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**THE ART OF
POLITICAL
MANIPULATION**

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Most of the public heresthetical maneuvers I have so far described depended for their success on careful planning or a long campaign. Lincoln's question at Freeport involved both. DePew's amendment and Plott and Levine's motions were carefully planned, and Morris's coup on the electoral college derived from his persistent (though flexible) pursuit of a well-articulated goal. But not all heresthetical success involves great issues or careful planning or long-term hopes and ambitions. Accomplished herestheticians maneuver every day as part of their ordinary business. The protagonist of this chapter, Senator Warren Magnuson, was just such a day laborer in the heresthetical vineyard, and the story I will tell involves only a morning's work of winning on a motion by introducing a second dimension of judgment. Magnuson himself probably soon forgot his triumph, and his practiced skill was so smoothly displayed that most observers probably continued to think of him as just an ordinary senator, more remarkable for holding his office than for using it. Still the heresthetical achievement in this event, though only a cameo, is a sculpture of gemlike brilliance and enduring beauty.

During the Vietnam War, when nearly everything the military did was subject to heresthetical attack, the Defense Department, probably itself attempting a heresthetical maneuver, determined to repatriate and detoxify a substantial portion of its chemical warfare supplies—Operation Red Hat. The plan was that some shells were to be chemically destroyed, some were to be dumped at sea, and some that were stored in other countries were to be returned for storage or detoxifying in the United States. Since some shells of nerve gas were stored in

Okinawa, Japan, this plan necessitated shipping them home. Incidentally, the previous year about two dozen American soldiers on Okinawa were treated for nerve-gas injuries and this event revealed to both American and Japanese citizens the existence of storage on the island. Quite probably, this too was an important part of the reason for Operation Red Hat.

It was initially proposed that the Okinawan gas be brought through the port of Seattle for rail shipment to the Umatilla Army Depot in Oregon. Nerve gas is a frightening thing and, if the possibility were publicly (and perhaps heresthetically) raised that the gas might escape from the shells, then many otherwise indifferent people in Washington and Oregon could reasonably be expected to object. Naturally, politicians in the Northwest were dismayed and Senator Magnuson presented an amendment, on 21 May 1970, to a pending military authorization bill (the Foreign Military Sales bill) to add: "No funds authorized or appropriated pursuant to this Act or any other law may be used to transport chemical munitions from Okinawa to the United States."

Joining Magnuson in sponsoring this amendment were Henry Jackson (Dem.), the senior senator from Washington, both of the Oregon senators (both Republicans) and Senator Mike Gravel of Alaska (Dem.)—altogether an impressive coalition from the Northwest, rendered especially strong by the fact that Jackson, the "Senator from Boeing," was a hawkish and valuable friend of the Pentagon.

Magnuson explained to the Senate that he was afraid of the very act of shipment: "the real danger comes in the process of transit, . . . being unloaded . . . in the United States, and then loaded into railway cars for a lengthy trip through an area heavily populated with people who are very upset about this activity"—doubtless, furthermore, upset in part, as he intended them to be, by the very speech he as a Democratic senator was then making to discredit a Republican administration. Rhetorically Magnuson asked: "The movement plan involves nearly a full month of constant presence within Washington State of trains moving with this awful cargo. How can we assure that some deranged or misguided person will not

provoke an incident that could set off a tragedy unparalleled in our history?" Most of all, he could not understand why the nerve gas should not be left in Okinawa (though doubtless Okinawans could understand): "What is the use of moving it? No one wants it in this country. It is already stored in Okinawa. I saw that storage area in Okinawa last September. No one seemed very concerned about it. They have truck gardens over the storage area where they are raising turnips and onions."

Probably as a result of the furor raised by the sponsors of the amendment, the Defense Department decided not to bring nerve gas into the "continental United States," which, as Magnuson subsequently reported, did not exclude shipment to Alaska, specifically to the Kodiak Naval Station. So Senator Mike Gravel of Alaska produced, on 29 June 1970, an alternative to Magnuson's amendment: "No funds authorized or appropriated pursuant to this or any other law may be used to transport chemical munitions from the Island of Okinawa to the United States. Such funds as are necessary for the detoxification or destruction of the above described chemical munitions are hereby authorized and shall be used for the detoxification or destruction of chemical munitions outside the United States." The intent of this motion was to force the Defense Department to decommission the shells on the island of Okinawa itself.

