FOREWORD BY James R. Locher III
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PROJECT ON NATIONAL SECURITY REFORM

CASE STUDIES VOLUME I

RICHARD WEITZ, EDITOR

PROJECT ON NATIONAL SECURITY REFORM

TRANSFORMING GOVERNMENT
FOR THE 21ST CENTURY

PROJECT ON NATIONAL SECURITY REFORM

Case Studies

Volume I

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ABOUT THE PROJECT ON NATIONAL SECURITY REFORM

The non-partisan Project on National Security Reform was established to assist the nation in identifying and implementing the kind of comprehensive reform that the government urgently needs. A key component of PNSR's work has been a thorough analysis of current problems; PNSR's working groups have conducted dozens of major and mini case studies spanning multiple administrations and issue areas. Nine analytic working groups have examined different aspects of the national security system and are developing recommendations for addressing problems within their respective domains. Four additional groups will take the products from the main analytic working groups and work with congressional leadership to develop mechanisms for reform, draft legislative proposals and executive orders, amend House and Senate rules, and assist the executive branch in the implementation of reforms.

The project is led by James R. Locher III, a principal architect of the Goldwater-Nichols Act that modernized the joint military system, and sponsored by the Center for the Study of the Presidency, which is led by Ambassador David Abshire. PNSR's Guiding Coalition, comprised of distinguished Americans with extensive service in the public and private sectors, sets strategic direction for the project. PNSR works closely with Congress, executive departments and agencies, non-profit public policy organizations, universities, industry, and private foundations.

About the Center for the Study of the Presidency

The Center for the Study of the Presidency (CSP), founded in 1965, is a non-partisan, non-profit organization that provides an institutional memory of and for the U.S. presidency in a changing world. The center is the only organization that systematically examines past successes and failures of the presidency and relates its findings to present challenges and opportunities. By highlighting past presidential successes and failures, the center seeks to offer wisdom to current and future presidents, their staffs, Congress, and to students and journalists studying the presidency. Today, both the executive and legislative branches are highly compartmentalized, and this is the enemy of strategic thinking, action, and the best use of resources. In addition, the nation is polarized even though public opinion polls show a desire to break these barriers and face our nation's real public policy issues. Lessons learned from past American experiences offer insights on how best to deal with these challenges. The center organizes conferences, working groups, and publications to preserve the presidential memory; examines current organizational problems through an historical lens; and nurtures future leaders.

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The leadership of the Project on National Security Reform thanks the following departments, agencies, associations, and firms for their participation in and assistance with the project. While project leadership has attempted to include all of the cooperating participants on this list, they apologize if any have been inadvertently omitted.

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The project is also informed by the experience and expertise of private citizens, including: a former secretary of the army and congressman from Virginia; a former under secretary for preparedness, Department of Homeland Security (DHS); a former director for combating terrorism, National Security Council; a former director for state and local government coordination, DHS; a former director of military support, U.S. Army; a former commander, Atlantic Area, U.S. Coast Guard; a former director of preparedness programs, DHS; a former chief of procurement, DHS; a former deputy inspector general, Special Inspector General for Iraq Reconstruction; former ambassadors to foreign nations and multilateral entities; and former assistants secretary of defense.

Foreword

The U.S. government is struggling to address today's complex, rapid-paced security environment with an antiquated national security system. For confirmation, one need look no further than the terrorist attacks of September 11, troubled nation-building operations in Iraq and Afghanistan, and ineffective response to the devastation of Hurricane Katrina.

The system's deficiencies -- and the costs these flaws inflict -- are not the result of a lack of talent or commitment by national security professionals. These individuals work incredibly hard with unsurpassed dedication. Even so, their contributions are too often vitiated within dysfunctional structures and processes.

The simple truth is that the world for which the national security system was designed in 1947 no longer exists. Today's challenges require better integration of expertise and capabilities from across the government. The current national security system cannot provide this. Instead, departments and agencies are often working against one another, the White House is unable to make timely and well-informed decisions, and there is an overreliance on military force. The costs in lives, money, and standing in the world have been tremendous. Future security of the nation is at risk.

The Project on National Security Reform (PNSR), a bipartisan, private-public partnership, was established in 2006 to address the urgent need for system reform. A Guiding Coalition of twenty-five former senior officials with extensive national security experience sets its strategic direction and objectives. PNSR is sponsored by the Center for the Study of the Presidency and funded by Congress, foundations, and corporations.

PNSR is carrying out one of the most comprehensive studies of the national security system in American history. The goals are to identify needed changes to the current system and assist the nation in implementing comprehensive reform during the next administration, regardless of political affiliation.

PNSR's efforts are guided by a framework similar to the one that created the Goldwater-Nichols Act more than two decades ago.

This legislation, which I contributed to writing, effectively fixed the interservice rivalries that had been degrading U.S. military operations into the 1980s. The methodology that brought jointness to the military can now help reduce interagency rivalries and other debilitating problems.

The PNSR approach stresses the importance of defining problems and understanding causes before developing recommendations. To diagnose key deficiencies in the national security system, PNSR has engaged more than 300 national security experts -- from think tanks, universities, federal agencies, law firms and corporations — in its working groups. One working group has been assessing historical case studies of past national security policy formation and execution.

Historical case studies are an essential element of PNSR's work. The multitude of cases PNSR has commissioned help inform the project's conclusions by identifying trends, recurring issues, challenges, and solutions to the complex operational demands of the past. With the help of these case studies and other research, PNSR has found a need for improved collaboration on security matters among branches of the U.S. government; executive departments and agencies; and federal, state, and local entities, which are currently hamstrung by interagency competition and stovepiped structures. Over coming months, PNSR will publish additional study volumes so that a wider audience can benefit from the lessons identified by this scholarship. Interested readers can track PNSR and its working groups' progress at www.pnsr.org.

The case studies featured in this first volume analyze a diverse range of policy areas, from an evaluation of U.S. efforts to plan for the post-World War II occupation of Japan to a first-hand account of program management from the first National Counterintelligence Executive. The volume includes examinations of the U.S. government's response to a natural disaster -- the 1964 Alaska earthquake -- and a series of manmade disasters — from the poorly resourced operation in Somalia to the inadequately planned occupation of Iraq to the muddle through approach that governed policy making and execution during the Balkan wars.

These cases provide powerful stories of heroism and dedication. They demonstrate the potential of the American government to

achieve spectacular successes when it is not encumbered by systemic, organizational, and procedural deficiencies. Yet, they also illustrate the grave consequences of system failure. Whether positive or negative, their insights into the past and present performance of the national security system are invaluable.

PNSR is deeply grateful to those authors, editors, and analysts who have dedicated their time and knowledge to writing this volume. Their efforts have benefited the project and the cause of national security reform and will inform PNSR's forthcoming recommendations. The project is equally appreciative of the thousands of supporters who have encouraged PNSR in its efforts. We remain dedicated to bringing profound, transformational improvements to the national security process.

James R. Locher III
Executive Director

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Introduction

The Project on National Security Reform (PNSR) is a non-profit and non-partisan organization working to improve the U.S. national security system. Funded and supported by Congress, foundations, and corporations, PNSR is carrying out one of the most comprehensive studies of the U.S. national security system in American history.

As part of this effort, PNSR tasked the Case Studies Working Group (CSWG) to assess a series of events and developments that would shed light on the past performance of the United States Government (USG) in mitigating, preparing for, responding to, and recovering from national security challenges. The CSWG accordingly commissioned a diverse range of "major" and "mini" case studies to examine significant national security issues and incidents that involved multiple USG agencies and departments. This retrospective analysis seeks to discern the strengths and weaknesses of the U.S. national security process, so as to better inform efforts to reform the current system.

The case study collection is neither entirely random nor entirely planned. The potential cases for analysis are effectively infinite. The CSWG, following PNSR leadership guidance, solicited several specific studies that addressed issues and historical events considered essential in any examination of the U.S. national security system (e.g., the U.S. intervention in Somalia, planning for the Iraq War, the Iran-Contra Affair, and others). The working group also sought cases on national security matters that covered lesser known events, episodes not entailing the use of force, and those for which the author brought unique insights based on past scholarship or government service. The outcome of a proposed case was not considered in the selection process. Successful, failed, or mixed results are equally valuable in analyzing the national security process.

The working group also strove to cover issues that have affected different administrations due to their reflecting enduring national security challenges (e.g., managing crises with China). Although the majority of cases focus on the post-Cold War security environment, the CSWG sought to include studies of events that occurred during each presidential administration since 1947. Despite tremendous

changes in the international environment as well as the structure and capabilities of the U.S. government, many of these past episodes yield rich analytical insights for contemporary U.S. national security reform.

The Major Cases

A majority of PNSR's "major" case studies (approximately 15,000 words in length) offer original scholarship in national security policymaking. These products typically use both secondary and primary sources, including government records, interviews, and periodicals. Case studies examining relatively recent issues, such as the proposed U.S.-Indian civil nuclear cooperation accord, rely heavily on contemporary media coverage, while those that analyze earlier events often incorporate archival research. Some case study authors had government experience directly relevant to their investigations—though the authors and CSWG also reviewed the secondary literature on these issues to ensure comprehensive analysis.

The major cases investigate a range of national security issues, including responses to immediate-, medium-, and long-term challenges as well as organizational restructuring and program management. All the studies explicitly note why the particular case is important to PNSR. Furthermore, all major case study authors approach their investigations through the analytic lens of four guiding questions:

- Did the U.S. Government generally act in an ad hoc manner or did it develop effective strategies to integrate its national security resources?
- How well did the agencies/departments work together to implement these ad hoc or integrated strategies?
- What variables explain the strengths and weaknesses of the response?
- What diplomatic, financial, and other achievements and costs resulted from these successes and failures?

The major cases also attempt to assess the extent to which certain organizational variables influenced the strengths and weaknesses of the

government's response. These explanatory variables break down into three classifications: decision-making structures and processes, civilian national security organizational cultures, and baseline capabilities and resources. Table A lists the factors constituting these categories.

Table A: Explanatory Variables

DECISION-MAKING STRUCTURES AND PROCESSES	CIVILIAN NATIONAL SECURITY ORGANIZATIONAL CULTURES	BASELINE CAPABILITIES AND RESOURCES
Interagency Decision Mechanisms	Interagency Culture	Staff
Clear Authorities	Shared Values	Sufficient Resources
Interagency Authorities	Missions and Mandates	Congressional Resourcing
Lead Agency Approach	Expeditionary Mindset	Resources Management
Informal Decision Mechanisms		Information Management
Individual Agency Behaviors		Legal

While not all variables were relevant to each case, targeting these factors—in the initial guidance as well as during the revision phases—successfully facilitated the process-oriented analysis of interest to PNSR.

The Mini Cases

In contrast to the major cases, the mini case studies (typically running less than 10,000 words) draw on the vast secondary literature that has arisen over the decades on important national security events. The study of American national security decision making and implementation presents a rich corpus in many dimensions. The CSWG often decided to exploit this literature rather than try to write an even better history of a well-covered event. The value-added the PNSR authors bring to these cases is that they apply the unique PNSR questions—focusing on issues related to the performance of

the USG agencies involved rather than the personalities engaged or other dimensions unrelated to the structures and processes of the U.S. government—when analyzing the assessment of other scholars on these subjects.

Mini case authors employ the most important three to five books, monographs, government reports, or seminal articles regarding their event—basing their choices on scholarly and popular reviews. Most authors use ten to fifteen additional sources, including news articles and government documents, to enhance the narrative of the case and provide more detail regarding the organizational and process issues of central concern to PNSR. The mini cases review these sources to determine whether there is a general consensus among experts regarding USG decision making and policy implementation towards a particular event or issue. If agreement proved lacking, then the CSWG evaluated the reasons for these differences.

The mini studies adhere to a similar structure and approach as the major cases to aid in cross-case analysis. The introductory sections of the cases explicitly identify the importance and relevance of the study to national security reform, describe the secondary sources used in the case, and provide summary answers to PNSR's guiding questions. The introduction is followed by four sections, each pertaining to one of PNSR's foundational questions. The conclusions then highlight in bullet format the main variables associated with the strengths and weaknesses of the U.S. government effort.

As of September 2008, the CSWG has compiled an extensive body of case literature. Together, the major and mini case studies identify variables that lead to recurring weaknesses in U.S. national security. In addition, the studies demonstrate enduring strengths in the system and trace these to their likely causes. PNSR plans to publish several volumes of case studies, including both the major and minor variants. In the meantime, the interested reader can review the summaries of the case studies available on the PNSR website (www.pnsr.org). The summaries for the cases included in this volume are located in the appendix at the end of this book.

Although limited in number, the major cases in this volume illustrate important strengths and weaknesses of the U.S. national security system. The account of the U.S. government's response to the 1964

Alaskan Earthquake indicates how bureaucratic superheroes can sometimes overcome systemic deficiencies and achieve excellent unity of effort and efficient use of resources. The investigations of U.S. planning for the post-World War II occupation of Japan and cooperative civil-military development programs in South Vietnam illustrate that the government can, under the right circumstances and leadership, learn from past planning and organizational mistakes and restructure to create and implement more effective policy.

In other cases, the examination of U.S planning for the war in Iraq reveals a national security system unable to develop an integrated strategy for a post-war environment. The account of the first National Counterintelligence Executive portrays an intelligence community whose disparate parts refuse to cooperate even on vital national security issues. The case study on the U.S. operation in Somalia demonstrates how the U.S. government can misalign objectives and resources in a disastrous fashion.

This book concludes with a cross-case analysis that evaluates the most important observations from the entire collection of PNSR case studies.

Key PNSR Themes

In August 2008, drawing on the work of the CSWG and the other working groups, PNSR issued a report of its preliminary findings (available on the PNSR website at www.pnsr.org). In its assessment, the shifting demands of national security have made a holistic, whole-of-government approach increasingly vital for the effective conduct and execution of USG policymaking.

According to the report, the system established by the National Security Act of 1947 has not proven as adaptive as its founders likely envisioned. While presidents have had great leeway in issuing directives, articulating policy priorities, and establishing processes, they have only infrequently achieved fundamental changes in the major national security agencies or significantly altered the outputs of these bureaucracies. As a result, individual departments have not collaborated well on tasks that involved shared responsibilities.

The National Security Council staff, originally envisioned as a coordinating body between departments and agencies, has been continually remade but has not been consistently able to cajole or coerce interagency cooperation. Disunity has been further facilitated by a long-standing emphasis on capability building over mission integration and the resulting inculcation of organization-specific cultures and loyalties.

As currently constructed, the U.S. national security system is plagued by inadequate unity of effort. The system's most glaring shortcomings include:

Although departments have become proficient at developing capabilities within their mandates, the national security system cannot rapidly develop new capabilities or combine capabilities from multiple departments for new missions. As a consequence, mission-essential capabilities that fall outside the core mandate of a department receive less emphasis and fewer resources.

- No consistently effective mechanism exists for delegating presidential national security authority. The most common formal integration mechanism is the lead agency because departments and agencies are established, work well in their domains, and control resources. Presidents also sometimes designate lead individuals, or "czars." However, both lead agencies and czars lack authority to direct Cabinet officials or their departments.

- An over-burdened White House is even less able to manage the national security system as a whole and is unable to perform well during presidential transitions.

- The legislative oversight process reinforces these problems and makes improving performance difficult. Committees are organized to oversee individual executive branch departments and agencies, not to supervise interagency mechanisms or multi-agency operations, making accountability for "national missions" a peripheral concern.

- Congress's division of the authorization and appropriations functions, its restrictions on spending and fund transfers, and

its willingness to include significant expenses unrelated to emergency operations in supplemental budget appropriations impede the linking of resources to national security goals and objectives.

- Based on this critique of the current system, the preliminary report identified fundamental imperatives that must inform any process of national security reform. These include:
- National security reform must be conducted with a deep appreciation for the context within which national security interests are pursued.
- Success cannot hinge upon leadership or organization alone. Both are needed and must be fused into a dynamic, synergistic relationship.
- The system must produce a "collaborative government" approach that can draw on capabilities in any part of the government when necessary.
- Resources, both human and financial, must match goals and objectives.
- The system must focus on shaping requirements for meeting a wide range of present and future challenges, not just on those generated by current missions.
- Where the system cannot find adequate capacity on which to draw, it must build these capacities.
- The national security system must have structures and processes that enable it to deal more effectively with other countries and multilateral organizations.
- For the effective performance of the national security system in the twenty-first century, the imperatives iterated above must be coupled with:
- Leadership that generates vision and guidance for effective policy development and execution; builds a collaborative national security team; incentivizes and empowers partnerships across government agencies, between government and

the private sector, and with key international players; and emphasizes a proactive approach towards shaping and managing national security issues.

- Effective long-range strategy formulation and strategic planning that articulates objectives, establishes priorities, relates means and ends, and integrates all the tools of hard and soft power into a common framework.
- A comprehensive and flexible investment strategy that generates and appropriately applies the human and financial resources needed to meet goals and objectives.
- Creation of a national security workforce bound by a national security culture that rewards cooperation and collaboration and is supported by effective recruitment and a robust education and training system.
- A flexible and agile organization and management structure that facilitates strategy formulation, decision making, execution, and oversight by leadership; emphasizes the vital integration of all tools of national power whether they reside in the government or in the private sector; captures creative thinking at whatever level to promote innovative solutions to current and anticipated problems; and monitors performance in the field and adjusts as necessary.
- Effective utilization of intelligence and knowledge, exploiting the full range of human and technological opportunities and ensuring mechanisms to counter bias, prejudice, selectivity, and faulty mindsets in policy development and supporting analysis.
- Joint executive and legislative branch oversight and accountability of the system as a whole, rather than of its constituent parts, that gives attention to national missions, evaluates performance using common metrics, and is responsive to changing performance requirements.

Meeting Twenty-first century Security Challenges

CHAPTER 1. OPTING FOR WAR: AN ANALYSIS OF THE DECISION TO INVADE IRAQ

Joseph J. Collins[1]

Introduction

Measured in blood and treasure, the war in Iraq has achieved the status of a major war by any accounting. By the summer of 2008, this conflict had cost the United States over 4,100 dead, and over 30,000 wounded. Allied casualties have accounted for another 300 dead. Iraqi civilian dead—mostly at the hands of other Iraqis—may number more than 90,000. Over 8,000 Iraqi soldiers and police officers have also been killed. ifteen percent of the Iraqi population has become refugees or displaced persons. The Congressional Research Service estimates that the United States now spends over 10 billion dollars per month on the war, and that the total direct appropriations for Operation Iraqi Freedom from March 2003 to June 2008 have exceeded 524 billion dollars, all of which has been covered by deficit spending.[2]

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1 The author, a retired Army colonel, is currently a Professor at the National War College. From 2001 to 2004, he served as the first Deputy Assistant Secretary of Defense for Stability Operations. He was active in the initial planning for the humanitarian aspects of Operation Iraqi Freedom and in all phases of the war in Afghanistan.

2 The best sources on casualties of all types are http://www.defenselink.mil/ and http://icasualties.org/oif/. Iraq civilian casualties are hardest to track. Most sources tied to actual incident-related counts show a maximum of 93,000 in the summer of 2008. See www.iraqbodycount.org . The U.S. government does not keep statistics on these losses, which is a significant mistake. If COIN depends on protecting the population, Iraqi civilian casualties can be a critical metric. For an up-to-date digest of financial costs, see Amy Belasco, *The Cost of Iraq,*

The war's political impact has also been great. Globally, U.S. standing among friends and allies has fallen.[3] Our status as a moral leader has also been damaged by the war, the subsequent occupation of a Muslim nation, and various issues concerning the treatment of detainees. At the same time, operations in Iraq have had a negative impact on efforts in many other aspects of the war on terrorism, all of which have taken a back seat to the priority of the war in Iraq when it comes to manpower, material, and the attention of decision makers. Our Armed Forces—especially the Army and Marine Corps—have been severely strained by the war. Compounding all of these problems, our efforts in Iraq were designed to enhance U.S. national security, but they became—at least temporarily—an incubator for terrorism and have emboldened Iran to expand its influence throughout the Middle East.

As this case study is being written, despite impressive progress from security in the Surge, the outcome of the war is still in question. Strong majorities of both Iraqis and Americans favor some sort of U.S. withdrawal. Intelligence analysts, however, remind us that the only thing worse than an Iraq with an American army may be an Iraq after the rapid withdrawal of that army. The 2007 National Intelligence Estimate (NIE) on Iraq's future stability said that a rapid withdrawal "almost certainly would lead to a significant increase in the scale and scope of sectarian conflict in Iraq, intensify Sunni resistance to the Iraqi government, and have adverse consequences for national reconciliation." The NIE goes on to say that neighboring countries might intervene and that massive casualties and refugees would result.[4]

To date, the war in Iraq is a classic case of failure to adopt and adapt prudent courses of action that balance ends, ways, and means. After

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Afghanistan, and Other Global War on Terror Operations since 9/11 (Washington, DC: Congressional Research Service, June 23, 2008), 1–4.

3 Dana Milbank, "Opinion of U.S. Abroad Is Falling, Survey Finds," *Washington Post*, March 17, 2004; A22; and the summary of the Pew poll of 47 nations available at http://pewresearch.org/pubs/524/global-unease-with-major-world-powers-and-leaders, accessed September 19, 2007.

4 N*ational Intelligence Estimate: Prospects for Iraq's Stability: A Challenging Road Ahead*, January 2007, 8. The quote is taken from the National Intelligence Estimate's key judgments. The full text of what was publicly released can be found at http://www.nie.gov/press_releases.

the major combat operation, U.S. policy has been insolvent with inadequate means pursuing ambitious ends. It is also a case where the perceived illegitimacy of our policy has led the United States to bear a disproportionate share of the war's burden. U.S. efforts in Iraq stand in stark contrast to the war in Afghanistan, where, to the surprise of many, U.S. friends and allies have recently taken up a larger share of the burden of that conflict. Afghanistan has become NATO's war, but the war in Iraq has increasingly become only a U.S. and Iraqi struggle. The British withdrawal heightens the isolation of the U.S. and Iraqi governments.

The goal of this case study is to outline how the United States chose to go to war in Iraq, how its decision-making process functioned, and what can be done to improve it. The central finding of this study is that U.S. efforts in Iraq were hobbled by a set of faulty assumptions, a flawed planning effort, and a continuing inability up to 2007 to create security conditions in Iraq that could have fostered meaningful advances in stabilization, reconstruction, and governance. The United States and its partners have not done enough to create conditions in which such a development could take place. With the best of intentions, the United States toppled a vile, dangerous regime but did not have an effective plan to replace it with a stable entity. U.S. mistakes in the Iraq operation cry out for improvements in our decision making and policy execution systems. In turn, these improvements will require major changes in the legislative and executive branches, as well as in interagency processes.

A comprehensive narrative of the war is beyond the scope of this case.[5] Many key actors have not yet given their side of the story. Given classification problems, the role played by intelligence and information operations can only be partially dissected. There is sufficient information, however, to make preliminary conclusions, especially since the focal point here is on the major early decisions made at the presidential, interagency, cabinet department, and theater levels, all of which are areas of relatively rich documentation. The first four parts of this investigation will briefly analyze the context of the war and how the United States planned for it. The fifth section will analyze the decision making process. The final section will discuss potential changes to our decision-making, organizational, and operational systems.[6]

5 A set of books have informed my research on Iraq: Bob Woodward, *Plan of Attack* (NY: Simon and Schuster, 2004); Michael R. Gordon and General Bernard E. Trainor, *Cobra II: The Inside Story of the Invasion and Occupation of Iraq* (New York: Pantheon Books, 2006); Thomas E. Ricks, *Fiasco: The American Military Adventure in Iraq* (New York: Penguin Press, 2006); and Bob Woodward, *State of Denial: Bush at War, Part III* (New York: Simon and Schuster, 2006). For the much neglected Iraqi leadership perspective, see Kevin M. Woods, et al., *Iraqi Perspectives Project: A View of Operation Iraqi Freedom from Saddam's Senior Leadership* (U.S. Joint Forces Command, 2007), esp. vii–xi and 175–84. This project was based mainly on 700 captured documents and interviews with over 25 top Iraqi national security officials. Another important book is Thomas Mahnken and Thomas Keaney, eds, *War in Iraq: Planning and Execution* (New York: Routledge, 2007). In that volume, war planning is discussed in detail in Isaiah Wilson, "America's Anabasis," 9–21. A seminal work on post-war planning can be found in Nora Bensahel, "Mission Not Accomplished: What Went Wrong with Iraqi Reconstruction," *Journal of Strategic Studies* (June 2006), 453–473.

6 This study on Iraq has been influenced by personal observations from my assignment as the deputy assistant secretary of defense for stability operations (2001–2004), where I played a modest role in the initial humanitarian and reconstruction planning before the conflict. The analysis here borrows much from three of my previous, papers: "Planning Lessons from Afghanistan and Iraq," *Joint Force Quarterly* 41 in the second quarter, 2006; another that was presented in April 2007 at a conference at the Bush School at Texas A&M, entitled "The Perils of Planning: Lessons from Afghanistan and Iraq"; and "Choosing War: The Decision to Invade Iraq and its Aftermath, *National Defense University Institute of National Strategic Studies Occasional Paper no. 5*, April 2008. I have drawn freely on these papers without detailed citation.

Part I: The Context

After favoring Saddam Hussein in his long war with Iran, the United States was caught off guard when the unpredictable dictator invaded Kuwait, a state to which he owed dozens of billions of dollars for its support in Iraq's long war with Iran. In August 1990, the United States organized a vast international coalition and in the following year ultimately forced Saddam from Kuwait. Down but not out, Saddam managed to put down subsequent domestic rebellions in the south (among the Shiia) and the north (among the Kurds) of Iraq. Today, the Gulf War coalition's failure to "finish the job" in Iraq in 1991 is often seen as a huge mistake. Critics have argued that we had Saddam on the ropes, and he was ripe for not just a knockdown, but a knockout blow. In 1991, however, the president and his national security advisor saw it differently. Years later, President George H. W. Bush and Brent Scowcroft wrote:

> While we hoped that a popular revolt or coup would topple Saddam, neither the United States nor the countries of the region wished to see the breakup of the Iraqi state. We were concerned about the long-term balance of power at the head of the Gulf. Breaking up the Iraqi state would pose its own destabilizing problems…. Trying to eliminate Saddam, extending the ground war into an occupation of Iraq, would have violated our guideline about not changing objectives in midstream, engaging in 'mission creep," and would have incurred incalculable human and political costs….We would have been forced to occupy Baghdad, and, in effect, rule Iraq. The coalition would instantly have collapsed…Under those circumstances, there was no viable "exit strategy" we could see, violating another of our principles….Going in and occupying Iraq, thus unilaterally exceeding the United Nations' mandate, would have destroyed the precedent of international response to aggression that we hoped to establish. Had we gone the invasion route, the United States could conceivably still [in 1998] be an occupying power in a bitterly hostile land.[7]

7 George H.W. Bush and Brent Scowcroft, *A World Transformed* (NY: Knopf, 1998), 489.

From 1991 to 2003, Saddam continued to rule, putting down sporadic revolts, and turning the Iraqi state into a kleptocracy, a money-making enterprise for him and his cronies. Public and private infrastructure decayed. The regular Iraqi Army and Air Force declined in readiness but remained formidable by regional standards. Following the promulgation of a doctrine of dual containment for Iran and Iraq, the U.S. and coalition partners kept Saddam's regime contained and constrained by using Allied air forces to enforce UN-supported (but not explicitly authorized) "No Fly Zones" in the northern and southern thirds of the country. This required continuous air operations run out of the Gulf states—especially Saudi Arabia—and Turkey. On a daily basis, enforcing the two No Fly Zones required up to 200 aircraft and 7,500 airmen. In all, 300,000 sorties were flown. In 2002 alone, Iraq attacked coalition aircraft on 500 occasions, 90 of which resulted in coalition air strikes—some of which were calculated to be helpful in a potential future conflict.[8]

Saddam's regime was also subject to strict sanctions and the UN later came to provide food and medicine for the Iraqi people in return for regulated oil exports in the Oil-for-Food program. Over the years, Saddam found a way to profit from the sanctions, stockpiling cash and building "palaces" as his people withered. After the 2003 invasion of Iraq, UN investigators exposed many people (including some foreign government and UN officials) who had taken bribes of one sort or another for cooperating with Saddam. As the century came to an end, however, Saddam's propagandists had convinced many in the West that the UN-approved sanctions were hurting the people and especially the children of Iraq. The sanctions regime was on thin ice. Indeed, by 2003 the steady unraveling of international sanctions became a subsidiary factor in the litany of reasons to go to war with Saddam.

After Operation Desert Storm in 1991, UN inspectors hunting weapons of mass destruction (WMD) played a long cat and mouse

8 Suzanne Chapman, "The War before the War," *Air Force Magazine*, February 2004, available at http://www.afa.org/magazine/Feb2004/0204war.asp, accessed July 24, 2007.

game with Saddam's military and intelligence bureaucracies. In 1998, the Iraqi dictator unilaterally ended the inspections, raising suspicion in the West and in the UN that he was accelerating his programs. President Clinton later conducted punitive strikes on Iraq with the tacit support of many nations in the United Nations Security Council. To the incoming Bush administration in 2001, Saddam was a tyrant, a regional bully, and a supporter of terrorism. The new administration was composed of many veterans of the first Gulf War—including Vice President Dick Cheney, National Security Advisor Condoleezza Rice, her deputy Stephen Hadley, Deputy Secretary of Defense Paul Wolfowitz, the National Security Council (NSC) staff's Zalmay Khalilzad, and Cheney's Chief of Staff Lewis Libby[9]—who saw Saddam Hussein as an ugly piece of unfinished business from their collective past.

Saddam's relationship with terrorists was always a concern. Years later, analysts would argue about whether Saddam had an operational relationship with Al Qaeda, but in truth, his relationships with many terrorist groups was active and never in doubt.[10] He was among the most active supporters of Palestinian terrorism. The Mujahideen-e-Khalq (MeK), a leftist, anti-Iranian terrorist/military force, was resident in Iraq, conducted operations against Iran, and cooperated with Saddam's paramilitary and armed forces. Also, Abu Musab al-Zarqawi, who became Al Qaeda's leader in Iraq, was resident for a time in a remote, Kurdish-controlled section of northern Iraq with his group, Ansar al-Islam before the U.S. invasion. He had visited Baghdad and received medical treatment there.[11]

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9 A number of these officials were behind a movement for regime change as U.S. policy and some had even publicly opined about military options against Iraq. For example, see the series of articles in the *Weekly Standard* of December 1, 1997, that were bannered on the cover page as "Sadddam Must Go: A How-to Guide," with individual pieces by Paul Wolfowitz, Peter Rodman, and Zalmay Khalilzad, all of whom served as administration officials in the run-up to the 2003 war.

10 While most analysts reject the Saddam-Al Qaeda connection, the best counterarguments can be found at Stephen Hayes, *The Connection: How al Qaeda's Collaboration with Saddam Hussein Has Endangered America* (NY: Harper Collins, 2004).

11 CIA Director George Tenet in his memoir, *At the Center of the Storm*, confirms the activities of Zarqawi in Iraq and his relationship with Saddam's regime. See

Zarqawi did not have an operational relationship with Saddam's intelligence force, but they clearly had communications and a symbiotic coexistence. Initially, Zarqawi was independent and not a subordinate of Osama bin Laden. However, the Zarqawi organization's similarity to Bin Laden's attracted the attention of U.S. friends in Kurdistan who brought that group to the attention of U.S. planners. In the run-up to the war, the radical Zarqawi was cooperating with both the Baathist regime and Al Qaeda. After establishing his reputation as the most energetic Salafist terrorist leader in Iraq, he merged his group with Al Qaeda and became its emir in post-Saddam Iraq.[12]

Since the Republicans had last been in power, Saddam had tried to assassinate the elder President Bush, the sanctions on him were weakening, and he had ignored many UN Security Council resolutions. His possession of chemical weapons and illegal missiles, as well as his active WMD research and development programs were widely held articles of faith among security experts. His relationship with terrorist groups was beyond question. Even the Clinton administration—after Congressional pressure—had declared that regime change in Iraq was U.S. policy. Despite the now well-known decay in his regime, "what to do about Saddam" was an important issue for the new Bush administration, and it became a critical one after 9/11.

In the aftermath of the terrorist attacks on the World Trade Center and the Pentagon in September 2001, Saddam's regime took on a new, more ominous appearance. The vast majority of Bush administration officials did not believe that Saddam had anything to do with 9/11, but they saw new reason to be concerned about Saddam and his WMD programs. While an immediate attack against Al Qaeda and

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the extensive excerpts from the memoir in William Kristol, "Inadvertent Truths: George Tenet's Revealing Memoir," *Weekly Standard*, May 14, 2007, available at http://www.weeklystandard.com/content/public/articles/000/000/013/615cglnt.asp, accessed August 20, 2007. On terrorist affiliations with Saddam, see also Lawrence Wright, *The Looming Tower: Al-Qaeda and the Road to 9/11* (New York: Alfred Knopf, 2006), 295–96.

12 An Arab expert's account of the inner workings of Zarqawi and Al Qaeda can be found in the work of the London-based journalist, Abdel Bari Atwan, *The Secret History of Al Qaeda*, (Berkeley, CA: University of California Press, 2006), 179–206.

its Taliban allies in Afghanistan was critical, so was the prevention of new attacks on the U.S. homeland, which many feared could include Al Qaeda borrowing or stealing a nuclear device from a rogue state or former nuclear power.

When terrorists can strike the U.S. homeland and cause mass casualties, terrorism ceases to be only a law enforcement issue. In the eyes of the administration and most of the American people, the struggle with terrorism had become a war and the use of military force was one of its available instruments. The president said in his introduction to the 2002 National Security Strategy that:

The gravest danger our Nation faces lies at the crossroads of radicalism and technology. Our enemies have openly declared that they are seeking weapons of mass destruction, and evidence indicates that they are doing so with determination. The United States will not allow these efforts to succeed.[13]

> Because of the new threat from Al Qaeda and the dangers of proliferation, the president embraced the doctrine of preemption—which some saw as a doctrine of preventive war—and declared Iraq—along with North Korea and Iran—a member of the Axis of Evil.

Part II: The War Plan

Suggestions about military operations against Iraq came from the Pentagon as early as the September 12, 2001, but President Bush sidelined them during the early fighting in Afghanistan. In November 2001, however, on the edge of achieving initial military success in Afghanistan, he asked Secretary of Defense Donald Rumsfeld to begin planning in secret for potential military operations against Iraq. That mission passed quickly to the U.S. Central Command headed by General Tommy Franks, U. S. Army (USA).[14] The Chairman, General

13 *The National Security Strategy of the United States*, September 2002, unnumbered introductory page.

14 General Franks's first-hand account is in his biography, Tommy Franks with Malcolm McConnell, *American Soldier* (New York: Reagan Books, 2004). The best complete examination of planning is in Gordon and Trainor, *Cobra II*,

Richard Myers, United States Air Force, and the vice chairman of the Joint Chiefs of Staff, General Peter Pace, U. S. Marine Corps (USMC) played a supporting role with the activist secretary exercising his legal authority to be the direct supervisor of the combatant commanders. Most defense secretaries before this administration chose to work with the combatant commanders mainly through the chairman of the Joint Chiefs. The role played by Secretary Rumsfeld in the development of the details of the battle plan and the flow of the invasion force was unique in recent memory.

Over the next fifteen months, Franks and Rumsfeld remained in close and near continuous contact. Not only were there dozens of briefings and face-to-face conversations—usually with the chairman or vice chairman of the Joint Chiefs of Staff in attendance—there was a steady stream of memos and "Snowflakes" from the energetic secretary that posed issues for the Pentagon and Central Command staffs. Rumsfeld wanted to conduct a quick, lightning-like operation in Iraq, followed by a swift handover of power to the Iraqis. He did not want a large-scale, ponderous operation like Desert Storm, which he saw as wasteful and outmoded. He also did not want U.S. troops unnecessarily bogged down in an endless post-war peace operation.[15] Long, costly, manpower intensive post-combat operations were anathema to the secretary who was as interested in force transformation as he was a potential war in Iraq. In some ways, the war in Afghanistan—with a small ground force (ably assisted by the Central Intelligence Agency's [CIA's] paramilitary and special operations forces), mated to superb communications, high-tech air assets, precision-guided munitions, and timely intelligence—was a conceptual model (though not a cookie cutter) for what Rumsfeld wanted to see in the Iraq war plan. Throughout their dialogue, and

75–117.

15 One of the most developed arguments about how transformation ideas affected the war plan can be found in James Kittfield, *War and Destiny: How the Bush Revolution in Foreign and Military Affairs Refined American Power* (Washington, DC: Potomac Books, 2005). Rumsfeld's clearest presentation on his post-war strategic concept—light footprint, quick occupation, avoid long-term presence––can be found in his "Beyond Nation Building" speech at the Intrepid Museum, New York City, February 14, 2003. It can be located on http://www.defenselink.mil under "Speeches."

into the deployment of the force, the aggressive, hands-on secretary cajoled and pushed his way toward a small force and a lightning-fast operation. Later, he shut down the military's automated deployment system, questioning, delaying, or deleting units on numerous deployment orders that came across his desk.[16] For his part, Franks––who shared Rumsfeld's belief in the importance of speed—was caught between trying to placate his boss and satisfy the physical needs of his forces.

According to secondary sources, Franks may have briefed the president on his war plan as many as ten times. He started using a modified version of the old 1003V war plan, but then developed three new varieties: a generated start plan, a running start plan, and then a hybrid plan. In the end, the last version, *Cobra II,* was strongly influenced by "edits" from the field.[17] It called for a force of about 140,000 troops that was a third the size of the plan that was on the shelf when the administration came to power. The main strike elements of the plan were a few thousand special operators and two ground divisions (one Army and one Marine), with elements of three other Army divisions and an Army parachute infantry brigade later inserted into the fray. Given the effects of previous air operations and the need not to be predictable, the notion of a long, pre-ground attack air operation was discarded, which aided the element of surprise.

On the allied front, the U.S. made a concerted attempt to garner support within the UN and among our allies, but unlike Operation Desert Storm or Operation Enduring Freedom, the permanent members of the Security Council decided that they wanted no part in either authorizing or participating in the operation. Adding salt to the wound, Germany and France led the battle against the United States on this issue. Few U.S. allies would sign up for the initial assault. A low level of allied commitment no doubt helped an already reluctant Turkish government—faced with strong public opinion against the

16 For an example of Army shortages connected to interrupted or curtailed deployments, see Kittfield, *War and Decision*, 146.

17 The only book to cover the critical inputs to the plan made by LTG McKiernan and his staff at the land component command is Gordon and Trainor, *Cobra II*, 75–117.

war—to disallow the use of its territory to launch a northern front in Iraq with the powerful U.S. 4th Infantry Division.

Franks never briefed either Rumsfeld or Bush on options short of war. Franks took his charge to prepare a war plan as a mission to develop a full-scale, direct military approach to the overthrow of Saddam's regime. There were never plans for creating enclaves, supporting a guerrilla war, or using only a combination of special operations forces and airpower in a coercive manner. The CIA and Office of the Secretary of Defense (OSD) Policy did look at the possibility of covert action or actions short of war, but no agency believed that such actions could take out this entrenched regime and replace it with a better one. The CIA also did not have an active set of relationships in Iraq with resistance movements as it did in Afghanistan.[18] Much of our critical intelligence about Iraq was also not able to be checked against sources on the ground. There were grave limits on our ability to confirm judgments that we believed were true.

For their part, the Joint Chiefs of Staff, statutory military advisers to the secretary of defense, the president, and the National Security Council, also met with the president twice on the war plan, the last time in January 2003, around the time that this author believes that the president finally decided in his own mind to go to war. Aside from General Eric Shinseki, the chief of staff of the Army's comments that the on-scene force was small and that "it would be important to keep reinforcements flowing," all of the chiefs supported the plan.[19] None of the chiefs brought up any misgivings about Phase IV, post-combat stability operations, though that issue would be raised a month later in a Senate Armed Services Committee hearing, discussed below.

By this time, the administration's key congressional effort had already taken place. In October 2002, President Bush sought congressional approval for a prospective military operation against Iraq. Propelled by a high threat perception, the resolution passed both houses handily. The congressmen and senators no doubt remembered the political penalty applied to those legislators, mostly Democrats, who had voted against Operation Desert Storm, which passed the Senate by only five votes.

18 Interview with a National Security Council staff official, August 15, 2007.

19 Gordon and Trainor, *Cobra II*, 100–103. The quote is from page 101.

Part III: International Support and Weapons of Mass Destruction (WMD)

On the international front, Colin Powell, with the strong backing of the UK and other U.S. allies, convinced the president in August 2002 to exhaust the diplomatic effort before going to war. Late in 2002, with strong U.S. support, weapons inspections began again, and as always, Saddam's regime continued to interfere with them. After 400 inspections, the UN inspectors came to no firm conclusions. Their cautious on-scene report was drowned out by many other briefings about Iraqi WMD, including one by Secretary of State Powell, described below. In all, the existence of a large stockpile of chemical weapons and missiles, and perhaps more importantly, active missile, biological, and nuclear research programs became the top reason for invading Iraq, and the reason that brought together many different factions in their desire to forcibly oust Saddam Hussein and his murderous regime.

On the eve of the 2003 war, disputes on details like aluminum tubes and uranium oxide from Niger aside, most international intelligence agencies believed, as did former President William Clinton, that Saddam still possessed a major chemical weapons stockpile, a significant missile force, and active R&D programs for biological and nuclear weapons. Next to nothing exists in credible sources to support the notion that the WMD threat was concocted by USG officials and then sold like detergent to a gullible public, nor do I believe that any one Iraqi source tricked the U.S. government into our beliefs. No special offices within OSD or cabals of neo-conservatives created the dominant perception of the danger of Iraqi WMD. We now know that there were many holes in our knowledge base, but senior officials and analysts were almost universally united in their core beliefs. As the lead key judgment in the Intelligence Community's October 2002 NIE on WMD in Iraq stated:

> We judge that Iraq has continued its weapons of mass destruction (WMD) programs in defiance of UN resolutions and restrictions. Baghdad has chemical and biological weapons as well as missiles with ranges in excess

> of UN restrictions; if left unchecked, it probably will have a nuclear weapon during this decade.[20]

This perception was aided and abetted by Saddam himself, who wanted the great powers and his hostile neighbors to believe that he had WMD programs and stockpiles. His use of chemical weapons against Iran and Iraqi Kurds also gave weight to the belief in the danger of Iraqi WMD programs. Saddam's complete destruction of his stockpiles and the suspension of much of his R&D work fooled the West, as well as his own generals.[21] This deception was critical in Saddam's eyes to Iraqi security. According to the Joint Forces Command-Institute for Defense Analysis (JFCOM-IDA) project on Iraqi perspectives:

> Saddam walked a tightrope with WMD because, as he often reminded his close advisors, they lived in a very dangerous global neighborhood where even the perception of weakness drew wolves. For him, there were real dividends to be gained by letting his enemies believe he possessed WMD, whether it was true or not.[22]

The Catch-22 was that he also had many reasons to convince the great powers that he had destroyed these weapons and that the UN should end the sanctions. Inside his regime, a tangled web of lies and secrecy confused even his own generals during and after the war. According to the JFCOM-IDA study "the idea that in a compartmentalized and secretive regime other military units or organizations might have WMD was plausible to them."[23] Saddam's record of deception was a

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20 The key judgments of the 90-page National Intelligence Estimate can be found at http://www.fas.org/irp/cia/product/iraq-wmd.html , accessed July 31, 2007. It should be noted that the Bureau of Intelligence and Research at the State Department objected to the timing and criticality of the Intelligence Community's judgment about Iraq's nuclear program. While this author maintains that we went to war on agreed on intelligence, there are those at CIA who felt that analysts at the agency had been pressured. See, for example, Paul Pillar, "Intelligence, Policy, and the War in Iraq," *Foreign Affairs* (March/April 2006).

21 For a readily available summary of the major study cited in note 1, above, see Kevin Woods, James Lacey, and Williamson Murray, "Saddam's Delusions: The View from the Inside," *Foreign Affairs* (May/June 2006), 2–28.

22 Kevin Woods et al., *Iraqi Perspectives Project*, 91.

23 Kevin Woods, et al., *Iraqi Perspectives Project*, 92.

key factor in why intelligence analysts could not bring themselves to believe that Iraqi WMD was a dead issue. His own duplicity became a factor in his undoing.

While Secretary Powell was successful in restarting weapons inspections in Iraq, despite Iraqi trickery and foot dragging, he was never able to build a consensus for decisive action in the Security Council. Powell nevertheless agreed to support the president's decision to go to war. In mid-January 2003, he subsequently made—with CIA Director Tenet at his side representing the power of the U.S. intelligence community—a highly publicized briefing on Iraqi WMD programs to the UN Security Council. (He was later embarrassed to discover that some details that he highlighted were incorrect.) When in the following month UN inspections came to naught, the die was cast for war without the public blessing of most key U.S. allies or the UN Security Council. Having found Iraq in material breach of UN Security Council 1441 resolution which demanded Iraq come clean on its WMD programs, the United States decided to try for another resolution, one that might explicitly authorize the use of force. The attempt to get yet another resolution failed due to lack of support and ended up casting doubt on the legitimacy of U.S. efforts. Later, our failure to find either WMD stockpiles or active research and development programs did still more damage to our credibility, further retarding our efforts to gain international support.

In the end, of the nations in the region, only Israel, Kuwait, and Qatar were obviously behind the coalition effort, although many other regional states privately supported the effort. Of major U.S. allies, only the United Kingdom and Australia were ready to ante up significant military formations for the fight.[24]

24 A former senior NSC official told the author in October 2007 that he believed that the Pentagon was not eager to have combat forces from allies other than Australia and the United Kingdom, but wanted maximum allied participation in Phase IV operations.

Part IV: Military and Interagency Post-war Plans

In many of his war plan briefings to the president, Franks mentioned Phase IV stability operations, the period after the end of major combat operations. Indeed, Franks did not underestimate the work that might have to be done. On two occasions, Franks's memoirs indicate that he told first the secretary of defense and then the president and the entire NSC that Phase IV might require up to 250,000 troops, more than 100,000 more combatants than were in the initial invasion force. He also noted that this phase might last for years, although he did believe that it might be done quicker with a smaller force under the right circumstances.[25]

It was very ironic that when General Eric Shinseki—in response to questions about post-combat troop requirements in a February Senate hearing—mentioned a similar level of effort ("several hundred thousand"), he was severely criticized by the civilian leadership of the Defense Department, which should have already been aware of Franks's estimates. Such estimates were consistent with those of Central Command's (CENTCOM's) land component headquarters, and its Phase IV planners. While it has never been confirmed, one may suspect that the secretary and the deputy secretary of defense were worried about not spooking the Congress on the eve of the war. It is also clear that they expected a relatively easy and inexpensive occupation, and that they were also conscious of inflated cost and casualty estimates in previous conflicts, such as Operation Desert Storm.

Franks's many briefings to the president did not cover many critical post-war issues outside the military's ordinary sphere. Franks did not go beyond his competence into details on governance, constitutions, sectarian relations, etc. He emphasized tasks that the military had to do in the short run: security and humanitarian assistance. Some analysts have criticized Franks—a muddy boots general who delayed his planned retirement to plan and run the war in Iraq—for not being interested in post-war Iraq, an area where many in uniform felt that civilians should dominate decision making. Critics would point out that most war

25 Franks, *American Soldier*, pages 366 (in a brief to Rumsfeld) and 393 (in an August 2002 brief to the president).

planning was handled by Franks and his staff but most military post-war planning efforts were left to CENTCOM's land component.

While CENTCOM and its land components had Phase IV plans, some of the divisions making up the force did not have them. Indeed, the 3rd Infantry Division, the main attack division, did not have its own Phase IV plan. Its planners wrote in its after-action review that the Division had not been fully and completely briefed on the plan of its higher headquarters, the land component command, which had a highly detailed post-war plan. All of the invading divisions and separate brigades believed that they would be sent home as soon as practicable after the fighting stopped, no doubt a legacy of predictions that Operation Iraqi Freedom (OIF) would take much longer than the month that it did.[26] The Marine headquarters I Marine Expeditionary Force and its divisional element under Major General Jim Mattis did formulate plans and Standard Operating Procedures (SOPs), but they were deployed in the south, a safer, less contested area in the immediate post-combat phase.[27] In all, the Coalition Forces Land Component Commander (CFLCC) plan did not generate supporting division and brigade plans, and this represents a shortcoming on the part of CENTCOM and its land component headquarters. The Army's official history concluded that its Phase IV planning was "poorly conceived and poorly coordinated."[28] In all, while the military did begin to plan for this issue before civilians did, the CENTCOM and CFLCC Phase IV planning efforts were not an effective guide for immediate post-conventional combat military policy; they were not shared fully with implementing units; and they did not make adequate allowances for supporting civilian entities in the reconstruction and stabilization business.

26 The 3rd Infantry Division after-action review, available at http://www.globalsecurity.org/military/library/report/2003/3id-aar-jul03.pdf, accessed July 31, 2007.

27 For a précis of the Marine Phase IV planning effort, see their unofficial history, Nicholas Reynolds (Colonel, USMC ret.), *Basrah, Baghdad, and Beyond: The U.S. Marine Corps in the Second Iraq War,* (Annapolis, MD: Naval Institute Press, 2005), 42–46 and 145–56.

28 Donald Wright and COL Timothy Resse, *On Point II: Transition to the New Campaign* (Ft Leavenworth, KS: Combat Studies Institute, 2008), 80.

Adding to the confusion, after the conventional fighting, the original headquarters for Phase IV, the large and powerful land component command headquarters, commanded by Lieutenant General David McKiernan, was told to return home, and the Phase IV mission was given to the newly promoted Lieutenant General Rick Sanchez and his much smaller, tactically oriented V Corps staff. Sadly, this switch in headquarters in late spring 2003—which has never been fully explained—came at the same time that the national plan for post-war Iraq was scrapped and replaced by more than a year of formal occupation under Ambassador L. Paul (Jerry) Bremer. In one turn of the screw, plans and management schemes for the post-war period were disrupted on both civil and military levels.

While formal war planning was in high gear from Thanksgiving of 2001 up to March 2003, civilian planners in the interagency world were not included in these close-hold briefings and did not begin to make meaningful independent contributions until the summer of 2002. By then, Franks had briefed the president six times on the battle plan. Thus, instead of a military plan being built to line up with a national plan, the interagency work on Iraq generally followed in the wake of the war plan. Moreover, post-war issues were broken up and done by different groups which sometimes worked in isolation from one another, sometimes for security reasons and sometimes for bureaucratic advantage. Complicating matters, very few humanitarian planners had access to the war plan, and very few war planners cared about anything other than major combat operations.

It was also difficult to do the kind of comprehensive interagency planning necessary for success while diplomatic efforts were still in train. The NSC-led Executive Steering Group did yeoman's work to breakdown agency barriers and pull together the strands of a post-war plan. They began their efforts in the summer of 2002, taking over from a Pentagon-run interagency effort. The planning efforts of the Pentagon were so powerful and the nature of the war so uncertain that the president—with the concurrence of Secretary Powell, first in October and then in December 2002—put the Pentagon in charge of initial post-war operations.

