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Presidents and legitimacy in U.S. foreign policy:

Cold War and Post-Cold War intervention in Latin America

Sandra Summers

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Abstract

The legitimacy of presidential actions in United States interventions in Latin America is examined. The key questions are to consider the legitimacy of the interventions in terms of the constitutional legitimacy, international legitimacy, including the United Nations and the Organization of American States, political legitimacy and public legitimacy. It discusses whether presidents considered the legitimacy of their actions, and how it affected their decision making. It considers how presidents view legitimacy and whether administrations attempted to construct an image of legitimacy for the interventions. If further considers whether there was a difference between the Cold War and Post-Cold War periods. It concludes with a discussion about how the results of the case studies can be extended to other times and place.

Four case studies of interventions in Latin America are used to determine how presidents have used their power: Bay of Pigs, 1961; Dominican Republic, 1965; Panama, 1990/91; and Haiti, 1995.

The study considers what the Founders intended, and how it has been interpreted over the years. Presidents have made claims about their power. Those claims are discussed against their actions. The Constitution informs the congressional legitimacy, but it is a living document and has been interpreted differently over time. The study examines how presidents can gain legitimacy in the international, political and public arenas. A main finding is that do presidents consider legitimacy but are more concerned with how their actions are perceived.

The work concludes that presidents view legitimacy in a different way from that intended by the Constitution. Legitimacy is an important aspect of their decision making,

but they do not follow due process. They systematically and wilfully manipulate the information to present their actions in a legitimate light. In this they have scant regard for the Constitution, or International Law. Public legitimacy is shown to be a key issue for the presidents in the study.

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Presidents and legitimacy in U.S. foreign policy:

Cold War and Post-Cold War intervention in Latin America

Part One- Introduction

1.1 Overview

This project examines the use of presidential power and legitimacy in United States interventions in Latin America. The key questions are to determine whether the interventions had legitimacy, whether presidents considered the legitimacy of their actions, how presidents have conceived legitimacy and how that affected their decision making. It further examines whether there was a difference between considerations of legitimacy in the Cold War and Post-Cold War periods.

The United States has a long history of intervention in Latin America. Repeatedly, U.S. presidents have ordered US forces to intervene in the affairs of Latin American states. After most of these interventions, extensive debates have followed, focusing on whether the intervention and the president's ordering of it were legitimate.

These debates are often confused because the concept of legitimacy is both complex and resistant to analysis. Potentially, presidential legitimacy has many sources. Presidents may derive a legal form of legitimacy from the US Constitution and statutory law, from international law and from the actions and treaties of international organizations, such as the

United Nations (UN) and Organization of American States (OAS). Legitimacy might also be issued by public, congressional or international support for presidential actions. Many of these potential sources of legitimacy are, in themselves, complex and ambiguous, making judgments over the legitimacy of any intervention fraught with difficulty. Extensive literatures have developed in relation to a number of these categories. Some of this literature also suggests that judgments on legitimacy often depend on the circumstances of the particular intervention. In this project, it is considered whether the change of circumstances that was the end of the Cold War had any impact on the role of legitimacy in presidential actions.

While much has been written on the legitimacy of presidential interventions, the historical scholarship on administration discussions of legitimacy is limited. While the details of constitutional, statutory and international law have generated much academic coverage, less attention has been paid to the way administrations consider legitimacy as part of their decision-making. This study attempts to address that shortcoming by examining how a number of administrations have discussed legitimacy, considering whether ideas of legitimacy figured in their decision-making, in what form and with what effect.

The project uses four cases in Latin America to determine whether presidents consider legitimacy in using their power. The case studies are: Bay of Pigs, 1961; Dominican Republic, 1965; Panama, 1990-91; and Haiti, 1995. They have been chosen to reflect interventions during and after the end of the Cold War in one region. Choosing interventions in one region gives a constant geography and eliminates the different influences that would be expected if studying different areas of the world. It enables an examination of the difference the end of the Cold War made.

The case studies look at the decision making, the constraints and advice given to the president. Each case study looks at how the president made key decisions, in an attempt to understand what factors influenced the decisions to intervene. The key question is what role legitimacy played in the president's decision. The structures of the decision making will be looked at, to see who was involved in the process, who the president received advice from and whether there were any specific groups which particularly influenced the president's considerations. The study looks at whether the president dominated the process, and for disengagement or dominance in the discussions. The studies consider to what extent the president was in control of events. The study will determine whether the president considered the legitimacy of his actions, and what process he used to justify those actions. Further, they examine in what ways the presidents conceived legitimacy and the effect that such perceptions had.

Many scholars have considered whether interventions are legitimate or not. This thesis, however, uses the historical materials to determine: what do presidents consider in terms of legitimacy? Is it important to them? How do presidents conceive of legitimacy and what effect does that have? Does legitimacy have an impact on their decision making and if so how? Are there differences between the Cold War and Post-Cold War periods?

The thesis contributes to the literature on presidential power and the legitimacy of presidential interventions, extending it to how presidents conceive legitimacy, what roles legitimacy plays in presidential decision-making and the actions they take to portray the legitimacy of their actions.

This introduction considers the arguments over the potential sources of legitimacy for president-led interventions. These areas include: constitutional legitimacy; legitimacy in international law and by organizations and treaties with the United Nations (UN) and Organization of American States (OAS); legitimacy given by international support; and legitimacy given by public opinion. It sets out the debates in the academic literature over a number of these areas.

The constitutional debates are discussed in Section 1.4. Presidents have often claimed legitimacy on the basis that they have the constitutional authority to undertake a range of foreign policy activities, including military interventions. But, the powers of the US presidency in foreign policy are complex and have long been contested. Section 1.4 discusses presidential claims of their powers: their actions are considered and the bases of those claims are set out. As historical records and academic commentary suggest, those powers are not always clear cut. A series of important questions are raised with respect to a president's power. What are the president's powers under the Constitution? What are a president's war powers? How have they evolved over time? Do presidents take the lead and how much do they involve Congress? Section 1.4 also discusses legitimacy under international law, and the position of the UN and OAS. Legitimacy may also be accrued through public opinion and international support, as also considered in Section 1.4.

The literature suggests that the US Constitution is more than a fixed document. It is read differently depending on historical circumstances. Therefore, this introduction examines the broad environments in which the Latin American interventions took place. In Section 1.5, the idea is examined that during the Cold War the legitimacy of presidential actions was

viewed differently. This section examines the Cold War debate, to inform a framework as to whether legitimacy has changed over time according to historical circumstances.

While the assumptions connected with the historical period may be important, the geographical location of the interventions may also affect perceptions of legitimacy surrounding presidential interventions. Undoubtedly, the US has always had a distinctive relationship with Latin America and a particular attitude towards the legitimacy of its involvement there. The history of US intervention is examined in Section 1.7.

The thesis uses case studies to judge presidential actions against the categories given above. The case studies test: whether the president's actions were legitimate; what difference the Cold War made; the factors influencing the decision making; what extent the president considered the legitimacy of his action in making those decisions; whether the administration sought to influence the perceptions of legitimacy and what actions were taken to achieve that.

1.2 Constitutional position

This section sets out the constitutional position of the powers of the president and highlights areas that have been contested. To engage with any concept of legitimacy, the claims made for those powers have to be understood. There have been extensive debates on the subject of the meaning of the Constitution, and how it conveys legitimacy.

The United States Constitution sets out the responsibilities of the president, Congress and the courts in foreign policy. In practice however, the implementation of those responsibilities has not always been clear cut, and has been subject to continuing debate.

The foreign policy powers assigned in the Constitution to the president are very concise. Under Article II, Section 2 the president shall be Commander-in-Chief of the Army

and Navy of the United States. He shall also have Power, 'by and with the Advice and Consent of Senate', to make Treaties, provided two thirds of the Senators present concur. Additionally, he shall nominate, and again 'by and with the Advice and Consent of the Senate', appoint Ambassadors. He should also 'from time-to-time give to Congress Information on the State of the Union.'

Article II, Section 1 requires a president to take an oath [or affirmation], before taking office in which the president swears [or affirms] to 'preserve, protect and defend the Constitution of the United States'.

Article II, Section 3, lists the responsibilities of the president. These include the clause that 'he shall take Care that the Laws be faithfully executed.' Additionally, acknowledging that the president may also initiate policy, under this section he may 'recommend to their [the Congress] consideration such measures as he shall judge necessary and expedient'.

The Constitution gives Congress more extensive stated powers. As well as approving treaties, negotiated by the president, and confirming the appointment of ambassadors, Congress was given the right to declare war, and the power of the purse, and Under Article I, Section 8 it is the responsibility of Congress to collect Taxes and provide for the common defence of the United States. They have the power to raise armies and to provide a navy and militia. Specifically, Congress has financial control, under Article I Section 9 whereby, 'No money shall be drawn from the Treasury, but Consequence of Appropriations made by Law', giving Congress the power to restrict war spending.

However, in the Constitution there is much ambiguity of meaning. The Framers set up the Constitution with separated powers. They were clear and in agreement that no one man should have absolute power. But, almost immediately the practical problems of implementing

the Constitution surfaced. There were constant debates about the meaning and intentions of the Framers, and over what legal powers were allocated to the president. In fact the Constitution had issued, in Edward Corwin's phrase, an 'invitation to struggle for the privilege of directing American foreign policy.'[1]

The following analysis discusses what a president may do legitimately, under his constitutional powers. Those powers are determined by the Constitution, but have been supplemented by statutes, court rulings and precedent. The first section below details actions presidents have taken under powers claimed by them. The following section examines the debates about those actions, which actions have been controversial and set a precedent.

1.3 Presidential Actions in Foreign Policy

Over time, presidents have taken actions which have generated debates as to whether such actions were constitutional. This section examines a range of actions taken by presidents which have been controversial and have been questioned as to the legitimacy of those actions. The debates and claims presidents have made for these actions are discussed in Section 1.4

The first president, George Washington, was clearly aware that any of his actions could set a precedent. On giving information to and withholding information from Congress he set a clear precedent with a number of cases. In the first case, the House had requested information in a case involving the failure of an expedition led by General St Clair. Washington decided, on Cabinet advice, to withhold documents from the House.[2] In fact, he did disclose the requested documents when they were deemed 'safe'. The second occasion when Washington withheld information from the House concerned the Jay Treaty negotiated with Britain.[3] However, on the third occasion, it was the Senate that requested information on correspondence between the United States and France. After taking Cabinet advice,

Washington decided to send the information to the Senate 'except in those particulars, which in my judgment, for public considerations, ought not to be communicated.'[4] He himself would decide what information he would give to the Senate.

Washington tried to follow the Constitution's 'advise and consent clause' in his negotiations with southern Indians, and visited the Senate to discuss the problem. However, when subject to questioning, he found 'his dignity profoundly affronted' by the experience and he remarked he 'would be damned if he ever went there again.'[5]

This tradition of secrecy was continued by Thomas Jefferson, who classified his documents either 'public' or 'secret'. In foreign policy, Jefferson also continued the practice of not consulting Congress. Jefferson completed the Louisiana Purchase in 1803, without any discussion with Congress. He was then accused by the opposition of exceeding his power. They argued that purchasing territory was not provided for by the Constitution.[6] Even though the Purchase was later ratified by Congress, Jefferson admitted that he had stretched his power 'till it cracked'.[7]

President James Madison maintained the secrecy tradition, as he conducted secret negotiations in Argentina and Chile, and the tradition continued with both Madison and President James Monroe as they annexed Florida.[8] For the Western hemisphere Monroe formulated what later became known as the 'Monroe Doctrine', in 1823, and sought the agreement of former Presidents Jefferson and Madison.[9] However, in formulating this policy, Monroe did not consult Congress, he merely informed them. The Doctrine was not accepted by the Congress until 1899, and even then no vote was taken.[10] The impact of the Monroe Doctrine on Latin American policies is discussed further in section 1.7.

There was an important development in the powers assumed by the president, during Franklin Roosevelt's administration. A presidential order by Roosevelt gave rise to an important Court case in which the presidency was given a huge endorsement in foreign affairs. Roosevelt had issued a presidential order banning the export of arms. The Curtiss-Wright Corporation had continued to export arms despite the presidential order. They challenged this order and the case was eventually heard by the Supreme Court.[11] The Court made important distinctions between domestic and foreign affairs. Justice George Sutherland upheld the order, in a judgment which is often cited, outlining the president extensive foreign policy powers.[12] As this is an important precedent it is discussed in detail later in section 1.4.

President Harry Truman used his Commander-in-Chief powers to authorize the use of the nuclear bomb. In this case war had been declared by Congress and Truman assumed sole responsibility for its conduct. However, a major change occurred when Truman sent troops to Korea. In this case war had not been declared and Congress had not been consulted.

During the Korean War and the Cold War, Truman and Dwight D. Eisenhower both relied on what Eisenhower called 'Executive privilege.' That is the president's right to withhold documents and testimony concerning the content of communications with his top-level staff and other executive branch officials relating to official business.[13] Eisenhower was able to add to his powers by maintaining 'secrecy' of information, using the recently formed National Security Council, and the CIA, for covert operations, as in Guatemala and Cuba.

Following the Vietnam War there was renewed involvement in the Congress in matters relating to war. In 1973, they passed the War Powers Resolution (WPR). This was major legislation, which required presidents to take specific actions before committing troops.

Subsequently, several presidents took actions which either ignored or by-passed the Act. The Act is discussed in detail in Section 1.4

President Ford was the first president to ignore the WPR.[14] The US merchant ship *Mayaguez* and its crew were captured by Cambodian forces. The president immediately sent troops to rescue the crew and boat. He reported to Congress that he had ordered the operation 'pursuant to the President's Constitutional Executive power and his authority as Commander-in-Chief of the United States Armed Forces.'[15] Later presidents also by-passed the WPR, preferring instead to report to Congress, 'consistent with' the resolution.

During the Reagan administration there were a number of occasions when troops were in action . When Reagan sent troops to Lebanon, he did not report to Congress. As Reagan had not reported the action to Congress, the 'clock', which required him to withdraw troops within days, or seek congressional approval, was avoided. Congress then passed legislation to start the time clock, but also extended the period to eighteen months.[16] In sending troops to Grenada, after rebels had killed the pro-US Prime Minister, Reagan took a 'clear executive decision.'[17] House Speaker Thomas (Tip) O'Neill (D, MA) stated: ' We weren't asked for advice. We were informed what was taking place.'[18] This was later confirmed by Reagan: 'We didn't ask anybody, we just did it.'[19]

George H W Bush committed troops to war in the First Gulf War. He conducted a 'consultation' with a bipartisan Congressional group, but cited a UN resolution as justification for sending troops. Congress debated a request for authorization to use force, and narrowly passed the Authorization.[20]

In the examples above, we have seen the claims and justifications that presidents have made for their use of power. The next section discusses the basis upon which they have claimed such power and the debates that the justifications have generated.

1.4 Powers Presidents have Claimed and Debates

The presidential actions detailed above, and claims to power that presidents have made, have generated a series of debates about how far presidential power extends, and the legitimacy of presidential claims. The justifications presidents have made for their use of power fall into the categories of: Constitutional powers; statutes; Court rulings; Treaty powers; necessity; precedent; or commercial interests.

This section discusses the claims and debates. The constitutional debates focus on specific areas of the president's foreign powers: the Commander-in-Chief and war powers; the take care clause of the Constitution; secrecy; consultation with Congress; the involvement of Congress in foreign policy; the inherent power; and the position of Treaties. Presidents are careless in the claims they make, and may not advocate them on the legal basis, which is often why the powers are debated. Many of the debates are inter-linked, particularly those involving the president's Commander-in-Chief power, duty of care and inherent powers.

Commander-in-Chief powers and War Powers

One of the key powers assigned to the president, under the Constitution, is that of Commander-in-Chief. The Constitution also gives the president the responsibility to have a 'duty of care'. Presidents have claimed that the Commander-in-Chief powers together with their Duty of Care allow them to assume certain powers. The claim is that because they have a duty to protect the state, and the president is also the Commander-in-Chief, they can assume powers to carry out that duty. However, others differ, arguing that that the Commander-in-

Chief clause only allows the president to assume powers once Congress has made a decision for military action.

This debate leads to what action it is legitimate for a president to take, and under what circumstances. When the Founders framed the Constitution they were keen to separate the powers between the Legislature, Executive and Judiciary. The Constitution was framed for the circumstances of the time. However, early presidents soon found that they were challenging the boundaries of the Constitution. As the geopolitical circumstances changed, what were considered legitimate actions changed. Following the Vietnam War there was an extensive debate about the powers which had been assumed by the president. At the end of the Cold War circumstances again changed, but further developments in terrorism have meant that the president has again assumed extensive Commander-in-Chief powers.

The section reviews the development of the debate on what action a president can take under his Commander-in-Chief powers. It considers how some key issues have changed over time, and other issues that have continually re-occurred. A number of important statues are detailed, which presidents have used to justify their actions.

The Framers set up the Constitution with separated powers. As the Constitutional debates show, there was concern that power should not be in the hands of one man. This reflected the Framers' concerns about what they saw as the tyranny of the King. Specific powers were allocated to Congress. In foreign policy they allocated the power of the purse to the Congress, and also the power to 'declare' war. However, the president would be the Commander-in-Chief and control the navy and militia. How such separation of power should work in practice, in changing circumstances, has generated much debate.[21]

Although there were strong debates about the intentions of the Constitution, in foreign affairs the Framers were in near agreement. Although the president was to *command* the armed forces, Congress had the sole authority to *declare* war and to finance any such activity. Congress was to have the dominant role, and the president's power was to be limited. Hamilton, in *Federalist Papers 69,* explained that this limited power:

> would be nominally the same with that of the king of Great Britain, but in substance much inferior to it. It would amount to nothing more than the supreme command and direction of the military and navel [sic] forces . . . while that of the British King extends to the *declaring* of war, and to the *raising* and *regulating* of fleets and armies, -all which, by the Constitution under consideration, would appertain to the legislature.[22]

Madison strongly endorsed leaving the declaration of war with the Congress. In a letter to Jefferson in 1798 he wrote:

> The Constitution supposes, what the history of all Govts demonstrates, that the EX. is the branch of power most interested in war, & most prone to it. It has accordingly with studied care vested the question of war in the Legisl [23]

In response Jefferson described this requirement as an 'effectual check to the dog of war'.[24] Concurring, Hamilton emphasized 'it is the peculiar and exclusive province of Congress, when the nation is at peace, to change that state into a state of war.'[25]

Madison believed that an important check was to give the legislature the power of the purse: 'the legislative department alone has access to the pockets of the people.'[26] He argued

that that represented 'the most complete and effectual weapon with which any constitution can arm the immediate representatives of the people.'[27]

An important aspect to consider is that the Constitution was written with the circumstances of the period in mind. The United States was a new nation. It was concerned to protect its borders and sovereignty from attack. There was no standing army, and it was expected that the president would lead the militia, whenever they were called in to service. The main concern was that he should be able to act if there was an imminent attack, or the United States was invaded.

The Framers clearly intended that the president should be responsible for defending the nation from any such attack. For Hamilton, it was clear that once the United States was at war the Founders expected the president to have sole control. However, he should not have sole power to use the military forces. For the Founders, it was intended that the Commander-in-Chief would only have 'occasional command' of the militia.[28]

Early Considerations

There were soon debates as to how such powers should work in practice. In the early days there was no standing army or militia. When required, the president had to ask Congress for troops and funding. However, it was accepted that the president should use military force to repel sudden attacks. Two statutes, early in United States history (February 1795 and March 1807), endorsed the power of the president to defend the State using military force.[29] The 1795 statue gave the president the power to repel invaders, when Congress was not in session, and the 1807 statue gave him the power to act against insurrection. The 1795 statute

gave him the right – and the duty – to call up the militia, for a short period, in an emergency. Under this statute he had the power to use military force to repel sudden attacks:

> whenever the United States shall be invaded, or be in imminent danger of invasion from any foreign nation or Indian tribe, it shall be lawful for the President of the United States to call forth such number of the militia of the state, or states, most convenient to the place of danger, or scene of action, as he may judge necessary to repel such invasion.'[30]

Under the 1807 statue, he was given authority to suppress insurrection:

> in case of an insurrection in any State against the government thereof, it shall be lawful for the President of the United States, on application of the legislature of such State or of the executive (when the legislature cannot be convened), to call forth such number of the militia of any other State or States, as may be applied for, as he may judge sufficient to suppress such insurrections.[31]

This statue gave the power to the president to determine when an emergency had arisen, and gave him the power to act militarily when he deemed that there was such an emergency.

The early statues also generated debate about who should determine that an emergency has arisen. The debate about what constitutes an emergency, and who should decide, is an important, and continuing one. Presidents have argued that it is for them to determine when a threat is crucial for defence. In 1827, the Supreme Court considered whether the president had the power to call forth the militia to repel invasion. The Court decided that when Congress delegates to the president the power to call forth the militia, then the decision as to whether an

emergency has arisen is that of the president. Justice Joseph Story said, 'We are all of the opinion, that the authority to decide on whether the exigency has arisen belongs exclusively to the president and that his decision is conclusive on all other persons.'[32] The ruling stated that the power should only be used in 'sudden emergencies' and 'circumstances vital to the existence of the Union.' However, since the president was allowed to determine when an emergency existed, this gave him a power which has been 'easily enlarged.'[33]

Having allocated the power to repel emergencies to the president, the debate moved to discuss how much power a president may legitimately use in such circumstance. This focuses on two aspects: is it necessary to wait until attacked or war is declared?; and how much power can be used in the situation?

The debate about being attacked or declaring war was addressed very early. We have seen that the Framers were anxious to give the power to declare war to Congress. However, there were differences as to what it meant to declare war, and whether such action was necessary before deploying forces. Some argue that 'declaring war' is a legal state. It gives notice to the citizens, and the enemy, that the countries are at war, and as such carries international legal protection. However, a state of war might exist without a formal declaration of war. If a country invades another then an act of war may be said to have occurred. Hamilton noted that the 'the ceremony of a formal denunciation of war has of late fallen into disuse'[34] The 1795 statue gave the power to the president to act in an emergency, without a formal declaration of war, but there were continuing concerns about what constituted an emergency. For the Founders, the debate was about arming to defend the Nation against attack. Hamilton, who had supported the decision to give the power to declare

war to Congress, soon became concerned that the government must wait for the 'presence of an enemy within our territories' before raising an army.[35] His concern was that waiting for an attack before taking action might be too late to deploy the militia. The 1795 statute gave the right to the president to act when there was imminent danger, but there was also concern about defence if the danger was possible but not imminent. So, the debate focuses on what action a president may legitimately take when not under attack and what determines a 'defensive war'.

The issue as to whether it was necessary for Congress to declare war before the president assumed Commander-in-Chief powers was also on-going. Some argued that to 'declare war' meant giving a warning to the enemy, but that if attacked then it was not necessary. Such an attack meant that war had been declared by the enemy. This was clarified in the Prize cases in 1862. Justice Robert Grier stated:

> If a war be made by invasion of a foreign nation, the President is not only authorized but bound to resist force by force. He does not initiate the war, but is bound to accept the challenge without waiting for any special legislative authority. And whether the hostile party be a foreign invader, or States organized in rebellion, it is none the less a war, although the declaration of it be 'unilateral.'[36]

Justice Grier went on to discuss when a state of war may exist: 'Lord Stowell (1 Dodson, 247) observes, 'It is not the less a war on that account, for war may exist without a declaration on either side. It is so laid down by the best writers on the law of nations. A declaration of war by one country only, is not a mere challenge to be accepted or refused at pleasure by the other."[37]

John Quincy Adams was amongst the earliest to object to the war power being assigned to Congress. He believed that power to be an 'error' in the Constitution and that declaring war should be 'strictly an Executive Act.'[38] Adams strongly supported the right to take 'defensive' action, against the Spanish and English in Florida, in 1818. President Monroe had ordered General Jackson to chase raiding parties back into Florida. Monroe argued that the United States had the right to pursue the raiders for 'self-defense.'[39] However, the United States militia was soon fighting Spaniards and Englishmen, within Spanish Florida.[40] For Adams the Florida problem was 'embarrassing and complicated.' However, he had 'no doubt it was defensive, everything was defensive.' He argued that the right to take action had been assigned to the president under the1795 Statute, allowing the president to take emergency measures to protect the United States.[41] However, historian Arthur Schlesinger has argued that supporting Jackson's invasion of Spanish Florida, might 'imply unilateral authority to conduct defense so aggressively that those on the receiving end might well be pardoned if they took it for aggression.'[42]

The discussion of how far a president could extend 'defensive' action continued to be debated. Abraham Lincoln, before he became president, was keen to express his concerns about invading other territories to repel invasion. In his view, invasion went far beyond the Constitutional powers: 'Allow the President to invade a neighboring nation, whenever *he* shall deem it necessary to repel an invasion . . . and you allow him to make war at pleasure.'[43]

However, Lincoln was happy to 'stretch' and to override his Constitutional limitations. He proclaimed a blockade of the Southern ports, enlarged the army beyond the limits set by statute and spend millions without Congressional approval.[44] He believed it necessary to protect the Union. For him, the remedy was with the Congress to impeach him if necessary.

He later told Congress that the measures 'were ventured upon under what appeared to be popular demand and a public necessity.'[45] He argued: 'Was it possible to lose the nation and yet preserve the Constitution?'[46] Similarly, Jefferson argued that it might be necessary to override the Constitution to protect the Nation:

> A strict observance of the law doubtless is one of the highest duties of a good citizen, but it is not the highest. The laws of necessity, self-preservation, of saving our country when in danger are of higher obligation. To lose our country by a scrupulous adherence to written law, would be to lose the law itself, with life, liberty, property and all those who are enjoying them with us; thus absurdly sacrificing the end to the means.[47]

The debate also continued about the extent of the powers the president may assume under his Commander-in-Chief powers. The Court has also ruled on this power. In 1850, in a Supreme Court ruling, arising from the war between the United States and Mexico, Chief Justice Roger Taney determined that 'As commander-in-chief, he [the president] is authorized to direct the movements of the naval and military forces placed by law at his command, and to employ them in the manner he may deem most effectual to harass and conquer and subdue the enemy.'[48] This was further clarified in 1862. In the Prize cases, rulings were made on the Commander-in-Chief power. The rulings referred to the 1795 Act giving the President the power to use the army and navy. Grier stated:

> The Constitution confers on the President the whole Executive power. He is bound to take care that the laws be faithfully executed. He is Commander-in-chief of the Army and Navy of the United States, and of the militia of the several States when called into the actual service of the United States. He has

> no power to initiate or declare a war either against a foreign nation or a domestic State. But by the Acts of Congress of February 28th, 1795, and 3d of March, 1807[49], he is authorized to call out the militia and use the military and naval forces of the United States in case of invasion by foreign nations, and to suppress insurrection against the government of a State or of the United States.[50]

Grier emphasized that 'Congress alone has the power to declare a national or foreign war.' The president may use such forces as required but must go to Congress for a formal declaration, if required.

The president has a responsibility and duty to defend the United States. This responsibility comes directly from the Constitution.[51] It is argued that he has a 'duty of care' to protect the citizens, and should act when necessary. Presidents have assumed power to use force under their duty of care clause. In constitutional terms, the states are entitled to protection. The State has guaranteed the life and liberty of its citizens, and the Executive duty is to protect that guarantee. Additionally, his oath of office requires him to uphold the Constitution. Because he has a duty to uphold the laws of the United States, which include, under the 'Law of Nations', the right for citizens to be protected by the State, presidents have used their 'duty to protect' to assume powers not enumerated in the Constitution. It has been argued that the Executive has residual responsibility to act if not expressly forbidden by Congress.

Early statues of 1795 and 1807, discussed above, require him to 'defend' the United States.[52] In the 'Prize cases' Justice Grier stressed the president's duty: 'If a war be made by

invasion of a foreign nation, the President is not only authorized but bound to resist force by force.'[53]

The key debates under the Commander-in-Chief and duty of care clause focus on determining the extent of the powers. Presidents have been given emergency powers, but it is for them to determine whether an emergency has arisen. Once an emergency has arisen the debate moves to how far he may go under defensive powers and whether he can use those powers offensively.

The 'enlargement' of those powers was seen as the nation grew. For the Founders they were concerned with a new Nation, and their concerns were that the enemy would be at the borders of the United States. But, the concept of defence has changed over time. President Monroe extended the concept to the Western hemisphere, with his Monroe Doctrine in 1823. This then expanded again as the United States became a superpower, when it was unlikely that there would be an 'enemy at the gates.' The question then became one of geopolitical defence. There was a dramatic change with the dropping of the atomic bomb in Japan in 1945. During the Cold War, each superpower developed their defence to include a nuclear deterrent. However, with the post 1990 decline of the Soviet Union 'defence' extended America's global reach, to any area they chose.

Developments

The debate about how far a president could use his powers was highlighted by the views of President T Roosevelt and President William Taft, who had contrasting views. Roosevelt was clear about his duty of care: 'My belief was that it was not only his right but his duty to do anything that the needs of the Nation demanded unless such action was

forbidden by the Constitution or by law.'[54] President Taft however, believed that his powers were limited:

> The President can exercise no power which cannot be fairly and reasonably traced to some specific grant of power or justly implied and included within such express grant as proper and necessary to its exercise. Such specific grant must be in the federal Constitution or in an act of Congress passed in pursuance thereof. There is no undefined residuum of power which he can exercise because it seems to him to be in the public interest.[55]

During the New Deal, President Franklin Roosevelt greatly extended his powers. However, a presidential order by Franklin Roosevelt gave rise to the important Court case against Curtiss-Wright Corporation which gave the presidency a huge endorsement in foreign affairs.[56] The Court made important distinctions between domestic and foreign affairs. Justice Sutherland upheld the order, in a judgment which is often cited, giving the president extensive foreign policy powers.[57] Sutherland made four important pronouncements. Firstly, that the president's powers in foreign and domestic affairs were different. Justice Sutherland argued that they 'first consider[ed] the differences between the powers of the federal government in respect of foreign or external affairs and those in respect of domestic or internal affairs. That there are differences between them, and that these differences are fundamental, may not be doubted.'[58] Secondly, that external sovereignty was inherent to the Executive. He argued that the president had the right to protect United States' sovereignty. Those powers of external sovereignty pre-dated the Constitution.[59] Sutherland argued that the powers of sovereignty passed directly from the British Crown to the United States Executive, and not to the States singularly. Thirdly, that the president is the 'sole organ' in external affairs. Citing

Marshall, as a Representative in 1800, before he became Chief Justice, Sutherland concluded that, 'The President is the sole organ of the nation in its external relations, and its sole representative with foreign nations.' Finally Sutherland argued that the Executive has the right to secrecy. He cited Washington's decision not to reveal 'secret' papers to Congress and argued:

> congressional legislation ... within the international field must often accord to the President a degree of discretion and freedom from statutory restriction which would not be admissible were domestic affairs alone involved. Moreover, he, not Congress, has the better opportunity of knowing the conditions which prevail in foreign countries, and especially is this true in time of war. He has his confidential sources of information. He has his agents in the form of diplomatic, consular and other officials. Secrecy in respect of information gathered by them may be highly necessary, and the premature disclosure of it productive of harmful results.[60]

The *Curtiss-Wright* ruling has been used as an important precedent.[61] It gave the power to the president in foreign affairs. Roosevelt claimed the power and his case was upheld. Although this ruling did not involve war powers it has frequently been used to justify presidential power in foreign affairs. The other aspect of the *Curtiss-Wright* judgment will be considered below, under the appropriate debates.

During the Second World War, Roosevelt demanded various emergency laws to be passed. However, he indicated, 'In the event that Congress should fail to act, and act adequately, I shall accept responsibility and I will act.'[62] The then Attorney-General, Frank Murphy, was asked by the Senate to advise on the powers of the President in emergency. He

reminded the Senate that it was the practice of the Attorney General not to give opinions to the Senate. He did however, make important observations as to the limits of presidential power:

> It is universally recognized that the constitutional duties of the Executive carry with them the constitutional powers for their proper performance. The constitutional powers have never been specifically defined, and in fact cannot be, since their extent and limitations are largely dependent upon conditions and circumstances'[63]

He attached a list of those statutes which may be exercised by the Executive in times of emergency or war.[64] The Attorney General expanded on his theme that powers depend on circumstances: 'The right to take specific action might not exist under one state of facts, while under another it might be the absolute duty of the Executive to take such action.'[65]
This led at least one scholar to decide that 'the authority of a President is largely determined by the President himself.'[66] The Supreme Court has also made a similar conclusion: 'what constitutes 'due process' under the circumstances presented depends on circumstances.[67]

Cold War Considerations – National Security

By the beginning of the Cold War the circumstances of United States defence were radically different. The threat was not 'at the gates', but had turned into a nuclear threat. The United States believed that the Soviet Union could launch a nuclear attack. The view of national security, defence and imminent danger changed radically. The Constitution and statutes were still present, and unchanged, but different circumstances led to a consensus for ignoring them.

President Truman used his powers to authorize the use of the nuclear bomb. In this case war had been declared by Congress and Truman assumed sole responsibility for its conduct. His constitutional authority to do so was not questioned.

However, a major change occurred when Truman sent troops to Korea. In this case war had not been declared and Congress had not been consulted. Truman relied on a UN Security Council Resolution for his justification.

Truman was challenged in the Congress, but for the State Department Dean Acheson argued that as Commander in Chief of the Armed Forces the President had 'full control over the use' and had 'a traditional power of the President to use the armed forces of the United States without consulting Congress.'[68] In support of the argument, Acheson, in a State Department memorandum, argued that there had been 87 previous instances of presidents sending troops into combat on their own initiative.[69] Truman took more criticism for sending troops to Europe. The question as to whether the President had the power to send a permanent army to Europe was keenly debated. Acheson continued to argue that: 'The President has the authority to use the armed forces in carrying out the broad foreign policy of the United States ... [and] it is equally clear that this authority may not be interfered with by Congress.'[70] In this he was supported by some Senators, including William Fulbright (D, AR) and Wayne Morse (R, OR), who relied heavily on the *Curtiss-Wright* judgment, to argue that the president 'had the power and duty' to send troops if he thought that the defence of America required it.[71] Senator Fulbright asserted that the 'President had full responsibility', 'in a world when safety and cataclysm can be a matter of hours even minutes.'[72]

Morse argued that *Curtiss-Wright* vindicated the president who had 'a discretionary power' that was 'inherent in the President of the United States in the field of foreign affairs.'[73]

Corwin argued that the President 'may take measures which are technically acts of war in protection of American rights and interests'.[74] The Cold War, it was argued, gave presidents 'the opportunity for sustained exercise of those almost royal prerogatives.'[75] The Cold War provided an extreme answer to a question that had been at the center of U S foreign policy since the late eighteen century: in what situations should ideological sympathies be followed by intervention? The extension of the Cold War into the Third World was defined by the answer: *everywhere* where Communism could be construed as a threat.[76]

War Powers Resolution

Following the Vietnam War, there was a reaction against what historian Arthur Schlesinger called in his book the 'Imperial Presidency' and a reconsideration of Congress's authority.[77] Many felt that Congress had abdicated their responsibilities. There was also further debate as to who decides there is a threat and whether any action taken is proportionate to the threat.

Congress tried to reassert its authority by passing the War Powers Resolution in 1973. The War Powers Resolution was passed, as a joint resolution, in 1973, over President Nixon's veto. It was an attempt by Congress to take back control. Its purpose was 'to fulfill the intent of the framers of the Constitution of the United States and insure that the collective judgment of both the Congress and the President will apply to the introduction of United States Armed Forces into hostilities.' It stated that 'the constitutional powers of the President as Commander-in-Chief to introduce United States Armed Forces into hostilities' were limited to ' 1) a declaration of war, 2) specific statutory authorization, or 3) a national emergency created by attack upon the United States, its territories or possessions, or its armed forces.' In section 3, it stated that 'The President in every possible instance shall consult with Congress before

introducing United States Armed Forces into hostilities', and shall 'consult regularly with the Congress until United States Armed Forces are no longer engaged in hostilities or have been removed from such situations.' It set out that, in the absence of a declaration of war, whenever the United States Armed Forces are introduced into hostilities, into territory of a foreign nation equipped for combat, or in substantial numbers, the president must submit a report to Congress, within 48 hours, setting out the circumstances and continue to report periodically. The report should include: '(A) the circumstances necessitating the introduction of United States Armed Forces; (B) the constitutional and legislative authority under which such introduction took place; and (C) the estimated scope and duration of the hostilities or involvement.'[78]

Importantly, under a 'time-clock' clause, within sixty days after a report is submitted or is required to be submitted, the 'President shall terminate any use of United States Armed Forces unless the Congress has declared war or has extended the period.'[79]

President Nixon opposed such a resolution, as he believed it removed his power to act in an emergency, and also gave the enemy additional information about how long the United States forces would be involved in any conflict.

All subsequent presidents have repudiated this Resolution. When President Reagan sent troops to Grenada he argued it was to 'protect U.S. lives.' The president believed that Grenada was a 'Soviet-Cuban colony, being readied as a major military bastion.'[80]

Following the failure of United States policy in Vietnam a new policy was defined by then Secretary of Defense Caspar Weinberger in 1984.[81] He argued that force should only be used as a last resort to protect vital American interests and with a commitment to win.[82] This

was also the policy endorsed by General Colin Powell when Chairman of the Joint Chiefs of Staff: 'the threat and use of force must be a last resort and must be used decisively.' [83]

President George W Bush has taken the concept of defensive war further. In the 'Bush Doctrine', President Bush justified a 'Preventative War.' He believed that: 'We cannot stand by and do nothing while danger gathers.'[84] This was summarized by Secretary of State Condoleezza Rice as, 'Take care of threats early.'[85]

Scholars have fiercely debated the use of force. Lawyer John Yoo does not differentiate between defensive and offensive actions, and argues that the president should dominate.[86] He should take whatever actions are required to stabilize regions. His arguments are countered by scholars who believe that the constitutional and statutory provisions should still apply. Law professor Harold Koh, for example, forcibly argues for congressional dominance and asserts that the first three articles of the Constitution 'expressly divide foreign affairs powers among the three branches of government, with *Congress*, not the president being granted the dominant role.'[87] However, Yoo wrote that the president has the 'unilateral' authority to deploy troops, and argues that the WPR 'makes sense only if the President may introduce troops into hostilities or potential hostilities without prior authorization by the Congress.'[88]

Congressional involvement

Presidents have claimed that their powers as Commander-in-Chief give them the legitimacy to use the military for foreign 'interventions.' They have determined when there was an imminent threat to the United States. Using these powers, presidents have conducted interventions without consulting Congress, despite the "advise and consent" clause. They

have claimed they are justified in defending the nation. As a result of the Korean War, the massive 'intervention' in Vietnam, and the 'Imperial Presidency', Congress sought to regain some control of when troops may be deployed. They passed the War Powers Act, which aimed to clarify what actions a president may take, and under what circumstances. Over time, the circumstances have changed, but the Constitution has not.

The debate shows that situational circumstances may alter the criteria for legitimacy. Early in the Republic, there was a need for immediate defence. Over time, this moved to be a global and immediate problem of nuclear capability and response. At the end of the Cold War the situation was again reviewed, but National Security issues remain paramount.

From the beginning presidents have claimed the right to withhold information from Congress. The arguments for allowing a president to withhold information include: Constitutional underpinning; precedent; National Security; need for candid advice; necessity; historical practices.[89] Some of the same reasons are given against Executive privilege and focus on: no Constitutional authority; the Framers' fear of tyranny; the right to know of the Congress and the people; and that presidents have abused power.[90]

Presidents have claimed that secrecy is vital for National Security interests. They have a duty to protect the state and disclosure of certain information may threaten security and the public interest. The Framers understood that National Security might impose a requirement of secrecy on the president. The Constitution gives the power to the president to negotiate with other countries. In this case, the discussions are confidential. It is claimed that secrecy is necessary in such consultation with other countries, to keep the negotiations secret.

The Framers intended that the president should be able to negotiate with other countries in confidence. Hamilton, in discussing the Treaty powers, endorsed the separation of powers. However, it was important to Hamilton that foreign officials could negotiate with the president directly because of '*secrecy.*'[91]

As described above Washington set the precedent to withhold information from Congress, and Jefferson and Madison both continued this practice. In the St Clair case, Washington argued that he would withhold documents if releasing them 'would harm the public interest.'[92] In the Jay case, Washington based his refusal to give information on the fact that he believed the House was not entitled to the information.[93] Only the Senate was entitled to ratify Treaties, and therefore only the Senate was entitled to the information. In deciding the principle not to give papers to the Senate, Attorney General William Bradford stated that it was 'duty of the Executive to withhold such parts of the said correspondence as in the judgment of the Executive shall be deemed unsafe and improper to disclose.'[94]

Balancing confidential negotiations with the requirement to seek advice and to consult was to be a recurring problem. Professor Eric Alterman argues that, subsequently, Washington kept details of his negotiations in foreign affairs to himself, and 'inaugurated a tradition in presidential secrecy in foreign affairs', by refusing to reveal details of treaties to Congress.[95] In Jefferson's case, of the Louisiana Purchase in particular, he told his supporters in Congress, that despite his support of the Constitution 'what is practicable must often control what is pure theory.'[96] As previously described Madison and Monroe both conducted foreign policy without consulting Congress.[97]

The debate was highlighted by the *Curtiss-Wright* case, previously discussed. As well as his judgments on inherent power, Justice George Sutherland endorsed the practice of presidential secrecy. He argued that:

> He [the president] has his confidential sources of information. He has his agents in the form of diplomatic, consular and other officials. Secrecy in respect of information gathered by them may be highly necessary, and the premature disclosure of it productive of harmful results.

Presidents Truman and Eisenhower both relied on Executive privilege during the Korean War and the start of the Cold War. Executive privilege is the authority of the president to withhold documents from Congress and the public. They argued that it was in the interests of National Security not to divulge sensitive information. Truman issued NSC 4/A, in 1947, which allowed the CIA to use peacetime covert actions.[98] Eisenhower issued NSC 10/5 and NSC 5412 in March 1954.[99] In 5412 rules of how the CIA would operate in covert actions were detailed. An important aspect is that the CIA held unvouchered funds, with minimal risk of exposure of their activities.

Presidents have also claimed that they can withhold information whenever disclosure may be harmful to the public interests. Eisenhower argued strongly for 'Executive privilege' and extended it to include his advisors. They argued that it was in the interests of National Security not to divulge sensitive information. Under Executive Privilege the president should be able to withhold information. His discussions should be confidential.

He invoked the privilege against Senator Joseph McCarthy (R, WI), claiming that all conversations with his advisors were subject to the 'candid interchange doctrine.' The Court

sustained this position with respect to military advisors in the Reynolds case. It ruled that the 'military may refuse to divulge information when National security is at stake.'[100]

The arguments against presidential secrecy and Executive privilege were heightened after the Nixon Watergate scandal. Nixon had claimed Executive privilege in refusing to give his tapes to prosecutors. He claimed that the presumption of privilege was 'fundamental to the operation of government and inextricably rooted in the separation of powers under the Constitution.'[101] This led to a number of legal challenges.[102]

The privilege was challenged as it could be abused. It could cover up illegal actions, or be used to hide embarrassing information. It could also be used to maintain an advantage in policy debates with opponents.

A key opponent of the concept of privilege was legal scholar Rauol Berger. He argued that the idea of Executive privilege was a 'myth', which had first been invoked during the Eisenhower era. There was no basis in the Constitution.[103] He argued that the Framers intended the Executive to share information with Congress, so that Congress could fulfill their oversight duties. It was a Constitutional duty to inform Congress. There was no qualification in the Constitution regarding foreign affairs. The only power of the Executive was to enforce the laws. Berger argues that the Constitution 'cannot be adapted by usage.'[104] 'Power grabs' are unconstitutional. Senator Fulbright was also of this view: 'Usurption is not legitimized simply by repetition'.[105]

There was further debate following President Clinton invoking privilege in the Lewinsky case. Clinton tried to use this claim to prevent giving evidence in the Jones trial.

George H.W. Bush also claimed the right to withhold information about covert operations. He instructed his departments that they should review all requests to 'determine if any raise issues of executive privilege (deliberative process, foreign relations national security and so on').[106]

Executive privilege challenges Congress's ability to make informed decisions. Without accurate information, Congress is unable to carry out its duties. It cannot oversee and investigate the Executive's actions. It does not have sufficient information to allocate funds and it cannot legislate effectively. When information is withheld from the public the electorate are unable to make informed judgments as to a president's actions, and are unable to hold him to account. For democracy to function legitimately the Congress and public must be informed. The legitimacy of withholding of information is a key factor in determining the legitimate use of power.

The debates have also considered whether the president has any 'inherent powers' not enumerated in the Constitution. The concept is that 'inherent' powers are derived from the British Crown. The powers of the Crown (and the Executive) were passed directly to the United States together.

This debate stems from the Framers views. Although the president was to *command* the armed forces, Congress had the sole authority to *declare* war and to finance any such activity. Congress was to have the dominant role, and the president's power was to be limited. Hamilton, in *Federalist Paper 69,* explained that this limited power, which 'would be nominally the same with that of the king of Great Britain, but in substance much inferior to

it.'[107] Madison strongly endorsed leaving the declaration of war with the Congress, a view which Jefferson concurred.

Those arguing that Executive power should be pre-eminent have argued that foreign policy was the preserve of the 'King' and that the president had 'inherent sovereignty', under his Commander-in-Chief powers.

The Supreme Court in 1890 ruled on 'inherent presidential power' to defend the 'peace of the United States.'[108] The president's duty was not limited 'to the enforcement of the Acts of Congress or of treaties of the United States' but also included 'rights, duties and obligations growing out of the Constitution itself, our international relations, and all the protection implied under the Constitution.'[109]

The concept of inherent powers was reinforced by Sutherland, in the *Curtiss-Wright* case, discussed above. Sutherland argued that the president had the right to protect United States sovereignty and that the powers of external sovereignty[110] pre-dated the Constitution.[111] Sutherland argued that the powers passed directly from the British Crown to the United States Executive, and not to the States singularly. This judgment of Sutherland has been questioned and is the source of the debate.

It has also been suggested that the Executive has residual responsibility to Act if not expressly forbidden by Congress. This idea that, if Congress did not prevent action, the president had 'inherent' constitutional power in the conduct of Foreign Affairs has set a 'practice and precedent' which had gone unchallenged'.[112]

The most extreme view of a president's powers was stated by Richard Nixon: 'If the President does it, it is legal.'[113]

The Supreme Court ruled during the Truman presidency, about the validity of presidential power, in a case during the Korean War. The Court considered the 'inherent' powers of the president and what executive powers are vested by the first section of Article II in the case of *Youngstown Sheet & Tube Co. v. Sawyer.* [114] The case resulted in a divided Court, and scholars have found the resulting statements confusing. The majority in the case found that Truman did not have the power to take over the Youngtown steel mills. However, Truman himself stated that the Court had upheld his decision. Justice Robert Jackson set out a three-part test for the validity of an exercise of executive power: when the President and Congress act together, the President's power is at its zenith; when the President acts in violation of an act of Congress, his power 'is at its lowest ebb'; when the President acts in the absence of congressional authorization in an area of concurrent power, he is in 'a zone of twilight'. Jackson clearly advocated that the president and Congress should work together. With this dissenting judgment Truman continued to claim that he was vindicated. Truman continued to tie in his duty and responsibilities with his powers under the Commander-in-Chief clause. He also used the clause to justify his action in sending troops to Korea. Congress debated this, but the case was made that withdrawing troops showed a lack of confidence in United States forces.

The 'inherent' power of the Executive specified by Sutherland was first claimed explicitly by Eisenhower, and has been claimed by subsequent presidents.

The Supreme Court has confirmed that the Constitution gives the President the authority to assert executive privilege to protect the confidentiality of diplomatic communications, Presidential communications, and White House deliberative

communications.[115] 'The privilege is fundamental to the operation of Government and inextricably rooted in the separation of powers under the Constitution.'[116]

The Constitution also gives the president the power to make Treaties, which are subject to the 'Advise and Consent' of the Senate. However, there is no requirement for the president to consult Congress in formulating foreign policy. The Founders saw the president as the negotiator with foreign countries. Hamilton believed that discussion with foreign countries preserve of the president. Hamilton argued that 'the President and senators so chosen will always be of the number of those who best understand our national interests'.[117]

Washington tried to follow this 'advise and consent clause' in his negotiations with southern Indians, and visited the Senate to discuss the problem. However, when subject to questioning, he found 'his dignity profoundly affronted' by the experience and he remarked he 'would be damned if he ever went there again.'[118] Balancing presidential prestige with the requirement to seek advice and to consult was to be a recurring problem. Alterman argues that, subsequently, Washington kept details of his negotiations in foreign affairs to himself, and 'inaugurated a tradition in presidential secrecy in foreign affairs', by refusing to reveal details of treaties to Congress.[119] As previously described Madison and Monroe both conducted foreign policy without consulting Congress.[120]

Presidents have used the policy of announcing a 'Doctrine', often to avoid debate. In announcing his attitude about the Western hemisphere, in his seventh annual address to Congress in 1823, Monroe set what was to become the 'Monroe Doctrine.'[121] In formulating this policy Monroe did not consult Congress, he merely informed them. The Doctrine was not accepted by the Congress until 1899, and even then no vote was taken.[122] The Monroe

Doctrine has been used by United States presidents to give legitimacy to interventions in Latin America.

Theodore Roosevelt took a unilateral view of the Panama Canal Zone. In 1903 he 'took' the canal and intervened to assist Panama gain independence from Colombia, without consultation. In discussing his aggressive actions in Latin America, Roosevelt set out what became known as the 'Roosevelt Corollary' to the Monroe Doctrine. He justified United States intervention in Latin America by arguing:

> Chronic wrongdoing, or an impotence which results in a general loosening of the ties of civilized society [however], may in America, as elsewhere, ultimately require intervention by some civilized nation, and in the Western Hemisphere the adherence of the United States to the Monroe Doctrine may force the United States, however reluctantly, in flagrant cases of such wrongdoing or impotence, to the exercise of an international police power.[123]

Roosevelt did not consult Congress, but John Kasson, a Representative from Iowa, was concerned that the Doctrine was being used as a substitute for debate. He argued that if Doctrine held 'the judgment becomes resolute and unchangeable.'[124]

On assuming office Franklin D Roosevelt announced a new policy in Latin America – the 'Good Neighbor Policy'. In his inaugural address he said:

> In the field of world policy I would dedicate this Nation to the policy of the good neighbor—the neighbor who resolutely respects himself and, because he does so, respects the rights of others—the neighbor who respects his obligations and respects the sanctity of his agreements in and with a world of neighbors.[125]

A further 'Doctrine' followed from President Truman. The Truman Doctrine would guide U.S. diplomacy for the next forty years. Following World War II, Truman announced his Doctrine when agreeing to financially support the reconstruction of Greece. He declared, 'It must be the policy of the United States to support free peoples who are resisting attempted subjugation by armed minorities or by outside pressures.'[126] Truman announced this policy to a Joint Session of Congress, and sought funds for the policy.

Several other presidents have announced Doctrines, usually without consultation. If the president agrees a Treaty then Congress has the power to reject it, as they did the SALT treaties negotiated by President Carter, and the Kyoto protocol. If however, a policy is merely announced, then the only recourse of Congress is to deny funds. President Kennedy, for example, had to negotiate funds for his 'Alliance for Progress.'

Congress has the 'Power of the purse', and the power to declare war. However, it has been argued that Congress is incapable of making foreign policy and that once funds have been allocated then president should make foreign policy.

Proponents of this policy suggest that speed is essential, national security with the advent of nuclear weapons is urgent, and the president has the knowledge.

In support of this argument is Hamilton's claim that the Executive should conduct foreign policy because of 'speed' and 'despatch'. The president would have 'vigor' to conduct foreign policy efficiently.

It is argued that the advent of nuclear weaponry and the Cold War justified foreign policy being in the hands of the president. The American public saw the president as the main defence, expecting him to defend against communism. As a result of the Cold War, and nuclear weapons, American foreign policy was worldwide and the world had become a 'highly

intractable place.' Foreign policy mistakes could be 'disastrous', and so foreign affairs dominated any president's time. JF Kennedy believed 'Domestic policy ... can only defeat us: foreign policy can kill us.'[127] Events moved quickly and decisions were often 'irreversible'. Given that presidents have both the knowledge and the power, the public expected them to act in foreign affairs, quickly. When presented by a *fait accompli* it then became difficult for Congress to restrict their actions. Whatever the result of the action, polls showed that a president's popularity rises following decisive action.

Richard Neustadt told a Senate committee in 1963 that although the Constitution expected judgments on war to be a combined judgment of the president and Congress, 'when it comes to action risking war, technology has modified the Constitution.'[128] In the nuclear age the president was the only person capable of deciding under the limits of 'secrecy, complexity, and time.'[129] In his 1964 book, *Presidential Power*, Neustadt claimed that when war comes, the president, 'now becomes our system's Final Arbiter.'[130]

Fulbright asserted that the 'President had full responsibility', 'in a world when safety and cataclysm can be a matter of hours even minutes.'[131] The Cold War, it was argued, gave presidents 'the opportunity for sustained exercise of those almost royal prerogatives.'[132] George Kennan argued that the United States had a political system 'unsuited to the conduct of the foreign affairs of a great power'.[133]

There was also a huge increase in presidential advisors. Therefore, as the president chose those advisors he was in a position to use information, independent of the military. Additionally, Congress did not have the resources and were unwilling to involve themselves in the detail of foreign policy. It is argued that there was a technology gap between president and Congress, which justifies presidential supremacy.[134] Congress did not have the information

and expertise. In giving his opinion as Deputy Counsel to the President to President G W Bush, John Yoo argued that the 'Framers expected that the process for warmaking would be far more flexible, and capable of quicker, more decisive action, than the legislative process.'[135]

The argument for speed and efficiency was disputed by Justice Louis Brandeis, dissenting in a Supreme Court decision. Brandeis argued that the 'Checks and Balances' in the Constitution were designed 'not to promote efficiency but to preclude the exercise of arbitrary power.'[136] Consultation and discussion could be important.

Professor Harold Koh also forcibly argues for Congressional dominance in foreign policy and asserts that the first three articles of the Constitution 'expressly divide foreign affairs powers among the three branches of government, with *Congress*, not the president being granted the dominant role.'[137]

However, this might not be realistic when United States troops are involved in action. An argument is often used that is 'un-American' to withdraw funding and not support the troops whilst they are in action.

It is also argued that Congress is unwilling to perform its role of foreign policy oversight. Their constituency is concerned with domestic affairs. The problem is that the political interests of Congress, particularly their need to get reelected discourages involvement in controversial foreign policy. For Congress, it is sometimes preferable to accept presidential leadership and reserve the right to criticize when things go wrong. Several scholars have debated this point. In debating the War Powers Act Senator Jacob Javits (R, NY) believed the main problem was the lack of will in Congress to enforce the Act.[138] Similarly, John Hart Ely, Professor of Law at Stanford, also believed that Congress was 'unwilling.' The problem was 'presidential resolution, congressional deference, and judicial abstinence.' For Ely, Congress

did not have 'the mettle' and had 'Congressional spinelessness.'[139] Claiborne Pell, (D, RI) the Chair of the Foreign Relations Committee, agreed: 'If we chose to make it work, it will work, but we do not have within ourselves the gumption to make it work.'

It is clear that certain actions are accepted as legitimate. If Congress has declared war, then the president has the duty and obligation to 'make' war. In that he has the responsibility and the power. However, he still requires Congress to vote monies for such war. However, there have only been five occurrences of war being declared by the United States.

If Congress has not declared war, but war has been declared upon the United States by an attack by another Nation State, then the country can be considered at war, and the president has similar responsibility. Further, if there is an urgent national security threat, then the president can take action.

International law, the UN and OAS

The debate centres around the relation of Treaties and international obligations and whether they are sufficient to provide a president with legitimacy to intervene. The US is a signatory to the UN Charter and to the Charter of the Organization of American States (OAS). As these treaties have been ratified by Congress they become part of United States law, according to Article VI, section 2 of the Constitution. The question is whether a UN or OAS resolution gives the president sufficient Constitutional authority to act. Some argue that UN/OAS Resolutions may give international legitimacy, but not necessarily Constitutional legitimacy. The alternative view is that such Resolutions give legitimacy, because the United States has signed treaty obligations, in belonging to such institutions.

The status of treaties has been determined by the Courts. Chief Justice John Marshall in 1829, declared:

> Our constitution declares a treaty to be the law of the land. It is, consequently to be regarded in the courts of justice as equivalent to an act of legislature, whenever it operates of itself, without the aid of any legislative decision.[140]

The key phrase is 'whenever it operates of itself', so when, for example, resources are required then it does not operate of itself and requires legislative decisions.

Presidents have used UN resolutions to justify their actions. In the Korean War, which was not declared by Congress, President Truman claimed that the UN resolution required him to send troops to Korea.[141]

There was also much debate when President George Bush sent troops to Iraq, although in this case the president sought Congressional approval. Scholar and lawyer Michael Glennon considered the position of UN resolution, and whether this would give the president authority, without Congressional approval, to by-pass the Constitution and the War Powers Act. He concluded that the president 'can claim no authority to use armed force under UN Charter.'[142] Law Professor Louis Henkin has also argued that UN resolutions need congressional approval.[143]

As the UN has become more important in international affairs, Louis Fisher argues that increasingly, 'presidents solicit 'authority' from the UN Security Council but not from Congress.'[144] However, he also argues that UN Resolutions are not sufficient authority for the president to commit troops: 'For constitutional, political, and partisan reasons, presidents need to obtain congressional authority in advance before engaging the country in military conflicts.'[145] Article 43 of the UN Charter provides that member states should enter into 'special agreements' when sending armed forces for collective action. Each nation would ratify those agreements 'in accordance with their respective constitutional processes'.[146] The

UN Participation Act states that the 'President is authorized to negotiate a special agreement ... with the Security Council which shall be subject to the approval of Congress by the appropriate Act.'[147] Fisher asserts that Truman's intervention in Korea 'violated the United States Constitution, a congressional statue, the UN Charter, and his own public promises.'[148]

The United States is also a member of the Organization of American States (OAS). The OAS Charter, agreed at Bogotá in 1948, established the OAS, and the United States is a signatory. A significant clause of the OAS Charter is that of non-intervention in other American States. However, some presidents have found the OAS ineffective for their purposes and have ignored their obligation under the Charter.

UN or OAS Resolutions may give legitimacy under International Law, and OAS support has often been sought in conflicts in Latin America. Shirley Scott and Olivia Ambler asserted that:

> When States decide to use force, not in self-defence but to deal with broader threats to international peace and security, there is no substitute for the unique legitimacy provided by the United Nations Security Council. States and peoples around the world attach fundamental importance to such legitimacy, and to the international rule of law.[149]

However, writer Robert Kagan rejects this, arguing: 'It was not international law and institutions but the circumstances of the Cold War, and Washington's special role in it, that conferred legitimacy on the United States, at least within the West.'[150] Condoleezza Rice also derided the view that, 'the support of many states--or even better, of institutions like the United Nations is essential to the legitimate exercise of power.'[151]

The case studies consider to what extent the president complied with OAS and UN resolutions, what involvement there was with the organizations, whether he was concerned to have their support and the impact of these treaties on the decision making.

Public Opinion and Legitimacy

Presidents may also have legitimacy by gaining and keeping public support. Provided the public see the president acting legitimately then his actions will be deemed acceptable. Presidents are keenly aware of public reaction and consider it important. It is particularly important at certain times in the election cycle.

Since the invasion of Iraq in 2003, scholars have been concerned about United States loss of legitimacy. Professors Robert Tucker and David Hendrickson argued that although legitimacy depended on action being authorized by the 'rightful authority' and not violating legal norms, 'ultimately legitimacy is rooted in opinion.'[152] They suggested that President Bush issued 'diktats' to allies and when they did approach international institutions 'did so with an air of feigned regard but real contempt.' This attitude to allies and to the law eroded public legitimacy. Shirley Scott and Olivia Ambler, scholars at the University of New South Wales, argue, 'the failure to find weapons of mass destruction (WMD) took away the basis of the United States' legal and moral justification for the invasion.'[153]

1.5 Cold War

It is possible that views of legitimacy might change according to circumstances or over time. This leads to considering whether the idea of legitimacy was different in the Cold War and Post-Cold War periods. The ways of judging a president's actions may have differed. The

study considers the question of what difference, if any, the end of the Cold War made on presidents' decisions in interventions in Latin America.

The Cold War spanned the administrations of nine presidents and 22 Congresses.[154] During the period from 1945 until 1950 underlying ideological differences between the US and the USSR and a series of key events led Truman to the Cold War policy. President Bush was able to announce the conclusion of the conflict in 1990. During this period there was a particular set of public and congressional perceptions about the use and practice of the president's powers.

The Cold War did not start suddenly, but was rooted in the fundamental differences in national security and ideology between the two powers. America had been founded on a belief in 'Life, Liberty and the pursuit of Happiness' giving freedom to the individual and to the people. The Soviet philosophy had been founded on a socialist, totalitarian state in which individuals are subject to the requirements of the system.

Franklin Roosevelt had been able to work with Stalin but with his death things changed. Truman was inexperience in foreign affairs and decided to 'face down the Russians'.[155] The contrast in approach 'spawned the widely held feeling that if FDR had lived then there would have been no Cold War'.[156] The original post-war policy was to support the setting up of the UN, to collaborate with Stalin, and to rely on the British to deal with political problems.'[157]

However, Stalin's actions and British economic problems soon led to discussions of a new policy. In 1946 Stalin set out his plan for Russia's economic recovery which one Supreme Court judge, William Douglas, described as 'a declaration of World War III'[158] George Kennan, (later to be credited with the 'Cold War' terminology) at the Moscow

Embassy, set out his concerns in a 'Long Telegram'. Churchill, also suspicious of Stalin's motives, in his address at Fulton, Missouri, echoed Kennan's concerns of Russian imperialism and of taking over Europe 'from Stettin in the Baltic, to Trieste in the Adriatic, an 'iron curtain' has descended across Europe'[159] With Russia refusing to leave Iran and refusing to re-unite Germany, these fears were compounded by the strength of Communist parties in Europe, particularly in Italy and France. The United States felt that if they withdrew from Europe then the continent would become Communist.

President Truman highlighted the difference in ideology in setting out his Doctrine:

> Our way of life is based upon the will of the majority, and is distinguished by free institutions, representative government, free elections, guarantees of individual liberty, freedom of speech and religion, and freedom from political oppression.[160]

In 1949, the shock waves were felt across the United States when Russia exploded its first atomic bomb, and China fell to the Communists. The Americans viewed the Chinese and Russian Communists as one threat, and Russian atomic weapons, some years before the Americans had anticipated, caused alarm in the United States. The Russian bomb gave 'sharper focus' to the policy. Communist rule on the Chinese mainland suggested a 'shift in the correlation of forces' in the Soviets' favour.[161] When North Korea invaded the South in 1950 this led to military conflict against what America perceived as the 'global communist threat'.[162] The new National Security Policy, NSC-68 drafted by Paul Nitze, showed how the Americans viewed the Cold War and the underlying threat to democracy from the Communist regime. The key to the policy was globalization and militarization of containment of the Soviets. They

should not be allowed to expand their sphere of influence, in Europe, Asia or Latin America. Further it showed the economic and political will that was required to implement the policy. This document is a clear indication of how the Americans viewed the USSR. The USSR was 'animated by a new faith, antithetical to our own, and seeks to impose its absolute majority over the rest of the world'.[163] The United States had a determination to 'fight ..to defend our way of life'. In fighting for this the Kremlin could be 'expedient' but for the United States the 'means to be employed must be proportioned to the extent of the mischief'.[164] These means may be 'covert or overt, violent or non-violent.' Nitze reflected on the views of the time. The Cold War was 'more fundamental' than a conflict over specific interest:

> The Soviet ideology took seriously the Marxist/Leninist view that Communist socialism was destined, eventually, to triumph everywhere. The contest was not about competition over national interests: it had an absolute ideological quality about it, which, from the Soviet side, did not permit compromise.[165]

Given this view, the American people gave much more power to their president. For them, there was a nuclear button to consider. The president was the one who would make instantaneous decisions. He was the Commander-in-Chief, who had the relevant information. There would be no time for consultation and discussions. Further, it was stressed that as a National Security issue, it was important to retain confidentiality. Such decisions would not be discussed publicly, because it could be detrimental to defence.

The Korean War led to a large military build up and permanent mobilization. When Eisenhower was elected, it was with a clear promise to end the war in Korea and 'force the Russians, by political means out of Eastern Europe'.[166] The rhetoric of 'roll-back' rather than

'containment' appealed to the American public. They turned to a strong, military leader with the hope of winning the Cold War. During Eisenhower's administration, the Cold War settled into a permanent feature, with neither side changing their view of the other. To Americans, Russia was 'an enemy state whose ultimate design was the great globe itself.'[167] This allowed the defence lobby to hold more influence on foreign policy. In his Farewell Address in 1961 Eisenhower expressed his concern of the 'military-industrial complex'.[168]

The Cold War was at its height during the Kennedy administration. After the disaster of the Bay of Pigs, Kennedy faced a further challenge when Khrushchev put missiles into Cuba. Taking decisive action, he announced the blockade, deliberately contrasting this, not as a threat to the life support of the Cubans, as with the Russian blockade of Berlin, but as a defence of freedom, reaffirming 'The cost of freedom is high - but Americans have always paid it.'[169]

President Johnson's overwhelming concern was Vietnam, eventually leading to him not contesting the 1968 election. With Kennedy's legacy it was vital to him 'not to lose Vietnam.'[170] In passing the Gulf of Tonkin resolution, Congress passed to him total control of the war, a situation not anticipated in the 'checks and balances' designed into the Constitution. This delegation of powers was later seen as Congress neglecting their responsibilities.[171] This led to a backlash from Congress, who believed that over Vietnam the president had exceeded his powers.

