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<table>
<thead>
<tr>
<th>Contents</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Foreword</td>
<td>v</td>
</tr>
<tr>
<td>About the Contributors</td>
<td>vii</td>
</tr>
<tr>
<td>Chapter 1: An Introduction to Theater Security Policy Analysis</td>
<td>1</td>
</tr>
<tr>
<td>Chapter 2: Introducing the Organizational Process Perspective</td>
<td>15</td>
</tr>
<tr>
<td>Chapter 3: A Very Slim Reed: From the Phrases of the Constitution to the Theater Security Enterprise</td>
<td>25</td>
</tr>
<tr>
<td>Chapter 4: The President, the Presidency, and U.S. Theater Security</td>
<td>59</td>
</tr>
<tr>
<td>Chapter 5: Issues with the Interagency and Theater Security</td>
<td>77</td>
</tr>
<tr>
<td>Chapter 6: Deploying Influence and Expertise: Think Tanks, Interest Groups, and Lobbyists in the Theater Security Context</td>
<td>97</td>
</tr>
<tr>
<td>Chapter 7: The Regional and International Context for Theater Security</td>
<td>125</td>
</tr>
<tr>
<td>Chapter 8: Theater Security through the Lenses of Culture, Religion, Ideology, and Nationalism</td>
<td>153</td>
</tr>
<tr>
<td>Chapter 9: Case Study: “We Have Some Planes”</td>
<td>171</td>
</tr>
<tr>
<td>Chapter 10: Case Study: Lebanon Revisited</td>
<td>219</td>
</tr>
<tr>
<td>Appendix: Combatant Commander Role in Force Planning</td>
<td>257</td>
</tr>
</tbody>
</table>
This e-textbook has been developed by the faculty of the National Security Affairs (NSA) Department at the U.S. Naval War College to fill perceived gaps in the academic literature on U.S. decision-making influences and processes at the theater strategic level of the geographic combatant commands. The volume is designed to increase understanding of the key role that regionally aligned theater security organizations play in the larger U.S. national security enterprise and the various influences on the development of theater security policy. It is not intended to serve as a comprehensive treatment of this broad topic, but rather to augment extant works. For example, because ample material exists in areas such as the oversight role of Congress vis-à-vis the combatant commands and on the role of security assistance in U.S. foreign and defense policy, these topics have not been included.

The impetus for this textbook is the discovery of a dearth of relevant scholarship for important aspects of the NSA Department’s Theater Security Decision Making (TSDM) course, a graduate-level security studies curriculum focusing on the regional roles and challenges of the six U.S. geographic combatant commands: Africa Command (AFRICOM), Central Command (CENTCOM), European Command (EUCOM), Northern Command (NORTHCOM), Pacific Command (PACOM), and Southern Command (SOUTHCOM). We soon realized that national security scholarship is rich with discussions of the major, overarching issues of the day, and there are numerous primary-account memoirs written by former senior officials to provide rich detail of how the many critical national security decisions were made at the cabinet and presidential levels. The amount of explication greatly diminishes, however, the lower one descends down the ladder of the national security apparatus. While there has been impressive scholarship on some issues related specifically to theater security—including work by our own faculty here at the U.S. Naval War College—there are still notable lacunae. Deputy Assistant Secretaries of State or Defense, for instance, are rarely tapped to write memoirs of how they conducted routine interagency meetings dealing with noncrisis events. For every “ticktock” newspaper account walking the reader through what the president was doing at the time of a major catastrophe, there is relatively little corresponding effort to detail how the president delegates authority on the myriad theater security issues that he or she cannot handle.

This textbook has been developed for our own TSDM course to provide our unique students (who are midcareer national security professionals) with a more complete understanding of the national security structures they will be expected to navigate as they continue their careers in this field. At the same time, we hope that portions of this volume may inform the teaching of national security studies at other institutions as well as serve as a springboard for further research into how the United States conducts theater security policy.

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This textbook is based on the research and writing of a number of current and past members of the National Security Affairs Department at the U.S. Naval War College and reflects the diverse expertise and scholarship that are present in the faculty.

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An Introduction to Theater Security Policy Analysis*

Alfred Tennyson might not approve of the Theater Security Policy Analysis subcourse; after all, in his classic poem “The Charge of the Light Brigade,” he declared of the officers and soldiers that took the field at the battle of Balaclava: “Theirs not to reason why, / Theirs but to do and die.” But the military officer or civilian national security professional moving upward in his or her career from the tactical to the operational and strategic levels of leadership must have a firm grasp of the policy process: how policy is made, what factors influence the choice, and the domestic and international influences on the decision environment that may affect or constrain his or her options. In his lectures delivered at the Naval War College, Captain Alfred Thayer Mahan noted that although the direction of national policy is properly set by the “statesmen,” political questions “are also among the data which the strategist, naval as well as land, has to consider” and he explicitly renounced the notion, which he said “once was so traditional in the navy that it might be called professional,” that “politics are of no professional concern to military [officers].”1 Richard Kugler defines a national security policy as “an organized action or an integrated set of actions—from making public declarations to waging war—intended to bring about favorable consequences that will help achieve articulated national goals.”2 This subcourse, part of the overall Theater Security Decision Making (TSDM) course that is offered to intermediate students at the Naval War College, will look at national security policies at the theater level.

There are a number of professional reasons to study policy analysis. National security decisions “involve a great deal of uncertainty” with a number of issues subject to debate; a study of policy helps those who will provide their professional opinions and be charged with the execution of policy directives to “understand the debate” and the factors that led to a decision.3 In addition, many of you, as you continue your careers in the national security field, will be in a position to give advice or provide options to senior decision makers; an understanding of the policy process allows you to provide them with feasible and realistic alternatives.4 Many of those involved in the field of policy analysis see their work “as aimed at improving foreign policy decision making to enable states to achieve better outcomes.”5 Finally, the material covered in this subcourse (as well as the other components of the TSDM course) is meant to give you a basic fluency in the language of national security affairs as spoken by the members of the so-called strategic class—

* This chapter relies on faculty papers and work by Jessica D. Blankshain, Stephen F. Knott, Nikolas K. Gvosdev, and Andrew Stigler.
“the foreign-policy advisers, think-tank specialists and pundits,” both those within the
government and those outside, with whom you will be interacting.6

The Policy Analysis subcourse, the part of the TSDM course that is concerned principally, per
the TSDM levels of analysis, with the domestic national security decision process, is grounded
in the discipline usually referred to as “foreign policy analysis” (FPA). FPA is a subfield of the
more general study of international relations (IR).7 While IR tends to focus on the broad
picture of global affairs, FPA sees itself as a “peek under the hood at what underlies
international affairs” and is centered on understanding how policy is shaped and executed at the
national level.8 Another way to understand the levels of analysis within TSDM is to envision
that each of the three subcourses handles a different “effectual level”: while the Leadership
Concepts subcourse focuses on the individual effectual level, and Security Strategies on the
interstate and global effectual levels, Policy Analysis looks at the level of the group and the
composite group (the state).9

FPA is also an interdisciplinary subject, drawing on both scholarly and practitioner research and
experience in the fields of politics (both domestic and international), economics, diplomacy and
international affairs, history (including diplomatic and military history), anthropology, political
psychology, and sociology.10 Indeed, some of the leading scholars of FPA have also been
practitioners—and have brought their practical experiences in the national security community
into their academic analyses of policy.† As Juliet Kaarbo has concluded, FPA “bridges gaps with
adjacent disciplines, the policymaking community and the larger field of international
relations.”11

While FPA can cover a great deal of intellectual (and geographic) territory, this subcourse
(Policy Analysis at the theater strategic decision making level) focuses on FPA more narrowly
through the lens of national security issues—the intersection of foreign and defense policies.
Some scholars break down FPA into four principal issue areas: military-security, political-
diplomatic, economic-developmental, and cultural-status.12 While all four will be touched on in
this subcourse, the primary emphasis in terms of policy analysis at the Naval War College will
be on the first group.

This subcourse also focuses its discussion of national security policy analysis within a theater or
regional context. This reflects, in part, the reality that “since the demise of the Soviet Union

† For instance, Morton Halperin, an author who will be cited later in this article, was a Deputy Secretary of
Defense during the Johnson administration, a senior director on the National Security Council staff during the
Nixon administration, and the director of the State Department’s policy-planning staff during the Clinton
administration. Graham Allison, who will also be introduced later in this article, served as a longtime consultant to
the Pentagon, worked at the RAND Corporation and for the Trilateral Commission, was a special adviser to the
Secretary of Defense in the Reagan administration, and served as Deputy Secretary of Defense in the Clinton
administration. Derek Chollet, who helped to revise and update Richard Snyder’s work, served as the deputy
director of the policy-planning staff at the State Department in the Obama administration and then became a
senior director at the National Security Council for strategy, before finishing his time as Assistant Secretary of
Defense for International Security Affairs. President Obama’s last Secretary of Defense, Ashton Carter, has moved
back and forth between serving in key Pentagon positions in various administrations and being a leading scholar of
international security and foreign policy analysis at Harvard University.
and its allies as an overarching worldwide opponent, regional security issues have risen as the
greatest challenge for U.S. national security.” However, this focus at the regional level must
still encompass some discussion of policy at the national level. In some cases, regional issues rise
to national-level consideration; for instance, Iran’s nuclear program, identified by former
Secretary of State Condoleezza Rice as the primary foreign policy challenge facing the United
States, is handled at the level of the president and the national security “principals” (the
Secretaries of State and Defense, the national security adviser, etc.) and is one that Congress
regularly takes up in discussion. There is a small group of theater security issues that are
consistently handled “at the top”—for example, the United States–China relationship. Other
“routine” regional issues, however, such as U.S. security cooperation with Peru or engagement
with Chad, will be conducted—in broad alignment with general foreign policy goals laid out by
the president—by lower levels of government that are focused on specific regional issues: the
combatant commander, an Assistant Secretary of State or Defense, or an interagency working
group, with oversight coming from a regional or functional congressional subcommittee rather
than the full congressional committee or the legislature as a whole. In a crisis situation,
oversight for a particular theater security issue may change rapidly, with more-senior levels of
government, the principals, or even the president personally taking charge. (Theater policy may
also rise to be handled temporarily at the level of the principals when the president plans to visit
a country or another nation’s leader is scheduled to have talks with the president in
Washington.)

The Theater Security Decision Making course as a whole has been structured around the
perspective of the geographic combatant command. Yet the combatant command is not the
focal point for theater policy development. Instead, the geographic combatant command is like
a forward-deployed sensor that transmits its impressions and information back to the Pentagon,
and from the Department of Defense, in turn, into the interagency process; in return,
Washington sends out its instructions and its policy statements to be interpreted and executed
by the combatant command (either with a great deal of specificity in some cases or in others
providing only general guidance). The better to illustrate the process by which theater policy is
crafted and the various domestic and international influences on that process, the TSDM
Policy Analysis subcourse seeks to connect the geographic combatant command focal point
(which, for matters of policy, often will be the J5 shop at the combatant command) with the
main arenas where much of the immediate and routine theater policy is hashed out—back to
the Joint Staff in the Pentagon and to the offices of the Assistant and Deputy Assistant
Secretaries of Defense who handle different geographic and functional issues on behalf of the
Secretary of Defense (as part of the overall Office of the Secretary of Defense, or OSD), and
from them, to the “policy coordination committees” (PCCs). PCCs are run under the aegis of
the National Security Council staff and comprise representatives from all the relevant agencies
and departments (such as the State Department and Department of the Treasury) of the U.S.
government dealing with a specified set of regional or functional issues. A good deal of theater
security policy is conceptualized and coordinated through these PCCs, which then pass
relevant information to higher levels of government and in turn oversee the execution and
implementation of decisions taken by more-senior decision makers throughout the national
security bureaucracy. Input to these PCCs is solicited from the geographic combatant
command (and the services, when appropriate) by the Joint Staff and the Office of the Secretary
of Defense, which then act as the representatives of the Department of Defense to the relevant
PCC, while other departments and agencies that have input in theater policy issues will also have representation on the PCC.

A second set of relationships—which will be explored most fully in the force planning sessions of the TSDM Policy Analysis curriculum—is how the combatant commands interact with the Joint Staff and the staffs of the services in the development of capabilities and in the process of developing platforms.

Generally, the broad parameters—and sometimes very specific guidelines—for theater security policy are set at the national level, by the president and senior leadership and in some cases by Congress via legislation (such as including guidance and direction via the National Defense Authorization Acts, which mandate how the Pentagon will spend the money it has been budgeted). More work may be done at the level of the “deputies” to provide greater clarity and guidance. However, the interpretation and application of policy in how it is executed will often occur at lower levels, including the “front line” organizations dealing with theater security.

Origins of FPA

FPA developed in reaction to theories of international relations (primarily realism) that see states as billiard balls interacting with each other on the pool table of international affairs. In this view, states and governments are largely interchangeable, because states have defined national interests that they seek to maximize, and all more or less react in the same way to the same set of external stimuli. In other words, it does not matter whether an elected president consults with his department heads and works within the framework of legislation passed by the legislature or a dictator consults with a small circle of advisers—the assumption is that all governments make decisions that they believe advance their countries’ national interests. But this approach was unsatisfying. It could not and did not explain why governments make the choices that they do—or why two states that might otherwise be equal (in terms of economic and military power, for instance) might choose very different policy options.

In 1954 a Princeton professor and former staffer at the Council on Foreign Relations, Richard Snyder, published a monograph, *Decision-Making as an Approach to the Study of International Politics*. This work was later expanded and revised by Snyder and two of his colleagues, H. W. Bruck and Burton Sapin, and published in 1962 as *Foreign Policy Decision Making*. Snyder and his associates were interested in probing the “whys” of governmental behavior—to open up and probe the “black box” of the decision-making process so that “one could . . . recognize the actual complexity underlying decisions (which includes individual biases and bureaucratic processes).” Snyder and others began to probe “the stories behind foreign policy decisions” and to encourage the creation of new sets “of lenses that bring some focus to the complex picture that emerges.” Snyder also began to ask questions that have driven further research and study, among them the interrelationship of “foreign” and “domestic” policy, the question of cultural factors influencing policy decisions, and the balance between “agency” (the ability of individuals to enact their will) and “structure” (preexisting arrangements that influence and limit choices).

Some scholars have focused on the role of individuals. Robert Jervis’s seminal 1968 article in *World Politics* focused on the role of misperception—the reality that leaders often make
decisions on the basis of what they perceive rather than on the actual facts of the operational environment and will disregard inconvenient pieces of information that contradict their preferred worldviews. Irving Janis and Leon Mann, in their 1977 work *Decision Making*, presented what they termed a “motivational” model highlighting the role of emotions as a factor in how and why decisions are made. Alexander George spent his career studying crisis management and looked at the role of personality in shaping decisions.

Others have looked at the interplay of organizations and bureaucracies within government—and at the extent to which bureaucratic “structure” trumps a policy maker’s “agency.” Graham Allison’s landmark study of the Cuban missile crisis, *Essence of Decision*, showed the extent to which U.S. and Soviet policy was affected by the preexisting plans and missions of governmental organizations (services, agencies, and departments), particularly in how both governments fell back on set “standard operating procedures” in responding to the crisis. Drawing on the work of Herbert Simon, Allison also highlighted the tendency of governments to seek “satisficing” solutions—settling on the first workable option to which most of the agencies within government could agree rather than searching for the optimal solution. In addition, building on the insights of political scientists such as Richard Neustadt and Samuel P. Huntington, Allison pointed out the extent to which a national security decision might in fact be a negotiated compromise among different senior leaders jockeying for position and influence around the decision maker. Allison’s insights were further developed by Morton Halperin in his 1974 book *Bureaucratic Politics and Foreign Policy*, which focused on how policy is shaped by the interplay of leaders, bureaucratic actors, organizational culture, and influences from outside the government. Of particular importance for the TSDM course as a whole is Halperin’s observation about the impact—whether deliberate or not—that lower levels of the national security apparatus can have on the policy process by their role as “filters” of information and options being sent up the chain to more-senior policy makers. In other words, senior policy makers might be constrained in their choices because of the actions of lower echelons in preparing reports, summaries, and position papers. In particular, when representatives of different departments need to meet to develop policy, Halperin concluded that they have, as their starting points, the preferences and outcomes of their particular organizations in mind. Policy thus takes shape, not as a search for the optimal outcome, but as a series of compromises reached between different organizations. Allison, Halperin, and others challenged the earlier assumption that governments make policy by trying to realize an optimal vision of what constitutes “the national interest” to focus on how organizational process and bureaucratic politics are often the driving forces at work.

Halperin’s observations about domestic influences from outside the government led other researchers to become more concerned, “not only with the actors involved in the state’s formal decision-making apparatus, but also with the variety of sub-national sources of influence upon state . . . policy.” European scholars such as Thomas Risse-Kappen and Harald Muller have focused their attention on “the nature of the political institutions, . . . the basic features of the society, and . . . the institutional and organizational arrangements linking state and society and

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† *Essence of Decision* is based on a 1969 article and was originally published in 1971 and revised, with Philip Zelikow, in 1999 after the declassification of formerly secret documents and recordings allowed a more complete picture of the crisis to be revealed.
channeling societal demands into the political system.”21 James Rosenau started his academic career investigating the impact of public opinion—both elite and mass—on the conduct of foreign and defense policies. His work challenged earlier assumptions made by Gabriel Almond and Walter Lippmann that national security policy is of interest only to a small group of specialists within the government. Rosenau’s analysis broke down “public opinion” into three broad groups—first, the opinion of “elites” (those in government and the media); second, the opinion of the “informed citizenry” (public intellectuals, the private-sector business community); and finally, the “general public”—to see what impact outside lobbying and advocacy might have in how policy decisions are made.22 Sometimes, the driving force behind a policy decision would not be located within a governmental organization, but come about as a result of powerful and mobilized domestic constituencies capable of influencing the process.

Rosenau’s work on influences on the policy process, as well as the research done by other scholars and practitioners, has also led to a greater appreciation of the “expanding overlap of domestic and foreign affairs,” which means that the “analyst has little choice but to probe both the internal and external dynamics” that feed into the policy process.23 Rosenau was one of the first to focus on what he described as “linkage politics” that connect national and international affairs.24 In other words, global influences could have an impact on the domestic policy process. This led to the realization that the “decision-making process involves both a domestic arena where one set of rules and interests govern, and an international arena where a different set of rules and interests prevails.”25 The operational environment for any national security decision, therefore, consists of both an internal, or domestic, and an external, or global, variable.26 Robert Putnam describes the end result: “The politics of many international negotiations can usefully be conceived as a two-level game. At the national level, domestic groups pursue their interests by pressuring the government to adopt favorable policies, and politicians seek power by constructing coalitions among those groups. At the international level, national governments seek to maximize their own ability to satisfy domestic pressures, while minimizing the adverse consequences of foreign developments. Neither of the two games can be ignored by . . . decision-makers.”27

This “two level” approach (which has been incorporated into the TSDM Policy Analysis framework with its U.S. and Global Elements divisions) means that any effort to analyze policy must move beyond charting and explaining the relationships between organizations within government (per Allison and others) and see additional underpinnings for national security policy in the actions of both domestic nongovernmental organizations (not only NGOs as traditionally understood but encompassing a broad range of societal actors, including business and the media) and international actors (not only other states and groups of states [intergovernmental organizations] but nonstate actors, including social, religious, and cultural movements).28

These have been some of the principal themes in FPA over the last sixty years. They come together to demonstrate the diversity of institutional and structural influences on how and why decisions are made and how state action is shaped.29 As Christopher Hill concludes: “Understanding how foreign policy decisions are arrived at, implemented and eventually changed is not a matter of a single theory, even less of generalizing on the basis of a specific case. It involves doing justice to the richness and complexity of the foreign policy universe.”30
A marked feature of FPA is its reliance on real-world cases and examples. Steve Smith, Amelia Hadfield, and Tim Dunne note that FPA “must always be grounded in empirical examples; the theory is of little interest unless one can utilize it in specific case studies.” But it is also important to keep in mind that the tools provided in policy analysis are flexible; “variables might be added (or subtracted)” when considering different scenarios. As you examine and study examples and cases throughout this subcourse, you will be able to take a comparative approach to different cases to gain an appreciation of how these factors can change. For instance, in one case, a final policy decision might have come about primarily owing to internal bureaucratic deliberations and “horse-trading”; in another, the predilection of a policy maker toward one course of action might be affected by a concentrated domestic lobbying campaign; in a third, considerations of the country’s international position might override domestic interest groups in terms of understanding how a final decision was taken.

All of these different factors come together to provide tools for policy analysis. Alex Mintz and Karl DeRouen group them into four broad “determinants” that create the basis for policy decisions: the decision environment, domestic factors, psychological factors, and international factors. Rosenau came up with five “crucial explanatory variables” for explaining foreign policy decisions: the individual/idiosyncratic factor, the “role” factor (the idea that where one sits determines where one stands), the governmental factor, the societal (nongovernmental) factor, and the systemic factor (the international system). In the TSDM course, the Leadership Concepts subcourse will be where many of the “psychological factors” (and Rosenau’s “individual factor” and some of his “role factor”) will be discussed and assessed, while the Security Strategies subcourse will take the lead in setting out the regional and international environment, what Rosenau defines as the “systemic” factor. Insights from both of these two subcourses, however, will be of immense importance and very applicable to the work that will be done in the Policy Analysis subcourse. At the same time, while the Policy Analysis subcourse will focus a great deal on the decision environment and on domestic (both governmental and nongovernmental) factors, there will be insights and observations that can be successfully employed in the work you will be doing in the other two TSDM subcourses.

FPA theory informs the structure of this subcourse and the analytical tools that are presented. This subcourse begins with a discussion of the importance of structures and organizations, with a focus on the immediate decision environment, and then expands the discussion to encompass both domestic and international influences on policy. At the same time, it is important to remember that the focus of policy analysis will be on using analytical perspectives to explain

§ In the senior-level National Security Decision Making course at the Naval War College, the insights from FPA are used to create five “perspectives” on decision making, providing different lenses to interpret how the top echelons of the U.S. government reach decisions: (1) the rational actor model, which assumes that the leadership functions as a unitary actor and is pursuing the national interest; (2) bureaucratic politics, which assumes that policy is the result of compromise and bargaining between the agencies and departments; (3) palace politics, which focuses on who has influence over the president; (4) cognitive, which looks at the mind-set of the president and sees him or her as the main actor; and (5) organizational process, which says that no matter what senior people say, ultimately policy is shaped by the organizations that are charged with execution. The focus of TSDM, on theater security decisions, means that the bulk of attention will be devoted to how general guidance is interpreted by organizations, meaning that there will be less focus on the dynamics of senior-level interaction.
“process, as opposed to foreign policy outcomes.” In other words, the questions we will seek to answer in FPA are how and why decisions were made—rather than whether they were “good” or “bad”—through a more in-depth examination of “the actors, their motivations, the structures of decision making and the broader context in which . . . policy choices are formulated.”

From FPA to TSDM

Why is this necessary and useful, to devote time and effort to studying the domestic and international policy environments? We believe that it has never been more important for a national security professional to understand the range of international and domestic actors and influences that can impact theater security. The Department of Defense (DoD) is currently experiencing a heightened pace of operations, and is more engaged than ever with societies, ethnic groups, NGOs, tribes, and many other international and domestic actors. The rapid pace of communications and the twenty-four-hour news cycle raise the prospect that military interactions with other federal agencies, political leaders, state and local governments, the media, and the general public will draw the attention of the world. Understanding the range of actors, how organizations operate, and the products and processes that can influence DoD operations and policies (or, by extension, the operations of other departments and agencies that have responsibility for national security missions) and what officers or civilian workers can do to influence these factors is vital to be effective at a range of national security assignments. These themes, and others, will be explored in the Policy Analysis subcourse of the overall Theater Security Decision Making course.

Effective officers and civilian practitioners are absolutely essential to the functioning of the DoD, and to the national security of the United States. Today’s national security professional must be prepared to operate in this complex political and bureaucratic environment. Confronting the challenges of the post-9/11 world will involve understanding the full range of actors, concepts, and influences that can play roles in the life of the modern national security professional. The ability to think critically and communicate thoughts in a timely and concise manner is also absolutely essential to achieve success in this new environment. We agree with the assessment that “U.S. government agencies that handle national security affairs unquestionably face a compelling need for multidisciplinary analyses and for trained people capable of performing such analyses.” The Policy Analysis subcourse is designed to increase your understanding of the analytical skills needed to prevail in such an environment.

By the end of this subcourse, we hope that you will have been given more insight into the following questions:

- How are theater security decisions made—and what could your role be in the process?
- How do we transform inputs into outputs?
- What is the range of influences on the process—from the internal structure and goals of the organization to myriad domestic and international factors?
How does an organization gain the authority to do something, how is it assigned the responsibility for outcomes, how are missions allocated, and how are organizations resourced (the authority-responsibility-mission-resources paradigm)?

So, where does U.S. theater security policy come from? How is it made? David Auerswald, of our sister institution the National War College, offers this following summation:

In its simplest form, security policy involves three major players in the United States: the Defense Department (DoD), the State Department and the Intelligence community. And it is all coordinated by the National Security Council (NSC), the staff of which works for the President. In that simplest form, coordination involves executive branch agencies, foreign governments, Congress, nongovernmental organizations, and intergovernmental organizations. But that is the simplest form (which is not very simple). In reality we need to add more people.

But before I add more people note that in the simplest form it is just those three entities. And even then there are still coordination problems. . . . That can allow policy to slip through the cracks.

To resume, we need to add additional agencies to our basic model, we have to add Congress, we have other international partners. . . . You have state and local governments in [the] United States, particularly on issues of trade or homeland security. You have multinational firms and contractors; the United States government does often a lot of contracting, hiring private companies to do some of the government’s work. You have foundations and corporations. So when you look at today’s reality . . . you have Treasury, the [D]epartment of Homeland Security, the [D]epartment of Energy, the [D]epartment of Commerce, in addition to [f]oreign [g]overnments, the Office of Management and Budget, and the Justice Department. It is very complicated. It looks like spaghetti.

It is hard to manage all of these interactions, much less be aware of all these interactions.38

Organizational behavior has a profound influence on many bureaucratic functions, and an awareness of the concept will aid an alert officer in avoiding any number of potential pitfalls. Organizations of all types have interests that affect the actions of individual employees of that organization. Generally, an organization focuses on those missions that are central to its core understanding of its purpose (and that are likely to garner additional resources) while rejecting missions that do not advance the perceived interests of the organization. Bureaucracies develop procedures and codify rules designed to ensure that organizational tasks are accomplished. Organizational behavior often becomes very apparent when an interagency team is formed. For instance, interagency teams formed to deal with the challenges of the insurgency in Iraq and Afghanistan often displayed a clash of organizational behaviors when personnel from different agencies attempted to reconcile their competing standard operating procedures. Special operators focused on “taking out” high-value targets; intelligence officers wanted to focus on preserving sources and gaining access to information; those from law-enforcement agencies
were looking for evidence that could be used in successful prosecutions; the “conventional military” wanted to avoid special operations missions that would leave it having to “put the pieces back together”; and State Department officials did not want operations that would compromise development efforts or complicate the diplomatic relationship with the host government.39

Theater security issues may be complicated if different organizations compete to be added to the agenda or to be seated at the table in order to demonstrate relevance or to make the case for resources. For instance, the Strategic and Economic Dialogue between the United States and China, which initially was conducted by the Departments of the Treasury and of State, has ballooned, because “every government agency, every department, every senior official wanted in on the dialogue. . . . Without it, the rest of the U.S. bureaucracy might think they were dispensable. . . . If the Chinese did not know you existed, then you were out of the game.”40

The interagency process is designed, in theory, to harmonize these overlapping and competing policy recommendations and also to ensure that the finalized policy is in alignment with the president’s own policy preferences. It is important to stress that different organizations within the U.S. government all have different missions and priorities. The challenge of the interagency process at all of its levels—from the principals on down to the PCC and sub-PCC levels in Washington and out to the joint working groups and country teams in the field—is to find ways to present policy options that harmonize these various perspectives in a manner that is consistent with the broad strategic guidance provided by the president. For instance, say a country that is a close trading partner of the United States, whose sovereign wealth fund is a major purchaser of U.S. Treasury bonds, and that has close security and intelligence ties in the fight against international terrorism is also repressing political dissidents and trading sensitive technologies with a country that actively opposes the United States. What should be the proper U.S. response? Perhaps some parts of the Department of Defense might support strong measures to curb proliferation and the functional sections of the State Department might want the U.S. government to apply pressure to change the human rights situation, but at the same time, the Departments of the Treasury and Commerce, for instance, might not support sanctions measures that would interrupt beneficial economic relations and the intelligence agencies and the Department of Homeland Security and even other parts of DoD would not want to torpedo ongoing security cooperation activities. The interagency process is a way to assess possible trade-offs and compromises in the development of theater security policy options.

A second purpose of the Policy Analysis subcourse is to arm students with an understanding of the actors, influences, and concepts that are involved in policy making, with an eye to helping you understand how policies are developed. Even if the interagency process can produce a policy recommendation that meets with the approval of the president, for instance, there are other factors to consider, starting with the role of Congress, as well as other domestic and international players in the national security enterprise—the media, the think tank world, and lobby groups. Finally, there are a number of global influences on how U.S. national and theater security policy is shaped and executed.41 As you advance in your career, you will increasingly need to be able to provide effective advice and counsel to the policy makers for whom you will
An Introduction to Theater Security Policy Analysis

work by being able to analyze the entire spectrum of influences that might impact policy—
institutional, domestic, and international.

To aid students in navigating this course, the faculty has developed this pictorial image (figure 1) to capture the essence of the TSDM Policy Analysis subcourse. It positions you, as the rising midlevel national security professional, at the heart of a (generic) national security organization. Drawing on Robert Putnam’s “two level” approach, this chart identifies some of the key U.S. (domestic) and global (international) elements that can influence the organization or be affected by the steps the organization takes, including other parts of the Department of Defense, Congress, other U.S. government agencies, the media, social groups, other states and nations, international organizations, and nonstate actors.

Not all of these influences will matter in any given theater security decision, not every possible influence is listed, and not all influences will have equal weight. This “snapshot” of the TSDM Policy Analysis subcourse is meant to serve as a starting point for your analysis of policy decisions. As Richard Kugler notes, “Any good policy analysis must start with a rich conceptualization of the key variables and their relationships”—but tools such as this image “are not prefabricated magic wands that can be taken off the shelf and waved at an issue in the hope of getting instant analysis.” This graphic is therefore offered, not as the guide to a predetermined solution, but to help provide a strong conceptual framework to serve as the foundation for your efforts to identify the issues at stake in any policy decision.
NOTES


10. On the pluralistic and interdisciplinary nature of FPA, see Burton Sapin, foreword to *Foreign Policy Decision Making (Revisited)*, ed. Snyder, Bruck, and Sapin, viii.


15. Alden and Aran, *Foreign Policy Analysis*, 22.


29. Alden and Aran, *Foreign Policy Analysis*, 118.


31. Smith, Hadfield, and Dunne, introduction to *Foreign Policy*, 1.


35. Alden and Aran, *Foreign Policy Analysis*, 1.

36. Ibid.


Introducing the Organizational Process Perspective

As discussed in the previous chapter, one of the principal tools developed by foreign policy analysis to help explain national security decision making is the analytical perspective. For the purposes of the Theater Security Decision Making course, the organizational process perspective is perhaps the most important to understand. In your next several assignments, you will most likely be working deep within a bureaucratic organization, so the behaviors and processes highlighted by the organizational process perspective will be directly relevant to your day-to-day life. You may not be in the room directly advising high-level decision makers, but you will almost certainly be responsible for collecting information, framing policy options, and implementing routine procedures. Most actions at the theater security level involve routine implementation of existing policy direction. The vast majority of theater security decisions do not rise to the level of principals, or even deputies, where the cognitive, palace politics, and bureaucratic politics perspectives may be more illuminating. This does not mean that the other perspectives cannot provide valuable insight into theater-level decision making in some cases, just that they will not be the primary perspective used in this subcourse.

How the United States government has chosen to structure its national security system to deal with national and theater security issues has a major impact on how national theater security policy is formulated and executed. The Department of Defense has its areas of responsibility, each headed by a geographic combatant commander; the Department of State, its regional bureaus, each headed by an Assistant Secretary of State. Often, however, the combatant commander may end up as “the focus for developing and executing theater strategy” in part because of the resources at his or her disposal. Other departments and agencies, however, may also pursue their own particular agendas. The geographic combatant commander is not any sort of “viceroy” with supervisory responsibility for U.S. policy in theater. As Clarence Bouchat notes:

On a regional level . . . there is no equivalent of the National Security Council or a regional security strategy to coordinate efforts among the various U.S. federal agencies, much less internationally with like-minded states. This sometimes gives the geographic combatant commander a stronger comparative influence in the region when he directs a comprehensive theater strategy. . . .

* This chapter is based on work prepared by Jessica D. Blankshain and Nikolas K. Gvosdev.
There are also no economic and information regions, equivalent to the Department of Defense areas of responsibility and the Department of State Regional Bureaus, in which the other elements of national power are planned or coordinated, further weakening national strategic direction at the regional level.²

Delegating Policy Making . . . and Maintaining Control

We create organizations because they allow us to coordinate our activities to accomplish things that would be impossible to accomplish as individuals. Human beings are only “boundedly rational.” That is, individuals have limited time, attention, and knowledge. Organizations allow for division of labor and specialization—particular organizations and individuals are able to focus their attention on narrow subsets of reality, and to develop specialized expertise. “In general, organizations not only enhance capability but also provide superior capacity for coping with new strategic circumstances. Nonetheless, the potential for dangerous dysfunctionality exists, and must be managed by sustained thought and attention to operational details.”³

Political scientists William Gormley and Steven Balla explain that the bureaucracy is a major player today because of “the scope of modern government.” They write that “contemporary government addresses issues not only wide ranging but often quite complex as well. . . . Policymaking efforts such as this one are simply beyond the existing capabilities of other government institutions. Congress, even with hundreds of members and thousands of staffers, possesses a mere fraction of the specialized expertise found in the bureaucracy.”⁴

Of course, the downside of delegating authority to another party (for example, the president or Congress delegating the authority to make or execute policy to a bureaucratic agency) is that the principal (the entity delegating authority) loses some amount of control over the task being delegated. As will be discussed in much greater detail in the subsequent chapter on the presidency, the president and his or her staff, recognizing this reality, are often loath to lose control of the policy process to the bureaucracy. The agent (the entity to whom authority is delegated) has more information than the principal does about the policy being made or implemented. “The masters have not confronted the problems the organization must address. The organizations must adapt to those new problems.”⁵ At the same time, the agent’s interests may not be perfectly aligned with those of the principal. Combined, these aspects of the relationship mean that the agent may be able to create or implement policy in a way that is contrary to what the principal would instruct the agent to do given full information. In other words, “deference to specialized expertise can also mean a surrender of effective control.”⁶

Graham Allison and Philip Zelikow summarize the two sides of the delegation coin as follows: “Factored problems and fractionated power are two edges of the same sword. Factoring permits more specialized attention to particular facets of problems than would be possible if government leaders tried to cope with the problems by themselves. But that additional attention must be paid for in the coin of discretion for what an organization attends to and how organizational responses are programmed.”⁷

To understand the dynamics of the delegation relationship, it can be helpful to think in terms of everyday life. Individuals frequently hire others with specialized skills or expertise to act on the individual’s behalf. So “clients grant attorneys the authority to provide legal representation,
patients rely on doctors to treat illnesses, and employers hire workers to perform tasks of all sorts. . . . Clients, patients, and employers all face difficulties in choosing and monitoring those to whom they delegate authority.7 The case of delegating authority to a bureaucratic agent is further complicated by the fact that “government agencies also bear the burden of being institutions of American democracy. In democratic institutions, accountability to the American public and its elected representatives is a vital and unique concern. It would be troubling, in other words, if policy were made by officials with little or no connection to the public.”8 There is also the matter of the Constitution and what is referred to as the doctrine of “nondelegation”—that one branch of government, for instance, cannot authorize another branch to carry out its functions. At the same time, however, those vested with legal authority may not be able to oversee every last detail. Thus, as the Supreme Court ruled in 1989: “Applying this ‘intelligible principle’ test to congressional delegations, our jurisprudence has been driven by a practical understanding that in our increasingly complex society, replete with ever changing and more technical problems, Congress simply cannot do its job absent an ability to delegate power under broad general directives. Accordingly, this Court has deemed it ‘constitutionally sufficient’ if Congress clearly delineates the general policy, the public agency which is to apply it, and the boundaries of this delegated authority.”9

This problem of delegation is particularly important when considering theater security issues and, indeed, most national security issues that do not rise to the level of senior decision makers such as the president, the Chairman of the Joint Chiefs, or the combatant commander. As noted above, elected officials and their appointees are unable to participate directly in most of the day-to-day activities carried out in support of security policy at the theater or regional level. There has to be a high degree of confidence that it is possible to “keep theater security in very close support of national strategy, and for government officers to work towards common goals.”10

In a delegation relationship, the principal has two primary methods for mitigating this loss of control—the first is to put in place mechanisms to select an agent who is trustworthy or whose interests are most aligned with his or her own, and the second is to put in place systems for monitoring the agent’s behavior and rewarding or punishing the agent accordingly. Gormley and Balla suggest that the president primarily uses the first method, through his or her ability to appoint high-level individuals in government agencies. Congress, on the other hand, primarily exercises oversight through monitoring (in the form of hearings, reports, and investigations) and use of “the power of the purse” to reward and punish bureaucratic agencies.11

**Why Hierarchy Matters**

So, we know that elected representatives set up government agencies to facilitate the creation and implementation of policy. (This will be discussed in greater detail in the next chapter.) To be effective in establishing a division of labor and allowing for specialization, complex policy areas and tasks must be broken up across agencies. “Most problems are multifaceted or multidimensional. By breaking such problems down into their component parts—problem disaggregation—bureaucrats can transform a daunting megaproblem into an assortment of soluble miniproblems.”12 Multiple tasks may be broken up across agencies or combined within one agency, and a single task could be the sole responsibility of one agency, or shared among
several. Does it matter how authority and responsibility for policy are divided among and
within these agencies? It turns out it matters quite a bit, both for the way information flows
upward through a bureaucratic hierarchy and for the way policy decisions flow down through a
bureaucratic hierarchy.

Thomas Hammond argues that “a hierarchy’s rules affect outcomes because they affect the
nature of the comparisons made of information and options during the policymaking process.”
Hammond demonstrates the effect of hierarchy using the National Collegiate Athletic
Association, or NCAA, basketball tournament—how teams are grouped and seeded
significantly affects the outcome of the competition. He notes, “Sports tournaments provide an
illuminating metaphor for hierarchical decisionmaking since they show in graphic and easily
understood terms how the who-is-grouped-with-whom (or what-is-grouped-with-what)
assignments in a hierarchy can affect what options remain available at later stages of the
policymaking process.”

Hammond suggests that hierarchical structure affects both “the menu of options” from which
senior-level decision makers may choose and “what policy is actually implemented” after a
decision is made. Policy direction is sometimes ambiguous, so “if the policy will have to be
implemented by a number of interdependent subordinates, they may not see eye-to-eye on what
should be done. . . . [H]ow subordinates are grouped in the hierarchy can be expected to affect
how high in the organization conflict over implementation can be expected to rise.” Thus, he
notes, “my argument is that the way in which subordinates are clustered together into offices,
sections, and divisions, and how responsibilities for assessing particular kinds of data are
assigned to these organizational units, can affect what kinds of inferences are drawn from the
data.”

To illustrate the effects of structure in the realm of foreign policy, Hammond uses the example
(familiar in the foreign policy analysis field from Graham Allison’s work) of the process of the
U.S. government discovering that the Soviets were putting missiles in Cuba. He notes that it
could make a significant difference whether the reporting bureaus are organized functionally
(i.e., separate military and diplomatic desks) or geographically (a Moscow desk and a Havana
desk). The same observations on the ground—for example, elevated military activity in Moscow
and Havana, but elevated diplomatic activity only in Moscow—produce different reports at
higher levels depending on how they are combined through the process on the basis of
organizational grouping and managerial decision rules.

Thus we see that hierarchical structure affects policy even when the players behave honestly—
that is, not strategically—and have interests aligned with those above them. Structure becomes
even more important when we factor in the possibility of divergent organization-driven
interests and allow for strategic behavior. We will turn to these matters shortly.

The Organizational Process Perspective

As noted in the previous chapter, in their canonical work on the influence of organizations on
foreign policy, Essence of Decision, Allison and Zelikow (who joined Allison in the writing of the
1999 revised edition) describe a view in which the government is a set of loosely allied
organizations rather than a single unified actor: “Government leaders sit formally on top of this
Introducing the Organizational Process Perspective

conglomerate. But governments perceive problems through organizational sensors. Governments define alternatives and estimate consequences as their component organizations process information; governments act as these organizations enact routines. Governmental behavior can therefore be understood . . . less as deliberate choices and more as outputs of large organizations functioning according to standard patterns of behavior.²¹

As noted above, the organizational process perspective focuses on organizations as the key actors in government decision making. What does it mean to think of organizations as actors, “each with a substantial life of its own”?²² Organizations are, of course, made up of individuals; but the organization itself can be said to have certain characteristics. In particular, organizations have a tendency to develop their own cultures and even interests.²³ Allison and Zelikow define organizational culture as “the set of beliefs the members of an organization hold about their organization, beliefs they have inherited and pass on to their successors.”²⁴

Why does organizational culture matter? It matters because frequently, government agencies and the bureaucrats within them are given significant discretion in shaping their organizations’ missions and defining their objectives. As Allison and Zelikow note: “Start with the notion of central purpose, as it takes form in an organization’s mission. As received by the organization, these goals may be so banal that they can be conceived or framed as a mission for the organization in many different ways. . . . Like the definition of the organization’s mission, the specification of operational objectives is as malleable as the notion of efficiency itself, when applied to any large, public task.”²⁵ This can create a “feedback loop” that leads to further changes.²⁶ As a result, “the development of operational objectives to perform a specific task also influences the organization’s culture. . . . [Historical] decisions now provide powerful tokens of identity and rules for future action.”²⁷

An organization’s definition of its mission and objectives will, in turn, shape the information and options members of the organization pass up to senior policy makers, as well as the way members of the organization interpret and implement policy directives passed down from above. Thus, as Allison and Zelikow point out: “Primary responsibility for a narrow set of problems combines with the gritty, everyday requirements for action to produce distinctive sets of beliefs about how a mission should be implemented and what capacities are needed or wanted to perform it.”²⁸ In some cases, organizations have been able to “define their operational objectives in relation to the special capacities they already had, or wanted to have. . . . This approach to understanding organizational behavior sees organizations and bureaucrats as more autonomous, with great scope to define their critical tasks in a way that serves preferences that arise out of the organization itself and its managers.”²⁹ This, of course, is the great fear of political appointees in any administration, that “the foreign and security policies declared by the president in speeches, in public and private meetings, in backgrounders and memoranda often [have] little or no effect on the activities of the sprawling bureaucracies charged with carrying out the president’s policies. They [don’t] need his directives: they [have] their own.”³⁰ (How presidents fight against this tendency when it comes to theater security matters will be discussed in chapter 4.) Allison and Zelikow conclude: “The point is . . . that organizations participate meaningfully in a process in which several purposes are possible and preferred by nominal masters in the executive, legislative, or judicial branches of government. The organizations influence the prioritization of purposes into a definition of their ‘mission’ and are
especially influential when the mission is translated, for a specific task, into more concrete, operational objectives. In that context, the organization may seek congruence between the operational objectives and its special capacities for efficient performance.”

Government Behavior as Outputs: Standard Operating Procedures and Routines

The organizational process perspective assumes the key behaviors to understand are the ways that organizations process information and initiate action. Specifically, organizations are assumed to process information and initiate action on the basis of standard operating procedures. Standard operating procedures are “norms designed to suit specific circumstances, available to organization members when situations resembling those circumstances occur.”

Allison suggests that the reliance on standard operating procedures means that organizational behavior is slow to change—that “the best explanation of an organization’s behavior at [time] t is its action at t–1; the best prediction of what will happen at t+1 is t.” Gormley and Balla point out, however, that “though standard operating procedures do tend to persist over time, they can be changed.” Allison and Zelikow write, “Learning occurs gradually, over time. Dramatic organizational change occurs in response to major disasters. Both learning and change are influenced by existing organizational capabilities and procedures.”

Another way of thinking of standard operating procedures is that actors in organizations tend to behave according to what James March and Herbert Simon referred to as a “logic of appropriateness”: “Actions are chosen by recognizing a situation as being of a familiar, frequently encountered, type, and matching the recognized situation to a set of rules. . . . The logic of appropriateness is linked to conceptions of experience, roles, intuition, and expert knowledge. It deals with calculation mainly as a means of retrieving experience preserved in the organization’s files or individual memories.”

As a result of standard operating procedures and the logic of appropriateness, bureaucrats tend to make decisions based on satisficing, rather than optimizing. Simon, who coined the term “satisficing” as a portmanteau of “satisfy” and “suffice,” noted that an administrator “looks for a course of action that is satisfactory or ‘good enough.’” Gormley and Balla thus frame the issue as follows: “In effect, satisficing means that a bureaucrat, or another decision maker, considers options only until finding one that seems acceptable given what the bureaucrat knows about his or her values and the probable consequences of that option. . . . Although satisficing sometimes leads to bad decisions, it is remarkably quick and productive. Think of it this way: Would you rather devote an entire week to getting one decision exactly right or to getting one hundred decisions approximately right? That might be worth the risk of getting a few wrong.”

Over time, organizations develop a set of capabilities for responding to policy challenges. These capabilities both enable and constrain organizational action. Allison and Zelikow use the
example of a Chinese restaurant, which has established capabilities—in the form of recipes, ingredients, and cooking equipment—that allow a customer to “order dishes that he would not be able to enjoy had the restaurant not established a menu on the basis of recipes, ingredients, and practice in preparation. But at the Chinese restaurant, one cannot eat items that are not on the menu, for example, a hamburger or a pizza.”

Allison and Zelikow thus describe an organization as a “bundle of technologies: . . . Like the hardware and software of computers, they both create capabilities otherwise not imaginable, and simultaneously constrain performance that one may desire in the next case . . . for which they were not developed or organized.” Capabilities can also constrain in another way: “Operational experiences in the field reinforce certain capacities and routines, even endow the capacities and routines with a ceremonial power that provides legitimation internally or in dealings with the outside world. . . . Sometimes the cultural routines clash with criteria of efficiency. Efficiency often loses.”

Conclusion

As noted above, we stress the importance of the organizational process perspective for the TSDM Policy Analysis course because, as Bouchat has pointed out, “there is no process to prioritize efforts within the federal government.” Only the president (along with the vice president, as well as some of their closest aides) will have a truly broad and integrated view of policy. “This situation has led one U.S. Army War College scholar to observe, ‘because there is no national level prioritization, each particular component is left to determine which requirement to support.’” In some cases, the principals of the executive branch, or Congress in its legislation, may provide very specific and detailed guidance on a theater security issue; in most cases, however, direction will be general and day-to-day interpretation and execution left in the hands of the relevant organizations. Thus, it is extremely important that those in the middle levels of the national security bureaucracy have the analytical tools to examine how their organizations work, and what this means for theater security policy.
NOTES


2. Ibid., 4, 6.


7. Ibid., 150.

8. Ibid., 167.


10. Ibid., 5.


14. Ibid., 31 (emphasis in original).


16. Ibid., 133.

17. Ibid.

18. Ibid., 136.

19. Ibid., 127.


22. Ibid.


25. Ibid., 150, 151.


28. Ibid., 167.

29. Ibid., 151, 153.


32. Gormley and Balla, Bureaucracy and Democracy, 32.

33. Allison and Zelikow, Essence of Decision, 175.

34. Gormley and Balla, Bureaucracy and Democracy, 33.

35. Allison and Zelikow, Essence of Decision, 144.

36. Ibid., 152.


39. Gormley and Balla, Bureaucracy and Democracy, 30.

40. Allison and Zelikow, Essence of Decision, 145.

41. Ibid., 146.

42. Ibid., 155.


44. Bouchat, An Introduction to Theater Strategy and Regional Security, 27.
A Very Slim Reed: From the Phrases of the Constitution to the Theater Security Enterprise*

There has been no predetermined blueprint for how the United States would organize itself for its defense and to conduct foreign policy, and, for the most part, the United States has responded in an incidental fashion, reacting to events, particularly perceived failures, to modify existing or create new institutions—rather than anticipating challenges.1

The development of the modern U.S. national security system occurred as the result of three broad tranches of congressional legislation and executive orders. The first took place in the aftermath of the intelligence failure that led to Pearl Harbor and the setbacks and difficulties observed in how the Second World War was prosecuted. In 1947, the Congress of the United States passed (and President Harry S. Truman signed into law) a comprehensive National Security Act, designed “to provide the comprehensive program for the future security of the United States [and] to provide for the establishment of integrated policies and procedures for the departments, agencies and functions of the Government relating to the national security” (Public Law 80-253, section 2 [1947]). The National Security Act was preceded by the Foreign Service Act of 1946, which restructured the U.S. diplomatic corps. These postwar legislative acts, designed to remedy the diplomatic, military, and intelligence defects that had been observed during the Second World War, laid the foundation of the modern U.S. national security system. These pieces of legislation recognized that the country “no longer had the luxury of mobilizing the country and its political, military and economic power to counter threats once war had occurred. Rather, it needed a permanent national security policy framework to identify, deter and if necessary defend against international threats to the nation.”2 This first major overhaul was then modified throughout the 1950s as a result of lessons learned in the early years of the Cold War, especially the impact of the Korean conflict. The second major overhaul, which produced the 1986 Goldwater-Nichols Act, was precipitated by the experiences in Vietnam and a series of tactical and operational failures (including the ill-fated DESERT ONE mission in 1980 and problems observed during the 1983 Grenada operation).

The end of the Cold War and the emergence of new threats and challenges, however, did not automatically lead to any changes or modifications to the U.S. national security system. As

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* This chapter is derived from a faculty paper prepared by Nikolas K. Gvosdev, Sean Sullivan, and Dana Struckman, with contributions from earlier readings by Andrew Stigler and Stephen Knott.
Ashton Carter (who served as Secretary of Defense in the Obama administration) observed: “The federal structure has changed little since the first burst of innovation in the aftermath of World War II and the onset of the Cold War. No comparable burst occurred in the 1990s.” September 11 provided that jolt and led to a third modification of the U.S. national security system. These three sets of changes illustrate how “disasters can serve as ‘focusing events’ that lead to the development of new legislation, policies, and practices.” These various pieces of legislation and executive orders have created the contemporary national security enterprise within which we work today. (This chapter’s appendix 1 lays out what each of these acts created.)

The Legal Basis

The eminent sociologist Max Weber was one of the first to describe systematically how organizations turn to authority to provide legitimacy for their activities. States do this by creating systems of governance that lay out rules for how they will exercise their power over the populations entrusted to their care. Most modern states start by drawing up a constitution. As James Bryce, the Oxford University Regius Professor of Civil Law (1870–1893), observed, it is via the constitution that “the public life of a State goes on,” because the constitution “has established permanent institutions with recognized functions and definite rights.”

John Adams, the second president of the United States, once argued, “The only maxim of a free government ought to be to trust no man living with power to endanger the public liberty.” Anticipating Mao Zedong’s aphorism that “political power grows out of the barrel of a gun,” the founding fathers and their successors were interested in restraining and channeling military power so that it would not be in a position to overthrow the elected civilian authority—a lesson they had learned from their studies of Greco-Roman history and one reinforced by Napoleon Bonaparte’s assumption of power in France. Recognizing that a military (as well as a diplomatic service) was needed to protect and defend the nation, the founders placed very general enabling language in the text of the Constitution, but it became critical for Congress and the president to define further the authorities and missions that would be entrusted to the armed forces and to the Departments of State, War, and the Navy (the latter two were merged in the 1947 National Security Act into a Department of Defense).

Chief Justice of the United States John Marshall, in the landmark Marbury v. Madison decision (1803), wrote: “The Government of the United States has been emphatically termed a government of laws, and not of men.” It is therefore in America’s legal code, starting with the Constitution itself, that the authorities, roles, and missions of the Department of Defense and other parts of the U.S. national security establishment are codified and set out.

Unlike other countries, which have constitutions spelling out in meticulous detail the competencies enjoyed by the government and how they are to be exercised (the Constitution of the Republic of India, for instance, now has 395 articles, ten schedules, four appendixes, and more than seventy-five amendments), the U.S. Constitution is very succinct. There are no references to or authorizations for a Department of State or Defense, or provisions for a national security adviser, a National Security Council, or combatant commands, and so on. The Constitution simply empowers Congress (in Article I, Section 8) to raise funds to “provide for the common Defence and general Welfare of the United States” and authorizes the legislative branch to regulate commerce with foreign states, to define offenses against the law of nations, to
raise armies, and to maintain a navy. The chief executive is designated, under Article II, Section 2, commander in chief and has the power to negotiate treaties and nominate the heads of departments and other officials (including ambassadors) with the “advice and consent” of the Senate. No structure for the executive branch is defined in the Constitution, other than the proviso that whatever is set up must be “established by law.”

Beginning with the administration of George Washington (1789–97), the executive and legislative branches had to grapple with how to divide and share powers related to national security. All agreed that the Constitution provided a starting point; for instance, when it came to military forces, “Congress could raise them and provide for their governance, organization, and discipline. The President would ‘command’ them.” But that was the extent of the Constitution’s guidance. “Beyond those basic assignments of authority, a range of questions remained as to the extent of Congress’s power to circumscribe the President’s command discretion.”

So, a secondary source of authority for government organizations is derived from statute or law. The Constitution establishes a foundation, but much of the architecture of the national security system is constructed by legislation passed by Congress and signed into law by the president. The Department of Foreign Affairs—soon renamed the Department of State—was the first federal department created by Congress, in July 1789, with the Department of War set up soon afterward. (A separate Department of the Navy was created in April 1798.) Thus, “government is created by the constitution, and the constitution endows government with its powers and establishes limitations upon the exercise of those powers. Appropriate government officials may create statute laws, but the statute law must conform with the requirements of the higher law of the constitution.”

Laws first appear in the collection United States Statutes at Large, which is published annually. Every six years, the Office of the Law Revision Counsel of the House of Representatives publishes the Code of Laws of the United States of America (hereafter U.S. Code), where “general and permanent” legislation is grouped together by subject, with the text edited as legislation amends, replaces, or eliminates earlier statutes. (General and permanent legislation, for instance, does not include the yearly budget authorizations and appropriations, or laws meant to apply for specific situations or individuals, unless within such legislation there are issues that Congress and the president want settled on a permanent basis; for instance, the 2006 Defense Appropriations Act contained provisions concerning the treatment of detainees that were included in both Title 10, which concerns military matters, and Title 42, which encompasses civil rights legislation.)

The U.S. Code is divided into fifty titles, each encompassing a major subset of legislation. Title 5 very briefly establishes the “Executive Departments” (State, Defense, Treasury, Commerce, etc.) and the “Military Departments” (Army, Navy, and Air Force). It also notes that the head of each department “may prescribe regulations for the government of his department” (Title 5, chapter 3, section 301), while recognizing the right of Congress to review agency rule making (Title 5, chapter 8). Title 5 recognizes different types of federal employees: the uniformed service (military), the competitive civil service, and the excepted civil service—which encompasses many of the positions in the Foreign Service and the intelligence communities. In addition, federal employees include political appointees, including those subject to
confirmation by the Senate, and the Senior Executive Service, envisioned as the “institutional memory” of the various departments and agencies and as the link between the presidential appointees and the rest of the federal workforce.

Title 5 is important because while all federal employees, civilian and military, work for the president, they do so via different departments, each with distinct missions and responsibilities. While the military services, since the passage of the 1986 Goldwater-Nichols Act, have been enjoined to pursue “jointness,” there is no assumption at the present time that the federal workforce as a whole should be interchangeable in terms of its missions or obligations. (In other words, an employee of the Department of Agriculture is not someone who could be transferred to the Department of Health and Human Services.) This will be an important point to recall later in the subcourse when the interagency process—and the efficacy of interagency teams—is discussed.

Title 10 defines, in broad terms, the mission, responsibilities, and organization of the U.S. Armed Forces and includes the Department of Defense, Joint Chiefs of Staff, combatant commands, services, reserves, and various Defense agencies. Much of what can be found in Title 10 is derived from the landmark 1947 National Security Act and its subsequent revisions (especially in 1949) as well as the provisions of the 1986 Goldwater-Nichols legislation. Title 14 pertains to the U.S. Coast Guard and Title 32 pertains to the Army National Guard and the Air National Guard. Title 37 covers pay for the armed services and the subsequent title (38) is devoted to veterans’ affairs. Title 50 concerns “national defense” defined more broadly beyond immediate reference to the Department of Defense and Title 6 focuses on “domestic security.” Title 22 covers the foreign relations of the United States, not only laying out the foundation for the existence of the Department of State, but governing such matters as security cooperation, arms control, and nonproliferation activities. Much of the code dealing with national security issues had to be again revised after the passage of the 2002 Homeland Security Act, which created a completely new cabinet department (now the third largest after Defense and Veterans’ Affairs) that absorbed twenty-two different federal agencies—including the Coast Guard, the

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Title 10, chapter 2, defines DoD as an “executive department” of the United States, bringing it into alignment with the provisions of Article II of the Constitution and with Title 5. Furthermore, the U.S. Code mandates that DoD will consist of the following:

“(1) The Office of the Secretary of Defense.
“(2) The Joint Chiefs of Staff.
“(3) The Joint Staff.
“(4) The Defense Agencies.
“(5) Department of Defense Field Activities.
“(6) The Department of the Army.
“(7) The Department of the Navy.
“(8) The Department of the Air Force.
“(9) The unified and specified combatant commands.
“(10) Such other offices, agencies, activities, and commands as may be established or designated by law or by the President.”
Secret Service, and the Immigration and Naturalization Service—from other departments. Further revisions occurred in 2004 when Congress passed the Intelligence Reform and Terrorism Prevention Act, which, among other things, created the director of national intelligence (DNI), who now became the chief adviser to the president on all intelligence matters and who was charged with coordinating the efforts of the U.S. intelligence community, and set up the National Counterterrorism Center. (Appendix 2 in this chapter provides a thumbnail sketch of the principal agencies and departments charged with parts of the U.S. national security mission.)

The U.S. Code fills in the blank spots around the constitutional framework. It is through the code that the Department of Defense (DoD) derives its authority to act. The services, therefore, exist by virtue of congressional legislation and cannot be altered or abolished by presidential fiat. It is also important to mention that the authority and mission of the U.S. Coast Guard are not contained in Title 10. Rather, Title 14, chapter 1, defines the establishment and duties of the U.S. Coast Guard. The Coast Guard is defined as “a military service and a branch of the armed forces of the United States at all times” but it is not under the authority of DoD in peacetime. Instead, the code states, “The Coast Guard shall be a service in the Department of Homeland Security, except when operating as a service in the Navy.”

In setting down the roles, missions, and authorities of the Department of Defense and of the services, Congress and the president can choose to give general guidance or to offer very specific directives. For instance, in the part of Title 10 that deals with the U.S. Navy, it is specifically mandated that its “naval combat forces . . . shall include not less than 11 operational aircraft carriers” (U.S. Code Title 10, subtitle C, chapter 507, section 5062, subsection b). The legislation goes on to include within the definition of “operational carrier” one “that is temporarily unavailable for worldwide deployment due to routine or scheduled maintenance or repair.” The Marine Corps is specifically located within the “Department of the Navy,” is mandated to have no fewer than three combat divisions and three air wings, and is tasked for service with the fleet in the seizure or defense of advanced naval bases and for the conduct of such land operations as may be essential to the prosecution of a naval campaign. In addition, the Marine Corps shall provide detachments and organizations for service on armed vessels of the Navy, shall provide security detachments for the protection of naval property at naval stations and bases, and shall perform such other duties as the president may direct. However, these additional duties may not detract from or interfere with the operations for which the Marine Corps is primarily organized (U.S. Code Title 10, subtitle C, chapter 507, section 5063, subsection a).

So even if the Navy decides that it can carry out its missions with only eight operational carriers, and would prefer to divert funding, resources, and manpower to other platforms (littoral combat ships or hospital vessels, for instance), that service is not completely free to act; it must continue to maintain eleven carriers. However, the legislation does not define what constitutes an “operational aircraft carrier,” which opens up the possibility that other ships that carry aircraft could be redefined as aircraft carriers for purposes of compliance with the statute. Similarly, even though there have been proposals for the U.S. Marine Corps to be transformed into a constabulary/counterinsurgency force, unless the code is changed, it cannot
fundamentally change its focus away from “land operations” that are conducted in support of a naval campaign.

In other places, however, the U.S. Code gives only the most general of guidance or even allows the president, the Secretary of Defense, or other officials to use their own discretion in setting policy. This contrast is most pronounced when comparing the very detailed guidance in the 1947 National Security Act (and subsequent legislative revisions) for how the Joint Chiefs of Staff is to be organized with the discussion of the National Security Council; as Amy Zegart has noted, “The Joint Staff . . . is ridden with statutory specifications”—down to the very number of officers that can be assigned. In contrast, the staffing of the National Security Council (NSC) is barely addressed in the 1947 enabling legislation. As Zegart continues: “The NSC staff is mentioned only briefly and vaguely. Nothing is said about the staff’s size, its composition, its activities, or its management. The only specific provision concerning the NSC staff—that it be ‘headed’ by a civilian ‘executive secretary’ appointed by the president—gives the president legal grounds and room to change the agency unilaterally.”

Beyond questions of structure, there are other areas of national security policy where the executive branch may have considerable freedom of maneuver within very general guidelines set down by Congress. For instance, although wars are declared by Congress, the Secretary of Defense is empowered to declare whether a mission should be designated a “contingency operation” (Title 10, chapter 1, section 101), defined as one “in which members of the armed forces are or may become involved in military actions, operations, or hostilities against an enemy of the United States or against an opposing military force.” (A contingency operation is also automatically triggered “during a war or during a national emergency declared by the President or Congress.”)

An important point to consider is how the U.S. Code does more than simply provide for the “legal existence” of government departments, agencies, and military services. The code creates a “division of labor” by designating specific tasks and missions to particular departments or suborganizations within a department. Statutory authority can also be used to limit or prohibit activities. The code expressly limits the types of missions that can be carried out by the Department of Defense. For instance, military personnel are barred from carrying out any law enforcement duties unless specifically authorized to do so by Congress or the president (the so-called posse comitatus provisions). This blanket prohibition appears in two locations in the code—Title 18, part I, chapter 67, section 1385, and Title 10, subtitle A, part I, chapter 18, section 375. Similarly, the Central Intelligence Agency (CIA) was expressly barred by the 1947 National Security Act from exercising any “police, subpoena, law-enforcement powers or internal-security functions.”

In some cases, the government may direct that a mission be shared among different organizations within the executive branch. For instance, Title 22 (chapter 38, section 2656) designates the State Department as responsible for handling all “negotiations” with other governments—but does not give the State Department exclusive jurisdiction over everything that occurs in foreign policy. The wording of the statute (“such other matters respecting foreign affairs as the President of the United States shall assign to this department”) preserves the
Where Does the Buck Stop?

Ultimately, the president is the sole decision maker. In the end, the Secretary of State and other officials serve at the behest of the president and, under law, are advisers to the president and executors of his or her legal orders; they have no independent veto power. For instance, in the language of the 1947 National Security Act (as amended), in section 402(a) describing the National Security Council: “The function of the Council shall be to advise the President with respect to the integration of domestic, foreign, and military policies relating to the national security so as to enable the military services and the other departments and agencies of the Government to cooperate more effectively in matters involving the national security” (emphasis added).

The president’s freedom of action to use other personnel (special envoys, other cabinet secretaries, even general officers) in carrying out foreign policy tasks. Thus, other departments of the U.S. government may become involved in foreign and defense policy. For instance, in recent years the Department of the Treasury has become a bigger player in national security affairs, especially in the area of handling financial sanctions against international terrorist organizations and rogue nations but also in taking more of the portfolio in a number of key bilateral relationships, notably the United States–China one. In addition, Treasury has emerged “as the central financial institution of U.S. state-building and state-strengthening” efforts around the world. Other executive departments now have a larger international profile, to the partial diminution of the State Department’s traditional role. For instance, Title 15 (section 4721) authorizes the Department of Commerce to establish a U.S. Commercial Service whose mandate is to promote the interests of U.S. businesses abroad (but Commerce is still mandated by law to ensure that all activities are conducted in a “manner consistent with United States foreign policy objectives, and the Secretary [of Commerce] shall consult regularly with the Secretary of State in order to comply” with this objective). Per the Trade Agreements Act of 1979, the foreign commercial officers of the State Department were thus transferred to the Department of Commerce.

Similarly, in the area of security assistance to partner nations, jurisdiction is “shared” between the Department of Defense, which provides the training and equipment, and the Department of State, which has overall responsibility for all foreign aid programs. For instance, under what used to be described under the rubric of “1206” (the authority found in Title 10 for the Department of Defense to build up the capacity of foreign security forces) and is now encompassed under section 2282 of Title 10, such security assistance programs are coformulated, reviewed, and vetted by both the Departments of State and Defense, and require both the combatant commander and the country ambassador to sign off, and the approval of both the Secretaries of Defense and State.

Congress has also passed legislation (the so-called Leahy Amendment, first passed in 1997 and written permanently into the Foreign Assistance Act in 2008) that bans U.S. security assistance to any unit of the security forces of another country if the Secretary of State has credible information that that unit has engaged in human rights violations, unless the secretary can vouch to relevant congressional committees that the country in question is bringing the parties responsible for such violations to account. The Department of Defense, the Central Intelligence Agency, and any other part of the U.S. government that engages in security...
cooperation efforts with other governments must regularly submit to the State Department a list of all units receiving American assistance, with the State Department required to vet both the units and the individuals within them. This again requires different departments to coordinate in order to achieve policy objectives.

On the other hand, government can designate certain functions and tasks exclusively to one organization within government, which can complicate matters if other organizations feel a need to engage in that activity to carry out their assigned missions. For instance, Title 22 (chapter 74, section 6591) designates that all U.S. assistance classed as developmental or “other economic assistance” is to be administered by the Agency for International Development (USAID), which “shall report to and be under the direct authority and foreign policy guidance of the Secretary of State” (Title 22, chapter 74, section 6592). Initially, when U.S. military forces began to engage in reconstruction activity in Iraq (the Commanders’ Emergency Response Program, or CERP) as a way to promote local security and reduce the attractiveness of the insurgency, there was no direct clash, because CERP was paid for using funds confiscated from the regime of Saddam Hussein. Once a decision was taken to fund CERP programs in Iraq (and later in Afghanistan) using U.S. Treasury funds, even though the purpose was consistent with the military’s mission, the Title 22 regulation had to be addressed. Rather than changing the U.S. Code, Congress chose to define what constituted developmental aid further. CERP funding was not considered to be development; instead, it was supposed to focus on “urgent humanitarian relief” with an eye to creating projects to “immediately assist” the population. These caveats, however, did limit the type of projects that the U.S. military could fund in Iraq and Afghanistan from CERP funds, effectively excluding projects that could not be shown to be meeting an immediate humanitarian need. The military can also engage in infrastructure projects overseas that directly touch on operational needs in theater, but cannot exceed those requirements.

