

President Vs Congress in US Foreign Policy: Cooperation or Confrontation

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Abstract

The powers to formulate foreign policy had been divided between the president and the Congress with an object to achieve continuity, coherence, and consistency in foreign policy. Both have opportunity to change features of foreign policy, to approach complete process and to execute and implementation of foreign policy. The formation of US foreign policy is more difficult and complex, and the support of these two branches is required for the making of strong and effective foreign policy. Check and balance is the key feature of relations between the President and Congress. This is the most important feature of the US political system in order to prevent the one organ of Government to become so powerful to impose its hegemony and the domination over the other. The dispersal of power over foreign policy puts a heavy premium on consultation, coordination, and cooperation by these two important organs of US Government.

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

Introduction

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

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Congress passes a series of laws that are unconstitutional, the President use his right of veto to checks the power of Congress.

The nature of cooperation between the President and the Congress are based on the principles of bipartisanship. Bipartisanship as a political situation, exists in terms of two party system (e.g. in case of United States), to attain compromise as result to politically reorientation phase. While, partisanship is the opposite term which is characterized by a lack of cooperation between rival political parties. The success of the US foreign policy depends upon the mutual cooperation of President and the Congress. The cooperation between the President and Congress has affective role in the formulation of US foreign policy. On the other hand, the disagreement and uncompromising attitudes between them results in open confrontation, which, sometimes makes the making of foreign policy issues more difficult and complicated. An important element of cooperation is consultation which develop mutual trust, and encourages them (President and Congress) in formulation of foreign policy. Contrary, the confrontation between the two branches not only delayed the decisions on important global and regional issues, but adversely affected the cordial relations between the President and the Congress.

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

Making Foreign Appointments

"Article II, Section 2, of the US Constitution" explain that the President "shall nominate, and by and with the advice and consent of the Senate(The upper Chamber of Congress), shall appoint ambassadors, other public ministers and consuls, judges of the supreme court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law". "Historically, the nomination and confirmation of presidential appointments has been regulated by strict, formal rules, but rather by informal customs that can change and have changed over the years, as the

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relative balance of power between the President and the Senate". (Gerhardt, 2000:10)

Sharing a joint responsibility in the process of appointing and confirming nominations can pose challenges to the President and the Senate, and it has sometimes been the focus of tension and confrontation between the two branches. It has argued by Nolan McCarty and Rose Razaghian that "Senate's confirmation process is entirely consistent with all its other norms, traditions and rules. Concern for the right of prerogatives of individual senators gives rise to numerous opportunities for abstractions and delay" (McCarty and Razaghian, 1999:37). On the other hand, Sarah Binder stated that 'most presidential nominees emerge from the Senate confirmation process and are eventually confirmed. In the 111th Congress, the Senate submitted 964 nominees and 843 of those were eventually confirmed by the Senate' (Binder, 2001:37). It had been observed that normally Senate approved President's nominations but in some cases, rejection is possible, requiring the President to make a different nomination. If enough senators oppose a nominee, they can prevent the nomination from coming to a vote by using a procedure called a filibuster. Filibuster is the technique, a proper procedural method to check the issues.

The Use of force & the Declaration of War

With respect to war making power, the constitution states in Article 1 Section 8, that "the Congress shall have the power to declare war". However, Article 1 Section 2 of the constitution "specifies that "the President shall be the Commander-in Chief of the Army and Navy of the United States". Of the Two provisions, the latter assumes more important for the President to defend the stationing of US troops all over the World. The provision was used to justify American military intervention in Korea (1950-1953), in Lebanon (1958), in the Dominican Republic (1965-1966), in Vietnam (1965-73), in Grenada (1983), and in Panama (1989). The President's power in foreign policy is also limited by the Congress. Congress tends support the idea that the President knows best in regard to foreign policy. But there was less willingness to support the President's foreign policy initiatives, especially, after the Vietnam War and Watergate Scandal. (Yankelovich, 1978:93)

