

CHAPTER 16

PRESIDENTIAL LEADERSHIP AND NATIONAL SECURITY POLICYMAKING

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National security strategy is the product of dual environments—the international strategic environment and the domestic political environment. The international strategic environment is the source both of threats to U.S. interests and of opportunities to exploit to achieve U.S. interests. The domestic political environment consists of American democratic institutions, with their inherent powers and processes, as well as other key features of the domestic political context such as the media, interest groups, and public opinion. In the formulation and implementation of foreign and security policy, strategists and citizens concur that much is at stake. President John F. Kennedy noted, “The big difference [between domestic and foreign policy] is that between a bill being defeated, and the country [being] wiped out.”¹

Strategists must take on the task of understanding these two environments in order to assume their roles in the national security policymaking environment. This chapter will focus broadly on the domestic political context of national security policymaking. While the focus is on the President as the single most important actor in the national security policymaking process, other significant actors and entities will be surveyed whose powers overlap the executive’s. Although the federal government’s powers are distributed across judicial, executive, and legislative branches, this chapter focuses on the struggle for power in national security policymaking between Congress and the Executive, and the role of effective presidential leadership in this process.

Constitutional Foundations

The framers of the Constitution envisioned a national security process that would be dependent on a system of shared and separate powers across the democratic institutions that they created. The legislative and executive branches were envisioned as two coequal institutions, each vested with the authority to balance the other with neither branch dominant over or subordinate to the other.² Embedded in these constitutional foundations are the formal sources of power of the Presidency and Congress, the two key democratic institutions that work together to formulate and carry out national security policy.

Some scholars argue that the Framers’ intent to give the Congress a leading role in government is evident in the fact that Article I of the Constitution grants many explicit powers to the Congress in comparison to the ambiguity of the President’s powers outlined in Article II. Indeed, a survey of the historical record reveals that over time, presidents have successfully exploited this ambiguity to increase the power of the Presidency vis-à-vis the Congress. A brief review of the constitutional basis of each institution’s powers will be useful to strategists seeking to understand the evolution of these powers in the life of the American republic.

The framers envisioned the Congress as the main preserve of governmental powers. The powers enumerated in Article I, Section 8, touch on the entire scope of governmental authority. Chief among these

is the power to tax and spend. This power of the purse, checked by the President's veto power, is the defining characteristic of the framers' intent to create an energetic central government with a vigorous legislature.³ The framers concluded the powers enumerated in Article 8 with the elastic clause, the power "to make all laws which shall be necessary and proper for carrying into execution the foregoing powers."⁴

The first sentence of Article II clearly designates the President as the Chief Administrator of the government, but the Constitution offers few specifics about how this executive responsibility should be carried out. The President's role as Chief Executive stems from language in Section 2 that requires the heads of each executive department to report to the President. In the Washington administration, the federal government consisted of only three cabinet departments (State, Treasury, and War) and a few hundred people.⁵ Of course, the vast bureaucracy of the United States has grown exponentially since then and is now comprised of 15 executive departments and 136 federal agencies and commissions,⁶ backed up by a work force of 1.7 million federal civil service employees.⁷ As the federal government has grown, the power of the President has also expanded as the statutory and constitutional responsibility for the policies, programs, and expenditure of funds is asserted across the executive branch.

Authority to administer the federal bureaucracy, however, does not necessarily translate into its control. All presidents are faced with the challenge of making the bureaucracy responsive to their leadership. Two key tools to shape the executive branch's outputs into a more coherent administration vision are the use of the appointment authority and the White House Staff. Article II, Section 2 gives the President the power to appoint the department and agency heads within the federal government.

President Dwight D. Eisenhower created the schedule C personnel classification for appointed policymaking positions throughout the executive branch. This represented a shift from party-based patronage that rewarded the party faithful with everything from predominantly uncontroversial government jobs in the field to key policy posts in Washington.⁸ Schedule C personnel play critical behind-the-scenes roles, such as setting the schedules and agendas of cabinet members, guiding political strategy, and giving legal opinions and policy advice. These appointees are lower in rank than noncareer Senior Executive Service (SES) officials, who fall just below presidential appointees and who must be confirmed by the Senate. At latest count, SES and Schedule C employees numbered 1,935 in the George W. Bush administration. In all, President Bush has 3,000 political appointees serving in his administration. Although political appointees account for less than two-tenths of one percent of the total civil service, their presence results in significant influence throughout the policymaking process.⁹ In the modern presidency, presidents have offered these positions to ideologically compatible people who will work to ensure that their department or agency's policies are in sync with the president's vision.