Conversely, an agency or department can cite provisions of the code to avoid taking on tasks or missions that it does not deem to fall within its organizational interests. As the 9/11 case demonstrates, the Department of Defense resisted taking on antiterrorism missions during the 1990s on the grounds that these activities were better undertaken by intelligence or law enforcement bodies; indeed, the Pentagon’s lawyers argued that if al Qaeda was defined in criminal terms, then the military would be forbidden to undertake missions against it.

Finally, legislation passed by Congress may never mention specific functions or tasks at all. The 1947 act says nothing about any role, for instance, for covert activity for the CIA. Such missions, however, have been justified because of very generic enabling authority found in the law that directs the agency to conduct “such additional services of common concern as the National Security Council determines.”

Beyond the provisions of the U.S. Code, authority may be defined through policy, as long as those policy directives do not contradict provisions in the code. “Executive orders” are issued by the president in keeping with his or her authority under Article II to ensure faithful execution of the laws; they are directives to federal agencies setting down how legislation is to be enacted and enforced. They are legally binding and have the weight of law, as long as they do not contradict the Constitution or legislation as passed by Congress. Because Congress often does
not fill out the details of legislation, the president can enjoy an enormous amount of discretion in interpreting congressional mandates, with some even seeing executive orders as a way for the chief executive to legislate unilaterally. However, in 1952 the Supreme Court, in the case of *Youngstown Sheet & Tube Co. v. Sawyer*, invalidated an executive order issued by President Harry S. Truman because the court ruled that the president had issued an order that contradicted earlier congressional legislation. Justice Felix Frankfurter drew a distinction between an executive order that is derived from interpreting “general language” found in congressional legislation or the Constitution itself, and an order that contradicts or disregards specific instructions passed by Congress.16

Perhaps one of the most momentous executive orders was the secret one signed by President Harry S. Truman in October 1952, using his preexisting constitutional and statutory authority to designate the Department of Defense as the “executive agent” of the U.S. government for communications and signals intelligence and to create within DoD a “National Security Agency” to organize and manage U.S. capabilities and collection in this realm.17

Executive orders remain in force for as long as a president wishes, and a president is free to alter, amend, or abolish executive orders promulgated by previous presidents; thus, while executive orders are published in the *Federal Register*, the government’s “official journal” of acts and proclamations, they are not included in the U.S. Code.

The president also has the power to enter without needing the explicit consent of the Senate into executive agreements with other countries that fall short of being ratified treaties but otherwise are binding on the U.S. government. Thus, as the State Department itself notes in its instructions to U.S. Foreign Service officers: “The President may conclude an international agreement on any subject within his constitutional authority so long as the agreement is not inconsistent with legislation enacted by the Congress in the exercise of its constitutional authority.”18 Increasingly, presidents prefer executive agreements to formal treaties in concluding deals with other countries. Since 1939, executive agreements have composed nearly 90 percent of all compacts concluded with other countries.19 The 2008 Status of Forces Agreement, which laid out provisions for U.S. forces to remain in Iraq until 2011, although it was ratified by the Iraqi parliament, was set up on the U.S. side “as an executive agreement which does not require congressional approval.”20

Similarly, military action, in the absence of a congressional declaration of war, can be authorized by the president, especially if Congress has delegated to the president the power to take “all necessary means” to secure U.S. goals, as it did in the 2002 resolution on Iraq. In 1999, for instance, in executive order 13,119, President Bill Clinton designated what areas would constitute the “combat zone” for the NATO operation against Yugoslavia over Kosovo. The president also has the ability to define whether a mission is in fact a combat mission or a support mission (even if there are risks of on-the-ground fighting), and to define the rules of engagement.21 Using his or her Article II authority as commander in chief of the military, the president has wide discretionary powers to order the U.S. military into action and, even if
fighting is occurring, to not designate the mission as combat, to avoid triggering statutes that would require explicit congressional approval to send U.S. forces into combat missions.†

One of the areas where presidential discretion in terms of how the military is organized is most apparent is in how the combatant commands are structured. Unlike the military departments, combatant commands exist at the will of the president and the Secretary of Defense. Every two years, the existence of all geographic and specialized commands must be reviewed by the Chairman of the Joint Chiefs, who makes recommendations to the secretary and president on any proposed changes. The president may unilaterally change, alter, or abolish combatant commands, provided that he or she notifies Congress within sixty days (Title 10, section 161).

As with the U.S. Code prohibition on the military taking on law enforcement duties, executive orders can also set limits on missions. One of the most famous is the ban on any federal agent or employee from planning or engaging in assassination, a prohibition first decreed by President Gerald Ford in executive order 11,905, reaffirmed by President Jimmy Carter in executive order 12,036, and reissued by President Ronald Reagan in executive order 12,333. This ban complicated efforts to neutralize Osama bin Laden prior to 9/11, because, until late in the Clinton administration, any mission had to have the goal of apprehending bin Laden to stand trial, rather than simply to eliminate him.‡ The death of Osama bin Laden in May 2011 as a result of Operation NEPTUNE SPEAR was judged not to be a violation of this policy. The Obama administration cited the authority given to the president as a result of the Authorization for Use of Military Force against Terrorism that Congress passed after 9/11 to make the case that bin Laden posed an active threat to American lives and was engaged in combat with the United States.†

The president can use an executive order to further clarify a policy passed by Congress or to clarify intent, or even to transfer some of his or her authority to lower-ranking officials in the executive branch, to act in the president’s name and with his or her authority. For instance, executive orders 10,621 (originally issued in 1955) and 11,390 (originally issued in 1968) delegated some presidential powers to the Secretary of Defense, who in turn can designate undersecretaries and assistant secretaries to make decisions “without the approval, ratification or other action of the President,” in dealing with a wide variety of routine matters; these orders

† For instance, in the context of a “support” mission in Afghanistan now that the “combat” mission is officially concluded, U.S. forces can accompany Afghan forces into the field and engage in combat activities if “in those select instances . . . their engagement can enable strategic effects on the battlefield.” Phil Stewart, “Exclusive: Obama Approves Broader Role for U.S. Forces in Afghanistan,” Reuters, June 10, 2016, http://www.reuters.com/article/us-usa-afghanistan-obama-exclusive-idUSKCN0YW055.

‡ John Bellinger III, who served as the legal adviser for the State Department during the second term of the George W. Bush administration, argued: “The killing is not prohibited by the long-standing assassination prohibition in executive order 12333 because the action was a military action in the ongoing US armed conflict with al-Qa’ida and it is not prohibited to kill specific leaders of an opposing force. The assassination prohibition also does not apply to killings in self-defense. The executive branch will also argue that the action was permissible under international law both as a permissible use of force in the US armed conflict with al-Qa’ida and as a legitimate action in self-defense, given that Bin Laden was clearly planning additional attacks.” Quoted in Owen Bowcott, “Osama bin Laden: US Responds to Questions about Killing’s Legality,” Guardian, May 3, 2011, http://www.theguardian.com/world/2011/may/03/osama-bin-laden-killing-legality.
remain in force, as amended over the years by subsequent presidents. National security decision directive 38 (June 2, 1982) gives to the chief of mission (usually the U.S. ambassador) the power, in the president’s name, to control the size, composition, and mandate of all personnel, from whatever department or agency of the U.S. government, who will be operating as part of the U.S. team “in country” (with the exception of military personnel engaged in ongoing operations). These powers of delegation are important because while everything that occurs within the executive branch happens in the president’s name, he or she will only have the time to review a fraction of the decisions that are taken—and the preference is, as former national security adviser Robert C. “Bud” MacFarlane has noted, for “minor matters” not to have to be brought to the president for resolution.23

Beyond formal executive orders, presidents can authorize actions through a variety of means, including decision directives, proclamations, and letters of intent. For instance, on March 21, 2011, in a letter to the Speaker of the House of Representatives and the president pro tempore of the Senate, President Obama informed them: “On March 19, 2011, at my direction, U.S. military forces commenced operations to assist an international effort authorized by the United Nations (U.N.) Security Council and undertaken with the support of European allies and Arab partners, to prevent a humanitarian catastrophe and address the threat posed to international peace and security by the crisis in Libya. . . . I have directed these actions, which are in the national security and foreign policy interests of the United States, pursuant to my constitutional authority to conduct U.S. foreign relations and as Commander in Chief and Chief Executive.”24

One type of presidential document bears especial consideration: the so-called signing statement that is appended when the president signs a bill into law. As attorney Todd Garvey points out: “Presidential signing statements are official pronouncements issued by the President contemporaneously to the signing of a bill into law that, in addition to commenting on the law generally, have been used to forward the President’s interpretation of the statutory language; to assert constitutional objections to the provisions contained therein; and, concordantly, to announce that the provisions of the law will be administered in a manner that comports with the administration’s conception of the President’s constitutional prerogatives.”25 Such statements can be used to instruct executive branch departments and agencies how they are to carry out legislative provisions in various acts of Congress. This is especially important for national security professionals because “foreign affairs legislation has been one of the primary areas in which recent Presidents have repeatedly raised constitutional objections or challenges” in pushing back at what are seen as congressional attempts to infringe on the president’s Article II authorities.26

Even presidential speeches and addresses act as “marching orders” for the bureaucracy. As Matthew Eshbaugh-Soha has noted, “Presidents use their speeches to signal and affect policy. Informing the bureaucracy of their policy preferences is a first step that Presidents must take to effect the implementation of policy, something that Presidents demonstrate through commitment and concern for a policy area through their public speeches.”27 After all, “the very fact that an issue has been highlighted in the president’s discourse serves to alert the bureaucracy to a presidential priority.”28 If the president (or another senior official speaking for the president) makes a comment that signals a policy shift, then organizations must take those
points into account and adjust accordingly. These do not need to be formal speeches; even offhand comments at a press conference can signal presidential policy directives and must be taken into account by lower echelons of government. As new technologies have emerged, particularly in the social media realm, that enable presidents to communicate their wishes, so too government organizations must learn to adapt. President Donald Trump’s use of Twitter, for instance, means that White House “staff members [must] read President Trump’s Twitter posts and struggle to make policy to fit them.”

Executive branch departments and agencies, under their own authorities, can define their own missions and responsibilities, so long as they do not cross the boundaries set up by the Constitution, the U.S. Code, or presidential directives. Of particular importance are the various “memorandums of understanding” (MOUs) or “memorandums of agreement” (MOAs) that may be drawn up between departments to spell out missions, authorities, responsibilities, and financing. For example, the MOU drawn up between the Departments of State and Defense setting down the guidelines for how provincial reconstruction teams (PRTs) would operate in Iraq committed DoD to provide all transport for PRTs but required State either to provide the resources for PRT operations or to reimburse DoD for such support. In addition, the MOU set down that while PRT members were on duty in Iraq, regardless of their institutional affiliations, they would be subject to Defense Department security regulations. In other words, two executive branch departments set down what the mission was to be, who had authority to act, and how it was to be funded, without specific direction necessarily coming from the president or Congress. A similar MOU was drafted by the Department of Justice and the CIA to carry out provisions in executive order 12,333 (and previous orders) about the obligations of the intelligence agency to report to law enforcement information about activities of agents or personnel who might have committed federal crimes. The Departments of State and Commerce have MOUs in place to handle division of labor (as well as proper crediting) for business and export promotion activities undertaken by State in those embassies and consulates where the Department of Commerce has no presence.

After the 9/11 attacks, when clear distinctions between “peacetime” and “wartime” activities became blurred, an MOA was drawn up between the Departments of Defense and Homeland Security (DHS) to facilitate how the Coast Guard, a military service (in time of war) but part of the Department of Homeland Security in peacetime, would be best positioned to carry out so-called maritime homeland defense (MHLD) missions. It created a standing DoD/DHS working relationship and laid down the procedures for an operational command-and-control construct for conducting MHLD missions under the authority and command of DoD—how the Coast Guard, Northern Command (NORTHCOM), and Pacific Command would work together. For this construct to be activated, an activity would have to be designated an MHLD mission; Coast Guard operations that were not so designated would not trigger the MOA and in such matters the Coast Guard would remain under DHS control, not under DoD’s supervision. The MOA also made it clear, however, that the creation of an MHLD command-and-control structure would not “impose programming or budgeting obligations on either Department.”

 Probably the most famous example of internal agreements between departments or services that impact national security is the so-called Key West agreement of 1948, reached between the Departments of the Army, Navy, and Air Force. It provided for a delineation of the air mission
as follows: The Air Force would be given control of all strategic air assets and expected to handle most of the logistical and tactical missions, including close air support. The Navy was allowed to retain an aviation capability in order “to conduct air operations as necessary for the accomplishment of objectives in a naval campaign”—in other words, if an air mission were part of a larger naval operation, the “sea services” (the Navy and the Marine Corps) could keep their own air assets. The Army agreed to forgo its own air wing with the exception of aircraft used for reconnaissance and medical evacuation. The Key West agreement was modified by a memorandum of understanding signed on November 4, 1952, by Army Secretary Frank Pace and Air Force Secretary Thomas K. Finletter. The MOU removed any restrictions on missions that could be carried out by Army helicopters—which could be used for combat and transport missions—but prohibited the Army from owning and operating fixed-wing aircraft above the five-thousand-pound limit, thus requiring that the Air Force would have to be utilized to provide air cover in ground combat situations.

Finally, authority can be provided to a government organization by orders that are issued below the presidential level. These are binding because either (1) they concern matters for which the president has already delegated authority, or (2) they implement courses of action that the president (or the president’s designated agent) has already approved. Examples in the military arena include a “warning order” (WARNORD)—a preliminary notification of a forthcoming mission, describing the situation, allocating funds and resources, and setting out relevant command relationships; a “planning order” (PLANORD), which provides planning guidance before a final decision is taken by the relevant authority; an “alert order” (ALERTORD), which is a crisis-planning directive issued by the Secretary of Defense via the Chairman of the Joint Chiefs; or an “execute order” (EXORD), which sets into motion plans once a decision has been made, issued by the chairman at the direction of the Secretary of Defense after having been so instructed by the president.36

Just as the Constitution does not need to spell out the structure of the Department of Defense for that structure to be legal, the president does not have to set up structures and processes for the executive departments personally. Having received general presidential direction concerning desired policy outcomes, lower-level officials can use the authority of the executive branch to create the organizations needed to implement policy directives. For instance, Joint Task Force (JTF) North was set up in 2004 to employ military assets in support of both counterdrug and counterterrorism missions in the U.S. NORTHCOM area of responsibility. This organization succeeded Joint Task Force Six, which had been created as an anti–drug smuggling mission in 1980. The justification for both JTFs was the judgment that the military had not only the capabilities to detect and interdict the movement of ships and aircraft prior to reaching U.S. territory but also jurisdiction to do so.37 The creation of the JTF was a flexible response to an emerging and changing situation that did not require new laws, a change to the U.S. Code, or the detailed interventions of senior leaders. It demonstrates how implicit authority enables lower echelons to respond to national security needs. (The chapter’s appendix 3 displays the “can it be done” slide, which helps to visualize this process.)

Setting Priorities, Creating Structure

Whether through the U.S. Code or other policy directives, the government assigns responsibility for the actions necessary for governance—and for the purposes of our discussion,
for ensuring national security—to different government organizations. Over time, the expanding definition of “national security” has meant that a variety of tasks and missions—from alternative energy to women’s health programs—have been assigned to the Department of Defense. It has also broadened the number of federal departments and agencies that have a hand in national and theater security policy (for instance, the Department of Agriculture being tapped to help with drug eradication and crop replacement programs in Afghanistan). Deliberate choices in how Congress funds federal activities can also play a role. Since the Department of Defense has been, in recent years, more likely than other agencies and departments to receive funding, the result has been a “natural temptation” to add additional missions and tasks to DoD’s portfolio—or for other agencies, already strapped for resources, to push additional missions over to a better-resourced DoD. But even though an organization may be authorized to do something, the government, in practice, rarely possesses and controls sufficient resources to fund everything fully. Organizations, therefore, seek to generate influence within the government to support and sustain their existence by setting out priorities and linking them to the budgetary process, a process described by Morton Halperin and his colleagues. In turn, they then make the case why their priorities and assigned missions are more important than those given to other governmental organizations.

What an organization may prioritize, however, may not in fact be the most pressing national security challenges. In his assessments of the U.S. government’s approach to dealing with the threat of catastrophic terrorism while serving in the Clinton administration as Assistant Secretary of Defense for International Security Policy, for instance, Ashton Carter noted: “The U.S. government did not have a managerial approach (i.e., a framework for bringing responsibility, accountability, and resources together in sharp focus) to deliver a key public good—security in the homeland against catastrophic terrorism.”

Thus, prior to 9/11 the struggle against terrorism did not rise to be a priority of the Department of Defense or State or other departments. The Treasury Department was assigned certain missions related to combating terrorism, but provided with no additional funding or staff. In turn, while the Federal Emergency Management Agency was interested in taking on the response to terrorism as a core mission, it was not given funding or authority. It was only when senior leaders indicated these missions were important and that funding and authority would follow that organizations shifted their priorities.

Setting priorities is how leaders in an organization identify those tasks that are relatively more and less important. The outcome of this process is usually a mission statement. Priority functions and tasks obviously will receive disproportionate resources. In some cases, the high-priority tasks will be designated “core functions” or “organizational essences,” and therefore be assigned greater value and deference within the organization. In addition, those suborganizations responsible for such “core functions” are likely to emerge as the dominant groups within the organization, in some cases developing unique subcultures. The “FY 2004–09 Strategic Plan” adopted by the Department of State identified three core missions for the department—diplomacy, development, and defense—which were then translated into more-concrete policy objectives, including security cooperation, bilateral and multilateral negotiations to end conflicts and create frameworks for closer engagement, spreading democracy, and helping to build up more prosperous societies, under the assumption that a
In assessing any national or theater security operation, a useful paradigm is the formula “authority-responsibility-mission-resources.” Ideally, the same organization will have the legal right and proper authorization to do something (authority), will be held accountable (responsibility), will be tasked to carry out specific actions or policies (mission), and will be provided with the resources needed. In reality, this paradigm may end up being divided. One organization may have the authority, but another one will have the resources, while a third may have the capabilities to carry out the actual mission. They will then have to negotiate among themselves—and with senior leadership and even Congress—how questions of authority, responsibility, mission, and resourcing will be handled and apportioned.

The Washington “mandarin algorithm of power” is often used to summarize an organization’s efforts to gain or reject authorities or missions on the basis of access to resourcing or the apportionment of responsibility. Depicted by the mathematical expression $J = \text{FTEs} + \$, this refers to the legal assignment of authority over a task (J) to a department, agency, or organization, which then paves the way for that organization to obtain employees and personnel assigned for that mission (FTEs) plus resources and budgets ($). An organization that does not want to lose resources may search for additional missions; an organization that does not have enough resources to carry out existing missions may eschew taking on additional responsibilities. The worst outcome is for an organization to be assigned responsibility for a task but not to be provided the resources or authority needed to carry it out. (See Harvey Rishikof and Roger Z. George, “Conclusion: Navigating the Labyrinth of the National Security Enterprise,” in The National Security Enterprise, ed. George and Rishikof, 347.) From a theater security perspective, a more cynical rendering of the algorithm is Ambassador Chas Freeman’s observation: “Threat assessments inflate to fill the policy criteria and agendas of those whose budgets depend on them” (“A Mideast Reality Check,” American Conservative, May 16, 2016).
Similarly, while the initial mission statement may give the organization a sense of which tasks and functions are most valued, priorities can change over time. For example, the initial mission of the Department of Homeland Security upon its creation in January 2003 was “to ensure a homeland that is safe, secure, and resilient against terrorism and other hazards.” For the first several years, preventing another 9/11 disaster was the key focus. However, the perceived inadequacy of the response to Hurricane Katrina in 2005 led critics to claim that the disaster-preparedness component of DHS had been underresourced. DHS still considers terrorism its most pressing threat, but in the aftermath of Katrina as well as the 2010 Deepwater Horizon oil spill in the Gulf of Mexico, the department has striven to balance a robust antiterrorism mission with effective capabilities to respond to both natural and man-made disasters.

If the priorities of different organizations align when multiple organizations are tasked to cooperate on a project, interagency partnership is likely to be effective. The previously cited example of JTF-North is a case in point. JTF-North works well with the Department of Homeland Security because the JTF’s purpose—to protect and defend the homeland—aligns well with DHS priorities. But JTF-North’s mission also aligns well with the DoD mission statement of “providing the military forces” to “protect the security of our country.”

In contrast, good intentions did not prevent problems among the joint interagency task forces assigned to reconstruct Iraq, because different organizations had different priorities. Stewart Patrick has noted that different departments and agencies of the U.S. government have different perspectives concerning what constitutes effective development, especially the trade-off between short-term security needs and longer-term goals of building domestic capability. Moreover, these different perspectives are often codified in how the personnel who belong to that organization will be assessed. A U.S. Army “humanitarian aid” drop in a village or town, designed to engender goodwill among local residents and provide actionable intelligence on insurgents, might run up against the State Department’s emphasis on building up the capabilities of the local government to supply services or undermine a USAID program trying to set up sustainable businesses to provide goods. While all ostensibly on the “same team,” conditions can easily be created for federal employees to be working at cross-purposes.

When national security tasks can be handled by only a few people, informal networks can often overcome these problems. But because national security tasks have grown in complexity, the idea that one government organization can accomplish them alone is unrealistic. Thus, multiple institutions may be created to administer and execute a discrete set of functions and tasks that are assigned through authority.

But even after responsibility is divided among different departments (e.g., overseeing diplomacy to State, control of the currency to the Treasury, responsibility for military affairs to Defense), the complexity of an organization’s functions and tasks often requires the creation of a series of suborganizations responsible for specific details. During this process senior leadership may divide the task into a series of smaller jobs and assign responsibility for these jobs to groups or individuals within the suborganization. This, in turn, can fuel the growth of an organization and make it much more complex in its management. From the modest beginnings of the Department of War during the confederation government during the 1780s—with two full-
One Mission, Multiple Organizations

In an ideal situation, the same organization will be given the authority, responsibility, mission, and funding for a particular national or theater security task. In practice, owing to legislative action, budget allocations, and how the executive branch departments and agencies are structured, these different components might be spread out across what Gordon Adams calls the “institutional diaspora” of the national security system. Counterdrug operations in the Caribbean are a case in point.

Joint Interagency Task Force South (JIATF-South) is a multiservice, multiagency, and international team based in Key West, Florida, that must leverage the different authorities, resources, and assets of its participants to carry out the interdiction mission. Intelligence may be provided from the Drug Enforcement Agency or another law enforcement body; aircraft provided from the Customs and Border Protection agency, the Coast Guard, or the Air Force; and ships assigned from the Coast Guard, the U.S. Navy, or a partner country’s naval forces, with agreements negotiated via the State Department with other countries over procedures for boarding vessels flying their flags and coordination with the Department of Justice if narcotics or illegal activities are discovered. Designation of the counternarcotics mission as a national security problem authorizes the Department of Defense to be involved and to use its assets and funding for the activities of JIATF-South.

The presence of other agencies as part of the task force means that JIATF-South has access to a wide array of legal authorities and funding sources, so that “what one component does not have authority to do, another has.”

Partnering agencies retain operational control of their assets, but JIATF-South is given tactical control over the units that parent agencies furnish (along with the personnel and funds to operate them). JIATF-South operates as a subordinate command to SOUTHCOM, which has tactical command of the assets—until such time as the intercept becomes a law enforcement mission, when the Coast Guard assumes control. This allows the task force to leverage DoD authorities but also deals with the provisions of posse comitatus prohibiting the U.S. military from functioning as a law enforcement agency, by allowing JIATF-South to operate under the mandates and authorities of other U.S. government organizations.

JIATF-South’s directive authority, as Evan Munsing and Christopher J. Lamb point out, “is a mix of top-down congressional and executive branch mandates and negotiated outcomes.” In accepting its structure, SOUTHCOM, the Coast Guard, and other participating agencies recognize that “each agency has a set of organizational competencies that should be respected and leveraged,” while the task force leadership acknowledges that “each group has particular procedures that need to be respected and integrated” if the mission is to be successful.


time civilian employees and one regiment—the DoD today encompasses more than 2 million full-time civilian and military employees.
One of the most basic divisions within the national security enterprise—a division most evident in the organizational charts for the Office of the Secretary of Defense (OSD), the State Department, and the Agency for International Development—is on the basis of geographic versus functional criteria. Thus, within the same organization, there are those who concentrate on being generalists—handling a wide variety of issues—for a specific region of the world, and those who have responsibility for a specific set of functional issues but with a global remit. Arms control matters, for instance, may be handled, in part, by the arms control bureau at the State Department and the functional part of OSD with responsibility for such matters, but the “Russia hands” in OSD and State will also have input and oversight of such matters, since the arms control agenda remains a key part of the United States–Russia relationship.

Within the national security enterprise, different formats can be employed by different agencies and departments. Organizations where a small number of personnel must be responsible for a broad number of issues, as sometimes occurs in parts of the intelligence community and on the staff attached to the National Security Council in the White House, might rely less on a formal hierarchical system with clearly defined roles, delineated areas of responsibilities, and lines of communication and authority. Recognizing differences in structure across different organizations is increasingly becoming important to forging successful interagency working teams. The interagency process will be discussed in greater detail later in the subcourse, but “understanding the cultural differences of the representative agencies and how these differences contribute to the unique positions around the table is quite important,” particularly in understanding possible “right and left” limits in what staff from other agencies can or cannot support.

When faced with the complexity that is the U.S. national security apparatus, particularly when it comes to theater security issues, it can be tempting to recommend a “cut through the bureaucracy” solution—appointing a “czar,” mandating agencies to share funds and personnel, or promoting a major reorganization. The problem is whether these solutions can be done within the framework of U.S. law and existing authorities. James Dobbins, a longtime

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J-Codes and Organizational Complexity

The principle that an organization may parcel out specific tasks and responsibilities to suborganizations is the guiding inspiration behind the creation of the “numbered staff” system found in many military organizations. At European Command, for instance, the staff is subdivided as follows:

- J1 — Manpower, Personnel and Administration
- J2 — Intelligence
- J3 — European Command Plans and Operations Center
- J4 — Logistics
- J5/8 — Policy, Strategy, Partnering and Capabilities
- J6 — C4/Cyber
- J7 — Exercises and Assessments
- J9 — Interagency Partnering
American diplomat and senior official (who most recently served as the czar for Afghanistan and Pakistan issues in the Obama administration), sums up the problem of coordination between various elements of the U.S. government in pursuit of common theater security objectives as follows: “Issues of this nature can seldom be resolved in the field, no matter what’s delegated to a local supreme authority, for no local proconsul can exercise real control over anyone’s budget except his own. Indeed, only with great difficulty can these funding disputes be overcome in Washington. The President has sufficient authority to adjudicate policy differences among the agencies, but even he cannot normally shift money from one department to another, nor can he compel agencies to perform activities for which they lack congressional authorization.” 

Concluding Points

The Department of Defense was created to assist the president in carrying out his or her functions as commander in chief (as laid out in relevant portions of Title 10, subtitle A, part I). This is understood to mean that DoD is meant to supervise all U.S. government functions that broadly deal with national security and the armed forces. Yet the definition of national security encompasses much more than military force. There is instead a recognition that “all instruments of national power”—not only the country’s military assets, but its economic, diplomatic, and informational tools of power—are essential for success. The so-called DIME framework, focusing on those tools, has begun to give way to the “3D” approach: the conceptualization of the premier tasks of national security as being those of defense, diplomacy, and development, a characterization endorsed by both Secretary of State Hillary Clinton and former Central Command commander General Anthony Zinni.

Yet the DIME framework and 3D approach do not automatically define “what each department’s role and responsibilities are . . . [or] how the 3D activities will be funded.” The assumption that defense “activities funded by the Department of Defense (DoD) will be run by DoD, [diplomatic] activities funded by the Department of State (DoS) by DoS, and those [developmental activities] funded by US Agency for International Development (USAID) run by USAID” does not hold true. Instead, “DoD and USAID execute many activities funded through DoS, and DoS, through Section 1207, executes activities funded by DoD. Additionally, the Department of Justice executes activities funded by State and others—it is much more complex than merely funding streams.” The intelligence mission is subdivided among sixteen different agencies, some of which are part of DoD, State, or the Treasury. In addition, other agencies and departments may have pieces of the 3D mission. (These themes will be developed in greater detail in a subsequent session, looking more specifically at some of the key staffs and organizations that handle theater security issues within both the Department of Defense and other parts of the federal government—and how they coordinate [or fail to do so] to develop and execute theater security policy.)
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APPENDIX I: SELECTED KEY ACTIONS CREATING THE MODERN NATIONAL SECURITY SYSTEM OF THE UNITED STATES

1946 Foreign Service Act: lays the basis for the structure of postwar U.S. diplomacy

December 1946: President Truman approves creation of geographic military commands

1947 National Security Act:

- Merges the Departments of War and the Navy into the National Military Establishment and creates a separate department for the Air Force
- Creates the Joint Chiefs of Staff (JCS)
- Retains the World War II combatant command system to conduct joint operations in specific theaters of operation
- Designates force structure development and preparation of budgets as under the control of the services
- Establishes the National Security Council with statutory members (including the vice president) to advise the president on foreign and defense policy and to promote cooperation within the executive branch; also gives the president the authority to invite others to be seated as members of the NSC
- Authorizes the NSC to have an “executive secretary” and a staff to coordinate its activities
- Creates the Central Intelligence Agency

March 1948: creation of Caribbean Command, the precursor to Southern Command (SOUTHCOM)

August 1949: amendments to the 1947 act and other steps taken by President Truman

- National Military Establishment formally renamed and constituted as the Department of Defense
- Service secretaries subordinated to the Secretary of Defense
- Position of Chairman of the Joint Chiefs of Staff created
- JCS made “principal military advisors” to the NSC
- NSC staff officially placed within the Executive Office of the President (to signal that they work for the president rather than departments)

August 1952: creation of European Command

October 1952: creation of the National Security Agency by executive order
March 1953: creation by executive action of position of “special advisor to the President for national security affairs” (national security adviser), who assumes the statutory functions of the “executive secretary” of the NSC

Presidential Reorganization Plan, June 1953:

- Chairman of the JCS approves Joint Staff appointments and manages work of Joint Staff and its director
- JCS removed from “executive agent status”; deliberately removed from the day-to-day supervision of the geographic combatant commands

1958 Defense Reorganization Act:

- Vice chiefs of staff created
- JCS chair allowed to cast his or her own vote in deliberations but still mandated to act “on behalf of” the JCS as a whole
- Military departments removed as “executive agents”; establishes the chain of command from the president to the Secretary of Defense to the combatant commands (via the JCS)
- Service responsibility for the planning and execution of separate land, sea, and air operations ended in favor of joint operations

Foreign Assistance Act of 1961:

- Alleviation of poverty around the world and promotion of economic development deemed to be national security goals of the United States
- An agency authorized to be created under the policy guidance of the Secretary of State to coordinate all development assistance (the United States Agency for International Development, set up by executive order by President John F. Kennedy on November 3, 1961)

National Security Action Memorandum 341, March 1966: assigns the Secretary of State responsibility for the overall direction, coordination, and supervision of all U.S. government activity abroad excluding military action

International Emergency Economic Powers Act, 1977: authorizes the president to declare the existence of an “unusual and extraordinary threat . . . to the national security, foreign policy, or economy of the United States” that originates “in whole or substantial part outside the United States” and to block financial transactions and/or freeze assets of states and entities, usually under the direction of the Department of the Treasury

March 1980: President Jimmy Carter creates the Rapid Deployment Joint Task Force, which is stood up as Central Command in October 1983

1986 Goldwater-Nichols Act:
• JCS chair made the principal military adviser to the president; he or she no longer must
reflect a consensus JCS view; other chiefs are free to offer their perspectives to the
president when requested
• JCS chair now required to provide to the Secretary of Defense advice on the
requirements, program, and budget priorities of the combatant commanders
• Vice chair of JCS created
• Joint service now required for promotion (with some proviso for waivers)
• Size of Joint Staff increased to 1,627 officers
• JCS chair explicitly noted not to have authority to exercise military command over the
Joint Chiefs of Staff or any of the armed forces
• Greater authority granted to combatant commanders, while service chiefs’ mission
explicitly focused on “organizing, training, and equipping” forces
• Need for greater jointness in procurement emphasized
• President mandated to issue a National Security Strategy

Foreign Affairs Reform and Restructuring Act of 1998:
• Dissolves the United States Arms Control and Disarmament Agency and the United
States Information Agency (USIA) and mandates that missions and staffs be integrated
into divisions within the State Department
• Mandates that the United States Agency for International Development remain a
separate government agency but requires that its administrator report directly to the
Secretary of State instead of the president
• Separates the Broadcasting Board of Governors as a separate federal entity to control
Voice of America and other international broadcasters formerly under USIA

Revision of Unified Command Plan, April 25, 2002: creates NORTHCOM

• Establishes the Department of Homeland Security and transfers a series of agencies and
organizations, including the Coast Guard and the Federal Emergency Management
Agency, from other executive branch departments to DHS
• Creates a Homeland Security Council (HSC) to advise the president (the HSC staff is
merged with the NSC staff in 2009)

The Intelligence Reform and Terrorism Prevention Act of 2004:
• Establishes a director of national intelligence to oversee the U.S. intelligence
community and to serve as the principal intelligence adviser to the president
• Creates a National Counterterrorism Center, a National Counter Proliferation Center,
and National Intelligence Centers
• Sets up a Joint Intelligence Community Council to assist the DNI in setting intelligence priorities

October 1, 2007: Africa Command established

2011: Unified Command Plan directs NORTHCOM to be responsible for developing Arctic capabilities
APPENDIX II: THUMBNAIL SKETCHES OF THE PRINCIPAL PARTS
OF THE U.S. NATIONAL SECURITY ESTABLISHMENT

Department of Defense

Legal authority: contained in Title 10 of the U.S. Code

Secretary: principal assistant and adviser to the president in all matters related to the military and national security and the chief executive officer of the Department of Defense

Key subdivisions:

- Office of the Secretary of Defense
  This is the staff assigned to assist the secretary in the formulation of policy options, management of resources, and interfacing with other parts of the U.S. government and with foreign governments. OSD has offices based both on geographic criteria and on functional criteria.

- The Military Departments
  The United States Department of the Army, the United States Department of the Navy, and the United States Department of the Air Force are charged with the mission of raising, training, and equipping the armed forces of the United States.

- The Joint Staff
  The Joint Staff is charged with preparing plans and options and assisting the chiefs in their capacity as military advisers to the president and the National Security Council as well as the service chiefs’ responsibilities for training and equipping forces.

- Combatant Commands
  Combatant commands are composed of personnel from at least two of the military departments who are charged with carrying out an ongoing, persistent set of missions defined either in geographic or in functional terms. Combatant commands are charged with managing any military operation undertaken by the Department of Defense.

- Agencies
  The Department of Defense maintains a number of agencies to carry out specialized tasks and functions, including procurement, research and development, personnel management, and intelligence matters. There are four principal DoD intelligence agencies: the Defense Intelligence Agency, the National Security Agency, the National Geospatial-Intelligence Agency, and the National Reconnaissance Office.
Department of State

Legal authority: contained in Title 22 of the U.S. Code

Secretary: principal adviser to the president on the international relations of the United States and the chief diplomat of the United States

The State Department has bureaus, under the supervision of the Under Secretary of State for Political Affairs, charged with coordinating U.S. diplomatic efforts around the world. These bureaus are organized on a geographic basis (e.g., East Asian and Pacific Affairs, Near Eastern Affairs). Other bureaus are set up to manage particular functional issues—arms control, human rights, counterterrorism, environmental issues, etc.

U.S. Agency for International Development

Legal authority: contained in Title 22 of the U.S. Code

Administrator: in charge of overseeing the development programs of the U.S. government and disbursement of aid and grants

USAID is organized on the basis of both geographic bureaus and functional issues.

Department of the Treasury

Legal authority: contained in Title 31 of the U.S. Code, also elements in Title 12 (on banking) and Title 19 (on trade)

Secretary: principal financial officer of the U.S. government and adviser on financial and economic matters

Relevant “national security” sections: those dealing with international financial, monetary, economic, trade, and tax policy; enforcement of U.S. sanctions

Department of Commerce

Legal authority: contained in Title 15 of the U.S. Code

Secretary: responsible for the promotion of U.S. business and trade both within the country and with other states

Principal “national security” function: the Under Secretary of Commerce for International Trade is the principal adviser to the secretary on U.S. imports and exports and is head of the International Trade Administration

Director of National Intelligence

Legal authority: contained in Title 50 of the U.S. Code
Director: principal intelligence adviser to the president and the National Security Council and charged with “coordinating” the sixteen agencies that form the U.S. Intelligence Community; the Intelligence Community contains agencies that are part of the military services and the Departments of Defense, State, the Treasury, and Justice, as well as a stand-alone agency, the Central Intelligence Agency.

Central Intelligence Agency

Legal authority: contained in Title 50 of the U.S. Code

Director: responsible for carrying out the missions of intelligence collection and analysis and carrying out those covert actions directed by the president and for managing the operations of the agency.

CIA is divided into directorates for analysis and directorates for operations, organized on both functional and geographic bases.

Department of Homeland Security

Legal authority: contained in Title 6 of the U.S. Code

Secretary: principal adviser to the president on matters of homeland security and manager of the civilian agencies tasked with homeland security missions.

DHS, in contrast to the Department of Defense, is authorized to protect the United States within, at, and outside its borders via civilian and law enforcement agencies, with a primary mission to anticipate, prevent, and mitigate domestic emergencies.

Note: the Coast Guard in peacetime is a law enforcement agency under DHS; under conditions of war, it falls under the Department of the Navy.
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Is it possible also to work through partners in other countries who can take on a mission on behalf of the United States?


12. Ibid.

13. This is a point that Max Weber observed, that “authority” also expresses a division of labor within government through the assignment of specific duties to suborganizations within government. Weber, *The Theory of Social and Economic Organization*, 330.


15. Congress laid out definitions of what constitutes “development assistance” in the Foreign Assistance Act of 1961, which, as amended through the years, serves as the standard for the U.S. government.


22. As CBS News later reported, the administration “got around the long-time ban on government assassinations by coming up with a so-called ‘self-defense exception.’ The idea is that lethal force could be used against someone who either poses an imminent threat on U.S. national security or personnel, or has attacked U.S. interests in the past and is deemed likely to do so again.” “Report: Clinton Targeted Bin Laden,” *CBSNews*, September 16, 2001, http://www.cbsnews.com/stories/2001/09/16/national/main311490.shtml.


26. Ibid., 17.


29. Daniel Pipes, who served on the Policy Planning Staff at the State Department during the Reagan administration, has noted how seemingly offhand comments made by the president at a press conference did impact the policy process. While acknowledging the ability of departments and subordinates to “shade” or to define the comments, he also noted, “You can’t say no, this is really not policy.” Comments in “Retreat from Beirut,” a special produced by Sherry Jones and Nancy Sloss for *Frontline* and aired on the PBS network on February 26, 1985.


34. See the report of the State Department’s inspector general, “The Department of State’s Role in the Promotion of U.S. Business Interests Abroad,” Report Number ISP-I-07-22 (March 2007).


37. See the statement of U.S. Northern Command at http://www.jtfn.northcom.mil/subpages/mission.html: “Joint Task Force North supports Drug Law Enforcement Agencies in the conduct of Counter Drug/Counter Narco-Terrorism operations in the USNORTHCOM area of responsibility to disrupt trans-national criminal organizations and deter their freedom of action in order to protect the homeland.”


42. Ibid., 20–23.

43. Halperin and Clapp, Bureaucratic Politics and Foreign Policy, 27.


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At the apex of the U.S. theater security pyramid sits the president. Every ambassador functions as the president’s personal representative to the respective country or organization, while the 1986 Goldwater-Nichols legislation established the chain of command for the geographic and functional combatant commanders as running directly from the president (via the Secretary of Defense) to the commanders. Every theater security policy occurs in the name of and, in theory, at the pleasure of the president.

Iranian diplomats engaged in talks with U.S. representatives over the nuclear issue had the centrality of the president’s role in American national security policy impressed on them during the months of negotiations, especially in 2015. Members of Congress might influence the process, but they were not the decision makers. U.S. officials—even up to the Secretary of State—ultimately had no authority to commit the United States to any provision or agreement. At the same time, nor could any official cast a veto over the process once the president had signaled his acceptance. In the final reckoning, there was a constituency of one—the president—who would make the final decision to agree or not agree to the provisions of the Joint Comprehensive Plan of Action.

Writing for the majority in the 1936 Supreme Court decision United States v. Curtiss-Wright Export Co., Justice George Sutherland, in reaffirming the primacy of the president in setting U.S. foreign and defense policy, wrote: “It is important to bear in mind that we are here dealing not alone with an authority vested in the President by an exertion of legislative power, but with such an authority plus the very delicate, plenary, and exclusive power of the President as the sole organ of the federal government in international relations” (emphasis added).

Note here that Sutherland speaks of the president, not the presidency. Ultimately, all policy decision making rests with a single person, in whom the executive power of the U.S. federal government is vested. This means that all executive decisions, in foreign policy and in any other matters, come from a single human being rather than a committee.

The founders wrestled with this question. At the Constitutional Convention, Benjamin Franklin proposed a collective solution, having the executive authority be exercised by a board.
or committee, so that functions could be divided among several individuals, but the concern
(almost immediately proven in practice by the experience of the Directory in the French
Revolution) was that running the executive branch by committee would be inefficient and
counterproductive. “Unity” in the executive, according to Alexander Hamilton, was critical,
especially in times of war. Hamilton, like the other veterans of the American Revolution who
drafted the Constitution, had personally experienced the near-disastrous effects of conducting
“war by committee” during the Revolution. On the other hand, men who had just escaped the
rule of a monarch were of no mind to replicate a king in their midst. They compromised in
1787 by vesting executive power in one person—but then creating limited terms of office for
the chief executive.

Because there is no collective presidency—or a separate presidency for foreign affairs—it means
that, in theory, all decisions flow from the president. So, when it comes to any theater security
issue, any chief executive has three broad responses: the president can personally engage the
matter, ignore it, or delegate responsibility for it to others.

With regard to the first option, any individual, no matter how talented, can only handle a
limited number of items at any given time. Time and cognitive ability are limited, no matter
how adept the decision maker. As Ben Heineman points out, “a president can have only five to
10 top priorities on which he makes virtually all decisions. He can set general direction for
perhaps 25 secondary priorities.” Even with the assistance of a team of aides and with an
immense White House office support structure, the president and the White House staff do
not have the time or collective expertise to deal with all of the pressing international issues that
deserve the United States’ attention, much less think about long-term challenges and
opportunities,” as one scholar who interviewed a number of senior-level practitioners
concluded. If a president chooses to devote personal attention to a particular issue, crisis, or
country, other questions will not receive his or her personal attention or supervision. As a
result, presidents are forced to accept that they can be personally and directly involved only on
“a limited number of major decisions.” In turn, other countries assess their standing vis-à-vis
the United States by whether they merit direct presidential attention and supervision.

In practice, as former Obama administration national security adviser James Jones has noted,
any president setting up a national security decision-making system will need to have in place a
process to “line up the strategic issues . . . in order of priority.” There must also be a way to
determine whether a matter needs to be brought personally to the president for resolution,
since “not everything has to go to the president for a decision,” while at the same time ensuring
a high degree of fidelity “with the president’s wishes” in terms of policy outcomes.

This can be a very tricky balancing act. On the one hand, the president needs to focus on the big
picture when it comes to U.S. national security, not get lost in the shrubs by devoting time and
attention to details that are best handled by lower-level personnel. As Jones argues, “we don’t
want to be talking about wasting people’s time coming around the table on an issue that is
secondary to another issue that’s much more important.”

On the other hand, presidents may fear losing control over their own foreign and defense
policies if they cannot assume personal supervision over the process—that statements and
instructions will be ignored by “the sprawling bureaucracies charged with carrying out the
president’s policies.”10 In turn, as Derek Chollet, who served in the Obama administration on the State Department Policy Planning Staff and as an Assistant Secretary of Defense as well as a National Security Council (NSC) staffer, has pointed out, the president and his immediate circle shift back and forth between two poles when it comes to managing the national security bureaucracy, “believing it is doing too much and going beyond what the president has decided, or that it is doing too little and not fulfilling what the president wants done.”11

Chollet’s observations are echoed by the research that has been done by foreign policy analysis scholars (as noted in chapter 1). For instance, Jerel Rosati has put forward the notion of a spectrum of dominance—that the president (as an individual) would dominate in the policy process when the issue was of particular importance to him or her, and that the bureaucracy would tend to set the agenda when an issue was more routine or did not rise to the level of presidential attention.12

On some issues, therefore, a president may not have enough time or energy to devote to the problem, but might also not wish to lose control over policy and thus will not want any other part of the U.S. government to move forward on that matter. In some cases, a president may accept that he or she cannot devote personal attention to a problem, but will want to have reassurances that the matter is being handled by trusted associates or personnel who understand and internalize the president’s vision and preferences.

In other cases, a president may show little personal interest in the matter at hand and be comfortable with having the issue worked on at lower levels. A president always has the option to delegate responsibility for any particular national or theater security issue to others. The president can choose to pass on oversight and responsibility to the bureaucracy, or can opt for what is termed by Robert Durant and Paul Diehl a “counterbureaucratic” solution—that is, by assigning policy-making functions to units within the White House staff rather than the permanent departments and agencies of the executive branch.13 The “counterbureaucratic” approach has steadily gained in popularity since the Second World War, since the presidential staff, in theory, can coordinate policy across the government, and thus not be captured by any one agency’s or department’s interests, instead focusing on what the president wants to achieve.14 Thus, a president and his staff can “take policy control over some issues, while allowing State, Defense, Justice, Commerce or Homeland Security to be the lead agency on most national security and foreign policy issues.”15

The risk, however, is that if the president does not devote attention to an issue—or has explicitly designated someone else as acting on his or her behalf and with his or her full confidence—policy can languish. Susan Rice, who served as President Obama’s national security adviser during his second term, has complained that on some theater security issues, action “wasn’t working until we sucked it into the White House and the president put his personal muscle behind it.”16 A consistent complaint from both regional leaders and U.S. experts with regard to U.S. policy toward Latin America, for example, is that the president “doesn’t have time to focus on it, and the assistant secretaries don’t have the authority to make fundamental changes.”17

A competing risk is that a president can attempt to micromanage policy to such an extent that other issues are left unaddressed and lower levels of the national security bureaucracy are not
empowered to manage other issues. As Chollet admits: “The White House does not have the capacity, or often the expertise, to oversee everything, despite the compelling incentives to do so. There are numerous examples of the White House over-steering the process, allowing small details to overwhelm the big picture and getting too involved in decisions it would have been better off staying out of.”

For the student of national security affairs, it is often frustrating to realize that there is no particular rhyme or reason—and certainly no constitutional or statutory requirements—for how the president apportions responsibility for different security matters, at the theater level or anywhere else, or for how the security agenda in general is structured and prioritized. The president is free to determine which issues over which he or she will take personal control and which ones will be delegated to advisers, staff, or the personnel of the various executive departments and agencies.

Moreover, the president is free at any point to focus on any issue and to take immediate, operational control of the situation—as President Obama has done with the campaign to utilize remotely piloted vehicles to target terrorists. There is nothing to prevent any president from deciding to assume personal command over any issue that catches his or her fancy. Nor is there any statute of limitations or irreversibility on a president’s decision. Presidents can decide to return to, or intervene in, any ongoing issue that has been already worked on by lower levels of government at any point as the administration progresses, especially if they are not satisfied with how officials under them have been handling the matter.

This freedom to intervene at any level, or at any point in the process, has been enhanced by technological changes and the evolution of the White House Situation Room as a central command center. Through the Situation Room, the White House can reach out directly to any diplomatic post or military unit, which means that information—even tactical and operational details—can flow directly back to the president without the need for the agencies or departments to act as filters or conduits. In addition, the White House can now connect directly with on-the-ground actors and intermediate-level officials without having to route via the senior leadership of a department, agency, or service.

In addition, presidents have complete freedom to determine how they want to set up the national security apparatus within the White House, including how issues are brought to presidential attention. Presidents, of course, have differing management styles and different approaches to politics and interpersonal relations, all of which have an impact on how the White House operation is structured and set up. But all administrations develop recurrent patterns of how issues reach the president. These patterns, based mostly on the preference of the individual president, include the range of analysis and advice that will be presented, whose advice is most valued on what subjects, and what roles senior officials play vis-à-vis the president and one another.

For example, a president may want to be presented with a single, consensus option from his staff, and consequently will dislike observing confrontation among key advisers and principals. Another may wish for active debate and disagreement and to be presented with multiple, even conflicting, courses of action. A president must also decide the level of formality in the decision process and how advisers and cabinet principals will interact with each other and with
the president. The one constant in all this is that if the chief executive does not demand a cohesive process, such a process will not emerge on its own.27

Professor I. M. Destler, a longtime observer of the U.S. national security process, identifies a number of key variables that help to determine how any given president will handle the questions of prioritization and delegation of theater security issues:

- Does the president have a particularly good understanding of the various factors (social, organizational, cultural, operational, etc.) that can impact decision making within the national security apparatus?
- How much does the president favor formality and regularity in the flow of analysis and advice?
- How much does the president want strong leaders in major positions?
- How do principal advisers work out their own particular roles, jurisdictional boundaries, and relationships with one another?
- How widely does the president want to cast a net for advice?
- How broad a substantive involvement does a president seek personally?
- What is the president’s attitude toward divided counsel and toward interpersonal disputes?
- How much does the president seek operational involvement?28

These questions help to explain the variations that have been observed between different administrations, especially the degree to which policy is centralized in the White House, how much different parts of the national security enterprise are turned over to presidential “vicars” to oversee, and so on.29

Much can depend on whether the president, on any given issue, actively relies on his or her own expertise and already has clear policy preferences, or instead wants a variety of perspectives and is searching for information and advice from a wider variety of actors.30 These are not fixed, immutable factors. On some issues, the president may have very clear feelings, opinions, perspectives, and preferences; on others, he or she may be open to different approaches. Since, as Destler notes, “most policy evolves from day-to-day actions at several governmental levels, . . . the advice and support Presidents need in pursuing effective policies over time, as well as the need for the government to act with coherence to achieve consistent impact,” matter a great deal.31

So, how does the president determine which theater security issues will be directly handled from the Oval Office, and particularly will be closely held under the direct supervision of the president? There is no set response to this question, as this depends very much on the individual who occupies the office. A president may enter office with a predisposition based on personal or professional experiences to focus detailed attention on a particular region of the world (Europe, the Asia-Pacific, Latin America, etc.) or to prioritize a particular functional issue (trade, health, human rights, etc.) that he or she believes is critical to U.S. national security or American prosperity. A president may also want to concentrate effort and energy to produce a major shift in U.S. policy toward a particular country. Presidents may also have signature
initiatives over which they wish to retain close control so that these pet issues are not diluted or slow rolled when entrusted to the national security bureaucracy.32

Every president comes into the job with specific ideas and plans for U.S. foreign and defense policy. George W. Bush, for example, took office in 2001 determined to fast-track initiatives to defend the United States against ballistic missile launches from “rogue” nations such as Iran and North Korea, to develop a “special relationship” with Mexico akin to the traditional United States–United Kingdom partnership, to forge a new strategic opening to India, and to spearhead a “President’s Emergency Plan for AIDS Relief,” particularly in relationship to the countries of sub-Saharan Africa. Bush’s preferred agenda for foreign policy grew out of the consultations he had with his advisers, the “Vulcans” (named by Bush’s campaign foreign policy adviser Condoleezza Rice after the statue of Vulcan in Birmingham, Alabama, her hometown). His experience as governor of Texas, as well as his perspectives on Latin America, along with his personal philosophies such as his embrace of “compassionate conservatism,” also played a role in shaping his foreign policy preferences and perspectives.33

Barack Obama entered office determined to decrease reliance on major military operations in favor of a light footprint, and to put greater emphasis on multilateralism.34 He believed he had a mandate to wind down the wars in the Middle East, and wanted to rebalance U.S. attention and priorities toward the Asia-Pacific. In addition, he was interested in securing diplomatic breakthroughs on two particular stubborn issues that had bedeviled his predecessors—the Iranian nuclear program and restoring diplomatic relations with Cuba—and to pursue a major accord that would deal with climate change.35

Donald Trump announced his intention to reorient American foreign and defense policies around an “America First paradigm” that would subject existing alliance and trade commitments to review to assess costs and benefits for the United States and would likely result in reduced American interventions overseas. He also indicated that he would make trade and border security central organizing principles of his administration.36

Presidential priorities may run up against preexisting institutional priorities and thus create some tension as departments, agencies, or senior advisers attempt to persuade the chief executive to abandon or downgrade some of his or her agenda items to take up other matters. In the first months of 2001, as is evident in this course’s 9/11 case, the Bush team’s initial focus on missile defense was criticized by those within the government who argued—unsuccesfully—that it took attention away from a more pressing and immediate threat of an al Qaeda attack within the U.S. homeland.37

Likewise, during the Obama administration, Central and Eastern European leaders—and their advocates within the Departments of State and Defense—criticized the proposed Obama “rebalance” toward Asia as a risky undertaking, concerned that Russia might seek to expand its influence in the area, predictions that were seemingly validated after the Ukrainian crisis flared in 2014.38 Interestingly, both Presidents Bush and Obama worked from the same assumption, that European security was assured, to divert American resources and attention, first to the Middle East under Bush, then to the Asia-Pacific region under Obama.39
In other cases, incoming presidents may embrace the priorities and programs of their predecessors upon taking office, particularly if they are led to understand that campaign promises are not in fact realizable. For instance, key elements of U.S. policy toward Iraq and India that were formulated during the Bush administration were continued in place by the Obama team.\footnote{40}

At the same time, any president’s ability to insist on sticking to his or her preferred agenda will be unavoidably affected by the course of events. After all, foreign policy tends “to be more sporadic, episodic, and unanticipated given this domain’s propensity for wild card events such as military coups, terrorist acts, and natural disasters.”\footnote{41} In fact, presidents tend to be “besieged” by foreign policy crises, both natural disasters and human-created catastrophes.\footnote{42} The 9/11 attacks diverted the attention of President Bush away from his proposals to concentrate on U.S. relationships with the rest of the Western Hemisphere in favor of a much greater focus on the Middle East than his campaign platform had indicated. The “Arab Spring,” the wars in Libya and Syria, and the Russian annexation of Crimea and destabilization of Ukraine have all worked to limit the Obama rebalance to Asia and forced the president to pivot attention and resources back to the Middle East and Europe.

Often, a crisis develops from an unexpected area, one not anticipated by a president or his or her team that will still require a concerted U.S. response.\footnote{43} As Susan Rice has noted, in discussing the Obama agenda in the second term: “If you look at where we started in 2014, we had no Ukraine and Russia, no Ebola, and no ISIL [Islamic State in Iraq and the Levant]. . . . In each of those instances of unforeseen crisis, on top of the business we were having to do anyway,” the administration was also required to address these problems.\footnote{44}

Other influences can work to alter the president’s agenda. Often, media coverage—and the resulting “CNN effect”—can be a key driver for pushing something onto the president’s desk. Libya, for instance, was being handled at lower levels in the U.S. national security bureaucracy until a rebellion against the rule of Muammar Gadhafi broke out in spring 2011 and began to attract significant media attention. Gadhafi subsequently threatened to engage in mass civilian killing against his opponents. This crisis put the Libyan situation on Obama’s personal agenda.\footnote{45}

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**The CNN Effect and the President**

The “CNN effect”—a term introduced by Steven Livingston of George Washington University—is the name given to the way that news coverage, it has been argued, can cause the administration to lose control over foreign policy and to drive policy. Further studies have pushed back against the notion that the media can compel the U.S. government to take action, but senior U.S. officials agree that what appears on screens and in headlines can drive the agenda (and sometimes policy makers themselves will want media coverage to help create support for policy). Publicity from news reports may force an administration to justify its decisions, and often has the most “impact when policy was weakly held, was already in the process of being changed or was lacking public support.” Warren P. Stroebel, “The CNN Effect,” *American Journalism Review*, May 1996, available at http://ajrarchive.org/Article.asp?id=3572.
Groups and individuals who have access to the president—advocacy groups, personal friends, experts brought in to advise the White House—can also ask the White House to take up their concerns. Likewise, Congress can affect how matters important to its members gain attention in the Oval Office, sometimes by passing legislation but in other cases by trading support on unrelated issues that may matter more to the administration. Evangelical Christian organizations and their supporters in Congress, for example, were able to get questions such as the civil war in Sudan, as well as more-general issues, such as religious freedom, onto the agenda of the George W. Bush White House.46

In addition, there is also what General Jones referred to as the “global calendar”—the various meetings, summits, and visits involving the administration (including those of the president to other countries as well as of other heads of state and government to Washington).47 There is also a domestic calendar, defined by the U.S. legislative and election cycles, which can affect when issues, and especially budgets, are likely to be addressed.48 Both of these calendars must be synchronized and the president must decide when he or she wishes to pivot from domestic to international questions and under what contexts.49 Despite the power of the office, presidents are not free simply to focus on their preferred issues. Instead, the president must manage an “array of complex crises” while still being able to focus on a “long-term agenda.”50

In terms of “fixed” events that help to define the calendar, the president is generally expected to attend in person the Group of Seven (G-7) and Group of Twenty (G-20) summits, as well as the East Asia Summit, the Nuclear Security Summit, the Summit of the Americas, the North Atlantic Treaty Organization summit, and the Asia-Pacific Economic Cooperation summit, and to deliver an address during the opening sessions of the United Nations General Assembly every September. Not only do these meetings reflect the highest priorities and international commitments of the U.S. government; they are also critically important conclaves of key world leaders. Thus, the president must not only block out the days and times of the actual events but also clear time in his or her schedule to prepare for these meetings.

In addition, the president is expected to undertake a number of bilateral visits to countries all over the world. By April 2016, for example, Barack Obama had visited fifty-three countries since taking office in January 2009, for an average of seven to eight visits per year. At the same time, approximately fifty foreign leaders visit the United States every year, either for bilateral meetings with the president or as part of summits or regional meetings (such as the Africa Partnership).

This means that the president’s daily agenda in terms of theater security matters (foreign and national security issues) is not static and the half-dozen or so main agenda items for any given day will fluctuate on the basis of the sense of crisis and urgency, the demands of the calendar, and the president’s personal interests.51 Some countries, regions, or issues, because of their overarching importance to the United States, will consistently be on the president’s agenda (such as United States–China relations); others will vary on the basis of their relative importance at any given moment. Thus, in one week, Serbia, Myanmar, Colombia, and the question of money laundering may be on the agenda, to be replaced in another week by Australia, Nigeria, Tunisia, and the progress of the Ebola virus, to be replaced in a third week by Bosnia, Costa Rica, Mauritius, and cyber crime.
A presidential administration, over time, develops patterns that indicate the president’s theater security priorities. One way to detect where a president has chosen to focus his or her attention, for example, is to examine the record of executive agreements that the president has concluded with other states. They often reveal a president’s priorities because they can be concluded quickly, tailored to the president’s goals, without the formal involvement of Congress in a treaty.

During President George W. Bush’s second term in office, the “top-ten list” in terms of countries with whom he signed executive agreements was as follows:

- Panama
- Afghanistan
- Russia
- United Kingdom
- Australia
- Japan
- Pakistan
- Colombia
- Canada
- Peru
This mix of countries reflected Bush’s priorities midway through his presidency: improving U.S. ties with the rest of the Western Hemisphere; the demands of the “war on terror” post-9/11, including the combat missions in Iraq and Afghanistan and efforts to fight the prospect of nuclear terrorism; and a pronounced “tilt” in the administration’s focus toward its “Anglosphere partners.”

For President Barack Obama, his prioritized list during his first term consisted of these countries:

- Panama
- Afghanistan
- Japan
- South Korea
- Colombia
- Germany
- Mexico
- China
- Australia
- Liberia
- Canada
- Indonesia

Executive Agreements

Executive agreements are, per the State Department definition, international agreements brought into force between the United States and other governments on a constitutional basis other than with the advice and consent of the Senate, as occurs with treaties. They are concluded on the basis of powers and authorities that the president already enjoys as a matter of law. They are binding on the United States but can be reversed by congressional action or by decisions taken by another president. Most executive agreements concern specific matters pertaining to a U.S. bilateral relationship with another state—clarifying a trade agreement, setting down procedures for military-to-military contacts, etc. Executive agreements also allow presidents to define their priorities with regard to engagement with global and regional institutions and to decide the extent to which the United States may take on new international commitments, a practice David Kaye refers to as “stealth multilateralism.” This allows the president to commit the United States (at least the executive branch) to observe particular treaties or rules of conduct or to become an observer at various international groupings without waiting for Senate approval. Designation of a country as a major non-NATO ally of the United States also takes place via executive agreement. Cf. David Kaye, “Stealth Multilateralism,” *Foreign Affairs* 92, no. 5 (September/October 2013): 113–24.
This list shows the impact of continuity and “unfinished business” from the previous administration (such as finalizing the free-trade pacts with Panama and Colombia, which began under the Bush administration), combined with Obama’s own preferences, including a greater focus on Afghanistan and initiating the rebalance of American attention toward the Asia-Pacific region, as well as the emergence of a close working relationship and friendship between Obama and German chancellor Angela Merkel. This comparison helps to illustrate the points of continuity between administrations in terms of both what takes up the personal attention of the president and areas of evident divergence.

Even with a clear agenda, foreign policy by its nature is fast flowing, and new and pressing matters may arise without warning. This means that one of the greatest risks that any president runs is to give a particular theater security issue as much attention as the schedule permits before moving on to tackle other problems crowding his or her in-box—but before a problem has been adequately resolved. On the other hand, if too much presidential attention is devoted to a particular topic, other, equally pressing matters may begin to suffer from a lack of attention.

For example, a senior Obama administration official noted in 2015 that because of the priority assigned to Middle Eastern problems—finalizing the Iran nuclear deal and dealing with the war in Syria and the fight against ISIL among them—“more than 80 percent of Obama administration NSC meetings [that is, the meetings between the president and the principals, including the Secretaries of State and Defense] were devoted to the Middle East.” Less presidential attention, therefore, was available for addressing the ongoing crisis in Ukraine, responding to Russian provocations in other parts of Europe, or focusing on the details needed to implement the Asia pivot, despite their importance.

On the other hand, presidents are under pressure to get things done and to move on. President Obama, in a 2009 meeting with the Joint Chiefs of Staff, used the analogy of a driver in a hurry in search of parking, who needs to take the first open available space, rather than circling the area searching for the optimal place to park the car. Often, when an immediate crisis has passed, a particular country or issue may simply drop off the presidential agenda. In theory, the hope is that the matter will not be ignored, but instead be managed and supervised by lower echelons of the executive branch, in accordance with the tone or direction that was set when the question enjoyed higher visibility.

Nevertheless, a perennial criticism on the part of African leaders, for example, is how U.S. presidents may offer stirring rhetoric and promises of help, “with little or no action to back their words up.” African issues may rise to the top of the presidential agenda only when visits of African heads of state to Washington or presidential forays to the continent occur, and then just as quickly fall off the list of priorities—and are not picked up by those with the authority to ensure action.

Sometimes a president may hope that a phone call, speech, or bilateral meeting will be sufficient to resolve a problem or get a relationship back on track, and that further direct presidential involvement will not be needed. However, observing the deterioration that occurred in United States–Turkey relations in 2015–16, Julie Smith, a senior fellow at the Center for a New American Security and a former adviser to Vice President Joe Biden on Turkey,
concluded: “The president will need more than a few days of targeted engagement if he has hopes of putting the bilateral relationship back on track.”

The trick is to take limited presidential time and attention and to maximize their effect. The progress of United States–Malaysia relations during the Obama administration demonstrates how the president’s personal involvement can be best leveraged to achieve results. Long-standing cooperation in security matters, particularly the military-to-military relationship, could proceed without the need for direct presidential involvement, but the growing importance of Malaysia as a strategic pivot point in the U.S. Asia-Pacific rebalance and the desire to expand the depth of the bilateral relationship into a “comprehensive partnership” covering a wide agenda needed the president’s active participation and engagement of Prime Minister Najib Razak.

There were issues that could only be settled and framed by a direct tête-à-tête of the two heads of government. Certainly, issues could be prepared and worked on by lower echelons, but Obama and Najib would need to confer, informally bless, and then ratify the preparations. Obama’s initial plans to journey to Malaysia in 2013—which would have been the first visit of a sitting U.S. president to that country in half a century—were thrown off-kilter by U.S. domestic politics revolving around budget negotiations and the government shutdown that did not allow Obama to leave Washington.

Delayed by six months, the president arrived in Malaysia in April 2014 to commence the talks. Because of the direct presidential–prime ministerial involvement, the bureaucratic relationship between the two countries was reinvigorated and expanded, providing new direction and mandates for the Malaysia-US Senior Dialogue, the Malaysia-US Strategic Talks, and the Bilateral Training and Consultative Group. Obama left Kuala Lumpur having laid the foundations for “an innovative yet enduring framework for the future development of the Malaysia-US relationship.”

Part of the success of that visit resulted from President Obama’s ability and willingness to “let go” of direct control and entrust subordinates to execute policy and manage the follow-up. Thus, for most theater security issues, the president will have to be “an adroit manager of authority.” Former Secretary of State Dean Rusk has an observation that “confidence flows down from the President”—in other words, subordinate officials derive mandates and the ability to pursue policy options if they have been so empowered by the chief executive.

One option if a president cannot devote the necessary day-to-day attention to a particular problem, yet does not wish to lose control of the process, is to create a small working group “on a temporary basis for a single issue.” The president can direct that the group draw “senior personnel across the departments and agencies” and meet on a regular basis to develop policy options and analysis that will be transmitted directly to him or her and be based on his or her preferred parameters.

Beyond that, much depends on whether the president is willing to designate others in the executive branch to operate as his or her agents with regard to any particular theater security policy or issue. Delegation depends greatly on the personal preferences of any given chief executive. George W. Bush, for instance, was willing to encourage his cabinet secretaries to take
high-profile roles, and he empowered them to handle key U.S. relationships with countries over which the president or the Secretary of State could not provide effective day-to-day oversight, such as having his Treasury Secretary take the lead in the strategic dialogue with China and his Energy Secretary attempt to forge a new channel for United States–Russia relations.64 In the Obama administration, in contrast, there have been complaints that the cabinet officers and their deputies are less involved in policy formulation in favor of centralizing the process on the White House staff.65

A notable development in the last several administrations has been the expansion of the role of the vice president to serve as a de facto alternative to the president.66 Vice President Joe Biden, in some instances, has been tasked to handle some of the day-to-day monitoring of the U.S. relations with China and India, and has often been dispatched on “reassurance” missions to different countries and regions when the president himself has been unable to focus the time or attention—for instance, “shadowing” Chinese president Xi Jinping when he visits Latin America to follow in the Chinese leader’s footsteps or traveling to Central Europe after a summit meeting between the U.S. and Russian presidents.67

On the other hand, if presidents do not empower subordinates, or if lower echelons are unable to provide unified policy recommendations for the president, chief executives may have to insert themselves as the final arbiter of specific theater security policy disputes. In recent years, decisions on whether to freeze or release military aid to Egypt and whether to send lethal (versus nonlethal) aid to Ukraine have gone all the way to the Oval Office for a personal decision from the president.68

The number of theater security issues will only continue to grow in coming years, particularly as the United States reassesses its global and regional interests; must decide where to invest time, resources, and capabilities; and considers how to deal with the challenges posed by rising and resurgent powers.69 Chollet notes that “as the world is asking for more, the dynamic in Washington leaves us with less”—and that presidents have the challenge of “balancing these competing demands and trade-offs in a way that is sustainable.”70 Future occupants of the Oval Office will be forced to confront whether to reorganize their national security apparatus or to reprioritize what should occupy their attention—as well as to decide which theater security decisions absolutely require the personal supervision of the chief executive.71
NOTES


6. See Derek Chollet’s comments on how he and colleagues at the Pentagon had to manage the implications of the “rebalance” to the Asia-Pacific. Derek Chollet, The Long Game: How Obama Defied Washington and Redefined America’s Role in the World (New York: PublicAffairs, 2016), 61.