After withdrawing from Vietnam the president's power ebbed, particularly under President Carter. However, Reagan's rhetoric restored that. Once again, the triumphalistic language deemed Russia as an 'evil empire'.[172] The 'elimination of totalitarism' not

containment, was the priority. The arms race was on again, leading to large budget deficits and interest rates described by Helmut Schmidt as 'the highest ... since the birth of Christ.'[173] With the 'Star Wars' policy defence spending rose again to 27% of budget.[174]

The power given to the president in foreign affairs during the Cold War was highlighted by Aaron Wildavsky. In 1966, he argued that although there is only one president, in reality the United States has 'two presidencies'; one for domestic policy and another for foreign policy.[175] He argued that 'there had not been a single major [foreign policy] issue on which presidents, when they were serious and determined, have failed.' The world had become a 'highly intractable place.' As a result of the Cold War, and nuclear weapons, American foreign policy was worldwide. Foreign policy mistakes could be 'disastrous', and so foreign affairs would dominate any president's time. Events move quickly and decisions are often 'irreversible'. Wildavsky's analysis was that, given that presidents have both the knowledge and the power, the public expect them to act in foreign affairs, quickly. The key concern in the Cold War was the ability of either side to start nuclear war. The American public saw the President as the main defence, expecting him to defend against Communism. In return, they accepted that he had the sole decision making power. When presented by a *fait acompli* it then becomes difficult for Congress to restrict their actions. Whatever the result of the action, polls show that a president's popularity rises following decisive action. With an increase in advisors, presidents were also in a position to also use information, independent of the military, by choosing his own advisors. President Kennedy had summed up this difference: 'Domestic policy ... can only defeat us: foreign policy can kill us.'

George Kennan argued that in the Cold War the United States had a 'political system ...unsuited to the conduct of the foreign affairs of a great power'.[176] It was argued that

during the Cold War the 'president knows best.'[177] As America's role as world leader had increased, so had the power of the president.

Neustadt told a Senate committee in 1963 that although the Constitution expected judgments on war to be a combined judgment of the President and Congress, 'when it comes to action risking war, technology has modified the Constitution.' In the nuclear age the President was the only person capable of deciding under the limits of 'secrecy, complexity, and time.'[178] Fulbright asserted that the 'President had full responsibility', 'in a world when safety and cataclysm can be a matter of hours even minutes.'[179] The Cold War, it was argued, gave Presidents 'the opportunity for sustained exercise of those almost royal prerogatives.'[180] In the early 1960s Senator Fulbright was a supporter of strong presidential powers. He argued that the 'dynamic forces of 20th Century – communism, fascism, aggressive nationalism - were more unmanageable, under leisurely deliberation.' The United States should 'give the executive a measure of power in the conduct of foreign affairs that we have hitherto jealously withheld.' They had 'hobbled the President by too niggardly a grant of power.' He suggested that policy was neither 'shared' nor 'overlapping' but failure was placed squarely on the President.'[181]

Professor Hans Morganthau told the Senate Committee on Foreign Relations that it was 'virtually impossible to pursue consistently a dynamic foreign policy which takes the initiative away from the enemy and which is mobile enough to effectively answer sudden challenges.' He argued that Americans should 'give up some of the democratic luxuries of the past.' He believed that the 'president of the United States is obliged to organize and lead the

defense of the free world through the use of institutions and processes that were designed for a radically different world.'[182]

However, there was soon a change of view. In the wake of Vietnam, there was a backlash which 'set out to destroy Imperial Presidency.'[183] A Senate sub-committee considered the separation of powers and how it had operated. They discussed a statement by Dean Rusk, who, as Secretary of State had said that: 'No would-be aggressor should suppose that the absence of a defense treaty, congressional declaration or U.S. military presence grants immunity from aggression.' Fulbright argued that Rusk was not likely to be arguing that congressional action was irrelevant but was 'merely assumed, taken for granted as a truism of American foreign policy in the 1960's. It was 'circumstances rather than design.' For Fulbright 'special circumstances make dissent inappropriate.'[184] Fulbright then had a different view from when he was advising President Kennedy. He reported that in passing the Gulf of Tonkin Resolution the 'Fundamental mistake was in the giving away of that which was not ours to give.' The Congress could not delegate its war-making power. Other Senators expressed concern that the separation of powers was not working. Senator Vance Harke (D, IN) noted that 'some political scientists stated that the authority of Congress to declare war is obsolete and now resides in the executive.' Senator Thurmond was concerned about the exercising of 'emergency powers', which had 'unquestionably grown.' The committee noted the comments of American diplomatic historian Ruhl Bartlett on the view that checks and balances were then provided by diversity in the administration:

> Is an argument scarcely worthy of small boys, for the issue is not one of advice or influence. It is a question of power, the authority to say that something shall or shall not be

done. If the president is restrained only by those whom he appoints and who hold their positions at his pleasure, there is no check at all. What has happened to all intents and purposes, although not in form and words, is the assumption by all recent presidents that their constitutional right to *conduct* foreign relations and to advise the Congress with respect to foreign policy shall be interpreted as the right to *control* foreign relations.[185]

Senator Morse decried the 'trend of Executive Supremacy' and of 'undeclared wars'. He believed that the expansion of powers was linked to: nuclear weapons, giving a predominance to military factor in foreign policy; membership of the UN, accompanied by a unilateral responsibility for protection of the free world; peacetime alliances and programs to promote world prosperity; and new machinery for formulating and executing foreign policy.' He rebutted Rusk's assertion that presidents had 'precedent' in their favour, and argued that 'bad precedent never made good law.' The power to make war was a law-making power, and belonged to the legislature not the Executive.[186]

By 1977, I.M. Destler was advising that 'many reject the Cold War belief that Foreign Policy *ought* always to have primacy.'[187]

1.6 Post-Cold War

With the end of the Cold War it was expected that the foreign policy agenda would move more to economic issues and trade. At the end of the Cold War there was a lack of consensus and direction to American foreign policy. Professor John Dumbrell believed that there was a period of 'strategic uncertainty'.[188] Georges Fauriol argued that there was no recognizable regional support vision, and that interest in Latin America 'almost evaporated.'[189] Paul Nitze believed that it was extremely complicated, as the threats were 'not well-defined

and well-articulated threats.'[190] He saw the threats as: arms proliferation, nuclear, chemical and ballistic missile proliferation; economic vulnerability; and the lack of international consensus. The 'overriding principal [sic] must be a respect for sovereignty: there should be no effort to impose political, social or economic preferences on others.'[191]

McGeorge Bundy argued that 'some of those who are habituated to the predictabilities of the cold war have displayed withdrawal pangs.'[192] There was still a guarantor role, so Soviets will also insist on remaining a guarantor. However, Dick Cheney, then Secretary of Defense 'was planning American reductions on a scale that he would have denounced [previously] as dangerous folly.'[193]

Theodore Sorensen discussed the two opposite views: One was warnings in Washington that the Russians could still destroy the United States. The other view was that the end of the Cold war 'signifies the end to the very concept of national security.'[194] He argued that the conceptual vacuum was 'very real.' He saw the threats to be from the economic threat to superpower and from illicit narcotics. He argued that there should be a peaceful enhancement of democracy and the military should be 'vastly reshaped and reduced.' It was hoped that the United States would move to a multinational approach, assisting with the spread of democracy by 'guaranteeing' the results of elections.[195] It was expected that the president's foreign policy power would be reduced.

The main problems were seen as the debt problems of Latin American countries, illegal immigration and the spread of narcotics.[196] The United States needed stability to develop their trade. However, Latin America did not expect 'interventions for the sole purpose of protecting US interests'.[197]

However, George Bush committed troops to war in the First Gulf War. He conducted a 'consultation' with a bipartisan Congressional group, but cited a UN resolution as justification for sending troops. Congress debated a request for authorization to use force, and narrowly passed the authorization.[198]

Clinton had more involvement than expected in foreign relations. He deployed military forces to Somalia, Haiti, and Bosnia. He also continued the precedent of denying the WPR. When he sent a missile attack on the Iraqi intelligence services, in June 1993, in response to an assassination attempt on George Bush, he did so on his own initiative, without any authorization.

President GW Bush took the claim of presidential powers to new heights. Following the attack on the World Trade Center, Bush declared that 'we are going to war.' Under the 'War on Terror' the president made claims of inherent powers and rights far greater than any previous president. He committed troops to Iraq and Afghanistan, without congressional authority. The 'peace dividend' has not been realized.

With GW Bush's 'War on Terror' the president dominated again. He assumed and claimed more powers than before. But as the changing arguments for the War Powers Resolution show, his arguments may not remain valid for the future, and acceptable use of force now may be seen as abuse of power in retrospect.

Given that the circumstances have changed over time the study looks at whether there is any difference in the concepts of legitimacy in the Cold War and Post-Cold War.

1.7 Latin America

The project considers four interventions in Latin America, running the risk that any behaviour demonstrated by the United States in these cases might result from a specific

attitude to the regimes in Latin America. There is therefore a need to examine the history of United States – Latin American relations.

The United States has always had a particular interest in Latin America. Being near neighbours, the relationship with Latin American has always had specific differences from relationships elsewhere. The section below gives a brief background to United States' policy in Latin America, and the key developments. The section sets the background for the detailed case studies.

From its earliest days the United States watched carefully the relations that Latin America had with Europe. In the 1820s the United States became increasingly concerned about European involvement in the American continents. After extended negotiations with European powers, particularly Britain, Spain and Russia, an agreement was reached. The British had agreed not to recolonize any of the new independent states in South America, and the Americans agreed their North West border with Russia, to be above 54° 40′.[199] The Russians later, in 1867, sold this area (Alaska) to the United States for $7.2m, less than 2cents/acre. The Secretary of State, John Quincy Adams, suggested to President Monroe that the United States declare its position. In an exchange of letters Monroe formulated the 'Monroe Doctrine' and sought the agreement of former Presidents Jefferson and Madison.[200] Both agreed, with Jefferson stating that the 'only drawback' was that the 'accord would stop annexation of Cuba.'[201] President Monroe spelt out the United States' attitude about the Western hemisphere in his seventh annual address to Congress in 1823. In it he asserted 'that the American Continents by the free and independent condition which they have assumed and maintain, are henceforth not to be considered as subjects for future colonization by any European powers.'[202] Monroe stated that 'we should consider any attempt on their part to

extend their system to any portion of this hemisphere as dangerous to our peace and safety.'[203] The 'Monroe Doctrine', became an important part of United States policy in Latin America, as a 'venerated political tradition.'[204]

By the 1880s, the United States was becoming more involved in Latin American affairs, with particular interest in the Pan-American canal.[205] As French capitalists negotiated to build the canal President Hayes argued that the canal could not be under European control. As the canal would be 'virtually a part of the coastline of the United States' there would be 'either an American canal or no canal.'[206] When President Garfield came to office he not only continued the American canal policy but his Secretary of State, Blaine, insisted that the policy was justified by the Monroe Doctrine

By 1898 the United States once again became embroiled in war with a European power. As Spain asserted its supremacy over Cuba 'isolation [was] no longer possible or desirable.'[207] Following the American victory the United States installed military governments in Cuba and Puerto Rico. As the United States asserted its power, Latin America became more vulnerable and accused the United States of imperialism, as the United States took control in Puerto Rico, Guam, and the Philippines. Latin Americans were concerned 'how much farther would the Yankees go' after the defeat of Spain.[208]

There were calls to 'put an end to present and future imperialist ambition.'[209] However, in 1901, the Platt Amendment to Cuba's new constitution gave the United States the unilateral right to intervene in the island's political affairs.

Theodore Roosevelt took a unilateral view of the Canal Zone. In 1903 he 'took' the canal and intervened to assist Panama gain independence from Colombia. The resulting Hay-

Bunau-Varilla Treaty made the United States sovereign 'in perpetuity' in the ten-mile wide Panama Canal Zone.[210]

Roosevelt continued to pursue his aggressive view of the hemisphere. When the Dominican Republic went bankrupt, Roosevelt told the Congress, in his annual address in 1904, that the United States would intervene to ensure that other nations in the Western Hemisphere fulfilled their obligations to international creditors, so that they did not invite 'foreign aggression to the detriment of the entire body of American nations.' [211]

In the first quarter of the 20th Century the United States had numerous interventions in Latin America. In 1905, the Marines landed in Honduras, and in 1914 United States forces shelled and occupied Vera Cruz, the major naval port in Mexico. The United States occupied Nicaragua from 1912-25, Haiti from 1926-33, the Dominican Republic from 1915-34 and Cuba in 1917-22.[212] In addition the United States army landed in Panama, in 1918, 'to protect United Fruit plantations'.

In 1923 Secretary of State Charles Evans Hughes formally renounced the Roosevelt Corollary to the Monroe Doctrine. He told the American Bar Association that the Doctrine was 'not a policy of aggression' but of 'self-defense'.[213] The main principle was that of national security. He argued that as the policy was 'distinctively' the policy of the United States, the United States reserved to itself its definition, interpretation, and action. The Doctrine did not 'infringe upon the independence and sovereignty of other American States.'[214]

On assuming office, Franklin D Roosevelt announced a new policy in Latin America – the 'Good Neighbor Policy'. In his inaugural address he said:

> In the field of world policy I would dedicate this Nation to the policy of the good neighbor—the neighbor who resolutely respects himself and, because he does so, respects the rights of others—the neighbor who respects his obligations and respects the sanctity of his agreements in and with a world of neighbors.[215]

He reinforced this in a message to the Senate requesting approval of a new Treaty with Cuba abrogating the Platt Amendment[216]: 'I have publicly declared that the definite policy of the United States from now on is one opposed to armed intervention.'[217]
A new treaty was also signed with Panama, which abrogated the United States right to intervene, but the United States retained control over the Canal Zone.

During the Second World War the United States accepted Latin American leaders with military backgrounds who maintained order and security.[218] The United States facilitated authoritarian regimes such as Somoza in Nicaragua, Batista in Cuba and Trujillo in Dominican Republic, who supported the United States against the Axis powers, rather than promoting democracy. The leaders were invited to the White House despite concerns about corruption and brutality. In return, Roosevelt sought military bases, access to raw materials, and an alliance against the Axis powers.[219]

From 1945 to 1989, the Cold War ideology is widely thought to have driven US Latin American policy. The priority was to keep communism out of the hemisphere. The Rio Pact signed in 1947, provided for mutual defence against communism. Article 3 stated that 'an armed attack by any State against an American State shall be considered as an attack against all American States.'[220] In 1948 the Organization of American States (OAS) was formed. Secretary of State, Dean Acheson, welcomed its 'basic principles' including 'non-intervention in the internal or external affairs of any American Republic.'[221] The security of the

hemisphere was 'indivisible'. The United States would 'seek to strengthen the OAS, as the most effective expression of law and order.'[222]

Further the United States expected the other countries to support the United States at UN. There was a marked change from fear of fascists to fear of communism. This was clearly stated by George Kennan, after a visit to Latin America. 'The activities of the communists represent our most serious problem in the area. They have progressed to a point where they must be regarded as an urgent, major problem.'[223]

The Cold War ended the 'Good Neighbor' policy. NSC 144 specifically did not allow for aid similar to that of the European Marshall plan.[224] The priority was to support strong governments against the communists. Kennan believed, 'It is better to have a strong regime in power than a liberal government if it is indulgent and relaxed and penetrated by Communists.'[225] The NSC also concluded that 'overriding security interests would justify unilateral intervention' even if in violation of treaty arrangements.[226]

The election of John Kennedy to the presidency brought new expectations in Latin America. His task force had reported that for Moscow and Peking 'revolutionary seizure' of parts of Latin America were an early target in the Cold War.[227] The greatest single task of American diplomacy in Latin America was 'to divorce the inevitable and necessary Latin American social transformation from its connection with and prevent its capture by overseas Communist power politics.'[228] Kennedy was keen to provide economic aid to Latin America and on 13 March 1961 he launched his 'Alliance for Progress', aimed at reform and development.[229]

The concerns about communist take-overs continued to be the highest priority in Latin America until the late 1980s.

The United States continued to support regimes that were sympathetic to the United States, preferring to support harsh dictatorship rather than risk a communist domino effect.

With the fall of the Soviet Union, drug trafficking became a major issue, and the United States changed its policy toward Latin American countries, seeking to promote democracy. Human rights issues also came to the fore.

Panama assumed sole control of the Panama Canal at the end of 1999, as agreed by President Carter. However, there was an economic collapse in Argentina, serious economic problems in Brazil and Uruguay, and a resurgence of Nationalist governments.

For the United States there have been numerous involvements in Latin America. In a *Newsnight* report, Gavin Estler claimed that 'in the last 100 years the United States has undermined or overthrown an estimated 40 Latin American governments,' claiming national security concerns[230] But the purpose of the interventions has changed. The United States used to afford to turn a 'blind eye and even make peace with unattractive dictators.'[231] This was important to keep out the communists. Now, there are more important issues in commerce, migration, drugs, and human rights.

The study considers whether this change in the international environment has made a difference to presidential claims of legitimacy when intervening in Latin America.

1.8 Summary

This project examines the use of presidential power in United States intervention in Latin America. The study seeks to determine whether the interventions had legitimacy, whether presidents considered the legitimacy of their actions and how that affected their decision making, how presidents conceived legitimacy and did that have an effect. It further

considers whether the Cold War made a difference, and whether there was a difference between the Cold War and Post-Cold War periods.

This introduction has developed the various elements of legitimacy of a president's action. The Constitution has been discussed, in terms of what the Founders intended, and how it has been interpreted over the years. Presidents have made claims about their power. Those claims have been discussed and their actions considered against the claims. However, the powers are not always clear cut in the Constitution, leading to ongoing debates over legitimacy.

The constitutional debates were discussed in Section 1.4. They examined the following questions with respect to a president's power. What are a president's war powers? Is a president entitled to withhold information from Congress? What is the 'duty of care'? Can a president make foreign policy without consultation? Is Congress capable of conducting foreign policy? Is foreign policy inherent in the Executive? What is the constitutional position with respect to treaties? These debates inform the way that presidents have considered legitimacy and how legitimacy influenced their decision making. Notably, the Constitution has been interpreted differently over time, often to suit the circumstances, and as such can be considered as a living document.

Further sections have considered legitimacy which could accrue through other means. These include legitimacy from international law. The UN and OAS might also bestow legitimacy.

By consideration of the debates the work hypothesizes that president view legitimacy differently according to circumstances. They do consider the legitimacy of their action, but

also consider that it is important to appear to be legitimate. They attempt to create the impression that they are acting legitimately, but that does not necessarily mean that they will act legitimately. There is a further hypothesis that the concepts of legitimacy were different in the Cold War and Post-Cold War periods.

The project uses the four cases in Latin America to determine the role legitimacy has played in their exercise of power. The case studies are: Bay of Pigs, 1961; Dominican Republic, 1965; Panama, 1990/91; and Haiti, 1995.

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Presidents and legitimacy in U.S. foreign policy:

Cold War and Post-Cold War intervention in Latin America

Part Two - Case Studies.

Kennedy – Bay of Pigs, 1961.

How could I have been so stupid...? [1]

2.0 Introduction

On 17 April 1961 1400 CIA-trained Cuban dissidents attempted an invasion at Playa Gerón, the Bay of Pigs, in Cuba. Three days later, Fidel Castro explained, in a four hour television address, the reasons for failure of the invasion.[2] Kennedy publicly admitted responsibility, but remained defiant. The day after, in a speech to American Society of Newspaper Editors, he argued that the *United States* forces had not intervened.[3]

The case study examines the invasion, reasons for it and the context of the decision making. The study discusses the decisions the president had to make and what advice he received and from whom, to enable him to make those decisions. It considers the method of decision making, examining to what extent Kennedy considered the legitimacy of his actions, and what affect that had on his decision making. It also considers the problems of 'inheriting' policy from a previous administration and taking decisions early in the administration.

Plausible denial proved a key issue for Kennedy. It was important that it should appear that United States forces had not been involved, and he was endorsing the 'plausible deniability', which had been a major consideration in his decision making. However, Kennedy backed up his denial by signalling his future intentions: 'let the record show our restraint is not inexhaustible... if the nations of this Hemisphere should fail to meet their commitments against outside Communist penetration ... this Government will not hesitate in meeting its primary obligations which are the security of our Nation.'[4]

In reaching his decisions on Cuba, Kennedy had tried to reconcile a dichotomy between two opposed positions. When JFK assumed the presidency there were new public expectations of a change. In his campaign and inaugural address Kennedy had raised the public hopes of a 'New Frontier'. Although this was at the height of the Cold War the public mood had changed. There was an expectation that there would be a new approach in foreign affairs. This new approach was supported by the Democratic liberals. Kennedy initiated the 'Alliance for Progress' in Latin America, using aid to support moves towards democracy. He determined that his policy would be was to win free nations, and that American values would be paramount. He hoped to counter the communist threat, in this way, to win over the 'hearts and minds' of the Latin American public towards democratic government.

On the other hand, his image had to be fiercely anti-communist. Eisenhower had been a keen supporter of the CIA and 'covert' operations, setting out in a National Security Bulletin 5412, in March 1954, details of how they would operate in covert actions.[5] It was important that Kennedy did not appear weak to Khrushchev, and domestically he had to appear strongly opposed to any communist threat. In his campaign rhetoric he had expressed strong views against the perceived weakness of United States policy towards Castro, and supported the forces against Castro as 'freedom fighters'. It was the tension

between the two positions that Kennedy had to resolve. In making a series of decisions to continue with the operation Kennedy had to balance his New Frontier policies against appearing weak towards the perceived threat of Castro, and communism.

Planning The Invasion

In 1959 Fidel Castro and his supporters had overthrown the Cuban dictator, Batista, in a popular revolution. Castro removed the American 'mafia', who had large property interests in the island, and 'nationalised' the sugar beet industry. When President Eisenhower retaliated with sanctions, Castro turned to the Soviet Union for trade and military support. By January 1961 Eisenhower had broken diplomatic relations with Cuba.[6] Meanwhile, the CIA had developed a covert plan to overthrow Castro. This involved training Cuban dissidents in Guatemala to mount an invasion, which it was hoped would cause an internal uprising, leading to Castro's downfall.

When Kennedy inherited this situation, he had a series of decisions to make. The first decision was whether to allow the invasion planning to go ahead. He had been informed of the existence of the invasion plan, by CIA Director, Allen Dulles, in November 1960, when Kennedy was President-elect. Dulles then gave a full briefing to Kennedy, early in the presidency.[7]

When the invasion plan was first presented, Kennedy was not comfortable with it. During a ten week period many meetings took place, and the plan was revised several times. The tension between the two positions was demonstrated by the views of different advisors.

This invasion plan was presented to President Kennedy, by the CIA, as a fully developed plan, as agreed by the Eisenhower administration. The CIA was training Cuban dissidents in Guatemala, as a force to invade Cuba, at Trinidad. Meanwhile, CIA propaganda teams were broadcasting to Cuba, encouraging people to overthrow the Castro

regime. It was hoped that the invasion team would secure the landing site, and that then there would be a popular uprising. In this way, it could be shown as a Cuban, rather than a US led, uprising. This was a similar policy to that which had been successful in Guatemala in 1954. The Eisenhower administration had approved this plan for Cuba and implementation was only delayed because of the United States election. For the CIA, and its Director, Allen Dulles, there was no question of legitimacy. This was a covert plan, approved by Eisenhower, and they had implemented similar plans before. The CIA noted the proviso of no American troops, but fully expected that to be ignored if required.

On the other hand, new members of the Kennedy administration were hearing the proposal for the first time, and considered them against the new foreign policy expectations. Robert McNamara, as Secretary of Defense, worked with the Joint Chiefs. Dean Rusk put forward the State Department's view. Both were new to their posts.

During numerous meetings, there was disagreement between the advisors about the viability of the plan, but such concerns were not made clear to Kennedy. The president was uncertain about many aspects of the plan. At each stage he considered cancelling the plan, but instead made the decision to make a number of changes. He modified the choice of landing site and changed the timing from dawn. These changes were made in an attempt to give Kennedy a 'plausible denial' of United States involvement, and to retain legitimacy. A dawn raid would be far too visible. His advisors made him aware that the United States could not be seen to be responsible for an illegal invasion.

Following these changes, the CIA assured Kennedy that when the invasion took place there would be a popular revolt and Castro would be overthrown. Kennedy finally gave the go-ahead on the basis of 'no United States military intervention.'[8] However, the landing force was met by Castro's forces. There was confusion about the supply of air cover, and, when the military asked the president for American B26s, Kennedy refused.

In all, 140 exiled invaders were killed and 1189 were taken prisoner.[9] The operation was an undeniable fiasco.[10] Kennedy assumed responsibility and set up an inquiry headed by General Maxwell Taylor. There had been a failure of intelligence, of decision making and judgement. Kennedy wondered: 'How could I have been so stupid as to let them proceed?'[11] The military had assumed that Kennedy would order American support, but Kennedy assumed that they knew he had no such intention.[12] The public however rallied round the president and his approval rating jumped to 83%.[13] McGeorge Bundy, the National Security Advisor, identified the top ten lessons that the administration should learn from the Bay of Pigs. These were primarily matters of procedure, but he also noted - 'success is what succeeds.'[14]

The first section of the case study examines the history of the invasion, outlining Eisenhower's policies and planning. There is then a discussion of Kennedy's position whilst a candidate and as President-elect. The third section deals with the Kennedy meetings and planning up to the point of the invasion. Some of the details have been taken from later recollections. The style of the Kennedy administration was such that many meetings were informal and even for formal meetings full records were not kept. Section four outlines the implementation of the plan, and its outcome.

Many details of the plan and implementation are given in General Taylor's report.[15] Section five looks at the findings of the Taylor committee, the evidence and views of the major participants. There is a discussion of the dissenting views. After the publication of memoirs and the Taylor report, some participants, particularly from the invasion Brigade, have disputed the report. The proceedings were not recorded verbatim and some claim to be unable to recognise their own evidence.[16] The Inspector General of the CIA, Lyman Kirkpatrick, also produced an investigation. His report was damning of

the performance of the CIA. Some of the CIA participants recorded their disagreements of the findings at the time and these are also examined.

The final section considers the evidence and discusses the significant aspects of decision making in regard to legitimacy. It considers what influenced Kennedy's decision and the impact of the failure on future United States foreign policy and the Kennedy administration. The study will show to what extent the administration discussed the legitimacy of the operation, and whether that influenced the decisions. A 'plausible denial' was a key to this. Kennedy could not be seen to be responsible for an illegal invasion. Schlesinger advised that Kennedy had the option to 'evade, deny or plead ignorance' of the operation. In trying to keep the options open then the operation itself was changed substantially, and also the chances of success.

The case study will show whether Kennedy considered legitimacy in his decision making, if so what impact that had on the plans.

2.1 Eisenhower's Policy

On 1 January 1959 Fidel Castro and his revolutionary supporters forced the Cuban President Batista into exile. At this time, it was not clear to the United States whether Castro was a communist or not. Following a visit to Washington and a visit with Vice President Nixon, Nixon concluded that Castro was 'either incredibly naïve or under Communist discipline'.[17] Eisenhower subsequently approved a plan with the CIA to support Cuban exiles and those in Cuba opposed to Castro. By December, Allen Dulles had approved a plan recommended by J.C. King, Head of the CIA's Western Division that 'thorough consideration be given to the elimination of Fidel Castro'.[18] Richard Bissell, Deputy Director of plans, believed that Dulles had approved an assassination, but used the euphemism 'elimination' as part of 'plausible deniability' for the administration.[19]

On 17 March 1960, at a meeting with national security officials, Eisenhower initiated the CIA operation of covert action against Castro.[20] The plan was to organize opposition to Castro within Cuba, generating unrest, whilst organizing Cuban dissidents outside Cuba. A propaganda programme was established under David Atlee Phillips, who set up a radio station, *Radio Swan*, on an island off Honduras.[21] Meanwhile Cuban exiles in Miami were recruited as an exile force. They were subsequently transferred to Guatemala for training by the CIA. On 18 August 1960 Eisenhower approved a $13 million budget and the use of Department of Defense personnel and equipment. Crucially, it was specified at this time that 'no United States military personnel were to be used in a combat status'.[22] This again was taken by the CIA as a cover allowing the president to deny United States' action.

As Castro increased his imports of arms and his control of the civilian population, the CIA reviewed the guerrilla operation. Eisenhower pressed both the CIA director, Allen Dulles, and Deputy Director for Plans, Richard Bissell, about progress and stated: 'we should be prepared to take more chances and be more aggressive'.[23] Bissell, in effective control of the project, had already met with Sheffield Edwards, director of the CIA's Office of Security, to discuss ways of assassinating Castro, although that was not discussed directly with Eisenhower.[24] Bissell was clear 'assassination was intended to reinforce the plan.'[25] Dulles subsequently stated that the Eisenhower policy was 'to overthrow Castro'.[26]

2.2 Kennedy – Candidate and President-elect

As a candidate, John Kennedy was scathing towards the Eisenhower administration's policy towards Cuba. Previously, in *Strategy for Peace,* Kennedy had written that 'a new, hard look at our attitude on diplomatic relations with Latin America is long overdue'.[27] He argued that 'Castro is part of the legacy of Bolivar' and criticised the US for backing Batista for so long.[28] For a Democratic administration one of the first tasks

would be 'to attempt to restore ... some of the goodwill which existed in the thirties, between the United States and Latin America' so that the region would become the heirs of the Roosevelt's 'Good Neighbor Policy'.[29]

During the 1960 presidential election campaign Kennedy repeatedly attacked Nixon on the Cuban policy. He accused Nixon, personally, of having 'lost Cuba' [30] and allowing a communist base 'only ninety miles from our shores'.[31] An important, controversial statement about Cuba was released during the campaign to the press without Kennedy's approval. Richard Goodwin, one of Kennedy's speechwriters, recalled that at the time Kennedy was asleep and Goodwin decided not to disturb him. The statement said:

> We must attempt to strengthen the non-Batista, democratic forces in exile and in Cuba itself, who offer eventual hope of overthrowing Castro. Thus far these fighters for freedom have had virtually no support from our government.[32]

The 'freedom fighters' phrase caused uproar. Kennedy told Goodwin and Ted Sorensen: 'If I win this thing, I won it; but if I lose it, you guys lost it'.[33]

Kennedy continued to attack Nixon about Cuba during the televised debates.[34] This infuriated Nixon, who believed Kennedy had been briefed about the covert CIA operation, and was 'jeopardizing the security of a United States foreign policy operation'. The question of briefings for presidential candidates became a controversial issue. As a candidate, Kennedy had a number of briefings, at Eisenhower's request. He was briefed at home by Allen Dulles, as CIA Director, in July and received two further foreign policy briefings before the election. Dulles maintained that at these briefings Kennedy was told 'a little but not too much'.[35] Following the election, Dulles and Bissell gave a 'much more detailed and operational' briefing than before.[36] When briefed, Kennedy was 'astonished at its magnitude and daring' and had 'grave doubts from that moment on'.[37] It is unclear

whether Dulles was maintaining the plausible denial of not involving the president directly in any covert operations. Therefore, we are not able to assess whether Kennedy had considered the legitimacy of his proposals for action against Castro, before taking office and whether such action included assassination.

The day before his inauguration President-elect Kennedy met President Eisenhower, together with their principal advisors, for a foreign policy briefing. Clark Clifford, on the Kennedy transition team, recorded that President Eisenhower said that 'we are helping to train anti-Castro forces in Guatemala'. It was his recommendation that such effort be continued and accelerated.[38] Robert McNamara, the incoming Secretary of Defense, noted that President Eisenhower stated: 'the United States cannot allow the Castro Government to exist'.[39]

The same day the Special Group on Cuba also met and discussed the problems for the project caused by the change of administration. The plan required 'clarification or further decision' on several aspects. There was obviously uncertainty in the CIA as to whether Kennedy would continue the operation [40] The Assistant Secretary of State for Latin America, Thomas Mann, was concerned about the viability of keeping the Cuban exiles in Guatemala. He warned that Guatemala's 'President Ydigoras may be overthrown in the next few days' and that plans for evacuation of the Cuban Brigade from Guatemala on very short notice should be firmed up.[41] However, a formal, written plan from the CIA to Defense was 'lost' in the transition.[42]

At his inauguration, Kennedy spoke specifically about Latin America, setting out his plan for aid, but also a warning about interference in the hemisphere:

> To our sister republics south of the border, we offer a special pledge: to convert our good words into good deeds, in a new alliance for progress, to assist free men and free governments in casting off the chains of poverty.

> But this peaceful resolution of hope cannot become the prey of hostile powers. Let all our neighbours know that we shall join with them to oppose aggression or subversion anywhere in the Americas. And let every other power know that this hemisphere intends to remain the master of its own house.[43]

2.3 Kennedy's Policy

Kennedy's style of management was entirely different from Eisenhower's. Eisenhower had held formal meetings and required tight military planning. Kennedy preferred a more ad hoc and informal approach. During transition, Kennedy wanted to assemble a 'ministry of talent'.[44] He wanted 'men of ability who can do things ...people with good judgement'.[45] He set up informal task forces with the instruction 'just get the best people you can'.[46] He based his approach on the model of an academic faculty, so his 'New Frontier' administration contained young professors, without much experience in foreign policy, prompting House Speaker, Sam Rayburn, to remark to Vice President Johnson 'they may be every bit as intelligent as you say, but I'd feel a whole lot better about them if just one of them had run for sheriff once'.[47]

Kennedy quickly removed the formal National Security Council structure. He abandoned Cabinet and NSC decision making, abolished staff meetings and the pyramid structure, paying little attention to organizational charts. He preferred informal meetings, direct contacts and ad hoc task forces.[48] A good way to have a discussion was to 'hang around Evelyn Lincoln's [Kennedy's Secretary] desk'.[49] Many meetings were held in informal groups with no formal notes drafted. At the same time he intended to be his own principal foreign policy advisor.[50] This method of working meant that, in the Bay of Pigs case, the plans were not scrutinized by the relevant agencies. Kennedy, however, did

reappoint two of Eisenhower's experienced members to his administration: not only CIA Director, Allen Dulles, but also FBI Director, Edgar Hoover.

The first briefing on Cuba of officials took place on January 22 with the Secretaries of State and Defense (Rusk and Robert McNamara), the Attorney General (Robert Kennedy), Chairman of the Joint Chiefs of Staff (General Lyman Lemnitzer), the Director of the CIA, and other representatives from State, Defense and the CIA. Dean Rusk, the Secretary of State, recorded that he had not discussed Cuba before then, and that the senior officials were new to their job and also new to each other.[51] Thomas Mann, Assistant Secretary of State and another hold-over from the Eisenhower administration, gave the diplomatic briefing. There had been discussions with other Latin American diplomats to consider whether the 'OAS system could prevent Castro's exportation of communism elsewhere in the hemisphere.' The diplomats needed to know the new administration's position before committing themselves. Importantly, Cuba was becoming one of the 'most rapidly communised states' and Castro had complete control.[52] The Secretary of State asked if a systematic review had been made of taking action under the Monroe Doctrine and what the legal position was with regard to any such action. There had been no such review.

The discussion of the Monroe Doctrine, and possible legal status, highlights the thinking at the time. The Task Force on Latin America had emphasized that the Moscow and Peiping [Peking/Beijing] 'revolutionary seizure' of parts of Latin America were an early Cold war target. It was an important principle that the 'Western Hemisphere must remain master in its own house.'[53] At the time, the Monroe Doctrine was considered to give legitimacy to United States involvement, although as Rusk's question implies, the OAS had not accepted this as a legal basis. Khrushchev, however, asserted that the Monroe Doctrine had 'died a natural death and should be buried as every dead body is.' [54]

General Lemnitzer gave the military review. Allen Dulles briefed on the covert action taken so far. He highlighted the difficult problem of keeping the exiled Cuban forces in Guatemala and indicated that there was at best 'six weeks to two months left.' Guidance was needed on the question of continuing the training. In response to a question from the new Secretary of Defense, Robert McNamara, asking what size force was necessary to overthrow Castro, Dulles said that the present planned force could 'probably hold a beachhead long enough to recognize a provisional government and aid that government openly'.[55] In discussing whether 'time was strengthening or weakening' the plan, Dulles considered that it was weakening. Rusk commented on the 'enormous implications' of putting forces into Cuba and felt that they should consider everything short of this, 'including rough stuff'. Rusk appears to be covering his back here. It was later suggested the 'rough stuff' include assassination. Rusk argued that there was a possibility of serious uprising and protest all over Latin America. He thought that setting up a provisional government on the Isle of Pines, a Cuban island south of Havana, would provide the needed 'fig leaf' for United States involvement. He suggested that there was the possibility of 'making some international law' by announcing that the introduction of jet aircraft into the hemisphere by the Soviet Bloc would be a violation of the Monroe Doctrine. Again, Rusk was looking for a legitimate reason to intervene. Citing the Monroe Doctrine would be sufficient reason for him. Dulles stressed that 'time is running against us'. Time problems included the shakiness of Ydigoras, the 'shelf-life' of the Cubans in Guatemala and the problems of bringing those Cubans to the United States, if the plan were abandoned.[56]

No conclusions were reached at the briefing, but the administration would give guidance as to its position.[57]

On 25 January the Joint Chiefs of Staff gave a briefing to President Kennedy. The initial plans had been for clandestine operations in Cuba to generate unrest, so that Castro would be overthrown. However, with heavy new equipment going into Cuba from Czechoslovakia, a secret force was not enough. The CIA plan was to set up a Cuban government in exile, then send troops ashore and then start guerrilla activities. But, at the time there was no clear leader of the exiles.[58]

Bissell prepared a CIA briefing for a full Cabinet meeting on 28 January. The current plan could establish a beachhead and hold for two weeks and establish a provisional government. His assessment was that there was a 'reasonable chance' that the invasion would set in motion forces to cause the downfall of Castro. But, there was a 'greater than even likelihood' that, with such support the Agency could provide, this would not cause Castro's downfall. However, with other paramilitary teams and harassing air activity it could produce 'civil war'. Assuming the Provisional Government was recognized by United States, they could overtly occupy Cuba and, together with OAS forces, stop the civil war and agree to free elections. Bissell recommended that activities continue for three weeks, with a detailed military planning review by 'not more than one or two senior officers' for the JCS.[59]

The JCS also sent a memo to McNamara, stressing their concern about increasing military strength in Cuba, the lack of detailed planning for the follow-up or direct action and setting out the key elements of the plan in tabular form.[60] They recommended that: 'An inter-departmental planning group be set up to construct an overall detailed plan for implementation.'[61]

These documents were used in a detailed formal briefing of Kennedy and his Cabinet on January 28. Allen Dulles emphasized the CIA position, stressing that Cuba was 'a Communist-controlled state' with a large build-up of military power, but a great increase

in popular opposition. Covert measures already in place included: propaganda; sabotage; political action; and direct assistance to anti-Castro Cubans in military training. He discussed the problem of the exiles training in Guatemala and insisted that they 'cannot remain indefinitely where they are'.[62]

Dean Rusk raised again his concerns about legitimacy, and the effect any action would have on the US moral position. He saw 'grave political dangers to our position throughout the Western hemisphere' in overt action not supported by OAS. The OAS Charter, in fact, prohibited intervention in other Latin American States, without agreement. The State Department wanted the force to have the ability to hold sizable real estate, big enough for a provisional government, and discussed the possibility of a guerrilla force. The Secretary of Defense, McNamara, felt 'no current action authorized ... will be effective in reaching the agreed national goal of overthrowing the Castro regime.' For the Joint Chiefs, Lemnitzer's view was that the 'Cubans would have little chance of success'.[63] He argued that the Brigade might be able to hold a beachhead but after a relatively short time Castro would be able to mount heavy forces 'who would come to their assistance'. He argued that 'no force of 600-800 men is adequate'. He was concerned that the agreed plan would need additional support and that 'presumably such support to be U.S.'[64]

Kennedy decided to keep the operation covert, and to authorize increased activities in propaganda, political action, sabotage, and specific overflights. The Defense Department was to review the CIA plan and report promptly on the plan and its chances of success. State was to prepare a proposal with other Latin American countries for isolating Cuba.

The question of the viability of the plan was again raised at a later meeting at the Pentagon. McNamara expressed his concerns and Admiral Arleigh Burke, Chief of Naval Operations, questioned what support was available. He thought the exiles could get on the

beach, but questioned how long they could stay there. He thought that the CIA should be told the plan was 'not a good one' and Lemnitzer agreed.[65]

Under pressure to make a decision, Kennedy wrote to Rusk expressing his impatience at the time that diplomacy was taking. He deplored the six weeks that Thomas Mann had suggested negotiations with Latin American countries would take and asked if he could conduct things more quickly.[66] The president asked McGeorge Bundy, the National Security Advisor, to discuss with Rusk whether there were differing views amongst the staff. He was assured that Adolph Berle, the chief of the Latin American task force, Mann, and Rusk were of the same view. Bundy stressed that, if there were disagreement, they should take it to the president and 'the Pres is ready to listen' otherwise he will assume everything is going all right.[67] This reflected Kennedy's way of working, assuming that staff with differing views would be willing to take them directly to him, and when this did not happen Kennedy was left with incomplete information.

The JCS evaluated the CIA plan and sent their report to McNamara. In their conclusion they gave it a 'favorable assessment' and rated it as having a 'fair chance of success'. However, in the conclusions and in the detailed Annex there were numerous qualifications. They stressed that surprise was important, that it was highly unlikely an airborne assault would be opposed and guerrillas were expected to join from other areas. The plan was dependent on locals supporting it - if there was no uprising or support the Cuban Army would reduce the beachhead, but no time estimate was given. It was based on the view that the Cuban Army was not experienced and unable to resist initial attack. Further intelligence was needed on the situation inside Cuba. Bissell was subsequently asked about the differences in the conclusions and the body of the report, but he was unable to explain. It may be that he had not read the details. By a 'fair chance of success', the military meant not more than 30% chance, a point either missed or ignored by the CIA.

The plan included air strikes on D-1 (the day before invasion). If the Cubans possessed jets or missiles the air strikes could fail. The plan called for the exiles to invade by amphibious and airborne assault, hold the beachhead to establish a provisional government and integrate with guerrillas already in Cuba. If surrounded or driven from the beachhead then they should 'go guerrilla' and disperse into the mountains. Then there would be no need for overt United States action.[68] Success was still possible without U S overt action.[69] Decisions on what support would be provided should be taken.

On 7 February officials from State, Defense, the JCS and the CIA met to thrash out the plan. Dick Goodwin represented the White House. In a long meeting the CIA responded to both questions and disagreement. Asked whether any American citizens would be included in the landing party the response was no. However, they would accompany the ships and be involved (without landing). In addition, there were some American flyers under contract. General David Gray was confident the force could hold the beachhead 'for at least six days'. If necessary they could retreat to mountains and remain there indefinitely. Cuban army effectiveness was considered low.

Berle, as Chief of the Latin American task force, listed the problems put forward by the Agency, in support of implementing their plan: there was a time problem and there could not be delay or drift as Castro built up his forces; an invasion would give Castro something to think about and prevent him exporting his revolution; there was no need to commit U S forces, as expert opinion was that the force could find safe haven indefinitely; they could still attract popular support which might not be true later.

Thomas Mann opposed the plan strongly. He did not accept that United States forces would not be needed as a follow-up, and he believed that the United States would have to underwrite success. He believed that all diplomatic channels in Latin America should be explored first. He could not agree to the plan unless there was prior commitment

of forces to 'go all the way to ensure victory'.[70] Tracy Barnes, Bissell's deputy at the CIA, pointed out the threat to peace in the hemisphere and, in his view, any delay might result in the loss of the strike force as the men went AWOL. Berle submitted a counter proposal to give the invasion a certain level of legality and satisfy a defensible position at the UN. Part of the discussion was how to give a cloak of legitimacy to the intervention. Under Berle's plan, the United States would withdraw recognition of Castro, recognize the revolutionary group and press other Latin American countries to recognize it. The Strike force would go in and the group would send representatives to form a junta, causing civil war. The United States would then call the OAS into session and demand action. If there was no action the United States would declare the OAS ineffectual and declare 'in order to live up to the Monroe Doctrine, we have no recourse but to take unilateral military action, to remove this menace to hemispheric peace'.[71] Again, it was assumed that invoking the Monroe Doctrine was sufficient reason. Mac Bundy conveyed the differences between State and Defense to the president, ahead of a meeting on 8 February as Bundy felt that these differences had not been sufficiently considered. Both he and Goodwin, who had been in on most of the discussion, thought there should not be an invasion 'adventure' without more diplomatic soundings.[72]

Bissell then briefed the president and senior officials on the CIA plan, known as the Trinidad plan. Bissell reported that the plan had a 'fair chance of success'. At worst, they could go into guerrilla action. There was urgency to commit the force, with the last date being 31 March and decisions needed by D-21. On the other hand, both Rusk and Berle were concerned that any action needed diplomatic preparation, or there would be 'grave effects upon U S position in Latin America and at the UN'. Rusk felt that United States action should not be driven by 'a single battalion of men'.

Kennedy responded by asking for alternatives to a full invasion, such as a gradual build up in the mountains 'Could not such a force be landed gradually and quietly and make its first military efforts from the mountains – then taking shape as a Cuban force within Cuba, not as an invasion force sent by the Yankees?' The president approved the organization of a small junta of anti-Castro leaders and the formation of a Revolutionary Council. Plans should be prepared for public statements and extensive diplomatic efforts. Beyond that there were no other decisions. Further, no other action should be taken without presidential authorization.[73] The CIA responded by reinforcing their message of the importance to the hemisphere. They sent memo to Rusk indicating there was a danger other countries would 'go over the watershed' if the operation were abandoned.[74]

As pressure for a decision built-up from the CIA so also did the concerns of State and others. Arthur Schlesinger wrote to the president about mounting pressure for drastic action. He felt that action may be acceptable to those anti-Castro elements within Cuba, but in the hemisphere and the rest of the world there would be a massive wave of protest. Schlesinger argued that if action must be taken every care must be made to prevent political and diplomatic fall-out. Schlesinger was part of a group reminding the president about the political implications of direct United States action, without legitimate reason. He wondered whether it would be possible to provoke Castro into taking offensive action, and then the United States could legitimately react with force. Further he recommended that the president should make a speech on the problems of dictatorial states under the control of non-hemispheric governments or ideologies. He also wondered if Castro and Trujillo, from the Dominican Republic, could be brought down together to demonstrate a concern for freedom, rather than anti-communism and action against left-wing dictators.[75] The key to the anti-Castro sentiment was entirely Cold War anti-communism, but in Latin America the administration were trying to portray this as a defence of freedoms.[76]

Thomas Mann sent a detailed objection to Rusk, setting out his diplomatic concerns. For him, it was better to do it in the American way; to be open and prepare the public home and abroad. He thought that a popular uprising was unlikely on the scale needed. In this case there would be three options: abandon the Brigade, attempt to turn into a guerrilla force, or mount overt United States involvement. Any such execution would be a violation of the UN Charter and Rio treaty and only permissible in self-defence, 'if an armed attack occurs.' Castro would then call on the UN Security Council and other Latin American states to take action, on Cuba's behalf. At best, the moral posture in the hemisphere would be impaired, at worst it would be catastrophic. Time was a problem, but Defense did not consider Cuba as a threat to National Security. There were also advantages in letting the economic difficulties in Cuba be seen. There was no chance of hemispheric support for a resolution for use of force. It was best to get recognition of the rebel government. He did consider that if the plan were abandoned then a further study would be needed on the question of the use of the Brigade.[77]

Meanwhile, the CIA pressed its case by suggesting that dismantling the Cuban operation might mean explosions in 3 or 4 countries, including Nicaragua, Guatemala and two not named.[78]

In contrast to Mann, Bissell prepared a further briefing. Bissell described the plan as a Cuban operation but it was 'well understood' that support in many forms would have to come from the United States. If there were no action, Cuba would become an effective and solid base for Soviet operations and influence in the Western hemisphere. 'For the Communist powers, Cuba represent[ed] an opportunity of incalculable value' to show defiance of the United States. Castro was consolidating his position. Some date later, probably in 6 months an invasion would be 'militarily infeasible'. The Cuban military establishment was at low effectiveness, especially the Air and Navy, with Army morale

low. They were receiving new aircraft and trained pilots from Czechoslovakia. Landing small groups was not an option. The exiles would not volunteer for a small force. They preferred a mass landing. The JCS had given the Trinidad plan 'a fair chance of ultimate success' or every likelihood of forming a guerrilla force in favourable terrain.

Bissell argued that most Latin American governments would approve of unobtrusive U.S. efforts and the reaction in free world would be minimal. Bissell had no evidence for this. At this time, he was fighting to retain his plan, for which he felt personally responsible. Bissell briefed that this landing had nothing in common with Russian suppression of Hungary. On the other hand the dissolution of the force would be a blow to prestige and would be identified as demonstrating an inability to take decisive action. 'David would have defeated Goliath' and anti-United States regimes would gain strength, with implications for other Latin American countries. In the Appendix it was noted that the only area with sufficient ruggedness for the guerrilla operations was the Sierra Escambray, a fact later forgotten.[79]

Mac Bundy passed both of these papers to Kennedy, indicating that they were 'both right'. The thin hope was to establish a Government-in-Exile, as the best option.[80]

Kennedy held a meeting at the White House to discuss the two viewpoints. There were no minutes taken, but General David Gray later gave his notes to the Taylor commission. Bissell presented and discussed the necessity of a decision. However, for the State Department, Rusk wanted OAS support. He was concerned about UN charges of 'aggression'. Berle supported this but argued that it would not be possible before the 31 March deadline. The president asked what could be done to build-up political support. He preferred a moderate approach such as mass infiltrations. Again, no decisions were reached.[81]

At this point the president was clearly concerned about the political legitimacy of the invasion. His difficulty was that he had been particularly hard on the previous administration's handling of the Cuba problem. However, he also had stated aims about Latin America returning to a 'Good Neighbor' policy. He recognized that direct United States action would be unacceptable, but could not see how to withdraw from the plan. He continued to make objections, particularly requesting that action should be quiet, and clearly non-attributable to the United States. By March 4, there were numerous reports in the Miami press concerning an invasion.

The CIA gave Dulles a briefing, to be used in a meeting with Kennedy, that the leaders in exile had met in New York and discussed the Revolutionary Council and Chairman. The arrangements had been agreed by Berle and the Task Force. A Revolutionary Council would be formed within 7 days.[82] But, on his return from the Latin American Progress for Peace mission, Schlesinger argued that a comprehensive campaign was an 'indispensable preliminary' to stress the communist nature of Castro's regime and the Soviet links.[83] The CIA was broadcasting propaganda from *Radio Swan,* but they could not identify sufficient individuals in Cuba to initiate an uprising.

The JCS provided their assessment of the proposed Trinidad plan to McNamara. They believed that in view of the poor odds for the operation to be a surprise, the CIA should investigate means of improving security - or the success level must be reevaluated. If they assumed that the invasion force could retain the initiative until landing was determined, the plan 'could be expected to achieve success.' However, success depended on a catalyst for further uprising. It is noticeable that again the conclusion on the probability of success was different from the individual evaluations of the units. In the conclusion it was reported that the odds of achieving surprise were about '85 to 15 against'. In the view of the Joint Chiefs, not having the surprise factor could lead to the destruction

of part or all of the invasion force. The assumptions were that air strikes would be conducted with the benefit of surprise. The primary mission of the air crews would be the 'destruction of Castro's combat aircraft.' The Cuban pilots had more air time than average WWII pilots. One of the American pilots would be used in the strikes against each of the six airfields. But, 'if surprise is not achieved it is likely the air mission will fail', as one of Castro's planes armed with 50 caliber machine gun could sink most of the force. Further, in Guatemala, where the Brigade was training, the communists were only one mile away in Retalhuleu. It was extremely likely that surprise could not be achieved.

In the view of the Joint Chiefs an early decision was imperative. The 'point of no return was passed.' A decision to abandon was 'untenable'. Reports suggested that in the Brigade there were individuals with a high degree of competence. Leadership appeared good. On the other hand, leaflets being distributed in Guatemala City gave many details of the invasion plans. They must presume Castro knew all about the operation, except when, where, and in what strength. A key issue was that operations during rainy season raised insurmountable difficulties, so time was against them.[84]

The JCS told McNamara that an evaluation of the supplementary plan for landing the provisional government, prior to the basic plan, was considered acceptable.[85] Once again Bissell prepared a CIA paper for a Cabinet meeting. At this point Rusk called a prior meeting between himself, Bissell, Mann and Berle as he felt that the CIA was bypassing State[86]. In his paper, which he was again to submit to the Cabinet, Bissell outlined progress on the Provisional Government. The JCS inspection had identified that the invasion force could be combat-ready by 1 April. There were certain deficiencies identified, but these were being remedied. He again stressed the timing, the on-coming rainy season, and the unwillingness of the Guatemalan government for them to remain. In stressing 'time is against us' he argued that morale could not be maintained if there was a

delay; Castro was strengthening his regime. The plan provided for landing a force with concurrent (but no prior) air support. An alternative plan for guerrilla action would require no US intervention, but would not inflict a defeat on Castro. The CIA preferred an assault at Trinidad, preceded by a diversionary landing.[87]

Bissell presented his views to a formal Cabinet meeting and the Cabinet was 'transfixed' by him. Dulles again raised the 'disposal' problem. The president was willing to take the chance of going ahead but 'not so openly, in view of the world situation.' They should develop a plan where US assistance would be less obvious. Again, Kennedy was concerned about any action which could be deemed to be United States action. The president said the plan was too spectacular, and too much like the World War II D-Day landings.[88] He wanted a 'quiet' landing, preferably at night. The decision was that the president 'expects to authorize support', but believed the best possible plan has not yet been presented. He asked for new proposals promptly.[89]

At this point the CIA operatives on the ground, and Colonel Jack Hawkins, the Western Division Chief of Paramilitary Operations, in particular, tried to come up with an alternative site, which was remote, had an airfield and would satisfy the president's objections. They produced a revised plan because the first plan was 'politically objectionable'. For the new plan, any landing should be unspectacular, without prior or concurrent air support. It should be at night with any air operations from a base within Cuba held by opposition forces. The new site identified was 'Zapata'. It was 'almost surrounded by swamps', but a night landing was possible and there were no known enemy forces near. They would be able to unload unobtrusively. In the second phase, at dawn, aircraft would provide support. Then supplies could be unloaded from ships when there was adequate support. They could then install a Provisional Government safely. Although there would be no air support until the base was active, command of the air would sooner

or later have to be established. The only alternative was to demobilize the paramilitary force and return them to the U S.[90]

Once again the JCS reviewed the revised plan. They reported to McNamara that they considered the basic Trinidad plan, was not feasible without air support. Of the three alternatives, (Trinidad, guerrilla action and Bay of Pigs landing) the Bay of Pigs had all the prerequisites necessary to establish the Cuban Volunteer Force. The force could be landed and sustained provided resupply was accomplished. All boats could withdraw prior to daylight. Then the B-26, piloted by Cuban exiles based in Nicaragua could land on two possible airfields. However, none of the alternatives was as feasible as the basic plan.[91] This fact was not noticed by McNamara.[92] However, only twenty minutes was spent on the matter.[93]

On his return from a Latin American trip, Schlesinger wrote to Kennedy. Schlesinger was preparing a White Paper. In his view, 'the less the military risk the greater the political risk, and vice versa.' At the moment the military risks had been given more thought than the political. A clear position was needed on a public response. He reminded Kennedy that Dulles had once again raised the 'disposal problem'. This was the problem of how to disperse the trained Cuban exiles, if the plan was abandoned. This was a genuine problem 'but it can't be permitted to govern U S policy.'[94]

In Mac Bundy's brief for the 15 March Cabinet meeting he reported that the CIA have done a 'remarkable job.' The only really 'noisy' enterprise that remained was the air battle.

Marine Colonel Hawkins considered that the Cuban Air force could be removed with 6-8 simultaneous sorties of B-26s. However, Castro was making efforts to strengthen his airforce with Russian planes and Russian-trained pilots. Critically, Bundy suggested an

airstrike before D-Day. He had previously been sceptical about the operation, but believed the new plan met the criticisms and cautions of State.[95]

The CIA returned on 15 March to present their new plans, to Kennedy and officials. Again the only notes are those presented to the Taylor Commission. The president thought that an uprising along the island would be better than a concentrated strike. He was concerned about the time taken to break-out from the landing area (D+10) and whether there was an ability to extricate forces, if required. He did not like a dawn landing and stated that all ships must be clear by dawn to reduce the noise level. The plan should be reviewed and they should report the next day.[96] This was done so that the revised plan had air drops at first light and all ships clear by dawn. The president wanted to increase support to the guerrillas already inside Cuba. He wanted to know the consequences if the Brigade were slaughtered on the beach. If they were to re-embark, where could they be taken? It was decided they would not be re-embarked because there was no place to go.'[97] Kennedy was told by Burke that the chance of success was 50%. He decided to go ahead but 'reserved the right to call off the plan even up to 24 hours prior.'

Meanwhile the Revolutionary Council was formed with Miró Cardona as Chairman.[98] Schlesinger proposed to delay his White Paper so as not to coincide with that announcement.[99]

A working group of junior officials was set up to co-ordinate planning between the Department of Defense, State and the CIA. In the paramilitary plan, the CIA would coordinate planning and conduct operations. This was a crucial decision. They would execute and support the overall paramilitary plan. Defense would provide follow-up logistics support as requested.[100]

On 29 March, officials met again with the president to discuss the Zapata plan. Again, no official notes are recorded. Bissell discussed a possible use of a diversionary

force. Kennedy asked if Castro had knowledge of the plan and the reply was negative. Bissell outlined a disposal plan if the operation were cancelled, the idea being to take the force to Belle Chase and reassemble later if they wanted to. Kennedy asked questions as to whether the force could fade into the brush, without obvious failure and the possibilities of a sea diversion. Bissell indicated that in the event of failure the force would have to be withdrawn. In view of the time scale the 5th April invasion date was postponed to the 10th.[101] At the same meeting Lemnitzer's notes listed: a change in timing, later at night, ships not to approach until after dark, and a statement that in the event of failure they must be re-landed in Cuba. In a later recollection (1963) McNamara recalled that the president issued instructions that the Brigade be informed that U.S. strike forces would not be allowed to participate or support the invasion. Did the Brigade want to continue with this restriction?[102]

At the end of March, Undersecretary Chester Bowles deputised for Rusk and learned about the details of the plan. He was deeply disturbed and wrote a detailed memo expressing his reservations. He felt that 'national interests are poorly served by a covert operation', when the president was appealing to world opinion on the basis of high moral principle. The plan deliberately violated the Acts of Bogotá which established the OAS, and under which 'no State or group of States has the right to intervene, directly or indirectly, for any reason whatsoever, in the internal or external affairs of any other State.'[103] The US was a beneficiary of treaties round the world and 'we cannot expect the benefits of this regime of treaties if we are unwilling to accept the limitations it imposes upon our freedom to act.' The chances of success were not greater than 1 in 3. If the plan failed, Castro's position would be greatly enhanced. There would be an adverse effect on public opinion with riots in Latin America. The reaction in Europe, Asia and Africa would be angry, with a dimmed view of the Kennedy administration. If Castro solidified his

position then there was still a possibility of a blockade, but that would be 'technically, an act of war.' It would be a 'grave mistake' to jeopardize the favourable position of the new administration. Bowles suggested that Rusk talk privately to the president to call it off. 'It is my guess your voice will be decisive.'[104] In fact, Rusk did not pass on this memo to JFK, because 'he knew he did not like too many memos'. Rusk believed that he should give advice in private to the president and keep quiet in meetings.[105] Here, Bowles clearly sets out his understanding of the commitment to the OAS Charter, notwithstanding the Monroe Doctrine. So although Bowles clearly raised the legitimacy questions, that Rusk himself had also considered, Rusk was not prepared publicly to disagree with the president.

At the beginning of April, Khrushchev conveyed his concerns about United States policy in Cuba to the US Ambassador, and denied that the Soviets were training pilots and supplying jets to Cuba. He suggested that the United States establish diplomatic relations and solve the problems peacefully. The Department of State then released the White Paper on Cuba, drafted by Schlesinger, assisted by Goodwin.

Over the Easter period the president visited his parents' home in Florida. He also gave an opportunity to Senator William Fulbright (D, AR), Chairman of the Foreign Relations Committee, to put his views. At a coffee morning for congressional delegates, Kennedy 'fell into conversation' with Fulbright. They discussed the upcoming holiday. It transpired that both were visiting relatives in Florida. The president offered Fulbright a lift on his plane. Fulbright writes that he was aware of action relating to Cuba, as it was an open secret in the United States' press, Miami and Cuba, but he was not aware of the extent of the planning. Pat Holt, a senior staff member to the Foreign Relations Committee drafted a memo, which Fulbright revised. In the course of the flight, Fulbright gave the president the memo. The president read it, made little response and events moved on.

In the memo, Fulbright set out clearly what he considered to be the problems with an invasion. He was clearly against it. He argued 'to revert to the Teddy Roosevelt style of intervention in Cuba ...would set us back another two generations.'[106]

> To give this activity even covert support is of a piece with the hypocrisy (sic) and cynicism for which the United States is constantly denouncing the Soviet Union in the United Nations and elsewhere. If the United States then had to intervene with military force Cuba would become another Hungary.[107]

It would be 'better to tolerate and isolate the island'. Castro was a 'thorn in the flesh' but not a 'dagger in the heart'.[108] He then discussed what would happen if the invasion failed, arguing that 'if United States forces were required then assistance to secure success would include ultimately the use of armed force. We would have undone the work of thirty years in trying to live down earlier interventions.' In Fulbright's view it was clearly 'in violation ... of the treaties to which the United States is a party and of United States domestic legislation.'

Even assuming the United States won, 'such an action would be denounced from the Rio Grande to Patagonia as an example of imperialism'. The United States would have to assume responsibility for public order which would unquestionably be a 'can of worms'. This clearly put the case in support of cancelling the operation.

On their return from Florida to Washington Kennedy invited Fulbright to a final discussion on *Zapata*, at the State Department.[109] Fulbright understood this was to be an informal meeting, but on arrival was astonished at the scale and seriousness of it. This was the meeting when Kennedy asked each of his advisors for their views. Fulbright spoke strongly against, but was the only one to do so. Both Rusk and McNamara later acknowledged not speaking out was a mistake on their part with McNamara describing it as the 'greatest mistake.'[110]

Despite Fulbright's memo, Kennedy returned 'more militant' than when he left.[111] Mac Bundy was startled by the change: 'he [Kennedy] really wanted to do this'. 'He had made up his mind and *told* us'.[112] Bundy suspected that possible influences on Kennedy were Earl Smith, former Ambassador to Cuba, Senator George Smathers, a Florida Democratic Senator, and Joseph Kennedy, Kennedy's father. All had been at Palm Beach during the holiday and Joseph Kennedy was 'gung-ho for the operation'.[113] Schlesinger suspected he [Kennedy] had been 'talking to his father'.

The meeting on 4th April seems to have been decisive. JFK again said he preferred an infiltration in groups of 200-250. Colonel Hawkins indicated that such a force would only alert Castro and be eliminated one by one. The president asked for opinions. Fulbright spoke out against the plan and 'gave a brave, old-fashioned American speech'.[114] Rusk 'expressed opposition' but Berle and Mann expressed general approval. When asked for his vote Berle replied: 'I say, 'let 'er rip!' [115] The president still wanted the invasion to appear as an internal uprising. McNamara asked the JCS to reconsider their rules of engagement to ensure the U S would not become overtly engaged.[116] McNamara clearly spelled out the administration position, but it is likely that the Joint Chiefs believed this to be part of the plausible denial of U S involvement.

Schlesinger was asked after the meeting what he felt about Cuba. Considering that he had not given an adequate response he sent Kennedy a memo.[117] On balance Schlesinger was against. The U S would be held accountable. Schlesinger was concerned that the administration would be damaged, so early in the term. He felt that there would be protracted civil conflict. There was a commitment of American prestige and it would be 'increasingly intolerable to subject ourselves to a defeat in Cuba.' If the landings failed to trigger an uprising it could lead 'step by step' to a despatch of the Marines. That would be a magnificent opportunity for the Soviet Union to wage political warfare. 'Cuba will

become our Hungary.' There would be demos and riots around the world and a resolution in the UN. On the other hand: 'My guess is that the Soviet Union regards Cuba as in our domain and is rather surprised we have not taken action before this to get rid of Castro.'[118] Schlesinger believed that there would be no substantive effect on Soviet policy. An intervention would be more acceptable in Latin America than Europe, Africa and Asia, where it would be seen as 'gross, unprovoked and bullying imperialism.' It was necessary to consider answers to political questions. If asked about U S involvement the president had the option to evade, deny or declare ignorance. Fulbright had a valid point, about taking responsibility for a post-Castro regime. On balance, the risks of the operation slightly outweighed those of the abandonment of Cuba, and perhaps there was political capital to be made out of abandonment.

At a small meeting on 5 April McNamara, Lemnitzer, Dulles, Bissell and Cabell discussed the proposed rules of engagement. They would spell out that 'if United States forces were required to protect CEF ships from damage or capture the operation would be aborted' [119] Later that day the group discussed a plan for fake defections and preliminary strikes with the president. The president made no decisions and asked everyone to consider overnight.[120]

The following day Kennedy met again with Rusk, McNamara, Dulles, Berle and Mann. Bissell made the main CIA presentation. Charles Cabell, the CIA Deputy Director, and Generals Lemnitzer and Burke were possibly present. Gray again prepared the meeting notes on 9 May for the Taylor Study Group. Bissell's briefing then included a planned fake 'defection' of pilots for D-3, and air strikes and a guerrilla landing for D-2. Dean Rusk, when questioned, indicated that the plan was as good as could be devised, but they should take another look at other questions. They included; what if there was a call for United States help? At this point, Rusk was partly raising the concerns put to him by

Bowles. Further, what might the Soviets do? The president queried whether an early strike would act as 'alarm bell' for Castro. He asked about the last date for cancellation and what would happen if the operation were cancelled. Bissell said that the plan was to divert to Vieques. In discussion Kennedy indicated that the Revolutionary Council should not be informed of the plan. Harold Macmillan, the British Prime Minister, had been informed. He gave the following guidance: continue planning, spread the convoy, provide air protection from Miami and limit the air strikes to essential targets. He wanted everything possible done to appear as a Cuban operation from within Cuba, to make more plausible a United States denial, whilst recognising Washington would be accused.[121] In response, the Chairman of the JCS sent further revised orders stating it was 'necessary to take precautions to ensure that U.S. support of the Cuban Volunteer Force is not apparent and that support for this operation is undertaken so that the United States may plausibly deny participation' [122] Further rules of engagement said that 'U.S. Naval vessels and aircraft will *not* enter Cuban Territorial waters or airspace'.[123]

With all these changes Hawkins and Jake Esterline, the Chief of Branch, went to Bissell, to indicate they wanted 'out' and the operation cancelled. They no longer believed that the plan was viable. Bissell persuaded them to stay. Bissell claims that they told him that 'we have developed an alternative plan to meet the president's desire for a quieter landing and we think you will like it. We do, and I think in some ways it's better than the original.'[124] Hawkins insists this is a lie. He used the word 'disaster' to describe the changes.

