The Legislator as Educator

By J. William Fulbright
From our Spring 1979 Issue

My long tenure in the Senate, much of it under less than tranquil and serene circumstances, may have compromised my capacity for objective judgment of a legislator's role in our democratic system. But today, in face of the skepticism voiced in some quarters about the fate of the SALT II agreement, together with the developments in Iran, I confess to increasingly serious misgivings about the ability of the Congress to play a constructive role in our foreign relations. Though these misgivings are far from confined to the Congress, I find myself haunted by Alexis de Tocqueville's famous statement nearly a century and a half ago: "I do not hesitate to say that it is especially in the conduct of their foreign relations that democracies appear to be decidedly inferior to other governments. . . . Foreign politics demand scarcely any of those qualities which are peculiar to a democracy; they require, on the contrary, the perfect use of almost all those in which it is deficient."

Tocqueville was impressed by the vilification heaped upon George Washington by Congress and the public for his opposition to joining the French in their war on England, and also by Washington's Farewell Address, in which he said, "The nation which indulges towards another an habitual hatred, or an habitual fondness, is in some degree a slave. It is a slave to its animosity or to its affection, either of which is sufficient to lead it astray from its duty and its interest."

As I contemplate the events of the recent past and even of the present, I am struck by the foresight of Tocqueville and the profound wisdom of Washington. I take some comfort from Thomas Jefferson, who had such confidence in the ultimate wisdom of the average man, although he and his principal associates were far from being average.

In the early years of this century, foreign policy professionals were confronted with the expansion of popular democracy beyond local and domestic matters to encompass foreign policy as well. Prior to that time, public opinion exerted its influence on basic issues of war and peace, but otherwise played only a limited role in the refined arts of diplomacy. Reactions to the new surge of democracy varied. Idealists proclaimed the coming of an era of brotherhood and peace. Traditionalists foresaw an era of jingoism and demagoguery. Walter Lippmann, from the perspective of the 1950s, wrote of an ignorant and impassioned public opinion having imposed a "compulsion to make mistakes," and having reduced democratic politicians to "insecure and intimidated men," "with exceptions so rare that they are regarded as miracles and freaks of nature . . . ."

Others took a less despairing view, trusting in the educability of a democratic electorate. Among those was Elihu Root, who had served both as a Senator and as Secretary of State. In the very first article ever to appear in this journal, in 1922, he offered this simple prescription for a responsible public opinion: "that the democracy which is undertaking to direct the business of diplomacy shall learn the business." Far from despairing of the educability of the people, Root perceived advantages in the change from the old diplomacy to the new. Under the old system, nothing much could be done

to deter a monarch or dictator from malign purpose, but in a democracy something could be done to deliver the people from mistaken beliefs which could lead to unnecessary conflicts. As Root put it:

While there is no human way to prevent a king from having a bad heart, there is a human way to prevent a people from having an erroneous opinion. That way is to furnish the whole people, as a part of their ordinary education, with correct information about their relations to other peoples, about the limitations upon their own rights, about their duties to respect the rights of others, about what has happened and is happening in international affairs, and about the effects upon national life of the things that are done or refused as between nations. . . . 1

Root's prescription is in the Jeffersonian tradition, more congenial to American thought and experience than the elitism of the old school of European diplomacy.

During the past 30 years this great and powerful nation, previously insulated by history and geography from the rest of the world, has been rudely projected into a leadership role for which it was ill-prepared. It should not surprise us that we have had some trouble with this new and difficult role.

In domestic affairs the diversity of our population, with roots in different foreign cultures, has given us strength and vitality, but in foreign affairs it has created problems. It is not easy for us to decide upon and to follow a foreign policy consistent with our own national interest when so many of our people and our legislators have deep emotional attachments to other countries which have interests different from ours.

Yet popular participation in foreign policy is here to stay, and it is useless, even for those who regret the passing of the old aristocratic system, to dream of its revival. Our prospects and our hope lie in Root's prescription, and in that of Jefferson, who wrote in 1820: "I know no safe depository of the ultimate powers of the society but the people themselves; and if we think them not enlightened enough to exercise their control with a wholesome discretion, the remedy is not to take it from them but to inform their discretion."

In the final analysis, we have no alternative but to work with what we have. I am constrained to believe that we are capable of learning from our recent experiences in the international arena. But I confess I harbor the belief as a matter of faith, not because we have, so far, demonstrated such a capacity.

