

U.S. Foreign Policy: The U.S. Foreign Policy Establishment

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1 The National Security Establishment

The **national security establishment** consists of several centers of power within the executive branch: (1) the **national security triad**, which comprises the Secretary of Defense, the Secretary of State, and the National Security Advisor, all of whom are also members of the **National Security Council** (the secretaries are statutory members); (2) the Chairman of the Joint Chiefs of Staff (JCS); (3) the Director of National Intelligence (formerly, the Director of Central Intelligence, the head of the Central Intelligence Agency); and (4) the Secretary of Homeland Security.

The national security establishment was created in 1947 by the **National Security Act** to deal with the inadequacies of the Department of State in dealing with the emerging threat that was the Soviet Union. The act created the National Security Council and the office of Secretary of Defense to oversee the Army and the Navy, established the Department of the Air Force, reorganized intelligence into the Central Intelligence Agency (CIA), and founded the Joint Chiefs of Staff (JCS). The position of Secretary of Defense was anomalous because the Air Force had its own department and the service secretaries of the Army, Navy, and Air Force had cabinet status as well. This was revised in 1949, when all three services were combined in the newly established Department of Defense (DOD), and then subordinated to the Secretary of Defense, who remained the sole cabinet-level authority. Another act in 1958 finally gave the Secretary authority over all elements in DOD, and moved decision-making from the military departments to the Secretary and the JCS. (The JCS will themselves be removed from the chain of command in 1986.)

The **Department of Defense** (DOD, Pentagon) is a **line agency** — meaning that it carries out policies and provides services — tasked with the execution of national security policies. It plans and organizes the military, devises military strategy, proposes defense budgets, and decides on weapons acquisition. With approximately 3.2 million employees (both military and civilian) and responsible for more than 2 million military retirees, it is the largest employer in the world. With its expenditures at about 45% of the global military total, it is also by far the largest military

spender in the world (more than the next 17 largest military spenders combined). It is also the largest consumer of energy in the country, gobbling up more oil than Sweden and using only slightly less electricity than Denmark.¹ DOD's FY 2013 budget was \$614.8 billion, and despite sequestration cuts and unavailability of trust fund resources, its total operating budget in that year amounted to \$1.1 trillion. The Department owns and manages about \$2.2 trillion in assets.² To get a sense of these numbers, the total size of the U.S. economy was estimated to be about \$17 trillion in 2014, and the federal government spent a total of \$3.5 trillion in FY 2013.³ Thus, DOD's budgetary resources amounted to 31% of federal government expenditures, and 6.5% of GDP. In terms of its assets, DOD manages about 13% of the national economy. Globally, DOD's operating budget would put it among the top 15 countries ranked by their 2013 GDP! In other words, it spent more than most countries produced in that year.⁴

As one would expect, this vast of an organization controlling such immense resources has very powerful constituencies. In his dual role as advisor to the President on defense policy and head of a line agency, the Secretary of Defense has to tender his views on the types and size of forces necessary to implement desired particular foreign policies while simultaneously responding to departmental needs to determine the overall composition of forces necessary to maintain U.S. global posture, including training and planning, and somewhat more parochial pressures that influence decision on weapons acquisition. The Secretary must also be responsive to the security needs of the country in a changing environment. As such, the Department has been involved in several major attempts to restructure the armed forces to enable them to carry out their traditional mission as defined by the President (e.g., fight one major and one regional conflict simultaneously or fight two regional conflicts

¹Gregory J. Lengyel. 2007. "Department of Defense Energy Strategy: Teaching an Old Dog New Tricks." Washington, DC: The Brookings Institutions. <http://www.brookings.edu/~media/research/files/papers/2007/8/defense%20lengyel/lengyel20070815>, accessed July 8, 2014.

