

**ROLE OF THE CONGRESS IN THE US ARMS SALES  
POLICY TOWARDS WEST ASIA DURING 1980s**

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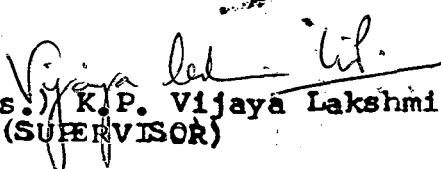
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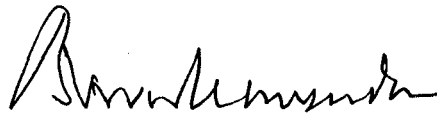
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C E R T I F I C A T E

This dissertation entitled "ROLE OF THE CONGRESS  
IN THE US ARMS SALES POLICY TOWARDS WEST ASIA DURING  
the 1980s" by Mr. Dhiraj Singh for the Degree of Master  
of Philosophy is an original work and has not been  
previously submitted for any other Degree of this or  
any other University.

We recommend this dissertation to be placed  
before the examiners for evaluation.

  
Dr. (Mrs.) K.P. Vijaya Lakshmi  
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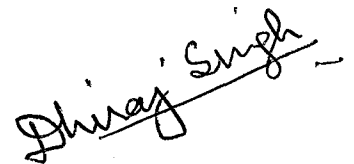
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(DHIRAJ SINGH)

## CHAPTER I

### Introduction

#### US Foreign Policy in West Asia: A Defence Perspective

In the period after the second world war the sale of arms acquired the status of an important diplomatic tool in the United States foreign policy. The sale of arms by the US were expected to ensure the nation's defence by making it possible for friendly nations to defend their security and presumably the American interest, in the region alongwith. Their importance as a diplomatic tool was reflected in the development of closer relations between the buyer and seller country, and help in the avoidance of deterioration of relations. Within this broad framework of analysis, the sale of arms to X country, may well be taken to have an serious impact on policies and policy matters. In particular, the sheer magnitude of economic stakes and complexity of political dynamics has made the West Asian region acquire a central position in the U.S. arms sales policy.

The term "West Asia" is used in place of "Middle East" and the countries in focus are Israel, Iraq, Jordan, Syria, Egypt and Saudi Arabia. West Asia, has been called one of the most volatile regions of the world. It is characterized by ethnic, regional, religious and tribal cleavages. Howev-

er, it occupies what many experts believe to be a vital place on the US defense and foreign policy planning.

### US Policy Objectives in West Asia -

American entry and to a great extent it's long presence in the region has it's roots in the policy of "containment" of communism. In the aftermath of second world war, decline of Britain as great power led to it's gradual withdrawal from West Asia. The United States committed itself to replace Great Britain in order prevent the spread of Soviet influence in the area.<sup>1</sup>

Every US policy measure in the region (including arms sales) has been guided by this primary concern. For example, arms transfer to the region was initiated for preventing these nations from turning towards USSR and it continued for the same reason. as one analyst has pointed out, one of the basic goals of US foreign and defense policy in the region has been

"The reduction of Soviet influence among radical states and prevention of inroads among moderate Arab States".<sup>2</sup>

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1. Bruce R. Kuniholm, "Retrospect and Prospect: Forty years of US Middle East Policy" in The Middle East Journal (Connecticut) vol.41, No.1, winter 1987, p.10.
  2. Richard G. Lugar "US arms Sales in Middle East" in Journal of International Affairs (New York), Vol.40, No.1, Summer, 1986, p.23.

Secondly, the commitment to the security and survival of Israel has directed US foreign policy as another primary interest in the region. US role in the creation of Israel placed it in the role of protector of Israeli State. There has been an impressive consensus on the policy goal of protection of Israel. Partly this consensus is due to strong ties between influential American Jewish Community and Israel. The largest pro Israel lobbying organisation the "American-Israel Public Affairs Committee" (AIPAC) maintains a staff of 80, \$ 6 million budget and 50,000 members nations wide.<sup>3</sup>

These strong, domestic pressures have succeeded in keeping security of Israel on the paramount position among the US interest in West Asia.

Most importantly, the economic policy objective of US foreign and defense policy in West Asia has been of ensuring the continued free access to oil of the region. West Asian oil plays a central role in Industrial world. Western Europe gets 60% of its oil requirements from the region and US import amount to 15% of its total oil consumption.<sup>4</sup>

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3. Washington Post (Washington D.C.) 5 Oct, 1986,

4. Jeffry Knopf, Paul L. Ferrari, Paul Madrid, US Arms Export: Policy & Contractors (Washington: Norton, 1987), p.77.

However, certain other developments sharply focussed the importance of maintaining authoritative influence in the region, in the US foreign policy considerations, of them, the hike of oil prices in 1973 and the formation of Organization of oil producers countries (OPEC) exercised profound effect on the US policy.

The geographical location of West-Asian region has made it one of the most important strategic areas of the world. It provides access to the Indian Ocean, a gateway of Africa and is an important North-South axis. It's location with Mediterranean makes it an important link between Europe and Balkans. Roughly one third of the oil to non-communist world is passed through straits of Hormuz from Persian Gulf. Iran has a 1200 mile long border with erstwhile USSR.<sup>5</sup> Thus, geography makes West Asia an area of supreme importance for any global minded super power like the US. Experts have also included a variety of other reasons for the continued importance of the region. For instance the US has a genuine interest in maintaining peace in the region. Survival of Israel is a "fundamental commitment" of the US.<sup>6</sup>

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5. Sukhwant Singh Nannan, "US Arms Transfer and Policy Objective in the Middle East" Strategic Analysis (New Delhi) Vol.15, No.3, July 1993, p.443.

6. Richard W.Murphy "Arms Sales Policies Towards the Middle East" in US Department of State Bulletin Vol.LXXVII, No.2024, p.7.



For this purpose, the US has wanted an improved Arab-Israel relations, and has supported several moves in this direction.

Apart from maintaining a peaceful atmosphere in the region, the US wants to ensure the continuation of Israel's "qualitative military edge" over any combination of Arab forces.<sup>7</sup> This is sought to be done by controlling the supply of arms to the region. For fulfillment of this purpose, the US has sought to remain as the most important external force in the region. Overall US policy objective of curbing communism require military well being of those moderate Arab nations who have a consistent record of anti communism. The US interest would be served by promotion of peace process on "Arab Israel question", suppression of anti-west radical movements in Arab states and increased dependence on West for vital arms supply among Arab States. All factors led to the US policy towards its policy in West Asia and helped it curb the Soviet influence and kept the oil open for the world. Therefore the security of moderate Arab state is also an important US policy objective in the region.

Lastly, after the recent Gulf War, this region has been considered an important area for curbing the proliferation

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7. Richard W.Murphy, *ibid.*, p.9.

of the weapons of mass destruction. After "Containment", "non-proliferation" has emerged as most important US policy objective in recent period. Major US concern is to check the spread of chemical weapon and missiles in this politically volatile region.

US Policy Towards West Asia: Historical Overview - Truman Doctrine

Post second world war West Asia witnessed the withdrawal of European colonial powers, mainly Great Britain. This development coupled with the US commitment of containing communism through active intervention resulted in direct involvement of USA in the region. Countries of the region were generally happy with British withdrawal. Countries like Iran, Turkey and Greece were facing direct communist threat because of internal factors and geographical proximity with Soviet-Russia. Great Britain as well as regimes of these countries asked for firm US stand in the region and the US obliged them.

Despite the declaration of Truman doctrine of March 1947 there was considerable disagreement among the US policy planners about distributing resources between Europe and West Asia. Despite Europe's near total dependence for oil on West Asia, the American Joint Chiefs in the US were

divided about whether West Asia constituted an area of 'vital' interest or 'peripheral' interest.

It was the Korean war which increased the military budget manifold and obliterated the difference between 'vital' and 'peripheral' interests. With greater resources the US defence planners were in better position to appreciate the fact that investment in 'outer ring' that is West-Asia only reinforces the investment in Europe. The role of Turkey in acting as 'buffer state' was also better realized. Turkey and Iran were seen as a shield which made it difficult for the USSR to acquire contiguity with the Arab World.

Initially, the, US involvement was seen as devoid of colonial trappings. But the US support to Zionism in Palestine and continued respect of British Colonial rights in the region was gradually seen as the US acquiring "a British mantle" by the Arabs. It was this regard for UK's rights that resulted in Mussadeq ministry's fall in Iran and reinstallation of the Shah.<sup>8</sup>

#### Eisenhower Doctrine

After ensuring the presence of a friendly regime in Iran the US attention was focused on substituting an allied base and presence for a British base and presence in Egypt.

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8. Kuniholm, n.1, pp.12-13.

Taking in to account the limited success of containment in the region and British unwillingness of withdrawing from Egypt led to the development of regional security organization, the 'Baghdad Pact'. After the Suez Crisis in 1956, President Eisenhower promulgated the 'Eisenhower doctrine' which stated that US was now ready to use force to protect any West Asian country attacked by any force. But excessive concern for containment policy led to the ignoring of local developments, which resulted in the US being caught unawares by the revolution in Iraq in 1958 and it's formal withdrawal from the Baghdad Pact in 1959.

Increasing pro-Zionist US policy made it possible for USSR to establish relations with Egypt, Iraq, Syria and after British withdrawal from Aden with People's Democratic Republic of Yemen. US attempted a restructuring of "Northern Tire" by negotiating executive arrangements with Turkey, Iran and Pakistan in the Central Treaty Organization (CENTO). This resulted in greater possibility of their military involvement.

### Nixon Doctrine

The British decided in 1968 to withdraw from the East of Suez. The US decided to step into the power "vacuum" thus created despite being burdened with the war in Vietnam,

which had created a strong feeling against further global involvement in the United States. In such circumstances Nixon articulated the 'two pillar policy'. Widely referred as Nixon doctrine, it envisaged regional powers to assume security responsibilities in the region. The promulgation of this doctrine in the early seventies involved reliance on Iran (which was seen as predominant power of the region) and Saudi Arabia to ensure the peace and stability in the region.

Local factors were once again ignored. The US security measures for West Asia became centered on Shah. Shah was supported by Henry Kissinger as inseparable part of "twin pillar" policy. Iran had sudden rise in revenue because of the escalation of oil price in 1973. This revenue enabled the Shah to purchase a \$ 9 billion arms for the next four years. Shah's close identification with the US gave the rebel leader Ayatollah Khomeini a wide acceptance in Iran. Support for the religious leader was rooted more in what he opposed than what he stood for. He opposed the Pahlavi regime, the monarchy, foreign control and cultural domination. This gave a focal point to already simmering socio-economic discontent. Thus, US policy measures yielded a negative result of establishing a hostile regime in Iran.

The Jordanian crisis of 1970 and Israel-Arab war of 1973 severely strained Israel's credibility as sole guarantor of stability in West Asia. Steady decline in the US Congressional support for US West Asian policy, hostage crisis in Iran are some outcomes which indicated that Nixon doctrine could not achieve it's objectives in West Asia.<sup>9</sup>

#### The Carter Doctrine

In contrast to the Nixon doctrine, President Carter publically proclaimed the vital importance of West Asian region to the US foreign policy and assumed ultimate responsibility for regional defense. The Carter administration's policy involved a security framework in West Asia with improved regional facilities and capabilities that could be used as an accessory to Rapid Deployment Force.

Reagan continued the active foreign and defense policy in West Asia. The emphasis was on consolidation of regional security and keeping the control of the same. Reagan administration reverted to the policy of keeping regional influentials. Saudi Arabia became major base of US West Asian policy because of it's anti-communist credentials, moderate attitude towards the Palestine question and relative politi-

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9. Ibid., pp.16-17.

cal stability.<sup>10</sup>

Reagan administration involved itself in the long standing problems of the region. Due to Pro-Israel campaign stance, left over deals of Carter period and generally assertive foreign policy, there was a considerable expansion of American commitment in West Asia.<sup>11</sup>

### Arms in US West Asian Policy

In May 1981, the US Department of State affirmed that arms transfer, judiciously applied, can complement and supplement the US defense efforts and can serve as a vital and constructive instrument of the US foreign policy in the West Asian region.<sup>12</sup>

In another official statement before a House subcommittee, Assistant Secretary of Near Eastern and South Asian Affairs stated that Arms Sales to West Asian states have ably served the basic US policy objectives of maintaining Israel's qualitative strategic edge, open access to oil supply, keeping the Soviet influence under check, supporting

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10. Murphy, n.6, p.9.

11. Leonard Binder ; "United States Policy in the Middle East, Exploiting New opportunities" Current History (Philadelphia) Vol.32, no.480, January 1983, p.3

12. Micheal T. Klare "Fuelling the Fire: How we Armed the Middle East", Bulletin of the Atomic Scientists (Chicago) Vol.47 no.1, January 1989, p.22.

the moderate regimes in the area.<sup>13</sup>

US arms sales to West Asia started acquiring the role of foreign policy tool in 1954, after the overthrow of Mussadeq government reinstallation of Pahlavi dynasty in Iran. Through 1950's and 1960's the US kept the Shah regime well equipped for keeping internal and external pressure under control. After the oil price hike in 1973 gave Iran extra revenue, it coincided with the US desire to recover some of it's petrodollars from west Asia and Nixon's promulgation that the third world allies should shoulder the burden. The result was \$ 20 billion worth US arms were ordered by Iran between 1972-1978 <sup>14</sup>

America's role in the creation of Israel and strong domestic influences have made Israel the biggest receiver of the US armaments in the region. The military assistance as well as military deliveries from the United States and American readiness to rush massive emergency shipments have all made Israel militarily by far the strongest country in West Asia.<sup>15</sup>

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13. Quoted in Murphy, n.6, p.8.

14. Klare, n.12, p.22.

15. Charles A. Kupehan, "American Globalism in Middle East: The Roots of Regional Policy" in Political Science Quarterly (New York), Vol.103, No.4, Winter 1988-89, p.589.



Apart from direct military assistance to Israel, survival of Israel figured as the main reason for the US desire to control the regional system. Regional regulation was also deemed important from the point of view of keeping the oil supply open for the west.<sup>16</sup>

Process of maintaining Israel's superiority over any combination of Arab forces was sought to be achieved through controlling the weapon supply to the region. This control often resulted in limiting the US arms deal to Arab states if they are perceived as inimical to Israeli Security concerns. For example, in 1975, the Hawk air defense system deal to Jordan was altered and fixed sites for the system were insisted upon and accepted. These changes converted the system in a defensive anti-aircraft weapon and reduced their threat to Israel.<sup>17</sup>

The United states initiated it's arms sales policy toward West Asian in order to contain Soviet influences in the region. This was central factor in the US West Asian policy till as late as 1987.<sup>18</sup> US policy was directed towards elimination of USSR as alternative source of arms in

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16. Leonard Binder. "Changing American Role in the Middle East" Current History Vol.8(535), February 1989, p.66.