Although the outline of the post-war plan was approved in October 2002, the president did not formally approve the organization that

would carry out initial stabilization and reconstruction activities ORHA—the Office of Reconstruction and Humanitarian Assistance––until December and it was not brought into existence until January 2003. This office was subordinated to the secretary of defense, who put it under Central Command. This action appeared to streamline the chain of command, but it also dampened interagency cooperation. The dysfunctional tension between clear lines of command and cross agency coordination continued when ORHA was replaced by the Coalition Provisional Authority (CPA) led by Ambassador Bremer, who emphasized his status as presidential envoy and did not report consistently to or through either the secretary of defense or the National security advisor.[29]

Before the war began, available secondary sources indicate that the president received the following major briefings that were relevant to post-war issues, all of which were arranged by the NSC-driven Executive Steering Group.

In January, based on interagency deliberations, Elliot Abrams of the NSC and Robin Cleveland of the Office of Management and Budget briefed the president on humanitarian issues during and right after the war. The work of this interagency group (of which the author was a member) focused mainly on humanitarian assistance and the handling of refugees and internally displaced persons (IDPs). The group's initial estimate of reconstruction costs was only a few billion dollars.[30] In early February, the NSC staff briefed the president on post-war relationships in Iraq and on February 24, 2003, the president was briefed on the status of the Iraqi oil industry and the Oil-for-Food program.[31]

On February 28, 2003, retired Army Lieutenant General Jay Garner briefed the president and his advisors on the initial estimates of his interagency ORHA team, which reported to Franks and the Rumsfeld and was to be the lead office in post-war operations.[32] Garner had

29 Conversations and correspondence with a senior Joint Staff planner and a former senior NSC official, September 2007.

30 Woodward, *Plan of Attack*, 276–277.

31 Correspondence with a former, senior NSC official in September 2007 and, on the oil briefing, Woodward, *Plan of Attack*, 322–323.

32 Woodward, *State of Denial*, 131–133.

only been hired in January and so his briefing was not very detailed. Indeed, Garner's team was only partially formed when it deployed. Ever the loyal soldier, Garner also did not see it as his mission to seek interagency advice or to keep the other agencies informed. Although nominally a subordinate of General Franks, Garner tended to work directly with the secretary and the deputy secretary of defense. In all, his staff officers did not reach out well or consistently to the OSD or Joint Staff.

Right before the war began, the NSC staff briefed the president in two sittings on the postwar reconstruction, governance, and security plans that had been cleared by the deputies and the principals. The essence of the plan that was briefed to President Bush was essentially to turn over power quickly to an Iraqi entity, administer the country through the Iraqi ministries, use the existing police and military to help run the country, and pay for most reconstruction by using Iraqi funds.[33] This briefing was entirely in keeping with Garner's plans, as well as the agreed-on State and Defense Department approaches. In a few weeks, however, it would be completely overcome by events and scrapped without further interagency discussions.

One final briefing deserves to be highlighted. On March 4, 2003, the president and the NSC reviewed for a final time the U.S. and Coalition objectives in Iraq. Among the objectives noted were maintaining the territorial integrity of Iraq, having Iraq be seen as a democratic model for the region, maintaining the coalition's freedom of action in counterterrorism, capturing and destroying WMD, and putting Iraqis in charge as fast as possible. This was one of the last major briefs before the war began, and in retrospect, an important symbol of how high our hopes were for post-war Iraq.[34]

Starting on March 19, 2003, the major combat operations went well. The Iraqis never significantly challenged our weak supply lines. The overwhelming power of U.S. and British forces quickly accomplished tactical objectives, and the major conventional fight was over by mid-April, months ahead of schedule. The only real surprise during the fighting—and a bad omen for the future—was the sporadic but

33 Gordon and Trainor, *Cobra II*, 161–163.
34 Woodward, *Plan of Attack*, 328–29.

vigorous resistance put up by paramilitary irregulars, such as the Fedayeen Saddam. The much anticipated bloody battle for Baghdad and the use of WMD did not happen, nor was there a flood of refugees.

On May 1, landing on a U.S. aircraft carrier adorned with a large "Mission Accomplished" banner, President Bush proclaimed an end to major combat operations. This speech was not only a public relations opportunity for the White House, but also a call (a premature one, as it turns out) to allies and the United Nations that their help was now needed and could be safely provided. Although Franks had talked of the possible need for a long occupation, and many others (noted below) warned of the complexity of post-combat events, some officials in OSD at the urging of the secretary of defense were soon speaking of a rapid turnover and withdrawal with the invasion force possibly being reduced to 25,000–30,000 by August 2003.[35]

In May 2003, War "A" was ending, but Wwar "B" was about to begin. We had a complex, flexible plan for War "A" but no such plan for War "B." War "A" was a rapid, high-tech, conventional battle, war American style, but War "B" was a protracted conflict, an insurgency with high levels of criminality and sustained sectarian violence, just the sort of ambiguous, asymmetric conflict that the United States public finds hard to understand and even harder to endure. The military had not prepared for insurgency and in varying degrees took more than a year to adjust well in the field. From 2005 on, although short of troops, our soldiers and marines did a much better job in dealing with the insurgency and laid the security groundwork for successful, nationwide elections and the further development of Iraqi security forces. The flare in sectarian violence in 2006 cast a pall over military efforts until the start of the Surge in the spring of 2007.

Reconstruction and stabilization activities made even slower progress than the military operations. Coalition efforts in these areas did not drastically improve under the CPA or the new Iraqi government

35 On plans for rapid drawdown, see Gordon and Trainor, *Cobra II*, 98, 103, and 464; and Woodward, *State of Denial*, 162. Many in OSD continued to argue for a rapid turnover well into the CPA period. See L. Paul Bremer with Malcolm McConnell, *My Year in Iraq* (NY: Simon and Shuster, 2006), 168–170, 188, 205–06.

in either of its forms. Indeed, many billions have been wasted and still electricity and oil production only match pre-war levels.[36] There remains to this day a very limited capacity to execute meaningful reconstruction. Many projects have never left the drawing board because of lack of security or capacity. Corruption and inefficiency still complicate everything. Billions have been spent with little return. Iraqi capacity to even accept and operate/maintain completed projects has been pathetic. According to a 2007 USG report, after the United States spent nearly six billion dollars, and completed nearly 3,000 reconstruction projects, the new government of Iraq has only taken possession of 435 of them, worth only half a billion dollars. The rest have remained idle or were turned over to local concerns.[37] The next section will attempt to distill what went wrong in USG decision-making and execution before and during the early months of the war and subsequent occupation.

Part V: Errors in Decision Making and Execution

Problems in planning on the ground and in Washington contributed to serious shortcomings in our performance in Operation Iraqi Freedom. With four and a half years of hindsight, it is clear that these shortcomings included:

- Underestimating the problems of occupying a fractious Muslim country the size of California;
- Ineffective civil and military plans for stability operations and reconstruction;
- Inadequate on-scene manpower and poor military reaction to rioting and looting in the immediate post-conflict environment, which further encouraged lawlessness and insurgency;

36 The monthly United States government statistics are promulgated in a comprehensive PowerPoint briefing. See, for example, *The Iraq Weekly Status Report*, compiled from various sources by the Department of State, Bureau of Near East Affairs, October 17, 2007, available at http://www.state.gov/p/nea/rls/rpt/iraqstatus/, accessed October 23, 2007.

37 For a mid-2007 report, see Dana Hedgpeth, "Report Says Iraq Lags on Rebuilding: Special Inspector Derides Iraqi Government's Lack of Responsibility," *Washington Post*, July 29, 2007, A19.

- The provision of inadequate forces to occupy and secure Iraq, which encouraged the initiation and continuation of an insurgency;
- Slow creation of an interim Iraqi authority that could have minimized the perception of occupation and enhanced the perception of liberation;
- Slow civil and military reaction to the growing insurgency;
- Problematical funding and contracting mechanisms that slowed services and basic reconstruction, both of which were a partial antidote to insurgency;
- Failure to make effective use of former Iraqi military forces, which, when coupled with de-Baathification, alienated the Sunni minority;
- Slow, and often ineffective, development of new Iraqi security forces;
- A continuing inability to provide enough trained civilian officials, diplomats, and aid workers to conduct effective stabilization and reconstruction activities.

Policy queuing was also a problem. Not all policies can be seamlessly started or terminated with optimal timing. One reason for problems in post-war planning had to do with diplomacy. The tentative scheme to manage post-war Iraq was approved in October 2002, but little could be done as diplomats attempted in vain to solve the problem without recourse to arms. One can plan war in secret, but to do post-war planning and programming, diplomacy must be winding down and war must be nearly inevitable. The salience of pre-war diplomacy retarded post-war planning and activities.

A series of faulty assumptions, however, was perhaps the most significant factor in our post-war policy. These initial assumptions were a thread that ran through many missteps, and thus it is important to ask where assumptions come from. In every case, assumptions are affected by wishful thinking, stress, predispositions of the key actors, uncertainty, and the process used to arrive at decisions. For example, the policy preference of key players for no or very short post-war

occupations (or peace operations) is just the sort of predisposition that can affect planning priorities. In complex national security operations, intelligence estimates also play a vital role. In the case of Iraq, intelligence was faulty on WMD, the state of Iraqi infrastructure, and the usefulness of Iraqi police. This incorrect or dated intelligence contributed in large measure to the "rosy scenario" assumptions that infected Iraq planning.

The core assumption held by many leaders in the national security establishment—the mother of all assumptions, as it were—was that the war would be difficult, the peace relatively easy, and the occupation short and inexpensive.[38] This assumption—as implicit as it was powerful—was reflected in many leadership statements, actions, and planning priorities. Right up until the start of operations, the amount of time and effort placed on the major combat operation war plan was impressive; the amount of time and effort placed on post-war planning was relatively slight in comparison. Battle plans had branches and sequels, and combat troops were prepared for eventualities. The post-war plans had little such flexibility.

The supporting assumptions were five in number. *First, the war was expected to include tough fighting and end in a climactic battle.* Most senior national security officials expected—and realistically so—that Operation Iraqi Freedom would be a bloody fight that could include the use of chemical or biological weapons. The battle for Baghdad in particular was seen as the logically bloody end to a multi-month war of maneuver. Every Department of Defense (DOD), State

38 These assumptions were reflected in numerous statements by Cheney, Rumsfeld, and Wolfowitz. They were also reflected by actions taken by various members of the national security team. For example, reaction by civilian leaders to the accurate judgments by General Shinseki (and CENTCOM planners) as to the need for a large post-war force; the rush to begin post-combat withdrawal planning in the midst of looting and instability in Iraq; and the insistence that the Iraqis could pay for much of their own reconstruction, all suggested that many leaders expected the peace to be easy, relative to the war, and that reconstruction would not be expensive. For many other Department of Defense and NSC officials, these assumptions remained unspoken, but no less powerful. As noted in the text, the sources for these assumptions included poor intelligence, the opinions of Iraqi exiles, and the policy predispositions of the members of the national security team.

Department, and CIA expert expected battle-related refugees and Internally Displaced Persons (IDPs) to be a major complicating factor in the war and its aftermath. These judgments were prudent, plausible, and consistent with previous conflicts, but none of them came to pass.

Second, our leaders were repeatedly told by exiles that the United States would be seen as liberators, welcomed with "sweets and flowers," as the renowned scholar, Kanan Makiya, told President Bush.[39] Our most senior leaders apparently believed this and frequently said so, and in fact, many of our troops experienced heartfelt welcomes. Few had a sense of the the time that it would take for humiliation and impatience to turn respected liberators into hated occupiers. It proved to be a painfully short interval.

While wiser heads had predicted a short honeymoon,[40] and many officials, like General John Abizaid, Under Secretary of Defense Douglas Feith, the NSC staff's Zalmay Khalilzad, and ORHA's Jay Garner, wanted a quick turnover of authority to Iraqis, that policy was not executed. Partially, this was a result of situational difficulties in Iraq. There was no Iraqi equivalent of Hamid Karzai in Afghanistan. An international conference to legitimize an appointed government, the way that the UN-sponsored Bonn Conference did with Afghanistan, would have been very difficult to organize in the prevailing international climate. Many Iraqis were wary of a rapid

39 Accounts of Kanan Makiya's meeting with the president, and the vice president's subsequent public declaration that we would be met as liberators, can be found in George Packer, *The Assassins' Gate: America in Iraq* (New York: Farrar, Straus and Giroux), 97–98. An Iraqi émigré who lived in the States for many years, Kanan Makiya, wrote *Republic of Fear: The Politics of Modern Iraq* (Los Angeles: Univ. of California Press, Updated Edition, 1998), which was an analysis of the horrors of Saddam's regime.

40 In my personal conversations with him in 2003 and thereafter, General Abizaid has been a continuing supporter of a rapid turnover to Iraqi control and broadening international participation. See also Gordon and Trainor, *Cobra II*, 163, 314. Khalilzad, Wolfowitz, Feith, and Garner were all dedicated proponents of rapid turnover. Many in the Department of State, as well as Ambassador Bremer, saw that up to two years of occupation would be a necessary phase in the operation. State had even floated a paper to that effect in months before the war. However, a rapid turnover of power to some sort of Iraqi authority had been approved by the NSC and the president in the run-up to the war, but was apparently abandoned by the White House in the aftermath of the fighting.

turnover becoming Baathism without Saddam. Others worried about Shiite domination. The Kurds worried about both of these scenarios and also kept one eye on Turkey.[41] In a similar vein, the few hundred Iraqi National Congress (INC) exiles, led by Ahmed Chalabi, were not well or widely employed and accomplished little when they were brought into theater to help put an Iraqi face on coalition efforts. By mid-May, any sense that Western-based Iraqi exiles—strongly distrusted in any event by the CIA and the Department of State—might come to lead that country had evaporated in the pre-summer heat.

Still, psychologically, a rapid, even if partial, turnover of power to an Iraqi entity would have helped to preserve the Coalition's image as a liberator and made it harder for insurgents and Al Qaeda terrorists to win over adherents. In Afghanistan, the presence of an interim government from the start and the absence of a foreign occupation have made a huge difference on the ground, in that nation's foreign affairs, and in the perceived international legitimacy of the enterprise. The cases of Iraq and Afghanistan were different, but judging from Afghanistan, some sort of Iraqi authority could have been useful and would probably have greatly helped our policy.

For many in OSD and on the Joint Staff, getting Iraqis in charge as soon as possible was an article of faith, one that had been briefed to and approved by the president. The rapid turnover of power to Iraqis was key to the U.S. post-war plan, but it could not be arranged in advance or imposed by fiat. Khalilzad and Garner wanted to start it off by holding a nationwide meeting of notables on May 15, 2003, a follow-up to three previous regional conferences, one in February 2003, and the other two in April 2003. Bremer, who had supplanted both of these officials, thought that such a meeting would be risky and cancelled it, as well as the move to turn over elements of governmental authority rapidly to some sort of interim Iraqi body.

Before leaving Washington, Bremer also asked the president to end Zalmay Khalilzad's status as a presidential envoy, thus removing

41 On the issue of why rapid turnover to an unelected Iraqi government was problematical, see Bremer, *My Year in Iraq*, 162–167. There remained adherents of rapid turnover to Iraqis in the Pentagon and NSC well into the year of occupation.

the administration's de facto representative and "face" to all elements of Iraqi society. Khalilzad's popularity in Iraq and his status as an empathetic Muslim-American were impossible to duplicate. Rumsfeld, Powell, Rice, and Khalilzad were all surprised by this personnel shift, which was engineered by Bremer and approved by the president without benefit of interagency deliberation. The fact that Bremer did not favor a rapid turnover of power to an interim authority was not entirely clear, even in the Pentagon, until the end of the summer of 2003.[42]

Pursuant to UN Security Council Resolution (UNSCR) 1483, from May 2003 to June 2004, the United States and its coalition partners became the legal occupiers of Iraq, a fact that became more intolerable to the Iraqis as the days wore on and the dreams of reconstruction failed to come true. As Bremer settled into the palace––quickly canceling the nationwide meeting to prepare for an interim government, instituting de-Baathification, and disbanding the old Iraqi Army—every major element of the post-war plan briefed to President Bush had been abandoned because of changes on the ground, apparently without comprehensive reconsideration by the interagency or comprehensive re-briefing to the president. In his back-brief to Rumsfeld, Jay Garner—who had complained to Bremer in Baghdad about these three policy initiatives—referred to them as the "three tragic decisions."[43] In place of a quick turnover to Iraqis, we now had a formal occupation of Iraq without the requisite increase in resources to carry it off. The imbalance between our aspirations and on-hand assets would continue through 2007. The president approved these changes to post-war policy, and he bears direct responsibility for not calling in all hands to create a new, well-balanced policy toward Iraq.

A third supporting assumption was that the Iraqi people hungered for democracy and human rights. This hunger would suppress the urge to settle scores

42 For new revelations on this surprise decision, see Roger Cohen, "The MacArthur Lunch," *New York Times*, August 27, 2007, 17. This article recounts Khalilzad's and Powell's surprise that the quick turnover concept had been abandoned and that Khalilzad had been ousted as a presidential envoy to Iraq by Bremer, who received the go ahead from Bush, not at an NSC meeting, but at a luncheon with the President. The Pentagon's confusion over Bremer's intentions concerning the development of an interim authority was communicated to me by a former senior DOD official in September 2007, and again in October 2007.

43 Woodward, *State of Denial*, 219.

or to think in narrow tribal or sectarian terms. This presupposition was undoubtedly enhanced by Iraqi exiles, many of whom had not been home in decades. This assumption had some validity, but it came to live side-by-side with a sense that the U.S. and its partners were foreign occupiers, and that democratic forms were another crusader imposition on Islamic Iraq.

As no interim Iraqi authority materialized under the CPA, the presence of a Christian-dominated coalition occupying a Muslim country became humiliating to Iraqis. Instead of being an example for the region, Iraq became an icon of perceived imperialism, a warning for all concerned not to get too close to a clumsy American leviathan that had lost its finesse. In the end, few Iraqis understood that democracy, in addition to majority rule, meant toleration and respect for minority rights. Baathists and Al Qaeda-affiliated terrorists were able to create, magnify, and exploit sectarian tensions faster than Iraqis were imbued with the true spirit of democracy. This was doubly tragic because after the failure to find WMD, the White House—against Pentagon advice—pounded the democracy drum so loudly that in the minds of many democracy creation in Iraq, not U.S. national security, became the new centerpiece of our policy.[44]

A fourth assumption was that Iraq without Saddam could manage and fund its own reconstruction. Unlike Afghanistan, Iraq had not been devastated by over 20 years of war, and its middle class, educated population was mostly intact, unlike that of Afghanistan. Oil could pay for its modest reconstruction, a reconstruction made easier by a small invading force and a highly successful effort to avoid collateral damage.

In truth, unknown to policy planners and our intelligence agencies, the country's pre-war infrastructure was in disastrous shape. It was further devastated by initial OIF battles, the looting, and the insurgency that followed the conventional combat operations. Disorder and instability later caused a brain drain, with millions of middle class Iraqis fleeing into exile. Billions for reconstruction were required and were later provided, but any progress made has been degraded by a lack of security, inadequate capacity, and the ill effects of the insurgency. Compounding all of this, neither ORHA nor CPA had the

44 Conversation with senior DOD official, October 2007.

right people or the assets to make their presence felt throughout the country. Despite great personal sacrifices on the parts of hundreds of Americans and their allies, both organizations were ineffective, and left the vast new U.S. embassy with "mission impossible."[45]

Finally, based on the best available U.S. intelligence, as Defense and NSC officials had briefed the president, U.S. officials assumed that they would receive great help from the Iraqi police, the Army, and the Ministries, all of which were seen by many experts as salvageable, malleable, and professional. None of those things turned out to be true. The police were corrupt, ill-trained, and not at all concerned with the rule of law. The virtual evaporation of the Army during the war, the formal disbanding of the Army by Bremer (which surprised many outside the Pentagon), and even the modest de-Baathification that was ordered (and then expanded by Iraqis on the ground), did nothing to replace a system where all national leadership had flowed from the Baath Party.[46] The Sunni minority—dominant in the Army and the Party—was alienated and became fodder for the insurgency. The ministries—deserted by cadres and looted repeatedly—did not continue to function effectively as had been hoped, especially since for a year, the Coalition asked those ministries to report not to Iraqi authorities but to the CPA. On top of all of this, the urge for sectarian score-settling that was encouraged by Al Qaeda in Iraq has grown greater over time.

Sadly, much of the post-invasion state of affairs had been predicted. Many government and civilian experts had spoken well and loudly about the dangers of post-war Iraq, but their warnings were not acted upon. Many analysts believed that the war <u>and</u> the subsequent peace would both be difficult. Planners and senior decision makers could have made better use of the reports of the State Department's Future

45 For a précis on organizational and personnel problems, See Bensahel, "Mission Not Accomplished," 460–466.

46 Ironically, some psychological operations and counter-Command and Control activities encouraged the Iraqi army to dissolve and its soldiers to desert, while other plans were relying on Iraqi Army units to remain in tact to be used for reconstruction. See for example, Gordon and Trainor, *Cobra II*, 145–146; also, interview former NSC official, August 15, 2007. These moves certainly did not prohibit the recall of the Army, and this was under discussion by ORHA personnel when the Army was disbanded by the CPA order.

of Iraq Project, the National Defense University workshop,[47] or the Army War College's Strategic Studies Institute report, all of which were U.S. government-sponsored efforts. This Army study, previewed at a conference in December 2002, concluded that:

> Iraq presents far from ideal conditions for achieving strategic goals. Saddam Hussein is the culmination of a violent political culture that is rooted in a tortured history. Ethnic, tribal, and religious schisms could produce civil war or fracture the state after Saddam is deposed. The Iraqi Army may be useful as a symbol of national unity, but it will take extensive reeducation and reorganization to operate in a more democratic state. Years of sanctions have debilitated the economy and created a society dependent on the UN Oil for Food Program. Rebuilding Iraq will require a considerable commitment of American resources, but the longer U.S. presence is maintained, the more likely violent resistance will develop.[48]

The War College study went on to recommend that the U.S. military prepare in detail for 135 post-war tasks. Senior NSC staff officials tried to get this study briefed in the interagency to no avail.[49] A [recently discovered] study by planners in OSD Policy, completed right before the war, further highlighted the potential for widespread lawlessness in post-war Iraq.[50] The Policy leadership passed this study to the Pentagon's uniformed leadership and asked them to send it to CENTCOM. The command either was not able to respond to

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47 The National Defense University report of its November 2002 workshop "Iraq: Looking Beyond Saddam's Rule" highlighted the complexities of the post-war era and recommended a strong emphasis on post-war security. Copies of this report were provided directly to selected offices of OSD and Joint Staff leadership by memorandum on December 16, 2002.

48 Conrad C. Crane and W. Andrew Terrill, *Reconstructing Iraq: Insights, Challenges, and Missions for Military Forces in a Post-Conflict Scenario* (Carlisle, PA: USAWC Strategic Studies Institute, 2003), v–vi.

49 Discussions with former, senior NSC staff official in September and October 20, 2007.

50 This was confirmed by the author in a recent conversation with a former, senior OSD official who was the lead on the project that highlighted the possibility of lawlessness in post-war Iraq, June 2007.

the analysis or did not have enough troops, as discussed below, to solve the problems that arose after the completion of conventional operations.

The recently declassified January 2003 Intelligence Community Assessments—a document of lesser stature than a full National Intelligence Estimate—on post-war Iraq also concluded that "an Iraqi democracy would be a long, difficult, and probably turbulent process, with potential for backsliding into Iraq's tradition of authoritarianism." It went on to highlight post-war Iraq as an Al Qaeda opportunity and to note the high probability of sectarian violence, "score settling," and Iranian meddling.[51] Warnings on various aspects of the postwar plan were also made by Representative Ike Skelton, General Tony Zinni, Senator Joe Biden, and others.

Why senior decision makers did not fully integrate these warnings into post-war planning is puzzling. Full awareness of these potential problems and the inadequate state of our preparations to deal with them might have resulted in creating branches and sequels to existing plans, delaying the start of the invasion, or providing a larger force, one large enough to control more effectively terrain and population.

Again, many participants have not spoken on this issue. Perhaps the most senior officials were concerned that too much overt attention to the post-war phase might dampen congressional ardor for the war. Perhaps they were too busy, or the details of these studies or estimates were lost in the cloud of static that surrounds senior decision makers. Perhaps, having other future operations on their mind, they did not want to maintain a major troop presence in Iraq. In the end, whether due to faulty intelligence or personal preferences, most senior national security officials behaved as if they had internalized the core assumption: the war would be hard, the peace relatively easy, and the occupation short and inexpensive.

51 *Intelligence Community Assessment: Principal Challenges in Post-Saddam Iraq*, January 2003, as summarized in a unpublished document of the Senate Select Committee on Intelligence (SSCI) and summarized in the *Washington Post*, May 20, 2007, A06. The SSCI draft, available at http://intelligence.senate.gov/prewar.pdf, accessed September 5, 2007.

In addition to a complex set of sensitive, dysfunctional assumptions, another problem has been the inability of the Coalition and the United States to put enough security forces—U.S., Allied, or Iraqi—on the ground to control the country and create the security needed for governance and reconstruction. The small initial combat force pushed by Rumsfeld and designed by Franks, accepted significant risk in its rear area, but it accomplished its mission. The forces adequate to win the war, however, were not sufficient for occupation duty, nor were they able to deter the insurgents, nor were they able to defeat the insurgents and protect the population, nor were they sufficient to enable reconstruction to move forward.

Sadly, while the looters were demonstrating the inadequacy of the force on hand, and implicitly encouraging insurgents, senior defense officials "off ramped" the 1st Cavalry Division, leaving the in-country troops without additional reinforcements.[52] The civilian leaders of the Defense Department did not want to admit—perhaps for public relations or possible legal reasons—that by mid-summer of 2003 that there was an insurgency or guerrilla war going on.[53] The August 2003 bombing by insurgents of the Jordanian embassy and the UN headquarters in Baghdad, as well as the assassination of the Shiite faction leader, Ayatollah Hakim, left little doubt that a new war had started.

Any number of close observers, civilian or former military, told the president or the secretary of defense that the Coalition needed more troops in Iraq. Colin Powell—a former chairman of the Joint Chiefs of Staff—told Tony Blair in November 2004 that "we don't have enough troops. We don't control the terrain."[54] According to his memoirs, Bremer also told President Bush or his key deputies on a few occasions that security was poor and we needed more troops. Bremer concluded that we had become the worst of all things: an

52 Gordon and Trainor, *Cobra II*, 462.

53 See for example, the transcript of Secretary Rumsfeld's July 13, 2003 appearance on ABC's *This Week*, available at http://www.defenselink.mil/transcripts/transcript.aspx?transcriptid=2842. Compare that to the transcript General Abizaid's remarks at the Pentagon, soon after he assumed command, on the nature of the guerrilla war there on 16 July, available at http://www.defenselink.mil/transcripts/transcript.aspx?transcriptid=2845.

54 Ricks, *Fiasco*, 407.

ineffective occupier. He wrote Rumsfeld in the spring of 2004 and asked for one or two more divisions. He did not receive a reply.[55] Recent scholarship has also indicated that the Vice President was among those who was concerned over our level of effort in creating security in Iraq and wondered whether DOD and CIA were doing enough for the war effort.[56]

It is fair to ask: how many forces should be necessary to combat an insurgency in a country the size of California with a population around 25 million people? The new Army and Marine Corps manual on counterinsurgency provides a generic guideline. The appropriate number of counterinsurgents is not the number of troops needed for tactical combat operations, but more, the number needed to protect the population. The manual suggests that rarely have counterinsurgencies succeeded unless there were 20 counterinsurgents for every 1,000 in the population. That means that the total number of U.S., coalition, and Iraqi forces (including policemen) should number about 500,000 reliable, trained personnel.[57] With minimal allied help, the Iraqi Army dissolved and the police in tatters, we were not at all close to that number in 2003. We have improved over time with the development of the Iraqi security forces but the insurgents, terrorists, and advocates of sectarian violence have cut into the effectiveness of that force.

While the United States is adding over 90,000 soldiers and Marines to its base force, the United States still does not have the overall ground forces needed to support the kind of troop rotations and in-country force levels necessary to create an appropriate level of security in Iraq and Afghanistan. Did this systematic failure to respond to an environmental requirement occur because Secretary Rumsfeld vetoed it to keep the overall force small; or did key generals not think the

55 According to Bremer, his complaints to cabinet officers or the president on poor security and/or the lack of troops started before he entered the theater and continued throughout his tenure. See Bremer, *My Year in Iraq,* 12, 14, 71, 106, 170, 221, and 228. The report of Bremer's 2004 memorandum requesting more troops can be found on pages 357–358.

56 See for example the book excerpt, Stephen Hayes, "Cheney Speaks," *Weekly Standard*, July 23, 2007, 30.

57 Army Field Manual FM 3-24/Marine Corps Warfighting Publication MCWP 3-33.5, *Counterinsurgency* (University of Chicago Press, 2007), paragraph 1–67, 23.

added troops were necessary; or did the generals know that there were insufficient reinforcements at home and thus, more troops could not be forthcoming? We await more historical digging to explain this failure to respond to what most believe was an obvious requirement.

The new Pentagon leadership has begun to build up the overall size of the Army and Marine Corps, but this effort is not likely to provide much relief in Iraq. Ironically, the Surge is clearly proving that even another 30,000 troops on the ground has had a positive effect on population protection and counterterrorism. It has also been a catalyst in sparking political progress, a process today that is more and more in Iraqi hands.

Three factors—alone or together—might have compensated for low level of U.S. troops. First, additional U.S. troops would have been unnecessary if the anticipated allied troops had been forthcoming. Unfortunately, this did not happen. In the eyes of our allies and the UN, U.S. operations in Iraq never escaped the fact that they were viewed as illegitimate from the start, a perception enhanced by Abu Gharib and war crimes, both real and imagined. Even after the elected Iraqi government asked for and received a UN Security Council Resolution that legitimized its status and that of the Coalition forces,[58] major U.S. allies have hung back, usually making only token contributions. Only the British have made a significant contribution and that is being greatly diminished in 2008. Other allies—Spain and Japan to name two—contributed forces but with such stringent national employment restrictions that they were not useful for a wide range of military activities.

A second potential replacement for U.S. troops was Iraqi forces. Building a new police force and army have been expensive, painstaking, and problematical. Coalition trainers started slow, underestimated the complexity of the task at hand, emphasized quantity over quality, became caught up in sectarian strife, and never gave the effort the priority that we give our own forces. Today, Iraqi security forces are becoming a key part of the solution, but also remain part of the problem. Some are not well-trained or equipped,

58 UNSCR 1723 (November 28, 2006) legitimizes coalition forces and their support of the sovereign government of Iraq. It is available on the UN website.

although those problems have become less frequent over time. Logistical and aviation support remain in short supply. Today, we are approaching the canonical 500,000 counterinsurgents, but quality, reliability, and force management remain issues, as does the specter of a potential civil war.

Finally, U.S. troops were (and are still) very much in the reconstruction and governance businesses. Experienced civilian officials could have taken on more of this burden, but we do not have sufficient State, United States Agency for International Development (USAID), and other civilian government experts in country. Our diplomats have done a lot with what they have; but there remains a larger issue: why don't State and USAID have the capabilities to do their job in large-scale complex contingencies? In the absence of civil specialists, military commanders (and civilian contractors) have had to adopt governance, reconstruction, and stabilization responsibilities in their areas of operation, further taxing military manpower. In Iraq today, ten State-run fixed Provincial Reconstruction Teams (PRTs) and ten embedded PRTs are helping to take pressure off the military and provide expert advice to local commanders, but we are still short of the right people in appropriate quantities for reconstruction work.

U.S. problems in Iraq highlight an issue that is a perennial favorite of pundits and political scientists. Are U.S. problems in Iraq the result of people or process? Is the secret of decoding the problems of Iraq in understanding Cheney, Rumsfeld, and Bush, or is it all about dysfunctional interagency decision-making and execution processes? While there are gaps in our knowledge, there appears to be some truth in both of these different perspectives.

People are all important and one can trace decisions through the actions and psychology of the main actors. There is no understanding what happened in Iraq without understanding the players, their philosophies, and their associations. The tight link between Vice President Cheney and Secretary Rumsfeld was a key association, peculiar to this administration. One expert talked about the dominance of the Cheney-Rumsfeld viewpoint as a "thumb

on the scales" of the national security decision-making process.[59] Secretary Rumsfeld's penchant for dealing one-on-one with the combatant commanders and diving into the details of war plans and unit deployments was also unprecedented in the post-war era. This is not to say that President Bush was manipulated by his powerful subordinates. He was very much in command, and demonstrated that he is fully capable of making decisions that run counter to the recommendations of his closest advisors, as he did with the inauguration of the Surge in 2007. Still, in this case, the power wielded by Rumsfeld and Cheney was both considerable and unique.

Many have also commented on how the alliance of Cheney and Rumsfeld worked against the State Department under Powell. There is some apparent truth to this assertion, even if its effects are hard to assess. Pentagon bureaucrats were tightly controlled and often pushed issues to the Principals Committee, where the power of Bush and Cheney was strongest, often at the expense of the State Department. One key observer noted that many issues were later decided in private by the president and vice president, a normal occurrence, but one that complicates our ability to account for decisions.[60] Private talks between presidents and vice presidents are not unusual, but such a close relationship between the two elected officials has seldom been combined with an unprecedentedly high level of vice presidential activism in the national security policy development process.

State-Defense relations, however, were a more complex issue than the relationship between their principals or the intramural to-and-fro of interagency meetings. Many State Department officers were against going to war. They favored slow rolling issues, hoping that the prospect for war would recede. Others were concerned that war planning would derail diplomacy. Others knew that when it came to planning, they could not stand up to the Pentagon's capabilities. Still, others hated the notion that the closer war came to starting, the more the Pentagon was in the driver's seat. When the Pentagon, with Powell's acquiescence, was given the initial lead for post-conflict management, many at State and USAID grumbled loudly. Still, Powell

59 David Rothkopf, *Running the World: The Inside Story of the National Security Council and the Architects of American Power* (NY: Public Affairs, 2005), 389–441.

60 Discussion with former senior NSC official, October 20, 2007.

and his deputy, Richard Armitage, supported the decision to go to war, a fact which in all likelihood did not sit well with many at State. Strife and leaks followed this significant level of dissonance at State and the Central Intelligence Agency.

Dov Zakheim, the Comptroller of the Defense Department and an early supporter of then Candidate George W. Bush, noted:

> A country that has its major agencies at war is not going to fight a war well….And State and Defense were at war--don't let anyone tell you different. Within policy circles, it was knee-jerk venom, on both sides. Neither side was prepared to give the other a break. It began in 2001, got exacerbated during the buildup to Iraq, and stayed on.

He concluded that "people who had to work with, and trust each other" did not do so.[61] Can there be effective policy without such trust?

Some inside-the-beltway cynics would tell you that State-Defense fighting has always been a constant in national security decision making. That is not true. The interagency in the first Gulf War worked well and harmoniously. Indeed, the person who ran Middle East policy issues at that time for the Pentagon was a Senior Foreign Service officer. In the 1990s, many senior Pentagon officials, like Paul Wolfowitz and Lewis Libby, came to the Pentagon having made their reputations as political appointees in the State Department in the Reagan administration. Competition between ideas is essential, but significant bureaucratic conflict between State and Defense is not an organic or necessary part of our system. As this paper was being put in final form, Secretaries Gates and Rice seem to have created a better working, more harmonious relationship.

One consistent problem demonstrated by the first Bush administration has been a failure to partner successfully and this can be laid at the feet of the president and the people who dominated our national security apparatus in 2002 and 2003. In the interagency, with the Congress, and with our allies, senior U.S. national security officials exhibited in many instances a "my way or the highway

61 Ricks, *Fiasco*, 102–103.

attitude," substituting power and pressure where diplomacy and bargaining might have had better effect. In war planning, in managing the detainee issues with Congress, in routine discourse with allies, and in building international coalitions, the United States executive branch was often seen as trying to be lord and master, instead of *primus inter pares*. In the end, the failure to partner successfully increased friction among Defense, State, and CIA, increased partisan bickering with an already fractious Congress, complicated our detainee policy, lowered allied participation in Iraq, and hurt our standing abroad.

An effective interagency decision-making process can in part blunt the effects of ego or hubris and make the whole greater than the sum of its parts. Bad actors, to some degree, can be reined in by good process. Tough "horizontal managers"—if given presidential backing—can push the vertically stove-piped agencies to work better together. In all, many of the problems associated with the invasion of Iraq happened before in situations less critical than the one in Iraq. U.S. decision-making problems in Iraq have much in common with problems present in other complex contingencies, such as Somalia, Bosnia, Kosovo, and Afghanistan. All of these cases have demonstrated the limitations of our interagency decision-making and policy execution processes.

The United States needs to do better in planning and executing complex contingencies, where all the elements of power must be applied simultaneously. To come full circle, though, no matter how the decision-making process is designed, it will be strongly affected by the beliefs and experience of the officials involved, especially the president who will set the tone for his or her administration. Sound national security decisions will require great people and effective and efficient processes. Both of these will require an engaged president attuned to both policy and process.

Future presidents will have to adapt our decision-making and decision-execution systems to a new, dynamic, challenging security environment. Not only will they have to do better in mid-range interagency planning, but they will also have to develop and refine new capabilities to deal with the non-military aspects of contingencies. In turn, this will require changes in the organizational cultures of the Armed Forces and the Department of State. The

United States government already has made many meaningful changes, but true reform will require concerted effort by the executive and legislative branches.

Part VI: Improving the National Security Decision-Making and Execution Systems

While some strategists believe that the United States should downplay irregular warfare and stability operations,[62] the future is likely to present a set of challenges that will require significant capabilities for complex contingencies where the power of the entire government is needed to make plans to solve multifaceted problems overseas. In the next decade, the United States—in addition to maintaining readiness for large-scale conventional wars—must:

- Continue stability operations, as well as stabilization and reconstruction activities, in Afghanistan and Iraq, even if the size and shape of those commitments is modified;
- Help partners and allies resist subversion through training, advisory elements, and security assistance;
- Execute coordinated counterterrorist operations activities in the Middle East, Africa, and Asia;
- Support future peace and stability operations in the Middle East and Africa;
- Be ready to manage system shocks from regime failure or radical changes in some hostile regional powers, such as Cuba or North Korea;

62 One example of this "never again" thinking can be found in the writing of airpower advocate, Major General Charles J. Dunlap, Jr., USAF, "America's Asymmetric Advantage," *Armed Forces Journal,* September 2006, 20–27. See also, my reply arguing for a full-spectrum force, "From the Ground Up: We Need a Balanced Total Force," *Armed Forces Journal,* October 2006, 44–47. Dunlap's brief response to my piece appears on page 48 of the same issue.

- Deter or manage traditional threats or future peer competitors, deal with the proliferation of weapons of mass destruction; and
- Improve homeland defense against terrorist groups, including those who might use weapons of mass destruction.

In the next decade, the need for effective joint, combined, and interagency policy planning and execution will remain significant. Major institutional planning changes will require complementary changes in training, resource allocation, and organizational cultures.

The U.S. government has already begun to improve mid-range planning. The aftermath of 9/11 saw the creation of a Department of Homeland Security, a Homeland Security Council, and a National Counterterrorism Center, as well as a set of Intelligence Community reforms. There are joint interagency coordination groups in many combatant command headquarters, and the Department of State—thanks to a great push by Rice when she was the National Security Advisor—now has a senior coordinator for reconstruction and stabilization (known as S/CRS, its State Department office designation), and it has changed assignment patterns to better support national priorities, interagency activities, and the war on terrorism. USAID has created an "Office of Military Affairs" to improve its connectivity with the Pentagon and its various field commands. State and USAID are paying more attention to harmonizing all foreign assistance spending.

Among the senior civilian leaders in the DOD in 2004, there was enthusiastic support for establishing S/CRS and even the sharing of DOD appropriations with the new State office. Inside DOD, pushed hard by then-Under Secretary Feith and supervised by the Deputy Secretary England, a new DOD directive and action plan on stability operations is being implemented. Preparation for stability operations has been put on par with preparation for combat. A new State-Defense-USAID-United States Institute of Peace (USIP) Center for Complex Operations has been stood up to share ideas and information about efforts in stabilization, reconstruction, and stability operations. The 2006 Quadrennial Defense Review (QDR) also emphasized stability operations and preparation for irregular warfare.

Special Operations Forces will be dramatically increased.[63] In Iraq and Afghanistan, amidst all the strife and bad news, there have been highly successful improvements in counterinsurgency capabilities—including a new, joint Army and Marine Corps manual—and advisory training. Military, diplomatic, and USAID teams in both Afghanistan and Iraq are working together much more closely than even a year ago. In the fullness of history, however, these recent improvements will be recorded as the first baby steps in improving our national decision-making and decision-execution capabilities to deal with failed states and complex contingency operations. The following eight recommendations will build on these improvements and help planning in the future.

First, we need a new charter for complex contingency planning. The Clinton administration's oft-ignored bible on political-military planning for complex contingencies, Presidential Decision Directive 56, was headed in the right direction. Early in the first term of President George W. Bush, the Pentagon blocked a NSC staff draft of a new contingency planning policy, all in the name of preserving the freedom of action of Cabinet officers and keeping civilians out of the contingency planning business. More input into contingency planning from civilians, of course, is not the problem; it will be a key part of the solution. While war plan security is paramount, we need to strive for more integration in policy formulation and execution.

War plans are rarely briefed outside military channels. Inside the Pentagon, only a handful of civilians have access to them. This prohibition may make sense for major conventional war plans, and it certainly makes sense for security purposes, but since most conflicts do not end when the last hill is taken, and include activities such as stabilization and reconstruction where we want civilians to lead, there must be a broader sharing of contingency planning responsibilities.

The 2006 QDR's recommendation for a new interagency document called "The National Security Planning Guidance" is clearly a step in the right direction.[64] The QDR calls on this new document to:

63 Secretary of Defense Donald Rumsfeld, *Quadrennial Defense Review Report*, February 2006, 1–26, 43–45, 75–91.

64 Rumsfeld, *Quadrennial Defense Review Report*, 85.

"direct the development of both military and non-military plans and institutional capabilities…. [It] would set priorities and clarify national security roles and responsibilities to reduce capability gaps and eliminate redundancies." Complex contingency planning will require a strong NSC staff, but it will require savvy, clear-thinking cabinet officers who put their egos and prerogatives in check to create good policy. Who will run such a system? Clearly, the overall director must be an engaged president who is well aware of how the recommendations served up to him or her were developed.

Second, every executive department should insist on interagency experience for its most senior civilians and make it mandatory for promotion to the Senior Executive Service or Senior Foreign Service. Interagency experience should count as the equivalent of joint experience for military officers. Too often, the best and brightest avoid interagency assignments where the hours are terrible and the rewards are less than those at the home agency. Too many junior-ranked, inexperienced personnel have occupied the positions in some NSC staff directorates in the last two administrations. National Security Council personnel at the director level should optimally be members of the senior executive service or at least Colonel or GS-15–level personnel.

The U.S. government should also follow through on its plans to create a corps of civilian and military national security officers who will become the masters' of interagency work. Plans are also in train to create a consortium among the government's higher learning institutions to ensure a better focus on the needs of interagency work.[65] In all, this will mean a modest increase in personnel slots in the national security-sensitive departments to cover increased interagency manning as well as training.

It is often said that we need a Goldwater-Nichols reform for the interagency community.[66] This is a worthy ideal, but one must ask

65 See Executive Order 13434, *National Security Professional Development*, May 17, 2007, in the *Federal Register*, vol. 72, no. 98, May 22, 2007; and the unpublished document, *National Strategy for the Development of Security Professionals, July 2007*.

66 See the ongoing study by the Center for Strategic and International Studies (CSIS), *Beyond Goldwater-Nichols: Defense Reform for a New Strategic Era*,

whether or not this landmark legislation for the Defense Department sets the bar at too high a level. The Goldwater-Nichols reforms of 1986 were stewing for many years, and were only enacted after a series of disappointing operations, where the obvious national failure was military in nature or effect. Moreover, Goldwater-Nichols concerned a department that is firmly under the command of one powerful secretary. It also concerned a relatively small number of congressional committees. A full Goldwater-Nichols reform for the interagency would concern a wide array of departments and agencies, and dozens of congressional committees, each of which is as resistant to changes in its power as any cabinet department is. Finally, if one takes the thought of a Goldwater-Nichols reform literally, there would be a shift of power from the cabinet departments to "the interagency," that would, in some instances, mean shifting power away from confirmable cabinet officers to NSC staff personnel, who are loyal to the president and his or her agenda, but not accountable to Congress. If these staff officers were made confirmable, they might be pressured to testify to their very confidential deliberations with the president. Such a shift of power to the NSC staff would undermine hundreds of laws that empower cabinet officers and ensure that many bucks stop before they get to the president's desk.

While a full "Goldwater-Nichols for the interagency" has the right spirit and will create the maximum effect, it will be difficult to get through the Congress as a package. On the other hand, incremental changes can be watered down and might not create the right effects. In all, however, improving interagency policy decision making and execution is clearly within our capability, whether we can achieve systemic change or a phased series of step-by-step improvements.

Third, and in a similar vein, the United States government needs a better system for exporting interagency efforts to the field. We often have good interagency policy decisions, but execution is usually done by stove-piped agencies. In the field during complex contingencies, the USG habitually has either a system in which

"Phase 1 Report" and "Phase 2 Report" (Washington, DC: CSIS, 2005), available at, for Phase 1, csis.org/isp/bgn/index.php?option=com_csis_pubs&task=view&id=62, and for Phase 2, csis.org/component/option,com_csis_pubs/task,view/id1849/.

one cabinet department is nominally in charge, such as the Office of Reconstruction and Humanitarian Assistance or the Coalition Provisional Authority in Iraq, or a more cooperative system, such as we have today in Kabul and Baghdad. This cooperative system features a senior military officer and a senior diplomat working together, with neither having overall charge of U.S. policy, and both answering to their respective superiors.

Today, in both Kabul and Baghdad, the arrangements are working fairly well, but that has not always been the case. Other, better arrangements may be possible. For example, civil-military tension in Baghdad was high during the CPA period. Jerry Bremer believed that he could issue direct orders to the military commander there, whom he treated as his subordinates. Bremer—who many saw as a world-class micromanager—also exercised uncomfortably close supervision over military activities, according to some military staffers.[67] CPA even cancelled or curtailed planned or ongoing military operations.[68] Neither ORHA nor CPA had a clear chain of command. ORHA allegedly worked for CENTCOM but reported directly to the secretary of defense. CPA was designed to report to the president through the Pentagon, but by the fall of 2003, Bremer was nominally reporting through the national security advisor, but sometimes directly to the president.[69]

The United States may not ever have a "viceroy" system, but more effective, efficient, and predictable arrangements that offer more unity of command are possible. Witness, for example, the close working relationship (2004–05) between Lieutenant General Dave Barno, the former U.S. commander in Kabul and the U.S. Ambassador to Afghanistan, Zalmay Khalilzad, a near marriage pushed strongly by Rumsfeld, and strongly endorsed by Powell. To ensure seamless

67 Conversations in September 2007 with two staffers—one military and one civilian—associated with CPA and CJTF-7 in the 2003-04 timeframe.

68 Interviews with numerous on-scene sources; also, Nora Bensahel, "Mission Not Accomplished," 466.

69 Bremer, *My Year in Iraq*, 186–88, 245. This ambiguity in who was Bremer's boss was seen in a very negative light in correspondence from a senior NSC official, September 2007. A senior DOD official told me in September 2007 that Bremer reported to so many people that in reality he reported to no one at all.

cooperation, Barno moved his office into the embassy to be next door to the ambassador. Military officers worked closely and directly with the embassy counterparts. Uniformed officers were even seconded to the USAID mission in the embassy to ensure closer communication. This is the type of cooperation we should aim for in the future.[70]

We cannot afford situations where difficult personalities or ad hoc arrangements on the ground or in Washington stand in the way of effective national policy. While all potential solutions to this problem are subject to criticism, today, we are practicing approach avoidance and not talking about this critical issue. Getting this issue right in the future should be the subject of war games and experiments conducted by cooperating agencies and supervised by Joint Forces Command and the S/CRS. Experiments and scholarly investigations may well lead to new SOPs or at least a set of common expectations.

For its part, S/CRS at State which will have the national lead in reconstruction and stabilization operations must have a Civilian Response Corps, full of volunteer interagency and civilian specialists, who will be trained and ready to deploy. This will take hundreds of millions of dollars per year, which—because of strong support at State and Defense—the Congress appropriated in 2008. In the future, S/CRS should be able to draw on the entire government, as well as on the private sector to build a tailored multifunctional team for any specific mission. If the U.S government fails to build up this capability, there is little reason to maintain S/CRS and the entire conceptual system that has been built up around it.

Fourth, all improvements to interagency advice and policy implementation will require cultural and organizational change. To start with, the military establishment needs to focus its planning and training more on victory in war, and not just on success in climactic battles. It is often folly to pretend that success in a final battle will lead directly to victory. Particularly in cases of regime change or failed states, post-combat stability operations will be the key to victory.

70 For an excellent account of this cooperation, see LTG David Barno, USA retd., "Fighting the 'Other War:' Counterinsurgency Strategy in Afghanistan," 2003–2005, *Military Review* (September-October 2007), 32–44.

They are every bit as important as the ability to move, shoot, and communicate in battle, the normal preoccupations of the soldier.

Occupation, stabilization, reconstruction, and other issues associated with state building must be better integrated into the curriculum of staff and war colleges. Language and cultural studies are already becoming more important for military officers. War games and experiments also need to focus more on stability operations. None of this is meant to imply that the military should take over critical post-combat activities from the State Department and USAID. The opposite is the case: State and USAID need to be resourced, organized, and directed so that they can fulfill the awesome responsibilities that they have been assigned.

Fifth, the Department of State and USAID personnel and organizations need to become more operational, that is, able to lead in the management of grand enterprises in unsafe and austere environments. General Tommy Franks's memoirs contain the right thought: after the battle, you need lots of "boots" and lots of "wingtips" on the ground.[71] Absent the wingtips, the boots in Iraq have had to do much more than they should under optimal circumstances. This problem continues to the present day, where, for lack of civil presence in the field, there is still too much military supervision of reconstruction and governance issues. In Afghanistan (and now in Iraq), the Provincial Reconstruction Teams, which include military, diplomatic, and AID personnel, have partially mitigated the "too many boots, too few wingtips" problem that hampers Coalition operations in Iraq.[72] Still, the personnel strength of State and USAID is clearly inadequate to meet their expanded roles in the war on terror. These critical assets should be expanded by adding

71 Franks, *American Soldier,* 422.

72 On PRTs in Afghanistan, see Michael J. McNerney, "Stabilization and Reconstruction in Afghanistan: Are PRTs a Model or a Muddle?," *Parameters* (Winter 2005-06), 32–46; and Robert M. Perito, *The U.S. Experience with Provinical Reconstruction Teams in Afghanistan*, USIP Special Report no. 152, United States Institute of Peace, October 2005, 1–16. Recent student and faculty veterans at the National War College nearly all agree that the 20 State Department-run PRTs in Iraq are beginning to make a difference.

permanent personnel, developing reserves, and through further use of contractors and retirees.

At the national level, the Bush administration is grappling with this problem and has established State's S/CRS to be the national lead. It must now follow through and ensure that this good idea becomes a powerful center of excellence. This office should also become the centerpiece for interagency planning and exercises throughout the government. Interagency staffing has begun and should be increased. It needs a healthy budget, which will be a problem in a poorly funded department that is usually focused on current policy, not mid-range contingency planning. S/CRS is a toddler. The next administration must ensure that it becomes an adult.