²The total budgetary resources include contributions from the Treasury for retirement and health benefits, appropriations to finance civil projects by the Army Corps of Engineers, retirement and Medicare trust funds, unobligated balances from FY 2012, among others. See Department of Defense. "FY 2013 DoD Agency Financial Report," pp. 22–23, and summary in Figure 9, p. 27. <http://comptroller.defense.gov/FinancialManagement/Reports/afr2013.aspx>, accessed July 8, 2014.

³For the nominal GDP, see http://ycharts.com/indicators/us_monthly_gdp. For the government expenditures, see <https://www.cbo.gov/publication/44716>, both accessed July 3, 2014.

⁴Data available from "Statistics Times", *World GDP (nominal) Ranking*, <http://statisticstimes.com/economy/world-gdp-ranking.php>, accessed February 22, 2016. The top 15 were the U.S. (\$17 trillion), China (\$9.5), Japan (\$4.9), Germany (\$3.7), France (\$2.8), U.K. (\$2.7), Brazil (\$2.4), Italy (\$2.1), Russia (\$2.1), India (\$1.9), Canada (\$1.8), Australia (\$1.5), Spain (\$1.4), South Korea (\$1.3), and Mexico (\$1.3). With its \$1.1 trillion budget, DOD would be next, followed by Indonesia (\$0.9).

simultaneously) as well as missions required by emergent threats (e.g., counterinsurgencies, unconventional conflicts, pacification, and even nation-building).

Congress itself is heavily involved with the DOD, not only because it must allocate its limited resources between military and non-military priorities (the perennial **guns-versus-butter** problem) but also because it must appropriate DOD resources within specific budget categories. For example, the FY 2013 enacted budget of \$614.8 billion had two parts: \$527.5 billion in base operating funds and \$87.3 billion for Overseas Contingency Operations (OCO). The total budget was split into seven major appropriation categories:⁵

<i>Appropriation</i>	<i>\$ bn</i>	<i>Share</i>
Operations and Maintenance	\$272.8	44%
Military Personnel	\$149.7	24%
Procurement	\$109.8	18%
Research and Development	\$69.6	11%
Military Construction	\$8.9	2%
Other	\$4.1	1%

Table 1: DoD FY 2013 Enacted Budget by Appropriation.

Large allocations on R&D, procurement, and construction — among other things — can all provide many occasions for political struggles in Congress, resulting in hearings on everything from strategy (what capabilities might be necessary) to resource allocation (how to provide the necessary capabilities). These struggles can easily involve the different services directly, with each supporting its own preferred alternative that would (naturally) tend to preserve or magnify its own importance and reach. When Congress decides on cuts to the military budget, these struggles become more politicized and very open. When these cuts involve potential closure of bases and large layoffs from the vast DoD civilian workforce, Congress can become so deeply involved with the military establishment that budgetary debates turn into debates on strategy, national interests, and even strategy for achieving national goals.

Thus, on one hand the structure of DoD, the military professionalism of the U.S. armed forces, and the traditional subordination of the military to civilian control all work to ensure a limited and indirect role of the military in politics. The military does not, as a rule, participate in the setting of national goals or formulation of policy. Its role is limited to advising on options (although, of course, biased advice can skew the outcomes) and managing the administrative and operational aspects of policy implementation. On the other hand, politics can get involved with the

⁵Department of Defense. 2013. *Agency Financial Report Fiscal Year 2013*, pp.8-9. Available at <http://comptroller.defense.gov/FinancialManagement/reports/afr2013.aspx>, accessed July 7, 2014.

military as budgetary and political considerations threaten the livelihood of DoD personnel or the viability of U.S. military posture.

The **National Security Council** (NSC) is a specialized exclusive circle of people close to the president which advises him on foreign policy. It is the least publicized but perhaps most powerful government unit when it comes to foreign policy. The NSC is chaired by the President and has seven statutory members — the Vice President, the secretaries of State, Defense, and Energy, the Chairman of the JCS, and the directors of National Intelligence and National Drug Control Policy — several regular attendees — the National Security Advisor, the White House Chief of Staff, and the Attorney General — and as many additional participants as the President sees fit to invite (e.g., the secretaries of the Treasury and Homeland Security, the Ambassador to the United Nations, and the director of Office of Management and Budget, among others). It is this body that plays the crucial role on national security matters, foreign policy formulation, and inter-agency coordination.