The Senate's confirmation role is its check on the President's appointment power. While the vast majority of the President's nominations are confirmed, the potential to subject nominees to intense congressional scrutiny and to ultimately reject candidates gives the Senate great influence in the appointment process and, tangentially, in the overall policy process. While the executive sits at the top of the federal bureaucracy, the design of the various departments and agencies are specified in congressional statutes that detail their structure and duties. Though not explicitly mentioned in the Constitution, Congress' oversight role has evolved into a tremendous check on the executive. Congress keeps a careful eye on the administration of its laws to ensure that they are properly interpreted and executed.¹⁰

Another management tool of relatively recent creation is the Executive Office of the President (EOP), better known as the White House Staff. President Franklin Roosevelt established this "mini-bureaucracy within the bureaucracy" with Congress' consent in 1939 as an attempt to centralize control over the executive branch and to provide unity and direction to the federal government.¹¹ The EOP includes both the

professional staff working in such places as the National Security Council and the Council of Economic Advisers as well as the president's most trusted advisers in the White House Office.¹² The two tools are closely related as presidential appointments have increasingly become subject to intense vetting in the EOP.

In national security affairs and the conduct of foreign policy that might result in the use of armed force, the President draws on the authority vested in him as Commander-in-Chief. However, the framers were in agreement that significant war-related powers must also reside in the Congress. Indeed, as Figure 1 indicates, Article I, Section 8 lays out extensive and explicit war-related powers granted to the Congress. The Declaration of Independence and Bill of Rights both reflect the Framers' distrust of standing armies unaccountable to a legislature. The design of American democratic institutions separating the power to declare war from the power to command or direct military forces in wartime was meant to ensure that the President was unable to make war alone. It is important to note that rather than giving the President the power to declare war with the "advice and consent of the Senate" as they had done with the treaty power, the Framers deliberately elected to give Congress the sole authority to declare war.¹³ The historical record shows that in practice Congress has not been the initiator of all significant military actions and that there has been a struggle for power between the two branches over war powers.

This brief survey of constitutional powers relevant to the conduct of national security policymaking highlights the Framers' intent for policymaking and implementation to be a shared process across the legislative and executive branches. The Framers' design of shared and separate powers resulted in a policymaking framework that requires both cooperation and coordination to achieve anything of real significance in national security affairs.

Institutional Competencies

The Framers' final product reflected an understanding that the institutions they created had distinct and complementary institutional competencies. While Congress was granted important powers ensuring it a significant role in the conduct of national security policy, its institutional design also meant that it would almost never move quickly on such matters. The requirement for legislation to clear both the House and the Senate after potentially lengthy deliberations in each body subject to the influences of public opinion and the media, favored Congress's role as the branch of government that considered diverse viewpoints, deliberated between them, and remained accountable to the public.

The executive branch, on the other hand, was designed to move with speed and dispatch, with an appropriate amount of secrecy in order to conduct foreign and security policy day to day in peacetime, and to act decisively in crisis situations. Congress' design, meanwhile, affords it significant oversight checks as well as policy influence in the power of the purse. The Framers' deliberate consideration of institutional competencies when deciding which powers should be shared, which should be held alone, and in which branch the power should be put is evident in the Framers' debate on the distribution of war powers at the constitutional convention. Early deliberations argued that Congress should be given the power to "make war." However, it was eventually agreed that this should be changed to "declare war" to clarify and ensure that the actual conduct of war remained an executive function and that the institutional competencies of the Presidency were maximized during wartime.

<p><i>Formal Powers of the President Relevant to National Security Policymaking As Stated in the Constitution</i></p>	<p><i>Formal Powers of the Congress Relevant to National Security Policymaking As Stated in the Constitution</i></p>
<p>“ The executive Power shall be vested in a President of the United States of America.”¹⁴ Article II. Section 1.</p> <p>“ . . . he shall take Care that the Laws be faithfully executed . . .” Article II, Section 3.</p>	<p>“ The Congress shall have Power to . . . make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, all other Powers vested by this Constitution . . .” Article I, Section 8.</p>
<p>“ Every Bill which shall have passed the House of Representatives and the Senate, shall, before it becomes a Law, be presented to the President . . . If he approve he shall sign it, but if not he shall return it . . . If after such reconsideration two thirds of that House shall agree to pass the Bill, it shall be sent . . . to the other House . . . and if approved by two thirds of that House, it shall become Law.” Article I, Section 7.</p>	<p>“ The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the debts . . .” Article I, Section 8.</p> <p>“ No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law..” Article I, Section 9.</p>
<p>“ The President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States, when called into the actual Service of the United States.” Article II, Section 2.</p>	<p>“ The Congress shall have Power to . . . provide for the common defense and general Welfare of the United States , . . . declare War, . . . to raise and support Armies . . . , To provide and maintain a Navy; To make rules for the Government and Regulation of the land and naval forces; To provide for organizing, arming, and disciplining, the Militia, and for governing such Part of them as may be employed in the Service of the United States . . .” Article 1, Section 8.</p>
<p>“ . . . he may require the Opinion, in writing, of the principal Officer in each of the executive Departments, upon any Subject relating to the Duties of their respective Offices . . .” Article II, Section 2.</p>	
<p>“ <i>He shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two thirds of the Senators present concur; and he shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the supreme Court, and all other Officers of the United States, whose Appointments are not herein otherwise provided for, and which shall be established by Law.</i>” Article II, Section 2.</p>	<p>“ He shall have Power, <i>by and with the Advice and Consent of the Senate, to make Treaties, provided two thirds of the Senators present concur;</i> and he shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the supreme Court, and all other Officers of the United States, whose Appointments are not herein otherwise provided for, and which shall be established by Law.” Article II, Section 2.</p>

Figure 1. Key National Security Powers as Enumerated in the Constitution.

