

the courts declared Gramm-Rudman unconstitutional, the power to cut the budget would revert to Congress. Congress clearly identified this as the intended remedy for any legal defect found by the judiciary, and manifestly did not intend for the courts to rummage through old statute books to cure the constitutional infirmities.

After Cutler, Steven Ross and Michael Davidson argued the positions of the House and Senate leadership, respectively. Both Ross and Davidson labored mightily, but seemingly in vain, to prove that the Comptroller General is an independent, not a legislative officer, and Gramm-Rudman was a carefully designed statute which leaves ultimate power in the hands of Congress. Ross used the metaphor employed by Judge Antonin Scalia, the presiding jurist of the three-judge panel and actual author of the opinion. Scalia claimed the role of the Comptroller under Gramm-Rudman was really an accountant's function, "a job for a guy with a green eyeshade." These assertions were strongly questioned by Justices O'Connor, William Rehnquist, Byron White, and John Paul Stevens.

The Department of Justice was represented by Solicitor-General Charles Fried. At the outset of the lower-court case, the Justice Department took the position that the statute was unconstitutional, a move which prompted Messrs. Ross and Davidson to intervene on behalf of the House and Senate. The solicitor contended the statute was unconstitutional because it gave the Comptroller authority to give orders to the President. This argument was put forward during the lower-court hearing, but the three-judge opinion apparently neglected any consideration of this issue.

Fried's basic proposition was that even if the Comptroller were an independent officer, who does not really belong to any of the three branches specified in the Constitution, the Act under consideration would still be unconstitutional, because the powers invested in the Comptroller are executive in nature. Executive officials serve at the pleasure of the President; independent officers, by contrast, are removable only upon a showing of good cause, such as incompetence or neglect of duty.

Justice O'Connor intervened, "Isn't this a novel doctrine? I don't think there are any previous decisions on this." Fried replied, "You said this is a novel doctrine, but the powers given by this statute are novel."

Alan Morrison, the attorney for the original plaintiff, Congressman Mike Synar (D-Okla.), and the other legislators who followed Synar's lead, contended the disputed powers in Gramm-Rudman were legislative, not executive, in nature, and could not be delegated away by the Congress. Under Gramm-Rudman, said Morrison, we will seemingly legislate as we have always done, with one vital exception. None of the appropriations bills passed by Congress will really count. After all the bills are passed, "the Gramm-Rudman override comes in as a permanent law" mandating cuts. This type of law "has never before been enacted in our history."

Weinberger asserts six-point doctrine

by Nicholas F. Benton

In an essay published in the just-released spring 1986 edition of *Foreign Affairs* magazine, Defense Secretary Caspar W. Weinberger reiterates the U.S. strategic military doctrine of the Reagan administration—to the extent, that is, the President listens to Weinberger instead of Secretary of State George Shultz.

Aside from firmly asserting the Strategic Defense Initiative as the cornerstone of U.S. strategic policy, the most important element of the essay is Weinberger's six-point "test" for deployment of the nation's conventional military forces.

This six-point "test," first articulated by Weinberger in a speech to the National Press Club in Washington on Nov. 28, 1984, is aimed at, simply put, avoiding another U.S. military involvement like Vietnam. It is extremely relevant to the current situation, where issues of the nature of follow-up to the U.S. raid against Libya, and especially of U.S. action in Central America, are on the front burner.

Weinberger said his "test" is aimed specifically at avoiding the disastrous policy of former Defense Secretary Robert McNamara, who ran the U.S. "limited war" in Vietnam, one of the greatest military disasters in U.S. history. McNamara is now a major critic of Weinberger as, among other things, a member of the Board of Directors of the *Washington Post*. Shultz, and the State Department as a whole, are rife with the McNamara influence, which is identical to the Henry Kissinger "balance of power" strategic doctrine that favors use of military force as part of a "diplomatic chessgame."

Weinberger said of McNamara's approach:

"Though he would have preferred to do so, President Roosevelt never considered sending American forces into combat without the approval of the Congress and the assurance of support of the American people. In Korea, and then Vietnam, America went to war without a strong consensus or support for our basic purposes and, as it turned out, without the firm commitment to win. Indeed, as one of my predecessors, Secretary Robert McNamara, once observed: 'The greatest contribution Vietnam is making—right or wrong is beside the point—is that it is developing an ability in the United States to fight a limited war, to go to war without the necessity of arousing the public ire.' As successive administrations discovered, the American people had the final word. The 'public ire' was aroused as perhaps never before—and

never again should the imperative of public support be ignored," Weinberger said.