9. “General James Jones’ First U.S. Speech as National Security Advisor.”


20. As General Jones observed, while there is a formal process in place, “sometimes the president comes down and personally chairs an entire National Security Council to arrive at the decision that he wishes to make.” General James Jones’ First U.S. Speech as National Security Advisor.


29. The “vicar” model is where the president appoints personnel who will have responsibility for tasks and can work using his or her authority to push for coherence and consensus in how policy is formulated and executed. See, for instance, Tad Szulc, “Dateline Washington: The Vicar Vanquished,” Foreign Policy 43 (Summer 1981): 173–86.


33. See Rothkopf, National Insecurity, esp. 89–107.


35. DeYoung, “How the Obama White House Runs Foreign Policy.”

37. Rothkopf, National Insecurity, 29.


43. Rothkopf, National Insecurity, 114.

44. DeYoung, “How the Obama White House Runs Foreign Policy.”


47. See “General James Jones’ First U.S. Speech as National Security Advisor” for discussion of the “global calendar,” which is underscored by comments made by serving and former U.S. ambassadors and former NSC staff members to Nikolas K. Gvosdev, March 2016.


49. See, for instance, the vignette provided by Derek Chollet in terms of a July 2011 meeting with President Barack Obama to go over the content of his “upcoming schedule of meetings, speeches and trips.” Chollet, The Long Game, ix.

50. DeYoung, “How the Obama White House Runs Foreign Policy.”

51. Jones cites the figure of a “half a dozen” or so issues that are being worked on daily for the president’s attention.


55. Comments made by serving and former U.S. ambassadors and former NSC staff members to the author, March 2016.


61. Quoted in Destler, “National Security Advice to U.S. Presidents,” 143.


64. Rothkopf, National Insecurity, 89.

65. DeYoung, “How the Obama White House Runs Foreign Policy.”


68. De Young, “How the Obama White House Runs Foreign Policy.”


71. Rothkopf, National Insecurity, 357–58.
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ISSUES WITH THE INTERAGENCY AND THEATER SECURITY

“The interagency” is a shorthand way to refer to “the grouping of departments, organizations and agencies within the U.S. Government that cooperates on and coordinates national policy.” Interagency coordination was not a priority for the first 150 years of the Republic. The principal departments entrusted with national security—the Departments of State, War, and the Navy—“did exchange information and cooperate; they just did so on their own time, on their own terms. Presidents interfered minimally with the departments’ autonomy, and did not demand that they adopt common strategies or programs.”

As national security problems grew more complex, particularly after World War II, however, the need increased to “coordinate the national security institutions of the U.S. Government”—both as the size of the U.S. government grew and as national security issues could no longer be easily divided between “war” and “peace.” The growth, particularly since the end of the Cold War, in hybrid operations—those that require the provision of security, development, and diplomacy—makes improving and expanding the interagency process a necessity. So-called nation- or state-building operations increasingly blur any clear distinction between wartime and peacetime operations.

At the same time, the growth in the size of the national security bureaucracy has made coordination essential to avoid (or at least minimize) contradictory messages and directives. Over thirty different government agencies now routinely dispatch personnel overseas. Service in the international arena is no longer the preserve of civilian diplomats or serving military officers. Sometimes, foreign governments complain that different agencies of the U.S. government, in fulfilling their more narrow and immediate directives, create uncertainty about the overall aims and interests of the United States as a whole. This is not surprising, given the discussion in chapter 2, particularly the observation that, in the absence of a shared and common vision, different national security organizations will determine their own priorities.

The interagency process offers the opportunity to try to overcome organizational behavior and for the U.S. government to be able to set overall theater security policy priorities.

* This chapter is developed from a faculty reading authored by John Cloud and Nikolas Gvosdev.
Testifying before the Terrorism, Unconventional Threats and Capabilities Subcommittee of the House Armed Services Committee, Christopher Lamb noted:

Many authoritative sources recognize that there is a significant lack of interagency coordination. The most senior and experienced American national security leaders have stated that interagency collaboration is both essential and lacking. For more than a decade congressionally-mandated blue-ribbon panels on national security, such as the 1995 bipartisan Commission on Roles and Missions of the Armed Forces, the 1997 . . . National Defense Panel, and the 2001 U.S. Commission on National Security in the 21st Century (otherwise known as the Hart-Rudman report), have all identified lack of interagency coordination as a significant problem for the United States. These study panels were led by and had access to the nation’s most senior experts on and practitioners of national security affairs.6

Lamb, along with James Douglas Orton, has pointed out that "the 2010 Quadrennial Defense Review Commission called for more interagency teams with capabilities to plan for and exercise, in an integrated way, departmental and agency responsibilities in predefined mission[s]."7 To marshal the full range of tools at the disposal of the U.S. government, there must likewise be a mechanism that allows for coordination between agencies and departments. For instance, when the deployment of a peace enforcement mission was being negotiated as part of the overall 1995 Dayton Accords diplomatic settlement—which ended the Bosnian civil war—an interagency process had to be in place to allow the Office of the Secretary of Defense and the Joint Staff to be able to liaise and interface with the diplomats at the Department of State to ensure that what was being discussed in the talks could in fact be implemented. In addition, other U.S. agencies—including the Departments of Justice, the Treasury, and Commerce, all of which would be given assignments to help implement the accords—needed to be part of the process of shaping the U.S. negotiating position.8 Representatives from other departments—including from the Department of Defense—joined Ambassador Richard Holbrooke and other members of the Department of State as part of the U.S. negotiating team at Dayton. They included James Pardew, who was the representative of Secretary of Defense Bill Perry, as well as Generals Wesley Clark and Donald Kerrick.

Such coordination also occurs at the combatant command (CCMD) level. In 2004, the design and planning of the Multinational Interim Force (MIF) required, at Southern Command (SOUTHCOM), the creation of a Joint Interagency Planning Group (JIAPG) consisting of senior representatives from SOUTHCOM, the Department of Defense (DoD), the Department of Homeland Security, the Department of State, the U.S. Coast Guard, and the U.S. Agency for International Development, as well as the United Nations and coalition nations, to discuss the mission, needs and requirements, rules of engagement, and other such issues. Previously, the U.S. military had to coordinate with the State Department to ensure that UN Security Council Resolution 1529 gave to the MIF—and to U.S. forces—the authority they would need to operate.9 These two examples, which are representative of the types of challenges now faced, especially in environments that are not easily classified as war or peace, highlight the point made by General Perry Smith and Colonel Daniel Gerstein that as you
advance in your career, “you can expect at some point to attend an interagency meeting.” At such meetings, a number of the issues that were discussed in chapter 3 are likely to be raised.

**Interagency Theater Security Decision Making at the National Level**

Every presidential administration organizes the interagency process as it sees fit; there is no mandated structure that must be followed as a matter of statute or law, other than the 1947 National Security Act, which created the National Security Council (NSC) and assigned to the NSC several statutory members (including the vice president, the Secretary of Defense, and the Secretary of State) and statutory advisers (currently the Chairman of the Joint Chiefs of Staff and the director of national intelligence). Additional members may be named by the president—such as the national security adviser, the chief of staff, and the White House counsel—but the president is free to invite as many officials to sit on the NSC as the chief executive desires—and future presidents are not bound by precedent to invite the same officials as their predecessors. For instance, President Donald Trump has chosen to invite the White House chief strategist and the director of the Office of Management and Budget to sit on the NSC. (Some of the dynamics of how the president manages the process were discussed in the previous chapter.)

The president is the chair of the National Security Council—although President Trump has indicated that, in his absence, the “Vice President may preside at the President’s direction.” Since the administration of George H. W. Bush, a meeting of the NSC as the Principals’ Committee—that is, all the senior members of the NSC (Secretary of State, Secretary of Defense, etc.)—has usually been chaired by the national security adviser, a precedent reconfirmed by the Trump administration. The Deputies’ Committee is the “second tier” of the interagency process, consisting of the deputies to the members of the NSC, and is chaired by the deputy national security adviser. In most cases, the deputy is the “number two” in any department or agency, but both State and Defense often send the undersecretaries for policy, since the deputy often is responsible for internal departmental management. Deputies are often accompanied by “plus-one attendees” and, if multiple meetings are held, may send stand-ins (assistant secretaries, for instance).

Since the issues on which the NSC principals can focus are necessarily limited—no more than about fifty main problems—other topics and questions, particularly those that are not linked to crisis response, will be sent further down the interagency chain. Thus, for most routine and day-to-day matters affecting theater regional security decision making, interagency coordination occurs at the national level primarily through the policy coordination committees (PCCs), led by the National Security Council staff. The PCCs—which were called interagency policy committees during the Barack Obama administration and interagency working groups during the Bill Clinton administration—are the main locus of interagency deliberation and coordination of national security policy (see figure 1).

Traditionally, all NSC committees were chaired by the agency representatives, usually an assistant secretary of the State Department. (One major exception, during the Reagan administration, was for Vice President Bush to chair the NSC committee for crisis management.) Through the end of the George W. Bush administration, the State Department chaired regional PCCs, while the functional committees were chaired by either the relevant
agency representative or the NSC staff. However, beginning with the Obama administration, the NSC staff took over the chairmanship of all the PCCs, whether geographic or functional in nature. This pattern has been kept in place by the Donald J. Trump administration.

Within a given theater or area, it is the “Country Team and the Joint Interagency Coordination Group [that] are the two standing interagency coordination bodies at the operational level.”

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“Policy Hill”

How are U.S. national and theater security policies developed, coordinated, harmonized in accordance with presidential direction, and then implemented and executed? Robert Cutler, who served as President Dwight D. Eisenhower’s first national security adviser, developed the metaphor of “Policy Hill” to explain the process.

“Assume that the National Security Council sits at the top of Policy Hill. On one side of this hill, policy recommendations travel upward . . . where they are thrashed out and submitted to the President. When the President has approved a policy recommendation, it travels down the other side of Policy Hill to the departments and agencies responsible for its execution. Each department or agency with a function to perform under such approved policy must prepare its program to carry out its responsibility.”

Robert Cutler, “The Development of the National Security Council,” *Foreign Affairs* 34, no. 3 (April 1956): 448

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Figure 1: The Interagency Process (as depicted in Gabriel Marcella, “Understanding the Interagency Process,” 12)
In times of crisis, some theater-level issues will be handled directly by the Principals’ Committee of the NSC. Some of these issues, such as Syria’s civil war (with related Islamic State in Iraq and the Levant [ISIL, or ISIS], Russia, and Iran considerations), are ongoing; others, such as the fighting in Yemen or narco-trafficking in Mexico, will be taken up by senior officials only after an event has become sufficiently important to be placed on the agenda of the senior leadership. Otherwise, the day-to-day coordination of theater security issues will occur either at the level of the Deputies’ Committee or, for most routine matters, at that of the PCCs. PCCs are meant to provide “policy analysis for consideration by more senior committees of the [National Security Council / Homeland Security Council] system” and ensure “timely responses to decisions made by the President.”

These PCCs serve as the “main day-to-day fora for an interagency coordination of national security policy.” When presented with an issue, a PCC is expected to define the problem; clarify the “rules of engagement” among the representatives of the various departments and agencies that may have equities, responsibilities, or authorities and resources that pertain to the specific issue at hand; articulate what U.S. objectives are and assess different options; identify the tools that may be utilized; and draw up the relevant documentation for higher echelons to consider.

Generally, there are two types of PCCs: regional/geographic and functional. Each PCC has a narrowly defined mandate (based on the geographic or functional criteria) that is designed to match the relevant expertise and focus of its members, the deputy assistant secretaries and junior desk officers who specialize in those issues. A PCC consists of the relevant director or senior director of the National Security Council staff, who serves as chair, the relevant Assistant Secretaries of Defense and State, and depending on the subject, assistant secretaries from the Departments of Energy, Commerce, and Justice and other departments, as well as representatives (in an advisory capacity) from the Joint Staff and the intelligence community. In terms of the individuals who serve on PCCs, the “staff members handling substantive issues include political appointees (frequently experts from think tanks and academia), senior professionals on detail from Executive Branch departments, and military officers.”

Defense has seats at the PCC table in the form of representatives both from the Office of the Secretary of Defense (OSD) and from the Joint Staff. Over the past twenty years, whether OSD and the Joint Staff collaborate in terms of the military advice that is provided in interagency meetings has depended on whether the people representing the two entities within DoD have chosen to coordinate. In the Bill Clinton years, for instance, the Joint Staff often prepared its position independently of OSD. After 2001, in the George W. Bush years and beyond, there has been a much higher degree of coordination and the Joint Staff and OSD representatives may often travel to an interagency meeting together.

A regional PCC, in particular, may create sub-PCCs to handle specific countries or subregions within its competence, while a functional PCC will form sub-PCCs as required to break down a complicated functional issue into its component parts. A sub-PCC would be made up of a director of the NSC staff and deputy assistant secretaries or desk officers from the relevant departments. A sub-PCC does not have the authority to decide policy but rather makes recommendations to the full PCC.
Generally, the combatant commands are not involved in the deliberations of the PCCs, particularly the regional PCCs. Combatant commands transmit their inputs to the PCCs through OSD and the Joint Staff. OSD is responsible for acting as the gateway between the CCMDs and the interagency process in Washington. Of course, during a crisis situation, particularly when military action is being considered or is under way, the CCMD leadership will be brought into the discussions at the level of the Deputies’ or Principals’ Committee, usually via video conference. In much the same way, U.S. embassies will feed relevant information to the PCC via the State Department but the ambassador or the deputy chief of mission (DCM) can always be brought into the discussion if the issue is particularly sensitive.23

PCCs will handle most routine matters. In particular, PCC “planning is focused more on advance planning at the political and strategic level. [PCCs] do the ‘heavy lifting’ in analyzing policy issues and developing policy options and recommendations that provide policy-makers with flexibility and a range of options that are politically acceptable and minimize the risk of failure.”24 Matters of greater sensitivity will be sent, with any PCC recommendations, up to the Deputies’ Committee. The Deputies’ Committee (DC), often described as the “engine of the policy process,” must both process all the inputs coming in from the various PCCs and transmit downward the preferences and the decisions of the principals. Indeed, the DC deals “not only . . . with a particular region, function or subject matter, but with whatever national security issues ar[i]se.”25 The DC will develop policy options, which can then be sent on to the principals and ultimately to the president for a final decision. Whenever possible, however, the PCC is expected to try to reach a consensus and to pass this recommendation upward for the approval of the Deputies’ and Principals’ Committees.26

Because policy does not always neatly divide between geographic and functional PCCs, there is likely to be a certain degree of overlap, requiring communication between the two types of PCC. PCCs are charged with developing “well-articulated policies that can be understood and executed down to the lowest levels” but a policy issue may be examined by multiple PCCs.27 For instance, Russian policy may be handled by a geographic PCC (or as a sub-PCC of a larger Europe PCC); but Russian issues might also need to be discussed by the PCC handling defense issues, the one overseeing counterterrorism matters, the international economics PCC (especially for energy matters), the Europe PCC as a whole (for dealing with Russia’s relations with the European Union and NATO), and the PCCs handling regional matters that touch on Russia’s neighbors.

Of course, the downside of this is that there is no easy way to ensure that all the various Russia “policy boxes” add up to a single, overarching, coherent U.S. policy on Russia. Lamb notes that while “functional” bodies tend to look at longer-term issues, regionally based ones often concentrate on day-to-day events (crisis management). In turn, functional organizations may lack the situational awareness needed to implement their proposals within the framework of a specific country or region.28 This can complicate the interagency process, because the functional/regional divide is replicated within departments, making it harder for departments to arrive at an interagency meeting with a “unified” position, as well as complicating any reconciliation between regional and functional PCC policy proposals. The way in which the PCCs have been structured—with each committee handling only a piece of the problem—means that at this level, there is no overarching “global” view of the problem.29
Crisis can also take up a great deal of energy and divert attention away from a focus on long-term policy development and execution. Gabriel Marcella notes:

Ideally in response to the promulgation of a presidential directive all agencies will energize their staffs and develop the elements that shape the policy programs. But this takes time and seldom creates optimum results, in part because of competing priorities on policymakers, limited time, constrained resources, and congressional input. For example, the Haiti crisis of 1992–94 and congressional passage of the North America[1n] Free Trade [Agreement] consumed most of the energy of the Clinton administration’s NSC staff and the Bureau of Inter-American Affairs of the Department of State during 1993–94 to the detriment of other Latin American policy. The Central American crisis of the 1980s also crowded out the broader agenda for Latin American policy. The war in Iraq similarly engaged resources and energies after 2003.30

Figure 2: Meeting Schedules during a Crisis (adapted from Wilcox, “The National Security Council Deputies Committee—Engine of the Policy Process,” 25)

<table>
<thead>
<tr>
<th>Time</th>
<th>Activity</th>
</tr>
</thead>
<tbody>
<tr>
<td>8 AM</td>
<td>Internal departmental meeting and formulation of position/options and briefing of representatives to PCC</td>
</tr>
<tr>
<td>10 AM</td>
<td>PCC meeting</td>
</tr>
<tr>
<td>11 AM</td>
<td>Deputies’ Committee meeting by video conference</td>
</tr>
<tr>
<td>12 PM</td>
<td>Deputies at White House while principals meet</td>
</tr>
<tr>
<td>2 PM</td>
<td>Expanded Deputies’ Committee meeting at the White House following principals’ session</td>
</tr>
<tr>
<td>Remainder of the day</td>
<td>Deputies transmit to PCCs and to the various departments and agencies actions taken and tasks for forthcoming meetings with requests for feedback</td>
</tr>
</tbody>
</table>

In addition to dealing with day-to-day policy issues and crisis management, the interagency process is also utilized by presidents as a way to set the pace, tone, and parameters for how the administration carries out national security policy. Even though a president cannot personally intervene in every theater security issue that may arise, presidents use the interagency system to develop a common language and set of responses that can give coherence to policy. When policy reviews or documents such as the National Security Strategy are drafted, sent up the chain, modified, amended, and then ratified by the chief executive, they provide an indication of the president’s agenda and priorities and help to discipline the interagency process by providing some general parameters of the president’s preferred direction.31
The development of the National Security Strategy helps to illustrate the roles of the interagency process. A president directs the national security adviser to convene the PCCs to develop inputs for the National Security Strategy, on the basis of guidance provided to them; the NSC staff usually forms committees that will produce initial drafts for the president's consideration. The challenge is to balance the bureaucratic interests of various parts of the U.S. government as well as representing the various geographic and functional concerns of the different PCCs—but also to develop a document that represents what the president wants and speaks in the authentic voice of the president. The risk is that the draft NSS that is sent forward will not be a coherent document but instead a “Christmas tree on which every interest group hangs its foreign policy concerns.”

Presidents have also begun to turn to special envoys and “czars” as a way to pursue interagency coordination on key issues. However, these personnel “lack authority to direct Cabinet officials or their organizations. . . . Presidents choose czars hoping they will be able to informally cajole or otherwise orchestrate a higher degree of collaboration, not because they are empowered to compel collaboration.”

To date, the most ambitious—and successful—has been the special representative for Afghanistan and Pakistan. The Office of the Inspector General for the State Department concluded that “the inclusion of interagency representatives and outside experts [in the office of the special representative] is extraordinarily successful.” At its head is a special envoy who reports to both the president and the Secretary of State. One deputy is simultaneously the Deputy Assistant Secretary of State for Central and South Asia; the second handles oversight of foreign assistance and international engagement issues; the third, the senior Department of Defense representative, oversees reintegration and strategic communications.

The inspector general’s report noted that the first special representative, Ambassador Richard Holbrooke, put together an interagency team composed of Afghanistan-Pakistan subject matter experts from the Agency for International Development, the Department of Homeland Security, the Department of Agriculture, the Federal Bureau of Investigation, and other agencies, as well as from OSD and the Joint Staff. The analysis concluded that “these interagency representatives serve as communications links to their home organizations. They are able to gather information from those organizations urgently and convey information from the Special Representative to their home agencies.” The teams assigned to the special representative’s office, in turn, were able to jump-start a number of programs, shepherd diplomatic engagement between Pakistan and Afghanistan and the International Contact Group (consisting of some forty countries), and support congressional activities. In particular, the special representative—who had no legal authority to manage development funds—was able to work with the Agency for International Development toward a “reorientation” of the assistance effort.

After Ambassador Holbrooke died, the Obama administration indicated that it would “largely maintain” the organization he had put in place; some have cited this office as a model for future interagency collaboration in other areas.

**Interagency Theater Decision Making at the Regional Level**

At the operational level in the field, the interagency process takes place at both the country and the geographic CCMD levels. As described by the White House, the “Country Team, headed
by the chief of the U.S. Diplomatic Mission, is the United States Government’s senior coordinating and supervising body in-country.” At the CCMD headquarters, “Joint Interagency Coordination Groups (JIACG) . . . coordinate with United States Government civilian agencies to conduct operational planning. JIACGs support day-to-day planning at the [geographic combatant commander] headquarters, and advise planners regarding civilian agency operations, capabilities, and limitations. While the JIACG has no operational authority, it does provide perspective in the coordinated use of national power.”39

At the host-nation level, the country team (see figure 3) is the primary structure for coordinating the work of the interagency. The Foreign Service Act of 1980 (Public Law 96-465) mandates that the “chief of mission” (who is usually the ambassador) “shall have full responsibility for the direction, coordination and supervision of all Government executive branch employees in that country (except for employees under the command of a United States area military commander).” This is an outgrowth of the Mutual Security Act of 1951, which directed the president to “assure coordination among representatives of the [U.S. government] in each country, under the leadership of the Chief of the U.S. Diplomatic Mission.” National security decision directive 38 gives the “chief of mission” control over the “size, composition and mandate of overseas full-time mission staffing for all U.S. Government agencies.” The ambassador—no matter whether he or she is a career Foreign Service officer or a political appointee—also serves as the personal representative of the president. This authority “is in fact an extension of the President’s need for personal representation of his powers and authorities to integrate government-wide efforts.”40

The country team, headed by the ambassador or chief of mission, will include the heads of all agencies present in country. Underneath the country team, the DCM will usually oversee the

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Figure 3: Structure of the Country Team (taken from Counterinsurgency Operations, FMI 3-07.22
various functional working groups that handle specific policy items. Whenever possible, the
country team will attempt to resolve any interagency disputes within the embassy, but if a
solution cannot be found within the post, the matter will be sent back to Washington for
resolution. The country team format is also important because the representatives of different
parts of the U.S. government interface with different parts of the host country’s government
and may provide different perspectives or insights: usually the defense attaché interacts with the
host country’s defense ministry; the diplomats with different parts of the foreign ministry, as
well as with other government agencies; the political officers with the presidential or prime
ministerial administration; the economic officers with the ministries handling trade; etc.41

The ambassador and the DCM are the keys to a successful interagency team. They are the ones
with access both to senior host-government officials and to senior officials back in Washington.
The ambassador can use the embassy’s annual plan to indicate the interagency priorities. In the
2009 inspection of the U.S. embassy in Jordan, for instance, the State Department’s inspector
general concluded: “The Ambassador and deputy chief of mission (DCM) have forged a
cohesive country team that works together collegially in pursuit of mission strategic plan (MSP)
objectives. . . . The Ambassador’s weekly country team meeting is open to most agency heads or
their designees. At this meeting, the Ambassador effectively conveys his priorities and briefs the
team on recent and upcoming developments and visits. He listens well to his staff and issues
instructions as needed. Both the Ambassador and the DCM hold many other meetings
throughout the week, to keep people informed and to share essential information.”42

However, the situation can be complicated by the fact that the authority of the chief of mission
runs up against “the separate and sometimes overlapping authority of the regional combatant
commanders to control U.S. forces in the field.”43 Neither the ambassador, as chief of mission in
a particular country, nor the combatant commander “works” for the other; each has a separate
chain of command and reporting back to Washington. The CCMD perspective, which sees the
world through the prism of regions, does not always lead to an understanding of the nuances of
U.S. bilateral relations with specific countries. Africa Command’s (AFRICOM’s) search for a
“home” is a good example. There is no “Africa” apart from the sovereign states that make up the
continent, and trying to find a location in Africa to house the command ran up against the
unwillingness of any African state to host AFRICOM. (A related problem was that AFRICOM
had to factor in the dynamics of operating in Germany—meaning that a CCMD dedicated to
operating in the African area of operation must nevertheless consider the framework of U.S.-
German relations if it is to be effective.)

As a practical matter, the most successful ambassadors and combatant commanders work
together closely and directly, as appropriate. Indeed, “standard practice is to establish a
partnership between the regional combatant commander and the Ambassador on the
ground.”44 A combatant commander may host an annual conference where all U.S. ambassadors
in his or her area of operation and/or key staff may be invited (sometimes expanded to include
the relevant Assistant Secretaries of State), to help ensure that lines of communication between
the command and the embassies remain open.45 Marcella explains in greater detail:

Ambassadors and [combatant commands] rely on each other to promote
policies that will enhance American interests in a country and region.
Combatant commands have large staffs and awesome resources compared to the small staffs and resources of ambassadors. Moreover, their functions are different. The ambassador cultivates ties and is a conduit for bilateral communications through the art of diplomatic discourse. He or she promotes understanding of U.S. foreign policy, promotes American culture and business, and is responsible for American citizens in that country. The ambassador is the personal emissary of the president, who signs the ambassador’s formal letter of instruction. The letter charges the ambassador “to exercise full responsibility for the direction, coordination, and supervision of all executive branch officers in (name of country), except for personnel under the command of a U.S. area military commander . . .” There is enough ambiguity in the mandate to require both ambassador and [the combatant commander] to use common sense and, in a nonbureaucratic way, work out issues of command and control over U.S. military personnel in the country. In effect, control is shared, the ambassador having policy control and the [combatant command] control over day-to-day military operations. Thus it is prudent that both work closely together to ensure that military operations meet the objectives of U.S. policy.46

Matters are sometimes complicated in countries in which military operations are ongoing. If the personal and professional relations between the ambassador and the commanding general are strong—as happened between Ambassador Ryan Crocker and General David Petraeus in Iraq in 2007–2008—and they are backed up by a “war czar” in Washington who oversees the DC-based interagency process (in this case, General Douglas Lute, in his capacity as deputy national security adviser), then coordination is easier. In contrast, as Robert Cassidy notes, strained relations between the senior military officer and the U.S. ambassador in Afghanistan during the same period complicated matters; they had “a far from close relationship for coordination. They seldom spent time in the same room and typically sent their subalterns to brief one another in their places.” Neither reported to the other, and it also meant that there was little incentive for the staffs to share information fully or coordinate their activities.47

At the geographic combatant commands, the JIACGs “were designed to equip U.S. military commands to better operate within the interagency community by improving communication.”48 It was intended to bridge “the gap between civilian and military campaign planning efforts for potential crises.” However, their authority is limited to providing advice and sharing information—the JIAGC is explicitly not authorized to “bypass any existing civilian agency lines of authority and communications” or to “interfere with existing . . . formalized interagency request processes.”49

Another emerging structure is that of the joint interagency task force (JIATF), where services, departments, and agencies that have been given responsibility, in full or in part, for a particular mission (such as drug interdiction) work within the framework of the JIATF by pooling together assets and personnel. A JIATF has a defined geographic area of operation50—within and coterminous with the existing CCMD—and also has specific tasks assigned to it rather than an unlimited, unbounded mission set. JIATFs also have the “power to consult”—that is, to be able to reach across and coordinate with other interested partners “without seeking approval from higher authority.”51 Some JIATFs—such as JIATF-South—are being studied as possible
models of how to improve the effectiveness of theater-level interagency cooperation in the future. The key to success seems to be the combination of a mission that has been well resourced and a JIATF approach based on a recognition that “no single group has all the answers; each agency has a set of organizational competencies that should be respected and leveraged; each group has particular procedures that need to be respected and integrated.” Finally, temporary interagency groups can be set up as needed—for instance, the JIAPG for the 2004 Haiti mission set up at SOUTHCOM and referenced earlier in this chapter.

**Issues with the Interagency**

Given the American preference for divided government—and the realities of congressional mandates empowering departments and agencies via the U.S. Code—“statutorily assigned missions combined with organizational cultures create ‘stovepipes’ that militate against integrated operations.” As a result, “the creation of a team culture with a high degree of trust is not easy to do within an interagency national security team. Interagency team members come from different parts of the national security system, each of which has a powerful culture of its own (for example, the Secret Service, Diplomatic Corps, Air Force, Coast Guard, and Federal Bureau of Investigation). These cultures must be bridged at the team level in order to foster cohesiveness.” Many officials who have been part of interagency teams and working groups would second this assessment, noting that personnel from different departments may have very different approaches to dealing with national security problems. A Government Accountability Office report specifically tasked to look at problems in the interagency process concluded: “Agencies have different organizational structures, planning processes and funding sources to plan for and conduct their national security activities, which can hinder interagency collaboration. This can result in a patchwork of activities that waste scarce funds and limit the overall effectiveness of federal efforts.” Some of the ongoing problems that have been identified include different time horizons for a mission—e.g., DoD generally looking at a problem in terms of months while the State Department thinks in terms of years of engagement; the willingness to employ force versus other tools; and the role that subject matter expertise ought to play in the application of solutions. In addition, problems can arise when there has been no clear delineation of priorities. For example, in interagency teams set up to counter smuggling, law enforcement officers may want to focus on arrests and push hard for exact compliance with U.S. directives by foreign governments (and threatening sanctions if such cooperation is not forthcoming), while intelligence officers may wish to tolerate criminal activity that generates good and useful intelligence, and diplomats will place an emphasis on preserving good working relations with other states.

Interagency differences can persist, requiring “on-the-ground disagreements to be sent up respective chains of command, ultimately to be resolved when necessary by Cabinet-level or presidential authority.” Because people work for a specific department, agency, or service and not for “the interagency,” there is no mechanism to force integration, absent a detailed, specific, and tailored presidential order (see figure 4 for a depiction of the current system). Personnel in
the agencies and departments do not work for the national security adviser or the White House staff. In addition, as Marcella points out: “The culture of the various executive departments will modify how directives are interpreted. For example, for the military oriented Defense Department, a directive is an order to be carried out. For State, a directive may be interpreted as the general direction a policy should take. Presidential policy can be overtaken by new priorities, new administrations, and by the departure of senior officials who had the stakes, the personal relationships, know how, and institutional memory to make it work.”

Lamb and Edward Marks argue that “impediments to interagency integration are rooted in the basic structure of the national security system, which is hierarchical and based upon a functional division of labor among powerful departments and agencies with authorities and prerogatives codified in law and often protected by corresponding congressional committees.”

At the national level, observers have over the decades noted several limitations to PCCs. When it comes to PCCs at the national level, “senior leaders with decades of experience . . . complain that the system is ineffective, ‘byzantine’ and stultifying.” Although the national security adviser and the NSC staff work for the president, they are constituted as a set of advisers to the president, and “neither the advisor nor staff have any directive authority over the departments and agencies.” Indeed, members of the White House staff, although they are proximately close to the president, are explicitly not in the chain of command and thus cannot give “tasks and
guidance to combatant commanders and the joint staff.” Even communications between the NSC staff and a combatant command’s staff are frowned on. This means that the PCC “policy formulation process has little or no ability to enforce its decisions and to control operations (and outcomes). The group may make a decision, but its execution by an individual agency or department is far from assured.”

A problem that often occurs with interagency teams “in the field” is that “a disconnect exists between the known capabilities of each participant and the degree of synergy that the [U.S. government] expects to achieve by merely merging those participants.” Often, the nominal head of the interagency group lacks such tools as effective control over employee performance reports. As a result, studies of country teams illustrate that “there are no built-in incentives for Country Team members, or their parent organizations, to put the priorities of the Country Team above those of individual agencies.” In addition, to the extent that an ambassador is seen, not as the overarching national representative, but as merely the senior State Department representative looking out for State Department interests, “agencies encourage their personnel on the Country Team to pursue their own objectives and lines of operation, without adequate consultation or coordination.” The ambassador, however, does have some options. Ambassadors can contact agency heads back in Washington if a staff member is not cooperating, and all chiefs of mission have what is sometimes referred to as the nuclear option: “the power to grant or deny permission to enter their areas of responsibility to any U.S. Government personnel.” This includes the right to “force individuals who are recalcitrant, obstinate, or rebellious to leave [the] Embassy and the country.”

Whether in Washington or in the theater (unless, as in the case of some of the JIATFs, there is already a very clear and well-defined structure in place), “interagency deliberations can be somewhat amorphous and free flowing. No rule sets govern the manner in which topics are discussed and decisions are reached.” Another across-the-board shortfall that Lamb observed is this:

Staffs naturally assume that protecting their organization’s equities is the default position for interagency collaboration efforts. Often they are told explicitly that this is the case, and they act accordingly in lower-level interagency councils, which means that more problems are either not resolved or must be elevated for resolution. At the same time staffs often receive little or no feedback from senior leaders about their interagency meetings, leaving them with a very narrow perspective of the problem and efforts underway to solve it. Sometimes staffs have the impression that only their agency is engaged in solving a problem and therefore believe that their efforts must be protected at all costs.

Budgets can also be a major issue. The specter of “unfunded mandates”—that missions will be assigned but resources will not be provided—hangs over any interagency endeavor. As Orton and Lamb note:

Interagency teams in the national security system are not typically given the resources necessary to accomplish their tasks. Experienced interagency participants often note that even when such groups agree on objectives, they commonly cannot agree on which departments and agencies will provide the resources necessary to achieve those objectives. There are exceptions, such as
Plan Colombia, which was successful in large part because it received needed resources. The Plan Colombia team was created by President Bill Clinton’s national security advisor, Sandy Berger, in the summer of 1999 to reverse Colombia’s slide into a cocaine-driven illicit drug economy. Ambassador Thomas Pickering, who led the interagency team, later explained that one of the reasons behind the success of Plan Colombia was the fact that the U.S. Congress allocated $1.6 billion to the effort. Pickering believed that this significant infusion of resources eliminated much of the friction that normally bogs down interagency teams.\(^\text{71}\)

Some of these problems—which can be anticipated by applying the lessons of the organizational process perspective that was outlined in chapter 2—have been mitigated by good leadership. Having a leader who forges good working relationships with other agencies and departments; who is able to recruit senior personnel to the team from different departments, thereby ensuring that the interagency team gets the level of support needed from partnering agencies; who is able to influence evaluations of personnel so that those committed to the interagency mission are not penalized; who is able to get ironclad budgetary commitments from agencies into an account that cannot be diverted for other purposes—all of this is seen as essential for interagency success.\(^\text{72}\) Indeed, as Lamb concluded in his testimony before Congress, “small empowered teams made up of experts from different agencies can work well if backed by senior leaders and given resources.”\(^\text{73}\)

But unless major structural revisions are made to the U.S. national security apparatus, particularly by changes to the U.S. Code, the interagency process, particularly at the theater level, will continue to be characterized by a high degree of informality, sometimes described as “ask, not task.” While there have been many proposals for a “Goldwater-Nichols” for the interagency, these recommendations often overlook a critical point. A Goldwater-Nichols for the interagency assumes that all members of the interagency have the same mission. This is not now the case, as it was with all the military services. How would the Department of Defense work with the U.S. trade representative to facilitate access to U.S. goods and services in markets in other countries—and why would DoD take on this mission? How does monitoring religious freedom and civil rights—some of the taskings assigned by Congress to the State Department—fit in with the Pentagon’s efforts to promote security cooperation with other countries? These and other examples point to difficulties in assuming that the Goldwater-Nichols legislation could easily be applied to the whole of government.

Gabriel Marcella sums up the current reality: “The principal problem of interagency decisionmaking is lack of decisive authority; there is no one in charge. As long as personalities are involved who work well together and have leadership support in the NSC, interagency efforts will prosper, but such congruence is not predictable. The world situation does not wait for the proper alignment of the planets in Washington.”\(^\text{74}\)

As a result, as a senior military official with a great deal of experience in the interagency thus concludes, for the foreseeable future, “establishing and maintaining the interagency relationships ha[ve] to be a constant preoccupation: ‘It’s an informal process, based on handshakes . . . ; the power of those handshakes is not recorded.’”\(^\text{75}\)
NOTES


3. Ibid., 17.


5. For instance, on a visit to Azerbaijan, one of the authors, Nikolas Gvosdev, met with officials who noted they received contradictory messages on dealing with Islamic extremism. The State Department’s congressionally mandated focus on religious freedom, for instance, might lead to diplomatic pressure to release preachers or cease restrictions on religious activity, but might contradict the desire of the intelligence community and the military to keep tabs on and detain extremists.


8. General Smith and Colonel Gerstein make this point on the basis of their experiences during this time. Smith and Gerstein, Assignment: Pentagon, 142, 168–69.

9. Comments to one of the authors from a participant in the process, as well as information provided by Colonel Joseph Napoli in a Strategy Research Project at the U.S. Army War College, “Capacity Building for Latin America and the Caribbean: PKO and the Case of Haiti” (paper, U.S. Army War College, March 18, 2005), available at http://www.dtic.mil/cgi-bin/GetTRDoc?AD=ADA434407.

10. Smith and Gerstein, Assignment: Pentagon, 142.


12. Ibid.


16. Ibid., 5.

17. John P. Burke, “The Obama National Security System and Process: At the Sixth Month Mark” (briefing prepared for the White House Transition Project, August 3, 2009), 1, available at http://whitehouserenergyproject.org/resources/briefing/SixMonth/Burke-6months-review=aug.pdf. Other data for this section on PCCs are derived from information provided by those who have served in the NSC staff to one of the authors.


23. Comments made by serving and former U.S. ambassadors and former NSC staff members to one of the authors, March 2016.


27. Ibid.

28. Lamb prepared statement, 68.


35. Ibid., 6.

36. Ibid., 17.


41. Comments made by serving and former U.S. ambassadors and former NSC staff members to one of the authors, March 2016.


43. Lamb and Marks, *Chief of Mission Authority as a Model for National Security Integration*, 16.

44. Ibid., 24.

45. Comments made by serving and former U.S. ambassadors and former NSC staff members to one of the authors, March 2016.


52. Ibid., 55.


56. Derived from comments to one of the authors from senior officials with extensive interagency experience.

57. As described to one of the authors by officials familiar with such issues.


60. Lamb and Marks, *Chief of Mission Authority as a Model for National Security Integration*, 5.

61. Ibid.

62. Ibid.

63. See, for instance, the memorandum of Secretary of Defense Donald Rumsfeld to National Security Adviser Condoleezza Rice, December 2, 2002.

64. Smith and Gerstein, *Assignment: Pentagon*, 143.


66. Lamb and Marks, *Chief of Mission Authority as a Model for National Security Integration*, 17.


68. Lamb and Marks, *Chief of Mission Authority as a Model for National Security Integration*, 14.


70. Lamb prepared statement, 11.


73. Lamb prepared statement, 9.


Deploying Influence and Expertise: Think Tanks, Interest Groups, and Lobbyists in the Theater Security Context*

We often speak of a “foreign policy” or “national security” community whose membership extends beyond government officials. Previous chapters have focused on the theater security enterprise as it is conducted inside government. Outside the executive branch departments and agencies and the halls of Congress, other players interested in shaping U.S. theater security policy include academic experts, citizens’ associations, business interests, and lobbying groups. This entire panoply of extragovernmental institutions and people is sometimes referred to as part of the policy “subgovernment,” made up of groups of advocates, legislators and their assistants, and key departmental and agency administrators who interact on a regular basis and influence policy making in a specified area. In terms of theater security issues, the larger foreign policy community often subdivides itself along both functional and geographic lines. Thus, we often refer to “Russia / China / Latin America / Africa hands” or talk about the nonproliferation or development communities, referring to currently serving officials, former officials, subject matter experts, and interested parties. These groups stand “at the boundary between the population and the government” and connect the internal decision environment within government with stakeholders on the outside.

These external players—think tanks and lobbyists representing organized interest groups—have gained influence within the policy process because as the issues facing the government have become more complex, members of Congress, their staffs, and their counterparts in the executive branch have been unable to keep up with the growing agenda of governance. It used to be said that members of Congress were ceding power and influence to their staff members, but over time the staffs themselves are becoming overwhelmed. Thirty years ago, David Aylward, who had served as the staff director of the House Subcommittee on Telecommunications and worked for then-congressman Tim Wirth, observed: “I would get bounced through meetings. . . . I’d get briefed for three minutes beforehand about what I was supposed to say in some meeting. I didn’t understand it. I would just do what I was told to say. That got frightening. I didn’t feel comfortable with that. But that’s what a member’s life is like. There’s no way [Congressman] Wirth could be an expert on all of those things.” This opens

* This chapter relies on faculty materials developed by Kathleen Walsh, Dana Struckman, William Calhoun, and Nikolas Gvosdev.
the door for lobbyists and think tank analysts to acquire influence in the policy process, by being in a position to offer “ready-made” solutions. Moreover, when these people are themselves congressional alumni (members and staff) or former executive branch officials, they can bring their familiarity with the needs of those currently serving in government to bear on current problems. (A note here on focus: lobbyists generally focus on Congress in order to affect the passage of legislation, although they may also target the White House to affect how policies are implemented. Think tanks generally attempt to influence the development of policy positions, and thus are usually focused on the executive branch, although some, like the Heritage Foundation, do focus on interfacing with Congress.)

Many people consider the activities of lobbyists and those who advocate for specific policy positions in the think tank community to be somehow unsavory, that “special interests”—including those of the defense industry—are manipulating the process, and that if they were to be removed from the process, members of Congress or the presidential administration could concentrate on the national interest. But the business that Congress must transact has grown so complicated in recent decades that this sentiment, however well-meaning, is not practical. In 1995, Thomas M. Susman, then serving as the chair of the Professional Ethics and Standards Committee of the American League of Lobbyists, bluntly noted: “The reality of the modern Congress is that the legislative process cannot function without the information provided to legislators by outside sources. Thus, only by allowing lobbyists, whatever their mission, to marshall arguments, gather information, and provide it to Congress, can our tremendously diverse democracy work effectively.”

The Influence of the Lobbyists

Why does lobbying take place? Longtime Washington observer, think tanker, and blogger Steve Clemons observes: “Lobbying may not rank as the world’s oldest profession, but it comes close. Wherever and whenever political authority contemplates policies that produce winners and losers, those in favor or those opposed generally organize to pursue what is in their best interests.” Qubad Talabani, the representative of the Kurdistan Regional Government in Washington, is quite explicit in explaining the need for lobbyists: “I realize you need to speak to a lot of people in this town to get your point across.”

Lobbying has been a growth industry for the last several decades, in part because of “the vast number of issues on which paying customers decide they’d like a Washington lobbyist,” as Robert Kaiser of the Washington Post has observed. Because lobbyists work for specific clients, their goal is to advance the agendas and interests of those who have hired them. As a national security professional, you might not directly deal with lobbyists—but they will shape your operating environment. Lobbyists will try to affect many of the issues important to your organization—from procurement policy and weapons sales to U.S. relationships with foreign governments. In some cases, lobbyists, understanding the “mandarin algorithm of power” discussed in chapter 3, may seek to have missions, authorities, and resources added to or subtracted from existing organizations within government, or even push to have new organizations created. For instance, an unlikely alliance of largely conservative religious leaders and primarily liberal human rights activists came together to push for legislation that created a separate and independent office within the State Department that would be able to monitor
religious freedom. Unlike the existing advisory board, the office would have the authority to
determine whether violations of religious freedom were taking place and, if so, to recommend
that the countries involved be listed as “countries of particular concern” that could face U.S.
sanctions. Despite concerns expressed by national security professionals in government that the
new office would “complicate trade and foreign relations, and add another automatic sanction
to an already overburdened set of foreign policy laws,” Congress passed the law creating the
Office of International Religious Freedom, headed by an ambassador-at-large, in 1998.9
(President Clinton signed the bill into law, but, utilizing a power discussed in chapter 3,
appeared a “signing statement” that laid out where he believed certain provisions should be
considered advisory for him or future presidents.)

Currently, there are over 17,000 registered federal lobbyists based in Washington, DC—as well
as thousands more engaged in lobbying activities. While, in the popular mind, lobbying is any
effort to push for legislation or a specific policy, lobbying in terms of U.S. law has a more
restrictive definition. The 1995 Lobbying and Disclosure Act (2 U.S.C. 1601) defines a
lobbyist as “any individual who is employed or retained by a client for financial or other
compensation for services that include more than one lobbying contact, other than an
individual whose lobbying activities constitute less than 20 percent of the time engaged in the
services provided by such individual to that client over a 3-month period.” Lobbying activities
are understood in a very narrow sense, to be advocacy for the passage of a specific piece of
legislation or the issuance of a specific executive order or regulation.

An increasing number of lobbyists are now ex–government officials, especially former members
of Congress. In the 1970s only about 3 percent of retiring members of Congress wound up in
“K Street” law and lobbying firms. ("K Street" is slang referring to the lobbying sector in DC,
because, at one point, most lobbying firms had their offices along this thoroughfare.) Between
1998 and 2005, 43 percent of members who had left Congress registered to lobby.10 And it is
not only members of Congress. There has been a continual migration of executive branch
officials, professional staff, retired military officers, and congressional staff to these firms.11

In most depictions of the famous “iron triangle”—the relationship between outside interests,
Congress, and the executive branch—one might get the impression that lobbyists form a
distinct and separate group. In fact, most lobbyists have occupied many of the positions in
Congress, the executive branch (including Department of Defense [DoD]), and the media—and,
in some cases, may return to those positions. Many get their start by working either for
specific members on Capitol Hill (former senators Bob Dole [R-KS] and Daniel Patrick
Moyrnan [D-NY] were well-known for their vast networks of alumni) or as professional staff
for congressional committees; from these positions, they may in turn move into executive
branch positions and into lobbying and think tank positions. For instance, the office of the late
senator Edward M. Kennedy (D-MA) was referred to as the “farm system” of the Democratic
Party. Many of Kennedy’s “cubs” moved into key positions in the executive branch: “Kennedy’s
alumni now hold power at the highest levels of the Obama administration and across the
political, legal, media and health communities. Supreme Court Justice Stephen G. Breyer was a
chief counsel, as was Melody C. Barnes, President Obama’s top domestic policy adviser. White
House Counsel Gregory B. Craig and Deputy Secretary of State James B. Steinberg were his
foreign policy advisers, and Kenneth Feinberg, the superlawyer tapped by Obama to become compensation czar, is a former chief of staff.”

But many of Kennedy’s alumni also went on to work for lobbying groups, government relations firms, and advocacy organizations. These included people working for oil firms, the automobile industry, Wal-Mart, the American Israel Public Affairs Committee, and pharmaceutical companies. In discussing the linkages between congressional staffers and lobby firms, a May 2010 USA Today article noted that Jay McCarthy, who had been a senior adviser to Kennedy, had accepted a position “with the Liberty Square Group, and his clients include a coalition of Massachusetts-based biotech companies; a policy institute named for Kennedy; and an environmental group that opposes plans to build an offshore wind farm in Nantucket Sound, records show.”

Some of the best-known Washington “lobby shops” were set up by former congressional staff. Cassidy and Associates was created in 1975 by two of Senator George McGovern’s senior staff members on the Nutrition Committee that he chaired, Gerald Cassidy and Kenneth Schlossberg; the Dutko Group was founded by Dan Dutko, who had been chief of staff for Senator Donald W. Stewart of Alabama and Representative Bob Krueger of Texas. And the list goes on.

A senior congressional aide with years of experience, guaranteed access to key decision makers, and a Rolodex full of contacts can command a top salary from a lobbying firm. For instance, when Gregg Hartley, a senior assistant to House Republican whip Representative Roy Blunt (R-MS), retired from Capitol Hill in 2003, a “bidding war for his services ensued.” Hartley ended up at Cassidy and Associates, won over by “an offer of just under $1 million a year plus a substantial percentage of the lobbying fees paid by clients Hartley could bring to the firm.”

This search for ex-staff with experience also applies to those with extensive executive branch service as well. All of this has led Pat Choate (who ran as Ross Perot’s vice presidential candidate in 1996) to conclude: “Washington’s network of influence—based on a fraternity of professional credentials, political appointments and social relationships—is composed primarily of former government officials who move effortlessly between public office and private advocacy.”

Lobbying firms gain their cachet by their ability to leverage the relationships of their members with serving government officials and members of Congress. Part of the pitch delivered by APCO, one of the larger Washington firms, to a prospective client seeking to improve United States–Turkmenistan ties included having one of the firm’s members, a former Deputy Assistant Secretary of State for Europe and Eurasia, check in with her former colleagues at the State Department about U.S. goals. The senior vice president, a former senior staffer for an influential senator, used his contacts with staff on Capitol Hill to gain insight into the legislative agenda—including information about upcoming hearings that might have an impact on relations.

It is extremely rare that a person leaves Congress or the executive branch and immediately thereafter “goes underground,” or that colleagues will suddenly refuse to take the calls of former comrades. They often continue to meet, share news, and exchange opinions. Consider this example. In November 2004, Barbour Griffith & Rogers (BGR), a major DC lobbying and
public relations firm, hired Bob Blackwill, who became its president. Blackwill was one of George W. Bush’s “Vulcans” (advisers to then-candidate Governor Bush on foreign policy), ambassador to India, and then deputy national security adviser and National Security Council (NSC) director for Iraq policy, until leaving government service. Yet, despite now being on the “outside,” Blackwill was still connected with the foreign and security policy-making process.

Speaking about Blackwill’s continued influence, an unidentified Bush administration official, speaking on background, said in October 2007: “We have a relationship. He’s a smart guy and he comes in and we just talk about foreign policy, and he gives you good advice.”18 Blackwill provided his advice and perspective, and in so doing could both advance the interests of his clients and also gain insight into what was being said and thought within the administration. Some of BGR’s clients during this time were the government of India, interested in pursuing its nuclear deal with the United States; the Kurdistan Regional Government; and former Iraqi prime minister Ayad Allawi (whose Iraqiya bloc won a plurality of seats in the Iraqi parliament in 2010). Elisabeth Bumiller continues:

On April 2 [2007], Justice Department filings show, Blackwill met on the issue of United States–India relations with R. Nicholas Burns, the under secretary of state for political affairs and the administration’s point man on the nuclear deal. . . .

. . . [H]is lobbying visits to former administration colleagues, when he often comes laden with information, are not so different from the conversations he had with them while he was in government, they say. . . .

Justice Department filings show that on April 20 [2007], a lobbyist or lobbyists from Barbour Griffith & Rogers met to discuss Iraqi Kurdistan with Meghan O’Sullivan, who worked for Blackwill on the National Security Council staff and who assumed his position as Iraq director after Blackwill left the government.19

BGR was also engaged by former interim prime minister Ayad Allawi to represent him and his Iraqiya political movement “to help us advocate our views, the views of the nationalistic Iraqis, the nonsectarian Iraqis” in order to present Allawi and Iraqiya as a viable political alternative to the government of Nuri al-Maliki.20

If BGR, one of the firms hired by the Kurdistan Regional Government, was approached because of its connections to the Bush administration, another firm kept on retainer, the American Business Development Group, was important in forging connections to Congress.

Talabani calls his lobbyist there, Ayal Frank, “my guy.” The two met through their wives, who are cousins, when Frank was a staffer for then-representative James Maloney, a Democrat from Connecticut, and Talabani was working for the Patriotic Union of Kurdistan.

Frank took the lead on developing the Kurdish American Caucus, which presses the State Department to back Kurdish interests and pushes pro-Kurdish legislation in the House. In spring 2008, Frank found two congressmen to
cochair it, Democrat Lincoln Davis of Tennessee and South Carolina Republican Joe Wilson.\textsuperscript{21}

What else can lobbying firms offer clients? They can’t promise automatic results, but they can offer access. As one lobbyist noted, “Anyone who tells you they can get a congressman to do want you want ought not to be believed, but \textit{we can get in the door and make the case}” (emphasis added).\textsuperscript{22} Indeed, access, inside information, and strategic counsel are what many interests are paying for. After Tom Daschle left the Senate in 2005, he was hired by Alston & Bird. He was hired not as a lobbyist but as an adviser and counselor to provide an “inside baseball” map of Congress to clients, as well as offering advice on how to navigate the congressional process. “It will be more meeting with clients and providing broad strategic advice as to how to deal with matters both domestically here in Washington as well as internationally,” was how Frank M. Conner, the partner in charge of Alston & Bird’s Washington office, described it.

Moreover, because of the way the laws are written:

- there is a distinction between “lobbying contacts,” which only lobbyists can do, and “lobbying activities,” which can be done by both lobbyists and non-lobbyists.

- “The lobbying disclosure law applies to organizations and individuals who make lobbying contacts,” explains Fred Wertheimer, a good-government lobbyist for Democracy 21. “It does not apply to sitting down and strategizing about how to win a battle in Congress.” Furthermore, the lobbying law applies only to those who spend more than 20\% of their professional time making contacts.\textsuperscript{23}

At present, the ethics rules do not allow former House and Senate staffers to lobby their former bosses and colleagues for a year after leaving—but again, there is an existing loophole, for “nothing stops former congressional aides from immediately advising clients on the topics with which they are intimately familiar.” Former staffers “also are free to lobby officials in the executive branch or in the legislative chamber in which they were not previously employed.”\textsuperscript{24} The trend has accelerated for former U.S. officials who decide not to engage in open lobbying, therefore, to form “consulting firms” that offer advice and help clients with strategy. In April 2012, retired Secretary of Defense Robert Gates announced that he would be joining an international consulting firm created by former Secretary of State Condoleezza Rice and former national security adviser Stephen Hadley that would offer such consulting services to clients.\textsuperscript{25}

In some of the recent reporting on the activities of lobbyists, several themes continue to dominate: the complexity and size of government, requiring people who know how to navigate the system; the continued importance of personal relationships and informal networks; and the ability to get meetings and to get a hearing for a particular point of view. These points were stressed in a \textit{Washington Post} profile of Obama campaign alumni who subsequently became lobbyists on the subject of why their clients were interested in their services: how a well-connected lobbyist “opened the door” to get meetings with officials or “was aware of many of the administration’s ideas and then directionally where they were heading” and could thus provide strategic counsel to clients.\textsuperscript{26} In particular, having people available to clients who know
how things get on the president’s agenda or how the interagency process works—the subjects of previous chapters in this book—can be extremely valuable.\textsuperscript{27} Having a bipartisan roster is also important so that former Democratic or Republican officials can liaise with a Democratic or Republican administration or members of Congress, since “that’s the way it works.”\textsuperscript{28}

Initially, most lobbying was done on behalf of domestic interest groups, and, when it came to foreign and defense affairs, lobbying efforts generally represented a U.S. constituency. That has begun to change, as foreign interests and governments have begun to solicit the aid of U.S. lobbyists in trying to influence the U.S. government more actively—sometimes working with domestic U.S. groups such as ethnic or business lobbies—to promote particular policies. Joshua Kurlantzick notes: “Once the province of a few fringe players operating on the margins of Washington, lobbying for foreign countries has become big business for the most prestigious firms in D.C. According to data from the Department of Justice, the number of registrants—forms submitted by people registered to represent foreign countries—grew from about 1,800 in the first half of 2005 to 1,900 in the first half of 2009.”\textsuperscript{29} India’s lobbying efforts during the George W. Bush administration were critical in getting the United States to alter its policies on nuclear cooperation with India—which previously had been banned because of India’s decision to pursue development of nuclear weapons. The Indian government, U.S. and Indian business groups, and Indian Americans all came together to push for significant changes to U.S. legislation and policy affecting India.\textsuperscript{30} The Greek lobby has maintained the continuation of the so-called 7:10 ratio in U.S. security assistance—meaning that for every ten dollars of security assistance that is provided to Turkey by the United States, seven dollars must be made available to Greece. In the past, similar ratios were used to “balance” U.S. aid to Israel and Egypt. U.S. defense contractors joined with “ethnic lobbies” and coordinated with aspirant countries in Eastern Europe to advocate for several rounds of NATO expansion in the 1990s and the following decade with U.S. policy makers.\textsuperscript{31}

But much of what lobbyists do and how they enhance their power and influence revolve around information—both obtaining it and sending it out. For instance, after a series of articles attacked the president of Kazakhstan, Nursultan Nazarbayev, for corrupt practices, the Carmen Group, a Washington, DC, firm, received a contract (valued at more than $1 million) from the government of Kazakhstan to help burnish Nazarbayev’s image. The Carmen Group sent four leading U.S. columnists to visit Kazakhstan, where they were able to tour the country and meet with the senior leadership. On their return, the stories they filed—generally sympathetic to Nazarbayev—were then circulated by the Carmen Group on Capitol Hill to members of Congress and their staffs—part of the process of trying to change opinions of decision makers.\textsuperscript{32} One of the services provided by BGR to the Kurdistan Regional Government is the \textit{Letter from Erbil}—sent to congressional staff, members of the media, and people in the think tank community—which gives the opinions and perspectives of the Kurdistan government on a whole host of issues. Sometimes the \textit{Letter} is designed to do damage control—for example, in the aftermath of outbreaks of violence in Kurdistan. BGR’s work for Allawi included circulating the former prime minister’s commentary, helping him to publish in the U.S. media, and arranging visits, in an effort to position Allawi as a viable alternative to Iraqi prime minister Nuri al-Maliki.\textsuperscript{33} The role of these firms in helping to manage the image of foreign governments in the United States once again came under scrutiny in 2011 when information was published about the activities undertaken by the Monitor Group, a Boston-based consultancy, on behalf
of Muammar Gadhafi. Richard Perle, the chairman of the Defense Policy Board during the George W. Bush administration, historian Francis Fukuyama, Princeton Middle East scholar Bernard Lewis, and academics with close ties to Democrats such as Joseph Nye and Benjamin Barber all made visits to Libya, met with Gadhafi, and in some cases wrote or spoke in positive terms about the government.

“At a critical time when the United States was debating its recognition of Libya, Monitor met with senior officials in the United States government to share its perspectives on Libya,” the company’s 2007 Phase I executive summary [to its Libyan client] states. “In coordination with the client Monitor briefed officials and various agencies of the United States government. Monitor continues to advocate on Libya’s behalf with a range of leading individuals. Many of these individuals have indicated a willingness to engage with Libya and visit in the future.”

“Richard Perle . . . is an American political advisor and lobbyist,” Monitor’s 2007 Phase I Libya project summary states. “Perle made two visits to Libya (22–24 March and 23–25 July 2006) and met with Qadhafi on both occasions. He briefed Vice President Dick Cheney on his visits to Libya.”

What would a foreign government gain from these services? APCO’s “Elements of a Communication Program” slide offered potential clients the services of the firm in setting up meetings with members of Congress, organizing fact-finding visits, and promoting a media strategy. This included developing press releases, cultivating reporters, organizing media events at think tanks and universities, and placing op-ed pieces authored by think tank experts. A member of the firm observed, “Last week I contacted a number of colleagues at think tanks. . . . Some real experts could easily be engaged to sponsor or host a public forum or panel that would bring in congressional staff and journalists. . . . If we can get a paper published or a speech at a conference, we can get a friendly member of Congress to insert that in the Congressional Record and get that printed and send it out. . . . So you take one event and get it multiplied.” Indeed, many foreign governments hire Washington lobbyists to present their side of the story or to influence perceptions of their regimes. They may also use lobbyists and public relations firms to broadcast their policy positions and perspectives on what U.S. policy should be. For instance: “The Kenyan government contracted one of the top Washington lobbying firm[s,] Chlopak Leonard Schechter[,] to restore its reputation after stories of election-related violence dominated the news headlines. It hoped to further U.S. support for its military and intelligence work, fighting piracy and dealing with the deteriorating situation in Somalia. Chlopak Leonard successfully placed positive stories in US media outlets and was able to call attention in Congress to the Somali crisis. President Obama’s Somalia policy even includes specific recommendations from the Kenyan government’s proposal to fight piracy and terrorism.”

An important side to the lobby business is influencing budget decisions. Congress oversees a federal budget disbursing more than $3.5 trillion in spending. This is not simply done by domestic interests seeking to lobby how the U.S. government allocates budgetary resources; foreign governments may want to influence how the U.S. government spends its foreign aid and security assistance dollars. For instance, the Armenian American lobby has been able to utilize its clout to ensure an annual $90 million aid package to the Republic of Armenia, as well as
passage of section 907 of the Freedom Support Act, which blocks aid to Armenia’s rival Azerbaijan, and along with other lobbies (the Greek lobby and, since the worsening of Turkey’s relations with Israel, the Israel lobby) to affect U.S. security assistance to Turkey. Oil companies interested in doing business in oil-rich Azerbaijan, however, lobbied hard for the president to be given waiver authority to override section 907 and permit U.S. aid to Azerbaijan; they succeeded after 9/11, when a national security argument was made that U.S. interests in the war on terror would be negatively affected by continued sanctions on Azerbaijan.

Just as there is a narrow legal definition of what constitutes lobbying, the question of who is a foreign agent is also problematic. Section 611 of Title 22 defines a “foreign agent” as “any person who acts as an agent, representative, employee, or servant, or any person who acts in any other capacity at the order, request, or under the direction or control, of a foreign principal or of a person any of whose activities are directly or indirectly supervised, directed, controlled, financed, or subsidized in whole or in major part by a foreign principal.” Approximately 1,700 lobbyists are registered as agents of foreign governments (representing more than a hundred countries) with the Department of Justice. But enforcement of the Foreign Agents Registration Act (FARA) has been sporadic, and there are a number of loopholes. For instance, FARA does not cover meetings that occur outside the United States, where lobbyists can provide advice or commentary to foreign governments, and lobbyists can represent foreign business interests under the same disclosure rules as domestic U.S. companies without having to register under FARA. In addition, another major loophole is that U.S. citizens or entities may engage lobbyists on behalf of foreign interests, which does not trigger the requirement to register under FARA, because the immediate employer is not a foreign entity, even if the U.S. intermediary consults with or acts on behalf of another government.

Is lobbying a positive or negative element of the policy environment? In responding to queries about Blackwill’s lobbying activity, for instance, NSC spokesman Gordon Johndroe noted that Blackwill was not acting on behalf of the U.S. government but representing those who paid for his services—hinting that the former deputy national security adviser was now nothing more than a hired gun. On the other hand, many engaged in lobbying and advocacy efforts note that they are also trying to facilitate vital U.S. national interests. Benjamin Barber, in responding to critics who argued he and others should not have gone to Libya in the 2006–2008 period and then written articles or offered comments about their impressions, observed:

These articles reflected our own view of the U.S. relationship with Libya—a relationship that was in the news and in play. I believed an improvement in the relationship of the kind our government was promoting was a good thing for us and for peaceful change in Libya. From my conversation with Qaddafi, I thought he genuinely was seeking an improvement in relations and that, anxious to please, he might be willing to permit positive changes. . . . [W]e were not in Libya for the money or to play propagandists to the regime but to try to understand a rapidly changing part of the world and reinforce trends that we believed were good for the interests of the United States and the Libyan people.
Moreover, lobbyists maintain that “lobbying, at its heart, is nothing more than free speech. In fact, the right to petition one’s government is arguably the most important protection in the First Amendment. Efforts to ‘reform’ lobbying, like efforts to ‘reform’ campaign finance, usually end up restricting speech while not fixing any corruption.” Moreover, despite proposals to enact a lifetime ban on lobbying for any member of Congress, and enforce a six-year cooling-off period for staff, neither is likely to occur. As Dave Wenhold, president of the American League of Lobbyists, observed, it is unlikely that “many lawmakers would support a bill that limits their future employment. ‘The bottom line is that you hire people with expertise,’ Wenhold said of lobbying firms. ‘The people who come off the Hill know the political process.’” Additionally: “People often need to retain professional lobbyists to monitor developments and help them communicate their own interests because most people outside of Washington simply do not have the time, resources or experience needed to constantly follow legislative proposals and other governmental actions and to effectively impact those decisions—their interests are best represented by having trained professional lobbyists assist them.” Finally, political scientist Jonathan Bernstein makes an important point about the role of interest groups in setting policy in a democracy:

Partisans (and I don’t think it’s just on the left) tend to think of any interest they don’t like as a “special” interest that only gets Congressional attention for illegitimate, corrupt, reasons. And, sure, not all groups have equal access. But, yes, a big part of American-style democracy (and, at least in my view, any reasonable flavor of democracy) is going to involve what Robert Dahl called “a high probability that an active and legitimate group in the population can make itself heard effectively at some crucial stage in the process of decision.” In my view, those upset about what they consider the outsized voices of some groups are better off focusing on how to make sure that their own groups, and others they believe are being ignored, get their own chance to be “heard effectively,” too.

Lobbying efforts have a direct impact on theater security issues. Limits on arms sales or technology transfers to other countries; outright prohibitions on cooperation with other governments; legislation that benefits domestic concerns but complicates the implementation of U.S. strategy in other regions of the world—all of this means that the best strategic course of action in a particular theater may not be politically feasible. Nowhere is this more apparent than in the provision of U.S. security assistance—particularly advanced U.S. weaponry—to the Gulf Arab states. On the one hand, arms sales to the Gulf states and Saudi Arabiafulfill important U.S. foreign and domestic needs—the capabilities of regional countries to counter and deter Iran are enhanced and orders are placed that create jobs for U.S. workers in the defense industries. On the other hand, since these states do not recognize the existence of the State of Israel, there are concerns about not eroding Israel’s deterrent capabilities, which continue to rest on its overwhelming conventional military advantages (in addition to an undeclared nuclear capability). So arms sales to the region must be carefully calibrated and balanced to take into account different and sometimes contradictory interests: Israel’s security, the threat from Iran, and the state of the domestic U.S. economy.
Foreign governments sometimes complain that U.S. security policy is being driven by domestic lobbying as opposed to a careful analysis of U.S. interests. Some NATO leaders, for instance, complained that the U.S. push to enlarge the alliance was driven by U.S. domestic politics rather than a careful appraisal of security interests:

In 1997, Canadian prime minister Jean Chrétien complained to Belgian prime minister Jean-Luc Dehaene and Luxembourg prime minister Jean-Claude Juncker (and inadvertently into an open microphone) that NATO expansion was occurring because “ethnic voting blocks in the United States are pushing their cause.” Chrétien went on to object that NATO expansion “has nothing to do with world security. It’s because in Chicago, Mayor [Richard] Daley controls lots of votes for the [Democratic] nomination.” Even Casimir Lenard, the director of the Polish American Congress and a key supporter of NATO expansion, seemed to agree that President Clinton had electoral reasons for spearheading the NATO expansion: “He needed votes. . . . That’s how it happened.”

Yet others would caution about jumping to conclusions. Researchers like John Tierney point out that “generally speaking . . . the record of ethnic group lobbying success is far less imposing, to the point that most analysts seem to agree that the impact of such groups on American foreign policy is minimal.” Some find middle ground, noting that lobby groups, by providing “knowledge-based experts,” help to articulate, as Peter Haas puts it, “the cause-and-effect relationship of complex problems, helping states identify their interests, framing the issues for collective debate, proposing specific policies, and identifying salient points for negotiation.”

