The Water’s Edge: Has American Foreign Policy Lost its Capacity for Bipartisan Unity?

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It is a great pleasure to join the Cleveland Council on World Affairs this evening. I am honored to receive this year’s Global Impact Award. I appreciate your deep interest in global affairs and the energy and creativity that each of you bring to building the vitality of your community. Whenever I am in Ohio, it is a time of homecoming for me. I had the good fortune to graduate from Denison University. Not only were these four of the most stimulating and enjoyable years of my life, but Denison is also where I met my wife, Charlene. We served as co-presidents of the student body and then I won a Rhodes Scholarship. Great things happen in Ohio.

Tonight, I look forward to a stimulating exchange on U.S. foreign policy and the world issues we face. I start by recalling a photo that hung in my U.S. Senate office for many years that was taken on the evening of April 14, 1986. It shows me with President Ronald Reagan, Senate Majority Leader Bob Dole, Senate Minority Leader Robert Byrd, and several other Congressional leaders – Republicans and Democrats. The President had summoned us to share the news that he was sending American warplanes to bomb targets in Libya that night in response to evidence that the Libyan government had been complicit in an attack on U.S. military personnel in Berlin. Our faces are tense in that photograph, as the President asked for our counsel while mentioning the attack aircraft were underway and would reach Libya in two or three hours unless our meeting resulted in a call back.

Many of you will remember a far more famous and recent photograph taken on May 2, 2011, the night of the raid that killed Osama Bin Laden. In this photograph, taken in the White House Situation Room, one can see the faces of the President and twelve members of his national security team also grim with concern for the fate of our military personnel. They are following the progress of the raid through advanced communications technology. Nowhere in the photo is any member of Congress, Republican or Democrat, because none had been invited to the White House or included in the advance consultations leading up to that moment.

The difference in these photos is not accidental, nor is it the result of the whims of two different Presidents. The changes exemplified by the absence of Congressional input into the Bin Laden raid run much deeper than that. In 1986, bipartisan norms in foreign policy made involvement of members of Congress from both parties a natural expectation. In 2011 these norms had changed. The presence
of Republican members of Congress in the situation room, let alone in the photograph, would have been a very big surprise.

But what a constructive surprise that would have been! Imagine the message to allies, enemies, and the American people if that famous photograph, which would be viewed by millions around the world in the days following the raid and has taken on iconic status, would have included Mitch McConnell, Harry Reid, John Boehner, and Nancy Pelosi or even John Kerry and Dick Lugar? The lack of Congressional involvement in the Bin Laden raid was not a presidential transgression. Rather, it was a missed opportunity, like countless others in recent years to strengthen the cohesiveness of bipartisan U.S. foreign policy and to project a more unified image to the world.

Some may suggest that the security risk of including members from the Hill that evening was too great for such a sensitive operation. But I don’t agree with that. This puts too little trust in the integrity of long serving members of Congress and the ingenuity of security arrangements. Moreover, there was similar sensitivity attached to the 1986 Libya bombing. In both cases members of our armed forces were at extreme risk. And, in fact, one of our planes was shot down in the 1986 raid with the loss of two crewmen.

The symbolism of these two photos, taken almost exactly a quarter century apart, speaks to an intense and often crippling dysfunction in U.S. foreign policy. Increasingly, Presidents are operating in the foreign arena without the backing of Congress and often in the face of Congressional hostility. Correspondingly, Congressional input into foreign policy matters is being discounted and avoided by the Executive Branch. In many cases, Congressional participation is seen as an obstacle to be circumvented, rather than as a potential source of strength and support.

We have seen this played out in stark relief during the debate on the recent Iran nuclear agreement. On several occasions, including op-eds that I co-authored with my former Democrat Senate colleagues Sam Nunn and Bennett Johnston, I have explained my support for the Iran nuclear deal and my belief that it is the best option available for restraining Iranian nuclear ambitions. I underscored that there are no perfect arms agreements and that rigorous verification and creative leadership over decades would be required to prevent Iran from obtaining a nuclear weapon. I believe that rejection of the deal at this stage in the process would have gravely endangered Israel, deeply undercut U.S. credibility, distanced ourselves from our allies, accelerated the pursuit of nuclear weapons by other states in the region, and invalidated a non-proliferation process that had produced results. It also would have ended the practical possibility of a non-military solution to containing Iran’s nuclear ambitions.