From Roosevelt to Johnson, there was a strong cooperation between the President and the Congress. During this period, all the presidents enjoyed more influential and predominant position in the stationing of troops, the use of force and the declaration of war. Of course, Party differences existed long before the early 1970s. In addition, debates over Central and Latin America have divided the two parties since the Kennedy Administration (Peterson and Greene, 1964:1-24). Harry Truman was accused by Republicans of having lost China and harboring the communists within State Department. John

Kennedy discovered a missile gap as he was launching a presidential campaign in 1960. Republicans attacked Kennedy for the disaster in the Bay of Pigs, and in the months leading up to Cuban missile crisis and the President's inability to identify missiles ninety miles from Florida coast. (Accessed on Dec. 19, 2012) "President Eisenhower sought to return to a more even presidential-congressional balance, stating that there should be no involvement of America in war, unless, it is the result of the constitutional process that is placed upon the Congress to declare it" (Zoellick, R. 1999).

But during Vietnam War this accommodation gave way to active antagonism, where Congress desired to play more active role in order to check the presidential dominance and hegemony. During the Johnson and Nixon Administration, the rising Congress dissatisfaction with the American's involvement in Vietnam War was reflected in the congressional actions to redress the imbalance of power in foreign policy areas between President and Congress. In the wake of serious weakening of the Presidency that was the result of Vietnam war, Congress attempted to recover its constitutional powers by passing the War Power Resolution of 1973.(The American Journal of International Law, 1974:372-76). The "War Powers Resolution requires the President to report to Congress "in every possible instance" within forty-eight hours after sending troops into hostile situations. The President then supposed to withdraw the troops unless Congress declares war or otherwise authorizes the military action within sixty days". (Fisher and Adler,1998:1-20).

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

Before the "American involvement in Vietnam there was a wide spread support in the Congress for NATO alliance, the Marshall Plan, initial American involvement in Korea, and the President Eisenhower's handling of Berlin and Formosa crisis. After Vietnam War, the War Power Resolution, the Panama Canal treaty, arms control negotiations, American involvement in Central America, and the host of other issues either created or publically demonstrated the division in presidential-congressional relations. Muller argues that during 1960s, the Johnson administration diligently cultivated bipartisan support for Vietnam War. Likewise, Nixon's policy of gradual

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withdrawal from Vietnam appear to have resulted in a long run in bipartisan support and breakdown in common consensus between the President and Congress” (Muller,1973:228).

The war power resolution seeks to ensure greater congressional participation in the foreign policy decision making regarding the use of force by requiring consultation between the President and the Congress in every possible way prior to committing the US forces into hostilities. The rescue of the Mayaguez authorized by President Gerald R. Ford in 1975 and the abortive attempt to rescue American hostages in Iran authorized by President Carter in 1980, both proceeded without prior consultation. In the case of Iranian operation, Congress generally accepted Carter’s contention that the need for secrecy plus the fact that the troops were engaged in the rescue operation rather than the military exercise precluded consultation with Congress. (Kegley and Wittkope, 1991:434-35).

Since, Congress has become more active to question the authority of president to send forces in the hostile areas. For example, in the recent study James Meernik in his book, ‘Congress, The President, and the Commitment of US Military,’ discussed that ‘the divided government is the most important predictor of congressional responses to the use of force into hostilities’. (Meernik, 1995:377-92). Since 1970, party unity increased and partisan conflict intensified on foreign and defence policy (Peterson, 1994:222). The trend towards increased partisanship over the war is also demonstrated by observing how many members of each party proposed bills or resolutions regarding the war Power Resolution during the US military action. According to the analysis made by Martha Gibson, between 1980 to 1989 sixty-two of the seventy-eights such measures (79%) were introduced by democrats in response to the deployment of forces made during Reagan and Bush administration. Of all the foreign policy issues she analyzed only the War Power shows both the partisan and ideological dimension clearly dividing presidential-congressional relationship (Gibson, 1994:441-72).