Magnuson's great heresthetical maneuver was in support of Gravel's amendment. The maneuver is well described by Eric Redman, who served for two years on Magnuson's staff and wrote a revealing (though regrettably starry-eyed and naive) book about his experiences. Magnuson had asked Redman for a summary of arguments against the shipment, to be used in floor debate on Gravel's amendment. Redman prepared a summary of previous arguments like those about trains. Then he was quite "bewildered" because, just before the debate, Magnuson studied it "cursorily" and rejected it with "an annoyed 'no, no, no.'" When the time came for Magnuson to speak, he said very little about the parochial complaints of the Northwest. He instinctively understood, as Redman had not,

that no new support was to be gained by reiterating the old arguments. A new and broader appeal was needed to woo friends of the administration and friends of the Pentagon to vote against Operation Red Hat. (To illustrate just how difficult this was, consider that Henry Jackson, Magnuson's senior colleague and partisan ally, might, superficially, have been expected to vote to keep nerve gas out of the Northwest. But Jackson, who was a good friend of the Defense Department, actually voted against Gravel's amendment—that is, for Operation Red Hat—once the danger to Washington state itself had been averted.)

Magnuson's new argument brought an entirely new dimension into the debate, namely the role of the Senate in foreign affairs. This subject was much on the minds of senators at the moment because of the pending Church-Cooper amendment, the consuming issue of the month. It was intended as an anti-administration, anti-Vietnam War measure to cut off funds for military activity in Cambodia. Furthermore, there existed a recent (5 November 1969) Senate resolution relating the constitutional issue of senatorial consent to Okinawa particularly. This resolution, introduced by Harry Byrd (Dem., Va.) and passed 63-14 in the Senate, provided that the president could not change the status of any territory involved in the peace treaty with Japan without the advice and consent of the Senate. Though this amendment had been excised from the State Department appropriations bill in conference (on the ground that it belonged in a substantive bill, not an appropriations bill), there could be no doubt that it expressed the deep sense of the Senate, and, furthermore, Strom Thurmond (Rep., S.C.) had recently (7 April 1970) reviewed the history of the Byrd resolution in a speech in the Senate.

Magnuson's new argument was that Operation Red Hat (though concerned with nerve gas everywhere) was the President's device to avoid consultation with the Senate about Okinawa and the peace treaty with Japan, and thus was also a violation of the (unadopted) Byrd amendment and even of the Constitution itself.

"The administration," Magnuson argued, "never came up to

the Senate to tell us what they were going to do in relation to Japan or Okinawa. . . . [They claimed] no new treaty was being considered. President Nixon has said . . . that we were going to remove weapons from Okinawa; . . . but mention was made only of nuclear weapons. I have looked through everything and do not find that the Senate was told this involved chemical gas as well."

Having implanted the suggestion that secret decisions had been made and never reported, Magnuson went on specifically to apply the Byrd amendment. "The Senate passed," he pointed out, "a resolution introduced by the Senator from Virginia, declaring that before the President made any disposition of Okinawa, he should come to the Senate. That date was not long ago, some 4 or 5 weeks, I believe [actually eight months, though Thurmond's review was eleven weeks]. But the resolution was completely ignored. In the meantime, this agreement on nerve gas was made. . . . It was an agreement of great importance about which the Senate was not consulted. It comes close to being, if it is not in fact, an unconstitutional usurpation of the Senate's power to ratify treaties."

No longer was Gravel's amendment a parochial concern of the Northwest. Now, through Magnuson's heresthetic, it involved the prerogatives of the United States Senate. Once such an issue is raised, it cannot be ignored. Redman tells us that, owing to Magnuson's clever reformulation of the dimensions of the issue, Gravel's amendment, "which had been doomed a few minutes earlier, passed overwhelmingly."

Redman exaggerated—the amendment passed 52–40 (including live pairs, with eight absent and unpaired). Since 51 is a bare constitutional majority, 52 is hardly "overwhelming." But still, he is essentially correct that Magnuson's reformulation did the trick.