II

My own belief, built upon 32 years in public life, is that the basic issues of foreign policy-as distinguished from its details and technicalities-are well within the grasp of ordinary citizens, provided these issues are explained, clearly and accurately, by competent and responsible leaders. There is, I believe, a qualitative difference between the public's proper role in foreign and in domestic affairs. More of the latter fall within the daily lives and personal experience of our citizens; their judgment is often sounder in such matters than that of their representatives, who do well, in those cases, to accede to their constituents' wishes. To the extent that issues fall beyond the people's experience, or in instances of conflict between groups in which the larger interest of the

community is unclear, the political leader has a greater responsibility-to identify the larger interest and to explain it. It then becomes his responsibility to lead and to educate.

It is in this area of activity, that of the legislator as educator, that we are experiencing difficulties in American government today. In an age of dramatic advance in the technology of communications, an age in which the very word "communications" connotes an industry, a major government agency, and even an academic discipline, we seem to have lost interest in the most basic tool of communication, which is clarity of word and thought, the articulation of ideas, the analysis of problems, and the exposition of programs through speech and writing. Our elected representatives, and the "communications" experts they employ, study and analyze public attitudes by sophisticated new techniques, but their purpose has little to do with leadership, still less with education. Their purpose, it seems, is to discover what people want and fear and dislike, and then to identify themselves with those sentiments. They seek to discover which issues can be safely emphasized and which are more prudently avoided. This approach to politics is the opposite of leadership; it is followership, for purposes of self-advancement, elevated to a science.

I do not suggest that a politician can build a successful career on foundations of pristine honesty and unflagging courage. Such a thesis, offered by a former politician, would be unconvincing as well as untrue. The trimming of sails, the evasion of certain issues, and the marshalling of arguments so as to make the most appealing, if not necessarily the most logical, case for your cause, are all commonplace in the political arena. I have never known a politician who did not resort to these and other devices.

I surely did, in 1946, for example, to secure the adoption of the exchange program. I did not at that time emphasize what I believed then, and still believe, to be the real value of the Fulbright scholarships-which is their contribution to the advancement of world peace and international community-because I was fairly sure that argument would not sell. I stressed instead the modest costs of the program and the availability to the United States after World War II of foreign assets which could not otherwise be redeemed. The bill was allowed to pass because influential Senators who might otherwise have opposed it deemed it insignificant. I was content to have them believe that, and I have no regrets today.

I never supposed during my 30 years in the Senate that I could take a leading or creative role in more than a few areas of public policy. I tried to explain this concept in a speech at the University of Chicago in February 1946, distinguishing between two issues that were then current, the poll tax and support for the recently established United Nations. I said at that time:

The average legislator, early in his career, discovers that there are certain interests, or prejudices, of his constituents which are dangerous to trifle with. Some of these prejudices may not be of fundamental importance to the welfare of the nation, in which case he is justified in humoring them, even though he may disapprove. The difficult case is where the prejudice concerns fundamental policy affecting the national welfare. A sound sense of values, the ability to discriminate between that which is of fundamental importance and that which is only superficial, is an indispensable qualification of a good legislator. As an example of what I mean, let us take the poll-tax issue and isolationism. Regardless of how persuasive my colleagues or the national

press may be about the evils of the poll tax, I do not see its fundamental importance, and I shall follow the views of the people of my State. . . . On the other hand, regardless of how strongly opposed my constituents may prove to be to the creation of, and participation in, an ever stronger United Nations Organization, I could not follow such a policy in that field unless it becomes clearly hopeless.

The burden of my theme is that the modern legislator, with some admirable exceptions, has discarded the role of educator in favor of performing services for his constituents-and not really his constituents as a community, but the best organized, best funded, and most politically active interest groups within the constituency. Furthermore, there has occurred a reversal of priority between policy and politics. The responsible legislator will begin with a policy or program that he believes to be in the national interest and may then resort to technique and salesmanship to win its enactment. The new breed of Congressperson seems more inclined to test the market first, to ascertain what is in current demand, and then to design a program to fit the market.