Congress has adopted a conflicting nature regarding the three US military operations: the ‘deployment of US forces in Central America during the mid 1980s, the US participation in peace-keeping mission in Lebanon in 1983, and the reflagging of Kuwaiti oil tankers in 1987 during Iran-Iraq war. Only the Central American intervention was directly and explicitly linked to the fear of communism in the Western Hemisphere, making it as a cold war intervention. President Reagan sent thousand of military personnel in the region by 1983. He also conducted training mission with the land and naval forces to intimidate the leftist government of Nicaragua and provided military aid and military facilities to contras in El Salvador, prompting Congress to attempt to ban the deployment. The invasion of Grenada in October 1983 again raised the question of applicability of War Power Resolution. In such invasion the

President did not consult the Congress before deploying troops' (Rubner, 1985:627).

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

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

Since 9/11, it was in the mutual interest of Bush Administration and Congress there was an overwhelming consensus between Bush Administration and the Congress to eliminate the Taliban govt. in Afghanistan, who has been considered a partner of the terrorist network of Al-Qaida and protected Osama bin Laden. On September 12, 2001, Congress called for military action against the Taliban government in Afghanistan. Congress had shown its determination by passing Resolution.23, through which the use of force was authorized against the responsible characters of September 11, attack. Such measures step of the Congress is make it possible to be a reliable partner of President in the making of foreign policy. On October 6, President Bush announced that the Taliban govt. regime has made the Afghanistan into haven and training centre for international terrorists – the terrorists who have killed innocent peoples of several countries including American (White House, 2002:1430).

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The next attempt of President Bush was the invasion of Iraq. He was determined to remove Saddam Hussain from power. But, there was a lack of cooperation between the President and the Congress in case of Iraq. All the accusations made by President Bush against Saddam Hussain for possessing the weapons of destruction, providing shelter to terrorists for killing thousands of the people in the different parts of the world, particularly in the United States and his aggressive intention to dominate Middle-East became meaningless due to the uncompromising attitude of the Congress. Certainly, the Bush Administration never claimed that Iraq posed an upcoming threat. The Washington Post wrote that the 'Bush called the Iraq an "immediate threat to the nation"', while Bush, in fact called Iraq "a serious threat" (Washington Post, 2002).

As the result, Congress abandoned its constitutional right to start aggression against Iraq, and called responsible President Bush for whole destruction. At last, 'Congress voted in October 2002 to authorize President Bush to use military force to address the continuing threat pose by Iraq. It also required the President to report to the Congress every two months on the progress implementing this measure' (New York Times, 2002).

Negotiation and Making of Treaties

The President also has the authority to negotiate treaties, although the treaty must be ratified by two-third vote in the senate before it can enter into effect. The Us constitution gives the President a great control over both the initiation and implementation of foreign policy. As the result of these formal constitutional powers, the President has three formal political resources in the field of foreign policy, information control, personal diplomacy, and crisis management.(Bliss and Johnson, 1975:145-154). A treaty is a formal agreement with another nation. The 'US constitution gives the President the power to make treaties "provided two-thirds of the senators present concur and agree." All the US Presidents have involved the Senate in the process of negotiating treaties. Article II, Section 2 of the United States Constitution grants power to the President to make treaties with the "advice and consent" of two-thirds majority of the Senate, one of the most famous exceptions was the Treaty of Versailles, which ended World War I' (Article II, Section 2).

Further, Presidents have sometimes entered into executive agreements or accords with the head of foreign governments without submitting them for ratification as treaties. Such executive agreements have been used in the recent years to station American troops and to establish military bases and installations in foreign countries (Nash, 1978:151-152). In the field of negotiations: 'the President can alone negotiates treaties, Senate and Congress are powerless in this regard. The Senate must get itself with such information as the President chooses to furnish it e.g., it may consent

unconditionally to a proposed treaty, it may refuse its consent, or it may stipulate conditions in the form of amendments to the treaty, of reservations to the act of ratification, or of statements of understanding or other declarations, the formal difference between the first two and the third being that amendments and reservations. If accepted by the President it must be communicated to the other parties to the treaty, and, at least, with respect to amendments or reservations, requires reopening of negotiations. Conversely, the President may, if dissatisfied with amendments which have been affixed by the Senate to a proposed treaty or with the conditions stipulated by it to ratification, decide to abandon the negotiation, which he is entirely free to do' (Crandall, 1916:109-120).

