, an ABM Treaty, a trade agreement, a statement of "basic principles" of bilateral relations, and other accoutrements of detente -- all before the 1972 election -- Jackson continued to insist "'that the main element of any United States policy toward the Soviet Union must be that of a long-term, patient but firm and vigilant containment of Russian expansive tendencies.'"[126] In Jackson's view, subjects like arms control, and even detente more generally, did not admit to facile solutions. Furthermore, after several decades of careful study, Jackson had become deadly serious about the details of arms negotiations and agreements. Most assuredly,

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[125]See the discussion in chapter two, pp. 65-68.

[126]Jackson, "American Liberal Blindness," (of course, citing Kennan's dictum from the "X" article, "The Sources of Soviet Conduct," 25 Foreign Affairs 575 (July 1947)).

the notion of concluding an accord for the sake of demostrating progress in U.S.-Soviet relations did not appeal to the Senator.

The Senator's lukewarm reaction to President Nixon's May 20, 1971, announcement can thus be viewed as an expression of disappointment at the Administration's apparent breach of its pledge to negotiate offensive and defensive limitations simultaneously, and with equal status and priority. Whatever Jackson's misgivings about the Administration's commitment to competing with the Soviets with respect to the balance of power, however, his most profound disagreement with the apparent direction of detente arose with respect to the Administration's almost complete abdication of competition on the battleground of ideas. While Nixon and Kissinger, at least publicly, swept Soviet human rights abuses under the diplomatic rug, Jackson continued to speak out about "disturbing . . . signs in Russia of a move to the reactionary right and to a Stalin-like suppression of dissent."[127] The Senator further reported his observation that "[t]here are more intellectuals in Soviet prisons now than at any time since Stalin's terror."[128]

As the United States and the Soviet Union entered into discussions across a wide spectrum of issues -- including arms control, trade, scientific and cultural exchanges -- Jackson pressed the Administration to include human rights on the bilateral agenda as well. At first, Jackson expressed his concerns privately, as in a letter to Secretary of State Rogers asking him to convey to the Soviet government the "sense of outrage of the American people at the senseless

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[127]Jackson, "Negotiating the Future," 1969 speech, Jackson Papers, 3560-4, Box 233, Folder 49.

[128]Ibid.

and inhuman oppression of the Jewish population of the Soviet Union."[129] Several factors may explain the Senator's initial reluctance to clash publicly with Nixon on this issue: (1) the extent of the Administration's reorientation of U.S. policy toward the Soviet Union was difficult to discern because the details of detente remained shrouded in secrecy; (2) Jackson, like Nixon, genuinely preferred a bipartisan foreign policy in principle and was willing to make a considerable effort to reconstruct one; (3) as between the realists (Nixon and Kissinger) and the idealists (Congressional and academic doves), Jackson vastly preferred the former and held his tongue to avoid giving succor to the latter; and (4) until he made up his mind to seek the 1972 Democratic nomination for President, Jackson may have believed that he could better influence policy through private intercession with Nixon than by publicly articulating his criticisms of the President's foreign policy.

By 1971, however, Jackson evidently had decided that he could no longer hold his tongue in view of the apparent pace and direction of detente. Having been a faithful lieutenant in the army of liberal internationalism under presidents from Truman to Johnson, Jackson seized the fallen mantle as the heir to the once-dominant vision of America's role in the world. In explaining this vision, Jackson implicitly criticized the views of the principal alternatives espoused by President Nixon and his congressional critics respectively, stating that "[w]e need a realism that is inspired by hope and humane concern and a passion for justice; we need an idealism that is tempered by a sober and prudent perception of the realities of a dangerous world. Only such

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[129]Quoted in "Friend of Israel and Opponent of Reactionaries at Home," Forward, September 2, 1971, p. 4, in Jackson Papers, 3560-6, Box 21, Folder 14.

leadership can speak to and evoke the greatness of America."[130]

In the more specific context of U.S.-Soviet relations, Jackson began to articulate an approach that mirrored some of the more confrontational aspects of containment that seemingly had been disavowed by both the Administration and a number of its frequent critics such as Senators Fulbright and McGovern. One of the earliest manifestations of Jackson's alternative approach was the introduction of a concurrent resolution that he co-authored with Senator William Brock (R.-Tenn.) which "intended to bring to bear the influence of the United States on behalf of the persecuted Jewish minority of the Soviet Union."[131] Observing that current Soviet practices violated both the Soviet Constitution and Universal Declaration of Human Rights, Jackson urged the Administration to "use America's influence to help eliminate those restraints which hinder individuals from freely developing their abilities, personalities, and cultural identities."[132]

By "influence", the Senator meant not only the type of "quiet diplomacy" in which the Administration had been engaging, but also public criticism of Soviet transgressions in the United Nations General Assembly and in other multilateral fora. He did not, however, mention the possibility of linking the potential fruits of detente to Soviet improvements in human rights.[133]

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[130]Jackson, untitled 1971 speech, Jackson Papers, 3560-6, Box 9, Folder 9.

[131]"Senate Concurrent Resolution 33 -- Submission of a Concurrent Resolution Regarding Persecution of Jews and Other Minorities in Russia," Congressional Record, July 12, 1971, pp. 24477-24478 (remarks of Senator Jackson); see also "U.S. Must Take Steps to Help Persecuted Jews in Soviet Union," text of Senator Jackson's statement to U.S. Senate, July 12, 1971, Jackson Papers, 3560-6, Box 8, Folder 77.

[132]Jackson, "U.S. Must Take Steps," July 12, 1971.

[133]Ibid.

In offering the resolution, Jackson stressed that "all we are proposing is that the United States support the principle of the open society," the hallmark of which "is its recognition of such basic freedoms as speech, religion, and the right to emigrate."[134] As the Senator further explained, these principles ought to illuminate American foreign policy

> not only because they are morally right, but . . . also because we know that our own freedom is intimately tied to the freedom of others. If powerful states do not tolerate diversity at home -- and if we stand silent and thus morally acquiesce -- they will not be inclined to tolerate diversity abroad. And our bitter experience in this century demonstrates that closed socities which deny freedom to their own citizens are made uneasy by the persistence of freedom in open societies -- and this uneasiness and the fear and ambition it breeds threatens us all.[135]

Consistent with the vision of liberal internationalism that had dominated America's view of the world for two decades, and to which Jackson still adhered, the Senator continued to view a relaxation of Soviet domestic repression as a prerequisite to a genuine relaxation of international tensions. Accordingly, as it became clear to him that the Nixon/Kissinger detente policy did not reflect this view of the connection between domestic practices and international relations, Jackson allegiance to the Administration's foreign policy waned.

This most critical policy issue separating Jackson and the Administration was, to borrow a phrase from Leslie Gelb, "simple but of profound importance:"[136] detente based on international order versus detente based on international society. For Nixon and Kissinger, "the achievement of a minimal international order between states -- irrespective of the degree of freedom or justice

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[134]Ibid.

[135]Ibid.

[136]Leslie H. Gelb, "Washington Watches Kissinger-Jackson Rivalry Over Detente," New York Times, June 2, 1974.

inside those states -- [was] the first task of statecraft."[137] Accordingly, as Gaddis has concluded, "the priority for detente was to build a stable international order within which the security interests of great states could be satisfied; that having been achieved, then the claims of justice might, for once, have some chance of being honored."[138] From this view, the surest road to lasting peace involved ensnaring the Soviet Union in a web of agreements with the West. In the short term, these agreements would restrain external behavior by giving the Soviets a stake in the stability of the international system. In the long run, this new arrangement might even moderate Soviet internal repression. In sum, then, Nixon and Kissinger were willing to deemphasize, if not abandon altogether, the ideological competition with the Soviets -- treating this decision as the price of admission to the bargaining table.[139]

Jackson, by contrast, never gave up on the notion that "this would be 'the American Century' and that our ideas and institutions would be adopted by other peoples in a more peaceful world."[140] Indeed, he believed that the liberalization of Soviet society was a prerequisite to a meaningful "detente," which for Jackson was an objective state of affairs rather than a process

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[137]The quote is from Timothy Garton Ash, "The Rules of the Game," The New Republic (July 18 & 25, 1994), p. 42 (review of Diplomacy by Henry Kissinger).

[138]Gaddis, "The Rise, Fall, and Future of Detente," p. 365.

[139]However, unlike earlier statesmen who advocated a separation of American ideals and foreign policy, Nixon and Kissinger were not preoccupied with hoarding themso as to promote liberty at home. They feared a reformist crusade not for its potential effect on domestic virtue, but because it might imperil what they believed to be the fragile basis of a potentially emerging international order.

[140]Jackson, "American Liberal Blindness."

leading to certain concrete outcomes.[141] In Jackson's view, there could be no relaxation of tensions with a potentially dangerous adversary whose notions of the fundamental principles of international society were diametrically opposed to liberal American ideals. Stable and peaceful international relations required the acceptance of certain common values -- in short, international order was ephemeral without a *society* of states, not simply a *system* of states.[142] Until the Soviet Union demonstrated some level of acceptance of these values, Jackson considered it disqualified from legitimate international society and a threat to international order. In essence, Jackson's view toward the Soviet Union strongly (and strikingly) paralleled Burke's view of Revolutionary France:

> I never thought we could make peace with the system; because it was not for the sake of an object we pursued in rivalry with each other, but with the system itself that we were at war. As I understood the matter, we were at war not with its conduct but with its existence; convinced that its existence and its hostility were the same.[143]

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[141]John Van Oudenaren draws this useful distinction between various conceptions of detente in his chapter "Containment: Obsolete and Enduring Features," in Arnold L. Horelick, ed., U.S.-Soviet Relations: The Next Phase (Ithaca, N.Y.: Cornell University Press, 1986), p. 36.

[142]On the distinction between "system" and "society", see especially Bull, The Anarchical Society, chapter four; Vincent, "Edmund Burke and the Theory of International Relations," pp. 213-216; Stanley Hoffmann, "International Society," in J.D.B. Miller and R.J. Vincent, eds., Order and Violence: Hedley Bull and International Relations (Oxford: Clarendon Press, 1990), pp. 22-23. As Professor Hoffmann succinctly summarized, for Bull (and for present purposes as well), "[*s*]*ystem* means contact between states and the impact of one state on another; *society* means (in Bull's words) common interests and values, common rules and institutions." Ibid., p. 22. Like Bull, Jackson was "interested in the cultural change which produces a different perception of common interests in a context of coexistence and co-operation. He [was], in other words, emphasizing the passage from a mere system to a society, or from a narrower society to one that includes many more members." Ibid., p. 23.

[143]Edmund Burke, quoted in Kissinger's chapter of Stanley Hoffmann, ed., In Search of France (Cambridge, Mass.: Harvard University Press, 1963), p. 165.

Nevertheless, although Jackson's approach, as Vincent wrote, "makes more of human rights even than was done during the Carter Administration," the Senator did not approach U.S.-Soviet relations according to the revolutionary maxim *fiat justitia ruat caelum* (let justice be done though the heavens should fall).[144] He did not demand that the Politburo resign, or that a timetable be set for free elections, or that the Supreme Soviet establish an American-style bill of rights. Moreover, Jackson did not oppose, in principle, dealing with the Soviets in areas of mutual interest, such as agreements to limit or reduce the production, testing, proliferation, or accidental launching of nuclear weapons.

Still, Jackson's agenda was ambitious. From 1972 until his sudden death in 1983, Senator Jackson was to channel his considerable political energy into shaping the course of U.S.-Soviet relations. As a member of the legislative branch, Jackson often was limited to reacting to Administrative initiatives, criticizing their shortcomings, proposing alternatives, and attempting to persuade his colleagues to implement those alternatives. But by virtue of his seniority, committee assisgnments, expertise, legislative skill, and expert staff, Jackson succeeded in mounting an effective challenge to the detente policies of the Nixon, Ford, and Carter Administrations. The next section of this thesis will examine and analyze Jackson's alternative version of detente. Chapters four through seven will explore Jackson's efforts to obstruct what he viewed to be flawed arms control and trade agreements while chapter eight will focus on the Senator's promotion of an assertive human rights policy.

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[144]See Bull, The Anarchical Society, p. 94; Vincent, Human Rights and International Relations, p. 70.

CHAPTER FOUR: SENATOR JACKSON AND THE SALT I ENDGAME

A. Introduction: An Election-Year Summit at Moscow

1972 was an election year in the United States. For President Nixon, the previous year had presented many difficult challenges, both at home and abroad. The domestic economy continued to sputter, prompting Nixon to institute wage and price controls, suspend the convertibility of the dollar into gold, force foreign currency revaluations, and levy import surcharges to protect declining American industries.[1] Internationally, the United States still had not achieved complete extrication from Vietnam "with honor", and a reassertive Congress continued to challenge Presidential foreign policy prerogatives from Asia to Europe.

Against this background, Nixon hoped to parlay dramatic breakthroughs in his detente policy into momentum for the fall campaign. Since proclaiming an era of cooperation in his inaugural address, Nixon had carefully avoided grandiose descriptions of detente. Indeed, the centralization of the foreign policy process in the National Security Council had enabled many of the critical moves to be carried out in secret. Not only were the American people, press, and Congress ignorant of Nixon's and Kissinger's maneuvers, but the State Department and SALT delegation often were as well. By taking "secrecy and dispatch" to a new extreme, for better or for worse, the Administration's diplomatic efforts set the stage for President Nixon's historic visits to China and the Soviet Union in February and May of 1972, respectively.

These summit meetings brought detente into American living rooms for the first time, not as a carefully measured and nuanced theoretical framework, but as a glittering spectacle aimed at maximum political impact. As we shall see below, the election-year compromises with the

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[1]See Nixon, RN: Memoirs, pp. 515-522.

Soviets and with Congress, along with the promise of a transformed U.S.-Soviet relationship, ultimately ran the risk of securing short-term political gains at the cost of strengthening an increasingly powerful domestic opposition to the long-term aims of the detente policy.

The United States and the Soviet Union did conclude a number of agreements at the Moscow summit, the most important of which were the ABM Treaty and the Interim Agreement on offensive weapons. As Kissinger explained in White House Years, Nixon and Brezhnev actually nailed down the final details in Moscow, using their respective SALT delegations at Helsinki more as consultants than as negotiators.[2] Issues that had been deferred for months and even years were resolved by the President and the General Secretary, each acting under considerable pressure to conclude an agreement as a concrete manifestation of the detente upon which they had staked their considerable prestige.

The two agreements marked the conclusion of the first phase of the Strategic Arms Limitation Talks (SALT), a process which Hedley Bull described at the time as "the most important formal arms control negotiations of the post-1945 era."[3] Of the two arrangements, the ABM Treaty, which limited each side to two sites, one to protect an ICBM field and the other to shield a "national command center,"[4] faced considerably less opposition at the time. Although

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[2]See Kissinger, White House Years, pp. 1216-1242; see also Smith, Doubletalk, pp. 407-440.

[3]Hedley Bull, The Moscow Agreements and Strategic Arms Limitation (Canberra: Australian National University Press, 1973), p. 1.

[4]As noted in chapter 3, the United States Congress long had signalled its unwillingness to fund an ABM battery around Washington, D.C., a point that Senator Jackson reiterated in his assessment of the Treaty. Furthermore, by 1976 the United States decided to abandon its option to discontinue its ABM site at Grand Forks, North Dakota. See Paul Nitze, From Hiroshima to Glasnost: At the Center of Decision -- A Memoir (New York: Grove

the United States enjoyed a technological advantage with respect to ABMs, the reluctance of Congress to authorize appropriations for a program that was at once speculative and potentially destabilizing to the nuclear balance led to the rather uncontroversial decision to limit ABMs at low and equal levels.

Though limited in scope and subject to considerable criticism, the Interim Agreement nevertheless represented, on balance, a significant achievement in arms control and marked an improved superpower relationship. As Richard Thornton observed, the agreement constituted a "snapshot of two ballistic missile programs on divergent courses at the moment of near intersection."[5] The agreement covered only ICBM silos and SLBM launch tubes, allowing the Soviet Union to deploy greater numbers of each. These apparent advantages to the Soviets, as well as an acknowledged lead in missile payload or "throw-weight", were offset by American advantages in accuracy and total number of warheads (on account of MIRV capability), as well as the United States' strategic bomber fleet. Despite the complex (and seemingly unequal) array of numerical limits and several problematic ambiguities in the agreement and its negotiating record (more on which below), the SALT process and the resulting Interim Agreement served to institutionalize strategic arms control in such a way that its pursuit would survive the vicissitudes of superpower political relations.[6]

Weidenfeld, 1989), p. 329.

[5]Thornton, The Nixon-Kissinger Years, p. 131.

[6]See, e.g., Hyland, The Cold War is Over, p. 163.

B. The Congressional Debate Over SALT I and the ABM Treaty

Upon his return from Moscow, Nixon had to obtain the required approvals of the relevant branches of the legislature for both the ABM Treaty and the Interim Agreement. As a treaty, the ABM accord required the approval of two-thirds of the Senate. The Interim Agreement was not a treaty, yet it required authorization by a joint resolution of Congress (or by alternative affirmative legislation) pursuant to the Arms Control and Disarmament Act of 1961. By relying heavily on the Kissinger-Dobrynin backchannel and Nixon-Brezhnev horsetrading at the summit, the Administration had kept Congress largely in the dark regarding important aspects of these arms control agreements, including the complicated "endgame" at Moscow. Even those Senators such as Jackson and John Sherman Cooper (R.-Ky.) who had expressed an interest in the progress of SALT, or even made specific requests for information, were largely unable to follow the proceedings because of the Administration's penchant for compartmentalization and secrecy.[7]

The Administration's initial explanations of the fruits of the summit focused more on developing widespread public support for the agreements, and for detente as a general proposition, than on persuading potentially recalcitrant senators that one provision or another adequately protected national security. Thus Nixon's post-summit address to Congress, delivered just one hour after his return to the United States, overstated both the goals and achievements of detente. While Nixon rightly proclaimed the Interim Agreement a "landmark decision", his elaboration was long on generalized platitudes and short on specific details. As one observer pointed out, "The words he used to continue along this route were strong: an 'unparalleled

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[7]On this point, see Alan Platt, The U.S. Senate and Strategic Arms Policy, 1969-1976 (Boulder, Colo.: Westview Press, 1978), pp. 19-21.

opportunity' had been 'placed in America's hands,' and history had laid upon the United States 'a special obligation' to 'build a new structure of peace in the world.'"[8]

One of Kissinger's assistants, William Hyland, later quite plausibly claimed that "no one in the Kissinger or Nixon entourage believed in the rhetoric about 'transforming' the Soviet-American relationship that was used in public statements."[9] Nevertheless, the Administration's decision to package the results of the summit in broadly generalized rhetoric suggests a strategy aimed at winning overwhelming public support for the accords that would successfully blunt the criticism of the procedures and substance of the SALT "endgame" that Nixon and Kissinger must have anticipated from the few members of Congress who were both interested and informed on the subject.

Of these legislators, none could have figured more prominently in the minds of executive branch officials than Henry Jackson. Yet, because Jackson had been a consistent supporter of Nixon's foreign and national security policies -- including the decision to deploy the Safeguard ABM, the opening to China, and the linkage of offensive and defensive weapons systems -- the Administration seemingly had good grounds for hoping that he would go along on the ABM Treaty and SALT I as well, whether or not he had a large role in shaping them.

If, indeed, the Administration desired, even expected, Jackson's support, it had gone about securing it in a less than productive manner. Although Jackson worked as closely with the Administration on national security matters as any senator, Republican or Democrat, not even he

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[8]Kjell Goldmann, Detente: Domestic Politics as a Stabilizer of Foreign Policy (Princeton, 1984), p. 40.

[9]Hyland, Mortal Rivals, p. 55.

was privy to information about the American negotiating positions in SALT I. This lack of consultation was especially difficult for Jackson to accept for two reasons: first, Jackson had shouldered a considerable burden for Nixon on defense matters, at the expense of his standing with the left-wing of the Senator's own party; and, second, Jackson genuinely believed that his expert views on the technical aspects of arms control, such as silo dimensions, throw-weights, and MIRVing technology could have contributed to the formulation of a bipartisan, interbranch consensus on SALT. Indeed, on the surface, it would have been reasonable for Nixon to have enlisted Jackson's participation in the negotiating stages, much as President Truman had done with Senator Arthur Vandenberg (R.-Mich.) in the early days of containment.

The most simple and direct explanation for Jackson's exclusion, an exclusion that was to have subsequent political costs for the Nixon Administration, lay in Nixon's preference -- indeed, penchant -- for secretly planned, dramatically executed diplomacy, which meant that Jackson was necessarily out of the loop. In fact, Nixon's decision to centralize foreign policymaking in the National Security Council had left not only key Senators but also formal negotiators (such as Gerard Smith), and even the Secretary of State, unaware of certain initiatives and decisions. Stated differently, Nixon supplied information on a "need-to-know" basis, involving those outside his immediate control (i.e. the White House) only as he needed them. Accordingly, for the first two years of Nixon's Presidency, Jackson had been provided with the critical data required to perform his role in delivering the votes on Safeguard, and accorded a respectful hearing of his views on the arms control process as a payback. However, once Safeguard's availability as a bargaining chip had been confirmed, the White House no longer "provide[d] the chairman of the Senate Subcommittee on SALT with the kind of information and input on SALT policy issues

that he sought and to which he had become accustomed."[10]

This was reinforced, from the other side, by Jackson's brief and unsuccessful bid for the Democratic Presidential nomination. While his campaign was to begin late and end early, Jackson did convert himself into a potential electoral opponent at precisely the point when Nixon would have had to confide his negotiating intentions. Nixon may have feared that Jackson would criticize the Administration's willingness to sign a treaty which allowed the Soviets an advantage in missile launchers and throw-weights (which the Senator did indeed criticize), as part of his own bid from the right of the Democratic Party. By the May summit, of course, Jackson had become an also-ran for the Democratic nomination, and a more likely supporter of a Nixon than a McGovern foreign policy. Yet the political calendar and the instincts of the President had kept the Senator out of the loop in preceeding months, and the 1972 arms control agreements were thus concluded without a serious attempt at executive-legislative consultation.

On June 1, 1972, as Nixon and his advisers were en route to Washington, arms control agreements in hand, Jackson complained that "all we have had up until now is the elaborate stage management of a vague, confusing, and contradictory collection of rumors, announcements, and background briefings that leave the American people without any clear notion of what has been agreed upon in Moscow."[11] Jackson further commented that the concluding phase of the negotiations "had all the appearances of a comic opera."[12] He worried aloud that Nixon had

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[10]Platt, The US Senate and Strategic Arms, p. 21.

[11]Jackson, speech on Senate floor, June 1, 1972, Jackson Papers, 3560-6, Box 9, Folder 97.

[12]Ibid.

unnecessarily rushed the negotiations, making unwise concessions as to the permissible number of Soviet missile launchers, in order to conclude an agreement prior to the fall election campaign. "An election-year summit, before a national television audience," the Senator warned, "is a questionable tool of sound diplomacy."[13]

The President's address to Congress that evening only reinforced Jackson's skepticism toward the Administration's arms control agreements. Nixon's speech, the Senator commented, "was full of platitudes and generalities, signifying nothing new. I came to hear . . . further details of the agreements . . . and I heard a clever campaign speech."[14] Nonetheless, whatever its shortcomings, Nixon's speech was well-received by the American people and by the press.[15]

Although Nixon's arms control treaties initially enjoyed overwhelming support among the electorate, Senator Jackson vowed that the ratification process would not become a congressional rubber stamp. As chairman of the Senate Armed Service Committee's Subcommittee on SALT, Jackson led a thorough examination of what he called "the most extensive measures to which we have ever subscribed limiting American freedom to determine the nature of our own strategic nuclear defenses."[16] In so doing, Jackson, as he had done with respect to the Test Ban Treaty nearly a decade before, promised to weigh the facts underlying the agreement "against the

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[13]Jackson, guest column for McNaught syndicate on SALT, June 30, 1972, Jackson Papers, 3560-6, Box 9, Folder 110.

[14]Jackson, "Statement by Senator Henry M. Jackson on President Nixon's address to Joint Session of Congress," June 1, 1972, Jackson Papers, 3560-6, Box 9, Folder 98.

[15]Platt, The US Senate and Strategic Arms, p. 18.

[16]Jackson, "Statement on Amendment to S.J. Res. 241," Senate floor, August 3, 1972, Jackson Papers, 3560-6, Box 9, Folder 121.

euphoria surrounding much of the public discussion of the Moscow summit."[17]

Of the two agreements presented for Senate approval, Jackson viewed the ABM Treaty to be a better bargain for the United States. Although the Senator had preferred either a total ban on ABMs or the four-to-one proposal he had suggested to the Administration a few years earlier, he concluded that a treaty with low limits was preferable to no agreement at all. As for the two sites allowed under the treaty, Jackson reiterated his opposition to the construction of a "national command center" ABM system. In the Senate debates, he asserted, "No one has argued more vigorously than I did that it is not workable; and it will not be in the defense authorization bill for that reason."[18] Jackson also expressed doubts about the usefulness of the Grand Forks site, designed to shield U.S. Minuteman ICBM silos. He felt that a single site would be militarily meaningless, and wondered if it would serve any purpose at all, except, perhaps, "as a research and development area to test improvements in our defensive technology."[19] In sum, then, Jackson supported the ABM Treaty because it equally limited the United States and the Soviet Union to militarily meaningless defensive systems. After a remarkably brief period of rather subdued debate, the Senate approved the ABM Treaty by a vote of 88 to 2.[20]

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[17]Jackson, guest column for McNaught syndicate.

[18]Jackson, comments in ABM Treaty debate, Congressional Record, August 11, 1972, p. 27938.

[19]Jackson, "Questions and Answers on the Moscow Arms Agreements," Jackson Papers, 3560-6, Box 9, Folder 99.

[20]The debate is recorded in the Congressional Record, August 3, 1972, pp. 26678-26710 and 26762-26770; see also Platt, supra, p. 25. The only senators who voted against the ABM Treaty were James L. Buckley (R.-N.Y.) and James Allen (D.-Ala.).

The Interim Agreement on offensive weapons engendered far greater interest and criticism from Senator Jackson and his congressional colleagues. Like Henry Cabot Lodge in 1919, Jackson found aspects of the pending agreement disturbing, but well understood the strength of popular support behind the President. Through an exhaustive examination of the agreement, Jackson hoped to expose its weaknesses and gather support for potential reservations or amendments. And, again like Lodge, Jackson expected that, in the end, he would vote for the agreement with reservations, rather than irreconcilably oppose it.[21]

Jackson's criticisms of the Interim Agreement focused on two themes in particular -- ambiguity and inequality -- which he explored during the SALT hearings and floor debates in a tireless cross-examination of diplomats, negotiators, experts, Administration officials, and even his Senate colleagues. The Senator attributed the astonishing number of ambiguities and definitional weaknesses in the Interim Agreement to the haste with which it was concluded. In exploring these ambiguities with Administration witnesses, Jackson remarked incredulously that

> In all of my experience, I must say that I have not heard of an agreement which involves such a serious substantive matter as the whole of our land-based strategic force not being set out in detail in the agreement. This kind of ambiguity can breed suspicion and lead to an unstable situation rather than to a more stable one. So if I do nothing else, I am going to try to nail down, line by line, the exact meaning of these agreements.[22]

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[21]See Michael Krepon, "Conclusions," in Krepon and Caldwell, eds., supra, pp. 438-442, for an interesting discussion contrasting President Wilson's confrontational approach to negotiating with Senator Lodge over the Treaty of Versailles with the conciliatory (almost solicitous) method chosen by President Nixon in regard to the Jackson Amendment.

[22]Jackson, quoted in Robert D. Schulzinger, Henry Kissinger: Doctor of Diplomacy (New York: Columbia University Press, 1989), p. 72.

Jackson's persistent questioning revealed that the United States and the Soviet Union had not reached a bilateral understanding of a number of critical terms in the accord, including the actual number of Soviet ICBMs permitted,[23] the definition of a "heavy" ICBM launcher, and the extent to which the volume of a missile silo could be increased in the process of silo modernization.[24] Though embarrassing to the Administration, none of these shortcomings was enough to scuttle the agreement. Nevertheless, Jackson's thorough and critical examination of the technical deficiencies of SALT I served the Senator's dual purposes of exposing the weaknesses of past policy and establishing stricter guidelines for future policy.

Jackson's second line of criticism focused on the unequal numerical balance of forces reflected in the Interim Agreement. The Moscow agreements, he commented, suffered from "one overriding fatal flaw: they freeze the U.S. at a serious numerical inferiority in both ICBMs and submarines while they authorize the Russians to continue their buildup."[25] On the Senate floor, Jackson summarized his argument more particularly, saying,

> Simply put, the agreement gives the Soviets more of everything: more light ICBMs, more heavy ICBMs, more submarine launched missiles, more submarines, more payload, even more ABM radars. In no area covered by the agreement is

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[23]The agreement relied on American intelligence estimates as of July 1, 1972, because the Soviets refused to supply an accurate count. See Bull, The Moscow Agreements, p. 9.

[24]Kissinger and Gromyko had reached a last-minute compromise defining a "significant" increase prohibited by the accord as one of more than fifteen percent, but failed to clarify whether the numerical limit applied to the length, diameter, or total volume of a silo. Thus, under a broad interpretation of the deal, both the length and diameter of the silo could be increased by fifteen percent, resulting in an increase in total volume of over fifty percent. See Congressional Record, August 11, 1972, pp. 27935-27936.

[25]Jackson, "Questions and Answers."

the United States permitted to maintain parity with the Soviet Union.[26]

Such unequal numbers, Jackson feared, might be interpreted by friend and foe as further confirmation of the decade-long trend in the relative strategic positions of the superpowers that the Soviets might exploit to their geopolitical advantage.

Of course, the Administration itself was acutely aware of the potential political problems associated with the numerical inequalities reflected in the Interim Agreement. While Nixon and Kissinger would not have traded their strategic forces for Brezhnev's and Gromyko's, the American leaders recognized the significance of the changing military balance between the superpowers. As Kissinger wrote, "[I]t was not necessary to postulate a Soviet advantage in strategic weapons to be concerned about the altered military balance. Even U.S.-Soviet equality in strategic weapons implied a revolutionary change in the assumptions on which the West's security had been based in the entire postwar period."[27] Furthermore, if the trends continued unabated by effective arms limitations, an American arms buildup, or both, "[s]ooner or later, even if overall numbers of warheads were equal, the Soviets would combine their growing counterforce capability with their traditional conventional superiority to bring about changes in the geopolitical balance."[28]

In Years of Upheaval, Kissinger presented a comprehensive overview of American strategic options in the early 1970s and defended the choices made by the Nixon Administration.[29]

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[26]Jackson, "Statement on Amendment to S.J. Res. 241."

[27]Kissinger, Years of Upheaval, p. 258.

[28]Ibid., p. 273.

[29]See especially ibid., pp. 256-260.

In this, Kissinger argued that he and Nixon did not create the imbalance; they merely inherited it. As Kissinger noted, in the late years of the Johnson Administration the United States had chosen not to build any more ICBMs, confident that a state of "mutually assured destruction" ("MAD") could be sustained with existing forces. Since the mid-1960s, however, the Soviets had undertaken a massive and unforseen strategic buildup that included some 300 "heavy" missiles -- counterforce weapons that were believed by some expert observers to threaten the U.S. Minuteman ICBM force. In an era of parity, especially with the existence of a large and potentially MIRVed arsenal of counterforce weapons, an American strategic doctrine based solely on nuclear retaliation had become less credible.

The Nixon Administration preferred to meet the Soviet challenge with a two-pronged policy of retrenching American nuclear forces while negotiating with Soviets on bilateral limitations or reductions. But as of the early 1970s, the U.S. had no new missile programs in production, and the Vietnam-era Congress would not have approved a significant (or any) buildup had one been proposed. As Kissinger correctly observed, "The defense budget was the focal point of antiwar pressures, not of thoughtful analysis."[30] Deprived of new weapons systems, either developed or deployed, Nixon and Kissinger had no choice but to rely more heavily on the arms control component of their strategic policy toward the Soviet Union.

Essentially, the Administration justified the Interim Agreement as a stopgap measure designed to slow the Soviet momentum and to allow the United States to narrow the disparity as new weapons systems, such as the Trident submarine, the B-1 bomber, and the MX and cruise

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[30]Ibid., p. 259.

missiles, came on line.[31] The unequal numbers in SALT I, then, were not "extracted from us by clever Soviet negotiators; the conditions reflected were conditions we had imposed on ourselves by our earlier decisions and our domestic turmoil."[32] In accurately summarizing the American predicament, Kissinger commented:

> I do not deny that the initial reaction of some people will be to look at the gap in numbers. But once they understand . . . what the gap would be without this agreement . . . I believe that many of those who express some hesitation will come around.[33]

For SALT I, he added, "Our test was whether we were, on balance, better off with an accord than without."[34] Nixon, in his June 29 press conference, confirmed this view, stating that "the arms control agreement at least put a brake on new weapons."[35]

C. The Jackson Amendment to the Interim Agreement: Origins and Enactment

Reluctantly, Jackson accepted the Administration's view that American national security was better enhanced with SALT I than without it. This rationale, Jackson conceded, "may be a sufficient argument for the Senate giving approval to the interim agreement."[36] At the same time, he told his Senate colleagues that "[i]t is not, in my view, a sufficient argument for allowing our

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[31]See Gaddis, "The Rise, Fall, and Future of Detente," p. 363.

[32]Kissinger, Years of Upheaval, p. 260.

[33]Kissinger, quoted in Congressional Record, August 11, 1972, p. 27945 (remarks of Senator Jackson).

[34]Kissinger, Years of Upheaval, p. 985.

[35]Nixon, press conference on June 29, 1972, quoted in Congressional Record, August, 11, 1972, p. 27945 (remarks of Senator Jackson).

[36]Jackson, statement on Senate floor, August 11, 1972, in ibid.

approval to go unqualified, either by our recognition of the risks, or the assertion of our own view of the future."[37] For the duration of the Interim Agreement, Jackson would tolerate a numerical imbalance. But he also insisted that Congress and the White House accept his amendment expressing the sense of the Congress that future agreements reflect strict numerical equality.

Jackson's obsession with numerical inequalities reflected both strategic and geopolitical concerns. In regard to the former, Jackson feared that Soviet advances in missile accuracy and MIRV technology, combined with their numerical advantages in launchers and payload capacity, might render American land-based ICBMs vulnerable to a Soviet first-strike.[38] However remote this possibility, Jackson viewed the achievement of future arms control treaties incorporating the principle of equal launchers and throw-weights as the best insurance against it. At the same time, even Jackson admitted that a large-scale nuclear exchange between the superpowers was an unlikely event. Indeed, in Jackson's view, the more immediate and pressing concern was not the physical, but the psychological impact of the Interim Agreement's unbalanced numbers.

In less than a decade, Jackson reminded his colleagues, the United States had gone from superiority to parity to sufficiency to interim sub-parity in strategic forces. This trend, the Senator asserted, surely would continue to produce a shift in the geopolitical balance of power in favor of the Soviet Union. Deterrence, Jackson emphasized, fundamentally depended as much upon the perception of power as on the *actual* military strength of the superpowers. An

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[37]Ibid.

[38]See especially Senate Committee on Armed Services, Hearings on the Military Implications of the Treaty on the Limitations of Anti-Ballistic Missile Systems and the Interim Agreement on Limitation of Strategic Offensive Arms, 92nd Cong., 2d Sess., June-July 1972 (Washington: Government Printing Office, 1972), p. 415.

agreement encompassing unequal numbers of launchers and throw-weights, grounded in intelligence estimates rather than in hard, verified data, and permitting technological improvements on both sides left a considerable margin for perceptions to be shaped and molded by events. Quoting an Israeli scholar, Jackson argued that the perceived strategic balance "will determine which superpower is likely to 'blink first' in a potential confrontation."[39] Reflecting on Soviet behavior during the decades of unquestioned United States superiority, Jackson warned that the shifting strategic balance, and the even more ominous recent trends, would lead to increased pressure on America's geopolitical position in the world. As Jackson concluded, "A more confident Soviet Union can be expected to be more vigorous in the assertion of what it regards as Soviet interests, and to accept greater risks in order to advance them, thus introducing harder Soviet bargaining at the conference table and new elements of instability into international affairs."[40]

By publicizing the shortcomings of the Interim Agreement, and, indeed, the American response to the Soviet strategic buildup over the past several years, Senator Jackson hoped to spark an effort to arrest the decline of American power relative to that of the Soviet Union. If his effort failed, Jackson feared that the Soviet Union would continue to probe weaknesses in American strength and/or resolve to force the United States into accepting geopolitical defeats in key sub-regions such as the Middle East. The Jackson Amendment to SALT I, then, was a critical part of the Senator's ongoing attempt to reinvigorate the American strategic and

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[39]Jackson, statement on Senate floor, in Congressional Record, August 17, 1972, p. 28796.

[40]Jackson, "The Strategic Balance and a Bolder Soviet Union," statement in Omaha, Nebraska, May 1, 1972, Jackson Papers, 3560-6, Box 9, Folder 81.

geopolitical position that had been decimated by a period of Vietnam-induced neglect.

After investigating the deficiencies of the Interim Agreement for the better part of two months, Jackson began drafting an amendment to the joint resolution of approval. In a critical maneuver, the Senator paid a visit to President Nixon before formally introducing the measure in the Senate. Rather than risk an open confrontation with Jackson, the President and his advisers chose to cooperate with the Senator in the search for language that would satisfy both the Congress and the Soviets. This decision set in motion a series of discussions and negotiations over the period from the mid-July conversation between Nixon and Jackson and the formal approval of the Interim Agreement on September 30, 1972, that affected not only the Interim Agreement, but also the Trident submarine authorization bill, and, perhaps, the future composition of the SALT delegation as well. The complex and highly unusual bargain struck between the two sides resolved the various issues to the satisfaction of both Jackson and the Administration, at least in the short-term.

As observed above, SALT I served two purposes for Nixon and Kissinger: it both solidified the prospects for the institutionalization of their detente policy and provided the United States with an opportunity to redress some of the strategic imbalances that had developed in recent years. With respect to the second purpose, Nixon and Kissinger hoped to use the time bought by the agreement to accelerate American nuclear programs "to avoid ever again being in a situation where only the Soviets had strategic programs under way."[41] Accordingly, they viewed the resolution approving the Interim Agreement and the Trident authorization bill, which reached the Senate floor almost simultaneously in late-July, 1972, as critical pieces of legislation.

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[41]Kissinger, White House Years, p. 1245.

Indeed, the two represented flip sides of the same coin; one without the other would render the Administration's national security strategy ineffectual.

Senator Jackson, it will be recalled, had been the foremost congressional supporter of the nuclear submarine program since its inception in the 1950s. Thus, it came as an unpleasant and unexpected surprise to the White House that Jackson had supported a motion in the Armed Services Committee by Senator Lloyd Bentsen (D.-Tex.) to halve the Administration's $1 billion Trident authorization request.[42] Although the motion failed on an 8-to-8 tie vote, Jackson's apparent defection increased Bentsen's chances of succeeding when the measure came to the Senate floor.

As of late July, then, Senator Jackson represented a major obstacle to the Administration's hopes of quickly settling the SALT and Trident impasses and moving on to the business of campaigning for re-election. By so boldly linking the two measures, the Administration, as Peter Ognibene observed, "had argued itself into a box and found to its chagrin that it could not get out without Jackson's help."[43] But, fortunately for Nixon, Jackson's opposition was designed more to reshape the respective pieces of legislation than to block them altogether. In the crucial days leading up to the final votes, the Senator indicated a willingness to compromise on his amendment to the Interim Agreement and the Trident bill. Jackson and Kissinger remained in close contact during the drafting stages of the amendment, and on July 27 the two sides produced a rather remarkable document entitled "Memorandum of Understanding" reflecting a tentative accord on

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[42]Ognibene, Scoop, p. 208.

[43]Ibid.

the language of the soon-to-be-introduced Jackson Amendment.[44]

In this memorandum, Jackson and the Administration indicated agreement on the text of the amendment, except for one clause addressing the meaning of "equality" for SALT II which the parties agreed to "further consider[] with a view to finding mutually acceptable language."[45] Moreover, the Administration agreed to "give full support to the agreed joint resolution" and pledged that "the full lobbying activities of the Administration will be devoted to securing its passage both on the merits and in preference to any other resolution on the same subject."[46] Finally, perhaps to ensure that Jackson received the recognition for shaping national security policy, the Administration agreed to support the amendment and to make every effort to secure the co-sponsorship of the Minority Leader, Senator Hugh Scott (R.-Pa.), but not to push the amendment as "an Administration resolution per se."[47] In short, the White House chose neither to oppose nor to remain ambivalent about Jackson's amendment. Instead, it adopted the policy of "if you can't beat him, join him," offering the Senator an outright endorsement.

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[44]"Memorandum of Understanding," July 27, 1972, Jackson Papers, 3560-6, Box 9, Folder 120. As chapter six discusses, the process of negotiating a formal, written agreement of compromise between Jackson and the Administration was repeated with the Jackson-Vanik Amendment to the Trade Act of 1974.

[45]Ibid. As detailed below, additional revisions were made to the text of the Amendment at a later date.

[46]Ibid.

[47]Ibid.

Although the memorandum did not denote an explicit *quid pro quo*, one can reasonably infer that Jackson's change of heart on Trident was not mere coincidence.[48] On the same day, July 27, Senator Bentsen introduced his Trident amendment on the Senate floor. Just prior to the vote, Jackson took the floor to announce that he now would oppose the amendment that he had supported in committee the previous month. In his statement, Jackson explained,

> Only in the last few hours -- and then after intensive investigation and discussion with Administrative officials -- have I been able to resolve my doubts in favor of proceeding with the accelerated TRIDENT program and in opposition to the amendment of my good friend the very able Senator from Texas.[49]

Deprived of Jackson's influential support, Bentsen's amendment was defeated, 47 to 39, thereby securing an important victory for the Administration.[50]

Whether Jackson switched his vote on the basis of the Administration's argument that the accelerated Trident was necessary to America's deterrent posture, as he asserted in his July 27 statement,[51] or as a *quid pro quo* for Nixon's endorsement of the Jackson Amendment to SALT I remains uncertain. Both reasons could reasonably have figured in his decision. Jackson attributed his hesitation on the accelerated Trident to a concern about a premature freezing of its design.[52] In that respect, and in all others including his conclusion to press ahead with the

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[48]Indeed, Richard Perle later stated that he and Jackson "had threatened to hold funding for the Trident submarine hostage." Isaacson, Kissinger, p. 622.

[49]Jackson, "Statement on Trident Program," July 27, 1972, Jackson Papers, 3560-6, Box 9, Folder 118.

[50]Congressional Record, July 27, 1972, p. 25702.

[51]Jackson, "Statement on Trident Program."

[52]Ibid.

program, his July 27 statement appears consistent with his views over time. Still, it remains difficult to explain his committee vote.

If Jackson was bluffing, however, it appears that he succeeded in convincing the Administration. In his memoir of SALT I, Gerard Smith noted his astonishment at the Administration's endorsement of the Jackson Amendment and questioned the White House Chief of Staff, General Alexander Haig, "as to why the Administration in effect was thus vomiting on its own much-vaunted SALT freeze agreement."[53] Haig's reply, Smith notes, "was hard to believe. It had to be done to assure Jackson's vote in favor of the new Trident sub program."[54] In the end, whatever their motives, both the Administration and the Senator got what they had wanted. Nixon, with Jackson's support, got his submarine and his SALT accord; Jackson, with the President's blessing, put his imprint on future arms control negotiations.

On Thursday, August 3, Senator Jackson introduced his amendment to the resolution authorizing the Interim Agreement (S. J. Res. 241). The text of the amendment which Jackson placed before the Senate consisted of three substantive points: (1) a rather blunt reference to the possibility that Soviet missile deployments could trigger the provision of the Interim Agreement that allowed either side to withdraw in the event of a threat to its supreme national interests; (2) a provision calling upon the President to negotiate a more permanent and comprehensive treaty embracing the concept of equality of intercontinental strategic forces, as reflected in the ABM Treaty; and (3) a brief statement endorsing research, development, and modernization of U.S. strategic weapons. A large number of senators, including Minority Leader Scott, quickly joined

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[53]Smith, Doubletalk, p. 442.

[54]Ibid.

as co-sponsors, while a few senators, including Foreign Relations Committee Chairman Fulbright, expressed surprise, and even concern, regarding Jackson's apparent coup.[55] The Senate Foreign Relations Committee already had unanimously approved both the ABM Treaty and the Interim Agreement, reporting both to the Senate floor without reservations of any kind. When advised of Jackson's pending amendment, Fulbright commented that he was not taken aback by Jackson's actions, but rather by the news that President Nixon was in agreement with the junior senator from Washington.[56]

Although the White House apparently had signed off on the language of all but the second provision, concern over Soviet reaction to the section referring to "supreme national interests" prompted the Administration to backpedal after Jackson formally introduced the amendment. A State Department analysis, dated August 3, had concluded that the proposed amendment did not legally affect the terms of the Interim Agreement,[57] but Nixon and Kissinger could not be sure that such an opinion would prove persuasive to their Soviet counterparts. Accordingly, Jackson and Kissinger, and their respective staffs, continued bargaining over the text of the amendment through the ensuing weekend.[58] Neither side felt particularly confident of victory without the

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[55]See Platt, The US Senate and Strategic Arms, pp. 27-29; Schulzinger, Henry Kissinger, pp. 72-74 for brief accounts of the Senate debates on the Jackson Amendment to SALT I.

[56]Fulbright, quoted in Platt, The US Senate and Strategic Arms, p. 27.

[57]Department of State letter, "Legal Aspects of Amendment Proposed by Senator Jackson to S.J. Res. 241," August 3, 1972, Jackson Papers, 3560-6, Box 9, Folder 122.

[58]See Platt, The US Senate and Strategic Arms, p. 28. Apparently, the principal negotiators were John Lehman of the National Security Council staff (later Secretary of the Navy under President Reagan) and Richard Perle of Senator Jackson's staff (later Assistant Secretary of Defense for International Security under Reagan).

support of the other, thus, perhaps unsurprisingly, the two sides reached another satisfactory accord.