Presidential Power and Persuasion

Formal powers contribute to and limit the influence wielded by the President and Congress in any specific policymaking scenario. Informal powers of each branch, on the other hand, if astutely employed, can significantly enhance the influence of either institution. The struggle for influence is characterized neither by all-out competition nor by perfect consensus. Congress can be both a potential adversary and key partner in the formulation and conduct of national security policy. Conversely, the President and his team cannot sustain any national security policy course without the support of Congress and the American people.

Dominating the political agenda requires that the President build popular support, work effectively with Congress, control the vast federal bureaucracy, and know when and where to invest political capital. Presidential leadership and the administration's articulation of a vision underpinning its foreign policy, in general, and its national security policy in particular is key to success as well.

The President and Congress are at once so independent and so intertwined that neither can be said to govern save as both do. And even when they come together they face other claimants to a share in governing: the courts, the states, the press, the private interests, all protected by our Constitution, and the foreign governments that help to shape our policy.¹⁵

Although the President is the single actor in the American political system granted the greatest range of formal powers, the ability to make his will prevail among the competing wills of actors also vested with significant powers depends on skillful presidential leadership. President Truman once remarked that presidential power really just boils down to the power to persuade.¹⁶ Renowned presidential scholar Richard Neustadt in his classic text, *Presidential Power and the Modern Presidents*, equates presidential power with influence and seeks to explain its sources and the contexts where presidential power is more or less dominant.

Scholars differentiate between situations where the President can essentially command and those in which he must rely on his powers of persuasion. If the issue involves presidential authority that is not shared with a competing entity, then the desired result may be achieved without resistance. Examples include the relief of a military commander, the use of an executive order to advance unpopular policy, and the deployment of military forces to protect American interests.

Truman's relief of General Douglas MacArthur in 1951 is probably the most well-known dismissal of a military commander in the modern presidency. Truman was careful to consult the Joint Chiefs in the matter and implemented the order in a successive delegation of authority from him through the appropriate military authorities. Truman and the Chiefs viewed MacArthur's public interventions in the face of strict orders not to publicly comment on administration policy as the open defiance of the Commander in Chief and consequently justified his dismissal as essential to maintaining civilian control of the military. There was no question in the MacArthur affair, with regard to the assertion of formal constitutional powers, that the President had the authority to dismiss a commander in the field. However, congressional critics of Truman's Korean Policy and MacArthur's Republican supporters used the opportunity to conduct a full-fledged congressional investigation of the government's foreign and military policies against a domestic backdrop that featured a grand tickertape parade in the general's honor, MacArthur's address to a Joint Session of Congress, and an adoring public passionately opposed to the ouster of an American icon.¹⁷ Truman's actions consequently were offset by the exertion of informal powers inherent in the Congress, the press, and the people whose inputs account for and shape the ultimate political impact of the President's actions.

The issuance of an executive order is another strategic tool that presidents can use to achieve desired policy outcomes and to assert presidential authority. Eisenhower's use of federal troops to enforce the orders of a Federal Court to desegregate Little Rock schools in 1957 illustrates a president's prerogative to assert his constitutional power over the state militias, a power that is not shared with another constitutional entity. The president's decision to federalize the Arkansas National Guard troops originally called into action by Governor Orval Faubus to halt the integration of Central High School was clear, unambiguous, and highly public. The president's assertion of power featured a "sense of legitimate obligation, legitimately imposed"¹⁸ As in the MacArthur case, to have not exerted the authority would have resulted in its erosion and the prevalence of less legitimate sources of power in the American political system.

Executive orders have mainly been used in three areas: to combat various forms of discrimination

against citizens, to increase White House control over the executive branch, and to maintain secrets.¹⁹ When Congress perceives that executive orders are taken to bypass Congress on controversial issues, they may elicit great political controversy and be a source of conflict between the two branches.

Even the prospect of an executive order being issued can erupt in major political controversy as was the case with President Clinton's proposal to lift the ban on gays serving in the military. There was no question that the president had the legitimate authority to issue such an order as Truman had done to integrate the armed forces in 1948, but the political backlash was so strong in 1993 that Clinton abandoned the idea in order to salvage his domestic agenda before Congress.²⁰

While the president's formal powers are significant, presidential leadership is more often dependent on the president's power to persuade others that what he wants of them is also compatible with the pursuit of their own interests. The successful launching of the Marshall Plan is an example of a president with minimal political capital achieving a critical foreign policy goal through the effective use of the informal powers of his office. Truman faced the uphill battle of convincing a Republican and traditionally isolationist Congress, and a Treasury department focused on controlling spending, that massive European aid deserved their support. The domestic political context in 1947 was further characterized by animosity over Truman's veto of the Republican leadership's key legislative initiatives and the assumption that the president would be easily defeated in the upcoming 1948 election.