But I am not one who disputes the vote of an individual member of Congress on a vital issue like the Iran nuclear deal. Members of Congress have to struggle with their own interpretations of information, their own experiences, their own constituencies, and their own personal doubts when they vote on such a matter. Undoubtedly some members on any issue will succumb to political group pressures or cast a vote on the basis of partisan advantage. But it is legitimate to have differences of opinion on
foreign policy issues. Casting a vote against the President on a foreign policy matter is not, in itself, a partisan act. It can, in fact, be necessary and even courageous.

But when one pulls the lens on the Iran vote back to a wider angle, it is apparent that there was no political tolerance whatsoever for a Republican member who may have been persuaded by technical briefings on the merits of the deal or the analysis of experts to cross lines to vote for the agreement. There were zero Republican votes cast for the Iran Agreement in the Senate and the House.

I expect that there may be a variance of opinion on the Iran nuclear agreement here tonight. Many of you have studied this issue intensely and come to reasoned decisions. Some of you may have engaged in the public debate on the issue. But regardless of where one stands, I would submit that the broader atmosphere of extreme contention, where opponents have questioned each other’s loyalty and devotion to American national security, is not healthy.

Although the Iran vote is fresh in our minds, there have been dozens of events and trends in recent years that have demonstrated and contributed to the widening disunity in national security policy. Consider just a few of these.

* We have seen an open letter to Iran’s leadership from 47 Republican Senators that clumsily aimed to undercut our President’s authority to negotiate by explaining something that did not need to be explained: that an agreement with President Obama could be overturned when he leaves office.

* During foreign policy crises, Congress has been unable to muster a consensus for legislative action. Neither the U.S. intervention in Libya in 2011 nor the ongoing operations against ISIS in Syria have been properly debated and authorized by a Congressional vote. This is the result both of the Executive Branch making congressional authorization a low priority and the Legislative Branch avoiding cooperative consultations that might lead to difficult votes.

* In recent years we have seen the total collapse of the President’s ability to use treaties as a tool of foreign policy. The Constitution requires a two-thirds vote of the Senate to approve a treaty submitted by the President. The last major treaty to be approved was the New Start Treaty in 2010 which further limited U.S. and Russian nuclear weapons. It received just 72 votes, despite its relatively modest adjustments to longstanding nuclear weapons policy. Most pending treaties have not even had hearings or been debated in the last two Congresses, because they are perceived to be political non-starters.

* Meanwhile, in 2012, the Obama Administration unilaterally discarded a two-decade old cooperative practice on approvals of arms sales to foreign governments. This process of Congressional pre-approval of arms sales greatly facilitated consultation between the branches and ensured that in almost all cases, our government was unified on when to sell and when to withhold American made arms.
"Last week, we heard an important Republican member of Congress publically celebrate the political effectiveness of Congress’ expansive probe of the attack on our Benghazi diplomatic facility.

And currently, in the midst of one of the worst refugee crises in memory, the President’s nominee to the U.S. Agency for International Development, Gayle Smith, who was passed out of the Foreign Relations Committee unanimously in July, is being held up over disputes related to the Iran agreement.

My concern is not that strong differences arise over specific foreign policy issues, but that partisan Congressional opposition to Presidential national security initiatives has become so commonplace and so much a part of political expectations that we have lost not only the capacity to build a foreign policy consensus, but the will even to pursue one.

What has occurred is a profound change in the norms that used to govern the inter-party and inter-branch consultations on foreign affairs. Going back to the founding of our Republic, we have had partisan disputes over foreign policy. But in past years, most members were governed my some measure of respect for the role of the President and a desire to avoid looking divisive on foreign matters. Presidents, in turn, consulted with members of Congress more frequently and meaningfully on national security.