17. Lugar, n.2, p,28

18. Richard E. Hunter "US Policy in Middle East" Current History Vol.82, No.526, February 1988, p.52.

West Asia. In this regard the US was only partially successful as Iraq, Syria, Libya and two Yemens offset any US advantage in the region.<sup>19</sup> Due to lack of direct proximity with communist threat even moderate Arab states were in a position to shift their source of armament from one to other power with significant frequency.<sup>20</sup> As a part of 'containment' the US policy planners wanted to maintain the credibility of the US as a trust worthy supplier to the moderate regimes. This credibility helped these regimes to keep nationalistic anti-US uprising under check.<sup>21</sup> At the same time this credibility would prevent any possibility of shifting of the procurement source to the communist super power.

This situation has given rise to 'reverse dependency' a situation in which the US is obliged to supply arms to West Asia while it's controlling capacity is seriously eroded. If the US has to keep the regional system under it's control, it is bound to continue the supply, otherwise nations of the region can shop elsewhere. This was evident when within nine months of Presidential Directive-13 which made

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19. Klare, n 12, p 23

20. Kuniholm, n.1, p.13.

21. Clairborne Pell, "Problems in Security Assistance" Journal of International Affairs Vol.40, No.1, Summer 1986, p.35.

arms sales only an "exceptional tool" of foreign policy and propounded restraint in arms export doctrine, a multi-billion dollar jet deal to Egypt, S.Arabia, and Israel was cleared. This was done because of the fear of losing the West Asian clients to USSR.<sup>22</sup>

The US foreign policy has been troubled in dealing with emerging nationalism in the area. Initially it was because of it's visible support to the vestiges of British colonial rights and later because of it's constant support to Israel. These failures have given the erstwhile USSR a status of counter weight against the US. Earlier the USSR played this role against Britain. Now it was the US which was sought to be offset. For instance the Israeli attack on Gaza in 1955 motivated Nasser to turn to USSR. The overthrow of Mussadeq also made the rulers of the region appreciate the need of counter weight in the region.<sup>23</sup>

In conclusion, it may be said that the US foreign and defense policy in the region has been centered around arms sales. Two views have emerged with regard to the policy on arms sales to West Asia. First, the view which has been a constant in almost all of the administrations is that arms

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22. Klare, n.12., p.26.

23. Kuniholm, n.1, p.23.

supply to West Asia is not "zero sum game" and supplementary the US policy objectives in the West Asia. Second view states that the US arms supply has proved harmful for the stability of the region. A rather balanced view can be found in the statement of Richard G. Lugar, an ardent supporter of increase in the Congressional control over arms sale policy of the US:-

"As a foreign policy instrument, arms sales are neither as morally offensive or politically misguided as critics allege, nor as successful in fostering influence forging political ties as proponents contend. On balance the successes of military assistance and foreign arms sales outnumber the failures.<sup>24</sup>

However, it is the nature of control over the policy that was to play a significant role. Indeed, the years of Congressional "assertiveness" in foreign policy have furthered a "Consultative" approach by the executive in their policy towards arms sales. Despite magnified economic interest, the Congress too has been adopting a strategy of a "new partnership" with the Executive in this policy.

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24. Lugar, n.2, p.19.

## CHAPTER - II

### Role of the Congress in the U.S. Arms Sales Policy: Historical Perspective

The U.S. Congress assumes a deciding authority in almost all governmental matters, including defence related matters, because of its "power of the purse". But this remains more or less theoretical situation and in defence policy, particularly, the congressional initiative has been slow.<sup>1</sup>

Defence policy has been one area in which initiative has remained with the executive. But this was more true for the initial period of post second world war period. The situation changed during the 1970s and a more effective congressional intervention in defence policy matters began to take shape. Main reasons for the predominance of executive in defence related matters have been as follows. Firstly, the constitutional authority of the President as commander-in-chief, the large executive bureaucracy and the close ties between the executive branch and the armed services. Secondly, the Congress lacked the staff and expertise to deal efficiently with the complex and important area.

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1. Les Aspin, "The Defence Budget and Foreign Policy : The Role of Congress" Deadalus (Cambridge), Vol.104, No.3, Summer, 1975, p.155.

Thirdly, cold war days were characterised by some sort of agreement on basic policy objectives which enabled consecutive administrations to get almost what ever they wanted for their defence requirements, as the Congress was not ready to assume the responsibility of choosing the defence systems for the country.<sup>2</sup>

Fourthly, Congress also suffers from many procedural weaknesses; for instance, congressional inability to get involved at the negotiation stage leaves it in a very weak position. This practically results in a situation where the Congress can not assert it self without upsetting many diplomatic sensitivities.

Fifthly, Presidents as the most visible centre of authority, are in better position to generate the pressure of public opinion to force the Congress to submit to his wishes, for example President Reagan's relatively successful record with the Congress has been attributed to his skill as 'great communicator'.

Despite this executive dominated defence scenario, one part of it has remained a "beleaguered area" in the Con-

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2. Richard Haas, "Congressional Power: Implications for American Security Policy" in Daniel Kaufman, Jeffrey S. McKittrick, Thomas J. Lemay, eds., US National Security: A Framework for Analysis". (Lexington, Lexington Books, 1985) p.277.

gress, and this part is arms sales.<sup>3</sup> Due to constant interplay of political and economic factors, the congressional role in arms sales have gradually increase. In recent years, arms sales have replaced pacts as indicators and cause of alliance pattern<sup>4</sup> As one analyst put it,

"Arms sales are a more than an economic occurrence, a military relationship or an arms control challenge - they are foreign policy writ large."<sup>5</sup>

Beginning with the "Lend Lease" just months before the U.S. entry in the world war II, arms supply has formed an integral part of the U.S. security policy. Supply of arms to allies both as sales and assistance forms the "indirect" pattern of US security policy which has reinforced and in some cases replaced the direct committment of U.S. troops abroad.

The strategic idea behind arms supply has endured, but there has been a constant shift from military assistance to arms sales in post world war II period. The Military As-

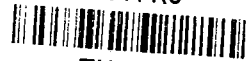
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3. Stevan A.Hildreth, "Perceptions of U.S. Security Assistance" in Ernest Graves & Stevan A. Hildreth eds.", U.S. Security Assistance: The Political Process (Lexington, Lexington Books, 1985), p.41.
  4. Michael Klare "Fuelling the Fire: How we Armed Middle East" Bulletin of the Atomic Scientists (Chicago) Vol.47(1), January 1991, p.22.
  5. Andrew J. Pierre "Arms Sales: The new Diplomacy", Foreign Affairs (New York) Vol.60, Winter 1981-82, pp.266-67.

sistance programme (MAP) originated in Mutual Defence Assistance Act of 1949. MAP reflected the U.S. policy of assuming the role of supplier of military equipments, materials and services, including training, both as grant as well as loan. During early 1950s, as part of 'Truman Doctrine' the United States made a commitment to strengthen government at the periphery of communist bloc by providing military aid. The goal was to create, or, at a minimum, preserve stability for the governments which supported the US notions of anti-communism. MAP was directed towards Europe during 1950s and early 1960s. Gradually it was diversified to include West Asia, South West Pacific and other parts of developing world. The main emphasis of the programme continued to be containment.

Mutual Security Act 1954 created Foreign Military Sales (FMS) programme. FMS financing programme provided for guaranteed loans and direct government credits. Gradually MAP was substantially replaced by FMS. It has been documented that for fiscal years (FY) 1958 the US arms aid accounted for \$ 1.96 billion and \$ 230 million worth arms were sold. In FY 1968, grant aid was down to \$ 466 million and



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sales were up to \$ 1.5 billion.<sup>6</sup> Another author has documented that MAP transfers declined from a high of \$ 5.7 billion in FY 1952, to a level of \$ 83.4 million in FY 1979.<sup>7</sup> Economic factors have been paramount in this transition. America's economic weakness and growing deficit gave a fillip to the demand of restriction of the U.S. security expenditure and sharing of defense burden with allies. Secondly, by late 1950s the economic situation in allied countries was stable enough and the U.S. Congress perception regarding providing aid to these countries underwent significant changes. The NATO allies, Japan, Australia, New-Zealand could afford to purchase arms by late 1960s and countries like Israel were supplied with enough money for purchasing armaments.

Thirdly, as MAP shifted from Europe to other regions, the US was no longer keen on aid. At the same time, regions like West Asia had countries with massive financial resources particularly after 1973 oil price hike. This purchasing power coincided with the US desire to get back the

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6. Purvis Hoyt & Stevan J. Baker, "Arms sales and Congress case of country 'x'" in Purvis Hoyt and Stevan J. Baker, eds., Legislating Foreign Policy (Colorado: West View Press, 1984), p.106.

7. Clairborne Pell "Problems in Security Assistance" Journal of International Affairs (New York), Vol.40, No.1, summer 1986, p.34.

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'petro dollar' which had gone to West Asia in massive proportions.<sup>8</sup>

Until the Reagan administration, FMS transfer had virtually replaced MAP grants at similar level and were not allowed to exceed the purchasing power of the recipient country. But since 1981, FMS became the fastest growing sector in the US budget which worsened the debt situation for purchasing countries. The original idea behind arms sales was to make arms supply to other countries a profitable exercise. But the increasing reliance on MAP grants for financing the massive arms orders turned the situation upside down. Apart from this the sophistication of armaments given in these deals also grew in FY 1986, various forms of military assistance accounted to about \$ 5.8 billion in FMS, 60 percent in Egypt and Israel were totally grants and another \$ 877 million were provided at highly concessional rate. The remaining amount of nearly \$ 1 billion covered grant MAP military training and peace keeping activities. In FY 1985 about half of FMS was in the form of assistance and half was cash sales.<sup>9</sup>

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8. Richard Hass, n.2, p.288.

9. Pell, n.7, p.35.

Some have termed this policy reversal during the Reagan period as being caused by a variety of reasons. Studies point out that in main, the earlier Carter Doctrine of restraining arms sales' could not become very successful and in many cases like Iran and Egypt. The US credibility as reliable supplier of defence equipment suffered considerably. This had proved, harmful for many friendly regimes in West Asia. Critics argue, however, that the perception that there was a consequent erosion in the US credibility was not very well founded. They point out that many major arms deals were completed during Carter's period, for example, the multi-billion jet deal with Egypt, Saudi Arabia and Israel was cleared only nine months after the Presidential directive - 13 which propounded Carter's arms sales policy.<sup>10</sup>

In all probability, the emergence of the "Second Cold War" due to the invasion of Afghanistan acted as a critical factor which led to the relaxation in economic considerations in arms transfers during Reagan period. The Adminis-

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10. Office of Federal Register, Papers of Presidents of United States, Jimmy Carter, 1977, Vol.I, 'Statement on Conventional Arms Transfer Policy, (Washington, D.C.: US Government Printing Office, 1978) pp.107-111, for a detailed analysis of Carter administration's impact on arms sales see P.Y.Hammond, D.J.Louscher M.D. Salomone and N.A.Graham 'lessons of Carter Approach to Restraining Arms Transfer Survival Vol.23, No.5, September 1981 and J.L.Husbands "Jimmy Carter and Politics of Military Exports" in C.Cannizzo, ed., The Gun Merchants: Politics and Policies of the Major Arms Suppliers (New York: Pergamon, 1980).

tration was able to tide over many of the congressional objections by using Cold War rhetoric which was sidelined during earlier administrations because of detente.

**The Congress and Arms Transfers during 1949-1964. Major Legislations:-** MAP was established by Mutual Defence Assistance Act (1949). In the same year Export Control Act was passed. This Act contained the initial version of the later act which eventually limited executive's discretion in arms export.

Mutual Security Act of 1954 authorized the President to control the export and import of arms, ammunition and implementation of war including technical data. The President was also authorized to designate those articles which were considered as arms, ammunition, and implementation of war. Under an accompanying Executive Order No. 10973, all functions conferred on the President by Mutual Security Act were delegated to the Secretary of State. The Mutual Security Act of 1954 was amended in 1957. The 1957 amendment authorized revolving account for providing backing for military credits. The authorizing legislation which gave a definite shape to the arms sale programmes was the Foreign Assistance Act of 1961. This act, however, dealt with programmes other than arms supply such as peace keeping, economic aid, and overseas private investment as well. Authorizing components

for export and sales of arms which originated in Mutual Security Act of 1954 were further cleared.<sup>11</sup>

### Perception of the Congress

There was a strong consensus for providing military assistance during the period between the end of second world war and the Vietnam war. Despite such consensus, however, there was opposition in the Congress on accounts of fraud, duplicity of aid agencies, maladministration in arms sales and grants. Such as use of economic aid for military purposes and it's link with US Military Assistance Service Fund.

During the 60s Congressman tried to place the financial burden of aid on the recipient by reducing grants and increasing the loan. Another query was centered on wrong use of the supply. Certain regimes in Latin America were accused of utilizing the military supply for internal security when it was meant for collective security. This resulted in the growing need of more comprehensive programme related information to be given to Congress. European allies were

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11. US Congress, US Senate, Committee on Foreign Relations and US House of Representatives, Committee on International Relations, "The Foreign Assistance Act of 1961 (Public Law 87-195)" Legislation on Foreign Relations Joint Committee Print 94th Congress, 1st session (Washington, US Government Printing Office, 1975), pp.5-133.

accused of escaping their fair share of the security burden. Congressmen used growing deficits for major cuts in aid proposals. Another major congressional complaint was the belief that some recipient had reconverted their aid money and purchased US Gold. During a period of grave gold shortage this argument served to effect major cuts in security Assistance. Apart from many government studies for the evolution of mutual security programme, President Eisenhower commissioned a committee to study the US military Assistance programme in 1958. This was called the 'Draper committee' and was assigned the major task of doing a completely independent and non-partisan analysis of military aspect of mutual security programme. The committee was also to provide suggestion for ensuring the western defences. Draper committee supported military assistance and its various interim reports were timed to help the administration in getting many concessions from the Congress. The report of the committee held that it is unjustified to consider security aid to be too much. The report also emphasized the launching of public relations programme for informing the US public about the problems and achievements of mutual security and its vital importance for national security of the

The implementation of Draper committee report brought forth criticism in the Congress. The congressional opposition was concentrated on maladministration rather than on policy issue. Cuts were sought for correcting growing budget deficit, not because of faulty policy objectives. The fight for the cuts in the security aid programme were led by the senator Fulbright, Hubert Humphrey, and Senator Ellender in the senate, and by Otto Passman in the House.

Kennedy administration came with a continuation of old policy and pointed out the integral role of arms aid in the US security. In his initial aid proposal President Kennedy criticized President Eisenhower's inability to reassure developing countries of the US commitment towards their security. This, according to the administration, helped communist expansion. He also recommended a separate authorization for military aid as a part of the defence budget. Kennedy administration considered security assistance an efficient and cheap instrument of security.