Truman had a key advocate in the figure of General George C. Marshall pushing for the plan that bore his name from State and the support of the Republican Chairman of the Senate Foreign Relations Committee, Arthur Vandenberg. All the resources of the administration were unleashed to back the plan and special care was taken to meet the terms Vandenberg insisted on to maintain his support, which included frequent personal meetings with the President and Marshall and extensive liaisons between Congress and the agencies involved with implementing the plan. Truman even deferred to Vandenberg's choice of a Republican to head the new agency created to administer the program. These "bargains" subsequently resulted in key players lending their prestige and influence to make the proposed European Recovery Program a reality.²¹

The few cases discussed here highlight the linkages between presidential power and effective presidential leadership. The American political system's institutional design, with its unique blend of shared and separate powers, means that key actors often have divided loyalties, a result of serving multiple masters in government. Even players within the executive branch are also responsible to Congress and have allegiance as well to their staffs and departments to represent their bureaucratic interests. Fulfilling the president's policies, in addition, necessarily involves interagency cooperation and overcoming the disparate bureaucratic interests of each. presidential power is as much a function of personal politics as it is of formal authority or position.²²

Presidential Leadership and the Role of Congress

Most texts examining the extent of the presidential-congressional partnership in national security policymaking cite the constitutional scholar Edwin Corwin's musing that the Constitution "is an invitation to struggle for the privilege of directing American foreign policy."²³ What does the historical record suggest about the President's capacity to dominate national security policy? Is the American political tradition that Congress defers to the Executive in foreign and security policy, weighing in with countervailing powers only by exception? Has Congress acted in recent decades in order to expand its influence over the executive?

An objective assessment of the congressional-executive struggle over the control of national security policies will reveal several findings. First, American history is replete with examples of serious Congressional quarrels with the President over the conduct of foreign policy. Second, periods of deference to the executive have been limited, and even then, included at least tacit approval of the basic parameters of U.S. foreign policy. Third, as a result of congressional reforms in the 1970s Congress gained an increased capacity to challenge presidential policies with the creation of the Congressional Budget Office, the Congressional Research Service, and the expansion of personal and committee staffs. These tools boosted the Congress' analytical ability and contributed to more enhanced oversight of foreign policy and a greater trend toward legislating specific aspects of foreign policy.²⁴ Finally, the congressional-executive relationship on use of force issues seeks a comfortable equilibrium. Periods of congressional acquiescence are often interrupted by perceived executive overreach that leads to the reassertion of congressional authority. Such was the context for the passage of the War Powers Act in 1973.

Beginning with George Washington, presidents have drawn on the institutional competencies of the executive and on their formal powers to play an active and assertive role in foreign affairs and national security issues. Most scholars would agree that the president has a clear advantage with respect to the substantive initiation of national security policy. However, even in the most extreme cases of executive unilateral action in national security affairs, such as Abraham Lincoln's and Franklin Roosevelt's assumption of emergency powers in wartime, presidents have felt compelled to note that their actions were subject to congressional ratification. Whether or not these initiatives are ultimately successful, however, depends on presidential leadership to navigate the policies through the zones of executive and legislative concurrent authority²⁵ and to ensure that public support for the policies are sufficient for their continued sustainment.

Three Political Contexts

Three possible political contexts have characterized congressional-presidential relations in the national security arena. First, *presidential power is maximized when the President acts pursuant to the express or implied authorization of Congress in a given area.* In such periods of concordance, presidential leadership is virtually unchallenged. Such cooperation may be attributed to agreement over the major policy decisions in play. Presidential power has also been at its height during times of national crisis and war. Lincoln largely got his way in the conduct of the Civil War. In the twentieth century, Woodrow Wilson until 1919, and Franklin Roosevelt after 1941, enjoyed an advantage over the control of foreign policy. The postwar era through the mid-1960s was another period of presidential dominance rooted in broad agreement over policy. Harry Truman, Dwight Eisenhower, John Kennedy, and Lyndon Johnson all governed during major wars or at the height of the Cold War, and each had relative control over national security and foreign policy.²⁶

However, each of these periods was following by a backlash or resurgence of congressional power. Following the Civil War, powerful Congresses dominated the presidency in the late nineteenth century, and Congress handed Wilson the devastating political and personal defeat of rejecting the Treaty of Versailles with a reassertion of congressional power that resulted in the domination of foreign policy until World War II.²⁷ The War Powers Act of 1973 was the culmination of Congress' break with the president over the conduct of the Vietnam War and its reemergence in national security affairs.