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

The President has the constitutional rights to deny information to the Congress in the area of foreign affairs. Washington's full statement clearly shows that the President never thinks to completely hold back information from the Congress. House of Representatives was constitutionally not empowered to make treaty. The role of Senate in the formation of treaty became the subject of sharp dispute in 1987 between Reagan Administration and Congress over the re-interpretation of 1972 Anti-Ballistic Missile treaty. (ABM). The reinterpretation would have permitted the administration to test technology as the part of strategic defense initiative (SDI) previously thought to be prohibited by the ABM treaty. The State Department's legal advisor contended that nothing in the original record precluded a broad interpretation of what was permitted under ABM. Senator Sam Nunn that the document submitted by the Nixon administration fifteen years earlier permitted only a narrow interpretation (Nonn, 1987:45-57).

Regulating and Managing Trade

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

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

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

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

Arms Sales

Arms sales, is yet, another issue which remain the bone of contention between the President and the Congress. Since 1970, Congress was highly critical of the President's policy of US arms sales to Middle-East and South-

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

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

Joint resolution was passed by Congress in 1985, prohibited advanced crafts and Defense system to Jordan. Negotiation process between Israel and Jordan was on pipeline. Later on, Congress had disapproved the agreement. In 1986 in the result of a Joint Resolution, Saudi Arab was not accessed to advance missiles. President had used veto power whereas Senate had sustained veto as to 66-34. The administration had removed Stinger Missiles package.

The confrontation between the President and the Congress continued in the proceeding years. There was a strong opposition from the Congress over the sale of sixteen hundred Maverick Missile to Saudi Arabia in 1987, the sale of arms to Kuwait in 1988, an advanced Fighter Jets to Saudi Arabia in 1989, and to maintain balance with President regarding arms sale. Congress adopted an alternative mechanism and passed a number of resolutions of disapproval and counter legislation on arms sale proposals. On some occasions the President has been forced to decline the offer that has highly embarrassing for both US and the recipient country. Even when 'Congress establishes foreign policy through legislation, the Administration continues to shape policy as it interprets and applies the various provisions of law. This is illustrated in arms sales policy. Congress has established the objectives and

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criteria for arms sales to foreign countries in the Arms Export Control Act, and it has required advance notification of major arms sales and provided procedures for halting a sale it disapproves. But the executive branch makes the daily decisions on whether or not to sell arms to specific countries and what weapons systems to provide' (Grimmett, 1982:39). For example, on September 14, 1992, President Bush had notified his intention to Congress to sell 72 F-15 to Saudi Arabia, and after 30 days when review period of Congress was expired, the sale proceeded. Congress found it necessary to keep close eye to avert the sales, especially to Middle East did not approve, because in some cases its actions had bad affects of halting sales, and had in process introduced changes in the projected arms deal.

Policy Statement:

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

A Commission was establishment by Congress, on Security and Cooperation in Europe to monitor the by legislation established a Commission on Security and Cooperation in Europe to monitor the implementation of the pacts. By that time the Commission has directly examine the accords and remain engage through 12 of whose 15 members of the Commission are from Congress and play an vigorous role for the interest of U.S. policy in that region.

Power of Purse

The power of the purse plays a critical role in the presidential-congressional relationship, and has been the main historic tool by which Congress can limit executive power. US Presidents have been charged of 'grab more and more power into the hands of 'executive' and never lagging towards Congress. So-

called signing statements are one way in which a President can "tip the balance of power between Congress and the President a little more in favor of the executive branch. The other example of divergence between the President and the Congress was the publication of Cooper-Church Amendment, which sought to cut off funds for US war efforts in Cambodia following the Nixon's incursion into the country in 1970. In 1974, Congress passed the Budget Control and Impoundment Act in an attempt to consolidate some control over the purse, as it requires Congress to specify overall spending guidelines and the ability of the Congress to scrutinize the President's budgetary requests. Before that the President has more independent position to spend the funds as it desires, irrespective of Congressional wishes and oversight. President Johnson used \$ 1.5 billion in contingency funds to finance military operations in South-East Asia during 1965 and 1966 (James A. Nathan and James Collier, 1976:495-96). The Reagan Administration used \$ 10 billion in CIA discretionary funds to finance the Contras during its first term. (Copson, 1988:4) Constraining the executive's flexibility in using funds appropriated by the Congress is the principal purpose of Budget Control and Impoundment Act. It specifies that the President has two avenues by which to impound funds, both subject to congressional review (Ellwood and Thurber, 1988:246-71).