Products of the media age, the new breed of legislator, it seems, aims not to convey an idea but to project an image. I would not blame this all on television, or the public relations industry, but they have clearly been important influences. (As long ago as 1948, when both television and public relations were in their infancy, it is said that an exhaustive investigation by an advertising agency of Thomas E. Dewey's public personality, in the wake of his second defeat for the presidency, resulted in the redesigning of the Governor's mustache.) The image most assiduously cultivated since Watergate is that of honesty and sincerity. Candidates go to considerable trouble and expense to cultivate images of rugged honesty, and there is no accusation more stinging than a lack of personal rectitude. The righteous indignation of the media-age politician brings to mind the eighteenth-century Vicar of Bray, who haughtily rejected charges of opportunism with the explanation that he had indeed an overriding conviction: "That whatsoever king shall reign, I will be the Vicar of Bray, sir."

Being defeated is not the most delightful experience of a public person's career. But there should be solace in the knowledge that the departure of any given officeholder is rarely, if ever, a catastrophe for the nation. Nor need it be the occasion for personal distress if the retiring legislator has the satisfaction of knowing that he has accomplished something useful for the nation, that he has used the power which was entrusted to him and did not simply hoard it. It is understandable that most politicians give preemptive priority to retaining office, or gaining higher office. It is less understandable that so many citizens indulge that frailty, absolving their representatives from the obligation of responsible behavior when electoral pressures invite irresponsibility. In this respect, if not in all others, I agree with Adlai Stevenson that "Your public servants serve you right."

In other respects, I am less certain that the people deserve inadequate leadership. The American people, I believe, have demonstrated on crucial occasions their ability to understand and support responsible foreign policies. I do not think, however, that the people, acting spontaneously, can be expected to counteract the effects of a vast advertising industry and the mass media put to the service of shallow and irresponsible political salesmanship. Here there is need of some kind of social contract between the leaders and the led, or of something akin to the Hippocratic oath applied to politicians. I agree with Edmund Burke that, "Your representative owes you, not his industry alone,

but his judgment; and he betrays, instead of serving you, if he sacrifices it to your opinion." I agree, too, that for the soundness of his judgment the legislator is and ought to be fully accountable to his constituents, who may grant him indulgence where he encounters obstacles but who owe him none where his personal ambition is allowed to take precedence over public needs. The unanswered question of leadership in America today is no longer the question to which Thomas Jefferson and Elihu Root addressed themselves, which was the educability of the people; the question today is whether their leaders possess the intellect and character to educate them about foreign relations.

III

In the course of my Senate career I made many speeches on foreign policy but only one, as I recall, elicited such enthusiasm from the executive branch that it was quoted approvingly for years following. In that speech, a lecture at Cornell University in May 1961, I raised the question whether our eighteenth-century constitutional procedures were adequate to the foreign policy requirements of the twentieth century, and I wondered aloud "whether the time has not arrived, or indeed already passed, when we must give the executive a measure of power in the conduct of our foreign affairs that we have hitherto jealously withheld." Over the following years-in hearings before the Senate Foreign Relations Committee on such issues as the aims and conduct of the Vietnam War, the Gulf of Tonkin Resolution, the Dominican intervention, and the National Commitments Resolution-Secretary of State Dean Rusk took considerable satisfaction in quoting my thesis of 1961 and commending it to the Foreign Relations Committee.

The Secretary was suggesting inconsistency on the part of the Chairman of the Committee, who defended himself by invoking Alexander Pope's observation that, "A man should never be ashamed to own he has been in the wrong, which is but saying, in other words, that he is wiser today than he was yesterday."

In the immediate aftermath of the relatively quiet Eisenhower years, there seemed merit in the more assertive exercise of executive power in foreign relations. During the three succeeding presidencies-of Kennedy, Johnson and Nixon-a dramatic resurgence of executive power in foreign policy took place. The armed forces were committed against Cuba in 1961 and the Dominican Republic in 1965-precipitously, without congressional sanction, and in violation of our inter-American treaty obligations. In Vietnam we fought a long, costly and ultimately futile war with no more cover of constitutional sanction than the dubious and later discredited Gulf of Tonkin Resolution. To my lasting regret I played a major role in securing the enactment of that Resolution, which I surely did not anticipate would be invoked as legal sanction for a full-scale war. If the Gulf of Tonkin Resolution was, as claimed, the "functional equivalent" of a declaration of war, it must stand as the only instance in the nation's history in which Congress authorized war without knowing that it was doing so-indeed, in the belief, as the legislative history shows, that it was acting to prevent war. During this period, too, the executive had increasing resort to executive agreements-in security arrangements with Spain, for example-as means of expanding American commitments abroad, thereby eroding the treaty powers of the Senate.