Second, *presidential independence is possible if Congress is indifferent or acquiesces in a particular policy area.* In this political context Congress falls short of playing the role of constructive partner to critique, build support for, and improve on the president's foreign and security policy. Many factors contribute to such a scenario. There is a tendency in Congress to view foreign and security policy through domestic political lenses or from the perspective of special interests, which may both be barriers to judging

foreign policy initiatives on the basis of the national interest. Presidential independence may also be possible simply because Congress is not paying attention to the administration's policies. Domestic issues often dominate the congressional agenda in peacetime. Furthermore, Congress may neglect its responsibilities in foreign affairs by devoting too little time to rigorous programmatic oversight.²⁸ In both the concordant and acquiescent political contexts, the president's leadership is not essential. However, in the third context to be considered, presidential leadership is critical.

Presidential power in security and foreign policy is at its lowest ebb when the administration's desired action is incompatible with the expressed or implied will of the Congress. An analysis of congressional-presidential relations in the Vietnam War illustrates a dramatic conversion of Congress' perception of its role in checking presidential war making powers. Its 1964 passage of the Gulf of Tonkin Resolution essentially ceded to President Johnson the "blank check" he sought to deal with the crisis in Southeast Asia. The near unanimous backing in Congress (there were only two dissenting votes in the Senate) gave the president authority to take all "necessary measures" to repel any armed attack against the forces of the United States and "to prevent further aggression." Johnson's interpretation of his Commander-in-Chief powers, which President Richard Nixon took to even greater heights as his successor, was an open-ended doctrine permitting the president to order armed forces into combat whenever the president determined that the security of the United States was threatened.²⁹

As the administrations' prosecution of the war continued, Congress retreated from its role of presidential cheerleader and gradually began to reassert its authority. Congressmen increasingly traveled to Southeast Asia in the mid-1960s to take stock of the war, the Senate Foreign Relations Committee held televised hearings in 1966, and by the early 1970s Congress changed its rules for considering defense appropriations bills so that individual amendments attempting to limit or influence the policy could be considered without rejecting the entire defense appropriations package.³⁰ Continuation of presidential dominance in the face of a growing majority's disagreement with the Vietnam policy in particular, and even broader consensus that the Nixon administration had overreached with the assertion that the executive had unlimited discretionary authority as Commander-in-Chief to send American troops into action around the world, led to the passage of the War Powers Act.

The act established procedures in three main areas: presidential consultation with Congress, presidential reports to Congress, and congressional termination of military action. Congress' intent was to assert its authority via procedural constraints limiting the ability of the president to commit U.S. forces abroad. The act calls for the president to consult with Congress "in every possible instance" before introducing U.S. forces into hostilities or imminent hostilities, declares that the president must report to Congress within 48 hours when such forces are introduced, and mandates that the use of forces be terminated within sixty to ninety days unless Congress authorizes that they remain.³¹

The continuous shifting between the political contexts discussed above is indicative in the ambiguous role the War Powers Act has played since its passage. President Nixon rejected it out of hand with his veto of the measure in 1973. Congress shot back with its overwhelming override,³² asserting its intent to expand its influence in national security policymaking with measures beyond the blunt instrument of withholding funds. In practice, Congress has not consistently asserted the authority granted in the act. Presidents, meanwhile, have been careful not to acknowledge the law's constitutionality, while avoiding direct confrontations with Congress over its provisions. Depending on lawmakers' overall view of the president's proposed intervention, they may sit on the sidelines or strive to be consulted. Presidents continue to insist on flexibility and may seek Congress's explicit authorization for an impending action, but without admitting that such action is being taken in order to remain in compliance with the Act. There is, however, an acceptance, if grudgingly, that the War Powers Act stands as a reminder of the ultimate need to get at least

congressional acquiescence, and, ideally, congressional approval for the commitment of troops.³³ Since the introduction of the War Powers Act into congressional-presidential relations all three political contexts, enthusiastic concord, indifferent acquiescence, and expressed disagreement with the president's foreign and security policy continue to occur.

Presidential Leadership as the Key to Successful National Security Policymaking

The executive branch's institutional competencies make the president the most important actor in foreign and security policy. The president, alone, has command of the bully pulpit to give him an unrivaled voice in policy debates. The president is also the actor in the American political system best positioned to consider the national interest. Since World War II, control over foreign and security policy has increasingly been centralized in the executive. The government's expertise for formulating and implementing foreign and security policy is largely resident in the Department of State and the Department of Defense, with the National Security Council also assuming an increasing amount of authority and influence—all three components of the executive branch. Yet effective leadership is not a given. The chapter will now survey some of the recommendations that scholars and national security policy practitioners have offered the president and his staff on how to best wield the power of the presidency. Finally, we will look at a recent and still evolving case, George W. Bush's leadership in the Iraq War.

