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THE WHITE HOUSE
WASHINGTON

February 4, 1976

ADMINISTRATIVELY CONFIDENTIAL

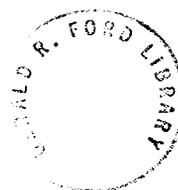
MEMORANDUM FOR: MAX L. FRIEDERSDORF
FROM: JAMES E. CONNOR *jet*
SUBJECT: Senator Goldwater

The President reviewed your memorandum of February 2 concerning Senator Goldwater's speech on foreign policy and made the following notations:

"Excellent! Give me a copy. Also, copies to Bob Hartmann, Bob Orben and Milt Friedman."

We have handled the President's request regarding copies and assume you will be preparing a letter to Senator Goldwater.

cc: Dick Cheney
Bob Hartmann
Bob Orben
Milt Friedman



THE WHITE HOUSE
WASHINGTON

February 2, 1976

MEMORANDUM FOR THE PRESIDENT

FROM: MAX L. FRIEDERSDORF *M.L.F.*
SUBJECT: Senator Goldwater

Senator Goldwater is desirous that the President be aware of his recent speech on foreign policy which is attached.



Congressional Interference With
Foreign Policy Is Performing the Work of the Enemy

January 21, 1976

MR. GOLDWATER: Mr. President, as we enter upon the 200th year of America's independence, I believe the American people-- and particularly their representatives in the Congress--would be well-served by bringing back into public consciousness the first principles which guided the early leaders of America in establishing our unique form of government. The wisdom of our Founders and blood of our patriots were devoted to their attainment. These principles should remain the model of our political practice.

It is strange and saddening for me that I should have to invoke in this Chamber the essential political creed that won our independence and animated our first efforts at self-government, but I believe we are witnessing a counter-revolution against these principles in the very Halls of Congress that should be their first line of defense.

What are these principles? They are too numerous to detail here in full; but among them is the faith held by the patriots and Founders that the American people are unique in their character, their opportunity, and their mission, and that our experiment in freedom and self-government will be an example for the world. They also include the notion, as expressed by Jefferson, that the will of the majority "to be rightful must be reasonable." And they certainly encompass the purpose that government must be strong enough to preserve our freedoms.



Mr. President, I make these comments because I believe that for the first time in the history of our country, we in Congress are forcing a President to come to this body for prior permission to do what he is charged to do under the Constitution--to manage foreign policy as he determines necessary for preserving the safety, the property, and the freedom of Americans.

For what may be the second time in our history, with the period of the 1920's and the 1930's being the only other time, we seem to be losing our faith in the ability of our principles and the role of international leadership which the success of these principles has brought about.

The immediate reason for my remarks is the action taken by the Senate late in December to block any flexibility for the President in funding military assistance to the majority of people in Angola who are resisting Soviet-imposed rule. The things said during debate on Angola, both in closed and open sessions, make me shudder in concern about keeping up our national will to survive in freedom as we now know it. But my remarks apply equally as well to the general phenomenon of Congressional adventurism in the field of foreign policy-making.

What the opponents of Presidential direction of foreign policy do not recognize is that their persistent confrontations with the Executive is derogatory to the best interests of the United States. Repeated Congressional interference with Presidential decision-making at the outset of every foreign crisis, before there is any reasonable time for Members of Congress to make

informed judgments of their own, is performing the work of the enemy who wish to negate the will of this country. Each time Congress hinders the Executive from responding in a considered way to totalitarian expansionism and compels the abandonment of friendly foreign groups, we create an impression in the world among allies and enemies alike that we have lost the will to defend freedom.

In the words of the Nobel Prize winner, Alexander Solzhenitsyn, who has been in the Archipelago and knows of what he writes:

"A very dangerous state of mind can arise as a result of this [feeling] of retreat: give in as quickly as possible, give up as quickly as possible, peace and quiet at any cost."

According to Solzhenitsyn, "the Communist leaders respect only firmness and have contempt and laugh at persons who continually give in to them." Our liberals respond that a demonstration of power will lead to a world conflict. Solzhenitsyn's reply is that "power with continual subserviance is no power at all."