Meanwhile Schlesinger set out his objections to the proposals in two memoranda to the president. He considered that the military planning was ahead of the political and diplomatic planning. The new administration had transformed the image of the United States, but this was very vulnerable. 'However 'Cuban' the operation would seem to be, the

U.S. will be held accountable for it before the bar of world opinion'. Further, 'a great many people do not see this present situation so grave and compelling a threat to our national security'. They included the Chairman of the Foreign Relations Committee, Fulbright, who thought only Senators Thomas Dodd (D, CT) and Frank Lausche (D, OH) from his committee would support it. The invasion would be perceived as a massive response to a tiny threat. There would be reversion to economic imperialism of the 'big-stick, gunboat diplomacy kind'. Schlesinger predicted that the USSR reaction would nail the invasion as United States' sponsored, and that they would get 'indispensable assistance from the American press'. It would be likely that there would be demonstrations in Europe and some riots. It would help Castro build up volunteers and funds. The United States would be portrayed as a 'gang of capitalist imperialists maddened by the loss of profits and driven to aggression and war.' However, by this point the president had made his decision.

Schlesinger also expressed the legitimacy concerns: 'the character and repute of President Kennedy constitutes one of our greatest national resources. Nothing should be done to jeopardize this valuable asset.'[125] He argued that an intervention 'would destroy the new image: the image of intelligence, reasonableness and honest firmness which has had such an extraordinary effect in changing world opinion about the United States.' It would damage 'the moral position of the United States, the reputation of the President, the response of the UN, 'world public opinion' and other such odious concepts.' Once the decision had been taken, Schlesinger turned to the political fall-out, and the legitimacy question. He asked:

'What about the Foreign Relations Committee? What about the House Foreign Affairs Committee? What about Senators and Congressmen in general? Someone should begin to think what they should be told.' Tracy Barnes also discussed what they should tell people 'on the Hill'.

In anticipation, they should prepare a statement for Ambassadors. Stevenson's forthcoming speech at the UN should begin the counter-offensive. They should consider the Senate Foreign Relations Committee and Senators and Congressmen in general, to think about what they should be told. Above all, they should consider the protection of the president: 'when lies must be told, they should be told by subordinate officials'. There was therefore merit in Rusk's suggestion that someone else make the final decision and do so in president's absence –'someone whose head can be placed on the block'. Press conference answers should be prepared and U.S. prestige would be committed to success.[126] This set the ground rules for 'plausible denial'. Schlesinger later noted that these memos 'look nice on the record', but represented the easy way out.[127] He did not feel able to express his opposition vocally in the meetings. He was also told by Robert Kennedy that 'the President has made his mind up. Don't push it any further. Now is the time for everyone to help him all he can'.[128] Sorensen also noted that Kennedy was becoming irritated by doubters exclaiming: 'I know everyone is grabbing their nuts on this'.[129] Kennedy also told Goodwin, 'it looks like we're finally going to put your Cuban policy into action', referring to the campaign speech.[130]

Tracy Barnes, Bissell's deputy at the CIA responded to Schlesinger's concerns. He wondered whether 'anything further [should] be done with respect to particular individuals 'on the Hill'.[131] He suggested the president might raise it at a planned meeting with leaders of Congress. Although the meeting took place there is no record of discussing Cuba.[132] Barnes also discussed with Schlesinger the feasibility of denying US involvement.

There was much speculation in the American press about an invasion of Cuba. There were newspaper articles in the *New York Times*, prompting Kennedy to explode that Castro 'didn't need agents over here all he has to do is read our papers.'[133] Cuba decided to take the matter to the UN. Adlai Stevenson, the United States Ambassador to the UN

consulted the State Department about a possible resolution.[134] Secretary of State, Rusk, sent a suggested United States wording: that 'Communist tyranny has driven out thousands of Cubans'. [135] However, the United States preferred to have no resolution debated.

The president was asked about Cuba at his Press conference on 12 April. He replied that:

> There will not be, under any condition, an intervention in Cuba by the United States Armed Forces. This Government will do everything it can, and I think it can meet its responsibilities, to make sure that there are no Americans involved in any actions inside Cuba.[136]

Before the press conference there had been a final briefing from Bissell. According to notes prepared by Gray, Kennedy stressed the necessity for non-association with the US. All training within the US should stop.[137] Privately, he was much more forceful. When asked, tentatively, if they were asked for help might they send supporting forces, he exploded:

> The minute I land one marine, we're in this thing up to our necks. I can't get the United States into a war and then lose it, no matter what it takes. I'm not going to risk an American Hungary. And that's what it could be, a fucking slaughter. Is that understood Gentlemen?' [138]
>
> 'Yes, Mr. President' was the response.[139]

However, Kennedy still did not give final approval to the plan.[140] Mac Bundy further reinforced the order to Rusk that there will be 'no employment of U.S. armed forces against Cuba', and a plan for paramilitary support had been rejected.[141]

On 13 April there was an exchange of cables between Esterline, the CIA Project Chief and Hawkins, the Marine Colonel in Nicaragua. Esterline informed Hawkins that 'under no conditions will U.S. intervene with any U.S. forces'. Hawkin's reply, which may

have been crucial, was that he had increased confidence in force ability. They were young, vigorous, intelligent and motivated. 'The Brigade officers do not expect help from U.S. Armed Forces. They ask only for continued delivery of supplies'.[142]

Schlesinger was sent to New York to talk to Miró Cardona, the leader of the Revolutionary Council. Cardona was irritated because the CIA had not involved him in the invasion. He was more concerned about the issue of United States military support. He displayed 'incredibility' (sic) at the statement that no United States troops would be used. He argued that the United States would be held responsible. If they succeeded in establishing a provisional government on Cuba, he would call for help if required. 'This help must come' or communism would be consolidated in Cuba. He predicted 10,000 Cubans would align with the invading forces.[143] Cardona later claimed that Berle, who was also at the meeting, had promised the help of 10,000 United States troops. Schlesinger, however, felt that Cardona 'probably heard what he desperately wanted to hear'.[144]

2.4 The Operation

On 14 April the president telephoned Bissell with the go-ahead for the preliminary strikes and diversionary landing. Kennedy told Bissell that he wanted the air strikes to be 'minimal'. It appears that the president issued the order without consulting the JCS or Defence. Bissell then reduced the strikes from sixteen planes to eight on his own initiative.[145] Hawkins argues that the result was that 'military failure was now virtually assured.'[146] Bissell had agreed to this earlier but did not tell Esterline and Hawkins until it was too late.

The next morning it was reported that a B-26, with Cuban Air Force markings, had landed at Key West. However, the planned diversionary landing was aborted at

Guantanamo Bay due to 'weak leadership'.[147] In fact, they had difficulty in navigating to the correct beach.[148] Of the eight planes, one landed at Boca Chica, having escorted a damaged plane. Another landed in Costa Rica because of low fuel and the others returned. They reported 70-80% destruction of Castro's planes, which turned out to be an over optimistic estimate.[149]

The pilot in Key West told reporters that he and others were defectors from the Cuban Air Force (CEF). He stated that they had been shot at whilst bombing Havana. Castro protested that in fact the United States had bombed Havana, San Antonio and Santiago and accused the United States of 'imperialist aggression'. At the UN, Cuban Foreign Minister, Raul Roa Garcia, accused the United States of aggression against the integrity of Cuba. The Soviet Representative, Valerian A. Zorin, warned that 'Cuba has many friends in the world who were ready to come to its aid, including the Soviet Union'.[150] Cardona, in New York, announced that the bombing was done by 'certain members of the Cuban Air Force'.

At the UN, Stevenson denied the charges of aggression, citing the president's earlier statement to the press of non-United States involvement.[151] However, reporters exposed the story. They noticed that the guns of the plane in Florida had not been fired, and that the nose cone was of United States style, which was different from that of the Cuban Air Force. Stevenson then sent a message to Department of State and Dulles. He was 'greatly disturbed' by events, and that he had been misled. He had been briefed a few days earlier by Barnes and others and given to believe that no action would be taken to give 'political difficulty' during debate.[152]

Stevenson was particularly angry and embarrassed that he had been misled. Rusk also claimed that in the confusion he was also was misled about the defector planes and initially believed the cover story: 'I was misled, and in turn misled Adlai'.[153]

On 16 April Kennedy finally gave the 'go-ahead' for the operation. He was spending the weekend at Glen Ora, in Virginia. The air brigade was moved from Guatemala to Nicaragua and the boats moved into position about 40 miles from the Bay of Pigs. With the uproar at the UN Rusk and Bundy discussed the situation. They suggested to the president that it would be politically sensible to cancel further air strikes. The president, when he heard of the proposed strikes from Nicaragua said that 'I'm not signed on to this'. [154] He believed he had approved a plan which called for air strikes from the beachhead. In the evening, Mac Bundy called Cabell (Dulles had kept a long-standing engagement in Puerto Rico), and informed him there were to be no dawn air strikes on D-Day (17 April) unless they were from the beachhead. Further liaison should be through Rusk.[155] Cabell and Bissell immediately went to see Rusk, at his home in Washington. Rusk stated that 'political considerations' were overriding. Stevenson had insisted that further air strikes would make the U.S. position 'absolutely impossible'. Cabell reported to the Taylor enquiry that he told Rusk that it was then 'physically impossible' to stop the landings. There was a risk of losing ships. That would be serious but not catastrophic. The forces on the beachhead would come under air attack and they could be overwhelmed.[156] Rusk, however, testified that although the CIA officials had insisted the D-day strikes were important, they did not appear to view them as vital.[157] He did not believe the second strike had been authorised but could not be sure because he had 'never had a written copy'.[158] Rusk then telephoned the president again and put the case, but offered his opinion that there should be no further air strikes. The president concurred. Rusk offered Cabell and Bissell the opportunity to speak to the president personally, but they declined. Bissell later considered this a major mistake. He thought the cancellation was 'certainly the gravest contributory factor in the operation's failure'.[159]

This decision was to be a crucial one. The Cuban pilots received this information whilst in their cockpits in Nicaragua. When the JCS and CIA received the information during the night they were appalled and angry, describing the decision as 'criminally negligent'.[160] Cabell was told that it would probably mean the failure of the mission.[161] He responded that as military men they had their 'marching orders'. Esterline later said that 'I nearly went to jail for strangling that four-star general (Cabell)'.[162] Bissell and Cabell later claimed that if the strikes had gone ahead Castro's planes would not have hit the landing ships. In Rusk's view, 'That was nonsense'. 'A handful of obsolete B-26's could not have .... destroyed Castro's entire air force'.[163] Kennedy told Taylor that if case had been argued properly, he would have approved the strike, but he thought they were not absolutely essential.[164] This was in spite of his order that U S troops should not be involved.

As the six ships approached the Bay of Pigs, they were told that Castro's Air Force had not been wiped out. They embarked at three beaches covering some twenty miles but they were met by Castro's infantry and his Air Force. A Cuban 'Sea Fury' sank the invasion force ship *Houston*, which contained ten days of ammunition and communications equipment.[165] A Cuban T-33 then sank the *Rio Escondido* and other Castro T-33s shot down four CEF B-26s. The ships were then instructed to withdraw and return under cover of darkness. With the invasion brigade under fire Cabell again telephoned the president at 4:30am to request air cover for the invasion, but was refused. Kennedy later said, 'if you are going to have U.S. air cover, you might as well have a complete U.S. commitment'.[166] Meanwhile, Castro arrested over 200,000 dissidents.[167]

On Monday, the president returned to Washington. It was reported that the Cuban T-33s were fighting better than expected. The president asked the Attorney General to return to Washington to give advice. At this point he did consider using United States

ships and told his brother he would 'rather be an aggressor than a bum '.[168] However, Kennedy had incomplete information and no assurance that they could hold the beachhead even if the Navy moved in.[169] The Brigade force on one of the beaches was wiped out by Castro forces. There was confusion on the ground as the Brigade shot down their own aircraft. The identifying marks could not be seen and 'were of little value'.[170]

By Tuesday, it was clear that the raid had failed. Bundy told the president that he would find the situation 'not good'. Castro's forces were a 'formidable enemy, who [were] reacting with military know-how and vigor'.[171] There had been no general uprising from the population in Cuba. In Bundy's view, 'The right course now was to eliminate the Castro air force, by neutrally-painted U S planes if necessary'. At lunch with journalist James Reston and Schlesinger, Kennedy discussed the problem. He considered that if the Cubans would not back a movement against Castro 'we could not impose a new regime on them'.[172] A defeat would be an 'incident, not a disaster.'[173]

There was an exchange of telegrams with Khrushchev. Khrushchev wrote:

> Military armament and the world political situation are such at this time that any so-called 'little war' can touch off a chain reaction in all parts of the globe.[174]

In reply, Kennedy said Khrushchev was under a 'serious misapprehension'. The United States 'intends no military intervention in Cuba'. But in the event of intervention by an outside force 'we will immediately honor our obligations under the inter-American system to protect this hemisphere'. He trusted that the Soviet Union would not use Cuba as a 'pretext' in other parts of the world.[175]

That evening the president held a white tie dinner at the White House. After midnight, advisors met at the White House to consider the situation. Admiral Burke pressed the president to allow Naval intervention.[176] Kennedy still did not want American forces involved, but Burke exclaimed forcefully: 'Hell, Mr. President, but we *are*

involved'.[177] When Rusk expressed concern of the risk of appearing 'in the light of being a liar' JFK raised his hand above his nose and said 'We're already in it up to here'.[178] At this point Kennedy acknowledged the implications of the invasion. The president wondered whether it was time for the force to 'go guerrilla', but Bissell told him that was not an option. This was a surprise to many because it had been 'lightheartedly assumed' that the swampy regions around the Bay of Pigs could support guerrilla activities. The option had not been 'carefully explored.'[179]

The president approved six jets from the *Essex* to fly cover for the exile B-26s for one hour, whilst the beachhead was evacuated. In the event, the Cuban pilots were by this time exhausted and the B-26s were flown by American contract pilots. Because of a mix-up with time zones the cover jets flew over one hour different from the B-26s. Four American pilots were killed. In all, 140 exiled invaders were killed and 1189 were taken prisoner.[180] The operation was a fiasco.[181]

2.5 Outcomes

In the early hours of Thursday morning, Kennedy wandered around the White House lawn. He was troubled by the fate of the Brigade. He confided in Sorensen about the 'worst defeat of his career, the kind of outright failure to which he was not accustomed.'[182] He railed that all his life he knew better than to trust experts without asking questions: 'How could I have been so stupid to let them proceed?' [183] He knew that if it had been domestic policy he would have probed more deeply.

In the morning, Kennedy moved to 'contain the political consequences' of the defeat, and secure the administration against partisan attacks.[184] Publicly, he accepted full responsibility: 'I am the responsible officer of the government.'[185] He told Vice President Lyndon Johnson, 'when I accepted responsibility for this operation, I took the entire responsibility on myself'.[186] The president was scheduled to speak to the American

Society of Newspaper Editors. He delivered a forceful speech reminding those present that the United States had not intervened, but

> let the record show our restraint is not inexhaustible... if the nations of this Hemisphere should fail to meet their commitments against outside Communist penetration ... this Government will not hesitate in meeting its primary obligations which are the security of our Nation.[187]

With this, according to Lyman Kirkpatrick, the Inspector General of the CIA, 'the Chief of State acknowledged complicity in an activity about which he should have remained silent.'[188] Lyman was concerned that any reference by the president reduced the possibility of deniability. After the press conference Kennedy remarked: 'There's an old saying that victory has a hundred fathers and defeat is an orphan.'[189]

The president also spoke to leading Republicans, in order to reduce political criticism. Nixon's response was that he 'would find a proper legal cover and [I] would go in.'[190] Eisenhower was aghast that Kennedy had withheld air cover, because he was concerned about the Soviet response. Eisenhower warned that the effect on the Soviets 'would be to make them more likely, rather than less likely, to invade Berlin, as they considered the United States to be soft.'[191] This highlights the difference between the approach of the two administrations.

Kennedy quickly asked retired General Maxwell Taylor to conduct an investigation in to the causes of failure. When Taylor arrived in Washington he found in the control room an 'air from his military past' – 'that of a command post that had been overrun by the enemy'.[192] Taylor was instructed to:

> take a close look at all our practices and programs in the areas of military and paramilitary, guerrilla and anti-guerrilla activities which fall short of outright war.

He should pay special attention to the lessons which could be learned from recent events in Cuba.[193] According to Taylor, the president was 'not looking for a scapegoat' but 'must learn why he had failed.'[194] The other members of the group were controversial, as each had a constituency to protect. They were Attorney General, Robert Kennedy, Admiral Burke and Allen Dulles. For Taylor they were 'associates each of whom had a special interest in the outcome'.[195] As the president did not consider this study of the Cuban project to be either an 'inquiry' or an 'investigation' the group was known as the 'Green Study Group' and later the Cuba Study Group.

The Group conducted a total of twenty-one meetings and fifty-five interviews. The working method of the Group appears to have been informal. The preliminary report was discussed with the president orally, over lunch.[196] The final findings were again given orally to the president, together with only one written report, which was classified. A sanitized version was produced in 1981 (*Zapata*), but the later, still incomplete, version was not released until 1997. There are inconsistencies in the different papers, and many opponents were highly critical of the Study.[197] This is important to the study of legitimacy. In the papers, each participant sought to justify their own involvement, and portray their evidence in the best light. It is difficult to determine what each considered the important factors at the time, and to what extent legitimacy was discussed, during the decision making, and how much it was used as later justification.

Taylor found the 'proximate cause' of the failure was a shortage of ammunition.[198] The three main reasons for this were: the Cuban force wasted ammunition on landing; the freighter, *Rio Escondido*, carrying ten days supply was sunk; and the *Atlantico*, which also carried ammunition, had sailed 110 miles south when ordered to withdraw from the beach. 'The President was not requested for specific authority to extend the air cover to protect the ammunition convoy'.[199] Castro's airforce was effective because of a failure to destroy the

planes on the ground. 'This failure was a consequence of restraints.... primarily for protecting the covert character of the operation'. These restraints included using B-26s; using aircraft from Cuban airstrips (precluding using T-33s jets); the distance of the base from Cuba; the prohibition of using United States pilots; the restrictions on using napalm; and the cancellation of D-Day strikes. The cancellation was partly because the plan was not made entirely clear to the president beforehand. More importantly, it was cancelled because of 'misgivings as to the effect of the air strikes on the position of the US in the current UN debate on Cuba.'[200] This shows that political concerns affected the viability of the plan. Taylor also concluded that there was a failure to take the issue to the president and explain, with 'proper force' the military consequences. There were communication difficulties, as there was no command ship in the area, and Washington was not abreast of the situation.[201]

The Study Group concluded that an operation of such magnitude could not be organized so that it was 'plausibly disclaimed'. Once initiated, 'success' should be the primary consideration. Different groups had differing views of the plan, but had not explained them. There were communication problems, which would have improved if there had been a statement setting policy and guidelines.[202] It was recommended that:

> preparations and executions of operations such as Zapata are a form of Cold War action in which the country must be prepared to engage. If it does so, it must engage in it with a maximum chance of success.[203]

Taylor strongly recommended that 'a Strategic Resources Group' supported by a 'Cold War Indications Center' be created.[204] It would serve as a staff to the President.[205]

The report concluded that the cancellation of the air strike was unlikely to have been decisive, but Dulles and Burke dissented from this finding. There was nothing to support the allegation that the Brigade had been promised air support.[206] Rusk had

testified that although 'CIA officials had insisted D-day strikes were important. They did not appear to view them as vital'.[207] Although this was an example of an 'ill-timed civilian intervention', in Taylor's opinion it 'would not have materially affected the outcome'.[208] There was a need for the JCS to take ownership of the plan. In particular, in attempting 'an amphibious landing on a hostile shore, an operation which war colleges throughout the world have always recognized as one of the most complex and difficult'.[209] But, they had "never expressed their concern to the President in such a way as to lead him to consider seriously a cancellation of the enterprise'.[210] In Taylor's view, there was 'no doubt that John F. Kennedy felt that they had let him down'.[211] In addition, JFK blamed Cabell, the CIA Deputy, for not putting the case for the D-Day air-strikes more strongly.[212] In future the Chiefs' advice should come to him directly and unfiltered. Kennedy wanted the Chiefs to present military arguments, without fear or hesitation. He regarded them as more than military specialists and looked to them for help in fitting the military requirements into the over-all context. The JCS should feel the same sense of responsibility for contributing to the success of the Cold War as they would for a declared war. In June, Kennedy issued a National Security Memorandum to that effect.[213]

In a final recommendation the Group said that:

> there can be no long-term living with Castro as a neighbour. His continued presence within the hemispheric community as a dangerously effective exponent of Communism and Anti-Americanism constitutes a real menace capable of eventually overthrowing the elected governments in any one or more of weak Latin American republics. There are only two ways to view this threat; either to hope that time and internal discontent will end it, or to take active measures to force its removal. [214]

It was such 'active measures' that led to operation MONGOOSE, a more specific plan to remove Castro, by assassination.

The Inspector General of the CIA, Lyman Kirkpatrick, also produced a report.[215] This was kept secret until 1998.

Kirkpatrick concluded that the 'fundamental cause of the disaster was the Agency's failure to give the project ... the top-flight handling which it required'.[216] There were serious operational mistakes and omissions, lack of awareness and 'grave mistakes of judgement'.[217] It was possible the landing was doomed in advance. The invasion force had 1500 men whereas the Castro Army had 32,000 and 200,000 militia. If the project were doomed then the planners should not delude themselves by blaming JFK for the cancellation.[218] The 'failures were primarily those of the CIA'.[219] It failed to 'understand it could not accomplish with covert or clandestine means that which it was unwilling to attempt with diplomacy or direct military action'.[220] The Inspector General noted that, 'plausible denial was a pathetic illusion'.[221] There was no intelligence evidence to support the view that there would be an internal uprising, and no planning for later stages. But Bissell 'apparently believ[ed] the details did not matter much anyhow because Castro would either be assassinated or President Kennedy would send in the Marines'.[222] Kirkpatrick 'assumed that the Agency... will never again engage in an operation that is essentially an overt military effort'.[223] Although the president publicly accepted responsibility 'he could at times be privately bitter about the mistakes he had made, the advice he had accepted'[224] He was 'aghast at his own stupidity, angry at having been badly advised by some and let down by others'.[225] At times he said, 'My God, the bunch of advisors we inherited ...Can you imagine being President and leaving behind someone like all those people there?[226] Kennedy railed about the CIA, wanting to place Robert Kennedy in as Director. He told Bissell (and possibly Dulles):

> If this were a parliamentary government, I would have to resign and you, a civil servant, would stay on. But being the system of government it is, a presidential government, you will have to resign.[227]

In order not to appear precipitous both stayed in post until later in the year. Kennedy learnt his first lesson: 'never rely on the experts'.[228] In future he had unfettered and confidential advice from his own people.[229]

2.6 Kennedy's Decision Making

President Kennedy had a number of key decisions to make, concerning the invasion. He first had to authorize the plan. He also had to set the boundaries of United States involvement and the rules of engagement. During the attack on the Bay of Pigs, he had to decide about the level of air strikes, whether to authorize an attack prior to the invasion, and whether to send in air support when the Brigade was being defeated. Each of these decisions was controversial, and at each stage Kennedy was given conflicting advice. In making his decisions he had to consider the chance of success of a covert operation. He also had to consider the implications of not authorizing the invasion, the political considerations of failure, and also the wider political implications of success. These decisions are set in the height of the Cold War era, and in a new administration. He had portrayed himself as a vigourous, young president, and there were high hopes of the administration. He surrounded himself with advisors whom he considered to be the best. However, the advice he received was not of the best, and the decisions led to failure.

Each of Kennedy's key advisors has expressed their views of the reasons for failure. They have also reflected on the advice they gave to the president and mistakes made. There reflections provide an insight of the issues considered important at the time. The State Department were concerned at the diplomatic aspects, but not the overall plan. The

Defense Secretary did not look at the details of the operation, as he believed it to be a CIA operation. Meanwhile, the CIA owned the plan and was pushing for its acceptance, but did not have the military capability. No one had overall responsibility to ensure that the plan was feasible.

Kennedy wanted advisors to speak precisely to the point and 'vigor' was the word of the day.[230] Rusk found Kennedy's style of meeting difficult, and so did not openly express his views. Rusk told the Taylor Group that the impression existed that '1200 highly trained men would get ashore and run into some guerrilla units and beat the hell out of them'.[231] However, he 'knew that this thin brigade of Cuban exiles did not stand a snowball's chance in hell'. [232] He later wrote: 'As a colonel in the infantry I knew it wouldn't work. But I was not a colonel, I was secretary of state'.[233] Rusk believed that he and McNamara 'did not give Kennedy the best advice we could have'. He had assumed the D-Day air strikes were 'not vital'. Bissell and Cabell later claimed that if the strikes had gone ahead Castro's planes would not have hit the Brigade. In Rusk's view 'that was nonsense'. 'A handful of obsolete B-26's could not have .... destroyed Castro's entire air force'.[234] He felt that the CIA was playing games and he was 'completely convinced that at no time did the president ever consider using American forces'.[235] This key aspect was clear to Rusk, but Dulles and Bissell thought this was just part of the deniability issue. Rusk was concerned that the operation violated international law. Rusk worried over damage to the administration and relations with Congress and NATO. This is reflected in his contributions in meetings, but he never asserted himself forcibly on the issue.[236]

For his part, JFK wished Rusk would assert himself more boldly, and recommend solutions more explicitly.[237] But Rusk felt the Secretary of State should not 'influence the debate'.[238] Rusk maintained he made his views known to Kennedy privately and that

Kennedy 'appreciated personal loyalty'.[239] Rusk felt that the better handling of the 1962 Cuban Missile crisis 'reflected many lessons learned' from the Bay of Pigs.[240]

Thomas Mann initially opposed the operation, but as Kennedy became impatient with the diplomatic option, the objections were muted. He set out clearly the problems of legitimacy, but Rusk did not take these forward to Kennedy. Mann felt that he was not able to get a clear idea about whether the new administration wanted to proceed or abandon the operation. He believed that they 'did the worst thing'. Once the operation went ahead then they should have seen it through. But that would have needed U.S. support. He points to the lack of experience of discussing legal issues:

> We were not used on (sic) all kinds of definitions and questions of what was intervention, what was legal, did we have an inherent right of unilateral self-defense – all these very technical questions. Whilst these were being debated, we lost out.[241]

As Mann's note to Rusk makes clear, the legitimacy questions were raised, and discussed, but not fully understood. Mann had previously been involved in the Cuban project during the Eisenhower administration. As his note says that they were not used to legal questions then clearly they were not important in Eisenhower's discussions.

Robert McNamara recently described the Bay of Pigs as 'terribly wrong', 'really dumb', and it should never have occurred'.[242] However he wrote that it was 'supported by every one of [Kennedy's] senior advisors, including myself'.[243] He confirmed that JFK took responsibility and McNamara reminded him that 'neither Dean Rusk nor (sic) the Secretary of State nor I were enthusiastic about it, but we didn't recommend against it'.[244] McNamara believed that there were many reasons for the failure but the basic error was in the way it was organized, with one man responsible for both planning and evaluation. The Director of the CIA should 'evaluate not recommend policy or action'.[245] He told the

Taylor Group that the plan had a 'marginal probability of success'.[246] McNamara believed that the Berlin crisis began with the Bay of Pigs.[247] The result could only be described as a 'debacle'. This was closely observed by the Soviet Union and Khrushchev judged JFK 'inexperienced and soft'. Based on that judgement Khrushchev escalated the tension in Berlin.[248]

The confusion in views was demonstrated by the testimony of the Joint Chiefs and the senior military personnel. The main problem was that they did not 'own' the plan. Lemnitzer considered the JCS role was one of 'appraisal, evaluation, offering of constructive criticism, and assisting the CIA'.[249] Accordingly, they did not assess the overall plan. For Lemnitzer, 'it was a covert operation and the JCS couldn't legally conduct a covert operation'.[250] Their preference for the Trinidad plan over *Zapata* was not noted by McNamara. Admiral Burke assumed that the lack of response to the March 15 memo, indicating that the Joint Chiefs believed that the alternative plans were not feasible, showed they had been overruled. In fact, the point had been missed by McNamara. The Joint Chiefs disagreed about their responsibility. Lemnitzer did not regard his actions as 'approval as such'.[251] Burke, when asked if the JCS had approved the plan replied, 'technically, no; morally, they did.'[252] The Joint Chiefs were not consulted about the cancellation of the D-Day air strikes and did not have the opportunity to intervene, an action which Lemnitzer found 'absolutely reprehensible, almost criminal'.[253] They were all, however, surprised when Bissell said that the Cuban Expeditionary Force (the CEF) were not prepared to 'go guerrilla'.[254] In discussing the performance, Colonel Edwin Black, an air force Colonel, told the Taylor Study Group: 'I don't think we have yet the interdepartmental structure to fight the Cold War'.[255] General Walter Smith, who had previously served in the USSR and Guatemala, also reporting to the Study group, expressed the view that 'a democracy cannot wage war'. The American people did not feel

in a state of war at the present time. So the United States must have an amoral agency.[256] They clearly believed that once the president made a decision it would be backed by appropriate military force, so they never raised the difficulties.

For CIA Director, Allen Dulles, the change of president was the real reason for the failure. He thought that the plan 'would not be triggered unless the U.S. government were prepared to do everything else needed overtly or covertly ... to guarantee success'.[257] His thinking was framed from his experience in the Eisenhower administration. He clearly believed that U S forces would be involved. Dulles never intended to win through a 'spontaneous uprising of the unarmed population of Cuba.' [258] The landing was supposed to act as a catalyst and they had reserve supplies enough for 30,000 troops. He did not comment publicly but recorded his views in unpublished papers. He noted that: 'Once underway ... limitations had tended to disappear.' 'We felt that when the chips were down – when the crisis arose in reality, any request required for success would be authorized rather than permit the enterprise to fail.'[259] His belief was based on working for eight years under Eisenhower, who used covert action extensively, and 'relied heavily on clandestine operations'.[260] Dulles recalled Eisenhower's phrase: 'when you commit the flag, you commit it to win'. Dulles blamed the 'imprecision of oral briefings, the inadequacies of the new administration's procedures for considering national security affairs, and the President's inattention to detail'. Kennedy failed to appreciate the implications of the changes, and the 'CIA opted not to dispel the President's misconceptions'.[261] Instead, the CIA 'placated' the president. In fact, the advice 'fell short of candor that Kennedy was entitled to expect.'[262] In November 1961 Dulles was replaced as CIA Director by John McCone.

Richard Bissell, Dulles's Deputy, was the most important driver of the operation. He too was 'convinced the agency acted in the government's best interest.'[263] To Bissell,

'successful operations in Iran and Guatemala ... had provided the agency with enough experience and confidence to believe that Cuba would offer another suitable and manageable target.'[264] They were 'so sure' and Dulles and he were 'edged into the role of advocates.' They 'either encouraged or allowed the president ... to believe .. the brigade could retire and thereby protect the guerrilla option.' [265] He had committed a 'year of life', was 'emotionally involved' and with the 'emotional toll' of calling off the project was 'not as frank with the president' as he should have been.[266] He also believed that Kennedy would commit forces. According to Mac Bundy 'it never occurred to Bissell that if push came to shove, Kennedy wouldn't put in his stack.'[267]

A significant 'blurred' recollection of Bissell was his involvement in assassination plots to kill Castro. In his memoirs he records that he first learned of the plan to use the Mafia to assassinate Castro from Sheffield Edwards. 'I authorized him to continue' but Bissell claimed that the plan did not originate with him.[268] 'The end justified the means, and I was not going to be held back'. He maintained that he did not remember any contact with the Mafia, but his secretary had clear recollections of such contact. In his book former CIA officer Thomas Powers is clear that at the time Bissell 'could do what he wanted' unless it was specifically forbidden by 'higher authority'.[269] By June 1960, Bissell had decided to kill Castro by assassination.[270] He consulted the assistant for scientific matters to the clandestine services, Sidney Gottlieb, and requested his services to produce a 'toxic agent'.[271] Bissell then approached Sheff Edwards, who finally sub-contracted the Mafia boss, Sam Giancana.[272] There followed a series of attempts on Castro's life – all unsuccessful.[273] Powell records Bissell saying, 'I was flummoxed by the stuff not working. It wasn't for lack of trying'.[274] Despite this, Bissell told James Pfiffner, now Professor of Public Policy at George Mason University, in a 1975 interview, that his recollection on assassinations came only from an IG report prepared, in 1968, by Richard Helms, who

was the Chief of Operations for the Cuban mission. The Church Committee on Assassinations, in 1975, heard that 'no bad words were used'. Bissell later confirmed, 'Assassination was intended to reinforce the plan. There was the thought that Castro would be dead before the landing.'[275]

Kennedy also took other advice. Following a meeting of Soviet experts in April, he asked former Secretary of State, Dean Acheson, what he thought of the Cuba plan. Acheson was not aware of the plan, but on hearing the proposal asked, 'are you serious?' He told Kennedy: 'It doesn't take Price Waterhouse to tell you that 1,500 Cubans aren't as good as 25,000.'[276]

Cold War expert George Kennan, advised: 'We should not be worried by his [Khrushchev's] statement that the Soviet Union intends to bury us--this was metaphorical'.[277] He did, however, advise, 'Whatever you feel you have to do here, be sure it is successful, because the worst thing is to undertake something of this sort and to undertake it unsuccessfully'.[278] Former United States Ambassador to the Soviet Union, Ambassador Charles Bohlen, expressed the view that the USSR would not react if the operation were finished quickly but might react if it dragged on.[279] Khrushchev would not 'go to war over as strategically unimportant an area as Cuba.'[280]

This section has shown that Kennedy's decision making contributed to the failure. The planning was not structured or coordinated. The administration considered legitimacy, particularly in the State Department but keep the action covert was more important.

2.7 Justifying The Invasion

Given the conflicting advice of his staff Kennedy tried to reconcile a dichotomy between two opposed positions. He had to consider his new liberal foreign policy against appearing weak on communism. The divisions between his advisors reflected this.

The decisions were taken at the height of the Cold War when Kennedy was keen to show his strength to Moscow. The Soviets had just had success in space, with Yuri Gagarin becoming the first Cosmonaut. The *New York Times* reported that the Cuban policy had its roots in the Monroe Doctrine.[281] In July 1960 Khrushchev had pronounced the Monroe Doctrine 'dead'. Its remains 'should be buried as every dead body is so that it does not poison the air by its decay.'[282] At the same time, there were other major issues in Berlin, Laos and the Congo, and civil rights protests at home to take time and attention.

Kennedy had met both Willi Brandt, the Mayor of West Berlin, and the German Chancellor Konrad Adenauer, separately in March, and British Prime Minister, Harold Macmillan, in April. They had discussed the Berlin situation, and Kennedy was concerned that Moscow would retaliate against any United States action in Cuba by moving in to Berlin. He expressed this concern to Eisenhower as one of his reasons, and subsequently told the exile Cubans of his concerns.[283] This had stopped Kennedy ordering United States troops into Cuba. Both Eisenhower and Fulbright thought that this made Kennedy appear weak to the Soviets, and caused Khrushchev to misjudge Kennedy as 'inexperienced, unsure, and perhaps weak.'[284] Eisenhower said the operation 'could be called a Profile in Timidity and Indecision'.[285]

Although the president was not comfortable with the invasion plans, in the end he could not find a way to cancel them. In Schlesinger's view he was trapped as the 'political impact of cancellation ... would be very serious for the balance of the hemisphere.'[286] He

had given very strong messages and had 'painted himself into a corner.'[287] He believed he had reduced the political risks to an acceptable level, but this was at the cost of increasing the military risk. According to Sorensen, Kennedy did not feel his campaign pledges had forced his hand, but he did feel cancellation would show weakness.[288]

Set against this was his own belief in himself and in his administration. He had asked for the best men and believed in his own luck.[289] Bissell and Dulles 'sold' the plan strongly, convincing Kennedy of 'plausible deniability' and success. Schlesinger later felt that 'All of us – Kennedy and Bundy and the rest – were hypnotized by Dick Bissell to some degree, and assumed he knew what he was doing.'[290] However, McGeorge Bundy told the Taylor Group: 'I think the men who worked on this got into a world of their own.'[291] For Bundy, 'It was the stupidity of freshmen on our part, and the stupidity on their part of being wrapped in their own illusions.'[292] Professor and psychologist Irving Janis has used the Bay of Pigs as an example of 'groupthink'.[293] This suggests that staff give the advice which they think is expected, as a consensus view, without testing and analyzing their ideas. In groupthink, members fail to consider alternatives, once the 'expected' answer is put forward. Janis argues that 'groupthink' explained the advice that staff gave to the president. They were not sufficiently confident to go against the flow. However, in fact it is notable that Kennedy made his key decisions when he was out of Washington

When the plan was first discussed the CIA put forward a strong argument for an early intervention. Dulles stressed that the plan had a 'shelf-life'. It would not be possible to keep the Cubans who were training in Guatemala much longer. The Guatemalans were applying pressure to force the exile Cubans out.[294] The invasion plans were an 'open secret', being discussed freely in Miami, which was giving Castro time to prepare. If the Cubans were forced out of Guatemala, then there would then be a 'dispersal' problem, in bringing them back to the United States. This could then embarrass the administration and

cause domestic concerns about the legitimacy of the CIA action. The CIA stressed that decisions had to be made quickly. The reasons given were that it would not be possible to maintain secrecy much longer, that the morale of the exiled Cubans would be affected by delay and there was discontent in Cuba, which the United States should take advantage of.

It is clear that Bissell believed that the assassination attempts on Castro would be successful. He recalled that 'as I moved forward with plans for the brigade, I hoped the Mafia would achieve success'.[295] For Dulles too, 'assassination was intended to reinforce the plan. There was the thought that Castro would be dead before the landing'.[296] The CIA report says that between August 1960 and April 1961 'plots ... were aggressively pursued and were viewed by at least some of the participants as being merely one aspect of the overall effort to overthrow the regime'.[297] Bissell authorized a payment of $150,000.[298] Esterline signed the vouchers.[299] There is no direct implication of Kennedy in the plots. He later asked the journalist Szulc what he would think of a plan to assassinate Castro, and then agreed with him that it was not a good idea. He also later discussed the possibility with George Smathers. Smathers reported that the president had been 'given to believe' by the CIA that when invaders hit the beach Castro would no longer be alive.[300] There was no clear evidence in the Church enquiry but it was probable that Kennedy was aware of these plots. If so, the legitimacy depended upon making the assassination appear as if it were the result of Cuban resistance.

However, new members of the Kennedy administration were hearing the proposal for the first time, and considered them against the new foreign policy expectations.

Rusk raised a number of concerns about the legitimacy of the operation. He asked what the legal position was, with respect to invoking the Monroe Doctrine, and whether any systematic review had been made of this. There had been no such review. Rusk suggested that there was the possibility of 'making some international law' by announcing

that the introduction of jet aircraft into the hemisphere by the Soviet Bloc would be a violation of the Monroe Doctrine. At this point, Rusk was aware of how an invasion would look to others. The Assistant Secretary of State, Thomas Mann, raised the diplomatic option of whether the OAS system could prevent Castro exporting communism to other parts of the hemisphere. It was felt that Cuba was becoming one of the 'most rapidly communised states' and Castro had complete control.[301].

Throughout the discussions, it is clear that there was concern about the legitimacy of the operations, but more so about the United States being exposed. Several of the advisors were clear that an invasion would breach the OAS and UN Charters. They hoped that it would be possible to provoke Castro into action, so that United States action could be initiated. For the liberals in the administration, the plan was not acceptable. They knew that any invasion would be soundly condemned.

Rusk put forward the risk and 'enormous implications' of putting forces into Cuba. These were not enunciated, but Rusk's main concern was the impact on International Relations, the world opinion of the administration, and the domestic impact of reverting to old imperialist actions in Latin America. He considered that everything should be done short of invasion, including 'rough stuff.' This was not defined, but probably involved assassination. As an alternative suggestion, he suggested that a provisional government be set up on the Isle of Pines, a Cuban island south of Havana. Once invasion took place this provisional government would call for United States support and help and thus provide the needed 'fig leaf' for United States involvement. This would then give a legitimate reason to intervene. This provisional government would be recognized by the United States allowing them to overtly occupy Cuba to restore order.

Kennedy did not like the plan. He was influenced by the need for secrecy, and to maintain a 'plausible denial' that the United States was not involved. This was an important aspect in Kennedy's view of the legitimacy. The new image was important.

He felt the plan was too noisy, much more like a WWII invasion than a covert plan. He asked for several changes, including a change to the landing site and timing. A dawn raid would be far too visible. He allowed planning to continue, but reserved the right to stop the operation at any time. His concern was not for the viability, or legitimacy, but how it would appear to others and his advisors made him aware that the United States could not be seen to be responsible for an illegal invasion.

Kennedy had difficulty in making his decision. At numerous meetings the two sides argued their case. The CIA made changes to the plan to accommodate the plausible denial, but continued to stress the urgency.

During numerous meetings, there was disagreement between the advisors about the viability of the plan, but such concerns were not made clear to Kennedy. The pessimistic assessments of the Joint Chiefs as to the likelihood of success (failure) were not considered in detail. Robert McNamara dealt with the Joint Chiefs. Surprisingly, he was aware that 'no current action authorized ... will be effective in reaching the agreed national goal of overthrowing the Castro regime'. However, the main debate concentrated not on whether the plan would work, but how it would be appear to others. Robert Kennedy later recalled that they knew it would be impossible to overthrow Castro unless there was an invading force backed up by intervention by U. S. forces, but the implications of this were not discussed. This seems to be an important omission, unless the advisors were making other assumptions as to how to achieve success, such as assassination of Castro.

Rusk continued to stress the concerns, for the United States internationally, of taking action overtly, if not backed by the OAS. However, Mann's diplomatic attempts

were under pressure as the president wanted a quicker resolution. Other members of the administration also expressed concerns. Chester Bowles, Rusk's Deputy, detailed his concerns to Rusk, and warned that if the plan failed and Castro solidified his position then one of the possibilities was a blockade, which would be an 'act of war'. Rusk did not pass on these views to the president.

Following these changes, the CIA assured Kennedy that when the invasion took place there would be a popular revolt and Castro would be overthrown.

During the Easter break, Kennedy reflected on the operation. He allowed planning to continue, but reserved the right to stop the operation at any time. He also gave an opportunity to Senator Fulbright, Chairman of the Foreign Relations Committee, to put his views, which were given privately on their shared plane trip to Florida. Fulbright also gave Kennedy a memo.

However, the president's involvement of Fulbright cannot be considered as seeking Congressional legitimacy. Fulbright states that his involvement was an accident: 'The President's deference to the Chairman of the Senate Foreign Relations Committee was inspired not by constitutional considerations but by a coincidence.'[302] Further, he wrote: 'Nor can this can this episode be regarded as a manifestation of the advice-and-consent function of the Senate; I was the only Senator involved in the fateful deliberations .. and my involvement was an accident.'[303] Fulbright's opposition was taken up by the American press and the president was asked about it, at a subsequent press conference Kennedy responded: 'He is a valuable citizen, and I think his counsel is useful and I think he should say what he thinks.'[304]

This meeting followed Kennedy's visit to his father, who may have been influential in the decision, and Kennedy finally gave the go-ahead on the basis of 'no United States

military intervention.'[305] Kennedy understood that as soon as he deployed troops Cuba would be perceived as the American Hungary.

As we have seen, Schlesinger sent two memos to the president, addressing the legitimacy concerns, and the fall-out for the president if the intervention were seen to be a United States led intervention. And Tracey Barnes highlighted that the administration should bring the Congress on-side. However, by this point the president had made his decision.

In making the decisions to go ahead Kennedy had to balance his New Frontier policies against the perceived threat of Castro, and communism. The CIA presented him with strong arguments, and also stressed that, if cancelled, the United States would have a 'dispersal' problem, with the trained Cuban dissidents free in Miami. He also had to consider the situation in Berlin and Laos, and not show signs of weakness. Robert Kennedy explained that 'if he hadn't gone ahead with it, everybody would have said that he showed no courage ... because it was Eisenhower's plan.'[306] Robert Kennedy also argued that the 'advocates had been 'trusted by his predecessor', so he thought he could trust them.'

However, the US could not openly intervene, which led to his requests for many changes, and a delay in the decision to go-ahead. There is also evidence to show that the CIA led Kennedy to believe that when the invasion force landed, Castro would already have been eliminated.

In a conversation with Schlesinger, Kennedy himself later listed his reasons, for giving the go-ahead. Senator Fulbright had been the main opponent of the operation, but Kennedy explained that even Fulbright would have been persuaded if he had attended more meetings. There was:

> Discontent in Cuba, morale of the free Cubans, rainy season, Russian MIGs and destroyers, impregnable beachhead, easy escape into the Escambay, what else to do with these people [307]

However, the landing force was met by Castro's forces. There was confusion about the supply of air cover, and, when the military asked the president for support from American B26s, Kennedy made the decision and refused. In this, he was determined that he could say that the United States had not intervened, and could present the invasion as an internal uprising. He also argued that 'if the Cubans won't revolt the United States could not by invasion impose a new regime.' This was crucial, that it appear to be Cuban-led.

After the failure, Kennedy told the exiled Cuban Council, ' The struggle against Communism had many fronts; leadership in that struggle imposed many responsibilities. The United States had to consider the balance of power around the world.'[308] Kennedy clearly demonstrates that his concerns were with this world opinion, appearing strong whilst also pursuing the softer New Frontier image. His concern was not for the legitimacy of the Constitution, but with American power. Kennedy was able to continue the plausible denial when the Council issued a statement that the 'events had been inaccurately described as an invasion. It was a landing of supplies and support'.

It is clear that the administration was aware of the necessity to make it appear that the invasion was an internal uprising. The 'plausible denial' was a key to this. Kennedy had the option to 'evade, deny or plead ignorance' of the operation. At each stage, Kennedy was aware of the legitimacy question. He knew he could not land U S forces, but did not realize that in trying to keep the operation covert he risked failure. His main concern was that the United States should not be implicated in what he knew was an illegal invasion.

However, for the CIA and military, who were used to working with Eisenhower, they believed that Kennedy's instructions on no United States involvement were there purely as cover for plausible deniability. It did not occur to them that the president would not act if necessary. For Kennedy's part, he assumed that his orders would be followed.

2.8 Developments

The Bay of Pigs had an impact on the rest of Kennedy's foreign policy. Robert Kennedy told the Taylor Group that the president

> felt very strongly that the Cuba operation had materially affected ... his standing as President and the standing of the United States in public opinion throughout the world. We were going to have a much harder role in providing leadership. The United States couldn't be trusted. The United States had blundered.[309]

Similarly Schlesinger said 'We got a big kick in the ass – and we deserved it. But maybe we'll learn something from it'.[310] Sorensen also felt there was a major lesson from the 'see-no-flaws, hear-no-flaws, speak-no-flaws atmosphere'.[311] Nevertheless, it may be that the experience prevented a greater disaster. Kennedy had said that otherwise the United States would have been 'knee-deep' in Indo-China.[312] RFK agreed: 'I think we would have sent troops to Laos –large numbers of American troops in Laos –if it hadn't been for Cuba.'[313] Sorensen felt that to abort the mission was an act of 'political courage' that had prevented World War III and U.S. diplomatic isolation. Cuban lawyer Mario Lazo disagreed strongly. In his view, 'the 'no invasion' guarantee has enabled Soviet Russia and its associates to convert Cuba into a powerful base... for subverting the hemisphere. The annulment of the Monroe Doctrine is breeding fear and doubt.' 'The main costs of the

decisions for disaster are being paid by more than seven million Cubans subjected to Communism'.[314]

Mac Bundy summarised the administrative failures and summed it for Kennedy: 'it is a problem of a use of your time ... We can't get you to sit still'.[315] Kennedy made changes. He brought in to foreign policy decisions those he trusted, Robert Kennedy and Sorensen. He accepted Bobby's advice that Bobby should not take over the CIA, but included him in all subsequent foreign policy matters. Dulles left the CIA in November 1961 and Bissell shortly afterwards. The lessons from the Bay of Pigs were reflected in 1962, during the Missile crisis, where there was much more probing and questioning discussion. Lazo, however, notes that 'if the invasion of Cuba in 1961 had been permitted to succeed, there would have been no missile crisis in 1962'.[316]

Over a period of time negotiations took place between Robert Kennedy and Castro over the release of the prisoners. Goodwin acted in these negotiations. Che Guevara told Goodwin: 'He wanted to thank us very much for the invasion - it had been a great political victory for them – enabled them to consolidate'.[317] Eventually a ransom was negotiated, paid for by private corporations out of tax cuts given to disguise the administration's hand in the affair. The Brigade were released and welcomed in Miami by Kennedy in December 1962.

World reaction was not as strong as expected. Schlesinger was sent to Europe and found the European reaction as puzzled. They wanted to know 'why in the world would you be so troubled? They live in much greater proximity. They thought we were overreacting'.[318]

As for the Taylor report, the idea of an interdepartmental agency to coordinate future cold war ventures was shelved. Kennedy realised he had to question his advisors

more and they gave him more independent advice in the future. Otherwise the report was 'filed'.

2.9 Legitimacy of the Intervention

This section now considers the legitimacy of the action in terms of United States and international law, international organizations, congressional legitimacy and constitutional legitimacy, and popular opinion. It considers whether the action was legitimate and discusses whether the administration considered the legitimacy of their actions. If they did, in what way was legitimacy discussed and did it affect the decision making? Was it important to the administration or not? It then looks at the ways the administration attempted to portray the intervention as legitimate and the impact that had on the operation.

Did the administration consider legitimacy?

The key point was that it was a covert operation. As such, it was intended that United States' involvement would be hidden. The public were to be made aware of it after the event, and then it would be portrayed as a Cuban operation, overthrowing communism, and as a great success.

The administration discussed how the operation would be viewed, if United States involvement became known. Kennedy's aides raised the legitimacy issues throughout the discussion. Schlesinger, Fulbright and Rusk all knew it was against international law. Other members of the administration also suggested strategies, but these were intended to produce a 'plausible denial'. Kennedy knew that this was an illegitimate operation and worked hard to mitigate the visible impact. He was aware that he was taking a risk with this covert operation. If seen to be a United States' operation it would damage his standing as a new president. It was therefore vital to the administration that the operation should not be seen as the United States conducting an intervention. Kennedy was aware of how putting United States forces in Cuba would be received by the hemisphere, the OAS and the UN. Given this,

he concentrated on making the operation less visible. It must appear to be a Cuban operation. The idea of a D-Day style landing was too conspicuous. He wanted a quiet operation. He therefore changed the plan to be at the Bay of Pigs. The JCS orders were changed to reflect this and explicitly stated that there would be no United States forces involved. These changes affected the outcome.

The legitimacy of the operation was raised throughout the planning stages, under different aspects. However, there was pressure to make a decision. When Kennedy made his decision there were further efforts to portray the intervention in a good light, but these were secondary to the operation.

The emphasis of the operation was that it should be a covert operation against communism. The legitimacy of the intervention relied on portraying the United States as the defender of the free world. This was a battle of image and portrayal. On the one hand there was the Free World, democracy, overthrowing communism and regime change. This was the image that the administration wanted to portray, as giving self determination to Cuba, and setting a code of behaviour between nations. This was contrasted with the image of the 'damn Yanqui' and imperialism. The first was seen as legitimate by others, the second was not. The way the intervention was viewed in the world, hemisphere and domestically was important. Kennedy wanted to appear legitimate. In the Cold War era image was crucial. It could affect the relative standing of the US against the USSR.

The administration went to great lengths to protect a key asset: the president. This was a new administration. The personal standing of the president as the leader of the free world was a source of legitimacy. He was a new president with political capital. An attack on communist Cuba would undermine this legitimacy and prestige. The asset of JFK was to be protected and not put in jeopardy. This led to a construction of 'plausible' denial.

Schlesinger highlighted this concern about image. He argued, above all, they should consider the protection of the president: 'when lies must be told, they should be told by subordinate officials'. Schlesinger thought that there was therefore merit in Rusk's suggestion that someone else make the final decision and do so in president's absence – 'someone whose head can be placed on the block'.[319] Kennedy had committed himself to the 'Alliance for Progress', as a new, inclusive direction in Latin American foreign policy. His broad policy gave legitimacy to United States foreign policy. At the same time he wanted to be strong against communism. His goal was to be seen as a strong foreign policy president, strong against communism, but also a good neighbour. Maintaining the backing of other countries in this goal was important to maintaining legitimacy. Kennedy was acutely aware that he must not destroy political capital, and in trying to achieve this balance, Kennedy changed the operation several times, and that led to its ultimate failure.

In this battle the opinion of the political elites was important to the acceptance of the actions. They had numerous discussions on how to portray the intervention, and options to achieve legitimacy. They considered International law, the OAS and the UN and what their reactions would be, and how they could influence them. However, these considerations did not outweigh the CIA and military advice on the decision to proceed. In the end they were up against deadlines and Kennedy decided that he would go ahead, expecting to be successful, and that such success would then win over any opposition to the legitimacy of the operation.

Whilst being keen to maintain legitimacy, at the same time, several members of the administration put forward strategies designed to deceive the international communities.

International Law

The administration was keenly aware of the repercussions of a United States' invasion of Cuba. Dean Rusk raised the issue of international law at the first meeting. He

asked if there had been a formal review of the project, and what the legal position was in respect of taking action under the Monroe Doctrine. His suggestion was that they should 'make international law' in invoking the Monroe Doctrine. This had been used frequently in the past by the United States to justify their interventions in Latin America. They claimed that it was legitimate to defend the hemisphere. But with a return to a 'good neighbour' policy it was questionable whether the Doctrine would still give legitimacy. Khrushchev had already declared that the Monroe Doctrine was 'dead' and should be buried. Any United States action would be seen as a return to 'big-stick gunboat diplomacy.' As it was not clear that the international community would accept that invoking the Monroe Doctrine was a source of legitimacy, Rusk suggested that they might engineer a situation to test this. He suggested that, if a provisional Cuban government were to be set up on the Isle of Pines, then the United States could use this as a 'fig leaf' by supporting them against Castro. The United States could then use United States forces in an overt way to defend the hemisphere against communism. The objective was to win international opinion in support for the Doctrine. In the administration's view this would give legitimacy to interventions in Latin America.

However, this plan did not proceed. The possible members of the provisional government were disunited and eventually left out of the operation by the United States.

Adolf Berle also suggested a plan which he believed would be defensible at the UN. Berle's plan was similar to the Isle of Pines plan originally discussed by Rusk. His plan included the United States withdrawing recognition from the Castro government, recognizing the rebel government and hoping that a civil war would develop, allowing the United States to intervene. It would make it appear as if the United States was supporting the rule of law. In this plan, however, Berle suggested that in the event of civil war developing, the United States should call on the OAS to intervene. Crucially, he suggested

that OAS non-intervention would be sufficient for the United States to intervene under the Monroe Doctrine and promote hemispheric peace.

Again, this plan was not implemented, as there was not an internal uprising.

As the intervention plan developed, Schlesinger and Fulbright, in separate memos, warned the president that an invasion would be against international law. However, Kennedy believed that a key aspect of the operation was to be 'plausible denial', about it being a US operation. He had made numerous efforts to change the plans so that it would not appear to be a United States invasion. It was important to show it as a Cuban operation. This would allow Kennedy to defend the Alliance for Progress and render international law irrelevant.

The discussion about international law was focussed on how to convince the political elites that the intervention was legitimate. The administration was not directly concerned with complying with international law. They knew that their actions were illegal, hence the big efforts to ensure 'plausible denial'. The administration discussed legitimacy in terms of the Monroe Doctrine. This may have given them legitimacy in the United States, but it was not necessarily acceptable to Latin American countries.

OAS

The administration was keen to use the OAS to legitimize their actions against Castro and worked to that end. The OAS had a dual role. It had legitimacy in international law to enforce its treaties. At the same time it was a source of Latin American opinion. Dean Acheson had previously declared that the OAS should be the 'effective expression of law and order', in the hemisphere. If the OAS supported United States action then it would be considered legitimate.

Several members of the administration thought that OAS support was significant as a source of legitimacy and were concerned with gaining that support. They were clear that the

OAS Charter specifically forbade intervention in another American state. However, the Rio Pact created a mutual defence against communism. The key issue was that the intervention be seen in this context.

The plans suggested by Rusk and Berle both relied on OAS support. Rusk's suggestion to create a provisional government on the Isle of Pines and Berle's plan to foment a civil war were both dependent on the OAS agreeing that action in the hemisphere was legitimate. In Rusk's case, he was depending on the OAS treaty which enshrined the 'mutual defence of the hemisphere', against forces trying to overthrow a legitimate government. As neither of these plans was implemented, the United States were not able to test whether invoking the Monroe Doctrine would be supported by the OAS.

Chester Bowles wrote forcibly about the importance of OAS legitimacy. He argued that the invasion plan deliberately violated the Acts of Bogotá, which had established the OAS. Moreover, the US was a beneficiary of treaties round the world and 'we cannot expect the benefits of this regime of treaties if we are unwilling to accept the limitations it imposes upon our freedom to act.' In Bowles's view, if it were necessary to blockade Cuba this would be an 'act of war.' [320] Bowles thus highlighted the problem of the United States acting unilaterally outside the treaty requirements.

Dean Rusk also highlighted the damage that would accrue to the new administration's moral position if any action were not supported by the OAS. He had acknowledged that there were 'grave political dangers to our position throughout the Western hemisphere' in overt action not supported by OAS.[321] However, he was not sufficiently concerned to pass on Bowles's concerns to the president. In Rusk's actions we see that although there was concern about legitimacy it was not sufficient for Rusk to challenge the president.

Thomas Mann was keen to follow a diplomatic route, attempting to gain OAS support. He wished to continue negotiating with OAS States to reach a consensus on how the

hemisphere would deal with Castro. If the hemisphere agreed that Castro was a threat to the hemisphere then action against him would be acceptable. Failing that, Mann supported the Berle plan, to give legitimacy to Castro's overthrow. Mann supported the option of recognizing a rebel government and trying to portray the action as a 'defence of freedoms'.

While Mann was continuing his diplomatic discussions, Kennedy was being pressed for a decision on whether to proceed with the intervention. Kennedy became impatient with the time the diplomacy was taking and Mann was side-lined, and moved to his next post before the actual invasion. Kennedy was prepared to allow discussions to take place, but eventually decided that he would not wait for the OAS to act. He did not see their support or otherwise as compelling.

Although there had been much discussion about winning OAS support, Kennedy still decided to go ahead without it. Again, Kennedy's focus had been on trying to create a favourable impression, rather than considering the requirements of the Charter. Schlesinger and Fulbright told the president that a United States intervention would be illegal under the OAS Charter. Despite all these reservations, no agreement was reached with the OAS. Consequently, OAS nations roundly condemned the intervention, as predicted by Fulbright, as American imperialism. Any attempt at gaining OAS approval had been overtaken by the president insisting that that the intervention should go ahead because of time pressures.

United Nations

The administration was keen to defend their actions at the UN, seeing it as another source of legitimacy. Following the action, Schlesinger expected that there would be a UN resolution condemning the United States. There would be a massive wave of protest in the hemisphere. Any UN motion against the United States would be a threat to the United States' standing and legitimacy. The challenge was how to manage that threat. If condemned by the UN, the United States standing in the world would be damaged and the

Soviets would have an advantage. A United States intervention would be seen as a return to using American military might to enforce their wishes on their Latin American neighbours. The main objective was to keep debate as far as possible out of the UN. They knew that the United States would be condemned in any such debate.

In trying to manage the UN position the administration severely embarrassed the Ambassador, Adlai Stevenson. Kennedy had been 'much concerned about the UN aspect'[322] He instructed that nothing said at the UN should be 'less than the truth'. For Kennedy, the integrity of Stevenson was an asset which should not be jeopardized. Once the invasion was agreed, Schlesinger and Tracy Barnes briefed Stevenson. This briefing was at best 'unduly vague' and at worst, deliberately misleading.[323] Stevenson was misled into believing that the planes flown to Miami were Cuban planes flown by dissidents. He made a strong speech stating this to the UN. However, as he was speaking, the planes' markings were shown to be American, severely embarrassing Stevenson.

Schlesinger states that Kennedy was deeply concerned about UN perceptions. However, the briefing was left to Schlesinger, with no previous experience or position, and to Barnes who was the CIA deputy director of plans. As seen, the CIA expected the operation to succeed, and perhaps Barnes did not expect the operation to be subject to such exposure. Barnes had previously discussed denying any US involvement, which seems to have been the essence of briefing to Stevenson.

Again, although Rusk, Mann and Schlesinger had discussed the UN position, and the need to avoid censure, there seems to have been insufficient attention to portraying a plausible story. The administration's objective was to keep the discussion at the UN to a minimum. The briefing appears to be an after-thought, but the briefing also suggests that the administration expected the intervention to be successful, and that the success would overcome any international condemnation. There was never any question of going to the

UN before the operation. The objective of the administration at the UN was damage limitation after the failure.

Despite all the discussions on international law, the OAS and the UN, no-one in the administration took the responsibility to bring them together. The treaty obligations were specifically not to intervene in the affairs of another country in the hemisphere. There was no OAS authority and the OAS Charter was breached. Neither was there UN authority. Schlesinger and Fulbright both warned the president of the dangers of an illegal operation. However, Kennedy took the overall responsibility to continue, in spite of knowing this.

Constitutional law and Consulting Congress

The president assumed he had the authority to act, in covert operations, under his commander-in-chief powers. As a covert action, there was no attempt to get Congress' approval for the intervention, under the terms of congressional law. Fulbright's involvement was in his personal capacity, although he was Chair of the Senate Foreign Relations Committee. Congress was not consulted nor informed. In the Cold War era Kennedy did not consider going to Congress, and it was not considered necessary. He took control himself, and did not question that he had the overall authority. There was no discussion of seeking formal congressional approval.

However, aides suggested that they prepare for any political consequences, which might occur after the event. In this, it was assumed that there would be criticism of a United States intervention, but they did not consider the consequences of failure.

Schlesinger and Tracy Barnes highlighted the importance of sorting the views 'on the hill.' However, for Schlesinger they had to balance the political risk of not consulting the congressional leadership against the military risk. The lower the military risk, the higher the political risk. If they conducted a full United States military operation, then there would be high

political criticism. If however, they conducted a 'quiet' operation with no United States military involvement, then they were minimising the political criticism but increasing the military risk.

These discussions only took place once the decision had been made for the intervention. Initially, Congress had not been considered important in the discussions. Once the decision had been made, Schlesinger recognized the importance of having the Congress 'on-side'. He recommended that they should consider the Senate Foreign Relations Committee and Senators and Congressmen in general, to think about what they should be told.

Barnes responded to Schlesinger's concerns. He wondered whether 'anything further [should] be done with respect to particular individuals 'on the Hill'.[324] He suggested the president might raise it at a planned meeting with leaders of Congress. Although the meeting took place there is no record of discussing Cuba.[325]

This shows that the president placed little regard on having Congress endorse his position. Kennedy does not seem even to have considered it as important. He saw his legitimacy as a Cold War president, fighting communism, and expected Congress to concur.

Public Opinion

Ordering an intervention was clearly at odds with achieving the high moral ground. Schlesinger recommended that Press conference answers should be prepared as United States', and Kennedy's prestige, would be committed to success.

The administration clearly saw Kennedy's standing as a source of legitimacy which must not be damaged.

Protests and International Public opinion

Both Rusk and Schlesinger thought that there was a strong possibility that there would be protests in Latin America. Any such protests would be detrimental to the United States position.

The administration had considered the importance of propaganda in developing public opinion. The United States had continually dropped leaflets into Cuba, and bombarded their radio

station, believing they could persuade the population to an uprising against Castro. However, this propaganda had not worked. It served only to inform Castro of the United States intentions.

But in discussing the operation the administration was aware of international public opinion. They were deeply concerned about widespread protest in Latin America. Both Rusk and Schlesinger warned of this. They were also concerned of wider protest, with Schlesinger citing possible protests in Europe, Asia and Africa. Kennedy himself was concerned that the action should not be viewed as 'America's Hungary'. JFK was due to go to Berlin to meet Khrushchev. He needed to retain international approval, for his actions. In fact, the Cuba failure caused Kennedy much embarrassment at that meeting.

Domestic public opinion

As a covert operation, the American public were not expected to be aware of it, until it had concluded. The administration expected the operation to be successful. They further expected that public approval and legitimacy would follow if US involvement were exposed after the victory. If the president, as Commander-in-Chief has ordered the operation, and then it successfully removed a communist threat from Cuba, then the public would approve. This would have given Kennedy retrospective legitimacy in the domestic sphere.

In attempting to retain public opinion and suppress press discussion Kennedy asked the *New York Times* not to print the story of a proposed invasion. Kennedy himself later saw this as 'counter productive'. If the story had been printed then there would have been wider discussion, and the operation could not have been presented as a covert operation.

In Kennedy's view public opinion was a major source of legitimacy. He had a new electoral mandate. Any questions about legitimacy of his actions could raise questions about the suitability of the president, causing problems for his policy initiatives, and future electoral chances.

After the event, the president accepted responsibility, but did not directly admit United States' involvement, despite the planning, training and deployment of United States forces. Lyman Kirkpatrick, the Inspector General of the CIA, was appalled that the president had made a public statement. However, by taking responsibility Kennedy raised his domestic poll ratings.

2.10 Conclusion

The Bay of Pigs invasion was clearly a disaster. The operation was conducted, knowing that it was not a legitimate action. It was hoped to conceal United States involvement. The whole purpose of the plan was that it should be a covert action with 'plausible deniability'. Accordingly, as few people as possible were told. The matter was not discussed by Congress, and only Senator Fulbright was asked to comment, and that was more by accident than design.

There was discussion of the legitimacy of the operation, particularly in the State Department and how it would be viewed by the international community, the OAS and the UN. However, in this Cold War era the administration did not discuss the constitutional aspects. In the end, Kennedy went ahead, under a deadline. He was not prepared to wait for diplomacy and the OAS, in spite of knowing that in terms of the international community and international law, at least, the action was illegal.

The discussion was focussed on creating an image which suggested the intervention was a Cuban operation. There were several plans to use the Isle of Pines to establish a provisional government and then to recognize that government. They also tried to cause unrest in Cuban by their propaganda. After the operations there were attempts to suppress censure at the UN, resulting in embarrassment for Stevenson, who had also been misled. All this was about image. In particular, they discussed at length plausible deniability, which contributed to the failure.

The administration assumed that the operation would be successful, and that the success would be generate legitimacy. The American public would welcome the removal of Castro. It was expected that success would increase Kennedy's standing.

This was a plan he had inherited, but he made the decisions. His style was to hold informal meetings, without any line of command. He was frequently impatient, and once decisions were made he wanted to move on. The key decisions: to go ahead with the invasion; and to cancel the air strikes were made when Kennedy was out of Washington, and he made those alone, despite plans for 'plausible deniability.'