Perhaps the broadest and most common sense recommendation comes from presidential scholar Paul Quirk, who contributes the concept of "strategic competence." Quirk argues that presidents must have a well-designed strategy for achieving the competencies they need to lead effectively. In this view, the key competencies to be mastered are policy substance, policy process, and policy promotion. An adequate level of policy expertise will result from years of attentive engagement in the major national issues. The development of direct in-depth personal competence in policy areas is necessarily selective, but a base knowledge of the key issues is essential to the president's recognition of the elements of responsible debate and to responsible decisionmaking.³⁴ Anything less than this, Quirk argues is minimalist and may impede intelligent decisionmaking,

A minimalist president . . . will not fully appreciate his own limitations. By consistently neglecting the complexities of careful policy arguments, one never comes to understand the importance of thorough analysis. In politics and government, at least, people generally do not place a high value on discourse that is much more sophisticated than their own habitual mode of thought.³⁵

To lead effectively, presidents must also be competent in the processes of policymaking. The president sits atop a system of complex organizational and group decisionmaking processes and must ensure that the administration has put in place reliable decisionmaking processes. The major threats to effective national security policymaking processes are intelligence failures, groupthink, and other malfunctions of the advisory process,³⁶ and failing to effectively coordinate within the interagency process and beyond the executive branch as appropriate.³⁷ Finally, building coalitions with congressional leaders and key interest groups, and using the bully pulpit to take the case to the public are essential ingredients for effective policy promotion once policy decisions have been made.

Lee Hamilton offers his advice for effective presidential leadership in foreign and national security policy from his perspective as the former chairman and long time ranking Democrat on the House Committee on International Relations. Presidents must make foreign policy a priority and set forth a day-to-day course that is driven by an overall strategic vision. Hamilton argues that the foreign and security policy arena is uniquely dependent on the president's attention and leadership. Too often an issue receives intense attention and scrutiny for a short time, but then the administration fails to remain sufficiently focused or to

expend the requisite resources to achieve success. The president is uniquely positioned to forge the personal relations with foreign heads of state that are critical to alliance building and to articulate U.S. policies and the associated national interests with clarity to the American people.³⁸

In a system of shared and separate powers in national security policymaking, successful policy will rarely be the result of strong-arming the Congress or the American people through the overplaying of formal powers. The Supreme Court has never intervened to check the president's power while a war is in progress; however, although such tactics may be legal they may not be wise.³⁹ Presidential leadership in national security policymaking effectively blends presidential authority with a consideration of the institutional competencies that the rival branch brings to the development and execution of strategy.

As the most accessible and representative branch of government, Congress can help mediate between the American people and the foreign policy elite. Through the hearings process, Congress can also help to educate the public on complex foreign and security policies. Testifying before the appropriate committees also forces the administration's top officials to articulate and defend their policies.

Debates over particularly contentious and weighty matters of national security policy, such as whether or not to authorize the use of force against Saddam Hussein's Iraq in the 1991 Persian Gulf War, can engage the public and strengthen the policy process through the inclusion of such measured deliberations. Passing legislation in support of the administration's policies can also help to strengthen the president's hand before international bodies, adversaries, and allies. In the case of the Gulf War, congressional leaders insisted on being consulted and on debating the issue before authorizing the use of military force. President George H. W. Bush, however, feared that weak support or a split vote would be worse than no vote at all and might actually weaken his hand in the face of Iraqi aggression. President Bush maintained throughout the period of congressional consultation that, regardless of the outcome in Congress, he still had the constitutional right to commit U.S. forces to battle. In the end, Congress passed the resolution with a clear victory in the House, 250-183, and a squeaker in the Senate, 52-47.⁴⁰ Effective presidential leadership in foreign and security policy recognizes Congress' constitutional role in the process and seeks ways to ensure that sustained consultation is a characteristic of the executive strategy for interacting with Congress.

Assessing Presidential Leadership in the War in Iraq

The chapter concludes with a brief application of some of the themes discussed to President George W. Bush's leadership in the prosecution of the war in Iraq and its still unfolding aftermath. The open-ended resolution Congress passed in October 2002 granted the president broad authority to use any means he determined necessary and appropriate—including military force—to respond to any security threat posed by Iraq.⁴¹ Critics contended that in contrast to the 1991 appeal of President Bush's father to authorize force on the eve of conflict when key conditions related to its prosecution were well-known, "The president is asking Congress to delegate its constitutional power to declare war before he has decided we need to go to war, but he has not adequately explained what this war will look like."⁴² Others argued President Bush's request was constitutionally inappropriate because it was seeking a conditional grant of power, leaving in the president's hands the decision to change the nation into a state of war. These critics contend that a nonbinding resolution declaring support for the president's efforts to make Iraq comply with UN resolutions and Congress' intention to authorize the use of force if peaceful means fail may have been more appropriate. Such a two-step approach would have left Congress in the loop up until the point when the president was ready to begin military action.⁴³

Although some Republicans had concerns about endorsing the new doctrine of preemption, they

deferred to the president. With the mid-term elections only weeks away, many Democrats felt pressure to “get this question of Iraq behind us” so they could return to other issues that they thought would be successful for them in the elections. At the height of the House debate, less than 40 members could be found on the floor. On the Senate side no more than 10 senators could be found. The resolution passed 296 to 133 in the House and in the Senate 77 to 23.⁴⁴

Observers noted that the debate over the Iraq war was a pale shadow of the Senate’s more vigorous role in the past. Congressional scholar Norman Ornstein commenting on the Senate’s role in foreign policy, “the Senate is struggling to find an appropriate role to play. I think you’d be hard-pressed to suggest the Senate is a great debating body—on anything.”⁴⁵ The concordant-acquiescent political context that has characterized congressional-presidential relations since the September 11, 2001, terrorist attacks may be leading to executive overreach in ways that could weaken the overall prospects for the sustainment and ultimate success of the president’s strategy in Iraq.