To preserve the system of check and balances as remarked by Fisher that 'foreign policy must be carried out with funds appropriated by Congress. Allowing foreign policy to be conducted with funds supplied by executive and other US agencies to foreign governments would open the doors to widespread corruption, compromise and the loss of public accountability. (Fisher, 1988:148). The US Ex-Secretary the State for Foreign Relations Shultz's vigorous critic of the Iran-contra connection said, "that you cannot spend funds that the Congress cannot authorize you to obtain or appropriate" (Henderson, 1989:66).

Conclusion

The influence of Congress over the Presidency has varied during the last two centuries: extensive level of power, measured leadership of congress and political influential status of the president. During the first presidential administration, power in the field of foreign policy was equally shared between President and Congress, because early Presidents largely restricted their rights of suspensive veto. The impeachment of President Andrew Johnson reduced greatly the influence of presidential power upon the Congress. In 20th and 21st century, it has been empirically we have been witnessed of the rise of power of Presidency due to the series of energetic Presidents: Franklin Roosevelt, Richard Nixon, Ronald Reagan and George W. Bush. Although, the struggle between the President and the Congress must always be unequal one, since the latter is certain of bearing down all the resistance by preserving

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in its plan that the Presidency carries enormous prestige that typically eclipses the power of Congress.

In the areas of treaties, war, and money, the constitution would appear to make Congress, not the President, preeminent, but the reverse in fact been true. Congress has made some strides toward coping with its structural inadequacies, but power remain diffused, the ability to assume and discharge responsibility remains fragmented, and the incentives continue to favor attention to parochial needs rather than the broader picture. Moreover, the power of the institutionalized are so far superior to those of legislature that Congress far more likely to be co-opted by the wishes of the President than vice versa.

But, there are some obstacles which greatly reduce the effectiveness and credibility of Congress in the foreign policy making process of USA. Congress is not in good position to contend efficiently with the President in the formation of US foreign policy. Congress is more oriented towards domestic than foreign affairs. All the 535 members of the Congress have much more narrowly construed electoral basis and correspondingly restricted constituency interests. Whereas the President has a nationwide constituency, the outlook from White House on foreign policy problems is broader. Secondly, power and responsibility within Congress are fragmented. Unlike the executive division, where policy debates take place, the President, use the right of final option, constitutional debates are publicly eliminating, with the final choices made to continue and nays, and with the decision making diffuse. The dispersion of power and sharing responsibility within Congress frustrate executive-legislative consultation and coordination and make Congress appear irresponsible. Another form of irresponsibility is found in the frequent tendency of member of the Congress to leak information. One of the consequences is that the President often has used executive privilege to conceal information, particularly classified information, thereby avoid Congressional involvement in policy making. The organizational weakness contributing to congress's respondent relationship with the President derives from the White House's relatively greater command of technical expertise and from its ability to control the flow of information about foreign policy. Moreover, the members of the Congress are ill-equipped to acquire the kinds of information that would enable them to better monitor, and hence influence, decision making in the times of crisis. Another disadvantage of the Congress is that it has no information gathering agency of its own. Most of the information comes to the Congress in a bias filtered form that supports single policy alternatives. While the President has a strong and effective intelligence organization e.g. CIA which provides him recent and secret information in formulation of foreign policy.

References

Article II, Section 2 of the United States Constitution.

Article I, Section 8 of the United States Constitution.

Binder, Sarah A. (Spring 2001).The Senate as a Black Hole: Lessons Learned from the Judicial Appointment Experience. *The Booking Review* 19.

Bliss, Howard and Johnson, M. Glen.(1975). *Beyond the Water's Edge: America's Foreign Policies*. (Philadelphia, J.B. Lippincott Company).