In fact, Weinberger is asserting a time-honored conception of republican warfare, which involves use of military force only as a last resort, and then with the full commitment to succeed in achieving a specific objective. This requires, in democracy, public support to work, although gaining that support may not always be easy. But it is also not just a matter of "taking a public opinion poll." The secretary outlines this view in his "six major tests that should be applied by the U.S. in deciding to commit U.S. conventional military forces to combat:

"1) The U.S. should not commit forces to combat unless our vital interests are at stake. Our interests, of course, include the vital interests of our allies.

"2) Should the U.S. decide that it is necessary to commit its forces to combat, we must commit them in sufficient numbers and with sufficient support to win. If we are unwilling to commit the forces or resources necessary to achieve our objectives, or if the objective is not important enough so that we must achieve it, we should not commit our forces.

"3) If we decide to commit forces to combat, we must have clearly defined political and military objectives. Unless we know precisely what we intend to achieve by fighting, and how our forces can accomplish those clearly defined objectives, we cannot formulate or determine the size of forces properly, and therefore we should not commit our forces at all.

"4) The relationship between our objectives and the size, composition and disposition of our forces must be continually reassessed and adjusted as necessary. In the course of a conflict, conditions and objectives inevitably change. When they do, so must our combat requirements.

"5) Before the U.S. commits combat forces abroad, the U.S. government should have some reasonable assurance of the support of the American people and their elected representatives in Congress. Of course, this does not mean we should wait upon a public opinion poll. The public elects a President as a leader, not a follower. He takes an oath to protect and defend the Constitution. The people also expect a Congress sworn to the same principles and duties. To that end, the President and the leadership of the Congress must build the public consensus necessary to protect our vital interests. Sustainability of public support cannot be achieved unless the government is candid in making clear why our vital interests are threatened, and how, by the use, and only by the use of American military forces, we can achieve a clear, worthy goal. U.S. troops cannot be asked to fight a battle with the Congress at home, while attempting to win a war overseas. Nor will the American people sit by and watch U.S. troops committed as expendable pawns on some grand diplomatic chessboard.

"6) Finally, the commitment of U.S. forces to combat should be a last resort—only after diplomatic, political, and economic and other efforts have been made to protect our

vital interests."

While a great deal can be said about these six points, they do explain Weinberger's insistence that the raid against Libya was done "only as a last resort," failing effective economic boycott measures, while Shultz, reflecting the discredited McNamara approach, has always pushed for a tit-for-tat gradually escalating U.S. military response to terrorism.

Weinberger's approach also explains why Lyndon LaRouche's call for bombing the Libyan oil fields now is appropriate and effective militarily.

EIR releases report on crisis in education

Perhaps the most fundamental crisis confronting the United States of America, is the catastrophic situation in our educational institutions. Despairing parents, and concerned citizens from all walks of life, have long recognized that the effects of America's broken-down educational system on students' capacity to think, are threatening to become as devastating as the effects of the drug plague.

The collapse of the the average American student's educational level—a direct consequence of the National Education Association's policies—is quickly assuming the proportions of a threat to our national security. A future generation among whom illiteracy is so rampant, will no longer be capable of defending itself. But lurking behind the conceptions of the NEA, we can also discern a deliberate design and purpose; and for this, we have a word which describes the destruction of young people's minds: *menticide*.

American society exhibits a shocking number of the same symptoms which marked the fall of the Roman Empire. The brutality and ugliness of the porno films on the video market, the drug-rock counterculture, the films glorified and promoted by Satanic cults—all these are merely aspects of the brutal environment in which children must grow up in America today.

To confront this situation, *EIR* is releasing in May a \$250 Special Report, *The Libertarian Conspiracy to Destroy America's Schools*. It reviews the history of the NEA subversion of our schools, and their opponents—who more often than not, share the same libertarian ideology! The report features, for the first time in English, a major writing by the father of German classical education, Wilhelm von Humboldt, and Lyndon H. LaRouche, Jr.'s in-depth study, "Saving our children: reintroducing classical education to the secondary classroom."