Given such conflicting opinions, Kennedy had to make his decisions. The factors that influenced his decision-making as the pressure from the CIA, his inexperience in foreign affairs, his general 'can-do' attitude and his belief that this would boost his standing. He was also influenced by and the possibility of Castro's assassination before the landing.

However, it is clear that Kennedy's decision making structure contributed to the failure. Kennedy had dispensed with the formal NSC structure used by Eisenhower. His structures were informal, and he over-estimated the confidence of his staff to give impartial advice. Many have subsequently admitted that they did not put forward their views. In this, a 'groupthink' condition developed, in which staff went along with the perceived view.[326]

Press coverage also contributed to the failure of surprise. There were numerous articles in the press before the invasion. In trying to maintain public opinion Kennedy had asked the *New York Times* to suppress one report, a decision he later regretted. In fact, his ratings went up after the event. This is probably because of his public acceptance of blame, and 'moving-on' the agenda.

The question of legitimacy was raised several times. However, for Kennedy, the true source of legitimacy was public opinion, how he was perceived, and his authority as president. He knew the actions were not legitimate under the UN and OAS Charters, and international law.

Notes for Kennedy – Bay of Pigs

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[1] Kennedy to Sorensen, Theodore Sorensen, *Kennedy* (New York: Harper and Row, 1965), 309.

[2] Peter Kornbluh ed., *Bay of Pigs Declassified.* (New York: The New Press, 1998), 319.
Castro believed that the United States did not have a 'guerrilla mentality'. 'They underestimated us and used their own forces incorrectly.' Quoted in Tad Szulc, Fidel: A Critical Portrait (New York: William Morrow and Company, Inc., 1986), 557.

[3] My italics.

[4] U.S. National Archives and Records Service, *Public Papers of the Presidents of the United States: John F. Kennedy, 1961* (Washington, D.C.: U.S. Government Printing Office, 1962), 304-306.
Referenced as PPP.

[5] Notes on Covert Actions. FRUS 1964-1968, Vol XXXII, Dominican Republic, Cuba, Haiti, Guyana.

[6] Arthur M. Schlesinger Jr., *A Thousand Days. John F. Kennedy in the White House* (Boston: Houghton Mifflin Company, 2002), 215- 232.

[7] U.S. Department of State, *Foreign Relations of the United States, volume X, 1961-62, Cuba* (Washington, D.C.: U.S. Government Printing Office,1997), 61; Referenced as FRUS, X.

[8] FRUS, X, 177, 218; Schlesinger, 242.

[9] Lawrence Freedman, *Kennedy's Wars* (Oxford: Oxford University Press, 2000), 145.

[10] Freedman.

[11] Sorensen, 309.

[12] Freedman, 146.

[13] George C. Edwards, , Gallup, *Presidential Approval* (Baltimore & London: John Hopkins University Press), 1990; Freedman, 146.

[14] Memorandum McGeorge Bundy to Kennedy, *Some Preliminary Administrative Lessons of the Cuban Expedition, 24 April 1961.* Printed in James G.Blight and Peter Kornbluh, *Politics of Illusion: The Bay of Pigs Invasion Reexamined* (Boulder, Colorado: Lynne Rienner Publishers, 1998), 266-269.

[15] This report was secret and has only been released and declassified over a period of time. The first papers were declassified in 1981, and a heavily 'sanitized' version was published as *Operation Zapata see* Luis Aquila, ed., *Operation Zapata: The Ultrasensitive Report and Testimony of the Board of Inquiry on the Bay of Pigs* (Frederick MD: University Publications of America, 1984).
Following President Clinton's ruling on disclosure, some papers were published in 1997, and the *FRUS, X* also contains the Taylor Report. However, these papers do not form a consistent set. Some that appear in the 1981 version do not appear in the *FRUS, X* and *vice versa.*

[16] Grayston L. Lynch, *Decision for disaster: betrayal at the Bay of Pigs* Washington: Brassey's, 1998). 150.

[17] Blight and Kornbluh, 267; Richard Nixon. *Six Crises* (New York: Doubleday and Co., 1962)

[18] ibid 268.

[19] Howard Jones, *The Bay of Pigs* (New York: Oxford University Press), 13.

[20] U.S. Department of State, *Foreign Relations of the United States, volume VI, 1958-1960, Cuba* (Washington, D.C.: U.S. Government Printing Office,1997), 850.
Referenced as FRUS, VI.

[21] David Atlee Phillips, *The Night Watch* (New York: Ballentine, 1977), 98.

[22] Memorandum No. 1 From the Cuba Study Group to President Kennedy, FRUS, X, 577; Memorandum of meeting 18 August 1960, FRUS VI, 1029.

[23] Memorandum of meeting, 29 November 1960.

[24] F. Escalante, *The Secret War. CIA covert operations against Cuba 1959-62* (Melbourne, Australia: Ocean Press, 1995), 53.

[25] Quoted in Jones, 9; Numerous sources from Bissell.

[26] FRUS, X, 322.

[27] John F Kennedy, *The Strategy of Peace,* ed. Allan Nevins (London: Hamish Hamilton, 1960), 139.

[28] Kennedy, *Strategy,* 132.

[29] ibid., 220.

[30] Richard Goodwin, *Remembering America* (Boston: Little, Brown and Co., 1988), 75.

[31] *The speeches of Senator John F. Kennedy's presidential campaign of 1960* (Washington D.C.: U.S. Government printing Office, 1961), 510.
[32] Goodwin, 125.
[33] ibid., 126
[34] Sidney Kraus, ed. *The Great Debates: Kennedy v Nixon, 1960* (Bloomington : Indiana University Press, 1997).
[35] John Helgerson, *CIA Briefings of Presidential Candidates, 1952-1992* (Langley, VA.: Center for the Study of Intelligence, CIA, 1996). Referenced as *Briefing.*
Also available from http://www.cia.gov/csi/books/briefing/cia-6.htm, accessed 3 February 2002.
[36] *Briefing.*
[37] Sorensen, 295.
[38] Memorandum by Clifford, FRUS, X, 44.
[39] Memorandum from McNamara to Kennedy, FRUS, X, 44.
[40] CIA memorandum, FRUS, X, 45.
[41] ibid., 45.
[42] FRUS, X, 580.
[43] Kennedy Inaugural Speech, 20 January 1961.
[44] Sorensen, 254.
[45] ibid, 256.
[46] Goodwin, 134.
[47] Richard Reeves, *President Kennedy. Profile of Power* (New York: Simon & Schuster, 1993), 228; David Halberstam, *The Best and the Brightest* (London: Barrie and Jenkins, 1972), 53; Freedman, 39.
[48] Sorensen, 282.
[49] Goodwin, 140.
[50] Dean Rusk, *As I Saw It* (New York: Norton, 1990); Freedman, 37.
[51] Rusk, 180.
[52] Memorandum of conversation, FRUS, X, 47.
[53] Report from the Task Force on Immediate Latin American Problems to President-elect Kennedy, 4 January 1961, Pre-Presidential Papers, Task Force Reports, 1961, Latin America. JFK Library.
[54] Jones, 18.
[55] Memorandum of conversation, FRUS, X, 49.
[56] ibid.46: 52.
[57] Barnes Memorandum for the record, FRUS, X, 53.
[58] Memorandum of conference, FRUS, X, 54.
[59] CIA memorandum, FRUS, X, 56.
[60] Memorandum from JCS to McNamara, FRUS, X, 59. Appendix.
[61] Memorandum from JCS to McNamara, FRUS, X, 58.
[62] Memorandum of discussion, Bundy, 28 January 1961, FRUS, X, 62
[63] Mark White, *The Kennedys and Cuba* (Chicago: Ivan R Dee, 2001), 16.
[64] Memorandum of discussion, FRUS, X, 62.
[65] FRUS, X, 65.
[66] Memorandum Kennedy to Rusk, FRUS, X, 65.
[67] Memorandum of telephone conversation Bundy and Rusk, FRUS, X, 66.
[68] Memorandum JCS to McNamara, FRUS, X, 78.
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Presidents and legitimacy in U.S. foreign policy:

Cold War and Post-Cold War intervention in Latin America

Part Two - Case Studies.

Johnson - Dominican Republic 1965

Do we let Castro take over? [1]

3. Introduction

In 1965 the Dominican Republic was in turmoil. Rafael Trujillo, who had been a ruthless dictator for 30 years, had been assassinated in 1961.[2] His successor, Joachín Balaguer, was forced from office just six months later and a military junta took control. A few days later a counter coup restored a Council of State, which organised elections for December 1962. These elections were won by Juan Bosch, who headed the Partido Revolucionario Dominicano (PRD), a 'comparatively moderate, leftist party'.[3] Bosch however was also forced from office after only eight months by yet another coup. Donald Reid Cabral, who had been the Foreign Minister, took over and was in office when problems developed in April 1965.[4] There was discontent and division amongst the military. Some military officers wished to overthrow Reid in order to restore the junta. Other officers joined with Bosch party members and overthrew Reid. They were known as the Constitutionalists as they wanted to restore constitutional government. These two factions fought each other in the capital, Santo Domingo, with the Constitutionalists handing out guns to approximately 5,000 civilians.

As the mobs fought, the American Embassy began plans to evacuate American civilians. The civilians moved, on Embassy instructions, to the *Embajador* Hotel for processing. Eventually rioting broke out and the Ambassador reported the situation was 'deteriorating rapidly' and 'American lives are in danger.'[5] President Johnson sent in some 400 Marines to 'protect Americans and move them out of the Dominican Republic'.[6] Within a few days, Johnson was alleging that the rioting was a communist inspired attempt to take over the Dominican Government.[7] Eventually more than 20,000 Marines were deployed to protect lives and prevent what was perceived to be a communist take-over.[8] There was much criticism of the intervention, with accusations of 'gunboat diplomacy' [9] and 'Yankee imperialism.'[10] Critics included the Organization of American States (OAS), the UN, Democratic members of Congress, notably Senators William Fulbright (D, AZ) and Robert Kennedy (D, NY), and the press.

The case study looks at the decisions made and the conflicting reasons given for intervention. It considers the legitimacy of the intervention and the reactions of the Organization of American States (OAS) and the United Nations (UN). The study discusses how Johnson made his decisions, who and what influenced him, including Cold War and hemispheric concerns, and to what extent he considered the legitimacy of his decisions. It considers Johnson's method of working and necessarily examines what his concerns were about the role of the press and public opinion.

The study concludes that President Johnson decided to intervene for two reasons. His initial stated reason was to save American lives. Johnson came to believe that this was true. However, his main concern was to prevent what he believed was a communist-led take-over of the Dominican Republic.

The study is divided into four parts. The first section looks at the history of United States policies, including President Kennedy's policies. This is important as Johnson was heavily influenced by this. Section two discusses Johnson's position upon becoming president. The second section examines in detail the events leading to the intervention. Section three is a detailed examination of the negotiations and involvement of the United States until formal elections took place in 1966. President Johnson was heavily involved in the day-to-day discussions and decisions. The fourth section analyses President Johnson's involvement. It considers the advice he received, his decision making and action, and whether he addressed the legitimacy of his actions. It then discusses how Johnson tried to present his actions as legitimate, to the international organizations, the press and the American public. It considers what Johnson's justification was for the intervention, and in how that legitimacy was challenged.

3.1 Kennedy's Policy

By 1961, Rafael Trujillo had ruled the Dominican Republic for thirty years, as a brutal military dictator. He relied on the Army to suppress any dissidents. During this period the United States policy towards Trujillo was a 'microcosm of Latin American policy.'[11] Providing the Latin American dictators supported Washington in opposing the communists then the United States were prepared to accept the dictators. According to the American scholar, Jerome Slater,

> The crucial objective of U.S. policy in the hemisphere had been to prevent the coming to power of any Latin American government or political movement that could threaten the security of the United States or its predominant position in the hemisphere.[12]

As Trujillo had presented 'no real difficulties' and offered 'appropriate' support to the United States in World War II and the Cold War he was tolerated by the United States.[13] However, by 1961, there was increasing opposition to Trujillo, within the Dominican Republic, the United States and the Organization of American States (OAS). Trujillo had been boycotted by the OAS after he organized an attempt to kill President Rómulo Betancourt of Venezuela in August 1960, and OAS sanctions were imposed on Trujillo.[14] The United States Consul General, Henry Dearborn, reported that 'assassination plotters are increasingly active'.[15] Previously the Eisenhower administration had approved a supply of small arms for the anti-Trujillo forces, an amount seen as giving 'symbolic support' from the United States. [16] The plotters approached Dearborn for further arms. However, Robert Kennedy became aware of the Trujillo assassination rumours and, on his initiative, JFK instructed Dick Goodwin to look in to it. Goodwin 'promptly got details from the CIA.'[17] Kennedy did not like the Trujillo regime, but preferred that to a communist regime. In May 1961, Kennedy instructed Dearborn not to supply the weapons. Kennedy instructed that 'the United States is not in the business of assassination' and Dearborn informed his contact that the United States 'were not in that business.'[18] Trujillo was increasingly accepting sponsorship from communist led organizations and had commercial contacts with communist countries.[19] As such, his position was becoming untenable to the United States and the OAS. By April 1961, Dearborn was warning that Trujillo 'cannot last much longer'. The Dominican Republic was becoming 'more susceptible' to 'leftist extremists' and his overthrow 'would be in the U.S. interest'.[20] The Secretary of State, Dean Rusk, warned that the 'US cannot afford and will not permit external imposition on Dominican Republic of pro-communist or pro-Castro regime as successor to present in GODR [Government of the Dominican Republic]'.[21]

The Cuban Task Force (formed after the Bay of Pigs) considered the Dominican Republic situation and put forward contingency plans. The 'paramount' interest was to prevent 'Castro-Communists or other unfriendly elements from taking control.'[22] If the United States supported the anti-Trujillo group, it was possible that the group could contain communists. The danger was that the United States might find that they had created a 'Dominican Castro.'[23] The Task Force outlined three alternative scenarios: Trujillo removed and succeeded by friendly elements; Trujillo removed and unfriendly elements take over; and Trujillo remained in power. Plans had been prepared and were flexible to allow for 'various degrees of force... under Presidential authority', as required.[24]

On 30 May 1961, Trujillo was assassinated, whilst President Kennedy was in Paris. This left Joaquín Balaguer, who had been President under Trujillo, as head of government in the Dominican Republic, with Trujillo's son, Ramfis, in charge of the army. In Washington, in an ill-tempered meeting, administration officials discussed the situation, based on the contingency report previously prepared by the Cuban Task Force.[25] Robert Kennedy and others were in favour of immediate intervention, 'with an excuse if possible – without one if necessary.' Chester Bowles, in charge of the State Department while Rusk was in Paris, strongly disagreed. After a strong confrontation Bowles succeeded in extending the discussions. He rallied the support of Rusk and other members of the State Department, and also approached Vice-President Johnson, who then took 'a more moderate view.' Given that Bowles was already unpopular with Robert Kennedy after the Bay of Pigs and JFK had decided that Bowles was not doing his job, this was probably a bad career move![26] He was shortly removed from the State Department.

In the Dominican Republic, Balaguer assured Dearborn that he was 'eminently anti-Communist' and had a firm intention to hold democratic elections by May 1962.[27] At a

meeting on 7 June, on the President's return, President Kennedy said that he 'wanted a Democratic regime in the Dominican Republic; failing that we would prefer a friendly dictatorship, and the last thing we wanted was a Castro type regime.[28] He argued, 'we ought to aim at the first, but we can't really renounce the second until we are sure we can avoid the third.'[29] For three months the Kennedy administration prepared contingency papers on the Dominican Republic. Kennedy himself asked the Assistant Secretary of State, Robert Woodward, for assurances that the people the United States supported were not infiltrated by communists. In particular, 'we don't want to have another Cuba'. [30] Meanwhile, the United States encouraged Balaguer to work towards democracy. Kennedy argued, 'Balaguer is our only tool.' 'We must use our influence to take Balaguer along the road to democracy.' [31] Kennedy was concerned that there would be a take-over by the Dominican Republic army 'which could lead straight to Castro.' [32] He sent John Bartlow Martin, a journalist with experience of the Dominican Republic, on a fact-finding mission.[33] Following this the administration concluded that they should 'negotiate with Ramfis [Trujillo] under the shadow of the U.S. fleet'.[34] By mid-November 1961 Ramfis had agreed to leave, but unexpectedly two of his uncles returned. Fearing a return to dictatorship, Kennedy sent eight United States ships to patrol the Dominican Republic coast.[35] Secretary of State Rusk issued a press statement, warning that it appeared that the Trujillos may be planning 'an attempt to reassert dictatorial domination.'[36] In view of the 'dangerous situation' the United States was considering 'further measures.'[37] Given the show of United States force, the Trujillos then left the Dominican Republic. Balaguer remained but formed a Council of State, committed to elections. Following yet another abortive coup attempt, this time by General Rodríguez Echavarría, Balaguer himself was forced out, with Balaguer going first to Puerto Rico and then to New York, but the Council

of State remained. The United States resumed diplomatic relations and Martin became the Ambassador.[38] The Council of State, led by Rafael Bonnelly, and supported by the OAS, organized free elections. The United States intended 'to see the winner ... take office...(providing he is not committed to left extremists or Trujillistas)'.[39]

In December 1962, Juan Bosch was elected President with 58% of the vote.[40] Bosch, an academic, had been in exile in Puerto Rico for 25 years. He was a social reformer, keen to have an open society and supported Kennedy's 'Alliance for Progress' programme. Bosch was inaugurated in February 1963, and Vice-President Johnson attended the inauguration.[41] Unfortunately, Bosch 'lacked any sense of administrative or operational difficulties.'[42] He was 'essentially a literary figure, better as short story writer than as statesman.' [43] However, as far as the CIA knew 'he was not a deep-cover Communist or under Communist party discipline.'[44] The military leaders who had been deposed strongly opposed Bosch's social reforms. As opposition grew the CIA warned that there was a campaign to discredit Bosch as a 'crypto-Communist.' Failing that, his 'ineptitude' would lead to a communist take-over.[45] He was not sufficiently strong to resist. Martin felt that Bosch was 'emotionally unstable' [46] and 'not much of a president.'[47] Martin increasingly warned that 'our ability to influence events depends upon our willingness to bring the fleet to the horizon.'[48]

On 25 September 1963 Bosch was overthrow by a military coup led by Colonel Wessin y Wessin. Martin had discussions with Bosch about a United States military intervention. Bosch was prepared to accept patrol boats, but not a Marine landing. Martin recommended that the United States station a carrier off-shore. The response, from George Ball, showed how much the administration was disillusioned: 'we cannot contemplate either serious use of [a] carrier or [an] implied threat against a coup in present

circumstances. Little more can be done by us to maintain Bosch in office against forces he himself has generated in opposition.' Given Bosch's incredible poor performance the United States could no longer restrain the Dominican military in the absence of performance by Bosch.[49]

Kennedy recalled his Ambassador, Martin, and withdrew recognition. In discussions Kennedy asked 'I take it we don't want Bosch back?' 'Why not?' Martin replied, 'Because he isn't a president'.[50] Secretary of State Rusk announced that the United States had 'commenced an orderly reassignment' – in fact the United States had withdrawn from the Dominican Republic.[51] At this point Kennedy decided not to intervene to restore Bosch as the elected leader. There was increasing turmoil in the region; on 4 October 1963 there was a military coup in Honduras, the sixth against a government in the Alliance for Progress, since Kennedy had introduced the policy in August 1961.

3.2 Events Leading to Intervention

A military Triumvirate emerged in the Dominican Republic with Donald Reid Cabral as the President. Three weeks after taking office Lyndon Johnson recognized the new Government in the Dominican Republic. This was seen by many liberals as an abrupt change from Kennedy's policy.[52] Martin however maintained that discussion had been on-going and that recognition had been decided upon.[53] Johnson sent William Tapley 'Tap' Bennett as the new Ambassador. Bennett had replaced John Martin, Kennedy's Ambassador to the Dominican Republic. Bennett was variously described as: 'a classical State Department career ambassador with all this implies in both advantages and drawbacks'; a 'courtly southern gentleman'; incapable of bad manners; and a 'conservative Georgian, who instinctively tended to favour the established hierarchy.'[54] For Johnson, the

latter was a most important attribute. He appointed Bennett having been told that Bennett was a 'good boy'.[55] This was confirmed by Senator Richard Russell (D, GA) who had suggested his fellow Georgian, Bennett. According to Russell, Bennett was a 'fine young man' who would 'carry out instructions to the letter.'[56] Johnson demanded absolute loyalty in his staff and this appraisal of Bennett was crucial.

Bennett strongly supported Reid as he implemented market reforms and IMF policies. But once again, the military officers were discontent. Different groups opposed Reid for different reasons. The junior officers thought the reforms too slow, but older officers thought they went too far. The CIA increasingly warned of plots against Reid: 'Little foxes, some of them red, are nibbling at the grapes.'[57] Bennett returned to Washington to discuss the situation, but paused on the way, in Georgia, to visit his sick mother. Bennett was in Georgia as the crisis began.

The Dominican uprising began on Saturday, 24 April 1965. Reid was aware of plots to overthrow him, but believed that they were scheduled for May or June.[58] He decided to act against some of the known conspirators and sent the army chief of staff, Rivera Cuesta, to army headquarters to arrest four dissident officers. However, unknown to Rivera, one of the officers in charge of administration at the camp, Captain Peña Taveras, was one of the leaders of the Constitutionalists.[59] This was the group wishing to overthrow the Reid government, as they wanted to return Bosch to power under the Bosch Constitution. However, the United States government referred to them as 'rebels'. The group supporting Reid were known as 'Loyalists'.

With the support of approximately one hundred men Peña Taveras put Rivera himself under arrest.[60] Taveras then telephoned other leaders of the coup to notify them that the revolt had started.[61] He also telephoned Radio *Comercial*, owned by a Bosch

supporter. The radio announced the start of the rebellion and that it was intended to re-instate the government of Juan Bosch. The announcer, Peña Gómez, urged the people to take to the streets to support the overthrow of Reid.[62] Many people responded to the call and rallied at the National Palace and Radio Santo Domingo, the government broadcasting station. The rebels took over the Radio Santo Domingo TV station and began broadcasting. They invited the people to take to the streets 'to celebrate the return to liberty, to constitutionality, to democracy.' [63] Within an hour, government forces from the Presidential Palace retook control of the station, broadcast a denial of the coup and broke up the crowds.

Meanwhile other government military officers were undecided whether to support Reid. General Wessin y Wessin, Commander of the elite army forces, was at the army base at San Isidro outside Santo Domingo. He believed that the rebellion should be crushed. Wessin later told a U.S. Senate hearing he was prepared to fight to the end against what he described as 'the Communist threat.'[64] However, Emilio de los Santos, the air force Commander, was inclined to support the Constitutionalists. He wished to begin talks with the rebels and form a military junta. He had not, however, informed Reid of his intentions. So, the government forces were split. Wessin told the Senate Committee that his was the only force prepared to fight at that time. Reid, however, was unaware of this division and remained confident that he could put down the rebellion, as both Wessin and de los Santos continued to assure him of their loyalty. Wessin promised Reid army support, but told Reis that 'he could not use his tanks without air support.'[65] Reid believed he could easily suppress the revolt. He appeared on television with a plea for calm and issued an ultimatum that the rebels surrender by 5:00am the next day or face the Dominican air force.[66]

With Ambassador Bennett away in the United States, responsibility for the Embassy was taken by the Chargé d'affaires, William Connett. Connett had been in post for less than six months, during which time Ambassador Bennett had actively supported Reid. The day-to-day responsibility for advising the Ambassador on military matters was the responsibility of the Embassy Military Assistance and Advisory Group (MAAG), within the Embassy. On the 24th there was only a skeleton staff at the Embassy, with eleven out of thirteen of the MAAG at a conference in Panama.[67] Connett's first messages to Washington were 'not alarming.'[68] He reported on the takeover of Radio Santo Domingo, as an 'isolated incident', and on the crowd and celebrations. In his CRITIC (high priority cable) message he said that 'attaché sources report uprising confined to junior and non-com officers in army.'[69] It was not clear who was involved but some were of 'leftist PRD ilk,' [70] the PRD being Bosch's party. Connett believed that the 'forces of order' had regained control, although two army camps were in rebel hands. [71] Connett did not feel any United States action was necessary, and the desk officer decided that it was not necessary to alert Secretary Rusk. [72]

Early in the morning of Sunday, 25 April rebel soldiers from one of the army bases entered Santo Domingo, and surrounded the Palace. They quickly took control of key installations, including the telephone exchange and Radio Santo Domingo. The government forces did not oppose them. Connett then cabled Washington to advise that the situation was 'rapidly deteriorating.'[73] Connett reported that the rebels were handing out arms to civilians. There was 'increased activity of the extreme left' and shooting.[74] Reid, still at the Palace, was in discussions with the Embassy. He asked the United States Air Attaché to establish whether the Dominican Air Force would fight against the rebels. When Reid was told that de los Santos would not join the operation, it became clear that

the Loyalist officers were not prepared to fight to support Reid. Reid then informed the U.S. Naval Attaché that Wessin's forces 'were failing to take action' and asked whether U S forces would be able to intervene. Connett discussed this with Kennedy Crockett, the Director of Caribbean Affairs, at the State Department in Washington, and then Connett told Reid that there did not seem to be anything the United States could do.[75]

Later in the morning Connett went to the Palace and met Reid, who informed him that 'Communists were taking advantage of the situation.'[76] However, Connett told Reid that there would be no US help. Reid then asked Connett to influence the rebels to stop fighting, but Connett did not believe the United States would be able to accomplish much, as they had little influence with the rebels. [77] The Chargé suggested to Reid that he should accept a military junta to avoid bloodshed, but Reid was strongly opposed to this.[78] Meanwhile some 'moderate elements' of Bosch's Party, the PRD, contacted the Embassy asking for them to be present at negotiations with Reid, but Crockett, at the State Department, told Connett he should 'steer completely clear of anything like that.'[79]

In the State Department, Thomas Mann was in the Operations Centre and 'took responsibility.'[80] Johnson had made a crucial Latin American appointment when he appointed Mann as Assistant Secretary for Economic Affairs in December 1963. Mann, a Republican, had served in the Eisenhower administration and briefly in the Kennedy administration as an Assistant Secretary of State, and then as Ambassador to Mexico. Johnson combined all three Latin American advisor posts as he wanted 'one voice.' The president announced Mann's appointment by saying that 'Mr. Mann, with the support of the Secretary of State and the President, will be that voice'.[81] Critics noted that Johnson was 'keenly conscious of his own limitations in Latin American affairs' and that Johnson's appraisal of his Secretary of State ability had concluded that it was 'modest'.[82] This gave

Mann 'complete authority in the hemisphere'.[83] The appointment was roundly criticized by the liberals. A 'Mann Doctrine' soon developed. His policy was based on economic principles. It was 'less a vehicle for democracy' but more a 'means of promoting private investments and anti-Communist regimes.'[84] The Mann Doctrine stressed economic growth, had no strong position on social reforms, largely avoided intervention in internal affairs, but allowed no communists in government.[85] However, for the liberals, Mann's appointment was a 'declaration of independence' for Johnson.[86] For Latin America and the Kennedy supporters it was a 'death blow to the Alliance for Progress and the policy of non revolutionary democratic change that underlay it.' [87] Mann became a crucial advisor in the Dominican crisis.

Dean Rusk knew 'little specifically about the Dominican Republic' but had long thought of it as a 'second Cuba.'[88] His questions focussed on the strength of the communist element. The Department did not have a sense of urgency but Mann arranged with the Pentagon to send a naval force to patrol off the Dominican Republic. They also set up a Task Force in the Operations Centre.[89] In a situation report, the CIA reported that the left wing, Pro-Castro group, Agrupación Política Catorce de Junio (APCJ), known as the 14th June group, had returned to its former HQ and was flying its flag. Another leftist group, the Dominican Popular Movement (MPD), were making bombs and Molotov cocktails. They were also distributing arms and distributing leaflets proclaiming 'Bosch to power through the peoples' action.'[90] The State Department, with Mann in charge, was particularly concerned about the 'appearance of extreme leftist elements' and wanted to see a provisional government capable of preventing a communist take-over. Connett was instructed to 'report immediately any change direction of events that might indicate American lives in jeopardy.'[91]

The force wishing to restore Bosch, under the command of Colonel Francisco Caamaño Deñó, then took control of the Presidential Palace. Caamaño then arrested Reid. Air Force Colonel Pedro Benoit arrived at the Palace. He had been sent by de los Santos to negotiate with the rebels. The Loyalist military had been involved in the overthrow of Bosch, and wanted to form a military junta. The PRD forces however, were determined to reinstate Bosch as the Constitutional President. They were supported in this by the civilian population as thousands took to the streets. In the capital the rebel soldiers were handing out arms to civilians, including children.[92]

In Puerto Rico, Juan Bosch was preparing to return to the Dominican Republic. It was believed that a Dominican Air Force plane would collect him. [93] In telephone discussions with the PRD leaders Bosch agreed that Jose Rafael Molina Ureña, the former President of Deputies under Bosch, should be sworn in as the Provisional President, of a Provisional Government, until Bosch's return to the Dominican Republic.[94] Connett reported by telephone that the situation was 'confused and divided.' The 'PRD wave was very strong' and he did not think the United States could stop Bosch's return. It would be counter-productive to try and fail.[95]

The United States and the 'Loyalist' forces were against Bosch's return. Connett then reported that de los Santos and the Dominican Air Force had changed their mind, and decided to fight to 'prevent surrendering the country to communists.'[96] The American Military Attachés had stressed to the Dominican military leaders the 'strong feeling that everything possible should be done to prevent a Communist takeover'. It was presumed that Air Force action would prevent the takeoff of the plane intending to take Bosch back. Connett consulted with his country team. The 'country teams' had been set up in Embassies, by President John Kennedy, to cut across Department lines. In the Dominican

Republic, the country team was made up of nine men, one from the Army, Navy, and Air Force, the Ambassador, the AID man and others.[97] Connett stated that 'all members of country team feel strongly it would be against U S interests for Bosch's return to DEMREP [sic]', especially in view of 'extremist participation'. He agreed 'reluctantly' that Wessin's plan to bomb the rebel HQ in the National Palace was the 'only course of action having any real possibilities of preventing Bosch's return.' The action might mean bloodshed but the country team felt that the United States should be prepared to take the risk.[98]

Around 5:00pm the Dominican Air force bombed the National Palace. Wessin later said in evidence, that he had 'ordered' the planes to attack, otherwise his other officers would have supported the rebels.[99] Connett reported that the 'U.S. citizens [were] safe.' [100] Later in the evening Connett reported that there were prospects of negotiations as some of the military rebels realized 'they played into the hands of the communists'. The PRD radio station broadcast a speech from Bosch in which he urged the 'heroic people' to reconquer 'liberty and democracy.' They should support Molina until his return.[101]

In the Palace some moderate members of the PRD asked the United States Embassy to prevent further air attacks but the Embassy declined.[102] Bosch later claimed that 'the bombing was specifically ordered by the American military mission.'[103] Some claimed to have heard a tape recording of the discussion between the United States attaché and the San Isidro base, but this has not been verified.[104]

Early in the morning of Monday, 26 April the Dominican Air Force resumed its bombing of the National Palace and the rebel-held Duarte Bridge, on the outskirts of Santo Domingo. Wessin and his forces stayed across the Duarte bridge. The bombing incited the Constitutionalist forces. There were attacks against the police and extensive street fighting. Around 15000 weapons were handed out. There was widespread chaos as civil

war broke out. Some of the rebels threatened to take hostage the pilots' wives and use them to defend the bridge.[105]

In Washington, Thomas Mann briefed President Johnson in detail.[106] Mann reported that 'it isn't good'. The army in Santo Domingo were supporting the rebels and Loyalist forces were not certain to fight. Johnson expressed his concerns that he could 'not take much troubles now.' He was concerned about additional problems, as he was still in dispute with Panama, and more importantly, Vietnam. Abe Fortas, the President's legal advisor and confidante, had had a call from Bosch about returning to the Dominican Republic. Mann did not think Bosch could get in because of the Dominican air strikes. Johnson concluded 'this Bosch is no good' and that 'we're going to have to really set up that government down there and run it and stabilize it some way or other.' Mann agreed that Bosch was 'no good at all'. Mann then suggested that if Wessin came out on top, 'the man to get back was Balaguer.' Johnson was also concerned about press reports that the United States had supported the bombing of the Palace. He warned Mann that he should tell the Associated Press that it was not in the interests of the government to say these things. He insisted that the United States was 'not supporting one against the other.'[107]

At this point, Mann was firmly of the view that Bosch should not be restored, and he advised Johnson accordingly. However, if Bosch should be defeated, then the Wessin regime should not be allowed to remain, and Balaguer should be restored.

Connett's reports from the Embassy became less confident. He stated that Wessin's forces were 'significantly weakened' and the navy were 'on side of rebels'.[108] The establishment of a Provisional Government under Molina further weakened the cause and the chances of establishing a military junta 'appear[ed] slim'. In Connett's view 'nothing short of major U.S. intervention could prevent Bosch's return at this stage.' De los Santos

and Wessin had asked for troops, but the commitment of U.S. combat troops 'would have extremely serious implications for our foreign relations and particularly serious repercussions in Latin America'. The US would be accused throughout the hemisphere of being an interventionist power opposing a popular revolution of democratic elements. The Embassy did 'not believe we could effectively make case that this is a Communist controlled movement'. Connett urged a strong diplomatic initiative, designed to prevent the return of Bosch and to create a Loyalist military junta. He signalled to the administration his concerns about intervention in Latin American. At the same time there was serious concern that the uprising would lead to a communist Government. Connett warned that if Bosch returned there was a 'serious threat of a communist takeover'.[109]

These communications were being received by the hard-liner Mann, in Washington. By this time he believed that the communists were taking over control of the rebel forces, although they had little evidence for this. The CIA had reported on communist activity for several months, and was monitoring Bosch's communications. From the CIA reports, Mann believed that communists forces were intending to take over the revolt.[110] Bosch himself was not a communist, and not sympathetic to them, although his wife was Cuban.

At midday, President Johnson met with his advisors (Rusk, Mann, Vaughn, Bundy) and Ambassador Tap Bennett.[111] He instructed Bennett to return to the Dominican Republic as soon as possible, and to work for a ceasefire.

As violence increased, the Embassy staff suggested that Bosch should be approached in San Juan. They should spell out to him the extent of communist participation. He should be informed that the PRD leaders were 'far from in control of [the] party'. An 'honorable solution' would allow Bosch the right to return and participate

in elections. However, Connett was against Bosch's immediate return and Bosch was 'apparently not prepared [to] return unless his backers [were] firmly established in power'. Connett requested permission to approach Molina and suggest the best solution would be the formation of a military junta followed by elections.[112] The State Department, however, refused this request and instructed Connett to approach both sides to get a cease fire. The Department were increasingly concerned to protect US civilians, and decided on an evacuation.[113]

The Embassy arranged a ceasefire with both sides and instructed all civilians to gather at the Hotel *Embajador*. At the hotel there was a shooting incident involving some of the rebels trying to find a 'counter revolutionary' amongst the tourists, but no-one was injured.[114] This incident was later to have serious implications. In downtown Santo Domingo there was much violence and pillaging.[115] Radio San Isidro (controlled by loyalist forces) broadcast that the 'revolt was controlled by Fidelista communists' and the Embassy reported rumours that the PRD were receiving instructions from Cuba.[116]

Early on the 27 April Thomas Mann reported the situation to the President. The Americans were ready for evacuation, but they did not want to proceed at night 'with all these Commies running around.'[117] However, the Dominican Navy were threatening to bombard Santo Domingo to defeat the rebels. In Mann's view they were 'kind of desperate.' He felt that LBJ should insist on a ceasefire until the Americans could be got out, and use the time to get a junta set up. Johnson asked whether this was 'another Castro government?' Mann thought 'not yet', but did not think Bosch understood that 'the Communists were dangerous.' There was also the danger that if Bosch returned, the communists would just take over. There was a risk that someone might start shooting during an evacuation 'as long as you have these Commies around.'[118]

The CIA also warned of the Dominican Republic becoming 'another Cuba?'[119] If Wessin was unable to defeat the revolution then 'the Dominican Republic [would] be so far on the way to becoming another Cuba that the tide may well not be able to be turned back.' 'Pro-Communist – if not Communist – people were emerging as members of the cabinet'. They further warned that the return of Bosch would cause an upper and middle class exodus to Miami. Miami would find itself with another Spanish-speaking colony. Additionally, Bosch was 'not endeared to United States' since the United States had gone 'all out' to guarantee a viable government under Reid.

Both sides agreed to a ceasefire until 11am and under the agreement about 1,000 Americans were evacuated by nearby US Naval ships and taken to Puerto Rico. The State Department then instructed the Embassy to 'contact military leaders and suggest to them the establishment of military junta'. The primary objectives of the junta should be 'restoring law and order, preventing Communist takeover, and to hold free elections'. The Provisional government, under Molina, was 'not in control', and the Wessin and rebel forces were then 'more evenly balanced'.[120] The Embassy was instructed not to negotiate, but (somehow) obtain a ceasefire. During the morning the Dominican Naval attaché, Rivera Caminero, who had supported the rebels, changed his mind and decided to join Wessin. He directed a bombardment from the Dominican ships towards the Palace and Duarte Bridge.[121] This change of mind was later attributed to United States intervention.[122] Journalist Tad Szulc, who was on the United States carrier, *Boxer,* which was anchored outside Santo Domingo at this time, asserts that the 'principal functions' of the U S naval attachés were to persuade Rivera to support the Loyalists. Several members of the Constitutionalist leaders approached the Embassy to mediate a settlement, but the Chargé, William Connett, did not meet with them. Instead, they were met by the second

secretary, Arthur Breisky, who told them that the Embassy had 'no contact with San Isidro' (the air base where Wessin's troops were).[123] As fighting continued the military leader of the Constitutionalists, Colonel Francisco Caamaño Deno, went to the bridge to continue fighting but as negotiations continued several Constitutionalist leaders approached other embassies for asylum. At this point the United States believed that the Loyalist forces would prevail.

The United States Ambassador, Tap Bennett, arrived back in Santo Domingo via Puerto Rico and the *Boxer*. He immediately reported that 'fighting continued' and that the situation was turning towards Wessin.[124] In his view, from the Embassy, the role of the communists was 'very evident and getting clearer all the time.' They were 'calling the shots.' He stated that the Embassy had tried four times to get a ceasefire to stick, but the rebels had resumed firing.[125] As the fighting escalated, Molina and Caamaño returned to the Embassy around 4pm on 27th April 'nervous and dejected.'[126] Molina informed Bennett that he was willing to negotiate to prevent further bloodshed. Bennett pointed out to Molina that his side had started the 'fratricide.' The Ambassador declined to mediate as he 'was not authorized to do so.' In his view, the Dominicans had to reach an accord between Dominicans. He lectured Molina that the PRD had 'in effect given the Communists a free rein.'[127] Some reports suggest that Bennett demanded that the rebels surrender. In conflicting views of this critical meeting, the rebels found Bennett 'insulting' and 'patronizing', whilst Bennett maintained he was courteous.[128] Molina refused to accept these comments and left. During the night he took refuge in the Colombian Embassy, and the Provisional government ceased to exist. This was to become a turning point in the crisis.[129] Bennett's attitude to Molina in refusing to discuss a settlement 'almost certainly kept the war going,'[130] and 'let pass another possible chance to resolve the crisis.'[131] Critics

suggest that Bennett refused the negotiations, not because he had no authority, but because he was 'certain the uprising had been crushed' and that the Loyalist forces were 'close to victory'.[132] A later, highly critical, State Department assessment by Anthony Solomon, the Assistant Secretary of State, informed Tom Mann that 'one mistake made was turning Caamaño down', when the rebels 'were willing to negotiate.' Bennett had refused because 'he thought at the time it was all over.'[133]

However, Colonel Caamaño was very angry at Bennett's attitude. He returned to the bridge and continued to organize the resistance. Caamaño, a United States trained Marine, organized the forces well, personally leading an attack on a Police Station.[134] There was fierce fighting and hundreds of casualties in an intense battle for the bridge.[135] The poverty stricken barrios by the bridge were bombed and hundreds killed.[136]

By the evening of the 27th April, the situation was very confused. Bennett believed that Wessin's forces were in control and would defeat the rebels.

On the diplomatic front the Assistant Secretary for Inter-American Affairs, Jack Vaughn, in Washington, discussed with the Uruguay Ambassador the possibility of an Inter-American Peace committee meeting (IAPC). A meeting of the group was convened in the afternoon. The 'Dominican Ambassador to the OAS' *, José Antonio Atiles Bonilla, reported that the situation was 'serious but not critical.'[137] However, when Vaughn reported to the President, he stressed 'the involvement of the Communist element [was] becoming clearer and clearer.' Johnson was preparing for a routine press conference that afternoon. He remarked that he 'sure hope[d] we can say something like that'. On reflection, Johnson decided 'No – too early to say it.'[138] Johnson had at this point decided

* The Ambassador was named by the junta as there had not been a Government in the Dominican Republic since the fall of Reid. However, the United States recognized him as the Representative of the Government.

that there was a communist involvement, but felt that he had insufficient evidence to put this to the public.

At the press conference, Johnson issued a statement on the Dominican Republic. They were 'all very much concerned about the serious situation.' 'Public order in the capital at Santo Domingo has broken down.' He reported on the evacuations and 'profoundly deplored' the violence and disorder in the Dominican Republic. The situation was grave. He hoped that order could be restored promptly, and that a peaceful settlement of the internal problems could be found.[139] The report on the Dominican Republic was a minor item at item 7, below items on Vietnam, four items on domestic policy and appointments. Johnson was not asked any questions about the Dominican Republic.

In the Dominican Republic, the Embassy believed that Wessin's forces were defeating the rebels. Bennett reported that a 'mopping-up' operation would begin the following morning. It might be 'rough', but the Loyalist forces were 'expected to prevail soon.'[140] Bundy advised the President that there had been about 400-500 casualties but it was expected that Wessin's troops 'may have order established by nightfall.'[141] The CIA advised that it was Wessin's last chance 'to dominate' and to 'block [a] take-over by Bosch'. 'Nothing should be done to block or impede Wessin's moves. Consideration should be given to any embassy actions or expressions which could assist ... without actually siding with him openly.' They also reported that the 'Bio data on all or most rebel officer leaders shows they are not pro-communist'. The leaders were 'likely' to be ignorant of the identities of the communists and did not 'realize the extent of Commie readiness'. The CIA believed that if Bosch succeeded, 'these commie groups may well be its ultimate beneficiaries.'[142] Despite Bennett's optimism, Wessin's troops were forced from the bridge

by rebel forces and retreated to the San Isidro base. At that point the Embassy did not appreciate the extent of the defeat.[143]

President Johnson was by then being updated constantly on the Embassy view, and in frequent discussions with his advisors, particularly Thomas Mann and McGeorge Bundy, his National Security Advisor. Johnson continued to express his concerns about a communist take-over of the Dominican Republic.

Wednesday, 28 April 1965 was to be a crucial day in the crisis. At 3:30am Johnson called the Situation Room for an update on Vietnam and also the Dominican Republic. He was told the casualty figures and that the junta in the Dominican Republic were planning elections for three months time. The Loyalist forces had formed a three-man Military junta to take over the Provisional Government from Molina. However, they had chosen more junior officers to lead the junta, which was led by Air Force Colonel Pedro Bartolomé Benoit, Colonel Enrique Casad and Captain Manuel Santana.[144]

By morning there was a different situation. In a late night telegram Bennett described the rebels as 'unbending'. Following the battle of the previous day, Benoit however was crying for help. [145] Wessin had not made any progress and de los Santos had requested walkie-talkies and communications equipment. The Embassy suggested assistance be given but the State Department wanted to maintain non-intervention 'unless outcome in doubt.'[146]

In Mann's view the Embassy had overemphasized from the start the strength of the rebels. As long as there was no chance of a 'commie takeover,' the United States should not 'get involved in the blood letting.'[147] Mann told Vaughn not to send equipment to the Dominican Republic but to send it to the *Boxer* 'just in case'. If it began to look as if the communists would succeed in taking over then 'we would have to get into it'.[148] Mann

believed that the rebels were communist led, but firmly believed that the junta would defeat the rebels. He later explained that 'nobody down there or up here thought that the regular armed forces would just sit on their thumbs and refuse to fight.'[149] The situation was explained to Undersecretary of State George Ball by Admiral William Francis Raborn, who had just been installed as CIA director that day. Raborn informed Ball that 'the situation was rapidly deteriorating.' Intelligence reports from the field indicated that the morale of the junta soldiers was 'very low,' and that the San Isidro command had 'little or no operational control over them.' Ball raised the problem that the reports from CIA were very different from those from Bennett, and Raborn agreed to coordinate the reports.[150]

However, under pressure from the junta forces Bennett's requests became more urgent. He recommended that the equipment be sent. It was 'critically needed.' All 'valid elements of the democratic left had gone into diplomatic asylum'. It was a fight between 'Castro-types elements' and those opposing. He asked, 'what would be the effect on the morale?' if the US denied the requested help. Further, 'we may very well be asking in the near future for landing of Marines to protect U S citizens or for other purposes. Which would Washington prefer?'[151]

Around 3:19pm Bennett received a telephone request from Benoit asking for 1,200 Marines 'to help restore peace.' Bennett told the State Department that he did not believe the situation warranted Marines, but suggested contingency planning should the situation 'break apart and deteriorate rapidly.' [152] In his report of the request, Bennett quoted Benoit as saying: We 'request that the United States government lend us its unlimited and immediate military assistance' to put down a rebellion which was directed by communists who were armed 'to convert the country to another Cuba.' [153] According to the junta, the

rebels were 'directed by Communists,' and the revolt was 'of authentic Communist stamp.' At this point, there was no mention of American lives being in danger.[154]

Bennett also had a telephone call with President Johnson. This call was to have a significant impact on the decision to intervene. During the phone call there was 'intermittent sniper fire'.[155] The President later said that while talking on phone 'we heard bullets coming through the office where he was sitting while talking to us.'[156] However, a few weeks later Johnson had become 'more and more imaginative' and claimed that he heard 'Bennett talking to us from under a desk while bullets were going through his windows.'[157] In fact, the Embassy was never fired upon and decisions may have been taken upon 'exaggerated and inaccurate information.'[158]

In Washington, a top-level meeting was discussing Vietnam, but the situation in the Dominican Republic continued to interrupt. Bundy and Johnson both called Mann from the White House, Bundy relaying to Mann that the president was adamant that he did not 'want the rebels to win,' so he wanted 'to be sure we are right on our predictions.' Johnson intervened to tell Mann that 'he had just about lived down the Bay of Pigs,' and he did not intend to let Mann 'get him involved in another spot like that.'[159]

The crucial message from Bennett came at 5:16pm as an XCRITIC – the highest level of urgency. He cabled that the 'situation [was] deteriorating rapidly.' The junta forces were 'tired and discouraged.' The 'general atmosphere [was] dejected and emotional with [a] number of officers weeping.' Benoit had sent a formal request asking that the U.S. supply troops or the junta would 'have to quit.' Bennett said that the 'Country team unanimously of opinion that ... time has come to land the Marines. American lives are in danger.' 'If Washington wishes, they can be landed for purpose protect evacuation of American citizens'. 'I recommend immediate landing.'[160] At this point there is no evidence

of any imminent danger to American lives, but the request followed Bennett's urgent phone call, and a realization that there was a real prospect of the rebels winning.

Bennett then called up the United States helicopters to pick up evacuees from the Hotel. The helicopters landed some Marines and then picked up the evacuees, so that United States Marines had landed even before LBJ decided to intervene.[161]

In Washington Thomas Mann discussed the situation with Deputy Secretary of Defence, Cyrus Vance. Mann 'didn't think we can do nothing.' A decision would have to be made 'whether we go in and re-establish order in the most illegal way possible.' It was noted that 'at the moment the decision was actually being made, the president's most influential advisor on Latin American affairs [ie Thomas Mann] had no doubts that such a move would represent a flagrant violation of international law and past practice.'[162] When President Johnson received the XCRTIC cable he was meeting in the Oval Office with his advisors, Rusk, McNamara, Bundy and others, on Vietnam.[163] Johnson immediately ordered the Marines ashore. No-one dissented. A significant boundary had been crossed. The United States had decided to intervene directly, and militarily in Latin America. This signaled an abandonment of Roosevelt's 'Good Neighbour' policy, and the first direct intervention since that time.

3.3 The Intervention

Once the decision had been taken to intervene Johnson and his advisors discussed how to present the intervention to the international community and the American public.

First, Bundy told Mann to notify Bennett that the Marines would soon be deployed at the Hotel *Embajador*. Bundy thought that the United States might want to take on the role of 'peacemaker', but Mann stressed the 'possibility that the mere landing of Marines would serve to strengthen the will of the Wessin side.' [164] Mann phoned Bennett and also

told him to get a statement in writing from Benoit that 'American lives were in danger.' [165] Here it is clear that the administration were trying to obtain a justification for their intervention. However, there were communications difficulties in the Dominican Republic. By the time Bennett's telegram, confirming he had a written statement, was received in Washington, at 1:15am the next day, 'the Marines had been ashore for hours.'[166]

In a telegram sent to Mann, Bennett confirmed he understood the requirements, to have a clear request for United States help on record. His telegram stated: 'Further to earlier 'American lives in danger' the Police Chief informed us he can no longer guarantee safety Americans en route evacuation area.' Benoit had insisted that the 'situation deteriorating rapidly' and requested an 'urgent reply my official request for assistance.' Bennett was 'sending airatt to get statement from him' and had 'no doubt whatsoever he will give it.' He also reported that the 'evacuation area being fired on by rebels.'[167] Around 500 Marines began landing about 7:00pm close to the Hotel. They secured the Hotel and the Embassy, with little resistance.[168]

President Johnson then called a meeting with Congressional leaders. In addition to the leaders, the meeting was attended by Vice President Humphrey; Secretary of State, Rusk; Mann; Secretary of Defence, McNamara; CIA Director, Raborn; the United States Ambassador to the UN, Adlai Stevenson; and Bundy. Dean Rusk told the meeting he was 'determined not to allow Bosch to return.' The civilians had been armed by rebels including some Castro-trained communist supporters. He estimated that 1,100 civilians had been evacuated, and that about 1,300 remained. He emphasized that the Ambassador in the Dominican Republic had been informed by the junta that 'American lives were in danger.' CIA Director Raborn reported that the CIA had a 'positive ID of three ring-leaders as Castro-trained agents.' Secretary of Defense McNamara reported that American forces

were in place to land (even though by then some Marines were already ashore). Johnson told the Congressional leaders that on the advice of the Joint Chiefs and Secretary of Defence he had asked that helicopters and support be in position. The intervention was the unanimous decision of the Country team, and had the recommendation of the Secretaries of State and Defence and the Joint Chiefs. The intervention would be announced within the hour. Senator J.W. Fulbright (D, AR) asked whether there was any way the OAS could help. Dean Rusk replied that there was concern in the OAS for the safety of foreign nationals. Senator Everett Dirksen (R, IL) said that the Dominican Vice Consul had reported that Castro was 'making a concerted effort'. Johnson told the meeting there was no alternative. Speaker J.W. McCormack (D, MA) endorsed this by asking, 'can we afford another Castro situation?' Johnson told them he had authorised the landing of 500 Marines with instructions not to fire unless fired upon. He asked the meeting to indicate their support or criticism. Senator Mike Mansfield (D, MN) suggested that Johnson should mention the OAS in his speech to the American people and Ambassador Stevenson agreed that consulting the OAS was important. Johnson again asked for any dissent and none was expressed.[169] Senator Richard Russell (D, GA) later stated in Congress:

> I asked him if there were any indications of a definite Communist influence in the so-called rebel forces. He stated there was little doubt that there was a definite Communist influence there. I told him he had 'no alternative than to send Armed Forces to avoid another Cuba.'[170]

Senator Dirksen also claimed to have given the president the same advice. Dirksen, however, reported this and the three communists claim to newsmen, just three days later. This annoyed LBJ as he was not yet ready to 'surface' that angle.[171] At this meeting, Johnson put forward two reasons for the intervention. The first was that there were

American casualties; the second was the strong emphasis on the communist threat. However, at this point he only wanted to reveal to the public the threat to American lives. That evening President Johnson made a television announcement. He stated that:

> the United States Government has been informed by military authorities in the Dominican Republic that American lives are in danger. These authorities are no longer able to guarantee their safety and they have reported that the assistance of military personnel is now needed for that purpose. [172]

The Government had decided 'to put the necessary American troops ashore in order to give protection to hundreds of Americans who are still in the Dominican Republic.' The Papal Nuncio, as head of the Diplomatic Corps in the Dominican Republic, had called for a ceasefire but it had been ignored. Johnson had reported the decision which was 'necessary to save lives' to the Congressional Leadership and to the Council of the OAS. At this point the President made no public mention of the suspected communist involvement.

Secretary of State Rusk then sent a copy of the president's statement to all the Ambassadors in Latin America. He told them that in the Dominican Republic there were 'armed civilians reportedly roaming streets shooting indiscriminately.' The leadership of the 'rebellious forces had clearly fallen into hands of extreme left of Castro-Communist type.' The Bosch leaders had abandoned the struggle and desired a ceasefire and the Loyalists had formed a new junta. When the Chief of Police and military reported 'they would no longer be able guarantee safety', the Ambassador determined that 'American lives were in danger' and he requested U.S. forces 'establish safe area for evacuation.' Rusk reiterated that the troops had gone ashore 'for this purpose.'[173] He later warned that the 'action taken may be used to stimulate Communist demonstrations in other Latin American countries.'[174]

Bennett sent an even stronger worded message to Washington stating that 'if the present loyalist efforts fail the power will go to those whose aims are identical with the Communist party. We might have to intervene to prevent another Cuba.'[175] He had finally received a written request from Benoit. Bennett relayed Benoit's confirmation: 'regarding my earlier request, I wish [to] add that American lives are in danger.' 'I ask you for temporary intervention to restore public order.'[176] This was the important confirmation that Washington required to justify the intervention. However, this confirmation was delayed and not received in Washington until the following day, after troops had already been committed.[177]

In late night telephone calls, LBJ consulted two people who were to become very influential in subsequent negotiations and actions. He first talked to Abe Fortas. Fortas was Johnson's personal lawyer. Johnson had tried to persuade Fortas to take a position in the Administration but Fortas resisted.[178] During the negotiations in the Dominican Republic the White House allocated Abe Fortas a pseudonym – sometimes referring to him as 'Mr Arnold' and at other times 'Mr Davidson', although Fortas himself often forgot this. Fortas had previous contact with Jaime Benitez, the Chancellor of the University of Puerto Rico. Through Benitez, Fortas had been able to reach Bosch by telephone. During the crisis Johnson would have numerous telephone conversations with Fortas, more than anyone else apart from McGeorge Bundy.[179]

Even later that evening, Johnson had telephone conversations with Tom Mann. In this conversation Mann made his views of the rebels clear. They were 'rag-tags, scum, riff-raff, and commies.' [180] This confirmed Johnson's view of the rebels. Mann was also to play an important role in the negotiations.

Having ordered in the Marines, President Johnson then took overall control of the operation. For several days he became 'his own desk officer' and 'the thing got taken out of everybody's hands.'[181]

Johnson conducted most of his discussions by telephone and became increasingly frustrated at the poor communications. Communications with the Embassy in the Dominican Republic were becoming more confusing and the White House did not have a clear picture. McNamara reported to the president: 'we don't know whether we are losing it or not.'[182] However, McNamara felt 'strongly' that the U S Marines 'don't lose it.' Newly installed CIA Director, William Raborn, trying to make up for the problems the previous day when CIA reports did not get through to the White House, gave a verbal report to Johnson.[183] Five hundred Marines were ashore, but the rebels had heavy weapons and the police were ineffective. Crucially he also reported on the communist strength. Raborn stated that the CIA had identified 'eight hard-core Castro trained guerrillas.' They had pushed aside the Bosch forces, raided the police station and taken the arms. The regular army in the Dominican Republic 'had not done a darned thing.' They had lost their nerve. 'The hard-core Castro-led guerrillas had terrorized other folks.' It would need 'more positive action' to clean them out. Johnson was of the opinion that that would cause 'trouble' with the UN. He did, however, ask Raborn to verify the number of identified communists and was assured it was eight. This information subsequently became the basis for dispute with Johnson's critics.

The CIA continued to report on the communist threat, but Bennett then believed that the situation was under control. The conflicting reports from the Dominican Republic were discussed with McGeorge Bundy.[184] Bundy was of the view that there were sufficient forces to see if the 'Dominicans can't handle it for themselves with this moral

support.' Bennett did not want any further troops landed. The left wing Castro supporters had attacked the United States' actions on the radio and the Russians were also objecting to the landing of forces. However, Bundy believed it had been right to put in troops: 'We'll never be sure they [Wessin's forces] wouldn't have won without us. We only know that we couldn't take that chance.' Johnson then wanted to send extra troops as 'I sure don't want to wake up. . . and find out Castro is in charge.'[185] Johnson's main concern throughout was that a communist government would take over in the Dominican Republic.

Later in the day, after snipers had fired on the Marines protecting the United States Embassy, Johnson was ready to move in further troops because 'we'll be reading about it if we don't do something.' The communists were 'a bunch of ants working like hell'. McNamara suggested that they should try to manoeuvre to get Bennett to call for more troops rather than make the decision in Washington.[186] They would then be justified as saving lives rather than supporting the Wessin troops. This was a key issue in the administration's justification for the intervention. Dean Rusk cabled Bennett asking for a report outlining the administration's concerns. It should state that the United States should be should be seen to be intervening to save lives. Bennett should 'estimate current situation and whether direct intervention [of] US forces [were] necessary to save it.' However, the fear of the communist threat was also made clear to Bennett. Rusk cabled, 'We cannot afford permit situation deteriorate to point where Communist takeover occurs.'[187] Bennett's response was that the most important action was to 'commit sufficient troops to do job.'[188]

On the diplomatic front Johnson was keen to mitigate the disapproval from Latin America. The US Ambassador to the OAS, Ellsworth Bunker, informed the Council of the American States (COAS) that the United States troops had landed in the Dominican

Republic. He requested that a formal meeting be called. At that meeting, several members of the OAS protested strongly about the landings, which in their view contravened the Treaty agreements. There were clear agreements that no one country in the hemisphere would not intervene in the affairs of another country. The COAS approved a message asking the Papal Nuncio, as Dean of the Diplomatic Corps in the Dominican Republic, to continue to press for a ceasefire. Venezuela requested that a convocation be held, under the Rio Treaty, to consider a violation of the non-intervention treaty, or as a Meeting of Foreign Ministers (MFM).[189] There was a 'long and emotional debate', as countries expressed their dismay at the American intervention.[190] The meeting then adjourned.

Johnson was very frustrated by this because the OAS had taken no action. He was concerned about mounting criticism. He instructed Mann to 'call everyone in'. They should 'try to keep control through backgrounders'. They should not let the critics 'take the initiative and be critical' and 'run us over.'[191] Several U S newsmen were aboard the *Wood County*, waiting to go ashore in the Dominican Republic. Bennett cabled to say he was 'willing to have newsmen come ashore at own risk.' [192] Once ashore Bennett briefed them on the situation as he saw it.

During the afternoon of the 29th the troops came under further fire, and returned fire. More troops were landed, resulting in 2,000 being on the ground, at that point.[193] Bennett had a meeting with several Latin American ambassadors in Santo Domingo. The Ambassadors told Bennett that they felt that the United States Marines were their only protection. Johnson was anxious that they should send that message to their countries, 'before their country calls us off.' Johnson anticipated that the disapproving in the OAS would call for the United States to remove their troops. It was then 'going to be bad' in the United States.[194]

In a series of messages the CIA continued to report their concerns about a communist take-over. In their view, the 'Marxist-Leninist Movimento Popular Dominico (MPD) believed that the Peoples' forces will win the war in 1 or 2 more days of fighting.' The MPD believed Bosch might return but – 'they are confident that if Bosch does come back, they will easily be able to seize control of the government in conjunction with the other two Communist parties.'[195] The CIA confirmed their view that 'well-organized Dominican Communists were committing their full resources to the rebel effort' and the non-communist element had 'mostly abandoned struggle.' At least eight or nine of the most active rebels 'have been trained in or supported by Cuba.'[196] Also, the CIA argued, members of the Bosch household were 'anti-United States and pro-Communist.'[197] At the same time they reported that Bosch had contacted José Pepe Figueres Ferrer, the former President of Costa Rica. Bosch asked Figueres to help him in getting word to the US about, what Bosch called, 'the grave injustice in labelling rebel military Communist.' Both Bosch and the administration were discussing with Latin American leaders their view of the situation. Figueres suggested that US forces be given OAS authority, then withdraw and US give 'massive economic help.' The CIA claimed that Figuerentes saw the US military in the Dominican Republic as the 'lesser of two evils' the 'other being a Castro/Communist victory.'[198] At this stage, the Johnson Administration was convinced by the CIA arguments of the communist threat, but Bosch was trying to counteract this claim, using his OAS contacts.

Abe Fortas, meanwhile, had been in contact with Benitez, at the University in Puerto Rico. Benitez had met Bosch, and discussed the situation.[199] Bosch agreed that the United States had the right to remove its citizens. He, however, objected strongly to a report in the *Herald Tribune*, calling him a communist. Fortas reported that Bosch would

be on the US television programme '*Face the Nation*' and would make a strong protest, against the allegation. Bosch had had lots of communications from liberal Latin American countries, supporting him. He argued that the United States had decided to occupy the Dominican Republic. In his view, Wessin was working with the full co-operation of the United States. Fortas considered that Benitez had been 'sensible', in his approach to the situation. Benitez believed that the 'least undesirable, only thing acceptable', was to work 'overtly' through the OAS, with elections later.

As pressure increased, the Administration committed more troops. The Defence Department reported that additional men and equipment had been ordered ashore. Rusk and McNamara considered the possibility of setting up an International Safety Zone (ISZ) to separate the rebels and the Loyalists. The United States was still claiming to be 'neutral', but when Rusk reported that there would be an OAS meeting at 10pm to set up a Committee to go to the Dominican Republic to organize a ceasefire, there was concern that the OAS should not 'get in the way of what must be done.' [200] For the United States, that meant not allowing a communist government to be set up.

Bennett reported that, although there was a 'scene of confusion' at the San Isidro HQ of the Loyalists, there was 'unanimous approval' from the officers there, that the United States marines had landed. [201] All the forces on the *Boxer* had landed. He was sure that securing the diplomatic missions area would 'pay dividends.' The insurgents were under the leadership of 'experienced Communist-trained fighters' and were about 1,500 troops. He later confidently stated that the snipers were 'cleaned out.'[202] In this he was very mistaken.

The State Department were working hard to secure OAS support. By the afternoon of 29th April, the Department was applying increased political pressure, on Latin

American governments. It informed all its ambassadors in the area that the COAS (Council of OAS) had been informed by the Dominican Representative to the COAS that the Dominicans had declared the revolt 'an effort of communism to make DomRep second Cuba'. The consensus was that the OAS should act, but the Council had 'no authority' under the OAS Charter.[203] The State Department also reiterated their position on the landing. In a statement drafted by Mann, they stated that the landing was because of a 'need to protect lives of U S citizens.' They were 'considering interposing troops' which was 'consistent with primary purpose which is to protect American lives and with our general policy of opposing spread of communist controlled governments in this hemisphere'.[204]

LBJ also worked, more covertly, on the political side. He told Rusk that he had talked to Senators Mike Mansfield (D, MT), William Fulbright and Bourke Hickenlooper (R, IA), giving them an opportunity to express objections, and they had not. They 'appreciated' being informed. However, LBJ also asked the FBI Director, Edgar Hoover, to provide FBI information to Senate and House Leaders. Hoover was going to talk the next day to Senators Dirksen and Thomas Dodd (D, CT), and Representatives Allen Smith (R, CA) and Byron Rogers (D. CO). Hoover would provide them with an outline of what they could use, but it would be different for each of them. For LBJ, this 'couldn't be better.' [205] This was characteristic of Johnson's method of working. As Majority Leader he frequently told each Senator what they wanted to hear and gave out contradictory information. In such a way he expected to identify leaks to the press. For Johnson he saw this as being in control, but as president this technique was exposed by the media. The version of events given to Senator Dodd appeared several days later on *'Face the Nation'* and Senator Dodd became a dominant figure in opposing the intervention.

In President Johnson's view, the decisions he made on the 29 April were:

> That the danger of a Communist takeover in the Dominican Republic was a real and present one; ...that a Communist regime in the Dominican Republic would be dangerous to the peace and safety of the hemisphere and the United States; ... that the danger still existed; ...that the United States would put in sufficient force to achieve two purposes: to create the international security zone recommended by the OAS and to separate the rebels in the downtown area from the regular military forces; that we would seek a ceasefire, some kind of interim government, and the scheduling of orderly free elections.[206]

The recommendations made by his advisors to intervene were 'unanimous.'

Johnson also called up two other advisors. John Bartlow Martin, the former Ambassador to the Dominican Republic, who had left the administration when Johnson appointed Bennett as Ambassador, and Arthur Schlesinger Jnr. Johnson called Martin to Washington, where he was briefed on the situation and then sent to negotiate in the Dominican Republic.[207] Schlesinger was also consulted, while he was out of town. By the time he returned, on 2 May, he was increasingly concerned about the reasons for the intervention and wrote of his concerns. He argued that the United States should make clear that they were on the side of Dominican democracy. They needed to convince Latin American governments, persuade Bosch that his supporters had lost control and explain the situation to the United States people, who were already upset about Vietnam.[208] He also prepared a paper for Robert Kennedy, which Kennedy presented to the Senate.[209] These two former Kennedy advisors were to take opposite positions about the intervention, with Martin supporting Johnson, and Schlesinger (and Robert Kennedy) publicly opposing the legality of the intervention.

Johnson's telephone recordings, and meetings, for 30th April show just how much he had taken charge and the extent of his day-to-day involvement. At a morning meeting at the White House the president expressed his frustration.