The NSC is a **staff agency** — it does not oversee operations or conduct policies itself — and it maintains a small staff to advise its members. In 2009, this staff was merged with the staff supporting the **Homeland Security Council** (HSC) to form a unified **National Security Staff** (NSS). The two councils (NSC and HSC) continue to be independent.⁶ Since the President gets to decide the membership in the NSC (aside from the statutory participants), the Council can be very responsive to his needs.

Since it is a staff agency, the NSC does not have the vested interests of a traditional bureaucracy and tends to be less encumbered with inter-agency concerns. Moreover, since the President can appoint the National Security Advisor without confirmation by the Senate, this person tends to represent the President's interests very closely and can offer advice that is free of constraints imposed by the clientelles in the service departments. This advisor can also become fairly influential, as McGeorge Bundy was under Kennedy and Johnson, Henry Kissinger under Nixon and Ford, and Zbigniew Brzezinski under Carter.

It is important to understand that the president decides how — if at all — the NSC should be used. Some presidents, like Eisenhower and Nixon, prefer to have a well-defined formal system complete with committees and clear procedures. Others, like Ford and Carter, prefer a somewhat less rigid system that gives more prominence to the advisor. Reagan also tried a formal system but when his advisors came into conflict with other members of NSC, resignations (of Secretary of State Haig) and

⁶The HSC was established in 2001 to advise the President on homeland security matters. Its statutory members are the Vice President, the secretaries of Treasury, Defense, Health and Human Services, Transportation, and Homeland Security, the Chairman of the JCS, the Attorney General, the administrator of FEMA and the director of the FBI. As with the NSC, the President can invite additional participants depending on particular needs. Among them one regularly sees the White House Chief of Staff, the National Security Advisor, and the director of the Office of Management and Budget.

high turnover (NSAs Allen, Clark, McFarlane, Poindexter, Carlucci, Powell) followed. Some, like Kennedy and Johnson, bypassed the NSC entirely, relying on ad hoc groups of informal advisers.

The **Joint Chiefs of Staff** (JCS) was created as the primary advisor to the President and the Secretary of Defense on military matters — strategic thinking and readiness assessments — and is second in importance only to the NSC when it comes to national security policy. The JCS originally consisted of a (non-voting) Chairman, the Chief of Staff of the Army, Chief of Staff of the Air Force, and the Chief of Naval Operations. The Chairman acquired voting rights in the 1958 reorganization of DOD, which also shifted command authority from the military departments to the JCS. The Commandant of the Marine Corps was consulted regularly but did not become a regular member until 1978. In 1986, the position of Vice-Chairman was added to aid in resource allocation. This reorganization also removed the JCS from operational command of the armed forces, which now flows from the President to the Secretary of Defense, and from there to the commanders of Unified Combatant Commands directly. In 2012, the Chief of the National Guard Bureau was added to the JCS as well, bringing the total number of members to seven.

The most important person in this collective is the Chairman, who is responsible only to the President and the Secretary of Defense. The importance of this position can be magnified during times of internal discord within the military. The usual cause of such discord is congressional intent to cut the military budget. Since career success is typically tied to service in one of the services, and because each service has its own distinct traditions, missions, and organizational culture, there is invariably serious disagreement about the distribution of these cuts. Each service wants others to bear the brunt of reductions, and service parochialism can be extremely difficult to overcome even within the JCS collective. As someone who is supposed to stand above these centrifugal tendencies, the Chairman can coordinate a joint strategy and readiness assessment, and since only he has direct access to the President, his views can carry quite a bit of weight under these circumstances.

