

1970

## The Outlook in the Senate for Advice and Consent

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### Recommended Citation

Byrd, Harry F. Jr (1970) "The Outlook in the Senate for Advice and Consent," *Naval War College Review*: Vol. 23 : No. 8 , Article 2.  
Available at: <https://digital-commons.usnwc.edu/nwc-review/vol23/iss8/2>

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*In recent months the Senate has exhibited a greater independence in investigating and judging American military appropriations and foreign policy commitments. Two issues in which this independence has been exhibited have been appropriations for a third nuclear-powered aircraft carrier and the reversion of political sovereignty over Okinawa to Japan. By its actions on these and other issues, the Senate is reasserting its constitutional prerogatives in military and foreign affairs.*

## THE OUTLOOK IN THE SENATE FOR ADVICE AND CONSENT

An address delivered at the Naval War College

by

Senator Harry F. Byrd, Jr.

There can be no doubt that our experience in Vietnam underlies the questioning mood in the Senate in the fields of defense and foreign affairs. The frustrations of the war in Southeast Asia have given rise to a skepticism about our whole military posture—and, indeed, our general relations with the rest of the world. Within reasonable limits, this is a healthy mood. Our alliances and our defense expenditures should be forced to stand the test of close scrutiny by the Congress.

Many members of the Senate feel that the United States is overcommitted around the world. I must say that I share that feeling. I do not favor a "world policeman" role for this country. We have mutual defense agreements with 44 different nations around the world. I do not believe that the United

States can be expected to shoulder indefinitely so many overseas burdens.

For example, I have felt from the beginning that U.S. involvement in a ground war in Southeast Asia was a grave error of judgment. I concur with my close friend, Senator Richard B. Russell, president pro tempore of the Senate, chairman of the Appropriations Committee, and former chairman of the Armed Services Committee, who has publicly stated that the United States ought not be involved in an Asian land war. I am certain that this Nation's experience in Southeast Asia has damaged the prestige and future of the military.

This is not the fault of the military itself. I feel that much of the responsibility lies with former President Johnson and former Defense Secretary

McNamara, who conducted the war in an unwise manner. They attempted to run the war out of Washington and put unrealistic restrictions on our commanders in the field. The McNamara concept of a so-called limited war proved itself a farce and prolonged the war and increased the casualties. Yet, in the public mind, our Armed Forces, manned by dedicated, competent professionals, are being discredited for the results. In this uncertain world, I want our Nation to remain militarily strong.

There is a crucial difference between declining to police the world because we do not choose to do so and declining because we are unable to do so. *Choosing* not to do so is an act of judgment, which implies the existence of an American deterrent that discourages adventurism on the part of potential enemies. On the other hand, being *unable* to do so implies a posture of impotence that can only encourage aggressors. We must be in a position of choice, not a position of impotence.

We cannot escape our responsibilities in this imperfect world of violence. I do not favor a policy of intervention—certainly not a policy of unilateral intervention—but I believe in looking at the world as it is, not as we might *wish* it to be. It is interesting to note that some of the wishful thinkers about the world situation—some of those who are willing to see a weakening of the American defense structure—are the very ones who, a few years ago, were among our most ardent interventionists. Some members of the Senate, for example, have gone all the way around the circle from internationalism to isolationism.

Rightly or wrongly, I have been consistent. Never have I favored that we police the world. Yet always have I recognized that we have a grave obligation worldwide—but that we must be realistic in what commitments we assume. In the world as it is, we need strong defenses. And no arm of our defense is more important than a

modern Navy. I strongly agree with the statement last year by Senator George Aiken of Vermont, who declared that “whoever controls the seas will control the overriding question of peace or war.” Senator Aiken is a man dedicated to peace, but his statement shows a realistic appreciation of the need to maintain American seapower.

American troops ought not to be committed overseas except in the most extreme circumstances. But seapower is far more than a means of protecting troops abroad; it is our means of insuring that sealanes of the world stay open to us, whatever the threat that is posed. This is vital to our very survival. We need a strong combat submarine force to guarantee our freedom of action on the high seas. We also need our Polaris submarines, a vital part of our strategic deterrent. Our antisubmarine force also is vital, in view of the threat posed by Soviet submarines. And to project our power overseas when all else fails, it is essential that we have a strong amphibious force.

In the Senate, debate about seapower has come to center around the aircraft carrier. So I decided to discuss with you the debate over aircraft carriers as an example of the arguments that are advanced for and against seapower today. Last year in the Senate, a major debate occurred over the funding of a new, nuclear-powered aircraft carrier. It was my privilege to play a part in the defense of the authorization for that ship, and, as you know, our side carried the day. But the debate over carriers is far from ended. For this reason it is useful to look at some of the principal arguments being advanced. I think these arguments are indicators as to how the winds are blowing in the Senate.