There is a danger here in encouraging all of the cabinet departments to get involved in post-conflict stabilization and reconstruction activities. At times, this has represented real value added. The U.S. Army Corps of Engineers, long focused on projects at home and in bases abroad, has done superb work in Afghanistan and Iraq. Other departments, however, have not been so productive. Commerce and Agriculture have their own foreign services, but many other cabinet departments are not manned to do these tasks and have fewer usable assets than one might imagine. Others are likely to lack cultural or historical perspective and may rush in to try to do things American style. Others have and will fall victim to standard departmental routines. Many well-intentioned efforts have ended up poorly coordinated or out of synch with cultural conditions. A number of show projects have had little to show for their efforts. Better coordination by State and USAID and better peacetime preparation is needed before agencies that do not have overseas missions are ready to take their game on the road. Stabilization and reconstruction operations should not become an interdepartmental pick up game.

Sixth, for the State Department and USAID to become more operational, they must be better funded across the board. Today, State and USAID spend (on all of their functions, including security assistance) less than one-tenth of what the Pentagon does on its many missions. There are less than 8,000 Foreign Service officers in both State and USAID, combined. With this small force, our diplomats and development specialists have to cover their extensive

Washington headquarters, as well as over 120 countries and 265 diplomatic and consular locations. The systematic under-funding of State and USAID is the single greatest impediment to the effective planning and execution of developmental assistance, reconstruction, and stabilization. State cannot be equipped only with good ideas while Defense has all the money and most of the deployable assets. This is a prescription for an unbalanced national security policy, one where State Department will not be a mature player or it will savage its worldwide diplomatic activities to keep up with operations in conflict areas.

If we want to fix planning and execution for complex contingencies, we must fund State and USAID as major players and not poor relations of the Pentagon. At a minimum, over the next five years, the Foreign Service personnel strength of State and USAID should be raised by fifty percent and the entire budget of the State Department and USAID should be doubled, across the board.[73] Priorities for new spending should be given to public diplomacy, stabilization and reconstruction activities, and development assistance focused on preventing state failure. The transfer of monies from defense to state should be loosened, but we may well need to spend more money on defense and foreign operations at the same time. Foggy Bottom should not rely on drawing down money appropriated to the Pentagon. Congress too will have to play its part and get over its allergies to funding non-military operations overseas and to the creation of peacetime contingency funds at State.

Seventh**,** to get better at planning and executing complex contingencies, we will have to untangle the legal and regulatory authorities that hobble the Departments of State and Defense. Many of these legal provisions serve only to protect congressional committee prerogatives. Still others are meant to prevent human rights

73 Other estimates include those by former House Speaker Newt Gingrich in his remarks to the Senate Foreign Relations Committee on transforming the State Department. At an open meeting at the Council on Foreign Relations on April 26, 2007, Gingrich recommended a 50 percent increase in its budget and a substantial increase in the diplomatic work force. See, https://secure.www.cfr.org/publication/13210/21st_century_state_department.html?breadcrumb=%2Fissue%2F139%2Forganization_of_government.

abuses or some other, once valid purpose. How else can you explain that a group at State proper is in charge of refugee affairs, but USAID is charged with looking after internally displaced people? Why, given the importance of law and order to development, is USAID (and usually DOD too) forbidden from funding and managing police development programs, a major element in restoring stability in failed states? Again, another office in DOS was created to cover this problem, but it too is small, weak, and relies mainly on contracting to get the job done. It is tempting to say that these dysfunctional legal or regulatory provisions should be waived or eliminated. This should only be done, however, after a full assessment of the rationale behind each of them and their continuing utility.

Finally, to gain legitimacy and promote better burden sharing, the United States should make its most powerful allies full partners in complex operations. Our European allies will become increasingly important for Stability Operations. Many of them have in large measure developed their forces for peace operations, and some have caribineri/gendarme-type forces ideal for police work in post-war situations.

The United States has run two operations in which many allies were brought into the plan *after* the action began. This did no great damage in Afghanistan, where the perception of legitimacy has been high. Indeed, NATO has moved into the lead in Afghanistan and has now had a year where it has moved from peace operations into combat. In Iraq, however, the United States continues to pay a stiff price for its decisive, nearly unilateral actions in 2003. History will judge the wisdom of these decisions, but in the future, bringing the allies in before the takeoff may make for a more complicated flight but a smoother landing.

In conclusion, all issues of individual personalities aside, the war in Iraq and its aftermath have exposed a flawed decision-making process and weak decision execution mechanisms. In planning for and executing operations in Iraq, basic organizations, organizational cultures, operational procedures, and legislative support systems, all have been found wanting and require fundamental reform. Our National Security Council staff, cabinet departments, and our Congress have not yet adapted to the demanding requirements of

twenty-first century complex contingencies. One hopes that, for all of its problems, the decision to invade Iraq and subsequent operations there may point the way to national security reform.

While the focus of this project has been on policy decisions and process, it is important to add a final word on the decision to go to war. The U.S. reputation for power rests heavily on the outstanding performance of its armed forces in wars of necessity—the wars that follow an attack on the United States or one of its key allies or partners. The U.S. record in Wars of Choice—like Vietnam and Operation Iraqi Freedom—contain more than a few defeats or pyrrhic victories. In the greater war on terrorism, the United States cannot forswear Wars of Choice, or disregard conflicts that might require post-combat stability operations or extended peace enforcement activities. Before it enters into wars, however, it should remember the prophetic words of Winston Churchill:

> Let us learn our lessons. Never, never, never believe any war will be smooth and easy, or that anyone who embarks on the strange voyage can measure the tides and hurricanes he will encounter. The Statesman who yields to war fever must realize that once the signal is given, he is no longer the master of policy but the slave of unforeseeable and uncontrollable events. Antiquated War Offices, weak, incompetent or arrogant Commanders, untrustworthy allies, hostile neutrals, malignant Fortune, ugly surprises, awful miscalculations--all take their seats at the Council Board on the morrow of a declaration of war.[74]

74 Winston Churchill, *My Early Life: A Roving Commission* (New York: Scribner's 1958 edition of original 1930 book), 232.

CHAPTER 2. THE NCIX AND THE NATIONAL COUNTERINTELLIGENCE MISSION: WHAT HAS WORKED, WHAT HAS NOT, AND WHY

Michelle Van Cleave[75]

Introduction and Overview

The Project on National Security Reform, and the series of case studies that inform it, center on four key questions:

- Can the U.S. government integrate elements of national power in theory (i.e., develop real strategies)?
- If so, can it then implement them (get the agencies/departments to work together)?
- If not, what explains such failure (in general terms)?
- How much does that failure cost us?

When I first saw these questions, I was struck by how closely they paralleled my concerns during the two and a half years I served as the first statutory head of U.S. counterintelligence.

The national counterintelligence executive (NCIX) was first established in 2001 to provide strategic direction to U.S. counterintelligence (CI), and to integrate and coordinate the diverse CI activities of the government. Its statutory mandate is clear, including carefully enumerated functions and an interagency mechanism to enable coordination of the many CI organizations across the executive branch. The subsequent creation of the office of the Director of National Intelligence, to whom the NCIX now reports, consolidates the NCIX mission within the new architecture of U.S. intelligence.[76]

75 Former National Counterintelligence Executive (2003–2006). The views expressed in this paper are those of the author alone and do not necessarily reflect the views of the Director of National Intelligence or any other part of the U.S. Government.

76 The office of the NCIX is one of three major centers under the Director of National Intelligence; the other two are the National Counterterrorism Center

Yet the statutory intent has been frustrated at every turn. Strategic integration takes a back seat to individual agency priorities. National leadership exists in name only. Across the government, our CI capabilities are in decay. We seemingly cannot get ahead of the cycle of losing talent. And the potential costs of failure are profound.

This case study examines the historical context behind the establishment of the National Counterintelligence Executive, reflecting the unanimous judgment of the president, the Congress, an interagency study, and a Presidential Commission on the need to transform the nation's CI enterprise. It contrasts the legacy business model of U.S. counterintelligence, in which tactical CI duties are dispersed among independent departments and agencies, with the concept and mission of defeating foreign intelligence threats as an integral instrument of national security strategy. The challenges of leading and integrating the U.S. CI enterprise are discussed, from the practical details of setting up and staffing a new government office to the interagency mechanisms for reaching policy decisions and implementing national strategic direction. And it explains the significance of the nation's first national counterintelligence strategy, which established new policy imperatives to integrate CI insights into national security planning, to engage CI collection and operations as a tool to advance national security objectives, and, at the strategic level, to go on the offense.

This story opens on a high note. It would be difficult to find a clearer expression of national strategic guidance than the combination we enjoyed of congressional support, a consolidated National Strategy, the consistent findings of a highly respected commission, the president's embrace of its recommendations, and a running score card on their implementation. By any measure, during my time in office, the statutory NCIX mission to lead and integrate U.S. counterintelligence was well positioned to succeed.

Nevertheless, that clarity of purpose proved insufficient to navigate the well-entrenched institutional obstacle course. As this case study will show:

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and the National Counterproliferation Center.

The law creating the NCIX fell short of the mark. It established a new head for counterintelligence, but carefully denied the NCIX any directive authority. It created a national executive to provide strategic focus, but not the means of execution. Guidance from such an executive is inherently advisory, rather than authoritative. To achieve strategic coherence, U.S. counterintelligence does not need an advisor, it needs a leader. And the nation needs a clearly defined strategic CI program to defeat foreign intelligence threats, with the dedicated resources, authorities, and accountability that implies. The statutory scheme omitted these essential elements, which severely undercut the effectiveness of the NCIX and the national CI mission.

The new intelligence architecture under the Director of National Intelligence (DNI) has become part of the problem. Within the office of the DNI, authorities and lines of responsibility for counterintelligence are blurred, diluting the concentrated focus and guidance that the NCIX was created to provide. Without clear and effective central leadership, the several CI components naturally look first to their legacy responsibilities rather than the new challenges that the NCIX-led strategic reorientation of the nation's CI enterprise would impose. To be sure, even a fully empowered NCIX would not be sufficient to transform U.S. counterintelligence: the centrifugal forces protecting legacy divisions of responsibility and other impediments to national integration are and would remain formidable. But many of the difficulties we encountered in moving the CI enterprise to carry out the strategic CI mission would have been significantly lessened.

There is a debilitating gap between the national security decision-making process and the work of U.S. counterintelligence. It is up to the president and his policy leadership to judge the importance to U.S. national security of countering foreign intelligence operations and to issue policy guidance based on those judgments. But first they need to be presented with the essential insights into foreign intelligence plans, intentions and capabilities, to be able to assess their impact on U.S. national security, which presents somewhat of a chicken-and-egg problem. The intelligence community will not turn its resources to collect and analyze foreign intelligence activities as an input to inform policy makers unless so tasked; but with little to no insights into foreign

intelligence activities, there is nothing to alert the policy maker to the threats they present. The modalities for coupling national security policy direction to strategic CI output are not difficult to devise, but they have yet to be institutionalized.

As a consequence, the U.S. government has been slow to appreciate the effects of foreign intelligence operations, much less to address the threats they pose to current U.S. foreign policy objectives or enduring national security interests. We know surprisingly little about adversary foreign intelligence services relative to the harm they can do, or relative to the insights to be gained by analyzing the distinctive ways in which they operate, and the different purposes they serve. U.S. capabilities to disrupt, degrade, or exploit the intelligence operations of potential adversaries remain woefully inadequate to answer that call. And the national counterintelligence mission is quietly on hold.

I offer this case study of the NCIX and the national counterintelligence mission in the hope that it might contribute to the larger purposes of the Project on National Security Reform. I invite readers to consider the broader, related question of how U.S. efforts to counter foreign intelligence threats can and should be integrated with other instruments of state power. This case study is also offered in the hope that the next NCIX and our national security leadership will be able to learn from past shortcomings (including my own), to the betterment of our Nation's counterintelligence enterprise and the vital strategic mission that counterintelligence alone can perform.

The Historical Context

Washington was still in transition mode between administrations, arguing about last-minute pardons and missing "W" computer keys,[77] when the new attorney general called a press conference. Robert

77 John F. Harris and Dana Milbank, "At the White House, 'Moving On' or Piling On?; Bush and GOP Gain, Democrats Blush, and Ex-President's Allies Cry Foul Over Tales of Messy Exit," *The Washington Post*, (Washington, D.C.: Feb 18, 2001) A.10. Among those pardoned was former DCI John Deutsch for his criminal hubris in storing a staggering quantity of the nation's most sensitive secrets on his home computer and unclassified laptops—the electronic

Hanssen, a senior Federal Bureau of Investigation (FBI) special agent, had been arrested for espionage. For more than two decades, Hanssen had established a reputation as a competent, forward-leaning member of the bureau's counterintelligence division, a trusted insider in all FBI operations run against the Soviet Union and in other national programs of extreme sensitivity. And for most of those two decades, Hanssen had been spying against his own country, supplying the Russians a wellspring of America's most closely guarded secrets. The damage to U.S. national security was incalculable.

Hanssen is now in jail, a status he shares with another traitor and spy, Aldrich Ames. Ames, a former Central Intelligence Agency (CIA) officer and chief of the Counterintelligence Branch in the Soviet Division of the Directorate of Operations, spent eight years selling secrets to the Russians that went to the heart of U.S. technical and human intelligence collection, resulting in wide-ranging and continuing damage to U.S. national security and the deaths of at least nine clandestine agents. The U.S. intelligence community and especially CIA were shaken to the core by revelations of his treachery.

The Ames case, cemented by Hanssen and preceded by decades of damaging espionage against the United States, revealed a pattern of costly failures in America's struggling counterintelligence enterprise.[78]

Historically, CI responsibilities and authorities in the United States have been divided among the several operational CI entities—the FBI, CIA, and the three military services—with no central leadership or structure to unite them. Not surprisingly, this disjointed architecture

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equivalent of pasting them on billboards across the globe. In order to read the tightly held damage assessment, I had to sign a sweeping confidentiality agreement covering top-secret compartments and codewords I never knew existed, but with which our adversaries are doubtless well acquainted, thanks to Mr. Deutsch.

78 See database of some 150 U.S. persons prosecuted for espionage or related offenses, compiled by the Department of Defense: "Espionage Cases 1975-2001" Defense Personnel Security Research Center (Monterey, California: GPO, 2002). The records were transferred to the Defense Human Resources Activity, Office of the Secretary of Defense, in December 2002, and designated DHRA 01, entitled "PERSEREC Database." See also their update in Technical Report 08-05 (March 2008), "Changes in Espionage by Americans: 1947-2007."

made it impossible to devise, much less execute, a coherent national counterintelligence strategy to defeat foreign intelligence threats. It also created inherent seams that our adversaries proved both willing and able to exploit.

Most Americans would be astonished by the extent to which foreign intelligence services have been able to steal our nation's national security secrets, often with impunity. With the possible exception of the Coast Guard, every department and agency with sensitive national security responsibilities has been penetrated by hostile intelligence services, most more than once. The former Soviet Union was especially successful in stealing U.S. secrets, a tradition that continues unabated under Vladimir Putin's Russia.[79] (The Russian intelligence presence in the United States is now equal to its Cold War levels, a sizing decision presumably indicative of the return on investment.) But the Russians are far from alone, especially as other hostile services have literally gone to school on the practices of the old KGB. And then there is China. As reported a decade ago by a special Congressional Commission, the Chinese stole the design secrets to all—*all*—U.S. nuclear weapons, enabling them to leapfrog generations of technology development and putting this last line of U.S. defenses at risk.[80] To this day, we do not know how China acquired those volumes of supremely guarded national security information; but we do know that Chinese intelligence is still at work, aggressively targeting not only America's defense secrets but our industry's valuable proprietary information as well.

The lessons of past CI failures were clear. The United States needed a national leader to provide strategic direction to U.S. counterintelligence, and to integrate and coordinate the government's diverse activities to counter foreign intelligence operations of

79 A compelling perspective on contemporary Russian intelligence operations in the United States—and to a lesser extent, U.S. naiveté—can be found in Pete Early, *Comrade J: The Untold Story of Russia's Master Spy in America After the End of the Cold War* (New York: Putnam's Sons 2008). As summed up on book's the front cover: "When the Soviet Union disappeared, the spies did not."

80 Report of the Select Committee on U.S. National Security and Military/Commercial Concerns with the People's Republic of China ("Cox Commission"), 105th Congress, 2nd session, 1999; Report 105–851.

concern. This was the principal finding of an interagency study, "CI-21," which found its way to the president's desk in late December 2000.[81] As one of his final acts in office, President Clinton signed a Presidential Decision Directive (PDD-75) establishing the National Counterintelligence Executive. The NCIX, as the job would become known, was charged with the mission of bringing coherence to U.S. counterintelligence. Robert Hanssen's arrest less than two months later made the task of the yet-to-be-named NCIX all the more compelling.

At the start of the Bush Administration, all the stars were in alignment for a rebirth of U.S. counterintelligence under a new architecture to enable national coherence and strategic focus. But history had some surprises in store. The director of the FBI selected a senior FBI supervisory special agent to set up the new NCIX office, who was just getting started when September 11 radically reordered the nation's priorities. In short order, he was recalled to FBI headquarters along with most of the other FBI detailees to the fledgling NCIX office, leaving behind a handful of people in temporary quarters wondering what would happen next. PDD-75 was still in force, but there was no NCIX, and it was uncertain what the new administration would do: extend PDD-75, rescind it, or change it in some way? And then Congress decided to intervene.

The Counterintelligence Enhancement Act of 2002 codified the office of the NCIX and elevated the position of NCIX to a Presidential appointment, reporting to the president. Here was an opportunity to lead a great community of dedicated people, on a mission of highest importance to our Nation's security: a privilege—and a challenge—difficult to surpass. Upon the recommendation of the attorney general, the secretary of defense, and the director of central intelligence (DCI), the president appointed me national counterintelligence executive, and in July of 2003, we turned to the business of standing up an office to execute the new national CI mission as set forth in law.

81 CI-21 was not the first effort to reform U.S. counterintelligence. Following Ames' arrest, the DCI established a National Counterintelligence Center to help coordinate CI activities. Its relatively junior status and lack of any authority over execution led CI-21 members to propose a new model, the NCIX.

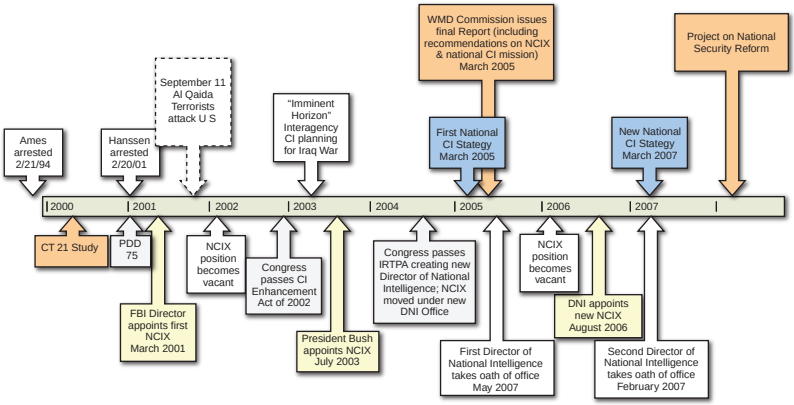

Figure 1: National CI Case Study Timeline

But within a year of my appointment, U.S. intelligence—already reeling from the shock of 9/11—came under intense scrutiny in the wake of intelligence mis-estimates of Iraqi weapons of mass destruction (WMD) capabilities. The ensuing upheaval set the stage for the creation of the DNI, and a bow-wave of change swept over the U.S. intelligence community, catching the newly reconstituted Office of the NCIX in the undertow. Our nascent efforts to transform U.S. counterintelligence came under review and revision, the mission's focus and significance eclipsed by new priorities as the new DNI organization began to take shape.

As of this writing, the plans, processes, and programs to execute strategic CI operations are not in place, and the NCIX office, which was moved under the DNI, has become little more than a fig leaf hiding the decay of our nation's CI capabilities. History may well record that the time was not ripe for effective reform of U.S. counterintelligence. Surely urgency and attention to CI concerns have been lost against the backdrop of the war on Islamic terrorists and the sweeping and still highly unsettled changes in U.S. intelligence writ large.

But there is more to the story than that.

National Mission and Objectives: The National Counterintelligence Mission

Past intelligence failures have inspired a host of proposals for organizational reform. As one scholar observed:

The most frequently noted sources of breakdowns in intelligence lie in the process of amassing timely data, communicating the data to decision makers, and impressing the latter with the validity or relevance of the information. This view of the problem leaves room for optimism because it implies that procedural fixes can eliminate error. For this reason, official postmortems of intelligence blunders always produce recommendations for reorganization and changes in operating norms.[82]

The recent creation of the office of the Director of National Intelligence, successor to the Director of Central Intelligence, is a prime example of this optimism at work.[83]

By sharp contrast, despite a history of damaging CI failures, counterintelligence has been largely immune from reorganization schemes because it never had a conscious organization plan to begin with. The various independent CI elements have grown out of individual department or agency responsibilities, each with its separate jurisdiction and purpose. Unlike the larger intelligence community, with its 60-year history under a DCI, the CI organizations of the

82 Richard Betts, *Enemies of Intelligence* (New York: Columbia University Press 2007) 39, 264

83 While legislation to establish the DNI was pending before Congress, I met with the head of Britain's MI-5, who asked me about the ongoing debate in Washington over how to improve U.S. intelligence capabilities. As we were saying our good-byes, she handed me the following passage:
We trained hard but it seemed that every time we were beginning to form up in teams we would be reorganised. I was to learn later in life that we tend to meet any new situation by reorganising, and a wonderful method it can be for creating the illusion of progress while producing confusion, inefficiency and demoralisation.
The quote was attributed to the Roman statesman Terentius, but I later learned the more likely author was some anonymous disgruntled British soldier during World War II, which only serves to illustrate the universality of the experience and sentiment.

U.S. government had no central leadership and no structure or institutionalized processes to accomplish a central national mission.

The National Security Act of 1947, which established the foundations of the intelligence community, did not assign the national strategic mission of protecting the United States against foreign intelligence threats to the DCI[84] or to any other cabinet secretary or other agency. Yet if asked, I think most national security practitioners would say that they regard counterintelligence as a subordinate discipline to intelligence, and therefore inherently a part of the DCI's responsibilities. And in important respects it is.

But the job of defeating foreign intelligence threats is very different from the job of supplying intelligence to U.S. decision makers. Foreign intelligence operations are directed against a wide array of U.S. national security secrets and operations. Some of those targets are U.S. intelligence activities, and to the extent that CI safeguards the integrity and success of U.S. intelligence, it is an intelligence mission. But foreign powers also direct intelligence operations against other U.S. national security activities and objectives, including proprietary information and technology of commercial value (see Figure 2). What to do about these strategic threats is not an intelligence question; it is a policy call.

The mission of counterintelligence is to identify, assess, neutralize, and exploit foreign intelligence activities directed against the United States and its interests worldwide. Its tactical applications in protecting intelligence collection and other operations are well understood, and executed by the several CI organizations within their spheres of responsibility. This important job is essential to the integrity of U.S. intelligence and the protection of national security information and operations.

84 The DCI's statutory duties were to provide national intelligence, to serve as the head of the intelligence community and the head of the CIA, and to "perform such other functions and duties related to intelligence affecting the national security as the President or the National Security Council may direct." Pointedly the act provides that the terms "'national intelligence' and 'intelligence relating to the national security'… do not refer to counterintelligence or law enforcement activities conducted by the Federal Bureau of Investigation…". National Security Act of 1947, Sec. 103 (50 U.S.C. 403-3)

But foreign intelligence adversaries do not target an individual FBI field office, or a military unit, or a CIA station abroad as an end in itself; they target the United States. In other words, the threat is strategic. Understanding this fundamental point is the first step in a long evolution from thinking about counterintelligence in its several tactical roles to the strategic vision that sees the job of countering foreign intelligence threats as an integral part of achieving national security objectives.

Viewed in this light, counterintelligence is the national security function that supplies insights into foreign intelligence threats to the United States, including options to defeat them as national policy may direct. And its importance is growing.

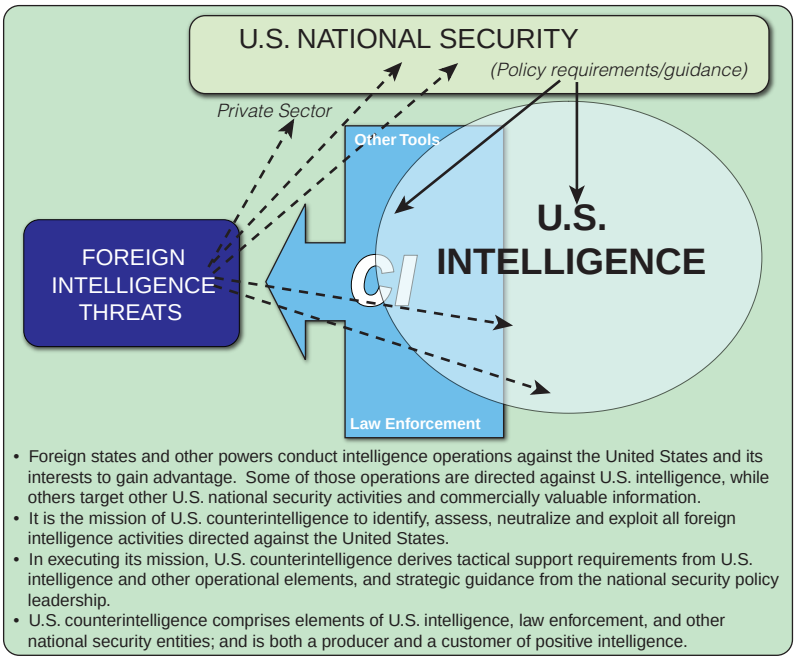

Figure 2: Counterintelligence, Intelligence, and National Security

The growth and pervasiveness of hostile intelligence operations is a striking and largely unappreciated feature of the modern international security environment. Foreign adversaries including the Russians, the

Chinese, the Iranians, the North Koreans, and many, many others use intelligence as an effective instrument of asymmetric power to advance their strategic objectives, exploiting U.S. vulnerabilities to their collection and other intelligence activities. And we are only beginning to appreciate their importance as an extension of state power.

Intelligence operations against the United States are now more diffuse, more aggressive, more technologically sophisticated, and potentially more successful than ever before. In recent years we have seen increasing intelligence operations within our borders facilitated by an extensive foreign presence that provides cover for intelligence services and their agents. Traditional foes, building on past successes, are continuing their efforts to penetrate the U.S. government, while waves of computer intrusions into sensitive U.S. government information systems have confounded efforts to identify their source. We have also seen apparent attempts by foreign partners to exploit cooperative endeavors against terrorist groups to learn essential secrets about U.S. intelligence and military operations, along with an emerging "market" in U.S. national security secrets, which among other things enables foreign practices of deception and denial to impair U.S. intelligence collection. And perhaps most troubling, growing foreign capabilities to conduct influence and other covert operations threaten to undermine U.S. allies and national security interests.

Yet, despite the strategic nature of these foreign intelligence threats, the history of U.S. counterintelligence has been one of dividing responsibilities among several departments and agencies rather than dealing with the strategic whole. Unlike most other states, the United States has never had a unified organization or a national counterintelligence "service" to carry out CI operations. Instead, CI operational authority has been split in gross terms between the needs of domestic security against foreign agents (assigned to the FBI), and the operational needs of human intelligence collection (assigned to CIA) and military actions in the field.[85]

85 In addition to the operational elements (FBI, CIA, and the three military services), other departments and agencies that are particular targets of foreign interest have set up CI offices to meet their individual needs for analytic support or to address insider threat concerns. Key examples include the CI offices within the Department of Energy and its national laboratories; the CI offices within

As a result, U.S. counterintelligence is an amalgamation of specialized activities, each of which is measured on its own terms, rather than for its contributions to a larger whole. The measures of effectiveness in counterintelligence and in personal advancement in the profession have been delimited by individual cases. Did we catch the spy? Did we find the microphones embedded in the embassy walls? Did we discover the true owners of the front company engaged in technology diversion? Such successes are very good things, which can make for fabulous stories revealing flashes of brilliance, creativity and daring, and some true legends in the business.

Far more rare is the case when the operational possibilities of ongoing investigations, or the access of a given penetration, or a double agent tasking, have been fitted against a larger tapestry of the adversary's strategic purpose to inform a CI plan for dealing with the whole. The system is not designed to work that way, for which we pay a hidden cost that becomes all too apparent after the fact in official damage assessments of espionage and other national security compromises. To read through the file drawers cataloging the enormous loss in lives, treasure, and pivotal secrets occasioned by spies and other foreign intelligence coups against the United States is a cold awakening to what is at stake.

The problem is straightforward. The U.S. CI enterprise has not been structured to serve a strategic purpose, nor is it postured globally to disrupt a foreign intelligence service. There is no standard approach to targeting across the CI enterprise; interagency information sharing is poor, and infrastructure support even worse. Even the modest national mechanisms developed to deconflict offensive CI activities stop at the water's edge, a legacy of the old divide between foreign and domestic operational realms. And apart from wartime, we have not routinely addressed foreign intelligence capabilities as part of

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the several intelligence agencies (e.g., the Natoinal Reconnaissance Office, the National Security Agency, the National Geospatial Intelligency Agency, etc), and other departments with intelligence missions (Treasury Department, the State Department); a number of Department of Defense entities engaged in classified R&D (e.g., the Defense Threat Reduction Agency, the Ballistic Missile Defense Office); and the important CI support functions at the Department of Homeland Security including the U.S. Coast Guard.

a national security threat calculus informing national strategy and planning. As a consequence, the sum of the U.S. CI enterprise is less than its parts could deliver if they were wired to work together as a strategically integrated whole.

"CI-21" and the Counterintelligence Enhancement Act of 2002 represented a conceptual breakthrough in American counterintelligence. They judged that the central strategic core that is needed to identify, assess, and defeat foreign intelligence threats to the United States and its vital interests has been missing. This is the fundamental flaw in the architecture of U.S. counterintelligence that the office of the NCIX was created to remedy, not by its mere existence, but by leading the transformation and strategic integration of our nation's CI capabilities to support national security objectives.

Far from imposing a new layer of bureaucracy, the 2002 reform legislation charges U.S. counterintelligence with executing a new strategic mission that cannot be performed by independent entities acting without central direction or common purpose. The new mission does not peel away authority or responsibility from the several operational organs; rather it levies additional duties on each of them to meet strategic CI objectives. Nor should the new architecture be seen as an indictment of America's CI professionals, who have made tremendous contributions to the security of our nation. Thanks to their dedicated work there is no reason to doubt that we are deriving about as much value as is possible from the old business model of U.S. counterintelligence. But the sum of what our CI agencies do will not bring us a strategic offensive gain against foreign intelligence threats unless orchestrated to a common purpose.

This essential orchestration is the new and force-multiplying job of the NCIX.

Establishing the Office of the NCIX

The Counterintelligence Enhancement Act lays out the duties of the office of the NCIX, in what amounts to a thoughtful enumeration of the functions essential to bringing coherence to disparate CI activities. It directs that the NCIX:

Identify and prioritize the foreign intelligence threats of concern to the United States.

- Develop a strategy to guide CI plans and programs to defeat those threats, and identify the new plans and processes (including R&D) needed to implement that strategy.
- Evaluate the performance of the CI agencies against those strategic objectives.
- Oversee and coordinate the production of strategic analyses of foreign intelligence capabilities, and establish priorities to guide collection and operations.
- Ensure that the budgets of the many CI organizations of the federal government are developed in accordance with strategic priorities.
- Ensure that the workforce has the training and education necessary to meet professional standards and the needs of the strategic CI enterprise.
- And finally—unusual for an intelligence organization—carry out and coordinate outreach programs to advise other government entities and the public about foreign intelligence threats.[86]

Describing these functions is comparatively straightforward. The difficult part comes in determining how to perform them (especially given the limited grant of necessary authority, as discussed herein). The "how to" embraces mastering the complex subject matter that is counterintelligence, what a classic treatise called "an intellectual challenge of almost mathematical complexity."[87] Perhaps almost as challenging are the questions of how the highly diverse organizations, programs, processes, traditions, and egos that make up the U.S. counterintelligence community can be marshaled to achieve strategic

86 50 USC 901. The Counterintelligence Enhancement Act of 2002 was carried forward into the Intelligence Reform and Terrorism Prevention Act of 2004, P.L. 108-458, December 17, 2004 (50 USC 401), which created the DNI.

87 Christopher Felix, *A Short Course in the Secret War*, 4th ed. (Lanham, Maryland: Madison Books, 2001), 123.

ends; and how to identify and fill in the missing elements, starting with the roles and missions of the new office of the NCIX.

It may seem straightforward, but the question of how the new office of the NCIX should be organized, resourced, and directed invites different answers, depending on one's vision for the mature organization. What is its core purpose, focus, key functions, lead customers, and unique resource needs? Answering these questions is the starting point for standing up any new government office (or as Yogi Berra said, "If you don't know where you're going, you're likely to end up somewhere else"). I developed and evaluated several alternatives for building the office of the NCIX (see summary matrix in Appendix A), before adopting the business model that came to define the value added I expected from the new office and its place in the U.S. CI architecture. Actually putting the nuts and bolts in place proved more difficult.

When I reported for duty, I inherited a staff of about 40 people—a combination of contractors and government personnel on detail from the FBI, CIA, and Department of Defense (DOD)—working out of a suite of tired offices in an undisclosed location somewhere in Northern Virginia. There was no manual or historical precedent to define the business of the office, so the staff largely had been operating on autopilot (which among other problems had resulted in a tangle of ill-fitting contracts and other management headaches requiring corrective action). My first job was to define *their* jobs: to lay out what I expected of each of them individually, what we together needed to achieve, what our measures of success would be… and to build a team perspective among a collection of detailees who were wary of jeopardizing future assignments back to their home agencies.

The succinct assigned mission of the NCIX is to head U.S. counterintelligence – something that had never been done before. But first, we had to set up an office with the attendant practical requirements of securing a lease, building the necessary physical, information technology (IT) and legal infrastructures, establishing human resources and contracting systems, and so forth – all of which had been done before. Or so I thought.

But the stand-alone office of the NCIX was a square peg in the round hole of the CIA administrative structure, which existed first to meet

agency needs, second to meet the community needs of the DCI, and last (as provided under the Counterintelligence Enhancement Act) to support the new office of the NCIX. The coming months would reveal the time-consuming complexities of such seemingly minor challenges as hiring staff (the law made the NCIX office an independent organization drawing administrative support from CIA but pointedly not a part of CIA – very confusing for the personnel system), and getting the lawyers to agree on a number of questions of seeming first impression, e.g., how to exercise statutorily conferred independent authority to enter into contracts.

For the administrative support system, anything that is different is a problem at least initially, because it does not fit into the known set of rules and procedures. This effect is multiplied when the objective is to wire together disparate security regimes governing computer systems, personnel practices, and physical space.[88] We did not know it at the time, but the effort invested in sorting through this maze of law and regulation and practice would help pave the way for the later establishment of the office of the DNI, which would have to address many of the same problems on a larger scale.

We identified centrally located office space, engaged builders and IT support, bought new furniture and carpets and signage, and finally packed up our worldly goods (including some of the most sensitive records the U.S. government possesses) to establish our new headquarters in Crystal City in time for the Fourth of July 2004. And not a moment too soon: the week after we moved out, the roof collapsed.

88 The long pole in the tent in setting up the new office was importing several independent IT systems, with varying rules governing access and physical protection, which had to co-exist in secure space. Given the extreme sensitivity of the work of the NCIX, we were scrupulous in meeting (and even championing) security practices; but also keenly appreciated the daily cost of the lack of interoperability among the IT systems employed by different intelligence agencies. Recognizing that building a CI "community" could not happen without a common communications network, we funded, developed, and deployed such a network for CI users … but when I left office it was still little more than an extra e-mail in-box to check in the morning, rather than the backbone communications system we had hoped it would become.

One of the enduring problems we encountered was in recruiting capable personnel to work in the new CI office. All national "centers" have an inherent personnel problem: you want and need the best and the brightest, but there are never enough of those to go around. The national office draws its staff from the several departments and agencies, who in turn want to keep the most talented personnel in place. Even if a given individual is personally disposed to take an assignment with the national office, getting their line management's okay is far from easy. ("No. You are needed here.") Additionally, the national office must contend with the well-recognized problem of detailees looking out for their home agency (or their future careers back at the home agency).

It was an easy matter for the leading CI organizations to withhold authorization for detailees. The military services and DOD's Counterintelligence Field Activity were for the most part supportive of the stand-up of the NCIX, which showed in the quality and consistency of DOD personnel detailed to the office. CIA was forthcoming in providing support personnel, but largely unwilling to assign seasoned CI officers to the staff (which were and remain in short supply within CIA ranks). And despite repeated personal entreaties, the FBI, which consumes the lion's share of U.S. CI dollars and billets, withdrew most of its personnel from the NCIX office, and throughout my tenure did not have a single senior special agent detailed to the staff.[89]

Without the highest quality people, how can a national center do the hard job of leadership and strategic guidance?

Congress sought to address this problem by giving the NCIX direct hire authority. Exercising that authority, however, proved extremely

89 The FBI's assistant director for counterintelligence was a seasoned CI professional who had come up through the ranks, having spent most of his career in the FBI working counterintelligence. He had also been the director's pick to serve as the first NCIX under PDD-75—an assignment that was cut short by the 9/11 attack, when he was recalled to headquarters. Whether his brief tenure as NCIX soured him to the mission, or whether he saw the NCIX as a rival to the FBI's CI authorities, was not clear to me; but his personal predispositions played a prominent role in truncating the FBI's support for the NCIX office.

difficult. First, we needed to establish a new career service to hire people into (one of the many costs distinguishing government from private enterprise), which took nearly a year to work through the CIA personnel system. But a career service implies a career: what kind of upward mobility can a career government servant expect to find in a mini-organization like the office of the NCIX? A total billet structure of 80 to 100 (including detailees) doesn't give much latitude for career progression. Moreover, the head of such an elite office must be extremely careful in making hiring decisions. All sales are final: there is no return to sender option when it comes to direct hire employees, and given the strictures of the career service, firing someone for other than clear cause is very, very difficult. Once an organization has an established reputation for the quality and value of its work, I believe it is possible to recruit and retain a talented core staff—but that happens over time, not overnight.[90]

Accordingly, we turned repeatedly to the well of contract support for talented and experienced personnel. I am particularly indebted to a critical number of retired government personnel who brought special knowledge, expertise, and reputations that were of enormous help to me personally and to the effectiveness of the new NCIX office.

Of course, it is not enough to create and staff a national-level office to head up the CI enterprise. The many parts that make up U.S. counterintelligence must be thoroughly engaged to achieve common ends. And that has proved a much higher hurdle.

One might think that the new office of the NCIX would be welcomed as a powerful advocate of counterintelligence by the leadership of the many CI organizations including in particular the operational entities of the FBI, CIA, and the military services.

90 No sooner had we worked out the modalities of hiring employees directly than the Congress created the DNI organization and all NCIX positions were absorbed into the office of the DNI. I thought this was excellent news. Now people interested in working for the NCIX would also be a part of the much larger DNI organization, with the career mobility that implied. It was also terrible news, because now the little NCIX office would be competing with the big office of the DNI for the limited detailee talent pool—which continues to be a source of tension between the DNI and the many intelligence organizations throughout the government.

While I believe that most of the rank and file held that view, the establishment of the office of the National Counterintelligence Executive was not met with unqualified enthusiasm from all of the CI community leadership. ("Oh good, just what we need: a national office looking over our shoulder and second-guessing our decisions.") Their skepticism may be understandable, since the goal of bringing coherence inherently implies some loss of independence, which is not easy to accept on faith.

Instead, much of the CI leadership adopted a wait-and-see attitude, combined with some forays to test and constrain the reach and authority of the new national office. Not unique to counterintelligence, the bureaucratic bias is inherently conservative, resistant to change (especially when it imposes greater accountability) and favoring the status quo.

And in counterintelligence, the status quo has a long history.

Guiding Principles and Doctrine of the CI Profession

If you are a counterintelligence professional of the U.S. government, what do you do? What are your essential skills? How are you trained? How is your performance evaluated? What is your work product? What defines the CI profession and its mission? There are as many answers to these basic questions as there are adversary intelligence services keeping us busy.

There is no common understanding of what constitutes a CI professional because there is no common undertaking that constitutes the CI profession, and (until recently) no cross-cutting national mission that defines common ends. Instead, each of the operational elements approaches counterintelligence on its own terms and with its own distinctive stamp. Like the butcher, the baker, and the candlestick maker who set up shop on the same street, the CI organizations may be part of the same "community," but their work both individually and corporately is very different. Crime fighter, case officer, or warrior—their approaches to counterintelligence are as varied and independent as their underlying professions.

Find the spies and arrest them. The Federal Bureau of Investigation is far and away America's leading CI agency. Its

preeminent role is the collective result of authorities and responsibilities acquired incrementally over its 100-year history, most in response to national security exigencies.[91] The nation has turned to the investigative resources of the FBI to deal with saboteurs, to find and prosecute spies, and to collect intelligence both domestically and abroad. In the wake of 9/11, the FBI again has been asked to assume expanding responsibilities, leading to the establishment of a new National Security Branch to carry out its counterterrorism and CI work.

In all it does, the FBI remains first and foremost a law enforcement agency, deriving much of its distinctive CI expertise from the techniques and training required for criminal investigations. Ask any FBI agent working counterintelligence, "Are you principally an intelligence officer or a law enforcement officer?" and you will get the same answer every time. The identity that properly comes with carrying a badge and a gun also orders the FBI's core orientation and product line, taking and working each case in turn. Where successful, these cases may result in prosecutions, demarches, or the expulsion of diplomatic personnel for activities inconsistent with their status. But with rare exception, their disposition is decided on the merits of the instant case and not as part of a larger effort to counter the foreign intelligence service as a strategic target.[92]

While the FBI is skilled at enforcing counterespionage and related laws, it has not been organized, trained, or equipped to collect or analyze intelligence on the extensive foreign intelligence presence in the United States beyond those personnel here under official or journalistic cover, or to develop or execute offensive operations to mislead, deny, or otherwise exploit foreign intelligence activities

91 Ray Batvinis, *The Origins of FBI Counterintelligence* (Kansas University Press, 2007)

92 By way of contemporary example, the government's espionage case against suspected Chinese agent Katrina Leung resulted in a 2005 plea bargain with no jail time and a $10,000 fine, in return for which the accused agreed to 10 debriefing sessions about her interactions with the Chinese. The U.S. attorney in Los Angeles entered into the agreement because it served the government's prosecutorial interest in concluding a case that was not going well in the courtroom; but it effectively forestalled CI efforts to engage Leung's future cooperation to learn what national security information she had compromised during her 20 years of passing information to Beijing, or to uncover other Chinese operations against the U.S. government.

against the United States. The FBI may run operations into hostile intelligence services for the purpose of finding spies in the U.S. government (including historically some highly successful ones),[93] but it does not take as its mission running or coordinating operations for the larger purpose of defeating the global operations of an adversary intelligence service.

Make sure our spies succeed. Against the backdrop of the Cold War and the activities of the KGB, counterintelligence at CIA developed largely as a component designed to protect its clandestine operations from compromise.[94] In 1974, a complicated twenty-year history of conceptual, bureaucratic, personal, and ideological struggles within the Directorate of Operations culminated in a purge of the CI staff following public revelations of CIA improprieties. These events led directly to the two-year long session of congressional inquiries by the Church and Pike Committees and an extended public spectacle of further revelations of wrongdoing. In the ensuing years, CIA effectively withdrew from even its narrow CI mission, and has had a long road to recover.[95] The revelation of Aldrich Ames' devastating

93 A stellar example of the FBI's past successes is Operation Solo. Morris Childs was deputy head of the Communist Party of the USA and trusted confidant of his former instructors Yuri Andropov (later head of the KGB and the Soviet Union) and Mikhail Suslov (later the Politburo's chief ideologist). He was also working for the FBI, a penetration effort that continued for 23 years. See John Barron, *Operation Solo: The FBI's Man in the Kremlin* (Washington DC: Regnery Publishing) 1996.

94 "Although the Soviets had recruited more than 200 Americans as spies in the 1930s, 1940s, and 1950s, the United States had done essentially nothing in return." The first significant CIA penetration of Soviet intelligence occurred in 1953 when Pyotor Popov, a lieutenant colonel in the Soviet military intelligence, volunteered his services. He was arrested and executed by the KGB five years later. James M. Olson, *Fair Play: The Moral Dilemmas of Spying* (Virginia: Potomac Books, 2006) 231.

95 To make matters worse, CI and counterespionage (CE) capabilities at CIA declined even more under DCI Stansfield Turner (1977-1981), whose book, *Secrecy and Democracy: the CIA in Transition* (Boston: Houghton Mifflin, 1985), reveals his strong biases against CE. As reviewed by Robin Winks, Turner "asserts a variety of positions—such as his contention that the sudden reduction of the espionage staff by 820 positions did no damage to national security—without offering evidence or argument to support his view. He appears to believe that a CE capacity is not needed because SIGINT has

betrayals in the service of the Russians sparked a painful reappraisal of CIA's counterespionage capabilities and the establishment of a dedicated senior CI office on the 7th floor (i.e., the director's suite). That position was abolished in the latest reorganization, which assigned CI responsibilities to a staff element within the new National Clandestine Service, whose duties are yet to be fully defined.

While any CIA clandestine officer will tell you that foreign intelligence personnel are already at or near the top of their targeting list, it is one thing to check the box for recruitment opportunities, and quite another to have a top-down strategically orchestrated effort to disrupt and degrade the operations of a foreign intelligence service. Indeed, there is an inherent tension between the work of human intelligence (HUMINT) collectors and that of strategic CI operations. Intelligence collection values, above all, the information; counterintelligence insists on acting on that information, which introduces new risks. For example, if a penetration within a foreign government were used as a CI asset (such as serving as a channel for deception), that CI operation would introduce a new risk of compromising the asset, to the potential detriment of the collection effort.

So far from being a partner with the FBI to build a global perspective on the operations of foreign intelligence services, CIA has interpreted its CI job as confined to protecting its own house and mission. During the Cold War, the Directorate of Operations correctly understood one of its primary tasks, the clandestine penetration of the KGB, to be an important contribution to the overall, but generally undefined, national U.S. CI mission. But CIA was not directed and

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replaced HUMINT, incidentally removing the many risks of human error that arise from HUMINT; he then redefines disinformation to suit his own needs and concludes that the only CE requirements the United States has are to deal with domestic spying. Since the FBI handles the home front, CE has no role to play….He recommends that the espionage and analytic branches should be merged in order to make CE a team player. This sounds a good idea if one believes that intelligence is still a game, great or otherwise, but it flies in the face of the rudimentary methodology of compartmentalization. The need is less to make CE play for the team than to find a way to see to it that a necessarily somewhat independent operation does not try to steal a base out of a misplaced sense that the coach doesn't know what to do." Robin Winks *Cloak and Gown: Scholars in the Secret War*, 1939–1961 (New York: William Morrow, 1987) 547–548

did not attempt to create a worldwide CI service designed to detect, analyze, and counter all foreign intelligence operations abroad that were directed at the United States and its interests.

Protect against enemy intelligence operations. Counterintelligence at the Defense Department is grounded in the larger force protection mission of the military services. Each of the military services charters and organizes its relatively narrow CI efforts substantially differently, to meet Service requirements. The Army combines its counterintelligence function with those of human and signals intelligence under the assistant chief of staff for intelligence; its CI officers have no criminal jurisdiction. The Air Force and Navy, on the other hand, keep counterintelligence separate from their intelligence functions and combine CI duties with criminal investigation. The Air Force component, the Office of Special Investigations, reports to the Air Force inspector general, while the Navy Criminal Investigative Service is a separate command within the Navy Department.[96] As is common to other functions within the hierarchical organization of the Defense Department, each combatant commander also has a CI staff element, while the Services organize, train, and equip the Service CI components assigned to support the combatant commands.

With each of the military service components looking to its own needs, until recently there was no entity charged with the CI concerns of the many independent Defense agencies, activities, and non-Service personnel, or one that could bring a cross-cutting, strategic perspective commensurate with the size and importance of DOD assets as targets for foreign intelligence collection and manipulation. To redress this deficiency, the Counterintelligence Field Activity was established in 2002 within the Office of the Secretary of Defense to develop and manage all DOD CI programs, and to serve as the central coordination point for CI policy and budget matters within the Department. Unfortunately, the CI Field Activity suffered the bureaucratic equivalent of the perfect storm when it was buffeted from two directions—a scandal involving a Congressman on the take from its lead contractor, and public concerns over DoD's involvement

96 In addition to the Service components, the 650th Military Intelligence Group in support of the North Atlantic Treaty Organization also has authority to conduct offensive CI operations; the secretary of defense may designate others.

in domestic surveillance—resulting in a much weakened, smaller organization struggling to define its role.

The Department of Defense owns or controls most of the secrets worth stealing, but it does not command the suite of resources necessary to counter foreign intelligence operations directed against those secrets. Nor does it have the authority to take on that mission alone. Executive Order 12333 requires that DOD coordinate its CI operations abroad and at home with CIA and FBI respectively, which have lead CI responsibility in those domains; accordingly there is substantial bilateral interaction and deconfliction among the CI components. But deconfliction falls far short of strategic integration—a job not assigned to the Defense Department nor any of its sister CI agencies.

In the absence of a lead department or agency, or central leader, or common service, the larger strategic mission of counterintelligence in support of national security objectives does not have a dedicated national CI profession organized, trained, or equipped to carry it out. Today's CI personnel lack even many of the basic training and education programs needed to help them understand the larger context in which they work, or to acquire the necessary skills individually and jointly to perform the critical national security mission they are being asked to assume.[97] Interagency training falls far

97 I commissioned an interagency study to look at core competencies for the CI profession, which found its way to my desk on my last day on the job. It found a severe gap between contemporary CI performance requirements and our ability to train and develop a professional CI cadre: "Training programs are limited primarily to initial skills training with a general lack of structured continuing education programs… Because CI lacks the training infrastructure to support long-term development of the individual, there is no accepted career path for the counterintelligence workforce…As a result, counterintelligence assignments are generally not seen as career enhancing and many individuals tend to move on to what they see as mainstream assignments in their respective organizations… A compounding factor has been a lack of CI leadership development. Many senior CI positions are filled with individuals who lack significant CI experience and training." Office of the NCIX, *Fundamental Elements of the Counterintelligence Discipline*, Volume 1 "Universal Counterintelligence Core Competencies" (Unclassified Version January, 2006) 4. Overall, the ranks of CI professionals are thinning, which has adversely impacted the management tier of U.S. counterintelligence and further limited the pool of available talent for

short of what is needed to enable integrated operations, and there is almost no interdisciplinary training across CI specializations.[98]

Across the profession, there are vast differences in understanding of what counterintelligence means, and how it is done, and even the basic terminology it employs.[99] In the face of such fundamental disunity, is it possible to tie together the nation's many CI activities in order to defeat foreign intelligence threats to the United States?

The need for a common CI doctrine. Each of CI's operational elements has answered a different call, with historical origins and continuing requirements that have led to specialized functions, techniques, and missions. While bilateral cooperation and coordination are not uncommon (especially in the wake of 9/11), to speak of a CI "community" is to stretch the meaning of the word. But that is not all bad news.

As I see it, the very diversity of U.S. counterintelligence is an essential part of its strength. Each of the distinct operational approaches to counterintelligence has distinctive advantages. Pulling the best from each, carrying those skills and techniques across to sister elements, and integrating and coordinating their efforts can result in a tremendous national asset to counter foreign intelligence threats. But

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assignments outside of line agency duties (including in particular national or interagency billets).