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12. President Eisenhower elaborated his views regarding findings of Draper Committee in, Office of the Federal Register, Public Papers of the Presidents of the United States, Dwight D. Eisenhower, Special Message to the Congress on Mutual Security Programme. March 13, 1959, pp.255-72. (US Government Printing Office, Washington, 1960), p.255-72.

Initial aid proposal of the Kennedy period was concerned with the US involvement in South East Asia. It faced stiff resistance in the Congress, Finally the Foreign Assistance Act consolidated all the plans and Agency for International Development (AID) was established.

Gradually by 1962, the problems for the Kennedy administration grew more serious. House committee on Foreign Affairs released a report highlighting the waste in the military assistance programme.<sup>13</sup>

President Lyndon B. Johnson's attitude towards aid was in accordance with the preceding administration's view. Johnson administration also went along with the idea of military aid serving US security objective against communist threat in an efficient and less expansive manner.

1965-1975: Vietnam and Congressional Attitude Towards Military Transfer:- Major Legislations-

The Johnson administration's first two supplementary appropriation proposals for Vietnam in FY 1965 and 1966 formed the basis for the formation of Military Assistance Service Fund (MASF) programme. The fund was an effort designed to circumvent the regular military aid authoriza-

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13. US Congress, House of Representative, Committee on Foreign Affairs, Sub Committee for Mutual Security Programme of Report, 'US Aid to Korea, Vietnam and Turkey', 87th Congress, 2nd session, February, 1962.



tion process by avoiding the Senate committee on Foreign Relations. This became increasingly clear with passage of time.

Till then, security assistance was dominant over arms sales. Growing volume of arms sales and certain irregularities led to the passage of Foreign Military Sales Act of 1963. This law separated arms sales from military assistance. The Act also authorized the Department of Defence to guarantee the credit to less developed countries wishing to purchase US arms as an alternative to the department's "country 'x' revolving fund", which the Congress had just terminated. All funds for credit sales were to come from obligational authority provided annually by the Congress, and the State Department. The Congress also prohibited use of MAP fund for other military purposes. A waiver was given in the cases where the President had certified the use as important for national security of the United States.

In 1967, president Johnson dispatched three transport planes to the Congo. The decision neglected to consult the Congress. The Congress which was growing sensitive after increasing involvement in Vietnam, passed "National Commitment Resolution" in 1969. This non binding resolution defined the national commitment as use of US armed forces on foreign territory and promise to assist a foreign country

by the use of US armed forces or financial resources of the US. Further this commitment could result only through affirmative action of both the legislative and executive branch of the government.<sup>14</sup>

National commitment resolution paved way for War Powers Act in 1973. War Powers Act became law on 7 November, 1973, after over riding presidential veto. The act restricted the President's power to commit the US forces in hostile situation abroad. The President was to inform the Congress within forty eight hours of such commitment and the involvement could continue for ninety days without the Congressional approval. The military involvement could be ended by the Congress even before ninety days and could not be continued beyond this without Congressional approval.<sup>15</sup>

These two legislations of 1969 and 1973 reflected the Congressional resurgence which was reflected in limiting the presidential discretion without caring for acquiring any leadership role by the Congress. This was reflected in arms sales also. In 1974 Nelson Bingham amendment gave the Congress a more direct role in arms sales. The amendment

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14. US Congress, Senate, Resolution No.85 'National Commitment' 91st Congress, 2nd session cited in Joint Committee Print, n.11, p.1074.

15. US Congress, War Process Resolution (Public Law 93-148) in Joint Committee Print, n.11, pp.971-978.

required that the President must report to the Congress any military sales valued at \$ 25 million or more and gave the Congress 20 days to disapprove the sales by concurrent resolution of disapproval.<sup>16</sup>

### The Congressional Perception during 1965-1975

Period between 1965-1975 saw the advent of an assertive Congress. The growing impact of the Vietnam War led to the questioning of the Presidential invincibility in the foreign policy area. Instances of misuse of power eventually resulted in the resignation of President Nixon. In the field of defence The Congress responded in following ways: firstly, the Congress gradually limited the discretion available to the executive in the spending of defence appropriations. Specific limitations were set on shifting the use of fund allocated for specific purposes, Congressional cuts in the demands of the executive became more frequent and degree of the Congressional influence over budgetary process grew. In arms sales this was represented by Foreign Military Sales Act of 1968. Foreign Military Sales Act, 1968.<sup>17</sup>

Secondly, the Congressional clearance became increasingly more difficult. Now all the defence related items

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16. Hoyt, n.6, p.119.

17. US Congress, Military Sales Act of 1968 (PL 90-629) in Joint Committee Print n.11, p.232.

except pay were to face clearance of both authorization (a process by which programmes are designated and costs established) and appropriation, by which actual money is to be granted for and defence related matters.

Thirdly, Congressional capacity to affect defence budget grew with 1974 Budget Act. The act established a more definite process for budgetary deliberation in the Congress with more expertise to examine administration's proposals. This also increased the capacity of the Congress to put forward its own initiatives by means of suggestion.<sup>18</sup>

However, as most studies have pointed out, almost all the moves of the Congress were aimed at better supervision only and not at attaining the control of foreign policy initiative from the executive. The President was to retain the key position in initiation and negotiation, the Congress was to feature only as a supervisor making sure that arbitrary decisions were not taken.

During initial requests for supplemental appropriation for Vietnam the administration did not face any major resistance. But Congressional opposition grew harsher due to repetitive instances of circumventing the Congress by the executive. For example, in 1967, the Congress came to know

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18. Hass, n.2, p.276.

about an intricate procedure developed by the Department of Defence and Export-Import Bank (Exim Bank) to finance the arms sales. The money used was taken from the Exim Bank's fund was not supposed to be available for financing arms sales to developing country by the US. This was done by lending money first to the Department of Defence, which intern used the funds for arms sales. Form 1965-67 this account (known as "country x account") financed 14 developing countries for arm sales to the tune of \$ 600 million. The Congress perceived this as symptomatic of executive attitude toward the Congressional authority. The incident revealed by passing of at least three acts. The result was the passage of Foreign Military Sales Act of 1968 which gave the Congress a better control over the pattern of utilization of fund which it itself authorized.<sup>19</sup>

The Congressmen were angry over executive's attitude of keeping Congress ill informed and their demand for blanket authority in the form of free hand in security matters. This was not a new complaint but the Vietnam background enabled the Congress to put up a united front. This trend continued in the years to come.

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19. US Congress, Senate, Committee on Foreign Affairs Staff Study, Arm Sales and Foreign Policy, 89th Congress, 2nd Session, January 1967.

1975-1981

Major Legislations - On the ensuing years, the Congress continued to regulate arms export. The Nelson Bingham Amendment of 1974 was a major initiative leading to the Arms Export Control Act of 1976.<sup>20</sup> This act included many provisions related to arms sales. Section 36 (b) of that act provided that Congress had 30 days after the notification in which it could cancel the deal. This notification was to be given 30 days before completion of all sales valued at \$ 14 million or more for single weapon and \$ 50 million or more for package of military items. This act was amended in 1977 and in 1979. 1977 amendment provided the Congress with the authority to veto transfer by recipient country to the third country. The 1979 amendment increased Congressional power in the matter of commercial arms sales. The Congress improved its supervision by gaining the right of more frequent and detailed reports regarding arms sales. The President was given the right to waive the Congressional review requirement if he could declare that an emergency existed for

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20. US Congress Senate, Committee on Foreign Relations, House of Representatives, Committee on Foreign Affairs, Arms Export Control Act of 1976 (Public Law 94-396) in Legislations on Foreign Relation Through 1991 Joint Committee Print (Washington D.C., US Government Printing Office, 1992) pp.509-519.

making the sale for national security purposes requirement.<sup>21</sup>

**Internal Dynamics in the Congress:**

The supporters of 1976 Arms Export Control Act argued that most recipient countries of arms sales were in the grip of internal instability. Areas like West Asia were major potential conflict areas. They further argued that these arms supply were likely to worsen the "conflict situation." They also denied the claim that supply of sophisticated arms can help friendly regimes to stay in power. The argument cited was borne out by the fall of the Shah in Iran. It was argued that in the third world, arms sales to one country turned the neighbouring country towards the Soviet Union for arms.<sup>22</sup>

This resurgence of the Congress was continuation of the process of curbing of executive's rights which started in Vietnam period. Executive went through an 'imperiled' period during Nixon and Carter period. Detente was another factor which alerted the Congress to executive excesses. A relatively peaceful period at cold war level and failure in

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21. W.D.Hartung: "Breaking the Arms Sales Addiction" World Policy Journal (New York) Vol.8, No.(1) Winter, 1991, p.94.

22. S.Hildreth, n.3, p.71.

Vietnam, Watergate and other scandals led to significant erosion of executive authority. In such a scenario a vocal minority of the Congress got better opportunity to exhort the Congress to revamp its supervisory role and play a more positive and effective role in foreign policy also.<sup>23</sup> The result was that a climate was created in which President Carter fulfilled his campaign pledge by issuing Presidential Directive-13 in which he formally adopted an "arms export restrained policy" which imposed an annual ceiling on the dollar value of US arms sales to all non NATO nations except Israel, Japan, South Korea, Australia and New Zealand, and restricted the export of certain sophisticated weapons to the third world countries. Carter said:

"I have concluded that the United States will hence forth view arms transfers as an exceptional foreign policy implement, to be used only in instances where it can be clearly demonstrated that the transfer contributes to our national security interests."<sup>24</sup>

Carter also started Conventional Arms Transfer Talk (CATT) with erstwhile USSR for the purpose of imposing multilateral curbs on the proliferation of conventional weapons, mainly in the third world in general, and the West Asia in particu-

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23. James A. Nathan, James K. Oliver: Foreign Policy Making and American Political System (Boston, Little Brown, 1983), p.179.

24. Jimmy Carter, n.10, p.109.



lar. The talks collapsed despite initial mutual enthusiasm. This was mainly because of the bureaucratic wrangling between the US negotiator at CATT, Leslie Gelb and the President's Security Advisor Z.Brazinsiki<sup>25</sup> other factors that led to collapse of the talks were the decline in Presidential enthusiasm caused by the fall of the Shah in Iran and the eruption of the second Cold War with the Soviet invasion of Afghanistan.<sup>26</sup> Thus, President Carter's policy of restraint in arms sales was not successful either. It underlined the fact that arms sales could not have been curbed with out altering basic policy premises of the US foreign policy. Therefore, arms sales continued. But the Declaration and other postures of restraint in arms sales had many repercussions. Many analysts attribute the fall of the Shah and turning of many other third world countries toward the Soviet Union to this Carter's policy posture.<sup>27</sup>

Therefore, it was during the period starting from the US involvement in Vietnam and the Soviet involvement in Afghanistan, that the Congress attained some significant

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25. J.AI Husbands, Anne Hessing Cabu "The conventional Arms Transfer Talk" in Thomas Ohlson ed. Arms Transfer Limitations and Third World Security (Oxford, Oxford University Press, 1988), p.114.

26. Klare, n.4, p.22.

27. M.J. Solomon, D.J. Louscher "Lessons of Carter Approach of Restraining Arms Transfer" Survival Sep./Oct.1981.

role in arm sales related matters. Real part of these powers came in 1980s when an assertive President Ronald Reagan was at the helm of affairs. He was equipped with a mandate provided by the second cold war and the "bad consequences" of a "weak" foreign policy postures of the previous administration.

### Congressional Role in 1980-1988

This period is a significant period for studying the role of the Congress in the US arms sales policy. There are several reasons for this observation. Firstly by 1980, the legislations regarding the restrictions on the executive had taken a very definite shape. The 1979 amendment of Arms Export Control Act had extended the Congressional powers commercial arms sales. Therefore, the 1980s constituted a trial period for the legislations which the Congress had adopted over a period of time.

Secondly, this period marked the beginning of 'post modern' presidency. President Reagan, apart from personal attributes of leadership, had pointed to the second cold war to justify his more assertive foreign policy. This mandate was increased by the US Supreme Court when, in Immigration and Naturalization Service V. Chadha case of 1983 the supreme court disallowed "legislative veto." Now the Congress

was required to muster an extraordinary majority for overriding any Presidential veto.

By the time Ronald Reagan came to White House, Carter's restraint in arms sales policy was virtually out.<sup>28</sup> Reagan claimed in presidential Directive on Arms transfer policy released on 8 July 1981 that

"The United States ... views the transfer of conventional arms and other defence articles and services as an essential element of its global defence posture and an indispensable component of its foreign policy".<sup>29</sup>

The 1981 declaration of the president was strengthened by the International Security and Development Cooperation Act, which authorized a Special Defence Acquisition Fund (SDAF) to facilitate procurement of high demand items in anticipation of foreign military sales to eligible nations.<sup>30</sup>

The administration maintained that the Carter administration policy of making human rights and nonproliferation main criteria of deciding about arms transfer did not yield

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28. Klare, n.4, p.23.

29. Office of Federal Register, Public Papers of the Presidents of the United States Ronald Reagan; 'Presidential Directive on Arms Transfer Policy' July 1981, (Washington, D.C., US Government Printing Office, 1982), p.616

30. US Congress, International Security and Development Cooperation Act PL98-151' Joint Committee Print, n.18, p.436-439.

good results. That is why in FY 1982 and FY 1983 authorization bills sought to "roll back" many congressional restriction on Presidential authority. Much headway could not be made in this regard.

The US development of largest peace time defence build up, growing federal deficit, dismantling of social welfare programme kept the Congress in hostile mood. Major cuts and alterations were sought in almost all sales proposals and increased aid proportion of FMS.

The Supreme Court judgement in the Chadha case in 1983 made the Congress amend 1979 Arms Export control Act. It now required a joint-resolution of both the houses to reject an arms deal. This resolution was subject to the Presidential veto which could be overridden by only two third majorities in both the houses.

Other attempts to deal with difficult situation created by the Chadha Decision was Biden-Levine Arms Export Reform Bill. The act generated Congressional authority to disapprove of prospective arms sales but it excluded a large chunk of the deals from the Congressional revision. The bill was introduced in January 1987 but was never formally acted upon.

The Congress succeeded in obtaining withdrawal of two weapon deals, since Nelson-Bingham Amendment of 1974. The

1984 Stinger Sale to Jordan and Saudi Arabia and the 1985 sale of advanced jet aircrafts to Jordan. Specific weapons were removed from four deals of which it was notified formally, mobile Hawks to Jordan in 1974, Stinger to Saudi Arabia in 1984 Maverick to Saudi Arabia in 1987 and Kuwait in 1988.<sup>31</sup>

In the light of these results opinion is divided over the success of the Congress in gaining meaningful role in arms sales policy of the United States.