Opponents of the new carriers do not contend that the United States can do without tactical airpower. Both sides in the debate admit that the real question is this: How do we move the aircraft into position when they are needed? To

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put it another way: Can we get along without mobile, sea-based aircraft? There is reason to doubt that land bases for tactical aircraft always will be available.

When the Communists overran all of our bases in South Korea, the only sustained tactical airpower available was carrier based. During the Lebanese crisis, although a base was available to us in Turkey, its use was denied to us when Greece, a NATO ally, refused to allow overflights. Our carrier force provided air cover for the Marine landing after the order was issued.

Since 1954 the United States has lost two-thirds of its overseas bases. The most recent loss is Wheelus Air Force Base in Libya—a fresh reminder that large investments in overseas installations can go down the drain without a shot being fired. The Libyan Government simply demanded that we leave. Carrier based aircraft will be important in filling the resultant gap left in Mediterranean air cover.

Carrier based planes have played an important role in Vietnam, and now that we are withdrawing our forces from Southeast Asia, I wonder what will happen to all those air bases we built over there. They cost us a lot of tax dollars. Carriers are expensive too, but they are mobile and can serve in many crises and conflicts.

Regardless of how you calculate the cost of overseas bases, they certainly involve a large outflow of dollars. And that adversely affects our balance-of-payments situation. Opponents of the carriers contend that carrier-based tactical airpower is two to three times as expensive as land-based planes. But this conclusion is based on false assumptions: namely, that we will have unchallenged access to the sealanes, overseas base availability, prestockpiling of weapons, and an assured fuel supply—all at *no cost*. Furthermore, it is assumed that the foreign bases will not be contested by hostile ground forces. Assumptions

like these have been rejected by the Defense Department as unrealistic—and rightly so.

But considerations of cost are by no means the whole story. The aircraft carrier is well suited to the new posture of the United States—the so-called “low profile.” We must remember that carriers operate on the open sea, while the commitments of an air wing to a foreign base involve putting at least 3,000 men on foreign soil, in addition to the facility itself. Furthermore, the quality of foreign troops that may be available is unknown, and it could be that Army troops would be required to guard the base. The carrier is a very versatile weapon. Its use is certainly not confined to the so-called “brushfire” conflicts, but is adaptable—indeed, is essential—to maintaining our general superiority at sea. Unless we wish to get out of the seapower business entirely—and that would be to surrender our freedom of action as a Nation—we had better keep *modern* carriers in our fleet. The carrier is capable of holding the balance of power on the high seas.

The carriers' opponents argue that the ships are too vulnerable. It must be admitted, of course, that they can be attacked, just as any other ship can be attacked. But the carrier is the toughest of all our ships: not only is it protected by its own aircraft and escorts, but it is built to withstand attack.

Sometimes opponents of the new aircraft carriers maintain that the issue is whether or not the Navy needs 15 carriers. That is the present force level. It is my view, however, that the issue is not whether we need 15 carriers, or 12, or 10, or 8, but whether or not we are going to have a *modern* Navy. That brings us to the present situation in the Senate, which is a bit complicated.

It was widely assumed that this year Congress would be asked to authorize a fourth nuclear-powered aircraft carrier, the third of the *Nimitz* series. But no request for funds has come from the

administration. Personally, I favor a fourth carrier. A majority of the Armed Services Committee favors such a ship. But lacking a request from the administration, the funds certainly will not be authorized. Even if the Armed Services Committee were to approve this money, it would be defeated on the floor of the Senate. It was difficult enough to win authorization for a third carrier last year, with solid administration backing. It would be simply impossible to get approval of a fourth carrier this year with no such support. Therefore, it seems to me that the only hope for funds for the fourth carrier in the current fiscal year would be a supplemental Defense Department appropriation. I understand that the National Security Council now is reviewing the requirement for carriers and that a recommendation will be forthcoming in a few months. If the recommendation is favorable, there is hope for the new carrier this year. If it is unfavorable, there is just no chance of approval. The opposition is strong enough to block authorization of the ship unless there is a firm request from the administration.

Turning from the field of military hardware to the broader area of military posture, I would like to discuss the question of control of our military bases on the island of Okinawa. Okinawa and, in fact, the whole U.S. position in the Far East, is part of the heritage of World War II, which ended a quarter century ago. During the past quarter century the United States has been involved in three major wars, counting World War II. I doubt that any other nation in history, during such a short period of time, has engaged in three different major wars.