To the extent that a lobby group can provide such expertise, it may have greater influence. On the other hand, any lobbyist must now contend with a large number of “knowledge-based experts” now resident in a growing and booming public policy think tank industry, especially in Washington.

The Growing Role of Think Tanks

Think tank is the popular term for a public policy institute or research organization. Some think tanks accept funding from the government, while others raise money only from private sources. Some think tanks accept and actively solicit contributions from corporate sponsors or even foreign governments; many prefer to restrict fund-raising to nonprofit foundations in an effort to ensure scholarly independence. In the United States, to retain a nonprofit status (and thus to be able to offer to donors the ability to deduct their contributions from their taxes), a think tank must formally be nonpartisan and cannot institutionally endorse candidates or legislation—but it (or some of its scholars) can offer a “perspective” that might align with Democratic or Republican views, or a mix. Generally, think tanks fall into one of several categories: (1) federally funded research and development centers (FFRDCs), which perform research and analysis for the U.S. government under the provisions of Title 48 (and which may also be affiliated with a university or another educational institution, such as the Center for Naval Analyses [see this chapter’s appendix for a further discussion of federally funded institutions affiliated with the Department of Defense]); (2) the “traditional” think tanks such as the Brookings Institution or the Council on Foreign Relations that grew out of the “brain trusts” of the 1920s and 1930s and that aspire to be
nonpartisan dispensers of expert advice and opinion to policy makers; and (3) the newer “advocacy”
think tanks that work to promote specific policy agendas based on philosophical, ideological,
partisan, or ethnic orientations (such as the Heritage Foundation [conservative], the Center for
American Progress [liberal], the Cato Institute [libertarian], the American Hellenic Institute, and
the Jewish Institute on National Security Affairs).

There are nearly 1,800 think tanks in the United States—with approximately 350 located in
the Washington, DC, area. Between 1980 and 2007, the number of think tanks doubled—and
most of the new ones are specialized with a focus on a particular region or policy issue.50

Large think tanks generally have well-established regional studies programs that may correspond
to the combatant command areas of responsibility or the State Department’s regional bureaus.
For instance, the Center for Strategic and International Studies has programs and study centers
covering East Asia and the Pacific; South Asia; Africa; the Americas; Europe; the Middle East;
and Russia and Eurasia. Each of these regional programs breaks down into further subprograms.
The Europe program at CSIS, for instance, has centers for the study of the Arctic; Eastern
Europe; NATO; Turkey; and Western Europe. Other think tanks may focus on only one given
region; the Inter-American Dialogue, for instance, focuses exclusively on Western Hemisphere
affairs and subdivides its programmatic activities into both geographic and functional centers
(Andean region; Brazil and Southern Cone; Caribbean region; Mexico; Central America;
democratic governance; education and social policy; remittances and development; and

Figure 1: A Typology of Think Tanks—Developed by Naval War College Professor Kathleen Walsh
The Center for European Policy Analysis concentrates its work on transatlantic relationships and takes an especial focus on Central and Eastern Europe. In addition to regional experts, many think tanks will also have programs and specialists that focus on different functional issues: development, arms control, health policy, etc.

A number of think tanks have also developed a “global” presence by operating offices and programs in various locations around the world. The Carnegie Endowment for International Peace, for instance, has its main offices in Washington, DC—but also maintains centers in Moscow, Beijing, Beirut, and Brussels. The German Marshall Fund (GMF), whose main purpose is to strengthen transatlantic cooperation, has offices not only in Washington but in eight major European capital cities: Berlin, Warsaw, Bratislava, Paris, Brussels, Belgrade, Ankara, and Bucharest. For institutions such as Carnegie and the GMF, these multiple locations help to give them greater credibility by being able to weigh in on key debates simultaneously in the United States and in other key countries—and to be able to have influence both with the U.S. government and with the governments of other states.

Think tanks have seen their influence expand in the policy process because they can produce “timely and accessible policy-oriented research that effectively informs and engages policymakers, the press and the public on the critical issues of the day.” They also have the luxury of being able to focus on a wider range of geographic and functional issues in greater depth than government offices, which are limited in terms of time and attention. While the upper echelons of the U.S. national security establishment have been able to focus on Balkan or sub-Saharan African issues, for instance, only when there is an immediate crisis, think tank programs on these areas of the world can operate in a steady state, monitoring the situation, and making recommendations.

Think tanks are often a point of contact and interchange among the worlds of government, the military, academia, the media, and the business community. Ellen Laipson, the president of the Stimson Center, noted at a 2012 Asan Plenum plenary session dedicated to examining the role of think tanks in the policy process that think tanks are playing an increasing role in how public policy is created; in some cases, think tanks are now incorporated into the executive branch’s policy-making structure (e.g., as part of the advisory boards for the Secretaries of State and Defense). Think tanks stand as the intermediary between the scholarly and policy worlds and can provide feedback to stakeholders in government. They can also take on the functions of long-term strategic planning for a government apparatus that increasingly is reacting to day-to-day crises. In turn, think tanks can often act as “governments in waiting”—providing a place for political appointees whose party is out of power to continue to research, write, and think about policy issues and then providing to political candidates a “bench” from which to staff future administrations. Walter Leach concludes: “Think tanks ... make available a wide range of intellectual talent, with appropriate policy focus, for incoming administrations to draft into government service.”

One advantage of having think tanks as part of the larger foreign and defense policy communities is that they can often facilitate dialogue and discussion—especially between the United States and other countries—without committing a government to a specific policy. Think tanks play an important, if informal, role by convening “Track II” dialogues involving U.S. scholars and researchers and their international counterparts to discuss particularly sensitive issues affecting international relations that are deemed too difficult to address at the
official or formal ("Track I") level. Through frank but respectful dialogue conducted without the pressure of diplomatic deadlines or deliverables, unofficial, Track II dialogues seek to identify for policy makers potential opportunities or new approaches to resolving highly contentious issues that can be later taken up at the official (Track I) level as well as providing a more in-depth understanding for policy makers of why areas of disagreement persist. Where relations are particularly difficult or diplomatic relations nonexistent (such as between the United States and North Korea), Track II dialogues can serve to preserve an unofficial channel of communication and a ready community of experts should new opportunities arise.

Dalia Dassa Kaye notes:

While official diplomatic communications are the obvious way for adversaries to talk, unofficial policy discourse, or track two diplomacy, is an increasingly important part of the changing international security landscape. Private foundations, nongovernmental organizations (NGOs), universities, and governments—mostly based in the West—have devoted significant financial and human resources to track two dialogues. What has been the payoff? The experiences of the Middle East and South Asia suggest that track two regional security dialogues rarely lead to dramatic policy shifts or the resolution of long-standing conflicts. But they have played a significant role in shaping the views, attitudes, and knowledge of elites, both civilian and military, and in some instances have begun to affect security policy.56

Tracks of diplomacy

Track 1 diplomacy: Official discussions typically involving high-level political and military leaders and focusing on cease-fires, peace talks, and treaties and other agreements.

Track 2 diplomacy: Unofficial dialogue and problem-solving activities aimed at building relationships and encouraging new thinking that can inform the official process. Track 2 activities typically involve influential academic, religious, and NGO leaders and other civil society actors who can interact more freely than high-ranking officials. Some analysts use the term track 1.5 to denote a situation in which official and non-official actors work together to resolve conflicts.

Track 3 diplomacy: People-to-people diplomacy undertaken by individuals and private groups to encourage interaction and understanding between hostile communities and involving awareness raising and empowerment within these communities. Normally focused at the grassroots level, this type of diplomacy often involves organizing meetings and conferences, generating media exposure, and political and legal advocacy for marginalized people and communities.

Multitrack diplomacy: A term for operating on several tracks simultaneously, including official and unofficial conflict resolution efforts, citizen and scientific exchanges, international business negotiations, international cultural and athletic activities, and other cooperative efforts. These efforts could be led by governments, professional organizations, businesses, churches, media, private citizens, training and educational institutes, activists, and funders.

In other words, think tanks can help to create and sustain unofficial “back channels” of communication and provide reports and briefings for officials. There is an extensive series of United States–China Track II dialogues that in recent years have addressed issues of nuclear disarmament, climate change, environmental conservation, and security concerns related to the South China Sea. The Commission on U.S. Policy toward Russia, set up by one think tank (the Nixon Center) and an academic center (the Belfer Center at Harvard University), brought together a group of senior former policy makers and members of Congress (among them former senators Gary Hart and Chuck Hagel, and former national security adviser Brent Scowcroft). This group met with senior members of both the Obama and Medvedev administrations in advance of the first meeting between the American and Russian presidents. The Commission was quite clear in explaining the reason for its existence: “Our goal is to try to influence the direction of the American debate on Russia.” The German Marshall Fund runs the Congress-Bundestag Forum, which brings together German and American legislators, and runs a Young Leaders Conference designed to facilitate interaction between those who in the future may become senior leaders in the United States and in Europe.

Think tanks can do this by convening disparate interested parties and providing the intellectual firepower needed to support particular policy options. Some think tanks focus on Congress. Congressional staffs are overwhelmed by the complexity of the issues that face the world’s sole remaining superpower. Given these realities, think tanks can step into the gap by providing expertise. One of the first ones to pioneer providing intellectual support (and talking points) for members of Congress (primarily for those of a conservative persuasion) was the Heritage Foundation. Its famous Backgrounder and Executive Memorandum series provide research, bulleted talking points, and source citations for further research in easily readable formats. The long-serving former president of the Heritage Foundation, Edwin Feulner, was an assistant to Representative Melvin R. Laird (R-WI), chief of staff to Representative Philip M. Crane (R-IL), and the executive director of the Republican Study Committee before coming to the think tank in 1977. His goal was to create timely and concise policy materials and, in his words, “aggressively” market them to Congress, other policy makers, and the media. Heritage’s model has since been emulated by other think tanks, notably the Center for American Progress, which attempts to provide a similar set of services for liberal members of Congress. Heritage and other such congressionally focused think tanks focus on the current agenda in Congress and what legislation is being proposed and tailor their operations to the legislative calendar.

Most think tanks, however, tend to focus on influencing the executive branch, looking not at shorter-term legislative items but at long-term strategic issues. One way many think tanks gain entry to the policy process is to be able to research issues that those in government do not have time to consider; increasingly, because government officials are usually in “reactive” mode, especially during crisis situations, it is the think tanks that have the time to consider longer-term, over-the-horizon issues. The brain trusts that became the first American think tanks adopted this strategic, generally nonpartisan or bipartisan approach to studying public and foreign policy matters, their work typically paid by foundation grants and/or endowments that allowed them to research and write independent of current events and to focus on issues affecting long-term U.S. interests. This traditional approach and optimal funding scheme (from the institution’s perspective) still exist among some think tanks and scholars, but has declined in recent years as the number of think tanks and competition for funding have grown and
pushed many to focus on issues of more immediate interest and influence as well as sponsored by alternative sources of funding, such as corporate donors and U.S. and foreign government clients.

Today, think tanks of all ideological stripes provide short, concise memos that can be used by staff. Think tanks provide material in “all sizes”—from tweets and short blog posts to policy briefs (one to two pages long), PowerPoint presentations, testimony (five to ten pages), journal articles (ten to twenty pages), book chapters (fifteen to twenty pages), monographs (thirty to fifty pages), and books. Sometimes a subject matter expert will cover the entire spectrum from a 140-word tweet to a full-length book manuscript. Thus, think tanks and their experts gain influence by providing the written material that many staffs find invaluable in carrying out their own tasks. Some think tanks gain credibility because of the accuracy of their research, while others might be useful because they validate a particular point of view. Even with larger staffs, members simply do not have enough expertise at their disposal to handle all issues; think tanks gain influence by presenting research, talking points, and even draft proposals. Governments find it very difficult to test breakout scenarios or to speculate on how policy proposals might turn out; think tanks offer roadmaps for action. Donald Ableson has noted: “With a government based on separate branches sharing power, a party system in which members of Congress are free to vote as they wish, and a growing number of presidential candidates trying to develop new ideas, [American] think tanks have multiple opportunities to shape public opinion and public policy.”

And because many in government find themselves in a constant reactive mode to fend off daily crises, think tanks assume more of the burden of thinking about future policy—and think tanks have ways to feed this information into the executive branch: by publishing op-eds, by preparing reports, by engaging in debates at events and in media outlets, and by interacting directly with decision makers. Because many government officials cannot openly comment to the press, the think tank community provides experts who can. Often, think tank experts are able to give detailed evaluations to the press—and in turn use their media connections to advance their own thoughts about how policy should be conducted—creating a synergy between the media and the think tanks. Sometimes, think tank experts “on the outside” might be used as proxies for those within the executive branch or Congress who may not be free to comment; in other cases, think tankers are speaking in complete independence, representing their own personal views. Television producers, for instance, will maintain contact lists of experts broken down by a number of categories (liberal/conservative, for or against a given issue) so that they can get the comments and perspectives needed. Guaranteed access to the media, in turn, enhances the status of particular members of the think tank world because they can get their opinions and messages out. Some think tanks, mainly the newer, more ideological institutions, also award salary bonuses for extensive media exposure on the part of their fellows.

What makes public policy think tanks influential? What impact do they really have, how, and how does one know or measure this? Is exposure (say to media or public) the most common, easy, or optimal metric? Is it the number of publications, the overall reputation of the institution, the strength and depth of its networks, or all of the above? Quantifying the overall influence of think tanks can be difficult. In 1993, David Ricci concluded: “When institutes like Brookings and AEI [American Enterprise Institute] promote ideas, they can never be sure what
effect those intangible entities will have on other Washingtonians, no matter how suggestible. While investigating the subject, I looked closely at what think tanks are doing, from books to seminars to briefings to breakfast meetings. I also asked fellows and managers to tell me what results they thought their activities would produce. The more I saw and heard, the more I understood that no one can know precisely what is happening in this drama.” Murray Weidenbaum concurs: “It is difficult, and often inaccurate, to present great conclusions about the role and influence of the major think tanks.” The matter is complicated because think tanks may seek to become involved in different parts of the policy process, from “agenda setting” at the beginning to proposing specific remedies for implementation.

An average think tank measures its influence by reporting “the number of publications it issues, the frequency that staff members appear on the national television, and the numerous citations of its activity in the print media.” But, as Weidenbaum notes: “These are all useful indicators. . . . However, these are at best ‘intermediate goods.’” He continues, “After all, their end product is not the visibility achieved by these organizations, but their impact in terms of improvements in public policy.” James McGann offers three baskets of criteria for assessment: (1) utilization indicators (whether the think tank’s personnel are called in to brief policy makers or offer testimony); (2) output indicators (the “paper trail” of reports, media appearances, etc.); and (3) impact indicators (the extent to which recommendations are “considered or adopted” by those in government). While measurements may be difficult, it is clear that think tanks have expanded in number, scope, and influence over the past half century—and have made the case for their relevance and importance to a growing number of funders and benefactors.

Generally, think tanks can exercise the most influence by providing ready-made policy solutions in times of crisis. Edwin Feulner, the former president of the Heritage Foundation, rhetorically asks, “When a crisis hits, what ideas are lying around that can be dusted off and used to help?” Think tanks have plans and studies that they can offer. Usually these proposals are only part of the mix of inputs that are solicited by policy makers, but there have also been some interesting exceptions in recent years where think tanks have provided not only detailed plans but in some cases specific guidance for military operations. Take the Iraq policies announced during the second term of the George W. Bush administration and in the first months of the Barack Obama administration.

After the Iraq Study Group released its recommendations, many of which went against the policy preferences of the Bush administration, Vice President Dick Cheney asked the American Enterprise Institute—where he had been a senior fellow (1993–95) before joining Halliburton and of whose Board of Trustees he is currently a member—to develop its own set of recommendations. Led by AEI scholar Fred W. Kagan and retired Army general (and former deputy chief of staff) Jack Keane, along with other AEI experts (Danielle Pletka and former Coalition Provisional Authority official Michael Rubin), a plan was unveiled in December 2006 (“Choosing Victory: A Plan for Success in Iraq”) that served as the basis for the strategy of “the surge.” Executive branch officials attended several of the sessions of the group, as did the vice president, and the final document was brought directly to the president and its authors briefed him personally.
In July 2007 a debate was held at AEI to assess the first months of the surge. One of the opponents of the AEI plan who spoke was James Miller, a former Assistant Secretary of Defense during the Clinton administration and a member of a newly created think tank, the Center for a New American Security (CNAS). In March 2008 CNAS issued its own Iraq plan, “The Case for Conditional Engagement in Iraq.” Fast-forward to 2009. As Laura Rozen reported in a post on Foreign Policy’s website:

When President Obama unveiled his plan for withdrawing all U.S. combat forces from Iraq by August 2010, save for a residual force of 30,000–50,000 troops, at the Marine base at Camp Lejeune, North Carolina last Friday, he spoke as always to various constituencies: Americans and Iraqis, Republicans and Democrats, military and civilians, Congress and the public.

But the fidelity with which Obama’s Iraq withdrawal plan hewed to the recommendations in a series of reports drawn up by a Washington think tank over the past two years did not escape the scrutiny of another of Obama’s audiences: Washington’s think tank world, jockeying for policy and positions of influence in the new administration.65

Many of the CNAS experts who worked on the report went on to staff DoD’s “policy shop,” led by CNAS cofounder Michèle Flournoy, who served as the Under Secretary of Defense for Policy until early 2012.

These two examples may be the exception rather than the rule, but think tanks continue to offer plans and recommendations for policy. Different think tanks are jostling to provide argumentation and data to support different approaches to Afghanistan and the “pivot to Asia,” as well as arguing for continued U.S. engagement in Europe, Latin America, and Africa. But, as Weidenbaum aptly points out, “in the case of public policy there is no equivalent of a DNA test to declare the parentage” of a particular policy, meaning that in most cases, think tanks’ inputs into the policy process will be only part of the overall policy process, diminishing the likelihood that one single plan developed by one single think tank will be adopted wholesale by an administration.66

It is essential to be aware of the influence of think tanks. They are providing a good deal of policy input and advice. You may see some of it directly—but definitely your senior decision makers will be receiving it (and may be asked to respond to what the think tanks are generating). After all, senior leaders are regularly convening outside experts to offer commentary on various aspects of U.S. theater policy.67 Even military commanders have reached out to the think tank sector—as General David Petraeus, and to a lesser extent General John Allen, did in Afghanistan—to provide additional sets of eyes to peruse data and policy and to provide alternative recommendations.68 It is a reminder that theater security matters are not taking place in a vacuum—and that your freedom of action (and those of your superiors) will be affected by those seeking to affect the course of U.S. policy.

At the same time, lobbyists are becoming more interested in how they can leverage think tanks’ expertise—and their contacts with senior leaders—on behalf of the lobbyists’ clients.69 In some cases, the positions of think tank experts may independently support a lobbyist’s position. But
concerns have been raised in the case of think tanks that may accept large corporate donations or will not release their donor lists about whether special interests can influence the outcome of their studies. As Leach points out: “As an organization produces results that are favorable to a donor, the tendency would naturally be for that donor to consider maintaining or increasing the funding stream. Similarly, if the think tank fails to deliver significant enough results, or somehow works against the values and interests of the donor, the natural tendency would be to eliminate or decrease future funding.”70 Clemons warns, “Think tanks of all sizes are increasingly vulnerable to the whims and policy targets of lobbying interests[.] . . . as an industry think tanks are proliferating at such a pace the total dollars going into the policy sector are being divided among an increasing number of players. To grow as an institution means struggling to some degree with a Faustian bargain—taking money from donors and, while maintaining the guise of policy objectivity and seriousness, doing the bidding of the lobbyist.”71

Other governments are also reassessing the importance of the U.S. think tank sector in terms of being able to influence the American government. The foreign ministry of Norway, in an internal report on the American think tank sector, noted: “In Washington, it is difficult for a small country to gain access to powerful politicians, bureaucrats and experts. Funding powerful think tanks is one way to gain such access, and some think tanks in Washington are openly conveying that they can service only those foreign governments that provide funding.”72 A New York Times investigation into the growing number of foreign governments and interests seeking to access the U.S. think tank sector noted some of the dynamics that are in play:

The think tanks’ reliance on funds from overseas is driven, in part, by intensifying competition within the field: The number of policy groups has multiplied in recent years, while research grants from the United States government have dwindled. Foreign officials describe these relationships as pivotal to winning influence on the cluttered Washington stage, where hundreds of nations jockey for attention from the United States government. The arrangements vary: Some countries work directly with think tanks, drawing contracts that define the scope and direction of research. Others donate money to the think tanks, and then pay teams of lobbyists and public relations consultants to push the think tanks to promote the country’s agenda. . . .

The scope of foreign financing for American think tanks is difficult to determine. But since 2011, at least 64 foreign governments, state-controlled entities or government officials have contributed to a group of 28 major United States–based research organizations, according to disclosures by the institutions and government documents.73

Think tanks, in turn, reject the premise that they are selling access or information to donors. In response to the New York Times article, the Brookings Institution pointed out: “Brookings has over 200 scholars and more than 700 funders for hundreds of research projects. Our scholars determine our research and policy recommendations, not our contributors. We accept funding from foreign governments with the understanding that they are supporting our independent research.”74 In addition, a large think tank, with multiple programs and different scholars on staff—each drawing on different donor pools—has no way of being able to coordinate its activities, so that researchers in one area advocating for a particular policy option may be
contradicted by staff affiliated with another program who have reached different conclusions. Nevertheless, this reality of donor influence is part of the reason why knowing where a think tank gets its funding is part of the process of assessing its credibility.

**A Concluding Thought**

One of the things that many non-Americans find so fascinating about the U.S. policy process is its permeability by outside influences and actors. This can bring both advantages and disadvantages. There is always concern about policy being shaped for the benefit of narrow interests and the emergence of a “pay to play” system. These considerations have helped to shape the regulations now in place affecting the lobbying sector, while disclosure requirements can help to keep the think tank sector’s credibility in place. The positive side is that having a robust national security community that extends far beyond a smaller group of in-government bureaucrats helps to enrich the discussion by opening it up to more players, reduce the possibility of groupthink, and open up new possibilities for policy choice. Thus, these outside participants in the theater policy process are part and parcel of the environment in which decisions are made.
Providing international venues for bilateral and multilateral study, communication, and exchange of ideas. The Department of Defense (DoD) Regional Centers for Security Studies are:

- The George C. Marshall European Center for Security Studies
- The Asia Pacific Center for Security Studies
- The Center for Hemispheric Defense Studies
- The Africa Center for Strategic Studies
- The Near East South Asia Center for Strategic Studies

The regional centers are the principal strategic communications tools for creating a regional dialogue on U.S. security policy for the Secretary of Defense. They provide international venues for bilateral and multilateral study, communication, and exchange of ideas involving military and civilian participants.

On 29 September 2005, the Deputy Secretary of Defense signed the memorandum establishing the DSCA [Defense Security Cooperation Agency] as the executive agent for the regional centers effective 1 October 2005. As the executive agent, the Director, DSCA, subject to the policy oversight of the Under Secretary of Defense for Policy (USD(P)), is responsible for programming, budgeting, and execution for all resources necessary to support the operation of the regional centers, to include all operation and maintenance costs (including personnel costs and base operations support costs), except that the Secretary of the Army shall remain responsible for base operations and personnel support for the George C. Marshall European Center for Security Studies in accordance with DoD Directive 5100.3.

In addition to their relationship with DSCA, the directors of the regional centers, also subject to the policy oversight of the USD(P), report to, and are currently under the authority, direction, and control of, commanders of the combatant commands, as follows:

- U.S. European Command: George C. Marshall European Center for Security Studies
- U.S. European Command: Africa Center for Strategic Studies
- U.S. Pacific Command: Asia Pacific Center for Security Studies
The Department of Defense can also turn to a network of not-for-profit FFRDCs for assistance, some of which work under exclusive contract to the DoD or to the services. The Center for Naval Analyses, for example, exists “to provide an independent, authoritative source of research and analysis that is focused upon the major present and future issues affecting the Navy and Marine Corps. The Center for Naval Analyses helps the Department of the Navy and other Department of Defense decision makers make decisions about the use of current forces, about plans and policies that shape force readiness and sustainability, and about the allocation of resources among alternative future capabilities.” The Institute for Defense Analyses (IDA) was set up “to provide studies, analyses, and test and evaluation support to the Office of the Secretary of Defense, the Joint Staff, the Unified Commands, and the Defense Agencies” but may also do work for other government agencies if it is deemed in “the best interests of the government.” IDA is also prohibited from doing work for private-sector clients. These institutions are set up in the traditional think tank model to provide nonpartisan strategic research, and places such as IDA even minimize the contact of their staff with the press, in order not to be drawn into policy debates.

The RAND Corporation operates three FFRDCs that are sponsored by the Department of Defense: Project Air Force, the Arroyo Center (which works for the Army), and the National Defense Research Institute (NDRI), which focuses on assignments from the Joint Staff and Office of the Secretary of Defense. RAND works closely with DoD in setting out the research agenda for these institutions. As Michael Rich points out: “In the case of Project AIR FORCE and the Arroyo Center, the advisory boards are chaired by the services’ vice chiefs of staff; in the case of NDRI, the chair is the principal deputy under secretary of defense for acquisition, technology and logistics. Individual studies are typically commissioned by one or more senior officers or officials.”

The DoD-connected FFRDCs are tasked to produce studies on a wide variety of theater security issues. The United States–China relationship; trends in key countries such as North Korea, India, Afghanistan, Iran, Colombia, Turkey, Iraq, and Afghanistan; and the regional security situation in East Asia, South Asia, the Middle East, Europe, and the Persian Gulf are all examined, assessed, and studied on behalf of the Department of Defense. In some cases, RAND has also offered policy options for consideration by policy makers, such as how to conduct NATO expansion in Europe.

So within the overall think tank constellation, there are networks of DoD-sponsored and DoD-connected institutions that, as Rich concludes, are “helping America’s armed forces defend the nation.”
NOTES


3. Donald M. Snow and Eugene Brown, United States Foreign Policy: Politics beyond the Water’s Edge, 2nd ed. (Boston: Bedford / St. Martin’s, 2000), 225.


19. Ibid.


24. Schouten, “Capitol Hill’s Limits on Lobbying Have Their Limits.”


27. For instance, a Washington-based firm, DPP Global, makes a point of offering seminars for diplomats arriving in Washington to educate them about the U.S. policy process.


33. Bumiller, “Backing an Iraqi Leader Again, This Time for a Fee.”


38. Heather Gregg, “Divided They Conquer: The Success of Armenian Ethnic Lobbies in the United States” (paper presented at the annual meeting of the American Political Science Association, Boston Marriott Copley Place, Sheraton Boston & Hynes Convention Center, Boston, Massachusetts, August 28, 2002), 1.


40. For instance, former U.S. officials, including the former Chairman of the Joint Chiefs of Staff General Hugh Shelton, working to delist the People’s Mujahedin of Iran (MEK) from the U.S. terrorism list had their fees paid for by U.S. citizens who were supporters of the group, not by the group directly, to avoid legal complications. See Michael Isikoff, “Ex–US Officials Investigated over Speeches to Iranian Dissident Group on Terror List,” MSNBC, March 16, 2012, http://openchannel.msnbc.msn.com/_news/2012/03/16/10710422-ex-us-officials-investigated-over-speeches-to-iranian-dissident-group-on-terror-list.


45. “Lobbying Reform.” This can also be found in Congressional Gift Reform: Hearings on H. Res. 250 Before the Comm. on Rules, 104th Cong. 124 (1995) (statement of Wright Andrews, President, American League of Lobbyists), available at https://archive.org/stream/congressionalgift00unit/congressionalgift00unit_djvu.txt.


47. Hedrick Smith’s The Power Game (esp. 218–29) contains an excellent description of the various competing lobby efforts surrounding any major arms sales to Saudi Arabia and other Arab states.


49. Ibid., 2.


51. Ibid., 20.

52. Comments made by serving and former U.S. ambassadors and former NSC staff members to Nikolas K. Gvosdev at a roundtable at the Naval War College, March 2016.


56. Dalia Dassa Kaye, *Track Two Diplomacy in the Middle East and South Asia* (Santa Monica, CA: RAND, 2007), xi.


58. Ibid.


63. Ibid., 135.

64. McGann, “Global ‘Go-To Think Tanks,’” 29–30.


69. For instance, the Institute for the Study of War (headed by Kim Kagan) is said to have benefited from contributions by defense contractors because of the linkages between the staff of the think tank and General Petraeus. Cf. ibid.


71. Clemons, “The Corruption of Think Tanks.”

73. Ibid.


75. Comments of a senior think tank program director to one of the authors, March 2016.


79. Ibid., 25.
CHAPTER 7

The Regional and International Context for Theater Security

The previous chapters have concentrated largely on domestic, U.S. components of the theater security process. Yet the theater security enterprise takes place within the parameters not only of the U.S. political system but of regional and global environments defined by a whole host of institutions, actors, and regulatory frameworks, including other states, intergovernmental organizations (IGOs), nongovernmental organizations (NGOs), and other groups that can wield influence such as multinational corporations or armed resistance groups. U.S. decision makers thus operate within the framework of an international system that can constrain and shape their policy choices. Thus, as Antulio Echevarria and Bert Tussing have noted, “To address homeland security in terms of today’s challenges requires a global perspective.”

Some international institutions and frameworks are organized at the global level, such as the United Nations or the processes set up by the United Nations Convention on the Law of the Sea (UNCLOS). Others, such as the European Union (EU) or the provisions of the Treaty of Amity and Cooperation (which bind together the states of Southeast Asia) are regionally defined. Still others, such as the World Bank, the International Monetary Fund, the World Health Organization, the World Food Programme, the European Bank for Reconstruction and Development, the New Development Bank, or the Asia Infrastructure Investment Bank, are defined in functional terms (although they too may have either a global or regional remit).

Similarly, NGOs such as Amnesty International, Doctors without Borders, or Greenpeace and multinational corporations such as Exxon Mobil, Airbus, or Hyundai engage at both the global and regional levels. Some armed resistance groups, such as al Qaeda, seek to operate around the world; others, such as Hezbollah or Spain’s Basque ETA, concentrate their activities in specific regions and countries. Nevertheless, all of these actors have the possibility to exercise influence over the U.S. policy process through tools ranging from information campaigns to military force. They can work to augment and support U.S. efforts, or to block U.S. objectives or raise the cost for American action. As a result, as James Goldgeier and Michael McFaul have pointed out, the balance and distribution of power within the international system defines “the parameters of the possible for American foreign policymakers.”

* This chapter is derived from a faculty paper by Hayat Alvi (based on earlier work by George Teague) and revised and edited by Nikolas Gvosdev and Thomas Nichols.
In formulating approaches to theater security, U.S. policy—particularly national security policy—continues to focus primarily on states as the primary actors in both the global and regional systems, but state power is increasingly challenged in the modern era. Conventional, unconventional, and asymmetric threats, as well as global crises such as pandemics, natural and manmade disasters, and environmental problems that transcend state boundaries, continue to pose serious challenges to state capacity to provide for security.

On the one hand, states still matter because they occupy and exercise control over specific territory, but many important phenomena, both harmful and helpful, can cross state borders. Modern technology is creating newer and faster ways for people, goods and materials, capital, and information to move around the world. The phenomenon of globalization both presents opportunities and poses challenges to states and their power. As Robert Gilpin has argued, since the end of the Cold War “globalization has been the most outstanding characteristic of international . . . affairs.” This is true in every theater, although the mix of problems and issues will differ from region to region.

Defining Globalization

What exactly do we mean by the term globalization? In general, globalization has condensed time and space in the international arena by dramatically increasing the flow and volume of information and capital within and among countries. Everything moves faster and more easily around the globe: people, money, ideas, weapons, medicine, communications, diseases, movies. The hallmark of globalization is increased interaction and interdependence between states and with and among nonstate actors.

As an economic matter, the World Bank approaches the definition of globalization from the perspective of integration: “[Economic] integration occurs when countries lower barriers such as import tariffs and open themselves up to investment and trade with the rest of the world.” Globalization breaks down the importance of national boundaries as barriers because information, goods, services, money, and people can move more easily. The lowering of barriers to this free flow of goods, services, capital, technology, and ultimately people has definitely reduced overall levels of global poverty and increased the welfare of both the developed and developing countries. This means that states have more resources to spend on security needs, while the system’s benefits concurrently reduce sources of deprivation that can spawn security challenges.

At the same time, however, globalization creates some problems while solving others. As a RAND study noted, globalization is “also producing powerful forces of social fragmentation, creating critical vulnerabilities, and sowing the seeds of violence and conflict. Economic crises extend across state borders and are producing global hardships. . . . Most dangerously, a variety of threats have become global in scope and more serious in their effects as a result of the spread of knowledge, the dispersion of advanced technologies, and the movements of people. These same developments, combined with expanding global economic interactions, contribute to some of the problems and resentments that lie at the root of these security threats.”

One problem is that the benefits and costs of globalization are not distributed equally. Instead, there are clear “winners” and “losers” from globalization not only among countries but within
societies. These inherently unequal results can fuel conflict and instability. Combined with a global media environment in which images of affluence are more easily transmitted around the world, this creates the phenomenon of “relative deprivation,” which occurs when development broadly improves material conditions, but people are exposed to images—whether realistic or fantastic—of wealthier lifestyles, creating a gap between individuals’ improving economic reality and their soaring expectations. In a Western context, academic studies have called this “Facebook envy,” in which people become dissatisfied with their lives by seeing an idealized view of the lives of others. In the larger world, however, relative deprivation is an important factor that can contribute to the rise of extremist movements all around the world.

The networks created by globalization also provide the basis for what economist Moises Naim has dubbed the “five wars” of globalization: transnational security challenges that tax the capacity of individual states to address them and that spill out from one region of the world to create difficulties in other areas. In addition to the existing “war” on terrorism, these are

- narcotics trafficking
- arms smuggling
- the illicit trade in pirated goods and stolen intellectual property
- the flows of migrants and human trafficking
- money laundering

Naim then concludes:

The fundamental changes that have given the five wars new intensity . . . are likely to persist. Technology will continue to spread widely; criminal networks will be able to exploit these technologies more quickly than governments that

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**The Impact of Globalization on Domestic Politics: Globalists versus Nationalists**

In many countries around the world, political fault lines are developing between “globalists” and “nationalists.” Globalists push for integration into a larger global economic and political order rather than focusing on prioritizing the nation-state and enforcing borders between their states and the rest of the world. Political observer Robert Merry points out that “globalists don’t care about borders. They believe the nation-state is obsolete, a relic of the 1648 Peace of Westphalia, which codified the recognition of co-existing nation states. Globalists reject Westphalia in favor of an integrated world with information, money, goods and people traversing the globe at accelerating speeds without much regard to traditional concepts of nationhood or borders.” Globalists’ foreign policy concerns focus on humanitarian issues, and not so much states’ national interests. Also, globalists embrace the global economic system, and nationalists criticize this for overlooking the plight of domestic workers, especially when corporations move jobs overseas. These globalist-versus-nationalist dynamics revolve around the role, status, power, and capabilities of the nation-state and its relationship to the larger international system. See Robert W. Merry, “Trump vs. Hillary Is Nationalism vs. Globalism, 2016,” *The National Interest,* May 4, 2016, http://nationalinterest.org/feature/trump-vs-hillary-nationalism-vs-globalism-2016-16041.
must cope with tight budgets, bureaucracies, media scrutiny, and electorates. International trade will continue to grow, providing more cover for the expansion of illicit trade. International migration will likewise grow, with much the same effect, offering ethnically based gangs an ever growing supply of recruits and victims. The spread of democracy may also help criminal cartels, which can manipulate weak public institutions by corrupting police officers or tempting politicians with offers of cash for their increasingly expensive election campaigns. And ironically, even the spread of international law—with its growing web of embargoes, sanctions, and conventions—will offer criminals new opportunities for providing forbidden goods to those on the wrong side of the international community.12

Globalization has also facilitated the rise of nonstate actors—including transnational corporations (TNCs), nongovernmental organizations, and armed resistance groups—that can wield state-like capacities, including the ability to set the international agenda as well as to inflict damage that formerly only states could do. As a joint National Intelligence Council–Eurasia Group seminar concluded, “A globalization-fueled diffusion of finance and technology has enabled nonstate actors to encroach upon functions traditionally performed by nation-states.”13

The rise of private military and intelligence firms now offers services—such as equipping, training, and fielding armed forces—to interested parties such as major corporations or self-proclaimed statelets that previously would only have been available to national governments. Likewise, the increase in commercially available dual-use technologies means that Somali pirates, the Islamic State in Iraq and the Levant, or Latin American drug cartels can purchase items that give them more firepower and reach than many national governments. And companies that fall afoul of U.S. domestic law can find more-congenial jurisdictions elsewhere in the world to continue operations.14

While states are under stress, however, they are not in any danger of disappearing from the global order. Thus, as G. John Ikenberry sums up: “If the world needs more security cooperation, it is states that will need to provide it.”15

States and Nations

In international relations, the expression nation-state is the commonly used term that attempts to capture the combination of people with a common identity living in a legally recognized area with sovereign borders and a central government. Each part of the term nation-state, however, has a meaning in itself.

States are the primary actors in the international community. A state is the highest-level political organization that controls a particular area. A state is also a legal political entity, meaning it is recognized by other states as the formal representative of a particular territory and people in international affairs, including security issues.
States share several characteristics. (Some nonstate entities possess these traits to a limited degree, but they lack the power and formal recognition to fulfill the role of a state.) These include the following:

- A state is an independent and internally autonomous entity. This means that it answers to no higher power in the international community for its actions, or for how it arranges its domestic affairs. Other states, in turn, recognize its authority within its own territory to make laws, rules, and decisions, and to enforce them within its boundaries. As part of this definition, a state should enjoy the monopoly on the use of violence within its borders.

- A state represents an identifiable population that remains within a specified territory with geographic boundaries. These boundaries are, in the main, recognized by other states.

- A state is recognized for purposes of law and diplomacy as a legally equal member of the system of states. Regardless of a state’s size and power, its legal equality as an actor in international politics is protected by both law and convention. The practical effect of this means, for example, that in a capital such as Washington, the embassy of a small nation such as Estonia is treated with the same respect as the embassy of a huge nation such as India. Both will also have the same vote in the United Nations General Assembly. However, in some international organizations, such as the International Monetary Fund, the Asian Development Bank, or the Eurasian Economic Union, states enjoy “weighted voting” on the basis of the size of their populations or economies or on the basis of their financial contributions to the organization.

States generally use criteria such as these when making their individual choices regarding whether to recognize an entity as a fellow state. (The U.S. Department of State maintains a list of states that the United States considers independent and sovereign.) Entities possessing some characteristics of statehood often struggle, at times violently, to attain recognition as states. There are a number of unrecognized statelets, for example, that have declared independence but whose existence is not formally recognized by other states, such as Somaliland in northeast Africa or Nagorno-Karabakh in the Caucasus.

In the end, what makes a state is a complicated combination of legal and customary recognition of a government’s control over an area with definable boundaries. This recognition has both great and small impacts, from the accrediting of ambassadors to the willingness to deliver mail across international boundaries. In security matters, one of the most important rights a state possesses under international law is the ability to procure weapons and to stand up legitimately recognized military and security forces. Provided a state is not under international sanction, it has the right to receive arms and equipment and to have other states engage in security
cooperation with its own armed forces. In contrast, an entity that is not recognized as a state has no claim to be able to procure security assistance, and weapons can be legally intercepted by other states, while the armed formations of unrecognized organizations can be treated as illegal combatants.

When dealing with each other, states have substantial rights and obligations, some of which are codified in treaties or other formal agreements, others of which have grown through custom and the desire for reciprocity. States guard these rights and privileges carefully, and sovereignty, which is the right and authority of a state to govern itself, provides states the power with which to do so—as well as to acquire the means (economic, military, and others) to secure that sovereignty.

States are considered equal under international law—that is, legally equal. Obviously, states are not equal in terms of strengths and capabilities, military power, economic might, or resource endowments. There exist even varying degrees of weak states—for example, failing or failed states. Failing or failed states are those states in which the political, social, economic, and security / law enforcement structures have collapsed (partially or completely), giving way to chaos and insecurity.

Most important, in a weak or failed state, there is no longer any government that can claim monopoly on the use of organized violence, meaning that there is no single army or police force representing a central authority. This is why violence and disorder can break out and lead to the collapse of domestic institutional structures, and ultimately state failure. Failed states can create problems for their neighbors and other states. Shoring up failing states, or dealing with the aftermath of collapsed states, has become one of the key priorities for U.S. theater security policy.

Because they can become breeding grounds for violent groups seeking refuge from the state system, failed states are sometimes perceived by the other members of the international system as security threats and thus can generate pressure in other nations to act against them. (For more information on failed and failing states, Foreign Policy provides an annual assessment in its “Fragile State Index.”) The existence of a failed state can sometimes prompt armed intervention as one country may seek to establish a workable government that can control the
territory and end the security vacuum. In December 2006, for example, the government of Ethiopia launched a military operation in neighboring Somalia that attempted to oust an Islamic extremist group called the Islamic Courts Union that had displaced the recognized Transitional Federal Government from power in the capital, Mogadishu. After several years of fighting, the Ethiopians reinstated the internationally recognized Somali government by force of arms. Although the bulk of Ethiopian forces withdrew in 2009, the operation was not an unqualified success, as fighting has continued between the Somali government and groups opposed to its rule.

While states share similar characteristics under international law, how a state chooses to govern itself may vary widely. Some states vest their sovereignty in the people and derive governments via electoral processes; others invest sovereign power in monarchs or religious figures. The type of government a state possesses may have a very real impact on the ability of the United States to view it as a reliable partner or to be able to engage in sustained security cooperation with it, with America’s first preference to work closely with other liberal democracies and, after that, liberalizing regimes. Moreover, there is a considerable body of work that suggests that regime type can be a vital determinant of the international conduct of a state, in terms of its propensity to go to war or to seek peaceful resolution of disputes.

Table 1 provides one way of classifying state governments in the world.

When does a government lose the right to rule over the state? The U.S. Declaration of Independence, for one, cites both the principle of the “consent of the governed” and also, in laying out a bill of charges against the royal government of King George III (the list of “repeated injuries and usurpations”), the principle of a government’s responsibility to protect its citizens. So, does a regime that denies women the right to vote, for instance, lack legitimacy to claim it is the lawful government over a particular territory? Different countries may arrive at different decisions about the legitimacy of a given government. For instance, the United States and other countries withdrew recognition from the regime of Muammar Gadhafi as the rightful government of Libya in July 2011, and instead granted recognition to the National Transitional Council (NTC), meaning that the NTC could thus access Libyan assets and property in the United States and other Western countries and have its emissaries granted official diplomatic status. In contrast, China and other governments continued to recognize Gadhafi as the head of the Libyan state. About one hundred countries in the world now recognize Kosovo as a separate state from Serbia and recognize the government in Pristina as the lawful authority for that territory, while other states, notably Russia, India, China, and Spain, maintain that Kosovo remains a part of Serbian territory.

Moreover, providing military assistance to groups engaged in rebellion against an existing government falls under a gray area in terms of international law. A state might justify aid to rebels in another state on the grounds of self-defense (that the government of the other state was already engaged in hostile actions toward the state aiding the rebels); on the right of “counterintervention” if third-party states have changed the balance of power and that provision of military aid to rebel groups is meant to restore the proper balance; or by withdrawing recognition from the government as the legitimate representative of the state in favor of the rebels.
Table 1: Typology of States and Governments

<table>
<thead>
<tr>
<th>Type</th>
<th>Description</th>
<th>Examples</th>
</tr>
</thead>
<tbody>
<tr>
<td>Liberal democracy, republic</td>
<td>Democracy (“rule of the people”) where power is invested in the party and politicians who win fair and competitive elections and where there is regular rotation in terms of government. Most democracies today are constituted as republics, where voters elect representatives to govern. The liberal component is manifested by constitutionalism, protection of basic rights—including the right of private property—political and economic competition, and free choice in economic, political, personal, and cultural matters. Most liberal systems are thus secular governments.</td>
<td>Australia, Canada, France, India, Mexico, South Africa, United States</td>
</tr>
<tr>
<td>Totalitarianism</td>
<td>Absolute subjugation of the individual to the state and a mass party. Civil society destroyed and all social institutions oriented toward the state and the leadership.</td>
<td>Nazi Germany, Soviet Union 1929–53</td>
</tr>
<tr>
<td>Theocracy</td>
<td>The government is run on the principles of religion and clergy occupy governing positions; the opposite of secular government.</td>
<td>Iran</td>
</tr>
<tr>
<td>Absolute monarchy</td>
<td>The monarch and ruling family possess all political power over the kingdom; and the monarchy is inherited by descendants of the ruling family.</td>
<td>Brunei, Saudi Arabia</td>
</tr>
<tr>
<td>Parliamentary monarchy</td>
<td>A parliamentary monarchy is one where the monarch plays a ceremonial role but government is run by a cabinet and its head (a prime minister, chancellor, or premier) who are drawn from a freely elected legislature. A parliamentary monarchy shares many of the same features as a liberal democratic republic.</td>
<td>Spain, United Kingdom</td>
</tr>
<tr>
<td>Constitutional monarchy</td>
<td>A constitutional monarchy is one where the exercise of the monarch’s powers is defined and circumscribed by a written constitution. This may or may not provide for a parliamentary system and may or may not create a liberal form of governance.</td>
<td>Jordan, Morocco</td>
</tr>
<tr>
<td>Communist republic</td>
<td>The state is ostensibly governed by Communist ideology, defined as usually a one-party system (where the party rules on behalf of the workers) in which the state controls the economy and politics, and there is collective ownership of property.</td>
<td>China, Cuba, North Korea</td>
</tr>
<tr>
<td>Authoritarian dictatorship, or autocracy</td>
<td>Unchallenged rule by one head of state and one ruling political party, in which opposition groups and civil society are constrained or even severely suppressed. However, in contrast to a monarchy, the ruler nominally holds elections (usually viewed as unfair or unfree) or is selected through some sort of constitutional process.</td>
<td>Russia, Syria, Venezuela</td>
</tr>
</tbody>
</table>
While states have a defined position under international law, and governments exercise the prerogatives enjoyed by states, nations occupy a more amorphous position, and their claim to the right of self-government is more difficult to establish. A nation is a grouping of people who self-identify as members of that particular group, generally sharing a common heritage, culture, language, religion, ethnicity, or some combination thereof. Most nations have a homeland or territory where they are—or were—particularly influential (e.g., Germany, Russia, or Japan), although members of the nation can live anywhere. If there has been a process by which members of that nation have left their original territories to settle in other parts of the world while still retaining their national identity, we might refer to the existence of a diaspora (such as the “overseas Chinese” in southeast Asia or the Armenian communities of the Middle East). Other nations, however, lack a defined territory or may not possess any national institutions.

International law recognizes a right of self-determination, but remains vague on how such a right can be claimed or adjudicated and whether that right requires separation and political independence. Thus, a nation is not automatically a state. The Kurds, for example, meet the criteria for a nation, but Kurdistan (as of October 2016) is not a state. However, the Kurds of Iraq have achieved formal constitutional autonomy that gives them the right to field regional security forces. That legal status provides a basis for the United States to offer military assistance and training to Kurdish units engaged in the struggle against the Islamic State in Iraq and the Levant (also known as Islamic State in Iraq and Syria).

Rules in International Politics and the Sources of International Order

In discussing the state system, we have already begun to mention several important concepts such as sovereignty as well as mentioning provisions of international law. The most important characteristic of the current international order, however, is anarchy, understood here in its literal meaning of “without authority.” At present, there is no central authority to enforce any of these rules or concepts. States and other actors observe limits on their own behavior sometimes through voluntary cooperation or compliance with the requirements of membership in international institutions such as the United Nations. In other cases, states find themselves compelled to do something by external pressure. Even in an anarchic system, however, there are a number of organizing principles at work.

The most important is that of sovereignty. Under the principle of sovereignty, states have a legal monopoly on the use of force within their borders and a free hand in how they conduct their internal affairs. In modern times, the articulation of this principle arises out of the understanding and interpretation of the terms of the two agreements reached in 1648 among the combatants of the Thirty Years’ War (1618–48), usually referred to as the Peace of Westphalia. The provisions in those treaties created the origins of sovereignty as that term is understood today.

Sovereign states jealously protect their rights. Deliberate violations of state sovereignty by other states may trigger conflict in which a variety of tools, including warfare, may be used to respond. Accidental or occasional violations of sovereignty will harm relations between states. A state generally tailors its response to the particular situation in the context of its relationship with the violator and the strategic environment.
In March 2007, for example, Iran captured and detained several British military personnel, claiming that they had violated Iranian sovereignty by entering Iranian waters. The British denied that they had entered into Iran’s maritime sovereign space. The seizure of the British personnel could easily be characterized as a violation of the United Kingdom’s sovereignty since a sovereign state has the right to the inviolability of its vessels while transiting international waters; moreover, the British were operating under a mandate of the United Nations Security Council to intercept smugglers. Either action could have been viewed as a casus belli by the other, but both countries chose to resolve the matter through diplomatic means.

Sovereignty concerns matter for the theater security enterprise in a number of areas. The presumption against trespassing the borders of another state in the absence of explicit permission from that country’s government, for instance, can limit the scope of military and other U.S. governmental activities. Indeed, a common test for sovereignty is whether a government can prevent the presence of foreign troops operating on its territory, unless that deployment occurs with its explicit consent.

More broadly, the sovereignty of other governments requires the United States to get the acquiescence of other states to its plans and proposals. As a former Department of Defense official told a Naval War College faculty roundtable, a foreign government is under no obligation to accept a policy decision, no matter how laboriously and painfully worked out through the U.S. interagency process, simply because that would make things easier for Washington. A government’s defense of its sovereign prerogatives can override the best strategic arguments for a particular course of action by tying the hands of U.S. decision makers.

For example, to provide a legal basis for the continued presence of U.S. military forces in Iraq after the December 2008 expiration of the UN Security Council mandate legitimizing U.S. operations, the Bush administration negotiated a “status of forces” agreement (SOFA) with Iraq. The United States was unable to obtain an unlimited mandate, as this proved unacceptable to the Iraqi parliament, and so the SOFA that was produced allowed for U.S. forces to remain to January 1, 2012, unless the Iraqi government agreed to an extension. As that deadline drew near, there were repeated calls by members of the U.S. Congress and the defense establishment for the United States to leave a “residual force” in place in Iraq.

The Obama administration, however, was unable to reach a final agreement with the government of Prime Minister Nuri al-Maliki. The Iraqi side was willing to agree to several thousand U.S. forces to remain as trainers, but was unwilling to accede to the ironclad U.S. requirement that Iraq grant sovereign immunity to American personnel (meaning that they could not be arrested or tried by Iraqi authorities in the conduct of their official duties). Without those legal guarantees, the Obama administration refused to leave any U.S. military forces in place, while Maliki was unable and unwilling to persuade the Iraqi parliament to change its opposition to extending the SOFA. When the SOFA expired, U.S. troops were withdrawn in accordance with its provisions even though there were concerns that their departure would create future problems for the United States.

While countries are sovereign, their governments can and do take on obligations that constrain their sovereign freedom of action. For instance, the 1907 Hague Conventions, to which the United States is a signatory, make plain in the twenty-second article of Hague Convention IV
that the “right of belligerents to adopt means of injuring the enemy is not unlimited,” a statement that is followed by more-detailed restrictions on how countries may conduct military operations. Thus, sovereign states voluntarily limited the exercise of their authority by recognizing a source of law and regulation higher than the state—what we normally term international law.

International law contains “principles and rules of conduct which states feel themselves bound to observe, and therefore, do commonly observe in their relations with each other.” International law is not a single body of laws and statutes, like the U.S. Constitution or the collection of U.S. public laws. Rather, it is a collection of treaties, agreements, legal proceedings in various courts, and other documents. This body of law addresses the rights and responsibilities that govern relationships among states as well as between states and various international organizations.

The Statute of the International Court of Justice (ICJ) is annexed to the Charter of the United Nations, of which it forms an integral part. Article 38 of this statute describes three recognized primary sources of international law:

*International conventions* are agreements that establish rules after negotiations and agreements by states, who then sign on to the resulting documents and agree to be bound by their provisions. A convention signed by multiple states to regulate threats against the safety of maritime navigation would be an example of such a convention and would have the force of law for the signatories. In the U.S. context, article 6 of the Constitution notes that treaties that have been ratified by the U.S. Senate are to be considered part of the “supreme law of the land” and thus binding on the U.S. government.

*International custom* is a group of general practices that have been accepted widely enough to be treated as law. Customs are patterns of actions and behavior, or legal principles accepted throughout the international community, or even what the ICJ calls “natural law,” considered universal principles by the very fact that states observe them even in the absence of specific documents. It is often the case that customary law is later codified into a convention or agreement: for example, respecting the personal safety of ambassadors is a principle most nations observed for nearly two thousand years, but is now also embedded in conventions that recognize this customary principle. This also encompasses the practice of “diplomatic immunity,” where the premises and personnel of an embassy are exempted from the jurisdiction of local laws.

Finally, there are *general principles* of law that are, in the words of the United Nations, “recognized by civilized nations.” These are principles of international customary law that stretch back centuries, and might include things such as the impermissibility of unprovoked war or the prohibition on piracy. Again, these are matters that are now codified in conventions, but they are rooted in much deeper historical principles, primarily derived from the experiences of the European nations after the emergence of the Western international system after the end of the Thirty Years’ War. Thus, “customary international law develops from a general and consistent practice of states followed by them out of a sense of legal obligation, or *opinio juris*.”
Put another way, what states do and the principles they respect over time become law by repetition.

The sovereignty of a state can also be impacted by the treaties the state signs and the organizations it joins; domestic law and policy can be overturned by international law. The Child Soldier Treaty, formally known as the Optional Protocol to the Convention on the Rights of the Child on Involvement of Children in Armed Conflict, bans compulsory recruitment of persons under eighteen years old and bans persons under eighteen years old from taking a “direct part in hostilities.” In conjunction with the U.S. accession to the treaty, for instance, each branch of the U.S. military was required to develop special policies limiting the assignment of military personnel who are only seventeen years old.36

For the United States, the treaties it signs and ratifies and the agreements it concludes create legal obligations that impact the policy options available to domestic policy makers. In summarizing the current understanding, Michael John Garcia notes:

The status of an international agreement within the United States depends on a variety of factors. Self-executing treaties have a status equal to federal statute, superior to U.S. state law, and inferior to the Constitution. Depending upon the nature of executive agreements, they may or may not have a status equal to federal statute. In any case, self-executing executive agreements have a status that is superior to U.S. state law and inferior to the Constitution. Treaties or executive agreements that are not self-executing generally have been understood by the courts to have limited status domestically; rather, the legislation or regulations implementing these agreements are controlling.37

In some cases, the treaty or agreement directly spells out U.S. obligations and commitments (self-executing). In others, the treaty or agreement requires the U.S. Congress to pass legislation or the president to issue an executive order to define how the U.S. government will implement the pact.

At the same time, since the international system remains anarchic, treaties and other international agreements are still subject to differing interpretations of their requirements and whether their obligations are being fulfilled or violated. Such controversies can arise from ambiguity or from a strong motivation to interpret text in a self-serving manner. Some countries may agree to submit disputes to international arbitration or to a transnational authority for adjudication (for instance, European states that agree to let the European Court of Human Rights hear appeals and then be bound by the verdict). Others admit no authority above the state to determine whether violations have occurred.38

Sometimes, states may be selective when they decide to accept international arbitration. When the Philippines, for instance, brought action against China to the Permanent Court of Arbitration at The Hague (culminating in a ruling by that body in 2016) to settle the outstanding maritime territorial disputes between the two countries, the position of the Chinese government was that China “is entitled to choose its preferred nature of dispute resolution” and that China would not recognize the Hague tribunal’s jurisdiction since, in 2006, it had already made clear its interpretation of article 298 of the United Nations Convention on the Law of the Sea, which the Philippines had invoked in bringing a suit.
Beijing’s position was that arbitration under terms of UNCLOS is only binding with the “agreement and consent of those countries” that are affected.\textsuperscript{39}

At the end of the Cold War, Western interpretations of international law and norms seemed to be gaining acceptance as a de facto universal standard by which the policies and actions of all nations could be assessed. Over the last several years, however, other powers have begun to challenge more forcefully standard Western interpretations of international law to argue that they are not violating such regulations in how they conduct military actions or carry out domestic policy.\textsuperscript{40} For instance, Russia has argued that how it has carried out its intervention in Syria corresponds to its obligations under international law even though Western countries believe that some of its strikes should be considered war crimes.

This question of who has authority to interpret international law and norms—and then who has power to enforce such judgments—is especially noticeable when it comes to the question of human rights. Until the twentieth century, treaties focused primarily on contractual matters between states. After the horrors of the Second World War, however, greater importance began to be placed on codifying individual human rights into international instruments. The Universal Declaration of Human Rights adopted by many members of the UN in 1948 helped to shape thinking about the concept of human rights as a matter of state obligation under international law, which has led to the increase in the number of treaties and conventions in which states agree to respect human rights—and how states fulfill these obligations to their citizens has become a legitimate point of concern of other states. This rise in concerns for the protection of human rights occurred in tandem with the emergence of more-powerful nongovernmental organizations, which took on themselves the mandate to monitor state compliance with those human rights commitments. Thus, groups such as Amnesty International regularly call state governments to account for their performance, while in some cases, NGOs such as the International Committee of the Red Cross have been tasked to protect prisoners of war, refugees, and other victims of armed conflict.

Human rights concerns motivate criticism of state action in a variety of ways. Smaller states, understandably, seek assurances from more-powerful members of the system that the latter will observe such rights. Powerful states, of course, have more freedom to act in their own interests, and thus smaller states often charge that larger nations engage in hypocrisy when they violate their legal obligations while demanding that smaller states adhere to the letter of the law. Sovereignty, which for most of the twentieth century was defended by every member of the international order as an absolute right, is now facing challenges from many states when that principle conflicts with attempts to stop atrocities and human rights disasters. And strong states face serious difficulties in resolving their efforts to protect their security while observing these ostensibly universal requirements.

The United States, for example, has been criticized for a number of actions taken during the war on terror—from the rendition of suspected terrorists to other legal jurisdictions where torture as part of interrogation is legal to the use of drone strikes as a way to attack militants. Some of these criticisms have had an impact on U.S. policy because they cite treaties to which the United States is a party as the legal basis for their criticism. The United States and other Western powers have also been criticized for failing to intervene sooner and more effectively
during humanitarian disasters, such as the 1994 genocide in Rwanda, when there was no pressing national interest at stake, while later using human rights concerns as a justification for military action against Iraq or Libya. In turn, the United States frequently cites human rights abuses and treaty violations in its criticism of Iran and other states whose policies it opposes, while it is prepared to overlook such violations when undertaken by its friends or partners.41

Despite these problems, the United States is generally prepared to follow international rules (or at least its own interpretations) in how it conducts its national security policy for a variety of reasons—and hopes that other states are willing to do the same. Overt violations may exact costs in terms of the willingness of other states to support or sustain U.S. action, or create problems down the road for the United States if precedents are set that can be used against U.S. interests. In many cases, the United States is ready to accept some limitations on its sovereign freedom of action to create an international order that is more predictable and stable.42

On the one hand, the United States may want to preserve its freedom of action by not limiting its own options, such as in cyberspace. It was alleged that the United States and its allies were behind the creation of the so-called Stuxnet virus, which was deployed quite effectively to damage Iran’s budding nuclear program by destroying nearly one-fifth of Iran’s nuclear centrifuges and contributing to extensive delays in Iran’s ability to master nuclear technology.43

Yet many analysts have warned that viruses such as Stuxnet can end up being used against Western governments, including the United States. A barely noticed December 2010 Congressional Research Service report to Congress warned that a Stuxnet virus variant could cause significant damage in the United States: “A successful broad-based attack on the U.S., using new variants of the Stuxnet weapon, could do enough widespread damage to critical infrastructure—including water, power, transportation, and other services—that it ‘threatens to cause harm to many activities deemed critical to the basic functioning of modern society.’”44

R2P

The “Responsibility to Protect” (R2P) is a commitment endorsed by the world’s nations at the 2005 World Summit of the United Nations that if a state proves unable or unwilling to protect its populations from genocide, war crimes, crimes against humanity, or ethnic cleansing, other nations should be able to take steps, including to intervene if necessary, to protect vulnerable populations, even if it means violating the state’s sovereignty. Designed, in part, to prevent a repeat of the massacres in Rwanda in 1994, and as a way to bypass a potential deadlock on the UN Security Council that might prevent authorizing military action, R2P, while being cited as a justification for action, still lacks reliable mechanisms to determine when violations have taken place and what steps should be taken for mitigation. Thus, as with other treaties, the decision when to apply R2P rests in the hands of each individual government.

The same cyber technologies that can be used to aid freedom fighters and people struggling for their rights against authoritarian or oppressive regimes can also be utilized by terrorist, extremist, and criminal organizations looking to avoid detection by law enforcement agencies. A YouTube channel that broadcasts the appeals of dissidents facing repression from totalitarian regimes can exist side by side with another that attempts to recruit disaffected “lost boys” to commit lone-wolf terror attacks.

For example, while hackers said to be employed by the Chinese government are alleged to have been behind the cyber theft of massive amounts of information about U.S. government employees, China, in turn, has complained that commercial, off-the-shelf technologies sold and provided by U.S. companies have been used by hackers to target Chinese information systems.45 All of these realities led the first U.S. Secretary of Homeland Security, Tom Ridge, to offer the following, blunt assessment:

When does one country interpret another’s aggressive exploitation of its military or corporate secrets with the clandestine insertion of malicious malware into the industrial control systems of critical infrastructure as either a precursor to an attack, or an actual act of war? Does the affected country respond with an equally severe digital attack, or does it use conventional weapons? . . . Even if common ground is found, it may never alter how countries aggressively use the Internet. One can only hope that such success would open a path to honest discussion about such use, and the means to reduce the risk and the dangers associated with it.46
Whether this will lead to new international regulatory regimes (such as cyber arms control) or new international laws of war for the cyber domain remains to be seen.

International law is also not a static deposit of regulations but evolves according to changing conditions. Thus, the emergence of new technologies, such as lethal autonomous weapons systems—weapon systems that can select and attack targets without human intervention—requires either their integration into existing frameworks or the development of new norms and regulations. Thus, in 2014, the first meeting of experts took place in Geneva under the aegis of the United Nations Convention on Certain Conventional Weapons. Ninety-five states took part, along with representatives of different international organizations and NGOs, among them the International Committee of the Red Cross. For two years, a series of meetings have prepared recommendations that were presented in December 2016 to the Review Conference of the convention. These led to the creation of a formal Governmental Group of Experts that is empowered to propose international regulations, codes of conduct, and standards for how and under what conditions these types of weapons would be employed.47

Organizations in the International System

States institute and observe international norms, rules, and laws to mitigate the dangers of the anarchy of the international system. They are intended to establish and sustain global order. However, as Richard Haass, the president of the Council on Foreign Relations, wrote in 2014, the sources of international disorder are increasing. These include actors “who reject those rules and arrangements in principle and feel free to ignore or undermine them.”48 Globalization, in particular, has exacerbated the complexities and intensity of international disorder; Haass points out the contemporary challenges to global order include “cross-border flows of terrorists, viruses (both physical and virtual), and greenhouse gas emissions. . . . And the rise of populism amid economic stagnation and increasing inequality makes improving global governance even more challenging.”49

In effect, Haass contends that today’s world is “messier,” and the post–Cold War order is unraveling owing to three main trends: “Power in the world has diffused across a greater number and range of actors. Respect for the American economic and political model has diminished. And specific U.S. policy choices, especially in the Middle East, have raised doubts about American judgment and the reliability of the United States’ threats and promises. The net result is that while the United States’ absolute strength remains considerable, American influence has diminished.”50

Under such conditions, the United States, while remaining the world’s leading power, cannot on its own strengths and resources establish a more orderly world or help to create stronger, more resilient regions. Thus, Haass counsels that the goal of U.S. policy should be integration, “trying to bring others into arrangements to manage global challenges such as climate change, terrorism, proliferation, trade, public health, and maintaining a secure and open commons. Where these arrangements can be global, so much the better, but where they cannot, they should be regional or selective, involving those actors with significant interests and capacity that share some degree of policy consensus.”51
One tool of integrating actors with significant common interests and goals is the intergovernmental organization—a transnational organization whose member states agree to pool resources, accept agreed-on regulations, or undertake collective action in support of specified and shared policy goals. IGOs can be global (the United Nations, the World Bank) or regional (the European Union, the African Union, the Organization of American States); they can be functional (International Telecom Union) or based on cultural or religious criteria (the British Commonwealth, the Organization of Islamic Cooperation).

The U.S. approach to IGOs has been guided by what is sometimes termed “pragmatic multilateralism.” By creating, joining, and supporting IGOs, the United States accepts some restrictions on its freedom of action “as a means to reduce direct requirements on Washington.”

The most well-known IGO is the United Nations. Originally set up as a collective security organization, to guarantee the territorial integrity of its member states and, in theory, to prohibit war between its members, it has expanded its remit into other areas of global governance. Via its subsidiary organizations, the United Nations has developed extensive capacity for dealing with a number of global challenges, from coping with refugees to dealing with pandemics and alleviating famine. For instance, the World Health Organization, which is a specialized agency of the UN that has as its mandate preserving and protecting global health, takes the lead in the fight against pandemics such as Ebola, the H1N1 influenza virus, and the severe acute respiratory syndrome (or SARS) epidemic, working with national governments, regional organizations, and nongovernmental organizations.

The United Nations encompasses 193 member states and two observer states (as of July 2016), which includes almost every country in the world. Its opening session every year, in September, is the leading platform for leaders to address a global audience. When the United States, a founding member, ratified the charter in 1945, it committed itself to accept and carry out the decisions of the UN Security Council, which can include the authority to impose sanctions and order military action. Assuming that the other veto-wielding members of the Security Council agree, and a majority of the council votes in favor, its decisions becoming binding on all UN member states. Thus, whenever possible, the United States seeks to obtain mandates from the United Nations for its actions (military intervention in Korea in 1950, the liberation of Kuwait in 1990–91, or the air campaign over Libya in 2011) and to get the UN to ratify measures such as imposing sanctions (such as the sanctions imposed on Iran or North Korea).

In addition, the United Nations holds out a “standing invitation” for other IGOs “to participate as observers in the sessions and the work of the General Assembly and [to maintain] permanent offices at the Headquarters.” In turn, other major international meetings, such as the summits of the Group of Twenty (G-20), invite representatives of the world’s major IGOs to attend their gatherings.

An alliance is a particular type of IGO. In an alliance, two or more states obligate themselves to each other formally, pledging to act as agreed in a treaty (say, to allow unhindered access to each other’s territory, or to treat an attack on one party as an attack on the other). Alliances are always political since they are groups of states whose common security is assured among them against some other state or coalition of states. They may emphasize military or other forms of
cooperation, but alliances are not formed for abstract reasons: they are more often a response to a specific threat.

The largest and most prominent alliance today remains the North Atlantic Treaty Organization, which obligates every member to treat an attack on any other member in a broadly defined North Atlantic area as an attack on itself. It commits states to a common military command, creates joint military structures and engagements designed to improve interoperability among the members, and has a political structure (the North Atlantic Council) designed to harmonize the foreign policies of its members. Originally created to deal with the threat posed after the Second World War by an expansionist Soviet Union, NATO today fluctuates between dealing with the threat posed by a rising Russia and serving as an expeditionary force to extend the zone of security around the Euro-Atlantic world.