> I am not willing to let this island go to Castro. OAS is a phantom—they are taking a siesta while this is on fire. How can we send troops 10,000 miles away and let Castro take over right under our nose. Let's just analyze—we have resisted Communists all over the world: Vietnam, Lebanon, and Greece. What are we doing under our doorstep. We know the rebel leaders are Communist, and we are sitting here waiting on OAS.[210]

He was advised to ensure that he had sufficient cover to ensure legitimacy. Bundy advised, 'We have no international cover. We have no real legitimacy.' Valenti's notes record that McNamara advised how to provide cover,

> Before we move, open press corps—show evidence of Castro takeover—evidence irrefutable. Until we act, Castro will be in command of the island—China Reds. Call on Latin American countries to join us in support to crush Communist threat. Call on Dominican Republic citizens to organize their own government. Must have some government to get behind. Asked us to come in to save their island from communism.[211]

The president accepted this advice, stating:

> I want us to feverishly try to cloak this with legitimacy. We cannot stand with our hand in our pocket and let Castro win. Military get ducks in a row. Diplomats see if we can do anything to get observers in here or troops from other Latin American countries. We are willing to do whatever is necessary to put the pistols down. We will have one of 3 dictators: 1) U.S., 2) Moderate dictator, 3) Castro dictator.[212]

Following on from this decision, the Commander of the Task Force, received the following instructions: 'Your announced mission is to save US lives. Your unannounced mission is to prevent the Dominican Republic from going Communist. The President has stated that he will not allow another Cuba—you are to take all necessary measures to accomplish this mission.'[213]

Following this meeting the president spent most of the day on the telephone discussing the Dominican Republic situation.[214] The main issues were: the deteriorating position in the Dominican Republic for the Wessin loyalist troops; his view that the communists were taking control; the delay in the OAS in organizing a cease fire; on-going negotiations with Bosch; and trying to cover himself from adverse criticism by the opposition, press, OAS and public.

The deteriorating situation was reported by Bennett.[215] He had received a further request from Benoit for United States military intervention, but the ambassador told the press that OAS authority would be needed. Bennett reported that the rebels were attacking the police station and committing many atrocities. Bennett then forwarded a message from the junta to the administration.[216] In the message Benoit expressed 'gratitude ...for your support.' It was an 'example for the world to see' the 'work together against the Communist menace.' He believed the Dominican forces were 'sufficient and capable' and 'he hoped Americans would not have to shoot.' They would try 'one more time' to control situation, but if they failed 'they would have to call on [the United States] for help.' Later that evening, Bennett reported that Wessin, however, 'took [a] contrary position.' He 'could not do job with troops available'. It was becoming clear that the Loyalist forces were pressing for more United States help. Wessin however did agree to support Benoit's position. Bennett was concerned as he found the military commanders' behaviour 'less and less

consistent' and the 'Country team had doubts as to whether junta forces currently ha[d] capability to re-establish order.' Bennett continued to maintain the position that communists had taken over the Constitutionalist forces, cabling that there was 'fairly general awareness in Barrios [urban downtown areas] that Communists directly involved, people feel outrages could only be committed by Communists.'[217] The 'atrocities' had been reported by Bennett to the press, and subsequently proved to be false allegations.[218] However, Bennett was able to tell Washington that 'Benoit and others [were] eloquent in the denunciation of atrocities committed during past week, including murdering wives and children, beheading one individual, and parading his head on a pole.'[219] On the other hand Radio Habana was making savage attacks on Wessin and urging the people to fight for Bosch. In the Barrios also, it was believed that 'people believe [the] US are aligned with Wessin against people.'[220] It was becoming increasingly difficult for the United States to maintain it was 'neutral'. All these reports added to Johnson's problems. It added to his evidence that American lives were in danger, but added to his concerns about a communist take-over.

LBJ was also frustrated about the delay in setting up an OAS meeting. The COAS agreed to call a Meeting of Foreign Ministers, to discuss the situation, but significantly this was not called to consider violations of the Rio Treaty. At the second COAS meeting of the day, Ambassador Bunker introduced a resolution calling for a ceasefire, an International Safety Zone and suggested some preparatory discussions for the MFM. The OAS Secretary General, Mora, reported on discussion with the Papal Nuncio, who was seeking a ceasefire. It was agreed that Mora would go to the Dominican Republic for negotiations.[221] This was welcomed by the United States as they were hoping to get OAS support in the Dominican Republic.

The delay in the COAS was of great concern to President Johnson. He believed that a Castro take-over could occur, whilst the OAS were debating. He spent the large part of the morning discussing his plans with Abe Fortas. Fortas was in touch with Bosch, who was confident that there would be a ceasefire. However, Fortas doubted how much control Bosch had over the Constitutionalist forces. Fortas advised LBJ the best plan would be: get a ceasefire; get the OAS in and get some countries to work with the Marines. In Fortas's view, the best way would be through the Governor of Puerto Rico, Roberto Sánchez Villejo, and former Governor Luis Muños Marín; and then try to internationalize the situation.[222] Johnson felt that if the rebels kept on trying 'we'll have a Castro operation.'[223] He agreed that the best way to do it was 'to get an international cloak.' This was an important aspect of Johnson's justification for the legitimacy. There was 'sophisticated work to do to keep Castro out.' Shortly afterwards Fortas called to say that Bosch had talked to Caamaño.[224] He confirmed that the rebels had captured the fort and now had 21 tanks. The tank forces had surrendered. Bosch intended to announce a military victory and call for a ceasefire. Johnson was distraught. The OAS had 'decided to sleep today' and had adjourned until tomorrow. He gave Fortas a graphic account of the situation:

> They're killing our people. . . They've captured tanks now and they've taken over the police, and they're marching them down the street, and they've got a hundred of them as hostages, and they're saying they're going to shoot them if they don't take over. Now, our CIA says this is a completely led, operated; dominated-they've got men on the inside of it-Castro operation. That it started out as a Bosch operation, but he's been moved completely out of the picture. . . and their people took over.[225]

Fortas felt that they had to show it was a Castro Communist operation. The best way was 'to let Bosch call for a cease-fire and let those damn guys continue fighting.' LBJ disagreed as he did not think there would be anyone left to fight. In Johnson's view, Bosch had only lasted for a few hours, and then Castro had started operating, according to the intelligence reports. According to Johnson 'they got forty-five more in there last night-Castro-trained, Castro-operated people.' The CIA had reported that the rebels were holding nine hundred men from the most elite police force in the prison, and were threatening to kill them. Johnson expressed his anger to Fortas and asked:

> What does the United States do? We've done this now for a week--done *nothing* because we don't want to be *partial.* But they're firing consistently, every hour, *on our embassy. . .*

Johnson was certain the intervention was instigated by Castro: 'there ain't no doubt about this being Castro now. *We* know it's Communist.' He wanted the CIA to name them and the covert forces to be 'ready to do whatever job they may be called upon.' He was not prepared to wait for the OAS. He would not going to '*sit [t]*here and say, . . . I can work it out after the Communist government is set up and start issuing orders.' He also began to discuss informing the public the 'Communists had captured this revolution' and that he would not 'allow another Cuba to develop.'[226] Johnson had then decided to make this aspect public.

In further calls with Fortas, Johnson railed even more against the communists and the liberal left. He was concerned about a communist pattern. He was sure that they were 'moving [in] other places in the hemisphere. It may be a part of a whole Communistic pattern tied in with Vietnam.' [227] He was concerned that the United States had not acted fast enough, as in Vietnam, because they believed it was just a local uprising. He blamed

the State Department for this: 'Our softheaded people spent the first three days saying, 'This is just a civil war-just local stuff.' That [Bosch] is just a benevolent operator.' However, intelligence reports told him that the communists felt that the United States were pulling out of Vietnam and 'Hanoi, Peking, Moscow, the Eastern European countries have taken the position that if you can just hold out a little while longer, there'll be so much division and fighting in the United States, the pressure will be so great.' Johnson railed against his liberal critics in the press, particularly the *New York Times* and the *Washington Post,* and his own party critics.

There was then an urgent request from the police in the fortress requesting help.[228] LBJ wanted to get Marines in there but did not want to order it. On the one hand, he wanted to prevent a communist coup, but on the other hand he was still concerned about the criticism he would get, if he was seen to be intervening. Johnson justified his concerns to himself:

> I don't think that God Almighty is going to excuse me for sitting with adequate forces and letting them murder human beings. . . . They've been doing that for three days and we've done nothing. I just feel terrible about it. . . . I don't believe we ought to let Castro set up his government, when he announces victory.[229]

He continued with similar conversations throughout the day. In conversations with Senate Majority Leader Mike Mansfield he insisted that there were indications of other communist movements in Latin America and Guatemala, in particular.[230] He told Mansfield that originally there were two to eight communists in the rebels, but that forty-five more had been identified. The communists had 'kicked Bosch people overboard.' Johnson was trying to get the OAS to send military observers and personnel, but they would not do it.

He complained that the Castro forces were gaining control and the OAS 'won't move. They're just phantoms. They're just the damnedest fraud I ever saw, . . . They just talk. These international organizations ain't worth a damn, except window dressing.' His dilemma was whether to 'let Castro take over and us move out?' In a phrase Johnson used several times over the period, he complained, 'If I don't let them take over I can't live in the world. If I let them take over I can't live here.' He was also concerned about his critics. Speaking about the congressional opposition he further complained, 'they're going to eat us up if I let another Cuba come in there. They'll say, 'why did you sit on your big fat tail?" He was afraid to talk to the congressional opposition because he believed they would talk to the press. On the other hand, he would have to talk to the leaders, because he could not let them claim that they did not know about the intervention, and he did not want them to say that to the papers. What to tell the press and the manipulation of public opinion exercised Johnson for the most of the afternoon of 30 April.

In Puerto Rico Juan Bosch held a press conference. In it, he made a call for a ceasefire, as promised, and hoped that the OAS would help to set up an interim regime. However, he was asked by the American press what he would do if American Marines joined Wessin's forces. This question infuriated Fortas and LBJ, who referred sarcastically to the 'loyal, press men.'[231] The administration had been adamant that they were neutral, and any suggestion from the press that they were supporting Wessin was not welcomed. Bosch replied that he 'believed the President's statement as to the purpose of the troops.' He further trusted the 'American government to stand by its commitments.' He stressed that 'these soldiers and fighters are Dominican democratic heroes.' He pleaded with the press not to 'convert them to Communist heroes,' as that would give the communists the credit they did not deserve. Johnson was alarmed by this as he thought it was 'misleading.'

He was sure the revolt was communist. For him, the choice was 'Castro or intervention.' It would be the 'worst *domestic* political disaster' if Castro took over.[232]

Johnson had received CIA briefing of on 25 April, reporting that communist elements were making rapid inroads in to the leadership of the rebellion. The CIA then gave details of known connections to Castro and Cuba. This was reinforced by the Secretary of State telling Congressional leaders that law and order had broken down as a result of the arming of 'Castro-trained Communist supporters.' Then the new CIA Director, William Raborn, reinforced this by identifying three of the leaders as 'Castro trained rebels.' The president insisted that 'Castro cannot take over.' For Johnson, it was part of the Cold War struggle.[233]

Dean Rusk made the United States position clear in his message to the embassy in Santo Domingo, that morning.[234] The United States wanted to 'ensure OAS action [would] not result in ascendancy of communist groups.' The 'tactics were designed to support junta.' The US immediate objective was to 'establish [a] safety zone BUT the second phase was to hold [the] rebels so junta could regroup.' In this, Rusk made clear to the embassy the United States position. However, he sent an entirely different message to the other Latin American Ambassadors to be passed on to their respective governments.[235] He gave the reasons as follows: 'More than 1,000 American citizens were in clear and imminent peril.' The US Embassy had come under attack and other embassies were violated. The United States 'gave immediate support at the first opportunity to initiatives for collective action' and 'viewed with increasing concern' the 'small but effective communist minority.' He argued that the 'US has no intention of supporting any particular political candidate.' The US understood clearly that the 'great majority of those that joined the insurgent cause in the Dominican Republic are not communists, but well-known communists' had quickly

seized control of mobs. 45 extremists had returned who 'received training in Cuba or elsewhere in the Communist bloc.' The movement was not communist led, but there was a 'clear and present danger' that laid the 'basis for Communist domination ... in the Castro pattern.' 'The United States would view with grave concern the emergence in this hemisphere of another communist beachhead'.[236]

While Johnson discussed the possibility of a ceasefire with his advisors he continued to work on the public position. He discussed with Robert McNamara who was the best person to send to each of the Latin American countries to put the United States case. He asked Adlai Stevenson to go to Washington from the UN to take part in meetings. He also wanted a Latin American expert in handling the press.[237] He set out his position to Tom Mann. He had waited for the OAS to take action and wished they would go to the Dominican Republic and 'tell us what to do.'[238] But, 'if they don't, we will.' There was clear choice; 'Let Castro take over island or in the name of freedom and justice somebody else takes it over.' Johnson wanted the OAS to intervene but the United States would not let 'their inactivity give ... another Castro'. He wanted to spell out their side of the story, namely: 'Bennett called for help to save lives; they had not done anything up to then; lives were in danger; the OAS had not come; Castro [was] coming; and don't bellyache if we go in.'[239]

LBJ then decided that he wanted to write to the OAS Secretary General, José Antonio Mora Otero, setting out this argument. It was LBJ's own idea. He drafted a letter warning Mora that there were 'increasing signs of revolutionary forces' and 'the eyes of the entire hemisphere are on you.'[240] The purpose of the letter would be so that Johnson had 'something to show when they don't act.' Bundy advised against sending such a letter as it would put on record that the reason for intervention was against the democratic revolution.

Bundy suggested that it would be better if the OAS acted without a warning from the United States President that 'they damn well better stop these Communists.' Johnson was still keen to put his position on record, but accepted Bundy's advice that there was already a substantial public record of their concerns about Communism. He agreed to process his concerns through Ambassador Bunker at the OAS.

President Johnson then turned his attention to what he would tell the American public. He decided to make second televised speech. In a series of telephone calls with Bundy, McNamara, Rusk and Mann, Johnson frequently revised his speech.[241] LBJ wanted to emphasize the communist elements, but was urged by the advisors to emphasize the civilian evacuation and ceasefire. McNamara accepted that there was some communist participation, but he did not think it was a strong position. McNamara argued that the CIA could not document communist control, as 'they hadn't shown any evidence that Castro had been directing or had any control' over the rebels. Johnson insisted that he had to make the communist involvement public. He felt that if he did not 'take over that island in the next 24 hours they never would.' The CIA were concerned that Cuba might become more directly involved. Johnson became very angry at Bundy about the State Department's lack of action, insisting that they should have acted sooner. They would have to take the island in the next 24 hours. Waiting to act would make them look like 'intervenors!' not 'peacemakers'. Johnson complained that the State Department were a 'bunch of damn sissies' and 'they haven't got enough guts over there.' However, he did not express this to Rusk. Rusk, Bundy and McNamara encouraged Johnson to water down his language. They argued that if Johnson stated it was a communist revolt every newspaper man would believe he 'had made a declaration of war on the Communists.'

President Johnson addressed the American people, at 7pm on 30 April. He explained that troops had been sent to the Dominican Republic to save lives, and that civilians had been evacuated. He thanked the Papal Nuncio for obtaining a ceasefire. He accepted the advice of his senior advisors and did not mention a communist take-over directly. Instead he said that:

> Meanwhile there are signs that people trained outside the Dominican Republic are seeking to gain control. Thus, the legitimate aspirations of the Dominican people and most of their leaders for progress, democracy, and social justice are threatened and so are the principles of the inter-American system.[242]

He told the Americans that the inter-American system and the Organization of American States had a 'grave and an immediate responsibility.' The ceasefire was not being respected and it was very important that 'the OAS be sent to the Dominican Republic, in order to strengthen the cease-fire and ... clear a road to the return of constitutional process and free elections.' They could not lose any time and the 'the eyes of the hemisphere [were] on the OAS.'[243]

The intervention moved to what Johnson called the 'second phase' on 1st May 1965. This phase was to ensure that an acceptable government was put in place. He had sent John Martin to the Dominican Republic to negotiate with the junta and Fortas was negotiating with Bosch in Puerto Rico.[244] These negotiations were not publicized. When asked about the negotiations by the press, Dean Rusk insisted that Martin was in the Dominican Republic as a 'private citizen' despite the fact that the State Department had provided him with a diplomatic passport.[245] Johnson also 'hand-picked' General Bruce Palmer to oversee United States forces in Dominican Republic.[246] It was quickly decided

that more troops were needed to establish lines of communication and to interpose troops between the ISZ and Ozama Bridge. Such actions by the United States forces brought huge protests from Bosch and the rebels, who argued that the United States was supporting Wessin.

There was also movement on the international front. At a meeting on 1st May the MFM set up a five-man investigating committee, with representatives from Argentina, Brazil, Colombia, Guatemala and Panama, to go to the Dominican Republic and report.[247] President Johnson publicly welcomed this initiative, praising the OAS as 'the oldest and most successful association of sovereign governments in the history of the world.'[248] He believed that the people 'must be permitted to freely choose the path of political democracy, social justice, and economic progress.' Privately, it is reported that he believed the OAS 'couldn't pour piss out of a boot if the instructions were written on the heel.'[249]

The general committee of the OAS then considered draft resolutions: from the United States proposing an Inter-American Force, (IAF) and requesting military contingents from other Latin American Nations; and from Chile, with two resolutions, and Mexico calling for the US to withdraw its forces.[250] These resolutions were considered over several days as representatives consulted their governments. Following extensive work by Ambassador Bunker the IAF was agreed on 6th May. The five-man committee reported on 8th May and there followed an extensive discussion on whether or not the situation in the Dominican Republic constituted a threat to the peace and security of the Americas.

In the Dominican Republic the ceasefire failed to hold, whilst in Washington Johnson decided to declare the rebels as communist. In a further televised address on 2nd May he said that 'what began as a popular democratic revolution, committed to democracy

and social justice ... was taken over and really seized and placed into the hands of a band of Communist conspirators.' The American nations would not permit the 'establishment of another Communist government in the Western Hemisphere.' He quoted the Rio Treaty of 1962 which declared: 'The principles of communism are incompatible with the principles of the inter-American system', and also invoked 'our beloved President John F. Kennedy who had stated less than a week before his death: We in this hemisphere must also use every resource at our command to prevent the establishment of another Cuba in this hemisphere.' [251]

Over subsequent months a series of complex negotiations followed. The United States were committed to elections and remained in the Dominican Republic until they were completed. On 4 May, Caamaño, on behalf of the rebel forces declared he had formed a 'Constitutional Government.' [252] On 7 May, Antonio Imbert-Barrera, who had been one of Trujillo's assassins, formed a 'Government of National Reconstruction.' In this he was encouraged by John Martin. The hope was that Imbert would be able to form a coalition junta, but this did not happen. On 13 May, Caamaño's 'foreign minister', Jottin Cury, cabled UN Secretary General U Thant declaring that the OAS Commission was unable to handle the situation in Santo Domingo. As a result the UN sent Jose Anthony Mayobre to report. This culminated in a debate at the UN in which Ambassador Stevenson urged the OAS to ensure a ceasefire and requested that the UN coordinate their efforts with the OAS.[253] After intense lobbying by the United States, the Security Council defeated a Russian resolution calling for the withdrawal of United States forces. The OAS set up an Inter American force with a Brazilian Commander and Palmer as deputy.

While all this was happening, Johnson sent several more of his advisors to the Dominican Republic and Puerto Rico to negotiate. His intention was to establish an

interim government in the Dominican Republic, in which there were no communists, and that was acceptable to the United States. [254] In addition to Martin and Fortas, who were already negotiating, in mid-May Johnson sent Bundy, Mann, Cy Vance and Jack Vaughn to negotiate. These negotiations were protracted and unproductive. There were differences of opinion between the advisors as to the best solution. Bundy worked with Bosch and proposed that Antonio Guzman, one of Bosch's ministers, should form a government. Johnson insisted that the FBI, check out all the proposed names to ensure they were not communist. Meanwhile, Mann and Martin supported Imbert, but Bosch opposed him. Fortas supported the Guzman proposal, but in this case Johnson rejected his advice and preferred Mann's proposal. After days of negotiating, an article appeared in the United States press accusing Guzman of bank irregularities. Although this was later disproved, the negotiations collapsed and Bundy and Mann returned to Washington. The negotiations were then left with the OAS. Imbert was abandoned by the United States and forced to step down. With strong efforts from Bunker, in September 1965, Hector Garcia Godoy was installed as leader of the Government of National Reconstruction (GNR). Wessin was forced to leave the country, 'assisted' by the CIA.[255] Elections were finally held in June 1965. Joachim Balaguer won, with 70% of the vote. Bosch was defeated with 30%. Many attributed Bosch's defeat to his reluctance to return to the Dominican Republic when the rebels first over-threw Reid.

3.4 Johnson's Decision Making

This section considers the key decisions that Johnson made. It considers what advice the president received and from whom. It considers what information was available to the president and whether it was accurate. It discusses how Johnson reached his key

decision to intervene; whether he considered the legitimacy of such an intervention, and what his reasons and justifications were for the intervention.

The outcome of the intervention was that: the civilians were evacuated; there were no foreign civilian casualties; it prevented the formation of a communist government; it established an ISZ (International Security Zone); it established the IAPF (Inter American Peace Force); and there were elections in June 1966, in which Balaguer was elected. On the other hand, there was Latin American outrage, particularly in the OAS, at the breach of the OAS Charter. It was the end of the Good Neighbour Policy, and had a negative affect on the Alliance for Progress. It divided the Democrats, exposed LBJ's credibility gap, and exposed his method of working.

The key decision President Johnson made on the Dominican Republic was whether or not to intervene. In reaching this decision, Johnson appeared to assess two issues: whether American civilian lives were in danger and to what extent the action to overthrow Reid was the result of a communist plot. Subsequently, he had to decide, that if intervention were necessary, should it be in support of Reid or should he support Bosch's return, as the democratically elected leader? Having decided that intervention was necessary, there were a number of further questions. These included: Was it necessary to land troops? If so, how many, and when? What was their role and how long should they stay? What role would the administration play in negotiating a settlement and forming a new government? This section discusses these decisions and how Johnson came to his conclusions.

Advisors and President Johnson's Advisory System

During the crisis, Johnson consulted continually with his senior staff. The key positions of Secretary of State, Secretary of Defense and National Security Advisor, were

all held by the same men, Dean Rusk, Robert McNamara and McGeorge Bundy, that held the positions during the Bay of Pigs. When he assumed the presidency, Johnson was acutely aware of the legacy of, and loyalty towards, President Kennedy. He asked all Kennedy's advisors to stay in their posts. However, there were important changes in two other influential posts. John Martin had left his Ambassador's post and Johnson selected Tap Bennett as his replacement. Further, Johnson appointed Thomas Mann to oversee Latin American affairs, giving him complete authority in the hemisphere, a decision which dismayed some Kennedy supporters. They saw it as the end of the democratic aims of the Alliance for Progress. As we have seen, the 'Mann Doctrine' believed in promoting investment in trade and anti-communist governments. Mann wanted to avoid intervention in internal affairs of Latin American countries, but was determined that no communists would be allowed in such governments.[256] This signalled a change of policy, from supporting democratic governments to trade.

In the Dominican crisis, the key advisors were Mann and Bennett. Johnson also discussed the situation, at great length, in telephone conversations with his personal lawyer, Abe Fortas. Mann was in a strong position, as he had been appointed by Johnson, to have control of the Latin American desk. Bennett also was specially chosen by Johnson, to carry out Johnson's instructions. However, Bennett was 'ill at ease with people who were not well dressed and to whom he had not been introduced.'[257] Further views were that 'Tap didn't seem to know anyone who was to the left of the Rotary Club.'[258] This background suggests that he was not best suited to a volatile coup situation.

It is important to note that the main advisors, and Johnson himself, were deeply steeped in Cold War foreign policy attitudes. They had a strong anti-communism background and believed it was vital for American security to keep the spread of

communism from the hemisphere. They had been deeply shocked by the Cuban outcome, and were determined to keep communism from spreading. They were all determined that there should not be 'another Cuba'. The threat of communism, both in the hemisphere and further afield, dominated their foreign policy thinking. Crucially, at the same time as the Dominican crisis, Johnson was dealing with increasing casualties in Vietnam.

Johnson's inner circle of advisors formed a forum, known as the 'Tuesday Group', meeting Johnson, weekly, for lunch.[259] Johnson did not convene his NSC but discussed matters informally. Johnson was known for demanding total loyalty from his advisors. Together with not holding formal meetings, this meant that 'undesired voices were unheard.'[260] No advisors outside the immediate circle, for example Fulbright and Schlesinger, were asked to give an opinion. Rusk, on the inside, however, had little knowledge of the Dominican Republic. The personalities were unknown to him and he later admitted that he 'relied on Bennett and Mann'.[261] So, in the crisis, Mann, Bundy and McNamara were the ones with the most understanding of the crisis. They exerted their influence on Johnson through a long series of telephone calls, and informal meetings. Although Rusk was by-passed by Johnson, McNamara was included in the discussions. Johnson respected McNamara's work ethic, and phoned him frequently during the crisis.

The Policy Decision

When the uprising began in April 1965, Johnson had a number of options. He could have supported Reid's position against the rebels. The Johnson administration had recognized the triumvirate, headed by Reid, and decided to support its policies, despite the ousting of Bosch. Alternatively, he could have supported the return of Bosch as the elected President. In fact, he chose neither. Instead, during the four days, from the first coup against Reid on the 24th to the decision to intervene on the 28th, there was much

confusion both in the United States Embassy in the Dominican Republic and also in Washington. However, Johnson was very much involved with the situation.

At first, no action was taken. It was not considered necessary because both Mann and Kennedy Crockett, the Chargé in Santo Domingo, believed that Reid would overcome the rebellion. Additionally, the first reports also said that it did not appear that the communist party was directly involved in the coup.[262] At this early stage, Johnson discussed with Mann whether they should support the return of Juan Bosch, as the elected leader. However, Johnson agreed with Mann that they 'did not want Bosch back'.[263]

Once it became apparent that Reid was defeated, Johnson involved himself completely in the discussions. There is no evidence that Johnson considered trying to re-instate Reid. Mann immediately informed Crockett that there would not be any United States' show of support for Reid. By the time Bennett returned to the Dominican Republic, Reid had resigned.

At this point, Bennett assured Washington that Wessin's forces were in control. This seems to have been welcomed by Washington. Mann too believed that the Dominican Army would soon regain control. As long as the Dominican Army were in control, then Washington had no fear of the dreaded communist take-over, and had no need to act.

However concerns grew in Washington that there might be communist involvement. It is not clear that in the initial stages of the disruption how much accurate information the State Department had concerning any communist activity. There had been information from the CIA, stating that they believed that there would be a coup, and the CIA suggested communists' involvement.[264] In a phone call of 25 April, Connett referred to the 'appearance of leftists elements'.[265] In a cable, also on the 25th, Connett referred to 'Pro-Castro Groups', returning to their former Headquarters and flying the flag.[266] The

Embassy also reported from its 'intelligence reports' that the communist leaders had met and joined up. The validity of these intelligence reports were later questioned severely by the Senate Foreign Relations Committee.[267] Thomas Mann was also reinforcing Connett's view in conversations with the president, repeatedly referring to the communists' threats of bombardment. The president questioned whether the reports were fact or gossip. Mann stated that they were Embassy reports, but they could have just been reporting radio threats.[268] In his oral history Rusk explained that initially he was prepared for Bosch to return, but, once he believed there were 'armed ruffians' involved, he was 'not interested in allowing that kind of communist group.'[269]

Johnson came to believe firmly that the coup was a communist plot. He believed that the communists were testing him in Latin America, with a view to further action in Vietnam.[270] Some of his advisors fuelled that view. Jack Valenti, his diary secretary, told him it was 'intervention or Castro'.[271] Bundy also discussed the problem in those terms. Mann and Bennett had no doubts. John Martin in Santo Domingo also reported on a communist threat, based on a small incident where a youth had shouted anti-American slogans.[272] So, although Johnson's initial public justification for the intervention was to save American lives he soon began to argue that he had prevented a communist takeover. He was informed in this decision by his advisors. In the meeting on the 28 April, Rusk had said that law and order had broken down, as a result of civilians arming 'Castro-trained Communist supporters.' Newly appointed CIA chief, William Raborn, confirmed three identified ring leaders as 'Castro-trained.'[273] The marines were given two sets of orders. The 'authorized' version was that the mission was to save lives; the 'unauthorized' version was to prevent the spread of communism.

Johnson was deeply afraid of 'another Cuba', and acutely aware of the Kennedy legacy on this. He did not want to be seen to have given in to communism. Furthermore, George Ball recalled: 'The president feared that a disaster close to home might lead more Americans to challenge our adventure ten thousand miles away.'[274] This reflected the ongoing Vietnam problems which were gradually taking more and more of Johnson's attention. Johnson feared that the communists were testing him in the Dominican Republic, and that he needed to show he was tough on communism to demonstrate his commitment in Vietnam.

This fear of a communist take-over deepened as the situation began to deteriorate on the 28th. The rebels had regrouped and Bennett's belief that Wessin's forces would prevail appeared mistaken. Communications with Washington became more intense. There were two critical points on 28 April which changed the focus of the discussions. Bennett had a telephone call with President Johnson, regarding the evacuation of the embassy. During the phone call there was 'intermittent sniper fire'.[275] There was no danger to Bennett but the phone call's background noise had a big impact on Johnson. Later in the afternoon Bennett sent his XCRITIC cable informing the president that 'American lives were in danger.' When Johnson received the XCRITIC cable he was meeting with his advisors, Rusk, McNamara, Bundy and others, discussing Vietnam. He immediately ordered the marines ashore. McNamara had already alerted the Navy and was instructed to send the force. In his oral history, George Ball records that he was present:

> we got the telegrams in from the Dominican Republic about the five hundred Americans, or whatever it was, who were there in the parking lot next to the Hotel Ambassador, ...were in imminent danger of being killed. So we made an instant decision.[276]

Ball maintained that the decision was made 'entirely on the need. Nothing else at that time.' In Ball's view:

> But there is absolutely no doubt whatever that the initial decision was made with only one consideration in mind, and that was a consideration which any head of state would have been derelict if he hadn't responded to: that we damned well had to get some troops in there in one hell of a hurry or our people would have been killed. Now, whether they in fact would have been killed is another matter. But let me say that on all the evidence we had before us at that time, this was the only conclusion we could come to.[277]

There was no discussion and no-one dissented.[278] It is clear that Johnson was concerned that if he did not take action, and then lives were lost, then he would have been criticized severely.

In coming to the decision to intervene, Johnson had extended discussions with his advisors over several days, but finally made the decision himself. There is clearly a dichotomy to resolve in explaining the decision, however. Ball was clear that there was a threat to American lives, and that the United States must evacuate civilians. However, Rusk is of the view that the problem was the threat of a communist group emerging.

Johnson made the decision both to protect American lives and to prevent a communist government forming in the Dominican Republic. Johnson was clear that his 'Duty of Care' required him to protect American lives. At the same time he was certain that the plot was communist led. The two concerns convinced him that intervention was necessary.

LBJ had had a conversation with Bennett, in which he heard gunfire. Johnson believed the embassy was being shot at. Mann and the CIA told him that the action was

communist led and that civilians should be evacuated. He then received the XCRITIC cable from Bennett, indicating that the Dominican Republic government could no longer guarantee the safety of civilians. At that point Johnson had no hesitation in accepting the advice, and sending the marines.

In addition, Johnson was concerned about the domestic political position. He was concerned about the potential death of civilians. There would be consequences for his domestic legitimacy if he had not taken any action and fatalities occurred. He was also concerned about public reaction if he allowed a communist take-over. He stated, 'If I let them take over I can't live here'[279]. He was anxious to portray the intervention as necessary to protect lives; and the communist position as secondary. In fact, the reverse was true.

Having ordered the evacuation, Johnson then called a meeting of congressional leaders. He informed the leaders of his decision. However, at this point he also stressed, several times, that the rebels had been taken over by communists. The congressional leadership agreed with Johnson's action. It was suggested that the OAS be involved and Johnson agreed.[280] So, the decision to intervene was made by Johnson, with little discussion, and then he informed the congressional leadership.

Valid Grounds for a Decision?

Despite Johnson's concerns, there are reasons to doubt both grounds for the intervention. The threat to American lives was highly questionable, as was the presence of communist elements.

In fact, there had been little threat to American lives. The American civilians were in the hotel and safe. Many had already been evacuated from the Dominican Republic, and the others were at the *Embajador* hotel, waiting for evacuation. There was a small

demonstration from some rebels outside the hotel, but no serious threat. As revealed in many of his telephone conversations of the time, Johnson himself had escalated the security position in his mind. In this Johnson appears to jump to conclusions in his interpretation of his telephone call with Bennett. There is no evidence that Johnson was told that the communists were shooting at the embassy or that American lives were under threat. There is scarce evidence that other administration officials in Washington believed American lives were under threat.

The Americans knew that they lacked evidence that lives were under threat. While Johnson himself was convinced, members of the administration believed that more evidence would have to be found. Therefore, Mann asked Bennett to get confirmation from Benoit that the Dominican Republic could not ensure the safety of civilians. Mann and Bennett requested that Benoit stress the threat to American lives for presentational purposes. In fact, before Benoit's request, made in response to American pressure, was received, the United States marines had already landed in the Dominican Republic.

However, there is no clear evidence that the rebellion was controlled by communists either. Even at the time, serious doubts were raised. Although he never expressed the view publicly at the time, Rusk (who had argued that the Cuban rebellion had started with only twelve people) later stated that he 'doubted the communists had taken over the rebellion, or that such a small number would play a decisive role.'[281] Rusk was not alone in expressing doubt about the communist influence. Among the advisors Ball, Goodwin and Moyers believed Johnson became obsessed and paranoid, and that Johnson later showed such symptoms in discussing Vietnam. Ambassador Bunker (to the OAS) was clear that the rebels were not communist led.[282]

Doubt over communist involvement emerged even as the military operation began. The main, initial American critics were the press on the ground. Johnson gave the press lurid details of communist atrocities, which were untrue, and then instructed Bennett to provide some evidence: 'For God's sake, see if you can find some headless bodies.'[283] When Bennett had informed reporters of atrocities, he had also presented his 'list' of communists. The reporters were soon able to discredit the list using their local contacts, and also cast doubt on the question of atrocities. Johnson was unable to substantiate Bennett's 'list' of (variously) 57, 65, and 80 communists being involved in the coup. He instructed Hoover and the CIA to provide evidence but they were unable to do so, particularly as some of the named people were variously duplicated, in prison, dead or out of the country.

The evidence suggests that the uprising was arranged by Bosch supporters who were opposed to Reid and wished to restore Bosch to power. However, there were a few communist supporters who took advantage of the coup, to demonstrate against the administration. However, the coup was not communist led or communist driven.

There is no strong evidence that American lives were in danger. Nor is there evidence that the coup was communist led. However, Johnson firmly believed that there was a threat, both to American lives and of a communist government.

To summarize, Johnson made the decisions to intervene in the crisis. Publicly he first argued that the reason was to save American lives, but soon changed and gave the reason as preventing a communist take-over. In making his decisions he was in close day-to-day contact with the situation, with many telephone calls and cables. However, he was frustrated by the slowness of communications with the Dominican Republic, and by the actions of the OAS. The intelligence was also confused. Nevertheless, Johnson made the

decisions, largely on his own initiative, and then expected others to implement them, as required.

After The Initial Decision: Reinforcements and Negotiations

Once the marines had landed and completed the evacuation, Johnson had to decide whether there were sufficient troops. Having decided to send marines, Johnson left the implementation to McNamara. Over a number of days, more troops were landed and by mid-May there were over 22,000. McNamara believed that one of the lessons learned from the Bay of Pigs was 'never, never introduce military force unless you introduce it on a massive scale--massive in relation to the potential requirement--and unless you apply it with the greatest restraint.'[284] That policy was followed in the Dominican Republic. Some presidential advisors pointed out that massive military manpower would be considered an abandonment of FDR's Good Neighbor Policy. Rusk argued that 'where the security of the whole hemisphere was involved the U.S. could not be immobilized by a 30 year-old doctrine-written before the Communists evolved the technique of taking over other people's revolutions.' 'Good neighborliness did not extend to new Communist regimes.'[285] Rusk gave the reasons for increasing the forces as the following: they did not know whether fighting would continue and if the marines would have to form rescue teams outside Santo Domingo; there was a sixteen mile security zone, which needed shifts of troops; and there was chaos on the ground with no one in control.[286] Again, Johnson decided to send as many troops as requested, leaving the detail to others.

The decision to send various advisors to the Dominican Republic to negotiate was entirely Johnson's own. The initiatives were not successful. Johnson consulted extensively with Abe Fortas over many issues and respected his counsel. Fortas, however, was a lawyer and not a diplomat and was unable to make progress. Several advisors were

in the Dominican Republic at the same time, each negotiating with different people. This led to a confused situation, where it was not clear who the United States supported at any one time. The differing opinions and ever changing scenarios did not help Johnson's credibility. The list of people working in the Dominican Republic tended to 'defy rational explanation.'[287] Johnson himself had created much of this confusion, expecting different advisors to promote different policies, and then to play them against each other. It was a policy that may have worked in the Senate, but in foreign policy it exposed Johnson's methods and raised more questions about the legitimacy of the intervention. Eventually, the OAS was able to negotiate a ceasefire and agreement on Godoy as leader of a provisional government.

Summary

Johnson convinced himself of the necessity of his actions, but his in-built response to any suggestion of communist activities dominated his actions. The decision was condemned, extensively in the hemisphere. In the United States Johnson's changing story contributed to the problems he had in justifying the intervention.

For this study, the key issue is to consider the legitimacy of these decisions and whether Johnson considered such legitimacy in his discussions.

3.5 Legitimacy of the Intervention

This section considers the legitimacy of the action in terms of United States and international law, treaties and obligations. It also considers congressional legitimacy and constitutional legitimacy, and public opinion. It discusses whether the administration considered the legitimacy of their actions. If they did, in what way was legitimacy

discussed and did it affect the decision making? Was it important to the administration or not?

President Johnson ordered the intervention for two reasons: to save American lives and to prevent the spread of communism in the hemisphere. The section discusses whether, in coming to these decisions, Johnson considered whether his reasons amounted to a legitimate case, or not.

The section shows that Johnson's overall concern was for the action to be seen as legitimate in terms of public opinion, domestically, with the American press, within the hemisphere and internationally. He was not overly concerned about whether his actions were legitimate, beyond the perceptions. However, in trying to achieve this appearance of legitimacy, he changed and elaborated his reasons and justifications for the intervention. This led to disbelief about his intentions. Johnson convinced himself that it was necessary to act. However, as events unfolded he spent a lot of time trying to justify it to the American people.

Johnson's view of legitimacy.

The first part of this section considers what part legitimacy played in the decision making. The second part examines the administration's concern to appear legitimate in their actions and their efforts to construct an image of legitimacy.

Firstly, did the administration consider legitimacy?

Legal

The legal considerations fall in to two parts, constitutional and international law.

In constitutional terms, Johnson considered that he had a 'duty of care' to act, if American lives were in danger. He became convinced that lives were in danger following his telephone call with the ambassador, Bennett, on 28 April. Bennett reported that Benoit,

then the leader of the provisional government in the Dominican Republic, had asked for help, stating that he was unable to defend American lives. During the call there was sniper fire, which Johnson interpreted as an attack on the Embassy. At this point, Johnson decided on action.

He stressed to the public that American lives were in danger. Therefore, he saw the intervention as legitimate because of his 'duty of care'. In fact, as detailed above, there was little danger to Americans. Johnson did not consider this in constitutional terms, but he was concerned that he would be perceived to be negligent if American lives were lost.

However, the administration did think about international law. Several members of the administration were clear that any intervention was contrary to international law. Mann believed that the intervention was in breach of international law. He advised Johnson that he should 're-establish order in most illegal (sic) way possible.'[288] At the same time Mann was in no doubt that the operation was a 'flagrant violation of international law.'[289] The UN Charter clearly prohibited intervention in another state. The United States was also a signatory to the OAS Charter, which specifically forbad unilateral intervention in another country in the hemisphere.

However, the administration felt that it could construct an impression of legitimacy by portraying their mission as neutral. The Americans wanted to portray the deployment of the forces as neutral between the two sides, and with the objective of regaining law and order. However, it is clear that the United States was supporting Wessin's forces, and expecting him to prevail. While neutrality was important in terms of establishing the legitimacy of the intervention, intercepted messages clearly showed that they were not neutral. They were supporting Wessin, and even ordered the bombing of the National Palace, hoping that Wessin would set up a provisional government. When the press

exposed this, it was clear that the actions were not neutral, and clearly not legitimate in terms of international law, as they were supporting armed action in another country, without authority.

However, Johnson did not find the need to take account of international law. He was well aware that he was in breach of it, but in the Cold War era he believed he had sufficient justification in defending the hemisphere against communism. Bundy advised Johnson that they had no international cover and no legitimacy. However, Johnson hoped to persuade the OAS that by citing this as a communist coup that he was obeying the OAS Charter. Johnson had considered this and requested Fortas to provide a legal case. Although Fortas prepared the document on the legal case, he argued that the case was 'indefensible', and should not be published. Johnson had hoped for legal cover, but was not concerned when he was unable to secure this.

International opinion

Support from international bodies and other countries might have given the Dominican intervention legitimacy. However, Johnson's decision making was only partially influenced by multi-national organizations. Johnson did not want any UN involvement, and did not seek UN authority. Connett advised that the action would cause trouble at the UN, with protests from Latin American states. Johnson was therefore keen to avoid any UN involvement.

The role of OAS was more complex. The administration knew that the intervention might be poorly received, as Connett informed Johnson. Winning OAS support, therefore, in Johnson's eyes, had the potential to bestow legitimacy upon the intervention. OAS support would have allowed Johnson to present himself to international opinion as 'a peacemaker not an intervener'. At the meeting with congressional leaders, Fulbright asked

whether the OAS could help. Obviously, Fulbright also considered that if there was OAS support then the action would be perceived to be legitimate.

Johnson's attitude to OAS involvement changed when they did not immediately support his proposals. Initially, he had high hopes. If Johnson could get them to move quickly, that would have been a major positive. The OAS Charter contained a clause to keep communist governments from taking control in the hemisphere and Johnson hoped to use that clause to gain OAS support. However, Connett believed that the United States could not make the case that the uprising was communist. Johnson delegated Rusk to obtain OAS support for an intervention. When the OAS was slow to convene, Johnson became very agitated and impatient. Rusk called for a Ministers' meeting, but did not press the urgency. At the initial delay, Johnson railed against the OAS for not taking early action.

Publicly Johnson wanted OAS approval, but in private he railed against their delays. He was more concerned that OAS action would prevent United States troops achieving their objective, and that any OAS action might 'get in the way' of United States action. Privately, he continued to berate them, as 'phantoms, frauds, and window dressing'.

Johnson wanted the OAS support to give him legitimacy, and considered how he might try to get it. However, he went ahead anyway when the OAS was slow to respond.

The administration also had some nominal discussion with other states in the hemisphere, as Bosch was still in Puerto Rico. Figures, the former President of Costa Rica also sought to mediate, but this was a token consultation on the part of the Americans. If Johnson had managed to obtain a supportive OAS resolution, then he felt that this would give legitimacy. However, he was more concerned that the OAS would condemn the action, which would have negated Johnson's argument that he was acting legitimately.

Political : Congressional legitimacy and Consulting with Congress

President Johnson did not consult Congress, or ask for their approval. He informed the congressional leaders of his decision to invade. He asked if they agreed, and there was no dissent. However, by then Johnson had already despatched troops, so their opinions would not have made any difference.

Johnson believed that informing congressional leaders was sufficient. LBJ anticipated that Congress would tolerate his actions, as long as he kept them basically informed. During the Cold War that was the way the president operated and there was clear precedent from Kennedy with the Cuban Missile Crisis. Johnson assumed he had the powers under his Commander-in-Chief powers and his Duty of Care.

There is no evidence to suggest that Johnson considered asking for Congress to endorse his decision, in line with the Constitution's allocation of the war power to Congress.. Nor is there evidence that he believed he needed congressional formal approval. However, he did need congressional support, to help to dispel media criticism, and considered what to tell the congressmen to achieve that support.

Public opinion

Winning public support was very important to the administration, to give them a source of legitimacy, but was not a crucial consideration in the final decision to intervene. Before the intervention, Johnson was very concerned by the potential repercussions of failure in the Dominican Republic. Imagining the loss of American lives or a communist takeover, he was very concerned about what people would say, if he sat on his 'fat butt', and did nothing. He believed that he would be crucified by public opinion if he did not act.

Johnson spent a considerable time discussing with his advisors what he should tell the American people. The president was convinced that there was a communist plot, and

he was anxious to be seen to be combating communism. Initially, he wanted to report on the CIA warning of a communist threat, and his concern about another Cuba. But, he was advised not to raise the issue in his first television speech. There was insufficient evidence to make such a claim public. Instead, he concentrated on portraying the intervention as necessary to save lives.

However, in Johnson's mind, winning public support was not an issue in either deciding whether to intervene or making the mission legitimate. In the Cold War era, the president assumed he would have public support in foreign policy. In Johnson's mind there was no question that the public would support the president's actions, once he had made his decisions. Johnson was also concerned about the increasing problems in Vietnam.

Media

Again, a consideration of the media did not have a role in his decision to intervene or not. Johnson did not assume that the media would give him legitimacy, but was going to take the action anyway. There is no evidence to show that Johnson considered the media response before taking action. Although he became animated on the subject afterwards, and put a great deal of effort to plan media relations. Beforehand the media reaction did not seem to be a part of calculation.

Summary

It became clear that support for the legitimacy of the intervention was going to be limited. That did not prevent Johnson from trying to establish the legitimacy.

Secondly, did the administration attempt to construct an image of legitimacy?

This section now considers whether the administration attempted to construct an image of legitimacy, despite being aware of that some of its actions were not legitimate.

Legal

There was no attempt to construct a form of legitimacy under constitutional law. Johnson informed the congressional leaders, and believed that was sufficient to justify his actions.

In terms of international law, the administration was aware they had no legitimacy, but still attempted to construct an impression of legitimacy, in particular by asking Fortas to prepare a legal case, as previously described. Fortas recommended that they should claim their authority as a 'moral' one to restore order. The advice was to portray the intervention in a different light, as a humanitarian action, given that international law offered no cloak of legitimacy. Humanitarian interventions were not recognized at the time in international law, but might have helped to win the support of other governments.

McNamara's advice was that they should attempt to cloak LBJ with legitimacy, by showing evidence of a Castro take-over and showing that they had been asked to come to the aid of the Dominican Republic. This could then be used as justification in the hemisphere as a defence against a communist threat, and more specifically that the US had been invited in by the legitimate government, thereby giving legal legitimacy.

Johnson used this device of getting the 'legitimate' government to invite the United States to help. Even then, the request came from one faction of a government, which was itself illegitimate. Furthermore, the request took some time to arrange, by which time the US forces had landed.

So, the administration attempted to construct an impression of legal legitimacy despite its knowledge that the intervention was illegal. However, they failed in this attempt. The intervention was rejected by the hemisphere, where it was condemned by the

OAS. Crucially, some members of Johnson's own party, notably members of the Fulbright Committee, also concluded that the intervention was illegal, and flouted international law.

International Opinion

In the UN there was also criticism. The Russians tabled a Security Council resolution demanding withdrawal. At the UN, the objective of the administration was to prevent the Russians getting a resolution passed to condemn the intervention. Such a resolution would have reinforced the view that the intervention was illegal. Stevenson was sent to the UN to mitigate the criticism. In the UN debate, there was a call for the OAS to ensure a cease-fire and for the UN to coordinate these efforts. The United States managed to defeat the Russian resolution calling for withdrawal. However, when Caamaño's foreign minister cabled U Thant at the UN, UN involvement in negotiations began.

Johnson's main objective was to ensure that there were no adverse UN resolutions against his actions. He wanted to preserve his political capital, internationally, for more important actions in Vietnam. So, although there was no UN support, Johnson was able to claim that the intervention was not illegitimate, as there had not been a resolution for withdrawal. Stevenson, who had defended the intervention at the UN, later called it the 'worst mistake since the Bay of Pigs.'[290]

In the OAS, there was much discussion. Criticism of Johnson's decision to intervene was immediate and gathered momentum. By not consulting the OAS, Johnson antagonized several Latin American governments. It was the 'most massive intervention in a Latin American country since the inauguration of the Good Neighbour Policy' [291] For the Venezuelan President, Raul Leoni 'such actions tend to revive the era of unilateral intervention, which one supposed had been left far behind by the evolution of international life.'[292]

The United States worked hard to fight the draft OAS resolution condemning the action. Following the intervention, publicly, Vaughn worked with the Inter American Peace Committee (IAPC) to find a solution to the Dominican crisis. Ambassador Bunker met with the Council of the OAS to try to mitigate the disapproval. The OAS Secretary Mora went to the Dominican Republic to negotiate and Costa Rica suggested, privately, to Johnson that the United States should ask that the invasion should be placed under OAS authority and then the United States should offer massive economic help. If this suggestion had been accepted then Johnson could claim that the action was an OAS action, and the United States was giving substantial support to the Dominican Republic. The discussions in the OAS continued for a month before the Inter-American Peace Force (IAPF) became effective.

Johnson paid lip service to the OAS. Johnson hoped to get an OAS endorsement to legitimate the intervention, but failed in this.

At the same time there was a concerted effort to brief foreign ambassadors in the Dominican Republic, as a means to win over international opinion. Bennett had a meeting with several Latin American ambassadors in Santo Domingo, briefing them on the evacuation of civilians. Several ambassadors told Bennett that they felt that the United States Marines were their only protection. Johnson was anxious that they should send that message to their countries, 'before their country calls us off.' Rusk also briefed United States Ambassadors in Latin American countries that they should try to get the support from the Latin American governments, and spelling out the United States view, of danger to lives and the threat of a communist take-over.

As the crisis developed and it became clear that the OAS were not prepared to legitimize the intervention, then further plans were made to get support. Fortas advised LBJ the

best plan would be: get a ceasefire; get the OAS in and get some countries to work with the Marines. In Fortas's view, the best way would be through the Governor of Puerto Rico, Roberto Sánchez Villejo, and former Governor Luis Muños Marín; and then try to internationalize the situation. Fortas believed that the best way to do it was 'to get an international cloak.'

Johnson tried hard to construct international legitimacy, in the UN and continuing discussions in the OAS and with other leaders. Despite these attempts to obtain OAS approval, the OAS was one of the intervention's biggest critics.

Political

Johnson attempted to persuade the congressional leaders to support his decision. He tried to construct an impression of legitimacy. However, he was not prepared to consult them. He merely informed them, stressing the communist element, and that the invasion was necessary to save lives. He hoped to use the methods he had employed in Congress, by addressing the leaders concerns individually. Including the congressional leadership at this stage could be seen as an attempt to gain legitimacy, at a time when congressional power was with the leadership and committee chairs.

He assured them it was a communist plot, and also assured Fulbright that he would consult with the OAS, to reach a solution. At this stage, there was no clear evidence that the plot was communist. Further, Johnson had already decided not to wait for the OAS. In fact, he wanted to use the OAS as cover for the intervention. However, Johnson did not trust the leaders to respect the confidentiality. So, he used one of his methods that he had used as a congressional leader, of telling different members of Congress a different story. This was soon exposed. By giving different stories he expected to identify where the leaks had come from, whilst at the same time trying to preserve secrecy.. He was less than

honest of how little solid information they had on the communist involvement, although Johnson himself did believe it was a communist plot.

Despite his efforts Johnson failed to win overall congressional support. Several members spoke in public about what level of threat Johnson had thought there was to justify an intervention. This led Johnson into an escalation of deceit in trying to justify the communist 'list'.

Further, he did not win his own party support. There was no separate discussion with his party, which ultimately led to further problems for him. Schlesinger wrote an important memo, highlighting the problems of lack of legitimacy, and the issue was raised in the Senate by Senator Robert Kennedy. This was the first time that Kennedy has split with the president. Johnson's decision also had a significant aftermath. The Congressional Committee headed by Fulbright, as Chairman of the Foreign Relations Committee, was set up to examine the legitimacy of the intervention and asked several questions. They asked: Was it necessary? Were lives in danger? Was the response proportionate? Why did the United States not support Bosch, as the democratically elected leader? And how strong was any communist influence?

The most damaging criticism came from this committee. In a major speech to the Senate on 5 September 1965, Fulbright reported on his findings.[293] In his view the intervention was illegal and a clear breach of international law. The United States should have consulted the OAS, before any intervention took place. The administration had mistaken a liberal revolution for a coup by a military junta. They had misunderstood the fact that most liberal revolutions would have some communists in their ranks, but that was different from being controlled by them. Further, the action taken was disproportionate to the threat. Using 20,000 troops was not acceptable against a small nation. There would be

long term implications for the United States, and the Alliance for Progress was badly damaged. Fulbright conceded that, faced with the demand to 'protect lives' it was a difficult decision, but concluded that the President had been 'badly advised', by those concerned with their careers. Johnson's reaction was predictable. He tried to discredit Fulbright, accusing him of associating and sympathizing with communists. Johnson and Fulbright never reconciled their differences and Johnson became split from some of the Democratic party. Again this disagreement culminated in the Vietnam decisions. The committee concluded that the intervention was illegal.

However, a different report felt that the intervention was justified. A report from the Center for Strategic Studies concluded that in the first stage a serious threat justified the evacuation landings. The chaos in the Dominican Republic required the second stage landings. It stated that there was a communist effort to dominate the revolt, although noting the communists had been taken by surprise by the coup. There had been no widespread revolt in the Dominican Republic, but only in Santo Domingo. The United States had achieved its objectives of 'saving lives', preventing a communist government, establishing an ISZ and securing elections. However, it concluded that the US should have involved the OAS in the decision and that the mission was 'ineptly explained.'[294] This was not a widely held view of the intervention.

This decision had repercussions for Johnson, as he began to lose the support of his party, particularly in respect of Vietnam. His methods used face to face in Congress were not acceptable as president. They failed to give him a political legitimacy. His reasons were not accepted by the Senate, as acceptable reasons for an intervention.

Public Opinion

Johnson was keen to maintain United States public support, and discussed at length when and what to tell the American people. He wanted to portray himself as a strong leader. He told the public that the invasion was to save lives, and later that it was a communist plot.

The arrangement to get a statement from Benoit stating lives were in danger, and for Benoit to confirm his request for help was designed to influence opinion, and provide a legitimate reason for the intervention.

Similarly, Rusk's instructions to United States Ambassadors to ensure that other countries' ambassadors in the Dominican Republic sent messages to their own countries re-iterating the 'protection' message, was to build domestic public support.

In further addresses to the American people, Johnson changed his position to stress the communist elements, in an attempt to secure public opinion.

Media

In maintaining public opinion, it was also important to have press support. Johnson was afraid to talk to the congressional opposition because he believed they would talk to the press. On the other hand, he would have to talk to the leaders, because he could not let them claim that they did not know about the intervention, and he did not want them to say that to the papers. What to tell the press and the manipulation of public opinion exercised Johnson for the most of the afternoon of the 30 April, as he sought to provide a legitimate cover for his actions. As far as the media was concerned, he was keen to construct an appearance of legitimacy.

Mann was given the responsibility of keeping control of 'backgrounders' to the press. Schlesinger noted that domestically, opinion would be 'bad'. They should explain to the press that Bosch had lost control, that the US was on the side of democracy, and trying to restore order.

The press soon highlighted Johnson's different accounts and came to the conclusion that the administration was misrepresenting the purposes of the intervention. They noted the intervention was presented as being to 'save lives', but quickly became anti-'Communist.' They noted that there had been references to a communist threat from as soon as the 25 April and concluded that the decision to oppose the rebels had been taken at that stage, before the threat to lives. The administration was portraying their role as peacekeepers and neutral between the various Dominican Republic forces. However, the press had intercepted Bennett's message to Wessin, and soon exposed this pretence that the US was neutral. So, despite the administration's denials, the press reported that the United States was supporting Wessin's forces. Bennett just refused to comment when confronted with the evidence. Once the press landed in the Dominican Republic, they observed the lack of neutrality in manning checkpoints and concluded that the United States was clearly on the Loyalists side. There were constant reports of United States troops supporting Wessin's forces, although the United States publicly declared that they were neutral. Johnson could not sustain this public position in the face of mounting evidence. He wanted the OAS to provide troops, but also wanted to determine the make-up of any new government in the Dominican Republic, where he had become concerned about a communist threat. Johnson decided to publicly stress the communist threat to the hemisphere.

The instructions to the military also reflected this concern, with two different missions being described. The 'announced' mission was to save lives, the 'unannounced' was to prevent Dominican Republic going communist.

Unfortunately, the press on the ground soon exposed the different versions being released by the Embassy. Despite Johnson's efforts, the press, particularly in the Dominican Republic

uncovered the contradictory messages and Johnson's exaggeration of the threat. The reporters (Tad Szulc, *The New York Times*; Dan Kurzman, *The Washington Post;* and Philip Geyelin, *Wall Street Journal*) sent critical reports to their newspapers. Rusk was depicted as being naïve.[295] The press also exposed Bennett's list of communists, variously double counted, out-of-the country, in prison or dead.

Johnson spent a long time repudiating their stories, but the press had substantial evidence to support their claims.[296] Johnson was particularly concerned to 'sell' his actions as acceptable. Johnson worked hard to influence the journalists, first inviting them to the White House for one-on-one talks in the Gardens, and when that failed, attempting to discredit them with their editors. He issued threats to the journalists involved, in an attempt to prevent the media criticising the legitimacy of the action and of the information given.

The evidence clearly shows that Johnson went to great length to ensure that the press supported his intervention. However, the press were on the ground in the Dominican Republic, and had access to the Embassy. They were able to show that Bennett's list of communists was totally inaccurate, that they had exaggerated the communist threat, and that the US was not neutral but supporting Wessin's forces. They responded by highlighting the administration's duplicity and questioning the legitimacy of the intervention.

The reporting his led to Johnson becoming more strident and changing his story, which the press highlighted further. The attempt to win over media support was not successful.

3.6 Conclusion

President Johnson was sure that he had to act. In his view, he had a duty of care, that required him to protect American lives, and to protect the hemisphere from

communism. He did not consider the unrest in the Dominican Republic as a direct national security threat, but as an indirect threat to his credibility in containing communism. He was determined not to have another Cuba in the hemisphere. He did not doubt that he had the authority to act to carry out his constitutional duty. And this became his main concern.

He did not concern himself greatly about whether his action *was* legitimate. His staff advised him that United States intervention was illegal under the UN and OAS Charters. He attempted to gain OAS support but was not prepared to wait. There was clearly a breach of the OAS and UN treaties. The response of 22,000 troops was not in any way proportionate. President Johnson was more concerned about the formation of a communist government than he was about the civilians. He used his forces to achieve the outcome he wished, supporting a coup, and refusing to support the elected Government. If he had intervened to restore Bosch, then he would have had a legitimate claim to be restoring democracy. He did not discuss this option, having being advised that the return of Bosch would lead to a communist take-over.

In addition, Johnson made no attempt to consult Congress, merely telling them of the action when the troops were already despatched.

However, on advice from his staff Johnson attempted to provide a cover to *show* that it was legitimate. In this he emphasised the threat to American lives, and attempted to get diplomatic cover. The approach to the OAS was intended to give him cover to protect the hemisphere from communism. After the intervention he spent a lot of time trying to substantiate his story of communist involvement, and to get the press on-side.

In trying to convince people of the urgency of the threat, he created his own problems. He escalated his claims of the threat to support his position. The claims related to the extent of the threat to lives and the strength of the communist element. As these

claims were shown to be untrue more questions were asked and Johnson's credibility was questioned.

But in trying to achieve legitimacy Johnson was seen to be duplicitous, and was distrusted. A 'credibility gap' developed, which did much harm to him in dealing with Vietnam.

The intervention was not legitimate under the OAS and UN Charters.

Notes for Johnson – Dominican Republic

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[30] Memorandum from President Kennedy to Woodward, FRUS, XII, 646.

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[33] FRUS, XII, 671; Details of Martin's involvement are given in John Bartlow Martin, *Overtaken by Event : The Dominican Crisis from the Fall of Trujillo to the Civil War* (New York, Doubleday, 1966), 79-81.

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[38] Martin, *Overtaken by Events,* 85; FRUS, XII, 692.
[39] Telegram from Department of State (Rusk) to Embassy in Dominican Republic, FRUS, XII, 718.
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Presidents and legitimacy in U.S. foreign policy:

Cold War and Post-Cold War intervention in Latin America

Part Two - Case Studies.

Bush – Panama 1989.

Let's do it! [1]

4. Introduction

On 15 December 1989, General Manuel Antonio Noriega, 'Maximum Leader' of Panama, declared that his country was in a 'state of war' with the United States.[2] The following day an off-duty marine was killed and President George H W Bush ordered an invasion – 'Operation Just Cause'. On 20 December 1989, the United States sent 20,000 troops to intervene in Panama. Over 25,000 troops were used in this action, the largest United States military involvement abroad since Vietnam.

As a result of the invasion, Guillermo Endara, who it was claimed had won the May 1989 election in Panama, was installed as president, at the United States Base at Fort Clayton. Noriega escaped to the Papal Nuncio residence. He finally surrendered in January 1990 and was sent for trial in Florida.

This was the first invasion in defence of the Monroe Doctrine not directly related to communism since the start of the Cold War. Bush gave clear reasons for the intervention,

which were to protect American lives, restore the democratic process, preserve the integrity of the Panama Canal treaties and apprehend Manual Noriega. However, Bush's stated reasons have been challenged by those who criticised the invasion. The main reason, put forward by Noriega, but also endorsed by others, was to retain control over the Panama Canal Zone, which was due to have a Panamanian administrator, from 1 January 1990. Other reasons suggested are that the Defense Department wished to demonstrate the need to maintain Cold War capability in the New World Order, and to demonstrate that they retained that capability. A further reason was that Bush needed to show strength as he was under pressure in the domestic area, with press reports of the 'wimp factor' prominent, and that he ran out of patience, as Noriega continued to thwart him. In addition, the military confiscated 15,000 of Noriega's files, which could have been damaging to Bush.[3]

The case study looks at the build-up of United States policy under President Reagan, as Bush was directly involved. It considers Bush's actions as president, what decisions he made and to what extent he involved his advisors and Congress. The case study will look at the different phases of the United States relationship with Noriega and Panama. The phases were: Reagan and the administration welcomed Noriega's help; the relationship then soured; the impact of Bush's presidential campaign; Bush election and May 1989 Panamanian elections; OAS involvement; a failed attempted coup; and the invasion itself. The case study will assess Bush's justification for the invasion, other reasons offered for the action and to what extent he considered the legitimacy of the action.

4.1 Reagan's Policy: Supporting Noriega.

Noriega was first recruited by the CIA in 1967.[4] As an up-and-coming anti-communist Army intelligence officer, he was trained at Fort Bragg, North Carolina, as a CIA asset and

was paid by every administration from Eisenhower to Bush, with the exception of the Carter administration which stopped the payments.[5] Noriega had been recruited by the CIA to cooperate with them in the fight against the drugs trade, and in American covert actions against the Nicaraguan Sandinistas. He had risen through the ranks in the Panama Defense Force, PDF, to become the head of military intelligence. In July 1983, he became the commander of the Panama Defense Force.[6] In effect, he was the military dictator of Panama, with a 'puppet' civilian government.

However, much to American embarrassment, Noriega also turned to drug trafficking, reportedly as early as 1972.[7] This was known to the Americans but denied by the then CIA Director, George Bush. However, at that time narcotics were a lesser evil than communism, and Noriega retained United States support until the mid 1980s. In 1983, Bush, then Vice President, met Noriega in Panama.[8] However, by the mid 1980s there were increasing concerns about Noriega's involvement in violence and the drugs trade. Eventually, the relationship soured, to the extent that the Reagan administration made strong efforts to remove him from office. As a former Director of the CIA and then Reagan's vice-president, George Bush was associated with these policies. The invasion occurred after a 2½ year campaign by the United States to remove Noriega. This campaign started under the Reagan administration, in 1987 and continued when Bush was elected president. When Bush assumed the presidency he inherited the policy from the Reagan administration.

Noriega denies that he was a CIA agent. He describes his role as a loyal Panamanian soldier who was 'pinch-hitting for the United States needing an intermediary', particularly with negotiations with Cuba and the Sandinistas in Nicaragua.[9] He claims he was following the orders of the then Military Leader Omar Torrijos. However, Noriega reports that the mood

changed when he 'refused to allow them [the US] to use Panama as a base for attacking Nicaragua.'[10]

By the time of the 1984 elections in Panama, the United States was growing more concerned about Noriega's activities. On 11 October, Nicolás Ardito Barletta was sworn in as president of Panama following elections widely considered fraudulent. At this point the United States announced the suspension of $5m in aid to Panama. Barletta was the Partido Revolucionario Democrático (PRD) candidate, but Noriega argues that the Barletta candidacy was supported by the United States. Barletta had been working at the World Bank, and was also a former student of the Secretary of State, George Shultz.[11] Barletta soon attracted criticism, inside Panama, about a lack of management skills and for supporting IMF policies which would cost jobs. The crisis escalated with the murder of a keen government critic, Hugo Spadafora. Spadafora was a Panamanian doctor, who had fought with the Sandinistas and then settled in Costa Rica. From there, he became a vocal critic of Noriega and of the Panamanian Defense Force.[12] On 14 September 1985, the body of Spadafora was found near the Costa Rican border. Many believed that Noriega was responsible and a subsequent report tied Noriega to the crime.[13] Noriega denied any responsibility. When Spadafora was killed Noriega had been in Europe for several weeks.[14] At the time, both Barletta and Noriega were out of the country, but on their return Noriega met with Barletta. Noriega refused to support Barletta but received calls from the United States Ambassador, Everett Briggs, and Nestor Sanchez, at the National Security Council. Sanchez informed him that the United States hoped Noriega was not going to dismiss Barletta – 'you will never be forgiven by the State Department, they will view you as if you had staged a coup.'[15] But Briggs was more direct:

'Barletta should be left alone'. He was passing on advice from Shultz: 'don't do it - don't do it.'[16]

In spite of this, Barletta was dismissed. Noriega used his power as the head of the military to dismiss the civilian president. At this point, the military were the *de facto* government, and the civilian government was the military's puppet. Barletta was replaced as president by the First Vice President, Eric Arturo Delvalle. Spadafora's murder was later described by journalist Stephan Kinzer as signaling 'irrationality', on the part of Noriega's regime.[17] It was a turning point for the relationship between the United States and Noriega. Noriega detected a change of attitude, but the United States continued to send contradictory signals.[18] After forcing Barletta from office, Noriega visited CIA Director, William Casey.[19] This was the opportunity for Casey to state the United States position and opposition to Noriega's tactics. However, Casey only 'scolded Noriega for letting the Cubans use Panama to evade the trade embargo, but never mentioned narcotics, nor ... democracy.'[20] Although describing a period still in the Cold War, Noriega's view was the 'Americans were talking about their domination over a geographical area that they saw as strategically vital, just as much [then] as in the Cold War... They saw Panama the same as FDR. 'This land was theirs and they wanted it all for their own.'[21]

Subsequently John Poindexter, then the president's National Security Adviser, visited Noriega.[22] Noriega claims that Poindexter was 'rude, threatening, outrageously ill-mannered, disconnected.'[23] The United States wanted Panama to break its relations with Cuba. The US was becoming more concerned about Panama's reliability in opposing communism. Noriega noted that, 'Washington was hostile ... and wanted to dictate ... [As they] were no longer compliant, Panama was an outlaw regime.'[24]

During 1986, the Panamanian problems came to light when journalist Seymour Hersh published his allegations that Noriega was being paid by the CIA. Hersh stated that:

> Officials in the Reagan Administration and past Administrations said in interviews that they had overlooked General Noriega's illegal activities because of his cooperation with American intelligence and his willingness to permit the American military extensive leeway to operate in Panama.[25]

Officials said that 'Noriega had been a valuable asset to Washington in countering insurgencies in Central America and was now cooperating with the Central Intelligence Agency in providing sensitive information from Nicaragua.' In addition Noriega was paid by the CIA from 1971, and he had assisted the intelligence agency and the military. However, a key concern, as framed by Hersh and endorsed by Noriega, was the security of the canal, which would be reverting to Panamanian control. It was important to have 'reliable people we can deal with.' Hersh summed up the dilemma: 'The issue is a chronic one for American policy makers: how far to overlook corruption and a lack of democratic principles in allies in order to protect secret intelligence installations.' [26] The issue of CIA involvement and how much George Bush was involved whilst he was the CIA Director would become one of the campaign questions in the 1988 presidential election, although Bush continued to deny knowledge of it.

