

Congress and Dr. Kissinger

The Senate Foreign Relations Committee's vote to approve Henry Kissinger as Secretary of State was no less deserved for being a foregone conclusion. He is not only the best available man the President might have chosen but a figure uniquely qualified by experience, competence, stature and promise. The committee realized that in a narrow sense it had no choice: to reject him would be to ensure that he continue to run policy from the White House, where he would not be available to the Congress in the manner which both it and he profess to desire. The committee chose, moreover, not to press Dr. Kissinger hard on matters of substantive policy. Evidently, it accepted that no answers he might give could add much to the record he has made in five years as Mr. Nixon's national security adviser, and evidently it hoped to establish an accommodating framework within which to deal with him as Secretary of State. But these considerations aside, he is still the right man for the job. We trust the full Senate will confirm him with dispatch.

If the hearings shed no significant light on past or future turns of policy, they did cut through much of the amiable nonsense that has enveloped the concept of an "open" or "bipartisan" foreign policy. By amiable nonsense, we mean the idea that somehow the President should seek detailed advice and guidance from the Congress as an institution, or from his critics and rivals in Congress in advance of every difficult and sensitive foreign policy decision, much as he seeks advice from his Secretary of State. Too often this is what some in Congress seem to have meant by asking that their "role" or "voice" be enhanced. Chairman Fulbright spoke the plain truth on Monday when he noted that the Secretary of State-designate, for all his estimable qualities and intentions, remains the President's man. "These things become imbedded in the system," he added. No doubt there is a good deal that a conscientious Secretary of State can do in the way of offering information, "consulting" Congress, and holding its hand—if the President has the good sense to recognize the value of these practices. But there are inherent limitations to "consulta-

tion" and it is just as well that there be no illusions about it.

For a case in point one need look no further than the committee's deliberations on Dr. Kissinger's role in the wiretapping of some of his subordinates and certain newsmen. The committee did receive the FBI wiretap summary it sought but apparently that summary did not establish—or the senators could not agree—whether Dr. Kissinger's concern was to plug leaks or to check on the loyalty of his staff, or for some other purpose. Not wiretaps *per se* but "abuses of surveillance," whatever that may mean, drew a committee frown. Nor could the committee assure—or agree—that a procedure will be set up to govern wiretaps in national security cases. In this important matter, the Executive branch simply remains beyond the committee's reach—though not necessarily beyond the reach of whatever new wiretap laws the Congress might see fit to enact in the wake of Watergate.

In foreign policy matters where the Executive needs the consent of Congress *in legislation*, the relationship of the two branches remains uncertain. The most conspicuous current case is the sharp conflict over the terms on which trade with the Soviet Union should take place. The administration, including Dr. Kissinger, has seriously underestimated the concern of Congress for human rights in Russia, the political steam energizing that concern, and the widespread feeling on Capitol Hill that on human rights the Russians have played the administration for a patsy. On its part, the Congress has revealed only the faintest understanding of the ways the trade issue can help or hurt other aspects of Soviet-American relations. In fact, this is the kind of issue that can be satisfactorily treated only by deep and continuous communication between the two branches. Until Dr. Kissinger has had the opportunity to establish such communication, it would probably be best to put off a decision on the divisive and delicate issue of foreign trade.