In the wake of these events, and under the new circumstances to which they gave rise, many of us in Congress returned to our drawing boards, to reconsider the proper balance

between Congress and the President in the making of foreign policy. The results of this reaction to what had come to be known as the "imperial presidency" included the National Commitments Resolution of 1969, the Case Act of 1972 requiring the reporting of executive agreements, the War Powers Resolution of 1973, and a whole series of legislative amendments restricting and finally ending American military action in Indochina.

Since the end of the Vietnam War, Congress has steadily and rapidly expanded its legislative authority to restrict, define and mandate acts of foreign policy. Extending its initiatives into matters of detail as well as broad direction, and even into the internal affairs of foreign countries, Congress has broadened its area of influence and activity beyond the classical preserves of legislative authority in foreign relations, generally defined by the war and treaty powers. The imperial presidency, in the wake of Vietnam and Watergate, seems to have fallen as fast as it rose, while those of us who prodded what seemed to be a hopelessly immobile herd of cattle a decade ago now stand back in awe in the face of a stampede.

I am not inclined, however, to revive my formulation of 1961, calling for a more generous grant of presidential power over foreign relations. A new, more generally serviceable formulation seems required, one that will take account of the essential congressional role in the authorization of military and major political commitments, and in advising broad policy directions, while leaving to the executive the necessary flexibility to conduct policy within the broad parameters approved by the legislature. Equally important is the responsibility of the President to define and explain the national interest, to employ his office, as Franklin Roosevelt once defined it, as "preeminently a place of moral leadership."

After a career of three decades in public life, I am unable to generate enthusiasm or even sympathy for a "strong" presidency or an assertive legislature as such. The more pertinent question, as the historian Thomas Bailey has suggested, is not whether a President was "strong" in the sense of dominating and overbearing, but whether he was "a dignified, fair, constitutional ruler, serving the ends of democracy in a democratic and ethical manner." Similarly, as to the legislature, the important question is not whether it exercises its powers vigorously and aggressively, but whether it exercises them wisely, responsibly and, when the need arises, courageously.

Our proper objective is neither a dominant presidency nor an aggressive Congress but, within the strict limits of what the Constitution mandates, a shifting of the emphasis according to the needs of the time and the requirements of public policy. In times of presidential excess, such as the 1960s, an assertive Congress is a necessary corrective. In a time, such as the present, when Congress is asserting its prerogatives aggressively, but without a commensurate demonstration of public responsibility, there is much to be said for a revival of presidential leadership.

IV

We return inevitably to the legislator as educator. The trouble with the resurgent legislature of the late 1970s is not so much that it has gone too far, as that it has gone in the wrong direction, carping and meddling in the service of special interests but scarcely asserting itself through reflective deliberation on basic issues of national interest. With

the weakening of the national parties and of the leadership structure and seniority system in Congress, legislators are more susceptible than previously to the pressures of special interests, toward certain of which they exhibit an unseemly timorousness. Although there is an appearance of strength in the pressing of claims upon a diminished presidency, many of these claims are pressed by powerful interest groups upon the legislators themselves, who, instead of having gained a measure of independence, seem only to have traded one thralldom for another.

The amenability of Congress to special foreign policy interests has proven costly to the national interest. Excessive attachments to one country or another, or rigid animosity as in the case of the Soviet Union, have deprived our foreign policy of both balance and opportunity. The same is true of dogmatic attachment to general principles, such as human rights. The common disabling factor in all attachments is that they jeopardize other foreign policy objectives of equal and sometimes greater validity in terms of both national interest and international policy. George Washington's admonition, to which I referred earlier, is perhaps more pertinent to us today than at any time in our history.

There come to mind, in this connection, such congressionally imposed enactments as the Turkish arms embargo, belatedly repealed in 1978, and the Jackson-Vanik Amendment, still on the books despite having provoked a result opposite to its intent, while also disrupting trade and stalling détente with the Soviet Union. Because they are backed by powerful domestic interest groups, enactments of this kind are difficult to repeal even when their mischievous consequences have become obvious.