4.2 Reagan's Policy: Removal

In 1987, additional allegations came to light. The PDF second-in-command Díaz Herrera retired after 25 years service. He then alleged that Noriega had rigged the 1984 elections, and been responsible for the murder of Spadafora.[27]

Once these activities were in the open, the attitude of the Reagan administration changed. The objective was to get rid of Noriega. At that point in 1987, they were not sure how to do that. The United States closed its consulate in Panama, suspended further assistance and the Senate voted to cut off all aid unless the military relinquished control over the civilian government.[28] Noriega stated that: 'The Reagan administration tried to discredit [him] using all the tricks. ...What they were trying to do they had done so many times before, in Guatemala, in Nicaragua, in Grenada ... Haiti.'[29]

Later, on 26 June 1987, Senators Jesse Helms and John Kerry introduced an amendment to Congress, requiring CIA to investigate Noriega's activities. This followed measures previously approved by Helms, as Chairman of the Senate Intelligence Committee, to investigate to what extent Panama was involved in drug trafficking, arms trades and money laundering.[30] At this point, there were very mixed signals being sent.[31] The CIA was still working with Noriega. Casey was livid and told Helms, 'You are destroying our policy. There are some things you don't know about, things Noriega is doing for the United States.'[32]

The United States then tried to negotiate with Noriega to leave, offering money and immunity. These talks were then complicated in February 1988, when Noriega was indicted by two federal grand juries in Miami and Tampa, with involvement in international drug-trafficking.[33] The indictments were a surprise to the Reagan administration and both Reagan and Shultz learned about them only after the fact. Some officials expressed fear that Noriega might retaliate against American interests and the 50,000 Americans living in Panama.[34]

It was clear that the indictments would create an entirely new situation in the continuing Noriega crisis, but the administration was surprised and unprepared to deal with

this situation. The Chairman of the House Select Committee on Narcotics Abuse and Control, Representative Charles B. Rangel, accused the administration of a 'full-blown cover-up of the facts about Noriega'.[35] When the indictments were made, President Delvalle attempted to fire Noriega, and install Colonel Marcos Justines as Commander of the PDF. However, Delvalle himself was ousted by Noriega, who replaced Delvalle with Manuel Solis Palma.[36] Justines said that Delvalle, in attempting to fire Noriega, had acted 'under pressure from the United States. I think it was a grave error.'[37] Delvalle went into hiding.

Discussions between Noriega and the United States were still continuing. In March, he put down an attempted coup, which he claims was backed by the CIA and the United States Military, Southern Command (SOUTHCOM). He was then visited by a State Department official William Walker, and Michael Kozak, Acting Secretary for Inter-American Affairs, who offered a deal to Noriega to leave the country. 'I have a plane waiting for you right now.' Noriega alleges he was also offered $2 million, and passage for anyone else he wanted. Walker confirmed he offered the plane, but does not remember the money.[38]

However, it was reported in the press that Noriega had been offered a deal to leave.[39] The Senate then passed a resolution opposing any deal that would result in the drug charges being dropped, by 86 to 10.[40]

In March 1988, Elliot Abrams, the Under Secretary of State for Latin American Affairs, proposed a different policy. He suggested a limited use of force in the form of a commando raid to capture Noriega and take him for trial in the United States. Abrams proposed that 6,000 American soldiers should defend Delvalle against any PDF retaliations. But the Pentagon raised many practical and legal questions about such an operation. Joint Chiefs of Staff Chairman William Crowe was concerned that the PDF might take American

hostages. Others pointed to casualties and operational difficulties with any 'Rambo'-type commando raid. One officer even raised legal and moral issues: 'Kidnapping is a crime. Under what international law would you have us do that?' he asked.[41] Abrams thought that the Pentagon was doing its best to avoid using force.

4.3 Bush's 1988 Election Campaign

The indictments caused George Bush serious problems with his presidential campaign. Allegations were raised in the press that Vice President Bush knew about Noriega's activities. February 1988 was a pivotal moment because 'for the first time most Americans believed drugs a greater threat than Communism.'[42] The Bush team became concerned that Noriega was a campaign threat, showing up American impotence.[43] By April Noriega hinted that he would release information to embarrass the Reagan administration.[44] This threat was described by a CIA officer: 'Blackmail? No. Leverage? Yes.' On 8 May, reporters carried the story of Bush's contradictions in his statements of not having met Noriega. They noted that he had met Noriega in 1976, when it was found that six United States sergeants, who worked for the National Security Advisor, had been bribed by Noriega to supply a list of Panama targets on which they had been eaves-dropping. The reporters had evidence of the 'singing sergeants.'[45] They also had a photograph of the 1983 Bush – Noriega meeting.[46] On 11 May, Bush's position became precarious. President Reagan offered to drop the indictments, provided Noriega left Panama. In one view, this made Bush's position worse. It was 'political suicide'.[47] Bush did not want to negotiate. His 'greatest fear', was that the United States would give up the indictments and not remove Noriega.[48] There were five days of furious debate amongst the Bush aides. Then Bush began to break with the Reagan administration. He said that if elected president, he would not 'bargain with drug dealers . . . whether they're on U.S. or

foreign soil.'[49] A deadline for Noriega to agree to the proposals was set at 25 May. Reagan and Secretary of State Shultz were going to Moscow, and wanted the Panama problem settled.[50] Despite Shultz staying behind, as he believed the United States and Noriega had reached a settlement, the talks abruptly broke down.[51] There was an angry reaction from the Senate, with Bob Dole accusing the administration of 'playing footsie with this guy.'[52]

On 12 August 1988, Noriega gave a party, in which he consumed large amounts of alcohol. He was heard telling friends, ' I've got Bush by the balls.'[53] He recounted that Carlos Duque, a business partner of Noriega, had contributed large sums to the Bush campaign through a third party. By late summer, National Security Advisor Colin Powell had instructed General Woerner, then in charge of United States forces in Panama, to put the removal of Noriega 'on the back burner.'[54] It was suggested that the national security interest 'came a distant second to domestic presidential prerogatives.'[55]

Bush's break with Reagan on the issue continued. Bush continued his theme: 'We need a president who will support our law enforcement community in going after drug traffickers ... I am that man.'[56] However, allegations of the Vice President's involvement continued to haunt Bush. NSC staff member, Norman Bailey, at a House subcommittee hearing stated the 'only possible reason or excuse for being ignorant would be because the person involved did not want to know or find out, or wilfully ignored the overwhelming evidence.'[57] The Noriega problem was given lower priority the campaign team in favour of domestic politics, but it soon resurrected itself after the election.

4.4 Bush's Initial Policy

When President Bush took office in January 1989, he inherited the problem of Panama. The United States had tried a number of initiatives to remove Noriega, but without success. It

was becoming an embarrassment to the United States. It was assumed that Bush would be strong in foreign policy. He was the 'résumé candidate', in foreign policy, having been a CIA Director, a UN Ambassador and Vice President.[58] He was described as a 'foreign policy junkie - who believed that the true instruments of power resided in foreign policy.'[59] He had a strong foreign policy team, with James Baker as Secretary of State, Dick Cheney as Secretary of Defense and Brent Scowcroft as his National Security Advisor.[60]

Despite the history and the continuing frustration, Bush and the team did not make any urgent moves to remove Noriega. They were relying on an up-coming election, in May 1989, to unseat him. The CIA was funding the opposition candidate, Guillermo Endara, to counteract Noriega's election fraud activities.

The main concern was that there were 12,000 Americans, military personnel and their families, living in Panama. Further, by the end of the year, according to the canal treaties signed by the Carter administration, Panama would then be able to nominate the administrator of the canal. The treaties had been opposed by the Republicans, and were controversial. In February 1989, the United States General in charge of the forces in Panama, Fred Woerner, told a congressional subcommittee in Washington that Noriega was moving to manipulate the May 1989 presidential elections. In April, as the elections approached, the United States appointed President Carter, and Senators John McCain (R, AZ) and Christopher Dodd (D, CT) to be election observers.[61]

4.5 May 1989 Election Crisis

However, in the week before the elections, Panama and the US each accused the other of election fraud. It was reported in *U.S. News & World Report* that President Bush had

cranked up a covert campaign to send $10 million to the Panamanian opposition to even the odds in its electoral struggle against the regime.[62] The administration also used covert operations and Kurt Muse, a CIA operative, was caught by the Panamanians using CIA electronic equipment to broadcast election propaganda. It was further revealed that President Reagan had approved a plan to have US - supported Panamanian exiles overthrow Noriega, but the Senate Intelligence Committee had balked at the plan.[63] Government officials reported at the time that the Senate Intelligence Committee rejected the coup plan, on grounds that Noriega might be assassinated, which was specifically forbidden, by presidential order. However, the new Bush administration had put together a new covert-action proposal, to supply funds to the Panamanian opposition. Some members of the House Permanent Select Committee on Intelligence had reservations about such a proposal and met privately with Bush to discuss their concerns about the viability of the plans.[64]

Against this background, Noriega accused the United States of aiding the opposition, in order to install a United States friendly government, to break the Canal Treaties. A pro-Government newspaper, *Critica*, published a front-page headline referring to Guillermo Endara, the opposition presidential candidate: 'Bush Buys Endara With $10 Million So He Will Provide Military Bases and Revise Treaties.'[65] Panama then asked for an emergency meeting of the UN Security Council to hear its claim of 'flagrant intervention' by Washington in its economy and political system.[66] Noriega insisted that problems with the United States were based on US plans to break the canal treaties, by refusing to turn over the canal administration to Panama.

The continuation of such covert policy was criticized in the press. The policy was 'so disappointing that it reflected a continued faith in the correctness and efficacy of covert

actions in foreign policy.'[67] Noriega had been able to discredit some of his opponents by revealing their connections with CIA money. The press suggested that the United States had no business either secretly trying to destabilize a government or influence the outcome of an election.[68]

Elections were held in Panama on 7 May 1989. The opposition candidate, Guillermo Endara, the candidate of the Alianza Democratica de Oposicion Civilista (ADOC) won the election, some reported by 3:1, although the results were never announced. Noriega, as *de facto* leader of Panama, then annulled the result citing United States interference and election fraud. President Carter stated, 'The military and General Noriega and his aides decided to steal the election and not let the true returns be known. ...The opposition has won a clear-cut, overwhelming victory.'[69]

President Bush reacted strongly against the Noriega regime. In an interview with the White House Press Corps, he stated, 'The Panamanian people have spoken, and I call on General Noriega to respect the voice of the people. And I call on all foreign leaders to urge General Noriega to honor the will of the people'.[70] Bush made his statement after meeting with members of the Carter team together with members of an official US observer team headed by Representative John P. Murtha (D, PA).

Following this, in Panama, there was street violence. On 10 May, opposition leaders were attacked by the 'Dignity Battalions', paramilitary pro-Noriega units.[71] The Battalions beat Endara with an iron bar, and the opposition Vice Presidential candidate, Guillerno 'Billy' Ford, was struck. This was all seen on TV, and replayed endlessly.[72] At this point it was clear that the Bush administration 'wanted [Noriega] out.'[73]

Following the attacks, Bush reacted even more strongly. He sent 2,000 more troops to the Canal Zone, and ordered William Crowe, the Chairman of the Joint Chiefs of Staff, to set up operation 'BLUE SPOON', with the intention of removing Noriega.[74]

Bush detailed a 7-point plan.[75] In addition to sending troops, Bush recalled the US ambassador to Panama, Arthur C. Davis. Bush ordered military families in Panama to leave or move into protected military bases there. He said he was 'worried about the lives of American citizens, and I will do what is necessary to protect the lives of American citizens.'[76] He also said, 'we will not be intimidated by the bullying tactics, brutal though they may be, of the dictator Noriega.' He said he was keeping close contact with Latin American leaders to discuss ways of removing Noriega from power and said he hoped 'regional diplomacy' would be used to address the crisis. Several countries in the region, including Peru, Venezuela, Costa Rica and Guatemala, condemned the fraudulent election but warned against U.S. military intervention. Endara himself opposed US intervention.[77] Other measures included a travel advisory, economic sanctions and enforcing the treaty rights in the Canal Zone.

According to *New York Times*, 'aides described Mr. Bush as angry and disturbed: The United States will not recognize nor accommodate with a regime that holds power through force and violence at the expense of the Panamanian people's right to be free.'[78]

Bush's comments brought bipartisan support on Capitol Hill - from figures as ideologically diverse as Senators Alan Cranston, Democrat of California, and John McCain, Republican of Arizona - but were met with a restrained response from Latin American nations.

National Security Advisor Brent Scowcroft told reporters that the dispatch of the 2,000 troops was 'a precautionary, prudent step' that should not be viewed as a potential invasion force. Scowcroft insisted that the deployment of troops was 'not to restore

democracy. They are combat troops,' Scowcroft told reporters. 'They are there to protect American lives and, if necessary, the Panama Canal.'[79]

In a rare joint statement, House Speaker Jim Wright (D, TX) , House Majority Leader Thomas Foley (D, WA), House Minority Leader Robert Michel (R, IL), Senate Majority Leader George Mitchell (D, ME) and Senate Minority Leader Robert Dole (R, KS) all expressed support for the president.

Bush hoped that the condemnation would provoke an uprising in Panama, and advocated that the PDF should remove Noriega. He clarified his intentions in a further press conference.[80] He stated: 'I would love to see them get [Noriega] out. We'd like to see him out of there -- not just the PDF, the will of the people of Panama.(sic)'[81] But when pressed by a questioner, Bush went much further calling for a 'revolution'. The questioner asked, 'It sounds like you're calling on the people of Panama to rise up and basically have a revolution. Is that what you're trying to say?' In response, Bush confirmed this:

> A revolution -- the people rose up and spoke in a democratic election, with a tremendous turnout, said what they wanted. The will of the people should not be thwarted by this man and a handful of these Doberman thugs.[82]

On the same day that Bush announced his new strategy, Secretary of Defense, Richard Cheney, said on the MacNeil-Lehrer *Newshour* that US troops would not intervene in Panama. The purpose of the troops, said Cheney, '[was] not to be involved with deciding who governs Panama.'[83] The military dilemma was summarized by:

> one general who belongs to the 'never again' school of officers who believe they won on the battlefield in Vietnam two decades ago, but lost the war at home

> because politicians failed to persuade the public it was vital to the national interest.[84]

'The last thing we need to do is bomb and invade,' said the general. 'It would only take a skirmish to defeat Panama's army, but we'd be breaking laws and helping Noriega paint us to Latin American countries, which also want to get rid of him, as the old Yankee imperialists.'[85] The general was not named, but note also Colin Powell's quoted remarks: 'otherwise successful operations are not total successes unless the media aspects are properly handled.[86] Clearly, the American military was superior but they would loose legitimacy by deploying large forces against Panama.

When no action was taken by the Panamanians Bush hoped that the OAS would resolve the issue. He deployed some extra forces, but there was no coordinated action. It was not clear what the policy was, beyond a general desire to oust Noriega.

4.6 OAS Involvement

At this point, all the US initiatives had failed. The administration had been relying on the monitored election to remove Noriega, but was not prepared for his action to void the election. They were also not prepared for the CIA action to be made public. Although Bush called on the PDF to remove Noriega, he was not clear what his next action should be. Noriega's 'Dignity Battalions' were on the streets, and the opposition candidates had been beaten and abused. President Jimmy Carter suggested that the OAS might help: 'unilateral action is much weaker than action in concert with other democratic countries.'[87] Carter told reporters later that he did not advise any hasty moves by the US, such as abrogating the

Panama Canal treaties or taking military action. Such moves could 'play right into Noriega's hands,' he said.[88]

At the end of May 1989, a four-man mission was sent by the OAS to find a solution to the crisis, led by secretary-general Joao Baena Soares, but this was not successful. By July, the situation in Panama was 'horrible' and the forces of the Southern Command were ready to intervene if President Bush ordered.[89] At that point nothing had worked. The United States had tried drug indictments, negotiations with Noriega, economic sanctions against Panama and CIA covert action.[90] For some, the OAS involvement highlighted a 'lack of initiative.'[91] It merely served to conceal a 'policy vacuum.'[92]

President Bush was annoyed by the Army tactics in Panama, which included placating the Noriega forces and trying to keep the peace. The Army had been unwilling to recommend military action. So, the president decided to replace the Commander of the Southern Command, General Frederick Woerner, with a more aggressive leader. Woerner had worked with the Panamanians for some time to reach a solution, but the administration, and Cheney in particular, were critical of his performance. In fact, the last straw had been when election observers asked Woerner to evacuate dependants, but the process had been delayed by 'lack of cardboard boxes to pack personal effects.'[93] In Baker's view, Woerner had 'clientitis' and had become too close to the Panamanians.[94] Cheney also warned the Joint Chiefs of Staff against opposing the president's view: 'the President has got a long history of vindictive political actions. Cross Bush and you pay'.[95] He added, 'Bush remembers and you have to be careful.' But the decision to build up military forces made Crowe wonder why the United States was trying to solve political problems 'through military solutions ... often the first resort rather than the last.'[96]

The appointment of General Max Thurman signalled a harsher regime in the US dealings with Panama. Thurman had no Spanish, and was known as a dedicated soldier, with the nickname 'Mad Max, Maxatollah and Emperor Maximillian.'[97] At the beginning of October, Colin Powell took up his post as Chairman of the Joint Chiefs of Staff.

The negotiations with Noriega continued, but these were supplemented by more military posturing, with exercises on the streets by the United States in Panama. Meanwhile, the military were putting planning in place to use force. For the previous Joint Chiefs of Staff Chairman, William Crowe, the accumulated failures of the Reagan and Bush administrations virtually guaranteed military conflict.[98] The policies had been designed to get rid of Noriega, but none had been successful, and the position was becoming untenable for Bush.

4.7 October 1989 Coup Attempt

One day after Powell was sworn in as Chairman of the Joint Chiefs of Staff, Major Moises Giroldi Vega, an officer in the PDF, attempted a coup against Noriega.[99] The United States had been notified by Giroldi's wife that the coup was about to take place. She asked the United States for help in blocking one road, to prevent Noriega's supporters reaching him. However, Thurman was not interested in the Giroldi coup. Giroldi had been a supporter of Noriega and Thurman suspected that Noriega was using Giroldi to set up a trap to undermine and destroy his credibility during his first days as SOUTHCOM Chief. In Thurman's view, it was important to destroy the PDF: 'You had to take down not only Mr Noriega, but take down elements of his supporting entity – to reduce the PDF to nothing.'[100] Powell agreed, and said he did not like the idea of 'a half-baked coup with a half-baked coup leader.'[101] William Webster, the CIA Director, felt it was 'not what you would call the best planned coup'.[102]

So, the United States took no action. Giroldi and his forces did take Noriega prisoner. It is reported that they notified the United States and were instructed not to kill Noriega. However, the coup leaders were not prepared to hand him over to United States forces. As negotiations continued, Noriega was able to use a 'secret' telephone that he had set up for emergencies. He phoned his supporters in the PDF, they quickly arrived and Noriega resumed command again.[103] Within forty eight hours, Giroldi had been tortured and killed.

In the United States there was fierce criticism that Bush had not supported this coup. The press were particularly vicious, reporting on the indecision, and the return of the 'wimp factor', first highlighted by *Newsweek* in October 1987. The *New York Times* attacked Bush's administration as the 'unserious presidency'.[104] The *Newsweek* cover, to cite just one example amongst dozens, showed, 'Amateur Hour.' Harry Summers wrote in his syndicated column: 'Our national security decision-making process . . . was revealed to be in chaos.'[105]

In Congress, there was also fierce criticism. It was noted that Bush had invited the Panamanians to overthrow Noriega, but when they attempted to do so, and asked for help, they were ignored. There were also questions about the explanations the administration gave, which were not consistent. They ranged from: the United States did not know; they had been informed, but did not trust Giroldi; there was not sufficient intelligence; and that the United States was not in the business of regime change.[106]

Initially, the administration denied that they had been informed about the coup. However, Senator Helms put together a detailed chronological account that was described as 'hogwash' by Cheney.[107] It was pointed out in the House that Panama was the HQ of SOUTHCOM, and it was unlikely that the United States did not have intelligence information. Representative Vic Fazio (D, CA) asked, 'The question is, did we know, Mr. President? And if

we did know, as some in your administration suggest, why did we do nothing?'[108] Other congressional leaders and representatives were more forceful. Senator Helms called the administration 'Keystone Cops', and argued, 'after this, no member of the PDF can be expected to act against Noriega.'[109] Congressman Dave McCurdy (D, OK), chairman of the House Select Committee on Intelligence, ridiculed Bush: 'Yesterday makes Jimmy Carter look like a man of resolve. There's a resurgence of the wimp factor.'[110]

Some of the accusations were justified. For the administration, there was not a clear decision making meeting. Bush was briefed about the coup, by Scowcroft, as they walked through the garden.[111] There was 'not much depth' to the briefing. According to reports, there was only informal discussion between the principals.[112] The military advice was not to get involved. Max Thurman believed the coup to be a failure and gave the advice, 'This is ill motivated, ill conceived ... Stay out of it big time.'[113] Powell reported that, 'Cheney, Thurman and I ... agreed that the United States should not get involved'.[114] Cheney may have been influenced by Pentagon and JCS officials who opposed the action on the grounds that it could endanger American civilians living in Panama.[115] The attitude of the military in not wanting to use their force was roundly condemned by Reagan's Assistant Secretary of State, Elliot Abrams.[116] In rebuttal, William Crowe, criticized Abrams, for his schemes to cook up a mini coup in 1988, and schemes to abduct Noriega. Crowe described using the military as a 'messy, messy business' and one which would be supported by the American public if there were only minimum casualties.[117] Bush was frustrated by the lack of clear intelligence, and Bush 'seethed with anger', according to aides.[118]

James Baker, however, had serious concerns about the legitimacy of any action against Noriega. He was 'concerned about the possible legal entanglements with Congress over

prohibitions on the United States engaging in assassinations.'[119] Baker's first reaction, on hearing of a possible coup was, 'Get the lawyers.'[120]

Bush's anger was because of the lack of a coherent strategy. The intelligence was weak, and the military were against becoming involved in the coup. No-one suggested that this was an opportunity to remove Noriega. The PRD had acted on Bush's call to remove Noriega, but the United States did not support it. This made Bush appear weak and not in control. He had called for a 'revolution', but when asked to intervene did not do so.

The attempt to deny knowledge of the coup caused more problems, and administration members had problems explaining the changes to their statements. However, Dick Cheney insisted, 'the president made a very sound decision. You should not commit U.S. military forces unless you've got a very clear objective.'[121] Cheney told a Senate Intelligence Committee, 'We made a good policy decision. We are not in the business of willy-nilly running around the hemisphere toppling governments we don't like.'[122]

However, Senator Sam Nunn (D, GA) argued, 'I do not believe the people on the ground had clear policy guidance from Washington.'[123] Some in the administration accepted that there had been problems. James Baker later said, 'It was apparent that a prime opportunity to remove Noriega had been squandered. Our reaction had been wholly defensive ... It is an understatement to say that administration decision making was less then crisp.'[124] In commenting on Bush's campaign promise to remove Noriega, and realizing how difficult that was in reality, Baker recalls that if they had anticipated such a victory for Bush in the 1988 elections, the administration would not have 'dug so much of a hole for ourselves.'[125] Brent Scowcroft conceded: 'Our performance was spotty.'[126] Powell took a different view. In his

view, there was no indecision, in fact the opposite. The military had been clear in their advice, and against military action.

Publicly the administration admitted to 'bad handling', but Bush stated, the 'amateur hour is over'.[127] After several days of statements from the administration, the president was asked at a press conference about his crisis management.[128] Bush argued that he had not seen any facts in subsequent reports that would have made him do things differently. Saying he wanted Noriega out did not automatically imply the use of force. However, it is clear that the president did not have good information at the time. Bush argued, 'I hope I would never be reckless enough as a Commander in Chief to make a blanket commitment to use of force without knowing the facts regarding some coup attempt.'[129] The reporters also raised a question of urgency, noting that during the coup, phone calls from Panama were not answered and communications were poor. Bush conceded that they were reviewing procedures. Scowcroft then reinstituted the National Security Council deputies committee, to oversee foreign policy.

The president invited Senators David Boren (D, OK) and William Cohen (R, ME), chairman and the vice chairman of the Senate Select Committee on Intelligence, to the White House for a conversation about the events in Panama. No details were announced. The press asked the president whether he had asked the Committee leaders for more powers to act in the case of a coup. The president replied, 'Well, I want as broad a power as possible, and I think under the Constitution the President has it. But I'll be working with the -- has broad powers, broader than some in the Senate or the House might think.'[130]

Plans were also put in place, by General Thurman, for a state of increased military readiness in Panama.

On 3 November 1989, the administration received a legal opinion issued by the Justice Department's Office of Legal Counsel, and requested by the White House. The Bush administration had concluded that US military forces had the legal authority to arrest drug traffickers, international terrorists and other fugitives overseas.[131] This signaled a change of policy providing for a possible intervention to arrest Noriega. However, the information was not released at the time, and came to light only in December, in answer to a request from the *Washington Post.* The information was withheld from Congress. Representative Dave McCurdy, who served on both the House Armed Services Committee and the House Permanent Select Committee on Intelligence, said that the committees had not been told about the Justice Department ruling, and a spokesman for the Senate Select Committee on Intelligence said no notification of a change in administration policy had been sent to that panel.[132] However, the new ruling to give the military arrest powers appalled some. Representative Don Edwards, chairman of the House Judiciary subcommittee on civil rights, was appalled, 'If they [the administration] want to be international outlaws in the eyes of the world, we're just not going to let them,' he said, 'It's an American tradition that the military does not get involved in police operations . . . We're going to go right to work on this.'[133] When this information was announced it was further reported that:

> during that coup attempt, the commander of US forces in Panama, Gen. Maxwell Thurman, was urgently seeking a DEA agent to take Noriega into United States custody should the coup succeed... But the nearest DEA officer was in Costa Rica...Thurman then located an FBI agent who was in Panama on an unrelated assignment, the official said, and the FBI agent was standing by when the coup failed.[134]

This reinforces the view that communications were not clear, and that the appropriate structures for ordering an intervention were not in place.

4.8 The Intervention

After the embarrassment of the handling of the coup attempt, the Bush administration was waiting for an excuse to move against Noriega. They stepped up their military manoeuvres in Panama and exerted increased economic sanctions.

In December 1989, a sequence of events gave the United States that opportunity. On 15 December, a Panamanian legislative body formed by Noriega named him head of government, formally granted him sweeping powers and declared the country to be 'in a state of war' with the United States because of American economic sanctions.[135] Noriega was to become the 'Maximum Leader'.[136] This gave Noriega formal overall authority over both the military and civilian authorities. The Panamanian Assembly passed a resolution and stated the move was prompted by U.S. 'aggression,' a reference to a series of economic sanctions imposed since April 1988 and recent military manoeuvres by the U.S. military's Panama-based Southern Command. Noriega claimed that Panama was

> under siege by the Americans. They [the Panamanians] were living in a state of war – with constant provocation by the Americans, constant threats... It was an emergency measure, a wartime measure. ... A state of war existed because they were under siege, not as a declaration of war.[137]

On the same day the Bush administration revealed that they had obtained the legal ruling, in November, that U.S. military forces had the legal authority to arrest drug traffickers, international terrorists and other fugitives overseas.[138]

The key incidents happened the following day. Four American marines got lost. They accidently drove to PDF Headquarters. The car was stormed by crowds. As it sped away the PDF fired. One marine, Robert Paz, died and a second was hit.[139] Meanwhile a Navy lieutenant and wife, who had been stopped at the same checkpoint, witnessed the shooting. They were blindfolded, taken away and beaten, and the wife was threatened.[140] At this point Powell believed that Noriega had 'gone over the line ... it was an outrage and an affront to the country.' [141] He also argued that the United States must retain their military capability as a global power, and show their capabilities to the Russians. Baker remarked that the 'death of one of its own has finally brought the military around. They were finally ready to fight.'[142]

The decision to invade was taken at a Sunday afternoon meeting at the White House on 17 December 1989. The military report suggests that:

> Initially President Bush's interest in a military operation was guarded. He wanted assurance that it would not backfire as had the attempted rescue of U.S. hostages in Iran during the Carter administration. He also wanted to preclude the interservice problems that arose in 1983 during the intervention in Grenada. The President asked: "Would the plan work? Did it have to be that big? How many casualties would there be? How much damage would be done? What would be the diplomatic consequences throughout Latin America?[143]

However, when told that there was a possibility that the PDF would seize US citizens, he 'needed no further persuasion.' Scowcroft suggests that the president was not keen to have an extended debate. There was a 'token debate as to whether the provocation was enough for a military strike, but Bush needed no convincing.' Scowcroft claimed they [the actions against US forces] were the 'excuse' for the invasion.[144] Thurman recommended that operation 'Blue

Spoon', renamed *'Just Cause'*, should commence. Powell endorsed it. Bush agreed: 'Okay, let's do it. The hell with it!'[145] With that, Bush sent a 20,000 force, and a Delta Stealth Force to Panama.

The Americans invaded on 19-20 December, with Panama looking forward to Christmas. Noriega received reports of increased American activity, but disregarded it. He did not believe that the Americans would actually invade. He adopted his normal security policy of moving around and never taking the same route. However, as the evening progressed, Noriega became aware of the increasing American assaults on the PDF, and took evasive action. He avoided the Americans at the airport, and went into hiding.[146] At this point Endara, who it was widely believed had won the elections in May, was told by the Americans what was happening. He was sworn in as president, in the Panama Canal Zone, at Fort Clayton.[147] On 20 December United States Stealth bombers bombed Panama City. This caused extensive damage and fires, and killed numerous civilians.

Another key objective for the United States forces was to rescue a lone CIA agent, Kurt Muse. Muse had undertaken covert action with transmission equipment to disrupt the May elections. According to Noriega, he had been 'caught red-handed violating our sovereignty.'[148] The Americans believed Noriega's threat that Muse would be the first to die, and used a Delta force to rescue him first. The Americans were embarrassed and annoyed that Noriega had evaded them. A bounty of $1m was put on his head.[149]

On Christmas Eve Noriega showed up at Papal Nuncio residence. It was reported that he had been granted asylum. He contests this, saying that he did not ask for asylum, and that he was there against his will.[150] The United States tactic to get Noriega out of the Embassy

was to play loud music, through loudspeakers, outside the Embassy, day and night. This was later condemned as an abuse of human rights.

On 3 January 1990, Noriega surrendered to United States forces, and the fighting ended quickly. By agreement, he was left in uniform until he was taken on to United States transport.[151] He was taken to the United States and held for trial on the indictment charges. He was sentenced to 40 years imprisonment, later reduced. He served his term, but was extradited to France, where he was convicted of money laundering. As he nears the end of his term, the Panamanians want to extradite him back to Panama, where he has been convicted and sentenced for human rights abuses.

The invasion was condemned in the UN and the OAS.[152] But Secretary Baker said that it 'showed the world the United States was not afraid to act unilaterally ...the 'surest test of a great power'.[153] Bush cited his four reasons for intervention: to save American lives and protect U S property; to restore democracy; to preserve the integrity of the canal treaties; to apprehend Noriega.[154] Thomas Pickering, the U S Ambassador to the United Nations, said that 'the survival of democratic nations [was] at stake.'[155]

In contrast, Senator Ted Kennedy (D, MA) told Congress that the United States, 'did not have [the?] right to roam the hemisphere, bringing dictators to justice or installing new governments by force or other means. It is a contradiction in terms and a violation of America's best ideals to impose democracy by the barrel of a gun.' [156] It was 'difficult to deny' that the invasion 'cost more lives than it saved.'[157]

The press also criticized the invasion: 'Operation *'Just Cause'* was as phony as its name.'[158] Noriega criticized it as the 'greatest examples of overkill in military history, .. with Stealth bombers [being used] on a school.'[159] He had thought 'naively, that the United States

would ultimately honor its neutrality treaty ... and the principles of international law.'[160] He was outraged that the Americans reported that Panamanians set fire to their own people, a reference to the fires in Panama City. 'What cynical, outrageous lies.' [161] He argued, 'Bush appears to say that his cowardly invasion – all that a wimp with an inferiority complex could be capable of – was a liberation. ... The mission was to capture and bring [Noriega] to justice. ... He was lying.'[162] Noriega argues that with 12,000 soldiers permanently in Panama, Bush didn't need to send another 20,000 to capture him. In his view it was not intended to capture him rather that they wanted him dead. He argues that the invasion was 'intended to destroy the Panamanian Defense Forces and to guarantee that the Panama Canal would be in the friendly Anglo-loving hands of a Panamanian puppet government by the time it was to be turned over by the United States on December 31, 1999.'[163]

Meanwhile, 'U.S forces bundled up Noriega's legendary archives, all the film, all the video, paper and disks that made up the hidden history of Panama.'[164]

4.9 Bush's Decision Making

When he became president, Bush had a number of decisions to make, relating to Panama. Initially, he had to decide whether to continue the Reagan policy. For the May 1989 election in Panama, he needed to decide whether to intervene and, once Noriega had annulled the elections, what action to take. During the attempted coup, in October 1989, Bush had to decide whether to take action, and what to do after the failure of the coup. Finally, he had to decide whether to intervene in Panama and what form that intervention should take.

This section considers what advice and information Bush received at the various stages. It examines to what extent the president considered legitimacy of his action, and why he took the specific actions.

When Bush first took office, there were no immediate pronouncements about Panama, and things proceeded much as before. The policy was to reinforce the methods used previously. The United States was to try to negotiate with Noriega, to do a deal for him to leave. At the same time the military were preparing to use armed force to remove him, if required. The Bush administration was keen to remove, not just Noriega, but also the PDF, and to install a civilian government.

The efforts to persuade Noriega to leave were complicated by the 1988 indictment, which meant that Noriega was not prepared to leave Panama as he would be arrested, and by Bush's reluctance to offer immunity. Bush initially decided to rely on the covert action, and increased sanctions, to produce the Panamanian election result he desired. There is no evidence of any detailed discussion about these decisions, but the CIA used covert activities to 'bug' Panamanian government conversations, and $10m was contributed to opposition candidate campaigns.

Once the United States preferred candidate, Endara, won the election, and the results were annulled by Noriega, Bush had to decide what action to take. Again, there is little evidence of any discussion. However, Bush called upon the Panamanian people to remove Noriega. His stated position was that, 'The Panamanian people have spoken, and I call on General Noriega to respect the voice of the people. And I call on all foreign leaders to urge General Noriega to honor the will of the people'.[165]

He then spelt out what action he was taking. He stated: 'The United States will not recognize nor accommodate with a regime that holds power through force and violence at the expense of the Panamanian people's right to be free.'[166] This was reinforced by the '7-point'

plan for action. He hoped such action would put pressure on Noriega to endorse the election results.[167]

Bush decided to send 2,000 additional troops to the Canal Zone, and ordered the JCS, Crowe, to set up plans to invade Panama. He was also considering an alternative strategy. He ruled out dropping the Federal grand jury indictments against Noriega but was also 'open-minded about seeing what it might take to see him leave.'[168]

The president announced he was deploying troops after a 50-minute morning meeting with congressional leaders at the White House and a series of phone calls by the president to Latin American leaders.[169] His moves were 'generally well received by congressional leaders'. However, some of the leaders expressed caution about introducing new US troops into a country where US forces already outnumbered those of Noriega.[170] There were already 20,000 United States military personnel in Panama.

The president took this decision with little or no involvement of Congress. The Attorney General argued that 'the President has exclusive authority to conduct and manage our relations with foreign nations.'[171] Congress supported the president, passing a resolution stating the president acted 'decisively and appropriately in ordering the United States forces to intervene in Panama'.[172] Bush did however inform other regional leaders. National Security Advisor Brent Scowcroft described him as a 'mad dialler', hitting the phones to all Latin American leaders.[173]

At this point, the president had not discussed any question of legitimacy. Congressional leaders were informed that the president was deploying troops, in his view, to protect American lives. However, in the light of the revelations of the CIA covert actions, US

government officials said that congressional committees had rejected a Bush request for a further $20 million in covert aid to opposition groups in Panama.[174]

Questions were asked about the role of the troops. The White House spokesman, Richard Boucher, was asked this question with respect to the Canal. He was asked whether the operation of the Canal was guaranteed. He responded, 'I'd guess I'd have to say that the sending of the troops is primarily directed to protect the operations of the Canal from interference, to protect the ongoing safe and efficient operation of the Canal. You're asking me to make a prediction as to whether the Panamanians could operate it next year, and I'm not going to get into things like that.'[175]

> But the following day, the president made more forceful remarks. He wanted to 'clarify' the position. When asked whether he would like the PDF to get Noriega out, he stated: 'I would love to see them get him out. We'd like to see him out of there -- not just the PDF, the will of the people of Panama.' (sic)[176]

So, the president took the unusual step of publicly calling for the removal of a foreign leader. This prompted several questions about the actions of sending troops to a country where US troops were already dominant. The questions also focused on what had changed. It was pointed out that there were more extensive atrocities in other Latin American countries that were tolerated by the United States.

Bush also decided that he would use 'regional diplomacy' to address the crisis. In deciding upon this action, Bush took the advice of former President Carter to involve the other leaders in Latin America and attempt to get the OAS to resolve the crisis. Bringing in the OAS was a holding measure. Bush did not know what action to take. None of the previous

actions had succeeded in removing Noriega. Bush replaced his Commander in SOUTHCOM and instructed the incoming General Thurman to make plans to remove Noriega.

However, when a faction of the PDF, led by Giroldi, arrested Noriega, and offered him to the United States, in October 1989, Bush took no action. There were a number of reasons for this, but confusion between advisors and confusing press briefings then caused further problems. The military were clear that they did not want to intervene in the coup. Thurman believed the coup was a trap. Powell also did not want military action, but, if needed, he wanted to decide how and when to confront the PDF. Thurman and Powell believed that removing Noriega would not solve the problem, as he would be replaced by a similar PDF officer, if the PDF were not also removed. Cheney concurred with this view. The administration's inaction led to a barrage of criticism in the press, and in Congress. Once again, Bush was characterized as a 'wimp.' There was universal condemnation that Bush had called for the PDF to remove Noriega, but when the opportunity arose, no action was taken. Bush had called for a 'revolution', but when presented with the opportunity to remove Noriega he did not provide support for those attempting the coup.

There appears to have been little discussion in the administration as to whether the president had the opportunity to make the decision. An important aspect was that Secretary of State Baker was concerned about internal issues of legality. The United States had forbidden assassination of foreign leaders, and Baker was especially concerned that the lawyers were consulted. It is reported that 'Bush ruled that Washington should take Noriega if he was delivered F.O.B. [177] by the rebels.' Poor communications and lack of information meant that General Thurman was not able to facilitate this. In fact, it is likely that Bush did not have much opportunity to make a decision. Noriega had his own emergency measures in place, and

his supporters in the PDF were able to retake control, relatively quickly and easily. Bush probably had a two hour time span to assess the situation, given that he had not received the intelligence beforehand. The issue served to exacerbate Bush's frustration at not being able to get rid of Noriega.

The 'last straw' came for Bush on 16 December 1989, when the off-duty Marine was killed and another injured at a road-block. Reports of a beating of a navy lieutenant, and threatening of his wife, were the trigger.[178]

4.10 Reasons for Decisions

Once the May election had been annulled by Noriega, Bush called for a 'revolution.' He was clear in his statements that the intention was to remove Noriega. Bush gave his reasons for adopting his 7-point plan. He argued that 'the crisis in Panama [was] a conflict between Noriega and the people of Panama.[179] However, he was also clear that he was concerned about the security of the Canal Zone. He stated that:

> The United States is committed to democracy in Panama... We are also committed to protect the lives of our citizens, and we're committed to the integrity of the Panama Canal treaties, which guarantee safe passage for all nations through the Canal.[180]

Whilst the actions were generally supported, there were some questions about the changed relationship with Noriega. The Bush administration was not yet clear what Bush's phrase, 'New World Order' might mean. In the *Washington Post*, it was noted that with the decline of the Soviet Union, there were new rules: 'In the old days, things were often nasty, and worse, but there was a structure, a great-power overlay, a sense of a larger design that contributed at least the wan comforts of predictability, even as it drove the parties to ratchet up

their competition.'[181] With the decline of the structure, the United States no longer had a framework. They also considered that, 'Noriega was a means to an end. The desired end was secret help for the contras. Whatever means were necessary to accomplish that end were deemed acceptable. [But,] now the United States [was] facing some of the consequences of such an official end-justifies-the-means philosophy.'[182] There were contrasts drawn between Noriega being 'Our SOB', and the current view. Until the mid-1980s, providing he was in agreement with the United States then his actions, even as a military dictator, were acceptable. However, once the actions were exposed then the administration turned against him. This was later highlighted by Noam Chomsky who asked, 'An obvious test comes to mind: what happened in the preceding election in 1984, when Noriega was still *our* thug? Shultz was sent down to legitimate the fraud, praising the election as 'initiating the process of democracy.'[183]

The reasons for not backing the Giroldi coup in October stemmed from a lack of intelligence, and a belief that the coup could be a trap. The military did not support military action, and the president felt that he should not commit forces without accurate information. Before any decision was taken, the window of opportunity had cleared.

Once Bush had decided to intervene, he cited four reasons for intervention: 'The goals of the United States have been to safeguard the lives of Americans, to defend democracy in Panama, to combat drug trafficking and to protect the integrity of the Panama Canal Treaty.'[184] In a letter to the Speaker of the House and Senate Majority Leader, he related the abuses that had occurred and stressed that Noriega had declared a 'state of war.' Therefore, 'these and other events over the past two years have made it clear that the lives and welfare of American citizens in Panama were increasingly at risk'.[185] But he continued 'the continued safe operation of the Panama Canal and the integrity of the Canal Treaties would be in serious

jeopardy if such lawlessness were allowed to continue.' He also stated that, 'the democratically elected Panamanian leadership announced formation of a government, assumed power in a formal swearing-in ceremony, and welcomed the assistance of U.S. Armed Forces in removing the illegitimate Noriega regime.' With such, he formally recognized the Endara Government. Bush concluded with the main purpose of the letter. 'In accordance with my desire that Congress be fully informed on this matter, and consistent with the War Powers Resolution, I am providing this report on the deployment of U.S. Armed Forces to Panama.'[186] The letter also noted that the intervention complied with the self-defense provisions of the UN Charter.

Secretary of State Baker amplified the president's statement. According to Baker,

> The President made his decision last Sunday [16 December]. He did so for a very good reason. ... I might add that after the President had made his decision, we received an intelligence report that General Noriega was considering launching an urban commando attack on American citizens in a residential neighborhood. I cannot prove to you that this report was absolutely reliable, but I do know that if the President had failed to act as he did and Noriega's Dignity Battalions had killed or terrorized a dozen American families in Panama, you would be asking us today 'why didn't you act to prevent this kind of violence against our citizens?[187]

It is important to note that Baker stated that they did not have proof of the intelligence. Baker was also pushed on the question of the Canal: 'You stated that defending the integrity of US rights under the Canal treaties was one of the objectives stated .... What evidence do you have - or do you have any evidence that that integrity was being violated, about to be violated?' On this, Baker was less then clear and responded, 'Well, that's very speculative ... let me simply

say with respect to that that we've said before that we anticipated that there might be problems with respect to the canal if Noriega continued to retain power illegitimately.' He was also questioned about the position under international law. In this, he was adamant. 'The actions were fully in accordance with international law. The United States, under international law, had an inherent right of self-defense.' He cited Article 51 of the United Nations Charter and Article 21 of the O.A.S. Charter, which entitled states to take action for self-defence. He also argued that actions were taken after consulting the 'legitimate, democratically elected government of Panama', a reference to the Endara government, which had not taken office before the intervention. Furthermore, he argued that the United States had 'both the right and, for that matter, the duty to protect and defend the Canal under Article IV of the Panama Canal Treaty, to which the government of Panama, of course, gave its consent.'[188] However, Baker had to admit that they did not have any evidence of the Canal Zone being violated.

4.11 Legitimacy of the Intervention

This section considers the legitimacy of the action in terms of United States and international law, treaties and obligations. It also considers congressional legitimacy and constitutional legitimacy, and public opinion.

The section also discusses whether the administration considered the legitimacy of their actions. If they did, in what way was legitimacy discussed and did it affect the decision making? Was it important to the administration or not? It begins by considering administration attempts to construct an image of legitimacy for their actions.

Administration attempts to construct an image of legitimacy

This section now considers whether the administration attempted to construct an image of legitimacy, or portray their actions in a particular light. It is clear that the administration embarked upon a co-ordinated campaign to project, to both the US public and the international community, a series of justifications for the invasion to achieve legitimacy. These consisted of a series of elements: US and international law making the US action legitimate, the presidential action to order the troops in being constitutionally legitimate, declaring the need to protect American lives, particularly in the context of the State of War in Panama, and the need to restore democracy and apparent consent of the Panamanian government.

Bush's lawyers argued publicly that the action was legitimate. Bill McAllister, in the *Washington Post*, reported that 'Justice Department spokesman David Runkel said Attorney General Dick Thornburgh had assured President Bush, prior to the operation, that the United States had 'clearly a legal authority under both U.S. law and international law' for the operation.'[189] Baker made public assurances about the legitimacy of the invasion and on the applicability of the UN and OAS Charters. Bush further argued the intervention was 'to ensure the integrity of the Canal treaties.' [190] Bush also claimed the action was to stop drug trafficking. He justified this by relying on the legal advice given at the White House's request, which stated that the military could be used to stop drug trafficking. Runkel stated that the 'controversial memorandum drafted by the Justice Department declaring that U.S. military forces have legal authority in foreign countries to arrest accused drug traffickers, such as Noriega, and other fugitives was weighed during the deliberations with Bush but was not the legal basis for the operation.'[191]

President Bush clearly attempted to construct a form of legitimacy under constitutional law. President Bush did not make a direct claim he was acting under his Commander-in-Chief powers. He merely indicated that he was acting to protect American lives, invoking his 'duty of care'. He cited the needs of 20,000 Americans in Panama. Noriega had stated that a 'State of War' existed, and Bush stated that Noriega, 'had publicly threatened the lives of Americans in Panama'. He informed the congressional leaders, and believed that was sufficient to justify his actions, and wrote to the congressional leaders once troops were deployed.

The administration also gave the impression that military forces had been invited into Panama to restore democratic government and stop the political violence, perhaps with the consent of Endara.

President Bush gave his clear reasons for the intervention. Perhaps because of these claims, the invasion was popular with the American public and 80% of American believed the invasion was justified. In Panama, 92% supported the invasion.[192] However, the invasion was condemned by resolutions both at the OAS and the UN.[193] There was opposition in Congress, with Senator Edward Kennedy (D, MA) leading the criticism, and negative reaction from Latin American states, and around the world. Several scholars, both at the time of the intervention and subsequently, also rejected his claims. Many of the claims were exposed as deeply flawed.

Even though it was the primary reason cited by the president, there is no clear evidence of any substantial threat to Americans' lives. Bush claimed that the 'final straw', was the killing of Marine Paz, and the attack on the Naval Officer and his wife. Even members of his administration doubted that this was sufficient cause for invasion. Despite the fact that Noriega had stated that a 'State of War' existed, it is clear that he was stating the position from

a Panamanian perspective, and not as a declaration of war. Yale professor John Quigley argued that Bush had not shown evidence of any immediate danger and no proportionality.[194] Georgetown University law professor Barry Carter, referring to the president's rationale for the use of military force, said that the president's policy was: 'You can use force to overthrow a government you don't like. The trouble is that the doctrine is awfully elastic. If we can use it, why can't others?' He continued, 'It seems to me that they need to have their lawyers working overtime to come up with justification on this.'[195]

UN advisor Karin Von Hippel later concluded that the self-defence claim distorted the principles of necessity, proportionality, and immediacy. The threat to lives was low, such that the 'low incidence rate could not be replicated in very small towns.'[196] Von Hippel suggests that the Canal Zone had a very low rate of violent incidents, and there was no justification for an invasion.

The claim that American lives were at risk is slim, given the number of troops already in the canal zone. Even Baker had conceded in his press conference that the administration could not prove that American lives were at risk. The United States was not threatened, and American lives were not in immediate danger.

It was also later argued that the Panama Treaties, specifically, did not allow intervention. The justification that the United States was defending the Canal Zone Treaties was also condemned. Professor Louis Henkin argued that the Canal Treaties specifically deny the right to use force to change the Panamanian Government, or to intervene in the internal affairs of Panama.[197] Quigley concurred with Henkin, that according to the Panama Canal Treaty, Panama's violations of the canal treaty did not give the United States the right to use force. Von Hippel argued that the Senate had accepted that intervention would only be permissible in

the event of a breach in the canal's neutrality.[198] There was no threat from Noriega to the Canal Treaty, and the Treaty itself specifically forbade intervention. Bush's claim that he needed a further 20,000 troops was ridiculed.[199]

On the question of restoring democracy, Henkin rejected the claim that the 'democratically elected Panamanian leadership welcomed the assistance of the United States Armed Forces.' He argued that international law had rejected the right to use force to vindicate democracy.[200] Further, 'the United States had not claimed that Endara had authority to consent to the invasion, that he was asked for consent or that he did consent'. In fact, he was taken to the United States base at Fort Clayton, and informed that the invasion was taking place.[201] Even if Endara had consented, in Henkin's view, 'A state may not invade the territory of another state and establish a regime as the government of that state by force of arms.'[202] Von Hippel concurred in this view, stating that the intention to restore democracy was not legitimate under international law. The State Department said that it 'asked permission' from Endara, but it is clear that Endara was under United States control, on their military base at Fort Clayton.[203]

Sturm law professor Ved Nanda also discussed whether the intervention has any legitimacy as a humanitarian intervention to stop the violence. Nanda believed that 'Humanitarian intervention could only be justified as a limited and as a last resort'. As to snatching Noriega, he argued that not all means are permitted to accomplish even a lawful goal. He believed that 'intervention was dictated by political considerations, in disregard ... to the existing norms on the use of force.'[204] The invasion was also condemned by the Human Rights Watch. They questioned the proportionality of sending Stealth Bombers to bomb a

civilian population, and the number of troops used, when there were already a substantial number of troops in Panama.

Many of the grounds for the action suggested by the Bush administration proved flimsy. Many of the justifications of legal and constitutional legitimacy were in reality designed to massage public opinion. As media and scholars considered the action, they generated a list of other motivations that might have motivated Bush's decision.

The press raised the 'wimp' factor which highlighted Bush's indecision and failure to act in previous situations. Some suggested that Bush's public statements were aimed at showing he was 'tough' and serious about removing Noriega and stopping the drugs traffic.

Alternatively, American writer R M Koster claimed that Bush had concerns about the evidence that Noriega had in his files against him, and his previous involvement with Noriega as CIA Chief and Vice President.[205] Professors John Weeks and Phil Gunson argued that Bush was concerned that Noriega had documentation that would implicate him in the Iran-Contra affair.[206] Noriega's documents are still impounded in Panama. Surprisingly, Noriega states that; 'On several occasions, Panama accepted changes proposed by advisers of the Vice-President in order to protect his presidential campaign.'[207]

Quigley, among others, argued that the United States wanted to retain control over the Panama Canal. Panama was due to nominate the Administrator of the Canal Zone on 1 January 1990. Bush had indicated that he would not accept a Noriega nomination. The Republicans were particularly opposed to President Carter's Treaties regarding the Canal Zone. Noriega (and others) suggested that the United States wanted to retain control of the Zone.

Quigley also suggested a broader motivation. The Panama invasion was a statement of US supremacy in region, making clear that the US would continue to wield the 'Big Stick' in the post-Cold War environment. It was noted that the invasion proved 'the American urge to dominate was as strong as ever.'[208] The United States was the hegemonic power, so the intervention actually represented the continuation of the 'Big Stick'. It 'demonstrated that the United States – and in particular the president- could exercise the use of force as part of its foreign policy repertoire and gain support of the American people,' which Von Hippel consider to be a 'precursor' for later interventions in the Middle East.[209] The Panama intervention was seen as inaugurating the 'post-Cold War era.' Chomsky argued, 'After floating various trial balloons [in justification], the White House settled on the need to 'protect American lives' as the reason for the invasion.'[210] It was noted that 'United States troops landed one week after the fall of the Berlin Wall. The Soviet menace could no longer provide the pretext, and even if it could, there were no communists threatening to take over the canal.'[211] Instead of protecting lives, according to Professor Russell Crandall:

> the Panamanian invasion hearkened back to the endemic hemispheric lawlessness of the past and the century of US imperialist policing in the US Caribbean 'lake', and it also projected ahead to an era of future global lawlessness in the 'strategic slums' of the Third World, where the US faced the chronic danger of 'prolonged security operations'... Thus, the Panamanian case can be seen as an important transition from 'Monroe militarism' and Reagan's policy.[212]

The 'Independent Commission of Inquiry', headed by former Attorney General in the Johnson administration, Ramsey Clark, investigating the invasion concluded that the 'changes in world situation have not led to a lessening of U. S. military and CIA intervention, but to

increasing boldness.'[213] Clark himself was even more bitter. He felt that they heard nothing about 'there will be no sovereignty in this hemisphere but ours; Southern Command being very comfortable; the Canal and investments; real reasons. We hear lies. We never heard the truth'.[214] Clark was expressing what he believed to be the 'real reasons', but that Bush's reasons were 'lies'. The intervention was intended to be an object lesson to Nicaragua and other nations in the region that the United States intended to assert their supremacy.

Some saw the action as a related justification of military levels of expenditure, because with the demise of communism, the US needed another enemy to take on.[215] It has also been suggested that Cheney was keen to build up the US military potential following the collapse of the Soviet Union. Cheney did not believe that there would be a 'peace dividend.' The military needed to show their strength, and also test their capabilities. This would help to explain the use of the Stealth Bomber, which was totally out of proportion to the Panamanian threat. The military were trying to defend the military-industrial complex, and negate any peace dividend.[216]

Explaining the Panama intervention and the questions of legitimacy surrounding it poses a methodological challenge. Access to historical records from the Kennedy and Johnson administrations allows a fuller understanding of the administrations' internal discussions and therefore the motivations at play. Fewer revealing materials are available for the Bush administration which makes discerning between these potential justifications difficult.

However, it is clear that the administration did consider the issue of legitimacy, both in domestic and international forms, if only sporadically.

Did the administration consider legitimacy?

Several members of the administration raised legitimacy as an issue as the situation in Panama developed and actions were chosen, but the subject, as far as accessible records reveal, was not at the forefront of administration thinking.

President Bush applied different approaches as the Noriega problem developed. Initially, he employed covert actions to influence elections and to apply sanctions to Panama, clearly in defiance of international law. At no stage is it recorded that he discussed the legitimacy of such actions. When Bush decided to apply sanctions, there appears to have been no consideration of legitimacy. Nor was there any consideration of the legal legitimacy of the president calling for a 'revolution.' In Bush's view it was entirely justified by the election result – despite evidence of fraud on both sides.

During the October coup attempt, Baker did raise the problem of legitimacy in relation to assassinating a foreign leader. This is specifically against United States law. Baker's first response was 'Get the lawyers'.[217] However, in the event, things moved quicker than the president and no decision was taken.

When Bush took the final decision to intervene, he did seem to consider the legal situation. Abraham Sofaer, who was a legal advisor for Bush, has argued subsequently that there was a 'legal basis' for the president's actions. In a round table discussion, he said, in answer to questions, that the legal advice was given *before* the invasion.[218] Runkel offered a press briefing that suggested the same. Notably, the administration had requested and received the controversial brief suggesting that arresting Noriega would be a legal act of self-defence. This is important as it would suggest that the administration did consider legitimacy beforehand.

International opinion

President Bush attempted to persuade Latin America leaders to support his action as a potential source of legitimacy. However, when his attempt to get the OAS to negotiate in May 1989 resulted in failure they had no further involvement.

Following the election, and Bush's call for 'revolution' some Latin American countries sent warnings against intervention. It is notable that the election 'winner' in Panama, Guillermo Endara, also opposed intervention, but Bush disregarded his view. Despite such potential, and later actual, opposition, the administration went ahead with the operation, showing little concern for international opinion.

Political : Congressional legitimacy and Consulting with Congress

The pattern of the administration's pursuit of congressional support, and perhaps legitimacy from that support, is also unclear. Certainly, Bush did not feel bound by the constitutional instruction to consult, not accept the presumptions of the War Powers Resolution. Nor did he feel that he needed to call upon either as a source of legitimacy for the intervention. However, he did choose to inform congressional leaders of some actions.

Once Bush had decided to apply sanctions to Panama, he had a meeting with the congressional leaders. However, he was only reporting his decision to them, he was not consulting them. When the intervention itself took place President Bush wrote to the leaders of the Senate and Congress. He informed them that he had deployed troops 'consistent with the War Powers Resolution.' However, Bush did not acknowledge that he should seek their approval.

On the other hand, when revelations of the CIA covert actions came to light, US government officials said that congressional committees had rejected a Bush request for a

further $20 million in covert aid to opposition groups in Panama.[219] So, the congressional committees must have been informed over some elements of the policy, and discussed this proposal. It seems that Bush had initiated some discussions with Congress particularly where the power of the purse was involved.

Congress was hardly a full partner in Bush's decision-making in Panama. However, Bush did feel obliged to inform Congress of dramatic developments in policy, perhaps because he sensed political trouble if Congress' role was not recognized to some degree. It appears Congress had the potential to threaten the president's legitimacy if it opposed Bush and therefore it had to be managed.

4.12 Conclusion

President Bush had a long history of dealing with Noriega. Once Noriega was no longer an 'asset', over a period of more than two years the United States administrations employed various tactics to change the regime in Panama. These included trying to negotiate with Noriega to go; economic sanctions; covert action to influence elections; and actions to support a coup. All of these failed.

It is clear that Bush became frustrated and embarrassed at the lack of progress in trying to remove him. In the end, he lost patience. While the administration seems to have discussed the legitimacy of the intervention, Bush's priority was to remove Noriega, in whatever way he could. Once Noriega had made his 'Maximum Leader' speech, stating that a 'state of war' existed, and Bush was advised that Noriega could seize American citizens, Bush made his decision, insisting he had the responsibility to protect American lives, implying that he was relying upon his 'duty of care' for US citizens. Justifications for the action were released subsequently rather than driving the decision-making. Examination of President Bush's stated

reasons suggests that they can be refuted as justification for intervention, as above. The Panama intervention was not legitimate and for President Bush legitimacy was not a priority.

Even if an invasion had been justified, the deployment of 20,000 troops and Stealth bombers was a disproportionate response. There were already 20,000 military in Panama. Recent 'Wiki' leaks suggest that Noriega was 'buying time' and Bush was concerned that 'Domestic and foreign opposition to Noriega was showing signs of fatigue.'[220] The public were no longer focussing on the Noriega issue.

However, while Bush was not concerned with legitimacy, there is extensive evidence that suggests the administration thought about portraying his actions as legitimate. Sometimes, this included presenting positions which had limited credibility and, as they were disproved, helped to undermine the perceived legitimacy of the operation further. The public evidence suggests that the administration believed that there were a number of sources of legitimacy they might call upon. The administration recognised a need to claim legal legitimacy. This was true under both international law, where the administration cited the UN and OAS Charters and the Panama Canal Treaties, and US law. They recognised the power of the claim to protect American lives, under the president's duty of care and the need to articulate the nature of the threat to those lives. They recognised that legitimacy would come with attempts to portray the intervention as intended to restore democracy, at the request of the Panamanian government. They also recognised the importance of stopping certain organisations undermining the action's perceived legitimacy, notably the US Congress. While most of these claims were unfounded, the administration revealed a great deal about its understanding of legitimacy and its sources in presidential decision-making.

Notes for Bush – Panama

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[8] Noriega, 49.

[9] Noriega, 61.

[10] Noriega, 114.

[11] ibid, 115.

[12] ibid, 118.

[13] Seymour M. Hersh, 'Panama Strongman Said To Trade In Drugs, Arms And Illicit Money,' *New York Times,* Section A, Page 1, 12 June 1986; Tanner, 39.

[14] Noreiga, 117.

[15] Noreiga, 123

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[17] Stephen Kinzer, *Overthrow: America's Century of Regime Change from Hawaii to Iraq* (New York: Henry Holt and Company, LLC, 2006), 239.

[18] Kathryn Sikkink, *Mixed Signals: U S Human Rights Policy and Latin America* (Ithaca, NY.: Cornell University Press), 2004.

[19] Noriega, 61.

[20] Kinzer 246, citing Dinges, 233; Frederick. Kempe. *Divorcing the Dictator: America's Bungled Affair with Noriega* (P. Puttnam's Sons, New York, 1990), 75-78.

[21] Noriega, 62; Reagan had stated during the 1976 Presidential election: 'We bought it, we paid for it, it's ours, and we are going to keep it. Quoted in Independent Commission of Inquiry on the U.S. Invasion of Panama. *The U.S. Invasion of Panama: The truth behind Operation 'Just Cause'* (Boston: South End Press, 1991), 23.

[22] Described by Noriega as 'not known to him', but Noriega describes Poindexter as the president's 'chief of staff.'

[23] Noriega, 125.

[24] ibid.

[25] Hersh, 12 June 1986.

[26] All Hersh.

[27] Weeks and Gunson, xvi.

[28] *Latin American Weekly Report*, 25 May 1989. *'A chronology of the bid to unseat General Noriega,* from www.LatinNews.com referenced as chronology.

[29] Noriega, 133.

[30] Chronology.

[31] Sikkink; Kempe, 75:78.

[32] Kinzer, 247.

[33] Karin Von Hippel, *Democracy by Force. U S Military Intervention in the Post-Cold War World* (Cambridge: Cambridge University Press, 2000),28; Philip Shenon, 'Noriega Indicted by U.S. for Links to Illegal Drugs,' *New York Times*, 6 February 1988.

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[35] Shenon.

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[39] Richard Cohen, 'Bad Guy -- But Deal.' *Washington Post,* Page A25, 19 May 1988; Lou Cannon, 'President Proposes Drug Task Force To Respond to 'National Emergency'; Aides Predict Noriega Indictments Will Be Dropped in Deal,' *Washington Post,* Page A32, 19 May 1988; David Hoffman, 'Bush Splits With Reagan On Handling of Noriega; He Would Not 'Bargain With Drug Dealers',' *Washington Post,* 19 May 1988; William Branigin, 'U.S.-Panama Deal Widens Political Rift; Backers Promoting Noriega for President.' *Washington Post,* Page A27, 19 May 1988.

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[43] Kempe, 32.

[44] Buckley , 141.

[45] Buckley, 147; Noriega.

[46] Buckley, 147.

[47] ibid., 154.

[48] Kempe, 337.

[49] David Hoffman, 'Bush Splits With Reagan On Handling of Noriega; He Would Not 'Bargain With Drug Dealers',' *Washington Post,* 19 May 1988.

[50] Buckley, 144.

[51] Weeks and Gunson, 78.

[52] Buckley, 147

[53] Kempe, 33; Buckley, 156.

[54] Kempe, 333.

[55] ibid., 335.

[56] *Washington Post*, 2 September 1988. cited by John Robert Greene, *The Presidency of George Bush* (Kansas: University Press of Kansas, 2000), 89.

[57] Kempe, 335.

[58] Greene, 89.

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Presidents and legitimacy in U.S. foreign policy:

Cold War and Post-Cold War intervention in Latin America

Part Two - Case Studies.

Clinton - Haiti, 1994.

'How did this happen?' [1]

5. Introduction

In September 1991 democratically elected President Aristide of Haiti was overthrown by a military junta. Consequently, there was a flood of refugees headed for the United States. The Bush administration refused to accept them as asylum seekers and returned them to Haiti. As a Presidential candidate, Bill Clinton criticised Bush during the 1992 election campaign for turning back boat-loads of refugees: 'The Administration turned its back ... on those fleeing Haiti'.[2]

Once elected, Clinton backed down from his commitments. Large numbers of refugees would create unacceptable political conditions for Florida. However, under pressure from the Congressional Black Caucus, President Clinton, in June 1993, issued sanctions against Haiti. And on 16 June the UN Security Council imposed a worldwide embargo.[3] By July the military junta leader, Raoul Cedras, agreed to step down. A plan was agreed, at Governors Island, between Haiti and the United States to restore Aristide to power by 30 October. By agreement, Clinton sent 600 soldiers on *USS Harlan County* to repair the roads, transport and infrastructure. However, they were prevented from landing

in Haiti by armed civilians. Clinton then sent six destroyers, to protect United States civilians, which he reported to Congress under the War Powers Resolution. Congress was opposed to this action but Clinton argued that 'the Constitution leaves the President, for good and sufficient reasons, the ultimate decision making authority'.[4] Eventually the *USS Harlan County* withdrew: 'It was one of the most embarrassing moments in recent American history.'[5]

Debates over Haiti continued through 1994. Congress opposed sending troops unless there was a clear and present danger. Clinton had problems in convincing the public and bureaucracy of the need for action. The CIA, in particular, was opposed to the return of Aristide. Clinton argued that the decision was his. On 31 July a UN Security Council resolution 'invited' all states, 'particularly those in the region' to use all military means to remove the military leadership in Haiti.[6] Again Congress argued against sending troops, arguing that the 'resolution does not constitute authorization.'[7] In this Congress' view was clear. They did not believe that a UN resolution was sufficient for the president to use force. Clinton, however, disagreed and gave a nationwide television address to tell the nation he was prepared to use military force to 'carry out the will of the UN', and to tell the Haitian junta, 'Get out now. Your time is up.'[8] The President invoked the Monroe Doctrine, citing issues 'so close to our shores.'[9] In Haiti, however, the concern was not about a Communist threat, but regional stability and immigration.