A collective security agreement is a less formal IGO, in which states are bound by agreement to protect the peace among themselves, no matter who the aggressor might be. Unlike an alliance, which is aimed at a third party, a collective security arrangement is something more like a policing effort, in which all members police the actions of all other members. The Shanghai Cooperation Organization, which brings together Russia, China, India, Pakistan, and the states of Central Asia, falls short of being an alliance but promotes security cooperation among its members.

Coalitions are even less formal groups of states. To use a sports analogy, they are not a standing team of players but a pickup game whose roster might include states who have an interest in the matter at hand. Coalitions can come together, like a posse, to achieve a particular goal—but then disband. (The coalition that removed Iraq from Kuwait was one such coalition, as is the current Global Coalition to Counter the Islamic State of Iraq and the Levant.) Sometimes, an effort may be undertaken to transform a coalition into a more binding and lasting association—for instance, the effort to forge closer security ties between Australia, India, Japan, and Vietnam.
In recent years, countries have also explored creating more-binding connections between them, particularly to pursue regional integration. Over the last several decades, we have seen this process, most notably in Europe, but also in Latin America and Southeast Asia. Various countries within a particular region begin forming free trade agreements (FTAs) with each other, in the process of integrating their economies at the regional level. This might lead to political, sociocultural, judicial, and transportation integration as well, thus forming what is known as regional blocs. Each regional integration scheme strategizes to gain competitive and comparative advantages in trade between its region and other regions and powerful individual economies, such as those of the United States and China, in the world. Examples of regional FTAs include the North American Free Trade Agreement (NAFTA), the Association of Southeast Asian Nations (ASEAN), the European Union, and Mercado Común del Sur (in Spanish), called the Southern Common Market or MERCOSUR (in English), to name a few.

The EU is a compact among European states that was created on the foundation of economic agreements, which led to a common market. Over time, to secure the benefits of that market, countries realized that other areas traditionally governed under state sovereignty would need to be harmonized at the level of the association. Since its formation in 1957, the European Union (first formed as the European Community) has grown increasingly involved with social and other activities typically managed by state governments, particularly monetary policy, as well as efforts to create a common foreign and defense policy. In 1999 many members of the EU agreed to create a common currency (the euro) and to invest control over that currency in a European Central Bank.

Today, the EU has many areas where it can override the preferences of its member governments. However, even the EU remains subject to the ultimate sovereign preferences of its members. In summer 2016 voters in the United Kingdom narrowly approved a call for a British exit (Brexit) from the EU, and how the Brexit matter is handled (and whether other EU states also seek to leave or modify the union) will determine the EU’s longevity and influence.

The African Union (AU) and the Organization of American States are regional IGOs that can play a significant role in security issues. The AU has deployed military observers to the Darfur
region of western Sudan, for example. Other IGOs, such as the World Health Organization (discussed above) and the Organization of Petroleum Exporting Countries (OPEC), are functionally based. OPEC has a specific status as a cartel, in that it tries to coordinate production among its members in an effort to sustain energy prices.

The World Trade Organization (WTO) deals with “the rules of trade between nations,” in an effort to simplify and streamline global trade. At its heart are the WTO agreements, negotiated and signed by the bulk of the world’s trading nations and ratified in their parliaments. The goal is to help producers of goods and services, exporters, and importers conduct their business by lowering barriers to trade—on the theory that increased trading ties and economic interdependence among nations both lower the risk of war and increase the prosperity of all involved. The WTO was established in Geneva, Switzerland, on January 1, 1995, and at the beginning of 2017 the WTO has 164 members plus 22 observer governments (which must start accession negotiations within five years of attaining observer status). Like other IGOs, the WTO has been given power by member states as specified in relevant treaties to set rules and adjudicate disputes.

Thus, even the United States is bound by the rules and decisions of the WTO in trade matters and can be subject to disciplinary action by other WTO members in event of noncompliance. For example, in 2006, the U.S. government eliminated two trade-related programs because rulings by the World Trade Organization had declared the programs violated the WTO treaty. These two programs—one diverting money to U.S. corporations determined to be victims of trade “dumping,” and the other subsidizing U.S. cotton growers—had been created by U.S. law and were subsequently eliminated or modified by U.S. law.54

One specific subset of IGOs are those that specifically deal with international finance, the international financial organizations. The two main international financial organizations functioning today originated in the Bretton Woods agreement of 1944. The International Bank for Reconstruction and Development, popularly known as the World Bank, was created to finance development projects beyond the capacity of the private sector to finance, and

Fighting Piracy: Coordinating Efforts

Different types of international arrangements can coexist in an effort to address a common problem. When piracy emanating from Somalia proved to be a major threat to global shipping routes, the United Nations Security Council issued a series of resolutions authorizing member states to take action to protect the sea-lanes. The United States stood up a coalition effort involving both treaty allies and other partners under its leadership and the overall command of a U.S. Navy admiral as Combined Task Force 151. NATO, as an alliance, deployed a separate task force, while the European Union, in its capacity as a regional organization, dispatched a third antipiracy mission (Operation ATALANTA). In some cases, the same country (such as Italy or Germany) might take part in all three operations. Finally, individual countries such as India, China, and Russia sent naval detachments but agreed to take part in the Shared Awareness and Deconfliction forum (SHADE), which is stationed at the U.S. Navy’s Fifth Fleet Headquarters in Bahrain. This helps to ensure that various alliance and coalition efforts are coordinated to provide maximum coverage. (See Nikolas K. Gvosdev, Communitarian Foreign Policy: Amitai Etzioni’s Vision [New Brunswick, NJ: Transaction Press, 2016], 136–40.)
obtains its capital from the assigned contributions of its members, who then gain proportional voting rights. The International Monetary Fund was set up and financed along similar lines to provide support to countries’ currencies to promote international financial stability.

Although most countries belong to both organizations, the United States and the European states hold the majority of voting shares in both institutions. In the past, the United States has used its influence to bolster its own domestic aid programs by having the IMF and World Bank be in a position to supply aid and financial support—or to impose conditionality on other countries’ domestic and foreign policies in order for them to receive aid. In recent years, China has begun to promote the development of alternatives—the New Development Bank, the Asian Infrastructure Investment Bank, and the BRICS (Brazil–Russia–India–China–South Africa) Contingent Reserve Arrangement—to the IMF and World Bank, although with considerably less capital at hand. However, China’s willingness to dispense with Western conditionality for assistance, particularly in Africa, gives governments the opportunity to decide whether to accept American or European assistance or to turn to other options.55

The United Nations Security Council is sometimes viewed as the collection of the most-powerful states in the world. However, the permanent membership of the council only reflects the victorious powers in the Second World War (the United States, France, Britain, China, and Russia [as the successor to the USSR]), and has remained frozen in this configuration since 1945, rather than reflecting changes in the distribution of power in the global system. It is still the most powerful voice in the international system—at least when it speaks in unison—but other, more informal groupings of powers have emerged to take on the mantle of the leading powers.

In the West, for example, during the Cold War, the Group of Seven (G-7) encompassed the leading European economic powers along with Japan, Canada, and the United States. The finance ministers and heads of the central banks would meet on a regular basis to discuss economic coordination, while the heads of government would gather for a yearly summit to talk about a host of related political, economic, and security matters. Russia was invited to join the gathering in the 1990s, turning it into the Group of Eight, but was ejected in 2014 after the annexation of Crimea. In 1999, a larger group, the Group of Twenty (G-20), held an inaugural meeting of the finance ministers and central bank governors of the largest and most-important developed and developing economies.

The G-20 reflects a more truly global network of states, with participation from countries such as China, India, Brazil, South Africa, Nigeria, Mexico, and Turkey in addition to the established G-7 members. After the global economic crisis of 2008–2009, the G-20 emerged as the central actor coordinating a response to the crisis and now is seen as the principal forum to convene the world’s most-influential national leaders in a yearly summit, with the G-7 now largely seen as a grouping of Western states.56

The United States is a full member or observer in many global and regional international organizations. In turn, “the federal government by statute or treaty can determine the status of international organizations under the domestic law of the United States.”57 The United Nations Participation Act of 1945, for instance, contains several provisions that authorize the president to take measures to carry out the decisions of the United Nations Security Council.
“notwithstanding the provisions of any other law, whenever the United States is called upon by
the Security Council to apply measures which said Council has decided.” Thus, sanctions
imposed by the council become binding on the U.S. government. Moreover, “the President
shall not be deemed to require the authorization of the Congress to make available to the
Security Council on its call in order to take action under article 42 of said Charter the armed
forces, facilities, or assistance provided for therein.”58

In some cases, as Robert Lawrence has pointed out, the United States has “opted out” of
different organizations and different international regimes “for fear that compliance would be
contrary to U.S. interests, and ha[s] refused outright to sign some treaties on the grounds of
potential legal exposure.”59 Thus, the United States has declined to ratify the treaty creating the
International Criminal Court (ICC) and withdrew its signature in 2002. As a routine practice,
the United States requires countries that are members of the court that also have requested the
presence of U.S. forces on their territories to sign waivers under article 98 of the convention not
to surrender U.S. personnel to the jurisdiction of the ICC if there are accusations of war crimes.
The United States has also refused to sign the Ottawa Convention (the treaty that bans the use
of antipersonnel land mines), not wishing to restrict its potential defensive options by giving up
this weapons system—but since 2014, by executive order, the United States will comply with
treaty provisions, with the exception of U.S. positions on the Korean Peninsula. As the
National Security Council spokesperson explained, “The unique circumstances on the Korean
Peninsula and our commitment to the defense of the Republic of Korea preclude us from
changing our anti-personnel landmine policy there at this time.”60

In other cases, the United States itself determines whether it is in compliance with the demands
and requirements of the organization. Article 5 of the North Atlantic Treaty requires the
United States to consider an attack against another NATO ally as an attack against the United
States, but does not automatically obligate the United States to go to war. Instead, the treaty
notes that every NATO member, “in exercise of the right of individual or collective self-defense
recognized by Article 51 of the Charter of the United Nations, will assist the Party or Parties so
attacked by taking forthwith, individually and in concert with the other Parties, such action as
it deems necessary, including the use of armed force, to restore and maintain the security of the
North Atlantic area.”

Yet the final decision rests in the hands of each member state to take action “as it deems
necessary”; the North Atlantic Council, for instance, cannot commit the United States (or any
other member) to resort to force.61 Similarly, rulings by the World Trade Organization must be
enforced by the member government, but they are a powerful tool for compellence in that, if a
country does not comply with a WTO decision, other countries can be authorized by the
WTO to enact counterpenalties in their trading relations.

For example, Brazil brought suit in the WTO against the United States in 2002 for its subsidies
to American cotton farmers. The WTO ruled against the United States in 2009 and authorized
Brazil, if the United States did not lift its subsidies, to take countermeasures against other U.S.
products sold to Brazil. To prevent Brazil from imposing high tariffs on a wide range of other
U.S. goods, the United States agreed to pay Brazil for its losses and to agree to a lower subsidy
for U.S. cotton farmers, as noted above. In return, and to avoid a trade war with the United
States, Brazil agreed to drop its action before the WTO. While the WTO had no independent enforcement power to compel the United States to accept its decision, its ability to have other states take action would have raised the costs for the United States if Washington had chosen to ignore the ruling.

Moreover, just as the United States can decide to withdraw from international organizations, so too can other states. In November 2016, by executive order, Russian president Vladimir Putin withdrew Russia’s signature from the treaty creating the ICC and announced it too would no longer accept the court’s jurisdiction or rulings.

Conclusion

U.S. theater security policy does not exist in a vacuum but both attempts to shape and in turn is shaped by the regional and global environment. A growing cast of global actors appears likely to influence the work of national security professionals. States and IGOs will continue to play a major role in shaping the global environment in which national security professionals operate. States and IGOs specifically will impact policy development and execution, directly and indirectly. The actions of states and IGOs will contribute to change in the formal and informal rules and methods by which they interact. At the same time, the rise of the nonstate sector and its empowerment by globalization introduces a third set of players shaping the international environment—the “experts, commissions, NGOs, TNCs, and interested individuals” who have the capacity to influence developments.

Globalization and technology will continue to influence the interactions of states, IGOs, and the other major actors in the global environment. Today, technology and the forces of globalization provide states and other actors with additional challenges and opportunities in the pursuit of their interests. Increasing interdependence between states, along with the global nature of pandemics, and environmental and other kinds of disasters, has compelled states and IGOs to cooperate more. Battling global and cyberspace threats is a priority of the modern state, and the national security professional plays a significant role in providing the critical knowledge, information, and decision support in the most complex domestic and global environments.

The linkages between a state’s domestic policies and foreign interests and policies cannot be emphasized enough. As Richard Haass explains, “Sensible foreign and domestic policies are mutually reinforcing: a stable world is good for the home front, and a successful home front provides the resources needed for American global leadership.” A diverse spectrum of global actors and elements will increasingly impact the work of national security professionals at the home front. One’s acute situational awareness regarding the major actors in the modern global environment, and their relationships and interactions, greatly contributes to the national security decision-making process. When you take your place in the higher echelons of the theater security process—whether as part of a joint or country team, or in an interagency context, as discussed in chapter 5—these issues will form part of your agenda. In turn, greater awareness of the domestic context for legitimacy—a key subject that will serve as the basis for chapter 8—will help in raising awareness of what sorts of international policies are likely to be accepted or rejected in any particular country.
NOTES


16. All of this is discussed in what is considered to be one of the foundational expositions of what international law has to say about state recognition: James Crawford, “The Criteria for Statehood in International Law,” *British Yearbook of International Law* 48, no. 1 (1976): 93–182.


30. See, for instance, article 41 of the 1880 *Manual on the Laws of War on Land* (commonly referred to as the Oxford Manual) issued by the Institute of International Law.


35. From the letter of John Bellinger III, Legal Adviser, U.S. Department of State, and William Haynes, General Counsel, Department of Defense, to the president of the International Committee of the Red Cross (November 3, 2006).


49. Ibid.

50. Ibid.

51. Ibid.


53. Lists of accredited IGOs are maintained by the UN and are archived at http://www.un.org/en/members/intergovorg.shtml.


58. Article 42 of the UN Charter authorizes the Security Council to order military action “by air, sea, or land forces as may be necessary to maintain or restore international peace and security. Such action may include demonstrations, blockade, and other operations by air, sea, or land forces of Members of the United Nations.”


65. Haass, “The Unraveling.”
Chapter 8

Theater Security through the Lenses of Culture, Religion, Ideology, and Nationalism*

The success or failure of any policy, including theater security policy, depends on whether elites and the larger population are prepared—in both the United States and the other countries involved—to accept it as legitimate. A policy choice that has worked its way through the interagency process, has been blessed by higher authority, and is in accordance with international rules and norms may nevertheless fail to achieve its objectives if it provokes severe resistance from the policy community or is seen as illegitimate by the general public in either capital. German diplomat Wilfried Bolewski makes the critical observation that diplomats and other national security professionals trying to achieve their objectives when dealing with other countries not only require “a profound knowledge about current issues” but also must understand the “underlying cultural motives” at play.1 A key part of the theater security enterprise is understanding the social, political, and cultural environment and how this environment may enhance or preclude desired policy outcomes.

In chapter 1, you were introduced to Robert Putnam’s concept of the “two level” game, the idea that a country’s foreign policy consists of both a government’s negotiations with other governments and also a series of negotiations between the government and important domestic actors who must support or at least acquiesce in any final settlement. In other words, national leaders must win ratification (whether formal or informal) from their constituents at home for an international agreement to have any standing or permanence. Likewise, a variant of Putnam’s model suggests that if a country wants to see its preferred set of policies enacted, it must not only win over or convince the other government but be able to find support from that society as well. Policies can thus succeed or fail, not on the basis of any assessment of strategic calculation, but because of how those proposals generate support or resistance within that country’s domestic political system.2

Many military officers and national security professionals at the tactical and operational levels have already been exposed to the idea of “cultural awareness,” which could have an impact on the success of a particular mission. This kind of awareness can include any number of issues, such as knowing local customs—whether to bow, kiss, or shake hands when greeting one’s counterparts, or whether to remove one’s shoes before entering a dwelling. However, national

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* This chapter is based on faculty papers prepared by Hayat Alvi and Nikolas Gvosdev with additional edits by Thomas Nichols.
security professionals and staff officers must also be concerned with larger issues of cultural and ideological differences, especially when thinking about how policies and procedures may be received in other nations or regions.

People and their societies are not blank slates. They are shaped by their environment—including by their language, religion, and ethics; their schools and places of worship; the values embedded in their political systems; the nature of their economy; and their social organizations. All of these customs and institutions establish ways for people—in any culture—to determine whether other human beings are “us” or “them”—and whether to accept policy recommendations as legitimate or illegitimate. Awareness of these factors is important for shaping successful policies: even the best theater security plans can run into problems if they are created without reference to where they will be executed. Knowing as much as possible about the local history and culture enables both planners and executors of policy to be prepared for more contingencies.

This is why national security professionals need to be aware of how culture, religion, ideology, and nationalism are all powerful drivers for human action. These concepts provide yardsticks by which people who we hope will agree with and assist our policies determine whether what they are being asked to do is right or wrong, legitimate or illegitimate. In recent years, both the U.S. military and U.S. civilian agencies have found that, despite the military and these agencies’ having the best of intentions, it is possible for others to mobilize tremendous resistance against “outsiders” who threaten “our way of life.” Thus, the U.S. military and civilian agencies have found themselves struggling to cope with the so-called politics of resistance, where their opponents rally support by demanding the right “to choose their own meaningful ways of constituting their solidarities, their collectivities and their identities.”

The Nation—the Imagined Community

What does it mean to be a nation, and to have the right to determine one’s own destiny as part of that nation? Benedict Anderson defines a nation as “an imagined political community.” Calling it “imagined” does not mean that it is not real or that it is illusory. Rather, it “is imagined because the members of even the smallest nation will never know most of their fellow members, meet them or even hear of them, yet in the minds of each lives the image of their communion.” Article 1 of the International Covenant on Civil and Political Rights states: “All

A Strategic Planning and Cultural Awareness Mismatch

In 1979, when the Soviet Union invaded Afghanistan, Soviet leaders decided to send mostly Central Asian reserve forces into Afghanistan. They believed that these Soviet Uzbeks, Tajiks, Turkomans, and Kyrgyz would be able to forge better ties with the locals. This decision, in the words of a historian of the Afghan war, turned out to be a “grave miscalculation. . . . Instead of generating trust and reducing resistance among Afghans, it actually stoked millennia-old animosities between the country’s dominant Pashtuns and its Tajiks, Uzbeks and other Central Asian ethnic groups. Hostility to the Soviets was further deepened by the personal histories of many Tajiks, Uzbeks and Turkmen who lived in northern Afghanistan. Those who had fled Communist repression in Soviet Central Asia disliked the Red Army as much as, if not more than, the Pashtuns did.” (Gregory Feifer, The Great Gamble: The Soviet War in Afghanistan [New York: HarperCollins, 2009], 105.)
peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.” But what, in practice, does that mean?

The sense of distinctiveness that a cultural identity can give a group of people is one of the building blocks on which the claim for self-determination is constructed. As two leading scholars of nationalism, Ronald Suny and Geoff Eley, have noted: “If politics is the ground upon which the category of the nation was first proposed, culture was the terrain where it was elaborated and in this sense nationality is best conceived as a complex, uneven and unpredictable process, forged from an interaction of cultural coalescence and specific political intervention.” Thus, people, over time, come to share a national identity, which produces a sense of common destiny and forges obligations of loyalty among those who are part of the community—a process that is aided by sharing a common language or culture or living under the same institutions for a considerable period of time. In turn, the modern international political system calls for nations to enjoy self-determination, with a nation either having the possibility of possessing its own state, or at least enjoying a high degree of political and cultural autonomy within a state.

As a result of believing in the existence of the nation, a person assumes obligations toward other people never met and never encountered—payment of taxes for services, the possibility of sacrificing one’s life in combat—on the basis of the shared belief in the existence of the nation and the notion of the nation as “ours.” As Anderson has explained, “You follow the laws because they are your laws—not always, because you perhaps cheat on your tax forms, but normally you do. Nationalism encourages good behavior.” In turn, a government gains legitimacy by demonstrating its ability to protect the nation and enhance the economic well-being of its citizens. Nationalism can reinforce political legitimacy by creating the belief that decisions taken by the government are, in some fashion, reflecting the will, values, or mores of the people. This feeling is what convinces a person to accept a decision as the will of the community, rather than as something imposed by outsiders.

A key point to take away is that “national political structures that are not rooted in a shared culture and language are likely to prove fragile and while they last, disruptive.” The seventy-

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**Different Types of Nationalism**

*Unification nationalism* is based on the project of uniting all members of a particular group that have been divided among several different countries into a single state and then ensuring that popular loyalties are directed to supporting the new entity. *Peripheral nationalism* is when a culturally or linguistically distinctive region seeks to differentiate itself from a larger state entity and perhaps even to secede and create its own state. *Irredentist nationalism* occurs when a state hopes to expand its boundaries to take in adjacent territories where it makes claims based on historical precedents or on the ethnic composition of the region. *State-building nationalism* is where a regime attempts to create a new identity, often in a state that is composed of different ethnic, religious, linguistic, and cultural groups, that will help to bind together a multicultural population in a shared sense of belonging.

year history of the USSR was characterized by an ongoing struggle to impose a Soviet identity and the Russian language on different nationalities that were resistant to giving up their own distinctive identities. Indeed, by the 1980s, U.S. policy makers were well aware that “nationalism and legitimacy were the Soviets’ Achilles’ heels” and that in the event of a major shock to the system, the Soviet central government in Moscow would be hard pressed to hold the system together.8

Likewise, the United States was established on the basis of not the “blood and soil” nationalism of the type found in Europe but a unifying national idea and a universalizable constitution. This project, unlike the Soviet experiment, has endured for over two centuries. Americans, however, might do well to reflect that while their own nation was formed from a relatively homogeneous pool of settlers from the British Isles, it was not until the bloodletting of the U.S. Civil War that the United States formed a truly “national” identity.

The mere existence of a state does not always create the conditions for the emergence of nationalism. In some parts of the world, kinship groups and tribes remain much more important, being the primary providers of welfare to their members rather than the state.9 Therefore, nationalism can compete with other forms of communal identity (tribalism, regionalism, and sectarianism) for the loyalty of individuals, and the national identity may not be the principal one motivating an individual to act. One cannot assume, therefore, that the national identity will always be the predominant one. In multiethnic or multisectarian societies, ethnic, tribal, or religious identities may be more important. For instance, religion often serves as a powerful marker for human identity—it is one of the tools, along with language and ethnicity, most often used to divide the world into “ours” and “not ours.” “Religion provides for common language and means of communication among members of a group” and may produce stronger bonds of identity than appeals to common citizenship or ethnicity.10

What this means, in practice, is that people can feel themselves to be parts of multiple communities at once. People in an area can think of themselves as members of a tribe, or a religious sect, or an ethnic group, as well as citizens of a nation. Indeed, sometimes these other affinities can be stronger than attachment to the state itself. (As one analyst said during the 1991 Gulf War, citing the observation of Egyptian diplomat Tahseen Bashir, many of the Middle Eastern states of that time were not states in the Western sense so much as “tribes with flags.”) The challenge for a state, in terms of organizing itself as the single legitimate body of government, is to reconcile these many identities into a national identity.

In countries such as Iraq and Lebanon, for example, where these types of multiple identities (tribal, sectarian, linguistic, and regional alongside “national” ones) exist, political movements such as Hezbollah or the Madhi Army have shifted back and forth between promoting more-narrow sectarian (in these cases, Shia) interests and supporting national (Lebanese or Iraqi) ones. But what this demonstrates is that the language of nationalism (especially that of “self-determination”) is a powerful tool for rallying political support. Both Hassan Nasrallah in Lebanon and Moqtada al-Sadr in Iraq, with their ability to portray themselves both as leaders of the Shia and as national leaders, are cases in point.11

Nationalism, especially in its most virulent, ethnically driven form, can also spill over into violent action, depending on how politicians choose to mobilize their populations. (This is one
reason the term itself is used less often in the United States than the more inclusive concept of patriotism.) In seeking to tap into the legitimacy conveyed by the sense of protecting the nation, both authoritarian and democratic regimes run the risk of generating conflict with other nations. In the case of authoritarian states, this may be to deflect attention away from failures at home: this is the genesis of the “victorious little war” scenario, where a regime hopes that conflict with an external foe will reduce opposition to the government.

But even democracies—particularly fragile ones, where political leaders are still unsure of their mandates—can also be prone to conflict. Indeed, the main argument put forward by political scientists Jack Snyder and Edward Mansfield is that the transition to democracy is often characterized by the need for the new democracy to establish itself among its people by adopting a belligerent nationalism that substantially increases the risk of war.

Snyder and Mansfield point to the ways in which nationalism is used to mobilize populations for political action. Their observations can help to guide an officer’s situational awareness: “Nationalism is attractive to rising groups, who use it as a populist club that can be wielded against elites who are insufficiently zealous in promoting the interests of ‘the nation.’ . . . At the same time, nationalism can be co-opted as a countertactic by elites, old and new, who want to evade new democratic constraints on their rule. By claiming to act on behalf of ‘the people’ but not submitting to direct accountability to them, these elites can tar their opponents as ‘enemies of the nation.’”

**Different Languages, Different Ways of Thinking**

Of course, one of the ways in which “the nation” is most fundamentally defined is through language. Whether it is based on a dominant regional dialect (Italian or Spanish) or deliberately created from an ancient language (Hebrew), or results from a decision to adopt a second language to unify disparate communities (Bahasa Indonesia or English in Singapore), the language chosen as the official language becomes the medium through which politics, education, and business are conducted, laws and official government acts are promulgated, and national discourse through the media occurs.

Language is a tool to convey our thoughts to another person. However, as linguist Benjamin L. Whorf observes, “the linguistic system . . . of each language is not merely a reproducing instrument for voicing ideas but rather is itself the shaper of ideas, the program and guide of the individual’s mental activity, for his analysis of impressions.” The language we speak, in other words, shapes our view of the world. The idiom and nature of a particular language influence how its speakers assess the world around them.

Some languages, for instance, notably the “standard average European” ones, have very precise delineations of past, present, and future, while others put less importance on assigning a precise place in time to when an event happened. They might, instead, stress whether the speaker personally witnessed something or whether it was related to him or her. Some languages prefer use of the active voice (“I recommend we do this”). Others promote passive voice constructions or impersonal constructions that avoid first person usage (“It seemed good to me”). The difference, in turn, may determine the extent to which the culture expects specific individuals to take responsibility for outcomes.
The influence of language can go beyond the spoken forms and also shape thinking through the writing system that is adopted. Richard Lewis, a leading specialist in cross-cultural communication, points out: “The hieroglyphic character and grammatical presuppositions of the Chinese and Japanese languages produce a mindset more oriented toward images and sympathetic understanding than toward definition and distinction. Americans try to solve problems by giving direct answers to questions. Asians avoid direct answers and wait for solutions to emerge in due course.” All of this has direct and real implications when speakers of different languages must come together to negotiate.

Language can become particularly contentious during navigation of competing and clashing interpretations of terms, especially those that spell out obligations. The use of words such as democracy, tolerance, and security as found in U.S. mission statements and strategic documents may not have the same connotations and resonance even if correctly translated (in a dictionary sense) from English into another language. Furthermore, differences in political structures and legal systems can obscure terminology.

Many Ukrainians, for example, believe that the 1994 Budapest Memorandum (which provided for Ukraine to give up its nuclear weapons) committed the United States to their country’s defense and felt betrayed when the United States did not intervene more forcefully after the Russian seizure of the Crimean Peninsula in 2014. Those who negotiated the terms of the document from the U.S. side stress that it was a memorandum, not a binding treaty that had received Senate ratification. Moreover, as one of the negotiators pointed out, it is the “Budapest Memorandum of Assurances and not of guarantees. And we were very clear—and the Ukrainians understood this back in 1994—that we were not going to use the word guarantee because we were not prepared to extend a military commitment.” This is only one example where different sides may have used the same words but attached very different meanings to them.

The Role of Culture

Language, of course, is only one part of the overall matrix that defines culture, which, in turn, sets the parameters for social, political, and economic institutions. Lewis sees culture as a group’s “blueprint for survival, and, hopefully, success. It is an all embracing pattern of a group’s entire way of life, including a shared system of values, social meanings and agendas passed on from generation to generation.” Culture can be manifested in a number of material and nonmaterial ways, from language, music, religion, and art to etiquette and behavior.

There are some attributes that are universal to all humans: love of family, gratitude for assistance, the desire for acceptance and belonging, and anger at perceived injustices. Yet, as the noted political philosopher Francis Fukuyama cautions us, this appeal to universal human characteristics can only go so far. People can also be motivated by their sense of right and wrong, or by their desire for honor, satisfaction, and prestige, all of which are values that are culturally determined. As sociologist Aaron Wildavsky notes, different cultures “confer different meanings on situations, events, objects, and especially relationships.” In turn, this makes it far easier for situations to develop out of misunderstandings and misread cues.
The way in which culture works to shape a person’s worldview and outlook occurs at a variety of levels. Is time viewed as linear (there is a starting point in the past leading to an ending point in the future), or cyclical (all this has happened before and will happen again)? How much control can human beings exert over their environment? Is there such a thing as truth—and are truths the same for all people? (This question can have particular importance when assessing the impact of media coverage or information campaigns.) Should decisions be made by groups or individuals? Who holds rights: each individual person in society, or the collective?

These are not abstract questions. Cultural beliefs and the institutions they create can have a major impact on a society’s peace and prosperity. These beliefs impact real-world behaviors since they serve as the basis for government institutions and societal practices. Trying to promote development by encouraging entrepreneurship, for instance, depends on trust that investment will be rewarded and property protected. Otherwise, as William Easterly points out, “if there is a high risk of an expropriating despot in your future, you hold back on investment and effort devoted to innovation.”

In contrast, other cultural patterns—a belief in self-improvement; trust that institutions such as the police, the courts, and schools will render fair service to all; the conception that individuals have rights that governments must respect; or a sense that investment and savings are worthwhile activities—can buttress policies designed to create democratic states and free-market systems.

Other influences—climate, geography, the abundance or scarcity of natural resources, demographic trends, and so on—also shape culture. The fatalism and acceptance of suffering that characterize Russian culture, for instance, find their roots in the harsh winters, the (comparatively) poor soil that did not produce abundant harvests (increasing the chances of famine), and the historical record of foreign invasions that would periodically devastate the land. The styles of traditional Japanese architecture, and the home life they engendered—defined by use of wood and paper and promoting a minimalist lifestyle—were the end result of living in an area beset by earthquakes and typhoons with high population density. These cultural patterns, in turn, help to shape societal and political institutions.

**Four Cultural Types**

Aaron Wildavsky has identified four cultural “types,” which can affect attitudes about democracy, development, and the economy. Fatalism posits that you can exercise no control over your environment or destiny and that prosperity is the result of luck or good fortune. It tends to foster low trust in both individuals and institutions as well as in the possibility of taking action to achieve positive change. Egalitarianism focuses on equitable distribution of resources and on reducing inequalities within society. Individualism puts responsibility for improvement squarely on the individual and posits giving individuals as much freedom as possible to determine their own lifestyles. It puts a great emphasis on a culture of entrepreneurship. Hierarchical approaches emphasize order and stability and the proper allocation of rights and obligations according to one’s position. How these four broad types are distributed within a society as a whole as well as within subgroups within that society can help to determine receptivity to democratic and free-market reforms.

The literature about culture is so vast that even an entire course, much less a single class session, cannot encompass every detail. From the perspective of the national security professional, however, there are two directly relevant applications. The first is to understand how proposed policies or approaches that are seen as necessary for theater security may resonate with other populations in the particular region—whether they will be received as legitimate. The second is to determine how to promote changes in another society that will support the institutions or policies that will help advance U.S. theater security goals, a particular concern when it comes to implementing theater security programs.

As members of the intelligence community will attest, these are particularly important insights that are needed to provide accurate “assessments of opportunities and obstacles” to decision makers, especially two interrelated questions: “Will our desired foreign policy outcome require change over there at the cultural level? Over what period and with what resources is such cultural change achievable?”

Searching for Legitimacy

What makes something legitimate? Why is someone willing to obey an order? How can an outside entity get people to accept and follow decisions? The concept of legitimacy is fundamental to any political system, but how it is interpreted varies from culture to culture and indeed from language to language. In Arabic, legitimacy—sharaiyya—carries religious connotations; something is right because it is in accordance with divine precepts. In Chinese, he faxing carries with it the sense of legality: something is right because it is in accordance with proper procedures. In English, Spanish, and other languages where the word is derived from Latin, legitimacy carries a similar original meaning, of something being in accordance with the law, but in recent years, legitimacy has been strongly linked to democracy, the requirement that a government, to be seen as legitimate, must reflect the will of the people as expressed through elections.

The nineteenth-century sociologist Max Weber identified several sources of legitimacy we still use today as categories. These include the following:

- traditional (something is done in accordance with long-standing traditions or customs; “this is the way it has always been done”); this is the main underpinning of monarchical systems. Possession of the proper symbols may also be critical—having the chops, seals, regalia, or other tools of office, which convey the right to wield power.
- charismatic (people accept something because of the charisma of the leader proposing it, a belief, say, in divine favor or on guidance to the chosen leader).
- rational (an order or system is legitimate because it makes sense and brings benefits: most legal systems in use in the West today appeal to this form of legitimacy).

Sometimes legitimacy does not run in concert with formal state institutions. Tribal or religious leaders may enjoy greater authority than those with governmental titles. In some cases, traditional leaders may be “dual hatted,” holding a formal, constitutional position, but really exercising power because of a traditional form of leadership. In other cases, the government may seek to co-opt or cooperate with traditional leaders. This is most noticeable in a number of
countries in Africa, where constitutions can even provide for traditional leaders to be recognized under law.25

Religion is often a major source of legitimacy in many societies. Even if it is not, as Carolyn M. Warner and Stephen G. Walker have noted, “the determining or dominant factor,” the imprimatur of religious authorities can carry great weight in moving people to accept or reject particular policies.26 In his visits to towns and villages in the “Sunni triangle” in Iraq in 2004, for example, Washington Post correspondent Anthony Shadid discovered how the edicts of Sunni religious leaders could undermine U.S. efforts to create effective security institutions. In meeting with members of the Iraqi Civil Defense Corps, he found out that local clerics had decreed that these officers were “collaborators with the infidels” and how, even among these officers, these rulings had an effect on their willingness to work with the United States.27

It is thus important to identify who, in any given country or society, are the “movers and shakers” and who is seen as legitimate representatives of the popular will. Professor Robert Jervis of Columbia University, asked by the Central Intelligence Agency to assess what went wrong leading to the United States government being caught by surprise when the shah of Iran fell in 1979, to be replaced by Ayatollah Khomeini, noted: “No one in or out of the government understood the role of religion and Khomeini. . . . [We] should have realized that the Shah’s clamping down on all other forms of opposition meant that religion and religious leaders would become focal points for anti-regime sentiment and activities.”28 Beyond religion, ideology can also play a role in this process of determining why people view something as legitimate.

Introducing Ideology

Many Americans are deeply uncomfortable with the idea of ideology—or the notion that they are influenced by it in how they approach politics. Ideology conveys an impression of a rigid, inflexible set of rules that requires absolute adherence from its devotees. Americans, in contrast, say that they prefer to be guided by “values” and to approach the world from a more pragmatic, solutions-oriented approach.29 Yet everyone has a vision of preferred end states as well as a sense of methods that are acceptable or unacceptable to reach them. This is the core of what ideology consists of.

Terry Eagleton, a British public intellectual who has written extensively on the question of ideology, sees the purpose of ideology as assigning meaning to social life, providing a way to organize one’s relationship to a larger reality, and generating the ideas that help to legitimate a political, social, and economic system. In the American context, this is sometimes expressed as a preference for “values,” and as George Lodge, professor emeritus at the Harvard Business School, defines it, ideology is “the bridge of ideas that a community uses to carry values into the real world.” Ideology emerges from the need to define values and from “designing the process” to execute those values “in a particular place at a particular time.”30

Many political ideologies draw their inspiration from the values and beliefs of society—and translate a worldview into a blueprint for political action.

For much of the twentieth century, for example, Marxism-Leninism, with its claim to understand the laws of history, seemed to provide a blueprint for the rapid industrialization of a
state and the achievement of greater equality among the many groups and classes in a society. The apparent success of this ideology in early twentieth-century Russia—enforced by mass violence—was attractive to many elites in the developing world seeking to replicate Russia’s rapid advance. China tried its own version in the 1950s, at the cost of many millions of lives.

With the collapse of Marxism-Leninism, various capitalist and statist alternatives have taken the place of the Soviet developmental model both as sources of ideology and as means of social and economic organization. Since the late 1980s, “democratic capitalism” as defined in the so-called Washington Consensus and now the Chinese model of state-directed reform (the “Beijing Consensus”) have found their partisans in countries all over the world.

Ideology is important because it can help to explain why governments may choose different courses of action when confronted with the same problem. Note, for example, the major differences in the economic policies pursued by the United States and many continental European governments. Americans favor growth, while Europeans prefer guaranteeing social welfare. As a result, “that [European] model means that a combination of lower growth and higher degree of social welfare/social security is preferable to a combination of higher growth pattern and less social welfare/social security. And this European preference has its merits. Among other things there are strong reasons to believe that it mobilizes a large share of Europe’s human resources while the American model does not do so but compensates by attracting human resources from abroad.”31

This latter course of action works because the United States sees itself as a “civic” or “proposition” nation—a national community defined by shared beliefs and historically open to immigration—in contrast to the “blood and soil” conceptions of nationhood found in many European societies. Historically, the United States has been more open to newcomers seeking to join its national community because it requires commitment to an idea rather than a previous ethnic or geographic association.32

The important role of ideology in turn emphasizes a point raised by Wildavsky, that for the institutions of a society to function, there must be a “mutually supportive relationship” between those institutions and the cultural and social parameters of society. Thus, “a way of life will remain viable only if it inculcates in its constituent individuals the cultural basis that justifies it. Conversely, individuals, if they wish to make a way of life for themselves, must negotiate a set of values and beliefs capable of supporting that way of life.”33 Legitimacy, ideology, and a sense of belonging and shared identity are the indispensable building blocks to create the trust on which viable social, political, and economic institutions are based. Thus, as Fukuyama concludes,
“communities depend on mutual trust and will not arise spontaneously without it.” He goes on to note: “Trust is the expectation that arises within a community of regular, honest, and cooperative behavior, based on commonly shared norms, on the part of other members of that community. Those norms can be about deep ‘value’ questions like the nature of God or justice, but they also encompass secular norms like professional standards and codes of behavior.”

Viable institutions and workable policies must rest on this foundation. Simply changing a law on paper or instituting a training program is not enough. It thus matters a great deal whether there is a basis in society for trust. Here, the so-called insider/outsider paradigm can become very important. If groups within a society believe that only their members are worthy of trust and respect, and that outsiders are free to be cheated or oppressed, it can make it difficult to establish systems of government that are predicated on the assumption of equal treatment before the law and fair application of regulations by government officials.

A Problem of Implementation

A consistent warning from the U.S. intelligence community to policy makers about the potential efficacy of U.S. government programs designed to promote reform in another society that is often ignored is the observation that “Americans continue to overemphasize similarity and assume that other social groups have values and aspirations in line with their own.”

This explains the seductiveness of an approach that favors transplanting American institutions and norms into other countries—ignoring the possibility that the host soil might reject the new seedlings. This is what U.S. officials ran up against when attempting to reform Iraqi institutions during the period of the Coalition Provisional Authority. The assumption that “if you wanted to change something, you changed the law, just like in the United States” ran up against an Iraqi reality—locals disregarding American instructions. “Outside solutions won’t work here,” the Iraqis tried to explain to the Americans. “It has to be an Iraqi solution.”

One of the areas where the U.S. government, military, and business community have run into particular difficulties with understanding cultural differences is grappling with the question of corruption. Corruption is defined by the international nongovernmental organization Transparency International as “the misuse of entrusted power for private benefit.” The World Bank estimates that the amount of money that is siphoned away through corruption is more than $1 trillion annually. However, “different cultures . . . have varying degrees of tolerance for corruption.” In some places, nepotism and the promotion of family members are seen as acceptable; others might expect outsiders to provide gifts or bribes, either openly or disguised as consultation fees or contracts, in order to be able to do business.

Studies have indicated that corruption is more likely in societies with weak institutions, where the rule of law is not particularly strong, and where corrupt practices exist as a way to mitigate uncertainty by creating transactional relationships meant to deliver security or assurances. These behaviors gain acceptance within cultures as legitimate ways to go about doing business, and it may take a long time for attitudes to shift beyond formal changes in legal structures. The problem of corruption can be exacerbated by a too-rapid influx of funds and resources and an absence of effective regulatory measures.
The United States has tended to have a very technocratic approach to aid—with a preference for both large-scale projects and spending large sums of funds. In addition, there is a bureaucratic imperative to show immediate results in the short term. Some specialists who study aid programs encourage the U.S. government to become a smarter purveyor of assistance, with greater emphasis on relying on local resources, tailoring programs to local conditions and needs, limiting how much American aid money is introduced into the local economy, and encouraging a longer time frame for evaluation. This approach calls for U.S. government organizations to be given much greater flexibility to tailor aid and assistance programs to fit local conditions and to work for objectives that are realizable in the target country.42

Inducing Change

What can produce change? Obviously, the application of overwhelming force by a leadership committed to an ideological solution is one option. Joseph Stalin in the USSR and Mao Zedong in China forcibly altered the very landscapes of their societies, using industrialization and mass repression to destroy the old, agrarian-based societies. Millions were arrested or died (in prison, in famines, or in the process of being relocated). As a result, nothing was left unaffected, from political culture to economic infrastructure, language, religion, and social habits.

Sometimes, an existential threat causes a nation to promote rapid cultural change as a way of staving off extinction. Among the examples of change as a reaction to crisis: the Cherokee nation at the beginning of the nineteenth century (especially in the adoption of forms of government and economic life patterned on the United States), the reforms in Meiji Japan in the late nineteenth century, and the dissolution of the Ottoman Empire and the creation of the Republic of Turkey by Kemal Atatürk at the beginning of the twentieth century.

Generally, however, reform efforts have “almost no chance of succeeding” unless reformers can build “upon a usable past, cultural memories, received skills or aspirations.”43 Wildavsky himself referred to the need to conduct a “cultural audit” to determine the foundation for particular types of political and economic institutions within different societies. And Fukuyama has concluded, “The most effective organizations are based on communities of shared ethical values.”44 Thus, some historians have argued along these lines that modern India’s ability to accept and adapt the British parliamentary system into an indigenous form of Indian democracy comes from features in the traditional Indian worldview, particularly diversity in religious practice and in Hinduism’s ability to absorb many different deities and practices without imposing a single uniform practice. Because of this cultural foundation, the tensions inevitably created by democratization and modernization could be channeled, moderated, and managed.45 Yet how to present reforms as coexisting with traditional concepts of culture can be daunting. So, if reforms can be presented as something that is indigenous, rather than imposed from the outside, they have a greater chance of taking root and being successful.

This process can be assisted if there is a cadre of people who can navigate between the cultures and nations. This is why, in the past, the U.S. government used national security funding to assist the creation and maintenance of area study programs at U.S. universities. At the same time, the U.S. government has facilitated the easy access of non-Americans to the U.S. educational system. Thus, just as translators can bridge the language gap, the United States, over
the last fifty years, has relied on the openness of its educational system to international students who
are not American in their physical origin. They are, however, American in their intellectual apparatus. They are the foreign students who come to American universities and learn American principles and practices. In particular, they are the economics majors and business school students who come to believe in the free market, and the political science majors and law school students who come to believe in liberal democracy and the rule of law. When (or if) they return to their home countries, they will know both the culture and customs of their own society and the principles and practices of American society. . . . And, indeed, a significant number of current officials in Latin America, Europe and East Asia are graduates of American universities, and an even larger cadre of graduates is now entering into official careers.46

This is why exchange programs, educational opportunities, and sustained military-to-military engagements, among other things, are important, for helping to bridge these gaps.

In the Short Term

Why does any of this matter? These factors are important because they can be the difference between success and failure in creating a theater security strategy.

Consider one of the main day-to-day theater security tasks, undertaken by the combatant commands as well as other parts of the U.S. government: “building the capacity of partner nations to share the costs and responsibilities of global leadership.” Defense institution building (DIB) programs require the combatant commands to “know which nations are willing and able to accept assistance in developing their defense institutions, which will benefit from such investments, and which engagements are consistent with guidance from the Office of the Secretary of Defense.”47 The entire range of DIB and DIB-related activities is designed to create and shape institutions and acculturate officers and political leaders to reform their military establishments and develop capabilities that align with U.S. needs.

But the success of such programs will depend, to a large extent, on finding where there will be a receptive audience where the expenditure of effort and funds can bring positive outcomes. Intelligence analysts Jeannie Johnson and Matthew Berrett advise that national security professionals must be prepared to assess factors such as “identity, norms, values and perceptual lens” and to accept that analyzing prospects for U.S. activity in other countries will be a “messy business.”48 (A checklist of questions to consider about the likely impacts of any particular policy option is provided in the sidebar.)
Analytical Questions

Identity
- Which factors surrounding this issue would cause the actor’s identity to be threatened? Alternatively, which might provide the United States common ground for co-optation?
- Is group cohesion strong along identity lines in response to this issue? What would cause the group to fracture or to unite behind a common front?
- What individual roles and statuses might group members seek to protect?

Norms
- Does this issue place social institutions or common practices under threat?
- What practices are deeply internalized and likely to inspire resistance?
- What practices are compatible with U.S. interests on this issue?
- Would our proposed changes in this policy area offer group members a way out of increasingly unpopular normative practices? Which members?

Values
- What is considered honorable behavior in this issue area?
- Which local values may be in conflict with our approach to this issue?
- Which values might be co-opted in moving U.S. interests forward?
- Where might value differences between target groups present an opportunity to exploit cleavages?

Perceptual Lens
- What are the preconceived notions of this group concerning the behavior and character of the United States?
- What are the group’s beliefs about the future?
- What hurdles must we overcome in messaging to this group on this issue?

Johnson and Berrett, “Cultural Topography,” 7.
NOTES


15. Points raised in a roundtable between experts of the Foreign Policy Research Institution and Foreign Service officers, June 8, 2016.


21. For a discussion of these theories—and critiques of them—see Andrei P. Tsygankov, “Assessing Cultural and Regime-Based Explanations of Russia’s Foreign Policy: ‘Authoritarian at Heart and Expansionist by Habit’?,” *Europe-Asia Studies* 64, no. 4 (2012): 695–713.


35. See the discussion in Easterly, *The Tyranny of Experts*, esp. 135–37 and 139–42.


42. See the collection of papers on this subject assembled by the National Academy of Public Administration and published as Louis A. Picard, Robert Groelsema, and Terry F. Buss, eds., _Foreign Aid and Foreign Policy: Lessons for the Next Half-Century_ (New York: Routledge, 2015).


44. Fukuyama, _Trust_, 26.


47. Walter L. Perry et al., _Defense Institution Building: An Assessment_ (Santa Monica, CA: RAND, 2016), iii, xvi.

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The morning of September 11, 2001, opened one of the most historic and terrible days in U.S. history. On that day the most famous urban skyline in the world changed forever, the most well-known symbol of U.S. military power and leadership was set ablaze, and the president and vice president sought safety in the skies or deep underground. For the United States, the attacks generated a sudden sense of insecurity. Right up through September 10, 2001, most Americans and their leaders felt that the territory of the United States was safe from almost anything except the extremely unlikely event of a nuclear attack from Russia. It is easy to understand why this was such a widely held view, since by all appearances the United States of America not only was well guarded but also had a massive military capability that spanned the globe. At home, more than a dozen federal agencies, executive departments, and military services, as well as local and state authorities, were devoted to protecting the United States. Overseas, a network of alliances and forward bases kept the country’s enemies at bay. American leaders were aware of international terrorist threats, but they regarded terrorism primarily as a police or security matter rather than as a direct threat to the territory of the United States.

Until 9/11, U.S. thinking about national security was rooted in the experience of previous wars, including the Cold War, in which states, rather than groups, confronted each other. In Osama bin Laden and the al Qaeda terrorist network, however, the United States faced an adversary that defied easy classification by the U.S. national security bureaucracy. Although based in Afghanistan, the group had carried out operations not only in the Middle East but in Africa, the Far East, and Europe, and ultimately would conduct an attack inside the United States itself. It was not a state, like the old Soviet Union, nor was it a group like the Palestinian Liberation Organization or the Irish Republican Army, whose reach tended to be confined to a specific area. This was a new age of transnational terror, enabled by technology, globalization, and the relaxation of tensions after the Cold War.

For a U.S. national security apparatus that was divided into regional and theater areas of responsibility, al Qaeda’s ability to slip from one area to the next raised a bevy of complications. Was al Qaeda a Middle Eastern, South Asian, African, or European problem? How was the divide between “foreign” and “domestic” operations to be bridged when its operatives traveled in and out of the territory of the United States? Was coping with the threat posed by bin Laden primarily a military, intelligence, or law enforcement matter? What federal agency or

* The core of this case study was prepared by Richard Norton and Andrew Stigler, with modifications and edits by Thomas Nichols and Nikolas Gvosdev.
department—the Department of Defense (DoD), the Central Intelligence Agency (CIA), the Department of the Treasury, the Federal Bureau of Investigation (FBI), the National Security Agency (NSA), the Department of Transportation, or the State Department—was supposed to have the lead in responding? If fighting al Qaeda was primarily a law enforcement or intelligence matter, for example, how did provisions in the U.S. Code affect the ability of the Defense Department to become involved in what was legally defined as a nonmilitary mission? Moreover, before 9/11, various responsibilities under the general rubric of “counterterrorism” were spread out over forty different agencies and departments within the executive branch, each with its own priorities and preferences. As Colin Powell once observed, the overriding question when government is faced with a problem is determining who is going to be responsible for what. Who had legal jurisdiction to set the agenda for counterterrorism, and who would be required to provide the resources? The 9/11 attacks exposed dangerous weaknesses in the U.S. national security system.

Background: The Rise of Al Qaeda

The roots of the 9/11 attacks can be traced to two historical events. The first was the invasion of Afghanistan by military forces of the Soviet Union in 1979 as part of an operation to prop up a Marxist regime. The Afghan government at the time was under attack by a conglomeration of Afghan resistance groups, collectively known as mujahideen (in Arabic, “those who engage in jihad”). The mujahideen were never a unified force, instead comprising many different factions divided on the basis of ethnicity as well as differing interpretations of Islam. When the USSR intervened to prevent its clients in Kabul from being overthrown, these Afghan fighters generally patched up their differences to focus their struggle against the invading Soviets, attracting support and recruits from other Muslim states. Seven of the leading mujahideen groups agreed to form a coalition, but this still comprised a spectrum of diverse resistance organizations, some of whom were friendly to the West and proponents of more-moderate interpretations of Islam, while others were ideologically extreme Islamists and highly suspicious of the West.

The United States was caught by surprise in 1979. Nonetheless, Washington saw an opportunity as Soviet troops became embroiled in a fight with the Afghan countryside. As National Security Adviser Zbigniew Brzezinski put it in 1980: “Now we can give the USSR its own Vietnam War.” Working with the Inter-Services Intelligence Agency (ISI) of Pakistan, the CIA sent funds and weapons to various mujahideen groups, adding to the assistance already provided by Saudi Arabia, among others. The ISI, however, tended to funnel most of that aid to its preferred groups within the coalition.

In 1980, then-twenty-three-year-old Osama bin Laden, a scion of a wealthy and well-connected family, traveled from his native Saudi Arabia to fight the Soviets. Initially, he avoided the battlefield, which (at least by one account) caused him “great shame.” He saw some combat but rapidly became more useful as the architect of “the golden chain,” the series of operations and organizations that provided the resistance with fund-raising and recruiting. Bin Laden worked with the Saudi-funded Maktab al-Khidamat (MAK), the so-called Afghan Services Bureau, which solicited funds from wealthy individuals throughout the Arab and Islamic worlds, and in 1984, along with the Palestinian cleric Abdullah Yusuf Azzam, set up the MAK “Services
Office” in Peshawar, Pakistan. This office, which was to evolve into al Qaeda, helped to coordinate the flow of the “Afghan Arabs”—foreign volunteers coming to wage jihad alongside the mujahideen against the Soviets—as well as contributions solicited from all over the Islamic world. Most of the aid and volunteers went to the most radical of the mujahideen factions, led by Gulbuddin Hekmatyar and Abdul Rasul Sayyaf.

The Soviets, for many reasons, could not sustain their intervention in Afghanistan, especially with aid flowing to the local resistance. In February 1989, Moscow withdrew its combat forces. With its Cold War enemy defeated first in Afghanistan and then on a global scale—the USSR itself collapsed less than two years later—the United States lost interest in Afghanistan. The Afghan struggle had been a major presidential priority during the Reagan administration. Afghan mujahideen leaders such as Ahmad Shah Massoud regularly had audiences with the president himself—although Hekmatyar repeatedly refused to meet Reagan. After the Soviet pullout, however, Afghan affairs were relegated to lower levels of the U.S. foreign policy and national security apparatus as the principals focused on other issues, notably managing the aftermath of the breakup of the USSR.

The Soviet withdrawal did not immediately lead to a mujahideen victory. The Soviet-backed regime of Mohamed Najibullah continued to hold on until 1992, while the mujahideen started to fight among themselves as the former coalition fractured. Bin Laden continued to provide support to Hekmatyar and his organization and to other, more radical factions. He also began to think of expanding his reach beyond the struggle in Afghanistan. Bin Laden was convinced that the organization he had built was too valuable to be allowed to dissolve after the fighting had stopped. Al Qaeda (Arabic for “the base”), as the Services Office had been renamed in 1988, would prepare mujahideen to fight anywhere in the world. Bin Laden also began to reach out to other Islamist groups, notably the Egyptian Islamic Jihad organization, with an eye to creating a worldwide network of fighters—as well as relying on thousands of Afghan Arab veterans.

Saddam Hussein’s invasion of Kuwait in August 1990 was the second important event in the evolution of al Qaeda. With Saudi Arabia facing a direct military threat, bin Laden offered his Afghan Arab cadres—who, as he believed, had defeated the military of the world’s second superpower—as a force capable of defending the kingdom. Saudi Arabia’s King Fahd, however, not only rejected bin Laden’s offer but accepted the offer of help from the United States and its coalition partners, thus allowing (in bin Laden’s view) “infidel” troops onto Saudi territory.

For criticizing the Saudi monarch’s decision to allow non-Muslims to base themselves in the land of the “two mosques” (the shrines at Mecca and Medina), bin Laden was expelled from Saudi Arabia. He went into exile in Sudan, where an Islamist government invited him to bring his expertise, his fund-raising skills, and his emerging global network. From that point onward, bin Laden intensified his criticism of existing governments in the Muslim world as illegitimate and focused on the U.S. role in supporting them. In 1992, he issued his first fatwa (an Islamic religious edict) calling for armed struggle to be waged against the Western occupiers of Islamic lands (notably the United States) and their puppet governments in the region.

In bin Laden’s view, the United States was guilty of imposing its will on the Islamic world and preventing Muslim countries from running their own affairs in accordance with the precepts of
their faith. The United States is the chief supporter of the State of Israel, which bin Laden and other Islamists hated both as a Jewish state and as the bulwark of the West in the Middle East. Worse, in bin Laden’s eyes, Washington was the patron of client governments among pro-American moderate Arab states (such as Egypt) who, in his view, repressed their own Muslim populations and ensured a steady flow of oil to Western markets. Removing Washington’s puppets was therefore the new struggle, equal to the effort to defeat the Soviet Union in Afghanistan.

Bin Laden was influenced in this position by his deputy, Ayman al-Zawahiri, who was one of the founders of Egyptian Islamic Jihad, an organization dedicated to the overthrow of the Egyptian government because of Egypt’s relationship with the United States and its willingness to make peace with Israel. While in Sudan, bin Laden ordered his network to support insurgencies and terrorist activity in a number of Islamic countries, ranging from Algeria to Egypt, and Chechnya.

Events in Somalia in 1993 also convinced bin Laden that the United States could be defeated. In the now-infamous “Black Hawk Down” incident, U.S. forces, in an attempt to capture a militia leader impeding efforts to create a more stable government, took eighteen casualties. (The Somalis, for their part, took nearly a thousand.) The spectacle of American bodies being dragged through the streets while Army Rangers fought their way out of the city prompted an immediate cry back in the United States for the withdrawal of the U.S. military from the Somali morass. This action, in which the Somali warlords survived as the United States pulled back, convinced bin Laden that the United States would not have the stomach to engage in sustained combat to retain its position in the Islamic world. In turn, bin Laden reasoned, if the United States could be forced to withdraw, the governments Washington supported in the Middle East would fall.

During this period, both bin Laden and Zawahiri—who had himself traveled to the United States on fund-raising efforts—were less focused on strikes on the U.S. homeland itself, preferring to focus on the “near enemy” of apostate governments in the Muslim world. Others, however, were interested in assessing American domestic vulnerability. In February 1993, a group of al Qaeda / Arab Afghan alumni who were connected with Egyptian Islamic Jihad tried to bring down the World Trade Center (WTC) towers in New York with a truck bomb parked in one of the underground garages.

The 1993 WTC bombers included Ramzi Yousef, a nephew of Khalid Sheikh Mohammed. Mohammed, a member of the Muslim Brotherhood, had been part of Sayyaf’s organization in Afghanistan and, after returning to his home in Qatar, continued his efforts to support jihadist movements around the world. After the 1993 attack, Mohammed and Yousef wanted to continue with further terrorist attacks in the United States, particularly against targets connected with the U.S. economy. Mohammed began to develop an audacious plan that would use airplanes as missiles against key buildings and pieces of infrastructure: ten hijacked aircraft would hit targets on both U.S. coasts. An eleventh aircraft would land and provide a platform for Khalid Sheikh Mohammed to explain himself to the world.

In 1994, the Saudi government revoked bin Laden’s passport and asked his family to cut him off from his allowance. Sudan also came under increased Saudi and American pressure to expel
bin Laden. At the same time, a number of his former Afghan comrades, grouped under the umbrella of the name “Taliban” (the term literally refers to students of Islamic law), captured the Afghan city of Kandahar and declared themselves masters of a self-styled Islamic Emirate of Afghanistan. Over time, the Taliban began to take control of more of Afghanistan from other mujahideen factions. With Sudan becoming a less hospitable location, bin Laden took up the Taliban’s offer to relocate to Afghanistan in May 1996 and to train its “Brigade 055”—effectively the Taliban’s foreign legion. In return, the Taliban allowed al Qaeda to set up camps and facilities on Afghan territory. At the same time, Khalid Sheikh Mohammed, to avoid arrest and possible extradition to the United States for his role in the failed “Bojinka” plot, took up Sayyaf’s invitation to take refuge in Afghanistan in January 1996. Later that year, he briefed bin Laden on his proposal at a meeting in Tora Bora, Afghanistan.

Bin Laden resumed his calls for an international jihad against the “Jews and Crusaders.” In 1998 he issued his boldest appeal: “The ruling to kill the Americans and their allies—civilians and military—is an individual duty for every Muslim who can do it in any country in which it is possible to do it, in order to liberate the al-Aqsa Mosque [in Jerusalem] and the holy mosque [in Mecca] from their grip, and in order for their armies to move out of all the lands of Islam, defeated and unable to threaten any Muslim.” After this fatwa was released, al Qaeda launched coordinated, simultaneous bombings against the U.S. embassies in Kenya and Tanzania, the culmination of five years of planning. These attacks convinced Khalid Sheikh Mohammed that bin Laden was serious about attacking the United States, and Khalid Sheikh Mohammed formally joined al Qaeda and entered into bin Laden’s trust and confidence.

Bin Laden also began to change his views of the struggle against the West. As campaigns of repression in Egypt and Algeria destroyed the Islamist organizations, other struggles in the Islamic world seemed to be petering out. Bin Laden was convinced that these regimes were resilient because of their dependence on the Americans, and that the only way to destabilize them was to strike at the United States itself. A dramatic attack against the United States would both cripple Washington’s ability to remain involved in the Middle East and inspire Muslims to again rise up against their governments. In late 1998 or early 1999, bin Laden approved Khalid Sheikh Mohammed’s plan. Initially, in addition to striking targets in the United States, the plan called for hijacking additional aircraft in East Asia and destroying them in flight. Within al Qaeda the mission was referred to as “the planes operation.”

Background: U.S. Counterterrorism Efforts

Before 9/11, the United States government divided the counterterrorism mission into several parts spread across many different agencies. The FBI was responsible for combating terrorism inside the United States, while the CIA had responsibility for gathering intelligence on the international front, as well as covert or paramilitary actions to thwart terrorists on the ground. Some missions remain the same even after September 11: The State Department has the formal lead in coordinating the fight with other governments. NSA conducts worldwide communications-gathering efforts in support of other organizations. The Federal Emergency Management Agency is in charge of dealing with consequence management.

The fight against terrorism—both domestic and international—before 9/11 was also framed in law enforcement terms, which meant that the Department of Defense did not have a statutory
standing to claim the lead role in responding. In general, counterterrorism missions were defined not in terms of Title 10—the part of the U.S. legal code that lays out the roles, responsibilities, and authorities of the Department of Defense—but under those sections of Title 50 that create the legal framework for covert activities. This reinforced a view in the U.S. government that DoD did not have “the legal authority for such missions,” a view also supported by the legal team at the Department of Justice.7

Put another way, no one part of the federal government was in charge of the counterterrorism mission. Moreover, in terms of information sharing—something essential for terrorism investigations that combine both national and international elements—this division of labor created clear organizational tensions.

Before 9/11, both the FBI and the CIA were tasked with antiterrorism efforts but these efforts were divided along geographic lines and were conducted differently by each agency according to its institutional mission. Domestic terrorism, such as the 1995 Oklahoma City bombing, was an FBI responsibility. Despite the high-profile successes in finding and arresting the perpetrators of the 1995 bombing (and the execution of Timothy McVeigh), the bureau still had a certain amount of organizational blindness regarding several structural weaknesses when it came to terrorism. For one thing, the bureau was extremely decentralized, split into fifty-six field offices. Each office was commanded by a special agent in charge, who was authorized to set office priorities and apportion resources, including personnel, as needed. From a counterterrorism perspective, however, there was a major obstacle. Success for an FBI agent was measured in terms of arrests, prosecutions, and convictions. Since work in counterintelligence and counterterrorism was primarily preventive in nature and often did not produce such convictions, these areas were not considered career enhancing.

Another structural flaw concerned the manner in which the FBI assigned responsibility for complex cases. The first field office to become involved with a case was designated the office of origin and would then be accorded operational authority for all related cases. As a result of this system, other field offices would sometimes be reluctant to commit assets to what was essentially another office’s case.

There were also problems involving the sharing of information between the FBI and the rest of the Department of Justice. In part, these procedures grew out of an FBI history of exceeding its authority during J. Edgar Hoover’s decades-long directorship. One of the controls imposed on the bureau in reaction to these excesses and abuses was the Federal Intelligence Surveillance Act of 1978 (FISA). The act required the FBI to obtain court approval for any intelligence-related searches and surveillance carried out inside the United States. Over the years, the Justice Department interpreted the law as allowing criminal prosecutors to be briefed on, but have no control over, the collection of FISA information.

These flaws were known and discussed before 9/11. In the late 1990s, Congress chartered the National Commission on Terrorism, headed by Ambassador L. Paul “Jerry” Bremer III, who had served as the coordinator for counterterrorism during the Reagan administration. In its report, released in the summer of 2000, the Bremer Commission specifically highlighted problems in obtaining and sharing actionable intelligence about terrorist activities, noting that “the FBI is far less likely to disseminate terrorist information . . . even though this could be of
immense long-term or cumulative value to the intelligence community, in part because
investigators lack the training or time to make such assessments. The problem is particularly
pronounced with respect to information collected in the FBI’s field offices in the United States,
most of which never reaches the FBI headquarters, let alone other U.S. government agencies or
departments."

The Bremer Commission also recognized how differences in organizational culture could affect
informing sharing. The FBI was reluctant to obtain information that would not be accepted in
a U.S. court of law as part of a successful prosecution. At the same time, the CIA was concerned
that sharing information with law enforcement would expose sensitive sources and methods to
public scrutiny in the course of criminal trials, or that sources would cease cooperating with the
CIA if they believed that the intelligence they were providing could then be used by the FBI to
make a successful prosecution.

In 1995, in an effort to facilitate sharing between the Justice Department’s criminal and
intelligence divisions, then–attorney general Janet Reno established departmental guidelines for
such activities. The result was the inadvertent creation of what came to be known as “the wall,”
a perceived barrier separating criminal investigation and intelligence collection and preventing
the sharing of such information. Over time, the Justice Department’s Office of Intelligence
Policy and Review became the sole gatekeeper for passing intelligence information to the
criminal division. Although the practice was originally intended to deal with information
sharing between agents and criminal prosecutors, it was customarily extended to any agent
working with intelligence matters and anyone outside the intelligence field. By the time of the
September 11 attacks FBI employees regularly worked on the assumption that no intelligence
information could be shared with any criminal investigators. Similarly, members of the CIA
and NSA also believed that they should not share intelligence information as it might be passed
along to the criminal division and so compromise sources. As a result, sharing such information
become the exception, rather than the norm.

The CIA had internal issues as well that affected its performance of international
counterterrorism. The tenure of the late William Casey as director of central intelligence in the
Reagan years was a stormy one, especially in the agency’s relationship with Congress over its
paramilitary capabilities, over its role in circumventing congressional restrictions on providing
aid for the “contras” in Nicaragua, and over proposals for preemptive assassinations of
terrorists. In the 1990s, CIA leadership was reluctant to support national leaders who
recommended taking aggressive action against al Qaeda. Under attack for its activities in the
1960s and 1980s, and feeling burned again by public criticism in the 1980s, the agency kept
itself relatively isolated from other organizations. It also had traditionally poor relations with
the FBI, which precluded effective cooperation and coordination.

The Immigration and Naturalization Service (INS) and U.S. Customs were also members of
the counterterrorism community. The INS employed 9,000 border agents as well as 4,500
inspectors and 2,000 immigration special agents. However, during the years leading to the
September 11 attacks, the INS focused on the southern border between the United States and
Mexico. Efforts to create counterterror procedures had failed in the 1980s and the early 1990s.
In 1997, the INS finally established its National Security Unit, but Hamas and Hezbollah, not
al Qaeda, were its primary targets of interest. The unit did recommend that CIA security checks should be completed before approving a person’s naturalization request, but this request was not acted on. Moreover, because al Qaeda was not the focus of effort, names of its personnel were not always added to the relevant databases. Even when cooperation did occur, the lack of an agreed standard among all parts of the U.S. government for transliterating Arabic, Persian, and other names not using the Latin alphabet into English meant that a person on one agency’s watch list might not be flagged in another department’s files.\(^{10}\) Indeed, a search of CIA files, for instance, would not have found an “Osama bin Laden” since the name of the terrorist leader was rendered into English in the agency’s database as “Usama bin Ladin,” or UBL for short.