Some scholars do not see any effective role of the Congress in US arms sales policy and maintain that better oversight capabilities could not be used to contain the executive initiative and predominance of its will in arms sales. Others say that the Congress has developed a very definite role in arms sales policy of the United States and had intervened with greater impact than ever in recent years.<sup>32</sup>

For a useful scrutiny of these views, a more detailed examination would be taken about process of the Congressional intervention in arms sales, domestic influences, and executive response to the congressional measures.

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31. Barry M. Blechman : The Politics of National Security Congress and US Defence Policy, (New York, Oxford University Press, 1990) p.130.

32. Hass, n.2, pp.263-304;  
Blechman, n.29, p.63-111.  
Hoyt n.6, pp.106-134.

### Chapter III

#### Procedural Aspects of US Arms Sales Policy: Budgetary Allocation and Congressional Support

The importance of Congressional role could be greatly appreciated when the actual procedures for arms transfer and sale are understood. Gradually, the political and economic considerations involved in arms sales have resulted in a highly complex and elaborate procedure for decision making in any of the arms sales deals. The Congress has acquired a place of definite importance in almost every field of arms sales decisions. The Symington amendment of 1967 and Foreign Military Sales Act of 1968 have restricted the use of money, allotted for other purposes, for the purchase of armaments. This has forced the executive to use only congressionally approved money in any kind of arms transfer. The Congress further extended its powers by Foreign Assistance Act of 1974 which enabled it to veto any arms export deal through budgetary means. This control has gradually increased and despite the adverse decision of Supreme Court in 1983 Chadha case, most of these powers are effectively retained and every arms deal is subject to very close congressional scrutiny. The congressional strictness is particularly evident when the recipient country is a West Asian country and the proposed deal might in any way result in danger for

Israel.<sup>1</sup>

In spite of the elaborate supervisory control vested in the Congress, the initiative and leadership in negotiations has been retained by the executive. By the time any proposal arrives for the congressional consideration, the executive branch has already concluded that the deal is appropriate and the administration does not want any substantial change in content.<sup>2</sup> This conclusion by the executive is arrived after overcoming many intra departmental hurdles and elaborate procedure at various stages.

Executive branch does not have a monolithic approach towards any issue including arms sales. Major executive actors in arms sales are the Department of State, Department of Commerce and Department of Defence. Occasionally, the White House, through its NSC staff, plays a limited role. Every actor approaches issues differently and most of the

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1. William D. Bajusz and D.Louscher, Arms Sales and the US Economy: The Impact of Restricted Military Export (Boulder: Westview Press, 1988) pp.63-70.
  2. US Congress, House of Representatives, Committee on Foreign Affairs Report, Executive-Legislative Consultation on Arms Sales 99th Congress, 2nd session December, 1988, p.7.

times there are differences within.<sup>3</sup> In order to understand the complexity of the decision making in its entirety, it will worthwhile to first consider the procedural framework of these departments and then the policy gap if any between the various organs of the government.

**The Department of State** : The State Department is the primary arms export licensing authority. Office of Munition Control (OMC) was the main body responsible for authorization and licensing procedure regarding arms sales in the State department. In January 1990, the name of the body was changed to Centre for Defense Trade under the office of the Under Secretary of State for Politico-Military Affairs. The new centre comprises an office of Defence Trade Controls which assumed most of responsibilities which were formerly borne by OMC and an Office of Defense Trade Policy.<sup>4</sup>

The OMC generally receives 45000 applications annually, of which 90 to 92 percent are generally approved.

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3. Franklin D. Kramer; "The Government's Approach to Security Assistance Decisions" in Ernest Graves & Stevan A. Hildreth, eds, U.S. Security Assistance : The Political Process (Lexington: Lexington Books, 1985) p.105.
  4. Detailed information on OMC can be obtained from, US Department of State, 'Congressional Presentation for Security Assistance Programmes, for Fiscal Year 1980' (Washington, D.C., US Government Printing Office, 1988) pp.34-36.



All the manufacturers of items enlisted in Munition list are obliged to register with OMC. The regulation in this regard states that,

"Equipment on Munition List shall not be exported from the United States until a license has been obtained from Department of State".<sup>5</sup>

The exceptions to this rule comprises of some obsolete small arms and personal use arms and ammunition and minor components costing less than \$ 100. Canada is the only country to which most of the arms on Munition list are exported without license. OMC's written approval is essential for export of military services including manufacture of military equipments. This approval is given only when there is manufacturing license agreement or technical assistance agreement between the exporter and foreign purchaser. Continuity of such exports is insured by various exemptions for ongoing exports. Once approved, the specific services described in the agreement can continue without further licensing. Basic operation and maintenance of weapon system which are once exported through proper procedure are exempted from this procedure. Annual reports to the Depart-

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5. Quoted in Ian Anthony, Chapter Titled 'United States' in Ohlson Thomas, ed., Arms Transfer Limitations and Third World Security (New York: Oxford University Press, 1988), p.217.

ment of State and end-user Certificate are essential conditions of obtaining a license.

There are two kinds of export license; one is a general license which grants broad authority for all countries, export of certain products by all exporters; second type consists of validated licences which grant authority for the sale of a specific quantity of some specific weapon to a specific recipient. These licences are sought on case by case basis.

The effectiveness of licensing is weakened by the blurred distinction between items placed in general licence and validated licensing. Further, the massive co-production and non licensed production of small arms also weakens the effectivity.

OMC is the main agency for checking the bonafides and other desirable conditions in both the buyer and the exporter. An exporting license application is entertained only after showing a letter of intent from proposed buyer and detailed information of the deal. The information requirement is strictly adhered to. The Department of State reserves the right to cancel any licences any time.

While the Department of State holds a primary position, in practical terms it has delegated many prominent, established and non-controversial recipient clients and matters

to the Department of Defence. These include NATO, (excluding Greece, Turkey, Portugal, Iceland) Japan, New Zealand, Australia and all sales of non combatant gear and spare parts to friendly countries. Authorization of others are still made by the Department of State on the basis of submission from other governmental agencies. Only contested decisions are referred to the National Security Council (NSC). Once controversial, the final decision comes from the President.

The congressional consultation is obviously not required till this stage. But due to political reasons and strict clauses of Arms Export Control Act (AECA) 1976, the executive in practice, modifies the deals in consultation with the leaders of the Congress. This avoids embarrassment in the congress and the fast completion of the deal.

**The Department of Defence** : The Department of Defence is not the licensing authority. The most important role that the Department plays is of giving clearance to any arms deal after analyzing the prospects of diversion of the exported material or the technique to enemy countries (till recently it was the communist bloc).

This role was further enhanced in the 1980s. The creation of office of Technological security within DOD by the President in 1985 points to the increasing awareness of new

security risks and challenges faced by the US due to technological exports and sales. The Department's role in identifying "dual-use" technologies clearly indicates the importance of the Pentagon in decision-making.

Procedurally, the Defence Department is present along with the Office of Management and Budget (OMB) when preliminary budget comes for an inter-agency review process called Security Assistance Planning Review Working Group (SAPRWG). In this process, OMB and Defence Department provide the inputs on a country by country basis. In practice, the SAPRWG rarely decreases the budget; In most cases, it is either maintained or increased. For the Department of Defence any arms sales forms primarily a military question. Military establishments are direct recipients of the sold goods, therefore military point of view forms important input. But as many have argued, while senior Defence Department officials want sales to be sound for the US military interest, it is usually not emphasized at the cost of political pragmatism. Military sense is generally tempered with political considerations (such as leverages that the sale would provide to the US). Hence, it has been pointed out that convergence of interests between the State and the Defence Department is likely. A widely shared view in this regard generally accepts the supremacy of the State Department's guide-

lines because of the importance of political considerations. However, political goals are not achieved without proper handling of military aspects in arms sales. Thus, it is task of the Department of Defence to ensure the military aspect is reasonably strong in the deal.<sup>6</sup>

Any arms sales deal is completed by the appropriate branch of the U.S. armed services. But commercial arms sales are procured through private rather than Department of State Channels. Commercial sales are requested through the promotional efforts of private manufacturer. But these deals also undergo the same process of review and the Department of State applies the same kind of policy considerations as to government to government (FMS) sales.

Procedural requirement in arms sales are generally followed, but there are exceptions in cases of routine sales which are handled by relatively lower bureaucracy<sup>7</sup> and sales of extreme importance or which are considered urgent in nature generally bypass the procedural requirements. For example, Secretary of State Kissinger's promise to study the possibility of sending Pershing missile and other advanced

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6. Kramer, n.3, pp.107-109.

7. Andrew J. Pierre, Arms Transfers and American Foreign policy (New York: New York University Press, 1979) p.216.

weapons to Israel in 1975 was evidently undertaken without the benefit of any intra-agency discussion.<sup>8</sup>

In the case of stinger weapon sales to Jordan and Saudi Arabia in 1984, the proposal was withdrawn after the Congress objected but Saudi Arabia was later provided with the air defence weapons under emergency presidential authority following a Saudi shoot down of an Iranian combat air craft over the Persian gulf.<sup>9</sup>

While analyzing policy and process aspect of arms sales in executive branch, it must be kept in mind that all the departments are unanimous about the diplomatic significance of arms sales. Department of Defence for example, has given indications which highlight the diplomatic benefits of arms sales such as relationships, leverage and non employment of American manpower in hostile situations.<sup>10</sup>

But ultimately the direction of the US arms sales policy is decided by the President and the Secretary of State.<sup>11</sup>

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8. Ibid, p.217.

9. Richard J.Lugar "U.S. Arms Sales in Middle East" Journal of International Affairs, Vol.40, No.1, Summer 1986, p.29.

10. Barry. M. Blechman, The politics of National Security: Congress and U.S. Defence Policy (New York: Oxford University Press, 1990) p.119.

11. Andrew J. Pierre, n.7, p.220.

During President Reagan's time, his fulfilment of campaign promise of reinstalling 'power in cabinet' led to increased centrality of the State Department in defence policy making in general and arms sales in particular. The President's "Cabinet government" approach was highly visible in foreign policy. It has been stated that Reagan's first Secretary of State General Alexander Haig was a highly visible and effective foreign policy centre while National Security Advisor Richard Allan was deliberately down played. Secretary Haig assumed the role of chief spokesperson in foreign policy area and Allan and the NSC staff assumed the role of coordinator rather than the role of policy maker.<sup>12</sup>

The US Congress and Arms sales : The procedural aspect.  
The executive submits the proposal for any kind of security transfer to the Congress and executes the outcome after the Congress legislates on the proposal. The Congress exerts its power in many ways: first, the Congress can develop, consider and act on legislation to establish or amend basic security assistance laws; second, the Congress can use its power

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12. Christopher M. Lehman. "National Security Decision Making: The State Department's role in Developing Arms control policy" in Robert L. Pfalatzgraff Jr., Uri' Ra'anani, eds, National Security policy the Decision Making process (New Delhi, Trans Asia Publishers, 1986) p.212.

of appropriation of funds for any such transfer; third, the Congress can pass joint resolution in the form of a continuing resolution authority to carry on programmes until the regular appropriation process is completed. Fourth, the Congress can have improved say in investigations and hearings after being backed by its own resources such as the General Accounting Office (GAO), the Congressional Research Service (CRS) and the Congressional Budget Office. Finally, ratification of treaties with arms sales implications is very important congressional instrument of influencing the course of U.S. arms sales policy.<sup>13</sup>

Main Committees which deal with authorization are House Committee on Foreign Affairs and Senate Committee on Foreign Relations. These committees control the funds and ascertain the aim of the bill. These full committees work on the ground work done by many sub committees. In the House of Representatives, these sub-committees are International Security and Scientific Affairs, International Operations, Europe and Middle East, Asian and Pacific Affairs, Africa and International Economic Policy and Trade, Western hemisphere Affairs. In the Senate main sub committees are international economic policy, Arms control, Oceans Internation-

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13. Defense Institute of Security Assistance Management; The Management of Security Assistance 2nd edn. (Ohio, Ohio Publishers: 1981) pp.5.2-3.



al operations and Environment, African Affairs, Near East and South Asian Affairs, and Western Hemisphere Affairs. Each committee makes its separate recommendations and bill is presented to full House and Senate for further debate and if there are major differences between the two chambers they are settled by resorting to the conference committee which comprises members from both the chambers.

Appropriation is separate procedure and it originates in the House Committee on Appropriations which may not necessarily approve the amount that was authorized. Normally appropriation bills are acted upon after authorization bill is passed. Both House and Senate sub committees on foreign operations conduct hearings and recommend bills to full committees. The debate on the floor and the provisions for conference committee are similar to authorization bill. As analysis have pointed out the process is essentially one of accommodation, negotiation and compromise with special attention paid to the views of majority and ranking members of committees and sub committees.<sup>14</sup>

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14. Stevan A Hildreth "Perception of U.S. Security Assistance, 1959-1985: the Public Record" in Ernest Graves and Stevan A. Hildreth n.3, p.43. For detailed analysis of Congressional procedure in arms sales also see, Lehman n.12, Lewis Sorley, Arms Transfer Under Nixon: A Policy Analysis (Lexington, The University Press of Kentucky, 1983) and P.Y. Hammond, D.J. Louscher, M.D. Solomore and N.A.Graham 'The Reluctant Supplier: US Decision-making for Arms Sales' (Cambridge, Oelgescher,

Arms sales budget process is initiated by the consideration of the figure that the authorization committees give to the budget committees. At this stage, the committees generally reflect the same figure as the president's budget. Only in cases where presidential budget is completely out of line, careful consideration is given by the members. Once the authorization process begins, there are differences in the process in House and Senate. Senators are lesser in number, which results in greater pressure on their time, and its staff acquiring more influence than House staff. The reverse is true of the House. A greater member involvement is generally found, other differences also obtain between the two chambers, for example, large and controversial deals get Senatorial attention, but routine items are given less attention in the Senate as compared to the House. Senators often have a particular issue in their hand and if the issue is not important to other Senators than the view of a single Senator, regardless of the party affiliation is likely to control the procedure. General tendency is not to disturb the guidelines set by previous years figures.<sup>15</sup> But some important regions including West Asia do get serious annual

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...Continued...

Gunn and Hain Publishers Inc., 1983).

15. P.Y. Hammond and others, n.14, pp.87-90.

review. Furthermore, the role of the House Committee Chairman is more challenging, as in the preparation for majority for any issue he has to face a larger chunk of votes which are against.

After the beginning of authorization committees review process both Senate and House keep previous years figure as base, new and significantly increased programmes get more attention.