Copson, Raymond W.(1988, March 11).The Reagan Doctrine: US Assistance to Anti- Marxist Guerrillas. *CRS Issue Brief*.

Crandall.(1916). Treaties: Their Making and Endorsement 53; *CRS Study*.

Ellwood, John W. and Thurber, James A.(1988).The Politics of Congressional Budget Process Re-examined, pp. 246-271 in Dodd, Lawrence C. and Oppenheimer, Bruce I. (eds).(1988). *Congress Reconsidered*, (Washington DC:CQ Press).

Fisher, Louis and Adler, David Gray.(1998).The War Powers Resolution: Time to say Goodbye. *Political Science Quarterly* 113:1.

Gerald Felix Warburg.(1989).*Conflict and Consensus: The Struggle between the Congress and the President over Foreign Policy Making*. (New York: Happer & Row).

Gerhardt Michael J. (2000). *The Federal appointment Process: A Constitutional and Historical Analysis* (Durham N.C: Duke University Press).

Gilbson,Liebler. (1994).Managing Conflicts: The Role of Legislative Veto in American Foreign Policy. *Policy* 26:3.

Grabb, Cecil V. & Holt, Patt M. (1992).Invitation to Struggle: Congress, President, and Foreign Policy. *Washington D.C. Congressional Quarterly* 46.

Grimmett, Richard F. (December 1982) *Exccutive-Legislative Consultations on U.S. Arms Sales, U.S. Congress. House* (Washington DC: Committee Print).

Henderson, Phillip G.(1989).*Managing the Presidency: The Eisenhower Legacy- From Kennedy to Reagan*. (Boulder Colo: Westview Press).

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Henry T. Nash, *American Foreign Policy*, (Homewood 111: The Dorsey Press, 1978), 151-52.

Iran-Contra Hearing Transcript.(1987,July 14).

Katzman, Kenneth.(1991).War and Peace in the Middle East. *Congress and Foreign Policy* 9.

Kegley , Charles W.& Wittkope, Eugene R. (1991).*American Foreign: Pattern and Process*. (New York: Martine's Press).

Louis Fisher, "Foreign Policy Powers of the President and the Congress," *The Annals* 449 (September, 1988), 148.

Martha L. Gibson: (1992). Weapons of Influence, the Legislative Veto, American Foreign Policy. (Boulder, Co: West-view Press).

McCarty, Nolan and Razaghian, Rose (1999, October 4). Advice and Consent: Senate Responses to Executive Branch Nomination 1985-96. *American Journal of political Science* 43:4.

Meernik, James. (1995).Congress, The President, and the Commitment of US Military. *Legislative Study Quarterly* 20:3.

Muller, John E. *War*. (1973) *President and Public Openion*. (New York: Wiley).

Nathan, James A. and Collier, James. (1976). *United States Foreign Policy and World Order*. (Boston: Little Brown).

New York Times.(2002, October 3).

Nonn, Sam. (Autumn, 1987).The ABM Reinterpretation Issue. *Washington Quarterly* 10.

Peterson, Paul E. (1994).The President Dominance in Foreign Policy Making. *Political Science Quarterly* 109:2.

Peterson, Paul E. and Greene, Jay P.(1964).Why Executive-Legislative Conflict in United States is Dwindling. *The British Journal of Political Science* 24:2.

Rubner, Michael. (Winter 1985-86).The Reagan Administration, the 1973 War Power Resolution and the Invasion of Gerenda. *Political Science Quarterly* 100.

Zahid Ali Khan & Munawar Sabir

The American Journal of International Law, 68:2. (April 1974).

The Congressional Quarterly Almanac. (1975).

The US. Congress.(1974). Trade Reform Act of 1974. *S.Repor*, No.93-1298, 3d Cong., 2d sess.

Washington Post (2000, October 7).

White House. (2002).Radio Address of the President to the Nation. *Weekly Compilation of the Presidential Documents* 37.

Yankelovich, Daniel.(1978). 'Farewell to President to Know Best.' *Foreign Affairs* 57:3.

www.ncu.edu.tw/lorenzo/peterson

Zoellick, R. (1999). "Congress and the making of US foreign policy", *Survival*.