**Background: The Federal Aviation Administration and Norad**

The Federal Aviation Administration (FAA) is responsible for regulation of safety and security issues for U.S. commercial aviation—it is charged with both keeping the planes flying and keeping passengers safe. There was, and is, a certain tension between these two duties. Before the September 11 attacks, the FAA viewed sabotage as the primary threat facing U.S. aviation, and attack by man-portable shoulder-fired antiaircraft weapons as the next most worrisome problem. With these threats in mind, the FAA leadership created a layered set of defenses at U.S. airports. It made perfect sense for the FAA to focus on these missions, as they seemed the most likely concerns the agency would face. The idea that the threat could come from *inside* the aircraft was not a high priority.

The primary layer of defense was passenger prescreening. The FAA before 9/11 ordered carriers not to fly individuals who were considered “direct threats.” But this was a short list: on September 11, 2001, it contained only twelve names. (Other government watch lists, by comparison, ran into the thousands.) Again, there were interagency disconnects; some in the FAA leadership, for example, later admitted they did not know of such things as the State Department’s TIPOFF list, a database that held thousands of names of terrorist suspects.\(^{11}\) While the FAA had access to TIPOFF data, airlines had found it “too difficult to use.” An added issue here is that by the twenty-first century, skyjacking was actually something of a rarity, and so the FAA did not apply maximum effort to preventing what it saw as a less-likely scenario.

The next layer of defense consisted of checkpoint screening in airports. Metal detectors and x-ray machines formed the technological backbone of this layer, with trained operators providing the human element. This layer of defense often failed, as highly publicized tests showed. The machines were relatively unsophisticated; the operators were not paid especially well; and the work was tedious and generally resented by the flying public. Nor were the regulations especially tight: for example, the FAA did not prohibit knives with blades less than three inches in length, and the airlines expressly permitted them. A 1993 proposal to ban all knives in the passenger compartment had been rejected. These regulations were adopted, and changed, in part to align with the American culture, since many Americans like to carry pocketknives. Although FAA regulations required “continuous and random hand searches” of carry-on luggage, this was not being done in 2001 unless a passenger tripped an alarm. All these practices were common knowledge to anyone who routinely flew in the United States.
The last layer of defense consisted of procedures to be followed by the flight crew. The most basic assumption supporting these procedures was that skyjackers intended to stay alive. Previous skyjacking incidents usually involved taking the plane somewhere and making demands for its release, although a December 1994 plot successfully thwarted by French counterterrorism units—a planned attack by Algerian terrorists that would have crashed an Airbus A-300 jet into the Eiffel Tower in Paris—was a chilling prelude to the 9/11 attacks. The security of the cockpit was treated casually at times. Thus, a nonconfrontational cooperation was the preferred and taught behavior. Indeed, the 9/11 terrorists made full use of that approach; during the attack, flight controllers reported hearing one of the 9/11 hijackers, in the cockpit, telling the pilots, “Don’t do anything stupid and you won’t get hurt.”

In hindsight, these efforts seem insufficient, but it is important to recall that the prevailing attitude in the 1990s was that existing American airline security measures were working. Further regulations were resisted by both the U.S. government and the airlines as costly and redundant. Before 9/11, the last successful commandeering of a U.S. aircraft had occurred in 1987; the most recent terrorist bombing (at the behest of a state sponsor, Libya) took place a year later, destroying a Pan Am flight over Lockerbie, Scotland.

The rarity of skyjackings and bombings against American aircraft led to a sense of overconfidence that U.S. security measures were more than adequate. Paul Pillar, who had served as the deputy chief of the CIA Counterterrorism Center, released a study from the Brookings Institution in 2001 (prior to the 9/11 attacks) pointing to “the drastic reduction in skyjackings” as a “major success story” attributable to a “comprehensive security system.” Instead, the focus of the leadership of the FAA prior to 9/11 was on efforts to create a “passengers’ bill of rights” to improve travelers’ flight experiences. The leadership was also, as usual, quite ready to attempt to improve carrier and airport efficiency, effectiveness, and customer satisfaction. There was no particular focus on terrorism.

The North American Aerospace Defense Command (NORAD) is charged with providing aerospace surveillance and control to carry out the mission of defending the sovereignty of U.S. (and Canadian) airspace. During the Cold War, its primary focus was to detect whether aircraft or missiles were entering North American airspace. Its network of installations tended to be located on borders and coastal areas, given its focus on discovering and preventing external intrusions into the U.S. homeland. In 1989 NORAD’s mandate was expanded to give it responsibility for tracking drug flights into U.S. airspace.

NORAD did run exercises from time to time dealing with the possibility of coping with hijacked aircraft, but the scenarios assumed that the airplanes had been hijacked outside the United States and were inbound to the homeland. This supported NORAD’s predisposition to deal with threats emanating from points external to the United States. NORAD had not exercised any scenario that required it to become involved in an incident that originated from within the continental United States. It was only after the 9/11 attacks that the mandate of NORAD’s Air Warning Center was expanded to include coverage of the interior airspace of North America.
The Clinton Administration Looks to Its Defenses

The Clinton administration was not unmindful of the threat posed by terrorism once it took office. Days after the inauguration, Mir Kasi shot several employees outside CIA headquarters in Langley, Virginia, and months into its first term, the World Trade Center was bombed. There was awareness about critical infrastructure vulnerabilities within the United States and the threat posed by "loose nukes" and other weapons technologies now that the Soviet Union had collapsed. Yet the president and his military chiefs were reluctant to use "hard power" and to commit military, paramilitary, and intelligence resources to confront al Qaeda directly. The continued emphasis on classifying terrorism as criminal activity allowed the Department of Defense to insist that this was a law enforcement rather than a national security matter. Moreover, throughout the 1990s, Central Command (CENTCOM), the Joint Staff, and even the Office of the Secretary of Defense showed no interest in having the Department of Defense take on the al Qaeda mission, because of concerns that this would distract and detract from larger Middle East policy goals on which the Pentagon wished to focus.

The administration turned to Richard Clarke (see sidebar) to create a Counterterrorism Security Group (CSG). The most-senior people charged with counterterrorism matters at State, Defense, Treasury, and other federal agencies were seated at the CSG table, with Clarke in some ways acting as if he were the deputy assistant (counterterror) to National Security Adviser Sandy Berger. In addition, two National Security Council (NSC) senior directors reported to Clarke, and he had a support staff of twelve—making the CSG one of the largest units within the NSC operation in the Clinton White House. In addition, Clarke, who in 1998 was named the "national coordinator" for counterterrorism, was given the power to review all counterterrorism-related budget items submitted by different federal departments and agencies in conjunction with the Office of Management and Budget.

Thus, when Clarke spoke, people listened. Personal diplomacy and tact, the ability to reason and persuade, and the ability to debate and at times compromise were thus essential tools if Clarke was to get the departments and agencies to execute his policy preferences. Unfortunately for Clarke, he was not always adept with these tools. His influence was also not welcomed by everyone in Washington. For example, Secretary of Defense William Cohen made it clear he wanted no flag or general officer speaking to Clarke without the secretary’s knowledge. In the words of General Hugh Shelton, then Chairman of the Joint Chiefs of Staff, "Clarke’s been over at the NSC so long that he thinks he owns counterterrorism—and knows more about the subject than anyone in government. He likes to talk, drops a lot of names and thinks highly of himself. But in many ways he’s not very practical." And there were also limits to Clarke’s power. NSC senior staff, such as Clarke, are not in the chain of command of any part of the federal government and have no authority to task. By definition, they are coordinators and advisers—and others have the operational and budgetary responsibilities for carrying out U.S. government policy. Clarke had no ability, therefore, to direct the intelligence communities or the military’s geographic and regional combatant commands to do anything with regard to the counterterrorism mission.
There was also the reality of what a number of senior officials termed the “overcrowded agendas” in terms of national security issues. In an attempt to prioritize its intelligence collection and analytical work, the CIA asked the Clinton NSC to prioritize the administration’s concerns. China, Iran, and Iraq were tied at the top of the list for the number one position; terrorism, while an important matter, was relegated to the third set of priorities. Clarke and CIA director George Tenet were successful in putting counterterrorism on the agenda, but were not able to push it up to become one of the highest national security priorities. In part, this was due to a prevailing view within the administration that al Qaeda, while an irritant overseas, “wasn’t a serious domestic-security issue.”

This view was also shared by many in Congress. Legislation was passed in 1996 (the Antiterrorism and Effective Death Penalty Act) that banned designated terrorist organizations from fund-raising in the United States and that provided new tools to bar suspected terrorists from entering the country. However, Congress was not prepared to grant the executive branch new powers to be able to limit wire transfers of funds or extend wiretaps on terror suspects. In addition, the general focus of the new law remained on the so-called state sponsors of terrorism (such as Iran and Libya) rather than on nonstate actors such as al Qaeda.
If al Qaeda was not yet identified as a threat to U.S. homeland security, it was also not seen as a
top priority for America overseas either. A major reason that CENTCOM, in particular, was
not pushing forward with plans to confront al Qaeda was that, at the time, it appeared far more
likely that the next conflict in the theater, if there were to be one, would be with Iraq. In
December 1998, the United States launched Operation DESERT FOX, which consisted of four
days of air strikes against Iraqi intelligence and military targets (as well as presidential palaces).
This was in response to Iraqi intransigence about its post-1991 UN obligations, among other
things. According to the CENTCOM commander at the time (General Anthony Zinni), he
received credible reports from other nations’ diplomatic missions that the Iraqi regime had
been “paralyzed” by the attacks, and might be on the verge of collapse. In response, Zinni
ordered that plans for the potential U.S. occupation of Iraq be drawn up. Code-named DESERT
CROSSING, the plan called for a civilian occupation authority in each of Iraq’s eighteen
provinces. (Zinni later claimed his plan was in striking contrast to the occupation executed by
the Coalition Provisional Authority.) As an indication of the scope of the planning process,
Operation DESERT CROSSING assumed that four hundred thousand troops would be
available.17

Indeed, when asked in 1998 about the most pressing issues in his area of responsibility (AOR),
Zinni, in addition to Iraq, focused on the implications of the Indian and Pakistani nuclear tests
and the importance of preventing the outbreak of any type of hostilities between these now-
nuclear-armed powers; monitoring the situation in Iran and preventing Tehran from being able
to threaten the status quo in the Persian Gulf; and supporting American allies in the Arab
world.18 Chasing down members of a terrorist group was not a critical priority for the
combatant command and in fact did not even make the list. Instead, CENTCOM, like the rest
of the U.S. government, felt that dealing with terror cells was best handled by law enforcement
and the intelligence community, with assistance, if needed, from the military’s special operators.

Zinni later noted that another CENTCOM focus during the second term of the Clinton
administration was the task of building the internal security capabilities and strengthening the
peacekeeping forces of allies throughout the region. Secretary of Defense William Cohen had a
goal of “shaping the environment,” and helping selected nations build and refine their security
forces to be able to work with each other and with the United States was a major element of
this initiative. CENTCOM was thus charged with carrying out a series of security cooperation
initiatives with countries throughout the AOR, meaning that the staff was focused on
engagement activities with a variety of different partner nations.

CENTCOM was not enthusiastic about chasing down al Qaeda. What about Special
Operations Command (SOCOM)? While geographic combatant commands are tasked with
planning for regional contingencies and preparing war plans, SOCOM’s responsibilities are
global and more diffuse. Yet SOCOM’s 2000 posture statement made it clear that SOCOM’s
focus was not on preemptive planning for counterterrorist actions but rather to aid security
development in partner nations, support the joint force commander in wartime, and contribute
to postconflict operations. The statement did mention that SOCOM could offer “a wide
variety of skills to combat terrorism,” but this seems to have been offered almost as an
afterthought in the final paragraph in the section on the “spectrum of conflict.”
Like CENTCOM, SOCOM was busy during the 1990s as well. Special operations forces (SOF) had been engaged in the Balkans since 1995, providing forces to the North Atlantic Treaty Organization (NATO) to aid the execution and enforcement of peacekeeping and peace-enforcement operations. During Operation ALLIED FORCE in 1999 over Kosovo, SOF engaged in psychological operations designed to weaken Serbian resistance as well as direct action to compel the departure of Serbian forces from the province. SOF were also involved in land-mine removal, counterdrug operations, and maritime interdiction operations.

Moreover, there was still a “Somalia syndrome.” The takeaway for many in the special warfare community after the failure in Somalia in 1993 was to be suspicious of vague missions to go after warlords and militia figures, especially without rock-solid intelligence. Richard Schultz, a professor at the Fletcher School who also served on the Special Operations Policy Advisory Group of the U.S. Department of Defense, quotes an anonymous general officer who served in Special Operations Command during the 1990s who noted that there was “tremendous pressure to do something” against al Qaeda, but that the requirement was for “perfect operations, no casualties, no failure.”

When the U.S. embassies in Africa were attacked on August 7, 1998, President Clinton wanted a forceful response. On August 8, the CIA confirmed bin Laden’s responsibility (with CIA director George Tenet noting that it was a “slam dunk”) and developed a list of al Qaeda targets in Sudan, Afghanistan, and Yemen. On August 14, General Shelton presented the president with a range of military options. Almost immediately, any use of ground forces was ruled out. Settling on the use of cruise missiles launched from U.S. Navy vessels in the Indian Ocean, the CIA, the Joint Staff, and CENTCOM began to finalize a target list. Zinni and his staff removed several targets in Sudan on the grounds that they had little military or strategic value and would only increase the number of civilians at risk.

CIA analysts, for their part, attempted to determine whether a pharmaceutical plant in the Sudanese capital of Khartoum that was allegedly linked to bin Laden was producing chemical and biological weapons. With the final assessment inconclusive, Tenet decided to recommend that it still be targeted if there were even a chance that the factory was producing weapons of mass destruction (WMD) for al Qaeda’s use. Clinton’s advisers agreed: at an NSC principals’ meeting, National Security Adviser Sandy Berger asked, “What if we do not hit it and then, after an attack, nerve gas is released in the New York City subway? What will we say then?”

U.S. strikes commenced on August 20. As Naval War College professor Thomas Nichols has noted: “The fact that al-Qaeda was struck was important. Osama bin Laden and his lieutenants were actually the primary targets of Infinite Reach, largely as retaliation for al-Qaeda’s involvement in terrorist bombings against U.S. embassies in Africa. But in justifying the operation, Clinton administration officials argued that they were acting against a triple threat, a synergy between Sudan’s manufacture of chemical weapons, the Iraqis, and al-Qaeda terrorists.” On the basis of intelligence reports, the CIA hoped the missiles would catch bin Laden and other al Qaeda leaders in their Afghan camps, but bin Laden and his principal associates had left the camp hours before the missiles arrived. In Islamabad, Vice Chairman of the Joint Chiefs of Staff General Joseph Ralston, who was dining with the chief of staff of the Pakistani army, General Jehangir Karamat, was instructed to inform his hosts about the strike if
the Pakistanis detected the cruise missiles inbound to Afghanistan and concluded that an Indian sneak attack was under way.\textsuperscript{22}

The failure of Operation Infinite Reach to eliminate bin Laden and his lieutenants (amid later allegations that he had somehow been tipped off about the strike) and the destruction of the al-Shifa plant in Khartoum—a major source of medicine for the country—withdout any conclusive proof that it had been producing WMD weakened the deterrent impact of the strikes. A longer campaign to continue with additional strikes on al Qaeda (Operation Infinite Resolve) never got off the ground. CENTCOM planners were tasked to develop additional strikes, but the plans transmitted to the Joint Staff and then taken to the NSC by Vice Admiral Scott Fry, the Joint Staff director of operations, could not address the concerns of policy makers about avoiding civilian casualties or minimizing risks to U.S. forces while at the same time guaranteeing success in getting bin Laden.

In the United States, the military strikes launched as part of Operation Infinite Reach were derided by Clinton’s critics as ineffective and as a distraction from the president’s personal problems. In December 1997, a major Hollywood movie, Wag the Dog, had been released that told the story of a president facing a sex scandal ginning up a conflict in the Balkans as a way to distract media coverage. Since Bill Clinton was now caught up in the Monica Lewinsky affair (in which the president was revealed to have conducted a sexual relationship with a White House intern), critics argued that the al Qaeda threat was also being inflated in a Wag the Dog–like effort to distract the American public from Clinton’s domestic scandal. The 1998 strikes came on the eve of a vote on Clinton’s impeachment; while the president survived the subsequent trial in the Senate, the domestic scandal consumed a great deal of attention at the same moment when the administration would have wanted to intensify the fight against terrorists.

Zinni’s successor at CENTCOM and the commander just prior to 9/11 was General Tommy Franks, who later wrote that he considered al Qaeda a threat but saw little opportunity for direct action. Franks relates an occasion when he traveled to Washington for consultations in August 2000, where he met with Clinton counterterrorism czar Richard Clarke to discuss al Qaeda. In the meeting, Clarke spoke highly of the success of the 1998 missile strikes in Afghanistan, effectively encouraging Franks to consider similar action. Franks shared a measure of Clarke’s concern about al Qaeda, but did not think there was actionable intelligence. “Dick, for CENTCOM to build realistic operational plans, we need usable intelligence,” Franks told Clarke. “Reports about a cave where Osama bin Laden was thought to have slept last week don’t produce a target.” Clarke suggested that armed Predators—then a capability still in development—could be used for greater reliability. Franks said he was reminded of the old military adage “It is dangerous to confuse desire with capability.” Franks continues: “I was interested in destroying the al Qaeda threat. But my visit with Clarke had not moved me any closer to that objective. I left his office hoping that my emphasis on practical solutions to real problems would spur him to hone in on some real targeting opportunities. But I suspected that Dick was better at identifying a problem than at finding a workable solution.”\textsuperscript{23}
In turn, Clarke claims he overheard President Bill Clinton ask General Hugh Shelton if a commando operation could be launched into Afghanistan. Shelton’s immediate response was “Whoa! I don’t think we can do that,” after which Shelton said he’d check with CENTCOM. In Clarke’s words: “And of course Central Command came back and said, ‘Oh no, that’s too difficult.’”

Part of the reason the military could not accommodate Clinton’s desire for “ninjas” to come rappelling out of helicopters in the midst of an al Qaeda camp in Afghanistan was due to the ways in which such missions were planned. A request to plan for a small, light commando raid would end up generating requirements for thousands of personnel to be deployed as part of the initial force package and a backup quick reaction force, with Air Force and naval assets in play over the airspace of the region and in the surrounding waters. As someone with knowledge of the plans that were developed during this time admitted, “We add too many bells and whistles. We make our footprint too large. We price ourselves out of the market.”

During Zinni’s time at CENTCOM, he did undertake an effort to gain leverage in Afghanistan through his engagement efforts in Central Asia, which he considered the front line of U.S. interests. He traveled there on five occasions during his time in command, and expended considerable effort trying to get civilian departments (such as Madeleine Albright’s State Department) to pay more attention to the region. He felt the Central Asian nations could be used in much the same manner that South Africa’s neighbors were employed during the apartheid era, to be able to influence events in Afghanistan and to act as a barrier to keep instability emanating from Afghanistan from negatively impacting the rest of the world. But Zinni’s efforts at this indirect approach made little headway.

In another example of organizations working at cross-purposes, General Shelton and Secretary of Defense Cohen preferred to see other, nonmilitary measures taken to debilitate al Qaeda, among them a vigorous effort to use nascent cyber capabilities to attack the group’s finances. This idea, however, brought them into direct conflict with the preferences of Secretary of the Treasury Robert Rubin, who was attempting to find an international consensus to forbid cyber attacks on financial systems. Rubin also worried about the implications for the safety and security of the international banking network.

The United States also took diplomatic initiatives to thwart the growth of al Qaeda. The U.S. ambassador in Pakistan, for example, was tasked to make contact with the leaders of the Taliban to urge them to stop sheltering bin Laden and to curtail terrorist activities in the territories they controlled. In 1997 U.S. diplomats attempted to gain Taliban acquiescence in a U.S. mission that would be able to visit suspected terrorist sites in Afghanistan; this initiative ultimately went nowhere.

As with CENTCOM, however, the State Department had other, more important priorities for the region, starting with preserving a partnership with Pakistan and even facilitating energy routes from Central Asia through Afghanistan to the Indian Ocean. Indeed, when the California-based oil company UNOCAL, which was attempting to build a trans-Afghanistan pipeline, brought a Taliban delegation to the United States to meet with U.S. officials, Assistant Secretary of State Karl Inderfurth handled the main points and delegated the bin Laden question to one of his subordinates.
In April 1998, U.S. ambassador to the United Nations Bill Richardson visited Kabul. His main purpose was to try to broker a cease-fire between the Taliban and the Northern Alliance in an effort to end Afghanistan’s civil war. Taliban leaders refused to expel bin Laden, who was described as a guest in Afghanistan, but promised to curtail any terrorist activities. Similar promises were made later in the year to Saudi emissaries and to the U.S. ambassador to Pakistan. Yet after the August al Qaeda strikes against the U.S. embassies, followed by the retaliatory missile strikes, the Taliban refused U.S. requests for bin Laden’s extradition and demanded proof of his culpability for the embassy bombings.

On November 20, 1998, a Taliban court determined that bin Laden was not responsible for those attacks, and he was not to be expelled from Afghanistan. Despite these setbacks, and despite a deteriorating human rights situation in Afghanistan, the Afghan Coordination Group at the State Department continued to recommend the pursuit of a strategy of “restrained engagement” with the Taliban in the hopes of making progress. Retired lieutenant colonel Michael Sheehan, who headed the State Department’s counterterrorism efforts, recommended that the United States turn to Saudi Arabia and the United Arab Emirates to put additional pressure on the Taliban to cut ties with bin Laden and turn him over to American justice. Inderfurth and Sheehan met with Taliban officials in 1999 to reiterate warnings that the United States would hold the Taliban responsible for further al Qaeda activity directed against the United States and its allies. On July 5, 1999, using his executive authority, President Clinton imposed sanctions against the Taliban, freezing any assets the group held in the United States and barring American trade with Afghanistan. U.S. diplomacy succeeded in having the United Nations Security Council, in 1999 and again in 2000, impose sanctions against the Taliban, further cutting off the group’s tenuous links to the global economy. This represented a major step forward because it signaled that other major powers, such as Russia and China, recognized the threat posed by bin Laden. However, because bin Laden and al Qaeda were important parts of the Taliban power structure, these efforts were not successful, and the relative poverty of Afghanistan and the lack of substantial Taliban assets meant that sanctions had limited impact.

President Clinton was personally frustrated by the seeming inability of the United States to gather more concrete intelligence on al Qaeda activities. On one of the briefing memos presented to him in early 2000 recounting the current state of knowledge on bin Laden’s whereabouts, he scribbled, “We’ve got to do better than this. This is unsatisfactory.” Clinton also ordered U.S. submarines to remain on station in the Indian Ocean, to be ready to launch a missile strike on bin Laden and his key associates if the intelligence community could provide solid coordinates of a location. Keeping those assets available, however, ran up against resistance from the Navy, which opposed a prolonged deployment in the absence of more concrete and reliable information about bin Laden’s whereabouts. The president chose to override those objections.

Berger also tasked Defense Secretary Cohen to direct the Joint Staff to come up with planning options for how U.S. forces might operate inside Afghanistan to locate and capture bin Laden. There was no appetite, however, either within the leadership of the Department of Defense or within the inner circle around President Clinton, for taking potentially risky military action, inflicting collateral damage on civilians, or suffering U.S. casualties if there was not extremely
high confidence that the mission to apprehend bin Laden and other al Qaeda operatives would be successful.30

**The New Millennium Arrives**

With no further military strikes from the United States on the horizon, and with continued guarantees of protection from the Taliban, al Qaeda continued its plans for the planes operation.

The first four hijackers were trained in an elite al Qaeda facility in Afghanistan during the fall of 1999. The camp’s purpose was to train operatives who had been assigned only the most important missions. Each man had been personally selected by bin Laden. Following this portion of their training, the men were sent to a safe house in Karachi, Pakistan. Here they were taught about Western culture, took language classes, learned to use computer flight simulators, and spent time watching films about hijackings. Before the year was over, the hijackers were already casing different types of aircraft and airport security. (One of the lessons they learned was that box cutters were allowed on aircraft.)

After **INFINITE REACH**, Clarke and his interagency group continued their relentless focus on al Qaeda. The rest of the national security team, however, shifted to handle more-urgent, imminent problems. The first was the crisis over Kosovo. Serbian efforts to put down an insurgency among the majority Albanian population of the disputed province not only led to human rights violations but, by late 1998, threatened to blow up into a larger conflict that would engulf all of Southeastern Europe and potentially destabilize Europe as a whole. On January 30, 1999, NATO resolved to launch strikes on targets in Yugoslavia if a solution could not be found and the violence in Kosovo ended. The United States attempted to broker a diplomatic settlement, but this failed, and a NATO air campaign—the first time the alliance had undertaken a military operation—began on March 23, 1999.

With the United States now engaged in military action (undertaken, in part, by circumventing Russia’s ability to use its veto on the United Nations Security Council by working through NATO), other issues, such as al Qaeda, dropped off the president’s main agenda. The Kosovo campaign went on, not for the expected several days, but for weeks. A series of near crises, including dealing with increasingly hostile rhetoric coming from Moscow (the Russian prime minister, Yevgeny Primakov, in flight across the Atlantic to confer with U.S. officials, ordered his plane turned around when the bombing began), and dealing with the fallout after the United States mistakenly attacked the Chinese embassy in Belgrade, took up most of the attention of the president and his senior advisers.

Moreover, while the Kosovo campaign was still in progress, a conflict between India and Pakistan broke out in the disputed area of Kashmir. Indian forces began a campaign to push out Pakistani-backed militants (and infiltrated Pakistani forces) from the Kargil region of Kashmir. When open fighting broke out between Pakistani and Indian forces, the Clinton administration faced the chilling specter that the two nuclear-armed powers might eventually resort to using atomic weaponry. After finally reaching a settlement over Kosovo that terminated the NATO operation in June (thus avoiding further strains with Russia), U.S. efforts now focused on preventing the Kargil conflict from becoming a nuclear Indo-Pakistani
war. The Washington accord, reached in July 1999, provided for both sides to return to the status quo in Kashmir but gave the Pakistani side a face-saving way out of the crisis.

The Kosovo campaign meant that the main focus of the Pentagon was on prosecuting the air war in Europe and preparing for the possibility of a land campaign. When Kargil erupted, Clinton asked Zinni to serve as a presidential envoy to the Pakistanis, particularly the military establishment, and this became the CENTCOM commander’s primary focus during this time. Zinni’s preliminary meetings in Islamabad were crucial to getting Pakistani leaders to come to Washington to negotiate an end to hostilities. Ending the fighting over Kargil also became a higher priority for U.S. diplomacy than pressuring Pakistan to take more action to compel the Taliban to expel bin Laden from Afghanistan. Moreover, the military coup in Pakistan later that year interrupted U.S. relations with Islamabad and aborted nascent proposals for the United States to rely on Pakistani forces to enter Afghanistan to apprehend bin Laden.31 Here, domestic U.S. legislation proved to be the problem. After testing nuclear devices in 1998, Pakistan had come under automatic American sanctions as provided for in U.S. law. To induce Pakistan to cooperation, President Clinton had to negotiate with Congress for the ability to waive those sanctions on national security grounds. Yet once that roadblock was overcome, Pakistani prime minister Nawaz Sharif was removed from office in a military coup led by General Pervez Musharraf—which triggered a new set of U.S. sanctions, prohibiting security cooperation with a country when a democratically elected government is ousted by the military.32

Many in the Clinton administration and in the broader U.S. foreign policy community hoped that the U.S. willingness to intervene in Kosovo to defend a mainly Muslim population would gain the U.S. credit in the larger Islamic world and help diminish the appeal of extremists.33 There were also high expectations that an intense U.S. diplomatic effort was on the verge of producing a lasting and final agreement between Israel and the Palestinians, which would also serve to tamp down anti-American sentiment in the region. Nevertheless, there was also a recognition that the upcoming millennium celebrations would be a tempting target for terrorists. As a result, terrorism again moved up as a more important issue on the president’s agenda.

On December 14, 1999, Ahmed Ressam, an Algerian-born terrorist, was arrested carrying explosives into the United States from Canada. Although the full details of his mission were not learned until 2001, authorities discovered the plan was to use the explosives to detonate a bomb in the Los Angeles airport (LAX) on January 1, 2000. As additional information was obtained, U.S. authorities quickly determined at least one additional contact in the United States was involved in the plot.

In response to this information Richard Clarke’s interagency group met more frequently to coordinate the U.S. response. The FBI increased its number of requests for wiretaps. Local police were advised to be even more vigilant in their counterterrorist activities. The Justice Department went to a higher state of alert. Clarke, for his part, became increasingly convinced terrorist sleeper cells were operating in the United States. As a result of these increased efforts, security was tightened at key venues across the United States, and the New Year’s Eve celebrations went on without incident.
Once again, averting disaster produced a false sense of confidence. Overseas, a series of raids by Jordanian police in December 1999 broke up another major al Qaeda cell charged with carrying out millennium-related attacks. The perceived set of successes in thwarting plots connected to the millennium celebrations was, as Charles Parker and Eric Stern concluded from their interviews with U.S. officials, “conducive to a widespread belief within the U.S. national security community that the counterterror and homeland defense programs were sufficiently managing the terrorist threat.”

Indeed, had events that followed turned out slightly differently, that confidence might have been justified, for in the first weeks of January 2000, the planes operation was nearly detected and disrupted. The National Security Agency made a communications intercept indicating a pending meeting of operational al Qaeda cadres in Kuala Lumpur; this was in fact a major terror planning meeting at which Khalid Sheikh Mohammed and at least four of his operators would be present. The information was passed to the CIA, and at least one suspect was rapidly identified and tracked to Malaysia. The CIA’s Counterterrorism Center shared this information with the FBI and the NSC. U.S. and Malaysian surveillance teams initially observed the suspects, but subsequently lost them in Kuala Lumpur. When this happened, the suspects’ names were placed on a Thai watch list. The Malaysians were able to obtain photographs of the attendees, two of whom participated in 9/11.

The photographs were sent to CIA headquarters in Langley, Virginia, where they were identified as two men who would later participate in the September 11 attacks: Khalid al Mihdhar and Salem al Hazmi. The CIA, however, did not provide information concerning their attendance at the Kuala Lumpur meeting to other agencies. The agency was aware the State Department had issued Hazmi a visa to the United States in April 1999, and it had a copy of Mihdhar’s passport, complete with multiple U.S. entry visas, but despite this knowledge the CIA did not place either name on the State Department’s TIPOFF list, nor was either name posted to any of the disparate watch lists maintained at the time by the FBI, the U.S. Customs Service, or INS.

The Kuala Lumpur meeting was a missed opportunity. The attendees discussed important future al Qaeda operations. There was also a delivery of money used to finance the eventual attack on USS Cole (see the sidebar). The CIA, however, did not learn any of this, as it was unable to get listening devices in position to monitor the conversations.

On January 15, 2000, the first al Qaeda pilots arrived in the United States, entering through Los Angeles International Airport. Shortly after these pilots arrived in the United States, bin Laden canceled plans to hijack additional aircraft in Asia. The perceived degree of difficulty in coordinating simultaneous attacks in North America and the Far East was too high, and so he concentrated on the attack against the United States.

It should be noted that the plotters were not master spies, nor was al Qaeda any sort of experienced clandestine organization. The plot had several potential weak spots, including the use of human couriers to conduct business owing to al Qaeda leaders’ fear that the United States and other countries could intercept electronic communications. Another potential vulnerability involved money. The cost of the 9/11 operation has been estimated to be
somewhere between four hundred and five hundred thousand dollars. These funds were moved and banked in routine ways, and thus susceptible to discovery (had anyone been watching). However, despite the earlier creation of a U.S. interagency working group to examine and combat terrorist financing, al Qaeda’s funding stream for the planes operation simply disappeared in a much larger ocean of global money movement.

Nor were the recruits particularly able or well trained. Hazmi and Mihdhar moved at least once in San Diego, living for a time in a house owned by an FBI informant who claimed he saw nothing suspicious about the men’s activities. They had little or no aptitude for English and were extremely poor students in flight school. Eventually, Mihdhar grew discouraged and flew...
home to Yemen. By the fall of 2000, Hazmi had also given up flight training and was simply waiting for al Qaeda to send additional personnel.

This failure by at least two of the plotters is remarkable given how deeply bin Laden was involved in their selection. Although bin Laden took considerable initiative in the entire planes operation, he was especially involved in the selection of the 9/11 operatives themselves. Yet in these cases, his investments in both time and effort, over a long course of time, resulted in failure. In effect, the first two 9/11 pilots washed out. There were many aspects of operational skill in the attacks on 9/11, but this incident and others should make clear that bin Laden was far from an operational mastermind; likewise, the men who executed the plot were hardly experienced commandos.

As the planes operation quietly moved forward, in Washington Clarke pressed for an “after-action review” of steps taken to disrupt the various millennium plots, including the thwarted attack on LAX. He continued to insist that al Qaeda had established sleeper cells in the United States and that more attacks were “a certainty.” His warnings prodded the principals to act; at a meeting on March 10, 2000, the NSC decided to increase funding to the CIA in order to accelerate efforts to attrite al Qaeda. It also pushed forward a crackdown on U.S. sources of funding for terrorist organizations and moved to tighten immigration controls.

Yet these efforts remained insufficient. In May 2000, Marwan al Shehi, the first of al Qaeda’s “German” pilots, arrived in the United States. The German pilots, a group of al Qaeda members also referred to as the “Hamburg cell,” formed in 1998, served as the nucleus for recruiting personnel among students in Germany. (Initially, the Hamburg cell was created to identify recruits for the war in Chechnya.) Mohammed Atta arrived on June 2, 2000, while Ziad Jarrah entered on June 27. The fourth member, Yemeni national Ramzi Binalshibh, attempted to enter the United States several times, but visa issues prevented him from doing so—not because of any concerns about his links to al Qaeda, but because the Immigration and Naturalization Service flagged his application as that of someone likely to overstay his visa to work illegally in the United States—a concern about Yemeni nationals that did not apply to visa applicants from wealthy Saudi Arabia. The three pilots who managed to enter the United States took up residence in Florida and began attending flight school.

As with their West Coast counterparts, tradecraft was not a strong suit with this group: they paid for their schooling with money wired from Saudi Arabia, and with the exception of Jarrah (who earned a private pilot’s license in a few months) all had trouble in flight school. Jarrah had a girlfriend in Germany and remained in contact with her throughout the period. Overall they exchanged thousands of phone calls and e-mails. In fall 2000, Jarrah flew to Germany to see her and did not return until October 29.

Bin Laden and senior al Qaeda leaders spent the summer recruiting what Western analysts later called the “muscle hijackers.” These were the men who would be responsible for physically intimidating and managing the crew and passengers in the main cabin while the rogue pilots flew the aircraft. Yet none of them was physically imposing; they ranged in height from 5’5” to 5’7”, the tallest of them three inches shorter than the average American male. All of the muscle hijackers were unmarried, most were unemployed, and few had more than a high school education. Twelve of the thirteen were Saudis. They spent the summer training in Afghanistan,
where they studied how to conduct a hijacking, disarm air marshals, handle explosives, and storm the cockpit of an airliner. After this portion of the training was over, the men were moved to a safe house in Kashmir and then to Dubai, from which they would enter the United States. During the final phase of the training, the men learned how to handle everyday aspects of Western life.

While plans for an al Qaeda attack on U.S. soil continued, another al Qaeda operation was to test the group’s capabilities—and the capacity of the U.S. national security system to detect and respond to that attack.

The Attack On USS Cole

On October 12, 2000, the guided-missile destroyer USS Cole (DDG 67), undergoing refueling in Aden harbor, was successfully attacked and nearly sunk by a suicide bomb attack. Seventeen servicemen and -women died. The attack succeeded, in part, because of existing standard operating procedures that did not permit the crew to fire on vessels that might impact the warship unless the crew was fired on first; in addition, small boats crisscrossing the harbor was part of the normal situational environment in Aden and so the presence of a small boat headed toward Cole did not initially raise concerns among the crew.

Hours after the attack, Clarke chaired a meeting at the White House. He was convinced that al Qaeda was behind the attack, but Cofer Black, the CIA coordinator for counterterrorism, and Dale Watson, head of counterterrorism for the FBI, were not so quick to offer a definitive judgment that al Qaeda was responsible. Later that day, at a meeting of key principals and deputies, Clarke again pressed for retaliatory strikes on al Qaeda facilities in Afghanistan. The Joint Chiefs had drawn up a set of targets that U.S. airpower could strike. Yet, even though bin Laden and his lieutenants immediately evacuated their homes in Afghanistan, in anticipation of a rapid U.S. retaliatory response, the U.S. government could not agree on who was the culprit. Even as a preliminary investigation began to uncover clues, circumstantial evidence existed that pointed to Saddam Hussein’s Iraq, to the government of Sudan (then on the official state sponsor of terrorism list), or to the Islamic Republic of Iran (which was seen as culpable for the 1996 bombing of the Khobar Towers in Saudi Arabia that targeted U.S. service personnel). Moreover, the attack on Cole occurred at a particularly sensitive time in U.S. diplomatic efforts to push for a final agreement between the Israelis and the Palestinians. Secretary of State Madeleine Albright was concerned that an immediate military response “bombing Muslims,” without actionable intelligence and without clear proof of bin Laden’s complicity, would complicate those efforts.

Even though al Qaeda’s culpability could not be established beyond a reasonable doubt to the satisfaction of senior leaders, there were some changes. The CIA expanded the scope of its activities against al Qaeda. The State Department received presidential permission to try another round of direct discussions with the Taliban’s deputy foreign minister in an effort to get bin Laden expelled from Afghanistan. After leaving office, President Clinton has since stated he was willing to authorize further military attacks in Afghanistan or deliver an ultimatum to the Taliban if the FBI would publicly identify bin Laden as the prime culprit. But this the bureau would not do. National Security Adviser Sandy Berger said the farthest the FBI and CIA would go in assigning blame for the bombing was to say they had strong suspicions al
Qaeda was responsible for the attack. The slow pace of the investigation in Yemen, and the inability to close the books definitely on other possible suspects for the attack, meant that the FBI was not in a position to give the president the “slam dunk” he required. (One of the issues that continue to be problems for U.S. investigations is the gap between the vast amounts of documentary evidence and transcribed material and personnel with appropriate language ability to translate it. In Yemen, for instance, the FBI was unable to process the entire amount of material that was generated by interviews with over sixty suspects.) Over time, both the FBI and CIA were able to show more connections between bin Laden and the attacks in Yemen, but did not come to a definitive, final conclusion that al Qaeda was responsible until after the Clinton administration had left office.

Bin Laden never openly claimed responsibility for Cole during this time, but in January 2001 he was observed standing with Taliban leaders reciting a poem about a “destroyer” that “inspires horror in the harbor” being awaited by a dinghy to take it to its doom. In summer 2001, an al Qaeda video that re-created the attack on Cole was being circulated throughout the Middle East, used to recruit new fighters for the struggle against the “Crusaders.”

Transition: The Bush Administration Arrives

Less than a month after Cole was struck, the United States held a presidential election and the Clinton administration now moved to the traditional postelection role of lame-duck caretaker. But who would replace Bill Clinton? Because of problems in determining which of the two candidates—Vice President Al Gore and Texas governor George W. Bush—would be awarded Florida’s electoral votes, an issue that was ultimately handed to the courts to decide, it took until December 12, 2000, to certify a winner in Florida and thus in the Electoral College. This mattered because the Florida mess delayed the transition from Clinton to Bush. With power

The FBI versus the Embassy

The FBI team sent to Yemen wanted to take control of the entire investigation, but soon ran into problems, because the Yemeni police and security services, many of whom were distrustful of Americans, were unwilling to accommodate FBI preferences. This included not providing direct access to the persons Yemeni officers had detained on suspicion of carrying out the attacks. The government was also unwilling to admit that it did not fully control the country and that al Qaeda had the ability to operate in Yemen. As relations deteriorated between the FBI and the Yemenis, Foreign Service officers—as well as the ambassador herself—worried that the FBI tactics were damaging the entire United States–Yemen relationship. Ambassador Barbara Bodine therefore requested that the head of the FBI investigation, Paul O’Neill, be withdrawn from Yemen and subsequently denied him “country clearance”—the requirement for any U.S. government worker to obtain the ambassador’s permission to be present in country in any official capacity. She also sought to limit the number of FBI agents present. While President Clinton, in several phone calls with Yemen’s President Ali Abdullah Saleh, demanded full Yemeni cooperation in the investigation, gaps still remained in putting together a complete picture of what happened to Cole. For more on the investigation into Cole, see the PBS Frontline October 3, 2002, report, “The Man Who Knew,” especially the interviews with key personnel involved, available at http://www.pbs.org/wgbh/pages/frontline/shows/knew/interviews/.
shifting from one party to the other in the executive branch, few of the Clinton appointees would be expected to continue service in a new Republican administration. As a result, there was a compressed timeframe to get the expected Bush replacements up to speed on key issues.

While the country remained focused on the unresolved elections, the remainder of the al Qaeda pilots earned their pilot's licenses. None had particularly distinguished themselves as exceptional students. After graduation, they continued honing their skills using home computer flight simulators.

Outgoing CIA officials, as well as the senior civil service personnel who would continue to serve under the incoming Bush appointees, prepared a series of recommendations for coping with al Qaeda that would be presented to the new national security team. The CIA plan, known as the Blue Sky Memo, featured supporting the Northern Alliance, a group composed of the remnants of the former government of Afghanistan that had been overthrown by the Taliban and pushed out of most of the country. The CIA also recommended increasing support to the Central Asian republic of Uzbekistan—one of the countries CENTCOM had been cultivating—as an ally in fighting terror, as well as assisting other anti-Taliban groups and proxies.

Above all, the briefers wanted to make the point that no single bullet was going to solve the problem and a multifaceted policy was needed. Richard Clarke and his interagency team came up with their own plan for taking on al Qaeda, titled “Strategy for Eliminating the Threat from Jihadist Networks of al Qida [sic]: Status and Prospects.” Clarke envisioned rolling back al Qaeda over several years with a variety of measures, including an active CIA role as well as military action to destroy al Qaeda and Taliban command-and-control assets and infrastructure. The paper also expressed concerns about the possible presence of al Qaeda operatives in the United States.

Senior Clinton administration officials were not briefed on Blue Sky, and outgoing National Security Adviser Berger declined to act on Clarke’s memo. Richard Miniter, a British American journalist, consulted a number of military and intelligence officials who argued that the Clinton administration should have wrapped up the Cole investigation and taken a strong final stand against al Qaeda. Berger has responded by noting that it would have been irresponsible for an outgoing administration with only a few weeks left in office to start a major military operation and then turn it over to a new team to manage the consequences. Clinton officials were understandably touchy about any such move, since this is what Bush’s father had done in the final days of his administration in 1992 with the ill-fated Somalia mission. Instead, Berger wanted to ensure that the incoming Bush administration had all the options from which it could then decide what to do, and Clarke was invited to brief the incoming national security adviser designate for George Bush, Condoleezza Rice, and her staff in the first week of January 2001.

Both the Blue Sky plan and Clarke’s memo contained comprehensive strategies for combating al Qaeda, but neither had been briefed or coordinated across the entire U.S. national security apparatus. Clarke himself has often acknowledged that his focus was counterterrorism, but there were other national security interests in play. For example, a decision to aid the Northern Alliance would align the United States with Iran and Russia, who were the principal foreign patrons of the alliance, and set the United States at odds with Pakistan and some of its Arab
allies, who preferred to see the Taliban in charge of Afghanistan. Clarke’s proposals to provide military aid to the Northern Alliance, in part on the grounds that a stronger Northern Alliance would force al Qaeda to dispatch fighters to the Afghan front to support the Taliban rather than export terrorists to other parts of the world, ran up against counterproposals that the United States work with Pakistan—who viewed the Taliban as essential to its strategy of ensuring a friendly regime in its “backyard”—to find ways to ameliorate the Taliban’s behavior.

Likewise, more aid to Uzbekistan would raise concerns with the human rights community, which pointed to the poor record of the country’s autocratic president, Islam Karimov, while others worried that greater cooperation with Uzbekistan could potentially alienate Afghanistan’s Pashtun community, which would interpret this as support for Afghanistan’s Uzbeks. Questions of command, control, and responsibility for things such as the Predator drone—an Air Force platform being flown at the direction of the CIA—and who would have authority to launch missiles from the drone remained unresolved. Whether use of the unmanned aerial platforms was a Title 10 (military) function or covered under Title 50 further complicated these discussions about whether the Air Force or the CIA should operate the platform. In addition, the Air Force also continued to oppose use of the Predator, preferring to utilize manned platforms in any kinetic action taken against bin Laden.

Until senior leaders were prepared to set priorities—and accept trade-offs—no consensus could be achieved on these comprehensive policy proposals.

When George W. Bush was inaugurated as president, nearly all members of the Clinton national security team were replaced, with one notable exception. CIA director George Tenet was asked by Bush to stay on the job. Tenet briefed Bush during the transition, and the new president agreed with Tenet’s concerns both about possible threats emanating from rising and resurgent powers such as China and Russia and about the dangers posed by the so-called rogue states (Iran, Iraq, North Korea, and others). Tenet was not seen as a particularly political or partisan appointment: as the former staff director for intelligence in the Senate, he was chosen, in part, by Clinton specifically because he would be acceptable to both parties and easily confirmed, and he was asked to stay on to provide a degree of continuity. (It also did not hurt that former president George H. W. Bush had described him to his son as a “good fellow.”) FBI director Louis Freeh was also encouraged to continue to serve in the Bush administration, but criticisms of his leadership, especially after discovery of a senior FBI agent being a long-term Russian agent, led to his resignation in June 2001.

The Republicans came back into office eager to focus on problems and issues that they felt the Clinton administration and the Democrats had ignored, but terrorism was not high on that list, especially compared with ballistic missile and WMD threats. For example, Donald Rumsfeld, now selected to become Secretary of Defense, had been the chairman of a congressionally chartered commission, the Commission to Assess the Ballistic Missile Threat to the United States, in 1998. It concluded that the United States had no real defense against the ability of rogue states to launch a ballistic missile attack against the homeland, expressed concerns about the spread of weapons of mass destruction and the technologies for their delivery, and recommended that more intelligence resources be devoted to identifying WMD threats. Some
of the commissioners and staff went on to key appointments in the new Bush administration’s national security team.

This focus led Bush’s team to concentrate on both Russia and China, as well as the rogues, such as Iran, Iraq, and North Korea. The Republicans had charged, during both Clinton’s term and the election against Clinton’s vice president, that the Clinton administration had not properly postured the U.S. military for dealing with such challenges. Accordingly, Bush ordered a thorough review of defense strategy and the U.S. force structure in February 2001. A nuclear posture review, begun under Clinton, was completed by the Bush team in 2002.

The Bush administration modified elements of the defense budget submitted that month, providing only a modest increase in counterterrorism spending and instead pushing for a buildup in capabilities to detect and defend against WMD attacks, notably in improving the country’s ability to monitor ballistic missile launches and to destroy them in flight. Rumsfeld strongly resisted efforts by the Senate Armed Services Committee to increase funding for antiterrorism activities at the expense of requested items pertaining to ballistic missile defense.40

There was also a sense among the Bush national security hands that old problems left unresolved during the Clinton administration would have to be revisited, starting with Iraq. Franks’s first meeting with Secretary of Defense Rumsfeld, on March 7, 2001, focused almost entirely on Iraq. Rumsfeld was concerned that Operation SOUTHERN WATCH and Operation NORTHERN WATCH (the no-fly zones in southern and northern Iraq) were doing nothing but “boring holes in the sky.” Franks and Rumsfeld discussed alternatives for dealing with Saddam Hussein, but, according to Franks’s recollections of the meeting, at no time did they discuss the al Qaeda problem.

The actual process of a presidential transition is a lengthy one. While it takes a few moments to speak the oath of office, it can take a new administration a year or more to get up and running as a fully functioning government. The necessities of the confirmation process, and the time required to get new individuals into their positions and up to speed, all reduce the effectiveness of a new administration for a considerable span of time. A new president can only move so many agendas at the outset of a term, and thus for a time some issues will more or less end up on autopilot.

Because the NSC staff work directly for the president, it is generally rare for senior staff from one administration to be retained by the next. Clarke, however, was asked to stay on. He construed his retention as a signal from Bush that he would still be an important actor in the formulation of national counterterror policy, and he resubmitted his strategy memorandum to Rice at the end of January with the assumption that he would be given a mandate to carry it out. However, while the Bush team wanted to keep Clarke’s expertise on counterterrorism, it was not an issue that enjoyed top priority. And Clarke was one of the few holdovers: according to one former NSC staff member who served during the period, most of the other senior positions in the NSC touching on the issues the new administration felt would be most critical—such as missile defense, China, North Korea, Iran, and Russia—were filled very rapidly by individuals with close ties to the Bush campaign.
Richard Clarke’s level of access to the Oval Office changed in this period. Tenet, by virtue of his position as CIA director, was guaranteed under U.S. law certain rights of access to senior decision makers. Under the National Security Act of 1947, the director of the CIA was, at that time, the statutory adviser for intelligence to the president and to the National Security Council. By long tradition, the CIA director was also the president’s chief intelligence briefer. This meant that Tenet would retain his privileged access to the commander in chief as the senior member of the intelligence community. Clarke, on the other hand, was White House staff and so only had whatever power and authority that the national security adviser extended to him. Tenet was gruff and ambitious, but had navigated the legendary egos of the Senate during his time on the Hill. Clarke, however, was described by friends and foes alike as “aggressive” and “legendarily abrasive,” even if he was also praised as “high-energy, focused and imaginative.” Clarke was determined to roll over opposition to his policy proposals and his leadership. Clarke’s drive appealed to National Security Adviser Berger, who empowered him and allowed his CSG to function almost as a parallel Deputies’ Committee within the NSC, including direct access to senior officials.

What one national security adviser gives, however, another can take away. Condoleezza Rice wanted a more orderly and hierarchical process where issues would be considered at each level before being briefed to superiors. Rice reduced Clarke’s CSG back to the status of an ordinary interagency committee, staffed by lower-level departmental representatives. Clarke would not have uninterrupted and immediate access to the national security adviser, but instead, like other NSC staff, was expected to work through Rice’s deputy, Stephen Hadley. In the George H. W. Bush administration, Clarke (as Assistant Secretary of State for Politico-Military Affairs) and Hadley (as Assistant Secretary of Defense for Global Strategic Affairs) had enjoyed the same rank and had been equal colleagues in interagency meetings. Now, Hadley outranked Clarke within the NSC staff hierarchy. For his part, Hadley wanted to run an orderly NSC staff process with a focus on achieving consensus outcomes, and to prevent disruptions and end runs. Most importantly, Clarke would not be able to reach out and engage senior leaders directly, but only when authorized to do so and following the chain of command within the NSC staff. Clarke saw all of this as a de facto demotion and was disappointed in both his reduction of status and his loss of ability to influence the most-senior presidential advisers. In addition, in keeping with the priorities of the incoming administration, other issues, such as missile defense, were to be fast-tracked by the NSC process to produce options for consideration by the principals, ahead of Clarke’s proposals dealing with counterterrorism.

Clarke had an opportunity to brief the vice president, Dick Cheney, and his staff in early February. While the new officials recognized that terrorism was an important issue, they did not share Clarke’s insistence on it as the top priority for national security. Instead, Cheney ended up being tasked by Bush to focus on the threat of WMD being used against the United States. Clarke continued to stress the threat of al Qaeda, but his continual insistence led some of the Bush team privately to express the opinion that the Clintonite holdovers—Clarke and Tenet—were obsessed with terrorism at the expense of other pressing threats. In turn, Clarke believed that the Republicans had returned to the White House with the mind-set to pick up where they had left off in 1993, and that the Bush team seemed unwilling to take into account some of the changes that had occurred in the international system since the end of the last Bush administration.
Instead of Clarke’s being given a mandate to implement his strategy, his proposals were put on hold while the new team undertook an extensive “policy review” of key issues such as terrorism, as well as evaluating actions taken by the previous administration. The December 2000 memorandum was subjected to various working groups and debated within the administration throughout the spring and summer of 2001. As a result:

Clarke dived into yet another round of meetings. And his proposals were nibbled nearly to death.

This was, after all, a White House plan, which means it was resented from the moment of conception. “When you look at the Pentagon and the CIA,” says a former senior Clinton aide, “it’s not their plan. The military will never accept the White House staff doing military planning.” Terrorism, officials from the State Department suggested, needed to be put in the broader context of American policy in South Asia. The rollback plan was becoming the victim of a classic Washington power play between those with “functional” responsibilities—like terrorism—and those with “regional” ones—like relations with India and Pakistan. The State Department’s South Asia bureau, according to a participant in the meetings, argued that a fistful of other issues—Kashmir, nuclear proliferation, Musharraf’s dictatorship—were just as pressing as terrorism. . . .

On April 30, nearly six weeks after the Administration started holding deputies’ meetings, Clarke presented a new plan to them. In addition to Hadley, who chaired the hour-long meeting, the gathering included Cheney’s chief of staff, Lewis Libby; Richard Armitage, the barrel-chested Deputy Secretary of State; Paul Wolfowitz, the scholarly hawk from the Pentagon; and John McLaughlin from the CIA. Armitage was enthusiastic about Clarke’s plan, according to a senior official. But the CIA was gun-shy. Tenet was a Clinton holdover and thus vulnerable if anything went wrong. His agency was unwilling to take risks; it wanted “top cover” from the White House. The deputies, says a senior official, decided to have “three parallel reviews—one on al-Qaeda, one on the Pakistani political situation and the third on Indo-Pakistani relations.” The issues, the deputies thought, were interrelated. “They wanted to view them holistically,” says the senior official, “and not until they’d had three separate meetings on each of these were they able to hold a fourth integrating them all.”47

In an example of how unforeseeable events can change the policy agenda, Clarke’s meetings took place within the context of a larger, more pressing crisis that also seemed to validate the concerns of some of the Bush national security team that great powers, rather than ragtag terrorist groups, were a bigger threat to the United States: the EP-3 incident.

In April 2001, a Chinese fighter jet engaged in provocative actions while shadowing an American EP-3E Aries surveillance aircraft flying near China and then collided with the Aries. The Chinese pilot was killed, while the U.S. plane was forced to make an emergency landing on Hainan Island in China. The United States claimed the Chinese plane was at fault, and stated
the collision had occurred over international waters. The Chinese asserted that the American aircrew had violated Chinese sovereignty, and might bear legal responsibility for the crash. The U.S. aircrew of twenty-four was held for a tense eleven days, during which time the possibility of a conflict with China loomed. Even though the issue was resolved amicably (the aircrew was released, and the dismantled EP-3E was returned to the United States), there was no mistaking the confrontational nature of the Chinese actions from the beginning to the end of the crisis. For an administration that entered office believing that China was a concern that required more attention, the incident only served to reinforce this impression.

By late spring 2001 various parts of the U.S. intelligence and law enforcement communities were prepared to assign responsibility for the bombing of USS *Cole* to al Qaeda, a case that was strengthened by the release of the al Qaeda recruitment video in June where the group’s members were recorded singing, “We thank God for granting us victory the day we destroyed *Cole* in the sea.” The Pentagon was prepared to strike targets in Afghanistan in the immediate aftermath of the bombing, but Rumsfeld was focused on transforming the armed services and “building a 21st century military.” He did not press for action against al Qaeda in response to the attack on *Cole*, feeling too much time had passed. Deputy Secretary of Defense Paul Wolfowitz concurred with that assessment.

Moreover, Rumsfeld did not have a permanent person in place at DoD handling these issues. Normally, counterterrorism is the responsibility of the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict (ASD [SOLIC]). Secretary Rumsfeld did not receive a briefing from the outgoing ASD (SOLIC) as part of the transition process. Furthermore, he did not find a replacement ASD (SOLIC) until after 9/11.

The FBI, too, was undergoing unexpected turmoil in its top leadership during this time. Freeh’s sudden resignation left a void that had to be filled by Deputy Director Thomas Pickard, who served as acting director until Robert Mueller, who had been nominated on July 5, 2001, was confirmed by the Senate and formally took the reins at the bureau, on September 4, 2001. In the interim, existing requests to increase counterterrorism funding—with the exception of monies needed to improve the bureau’s WMD incident response capability—were denied by Attorney General John Ashcroft, who also made it clear that there would be no change in policy regarding sharing information between the FBI’s and Justice Department’s criminal divisions.

A reactivation of the *Cole* case might have provided another opportunity to disrupt the planes operation. An FBI analyst chasing the flow of al Qaeda funds once again encountered Mihdhar’s name; this FBI analyst met with a CIA counterpart on June 11, but the meeting was unproductive because the FBI agent did not pass on her information owing to the bureau’s concern about breaching “the wall.” And the CIA analyst did not reveal what the agency knew about Mihdhar, because he believed he was not authorized to share agency information with the bureau, and because he wasn’t specifically asked about Mihdhar. The FBI analyst, for her part, didn’t ask about Mihdhar, because she mistakenly assumed the CIA would tell her if it knew anything. This is how leads in an investigation can fall through the cracks: not through incompetence or dereliction, but because the system is structured toward one set of goals rather than another.
Threat Warnings: The Signal-To-Noise Problem

In any presidential administration, as in any large organization, managing the dissemination of critical information is a vital function. Time is the chief executive’s most valuable commodity, and there are only so many things on which he or she can be personally fully briefed. Yet the country expects the president to be aware of every important threat, challenge, and opportunity facing the United States, an impossibility even in a less complicated era.

Significant threats to the interests of the United States are reported to the commander in chief every day as part of the President’s Daily Briefing (PDB). The national security adviser, the Secretary of Defense, and the Secretary of State are privy to this report, as is the vice president. This highly classified briefing is normally given by the director or assistant director of the CIA. Between January 20, 2001, and September 10, 2001, more than forty individual items related to bin Laden were briefed to the president. While this number may seem significant, it is important to remember that the forty items were but a tiny fraction of all the reports given to the president in this time frame, and that the items were spread out over a nearly eight-month period.49

The number of warnings of terrorist threats and planned attacks generated by the U.S. intelligence community rose to an all-time high in the spring of 2001. On April 13, the FBI ordered its offices to assume a posture of increased alert. The intelligence and law enforcement communities were picking up indications of an al Qaeda attack, but there was no way to know the form of such an attack or whether it would take place in the United States. Similar warnings were being picked up by the CIA, including a nonspecific alert from the Northern Alliance leader, Ahmed Shah Massoud, who contacted a CIA agent in Paris but could only say that a major attack of some kind might occur within the near future without providing more specifics with regard to timing and location.

As the review process ground its way forward, al Qaeda was eventually placed on the agenda of the full NSC Deputies’ Committee. The CIA left no doubt about its assessment: at an April 30, 2001, meeting of the Deputies’ Committee, the CIA representative described al Qaeda as “the most dangerous group facing the United States.”50 At this point in the spring and early summer of 2001, more warnings now started to assume some degree of specificity as well. In response, on June 22, the Department of Defense put forces on heightened alert around the world and, fearing that a repeat suicide attack against ships might be in the works, ordered six ships from the Fifth Fleet to leave port in Bahrain for the open seas.

There was some concern that al Qaeda might be planning an attack on a U.S. military facility on or around the July 4 holiday. The U.S. airbase at Incirlik, Turkey, and other facilities in Italy, Belgium, Germany, and the Philippines were all seen by the intelligence community as potential targets. CIA director Tenet and his top personnel met with National Security Adviser Rice and her deputies on July 10, 2001, where Tenet delivered a chilling assessment that there would be a significant terrorist attack in the next weeks or months. Clarke, present at that meeting, concurred with Tenet’s call. Attention immediately focused on the Group of Eight (G-8) summit in Genoa, Italy, where President Bush was scheduled to arrive on July 20. The Italians undertook an intensive security effort in conjunction with the United States and other European partners: airspace around the city was closed, divers patrolled the harbor, and military
assets were moved into place to deal with any contingency involving truck and car bombs, suicide boat attacks, or the use of airplanes.51

When the G-8 summit passed without incident, the same complacency that overtook the national security community after the 2000 millennium celebrations returned. No attack had occurred, and getting past the G-8 meeting and the Fourth of July without incident reinforced various beliefs in the American government that either U.S. measures were effective, or the threat was overblown. A certain amount of fatigue about threats had also set in, a natural reaction to the flood of false alarms and vague indications. Tenet, in particular, who had been delivering so many warnings in the spring and summer about an imminent al Qaeda strike, now found that senior officials were beginning to tune his alerts out.52 Moreover, Tenet himself began to suggest that whatever al Qaeda action had been anticipated was now probably delayed.53 The uptick in warnings about an imminent attack that had occurred in June and July now ebbed away.

On July 16, 2001, the last Deputies’ Committee meeting to consider the al Qaeda strategy convened. The committee decided to pass along a draft presidential directive (a PDD) on a strategy to combat al Qaeda to the principals for their consideration. A proposed meeting date in August was vetoed because several principals would be out of Washington. It was decided that the Principals’ Committee of the NSC would put Clarke’s proposals on the agenda to be discussed at a meeting scheduled for September 4, 2001.

Meanwhile, the hijackers continued to train. While keeping low profiles, they were far from invisible. In particular, they were strikingly willing to take chances such as international travel. Given the risk to their mission if one of the men were to be caught, their movements were surprisingly extensive. Each of the four pilots left the United States at least once during 2001: Shehi flew to Morocco and then to Egypt, and mission leader Atta flew to Germany and Spain, where he participated in a final preoperation conference with Khalid Sheikh Mohammed. Jarrah not only visited his girlfriend in Germany twice; he even brought her to the United States for a ten-day stay. Both Atta and Shehi encountered difficulty trying to reenter the United States, as both lacked student visas. However, both were able to persuade INS inspectors to allow them to return. In June Mihdhar was in Jidda and had to apply for a new visa. Since he had not been “watch-listed,” even though the CIA knew he had attended the Kuala Lumpur meeting, there was no reason for the State Department to deny his request.

Once again, there were missed opportunities to recognize the danger. In the summer of 2001, FBI special agent Kenneth Williams in the Phoenix FBI office, for example, grew suspicious of what he believed might be an attempt by bin Laden to send al Qaeda students to U.S. aviation schools. Williams was concerned about what he said were “inordinate numbers of individuals of investigative interest” attending civil aviation schools in Arizona. He did not warn of potential hijackings, and he was concerned about aviation students in general, not just those in pilot classes, because of access to aircraft and airports.

Special Agent Williams sent a memo to FBI headquarters and two agents who worked for the New York field office’s international terrorism squads, with four recommendations: compile a list of civil aviation schools in the United States; establish a liaison with those schools; discuss the bin Laden theory with the larger intelligence community; and seek authority to obtain visa...
information on people applying to flight school. The FBI did not treat Williams’s memo as an urgent document, and it made its way through the normal bureaucratic process. Its potential importance was not recognized until after it was revisited in the wake of the September 11 attacks.

In early August 2001, President Bush was at his ranch in Texas, enjoying a vacation but also preparing a major address on domestic policy issues that was to be given that month. On August 6, an item was placed in his PDB that again warned that bin Laden was determined to strike within the United States. Barbara Sude, a CIA analyst and coauthor of that memorandum, hoped that a continuous trend of reporting and threats would cause the administration to begin to take the threat from al Qaeda more seriously. She observed, “We did assess there was a major attack coming. We couldn’t say definitely where. We had threats all year about various locations.” Bush, however, did not see where the PDB requested or advised action. As he later told *New York Times* reporter Peter Baker, he saw the PDB as mainly historical in focus—that is, it recounted the situation as a recap—and that with some seventy FBI investigations in progress, he believed that the situation was in hand and he would be kept informed about the progress of the investigations.

In addition, the president’s advisers also did not see an imminent, actionable threat. When National Security Adviser Condoleezza Rice appeared on Fox News, also on August 6, she listed as her policy priorities the situation in the Middle East, the need for missile defense, and the importance of managing relations with Russia. The president’s national security team still did not consider the threat posed by a nonstate actor as greater than the challenges posed by rogue states. Moreover, despite the title of the PDB (“Bin Laden Determined to Strike in U.S.”), Bush himself has noted that the bulk of expert opinion still expected the next al Qaeda attack to occur overseas against U.S. interests rather than inside the homeland.

During this period, a French citizen living in Minnesota named Zacarias Moussaoui was selected by Binalshibh to train as a backup pilot. Moussaoui, who had trained in Afghanistan during the 1990s alongside Ahmed Ressam, had traveled to America in 2000 with financing from the Malaysian terrorist organization Jemaah Islamiyah and had been brought to al Qaeda’s attention by Yazid Sufaat, who served as a liaison between Jemaah Islamiyah and the central al Qaeda organization. Moussaoui began simulator training in Minneapolis on August 10, 2001. However, his desire to fly big jets without wanting a license caused his instructor to grow increasingly suspicious. Within a few days the instructor reported Moussaoui to a friend in the Minneapolis field office of the FBI. The agent quickly located Moussaoui, who, like every other member of the planes operation, was living openly under his own name, and questioned him. Moussaoui’s jihadist beliefs surfaced at once, as did his possession of $32,000 for which he could not satisfactorily account. During questioning Moussaoui “became agitated” when asked if he had ever traveled to nearby countries when he was in Pakistan. During this phase of the investigation, the agent learned that Moussaoui was intending to buy some GPS equipment and get martial arts training. The agent rapidly concluded Moussaoui was an Islamist extremist preparing for a hijacking. His actions were suspicious, but there was not enough evidence to suggest that he was prepared to engage in criminal activity. The only ground to hold him was the fact that he had overstayed his visa, and he was detained pursuant to the start of deportation proceedings.
The next problem facing the Minneapolis FBI field office was what to do with Moussaoui’s laptop computer. The agents in Minnesota very much wanted to search its contents but worried the U.S. attorney’s office would find they had insufficient cause to obtain a search warrant. FBI headquarters doubted that the agents had sufficient cause and believed that the best approach would be to obtain a FISA warrant for the search. But that would require the FBI to make a convincing case that Moussaoui was an agent for a foreign power. Accordingly, the FBI requested assistance from the FBI’s legal attachés in Paris and London as well as from the CIA. The French government was contacted on August 16. Ten days later the French authorities provided information connecting Moussaoui to an Islamist Chechen leader. The British moved more slowly, as they were already dealing with a large number of terror-related inquiries and saw no reason to make the Moussaoui case a matter of priority. In the absence of that definitive proof, there was insufficient probable cause for a warrant to be issued.

Meanwhile, despite “the wall,” the FBI and CIA officials who were meeting on tracing al Qaeda funds were making some progress. Hampered by a slow start and continued difficulty in sharing information, the two agencies nonetheless continued their counterterrorism efforts. By August 25, Hazmi and Mihdhar were under serious suspicion of being terrorists and the CIA requested the intelligence community at large to place their names on the appropriate watch lists.

While these first inquiries were proceeding, Atta used the month of August to firm up final details. The terrorists were now making reconnaissance flights on the exact type of aircraft that would be used in the attack. As both the White House and Congress were on the target list, Atta wanted to make sure the attack occurred when Congress was in session. They purchased airline tickets from 25 August to 5 September, usually paying with credit cards. The groups’ tradecraft continued to be sloppy and even risky, as many of the attackers phoned family and friends to make last farewells. In the last days before the strike, Atta and the others returned their excess funds to al Qaeda and moved to motels near their airports of departure.