On Monday, August 7, Jackson returned to the Senate floor with a softer version of his amendment. References to the circumstances under which the United States might feel obliged to withdraw from the agreement had been toned down considerably and the language about equality in future agreements had been finessed, thereby ensuring that the Soviets, however grumblingly, would stick with the deal. The text of the new (and final) version read as follows:

> The Government and the people of the United States ardently desire a stable international strategic balance that maintains peace and deters aggression. The Congress supports the stated policy of the United States that, were a more complete strategic arms agreement not achieved within the five years of the interim agreement, and were the survivability of the strategic deterrent forces of the United States to be threatened as a result of such failure, this could jeopardize the supreme national interests of the United States; the Congress recognizes the difficulty of maintaining a stable strategic balance in a period of rapidly developing technology; the Congress recognizes the principle of United States-Soviet Union equality reflected in the antiballistic missile treaty, and urges and request the President to seek a future treaty that, inter alia, would not limit the United States to levels of intercontinental strategic forces inferior to the limits provided for the Soviet Union; and the Congress considers that the success of these agreements and the attainment of more permanent and comprehensive agreements are dependent upon the maintenance of a vigorous research and development and modernization program leading to a prudent strategic posture.[59]

On the morning of August 7, prior to Jackson's speech, the White House had issued a statement praising both the Senator and his amendment, but stopping short of a formal endorsement of the latter. This statement declared the Administration to be "in sympathy" with Jackson's purpose of insuring "the broadest possible understanding of and support for" the Interim

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[59]Congressional Record, September 14, 1972, p. 30623.

Agreement.[60] The White House also lavishly complimented the Senator, noting that "[i]n view of Senator Jackson's prestige as an authority on defense and strategic matters and his questions about some aspects of the Interim Agreement we are gratified at his willingness to support the agreement and we worked with him to that end."[61] On August 9, Ron Ziegler, White House Press Secretary, clarified the Administration's view, stating that "[w]e endorse the Jackson Amendment . . . but we do not endorse separate elaborations of that amendment. We feel the amendment, as offered, speaks for itself."[62] Finally, two days later, Secretary of State Rogers also chimed in with his endorsement, stating that the amendment "expresses a view of Congress and is consistent with the view of the Administration."[63]

The Administration's well-publicized approval of the amendment greatly advanced Jackson's efforts to enlist a Senate majority, and proved especially persuasive with moderate Republicans. Opponents of the amendment, on the other hand, grew understandably annoyed at the formidable Jackson-Nixon alliance. Senator Church, for example, quipped, "The Senator from Washington opened his mouth and the President crawled right in. The Senator should not underestimate his power."[64] Following a lengthy debate on the merits of the amendment, during

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[60]White House Statement, August 7, 1972, reprinted in Congressional Record, August 15, 1972, p. 28234 (remarks of Senator Fulbright).

[61]Ibid.

[62]Excerpt from transcript of White House news conference, August 9, 1972, reprinted in Congressional Record, August 14, 1972, p. 28054 (remarks of Senator Jackson).

[63]Excerpt from Secretary of State Rogers' press conference, August 11, 1972, reprinted in Jackson Papers, 3560-6, Box 9, Folder 136.

[64]Congressional Record, August 11, 1972, p. 27949.

which several senators attempted unsuccessfully to gain approval of less specific substitute amendments, the Jackson-Nixon position prevailed by a vote of 56 to 35.[65] The amendment easily passed in the House and became the only item of policy guidance in the very brief (3 pages) resolution of ratification signed by the President at a White House ceremony on September 30.

D. The Jackson Amendment to the Interim Agreement: Impact and Rationale

The Jackson Amendment to the SALT I Interim Agreement actually had very little to do with SALT I. Indeed, Jackson openly admitted that "[m]y amendment affects the future; it does not affect the agreement."[66] As Alton Frye has noted, "Seemingly innocuous on its face, the Jackson Amendment was a sophisticated maneuver to enhance the leverage which [Jackson] and the Armed Services Subcommittee on SALT would have on future strategic arms negotiations."[67] Jackson's bid for influence, made in the form of his amendment, took aim at the perceived defects of both the negotiating process and the substantive content of the recently concluded agreement.

In regard to process, the amendment signalled to the Administration that the Senate, and Jackson in particular, expected more meaningful consultation in the next phase of SALT. Thus, in his August 3 speech, Jackson presented his amendment as an opportunity for Congress to "give the advice without which our consent becomes mere acquiescence."[68] The amendment, he added,

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[65]Congressional Record, September 14, 1972, p. 30649.

[66]Jackson, statement on Senate floor, Congressional Record, August 11, 1972, p. 27941.

[67]Alton Frye, "U.S. Decision Making for SALT," in Mason Willrich and John B. Rhinelander, eds., SALT: The Moscow Agreements and Beyond (New York: Free Press, 1974), p. 97.

[68]Jackson, "Statement on Amendment to S. J. Res. 241," Jackson Papers, 3560-6, Box 9, Folder 121.

aimed to "bring into full partnership with the Administration a Senate determined to meet its constitutional responsibility and to play its rightful role in advising on the arrangements now before us."[69] As the Senate's expert on national security affairs, Jackson correctly presumed that greater executive-legislative consultation would enhance his personal influence on weapons deployments and arms control efforts.

Substantively, the amendment served as a marker for future SALT agreements, thereby limiting the concessions that executive branch officials could make in forging a treaty that could obtain Senate approval. Briefly stated, the amendment gave notice that "the numerical advantages conceded to [the Soviets] in the interim agreement are not permissible except as a transitory stage to equal balances,"[70] though, as we will see shortly, the definition of "equal" remained somewhat elusive. By providing "an expression from Congress as to what are our expectations for the second stage of SALT,"[71] amendment supporters, including Jackson, suggested that they were strengthening the President's bargaining position as well as enhancing the likelihood of an early agreement with the Soviets.[72] From this view, American negotiators could rebuff unacceptable Soviet proposals by credibly arguing that any treaty containing unequal provisions would be rejected by the United States Senate. And, indeed, the success of the amendment itself demonstrated that Jackson could, and would, lead a coalition of Senators

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[69]Ibid.

[70]Ibid.

[71]Congressional Record, August 15, 1972, p. 28222 (statement of Senator Bentsen).

[72]For an expression of this view, see Jackson's comment in the Congressional Record, August 11, 1972, p. 27941.

(thirty-four would suffice) against future imbalanced deals with the Soviets. But, as Kissinger and Nixon quickly might have added, the underlying negotiating posture advocated by Jackson and his allies surely would not yield an acceptable agreement unless Congress put its money where its mouth was by implementing the research, development, and modernization pledge of the Jackson Amendment.

The Jackson Amendment left unresolved one critical matter: what precisely did its mandate for "equality" mean? At the time of enactment, neither the legislative nor executive branches had reached a firm consensus. Most senators used one of two broad definitions: equality in terms of launchers plus throw-weight (the Jackson view) or equality based on a complex mixture of factors including technology, accuracy, geography, and forward-based systems, in addition to launchers and throw-weight (the view of Senators Church, Cooper, Cranston, and Fulbright).[73] The executive branch divided along similar lines -- with Kissinger arguing for the complex definition. Settling on an authoritative interpretation of the Jackson Amendment, as we shall see in chapter five, would become one of the first tasks in formulating a negotiating position for SALT II.

This (temporary) ambiguity notwithstanding, the passage of the Jackson Amendment would prove to be a decisive moment in the evolution of U.S. arms control policy. Had the Senate merely rubber stamped the Interim Agreement, as it did with the ABM Treaty, Nixon's and Kissinger's willingness to preserve the nuclear balance through offsetting quantitiative asymmetries and supposed qualitative differences may have become institutionalized. Instead,

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[73]See Bruce W. MacDonald and John B. Cogdell, "Senate Understanding of Strategic Equality," report prepared by System Planning Corporation for Defense Department SALT Support Group, September 4, 1973, available in Jackson Papers, 3560-6, Box 23, Folder 55.

after a skirmish between the various national security agencies, the Administration settled on a definition of equality that closely reflected Jackson's views, thereby indicating that the Senator was driving the arms control policy of the United States. Thereafter, for the better part of two decades, both American and Soviet negotiators endeavored to comply with the dictates of Jackson's timely intervention.

To be sure, Jackson genuinely did find the technical aspects of the Interim Agreement troubling. As noted above, his immediate concern was not so much that the Soviets would launch a first strike against an inadequate U.S. ICBM force. Though theoretically possible, Jackson remained confident that the American deterrent was secure, and would continue to be so provided that the United States retained the aggressive research, development, and modernization program called for in the Jackson Amendment. Instead, Jackson's principal concern was that the nuclear balance reflected in the Interim Agreement would give rise to a *perception* of Soviet superiority that could, in turn, lead to American diplomatic setbacks without a weapon being fired.[74] Emboldened by having achieved at least parity, if not superiority, in strategic weapons, the Soviet Union of Jackson's nightmares would provoke localized conflicts with an underconfident United States and its allies, resulting, at least on some occasions, in an unfavorable shift in the global balance of power.

But there was far more to Jackson's vigorous opposition than a technical concern about the strategic and geopolitical ramifications of SALT I. Indeed, the Jackson Amendment not only aimed to slow the pace of arms control, but also of detente in general -- and to push both in an

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[74]Jackson, statement on Senate floor, in Congressional Record, August 14, 1972, p. 28036.

altogether new direction. Chapter 3 noted that arms control for Nixon and Kissinger was simply a building block, albeit an important one, in their putative "structure of peace." Accordingly, for purposes of selling detente to the electorate (and to the Soviets), the fact of an arrangement appeared more important to Nixon and Kissinger than its specific contents.[75] Unfortunately for them, Senator Jackson did not share their high hopes for detente.

To the contrary, Jackson feared that the euphoria surrounding the achievements of the Moscow summit would further sap America's resolve to press ahead with the geopolitical and ideological containment of Soviet expansionist tendencies. Still faithful to the tenets of liberal internationalism, Jackson continued to preach the intimate connection between "the relative power relations between the two great powers" and the condition of individual human dignity around the world.[76] From his view, Nixon's and Kissinger's willingness to forsake the ideological struggle in pursuit of detente was anathema, but at least they had not abandoned the geopolitical fight as well.

Even worse, to Jackson's mind, was the truly dangerous attitude adopted by some of detente's most fervent supporters -- primarily in the media, academic community, and Congress -- who appeared, at least to Jackson, to believe that detente would just happen if they wanted it badly enough. This group's near-obsession with arms control, as Kissinger later noted, generated Jackson's "deep[] and very valid concern" about the viability of "*any* serious defense policy."[77]

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[75]See Schulzinger, Henry Kissinger, p. 74.

[76]See e.g., Jackson, statement on Senate floor, in Congressional Record, August 14, 1972, p. 28037.

[77]Kissinger, Diplomacy, p. 750.

Senators such as Fulbright, for example, noted that the purpose of SALT agreements is to "build up trust" with the Soviet Union and to "create a climate" in which nuclear weapons will not be used. Fulbright further commented that Senator Jackson "does not have respect for the Russians" and that his amendment was "dangerous" in that it "is bound to create doubts among the Russians as to our good faith."[78]

Whether Jackson actually respected the Soviets is, of course, beside the point. Surely he did not trust them, nor, in view of their domestic practices, did he find them to be suitable members of the international community. A relaxation of tensions, in an effort to build trust with the Soviets, seemed a doubtful and risky experiment to Jackson. The Jackson Amendment to the Interim Agreement represented the first of several legislative maneuvers designed to block that experiment. With only the Senate doves -- who so recently had relentlessly castigated Nixon's Vietnam policy -- wholeheartedly defending the Interim Agreement, Jackson constructed an amendment whose language appealed to the center and right of the Senate yet remained sufficiently gentle that the Administration would choose to endorse it as a way of protecting its right flank rather than oppose it to appease either the domestic left or the Soviets. Jackson's skillful exposition of the techinical flaws of the Interim Agreement, in process as well as outcome, greatly facilitated the task of building a majority coalition in support of his amendment. Further aided by the agreement's "inequality" -- one of those code words that, as Kissinger later recalled, "create their own reality"[79] -- Senator Jackson used his mastery of the details of the agreement

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[78]Congressional Record, August 11, 1972, pp. 27940-27941 (remarks of Senator Fulbright).

[79]Kissinger, Diplomacy, p. 749.

to transform the baseline for SALT II, a development that would have consequences not only for arms control, but also for detente writ large.[80]

Even before the ink had dried on President Nixon's signature on the legislation authorizing the Interim Agreement, Senator Jackson apparently undertook a further effort to ensure that SALT II more closely reflected his policy preferences than had SALT I. Immediately following the signing ceremony, Jackson and Nixon conferred alone in the White House Rose Garden for approximately forty minutes.[81] According to several sources, one of the principal subjects of their discussion was the composition of the United States SALT delegation.[82] These sources report that Jackson severely criticized both the SALT negotiators and their collaborators at the Arms Control and Disarmament Agency (ACDA), assigning a large share of the blame for an inferior SALT I accord to them and urging the President to choose a new team for the next round.

Regardless of what was said (or not said) in the Rose Garden,[83] Jackson's public

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[80]The conclusion of chapter three of Schulzinger's Henry Kissinger, pp. 72-74 was helpful in placing the Jackson Amendment in perspective.

[81]See Ognibene, Scoop, p. 210; Platt, The US Senate and Strategic Arms, p. 29.

[82]Duncan L. Clarke, Politics of Arms Control: The Role and Effectiveness of the U.S. Arms Control and Disarmament Agency (New York: Free Press, 1979), pp. 50-52; Ognibene, Scoop, pp. 210-211; Platt, The US Senate and Strategic Arms, pp. 29-30; Ronald E. Powaski, March to Armageddon (New York: Oxford University Press, 1987), pp. 146-147. Nixon and Jackson also are reported to have discussed a temporary compromise on the Senator's proposed amendment to the Administration's trade bill, which came to be known as the Jackson-Vanik Amendment. See Thornton, The Nixon-Kissinger Years, pp. 296-297. Chapters six and seven will focus extensively on that amendment and its impact on U.S.-Soviet relations.

[83]Richard Perle, Jackson's chief arms control assistant during the 1970s, insisted that neither he nor his boss had any role in the "purge" of the ACDA and SALT officials. See Platt, The US Senate and Strategic Arms, p. 36 n.80.

pronouncements also made perfectly clear his dissatisfaction with the American government's arms control professionals. During the SALT hearings, Jackson clashed repeatedly with General Royal Allison, the military representative on the U.S. delegation, over the potential vulnerability of the Minuteman ICBM force during the period of the Interim Agreement. Allison's failure to press the "military position" with sufficient vigor, it seems, angered Jackson to the point that the Senator pushed for Allison's dismissal.[84] Later, in a well-publicized November 1972 address to the Military Committee of the North Atlantic Assembly, the Senator more broadly charged that "minimum deterrence is the orthodoxy of the arms control community that planned and negotiated the American side of the Moscow accords."[85]

The obvious incongruity of minimum deterrence and strict numerical equality put Jackson in conflict with the U.S. negotiators, as he perceived them. The Jackson Amendment had been his first attempt to gain the upper hand; pressuring Nixon -- whether publicly, privately, or both -- to revise his negotiating team evidently became the second. Judging from his public statements, it appeared that Jackson placed greater blame on Nixon's subordinates in Helsinki, Vienna, and Foggy Bottom than on the President himself. This distribution of fault did not sit well with Ambassador Smith, who wrote a letter to Jackson implying rather strongly that the Senator's invective was directed at the wrong parties. "The SALT delegation," wrote Smith, "was tightly controlled at every step by the White House, with strong assists from the other Washington

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[84]See Clarke, Politics of Arms Control, pp. 50-51; Hersh, Price of Power, p. 559 n.*; Nitze, From Hiroshima to Glasnost, p. 334; Ognibene, Scoop, pp. 205-214; Smith, Doubletalk,
p. 443.

[85]Jackson, address to Military Committee of the North Atlantic Assembly, November 21, 1972, quoted in Ognibene, Scoop, p. 211.

agencies involved."[86] What Smith did not say, but what Jackson doubtless knew, was that the inferior numbers and apparent loopholes to which the Senator objected were negotiated and approved not by the SALT delegation in Helsinki, but by Nixon and Kissinger in Moscow.

Perhaps, as Ognibene suggests, Jackson was simply looking for a scapegoat and the SALT delegation presented a more attractive target than the still-popular Nixon and Kissinger.[87] More charitably, it may be that by lambasting Nixon's negotiators while sparing the President himself, especially at the close of an election campaign, Jackson intended to preserve his influence with the White House while signalling that changes would have to be made to ensure his continuing support. Moreover, even if Jackson "never believed that these large issues of policy were settled by the Ray Garthoffs or the Royal Allisons,"[88] he probably did believe that a different negotiating team could improve the chances of an acceptable SALT II agreement. In particular, given Jackson's well-developed ties to the Pentagon, the Senator may have felt that a more forceful military representative might force the Administration to think twice before making the type of politically-motivated concessions that, in Jackson's view, had characterized the "endgame" of SALT I.

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[86]Letter from Ambassador Gerard Smith to Jackson, December 18, 1972, Jackson Papers, 3560-5, Box 105, Folder 4.

[87]Ognibene, Scoop, pp. 205-216.

[88]Hersh, Price of Power, p. 559.

Whether Jackson actually engineered the "purge", as some have charged,[89] or simply signalled to the White House that such a course would meet with his approval, Nixon willingly served up the heads of the ACDA and SALT officials who had served during his first term. During the early months of Nixon's second term, fourteen senior arms control officials either resigned, were dismissed, or were reassigned.[90] Moreover, many of the new appointees, including General Edward L. Rowny, an longtime friend and ally of Jackson's who assumed Allison's position, and Fred Ikle, a former associate of Perle's at the Rand Corporation who became ACDA director, shared Jackson's skepticism toward agreements with the Soviets and formed a significant "Jackson clique" within the arms control community.[91] Finally, in a maneuver that seemingly served both Jackson's and Kissinger's purposes -- the former desiring to limit the supposed influence of the professional "arms controllers", the latter wishing to eliminate potential bureaucratic opponents -- Nixon reduced both the staff and the budget of ACDA.[92]

Although the precise extent of Jackson's role in prompting the shake-up remains unclear,[93] it can be said with reasonable certainty that it served both his and Nixon's purposes. From

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[89]See, e.g., the statement of Joseph Kruzel, a participant in SALT I, in Congressional Quarterly, June 15, 1974, p. 1546: "It is a poorly kept secret in Washington that a mini-purge was conducted by the White House, at Senator Jackson's urging, in a deliberate attempt to start SALT II with a new team of officials unsullied by association with SALT I." Quoted in Platt, The US Senate and Strategic Arms, p. 29.

[90]Hersh, Price of Power, p. 559.

[91]Clarke, Politics of Arms Control, p. 54.

[92]Alan Platt, "The Anti-Ballistic Missile Treaty," in Krepon and Caldwell, eds., Politics of Arms Control Treaty Ratification, p. 260; Powaski, March to Armageddon, pp. 146-147.

[93]Neither Nixon nor Kissinger comment on the "purge" in their respective memoirs.

Jackson's perspective, the new negotiators enhanced the likelihood that United States policy would reflect the congressional guidance offered by the Jackson Amendment to the Interim Agreement. From Nixon's view, the turnover presented a opportunity to shift some of the blame for the deficiencies of SALT I onto the old negotiators while placating Jackson, whom Nixon continued to view as a critical ally for his second term foreign policy.[94]

Throughout his first term as President, Nixon carefully cultivated his *de facto* alliance on national security matters with Senator Jackson. With Jackson's assistance, the Nixon Administration's foreign policy dramatically and substantially reshaped American relations with heretofore bitter rivals, China and the Soviet Union. Nixon's international achievements, in turn, contributed to his landslide re-election over Senator George McGovern (D.-S.D.) in the November 1972 election. But, while Jackson's cooperation eased the path for Nixon, the President did (and would continue to) pay a price for his smooth ride.

Over the course of Nixon's first term, Jackson persistently accumulated means of influencing, both formally and informally, the course of American policy toward the Soviet Union. Through a combination of seniority, expertise, committee assignments, and initiative, Jackson ensured that both military appropriations and arms control agreements either had to gain his approval or face a high likelihood of defeat. Jackson also took full advantage of his personal connections in the professional military bureaucracy, carefully cultivated over three decades in Congress, to obtain information and to influence policy subtly through timely and well-placed communications.

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[94]Jackson's potential support would become even more critical after the election, in which the Republicans lost two seats in the Senate despite Nixon's wide margin of victory. See Nixon, RN: Memoirs, p. 715.

In the space of four years, Jackson parlayed his already substantial influence on national security affairs into a virtual congressional fiefdom by initially investing heavily in Nixon's policies, and then paring down his commitment to the President slowly but not completely in 1972. Indeed, by the end of 1972, Jackson had demonstrated an ability to exercise, in effect, a veto over U.S. arms control policy vis-a-vis the Soviet Union. The Jackson Amendment to the Interim Agreement put the Senate on record as favoring Jackson's parameters for a SALT II accord; the adoption of "a simple amendment demanding equality made the best out of a bad bargain while positioning its author to become the arbiter of subsequent agreements."[95] The vote on the Trident submarine program, like prior votes on the Safeguard ABM system, again showed that Jackson views on such matters carried substantial weight with his colleagues -- perhaps enough to sway the final decision one way or the other. The shake-up of the ACDA and SALT bureaucracies illustrated the reach of Jackson's influence in that the President apparently was willing to conform his executive appointments to the Senator's preferences. Moreover, the Administration's readiness to compromise with, and even to make concessions to, Jackson across this range of sub-issues further reinforced the Senator's power and prestige in national security matters. Finally, the cumulative effect of Jackson's successful bids to influence policy -- the SALT I amendment, the Trident bill, the purge of ACDA and the SALT delegation, and, on another front, his amendment to the trade bill (see chapters six and seven) -- made future Jackson threats all the more credible.

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[95]Krepon, "Conclusions," in Krepon and Caldwell, eds., supra, p. 441.

CHAPTER FIVE: NEGOTIATING IN THE SHADOW OF JACKSON AND HIS AMENDMENT -- NIXON, FORD, CARTER AND THE ROAD TO SALT II

A. Preparations for SALT II: Equal Aggregates or Offsetting Asymmetries?

The SALT II negotiations formally began in November, 1972. The American negotiating position, however, remained in a state of flux for some time after the talks resumed. Tensions between Congress and the White House and tensions within the executive branch itself contributed to the Administration's inability to reach an early consensus on SALT II. As always, American policymakers confronted the need to reconcile competing interests behind a single position. But, in the "years of upheaval", as Kissinger called them, the Administration faced an unusually diverse array of obstacles to a unified policy.

Much of the confusion over American arms control policy can be ascribed to the contradictory signals emanating from Congress. On the one hand, as the United States wound down its long involvement in Vietnam, Congress remained highly sensitive to the size of the military budget. Nixon's promise to accelerate the development of the next generation of strategic weapons, the price exacted by the Pentagon and the Joint Chiefs for their tepid endorsement of SALT I, only "reinforced the view of liberals that Nixon had engaged the Soviets in SALT only to gain time to build new offensive weapons, not to end the nuclear arms race."[1] Following a March 1973 breakfast with key senators, President Nixon reported his gloomy conclusion to the National Security Council. On military matters, the President recounted, "The Senate, with the exception of Senators Jackson and Tower, simply won't back us."[2]

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[1]Powaski, March to Armageddon, p. 145.

[2]Nixon, quoted in Kissinger, Years of Upheaval, p. 262.

Although Nixon and Kissinger successfully obtained the appropriations for Trident and the cruise missile, they correctly concluded that an American military buildup on the order necessary to redress the imbalances of SALT I was not a reasonable prospect. Yet, the same Senate, less than a year before, had mandated that the Administration seek a SALT II treaty on the basis of "equality", however ill-defined that term remained. As Kissinger presciently observed,

> What gave the national debate its nightmarish quality was that each issue seemed to produce its own constitutuency with no obvious logical relationship to any other. The majority for the Jackson Amendment did not necessarily back a strong defense. But perversely the anti-defense majority would not rally behind the negotiations on strategic arms limitations, which became even more controversial than the efforts to strengthen our defenses.[3]

Jackson, as Kissinger recognized, "had distinguished himself on the ramparts of the anticommunist struggle, as he would do again; the same could not always be said of many of his recruits, whose sincerity we doubted far less than their staying power."[4]

In addition to the seemingly contradictory position adopted by Congress, the formulation of an American negotiating position was further complicated by an intramural squabble within the Administration over how to satisfy the Jackson Amendment's mandate of "equality" in SALT II. With President Nixon's time and energy increasingly consumed by the Watergate crisis,[5] this dispute lingered without a final arbiter, leading to a temporary paralysis. On the one side,

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[3]Kissinger, Years of Upheaval, p. 1006.

[4]Kissinger, Diplomacy, p. 756.

[5]See, e.g., Kissinger's description of Nixon's inability to focus on the arms control discussion at the National Security Council meeting on March 8, 1973 in Years of Upheaval, pp. 267-268.

Kissinger and the State Department (which he soon would head), focusing on Congress' unwillingness to match Soviet strategic deployments, advocated achieving equality through "counterbalancing asymmetries."[6]

Kissinger's position acknowledged the diverse weapons, accumulated over decades of independent procurement decisions in Washington and Moscow, lumped together in SALT and insisted that exact numerical equality could not be achieved. Moreover, even if exact equality were possible in theory, Kissinger and his bureaucratic allies argued that the Soviets would resist bargaining away some of their prized weapons, such as heavy missiles, for which the Americans had no equivalent. Echoing the arguments of congressional opponents of the Jackson Amendment, Kissinger insisted that the strategic balance would remain intact because of offsetting asymmetries; for example, the Soviet throw-weight advantage could be offset by more accurate and less detectable SLBMs.[7]

On the other side, the Pentagon and the Joint Chiefs leaned toward a SALT II position more in line with Senator Jackson's interpretation of his amendment. The Pentagon and Joint Chiefs, as Kissinger understood, "faced an impossible choice: between their convictions, or at least their loyalty to the Administration, and the imperative that they needed Jackson's support on key issues, programs, and personnel choices."[8] By the end of April, 1973, the military representatives evidently had resolved their dilemma in favor of siding with Jackson. In taking

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[6]See ibid., pp. 1012-1017; Strobe Talbott, Endgame: The Inside Story of SALT II (New York: Harper & Row, 1979), pp. 31-32 (paperback edition).

[7]Kissinger, Years of Upheaval, pp. 1012-1020.

[8]Ibid., p. 1007; see also p. 263.

the position of "equal aggregates in every category and every weapons system, no matter how different the design of our forces from that of the Soviets," the Pentagon and the Joint Chiefs demonstrated that, as Kissinger put it, "they were more afraid of the lash of Senator Jackson than of aborting the negotiations on SALT."[9] And, indeed, as we shall see shortly, they appear even to have "out-Jacksoned" Jackson.

How to force the Soviets unilaterally to reduce their strategic forces in order to reach equal aggregates, Kissinger remarked sardonically, "was generously left to my discretion."[10] Nevertheless, in May, 1973, advocates of equal aggregates received an additional boost when James Schlesinger was appointed Secretary of Defense. Schlesinger was favorably disposed to proceeding with SALT II along the lines of the Jackson Amendment, and, in fact, developed an increasingly close relationship with Senator Jackson. The two initially worked together to strengthen American military capabilities and to revise American strategic and tactical defense doctrine,[11] and later reached an accord with respect to SALT II that would undercut Kissinger's flexibility in the ongoing negotiations.

While the executive branch agencies sorted out their SALT II deadlock, Senator Jackson continued his critical review of SALT I. In a February, 1973, speech at the University of North Carolina, Jackson charged that "our negotiators never truly grasped the fact that the Soviet view

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[9]Ibid., p. 270 & p. 1013.

[10]Ibid., p. 265.

[11]Kissinger notes with approval the Schlesinger-Jackson alliance on these matters. See ibid., p. 1154.

of the talks was entirely different from the U.S. view."[12] By way of illustration, the Senator offered four lessons from SALT I. First, he urged the Administration to articulate where SALT fit into its conception of the larger strategic and political objectives of the United States. Second, recalling the rushed conclusion of SALT I, he emphasized the need to stand firm, year after year if necessary, because "the side that appears to want the agreement the most will end up paying more to get it." Third, he faulted the Administration for using "negotiability" as an initial criterion for the formulation of the U.S. position. This, Jackson believed, unnecessarily ruled out bold, yet sensible proposals because of artificial timetables.

Lastly, again making veiled reference to the Moscow summit, Jackson recommended that the U.S. "separate negotiations abroad from the demands of politics at home."[13] In sum, Jackson counseled the Administration to stop treating SALT as a cooperative endeavor and to start approaching it as an arena of political competition. In what would appear to be an odd juxtaposition, at least on the surface, Jackson urged Kissinger and the U.S. negotiators to take a more hard-headed, national interest-based view of the SALT process. Otherwise, he argued, "we will delude ourselves about what we are accomplishing in the talks and our strategic position will deteriorate even further."[14]

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[12]Jackson, "International Negotiation and the Future of Arms Control," speech to the Carolina Forum and the Curriculum in Peace, War, and Defense," University of North Carolina, Chapel Hill, February 28, 1973, Jackson Papers, 3560-6, Box 10, Folder 4.

[13]Ibid.; see also Henry M. Jackson, "We Must Not Mismanage SALT II," 19 Freedom at Issue 2-3 (May-June 1973).

[14]Ibid.

In December, 1973, Jackson offered yet another analysis of the SALT process, and this time he also put forward a proposal of his own. He expressed disappointment, but not surprise, that SALT II had reached an impasse without making much progress. Noting the difficulties of negotiating with longtime allies, with whom relations had reached a nadir in late 1973 largely because of different views of the October war in the Middle East, Jackson noted that the far more contentious U.S.-Soviet relationship was even less likely to yield positive results in the near-term. Jackson also rehashed his standard criticisms of the imbalances of the Interim Agreement, comparing it to a "stand-off between an American lightweight at the top of his form and a Soviet heavyweight, ill-trained and out of condition."[15]

Like Nixon and Kissinger, Jackson had hoped that the five-year Interim Agreement would enable the United States to "bulk up" while the Soviets, as Jackson had predicted, narrowed the technology gap. Not only had the Soviets developed MIRV capability in the eighteen months since the Moscow summit, but they also had produced a new generation of heavy missiles armed with that new technology. Continuing his boxing metaphor, Jackson warned of the dangers that these ominous trends portended. "[T]he sluggish Soviet heavyweight can get into shape," the Senator noted, "while we remain, however agile, lightweight by comparison. It is here that politics -- call it psychology if you will -- is affected by strategic strength: for no lightweight in his right mind would enter the ring under such circumstances, so that the match could easily go by default."[16]

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[15]Jackson, "SALT: An Analysis and a Proposal," statement on Senate floor, December 4, 1973, Jackson Papers, 3560-6, Box 49, Folder 19.

[16]Ibid.

Jackson's SALT proposal reflected his belief that a stable nuclear balance should be achieved on the basis of equal *and reduced* aggregates in launchers and throw-weights. The Jackson proposal encompassed land-based ICBMs and submarine-launched ICBMs, both of which were included in SALT I, and strategic bombers, which were not included in the previous accord. Overall, Jackson suggested a ceiling of 1,760 launchers or delivery vehicles, which he subdivided at 800/560/400 respectively. In contrast to the position of the Pentagon and the Joint Chiefs, Jackson explicitly recognized that the two sides historically had chosen different strategic force structures. Accordingly, he would have permitted a "mix and match" approach to the composition of each nation's triad, "so long as the aggregate total of intercontinental strategic launchers was 1,760 or less."[17] Finally, Jackson proposed that the two SALT delegations negotiate a formula for varying the basic numbers that would bring the throw-weights of the two intercontinental strategic forces into approximate equality.

Fundamental to the Jackson approach was an emphasis on moving "in the direction of further reductions rather than upward adjustments."[18] Indeed, since the Moscow summit Jackson had urged that the discussions on offensive armaments follow the example of the ABM Treaty limiting defensive weapons. That agreement, Jackson recalled, stipulated equality -- two missile sites for each side -- and required one side, the United States, to dismantle an existing ABM battery to comply with the terms of accord.[19] Moreover, a strategic balance achieved at lower

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[17]Ibid.

[18]Ibid.

[19]Senator Jackson made this suggestion during the debate over the Interim Agreement, see Congressional Record, August 14, 1972, p. 28057, and reiterated the point throughout the SALT II process, see, e.g., Henry M. Jackson, "SALT: Arms Reduction or Arms

force levels ought to be pressed upon the Soviets as an opportunity to divert resources from the military to the consumer sector of the economy. At a time when the Soviets appeared to be seeking American economic assistance in the form of capital, subsidized grain transactions, and advanced technology transfers -- all of which Jackson, by the way, opposed -- the Senator believed that such an argument might eventually prove persuasive.

After months of deliberation, the executive branch temporarily resolved to remain unresolved. In order to meet the February 19, 1974, deadline for the next round of negotiations, the Administration "came up with a position that gave everybody what he wanted -- usually the best proof that consensus was replacing a coherent strategy."[20] The American position, embodied in National Security Decision Memorandum (NSDM) 245, called for equal aggregates of missiles and bombers, a ceiling of 2,350 delivery vehicles, and equal throw-weights for MIRVed launchers. As Robert Thornton commented, NSDM 245 recognized the "futility of further attempts to limit Soviet programs" and the congressional directive "requiring equality for both American and Soviet systems in future negotiations."[21]

Although NSDM 245 memorialized an executive branch decision, Jackson managed to make his presence felt during the final deliberations. As Kissinger reported with a twinge of sarcasm, "Senator Jackson . . . weighed in with a letter to the President indicating that his

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Expansion?" Democratic Review, May 20, 1975, p. 29, available in Jackson Papers, 3560-6, Box 11, Folder 93.

[20]Kissinger, Years of Upheaval, p. 1018.

[21]Thornton, The Nixon-Kissinger Years, p. 303.

communication lines to the Joint Chiefs were in good working order."[22] Jackson's letter repeated the details of his December speech, including his emphasis on a reduction of launchers to 1,760. He backed the Pentagon's theory of equal throw-weights for MIRVed missiles, though he recommended a reduction commensurate with the rest of his proposal.

Frustrated by the result of NSDM 245, Kissinger made a final bid to snatch victory from the jaws of defeat at the final National Security Council meeting before his March trip to Moscow. Pleading that the current consensus -- to continue negotiating a permanent agreement without any new deployments to use as leverage -- was the worst possible situation,[23] Kissinger sought approval for a scheme of counterbalancing asymmetries: a Soviet edge in total delivery vehicles offset by an American advantage in MIRVed missiles.[24] After obtaining what he believed to be at least a tentative endorsement of his position, Kissinger departed for Moscow, but not before optimistically suggesting to the American press that a "conceptual breakthrough" might be in the offing, a prediction that he later regretted.[25]

Kissinger returned from Moscow empty-handed. Perhaps emboldened by the absence of the long-awaited "conceptual breakthrough" and the state of Watergate-inspired disarray that cloaked the White House, Senator Jackson embarked on a more aggressive effort to further

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[22]Kissinger, Years of Upheaval, p. 1018. Jackson's military connections included not only the Joint Chiefs' SALT delegate, General Rowny, but also the Chief of Naval Operations, Admiral Elmo Zumwalt, who by his own admission regularly supplied inside information to the Senator. See Issacson, Kissinger, p. 623.

[23]Ibid., p. 1019.

[24]Ibid., p. 1153.

[25]Ibid., pp. 1019-1020; 1153.

reshape the U.S. negotiating position. In a well-publicized April 22 speech, Jackson mixed criticism of the Administration's handling of SALT with an explanation of his own alternative proposal. Jackson accused the Administration of concentrating on "quick-fix, short term proposals that can be readied in time for the forthcoming June summit meeting in Moscow."[26] Jackson suggested (accurately, it would seem) that the Administration would be willing to accept an agreement in which the numerical inequalities of SALT I were extended in order to preserve the impression of progress in the SALT process and in detente more generally, and, perhaps, to prolong Nixon's tenuous hold on the Presidency.

In Jackson's view, an extension of the SALT I framework, with its high ceilings and unequal aggregates, would not stabilize the strategic balance. Given this situation, Jackson proclaimed that "[t]he time is ripe for the United States to put forward a bold and imaginative proposal for serious disarmament -- a proposal that will test uncertain Soviet intentions by inviting them to join with us in concluding a far-reaching agreement . . . at sharply reduced levels of strategic forces."[27] What Jackson had in mind, of course, was his own December proposal. Since that time, he had been disappointed that the Administration had refused to advance, or even consider seriously, the concept of reductions. In his April speech, Jackson tweaked Kissinger with a reminder that the Secretary of State's own book, The Necessity of Choice, had advanced the proposition that "to reject sound proposals because they appeared to be non-negotiable was

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[26]Jackson, "Detente and SALT," address at the Annual Awards Dinner of the Overseas Press Club, New York City, April 22, 1974, Jackson Papers, 3560-5, Box 244, Folder 44.

[27]Ibid.

to acquiesce in negotiating on Soviet terms."[28] Jackson admitted that his approach to SALT almost assuredly would not yield a quick agreement. But, as in his speech the previous December, the Senator maintained that an insistance on reductions, combined with a resolve to match Soviet deployments and a refusal to provide economic relief to the staggering Soviet economy, would ultimately persuade the Soviets to join the United States in a reordering of national priorities away from the military sector.

By April, however, Jackson was prepared to back his rhetoric with action. Not content to let the matter rest upon the "complex and multi-purpose judgments of an embattled White House" or "a Department of State whose passion for momentum is sometimes indifferent to the direction in which it is headed,"[29] the Senator decided, in effect, to attempt to trigger a revolt within the executive branch. On the day of his speech, Jackson requested that Defense Secretary Schlesinger "undertake an immediate and thorough assessment of my arms reduction proposal" for transmission to the Arms Control Subcommittee that Jackson chaired.[30] Thus, it appeared that Jackson had placed Schlesinger between the Scylla of alienating either Nixon or Jackson by choosing sides and the Charybdis of squandering any influence he may have had over the final negotiating position by waffling on the issue.

On June 3, Schlesinger sent a reply to Jackson, praising the Senator's proposal for reduced

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[28]Ibid.; see also Henry Kissinger, The Necessity for Choice (New York: Harper & Brothers, 1960), pp. 203-209.

[29]Ibid.

[30]Ibid.

equal aggregates.[31] Schlesinger's bombshell undercut Nixon's and Kissinger's efforts to work out a SALT agreement in Moscow. In effect, the Secretary of Defense disassociated himself from the various proposals still on the negotiating table and endorsed an alternative scheme put forward by a leading Democratic presidential contender. In a normal administration, such insubordination would probably have gotten Schlesinger fired. But, as Kissinger observed, "It was a symbol of how far his Presidency had disintegrated that Nixon found himself obliged to deal with his Secretary of Defense as if the latter were a sovereign equal."[32] Nixon called Schlesinger to the White House on June 6, but was unable either to convert or terminate him; instead, he accepted the stalemate.

Thus, after two years of wearing down Nixon and Kissinger over the direction of SALT, Jackson, with the aid of Watergate and James Schlesinger, finally appeared to be gaining the upper hand with his erstwhile allies. Although Kissinger continued to favor "counterbalancing asymmetries", he understood that the Pentagon and Joint Chiefs, backed by Jackson, would have to be accommodated. As he later wrote, "Having seen what Jackson could accomplish in blocking legislation that did not have to go through any of the Congressional committees of which he was a member, I had no doubt what he could do to a SALT agreement from his senior position on the Armed Services Committee."[33] At the June summit, no SALT deal was struck. The disunited Americans came without a plausible proposal, and, even if they had worked one out,

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[31]See Garthoff, Detente and Confrontation, p. 411; Kissinger, Years of Upheaval, pp. 1154-1159; Thornton, The Nixon-Kissinger Years, p. 306.

[32]Kissinger, Years of Upheaval, p. 1156.

[33]Ibid., p. 1018. The unnamed legislation to which Kissinger was referring in the first clause of the quoted sentence was, of course, the Jackson-Vanik Amendment.

it is doubtful that the Soviets would have signed an agreement with a doomed President. Less than two months later, Nixon resigned and Gerald Ford became President.

B. The Ford Administration: From Vladivostok to the 1976 Election

After six weeks in office, President Ford met with Soviet Foreign Minister Gromyko in his first direct high-level contact with the Soviets.[34] Gromyko's upbeat analysis of the chances for an early arms agreement induced Ford to dispatch Kissinger to Moscow for more lengthy discussions. In Moscow, Brezhnev somewhat unexpectedly indicated a willingness to accept, in principle, an agreement premised upon either Kissinger's "counterbalancing asymmetries" approach or Jackson's "equal aggregates."[35] As a result, Ford agreed to a mini-summit conference at Vladivostok in late November.

At the summit, the two sides settled on equal aggregates, with an overall ceiling of 2,400 strategic delivery vehicles, of which 1,320 could be equipped with MIRVs. According to Raymond Garthoff, Soviet writers have confirmed that the Kremlin acceded to equal aggregates "to meet the 1972 congressional amendment in SALT I ratification requiring equal levels of intercontinental forces in follow-on agreements. In other words, the decision was justified in Moscow as a political concession to the United States necessary to reach agreement."[36] It is also quite possible that the Soviets compromised on arms control in an effort to advance the prospects

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[34]Garthoff, Detente and Confrontation, p. 442; Gerald R. Ford, A Time to Heal: The Autobiography of Gerald R. Ford (New York: Harper & Row, 1979), pp. 183-184.

[35]Garthoff, Detente and Confrontation, p. 444.

[36]Ibid., p. 464.

of the U.S.-Soviet trade agreement which was then nearing a final vote in Congress (see chapter five).

While the Vladivostok agreement resolved the arithmetical concept for SALT II, it deferred other controversial issues such as the status of the Soviet Backfire bomber and the American cruise missile. In addition, the agreement did little to curb the massive Soviet throw-weight advantage. Nevertheless, Ford believed at the time that "as soon as the technicians had ironed out the few remaining problems, we would sign a SALT II accord."[37] Basking in the glow of a successful summit, the new President's optimism was understandable. The endorsements of Defense Secretary Schlesinger, JCS Chairman General George Brown, and Senate Armed Services Committee Chairman John Stennis (D.-Miss.), as well as resolutions of approval from both houses of Congress, gave further cause for Ford's confidence.[38] But after Senator Jackson made public his evaluation of the Vladivostok agreement, the President must have known that SALT II still faced many formidable obstacles.

Jackson criticized both the substance and the timing of the Vladivostok accord, describing it as a "severe disappointment . . . hasty, premature, and unnecessary."[39] Although his long-standing demand for equal aggregates had been accepted, Jackson objected to the "astonishingly high" launcher and MIRV ceilings and charged the new Administration with "defeatism" for

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[37]Ford, A Time to Heal, p. 218.

[38]See Garthoff, Detente and Confrontation, pp. 449-450. Because the Vladivostok accord represented simply a proposed outline of a future treaty, the Senate and House resolutions were merely symbolic expressions of approval and, as such, were not subjected to anywhere near the kind of scrutiny an actual treaty or binding agreement would have received.

[39]Jackson, "Memorandum on the Vladivostok Strategic Arms Agreement," December 1974, Jackson Papers, 3560-6, Box 11, Folder 50.

having agreed to it so quickly.[40] After just three months in office, the Ford Administration, like its predecessor, appeared to place a premium on momentum in the SALT process, regardless of the direction in which it was headed. In the Senator's judgment,

> There was no need to rush into an escalatory quick-fix. . . . There is no convincing reason why we could not have obtained equal ceilings at sharply reduced levels. . . . To have gratuitously foreclosed even the possibility of strategic arms reductions for 10 years [the proposed life of a follow-on SALT II agreement] is a bitter disappointment.[41]

Jackson's objections notwithstanding, Vladivostok represented at least a partial victory for the Senator in that the Soviets had accepted his principle of equality as the general framework for SALT II. Nevertheless, as Paul Nitze noted, the accord merely gave the appearance of equality because it failed to deal with throw-weight, "the most useful verifiable measure of relative missile capacity, either MIRVed or unMIRVed."[42] Moreover, with Nixon's resignation the ascendant Jackson/Schlesinger approach, favoring reductions rather than limitations, was nipped in the bud. Here Kissinger's zealous hoarding of the planning and negotiation of U.S. policy toward the Soviet Union actually paid dividends. With Ford (until recently a congressman from Michigan) almost utterly dependent on Kissinger for foreign policy guidance, the Secretary of State was able to resuscitate many of his arms control preferences in a desparate bid to salvage detente.

This linkage between arms control and other aspects of detente -- most notably, the trade agreement -- was not lost on Jackson. With the virtually simultaneous denouement of

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[40]Ibid.

[41]Ibid.

[42]Nitze, From Hiroshima to Glasnost, p. 343.

Vladivostok and the trade bill, detente appeared to be at a crossroads. With this in mind, Jackson offered a gloomy assessment of the Administration's vision of U.S.-Soviet relations: "Not only is [Vladivostok] an arms build-up agreement, but considering that the Administration has requested unlimited authority to extend low interest, subsidized loans to the Soviets, it is tinged with this irony: we will end up subsidizing the Soviet strategic weapons program as well as financing our own."[43]

Ever the realist-crusader, Jackson remained committed to both geopolitical and ideological competition with the Soviets; in his view, agreements like Vladivostok and the trade bill prematurely compromised the United States' ability to yet prevail on both fronts. From the Senator's view, arms control agreements softened America's resolve;[44] hence, only exceptionally good ones -- incorporating equality in launchers and throw-weights at reduced levels -- provided benefits that outweighed their costs. Similarly, as we shall see in chapter six, Jackson took a hardline toward the U.S.-Soviet trade agreement -- offering the Soviets lower tariffs and access to government credits -- which, he believed, rewarded Soviet misdeeds at home and freed additional resources of the closed society to be used to create further mischief abroad. Accordingly, Jackson continued to deploy his considerable power and prestige against the Administration's arms control and trade agreements -- the cornerstones of its detente policy.

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[43]Jackson, "Memorandum on Vladivostok."

[44]It seems worth noting that in statements made after leaving office, Kissinger also appears to have reached this conclusion, observing that "SALT may have had a perverse effect on the willingness [of American leaders] to face fully the relentless Soviet buildup." See Morris, Iron Destinies, p. 339.