To some degree the situation might be improved by structural reform in Congress-the reconsolidation of fragmented committees, or the scaling down of overgrown staffs and their exclusion, so far as possible, from political activities. But the basic problem and its corrective lie elsewhere, in the character and quality of our representatives and in their attitudes toward their responsibilities as legislators. A common attitude among the majority in Congress-many of whom habitually run ahead of their party's presidential candidate in national elections-is expressed in the phrase, "We don't need him." This attitude, which sometimes extends to the party leadership, is apparently well-founded in electoral terms. But in terms of public policy it has different implications, making for fragmentation, divisiveness and the prevalence of special interests over the national interest.

I know of no way to alter this attitude by structural or procedural reform. A few years ago I suggested-not entirely frivolously-a constitutional amendment to prohibit sitting Senators from running for the presidency, so that Senators would find it necessary to focus their talents without distraction on "the world's greatest deliberative body," and would be set free at least from the pressure groups that had no special standing in their own states. For reasons that I trust no one will find mystifying, the proposal did not catch fire. I return, therefore, to the necessity of electing individuals with judgment to public office, legislators who place a higher value on the national interest than on their own reelection or advancement, legislators who will recognize that they do need the executive as a partner in the making of national policy.

V

At present I can think of no more convincing assertion of congressional authority in foreign affairs-which would also be a service to the national interest-than the repeal of the discredited Jackson-Vanik Amendment. In doing this, or even trying to do it, Congress could serve the nation with a salutary debate on basic questions of détente with the Soviet Union. Such a debate might begin with certain incontestable facts, notably that immediately upon the enactment in 1974 of the Jackson-Vanik Amendment linking equal trade treatment for the Soviet Union with the dropping of emigration controls, Jewish emigration, which had been increasing steadily, was drastically cut back, from 35,000 in 1973 to 21,000 in 1974, and then to 13,000 a year in 1975, before being allowed to increase again in 1978. At the same time, Congress might consider the advantages of trade with the Soviet Union, which, except for some large agricultural shipments, has stagnated since 1974.

Beyond that-especially with a SALT agreement in prospect-there would be high educational value in still another general review of the two schools of thought regarding Soviet-American relations, the cold war school and the détente school, which have competed inconclusively for the American people's allegiance for the last 30 years. We conducted a review of this kind in the Foreign Relations Committee in 1974, in the course of which a number of seminal questions were raised, including, for example: Is the Soviet Union driven by ideological zealotry to relentless expansion, or is it a more or less conventional great power, expanding its influence where it finds opportunities, retrenching where it must? Is the Soviet Union incorrigibly repressive in its internal affairs, and can outside pressure compel greater regard for human rights, or as Marshall Shulman has suggested, is the easing of repression "more likely to result from evolutionary forces within the society under prolonged conditions of reduced international tension."2 Finally and most important, is the Soviet Union an inveterate antagonist to the United States, or can it be a reliable collaborator in trade, arms control, and keeping the lid on regional conflicts?

With the normalization of American relations with China, still another, closely related set of questions could be usefully explored. Depending upon our basic view of the Soviet Union, we will play the "China card" either as an instrument of the cold war or as an added lever toward general détente. The Chinese, for their part, whose fear of the Soviet Union may be better founded than our own, will undoubtedly wish to play their "American card." It would be useful for Congress, through committee hearings and general debate, to consider exactly how far and in what ways Chinese and American interests coincide and in what ways they diverge, especially as to the Soviet Union. It will be interesting to see, for example, whether the congressional champions of human rights and free emigration will be as conscientious in measuring China's performance as they have been in measuring the Soviet Union's.

The underlying question (and in posing it I admit to suggesting the answer) is whether two nations as powerful as the Soviet Union and the United States can afford to play traditional balance-of-power politics, or whether they are not under a special obligation to contain, limit and, wherever humanly possible, resolve differences which, because of the power of the weapons at their disposal, pose a continuing threat to the entire human race.

By all accounts and available evidence, there is indeed a "new breed" of legislator in the United States. In addition to being younger, more independent of party and President but much less so of constituency and pressure groups, more oriented to service and less to policy, the new breed of legislator has a somewhat distinctive attitude toward power. He seems more interested in its acquisition than in its uses, which is tantamount to saying that he is not very interested in power at all, but rather in the things that attend it-position, perquisite and prerogative.