On September 4, 2001, the Principals’ Committee discussed the threat posed by al Qaeda as well as a possible course of action for the first time. Clarke pressed Rice hard to get the other principals to take al Qaeda seriously. Clarke warned Rice the CIA was being “passive-aggressive” and that taking a “business as usual approach” would leave the United States “waiting for the next big attack.” At the meeting, the principals discussed the draft strategy on al Qaeda and the Taliban—the initial Clarke proposal as it had now been reworked by several interagency meetings. Even with a draft document, no one expected immediate action to occur; instead, they viewed that strategy in the context of a three-year-long campaign that would take time to implement. The attendees—the Secretary of State, Colin Powell; Deputy Secretary of Defense Paul Wolfowitz, standing in for Rumsfeld; the Secretary of the Treasury, Paul O’Neill; the national security adviser; the CIA director; and others, including Sean O’Keefe, the deputy head of the Office of Management and Budget (reflecting the fact that whatever strategy was adopted would then need to be financed)—agreed that action needed to be taken against al Qaeda. The principals came to rapid agreement about the portions of the strategy that called for increased aid to the Northern Alliance in Afghanistan. Under the proper conditions, the Defense Department endorsed taking more robust military actions against al Qaeda in Afghanistan. The group continued to disagree, however, over who would exercise final control over an armed Predator drone, and, in the absence of new, specific budgetary line items to
support the strategy, which departments would be expected to finance the strategy “out of hide” (that is, from existing budgetary appropriations). Like his predecessor Bob Rubin, O’Neill expressed concerns about difficulties in taking actions in the financial sphere against al Qaeda. Some matters, therefore, would still need to be refereed by the president himself. Following this meeting, the State Department, on September 7, issued a warning about the threat of terrorism to U.S. citizens residing overseas.

Six days after the principals’ meeting, on September 10, 2001, the National Security Agency intercepted two messages transmitted in Arabic between reported al Qaeda personnel. Because of a lack of sufficient translators and a backlog of material, the two intercepts—“The match is about to begin,” and “Tomorrow is zero hour”—were not translated until the afternoon of the following day. In her office at the White House the same day, Rice had a draft national security presidential directive (NSPD) laying out the strategy to combat al Qaeda ready to be presented to the president. It was now just a matter of slating time with Bush after he returned from a scheduled trip to Florida to receive any final revisions, to have the president make the final judgment calls about the use of the Predators and who would be expected to finance what parts of the strategy, and to set the anti–al Qaeda plan in motion. Once signed, the document would be referred to as NSPD-9. In anticipation of presidential assent, Hadley now formally tasked Tenet on that day to draw up a draft of the authorities that the CIA would need to carry out the covert action program and outlining the funding requirements to put it into execution. As Washington Post reporter Bob Woodward described the events of September 10: “The NSPD was numbered 9—meaning eight other matters had been formally assessed, vetted, agreed upon and signed off on as policy by the president before al Qaeda. The question that would always linger was whether they had moved fast enough on a threat that had been identified by the CIA as one of the top three facing the country, whether September 11 was as much a failure of policy at it was of intelligence.”

The Day Arrives

On the morning of September 11, 2001, Atta and the other eighteen conspirators left their motel rooms and headed for Ronald Reagan National Airport in Washington, DC; Logan International Airport in Boston, Massachusetts; and Newark International Airport in Newark, New Jersey. At this moment, the majority of systems and procedures aimed at protecting the United States from a terrorist attack cumulatively failed. Once the hijacked aircraft were in the sky, there was still, at least theoretically, an ability to prevent the attacks and limit the fatalities to the passengers aboard the four planes. But U.S. military organizations and civilian agencies had not prepared for this sort of contingency. To recognize what had happened and to limit further casualties would have required the collaborative efforts of the FAA and NORAD, the organizations with responsibility for the security of U.S. airspace. It would have also demanded an unprecedented degree of organizational effectiveness and flexibility.

At 0814, a Boston-based air traffic controller ordered American Airlines Flight 11 (AA11) to climb to 35,000 feet, but the aircraft did not comply. This was Mohammed Atta’s aircraft. The controller attempted unsuccessfully to gain communications with AA11 on several alternative and emergency frequencies. Ten minutes later AA11’s transponder was turned off and the controller reported to his supervisor that something was seriously wrong. At this time a
hijacking was not suspected; the supervisor thought AA11 had suffered a communications failure and ordered the controller to follow “no-radio aircraft” procedures. The controller then checked whether American Airlines was in contact with this aircraft. Other controllers began to move their aircraft away from the suspected position of AA11, and asked pilots to look for the missing plane. This action was dictated by FAA’s organizational procedures: to maintain air safety as a first priority, and to avoid an in-air collision with an errant plane.

Atta’s unfamiliarity with the aircraft’s communication system evidently led him to announce inadvertently the plane was being seized. Intending to warn the passengers to stay calm and not to resist, he issued his command over the radio, rather than on the intercom. This occurred at 0824 and was heard by the flight controller, who then realized a hijacking was in progress. The controller notified his supervisor, who assigned a second controller to AA11. In accordance with FAA procedures, Boston’s FAA center notified the FAA chain of command of the hijacking. This took seven minutes. Boston Center also notified the FAA Command Center in Herndon, Virginia, that AA11 was believed to be hijacked and moving toward New York airspace.

Under FAA procedures involving hijacked aircraft, each plane is equipped with a radio Identification Friend or Foe (IFF) transponder that automatically reports aircraft heading, speed, and altitude. The transponder also broadcasts a unique electronic code that specifically identifies the aircraft. In the event of an emergency, such as a hijacking, the pilot of the aircraft can broadcast a variety of warning signals. Accordingly, the FAA expected the first indication of a hijacking most likely to be an emergency IFF signal. Whatever the source, the controller who first detected the hijacking would first notify his or her supervisor, who in turn would alert FAA Headquarters in Washington, DC. There, a hijack coordinator would assume control. The hijack coordinator would contact the National Military Command Center (NMCC) in the Pentagon and request a military aircraft escort to follow the hijacked aircraft. Both NORAD and the FAA would continue to track the hijacked aircraft.

At no time were an actual combat intercept and shoot down part of these standard procedures for the FAA and the NMCC. This was due to the common expectation that hijackers would issue political demands, and then land the plane at an airport, rather than employ the aircraft as they were used on 9/11. Put another way, there was no standing plan for shooting down hijacked aircraft because there was a fundamental assumption that the hijackers wanted to live. To have such a plan at all was to court a possible accident: adding a standardized shoot-down procedure could add increased risk of an inadvertent shoot down to a hijack situation.

The FAA Command Center alerted the FAA Operations Center to the possible hijacking and learned that the operations center was already in communication with the FAA’s New England Regional Office. FAA Headquarters then initiated the hijack protocol but did not contact the National Military Command Center to request a fighter escort. However, on its own initiative, Boston Center violated protocol and alerted the Northeast Air Defense Sector (NEADS) directly at 0837:52. The call was received by Technical Sergeant Jeremy Powell, whose first response was to ask whether a drill was taking place. Air Force colonel Bob Marr, the NEADS commander, immediately contacted Major General Larry Arnold, commanding both the First Air Force and the NORAD continental region, and requested permission to scramble fighters.
Arnold ordered the fighters into the air and informed Marr that “we’ll get authorities later.”

Arnold then notified NORAD Headquarters in Colorado Springs, Colorado.

At 0842, while controllers at the FAA center in New York were searching for AA11, United Airlines Flight 175 (UA175) was entering New York’s airspace. At 0843, UA175’s transponder code changed twice. This change was missed by UA175’s controller, who also had responsibility for AA11.

At 0846, slightly less than ten minutes after the military was first informed of a problem, the strip alert F-15s launched from Otis National Guard Base on Cape Cod. The planes lifted off the runway with no contact information and no recommended course to intercept AA11. At the same time, AA11 flew into the north tower of the World Trade Center.

Between 0846 and 0850, FAA New York and NEADS learned that AA11 had crashed into the World Trade Center. At 0851 the controller for UA175 noticed the earlier changes in the plane’s transponder signal and attempted to contact the aircraft without success. After two minutes UA175’s controller informed another controller that communications with the airplane had been lost and UA175 was a possible hijack. The controller then spent the next several minutes handing off aircraft to other controllers and clearing aircraft out of the path of an unidentified contact believed to be UA175.

Halfway across the United States, American Airlines Flight 77 (AA77) began to deviate from its flight path. The deviation initially went unnoticed. By this time, CNN and other news networks had started to broadcast reports of an aircraft hitting the World Trade Center. In the FAA’s New York Center, the controller in charge notified the FAA chain of command that UA175 was believed to be hijacked. The manager attempted to reach senior FAA managers, but was told they were discussing a hijacking and could not be disturbed. The hijacking under discussion, of course, was AA11, which had already hit the World Trade Center.

On the morning of September 11, 2001, President Bush was visiting the Emma E. Booker Elementary School in Sarasota, Florida, to promote his pending education initiatives. Before leaving for the school, he received his daily brief, which reportedly contained items dealing with Russia, China, and the unrest in the Palestinian territories—but nothing pertaining to al Qaeda or bin Laden.

Before reaching the school, Bush received the first report of the attacks—without anyone realizing what they were—shortly before 0855, when political adviser Karl Rove reported only that a small twin-engine plane had hit the World Trade Center. A few minutes later Condoleezza Rice called to amplify the information, explaining a “twin-engine commercial aircraft had struck the north tower of the World Trade Center.” President Bush responded, “This must be a horrible accident,” and wondered whether the pilot had suffered a heart attack while in flight, causing him to lose control of the aircraft.

In New York, the controller for UA175 was still unable to locate the airplane. At 0858 he told another controller there might be two hijackings in progress. A manager at New York informed the FAA Command Center of the possibility of a second hijacking and that military assistance was needed. During the next two minutes FAA New York asked New York terminal approach
control for assistance in locating UA175. Terminal approach controllers identified what they believed to be the aircraft at an altitude of 9,500 feet, heading inbound. A minute later, at 0903, UA175 flew into the south tower of the World Trade Center.

During the final minutes of UA175’s flight the FAA’s Indianapolis Center began to notify other agencies of the possible crash of AA77. In Washington, the NMCC began notifying senior Pentagon officials and contacted the FAA Command Center for information. In a sign of the speed of communications in the cable and Internet era, the trigger for these actions was the reports and pictures that were being broadcast by CNN and monitored within the NMCC.

When news of the second strike reached the FAA’s New England Regional Center, Boston Center instructed all its controllers to inform every pilot with whom they were in contact of the events in New York and to increase cockpit security. Boston then requested the FAA Command Center to issue a similar warning nationwide. By 0905, New York Center had shut down its airspace to all traffic until further notice. The actions in Boston and New York were taken on the authority of local leaders. Simultaneously, at 0905, AA77 reemerged as a contact on the radarscopes of Indianapolis, heading east. However, the search for AA77 was concentrated to the south and west along the plane’s original flight path. As a result the radar return was not noticed.

In Florida, as information was passed to the staff, White House chief of staff Andrew Card made the decision to enter the classroom during a pause in the lesson to inform the president of the second strike on the World Trade Center. Card whispered in his ear, “America is under attack.” The president paused as the class continued, looking at his press secretary, Ari Fleischer, who displayed a handwritten message on a piece of notebook paper to Bush that read, in capital letters, “DON’T SAY ANYTHING YET.” After listening to the students read, and offering a few comments, the president then left the classroom to return to the “hold room” (a space cleared by the Secret Service to provide a secure waiting area for the president and his team) to confer with his political team. President Bush commented, “We are at war,” and directed the staff to “give [him] the FBI director and the vice president.” While arrangements were made to obtain more information, secure the president, and establish contact with other senior officials, Bush and his advisers determined that a brief statement to the nation was essential. Staff worked with the president to carefully select the language. As Scott McClellan, then the deputy press secretary, relates:

> “Today we’ve had a national tragedy,” the president said [as a proposed portion of a statement]. “Two airplanes have crashed into the World Trade Center in a terrorist attack on our country.” “We don’t know for sure if it was a terrorist attack,” Dan [Bartlett, assistant for communications] interjected.

> “Sure it is,” said Bush. “What else do you think it is?” “I’m just saying we have not confirmed anything yet,” Dan replied. “We don’t know who is responsible.”

> “Then just say ‘apparent’ terrorist attack,” I [McClellan] said, offering my two cents. The president added the additional word.

NEADS commander Marr learned of the second attack three minutes later when, while watching CNN, he saw UA175 hit its target. He immediately ordered the Otis F-15s into a
Chairman of the Joint Chiefs General Hugh Shelton was on his way to a NATO meeting when he heard of the attacks. He instructed his pilot to ask for permission to turn around, and then ordered him to do it without permission. As his plane passed New York City, he entered the cockpit and saw the smoke rising to ten thousand feet. “I can’t believe this is happening,” he is reported to have said.

United Airlines Flight 93 (UA93) departed Newark at 0842. At 0927, the aircraft acknowledged a routine transmission from FAA Cleveland Center. This was the last normal contact with UA93. A few minutes later Cleveland Center heard the sounds of a struggle and screaming. During this period, Cleveland air controllers noted UA93 descended seven hundred feet.

By this time, FAA Indianapolis was convinced AA77 had crashed and requested assistance from Air Force Search and Rescue, located at Langley Air Force Base, in looking for the downed aircraft. The center also contacted the West Virginia State Police and asked if there had been any reports of a downed aircraft. At 0921, for the first time, NEADS was informed of a possible third hijacking. It was not clear to Colonel Marr that this aircraft was AA77. Rather he and his staff believed it was AA11, which by that time had already crashed into the World Trade Center. Marr believed AA11 was inbound toward Washington, DC, and ordered the three fighters at Langley into the air.

By this point, Clarke, in the Situation Room at the White House, was also convening his own interagency conference with representatives of the CIA, FBI, and the Departments of State, Justice, and Defense, and other White House personnel.

At 0925, the FAA Command Center warned FAA Headquarters that an aircraft might be making a suicide run at Washington. FAA Headquarters then took an unprecedented step and ordered a “nationwide ground stop,” effectively canceling every scheduled commercial takeoff in the United States.

The NMCC began a “significant event” conference. The meeting began with a recap of known information. Two aircraft had struck the World Trade Center. AA11 was confirmed hijacked and F-15 fighters from Otis had been scrambled. The FAA had been asked to provide information, but no FAA representative was then present. At 0930, on the basis of reports of an aircraft inbound to Washington, the NMCC changed the conference to an “air threat conference call.” Yet the NMCC meeting and Clarke’s videoconference from the White House were not connected. Instead, as the 9/11 Commission would later note: “We do not know who from Defense participated [in the Clarke videoconference], but we know that in the first hour none of the personnel involved in managing the crisis did. And none of the information conveyed in the White House video teleconference, at least in the first hour, was being passed to the NMCC [in the Pentagon]. As one witness recalled, [‘It] was almost like there were parallel decision-making processes going on.”
Dulles terminal control reported the detection of a primary radar contact tracking east at high speed. Dulles Tower notified Reagan Tower of the contact. Both Reagan and Dulles also notified the Secret Service. Reagan Tower took the additional step of vectoring an Air National Guard C-130, which had just taken off for Minneapolis, to intercept, identify, and follow the target. The C-130 successfully spotted the target, correctly identified it as a Boeing 757, and attempted to follow the airliner.

At 0933 the Reagan Tower supervisor contacted the Secret Service via a hotline and reported an aircraft on an apparent heading toward the White House and that there was no communication with the plane. It was at this time FAA Headquarters learned UA93 had also been hijacked. At 0935, the president, to whom the Secret Service insisted that he get to a safe location, boarded Air Force One in Florida.

In Washington, Reagan National Airport reported to the Secret Service that the plane it had believed was headed toward the White House had turned south, toward the airport itself. At this point, the Secret Service decided to evacuate the vice president from the White House. At 0936, FAA Boston called NEADS and reported an unidentified aircraft was six miles south of the White House. NEADS ordered the Langley fighters, which were over the ocean, to fly toward the White House at full speed. In the White House, the vice president entered the tunnel leading to the White House bunker.

AA77 flew into the Pentagon at 0937, when the Langley fighters were still 150 miles away. At 0938, the C-130, still attempting to trail the Boeing jet, reported it had crashed into the Pentagon. Controllers at NEADs detected AA77 at the last minute but lost contact as the aircraft struck the Pentagon.

Rumsfeld was in his office when he reported feeling the building vibrate. He raced to help rescuers pull wounded people from the building, and then went outside to try to lend further aid. Rumsfeld later reported seeing thousands of pieces of metal and smelling jet fuel; he was already certain that an airplane had hit the Pentagon. A security officer finally convinced Rumsfeld that he was needed inside the building. Meanwhile, Rumsfeld’s absence from the NMCC had been noted, with staff attempting to locate the Secretary of Defense to bring him into the chain of command, not apparently knowing that Rumsfeld was out at the crash site.71

At 0941, UA93 turned off its transponder. However, numerous radars were by now tracking the plane as a primary contact. A minute later the FAA Command Center learned that an aircraft had struck the Pentagon. Ben Sliney, the FAA Command Center national operations manager, acted on his own and ordered all airborne commercial aircraft to land at once, an unprecedented action completely outside any FAA operating procedure.

President Bush was airborne in Air Force One. Vice President Cheney was in the White House bunker. Both men were in contact with each other by 0945. The president was already aware of the strike on the Pentagon and told the vice president, “We’re at war... somebody is going to pay.”72 The U.S. military was now placed on a heightened state of alert—an action that during the Cold War would have been interpreted by the Soviet Union as a prelude to conflict. Realizing this, Bush conveyed instructions to contact the Russian government to inform it of U.S. intentions, since spiraling alert levels could have been dangerous if misread by the Kremlin.
As the start of a first strike. Condoleezza Rice was tasked to make the contact. She had asked to speak to her Russian counterpart, but when the call was connected, it was Russian president Vladimir Putin who himself came on the line. As Rice describes it: “‘Mr. President,’ I said, ‘the President is not able to take your call right now because he is being moved to another location. I wanted to let you know that American forces are going up on alert.’ ‘We already know, and we have cancelled our exercises and brought our alert levels down,’ he said. ‘Is there anything else we can do?’ I thanked him, and for one brief moment the thought flashed through my head: the Cold War is really over.”

UA93 continued on a track toward Washington, DC, for another eighteen minutes. During that time, the FAA Command Center noted that the military might be needed to intercept and stop the aircraft. Mrs. Cheney was located by the Secret Service and joined her husband in the White House bunker. On board UA93 the group of passengers understood their situation after being informed of the events in New York and Washington by phone calls from friends and loved ones. While we cannot know exactly what happened in the last minutes of the flight it is clear from the evidence that the passengers themselves made a desperate and courageous effort to wrest control of the aircraft from the hijackers. Other aircraft saw UA93 flying erratically during what was likely the passengers’ counterattack.

UA93 crashed in a field in Pennsylvania at 1003.

After 1000, with debris still on his jacket, Rumsfeld entered the NMCC and began to assess the situation. The two-story room was laden with communications gear and wall-mounted televisions. But this was a center prepared to respond to an attack on America, not for an attack on the Pentagon itself. The Pentagon’s ventilation system carried smoke and ash through the rest of the building, including the command center. Maintenance workers brought in oxygen masks, and monitored the oxygen level. Efforts were made to sync together the various conferences under way and to link decision makers in the White House and Pentagon with the frontline responders. At 1031 a message was sent out over a NORAD instant messaging system: “Vice president has cleared to us to intercept tracks of interest and to shoot them down if they do not respond.”

At that moment, the attack was over, though that was not immediately clear to anyone in the highest echelons of the U.S. government. Inaccurate information—about attacks on the Washington Mall, a car bomb at the State Department—continued to filter in. Cheney and Secretary of Transportation Norm Mineta were attempting, on pads of paper, to ascertain where and when planes had been grounded. Aircraft still in the air—including a medevac flight evacuating wounded from the Pentagon—were at times mistaken for additional hijacked aircraft. With reports that Air Force One was a target, the president was bounced around the country until, that evening, Bush personally gave the orders to return to Washington, DC, a move opposed by the Secret Service until Bush overrode the objections. While returning back to the nation’s capital, the president began to receive the first briefings on efforts to assign responsibility for the day’s attacks: whether they were sponsored by Iran or Iraq, whether a claim of responsibility by a Palestinian organization should be taken at face value, or whether the shadowy organization headed by “UBL” (the CIA designation for Osama bin Laden) might be the culprit.
As the president was landing at Andrews Air Force Base outside Washington, General Shelton huddled with his staff past midnight preparing for a meeting of the National Security Council called for the next morning. He pored over several contingency plans for immediate strikes against a range of terrorist organizations, and expected that none of the plans—all variants of launching cruise missiles against now-empty al Qaeda camps in Afghanistan—would be acceptable to Rumsfeld or the commander in chief himself. Instead, it was now America’s turn to play to its great strengths: the United States’ ability to plan a campaign, assemble and even coerce allies, and gather powerful military resources, all to be applied at a time of America’s choosing, to strike a major blow at the perpetrators.

The next day, a dazed, wounded, and mourning nation began to assess the damage, determine those responsible, and plan a response. At the meeting of the National Security Council on September 12, CIA director Tenet formally confirmed that al Qaeda and bin Laden were responsible for the 9/11 attacks. In the days and weeks that followed 9/11, while smoke continued to rise from the World Trade Center site, much of what had been proposed in the Blue Sky plan and Clarke’s strategy memo—now contained in NSPD-9—was put into action. With the death and destruction in New York, in northern Virginia, and in a field in Pennsylvania, earlier objections were overruled or set aside. The fight against al Qaeda was now viewed as an armed, almost existential struggle, and the administration as a whole was willing to accept new costs and more casualties. Options deemed impossible on September 10 were now very much on the table.

At the NSC meeting on September 12, 2001, in the presence of the president, the FBI was told that its first priority henceforth would be to stop terrorist attacks and to gather all information that would prevent future incidents—even if the means might render any evidence gathered inadmissible in a future trial. The president indicated he wanted the Department of Defense and the intelligence community to settle a variety of Title 10 and Title 50 issues and in subsequent weeks memorandums detailing how the CIA and CENTCOM would collaborate in carrying the fight to al Qaeda and the Taliban in Afghanistan were prepared, signed, and executed. The State Department was given instructions to deliver an ultimatum to Pakistan to cooperate with the United States on these issues, as well as to clear away secondary issues in the United States–Russia relationship to allow greater cooperation between Moscow and Washington in the antiterror campaign to proceed. Information that previously was bottled up at lower levels was now channeled to the top echelons of government. The president also accepted that other items on his domestic and foreign policy agendas would now have to take lower priority in order to focus on the war on terror. In contemplating the options at his disposal, and the equities of his various departments and agencies, President Bush told his national security team that when it came to battling al Qaeda: “Everything is on the table.”

Conclusion

Could 9/11 have been prevented? This is the question that has confounded, agonized, and haunted American policy makers since the event. There are a considerable number of conspiracy theories regarding 9/11, including some that hold that the American government was complicit or that explosives were planted in the towers. Such theories are common in societies that have suffered a serious trauma; it may be easier for some people to believe the
Bush administration would wreak havoc on its own people than that nineteen individuals from an organization hiding in an underdeveloped country, armed only with box cutters, struck a devastating blow to the sole remaining superpower on the planet.

The incredulity of these conspiracy theorists bears some relation to the reactions of many sophisticated national security specialists: surely, something could have been done to prevent this.

Some senior officials believe the attacks could not have been stopped, and they blame a Cold War–oriented American system of security governance for the lack of an effective response. Others point to the unwillingness of national security decision makers to challenge their assumptions—that al Qaeda was a small group incapable of striking within the United States, that a nonstate actor could not be a major threat to a superpower, that coping with terrorism was a law enforcement rather than a national security matter. These Cold Warriors resisted changes to pet projects and priorities such as missile defense or the threat posed by Iraq or North Korea. They were more likely before 9/11 to demand a low-cost, casualty-free operation to take out bin Laden.

The reality is more complex. Charles Parker and Eric Stern conclude: “Our examination of the failures that contributed to 9/11 uncovered no single ‘smoking gun’ problem that allowed the attacks to succeed. But we were able to point to a number of these general warnings and reform proposals that, had they been followed up more vigorously, would have greatly reduced the terrorists’ chances of success.” General Zinni argues: “Critics have accused Presidents Clinton and Bush of failing to make the correct strategic decisions to stop al Qaeda and perhaps prevent the 9/11 attacks. Such criticisms are unfair to both presidents. They depended on outdated organizations and systems that failed to sense the changes in the world and to present an integrated view of the threat and the necessary responses. As the 9/11 Commission reported, good men and good women were working within an antiquated process.” Secretary of State Madeleine Albright similarly notes: “We did not see all of these facts as clearly during my years in government service as we do now. But we learned continually and did everything we could think of—based on the knowledge we did have—to protect our people and disrupt and defeat this shadowy network of terror.” Others are more willing to assign blame. Richard Miniter sees failure in the Clinton administration’s inaction: “During the Clinton Administration, fifty-nine Americans were killed by bin Laden’s operations. And while almost fifty terrorists had been tracked and captured, and dozens of plots had been foiled, and six terror cells smashed, the administration had waged no real war against its covert enemy. Instead, the administration reacted in fits and starts—half-measures that frustrated those who knew what needed to be done . . . [:] a full-fledged war on terror to kill bin Laden and destroy al Qaeda. But that would be left for the next administration, the administration of George W. Bush.” In turn, Peter Bergen, CNN’s national security analyst, pulls no punches when looking at the Bush administration:

The problem, then, was not a lack of information about al Qaeda’s intentions and capabilities, but the Bush administration’s inability to comprehend that an attack by al Qaeda on the United States was a real possibility, much more so than attacks by traditional state antagonists such as China or Iraq.
This was a policy failure by the Bush administration, not, as many Americans believed in the years after 9/11, an intelligence failure. Indeed the CIA did an excellent job during the summer of 2001 of repeatedly warning senior Bush officials that al Qaeda was planning a major attack. Where and when that attack was going to happen was, of course, not known.83

Could more-effective individuals, operating at any level of government, have taken actions that could have stopped the attacks? This case study has offered a number of junctures that merit consideration. In retrospect, these might seem like obvious choices. But it is important to remember that the actors and organizations involved did not know that the events of 2001 would take place as they did; retroactive judgment is easy, but assessing alternative courses of action in their context is more difficult.

The events of September 11, 2001, continue to offer enduring lessons for how to align and coordinate our national security infrastructure properly. In a way, it is a more important case in this respect than Pearl Harbor: In 1941, the Japanese sought to attack American defenses directly, with significant resources at their disposal, in a clear act of war from one state directed at another. On 9/11, a small group of individuals with limited resources sought to circumvent America’s defenses, and succeeded in delivering a blow that killed more Americans in a day than the massed forces of the Empire of Japan killed on that Sunday in 1941. Japan was defeated in four years, while America’s war with terrorists heads into its second decade. How much longer it will continue will depend, in large measure, on the lessons learned—or yet to be learned—from a very different kind of declaration of war announced with a devastating attack on a clear and cloudless September morning.
NOTES


5. Ibid., 100.

6. “Bojinka” was a three-stage operation designed to plant bombs on twelve passenger jets flying across the Pacific Ocean, to crash a plane into CIA headquarters, and to assassinate Pope John Paul II. A fire in the apartment headquarters of the plotters in the Doña Josefa complex in Manila, Philippines, on January 6, 1995, allowed the authorities to uncover and stop the operation.


10. Recognizing this problem, Congress, in section 7205 of the Intelligence Reform and Terrorism Prevention Act (2004), noted the finding that the lack of a universal transliteration standard for Arabic names contributed to the difficulty of identifying the September 11 hijackers. The legislation mandates efforts to establish a universal transliteration standard into the Roman alphabet of names rendered in non-Latin alphabets.


16. See Albright statement, 3.


23. Franks, American Soldier, 210–11.


26. Schultz, “Showstoppers”; see also Zenko, Between Threats and War, 66–68.


28. See the discussion in Albright statement, 8–9.

29. Ibid., 5.


32. Albright statement, 11.


36. See Richard Miniter, Losing Bin Laden: How Bill Clinton’s Failures Unleashed Global Terror (Washington, DC: Regnery, 2003), particularly chapter 11; also, Glenn Kessler, “Bill Clinton and the Missed Opportunities to Kill Osama bin Laden,” Fact Checker (blog), WashingtonPost.com, February 16, 2016,
See “They Had a Plan” for a narrative of the transition.

Some of these concerns are explored in John W. Parker, Persian Dreams: Moscow and Tehran since the Fall of the Shah (Washington, DC: Potomac Books, 2009), 180.

Woodward, Bush at War, 2.

Parker and Stern, “Blindsided?,” 620.

“They Had a Plan.”


“They Had a Plan.”


For instance, the CIA issued a memo on April 20, 2001, titled “Bin Ladin [this spelling reflects the convention in use at the CIA at the time] Planning Multiple Operations.” On June 23, it sent over warnings titled “Bin Ladin Attacks May Be Imminent.” Several weeks later, on July 2, it clarified that alert, “Planning for Bin Ladin Attacks Continues, despite Delays,” before concluding, on August 3, 2001, that the threat would “continue indefinitely” (“Threat of Impeding Al-Qaeda Attack to Continue Indefinitely”).


“They Had a Plan.”


Bergen, “Is Donald Trump Right about 9/11?”

58. Khalid Sheikh Mohammed later claimed that while he had met with Moussaoui, he had decided not to involve Moussaoui in the planes operation.

59. The description of the meeting follows the account in Benjamin and Simon, The Age of Sacred Terror. The 9/11 Commission, for its part, noted that it was unable to locate any summary document that outlined what decisions were taken at this meeting.


63. Woodward, Bush at War, 36.

64. These procedures are outlined in Kean et al., The 9/11 Commission Report, 17–18.


68. Graff, “We’re the Only Plane in the Sky.”


70. Kean et al., The 9/11 Commission Report, 36.

71. Ibid., 55.


74. Kean et al., The 9/11 Commission Report, 42.

75. Graff, “We’re the Only Plane in the Sky.”


77. Graff, “We’re the Only Plane in the Sky.”

78. This section describing the full NSC meeting on September 12 draws on the narrative in Woodward, Bush at War, esp. 42–63; and Baker, Days of Fire, 133–36.


81. Albright statement, 1.

82. Miniter, Losing Bin Laden, 229.

CHAPTER 10

Case Study: Lebanon Revisited*

Toward the end of his second term as president of the United States, Ronald Reagan was asked in an interview to identify his greatest mistakes while in office. The chief executive replied, “One glaring one would be the terrible tragedy of our Marines in Beirut.” The decision to send Marines to Lebanon, first to oversee the evacuation of Palestinian Liberation Organization (PLO) combatants, then to return as part of a vaguely defined peacekeeping force, is an important one for students of national security affairs to probe and analyze for the lessons it imparts. This case study is an attempt to provide a general overview of the critical events, personalities, decisions, and processes that helped to define the U.S. policy toward the Lebanon crisis from 1982 to 1984.2

Ronald Reagan campaigned for the White House in the 1980 election on a theme of restoring American prestige and power around the world. During the 1970s, Soviet military power grew significantly, matching and in some cases even surpassing that of the United States. In 1975, the United States finally withdrew from Indochina in the face of a Communist victory in Vietnam, leading Reagan and others to believe that American foreign policy was thereafter hobbled by a “Vietnam syndrome”—in which the United States was no longer willing to intervene in other parts of the world to defend its interests and its allies.3 In 1979, the USSR invaded Afghanistan, and Iran took U.S. diplomatic personnel hostage, which seemed to reinforce this perception. This, in part, contributed to Reagan’s victory over the incumbent, Jimmy Carter.

Once in office, Reagan was prepared to build on Carter’s success in one area: the Middle East. In 1979, Carter had brokered a peace treaty between Israel and Egypt at Camp David. This was seen as a first step designed to shore up the American position in the region by developing and sustaining a loose coalition composed of the Sunni Arab monarchies, Egypt, Turkey, and Israel to push back against Soviet influence and to contain the influence of the “revolutionary” Arab regimes, notably in Syria, Yemen, and Iraq. This became particularly important after the overthrow of the shah of Iran, which deprived the United States of one of its key regional allies. Part of the task of maintaining this coalition was the need to manage the Arab-Israeli conflict. In the Camp David Accords, Israel agreed to provide the Palestinians living in the occupied territories (the West Bank and the Gaza Strip) a degree of political autonomy. If the Palestinian question could be defused, the American hope was that, over time, the Israel-Egypt treaty could pave the way for normalizing Israel’s relations with America’s other Arab allies. The Reagan

* This chapter is based on an initial case study prepared by David Hall and William Farrell, subsequently updated by Andrew Stigler, and extensively revised and edited by Nikolas Gvosdev and Thomas Nichols.
administration wanted to build a “strategic consensus”—in order to establish a geostrategic presence in the region to prevent the expansion of Soviet influence in the region, and to assist friendly Arab governments threatened by subversion. A crisis over Lebanon, however, would derail those plans.

Since Lebanon had obtained its independence from the French in 1943, political power in the Lebanese government had been apportioned along religious-sectarian lines, with Christians allotted six seats in parliament for each five reserved for Muslims. Over time, the demographics in the country changed until Muslims clearly outnumbered Christians—yet the political system remained frozen according to the terms of the National Pact of 1943. Unable to resolve the political crisis via peaceful means, the country erupted into a civil war in 1975.

It was not a simple civil war between two well-defined sides.

- Muslims were divided between Sunni groups—who controlled much of the economy—and Shia, often comprising poor farmers who felt left out of political and economic power generally monopolized by the Sunnis.
- The Druze were considered a heretical sect by both Sunnis and Shia and formed their own militias to protect their regions, notably in the Shouf Mountains.
- Greek Orthodox (and Greek Catholic / Melkite) Christians tended to be more pro-Syrian, while Maronite Catholic Christians favored ties with Israel.
- In turn, the Maronites were split into two main factions—the Phalange and the Marada Brigade, each tied to leading Maronite families. The Phalange was under the control of the Gemayel family.
- Palestinian refugees, whether Muslim or Christian, were seen as aliens in Lebanon and in turn maintained their own armed formations to protect their camps and neighborhoods and to be able to launch attacks on Israel.

In 1976, Syria—at that time a client state of the Soviet Union—sent a sizable force into Lebanon, with the concurrence of the Lebanese government and under a peacekeeping mandate authorized by the Arab League, in a vain attempt to restore order. The Syrians had intervened to protect their clients in Lebanon and to try to enforce peace between the Palestinians and various Lebanese factions; Hafiz al-Assad, the president of Syria, was deeply concerned that continued fighting in Lebanon would provide a pretext for Israel to intervene and then be in a position to outflank Syria from the west. Despite the presence of Syrian forces, however, the civil war continued to simmer.

During April 1981, the fiercest fighting in three years broke out between the Syrian forces and Maronite Christian militiamen in the Bekaa Valley, and soon sparked artillery duels between soldiers in the Christian and Muslim sectors of Beirut. At the same time, Palestinian militants in southern Lebanon began to launch missile and artillery attacks against towns and settlements in northern Israel. Israeli paratroopers launched large-scale attacks against Palestinian strongholds in southern Lebanon; in turn, the Syrians claimed that the Israelis and their Maronite Christian allies were trying to drive them out of the Bekaa Valley.
Following several Syrian victories over the Maronite militias, Israeli jets bombed Syrian targets in the Bekaa Valley. This prompted Syria to move Soviet-made SA-6 surface-to-air missiles (SAMs) into the valley to protect its forces. International tensions grew as most observers feared the Israelis would respond by taking out the missiles, potentially touching off another full-scale Middle Eastern war that would drag the superpowers into a conflict on behalf of Israel and Syria. In addition, there were real concerns that, if left unaddressed, Israeli actions would force America’s Arab allies to join with Syria to oppose Israel, potentially unraveling American efforts to maintain a strong strategic position against the USSR in the region.

Secretary of State Alexander Haig—a former White House chief of staff, deputy national security adviser, and a military officer who had served as Supreme Allied Commander, Europe and the Army Vice Chief of Staff—decided that, to maintain its credibility and its position in the region, and to prevent the “strategic consensus” from unraveling, the U.S. government had to take the lead in resolving the crisis. Haig asked Philip Habib, a distinguished U.S. diplomat who had handled a series of tough assignments in various hot spots in the 1960s and 1970s, to come out of retirement and assume the role of U.S. special envoy to the Middle East. Habib had grown up in a Jewish neighborhood in Brooklyn as the son of a Lebanese grocer, and understood in a personal way the volatile temperaments in the Middle East. Moreover, he had previously risen to be Kissinger’s Under Secretary of State for Political Affairs during the Ford administration, and so had become familiar with most of the leaders in the region when Kissinger had undertaken his famous “shuttle diplomacy” in the aftermath of the Yom Kippur / Ramadan War. Haig knew Habib, as during this time he had been serving as Kissinger’s deputy in the National Security Council.

Over the following months, through continuous private threats from Haig and continuous shuttling by Habib between Jerusalem, Damascus, Beirut, Riyadh, and Washington, the U.S. government managed to broker an arrangement that deterred Israel from attacking the Syrian missiles in the Bekaa Valley and prevented the violence from escalating into a regional conflict. Yet while Habib averted the immediate crisis, the larger problems remained unresolved. Moreover, Egyptian president Anwar el-Sadat, who had broken Egypt’s ties with the Soviet Union to become an American ally, and who had concluded the Camp David peace treaty with Israel, was assassinated by Islamist fanatics in October 1981. This deprived Israeli prime minister Menachem Begin of a partner and raised his fears of renewed danger to Israel. It also imperiled the American strategy, which hoped to build on the Camp David process.

In July 1981, Israeli planes tried to bomb the Palestinian Liberation Organization headquarters in West Beirut, killing and wounding many civilians. These decisions by Begin and his defense minister, Ariel Sharon, alienated some in the Reagan administration, notably Defense Secretary Caspar Weinberger, Vice President George Bush, chief of staff James Baker, and Deputy Secretary of State Bill Clark, who felt that the Begin government was making it harder for the United States to find a solution. Reagan and Haig remained more sympathetic to Begin’s position. Begin, however, further complicated matters when the Israelis announced in December that they were unilaterally annexing the occupied Golan Heights on the border with Syria. The Begin cabinet refused to stop building new Jewish settlements on the western bank of the Jordan River and refused to give the Palestinians located there political autonomy as laid
out in the Camp David Accords. An effort by Saudi Arabia to propose a regional peace plan also went nowhere.

During this time, Israel’s northern regions were still being bombarded by Palestinian gunners located in southern Lebanon despite the assurances that had been given to Habib that such actions would stop. After the United States had warned off Begin on four previous occasions, the Israeli government finally launched a massive military offensive into Lebanon in June 1982. Initially the incursion was designed to clear out the Palestinian gunners from southern Lebanon, and Begin indicated to Reagan that Israeli forces would confine their activities to a twenty-five-mile zone from Lebanon’s southern border with Israel. However, Sharon decided that the time was opportune to push ahead to eliminate the PLO leadership and its infrastructure, headquartered in Beirut itself. This sparked a confrontation between Israel and Syria, with the Israeli Air Force then taking out the Syrian SA-6 missiles in Lebanon and shooting down twenty-three Syrian MiGs.

The Israeli Army occupied southern Lebanon and continued onward to surround PLO leader Yasir Arafat and nine thousand PLO soldiers in West Beirut. Throughout the summer of 1982 Israeli planes, gunboats, and artillery hammered the Muslim sector of West Beirut. The International Red Cross estimated that at least ten thousand civilians were killed in the first month of the fighting and that another three hundred thousand Lebanese were displaced from their homes. News media from all over the world arrived to cover the gradual destruction of the city and the suffering of the five hundred thousand citizens of West Beirut caught in the Israeli-PLO cross fire. Moreover, the siege of Beirut was the first major combat event to be covered by the emerging twenty-four-hour satellite news networks, meaning that live images of the fighting could be beamed directly to televisions all over the world.

The Reagan administration came under enormous international pressure to stop the fighting, not least because the Israelis were armed by the United States. The Egyptian, Saudi, and Jordanian governments blamed the United States for failing to prevent the invasion, and even America’s European allies condemned the attack and threatened to apply economic sanctions against Israel. In addition, the administration had to worry about the reaction from the Soviet Union. The Cold War was at one of its lowest points, and the Americans were worried about the prospects for direct Soviet intervention, given the USSR’s friendship treaty with the Syrians and its close cooperation with the Syrian military.

Haig insisted that the best way to influence the Israelis was to work quietly behind the scenes. Vice President Bush and Secretary Weinberger argued that a business-as-usual attitude toward Israel would cost the United States too much credibility with the moderate Arab states. Presidential counselor Ed Meese, chief of staff James Baker, and deputy chief of staff Mike Deaver wanted the administration to criticize the Israelis: they felt Begin had lied to Reagan by saying that Israel’s intention was to limit its invasion to an area within twenty-five miles of the border. (Meese, Baker, and Deaver formed the so-called Troika within the White House staff, which exercised a great deal of influence over the policy process by managing the information flow and access to the president.) In White House deliberations, the president himself repeatedly returned to the issue of whether he had been deceived. The optics of the whole situation also upset Reagan’s advisers, as the Israeli invasion had begun right at the beginning of
the president’s ten-day tour of Europe. Indeed, the Lebanon crisis was seen as an unwelcome
distraction from Reagan’s purposes in traveling overseas—“to seek public support there [in
Europe] for his arms and arms-control policies, a tougher Western credit stance toward the
Soviet Union and more patience with his economic policies.”

While he was in Europe, the media shifted from a focus on U.S. efforts to gain European
support for American policies against the Soviet Union and instead began to ask about
American responses to end the fighting in Lebanon. At a June 9, 1982, press conference in
Bonn, West Germany, Haig responded to a question about a possible U.S. deployment to
Lebanon: “I think it is too early to say… It would depend fundamentally upon the mission,
the composition of the force, the political mandate under which such an American
contribution might evolve. It isn’t something that I think we’re leaning heavily in the direction
of at all.” Instead, Habib was sent back into action to arrange another cease-fire in Lebanon and
to try to negotiate a withdrawal of the PLO forces from Beirut, which would put an end to the
Israelis’ siege of the city. Habib was well aware of the risks in the region. Israeli forces were on
the ground in Lebanon, Palestinian fighters were besieged in the western half of Beirut, a Syrian
expeditionary force was in place in eastern Lebanon (with Soviet advisers present in Syria itself),
and dozens of armed Lebanese factions representing different ethnic and religious groups
challenged the ability of the Lebanese government to control the country.

The pressure to do something grew throughout July. Day after day, the Israelis pounded the city
and pushed farther into West Beirut. Nine cease-fires were arranged—and then broken. Begin
threatened a final assault on the heart of the city unless the PLO left Beirut peacefully. Reagan’s
patience with Begin began to run out, in part because of the vivid television coverage of Israel’s
destruction of Beirut. Reagan bluntly told Begin that the bombings “had to stop or our entire
future relationship was endangered,” as he confided to his diary. Indeed, some of the president’s
advisers felt that a gruesome photo of a Muslim baby with arms burnt had more impact on the
president than fifty position papers.

Haig continued to insist that public pressure on the Israelis would be counterproductive for
U.S. interests, but Deaver, one of Reagan’s closest personal associates (often described as a
surrogate son to the president), apparently threatened to resign from the administration unless
Reagan got Begin to stop the shelling and bombing, and the other members of the Troika also
pressed Reagan to take action. Even stalwart friends of Israel up on Capitol Hill began to
abandon Begin because of pressure from their constituents—in part because of the media
coverage. In the United Nations, the United States dropped its use of the veto to prevent
resolutions from moving through the Security Council condemning Israel’s actions and, on
August 4, 1982, abstained from Resolution 517, which criticized Israel’s continuing military
operations and which acknowledged the willingness of the PLO to evacuate its military forces
from Beirut. This dramatic step—one of the first times Washington had failed to use its veto to
shield Israel—was an important signal of how disturbed the United States government was over
Israel’s actions in Lebanon.

In early July, Habib sent a cable from Beirut that argued that use of U.S. forces to help arrange
the safe evacuation of PLO fighters from Lebanon could be an important key in producing a
settlement. Saudi Arabia also wanted U.S. involvement on the theory that American restraint
of the Israelis against the PLO might eventually lead to a direct political dialogue between Washington and the Palestinian leadership. Calls for U.S. action were grounded in a gamble that direct American involvement—and an American presence on the ground in Lebanon—would work to stabilize the situation. An American force would give assurances to the PLO that if it agreed to leave Beirut, it would not be attacked by Israeli forces while in the process of withdrawal. As Habib himself noted, “I had to get the PLO out of Lebanon and that was the only way I was going to get them out. They weren’t going to walk out under the guns of the Israelis.” Israel, in turn, could be assured that, by supervising the withdrawal, the United States could validate that the Palestinian fighters had indeed departed Lebanon. The Lebanese government hoped that a U.S. presence would deter further Israeli action, would protect what was left of the country’s infrastructure, and might induce the factions to stop fighting and accept its authority.

Habib’s proposal circulated throughout the upper reaches of the administration—but at a time when there was transition within the national security team. Richard Allen, Reagan’s first national security adviser, had resigned in January 1982 while facing ethics charges. His successor, Judge William P. Clark, had a close relationship with Reagan (which created conflict with theTroika) but did not have extensive foreign policy experience. Indeed, Clark tended to defer to whatever he believed the president wanted to do. He viewed Haig as an independent figure whose foreign policy preferences might not always align with what the president wanted to do. More importantly, Secretary of State Haig was also on his way out. He had never succeeded in his efforts to serve as the “vicar” for foreign policy within the Reagan administration, clashing with other senior members of the president’s cabinet, especially Secretary of Defense Caspar Weinberger, and increasingly was at odds with the president’s staff. His attempts to take charge of U.S. policy on Lebanon—and to try to cut out White House aides—failed. On June 25, 1982, he offered his resignation to Reagan (who accepted it on July 5), who then appointed former Secretary of the Treasury George P. Shultz as his successor. While waiting for Shultz’s confirmation, Haig reversed his Bonn position and argued strongly for a limited, temporary involvement of the Marines. Habib’s idea was also endorsed by the Crisis Pre-planning Group, the National Security Council (NSC) committee that had been meeting constantly under the chairmanship of retired lieutenant colonel Robert C. “Bud” McFarlane, the deputy national security adviser, another Kissinger aide now serving in the White House.

**The Shultz-Weinberger Rivalry**

There is often a tension between the Secretaries of State and Defense when it comes to formulating U.S. national security, but George P. Shultz and Caspar Weinberger also had a long history that colored their interaction. In the Nixon administration, Shultz had served as director of the Office of Management and Budget in the White House—with Weinberger as his deputy. Both later went to work for the Bechtel Corporation, an infrastructure and engineering firm with extensive projects in the Middle East—but Shultz served as president of the firm, while Weinberger was general counsel. Weinberger went into the Reagan administration in January 1981 as Secretary of Defense, while Shultz turned down Reagan’s initial request to join the cabinet. Weinberger, having gained the ascendency over Haig, was not prepared to cede influence to Shultz or operate as his “number two” when Shultz became Secretary of State.
Not everyone agreed with this approach. Defense Secretary Caspar Weinberger and the Joint Chiefs of Staff felt Habib’s proposal was quite risky—inserting U.S. forces into the middle of an ongoing Middle Eastern conflict—and opposed the idea as exposing U.S. personnel to danger for an unclear and uncertain mission. From the beginning of his tenure as Secretary of Defense, Weinberger had made clear to Reagan that he did not support the use of military force unless there was a clear national interest that had been articulated for why U.S. troops should be put in harm’s way. Weinberger had received a memorandum from the incoming Chairman of the Joint Chiefs of Staff, General John W. Vessey, outlining why any proposal to place American troops between Arab and Israeli combatants was “very unwise.” Similar concerns were raised directly with the president by Senate majority leader Howard Baker. Polling data suggested that some 54 percent of Americans did not support sending U.S. forces to Lebanon as part of any peacekeeping effort. Some suggested approaching the United Nations, but the Reagan administration decided not to go the route of requesting the deployment of a UN peacekeeping force, because the Soviet Union, as a permanent member of the Security Council (which would have to authorize any UN mission), would either veto the proposal or insist on so many conditions that the force would not be able to achieve any of Washington’s objectives.

In the end, President Reagan weighed all of these positions and decided he was prepared to assume the risk of sending a peacekeeping contingent of Marines to Lebanon. Already, on July 6, Reagan had signaled that he had “agreed in principle to contribute a small contingent of U.S. personnel subject to certain conditions” (which were not specified) and that the deployment was part of a strategy of bringing “peace and stability to the Middle East.” It took the U.S. government some time to get the parties to agree to a detailed withdrawal plan. In August, Habib finally got agreement to the PLO evacuation plan. The president credited Habib’s skill and determination for bringing that about, and he announced that the United States would send eight hundred Marines to Lebanon to join eight hundred French and five hundred Italian soldiers to supervise the evacuation and help separate the Israeli and Palestinian soldiers and other forces in the area.

However, Weinberger and the Pentagon—having lost out on the initial decision on whether to send Marines at all—were able, in subsequent meetings, to limit the scope and duration of the U.S. mission. If the Marines were to be deployed, Weinberger “was adamant that U.S. servicemen not be exposed any more than was absolutely necessary to meet the terms of the peace agreement and to expedite the evacuation of the PLO.” Weinberger successfully resisted Habib’s requests, transmitted through Shultz, to have a larger force sent to Beirut, have the Marines be deployed on the “Green Line” between Muslim and Christian sectors of Beirut, and consider a mission that might last for months. Weinberger was successful in getting the president to agree to limit the deployment to the port area of Beirut and to give the mission a short time limit. Faced with different requests—the State Department asked for a sixty-day deployment—the president “settled the dispute in a Solomonic manner by splitting the difference. His decision, a compromise between two policies, was that the Marines would stay a maximum of 30 days.”

Habib, his co-special envoy Morris Draper (charged with the task of facilitating the departure of all foreign forces from Lebanese territory), and the U.S. team now had to negotiate the status of the so-called Multinational Force (MNF) and its mandate. In two diplomatic notes
exchanged with the government of Lebanon in August 1982, the MNF was authorized with a thirty-day presence on Lebanese soil. It was to “provide appropriate assistance to the Lebanese Armed Forces (LAF)” for carrying out the evacuation of PLO combatants and to assist the LAF in regaining control over the “Beirut area.” The vagueness of that term was deliberate: “Beirut area” left room for an expansion of the U.S. role beyond the more limited deployment to which the Defense Department had agreed, if the president so desired. In addition, both the United States and Lebanon agreed to “provide appropriate guarantees of safety” for Palestinian noncombatants who would remain in the “Beirut area.” In these diplomatic documents, it was specifically stated that the “American force will not engage in combat. It may, however, exercise the right of self-defense.”

Commenting on these agreements, Shultz, on August 20, made it clear that the United States would “stay there as long . . . as the basic conditions envisaged for our forces remain[ed] in effect.”

U.S. Marine task forces had already been used to evacuate American civilians from Lebanon when the fighting started, and so the 32nd Marine Amphibious Unit (MAU) was thus ready to be deployed for the MNF as needed. The Marines were also already being used to provide helicopter service for Habib and his team as they shuttled around the Middle East conducting negotiations. The Marines were already in theater and were already postured for a rapid deployment into Lebanon. Increasingly, discussions about “U.S. forces” focused on the use of these Marine assets rather than bringing in Army units.

As talks progressed for creating the MNF, Habib made sure to keep the 32nd MAU commander, Colonel James Mead, in the loop. As Mead later recalled, “In these discussions, Ambassador Habib and Mr. Draper were most candid with us concerning the progress of peace negotiations. Integral to all their plans and options was the use of our team afloat and ashore. The discussions . . . focused on utilizing the 32nd MAU in the roles of disengagement, disarming, destruction of weapons, and assembling processing and transport/escort of PLO . . . . The obvious concerns of inserting some portions of the 32nd MAU between 30,000 Israelis and 15,000 PLO and Syrian fighters were well recognized.”

Habib had requested the Supreme Allied Commander, Europe and what was then termed the Commander in Chief, U.S. Forces Europe (USCINCEUR), General Bernard Rogers, to send to him a military liaison team. Marine lieutenant colonel Robert Johnston was designated the representative of the 32nd MAU, while Marine colonel James T. Schulster was the lead European Command (EUCOM) liaison, aided by Lieutenant Colonel Edmond Gaucher Jr. General Rogers directed these officers to serve as the liaison between Habib and “the operating forces” that might be sent to Lebanon and to ensure that EUCOM was kept fully briefed on the mission. They were also designated as Habib’s military advisers to provide advice on the feasibility of any proposed use of U.S. forces—and then to pass on Habib’s requests to EUCOM. As decisions moved forward toward creating the MNF, these American liaison officers joined with French and Italian counterparts and the diplomats in a political-military committee to hash out how the MNF would work to oversee the evacuation of PLO combatants.

On August 16, 1982, Vice Admiral Thomas Rowden, commander of the Sixth Fleet, ordered the relevant vessels to take up station off the coast of Lebanon and to prepare for the mission.
In moving forward, the military now had to take operational decisions based on the diplomatic agreements reached by Habib and Draper and ratified by the interagency process in Washington, most notably the compromises between Shultz and Weinberger. Because Habib had agreed that no more than eight hundred U.S. Marines would be used, Colonels Mead and Johnston decided to use primarily the personnel from the rifle companies of the MAU and some elements of the headquarters units.

Because the diplomatic agreements stated clearly that this was not a combat mission, however, Mead decided that the MAU’s tanks, artillery, and attack helicopters would not be brought ashore into Beirut. Only their transport and utility helicopters would be required. EUCOM peacetime rules of engagement were implemented, with the Marines carrying unloaded weapons. Since the LAF, in theory, was providing security, the Marines were required to demonstrate that they were entrusting the Lebanese personnel with responsibilities for that mission. An important symbolic decision also taken by the Marines was to run up the Lebanese flag at the port facilities where the PLO fighters would be evacuated. However, per the rules of engagement as set by EUCOM, the on-the-scene commander had the right to determine what would be the appropriate response if a “hostile act” was committed against U.S. forces.

The Marines also needed to reconcile formal instructions with operational necessities. To preserve the position of the Marines as neutral peacekeepers, they were to have no formal contact with the Israelis, to avoid any appearance of taking sides. Yet, given the realities on the ground, it was absolutely necessary for the Marines to have a channel of communications with Israeli forces to prevent problems from developing. Thus, a “hotline” was set up with an Israeli liaison officer so that messages could be passed back and forth.

Situational awareness was, of course, very important. For example, Marine personnel had to be prepared for the reality that evacuating PLO fighters and other forces in the area would be firing weapons in the air, and thus not to overreact to the sound of live fire. They also had to be able to determine who was who, given that the LAF, the PLO, the Israelis, and the various militias all tended to wear similar camouflage utilities. Breakdowns in the evacuation process were also inevitable; Palestinians might resist surrendering arms or taking direction on the evacuation, while Israeli naval units sometimes impeded traffic of ships into and out of the harbor, creating delays and frustration.

By the time PLO chairman Arafat was preparing to depart on August 30, the situation could easily have gotten out of hand. The French contingent of the MNF wanted to escort Arafat to his vessel through the Marine lines, requiring Johnston to check in via walkie-talkie with Draper on what had been agreed with the French. Arafat’s bodyguards nearly got into an altercation with the Marines, and tensions rose when one of the French accidentally discharged his weapon. Indeed, throughout the deployment, there was apprehension that the Marines might be shot at in some Israeli-Arab engagement, but in fact the evacuation went so smoothly that the Marines were there for only sixteen days, from August 25 until September 10, instead of the originally contemplated thirty days. Even though the State Department argued that the Marines should stay for the entire length of the mission, Weinberger was able to convince the president to withdraw the force.25
In his after-action report, Colonel Mead, while noting the success of the mission—U.S., Italian, and French forces had been able to work together and to work with Israelis, Lebanese, Syrians, and Palestinians to make Habib’s settlement work—also pointed to some problems. Most worrying, in his estimation, was the lack of good tactical intelligence about where dangers might lurk—where different factions might control locations and artillery, for instance, that would have been able to target U.S. forces effectively. This had not been a problem as long as the Marines operated in a permissive environment, but Mead concluded his report by stating that if the MAU were to face a similar deployment in the future, it would need to be provided with accurate intelligence.

While the Marines were returning to ports in Italy, disaster struck. On September 14, 1982, Bashir Gemayel, the newly elected president of Lebanon and the leader of the Maronite Christian Phalange, was assassinated by a bomb planted at his party headquarters by activists of the Syrian Social Nationalist Party, a Lebanese party comprising both Christians and Muslims that supported Lebanese unity with Syria. Gemayel, a leading Maronite Christian militia figure who was very close to the Israelis and strongly anti-Palestinian and anti-Syrian, was seen by the United States as someone who might not only bring order to Lebanon but be in a position to regularize Lebanon’s relations with Israel.

After his death, the Israelis immediately occupied all of West Beirut, on the grounds of preventing further disorder—but also in direct violation of the agreement negotiated by Habib. Even worse, the Israeli soldiers now controlling access into the Palestinian refugee camps in West Beirut took no steps to prevent or then stop Phalange militiamen intent on taking revenge for Gemayel’s death from entering these camps and raping, dismembering, and killing eight hundred civilians—women, children, and elderly men—with many of the victims savagely butchered and left to die.† Within the administration, there was shock, outrage, and guilt. Shultz confided to a colleague that “the brutal fact is, we are partially responsible.” President Reagan was horrified by Shultz’s report on the killings in the refugee camps (with information gathered by a then-young Foreign Service officer, Ryan Crocker), an emotion reinforced by graphic images splashed all over the media the next day. The United States had guaranteed the safety of the Palestinian civilians in the refugee camps at the time of the PLO evacuation of West Beirut; in fact, the fighters had agreed to depart, leaving their camps unprotected, precisely because of U.S. guarantees. Some on the NSC staff began to blame Weinberger for the tragedy for insisting on withdrawing the Marines after the departure of the PLO fighters, arguing that U.S. forces should have stayed longer to ensure security.26

The president took the unusual step of issuing a Saturday afternoon statement that demanded that the Israelis withdraw their forces that had occupied West Beirut. Reagan was blunt in assigning ultimate responsibility for the massacres to Israeli actions, noting: “We strongly opposed Israel’s move into west Beirut following the assassination of President-elect Gemayel, both because we believed it wrong in principle and for fear that it would provoke further fighting.” Despite his earlier empathy for Begin’s position, Reagan now publicly reiterated American support for a Middle East peace process that would take into “full account . . . the needs of the Palestinian people.” Reagan’s anger and dismay at Israeli actions was reflected by

† Brigadier General Amos Yaron was later relieved of his field command by an Israeli commission set up to investigate the Israeli role in the massacres for his actions (and inactions) that led to the tragedy.
shifts in U.S. public opinion, which showed, after the massacre, that American sympathies were now more evenly divided between Arabs and Israelis, with some 50 percent of the public now claiming they were less sympathetic toward Israel than they had been a year before.27

Following his statement on Saturday, the president called a National Security Council meeting on Sunday afternoon, with a follow-up session on Monday. Those attending were Reagan, Bush, Shultz, Weinberger, National Security Adviser Bill Clark, Deputy National Security Adviser Bud McFarlane, UN ambassador Jeane Kirkpatrick, Acting Chairman of the Joint Chiefs of Staff Admiral Jim Watkins, Deputy Director of the CIA John McMahon, chief of staff Jim Baker, deputy chief of staff Mike Deaver, and presidential counselor Ed Meese. In these meetings, the president said that he felt that Israel had moved from being the “David” of the Middle East to being the “Goliath.”28 Shultz said that the Lebanese cabinet had asked the United States to reintroduce the MNF into Beirut, to separate the warring factions and to protect the Palestinians from the Israelis and the Christian militias. The Secretary of State felt it was important to do something to restore U.S. credibility with the Arab governments, especially since the president had only weeks earlier unveiled a new Middle East peace plan. Shultz also said that he had sounded out the congressional leaders about reintroducing U.S. Marines into Beirut and had found them divided but not inclined to fight the administration.

Within the NSC, there was talk of options other than the use of French, Italian, and U.S. soldiers in a second deployment, with talk focusing on shifting United Nations peacekeeping troops from their present location in southern Lebanon to a new location in West Beirut.‡ However, Secretary Shultz said that he had already consulted the Lebanese and Israeli governments about this option and learned that neither of them trusted the UN forces to control the remnants of the PLO and other Muslim militias (some backed and equipped by Syria) still operating in Beirut. The Israelis would refuse to withdraw their forces from Beirut unless the United States was involved in the peacekeeping force. Within the administration itself, there was also reluctance to utilize the United Nations, for the same reasons as before—the Soviet ability to influence any UN process.

McFarlane supported the introduction of a large U.S. force (of at least seven thousand personnel), following on the model of the 1958 intervention, that would be able to secure the capital, convince the Israelis that it was safe to withdraw, and prevent the Syrians from reestablishing their position in the country. Neither the Secretary of State nor the Secretary of Defense supported this option. Shultz preferred to use the template of the first deployment—a much smaller U.S. Marine force in the context of a multinational force alongside the French and Italians. Shultz’s recommendation was supported by National Security Adviser Clark, CIA director William Casey, and members of the Troika.29

The Pentagon’s position at the NSC meetings reflected considerable anxiety. The service chiefs were understandably worried over the civilian leadership’s uncertainty about how long the

‡ The United Nations Interim Force in Lebanon had been set up in 1978 to monitor the Lebanon-Israel border, but had not been able to stop Palestinian attacks against Israel or prevent Israeli forces from advancing on Lebanon. As with other UN peacekeeping missions, it drew personnel from a variety of countries around the world, had a complicated command structure, and was not configured as a combat force—by deliberate design. Moreover, the mandate of the force was subject to the approval of the UN Security Council.
Marines might be in Beirut, what their precise mission would be, and how long it would take the Lebanese Army to take over full control of the capital city from the MNF. There was concern over whether the Multinational Force might become a target for PLO elements that would begin reinfilitrating Beirut after the Israeli Army withdrew from the city or for different Lebanese factions. Weinberger argued that the Marines should not be used as some kind of Lebanese “police force” on behalf of the new government, now headed by Bashir’s brother, Amin Gemayel. (In contrast, the French did envision the MNF as serving as an active peace enforcer if it were to return.) In addition, Weinberger argued against inserting lightly armed Marines with vague rules of engagement as any sort of buffer force in the absence of any cease-fire agreement among the various factions. The chiefs tended to reinforce Weinberger’s skepticism about reintroducing the Marines. As Weinberger relates: “The Joint Chiefs were also strongly opposed to the reentry of a multinational force because without a clearly defined objective, determining the proper size and armament and rules of engagement for such a force was difficult at best.” Finally, Kirkpatrick made the case against any major U.S. intervention on the grounds that Israeli action was degrading the Syrian and Palestinian presence in Lebanon and that this represented a setback to the expansion of Soviet influence in the region.

One of the things that complicated the NSC discussions was the lack of hard data on the state of the Lebanese Army. The best estimates at the time showed the Lebanese Army at 21,000 troops. It was only later that the true extent of the Lebanese Army’s deteriorated condition became apparent. Major General Gerald T. Bartlett was sent to Lebanon in October 1982 to assess the Lebanese Army, and when he filed his report on November 15, it noted that the Lebanese government had only 10,000 soldiers and many of them had not been in uniform for years. The Bartlett report also did not address how many of the soldiers still on active duty might hold dual allegiance to sectarian militias.

Despite the concerns of the Department of Defense, Weinberger was overruled. (Years later, Weinberger lamented, “I guess I wasn’t persuasive enough. It’s always been a source of unhappiness to me that I wasn’t persuasive enough to persuade the president not to put in more American forces, particularly not to put them into the Beirut Airport.”) The president decided to go ahead with a new Marine deployment. The president went on national television to announce that the MNF would return to Beirut. Its mission would be to enable “the Lebanese Government to resume full sovereignty over its capital” and to create conditions that would permit Israel to withdraw from Beirut. He maintained that “we seek the restoration of a strong and stable central government in that country, brought into being by orderly constitutional processes.” Reflecting the debates in Washington within the NSC, Reagan stated that the MNF would remain in Lebanon for a “limited period of time.” Reflecting the concerns of the Pentagon, Reagan emphatically declared that the MNF was “not to act as a police force, but to make it possible for the lawful authorities of Lebanon to do so themselves.”

After the speech, there was official comment about what the president’s decision meant. Secretary Weinberger said that the 1,200 Marines being sent in would be withdrawn immediately to their ships if they encountered “combat”—that is, armed clashes with any of the factions that would prevent the MNF from carrying out its mission. In a December 20, 1983, memo for the president, Weinberger stresses that the original purpose of the MNF was to carry out a “non-combat” mission and that the Marine deployment rested, in part, on pledges from
all the combatant forces, including the factions, that they would not impede the “presence” mission of the Marines. White House insiders indicated the secretary’s interpretation was unauthorized. Other Pentagon officials said that the Marines would have authority to prevent clashes among the various Lebanese factions. It is clear that the extent of the Marines’ mission was not agreed on within the U.S. government. Weinberger would later write, “This MNF would not have any mission that could be defined.”36 However, other than this attempt to “clarify” the president’s decision Weinberger’s opposition to the mission within the confines of the Situation Room did not translate into public defiance of the president. Indeed, the Secretary of Defense echoed Reagan’s optimistic appraisal of the situation in appearances on the Sunday news programs.37

The big issue seemed to be how long the Marines would be in Beirut and what Reagan’s “limited period” meant. Secretary Shultz offered that it would be a mistake to set some arbitrary date for withdrawal. However, Nicholas Veliotes, the Assistant Secretary of State for Near Eastern Affairs, told a congressional committee that the end of 1982 was the “outer limit” for the Marines’ stay. Then the president surprised his aides by stating at a televised press conference on September 28, 1982, that the Marines would not leave Beirut until all Israeli and Syrian forces had withdrawn from Lebanon.38 Officials at the White House and State Department rushed out “clarifications” of what the president had supposedly meant, insisting that the withdrawal of foreign troops was a goal but not a “criterion” for the Marines’ withdrawal.

The Lebanese Christians immediately seized on the president’s statement and argued that there could be no reconciliation of their political power struggle with the Lebanese Muslim factions until all foreign forces had been withdrawn. Habib, meanwhile, was very confident that he could arrange withdrawal of the Syrian and Israeli armies from Lebanon no later than the end of 1982 because of the embarrassment that both the Syrians and Israelis had suffered there, as well as his confidence that both the Syrian and Israeli governments would see it in their interests to support a Lebanese government strong enough to control its territory.

This view had a major impact within the administration. On September 25, a new series of diplomatic notes between Lebanon and the United States was exchanged, setting out the parameters of the new Marine deployment. In particular, the agreement stated, “The mandate of the MNF will be to provide an interposition force at agreed locations and thereby provide the Multinational presence requested by the Lebanese Government to assist it and the Lebanese Armed Forces (LAF) in the Beirut area.” As with the previous MNF, the Marines would not engage in combat but could exercise self-defense.

But a changed mission—no longer supervising an evacuation but assisting the Lebanese government in recovering control of its capital while separating different factions—would change the rules of engagement. The 32nd MAU was now instructed that if its assigned areas were “infiltrated” by units other than those of the official Lebanese military, the intruders were to be warned off. If they refused to leave, the MAU commander was to be notified. But Marines could only return fire if fired on first. The guiding assumption remained, however, that the Marines would be operating in a permissive environment and that their area of responsibility at the Beirut International Airport would be seen as beneficial by all sides.
For the time being, the largely Shia neighborhoods around the airport appeared willing to see what would develop from the American presence. Thus, as with the first Marine deployment, the same peacetime EUCOM rules of engagement remained in place, per the instructions of the Joint Chiefs of Staff. However, it proved necessary to “translate” the rules of engagement from the diplomatic negotiations and the legal language into operational orders that could be understood by officers and men on patrol or standing watch.