Equal aggregates notwithstanding, it still appeared that, on balance, Vladivostok signalled the triumph of the Kissinger approach to arms control over the Jackson approach. Yet, if this was so, it was to be a Pyrrhic victory. Vladivostok was not a treaty, so Jackson did not have an opportunity to block it formally. But Vladivostok clearly drew the battlelines for a future debate over SALT II. Jackson, soon to be a candidate for the 1976 Democratic nomination for President, had become irreconcilably opposed to an agreement incorporating the high ceilings to which Ford had agreed.

In March, 1975, Jackson offered an arms control proposal that appeared to marry Vladivostok to the Senator's own demand for force reductions. Specifically, his plan called for each side to designate 700 of the older of its permitted total of 2,400 delivery systems to remain unmodernized over the lifetime of the agreement.[45] This approach to arms control, Jackson argued, would enable both sides to focus their efforts on modernizing the core of their strategic deterrent on a more confident basis (by virtue of knowing which missiles the other side has pledged to phase out) while avoiding the costly development, procurement, and deployment of a new generation of weapons. It is doubtful that the Administration ever considered seriously Jackson's proposal, or any other that aimed at deep cuts in both sides' strategic arsenals; rather, they would have dismissed it as non-negotiable in light of the fact that even 2,400 delivery vehicles was a lower number than that initially proposed by Brezhnev at Vladivostok.

By early 1976, a host of events combined to make a pre-election SALT II agreement a virtual impossibility. In the wake of the scuttling of the trade agreement early in 1975 (see

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[45]Jackson, "Vladivostok and Strategic Arms Reduction," in Congressional Record, March 26, 1975, pp. 8664-8665; see also Jackson, "SALT: Arms Reduction or Arms Expansion," p. 28.

chapter seven) and the renewal of geopolitical competition in Angola, Kissinger fruitlessly endeavored to preserve arms control as the last refuge of his much-vaunted detente policy. While the Secretary of State probed the Soviets for one last breakthrough, political forces both inside and outside the Administration undercut his negotiating position. Senator Jackson, still a leading candidate for the Oval Office, again led the charge, publicly raising the issue of Soviet "circumvention" of the SALT I limitations on silo modernization.[46]

Within the Administration, the new Secretary of Defense, Donald Rumsfeld, and the Joint Chiefs of Staff also had "growing reservations" about the desirability of concluding an agreement along the terms then on the negotiating table.[47] Thus, despite Kissinger's best efforts to persuade President Ford (and the Soviets) to press ahead, SALT was shelved in March or April 1976 for the balance of the election campaign.[48] As Garthoff summarized,

> While Ford was not convinced by the arguments of the opposition, he was impressed with the potential political liability. . . . The threat that Senator Jackson would hold SALT hearings on any agreement -- with hostile witnesses such as Nitze, Schlesinger, and Zumwalt, and a best tepid support from current leaders in the Pentagon -- was a daunting prospect to Ford.[49]

At any juncture and in any administration, proceeding with an arms control agreement in such circumstances would be a questionable political decision. As an unelected President seeking his own four-year term, Ford decided to retreat on SALT lest he seal his political fate even before

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[46]Garthoff, Detente and Confrontation, p. 452; see also articles by Jackson and Kissinger in "The SALT Debate," Washington Post, December 28, 1975.

[47]Ford, A Time to Heal, pp. 353-358.

[48]Garthoff, Detente and Confrontation, pp. 543-544.

[49]Ibid., p. 545.

the fall campaign.

Detente, in general, and SALT in particular faced a steady barrage of criticism during the primary campaign as Senator Jackson for the Democrats and former California Governor Ronald Reagan for the Republicans made the opposition to the Nixon/Ford/Kissinger foreign policy a centerpiece of their respective campaigns. After initially defending detente, Ford eventually jettisoned the word from his political vocabulary. Although Ford's candidacy outlasted both Jackson's and Reagan's, the prolonged attacks on detente had taken their toll. Ford resisted Kissinger's pleas to resurrect SALT after the summer conventions.[50] Although Jackson had been vanquished as a presidential contender, he retained his powerful position as Chairman of the Senate Armed Services Committee's Subcommittee on Arms Control from which he was virtually certain to thrash any last-minute, election-year accord. When serious arms control negotiations resumed, Jimmy Carter, not Gerald Ford, was President.

C. Jackson, Carter, and the Tortured Road to SALT II

As Strobe Talbott summarized, President Carter "inherited from his predecessors an ill-defined commitment" -- based on the Vladivostok framework -- and "a well-defined stalemate" -- over the status of the Soviet Backfire bomber and the American cruise missile.[51] Carter had appeared to signal, privately to Brezhnev during the campaign[52] and publicly after the election, his intention to conclude a SALT II agreement based on the Vladivostok accord and then to move

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[50]Ibid., p. 543 n.11; see also Ford, A Time to Heal, p. 437.

[51]Talbott, Endgame, pp. 39-40.

[52]Carter had conveyed this message through W. Averell Harriman, a long-time Soviet expert and elder statesman of the Democratic Party who visited Brezhnev in September, 1976. See ibid., p. 39.

on to reductions in SALT III.[53] Even in his early press conferences and communications with the Soviet leadership, Carter reiterated his desire to bring SALT II to a rapid conclusion.[54]

Nevertheless, Carter ordered an internal review of the U.S. negotiating position during the early months of his presidency. During this process, Carter solicited the advice of Senator Jackson, whom the Administration well understood "would be a major asset in a future ratification debate if he supported the treaty, and a formidable opponent if he opposed it."[55] Carter, who had given a nominating speech for Jackson at the 1972 Democratic National Convention and discussed SALT with Jackson during the Senator's recent, post-election visit to Plains, Georgia, may well have had high hopes of winning the influential senator's support.[56]

At a February breakfast meeting with the new President, Jackson repeated his standard critique of the high ceilings to which Ford had agreed at Vladivostok, encouraged Carter to chart a new course based on substantial reductions in strategic forces, and offered to put his ideas in writing.[57] Less than two weeks later, the Senator submitted a twenty-three page, single-spaced memorandum drafted by his chief arms control assistant, Richard Perle.[58] Perhaps unsurprisingly,

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[53]See Garthoff, Detente and Confrontation, p. 802.

[54]Ibid.

[55]Cyrus Vance, Hard Choices: Critical Years in American Foreign Policy (New York: Simon & Schuster, 1983), p. 51.

[56]Jimmy Carter, Keeping Faith: Memoirs of a President (New York: Bantam Books, 1982), p. 67; Neustadt and May, Thinking in Time, pp. 201-202.

[57]See the description of the Carter-Jackson meeting in Talbott, Endgame, pp. 52-53.

[58]Jackson to Carter, "Memorandum for the President on SALT," February 15, 1977, Jackson Papers, 3560-5, Box 315, Folder 35.

the Jackson memorandum rather firmly rejected the approach taken by Nixon, Ford, and Kissinger (and tentatively endorsed by Carter), concluding with a warning to Carter that "[i]f further negotiations were to begin where the Ford-Kissinger negotiations left off, you would unnecessarily assume the burden of past mistakes, and the options available to you will be few and narrow."[59] The memo recommended that the United States seek reductions not only in intercontinental, but also in intermediate-range missiles, negotiate a clarification of the troublesome definition of "heavy" missiles, insist that the Backfire be counted as a "heavy" bomber, and preserve an option for the United States to develop "heavies" of its own. Should the Soviets prove intransigent, Jackson allowed that "it would be defensible" to codify the Vladivostok result as a "new interim accord," but only if it were made clear that a more comprehensive solution to the bomber and throw-weight issues would be shortly forthcoming.[60]

The Jackson memo arrived at the White House prior to the conclusion of the internal review and received a mixed review from Carter's arms control team. Paul Warnke, the President's nominee to be chief SALT negotiator and head of ACDA, dismissed it as a "first-class polemic" and he and Vance both urged the President to "validate Vladivostok" to establish continuity in arms control negotiations, thereby preserving the momentum of the SALT process.[61] Other key advisers, including National Security Adviser Zbigniew Brzezinski and Defense Secretary Harold Brown, were intrigued by the possibility that reducing the levels and impeding the modernization of Soviet ICBMs might remedy the long-feared vulnerability of U.S. land-

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[59]Ibid.

[60]Ibid.; see also Talbott, Endgame, p. 53.

[61]Talbott, Endgame, pp. 53-59; Vance, Hard Choices, pp. 47-51.

based ICBMs to a Soviet first-strike.[62] Carter himself apparently took the document seriously, ordering that a "detailed, respectful, but circumspect response"[63] be sent to the Senator and storing the document in his private safe from which he could make easy reference.[64]

As the Administration sorted out its options, the Senate debated Warnke's nomination. Jackson surely knew of Warnke's reputation as a vigorous advocate of arms control, yet had not publicly opposed his appointment prior to the Senate hearings. In fact, when Paul Nitze, an avowed critic of Warnke's, telephoned the Senator in February, he was disappointed to learn that Jackson had not planned to object to the nomination.[65] After several weeks of testimony, however, Jackson changed his view. By the day of the final vote, he had concluded that Warnke's "record, judgement, and candor" were lacking and that "our prospects for a sound SALT agreement would be enhanced if another man were sent to represent the United States."[66] Noting that Warnke had opposed "virtually every strategic weapon in the U.S. deterrent force" and had for years been "an articulate proponent of the notion that numbers of strategic weapons are essentially without military significance," Jackson advised his colleagues to vote against Warnke's confirmation.[67] In the end, Warnke was confirmed to be chief SALT negotiator by a vote of 58

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[62]Talbott, Endgame, pp. 58-59.

[63]Ibid., p. 54.

[64]Dan Caldwell, "The SALT II Treaty," in Krepon and Caldwell, eds., The Politics of Arms Control Treaty Ratification, p. 292.

[65]Nitze, From Hiroshima to Glasnost, p. 354.

[66]Jackson, "Remarks on the Nomination of Paul C. Warnke," Senate floor, March 9, 1977, Jackson Papers, 3560-6, Box 12, Folder 116.

[67]Ibid.

to 40,[68] a margin Secretary of State Vance recognized as "a warning of the difficulties [the Administration] might face in ratifying an agreement that did not have the support of such senators as Jackson."[69]

Coming hard on the heels of Jackson's "deep cuts" memorandum, the narrowness of the Warnke confirmation further reinforced the perception that the Administration would have to devise a SALT position that, as Talbott put it, "would be acceptable not only to the Kremlin but to the junior senator from the state of Washington as well."[70] Three days later, on March 12, Carter made the critical decision to open the new round of SALT with a proposal for strategic force reductions of up to 25%.[71] Also, in a related maneuver aimed at securing the Senator's support, Carter retained General Rowny, well-known to be Jackson's "eyes and ears" in the negotiations, as the JCS representative on the SALT II delegation.[72] At the same time, however, Carter approved Vance's request for a "fallback" negotiating position based more closely on the Vladivostok framework.

Once Carter's proposal had been unveiled publicly, Jackson praised it as a step in the right direction.[73] The Soviets, on the other hand, flatly rejected the new American initiative and

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[68]He received confirmation the less critical position of ACDA director by the wider margin of 70-29.

[69]Vance, Hard Choices, p. 51.

[70]Talbott, Endgame, p. 54.

[71]Ibid., pp. 58-60.

[72]See Caldwell, "The SALT II Treaty," p. 293.

[73]Talbott, Endgame, p. 66.

privately criticized the Carter Administration for "disregard[ing] the fact that Brezhnev had to spill political blood to get the Vladivostok accords."[74] Most of the American leadership, save perhaps Carter, had expected a Soviet rebuff, but were divided as to how to proceed. Brzezinski preferred to wait for a Soviet counterproposal while Vance sought to get the SALT process back on track by retreating to the previously-set fallback position. Gradually the Vance position prevailed, and by September, 1977, the Secretary of State and his Soviet counterpart, Gromyko, had ironed out a number of the issues left unresolved since Vladivostok.

Success with the Soviets on the basis of the old framework, however, resulted in increasingly loud grumbling from proponents of a new approach -- most notably, Senator Jackson. The first public indication of the Senator's exasperation came as the October 3, 1977, expiration of the Interim Agreement drew near. Jackson complained that the Administration's decision to exchange with the Soviets statements of intent to abide by the terms of SALT I violated the spirit, if not the letter, of the 1961 statute requiring congressional approval of actions that limit U.S. military capabilities.[75] Furthermore, in an effort to rebuke the executive branch, at least symbolically, Jackson sponsored and gained the approval of a resolution that expressed disagreement with the Administration's chosen course.[76]

Even more distressing to Jackson was the alacrity with which the Administration retreated from its initial "deep cuts" proposal. The Senator, as Vance reported in his memoirs, "disagreed with virtually every aspect of the emerging agreement" and made a point of saying so during and

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[74]Ibid., p. 73; see also Garthoff, Detente and Confrontation, pp. 807-808.

[75]Talbott, Endgame, p. 133.

[76]Ibid.

after Vance's appearances before Jackson's Arms Control Subcommittee.[77] The Senator accused U.S. negotiators of a "double -- and therefore doubly disastrous -- cave-in: they've surrendered on their own earlier efforts both to reduce heavies and to put a meaningful cap on land-based MIRVs."[78] Vance's efforts to justify the new approach on the basis of technical and strategic grounds proved unavailing, as Jackson and Perle became convinced that Carter, like Nixon and Ford, was allowing the Soviets' definition of "negotiability" to dictate the American negotiating position.

Indeed, Carter's decision to return to the Vladivostok framework as the basis of a SALT II Treaty ushered in "a new and fractious phase in the history of SALT."[79] The Administration, it seemed, had abandoned its efforts to navigate a treacherous course between Jackson's demands and the Kremlin's, essentially choosing to cast its lot with the latter by following the familiar path carved out in SALT I and hoping to prevail in spite of the former's almost certain opposition.[80] To be sure, Jackson's preferred path would have met strong Soviet resistance, perhaps for a period of years, during which time the United States would have had to match Soviet deployments or risk a further decline in its strategic position. This was a direction that would have suited Jackson, but did not comport with Carter's twin desires to avoid a military buildup

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[77]Vance, Hard Choices, p. 62.

[78]Quoted in Talbott, Endgame, p. 136.

[79]Ibid., p. 138.

[80]Although Carter sent a detailed letter to Jackson shortly before the Vienna summit essentially asking the Senator to keep an open mind, it is very likely that the President's request was a mere formality and that Carter understood that he had no chance of gaining Jackson's support. See letter from Carter to Jackson, May 9, 1979, Jackson Papers, 3560-6, Box 49, Folder 22; Carter, Keeping Faith, p. 225.

and to achieve an arms control agreement as a concrete manifestation of improved relations between the superpowers.

Alienating Jackson, of course, had serious consequences, too. The Senator and his allies, in effect, "declared war on the treaty to which the Carter administration had now committed itself."[81] For the next two years, Jackson led an unremitting assault on the evolving agreement, declining to even invite Warnke to present the Administration's case before his Arms Control Subcommittee.[82] Jackson also argued unsuccessfully that progress in SALT ought to be linked to Soviet behavior on other issues. For example, when the Soviet news agency TASS announced that prominent dissident Natan Shcharansky and other imprisoned dissenters would be placed on trial, Jackson urged the Administration to suspend arms control negotiations.[83] But Carter rejected the notion of linking SALT to external events such as human rights or Soviet geopolitical maneuvering in Africa and elsewhere.

Thus SALT proceeded apace, with an agreement prepared for signature at a June, 1979, summit conference in Vienna. On the eve of Carter's departure, Jackson rather dramatically denounced the pending accord in a highly-publicized address to the Coalition for a Democratic Majority. Comparing Carter's trip to Vienna with Neville Chamberlain's fateful journey to Munich, the Senator charged that "[t]o enter a treaty which favors the Soviets as this one does on the ground that we will be in a worse position without it, is appeasement in its purest form."[84]

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[81]Ibid.; see also Garthoff, Detente and Confrontation, p. 814.

[82]Clarke, Politics of Arms Control, p. 229.

[83]See Talbott, Endgame, p. 154.

[84]Quoted in ibid., p. 5; see also Garthoff, Detente and Confrontation, pp. 731-732.

Not everyone shared Jackson's gloomy assessment, but the Joint Chiefs' tepid endorsement -- "modest but useful"[85] -- was about as much praise as the treaty received. Indeed, at no point after Carter and Brezhnev actually signed the treaty did it receive over fifty percent approval in public opinion polls.[86] As with the Interim Agreement, SALT II received a more favorable hearing in the Senate Foreign Relations Committee, which voted to recommend ratification by a vote of nine to six, than in the Armed Services Committee. Over the objection of Chairman John Stennis (D.-Miss.), the Armed Services Committee adopted a report primarily authored by Jackson and Perle denouncing the treaty as "totally unacceptable without major changes" and "not in the national security interests of the United States."[87] In particular, the report criticized the treaty provisions permitting a Soviet advantage in throw-weight and heavy missiles, the exclusion of the Backfire bomber, and the inclusion of Western theater nuclear forces. It also noted ambiguous language and potential loopholes, as well as problems with verification. Ten committee members voted in favor of releasing the report, while seven, including Senators Stennis and Nunn, opposed its release.[88]

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[85]See Morris, Iron Destinies, p. 336.

[86]See Thomas W. Graham, "The Politics of Failure: Strategic Nuclear Arms Control, Public Opinion, and Domestic Politics in the United States, 1945-1985, unpublished Ph.D. dissertation, Massachusetts Institute of Technology, 1989, cited in Caldwell, "The SALT II Treaty," in Krepon and Caldwell, eds., The Politics of Arms Control Treaty Ratification, p. 321.

[87]See Destler, "Congress," in Nye, ed., The Making of America's Soviet Policy, p. 52.

[88]Caldwell, "The SALT II Treaty," in Krepon and Caldwell, eds, The Politics of Arms Control Treaty Ratification, p. 319.

Both the White House and Senator Jackson's office considered the SALT II hearings and the subsequent release of the Armed Services Committee report to be an important turning point in the ratification battle.[89] As the hearings demonstrated, critics of the SALT process had gained considerable momentum since the debates over the Interim Agreement seven years earlier. A number of factors contributed to the increased skepticism and rigor with which Senators, by and large, evaluated arms control agreements. First, nothing had occurred in the intervening years -- either in terms of American deployments or Soviet cutbacks -- to reverse the perception that the strategic balance was shifting in favor of the Soviet Union. Second, Soviet efforts to exploit regional conflicts for geopolitical gains in the Middle East and Africa (and later in Afghanistan) had undermined the notion that cooperation in one sphere (arms control, for example) would restrain Soviet behavior in another. Third, the efforts by Carter and others (including, quite prominently, Jackson -- see chapter eight) to make human rights a more prominent issue in East-West relations and the Soviets disappointing performance in that area also dampened enthusiasm for any sort of agreement with the Soviet regime. Finally, unlike Nixon, Carter lacked a reputation for taking a hardline approach to the Soviet Union; if anything, Carter was perceived as being too soft on the Soviets.

For all of these reasons, a SALT II Treaty that came closer to meeting the specifications of the Jackson Amendment than had the Interim Agreement[90] faced an uphill battle after the Senate hearings. And even if the treaty still had a chance to avoid defeat or "killer" amendments

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[89]Ibid.

[90]On the Soviet effort to conform to the dictates of the Jackson Amendment, see Garthoff, Detente and Confrontation, pp. 825-827.

at that time, the Soviet invasion of Afghanistan in December, 1979, coming hard on the heels of the August report of a Soviet combat brigade stationed in Cuba, delivered the final, fatal blow to the treaty, and, indeed, to the detente process which had been initiated by Nixon and Kissinger and largely continued by Ford and Carter.

Even prior to the December invasion (or the November occupation of the United States Embassy in Tehran), the Senate had reversed a decade-long trend in military spending by adding $35 billion to the defense budget for fiscal years 1980 through 1982.[91] This budget increase followed the adoption earlier in the summer of a series of amendments to the Export Administration Act offered by Senator Jackson that were designed to prevent the transfer of technology with possible military applications to the Soviet Union or other designated countries.[92] Now, in the aftermath of the bold Soviet geopolitical thrust, Jackson suggested a further "substantial upward revision" in defense spending to "begin reversing the growing imbalance in all categories of military power."[93] In a critique of over a decade of American foreign policy, Jackson sketched his vision of a foreign policy that would "stop the slide to weakness and surrender." Evoking the themes of liberal internationalism, including its focus on geopolitical and ideological competition with the Soviet Union, Jackson stated:

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[91]Joshua Muravchik, The Senate and National Security: A New Mood, vol. I, no. 80, The Washington Papers, (Beverly Hills and London: Sage Publications, 1980), p. 5.

[92]Ibid., p. 12.

[93]Jackson, "The Balance of Power and the Future of Freedom," Address to Friends of Freedom Awards Dinner of the Coalition for a Democratic Majority, April 24, 1980, Jackson Papers, 3560-6, Box 13, Folder 78.

> Only a strong America can stand up to the Soviet Union, safeguard the interests of our friends and allies, combat terrorism, champion basic human rights, and conduct wise and steady diplomacy. My friends, we can prove by the coming votes on the defense budget that a confident America is embarked on a long-term bipartisan effort to restore the balance of power. Nothing would do more to hearten our friends and allies abroad. Nothing would do more to give hope to those in the U.S.S.R. who are resisting Soviet oppression and aggression. And nothing would do more to assure that the free peoples of the world -- and not the tyrants -- will inherit the future.[94]

The Jackson vision stood in stark contrast to the Nixon/Ford approach to U.S.-Soviet relations, with its deemphasis of ideology, and the Carter approach, which engaged the Soviets ideologically only in the early months of his Presidency and geopolitically only in the late months. In between, Carter's pursuit of a SALT agreement muted the effectiveness of his Administration's professed human rights initiatives vis-a-vis the Soviet Union. Furthermore, Carter's abortive effort to obtain Senator Jackson's support proved costly. By flirting with, but then hastily backing off from, a serious challenge to the Soviets on arms control (and human rights), Carter aroused the Senator's passionate opposition, which contributed in no small measure to the failure of SALT II, and with it, the last chance to preserve a shred of detente.

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[94]Ibid.

CHAPTER SIX: DETENTE, TRADE, AND HUMAN RIGHTS -- THE JACKSON-VANIK AMENDMENT FROM ITS ORIGINS TO ITS PASSAGE IN THE HOUSE

A. Introduction: Trade as a "Carrot" in the Nixon/Kissinger Detente Policy

From the beginning of the Nixon Administration the Soviet Union had indicated an interest in expanding its commercial ties to the United States as a manifestation of the improved relations between the two countries.[1] Indeed, even prior to Nixon's election, a number of prominent Americans, including Senator Walter F. Mondale (D.-Minn.), had proposed a lifting of trade barriers that had become, in their view, relics of the Cold War.[2] After the election, and in fact for most of Nixon's first term, the movement for increased U.S.-Soviet trade gained ground in both capitals. In Washington, proponents of trade argued that a more sophisticated Soviet economy stimulated by an influx of Western technology and consumer goods might eventually lead to a more liberalized Soviet society.[3] Enthusiasm for trade remained a bit more restrained in Moscow, but by 1971 both Foreign Minister Gromyko and Ambassador Dobrynin had raised the issue at the highest levels of the Nixon Administration.[4]

For its part, the Administration was not averse to incorporating trade into the mix of incentives and penalties that formed the tools of detente, but chose to do so at a more deliberate

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[1]See Kissinger, White House Years, pp. 151-155; 1133-1134.

[2]Ibid., pp. 151-152.

[3]This argument was made by, among others, former Under Secretary of State and Attorney General Nicholas Katzenbach, see ibid., p. 152, and Senator Abraham Ribicoff (D.-Conn.), see Daniel Yergin, "Great Expectations: Trade With Russia," 65 Yale Review 186 (December 1975). Ribicoff, as we shall see below, later changed his view, becoming one of the principal sponsors of the Jackson-Vanik Amendment.

[4]Kissinger, White House Years, p. 1133.

pace than many congressional liberals would have preferred. As Kissinger pointed out, three obstacles stood in the path of increased U.S.-Soviet trade: (1) the Administration's own linkage policy; (2) Soviet lend-lease debts; and (3) Most Favored Nation (MFN) status.[5]

Both Nixon and Kissinger rejected the notion that trade, in and of itself, would result in improved Soviet behavior, either at home or abroad. Rather, they decreed that trade should *follow* political process -- or, in other words, serve as a reward for Soviet cooperation in other areas. As early as 1963, Nixon had suggested that the United States require the relaxation of Soviet repression as a precondition for the sale of wheat,[6] but once in office Nixon declined to tie trade relations to Soviet domestic practices. Instead, he and Kissinger endeavored to extract concessions from the Soviets on geopolitical matters, such as Vietnam, SALT, Berlin, and the Middle East, in exchange for the promise of future access to American markets, technology, and credits. Accordingly, expanded trade was "put on ice" until mid-1971,[7] when developments with respect to SALT and Berlin were deemed to have provided sufficient benefit to justify the negotiation of a trade agreement.[8]

With its linkage strategy seemingly vindicated, the Administration next turned its attention to resolving the long-festering dispute over Soviet repayment of World War II debt. Although the final details had not been worked out by the time of the Moscow summit, Article 7 of the

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[5]Ibid., p. 1133.

[6]Stern, Water's Edge, p. 13 (citing Richard Nixon, "Khrushchev's Hidden Weakness," Saturday Evening Post, 1963, reprinted in Lloyd Gardner, ed., The Great Nixon Turn-around (New York: Viewpoints, 1973), pp. 63-64).

[7]Kissinger, White HouseYears, p. 154.

[8]Kissinger, Years of Upheaval, p. 247.

"Basic Principles of Relations" signed by Nixon and Brezhnev stated that "[t]he USA and the USSR regard commercial and economic ties as an important and necessary element in the strengthening of their bilateral relations and thus will promote the growth of such ties."[9] After the summit, the two sides rapidly reached agreement on a basic accord, leaving the final details of the lend-lease settlement to be negotiated by Kissinger and Brezhnev in September. In the end, the Soviets agreed to pay $722 million in a series of payments.[10]

As of September, 1972, then, the only remaining significant hurdle for the U.S.-Soviet trade agreement was the granting of MFN status to the Soviet Union. MFN status extends to the recipient country the same favorable tariff rates on its exports as are available to the numerous other countries with whom the United States has normal commerical relations.[11] As the Soviets, even by their own admission, were unlikely to become net exporters to the United States, at least in the short-term, the immediate effect of MFN status for the Soviets would have been more symbolic than economic.

To gain the authority to extend MFN treatment to the Soviet Union, President Nixon required the approval of Congress. Article I, section 8 of the United States Constitution assigns to Congress power to "lay and collect taxes, duties, imports, and excises" and "to regulate commerce with foreign nations." Because MFN status affects the tariff power, it falls within the

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[9]"Text of the 'Basic Principles of Relations Between the United States of America and the Union of Soviet Socialist Republics,' May 29, 1972," in Weekly Compilation of Presidential Documents, vol. 8 (June 5, 1972), pp. 943-944.

[10]Kissinger, White House Years, p. 1271.

[11]See Kissinger, Diplomacy, pp. 753-754; Theodore Sorensen, "Most-Favored-Nation and Less Favorite Nations," 52 Foreign Affairs, 276 (January 1974).

foreign policymaking province of the legislature. Thus, Congress remained the final potential obstacle to the improved trade relationship that was expected to provide tangible (credits, technology, even food) and symbolic (MFN status) benefits to the Soviet Union and to facilitate Nixon's and Kissinger's efforts to enmesh the Soviets in a web of constructive relationships across the spectrum of detente-related issues.

In the exercise of this authority, Congress had withdrawn MFN status from the Soviet Union and several other communist states through the Trade Agreement Extension Act of 1951.[12] As late as 1966, the relevant congressional committees had quashed the Johnson Administration's attempt to obtain authority to extend MFN status at the President's discretion through the East-West Trade Relations Act.[13] Within a few years, roles had shifted. Congress, seeking an expansion of trade, passed the Export Administration Act of 1969, in which, Kissinger later lamented, "we could have gotten [MFN authority for the Soviet Union and Eastern Europe] had we asked for it." But the Administration preferred to withhold that and other trade benefits until its linkage strategy yielded Soviet geopolitical cooperation.[14] By 1972, however, the Administration was ready to move forward with trade, and in view of Congress' fairly recent endorsement of increased East-West trade, probably anticipated little, if any, opposition to the agreement it was negotiating with the Soviets.

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[12]See Cynthia Dachowitz, Note, "The Soviet Denial of the Right to Emigrate: An Economic Response," 11 Brooklyn Journal of International Law 325, 342 (Spring 1985).

[13]Yergin, "Great Expectations," pp. 182-183.

[14]Kissinger, White House Years, p. 155 n.*.

B. The Origins of Jackson's Trade/Human Rights Linkage

Like Nixon and Kissinger, Senator Jackson rejected the notion that an invigorated trade relationship with the Soviet Union, at least as that relationship was envisioned by the Kremlin, would lead to a liberalization of Soviet society. As the Senator pointed out on numerous occasions, the primary, and perhaps even exclusive, Soviet objectives in seeking expanded East-West trade were political, not commercial.[15] Above all else, the Soviets sought access to subsidized government credits with which to purchase American (and other Western) technology. American suppliers (most often large corporations), Jackson noted, would enter into transactions not with private Soviet entrepreneurs, but rather directly with the Soviet government, thereby enabling the Kremlin to maximize its control over what was imported and how it was deployed within the Soviet Union. For example, by filling the Soviet demand for "turn-key" operations -- fully automated plants with state-of-the-art technology -- Jackson warned that the United States might help modernize the ailing Soviet economy "without a managerial revolution that could threaten the stranglehold that the Party apparatus now has over the economy."[16]

Jackson also shared the Administration's view that what the Soviets were asking for, especially in view of what they had to offer economically, amounted to aid rather than trade. As such, he argued that the United States ought to demand a *quid pro quo* for an improved trade

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[15]See e.g., "Report of Senator Henry M. Jackson to the Committee of Government Operations, United States Senate," September 1973, Jackson Papers, 3560-6, Box 10, Folder 74 [hereinafter "Jackson Report on Detente, Trade, and Human Rights"]; "Trade and Detente," file memorandum, June 1, 1974, Jackson Papers, 3560-5, Box 244, Folder 53.

[16]"Jackson Report on Detente, Trade, and Human Rights."

relationship.[17] The Senator and the Administration differed strongly, however, as to which aspects of Soviet behavior should be targeted by the trade linkage. Like many of his fellow Democrats in the Senate, Jackson viewed the liberalization of Soviet *domestic* practices as a worthy foreign policy goal, one he thought better advanced by withholding rather than extending trade and credit privileges. The Administration, by contrast, hoped to continue its policy of linking trade to Soviet *foreign* policy.

As word of the impending trade agreement began circulating around Washington, Jackson reached the conclusion that Nixon and Kissinger were in the process of prematurely squandering a valuable asset in the Cold War competion. In the Senator's view, the Administration had seriously underestimated the extent of Soviet economic difficulties, and, consequently, the high political and human rights price the Soviets would pay for economic assistance.[18] Accordingly, Jackson and his staff began drafting trade-restricting language within days of the conclusion of the Moscow summit conference, at first conditioning approval of the still-uncompleted agreement on a more satisfactory settlement of lend-lease.[19] They soon dismissed this idea as a "non-starter", and began concentrating instead on linking the trade agreement to Soviet emigration practices.[20]

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[17]Compare ibid. with Kissinger, White HouseYears, pp. 152-153.

[18]See Stephen S. Rosenfeld, "The Politics of the Jackson Amendment," 1 Present Tense 22 (Summer 1974).

[19]See Stern, Water's Edge, p. 20.

[20]Ibid.

As chapters two and three noted, for many years Jackson had spoken out against Soviet repression and more recently had become an active supporter of the burgeoning movement of Soviet Jews.[21] who wished to emigrate, primarily to Israel.[22] During 1971, Jackson made numerous appeals to the Nixon Administration suggesting various means of diplomatically pressuring the Soviet government to cease its harassment of Jews and other minorities wishing to exercise either their religious beliefs or their fundamental right to emigrate. In addition to a request for the usual formal protest of "the cruel persecution of Soviet Jews,"[23] the Senator also suggested that the United States Information Agency increase its coverage of "material of Jewish interest broadcast to the Soviet Union on the Voice of America" as a means of demonstrating solidarity with those wishing to emigrate.[24] Finally, in July he registered his concerns in a more public manner, joining with Senator William Brock (R.-Tenn.) to co-sponsor a concurrent resolution that, *inter alia*, called upon President Nixon to "demand of the Soviet government that

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[21]For a brief description of the origin of the emigration movement in the Soviet Union, see U.S. House of Representatives, Committee on Foreign Affairs, Tension and Detente: Congressional Perspectives on Soviet-American Relations, report of a Study Mission to the Soviet Union, April 1973 (Washington: Government Printing Office, 1973), pp. 8-12.

[22]Jackson's demonstrated throughout his career an affinity for the Jewish people and the State of Israel that he dated to his visit to the Buchenwald concentration camp shortly after its liberation. See Jackson, "Detente and Human Rights," commencement address at Yeshiva University, June 4, 1973, Jackson Papers, 3560-6, Box 10, Folder 33. His frequent intercessions on behalf of Israel's security concerns stemmed both from a humane concern for an oft-persecuted religious minority and from an appreciation for Israel's status as a democracy and a vital strategic ally. See Fosdick, ed., Henry M. Jackson and World Affairs, p. 237.

[23]Jackson letter to the Honorable William P. Rogers, May 27, 1971, Jackson Papers, 3560-6, Box 8, Folder 68.

[24]Jackson letter to the Honorable Frank Shakespeare, March 26, 1971, Jackson Papers, 3560-6, Box 8, Folder 45.

it permit its citizens the right to emigrate . . . as affirmed by the United Nations Declaration of Human Rights."[25]

Although the Administration, in fact, had been privately raising the issue of Soviet emigration practices at the highest levels,[26] by 1971 it had made relatively little progress with respect to the number of persons actually allowed to leave and the extent of official harassment of those who remained. At a December rally at New York City's Madison Square Garden, Jackson escalated the rhetorical pressure on the Soviet government and, more significantly, hinted at future sanctions for continued Soviet intransigence.[27] Jackson began by proclaiming that the time had arrived for Americans, starting with President Nixon, "to speak out and say what everyone knows to be true -- that the policies of the Soviet government are in blatant violation of the Universal Declaration of Human Rights."[28] He then issued a thinly veiled threat to put some teeth into the American protest by tying the Soviet desire for increased trade to its willingness to "loosen up on its immigration policies and cease its policy of cultural genocide against the Jews."[29] Raising our voices and driving a hard bargain on trade, Jackson

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[25]Jackson, "U.S. Must Take Steps to Help Persecuted Jews in Soviet Union," July 12, 1971, Jackson Papers, 3560-6, Box 8, Folder 77.

[26]Secretary of State Rogers and National Security Adviser Kissinger had been pursuing what came to be known as "quiet diplomacy" -- low-key, private intercession on behalf of particular individuals and groups -- usually by handing a list of persons whose desire to emigrate had reached Washington and tacitly acknowledging that Soviet cooperation would be noted and reciprocated in areas of Soviet concern. See Kissinger, Years of Upheaval, p. 249; Stern, Water's Edge, p. 13.

[27]"Remarks by Senator Henry M. Jackson at 'Freedom Lights for Soviet Jewry,'" Madison Square Garden, New York City, December 13, 1971, Jackson Papers, 3560-6, Box 9, Folder 8.

[28]Ibid.

acknowledged, might offend the Soviet leaders and even slow the pace of detente. But, the Senator asked, "[h]ow stable can a detente be which involves concessions on issues of basic human rights?"[30]

Although, as Paula Stern has shown, some Jewish activists had considered tying freedom of emigration to trade concessions, Senator Jackson appears to have been the first prominent figure to publicly suggest such a linkage.[31] Yet for the first half of 1972 the Senator, who was campaigning for the Democratic presidential nomination, did not initiate any legislative efforts toward that end. By June, however, Jackson's 1972 presidential prospects had long vanished and he turned his attention once more to fashioning an appropriate legislative response to President Nixon's rapidly flowering detente policy.

Jackson's efforts to derail the trade agreement proceeded in tandem with his amendment to the SALT I Interim Agreement discussed in chapter four. As noted above, the Senator and his staff had briefly flirted with the notion of opposing the adequacy of the Soviet lend-lease settlement, but had decided in favor of the emigration linkage even before the Soviet government announced the levying of its notorious "education tax" on would-be emigrants on August 3,

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[29]Ibid.

[30]Ibid.; see also "Senator Henry M. Jackson's Message to the First National Student Conference on Soviet Jewry," January 25, 1972, Jackson Papers, 3560-6, Box, 9, Folder 50.

[31]See Stern, Water's Edge, pp. 10-12. A number of observers have stated incorrectly that Senator Jacob Javits (R.-N.Y.) was the first senator to publicly propose the trade-emigration link in a speech on August 30, 1972. See ibid., pp. 22-23; Rosenfeld, "The Politics of the Jackson Amendment," p. 18.

1972.[32] Thus, although the education tax surely mobilized support for Jackson's initiative, both on Capitol Hill and among the various Jewish lobbying groups, Stern is correct in describing the amendment as "more an initiative than a response."[33] While Jackson had not yet circulated his draft proposal, even to other senators and their staffs, he "was prepared to launch a tough legislative response" prior to the Soviet provocation.[34]

The education tax, as Rosenfeld noted, ostensibly served to reimburse the Soviet state for expenditures "on education in schools of higher learning, in internships, and in military academies," but actually represented a "new and potent weapon" in the Soviet effort to discourage emigration.[35] Its issuance, Kissinger later wrote, "dumbfounded" the Nixon Administration because it threatened the detente in which both sides had greatly invested for "no self-evident purpose."[36]

Whatever the Kremlin's motives, it is certain that the new tax played into Jackson's hands as he endeavored to recruit a critical mass of co-sponsors before formally introducing his amendment to the trade agreement. To be sure, even with the tax in place, support for Jackson's bold, confrontational strategy remained muted as late as a September 11 meeting of key Senate staffers and representatives of national Jewish organizations. Only Perle and Morris Amitay, an

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[32]Stern, Water's Edge, p. 20. The account of the Jackson-Vanik Amendment that follows relies substantially on Stern's comprehensive study of that piece of legislation and on supplemental materials from the Jackson Papers.

[33]Ibid., p. 21.

[34]Ibid.

[35]Rosenfeld, "The Politics of the Jackson Amendment," p. 17.

[36]Kissinger, White HouseYears, pp. 1271-1272.

aide to Senator Ribicoff, strongly supported the amendment, though another staffer unwittingly strengthened the proposal by noting the value of credits and credit guarantees to the Soviets.[37] As Senators such as Javits and Humphrey weighed more tepid responses -- including a non-binding resolution deploring the tax, urging its removal, and drawing a vague connection between trade and emigration -- Jackson seized the initiative at a September 26 rally of the National Conference on Soviet Jewry. In an uncharacteristically rousing speech, Jackson declared that

> The time has come to place our highest human values ahead of the trade dollar by firm and immediate action that the Russians can understand. You want to know what you can do? I'll give you your marching orders. Get behind my amendment. And let's stand firm.[38]

Spurred by the Senator's challenge, the group unanimously endorsed Jackson's initiative, thereby emboldening him to press ahead on a more formal basis.[39]

The following day, September 27, Jackson announced that he would soon be introducing an amendment to the East-West Trade Relations Act prohibiting communist countries from receiving MFN status, U.S. government credits, or government credit guarantees unless such countries permitted their citizens the opportunity to emigrate.[40] On that same day, Jackson circulated a letter to his colleagues indicating that he had already obtained eleven co-sponsors and

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[37]See Stern, Water's Edge, pp. 25-26; Rosenfeld, "The Politics of the Jackson Amendment," p. 18.

[38]Jackson, statement at emergency rally, National Conference on Soviet Jewry, September 26, 1972, quoted in Stern, p. 32.

[39]Ibid., p. 33.

[40]Jackson, "East-West Trade and Fundamental Human Rights," Congressional Record, September 27, 1972, pp. 32428-32429.

asking for others to join.[41] Over the next week, with rather substantial assistance from the Nixon Administration, Jackson's vanquished the weaker alternatives still under consideration and established his amendment as the only game in town.

As chapter four noted, Jackson and Nixon engaged in a remarkably productive forty-five minute stroll around the White House rose garden after the SALT I signing ceremony. In addition to discussing the composition of the U.S. arms control delegation, the two men apparently negotiated a temporary compromise over the soon-to-be-introduced Jackson Amendment to the trade bill. In exchange for President Nixon's pledge to release the 15-18 Republican senators who had resisted becoming co-sponsors without a presidential signal of assent, Jackson promised to keep a low profile on the emigration issue in the final weeks of the campaign and not to bring the amendment up for a vote before the election.[42] Although Jackson probably could not have obtained a floor vote before the fall recess in any event, the President was taking no chances on the outcome of the election, in which he hoped to make a better showing with Jewish voters in 1972 than he had in 1968.[43] Thus, in the first of a series of compromises between Jackson and the Nixon and Ford Administrations in which the Senator gained the better of the bargain, several Nixon loyalists in the Senate signed on to the Jackson Amendment, swelling the number of co-sponsors to seventy-two by the time the Senator formally introduced his trade-restricting legislation on October 4, 1972.

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[41]Stern, pp. 33-34.

[42]See ibid., p. 42.

[43]See William Safire, Before the Fall: An Inside View of the Pre-Watergate White House (Garden City, NJ: Doubleday, 1975), pp. 572-574.

C. Phase One: The Education Tax

In introducing his amendment, Senator Jackson proclaimed the birth of "a bipartisan coalition for freedom" on behalf of Soviet "minorities of all faiths and persuasions" who were seeking only "to remove themselves from a totalitarian state in which they are deprived of essential human rights."[44] The legislation, Jackson conceded, constituted a "severe measure." Yet, he judged it appropriate in view of the history of Soviet oppression, including, but not limited to, the recently imposed education tax.[45] Of course, with the pre-election recess scheduled to begin in a matter of days, Jackson well understood that his bill had no chance of becoming law during the 92d Congress. Nevertheless, formally raising the issue furthered two important purposes for Jackson: first, it served notice to the Kremlin that the United States Congress was closely monitoring domestic conditions in the Soviet Union, and, second, it provided an opportunity for the Senator and his allies to gather momentum for the next legislative session.

On October 18, the day that Congress finally adjourned, representatives of the United States and Soviet Union initialed the trade agreement. A few weeks later, President Nixon won a landslide re-election victory over Senator George S. McGovern, carrying forty-nine states and capturing well over 60% of the popular vote. It was, as Theodore H. White later wrote, "the largest vote of confidence ever given by the American people."[46]

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[44]Jackson, "Trade and Freedom," speech on Senate floor, October 4, 1972, Jackson Papers, 3560-6, Box 17, Folder 9.

[45]Ibid.

[46]Theodore H. White, Breach of Faith: The Fall of Richard Nixon (New York: Dell Publishing, 1975), p. 220.

During the post-election months, however, several factors produced a period of "malign neglect" with respect to the Administration's approach to Jackson's trade linkage.[47] The President, for his part, seemed preoccupied -- domestically with reshuffling his cabinet and setting priorities for his second term and internationally with ending the war in Vietnam.[48] Then, having largely accomplished those tasks as of the announcement of a January 27 cease fire, Nixon gradually became consumed by the task of coping with the Watergate scandal. Kissinger, on whose shoulders key foreign policy decision increasingly fell during Nixon's aborted second term, spent much of the winter negotiating the Vietnam accord and then travelled to that country and to China in February, 1973. In these circumstances, the trade agreement became a secondary concern for the Administration, which may have "missed a crucial opportunity to derail the Jackson amendment."[49]

From another view, however, it is plausible that Nixon and Kissinger did not wish to derail the amendment, at least not yet. As Kissinger later recalled, "In the beginning, the Congressional pressures served as useful reinforcements to the Administration's own efforts in the same direction."[50] Put more concretely, Kissinger attempted to use the amendment as a lever with which to obtain the concession he thought Jackson was trying to obtain -- namely, the lifting of the education tax -- and perhaps as a means of reinforcing to the Soviets the advantages of

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[47]See Stern, Water's Edge, pp. 47-49.

[48]See Nixon, RN: Memoirs, pp. 717-770.

[49]Stern, Water's Edge, p. 47.

[50]Kissinger, Diplomacy, p. 754; see also Kissinger, White House Years, p. 250.

cooperating with Nixon's efforts to *privately* facilitate Jewish emigration[51] in order to preempt further conflict with Congress.

As the Administration attended to other matters and awaited a response from the Soviets on the education tax, the Jackson forces in both houses of Congress continued to forge a formidable coalition in support of the amendment. The immediate battleground would be the House of Representatives, by virtue of a provision of Article I, section 7 of the U.S. Constitution requiring that all revenue-raising legislation (i.e., tariffs) originate in that body. More specifically, the trade agreement would be assigned to the House Ways and Means Committee for initial consideration. Congressman Charles Vanik (D.-Ohio), a veteran member of that committee who had introduced the House version of the Jackson Amendment the previous fall, again took the lead in shepherding the initiative, which soon became known as the Jackson-Vanik amendment, through the House.[52] As a result of the determined efforts of a Vanik aide, well over half of all House members had joined as co-sponsors by January, and by early February Representative Wilbur D. Mills (D.-Ark.), the powerful Chairman of the Ways and Means Committee, had agreed to be the chief House sponsor.[53]

In the meantime, Senator Jackson, at the suggestion of Senator Javits, met with Ambassador Dobrynin at the Soviet Embassy. As evidenced by a memorandum of their January

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[51]In their respective memoirs, both Nixon and Kissinger argued that so-called "quiet diplomacy" is more effective than the type of noisy, public linkage advocated by Jackson and his supporters. See Nixon, RN: Memoirs, p. 876; Kissinger, Years of Upheaval, pp. 250-255; 985-998. Chapter nine will analyze this debate in more detail.

[52]See Stern, Water's Edge, p. 54.

[53]See ibid., pp. 57-58; David E. Rosenbaum, "Firm Congress Stand on Jews Is Traced to Efforts in Soviet by Those in U.S.," New York Times, April 6, 1973.