In the event the large force was not needed. The president sent an assault force of 20,000 troops. However, former President Carter, Senator Sam Nunn (D, GA) and former Joint Chiefs of Staff Chair Colin Powell negotiated a settlement and Aristide was restored to power. The troops landed unopposed by the Haitian junta. The Congress still believed that the president should have sought approval for his actions, and in October 1994 passed

a resolution to that effect, stating that, 'The President should have sought and welcomed congressional approval before deploying U.S. Armed Forces in Haiti.'[10]

All this occurred as Clinton wished to focus elsewhere. He was primarily concerned with the domestic agenda and mid-term elections. He despaired of being dragged into the Haiti situation exclaiming, 'I can't believe they got me into this... How did this happen?'[11]

In this case study, the President again inherits policy from a previous administration and issues from his own campaign rhetoric. Clinton was being challenged about his credentials as Commander-in-Chief and domestic pressures were mounting. The case study considers these aspects, the status of the UN resolution and the divisions in American opinion. He needed the intervention to be seen as legitimate to enable him to conduct his domestic policy.

The case study will show the important decisions the president had to make. He had to decide: whether to restore Aristide to power, if so, what action to then take; what response he would make when the *Harlan County* was refused entry; what further action to take to restore democracy to Haiti; whether to invade; and whether to allow for further negotiations. The study will show that Clinton, initially, was not concerned with foreign policy. However, he finally decided to intervene on humanitarian grounds. He was forced into this position by protests from the Black Caucus and by poor publicity on CNN which affected his ability to conduct domestic policy. He intervened despite congressional opposition, but with the backing of the UN.

The first part considers the history and the policy of the Bush administration, and a short section on the Clinton campaign rhetoric and commitments. The second section examines the chronology of the policy during the first two years of the Clinton administration. It discusses the differences of opinion in the administration, and the

opposition from Congress, the military, CIA, and in public opinion. The following section considers the invasion itself, the role of the Carter delegation, the change of policy to protect the Haitian civilians and the transfer to UN forces. Section 5.5 examines the key decisions Clinton had to make and the factors influencing those decisions. These include his method of operating, the relative importance of domestic and foreign policy and of American commitment after the Cold War. The differences between the advisors are expanded, together with their reasons. The role of the OAS, UN and media is also considered. The study examines to what extend Clinton considered the legitimacy of his actions, and whether such considerations influenced his decisions.

5.1 Bush's Policy

The United States has a history of intervention in Haiti in the twentieth century. In July 1915, the United States intervened in Haiti by landing a force of U.S. Marines. The primary stated objective of the intervention was to restore public order. This occupation of Haiti continued until the Marine Corps was finally withdrawn in August 1934. Haiti then had a troubled history with numerous changes of government. However, from 1950 to 1986, all political power in Haiti rested with the Duvalier family. 'Papa Doc' Duvalier, a strong dictator, managed to have himself elected as president for life. When he died in 1971, his son, 'Baby Doc' took control. He ruled with a reign of terror, with a strong army and a military force, the *Tonton Macoutes*. At this time the United States was content to condone such governments in Latin America, as long as they kept out communist influence. However, by 1985 high unemployment, poor living conditions, and lack of political freedom led to a series of popular uprisings that the *Tonton Macoutes* could not put down. 'Baby Doc' fled Haiti with U.S. assistance, going into exile in France.

A military junta took control, but after several coup attempts, and three different presidents, power was handed to an interim government led by Supreme Court Justice Pascal-Trouillot. In December 1991, the first fully free elections were held in Haiti, with UN observers present. A leftist Roman Catholic Priest, Jean-Bertrand Aristide, who had campaigned for liberal policies, won the election in a landslide, with 67% of the vote with 85% of the electorate voting.[12] His party also won a plurality in the parliament.

When President Aristide took office in February 1991 he appointed Lieutenant General Cedras as Commander in Chief of the army. He also announced an immediate reorganization of the army. As part of his reforms, Aristide set a minimum wage and called for the elites to contribute more in taxes. The army, elites and wealthy who had been in power had prospered under the previous regime and there was strong opposition to the reforms.[13] In addition, there was also on-going violence, particularly against Aristide supporters, reputedly orchestrated by those previously in power.

On 25 September 1991, Aristide spoke at the UN and elucidated his 'Ten Commandments of Democracy.'[14] Despite this, on 30 September, Aristide was overthrown by an army coup. Cedras took over as the head of the junta that included Brigadier General Philippe Biamby, chief of staff of the army, and Lieutenant Colonel Michel Francois, chief of police.

The coup was immediately condemned by the Organization of American States (OAS). At a meeting in Santiago, in June 1991, the OAS had passed a resolution agreeing to convene a meeting of OAS Foreign Ministers in the event of:

> sudden or irregular interruption of the democratic political process or of the legitimate exercise of power by the democratically elected government in any of the Organization's member states.[15]

An emergency meeting of the OAS Permanent Council on 30 September was the first time this Santiago agreement had been used.[16] Secretary of State James Baker addressed this emergency meeting and he committed the United States:

> We do not and we will not recognize this outlaw regime. Until President Aristide's government is restored, this junta will be treated as a pariah throughout the hemisphere – without assistance, without friends, and without a future.[17]

For Baker, there was a larger issue at stake than restoring Aristide: 'It was the hemisphere, not simply Haiti'[18] Baker saw this test of the Santiago agreement as representing a 'revolutionary political change in the hemisphere' and the 'collective defence of freedom.' [19] The United States continued to argue that the Monroe Doctrine provided a legitimate reason for intervention.

On 4 October 1991, President Bush declared a national emergency. He stated that it was 'to deal with the threat to the national security, foreign policy, and economy of the United States caused by events that had occurred in Haiti to disrupt the legitimate exercise of power by the democratically elected government of that country.'[20] He ordered the immediate blocking of all property and interests in property of the Government of Haiti.[21] The OAS also imposed a trade embargo on Haiti and on 28 October President Bush added trade sanctions against Haiti to those sanctions previously imposed.[22]

A large number of refugees began to leave Haiti in home-made boats, because of persecution by the military junta. They were arriving in Florida in huge numbers, or being picked up by the Coast Guard. In November the United States Coast Guard began returning refugees to Haiti. There was an outcry from human rights activists and the UN High Commissioner for Refugees, as the UN convention on refugees prohibits the return of refugees to a place where they may be persecuted. A federal judge prohibited the return of

refugees, but the Bush administration appealed and the appeal was upheld. After several refugees were lost when their boat capsized, Bush changed his policy and began to take refugees to Guantanamo Bay Naval Base.[23] In January 1992, a State Department spokesman said that the Coast Guard had picked up more than 14,000 people at sea since the 30 September coup and the temporary camps at Guantanamo were filled to capacity with more than 9,000 refugees.[24]

Discussions took place between Aristide, representatives of the junta and the UN, but with no conclusions. There was also a view in the United States that it might be possible to restore democracy, without returning Aristide. Aristide had expressed anti-American views, and to some he was part of the problem. Aristide himself could 'readily understand' that he was not 'the favourite choice of the United States.'[25] In his view, 'The denunciation of U. S. imperialism or the *Macoute* lords does not conjure up the image of a political realist, someone tolerant or even socially acceptable.'[26] For some in the United States, 'the problem was he had tried to run a presidential system, but the Haiti Constitution supported parliamentary democracy.'[27] There was not total United States support for Aristide's liberal policies.

Following discussions, Aristide agreed to accept an OAS brokered agreement in which Rene Theodore, the head of Haiti's Communist Party, would become Prime Minister.[28] However, the agreement failed, when gunmen interrupted a meeting at Theodore's home, killing his bodyguard and beating others.[29] The attacks were attributed to political opponents.

As the number of refugees increased, the Bush team tried to keep Haiti on the 'back burner.'[30] When Secretary of Defence, Dick Cheney, asked the Chairman of the Joint Chiefs, Colin Powell for advice, Powell's response was to 'go slow.' 'We can take over the place in an afternoon with a company or two of Marines, but the problem is getting out'.[31]

For Powell, the last occupation had lasted nineteen years and conditions did not yet justify an American invasion.[32]

In the CIA and Pentagon, the old Cold War views remained. They saw no benefit to supporting a more democratic regime.[33] In particular, they still preferred a strong leader, rather than Aristide with his liberal views. Others in the administration agreed. James Baker explained that the 'Bush administration believed that there was a national interest in seeing democracy restored in Haiti, but it was not sufficiently vital ... to require using military force'. It 'clearly did not require risking American lives and expending billions of dollars'[34]

As refugee numbers swelled, the administration changed the policy again and started forcibly repatriating any Haitian boat people not eligible for political asylum. President Bush did, however, approve Emergency Funding for an OAS Mission to Haiti, and said that, 'it [was] important to the security interests of the United States to furnish assistance to the Organization of American States.'[35]

On 23 February 1992, Aristide and members of the Haitian Congress signed the OAS-brokered 'Washington Protocol.' This set out conditions and a timetable for restoration of democracy and reinstatement of Aristide.[36] It provided for Theodore to be Prime Minister and a suspension of sanctions. To become effective, the Protocol had to be approved by the Haitian National Assembly. However, on the 27 March, encouraged by the ruling junta, the Haitian Supreme Court declared the Protocol illegal.[37] Following this declaration by the Haitian Court, declaring the Washington Protocol null and void, the OAS approved a resolution to 'tighten and broaden' economic sanctions.

There were continuing calls for United States action. In a Senate debate, Senator Edward Kennedy (D, MA) insisted:

> It is time for the Bush administration and the Organization of American States to strengthen international sanctions against the illegal Haitian regime, expedite the return of President Aristide, and restore democratic Government in Haiti.[38]

President Bush reported on the sanctions imposed in a message to Congress on 7 April.[39] By that time the Coast Guard had picked up about 20,000 refugees.[40]

With such an exodus Bush again changed his policy. On 24 May 1992 President Bush signed an executive order requiring the Coast Guard to repatriate all Haitian boat people without allowing them to apply for asylum. The flood of refugees slowed. The president explained that the 'action will also allow continued orderly processing of more than 12,000 Haitians presently at Guantanamo.' He reported that by then, with a massive increase 'The United States Coast Guard has picked up over 34,000 since the coup.'[41]

In a further justification of his position, President Bush argued: 'I am convinced that the people in Haiti are not being physically oppressed.' 'I will not, because I've sworn to uphold the Constitution, open the doors to economic refugees all over the world.'

> Part of our policy on Haiti, and we're taking a leadership role in the OAS, is to return Mr. Aristide, who was democratically elected, to Haiti. We want him back there. And if we don't do that ... that sends a bad signal to those who might be plotting coups in other parts of our hemisphere, which, thank God, is almost totally democratic today.[42]

After President Bush directed the Secretary of the Treasury and the Secretary of Transportation to deny the use of American ports to ships that violated the trade embargo against Haiti, he continued to argue that many refugees were economic migrants, but 'The United States remained committed unequivocally to the restoration of democratic government in Haiti.'[43] However, he urged those who believed that they were qualified as

refugees to 'avail themselves of our expanded refugee operation'[44] When Bush was asked at a news conference if he was prepared to send troops to Haiti in a peacekeeping force he replied:

> No, not yet. I'm hopeful we can find a way to have the OAS sanctions be effective, to have Aristide returned to power, and to have democracy reinstalled. Our major concern is the fact that democratic government has been overthrown. And it sets a bad example in a hemisphere that's moving inexorably towards full democracy. So I'm not thinking about force and troops at this point.[45]

During a campaign rally on 9 June, Bill Clinton, then campaigning for the Democratic nomination for president, described the Bush administration's Haiti policy as 'unacceptable.'[46]

Meanwhile in Haiti, Marc Bazin, a former World Bank economist, was named as Prime Minister by the military in Haiti.[47] Bazin had been a candidate in 1991 with United States support and, according to Aristide, 'no shortage of dollars.'[48] Haiti opposition politician Jean-Claude Bajeux complained, 'Bazin has no credibility; that's why he was not elected. ... So, we're heading toward an explosion.'[49] However, Brian Latell, a CIA Latin American analyst working directly for CIA Director James Woolsey, described Bazin and Cedras as the 'most promising group of Haitian leaders since 'Papa Doc' in 1986.'[50] Another CIA report described Cedras as a 'conscientious military leader who genuinely wished to minimize his role in politics.'[51]

Bush reported to Congress on 30 September 1992:

> The assault on Haiti's democracy represented by the military's forced exile of President Aristide continues to pose an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States.

> The United States remains committed to a multilateral resolution of this crisis through its actions implementing the resolutions of the OAS with respect to Haiti.[52]

In a Question-and-Answer Session in Miami, when challenged about sending back the refugees he insisted: 'But I am told that when they go back there, there is not this persecution.' In a thinly veiled criticism of Aristide he said,

> Aristide going back, we support that. I've got to be a little careful as President on what I say about him and how it works and what he's doing here. Our policy has been to support the OAS, the Organization of American States, to get this man back, not because of a great love for any individual but because of a commitment to democracy. I don't like to see democracy aborted by a coup. It isn't working too well because you don't have the public support that he once had.[53]

In November, the UN Security Council approved a further resolution on sanctions and appointed Argentine Diplomat, Dante Caputo, as Special Representative of the UN to Haiti.[54] Further, on 8 January 1993, Aristide wrote to the U.N. and the OAS formally requesting that 'a major international presence' be deployed throughout Haiti.[55]

Meanwhile, as a candidate for the Presidency, Bill Clinton spoke strongly about the Bush policy of returning refugees. In July 1992 when the Court of Appeal in New York ruled that the Bush policy had violated international law, Clinton agreed with the Court and condemned Bush for a 'cruel policy of returning Haitian refugees to a brutal dictatorship.'[56]

5.2 Clinton's Policy

However, after the election, as president-elect Clinton decided to 'temporarily' continue with the Bush policy, 'on the advice of our security team'. He was concerned that too many refugees were being lost in the rickety boats.[57] So, despite his campaign rhetoric, when Clinton was presented with the scale of the refugee problem he decided to continue former President Bush's policy of repatriating Haitian boat people. In February 1993, the OAS recruited and dispatched 40 observers to join the 18 already in the country.[58] The new Secretary of State Warren Christopher named Lawrence Pezzullo as a special advisor on Haiti.[59]

However, by May, Cedras had rejected the proposals of Dante Caputo, and Pezzullo, under which key military figures would have stepped down and a 'consensus' government would have been formed. Such a government would have prepared the way for Aristide's return and reinstatement.[60]

There then followed mounting criticism of the administration in the press, with numerous articles suggesting that the administration had no direction on its Haiti policy. The forced repatriation was explained by the administration as being because Clinton was 'profoundly moved by the loss of life of those fleeing Haiti in homemade boats.'[61]

At a Press Conference on 4 June, President Clinton was asked about United States policy in Haiti. He replied: 'The promotion of democracy, which not only reflects our values but also increases our security, is especially important in our own hemisphere.'[62] It was 'high priority.' He directed the Secretary of State Warren Christopher and UN Ambassador Madeleine Albright to consult with the UN, the OAS and member states on the possibility of creating a worldwide sanctions program against Haiti. The President emphasized that 'it is a policy in favor of democracy everywhere.'[63] He imposed new

sanctions prohibiting entry into the US of Haitian nationals who 'impeded the progress of negotiations' designed to restore constitutional government to Haiti and also froze those nationals' personal assets.

Discussions at the UN and OAS continued, but both sides were intransigent. An amnesty for political crimes was proposed, but Aristide refused to extend this to the military whom he called 'common criminals'. Aristide insisted that they were responsible for torture and killings.[64] After Cedras rejected the Caputo proposal for a 'consensus' government, the following day, in order to apply pressure, the UN Security Council imposed an oil and arms embargo on Haiti and the country's foreign assets were frozen. Pezzullo described this as 'an unprecedented step for the UN', which had previously only applied 'severe sanctions in the event of civil war or a threat to peace.'[65] Unfortunately, sanctions were a 'blunt instrument – they are not a scalpel' and the effect was to hurt the poor far more than the military.[66]

Long and difficult negotiations continued. Aristide frequently consulted up to forty advisers, and was seen by the negotiators as indecisive. Following a week of negotiations Cedras signed an agreement providing for Aristide's return. Aristide, however, was still reluctant. He felt that there were unacceptable concessions to the military. Boutros Boutros-Ghali, Secretary General of the United Nations, told Aristide he was getting a very good deal, and when told by Aristide that he was examining it, replied, 'Don't examine it, just sign it.'[67] Pezzullo was distraught at Aristide's procrastination, and contacted Tony Lake, the National Security Advisor. Lake was unable to contact Aristide but stressed the importance of the agreement.[68] Warren Christopher said it was a 'golden opportunity'.[69] Eventually on 3 July 1993, Aristide and Cedras agreed and signed the ten-point Governors Island Accord brokered by UN/OAS mediator Dante Caputo. Caputo had also become frustrated by Aristide during the negotiations, as he repeatedly 'changed tack.'[70] The

accord provided for Aristide to return by 30 October 1993, the early retirement of Cedras and an amnesty for other military leaders, and the lifting of UN and OAS sanctions.[71]

In August, Aristide named Robert Malval as interim Prime Minister and he was charged with smoothing the way for Aristide's return, whilst Aristide stayed in the United States. Malval appointed a transition Cabinet, with Guy Malary as justice minister. Based on the Governors Island Accord, the UN Security Council suspended sanctions on Haiti. Aristide and the Haitian Parliament signed the 'New York Pact' calling for the end of Human Rights violations, the release of political prisoners, and a Compensation commission for victims of the coup.[72]

On 23 September 1993, the UN passed Resolution 867, which agreed to send a mission to Haiti, to prepare for the transition. The mission would consist of a multi-national force of U S, Canadian, French and Caribbean troops. There would be police trainers and military advisors to train the Haitian army in road building and reconstruction.[73]

Cedras and the military, however, violated all aspects of the agreement, continuing their abuses and terrorising of any opposition.[74] Right wing leaders formed a group known as the Front for the Advancement and Progress in Haiti (FRAPH). FRAPH, meaning 'hit' in Creole, terrorized the population, and in September assassinated Aristide's financial backer, Antoine Izméry, in broad daylight after pulling him from a church.[75] Many from FRAPH were former members of 'Papa Doc's' Tonton *Macoutes*.[76] One of the leaders, 'Toto' Constant, was later shown to have been on the CIA payroll since 1992. Meanwhile, the elites, who had power and influence under the military regime, and who had made fortunes from control of ports and taxation, and from the drugs trade, were determined not to give up power.

In Warren Christopher's view, 'The agreement 'foundered on the cynicism and brutality of the Haitian rulers.'[77] For Cedras and the junta it was a 'play for time' and 'many of us began to understand that no matter what Cedras said, he would never leave power until forced to do so.'[78]

The multinational force was scheduled to arrive in Haiti just two weeks before the deadline for Cedras to leave ran out. But on 3 October, 18 United States troops were killed in Somalia. This was to have an important influence on the policy in Haiti.

Under the Governors Island agreement the USS *Harlan County*, carrying 600 US and UN troops, set sail for Haiti on a mission to train and professionalize the army and police of Haiti. When they arrived at Haiti (Port-au-Prince) they were met by Haitian Army-backed opposition who prevented the USS *Harlan County* from docking. Cedras had reneged on promises made at Governors Island, and refused to resign and permit the return of Aristide.[79]

On the dock the U S chargé d'affairs, Vicki Huddleston, who intended to welcome the UN delegation, was prevented from entering the pier by an armed mob. It was later reported that the CIA had been aware of the protest, and that they had helped finance the protestors. According to Ballard, the police watched as her car was pelted, and the crowd chanted 'Somalia! Somalia!' [80] By agreement the *Harlan County* was only lightly armed and the crew only had sidearms, with the rifles secured below.

Clinton decided that the ship should turn round. It anchored a mile off-shore for 48 hours, whilst discussions took place in Washington. According to Stephanopoulos, the 'President was torn.'[81] He understood why the military opposed an invasion and also knew there was no public support, but he wanted to keep his word to Aristide. Stephanopoulos offered his view that: 'whenever we invade a small country we change it, and not always for the better. Half the people hate us automatically, and we never know

how to get out.'[82] Clinton ordered the *Harlan County* to return to Guantanamo Bay. It was felt that 'so soon after Somalia, no one had the stomach for another fight.'[83] Vice President Al Gore called Aristide to tell him of the decision and that sanctions were imposed. Gore reported that Aristide was 'ecstatic', and Clinton retorted 'what would YOU rather do? Go back to Haiti, or sip champagne in Harry Belafonte's apartment?'[84]

Following the events in Somalia, Christopher thought that it seemed a 'prudent decision', but that it 'created a perception of lack of resolve' which affected the administration.[85] For UN Representative Madeleine Albright 'the sight of the US military retreating in the face of an unfriendly mob was a low point in Clinton administration foreign policy.'[86]

There was much criticism in the press, as divisions were again highlighted. Clinton shouted in frustration about the bad press. William Safire, a syndicated columnist of *The New York Times*, concluded that the 'new impotence is the unwillingness of too many Americans to expend blood and treasure' beyond our borders.[87] Clinton shared this view but told him it was a 'volunteer army, not a mercenary army.'[88] Clinton also railed against Anthony Lewis, who reported:

> The message to the military rulers in Haiti was unmistakable: You can push us around easily; the United States Government is so afraid of its public opinion after Somalia that even you can intimidate it.[89]

Clinton complained that Lewis had 'been against every American intervention for thirty years and now he's the biggest hawk in the world. ... What the fuck would they have me do?'[90] Clinton was particularly angry that his National Security Advisor, Tony Lake, had given an interview which, in Clinton's view, showed that the administration had 'taken their eye off the ball'.[91] Lake had said that, the United States 'cannot be everything, everywhere

in the world'. The decision as to where the United States could operate came, according to Lake:

> largely from an analysis of what are our strategic interests. Where are those places that if they are democracies or if they have open markets will do us, the American people, the most good?
>
> 'And the answer to that,' Lake added, 'overwhelmingly is in the former Soviet Union and in Russia.'[92]

On 13 October, at the UN, Madeleine Albright reported that the junta had 'violated a solemn agreement.' She emphasized that the troops were 'invited' by the Haitian Prime Minister, Malval, and that the action had 'never been – nor should it be – some kind of gun-boat diplomacy.' 'The preferred course [was] not the stick of sanctions but the carrot of economic and technical assistance.' The UN Security Council passed Resolution 873, authorizing military force, including a naval blockade, to enforce the sanctions which the UN reimposed on oil and arms. Other countries joined the naval blockade.[93]

However, the next day, gunmen from FRAPH, fatally shot transition Prime Minister Robert Malval's justice minister, Guy Malary, outside his office in Port-au-Prince.[94] The rest of the Malval cabinet went into hiding.[95] On 15 October the deadline for Cedras to resign, set at Governors Island, was ignored. The U.S. began a naval blockade with dispatch of warships. Madeleine Albright felt that although Cedras promised 'to avail himself of the right of early retirement' it became clear that, 'If they were going to go, they would have to be pushed.'[96] Action against Cedras remaining began in the Security Council with the resolution reimposing sanctions and sending a joint team of monitors from UN and the OAS to report on violations of human rights.[97]

On 18 October, in an interview with radio reporters, President Clinton was challenged on his policy. Congress was seeking to impose restrictions on the President's ability to send troops, but Clinton argued:

> I would oppose any amendments with regard to Haiti ... that were of questionable constitutionality and unduly restricted the ability of the President to make foreign policy.
>
> In Haiti, my concerns are that there should be no restrictions that would undermine the ability of the President to protect the Americans on Haiti, that would aggravate the likelihood of another mass exodus of Haitians, or that would send a green light to the people who think they've got the best of both worlds.[98]

He reminded the reporters that 'we have 1,000 Americans there, and we have another 9,000 people with dual citizenship'. In response to questions about the 'pretty blistering criticism' about his policy, he responded that: 'Haiti is very much in our backyard. The people wanted democracy. There is the continuing issue of whether there would be another exodus of Haitians trying to come to the United States, something which I think is not in their interest or ours.'[99]

He was anxious that the Congress should not vote for things that 'infringed the President's power and certainly not things that are of questionable constitutionality.' He thought that, 'clearly, the Constitution leaves the President, for good and sufficient reasons, the ultimate decision making authority,' even though the whole issue of the War Powers Resolution and the role of the Congress and the role of the President had been the subject of 'virtually nonstop debate.' Here Clinton is clearly claiming his right to deploy forces, and keen to prevent a congressional vote challenging this view.

In his letter to Congress on 13 November, informing the Congress of his actions, Clinton reiterated that he was 'committed to the restoration of democracy in Haiti and determined to see that Haiti and the Haitian people resume their rightful place in our hemispheric community of democracies.'[100]

Pressure mounted on Clinton in the press, and divisions were noted in the administration. Les Aspin and Warren Christopher were furious that the CIA were briefing against Aristide, and there were increasing reports (later confirmed) that the CIA was funding the Cedras supporters.[101] At a Senate Foreign Relations Committee hearing on 4 November, Christopher clashed with Jesse Helms the North Carolina Republican, who attacked him as unresponsive to Congress and willing to unnecessarily risk American lives in Haiti. Helms said, 'It was well known that Aristide is a murderer. ...Yet somebody decided to return him to power, at the risk, if necessary, of American lives. I challenge anybody to demonstrate that restoring Aristide to power in Haiti is worth one American life.'[102] Christopher insisted that Aristide was overwhelmingly elected by the Haitian people. 'Based on all the evidence, we think he's worthy of our support.' He also refused to comment on classified CIA reports and briefings critical of Aristide, saying that he would not discuss intelligence matters in a public session.[103] The casualty from the pressure was Dr Clifton Wharton, Deputy Secretary of State, who was forced to resign on 8 November 1993.[104] And as the administration continued to be increasingly under fire, Clinton brought in David Gergen to deal with communications.[105]

Efforts continued in Haiti to find a solution, but when Cedras and his military colleagues failed to turn up for an arranged two day conference with the UN and American diplomats, Dante Caputo, the UN special envoy, returned to New York.[106]

Protracted negotiations then took place, between Aristide, United States and UN advisors and Robert Malval. Malval intended to resign following Cedras's failure to leave,

but decided to try to arrange for Aristide's return as he believed that he sensed a 'mood for compromise' among the military.[107] Malval briefed Vice President Al Gore and met with the U.S. special adviser, Lawrence Pezzullo, Under Secretary of State Peter Tarnoff and U.N. Secretary General Boutros Boutros-Ghali.[108] Malval hoped to arrange a 'National Convention' and hoped to agree a compromise with Aristide, such as including conservatives in his Cabinet or allowing military leaders to remain in their posts. However, after meetings with Aristide, Malval said that the Governors Island accord was 'dead.'[109] Malval then submitted his resignation, but agreed to stay in an acting capacity to negotiate. To move the talks forward, Bill Clinton met both Aristide and Malval at the White House and supported a new 'Haitian initiative.'[110] Clinton said that he wanted 'to reaffirm the support of the United States for the democratic impulses of Haiti and for the return of President Aristide.' They would work to win support in the UN and the Organization of American States, where he expected no opposition.[111] At the meeting, Malval also asked for additional help from Washington, including public statements from various US agencies, the CIA and Pentagon in particular, endorsing the restoration of Aristide.[112] However, Aristide also asked for a return of the UN human rights and military training missions that had been withdrawn, the naming of new army and police commanders, and a 'restructuring' of the armed forces. Malval also sought the support of the Vatican, and the U S State Department called the subsequent papal endorsement a 'very positive development.'[113] Aristide, however, withdrew his support for the discussions, as he believed he was being asked to make too many concessions and he believed that there were no guarantees for the safety of the participants.[114] The temperament of Aristide was becoming a serious problem. Warren Christopher, however, continued to support Aristide: 'the United States is resolute about pursuing a restoration of democracy and returning President Aristide.'[115] Malval expressed his frustrations about Aristide, describing him as

'erratic and egotistical'[116] When asked whether he supported either man, Clinton said 'I wouldn't say it's an either-or thing.'[117]

He told reporters that United States, Canada, France and Venezuela were pursuing a new effort to restore democracy in Haiti. However, 'some flexibility' would be required. He added, 'So we're going to take another run at it and see if we can do something on it.'[118] Secretary of State Christopher expressed the irritation of the officials: 'I wish that President Aristide had carried through the understanding he and Prime Minister Malval had discussed with President Clinton.'[119] Aristide reiterated his opposition to the plans insisting he would only participate in a national dialogue after he was reinstated. 'The coup leaders - and not the innocent victims of the coup - should be forced to leave Haiti.'[120] There was much resentment in the administration that Aristide had played the 'refugee card'. Robert White, a former U.S. ambassador who advised Aristide, blamed the administration for the defeat of the Malval proposal, saying it was concocted behind Aristide's back with the purpose of isolating the Haitian president, an argument dismissed as 'silly', by the administration as Aristide had met with Clinton on three separate occasions.[121]

Malval finally resigned and sent a blistering letter to the press, condemning Aristide for his behaviour and accusing him of lack of support for the peace discussions.[122] The UN then evacuated 200 human rights monitors.[123]

In January 1994, Aristide announced that he would hold his own conference in Miami.[124] He widened his conference agenda to concentrate on three issues: 'the Haitian refugees, human-rights violations and the need for a new framework.'[125] But in a change of policy, he said that he would support an attack on his nation by international forces to remove a 'small group of thugs'.[126] He said that he could not 'ask for that because [he] would be impeached', as it was against the Haiti Constitution. 'But, if that happened, the

people would be happy.'[127] He reminded the administration that the United States was 'the most powerful country in the world, and Haiti [was] the poorest country in the hemisphere.' Michael Barnes, speaking for Aristide, felt that the United States could remove the military leaders and leave quickly, likening the situation to Grenada.

President Clinton was again asked about his plans at a White House luncheon with columnists, commentators and top administration officials. They were quick to note his comment that Aristide's 'own prospects are clouded' because of the Malval situation.[128] Clinton said Haitian policy was 'something we're going to have to really sit down and think through and reassess.' He also said that the United States clearly would be better off with a restoration of democracy 'but the personality changes would mean that we've got to come up with some new idea, some new strategy, if we're going to make it work.'[129] Many interpreted this to mean the administration was prepared to go forward without Aristide himself.

The Aristide conference was held over the weekend of 15-17 January 1994 and was attended by over two hundred people, including U S and UN negotiators, Haitian parliamentarians, and members of the United States Congress. However, the Haitian military did not attend, nor did many Haitian business leaders, citing security fears.[130]

Aristide opened the conference by calling upon foreign governments to reinstate him by February 7, the third anniversary of the start of his Presidency. Warren Christopher, however, said the deadline was 'not workable at the present time.' [131] Some felt that this illustrated the 'unraveling of a policy that was to have been a test case for the administration's commitment to democracy around the world.'[132] The weakening of support for Aristide and further frustration was expressed by U.S. State Department press officer, Julie Reside, who called Aristide's support of foreign military intervention in Haiti 'not helpful.'[133]

The discussions again were fraught with controversy. The American Black caucus strongly criticized the administration for urging Aristide to negotiate with the Haitian military. The U S negotiators were pressing for an amnesty for the Haitian military rulers, which was rejected by human rights groups and the Black caucus. The Rev Jesse Jackson told the conference that Aristide 'should not be obliged to meet with the fascist forces' in Haiti.[134] During debate, Michael Kozak, a senior US administration policy maker, and deputy to Pezzullo, walked out after an accusation that the previous administration had harmed Haitians.[135] There was also an increasing realization in the administration that important Haitian business leaders and politicians who were seen as potential members of a broad-based government had become hardened in their opposition to Aristide.

At a further meeting in Washington, in February, Haitian parliamentarians agreed another plan with the State Department, but Aristide refused to accept and falsely claimed that he had Clinton's support.[136] This new plan was backed by UN and OAS, but Aristide rejected it as it had no date for his return. Instead he went to Paris and got support for his position from the French and Canadians.[137] Once again the United States administration called him 'intransigent'.[138]

The concerns increased about the administration's policy. At a congressional hearing on 8 March 1994, a quintet of usually loyal Democrats - Senate Foreign Relations Western Hemisphere Subcommittee Chairman Christopher J. Dodd of Connecticut, Senator Tom Harkin of Iowa, and Representatives Charles B. Rangel of New York, Joseph P. Kennedy of Massachusetts and Carrie P. Meek of Florida, all vented their displeasure.[139] Harkin argued that 'the actions of this administration with regard to Haiti are embarrassing and shameful to this country.' However, Deputy Under Secretary of Defense, Walter B. Slocombe, testified that the administration currently had no plans to send U.S. forces.[140] On the Republican side, Jesse Helms (R, NC), the ranking Republican on the Foreign

Relations Committee, had already called Aristide a murderer and, citing a CIA report, as a mentally unstable 'psychopath', who should not be restored.[141] The reports of Aristide's mental health were subsequently shown to be untrue. The Clinton administration had discussed the allegations during transition and dismissed them. In discussing the CIA leaks to Congress on Aristide's psychological profiles Clinton remarked 'you can make too much of normalcy. A lot of normal people are ass-holes.'[142] But this still reinforced the view that Aristide was not worth the effort.

However, pressure on the administration was particularly strong from the Black caucus.[143] In a letter to the President released on March 23, the caucus called for Clinton 'to drop the policy of summarily returning exiles from violence-wracked Haiti and urged him to push for a much toughened international embargo on the military rulers.' The current policy was considered 'ineffective, counterproductive and encourage[d] the continued torture and murder of Haitian civilians.'[144] The letter was placed as an advert in *The New York Times* and was from Hollywood artists, the American Civil Liberties Union (ACLU), and religious leaders.[145] On 6 April 1994, Aristide criticised Clinton's 'racist policy' as a 'cynical joke' and gave six months notice to abrogate a 1981 treaty, by which the United States claimed the right to intercept Haitian refugees in international waters and return them to Haiti.[146] Following reports of human rights abuses in Haiti the Americas Watch and National Coalition for Haitian Refugees called for Pezzullo to be replaced and also for a change of policy.[147] Opposition to the policy was personified by Randall Robinson, the influential leader of the lobbying group TransAfrica, who began a hunger strike on 12 April. And the opposition in Congress continued. Dodd told a news conference on 19 April: 'We have a failed policy in Haiti, and we have to change it.'[148] Astonishingly, following a news conference at the White House the following day, Clinton agreed:

> I understand and respect what he's [Robinson's] doing. And we ought to change our policy. It hasn't worked. For the last 10 days, except for my forays on health care, I've done almost nothing but work on Bosnia and Haiti and one or two other foreign policy issues. He ought to stay out there. We need to change our policy.[149]

Robinson was appalled by this response:

> To have the President suggest that the policy should change and I should stay out there on a hunger strike while he abdicates his responsibility is deeply disturbing. The President can make the policy effective and humane with the stroke of a pen, but he hasn't changed a thing. It's sad to say, but he appears to be without a moral compass.[150]

On 21 April, the administration announced a policy review that, reportedly, was leading toward a tightening of economic sanctions against Haiti. The same day, five members of the Black Caucus and Representative Joseph P. Kennedy (D, MA) were arrested for demonstrating without a permit in front of the White House.[151] On 26 April, the U S envoy to Haiti, Pezzullo was sacked as the White House admitted its policy of negotiation had failed.[152] His dismissal effectively ended negotiations. The President appointed former Representative William H. Gray of Pennsylvania, once a leading member of the Congressional Black Caucus, as his special envoy to Haiti, in an attempt to restore diplomatic efforts.[153] Gray's wife was a former assistant to Robinson.

At a closed briefing for the Senate Foreign Relations Committee, Deputy Secretary of State, Strobe Talbott, and Deputy National Security Advisor, Samuel R.Berger, briefed the Senate Foreign Relations Committee. They, 'left the impression that the president was serious in his commitment' to restore Aristide. However, they were unable to say whether the administration had policies to increase pressure on the military before intervention. It

was felt that there was still no real direction and the policy was not clear.[154] The meeting with Talbott and Berger was designed to inform Congress and draw support, but it does not appear to have been successful.[155] The Congress was divided about the value of intervention in Haiti, and there was embarrassment and resentment that the *Harlan County* had been refused entry.[156]

In May the president appeared on CNN to argue his position. In a widely reported discussion he said: 'With the cold war over, there are pressures here in America and in other nations around the world to turn inward, to focus on needs at home.'[157] He continued:

> I know our engagement costs money, and sometimes it costs lives. Now the greatest opportunity for our security is to help enlarge the world's communities of market democracies and to move toward a world in which all the great powers govern by a democratic plan.

He also warned that 'America cannot solve every problem and must not become the world's policeman.' He insisted that he 'believe[d] in the Good Neighbor Policy, and we've tried to be a good neighbor. ... We are doing our best to avoid dealing with the military option. ... we have not decided to use force; all I've said is we can't rule it out any longer. ... I think that we cannot afford to discount the prospect of a military option.' In this he was articulating the dilemma he was facing. He was caught between critics who said the U S should use power for humanitarian purposes, and those that insisted 'we can't be the world's policeman.'[158] Asked whether his patience with the stalemate in Haiti had run out, the president replied, 'It has run out -- and maybe we have let it run on a little too long.'[159] Echoing President John Kennedy, about what he had learned he quipped, 'on the international front, I would say, the problems are more difficult than I imagined them to be.'[160]

Senate majority leader George J. Mitchell (D, ME) usually an ally, quickly said that military action in Haiti would be 'neither wise nor prudent.'[161] At the Pentagon, the new Defense Secretary (replacing Les Aspin) William J. Perry publicly dismissed the idea of military intervention in Haiti, and a senior (unnamed) officer called it 'stupid.'[162] The Pentagon was opposed to any new military action. Perry had told *The LA Times* earlier that he feared that U.S. military action in Haiti could leave the United States embroiled there for months. 'After we've done that, what is Act II?' he asked. 'Could we . . . stabilize the situation there and . . . reinstall democratic government?'[163]

The military option was also opposed by former President George Bush, who was quoted by the *Houston Chronicle* as saying it would be a 'tremendous mistake' because 'no U.S. lives are at risk in Haiti today.'[164] Also critical of military action was Lawrence Pezzullo, recently dismissed as envoy. He told *Newsday,* 'If he ever went in there with military, that would be a tragedy.'

At the United Nations, Ambassador Madeleine Albright introduced a Security Council resolution that she said would put 'a sanctions noose around the Haitian military.'[165]

As Robinson entered his fourth week of a hunger strike the focus was firmly on Clinton. Robinson demanded stronger support for Aristide and an end to the U.S. practice of returning boat people fleeing Haiti. Robinson said about Clinton:

> His decision to continue the Bush administration policy of returning Haitian boat people without a hearing to determine political asylum - breaking a campaign promise - has cost him support among blacks and liberals.

He further charged that, the White House has 'very little credibility in any area - the Senate, House or the Haitian military.' Robinson's fast, and his steadily deteriorating physical condition, focused attention on the issue, according to Kweisi Mfume (D, MD), the

Democrat chairman of the Congressional Black Caucus. 'The fast had alerted people nationally that this whole struggle had reached another level.'[166]

The criticism was also being driven home with civil rights-style protests by opponents of the policy. Three Democratic Representatives Maxine Waters (D, CA), Alcee Hastings (D, FL) and Nydia M. Velazquez (D, NY) were arrested at a demonstration in front of the White House on 5 May.

At this time, the administration was under pressure from the Congress, particularly the Black caucus, from Aristide and from the actions of the junta, but was working hard with the OAS and at the UN to get a resolution.

Madeleine Albright persuaded the Security Council to give the Haitian military rulers fifteen days to leave the country. The warning included a threat to remove them by force, if necessary. This was followed by the Security Council unanimously adopting a US-backed resolution that would impose a near-total trade embargo on Haiti. It approved tighter sanctions, including banning travel by Haitian military leaders, their families, and their supporters and banning all commerce to and from Haiti except food, medicine, cooking oil, and journalistic supplies.[167]

However, in Congress, Harkin (D, IA) and other liberals argued that tightening the economic screws without the threat of force would not dislodge Haiti's rulers. Harkins questioned, 'If we can't stand up for democracy and human rights in our own hemisphere, then what do the Serbs have to fear? ... If we can't do it in our own hemisphere, how can we stand strong half a world away?'[168]

On the positive side, Clinton made an agreement with Robinson regarding asylum, allowing processing of refugees on ships and making a commitment to find safe havens, bringing an end to the hunger strike.[169] But, in a reverse, on 11 May the junta installed the 81 year-old Supreme Court Justice Emile Jonassaint, as provisional President of Haiti, a

move describe by Strobe Talbot as a 'blatant attempt by an illegal faction of the Haitian Senate, with the assistance of the military, to install a bogus de facto government'.[170]

At this point the administration signalled their intentions to use force. The situation was becoming an embarrassment for the administration. U.N. Ambassador Madeleine Albright said on NBC's Today, 'There will be need for some kind of United Nations forces, we think, with an American component of some type no matter what happens.'[171] This was despite US military advice to use caution. At a meeting with President Clinton, the Joint Chief of Staffs, General Shalikashvili, was 'surprised' when Clinton revealed his 'reluctant' feeling that only an invasion could restore Aristide to power. The president wanted military options, but Shalikashvili, emphasised the negatives.[172] In an echo of Colin Powell it was reported the Pentagon felt 'The problem is not getting in, It is getting out.'[173] President Clinton's concerns were the threat of a surge in refugees trying to go to the US, and that Haiti was being used as a staging area for drug shipments to the United States. Strobe Talbott, the new Deputy Secretary of State, set out the position:

> It is our intention to send a very clear signal to the military and police leadership in Port-au-Prince that this situation is urgent, and at the end of the day, they are going to be gone, and that the end of the day is not that far off.

The real problem was what to do after Father Aristide was re-installed.[174]

A further complication was that Aristide had changed his position from that in January, and was against using force. He reiterated his view in an interview with the Rev. Jesse Jackson on CNN on 7 May: 'If I ask for military intervention, I will be impeached by my Constitution.' When pressed if he would support removing the military under any conditions, Aristide, said: 'We should stop those thugs. It's possible to remove them. It's a question of having the political will to do that.'[175]

At the same time, the administration was sending mixed signals. Talbott made a trip to obtain support in Latin America for sanctions, and argued that new U.N.-sponsored sanctions could succeed, despite the doubts of the policy's critics. Talbott was pleased with an OAS resolution, which endorsed sanctions but did not prohibit use of force.[176] Following the OAS agreement President Clinton announced more sanctions against the Haitian government, including the cessation of commercial air traffic from the United States and the banning of financial transactions between the countries. On 12 June, in response to the tightening of sanctions, the junta declared a state of emergency.

In the United States Senate, debate raged about the use of force. Following the declaration of a state of emergency there was another mass boat exodus from Haiti. In a key debate on 29 June, the Senate rejected a Republican-led effort to force President Clinton to go to Congress before ordering military intervention. The debate focused on the President's prerogative to dispatch forces abroad. Republican, John McCain (R, AZ), who had opposed the administration's policy, said however that the amendment could set a dangerous precedent. 'I cannot support any resolution which prospectively limits the powers of the president as commander in chief.'[177]

On 4 July, up to 150 Haitian refugees died when their boat capsized less that a half-mile from the coast of Haiti and the following day, overwhelmed by thousands of boat people, Clinton changed his policy yet again, barring thousands of Haitians from the United States. They were detained at the U.S. Naval Base at Guantanamo Bay, Cuba, or diverted to 'safe havens' in other Caribbean countries. So many boats, fleeing Haiti, on American television screens were 'too stark to ignore.'[178]

Clinton then sent 2,000 US Marines to waters off Haiti and stated that US forces had been practicing for an invasion. The Clinton administration appeared to have 'run out of options.'[179]

On 12 July, the military junta ordered out the UN and OAS human rights monitors. Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua and Panama all announced support for the invasion.[180]

Clinton then went to the UN for approval for the use of force. For some, it was felt that 'Advance approval by the Security Council might at least minimize the political risk to an invasion that is now being fiercely opposed by many in Congress, the American public and in Latin America.'[181] More than 100 members of Congress signed a letter asking Clinton to seek congressional approval for any military action in Haiti. No previous American president had ever sought United Nations approval in advance for military action within the Western Hemisphere. In interventions since 1965 in the Dominican Republic, Grenada and Panama, the United States had either acted on its own or relied for authority on requests by regional groups like the OAS.[182] This signaled a clear change in the Monroe Doctrine where UN approval would be sought.

At the UN, Ambassador Madeleine Albright announced she wanted a resolution that would let the United States and allies use 'all necessary means.' Administration officials said they wanted the final decision to rest solely with President Clinton. 'If it's the United States that's going to invade, we want flexibility of saying when.'[183] President Joaquin Balaguer of the Dominican Republic, which shares the island of Hispaniola with Haiti, was approached to see if he would provide asylum for the top Haitian officers.[184] Madeleine Albright had extensive discussions at the UN. Boutros-Ghali did not like the first proposal for a UN force as the UN could not afford it. There was also concern about the proximity of a US force invading a country close to its own border. There was much similarity with Russia relations with Georgia and Boutros-Ghali was concerned that the Russians would see the Haiti invasion in the same light. In the second plan there would be a US-led coalition for the invasion, later to be replaced by a UN force. Albright found

negotiations difficult. In her view, 'there was no harder diplomatic challenge than persuading a Latin American leader to consent publicly to a United States military initiative in our hemisphere.'[185] The Argentinean Ambassador was particularly concerned, expressing the view that 'the U. S. had intervened south of the border dozens of times over the decades, sometimes with dismal and undemocratic results.'[186] Albright reassured members that there were 'unique circumstances' and that it 'would not set a precedent'.

On 31 July the UN Security Council passed Resolution 940 which allowed for the 'application of all necessary means to restore democracy in Haiti.' In the debate Ambassador Albright said:

> The status quo in Haiti is neither tenable nor acceptable. Choices must be made. And although the situation in Haiti is complex, the choice is as simple as the choice between right and wrong. Today, the Council has made the right choice--in favor of democracy, law, dignity, and relief from suffering long endured and never deserved. The Council's message to General Cedras, General Biamby, and Colonel Francois is a simple one: You, too, have a choice. You can depart voluntarily and soon, or you can depart involuntarily and soon.[187]

The Resolution enabled a military intervention by the United States. Reacting to the resolution, the military junta declared a state of siege.

The vote followed the dispatch of a letter in which Aristide asked the United Nations to 'take prompt and decisive action' to restore democracy in Haiti. It was such a letter that most members of the Security Council, particularly those from Latin America, said they wanted before approving a U.S.-led invasion.[188]

Clinton was again challenged on his decisions. In a news conference on 3 August he was asked why he needed a green light from the international community and not from the American Congress. Clinton argued, 'I agree with the resolution adopted by the Senate

today that the action of the United Nations should not be interpreted as an approval by Congress.'[189]

However, in justification, he reinforced:

> We have Americans living and working there, several thousands of them. We have a million Haitian Americans in this country who have family and friends there. We have an interest in promoting democracy in our hemisphere. We have an interest in stabilizing those democracies that are in our hemisphere.
>
> I think the United States have significant obligations. But if you look at the United Nations resolution and what we have said all along, over the long run what we need is a United Nations mission in Haiti that the United States would be a part of, but that other countries would participate in also.[190]

In further questioning he emphasized, 'I would welcome the support of the Congress, (but)...Like my predecessors of both parties, I have not agreed that I was constitutionally mandated to get it.

As it became clear that Clinton intended to take action, there was strong opposition in Congress. This came from members of both parties. Majority leader George Mitchell, stated, 'I do not think it would be a wise or prudent thing at this time.' Republican Richard Lugar (R, IN) offered a much harsher view. 'This is so off the wall, that someone ought to say, 'Stop it. Cut it out."[191] Democratic Congressman Robert Torricelli (D, NJ) insisted, 'The administration should not be misled by the voices that have been raised in favor of military intervention.'[192]

It was also claimed that Haiti was no longer an important issue under the Monroe Doctrine:

The strategic arguments for intervention under the Monroe Doctrine are gone -- along with the Monroe Doctrine itself. Not even the most perfervid American patriot can find a foreign threat. No Germany, or Soviet Union, or any power wants a naval base in Haiti. Where formerly, under the Monroe Doctrine, the United States excluded first the League of Nations and then the United Nations from a political role in the hemisphere, now the U.N. presence is welcomed by Washington.[193]

The Senate again debated whether the president needed congressional support. The debate was again coloured by the view of Aristide. There were two opposing views: democracy and therefore Aristide must be restored; there were no vital interests in Haiti to make it worthwhile to support the anti-American Aristide.

Further, a poll by *Newsweek* magazine found that 68 percent of those surveyed opposed an invasion, while only 23 percent favored it.[194] Public opinion, that Haiti was not an urgent security matter, was reflected by numerous articles. A *Newsweek* report stated:

In the case of Haiti, the President can hardly claim he must act quickly to ward off a threat to the U.S. or to save American lives -- the two traditional excuses for shooting first and telling Congress later. Haiti is not a vital interest for the U.S. It has no strategic position, no economic importance in terms of raw materials, markets or U.S. investment. Its army is no threat to the U.S., the Caribbean, Latin America or anybody except the unfortunate subjects of the dictatorship. The sarcastic summary of this position is that 'Haiti is a dagger pointed at the heart of Dade County,' the Florida region around Miami that might be overwhelmed by a flood of refugees.[195]

On 29 August Father Jean-Marie Vincent, a prominent Catholic priest loyal to Aristide, was gunned down in Port-au-Prince, and the next day UN Secretary General

Boutros Boutros-Ghali acknowledged the failure of the UN's efforts to find a peaceful solution to the Haitian crisis.

5.3 The Operation

By September, President Clinton had decided on military action. He believed it was 'morally justified'. But politically he was forced to act at the worst possible moment. He shouted: 'I can't believe they got me into this... How did it happen? We should have waited until after the elections.'[196] However, publicly he was more self assured.[197]

President Clinton finally gave the go ahead for the invasion on 7 September 1994. The Chairman of the JCS John Shalikashvili briefed Clinton and his advisers on the three-phase operational plan. At the end of the briefing Clinton said: 'It's a good plan; let's go.'[198] Concern then turned on how to convince Congress and public opinion. With two thirds of Americans against invasion it was 'not easy.' Admiral Paul Miller argued: 'We need to get a couple of people flying wing for us on the Hill ... Tell them there are nine million Haitians off our shores – and they *all* want to be your neighbour.'[199]

There was a discussion about obtaining a Congressional vote. Secretary of State Christopher was against. He framed his argument in terms of Presidential power, saying if Clinton insisted on going to Congress he would be 'constraining his successors.'[200] Stephanopoulos was appalled, but agreed. They didn't have the votes 'so restoring democracy to Haiti required sacrificing a bit of it here at home.' [201]

With the decision made, Deputy Secretary of State, John Deutch, ordered the activation of the first eight ships. On September 10, Secretary of Defence, William Perry, signed the execution order for Operation *Uphold Democracy.* On the fourteenth the USS *Mt. Whitney,* the command ship for the Multinational Force, commanded by Lieutenant General Henry Shelton, sailed from Norfolk, Virginia.

Clinton ordered a Democratic leadership poll of members of Congress, and this returned 219 against invasion and 17 for. However, 'the President did not flinch' despite irate phone calls from Democrats afraid it would cost them re-election.[202] In Clinton's view: 'We're damned if we do, damned if we don't.'

Clinton conducted a long interview with wire reporters on 14 September, detailing the position, but without confirming an intervention.[203] He said the junta had perpetrated a 'reign of terror.' The United States had clearly an interest in preventing a massive flow of refugees. Haiti was, at that point in time, the only country in Latin America where there had been an election and a military coup 'negated it.' Looking forward, Clinton said that there were security concerns as he knew there were going to be problems with terrorism and 'we know that democracies are far less likely to tolerate that sort of thing than dictatorships are.' He listed the problems of the junta and stressed that:

> The United States has an interest ... in the post-Cold War world in not letting dictators break their word to the United States and to the United Nations, especially in our backyard.[204]

He also confirmed that he knew the policy was unpopular with the American public, but he believed it was right. He insisted that the United States had intervened previously, in the hemisphere, in Panama and Grenada, when there was a special interest.[205] Clinton also detailed 'exit strategy'. The initial force would be multi-national with more than twenty five countries in the coalition. Once Aristide was returned and democratic rule re-established the United States would hand over to UN forces.[206]

Next day the president's 'overall approval rating was the lowest it had ever been.'[207] Clinton addressed the nation and told the Haitian military, 'Your time is up. Leave now, or we will force you from power.'[208] He told the American people:

> I know that the United States cannot, indeed we should not, be the world's policemen. And I know that this is a time with the cold war over that so many Americans are reluctant to commit military resources and our personnel beyond our borders. But when brutality occurs close to our shores, it affects our national interests.

He emphasized:

> In the post-cold-war world, we will assure the security and prosperity of the United States with our military strength, our economic power, our constant efforts to promote peace and growth. But when our national security interests are threatened, we will use diplomacy when possible and force when necessary.[209]

On 17 September Clinton issued orders for the invasion to start at 12.01am on 19 September.

Negotiations, however, were also proceeding. Former President Jimmy Carter had been contacted by Cedras and Carter had offered to mediate. National Security Advisor Tony Lake, President Clinton and Vice President Gore were in detailed negotiations with Carter and Aristide. Lake was not optimistic about the negotiations, and also believed that failure of the negotiations would require him to leave the administration. He was 'working on a very complicated operation ... It went south late last night. What's the earliest I can leave?'[210] Clinton was concerned about Carter's intervention as he was sometimes 'a wild card', and had previously negotiated, in North Korea for example, without keeping the administration informed. Carter asked the former Joint Chiefs of Staff Chair Colin Powell to go with him to Haiti.[211] Clinton then asked both Powell and Senator Sam Nunn to accompany Carter to Haiti. They were to stick 'to negotiating how, not if, our troops would go ashore.'[212]

The delegation set out on the Saturday morning (16 September) and met Cedras and Biamby. Carter made it clear that invasion was 'inevitable.' He offered attractive terms of an amnesty and an offer for return in the future. Cedras declined saying the 'Constitution does not allow exile.' There followed dinner with business leaders, including Bazin, who suggested to the delegation that they talk to Cedras's wife. Powell appealed to Cedras as a soldier: 'You have to decide what course is honorable,' but Cedras insisted that they would not go. It was not only unconstitutional, but also a 'stain on [their] integrity'. Senator Nunn confirmed that 'the U.S Congress will back the President,' and that democracy also meant a proper parliament.

On the Sunday morning the three went to Cedras's home, where his wife, Yannick, was present. As a daughter and wife of a general she was prepared to die. Powell repeated his view on honour, and told her the outcome of the invasion was determined. 'Let's talk about life and not death.'[213]

They then went to the Presidential Palace, and met Jonassaint, the 81 year old provisional president of Haiti, before returning to the military HQ. Clinton told them they had to get out by noon, but they asked for more time. In the White House Clinton was concerned about the possibility of kidnap.

Cedras tried to negotiate the numbers of troops. Powell spelt out details of the force they were facing. At 4pm Biamby burst into the room: 'The invasion is coming!' Still Cedras would not accept the offered amnesty. It was a matter for the civilian authorities. So they raced back to Jonassaint. They called Clinton with the proposals, but there was no date for the junta to leave. Clinton insisted that there must be a date. 'No date [was] not even worth talking about'.[214] Cedras' ministers were outraged, but Jonassaint dismissed them and signed, saying: 'I choose peace.'

The agreement was signed by Jimmy Carter and Emile Jonassaint. Jonaissant and Cedras agreed to step down, and agreed that the military officers would 'consent to an early and honorable retirement.'[215] Aristide would return on the 15 October, but the coup leaders were not required to go into exile.

This left the way for strong criticism of Carter from some in the United States. It was further highlighted by an unfortunate remark. During a press conference after his return from Port-au-Prince he described his discussions with General Cedras and other junta leaders and said he had told the Haitians he was 'ashamed of my country's policy.' He was only restating his previous objections to the US economic embargo against Haiti, which he felt had punished ordinary Haitians without affecting the junta's behavior. But it sounded like disloyalty, and he was heavily criticized.[216]

The agreement allowed for a peaceful landing of the task force, and the military were notified accordingly.

5.4 Outcomes

On 19 September 1994 Operation 'Uphold Democracy' was implemented.[217] A Multinational Force was led ashore at Port-au-Prince, Haiti, by Major General David Meade, U.S. Army division commander, and Lieutenant General Henry Shelton, the MNF commander. The landing was unopposed. About 15,000 troops landed in the first week. Although the troops were unopposed there was violence on the streets, with Haitian factions attacking each other. The troops only had orders to protect themselves and not to intervene on Haitian-on-Haitian violence. However, when Haitians were murdered in front of U.S. troops, and the scenes were being shown on American TV, the JCS changed the rules of engagement (ROE) to authorize senior U.S. commanders to intervene to prevent Haitian military or police from committing acts that threatened innocent civilians.

When the MNF began operations against the paramilitary group FRAPH violence continued. On 10 October, Cedras and Philippe Biamby, chief of staff, announced their resignations, and the following day President Jonassaint left the presidential palace and US troops moved in. Cedras and Biamby then went to the Dominican Republic.

President Jean-Bertrand Aristide returned to Haiti on 15 October, as scheduled. The United States Ambassador Swing and Senator Dodd joined the celebrations. As violence continued, Admiral Miller confirmed that the U.S. mission in Haiti was not to disarm the civilian population but rather to 'set conditions for civil order.' To that end the Haitian Senate passed a bill outlawing paramilitary groups in Haiti.

Clinton did suffer condemnation for his actions, both domestically and internationally. However, congressional action was notably limited. The congressional rebuke was a mild resolution coupled with a resolution on the exit strategy. Arguably, though, Clinton and his party paid a greater price during the unsuccessful 1994 midterm elections.

By November, President Clinton approved plans to begin to withdraw U.S. troops leaving a small group of 3,000 to serve as the U.S. contingent of the UN Mission in Haiti Multinational Forces (UNMIH). In January, 1995 Ambassador Madeleine Albright proposed a UN Security Council resolution that would allow UNMIH forces to assume peace-keeping operations in Haiti from the MNF by 31 March. This handover took place, as agreed.

Although controversial, Aristide served the remainder of his term. Although he had spent a large part of it in exile he had agreed that he would only serve the statutory period. According to the Constitution he was not eligible for immediate re-election, but was eligible for a subsequent second term. In 1996, Rene Preval, a close associate, was elected President, establishing the democracy. In February 2001 Aristide started his second term,

having been elected by an overwhelming 92% of the vote. There were widespread allegations of election fraud. In March 2004 Aristide was once again removed by a military coup.

5.5 Clinton's Decision Making

Bill Clinton was the first President who had to formulate foreign policy in the Post-Cold War era. He had fought the 1992 election mainly on domestic policy – 'it's the economy, stupid!' – and had little experience in foreign policy. The advisors he assembled for foreign policy were all experienced under previous administrations, with many serving in the previous Democratic administration under Jimmy Carter. Despite the experience of his advisors, during Clinton's first year, foreign policy, in Somalia, Bosnia and Haiti was perceived to be 'a mess' and without any direction.[218] There was fierce criticism in the press, followed by personnel changes.

In the Haiti situation, Clinton had a number of decisions to make. The key decisions were whether to restore Aristide; what action to take on the refugees; whether to send troops initially, 'by invitation', to Haiti; what action to take when the *Harlan County* was refused entry; and how to deal with the on-going problem of restoring Aristide. In this, he received opinions from a divided group of advisors .Also, his decision to intervene was opposed by Congress and public opinion.

This section examines Clinton's decision making. In the first phase that decision-making was characterized by lack of attention and procrastination. After the *Harlan County* incident Clinton allowed the situation to meander along. Eventually, circumstances forced him to address the problems, leading to a decision to intervene. The final part discusses to what extent Clinton considered the legitimacy of his action, and what his justification was.

Despite his campaign rhetoric, Clinton soon agreed to continue with the Bush policies of returning refugees to Haiti. At this point he had no alternative policy. Clinton had strongly criticized Bush for returning refugees. However, before Clinton took office the intelligence agencies warned him that as many as 200,000 might take to the seas.[219] Many would lose their lives at sea. Although he recognized that such a decision would provide a potential problem, he preferred the 'safe' solution of retaining Bush's policy. So, Clinton kept the same policy because of fear for the refugees, and also because any change would cause an immigration crisis.

However, after this initial decision, Clinton did not make any clear decisions. His policy was characterized in the press as a 'non-policy', with questions about what the administration was trying to achieve. The main problem was that Clinton debated at length but did not reach any conclusions.[220] This was true in all policy areas, not just Haiti. According to Professor Richard Melanson, Clinton had a 'congenital aversion to making decisions in a timely manner'.[221] Colin Powell records that Clinton was 'not well served by the wandering deliberations he permitted'.[222] Meetings always ran late, as the president 'never stopped talking'.[223]

The problem was that Clinton had a short attention span, and moved on quickly without resolving problems. His advisors had difficulty in keeping him focussed.[224] He would have intense involvement in an issue, but then not follow through. This was notable in the Haiti negotiations. When needed, particularly when Tony Lake was trying to persuade Aristide to agree to a settlement in February 1994, Clinton became directly involved in meeting Aristide. But he did not continue that level of involvement, leaving later engagements to others.

In addition, he wanted to adopt the same strategy as he adopted in domestic policy, and used polling data extensively. He 'tried first to calculate the domestic impact of his

foreign policy initiatives by relying heavily on polling data'.[225] During the first year, it was argued, the White House, did not want to confront the Haiti refugee issue head-on.[226] Polling data showed that public opinion was against intervention. Clinton 'vacillated between diplomacy and military intervention'.[227] This lack of decision making was further compounded by the president's inexperience of Washington politics. He had antagonized the military by his position on gays in the military, and there was much commentary about his lack of interest in foreign affairs.[228] When the *Harlan County* incident occurred it was noted that Clinton had chaired just eight full National Security Council meetings since Inauguration Day, or about one a month.[229] Further, those meetings were usually called after a crisis had developed, and they tended to focus on the public presentation of the administration's response to a crisis rather than the fundamental elements of the crisis itself. Clinton's lack of attention was affecting his performance and ratings. Eventually, 'the ever-cautious Mr. Christopher summoned up the courage to tell President Clinton point-blank that he has to become more engaged in foreign policy by spending at least an hour a week with his national security advisers.'[230]

Clinton's lack of experience was highlighted in sending the *Harlan County* to Port au Prince. Believing that the US had been 'invited', he sent the troops to restore Haiti's infra-structure. In this, he was misled. He was not aware of the intensity of CIA opposition. Subsequently, it became clear that the CIA were working to disrupt the return of Aristide. They later told a Senate Intelligence Committee that, 'liberation theology proponents are not too popular at the agency.'[231] At this point, Clinton had not paid sufficient attention to foreign policy and later admitted that the criticism was 'justified', but attributed the problem to having a 'tendency to try to do too much.'[232]

Further reasons for not making decisions were that Clinton expected diplomacy to work. He waited whilst allowing his staff to conduct negotiations. Lake had frequent

discussions with Aristide, and Albright worked hard at the UN. The administration believed that the Cedras regime would be temporary, and that they would eventually leave. The special advisor on Haiti, Pezzullo, believed that the diplomatic approach would ultimately succeed and that the alternative – military intervention – would be opposed throughout the hemisphere.[233] It took some time to realize that Cedras was adopting delaying tactics and was not prepared to fulfil agreements.[234]

Clinton was also caught between policy positions. In the Post-Cold War era, the normal security arguments no longer applied. The role of the US in the 'New World Order' had not yet been resolved. They had not yet defined what their role should be, after defeating communism, and becoming the sole superpower. The testing questions were no longer nuclear security but issues about the United States' role in the world that were being raised by the media, with CNN becoming prominent, special interest groups, and similar groups in Congress. The lack of the Cold War consensus meant that issues previously of consensus were being contested. During the Cold War there was a consensus as to the very purpose of foreign policy. There was an agreement that the enemy was communism, and the ambitions of the Soviet Union. Foreign policy was designed to contain this, roll-back if possible and as a deterrent. In this period, the constitutional balance was with the president. He was expected to lead and be strong against the enemy. However, with the end of the Cold War, there was uncertainty. It was not clear who or what was the enemy. The purpose of foreign policy was unclear. There were issues of globalization, spreading democracy, and humanitarian intervention. The constitutional balance also changed as Congress asserted its influence. As Clinton engaged with domestic issues, such as the budget and health care, he also failed to focus on issues in the Balkans, Somalia and Haiti. There were questions about whether the president had the ability to lead policy, or whether he was just reacting to events.

Tony Lake, the National Security Advisor, had set out a new doctrine of 'Democratic enlargement', to guide the world's free democracies. Among them, the United States should promote: the strength of market democracies; consolidating new market economies; countering aggression and supporting liberalization of states hostile to democracy; and pursuing a humanitarian agenda. He also noted that the US should not be the world's policeman.[235] However, Lake also spelt out the dilemma as to when to intervene. On 'backlash states' he said, 'We must always maintain the military power necessary to deter or, if necessary, defeat aggression by these regimes.' But he also showed the problem in deciding what to do on humanitarian efforts:

> Our humanitarian efforts must continue to include a broad array of programs - economic and military assistance, disaster relief, and projects to assist education, nutrition, and health. Public pressure for our humanitarian engagement increasingly may be driven by televised images, which can depend, in turn, on such considerations as where CNN sends its camera crews. But we must bring other considerations to bear as well: cost, feasibility, the permanence of the improvement our assistance will bring, the willingness of regional and international bodies to do their part, and the likelihood that our actions will generate broader security benefits for the people and the region in question.[236]

He summed up the policy as, 'Ultimately, on these and other humanitarian needs, we will have to pick and choose.'[237] Clinton had also stated that the United States could not, and should not be the world's policemen.[238] He warned that 'America cannot solve every problem and must not become the world's policeman.'[239] In the same address he explained that he 'believe[d] in the Good Neighbor Policy, and we've tried to be a good neighbour.'[240]

The problem was that there were no clear principles in place to guide the policy.