98 CI practices employed by intelligence agencies may be very useful for law enforcement agencies now faced with the need to gather intelligence against potential terrorist cells within the United States, but these are skills that must be carefully taught. Consider, for example, the "counterintelligence review," which seeks to determine the reliability of human intelligence assets through a careful and stylized examination of the asset's entire case file, from recruitment through production. See Brian Kelley, "Counterintelligence Applications to Law Enforcement," *Crime & Justice Internationa,l* Vol 23, No 99, (July/August 2007) 30, 33–34. Such CI practices have been developed over decades, the skills cannot be learned on the fly, the generation of necessary mentors is leaving or has left government service, and experienced teachers are in short supply even on the home turf of their (former) home agency much less in the unfamiliar classrooms of law enforcement agencies.

99 In attempting to compile a lexicon of agreed CI terminology, my staff ran into such fundamental disagreement over a number of basic terms that the effort never came to closure. In particular, "offensive counterintelligence" has very different meanings to different parts of the community.

we need to have laid sufficient common ground for the profession as a whole in order to make strategic integration viable.

The key missing ingredient is a common *doctrine* for U.S. counterintelligence, a body of common institutional thought that relates the reach and characteristics of U.S. CI activities to the national security objectives of the United States. As defined by the Defense Department, doctrine consists of the "fundamental principles by which the military forces or elements thereof guide their actions in support of national objectives."[100] The purpose of developing a doctrine is not to constrain creativity but to enable its effective employment; hence doctrine "is authoritative but requires judgment in application."[101] Having a common body of concepts or principles is the essence of a professional mission. Yet, for all its rich history, counterintelligence does not have an agreed body of working principles or a settled conceptual approach to guide the application of means to ends.

For example, there is a widespread lack of understanding of the difference between counterintelligence and security. In practice and by executive order, counterintelligence is closely related to, but distinct from, the security disciplines.[102] Sound security measures are unquestionably vital, but they can carry protection only so far. One can pile on so much security that no one can move and still there will be a purposeful adversary looking for ways to get at what it wants. The defining job of counterintelligence is to engage and confront the adversary, yet this imperative too often is neglected

100 Joint Publication 1-02, "DOD Dictionary for Military and Associated Terms"

101 Ibid.

102 The practical objectives of CI and security are not always in concert – which Christopher Felix (true name James McCargar) called "one of the classic conflicts of secret operations." Counterintelligence "operations are offensive operations which depend for their existence as well as success on constant, if controlled, contact with the enemy. Security, on the other hand, is a defensive operation which seeks to destroy the enemy's operations and to cut off all contact with him as dangerous." Felix, *op cit* at 126. But the interdependency between CI and the security disciplines has led to some long-playing theoretical discussions about which—if either—may be said to encompass the other; in practice, at a minimum, the two must be closely linked.

especially as we think about the place of counterintelligence in national security planning.

Does it matter that counterintelligence does not have a common doctrine? It may sound quaint today, but the formative years of the U.S. Air Force included a vigorous debate over this missing element. Fifty years ago, Air Force leaders, arguing over the meaning of air superiority, observed that the Air Force as a service lacked a clear set of ideas against which it was operating. As one scholar of the era observed,

Without such principles and concepts being clearly expressed, at least in the minds of the users, it is not at all possible to attain coordination and efficiency, and it is not reasonable to expect, as is desirable, that all workers to the common end will have in mind the same possibilities and objectives. [103]

> The extraordinary accomplishments of the modern Air Force are owed in no small part to its essential rigorous intellectual grounding in agreed doctrine.

Similarly, CI professionals need to have an intellectual framework to guide their work as part of the larger national enterprise. To succeed as a tool of national strategy, counterintelligence needs to be more than a come-as-you-are party. The widespread lack of understanding of the strategic CI mission, not to mention the lack of a consensus on how to proceed, will persist so long as there is no professional doctrine to enable its execution.

Of course, even if the profession were to develop a body of thinking or doctrine to enable coordination across the many tactical department and agency activities, along with the needed training and education programs, we still would need to set out the strategic goals and objectives for the national CI mission.

And that is where *The National Counterintelligence Strategy* enters the picture.

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103 Robert Frank Futrell, *Ideas, Concepts, Doctrine: Basic Thinking in the United States Air Force 1907-1960*, Volume I (Maxwell AFB, Alabama: Air University Press, 1989) 1

Mechanisms for Decision Making

The number one responsibility of the NCIX is to develop each year, for the president's approval, a national strategy to guide U.S. counterintelligence, and then to see to it that the strategy is in fact executed. These are vastly different duties, but the principal interagency mechanism intended to oversee them is the same: the National Counterintelligence Policy Board.[104] During my tenure, the Policy Board, which is chaired by the NCIX, proved a useful forum to review and coordinate the first national counterintelligence strategy, but of little value in effecting its execution.

National strategies are in vogue. The National Security Strategy of the United States was first mandated in law as part of the 1986 Goldwater-Nichols Act.[105] Initially envisioned as an annual report but currently issued every four years, the National Security Strategy is intended to inform subordinate strategies including those for combating terrorism, WMD, and illegal drugs, and those for securing cyberspace and critical infrastructure. Following 9/11, there is also a Homeland Security Strategy and related strategies (maritime security, border security, aviation security, etc). The secretary of defense issues a national military strategy as required by law,[106] and in 2005 the DNI issued a national intelligence strategy on his own initiative. But that is not all.

There are national strategies to meet specific objectives (e.g., the "National Strategy for Victory in Iraq"), and to engage international support (e.g., "National Strategy to Internationalize Efforts against Kleptocracy"). There are national strategies to reduce congestion

104 Recognizing the overlap between the board's statutory duties (as set forth in the Counterintelligence Enhancement Act) and the NSC Policy Coordinating Committee for Intelligence and Counterintelligence (established by the president in NSPD-1), the NSC staff and I quickly agreed that whenever the board met for purposes of advising the president it would sit also as the PCC for Intelligence and Counterintelligence, and that the NSC senior director for Intelligence would co-chair the meeting along with the NCIX—a practical and beneficial arrangement for all parties that has stood the test of time.

105 Section 108 of the National Security Act of 1947, as amended; 50 U.S.C. 404a.

106 10 USC 113(j)

on America's highways, to cut poverty in half, and to reduce gun violence. There is a national strategy for agriculture and another for federal archeology, a national strategy to promote financial literacy and another to restore coastal habitats. There are a number of national healthcare strategies including strategies to prevent suicide, teen pregnancy, and pandemic influenza, and strategies to advance immunization quality and oral health. The list goes on.

These national strategies are as varied in quality and impact as they are in subject matter. Each may have its place and constituency, but I wonder if the importance assigned to national strategy has not faded by reason of the proliferation of these documents. Much of their content is declaratory policy or public relations masquerading as strategy—important publications in their own right but different from the integrating coherence strategy is intended to supply. Certainly some bureaucracies have become accustomed to treating these strategies less as controlling guidance for developing policies, plans, and programs than as cover for continuing business as usual.

With all good intentions, Congress contributes to devaluing the coin of national strategy when it requires that a new strategy be issued each year. Whatever else a national strategy may be, it should import a sense of vision, endurance, and longer range goals against which to array shorter term plans and programs. If the bureaucracy comes to expect a new strategy every year, how can any given strategy be effective? By the time it is issued, the federal government is already entering into the next year's budget cycle, including the underlying plans and programs that drive the allocation of resources. National strategies that become obsolete after one year simply cannot be taken seriously.

Against this backdrop, I had the pen for the first draft of the first ever National Counterintelligence Strategy of the United States. The document drew on the thoughtful contributions of long-time practitioners and scholars assembled early in my tenure for a three-day conference held at the McCormick-Tribune Foundation's Cantigny Estate to consider the state of U.S. counterintelligence and the need for strategic direction. I also had invaluable help from some of the nation's most outstanding CI experts who served on my staff.

To begin, we turned to the National Security Strategy of the United States, which President Bush had approved in 2002. That document

is organized around the major challenges confronting America's security—defeating global terrorism, countering weapons of mass destruction, ensuring the security of the homeland, transforming defense capabilities, fostering cooperation with other global powers, promoting global economic growth—each of which has an embedded counterintelligence imperative. Specifically, terrorists and tyrants, foreign adversaries and economic competitors, engage in a range of intelligence activities directed against the United States in order to advance their interests and defeat U.S. objectives. It is the job of U.S. counterintelligence, subject to national policy direction and in concert with other instruments of national power, to see that they do not succeed.

National CI Policy Board Membership

NCIX, Chairman

Department of Justice

Federal Bureau of Investigation

Department of Defense

Joint Chiefs of Staff

Department of State

Department of Energy

Central Intelligence Agency

Department of Homeland Security*

NSC Senior Director for Intelligence, *ex officio*

**added by President Bush*

It may seem strange that national strategy governing an undertaking of such extreme sensitivity as counterintelligence could be written at the unclassified level and still be meaningful. Yet the simple fact is that the most important attribute of the new strategy was its very existence: the declaration of a unified national purpose and the assignment of strategic roles and missions to the nation's counterintelligence enterprise. In our democracy, these matters are properly the subject of public information and debate. Accordingly, I argued (and the Policy Board agreed) that the first iteration of the National Counterintelligence Strategy should be unclassified, so that it could receive the widest possible dissemination and attention not only within the counterintelligence community but also among the nation's national security leadership and the public at large.[107]

107 In furtherance of that purpose, the 2005 *National Counterintelligence Strategy of the*

I distributed the draft to the members of the National Counterintelligence Policy Board, who are charged by law with advising the president on counterintelligence policy and advising the NCIX on the implementation of the strategy. In keeping with review practices for national security strategies that bear the president's signature, I asked that board members treat the document as "close hold" in order to preserve the president's options, and that they give the draft the personal and careful attention it merited as the first national strategy to guide our common enterprise. This inaugural document would become the foundational "vision" statement of the mission of counterintelligence in service to national security, and we needed to be very sure that we got it right.

The interagency coordination process resulted in some textual changes, including a number of substantive additions that strengthened the document. I also received unusual written clearance from the FBI, which foreshadowed rough times ahead. The FBI representative declined to comment on the draft; instead he sent a short note, thanking me for the opportunity to review the draft and enclosing a copy of the FBI's two-year-old internal CI strategy—with no other comment. In other words, the FBI representative was saying, "You can do what you want. Here is our strategy. Live with it." The FBI's counterintelligence division published another so-called "national strategy for counterintelligence" two months after the President's strategy was issued. The two documents bore little resemblance to one another; indeed, the FBI's strategy never even acknowledged the existence of the national strategy that the president had approved.[108] Individual department and agency strategies can and should be valuable

United States is included here as Appendix B2.

108 As of this writing, the FBI's webpage and public comments continue to feature its own "national" counterintelligence strategy with no reference to the strategy approved by the president. Contrast congressional testimony by the FBI's Assistant Director (Counterintelligence Division): "Our National Strategy will be totally integrated with the Office of the National Counterintelligence Executive (NCIX), or CI-21, to ensure that our efforts are focused on policy driven priorities…". David Szady, "Changes the FBI is Making to the Counterintelligence Program," Hearings before the Committee on the Judiciary, United States Senate, April 9, 2002.

planning documents. But if they are developed and promulgated independent of national-level guidance, what is the point?

With the concurrence of all members of the Policy Board, the draft National Counterintelligence Strategy was submitted to the staff of the National Security Council in April of 2004, for internal review within the Executive Office of the President.

And there it sat for almost a year, sidelined by NSC staff ostensibly worried about getting out of step with related developments including the looming debate over creating a new national intelligence director. Finally, a somewhat abbreviated (but substantively unchanged) draft was forwarded to the President for his review and approval, and transmitted to the Congress March 31, 2005.

The National Counterintelligence Strategy was released to the public at a national conference on counterintelligence, held at the Bush School for Intelligence at Texas A&M. (Indeed, the firm date of this long-planned conference was the precipitating factor that moved the draft strategy out of the staff's in-box and onto the president's desk.) President George H.W. Bush gave the opening address, community participation was robust, press coverage was excellent, and the National Counterintelligence Strategy had the most promising public roll-out possible.[109]

But we had lost a year of precious time, before U.S. counterintelligence could turn to the even greater challenge of implementing the president's strategic guidance.

Executing and implementing national direction

In my view, there is little possibility of implementing unified national direction without a sense of common purpose. Among its other attributes, I envisioned the office of the NCIX supplying the common ground needed to build community and to identify common purpose. And what better way to start than with a party.

109 *Washington Post*, "U.S. Adopts Preemptive Counterintelligence Strategy" March 6, 2005, A07; *Washington Times,* "U.S. Targets Foreign Spy Services," March 6, 2005, A1

The ribbon-cutting on the new NCIX office brought people together from across the CI community, many of whom were meeting one another for the first time. The outer lobby was carefully designed to invite lingering, its four walls covered with museum-quality displays chosen to educate visitors about the four dimensions of our craft: the origins of CI in America, the tools of the trade, the global reach of adversary services, and the "wall of shame" – a portrait gallery and case summaries of traitors and convicted spies. *Washingtonian Magazine* did a feature story (something along the lines of "Washington lobbies that tourists will never see"), the Director of Central Intelligence gave a welcoming speech, and there was a sense that building a genuine CI community was an achievable goal.

The implementation of the first *National Counterintelligence Strategy* would put that community to the test.

Executing and implementing national direction for counterintelligence is a four-fold decision-making process, each involving different parts of the national security apparatus:

- First, national security policy guidance, from which national CI strategy is derived.

- Second, national strategy to direct the CI enterprise, from which implementation plans are derived.
- Third, annual planning, programming and budgeting, to conform government-wide resource allocation to national priorities.
- Finally, strategic operational planning, through which strategic CI objectives are achieved.

In each of these areas, we made some progress; but the lingering question is whether these modest beginnings will take hold.

1) Policy guidance. In order for counterintelligence to serve as an instrument of national security strategy, it must be integrated into the national security policy process. The *National Counterintelligence Strategy* expressly calls for CI to have a seat at the policy table, where owing to its disaggregated history CI has not appeared before. But once it is understood that the strategic purpose of counterintelligence is to identify, assess, and defeat foreign intelligence threats to U.S. national security objectives, the need to tie CI functions into National Security Council deliberations and the larger policy context becomes compelling. In national security policy planning and execution, we have learned that U.S. intelligence operations and especially covert action must be integrated into the broader strategic picture to judge properly the cost/benefit operational risk and correctly gauge the allocation of resources. The same is true for CI operations, which must be considered in the context of the broader national security purpose if they are to have strategic effect.

The allocation of CI effort (i.e., which foreign intelligence services should be the highest priority targets of CI activities to assess and neutralize their operations?) needs to be driven by national security considerations. Left to its own devices, with no policy guidance, the U.S. intelligence community will rank order foreign intelligence threats on the basis of their capability to threaten U.S. intelligence operations. The impact of foreign intelligence operations on U.S. collection and intelligence production is a key consideration, to be sure, but it is far from the only measure of concern. To bring strategic guidance to the U.S. CI effort, the prioritization of foreign intelligence threats must align national security policy concerns and CI resource allocations,

rather than simply itemize what is known about foreign intelligence capabilities.

NSC leadership welcomed CI analytic input, and in those instances where we had sufficient advance notice of key policy deliberations we were able to contribute useful insights and ideas. But the relationship between the CI world and senior national security policy makers was largely personality dependent and tasking was *ad hoc*, rather than a routine way of doing business. The DNI regularly sends a representative to NSC-led interagency meetings to provide intelligence support, but CI analytic input is included only sporadically and CI operational options rarely if ever are factored into the national policy debate. And we still lack an effective means by which policy leaders can guide CI priorities.

This gap between national security policy attention and CI effort reflects what may be the single greatest weakness in the national CI mission today. By and large, the national security policy community seems unaware or unconvinced of the dangers to U.S. national security posed by the intelligence activities of foreign powers. This is yet another troubling legacy of our Nation's historical non-strategic approach to counterintelligence, which remains largely unaddressed.

For all of the good work of its contributors, the "CI-21" study of the late 1990s did not make a convincing intellectual case that identifying and neutralizing (or exploiting) foreign intelligence activities must be a part of U.S. national security strategy and policy. Nor did Congress, in enacting the Counterintelligence Enhancement Act of 2002, assign the strategic CI mission a purposeful role in national security planning.

It is up to the president and his policy leadership to judge the importance to U.S. national security of countering foreign intelligence operations and to issue policy guidance based on those judgments. But first they need to be presented with the essential insights into foreign intelligence plans, intentions, and capabilities to be able to assess their impact on U.S. national security, which presents somewhat of a chicken-and-egg problem. The intelligence community will not turn its resources to collect and analyze foreign intelligence activities as an input to inform policy makers unless so tasked; but with little to no insights into foreign intelligence activities, there is nothing to alert the policy maker to the threats they present.

The National Counterintelligence Strategy made an important beginning in breaking this impasse by explicitly linking policy guidance to CI effort for the first time. It also directs the integration of CI information and operational options into national security decision making in order to educate and inform both communities about threat and opportunity. The modalities for coupling national security policy direction to strategic CI output are not difficult to devise, but it remains for them to be institutionalized into daily business.

2) Implementation plans. The 2005 *National Counterintelligence Strategy* set forth the standing mission of U.S. counterintelligence in support of national security. Its seven pillars defined major goals for the counterintelligence enterprise to 1) counter terrorist operations, 2) seize strategic advantage, 3) protect critical defense technology, 4) defeat foreign denial and deception, 5) level the economic playing field, 6) inform national security decision making, and 7) build a national CI system. In particular, its emphasis on proactive strategic operations set a new and high bar for U.S. counterintelligence.[110] But the document is not a strategy in the classic sense of setting forth the means to accomplish defined ends; rather it established broad (and unclassified) objectives, each of which require detailed strategic planning to achieve.

Above all, the *National Counterintelligence Strategy* called for a reorientation of the U.S. CI enterprise to go on the offense. This was far from a new idea; indeed, it is the first "commandment of counterintelligence," as captured in an excellent article by a former head of CIA's Counterintelligence Center:

CI that is passive and defensive will fail. We cannot hunker down in a defensive mode and wait for things to happen. I believe we are spending far too much money on fences, safes, alarms, and other purely defensive measures to protect our secrets. That is not how we have been hurt in recent years. Spies have hurt us. Our CI mindset should be relentlessly offensive. We need to go after our CI adversaries.[111]

110 For more on this point, see my article, "What Is Strategic Counterintelligence, and What Should We Do About It?" *Studies in Intelligence* 51:2 (Washington, DC: Center for the Study of Intelligence) June 2007, 1–14.

111 James Olson, "The Ten Commandments of Counterintelligence," *Studies in*

The first National Counterintelligence Strategy took this time-honored commandment into the realm of national strategy—and in so doing, made a sharp departure from the past.

Historically, instead of looking at the strategic implications of foreign intelligence operations, the U.S. government for the most has part adopted a case-by-case approach to dealing with the threat they represent. By concentrating our CI resources overwhelmingly within the United States, rather than engaging the foreign intelligence service abroad, we have ceded the advantage to the adversary. Foreign powers have seized the initiative, and moved their operations to U.S. soil, where our institutions are not constituted to work against the growing foreign intelligence networks embedded within American society. Consider how it is that spies within the very heart of U.S. intelligence and the national security community have been able to operate undetected for such unacceptably long periods of time (for example, Ames, nine years; Robert Hanssen, twenty-one years; Ana Belen Montes, seventeen years; the unindicted Katrina Leung, twenty years) to the profound detriment of U.S. national security. Interagency damage assessment teams are quick to key on exploitable security vulnerabilities and to recommend new security measures (e.g., more uniform polygraph practices, more rigorous background checks, more comprehensive inspection regimes, more sophisticated information system audit trails). But smarter security alone will never be enough so long as the foreign intelligence adversary retains the strategic advantage, which we have ceded by default.

The National Counterintelligence Strategy directs that the considerable resources of the members of the U.S. intelligence community that have global reach be prioritized and coordinated in order to degrade the foreign intelligence service and its ability to work against the United States, starting with working the target abroad. The tradecraft and operations of counterintelligence are not new. What is new is the policy imperative to integrate CI insights into national security planning, to engage CI collection and operations as a tool to

Intelligence, (Washington, DC: Center for the Study of Intelligence) Winter-Spring 2001.

advance national security objectives, and, at the strategic level, to go on the offense.

If a national strategy is to progress from well-formulated ideas to well-executed results, it must have effective implementation plans. While it is properly left to national leadership to define national objectives, identifying the means of achieving those objectives requires collaboration among those who command the resources, people, and programs involved in their execution. This is the point at which component leadership is most important. Broad goals are fairly easy for department and agency representatives to endorse; but signing up to specific implementation plans means subjecting performance to external measures of effectiveness, which bureaucratically is far more onerous.

The members of the National Counterintelligence Policy Board evinced little interest in ensuring that the *National Counterintelligence Strategy*, with its challenging proactive orientation, was in fact implemented. Despite the Policy Board's statutory mandate to advise the NCIX on implementing national strategy, I never received a single call, paper, inquiry, or suggestion on implementing any of the strategy's broad goals or specific objectives. Members attended Policy Board meetings to receive and exchange information, but we were not overly burdened by lively discussion. There were several reasons for this.

Counterintelligence is inherently a close-hold business, which serves as a natural constraint on interagency discussion. This reticence was magnified by the fact that the department and agency representatives to the Policy Board varied widely in the scope of their responsibilities and in their personal knowledge of counterintelligence. This disparity put a damper on the effectiveness of the Policy Board as a forum for discourse. The four board members with major and direct CI operational responsibilities saw little to be gained from sharing their observations with a 10-member interagency group, while other members with broader (and largely non-CI) duties were only tangentially conversant with CI concerns.

More generally, senior-level interagency policy bodies have proven quite successful as a modality for finding consensus among differing perspectives, but in my experience they are far less fruitful as deliberative bodies to explore creative approaches to national-level

concerns. Members readily understand their role as advocates of their own department or agency brief, but are usually less comfortable reaching beyond their own portfolio to offer objective thinking or advice on broader national needs. I believe it is possible, given the right mixture of personalities and challenges, for an interagency committee to grow into a productive forum for creative thought, but that quality is more the exception than the rule.

In short, the Policy Board as constituted during the period of my chairmanship never measured up to the constructive advisory body the Congress envisioned to help execute national CI strategy. Some of my choices as chairman may be partly to blame for this failure. I have an aversion to calling meetings just for the sake of meeting: if there are no actions to be taken or decisions to be made I would rather not impose on everyone's time. My forbearance in convening meetings may have been appreciated by busy department and agency representatives but it also limited opportunities for building useful group dynamics. Nor did I deem it practical to assign individual Policy Board members the responsibility for devising implementation plans, which inherently require interagency collaboration and input across the CI community.

With these considerations in mind, implementation planning for the new strategy would have to be accomplished through other means.

In order to carry out the broad mandate of the office of the NCIX to integrate and coordinate U.S. counterintelligence, it was clear from the outset that we would need a basic interagency infrastructure to enable communication and interagency coordination.[112] We established the CI Steering Group, chaired by the Deputy NCIX, to consider major policy issues, along with subordinate working groups for analysis, collection, operations support, programming and budget, and training and education. The Steering Group was a "big

112 I also believed it was vital to have a means of sharing information and communicating guidance across the CI community. To that end, I established a regime of National Counterintelligence Advisories, Directives, and Requests for Information, starting with NCID-1 which set forth their purpose and functions. Those few early communiqués were superseded when the office of the NCIX was folded under the office of the DNI.

tent," inviting participation from any government organization with a counterintelligence mission, while its subordinate working groups were more selective in membership and focus.

To jump start interagency implementation planning, my staff drew up a logic tree, listing the seven major goals or pillars of the *National Counterintelligence Strategy* from which candidate strategic objectives were derived. Under the auspices of the CI Steering Group, representatives from across the CI community volunteered to lead each subject area, to review and validate the subordinate strategic objectives, and (with the assistance of the functional working groups) to develop top-level implementation plans, assigning roles and missions to the executing agencies. The implementation plans in turn were presented to the CI Steering Group for review and approval; and any matters in disagreement that the Steering Group could not resolve were to be forwarded to the Policy Board for resolution.

This process, while laborious, was essential to engaging community buy-in—not only to the broad goals of the strategy, but also to a new way of doing business that required deliberation and consideration across the CI enterprise. We placed a premium on the broadest possible community participation, and in that we were successful. But our very success is a classic good news/bad news story, as anyone who has ever been involved in interagency working groups or clearance processes can attest. For every creative new participant contributing to the effort, one could also find a new critic interposing objections on behalf of his or her agency, including some who wanted to revisit the language of the strategy itself—even though it had already been approved by the president.

Strategic CI Assessments

Strategic assessments of foreign intelligence capabilities can also help inform policy deliberations and frame options for actions. For example:

- If the United States is confronted with the prospect of war with Iran, what role will Iranian intelligence services play in conducting operations against the United States and what options do we have to neutralize those operations?
- If North Korea attempts to sell and deliver a nuclear device or nuclear materials, what contribution can our counterintelligence forces make in the efforts to detect and intercept such activities? *(continued)*

Yet slowly but surely the necessity of exploring how to implement the new Strategy interjected a new dynamic into the interagency, pointing in the direction of more purposeful national planning and integration of effort. This phenomenon is part of the enduring wisdom of "build it and they will come." But nobody promised it would be quick.

- What hostile intelligence activities are directed against the United States that might be designed to neutralize our capacity to exercise effective space control?
- To what extent are the intelligence elements of the governments of South Korea and Taiwan susceptible to deception by hostile intelligence forces and do we have sufficient capability to discern those operations and guard against efforts to misdirect us?
- What is the role of Cuban intelligence personnel in Venezuela, and what influence does Havana exercise over Chavez's government?
- What efforts are underway by hostile intelligence forces to undermine the effectiveness of our ballistic missile defense system? How effective are our security preparations in protecting against these actions?

As fate would have it, just as we were challenging the CI community in designing these implementation plans for the *National Counterintelligence Strategy*, the DNI came out with a new national intelligence strategy, which similarly required the development of strategic objectives and implementation plans to meet them. While not inconsistent with the *National Counterintelligence Strategy*, the new policy goals of the Intelligence Strategy commanded priority time and attention from the intelligence community, which had the effect of relegating the strategic reorientation of the counterintelligence enterprise to a second-order concern.[113] My sense was that the

113 Counterintelligence is mentioned in three places in the Intelligence Strategy, quoted here in their entirety.

First, counterintelligence is included among the Key Goals summarized in the Introduction: "Deploy effective counterintelligence measures that enhance and protect our activities to ensure the integrity of the intelligence system, our technology, our armed forces, and our government's decision processes." Second, the NCIX is given specific tasking for priority analysis: "[T]he National Counterintelligence Executive will devise plans to enhance analysis of terror networks and foreign intelligence establishments and activities. The latter

intelligence community was a little over-loaded by these time-consuming national-level strategic planning requirements, which if not done well become an end in themselves rather than an effective tool to guide operations.

By the time I left office, the outlines of some of the strategic CI implementation plans were beginning to emerge; but it had taken far too long to get the process up and running. I was hopeful, however, that the process would function more smoothly in the future, once it was established that interagency implementation planning would be the means by which key strategic CI milestones were established and progress evaluated. But that good outcome requires some continuity in national strategic guidance so that planners can have something enduring to build on, and some discipline over the allocation of resources, so that departments and agencies are held accountable for meeting implementation milestones. These requirements have yet to be met.

CI Steering Group Members

Army Assistant Chief Staff (Intelligence), Air Force OSI

Central Intelligence Agency

Coast Guard

Counterintelligence Field Activity (DOD)

Defense Intelligence Agency

Energy Department

Defense Security Service

Defense Threat Reduction Agency

Federal Bureau of Investigation

Homeland Security Department

Joint Staff J2

Justice Department

Missile Defense Agency

(continued)

plan will include a means to integrate counterintelligence with other sources to capitalize on opportunities for strategic offensive activities," echoing the proactive orientation of the *National Counterintelligence Strategy*. Finally, in the section on improving security, the Intelligence Strategy sets forth a requirement to "ensure the various Intelligence Community elements conducting counterintelligence activities act as a cohesive whole to undertake aggressive, unified counterintelligence operations… The National Counterintelligence Executive, in the plan for implementing the National Counterintelligence Strategy, will describe how the Community will undertake aggressive counterintelligence operations with greater unity of effort." Given its lack of directive authority, the limited charge to the NCIX to "describe" how the Community might achieve a greater unity of effort is sadly about right.

3) Planning, programming, and budgeting. Strategy establishes broad national goals, implementation plans establish milestones to carry out strategic objectives, and then the individual agencies are responsible for supplying the means needed to achieve them. In the federal government, the annual budget cycle is the formal analytic structure through which planning, programming, and budgeting is disciplined, to match resource allocation to national priorities, and to evaluate effectiveness. It is also the point at which things can fall apart.

National Geospatial Intelligence Agency National Nuclear Security Agency

National Reconnaissance Office

National Security Agency

Naval Criminal Investigative Service

State Dept Office of Diplomatic Security

State Dept Office of Intelligence & Research

Under Secretary of Defense (Intelligence)

NSC Senior Director for Intelligence, *ex officio*

It is one thing to define national strategy and its derivative objectives; it is quite another to align policy, plans, programs, and resources aggregating across multiple disconnected agencies to meet those objectives. The task of baselining current capability (itself a formidable job) and then working forward, demands an ongoing, iterative process of cross-cutting evaluation and feedback and course correction across the several departments and agencies with CI accounts. As our experience would show, this is a notoriously difficult process in government and arguably impossible without central budget control—an authority not granted the NCIX.

The establishment of a new overarching national office, like many other legislative initiatives, is almost always the product of compromise. Powerful and influential cabinet secretaries with weighty missions to perform naturally have champions on the Hill looking out for their interests (and the prerogatives of their own committees). As a result, national offices may be given new authorities, but within careful limits. Thus it is that an office such as the NCIX can be assigned the statutory mission to lead, integrate, and coordinate all U.S. counterintelligence, but be confined to an advisory role only when it comes to budgets, people, and programs.

While by law the NCIX office is given responsibility to provide strategic direction to U.S. counterintelligence, it does not have the power to direct budget allocations. It is given the responsibility to evaluate department and agency performance, but it is not given the power to direct programmatic changes. The DNI could ameliorate this deficiency by delegating his budgetary and program direction authorities over counterintelligence to the NCIX, but he has chosen instead to vest those in his line deputies rather than in the NCIX. As a result, the modest authority granted the NCIX over the CI community was further diluted when it became clear that the Deputy DNI for budget and administration would exercise the DNI's authority over the counterintelligence budgets, rather than the NCIX. To be sure, the deputy DNI solicited NCIX input, but that input was clearly received as advice (which the deputy DNI rejected on more than one occasion) rather than as authoritative guidance.

It may go without saying, but without the power of the purse to direct resource realignment to meet national needs, there is little hope for national direction to trump individual department and agency priorities. If there is no effective means of holding agencies accountable for meeting national objectives that go beyond the individual responsibilities driving their budgets, there is no possibility of managing to effect. Our experience with national CI direction was no exception.

But that was not the biggest problem.

Each of the CI components was asked to map their programs and resource allocations against the new national strategic CI objectives. And each of the several CI components brought forward their planning documents, and presented their budgets for review, as requested.

Miraculously, all existing department and agency CI plans, programs, and budgets matched perfectly to the new national strategic priorities. No real changes were needed. No new starts. No hard choices. Unbelievable. Literally, unbelievable.

Politicians are often accused of being masters of "spin"—the rhetorical device that enables conforming the truth to one's own advantage. No lies, just self-interest. This very human talent also has

very able practitioners among the budget and program offices of the federal government, who learn to fashion their budget presentations to advance the interests of their own department or agency. In this endeavor, there are two imperatives: to protect funding for existing programs, and to compete for new funding. In the face of polished department or agency budget presentations, it takes a critical, knowledgeable eye to pick up on embedded issues, to question program projections, and to enable sound judgments to redirect resources to more productive ends.

Accordingly, the national-level budget examiners must be at least as expert as the programs they are examining. And there we have a problem.

Where are such experts to be found? The people who are the "doers" usually don't want to be pulled back to serve as program and budget examiners, which many regard as tedious work. This is an enduring complaint and a problem associated with all centers: too many demands, too few capable people. As a consequence, it is very difficult to assemble review teams that can effectively evaluate the presentations from the component representatives. Repeatedly, I received second-hand after-action reports out of program and budget reviews, alleging that the information presented was misleading, or incomplete, or misdirected … but the reviewers either did not pick up on the deficiencies, or were not expert enough to challenge what they were told.

The strategic objectives established by the 2005 *National Counterintelligence Strategy* provided a framework for organizing and presenting existing CI plans and programs in a coherent way, but at least for the first budget year did not impose the discipline needed for course corrections or new starts to advance national strategic ends. More mature implementation planning may have supplied more precise measures to guide resource allocation, but given the inherent time lags of interagency coordination those plans would not be ready in time to meet the deadlines of the federal budget cycle. The good news is, all departments and agencies went through the drill of conforming their budgets to a national template, establishing a process which in later years may eventually yield a more coherent and

effective CI enterprise—provided their submissions are subject to informed and critical review.

4) Strategic operational planning. If there was one compelling requirement to emerge from the *post mortems* of the 9/11 attack, it is the need for strategic operational planning to tie together comprehensively what is known about terrorist threats with all options at home and abroad, acting alone or with allies, to defeat them. Among the many reviews, CIA's inspector general was especially direct on this point:

The Review Team found that Agency officers from the top down worked hard against the al-Qa'ida and Usama Bin Ladin (UBL) targets. They did not always work effectively and cooperatively, however. The Team found neither a 'single point of failure' nor a 'silver bullet' that would have enabled the Intelligence Community (IC) to predict or prevent the 9/11 attacks. The Team did find, however, failures to implement and manage important processes, to follow through with operations, and to properly share and analyze critical data… [114]

Despite the DCI's proclamation, "we are at war," and call for a full-out effort against terrorist threats, the inspector general specifically found that the DCI's Counterterrorism Center was not used as a strategic coordinator of the intelligence community's counterterrorism activities; rather its focus was primarily operational and tactical.

The Team found that neither the DCI nor [his Deputy] the DDCI followed up these warnings and admonitions by creating a documented, comprehensive plan to guide the counterterrorism effort at the Intelligence Community level. The DDCI chaired at least one meeting in response to the DCI directive, but the forum soon devolved into one of tactical and operational, rather than strategic, discussions…While CIA and other agencies had individual plans and important initiatives underway … no comprehensive strategic plan for

114 Executive Summary, June 2005, vii. Redacted version available at https://www.cia.gov/library/reports/Executive%20Summary_OIG%20Report.pdf,

the IC to counter [Osama bin Ladin] was created in response to the DCI's memorandum, or at any time prior to 9/11.[115]

> The lesson is straightforward. Where operations involving multiple agencies must be conducted to strategic effect, the executive branch must institutionalize national-level strategic operational planning and oversight. That requires representative elements from across the government with access to essential information, empowered to make decisions and to deliver results.

This compelling need is no less true for understanding and countering foreign intelligence threats than it is for understanding and countering terrorist networks.

In the six months leading up to Operation Iraqi Freedom, an interagency CI strategic planning team came together under Defense Department leadership to develop a common operating picture of Iraqi intelligence operations worldwide. In response to Command Authority direction, the team was chartered to develop CI operations to render Iraqi intelligence ineffective. While this effort, dubbed "Imminent Horizon," resulted in some important successes, the CI community learned its lessons the hard way. Strategic operational planning to degrade foreign intelligence capabilities has long lead times. Beginning at D minus six months—as was the case with Iraq—is too little too late. Even though Coalition Forces had technically been at war with Iraq for ten years, flying daily combat missions, the CI community could identify and contain an unacceptably low percentage of Iraqi intelligence personnel. The file folders were outdated, contradictory, and incomplete.

If the United States had such an inadequate picture of Iraqi intelligence personnel, who numbered among the nation's highest priority CI targets, imagine the intelligence gaps on foreign services of lesser concern.

Drawing on these and other lessons, the National Counterintelligence Strategy called for the establishment of a standing strategic

115 Ibid., viii

operational planning capability to proactively identify, assess, and defeat foreign intelligence threats. The Congress approved a pilot project for the Office of the NCIX to assemble strategic planners from across the community, along with the support infrastructure necessary to analyze candidate foreign intelligence services' capabilities and vulnerabilities. Working side by side with fellow planners from the several CI departments and agencies, they were responsible for developing collection strategies to fill in intelligence gaps and options to degrade foreign intelligence operations, consistent with larger national security policy objectives.

Beyond the Imminent Horizon experience, the NCIX pilot project was able to draw on the intensive focus on strategic operational planning by its sister DNI organization, the National Counterterrorism Center (NCTC). The morning-after lessons of 9/11 had resulted in legislation creating the NCTC, and specifically assigning the NCTC the duty to conduct strategic planning for the U.S. government's counterterrorism operations. As NCTC's first Director Scott Redd explained, strategic operational planning "serves to fill a long existing gap in government….

Simply put, the White House, in the form of the National Security Council and, more recently, the Homeland Security Council, has been in the business of developing broad strategy and policy. At the other end of the spectrum, the Cabinet Departments and Agencies have been responsible for conducting operations in the field…What has been missing is the piece in between policy and operations, a concept not unfamiliar to the military…Strategic Operational Planning is designed to fill that gap.

The goal of strategic operational planning is straightforward: to bring all elements of national power to bear on the war on terrorism in an integrated and effective manner.[116]

NCTC has struggled with this part of its charter, in part because strategic operational planning to identify and neutralize terrorist

116 John Scott Redd, Statement for the Record before the House Armed Services Committee, 4 April 2006, available at http://www.nctc.gov/press_room/speeches/20060404.html.

threats must draw on government resources that extend well beyond the intelligence community. The line where NCTC responsibilities end and those of the Defense Department's internal planning processes begin is especially difficult to define.

By contrast, strategic operational planning for counterintelligence should be easier to deliver, since no department or agency has claimed lead responsibility for the mission of defeating foreign intelligence threats—a void highlighted by our experience in the Iraq war. Even so, the congressionally approved CI strategic planning pilot project ran into stiff resistance, especially from CIA, which is straining to meet all of the extra staffing requirements imposed by the numerous new DNI centers, directorates and mission managers.

Perhaps owing to CIA's reticence and doubtless for other reasons as well, my successor as NCIX terminated the pilot project, and assigned the group's resources and related mission to the new National Clandestine Service. That assignment begs the question whether the National Clandestine Service can do this job—even assuming that it wants to, which is far from clear. There are many reasons for concern, not the least of which is that the FBI, which is critical to effective strategic operational planning for counterintelligence, is not a part of the new service. And that is a serious problem.

The CIA, the FBI, and the military services are working in their separate channels to address different aspects of the foreign intelligence threat, with some important linkages between them; but bureaucratic resistance to ceding access to sensitive CI information—even the limited, sanitized information necessary to inform strategic direction—remains understandably fierce, if not always wise. It may be argued that the sorry history of successful, long-standing espionage carried out by trusted insiders is an indictment of the "each is responsible for its own house" approach to counterintelligence. Nevertheless, counterintelligence (and especially counterespionage) breeds an imperative to hold close to information, and to stay in control of these extremely sensitive operations and investigations. Indeed, if there has been one clear, consistent message from the field to the national centers, it has been "stay away from operations." Such a wall may be needed to preserve operational security and protect the lives and

missions of personnel at risk, but it becomes self-defeating if used to undercut insights and understanding vital to national coherence.

These ingrained obstacles to information sharing, along with uneven abilities among department and agency representatives to present much less task "blue" side CI resources, make the urgent job of strategic operational planning still one of the great undeveloped interagency arts. Fortunately, such reflexive protectiveness commonly is overcome in the field, where people with a shared duty station and purpose are clear that they are working on the same team. Without some way of instilling that spirit and incentive structure in Washington interagency planning groups, strategic operational planning for CI will remain an elusive goal. And the nation will continue to lack the means to integrate and orchestrate the government's CI activities to strategic effect.

In my view, joint operational planning is the key to transforming our nation's CI capabilities. The president can issue strategies, the interagency can table implementation plans, the budget examiners can have their say, but at the end of the day it is what the operators actually do against the adversary that will matter most. Strategic operational planning that enables well-orchestrated operations to degrade foreign intelligence threats would give the United States a formidable tool in protecting the nation's security and advancing our strategic interests. But in order to get there, the nation's CI organizations still face a steep learning curve.

Organizational Learning

During the time I served as NCIX, the CI community went through one full cycle, as envisioned by the Counterintelligence Enhancement Act, in which a) the president approved a strategy to guide the nation's CI effort; b) implementation planning was initiated to define the milestones on the way to meeting strategic objectives; c) current capabilities were baselined against those milestones; and d) a strategic operational planning cell was constituted to drive the integration of U.S. CI activities to common ends.

And then it was Groundhog Day.

In 2007, a new *National Counterintelligence Strategy* was issued, with a different set of strategic objectives to be implemented. On its face, the

new document was not inconsistent with the first strategy, but it was different especially in its low-key treatment of the proactive strategic operational planning that was the centerpiece of its predecessor. Current CI budgets and programs would need to be baselined against different milestones. As the system reset to the starting position, the federal budget cycle pressed ahead, individual department and agency activities continued apace, and the NCIX-led effort to integrate the nation's diverse CI activities was left on the sidelines, running to catch up—not an ideal posture from which to lead.

I fear the generic lesson the CI bureaucracy learned from this experience was to do nothing, because soon there will be new national strategic guidance and new measures of effectiveness. In part, the new strategic guidance was a function of a change in leadership in the NCIX position (which is often a good thing, leading to a healthy interjection of new ideas). In part, the CI organizations got mixed signals from other officials in the office of the DNI, as the duties and authorities of the new intelligence architecture began to emerge. But there is also a dysfunctional rhythm and waiting game built into the system as presently conceived. By the time a new national strategy is written it is already too late to impact the allocation of resources. And then the process starts anew.

National strategy needs to have a half-life longer than 12 months. The law says that a national CI strategy must be issued every year; it does not say that this year's strategy must be different from last year's. The Counterintelligence Enhancement Act also charges the office of the NCIX with evaluating department and agency performance against the strategic objectives set forth in the *National Counterintelligence Strategy*. I hope the next NCIX will be able to turn to this important task before being obliged to write yet another strategy, in order to find a way to build on what has come before.

At the national level, enterprise-wide substantive organizational learning also comes from two other critical functions: the damage assessment process and after-action reports.

The lessons to be learned from espionage cases or other major compromises of national security information can be invaluable for supplying new insights to improve counterintelligence and security practices. The painstaking reconstruction of what happened and how

it happened, in order to identify the secrets that have been exposed (plans, programs, capabilities, lives) and the resulting damage to U.S. national security, is the compelling responsibility of the damage assessment team. The office of the NCIX has had some excellent people leading the damage assessment effort, and a well-oiled government process for conducting the reviews. Damage assessment teams draw their membership from across the government, and end up by salting the departments and agencies with personnel who have personal knowledge and experience with these sobering interagency investigations. Where the system still falls short is in the follow-through on recommendations for improvement, which is left largely to the discretion of the relevant department and agency heads. Of course, costly past mistakes are hard task-masters: it would be far better to be able to take action before our nation's security is put in jeopardy.

The after-action reports from Imminent Horizon (the CI campaign during the Iraq War) confirmed, once again, the compelling need for standing joint strategic planning, for building interoperability across CI agencies, and for proactive operations to degrade foreign intelligence threats. Participants across the CI community may disagree over the success realized by Imminent Horizon, but they all agree on the need for advance planning and preparations; for the future, it is a matter of having the discipline to do it. Even so, the pilot program for strategic operational planning at the NCIX has been shut down, as individual department and agency priorities and operational protectiveness took precedence over a national level planning effort.

A strong NCIX, empowered to function as a program director for the strategic CI mission including the ability to command resources, could follow through on strategic operational planning (and its necessary support structure) to ensure that we have the capabilities in place to defeat adversary intelligence operations. But here, the statutory scheme is wanting. It would take a later Commission to identify this key deficiency in the Counterintelligence Enhancement Act of 2002 and to recommend remedial action.

Beyond the Executive Branch: The Congress and the WMD Commission

The Congress drew on the thinking behind presidential order (PDD-75) and the work of an NSC-led review (CI-21) in creating the NCIX and committing the national CI mission to law. Once having created the NCIX, the oversight Committees had a vested interest in seeing it succeed. Here was a single office within the Executive Branch to be held accountable for all U.S. counterintelligence—an efficient mechanism to advance legislative oversight and other objectives.[117]

The NCIX became a favorite candidate for Congressionally Directed Actions (or CDAs, as they are known in executive branch shorthand), which for the most part was a good thing. Most department and agency action officers, while respectful of the authority and role of the legislative branch, regard CDAs as extra taskings that absorb time and energy and divert resources from other responsibilities. So CDAs, whether in law or in Committee Reports, are usually about as popular as taxes: unavoidable, but burdensome and unwelcome. By contrast, a small office with limited authorities, such as the office of the NCIX, may find CDAs very useful, because they can provide a vehicle for advancing standing goals and objectives.

As I recall, all of the CDAs that came our way were classified, so the specific taskings cannot be recounted here. Suffice it to say that some of the CDAs the Congress called on the NCIX to perform assumed powers and authorities not granted the NCIX, which as described above fell short of our job description. This was a problem in need of a creative solution. Consequently, in order to execute those CDAs (in consultation with the relevant congressional committees), we partnered with the cognizant inspector general (IG) to draw on his investigative and other authorities. These partnerships enabled us to require departments and agencies to produce documents and other

117 Earlier versions of the Counterintelligence Enhancement Act would have placed the office within the Executive Office of the President, which the administration opposed. The final act was a compromise, under which the NCIX reported to the president but the office administratively was under the DCI. Following the enactment of the Intelligence Reform and Terrorism Prevention Act of 2004, the NCIX Office was made a part of the Office of the DNI and subject to his direction and control.

information, which proved very helpful in assessing some aspects of CI programs and performance. I do not believe all of the departments and agencies would have been so forthcoming without the power of the IG and the attention of the Congress behind the effort.[118]

There is a caution to this practice, however. The IG has a vital mission that includes conducting investigations for the purpose of assessing mistakes and determining fault. The IG's duty is very different from the job of providing strategic guidance to achieve coordinated objectives. A national office such as the NCIX cannot go to the well of IG powers too often without risk. It would undermine the ability of the NCIX to function were it to acquire a reputation among the several components as that of an organization engaged in second-guessing their actions rather than providing sound leadership.

In order to lead, coordinate, and integrate U.S. CI activities, the NCIX needs visibility into those activities, and the ability to direct changes as required. But the Counterintelligence Enhancement Act, while assigning specific duties to the NCIX, does not give the NCIX directive authority over the CI elements; nor does it impose a corresponding duty on the elements of the CI community to support the NCIX. One might hope that the departments and agencies nevertheless would be forthcoming in supporting the national mission; unfortunately the exceptions tend to outweigh the rule.

The Commission on the Intelligence Capabilities of the United States Regarding Weapons of Mass Destruction, constituted to examine U.S. intelligence in the wake of major failures in the lead up to the war with Iraq, also devoted substantial attention to the problems of U.S. counterintelligence.[119] Its report was a strong validation of the NCIX

118 Despite the mandate of the NCIX to head U.S. counterintelligence, the several CI departments and agencies reserved the right to withhold information they deemed "ORCON" (originator controlled). Among other difficulties, this resulted in my attendance as the head of U.S. counterintelligence at a Senate hearing on the FBI's handling of the Hanssen espionage case at which I was the only person in the room not given access to the document under discussion. (This confusion was later resolved but not in time to keep us all from looking a little silly.)

119 Commission on the Intelligence Capabilities of the United States Regarding Weapons of Mass Destruction ("WMD Commission") Laurence H. Silberman

mission, and called for a fully empowered NCIX. "To make this more than window-dressing," the Report added, "the NCIX needs all of the DNI's authorities for counterintelligence," including the directive authority noted above.

Finding that "the United States has not sufficiently responded to the scope and scale of the foreign intelligence threat," the judgment of the commission was unequivocally in support of building a strong strategic CI capability and going on the offense. It cited with approval the proactive orientation of the National Counterintelligence Strategy, which the president approved as the commission's report was going to press, but added a caution that reinforces one of the key concerns of the Project on National Security Reform:

> But a new strategy alone will not do the job. As in the old – and clearly unsuccessful – approach to homeland security, U.S. counterintelligence is bureaucratically fractured, passive (i.e., focusing on the defense rather than going on the offense), and too often simply ineffective.[120]

Accordingly the Commission made a series of major recommendations, starting with the empowerment of the NCIX and calling on CIA, FBI, and DOD to undertake specific initiatives that collectively would re-engineer U.S. counterintelligence to enable centrally directed strategic CI operations.

Overall, the commission's review of the intelligence community's performance was devastating: "We conclude that the Intelligence Community was dead wrong in almost all of its pre-war judgments about Iraq's weapons of mass destruction. This was a major intelligence failure."[121] But its conclusions concerning counterintelligence validated the major objectives established by my office and the new National Counterintelligence Strategy. The commission's specific recommendations were endorsed by the president, and the principal deputy DNI established a

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and Charles S. Robb (Co-Chairmen) *Report to the President of the United States*, March 31, 2005; see especially Chapter 11.

120 Ibid., 487.

121 Ibid., transmittal letter from the co-chairmen to the president (cover page).

record of accounting to measure progress in implementing those recommendations.

It would be difficult to find a clearer expression of national guidance than the combination of congressional support, a consolidated national strategy, the consistent findings of a highly respected commission, the president's embrace of its recommendations, and a running score card on their implementation. By any measure, the statutory NCIX mission to lead and integrate U.S. counterintelligence was well positioned to succeed. Nevertheless, that clarity of purpose proved insufficient to navigate the well-entrenched institutional obstacle course.

Corporate and Individual Personalities: The Office of the DNI

The need for U.S. intelligence to be integrated and centrally directed was obvious from the outset, which was why the DCI was created sixty years ago to provide central guidance and ensure coordinated action. Even so, the decades of experience since the National Security Act of 1947 have been a testament to the difficulty of implementing these goals, as the ongoing struggles of the Office of the Director of National Intelligence illustrate.

The arguably even greater hurdle of imposing a chief executive, sixty years after the fact, to lead an assortment of heretofore autonomous, disconnected, and vastly different CI agencies is impressive in the annals of organizational reform. As with many national-level programs, the good government principle is to know where to draw the line to establish necessary centralization while preserving the freedom of action (including the responsibility, accountability, and authority that come with that freedom) essential to success. It helps, however, if the several CI components and the national leadership have the same end goals in mind. I fear they may not.

Nowhere was this disparity of view more salient than in my relationship as the NCIX to the front office of the DNI.

The establishment of the DNI was a declaration that the intelligence community needed a more powerful center. The DNI inherited the authorities and responsibilities of the Director of Central Intelligence, with what the Congress intended as more clout, not burdened by the

added responsibility of running CIA. The DNI was also assigned some new and expanded duties, such as directing the explicit missions of the National Counterterrorism Center and the NCIX.

The original Counterintelligence Enhancement Act was careful to make the NCIX independent of the Director of Central Intelligence. This reflected the Congressional view of the breadth of the national CI mission and its objective of removing counterintelligence from its past second tier status within the intelligence community. But as our experience would show, the NCIX did not have the authorities needed to accomplish the mission she was assigned.

The NCIX is the head of U.S. counterintelligence, but does not have the power to direct U.S. counterintelligence. Before the creation of the DNI, there was no ready solution to this problem short of changing the law. The new architecture of the intelligence community seemed to be precisely what was needed to bolster the national CI mission as well.