14 conversation[54] and a letter sent from Jackson to the Ambassador five days later,[55] the meeting did not go particularly well. Dobrynin informed Jackson of his reputation in Moscow as "the number one cold war warrior," and the Senator neither did nor said anything to counter that perception. In his letter, Jackson cited "powerful evidence of a fundamental contradiction between the public position of the Soviet government on [emigration] and the actual conduct of the Soviet government with respect to those wishing to emigrate." The Senator then offered an equally frank assessment of official "intimidation and harassment," inviting the Ambassador's reply and pledging to remain in contact through Kissinger.[56]

It appears that by mid-March the Soviets had decided to rethink the wisdom of the education tax. In remarks to the National Press Club, Jackson himself noted that the education tax had been waived for some recent emigrants.[57] Yet even this conciliatory gesture by Moscow reinforced the Senator's determination to see the amendment enacted into law. The imposition and waiver of the tax, remarked Jackson, demonstrated the capriciousness of Soviet emigration policy. In a state where "yesterday's weather could be changed by decree," Jackson pledged to "put the Jackson amendment on the statute books" as a safety valve, "but in the hope that it won't apply to the Soviet Union because they will be in compliance with the free emigration

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[54]"Memorandum of Conversation Between Ambassador Dobrynin and Senator Jackson at the USSR Embassy," January 14, 1973, Jackson Papers, 3560-6, Box 1, Folder 57.

[55]Letter from Jackson to Soviet Ambassador Anatoly F. Dobrynin, January 19, 1973, Jackson Papers, 3560-6, Box 40, Folder 20.

[56]Ibid.

[57]Jackson, "Remarks on East-West Trade and Freedom of Emigration," National Press Club, March 22, 1973, reprinted in Congressional Record, March 29, 1973, p. 10175-10176.

provision."[58]

The Soviets, in fact, soon would confidentially communicate to Nixon their intention to drop the education tax altogether.[59] Kissinger, sensing an opportunity, then took the extraordinary step of asking the Kremlin for permission to transmit Brezhnev's private diplomatic communication to Congress.[60] The Soviets agreed, prompting Kissinger to believe that all obstacles to implementing the trade agreement had been cleared.[61] Indeed, the official statement disavowing the education tax appeared to provide a victory of sorts for all of the interested parties: Jackson could claim credit for getting the Soviet government to back down; the Soviets would get lower tariffs and access to credits, Nixon and Kissinger could move forward with detente, and emigration could proceed apace in the absence of both the education tax and Jackson's controversial twist on the Administration's linkage policy.

As allegations and revelations about Watergate cascaded around the beleagered White House, President Nixon invited six congressional leaders, including Jackson, to the White House on April 18 to inform them that the Soviets had given ground on the emigration issue. Just over a week earlier, Nixon had submitted his request for authority to grant MFN status to the Soviet Union as part of the comprehensive Trade Reform Act, to which Jackson promptly added his

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[58]Ibid.

[59]See Kissinger, Years of Upheaval, p. 252.

[60]Ibid., pp. 252-253.

[61]The text of the Soviet statement, drafted by Kissinger and cleared by Dobrynin, appears in the endnotes of Years of Upheaval, p. 1234.

amendment, now with 76 Senate co-sponsors, later that day.[62] Armed with the Soviet note, Nixon "expected to celebrate a great achievement" and to lay waste to Jackson's proposed amendment.[63]

The President's announcement, Kissinger reported, was met by the senators with "grumbling silence at another of Nixon's coups" until "they were rallied by the redoubtable Jackson."[64] Echoing his comments of March 22, Jackson stated that the decision to lift the education tax may have been a tactical maneuver. The United States had no way of ensuring that the Soviets would not reimpose the tax when it suited their purposes. Furthermore, even if the tax remained suspended, other means of discouraging emigration continued unabated. The amendment, by requiring annual monitoring of actual conditions and results, would ensure ongoing compliance with the Soviet Union's international obligation to permit free emigration. Accordingly, Jackson concluded that he was "standing firm on my amendment, period."[65]

To the extent that Nixon and Kissinger were stunned by Jackson's rebuff, their puzzlement came from a misunderstanding of what the Senator hoped to accomplish through his amendment. Jackson headed a large and diverse coalition of legislators -- both liberal and conservative -- who had various motives for supporting the trade-emigration link. Many liberals appreciated its humanitarian objective; some probably signed on just to show how much they despised Nixon.

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[62]See Jackson, "Trade Reform Act of 1973 -- Amendment," Congressional Record, April 10, 1973, p. 11549-11550.

[63]Kissinger, Years of Upheaval, p. 253.

[64]Ibid.

[65]Jackson, "Statement on Freedom of Emigration and East-West Trade," April 18, 1973, Jackson Papers, 3560-6, Box 10, Folder 18.

Conservatives generally supported the amendment's anti-Soviet thrust. Legislators of various political persuasions also chose to co-sponsor the amendment to please their Jewish constituencies[66] or simply because they found the legislation impossible to oppose; as was the case with Jackson's "equality" amendment to SALT I, the Senator had so cleverly framed the question that potential opponents risked appearing to be against "human rights" or "free emigration". And, beyond their various motives, the legislators also differed as to their objectives, with liberals generally hoping to maximize the number of persons permitted to emigrate and conservatives primarily interested in delaying, or even withholding altogether, what they perceived to be American trade concessions.

Jackson, almost uniquely, combined the liberals' concern for human rights with the conservatives' skepticism of detente. He recognized human rights as more than simply a humanitarian concern and detente as more than simply a process of regulating the international relations of East and West. From Jackson's view, the United States ought to "press our traditional commitment to human rights in the emerging detente . . . not only because these values are right in themselves, but because it must be a purpose of the detente to bring the Soviet Union into the community of civilized nations, to hasten the end of what Sakharov has called 'an intolerable isolation, bringing with it the ugliest consequences.'"[67] Thus, for Jackson the issue of human rights was inextricably bound up with the long-term security interests of the United States

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[66]See the comment of an anonymous Northern senator in Rosenbaum, "Firm Congress Stand."

[67]Jackson, "Detente and Human Rights," speech to Pacem in Terris Conference, October 11, 1973, Jackson Papers, 3560-6, Box 10, Folder 80; Jackson, "Article on East-West Trade and Emigration for California Israel Chamber of Commerce Magazine," August 5, 1974, Jackson Papers, 3560-6, Box 11, Folder 3.

and its allies and, accordingly, it formed a critical component of the Senator's detente strategy.

According to Jackson, the principal obstacle to a genuine and meaningful detente during the Cold War was the "forced isolation of the peoples of the communist nations."[68] Like Sakharov and Solzhenitsyn, whose statements Jackson quoted unceasingly, the Senator believed that detente without democratization would present a very dangerous situation. A detente worthy of the name, Jackson insisted, must be accompanied by "progress toward the freer movement of people and ideas between East and West, which is also to say progress in the area of human rights and individual liberty."[69] Following from this, he concluded that "the weight we assign to human rights in the development of relations with the communist world, and the depth of our own commitment to individual liberty will prove decisive" in determining whether the much vaunted relaxation of tensions is lasting and real or just fleeting and illusory.[70]

Although the selection of trade and emigration as the objects of Jackson's ingenious linkage appeared to have a fortuitous quality to it, the Senator managed to relate them to his larger purposes. Of all human rights, he argued that freedom of emigration is "the first among equals" because whatever other fundamental rights are denied by government repression may be restored by leaving one's country of residence for another, freer country.[71] Moreover, as a fundamental right specifically affirmed in numerous international conventions, including some of

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[68]Jackson Report on Detente, Trade, and Human Rights, p. 1.

[69]Ibid., p. 2.

[70]Jackson, "Detente and Human Rights," reprinted in Congressional Record, June 6, 1973, p. 18284.

[71]Ibid.

which the Soviet Union was a signatory,[72] emigration provided an opportunity to call international attention to the Soviets' unwillingness to conform to their international obligations.

As noted above, Jackson believed that the linkage of trade benefits and credits with a demand for liberalized emigration practices represented a perfectly legitimate political *quid pro quo*. As the Senator read the situation, Moscow sought commercial ties with the West in order to achieve political ends, both domestic and international. The Soviet Union of 1973, he believed, was burdened by a deepening economic crisis, desparate for an infusion of Western capital and technology in order to exploit its vast natural resources, and even incapable of providing an adequate supply of such food staples as potatoes and cabbage, not to mention wheat.[73] Nevertheless, the Soviet Union continued to divert a disproportionate share of the domestic product to the military sector to support strategic forces equal to those of the United States and conventional forces far in excess of those deployed by NATO.[74] While increased commercial ties no doubt would benefit certain American corporations, the United States stood to gain very little politically. In contrast, Jackson insisted that access to government credits at low interest rates greatly facilitated Soviet efforts to purchase Western technology and agricultural products without depleting already scarce foreign currency reserves. In these circumstances, the Senator

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[72]The Soviet Union ratified the International Convention on the Elimination of All Forms of Racial Discrimination and the International Covenant on Civil and Political Rights, both of which guarantee the right to emigrate. See Dachowitz, "The Soviet Denial of the Right to Emigrate," p. 329.

[73]See Jackson Report on Detente, Trade, and Human Rights, supra, pp. 20-33; see also "Message from Senator Jackson to Soviet Jewry Rally, New York," May 6, 1973, Jackson Papers, 3560-6, Box 10, Folder 23.

[74]See "Senator Jackson Warns on Detente Pitfalls," Aviation Week & Space Technology, October 8, 1973, p. 65.

felt the United States had every right, and indeed a duty, to exact a political benefit from Moscow as the price of doing business.

From Jackson's perspective, then, Jackson-Vanik represented a modest initial effort "to reconcile human rights with the detente we all desire."[75] The Kremlin would have to take steps toward lifting its veil of isolation before Jackson would consent to American participation in the modernization of the Soviet economy. To be sure, the Senator professed to having "no illusions about restructuring the Soviet system"[76] or "grant[ing] civil liberties to"[77] the citizens of the Soviet Union. Yet he, like Sakharov, surely believed that his amendment raised "a fundamental issue, extending far beyond the question of emigration."[78] Indeed, by stressing the importance of increased people-to-people contacts, drawing public (even international) attention to the Kremlin's shameful human rights record, and conditioning American economic assistance on improvements in that record, Jackson's amendment represented the opening thrust in an ongoing challenge to the legitimacy of the Soviet regime. As we shall see in the remainder of this chapter and in chapters seven and eight, Jackson would continue to latch onto every available means of pressing human rights as a security issue in East-West relations for the remaining decade of his

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[75]Jackson, "Is Free Emigration Too Much to Ask?" remarks at Freedom Assembly for Soviet Jews, June 17, 1973, Jackson Papers, 3560-6, Box 10, Folder 38.

[76]Jackson, "Article for California Israel Chamber of Commerce Magazine," p. 3.

[77]"Jackson Comment on Fulbright Remarks on Trade, Detente, and Human Rights," November 9, 1973, Jackson Papers, 3560-6, Box 10, Folder 90.

[78]Andrei Sakharov, "Open Letter to the Congress of the United States," September 14, 1973, copy available in Jackson Papers, 3560-6, Box 37, Folder 18. This passage was cited frequently in subsequent Jackson speeches, see e.g., Jackson, "Detente and Human Rights," speech to Pacem in Terris Conference, pp. 5-6.

life.

Jackson's insistence on pushing ahead with his amendment after the education tax had been lifted also signalled a new phase in his attack on the legitimacy of the Nixon/Kissinger policy of detente. Until the April 18 meeting, Nixon and Kissinger believed that Jackson-Vanik was simply a ploy for Jackson to make political hay out of driving Moscow to a hasty retreat from a blundering decision -- the imposition of the education tax -- that jeopardized detente at the moment of its crowning achievements -- an arms control treaty and a trade agreement. But by vowing to see Jackson-Vanik enacted into law, Jackson proved a more determined and stubborn opponent that the Administration had anticipated. Furthermore, the consequences of Jackson-Vanik -- an annual review of the Kremlin's compliance with a capitalist legislature's dictates about its emigration policy -- directly tested the tacit agreement between Washington and Moscow that detente would focus exclusively on international, not domestic, affairs.

Faced with Jackson's having, in effect, thrown down the gauntlet at the April 18 meeting, the Nixon and Ford Administrations spent the better part of the next two years trying to fend off the Senator's bid to spoil the trade component of their Soviet policy. They responded first by attempting to split the unusual coalition supporting the amendment, then by confronting the amendment on its merits, and, finally, by trying to reach a compromise between Jackson and the Soviets. By the end, however, it became apparent that, as with arms control, it would be difficult, if not impossible, to construct a deal that would satisfy both the Kremlin and the junior senator from Washington.

D. Phase Two: Efforts to Split Jackson's Unusual Coalition

From April to December, the Administration and Senator Jackson openly competed for the loyalties of key legislators and interest groups. Each time the White House made its pitch to scrap the amendment, Jackson and his allies fought a rear-guard action to keep the elements of their unusual coalition together.

Among legislators, the Administration first targeted Congressman Mills, perhaps the most important House co-sponsor. As the President met with the six senators, one of his many aides went to Capitol Hill to inform Mills that the Soviets had lifted the education tax. Recalling a promise he had made to the Soviet deputy minister of foreign trade, Mills almost immediately informed the Washington Post that he no longer supported the amendment.[79] Upon hearing of Mills' defection, Jackson's aide Perle sprung into action, prevailing upon a friend of Mills' to ask the Congressman to reconsider. Mills' friend, accompanied by the chairman of the National Conference on Soviet Jewry, made an emotional appeal to the Ways and Means Chairman during a lunch meeting, after which Mills agreed to rejoin the crusade.[80]

Not surprisingly, both sides also focused considerable attention on winning the support of prominent leaders of the Jewish community. Jackson-Vanik placed both American Jews and the state of Israel in a difficult dilemma because two of their strongest patrons, Nixon and Jackson, were at loggerheads over how to proceed. On April 19, the day after Nixon's meeting with the senators, the President advised a group of Jewish leaders that the lifting of the education tax had paved the way for emigration to continue at a rate of thirty-two to thirty-five thousand

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[79]See Stern, Water's Edge, p. 71.

[80]Ibid., pp. 71-73.

persons per year.[81] He also warned that Brezhnev would not capitulate in the face of public pressure, thereby implying strongly that those assembled would better advance their aims by endorsing his brand of "quiet diplomacy" over Jackson's confrontational tactics.

Although those present at the White House meeting issued a statement praising Nixon's concern for Soviet emigrants, they gave no indication of backing off on Jackson-Vanik. Nevertheless, Senator Jackson perceived the need to obtain a public reaffirmation of support, which he achieved by generating "grassroots" pressure on the Jewish leadership and by directly pressing his case for the amendment at a May 8 meeting.[82]

Having thus fended off the Administration's initial attempt to split the Jackson-Vanik coalition, Jackson ensured that the Washington summit conference scheduled for the following month would yield no tangible benefits for the Soviet Union. Although the Soviets had been on their best behavior in the months leading up to the summit, for the remainder of the summer of 1973 they engaged in what Kissinger later called "a series of characteristically heavy-handed blunders" that played directly into Jackson's hands.[83] In sentencing the prominent dissident Andrei Amalrik to two years in prison, putting other dissidents on trial, and increasing the harassment of Sakharov and Solzhenitsyn, the Soviet government seemed to confirm, in a highly public manner, the validity of Jackson's criticisms of its brutal and arbitrary character.

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[81]Ibid., p. 73.

[82]See ibid., pp. 76-80; also see a Jackson inter-office memorandum, May 8, 1973, Jackson Papers, 3560-6, Box 10, Folder 25, listing the points the Senator hoped to make at the meeting.

[83]Kissinger, Years of Upheaval, p. 988; see also Stern, Water's Edge, pp. 84-86.

The Soviet crackdown also had the effect of generating a series of endorsements for the Jackson-Vanik amendment, primarily from liberal groups in the United States. On September 14, 1973, perhaps the most influential endorsement arrived in the form of an open letter to the United States Congress from Academician Sakharov, endorsing the amendment, attacking the "techniques of 'quiet diplomacy,'" and sketching a view of detente very much in line with what Senator Jackson had been saying over the past year.[84] Abandonment of the amendment, Sakharov stressed, "would lead to stronger repression" and "would be tantamount to total capitulation of democratic principles in [the] face of blackmail, deceit, and violence" with dire consequences for "international confidence, detente, and the entire future of mankind."[85] Sakharov's letter, Kissinger later conceded, "opened the floodgates," prompting the eminent historian Arthur M. Schlesinger to reverse his opposition to Jackson-Vanik with the memorable line, "Always trust the man on the firing line."[86]

As Congress returned from its summer recess, then, it seemed that the battlelines had been drawn in the great debate over trade, human rights, and detente. Observing the unusual alliances that had been forged over the preceeding year, one commentator noted that Jackson-Vanik had "made political bedfellows of Henry Kissinger and Senator Fulbright, the National Association of Manufacturers, George Kennan, and Leonid Brezhnev," and had created a "consensus of sorts between Senator Jackson and Professors Morgenthau and Arthur Schlesinger, Jr., between

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[84]Sakharov, "Open Letter to the Congress of the United States."

[85]Ibid.

[86]Arthur M. Schlesinger, Jr., Wall Street Journal, (op-ed piece) September 27, 1973, quoted in Kissinger, Years of Upheaval, p. 988.

Human Events and Americans for Democratic Action, between Tom Wicker and Bill Buckley."[87]

After a brief attempt to draft a softer substitute for Jackson-Vanik fizzled,[88] the Administration and the Soviets appeared to have accepted that MFN status would not be granted in 1973. The outbreak of war in the Middle East, however, presented an unforeseen opportunity to probe the strength of Jackson's support. Kissinger, who had been confirmed as Secretary of State on September 21 by a vote of 78 to 7,[89] met with American Jewish leaders on October 25 and with Israeli Prime Minister Golda Meir the following week.[90] On both occasions Kissinger suggested a linkage between the Administration's detente policy and Israel's security: the Soviets would be more likely to cooperate in a Middle East peace process if the obstacle to the normalization of their trade relations with the United States were lifted.

Kissinger's plea apparently attracted lukewarm support from some of the Americans and little, if any, reaction from the Israelis, who quite naturally preferred to straddle the issue to avoid alienating either of their key benefactors, Jackson and Nixon. According to Stern, the American Jewish leaders "agreed to meet with Vanik and Jackson and ask that Title IV [including the amendment] be eliminated with the possibility that it could be renewed the next year when the

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[87]See Richard Holbrooke, "Washington Dateline: The New Battlelines," 13 Foreign Policy, 185 (Winter 1973-74) (quoting Larry Stern of the Washington Post).

[88]See Stern, Water's Edge, pp. 86-89. The compromise measure, which would have granted MFN status to non-market countries "evidencing reasonable progress in the observance of internationally agreed upon principles of human rights," was pursued briefly by Representatives James C. Corman (D.-Calif.) and Jerry L. Pettis (R.-Calif.).

[89]See Nixon, RN: Memoirs, p. 907; Kissinger, Years of Upheaval, p. 431.

[90]See Isaacson, Kissinger, pp. 614-615; Stern, Water's Edge, p. 95.

Senate took up the [trade] bill."[91]

Jackson was fully appraised of what had transpired between Kissinger and the Jewish leaders when he met with the latter group on November 5.[92] Delivering what Perle later called a "tounge-lashing that turned into a pep talk,"[93] Jackson told his audience that he planned to forge ahead with the amendment, with or without their support, and threatened a grass roots appeal if the leadership abandoned him at this late date.[94] In response to Kissinger's plea that he needed additional leverage with the Soviets, Jackson forcefully countered that any such leverage would be far more useful in his hands than in Kissinger's for two reasons. First, Kissinger would not be able to use trade or credits to exact further concessions on emigration because he already had pledged the American concessions in exchange for a lend-lease settlement. Only the Congress, which was not a party to the MFN promise, could still apply leverage with trade.[95] Second, Jackson charged that Kissinger would bargain away the interests of Soviet Jews if it were necessary to salvage his grand notion of detente.[96] Moreover, caving in to Soviet pressure would be interpreted by the Soviets as a lack of resolve on the part of the United States and of the Jewish leadership which, in contrast to Kissinger's view, actually would have the effect of

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[91]Stern, Water's Edge, pp. 97-98.

[92]See "Memorandum on Jackson Amendment in the House," November 5, 1973, Jackson Papers, 3560-6, Box 10, Folder 89.

[93]Richard Perle, quoted in Isaacson, Kissinger, p. 615.

[94]See Rosenfeld, "The Politics of the Jackson Amendment," p. 23.

[95]Jackson, "Memorandum on Jackson Amendment in the House."

[96]Ibid.

weakening Israel's security.[97]

Although it is uncertain whether Jackson's logic or his threats carried the day, in the end Jackson retained the support of the Jewish leadership. In fact, the Senator's victory at this critical juncture proved to be a "turning point" in the epic struggle over Jackson-Vanik.[98] With the end of the legislative session drawing near, the Administration faced the difficult choice of delaying the entire trade bill[99] until the spring or risking defeat in the House on Jackson-Vanik. In a "last ditch effort," Kissinger and Treasury Secretary George Shultz met with Jackson on November 21 to seek a delay. The Senator would not budge though, insisting that he would not even discuss a compromise until the House passed his amendment in its entirety.[100] On December 11, the House did indeed enact Jackson-Vanik, including its provision on credits, by a vote of 319 to 80.[101]

As Paula Stern concluded, "Jackson's adept tactics were probably the most important factors in the executive-legislative contest" leading up to the House vote; each time the Administration attempted to pick off a key co-sponsor or lobbying group, the Senator "managed

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[97]Ibid.; see also Stern, Water's Edge, p. 99.

[98]Joseph Albright, "The Pact of Two Henrys," New York Times Magazine, January 5, 1975, p. 28.

[99]The request for MFN status for the Soviet Union, and the Jackson-Vanik amendment conditioning the eligibility of non-market countries for that status as well as access to credits and credit guarantees, were components of a comprehensive trade bill that also requested authorization to negotiate the reduction of tariff and non-tariff barriers for the upcoming Tokyo Round of the General Agreement on Tariffs and Trade (GATT).

[100]Stern, Water's Edge, p. 100.

[101]Ibid., p. 101.

to recoup and prevail."[102] Thus, Jackson had proven to be the master of a bipartisan coalition that encompassed virtually the entire political spectrum from left to right. And, having scored a crucial victory in the House, Jackson could bargain with the Administration from a position of strength as the battleground shifted to his home turf, the United States Senate.

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[102]Ibid., p. 102.

CHAPTER SEVEN: DETENTE, TRADE, AND HUMAN RIGHTS -- THE ENACTMENT OF THE JACKSON-VANIK AMENDMENT

A. Phase Three: Arguing on the Merits

Even before the House vote the Administration had begun to take an additional tack to opposing Jackson-Vanik -- namely, arguing against it publicly and on the merits. This decision was prompted by two emerging realities. First, it was becoming increasingly apparent that the Jackson supporters and their very able legislative aides had the skill and resources to overpower the Administration's efforts to defeat the amendment either through parliamentary maneuver or private lobbying. Second, as Secretary of State, Kissinger was able to avail himself of more opportunities to make speeches and testify before Congress than he had as National Security Assistant and he proved to be an eloquent and energetic defender of his and Nixon's detente policy. As President Nixon's attention turned increasingly toward his impending impeachment, Kissinger emerged as the principal spokesperson for the Administration's foreign policy.

As with the Administration's efforts to split the Jackson coalition, the efforts to attack Jackson-Vanik on the merits (by Kissinger and others) almost always provoked an instant response from Jackson, whose status as a presidential contender virtually guaranteed media coverage of his speeches and comments. Thus, from about October, 1973, through the final Senate vote on the amendment in December, 1974, (and, indeed, through the end of the Ford Administration) Kissinger and Jackson dominated the American foreign policy debate which, not surprisingly, focused on the merits of detente.

Both sides of the debate clearly understood that the battle over the trade agreement would be a pivotal, and perhaps decisive, event in the course of detente. In some sense, then, the vote

on the Jackson-Vanik amendment was a referendum on the Nixon Administration's stewardship of U.S.-Soviet relations. Accordingly, the principal participants in the debate -- particularly Jackson and Kissinger -- increasingly coupled their particular remarks about the amendment with more general commentary on the pros and cons of Nixon's and Kissinger's grand scheme.

Jackson-Vanik was symptomatic of a core disagreement between Jackson and Kissinger concerning the age-old question of whether the promotion of individual liberty (by 1973, more often called human rights) ought to be a major objective of American foreign policy. As chapter one noted, statesmen and commentators favoring the "traditionalist" and "beaconist" perspectives have responded in the negative, while those who have preferred the "crusader" approach have answered affirmatively. And, indeed, this pattern tended to hold true to form in the public discussion of the trade agreement. Thus Kissinger, whose approach, as reflected in his public statements, leaned heavily toward the "traditionalist" school became aligned with Senator Fulbright, who by the early 1970s had become an almost pure "beaconist." On the other side, of course, was Jackson, whose pronouncements followed strongly in the "crusader" tradition.

In defending detente against the Jackson onslaught, Administration spokespersons emphasized three themes that, in their view, Jackson-Vanik failed adequately to consider: sovereignty, the primacy of geopolitics, and the limits of foreign policy. As Kissinger remarked in a speech at the *Pacem in Terris* conference, "Foreign policy must begin with the understanding that it involves relationships between sovereign countries."[1] Following from this first principle, "[t]he pursuit of peace must [] begin with the pragmatic concept of coexistence -- especially in

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[1]Kissinger, address to *Pacem in Terris* Conference, October 8, 1973, reprinted in Henry A. Kissinger, American Foreign Policy (3d. ed.) (New York: W.W. Norton & Co., 1977), p. 120.

a period of ideological conflict."[2] Not surprisingly, then, detente represented a process by which the United States and the Soviet Union endeavored "to set up rules of conduct and to establish a certain interconnectedness of interests" in their foreign relations.[3]

However, as Kissinger also pointed out, "[w]e do not say that detente is based on the compatibility of domestic systems."[4] While noting that the United States is not neutral with respect to "the antagonism between freedom and its enemies," and, in fact, would quietly "use our influence to promote freedom," Kissinger consistently stressed the necessary "limits of such efforts," particularly with respect to relations with the Soviet Union.[5] Particularly in the nuclear age, the Secretary observed, "Consciousness of our limits is recognition of the necessity of peace -- not moral callousness. The preservation of human life and human society are moral values, too."[6] Similarly, in the Administration's clearest and most detailed critique of Jackson-Vanik, President Nixon, in a speech drafted by Kissinger's staff,[7] stated:

> Eloquent appeals are now being made for the United States, through its foreign policy, to transform the internal as well as the international behavior of other countries, especially the Soviet Union. . . .

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[2]Ibid., p. 121.

[3]Kissinger, remarks at year-end press conference, December 27, 1973, reprinted in Kissinger and Detente (New York: Facts on File, 1975), p. 37.

[4]Ibid., p. 36.

[5]Kissinger, "*Pacem in Terris* address," reprinted in Kissinger, American Foreign Policy, p. 126-127.

[6]Kissinger, "Statement to the Senate Foreign Relations Committee," reprinted in ibid., p. 145.

[7]See Isaacson, Kissinger, p. 616.

> Our foreign policy must reflect our ideals and purposes. We can never acquiesce in the suppression of human liberties. We must do all that we reasonably can to promote justice. For this reason, we continue to adhere firmly to certain humane principles, not only in appropriate international forums, but also in our private exchanges with other governments -- where this can be effective. . . .
>
> But there are limits to what we can do, and we must ask ourselves some hard questions. What is our capability to change the domestic structure of other nations? Would a slowdown or reversal of detente help or hurt the positive evolution of other social systems? What price -- in terms of renewed conflict -- are we willing to pay to bring pressure to bear for humane causes?
>
> Not by choice but by our capability, our primary concern in foreign policy must be to help influence the international conduct of nations in the world arena. We would not welcome the intervention of other countries in our domestic affairs, and we cannot expect them to be cooperative when we seek to intervene directly in theirs.
>
> We cannot gear our foreign policy to the transformation of other societies. In the nuclear age, our first responsibility must be the prevention of a war that could destroy all societies.
>
> Peace between nations with totally different systems is also a moral objective.[8]

As the foregoing statements suggest, the notion of legitimacy undergirding Nixon's and Kissinger's conception of international relations in the detente era required a common framework of restraint between *states* in the conduct of their *external* relations. This framework would emerge from an "overall mosaic" of interrelationships, including expanded commercial relations.[9] Thus, Nixon and Kissinger had intended to offer access to American credits and markets as a reward for Soviet cooperation in foreign affairs -- for example, good faith efforts to concluded

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[8]"Commencement address at United States Naval Academy, Annapolis, Maryland," June 5, 1974, in Public Papers of the Presidents, Richard Nixon, 1974 (Washington: Government Printing Office, 1975), pp. 471-472.

[9]See Kissinger, "*Pacem in Terris* address," reprinted in Kissinger, American Foreign Policy, p. 125.

arms limitations, cooperation over Vietnam, and restraint in the Middle East. Jackson's "ex post facto form of linkage,"[10] the Administration now complained, not only raised questions about the reliability of the United States as a negotiating partner, but also risked "provoking the Soviet leadership into returning to practices in its foreign policy that increase international tensions."[11]

In taking up the defense of his amendment, Senator Jackson insisted that the approach endorsed by the Administration and its supporters was neither faithful to traditional American values nor likely to secure a lasting peace. In his speech to the *Pacem in Terris* conferees, Jackson took a swipe at both the "traditionalists" and the "beaconists" in noting that "Senator Fulbright, who is beguiled by the Soviets, and Dr. Kissinger, who believes that he is beguiling them, manage to find common ground in rejecting Dr. Andrei Sakharov's wise counsel against promoting a 'detente' unaccompanied by increased openness and trust."[12] Such a detente, Jackson charged, amounted to "a formula between governments for capitulation on the issue of human rights."[13]

Fundamental to Jackson's approach to international relations was an understanding that "a regime that denies the rights of man can never be reconciled to membership in the community of civilized nations."[14] In promoting a linkage between trade and emigration, Jackson intended

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[10]Kissinger, "Statement to the Senate Foreign Relations Committee," September 19, 1974, reprinted in ibid., p. 157.

[11]Kissinger, "*Pacem in Terris* address," reprinted in ibid., p. 126.

[12]Jackson, "Detente and Human Rights," address to *Pacem in Terris* Conference, October 11, 1973, Jackson Papers, 3560-6, Box 10, Folder 80.

[13]Ibid.

[14]Jackson, "First Human Detente," New York Times, September 9, 1973.

to prod the Soviets (and other communist countries) one step closer to the moral consensus which, in his view, formed the only legitimate basis for a true and enduring accommodation.[15] As the Senator later explained, "The Jackson Amendment is based on the simple principle that the Soviet leadership must choose between the denial of basic rights and economic assistance from us. They cannot have both."[16]

Was Jackson, as Kissinger suggested, insisting on an instant conversion of the Soviet system?[17] Or was he merely trying to set in motion a process of evolution toward a more liberal, democratic society? Jackson himself professed to be content with the latter, stating:

> The issue before us is not, as has sometimes been claimed, whether the pursuit of detente with the Soviet Union should encompass the restructuring of Soviet society. No one is proposing so ambitious a goal. The effort of Congress to define the objectives of detente to include progress on issues of human rights, including the freer movement of people and ideas, is modest, and, in my judgment, manageable.[18]

The Administration's arguments, the Senator complained, "grossly overstated" the aims of Jackson-Vanik and "grossly understated -- or completely ignored" the import of what the Soviet leadership was seeking from the United States.[19]

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[15]See e.g., Jackson, "Excerpts from Address at Blue Key Dinner, University of Florida," November 16, 1973, Jackson Papers, 3560-6, Box 10, Folder 92.

[16]Jackson, "Remarks on Jackson-Vanik Amendment," January 26, 1978, Jackson Papers,3560-6, Box 12, Folder 152.

[17]See Kissinger, Years of Upheaval, p. 989.

[18]Jackson, "Statement on Solzhenitsyn and Detente," February 15, 1974, Jackson Papers, 3560-6, Box 10, Folder 107.

[19]See Jackson, "Excerpt of Remarks on East-West Trade and Freedom of Emigration," Jerusalem Great Synagogue Dinner, New York City, June 12, 1974, Jackson Papers, 3560-5, Box 244, Folder 56.

In pressing the issue of human rights through Jackson-Vanik -- and, as we shall see in chapter eight, through his support of other initiatives such as Voice of America and the U.S. Helsinki Commission -- the Senator emphasized that he was not asking that all would-be emigrants be permitted to leave at once,[20] or that the Soviets embrace the Magna Carta or the Bill of Rights.[21] At the same time, however, Jackson clearly envisioned that these measures, over a period of time, would contribute to the end of the Soviet Union's "intolerable isolation" and the beginning of the liberalization and democratization of its domestic politics that would, in turn, give rise to a more moderate and restrained foreign policy.

In Jackson's view, the suggestion, made by Nixon, Kissinger, and Fulbright, that nuclear weapons imposed limits on the role of human rights concerns in American foreign policy reflected an unwarranted timidity. The Administration's position, Jackson charged, "posed a false choice between avoiding nuclear war and keeping faith with traditional values of human decency and individual liberty."[22] It was patently clear to Jackson that the nuclear peace had been preserved by the balance of nuclear forces and the self-interest and self-restraint of the superpowers.[23] The

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[20]See CBS News, "Transcript of Face the Nation with Guest Senator Henry Jackson," June 9, 1974, available in Jackson Papers, 3560-6, Box 10, Folder 143.

[21]See ibid.; Juan Cameron, "Scoop Jackson Comes Down with Presidential Fever," Fortune Magazine, June 1974, p. 125 (quoting Senator Jackson).

[22]Jackson, "Statement on Solzhenitsyn and Detente."

[23]See Jackson, "Detente and Human Rights;" Jackson, "Prevention of Nuclear War vs. Human Rights?", statement at Beth Shalom Synagogue, Washington, D.C., March 17, 1974, Jackson Papers, 3560-5, Box 244, Folder 39. For an academic view concurring in Jackson's judgment on this issue, see Hans J. Morgenthau, "Statement to the Finance Committee of the U.S. Senate," April 10, 1974, reprinted in Congressional Record, December 13, 1974, p. 39786-39787.

Soviets, he asserted, would not be any less cautious about undertaking the risks of a suicidal nuclear war if the United States declined to extend trade benefits.[24]

Jackson viewed the Administration's reluctance to publicly raise human rights concerns as a tactical maneuver designed to placate its Soviet negotiating partners. In so doing, the Senator lamented, Nixon and Kissinger had relinquished the moral leadership of the Western world to the heads and foreign ministers of less powerful and more vulnerable states who nevertheless had the fortitude to raise the issue of Soviet compliance with international human rights norms in the Conference on Security and Cooperation in Europe.[25] The Jackson-Vanik amendment, then, was a congressional effort to recapture a leadership role for the United States commensurate with its power and its history.

B. Phase Four: Tripartite Negotiations, Agreement, Withdrawal, and Recrimination

While there probably is no way of ascertaining the effectiveness of the Administration's public criticism of Jackson-Vanik, it seems reasonable to conclude that Kissinger's decision to enter into negotiations with Senator Jackson reflected the Secretary of State's pessimism about prevailing on the merits. Indeed, Kissinger's emphasis on the principles of sovereignty and non-intervention and his sermons on the limits of American power in the nuclear age carried little resonance in the halls of Congress. Nixon had been the first president since Theodore Roosevelt to approach international relations primarily from a "traditionalist" perspective, and neither he nor his lieutenants had persuasively articulated the rationale for a new American foreign policy either

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[24]Jackson, "Detente and Human Rights."

[25]Jackson, "Statement on Solzhenitsyn and Detente."

to Congress or to the American people. Even in the best of circumstances, Kissinger's belated efforts to do so in the context of opposing Jackson-Vanik would have presented an uphill challenge. By mid-1973, however, the steady stream of Watergate revelations had constrained the Administration's ability "to make its case against what Jackson presented as a moral challenge."[26]

After the House of Representatives overwhelmingly approved the amendment, Kissinger resolved to take a more active role in seeking a compromise with Senator Jackson. To that end, on March 6, 1974, the two men met at the State Department, commencing a dialogue that, Kissinger later recalled, "made me long for the relative tranquility of the Middle East."[27] Indeed, characterized as it was by public posturing, private dealing, leaks, and counterleaks, the Jackson/Kissinger dialogue was, as Kissinger later put it, "beginning to resemble a negotiation between sovereign countries."[28] And, in fact, it soon would involve more than one country as Kissinger began to explore options with the other indispensable party to any agreement -- the Soviet Union. Before leaving for Moscow, however, Kissinger met once more with Jackson, who this time was joined by Senators Ribicoff and Javits as well. At this March 15 meeting, Jackson and his colleagues "set forth the general outlines along which a compromise aimed at breaking the deadlock between the two branches of government might be negotiated."[29] The conditions laid down by the three senators included Soviet pledges to end official harassment of persons

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[26]Kissinger, Years of Upheaval, p. 988.

[27]Ibid., p. 991.

[28]Ibid., p. 993.

[29]Stern, Water's Edge, p. 110.

seeking to emigrate and to permit a "substantial increase" in the actual number of persons permitted to leave.[30]

Thus Kissinger arrived in Moscow in a rather unenviable position: as the emissary of a beleaguered President with instructions from legislators of his own country to raise questions about the domestic practices of another sovereign country, whose leaders were themselves growing impatient with his inability to deliver on a promise made eighteen months earlier. At this point, Kissinger conceived a rather ingenious (and, in the end, perhaps *too* ingenious) proposal whereby he would attempt to obtain clarifications of Soviet emigration practices which he would then transmit to Congress as a statement of the *United States* government's understanding of the situation. Kissinger's gambit had the virtue of establishing some criteria by which Congress could monitor Soviet compliance without requiring the Soviets to concede formally that Congress had a legitimate right to set conditions on their "internal affairs."

As Kissinger later tartly observed, "It was symptomatic of the developing adversary relationship that I tried [the proposal] out first on Gromyko, judging him to be the easier party."[31] Much to the Secretary's surprise, Brezhnev and Gromyko indicated their willingness to make an "indirect deal" with Congress concerning their emigration practices,[32] perhaps as an indication of how much they valued detente and increased commercial relations with the United States. It was to be the beginning of an apparent accord between Congress, the President, and the Soviets. The details, however, remained to be worked out over the next six months.

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[30]Ibid., pp. 110-111.

[31]Kissinger, Years of Upheaval, p. 994.

[32]Albright, "The Pact of Two Henrys," p. 29.

In the meantime, the Jackson forces were hatching yet another initiative that would have the effect of placing "a *double* lock on East-West trade."[33] This initiative became known as the Stevenson amendment,[34] although Senator Stevenson himself left no doubt as to the measure's guiding force, stating that "[t]his amendment reflects [Jackson's] concerns as well as a prodigious commitment of his time and effort."[35] The Stevenson amendment capitalized on the biennial renewal of the President's authority to utilize the facilities of the Export-Import Bank by attaching conditions on further lending to the Soviet Union. In particular, the amendment provided for congressional review of all bank transactions in excess of $50 million and an overall ceiling of $300 million for loans to the Soviet Union.

Stevenson insisted that he spoke with Kissinger about the proposal, and that the latter "seemed receptive" to it, perhaps as still another bargaining chip.[36] For his part, Kissinger suggests in Years of Upheaval that "a preoccupied Administration was caught flat-footed" by the Stevenson amendment.[37] Both recollections may well be accurate, resulting in the following scenario: Stevenson discussed the matters with Kissinger prior to formally introducing the

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[33]Kissinger, Years of Upheaval, p. 996 (emphasis in original).

[34]The appellation comes from the amendment's association with Senator Adlai Stevenson (D.-Ill.), Chairman of the International Finance Subcommittee of the Senate Banking, Housing and Urban Affairs Committee, which had jurisdiction over the underlying Export-Import Bank legislation.

[35]Congressional Record, June 17, 1974, p. 19414 (statement of Senator Stevenson); see also Stern, Water's Edge, pp. 115-118 for an exposition of the behind-the-scenes maneuvering between Stevenson, Jackson, and their respective staffs.

[36]See Stern, supra, p. 117.

[37]Kissinger, Years of Upheaval, p. 996.

amendment; Kissinger responded in a vaguely receptive fashion so as not to antagonize either Stevenson or Jackson; Stevenson then pressed the matter in committee and on the Senate floor as Kissinger's attention focused elsewhere. Thus, while mid-level Kissinger assistants flooded their boss with memoranda describing the negative potential of the amendment,[38] the Secretary himself never really focused on it until the time had passed for effective intervention.

In any event, the Stevenson and Jackson-Vanik amendments proceeded through the Senate on parallel tracks, heading for a final vote toward the end of the year. Meanwhile, the tripartite negotiations continued, though rather slowly. The Administration, of course, preferred an early solution as its GATT authority and its trade pledge to the Soviets currently were being held hostage by Congress. On the other hand, the snail's pace suited Jackson, to a point, because he wanted to drive a tough bargain with the Soviets and he did not desire to boost the sagging political fortunes of President Nixon on the eve of his final summit in Moscow. Yet Jackson did have an interest in speeding things along *after the summit*, in order to satisfy his congressional colleagues and his allies in the Jewish community, both of whom were anxious to resolve the matter before the adjournment of the 93d Congress.

This is not to say, however, that the decision to compromise was without political costs for Jackson. By clearing the path for the trade agreement, Jackson, in fact, risked alienating his most important potential ally in his quest for the Presidency in 1976, AFL-CIO President George Meany. Jackson always had been a favorite of Meany's because he, almost uniquely among Democrats of the 1970s, combined a strong record on labor issues with a deep-seated suspicion of the Soviets. But after the fateful decision to bargain with Kissinger and the Soviets, Jackson

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[38]See Isaacson, Kissinger, p. 616.

temporarily became a *persona non grata* with the union leader,[39] although the two managed at least partially to mend their relationship before the 1976 primary campaign began.[40]

By early August, the two sides had agreed upon a framework for the final compromise, and, in fact, had begun working on an agreed text. As Jackson's aide Perle conveyed in an August 9 letter to Kissinger's aide Helmut Sonnenfeldt, the initial plan included three letters: the first from Kissinger to Jackson listing various assurances from the Soviet Union with respect to its emigration practices; the second from Jackson to Kissinger in the form of an "interpretive response" clarifying and elaborating on the Secretary's first letter; and the third from Kissinger to Jackson indicating that the substance of Jackson's response was consistent with the Administration's understanding of the situation.[41] Perle emphasized that "the principal assurances upon which any agreement would be based must be contained in the Secretary's letter and not in the agreed interpretive response."[42]

Perle's extraordinary letter offered concrete evidence of the extent to which the Jackson-Kissinger dialogue really had begun to "resemble negotiations between sovereign countries."[43] The letter repeatedly referred to various provisions that Jackson and his colleagues "require[d]"

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[39]Stern, Water's Edge, p. 153.

[40]Ibid., p. 197.

[41]Letter from Richard Perle to Hal Sonnenfeldt, August 9, 1974, Jackson Papers, 3560-5, Box 312, Folder 6; see also Isaacson, Kissinger, pp. 616-617.

[42]Ibid.

[43]See supra note 134 and accompanying text.

and others that "would be extremely helpful."[44] It also contained a line-by-line critique of the existing draft of Kissinger's first letter, complete with occasional comments on apparent concessions made by the Secretary or his staff.[45] As of August 9, then, the main sticking point appeared to be one of semantics. Kissinger had hoped that the phrase "we have reason to believe" would be a sufficiently concrete representation of the Administration's understanding of Soviet policy.[46] As Perle's letter made clear, Jackson required "a more definitive formulation" and offered four possibilities for Kissinger's consideration, of which the Senator preferred "we have been assured."[47]

On the same day that Perle put the remaining issues in writing, Nixon resigned the office of the Presidency. Less than a week later his successor, Gerald Ford, conferred on consecutive days with Soviet Ambassador Dobrynin and with Senators Jackson, Ribicoff, and Javits in an effort to break the logjam over Jackson-Vanik. Ford informed Dobrynin that the Jackson forces were too strong to defeat, and that therefore the Soviets must agree to some type of compromise on Jackson-Vanik in order to receive the long-awaited trade benefits.[48] Ford then demonstrated to the senators and to Kissinger that he seriously supported a compromise along the lines of the prior negotiations. At a White House press conference following the breakfast meeting between the President and the senators, Jackson noted "significant Russian movement" on the emigration

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[44]Letter from Perle to Sonnenfeldt.

[45]Ibid.

[46]Ibid.

[47]Ibid.

[48]See Stern, Water's Edge, pp. 146-147.

issue and credited the "President's direct intervention in this matter" for the new momentum.[49] Jackson also reiterated the limits of his demands -- describing the aim of Jackson-Vanik as "a rational, sensible approach of free movement that is realistic and achievable" -- and declined a request for further details so as not to complicate the upcoming negotiations.[50]

President Ford, thus, had committed his Administration to providing assurances on Soviet emigration policy and to monitoring Soviet compliance therewith in exchange for a temporary (though renewable) waiver of Jackson-Vanik's trade and credit restrictions. By September 20, Kissinger had agreed to Jackson's favored formulation "we have been assured" and apparently also had obtained Gromyko's acquiescence in the substance of the letter exchange.[51] The Secretary began to realize, however, that some of the "assurances" in the proposed third letter were not so firm -- particularly those making reference to the number of emigrants that could be expected.[52] After Senate Majority Leader Mansfield pointed out that such overstretching on the part of the Administration would likely undermine efforts to renew the waiver in 1976,[53] Kissinger decided to scrap the third letter.

Predictably, Jackson reacted angrily to Kissinger's backtracking. But Senator Javits devised a compromise that suited both the Senator and the Administration by shifting the critical

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[49]Office of the White House Press Secretary, "Transcript of Press Conference of Senators Jackson, Ribicoff, and Javits," August 15, 1974, available in Jackson Papers, 3560-6, Box 11, Folder 48.

[50]Ibid.

[51]See Stern, Water's Edge, pp. 148, 155-156.

[52]See Isaacson, Kissinger, p. 617.