On Haiti, the administration was divided. There were political tensions. According to Albright, 'Many in the White House, the Vice- President's office, and the NSC did not believe the status quo – of sanctions, suffering, and Cedras – could or should be sustained. However, neither the Defense Department nor many State Department professionals favored a change of policy.'[241] After the *Harlan County* incident, the Chairman of the Joint Chiefs, Colin Powell, opposed military intervention. He believed 'tough political goals had to be set first', a view which he believed Lake supported.[242] However, Madeleine Albright dissented from this view and asked: 'What's the point of having this superb military you're always talking about if we can't use it?' a question which Powell said almost gave him an 'aneurism.'[243] Colin Powell reached the end of his term as Chairman in September 1993 and 'retired'. He was succeeded by General John Shalikashvili.

There was also a view that Haiti was not worth it. 'The military and intelligence communities distrusted Aristide and didn't want to risk American lives returning him to power.'[244] The CIA was concerned about the 'liberal priest', and the CIA and Pentagon warned that protestors posed a threat to the safety of American soldiers.[245] John Bolton argued in the *Washington Post* that 'Aristide [was] hardly a democrat worthy of American protection'.[246] Similarly, there was political opposition in the Congress, with Republicans and some Democrats against any action.

Any prospect of an early intervention vanished following events in Somalia. But, the *Harlan County* incident was deeply embarrassing to the US military. Clinton felt that he could not make another military intervention, immediately following the situation in Somalia, where US troops had been slaughtered. But the decision to retreat was seen by Albright, in particular, as humiliating, whilst the Secretary of State Christopher saw it as a lack of resolve.

After this incident, the problems continued into 1994. There were numerous discussions with Aristide, with the president intervening personally on at least three occasions. However, there was still no clear policy. According to Stephanopoulos, the president was caught between critics who said the US should be a power for humanitarian purposes, and those that insisted, 'we can't be the world's policeman'.[247]

This view was reinforced by other evidence. Law Professor and Human Rights campaigner Irwin Stotzky claimed Clinton 'vacillated between diplomacy and military intervention'.[248] Stotzky felt that the only way to make Haiti matter to Clinton was 'by having thousands of boat people' and so highlight the problem.[249] The agenda began to be set by outside forces. The Congressional Black Caucus highlighted the problems, and media publicity about the boat people, especially on CNN, set the agenda.

Eventually, the Haiti problem became such that Clinton was forced to pay attention. Everyday, in the press, there was media coverage about the plight of the Haitians, and contrasting the lack of action with Clinton's campaign rhetoric. CNN were showing the coverage every hour.[250] The press were being persistent in highlighting the problem. Electoral politics were also important. As the mid-term elections approached, Clinton's approval ratings were low, and some Democrats were pressing for action. In a congressional debate, Democratic Representative Kennedy (D, MA) called for military action.[251] A normally strong supporter of Clinton, Senator Tom Harkin (D, IA) stated that the policy was 'bankrupt, morally and politically and we have to change it ...If we can't stand up for democracy and human rights in our own hemisphere, then what do the Serbs have to fear?'[252]

The Black Caucus began to exert a disproportionate influence. As Robinson went on hunger strike, Clinton became focussed. Aristide criticized Clinton for only reacting when Robinson went on hunger strike, citing it as evidence of Clinton's 'racist policy.'

There were allegations of 'double standards' arguing that less than 7% of Haitians received refugee status, but 95% of Ukrainian Catholics and Russian Jews did so.[253]

These incidents fuelled the media coverage. It also became clear that diplomacy was not working, as Aristide became more difficult to negotiate with, and Cedras continued to ignore agreements. Clinton debated this at length, with the dilemma of the public and Congress against intervention against the human rights and democracy issue. He was particularly concerned that the boat people were affecting his poll ratings. Clinton also began to show a personal frustration. In his memoirs, he states that he was 'fed up. It was time to throw him [Cedras] out.'[254]

Such pressures resulted in a change of policy and personnel, with Pezzullo being sacked, in April 1994. Pezzullo argued that, 'without question the Haiti policy review was driven as much as anything by criticism, from media and Congress, of the administration's mishandling of Haitian refugees seeking asylum in this country.'[255] Clinton could not let the bad publicity from the Black Caucus and CNN continue. That was affecting his ratings and his ability to conduct domestic, or any other, policy.

Congress repeatedly debated the Haiti issue, and requested the president to seek authorization if he intended military action. Clinton was adamant that he had the authority to proceed. However, Clinton was also clear that he did not have the votes. He records: 'public opinion and congressional sentiment were strongly against it.'[256] In Clinton's view, the Republicans were solidly opposed, and most Democrats (excluding the Black Caucus) thought that he was 'taking them out onto another precipice without public support or

congressional authorization.'[257] In addition, the advisors were divided. Al Gore, Warren Christopher, Bill Gray and Tony Lake were for the invasion, but Bill Perry and the Pentagon were not.

He had gone to the UN and OAS, obtained the resolution he needed, worked on the diplomacy, but all this was ignored by the junta. Madeleine Albright continued to work at the UN, gaining their support for restoring Aristide. In the two years from Clinton assuming office, the UN passed 11 resolutions, supporting Aristide, finally agreeing to the use of force to remove Cedras and his supporters.[258]

Given Congressional and public opposition, then why did Clinton decide to intervene? Clinton cites multiple reasons for his decision: innocent people were being slaughtered in 'our own backyard', establishing humanitarian grounds. There were also financial concerns; the US was spending a 'small fortune' on Haiti refugees.[259] Also, the UN was unanimous in supporting the ouster of Cedras.[260] According to Stephanopoulos, Clinton believed he was 'morally justified'.[261] Further, he took action because of the continuing bad publicity from the Black Caucus and CNN. This publicity was affecting his ratings and his ability to conduct domestic, or any other, policy. Clinton also claimed that he made the decision based on his presidential powers. Even though it was a Post-Cold War era, he still claimed those powers.

However, Clinton was also prepared to allow a delegation to go to Haiti, with the aim of preventing the invasion. He was concerned about former President Carter acting alone, so sent Nunn and Powell with him. When the delegation did not leave at the appointed time, Clinton became concerned that they might be kidnapped. However, with latitude on timing, they were able to negotiate a deal, thus saving lives. The troops had

already received their orders and were landing. The agreement allowed them to land unopposed, and prevented loss of life.

In the end, Clinton decided that he had the UN authority. Therefore, he could act, and justify his intervention on those grounds. However, the question remains as to whether Clinton had sent troops into military action. He himself did not question that he had deployed troops for action. He believed that action to be an intervention. In the event, the Carter delegation negotiated with the Haitian authority to allow United States troops to land. However, the fact that they had indeed landed before these events reopened the questions of legitimacy.

5.6 Legitimacy of the Intervention

This section considers the legitimacy of the action in terms of United States and international law, treaties and obligations. It also considers congressional legitimacy and constitutional legitimacy, and public opinion. It discusses whether the administration considered the legitimacy of their actions. If they did, in what way was legitimacy discussed and did it affect the decision making? Was it important to the administration or not?

Did the administration consider legitimacy?

Initially, Clinton spent little time considering the legitimacy of his actions, as a function of his paying little attention to Haitian policy in any respect. He was accused of lack of attention. He then expected diplomacy and negotiating to work, and delegated these tasks to others. These types of activity also raised few issues of legitimacy.

Only when confronted with a humanitarian crisis was Clinton forced to act and did considerations of legitimacy emerge. The administration appears to have discussed both

the domestic aspects of legitimacy, considering the support of Congress, the public and the implications of the Constitution. They also considered the international position.

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The administration considered the legitimacy of their actions but not in detail. There was uncertainty and division within the administration about the need to intervene. Clinton knew the OAS would be opposed to military intervention. He expected diplomacy to work and delayed taking action as long as possible.

The president delegated the UN negotiations to Madeleine Albright who worked hard, obtaining several important UN Security Council Resolutions. In particular, the UN authorized the 'use of force' to remove Cedras. In total, there were eleven resolutions at the UN on Haiti.

Political : Congressional legitimacy and Consulting with Congress

The administration also discussed the domestic legitimacy issues involved in ordering a military action. At the point that he was seriously considering military intervention, Clinton was sharply aware that he did not have public or congressional support and that he would be condemned for illegitimate actions at home.

The administration debated whether to go to Congress for approval. Christopher strongly argued against this. He framed it in terms of presidential power, saying if Clinton insisted on going to Congress he would be 'constraining his successors'.[262] Christopher believed in the 'long-term presidential executive primacy in foreign policy', and argued that only the president could make the case for putting United States troops in harm's way.[263]

Stephanopoulos was appalled by this decision. He believed that 'a president shouldn't send soldiers into combat without congressional support.' Clinton knew that they could not win the vote, 'so restoring democracy to Haiti required sacrificing a bit of it here

at home.'[264] Stephanopoulos accepted the decision, but proposed that a 'white paper' be issued making the case for unilateral presidential action.

The case was later provided, as justification, by the Assistant Attorney General, Dellinger.[265] Legal justification seems to have been used publicly in an attempt to substitute for congressional support.

Clinton recognised, and discussed, that he faced a major challenge in terms of domestic legitimacy. He was well aware that he did not have sufficient votes in Congress to support the action, with the Republicans and some Democrats against the intervention. He therefore decided not to ask Congress for authorization, instead citing his Commander-in Chief powers, even though he knew he should have congressional approval. Equally, Clinton was acutely aware of public opinion on Haiti. He extensively used polling data, and knew that Haiti was not a major concern for Americans and that the majority were against intervention. Despite this knowledge, and the implicit lack of legitimacy for any action he might take, Clinton still decided to act. He appears not to have been concerned about these dimensions of the intervention's legality. The subject was discussed but legitimacy did not dictate Clinton's decisions. However, the administration did want to appear legitimate.

Did the administration attempt to construct an image of legitimacy?

This section now considers whether the administration attempted to construct an image of legitimacy, despite being aware that some of its actions were not legitimate. The administration did make such attempts, highlighting a number of considerations: the humanitarian case backed by UN and OAS resolutions, the domestic repercussions of Haiti's problems and the role of US interests, and the constitutional case based on presidential authority and the threat to American lives.

However, as those planning these efforts recognised, 'marketing it to Congress, elite opinion leaders, Haiti people, American public, with two thirds of Americans against was not easy.'[266]

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Clinton justified his actions as a humanitarian necessity. He argued the need to stop slaughter in the US' 'backyard' and to prevent the suffering, and deaths, associated with perilous boat trips undertaken by the refugees. The UN decision strengthened Clinton's justification of the decision on humanitarian grounds.

He also argued the virtue of restoring democracy. This approach did not persuade many Latin American nations to support Clinton's decisions, but much of the delivery seemed to be aiming to draw a positive response from a sceptical US public. Clinton argued for Lake's 'democratic enlargement' ideas, arguing that it was in US interests to promote democracy in the hemisphere. Also for domestic political consumption, the administration emphasised other interests to be served by action in Haiti. The threat of mass immigration from Haiti was raised, as was the cost of handling the refugee crisis.[267] The administration worked hard to make a case for the invasion being in US interests.

The president relied heavily on the UN resolutions and OAS resolution in support of potential US action in Haiti as the basis of his actions. Clinton used these as his legal legitimacy, but in domestic politics. These offered a form of international legitimacy that the administration hoped could be brought to bear in the domestic environment, to the extent that it is not entirely clear whether the administration saw the campaign for UN resolutions as an attempt to muster international acceptance of US action or in fact as a device to be presented to the US public as an alternative form of legitimacy.

Legal: Constitutional and congressional legitimacy

As part of the administration's justification, the Assistant Attorney General Walter Dellinger sent a letter of justification to Republican Senators.[268] In this Dellinger argued three points, each staking positions in the constitutional debate: that Congress had already authorized military action; that provided Clinton *reported* his actions under the War Powers Resolution that he was in compliance; and that his deployment to Haiti was not 'war' in the constitutional sense.

More broadly, Clinton summarised the position in his claims that he was acting under his Commander-in-Chief powers. Despite many requests from Congress to seek their authority for the intervention, he maintained that it was a presidential power to decide on military action. As part of this claim, the president also invoked his 'duty of care'. He cited the threat to the lives of 1,000 Americans in Haiti and another 9,000 people with dual citizenship.[269] In the domestic legal debate, Clinton also claimed that the UN resolution authorizing the use of force was sufficient authority, offering echoes of Harry Truman's position in the Korea debate decades earlier.

Clearly, the administration worked hard to establish the legitimacy of the operation, highlighting a number of reasons to act while leaving more prosaic causes of the action unstated, such as Clinton's concern about public opinion and his poll ratings. However, Clinton's case was often dubious.

Was the Intervention Legitimate?

This section considers the legitimacy of the Haiti operation, particularly in the terms Clinton attempted to use to justify it. Many of the domestic policy arguments Clinton made may have had some influence on public opinion, but would not have legitimated the operation in terms either of the US Constitution or international law. This section focuses on those key themes.

Legal: Constitutional and congressional legitimacy

Clinton had a running battle with Congress over the issue of legitimacy. It was clear that he did not have the votes in Congress to agree to a military deployment. Clinton confirms this: 'congressional sentiment [was] strongly against it'.[270] He did not ask Congress to authorise the deployment of forces, and actively opposed any such vote.

There are reasons to question the arguments raised in support of military action's legitimacy. A similar letter to that sent by Dellinger to Republican Senators was sent to a group of ten lawyers who had questioned Clinton's Constitutional authority to deploy troops. It emphasised the same points as the letter to Republicans, arguing that Congress had already authorized military action; that provided Clinton *reported* his actions under the War Powers Resolution that he was in compliance; and that his deployment to Haiti was not 'war' in the constitutional sense. The letter sparked much debate amongst the lawyers. Columbia Law Professor Lori Damrosch argued that the first point was an obscure understanding of a previous resolution that was 'implausible almost to vanishing point.'[271] The claim of previous congressional approval was dismissed as a sense of Congress, passed the year before, purely to allow limited peacekeeping activities. Damrosch notes that the letter appears to accept that the War Powers Resolution should be complied with, but notes that Clinton had stated, 'Like my predecessors of both parties, I have not agreed that I was constitutionally mandated to get congressional approval before taking action.'[272] Informing Congress 'consistent with the War Powers Resolution' followed the precedent set by previous presidents. Also, the timing of Dellinger's letters to the Senate Republicans appears to be an example of the president using the legal forces to justify his actions after the event, rather than a serious attempt to consult and justify his actions. Stephanopoulos confirms that he suggested such a 'paper' to mitigate the domestic consequences of the action.

Despite the end of the Cold War, Clinton defended the Commander-in-Chief's powers fiercely, if illegitimately. He did not consult thoroughly, take majority congressional advice into account or accept the demands of the War Powers Resolution.

Clinton's citing of the threat to US lives was also an inflated claim. In this case, the United States was not threatened, and American lives were not in immediate danger. There is no evidence that there was any danger to the 1,000 US citizens in Haiti or those of dual nationality. In fact, in contradiction to his public position at the time of the action, Clinton did not subsequently cite this as a reason, in his memoirs.

Clinton's actions in by-passing Congress were illegitimate, but Damrosch argued that the fact that the Carter initiative meant that lives were not lost, meant that, in fact, the intervention was legitimate. She argues that given that 15,000 troops were deployed in the first week, by consent, meant that there was a potential for a major conflict, and only the agreement saved the intervention from being unconstitutional. However, Clinton was prepared to intervene with troops, whether or not there was a settlement, and without Congressional authority. Clinton was saved from this being an illegitimate intervention, because the Carter delegation was able to negotiate Aristide's departure.

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Clinton had obtained resolutions at the UN supporting the return to democracy in Haiti. This gave hem legitimacy in international law. However, Clinton himself accepted that the UN action should not be seen as giving congressional approval. This is part of the dilemma of trying to appear legitimate, to both the United States and the wider community. The UN resolution states a strong case for giving legitimacy.

5.7 Conclusion

Many of Clinton's early foreign policy problems were exacerbated by his lack of interest and experience in foreign affairs. His priority was focussed on domestic matters, and his work habits made it difficult for the foreign policy advisors to get attention, unless there was a crisis. There was a lack of leadership in what policies to pursue in Haiti. This led to the embarrassment over the *Harlan County.*

However, Clinton eventually decided to intervene, motivated by the continuing bad publicity from the Black Caucus and CNN. This was affecting his ratings and his ability to conduct domestic, or any other, policy. There had been numerous debates in the Congress, against intervention, and trying to prevent the president taking action. A majority of the public and many of his own staff disagreed with his chosen course. In the end, Clinton over-rode those objections, and insisted that his presidential power should not be limited. He justified the decision on humanitarian grounds and presidential authority, but also explained how the policy was in US interests to an unconvinced public.

The administration discussed whether it was legitimate for Clinton to launch the invasion, but eventually chose to launch a military operation regardless of majority opposition both in Congress and among the public. It argued that the international legitimacy bestowed by the UN Resolutions could override the domestic concerns, Clinton emphasizing US treaty obligations. The UN and OAS resolutions became the cornerstones of an administration campaign to earn domestic legitimacy. In terms of the legitimacy of Clinton's decision to act, there are good grounds to argue that his action was illegitimate.

There was a notable gap between Clinton's stated reasons as to way the action was legitimate and the reasons for the action suggested by various sources. A number of motivating forces, including Clinton's public image, were understated, not surprisingly.

There is little evidence that considerations of legitimacy directly influenced the decision to invade. The make-up of the force used for the operation was altered by

Albright's negotiations at the UN so the US could earn the legitimacy of UN support. If the operation had been a disaster for reasons that could be tied to the use of a multinational force, these changes might have warranted more attention in retrospect. However, despite the careful construction of an impression of legitimacy that followed, it was not apparent in the decision to act. Arguably, though, considerations of legitimacy might be argued to have played a significant role in Clinton's unwillingness to advocate military action until autumn 1994. The fear of taking an illegitimate action, exaggerated by the death of soldiers in Somalia and loud congressional opposition, may have contributed to Clinton's vacillation over Haiti. While the political peril of acting certainly held Clinton back, there is much evidence to suggest that Clinton's refusal to engage consistently with the Haiti problem played a more important role.

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Presidents and legitimacy in U.S. foreign policy:

Cold War and Post-Cold War intervention in Latin America

Part Three - Conclusion

6. Conclusion

This study has examined how presidents have used their power in military interventions in Latin America. It has examined their decision making, and considered whether they included the legitimacy of their actions in that process.

The powers of the president are defined by the Constitution. The thesis shows how the Constitution has been contested, over time. Besides constitutional legitimacy the president has other sources of legitimacy. These include political, public legitimacy and legal legitimacy, both in the United States and in the international community. The thesis has examined what view the presidents took of such legitimacy in deciding to intervene, and to what extent they tried to construct an image of legitimacy in each of the areas.

Four case studies in Latin America when presidents decided to launch interventions were examined. These are Kennedy in Cuba, 1961; Johnson in the Dominican Republic in 1965; Bush in Panama in 1989; and Clinton in Haiti in 1994.

The studies above use one area, Latin America. There are two Cold War and two Post-Cold War interventions, allowing an examination of whether the end of the Cold War made a difference to presidential consideration of legitimacy and subsequent actions. The

conclusion reviews the four case studies, by president. This is followed by a discussion of what a president does to consider the legitimacy of his decisions and the attempts made to appear legitimate, what difference being in Latin America made, and the impact of the end of the Cold War. It further suggests how the studies can be widened to other interventions in different areas and different times.

6.1 Case Studies

6.1.1 Kennedy

In the Bay of Pigs intervention of 1961, the key aspect was that it was supposed to be a covert operation. The most important requirement for Kennedy was 'plausible deniability'. United States forces could not be seen to have been deployed. Kennedy was particularly concerned about press leaks, and persuaded the media to suppress certain articles about the invasion.

At no time during the discussions did Kennedy consider whether he had the authority to invade. He was aware that any United States' involvement would be considered a breach of the OAS Charter and UN Charter. His primary objective was to ensure that the invasion would be seen as a Cuban operation and not a United States invasion. All the planning was to this end. Congress, with the exception of Senator Fulbright, on a personal basis, was not involved.

Kennedy inherited this operation during the height of the Cold War, and had limited options. He was hampered by his strident campaign rhetoric against Cuba, and his image as a new strong leader. He decided to go ahead to protect his personal standing, because of a 'can-do' attitude in the administration, because of the Berlin situation where he could not appear

weak, and because he believed Castro would be assassinated before the invasion. His advice structures contributed to the downfall of the project.

Kennedy was perfectly aware that any intervention in Cuba would be seen as illegitimate. In this case, he went to great length to create 'plausible deniability.' He changed the parameters of the intervention. He wanted a quiet, night-time landing, not a D-Day operation. Further he was not prepared to commit American troops, although he did not consider the possibility of defeat. As a consequence of trying to ensure the intervention was considered legitimate, the president's actions were both damaging and dangerous for the intervention.

6.1.2 Johnson

In the Dominican Republic in 1965, President Johnson's overall concern was to prevent the spread of communism although he originally argued that the intervention was to protect American lives. He did have concerns about the intervention, as the intelligence was poor, and reports from the Embassy became increasingly urgent. Johnson was genuinely concerned about lives being lost, particularly with the reports he received from the Ambassador, and reinforced during the telephone conversation when Johnson mistakenly believed the Ambassador was under fire.

In terms of legitimacy, Johnson insisted that he had a duty of care to protect lives. However, Johnson's justification changed over time. His main issue was the protection of the hemisphere from communism.

He was determined not to have another Bay of Pigs, or the domino effect as in South East Asia. Johnson was persuaded, against his better judgement that he had to involve the

OAS in his actions, but failed to convince Latin American countries that his action was justified.

Johnson did not involve Congress in his discussions, he merely notified them that troops had been deployed. Most of the criticism of him came from his 'cover-up'. This took the form of his changing story, both in the reasons for the invasion, and concerns about his ever vivid escalation of events.

The scale of the invasion and its legitimacy were condemned by the Congress, and eventually played a part in undermining Johnson's credibility in the Vietnam War.

6.1.3 Bush

President Bush claimed that the intervention in Panama in 1989 was to protect American lives, to restore democracy, combat drug trafficking and uphold the Panama Canal Treaties. It is clear that there was little threat to American lives: there were already 20,000 military in Panama. Bush's main objective, from the beginning of his term, was to remove Noriega, and this eventually became a personal objective.

However, this was the first intervention since the fall of Soviet communism, and it is important to consider the democracy and humanitarian aspects. During the Cold War, the United States was prepared to support Latin American dictators, provided they supported the United States against communism. The Panama intervention signalled a change of policy. Bush decided he wanted to remove a dictator who traded drugs to the United States. So he combined the furtherance of democracy with a humanitarian issue, not for the people of Panama but for those of the United States.

Bush also claimed that he had the right to intervene to uphold the UN and OAS Treaties, but in fact the Treaties specifically prohibited intervention to restore democracy.

Bush had little concern for the legitimacy of his actions. But the administration did make some attempts to appear legitimate. During the October attempted coup, when Noriega was held by the PDF rebels, the then Secretary of State Baker was keen to involve the lawyers, and to ensure that the United States did not breach the congressional ruling on the assassination of foreign leaders. Before the intervention itself, Bush had received a ruling that the military could be used in cases of drug trafficking, or when there was a United States indictment to execute an arrest. The Attorney General asserted that the president had the authority, but little discussion appears to have taken place. The key decision seems to have been based on the probability of success in removing Noriega. A difference from the earlier interventions was that the issue was debated at length, both in Congress and the press, prior to the decision to intervene. When the intervention came, the only surprise was the timing, as Bush gave no warning that action was imminent. It is clear that criticism in the Congress and the portrayal of Bush as a 'wimp' influenced Bush to take this action. In the end he lost patience, and needed to restore his position. The administration tried to present this as a legitimate intervention. Bush needed it to be accepted, as being thwarted by a dictator from a small state was embarrassing and damaging to Bush. It was preventing him from being credible with his domestic agenda. He was able to present the defence of the Canal Zone as vital to United States national security. He also portrayed the action as a 'Just Cause', a popular liberation to restore a democracy.

6.1.4 Clinton

President Clinton took the decision to intervene in Haiti in 1995 on humanitarian grounds and because of domestic pressure. After extensive negotiations with the coup leaders

had failed, Clinton finally ran out of patience. The intervention was halted when the Carter delegation finally achieved a last minute settlement.

This intervention was different because Clinton specifically ruled out seeking Congressional authority. He did this because he knew he did not have the votes, and insisted that Congress should not limit his presidential authority. The intervention was debated extensively in Congress, with the majority in Congress being against any intervention.

The press widely debated the Haiti situation, criticizing Clinton for his lack of decision making. Domestic politics finally influenced his position. The constant barrage of humanitarian stories in the press, including the Black caucus leader's hunger strike, were damaging to the administration's mid-term election prospects.

Clinton legitimized his actions by relying on a UN resolution. He merely reported his actions to Congress, consistent with the War Powers Resolution.

Although this was a Post-Cold War intervention, Clinton still relied on his presidential authority to commit the troops. In this case, domestic pressure had become too great to ignore. Clinton wanted to concentrate on domestic policy and by resolving the Haiti problem he hoped to reduce foreign policy distractions. He was also trying to show that he was supporting a democratically elected president. By doing this, he wanted to combat the charge of growing 'International Imperialism' against the world's only superpower.

6.2 Legitimacy

This section examines each of the interventions with regard to the themes of what constitutes a legitimate intervention expanded in Chapter 1 viz: constitutional and Commander-in-Chief powers; political legitimacy including congressional legitimacy; legal legitimacy including international organizations and treaties; and public legitimacy.

6.2.1 Constitutional legitimacy

This section discusses how the presidents viewed their constitutional powers and whether they considered their actions legitimate.

Kennedy and Johnson did not claim to be acting as the Commander-in-Chief. During the first half of the Cold War, it was not disputed that military action was assumed to be under their authority. In the Kennedy case, he was convinced by others than action was necessary, but there was no immediate threat. The action was an opportunity for the president to overthrow Castro. He wanted to appear strong, he believed the objective of removing Castro was feasible, and there was an opportunity to act. For Johnson, he argued that there was a threat from the Dominican Republic becoming another communist regime. He was taking 'defensive action'.

Both Bush and Clinton claimed they were acting under their Commander-in-Chief powers and reported the deployments, 'consistent with' the War Powers Resolution. Bush argued that there was a National Security threat to the US caused by drug trafficking, and a threat to the Canal Zone. These claims, though, were greatly exaggerated. In Clinton's case, he acted on the basis of a UN resolution, and argued that was sufficient authority.

In explaining their actions three of the presidents invoked their duty of care. For Kennedy there was no discussion of his authority. He merely assumed it.

However, Johnson stressed that his intervention was to 'save American lives.' He greatly exaggerated the threat, and escalated his claims following the intervention. In fact, although he was concerned about the consequences if Americans were killed, he was more concerned by the communist threat.

Bush also claimed that American lives were at stake. This was a greatly exaggerated claim. At the point, only one Marine had been killed. As pointed out, the threat to American life was at a far lower rate than in any small American town, on an evening out. As a consequence of the invasion, many more lives were lost.

Clinton did not claim American lives were in danger, but he claimed he was acting on humanitarian grounds to prevent loss of life.

Presidents have used their duty of care as a 'catch-all' to justify their actions. They all assumed they had the authority to act in this situation. The duty of care clause requires presidents to protect American lives. However, presidents have systematically overstated the threat to the United States lives to provide justification for their actions. In the Dominican Republic and Panama, the threat to American lives was greatly exaggerated, and used to justify the interventions.

National Security

National Security has been used as an 'umbrella' to allow presidents to act without consultation, while claiming to do so is legitimate. In three of the case studies the presidents withheld information from Congress. In the Kennedy case, the action was meant to be a covert operation. Covert action was allowed then under the National Security Act. However, the main argument of the Kennedy advisors was that there should be 'plausible deniability'. The key feature for Kennedy was that United States forces could not be seen to have been involved. Despite a huge operation in Guatemala, and many reports in the Cuban and Miami press, Kennedy convinced himself that the intentions were still secret. The threat to National Security was based on the proximity of Cuba to the United States. Given that the following

year, 1962, Russia placed nuclear armed missiles in Cuba, there was a threat. However, at the time, this was not known and Kennedy placed too much weight on this issue.

President Johnson also withheld information from Congress. His reason for not telling Congress was to prevent 'leaks', although he used a ploy of his own to identify his political opponents on the issue. This was a political decision, and entirely at the president's discretion.

In the Bush case covert activities again took place. These were clearly not legitimate, in terms of domestic politics, in that the intention was to fund an opposition in an election, whilst claiming that the ruling party were conducting fraudulent elections. Again, if there were a genuine National Security reason then the president was entitled to act. However, Bush claimed that it was the drug trafficking that was a National Security issue, and also the security of the Canal Zone. These were not legitimate reasons for covert activities, which had not been approved by Congress.

In the Haiti case, on the other hand, there was long discussion in Congress and the press. The debate was followed closely by the press in the public arena. There is no evidence to suggest that Clinton knew about the CIA operations in Haiti, otherwise he would have avoided the *Harlan County* incident, which was very damaging.

The broad pattern is for presidents to withhold information wherever possible. This is based on National Security issues, to cover for covert actions. The National Security Act gives wide scope to presidents. They routinely cite National Security to justify withholding information. National Security claims were routine during the Cold War, but in the Post-Cold War period the situation did not change. Bush withheld information about his covert plans, and if Clinton was aware of the CIA activity, then he also withheld the information. If he was

not aware, then he did not have control of the policy. National Security threats are routinely invoked by presidents without due regard to the level of the threat.

Congressional legitimacy

None of the presidents studied here sought congressional authority to deploy the troops, as required by the Constitution. All assumed they had sufficient authority to do so.

This is an important power in foreign affairs. Sutherland has placed the president as the 'sole organ' in international affairs. They have powers to act, by statute, in the case of emergency, or to protect the state, in the event of a threat. However, the Constitution requires them to seek Congressional authority to go to war.

None of the presidents deemed their actions to be war, although in the case of Panama there was an attempt to interpret Noriega's comments as a threat of war. These were clearly dismissed. In no case was there a clear, imminent threat to the state. In fact, the Cuban threat could have been more serious than the Kennedy administration considered at the time. The threat of communism was given as sufficient reason to act under their assumed foreign policy powers.

Kennedy convinced himself that US troops were not going to land, and that the invasion was by exile Cuban dissidents. This suggested no need for congressional approval. The only contact with Congress was his discussion with Senator Fulbright, but Fulbright's concerns were not taken on board.

President Johnson had meetings with the Congressional leaders, and long telephone conversations with Senator Mansfield. He tried to adopt the tactics he had used in the Senate, to discuss events with individual chosen Senators. Senators Fulbright and Bobby Kennedy were particularly scathing about this lack of proper consultation.

President Bush had little contact with Congress. He discussed the issue of the Panama election with the leaders, but did not inform them about the change of policy about using the military to combat drug trafficking. Bush merely informed Congress that troops had been deployed, consistent with the WPR. Part of Bush's justification was that Noriega had declared that his country was at war with the United States. If that were the case, and if it were an emergency situation, then the president would have been justified. It is clear that Noriega was discussing how the effect of the United States military actions in Panama, and the sanctions felt to Panamanians. There certainly was not an emergency situation.

The only case where a discussion took place, within the administration, about consulting Congress was Clinton in Haiti. As we have seen, he specifically ruled that out, knowing that he would not have won support. In the Haiti case, there has been a suggestion that it was not an intervention as the Carter delegation reached a settlement. However, Clinton accepted it as an intervention; he had already deployed troops and some had landed before the agreement. Clinton, in fact, not only did not consult Congress, he specifically knew that Congress was opposed to action from their recent debates. He only informed Congress consistent with the WPR. He hoped to delay congressional debate as long as possible.

Despite the clear requirements to consult with Congress, presidents do not use the due processes. The method used to appear to be consulting is to brief congressional leaders, occasionally before, as in the case of Kennedy consulting Fulbright, but frequently once troops have been deployed, as in the Panama case.

At the time of the two later interventions, the requirements of the presidency were laid down in the War Powers Resolution. Both presidents reported their deployments, consistent with the resolution, but both argued that they had the right to act. In the Haiti case, Congress

debated when troops would be withdrawn. But as there was a transfer to a Multi-National Force, the WPR was not activated. The War Powers Resolution was specifically designed to ensure Congress retained control of military deployments. However, all subsequent presidents have disputed its authority. The process employed is to notify Congress, 'consistent' with the Resolution. In these interventions, troops have either been withdrawn before the '60 day clock' expired, or the operation has become a Multi National Force, as in Haiti. In fact, the WPR has not affected the way in which presidents have deployed troops.

Presidents have avoided consulting Congress whenever possible.

Subsequently, the president's right to act was contested in the Johnson case, by the Senate. Bush's actions were deemed by many lawyers to be illegal, and the Clinton administration was saved from also being deemed illegal by the Carter agreement, even though Clinton had already deployed troops.

6.2.2 Legal legitimacy and International Legitimacy.

A further source of legitimacy is international law and treaty obligations. Two of the presidents relied on external treaties as part of their justification. President Bush claimed that he was defending the Panama Treaties. In fact, those treaties specifically forbade any intervention in the Canal Zone. He further claimed that the intervention was consistent with both the UN and OAS Charters. Again, this was shown not to be the case.

President Clinton placed great emphasis on a UN resolution. He used the resolution as justification, rather than seek Congressional authority.

In the Dominican Republic, Johnson hoped to get an OAS resolution, to back up his intervention, but the eventual resolution condemned his actions.

Presidents have been aware that by claiming treaty rights they can claim legitimacy. In the Johnson and Bush case their claims were much exaggerated, and in fact were not true. Clinton did have a valid UN resolution on which to base his actions.

Presidents have used UN resolutions as a cover for a lack of United States backing for action. When they claim such a resolution, then the intervention can be demonstrated to be legitimate to the international community. It allows the president to reject complaints of American Imperialism, by showing that they are acting with the authority of the UN. However, a UN or OAS Resolution alone is not sufficient to give legitimacy. Presidents are still obliged to observe their constitutional requirements as well as observe international law.

This section shows that presidents systematically and wilfully take extreme positions on what the Constitution gives them powers to do. Then, they misinterpret events systematically and wilfully to allow them to use that extreme position.

6.2.3 Public Opinion

Securing positive public opinion is an important part of the presidents' plans. For a democratic politician the public is the source of their legitimacy. They have to access what the impact of their actions will have on their electorate. When they act against public opinion they have to present their case for the legitimacy of the intervention. They then hope that will be accepted and for an increase in their public legitimacy. On occasion, public pressure might force a president to act.

Kennedy hoped to have a successful overthrow of Castro, which would be met with acclaim. In trying to conceal the American involvement, however, he contributed to the failure. His admission of involvement was accepted by the American public and increased his poll ratings. He was then able to move on.

However, for Johnson, what to tell the American people lead to serious problems of credibility. The media seized on his contradictory statements and highlighted the discrepancies.

Bush also was concerned about his image, as Noriega continued to defy him. Bush was able to claim credit for removing Noriega and this was played on prime time television.

Much of Clinton's actions were driven by the public image. He was seen as weak in foreign policy and the Haiti problem dragged on. Clinton was pushed by the continuing news images to act when he least wanted to, as the mid-term elections approached.

6.3 Appearing Legitimate

In all the interventions there is clear evidence that the presidents did consider the legitimacy of their actions, but not in the sense of the constitutional or international law requirements. For each of them, their key concern was that the intervention should 'appear' legitimate. In the Johnson and Bush cases, it was the problem of 'selling' the intervention to the Congress and the public that caused more problems than the intervention itself, and in the Kennedy case keeping the operation secret lead to its downfall.

In trying to appear legitimate presidents have to consider their audience. As each frames their idea of legitimacy at the time, they have to consider what they are trying to portray and to whom.

In the Kennedy case, as a new president, his credibility was threatened, both at home and internationally. He had come to power with a promise of a strong presidency. Domestically, he wanted to convey a 'can-do' image. Furthermore, Moscow saw him as an inexperienced president, whom they hoped to dominate. It was vital to Kennedy that he appeared tough on communism. He also had to appear legitimate to the Cuban exiles after the

event. The exiles were particularly bitter as they had been led to believe that there would be United States air support. Kennedy knew that action by United States military forces would not be considered legitimate and therefore he persisted with the plausible denial.

He was anxious to maintain his image. The administration tried to present the intervention as a Cuban uprising. There were plans to create a provisional government on the Isle of Pines, and for the United States to recognize their call for help. He attempted to suppress UN debate, and any discussion afterwards, which would have tarnished his position.

If the intervention had been successful, this would have allowed him to send a strong message to Moscow, and reinforce his standing domestically and with the exiles. The legitimacy would have been retrospective, because of the success. This end would have issued legitimacy, and the means would not have been questioned. Kennedy expected success as did most of the administration. This concept of legitimacy was a long way from constitutional and international legitimacy, but would never the less have been supported in the United States. When it failed he was left with no justification, but he redeemed the situation with his 'mea culpa'.

For Johnson, the audience was in some ways the same, but differed in some respects. Johnson had won an overwhelming election victory in 1964, but his authority in foreign policy was already being questioned. He needed to show the domestic audience that he was strong in foreign policy. Vietnam was already taking a large amount of time and resources. It was important to Johnson that the Congress saw his actions as legitimate, in order for him to obtain a mandate to conduct his own foreign policy. He particularly wanted the press support, and pursued this goal vigourously. He also hoped, by portraying the intervention as an OAS

action, to support his policy. His overall objective was to show that he was in charge of foreign policy.

Johnson attempted to cloak himself with legitimacy and claimed the United States was 'neutral'. He escalated the threat to American lives to justify sending troops. He was aware he would be criticized and attempted to bring the OAS on board to legitimize his actions. When that failed he went ahead, before the OAS could condemn his proposals. He threatened journalists who would not support his actions, and attempted to construct a legal ruling that his actions were legitimate. Even that attempt failed, as Abe Fortas advised him that it was not credible.

He framed the legitimacy as defending lives and containing communism. To the American people he claimed he was saving lives. But to congressional leaders he reported more on a perceived communist threat. These aspects show the duality between the public image and reality. By giving these different reasons in his pursuit of legitimacy, he encouraged the press to question his veracity, and the construction of legitimacy fell apart. Johnson's attempts to manufacture legitimacy overshadowed the invasion itself.

President Bush wanted his audience to be the American people. He wanted to shake off the 'wimp' factor that was blighting his ability to act. He was seen as being ineffective against a 'tin pot' dictator. He gave several press conferences to explain his actions and portray them as strong action against drugs and enhancing National Security.

The administration used several policies to construct legitimacy. They used the result of the May elections to call for a 'revolution', when they themselves had used the CIA to fund fraudulent practices in that election. President Bush also called for a legal ruling from his administration to support as legitimate Bush's position that he could arrest drug traffickers in a

foreign country, which was highly questionable. His justification of defending lives was inflated, and his reliance on the Canal Treaties was shown to be inaccurate. Bush's report to Congress consistent with the War Powers Resolution was merely a token. As presidents before him, he maintained that he was not required to seek congressional approval for the military operation.

Bush received strong support, initially, in Panama, but the bombings brought later criticism of the scale of the attacks. By claiming the action was to save lives, and ensure National Security Bush hoped that his action to remove Noriega would be accepted as legitimate particular by the Congress and press.

Clinton needed his actions to appear legitimate to his domestic audience. He had received a poor reaction to his foreign policy until then. He had first antagonized the military, over the gay service issue, and been humiliated in Somalia. The *Harlan County* incident was another humiliation. With mid-term elections due, Clinton needed some success. The Black caucus in Congress were prominent in their protests, and the daily pictures of refugee boats, showed on television, were harming Clinton's ability to implement his policies. Clinton needed to show his efforts to be legitimate to ensure better media coverage from that of the *Harlan County.* He also wished to raise the humanitarian issues as a legitimate reason for intervention, Clinton knew that he did not have congressional backing so he based his legitimacy on a UN resolution. He was particularly anxious to delay congressional debates which he knew would be damaging at that time in the electoral cycle.

This intervention was different. It was played out in the full glare of publicity. The Black Caucus used this to their advantage. The legitimacy was bitterly contested between Clinton's view and Congress. Clinton did what he could to justify his actions, but he knew he

did not have domestic support. In his view, 'marketing it was not easy'.[1] In this case, the debate is much more like a domestic debate rather than foreign policy. There is not the acquiescence to the president in foreign policy as had previously been the case. The issue was seen as an immigration and humanitarian issue rather than a foreign policy issue. The end of the Cold War allowed this to happen.

Clinton also used the reporting 'consistent with the War Powers Resolution as a token. At the same time he named the operation 'Uphold Democracy' to portray the legitimacy to the Americans.

Summary

In the cases studied, presidents have considered the legitimacy of their actions but that has not been their primary concern. They have attempted to construct a cloak of legitimacy to appear legitimate and to court public opinion both domestically and in the international arena. The attempts to construct this legitimacy often caused more problems for the president than the interventions.

There is a judgement to be made between legitimacy as seen in the United States and in the international fora. Presidents have only paid lip service to their constitutional legitimacy, and instead sought legitimacy through public approval. However, the approval of the international organizations has also been important. The positive approval of the OAS is important in the hemisphere. UN resolutions have played an important part, either in endorsing action or condemning it. The judgement is whether a UN resolution, on its own, is sufficient for legitimacy. Equally, is United States legitimacy, either through the constitution or public acclaim sufficient without international approval?

From the studies it can be seen that by tailoring their claims to legitimacy presidents instrumentally make use of legitimacy as a tool to portray a particular effect. It is done for a specific purpose to achieve their objective with a particular audience.

To determine whether such instrumentalism was affected by the Cold War, the next section will consider whether the end of the Cold War changed the way presidents acted and in what way they present their claims.

6.4 Cold War and Post-Cold War

This section will consider how the concept of legitimacy differed in the periods during and after the Cold War. The analysis in sections 6.2 and 6.3 shows that there are differences between the Cold War and Post-Cold War interventions.

In the interventions carried out during the Cold War, presidents did not specifically invoke their Commander-in-Chief powers. There was no need to. It was taken as read by the public that the president had the power to send troops as he decided. The Cold War gave maximum powers to the president as Commander-in-Chief, as he was expected to defend the nation against imminent danger.

However, following Vietnam, Congress reasserted their authority, and the pendulum swung in favour of Congressional power. This resulted in the War Powers Resolution, which successive presidents have rejected. In the Post-Cold War interventions, the presidents asserted their powers they had in the Cold War era, and merely informed Congress 'consistent' with the War Powers Resolution. At the end of the Cold War there was a period of constitutional and foreign policy uncertainty. Afterwards, for a military intervention to appear legitimate, presidents needed to invoke their powers, which contrasts with the Cold War period.

Information was withheld from Congress in the cases studied. In the Kennedy case it was meant to be a covert action. However, there was also covert action taking place in the Dominican Republic and in Panama, and possibly with CIA action (against the administration position) in Haiti. The withholding information, ostensibly for National Security issues, but also for the expediency of the administration, does not change at the end of the Cold War period. Covert actions continued, backed by a National Security agenda.

But in the Haiti case, there is still an unanswered question. It is alleged that the hostile protest that confronted the United States representative as she went to meet the *Harlan County* was orchestrated by the CIA. CIA officers have provided evidence to that effect. However, as yet, this has not been acknowledged by anyone in the Clinton administration, which gives rise to the question: did the president know? and when did he know it? If Clinton did not know, then he was clearly not in command of the facts.

None of the presidents consulted Congress in the conventional way. During the Cold War, it was not likely that a president would consult Congress. Secrecy was paramount. Kennedy had a discussion with Fulbright, but this was on a personal basis. Johnson was used to working one-on-one from his days in the Senate. He used this strategy during the Dominican Republic crisis, but was concerned about informing congressional leaders because of leaks.

After the end of the Cold War, and afterwards, in fact, there was no change in the consultation process. President Bush informed the Congressional leaders that he had deployed troops. Despite long congressional debates, he did not consult Congress. He had short meetings with the leadership of the Intelligence Committees, but no formal consultation.

President Clinton went further. He was aware that he did not have a majority in Congress, but still went ahead.

Thus the end of the Cold War did not make a difference to the president's actions.

However, three presidents invoked their duty of care. Johnson argued that this was his primary source of legitimacy. Clinton also claimed to be saving lives, but in the Haiti case it was a humanitarian claim rather than a threat to American lives Bush claimed that American lives were at stake; this claim was thin, as there were already 20,000 troops in Panama.

Presidents have used this argument as a 'catch-all' to justify their actions. As in case of the Dominican Republic, presidents argue that they would be criticized and lacking in their duty if they did not take action and US lives were lost. This is a criterion where there is no sense of proportionality. Johnson 'perceived' that there was a threat, and so there 'was' a threat. Bush based his argument on the death of one off duty Marine, and a small number of Americans (three) wandering in to a road block and being abused. This use and mis-use of this criterion, used together with the Commander-in-Chief clause, has not been affected by the end of the Cold War.

In the two cases where humanitarian motives were claimed, the presidents cited OAS and UN resolutions as justification. These were not cited in the Cold War interventions although Johnson tried to include the OAS as a cover. The end of the Cold War has affected the way in which treaty obligations have been invoked. Both Bush and Clinton cited UN charters as their legitimacy. Clinton relied on the UN resolution as superior to getting Congressional approval. To Johnson, the OAS was a side show, used to support his action. It was not his primary justification.

The study shows that the end of the Cold War has not affected the way presidents act. The key difference is in their powers as Commander-in Chief. During the Cold War their powers were not questioned, and the president was dominant in foreign policy. It was expected that, at the end of the Cold War, Congress would reassert its authority. This has not been the case. The Congress has not been successful in its attempt to share foreign powers. The two presidents in the study reported their action, as a procedure consistent with the WPR, but it did not affect their decisions or actions.

There was, though, increased public and congressional debate about the problems in both Panama and Haiti. In the Haiti case, Clinton specifically ignored public opinion which was overwhelmingly against intervention. The Congress also was against military action. For Bush, the public criticism of Noriega encouraged his view that an intervention would be supported. However, neither president sought Congressional approval.

There was no difference in their actions regarding their constitutional powers. In summary, the end of the Cold War made little difference to the way in which presidents in the study regarded covert activities, withholding information and consultation with Congress, or the 'catch-all' duty of care. The main area where there were differences is that after the Cold War, the policies and possible actions were discussed in the media and Congress, before any military action took place. Kennedy had mostly suppressed such debate, and the Cuban and Dominican Republic debates took place after the action. In Panama and Haiti full discussion of the problems took place in the media spotlight and the presidents were aware of public opinion and the Congressional view.

6.5 Latin America and Legitimacy

The study has considered four interventions in Latin America; this section discusses the geographical aspect. The United States has always had a different relationship with Latin American countries. In the early 19th Century, Monroe declared their special interest in the hemisphere. Throughout the 20th Century the United States intervened in Latin American states.

In the Kennedy and Johnson cases, fear of the communist threat was paramount. For Kennedy, a communist government just 90 miles from the United States was a threat both to the United States and to the rest of the hemisphere. This threat was nearly realized by the Missile crisis. For Johnson, Khrushchev had declared the Monroe Doctrine 'dead', but it was still important. Johnson saw the 'domino theory' if another state fell to Communism, and believed it would affect the hemisphere. However, Johnson did recognize that he had to work with the OAS and eventually multi-national forces were deployed. Once again, the complaints of American Imperialism were made.

In the Bush case, the threat, as Bush saw it, was entirely because of the geography. The Panama Canal Zone was crucial to American trade. The United States were also paying a huge price because of a drug problem, and an easy route into the country through Panama was very important. President Bush did claim OAS support for his actions, but some Latin American countries condemned his actions. Again, there is a view that Bush intervened 'because he could', and that Imperialism was again to the fore.

For Clinton, too, the geography was important. It was the problem of the refugees, just off the United States shores, being constantly on United States' news channels, that

highlighted the issue. The prospect of those refugees landing *en masse* in Miami made the situation critical.

So, the issue of the hemisphere was important to all the case studies. For the first two, it was Cold War containment that was paramount. For the latter two, the proximity to problems with domestic repercussions was the most important aspect.

This shows that there are two different concepts of legitimacy. One is the Cold War legitimacy and the other is Post-Cold War. For the United States, Latin America is still in their backyard, but the rhetoric has changed to reflect the different concepts of legitimacy.

6.6 Legitimacy

For all the presidents in the study the main consideration was presenting their actions as legitimate. They did not consider legitimacy against the constitutional framework. They considered how their actions would be viewed in the hemisphere, what public opinion would be, how it would affect domestic politics and the wider world.

The main reasons given changed over time, as the presidents redefined their sources of legitimacy to reflect changing circumstances and the thinking of the day.

The presidents seemed to treat legitimacy as a kind of investment capital. They attempted to build it up through a range of techniques already described, across a number of venues, both international and domestic. Then they worked at protecting their legitimacy capital. When that was threatened they did what they could to mitigate that. This applied in each aspect of legitimacy. Constitutionally they cited their powers, and inflated the threats to American lives and National Security. They sought to avoid congressional censure. In the international arena they wanted the OAS and UN to support them, but used delaying tactics

when they did not. Most importantly was public opinion. In that they could not afford to have negative legitimacy.

It is this loss of legitimacy that has generated recent debates on United States foreign policy. The United States hegemony is no longer seen as justification. Attempts to build a Post-Cold War democratic consensus have proved problematic.

In Latin America the United States had supported those regimes they believed were helpful to the United States, regardless of whether they were dictators. Once their actions became public the United States had trouble maintaining its legitimacy. This is an on-going and current debate in other areas.

In widening the study to other times and places a major difference is the debate now takes place in the 24 hour news media. Constructing a public image and consensus is more difficult but more difficult to do. The president's actions are closely scrutinized by other politicians, media, public and scholars. This makes it more likely that presidents will try to surround themselves with legitimate justifications, whether real or contrived.

The study has shown that presidents view legitimacy in a different way from that intended by the Constitution. It is an important aspect of their decision making, but they do not follow due process. They systematically and wilfully manipulate the information to present their actions in a legitimate light. In this they have scant regard for the Constitution. Presidents have devoted more time to constructing an image of legitimacy in the fields described. These include constitutional, international, political and public legitimacy. However, in attempting to provide this cover they have jeopardised their legitimacy.

In the four cases studied the presidents did not act legitimately, according to their powers and international law, but relied on their public legitimacy to justify the interventions.

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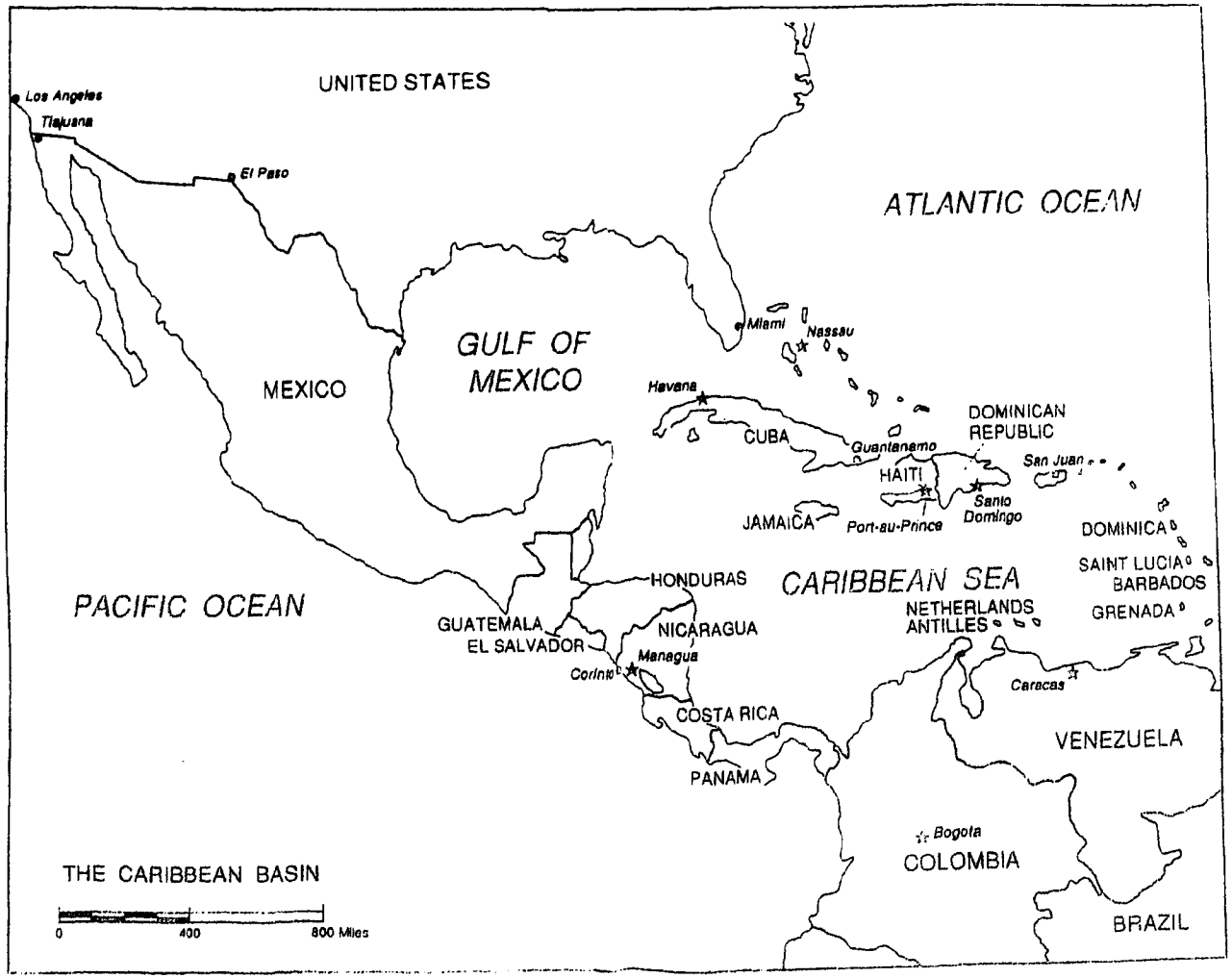
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Annex 1. Map of Area



Source: Palmer, Bruce. *Intervention in the Caribbean.* Lexington, University Press of Kentucky, 1989.

Annex 2 Glossary

Kennedy

Anderson, George W.	Admiral, Chief of Naval Operations after August 1961
Ball, George W.	Under Secretary of State for Economic Affairs, February-December 1961; thereafter Under Secretary of State
Barnes, C. Tracy	Assistant Deputy Director (Plans) for Covert Action, Central Intelligence Agency
Berle, Adolph A.	Chairman of the Department of State Task Force on Latin America
Bissell, Richard M. Jr.	Deputy Director for Plans, Central Intelligence Agency, until February 1962
Bowles, Chester A.	Under Secretary of State, January-December 1961; thereafter Special Representative and Adviser on African, Asian, and Latin American Affairs
Bundy, McGeorge	Special Assistant to the President for National Security Affairs
Burke, Arleigh A.	Admiral, Chief of Naval Operations until August 1961
Cabell, Charles P.	General, Deputy Director of CIA until January 1962
Castro Ruz, Fidel	Cuban Prime Minister
Dulles, Allen W.	Director of Central Intelligence until November 1961
Dungan, Ralph A.	Special Assistant to the President
Eisenhower, Dwight D.	President of the United States until January 1961
Esterline, J. D.	Chief of Branch 4, Western Hemisphere Division, Directorate for Plans, Central Intelligence Agency
Goodwin, Richard N.	Assistant Special Counsel to the President until November 1961; thereafter Deputy Assistant Secretary of State for Inter-American Affairs
Gray, David W.	Major General, Chief of the Subsidiary Activities Division, Plans and Policy, Joint Staff, Joint Chiefs of Staff
Hawkins, Jack	Colonel, Chief of Paramilitary Operations, Branch 4, Western Hemisphere Division, Directorate for Plans, Central Intelligence Agency
Helms, Richard M.	Chief of Operations, Directorate for Plans, Central Intelligence Agency, until February 1962; thereafter Deputy Director for Plans
Johnson, Lyndon B.	Vice President from January 1961
Kennedy, John F.	President of the United States from January 1961
Kennedy, Robert F.	Attorney General from January 1961
Khrushchev, Nikita S.	Chairman of the Council of Ministers of the Soviet Union
King, J. C.	Colonel, Chief, Western Hemisphere Division, Directorate for Plans, Central Intelligence Agency
Lansdale, Edward G.	Brigadier General, Deputy Assistant for Special Operations to the Secretary of Defense until May 1961; thereafter Assistant for Special Operations; also Chief of Operations for Operation Mongoose after November 1961
Lemnitzer, Lyman L.	General, Chairman of the Joint Chiefs of Staff
Mann, Thomas C.	Assistant Secretary of State for Inter-American Affairs until April 1961

Martin, Edwin M.	Assistant Secretary of State for Economic Affairs until May 1962; thereafter Assistant Secretary of State for Inter-American Affairs
McCone, John A.	Director of Central Intelligence from November 1961
McNamara, Robert S.	Secretary of Defense from January 1961
Miro Cardona, Jose	President of the Cuban Revolutionary Council
Morales-Carrion, Arturo	Deputy Assistant Secretary of State for Inter-American Affairs
Murrow, Edward R.	Director of the United States Information Agency
Nitze, Paul H.	Assistant Secretary of Defense for International Security Affairs from January 1961
Roa Garcia, Raul	Cuban Minister for External Relations
Rostow, Walt W.	Deputy Special Assistant to the President for National Security Affairs until December 1961; thereafter Counselor of the Department of State and Chairman of the Policy Planning Council
Rusk, Dean	Secretary of State from January 1961
San Roman, Jose Perez	Commander of the Cuban Expeditionary Force Brigade
Schlesinger, Arthur, Jr.	Special Assistant to the President
Shoup, David M.	General, Commandant of the Marine Corps
Sorensen, Theodore C.	Special Counsel to the President
Stevenson, Adlai E.	Permanent Representative at the United Nations from January 1961
Taylor, Maxwell D.	General, Chairman of the Cuba Study Group, April-June 1961; President's Military Representative from July 1961
Wheeler, Earle G.	Lieutenant General, Director of the Joint Staff, Joint Chiefs of Staff

Johnson

Aristy, Héctor	Advisor to the "constitutionalist" faction in the Dominican Republic, May–September 1965
Artime, Manuel	Autonomous Cuban exile group leader, 1964–1965
Balaguer, Joaquín	President of the Dominican Republic from July 1, 1966
Ball, George W.	Under Secretary of State until September 1966; U.S. Permanent Representative to the United Nations, June 26–September 25, 1968
Benítez, Jaime	Chancellor of the University of Puerto Rico
Bennett, William Tapley, Jr.	Ambassador to the Dominican Republic, March 23, 1964–April 13, 1966
Bonilla, José Antonio Atiles	Foreign Minister of the Dominican Republic
Bosch, Juan	Former President of the Dominican Republic; deposed by military coup d'état September 25, 1963; candidate for the Presidency in 1966
Bowdler, William G.	Deputy Coordinator of Cuban Affairs, Bureau of Inter-American Affairs, Department of State, 1963–1965; member, National Security Council staff, 1965–1968
Bundy, McGeorge	Special Assistant to the President for National Security Affairs until February 28, 1966

Bunker, Ellsworth	Representative to the Organization of American States, January 29, 1964–November 7, 1966
Caamaño-Deno, Francisco	Colonel, President of the "constitutionalist" faction in the Dominican Republic, May–September 1965
Califano, Joseph A., Jr.	Special Assistant to the President from July 1965
Castro Ruz, Fidel	Premier of Cuba
Cater, S. Douglass, Jr.	Special Assistant to the President, May 1964–October 1968
Chase, Gordon	Member, National Security Council staff until January 1966; thereafter McGeorge Bundy's personal assistant Deputy Chief of Mission, Embassy in the Dominican Republic, November 1964–February 1966
Crockett, Kennedy M.	Director, Office of Caribbean Affairs, Bureau of Inter-American Affairs, Department of State, June 21, 1964–October 10, 1965
Cury, Jottin	Secretary of State for Foreign Affairs, "constitutionalist" faction in the Dominican Republic, May–September 1965
Fortas, Abe	Advisor to President Johnson
Fulbright, J. William	Senator (Democrat–Arkansas), Chairman, Senate Foreign Relations Committee
García-Godoy, Héctor	President under the provisional government established by the OAS, September 1965–June 1, 1966
Guzmán-Fernández, Antonio	Prospective candidate for President of the Government of National Reconciliation of the Dominican Republic
Helms, Richard M.	Deputy Director for Plans, Central Intelligence Agency until June 1965; Deputy Director of Central Intelligence until June 30 1966; thereafter Director of Central Intelligence
Hoover, J. Edgar	Director, Federal Bureau of Investigation
Imbert-Barrera, Antonio	One of the two surviving assassins of Trujillo, and member of the Council of State governing the Dominican Republic, 1962–February 1963; General, head of the Dominican Government of National Reconstruction, May– September 1965
Johnson, Lyndon Baines	President of the United States
Katzenbach, Nicholas deB.	Under Secretary of State, September 1966–January 1969
Mann, Thomas C.	Assistant Secretary of State for Inter-American Affairs, January 3, 1964–March 17, 1965; Under Secretary of State for Economic Affairs, March 18, 1965– May 31, 1966
Martin, John Bartlow	Former Ambassador to the Dominican Republic, March 9, 1962– September 28, 1963
Mayobre, José Antonio	Personal representative in the Dominican Republic of the United Nations Secretary General
McNamara, Robert S.	Secretary of Defense until February 29, 1968
McCone, John A.	Director of Central Intelligence until April 28 1965
Mora-Otero, José Antonio	Uruguayan, Secretary General of the Organization of American States
Muñoz-Marin, Luis	Former Governor of Puerto Rico
Palmer, Bruce, Jr.	General, Commander of U.S. Forces and Deputy Commander of General Inter-American Peace Force, Dominican Republic, 1965

Raborn, William Francis, Jr.	Director of Central Intelligence, April 28, 1965–June 30, 1966
Ray, Manuel	Autonomous Cuban exile group leader
Reid Cabral, Donald	Head of the Triumvirate until April 1965
Rostow, Walt W.	Special Assistant to the President, April 1, 1966–January 20, 1969
Rusk, Dean	Secretary of State
Shlaudeman, Harry W.	Chief, Dominican Affairs, Office of Caribbean Affairs, Department of State, March 1963–July 1965; Assistant Director, Office of Caribbean Affairs from August 1965
Stevenson, Adlai E.	U.S. Permanent Representative to the United Nations until July 14, 1965
Valenti, Jack	Special Assistant to the President until May 1966
Vance, Cyrus R.	Deputy Secretary of Defense until June 30, 1967; Assistant Secretary of Defense for International Security Affairs from August 1, 1967
Vaughn, Jack H.	Assistant Secretary of State for Inter-American Affairs, March 22, 1965–February 28, 1966
Wheeler, Earle G.	General, Chief of Staff, October 1, 1962–July 2, 1964; Chairman of the Joint Chiefs of Staff from July 3, 1964

Bush

Baker, James	Secretary of State
Barletta, Nicolas Ardito	President of Panama 11 Oct 1984 – 28 Sept 1985
Briggs, Everett	U.S. Ambassador
Bush, George H W.	President US
Casey, William	CIA
Delvalle, Eric Arturo	President of Panama 20 Sept 1985 – 26 Feb 1988
Endara, Guillermo	President of Panama 20 Dec 1889 – 1 Sept 1994
Helms, Jesse	Senator
Herrera, Diaz	Second in command of PDF
Hersh, Seymour	Journalist
Justines, Marcos	Colonel, PDF
Kerry, John	Senator
Noriega, Manuel Antonio	General, *de Facto* Leader of Panama 1983 - 1989
Poindexter, John	President Bush's National Security Advisor.
Rangel, Charles B	Representative
Reagan, Ronald W	President US 1981-89
Sanchez, Nestor	National Security Council
Scowcroft, Brent	National Security Advisor
Shultz, George	Advisor to President
Spadafora, Hugo	Panamanian doctor
Torrijos, Omar	*de Facto* Leader of Panama 1969 -1981.

Clinton

Albright, Madeline	U.S. Ambassador to the UN
Aristide, John Bertrand	President of Haiti
Aspin, Les	Secretary of Defense
Balaguer, Joaquin	President, Dominican Republic

Bazin, Marc	Former World Bank Economist, made Prime Minister Haiti in June 1992
Berger, Samuel R.	Deputy National Security Advisor
Biamby, Phillipe	Chief of staff of the army of Haiti, member of Junta
Boutros-Ghali, Butros	UN Secretary General
Caputo, Date	Appointed special UN representative to Haiti in Nov 1992
Carter, James E.	Former US president
Cedras, Raul	Military Junta leader - CinC of army
Cheney, Dick	Secretary of Defence
Christopher, Warren	Secretary of State Feb 1993
Clinton, William J	US President
Dodd, Christopher	Senate Foreign Relations Western Hemisphere Subcommittee Chairman
Duvalier, 'Papa Doc'	Dictator of Haiti from 1950 to 1971
Duvalier, 'Baby Doc'	Dictator of Haiti from 1971 to 1985
Francois, Michel	Chief of Police, member of Junta
Gore, Albert A	US vice-president
Harkin, Tom	Senator Iowa
Hastings, Alcee	Representative, one of three arrested for demonstration on 5 May 1994
Helms, Jesse	Senate Foreign Relations Committee
Huddleston, Vicki	US charge d'affairs
Izmery, Antoine	Aristide's Financial advisor, assassinated Sept 1993
Jonassaint, Emile	Provisional President of Haiti stepped down 15 October 1994
Kennedy, Edward	Senator
Kennedy Joseph, P	Congressman
Kozak, Michael	US administration policy maker
Lake, Anthony	National Security Advisor
Latell, Brian	CIA Latin American analyst
Malval, Robert	Interim Prime Minister of Haiti, August 1993
Meek, Carrie P.	Senator
Mitchell, George J.	Senator
Nunn, Sam	Senator
Perry, William J.	Defense Secretary, replaced Aspin
Pezzulo, Lawrence	US special advisor
Powell, Colin	Former Chief of Staffs
Robinson, Randall	Trans Africa lobbying group, hunger striker
Safire, William	Journalist
Talbott, Strobe	Deputy Secretary of State
Velazques, Nydia M.	Representative, one of three arrested for demonstration on 5 May 1994
Walters, Maxine	Representative, one of three arrested for demonstration on 5 May 1994
White, Robert	Former UA Ambassador, adviser to Aristide
Wharton, Clifton	Deputy Secretary of State