In the conduct of hearings opinions vary from considering these hearings as the root cause of animosity between executive and legislature to looking at them as most important exercise for keeping democracy intact.<sup>16</sup> Generally executive provides all the information which is asked by the Congress. But very often Congress is not in a position to ask for the right kind of facts and executive does not have a history of volunteering information. In last two decades Congress has been getting enough information and analysis through sources like General Accounting Office, Congressional Research Service, Library of Congress.<sup>17</sup> Importance and competence of such staff can be understood by the simple fact that Richard Perle who was member of the staff of

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16. US Congress n.2, pp.10-14.

17. Franklin D. Kramer, n.3, p.109-111.

former Senator Henry Jackson (D.Washington) was Assistant Secretary of Defense for international Security Affairs in 1985.<sup>18</sup>

It will be helpful to examine the consequences of increase in congressional staff. The committees information gathering capacity relevant to arms sales, have increased and this has definitely enhanced their influence over the direction of the policy in general. Networks of communications and coalitions have developed between individual staff members and serving members of the Congress and those working for committees. These networks often include Pentagon officials and lobbyists. The overall impacts is a growing congressional influence in defence and foreign policy issues.<sup>19</sup>

The Defence department also resorts to lobbying, but, it is not it's major instrument of influence. Les Aspin as a Democate representative from Wisconsin and Chairman of House Armed Services committee stated that

"The Defense department doesn't lobby as much as popular perception would have it. Essentially the Defense Department relies on three pre-existing and permanent factors to forward it's cause -

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18. Werner J. Feld & John K. Wildgen : Congress and National Defense : The Politics of unthinkable, (New York, Praeger Publishers, 1985) p.35.

19. Ibid., pp.3-6.

jobs, an appeal to emotions and a monopoly of expertise".<sup>20</sup>

This description can be taken as admission of Congressional susceptibility for local benefits for their constituency. Executive knows that they can count on many congress members to support any deal if the deal can promise job and other related benefits to their constituency.

It is clear therefore that the process of budgetary allocation and support allows the Congress a vital role to play in the arms sale policy. But scholars have pointed out that Congressional role in any policy and specially in defence has been clearly avoiding leadership and initiative. An important reason for this situation is that the Congress does not have structural and functional elements of bureaucracy. Therefore the Congress is not capable of bureaucratic job of "running" foreign policy or "making" policy. Congress does not have the structure of bureaucracy because of lack of hierarchy, equal powers of the members, existence of two autonomous chambers, electoral basis, episodic intervention in operational activities, no clear functional differ-

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20. Les Aspin, "Congress Against the Defense Department" in Thomas M. Franch ed. The Tethered Presidency (New York, New York University Press, 1981) p.245.

entiations and only partial specialization.<sup>21</sup> Therefore it is institutionally incapable of doing what bureaucracies do. Congressional power of reassessing the scale of defence expenditure may also provide useful evidence to its non-initiative role. The Congress was successful in extracting from President Carter a commitment to increase the real growth rate of defense expenditures to 5 per cent from 3 per cent previously envisaged. However, the FY 1984 defense budget presented by Reagan administration involved a 10 per cent real growth. Many members were not willing to agree to this increase requested by the Pentagon but administration refused to point out, during the debate, where the cuts can be made. This put the congress in a situation where it had to provide a bureaucratic solution of providing alternative policy model. This it could solve only by compromise solution provided by House Armed Services Committee which recommended some specific cuts designed to preserve a coherent defence programme and showed a supportive mood for high level of defence spending. End result was no final effect on the growth rate of spending.<sup>22</sup>

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21. Stenly J. Heginbotham, "Congress and Defence Policy Making: Towards Realistic Expectation in a System of Countervailing Parochialism" in Robert T. Pflanzraff and others n.12, pp.260-62.

22. Stenly J. Heginbotham, *ibid.* pp.251-61.

Late entry of Congress in arms sales, elaborateness of procedure and supposed susceptibility are the factors which put Congress in relatively weaker position in this important area. According to one study, the arms sales function in an environment of complex interplay of diplomatic and economic factors and exigencies of international politics coupled with above mentioned weaknesses of the Congress make Congressional involvement undesirable in many cases. One stream of thought considers that Congressional role in arms sales process seriously erodes the US credibility as consistent supplier. Therefore the recipients are prevented from taking any deal seriously. An important example of this is reflected in the 1985 Saudi Arabian decision of acquiring seventy two British Tornado instead of US fighters. The deal was valued at \$ 6-8 billion and another \$ 20 billion in support contracts.

It is pointed out that Saudi conclusion of feared congressional obstacles was the main reason of this change of supplier. Saudi decision makers decided against professedly superior US technology and went for British technology. Saudi Arabian officials were of the opinion that British would not restrict the armaments and their basing as the US had done in case of F-15 sale in 1978 because of the Congressional pressure. This perception led to sharp esca-

tion in Saudi Arabian and British commercial military relationship. In 1988, Saudis concluded the \$ 29 billion package deal for combat aircraft, helicopters, mine hunting vessels and construction projects with Britain.<sup>23</sup>

Arms transfers serve as the barometer of US interest in and commitment to particular countries and region. Military assistance and sales have been used as indication of level of the US interest in the recipient region or country. This practice has encouraged third world countries to consider arms supply as an integral part of their relations with the United States.<sup>24</sup> The inversion of such a logic points out that US arms supply may turn many neighbouring countries hostile towards the United States. eg., the US has been perceived to be siding with Morocco against Algeria, Pakistan against India.<sup>25</sup> This fear is specially serious in the case of regions where the US does not have a well defined policy and the US relation with those countries are in flux. Unfortunately most of third world comes into this category.<sup>26</sup>

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23. Blechman, n.10, pp.126-7.

24. Paul C. Warnke & Edward C. Chuck, American Arms Transfer Policy & Process in the Executive Branch in Andrew J. Pierre, n.7, p.200.

25. Blechman, n.10, p.128.

26. Paul Wranke and others, n.24, p.200.



With this heightened diplomatic value of arms sales, critics of the Congressional role in arms sales have gained considerable ground; The logic of arms sales are perceived to have negative nuances, i.e. fear of loss of influence drives the whole process. This 'reverse dependency' and the phenomenon or 'arms sales replacing pacts' create a situation in which "shooting down" of a arms sales deal can have very serious repercussions. In fact, many cite it to be the main reason why the most ardent advocate of any arms deal are often the US embassies at the recipient country and the relevant bureau of the State Department and not the lobbyist or military establishments.

It seems clear now that every deal becomes increasingly explosive diplomatically with every successive stage of negotiations. Congress has also been increasingly perceived as the main problem as it's role allows authoritative decisions without ensuring entry at an early stage of negotiations. Arms export control Act of 1974 is considered to be an eroding factor for political utility of arms sales because it takes away credibility from executive when it uses promise of arms sales for desired policy objectives. Hence a strong point against Congressional involvement in US arms sale process, has been made.

In the 1980s many significant examples of checking the effectiveness of congressional intervention are present. Sale of Airborne Warning and Control System (AWACS) to Saudi Arabia and Iran in 1970s and 1980s is very illuminating case in many respects. President Ford initiated the deal and left it for President Carter to conclude. During Carter period, key points of the deal were advanced: nature of the system, background of Carter's campaign promise as well as declared policy of restraint in arms export and administration's haste in pressing the deal in one session earlier than the Congress leaders requested.

In such a background, House Foreign Affairs Committee voted against the sale on purely political and security angle. But in Senate it become a personal fight between the majority leader Senator Robert Byrd and President Carter. Byrd won the day and with mediation of Senator Hubert Humphrey. President Carter withdrew the sale. In the following three months the administration promised to reduce the sophistication of the AWACS, thereby removing the main object of conservative opposition. The episode demonstrated the political nature of congress-executive interaction in the US. As many have suggested, perhaps, the protection of powers of respective offices by the occupants becomes more

important than economic, political or lobby related importance of the deal in question.

The Reagan administration took up the AWACS sale question. In 1981 the Congress was notified about the sale of AWACS with other additions such as serial tankers, air to air missiles and improvements to F-16 fighter air craft. The deal was worth \$ 8.5 billion. The administration concentrated on persuading a majority of senators to support the President. The main areas of contention were the high level of sophistication of the system, and the powerful Israel lobby. The Democratic party was determined to destroy President Reagan's "halo of invincibility". While the resolution passed in the House easily, in the Senate Foreign Relations Committee it passed with a margin of only one vote and fell in the floor voting by 48 to 52. Many observers suggested that it was the skills of the 'great communication' which won important senators like Mark Andrews (R - N.Dak) William Cohen, Slade Gorton (R - Wash., Roger Jepson (R - Iowa) Larry Pressler and Edward Zorinsky that won the issue. It also showed the ineffectiveness of the Congress when confronted by a strong Presidency. Ultimately, the Senate could not reject the arms sale deal despite the Opposition of the Israel lobby and the Democratic party.

Yet another important dimension in effective Congressional intervention is the timing of the deal. A newly elected President enjoying so-called 'honeymoon' period with the Congress may have better rate of success against the Congressional attack than a President in the last year of his tenure. For example in early 1984, the administration notified the Congress about the selling of Stinger missiles to Jordan and Saudi Arabia. Congressional opposition mounted under the leadership of Senator Bob Packwood (R - Oreg) and in the House with Larry Smith (D - Fla). In an election year, the deal faced stiff resistance from every quarter and seeing the connotation of anti-Israel move, even the Republican party opposed the presidential move. The administration simply withdrew the sale. This happened despite the strength provided by Chadha decision of 1983 by the US Supreme Court. The same administration could not muster enough support for a simple majority when in 1981 AWACS deal it fought for special majority support as there was no court verdict against legislative veto. These instances go a long way in showing the complexity of the factors that contribute to effectiveness of congressional intervention or the failure thereof.<sup>27</sup>

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27. Blechman, n.10, pp.123-5.

Stinger missiles remained a controversial item in the eyes of the Congress mainly because of its implication for the Israel's security. Executive tendency to take note of Congressional feelings through informal means such as private discussion with Congress leaders, leaking information to the press was reflected in Stinger supply case to Kuwait but each time the executive was discouraged from venturing into the sale. The Congress was concerned about the security aspects concerning Israel and possible terrorist use of the weapon. The 1987 revelation, that Iran got the missile through an unknown source, vindicated Congressional fears.

Despite consistent opposition the process of arms sales have an entirely different history in a case of emergency. For example in the same Stinger Missile case, four hundred Stingers were transferred to Saudi Arabia. This became possible after the President used emergency waiver clause of the Arms Export Control Act of 1976.<sup>28</sup>

In most of the arms sales, the congressional opposition has centered mainly on the questions of security of Israel and possible terrorist use of the exported weapon. Many successes of the Congress were achieved by successfully exploiting these two points. In September 1985 Reagan

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28. See US Congress, n.5.

administration notified the congress of it's intention to sell Stinger, Mobile Hawk and advanced air craft to Jordan. But congress was almost unanimous in rejecting the deal as Jordan had recently refused to go ahead in peace negotiations with Israel. Heavy lobbying on Jordan's part including King Hussains personal visit could not stop the Senate from passing a joint resolution (97-1) to the effect of deferring the deal. The president had to agree.

Same fears enabled the Congress to limit the 1987 deal with Saudi Arabia where objectionable Maverick missiles were removed from the package.<sup>29</sup>

It was because of significance of Israel's security in the US decision making frame work that the congress was able to get some written undertaking from President Reagan regarding arms sales to West Asia. Reagan promised that any deal would require a certification that would specify that

"Initiative towards the peaceful resolution of disputes in the region have either been successfully completed or that significant progress towards that goal has been accomplished with the substantial assistance of Arab countries."<sup>30</sup>

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29. Blechman, n.10, pp.124-6.

30. Ronald Reagan, Letter to Senator Howard Baker then Senate Majority Leader 28 Oct 1981 as reprinted in Congresional Quarterly, Vol. XVII, No. 31 Oct 1981, p.2135.

Reagan administration reversed the Carter's doctrine of "restraint in arms export" policy. In arms sales he adopted an "open door" policy. Reagan administration emphasized the utility of arms transfer as a major tool of US foreign policy and accepted the fact of arms sales supplementing US military preparedness. But despite an opposite impression much divergence can't be found in the using of arms sales for foreign policy purposes by the two administration. At least in the initial years, Reagan's major battles with the Congress were the left over deals of Carter period only, for example AWACS deal. As a Congressional Research service study noted,

"Carter administration did not drastically reduce US arms transfers, and the Reagan administration has stated that it does not expect to increase transfer drastically".<sup>31</sup>

Congress on it's part maintained effective check on the executive depending upon the timing of the deal. Whenever the President was in a position to disregard lobby pressures and his position was relatively safe he enjoyed a better success rate in Congress.

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31. US Congressional Research Service, Report "Changing Perspective on US Arms Sales Policy" to the House Committee on Foreign Affairs, 97th Congress, 2nd session, September 1981, p.122.

During this period, the congress was able to fight on some real issues, particularly when it was able to pick up an anti-Israel issue. Senator like John Glenn, Packwood (R-Organ) and Larry Pressler extracted what could be called a "real bargain" due to their leadership qualities. In the House, Congressman Mel Levine defied strong arms manufacturer lobby of his district which has largest concentration of aerospace industry including Huges, Northrop, Rockwell and TRW, to concentrate on limiting US sales on the basis of some purely political and security related points view. This goes against the Aspin's analysis that in the absence of real initiative members of congress fall on procedural points to show their influence if not control <sup>32</sup>

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32. Les Aspin - "The Defense Budget and Foreign Policy The Role of Congress" Daedalus, (Cambridge) Vol.104, No.3, Summer 1975, pp.162-65.



## CHAPTER IV

### Domestic Dynamics: Process of Influence - Interest Groups, Lobbies Industry and Public Opinion

It is well known that domestic factors play a very important part in the formulation of foreign policy of any country. Amongst other factors such as the political system, public opinion and its tools, the level of economic development, quality of leadership provide a definite background against which the whole process of foreign policy formulation takes place. Theorists of decision making emphasize the need to treat foreign policy analysis through the process of decision making as the basis of understanding, and take into account the centrality of domestic factors that lead to a decision. For example, some have emphasized personality factor in decision making, while others pointed out that a systematic analysis of foreign policy should be made in accordance with the interaction between official and non official actors who participate in formation of foreign policy. Basically, five elements are considered important in the process of framing foreign policy. (a) the general climate of public opinion, (b) political interest groups, (c) the media of mass communication, (d) specific agents of executive branch and (e) specific committee of

legislature.<sup>1</sup>

These are essentially domestic factors of American democracy which clearly illustrate their working on policy formulation. It's powerful and free media, well organized interest groups and lobbies and an open political system characterized by checks and balances, democratic susceptibility to electoral pressures and demands affect its' foreign policy to a great extent American policy towards West Asia provide a suitable example of multidimensional pressure of domestic factors on foreign policy issues. The presence of powerful pro-Israel Jewish lobby in America, and the high economic and political stakes in West Asian region heighten the domestic efforts to influence the US policy towards that region. As an analyst pointed out.