The political environment in the run-up to the War in Iraq was conducive to the executive “going it alone” vis-à-vis Congress. Although the Congress put up little resistance over the open-ended resolution to use force in Iraq, this support occurred within a climate of some angst on the Hill over the administration’s attitude toward the role of Congress in defense policy. Congressmen of both parties complained that Secretary of Defense Rumsfeld “tells lawmakers little and demands immense discretion.”⁴⁶ Complaints were also numerous accusing the administration of thwarting Congress’ investigative authority. Some lawmakers were frustrated that their attempts to get more information about the administration’s impending war plans and strategy came up empty. Administration officials were unable to answer with any specificity questions related to the cost of the war or of the reconstruction effort to follow before lawmakers cast their votes.

Some members of Congress demanded to hear the administration’s plans for the postwar occupation, but were denied such consultations based on the argument that it would not be proper to plan for the aftermath of a conflict that the president had not yet decided to fight. The “ends” that the president advanced shifted among competing candidates, eventually settling on the need to disarm Saddam Hussein and dismantle the imminent threat that the administration argued his weapons posed.

Furthermore, presidential scholars, such as Arthur Schlesinger Jr., point out that the doctrine of preemptive military strikes adds a “new wrinkle to the Imperial Presidency,” because the trigger for the use of force is classified intelligence.⁴⁷ Richard Durbin, a member of the Senate intelligence committee, complained that an insufficient body of the intelligence available to the committee was declassified in the run-up to the vote on Iraq hindering the ability of his colleagues to make an informed vote.

The choice to maximize the powers of the presidency, while marginalizing the participation of the Congress may have put the strategy at risk. Congress shares responsibility for the policy due to its decision to support the open-ended resolution. However, the emphasis on regime change through invasion without laying out all aspects of a comprehensive strategy complete with clear strategic ends, a thorough explanation of the ways or courses of action the administration would pursue to achieve the ends, and a good faith estimate of the means or cost to the American people in terms of lives and treasure made it more likely that the administration would be on the defensive when the strategy ran into difficulty.

Indeed, in September 2003, when the Bush administration finally delivered the first major bill for the war to Congress in the form of a request for \$87 billion dollars to fund Iraqi reconstruction and the military operations in Iraq and Afghanistan for the remainder of the fiscal year, Congress pushed back mightily. Pent up frustration over the lack of collaboration with the legislative branch was evident. Senator Diane Feinstein remarked, “We want to be good Americans. We want a bipartisan foreign policy. We know the time is

tough. We want to be with you. But there's a feeling that you know it all. The administration knows it all. And nobody else knows anything. And, therefore, we're here just to say, 'Yes, sir. How high do we jump?' And at some point we refuse to jump."⁴⁸ More direct was Senator Robert Byrd's comment to Deputy Defense Secretary Paul Wolfowitz, "Congress is not an ATM. We have to be able to explain this huge, enormous bill to the American people."⁴⁹

The administration sustained another wave of attacks in January 2004 when its Chief Weapons Inspector in Iraq, David Kay, concluded that there were no large stocks of weapons of mass destruction (WMD) in Iraq before the war. "Based on what I've seen is that we are very unlikely to find stockpiles, large stockpiles of weapons. I don't think they exist." "It turns out we were all wrong."⁵⁰ Democrats charged this was further proof the war was based on false premises. Lawmakers on both sides of the aisle took issue with the certainty of the language that administration officials used with regard to the prewar intelligence and some questioned whether administration officials misled them.

Members of Congress complained that the Director of Central Intelligence, George Tenet, gave his personal assurance in closed-door hearings that WMD stocks would be found in Iraq. "He was telling the senior people in the administration . . . that the weapons were absolutely there, that they were certain the stuff was there."⁵¹ Ohio Senator Mike DeWine, a Republican on the Intelligence Committee, told the Columbus *Dispatch*, that he was not sure he would vote to authorize war with Iraq if he had to do it all over again.⁵² Meanwhile, on the campaign trail, Democratic presidential candidates took aim at the administration. "We were misled not only in the intelligence but misled in the way that the president took us to war," the Democratic front-runner, Sen. John F. Kerry (MA.), said when asked about Kay's conclusions."⁵³

The administration's critics fault the lack of consensus building and deride its unwillingness to collaborate with either international allies or its domestic partners in the national security policymaking process. Supporters of the administration laud the resurgence of presidential power and maintain that the administration's approach is merely a corrective action necessary to reverse the erosion of presidential prerogatives in recent decades. According to this view, the administration's approach is to be admired as a model in presidential leadership,