The U.S. Senate, under the Constitution, has a responsibility for foreign policy. Too often during the past 25 years the Senate has abdicated its responsibility in the field of foreign affairs, relying instead on the Department of State. Now I know that within that Department the overwhelming majority

are dedicated, conscientious individuals; I know, too, that many of them are men of great ability. But I know also that whatever the reason or wherever the responsibility may lie, the fact is that our Nation in this year of 1970 finds itself in the most unenviable position. We are the dominant party in the North Atlantic Treaty Organization, the purpose of which is to guarantee the freedom of Europe; we are the dominant party of ANZUS—the treaty among Australia, New Zealand, and the United States; we participate in the Military Committee of CENTO and have bilateral agreements with Turkey, Iran, and Pakistan; we are the dominant partner in the Southeast Asia Treaty Organization, one of the prime reasons, according to former Secretary of State Dean Rusk, that the United States became involved in the war in Vietnam; we have guaranteed the security of Free China, and we have guaranteed the security of Japan. As a practical matter, we have become the policeman of the world.

Can we logically continue in this role? Should we, even if we could? Twenty-five years after the defeat of Germany, we have 300,000 troops in Europe, mostly in West Germany. Twenty-five years after the defeat of Japan, we have more than 700,000 military personnel in the Far Pacific, on land and sea.

The question of Okinawa is of great significance to our position in the Pacific. Okinawa is our most important single military base complex in the Far East—and is strategically located. The United States has had unrestricted use of the island since World War II. Beginning with President Eisenhower, each administration since 1951—until last year—firmly maintained that the unrestricted use of U.S. bases on Okinawa was vital if the United States was to continue to have obligations in the Far East. Sometimes the future status of Okinawa has been linked to the United States-Japan

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Mutual Security Treaty in which the United States guarantees the freedom and safety of Japan. Such linkage is not correct. These are two separate issues.

The Mutual Security Treaty with Japan was consummated in 1960. Either party has the right to reopen it after 10 years, otherwise it remains in effect. But the status of Okinawa was determined by the 1952 Treaty of Peace with Japan. There is no legal obligation to discuss reversion of the island to Japan at this or any other time. The United States has complete administrative authority over the Ryukyu Islands, the largest of which is Okinawa, under the provisions of article 3 of the 1952 Treaty of Peace. This peace treaty is entirely separate—and I want to emphasize that—from the 1960 Mutual Defense Treaty with Japan. The Japanese Government recognizes the important contribution of our Okinawa bases to Japanese and Asian security and is not likely to seek the removal of our bases. The Japanese Government does, however, want administrative control of the island which supports our major military base complex in the West Pacific. To state it another way, the Japanese Government wants the United States to continue to guarantee the safety of Japan; to continue to guarantee the safety of Okinawa; to continue to spend hundreds of millions of dollars on Okinawa—\$260 million last year. But it seeks to put restrictions on what the United States can do.

Japan wants a veto over any U.S. action affecting Okinawa; it specifically wants the right to deny to the United States the authority to store nuclear weapons on Okinawa and would require prior consultation before our military forces based there could be used. In other words, the United States no longer would have unrestricted use of Okinawa.

Our role as the defender of the Far East has enabled Japan to avoid the burden of rearmament—less than 1

percent of her gross national product is spent on defense. Thus she concentrates on expanding and modernizing her domestic economy. In defense matters the Japanese have gotten a free ride. As a direct result, Japanese gross national product is over \$120 billion, and, economically, Japan ranks third in the world, behind only the United States and the Soviet Union.

While the peace treaty with Japan gives the United States unrestricted rights on Okinawa, the 1960 Mutual Security Treaty provides that our military forces based in Japan cannot be used without prior consultation with the Japanese Government. For example, when the North Koreans seized the U.S.S. *Pueblo* in 1968, Admiral Frank L. Johnson, Commander of Naval Forces in Japan, testified that one reason aid could not be sent to the *Pueblo* was that approval first must be obtained from the Japanese Government to use U.S. aircraft based in Japan, those being the nearest aircraft available. The Japanese Government now seeks to extend such authority to Okinawa.

Whether the United States should continue to guarantee the freedom of Japan and Free China, whether we should continue the mutual defense arrangements covering the eight countries signing the Southeast Asia Treaty plus the Philippines plus Australia and New Zealand plus Thailand, Laos and Vietnam is debatable. But what is clear-cut commonsense, in my judgment, is that if we are to continue to guarantee the security of the Asian nations—and our government has not advocated scrapping these commitments—then I say that it is only logical, sound, and responsible that the United States continue to have the unrestricted use of its greatest base in the West Pacific—namely, Okinawa.