Domestic politics has always been effective in creating chaos in US foreign policy. Sometimes national interest is blatantly compromised ..... when this awkward process is dominated by bureaucratic rivalries. the rhetoric of "national interest", and the pressures of interest groups, Congress and the press is applied, and the area in question is the Middle East. The results are often particularly opaque.<sup>2</sup>

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1. Bernard Cohen, The Political Process and Foreign Policy (Princeton; Princeton University Press, 1957) pp.13-17.
  2. William B. Quandt, "Domestic Influence on United States Foreign Policy in the Middle East : The view from Washington" in Willard A Besling, ed, The Middle East: Quest for an American Policy (Albany, State University of New York Press, 1973) p.263.

The Congress is generally considered to be particularly susceptible to the pressures of local demands. Therefore any analysis of the congressional role in any foreign policy area would require a deep study of role of media, pressure groups and lobbies in policy formulations. Due to the enormous economic stakes, the military industry also takes an active interest in policy formulation.

Israel's interests dominate most of the US policy towards West-Asia in almost all spheres of decision making. Undoubtedly, it is in the Congress that the support for Israel is most consistent and long standing. Generally the Congress has favoured loans over grants, and administrative proposals of grants generally meet with stiff resistance and conditionalities are often attached to such proposals. But in the case of aid to Israel major exception was made and legislature has proved to be more liberal than the administration in this regard. Even immediately after 1982 Lebanon war when administrative and public support for Israel was diminishing, the Congress, did not let any cut in the aid package to Israel become effective and added to the sum proposed by the government for this purpose. Some congressmen showed willingness to exempt, Israel from many restrictions such as Gramm Rudmann Act. Finally it was Israel who denied the favourable treat-

ment. In many cases, any disagreement over US West Asian Policy almost always found the Congress taking the Israeli side. In fact, it was felt to be an important obstacle in the path of the US shedding its biased image regarding West Asia. It did not mean however that the administration and other parts of US government do not share congressional enthusiasm for Israel. In fact most Presidents even have a specific staff member whose duties include coordinating political relations with the major American Jewish organizations, which often means "keeping them happy" about US West Asian Policy.<sup>3</sup> Yet, it is the administration which responds more readily to political signals from international community in its West Asian Policy, than the Congress which often ignores other signals in questions related with Israel. The instance of Congressman Mel Levine who chose to act favourably on the demands of the Israel lobby rather than on the demands of another powerful lobby of military industry of his constituency because of the fact that arms were being sold to an Arab State illustrates the point very well.

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3. Robert H. Trice, Interest Groups and the Foreign Policy Process: US Policy in the Middle East (Beverly Hills, Sage, 1976) pp.57-61

Economic and military assistance to Israel form the major part of "US Israel special relationship". At the same time the US economic and military interests are equally vital to US West Asian Policy. In such circumstances the US West Asian policy in general and arms sales policy in particular becomes closely linked with Congress' "power of purse". In the Congress pro Israel interests are well entrenched. In October 1973, William Fulbright (D-Ark) the chairman of Senate Foreign Relations Committee said that

"The Israelis control the policy of the Congress and especially of the Senate ..... On any thing that Israelis are interested in the Senate .... (they) have 75 to 80 Votes".<sup>4</sup>

#### Lobby Linkages

In an interview in 1975, Yitzak Rabin the then Israeli Ambassador to the US said that there are "two principal level" of Israel's effort in America. First, at the level of public education, where the information campaign directed at the entire US public is undertaken with the help of media which is dominated by pro Israel Jewish community of America. Secondly, at the political level where the decision makers in executive and the legislature are

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4. William Fulbright Quoted in Morton Mezvinsky, "America and Israel : Special Relationship under strain" Middle East International, Vol.XXVI, No.3, February. 1974, p.10.

persuaded and pressurised for supporting the interests of Israel.<sup>5</sup>

A clearer categorization divides the Israel lobby operation into three levels. The diplomatic activity of the Israeli government and the Israeli embassy, the pro-Israel activities of Jewish organizations who support Israel's interests and the totally Pro-Israel lobby. The latter has a great record of generating support for Israeli cause in the Congress and the executive. Israel owes it's massive supply of US aid to this lobby's efforts. Furthermore, it has been claimed that it is this lobby effort which has strengthened the resolve and resources of the Congress to restrict administrative moves of selling arms to the Arab nations or any other measure in the direction of more "evenhanded" foreign policy in West-Asia.

The Israeli lobby's success can be attributed to a great extent to the compatibility between it's goal and public opinion and wishes of officials. In the US a pro-Israel public opinion has developed over the years. Western guilt over holocaust, the notion of a western

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5. Yitzak Rabin, Quoted in Kennan Lee Teslik, Congress, The Executive Branch and Special Interests: The American Response to the Arab Boycott of Israel (Connecticut, Greenwood Press, 1982), p.40.

oriented democratic country in a hostile atmosphere. Respect for Israel's pioneering spirit and strength in the times of crisis, the views that Israel is strategically important, lack of in-depth knowledge and many unpleasant myths about the Arab world, lengthy and positive media coverage, long standing ties between the US and Israeli officials and the cultural psychological web created by years of US-Israel cooperation are the main factors that generally create a favourable public opinion regarding Israel in America.

This kind of public opinion becomes further useful when there is an active and united number in the US population such as the American Jewish Community to carry on Israel's propaganda in the US. The American Jews tend to lend full support to Israel, despite the fact that until second world war there was not much support for Zionism in America. But the horrors of the holocaust and the wave of immigrants from Europe created a real concern and unity amongst the Jews of America. When Israel was created the American Jews possessed a feeling of an adoptive motherland. The survival and well being of Israel was thus intimately linked to the American Jews.<sup>6</sup> The six day war

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6. Marriane V. Leeuwen, "Lobbies Congress and American Middle East Policies" Orient (Hamburg), Vol.28, No.(2), January 1987, pp.172-3.

generated supportive Jewish feelings among the American Jews which they "didn't suspect that they had". Identification of interest of American Jews and Israel has been is so complete that for many American Jews Israel was not a foreign policy issue, it was as good as a "domestic issue".<sup>7</sup>

Yet some disagreement over Zionist goals has persisted among American Jews. Some well known personalities such as famous academician like Prof. Noam Choumsky are counted among the committed "anti-Zionists". But the unity and numerical superiority of pro Israel American Jews almost always asserts itself forcefully. This has succeeded in reducing anti-Israel expression among the American Jews to an insignificant level. The national Jewish organizations have succeeded in cultivating an image of unified and monolithic Jewish response and sentiments. Yet some scholars have pointed out that any dissonance among the rank of the community suffers severe community pressure and makes public expression of misgivings about Israel very difficult for Jews. For example, one organization named "Beira" (Hebrew for 'alternative') clearly illustrates the situation. The organization was aimed at "even handed" attitude towards West Asian problem

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7. Kennan Lee Taslik, n.5, p.32



and Palestinian plight was also given considerable attention by them. The organization was pressurized and its members were virtually ostracized. Rabbis who were members of "Beira" lost their influence and job. Finally in 1978 "Beira" collapsed under the pressure of other pro-Israel Jewish organizations.<sup>8</sup>

After analyzing the factors responsible for the efficiency of pro Israel efforts in American system, it will be worthwhile to examine some of the Jewish organizations and their mode of functioning.

Israeli embassy is unique in the sense that it has constituency in both Israel and United States. Jewish population have emotional ties with Israel and its embassy in the US. This considerably strengthens its presence. Israeli Ambassadors usually have a 'hot line' with important people in the US administration. For example in 1976, Ambassadors Simcha Dimitz had 'hot line' connection with Henry Kissinger and he could meet him once a week which amounted to an influence next only to the Soviet envoy. One of the main tasks of Israeli Ambassador was to maintain and strengthen the embassy's ties

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8. John E. Reilly, 'American Public Opinion and US Foreign Policy in 1976' (Chicago, Chicago Council on Foreign Relations, 1979), pp.24-7.

with the Jewish community in America. These strong points of the embassy become more effective when they are coupled with efficiency of the embassy official. According to one account, the embassy has the most impressive record of distributing first rate background papers in the Congress at the time of important hearings. The Ambassador usually maintains close relationship with many of the influential Congress members.<sup>9</sup> Despite high visibility of the American Israel Public Affairs Committee (AIPAC) it is not the only organizations active in Washington for promotion of Israel's interest. There are over 300 pro Israel Jewish organization. The umbrella organization is the Conference of Presidents of Major Jewish Organization (The President's Conference).<sup>10</sup>

AIPAC is organizational spearhead of pro-Israeli Jewish efforts in America. It is a registered lobby at Capital Hill. It was founded in 1954 by Sikenen. AIPAC itself has emerged as an umbrella organization and its executive committee has the president's of major Jewish organization of

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9. Kennan Teslik Lee, n.5, p.41.

10. Conference of Presidents of Major Jewish Organization works as coordinating body but various organizations have shown considerable autonomy and over the years AIPAC has come out as most effective and visible organization, For detail see Robert, H. Trice, n.3, pp.41-43.

this country. It's membership is about 15000. Despite strong criticism to the contrary, AIPAC is not the only 'domestic' organization dealing exclusively with foreign policy matters.

The Presidents Conference and the AIPAC coordinate the Jewish opinion and response to various problems. Their method is to maintain close relations with major players in the administration and the Congress. Non-complying congressman and pressurized through a barrage of demands from the constituency. Israeli lobby maintains a formidable record in getting it's way by using Jewish vote, money and lack of any opinion against their goals. Policy makers are usually ill-equipped to face the pressure generated by the Israeli lobby because any question raised by lobby leads to trouble as burden of proof falls on the administration AIPAC has nurtured impressive grass root support and it's weekly news latter 'Near East Report' is regularly distributed among congressmen. This enables it to drum support for Israel on a so called factual basis. AIPAC has succeeded in keeping the support for Israel beyond party politics and enjoys support from both the parties.

The AIPAC and 'Presidents Conference' are most important organizations with primary focus on Israel. But Jewish community agencies such as Anti Defamation league of B'nai

B'rith (ADL), the American Jewish Congress and American Jewish committee have Israel in their scheme of priorities. Their priorities generally revolve around civil rights and anti-Jewish discrimination. These organizations let AIPAC maintain a public lead but this is only due to legal restriction related to taxation. In practice collective efforts are made in "every battle for Israel". Moreover, the presence of lobbies other than the AIPAC has broadened the support base for Israel.

Many important staffers of the members of the Congress have been instrumental in improving the priority of Israel in the congressional agenda. at onetime, the chief of AIPAC was Senator Ribicoff's specialist on Jewish affairs. This staff level input brought in the Zionist perspective in the agenda of the congressman.<sup>11</sup> At another level the Jewish vote has been a very important factor in success of Jewish lobby efforts. Most of the Jews live in 14 states, which together have 301 electoral votes, 31 more than 270 needed to elect a President. They are concentrated in four major states of New York, California, Pennsylvania and New Jersey. Jews almost always cast more percentage of total votes than their percentage in total population.

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11. Kennan Lee Teslik , n.5, pp.44-45

'Chunk voting' makes their votes extremely important. This powerful weapon creates a situation in which leaders are more than willing to project a pro Israel image. In such a situation pro-Israel lobbies get better reward for their efforts.

#### Arab Lobby-

Early Arab immigration to America took place between 1880 - 1920. The Second wave immigration took place in post second world war period. Early Arab immigrants shared a common background. 90% of them were small town and village people from Lebanon and 90% or more were Christian. It was not very united group as they never faced a common threat and their assimilation in American society was near complete.

Second wave Arabs were mostly Muslims and were highly qualified people. today, It is this group which forms the backbone of Arab lobbying efforts in the United States of America. Their activities increased after 1982 invasion of Lebanon and atrocities on Arabs in occupied territories. Recent immigrants have contributed to their assertiveness. This has hampered the cohesion of Arab groups in America. Radical postures of recent immigrants comes in direct contrast to the old Arab Americans which follow a moderate

path both tactically and ideologically.<sup>12</sup>

The general image of Arabs in American mind is negative. Arabs are generally associated with white (female) slavery, cruelty, backwardness, corruption, ill gotten wealth and in recent times, terrorism. This image stands in direct contrast with a very positive, public image of Israel. Arab vote in America is less than 1% and their concentration is not critical by any electoral sense. Concentration of Arab Americans are to be found in South California, Illinois (especially Detroit). In none of these places however, are their numbers comparable with the key position of Jews in New York voting list.<sup>13</sup>

Senator James Abourezk was Arab voice in Senate till 1978 when he refused to seek re-election. In 1980 James Abdnor (R-SD) became the Arab representative in the Senate.

The most important Arab organization in America is the National Association of Arab Americans (NAAA). It was founded in 1972. It's lobby career started in 1975 when it hired a professional lobby. In 1981 the NAAA conceived Arab American Institute (AAI) which was aimed at providing political leadership. AAI aims at election of

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12. Robert H Trice, n.3, pp.112-3.

13. Marianne V.Leeuwan, n.6, p.175

Arab American in local governments only.<sup>14</sup>

Lack of political commitment among the Arab American community and lack of governmental support from Arab embassies has resulted in low success rate of pro Arab lobbying. In the absence of grass root network which could be activated to generate pressure upon congressmen NAAA has a dismal record. They have relied on substantial number of families which are on it's mailing list. AIPAC publication 'campaign to discredit Israel' acknowledges that NAAA has financially supported anti Israel candidates. In 1984, NAAA threw it's weight behind Helen Bentley against incumbent Representative Clarence Long. After two previous unsuccessful attempts in past Bentley won in that year. However, there was little evidence of NAAA's contribution in this victory. Bentley, since then, has showed little interest in US West Asian politics. In 1986 election, the NAAA targeted for defeat of two pro-Israel senators Alan Cranston (Democrat-California) and Arlene Specto (R-Penn) but both were re-elected and served in important committees and sub committees.<sup>15</sup>

Many have stated that the NAAA has not been able to shift from the negative to positive considerations in it's

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14. Ibid, pp.173-4

15. Teslik Kenen Lee, n.5, pp.45-6.

electoral tactics. Arab American Institute on the other hand is different. It aims at politicization of American Arabs. It tries to strengthen Arab presence in local bodies and the Institute encourages Arab Americans to set up their clubs with two parties at local, state and federal level. Their success has been steady if not spectacular.<sup>16</sup>

The NAAA has focused it's criticism on the magnitude of US aid to Israel. NAAA has tried to link the aid to Israel with the cutting of funds for domestic purposes in the US. They have highlighted the US unwillingness to have free trade arrangement, with Arab world. Their contention is that by doing this US is not utilizing a market with extensive profitability. US support to 'Levi' military aircraft development in Israel is shown to be directly harmful for large air crafts industry of the United States.<sup>17</sup>

Pro Arab organizations demand better US ties with Arab world by pointing out facts of long standing relations with US (such as Morocco), willingness for military cooperation in various forms (such as Egypt and Saudi Arabia)

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16. Marianne van Leeuwen, n.6, pp. 171-182

17. Paul Findley, 'People and Institutions Confronting Israel' (West Port, Lawrence Hill and Company, 1985), pp 110-113



common rejection of communism and a democratic tradition (such as Lebanon). After 1982 Lebanon began to be treated better in the plan's of aid. Egypt was also given a proper share after Camp David accords. Yet, evidence indicated that the NAAA was not the responsible for these improvements. Many pointed out that it was pressure from international political factors and the perception for the Congress that resulted in these improvements.<sup>18</sup>

#### Industry Linkages

Important sectors of the American business community are also active in influencing the US West Asian Policy. Oil industry, shipping, construction and military industry have important stakes in the region. The general relationship with the Arab world has been economic in nature. NAAA has been highlighting the point of wasted economic opportunity as industrial lobbies and interest groups have restricted themselves to economic matters only and generally avoided taking stand on West Asian conflicts.