[53]Albright, "The Pact of Two Henrys," p. 31.

language of the proposed third letter into the initial letter from Kissinger to Jackson.[54] Thus, the final arrangement consisted of two letters rather than three. The Administration agreed to most of Senator Jackson's demands, but managed to preserve some wiggle-room by inserting deliberately ambiguous statements in a few places. For example, Kissinger's letter noted that the understandings stated in Jackson's letter would be "*among the considerations* to be applied by the President in exercising the authority provided for" in the waiver provision.[55] Similarly, Kissinger managed to persuade the senators to back off from a hard and fast quota of emigrants, and to state instead that the number "*may* therefore exceed 60,000 per annum" based on the new understandings.[56] Jackson, having resolved to compromise, had no choice but to forego the third letter and to accept the ambiguities without which either the Soviets or the Administration, or both, would have withdrawn from the deal.

One of the last issues to be resolved pertained to the manner in which the agreement would be announced. Kissinger had suggested the possibility of a "definitive leak" of the letters to avoid embarrassing the Soviets with the release of an official statement.[57] In the post-Watergate era, however, such a course was bound to raise concerns on Capitol Hill. Congressional sensibilities already had been tweaked by the near-monopolization of a critical aspect of U.S.-Soviet relations by a triumverate of senators whose leader, Jackson, was not even

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[54]Ibid.; Stern, Water's Edge, p. 160.

[55]See U.S. Senate, Committee on Finance, Hearings on the Emigration Amendment to the Trade Reform Act of 1974, 93d. Cong., 2d. Sess., December 3, 1974, p. 38 (emphasis supplied).

[56]Ibid. (emphasis supplied).

[57]Stern, Water's Edge, p. 154.

a member of the Finance Committee under whose jurisdiction the trade bill fell. Moreover, as Senator Mansfield suggested, the proposed arrangement was not only unprecedented, but also highly unorthodox in that the pledge of a foreign government would be conveyed not by a formal agreement between heads of state or foreign ministers, but rather by an ambiguous exchange of letters between an executive officer of the recipient state and a single member of that state's legislative body (who, by the way, did not sit on the Foreign Relations Committee either).[58] In these circumstances, there was no possibility of keeping the letters secret, or even of disclosing them through a quiet "leak". Accordingly, President Ford approved the release of the letters, at Senator Javits' request.[59]

The final issue involved the details of the waiver provision. On October 11 Ford and Jackson resolved a major sticking point by meeting each other half-way on the duration of the initial waiver period, which was to be eighteen months.[60] Six days later a group of executive and legislative staffers convened to complete the drafting process. Their final product allowed an eighteen-month initial waiver, after which time the President would have to request renewal. Congress then would have sixty days in which to pass a concurrent resolution approving the request. If no action had been taken during that period, renewal would take place automatically, unless either House cast a veto[61] within forty-five days.[62]

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[58]See Albright, "The Pact of Two Henrys," p. 31.

[59]Isaacson, Kissinger, p. 618.

[60]Stern, Water's Edge, p. 161.

[61]The provision permitting either House to veto the President's renewal request almost certainly was a legislative veto. In the landmark case, Immigration and Naturalization Service v. Chadha, 462 U.S. 919 (1983), the Supreme Court of the United States declared the

On October 18, precisely two years after U.S. and Soviet representatives signed the trade accord, Jackson and Kissinger signed the long-awaited letters of agreement at a White House ceremony. Immediately thereafter,White House Press Secretary Ron Nessen invited the assembled legislators (Jackson, Javits, and Vanik) to participate in an impromptu press conference. Only Jackson accepted, and, in contrast to the circumspect comments he issued on August 15, the Senator's remarks "were clearly the crowing and preening of a presidential prospect rather than the careful words of a person who wanted to prevent a Soviet reaction."[63] Jackson strongly implied that the Soviets had caved in to his pressure, describing the agreement as a "historic understanding" and a "monumental accomplishment" evidencing a "complete turn around" by the Soviets in the space of two years. He also called attention to the "benchmark" figure of 60,000 emigrants and predicted that the actual figure would be even higher.[64]

Jackson's unrestrained performance may have been intended for a domestic audience, but it was not without consequences for international relations. In response to Soviet grumbling, President Ford instructed his press secretary to issue a statement emphasizing the ambiguities in

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legislative veto unconstitutional as a violation of the Bicameralism and Presentation Clauses of the U.S. Constitution. In view of this decision, Congress enacted technical amendments to the Jackson-Vanik provision that now require Congress to enact a joint resolution of disapproval if it wishes to deny a presidential waiver request. See Customs and Trade Act, Pub. L. No. 101-382, 104 Stat. 629, 643-648 (1990), codified at 19 U.S.C. secs. 2191-2193 (1990).

[62]For a detailed analysis of the Jackson-Vanik waiver provision, see "Principal Features of the Jackson Amendment to Section 402 of the Trade Reform Act," December 3, 1974, Jackson Papers, 3560-6, Box 11, Folder 48.

[63]Isaacson, Kissinger, p. 618.

[64]Several sources contain accounts of Jackson's October 18 press conference, including Garthoff, Detente and Confrontation, pp. 455-456; Isaacson, Kissinger, p. 615; and Stern, Water's Edge, pp. 162-164.

the Jackson/Kissinger accord and underscoring the point that no specific quota had been promised by the Soviets or required by Congress.[65] Jackson again had the final word, though, explaining that his figures derived not from any stipulated quota, but rather by extrapolation from the various assurances in Kissinger's letter.[66] To wit, if the Soviets kept their promises to stop harassing would-be emigrants and to lift other financial and bureaucratic impediments, then the number of applicants and exit visas would almost surely increase substantially from the 35,000 figure of the previous year.

Although Jackson's analysis was accurate -- assuming the Soviets actually desired to fulfill the pledges Kissinger had made on their behalf -- his determination to press his advantage at every opportunity exacerbated Kissinger's task of holding the precarious agreement together. Kissinger arrived in Moscow on October 24, where he encountered a seething Soviet leadership. Brezhnev, under heavy pressure from domestic critics who had anticipated Jackson's behavior, reportedly was "livid" over the publicity Jackson had reaped.[67] In a feeble attempt to deflect the General Secretary's criticism, Kissinger somewhat disingenously declared that he, too, had been surprised

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[65]See Garthoff, Detente and Confrontation, p. 457. Several weeks later Jackson indicated that he understood the distinction drawn by the Administration, noting that "the Soviet authorities limited their specific assurances to those contained in Secretary Kissinger's letter." Jackson then added that the interpretations of those assurances in the Senator's own letter simply constituted "an agreement between the administration and the Congress" that would form the basis on which Congress would exercise its review authority eighteen months hence. Jackson, "Trade Reform Act of 1974," statement on Senate floor, reprinted in Congressional Record, December 13, 1974, pp. 39785-39786.

[66]See Stern, Water's Edge, p. 166.

[67]See "Last Tangle in Moscow," Newsweek, December 30, 1974, p. 27.

that the letters were released.[68] Although he secured an agreement to hold a summit conference in Vladivostok the following month, Kissinger was unable to mollify the Kremlin's distress over the trade agreement. On his final day in Moscow, Gromyko handed the Secretary of State a note protesting that the Kissinger/Jackson correspondence had created a "distorted picture" of the "clarifications" in Soviet policy that had been conveyed to Kissinger to facilitate the accord.[69]

Although Gromyko's letter had concluded with an admonition that "no ambiguities should remain as regards the position of the Soviet Union,"[70] Kissinger decided to take a different tack, attempting what Garthoff accurately described as "a very deep finesse" of the situation.[71] In the midst of a busy travel schedule, Kissinger avoided a long-awaited appearance before the Senate Finance Committee in an effort to determine whether the letter had been written simply "for the record" to placate Kremlin hardliners or whether it truly portended the possible collapse of his fragile trade compromise. At Vladivostok, Brezhnev apparently reiterated his unhappiness with

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[68]Garthoff, Detente and Confrontation, p. 457. According to Richard Perle, Kissinger, in fact, had seen a text of Jackson's October 18 remarks in advance. Perle recalled delivering a draft of the remarks to Kissinger's aide Helmut Sonnenfeldt on the evening of October 17. Moreover, Kissinger must have known that Ford had approved Senator Javits' request to release the letters; as Perle put it, "You would have to be living on another planet to think they wouldn't be released." Isaacson, Kissinger, p. 618.

[69]For the complete text of Gromyko's letter, see Stern, Water's Edge, pp. 168-169.

[70]Soviet Embassy, Information Department, "News and Views from the USSR: Letter by the Minister of Foreign Affairs of the USSR to the Secretary of State of the United States of America," October 26, 1974 (released by the Soviet Embassy on December 18, 1974). The State Department translation, declassified and released to the public also on December 18, differs slightly, though not materially. See Jackson Papers, 3560-6, Box 42, Folder 25.

[71]Garthoff, Detente and Confrontation, p. 458.

Senator Jackson's relentless onslaught, but also reaffirmed the substance of the deal.[72]

Somewhat reassured, though still cautious, Kissinger finally met with the Committee on December 3. His testimony, as Paula Stern observed, reflected the "quintessence of ambiguity."[73] At the very outset, Kissinger hinted at the precariousness of the situation, stating that "what is said on this occasion could, if not handled with utmost care, deal a serious setback both to the cause of freer emigration from the U.S.S.R.. and to the more hopeful trend in United States-Soviet relations."[74] He further cautioned that the Soviet government would immediately repudiate any assertion that a formal agreement on emigration existed between the two governments and that the Soviets "could not be held accountable for or bound by" any prospective emigration figures.[75] In response to a direct question from Senator Vance Hartke (D.-Ind.), however, Kissinger reiterated that the assurances to which he had referred in his letter to Senator Jackson had come from Brezhnev, Gromyko, and Dobrynin, but he confusingly added that the assurances were not a commitment to the government of the United States.[76] Kissinger later did not disagree with Hartke's conclusion that "there really is no formal agreement with the Soviet Union regarding emigration,"[77] or with Senator Ribicoff's statement that "[w]e are going

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[72]Murray Marder, "Hill Blamed for Setback," Washington Post, February 17, 1975.

[73]Stern, Water's Edge, p. 174.

[74]Senate Finance Committee Hearings, p. 52.

[75]Ibid., p. 53.

[76]Ibid., p. 67-68.

[77]Ibid., p. 101.

to have to take much of this on faith."[78] And, at no time did the Secretary even mention Gromyko's letter -- an oversight that he later conceded was a mistake.[79]

As the final vote on the trade bill approached, it appeared that Kissinger's "deep finesse" had succeeded. Neither Jackson nor the Soviets had squawked after the Secretary's deliberately vague testimony before the Finance Committee. Apparently all sides -- Jackson, the Administration, and the Soviets -- were content to see how events unfolded for the next eighteen months before reevaluating their positions. Only the AFL-CIO continued to oppose the bill to the end, and many legislators with strong labor ties voted with the Administration anyhow because the Jackson/Kissinger compromise seemed to advance both detente and human rights. On December 13, the Senate approved the waiver provision by a vote of 88 to 0, and later that day passed the comprehensive trade bill by a vote of 77 to 4.[80]

For the Soviets, the enactment of the waiver provision paved the way for MFN status and access to credits. Of course, the second of these benefits had more immediate relevance for the Soviet Union and a critical issue remained unresolved in that regard: how much credit would the United States government be willing to extend? In his December 3 testimony, Kissinger indicated his preference that Congress place no ceiling on such loans and guarantees in order to maximize the flexibility of American foreign policy. In short, loans, credits, and credit guarantees would become yet another element of Kissinger's complex linkages. As noted above, Senators Jackson

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[78]Ibid., p. 71.

[79]See Clark R. Mollenhof, "Watch on Washington," February 22, 1975 (Register and Tribune Syndicate) (quoting State Department spokesman Robert McCloskey); see also Isaacson, Kissinger, p. 619.

[80]See Congressional Record, December 13, 1974, pp. 39806, 39858.

and Stevenson had proposed to limit Soviet access to Export-Import Bank credits to $300 million and to require congressional approval for any single credit in excess of $50 million. In late September the Senate had approved the amendment, but a Senate-House conference committee later removed the provision. Thus, as of December 13, there was no formal ceiling on the amount of credits to which the Soviet Union had access.

On that day, however, Senator Harry F. Byrd (Ind.-Va.) introduced an amendment to the trade bill placing a $300 million ceiling on *all* United States government credits to the Soviet Union.[81] The Byrd amendment applied not only to Export-Import Bank outlays, but also to those from the Commodity Credit Corporation (CCC), which provided short-term credits for grain purchases. As such, Byrd's initiative was more restrictive that the so-called Stevenson amendment.[82] Moreover, it apparently caught the Administration by surprise, even though Senator Byrd himself clearly had stated his desire to cap loans to the Soviet Union in a colloquy with Kissinger on December 3.[83]

In any event, over the next week both the Senate and the conference committee on the trade bill approved the Byrd amendment. At the same time, the conference committee for the Export-Import Bank bill restored the Stevenson amendment, with the additional proviso that its

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[81]One source states that Byrd was acting "at Senator Jackson's behest." Garthoff, Detente and Confrontation, p. 458. While Jackson certainly endorsed the Byrd limitation, see Jackson, "East-West Trade and Freedom of Emigration," January 26, 1975, reprinted in Congressional Record, January 30, 1975, p. 1906, he apparently never acknowledged having any direct role in its genesis.

[82]Garthoff, Detente and Confrontation, pp. 458-459.

[83]See Senate Finance Committee Hearings, pp. 59-65.

$300 million ceiling could be raised by concurrent resolution.[84] The House then approved the Export-Import Bank legislation by a vote of 280 to 96, with the Senate following suit the next day by a margin of 71 to 24.[85]

In the midst of the respective conference committees' deliberations, the Soviet Embassy dropped a potential bombshell by releasing the text of Gromyko's October 26 letter along with a statement from the Soviet news agency, TASS.[86] The TASS commentary deplored the "reservations and restrictive conditions" as "nothing but gross interference in the Soviet Union's internal affairs," but stopped short of making any specific threats to withdraw from the trade agreement.[87] If the publication of Gromyko's letter was intended to provoke dissention in Washington, it failed miserably. By this stage of the process, neither Kissinger nor Jackson had any interest in reviving old debates that might cast doubt over their agreement or give rise to an outright cancellation by the Soviets. Accordingly, both men adopted relaxed public attitudes.[88] The perspective of Jackson's congressional colleagues perhaps was best captured by Senator Long, the chairman of the trade bill conference committee, who stated "I don't pay attention to what the Russians say anyway."[89]

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[84]Stern, Water's Edge, p. 186.

[85]Ibid.

[86]See Soviet Embassy Information Department, "News and Views from the USSR: TASS Statement and Text of Gromyko letter to Kissinger," December 18, 1974, copies available in Jackson Papers, 3560-6, Box 45, Folder 8.

[87]Ibid.

[88]See Stern, Water's Edge, pp. 179-185.

[89]Quoted in ibid., p. 185.

The unusual Soviet maneuver thus failed to stem the tide of trade restrictions approved by Congress prior to its holiday recess or to persuade President Ford to veto either or both of the comprehensive pieces of legislation to which they were attached. In signing the Trade Reform Act on January 3, 1975, the President did, however, express his "reservations about the wisdom of legislative language that can only be seen as objectionable and discriminatory by other sovereign states."[90]

Ford's sentiments notwithstanding, the Soviets felt that they had been taken. The combination of the Jackson-Vanik, Stevenson, and Byrd amendments meant that the Soviets would receive only the largely symbolic extension of MFN status and access to just $300 million of United States credits or credit guarantees in exchange for continuous and conspicuous monitoring of its human rights practices by the United States government. After two years of waiting, the long-promised economic benefits of detente not only proved meager, but remained subject to the manipulations of a capitalist legislature that had conditioned the opening and closing of the spigot on its view of Soviet good behavior. While the Kremlin had demonstrated repeatedly over the years that it would pay a price -- even making informal concessions on its domestic practices -- for improved commercial relations, the terms imposed by Congress turned out, in the end, to be intolerable. Thus, on January 10 the Soviets indicated their refusal to provide the congressionally-mandated "assurances" with respect to their emigration policies.[91]

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[90]Quoted in ibid., p. 188.

[91]Ibid., p. 190.

And, as a result, Kissinger announced four days later that the President would not exercise his waiver authority and that the 1972 trade agreement would not be brought into force.[92]

Senator Jackson blamed "the cold-hearted in Moscow" and "the faint-hearted in Washington" for the collapse of the trade agreement.[93] The October compromise, he recalled, had been "an encouraging example ot constructive cooperation between the Congress and the Administration that effectively bridged our philosophical differences on the substantive question of tying trade concessions to human rights" that had been devised "to accommodate the Soviet Union's refusal to become a party to a government-to-government agreement relating to what they still contended was an internal matter."[94] Now, as Jackson viewed the situation, the Soviets had reneged on a good-faith bargain and the Administration, rather than castigating the Soviets for having done so, decided instead to blame the Congressional conditions -- to which both the Administration and the Soviets had agreed -- for the situation.[95]

While the Senator acknowledged that the Stevenson and Byrd credit limits may have caused the agreement to lose its appeal to the Soviets, he gave no indication of backing away from either.[96] Indeed, Jackson remained convinced that the United States ought to tightly control

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[92]Ibid.

[93]See Jackson, "East-West Trade and Freedom of Emigration," reprinted in Congressional Record, January 30, 1975, p. 1906.

[94]Ibid.

[95]Ibid.; see also Marder, "Hill Blamed for Setback."

[96]Jackson, "East-West Trade and Freedom of Emigration," reprinted in Congressional Record, January 30, 1975, p. 1907; see also "Joint Statement by Senators Jackson, Ribicoff and Javits and Congressman Vanik," January 15, 1975, Jackson Papers, 3560-6, Box 45, Folder 4; Letter from Jackson to George Meany, President of the AFL-CIO, February 12,

the parceling out of economic benefits. He felt that the Soviet state would be strengthened by greater access to Western trade, particularly if it were financed by Western credits. He also deeply believed that a detente that improved the Soviet economy without taming the Soviet appetite for aggression, both at home and abroad, actually would decrease the security interests of the United States an its allies. Jackson-Vanik represented the Senator's effort to ensure that every step toward making the Soviets a more powerful potential adversary was accompanied by one aimed at rendering them a less likely actual adversary. Chapter eight will examine Jackson's attempts to preserve the Jackson-Vanik linkage and to construct additional initiatives that would further strengthen the bond between detente and human rights.

1975, Jackson Papers,3560-6, Box 40, Folder 8.

CHAPTER EIGHT: PRESERVING THE ROLE OF HUMAN RIGHTS IN UNITED STATES POLICY TOWARD THE SOVIET UNION UNDER FORD AND CARTER

A. Jackson-Vanik and the "Human Rights" Critique of Detente, 1975-1976

Soviet repudiation of the trade agreement surprised and disappointed Senator Jackson, who thought that he had pushed the Soviets as far as they would go, but not too far. While it is difficult to isolate precisely what motivated the Kremlin's final action, the most central cause of the Soviet withdrawal seems to have been the credit restrictions.[1] While Jackson's October 18 comments about the emigration compromise undoubtedly piqued the Soviet leadership, Brezhnev himself apparently indicated that neither the Senator's public relations coup nor the Administration's acquiescence therein warranted an outright cancellation of the accord. But the combination of the Byrd and Stevenson amendments substantially reduced the attractiveness of the bargain while adding additional levers through which Congress could continually manipulate the Soviet economy. Thus the Soviets, long frustrated by the often-promised, but never-delivered economic benefits of detente, finally decided to scrap the whole deal. Yet for as long as the Jackson-Vanik, Byrd, and Stevenson amendments remained on the American statute books, the fundamental choice for the Soviet Union remained unchanged: they could have restrictive emigration practices or normalized trade relations with the United States, but not both.

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[1]See Harry Gelman, The Brezhnev Politburo and the Decline of Detente (Ithaca: Cornell University Press, 1984), pp. 148-151; William Korey, "The Jackson-Vanik Amendment in Perspective," 18 Soviet Jewish Affairs 39-41 (1988); Daniel Yergin, "Politics and Soviet-American Trade: The Three Questions," 55 Foreign Affairs 531-532 (April 1977). For opposing views, laying the blame on Jackson-Vanik itself, see Phil Baum, "Rethinking Jackson-Vanik: New Approaches to Soviet Emigration?" American Jewish Congress Monthly, June 1976, pp. 7-9; Garthoff, Detente and Confrontation, p. 461.

In the early months of 1975, however, a number of largely predictable trends -- a decrease in emigration from the Soviet Union and in U.S.-Soviet trade, coupled with a corresponding increase in Soviet trade with Western Europe -- prompted the Ford Administration to seek the repeal of the three amendments that had proved a barrier to its detente policy.[2] In his April 10 State of the World address, Ford offered a "ringing endorsement of detente" and specifically asked Congress to reverse its recently enacted trade restrictions.[3] The President then followed up a few months later with letters to the four Chairmen of the relevant congressional committees proclaiming an urgent need for "remedial legislation on credits and most favored nation treatment for the Soviet Union and other Communist countries."[4] After a six-month trial period, he had concluded that the current trade regime "has proved to be both politically and economically harmful to our national interest and has not achieved the objective which its authors intended."[5]

In Jackson's mind, even more disturbing than the Administration's position -- which, though disappointing, could not have been altogether unexpected -- was the apparent willingness of Jackson's erstwhile allies, Ribicoff and Javits, to scale back the restrictions on U.S.-Soviet trade. Ribicoff's discontent had a direct relation to the emigration decline, which he attributed

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[2]See Treasury Secretary William Simon's comments in "Soviets Get Pledge on U.S. Trade," Washington Post, April 11, 1975.

[3]See Garthoff, Detente and Confrontation, p. 462.

[4]See Letters from President Gerald Ford to Representatives Henry Reuss and Al Ullman and Senators William Proxmire and Russell Long, June 27, 1975, reprinted in United States Senate, Committee on Foreign Relations, Congress and United States-Soviet Relations -- Report of a Conference Between Members of the U.S. Senate and Delegates to the Supreme Soviet of the Soviet Union, June 29 to July 5, 1975 (Washington: Government Printing Office, 1975), pp. 29-30. [hereinafter Congressional Delegation Report].

[5]Ibid.

at least in part to the Stevenson and Jackson amendments.[6] For Ribicoff, the basic objective of the trade restrictions had been "to get as many Jews out of the Soviet Union as soon as possible,"[7] and the apparent failure of the legislation to advance this goal was beginning to cause him, and other key senators, to rethink their strategy.

As in the past, Jackson responded instantly and energetically to the challenge to his amendment. The Senator sternly rebuked the Administration for "encourag[ing] a slowdown on the part of the Soviets" by suggesting that Jackson-Vanik would be repealed.[8] Any retreat from the amendment, particularly during a time of greater repression and lower emigration figures, would reward Soviet bad faith and strengthen the hand of the Kremlin hardliners.[9] In an argument directed at Ribicoff and like-minded legislators, Jackson insisted that it was far too early to judge the effect of the amendment on Soviet emigration policy. The current decline in emigration and increase in repression, he argued, amounted to a short-term tactical maneuver on the part of the Soviets to demonstrate the folly of human rights legislation. In other words, Ribicoff's and Javits's wobbling on Jackson-Vanik was precisely the reaction the Soviets hoped to generate by their intransigence. If, however, Congress remained firmly behind the trade-human rights linkage, Jackson predicted that the Soviets eventually would accommodate American demands on basic

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[6]See letter from Ribicoff to Mr. Alexander S. Prisant, September 10, 1975, available in Jackson Papers, 3560-6, Box 40, Folder 21.

[7]Ibid.

[8]Jackson, "Excerpts from Remarks at National Conference on Soviet Jewry Leadership Assembly," May 5, 1975, Jackson Papers, 3560-6, Box 17, Folder 8.

[9]See Jackson inter-office memoranda, May 4, 1975 & July 9, 1975, Jackson Papers, 3560-6, Box 1, Folder 1; Box 43, Folder 20.

issues of human rights in exchange for access to American technological and agricultural exports, even if other countries continued to satisfy Soviet credit requirements.[10]

In order to preempt the Administration's efforts to revise or repeal the amendment, Jackson also sought to reinforce his position with prominent American Jewish organizations. In a speech to the National Conference on Soviet Jewry and at a meeting with a number of Jewish leaders whose support had greatly aided the passage of Jackson-Vanik in the first instance, the Senator endeavored to counter the perception that the amendment may have contributed to the deterioration of the emigration situation. Jackson emphasized that the amendment was one step in a continuing, long-term struggle to use American foreign policy as a means of increasing Soviet adherence to international human rights norms.[11] Its waiver provision offered a vehicle for President Ford to reward Soviet compliance with the amendment's objectives while periodic congressional review provided a lever to ensure against backtracking once the economic benefits began flowing. Abandoning this leverage, he stressed, would leave Soviet citizens to the whim and caprice of the Kremlin, which over the years had demonstrated that the only constant in its emigration policy was its unpredictability.[12]

In the end, Jackson managed to outlast the Administration's enthusiasm for reopening the U.S.-Soviet trade deadlock. In contrast to the eventful final days of the aborted trade agreement, the effort to lift the congressionally-imposed credit and tariff restrictions perished not with a bang,

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[10]See Jackson, "Remarks at NCSJ Leadership Assembly."

[11]See "Memorandum Re: Meeting with Soviet Jewry Leadership on July 28," July 25, 1975, Jackson Papers, 3560-6, Box 45, Folder 8.

[12]See Jackson inter-office memorandum, May 4, 1975.

but with a whimper. Although the Administration never offered a satisfactory explanation for abandoning its stated plans,[13] several circumstances may help explain why the Senator prevailed so easily. First, key constituencies both at home and abroad remained steadfast in their support of Jackson-Vanik. Perhaps the most important of these groups was a group of prominent Soviet dissidents who expressed their unanimous support for the amendment to a group of visiting United States senators in the summer of 1975.[14] Second, the Soviets themselves never indicated that they would relax their emigration restrictions in advance of the repeal or revision of what they considered hostile and offensive legislation. While such action may have generated a positive American response, the Kremlin remained wary of Jackson's ability to continue ratcheting up the price of a benefit which the Soviets believed they already had bought several times. Third, President Ford's decision to exercise his waiver authority for Romania in the spring of 1975 ironically may have weakened the argument for revising Jackson-Vanik by demonstrating the viability of its procedures.[15] And, finally, the relatively high level of public disaffection with

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[13]On January 30, 1976, Kissinger did inform a congressional committee that the Administration would not seek a relaxation of the Jackson-Vanik trade restrictions as long as the Soviets remained involved in Angola. See Garthoff, Detente and Confrontation, p. 549. But this explanation does not account for the failure to introduce legislation to repeal or amend Jackson-Vanik at any point in the previous year. Furthermore, with the primary election campaign just weeks away, the Administration was unlikely to have risked a contentious and uphill battle against Senator Jackson at such a late date, even in the absence of an Angolan crisis.

[14]See Senate Delegation Report, pp. 37-41.

[15]President Ford exercised the waiver authority on April 24, 1975, and the Senate and House adopted a resolution approving the U.S.-Romanian Trade Agreement on July 25 and 28, respectively.

detente may have made the prospect of a confrontation with Senator Jackson so unappealing that the notion of repealing or even revising Jackson-Vanik had to be dropped altogether.

The Administration's inaction froze the existing stalemate -- the Soviets would not get MFN or credits; the U.S. would not get emigration reform. Despite the impasse over Jackson-Vanik, however, Senator Jackson's withering attack on detente continued unabated over the next year and a half, and, if anything, increased in its intensity as the Senator geared up for another run at the Democratic nomination for President. After years of sniping at one or another aspect of detente, Jackson began to articulate a broader and more comprehensive assessment of how his approach to U.S.-Soviet relations differed from that of the Administration.

In presenting his alternative vision of detente to the general public, Jackson increasingly invoked the venerable "crusader" tradition of American foreign policy. In managing the U.S.-Soviet relationship, he reminded his audiences, "what is at stake, still, is nothing less than the survival of human liberty around the world."[16] As a militarily powerful adversary, armed to the teeth with nuclear weapons and possessed of a hostile ideology, the Soviet Union singularly retained the will and capacity to suppress the spread of individual liberty. Moreover, in contrast to the Administration's reports of Soviet diplomatic cooperation in Southeast Asia and the Middle East, Jackson persisted in his view of the Soviet leadership as "hotel burglars", opportunistically looking to spread communism by exploiting regional instability. Jackson thus sharply dismissed any notion that U.S.-Soviet relations had moved from a period of confrontation to one of cooperation. While Jackson too hoped that Cold War would give way to detente, he stressed that

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[16]Jackson, "America Hasn't Lost Its Nerve," notes of remarks at Coalition for a Democratic Majority Forum, February 8, 1976, Jackson Papers, 3560-6, Box 12, Folder 7.

such a transformation could take place only in the context of greater Soviet adherence to international human rights norms.

Despite its status as a first-rate military power, Jackson portrayed the Soviet Union as so economically and politically weak as to be vulnerable to American ideological and geopolitical pressure. Under the stewardship of Ford and Kissinger, however, the United States had formulated its foreign policy "as if our adversaries had all the aces."[17] The reality, Jackson insisted, was that the United States and its allies retained the most important strategic asset in the Cold War: a tradition of promoting individual liberty and democratic government.[18] Notwithstanding the efforts of fascist and communist revolutionaries of the twentieth century, freedom remained the basic aspiration of ordinary people around the globe, and "America, by dint of unique circumstances, [remained] the only force on earth that [could] maintain the balance of freedom."[19]

While acknowledging that Kissinger was "a brilliant analyst of foreign affairs," Jackson charged that the Secretary of State had shown himself to be "a poor student of the American people"[20] by dismissing their historical commitment to human rights as a luxury that no longer could be afforded in the nuclear age. In spite of Vietnam, America as Jackson envisioned it

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[17]Ibid.

[18]Jackson, "America and Human Rights," address to the World Affairs Council of Philadelphia, April 19, 1976, Jackson Papers, 3560-6, Box 12, Folder 41.

[19]Jackson, "America Hasn't Lost Its Nerve."

[20]Ibid.

remained young, energetic, powerful, and still dedicated to its human rights heritage.[21] Rather than relegating human rights concerns to, at best, secondary status in the U.S.-Soviet dialogue, the Senator suggested that the United States ought to speak up, make noise, and, if necessary, even risk offending Moscow by forcing such issues on to the bilateral and multilateral diplomatic agenda. Indeed, the Senator's sponsorship of the amendment linking trade and emigration and his public statements in support of the CSCE's focus on the freer movement of people and ideas had been concrete manifestations of this approach.[22] In a similar vein, Jackson's defense of the public broadcasting activities of Voice of America, Radio Free Europe, and Radio Liberty -- which had been labelled "cold war anachronisms" by the Senate Foreign Relations Committee -- also reflected a willingness to promote human rights at the cost of aggravating Soviet sensibilities.[23]

As with Jackson-Vanik, the Senator fully expected his approach to be viewed as a provocation by the Soviets and met with intransigence, if not outright hostility. But, over the long haul, he anticipated that such a stance would advance both humanitarian objectives and the national interest by building "a moral consensus based on respect for the individual."[24] By

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[21]See e.g., "Foreign Policy Background Material," September 15-16, 1975, Jackson Papers, 3560-5, Box 1, Folder 3; "Foreign Policy Index Cards," c. 1975, Jackson Papers, 3560-6, Box 11, Folder 161.

[22]See Jackson, "Eastern Europe and American Policy," draft statement, January 21, 1973, Jackson Papers, 3560-6, Box 9, Folder 159; "Draft statement on CSCE," *c.* late 1973, Jackson Papers, 3560-6, Box 9, Folder 37; "On Genuine Security in Europe," draft statement, *c.* early 1975, Jackson Papers, 3560-6, Box 11, Folder 53.

[23]See Jackson, "Detente and Human Rights," commencement address at Yeshiva University, June 4, 1973, Jackson Papers, 3560-6, Box 10, Folder 33.

[24]Jackson, "Address to World Affairs Council of Philadelphia."

imposing economic and political costs for repression and by proclaiming a message of hope to those brave persons who had chosen to resist tyranny, the United States could assist the forces of democratic change behind the Iron Curtain. As Jackson explained, "An aroused opinion has a power of its own. And its power can sometimes be decisive. We know that the aggregate of small, powerless voices can often produce a lever strong enough to move tyrants, to obtain release of political prisoners, to reduce sentences, to secure amnesties, and to help bring to the free world . . . so many [] brave souls."[25] In Jackson's vision of detente, then, the flow of ideas, and particularly the idea of freedom, would generate pressure for reform from behind the Iron Curtain while the denial of technology and capital would do likewise from the West.

The Administration, feeling the heat of Jackson's constant pressure, dispatched Kissinger on a series of domestic missions designed to help forge a consensus around its flagging detente policy. In substance, the Secretary's so-called "heartland speeches"[26] bore a strong resemblance to his earlier pronouncements during the debate over Jackson-Vanik; again the themes of sovereignty, geopolitics, and the limitations imposed by "the necessities of coexistence" predominated.[27] Yet in an apparent acknowledgment that Jackson had struck a chord with the

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[25]Ibid.

[26]See Isaacson, Kissinger, p. 658.

[27]See e.g., Kissinger, "The Moral Foundations of Foreign Policy," address to the Upper Midwest Council, Bloomington, Minnesota, July 15, 1975, reprinted in Kissinger, American Foreign Policy, pp. 195-213; Kissinger, "The Permanent Challenge of Peace: U.S. Policy Toward the Soviet Union," address to the Commonwealth Club and the World Affairs Council of Northern California, February 3, 1976, reprinted in ibid., pp. 292-323.

public, Kissinger carefully explained the Administration's comprehension of the uniqueness of the American national experience and its fidelity to its human rights tradition.[28]

Kissinger's effort to persuade the American people that the Nixon/Ford detente was simply an effort to reconcile traditional national values to new international realities would have been more appealing, and perhaps even successful, if it had begun several years earlier. Even if the traditionalist perspective would not have gained instant and widespread acceptance, it seems quite plausible that a strong president -- particularly one perceived to be a foreign policy expert, as Nixon was -- may have been able to generate enough public support to force Congress to acquiesce in a full-scale experiment in detente. But the combination of Nixon's failure to lay any significant groundwork for detente, either with Congress or the electorate, and some ill-timed maneuvers by the Kremlin, such as the education tax, deprived Nixon of that opportunity in 1972. Watergate then prevented any efforts to parlay Nixon's reelection landslide into foreign policy momentum, and, by 1975, several years of Jackson's relentless charges that the Nixon/Ford/Kissinger foreign policy had neglected traditional American values carried considerable resonance with the electorate.

Although the Administration's rhetoric displayed greater sensitivity to human rights, events of 1975 and 1976 continued to underscore the distance between the Ford/Kissinger approach to U.S.-Soviet relations and that favored by the critics of detente, of whom the most influential were Senator Jackson, Republican presidential candidate Ronald Reagan, and Ford's

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[28]See ibid.; Isaacson, Kissinger, pp. 658-660; Reichley, Conservatives in an Age of Change, pp. 345-346.

own United Nations Ambassador Daniel Patrick Moynihan. During the summer of 1975, two episodes in particular illustrated the growing tension over America's Soviet policy.

The first incident involved the President's response to an invitation to attend an AFL-CIO banquet honoring the Soviet writer and dissident Alexandr Solzhenitsyn. The State Department, observing that the banquet would be "an occasion for outspoken anti-Soviet rhetoric," recommended that Ford decline and that no Administration officials attend.[29] Ford, unable to see any "intrinsic moral or ideological value in honoring Solzhenitsyn"[30] and unwilling to jeopardize the SALT process by engaging in a symbolic gesture of support for Soviet dissidents, initially decided to follow the advice of his diplomats. Shortly after the banquet, however, the President retreated in the face of congressional and editorial criticism and extended an open invitation for the Soviet writer to call upon him at the White House.[31] Solzhenitsyn, offended by Ford's earlier misgivings, turned down the President's belated offer, but accepted an invitation to meet with the Senate on July 15.

At the Senate reception, initiated by Jackson and two of his colleagues, the American legislators lavished praise on the Soviet dissident in a rather obvious attempt to dramatize the competing visions of detente. Thus, in his brief introductory remarks, Senator Jackson's

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[29]See "Memorandum for Lieutenant General Brent Scowcroft on the Subject of Invitation to the President to Attend AFL-CIO Banquet in Honor of Alexander Solzhenitsyn," Department of State, June 26, 1975, available in Jackson Papers, 3560-6, Box 37, Folder 30.

[30]See Reichley, Conservatives in an Age of Change, p. 355.

[31]Isaacson, Kissinger, p. 658.

observation that "[t]he struggle for freedom has never been served by silence"[32] undoubtedly was intended as a swipe at the Administration's timorousness on the issue of Soviet human rights violations. Solzhenitsyn, too, joined the fray, delivering a lengthy rebuke of Nixon's and Ford's efforts to reach an accommodation with the Soviet Union. The detente era, he observed, had been characterized by the Soviet government's professions of peaceful intentions abroad coupled with more vigorous repression at home.[33] And detente's crowning achievement, the upcoming Helsinki summit, represented in Solzhenitsyn's view "an amicable agreement of diplomatic shovels [that] will bury and pack down bodies still breathing in a common grave."[34]

B. Senator Jackson and Helsinki: An Uneven Course

Indeed, the Helsinki Final Act[35] of the Conference on Security and Cooperation in Europe (CSCE) to which Solzhenitsyn referred in his address to the Senate became another critical point of contention between supporters and critics of detente. The CSCE had convened in Helsinki on July 3, 1973, with thirty-five participating states (all of the European states except Albania, plus the United States and Canada).[36] After two years of discussion, the participants agreed upon the substance of the Final Act, which comprised three separate "baskets" of mutual interest. In

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[32]Jackson, "Introduction of Alexandr Solzhenitsyn," July 15, 1975, reprinted in Congressional Record, July 16, 1975, p. 22959.

[33]See "Speech by Alexandr Solzhenitsyn," July 15, 1975, reprinted in ibid.

[34]Ibid.

[35]The Helsinki Final Act was signed on August 1, 1975. Its text can be found at 14 International Legal Materials 1293 (1975).

[36]William Korey, The Promises We Keep: Human Rights, the Helsinki Process, and American Foreign Policy (New York: St. Martin's Press, 1993), p. xviii.

essence, Basket I enumerated a list of basic principles dealing primarily with European security issues, Basket II focused on economic matters, and Basket III incorporated human rights concerns. All told, the document contained 40,000 words of aspirations, but, as President Ford emphasized, "it is neither a treaty nor is it legally binding on any participating State."[37] In other words, as Max Kampelman put it, the Final Act "stood by itself as a unique international agreement, presumably without teeth."[38]

Because the participating states had agreed to proceed on the basis of consensus -- meaning that each snippet of text required unanimous support -- the end product, not surprisingly, contained something for everyone. Ultimately, as Garthoff noted, "each party naturally concluded the balance of advantages was in its favor."[39] For the Soviet Union, which long had sought the conference as a substitute for a World War II peace treaty, the provisions assuring the inviolability of existing borders fulfilled an important goal -- although, as Birnbaum and Peters later remarked, "the provisions leaving open the possibility of *peaceful changes* of frontiers and the absence of any formulations that could be construed as legitimizing Soviet hegemony in Eastern Europe implied that the agreement fell short of the original Soviet aspirations."[40] For the

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[37]Quoted in U.S. News and World Report, August 4, 1975, p. 18; on the legal status of the Final Act, see also Harold Molineu, "Negotiating Human Rights: The Helsinki Agreement," 141 World Affairs 28 (Summer 1978); Paul Sieghart, The Lawful Rights of Mankind (Oxford: Oxford University Press, 1985), p. 71.

[38]Max M. Kampelman, Entering New Worlds: The Memoirs of a Private Man in Public Life (New York: HarperCollins, 1991), p. 218.

[39]Garthoff, Detente and Confrontation, p. 476.

[40]Karl E. Birnbaum and Ingo Peters, "The CSCE: A Reassessment of Its Role in the 1980s," 16 Review of International Studies 305, 308 (October 1990).

Western Europeans, securing Soviet acceptance of Basket III's humanitarian principles had been the overriding objective of the conference. They viewed the commitment to the freer movement of people and ideas as an important step toward overcoming the artificial East-West division of Europe.

The Nixon Administration initially viewed the conference with considerable skepticism, but eventually recognized that an offer of American cooperation could be used to secure cooperation from the Soviets and goodwill within the Western alliance. Indeed, as Kissinger later noted, the United States managed to link its participation in the CSCE to the German-Soviet treaty, the Berlin agreement, and the opening of discussions on Mutual Balanced Force Reductions.[41] During the negotiations, the United States generally kept a low profile, though, as Korey has shown, "it would be an error to assume total American indifference, as has been implied or suggested in various commentaries on the early history of the CSCE."[42] In keeping with their stated preference for "quiet diplomacy", the Nixon and Ford Administrations adopted a publicly passive role, enabling the detente policy they were pursuing bilaterally with the Soviets to remain insulated from any human rights wrangling in the multilateral CSCE forum.[43] Nevertheless, particularly in the late stages of the process, Kissinger himself "personally contributed decisively to eliciting major concessions from the USSR on issues of human rights and human contact."[44]

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[41]Kissinger, Diplomacy, pp. 758-759.

[42]Korey, The Promises We Keep, p. 14.

[43]See ibid., pp. 14-19.

[44]Birnbaum and Peters, p. 309.

The CSCE process, as Garthoff recalled, had been unknown to most Americans until the White House announced that President Ford would attend the signing ceremony at Helsinki.[45] Almost immediately thereafter "[t]he growing disenchantment with detente and politicking in the upcoming presidential election in 1976 led to criticism of the CSCE and of President Ford's journey to Helsinki to sign it."[46] Predictably, Senator Jackson and Governor Reagan were among the most vociferous critics, but even the New York Times described Ford's decision "misguided and empty" and derided the Final Act by commenting that "[n]ever have so many struggled for so long for so little."[47] Jackson urged the President to "stay home" rather than signing another "one-sided agreement" that he feared would be invoked by the Soviets as an indication of formal Western recognition of their domination of Eastern Europe.[48] While reiterating his own view that the language of the Final Act did not, in fact, legitimize the Soviet conquest of Eastern Europe, Jackson noted the absence of "President Ford's reaffirmation of the principled American stand on this issue."[49] Jackson's consternation on this matter was further aggravated when Ford deleted -- at Kissinger's insistence[50] -- two sentences reaffirming the United States' refusal to recognize

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[45]Garthoff, Detente and Confrontation, p. 478; Craig and George, Force and Statecraft,
p. 169.

[46]Ibid.

[47]"European 'Security' . . . and Real Detente," New York Times (editorial), July 21, 1975, p. 20.

[48]Jackson, "The Helsinki Summit," statement on Senate floor, reprinted in Congressional Record, July 22, 1975, pp. 24100-24101.

[49]Ibid., p. 24101.

[50]See Isaacson, Kissinger, p. 661.

Soviet incorporation of the Baltic states and domination of Eastern Europe that had appeared in the "advance text" of his departure statement.[51] Finally, the Senator expressed doubt that much could be salvaged from the "imprecise" and "hedged" CSCE pronouncements on human rights, particularly in view of the Administration's reluctance to risk offending their Soviet counterparts.[52]

Above all else, in the minds of critics like Jackson and Reagan, Helsinki raised "the ghost of Yalta" -- though, as William Hyland later observed, "It turned out that the Helsinki meeting was the first step in finally laying that ghost to rest."[53] In time, Jackson (and later Reagan) would grasp the potential impact of the process set in motion by the CSCE, and would make an important contribution to the historical vindication of the Final Act. For the present, though, Jackson viewed the results of the conference as "giving the Soviets what they desire first and waiting for the promise of progress on human rights later."[54] And, indeed, by taking a skeptical view of the Final Act, one reasonably might have concluded that its many seemingly contradictory provisions reduced the document to a lengthy recitation of empty promises on human rights.[55] For example, efforts to urge compliance with the human rights pledges embodied in Principle VII

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[51]See Jackson, "Comment on President Ford's Retreat on East Europe and Baltic States," July 28, 1975, Jackson Papers, 3560-6, Box 17, Folder 14.

[52]Jackson, "The Helsinki Summit," reprinted in Congressional Record, July 22, 1975, p. 24101.

[53]Hyland, The Cold War is Over, p. 161.

[54]Jackson, "Freer Emigration from the Soviet Union," address to the National Conference on Soviet Jewry, May 17, 1976, reprinted in Congressional Record, June 3, 1976, p. 16337.

[55]As noted above, the same might have been said about Soviet claims that the Final Act legitimized their control over Eastern Europe in that the provision on the "inviolability" of frontiers was balanced by one recognizing the possibility of peaceful change.

of Basket I ("Respect for human rights and fundamental freedoms") or the entirety of Basket III ("Cooperation in humanitarian and other fields") were likely to be resisted by reference to Principles I ("Respect for the rights inherent in sovereignty") and VI ("Nonintervention in internal affairs") of Basket I.[56] Moreover, there can be no question that these ambiguities were intentionally promoted by the Soviet Union in an effort to deflect the potential import of the CSCE's human rights obligations. In fact, a recent disclosure in a leading Soviet journal confirmed what a decade of Soviet actions had implied -- namely, that the Kremlin had no intention of honoring either Principle VII or Basket III.[57]

Despite the Senator's well-founded suspicion of Soviet intentions, his unmitigated criticism of President Ford's decision to sign the Final Act seems a bit puzzling in view of the more balanced view of the CSCE process reflected in his earlier (and later) statements. Jackson had followed the progress of the CSCE talks from their inception,[58] and frequently had praised European efforts to press for the greater movement of people and ideas. As with other areas of detente, he suffered no illusions that "the restoration of normal relations in Europe -- political, cultural, commercial, or human -- [would] be a quick or easy task."[59] Yet he viewed the

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[56]See generally Hyland, Mortal Rivals, pp. 116-117.

[57]See Korey, The Promises We Keep, p. xxi (citing Andrei Zagorsky and Yuri Kashlev, "The Human Dimension of Politics," 3 International Affairs (Moscow) 62-75 (March 1990)).

[58]See e.g., "Draft Memo on European Security Issues," November 3, 1972, Jackson Papers, 3560-6, Box 9, Folder 142; Jackson, "Eastern Europe and American Policy;" "Draft Memo on CSCE;" Jackson, "Statement on Genuine Security in Europe," *c.* early 1975, Jackson Papers, 3560-6, Box 11, Folder 53.