I was an early advocate of moving the NCIX under the office of the newly created DNI, which I thought would prove an enormous boost to fledgling national CI mission. Among the powers and authorities inherent in the head of U.S. intelligence are powers and authorities over the great majority of the programs and activities that make up U.S. counterintelligence, which has an analytic component, and a collection dimension, and a unique operational focus. I expected that the DNI would turn to the NCIX to execute these powers and authorities over counterintelligence, under his direction and control.

The WMD Commission was of a like mind. In the course of fulfilling its original mandate to examine the performance of U.S intelligence in the Iraq war, the commission was asked to develop a blueprint for the new office of the DNI. In its review of counterintelligence, the commission concluded that the national CI mission could not succeed under the limited grant of authority to the NCIX.

To remedy this deficiency, the commission expressly recommended that the NCIX be empowered with the DNI's authorities over U.S. counterintelligence, including in particular his tasking and budget authorities.

The DNI chose a different path. As mentioned above, the deputy DNI for management was delegated all of the DNI's authorities over the budget, including the CI portion. The effects of this decision on the ability of the NCIX to guide CI budget allocations quickly became clear. As part of a larger effort to pool funds that could be made available to meet high priority needs, my office was asked to identify the bottom 3 percent funding for U.S. counterintelligence. But when the report was prepared, the deputy DNI's office substituted their evaluation for our recommendations, which the DNI affirmed without discussion. Also as part of a larger effort, my office was asked to evaluate what part of U.S. CI funding should be funded under the National Intelligence Program (the consolidated intelligence budget for which the DNI is principally responsible), rather than the Military Intelligence Program, which is under DOD control. Again, the Office of the Deputy DNI for Management substituted their evaluation for our recommendations, which the DNI affirmed. The several CI components drew the obvious conclusion.

Similarly, the deputies for collection and analysis were delegated all of the DNI's authorities in their respective areas, including the DNI's tasking authority over CI collection and analysis. In an especially candid meeting, the deputy head of the CIA's directorate of operations told me that his office was coordinating all CI collection matters with the deputy DNI for collection, and specifically not with the NCIX, per her direction. It is difficult to understand how the statutory charge to the NCIX to set CI collection and analytic priorities can be squared with a DNI organization that allocates these duties elsewhere.

The Congress had placed the NCIX under the president and not under the DCI precisely to keep the national CI mission whole and apart from the intelligence stovepipes. Instead of protecting this careful consolidation of national leadership when the NCIX was brought under the new DNI, the old model of functional divides, with its old problems, resurfaced. Counterintelligence was subordinated within the larger intelligence mission, strewn like the Scarecrow across several power centers of the office of the DNI. The pendulum was moving back, contrary to the objective of the Counterintelligence Enhancement Act, which envisioned consolidating all CI responsibility in one place under a single national leader.

The unique responsibility of the NCIX is to bring CI options to the policy table, and to translate national security policy objectives into counterintelligence imperatives. In order to do this, the NCIX must be fully integrated into the pesident's national security team.[122] It is of course also essential that the NCIX be a trusted member of the DNI's core management team; but it was critical to the stature and nature of the job that the NCIX was appointed by the President. Unfortunately, a technical conforming amendment, integrating the Counterintelligence Enhancement Act into the Intelligence Reform and Terrorism Prevention Act, subordinated the NCIX to the DNI's appointment authority, effectively downgrading the position. My recommendation to seek reinstatement of the president's appointment power was not supported by the DNI.

Other DNI decisions resulted in further fragmenting U.S. CI funding, complicating efforts to coordinate CI plans and programs. Substantial parts of the DOD's CI budget, formerly funded under the National Intelligence Program, were moved into the Military Intelligence Program over the objections of the DOD program manager and the NCIX. To make matters worse, substantial parts of the FBI's intelligence budget (the lion's share of U.S. counterintelligence) were also moved out of the National Intelligence Program, also over

122 I would like to interject a personal note on my selection as the NCIX. In the course of my career, I had broad policy experience in national security strategy including in particular counterintelligence policy and related laws, but I did not come up through the ranks of CI or intelligence professionals. Instead, I came to the position as a political appointee—one of only a handful in the intelligence community. Indeed, as I looked around the table at the DNI's senior staff meetings, I was the sole participant who was not a career civil servant (including the DNI himself, John Negroponte, who had a long and very distinguished career in the State Department where he now serves as the Deputy Secretary). I believe that my status as an intelligence community "outsider" may have led to some distance between myself and other senior members of the DNI's organization, who had been handpicked by the DNI. But I also believe this personal background gave me a twofold advantage as the NCIX. I was not viewed as biased in favor of any particular department or agency's approach to counterintelligence because I neither came from nor expected to return to a career service position. And I was able to interact effectively with other members of the president's national security leadership team because I had come into office as a part of that team—which I believe was crucial to my effectiveness as NCIX.

NCIX objections.[123] It may be that some of these decisions reflect compromises between the DNI and cabinet secretaries on larger intelligence budget questions. But the net result was that almost half of U.S. CI programs and activities formerly funded under the national intelligence budget were farmed out to department and agency control—a sharp move away from central strategic direction of U.S. counterintelligence.

Other actions taken by the DNI front office also undercut the statutory responsibilities of the National Counterintelligence Policy Board to advise the president on key policies and procedures impacting U.S. counterintelligence. The new National Clandestine Service, which consolidated Defense and CIA HUMINT, explicitly includes an interagency CI staff—which was presented to the NCIX and the Policy Board as a *fait accompli*. But what was the purpose of this new CI office? How was it to be resourced? In response to a request from the Defense Department, I called a meeting of the board to evaluate the roles and responsibilities of this new national CI element. But that board meeting never took place. The CIA representative, who was to brief the board on the new service, called to say that he had been instructed by the DNI front office not to attend (presumably to wall-off planning for the new clandestine service from Policy Board purview). Without the CIA briefing, there was nothing to discuss so the meeting had to be cancelled. It was regrettable, to say the least, that the DNI's chief of staff would concur in the decision to call a Policy Board meeting one day but secretly countermand it the next. It was even more regrettable that the Policy Board never had the opportunity to consider the relationship between the CI element within the new National Clandestine Service and the larger implications for U.S. counterintelligence.

If the DNI had implemented the WMD Commission's recommendation to empower the NCIX, we still wouldn't have a bed of roses on the road to transforming U.S. counterintelligence. The centrifugal forces protecting legacy divisions of responsibility

123 I later learned that our memo assessing the FBI's CI budget structure within the larger national context and providing NCIX recommendations to the DNI had been "lost" by the front office (both the hard and soft copies) and never made it to Ambassador Negroponte's desk.

and other impediments to national integration are and would remain formidable, as discussed throughout this case study. But many of the difficulties we encountered in moving the CI enterprise to carry out the strategic CI mission would have been significantly lessened.

Unfortunately, the DNI front office placed a higher priority on consolidating its own power first. As a result, the DNI's substantial CI-related authorities were vested in the several deputies, mirroring the old DCI community management staff and creating in effect competing power centers within the DNI organization. By purposeful decision by the DNI and his senior advisors, the NCIX organization has been limited to the powers and authorities granted in the law that first created it, which the commission concluded is a recipe for failure.[124]

Collectively these actions by the DNI front office would appear to reflect a far different view of the role and purpose of the NCIX than that advanced by the WMD Commission, and I fear that if left to stand, they are likely to deepen the already difficult challenge of bringing strategic direction to U.S. counterintelligence. Without clear and effective central leadership, the several CI components will naturally look first to their legacy responsibilities rather than the new challenges that the strategic reorientation of the Nation's CI enterprise would impose.

Outcomes

When I left office, the starting blocks for a new strategic CI capability were in place. In line with the WMD Commission's recommendations, the new National Clandestine Service, unifying HUMINT services under the CIA, is ideally situated to deliver, for the first time, a genuine CI capability abroad to complement the FBI's responsibilities

124 On a positive note, last year the DNI designated the NCIX the "mission manager" for CI, which assigns some of the DNI's authorities over counterintelligence to the NCIX. Unfortunately this is only a partial solution, because "mission managers" (which have also been established for counterterrorism, counterproliferation, North Korea, Iran, and Cuba/Venezuela) are subordinate to the three DNI deputies for management, analysis and collection, meaning that CI authorities and responsibilities still remain divided among the DNI deputies.

at home. The consolidation and enhanced professionalization of all of the FBI's national security functions under the new National Security Branch should enable a more systematic and strategically driven approach to the bureau's intelligence mission including its CI work. The Defense Department's strategic CI orientation has been institutionalized in the mission of Counterintelligence Field Activity and the ongoing work on CI campaign plans now incorporated within the Department's deliberate planning process. And with the issuance of the 2005 National Counterintelligence Strategy, the office of the NCIX engaged the CI community to build central data bases on select foreign intelligence services to support strategic analyses and to identify collection needs, and established a pilot project for a CI community integration center to conduct strategic operational planning to degrade foreign intelligence capabilities.

Yet despite these accomplishments, the ability to execute strategic CI operations remains a far-off goal. In fact, if we had to issue a scorecard today, the results would be quite discouraging.

It is uncertain whether plans for the new external CI cadre at the CIA will survive in the face of competing demands on the agency's HUMINT collection and other clandestine resources. The FBI's performance in shouldering the national security responsibilities it has been assigned is the linchpin to executing the strategic CI mission; but as both the WMD Commission and the 9/11 Commission cautioned the FBI's past record in effecting institutional and cultural reform to address transnational security threats is not encouraging.[125] At the Defense Department, the Counterintelligence Field Activity has seen its budget sharply curtailed, and as of this writing its future is highly uncertain.[126]

125 "WMD Commission," *op cit*. See Chapter 10 citing the 9/11 Commission's findings. The chorus of skeptics is growing louder (sparked in part by concerns over the FBI's exercise of its authority to issue National Security Letters). See, e.g., Richard Posner, "Time to Rethink the FBI" *Wall Street Journal* March 19, 2007, A13—the latest in a continuing critique by Judge Posner. For a reply, see Louis Freeh's letter to the editor, "Former FBI Director Says U.S. Doesn't Need a National Police Force," *Wall Street Journal*, March 31, 2007, A9.

126 Mark Mazzetti, "Pentagon is Expected to Close Intelligence Unit," *New York Times,* April 2, 2008.

Within the Office of the DNI, authorities and lines of responsibility for counterintelligence are blurred, diluting the concentrated focus and guidance that the NCIX was created to provide and that the WMD Commission insisted it must have. Despite the work of the new national organizations under the DNI and the subordinate office of the NCIX, the unity of effort and priority requirements of strategic CI have yet to find expression in ordering the plans, programs, budgets, or operations of the component CI agencies. Rather than building on the first *National Counterintelligence Strategy*, the next iteration established a new set of performance criteria, making it impossible to get ahead of the budget cycle. And the seminal strategic operational planning needed to enable coordinated proactive operations against foreign intelligence targets at best has been deferred.

Lingering questions over the core mission of the NCIX. Overall, the most formidable obstacle to progress has been the lack of understanding or consensus behind the purpose and value of strategic counterintelligence itself, which has led to confusion over the central mission of the NCIX. Is the goal to establish a new national capability to execute a new strategic CI mission? Or is it simply to become more efficient at performing the standing missions of the several CI agencies?

While the goal of establishing a new strategic CI capability would be transformational, the alternative goal of improving the efficiency of the existing CI enterprise may be illusory. The first goal requires genuine integration and central orchestration of CI activities across the government (a focus of the Project on National Security Reform). The second assumes that adding another layer of bureaucracy can supply the means for increasing efficiency—a risky proposition at best.

The ambiguity over the true mission of the NCIX lends itself to different measures of effectiveness for the office. I believe the right answer—and the answer one would hear from Congress and the authors of CI-21—is that the NCIX should be measured by its success in building a strategic CI capability for the United States. A genuine strategic CI capability would have value in its own right as a tool of national security planning and execution. It would also serve as the driver by which all U.S. CI activities would be enhanced, given the inherent tactical advantages of strategic dominance.

I fear that the standards being applied to the NCIX derive from the subordinate goal of overseeing the efficiency of the existing CI enterprise. Key decisions by the DNI's office concerning NCIX resources and grants of authority have been inconsistent with what is needed to establish much less execute the strategic CI mission. And the office of the NCIX has been assigned other non-CI duties (including in particular security-related responsibilities for acquisition risk assessments and technical security countermeasures programs), while its impact on U.S. counterintelligence has been negligible.

This suggests an interesting paradox. Is it possible to set expectations too low for a national mission to succeed? If the job of the NCIX is simply to make sure that the CI departments and agencies are performing efficiently, he or she may well fail, because there may be little a central office can do to improve the efficiency of the existing disaggregated business model of U.S. counterintelligence. If the resulting marginal increase in efficiency is negligible (or negative), the experiment in central CI leadership may be deemed a failure.

If by contrast the job of the NCIX is to create a new strategic CI capability for the United States, then the law creating the NCIX fell short of the mark. It established a new head for counterintelligence, but carefully denied the NCIX any directive authority over counterintelligence. How can the NCIX "head" national counterintelligence but have no power to direct? Guidance from such an executive is inherently advisory, rather than authoritative. One can be an advisor to a line manager, but to be an advisor to a bureaucracy makes no sense. U.S. counterintelligence does not need an advisor, it needs a leader.

What accounts for this fundamental design flaw? Perhaps the Congress (and the preceding CI-21 review) wanted to have it both ways: to create a new head of U.S. counterintelligence without detracting from the powers of the several cabinet heads with CI responsibilities (especially the FBI). Such hedging may be simply the undesirable consequence of compromise leading to a substandard result. But it may also reflect a prudent caution not to transfer real power to an untested new organization, in an attempt to honor the "first do no harm" principle in imposing a new solution (the NCIX) to solve an old problem (CI weaknesses). I fear, however, that harm is

done nonetheless when history tests the solution and finds it wanting, missing the point that the failure was more in its design than its execution.

The problem with "czars." At another level, the difficulty we encountered in moving from national strategy formulation to execution is not unique to counterintelligence. In my experience, it is in fact possible to integrate across departments and agencies; but there are some vital characteristics of the integrating mechanisms that must respect both the limitations and the possibilities inherent in how the government works, starting with the problems of the "czar" model.

National "czars" have a number of common features, and have experienced common frustrations. First, their resources are largely derivative, and their functions are mainly to coordinate, integrate, and guide. So by definition, they are in competition with other department and agency priorities.

These national missions cannot succeed unless cabinet departments and agencies have an obligation to support them. We almost always miss this part in creating czar-doms. The problem is not so much a matter of bureaucratic hierarchy (who gets to call the shots). Rather it is a need for a common obligation to be levied on all relevant department and agency heads to achieve the national mission as a mutual goal and responsibility. It should be part of their personal measures of accomplishment whether that national goal succeeds—as well as their statutory duty.

Second, in place of line authority, czars depend on having the support of the president and a bully pulpit for exhorting departments and agencies to act. The president has vast responsibilities and his time is precious and rare. As a result, national czars with vital missions are very much on their own, which means they need independent sources of power. And that is a problem.

I suspect the czar model does not work well in our democracy in part because Americans rebel against the over-concentration of power in one place. Cross-cutting national missions are important—but they do not operate in a vacuum. They are one among many national objectives that must compete for resources and priority attention. Broad objectives of integration and coordination are best

accomplished not through promulgating guidance (as essential as that is), but through discrete national activities or programs that enable supporting activities to conform to their requirements.

In other words, effective integration and coordination across the interagency requires the discipline of a national program: the budgets, billets, authority, and accountability to meet defined ends. It is not enough to exhort cooperation through national guidance or interagency meetings. Even strong national leadership, charismatic personalities, and popular ideas will falter absent the institutional tools that drive, capture, and internalize the results needed to enable strategic coherence.

The Counterintelligence Enhancement Act of 2002 filled the biggest hole at the center of the national CI system. It established the NCIX as the head of U.S. counterintelligence, and gave shape to a new national CI mission. However, while charging the NCIX with that mission, the act did not create a national strategic CI program that the NCIX would be empowered to manage. In other words, it created a national executive but not the means of execution.

As a result, we have a national CI strategy, but we do not have a national CI strategic capability. National strategies are not real unless they connect means to ends and means are only connected to ends when people are held accountable for employing the resources they control to achieve those ends. Again, these are the qualities of a program. And they are qualities the national counterintelligence mission does not yet possess.

Still there is reason for optimism. The very existence of a national office changes the federal landscape. Having stepped away from the daily demands of the NCIX job, I have come to see that the path ahead for U.S. counterintelligence, while far from certain, is at last clearly marked. Inevitably there will be greater coordination across U.S. CI activities as the departments and agencies factor national-level expectations into their daily work and future plans. It is also valuable for the rank and file doing the challenging work of counterintelligence to know they have a national-level advocate for what they do. But this is far short of what we set out to accomplish. And failure carries a heavy cost.

The Dangers Ahead. In recent history, the United States has sustained stunning losses to foreign intelligence services, which penetrated through espionage and other means virtually every one of the most secret, highly guarded institutions of our national security apparatus. Any one of these major compromises could have had devastating consequences in war. Now that we are at war, the potential consequences of intelligence and other critical information compromises are more immediate, placing in jeopardy U.S. operations, deployed forces and our citizenry. And with U.S. forces in Afghanistan and Iraq, and American intelligence and special operations teams pursuing Al Qaida networks worldwide, traditional adversaries of the United States, as well as some new ones, see a window of opportunity, and they are seizing it.

Most of the world's governments now have some kind of standing external intelligence service, including an impressive number that are highly capable and organized, trained, equipped, and deployed directly against the United States and our interests. Their numbers are growing in absolute terms, and growing relative to ours and especially relative to the resources we have dedicated to counter them. Today's chief intelligence adversaries are disparate in their structures, diverse in their operations, working within society more than under embassy cover, and learning from one another.

The work of clandestine services, engaged in intelligence collection and other activities, is an arena of international competition where the advantage does not necessarily go to the rich or the otherwise powerful. Foreign adversaries may not have a prayer of fielding costly and technologically demanding technical collection suites (and the U.S. government has worked very hard to keep it that way), but they can organize, train, equip, sustain, and deploy impressive numbers of case officers, agents of influence, saboteurs, and spies. And they do, in numbers commensurate with their value.

As these intelligence services expand their skills and reach, the United States has become the single most important collection target in the world. From the standpoint of foreign intelligence interest, there are many potentially valuable targets outside of our borders, such as U.S. forces abroad and the far-reaching activities of critical American commerce and industry. But the real intelligence treasure trove for

foreign powers is here in the United States, where the opportunity for intelligence officers and their agents to move about freely, develop contacts, and operate in the dark is no more lost on foreign intelligence adversaries than it was on the nineteen hijackers that September morning.

The United States has been slow to appreciate the effects of these intelligence operations, much less to address the threats they pose to current U.S. foreign policy objectives or enduring national security interests. We know surprisingly little about adversary foreign intelligence services relative to the harm they can do, or relative to the insights to be gained by analyzing the distinctive ways in which they operate, and the different purposes they serve. And U.S. capabilities to disrupt, degrade, or exploit the intelligence operations of potential adversaries remain woefully inadequate to answer that call.

The National Counterintelligence Strategy of 2005 directed a strategic reorientation of the nation's counterintelligence enterprise to confront these growing threats proactively. To this end, the strategy mandated the integration and central orchestration of the Nation's CI activities to identify and assess foreign intelligence threats to the United States, identify gaps in our knowledge and collection strategies to fill those gaps, and plan and execute strategic CI operations as national security priorities dictate. The national security leadership has every reason to expect that the CI community is hard at work to be able to deliver that new strategic CI capability. Without substantial change, I fear they may be disappointed.

Conclusion

The core questions posed at the outset of this case study asked four things: Can the U.S. government develop real strategies, and if so can it then implement them? If not, why not, and how much does that failure cost us? Here are some answers, along with some ideas for improvements.

In establishing the NCIX, the U.S. government recognized the need to integrate U.S. counterintelligence to strategic effect. The first National Counterintelligence Strategy articulated strategic objectives and the WMD Commission recommended specific new initiatives to enable

strategic operations. Taken together, these U.S. government initiatives, one from Congress, one from the president, and one from an independent commission, set forth consistent and clear new strategic direction for U.S. counterintelligence.

The execution of the national CI mission is entrusted to the NCIX, whose office was created expressly for the purpose of bringing strategic coherence to U.S. counterintelligence. Getting the departments and agencies to work together, however, thus far has proven an elusive goal. The difficulties range from the unique history of the disaggregated U.S. CI enterprise, to deficiencies in the NCIX and DNI organizations, to a seeming lack of awareness of the gravity of foreign intelligence threats among our national security leadership.

For U.S. counterintelligence, the steps mandated by the Counterintelligence Enhancement Act are only a partial answer. The law established a national leader to bring strategic direction to U.S. counterintelligence, but failed to establish a strategic counterintelligence *program*. While giving the NCIX all-encompassing responsibility for heading counterintelligence, the law failed to assign the NCIX even the minimal authorities commensurate with those of a program manager for the strategic CI program.

Program and budget authorities for CI activities essential to national objectives remain divided among the departments and agencies and subject to their individual priorities. Under this old business model, we are getting about the best we can expect out of our CI programs. Without the power of a common purse and the discipline of a national program, the mission of integrating and redirecting U.S. counterintelligence to achieve strategic cohesion may well be impossible.

Seven years after the NCIX was created, no single entity has a complete picture to provide warning of possible foreign intelligence successes, to support operations, or to formulate policy options for the president and his national security leaders. This compartmentalization of information is another reflection of the lack of a common set of principles or doctrine across the CI profession, which is defined more by the differences between its several components than by their commonalities. While bilateral interaction among the five operational agencies of the FBI, CIA and the military

services has increased in recent years, taken together those contacts do not begin to equal a cohesive, integrated whole.

Study after study has documented the high cost we pay for these seams in U.S. counterintelligence. Especially now, in the aftermath of 9/11, there is no excuse for allowing this dangerous incoherence to persist. For the future, avoiding strategic CI failure will require more than simply doing more of the same.

Recommendations. If the United States is to have the ability to integrate and coordinate CI activities to strategic effect, there are four core imperatives for change.

First, while tactical execution must remain with the responsible agencies, there should be a national program for strategic counterintelligence, with dedicated resources at the national level and as assigned among the executing departments and agencies, to identify, assess, neutralize, and exploit high-priority foreign intelligence threats to the United States. Specifically, the several departments and agency heads who oversee CI operational components should be directed by law or presidential order to configure their organizations to support the strategic CI program. The national program should comprise the specific components at the CIA, the FBI, and the military services, as well as the dedicated elements within the Office of the DNI.

Second, we do not need big new bureaucratic structures that take people away from the field; but as part of the strategic CI program, an elite national CI strategic operations center, manned and empowered by the constituent members of the CI community, should be established to integrate and orchestrate operational and analytic activities across the CI community to strategic effect. With the support of the center, the DNI/NCIX could supply additional insights and options for policy makers to achieve national security objectives, and translate national security policy priorities into strategic CI effort. With the production of CI options to bring to the policy table, it would be a simple matter for the standing national security decision making process to integrate CI into broader national security strategy and planning.

Third, housing the NCIX under a strong Director of National Intelligence (DNI) should have been a boon to the national CI

mission; instead the DNI bureaucracy has become part of the problem as CI responsibilities have been dispersed across the DNI organization. As the WMD Commission recommended, the NCIX office should be revalidated and empowered to perform the mission it has been assigned. In particular, the Director of National Intelligence should delegate his directive authority over CI budget, analysis, collection, and other operations, to the NCIX, which would go a long way toward empowering the national CI mission with the authorities and resources it must have to succeed.

Finally, we need to educate our national security leadership to the importance of counterintelligence as a tool for national strategy. While the manner in which adversaries may use intelligence to advance their interests and prejudice our own may not be an unfamiliar concern, what U.S. counterintelligence can and should do about those capabilities too rarely is addressed as part of national security policy and strategy. Including counterintelligence as part of the core curriculum in national security studies programs at our nation's war colleges and private universities would be a grand place to start.

During my time in office, it was my privilege to witness the extraordinary achievements and dedication of America's counterintelligence professionals. In having the high honor of leading that community, I came to understand the true potential for counterintelligence as a strategic instrument of statecraft. I also saw the terrible costs of legacy practices that divide rather than unite our community, to the detriment of our common mission. I hope that the insights gained through the Project on National Security Reform can be imported into the often-neglected realm of U.S. counterintelligence, to the betterment of our nation's security.

CHAPTER 3. U.S. GOVERNMENT RESPONSE TO HUMAN TRAFFICKING IN THE TWENTY-FIRST CENTURY

Daniel R. Langberg[127]

Introduction

Slavery is rampant in the twenty-first century. The United Nation's International Labor Organization (ILO) estimates that 12.3 million people are in forced labor or sexual servitude at any given time.[128] Other figures range from 4 to 27 million.[129] Also according to the ILO, approximately 2.4 million of this number are forced into labor as a result of human trafficking. Sex trafficking, the largest subcategory of human trafficking, is a growing multibillion dollar industry with profits that reach the proportions of the illicit arms and narcotics trades.[130]

Modern day slavery is not particular to any nation or region; it is a global epidemic from which virtually no state is immune, including the United States. The U.S. is both a source of and a destination for trafficked persons. Tens of thousands of people are believed to be trafficked into the United States every year.[131] The fact that this gross human rights violation occurs within our borders raises significant moral, humanitarian, and legal concerns for the government and its citizens. Human trafficking is not only a disturbing violation of the 13th amendment and a basic devaluation of human life, the issue is increasingly recognized as a vital U.S. national security problem. Trafficking in persons has been linked to organized crime, drug

127 The author is Special Assistant to the Executive Director of PNSR. This paper is the authors' own work and does not represent the policy of the Department of Defense, the Institute of Defense Analyses, or any other government agency.

128 United Nations International Labor Organization, *A Global Alliance against Forced Labor,* (New York: United Nations, 2005) 10.

129 U.S. Department of State. *Trafficking in Persons Report,* (Washington, DC: Department of State, 2007) 8.

130 Clare M. Ribando, *Trafficking in Persons: U.S. Policy and Issues for Congress,* (Washington, D.C.: Congressional Research Service, 2007) 1.

131 U.S. Department of State, *Human Smuggling and Trafficking Center (HSTC) Charter and Amendments*, 2007, Bureau of International Narcotics and Law Enforcement Affairs, 2 Dec. 2008, available at http://www.state.gov/p/inl/41444.htm.

trafficking, migrant smuggling, and terrorist financing. The practice has global, national, physical, and psychological health implications, and provides a clear illustration of the challenges posed by porous national borders.

The U.S. government response to human trafficking over the past decade serves as an interesting case study for the Project on National Security Reform for several reasons. Trafficking is a complex and multifaceted challenge that does not fall under the jurisdiction of any single executive branch organization. The anti-trafficking challenge unites nearly 30 offices in at least seven major U.S. government (USG) departments and agencies, several with traditionally limited national security responsibilities. It demands an integrated, cross-agency, whole-of-government[132] approach. As a trans-border issue that is both global and local in nature, anti-trafficking initiatives require vertical[133] as well as horizontal[134] coordination in order to be successfully implemented in the United States and abroad.

Various interagency mechanisms, including task forces, policy groups, and fusion centers, have been formed since human trafficking came to U.S. and worldwide attention in the late 1990s. While these structures have facilitated interagency coordination to a degree, success remains severely inhibited by the lack of an established national or government-wide context to guide the implementation of an integrated anti-trafficking strategy; establish common goals; clarify executive branch roles, responsibilities, and authorities; and provide a context for funding, accountability, and nesting departmental processes. In the absence of a national framework, departmental goals, strategies, plans, and procedures are developed within each agency's broader mission, and not anchored in external or higher level anti-trafficking guidance beyond the Trafficking Victims Protection

132 "Whole-of-Government" refers to an approach that fosters government-wide collaboration on purpose, actions, and results in coherent combined application of available resources to achieve the desired objective or end state. (Stipulated definition, M. Lidy, et al., Institute of Defense Analyses).

133 "Vertical coordination" refers to coordination between federal, state, and local organizations on a domestic level, and national, regional, and host nation actors on an international level.

134 "Horizontal coordination" refers to coordination across U.S. government departments and agencies.

Act (TVPA) and National Security Presidential Directive 22 (NSPD-22). Successful instances of interagency coordination using both ad hoc and formal mechanisms are limited, and suffer from information-sharing challenges, interagency rivalries, and other obstacles resulting from disparate, departmental perspectives on anti-trafficking.

Following a short introduction to human trafficking, this paper will first discuss why the trafficking phenomenon deserves to be recognized as a U.S. national security concern. The text will then summarize the USG's counter-trafficking strategy of the past decade. The degree of strategic and practical integration will be considered subsequently. Finally, the case study will explore the obstacles to integration and the costs of Washington's inability to consistently apply a single coherent approach to the problem. Other valuable information can be found in the appendices to this study. Appendix C1 defines key human trafficking terminology; Appendix C2 summarizes relevant legislative and executive anti-trafficking authorities; and Appendix C3 reviews executive department and agency anti-trafficking roles and responsibilities.

Human Trafficking

Human trafficking thrives globally with little regard for religious, cultural, or national boundaries. Research cited in the State Department's 2007 Trafficking in Persons Report estimates that nearly 800,000 people are trafficked across national borders each year; a figure that does not account for the millions of persons trafficked within their native countries. Approximately 80 percent of those trafficked are women and girls—the majority of whom are subsequently forced into the sex slave trade—and up to 50 percent are minors.[135]

The accuracy of trafficking statistics is uncertain due to a lack of reliable data.[136] The hidden nature of the crime creates a situation in which both traffickers and victims fear coming forward. Available

135 U.S. Department of State, *Trafficking in Persons Report,* (Washington, DC: Department of State, 2007) 8.

136 International figures are not generally considered more reliable; Clare M. Ribando, *Trafficking in Persons: U.S. Policy and Issues for Congress*, (Washington, D.C.: Congressional Research Service, 2007) 1.

statistical information is often developed and housed within individual departments and agencies. A July 2006 Government Accountability Office (GAO) report questioned the accuracy of USG statistics and concluded that "the U.S. government has not yet established an effective mechanism for estimating the number of victims or for conducting ongoing analysis of trafficking related data that resides within various government agencies."[137] Additionally, the GAO cites "methodological weaknesses, gaps in data, and numerical discrepancies."[138] The lack of an established set of USG-wide metrics, for example, contributes to an inability to measure the effectiveness of USG efforts and adjust assistance accordingly.[139]

Transnational victims are usually trafficked from less-developed states to wealthier nations. The greatest numbers of victims are believed to be from South and Southeast Asia as well as the former Soviet Union. Other major originating points of trafficked women include Latin America, the Caribbean, and Africa.[140]

Some trafficking victims willingly leave their home countries and initially are unaware of the conditions they will face, while others are forced or coerced. Many individuals are lured by promises of economic or educational prospects, only to find themselves tricked into a life of slavery. In other instances, families freely give children to friends or relatives who promise opportunity, but instead sell the child for profit.[141] War, man-made catastrophes, and natural disasters resulting in refugees often increase conditions in which displaced populations are at risk.

137 Government Accountability Office, *Human Trafficking: Better data, strategy, and reporting needed to enhance U.S. anti-trafficking efforts abroad,* (Washington, DC: GAO, 2006) 3.

138 Ibid..

139 Ibid.

140 Clare M. Ribando, *Trafficking in Persons: U.S. Policy and Issues for Congress,* (Washington, D.C.: Congressional Research Service, 2007) 3.

141 U.S. Department of State. *Trafficking in Persons Report,* (Washington, DC: Department of State, 2007) 8.

Human Trafficking as a U.S. National Security Concern

Human trafficking might easily be viewed as far removed from U.S. national security. This is simply not the case. The 2000 TVPA identifies human trafficking as "a transnational crime with national implications."[142] The law continues by recalling the Declaration of Independence, which "recognizes the inherent dignity and worth of all people," and states that "current practices of sexual slavery and trafficking of women and children are… abhorrent to the principles upon which the United States was founded."[143]

Tens of thousands of people are trafficked into the United States each year. Initial estimates cited in the TVPA suggest that approximately 50,000 people are trafficked into the U.S. annually, while the 2004 Trafficking in Persons Report approximates this number to be closer to 14,500–17,500 per year. Sources cited by the State Department's Bureau of International Narcotics and Law Enforcement Affairs (INL) in 2007 provide estimates between 18,000 and 20,000.[144] Additionally, an unknown number of U.S. citizens and legal residents are trafficked within the country primarily for sexual servitude and, to a lesser extent, forced labor.[145] The sex industry, which is partially supported by trafficking, has expanded rapidly over the past several decades and today represents one of the fastest growing sources of profits for organized crime.[146] Although trafficking has become increasingly evident in smaller cities and suburbs, victims are typically

142 United States, *Trafficking Victims Protection Act*, (Washington, DC: United States, 2000)

143 Ibid. Section 102 quoting *Declaration of Independence*.

144 U.S. Department of State, *Human Smuggling and Trafficking Center (HSTC) Charter and Amendments*, 2007, Bureau of International Narcotics and Law Enforcement Affairs. 2 Dec. 2008, available at http://www.state.gov/p/inl/41444.htm.

145 U.S. Department of Education, *Human Trafficking of Children in the United States: A Fact Sheet for Schools,* (Washington, DC: Department of Education, 2008); In the 2005 Trafficking Victims Reauthorization Act, Congress recognizes this lack of data and requires the Justice Department to issue two reports, currently underway, to provide more comprehensive and reliable data on domestic trafficking.

146 United States, *Trafficking Victims Protection Act*, (Washington, DC: United States, 2000).

trafficked to suburban areas, vacation destinations, or military bases where the demand is highest.[147]

As if the mere existence of this humanitarian tragedy in the U.S. does not provide a sufficiently compelling case for action, human trafficking is increasingly recognized as a significant national security concern. The 2006 U.S. National Security Strategy calls for its "total abolition," declaring that "future generations will not excuse those who turn a blind eye."[148] The opening statement of the Charter for the Human Smuggling and Trafficking Center (HSTC), an interagency clearinghouse for trafficking in persons and other related crimes, clearly identifies the issue as a national security concern:

The related problems of migrant smuggling, trafficking in persons and clandestine terrorist travel are increasingly significant both in terms of the human tragedy they represent and their impact on national security, primarily with respect to terrorism, crime, health and welfare, and border control.[149]

After acknowledging the U.S. government's significant progress in combating human trafficking, the HSTC Charter asserts that "there remains additional work to be done before the U.S. Government response effort is fully commensurate with the seriousness of [this] national security threat...."[150]

As the following section will illustrate, human trafficking is inseparable from organized crime, and is often linked to other illegal activities such as drug trafficking, migrant smuggling, and terrorist financing. In addition, trafficking weakens legitimate institutions by proliferating disease and fostering corruption. A transnational crime that exists with little regard for the nation state, trafficking serves as a harsh reminder of the inadequacies of border security.

147 Clare M. Ribando, *Trafficking in Persons: U.S. Policy and Issues for Congress* (Washington, D.C.: Congressional Research Service, 2007) 3.

148 White House, *National Security Strategy,* (Washington, DC: United States, 2006) 7.

149 U.S. Department of State, *Human Smuggling and Trafficking Center (HSTC) Charter and Amendments*, 2007, Bureau of International Narcotics and Law Enforcement Affairs. 2 Dec. 2008, available at http://www.state.gov/p/inl/41444.htm.

150 Ibid.

Trafficking and the Terrorism-Organized Crime Nexus

Human trafficking has been linked to organized crime, and to a lesser extent, terrorist activities. According to the State Department, profits from trafficking, which the Federal Bureau of Investigation (FBI) estimated at nearly 10 billion dollars, fuel other criminal enterprises.[151] The preamble to the TVPA observes that "profits from the trafficking industry contribute to the expansion of organized crime in the United States and worldwide."[152] The legislation finds that trafficking in persons is increasingly "perpetrated by organized, sophisticated criminal enterprises" and that "such trafficking is the fastest growing source of profits for organized criminal enterprises worldwide."[153] Human trafficking has also been connected to money laundering, drug trafficking, document forgery, piracy, and human smuggling (see Appendix C1 on terminology for distinction between human trafficking and smuggling).

In 2004, the Director of the United Nations Office on Drugs and Crime (UNODC) highlighted the de facto merger of criminal and terrorist organizations:

It has become more and more difficult to distinguish clearly between terrorist groups and organized crime units, since their tactics increasingly overlap. The world is seeing the birth of a new hybrid of "organized crime -- terrorist organizations", and it is imperative to sever the connection between crime, drugs, and terrorism now.[154]

Since 9/11, actual and potential ties between human trafficking and terrorism have become a growing area of concern. Trafficking, smuggling, and other transnational criminal networks provide funds and global criminal infrastructures, such as transportation networks, from which terrorist organizations can benefit.[155] In a 2004 hearing

151 U.S. Department of State. *Trafficking in Persons Report,* (Washington, DC: Department of State, 2006) 13; The FBI no longer stands by this estimate.

152 TVPA, 2000, section 102.

153 TVPA, 2000, section 102.

154 United Nations, *Press Release: UN Warns about Nexus between Drugs, Crime, and Terrorism,* 10 Jan. 2004,UN Office of Drugs and Crime, 28 Dec. 2008, available at www.un.org/News/Press/docs/2004/soccp311.doc.htm.

155 Louise Shelly, Human Trafficking: Transnational Crime and Links with

before the House Judiciary Subcommittee on Immigration, Border Security and Claims, the Deputy Assistant Director for Smuggling and Public Safety at the U.S. Bureau of Immigration and Customs Enforcement (ICE) testified that human smuggling and trafficking into the United States constitute a "significant threat to national security and public safety." He further asserted that well-established smuggling and trafficking pipelines serve as a conduit for illegal aliens and criminals seeking entry into the U.S., many of whom easily could be "exploited by terrorist and extremist organizations" seeking to carry out violent acts.[156]

The relationship between traffickers and terrorists is most prominent in regions of the world where trafficking is a significant part of the illicit economy. For example, in the Balkans, Southeast Asia, and parts of the former Soviet Union, these illicit trades can produce significant sources of revenue. In the Balkans, trafficking provides a major source of financing for criminal networks that have been linked to terrorist organizations. In Southeast Asia and the Philippines, trafficking networks afford opportunities for terrorists to move money through the illicit economy.[157] Trafficking also has been identified as a source of funding for Al Qaeda in Afghanistan. The Taliban has openly abducted women and girls. Many victims are sold as sex slaves through contacts arranged by the Al Qaeda network. Proceeds from the exchange allegedly help to sustain the Taliban.[158] According to a Department of Homeland Security (DHS) official, three factors have contributed to creating an environment in which terrorist networks are more likely to collaborate with human trafficking and smuggling networks: criminal organizations' growth in numbers and sophistication, criminal networks' increasing ability to exploit public corruption, and substandard immigration controls in source and transit countries.[159]

Terrorism, Statement to the House Committee on International Relations, Subcommittee on International Terrorism, Nonproliferation and Human Rights (Washington DC: U.S. House of Representatives, June 25, 2003).

156 Jerry Seper, "Human Smuggling a Security Risk," *Washington Times*, 19 May, 2004.

157 Ibid.

158 Kevin Sullivan, "Kabul's Lost Women," *Washington Post*, Wednesday, December 19, 2001.

159 Thomas Homan, *U.S. Officials Fears Terrorists, human smugglers may join forces,*

As global connectivity increases, the organized crime nexus continues to expand and become more intertwined. President Clinton's 1998 International Crime Control Strategy's (ICCS) chapter on "international criminal threats" describes the international criminal threat within the context of globalization:

[T]he more open our borders are, the more freely people can travel, the more freely money can move and information and technology can be transferred, the more vulnerable we are to people who would seek to undermine the very fabric of civilized life, whether through terrorism… weapons of mass destruction, organized crime, or drugs – and sometimes through all of the above.[160]

The document goes on to assert that "international criminals ignore borders, except when seeking safe haven behind them."[161] The sheer number of people brought into the United States illicitly via human trafficking (and also illegal immigration), indicates the dangers posed by porous national borders. The statistics for human trafficking alone beg the question: If criminal networks can traffic tens of thousands of people into the country each year, what else may slip through U.S. borders? Human trafficking in the U.S. raises significant concerns regarding the nation's ability to prevent biological or chemical weapons, for example, from being smuggled into the country. In fact, trafficking itself has been described as a gateway activity which can lead to trade in other commodities to include weapons, chemical, and toxic waste.[162] Addressing human trafficking into the U.S. will better prepare the nation to deal with other border-related security challenges by causing Washington to more thoroughly examine its capacity to monitor and respond to the individuals or materials entering the country illegally.

Statement to the House Subcommittee on Immigration, Border Security, and Claims Committee on the Judiciary, (Washington DC: U.S. House of Representatives, 2003).

160 President William Clinton, April 29, 1996, cited in *International Criminal Control Strategy,* (Washington, D.C.: White House, 1998).

161 United States, *International Crime Control Strateg,.* (Washington, DC: White House, 1998).

162 Christine Dolan, panelist at a seminar on "Terrorism Mexus" hosted by the World Affairs Council, Washington, DC. In Initiative against Sexual Trafficking,"Terrorism and Trafficking: Finding the Nexus," *IAST Report*, Spring 2002, Vol 1, issue 1.

Erosion of Societal Fabric

Trafficking in persons has serious national (and global) health implications. Trafficking is a disease vector which endangers U.S. citizens. Frequently, victims are exposed to sexually transmitted diseases, including HIV/AIDS, to a much greater degree than the general population.[163] In addition, victims, who rarely have access to healthcare, are typically exposed to violence, confinement, and psychological abuse. A 2006 study of women trafficked into the European Union cited in the 2007 Trafficking in Persons Report found that "95 percent of victims had been violently assaulted or coerced into a sexual act" and that "60 percent of victims reported fatigue, neurological symptoms, gastrointestinal problems, back pain, and/or gynecological infections," in addition to psychological traumas such as "dissociative and personality disorders, anxiety, and depression."[164] Trafficking victims also exhibit a high rate of post-traumatic stress disorder (PTSD). The American Psychiatric Association defines PTSD as a condition which may result following "extreme traumatic stressors involving direct personal experience of an event that involves actual or threatened death or serious injury; or other threats to one's personal integrity..."[165] A 1998 study found that of 130 interviewees involved in commercial sex, 68 percent had PTSD symptoms.[166] The prevalence of abused and otherwise embattered victims undermines the psychological and physical health of the population in the U.S. and around the globe.

Not dissimilar to the manner in which a disease can infiltrate a community, so too can corruption eat away at the pillars of society. Corruption is mentioned in five of the 10 "essential tasks" outlined

163 Fear of HIV/AIDS among clientele has led to an increased preference for younger girls, due to an assumed lack of infection; Clare M. Ribando, *Trafficking in Persons: U.S. Policy and Issues for Congress,* (Washington, DC: Congressional Research Service, 2007) 30.

164 U.S. Department of State. *Trafficking in Persons Report,* (Washington, DC: Department of State, 2007) 33.

165 American Psychiatric Association, 1994, Cited in Farley, Melissa, and Howard Barkan, "Prostitution, Violence, and Posttraumatic Stress Disorder," *Women and Health*, Volume 27, Issue 3 (1998).

166 Farley, Melissa, and Howard Barkan, 1998 "Prostitution, Violence, and Posttraumatic Stress Disorder," *Women and Health*, Volume 27, Issue 3 (1998).

as chapters in the 2006 National Security Strategy. In one chapter, the link between trafficking and corruption is cited as an example of the challenges associated with globalization. Illicit trade, whether in drugs, human beings, or sex, that exploits the modern era's greater ease of transport and exchange. Such traffic corrodes social order, bolsters crime and corruption, weakens effective governance, facilitates the illicit transfer of WMD and advanced conventional weapons technology, and compromises traditional security and law enforcement.[167]

Human trafficking frequently relies on facilitation by corrupt officials in countries where governments struggle to uphold the rule of law. Reliance on corruption further undermines government authority and challenges the ability of legitimate institutions to protect vulnerable populations. Bribes can also prevent or delay freedom for the trafficked and prosecution of the traffickers. The 2006 Trafficking in Persons (TIP) report provides an illustration of how corruption feeds the vicious cycle of trafficking:

> Maria, age 16, was tricked into traveling to Bucharest to find a job by a childhood friend. Unbeknownst to Maria, the friend had advertised in a Romanian port city that there was a "girl for sale." Maria was sold to a man with an 11-year-old girl. For four months, she was forced to work as a street prostitute under the threat of beatings. She was fined, arrested, and interrogated numerous times by the police; however, her "protector" bribed the police to release her, thus forcing her to prostitute again.[168]

Fighting trafficking and fighting corruption go hand in hand. Both battles are necessary critical components in the promotion of democratic governance and stability around the world.

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167 White House, *National Security Strategy*, (Washington, DC: United States, 2006) 47.

168 U.S. Department of State. *Trafficking in Persons Report,* (Washington, DC: Department of State, 2006) 14.

U.S. Response to Human Trafficking

Background

Human trafficking first attracted Washington's attention in the late 1990s during the Clinton administration.[169] A March 1998 Presidential Executive Memorandum outlined an anti-trafficking approach which targeted prevention, protection, and prosecution.[170] As part of this initiative, which focused more broadly on the subject of global crime networks, President Clinton authorized the creation of an interagency working group to address the international crime implications of human trafficking.[171]

Congress and the Bush administration have since expanded on these efforts to enhance Washington's ability to address trafficking in persons. The TVPA[172] was enacted in January 2000 and serves as the statutory basis for the USG approach to anti-trafficking. The foundational legislation defined the trafficking challenge; re-emphasized the Clinton administration's focus on prevention, protection, and prosecution; and sought to provide the legal and institutional tools necessary to address human trafficking.[173] The TVPA directed the President to form an interagency Task Force to Monitor and Combat Trafficking in Persons and authorized the secretary of state to create the State Department's Office to Monitor and Combat Trafficking in Persons.

The Department of State issued its first congressionally mandated TIP Report in July 2001. Shortly after, in February 2002, NSPD-22 identified human trafficking as an important national security concern and directed federal agencies to strengthen their collective

169 Clare M. Ribando, *Trafficking in Persons: U.S. Policy and Issues for Congress,* (Washington, DC: Congressional Research Service, 2007) 11.

170 White House, *Presidential Executive Memorandum on Steps to Combat Violence Against Women and Trafficking in Women and Girls,* (Washington, DC: United States, 1998).

171 Clare M. Ribando, *Trafficking in Persons: U.S. Policy and Issues for Congres,.* (Washington, DC: Congressional Research Service, 2007) 11.

172 United States, *Trafficking Victims Protection Act,* (Washington, DC: United States, 2000).

173 U.S. Government Accountability Office, *Human Trafficking a Strategic Framework could Help Enhance the Interagency Collaboration needed to Effectively Combat Trafficking Crimes: Report to Congressional Requesters,* (Washington, DC: GAO, 2007).

efforts, capabilities, and coordination to support the president's goal of abolishment.[174] Subsequently, and to the extent that they did not already exist, departments began to develop individual agency-level policies and procedures to address this emerging national security concern.

In addition to annual TVPA reauthorizations, key legislative authorities since the passage of the 2000 TVPA include the 2003 Foreign Relations Authorization Act which targets victim reintegration assistance, and the 2004 Intelligence Reform and Terrorism Protection Act which formally established the Human Smuggling and Trafficking Center. At least six U.S. Code Titles address different legal aspects of human trafficking. These titles deal with trafficking in the contexts of the international and domestic arenas, criminal procedures, labor, finance, and nationality. Key executive authorities since the 1998 Executive Memorandum include the 2002 National Security Presidential Directive on Combating Trafficking in Persons, which directs federal agencies to strengthen collective counter-trafficking efforts, the 2002 Executive Order 13257 which calls for the president's Interagency Task Force to Monitor and Combat Trafficking in Persons, and a 2004 amendment to Executive Order 13257 which tasks the Senior Operating Policy Group with establishing guidelines and policies to coordinate the activities of relevant executive departments and agencies. (See Appendix C2 for a detailed overview of U.S. legislative and executive anti-trafficking authorities.) The 2000 TVPA and NSPD-22 serve as the foundational USG authorities, legislative and executive respectively, for anti-trafficking efforts today.

Funding

Anti-trafficking cases can be resource intensive due to the lengthy investigation of incidents, involvement of multiple actors, and intensive rehabilitation of victims. Adding to the resource challenges, there is no parallel appropriations bill to fund mandates authorized in the TVPA. As a result, several departments and in some cases, subordinate offices, must look to existing budgets to fund anti-

174 White House, *National Security Presidential Directive 22 (NSPD-22): Memorandum Regarding Combating Trafficking in Persons,*. (Washington, DC: United States, 2002).

trafficking activities. In the budget for the Department of Homeland Security, for example, there is no separate line item for combating human trafficking.

The Department of State estimates that the USG has spent over $528 million to combat trafficking in persons internationally since (FY)2001. During (FY) 2007, the USG funded 180 international anti-trafficking programs in over 90 countries with approximately $79 million. An additional $23 million supported domestic projects that year.[175]

Anti-trafficking programs received an additional infusion following President Bush's September 2003 announcement of a $50 million initiative supporting organizations involved in anti-trafficking activities abroad.[176] This multi-agency funding pool sustained the international programs funded through the Department of State, Department of Justice, Department of Labor, Department of Health and Human Services, and the Agency for International Development, as well as national and international non-governmental organizations. Ultimately, the initiative intended to convict traffickers, assist victims, and combat trafficking around the world. It aimed to build capacity in eight "regional hubs" (Brazil, Cambodia, India, Indonesia, Mexico, Moldova, Sierra Leone, and Tanzania) to support the development of these nations as neighborhood leaders in the global fight against trafficking.[177]

The State Department estimates that $25 million of the initiative's funds were obligated in FY 2003, and approximately $12.5 million in each of the following two years.[178] Departments and agencies

175 U.S. Department of State, *U.S. Government Funds Obligated for Anti-Trafficking in Persons Projects, Fiscal Year 2007*, February 2008, Office to Monitor and Combat Trafficking in Persons, 20 Apr. 2008, available at http://www.state.gov/g/tip/rls/rpt/101295.htm.

176 The president's initiative was focused internationally and was not paralleled by a funding pool to support domestic activities.

177 Department of State, *Fact Sheet: The President's $50 Million Initiative to Combat Trafficking In Persons*, 12 Apr. 2006, Office to Monitor and Combat Trafficking in Persons, 20 Oct. 2007, available at http://www.state.gov/g/tip/rls/fs/2006/69671.htm.

178 Ibid.

responsible for anti-trafficking efforts obligated the remainder of the $50 million in FY 2006. Funds were used to train and resource law enforcement to better identify and rescue victims; educate local non-governmental organizations; provide emergency, rehabilitation, and reintegration services to victims; instruct judges and prosecutors to prosecute and convict traffickers; and implement public awareness campaigns.[179] No such funding pool has been initiated for domestic programs.

Reporting and Assessment Requirements

Several departments are tasked with reporting on counter-trafficking progress. Two major assessments of U.S. national anti-trafficking activities are published annually, both by the Department of Justice with greater USG input.[180] The TVPA mandates an evaluation of the progress of the United States in the areas of trafficking prevention, prosecution, and assistance to victims. The 2003 Trafficking Victims Protection Reauthorization Act (TVPRA) requires an additional report from the Attorney General to be submitted to Congress every year beginning on May 1, 2004. Reflecting its core mission area, the State Department produces an annual report evaluating foreign nations' counter-trafficking performance. The document is intended to "raise global awareness, to highlight efforts of the international community, and to encourage foreign governments to take effective actions to all forms of trafficking in persons."[181] Countries are rated using a tier system; "tier three" denotes those that are deemed not making significant efforts to meet minimum standards of the TVPA. The seventh annual report, issued in June 2007, identified 16 nations as tier three states including: Algeria, Bahrain, Burma, Cuba, Equatorial Guinea, Iran, Kuwait, Malaysia, North Korea, Oman, Qatar, Saudi Arabia, Sudan, Syria, Uzbekistan, and Venezuela.