2 The Foreign Service Establishment

The **Department of State** (DOS, Foggy Bottom) is the principal diplomatic arm of the U.S. government. Created in 1789 (as the Department of Foreign Affairs), the first executive line-agency under the new Constitution, it is the senior member of the national security establishment. Headed by the Secretary of State, it maintains the American embassies abroad, represent the United States, conducts international negotiations, advises the President on foreign policy, and proposes and manages the budget for international affairs. The Department operates country desks that are grouped into regional bureaus (e.g., relations with Russia and the European Union

would be the responsibility of the Bureau of European and Eurasian Affairs). The Department also operates functional units that cut across geographic boundaries (e.g., Arms Control, Verification, and Compliance).

The State Department operates more than 270 embassies in over 180 countries, as well as many other offices related to its tasks. Its operating costs were \$25 billion in FY 2013, with total budgetary resources of \$60.6 billion, and total assets of \$84.8 billion (i.e., a fraction of Defense). It employed about 71,000 people, a third of whom are foreign and civil service personnel, and the bulks are locally employed staff (foreign nationals and contractors).⁷

Unlike the obviously coercive role of the Pentagon, Foggy Bottom's focus is on negotiation and compromise. The foreign service officers operate in a very traditional diplomatic environment with its own, centuries-old, rules and etiquette. The process of socialization into this culture produces bureaucrats and officers with very different viewpoints from their counterparts in the Pentagon. It is not unusual for DOD and DOS to work at cross-purposes and for the Secretaries of State and Defense to engage in serious disagreements over policy. The traditional dominance of regional bureaus in the Department has also interfered with its ability to devise coherent long-range overall policies linked to domestic concerns.

The Presidents also often complain that State is resistant to changes, that it is very slow, that it botches orders and fails to lead in foreign affairs, and its staff analyses are not very good, and that it is a bureaucracy out of touch and run amok. Even though in principle it should be the President's main advisor on foreign policy, DOS can be obscured by a powerful National Security Advisor (Kissinger) or a powerful Secretary of Defense (Rumsfeld).

3 The Intelligence Establishment

The **intelligence community** (IC) is the most important source of information and analysis for the government and comprises 16 separate organizations (as of 2014).⁸ The IC collects data from various sources: (1) human agents, (2) communications (radio, internet, phones), (3) electronic (radar), (4) imagery (satellites, reconnais-

⁷United States Department of State. "Fiscal Year 2013 Agency Financial Report," pp. 8–9, 39. <http://www.state.gov/s/d/rm/rls/perfrpt/2013/>, accessed July 3, 2014.

⁸We shall not discuss all of them, but here they are for reference. In addition to the CIA, there are eight agencies in the Department of Defense — Air Force Intelligence, Surveillance, and Reconnaissance (AFISR), Army Intelligence (G-2), Office of Naval Intelligence (ONI), Marine Corps Intelligence, Defense Intelligence Agency (DIA), National Reconnaissance Office (NRO), National Security Agency (NSA), and the National Geospatial-Intelligence Agency (NGA) — the five agencies run by different departments — Department of Energy's Office of Intelligence and Counterintelligence, Department of Homeland Security's Office of Intelligence and Analysis and the Coast Guard Intelligence, Department of State's Bureau of Intelligence and Research, Department of the Treasury's Office of Intelligence and Analysis — and the stand-alone agencies — the Drug Enforcement Administration (DEA), and the Federal Bureau of Investigation (FBI).

sance flights, drones), (5) signature and measurement (seismic, acoustic, optical data). It then processes it into digestible form, analyzes it, and disseminates it to interested parties, most often other intelligence or national security agencies, although occasionally to private parties as well.

As of 2013, the five mission objectives of the IC are (1) providing the U.S. government with early warning of critical events, which range from economic instability and social unrest to emerging threats and potential state failure; (2) combating terrorism by monitoring extremist groups that are plotting or suspected of plotting against the U.S. and its allies, and potentially disrupting their operations; (3) preventing the proliferation of weapons of mass destruction; (4) preventing cyber attacks on U.S. information systems and penetrating those of its adversaries; and (5) defending against foreign espionage. In that year, the IC employed 107,035 people, mostly civilians but also 23,400 military (two thirds of whom work for the NSA), and 21,800 full-time contractors. With respect to its five missions, the IC proposed to spend 39% of that year's budget on early warning intelligence, 33% on combating terrorism, 13% on counter-proliferation of WMDs, 8% on cybersecurity, and 7% on counterintelligence.