[59]See "Draft Memo on CSCE."

conference as potentially significant in that "it provides the only forum for the Western world to address basic social and political sources of tension in Europe."[60] By early 1975, however, Jackson began to despair that American indifference to the CSCE's human rights provisions would reduce the Final Act to yet another "declaration of principle" with little hope of gaining widespread observance. At that time, the Senator challenged the Administration "to close ranks with those sober Europeans who have carried the main burden at the CSCE negotiations . . . especially with their firm position on the basic requirement for the freer movement of people and ideas."[61]

Notwithstanding Kissinger's increasing behind-the-scenes involvement, the Administration's low-key diplomatic approach to the CSCE "endgame" failed to arrest Jackson's criticism. The Senator interpreted the Administration's passivity as confirmation that the United States would ignore (or at least downplay) the Final Act's human rights provisions while tacitly recognizing the Soviet sphere of influence in Eastern Europe. From Jackson's perspective, then, the Administration had decided, in the name of detente, to muffle its criticism of Soviet human rights practices. And the Kremlin, for its part, professed a new allegiance to the CSCE's humanitarian principles in Helsinki while engaging in a renewed campaign of repression against their own citizens who dared to press for the freer exchange of people and ideas.[62] Thus, whatever the long-term potential of Basket III, Jackson saw little chance for progress in the current political climate.

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[60]Ibid.

[61]Jackson, "Statement on Genuine Security in Europe."

[62]See ibid.

The fervor with which Jackson criticized the Administration's approach to the Helsinki summit may also be attributed, in part, to the expediency of electoral politics. After years of sharp condemnation of detente, the Senator perceived that he had gained the upper hand and resolved to press his advantage. Accordingly, his remarks tended to accentuate the negative aspects of the Final Act while minimizing its potentially redeeming features. Jackson's appraisal of the Final Act as a betrayal of the peoples of Eastern Europe and a defeat for traditional American values not only was believable, but, in fact, it became conventional wisdom in the United States, at least through the 1976 election.[63] A number of other factors also served to reinforce Jackson's negative assessment, including (1) the apparent satisfaction of the Soviet Union with the terms of the accord; (2) State Department counsellor Helmut Sonnenfeldt's apparent (though misinterpreted) suggestion that the United States should strive for an "organic" relationship between the Soviet Union and Eastern Europe; and (3) President Ford's own notorious debate gaffe, in which he asserted that the Soviet Union did not dominate Eastern Europe.[64]

In the face of so much criticism, President Ford went ahead with his plans to attend the Helsinki signing ceremony. In retrospect, it appears that the President succeeded in making the best of a difficult situation. His speech, which made far more of the Final Act's human rights commitments than his critics would have expected, received an enthusiastic standing ovation from

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[63]Korey, The Promises We Keep, p. 22.

[64]See Garthoff, Detente and Confrontation, pp. 495-496 on the Sonnenfeldt and Ford statements.

the assembled delegates.[65] Its most memorable sentence, in fact, proved prophetic: "History will judge this conference not by what we say today, but what we do tomorrow; not by the promises we make but by the promises we keep."[66] But the judgment of history remained a decade and a half in the future; for the remainder of Ford's tenure Helsinki would prove to be an albatross around his neck.

Even as public attention to the Solzhenitsyn and Helsinki controversies faded, Senator Jackson continued to apply pressure -- both rhetorically and legislatively -- on the Administration's Soviet policy. While campaigning, Jackson persisted in his criticism of detente as a series of "one-sided agreements" whose principal accomplishment was "to sweep the issue of human rights under the rug" at every turn.[67] In addition, Jackson used the occasion of the 27th anniversary of the signing of the Universal Declaration of Human Rights to release a detailed assessment of Soviet noncompliance with the Helsinki provisions on family reunification.[68] And, indeed, over the remaining eight years of his life, the periodic "naming of names" would become a staple of Jackson's efforts to publicize Soviet human rights violations.

Jackson's co-sponsorship of the legislation establishing the Commission on Security and Cooperation in Europe (later known as the U.S. Helsinki Commission) further demonstrated his growing recognition that the Final Act could play a useful role in the ideological struggle between

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[65]Isaacson, Kissinger, p. 662.

[66]Quoted in ibid.

[67]See e.g., "Foreign Policy Themes," Jackson Papers, 3560-5, Box 1, Folder 3.

[68]Jackson, "The 27th Anniversary of the Universal Declaration of Human Rights," speech on Senate floor, December 10, 1975, Jackson Papers, 3560-6, Box 45, Folder 4.

East and West. The bill, introduced in September, 1975, by Representative Millicent Fenwick (R.-N.J.) and in November of that year by Senator Clifford Case (R.-N.J.), proposed the creation of an independent body of legislative and executive officials for the purpose of monitoring "compliance with or violation of" the Helsinki Final Act.[69] The Commission, in Jackson's view, served two important purposes. First, in conjunction with Radio Free Europe and Radio Liberty, it would generate "continuing and wide publicity" to evidence that the communist states were shirking their obligations.[70] And, second, the new body could be expected to take a more proactive approach to investigating and broadcasting noncompliance than the Administration, which continued to oppose the notion of a human rights offensive vis-a-vis the Soviet Union.[71]

The Administration, in fact, initially opposed the creation of the Commission, on the grounds that it duplicated existing State Department monitoring efforts and invaded the executive's constitutional prerogatives in the conduct of foreign policy.[72] However, the strength of bipartisan congressional support for the Commission -- mirroring the "unholy alliance" of liberals and conservatives that had approved Jackson-Vanik -- persuaded President Ford, over Kissinger's objections, to approve the bill on June 3, 1976. Tensions nevertheless remained high between the executive and legislative branches until the fall election, but the change of Administrations soon cleared the way for the U.S. Helsinki Commission to join with its European

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[69]See Korey, The Promises We Keep, pp. 22-24; Garthoff, Detente and Confrontation, p. 479.

[70]"Jackson Urges Action on Helsinki Accords," press release, March 26, 1976, Jackson Papers, 3560-6, Box 12, Folder 24.

[71]Ibid.

[72]Korey, The Promises We Keep, pp. 25-29.

counterparts -- most notably, the Moscow Helsinki Watch Group, Charter 77, and Solidarity -- in challenging the conventional wisdom about the impotence of the Final Act's humanitarian provisions.[73]

By 1976, then, major issues such as Jackson-Vanik and Helsinki, and smaller ones like the Solzhenitsyn imbroglio, had taken a toll on the Nixon/Ford/Kissinger detente policy. Early in the year, as he campaigned in Democratic primaries, Senator Jackson continued to hammer away at the Administration's failure to affirm traditional American values. Although Jackson captured the Massachusetts and New York primaries, his campaign fizzled by late spring, at which time it became apparent that Jimmy Carter would be the Democratic nominee. Just as the Jackson challenge faded, however, Ronald Reagan, the former California governor, began mounting a serious challenge to Ford's nomination. Like Jackson, Reagan sensed the Administration's vulnerability on foreign policy and seized upon many of the themes that the Senator had been raising for the past four years. Under pressure from Jackson early and Reagan late in the primary season, President Ford jettisoned the word "detente" from his political vocabulary[74] and, as chapter five pointed out, declined to press ahead with SALT II for fear of a bruising ratification battle with the junior senator from Washington state.

Despite losing the presidential nomination, 1976 proved to be a year of significant victories for Senator Jackson. With Jackson-Vanik still on the books, SALT stalemated, and U.S. monitoring of the Helsinki accords underway, he could claim at least a temporary triumph over

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[73]See generally ibid., pp. 22-43 for a thorough discussion of the origins and early accomplishments of the U.S. Helsinki Commission.

[74]Garthoff, Detente and Confrontation, p. 548.

the detente policy that had been promulgated by two Republican administrations. Most importantly, as the Senator proudly noted, he and his allies "ha[d] succeeded in placing the issue of human rights on the agenda of successive summit meetings, in bringing it to the center stage of world attention, in forcing the question of freedom on the conscience of a world that has too often looked the other way when individual liberty was threatened."[75] And, as for Jackson's own role in overcoming the executive branch's reluctance to engage in public human rights diplomacy, Daniel Patrick Moynihan -- Ford's Ambassador to the United Nations and later U.S. Senator from New York -- remarked, "No one so much as [Jackson] had linked human rights issues to general foreign policy concerns."[76]

Jackson also enjoyed a triumph of sorts within his own party that may have helped ensure that human rights would be an enduring feature of American foreign policy. Nearly two decades removed, it is perhaps easy to suppose that Jimmy Carter was principally responsible for the post-Kissinger renewal of America's traditional linkage of human rights and foreign policy. And, indeed, as President, Carter did make a signal contribution in that regard. Yet, as Moynihan has pointed out, "Human rights as an issue in foreign policy was by no means central to Jimmy Carter's campaign for the Presidency."[77] At the time that he declared his candidacy, Carter remained a foreign policy neophyte whose prior political experience had been confined to the

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[75]Jackson, "Freer Emigration from Soviet Union," address to the National Conference on Soviet Jewry, May 17, 1976, Jackson Papers, 3560-6, Box 45, Folder 4, reprinted in Congressional Record, June 3, 1976, p. 16367.

[76]Daniel Patrick Moynihan, with Suzanne Weaver, A Dangerous Place (Boston: Little, Brown, 1978), p. 281.

[77]Daniel Patrick Moynihan, "The Politics of Human Rights,"64 Commentary 21 (August 1977).

state of Georgia. In fact, the phrase "human rights" was strangely absent from his campaign autobiography Why Not the Best?, published in 1975.[78]

William F. Buckley, Jr. has written that "[n]obody really knows exactly what impelled Jimmy Carter to seize upon human rights as the touchstone of U.S. foreign policy."[79] The most plausible explanation, however, arises from the prominent place that human rights earned in the 1976 Democratic platform. In drafting the platform's foreign policy planks, Carter's lieutenants staked out a neutral ground while the Jackson and McGovern forces negotiated a compromise on its key provisions.[80] In essence, the final document pledged to take a strong stand on human rights with oppressive regimes of both the left and the right. Overall, as the Washington Post columnist Stephen Rosenfeld observed at the time, "To a striking degree, the international affairs sections in the platform reflect the particular combination of toughness and idealism" of the Jackson wing of the Party, including "the basic Jackson & Co. principle that the linchpin of American foreign policy is the survival of freedom around the world."[81]

Of course, as Jackson and his supporters would later be reminded, a convention platform does not necessarily translate into policy. In fact, candidate Carter did not immediately incorporate human rights themes into his rhetoric. For example, until very late in the campaign he "was parroting the standard harsh allegation that Helsinki constituted not an opening for

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[78]See Schesinger, The Cycles of American History, p. 97.

[79]William F. Buckley, Jr., "Human Rights and Foreign Policy: A Proposal," 58 Foreign Affairs, 779 (Spring 1980).

[80]See Moynihan, A Dangerous Place, pp. 281-283.

[81]Stephen S. Rosenfeld, "Secretary of State Scoop Jackson?" Washington Post, June 18, 1976, p. A27.

human rights, but rather a betrayal of them and of the people of Eastern Europe."[82] In the final six weeks of the campaign, however, the combination of Senator Jackson,[83] the U.S. Helsinki Commission,[84] and his own pollsters[85] persuaded Carter to adopt human rights as a major theme.

At various points in his two-year quest for the Presidency, Carter had criticized not only the Helsinki process and Jackson-Vanik, but also the whole philosophy of intervention.[86] In one of his earliest foreign policy pronouncements, Carter denounced Jackson-Vanik and opined that its enactment demonstrated that Senator Jackson "lacks judgment" in foreign affairs.[87] Later in 1975, Carter reiterated his view that the amendment was an "ill-advised" attempt to influence the domestic affairs of a "proud nation."[88] Likewise, in a June 1976 address to the Foreign Policy Association, he noted "the folly of our trying to inject our power into the internal affairs of other nations."[89] In fact, as late as September 13, 1976, Carter described Jackson-Vanik as a "mistake,"

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[82]Korey, The Promises We Keep, p. 35.

[83]See Schlesinger, Cycles, p. 97.

[84]See Korey, The Promises We Keep, pp. 35-36 on the Commission's efforts to "educate" Carter on the potential benefits of Basket III.

[85]See Joshua Muravchik, The Uncertain Crusade: Jimmy Carter and the Dilemmas of Human Rights Policy (Latham, NY: Hamilton Press, 1986), p. 5. Surveys by Patrick Caddell, Carter's chief pollster, indicated that a human rights theme would appeal to both liberals and conservatives who were disillusioned with detente.

[86]See generally ibid., p. 2; Schlesinger, Cycles, p. 97.

[87]See "Jackson Criticized by Carter," press clipping from UPI news service, January 27, 1975, available in Jackson Papers, 3560-6, Box 43, Folder 18.

[88]Address to Democratic Issues Conference Center, quoted in Muravchik, The Uncertain Crusade, p. 2.

[89]Quoted in Schlesinger, Cycles, p. 97.

although he expressed sympathy for its aims and promised to work toward improving human rights in the Soviet Union.[90]

Since the convention, Jackson had been working behind the scenes to get Carter to embrace the platform's human rights provisions, even going so far as to have his staff draft a proposed statement for the nominee explaining the evolution of his views and his ultimate decision to embrace Jackson-Vanik.[91] On September 29, Jackson's persistence finally paid off. In a letter thanking the Senator for campaigning on behalf of the national ticket, Carter pledged that Jackson-Vanik would be "effectively implemented by a Carter-Mondale Administration."[92] In addition, during the presidential debate during which Ford uttered his infamous gaffe about Eastern Europe, Carter smoothly noted the Administration's failure to enforce the humanitarian provisions of Basket III and suggested that he would be more vigilant in that regard.[93]

C. The Carter Administration: An "Absolute" Commitment to Human Rights?

As with arms control, President Carter's initial approach to human rights rather closely paralleled Jackson's preferences. While still president-elect, Carter sent a telegram of support to the emigration activist and Moscow Helsinki Group member Vladimir Slepak.[94] After taking

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[90]Quoted in Garthoff, Detente and Confrontation, p. 570 n.17.

[91]See "Proposed Language for Jimmy Carter on the Jackson Amendment," September 8, 1976, Jackson Papers, 3560-6, Box 12, Folder 72.

[92]Letter from Carter to Jackson, September 29, 1976, Jackson Papers, 3560-6, Box 43, Folder 6.

[93]Korey, The Promises We Keep, p. 36.

[94]See Andrei Sakharov, Memoirs (New York: Random House, 1990) (Vintage Books ed.), pp. 465-466; Garthoff, Detente and Confrontation, p. 568.

office, Carter undertook numerous actions in the first six weeks of his Administration designed to counter efforts by the Soviet government to silence its domestic critics. In an effort to break the back of the burgeoning human rights movement prior to the first CSCE follow-up meeting, scheduled to begin in the summer of 1977 in Belgrade, Moscow stepped up its harassment of Sakharov and proceeded to arrest the noted activists Aleksandr Ginzburg, Yuri Orlov, and Natan Shcharansky over a six week period in February and March of 1977.[95] President Carter, acting both of his own initiative and in response to Soviet actions, issued a statement praising Sakharov, engaged in correspondence with the Soviet physicist, received the exiled dissident Vladimir Bukovsky at the White House, asked for a substantial increase in funding for Radio Free Europe and Radio Liberty, and requested that Voice of America boost its broadcasts to the Soviet Union by 25 percent.[96] In sum, after the first few months of the Carter Administration, as the President himself noted in his memoirs, "human rights had become the central theme of our foreign policy in the minds of the press and public."[97]

The effort by Soviet authorities to silence and to imprison its citizen-activists also drew an immediate response from Senator Jackson. He suggested that the "preposterous imprisonment of the Helsinki group members," constituted "a deliberate test of the will and staying power of

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[95]Sakharov, Memoirs, pp. 462-470.

[96]Ibid.; Muravchik, Uncertain Crusade, pp. 24-30; Garthoff, Detente and Confrontation,
p. 570.

[97]Carter, Keeping Faith, p. 45.

President Carter."[98] The President's stated intention to speak out forcefully on behalf of human rights and his expression of deep regret over the incarceration of Ginzburg earned praise from Jackson, who also added that Carter's "determined follow-up will be of central importance" in sustaining the hope and courage of those who dared to hold their government to its word.[99]

The Soviet human rights movement, in Jackson's view, represented not only the "conscience of that unhappy country," but also "one of the best hopes that the Soviet Union can be brought to respect internationally recognized standards of conduct."[100] In regard to the latter, the Senator later explained that while outsiders could serve a useful supporting role by generating publicity and imposing sanctions against an oppressive regime, in the end, domestic activists must "bear the greatest burdens" in bringing to an end the "intolerable isolation" of the Soviet Union.[101] The Kremlin, Jackson believed, well understood the potential impact of the nascent national human rights movement on public opinion, both at home and abroad, and sought "to have it silenced before the Belgrade meeting gives the truth a world audience."[102]

While Senator Jackson, at least through the spring of 1977, continued to applaud the extent to which "in the defense of human rights the new Administration has departed markedly

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[98]Jackson, "Internationally Recognized Human Rights," statement on Senate floor, February 11, 1977, Jackson Papers, 3560-6, Box 45, Folder 4.

[99]Ibid.

[100]Ibid.

[101]See Jackson, "The Jackson Amendment and Freer Emigration," remarks at the National Leadership Assembly of the National Conference on Soviet Jewry," April 10, 1978, Jackson Papers, 3560-6, Box 45, Folder 4.

[102]Jackson, "Internationally Recognized Human Rights."

from its predecessor,"[103] Carter and his top advisers gradually began to reconsider whether direct criticism of the Soviet regime comported with their other foreign policy objectives. Particularly after the Soviets icily rejected Carter's "deep cuts" arms control initiative, the Administration began to scramble for an approach that would restart its relationship with the Kremlin on better footing. From the beginning, Carter's public criticism of Soviet domestic practices, quite predictably, engendered Soviet protests. But, as Arthur Schlesinger observed, "[t]he Soviet resentment, for some utterly mysterious reason, astonished Carter himself," who spoke in June 1977 of the "surprising adverse reaction in the Soviet Union to our stand on human rights."[104] Yet even prior to June, the Soviet protests evidently had registered in the President's mind, as he repeatedly emphasized his determination not to "single out the Soviet Union as the only place where human rights are being abridged,"[105] and later even denied that his approach had touched on the internal affairs of the Soviet Union on the grounds that his comments never personally criticized Brezhnev.[106]

Carter's apparent cognitive dissonance arose from his desire to pursue improved relations with the Soviets (particularly in arms control) while simultaneously taking a stand on human

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[103]See e.g., Jackson, "Human Rights and the Jackson-Vanik Amendment," remarks to the Congressional Forum of the National Conference on Soviet Jewry," June 14, 1977, Jackson Papers, 3560-6, Box 12, Folder 131.

[104]Schlesinger, Cycles, p. 100 (citing the Carter quote from the New York Times, June 26, 1977).

[105]As Buckley noted, the phrase "We've not singled out the Soviet Union" became formulaic, as Carter used it in press conferences on February 23, March 24, and June 13, 1977. Buckley, "Human Rights and Foreign Policy," p. 790.

[106]See ibid. (citing Carter's June 13, 1977, press conference).

rights that could not be interpreted by the Kremlin as anything less than a challenge to its legitimacy.[107] Naively, Carter briefly thought that an aggressive human rights policy would not interfere with a constructive bilateral U.S.-Soviet relationship. By the summer of 1977, however, Carter began to realize the divergence between the message he *thought* he was sending ("we hope you'll do better, but your poor human rights performance will not bar cooperation in other areas") and the message the Soviets were receiving ("through our public criticism of your human rights record, we aim to strengthen the elements of your society that wish to overthrow your regime").[108]

Carter's human rights initiative thus had reached a crossroads, at which the President opted for the path of least resistance from the Soviets. As the non-partisan Congressional Research Service concluded, "The complications with respect to many aspects of bilateral [U.S.-Soviet] relations that resulted from U.S. human rights initiatives led to a rapid limitation of those initiatives."[109] In the face of Soviet criticism, European fears that Carter's campaign "compromised the process of detente,"[110] and pressure from within the Administration from

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[107]See John Lewis Gaddis, The United States and the End of the Cold War: Implications, Reconsiderations, Provocations (Oxford: Oxford University Press, 1992), p. 43; Garthoff, Detente and Confrontation, p. 573.

[108]See Carter's July 21 address in Charleston, South Carolina, in Presidential Documents, vol. 13 (August 1, 1977), pp. 1067-1068.

[109]U.S. Congress. Senate Committee on Foreign Relations, Human Rights and U.S. Foreign Assistance, report prepared by the Foreign Affairs and National Defense Division of the Congressional Research Service, November 1979, p. 63 (quoted in Muravchik, Uncertain Crusade, p. 34).

[110]The quote is from an interview of French President Valery Giscard d'Estaing by Arnaud de Borchgrave in Newsweek, July 25, 1977.

officials such as Vance who preferred "quiet diplomacy,"[111] American criticism of Soviet human rights violations became muted, though not altogether silent,[112] from mid-1977 through the end of 1979,[113] at which time the Soviet invasion of Afghanistan compelled Carter to abandon his quest for an improved superpower relationship. Thus, even as the Soviets sentenced the Helsinki monitors Orlov, Ginzburg, and Shcharansky and the emigration activists Slepak and Ida Nudel to imprisonment and/or internal exile, the United States limited its protest to denying a few export licenses and deferring official visits to Moscow by high-level U.S. officials.[114] SALT, at the urging of Secretary of State Vance, proceeded unabated by Soviet domestic actions. In sum, after a brief flirtation with a Jackson-style approach to U.S.-Soviet relations, Carter opted for a course that, in large measure, resumed the detente process initiated by his Republican predecessors.

As with arms control, Carter's decision to placate the Soviets drove a wedge between him and Senator Jackson. For decades Jackson consistently had singled out the Soviet Union as the most powerful adversary of individual liberty and democratic government in the post-war world and as the home base of an ideology professing hostility to the basic human aspirations

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[111]See Vance, Hard Choices, p. 46.

[112]In particular, the United States delegations to the Helsinki follow-up conferences at Belgrade and Madrid adopted very active, high-profile, even confrontational positions on human rights. For a comprehensive study of the evolution of U.S. policy in the context of the Helsinki process, see Korey, The Promises We Keep.

[113]See Sandra Vogelgesang, American Dream: Global Nightmare (New York: Norton, 1980), pp. 103-104. Ms. Vogelgesang worked on human rights issues for the State Department's Policy Planning Staff during the early months of the Carter Administration and authored the above-cited book after leaving the government.

[114]Garthoff, Detente and Confrontation, pp. 609-612.

enumerated in the Universal Declaration of Human Rights. Furthermore, Jackson fully endorsed an ideological campaign that struck at the legitimacy of the Soviet regime by strengthening its domestic opponents and weakening its international appeal by calling attention to the gap between the Kremlin's words and deeds. Accordingly, even as the Carter Administration muffled its criticism of Soviet human rights practices, Jackson continued to urge a more confrontational tack.

According to Jackson, Carter's dual retreat -- on arms control and human rights -- after encountering initial resistance from Moscow failed to recognize that "we are engaged in a great historic process, in a struggle of which each momentary skirmish or battle is but a small part, in a contest of will and resolve in which victory will turn on steadfastness and courage."[115] As the Senator conceded in a 1978 interview, "Undoubtedly, the harder bargaining I support would produce hostile verbiage from Moscow."[116] Yet the United States, he insisted, could "afford to be patient until the Soviets recognize where their real interests lie"[117] -- not in prohibiting unhappy citizens from emigrating, but rather in diverting precious resources from their internal and external security apparatus and in obtaining economic and technological assistance from the West.

In the meantime, Jackson suggested a two-pronged strategy for punishing the Soviets for the trumped-up convictions of their human rights citizen-activists. First, he called for the disapproval of export licensing requests for the Soviet Union and the continuation of the Jackson-

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[115]Jackson, "The Jackson Amendment and Freer Emigration," remarks to the National Leadership Assembly of the National Conference on Soviet Jewry, April 10, 1978, Jackson Papers, 3560-6, Box 45, Folder 4.

[116]Michael Ledeen, "Interview with Senator Henry M. Jackson," 1 Washington Quarterly 99 (Autumn 1978).

[117]Jackson, "The Jackson Amendment and Freer Emigration."

Vanik trade restrictions.[118] Second, he encouraged the executive branch to continue at the Madrid CSCE conference the process of "repeatedly and openly nam[ing] the names of the imprisoned or exiled Helsinki monitors" that was begun by Ambassador Goldberg at Belgrade.[119] The fundamental American objective at the Madrid conference, Jackson asserted, should be to keep the "spotlight on human rights" and to "let the rafters ring with calls . . . for the return from exile, the release from imprisonment and an end of harassment of the Soviet and East European monitors."[120]

Although Jackson's was an influential voice in support of restrictions on technology transfer[121] and vigorous human rights diplomacy at the CSCE follow-up meetings, the Senator's most significant and successful effort to shape U.S.-Soviet relations during the Carter years occurred in the context of resisting the Administration's plans to relax the Jackson-Vanik restrictions. Despite Carter's September 1976 pledge to fully implement Jackson-Vanik, many executive branch officials -- particularly in the State, Treasury, and Commerce Departments --

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[118]See e.g., Jackson, "Statement on Alexander Ginzburg," July 11, 1978, Jackson Papers, 3560-6, Box 45, Folder 4.

[119]Jackson, "Accountability for Commitments," statement on Senate floor, Congressional Record, August 21, 1980, p. 22499.

[120]Ibid., p. 22498; see also Jackson, "The Madrid Conference and Soviet Emigration," statement on Senate floor, September 30, 1980, Jackson Papers, 3560-6, Box 13, Folder 101; Jackson, "Remarks at Reception for Ad Hoc Citizens Committee," November 12, 1980, Jackson Papers, 3560-6, Box 13, Folder 106.

[121]In 1979, Jackson and Senator Sam Nunn (D.-Ga.) secured adoption of amendments to the Export Administration Act which strengthened the role of the Defense Department in licensing and control-list determinations. See Fosdick, ed., Henry M. Jackson and World Affairs, p. 223; Muravchik, "The Senate and National Security," p. 12.

favored repeal or at least modification of the amendment's restrictions on U.S.-Soviet economic relations.[122]

The initial move came in the summer of 1977, when Secretary of State Vance publicly expressed his hope that "in time" the amendment would be repealed.[123] The Senator quickly fired off a letter to President Carter describing Vance's remarks as "ill-timed and ill-advised."[124] Drawing a comparison to the Ford Administration, Jackson complained that statements of the Administration's intent to seek the removal of Jackson-Vanik, even at a later date, "can only encourage the Soviets to conclude that they need not comply with American law in order to receive the trade concessions they seek from us."[125]

Jackson's letter had the desired effect, as Vance promptly responded in a letter assuring the Senator that the State Department was "not seeking the repeal of the Jackson-Vanik amendment."[126] Jackson's determined opposition was enough to derail any efforts by the Administration or its supporters in Congress to ease the trade and credit restrictions on the Soviet

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[122]See "Internal Memorandum on Jackson-Vanik policy," National Conference on Soviet Jewry, December 1, 1976, available in Jackson Papers, 3560-6, Box 40, Folder 20 for a contemporary assessment of the sources of pressure to change or repeal the amendment.

[123]See letter from Jackson to President Carter, June 17, 1977, Jackson Papers, 3560-6, Box 12, Folder 132.

[124]Ibid.

[125]Ibid.

[126]Quoted in letter from Jackson to President Carter, July 15, 1977, Jackson Papers, 3560-6, Box 12, Folder 139.

Union at least through 1978.[127] However, by the end of that year two developments had taken place that would again propel Jackson-Vanik to the forefront of American foreign policy in the coming year. First, in a policy shift, the Kremlin substantially increased the number of persons permitted to emigrate from the Soviet Union.[128] Second, the United States and the People's Republic of China neared the completion of a trade agreement.

D. Jackson-Vanik: Evenhandedness Toward China and the Soviet Union?

These events raised the question of whether the Carter Administration would exercise the Jackson-Vanik waiver provision for either the Soviet Union or China, or both countries. While the President appeared to prefer a policy of "evenhandedness" toward the two leading communist powers,[129] his top advisers were divided over the issue, with Vance and Treasury Secretary Blumenthal favoring a waiver for both countries and Vice President Mondale and National Security Adviser Brzezinski proposing to push ahead with MFN for China only.[130] A number of

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[127]An unnamed White House aide, in fact, conceded as much, telling Business Week, "It's now clear we'll never solve the Jackson-Vanik problem without taking Jackson head on." See "Congressional Hurdles for the China Trade," Business Week, January 8, 1979, p. 16.

[128]Approximately 39,000 persons (including 29,000 Jews) emigrated from the Soviet Union in 1978, a figure that represented a significant increase over the previous four years. Moreover, the December 1978 outflow seemed to indicate that the emigration rate was accelerating at a record pace. (And, indeed, the 1979 total of over 60,000 emigrants (including 51,000 Jews) eclipsed the previous high set in 1973 by a full fifty percent.) Soviet emigration figures for 1971 to 1988 are available in John P. Hardt and Sheila N. Heslin, "Emigration and Human Rights in the U.S.S.R.: Is There a New Approach?" Congressional Research Service Issue Brief #88019, updated March 2, 1989, Table 1, p. 4. The figure for December 1978 is cited in a memorandum by Richard Perle entitled "An Update on the Jackson-Vanik Amendment," January 1979, Jackson Papers, 3560-6, Box 45, Folder 16.

[129]See excerpt from the transcript of the President's News Conference, April 30, 1979.

[130]Garthoff, Detente and Confrontation, pp. 730-731; see also Zbigniew Brzezinski, Power and Principle: Memoirs of the National Security Adviser, 1977-1981 (New York:

key congressional leaders also suggested that trade benefits ought to be extended simultaneously to China and the Soviet Union. For example, in letters to Vance and Carter, Congressman Vanik explicitly stated his "firm view that there must be an even-handed approach to both countries."[131] Vanik further indicated that he would be willing to accept a Presidential finding "that the positive trend of Soviet emigration indicates the process of human rights in the U.S.S.R. is proceeding at a much improved level" in lieu of the assurances on future emigration practices that the amendment seemed to require, but that the Soviets refused, as a matter of national policy, to provide.[132] Senator Stevenson, another of the architects of the earlier regime of trade restrictions, also preferred evenhandedness, and to that end he proposed legislation that would have allowed MFN status and credits up to $2 billion to both China and the Soviet Union pursuant to a simple presidential determination on emigration practices.[133]

Senator Jackson strongly opposed the policy of "evenhandedness", primarily on geopolitical grounds. His statement to the Senate Finance Committee in support of a waiver of Jackson-Vanik for China summarized this argument as follows:

Farrar, Straus, Giroux, 1983), pp. 415-418.

[131]Letter from Congressman Charles Vanik to Secretary of State Cyrus Vance, January 4, 1979; letter from Vanik to President Carter, March 8, 1979, both available in Jackson Papers, 3560-6, Box 43, Folder 6.

[132]Letter from Vanik to Carter.

[133]See Vladimir N. Pregelj, "Most-Favored-Nation Policy Toward Communist Countries," Congressional Research Service Issue Brief #74139, updated February 24, 1983, p. 11.

> China and the Soviet Union are two very different countries at different stages of development, with different interests and ambitions, different associates and allies, and different relations with this country. They should be treated on separate tracks and, in our own national interest, they cannot be treated alike.[134]

In contrast to the Soviet Union, whose "policies constitute a real threat to our interests and those of our allies,"[135] China actually aided American national security by "playing a central role in the geo-political balance of power in the world, including the struggle to deter Soviet aggression and expansionism in critical areas of tension."[136] Accordingly, Jackson fully endorsed efforts such as the trade agreement which would aid China in its drive to become a modern industrial state -- and, presumably, a more effective partner in containing Soviet opportunism.

To be sure, Jackson did not entirely disregard China's generally poor human rights record; in fact, he endeavored to ascertain information on China's current emigration practices and assurances as to their future policies.[137] In addition, the Senator raised special emigration and other hardship cases with Chinese officials, both in Washington and in the course of his four visits

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[134]Jackson, "The People's Republic of China, Trade and MFN," statement before the Senate Finance Subcommittee on International Trade, November 15, 1979, Jackson Papers, 3560-6, Box 43, Folder 14.

[135]The quote is from a section of an interoffice memorandum drafted by Dorothy Fosdick entitled "Answer to even-handedness argument," January 1979, Jackson Papers, 3560-6, Box 45, Folder 16.

[136]Jackson, "The People's Republic of China, Trade and MFN;" see also Jackson, "China, Trade and MFN," statement on Senate floor, January 22, 1980, Jackson Papers, 3560-6, Box 13, Folder 62.

[137]See Wallach, "Chinese Promise Jackson;" see also letter from Assistant Secretary of State Douglas Bennet to Jackson (with accompanying information on China's emigration policies and practices), February 6, 1979, Jackson Papers, 3560-6, Box 34, Folder 28.

to Beijing.[138] However, his underlying approach to China's human rights deficiencies contrasted starkly with his policy prescriptions vis-a-vis the Soviet Union. As a report compiled after his death by three foreign policy aides put it, Jackson "felt overt pressure would not rapidly improve things. Rather . . . he believed that improvements would come as China developed economically and increased contact with other countries."[139]

As of January 1979, Jackson had no way of ascertaining whether the Chinese would be willing to provide the assurances required by law for a waiver of Jackson-Vanik. As numerous inter-office memoranda make clear, Jackson viewed their willingness to do so as a critical component of his effort to defeat the evenhandedness policy.[140] If China, like the Soviet Union, refused to provide public assurances that they would allow free emigration, Jackson may even have considered a risky "second-best course" of "set[ting] aside the amendment with respect to underdeveloped countries."[141] If that change proved too difficult to make, however, Jackson understood that the assurances requirement of Jackson-Vanik very likely would have been repealed, clearing the way for MFN status and access to credits for both China and the Soviet Union.

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[138]United States Senate, Committee on Armed Services, The China Policy of Senator Henry M. Jackson (Washington: Government Printing Office, 1983), p. 2. This document was compiled by three Jackson aides who accompanied the Senator on his last trip to China, from which he returned just six days before his death.

[139]Ibid.

[140]See e.g., "An Update on the Jackson-Vanik Amendment;" "Memorandum," January 25, 1979, Jackson Papers, 3560-6, Box 34, Folder 33.

[141]See "An Update on the Jackson-Vanik Amendment."

Fortunately for Jackson, China soon extended the necessary public assurances; in fact, during his February 1979 visit to the United States, Chinese Vice-Premier Deng Xiaoping jokingly offered to send President Carter 10 million immigrants.[142] Jackson then informed Administration officials and Congressman Vanik that he would support a waiver for the Soviet Union only if they too provided adequate assurances, which the Senator defined as written, public assurances that their future policies would lead sustantially to free emigration.[143] While acknowledging that recent Soviet emigration trends were encouraging, Jackson emphasized that the present was no guide to the future. Recalling the harassment, arrest, trial, and imprisonment of would-be emigrants and the arbitrary imposition of impediments such as the education tax, Jackson submitted that the cruelty and capriciousness of Soviet emigration policy over the past decade made public, written assurances an absolute prerequisite to his support of a waiver.[144] And, indeed, to illustrate the point, he reminded his audiences that "many of those who are now urging repeal because the numbers have been going up were urging repeal last year because they said the numbers were going down."[145]

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[142]Deng's comment appears in Karen Elliott House, "Teng's Visit: The Aftermath," Wall Street Journal, February 9, 1979. For additional information of the nature of the Chinese assurances, see Jackson, "China, Trade and MFN;" John P. Wallach, "Chinese Promise Jackson They'll Open Up Emigration," Seattle Post-Intelligencer, February 4, 1979, p. A8.

[143]See "Memorandum on the Jackson-Vanik Amendment," March 13, 1979, Jackson Papers, 3560-6, Box 43, Folder 6.

[144]See Jackson, "Remarks to the National Conference on Soviet Jewry," June 10, 1979, Jackson Papers, 3560-6, Box 3, Folder 18.

[145]Jackson, "Remarks on Solidarity Sunday," April 29, 1979, Jackson Papers, 3560-6, Box 45, Folder 4.

With China in compliance with Jackson-Vanik and the Soviet Union engaged in a standoff with Senator Jackson over the "assurances" requirement, the Administration had to resolve its quandary over the evenhandedness policy. As noted, President Carter publicly stated his preference to proceed in tandem as late as April 30, 1979, and probably still harbored it as late as the SALT summit in June. But the combination of a legal determination that a waiver could not be issued in the absence of assurances[146] and Carter's judgment that he could not obtain the votes to modify the amendment without Jackson's support doomed the dual-track policy.[147] On August 3, Carter, confirmed his decision to proceed with a waiver for China alone,[148] which gained congressional approval and was signed into law in January 1980.[149]

The foregoing discussion might suggest a greater deviation between the overall Carter and Jackson human rights policies than actually existed. In fact, an examination of their respective records on a country-by-country basis would reveal considerable overlap; both rather consistently denounced human rights abuses in countries as diverse as Cambodia, Rhodesia, South Africa, Turkey, and Uganda while taking a much more circumspect approach to China. Overall, their largely complementary efforts contributed substantially to the increasingly prominent place of human rights in international bilateral and multilateral diplomacy. And, to quote a pronouncement

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[146]See letter from Jackson to Vanik, April 10, 1979, Jackson Papers, 3560-6, Box 43, Folder 6.

[147]See Brzezinski, Power and Principle, pp. 415-418; Garthoff, Detente and Confrontation, pp. 730-731 n.49. Apparently Vice President Mondale, who had served in the Senate for many years, stressed the difficulty of prevailing in a showdown with Jackson.

[148]See ibid.

[149]Garthoff, Detente and Confrontation, p. 752.

of Carter's Deputy Secretary of State Warren Christopher that, as a general principle, equally applied to Jackson's approach, their shared inconsistencies resulted from the simple and inescapable fact that "human rights is one element of our foreign policy, but it is not the sole element. In some situations, the security considerations are sufficiently important that they alter the direction that our policy would be driven if we were concerned solely with human rights matters."[150] Yet, significantly, in balancing human rights and security concerns Jackson and Carter reached contrasting conclusions with respect to one particular country of paramount importance -- the Soviet Union.

While both President Carter and Senator Jackson advocated a linkage between human rights and foreign policy, a subtle distinction in their respective underlying motivations helps explain why their policy prescriptions with respect to the U.S.-Soviet relationship eventually diverged. For the Senator, human rights -- which he largely equated with American ideals of individual liberty and democratic government -- were an inseparable aspect of international security, and the notion that detente could take place in the absence of significant Soviet progress toward realizing those ideals served only to tempt the West to drop its guard in the face of a ruthless, arbitrary, and expansionist regime. Thus, in Jackson's view, American foreign policy ought to have a strong human rights compenent not so much as a humanitarian endeavor but rather as a hard-headed manifestation of the national interest.

By contrast, Carter approached the linkage between human rights and foreign policy much more from an idealistic perspective. In pressing for such a connection, he stressed the moral over the security dimension, though he recognized that the two frequently and fortunately were

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[150]Quoted in Muravchik, Uncertain Crusade, p. 140.

connected. In his inaugural address, for example, Carter stated that "[o]ur *moral* sense dictates a clear-cut preference for those societies which share with us an abiding respect for individual human rights."[151] The United States, he continued, had a special -- indeed, an "absolute" -- obligation "to take on those *moral* duties which, when assumed, seem invariably to be in our own best interests."[152] His concern for the treatment of foreign citizens derived much more from a sense of decency and morality than from any notion that a lowest common denominator of human rights was a prerequisite to a meaningful detente. As Joshua Muravchik has shown persuasively, Carter and his principal foreign policy advisers drew little or no connection between human rights and political ideology.[153] Accordingly, his Administration generally avoided using human rights as a weapon in the Cold War.[154]

Carter desire to pursue a relaxation of tensions while simultaneously lecturing the Soviets on human rights proved impossible to sustain. As John Lewis Gaddis has noted, he attempted to combine "Kissinger's emphasis on arms control [and detente, more generally] with Jackson's emphasis on human rights, but he failed to see -- as both Kissinger and Jackson had seen -- the contradictions in these two approaches."[155] By the time Carter muted his human rights rhetoric, at least as directed toward the Soviets, he had jeopardized his pursuit of detente by confusing and

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[151]Public Papers of the Presidents, Jimmy Carter, 1977, I (January 20, 1977), p. 3.

[152]Ibid.

[153]See Muravchik, Uncertain Crusade, pp. 53-70, especially pp. 56-57.

[154]The Carter Administration's approach to the CSCE process represented a notable exception to the generally preferred policy of "deidologizing" human rights.

[155]John Lewis Gaddis, End of the Cold War, p. 43.

frustrating the Soviets. And, perhaps more damagingly, he had alienated Jackson by pursuing (at least from the summer of 1977 until the Soviet invasion of Afghanistan) a Soviet policy that paralleled in many (though not all) respects the Nixon/Ford/Kissinger approach he had vigorously denounced in the 1976 campaign. In the end, largely as a result of his inconsistent approach to the Soviet Union, "Carter would up achieving the objectives of *neither* Kissinger nor Jackson; his accomplishments -- or, more precisely, the absence of them -- were uniquely his own."[156]

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[156]Ibid.

CHAPTER NINE: HENRY M. JACKSON AND U.S.-SOVIET RELATIONS -- AN ASSESSMENT

A. Detente Revisited, 1969-1979

In assessing the roughly decade-long period of U.S.-Soviet detente that commenced with the Nixon Presidency[1] and lasted until the Soviet invasion of Afghanistan, it is important to recall the challenging domestic and international circumstances under which the policy was launched. The liberal internationalist consensus that had guided containment from its inception had collapsed in disarray over the debacle in Vietnam. If the mounting battlefield casualties and public disillusionment did not toll the complete demise of any notion of American exceptionalism -- "the deep and lasting faith in the singular, unique, 'unprecedented' and 'unrepeatable' character of the United States in its mission as a model democracy that is, at times, the lone and shining guardian of certain values and institutions, at times their missionary" -- they surely marked its crisis.[2] With rising isolationist and anti-military sentiment fueling budget constraints that already existed because of the Johnson Administration's efforts to produce guns and butter in large quantities, the Nixon Administration undertook "to salvage [American internationalism] by reining it in."[3]

Thus, as Robert W. Tucker reminds us, detente and linkage, at least as originally conceived by Nixon and Kissinger, were "responses to a lost war and to a conviction that the growth of Soviet military power, together with a deepening reluctance at home to support a

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[1]Although, to be sure, much of the groundwork for detente was begun during the Kennedy and Johnson Administrations. See supra chapter 2.

[2]Hoffmann, Primacy or World Order, pp. 6, 92.

[3]The phrase is from David C. Hendrickson, "The Recovery of Internationalism," 73 Foreign Affairs 28 (September/October 1994).

policy of global engagement, required that American interests be preserved through other and easier means than those employed prior to Vietnam."[4] Above all else, as chapter three argued in considerable detail, this meant that the United States would have to drop its universalist pretensions and adopt instead the geopolitical approach to foreign affairs that for centuries had been the hallmark of great power diplomacy in the international system of states. From this view, tempering the missionary zeal would permit the deployment of more limited resources to preserve the essential element of American foreign policy: the simultaneous containment and accommodation of the Soviet Union. The United States would maintain an active foreign policy to preserve the global balance of power, but would refrain from interfering in the internal affairs of other sovereign states -- and particularly, the Soviet Union. The process of negotiating across a range of loosely linked issues would yield a relaxation of superpower tensions based upon a functional accommodation, with the United States and the Soviet Union "engag[ing] in the international system for the benefit[s] they derive from it, neither committing nor compromising their cultures."[5]

The geopolitical approach to international relations, Nixon and Kissinger realized,would be vulnerable to what Kissinger earlier had called the "acid test" of a policy: the problem of "legitimizing a policy within the government apparatus" and "harmonizing it with the national experience."[6] As chapter one explained, although earlier presidents such as George Washington

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[4]Robert W. Tucker, "Playing a Good Hand: The Secrets of Shultz's Success," 72 Foreign Affairs 140 (September/October 1994) (review essay of George Shultz, Turmoil and Triumph: My Years as Secretary of State (New York: Charles Scribner's Sons, 1993)).

[5]Vincent, "Edmund Burke and the Theory of International Relations," p. 213.

[6]Kissinger, A World Restored, p. 326.

and Theodore Roosevelt viewed foreign policy through a geopolitical lens, the alternative ideal-typical views of America's place in the world, the beaconist and the crusader, have predominated.[7] And, indeed, at various times in its period of ascendancy, detente faced opposition (and received support) from proponents of both competing traditions. At the outset, the crusaders, led by Senator Jackson, assisted the Administration's efforts to fend off the challenge of the beaconists, led by Senators Fulbright and McGovern, whose "come home America" line reflected "a conviction that self-interest must express itself in non-interventionism."[8] With the aid of Jackson and others, Nixon secured funding for the Safeguard ABM system, turned back the Mansfield Amendment proposing a major withdrawal of U.S. ground troops in Europe, and resisted calls for an immediate withdrawal from Vietnam. By 1973, however, the alliances shifted as the full scope of the detente policy became apparent. Jackson then led a congressional coalition that succeeded in withdrawing both the carrots and the sticks from Kissinger's linkage arsenal while Fulbright became perhaps Kissinger's most important congressional ally.[9] Finally, as pointed out above (and summarized below), by 1976 the relentless attack on detente, begun by Jackson and later joined by Daniel Patrick Moynihan and Ronald Reagan, among others, had severely retarded the pace and direction of detente, although its essential framework remained in place as Jimmy Carter entered office.

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[7]See chapter one, supra, pp. 11-16.

[8]Hoffmann, Primacy or World Order, p. 94.

[9]See Leslie H. Gelb and Anthony Lake, "Washington Dateline: The Age of Jackson?" 64 Foreign Policy 180-181 (Spring 1974). Indeed, even after Fulbright left the Senate in 1974, the battlelines over arms control continued to reflect the unusual alliance of Ford, Kissinger, Kennedy, and Mondale against Jackson and many Senate Republicans. See Hyland, Mortal Rivals, pp. 103-104.