To achieve all this, Bush staged one of the most impressive exercises of presidential power in modern times. He used all the tools at hand: the bully pulpit, TV, personal persuasion in the Oval Office, and the skillful deployment of top officials in his administration. And, not to be underestimated, there was sheer presidential bullheadedness. When a president takes a firm and defensible position and doesn't flinch, he normally prevails . . . One telling result of Bush's full-throttle use of his presidency was a far greater percentage of Democratic support for his congressional war resolution than the elder President Bush won in 1991 after Iraq had invaded Kuwait.⁵⁴

Is President Bush's leadership vis-à-vis Iraq firm, resolute leadership appropriate to the national security challenges inherent in fighting the security threats facing the United States in the twenty-first century or imperial presidential overreach, that if continued, will ultimately lead to a failed strategy for fighting the War on Terrorism? The historical record indicates that policy is strengthened when each branch understands its proper role, powers, and limitations in foreign policy. An analysis of the case of the war in Iraq suggests that both branches have fallen short of this ideal.

Conclusion

Students of the national security policymaking process must understand the interplay of formal and informal powers that both the president and the Congress bring to the process. Budding strategists must also

immerse themselves in the various dimensions of the domestic political process in order to become familiar with the constraints and opportunities inherent in American politics affecting the actions of key players in the system.

Effective presidential leadership in national security policymaking, like effective strategy, depends on understanding one's power, its limits, and the recognition that other actors' actions also shape the policy battlefield. Successful national security policy exploits the institutional competencies that the framers' designed into the American political system. Coordinated efforts that link the president's national security policy initiatives with Congress' unique capacity to vet the policy, educate the public, and ultimately lend its support are more likely to lead to successful strategy.

Presidents must also consciously develop strategies for gaining the competencies they need in policy substance, policy processes, and policy promotion. In the exercise of power, effective presidents blend their powers of persuasion with their inherent authority as chief executive. They understand that presidential decisionmaking is dependent on staffs that serve them well and interagency processes capable of prioritizing and properly vetting issues for decision. Successful policy implementation, furthermore, is reliant on efficient bureaucratic processes and the keen oversight of lawmakers, the media, and the American people.

Notes - Chapter 16

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3 Roger H. Davidson and Walter J. Oleszek, *Congress and Its Members* (Washington, DC: CQ Press, 2002) 8th edition, p. 17-18.

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5 Davidson and Oleszek, p. 19.

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11 W. Craig Bledsoe, Christopher J. Bosso, and Mark J. Rozell, "Chief Executive," *Powers of the Presidency* (Washington, DC: Congressional Quarterly Press, 1997), p. 7.

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13 Daniel C. Diller and Stephen H. Wirls, "Commander in Chief," *Powers of the Presidency*, p. 164.

14 U.S. Constitution, Article II, Section 1.

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16 Neustadt, p. 10-11.

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19 Bledsoe, Bosso, and Rozell, p. 45.

20 Ibid.

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22 Neustadt, p. 33-40; George C. Edwards III, "Neustadt's Power Approach to the Presidency," in Robert Y. Shapiro, Martha Joynt Kumar, and Lawrence R. Jacobs, eds. *Presidential Power: Forging the Presidency for the Twenty-First Century* (New York: Columbia University Press, 2000), p. 10.

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24 Robert P. Zoellick, "Congress and the Making of U.S. Foreign Policy," *Survival*, Vol. 41, No. 4 (Winter 1999/2000), 26-7.

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26 Lee H. Hamilton with Jordan Tama, *A Creative Tension: The Foreign Policy Roles of the President and Congress* (Washington, DC: Woodrow Wilson Center Press, 2002), p. 8-9.

27 David Rogers, "Executive Privilege: Assertive President Engineers a Shift In Capital's Power—Bush Gains Broad Authority to Wage War on Terrorism From a Divided Congress," *Wall Street Journal*, 22 October 2002.

28 Hamilton, p. 60-61, 66.

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31 See Davis, p.229-230 and Hamilton, p. 11-13.

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33 Davidson and Oleszek, p. 418.

34 Paul J. Quirk, "Presidential Competence," in *The Presidency and the Political System*, ed. Michael Nelson (Washington, DC: CQ Press), See entire chapter.

35 Quirk, p. 176.

36 See Alexander L. George *Presidential Decisionmaking in Foreign Policy: The Effective Use of Information and Advice* (Boulder, CO: Westview Press, 1980 and Irving Janis, *Groupthink: Psychological Studies of Policy Decisions and Fiascoes*, 2nd ed. (Boston: Houghton Mifflin, 1982).

37 Quirk, p. 182.

38 Hamilton specifically cites the cases of Haiti, Bosnia, Kosovo, and Afghanistan as recent examples in U.S. foreign policy. See p. 43-47.

39 Davis, p. 225.

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