Oil companies like Aramco and standard Oil have publicly demanded for better treatment to Arab feeling in West Asian policy which, according to them, would lead to equita-

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18. Nabeel A. Khoury, "The Arab Lobby, Problems and Prospects" Middle East Journal (Washington D.C.), Vol.41 No.(3), Summer 1987, pp.396-98

ble and just solution of West Asian Conflict. Collective spokesman for the industry the American Petroleum Institute (API) also thinks that better Arab-US relation would help oil industry in USA. But mostly their efforts have been low key and private. William Quandt has pointed out that

"Oil companies are fearful... of publicity of taking a stand on Arab Israel Conflict, preferring to concentrate more narrowly on Oil import policy, tax allowances and bilateral US Arab relations. For such a powerful industry, oil has little voice with respect to basic Arab Israel Conflict"<sup>19</sup>

It is not only oil industry but many important business organizations like US Chambers of Commerce, National Association of Manufacturers. The emergency committee for American Trade, the Business Roundtable, Associated General contractors of America have shown reluctance in dealing with Arab Israel question in direct manner.

Armament industry is little more explicit in its views because of directness of its involvement. But even here the merits of Israels role in West Asia are hardly discussed. They mostly criticize congressional reluctance in clearing arms sales deal to West Asian countries. They emphasize the loss of the arms market to other Western

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19. William Quandt, n.2, p.21.

competition. The American league for Exports and Security Assistance, a lobby which aims to protect interests of aerospace industry, has pointed out that sales worth \$2-3 billion to US defense company are blocked by the deterrent effects of Arms Export Control Act. General Dynamics has prepared another study. The study puts loss at \$ 20 billion and 886000 work hours of employment if the Congress continues its blocking attitude towards sales of arms to Saudi Arabia, Jordan and smaller gulf countries. As a critic pointed out, even if some wrong assumptions made in these calculations the fact of the matter was that the industry perceived the lopsidedness of US West Asian policy as a negative factor for their business.<sup>20</sup> In the final analysis it may be stated that pro-Israel interest group succeeded in over coming other interests including economic ones. US policy and congressional response in supplying missiles and air crafts to West Asian region has resulted in shift of more than \$ 30 billion potential business to European companies with attendant impact on jobs. But there is hardly seems to be any voice of complaint in policy circles.<sup>21</sup>

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20. Barry M. Blechman, The Politics of National Security: Congress and US Defense Policy (New York, Oxford University Press, 1990) p.127.

21. Ibid. p. 115

Arms Sales Lobbies at Work - Israel and AIPAC have been particularly sensitive about military transfers from US to Arab countries. Their efforts have maintained a consistent supply of arms to Israel. Even in year 1982 when support for Israel was at all time low due to the attack on Lebanon, it got more than its proposed share of military and economic aid. AIPAC extends two arguments against any proposed arms deal with the Arab nations ; firstly, it will threaten Israel's security and secondly, it will strain Israeli resources as Israel would have to divert its resources to maintain its strategic edge. AIPAC and Jerusalem specially concentrate on weapon system which approach the level of Israeli weapon sophistication. Other weapons which are opposed, are the ones which could be used by Palestinians in riots against Israeli protection forces. Possible terrorist use forms another strong point for groups opposing arms supply to Arab countries.

The NAAA on the other hand tries to emphasize the need to maintain good relations with moderate Arab States. Recently, it used negative reason, that it is important for the US to remain a prime arms supplier in the region. By doing so, the US would be able to control the level of armaments in the region both qualitatively and quantitatively. the 1980s provided further interest as AWACS aircraft

deal was waiting to be finalized. In 1981 the Reagan administration was finally able to get congressional approval for the supply of the air craft to Saudi Arabia. Administration circles argued that continued Iran-Iraq war was hampering oil supply from the region and the Soviet presence in Afghanistan was also disconcerting factor. There was considerable opposition in the Congress and AIPAC was even more resolute than Jerusalem to block the deal.

AIPAC had activated its grassroots network and the congress members were flooded with calls and letters against the deal. Ultimately the deal was cleared after being defeated in the Houses. Senate cleared it with narrow margin of 52 to 48.

The main reason for the clearance of the deal was the personal intervention of the President Reagan. AIPAC's efficacy was reduced due to the massive popularity of the President and remoteness of any elections. But there were important concession that the Congress was able to extract from the administration. The data collected by AWACS was to be given to the US, the US pilots were to man the aircrafts for considerable period, the aircraft was limited to the skies of Saudi Arabia.<sup>22</sup>

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22. Marianne V Leeuwan, n.6, p.190

In 1986 the Guided Weapons systems such as the side-wingers, stingers and Harpoons were proposed to be sold to Saudi Arabia. Congress rejected the deal. In main , the congressional misgivings were on the following points: inadequate Saudi response to the peace initiative in the West Asia, Saudi opposition to U.S. Libyan air raid, possible terrorist use of stingers. The administration took steps to limit the deal and Stinger's were taken out of the deal. But even so, the Congress failed to comply.

At this stage, the President studied the situation the AIPAC had rejected the deal but it chose to stay inactive because it did not consider new package of guided weapons a threat and even Israel was not very actively opposed to the deal.

The President took his chance and vetoed the congressional rejection. The Senate could not override the vote and the deal proceeded. AIPAC explained it's attitude by pointing \$ 3 billion losses to the USA. However it was recalled that such factors were never a consideration for AIPAC. The general conclusion was that the Israeli lobby remained relatively less active as it has recognized the limits of it's influence in this matter.<sup>23</sup>

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23. Marianne van Leeuwen, n.6, p.190.

To illustrate a successful AIPAC intervention, one may study the 1984-85 deal of supplying fighter aircrafts, and anti-aircrafts guided weapons to Jordan. In late 1984 King Hussain of Jordan was instrumental in initiating peace talks in the Arab-Israeli conflict. Jordan's needs were considered genuine by the Reagan administration because of the threat from Syria. Congressmen were not convinced and they pointedly emphasized the Israeli security needs and Jordan's unenthusiastic record with regard to the peace talks.

Realising the strength of the opposition from the Congress through the efforts of the AIPAC. The administration simply withdrew the deal. The event proceeded like this, National Security Advisor McFarlane then offered to drop the deal with Jordan if the AIPAC toned down its support for the transfer of US embassy from Tel Aviv to Jerusalem (a Reagan campaign promise and extremely offensive to Arab World). King Hussain aired his views on the inappropriateness of the situation in a strong worded interview in New York. In the interview he questioned the U.S. role as impartial mediator in West Asia. The outcome was that the Congress was able to strongly oppose any deal with Jordan and administration was forced to withdraw the deal.

As some scholars have pointed out, in the whole process the AIPAC's role was not very conspicuous. Indirect influence of AIPAC was enough to cancel the deal.<sup>24</sup>

In the final analysis it may be suggested that the political ideals in which the pro-Israel lobby has taken a stand, it has developed a general acceptance in various layers of American society. This acceptance coupled with first rate lobbying skills, powerful Jewish vote and money makes the pro-Israel groups much better equipped to influence the general US policy towards Israel. Public acceptance of pro-Israel sentiments make it easier for politicians to take money from supporters of Israel. The electoral considerations are often given precedence over economic interest in US arms sales policy towards West Asia. US interests in the region are considered to be inextricably tied with Israeli interests, this makes confrontation of interest between President and pro-Israel lobby over supplying arms to the region fairly rare. But when the President himself tries to take it upon himself to see a deal through, the lobbies have to accept a different solution, as they did in the 1978 F-15 deal to Saudi Arabia and 1981 AWACS deal to Saudi Arabia.

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24. Paul Findely, n.17, pp 31-2



The timing of election is also an important factor in the effectiveness of any lobby effort. In 1981, AWACS deal, remoteness of the elections made Reagan fairly insensitive to lobby pressures but the same President did not fight the lobby and the Congress in 1984 over the deal with Jordan, despite the fact of a weakened congress due to Chadha decision (Immigration and Naturalization Services Vs Chadha, 1983) of Supreme court which prohibited 'legislative veto'.

Thus one may note a very decisive role of domestic factors in US arms sales policy towards West Asia. These factors are particularly important in this area of U.S. foreign policy because of the presence of powerful pro Israel domestic community.

## Chapter V

### Conclusion

The impact of the Congressional role in the US arms sales policy towards West Asia is undoubtedly worthy of scrutiny. To begin with, the US arms sales policy towards West Asia has been examined in the broad context of overall US West Asian policy (Chapter I) the development of the congressional involvement (Chap II), the procedural aspects of the arms sales (Chap III) and the impact of domestic factors (Chap IV). Several points emerged which were worthy of emphasis. Firstly, an examination of the place of arms sales in US foreign policy, secondly important US policy objectives in West Asia, thirdly gradual development of the Congressional involvement in U.S. arms sales policy, and finally the special circumstances that surrounded it when the policy was aimed towards West Asia. Congressional stakes and the success rate in making itself felt was examined. Some of the policy gaps among various organs of the government were studied to understand the extent of consensus on the issues involved. The weaknesses of the Congress were studied to estimate its capacity to stand up to the pressures of complexity of arms sales towards sensitive area of West Asia.

A major criticism of the congressional role in West Asian region was its susceptibility to the domestic pressures. The attempt to measure the extent to which the Congress was ready to compromise diplomatic imperatives. Active role of interest groups and lobbies, both pro-Israel and pro-Arab, was also probed, and the causes of success of pro-Israel pressure groups were probed along with conditions which affect their chances of success. Role of public opinion and industrial economic interest was also examined.

In the light of above points of emphasis certain concluding remarks can be given, particularly in the following areas. The peculiarity of US West Asian Policy in general and arms sales policy in particular, present evidences to justify that arms transfer was a tool of US foreign policy. The effectiveness of the Congress in making its presence felt in the process of arms sales, the impact of Chadha decision on the Congressional capacity to intervene effectively in the arms sales policy and process, domestic constraints and gap between campaign promises and actual implementation, the impact of assertive or first 'post modern' Presidency of Ronald Reagan and comparison with President Carter's arms sales policy provide ample reference to the thesis of continuity and change. Finally, the arms sales policy and Congressional involvement in them in the 1990's.

In most of the post second world war period US foreign policy was guided by the doctrine of 'containment'. This led to gradual but consistent globalization and militarization of US foreign policy. In West Asia too the US foreign policy objectives were based on containment or prevention of communist influence in the region. Second most important policy objective was keeping continuous open access to the Gulf oil. It was for the protection of these goals that the United States made itself responsible for the security of Israel and moderate Arab states. But with passage of time Israeli interests acquired over-arching proportions. Several scholars have argued that in other regions, arms transfers are governed by traditional parameter of US foreign policy, and the US military and economic interests are never compromised. For example, the importance of Pakistan rose in U.S. security assistance scheme after the Soviet invasion in Afghanistan because of strictly geo-strategic reasons and with departure of Soviet troops from the region it came back to it's normal status. This, however, was not the case with West Asia. Concern for Israeli security acquired the most vital place in the whole scheme of affairs in US West Asian arms sales policy. It is widely believed that due to constant active domestic forces in USA which have been successful in maintaining a pro-Israel opinion in public as well as

in decision makers. In such a situation, the domestic factor, which is so effective that it has made the decision makers overlook political and more importantly economic interests of the United States. Politically, the Congressional decisions have impaired the US image as impartial mediator. Many states such as Jordan were denied arms simply because of influential domestic pro Israel interest groups. This has in turn, helped "extremism" develop in the region and damaged the peace process between Arabs and Israel. Economic considerations which form an important part of the US national interest were given backseat. The US lost substantial arms market among Arab countries, oil industry also suffered because of the biased attitude against Arabs. Congressmen like Mel levine who otherwise appreciated the benefits of arms sales in Europe, Asian and African markets because of economic benefits to their constituency have been instrumental in stalling many arms deals with Arabs.

West Asia is perhaps only region where important US interests are compromised simply for maintaining a special relationship with Israel. This has changed somewhat in post Gulf war period. America's increased commitment to work for the Palestinian questions due to it's reaction against similar problem of Iraqi invasion on Kuwait, reduced cold war considerations, emergency situation has enabled the

United State to exert some pressure on Israel and result was peace agreement of 1993. But basic influence level of Israeli lobby remains the same. This is demonstrated by continued support to Israeli 'Arrow' programme of anti-tactical ballistic missile project despite it being covered by category one of Missile Technology Control Regime and a report by General Accounting Office (GAO) has expressed serious reservation about Israel's desire and capacity to stop the proliferation of missiles, a major US foreign policy concern in post cold war period.

Arms transfer in all it's forms has been considered as an important tool of US foreign policy throughout post second world war period. Carter tried to keep it as a tool to be used in exceptional circumstance Reagan brought it back as central tool for pursuing military interests of the United States. Despite it's wide acceptance as important tool of foreign policy, there has been some serious arguments against arms sales or arms transfer.

If the policy of arms transfer led to long standing friendship and relationship with recipient country, it could also form the basis of 'negative perceptio' for US among neighbouring countries. For instance the sale of arms brings influence and leverage to US they also lead to 'reverse dependency' where recipient exercises negative kind of

control over it's relationship with US. Since both friendship and leverage are imprecise and difficult to calculate hence the efficacy of US arms sales policy as a potent tool of US foreign policy is difficult to define. Military benefits are also not as tangible as they seem. If arms transfer to friendly regime provides the recipient country with stability and competence, it might lead to warfare because of diversion of precious resources towards military purposes.

The arguments of pro-arms transfer policy in administration emphasize a "cheap" means of securing US military aims, as it does away with the need to actively involve the US personnel and costly maintenance of US military base. However, most of the arms deals require some US personnel to be present in the recipient country. For example AWACS given to Saudi Arabia were to be manned by US personnel. These factors point to the aspects of non-safety as most of the US involvements in foreign soils including Second World War and Vietnam started as US being the arms supplier initially.