Thus, a continual policy of non-action, not even allowing the President flexibility in making a response at the onset of a crisis, will only solidify an impression among totalitarian leaders of our weakness of will. By leaving the United States no option but to retreat at every point where the Soviets wish to expand, Congress will not only cause us to appear all the more weak in the eyes of totalitarian leaders, but the failure of action reduces the national will to deal with attacks on freedom by creating confusion in the public over whether resistance is ever necessary.

Mr. President, it is my contention that the Founding Fathers did not vest foreign policy initiative with Congress. The Framers understood that a legislature consisting of two bodies with a numerous membership would inherently be reluctant or unable to act in some time of grave need. They saw the Presidency as the Office whose unity and energy would enable it to take independent action when necessary for the public well-being.

The Framers had witnessed, the majority of them at firsthand, the incompetency of Congress's meddling into military policy during the War of Independence, when the interference of the Continental Congress with the plans of General Washington nearly caused disaster on several occasions. In contrast with this inefficiency of Congress, the Framers had fresh memories of the prompt and firm military steps taken by the Executives of Massachusetts and New Hampshire to end armed rebellions in 1786 and 1787.

The Framers also recalled that the Continental Congress had actually circulated among the Thirteen States during a low ebb in the Revolution a written plea asking that the powers of the Executives be increased as a solution to the failure of the States in meeting the wartime applications of Congress. Moreover, the Framers understood that the obsessive fears of royalty that had dominated public opinion at the outbreak of the Revolution had greatly diminished and that a new concern with possibly tyrannical legislatures had developed in the early 1780's.

This means of interpreting the Constitution, by expounding a power from the defects for which the Constitution was to provide a remedy, was used by George Washington, after becoming

President, when he issued the well-known Neutrality Proclamation of 1793. His action is almost universally viewed as establishing the doctrine of Presidential responsibility for determining upon the initial course of foreign policy.

It is very important for us to understand today that Washington's policy was at variance with the prejudices, the feelings, and the passions of a large portion of society at the time he made it, and did not rest on any previous guidance of the legislature. For these reasons, it is an outstanding example of a President making foreign policy for the nation in conflict with the public passions of the moment in order to uphold what that President judged as required for the safety of the nation.

This ability to rise above gusts of passion and temporary prejudices is one quality of Presidential leadership which distinguishes Executive initiative in the direction of foreign policy and cannot be matched by Congress.

One fact we must remember is that in the context of attitudes toward foreign policy, we as Americans have never really become a nation of Americans. We are still a nation of hyphenated origins, such as Jewish-American, German-American, Italian-American, Polish-American and so forth. So, when the problem comes up on the Floor of the Senate or House as to what we are going to do in the field of foreign policy involving any of the countries with whom substantial numbers of Americans have ancestral ties, you can lay a pretty good sized bet that these ethnic relationships are going to have a strong bearing on how that foreign policy is going to be formulated or implemented.

This is why I believe that, even if the President were not vested with primary control over foreign policy, Congress should not assert its distinct power, but should realize that a single elected official, who would not be disturbed by the politics of the moment, would use these powers far more wisely in the long run of history than a Congress which is constantly looking toward the political results. To put it another way, I would feel safer in this country with the decision for foreign policy being in the hands of one man who had to live with it and be accountable for that decision to the American people for the rest of his life than in the hands of 535 people whose decisions would be based mostly on the question, "Would it help me get re-elected?"

Another consideration we must remember is that Congress is not equipped to direct the day-by-day business of foreign policy; nor is it what we can call a continuing body for other than procedural purposes. Congress changes every two years. Sometimes it changes very radically; so what might be a foreign policy subscribed to by the Senate or House this year, two years from now might not represent that policy at all. But we do have a President elected for four years in the only truly national election provided in our system, whose foreign policy is much more constant and whose corps of advisers is professionally equipped for producing reasoned policies.

In conclusion, I believe Congress should not react instantly to every foreign policy crisis as if it were the State Department, intelligence agencies, National Security Council and President collectively made into one. Rather, it should conscientiously

consider and fully deliberate on foreign matters and give fair opportunity for the Executive machinery of government to function before interposing itself in judgments it is neither constitutionally structured, nor qualified, to initiate.