Power, unlike money, is a wasting asset. It cannot be saved for long periods of time or invested for purposes of growth. It can be squandered, to be sure, and it can be used selectively for greater effect, but it must be used or it does not exist. Real power is the bringing to bear of significant influence on the course of human events. An officeholder whose career is devoted to ombudsman service-useful though this may be-to the appeasement of powerful pressure groups, to the advancement of "safe" causes and the avoidance of controversial ones, will find at the end of his career, if he stops to think of it, that he never wielded power at all. Although he may have adapted skillfully to the course of events, he will not have significantly influenced them. He may, like the Vicar of Bray, retain his position, or he may improve it, but that will be his maximum achievement, having little to do with the exercise of power.

The American federal system is built on the assumption that our leaders will be individuals of honest and independent judgment, patriots in the sense of readiness to place the national interest over special interest or personal ambition. James Madison, writing in The Federalist, Number 10, conceived of the national legislature as an educational forum, which would "refine and enlarge the public views, by passing them through the medium of a chosen body of citizens, whose wisdom may best discern the true interest of their country, and whose patriotism and love of justice will be least likely to sacrifice it to temporary or partial consideration." The Founding Fathers expected this representative assembly to consist of individuals, as Madison wrote, "whose enlightened views and virtuous sentiments render them superior to local prejudices, and to schemes of injustice."

It is unlikely that the Congress, even in the time of the founders, ever fulfilled this description. There have surely been times, however, when it came closer to Madison's standard than it does today. It appears that in this age of poll-taking and image-making, of mass media and political salesmanship, the attributes required for winning public office have become quite distinct from the qualities needed to govern responsibly. The attributes most useful in seeking office-endurance, agility, ambition and a telegenic personality-are not necessarily antithetical, and may in fact be helpful, to the responsible conduct of office.

Unfortunately, however, the reverse is not true. The qualities needed to govern well-wisdom, intellect, competence and character-are of little use in modern election campaigns, and may, if not suppressed, be significant handicaps. Furthermore, individuals with these attributes also tend to have sensibilities which would cause them to be repelled by the hypocrisy and demeaning requirements of modern political campaigns. It seems likely that among our population of over 200 million there are men and women of the caliber of Washington, Jefferson, Lincoln, and Wilson. There must be some explanation for the fact that they remain in obscurity.

VII

There is no magic, but neither is there any mystery, about the best way to draw individuals of intellect and character into our public life. The answer is through our educational institutions, which are the training ground of our leaders. To the extent that they allow their curricula to be composed of non-disciplines such as the "science of communications," of subject matter dealing with technique rather than substance, and of courses teaching skills that might otherwise be left for on-the-job training, our universities are condemning the nation to a leadership of hustlers-marketers of image and plastic personality, individuals with little knowledge of or concern for the needs of a free society, aspirants to personal prerogative but not to real power and its constructive uses. As the training ground for leadership, our universities have an obligation to the entire American people to maintain standards of academic excellence-in history and the social sciences, in literature, philosophy and the arts.

In his great address of 1774, Burke gave us a definitive conception of the legislature: "Parliament is not a Congress of ambassadors from different and hostile interests, which interests each must maintain, as an agent and advocate, against other agents and advocates; but Parliament is a deliberative assembly of one nation, with one interest, that of the whole-where not local purposes, not local prejudices, ought to guide, but the general good, resulting from the general reason of the whole."

Such a body cannot simply be called into existence. Burke, like our own Founding Fathers, assumed that the legislature would be as good, as wise and as responsible as the members who composed it. They had little if anything to say about structure and procedure in the representative body. Their concern was for the character of the representatives, whose "patriotism and love of justice," in Madison's phrase, was the only reliable safeguard of the public interest. They apparently did not doubt that the legislator would be able and willing to meet his primary responsibility as educator. With that assumption now having come into doubt, the task of our own generation is to educate our leaders before they become leaders. If they are to inform our discretions, we must first inform theirs.

Footnotes

1 Elihu Root, "A Requisite for the Success of Popular Diplomacy," Foreign Affairs, September 15, 1922, p. 5.

2 Marshall D. Shulman, "On Learning to Live with Authoritarian Regimes," Foreign Affairs, January 1977, p. 334.