The primary agency in this establishment is the **Central Intelligence Agency** (CIA), which was created by the 1947 act from the wartime Office of Strategic Services. Among its various responsibilities are (1) overall coordination and integration of intelligence from other agencies involved with national security, (2) analysis and dissemination of this intelligence, (3) covert operations, and (4) counterintelligence in support of the FBI. The Director of Central Intelligence (DCI) used to be a frequent participant in NSC meetings and the person to brief the President on intelligence-related matters. After the 9/11 terrorist attacks, however, Congress reformed the system and created the office of **Director of National Intelligence** to replace the DCI as the main coordinator for the intelligence community. The DNI advises the President, participates in NSC meetings as necessary, and is called to congressional intelligence oversight committees (the Senate Select Committee on Intelligence and the House Permanent Select Committee on Intelligence). Recently leaked budget requests reveal that the CIA has come to dominate the IC in funding, accounting for 28% of the money spent on intelligence outside of specialized military agencies (see Table 2). The Agency has grown from about 17,000 employees at the end of the Cold War to over 21,000 in 2013. It spends most of its resources on data collection, which includes developing human assets and providing for the security of its operations abroad. More recently, the CIA has expanded its paramilitary forces to manage drone operations, and even though we have no precise figures the 2013 budget request included a line item of \$2.6 billion for covert action programs, which range from drone operations to payments for militias and saboteurs.

The CIA is the center of the intelligence establishment and the scope of its operations is very large. Some vagueness here is inevitable because most organizational information and all operational details are secret. We do not know generally

how large its classified budget is, let alone what the Agency is spending its money on. After protracted wrangling with citizen organizations, the government finally started to release the total figures in 2007, but it still does not disclose how the money is used. In 2013, the documents leaked by former NSA employee Edward Snowden included a summary for the National Intelligence Program as part of that year’s Congressional Budget Justification. The so-called “black budget” of the Office of DNI includes the normally the top-secret figures of requested allocations per agency, and details the goals of the IC along with the progress (or, in many case, the lack of progress) toward achieving them.⁹

<i>Agency</i>	<i>\$ bn</i>	<i>Share</i>
Central Intelligence Agency	\$14.7	28%
National Security Agency	\$10.8	21%
National Reconnaissance Office	\$10.3	20%
National Geospatial-Intelligence Agency	\$4.9	9%
General Defense Intelligence Program	\$4.4	8%
Justice Department	\$3.0	6%
Office of Director of National Intelligence	\$1.7	3%
Others	\$2.8	5%

Table 2: FY 2013 Intelligence Budget Request (\$52.6 billion).

The \$52.6 billion budget does not include the military intelligence services operated by DoD (which had another \$23 billion devoted to them), and is actually 2.4% smaller than the previous year’s budget. It is estimated to be twice the 2001 budget before the global war on terror began. Although no data is available for the Cold War (where presumably intelligence activity would have been at its highest), it is estimated that spending peaked during the Reagan era at around the equivalent of \$71 billion of today’s dollars. The total of \$75.6 billion for FY 2013 exceeds even the extravagance of the Cold War era, and reflects the fluid threat environment and the amounts of data that need to be processed and analyzed.

The Department of Defense currently operates eight intelligence agencies of which four are operated mostly for the benefit of the military services (Army, Navy, Air Force, Marines), and four provide general services. The latter have been of crucial importance: the Defense Intelligence Agency, the National Security Agency, the National Geospatial-Intelligence Agency, the National Reconnaissance Office.