179 U.S. Government, *Assessment of U.S. Government Efforts to Combat Trafficking in Persons*, (Washington, DC: United States, 2007) 38.

180 The TVPRA 2003 requires an annual report from the attorney general to Congress on U.S. government efforts to combat trafficking in persons.

181 U.S. Department of State, *Trafficking in Persons Report,* (Washington, DC: Department of State, 2007) 5.

Anti-trafficking Roles and Responsibilities

Appendix C3 summarizes the roles and responsibilities of seven major U.S. departments and agencies and 30 subordinate offices involved in anti-trafficking initiatives in the U.S. or abroad. Human trafficking assembles many disparate USG elements to address a single issue for which responsibilities may overlap. Table 1 amply illustrates this fact.

Table 1. Key Anti-Trafficking Functions

DEPARTMENTS AND AGENCIES	KEY FUNCTIONAL AREAS
DoJ Federal Bureau of Investigations	Investigates and/or prosecutes TIP cases domestically.
DoJ Civil Rights	
DoJ Criminal Division	
DoL Employment and Standards Administration	
DHS Immigration and Customs Enforcement	
DoJ U.S. Attorneys	
DoEd Office of Safe and Drug Free Schools	Funds programs/ initiatives or provides services or benefits to victims domestically
DHS Citizen and Immigration Services	
DHHS Administration for Children and Families	
DoJ Office of Justice Programs	
DoL Employment and Training Administration	
DoL Bureau of International and Labor Affairs	
DoS Diplomatic Security	Funds and/or implements international TIP programs, initiatives or agreements.
DoS Population, Refugees, and Migration	
DoS Office to Combat and Monitor TIP	
DoJ Criminal Division	
USAID Regional Bureaus	
DoL Bureau of International Labor Affairs	

The diffusion of roles and responsibilities made evident in Table 1 has led to the creation of several interagency mechanisms to coordinate efforts amongst U.S. government actors both vertically between federal state and local levels and horizontally across departments and agencies.

Interagency Mechanisms

Several interagency mechanisms have been formed over the past decade to address the complex issues posed by human trafficking. Two types of domestic task force were created to bring together federal, state, and local officials with non-governmental organizations in order to improve coordination of U.S. anti-trafficking efforts. In the first model, the Department of Justice's Bureau of Justice Assistance established 42 state and local human trafficking task forces by the end of FY 2006.[182] The Human Trafficking Prosecution (HTP) Unit in the Justice Department's Civil Rights Division provides training, technical assistance, and coordination for the Task Forces, which are led by United States Attorneys and funded by the Bureau of Justice Assistance (BJA). In a second model, known as the Innocence Lost Initiative, FBI investigators and Criminal Division prosecutors have joined forces with state and local law enforcement to form 23 formal and ad-hoc task forces in various U.S. cities to prevent child exploitation in prostitution.[183]

President's Interagency Task Force to Monitor and Combat Trafficking in Persons

In accordance with the TVPA, a cabinet-level interagency task force to monitor and combat trafficking in persons was established by Executive Order 13257 in February 2002.[184] The task force was created to coordinate the implementation of the TVPA; measure and evaluate U.S. and foreign progress in the areas of trafficking prevention, victim protection and assistance, as well as prosecution and enforcement; collect and organize anti-trafficking data; and facilitate cooperation among countries of origin, transit, and destination.[185]

The TVPA directs the president to appoint members of the task force, which must include the secretary of state, the administrator of

182 U.S. Government Accountability Office, *Human Trafficking a Strategic Framework could Help Enhance the Interagency Collaboration needed to Effectively Combat Trafficking Crimes: Report to Congressional Requesters,* (Washington, DC: GAO, 2007) 3.

183 Ibid., 21.

184 White House, *Executive Order 13257: President's Interagency Task Force to Monitor and Combat Trafficking in Person,.* (Washington DC: United States, 2002).

185 United States, *Trafficking Victims Protection Act,* (Washington, DC: United States, 2000).

the U.S. Agency for International Development, the attorney general, the secretary of labor, the secretary of health and human services, and the director of central intelligence. Agencies represented on the task force are not reimbursed for participating personnel.[186] To assist the task force, the TVPA authorized the secretary of state to create the Office to Monitor and Combat Trafficking in Persons.

According to the 2007 multi-agency assessment of U.S. government efforts to combat trafficking in persons, the task force met once in FY 2006. Six cabinet members were present and 12 agencies were represented. The group approved a unified policy document on HIV/AIDS and human trafficking, and focused on victim identification, research, and additional ways to improve assistance and outreach to trafficking victims in the U.S.[187] The task force oversees the activities of the Senior Policy Operating Group and is responsible for designating senior officials as its representatives.[188]

Senior Policy Operating Group

The 2003 TVPA reauthorization authorized the creation of a Senior Policy Operating Group (SPOG) for trafficking in persons. The SPOG was established to address emerging interagency policy, program, and planning issues. Chaired by the director of the State Department's Office to Monitor and Combat Trafficking in Persons, the SPOG reports to the President's Interagency Task Force to Monitor and Combat Trafficking in Persons. Quarterly meetings include representatives from the Department of State, Department of Justice, Department of Homeland Security, Department of Health and Human Services, Department of Labor, Department of Defense, Agency for International Development, Office of the Director of National Intelligence, Department of Veterans Affairs, Department of Education, Office of the U.S. Global AIDS Coordinator, the

186 Ibid..

187 U.S. Government, *Assessment of U.S. Government Efforts to Combat Trafficking in Persons,* (Washington, DC: United States, 2007) 38.

188 United States. *Hearing before the Subcommittee on Human Rights and the Law of the Committee on the Judiciary United States Senate, One Hundred Tenth Congress, First Session, March 26, 2007: Legal Options to Stop Human Trafficking, Remarks for Deputy Assistant Attorney General for the Civil Rights Division, U.S. Department of Justice, Grace Chung Becker,* (Washington, DC: House of Representatives, 2007) 33–34.

National Security Council, the Domestic Policy Council, and the Office of Management and Budget. [189] SPOG activities have included coordinating agency strategic plans, policies, and programs to address human trafficking, developing grant policy and interagency guidelines, coordinating public outreach and research, and coordinating the president's anti-trafficking initiative.[190]

SPOG's four FY 2006 meetings aimed to share information and coordinate policy implementation. Specifically, the SPOG approved funding guidelines and program review procedures, provided a forum for cross-agency feedback on grant and project proposals, and furnished recommendations to individual departments and agencies in an effort to enhance interagency coordination.[191] Subcommittees have been established on Regulations and Statistics, chaired by the Department of Justice, and on Grant-Making, Research, and Public Affairs, chaired by the Department of State. These subcommittees work together on a more regular basis throughout the year.[192]

Human Smuggling and Trafficking Center

The Human Smuggling and Trafficking Center (HSTC) was established by the 2004 Intelligence Reform and Terrorism Protection Act to serve as a clearinghouse for information related to terrorist travel, migrant smuggling, and human trafficking. It also prepares strategic assessments. The center is jointly operated by the Department of Homeland Security, the Department of State, and the Department of Justice, and is utilized by law enforcement, intelligence, and diplomatic communities. An interagency Steering Group, comprised of senior representatives from participating agencies "provides policy and administrative guidance and oversight for the HSTC and ensures that the HSTC operates in a manner that is consistent with constitutional liberties and national security

189 U.S. Government, *Assessment of U.S. Government Efforts to Combat Trafficking in Persons,* (Washington, DC: United States, 2007) 38.

190 Department of State, *Embassy of the United States Abidjan, Cote D'Ivoire: U.S. Policy and Issues*, 2007, U.S. Embassy in Cote D'Ivoire,1 Apr. 2008, available at http://abidjan.usembassy.gov/us_efforts_against_trafficking.html.

191 Ibid.

192 U.S. Government, *Assessment of U.S. Government Efforts to Combat Trafficking in Persons,* (Washington, DC: United States, 2006) 32.

requirements."[193] The center is managed by a director and two deputy directors, held accountable through the Steering Group to the secretary of state, the secretary of homeland security, and the attorney general.[194] The State Department INL bureau provides administrative and funding support to the center.[195]

Regarding all other personnel and support, the HSTC Charter describes the center as a primarily voluntary joint initiative, in which each agency "pay[s] the salaries, benefits, travel expenses, and allowances of the assigned personnel." Participating departments are also responsible to "provide funding for the production of goods and services by the Center to support activities which fall within each respective agency's authorities and responsibilities." In this context, the charter states that "continued participation in the Center shall be subject to the availability of funds."[196]

HSTC's charter notes that the center shall provide information in support of the U.S. anti-trafficking strategy, which is focused on three primary objectives, prevention and deterrence, investigation and prosecution, and protection and assistance. More specifically, the center is intended to "foster greater integration and overall effectiveness in U.S. government enforcement, diplomatic, and other response efforts; intensify efforts by foreign governments and international organizations; and to combat migrant smuggling, trafficking in persons, and clandestine terrorist travel."[197] Integration is to be fostered by sharing information and intelligence, building collaborative relationships, coordinating initiatives upon request

193 Human Trafficking and Smuggling Center,*Establishment of a Human Smuggling and Trafficking Center: A Report to Congress,* (Washington, DC: HSTC, 2005) 4.

194 Ibid.

195 U.S. Department of State, *Human Smuggling and Trafficking Center*, Bureau of International Narcotics and Law Enforcement Affairs,12 Jan. 2008, available at www.state.gov/p/inl/c14079.htm.

196 U.S. Department of State, *Human Smuggling and Trafficking Center (HSTC) Charter and Amendments*, 2007, Bureau of International Narcotics and Law Enforcement Affairs, 2 Dec. 2008, available at http://www.state.gov/p/inl/41444.htm.

197 U.S. Department of State, *Human Smuggling and Trafficking Center (HSTC) Charter and Amendments*, 2007, Bureau of International Narcotics and Law Enforcement Affairs, 2 Dec. 2008, available at http://www.state.gov/p/inl/41444.htm.

of departments and agencies, and identifying issues which warrant increased international attention or coordination.[198]

The HSTC does not exercise authority over its contributing agencies. If, for example, intelligence identifies an area where further HSTC focus is needed, such action is dependent on the underlying authorities of the participating departments. When an issue is identified by the HSTC or intelligence community as requiring further attention, it is referred to the relevant departments and agencies for consideration.[199] Also, the HSTC is not a policy-making body. However, it is plugged in to the policy-making arena through participation in the NSC's Policy Coordination Committee on International Organized Crime and its subgroups. Additionally, the HSTC briefs the SPOG on its activities.[200]

Table 2 provides an overview of key interagency anti-trafficking mechanisms and their corresponding core function(s).

Table 2. Key Anti-Trafficking Functions

INTERAGENCY MECHANISM	KEY FUNCTIONS
President's Interagency Task Force	Measures and evaluates progress in the U.S. and other nations
	Expands interagency procedures to collect and organize anti-trafficking data
	Engages in efforts to facilitate cooperation among countries of origin, transit, and destination
Senior Policy Operating Group	Coordinates human trafficking policies, implementation, and programs
	Provides a forum for cross-agency feedback on grant and project proposals
	Provides recommendations to individual departments and agencies in an effort to increase agency involvement and levels of coordination

198 Ibid.

199 Ibid.

200 Human Trafficking and Smuggling Center, *Establishment of a Human Smuggling and Trafficking Center: A Report to Congres,.* (Washington, DC: HSTC, 2005) 6.

Human Smuggling and Trafficking Center	Serves as an information clearinghouse
	Prepares strategic assessments
	Coordinates interagency issues upon request
Task Forces	Facilitate vertical coordination between federal, state, and local authorities.

Integration of National Power

The ability of the U.S. to address the challenge of human trafficking has improved significantly over the last decade. A 2006 Department of Justice Report indicates that nearly 1,000 human trafficking victims have been assisted by the department and other law enforcement personnel under the Trafficking Victims Protection Act of 2000.[201] The Department of Health and Human Services (DHHS) has certified an average of 200 victims per year for the receipt of federally funded or administered benefits and services.[202] Statistics from 2007 indicate that, since the enactment of the TVPA in 2000, federal investigative and prosecutorial agencies prosecuted 139 traffickers.[203] Nevertheless, due to rising global demand, the trafficking problem only continues to grow.[204] The tens of thousands of people trafficked into and within the U.S. annually demonstrate that the U.S. response to this national security challenge has been inadequate.

Success in combating trafficking is most often achieved on the level of individual departments and agencies. Only rarely does one see notable whole-of-government or national level achievements. Yet, interagency anti-trafficking activities need coordination for success.[205]

201 U.S. Department of Justice, *Report on Activities to Combat Human Trafficking,* (Washington, DC: Department of Justice, 2006) i.

202 U.S. Government, *Assessment of U.S. Government Efforts to Combat Trafficking in Persons*, (Washington, DC: United States, 2007) 5.

203 U.S. Government Accountability Office, *Human Trafficking a Strategic Framework could Help Enhance the Interagency Collaboration needed to Effectively Combat Trafficking Crimes: Report to Congressional Requesters*, (Washington, DC: GAO, 2007) 5.

204 Attorney General Alberto R. Gonzales, Assistant Attorney General Wan Kim, and Senior Department Officials, *Pen and Pad Roundtable on Human Trafficking.* Civil Rights Division, 4 Dec. 2007, available at http://www.usdoj.gov/crt/speeches/crt_speech_070131.html.

205 Coordination however, needs to be distinguished from integration. Webster's defines *integration* as "the act of combining into an integral whole." *Coordination*,

In fact, there is widespread agreement among those combating human trafficking that interagency coordination is essential for achieving a single integrated U.S. approach to anti-trafficking.[206]

Coordination is required due to the multi-jurisdictional nature of trafficking. In a single case there could be as many as seven investigating offices, not including the other departments and agencies providing services and assistance. A 2005 National Institute of Justice (NIJ) report states that trafficking in persons "never fits neatly under any single agency's jurisdiction… [and that] interagency cooperation is vital to successful investigations and prosecutions as well as to identifying victims and assisting them."[207] A 2004 Report of the Washington State Trafficking Task Force characterizes the challenge of providing services to trafficking victims as "multi-disciplinary and multi-jurisdictional."[208]

A 2007 GAO report cites several specific trafficking cases that illustrate the degree to which coordination is required. In one instance, the prosecution of a trafficking offender united Department of Justice FBI investigators, Department of Justice Civil Rights Division prosecutors, Department of Labor Wage and Hour Division investigators, Department of Labor Occupational Safety and Health Administration investigators, and various non-governmental organizations. The report asserts that anti-trafficking activities require "strategic collaboration among agencies since no one agency can carry out these efforts alone."[209] A 2007 multi-agency assessment

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on the other hand, is defined as "the skillful and effective interaction of movements." Integration emphasizes oneness, while coordination emphasizes the interaction of many; *Webster's Dictionary*, 2007.

206 U.S. Department of State, *Human Smuggling and Trafficking Center (HSTC) Charter and Amendments*, 2007, Bureau of International Narcotics and Law Enforcement Affairs, 2 Dec. 2008, available at http://www.state.gov/p/inl/41444.htm.

207 Kevin Bales and Steven Lize, *Trafficking in persons in the United States a report to the National Institute of Justice: final report*, (Jackson: Croft Institute for International Studies, 2005) 77.

208 State of Washington, Office of Crime Victims Advocacy, *Human Trafficking: Present Day Slavery: The Report of the Washington State Task Force Against Trafficking of Persons,* (Washington, DC: 2004) 61.

209 U.S. Government Accountability Office, *Human Trafficking a Strategic Framework could Help Enhance the Interagency Collaboration needed to Effectively Combat Trafficking Crimes: Report to Congressional Requesters,* (Washington, DC: GAO, 2007) 20.

of U.S. government efforts to combat trafficking in persons cites the example of the Department of Homeland Security's Citizenship and Immigration Services (USCIS) reliance on the DHHS. USCIS is responsible for providing trafficking victims approved to stay in the U.S. with a list of service providers, which is compiled and updated by the DHHS. USCIS depends on coordination with DHHS in order to keep this list current.[210]

Many reports and assessments have recognized the importance of coordination when addressing an issue as complex as trafficking in persons and have called for increased levels to improve effectiveness of anti-trafficking activities. The case studies described in a 2005 report to the NIJ illustrate "that a multi-agency approach is most likely to lead to a successful prosecution."[211] The first recommendation of the 2006 multi-agency Assessment of U.S. Government Efforts to Combat Trafficking in Persons is that "the U.S. Government, its state and local partners, and non-governmental organizations (NGOs) need to improve coordination of services to victims."[212] This proposal was made in a domestic context in areas such as locating victims and tracking the support they receive. The report's final recommendations address the need for increased coordination across agencies both domestically and abroad:

> The U.S. Government should increase cooperation among U.S. agencies to maximize efficieny in services provided, program development, and information dissemination. The U.S. Government should also cooperate with multilateral bodies to demonstrate U.S. Government commitment to leading the fight against trafficking in persons.[213]

Government officials from departments and agencies with anti-trafficking responsibilities likewise have identified the importance of

210 U.S. Government, *Assessment of U.S. Government Efforts to Combat Trafficking in Persons,* (Washington, DC: United States, 2007) 2.

211 Kevin Bales and Steven Lize, *Trafficking in persons in the United States a report to the National Institute of Justice: final report.* (Jackson: Croft Institute for International Studies, 2005) 92.

212 U.S. Government, *Assessment of U.S. Government Efforts to Combat Trafficking in Persons,* (Washington, DC: United States, 2006) 2.

213 Ibid., 39.

coordination in effectively addressing human trafficking. The HSTC Charter states:

> Federal government agencies involved [in anti-trafficking efforts] have all acknowledged that intensified efforts, together with enhanced interagency coordination, are urgently needed to support more effective law enforcement, diplomatic, and other actions to counter smugglers and traffickers.[214]

Department of Justice and Department of Homeland Security representatives have acknowledged that prosecuting human trafficking crimes has necessitated cooperation among federal agencies and state and local law enforcement as well as non-governmental organizations.[215]

Due to the widespread recognition that coordination is critical to achieving success in interagency anti-trafficking operations, it is useful to consider the degree to which such coordination occurs. The following analysis first considers how well the USG integrates its national anti-trafficking strategy. Subsequently, it explores the extent to which integration and coordination occur in strategy implementation. Next, key factors associated with the response and level of coordination are considered. Finally, the study reviews costs of trafficking and the consequences of the failure to devise and execute integrated anti-trafficking missions.

Did the U.S. Government generally act in an ad hoc manner or did it develop effective strategies to integrate its national security resources?

With core capabilities housed throughout the federal, state, and local government, an integrated strategy is imperative to successfully plan for and implement whole-of-government anti-trafficking initiatives. To the extent that a U.S. strategy to combat trafficking in persons exists,

214 U.S. Department of State. *Human Smuggling and Trafficking Center (HSTC) Charter and Amendments*, 2007, Bureau of International Narcotics and Law Enforcement Affairs, 2 Dec. 2008, available at http://www.state.gov/p/inl/41444.htm.

215 U.S. Government Accountability Office, *Human Trafficking a Strategic Framework could Help Enhance the Interagency Collaboration needed to Effectively Combat Trafficking Crimes: Report to Congressional Requesters*, (Washington, DC: GAO, 2007) 20.

it has its roots in the Clinton Administration's 1998 International Crime Control Strategy (ICCS). The ICCS identifies eight broad goals with thirty subordinate objectives as a "plan of action" to address international crime. One aim in particular responds to emerging international crime threats and recognizes the need to "take a multi-faceted approach to address new, complex crimes such as trafficking in human beings and the activities of crime group alliances." The third objective within this goal is to "reduce trafficking in human beings and crimes against children," which puts forth a "broad-based, interdisciplinary" approach centered on prevention, enforcement, and protection.

The expansive approach outlined in the ICCS is still commonly referenced today; however, a decade later, the document offers little actual guidance to the development and implementation of department-level anti-trafficking strategies and programs. The ICCS asserts that all international criminal organizations share common characteristics and vulnerabilities and therefore a single strategy to address the range of international criminal threats is sufficient. While the document has helped to better understand the linkages across broad approaches to addressing international crime, the ICCS has not been a substitute to a single comprehensive and granular U.S. government strategy to address human trafficking.

The 2000 TVPA does not demand a holistic strategy to address the issue of human trafficking and provide action-oriented guidance to relevant departments and agencies. Strategy as a requirement is mentioned once in the legislation, wherein the Domestic Violence Task Force is directed to develop a "coordinated strategy to strengthen research focused on domestic violence education, prevention, and intervention strategies."[216] The 2006 National Security Strategy (NSS) refers to human trafficking in only two instances, both highlighting the importance of the issue, but neither providing "strategy" in any level of detail. The NSS identifies human trafficking as a "form of modern-say slavery" and calls for its "total abolition," but offers no substantive strategy to help guide the achievement of

216 United States, *Trafficking Victims Protection Act*, (Washington, DC: United States, 2000) Sec. 40901.

this goal.[217] U.S. embassies abroad often incorporate anti-trafficking into Mission Performance Plans (MPPs) as a component of the overall U.S. strategy for a particular country.[218] These plans are country-specific and linked only to individual agencies, not to any higher level U.S. anti-trafficking strategy.

National Security Presidential Directive 22 requires all departments and agencies with anti-trafficking responsibilities to "strengthen their collective efforts, capabilities, and coordination to achieve the president's goal of abolishing human trafficking."[219] The directive also identifies the need to use "all appropriate tools" and directs relevant departments and agencies to work together.[220] However, departments are left alone to develop anti-trafficking strategies, plans, and procedures, which consequently nest within a broader individual agency mission, but not within any context external to the organization. A 2007 GAO report called for establishing this higher context, recommending a "strategic framework" be developed to "help enhance and sustain collaboration among federal agencies dealing with issues that are national in scope and cross agency jurisdictions." The framework would include at least "a common outcome, mutually reinforcing strategies, and compatible policies and procedures to operate across agency boundaries."[221]

In the absence of more established interagency arrangements, the interagency community relies on ad-hoc executive direction and agreements such as Memorandums of Understanding (MOUs) to coordinate between and within anti-trafficking organizations. Agreements of this kind represent a positive step toward increased

217 White House, *National Security Strategy*, (Washington, DC: United States, 2006) 7.

218 U.S. Government Accountability Office, *Monitoring and Evaluation of International Projects are limited, but experts suggest improvement*, (Washington, DC: GAO, 2007) 17.

219 White House, *National Security Presidential Directive 22 (NSPD-22): Memorandum Regarding Combating Trafficking in Persons*, (Washington, DC: United States, 2002).

220 U.S. Department of Defense, *Assessment of DoD Efforts to Combat Trafficking in Persons: Phase II: Bosnia-Herzegovina and Kosovo*, (Arlington, VA: Department of Defense, 2003) 13.

221 U.S. Government Accountability Office, *Human Trafficking a Strategic Framework could Help Enhance the Interagency Collaboration needed to Effectively Combat Trafficking Crimes: Report to Congressional Requesters*, (Washington, DC: GAO, 2007) summary page.

coordination and will always be necessary as coordination is often required in unforeseen ways; however, in the absence of an overarching strategy that links resources to authorities and clearly establishes the roles and responsibilities of each federal agency, the significance of such arrangements is increased. For instance, the Department of Justice provides guidance on handling human trafficking cases through memorandums between offices such as the Civil Rights Division and the Federal Bureau of Investigations, as well as between the Department of Justice and other federal agencies. The Department of Homeland Security, Department of Justice, and the Department of Health and Human Services have all signed a MOU in an attempt to outline each department's roles and responsibilities in the area of victim certification.[222]

Common strategies, plans, and procedures exist at the departmental, and sometimes the subordinate office level. Within an agency such as the Department of Justice, in which anti-trafficking capabilities are not localized, both ICE and the FBI for example, disseminate separate anti-trafficking guidance to their field agents. ICE has developed its own Trafficking in Persons Strategy, which provides direction on outreach, training, and coordination.[223] The Justice Department has recognized the need for "effective intra-departmental collaboration to bring the specialties of each component to bear on these multi-faceted, complex, and labor-intensive criminal cases."[224]

In sum, integrated strategies are not currently developed across the U.S. national security system. Coordinated, or at the minimum, compatible strategies exist on an ad-hoc, individual basis.

PITF and the SPOG

The 2006 Department of Justice Assessment on U.S. Efforts to Combat Trafficking in Persons found that in Fiscal Year 2005, the SPOG successfully helped to identify and address weaknesses in interagency coordination. In one such instance, the SPOG recognized

222 Ibid.

223 Ibid.

224 U.S. Department of Justice, Civil Rights Division, *Report on Activities to Combat Human Trafficking: Fiscal Years 2001-2005,* (Washington, DC: Department of Justice, 2006) 32.

the need to include the Office of the U.S. Global AIDS Coordinator in the group.[225] The SPOG Subcommittee on Public Affairs improved coordination efforts among domestic media through identifying common media strategies. The Subcommittee on Research assisted in mapping all USG anti-trafficking programs in an effort to increase transparency and identify gaps.[226]

In a March 2007 hearing before the U.S. Senate Subcommittee on Human Rights and the Law, the deputy assistant attorney general for the civil rights division testified to the coordinating role of the SPOG and the President's Interagency Task Force (PITF), stating that "these interagency task forces increase coordination between relevant federal agencies on TIP-related issues." The deputy assistant attorney general went on to address the role of the SPOG in coordinating strategy:

> The overall coordination of trafficking strategy between U.S. Agencies is done through the Senior Policy Operating Group (SPOG) meetings, a policy coordination working group, which is chaired by the Ambassador-at-Large in the State Department Office to Monitor and Combat Trafficking in Person.[227]

In addition to its coordinating role, it is important to recognize the limits in authority and scope of the SPOG. As an example of the latter, while the body provides a forum for policy coordination, it does not serve as a platform for integrated strategy development. Funding streams, authorities, and overall context of SPOG representatives ultimately reside within home agencies. Despite the lack of authority over participating agencies, the ambassador-at-large in the State Department Office to Monitor and Combat Trafficking in Persons can be influential in coordinating interagency policy. In instances where differing agency perspectives can not be overcome through this

225 U.S. Department of Justice, *Report on Activities to Combat Human Trafficking,* (Washington, DC: Department of Justice, 2006) 12.

226 Ibid.

227 United States, *Hearing before the Subcommittee on Human Rights and the Law of the Committee on the Judiciary United States Senate, One Hundred Tenth Congress, First Session, March 26, 2007: Legal Options to Stop Human Trafficking, Remarks for Deputy Assistant Attorney General for the Civil Rights Division, U.S. Department of Justice, Grace Chung Becker,* (Washington, DC: House of Representatives, 2007) 33–34.

mechanism, the Domestic Policy Council, which has a mandate to "ensure that domestic policy initiatives are coordinated and consistent throughout federal agencies," has intervened in order to resolve interagency disputes.[228]

In the absence of an integrated national approach to the problem, strategic coordination is dependent upon mechanisms such as the President's Interagency Task Force and the Senior Policy Operating Group. These policy-level bodies have facilitated coordination to a degree by providing a forum for federal agencies to come together, but they lack authority in areas such as funding, strategy development, personnel recruitment, and assignment of department and agency roles and responsibilities. When it comes to the successful implementation of anti-trafficking missions, the GAO asserts that "operational coordination on investigations and prosecutions of trafficking in persons rests with criminal justice personnel and currently occurs on a case-by-case basis."[229]

How well did the agencies/departments work together to implement these ad hoc or integrated strategies?

Operational anti-trafficking achievements are achieved primarily at the departmental level. A 2007 GAO report found that success at an interagency level is reactive, dependent upon personalities, and achieved on a case-by-case basis.[230] Indeed, officials from the Departments of Justice and Homeland Security have recognized that the degree to which coordination occurs during trafficking investigations and prosecutions is determined by the circumstances of each particular case and the personal existing relationships between agencies involved.[231]

A lack of coordination between federal agencies involved with the provision of services to trafficking victims has also been identified

228 The White House, *Domestic Policy Council*, 20 Apr. 2008, available at http://www.whitehouse.gov/dpc/.

229 U.S. Government Accountability Office, *Human Trafficking a Strategic Framework could Help Enhance the Interagency Collaboration needed to Effectively Combat Trafficking Crimes: Report to Congressional Requesters*, (Washington, DC: GAO, 2007) 27.

230 Ibid., 6.

231 Ibid., 20.

by the recipients of these services. A 2007 Report to the NIJ evaluating a Department of Justice comprehensive service program provides one such perspective. Clients did not think agencies were working together to assist them. A few clients felt their providers did not work together and did not seem to know what other partners were doing with their case.[232]

Similarly to the policy-level coordinating mechanisms, the Human Smuggling and Trafficking Center provides a forum for operational coordination between federal agencies, but lacks authority and is dependent upon the initiative of individual agencies for success. In the field, coordination remains largely ad-hoc and is achieved on a case-by-case basis.

Human Smuggling and Trafficking Center

The fledgling HSTC has increased operational coordination to a degree and has made limited progress in fulfilling its charter. The 2007 multi-agency Assessment of U.S Government Efforts to Combat Trafficking in Persons cites several examples of HSTC accomplishments:

> The HSTC… plays a crucial de-confliction role for the various agencies who share jurisdiction over trafficking in person investigations. For example, in 2006, the HSTC identified an international sex-trafficking organization on the East Coast that was being investigated independently by both ICE and the FBI. The HSTC identified this conflict and notified each agency, enabling a coordinated investigation.[233]

HSTC facilitates awareness by providing a conduit for communication and fosters collaboration through the detailing of full-time staff from key agencies.[234]

232 Caliber, *Evaluation of Comprehensive Services for Victims of Human Trafficking: Key Findings and Lessons Learned*, (Fairfax, VA: Caliber, an ICF International Company, 2007) x.

233 U.S. Government, *Assessment of U.S. Government Efforts to Combat Trafficking in Persons*, (Washington, DC: United States, 2007) 18.

234 U.S. Government Accountability Office, *Human Trafficking a Strategic Framework*

The 2006 Department of Justice Assessment on U.S. Government Efforts to Combat Trafficking in Persons[235] acknowledges the progress made by the HSTC, but suggests that the center has often fallen short of fulfilling its interagency charter. The report states that the HSTC has achieved its mandate by disseminating intelligence, developing strategic assessments, and assisting in dismantling significant crime organizations, all "on a limited basis." The assessment identifies problem areas such as staffing, data connectivity, administrative infrastructure, and limited delegation of certain authorities to the HSTC's director and staff. The Justice Department report concluded that "until these issues are resolved its functionality is limited."[236] Regarding the HSTC's key function of information sharing, a Justice Department assessment acknowledged the significant progress made with the HSTC, but also identified problems in accessibility to key databases. Anti-trafficking case information is housed throughout several department's databases, making it difficult to track victims from identification to reintegration. According to the 2006 Report, the HSTC has "developed a detailed plan to establish administrative and information-sharing support structures and procedures," to address this concern.[237]

The HSTC exercises no authority over the participating agencies to shape programs or ensure coordination. Thus, coordination is facilitated by the center, but relies on individual agency initiative and is ultimately determined by individual agency policies and missions. Also, HSTC desk officers and analysts are currently detailed from participating organizations without established staffing requirements or long-term funding mechanisms.[238] These limitations in authority and funding hinder the impact of the HSTC.

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could Help Enhance the Interagency Collaboration needed to Effectively Combat Trafficking Crimes: Report to Congressional Requesters, (Washington, DC: GAO, 2007) 21.

235 U.S. Department of Justice, *Report on Activities to Combat Human Trafficking*, (Washington, DC: Department of Justice, 2006) 12.

236 U.S. Department of Justice, *Report on Activities to Combat Human Trafficking*, (Washington, DC: Department of Justice, 2006).

237 U.S. Government, *Assessment of U.S. Government Efforts to Combat Trafficking in Persons in Fiscal Year 2005,*. (Washington, DC: U.S. Government, 2006) 13

238 Human Trafficking and Smuggling Center, *Establishment of a Human Smuggling and Trafficking Center: A Report to Congress,* (Washington, DC: HSTC, 2005).

Overall, the HSTC has increased coordination among stakeholders to a degree, but is limited by authorities and resources. In the end, processes, funding streams, and overall perspectives of representatives are most closely linked to home agencies.

Vertical Coordination

Coordination is necessary not only horizontally across departments and agencies, but also vertically, between federal, state, and local levels domestically. On a domestic level, a 2007 GAO report has recommended that the attorney general and the secretary of homeland security develop and implement a strategic framework to enhance collaboration between agencies participating in domestic task forces. Justice and Homeland Security officials have generally agreed with the need for enhanced collaboration.[239]

Domestic task forces do not share common standards, processes, or one lexicon. Nor is there a common body that coordinates activities across these entities. Each task force is connected to SPOG solely through the Justice Department. The 3rd Annual National Conference on Human Trafficking in September 2007 brought together hundreds of task force members from the BJA-funded teams and the Innocence Lost Initiative. The conference represented a positive step in bringing together representatives from these two interagency entities.

Vertical coordination is also a requirement when implementing successful anti-trafficking initiatives abroad. U.S. officials have identified the issue of program awareness as one area that suffers from a lack of communication between U.S. embassies and Washington-based federal agencies. In one instance, a U.S. official abroad was unaware that a particular anti-trafficking program existed until that program requested funds from the embassy. A list of anti-trafficking projects is provided to the embassies by the Department of State's Trafficking in Persons office in Washington.[240]

239 U.S. Government Accountability Office,*Human Trafficking a Strategic Framework could Help Enhance the Interagency Collaboration needed to Effectively Combat Trafficking Crimes: Report to Congressional Requesters,* (Washington, DC: GAO, 2007) 8.

240 U.S. Government Accountability Office, *Monitoring and Evaluation of International Projects are limited, but experts suggest improvement,* (Washington, DC: GAO, 2007) 17.

In sum, a coordinated approach to implementation of anti-trafficking strategies is limited and occurs on a case-by-case basis at both the horizontal and vertical echelons of U.S. government operations. There are several key factors that contribute to the lack of coordination in the execution of department-level anti-trafficking programs and policies.

What variables explain the strengths and weaknesses of the response?

Existing interagency mechanisms are effective to varying degrees in facilitating federal cooperation in countering human trafficking. The GAO describes the current coordinating mechanisms as inadequately providing for the "greater collaboration needed…"[241] Successful integration of anti-trafficking efforts across departments and agencies on a case-by-case basis is not sufficient to comprehensively address this vital national security challenge.

Strategic Context

Currently, there is no overarching U.S. anti-trafficking strategy that identifies clear government-wide goals and clarifies roles and responsibilities. Without such a framework, there is no context for the departmental-level development of mutually reinforcing strategies to help align department and agency goals, activities, processes, and resources towards a common outcome and to decrease reliance on more ad hoc inter-departmental coordination mechanisms.

The GAO cites past research that demonstrates the benefits of an overarching "strategic framework" to help to improve and sustain interagency coordination on issues such as human trafficking that are "national in scope and cross agency jurisdictions." Identifying common outcomes is described as an essential step in developing a national strategy. The report continues to suggest that such an outcome "could hinge on an ideal 'end state' followed by a logical hierarchy of major goals [and] subordinate objectives…" Identifying common outcomes can be useful at a national level, in addition to a governmental level, by helping to more closely align the goals of

241 U.S. Government Accountability Office, *Human Trafficking a Strategic Framework could Help Enhance the Interagency Collaboration needed to Effectively Combat Trafficking Crimes: Report to Congressional Requesters,* (Washington, DC: GAO, 2007) 22.

law enforcement agencies with relevant NGOs for example.[242] In the absence of such outcomes, coordination between anti-trafficking organizations is less likely to occur, while differences in agency missions, cultures, and processes have proven more difficult to overcome.

In one interpretation, "a strategic framework provides a commonly understood intellectual and policy construct by which different departments and agencies can exercise their responsibilities to implement a strategy."[243] Research presented in a 2005 Report to the National Institute of Justice provides several cases that illustrate a lack of clarity among departments and agencies regarding anti-trafficking responsibilities. In one instance, federal investigators required information from the Department of Labor; however, both agencies differed on the level of assistance that was required.[244]

In another instance, lack of clarity on roles and responsibilities was identified between immigration authorities and the FBI:

> There's only been two joint cases with the FBI and they didn't turn out so well. The lead came to me (INS). I started to research it, but the FBI felt it should be their case. I disagreed because they're not the experts on smuggling – that's the INS' job. It was sad to lose the case. In the end the victims didn't get help. They could've been assisted if we got the case. But, for some reason agencies believe we'll deport. I'm sure we [law enforcement] could have done better if the case had been handled through a joint approach.[245]

GAO also asserts that a strategic framework could help to "foster efforts to devise compatible standards, policies, procedures, and

242 Ibid., 22–23.

243 U.S. Department of Defense, *Unclassified Briefing: Improving Planning for Stability Operations*, (Arlington, VA: Department of Defense, January 16, 2008).

244 Kevin Bales and Steven Lize, *Trafficking in Persons in the United States a Report to the National Institute of Justice: Final Report,* (Jackson: Croft Institute for International Studies, 2005) 132.

245 Ibid., 131.

information systems that will be used in collaborative efforts for a range of topics across federal agencies."[246]

Similar to roles and responsibilities, perceptions on authority can differ across the interagency community. For example, several members of the Department of Justice Civil Rights Division asserted that the Human Trafficking and Prosecution Unit was positioned to take a leadership role in coordinating anti-trafficking efforts. However, the Department of Homeland Security's ICE officials did not recognize a need for leadership beyond that of the SPOG. Department of Justice officials on the other hand, asserted that the SPOG and its working groups were not sufficient interagency leadership mechanisms because investigative and prosecutorial agencies were constrained by operational-level rules and limitations, while the SPOG operated at a policy level.[247] The FBI also recognized that true interagency authority and leadership needs to cut across federal agencies since no one department can address trafficking on its own.[248] Currently, there is no entity in the interagency space above the departments and below the president with the authority to fulfill this leadership role.

In a 2007 survey of organizations involved in the provision of services to trafficking victims through a comprehensive service program, nearly all of the elements of a strategic framework were singled out as problem areas. Partner agency representatives reflecting on past experiences identified that "collaboration and coordination among service providers working with victims of human trafficking had not been common practices." Approximately half of those surveyed indicated that key partners did not engage in joint planning and activities for victims, did not work together towards common goals that were complementary, and lacked a shared vision among service-providing agencies.[249]

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246 U.S. Government Accountability Office, *Human Trafficking a Strategic Framework could Help Enhance the Interagency Collaboration needed to Effectively Combat Trafficking Crimes: Report to Congressional Requesters*, (Washington, DC: GAO, 2007) 28.

247 Ibid., 27.

248 Ibid., 27.

249 Caliber, *Evaluation of Comprehensive Services for Victims of Human Trafficking: Key Findings and Lessons Learned,* (Fairfax, VA: Caliber, an ICF International Company,

Information Sharing

Challenges in sharing information can also inhibit interagency coordination. In the absence of an integrated approach, it is common for departments and agencies to view human trafficking challenges from the perspective of individual agency interests, which can result in a reluctance to share information externally.[250] In a 2007 survey of organizations involved in the provision of services to trafficking victims, 48 percent of individuals surveyed recognized that partners historically did not "interact for the purposes of sharing information and communicating about human trafficking."[251]

Even within a single agency like the Department of Justice, where anti-trafficking capabilities exist throughout the organization, information is not always shared. Justice Department officials have identified the need to establish more formal mechanisms for communication and information sharing, noting that case-by-case information sharing was good overall, but that there was a lack of consistency in information sharing among field offices. The need for a central repository of trafficking information has also been recognized.[252] A 2007 GAO report on the monitoring and evaluation of international anti-trafficking projects found that officials in countries where research was performed often relied on ad hoc meetings to share information amongst themselves and with implementing partners.[253]

2007) 21.

250 Amy O'Neill Richard, *International trafficking in women to the United States a contemporary manifestation of slavery and organized crime*, (Washington, DC: Center for the Study of Intelligence, DCI Exceptional Intelligence Analyst Program, 2000) 31.

251 Caliber, *Evaluation of Comprehensive Services for Victims of Human Trafficking: Key Findings and Lessons Learned,*. (Fairfax, VA: Caliber, an ICF International Company, 2007) 21.

252 U.S. Government Accountability Office, *Human Trafficking a Strategic Framework could Help Enhance the Interagency Collaboration needed to Effectively Combat Trafficking Crimes: Report to Congressional Requesters,* (Washington, DC: GAO, 2007) 24.

253 U.S. Government Accountability Office, *Monitoring and Evaluation of International Projects are limited, but experts suggest improvement,* (Washington, DC: GAO, 2007) 17.

Interagency Rivalries

A 2005 Case Study on Trafficking in Persons in the U.S. points to patterns of conflict between federal law enforcement agencies. Research identified that rivalries between the FBI and other federal law enforcement agencies were particularly salient. Areas of divergence were also noted between the FBI and attorney general's office, and between the FBI and immigration authorities. For example, a Department of Justice official indicates:

> I brought in the case early on and after that I sense some micro-managing going on. I first approached the U.S. Attorney's office to request subpoenas… First of all, let me mention that there was some tension between the U.S. Attorney's office and the FBI. The U.S. Attorney's office does things differently than the FBI… I would say that we had our professional agreements on certain issues – that's all.[254]

One aspect of interagency criticism focused on a perceived lack of commitment to tackle anti-trafficking cases. The following is an excerpt from an interview with a Department of Justice Prosecutor regarding an investigation of a Florida agricultural trafficking case:

> It was incredibly frustrating – we needed certain things to prosecute the case, but had trouble getting it with the agents we had. We spent two years working with the federal agents in Florida, going back and forth, and I don't know if they were as committed to the case as we were.[255]

The problem of interagency rivalries and conflicts extends to the U.S. government's interaction with Non-governmental Organizations (NGOs) as well. The above-cited 2005 study states that "federal investigators and prosecutors repeatedly cited the conflict between federal agencies and NGOs as a stumbling block."[256] NGO workers

254 Kevin Bales and Steven Lize, *Trafficking in Persons in the United States a Report to the National Institute of Justice: Final Report,* (Jackson: Croft Institute for International Studies, 2005) 131.

255 Ibid.

256 Ibid., 130.

voiced similar concerns regarding the FBI's capacity to effectively address human trafficking cases.[257] The study concluded that "such inter-agency rivalries and conflicts, whether based on fact or personal viewpoints, inhibit the multi-agency collaboration required to increase prosecutions of human traffickers."[258]

Personnel and Funding Challenges

A shortage of personnel to address human trafficking poses a significant challenge. Coordination mechanisms such as the HSTC require full-time staff devoted to anti-trafficking. Yet, GAO finds that U.S. officials involved in anti-trafficking initiatives overseas are often responsible for other issues as well. At the U.S. Embassy in Indonesia for example, the official charged with anti-trafficking duties was also assigned as the deputy chief of mission in East Timor. In Mexico, a failure to replace the sole official with anti-trafficking responsibilities caused confusion for Mexican authorities who were uncertain as to who was responsible for issues related to human trafficking within the U.S. government.[259]

U.S. officials overseas identified a lack of awareness regarding other departments' plans to allocate funding for anti-trafficking activities as a challenge. The alignment of foreign assistance funding under the director of foreign assistance is intended to coordinate such information, however, some officials have expressed uncertainty regarding which part of the U.S. government would be responsible for developing the U.S. anti-trafficking budget.[260] Trafficking cases are among the most expensive to investigate and prosecute. In the absence of appropriations to parallel the congressional authorization, agencies must take existing programs to pay for anti-trafficking efforts. The president's $50 million initiative assisted in providing limited support to international programs, but provided no corresponding funds for domestic anti-trafficking initiatives.

257 Ibid., 131.
258 Ibid.
259 U.S. Government Accountability Office, *Monitoring and Evaluation of International Projects are limited, but experts suggest improvement*, (Washington, DC: GAO, 2007) 17.
260 Ibid., 18.

What diplomatic, financial, and other achievements and costs resulted from these successes and failures?

This case has explored various costs broadly associated with the existence of trafficking including expanded criminal networks, terrorist financing, infiltration of disease, and corruption contributing to the erosion of legitimate institutions worldwide. The paper has also exposed several more specific costs that derive from a failure to devise and implement an integrated approach to this complex national security challenge. Overall, the discussion shows that the U.S. response to trafficking has been reactive and dependent on individual cases and personal relationships for success. The lack of a federal anti-trafficking strategy increases reliance on coordination between individual organizations with diverse perspectives on the problem. These disparate strategies and visions of success inhibit evaluation and improvement on U.S. anti-trafficking initiatives. Without common goals, there are no apparent metrics that can be applied to anti-trafficking programs across the whole-of-government. Insufficient clarity regarding USG roles and responsibilities for anti-trafficking efforts has resulted in instances of confusion among U.S. officials, host nation counterparts, and trafficking victims alike. U.S. authorities have expressed uncertainty regarding existing and appropriate roles of federal agencies with anti-trafficking responsibilities. Ambiguity concerning a lead U.S. agency for anti-trafficking efforts in a particular country can also confuse host nation officials seeking to work with the U.S. on the issue. Finally, from the perspective of trafficking victims, care providers do not always seem to coordinate with one another and can appear unaware of how their partner organizations are handling a common case.

Conclusion

The moral and humanitarian implications of human trafficking are readily apparent. Moreover, trafficking is a vital U.S. national security concern that has been linked to organized crime, terrorism, global health, and government corruption. Consensus largely exists that the lack of an integrated approach has inhibited the ability of the USG to successfully counter the complex human trafficking threat. An analysis of the USG response to this national security challenge over the past decade has revealed a lack of an integrated strategy to guide the

implementation of a government-wide approach to anti-trafficking. As a result, cross-agency coordination in executing department-level strategies and plans is often unstructured and sporadic. Several interagency mechanisms have been created to facilitate coordination, and they are successful to a degree, but they are constrained by a lack of authorities in key areas such as personnel recruitment, funding streams, and assignment of roles and responsibilities. The result has been a primarily reactive response, confusion over anti-trafficking roles and responsibilities, and an inability to effectively evaluate and improve existing anti-trafficking programs.

Dealing with Emerging Powers

CHAPTER 4. U.S.-INDIA CIVIL NUCLEAR COOPERATION AGREEMENT

Patrick Mendis and Leah Green[261]

Introduction

The proposed U.S.-Indian civil nuclear cooperation agreement is important to the Project on National Security Reform (PNSR) because it represents a transformation in American nuclear nonproliferation policy. This policy change resulted from a new U.S. strategic vision selected to reflect a rapidly changing global security environment. By investigating the policy shift and security-policy dynamic, this case study illustrates the challenges of adjusting long-standing guidelines to suit new strategic frameworks. It also offers insight for future occasions in which broader strategic ties and policy aims transcend traditional security concerns. The key issue of the proposed U.S.-India nuclear deal—balancing nonproliferation goals with other foreign policy objectives—is one that will remain relevant with respect to India even if the nuclear agreement falls through. Indeed, New Delhi's gradual emergence as a global power and status as the world's largest practicing democracy ensures that

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the United States will have lasting geopolitical interests in the Indian sub-continent. The U.S. government will be forced to integrate these geopolitical concerns into its future nonproliferation strategies.

The evolution of U.S.-Indian relations within a nuclear context is ultimately a study of executive control over national security issues, and demonstrates the effects of reoriented presidential priorities on international regimes, government agencies, and policies. The George W. Bush administration's decision to negotiate a civil nuclear cooperation deal with India concluded nearly three decades of nuclear isolation for the subcontinent following India's 1974 nuclear test. After India joined the nuclear club, relations with the U.S. remained weak and often antagonistic. Former President Bill Clinton's 2000 trip to New Delhi marked both the first visit by an American president in 22 years, and the beginning of friendlier U.S.-Indian relations. Determined to solidify these ties, the Bush administration proposed a nuclear cooperation agreement between the two countries in 2005.

President Bush and Indian Prime Minister Manmohan Singh worked out the terms of this proposal; however, before a formal agreement could be negotiated, U.S. laws had to be adjusted to allow for the possibility of nuclear commerce with India. Congress revised relevant legislation in 2006, but required the Bush-Singh proposal to meet new conditions which called for renegotiation of the accord. Though the text of the final agreement was released in 2007, it will not go into effect until the administration successfully resubmits it to Congress for approval in late 2008. In the meantime, the American and Indian governments are working to address congressional requirements for nuclear trade.

Outline

This case examines the workings of the U.S. nonproliferation policy shift toward India. As the initiative is relatively recent, extensive information is not yet publicly available and limited secondary research exists. Thus, the study relies on information from a variety of U.S. and international political and diplomatic correspondents, scrutiny from nonproliferation and arms control experts, as well as testimony and reports from relevant congressional hearings, press conference transcripts, and releases (and an individual first-hand account), to construct a solid picture of events for analysis. First,

the case relates background developments affecting U.S.-Indian bilateral relations and describes the basis for prior American nuclear export policies. Next, the study discusses the overall coherency of previous nonproliferation policy and the mechanisms that strengthened it. Then, the text investigates the foundation and effects of Bush administration policy on U.S. laws and the international nonproliferation regime. Overall, the case study endeavors to analyze strategy in light of four key questions that assess U.S. government decision making:

1. Did the U.S. government generally act in an *ad hoc* manner or did it develop effective strategies to integrate its national security resources?

2. How well did the agencies and departments work together to implement these *ad hoc* or integrated strategies?

3. What variables explain the strengths and weaknesses of the response?

4. What diplomatic, financial, and other achievements and costs resulted from these successes and failures?

Brief answers to each of these questions are as follows:

1. Under the George W. Bush administration, the U.S. government's decision-making process moved away from a coherent strategy based on nonproliferation toward an *ad hoc*, White House-dominated approach that circumvented the interagency process.

2. The success of this *ad hoc* strategy has been limited because it was tied to a coherent, rule-based strategic context and changes at a domestic level were not coordinated with parallel regulatory shifts at an international level. The administration's strategy gained begrudging and limited cooperation from Congress, and failed to win over the deal's opponents with terms that were palatable to both U.S. lawmakers and New Delhi.

3. The flaws of the U.S. government approach, the resulting agreement, and much of the ensuing controversy over the

nuclear accord can be traced to unilateral and unanalyzed White House decision making. This approach characterized not only the administration's dealings with Congress, but U.S. government negotiations with New Delhi over the terms of cooperation, as well.

4. One achievement of the administration's approach is that the nuclear agreement with India advanced quickly, allowing for much to be accomplished within a relatively brief period of time. However, a critical cost of the administration's strategy may be disintegration of the nuclear deal itself, which must still navigate substantial U.S., Indian, and international hurdles before it goes into effect. This might have been more easily avoided had the administration employed a different approach toward implementing U.S.-Indian civil nuclear cooperation.

Background on U.S. Nonproliferation Policy

There are three distinct eras in the history of U.S. nonproliferation policy: secrecy and monopoly in 1945, the promotion of atomic energy for civilian use in the 1950s and 1960s, and technology controls from the mid-1970s to roughly present day.[262] As the first country to apply atomic power, the United States government initially wanted simply to maintain dominance in this new field. The Atomic Energy Act (AEA) passed by Congress in 1946 created the Atomic Energy Commission (AEC), whose purpose was to safeguard nuclear materials and facilities placed under civilian control after the end of World War II. The commission did this by creating licenses for nuclear materials in order to monitor their transfer and to ensure that fissile materials were not being diverted from government programs and facilities.