While I agree that eventually the Ryukyu Islands will be returned to Japan, it would be foolhardy, in my

judgment, to commit the United States to defend most of the Far East and then to give away this country's unrestricted right to use its military bases on Okinawa. If by the act of granting Japan administrative control over Okinawa the United States could insure a multinational defense structure in the Far East, with increased participation by Japan—if this action would relieve our country of a measure of its heavy international responsibilities—then, I would support a reversion of Okinawa to Japanese control. But this is not the case. Quite the contrary. Surrender of control over Okinawa would only make more difficult our role in the Pacific.

The future role of the United States in the Far Pacific is of tremendous importance. It is of great importance to the American people—and it is of great importance to the people of Asia. Many feel, as I do, that our worldwide commitments must be reduced. This, too, appears to be the view of President Nixon. But so long as the United States maintains its significant role in the Far East, the continued unrestricted use of our bases on Okinawa is vital and fundamental.

Last November the Prime Minister of Japan came to Washington to discuss the future of Okinawa, among other issues. Shortly before his arrival, I added to a pending bill an amendment which declared it to be the sense of the Senate that the President seek the advice and consent of the Senate before entering into an agreement that would change the status of Okinawa. It was my feeling that since the Senate in 1952 ratified the Treaty of Peace, the Senate should be consulted on any changes in that treaty. And, as I pointed out earlier, the status of Okinawa was fixed in the Treaty of Peace. My amendment was adopted by the Senate by a vote of 63-14. Subsequently, in a communique issued after the meetings between President Nixon and Prime Minister Sato, it was declared that reversion of Okinawa

was conditioned on "necessary legislative support." Unofficially, I learned from the State Department that my amendment was helpful in the negotiations with Japan last fall. In my opinion, the amendment led to the inclusion in the communique of the provision for legislative support. I assume that the communique means that the proposed change in the status of Okinawa will either be submitted to Congress as a whole, requiring a majority vote in both Houses, or to the Senate as a treaty change, requiring a two-thirds vote in the Senate only.

I have been doing a good deal of work among my Senate colleagues, and I have been surprised to find the extent of the support in the Senate for maintaining U.S. control of Okinawa. I am encouraged by the number of Senators who agree with me on this point.

I have discussed the background and attitude of the Senate on two representative issues in defense and foreign affairs: the nuclear aircraft carrier force and the island of Okinawa.

During the early days of our Republic, when the checks and balances of our Federal system were undergoing their first test, President George Washington went to the Senate one day to discuss a treaty with the Southern Indians. Historians record that his reception was so icy that he vowed "he would be damned if he ever went there again." A certain amount of tension between the executive and legislative branches of the Government is built into our system. It is inevitable, under the terms of the Constitution, and it has not served us badly. At the present time, as we have seen, the Senate is in a mood that is at once skeptical and assertive. Therefore, conflict between the administration and the Senate is bound to be somewhat heightened.

I believe that a careful distinction must be made between the powers of Congress and those of the President in foreign affairs. I feel that the Congress

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must assert itself in the field of foreign policy. I have worked toward that end since coming to the Senate and with some success. But I have never advocated the Senate interfering in military tactics. We cannot have 100 commanders in chief.

For example, I initially had grave concern about having U.S. ground troops in Cambodia, fearing that a commitment to the Cambodian Government might have been made. But President Nixon, in a White House meeting, assured me there was no such commitment. I was assured that the operation was a temporary tactic to protect our own forces and that the troops would be withdrawn before 1 July at the latest. In the Senate we must differentiate between temporary military tactics, on the one hand, and a commitment to guarantee the security of a foreign government on the other.

The distinction between the role of the Senate in foreign policy and the duties of the President as Commander in Chief is an important one. I believe that if the Senate and the President mutually

recognize this distinction, much of the friction we are now experiencing can be eliminated, and there can be a spirit of cooperation for the good of the country.

## BIOGRAPHIC SUMMARY



The Honorable Harry F. Byrd, Jr., is presently a U.S. Senator from the State of Virginia and serves on the Senate Armed Services and Finance Committees. He was educated at Virginia Military Institute and

the University of Virginia, receiving a B.A. degree from the latter in 1935. He served in the Virginia State Senate from 1948 until 1965 and has been editor of the *Winchester (Va.) Evening Star*, publisher of the *Harrisonburg (Va.) Daily News-Record*, and president of the Rockingham Publishing Co. Commissioned a lieutenant (junior grade) in the U.S. Naval Reserve in December 1941, he concluded his World War II service as Executive Officer of Patrol Squadron 13 from 1944 to 1945, being released from active duty in 1946.

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Policy is the intelligent faculty, war only the instrument, not the reverse. The subordination of the military view to the political is, therefore, the only thing possible.

*Clausewitz: On War, 1832*