⁹This data is from a leaked Congressional Budget Justification for FY 2013 from the Office of DNI, portions of which have been released and annotated by *The Washington Post*, August 29, 2013. Barton Gellman and Greg Miller, ‘*Black Budget*’ summary details U.S. spy network’s successes, failures, and objectives, http://www.washingtonpost.com/world/national-security/black-budget-summary-details-us-spy-networks-successes-failures-and-objectives/2013/08/29/7e57bb78-10ab-11e3-8cdd-bcdc09410972_story.html, accessed July 7, 2014.

The **Defense Intelligence Agency** (DIA) was established in 1961, employs over 17,000 people, and has two primary functions. Its main one is to provide intelligence about intentions and military capabilities of foreign actors (governments or non-state ones). For the purpose, the agency maintains its own clandestine service and relies primarily on human agents (HUMINT). It collects, analyzes, and disseminates data about any defense-related foreign activities and data, including political, economic, and medical information, among others. The DIA provides input for the very important **President's Daily Brief**.¹⁰ The DIA's other role is to manage measurement and signature intelligence (MASINT). This is a highly technical branch of data gathering that detects and tracks distinctive characteristics of various signals from electromagnetic, thermal, acoustic, nuclear, motion, chemical, and biological sources among others. The DIA director also advises the Secretary of Defense and the Chairman of the JCS.

The **National Security Agency** (NSA) is the cryptographic organization that is responsible for the security of government computer networks and information systems, and for intercepting and decoding foreign signals intelligence information. Founded in 1952, the NSA is said to be the largest employer of mathematicians in the world, but its workforce includes physicists, engineers, computer scientists, and linguists. The Consolidated Cryptographic Program, which includes the NSA with the relevant departments in the military intelligence services, employs nearly 35,000 people. The NSA deals exclusively with signals intelligence (SIGINT, as opposed to human sources, HUMINT) and in fact the other intelligence agencies are required by law to deliver the NSA their SIGINT for processing (or at least obtain NSA authorization to do it themselves).¹¹ The NSA engages in massive electronic surveillance around the world (basically eavesdropping on all manner of communications), detects and exploits software vulnerabilities, tries to break cryptographic codes, and mines vast amounts of data for information.

The **National Geospatial-Intelligence Agency** (NGA) analyzes and distributes geospatial intelligence (GEOINT) and also serves as a combat support agency in the DoD. This agency collates and interprets data about other actors (usually, but not necessarily enemies or potential enemies) that can be referenced to some geospatial location on, above, or below the Earth's surface. Think Google Earth layers with

¹⁰This is a top-secret document prepared by the DNI and given to the President each morning. Generally, these documents are so sensitive that almost none have been declassified. What is available, including the first-ever PDB released by the President to whom it was presented (the one from August 6, 2001 headlined "Bin Ladin Determined to Strike in US", which was released by President Bush with minimal redaction on April 10, 2004) can be found at the National Security Archive, <http://www2.gwu.edu/~nsarchiv/NSAEBB/NSAEBB116/index.htm>, accessed July 7, 2014.

¹¹Signals intelligence (SIGINT) can be separated into communications between people (communications intelligence, COMINT) and signals not used for communications (electronic intelligence, ELINT). The signals are usually provided to the NSA by other agencies (e.g., the NRO, which operates the spy satellites).

information, where each layer adds yet another level detail about particular locations or activities. The layers could rely on data from photographs, satellite images, terrain analysis, maps, commercial or government databases, building and utility schematics, and so on. Essentially, GEOINT is about organizing and mapping multiple dimensions of spatial data for use in intelligence.

The **National Reconnaissance Office** (NRO) designs, builds, and operates the reconnaissance satellites. Its services are useful not only for monitoring potential trouble spots, but for planning military operations. The agency provides data to the NSA (SIGINT), to the NGA (IMINT), and to the DIA (MASINT), among others. It is not known what capabilities the spy satellites have, but it is likely that they are far superior to their commercial counterparts. It is not known how many spacecraft the NRO operates although there is partial information about some of them. The agency operates ground stations (only five of those are declassified) to collect and disseminate the satellite imagery.