The AEC was an executive agency with authority to supervise all activities pertaining to atomic energy development. The commission exercised expansive policy control, and an overseeing body was

262 William Potter, "India and the New Look of U.S. Nonproliferation Policy," *The Nonproliferation Review* 12.2 (Jul. 2005): 344, 18 May 2008, available at http://cns.miis.edu/pubs/npr/vol12/122/122potter.pdf.

created and significantly empowered to check the AEC's otherwise unchallenged influence in atomic energy. The Atomic Energy Act created this supervisory organization, which was known as the Joint Committee for Atomic Energy (JCAE). The JCAE was comprised of 18 members of the House and Senate, and was charged with "continuing studies of the activities" of the AEC, which in turn was required to keep the committee "fully and currently informed" of its actions.[263] In practice, members of congressional committees most acquainted with atomic energy matters (such as the Committees on Foreign Relations and Armed Services from both houses) were appointed to the JCAE.[264] Consequently, committee members tended to be both knowledgeable about, and interested in, furthering the nation's atomic energy program.

By the mid-1950s, the international climate had changed. It became obvious that atomic energy was a dual-use technology, which could constitute a threat to international security in the form of a potential Soviet arsenal, or provide the basis for peaceful civilian and commercial nuclear power facilities. To encourage the latter, the United States created the Atoms for Peace program which called on members of the United Nations to cooperate in developing civilian applications for atomic energy. Atoms for Peace envisioned nuclear commerce between states for friendly, pacific, development purposes. Additionally, the AEA was amended in 1954 to allow industrial nuclear energy development, and the AEC established new licensing requirements for non-governmental entities that intended to own or operate nuclear power facilities.

Congress expanded the powers of the JCAE, a body which enjoyed an unusually close relationship with the executive branch, around this time as well.[265] The National Commission on Terrorist Attacks upon the United States (also known as the "9/11 Commission")

263 See Section 1(a) of the 1946 Atomic Energy Act (AEA), 18 Aug. 2008, available at http://www.sc.doe.gov/bes/Atomic_Energy_Act_of_1946.pdf.

264 Christopher M. Davis, *9/11 Commission Recommendations: Joint Committee on Atomic Energy -- a Model for Congressional Oversight?* CRS Report for Congress, (Washington, D.C.: The Library of Congress, 20 Aug. 2004) 10, 25 Apr. 2008, available at http://www.fas.org/irp/crs/RL32538.pdf.

265 See Section 1(a) of the 1946 AEA.

investigated this relationship and elaborated on the JCAE's unprecedented powers, noting that the committee filled both an oversight and legislative role. This unusual combination of functions "essentially preempted all other committees, except the Committee on Appropriations, from the items of JCAE's jurisdiction."[266] Jurisdiction included the activities and responsibilities of the Department of Defense (DOD), and all other federal agencies involved in "the development, utilization or application of atomic energy."[267] In short, the JCAE was granted expansive control and exclusive oversight over all "bills, resolutions and other matters... relating primarily to the Commission or to the development, use and control of atomic energy."[268]

Conforming to this authority, the Pentagon provided information to the JCAE, as did the Senate and the House of Representatives. In return, the committee was required to report periodically to each congressional house, "by bill or otherwise," with recommendations on matters under their jurisdiction.[269] In order to be "fully and completely informed" of AEC and relevant DOD activities, the committee had exclusive access to restricted information not available to any other congressional committee. It "jealously guarded that information [which] gave the committee tremendous power in its area of expertise."[270] Generally, the JCAE's recommendations to the House and Senate were adopted with little disagreement, and rarely was a conference committee required to resolve differences between congressional houses.[271]

This authority allowed the committee to oversee the activities of the Atomic Energy Commission and other departments in real time. It also positioned the JCAE alongside the executive branch as a co-decision maker, directing policy conceptualization instead of merely overseeing its implementation. Through the JCAE, Congress was able to review, influence, and even restrain the actions of a powerful

266 Davis, 14.
267 Cited in Davis, 16.
268 See Section 15(b) of the 1946 AEA.
269 Ibid.
270 Davis, 3.
271 Davis, 14.

executive commission (the AEC) that controlled development of the nation's atomic energy program.

The Joint Committee also had the power of legislative (or congressional) veto, under which congressional disapproval resolutions could nullify executive branch decisions. The committee used this veto to shape policy.[272] Beginning in 1951, Congress determined that certain dealings of the AEC—the classification of atomic data, the sharing of restricted atomic energy-related information with other countries, and nuclear cooperation agreements, for example—must "lie before the joint committee" for thirty days, during which time the JCAE could evoke its veto power.[273] The thirty-day review period afforded the committee an opportunity to influence policy direction, which frequently reflected the body's "unswerving dedication to the development of nuclear power."[274] Often there was little need for the committee to resort to a legislative veto. According to the 9/11 Commission, "due to the close relationship between the JCAE and the AEC, and their roles as 'co-decision makers,' the joint panel often got its way."[275]

The influence of the committee's legislative veto was of sufficient import that thirty-two years later, the U.S. Supreme Court would find in *INS vs. Chadha*, 1983—a case unrelated to nuclear activities––that a congressional veto by resolution of one or both houses was unconstitutional.[276] By then, the AEC and the JCAE had been disbanded by the Energy Reorganization Act (ERA) of 1974. Nevertheless, the years immediately following the 1954 Atomic Energy Act amendments were marked by a powerful, unconventional committee that relied on comprehensive access to information through referral and oversight functions, instead of legislative

272 The congressional veto first appeared in U.S. government during the 1930s when it was used by the legislative branch of government to challenge some actions of the executive branch, such as the reorganization of government agencies. The veto was first authorized by the Reorganization Act of 1939, and reappeared as a provision within legislation over two hundred times in the next half a century. Congress enacted this provision in 1951.

273 Davis, 19.

274 Davis, 17.

275 Davis, 20.

276 See INS V. Chadha, no. 80-1832, U.S. Supreme Court, 23 June 1983.

ability, to participate in executive policy-making deliberations and implementation.[277] The JCAE used its considerable powers and executive access to influence the direction of nuclear policies, and to institute and protect the programs it believed "vital to the national interest," even in the face of executive opposition.[278] The nation's atomic energy program developed robustly as a result.

International Organization: The Nuclear Non-Proliferation Treaty (NPT) and the Nuclear Suppliers Group (NSG)

As the American atomic energy program began to expand domestically, an increasing number of countries became interested in the development and uses of nuclear power. As a result, international discussions began on how to prevent the misuse of atomic energy. In 1967, the United Nations General Assembly approved the Nuclear Non-Proliferation Treaty (NPT), which sought to limit the spread of nuclear weapons through nonproliferation, disarmament, and peaceful nuclear cooperation incentives.[279] The NPT was an addition to the existing international nonproliferation regime that had been established by the United States largely through the Atoms for Peace program. The ideas that formed the basis of the NPT originated from the U.N. General Assembly as a 1961 consensus Irish resolution.[280] The U.S. proposed drafting a treaty for disarmament with the Soviet Union based on the Irish resolution and negotiations for a formal nonproliferation treaty began, expanding to include other important nuclear and non-nuclear governments.[281] The NPT defined five countries as nuclear weapons states: the United States, the United Kingdom, China, France, and the Soviet Union. Each of these nations had developed or acquired nuclear weapons before 1967. All other parties to the treaty were called non-nuclear weapons states

277 Davis, 24.

278 Ibid.

279 For complete text of treaty, see International Atomic Energy Agency (IAEA), Information Circular, *Treaty on the Non-Proliferation on Nuclear Weapons*, 22 Apr. 1970, 15 May 2008, available at http://www.iaea.org/Publications/Documents/Infcircs/Others/infcirc140.pdf.

280 George Bunn, "The Nuclear Nonproliferation Treaty: History and Current Problems," *Arms Control Today,* Dec. 2003, 10 May 2008, available at http://www.armscontrol.org/act/2003_12/Bunn.asp#notes6.

281 Ibid.

(NNWS). The treaty prohibited the five nuclear weapons states from transferring nuclear weapons to NNWS, and obligated the nuclear weapons countries to negotiate disarmament amongst themselves. Non-nuclear parties to the treaty agreed not to receive nuclear weapons or explosives from any source or to manufacture these items indigenously. In return, nuclear weapons states would transfer nuclear technologies to NNWS to help them develop their own atomic energy programs for strictly peaceful purposes. To verify that nuclear energy and technologies were not being diverted into weapons programs, NNWS agreed to accept safeguards from a monitoring body, the International Atomic Energy Agency (IAEA). The NPT also set up a Nuclear Exporters Committee, otherwise known as the Zangger Committee, to maintain a so-called Trigger List of items that could only be exported if the receiving facility was outfitted with safeguards. The NPT went into effect in 1970. Today, only four countries remain outside the NPT framework: North Korea, Israel, Pakistan, and India.

In 1963, a few years prior to the final drafting of the NPT, the United States and India signed a bilateral agreement to promote nuclear commerce. Washington provided New Delhi with two commercially popular light water reactors and agreed to sell India enriched uranium the reactors needed for fuel. The two countries agreed that upon joint determination, spent fuel could be reprocessed in Indian facilities so that more energy could be extracted.

Though India had participated in negotiating the terms of the NPT, Indian diplomats protested the treaty on the grounds of discrimination against countries that might develop nuclear weapons after 1967. India felt that the NPT created a privileged group of 1960s-era nuclear "haves," against whom all other states were "have-nots."[282] Consequently, New Delhi refused to sign the NPT. However, the U.S.-Indian bilateral agreement remained intact, as Article IV of the NPT recognizes the inalienable right of sovereign states to engage in peaceful nuclear energy development.

282 For a more detailed discussion see Munish Puri, "India and the NPT – A Nuclear Existential Dilemma," *Institute of Peace and Conflict Studies*, 6 May 2005, 2 June 2008, available at http://www.ipcs.org/printArticle.jsp?kValue=1731.

After India's 1974 nuclear test, the international community became convinced that non-weapons specific items—the kind that had been available to India and which are otherwise known as dual-use items—could lead to weapons development. (If an item has a dual-use, it can be applied to both civilian and military purposes.) To discourage the improper exploitation of dual-use materials, the U.S. implemented greater restrictions on nuclear trade. In direct response to the Indian nuclear test, the United States formed the Nuclear Suppliers Group (NSG) which today is an international 45-member body.[283] The six other founding members of the NSG were Canada, France, Germany, Japan, the Soviet Union, and the United Kingdom. The group formally coordinated individual nuclear-related export policies and strengthened safeguards on existing nuclear materials. In supporting the NSG, the U.S. government (and other founding nations) hoped that the body would help bring non-NPT states under the umbrella of an international nuclear export regime. The group used what was essentially a reformulated Trigger List to identify items that could only be exported to non-nuclear states (including states not party to the NPT) if IAEA safeguards or some other exceptional safety agreement were in place. Unlike the Zangger Committee, NSG members are legally bound by the group's guidelines.

From 1978–1990, the NSG was relatively inactive and nuclear export policies remained unchanged. Tadeusz Strulak, Chairman of the NSG's 1992 meeting, attributes this inertia to "the unwillingness of some" supplier countries to move beyond the export guidelines established in 1977.[284] However, the group began to meet regularly at the close of the Cold War and the beginning of the Gulf War. In 1992, under pressure from the United States, the NSG adopted a full-scope safeguards requirement as a condition for nuclear export. A 1995 Non-Proliferation Treaty review and extension conference saw all NPT party states endorse the principle of mandatory full-scope safeguards, thus making it a global norm for nuclear supply.

283 For a history of the NSG, see Tadeusz Strulak, "The Nuclear Suppliers Group," *The Nonproliferation Review* 1, (1993): 2-10, 2 July 2008, available at http://cns.miis.edu/pubs/npr/vol01/11/strula11.pdf.

284 Strulak, 3.

Domestic Organization: The Energy Reorganization Act (ERA) and Nuclear Non-Proliferation Act (NNPA)

As the scope of nuclear technology applications and atomic energy activities expanded rapidly in the 1960s and 1970s (a full-fledged U.S. commercial nuclear industry had only just emerged as a possibility on account of recent legislation that allowed for private ownership, as opposed to government leasing, of nuclear materials),[285] the Atomic Energy Commission faced growing criticism. This censure centered on the fact that the agency regulated the same energy source it had helped to develop and operate.[286] Doubts emerged as to the ability of a single agency to regulate all aspects of nuclear power. In 1974, President Gerald Ford signed the Energy Reorganization Act (ERA) which addressed this conflict of interest by abolishing the Atomic Energy Commission along with its overseeing body, the JCAE. In its place, the ERA created the Energy Research and Development Administration (ERDA) and the Nuclear Regulatory Commission (NRC). Shortly thereafter, President Jimmy Carter's Department of Energy Organization Act of 1977 dismantled ERDA and replaced it with the Department of Energy (DOE).

Since 1977, the NRC has been responsible for regulating nuclear power, while the DOE has been tasked with atomic energy research and development. In order for matter to be classified as atomic, it must be determined as such by the president and Congress in writing.[287] The ERA placed these agencies under the jurisdiction of now-separate House and Senate atomic energy committees and required both the secretary of energy and the NRC, along with the Departments of State and Defense, to "fully and currently" inform these committees of any activities pertaining to and involving the development of nuclear energy.[288] In order to distribute atomic matter

285 Alice L. Buck, United States, Executive Secretariat, Department of Energy, *A History of the Atomic Energy Commission* (Washington: GPO, 1983) 5, 2 Jun. 2008, available at http://www.atomictraveler.com/HistoryofAEC.pdf.

286 Buck, 7.

287 See Section 51 of United States, General Consul, Nuclear Regulatory Commission (NRC), *Nuclear Regulatory Legislation,* 109th Cong., 2nd session, Vol. 1, No. 7, Rev. 1 (Washington: GPO, 2006), 2 June 2008, available at http://www.nrc.gov/reading-rm/doc-collections/nuregs/staff/sr0980/rev1/vol-1-sec-1.pdf.

288 See Section 303 of ---, ---, ---, *Nuclear Regulatory Legislation.*

and related technologies, the DOE must have an NRC-issued license. Once the DOE consults the NRC and obtains concurrence from the Departments of Defense and State, the NRC will issue the requested export license.[289] No export license for atomic materials and related technologies can be granted without executive approval.

Along with other relevant executive agencies, the new NRC and DOE collectively assumed the role of the now-defunct AEC in determining U.S. nuclear export policies. Under this system, the transfer of sensitive materials and technologies to other nations, groups of nations, or regional defense bodies is accomplished through a bilateral agreement on the conditions of trade. In addition to receiving executive approval, nuclear cooperation agreements must meet a list of criteria outlined in Section 123 of the AEA (as such, cooperation accords are dubbed "123 Agreements"). Their terms are negotiated by the secretary of state, along with the "technical assistance and concurrence" of the secretary of energy, and the language of any agreement is reviewed by the NRC.[290] Following presidential approval, the proposed accord is submitted to relevant congressional committees.

The House Committee on Foreign Affairs and the Senate Committee on Foreign Relations may hold hearings on the proposed cooperation agreement for a period of sixty days. During these sessions, the NRC and the Departments of State, Energy, and Defense must "promptly furnish" the committees with their views on the terms of the proposal.[291] Once sixty days have passed, the committees will recommend a course of action to their respective bodies. The agreement will then come into force automatically unless Congress passes a joint resolution stating that it does not favor the proposal. The president has limited authority to forgo some Section 123 requirements, but if substantial stipulations have been waived by the executive, the agreement will not come into force until Congress passes a joint resolution favoring the proposal. In this manner, an agreement that does not meet Section 123 criteria is still subject to congressional review, during which time Congress may condition its approval of the accord.

289 Section 111b, Ibid.
290 Section 123(9)a, Ibid.
291 Section 123(9)d, Ibid.

In the years following the ERA, the market for international nuclear commerce had grown and after the Indian nuclear test, American policy makers realized that even if the U.S. did not export enriched uranium to India, other countries soon could and would. To discourage such a development, Congress passed the 1978 Nuclear Non-Proliferation Act (NNPA) after President Carter took office and ordered a review of U.S. nonproliferation policy.[292] Similar to what the NSG had accomplished among countries, the NNPA coordinated various U.S. government departments by mandating stringent export criteria in order to unify U.S. nuclear export policies and to strengthen the guarantee that receiving countries were not diverting fissionable materials for non-peaceful purposes.

Under the Nuclear Non-Proliferation Act, the Nuclear Regulatory Commission is responsible for verifying that U.S.-supplied nuclear fuel intended for peaceful nuclear development is not diverted into weapons programs or proliferated. Severe new NNPA standards for bilateral agreements insisted that the United States retain veto authority over third-party reprocessing of any U.S.-origin spent fuel. This was viewed as critical to non-proliferation since one way of creating fissionable material is through reprocessing, whereby more uranium fuel can be extracted from spent stores and additional (and potentially unaccounted for) plutonium is created as a procedural byproduct. Plutonium is strictly regulated in the United States—not only as an inherently dangerous item, but because it can be directly applied to the manufacture of nuclear weapons.[293]

Under the Nuclear Non-Proliferation Act, a state must have full-scope IAEA safeguards in place on all nuclear facilities, sensitive materials, and technologies regardless of their origin in order to receive U.S. nuclear deliveries. This mean that if a country wants

292 George Perkovich, *India's Nuclear Bomb: the Impact on Global Nonproliferation* (Berkeley: University of California Press, 1999) 206.

293 Plutonium is sometimes referred to as "bad to the bone"—a reference to its ability to permanently attach to the skeleton, irradiating bone marrow which produces blood cells. Despite the fact that it is one of the most restricted substances in the world, plutonium is considered optimal for nuclear weapons production partly because unlike uranium, the element need not undergo enrichment in order to be useful.

to purchase nuclear fuel from the United States, it has to have full-scope safeguards in place even if it also imports such items from another country that might not require them, and even if a facility does not receive transfers directly from the United States. Finally, the NNPA disallows nuclear cooperation agreements with countries that have conducted nuclear tests or engaged in proliferation-related activities. In such an event, the NNPA stipulates that all previously exported items return to the United States, and the bilateral agreement automatically terminate. All of these provisions provide incentives for non-NPT parties to join the treaty and disarm in order to access U.S. nuclear supplies.

The NNPA gave Congress more authority to formulate U.S. nonproliferation policy by allowing it to mandate the renegotiation of existing bilateral nuclear cooperation agreements. It also kept Congress better informed of executive actions by requiring annual reports on the state of U.S. nonproliferation objectives and the previous years' policy history. As such, Congress deliberately created a role for itself that claimed a greater measure of influence over the direction of U.S. nonproliferation policy. Meanwhile, from 1978 onward, nonproliferation advanced as a key priority of Washington's foreign policy agenda.

U.S. Nonproliferation Policy in Action: Response to the 1974 Nuclear Test

After India's 1974 nuclear test, a number of countries announced they were re-examining their nuclear relations with New Delhi. Canada felt particularly betrayed by India's use of a Canadian-supplied reactor to provide plutonium for the so-called peaceful explosion.[294] Canadian Chief Foreign Policy Minister Ivan Head maintained that "India's May 18 explosion of a nuclear device violate[d] the '71 understanding between India and Canada on Canadian aid to India's nuclear energy program."[295] Days later, Ottawa froze its assistance to India's program.

294 For a discussion of Indian political considerations concerning the 1974 test, see Perkovich 176.

295 Robert Trumbull, *New York Times,* 21 May 1974: A1, LexisNexis Academic, LexisNexis, Kreitzburg Library, 2 June 2008, available at http://grad.norwich.edu,

However, U.S. support continued as the American administration "concluded that the Indian test did not violate any agreement with the United States and Washington and [the U.S. government] was therefore mandated by the 1963 nuclear cooperation agreement . . . to sell enriched uranium to India for [the U.S.-built nuclear facility at] Tarapur."[296] One of the functions of the Tarapur Atomic Power Station (TAPS) was (and remains) to reprocess spent fuel from local reactors, as well as to generate electricity for the surrounding area. TAPS was under IAEA safeguards, and was not involved in the nuclear detonation.

The U.S. NRC continued to ship enriched uranium to TAPS for two more years, until President Ford announced a significant change to U.S. export policies in response to the nonproliferation debate that had erupted in Washington after the 1974 test. The legislative branch moved to tighten nonproliferation policies by ending U.S. assistance "and where possible, other states' assistance, to proliferation-sensitive countries."[297] The Ford Administration called for "halting the reprocessing of spent-fuel unless there is sound reason the world community can effectively overcome the associated risks of proliferation."[298] The NRC began to withhold uranium transfers on nonproliferation grounds, while the United States pressed New Delhi to accept IAEA safeguards on all of India's nuclear facilities.[299]

Nonproliferation was a central issue during the presidential campaign of former nuclear engineer Jimmy Carter but after assuming office in 1977, President Carter determined to reconcile this objective with a competing desire to strengthen U.S.-India relations.[300] Carter had a fondness for the country where his mother had served as a Peace Corps volunteer, and believed India to be "an influential regional power that should be addressed on its own terms."[301] The President established dialogue with Indian Prime Minister Morarji Desai, and

296 Perkovich, *India's Nuclear Bomb*, 184.
297 This was done by passing the 1976 Symington Amendment to the Foreign Assistance Act. See Perkovich, 198.
298 Cited in Perkovich, 198–199.
299 Perkovich, 202.
300 Perkovich, 198–199.
301 Perkovich, 199.

Desai verbally agreed to "reject future nuclear explosions" even though New Delhi did not formally accept this provision.[302] In return, Carter promised that he would authorize one more pending shipment of U.S. fuel supplies to TAPS.

In 1978, however, Congress intervened and officially blocked the administration from exporting fuel to India by passing the Nuclear Non-Proliferation Act.[303] According to George Perkovich of the Carnegie Endowment for International Peace, proponents of the NNPA had purposely sought:

> ... to correct prior executive branch inattention to nonproliferation. Republican Senator Charles Percy noted bitterly that for his first seven years in office, Henry Kissinger "had never spoken before Congress on nonproliferation." Congress simply did not trust the executive branch to promote decisively the American and international interest in nonproliferation... [and] now intended "to tie the hands of the president and the international community," as the leading scholar of the NNPA concluded.[304]

As mentioned, new export policies outlined in the NNPA disallowed nuclear transfers to countries that lacked full-scope IAEA safeguards like India. Instead of compelling New Delhi to adopt nonproliferation

302 Perkovich, 203.

303 Relations between the executive and legislative branches of U.S. government had soured over nuclear cooperation with India, particularly over a "heavy water" episode. After the 1974 test, India assured the U.S. that American-supplied "heavy water" (deuterium-enriched water necessary to convert natural uranium into plutonium) had not been used to produce explosive materials. Neither the U.S. State Department nor AEC followed up on this claim. However, the IAEA later confirmed that American material had indeed been used. When confronted, the State Department continued to deny the possibility. Some critics accused the department and other executive agencies of covering up the fact that India had used U.S. heavy water. Other White House incidents, such as the Watergate scandal and the Vietnam War, contributed to a deep Congressional "dissatisfaction with the performance of the executive branch." See J. Samuel Walker, "Nuclear Power and Nonproliferation," *Diplomatic History* 25.2 (Spring 2001): 215–249.

304 Perkovich, 207.

policies, such as renouncing future nuclear tests or abandoning its nuclear weapons program as the U.S. had hoped, the NNPA drove a wedge between the two countries. India protested that new U.S. full-scope safeguards requirements should not apply to the 1963 agreement because the amendments were passed long after the terms of the bilateral agreement were negotiated. To address precisely such a concern, a grace period inscribed in the NNPA gave countries until 1980 to meet the new requirements. Accordingly, the U.S. government's supply of fuel to India continued until 1980.

However, from 1978–1980 the NRC twice moved to block the executive transfer of uranium-enriched fuel by denying appropriate export licenses based on India's refusal to accept IAEA safeguards on all of its nuclear facilities. Each time, President Carter overruled this decision by issuing an executive order to transfer low-enriched uranium fuel to TAPS. On May 8, 1980, Carter ordered the authorization of export licenses for another two years. The president's secretary of state, Edmund Muskie, reiterated the administration's belief that "a positive decision on Tarapur will encourage India in the long-term to act in ways consistent with U.S. interests."[305]

At the time, the NRC still had to recommend a course of action concerning two shipments requested by India during the grace period allotted by the NNPA, which had ended on March 10. The commission eventually denied a license for both shipments and was again overruled by the president, but the Senate Foreign Relations Committee and the House Foreign Affairs Committee concurred with the NRC's decision. Fearing that India might reprocess spent uranium fuel from its Tarapur stores if released from the terms of the agreement, Carter appealed to Congress for flexibility in applying the NNPA.[306] The administration very narrowly convinced a reluctant Senate to vote in favor of one more shipment to India in September 1980. India subsequently (and rather optimistically) applied for a NRC license to receive a third and then a fourth shipment of uranium fuel, insisting that under the 1963 agreement, the U.S. was obligated to supply.

305 "US to Export Nuclear Fuel to India," *Xinhua General Overseas News Service*, 20 Jun. 1980, LexisNexis Academic, LexisNexis, Kreitzburg Library, 2 July 2008, available at http://grad.norwich.edu.>

306 Walker, 245.

The Reagan team took office in 1981 with a different approach as, according to Perkovich, it opted to "discriminate between countries that posed threats to the United States and those that did not."[307] The subcontinent fell somewhere in between. Still, New Delhi reiterated its stance that should the U.S. government stop supplying uranium fuel, India would be free to do as it wished. Not only did this include the possibility of more "peaceful" nuclear tests, but also the reprocessing of spent fuel, which India announced it was ready to begin. Neither country was willing to capitulate to the demands of the other and fuel transfers halted completely. The stalled 18-year-old nuclear cooperation agreement seemed destined to end badly.

In 1981 the *New York Times* observed, "Some members of Congress opposed the shipments because India has consistently rejected international inspections of all its atomic facilities and has refused to say it would not produce nuclear weapons."[308] (Over two decades later, this would still be the case even as the United States proposed a new civil nuclear cooperation agreement with India.) Despite the turmoil, news reports cite the Reagan administration's reluctance to terminate the deal, indicating the president was "painted into a corner" by the NNPA.[309] Yet, believing that Congress was unlikely to approve future uranium transfers, the administration's decision to cease cooperation was "made known to the Indian government . . . by senior State Department officials in high-level talks that centered on nuclear issues."[310] In an effort to end the agreement on amicable terms and secure a commitment from India to maintain safeguards on spent fuel and reactors at Tarapur, a compromise was struck in July 1982 whereby France agreed to provide India with low-enriched uranium for TAPS. Any spent fuel stores at Tarapur, along with French-origin fuel, would fall under international safeguards. India also agreed to seek the permission of the U.S. government before reprocessing fuel

307 Perkovich, 233.

308 Judith Miller, "India Says Atom Safeguards Will End If U.S. Halts Fuel," *New York Times* 24 Apr. 1981: A3, A5, LexisNexis Academic, LexisNexis, Kreitzburg Library, 2 June 2008, available at http://grad.norwich.edu.

309 Don Oberdorfer, "U.S. is Ending 18-Year Nuclear Pact with India," *Washington Post* 23 Apr. 1981: A19, LexisNexis Academic, LexisNexis, Kreitzburg Library, 2 June 2008, available at http://grad.norwich.edu.

310 Ibid.

previously supplied by the United States.[311] When France's foreign minister announced the agreement, he noted that Paris did not require agreement-specific safeguards or reprocessing permission.[312] Any fissile materials of French-origin, however, would fall under IAEA safeguards. In this way, France assumed the role of the United States in the nuclear pact, and released Washington from fulfilling the majority of its obligations. The formal bilateral agreement expired in 1993 and the United States did not attempt to negotiate a replacement accord.[313]

Despite the compromise of French assistance, the endgame of U.S. nuclear export policies was global nuclear sanctioning against India. After extensive American lobbying resulted in the 1992 NSG adoption of full-scope IAEA safeguards requirements, all nuclear-supplier countries, including France, joined in a virtual nuclear embargo of India. The subsequent 1995 endorsement of the IAEA safeguards by remaining NPT parties was viewed by the U.S. government as a hard-won nonproliferation success. India continued to refuse the assumption of full-scope safeguards on its nuclear facilities; hence, any Indian commerce with nuclear exporters in the 1990s and early 2000s—even with Russia—drew public attention and elicited controversy.[314] This forced New Delhi to develop largely independent solutions to address its growing energy needs, limited and poor-quality natural supply of uranium, and security issues.

The development of these independent solutions, combined with a "deteriorating security environment" in the mid-1990s provided New

311 Bernard Weintraub, "Reagan and Mrs. Gandhi Dispute on Nuclear Fuel for India," *New York Times* 30 Jul. 1982: 1, LexisNexis Academic, LexisNexis, Kreitzburg Library, 3 June 2008, available at http://grad.norwich.edu.

312 "French Foreign Minister Visits India," *Xinhua General Overseas News Service*, 8 Aug. 1982, LexisNexis Academic, LexisNexis, Kreitzburg Library, 3 June 2008, available at http://grad.norwich.edu.

313 Nor did France, as India was still unwilling to accept full-scope IAEA safeguards on its nuclear facilities.

314 For example, see Vladimir Abarinov, "Russia Intends to Build Atomic Power Station in India," *Russian Press Digest,* 24 Feb. 1995, LexisNexis Academic, LexisNexis, Kreitzburg Library, 2 June 2008, available at http://grad.norwich.edu.

Delhi with an incentive for additional nuclear testing.[315] In May 1998, India announced it had carried out another series of underground nuclear explosions. Under the 1994 Nuclear Proliferation Prevention Act (NPPA), the United States was required to impose a variety of aid and trade sanctions against a NNWS that conducted a nuclear test.[316] Among other penalties, these embargoes terminated most dual-use exports to India. In addition to the United States, a host of other countries such as Canada, Denmark, Japan, and Sweden also suspended aid to India. Many other nations (including China and Russia) condemned the nuclear test.

The 1994 NPPA required the United States to oppose any World Bank and International Monetary Fund loans to India after the 1998 tests as well. The Clinton administration supported the World Bank's ensuing delay of an $800 million loan to India, and the U.N. Security Council passed a resolution calling on New Delhi to abandon nuclear weapons development. After India made several public nonproliferation commitments (such as a stated moratorium on nuclear testing, promises to strengthen nuclear export controls and announcing participation in Fissile Material Cut-Off Treaty negotiations), the American administration waived some sanctions. U.S.-Indian relations were further restored when President Clinton paid a landmark visit to New Delhi in 2000.

In hindsight, the ultimate failure of the U.S.-Indian nuclear agreement in the wake of the 1974 Indian nuclear test demonstrates the coherency of post-NNPA American nonproliferation policy. The disintegration of the 1963 contract also helps to explain some of the current difficulty facing the new nuclear cooperation agreement. From the Indian perspective, lingering distrust remains in New Delhi over Washington's historic failure to fulfill its fuel supply commitments. From the point of view of many in Washington, however, India's

315 This was the term used in reference to Pakistan by Indian Prime Minister Vajpayee to justify India's 1998 nuclear tests.

316 For text of Senate Resolution see United States, *Senate Resolution 227 – Expressing the Sense of the Senate Regarding the May 11, 1998 Indian Nuclear Tests*, 105th Cong., 2nd session, S. Res. 227, Washington: GPO, 12 May 1998, 18 May 2008, available at http://www.globalsecurity.org/wmd/library/congress/1998_cr/s980511-india11.htm.

record of nuclear testing makes New Delhi a less than ideal nuclear partner and has led many policy makers to push for strengthened nuclear export controls in the accord currently under consideration.

President Bush's New Approach

When George W. Bush assumed office, U.S. policy towards India shifted dramatically. While the Clinton administration had attempted to improve relations with New Delhi, its global vision was economics-driven and in Asia, focused on China.[317] At the time, economic growth rates had only just begun to accelerate on the subcontinent, and Clinton did not view India as a potentially significant ally relative to China. Though the administration had declared its intention to "cap, roll back and eliminate" India's nuclear weapons program after the 1998 Indian nuclear test, the White House was forced to abandon this goal when extensive dialogue between then-Deputy Secretary of State Strobe Talbott and Indian Minister Jaswant Singh confirmed that India was resolutely determined to remain a *de facto* nuclear power.[318] In combination with the Clinton team's geopolitical orientation, New Delhi's declared nuclear policies largely precluded any possibility of extensive bilateral nuclear cooperation.

In 2001, the Bush administration brought a fresh perspective to Washington. Some scholars view this as an inventive approach to nonproliferation.[319] The new administration's strategy held that instead of penalizing India for its nuclear endeavors, the United States should facilitate Indian attempts to claim global power status. This was evidenced by the 2002 National Security Strategy, wherein the administration noted that it saw "India's potential to become one of the great democratic powers of the twenty-first century," and referenced the country in a section on "main centers of global power."[320] The same document elaborated on the U.S. government's newly positive outlook toward India:

317 Lalit Mansingh, *Indo-US Strategic Partnership: are we There Yet?* (New Delhi: IPCS, 2006) 3, 2 June 2008, available at http://ipcs.org/39IB-IndoUS-Mansingh2.pdf.

318 Mansingh, 2–3.

319 For a detailed discussion see William Potter, "India and the New Look of U.S. Nonproliferation Policy" 343–354.

320 United States, The White House, *The National Security Strategy of the United States*

> The United States has undertaken a transformation in its bilateral relationship with India... differences remain, including over the development of India's nuclear and missile programs... but while in the past, these concerns may have dominated our thinking about India, today we start with a view of India as a growing world power with which we have common strategic interests. Through a strong partnership with India, we can best address any differences and shape a dynamic future.[321]

The following section will discuss the details of the Bush administration's departure from its predecessor's views and the steps it took to forge an equal partnership with New Delhi.

Bush Administration: the ABM and U.S.-India Relations

Three months after taking office, President Bush announced that U.S. foreign policy on missile defense (and thus non-proliferation) would be pursued in the context of a new strategic framework. In a rapidly changing post-Cold War era, the United States needed to rethink its previous nonproliferation, counter-proliferation, and defense postures.[322] Having made clear during the presidential campaign that the Bush team would be altering arms control and nonproliferation policies, the administration quickly furthered their agenda by appointing John Bolton as undersecretary of state for arms control and international security (he held the position from 2001–2005). Bolton was a widely known critic of arms treaties and international organizations.[323] Late 2002 also saw the confirmation of Stephen Rodemaker, John Wolf, and Paula DeSutter at the respective helms of the Arms Control (AC), Nonproliferation (NP), and Verification and Compliance (VC) bureaus of the State Department.

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of America (Washington: GPO, 2002) 10, 25, 8 June 2008, available at http://www.whitehouse.gov/nsc/nss.pdf.

321 Ibid., 27.

322 "President Bush Speech on Missile Defense, May 1, 2001," *START, NMD and the ABM Treaty*, 2001, The Acronym Institute for Disarmament Diplomacy, 2 June 2008, available at http://www.acronym.org.uk/bush1.htm.

323 Bolton appears to have been a sort of problematic ally for the administration in that he shared their distaste for arms control regimes but was not as amenable to their vision for nuclear cooperation with India.

For the White House, the 1972 Anti-Ballistic Missile (ABM) Treaty between the United States and the Soviet Union was a Cold War relic. The accord, which limited missile defense systems, had been enacted in order to avoid provoking a war leading to mutually assured destruction (MAD). The logic behind the treaty was that missile defense capabilities would endanger the nuclear balance by potentially enabling one party to reduce the effects of nuclear retaliation to a tolerable level, thereby freeing it to pursue a first strike. It would also encourage an arms race as each country sought enough missiles to overwhelm the other's defenses. In 2001, President Bush declared it was time for the U.S. government to "move beyond the constraints of the . . . ABM treaty," which did not allow the United States to defend itself properly against the growing threat of nuclear proliferation.[324] The White House soon announced that Washington intended to withdraw from the ABM treaty and employ a new strategic framework.[325] The secretaries of defense and state at the time, Donald Rumsfeld and Colin Powell respectively, were prominent supporters of this course of action.

This announcement elicited global controversy, and was widely criticized as a blow to nonproliferation. The Russian government was particularly disparaging of the action. Defense Committee Vice Chairman Alexei Arbatov called America's ABM withdrawal an "extremely negative event of historical scale."[326] Then-President Vladimir Putin described it as a "mistake," but allowed that the withdrawal did not threaten Russian national security.[327] Thirty-one members of the U.S. House of Representatives filed a lawsuit against

324 Ibid.

325 For text of White House press release see United States, Office of the Press Secretary, Department of State, *ABM Treaty Fact Sheet*, 13 Dec. 2001, 12 May 2008, available at http://www.state.gov/t/ac/rls/fs/2001/6848.htm.

326 See "Interview with State Duma Committee for Defense Vice Chairman Alexei Arbatov on ABM Treaty," *Johnson's Russia List,* ed. David Johnson, 17 Jun. 2002, World Security Institute, 28 June 2008, available at http://www.cdi.org/russia/johnson/6312-16.cfm.

327 "Statement by Russian President Vladimir Putin Regarding the Decision of the Administration of the United States of America to Withdraw From the ABM Treaty of 1972," *Berlin Information-Center for Transatlantic Security (BITS),* 13 Dec. 2001, 28 June 2008, available at http://www.bits.de/NRANEU/BMD/documents/Putin131201.htm.

President Bush to block Washington's pullout. The lawsuit failed and in June 2002, after giving the required six-month notice, the United States unilaterally withdrew from the ABM treaty.[328]

While the majority of the international community was unreceptive to American plans for a national missile defense system as part of its new post-ABM framework, India expressed surprisingly ardent support. Administration officials were similarly accommodating in their statements towards New Delhi. Days before the 9/11 terror attacks, U.S. Ambassador to India Robert Blackwill delivered a speech in Mumbai on U.S.-Indian relations. Foreshadowing a transformation in U.S. policies toward India, the ambassador said, "The President has a big idea about U.S.-Indian relations . . . he is seeking to intensify collaboration with India on a whole range of issues that currently confront the international community writ large."[329] The administration moved quickly before the conclusion of its first year in office to "intensify dramatically the level of engagement with the Government of India" by inviting a number of Indian officials to visit Washington.[330] According to aides cited in the *Wall Street Journal*, the president had "... taken particular interest in India going back to 1999, viewing India's democracy and massive, moderate, Muslim population as a stabilizing force for Asia and the Middle East."[331]

In 2001, both the White House and New Delhi advanced their respective visions. Ambassador Blackwill outlined his role in generating new U.S. policies toward India and the general path of policy direction, as follows:

> Knowing that Prime Minister Vajpayee believed that the United States and India were natural allies, we [Blackwill

328 ---, ---, The White House, *Statement by the President,* June 13, 2002, 12 May 2008, available at http://www.whitehouse.gov/news/releases/2002/06/20020613-9.html.

329 "Text: Ambassador Blackwill on Shared US-India National Interests," *Weapons of Mass Destruction*, 6 Sept. 2001, 12 June 2008, available at http://www.globalsecurity.org/wmd/library/news/india/2001/india-010906-usia1.htm.

330 Ibid.

331 Jay Solomon and Neil King, Jr., "Holding High Hopes for India; Singh's U.S. Visit May Help Political Ties Catch Up to Business Links," *Wall Street Journal* 15 Jul. 2005, Eastern ed.: A8.

> and Vajpayee] developed a roadmap in early January 2001...to accomplish the strategic invigoration of the bilateral relationship, which we presented to the President and which he approved. We were on our way, with the two respective bureaucracies to be driven by top-down direction by the two heads of government.[332]

The implications of Blackwill's remarks are significant. Instead of initiating high-level review and evaluation of U.S.-Indian relations and nonproliferation objectives, the ambassador indicates that the Bush administration possessed pre-determined policy intentions.[333] Just as important was what the ambassador did not say during his address: Blackwill was neither critical of India's 1998 tests, nor did he mention the Nuclear Test Ban Treaty (both issues were highlighted by President Clinton during his visit the previous year). Thus, observers noted that the "tenor and substance of the Ambassador's remarks signaled a calm recognition of India's nuclear status."[334] This was a turning point in U.S.-Indian relations.

The post-9/11 security environment and greater post-Cold War balance of power considerations likely motivated the administration's interests in strengthening relations with India. India is strategically important as a counterweight to Chinese power, and a stronger India could contribute considerably to regional stability. Cooperation could conceivably render the international nonproliferation regime more efficient by allowing it to refocus on threats from rogue nations like Iran and North Korea, instead of punishing nominally responsible

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332 United States, Bureau of Public Affairs, Department of State, *The Future of US-India Relations,* by Robert D. Blackwill, 13 Jul. 2003, 15 May 2008, available at http://www.state.gov/p/sca/rls/rm/22615.htm.

333 These policy intentions were almost immediately set in motion. In ---,---,---, *The Future of US-India Relations,* Blackwill says, "I worked on the White House foreign policy transition team in the month before President Bush's inauguration. During those weeks, current National Security Advisor Condoleezza Rice, her Deputy Steve Hadley and I continually discussed how we could help the new President quickly implement his big idea of transforming the US-India relationship on the enduring foundation of shared democratic values and congruent vital national interests."

334 Jay Solomon and Neil King, Jr., "Holding High Hopes for India."

and friendly states like India.[335] Yet, the potential revitalization of significant U.S.-Indian ties was also connected to reorienting other areas of foreign policy, in particular Washington's ABM membership. Nonproliferation expert Leonard Weiss observed that the Bush administration has a well documented "institutional antipathy toward arms control regimes"—meaning the ABM treaty along with the Comprehensive Test Ban Treaty (CTBT) and the Fissile Material Cutoff Treaty (FMCT).[336], [337] In fact, Washington had boycotted a November 2001 UN conference that encouraged support of the former, while American diplomats called the latter impossible to "effectively verify."[338]

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335 In "Should the U.S. Sell Nuclear Technology to India? – Part II," *YaleGlobal,* 10 Nov. 2005, 28 May 2008, available at http://yaleglobal.yale.edu/display.article?id=6487, deal proponent Ashley J. Tellis argues that "bringing New Delhi into the global nonproliferation regime through a lasting bilateral agreement that defines clearly enforceable benefits and obligations... not only strengthens American efforts to stem further proliferation but also enhances U.S. security." Regarding Iran and North Korea, Tellis writes, "Whatever the issues relating to New Delhi might be, they ought not to be mixed up with those of managing regimes that have consistently cheated on their international obligations and then repeatedly lied about it."

336 Leonard Weiss, "U.S.-India Nuclear Cooperation: Better Later than Sooner," The Nonproliferation Review 14.3 (Nov. 2007): 434, 18 May 2008, available at http://cns.miis.edu/pubs/npr/vol14/143/143weiss.pdf. In Tom Barry, "Meet John Bolton's Replacement," CounterPunch, 15 Jun. 2005, 19 August 2008 <http://www.counterpunch.org/barry06162005.html>, State Undersecretary for Arms Control Robert Joseph is quoted saying that American security strategies should "not include signing up for arms control for the sake of arms control. At best that would be a needless diversion of effort when the real threat requires all of our attention. At worst, as we discovered in the draft [Biological Weapons Convention] Protocol that we inherited, an arms control approach would actually harm our ability to deal with the WMD threat."

337 In Tom Barry, "Meet John Bolton's Replacement," *CounterPunch*, 15 Jun. 2005, 19 August 2008 <http://www.counterpunch.org/barry06162005.html>, State Undersecretary for Arms Control Robert Joseph is quoted saying that American security strategies should "not include signing up for arms control for the sake of arms control. At best that would be a needless diversion of effort when the real threat requires all of our attention. At worst, as we discovered in the draft [Biological Weapons Convention] Protocol that we inherited, an arms control approach would actually harm our ability to deal with the WMD threat."

338 Wade Boese, "Bush Shifts Fissile Material Ban Policy," *Arms Control Today*, Sept. 2004, 10 June 2008, available at http://www.armscontrol.org/act/2004_09/FMCT.asp.

The administration's key appointments in the State Department and National Security Council de-prioritized arms-control regimes.[339] Among these individuals was the trio of Condoleezza Rice (national security advisor from 2001-2005 and secretary of state from 2005-present), Stephen Hadley (deputy national security advisor from 2001–2005 and national security advisor from 2005–present), and Blackwill (ambassador to India from 2001–2003 and a national security council deputy from 2003-2004). According to Weiss:

> These [key appointments] regarded undisputed U.S. power and hegemony as the *sine qua non* for a more peaceful world. In pursuit of these aims, the nonproliferation policies of other countries would be judged more in terms of whether they constituted a threat to U.S. national security rather than whether they contributed to strengthening the international regime, though the latter remained a factor. Thus, while India was not an ally, its general outlook toward the United States was friendly, and its nuclear weapons were viewed as posing no direct threat.[340], [341]

On September 7, 2001, the *New York Times* described the "broader diplomatic strategy" of the White House as one that sought to "engage India on a range of issues, including liberalized trade, counterterrorism, Mr. Bush's missile defense initiative, and collaborative efforts to ensure the uninterrupted flow of oil from the Persian Gulf."[342] The tragic events of 9/11 catalyzed these policy changes.

339 Weiss, 429–457.

340 Weiss, 434. Weiss also suggests that the administration's policy may have been influenced by the prospect of myriad commercial opportunities for corporate interests that had heavily supported the administration's election campaign.

341 Weiss also suggests that the administration's policy may have been influenced by the prospect of myriad commercial opportunities for corporate interests that had heavily supported the administration's election campaign.

342 Celia W. Duggar, "U.S. Envoy Extols India, Accepting Its Atom Status," *New York Times* 7 Sept. 2001, late ed.: A8, LexisNexis Academic, LexisNexis, Kreitzburg Library, 2 June 2008, available at ,http://grad.norwich.edu,.

Post-9/11 Foreign Policy Changes and Indian Relations

At the time of the terrorist attacks, the United States maintained sanctions against India stemming from the 1998 Indian nuclear test. By September 22, though, President Bush had waived these measures. This waiver authority was granted by Congress in 1999, following heavy lobbying efforts from American business and agricultural communities who were negatively affected by the trade restrictions. Bush administration officials had tried to lift the sanctions upon assuming office; but according to Asian security analyst Dinshaw Mistry, they "encountered bureaucratic resistance, particularly from the Nonproliferation Bureau of the State Department."[343] However, 9/11 altered Washington's geopolitical concerns and overwhelmed resistance to the issue.[344] State Department spokesperson Richard Boucher explained the executive waiver: "We intend to support those who support us. We intend to work with those governments that work with us in this fight [against terrorism]."[345]

Boucher's statement seemed to close the door irreversibly on the U.S. government's previous policy goal to cap, rollback, and eliminate India's nuclear weapons program. In addition to the larger geopolitical concerns previously mentioned, there were situation-specific reasons for this policy shift.[346] India was unlikely to renounce its nuclear program in the absence of strong coercive action—if New Delhi had given up its program, it would have been the first state to abdicate nuclear power after having conducted nuclear tests. Yet, the American business community and government had become increasingly unwilling to bear the costs of sanctions on U.S. markets, and heavy lobbying from those with financial stakes in India helped cement this sentiment in Washington. Consequently, India had little incentive to deviate from the path of obtaining its goal of a minimum credible

343 Dinshaw Mistry, "Diplomacy, Domestic Politics and the U.S.-India Nuclear Agreement," *Asian Survey* 46.5 (2006): 680.

344 Mistry 681.

345 For text of press release see United States, Daily Press Briefing, Department of State, *Transcript of State Department Briefing*, by Richard Boucher, 24 Sept. 2001, 2 June 2008, available at http://usembassy-israel.org.il/publish/peace/archives/2001/september/092513.html.

346 For a more detailed discussion of reasons for a U.S. nuclear policy shift, see Weiss 433-434.

deterrent—that is, just enough nuclear weaponry to deter Pakistan from a nuclear attack. Instead, India needed only to bide its time until domestic pressures within the United States caused sanction removal. In addition, the shared experience of terrorist attacks (in the United States in September 2001 and India's parliament in December 2001) spotlighted a common interest in nonproliferation.[347] Weiss notes that consequently, "some nuclear communication between the two countries was needed in order to foster common approaches to export controls and related nonproliferation initiatives."[348]

The prospect of nuclear cooperation was first conceived when India's External Affairs Minister Jaswant Singh visited Washington in late 2001. Emerging from a meeting at the White House, Singh enthusiastically characterized the president as "marvelous," and described the visit as "the start of a new era."[349] Shortly thereafter, *The Indian Express* reported that a joint group for defense cooperation was now "fully functional" for the first time since its collapse following India's 1998 nuclear test.[350] The U.S.-Indian bilateral Defense Policy Group (DPG), headed by Undersecretary of Defense for Policy Douglas Feith and Indian Defense Secretary Dr. Yogendra Narain, was ready to "discuss proposals of cooperation" and implementation "at the policy level."[351]

The Defense Policy Group had previously helmed tentative movements toward U.S.-Indian defense cooperation immediately after Prime Minister Vajpayee took office in 1996. However, the 1998 test and ensuing sanctions severely derailed this type of collaboration between the two countries. It took both the Singh-Talbott dialogue, which began in late 1998 and lasted until early 2000, and the administration's September 2001 removal of the remaining economic

347 Weiss, 435.

348 Ibid.

349 Peter Symonds, "India Embraces Bush and National Missile Defense Project," *World Socialist Web Site,* International Committee of the Fourth International (ICFI), 16 May 2001, 2 July 2008, available at http://www.wsws.org/articles/2001/may2001/ind-m16.shtml.

350 J. N. Dixit, "Trust is the Keyword," *Indian Express* 10 May 2002, 9 June 2008, available at http://www.meaindia.nic.in/opinion/2002/05/10o01.htm.

351 Ibid.

and technological sanctions against India to restore the relationship.[352] Reinstatement was in no small part because "the U.S. defense involvement with India has broader political and strategic objectives in dealing with the power equations in the Asian region and the Indian Ocean," *The Indian Express* later noted.[353] Tellingly, U.S. Secretary of Defense Donald Rumsfeld visited New Delhi in November 2001, less than a month after the United States commenced military operations in Afghanistan.[354]

By December, the DPG had met three times and established a roadmap to upgrade vigorously U.S.-Indian strategic ties through regular meetings and policy dialogue.[355] Cooperation between the two countries' armed forces was "institutionalized" through the creation of "joint executive steering groups" between U.S. and Indian army, navy, and air forces, while top U.S. and Indian military officials began exchanging visits. A Joint Technical Group under the Defense Policy Group was also established "to discuss the promotion of bilateral ties in the field of defense production and research."[356] In this way, the DPG served as a primary mechanism for steering the U.S.-Indian defense relationship.

Initiating U.S.-Indian Civil Nuclear Cooperation

The 2002 High-Technology Cooperation Group (HTCG)

As tensions between India and Pakistan threatened to escalate into full-scale conflict throughout much of 2002–2003, U.S.-Indian relations continued on their reoriented trajectory. Significantly, Ambassador Blackwill noted that 2003:

352 Ibid.

353 Ibid.

354 Wade Boese, "U.S., India Discussing Arms Deals, Military Ties," *Arms Control Today*, Dec. 2001, 10 June 2008, available at http://www.armscontrol.org/act/2001_12/indarmsdec01.asp.

355 India, Embassy of India, *Joint Statement of the India-U.S. Defense Policy Group*, 4 Dec. 2001, 28 May 2008, available at http://www.indianembassy.org/indusrel/2001/jdwg_dec_04_01.htm.