The Carter Administration's initial approach to U.S.-Soviet relations departed rather sharply from the course set by Nixon, Ford, and Kissinger. In fact, by taking a strong public stand against Soviet human rights abuses and proposing deep cuts in each side's strategic arsenal, President Carter appeared to be taking his cues from Senator Jackson. The sharply negative reaction exhibited by the Soviets soon convinced Carter to back away from the hardline approach and, in fact, to resume in large measure the policies bequeathed by his predecessors.

To be sure, Carter's foreign policy outlook differed from Nixon's and Ford's in a few critical respects. First, Carter eschewed the secrecy and rigid compartmentalization that had characterized the Kissinger years, particularly under President Nixon. Indeed, Carter's top advisers, Vance and Brzezinski, frequently offered conflicting advice, leading to rather open debate at the highest levels of the Administration. Second, Carter rejected the geopolitical approach, instead straddling the beaconist/crusader divide. As chapter eight observed, Carter adopted the human rights theme pressed on him by Senator Jackson, but cautiously balanced the interventionism it generated against other foreign policy goals -- most particularly, his desire to improve relations with the Soviet Union.

Like Nixon, Ford, and Kissinger, Carter ultimately concluded that the necessity of engaging the Soviets in the quest for nuclear peace superceded the impulse (felt more strongly by Carter) to resume the ideological offensive. Accordingly, after a brief interlude, "the first three years of the Carter administration represented basically a continuation of the Nixon-Ford policy of detente," particularly in its structure and in its aims.[10] Despite increased Soviet repression at

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[10]Garthoff, Detente and Confrontation, p. 967. For a view that emphasizes the distinctions more than the similarities, see Samuel P. Huntington, "Renewed Hostility," in Nye, ed., The Making of America's Soviet Policy, pp. 280-281.

home -- the arrest, trial, and conviction of prominent human rights activists -- and adventurism abroad -- particularly in Africa and Southeast Asia -- the Carter Administration endeavored to fashion a more cooperative superpower relationship by pressing for the limitation of strategic armaments and the expansion of commercial relations. The Administration also muted the human rights agenda it pushed so aggressively with many other countries, treating the Soviets, in effect, much more as a great power rival than as an ideological enemy.

As illustrated in chapters five and eight, by 1979 Congress had soured on the Carter detente, spurning the Administration's efforts to modify the Jackson-Vanik amendment, increasing the defense budget, adding restrictions on technology transfer to communist countries, and indicating a skeptical attitude toward SALT II. At each turn, the upper chamber led the opposition, with Senator Jackson playing a prominent role in all four actions. Thus, Congress had dealt a severe blow to detente even before the Soviet Union invaded Afghanistan in the final week of 1979. The Soviet aggression, coming hard on the heels of the seizure of the United States embassy in Tehran, compelled President Carter to adopt a posture of confrontation, despite his continued aspirations for detente.[11] By year's end, Ronald Reagan was President-elect and detente, to borrow a phrase from Warren Harding, was "as dead as slavery."

Although the detente of the 1970s fell short of its lofty aspirations, its structure of negotiations and institutions produced many notable strategic and geopolitical accomplishments, most of which were begun by Nixon and Kissinger and extended by the Ford and Carter Administrations. Particularly in its period of ascendancy (prior to 1975), the detente framework, as Michael Howard observed, allowed the United States to play a role in world affairs

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[11]Garthoff, Detente and Confrontation, p. 971.

commensurate with its power.[12] The United States thus managed to enter into agreements with the Soviet Union that limited offensive and defensive strategic weapons while improving its geopolitical position by establishing diplomatic ties with China and brokering an uneasy truce in the Middle East.

The Carter Administration then built on these achievements by normalizing economic relations with China and shepherding the Camp David accords which marked a qualitatively improved relationship between Israel and Egypt. Even in arms control, both sides abided by the terms of the unratified SALT II Treaty well into the mid-1980s -- although, as Charles Morris noted, whether this fact "demonstrates the essential soundness or essential meaninglessness of the treaty is not clear."[13] Moreover, despite its ultimate demise, detente left a lasting imprint on international relations that became apparent during the period of renewed confrontation in the early 1980s. Despite the degeneration of superpower relations, the dialogue of the 1970s had generated such strong public sentiment, particularly in the West, in favor of continued negotiation that for several years both sides resisted the urge to walk away from the bargaining table, lest the other side gain a propaganda advantage.[14]

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[12]Howard, Causes of War, p. 284.

[13]Morris, Iron Destinies, p. 347.

[14]The Soviet Union actually suspended their participation in the INF Talks on November 23, 1983, in response the deployment in Western Europe of American Pershing II and cruise missiles. See Talbott, Deadly Gambits, pp. 3-4. By the end of September, 1984, "a contrite Soviet Foreign Minister Andrei Gromyko had made the pilgrimage to Washington to re-establish contacts with the Reagan administration." Gaddis, End of the Cold War, p. 126. Shortly thereafter, the two sides announced that negotiations soon would resume. Three years later, in December, 1987, President Reagan and General Secretary Gorbachev signed an intermediate-range nuclear forces treaty which "for the first time provided that Russians and Americans would actually dismantle and destroy -- literally before each other's eyes -- an

B. Senator Jackson and the Unravelling of Detente

From the perspective of its American proponents, both external and internal pressures contributed to the fall of detente. The Kremlin's domestic and foreign policies -- for example, the imposition of the education tax, the arrest and imprisonment of human rights activists, the flap over the dimensions of missile silos, and the Soviet geopolitical offensive, particularly in Africa -- surely undermined the claims of American officials that detente would produce a moderation in Soviet behavior. And, more significantly for present purposes, from its inception detente faced a powerful, sustained, and unanticipated challenge from influential circles in the United States, including members of Congress, journalists and commentators, and even disgruntled government officials.

Of course, some resistance to a more cooperative approach to U.S.-Soviet relations -- particularly one that departed so bluntly from the liberal internationalism of the previous two decades -- was inevitable. Yet, in Kissinger's estimation, "[l]eft to the passage of time, the essentially theoretical debate over detente might have been overtaken by events."[15] But Nixon, Kissinger, and their successors in the Ford and Carter Administrations were not destined to have an uninhibited opportunity to implement their Soviet policy, largely because of the efforts of detente's "most implacable opponent."[16] In summarizing Henry Jackson's devastating assault on detente, Kissinger paid a respectful tribute to the Senator:

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entire category of nuclear missiles." Ibid., p. 129. The zero option, once believed by many commentators to be an insincere American negotiating ploy, had been accepted by the Soviet Union.

[15]Kissinger, Diplomacy, p. 747.

[16]Ibid

> [T]he intellectual leader of the critics, the formidable Senator Henry Jackson, was far from ready to leave detente to the test of time, and mobilized support to stop it in its tracks. A Democrat from the state of Washington and one of America's most impressive public servants, Jackson was a serious student of international affairs, especially of the Soviet Union, and a world-class expert on defense. He combined erudition with a masterly grasp of how to manipulate the various branches of the government, bringing the Congress together with sympathetic elements in the Executive Branch. Jackson's staff, headed by the subtle Richard Perle, matched his erudition and exceeded even his finely honed manipulative skills.[17]

Interestingly enough, the most influential Americans in the debate over detente -- Nixon, Kissinger, Ford, Carter, Jackson, and Reagan -- all shared the view that a unified West, in time, would at least successfully contain Soviet power, if not actually defeat it.[18] The essence of the intramural squabble centered around the means and timing of achieving the agreed end: the formula suggested by the first four leaders involved a long period of peace, while the last two advocated a briefer and more immediate period of confrontation.

The first approach, detente, envisioned a temporary and partial truce cemented by arms control and trade agreements along with a general relaxation of political tensions. The terms of the truce would include a mutual and balanced recognition of great power interests in international affairs and a policy of nonintervention (or, in Carter's iteration -- very limited intervention) in domestic affairs. In other words, the United States and the Soviet Union would

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[17]Ibid. Kissinger's biographer, Walter Isaacson, shared this assessment of Jackson, writing that "[t]he criticisms of detente might have amounted to little more than random sniping had it not been for Senator Henry Jackson." Isaacson, Kissinger, p. 611.

[18]On the Nixon/Ford outlook, see Kissinger, Years of Upheaval, pp. 243-245; Kissinger, Diplomacy, p. 747. On the Carter outlook, see Stanley Hoffmann, Duties Beyond Borders: On the Limits and Possibilities of Ethical International Politics (Syracuse, NY: Syracuse University Press, 1981), p. 207. Jackson's and Reagan's well-known optimism about the West actually prevailing in the Cold War will be discussed in greater detail in section C below.

limit their diplomatic skirmishes to external affairs and, in theory, would exercise restraint by forgoing any opportunities to make unilateral geopolitical gains at the expense of the other. While maintaining antipathy for the Soviet system, this accommodationist tack accepted the primacy of the nuclear threat and subordinated any efforts to make reform of that system an immediate objective of American foreign policy. Human rights concerns would be raised, pursuant to Nixon's, Kissinger's, and Vance's stated preferences, primarily through the vehicle of "quiet diplomacy," with the limited aim of "improv[ing] the treatment of Soviet citizens."[19] Detente thus would entail an active foreign policy, but without the distraction of an ideological crusade against communism.[20] Rather, during the long period of peace "the pluralism of a democratic system -- the economic vitality, genius for technological innovation, and creativity of free peoples" would outpace the rigid and inefficient communist system, resulting finally in a sort of Soviet self-containment by attrition.[21]

The alternative approach, initially put forth by Jackson and later implemented in large measure by Reagan, involved a much bolder gamble at reforming the internal structure of Soviet society. In Robert Conquest's words, this policy aimed "to show Soviet leaders that their current policies are a cul-de-sac which can produce neither empire nor prosperity nor political success

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[19]See Kissinger, Diplomacy, p. 752.

[20]Thus Jimmy Carter declared early in his Presidency that the United States had overcome its "inordinate fear of communism" to signal a departure from what he saw as the excessive role that anti-Communism had traditionally played in shaping U.S. foreign policy. See Muravchik, Uncertain Crusade, p. 53 (quoting Carter's commencement address at the University of Notre Dame, May 27, 1977).

[21]See especially Kissinger, Years of Upheaval, p. 244-245. The quote is on page 245.

even for them. To make it clear, in fact that . . . a New Russia must indeed emerge."[22] In this view, increased commercial ties could not precede domestic reform; if they did, the Soviets would obtain the political benefits they desired from detente -- and, indeed, emerge a stronger adversary -- without unleashing the liberalization and democratization that would reduce the likelihood that American credits and technology would be deployed by a reinvigorated Soviet Union to undermine the American geopolitical position. A strong and modernized American deterrent, not a web of economic and political agreements, would continue to be sufficient to prevent the outbreak of nuclear war; as long as the deterrent remained secure, nuclear weapons presented no barrier to a confrontational policy toward the Soviet Union. Impoverished both materially and ideologically -- the equal of the United States only in military power -- the Soviet Union was believed by Jackson and his cohorts to be vulnerable to American pressure. The withholding of trade, technology, and credits would exacerbate the Soviet economic crisis from without, while the offensive advocacy of human rights as a "strategy for forcing a Soviet domestic upheaval" would accelerate the push for reform from within.[23] The combination of the two, then, would hasten the arrival of a less hostile, more trustworthy Soviet Union with which a genuine and lasting detente might be achieved.

The two approaches to U.S.-Soviet relations sketched in the preceding paragraphs fairly can be said to have dominated American policymaking in the final two decades of the Cold War. The former reigned during the 1970s, though it labored under the duress of robust and sustained

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[22]Robert Conquest, "A New Russia? A New World?" 53 Foreign Affairs 494 (April 1975).

[23]The phrase comes from Kissinger, Diplomacy, p. 752.

opposition for most of the interval. The latter then even more thoroughly held sway during the 1980s. And Senator Jackson was, in a profound sense, the bridge between the two periods.

By 1972, the framework of Nixon's and Kissinger's detente policy was largely in place. As chapter three indicated, their scheme attempted to reorient both the institutional and ideological premises of American foreign policymaking. In order to retain tight control over his ambitious and complicated agenda, Nixon relied upon secrecy and compartmentalization and turned increasingly to a single adviser, Kissinger, to execute his plans. As Michael Howard wrote, "The ponderous, elephantine mechanisms of American foreign policy were suddenly replaced by the precise and delicate manoeuvres of a prima ballerina."[24] But by excluding both the professional bureaucracy and the legislative branch from the process, Nixon's institutional transformation ultimately undermined his ability to obtain domestic support for detente. Likewise, Nixon's effort to suppress traditional American idealism in favor of *realpolitik* proceeded without a sustained effort to gain the support of the American people or their representatives, without whose support the policy could not be sustained.

Neither secrecy nor *realpolitik* were characteristics well-suited to the American foreign policy tradition. Thus, even under the most favorable circumstances, only an arduous educative process on the order of that undertaken by Franklin Delano Roosevelt between 1937 and 1941 would have stood a chance of capturing public support.[25] The early 1970s, however, did not present favorable circumstances. With Vietnam winding down and Watergate starting up, many

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[24]Howard, Causes of War, p. 270.

[25]See generally Robert Dallek, Franklin D. Roosevelt and American Foreign Policy, 1932-1945 (New York: Oxford University Press, 1979), especially chapters seven through eleven.

Americans for the first time were questioning the moral virtues of their country. If anything, Americans were seeking more, not less, idealism in their foreign policy -- though for most of the decade it was not clear whether they preferred beaconism or a renewed crusade.

Senator Jackson tapped into this reservoir to fuel his challenge to detente. He also capitalized on the desire of the citizenry and their representatives to retain, if not superiority, at least equality with the Soviet Union in military power. By 1976, Jackson's legislative campaign had contributed decisively to (1) a renewal of congressional activism in foreign policy; (2) the rise of a differentiated approach to the promotion of human rights in the Soviet Union through the use of both trade sanctions and public diplomacy; and (3) the ascent of a more skeptical approach to arms control, particularly within the Senate. These achievements, in combination, severely undermined Kissinger's proposed framework for international order, leading to the decline (though not the death) of detente.

Then, during the Carter years, Jackson's steadfast commitment to geopolitical and ideological competition -- in short, his determination to *prevail* in the Cold War -- led to his continued and successful opposition to the Administration's efforts to pursue moderate arms control, trade, and human rights policies. Faced with an implacable Jackson and an increasingly belligerent Soviet Union, the Carter Administration's Soviet policy met with frustration and failure, achieving no arms or trade accords and departing office with the Soviet Union on the geopolitical offensive. The remainder of this section will examine how Jackson, as a member of the legislative branch (and not even the chairman of the Senate Armed Services, Foreign Relations, or Finance Committees), harnessed the ideological and institutional framework of American foreign policy to undermine the Soviet policies of three successive Administrations and,

in fact, to lay the groundwork for the confrontational arms control, trade, and human rights agenda pursued by the Reagan Administration.

1. Arms Control

The institutional power that Jackson had accrued over his three decades in Congress (including two decades in the Senate) proved particularly useful to the Senator's efforts to influence the direction of American arms control policy. By the 1970s, as Michael Krepon noted in his study of the politics of arms control treaty ratification, Jackson had become a "pivotal" senator -- one of perhaps half a dozen in this century -- who could severely challenge a proposed treaty if he chose "to oppose [it] with all of the skills and devices at his disposal."[26] As a senior member of the Senate Armed Services Committee, and chairman of its Arms Control Subcommittee, Jackson closely monitored the nation's defense posture and negotiating positions.

Jackson's institutional standing also provided access to information and platforms from which he alternately praised, criticized, and cajoled the executive branch through committee reports and public statements. Further, it enabled Jackson to assemble an exceptionally talented coterie of staff assistants, most notably Dorothy Fosdick and Richard Perle, who combined experience and expertise with strong organizational and bureaucratic skills to aid the Senator in preparing speeches, drafting legislation, recruiting co-sponsors, and negotiating compromises with collegues and executive branch officials.[27] Finally, as chapter four demonstrated, from his perch near the top of the Senate Armed Services Committee, Jackson exerted considerable

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[26]Krepon, "Conclusions," in Krepon and Caldwell, eds., The Politics of Arms Control Treaty Ratification, p. 419.

[27]See Kissinger, Diplomacy, p. 747; Gelb and Lake, "Age of Jackson," p. 180.

leverage over appointments (e.g., Paul Warnke) and procurement decisions (e.g., the Trident submarine).

Moreover, certain personal characteristics peculiar to Jackson enabled him to deploy his institutional prerogatives to far greater effect than some of his colleagues who had accumulated as much seniority and perhaps even more control over a committee or subcommittee (i.e., long-time chairmen like J. William Fulbright or Richard Russell). Probably the most important of these attributes was Jackson's expertise, developed over decades of immersion in the intricacies of national security, particularly in the area of nuclear weapons. By the 1970s, this careful study had enabled Jackson to become the most knowledgable American legislator in these fields -- by Kissinger's reckoning, "a world-class expert."[28] This quality enabled Jackson to be something of a first among equals with his Senate colleagues on national security matters, with many simply following his lead and still others open to persuasion by Jackson's detailed arguments. It also earned for Jackson the respect of the executive branch. As chapter four showed, the Nixon and Carter Administrations adopted Neustadt's and May's *ex post* advice that Jackson be treated as "for practical purposes, a small but powerful foreign country, with his own independent interests and his own equivalent of government departments."[29] Thus the executive branch on several occasions attempted to curry favor with Jackson by endorsing his amendment to the Interim Agreement, reshaping the SALT II delegation to reflect the Senator's more hardline approach, and putting forward a "deep cuts" proposal at the beginning of the Carter Administration.

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[28]Ibid.

[29]Neustadt and May, Thinking in Time, pp. 201-202.

It is also very likely that ambition for higher office both propelled and facilitated Jackson's increasing assertiveness in foreign affairs. To be sure, the transformation from neophyte isolationist freshman congressman to influential internationalist senior senator had been in progress for over three decades, with several intervening events contributing to a shift in Jackson's legislative priorities. As chapter two pointed out, these events included his ascent to the Senate, a series of somewhat fortuitious committee assignments, his narrowly missing the Democratic nomination for Vice President in 1960, and a large measure of electoral insulation provided by the increasingly wide margins with which he won re-election. In fact, by 1963, in a foreshadowing of his role in SALT I, Jackson brokered a series of "safeguards" that assured the passage of the Limited Test Ban Treaty. Yet at least until the 1968 election, Jackson's forays into international affairs had largely remained behind the scenes. While he had significantly influenced the American defense posture on a number of occasions (e.g., the accelerated development of the ICBM and the nuclear submarine), his pronouncements on U.S.-Soviet relations, for example, did not differ substantially from those of the executive branch or many other key legislators.

The temporary Jackson-Nixon alliance unquestionably enhanced the Senator's power and reputation in foreign affairs. The combination of his enhanced prestige and his status as a probable candidate for the Democratic nomination for President emboldened Jackson to speak out not only on defense and national security matters, but also on other aspects of U.S.-Soviet relations, including the Kremlin's mistreatment of Jews and other minorities. But Jackson's candidacy fizzled quickly, and by the summer of 1972 it was apparent that he would not gain the nomination, and that Nixon probably would be re-elected. Even this seemingly unfortunate turn of events contained a silver lining for the Senator, who fully intended to seek the Presidency again

in 1976. Detente, as it was unveiled, emphasized geopolitics but excluded ideology as a basis of continuing competition between the superpowers. As such, it offered Jackson an opportunity to articulate a distinctive approach to the Soviet Union that gained many adherents by 1976, although it did not propel him into the office he coveted. Nevertheless, seniority, expertise, ambition, and exceptionally capable staff assistance enabled Jackson, even as a legislator, to exercise an unusual degree of control over American arms control policy.

At all turns, Jackson's arms control maneuvers sought both to upset the momentum of SALT and to substitute his own policy preferences which focused on achieving equality of strategic forces at sharply reduced levels. Of the Senator's many proposals, the one that best facilitated these dual aims was his amendment to the Interim Agreement. As chapter four suggested, despite his misgivings about the final stages of the negotiating process, Jackson appeared to have accepted the Nixon Administration's argument that the agreement was the best they could obtain from a relatively weak bargaining position. In fact, this view seems difficult to refute; only the Soviets gave up actual forces-in-being, while the United States gained a breathing space in which it accelerated the development of new weapons and began healing wounds to the national psyche caused by the war in Vietnam.

Yet, as Hedley Bull pointed out at the time, "Even if we accept Dr. Kissinger's argument that from a weak bargaining position the U.S. was able to secure an agreement which in effect imposed limitations on the other side but not on itself, the fact remains that the terms of the Interim Agreement are remarkably one-sided."[30] While the overall nuclear balance remained in a state of parity, Bull characterized the Interim Agreement as providing for "limited Soviet

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[30]Bull, The Moscow Agreements, pp. 24-25.

numerical superiority" in the categories of weapons covered by the accord.[31] It was this result, confirming the trends of nearly a decade, that inspired Jackson's "masterful senatorial performance" that "made the best out of a bad bargain while positioning its author to become the arbiter of subsequent agreements."[32]

In Alton Frye's judgment, "[s]eemingly innocuous on its face, the Jackson Amendment was a sophisticated maneuver to enhance the leverage which [Jackson] and the Armed Services Subcommittee on SALT would have on future arms negotiations."[33] With the assistance of a few disgruntled, though still well-placed, Administration officials -- Defense Secretary Schlesinger and SALT Delegate Zumwalt among them -- the Jackson Amendment "set the general framework within which all of the SALT II discussions took place."[34] Most obviously, the language of the amendment, backed by Jackson's power and prestige, fixed the attention of both sides on the issue of "equality." In addition, the combination of a new SALT team sympathetic to Jackson's view of the negotations and Jackson's own periodic monitoring through his subcommittee reinforced the Administration's reluctant conclusion that a follow-up SALT accord would be rejected if it failed to meet the Senator's criteria.[35]

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[31]Ibid.

[32]Krepon, "Conclusions," in Krepon and Caldwell, eds., The Politics of Arms Control Treaty Ratification, p. 441 (comparing the passage of the Jackson amendment to Senator Henry Cabot Lodge's campaign to add reservations to U.S. participation in the League of Nations).

[33]Frye, "U.S. Decision Making for SALT," in Willrich & Rhinelander, eds., SALT, p. 98.

[34]Platt, Senate and Strategic Arms Policy, p. 65.

[35]See ibid., pp. 30 & 65.

As a political maneuver, the Jackson amendment succeeded brilliantly. It received broad support by offering legislators an opportunity, in effect, to extend their right hands to congratulate the Administration on SALT I while tucking their left hands behind their backs, fingers crossed, on SALT II. Gradually its approach also gained the endorsement of influential members of the American arms control community and, ultimately, of the Administration itself. Finally, just prior to the initialing of the Vladivostok accord, the Soviet Union acceded to the Senator's demand for equal levels of forces, albeit with a higher ceiling than he would have preferred.

Despite the Soviet Union's willingness to accept at least the equality half of the Jackson formula (though not the "reductions" half), the utility of the Jackson amendment has been questioned, particularly by supporters of detente. One of Kissinger's NSC assistants, for example, described it as more "an expression of frustration with the past than a valid prescription for the future."[36] In this view, the near-obsession with strict numerical equality amounted to a psychological reaction by those who had not come to grips with the loss of American strategic superiority. While exact symmetry appeared to be an attractive idea from the politician's perspective, it was very nearly impossible to achieve for the negotiator who had to reckon with decades of independent choices by the Kremlin and the Pentagon. To focus so exclusively on the numbers, Hyland argued, prevented subtlety in negotiations -- qualitiative differences became less admissible, and bargaining assumed a more mechanical character. In a clear break from the SALT I approach, deficiencies in one leg of the strategic triad no longer could be compensated by strengths in another, and the United States could not accept an arrangement that offset Soviet superiority in launchers and throw-weight with American technological and geographic

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[36]Hyland, Mortal Rivals, p. 80.

advantages. And, perhaps most critically, the sum of these various changes seriously undermined Kissinger's ability to treat arms control as part of a grand strategy for U.S.-Soviet relations.[37]

Hyland's complaints about the Jackson approach had more than a ring of truth to them; in fact, obstructing Kissinger almost certainly was one of the Senator's short-term objectives. Jackson opposed the Nixon and Ford Administrations' approach to SALT both on its own merits and because it represented an important facet of their detente policy. Progress on arms control was judged to be vital to the pace of detente, and the perceived need to establish momentum behind detente, Jackson feared, rendered the Nixon/Ford/Kissinger triumverate overly interested in the fact of a SALT agreement and less attentive to the critical details of such an accord.

In addition, as Kissinger himself later observed, Jackson's arms control posture also served as a bulwark against those -- primarily in the media and the academic community, but also present in small numbers on Capitol Hill -- whose "near-obsession" with arms control constituted a threat to "*any* serious defense policy."[38] From this view, even if Nixon, Ford, and Kissinger could be trusted to negotiate with the Soviets, the possibility existed that congressional or public opinion, lulled into complacency by the appearance of detente, might force further American concessions by refusing to fund weapons programs that were intended to be used as bargaining chips, never to be fully deployed (as was the case with the ABM system). To help protect against such a course, Jackson sought to minimize the Administration's negotiating latitude and to maximize his own veto power over future agreements.

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[37]Ibid., pp. 79-80.

[38]Kissinger, Diplomacy, p. 750.

Beyond obstructing Kissinger (and later Carter), Jackson also genuinely intended that his agenda -- with its focus on equality and arms reductions -- represent a serious prescription for SALT II. After a quarter century as a leading advocate of American nuclear superiority, Jackson had, by 1972, accepted the notion of strategic parity with the Soviet Union. At the same time, however, he had become a leading advocate of a modified version of what Coral Bell has called the "doctrine of symmetry": strategic forces should not only be equal, but also *look* equal.[39] From this view, the *perception* of inferiority created by unequal numbers, even where the actual correlation of forces remained in balance, could have negative geopolitical consequences if exploited by an opportunistic Soviet regime. As Hedley Bull explained, while relative numbers of launchers or throw-weights or concepts such as "parity" or "superiority" are not in themselves decisive for the relationship of mutual nuclear deterrence, they can take on political significance in the psychology of deterrence if people think they are.[40]

While Jackson did not claim that the problem of perceptions meant that each leg of the respective nuclear triads must be equal, he did insist upon symmetry with respect to the aggregate total of launchers and throw-weights. These figures were critical because they could be verified with reasonable certainty. Although Jackson conceded the existence of a technological gap between the superpowers (indeed, he endeavored to exacerbate the gap), he feared that the Soviets would continue to compensate for their shortcomings in this area by funneling an enormous percentage of their national wealth into the military sector. Thus, any purported qualitative advantages ascribed to American forces appeared vulnerable over the span of an arms

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[39]Bell, Diplomacy of Detente, pp. 77-78.

[40]Bull, The Moscow Agreements, p. 26.

limitation treaty.

Given symmetrical nuclear forces, Jackson viewed the possibility of a U.S.-Soviet nuclear exchange as extremely remote; the balance of forces would rule out a calculated risk and the obviousness of the balance would prevent miscalculation by either side. However, as Kissinger later recalled, "Jackson's nightmare was strategic vulnerability."[41] In a worst-case scenario, the Senator envisioned a Soviet first-strike capability spawned by aggressive efforts by the Kremlin to improve their accuracy and MIRVing technology coupled with American complacency generated by a longing for nuclear peace (or at least the illusion of it) at virtually any price. Of course, this scenario never came to pass, and, indeed, today seems almost incredible. But in the 1970s, Henry Jackson and his supporters remained unconvinced that the Soviets possessed neither the intention nor the capability to develop such a capability.

Finally, Jackson's strong preference for arms *reduction* over arms limitation reflected twin judgments about military spending in the United States and Soviet Union. Equality, he understood, could be achieved only by an American build-up or a Soviet build-down. Although he was prepared to spend whatever was necessary to maintain a strong deterrent posture (and was prominent in the Senate's 1979 efforts to increase President Carter's defense budget), Jackson realized that the electorate would favor such an approach only as a last resort. Approaching the problem from the Soviet side, Jackson pushed the concept of reductions as a means of influencing the Kremlin to shift its spending priorities from defense to domestic consumption, thereby reducing the external threat to the West and improving the daily existence of its own citizens.

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[41]Kissinger, Diplomacy, p. 752.

A combination of institutional authority and personal commitment to arms control policy made Jackson into something of a "brooding omnipresence in the sky,"[42] casting a skeptical eye toward the SALT initiatives of the Nixon, Ford, and Carter Administrations. Through his amendment to the Interim Agreement and his later public statements, Senator Jackson set high standards for a follow-up arms control accord that he could support. Any agreement that strayed from the Jackson criteria of equality and reductions, or that suffered from egregious ambiguity or imprecision, would likely face his determined and powerful opposition. And with just thirty-four votes required under the Constitution to block a treaty, Jackson's threats ought to have been (and were) taken seriously.

The respective administrations, each of which had made arms control agreements a higher priority than they were for Jackson, made significant efforts to satisfy both the Soviets and the junior senator from Washington. But the search for a treaty acceptable to each of the key parties -- the Kremlin, the White House, and the Senate -- proved fruitless. The Soviets agreed to one of Jackson's conditions -- equality -- but would not abide his demand for reductions. As chapter five described, President Carter briefly and half-heartedly put forward an American proposal for reductions, but quickly returned to the Vladivostok framework after the Soviets indicated their firm opposition. Carter's hasty retreat poisoned his relations with Jackson, who believed that the new President had displayed a lack of fortitude in abandoning the "deep cuts" proposal in favor of a return to the middle-road arms control policy pursued by his Republican predecessors.

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[42]The phrase is from Justice Oliver Wendell Holmes, Jr. See Southern Pacific Co. v. Jensen, 244 U.S. 205, 222 (1917) (Holmes, J., dissenting).

With both antagonists holding firm, the Carter Administration, caught in the middle and sensing the window of opportunity for a pre-election treaty slipping away, decided in the summer of 1979 to accept the Soviets best offer. The resulting agreement, SALT II, evoked a wide range of characterizations, from a "masterpiece of modern diplomacy,"[43] to a "modest but useful" step,[44] to "a cosmetic domestic political symbol, which neither limits strategic arms, enhances security, deters war, nor maintains the strategic balance."[45] In fairness to President Carter, it should be noted that like Nixon and Ford, he faced constraints on the military budget, at least in the early years of his Presidency. Although public attitudes shifted dramatically on this subject between 1978 and 1980,[46] even if Carter had been inclined to lead rather than to follow the curve, the improvements in the U.S. military posture would not have figured in the strategic balance until at least the mid-1980s. If SALT, as Strobe Talbott maintained, was "the art of the negotiable," then perhaps Carter, like his predecessors, obtained the best available terms at the time. SALT II skirted the controversial Soviet Backfire bomber and American cruise missile and permitted the Soviets to retain numerical superiority in "heavy" missiles, but otherwise established equal ceilings on launchers and MIRVed missiles. In the end, the signing and subsequent rejection of SALT II probably had more impact on American domestic politics by framing the contrasting approaches

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[43]Talbott, Endgame, p. 279.

[44]Morris, Iron Destinies, p. 336 (quoting the Joint Chiefs of Staff assessment).

[45]Ibid. (quoting the judgment of a House Armed Services Committee report).

[46]According to the National Opinion Research Center, the percentage of Americans who believed that the United States was spending too little on defense grew from 27% in 1978 to 56% in 1980. See William Schneider, "'Rambo' and Reality: Having It Both Ways," in Kenneth A. Oye, Robert J. Lieber, and Donald Rothchild, Eagle Resurgent? The Reagan Era in American Foreign Policy (Boston: Little, Brown, 1987), Table 2-1, p. 43.

to U.S.-Soviet relations of candidates Carter and Reagan than it did on the nuclear balance of power.[47]

Jackson's opposition to SALT II was well known even prior to the Vienna summit. He objected to both the terms and the fact of the agreement. With regard to the former, by Jackson's calculations the combination of high ceilings and Soviet heavy missiles meant that the Soviets would continue to have a throw-weight advantage and still might develop first-strike capability at some time in the life of the agreement. But even more than the particular terms of the treaty, Jackson objected to the arms control mentality that had pervaded American national security planning throughout the SALT process. Jackson charged that instead of facing up to the reality of "overwhelming evidence of a continuing Soviet strategic and conventional military buildup, there has been a flow of official administration explanations, extenuations, excuses" that constituted, in the Senator's judgment, "the mark of appeasement."[48]

Without Jackson's support, SALT II had, at best, a fifty-fifty chance of ratification,[49] a percentage that declined precipitously after Senator Frank Church's allegation of a Soviet combat brigade in Cuba,[50] and hit rock bottom after the invasion of Afghanistan. Although SALT II

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[47] SALT II so little constrained the parties that the U.S. defense posture, as the Joint Chiefs conceded, would not differ whether or not the treaty was ratified. See Morris, Iron Destinies, p. 337. And, as noted above, both sides abided the terms of the unratified treaty well into Reagan's second term.

[48]Jackson, speech to Coalition for a Democratic Majority, June 14, 1979, quoted in Talbott, Endgame, p. 5.

[49]Public opinion polls showed a steady decline in support for a SALT II treaty, from 70% early in 1978 to 42% in November 1978 and only 30% by September 1979. See Huntington, "Hostility," in Nye, ed., America's Soviet Policy, p. 278.

[50]See Garthoff, Detente and Confrontation, pp. 828-848, especially pp. 847-848.

appeared, at least technically, to be a better agreement that SALT I, the climate in the Senate had changed significantly since 1972, in large part because of Jackson's sustained criticism of the SALT process. From SALT I through Vladivostok and all the way to the completion of SALT II, American arms control policy remained caught in a tangle between Jackson's insistence on equality and reductions and the respective administrations' (and the Soviets') preferences to proceed within the SALT framework. Although Jackson was unable to convince Nixon, Ford, or Carter to adopt his approach, the Senator possessed enough leverage to cause a stalemate. Thus, while the United States did not follow Jackson's confrontational prescription for arms control until Ronald Reagan took office, there can be no question that Jackson achieved his other goal of slowing the pace of detente by imposing a rigidity and an uncertainty to the negotiations that undermined the capacity of successive administrations to integrate arms control into a more comprehensive Soviet policy.

2. Trade and Human Rights

In contrast to arms control, Senator Jackson enjoyed few institutional advantages in his effort to establish a linkage between U.S. trade policy and the promotion of human rights abroad. He was not even a member of either the Senate Finance or Foreign Relations Committee and had no particularly relevant experience or expertise in economic or commercial matters. He did, however, have at least five full-time foreign policy experts on his staff, some of whom (most importantly, Perle and Fosdick) provided critical assistance in the enactment of both famous amendments that bear Jackson's name. This staff support, combined with contacts in academia and interest groups, provided the Jackson forces with an independent source of information and

analysis with which to counter the policy resources of the executive branch.[51] In addition, as chapters six and seven described in more detail, staff aides to Jackson and others played an instrumental role in drafting the Jackson-Vanik legislation, obtaining co-sponsors, and even negotiating the abortive October 1974 compromise. As Jackson himself declared, "in all candor, it was the able staff of the three Senators who did the job. . . . They made our task a lot easier, let us face it, and they provided the professional expertise that resulted in what we were able to do."[52]

As with arms control, personal ambition also played a part in the fervor with which Jackson tackled the trade and human rights issues. Although Jackson had been a consistent supporter of human rights at home and an occasional critic of their non-observance abroad, his efforts *systematically* to use American foreign policy to promote freedom and democracy coincided roughly with his emergence as a contender for national office. Such an observation is not meant to suggest that Jackson's efforts were in any way insincere; indeed, probably no senator could match Jackson's record as both a civil libertarian and a devoted anti-communist. Thus the notion of tying American trade benefits to human rights conditions in the Soviet Union, first suggested publicly by Jackson late in 1971, followed consistently, even naturally, from the Senator's long-time philosophy.

Nevertheless, it is likely that presidential ambitions inspired Jackson to devote so much of his energies from 1972 through 1976 to enacting and maintaining the Jackson-Vanik amendment, rather than attending to matters of more parochial concern to his Washington state

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[51]See Stern, Water's Edge, pp. 204-205.

[52]Ibid., p. 23.

constitutents. In particular, the trade/human rights linkage solidified Jackson's support with two groups of largely Democratic voters with whom he already had earned a substantial following: labor unions and Jews. American labor, under the leadership of AFL-CIO Chairman George Meany, combined a traditional anti-communism with strong opposition to the tariff cuts incorporated into the U.S.-Soviet trade agreement. Jewish voters latched onto Jackson's candidacy because he had long been one of Israel's staunchest supporters and now proposed a campaign to free many of their co-religionists who not only were prohibited from practicing their faith but also subjected to official and unofficial anti-Semitism.[53] Both groups fully endorsed Jackson's efforts until their purposes diverged when the Nixon and Ford Administrations sought a compromise. At that point, as chapter seven explained, Jackson's decision to accept the Administration's assurances on Soviet emigration practices at least temporarily cast him into disfavor with Meany, although the Senator still enjoyed substantial support from labor in his 1976 campaign.

While institutional and electoral factors facilitated Jackson's efforts, the most important factor in his successful campaign to link trade and human rights -- and indeed to make human rights an important component of American foreign policy -- was Jackson's ability to comprehend and to tap into the nation's ideological traditions. As William Bundy observed in 1975, "At the very root of the Jackson Amendment . . . has been a very deep and widespread feeling, reflected

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[53]Contrary to common misconception, the Jackson-Vanik amendment applied to all prospective Soviet emigrants, regardless of their religion or nationality. Although Soviet Jews comprised the majority of emigrants between 1971 and 1987, a significant number of Germans, Armenians, and Pentecostals also emigrated during that period, and in 1988 the number of emigrants of German descent more than doubled the number of Jews who exited the Soviet Union. See Hardt and Heslin, "Emigration and Human Rights," Table 1, p. 4.

in Congress, that the *realpolitik* of Nixon and Kissinger was neglecting something fairly basic to historic American foreign policy."[54] If the war in Vietnam represented liberal internationalism run amok, Jackson and his cohorts sensed that Nixon and Kissinger had swung the pendulum too far in the opposite direction, overseeing a foreign policy that was "American in name but not in its basic aspirations."[55]

In its essence, the Jackson assault on the Nixon/Kissinger/Ford iteration of detente constituted an attack on a narrow geopolitical conception of the national interest and a defense of the "outward-looking and expansive form of American exceptionalism" that remained convinced of the universal relevance, if not applicability, of the principles, practices, and institutions of the American experiment in democracy.[56] The issue here, as numerous scholars have observed, is the tenability of the Nixon/Kissinger brand of realism in the American context.[57] Nixon and Kissinger believed that they had to relegate human rights to second-tier status, to be raised politely and without fanfare, as a prerequisite to the "structure of peace" they hoped to construct with the Soviet Union. This approach, as Kissinger himself seemed to realize late in his tenure as Secretary of State[58] and in his later writings,[59] too thoroughly neglected the familiar

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[54]Bundy, "Dictatorships and American Foreign Policy," p. 58 (italics in original).

[55]The quote is from Hunt, Ideology and U.S. Foreign Policy, p. 8.

[56]See Hoffmann, Primacy, p. 216.

[57]See e.g., Ash, "The Rules of the Game," p. 43; Morgenthau, "The Question of Detente," p. 13; Joseph S. Nye, Jr., Bound to Lead: The Changing Nature of American Power (New York: Basic Books, 1990), p. 195.

[58]Recall the "heartland speeches," supra, chapter eight.

liberal principles upon which the country was founded and which have worked their way into its foreign policy for much of the national existence. Perhaps, as Norman Podhoretz has suggested, this shortcoming of detente can be ascribed to ignorance or oversight:

> Kissinger, who is so good at delineating national character when he talks about other peoples, and whose mastery in practicing the art of diplomacy is so intimately tied to his respect for the limitations and possibilities flowing out of the national character of his opposite numbers, somehow refuses to see that the people of his own country, no less than the Chinese or the Israelis or the Vietnamese, are shaped by the facts of geography, history, religion, and culture and are therefore capable of certain things and not of others.[60]

It also may be, as Robert W. Tucker has written, that the Nixon and Ford Administrations exaggerated the obstacles to a foreign policy approach that combined Wilsonianism and geopolitics, which, as the Reagan Administration showed, "were neither as profound nor as pervasive" as its predecessors had believed.[61]

Whatever the reason, "[t]he reality for American foreign policy 'realists,'" as Henry Jackson well understood, "is that their fellow citizens will not support a foreign policy over the long run that offends too frontally the American liberal tradition."[62] Thus, as chapters six through eight detailed, Jackson hammered away at detente as "a body without a soul." His emphasis on reincorporating American ideals into its foreign policy, particularly in the context of Soviet

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[59]See generally Kissinger, Diplomacy, chapters 29 and 30, especially p. 761; see also Robert W. Tucker, "Masterwork," 36 National Interest 82-83 (Summer 1994) (review of Diplomacy by Henry Kissinger).

[60]Norman Podhoretz, "Kissinger Reconsidered," 73 Commentary 25 (June 1982).

[61]Tucker, "Masterwork," p. 85.

[62]Charles William Maynes, contribution to symposium on "Human Rights and American Foreign Policy: A Symposium," 72 Commentary 50 (November 1977).

emigration, captured for the anti-detente coalition two groups -- liberals and supporters of Israel -- that otherwise would have been likely to support Nixon's and Kissinger's efforts to improve U.S.-Soviet relations.[63] These groups, combined with anti-communist conservatives, provided overwhelming margins of victory for Jackson-Vanik in both houses of Congress, leaving only Republican loyalists and hardcore Democratic beaconists in the Administration's camp.

Some of Jackson's supporters, particularly those who would confront the Soviets ideologically but not geopolitically, probably viewed his amendment as a one-shot opportunity to indicate disapproval of the Administration's *realpolitik* orientation or to satisfy the demands of some aroused constituents. Jackson, however, combined geopolitics and ideology in an active, interventionist policy toward the Soviet Union. His concern for human rights did not derive from a sentimental idealism; rather, he was, like Franklin Delano Roosevelt, a realist who believed that "American ideals are an indispensable constituent of American power."[64] In Jackson's view, an American foreign policy promoting the ideals of individual liberty and democratic government could inspire the American people to support acts of creative diplomacy -- for example, the Marshall Plan. In addition, as these ideals began to prosper in new areas, bringing with them the freer flow of people and ideas, both American security and influence would be enhanced.

As chapter eight explained, for Jackson the offensive advocacy of human rights was not a humanitarian venture, but a strategic program to be pursued as an important component of a

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[63]Hoffmann, "Detente," in Nye, ed., The Making of America's Soviet Policy, pp. 255-256.

[64]Schlesinger, Cycles, p. 96.

national interest-based foreign policy. Like George Marshall[65] and Henry L. Stimson,[66] Jackson drew a strong connection between the domestic and international behavior of states.[67] Greater adherence to international human rights norms seemed to Jackson the best hope for developing stronger moral, structural, and political restraints in foreign policy, a particularly important goal with respect to America's most powerful adversary.

Senator Jackson's commitment to human rights was less absolute and his aims were more modest than often believed, to the occasional surprise (and even consternation) of supporters and critics alike.[68] As demonstrated by his China policy, Jackson occasionally subordinated human rights concerns to other foreign policy goals -- although, to reiterate, the Jackson approach still "[made] more of human rights even than was done during the Carter Administration."[69] In addition, as Gary Bullert observed, Jackson did not advocate a "universalistic philosophy of democracy."[70] In fact, Senator Moynihan has argued that a central advantage of Jackson's human rights strategy was that "it could be pressed independently of the issue of political systems" --

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[65]See Korey, The Promises We Keep, p. xiv.

[66]See Gaddis, End of the Cold War, pp. 41-42.

[67]Many scholars also have noted this connection, see e.g., Ash, "The Rules of the Game," p. 42; James H. Billington, "Realism and Vision in American Foreign Policy," 65 Foreign Affairs 630-652 (America and the World 1986); Stanley Hoffmann, Duties Beyond Borders: On the Limits and Possibilities of Ethical International Politics (Syracuse: Syracuse University Press, 1981), pp. 110-111.

[68]See generally Moynihan, A Dangerous Place, p. 281; James H. Billington, "Foreword," in Fosdick, ed., Henry M. Jackson and World Affairs, p. xvi.

[69]Vincent, Human Rights and International Relations, p. 70.

[70]Gary Bullert, "Jackson, Fulbright, and the Senatorial Critique of Detente," 13 Journal of Social, Political, and Economic Studies 81 (1988).

meaning that the Soviets "could be asked to recognize the right of emigration without being frontally asked to change the nature of its regime."[71]

In essence, Jackson aimed not at an immediate Soviet conversion to a U.S.-style democracy, but rather at self-interested internal reform driven primarily by domestic forces and only secondarily by Western pressures. He understood the limits of American leverage, and stressed that internal pressures -- generated by the likes of Sakharov and his fellow dissidents -- ultimately would determine the long-term evolution of Soviet society. Nevertheless, he believed that Western ideas could play a supporting role in the development of pluralism in the Soviet Union. Unlike economic and political agreements, advances in human rights carried with them a momentum of their own. While the Kremlin could try to restrict access to outside information, it could never fully stop the flow of Western broadcasts and printed matter into the country. Furthermore, once that information penetrated Soviet borders it would be circulated by the samizdat process and pass into the minds of Soviet citizens, never to be expunged.

Accordingly, Jackson's strategy for encouraging internal reform in the Soviet Union focused principally on the movement of people and ideas across international borders. This accounts for his emphasis on the right of emigration and his outspoken support of instruments of public diplomacy such as the Helsinki process and the Voice of America. What he hoped to do, as Hans Morgenthau explained, was to use strong and persistent American pressure to convince the Soviet government that its vital interest in technological and economic assistance outweighed

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[71]Moynihan, A Dangerous Place, p. 281.

any perceived interest in repressing the civil liberties of its citizens.[72] Through this process, reform of the Soviet system -- and by extension, improvement in U.S.-Soviet relations -- would follow a progression. In the near-term, Soviet acceptance of a basic floor of human rights would foster "a broader cultural and political unity that drove across the frontiers of states."[73] The prospects for a more peaceful international system -- perhaps even an international society -- would be enhanced, even if the Soviet transformation stopped well short of a liberal democracy. Put differently, "pluralism [would] work[] because of a deeper solidarity."[74] Over the longer term, however, Jackson envisioned that greater adherence to human rights would give rise to liberalization, democratization, and finally to a genuine and lasting detente that would form the basis of a wider "zone of peace" in the world.[75]

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[72]See Professor Morgenthau's testimony in support of the Jackson-Vanik amendment in United States Congress, House Committee on Foreign Affairs, Subcommittee on Europe, Hearings on Detente (Washington: Government Printing Office, 1974), p. 142-143.