Supporters of arms transfer say that by being principle source of arms to a particular region the United States can control the level of armament in the region and a definite arms control process can take shape. But in most of the

cases the control to be exercised by a sale of arms was replaced by protracted arms race and growing sophistication of supplied arms.

Essentially, much of the debate remains academic as successive administrations have been quite convinced of utility of arms transfer as a mean of furthering US interests. Generally, it is considered that US arms transfer to West Asia has kept Soviets out of the region as moderate West oriented states were provided within timely support in the form of armaments. Administrations also claimed that Israels security was ensured by the US arms supply to the region though this point has not been sufficiently appreciated by pro-Israel lobbies. The Carter administration failed to carry out its promise of "restraint on arms transfer" due to political compulsions. Reagan declared an 'open door' arms sales policy and utilized arms sales for making US presence in West Asia more strongly felt. Bush continued with the Reagan's policy and big multibillion dollars arms deal with Saudi Arabia immediately after Gulf war indicates in this direction.

Perhaps the most important question to be dealt in concluding chapter is whether the congress has been successful in getting what it has been trying to achieve about it's role in arms sales policy. Major factors probed revealed the



extent of success of the Congress in stalling the deals which it sought to stall, the frequency of occasions when the Congress was by passed through legal and semi-legal means, how far the Congress was able to utilize the legal power that it has developed over the years. The extent of impact of presidential charisma, the support of interest groups and bipartisan consensus were analyzed. In essence, it may be argued that the Congressional adaptation to post "Chadha decision" provided testimony to the fact that political considerations have important bearing on the style of implementation of legislative outcomes.

In clear terms, it may be stated that the Congress perhaps did not want a position of leadership in defence policy related matters. Seen in this light the growth of congressional involvement in arms sales policy was probably the result of general backlash against executive excesses in post Vietnam and Watergate period. Several studies pointed out that legislations aimed at ensuring congressional entry at an early stage were not for gaining leadership in the area but were structural compulsions for being effective in arms sales. In arms sales, the logic seemed to be that late entry hampered effective supervision because of growing diplomatic stakes with each successive stage of negotiations.

In the congress, evidences available indicate the arms sales didnot enjoy unanimous support for being important foreign policy tool. In main, the Congressional concerns centered around the development of effective supervision for ensuring it's limited use so it may not jeopardized Israel's strategic edge in the region. It is also clean that, several prominent analysts viewed the Congressional fears, specially with regard to West Asia that arms transfer might contribute to volatility of the region. Therefore the main aim of the congress in US arm sales policy towards West Asia was to develop an institutionalized supervision rather than taking initiative.

If we go by number of cases in which Congress has cancelled, postponed or limited the proposed arms deal with West Asian countries excluding Israel, Congressional performance is fairly impressive. It effectively kept Stinger and Maverick missiles out of Arab hands and was able to reject in toto two deals with Jordon in 1984 and 1985. After 1974, the congressional intervention acquired more concrete shape. Fear for Israel's security, and possible terrorist use started appearing in administrative considerations only after being highlighted by the Congress. Several factors pointed to the possible congressional resistance working as an effective check on administrative zeal for frequently

using the arms sales policy as a tool of US foreign policy. Many deals were in fact withdrawn before they were sent for voting on the floor of the Congress.

Analysts however point out that the congressional successes have been subject to certain conditions. Establishment of connection between proposed deal and threat to Israel's security has always been very important for pressuring the administration by the Congress. For example, guided weapons deal with Saudi Arabia went through despite considerable congressional opposition in 1956 because Israel and American pro Israel lobby did not actively oppose it.

Sophistication of arms in proposed deal was an important factor in deciding congressional response towards the deal. "Frontier technology" such as AWACS met with greater resistance. But these substantive issues were obscured by other complex and political issues which have a direct bearing on the fate of any deal. Timing of deal, e.g. it's nearness with elections, seriously hampers administrative capacity to go for any deal which by implication threatens Israeli security. This is because of the presence of Jewish vote which is particularly sensitive about Israel's security.

Substantive issues were also inclined to be over shadowed by issues like personality clash and efforts of office

bearers to protect the powers of the office. For instance, President Carter's fight with Senator Byrd illustrates this point. The decisive factor of Presidential personality point to the level of support he may be able to generate for any decision. Reagan's skills of communication and his public popularity gave him an aura of invincibility in the Congress, particularly in his first term. In the same manner, important members of the Congress exercise great influence because of their personality. Senator Byrd, Hubert Humphrey have played important role in creating as well as solving arm sales related problem for administrations. Therefore substantive issues of security and economy do play a role, but mostly these issues are too complicated to play an effective role. Administrations easily perceive substantive arguments which can be made against its proposals so it comes with a readymade answers for these issue by citing a necessity which out weighs such a consideration.

Therefore it is fairly clear that whole network of non substantive factors remains on play. Although these factor might not be dominant but very often they explain strange outcomes. Therefore it is difficult to say which factor, substantive or non substantive, will be responsible for the responses of executive and legislature.

International context played a role in 1985 Jordan deal but despite its repeated use by the Congress, Arab world response to West Asian peace process was very often, nothing more than a verbal excuse to deny the deals. For example in 1984 Jordan's good performance in attempts for improving Arab Israel relations did not end in its favour. The US relations with Arab countries measurably improved during 1980s but selling arms to these countries remained difficult.

Reality was that the members of the Congress were not too keen to pounce on any arms sales. In general cases they did not take much active part in arms sales as they were complex and far removed from interests of their constituencies. But sales to West Asia, particularly, supply to Arab world touched a responsive chord among Congressmen as important and sensitive Jewish votes were at stake. Taking an opposing stand on an arms deal to some Arab nation perhaps gave an easy chance of winning the limelight. Moreover, due to the destructive image of weapons no member perhaps wanted to be portrayed as an enthusiast for arms sales.

The role of the Congress in US arms sales policy is not as comprehensive as it has been made out to be. As already discussed, Congressional relative success in influencing the policy of arms sales to West Asia can not be attributed to

some institutionalized Congressional powers. Leadership remains with the executive branch and superior information power and greater media visibility gives President a better position to decide the national priorities. Lobbies and congress generally have to retract when administration decides to take a different course and the President does his utmost for clearing any deal. Prestige of the US President is still considered an over riding factor in any congressional discussion. Personal intervention of the President almost guarantees crossing over of many legislators. Reagan's personal intervention in 1981 AWACS deal turned many Senators in his favour. Administration has been forced to withdraw only on two occasion during the 1980s and most of the time congressional victories have been confined to some specific controversial items in the deal. The remaining package was generally cleared despite massive congressional opposition. In other words, administration has been fairly successful in calculating the minimum possible amount, removal of which would see the deal through. For example in 1986 guided weapon package was cleared only by one vote in the Senate after the removal of Stinger missiles. This meant that 49 members were against the remaining deal also.

Apart from this the President has many ways by which he can simply by pass the whole process of executive - legisla-

tive consultation on arms sales. There have been cases when the President has gone ahead with arms sales providing the information to the Congress at a very late stage which generally rendered the Congressional role less useful. This power of President is generally derived from emergency clause of Arms Export Control Act. For example, in May 1984 President Reagan lent one AWACS aircraft to Saudi Arabia without any prior consultation with the Congress. He also provided Saudi Arabia with some 400 Stinger anti-aircraft missiles in late 1984. Earlier that year the administration withdrew the proposal of supply Stingers because of the fear of the Congressional opposition. These examples demonstrate that when President wants some deals to take place there are other avenues by which he could avoid the Congressional opposition.

Congressional intervention has been significantly weakened by the general impression of it's harmful effects on US interests. Apart from significant loss of profits to other western competitors in arms market, US credibility as a supporter of any regimes also gets diluted. Congressional obstacles have given Soviets and extremists in moderate Arab states a chance to rake up anti-US feelings. Every Congressional intervention emphasizes the pro-Israel image of the

United States and puts in jeopardy the US role as a mediator in Arab Israel conflict.

The 1983 Supreme Court decision in the case of Chadha vs. immigration and Naturalization Services dealt a severe blow to accumulated congressional powers since 1974 Nelson amendment. The decision prohibited legislative veto on executive functions. This made it easier for the President to resort to Presidential veto. Now to override a Presidential veto, opponents of Presidents would have to muster support of 2/3 of total membership. In other words the President needs only 1/3 member's support to carry on with his veto. This is not a very difficult task given diverse views in the legislature and resources at the command of the President. This decision has effectively nullified the gains of Arms Export Control Act because cancellation of a arms deal has become all the more difficult. But interestingly most of the important successes of the Congress over the executive have come in post Chadha decision period. Two cancellations of deals with Jordan in 1984 and 1985. Rejection of Stingers and Maverick to Saudi Arabia, Kuwait and Bahrain took place after 1983. Moreover congressional efforts to control faced humiliating defeats during a period when it was perhaps best equipped to face executive since its inception. The 1978 F-15 deal to Saudi Arabia and 1981



AWACS deal came before 1983 and both the times the Congress had full support of Israeli lobby and sufficient determination to show it's superiority. These example establish one important point that it is political considerations that almost always over ride procedural considerations. Any new power provided by legislation has to be supported by the alignment of political forces. Only this kind of support can make the power meaningful. Therefore, Chadha decision failed to make expected impact on the congressional role in US arms sales policy. It was because of political problems that Reagan administration which over powered the Congress in 1981 AWACS deal could not muster enough courage for offensive in 1984 deal with Jordon and quietly withdrew the deal because elections were at hand.

In the final analysis, it can be concluded that congressional role in US arms sales policy has significantly strengthened in supervision as well as control. But the Congress has tasted success best when it is supported by the political circumstances. Whole arms sales process, as pointed out in third chapter, is a process of bargain, compromise and accommodation. In such a situation, ultimate advantage almost always lies with the President because of better resources at his command and Congressional inability to act as alternative policy body. But the Congress has sufficient-

ly achieved its initial goal that it set out in post Vietnam and post Watergate period that is to curb executive excesses, to ensure greater transparency and accountability in administration.

The time frame under investigation has basically covered the Reagan years. However it is important to check whether there was continuity and change between Carter administration and Reagan administration. Further whether there was any impact of Reagan's personality on the US arms sales policy and, more importantly what was his legacy to his successors.

Both Carter and Reagan gave top priority to arms sales in their campaign for Presidency. Carter's promise was indicative of his highly ethical stand on various issues. He deplored the US policy of being principal supplier of war machines and promised a restraint on arms transfer and to utilize arms transfer only in those cases when it clearly demonstrated as serving US interest.

Reagan's promises were in direct contrast with Carter's. He aimed at using arms sales as 'central tool' of US foreign policy. The start of the second cold war enabled Reagan to take a hawkish stand on foreign policy issues. One of his campaign promise was shifting of US embassy from Tel Aviv to Jerusalem.

Their initial policy statement also maintained the contrast as Carter embarked upon 'restraint in arms sales' policy in his statement i.e. Presidential Directive 13 and Reagan resorted to "open door" arms sales policy.

These differences however could not be maintained in middle and long range policy formulations of these administrations. Carter period did not witness any significant decline in arms sales; in fact arms sales registered an increase. Inextricable links of arms sales with US foreign policy in West Asia and elsewhere led to falling back to old arms sales policy by the Carter administration. Since this was visibly contrasting with Carter's policy promises, he suffered stiff opposition and earned the resultant label of chaotic foreign policy. But the hostage crisis and the invasion of Afghanistan by erstwhile USSR turned him sufficiently hawkish in his final years.

Reagan period is also marked by moderation of campaign promise. The foremost aspect was the non-action on the transfer of US embassy to Jerusalem. In fact in 1984 his Secretary of State tried to bargain this demand with Israeli lobby. In return the AIPAC was promised cancellation of major arms deal with Jordan. He secondly, had actively promoted and gained AWACS deal in 1981. Contrary to popular perception, Regan, for most of the first term continued the

arms deal from the Carter period. Therefore, in spite of indications to the contrary there is a significant continuity between the two administration.

Personality wise Reagan period heralds a new era in which US Presidency, moves from 'imperilled' period to 'post modern' period. International political situation which was characterized by second cold war gave him sufficient mandate to follow an assertive policy. This was made all the more desirable by the chaotic experience of Carter period. His popularity and his communication skills gave him certain definite advantages in his dealings with the congress. Apart from the success in converting the legislators to his side he also frequently used means like "emergency waiver clauses" of various legislations. But political constraints led to a more successful congressional opposition to his policies regarding arms sales to Arab states during his second term as President. Critics have rightly explained his political difficulties such as the Iran contra affair, the sharp increase in the activities of Israeli lobby, and his waning popularity rating, as clues to his performance in the second term.

President Bush continued Reagan's arms transfer policy till invasion of Kuwait by Iraq. After 2 August 1990, there has been a reappraisal of arms transfer policy. With regard

to West Asia, arms transfer continued to be in tune with efforts towards peace. President Bush noted that any arms control move should allow enough conventional weapons with countries so they can cater to their minimum security needs. Bush pressed for advance consultation between five major supplier nations to draw a code of conduct for responsible arms transfer. He specifically singled out surface to surface missile which should be checked. After the Gulf War US arms sales policy has become particularly restrictive about proliferation of missiles. Their emphasis on end user certificate has increased and supply of arms to West Asian Arab nation has become more difficult.

On the other hand the Congress has continued with it's legislative activities in the field. In 1991 there were nine pieces of legislation relating to arms export control. Two most important legislative initiative are Middle East Post War Stability and Arms Restraint Act 1991 sponsored by Representative Mel Levine. The Act would oblige the President to seek to form a supplier cartel to set out restriction on arms export. This act indicates the upsurge of industrial interest in arms export policy because Levine is famous for ignoring interest of arms industry of his constituency. But this act is clearly directed to safeguard industrial interest in Post Gulf war period when demand for

restricting arms sales is on the rise. Second important Act is Arms Supplier Regime Act of 1991 sponsored by Senator Biden. This act would oblige the President to try to convene a conference of arms suppliers to halt the flow of unconventional weapons and impose limits as sales of conventional arms to the West Asia. Biden is a principal supporter of regaining of lost congressional power after Chadha decision. This act reflects his desire.

After these observations we can conclude our study by saying that arms sales phenomena is peculiar because of its multilayered complexity which is increased when it comes to US arms sales policy towards West Asia. Heavy political and economic stakes, attendant leverages and influences, centrality in US foreign policy thinking and a very powerful domestic dynamics affects congressional approach and success in US arms sales policy towards West Asia. Despite confusing signals, it can be said that the congress has significantly improved it's supervision of arms sales but initiative remains in the hand of executive. At the same time it must be made clear that the congress never aimed for leadership in arms sales policy.

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