Initially Magnuson had on his side: (1) The regional senators (that is, those from Washington, Oregon, Idaho, Alaska, and Hawaii). These totaled nine votes—excluding the backsliding Jackson—divided into four Democrats and five Republicans. Seven of these fit equally well into the next category, but I count them here both to show how small the regional motiva-

tion was by itself and to emphasize that it was the main concern of these senators. (2) Anti-administration forces. I count here all those who voted in favor of both the Gravel amendment and the Church-Cooper amendment. (Church-Cooper, cutting off funds for military operations in Cambodia; was clearly anti-administration.) This category includes 40 senators (29 Democrats, almost all Northern, who would be likely to vote at every opportunity to embarrass the administration in the conduct of the war; and eleven Republicans, all identified with the so-called moderate wing of the party, men like Senators Percy of Illinois, Brooke of Massachusetts, Mathias of Maryland, and Case of New Jersey, who constantly faced the threat of strong Democratic opposition in elections). Of the nine regionally concerned senators, seven (four Democrats and three Republicans) overlap with the anti-administration category. Hence I include only 33 senators in this second category. In the two categories together, there were 42 easy votes for Gravel's amendment.

On the other side, clearly opposed to Gravel and Magnuson, were the 24 senators who voted no on both Gravel and Church-Cooper, plus one more who voted no on Gravel and was absent without a pair on Church-Cooper. These were, for the most part, pro-administration Republicans (17), including Strom Thurmond (S.C.), who had recently reviewed the history of the Byrd amendment, and Southern Democrats (eight), including even Harry Byrd (Va.), on whose resolution Magnuson had built his argument. (Thurmond and Byrd, at least, were unmoved by Magnuson's heresthetic.)

The remainder (33) were the ones from whom Magnuson might expect to get votes. Since, as it turned out, seven were absent and unpaired for the vote on the Gravel amendment, Magnuson's room for maneuver was reduced to 26. Of these, he had to win over at least nine to guarantee passage.

The marginal 26 may be divided into two groups, both of which were essentially supporters of the administration. The first group, call them "Church-Cooper supporters," consisted of those who, though basically pro-administration, wished to rebuke it for the invasion of Cambodia, either out of genuine

revulsion or as a device to quiet the public outcry. They were not impressed by Magnuson's heresthetic, which they probably saw as merely a diversionary tactic. The typical senator in this group is Cooper himself (Republican, Ky.). The second group—call them “supporters of prerogative”—consisted of those who supported the administration on Church-Cooper (i.e., voted against it) but who were indeed moved by Magnuson's heresthetic, even though they probably recognized it for what it was, namely a tactic to manipulate them.

Magnuson had no chance with the Church-Cooper supporters. They were sympathetic with the goals of Operation Red Hat (even if the goals were no more than the reduction of criticism of the military). So they would vote no on Gravel, and yes on Church-Cooper. As it turned out, 16 of the 26 were in this category, eleven Democrats, mostly Southern and border, but including Jackson (Wash.), and four Republicans.

Magnuson's support had to come from the supporters of prerogative. They stood fast with the administration on the main issue (by voting no on Church-Cooper), but they also responded to Magnuson's invention of the constitutional issue. There were ten of these, six Republicans like Senators Goldwater (Ariz.) and Scott (Pa.), the minority leader, and four Democrats (three Southern). They probably all understood that Magnuson's appeal was a heresthetical trick, but they probably also believed that, when the constitutional right of the Senate was at stake, it had to be defended.

Along with the 42 regional and anti-administration votes, these ten votes, presumably motivated by the constitutional issue, did the trick. As noted, the Gravel amendment won 52–40. Had these ten votes not been activated, they would have gone to the anti-Gravel forces and the amendment would have lost 42–50. In that sense, Magnuson's introduction of a second dimension carried the day.

This is heresthetic at its best. When the issue was framed in one dimension, approval or disapproval of Operation Red Hat, those who caviled at the method while approving the goal probably could not hope to win. But when the dimension of senatorial consent was added, ten marginal votes were won. I

think it quite unlikely that anyone was persuaded by Magnuson's rhetoric, which was ordinary. What swung them over was the two-dimensional structure that required them to defend the Senate, skeptical though they may have been of Magnuson's motives and allegations. Magnuson did not persuade, I think, but maneuvered so that those who would have lost in one dimension won in two. Surely, credit for the victory goes to the heresthetician who thought up the second dimension.

Sources: This story was pointed out to me by Richard Smith, who used it as a running example in his doctoral dissertation, “Lobbying Influence in Congress: Processes and Effects” (University of Rochester, 1980). The story was told first, but quite inaccurately because he wrote from memory, by Eric Redman, *The Dance of Legislation* (New York: Simon and Schuster, 1973), p. 207. My quotations are from the *Congressional Record*, vol. 116, pt. 12, pp. 16481–82 (21 May 1970), and vol. 116, pt. 16, pp. 22016, 22021 (29 June 1970).