As the proliferation of acronyms might suggest, the intelligence community is a vast and very complex organism that collects, processes, analyzes, and disseminates vast amounts of data. Managing all of this is a formidable task, and people over underestimate just how daunting data processing can be. Since the agencies collect mind-boggling amounts of data, someone has to sift through it to decide what to include and what to toss, how to collate relevant information from multiple sources, and how to make all of that presentable in a form that would be useful to analysts. Someone must judge the reliability of available information in addition to its accuracy. Raw intelligence data is very noisy and often contradictory. Although in hindsight — after an event has occurred — it is often possible to trace some signals of it in the existing heaps of raw data, finding such indicators in that heap beforehand is a lot more challenging because someone must prioritize signals as well.

Most intelligence-related activities are secret and the products of intelligence agencies is almost invariably classified. The public is not merely in the dark about what it is that the IC agencies do, but is often met with a wall of silence when it tries to figure that out. Intelligence successes are almost never revealed (in order to protect the sources of information and the methods of data collection), but intelligence failures tend to be highly visible, either because of an event that everyone can witness (e.g., 9/11) or because of an extensive congressional inquiry (e.g., Iran-Contras). In such an environment, the public can easily become skeptical of the utility of these agencies and even fall prey to various conspiracy theories about their activities. CIA's covert operations, including the increasing use of drones, tend to be the focus of wild speculations. The fact that the Agency has been deeply involved in paramilitary operations without congressional oversight only adds fuel to that fire. Without any transparency into the methods for evaluating data reliability or for conducting analysis, it is also one short step to believing that the IC can fabricate intelligence in order to obtain the policies that it desires or that it believes the

President wants. Allegations of cooked intelligence are as old as the CIA, and we shall encounter some of them when we discuss the 2003 Iraq War and the failure to establish the existence, size, and purpose of the putative WMD programs of Iraq.

Because they depend so critically on secrecy and clandestine operations, intelligence activities often come into conflict with democratic norms of openness, transparency, and accountability. Some limited oversight and control can be provided by congressional committees and special inquiries. However, since Congress itself depends on the expertise and information provided by the IC, its powers are easily curtailed by non-cooperative behavior of the IC agencies, which can obfuscate or conceal data they do not wish to become public, or be merely non-responsive to requests. This usually causes Congress to back down for the sake of national security but it might sometimes provoke it. When Congress turns belligerent, it can pry open the intelligence services in highly publicized hostile hearings that run roughshod over legitimate reasons for secrecy and dramatize only the spectacular failures or illegal overreach of some agency.

These attacks damage the credibility of the IC in the eyes of the public — which will tend to assume that the incidents the inquisition unearthes are typical rather than exceptional — and simultaneously hampers the IC's ability to perform its core missions — because the investigations into clandestine activities can reveal capabilities, organizational approaches, and recruitment methods that make it difficult to protect assets. Foreigners who could have been recruited to provide information and act on behalf of U.S. interest abroad can become very leery of American promises to keep their identities secret and protect them. As a result, human intelligence becomes that much harder and more expensive (because agents would have to be compensated by the additional risk associated with working on behalf of an unpredictable democracy). When surveillance capabilities become public, the opponents can act to plug holes in the security of their communications, diminishing the ability of U.S. intelligence agencies to penetrate them. Thus, whatever the salutary political and social effects of congressional inquiry into the behavior of the IC, one must always carefully balance it against the unavoidable costs.¹²

4 The NSC Process

Under normal conditions (i.e., excepting unpopular wars or national emergencies like 9/11), foreign policy is the preserve of the President and the national security establishment. The President enjoys the advantage of initiative, information, and

¹²It should be pointed out that members of Congress often are, in fact, informed about various clandestine activities even while the majority is kept in the dark. When the shit hits the fan, however, they are not usually quick to admit to that, preferring to either stay silent or else jump on the accusatory bandwagon. For their part, the IC often has trouble defending its actions without revealing even more information. This environment — where one side hurls accusations and the other seems to do very little to counter them — is fertile ground for conspiracy theories.