Diplomatic agreements also complicated the military mission. When the airport was assigned to the Marines, Mead concluded from a careful study of the terrain that the higher ground approximately 5 km to the east of the airport should be secured by the Marine force to provide security for the main contingent at the airport itself. However, in negotiations with Israeli defense minister Ariel Sharon, Draper had agreed that Israeli forces could use the Old Sidon Road, which ran east of the airport perimeter and underneath the high ground, as a supply line for their forces in the Shouf Mountains. If the Marines occupied the heights overlooking the Old Sidon Road, it would appear as if the Marines were now protecting an Israeli supply route from attack by including it within their perimeter. To keep up the appearance of absolute neutrality, the Marines pulled back their line to the west of the Old Sidon Road. The Marine perimeter also included a major coastal highway that bisected the beach positions of the

**RULES OF ENGAGEMENT**

Marine personnel were instructed as follows:

“The mission of the Multinational Force (MNF) is to keep the peace. The following rules of engagement will be read and fully understood by all members of the U.S. contingent of the MNF:

- When on post, mobile or foot patrol, keep a loaded magazine in the weapon, weapons will be on safe, with no rounds in the chamber.
- Do not chamber a round unless instructed to do so by commissioned officer unless you must act in immediate self-defense where deadly force is authorized.
- Keep ammunition for crew-served weapons readily available but not loaded in the weapon. Weapons will be on safe at all times.
- Call local forces to assist in all self-defense efforts. Notify next senior command immediately. Use only the minimum degree of force necessary to accomplish the mission.
- Stop the use of force when it is no longer required.
- If effective fire is received, direct return fire at a distinct target only. If possible, use friendly sniper fire.
- Respect civilian property; do not attack it unless absolutely necessary to protect friendly forces.
- Protect innocent civilians from harm.
- Respect and protect recognized medical agencies such as Red Cross, Red Crescent, etc.

“These rules of engagement will be followed by all members of the U.S. MNF unless otherwise directed.”
Marines from the airport proper, but because keeping this road open was a domestic priority for the Lebanese, the Marines could only cut traffic on the road in very high-threat situations.\textsuperscript{39}

Moreover, the continued fuzzy nature of what the Marines (and the French and Italians) were returning to Beirut to do plagued the planners. U.S. officials routinely described the Marines as engaged in a mission of “presence” designed to “show support” for the government of Lebanon. Colonel Mead and his staff attempted to translate what the “presence” mission might mean in military terms. In the diplomatic note of September 25, the United States and Lebanon had used the term “interposition force”—which had specific meanings for U.S. Marines. In the 1920s and 1930s, the Marines had intervened in a number of Latin American countries to provide security for property and U.S.-owned assets (as well as for U.S. citizens) when a local government had been unable to do so. This “interposition” was for the United States Marines to fill in the gaps when a legitimate government lacked the military resources to carry out such missions. Mead and his staff could also study the 1958 deployment of some 14,000 U.S. Marines and Army troops to Lebanon by President Dwight D. Eisenhower, where U.S. forces entered Beirut to support the Maronite Christian government and to hold back rebel and revolutionary forces backed by Syria and Egypt that were marching on the capital, giving the central government time to elect a new president and stabilize the military command structure. Operation BLUE BAT provided for a massive U.S. military presence in Beirut, which gave Eisenhower’s special envoy Robert Murphy the clout to negotiate a compromise among Lebanon’s factions resulting in the acceptance of General Fuad Chehab as the next leader of the country.

Yet the 1982 mission—with only eight hundred Marines as part of a small MNF—seemed to have more aspects of a peacekeeping or even a peace-monitoring force rather than of a massive show of force designed to produce political change. Moreover, the Marines were not protecting the airport to keep it open for traffic, as might be expected if the mission were truly one of interposition. Indeed, the French rejected the very idea that the MNF was an interposition force; Foreign Minister Claude Cheysson said bluntly that the MNF was engaged in “a mission of maintaining peace and protecting the civil population.” Weinberger responded to Cheysson, “The MNF is not a force to maintain peace, it is a deterrent force.”\textsuperscript{40} Given that the Marines were now tasked to begin foot and motorized patrols in the areas assigned to them, this lack of clarity on what those patrols were intended to do—interpose, peacekeep, peacemake, or deter—was a major unresolved question.

Disagreements among the French, Italians, and Americans then complicated the effort to define the overall mission. Habib was not present “on the ground” in Beirut to help steer the MNF political-military committee, composed of U.S., Italian, French, and Lebanese liaison officers. In contrast to the first mission, where specific tasks related to the evacuation of PLO fighters could be identified and assigned, there was now a lack of any specific military tasking beyond that of ensuring a military presence in specified areas. The U.S., French, and Italian contingents thus defaulted to the guidance each received from their own national commands and the committee existed primarily to share information, rather than coordinate action.

In addition, the lack of clarity about the U.S. role—as well as any clear timeline or metrics for success—continued to have an impact on what the Marines were supposed to be doing. As the
Department of Defense Commission on (the) Beirut International Airport Terrorist Incident, chaired by retired admiral Robert Long (the “Long Commission”), was to point out: “The ‘presence’ mission was not interpreted the same by all levels of the chain of command and perpetual differences regarding the mission, including the responsibility of the USMNF [U.S. Multinational Force] for the security of Beirut International Airport should have been recognized.”

Amin Gemayel, the new president of Lebanon, had some clear ideas of what he wanted the United States Marines to be doing in his country. That fall, on a visit to Washington, Gemayel asked Reagan to increase the number of U.S. Marines in Lebanon—he said something on the order of an entire division would be useful. Weinberger took a dim view of this idea and asked why, if more troops were needed, they could not be drawn from countries other than France, Italy, and the United States. Gemayel also pushed for more U.S. assistance to the LAF. This request coincided with Bartlett’s final report on the state of the Lebanese military, which concluded that it could take over internal security of the country after eighteen months of training and could patrol Lebanon’s borders after thirty to thirty-six months, if the foreign armies withdrew and if Lebanon’s militias were disarmed.

Finally, Gemayel made a geostrategic argument to Reagan to justify an extended Marine deployment: the presence of the Marines (as well as elements of the Sixth Fleet in the waters off Lebanon’s coast) would be interpreted as a sign of American protection for the Lebanese government by Lebanese factions opposed to it. The Syrians and the Palestinians, Gemayel said, would likely view the U.S. presence the same way. With clear backing from Washington, a more secure Lebanese government might be able to deliver a peace agreement with Israel and be in a stronger position to push for the departure of Syrian forces from Lebanese territory.

Following Gemayel’s visit, President Reagan approved the movement of Marines beyond their initial positions at Beirut International Airport. This was designed to better link up with the Italian and French contingents and give Gemayel and his government more of a buffer zone. Reagan also implied that the Marines would stay as long as they were needed.

Thus, as the transition began where the 32nd MAU would depart Lebanon and be replaced by the 24th MAU, the Marine mission in Lebanon expanded. On November 1, 1982, the Secretary of Defense formally expanded the range of Marine patrols in East Beirut beyond the immediate airport region. On November 11, the Joint Chiefs of Staff began to consider a role for the Marines in training rapid reaction forces for the LAF as long as that mission did not interfere with the Marines’ primary assignment as a presence force. As the LAF began to receive new U.S. equipment in January 1983, the Marines augmented the trainers so that Lebanese Army units could be checked out on these weapons systems. In addition, the Marines were able to use their helicopters during the winter to fly to different locations in Lebanon to provide humanitarian and medical assistance to areas cut off or negatively impacted by the fighting.

This last set of activities, along with the perception that the Marines were protecting innocent civilians, helped to generate a fair amount of positive press coverage for the deployment in the U.S. media. It also helped to reduce concerns, both within the U.S. Congress and among the public at large, that the Marine mission was taking longer than the “limited” period initially promised by the president, since it was achieving good things on the ground. Moreover, it
reinforced the perception that the Marines were still operating within a permissive, nonhostile environment.

Ostensibly, the training mission for the LAF seemed to justify Habib’s optimistic timetable. President Gemayel fired his army commander and replaced him with Lieutenant General Ibrahim Tannous, a widely respected infantry officer who was thoroughly dedicated to maintaining a united Lebanon. Through personal example and stringent new rules, Tannous immediately increased the discipline and efficiency of the LAF. While the U.S. Army’s Office of Military Cooperation took the lead in training new LAF infantry brigades, the Marine Corps MAU also accepted a LAF request to provide Marine trainers. Over time, it appeared that the quality of the LAF was improving as a result of U.S. assistance, with officers asserting more positive leadership, physical conditioning steadily improving, and the trainees increasingly being drawn from all the sects that constituted Lebanon. At the O-6 level the religious composition was 50 percent Christian, 50 percent Muslim. At the company grade down to the enlisted ranks the LAF was 60 percent Muslim. However, whether this force would have time to mature and whether it would hold together under pressure remained open questions.

Moreover, the environment was shifting. Because the Marines controlled neither the coastal highway nor the Old Sidon Road, they could not prevent incidents where the Israelis or different Lebanese and Palestinian factions might engage in hostile activity. The Israeli forces, in particular, had a practice of conducting “reconnaissance by fire,” and other militant groups and the Israelis tried to take advantage of the Marine presence. The Israelis, for their part, complained that attackers were trying to create safe havens within the Marine zone, and when faced with problems or blockades, Israeli vehicles attempted to detour through the Marine lines. This carried with it a major risk of escalation, because LAF personnel made it clear they would resist Israeli incursions, and thus put the Marines in the position of having to support the Lebanese against Israeli forces.

Because of the diplomatic strictures meant to prevent any appearance of collusion between the Marines and the Israelis, direct contacts had been forbidden. After a series of incidents in January 1983, however, permission was given for the Marines to set up a direct radio link with the Israelis and to clarify the lines of the Marine position. The Israelis also agreed to stop reconnaissance by fire. Nonetheless, on February 2, three Israeli tanks attempted to cross Marine captain Charles B. Johnson’s “Company L” checkpoint. Johnson refused the Israelis access and when the tanks attempted to move forward, he stood in front of the lead tank with a round chambered in his drawn pistol. After a tense standoff, the Israelis backed down. This forced an emergency conference of American and Israeli diplomats in Beirut on February 3, 1983, to better mark the boundary lines between the Israeli zone of operations and the Marine area of responsibility.

There were other ominous signs. The Soviet Union was completing a massive replenishment of its Syrian ally to replace equipment lost during the 1982 conflict, which allowed Damascus to reinforce its position in Lebanon and to supply its proxy forces. Moreover, Gemayel was having difficulties in broadening the appeal of his presidency beyond his own Maronite constituency—and this was complicating U.S. policy.
One of the U.S. objectives was to get Israel to withdraw from Beirut and to be able to have the LAF take control of the strategic Shouf Mountains to the east of Beirut, which controlled both the major north–south routes in the country and the Beirut–Damascus highway. The Shouf Mountains, however, were the key stronghold of the Druze. Seeing the LAF as the tool of Maronite interests, the Druze became more hostile to the U.S. presence and training mission, seeing U.S. actions not as those of a neutral “force for presence” but as those of an active ally of the Maronites.

The Shia, including the Shia in the neighborhoods surrounding the Beirut airport, were becoming increasingly radicalized as well. Traditionally viewed as quiescent and not politically active, the Shia in Lebanon had been inspired by the Islamic Revolution in Iran and were taking steps to ensure that their voice would be heard in any deliberations over the future of Lebanon. Like the Druze, they were increasingly more inclined to see the U.S. Marines as an occupying force rather than as peacekeepers. Moreover, the Shia were now gaining capabilities to turn their disagreement into violent action. After the Israeli invasion in 1982, Syria permitted Iran to set up a base in the Bekaa Valley for the Iranian Revolutionary Guards, who in turn began to train and equip Shia fighters.

To some U.S. officials on the ground, as well as among the diplomatic and intelligence subject matter experts in Washington, the signs were quite disturbing. Yet their concerns were increasingly being ignored by or not reaching higher echelons of government, particularly the principals around the president. Many of the experts believed it was because of their strong reservations about the direction of U.S. policy based on their assessment of conditions on the ground. As reported a decade later:

One former mid-level Pentagon official recalls that he, and the intelligence representatives he worked with, often emerged from policy sessions wondering why they had even been asked to attend. “I think the Intelligence Community and working-level policymakers were often feeding information up to deaf ears,” he says. “[Captain, later Commander] Phil Dur [USN, who served as deputy director of the Political-Military Affairs Directorate of the National Security Council staff] would come to meetings where we were supposedly discussing possible policies, and referring to the intelligence we had, and say, ‘That’s all fine, but we’re going to do this, the decision’s already been made.’ The NSC adviser and the special envoy made all the policies, and it didn’t matter what anyone else said.” The same official also felt that analysts were rather deliberately disregarded. “Senior policymakers knew that the Intelligence Community was opposed to what was going on,” he says. “They just didn’t want to hear about it.”

Geoffrey Kemp, who served on the NSC staff during this time, characterized the atmosphere as follows: “So much human capital and so many egos had been invested in the Israeli-U.S.-Lebanese negotiations that any alternative policy approach was ruled out by the State Department as counter-productive.” This, in turn, highlighted the fact that “there was no connection between the people who knew something about Lebanon and those who made the
decisions at the top. If you kept raising problems, your access to the policymakers tended to dry up."45

Another MAU rotation took place in mid-February 1983. The new group of Marines in place was now facing a different environment than in the past. For the first time, individual members of Congress were beginning to challenge the Reagan administration’s narrative that the Marines were engaged in a presence mission in a permissive environment. In December 1982, fourteen members of the Senate Foreign Relations Committee dispatched a letter to President Reagan asking for the opportunity for Congress to consider “the full implication of any extended commitment of U.S. forces in Lebanon.”46

In February, during hearings on the president’s budget submission for the Defense Department to Congress, Senator J. James Exon confronted Weinberger and accused the administration of “stonewalling” in terms of providing an accurate, up-to-date picture of the conditions in Lebanon. However, the Reagan administration was able to deflect congressional criticism by pointing to the possibility that a major diplomatic victory was imminent. Indeed, Habib and Draper believed that the progress in reforming the LAF would give Gemayel the confidence to conclude an agreement with Israel and for the LAF to be able to occupy the territories that an Israeli withdrawal would vacate, thus strengthening the position of the central government. As Veliotes testified before Congress on March 9, 1983: “It is our intention to phase out the multinational presence just as soon as the evacuation of Syrian, Israeli and Palestinian forces is complete and the Lebanese Army is able to do its job countrywide.”47 It was thus critical for the Marines both to be able to report success in terms of training the LAF and to continue to maintain peacetime rules of engagement, to justify Weinberger’s reply to Exon: “It is the judgment of the administration, of the president, that the condition under which the Marines are in Lebanon is not one in which hostilities are imminent.”48

On April 18, 1983, anti-Gemayel groups made it clear that they now viewed the United States as an ally of Gemayel rather than as a peacekeeping force when the U.S. embassy in Beirut was shattered by a terrorist truck bombing. The deadly attack was carried out by a rising new force among Lebanon’s Shia—the “Party of God” (Hezbollah)—with aid and assistance provided by Syria and Iran. The attack prompted Congress to pass legislation (ultimately signed into law by the president as Public Law 98-43) that increased U.S. economic and security assistance to Lebanon but also required the president to seek statutory authorization with respect to any “substantial expansion” in the number of U.S. Marines deployed to Lebanon.

U.S. efforts to broker a treaty between Israel and Lebanon continued, and increasingly among the principals, this was seen as an outcome that would enhance U.S. prestige in the region. This assessment was not shared by many of the subject matter experts in the U.S. government or by many U.S. diplomats in the region, including the U.S. ambassador to Syria, who warned that Syria would never accept the results.49 These views were unwelcome and thus ignored by the principals, and Habib and Draper forged ahead, meeting with Israeli and Lebanese officials. They were joined, in the last days, by Secretary of State George Shultz himself, in a final push to get an agreement—over the express and clear warnings of the Near Eastern bureau at the State Department, which strenuously advised that Shultz not travel to the region.50
On May 17, 1983, the Lebanese and Israeli governments signed a peace accord. This agreement terminated the state of war between them, created liaison offices between the two countries, established the basis for discussing normalization of relations, created a security zone in southern Lebanon (where Israeli and Lebanese patrols would operate for at least two years), and called for the withdrawal of Israeli troops. The whole agreement, however, would go into effect only if Syria also agreed to remove its troops from Lebanon. However, Syrian president Hafiz al-Assad rejected the accord as simply ratifying Israel's gains in Lebanon and refused to withdraw as long as the Arab League mandate for the Syrian presence in Lebanon remained in force.

The Reagan administration embraced the May 17 accords as the first step toward realizing the larger Reagan peace plan for the Middle East. It also seemed to justify the risks of the Marine deployment in Lebanon. This led senior U.S. officials to minimize the possibility that Syria would actively seek to spoil the agreement. In part, this was a reflection of the “fence” that separated the principals, especially the president, from views emanating from lower echelons. From Assad's perspective, however, the May 17 accords were a strategic disaster. Damascus considered Lebanon to be part of its sphere of influence. Yet, under the terms of this treaty, Israel would get a security zone in southern Lebanon, while Lebanon as a whole would be under the control of a government hostile to Syrian interests. While Syria had been bloodied in the 1982 fighting, it did not consider itself defeated. Moreover, it was in the process of completing its Soviet-supported rearmament. Assad did not believe he needed to accept the agreement passively as a fait accompli, and so he stepped up Syrian efforts to undermine Gemayel and stoke up the fighting in Lebanon. Again, U.S. diplomats in the region—especially U.S. ambassador to Syria Robert Paganelli—tried to sound the alarm in Washington, to no avail. Instead, Shultz even considered pushing for Paganelli's removal from Damascus.

In the weeks after the agreements were signed, the Marines prepared to rotate their forces in Beirut again. On May 30, 1983, Colonel Timothy Geraghty and the 24th MAU took up the mission. Despite the fact that conditions were changing for the worse—with the Marines trying to avoid being caught up in sectarian firefights and occasionally now being directly targeted—the peacetime rules of engagement remained unchanged. Neither the Pentagon nor the Reagan administration was interested in altering the rules in any way that would suggest that the Marines were in a combat situation. Aside from the public relations problem that would follow such an acknowledgment, there was a constitutional and legal issue as well, since any such recognition would bring into play whether the deployment in Lebanon was now a situation that needed to be addressed by the War Powers Resolution of 1973. The debate over whether the requirements of the War Powers Resolution were applicable to the Marine deployment in Beirut centered on whether troops had been placed “into hostilities or into situations where imminent involvement in hostilities is clearly indicated by the circumstances,” as the resolution reads. If so, the resolution required the president to withdraw the troops within sixty days unless Congress authorized them to remain.

The White House continued to argue that the War Powers Resolution did not apply to U.S. participation in the MNF, since the Marines were not in a situation “where imminent involvement in hostilities is clearly indicated.” The existing peacetime rules of engagement...
were reconfirmed by the Joint Chiefs of Staff as then transmitted through EUCOM, and Colonel Geraghty issued a “White Card” to all his personnel spelling them out.§

Throughout the late spring and early summer, the United States focused on getting the LAF in a position to take over. Part of the U.S. strategy was to rely on a continued Israeli occupation of strategic positions outside Beirut until the LAF was ready to move. Unfortunately, the time available for military progress ran out when the Israeli cabinet decided to withdraw its army to southern Lebanon even without Syria’s simultaneous withdrawal from the Bekaa Valley. The Israeli economy was in terrible shape from the cost of the occupation. Casualties inflicted by Muslim guerrillas (both Lebanese and Palestinian factions) continued to mount. Meanwhile, Ariel Sharon was forced out as defense minister by the official investigation of the refugee camp massacres. Domestic dissent in Israel was at an all-time high. Menachem Begin was in failing health and announced his resignation in August 1983. With any further diplomatic progress with Syria seemingly hopeless, the Israeli public and Israeli Army pressed for unilateral withdrawal from the Shouf Mountains.

Ironically, it was now the United States that tried to slow the Israelis’ withdrawal, until the LAF was better able to fill the impending power vacuum. The Americans wanted the Israelis to hold on at least until some sort of agreement was reached among the Lebanese government and the various Muslim factions—the Druze, the Shia, the Sunnis—over who would control the territory vacated by the Israelis. On July 22, 1983, President Reagan appointed Deputy National Security Adviser McFarlane to succeed Habib as his special envoy for the Middle East, after Assad made it clear that he would no longer deal with Habib. Assad had started to distrust Habib after the initial talks in 1982 to deconflict Syrian and Israeli forces, which only grew after the conclusion of the May 17 accords. Assad no longer viewed Habib as an impartial mediator or a reliable interlocutor with the United States, and began to refuse to meet with him.

McFarlane was tasked with trying to reach out to Assad as well as brokering a new arrangement among Lebanon’s competing factions. As Israel prepared to withdraw from the Shouf in August 1983, McFarlane arrived in Lebanon to try to broker a deal between the government of Lebanon and the Druze Muslims who were the area’s majority population. At the same time, § The Long Commission was later to assign blame for the security procedures that led to the bombing of the Marine barracks, in part, on the rules of engagement that EUCOM had approved.

§ The Long Commission was later to assign blame for the security procedures that led to the bombing of the Marine barracks, in part, on the rules of engagement that EUCOM had approved.
McFarlane continued the efforts of Habib to try to build a more inclusive government in Lebanon, so that Gemayel’s administration would enjoy more popular support.

McFarlane, however, was running out of time. This became apparent when Druze militia in the Shouf opened fire on LAF positions, using artillery pieces provided by the Syrians. His efforts to craft a deal between the Druze leader Walid Jumblatt and Gemayel—including negotiations held in Paris in late August—failed because Gemayel was unwilling to accede to Jumblatt’s demands for more authority within the Lebanese government. Jumblatt met with McFarlane, but the Syrians encouraged him to stand firm in his demands. The Syrians also gave Jumblatt and the Druze guarantees of their continued support—including provisions of military aid—in any clash with Gemayel.

The Israeli Army withdrew south to the Awali River on September 4, and the simmering civil war between the Christian-dominated Lebanese government and the various Muslim militias exploded into the open. The Israeli withdrawal removed the rationale for the Marines not to occupy the high ground to the east of the airport, as Colonel Mead had recommended in 1982. Some of the Marine leadership in Lebanon now pushed for the option to extend the Marine perimeter to the ridges above the Old Sidon Road. This request was denied by Washington, in part because of the overly optimistic appraisal of the capabilities of the LAF. The trainers and U.S. officials wanted to give the administration a “good-news story” about the success of the American training mission in renovating the LAF. Thus, when permission to occupy the heights was denied by higher-ups, they operated on the assumption that the LAF would be capable of moving into and securing territories vacated by the Israelis.

Fighting broke out in the Shouf between a LAF brigade attempting to position itself in the area and Druze soldiers. Violence also erupted in Beirut’s southern suburbs between the Shia Amal militia and the Lebanese Armed Forces. With no agreement in place on the disposition of territories that would be vacated by the Israel Defense Forces, Druze artillery in the Shouf began pounding Beirut as part of an effort to destabilize the Gemayel government.

On August 28, clashes between the LAF and the Druze led to Marine positions being caught in the cross fire, and a day later, the Druze directly targeted the Marines with mortar, rocket, and small-arms fire. Two Marines were killed and fourteen others wounded. In keeping with the rules of engagement, Geraghty responded with proportional force and “in kind”: the positions firing on the Marines were targeted by Marine artillery and by small-arms fire as well as fire from a helicopter gunship.

The events of August 29 were a turning point. If the Marines were a peacekeeping force, there was no longer any peace to keep. Otherwise, the Marines were falling down a slippery slope, becoming a cobelligerent alongside the LAF to impose the authority of the Gemayel government. Gemayel was fighting against militias and factions that did not accept his authority or the legitimacy of his government; worse, these forces were being supported by Syria—and thus, ultimately, by the Soviet Union.

Privately, the Chairman of the Joint Chiefs of Staff, General John William Vessey, who had always opposed the Marine deployment, urged the withdrawal of U.S. Marines from the airport to their ships offshore—an opinion that was also being voiced by other senior military officials.
Yet the State Department and some within the National Security Council apparatus argued that there should be no shift in the U.S. deployment until the political climate in Lebanon could justify a change.

Reagan could now no longer ignore Congress. On August 30—the day after the firefight—he formally notified Congress that the Marines had taken casualties. Yet he continued to maintain that the War Powers Resolution did not govern the situation, because the Marines, while now engaging in “sporadic fighting,” were not in fact involved in “hostilities.” His letter, therefore, was not any sort of formal reporting that U.S. forces were engaging “in hostilities” or were deployed “into situations where imminent involvement in hostilities is clearly indicated by the circumstances,” which would then have triggered provisions of the War Powers Resolution.

Shultz provided additional justifications against invoking the War Powers Resolution by arguing that the Druze and Shia attacks had been directed at the Lebanese government, not at the Marines. On September 5, 1983, Reagan reiterated his claim that using U.S. forces in Lebanon was “essential to the objective of helping to restore the territorial integrity, sovereignty and political independence of Lebanon.” He said it was “not possible to predict the duration of the presence of these forces in Lebanon. We will continue to assess this question in the light of progress toward this objective.”

More attacks that same week raised Marine casualties to five killed and thirty-nine wounded. On September 8, for the first time, one of the vessels of the Sixth Fleet detachment offshore took part in the military response. The destroyer Bowen fired at militia artillery positions that had been used to shell the Marines, an escalation that added naval gunfire to the land-based options at the Marines’ disposal.

The naval bombardment, however, also further changed the mood in Congress. Congressman Clarence Long, chairman of the House Appropriations Subcommittee on Foreign Operations, seemed to speak for many members when, on September 8, he opined: “Our Marines are too precious to the American people to let them be wasted as sitting-duck targets in an undeclared war, a war disguised as a peacekeeping operation where there has never been, from the very beginning, any peace to keep.” Long threatened to take action to cut off the funding for U.S. participation in the MNF (which was up for review on November 1) unless the Reagan administration formally requested congressional permission in accordance with the provisions of the War Powers Resolution for the Marines to remain.

McFarlane returned to Beirut to again attempt to find a political settlement among the factions. He experienced firsthand the effects of the fighting when the U.S. ambassador’s residence, where he and his staff were staying, came under fire. The perception that the LAF was losing control of the capital led McFarlane to send a “flash” cable back to Washington in which he warned that “there is a serious threat of a decisive military defeat which could involve the fall of the Government of Lebanon within twenty-four hours.” He recommended that the rules of engagement for the Marines be changed, “to allow our forces to fire in support of the Lebanese Army”—a request that actually had come from General Tannous.

Up to this point, the Marines had only fired back when fired on first. McFarlane’s request to the president would change that rule. In his diary entry for September 11, 1983, Reagan noted:
“N.S.C. is meeting . . . on Lebanon re a new cable from Bud McFarlane . . . Our problem is do we expand our mission to aid the Lebanese Army with artillery and air support? This could be seen as putting us in the war.” The next day Reagan decided to authorize the Marine commander (Colonel Geraghty) and Captain Rick France, Commander, U.S. Forces Lebanon, to be able to request the Navy to undertake strikes against targets in Lebanon. Yet this was still couched in the language of “defense” of the Marine contingent. In theory, any military action needed to be linked to the security situation of the U.S. contingent of the MNF.

Over the next several days, Geraghty was encouraged by McFarlane and others to order naval gunfire to support the LAF defending the village of Souq el Gharb in the Shouf Mountains on the grounds that if the village fell to militia forces, the Marines would therefore be in danger. This was, to say the least, an expansive notion of “self-defense.” Geraghty finally agreed with this conclusion on September 18, 1983, thus clearing the way for U.S. naval forces to open fire on Druze positions in the Shouf on September 19.

Privately, Reagan was hopeful that the use of naval gunfire “might signal the Syrians to pull back” from support of their proxies and reopen the diplomatic process. In contrast, Geraghty later admitted that he knew a line had been crossed: “We were going to pay in blood for this decision.” From this point onward, any setback experienced by the LAF in the Beirut area could be interpreted as a threat to the security of the Marines.

The images of a U.S. battleship discharging its guns understandably accelerated efforts by some members of Congress to invoke the War Powers Resolution. Negotiations between the Senate and the House, between Democrats and Republicans, and between Congress and the executive branch over the next two weeks attempted to find a compromise legislative solution that would satisfy both the legislators and the president.

In the spirit of Nixon’s earlier veto, the president’s negotiators wanted to avoid anything that would limit his freedom of action as commander in chief or would give Congress any ability to micromanage his decisions. Congress, for its part, echoed the message it sent in passing the bill in 1973 in the first place, and resisted what it saw as a demand to give the president a blank check.

After several weeks, and in the wake of a slew of drafts and various amendments in the relevant congressional committees, both chambers passed legislation on September 29, 1983, which declared that the situation in Lebanon now fell under the parameters of the War Powers Resolution. The president was authorized to maintain 1,800 Marines for eighteen months, but if he wished to increase the number of U.S. forces or extend the timeline of their deployment, he would have to return to Congress for additional authorization. In signing Public Law 98-119 into law, Reagan accepted those terms but added a “signing statement”—a president’s comment on the law and his views on enforcing it—in which he noted his compliance with the War Powers Resolution was voluntary since he did not believe that piece of legislation was constitutional.

On September 25, Saudi Arabian diplomats succeeded in getting a viable cease-fire in place among the factions, although incidents continued. During this time, as indeed they had since May 1983, warnings continued to pour in about the possibility of a truck or car bomb attack
against the Marines, but these warnings provided little specific information on how and when a threat might be carried out. Yet the Marines continued to maintain the security of their installations as if they were still a presence force operating in a permissive environment. That changed when, on the morning of October 23, 1983, a truck packed with explosives drove into the Marine barracks at the Beirut airport, destroying the building and killing 241 Marines. A simultaneous truck bomb strike at the French barracks a few kilometers away killed 58 French soldiers. Responsibility for the bombings was claimed in the name of an “Islamic Revolutionary Movement / Islamic Jihad,” a hitherto-unknown organization (which some U.S. officials at the time believed was simply a throwaway identity to cloak a Syrian- or Iranian-backed organization).**

After the initial shock of the attack, the reaction across the U.S. government was to resist calls for any immediate withdrawal of the Marine force from Beirut, on the grounds that such an exit would be interpreted as a victory for America’s opponents. Shultz declared, “If we are driven out of Lebanon, radical and rejectionist elements will have scored a major victory. The message will be sent that relying on the Soviet Union pays off and that relying on the United

** In May 2003, Judge Royce C. Lamberth of the U.S. District Court of the District of Columbia ruled that Iran had provided Hezbollah with the support needed to carry out the bombing and entered a judgment that held Iran liable for damages for the action.
States is a fatal mistake.”59 House Speaker Tip O’Neill concurred, noting that withdrawal “would say to the fanatics and terrorists of the world that they have achieved what they set out to do.”60

Others, however, argued the United States should end its role and turn over peacekeeping duties to “neutral” forces. Efforts were also soon under way to assign blame for the tragedy. Marine Commandant General P. X. Kelley testified before Congress that security “was adequate to meet what any reasonable and prudent commander could have expected” but eventually the Marine leadership in Beirut was reprimanded for what was described as lax security procedures.61 Hearings on the Hill revealed that senior military leaders continued to have reservations about the Marine deployment; General Rogers testified: “There has been continued concern expressed by those of us who wear the uniform about the mission and the location. We don’t like it.”62

Because the bombing of the Marine barracks occurred at the same time as the invasion of Grenada, U.S. leaders tended to view the events in Lebanon as indivisible from the overall Cold War competition with the Soviet Union, a train of thought the president himself followed during his prime-time address to the nation on October 27. This was understandable in its historical context: as the Reagan administration considered how to respond to the attack, it had to weigh how its actions in Lebanon might undermine the U.S. position in the Middle East—or bring the United States closer to a confrontation with the Soviet Union.

In November, France launched air strikes against the Iranian Revolutionary Guards camp in the Bekaa Valley. On December 4, 1983, U.S. Navy aircraft launched a concerted attack on Syrian air defense positions in Lebanon.†† Yet these strikes were not merely retaliatory. The United States had been sending TARPS (Tactical Aerial Reconnaissance Pod System) flights over Syrian-controlled territory in Lebanon, to pinpoint the location of the artillery batteries up in the Shouf and Metan Mountains. The Syrians and their allies started shooting at the TARPS flights. This had provided an added rationale for the strikes on Syrian positions. Yet once U.S. aircraft were lost to Syrian fire, it looked like the beginning of the slippery slope into another Vietnam-type situation where the United States would continue to escalate its involvement in the conflict, much to the worry of senior military leaders.

In the aftermath of the December 4 strikes, the United States pulled back from direct confrontation with Syrian forces. Washington had no interest in a wider clash with Syria—one in which the USSR might become involved. Some officials in senior positions in the Reagan

†† Navy pilots who flew the December 4 retaliatory strikes against Syrian SAM and 122 mm artillery batteries were upset with the micromanagement that came from Washington and Europe. Many people wondered why higher authority at the Pentagon and EUCOM had insisted on flying A-6s and A-7s at 0730 on December 4 rather than 1100, as the on-scene commanders wanted, and had insisted that so many Syrian targets be bombed at once. A late-morning strike would have made it much easier to identify the targets and would have permitted a much more orderly bomb loading of the airplanes. Instead, the battle group commander was rushed into attacking “at first light” before his planes were ready. After the raid was over, many pilots on Independence and Kennedy felt stick-and-rudder orders from higher authority had caused the loss of two airplanes, resulting in one killed in action, and one taken prisoner, to the Syrian SA-7s. Some of these concerns were raised in David Isenberg, The Illusion of Power: Aircraft Carriers and U.S. Military Strategy, Cato Policy Analysis 134 ([Washington, DC]: Cato Institute, June 8, 1990), available at http://www.cato.org/pubs/pas/pa134.html.
administration had been in government during the 1973 Arab-Israeli war, when a direct U.S.-Soviet clash in the Middle East had been a real possibility. Lebanon was not worth another such crisis, and talk about escalatory action against Syria tapered off. The Marines, however, continued to provide fire support to the LAF in its battles with various militias—including Syrian proxies—for the remainder of their deployment in Beirut.

Congress again began to explore ways to compel the withdrawal of the Marines, including an effort to find other countries to take over the peacekeeping mission and allow for U.S. forces to be replaced. Likewise, the American public, never enthusiastic about the administration’s policy in Lebanon, expressed real concerns about now being sucked into a Middle Eastern quagmire. Opinion polls during the second half of 1983 indicated almost two-to-one disapproval of the president’s handling of Lebanon. Once pilots were lost over Syrian-controlled territory—with one killed, the other captured—and New Jersey engaged in shelling, the public swung decisively toward getting out of Lebanon.

Throughout December and into January 1984, the administration continued to insist that U.S. prestige and credibility in the region would be fatally damaged if the Marines were to be withdrawn from the Beirut International Airport back to their ships. It was clear, however, that the patience of the American public was running out. Indeed, Shultz made the point that the Syrians believed they could wait out the United States, citing a comment made by Syrian foreign minister Abdel Halim Khaddam: “The United States is short of breath. You can always wait them out.”

Even with the Marines in Beirut, the LAF could not prevail in its battles. With no plan for major U.S. escalation to support the government of Lebanon, Reagan bowed to the inevitable and announced, on February 7, 1984, that the Marines would be gradually redeployed to their ships offshore. To alleviate concerns that this would be seen as a withdrawal, the next day, New Jersey engaged in a nine-hour bombardment of Syrian positions in Lebanon. U.S. firepower, however, could not turn the tide of battle in favor of the LAF. Indeed, the LAF itself began to collapse, with Muslim troops refusing to fight in the Shouf against the Druze and a major incident in which many Lebanese Shia soldiers deserted to join the sectarian militias. Despite all the positive reports about the progress being made in reconstructing the LAF, American trainers were not able to convince many of the rank-and-file soldiers to put their lives on the line for the Gemayel government. When faced with criticism from Congress over the Defense Department training program for the LAF, “Defense Department officials . . . said dealing with Lebanese factional politics was not their job; they were simply to train the Lebanese to be good soldiers.”

When Gallup and ABC News polls asked, “Do you think the U.S. should withdraw its troops from Lebanon at the present time, or not?” the results were as follows:

<table>
<thead>
<tr>
<th>Month</th>
<th>Yes, Should</th>
<th>No, Should Not</th>
<th>No Opinion</th>
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</thead>
<tbody>
<tr>
<td>December 1983</td>
<td>48%</td>
<td>43%</td>
<td>9%</td>
</tr>
<tr>
<td>January 1984</td>
<td>57%</td>
<td>34%</td>
<td>9%</td>
</tr>
<tr>
<td>February 1984</td>
<td>74%</td>
<td>17%</td>
<td>9%</td>
</tr>
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The U.S. withdrawal took place in the context of a catastrophic defeat for the Gemayel government and its loss of control over West Beirut. By February 26, the entire Marine contingent had been withdrawn from Lebanese soil, along with nearly all U.S. personnel. Only a small number of Marines remained to guard the U.S. embassy and its skeleton staff, while another small group of U.S. forces remained in Lebanon to continue with the LAF training mission. The Italians had withdrawn their contribution to the MNF on February 20, 1984, while the last French troops left by March 31.

The Long Commission had been critical of the steps that Colonel Geraghty and Lieutenant Colonel Larry Gerlach, the commanding officer of Battalion Landing Team 1/8, had taken under the rules of engagement to provide security for the Marines. On February 9, 1984, both were issued “nonpunitive” letters for their roles.‡‡ Otherwise, Reagan insisted that no one be court-martialed or fired over the events in Lebanon, declaring that he “alone was responsible” for what had transpired.65

On March 5, 1984, Gemayel announced that Lebanon was canceling the May 17 accords, which had been the centerpiece of U.S. diplomatic efforts the previous year. He was never able to regain control over Lebanon or bring an end to the fighting during the remainder of his presidential term. Only in 1989 was Saudi Arabia able to convene a meeting in Taif, Saudi Arabia, of various members of the Lebanese parliament and leaders of different factions to set up a process for national reconciliation, which led to agreements between the factions that finally terminated the Lebanese civil war in 1990.

The end of the Cold War, Syrian participation in the anti–Saddam Hussein coalition in 1990–91, and tentative steps toward improving relations with Iran after the death of Ayatollah Ruholla Khomeini in 1989 helped to create conditions for the fighting to end. Israel unilaterally withdrew from southern Lebanon in 2000, after years of taking losses in a guerrilla war fought with Hezbollah. Syrian forces were finally withdrawn in 2005 after intense international pressure following the assassination of Lebanon’s prime minister Rafik Hariri. Twenty-three years after Ronald Reagan announced that the Marines would remain in Lebanon until all foreign forces had withdrawn (and twenty-one years after the Marines left), those conditions were finally achieved.

‡‡ Geraghty chose to retire from the Marine Corps, and then began work in the Central Intelligence Agency, at its Counterterrorism Center.
§§ Actually, the system was more complex than the chart implies. Since US CINCEUR was also Supreme Allied
Commander, Europe, and this dual responsibility meant he spent most of his time at NATO Headquarters in
Mons, Belgium, his deputy U.S. commander located in U.S. European headquarters, Stuttgart, Germany, really
exercised day-to-day authority over American forces in the theater. Likewise, CINCUSNAVEUR was also the
NATO southern commander, with his NATO headquarters in Naples, Italy. His day-to-day command
responsibilities tended to be exercised by his deputy from U.S. naval headquarters for Europe in London, England.
There was another problem with the long chain of command, as noted by the Long Commission. With such a
large number of people in the chain, there is an increased possibility that those involved will assume that someone
else is handling any problems that arise.
1982

Jan 25. Moshe Arens, Israel’s new ambassador to the United States, tells reporters that Israel’s invasion of Lebanon “is a matter of time.”

Apr 7–12. United States reports Israeli troop movements. PLO placed on alert. Lebanese Army mobilized.

June 6. Israeli forces invade Lebanon. They reach the outskirts of Beirut a few days later.

June 13. Israeli cabinet tells Philip Habib it will withdraw from Lebanon upon removal of Syrian forces, creation of a strong multinational peacekeeping force independent of UN control, and creation of an internationally patrolled demilitarized zone in southern Lebanon.

July 30. Israeli troops lay siege to Muslim West Beirut and insist that PLO guerrillas in the city leave.

Aug 21–25. Multinational peacekeeping force, including eight hundred U.S. Marines, arrives to evacuate Palestinian guerrillas after Israelis capture Beirut.

Aug 23. Bashir Gemayel, a Maronite Christian and head of the Phalange, is elected to a six-year term as president of Lebanon by Christian-dominated parliament. Election is protested by many Muslim political, military, and religious leaders, but U.S. and Israeli officials are pleased.

Sept 1. United States offers Middle East peace plan.

Sept 3. Evacuation of Palestinian guerrillas from Beirut is completed.

Sept 10. Marines leave Lebanon via Beirut harbor.


Sept 20. President Reagan announces the planned redeployment of the Marines.

Sept 21. Amin Gemayel is elected by Lebanese parliament to succeed his slain brother as president.

Sept 28. President Reagan indicates Marines will stay until all foreign forces are withdrawn.

Sept 29. The first of about 1,200 Marines enter Beirut and join 2,200 French and Italian troops. Marines are deployed to southern approaches to the city.

Sept 30. Marine killed, three hurt as unexploded cluster bomb detonates on Beirut International Airport runway. Senator Charles Percy urges that War Powers Resolution be enforced.

Nov 1. State Department announces that President Reagan has agreed to Amin Gemayel’s request that U.S. Marines participate in Multinational Force patrols in East Beirut.
Dec 2. Reagan administration announces United States has agreed to rebuild and train the Lebanese Army. Goal is to approximately double size to forty thousand. Cost is set at $85 million.

Dec 28. Lebanese-Israeli negotiations on a withdrawal agreement open at Khalde, south of Beirut, under U.S. auspices.

1983

Feb 2. Standoff at Company L checkpoint between Israeli tanks and Marines.


Apr 18. U.S. embassy in Beirut car bombed; sixty-three killed, including seventeen Americans.

May 17. Israel and Lebanon sign agreement for Israeli withdrawal from Lebanon, with proviso for security zone in southern Lebanon to protect Israel against guerrilla attacks. United States also signs agreement and later exchanges letters of understanding with Israel that Israeli troops will stay in Lebanon as long as Syrian troops do.

Aug 29. First two U.S. Marines killed by hostile mortar fire.

Sept 4. Israeli troops pull back to Awali River, north of the southern port of Sidon, after leaving the Shouf Mountains. Heavy fighting breaks out between Druze and Christian militias. Druze gain the upper hand.

Sept 6. Lebanese Army joins fighting against Druze in mountain war and seizes control of strategic town of Souq el Gharb, nine miles east of the capital. Separately, two Marines die in shelling.

Sept 8. First U.S. shelling from offshore, by frigate USS Bowen.

Sept 10. Battleship USS New Jersey alerted for deployment to the eastern Mediterranean.

Sept 19. American warships off Beirut coast pound Druze forces in the mountains to stop them from overrunning Souq el Gharb. Gunfire support is repeated September 20 and 21.


Sept 29. Congress passes law (PL 98-119) invoking the War Powers Resolution and authorizing the Marines to stay in Lebanon for eighteen months.


Oct 15. Sniping and grenade attack kills one Marine, wounds three. Marines return fire, killing snipers.

Oct 23. Terrorists truck bomb the battalion landing team compound at Beirut International Airport, killing 241. Fifty-eight French soldiers simultaneously killed in truck bombing of French barracks in Beirut. Iranian-linked Muslim fundamentalists are blamed.

Nov 2. A move to cut off funding and force a Marine withdrawal early in 1984 is rejected by the U.S. House of Representatives.

Nov 4. Geneva conference ends with recommendations to President Gemayel to seek talks with President Reagan to reconsider May 17 agreement with Israel.

Dec 1. Reagan tells Gemayel in Washington that May 17 accord with Israel is still the best way to get foreign troops out of Lebanon.

Dec 4. Two U.S. Navy jets shot down during attack on Syrian antiaircraft emplacements. One flier is killed, one captured by Syrians. Eight Marines die from single shell at Beirut International Airport.


Dec 23. President Pertini of Italy calls for withdrawal of Italian military forces from Beirut. With 2,200 soldiers, Italy has largest MNF contingent.

Dec 24. Eight-day-old cease-fire is broken after French units in MNF pull out of positions in southern Beirut and hand them over to the Lebanese Army.


Dec 31. Democratic presidential candidate Walter Mondale for the first time calls for an immediate start to the withdrawal of the Marines.

1984

Jan 1. Italy announces its decision to reduce its MNF contingent by half.

Jan 2. France announces it will remove 482 troops from MNF by the end of January. Move affects one-quarter of 1,700 French troops in MNF.

Jan 3. Pentagon reveals that as many as 700 of the 1,600 Marines ashore are being shuttled onto Navy ships at night for safety. Democratic presidential candidate Jesse Jackson gains release of U.S. flier, Lieutenant Robert Goodman, from Syrian president Hafiz al-Assad.

Jan 8. Marine corporal killed by rocket-propelled grenade near British embassy.

Jan 15. U.S. ships fire on Muslim artillery in Shouf Mountains above Beirut after Marines come under three hours of shelling.

Jan 25. House Speaker Tip O’Neill, noting that Marines are “hiding” in underground bunkers, complains that Reagan misled Congress when the War Powers Resolution was adopted. “The Administration should have been better informed,” he says. Negotiations between the Lebanese government and warring factions on a U.S.-encouraged disengagement plan break down.
Jan 30. One Marine killed, two seriously wounded during firefights with Shiite Amal militiamen.

Feb 1–2. House and Senate Democratic caucuses call for “prompt and orderly” Marine pullout from Lebanon.

Feb 2. Heavy clashes in southern Beirut suburbs between Lebanese Armed Forces and Shiite militiamen. U.S. Marines and ships stay out of the fighting and do not help the Lebanese Army.

Feb 3. Reagan tells the *Wall Street Journal* that Speaker O’Neill “may be ready to surrender, but I’m not. If we get out, that means the end of Lebanon.” Three Muslim cabinet ministers quit after Nabih Berri, leader of Lebanon’s Shiite Muslims, calls for their resignation and urges Muslim officers and soldiers not to follow the orders of their commanders.

Feb 4. Lebanese prime minister submits the resignation of his cabinet.

Feb 5. President Gemayel accepts resignation of prime minister and cabinet.


Feb 7. Reagan orders phased evacuation of Marines to ships offshore. He authorizes stepped-up air and naval support.

Feb 8. Nine-hour naval gunfire attack against Syrian positions, featuring 288 rounds fired from the sixteen-inch guns of the battleship *New Jersey*, the largest naval gunfire action since Vietnam War. The United Kingdom withdraws its 115 troops in MNF from Lebanon. Italy announces decision to withdraw remainder of its troops.


Feb 10–12. Some 2,400 foreign nationals, including 884 American civilians, evacuated to American ships offshore in the fourth U.S. noncombatant evacuation operation in Beirut since 1958.

Feb 13–14. Druze militiamen rout the disintegrating Lebanese Army from the mountains southeast of Beirut and occupy positions on the beach just south of the Beirut International Airport.

Feb 15. President Reagan formally notifies Congress of his plan to remove most of the Marines from Beirut within thirty days.

Feb 20. The last 1,200 Italian MNF troops turn over checkpoints to Shiite militiamen and are withdrawn from Lebanon.

Feb 23. Saudi Arabia announces cease-fire agreement among the warring Lebanese factions.

Feb 26. Withdrawal of 1,300 Marines from Beirut completed. A hundred-man Marine security detachment remains at the American embassy to supplement the Marine security guard. Eighty U.S. soldiers remain to train the Lebanese Army. U.S. naval gunfire, including shells from *New Jersey*, directed at Syrian positions when U.S. reconnaissance jet comes under Syrian SAM fire.
Feb 29. Secretary of Defense awards Navy Unit Commendation and addresses U.S. troops aboard USS Guam off Lebanon, saying the American people have deep respect “for the job you did and the way in which you did it. It was perhaps one of the toughest and, I suppose, most miserable tasks ever assigned.”

Mar 5. Lebanese government formally cancels its May 17, 1983, troop withdrawal accord with Israel following meeting between Amin Gemayel and Hafiz al-Assad. Israel assails action; United States expresses regret.

Mar 11–20. Nine days of Syrian-sponsored Lebanese national reconciliation talks intended to satisfy Muslim demands for greater political power at all levels of government end in deadlock.

Mar 24. France announces it is withdrawing its remaining 1,250 troops from Beirut, to be completed by March 31. Eighty-six French soldiers have been killed in Lebanon since September 1983.

Apr 26. Lebanese president Gemayel appoints former prime minister Rashid Karami, a pro-Syrian Sunni Muslim, to head a new government of national unity charged with restoring Lebanese stability and reforming the system of government.

May 10. First meeting held of Lebanese unity cabinet, which consists of leaders from all warring Christian and Muslim factions. Members of the cabinet include former president Camille Chamoun; Pierre Gemayel, the head of the Christian Phalange Party; Walid Jumblatt, Druze militia leader; and Nabih Berri, head of Shiite Amal militia.
NOTES


13. Cannon, President Reagan, 347.


21. See the relevant documents in 34 U.S.T. 1833–40.


24. See ibid.


34. See the Weinberger interview.


47. Quoted in Kelly, "Lebanon, 1982–1984."


51. This was not an issue simply with regard to Lebanon; it was observed as a general characteristic of the Reagan administration as a whole. See Peggy Noonan, What I Saw at the Revolution: A Political Life in the Reagan Era (New York: Random House, 1990), 169–79.


54. “A Reluctant Congress Adopts Lebanon Policy.”

55. Ibid.

56. Ibid.

57. Quoted in Yoshitani, Reagan on War, 110.

58. Quoted in ibid., 111.


60. “A Reluctant Congress Adopts Lebanon Policy.”

61. Kelley’s testimony has been archived at http://www.beirut-memorial.org/history/kelley.html.


65. “A Reluctant Congress Adopts Lebanon Policy.”
My wallet really is small. . . The combatant commanders don’t buy stuff except in specialized areas. You have to, at the end of the day, pitch it to the services, (to) acquisition folks at the various service secretariats and OSD (Office of the Secretary of Defense). The combatant commanders can help pull, but you have to push.1

Admiral Harry Binkley Harris Jr., Twenty-Fourth Commander, United States Pacific Command

The provisions of the 1947 National Security Act (and its subsequent amendments) and the 1958 Defense Reorganization Act (all summarized at the end of chapter 3) have had the impact of creating a “product to customer relationship” between the services and the combatant commands (CCMDs). The services have retained the authority to organize, train, equip, and support military forces, while each combatant command has operational control of the forces in its theater to be able to execute military missions assigned to the combatant commander by the president through the Secretary of Defense. The combatant commands are focused on activities within their geographic or functional areas of responsibility, current operations, future plans, and the capability of assigned forces to execute current operations and future plans. Service chiefs are responsible for developing forces (through programming and budgeting) and for providing trained and ready forces to the Secretary of Defense for assignment to the combatant commander in the execution of military operations. This relationship between the services and the combatant commands continues to have a significant impact on force planning. Yet the optimal or appropriate role of the combatant commander and combatant command in U.S. force planning remains a topic of opinion and perspective.

Force planning involves creating a future force structure that will operate in the future security environment. The performance and effectiveness of the current force structure in current operations may serve as an indicator of required performance in future forces but a range of future potential capabilities may also need to be considered. Force planning includes analysis of future or developing technology, systems integration, reliability, maintenance, and logistics support. The combatant commander is the forward sensor who sees and understands the immediate environment, but generally does not have the mandate (or the personnel and structure) to identify and analyze in depth the future aspects of force planning, in particular when it comes to the intensive analysis required for effective force structure development. The services are charged with the mission of training and equipping, but are less connected to the frontline demands that will be placed on the force. Thus, the combatant commands are in a

* This appendix is derived from a briefing paper developed by Sean Sullivan.
better position to identify their anticipated requirements to carry out missions, but the services possess the permanent analytical force planning staffs that are able to make effective recommendations regarding the quantity, cost, and maintenance plan for an entire program of equipment and systems that field the required capability within the joint force.

Thus, in terms of what is found in Title 10 of the U.S. Code, the combatant command’s role in force planning has remained limited. Combatant commands have small budgets that must be authorized by the Secretary of Defense and are statutorily limited to funding for joint exercises, force training, contingencies, and selected operations. The main role played by the combatant command in the force planning process is the preparation and submission of the integrated priority list (IPL). This is an annual document—generally submitted to the Joint Staff by mid-November each year—detailing a combatant commander’s highest-priority requirements, prioritized across service and functional lines, defining shortfalls in key programs that, in the judgment of the combatant commander, adversely affect the capability of the combatant commander’s forces to accomplish their assigned mission. The growth of piracy off the shores of West Africa, interrupting vital trade routes, especially for energy being shipped to U.S. markets, might cause U.S. Africa Command to request additional naval and maritime capabilities to secure sea lines of communication and bolster the coast guard capabilities of local partners. In turn, by providing these recommendations, the combatant commander is able to signal needs that will be taken into account by the Planning, Programming, and Budgeting system process.

This document, however, is only the start of the overall force planning process. The bulk of force planning responsibilities still falls on the services. Title 10, section 3013, of the U.S. Code, for instance, assigns the authority for force structure development to the service secretaries. In turn, the Secretary of Defense requires the services annually to formulate a budget for one year and a program that encompasses an additional four years. This document is called a program objective memorandum (POM) and contains the resource allocation decisions of the services in response to and in accordance with planning and programming guidance received from the Office of the Secretary of Defense (OSD). The combatant commander’s IPL submission is reviewed and balanced against other guidance that is provided to the services. As former Secretary of the Air Force Michael Donley testified before the Senate Armed Services Committee in December 2015: “The bottom line, however, is that while Combatant Commands play an important role in setting demand signals by defining force and capability requirements, and are consumers of ready forces, strategic decisions on how to allocate resources and risks ultimately belong to the Secretary of Defense based on the advice of his OSD principal staff assistants and military advisors (i.e. the [Chairman of the Joint Chiefs of Staff]/[Joint Chiefs of Staff]/Joint Staff), and the Services’ senior civilian leadership."

Rivalry and competition among the services are ever present in U.S. force planning. President Truman recognized the impact of this competition on operations, roles and missions, programming, and budgeting and led the reform effort that resulted in the National Security Act of 1947. However, unification of the military departments under an overarching Secretary of Defense did not eliminate competition among the services. Decades of reform and institutional emphasis on joint warfare have not diminished the impact of the services in force planning and their ability to create forces that promote service interests and culture.
Further reforms designed to increase the authority of the Chairman of the Joint Chiefs of Staff have not necessarily mitigated this problem. Some of the stipulations of the 1986 Goldwater-Nichols legislation (summarized in greater detail in chapter 3) require the Chairman of the Joint Chiefs of Staff to provide his or her advice and assessment of the requirements, programs, and budget priorities of the combatant commanders. Indeed, the chairman is required, at the time the president submits his or her budget to Congress, to prepare a report for the Senate and House Armed Services Committees (the Annual Report on Combatant Command Requirements) that contains a consolidated list of each combatant command’s IPL. The chairman provides his or her comments and makes an assessment of the extent to which the most recent Future Years Defense Program (FYDP) addresses the requirements detailed within the IPL submissions.7

The responsibility to provide advice through the chairman’s assessment of the various services’ programs and budgets in consideration of the requirements of the combatant commands strengthened the chairman’s influence on resource decisions impacting joint warfare by creating an advocate-like relationship between the chairman and the combatant commanders.7 Even though the reforms increased the authority of the chairman, they were not followed by significant changes to the processes that are tasked with overseeing the programming and budgeting of the joint force. The increased participation of the combatant commands in force planning has not significantly mitigated or balanced the effects of service interests or increased the impact of joint warfare considerations in force structure development. Evolving the chairman and combatant commander relationship into one of advocacy for joint warfare has not significantly diminished the power and influence of the services in force planning.8 Absent statutory reform that subordinates the services to the chairman in force structure development, the services will have the power and authority to develop forces that meet their interests first and joint interests when possible.9

In March 2003, Secretary of Defense Donald Rumsfeld chartered the Joint Defense Capabilities Study to analyze how the department developed and resourced joint capabilities. Former Under Secretary of Defense for Acquisition, Technology, and Logistics Peter Aldridge was selected to lead the study, which became commonly referred to as the Aldridge Report.10 The Aldridge Report assessed that despite the proficiency of the U.S. military in operations, the processes that conducted force planning did not optimize investment in joint capabilities that would be most effective in operations in the future security environment. The report was also critical of the performance of the services in the process. Specifically, the report stated that the services dominated the current process and tended to focus on service-specific programs and capabilities rather than joint capabilities needed by the combatant commanders to meet their missions. Additionally, the services did not consider the full range of solutions, and joint considerations were forced into the program at the later stages of the process.11 “Combatant Command involvement was minimal. [CCMD] needs were implicitly communicated through

† The FYDP is a consolidated projection of the major defense acquisition programs of the services for the current budget year and the next five years, with comments provided by the Chairman of the Joint Chiefs of Staff on how the budget submission for the coming fiscal year, as well as for subsequent fiscal years covered by the FYDP, addresses the needs of the program. The FYDP, as approved by the Secretary of Defense, serves as the programmatic and financial plan for the department as a whole, outlining costs, manpower, force structure, and equipment requirements.
operational plans and Integrated Priorities Lists . . . rather than explicitly through requirements documents. However, the Services viewed the IPLs as unconstrained wish lists, while the CoCom [CCMD] saw the IPLs as largely ignored until the Services were forced to fund selected aspects during program review.”

The Aldridge Report recommended an increased role in programming for the combatant commands. It sought to strengthen the link among strategy, operational objectives, the security environment, and forces. The Aldridge Report recommendations envisioned a systemic change in the process where capabilities would no longer be “pushed” to the combatant commands but where the combatant commands would “pull” the necessary capabilities from the process.

When the Department of Defense (DoD) implemented the Joint Capabilities Integration and Development System (JCIDS) in 2004, the process included an enhanced role for the combatant commands. Not long after its implementation a number of think tanks and government analytical organizations commenced studies on the impact and effectiveness of capabilities-based planning and JCIDS.

Following the release of the Aldridge Report, and in the run-up to the twentieth anniversary of the passage of the Goldwater-Nichols Act, the Center for Strategic and International Studies, a bipartisan nonprofit think tank in Washington, DC, launched a series of studies called Beyond Goldwater-Nichols (BGN). Focused on defense planning and reform, the BGN studies also assessed the role of the combatant commands in defense planning. “The current requirements process remains Military Service–centric and does not easily accommodate emerging COCOM [CCMD] needs in a timely manner,” according to one of the studies. “There remains a major disconnect, for only the COCOMs [CCMDs], who are responsible for planning and conducting military operations, have operational requirements. They are the ultimate ‘customers’ for the capability provided by the Military Services, defense agencies and [Special Operations Command], the ‘joint provider’ of special operations capabilities. Therefore, the COCOMs [CCMDs] must be given mechanisms to shape requirements demand to fill current and future needs.”

The BGN study considered the “chief customers” of the services to be the combatant commands, since they provide the “center of capabilities demand.” The study assessed the challenges in the combatant command / service relationship. Combatant commanders are operational commanders and the focus of their staffs is on planning and execution of military operations. Combatant command staffs have small suborganizations that focus on capability development. Capability development analysis also involves the component commands and these staffs are also focused on operations vice force planning. Further, the current operational tasks of combatant commands result in a focus on current or near-term missions. Force planning and programming are midterm or long-term enterprises best left to the service staff.

Over the last decade, the Department of Defense has implemented several actions to increase and improve the combatant command’s input into force planning. These actions have altered existing formal defense resource allocation processes. During this period, the department has placed significant emphasis on improving urgent acquisition processes. Additionally, the combatant commands have played a central role in the identification of urgent needs and initiation of capability solutions that meet their needs. As Secretary Donley has pointed out:
“The organizational relationships established in DoD’s key management processes ensure there is joint input and review in Service resource allocation and acquisition. They provide Combatant Commands a necessary link and voice, but are also intended to keep Combatant Commands focused on their deterrence, warfighting, planning, and engagement responsibilities, minimizing the need for these headquarters to have large programming staffs duplicating the work of their Service force providers. At the same time, the Combatant Commands need J-8 functions to interact with the Joint Staff and Services on matters related to program evaluation and resource allocation.”

Currently, the Chairman of the Joint Chiefs of Staff, per the authority given to him or her in Title 10, section 163, paragraph 2(a–d), of the U.S. Code, communicates the requirements of the combatant commanders to the Secretary of Defense and other elements of the Department of Defense. In the execution of this function, the chairman provides the combatant commands with the opportunity to participate in defense resource allocation processes. Combatant commands provide representatives to many of the boards and councils within the formal processes of defense resource allocation, thereby engaging the combatant commands’ experience and perspective.

In terms of the formal processes, here are some of the entry points for the combatant commander.

The Joint Requirements Oversight Council (JROC) assists the Chairman of the Joint Chiefs of Staff with the chairman’s responsibility (contained in Title 10, subtitle A, chapter 7, section 181) to identify, assess, approve, and prioritize joint military requirements. The JROC is the highest-level board within the Joint Staff’s formal decision-making process. The combatant commanders are highly encouraged to participate in the JROC; the chairman can also direct combatant command representation. (The composition of the JROC is described in figure 1.) Indeed, “in the Weapon Systems Acquisition Reform Act of 2009, Congress directed the JROC to seek and consider input from the commanders of the [CCMDs] on proposed joint military requirements. The act formalized steps Joint Staff leadership had taken to improve collaboration with [CCMDs].”

The JROC utilizes the Joint Capabilities Integration and Development System to execute its statutory responsibility to the chairman for the conduct of analytical work required to evaluate, assess, and validate capabilities and programs. The JROC is the senior joint military assessment and validation authority within the system. Recommendations regarding capabilities, capability gaps, or program performance parameters are validated by the JROC and the decision is published in a JROC memorandum, which is required to initiate programming and budgeting actions by services and agencies. (However, as the Government Accountability Office has noted, “JROC approval is only the first step toward fielding a new capability—the development and acquisition of the capability may take several more years.”)

Combatant commanders also have a role to play in the Joint Strategic Planning System (JSPS). The JSPS is used by the chairman to conduct deliberate and continuous assessment to provide advice to the president and Secretary of Defense, and to develop strategic direction to the joint force.
The cycle begins in June with a data call to both combatant commands and services for inputs to the chairman’s Comprehensive Joint Assessment (CJA), due to the Joint Staff by September 30, in order to provide a central mechanism for describing the strategic environment and threats and opportunities present—and the state of the different organizations and their requirements. The CJA, utilizing both a survey and a compilation of other assessments, is designed to allow for integrated analysis to begin on October 1.\textsuperscript{23}

During the first quarter of the new fiscal year, the combatant commands submit their IPLs. The Department of Defense’s Science and Technology program (S&T) also works to match the combatant command’s projected capability needs and gaps with likely and promising developments where new technologies are expected to come on line via what are referred to as STIPLs (Science and Technology integrated priority lists). As Susan Davis notes, “The STIPL provides a starting point to identify [CCMD] S&T needs, connect the S&T enterprise, highlight end user needs with matching investment, determine areas of need not addressed by the enterprise, and facilitate answers to [CCMD] requirements.”\textsuperscript{24} For instance, if a combatant command is looking for ways to anticipate, utilize, or mitigate cyber operations so as to enhance or preserve freedom of action during kinetic operations, it might be reflected first in an IPL and then in the STIPL submission.

IPL submissions then initiate the chairman’s Capability Gap Analysis (CGA) process. (See figure 2 for combatant command input into the process.) The CGA process is a periodic review of the IPLs, the Future Years Defense Program, and other inputs from the services and other

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**Joint Requirements Oversight Council (JROC) Membership**

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<th>Chair:</th>
<th>Vice Chairman, Joint Chiefs of Staff</th>
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<td>Secretary:</td>
<td>Director, Joint Staff J-8 (Force Structure, Resources, and Assessment)</td>
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<td>Combatant Commander Representatives (Commander or Deputy Commander)</td>
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<td>Advisory Members:</td>
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<td>Other civilian of the Department of Defense as designated by SECDEF</td>
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REF: CJCSI 5123.01F (10 JAN 12)

Figure 1: The Joint Requirements Oversight Council
Defense Department components. The IPLs and other capability gaps are assessed and analyzed within JCIDS. The CGA considers matériel and nonmatériel capability solutions and current programs that address the capability gaps. During this process, the JROC may also recommend solutions or mitigations for new or modified capability requirements and associated capability gaps. The JROC is the final decision authority in the CGA process and ensures that the timing of the CGA can influence OSD’s Program and Budget Review (PBR), which is conducted from July to December each year.25

The CGA informs the development of the Chairman’s Program Recommendation (CPR), the chairman’s personal recommendations to the Secretary of Defense regarding programming and budgeting. It also serves to inform the services’ own programmers of the chairman’s priorities as they begin to develop their POMs. (The Directorate for Force Structure, Resources, and Assessments [J-8] is responsible for the preparation of the CPR.)

Upon receiving the CPR, the Secretary of Defense will consider its recommendations and advice in the development of the secretary’s Defense Planning Guidance (DPG). Published at the end of the second quarter of each fiscal year, the DPG, prepared by the director and staff of the Office of Cost Assessment and Program Evaluation (CAPE) within OSD, is the secretary’s guidance to programmers. By early July, service and component POMs have been drafted and submitted to OSD, where, for the rest of the calendar year (usually until December), an
extensive review is undertaken to ensure that the items that will be included in the president’s budget submission the following February conform to the fiscal guidance established by the director of CAPE—and to reflect the guidance provided in the CPR and the DPG. During this PBR, led by the Deputy Secretary of Defense, the chairman provides the Chairman’s Program Assessment (CPA) on the POMs that have been submitted to assess the extent to which they conform with previously set strategic priorities—including whether the concerns of the combatant commanders have been addressed.\textsuperscript{26} The combatant commanders retain the right to provide input to the chairman in the development of the CPA and other net assessments and to provide to the services prioritized funding requirements as they develop their POMs.\textsuperscript{27} For the most part, however, they are not key players in the force planning and budget processes, but must rely on the chairman, the Joint Staff, and the services to take into account their interests.\textsuperscript{28} 

While this process is ongoing within the department, DoD has already begun to review its likely budget requests with the Office of Management and Budget (OMB). In the fall, as the chairman is issuing his CPA, OMB is also conducting its own review, and raising its own concerns (and those of the White House). Only after the OMB director and the Secretary of Defense (and, if necessary, the president) have resolved any outstanding issues is the final budget submission prepared for transmittal to Congress.\textsuperscript{29} What started with input solicited from the combatant commands has now reached its final destination.
NOTES


2. See Goldwater-Nichols Department of Defense Reorganization Act of 1986, 10 U.S.C. § 166(a) and (b).


11. Ibid.

12. Ibid., 2-4.

13. Ibid.


15. Ibid., 5–6.

17. Donley statement.


23. Chairman of the Joint Chiefs of Staff, *Joint Strategic Planning System*, CJCSI 3100.01B (December 1, 2008), A-9, A-6.


27. Chairman of the Joint Chiefs of Staff, *Chairman of the Joint Chiefs of Staff, Combatant Commanders, Chief, National Guard Bureau, and Joint Staff Participation in the Planning, Programming, Budgeting and Execution Process*, CJCSI 8501.01B (August 21, 2012), A-3.