There are serious costs and risks to this divide, especially given this era of rapid change in the international order. Obviously, discord within our government over foreign policy can confuse allies and embolden enemies. It also makes the construction of a comprehensive strategy almost impossible. Lack of unity relegates Presidents to constructing foreign policy on an ad hoc basis.

The United States is encountering numerous fundamental changes in the global landscape that demand the development of a much greater level of policy consensus. Some of these changes are driven by technology, including, the explosion of drone capabilities, the constant threat of cyber-warfare, advances in biotechnology and energy production, and rapidly expanding information gathering capabilities exemplified by the NSA spying disclosures.

Other fundamental changes involve decisive shifts in regional politics, including China’s growth into a major power, the sustained upheaval in the Middle East and the resulting refugee crisis, the emergence of Islamic State, the continuing evolution of the international terrorist threat, the withdrawal of U.S. ground forces from Iraq and Afghanistan, and Russia’s assertive international posture.

Still others stem from economic developments as the global economy becomes more connected and complex. All these changes are playing out in the context of declining U.S. military and foreign policy budgets and expensive decisions pertaining to the U.S. nuclear deterrent.

One of the ironies of the Iran agreement is that despite all the heat and bluster surrounding it, there is broad agreement on the problem itself and the goals to be achieved. We have been arguing almost entirely over methods. As such it is a relatively straightforward foreign policy problem. With issues like
the growing power of China, the use of drones and electronic eavesdropping, and the future of the U.S. nuclear deterrent, for example, there is not even agreement on the terms of reference. Congress and the Administration are not engaging on these issues primarily because such engagement is seen as a waste of time given the partisan atmosphere. Since President Obama announced the so-called pivot to Asia, for example, there has been very limited consideration in Congress of what this means or what it should mean.

The best course when a nation confronts this level of change in the international order is to solidify a new foreign policy consensus. We did that after World War II and to a lesser extent at the end of the Cold War. One can argue that there were nascent bipartisan attempts to recalibrate U.S. foreign policy after the September 11 attacks, but these efforts withered amidst the controversy generated by the invasion of Iraq.

Currently, no significant attempts at building a new national security consensus are happening within the United States government. This is extremely dangerous for U.S. national security and for U.S. national unity in future crises.

Rectifying this situation will not be easy. The solution starts with more opinion leaders becoming aware that there is a problem.

The Lugar Center, in Washington, which I founded with former Senate staff members, is working in a number of ways to bring Republicans and Democrats together, including hosting bipartisan forums for Congressional staff on arms control and global food security. We also have published the Bipartisan Index in association with the McCourt School of Public Policy at Georgetown University. This unique Congressional ranking system examines how often members of Congress co-sponsor the bills of members of the opposite party and how often a member’s own bills attract bipartisan co-sponsors. Our goal is to prod members who want to govern into pursuing bipartisan support for their ideas earlier in the legislative process. We also have co-hosted workshops that help train congressional staff on how to perform bipartisan oversight of the Executive Branch.

Our experience is that there is a genuine appetite for such endeavors within Congress, even as members of both parties face incredible pressure to conform to partisan strategies.

Ultimately, however, the fastest means of improving foreign policy coordination between the branches and between the parties rests with the next President. If he or she devotes significant time and energy to consulting with Congress early in the presidency, we could build momentum toward repairing the concept that politics stops at the water’s edge. The next President must give attention to uniting the country and building a national security consensus, not just as a means of passing his or her priorities, but as an end in itself.

This isn’t something that can happen overnight. But I do believe that behind outward partisan posturing most leaders recognize that unity in foreign affairs does matter. And I believe that remedies can be found within the scope of our democracy.
I thank all of you for joining me in thinking through these dynamics this evening. I appreciate your devotion to good governance and the strength of our country. I am grateful for the opportunity to share my thoughts with you and I look forward to your questions, and good counsel.