expertise, and, as we have seen, has great leeway in deciding whether and how to use the U.S. armed forces. Congress and the public depend on the executive branch for being informed about foreign policy developments, which also gives the President the advantage in defining what constitutes the national interest in specific cases and framing his policies for public consumption. This might impart some coherence on U.S. policy although even in these circumstances the process of policy formulation is extraordinarily convoluted and very difficult to analyze. Policy initiatives can come from the President, from an agency in the executive branch (where some bureaucrat could come up with some bright idea that could percolate to the top), from special interest groups,

Generally, some agency in the executive branch identifies an issue, or, alternatively, the president may initiate the process. The agency drafts an Interagency Study and forwards it to NSC staff, which reviews the draft and presents it, with recommendations, to the special assistant. The special assistant discusses it with the president, who decides whether the issue requires NSC consideration, and if it does, the president issues a **Review Directive**, which orders the preparation of detailed studies.¹³ All agencies affected by the policy make recommendations to relevant assistant secretary-level committee, which then formulates a draft interagency response which goes up the chain for consideration and eventually reaches the full NSC. The NSC recommends an action to the president who makes a decision. The decision is announced in a **Decision Directive** to the agencies.¹⁴ Some of the review and decision directives have been declassified.¹⁵

To get some sense of the steps involved, consider an imaginary stylized scenario in which country X is interested in military cooperation with the United States. The road from this to an official response by the U.S. government might look something like this:

1. The Foreign Minister of X notifies the U.S. Ambassador that his country wants military cooperation with the U.S.;
2. The U.S. Ambassador reports to the Department of State, sending along his

¹³Different administrations use various names for the Review Directive: *National Security Study Memorandum* (Nixon and Ford), *Presidential Review Memorandum* (Carter), *National Security Study Directive* (Reagan), *National Security Review* (G.H.W. Bush), *Presidential Review Directive* (Clinton), *National Security Presidential Directive* (G.W. Bush), and *Presidential Study Directive* (Obama). Note that the NSPD under G.W. Bush replaced both review and decision directives.

¹⁴Decision directives also go under various names, depending on administration: *National Security Council* (Truman and Eisenhower), *National Security Action Memorandum* (Kennedy and Johnson), *National Security Decision Memorandum* (Nixon and Ford), *Presidential Directive* (Carter), *National Security Decision Directive* (Reagan), *National Security Directive* (G.H.W. Bush), *Presidential Decision Directive* (Clinton), *National Security Presidential Directive* (G.W. Bush), and *Presidential Policy Directive* (Obama).

¹⁵The Federation of American Scientists offers a collection of these in its Intelligence Resource Program: <http://fas.org/irp/offdocs/direct.htm>, accessed July 11, 2014.

views on the matter;

3. This message triggers preliminary discussions in the national security establishment (DoS, DoD, and NSC), among officials who deal with the region where country X is;
4. Officials from these agencies and representatives of the CIA meet in a group at the assistant secretary level;
5. The group decides who will draft the Interagency Study, its content, and the division of labor;
6. The draft of the study is developed (this can take several days or week), circulated for coordination, and the final version is forwarded to the National Security Advisor;
7. The President is informed of the initiative and, if he approves, issues the Review Directive (RD);
8. The classified RD, which defines the problem and identifies who will deal with it, goes to relevant agencies;
9. The CIA prepares the National Intelligence Estimate for country X;
10. Both DoD and the Office of the Secretary of Defense's International Security Affairs begin work on the military aspects of the policy;
11. DoS addresses the potential involvement of allies, international organizations, and informs relevant Congressional committees of the study;
12. When the RD process is complete, the NSC makes a recommendation to President;
13. If the President reaches a decision, it is announced in a Decision Directive (DD) to all agencies; if not, he takes no action and the RD expires without DD (this is very often the case).

This cumbersome process can easily take months, and in the end produce no result despite weeks of feverish activity in multiple agencies.