[73]Vincent, "Edmund Burke and the Theory of International Relations," p. 213.

[74]Ibid.

[75]Numerous scholars have commented on the implications for international relations resulting from the spread of democracy. See especially Michael Doyle, "An International Liberal Community," in Graham Allison and Gregory F. Treverton, eds., Rethinking American Security: Beyond the Cold War to New World Order (New York: Norton, 1991); Francis Fukuyama, The End of History and the Last Man (New York: Avon Books, 1992), pp. 254-265; Samuel P. Huntington, The Third Wave: Democratization in the Late Twentieth Century (Norman, Okla.: University of Oklahoma Press, 1991), pp. 27-29; Tony Smith, "In Defense of Interventionism," 73 Foreign Affairs 39 n.1 (Nov/Dec 1994). The consensus seems to have been best summarized by James Billington, who wrote that "the approximation of democracy through increasingly accountable governments may ultimately prove, in an imperfect and divided world, the best long-term guarantee of peace" because, with only trivial exceptions, "democracies do not fight one another." Billington, "Realism and Vision," p. 652. For a thoughtful, provocative, and somewhat dissenting view, see "The Politics of Peace," The Economist, April 1, 1995, pp. 17-18. While conceding that a correlation does indeed seem to have existed between democracy and peace, the author cautions against relying too heavily on

The first major effort to rejoin American ideals to foreign policy -- and, by implication, to make reform in the Soviet Union a policy objective -- was the Jackson-Vanik amendment.[76] It represented, as Stephen Rosenfeld wrote at the time, "the single most focused, forceful and conspicuous congressional effort since World War II to shape American foreign policy in the image of human rights."[77] The Nixon Administration, as chapter five noted, initially welcomed the additional leverage provided by the amendment, which resulted in "an unprecedented effort on the part of the Soviet Union to satisfy Congress."[78] As with arms control, the Administration attempted to negotiate a quick compromise with Jackson, underestimating the breadth of his goals and his staying power. After the lifting of the education tax failed to satisfy the Senator, an arduous eighteen-month period of negotiation ensued, with an apparent compromise reached by October, 1974. This tenuous accord collapsed, however, leaving behind a stalemate that disrupted the Kremlin's plans for improved commercial relations with the United States and the White House's design for an era of detente.

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the past for predictive purposes. To be sure, the author regards democracies as having overwhelming advantages over dictatorships that check any impulses toward war, but suggests that "as more liberal states crowd into the world, the more they will quarrel over the things states always quarrel over," such as territorial ambitions, economic interests, and nationalist grievances. Other stimulating articles on the subject of liberalism, democratization, and international relations in the late twentieth-century include Edward D. Mansfield and Jack Snyder, "Democratization and War," 74 Foreign Affairs 79 (May/June 1995) and Stanley Hoffmann, "The Crisis of Liberal Internationalism," 98 Foreign Policy 159 (Spring 1995).

[76]See Gaddis, The End of the Cold War, p. 42.

[77]Rosenfeld, "The Politics of the Jackson Amendment," p. 17.

[78]Marshall Shulman, "Toward a Western Philosophy of Coexistence," 54 Foreign Affairs 56 (October 1975).

Of the principal parties to the deal, Jackson probably emerged the least disappointed. His amendment caused a three-fold transformation of detente: first, the focus turned from Soviet foreign policy to its domestic practices; second, linkage became overt rather than discreet; and third, trade would now be used as a stick rather than as a carrot.[79] These changes had the effect of breaking the momentum of detente,[80] a result that did not chagrin the Senator. The enactment of the amendment, along with Jackson's strict interpretation of its terms, also laid down a marker for future Soviet compliance.

Some members of Jackson's coalition, however, appeared less satisfied with the apparent results of their handiwork. The amendment always had been "a piece of political baggage with many handles."[81] Legislators and interest groups backed it for a variety of reasons: some solely for the purpose of obtaining freedom for Jews and other minorities, others primarily desiring to torpedo detente, and a few, like Jackson, combining both goals with perhaps a third -- namely, encouraging the liberalization of Soviet society. All along, and for a number of years after its enactment, Nixon and Kissinger argued that "the Soviets could not possibly change their policies in response to the act of a capitalist legislature."[82] And, because Soviet emigration figures,

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[79]Phil Williams, "Detente and U.S. Domestic Politics," 61 International Affairs 439 (Summer 1985).

[80]Hyland, Mortal Rivals, p. 103.

[81]Rosenfeld, "The Politics of the Jackson Amendment," p. 22.

[82]Kissinger, Years of Upheaval, p. 250; see also Richard Nixon, "Superpower Summitry," 64 Foreign Affairs 1 (Fall 1985).

though fluctuating,[83] generally fell far below expectations, Jackson's erstwhile coaltion appeared at times vulnerable to Administration efforts to change or repeal the amendment. Indeed, over the years legislative critics have labelled the amendment "a prototype of self-defeating policies in superpower relations"[84] and charged that its enactment represented a "Pyrrhic victory"[85] that "made hostages out of many people in Russia who wanted to emigrate" and amounted to a policy of "flogging ourselves with chains and our opponents with wet noodles."[86] Likewise, Philip Baum of the American Jewish Congress concluded that the "victory which we scored was a macho trip for the Jewish Community, which is no substitute for statesmanship . . . the objective was to maximize the opportunity to leave, not to triumph."[87]

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[83]Soviet emigration figures, 1971-1980, were as follows:

1971	14,167	1974	27,160	1977	27,400	1979	62,138
1972	33,182	1975	19,661	1978	38,442	1980	34,529
1973	39,412	1976	25,744				

They are derived from Hardt and Heslin, "Emigration and Human Rights in the U.S.S.R.," Table 1, p. 4. These numbers differ from those cited in many sources because they include both Jewish and non-Jewish emigrants.

[84]Adlai E. Stevenson and Alton Frye, "Time for Trade With Gorbachev; By Uncoupling Economics and Emigration, We Can Make a New Start," Washington Post, April 23, 1989, p. C2; see also Adlai E. Stevenson and Alton Frye, "Trading With the Communists," 68 Foreign Affairs 53 (Spring 1989).

[85]Charles McC. Mathias, Jr., "Ethnic Groups and Foreign Policy," 59 Foreign Affairs 995 (Spring 1981).

[86]United States Congress, House Ways and Means Committee, Subcommittee on Trade, Hearings on U.S.-People's Republic of China Trade Relations Including Most-Favored-Nation Status for the P.R.C., 101st Cong., 2d Sess., June 21, 1990 (remarks of subcommittee Chairman Gibbons).

[87]Quoted in Stern, Water's Edge, p. 211.

Both the Ford and Carter Administrations attempted to capitalize on discontent within the Jackson-Vanik coalition to weaken the amendment's restrictions on trade. Interestingly enough, Ford argued in 1975 that the decline in emigration justified repeal, while Carter pointed to an increase in emigration in 1979 to support his quest for at least a waiver of its provisions. The Ford Administration, in fact, continued the Nixon line that human rights concerns ought to be subordinated to the quest for nuclear peace. After a promising start, Carter, too, retreated from a Jackson-style full-court press, though on balance he made far more of Soviet human rights shortcomings than did his predecessors. Yet Carter wanted to salvage detente, and was willing to offer trade as a carrot for improved relations and as a reward for good behavior.

Jackson, as chapter eight observed, remained firm on his insistence that the Soviets provide public assurances of free emigration, arguing that in the absence of institutionalized change, the Soviets would continue to manipulate their emigration policy by occasionally letting those go free who made their way onto representation lists while continuing to repress those who suffered in silence or those whom the regime wished to punish for protesting too loudly for their freedom. Meanwhile, the Soviets just as adamantly refused to comply with his demands. Unwilling actually to test the strength of the Jackson-Vanik coalition in these circumstances, neither U.S. administration even managed to submit a formal proposal to modify or repeal the amendment, or even to seek a waiver for the Soviet Union. Thus, at the end of the detente era -- which coincided with the waiver of Jackson-Vanik for China, but not for the Soviet Union -- the linkage between trade and human rights remained in place.

C. The Reagan Administration: A Jacksonian Approach to U.S.-Soviet Relations

As the 1980 election approached, Senator Jackson's continued adherence to the tenets of

the outward-looking variant of liberal internationalism apparently had been vindicated. The short-lived bout of neo-isolationism generated by Vietnam had crested,[88] as public opinion polls again showed the majority of Americans identifying themselves as internationalists.[89] Moreover, the people, acting through their representatives, put their money where their opinion was, voting a substantial increase in the defense budget. For the first time in over a decade, Americans evidently were ready to feel good about themselves and their role in the world.

These trends, as Professor Hoffmann observed, suggested strongly that "[h]owever much one proclaims the end of America's exceptionalism, faith in the unique character and mission of the United States has survived all shocks."[90] And, of the presidential candidates that year, Ronald Reagan's views on foreign policy -- and on U.S.-Soviet relations in particular -- best reflected the public mood that, in fact, had been created in large part by the persistent criticism of detente by Reagan, Jackson, and others. If the American people wished to resume the Cold War crusade against communism, Reagan stood prepared to oversee the military buildup and provide the lofty rhetoric that would sustain the nation's confidence through what turned out to be one final

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[88]Tucker, "Playing a Good Hand," p. 139.

[89]See James A. Nathan and James K. Oliver, Foreign Policy Making and the American Political System, 1st ed. (Baltimore: Johns Hopkins University Press, 1983), p. 160. The actual figures were as follows:

	1972	1974	1976	1980
Internationalist	56%	41%	44%	61%
Mixed	35%	38%	33%	26%
Isolationist	9%	21%	23%	13%

[90]Hoffmann, Dead Ends, p. 95.

geopolitical and ideological offensive against the Soviet Union.[91]

As Ronald Reagan took office, Henry Jackson entered his fourth decade in the United States Congress. Over the latter half of that period, Jackson had been the Senate's leading expert on national security policy, and for the past decade he, along with Reagan, had been the foremost critic of detente as pursued by the Nixon, Ford, and Carter Administrations. Although Reagan's social and fiscal conservatism differed substantially from Jackson's New Deal liberalism, the two men found common ground as heirs to the liberal internationalist foreign policy of Presidents Truman, Kennedy, and Johnson.[92] In fact, the Jackson/Reagan approach nudged American policy beyond containment, judging the conditions ripe for a political end to the Cold War on Western terms.[93] To paraphrase Reagan's 1981 speech at the University of Notre Dame, it was time for a foreign policy that would not merely contain communism but transcend it, putting an end to "a sad, bizarre chapter in human history whose last chapters are even now being written."[94]

Reagan's optimism rested on two fundamental assumptions that he shared with Senator Jackson, each of which proved correct at least in the short term. First, as Professor Pipes

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[91]On this aspect of Reagan's public appeal, see Cohen, America in the Age of Soviet Power, p. 219.

[92]Jackson himself agreed with this interpretation, noting that "one reason we Democrats lost the election was the Republican success in pre-empting the historic stance of the Democratic Party on issues of defense and foreign policy." Jackson, "Remarks to the Coalition for a Democratic Majority," February 2, 1981, Jackson Papers, 3560-6, Box 13, Folder 116.

[93]See Hoffmann, Dead Ends, p. 32; Hoffmann, Duties Beyond Borders, p. 206.

[94]Quoted in Richard Pipes, "Misinterpreting the Cold War: The Hard-Liners Had It Right," 74 Foreign Affairs 157 (January/February 1995) (review essay on The Great Transition: American-Soviet Relations and the End of the Cold War by Raymond L. Garthoff).

observed, "Reagan acted with the conviction that the Soviet Union was not strong but weak, that its power rested on police terror at home and nuclear blackmail abroad, and that, being in the profoundest sense unnatural, it did not have long to live."[95] From this view, the Soviet Union, even as it sent troops beyond its borders in Central Asia and funded communist movements in Africa, Southeast Asia, and Central America, constituted an empire in decline, if not crisis. Thus, like Jackson, Reagan judged the Soviet Union to be vulnerable to economic pressure, as applied both by restrictions on trade and technology transfer and by increased U.S. military spending. Second, as Stephen Rosenfeld commented, Reagan "arrived in the White House feeling that a global democratic tide was flowing and that the Communist tide was ebbing."[96] This intuition led Reagan, after a shaky start, to seize upon the Jacksonian human rights theme "as a tool for overthrowing communism and democratizing the Soviet Union, hence as a key to a more peaceful world."[97] In sum, then, Reagan was the first postwar president fully to implement Jackson's advice to take the offensive both geopolitically and ideologically.[98]

Given the high degree of overlap between Reagan's and Jackson's views on issues of *foreign* policy, one might have expected Jackson to assume a prominent role in the new Administraiton, particularly in national security policymaking. As Strobe Talbott wrote, Reagan's "was an ideological administration more than a partisan one: Kissinger Republicans were

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[95]Ibid.

[96]Stephen S. Rosenfeld, "Foreign Policy: Reagan Gambled Boldly and Won," International Herald Tribune, January 16, 1989, p. 4.

[97]Kissinger, Diplomacy, p. 772.

[98]See ibid.

unwelcome; Jackson Democrats were much in demand. This was the bipartisanship of the right wing on national security issues. . . ."[99] In fact, during the 1980 election campaign, Ambassador Max Kampelman, a prominent Democrat who shared Jackson's and Reagan's hawkish views on the Soviet Union, had suggested to Richard Allen, a Reagan campaign adviser and later National Security Assistant, that Jackson would make an excellent Secretary of State.[100] Allen, Kampelman later reported, received the suggestion enthusiastically and later asked the Ambassador to discern whether Jackson would accept the appointment. Jackson told Kampelman that he would do so, but asked that any such speculation be kept quiet until after the election. The Senator also observed, accurately it turns out, that he would not be offered the post.[101] Allen later reported back to Kampelman that Reagan was attracted to the suggestion, but his campaign advisers were not[102] and they ultimately persuaded the President to appoint General Alexander Haig.

Jackson did assist President Reagan as a member of his Presidential transition team,[103] but otherwise played no formal role in the Administration. Instead, Jackson remained in the Senate until his death of September 1, 1983, over sixteen months before the conclusion of President Reagan's first term of office. During that time, Jackson played a less direct role in shaping U.S.-

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[99]Strobe Talbott, Deadly Gambits: The Reagan Administration and the Stalemate in Nuclear Arms Control (New York: Random House, 1985), p. 16.

[100]Kampelman, Entering New Worlds, p. 253.

[101]Ibid.

[102]Ibid.

[103]See Fosdick, ed., Henry M. Jackson and World Affairs, p. 172.

Soviet relations during the Reagan Administration than he had in reshaping the policies of previous Administrations with which he often disagreed.

At first glance this may appear to be a surprising result. But, in fact, it simply reflects the institutional division of foreign affairs power. Because the executive retains the initiative to direct foreign policy, at least in the first instance, legislators who support the President tend to express that fact through their votes -- at most, reinforcing the Administration's justifications for a particular policy, as Jackson did in helping to secure funding for the Safeguard ABM. To be sure, shepherding a treaty or an authorization bill through Congress affects foreign policy in an important sense, but it really cannot be said to direct or shape it. Here the most significant historical example was Senator Arthur H. Vandenberg (R.-Mich.), the Chairman of the Senate Foreign Relations Committee, who forged with the Truman Administration a bipartisan consensus in support of containment. Vandenberg, as Dean Acheson later wrote, "did not furnish the ideas, the leadership, or the drive to chart the new course or to move the nation into it. But he made the result possible"[104] by selling the Administration's ideas to his colleagues who, in the days before the Cold War and the explosion in the size of congressional staff, "knew little about foreign affairs and deferred to his judgment."[105]

The dissenting legislator stands a far better chance of actually shaping foreign policy. This is largely so because the vast majority of Congress' foreign affairs powers are negative ones that simply allow Congress (or, in many instances, the Senate alone) to respond to a Presidential

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[104]Quoted in Walter Isaacson and Evan Thomas, The Wise Men: Six Friends and the World They Made (New York: Simon and Schuster, 1986) (Touchstone Books ed.), p. 399.

[105]Ibid.

initiative -- for example, appropriations, ratification of treaties, and confirmation of appointees. In most cases, a particular legislator's involvement in setting the course of American foreign policy will be limited to a pet project. Only in rare cases -- the three that come to mind are Senator Henry Cabot Lodge's (R.-Mass.) effort to add reservations to United States entry into the League of Nations, Senator Fulbright's campaign against widening the war in Vietnam, and Senator Jackson's transformation of detente -- will a legislator so persistently and successfully endeavor to control or constrain the executive that he can be said to have *shaped* the foreign policy of the United States.

Senator Jackson's generally high degree of satisfaction with President Reagan's Soviet policy reduced the number of instances in which the record clearly demonstrates his role in shaping those policies. This fact, however, cannot obscure the Senator's indirect contributions to the course of U.S.-Soviet relations in the 1980s. By blocking the detente policies of the three previous administrations and articulating the substance and rationale of the alternative approach, Jackson preceded the Reagan critique of detente and paved the way for the renewal of a more sharply confrontational tack. Indeed, Jackson's handiwork during the 1970s -- including the largely defunct SALT framework, the institutionalized linkage of trade to human rights, and the reemergence of ideological competition between the superpowers -- already had put in place the elements of the Reagan foreign policy prior to the 1980 election. Jackson also had acted as the political leader of a generation of aides, advisers, and supporters, many of whom did join the Administration and exercise profound influence over its policies toward the Soviet Union. Thus, for all of the foregoing reasons, it is not so surprising that the Reagan approaches to arms control, trade, and human rights closely tracked the agenda Jackson had been pushing for the better part

of a decade.

In regard to arms control, Reagan's proposals -- particularly with respect to the Intermediate Nuclear Forces (INF) and Strategic Arms Reduction Talks (START) negotiations -- closely reflected Jackson's preferences, largely because Reagan had appointed Jackson's chief assistant, Richard Perle, to be Assistant Secretary of Defense for International Security Affairs. In that position, as Strobe Talbott noted, "Perle ended up having more impact on policy in arms control than any other official in the U.S. government, an achievement that was all the more remarkable in that he held a third-echelon job."[106] As the progenitor of the so-called "zero option" and a chief proponent of substituting "reductions" for "limitations" of intercontinental forces, Perle pressed Jackson's line of "equality at greatly reduced levels" within the highest levels of the executive branch and succeeded in getting his proposals adopted as the official policies of the United States government. Although the Administration's START and INF positions were castigated as nonnegotiable and presumed to have been put forward for that very reason,[107] after several years of hard bargaining, including a highly-publicized Soviet walk-out in 1983, the Soviet Union was to agree to arms control treaties that largely paralleled the original American proposals, signing the INF Treaty in December, 1987, and the START Treaty in July, 1991.[108]

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[106]Talbott, Deadly Gambits, p. 17.

[107]See e.g., Garthoff, Detente and Confrontation, pp. 1023-1024. As Garthoff observed, even Secretary of State Haig dismissed the INF and START proposals as nonnegotiable in his memoir, Caveat: Realism, Reagan, and Foreign Policy (New York: Macmillan, 1984), pp. 223-229. See Garthoff, Detente and Confrontation, pp. 1024-1025 nn. 24 & 26.

[108]For a complete account of the most contentious phase of this process, see Talbott, Deadly Gambits. For a persuasive and balanced explanation of how Reagan overcame the wide "gap between the expectations held for an administration at the beginning of its term an

On the trade/human rights linkage, President Reagan fulfilled his pre-election pledge to Senator Jackson that his Administration would "uphold the law . . . and make no effort to modify the Jackson-Vanik Amendment."[109] As with the zero option, critics of Jackson-Vanik continued to insist that the amendment had become "a not-so-clever trick, used before, . . . of proposing something we know the Soviets will reject in order merely to demonstrate their wickedness."[110] Yet the linkage persisted, and by the mid-1980s Jackson-Vanik had become "that rare item in Washington: human rights legislation supported by both parties and both branches that at least on some occasions could be seen as helpful in promoting certain human rights."[111] And in contrast to much of the other human rights legislation enacted in the 1970s, with Jackson-Vanik Congress managed to preserve "the attention span, willpower, and political consensus to oversee effectively the implementation of its original intent,"[112] primarily through Senator Jackson's vigilance. And, for reasons that will be explored in the next section, by the end of the decade the Soviet Union showed signs of accepting the trade/human rights bargain they had resisted for the better part of two decades.

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the results it actually produced," see Gaddis, End of the Cold War, chapter 7. Finally, on the final compromises leading to the START Treaty, see Michael R. Beschloss and Strobe Talbott, At the Highest Levels: The Inside Story of the End of the Cold War (Boston: Little, Brown, 1993), especially pp. 370-373, 402-415.

[109]Letter from Reagan to Jackson, October 24, 1980, Jackson Papers, 3560-6, Box 17, Folder 7, responding to letter from Jackson to Reagan, October 2, 1980.

[110]Hoffmann, Dead Ends, p. 166 (describing the zero option).

[111]David P. Forsythe, Human Rights and U.S. Foreign Policy: Congress Reconsidered (Lincoln: University of Nebraska Press, 1988), pp. 76-77.

[112]Ibid., p. 152.

The issue of human rights was also to play a vital role in President Reagan's Soviet policy independent of its linkage with trade, although this was not so apparent at the very outset of the Administration. The proposed combination of Kissinger's former deputy, General Alexander Haig, as Secretary of State and Professor Ernest Lefever, a distinguished academic who espoused Kissingerian notions of the role of human rights in foreign policy, as Assistant Secretary of State for Human Rights did not bode well for a Jacksonian approach. But the Senate Foreign Relations Committee (controlled by the Republicans for the first time in decades) refused to consent to the second half of this team by voting 13 to 2 against Lefever's confirmation, thereby prompting the Administration to withdraw the nomination.[113]

In Lefever's stead, President Reagan nominated Elliott Abrams, a former aide to Senators Jackson and Moynihan. Although Abrams' service as Assistant Secretary for Human Rights, and later for Inter-American Affairs, proved controversial, his important contribution for purposes of our discussion occurred very early in his tenure when he drafted a memorandum for Haig detailing the proposed "reinvigoration of human rights policy."[114] This internal document tightly paralleled Senator Jackson's human rights policy, proclaiming that "human rights is at the core of our foreign policy, because it is central to America's conception of itself," postulating that "the difference between East and West is the crucial political distinction of our times," and identifying the Soviet Union as "a special case, for they are the major threat to liberty in the world."[115]

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[113]See Muravchik, Uncertain Crusade, pp. xvii-xviii.

[114]See Gregory A. Fossedal, The Democratic Imperative: Exporting the American Revolution (New York: Basic Books, 1989), pp. 67-71.

[115]"Memorandum from Deputy Secretary of State William Clark and Under Secretary of State for Management Richard T. Kennedy to Secretary of State Haig, Subject:

With the aid of George Shultz,[116] who succeeded Haig in 1982, these themes -- dubbed the "Abrams Doctrine" by one commentator[117] -- gradually were incorporated into a foreign policy that sought nothing less than the political and economic exhaustion of the Soviet system. Along with a military buildup and a tightening of economic restrictions, President Reagan proposed "to make containment work by standing for, rather than by compromising, American ideals."[118] His record in this endeavor remained uneven, but by the midway point of his second term even former critics had come to credit the President with a fairly consistent policy of opposing tyrants of the left and the right.[119] While Reagan, like Jackson and Carter, occasionally made allowances for geopolitical reasons -- again, most notably in regard to China -- his success in pressing an ambitious human rights agenda from the Philippines, Haiti, and Chile to the Soviet Union and Eastern Europe prompted John Lewis Gaddis to conclude that "[b]y 1989, there was a closer correspondence between traditional American ideals and the actual conduct of American diplomacy than at any point since the Marshall Plan."[120]

Of the many forces that shaped the evolution U.S. policy toward the Soviet Union during

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Reinvigoration of Human Rights Policy," October 26, 1981, declassified portion attached to letter from Abrams to Jackson, Jackson Papers, 3560-6, Box 36, Folder 16.

[116]On Shultz's important contribution to Reagan's human rights policy, see Tucker, "Playing a Good Hand," pp. 141-142.

[117]Fossedal, Democratic Imperative, p. 67.

[118]Gaddis, End of the Cold War, p. 62.

[119]See e.g., Tamar Jacoby, "The Reagan Turnaround on Human Rights," 64 Foreign Affairs 1066 (Summer 1986); see also Huntington, The Third Wave, pp. 91-98.

[120]Gaddis, End of the Cold War, p. 60.

the Cold War, Henry Jackson certainly was among the most significant. Over his forty-three year congressional career, and particularly during his final fifteen years in the Senate, Jackson had an extraordinary, almost unprecedented impact for a legislator in the field of foreign affairs. In a recent obituary of the late Senator J. William Fulbright, veteran newspaper correspondent R.W. Apple asserted that "[p]erhaps no other 20th-century Senator, with the exception of Henry Cabot Lodge of Massachusetts and Arthur Vandenberg of Michigan, influenced American foreign policy more than Mr. Fulbright."[121] Apple's analysis seems correct, as far as it goes, in that all three individuals to whom he refers made important contributions to American foreign policy -- Lodge by engineering the defeat of the Treaty of Versailles and American entry into the League of Nations; Vandenberg by garnering congressional support for containment and the Truman Doctrine; Fulbright by being among the first and most forceful and effective opponents of the war in Vietnam. All three also undoubtedly had lesser known but still significant achievements as chairmen of the Senate Foreign Relations Committee.

Nevertheless, a compelling argument can be made that Senator Jackson belongs in their select company. Jackson's accomplishments included blocking the institutionalization of the Nixon/Ford/Carter detente policies and pushing United States foreign policy toward a more confrontational approach -- both geopolitically and ideologically -- even before Ronald Reagan won the Presidency. Geopolitically, the Senator established equality and reductions as the requirements of an acceptable -- and ratifiable -- arms control treaty and led the congressional efforts to increase defense spending and enact stricter controls on the transfer of sensitive

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[121]R.W. Apple, Jr., "J. William Fulbright, a Senator Who Shaped U.S. Foreign Policy, Is Dead at 89," New York Times, February 10, 1995, p. C19.

technology which served as precursors to the Reagan Administration's further efforts in those areas. Ideologically, Jackson succeeded in linking access to U.S. credits and trade privileges to human rights reforms in communist countries. Moreover, he outflanked the Carter Administration through his outspoken support of a diversified human rights policy that used public diplomacy in addition to sanctions and viewed such a policy as a security concern as well as a humanitarian venture. At all turns, Jackson's goal was the gradual reform of the Soviet system toward a more open society as a prerequisite to a genuine and lasting relaxation of tensions and a major contribution toward a more peaceful international order.

By drawing so successfully on his country's ideological traditions and institutional structure, Jackson's Soviet policy also made larger contributions to American foreign policy. In regard to the former, Jackson's recognition of what Robert Osgood has called "the interdependence of ideals and self-interest in international relations"[122] contributed to the revitalization of the activism, interventionism -- and, yes, exceptionalism -- that even the Senator's long-time antagonist, Henry Kissinger, has come to realize "inspired America's foreign policy and gave the United States the fortitude to prevail in the Cold War"[123] and apparently still holds sway today,[124] though perhaps with less conviction than it inspired during the period of confrontation.[125]

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[122]Osgood, Ideals and Self-Interest, p. 441.

[123]Kissinger, Diplomacy, p. 803.

[124]See e.g., Albert R. Hunt, "Pressure China on Human Rights, But Sever Ties to Trade," Wall Street Journal, May 5, 1994, p. A13 (noting poll results showing that a substantial majority of Americans continue to favor linking China's trade status to its human rights performance).

[125]See e.g., R.C. Longworth, "Americans Not So Isolationist, Survey Finds," Chicago Tribune, March 5, 1995, p. 4 (stating that "[m]ost Americans still favor an active foreign

With respect to the latter, Jackson helped to restore the more healthy balance in the distribution of foreign affairs powers between an energetic executive and a reflective legislature that has been demonstrated in recent years by the debates over American intervention in the Persian Gulf, the continuation of MFN status for China, and even the sale of military equipment to Pakistan.[126]

Thus, quite apart from the success (or lack thereof) of particular policy prescriptions, there are considerable grounds for concluding that Jackson's achievements were at least as influential as those of the aforementioned legislators, and were all the more impressive in that Jackson was not the chairman of any full committee having jurisdiction over foreign affairs or national security matters. In short, if Senator Jackson was not the most influential legislator in foreign policy matters in American history, he surely was near the top. Moreover, depending on what historians ultimately make of the end of the Cold War, Jackson may ascend higher still if he is judged to have made a signal contribution not only to the course of U.S.-Soviet relations, but also to the resolution of the Cold War on terms favorable to the West. While an intellectual consensus has yet to emerge fully, the final section of this thesis will make the initial case that such a verdict is at least plausible.

D. Scoop Jackson and the End of the Cold War?

The thaw in superpower relations during Reagan's second term rapidly gave way to more fundamental changes in international relations as the overarching East-West conflict that had

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policy where U.S. interests are at stake, but noting 'a narrower definition of American self-interest and its sense of responsibility.'").

[126]On this final point, see Todd S. Purdum, "Clinton is Seeking to Pay Pakistanis for Blocked Arms," New York Times, April 12, 1995, p. A1 (discussing the Pressler Amendment's restrictions on economic aid and sales of military equipment to countries that decline to cooperate with American nuclear non-proliferation goals).

divided much of the world into armed and hostile camps since World War II finally dissolved on terms favorable to the West. As Stephen Sestanovich observed, "[t]he initial settlement of the Cold War had four main elements: the overthrow of Communist rule inside Russia; a sharp stand-down from military (especially nuclear) confrontation; freedom for the East European empire; and the break-up of the USSR into more than a dozen sovereign states."[127] The first three of these, of course, had been rather constant objectives of United States policy, although, as we have seen, they were pursued through very different means by the Nixon, Ford, and Carter Administrations on the one hand and the Reagan Administration (following a Jacksonian strategy) on the other.

Although scarcely half a decade has passed since these watershed events took place, there has been no shortage of opinion as to how and why the preceeding conflict ended so abruptly and on Western terms. Nearly all commentators agree that the Soviet Union's own sclerosis -- its political, economic, and social brittleness after seven decades of communist rule -- contributed significantly to the events of the late 1980s and early 1990s.[128] To their credit, a number of American observers -- including Jackson, Reagan, and Kissinger -- recognized the underlying Soviet weakness, perhaps even before the Soviet leaders themselves did and certainly before they publicly admitted the extent of their difficulties. By the mid-1980s, however, the Kremlin under the more enlightened leadership of Mikhail Gorbachev recognized that "everything pertaining to

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[127]Stephen Sestanovich, "Giving Russia Its Due," 36 The National Interest 4 (Summer 1994).

[128]See e.g., Kissinger, Diplomacy, p. 752; Strobe Talbott, "Rethinking the Red Menace," Time, January 1, 1990, p. 69.

the economy, culture, democracy, foreign policy -- all spheres -- had to be reappraised."[129]

To counter the stagnation of Soviet society, Gorbachev implemented his twin, interrelated reform initiatives, *perestroika* and *glasnost*, hoping that he could "release economic forces by lifting political pressure."[130] Gorbachev's steps toward a market economy and his willingness to ease restrictions on civil liberties signalled "a new social diversity that might evolve in a more democratic direction."[131] As Kissinger accurately summarized, "Gorbachev had staked everything on two propositions: that liberalization would modernize the Soviet Union, and that the Soviet Union would then be able to hold its own internationally as a great power."[132] Of course, Gorbachev proved wrong on both counts; the Soviet economy continued to deteriorate and the revolutionary forces he had cautiously unleashed spun out of his control, casting aside in the process not only the East European empire, but also the Soviet state.[133]

The commentators do not agree, however, as to whether the hardline Jackson-Reagan

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[129]Mikhail Gorbachev, *Perestroika*: New Thinking for Our Country and the World (New York: Harper & Row, 1987), p. 26.

[130]Ralf Dahrendorf, Reflections on the Revolution in Europe (New York: Random House, 1990), p. 83. In this "letter intended to have been sent to a gentleman in Warsaw," Dahrendorf attributed the revolution in Europe to the virtues of the "open society" and presciently described the problems that still confront those in Eastern Europe who wish to turn the idealized version of the revolution into reality. On the persistence of these problems, particularly in Russia, see "Russia After Chechnya: The Rise of the New Right," The Economist, January 28, 1995, pp. 21-23.

[131]Roland S. Homet, Jr., The New Realism: Fresh Beginnings in U.S.-Soviet Relations (New York: HarperCollins, 1990), p. 5.

[132]Kissinger, Diplomacy, p. 795.

[133]See Alessandra Stanley, "Gorbachev's New Battle: Overcoming His Legacy," New York Times, March 10, 1995, pp. A1 & A4.

approach to U.S.-Soviet relations also played a role in bringing the Cold War to a speedy and successful (from an American point of view) conclusion. So many of the commentators had participated in the prosecution of the Cold War -- either as diplomats or journalists -- that their conclusions about the results of that conflict, quite predictably, tended to mirror their earlier predilections. Thus, Strobe Talbott, George Kennan, and Raymond Garthoff suggested, in Talbott's words, "that the doves in the Great Debate of the past 40 years were right all along" in their insistence that the Soviet threat never was as menacing as it was made out to be.[134] Proponents of this view maintained that "America had not really won the Cold War but that the Soviet Union had lost it," and, in fact, American pressure, if anything, prolonged the conflict by provoking hardline Soviet responses.[135] In the end, they insisted, communism simply collapsed of its own weight as the brittleness of the Soviet system that had been camoflaged for so long by exaggerated fears in the West and overstated boasts from the Kremlin became patently clear to both parties.

By contrast, Richard Pipes and Joshua Muravchik contended that the hardline American policies pursued to varying degrees throughout the Cold War, and with added vigor during the Reagan Administration, contributed decisively to the revolutionary events of the past decade.[136]

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[134]See Talbott, "Rethinking the Red Menace," especially p. 69; Raymond L. Garthoff, The Great Transition: American-Soviet Relations and the End of the Cold War (Washington: Brookings Institution, 1994). Kennan's comments are quoted in Joshua Muravchik, "How The Cold War Really Ended," 98 Commentary 40-41 (November 1994).

[135]The quote is from Kissinger, Diplomacy, p. 799 (describing the doves' argument).

[136]See Muravchik, "How the Cold War Really Ended," pp. 40-45; Richard Pipes, "Misinterpreting the Cold War: The Hard-Liners Had It Right," 74 Foreign Affairs 154-160 (January/February 1995) (review essay of The Great Transition by Raymond Garthoff).

While acknowledging the growing Soviet malaise and the courage of Gorbachev in embarking on a path of drastic reform, they insist that U.S. economic, strategic, geopolitical, and ideological pressures exacerbated the Soviet predicament and accelerated the end of the Cold War on Western terms. Likewise, Henry Kissinger credits "the pressures of a reinvigorated West" -- by which he means human rights and geostrategic initiatives, working in tandem for neither would have been sufficient by itself -- with having played a considerable part in the timing and conditions of Soviet communism's final collapse.[137]

The extent to which U.S. policy influenced the Kremlin's decisions, as Professor Hoffmann observed, presents a "vexing problem" and one to which "there can be no general answer in the abstract" because interpreting Soviet behavior remains a "delicate problem" that requires a good deal of speculation, particularly without access to Soviet archives.[138] Still, the evidence, including statements from a number of Soviet sources, suggests at least the plausibility of Pipes' conclusion that "U.S. policies played an important role in compelling reforms and that the reforms, once launched, unraveled the system."[139]

Turning first to military policy, increased American defense spending, from the outset of the Reagan Administration, demonstrated a newfound willingness to match Soviet deployments, while restrictions on the export of sensitive technology challenged the Soviets to look to Western Europe and Japan for alternatives or to devote their own resources to costly research and

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[137]Kissinger, Diplomacy, especially pp. 752 & 799-800.

[138]Hoffmann, Dead Ends, p. 279; see also Pipes, "Misinterpreting the Cold War," p. 159.

[139]Pipes, "Misinterpreting the Cold War," p. 159.

development programs.[140] Then, about midway through Reagan's first term, the unveiling of the Strategic Defense Initiative further highlighted both American resolve and Soviet deficiencies.[141] The aforementioned programs combined to offer concretely the choice that Jackson and his supporters had proposed for years: either increase further the already exorbitant percentage of your national wealth spent on defense or join us in mutually verifiable arms reductions. And, as the underlying trends showed no signs of reversing course, the Soviets ultimately opted for the second (and from the American perspective, preferred) option. In sum, as the ex-dissident Vladimir Bukovsky recently concluded, even if the various elements of the Reagan defense program did not actually cause the demise of Soviet communism, they almost certainly shortened its life by 10 to 15 years.[142]

A compelling argument also can be made that the increased Soviet adherence to international human rights norms under Gorbachev -- and the right to emigrate, in particular -- ultimately vindicated the trade/human rights linkage introduced by Senator Jackson and maintained from the Nixon to Bush Administrations. While the Soviets offset some of the lost economic benefits through expanded commercial relations with Western Europe and Japan, they

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[140]See Gaddis, The End of the Cold War, p. 44.

[141]See ibid.; also see Peter Schweizer, Victory: The Reagan Administration's Secret Strategy that Hastened the Collapse of the Soviet Union (New York: Atlantic Monthly Press, 1994), p. xi (citing former Soviet Foreign Minister Aleksandr Bessmertnykh's statement that programs such as SDI accelerated the decline of the Soviet Union); Kissinger, Diplomacy, pp. 800-801 (quoting commentary from former Soviet Foreign Minister Eduard Shevardnadze and Professor Vyacheslav Dashichev, a Soviet academic, recognizing at least implicitly that Western (and particularly American) defense policies had had a major impact on the Soviet Union).

[142]Vladimir K. Bukovsky, "Inside the Assault that Ended the Cold War," Wall Street Journal, August 8, 1994 (reviewing Victory by Peter Schweizer).

had difficulty getting around the virtual American monopoly in several critical areas such as sophisticated computers and many elements of oil and gas technology.[143] Moreover, the chanelling of trade, credits, and technology transfer through organs under the central control of the ruling communist party resulted in a systematic misapplication of economic assistance that accelerated the Soviet economic crisis rather than spurring growth and modernization, as it was intended to do[144]. Over time, as Professor Huntington predicted in 1978, the deepening economic problems confronting the Kremlin increased the value of economic assistance from the West and, correspondingly, the price they were willing to pay to get those benefits.[145]

General Secretary Gorbachev, recognizing these circumstances and concluding that the Soviet economy could not be restructured from within, began exploring the possibility of normalizing U.S.-Soviet economic relations with the Reagan and Bush Administrations, both of which reiterated the long-time American position that Soviet human rights improvements must proceed improved commercial relations.[146] Gorbachev's decision to proceed on these terms ended a standoff that lasted over a decade, and ultimately resulted not only in the emigration of hundreds

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[143]See Samuel P. Huntington, "Trade, Technology, and Leverage: Economic Diplomacy," 32 Foreign Policy 73 (Fall 1978).

[144]Gordon A. Craig, "Did Ostpolitik Work? The Path to German Reunification," 73 Foreign Affairs 165-166 (January/February 1994) (essay reviewing In Europe's Name: Germany and the Divided Continent by Timothy Garton Ash).

[145]Huntington, "Trade, Technology, and Leverage," p. 73.

[146]For a discussion of a Reagan-Gorbachev exchange on the subject, see Don Oberdorfer, The Turn: From the Cold War to a New Era (New York: Simon & Schuster, 1991), p. 295; for a similar exchange during the Bush Administration, see David Hoffman, "Summit: An Annoyed Gorbachev Asks Trade Status," International Herald Tribune, June 2-3, 1990, p. 4.

of thousands of Soviet citizens[147] but also in the enactment of an emigration reform law in 1991.[148] Although courageous and enlightened, this course, as the ex-dissident Natan Sharansky argued persuasively,

> was not a spontaneous revelation. The way to this understanding was paved by those who sacrificed themselves on the altar of freedom and by those in the West who supported them by insisting on linking economic and political ties with human rights. Not everyone agreed with this linkage. After the Jackson Amendment linked Soviet human rights policies to U.S. trade in 1974, we were told that it was a mistake to apply pressure on the Soviet Union this way. But without the amendment Mr. Gorbachev would never have understood that the way to Western capital is through humanitarian policies.[149]

Finally, even apart from its linkage to economic matters, the human rights program

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[147]Soviet emigration figures for 1981 through 1990 were as follows:

1981	13,221	1984	1,883	1987	25,891	1989	198,115
1982	5,252	1985	1,709	1988	79,845	1990	371,092
1983	3,075	1986	1,914				

See Hardt and Heslin, "Emigration and Human Rights in the USSR," Table 1, p. 4; "Soviet-U.S. Relations: A Briefing Book," Congressional Research Service Report 91-270, March 1991, p. 109.

[148]See R.W. Apple, "U.S. Lauds Soviet Law But Wants to Read Details," New York Times, May 21, 1991, p. A8.

[149]Natan Sharansky, "Rights Parley -- Or Sham?" New York Times, January 22, 1989, p. 25. Other observers, both American and Soviet, also have asserted that Jackson-Vanik played a crucial role, both substantively and symbolically, in the evolution of Soviet human rights policy. See e.g., Sakharov, Memoirs, p. 394; Richard Schifter, "Democracy's New Converts," November 14, 1990, p. 3 (printed text of address by the Assistant Secretary of State for Human Rights and Humanitarian Affairs). See also the comments of Fyodor Burlatskiy, a member of the Soviet Parliament, in U.S. Congress, Commission on Security and Cooperation in Europe, Hearing on the Implementation of the Helsinki Accords, November 28, 1989, pp. 16-17, and the comments of Senator Dennis DeConcini (D.-Ariz.) and Representative Steny Hoyer (D.-Md.) in U.S. Congress, Commission on Security and Cooperation in Europe, Hearing on the Implementation of the Helsinki Accords, June 13, 1990, pp. 20 & 35-36.

pressed by Jackson and Reagan in the United States and by so many others across Europe made a positive contribution to changes that swept Eastern Europe and the Soviet Union. As Timothy Garton Ash observed, the last two decades of the Cold War "were still about containment, but they were just as much about intellectual and cultural attraction, about human contacts, about broadcasting, and, yes, about the offensive advocacy of human rights."[150] Institutions such as the Helsinki monitoring groups and follow-up conferences and instruments like the Voice of America created an "international awareness of the Communist tyranny and the fact that the fight against it was going on behind the homeland walls."[151] The Helsinki Final Act, once hailed as a political accomplishment by General Secretary Brezhnev,[152] had become something of a Trojan horse for the Soviet Union.[153] Over time, the increasing demands for human rights and the wider acceptance of democratic values in the Soviet Union and elsewhere undermined the legitimacy of regimes that continued to resist such pressures,[154] ultimately placing domestic repression and international prestige in inverse proportion to one another and providing yet one more self-

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[150]Ash, "The Rules of the Game," p. 43.

[151]A.M. Rosenthal, "The Way to Help Soviets Is to Stress Human Rights," International Herald Tribune, February 12, 1990; see also Richard Reeves, "Everybody Knew from the Radio," International Herald Tribune, February 21, 1990.

[152]See Garthoff, Detente and Confrontation, pp. 477-478.

[153]The phrase "Trojan horse" is borrowed from Stanley Hoffmann, "Reaching for the Most Difficult: Human Rights as a Policy Goal," 112 Daedalus 34 (Fall 1983).

[154]On the connection between human rights and domestic legitimacy, see generally Francis Fukuyama, The End of History and the Last Man (New York: Avon Books, 1992), pp. 257-259; Huntington, The Third Wave, pp. 45-46; Tucker, "Masterwork," p. 87.

interested reason for the Kremlin to relax its internal controls.[155]

If the hardliners were indeed right -- and it is still too early to say for certain that they were -- then Senator Jackson can be said to have contributed significantly to a watershed foreign policy achievement -- namely, the end of the Cold War. But even if they were not, Jackson, through his mastery of the ideological and institutional setting of American foreign policy, profoundly shaped the course of U.S.-Soviet relations -- and, indeed, of international relations -- in the mid- to late-twentieth century.

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[155]See Gaddis, The End of the Cold War, p. 44.

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ABSTRACT OF D. PHIL. THESIS

Title of Thesis: "Senator Henry M. Jackson and U.S.-Soviet Detente"
Submitted By: Robert M. Dow, Jr. of Brasenose College for the Degree of D. Phil. in International Relations, Trinity Term 1995.

This thesis investigates important aspects of United States policy toward the Soviet Union through a close and critical examination of the views of Senator Henry M. Jackson, a Democrat from the state of Washington. Intellectually, the thesis considers the contents and interconnectedness of Jackson's ideas on U.S.-Soviet relations, places those ideas in the context of American diplomatic history, and evaluates the extent to which those ideas shaped U.S. policy toward the Soviet Union. Institutionally, the thesis examines how Jackson, as a member of the legislative branch, was able to influence profoundly the direction of such a critical international relationship.

Chapters one through three introduce the ideological and institutional framework of American foreign policy, trace the intellectual development of Senator Jackson's and the Nixon Administration's views on the U.S.-Soviet relationship, and discuss Jackson's critical support of the Administration's early initiatives. Chapters four through eight then examine the Senator's defection from detente and his persistent efforts to redirect U.S. policy toward the Soviet Union, using arms control, trade, and human rights as vehicles for contrasting Jackson's views of U.S.-Soviet relations with those of three successive Administrations.

As those five chapters show in detail, Jackson skillfully drew upon his deep understanding of the ideological traditions and institutional structure of American foreign policy to direct a remarkably sustained and successful application of Congress' foreign affairs powers. He succeeded not only in blocking detente but also in driving America's Soviet policy in a more confrontational direction -- both ideologically and geopolitically -- aimed at transforming Soviet foreign and domestic behavior. In so doing, Jackson bridged the gap between the detente of the 1970s and the Reagan foreign policy of the 1980s. Chapter nine summarizes Jackson's foreign policy achievements and assesses his contributions to the course of U.S.-Soviet relations and, perhaps, to the ending of the Cold War on terms favorable to the West.