356 Ibid.

> …mark[ed] the first time in five years that a senior U.S. official has come to India to discuss civil nuclear collaboration, [NRC] Chairman Richard Meserve toured the Tarapur Atomic Power Station and the Bhabha Atomic Research Center. There are ongoing parallel efforts regarding high technology transfer and civil space cooperation.[357]

Collaboration began with a November 2001 meeting between President Bush and External Affairs Minister Jaswant Singh that envisioned a "bilateral strategic partnership," including forging stronger ties in high-technology trade.[358] Such links would require addressing and reducing barriers to high-technology trade and, to that end, a first set of talks was held under the auspices of the HTCG.

Within a year of the Bush-Singh meeting, the HTCG was established between U.S. Undersecretary of Commerce for Industry and Security Kenneth Juster and Indian Foreign Secretary Kanwall Sibal. Chaired by the Department of Commerce since 2003, the HTCG has sought to facilitate strategic commerce between the United States and India through ongoing dialogue.[359], [360] Also in 2003, the group began reviewing U.S. export policies in order to expand Indian access to dual-use items and technologies.[361] According to the Bureau of Industry and Security at the Department of Commerce, the HTCG "proved to be a very effective forum through which to reduce barriers to bilateral high-technology trade while safeguarding trade in sensitive

357 Blackwill, *The Future of US-India Relations.*

358 Mistry, 681.

359 Mistry notes that "Juster and Sibal chaired HTCG meetings in July and November 2003; Juster and the new Indian Foreign Secretary Shyam Saran chaired the meeting in November 2004; and Saran and Juster' successor (Undersecretary of Commerce for Industry and Security David McCormick) chaired the fourth meeting in November-December 2005" (681).

360 For an outline of HTCG objectives see United States, Bureau of Industry and Security, Department of Commerce, *Statement of Principles for U.S.-India High Technology Commerce*, 5 Feb. 2003, 2 June 2008, available at http://www.bis.doc.gov/internationalprograms/statementprinciplesindia.htm.

361 See Bureau of Industry and Security, Department of Commerce, *Unleashing the Potential of U.S.-India Civil Space Cooperation,* by Kenneth I. Juster, 22 Jun. 2004, 2 June 2008, available at http://www.bis.doc.gov/news/2004/bangaloreindia6_22.htm.

items." As a result, the "overall value of licensed dual-use exports from the United States to India exceeded $90 million" in fiscal year 2004.[362] The value of these exports had more than tripled in the two years since the resumption of the HTCG, and "in addition, the Commerce Department... posted a representative at the U.S. Embassy in New Delhi to further facilitate U.S.-India high-technology trade."[363] This high technology trade forged the path for nuclear-related exchanges. Mistry confirms:

Robert Blackwill, the U.S. ambassador to India at the time, strongly promoted high-technology cooperation as he wanted to integrate India in the global nonproliferation regime. He initially concentrated on removing U.S. policy impediments to cooperation in the civilian nuclear and space and high-technology areas with India.[364]

Some of these policy impediments involved U.S. export licensing requirements for a number of major Indian entities identified by the Department of Commerce's Bureau of Industry and Security (BIS)—conditions that traced back to New Delhi's 1998 nuclear test. Naturally, the scope of the HTCG discussions did not address all of the areas in which the administration intended to cooperate with India, and while dialogue considered space and civil nuclear cooperation, it did not significantly advance these avenues.[365] This necessitated a separate negotiation to further cooperation and address U.S. nuclear policy impediments. According to Mistry, talks were "conceptualized" by the Bush administration in 2003 as a "'glide path' to bring closure to the debate about nuclear and space cooperation with India."[366], [367] Ultimately, these meetings defined the future course

362 ---, ---, *United States and India Hold Talks on Stimulating High-Technology Commerce*, 19 Nov. 2004, 2 June 2008, available at http://www.bis.doc.gov/news/2004/indianov19.htm.

363 Ibid.

364 Mistry, 681.

365 Mistry, 681.

366 Ibid.

367 In "U.S. Space Aid to India: On a "Glide Path" to ICBM Trouble?" *Arms Control Today*, Mar. 2006, 10 June 2008, available at http://www.armscontrol.org/act/2006_03/March-IndiaFeature, Richard Speier cites Powell telling the *Washington Post* that the "glide path" would bring closure to "a basket of issues that they were always asking us about called…"the Trinity" [referring

of enhanced cooperation between the two countries and sparked a second round of negotiations that would directly address U.S.-Indian civil nuclear cooperation.

Condoleezza Rice, Stephen Hadley, and Ambassador Blackwill were key proponents of U.S.-India policy reorientation. U.S. Trade Representative Robert Zoellick[368] and Counselor of the U.S. Department of State Philip Zelikow also held what Blackwill described as "a global orientation toward India."[369] Hadley and Blackwill were co-authors of the new India policy requested by Bush in 1999, and Rice had been a strong advocate of making civil nuclear cooperation a pivotal aspect of the administration's re-conceptualized policy toward India early on. While serving as Bush's foreign policy advisor during the 2000 presidential election, she wrote in *Foreign Affairs*:

> There is a strong tendency conceptually [in the United States] to connect India with Pakistan and to think only of Kashmir or the nuclear competition between the two states. But India is an element in China's calculation, and it should be in America's, too. India is not a great power yet, but it has the potential to emerge as one.[370]

Rice was considered the "original architect of [the] expanded relationship with India and [responsible for] giving it high priority and a fresh focus in the Bush administration," according to the *Asia Times Online* in 2004.[371] During the president's first term, Rice, along with Blackwill and Hadley, often met resistance from the Powell-led State Department. This was because Secretary Powell relied closely on

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to high-technology areas, areas having to do with space launch activities, and nuclear industry]." Powell, who favored an incremental approach with respect to sensitive trade with India, went on to say that the U.S. had "to protect certain 'red lines' that we have with respect to proliferation."

368 Zoellick would also serve as deputy secretary of state from 2005–2006, and World Bank President from 2007–present.

369 See Robert D. Blackwill, "A New Deal for New Delhi," *Wall Street Journal* 21 Mar. 2005: A16.

370 Siddharth Srivastava, "India Through the Rice Prism," *Asia Times Online* 28 Nov. 2004, 25 June 2008, available at http://www.atimes.com/atimes/South_Asia/FK18Df05.html.

371 Ibid.

Clinton-era departmental preferences; post-1998 Indian nuclear test views insisted that India meet certain benchmarks before cooperation could proceed.[372] (Essentially, career officials wanted New Delhi to sign the Comprehensive Test Ban Treaty, enforce NSG nuclear export controls, and negotiate a Fissile Material Cut-Off Treaty.) High-level cooperation with India during Powell's tenure was also inhibited by the secretary's familiar "general-to-general" rapport with Pakistan's Pervez Musharraf, which made New Delhi uncomfortable.[373] In 2004, then-Foreign Minister Jaswant Singh memorably articulated India's frustrations with the U.S. government at a news conference in New Delhi. Disagreeing with General Powell's account of his own role in facilitating India's tentative rapprochement with Pakistan following the Kashmir conflict, the minister's comments were recalled by the *Washington Post*: ""The U.S. bureaucracy are world champions in... inaction, in finding reasons not to do things.' [Singh] added that the U.S. bureaucracy is three times ahead of its Indian counterpart in 'obfuscating, obstructing and ensuring that nothing is done.'"[374]

When Rice replaced Powell as secretary of state in 2005, some of this bureaucratic inertia disappeared. In fact, Rice used her direct access to New Delhi (through Brajesh Mishra, who was in charge of India's foreign policy under former Prime Minister Atal Bihari Vajpayee, and J. N. Dixit, India's national security advisor under Prime Minister Manmohan Singh) to move bureaucracies within the United States and India beyond "Cold War rhetoric."[375] According to New Delhi-based journalist Siddharth Srivastava, the relationship between Rice and her Indian equivalents, which was "first promoted by Blackwill and sustained when he moved to the White House," enabled

372 In *Engaging India: Diplomacy, Democracy and the Bomb* (Washington, D.C.: Brookings Institution Press, 2004) 211, Strobe Talbott maintains that it was Powell's strong desire for continuity of policy that led the Bush administration to uphold NPT-related restrictions on India for over two years. Powell also told the Senate Foreign Relations Committee in 2001 that "We have to do what we can to restrain [India's] nuclear program at this time" (210).

373 Srivastava, "India Through the Rice Prism."

374 Glenn Kessler, "India's Ex-Foreign Minister Assails Powell," *Washington Post* 28 Oct. 2004: A19.

375 Srivastava, "India Through the Rice Prism."

Washington and New Delhi to "iron out differences as well as get a real feel of each other."[376]

However, even prior to Powell's departure, Hadley, Blackwill, and Rice advanced the new India agenda. In September 2003, Hadley flew unannounced to New Delhi "with a major plan to intensify high-technology cooperation with India by moving beyond the traditional bilateral discourse on non-proliferation."[377] Discussions were held with Hadley's Indian counterparts, and a framework began to emerge.[378] Ensuing "rapid-fire negotiations" were coupled with a December visit to Hadley in Washington by an Indian delegation.[379] By January 2004, President Bush and Prime Minister Vajpayee formalized their vision for the future of U.S.-Indian relations and announced it under the title of the Next Steps in Strategic Partnership Initiative (NSSP).

The 2004 Next Steps in Strategic Partnership Initiative

The NSSP became the vehicle for White House-dominated movement away from the previously institutionalized approach to India and nonproliferation based on the NPT and AEA. In distancing itself from Clinton-era policy by attempting to integrate India not only with the international nonproliferation regime but also with the U.S. government's new strategic framework, the Bush administration progressed toward an *ad hoc* strategy.

The NSSP initiative outlined a number of "reciprocal steps" the United States and India would take to strengthen bilateral ties in the areas of civilian nuclear activities, civilian space programs, high-technology trade, and missile defense.[380] These would be implemented in three phases, the first of which concluded in September 2004

376 Ibid.

377 C. Raja Mohan, "Between Wen and Gen, Natwar Slips in US Trip," *Indian Express,* 13 Apr. 2005, 2 July 2008, available at http://www.indianembassy.org/India_media/Apr_05/IE3.htm.

378 Srivastava, "India Through the Rice Prism."

379 Mohan, "Between Wen and Gen."

380 United States, Bureau of Public Affairs, Department of State, *United States - India Joint Statement on Next Steps in Strategic Partnership*, 17 Sept. 2004, 16 June 2008, available at http://www.state.gov/r/pa/prs/ps/2004/36290.htm.

when restrictions against Indian entities resulting from the 1998 tests were significantly reduced. This was done after India agreed to allow Washington to monitor, via an export-control attaché at the American embassy in New Delhi, the so-called "end use" of U.S.-origin technologies to ensure those items were being applied in accordance with Indian promises.[381]

U.S.-Indian bilateral commerce in areas covered by the NSSP was not a novelty. In the past, the United States and India had collaborated to varying degrees on space research and development. However, space technology can be applied as missile technology, as was evidenced when India replicated parts of its nuclear-capable Agni missile from 1960s-era American rocket blueprints and information requested from NASA.[382] Thus, cooperation in these areas had not previously achieved much success. In fact, it was concern over India's focus on expanding its missile capabilities that led the United States to initiate the voluntary Missile Technology Control Regime (MTCR) in 1987.[383] This relationship further deteriorated in the 1990s, and almost collapsed after India's 1998 nuclear test.

Intent on reworking stagnant policies, the administration's NSSP proposed missile-defense dialogue and other political, military, and economic ties. Dialogue was not always successful.[384] Under the DPG, discussions culminated in a ten-year defense agreement establishing unprecedented military links through commitment to joint weapons production, collaboration on missile defense, and other security initiatives. The New Framework for the U.S.-India Defense Relationship (NFDR) agreement, signed by Defense Secretary Donald Rumsfeld and Indian Defense Minister Pranab Mukherjee in June

381 Mistry, 681.

382 Jennifer Kline, "U.S.-India Space Cooperation Reaches New Heights, Despite Lingering Proliferation Concerns," *WMD Insights,* n.d. *James Martin Center for Nonproliferation Studies*, 21 Jul. 2006, Monterey Institute of International Studies, 2 June 2008, available at http://cns.miis.edu/pubs/other/kline_060720.htm.

383 Ibid.

384 For example, a deal for missile defense stalled. See Wade Boese, "Proposed Missile Defense Sale to India Still in Limbo," *Arms Control Today*, Apr. 2003, 15 June 2008, available at http://www.armscontrol.org/act/2003_04/arrow_apr03.asp.

2005, represented a major upgrade in terms of cooperation from its predecessor.

As of mid-2005, significant bilateral ties had been forged in economic, defense, energy, science, and technology cooperation. Around the same time Rumsfeld signed the NFDR, Energy Secretary Samuel Bodeman formed the "U.S.-India Energy Dialogue," which established five working groups in order to discuss nuclear technology exchange.[385] Matters under consideration included "fusion science and related fundamental research topics," which, according to a *Power and Interest News Report*, would "ostensibly not require approval under the Department of Energy's regulations for 'fundamental' technology transfer."[386] This mid-2005 dialogue proved particularly relevant because it preceded, by only a few weeks, the official White House announcement of its intent to negotiate a formal civil nuclear cooperation agreement with India.

The 2005 Joint Statement

On July 18, 2005, during an Indian state visit to Washington, D.C., President Bush and Indian Prime Minister Manmohan Singh announced jointly that the United States and India would formally expand bilateral cooperation in areas of civil nuclear energy and dual-use technology. Strengthening the United States' ties to India in this manner would advance four key goals as iterated by the Joint Statement:

1. Assist India in meeting its energy demands
2. Reduce potentially enormous amounts of fossil fuel emissions
3. Promote economic growth and development by attracting foreign direct investment

385 For a list of working groups and dialogue topics, see United States, Bureau of South and Central Asian Affairs, Department of Energy, *U.S.-India Energy Dialogue*, 18 Jul. 2005, 16 June 2008, available at http://www.state.gov/p/sca/rls/fs/2005/49724.htm.

386 Cited in Lora Saalman, "The Implications of the U.S.-India Strategic Partnership," *Power and Interest News Report,* 5 Aug. 2005, 15 June 2008, available at http://www.pinr.com/report.php?ac=view_report&report_id=341.

4. Integrate India into the non-proliferation regime by bringing its civil nuclear program under an international framework.[387]

In order to accomplish this last objective, President Bush announced that he would "work to achieve full civil nuclear energy cooperation with India as it realizes its goals of promoting nuclear power and achieving energy security."[388] The President also declared his intention to "seek agreement from Congress to adjust U.S. laws and policies," and to "work with friends and allies to adjust international regimes to enable full civil nuclear energy cooperation and trade with India."[389] In turn, the Prime Minister imparted that "India was ready to assume the same responsibilities and practices and acquire the same benefits and advantages as other leading countries with advanced nuclear technology, such as the United States." By undertaking those responsibilities and practices, India agreed to negotiate a plan to separate its civilian nuclear energy facilities from its military sites. IAEA safeguards would be applied to the former as would Additional Protocol (i.e., the IAEA's ability to detect and verify undeclared nuclear activities), but not toward the latter. New Delhi also agreed to continue its moratorium on nuclear testing, work towards concluding a Fissile Material Cut Off Treaty, support international nonproliferation efforts, and adhere to Missile Technology Control Regime (MTCR) and NSG guidelines. Critics contended that none of these concessions required India to alter its existing policies significantly for the deal to proceed.[390]

Secretary Rice played a vital role in initiating the proposed nuclear agreement outlined in the Joint Statement. During a March 2005 visit to New Delhi, Rice offered "the prospect of a broader strategic

387 United States, Office of the Press Secretary, The White House, *Joint Statement Between President George W. Bush and Prime Minister Manmohan Singh*, 18 Jul. 2005, 2 June 2008, available at http://www.whitehouse.gov/news/releases/2005/07/20050718-6.html.

388 Ibid.

389 Somewhat ironically, according to the *Washington Post,* "During Rice's confirmation process, she was asked in a written questionnaire whether the administration anticipated that Congress would need to change laws regarding India policy. She answered no." See Glenn Kessler, "India Nuclear Deal May Face Hard Sell," *Washington Post,* 3 Apr. 2006: A01.

390 For example, see Weiss 437.

relationship with India including military, economic and even nuclear cooperation" to offset the news that the United States would be selling a number of F-16s to Global War on Terrorism-ally Pakistan.[391] She emphasized that cooperation could be extensive and would advance quickly if India adopted effective export controls.[392] When the President announced the military sale to Pakistan days later, the State Department briefed the press on its new India approach. According to the *Washington Post*:

One official -- ...Zelikow -- said the policy's "goal is to help India become a major world power in the twenty-first century. We understand fully the implications, including military implications, of that statement." One U.S. official involved in the briefing said Zelikow's statement went beyond the talking points drafted for the news conference -- but as time passed, it was clear his bolder pronouncement reflected the administration's true position.[393]

After Rice returned from Asia, her colleague Counselor Zelikow "began exchanging memos with [Ashley J.] Tellis," a leading expert on South Asia and former associate of Ambassador Blackwill, and who was also a senior associate at the Carnegie Endowment for International Peace.[394] These memos resulted in a Carnegie Endowment "action agenda" for U.S.-Indian relations, which was "completed in mid-May" and later published under the title "India as a New Global Power."[395] In it, Tellis wrote:

If the United States is serious about advancing its geopolitical objectives in Asia, it would almost by definition help New Delhi develop its strategic capabilities such that India's nuclear weaponry and associated delivery systems could deter against the growing and utterly more capable nuclear forces Beijing is likely to possess by 2025.[396]

391 Kessler, "India Nuclear Deal May Face Hard Sell."
392 Mistry, 682.
393 Kessler, "India Nuclear Deal May Face Hard Sell."
394 Ibid.
395 *Ibid.*
396 Ashley J. Tellis, *India as a New Global Power: An Action Agenda for the United States* (Washington: Carnegie Endowment for International Peace, 2005) 35.

Shortly after Secretary Rice's March visit, a U.S. NRC team led by Commissioner Jeffrey Merrifield followed up her communiqué. Observers noted that after meeting with India's Atomic Energy Regulatory Board, the delegation "came back quite satisfied with India's nuclear safety record."[397] In conversations with Indian representatives, the team reiterated Rice's point that "both sides could vault ahead in their bilateral relations by cooperating in the civilian nuclear sector especially if India adopted effective [nuclear] export controls."[398] Recognizing an unprecedented opportunity for nuclear cooperation with the United States, the Indian parliament complied with Rice's suggestion by passing legislation strengthening export controls within two months.[399] Six weeks of negotiations on the terms of the proposed nuclear cooperation, headed by the newly appointed Undersecretary for Political Affairs Nicholas Burns—a strong proponent of the reoriented India policy——and Indian Foreign Secretary Shyman Saran, followed.

The quick pace of nonproliferation policy changes in 2005 can be traced to the departure of Secretary of State Powell and the arrival of Condoleezza Rice at the Foggy Bottom helm.[400] Under Powell, the State Department had been conflicted over changes in nonproliferation policy. During Secretary Powell's tenure, the Nonproliferation (NP) and Arms Control (AC) Bureau within the department had generally opposed high-technology transfers to India that might damage U.S. nonproliferation objectives.[401] (The NP is responsible for deterring the spread of nuclear weapons and

397 Siddharth Srivastava, "US Looks Nuclear India in the Eye," *Asia Times Online* 14 May 2005, 6 June 2008, available at http://www.atimes.com/atimes/South_Asia/GE14Df03.html.

398 Mistry, 682.

399 This legislation was the Weapons of Mass Destruction and their Delivery Systems (Prohibition of Unlawful Activity) Bill, passed in May 2005. The month prior, India had also participated in the Convention on Nuclear Safety (CNS) review meeting for the first time, and ratified the CNS.

400 In Kessler, "India Nuclear Deal May Face Hard Sell," the Bush administration's foreign policy during its second term is described as "largely driven by Rice and a close circle of advisors, not White House staff."

401 Ashley J. Tellis, "The Evolution of U.S.-India Ties: Missile Defense in an Emerging Strategic
Relationship," *International Security* 30.4 (Spring 2006): 145.

other weapons of mass destruction, while the AC negotiates and implements arms control agreements.) According to Mistry, despite the fact that the "South Asia Bureau [within the State Department] favored technology transfers to further the strategic partnership with India," concessions made from 2002–2004 by the United States toward India were necessarily incremental due to NP and AC resistance.[402] When Rice was appointed as secretary of state in 2005, these organizational dynamics changed.

Dynamic shifts coincided with personnel turnover within the department. In 2004, the Office of the Inspector General (IG) recommended merging the AC and NP offices and on July 9, 2005, recently appointed Secretary Rice announced implementation of a major departmental reorganization that would include the union of both bureaus. A single Bureau of International Security and Nonproliferation (ISN) would take their place. Against the recommendations of an internal review board, the scope of a third office, the Verification and Compliance Bureau (VC), would also be expanded.[403] (The VC is loosely associated with the AC bureau, as it oversees policies related to verifying the fulfillment of the terms of agreements reached by Arms Control.)

The merger was carried out with remarkable speed in the fall of 2005 as senior department officials expressed a desire to implement the IG's recommendations as quickly and painlessly as possible. Still, one diplomatic correspondent claimed, "the reorganization was conducted largely in secret by a panel of four political appointees. A career expert was allowed to join the group only after most decisions had been made."[404] In addition, some recommendations were set aside: the IG report had asked that the VC bureau be streamlined, calling the NP "overworked," and the AC bureau "under worked." Instead, "the Verification bureau was expanded, not downsized, while officials in the Arms Control bureau appeared to attain more authority. Both

402 Mistry, 684.

403 The fourth bureau mentioned was the Bureau of Political-Military Affairs.

404 See Warren P. Strobel, "State Department Sees Exodus of Weapons Experts," *Knight Ridder* 8 Feb. 2006, 16 June 2008, available at http://www.informationclearinghouse.info/article11829.htm.

bureaus had seemed more in sync with the administration's views, officials said."[405]

The flurry of internal activity saw around a dozen senior experts and career employees leave the department. Though AC staffers were largely retained,[406] the departmental shake-up left Rice with limited resources when it came to weapons control experts, as new political appointees replaced more qualified and experienced personnel.[407] The reorganization also eliminated most public evidence of the internal conflict that had characterized Powell's State Department and often positioned it against other elements of the administration.[408] According to the *Washington Post*, State Department insiders "privately acknowledge[d]...they used to be thrilled by the department's reputation as a renegade in President Bush's first term, but...the message has become clear…that such attitudes are no longer acceptable."[409]

Another personnel shift may have also influenced the fast advance of the accord. By design or stroke of luck, John Bolton was appointed as U.S. ambassador to the UN, thus removing one potential opponent to the agreement. *Asia Times* had reported that Bolton was "vehemently opposed to any concessions to India on the nuclear front," and had "blocked a key Indian plan to acquire the Arrow anti-missile system from Israel."[410] (Prolonged conflict with the U.S. Senate over the controversial Undersecretary's nomination to the UN position effectively ended when the president installed Bolton

405 See Kessler, "Administration Critics Chafe at State Dept. Shuffle."

406 Ibid.

407 Ibid.

408 Internal transformation was not immediate. In "Reorganization Runs Amok," Rust cites the "inexplicable" denial of long-serving, qualified and superior senior department career staff to leading positions in the new organization as reinforcing the impression that "political factors played a role in the panel's decision." Instead, individuals with "favorable personal or political connections" filled those positions which led to a "mini-revolt against the panel." For press coverage of the issue, see William Strobel, "Career Weapons Experts Booted by Bush Team," *Philadelphia Inquirer* 8 Feb. 2006: A2.

409 Kessler, "Administration Critics Chafe at State Dept. Shuffle."

410 Kaushik Kapisthalam, "India's US Nuclear Deal Hangs by a Thread," *Asia Times Online* 16 May 2006, 18 May 2008, available at http://www.atimes.com/atimes/South_Asia/HE16Df01.html.

during a congressional recess.) By the time Bolton's State Department replacement and ally, former senior director at the National Security Council (NSC) Robert Joseph, was confirmed on May 26, 2005, negotiations on the terms of the nuclear agreement were already at "an advanced stage."[411] According to *Washington Post* political and diplomatic correspondent Glenn Kessler, administrative reshuffling also meant "other key posts in the nonproliferation ranks were unfilled, leaving officials in that area thinking they had no voice in the debate." Meanwhile, at the Pentagon, Powell's frequent adversary Donald Rumsfeld "fully backed closer relations with India."[412]

Thus, in the summer of 2005, the opinions of government nuclear nonproliferation experts were noticeably absent in policy development and dialogue between Washington and New Delhi. June negotiations among the Indian and U.S. governments on the terms of the proposed nuclear cooperation, which would be embodied in the July Joint Statement, proceeded. Joseph's late arrival as Undersecretary of State for Arms Control and International Security did not preclude his participation in crafting the agreement. Joseph and his successor at the NSC, non-proliferation specialist John Rood, compiled a list of "commitments they hoped to extract from India," with the assistance of their respective staffers.[413] These obligations included capping fissile-material production and assuming permanent full-scope safeguards, to be verified by U.N. inspectors.

It soon became apparent, however, that the U.S. was attempting to exact nonproliferation concessions India was reluctant to give. Indian officials made it clear they had no intention of assuming full-scope safeguards on their nuclear facilities or subjecting their nuclear program to external influence.[414] One U.S. official, cited in Kessler's reporting of the negotiations, stated that the commitments Joseph and Rood desired from New Delhi "never even got to the stage where

411 Mistry, 684.

412 Kessler, "India Nuclear Deal May Face Hard Sell."

413 Ibid.

414 In "India Nuclear Deal May Face Hard Sell," Kessler reports that even on the night of July 17, 2005, the Indian Foreign Secretary informed the U.S. that the agreement would not be possible because New Delhi could not accept the U.S.'s conditions on safeguards and inspections.

we could negotiate them."[415] Regardless, Prime Minister Singh had been scheduled to visit the White House on July 18, at which point the administration hoped to announce the agreement.

With the Bush-Singh visit imminent, U.S. negotiators were bitterly divided on how to finalize the agreement. Having left the U.S. for other business, Joseph was not present for last-minute talks. As a result, Rood was the only senior nonproliferation official engaged at this stage. Other U.S. negotiators strongly favored finalizing the terms of cooperation in time for Singh's trip.[416] Kessler described the days leading up to the Joint Statement:

> Rood delivered forceful presentations to Burns and others throughout the negotiating process... few Indian officials expected a breakthrough during the Bush-Singh meeting, but Rice was determined to see negotiations succeed. Bush had reached the conclusion that the nuclear concerns carried less weight than the enormous benefits that a broad partnership with a large and friendly democracy could bring.[417]

By this account, negotiations were pending until the morning of the day of the announcement, and the text of the Joint Statement was still being written even as Bush and Singh met in the Oval Office. Likely a consequence of the division among the negotiating team and the determination of some officials to produce terms for an imminent announcement, conditions articulated in the Joint Statement were loosely defined. Nonetheless, the statement marked a decisive turning point in U.S-Indian relations and formally concluded the NSSP initiative.[418] Mistry describes the evolution of the proposed agreement outlined in the Joint Statement:

In summary, a small group of Bush administration officials developed and negotiated a major U.S. foreign policy initiative – that of reversing a 30-year old nonproliferation policy and allowing nuclear

415 Ibid.
416 Ibid.
417 Ibid.
418 Mistry, 683.

energy cooperation with India. Moreover, negotiations took place in specialized groups such as the HTCG and NSSP and did not involve extensive consultations with, and therefore did not face resistance from, Congress and nonproliferation interest groups.[419]

Following the announcement of the Joint Statement, some NSG members such as Canada wondered why the United States did not extract more concessions from India during the negotiations. Austria, Sweden, and Switzerland registered strong reservations regarding the proposed agreement, while France, Russia, and the United Kingdom indicated their general support of the accord if it could be shown to complement global nonproliferation objectives.[420] China remained silent. Domestically, the reaction to the terms outlined in the Joint Statement proved more problematic for the administration.

The March 2006 Bush-Singh Accord

In the fall of 2005, the administration and New Delhi took steps to implement the agreement publicized in the Joint Statement. The days immediately following the July announcement saw Bush administration officials begin to lobby Congress, which would have to approve the final agreement. The White House's goal was to reassure allies and potential converts within the legislative branch that nuclear trade with India would not contravene NPT obligations, nor undermine decades of U.S. nuclear export policies and efforts to strengthen the global nonproliferation regime. Chairman of the Senate Foreign Relations Committee (SFRC) Richard Lugar (R-IN) indicated that Congress expected to be fully briefed by the White House on the details of the agreement before undertaking any action. On July 20, he confirmed, "We're going to have a lot of conversations."[421] In October 2005, a bipartisan quartet consisting of the chairmen and ranking members of the SFRC and the House Committee on International Relations (HCIR)[422] wrote a letter to

419 Mistry, 684.

420 Wade Boese, "Suppliers Weigh Indian Nuclear Cooperation," *Arms Control Today,* Nov. 2005, 16 June 2008, available at http://www.armscontrol.org/act/2005_11/NOV-Suppliers.asp.

421 See Dafna Linzer, "Bush Officials Defend India Nuclear Deal," *Washington Post* 20 Jul. 2005: A17.

422 Renamed the House Committee on Foreign Affairs (HCFA) since the 110th

Secretary Rice "recommending the administration begin 'substantive discussions with... respective committees as soon as possible before final decisions are made on any new legislative proposals.'"[423],[424]

These conversations took place in eight separate hearings, held by the SFRC and HCIR, to determine the impact of the proposed agreement on nonproliferation.[425] Chairman Lugar also specifically asked Undersecretaries Burns and Joseph to provide more details on the July 18 proposal[426] and from the fall of 2005 through the spring of 2006, testimony was given by State Department heads as well as nuclear policy and international security experts. In November 2005, former State and Defense Department officials and arms control and nonproliferation authorities (including Leonard Weiss, Arms Control

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Congress.

423 See Boese, "Suppliers Weigh Indian Nuclear Cooperation."

424 In an "unusual public rebuke of the administration by a loyal Republican," the *New York Times* records HCIR Chairman Henry Hyde using sharper language regarding the administration's failure to seek congressional involvement in pursuing nuclear commerce with India, saying, "As it stands, the situation is both strange and unusual in that Indian authorities know more about this important proposal than we in Congress." See Joel Brinkley, "U.S. Nuclear Deal With India Criticized by G.O.P. in Congress," *New York Times* 31 Oct. 2005: A10.

425 Hearings by the House International Relations Committee are as follows: "The U.S. and India: An Emerging Entente?" (September 8, 2005); "The U.S.-India Global Partnership: The Impact on Nonproliferation,"(October 26, 2005); and "U.S.-India Global Partnership: How Significant for American Interests?" (November 16, 2005); "The U.S.-India Global Partnership" (April 5, 2006); "U.S.-India Global Partnership: Legislative Options," (May 11, 2006). Testimonies available at http://www.internationalrelations.house.gov.

Hearings by the Senate Foreign Relations Committee are as follows: "U.S.-Indian Nuclear Energy Cooperation: Security and Nonproliferation Implications" (November 2, 2005); "U.S.-India Atomic Energy

Cooperation: The Indian Separation Plan and the Administration's Legislative Proposal"

(April 5, 2006); and "U.S.-India Atomic Energy Cooperation: Strategic and Nonproliferation

Implications" (April 26, 2006). Testimonies available at http://foreign.senate.gov/hearing.html.

426 See both questions and responses in "The Administration's Legislative Proposal and the July 18 Joint Statement," questions for the record submitted by Under Secretaries Nicholas Burns and Robert Joseph by Chairman Richard G. Lugar, *Arms Control Association*, 2 Nov. 2005, 2 July 2008, available at <ttp://www.armscontrol.org/pdf/20060117_India_Reponse_Lugar_Questions.pdf.

Association Director Daryl Kimball, and former State Department Nonproliferation and Export Policy Director Fred McGoldrick), sent a joint letter to Congress along with a list of questions for the administration.[427] An analysis of the State Department's responses to Lugar's requests and the aforementioned letter, performed by authors of the November 2005 letter, concluded that "India's commitments under the current terms of the proposed arrangement [did] not justify making far-reaching exceptions to U.S. law and international nonproliferation norms."[428] This analysis was sent to Congress in February 2006, urging legislators to "pursue additional stipulations that might result in a positive outcome to U.S. and international security," before enacting the proposal.[429]

Around the same time, a working group was created between Washington and New Delhi for a second round of negotiations on how India would "assume the responsibilities and practices" of other nuclear weapons states. Headed by Undersecretary Burns and Indian Foreign Secretary Shyman Saran, the group convened in September 2005 to negotiate a framework for separation of India's civilian facilities, which would fall under IAEA safeguards in accordance with the Joint Statement, from its military facilities, which would not. The two countries would soon sharply disagree on what constituted a credible separation plan.

The new U.S. ambassador to India, David C. Mulford, elaborated on U.S. opinion of India's reluctance to label a greater part of its reactors as civilian:[430]

427 See Hal Bengelsdorf, George Bunn, *et al.*, "Issues and Questions on the July 18 Proposal for Nuclear Cooperation with India," letter to members of Congress, *Arms Control Association*, 18 Nov. 2005, 2 July 2008, available at http://www.armscontrol.org/pdf/20051118_India_Ltr_Congress.pdf.

428 See Joseph Cirincione, Robert Grey, et al., "Clarifying the Record on the July 18 Proposal for Nuclear Cooperation with India," letter to members of Congress, *Arms Control Association*, 14 Feb. 2006, 2 July 2008, available at http://www.armscontrol.org/pdf/20060214_India_Clarifying_Responses.pdf.

429 Ibid.

430 Ambassador Mulford assumed his post in 2004; Blackwill became deputy assistant to the president and then deputy national security advisor for strategic planning before departing the administration in late 2004.

What's a credible separation plan has to be something that is sufficiently believable to members of the U.S. Congress so that they would agree to alter the law and, in a way that would also be acceptable to the NSG of countries. The credibility test has to be pretty high in order to get that kind of support...[431]

The nonproliferation lobby in Washington wanted to see a clear majority of Indian facilities fall under international safeguards, while the Indian nuclear community pressured New Delhi to keep "key facilities" free of U.N. inspectors.[432]

Despite the difficulty of the negotiations, an American state visit to New Delhi—the first for President Bush—was scheduled for March 1, 2006, when the administration anticipated announcing an agreed-upon separation plan. A week before the trip, Burns arrived in New Delhi to finalize the number of Indian reactors that would be subject to safeguards and to determine whether or not India's still-under-construction breeder reactor would be included. Though this visit resulted in an accord regarding the number of Indian reactors that would assume safeguards, questions on the permanence of safeguards remained.[433] These issues may have become particularly unpalatable to Indian officials because the concern had not been previously stressed by State Department officials. However, permanent safeguards were a priority for arms control and nonproliferation experts in Washington, who aired their worries both in congressional hearings and to the administration. Fearing that the United States might be obligated to provide nuclear fuel for Indian reactors withdrawn from under international safeguards in the future, American negotiators pressed New Delhi for a commitment to permanent safeguards. On February 28, Secretary Rice was quoted at a press conference on Air Force One saying, "One thing that is absolutely necessary is that any agreement

431 See Ajay Kaul and V. Mohan Narayan, "India Must Put More Reactors in Civilian N-Program: US," *Rediff India Abroad* 29 Jan. 2006, 2 July 2008, available at http://ia.rediff.com/news/2006/jan/29ndeal.htm.

432 Mistry, 685.

433 India agreed to place 14 of 22 thermal reactors, but not the breeder reactor which was scheduled for completion in 2010, under international safeguards. Washington had pushed for the inclusion of the breeder reactor, but India held out and the U.S. eventually conceded.

would assure that once India has decided to put reactors [under] safeguards ... [they] remain permanently under safeguards."[434]

With the separation plan still incomplete, negotiations leading up to the president's visit to the subcontinent all but mirrored what had occurred in the days and hours preceding the Joint Statement. Weiss offered a critical assessment of the ongoing debate between the two countries:

> To avoid the embarrassment of landing in New Delhi and then having to leave without an agreement, the president ordered the U.S. negotiators to settle all outstanding issues before the announcement. This gave the Indians the whip hand in the race to conclude an agreement. Thus, except for the unavoidable separation plan, India did not have to alter any aspect of its domestic or foreign policy in order for the announcement of a prospective U.S.-India nuclear agreement to go forward.[435]

On the morning of March 2, President Bush and Prime Minister Singh inked a deal in New Delhi in which India's civilian reactors would be permanently safeguarded in return for a lifetime of fuel supply to be provided by the U.S. or, in the event of a dispute between the U.S. and India, other NSG members. Critics noted that this was not a win for U.S. negotiators as India remained responsible for determining which facilities were classified as civilian and military.[436] This allowed New Delhi to keep its current and future fast-breeder reactors unsafeguarded—an issue viewed by the nation as "a matter of pride and sovereignty."[437] Nonetheless, the next step for the administration was to approach Congress with the agreement, now dubbed the Bush-Singh proposal.

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434 See United States, Office of the Press Secretary, The White House, *Press Gaggle by Secretary of State Rice and National Security Advisor Hadley*, 28 Feb. 28, 2006, 28 June 2008, available at http://www.whitehouse.gov/news/releases/2006/02/20060228-7.html.

435 Weiss, 436-437.

436 See Elisabeth Bumiller and Somini Sengupta, "Bush and India Reach Pact That Allows Nuclear Sales," *New York Times [East Coast]* 3 Mar. 2006, late ed.: A1.

437 Steven R. Weisman, "Dissenting on Atomic Deal," *New York Times [East Coast]* 3 Mar. 2006, late ed.: A10.

Congress and U.S.-India Civil Nuclear Cooperation: March 2006-December 2006

The March 2006 Bush-Singh accord gave the impression that the agreement for U.S.-Indian civil nuclear cooperation was in its final stages. Lobbying efforts intensified in Washington as onlookers anticipated a congressional vote on the proposal. The Indian-American community was particularly energized by the deal and, along with the Indian government, actively sought support from Congressman Henry Hyde, Chairman of the HCIR. The U.S.-India Business Council (USIBC) was also heavily involved, and worked with what New Delhi Institute of Peace and Conflict Studies analyst Ashok Sharma termed "one of the leading and most expensive lobbying firms in Washington, D.C.," Patton Boggs. The same firm had also been reportedly hired by the Indian government for $1.3 million to spearhead a "concerted lobbying campaign."[438] Former Ambassador Blackwill fronted the effort, which was also backed by U.S. business interest groups.[439]

However, not everyone in the Republican administration or party, which held a majority in Congress at the time, was amenable to the idea of regular nuclear commerce with India on irregular terms. According to Sharma, "Anti Indo-U.S. nuclear lobby groups and nonproliferation activists like David Albright," along with several House members and select State Department officials, remained firmly opposed to offering nuclear concessions to India.[440] Besides concerns for the sanctity of the global nonproliferation regime, some in the opposition also took issue with India's ties to Iran.

Such concerns arose from incidents of technology transfers between the two countries, as well as reports that India's navy was assisting the Iranian military. In the fall of 2006, nonproliferation expert Henry Sokolski wrote that State Department officials tried "every which way to deny" the fact that India's navy was not only

438 Ashok Sharma, "Indo-US Nuclear Deal: Intense Lobbying," *Institute of Peace and Conflict Studies*, 24 Jun. 2006, 2 Jul. 2008, available at http://www.ipcs.org/India_articles2.jsp?portal=india&keyWords=DOMESTIC&action=showView&kValue=2063&country=1014&status=article&mod=a&keyArticle=1014.

439 Ibid.

440 Ibid.

helping Iran construct a base with access to the Indian Ocean, but conducting joint naval exercises with Tehran. Additionally, "over the last 20 months, the State Department [had] sanctioned no fewer than seven separate Indian entities for transferring strategic weapons-related technology or goods to Iran."[441] In fact, revered Indian nuclear scientists Dr. Y. S. R. Prasad and Dr. C. Surendar had both been cited under the 2000 Iran Nonproliferation Act for transferring sensitive technologies to Tehran.[442]

This was one of several issues facing Congress as it prepared to review the Bush-Singh accord. The president wasted no time after his return from New Delhi and, within a matter of days, submitted a proposal to Congress for legislation that would allow the U.S. and India to negotiate a 123 Agreement (H.R. 4976 and S. 2429). The president did not immediately submit a formal 123 Agreement directly to Congress because certain Atomic Energy Act stipulations prohibited negotiating such an agreement with India. For example, Section 129 of the AEA disallowed nuclear cooperation with a country that had conducted a nuclear test. With congressional sanction, this requirement could be waived under select conditions[443]. Even if Congress approved a waiver, however, nuclear exports to India would have to be appropriately licensed before they could commence. If only India's civilian facilities fell under safeguards, the AEA would prohibit the issuance of licenses and prevent cooperation. The president can side-step the license requirement by issuing an executive order authorizing the export license "if the President determines that withholding the proposed export would be seriously prejudicial to the achievement of United States nonproliferation objectives."[444] However, this order would have to be submitted to Congress for a review period of sixty days, during which time Congress could reject the order or condition it before it came into effect.

441 Ibid.

442 Both men were also former heads of the state-run Nuclear Power Corporation of India.

443 These conditions are listed in Section 129a(2)(C) of the 1954 AEA as: if "the President determines that cessation of such exports would be prejudicial to the achievement of United States nonproliferation objectives or otherwise jeopardize the common defense and security."

444 See Section 126(b)(2) of the 1954 AEA.

Thus, in March 2006, nuclear cooperation with India could only proceed under the terms of a 123 Agreement if the President used his waiver authority, ordered export licensing, and encountered little congressional opposition. The likelihood of congressional support was not guaranteed, as the proposal represented a major policy reversal. To avoid legal hurdles, the president instead asked Congress to pass legislation excepting India from certain AEA provisions. This would allow the White House to finalize a formal bilateral agreement with India.

After holding hearings in April and May, the HIRC and SFRC respectively considered the House and Senate versions of the proposal. In mid-November of the same year, the Senate, "insist[ing] on its amendment... incorporated the text of S. 3709, as amended, into H.R. 5682 and passed that bill" by a majority vote.[445] A conference was held in early December to reconcile the two bills, and by December 9, 2006, H.R. 5682 had been passed by Congress.

The administration had pushed Congress to endorse the deal before summer recess at the end of July, but several issues delayed finalization until December. In May, after hearing from a number of senior administration officials including Secretary Rice, ranking HIRC Democrat and deal proponent Tom Lantos acknowledged that while many in Congress supported the agreement, many others did not.[446] Key lawmakers, like Committee Chairmen Lugar and Hyde, remained neutral. With the mid-year recess looming, Lantos noted, "There is not time to develop the consensus necessary to move this legislation forward in the face of these polarized views. Yet there is an urgency to move forward on this issue."[447]

One of the considerations that firmly divided Congress was the fact that if they approved the proposed legislation as submitted by

445 See Sharon Squassoni and Jill Marie Parillo, *U.S.-India Nuclear Cooperation: A Side-by-Side Comparison of Current Legislation*, CRS Report for Congress, (Washington, D.C.: The Library of Congress, 22 Nov. 2006) Summary, 6 June 2008, available at http://fas.org/sgp/crs/nuke/RL33561.pdf.

446 See Aziz Haniffa, "Lantos Suggests Compromise Legislation on N-Deal," *Rediff News* 12 May 2006, 6 June 2008, available at http://www.rediff.co.in/news/2006/may/12ndeal.htm.

447 Ibid.

the administration, the 123 Agreement could then be drafted and implemented without subsequent Congressional review. Congress found this problematic due to the seemingly lax terms of the March 2006 Bush-Singh accord. While India had agreed to safeguard its civilian facilities, New Delhi had pointedly left its operational and prototype "fast-breeder" reactors off the "civilian" list. These reactors aroused particular concern because they are capable of creating substantial amounts of fissile materials for nuclear weapons, as they produce more of those materials than they consume. The Bush-Singh accord made no mention of limiting India's ability to produce fissile material; in fact, the proposed U.S. supply of fuel would theoretically allow India to produce considerably more nuclear weapons per year.[448] Instead of restraining the proliferation of weapons-grade materials, the administration's proposal might enable it. This made Congress uncomfortable.

To compromise, Lantos suggested that:

> Congress... not immediately make all of the changes to the [AEA] sought by the administration which are necessary to implement this agreement... and vote on the bilateral agreement for cooperation once the negotiation has been completed... whether it's a week from now, six months from now or in a year from now... The Administration would also be required to consult monthly with Congress as the negotiations continue with the Indian government. This provision will ensure that there are no misunderstandings between the Executive and Legislative branches as to what Congress will be asked to accept.[449]

The State Department initially rejected the compromise, most likely because it would obviously hinder what some saw as the administration's "exceptionally aggressive time schedule" for implementing the agreement.[450] Facing continued stagnation in

448 U.S. fuel supply assurances would theoretically allow India to divert current fissile-material stockpiles into their weapons program. Under the terms of the March 2006 Bush-Singh accord, India could conceivably divert enough weapons-grade materials to produce fifty weapons per year (up from its regular capacity of seven to ten weapons per year).

449 Haniffa, "Lantos Suggests Compromise Legislation on N-Deal."

450 Kapisthalam claims informed sources in Washington and New Delhi and told

Congress, the administration resigned itself to the action after a Council on Foreign Relations' report endorsed the Lantos proposal in June 2006.[451] In return, both Houses of Congress demonstrated strong bipartisan support for the agreement by overwhelmingly approving related bills. On December 18, 2006, President Bush signed the embodiment of the compromise, H.R. 5682 (presently known as the Hyde Act, so named after the late Representative Henry Hyde), into law. The administration now had a legal framework to begin negotiating the actual 123 Agreement for nuclear cooperation with India.

The 2006 Henry J. Hyde Act

The Henry J. Hyde Act conditioned the administration's initial proposal by requiring that certain measures be met before Congress would vote on the 123 Agreement. Section 104, the core of the legislation, authorized the president to waive, with respect to India, the application of the AEA requirements that precluded U.S.-Indian nuclear trade (such as India's past nuclear tests and presently limited safeguards).[452] This waiver authority depended on a number of factors, such as:

1. Demonstration that India was working towards an Additional Protocol agreement with the IAEA, and strengthening its nuclear export control laws and policies to mirror those of the MCTR and NSG;

2. A permanent safeguards agreement between India and the IAEA that would allow international inspectors to verify further that U.S. nuclear supplies were reaching their intended destinations;

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the newspaper that Secretary of State Condoleezza Rice promised Indian officials that the deal would be passed by June 2006.

451 See Michael A. Levi and Charles D. Ferguson, *U.S.-India Nuclear Cooperation: a Strategy for Moving Forward,* Council Special Report No. 16, (New York: Council on Foreign Relations, Jun. 2006), 2 May 2008 available at http://www.cfr.org/content/publications/attachments/USIndiaNuclearCSR.pdf.

452 For relevant Hyde Act excerpts, see "Hyde Act: Relevant Excerpts," *Mainstream* 45.38 (2007), 6 July 2008 available at http://www.mainstreamweekly.net/article305.html.

3. An agreement with the NSG that allowed, by consensus, "... an exception to its guidelines specifically for India..." and stipulated "...that no U.S. exports may be transferred to India that do not comport with NSG guidelines and decisions."[453]

Supplier countries are normally disallowed from trading with states that do not accept full safeguards on all nuclear facilities. The exception would specifically allow for trade with India's civilian facilities, as delineated by the March 2, 2006, Bush-Singh accord.

The act also required the president to keep the HIRC and SFRC "fully and currently informed of all the facts and implications of any significant nuclear activities with India."[454] In addition, the S. 3709 provision required the president to submit an annual report on India's compliance with its nonproliferation commitments to relevant congressional committees. Finally, if India conducted a future nuclear test, terminated or abrogated IAEA safeguards, the Hyde Act insisted that U.S. nuclear cooperation cease. If India took any of these actions, the U.S. also retained a right of return on all materials and technologies it had supplied to the subcontinent.

Explaining Congress' rationale for conditioning the administration's proposed legislation, the House-Senate conference committee responsible for drafting the final version of the Hyde Act reported in an accompanying joint statement that:

In effect, the Administration's proposal would have given it excessive latitude in negotiating a nuclear cooperation agreement with India, leaving Congress with little ability to influence the terms of that agreement, regardless of any concerns it might have... both [Senate and House Committees] rejected this approach, believing that the Administration's proposal did not provide for appropriate congressional oversight over what was, by any measure, an unprecedented nuclear cooperative relationship with India. Both committees were troubled by the lack of consultation by

453 United States Congress, *Henry J. Hyde United States-India Peaceful Atomic Energy Cooperation Act of 2006* 109th Cong., 2nd session, HR 5682 (Washington: GPO, 2006) 4, 18 May 2008 available at http://www.foreignaffairs.house.gov/archives/109/H5682CR_HSE.pdf.

454 See Section 104(c)(5)(1), or Ibid., 23.

the Administration with Congress before the July 18, 2005 Joint Statement and the March 2006 U.S.-India Declaration (in which the terms by which India would separate its civil and military nuclear facilities and further commitments by the United States were announced).[455]

In short, Congress sought to restore its oversight role by retaining the process of congressional approval, which by circumstance or design, the administration's proposed legislation had initially circumvented.

Constituencies both within and close to the Indian government reacted strongly to the terms of the Hyde Act—in particular, the legislation's injunction against the transfer of reprocessing technology and future nuclear testing. Indian nuclear experts maintained that "India must not directly or indirectly concede our right to conduct future nuclear weapon tests, if these are found necessary to strengthen our minimum deterrence."[456] Facing growing opposition to the deal from parties across the Indian political spectrum (and even within his own party), the prime minister's minority coalition government seemingly possessed insufficient political capital to push the proposal through under the terms favored by the U.S. Congress. With public support fragmenting over fears of lost Indian sovereignty and foreign policy independence, and harangued at times by an intensely attentive media willing to politicize the agreement, Prime Minister Singh spoke out against the new restrictions. In an August 2006 address to Parliament, the prime minister stated:

We seek the removal of restrictions on all aspects of cooperation and technology transfers pertaining to civil nuclear energy ranging from nuclear fuel, nuclear reactors, to reprocessing spent fuel, that is, all aspects of a complete nuclear fuel cycle... We will not agree to any dilution that would prevent us from securing the benefits of full civil nuclear cooperation... We are not willing to accept a moratorium on the production of fissile material. The U.S. has been intimated

455 ---, *Henry J. Hyde…Act* 3.

456 See "Hyde Act and Nuclear Scientists Note," *The Hindu* 16 Dec. 2006, online ed., 18 May 2008, available at http://www.thehindu.com/2006/12/16/stories/2006121616171500.htm.

that reference to nuclear detonation... [a]s a condition for nuclear cooperation is not acceptable to us.[457]

To allay India's fears, President Bush announced when he signed the Hyde Act into law, that he would view certain sections of the act as advisory. This was done by a "Presidential Signing Statement," or, a written statement used to clarify an administration's constitutional position.[458] The president noted, "My approval of the Act does not constitute my adoption of the statements of policy as U.S. foreign policy. Given the Constitution's commitment to the presidency of the authority to conduct the Nation's foreign affairs, the executive branch shall construe such policy statements as advisory."[459] The provisions of the Hyde Act were further hedged by other "deliberative processes of the Executive" that would "mandate, regulate or prohibit submission of information to Congress, an international organization or the public."[460]

The president's statements notwithstanding, on the same day the Hyde Act was signed into law Prime Minister Singh reportedly "told the Indian Parliament that the U.S. law on the civil nuclear deal contained 'areas of concern' that will be clarified in further 'difficult' negotiations with Washington," on the text of the actual 123 Agreement.[461] These negotiations would take nearly seven months to complete.

The July 2007 123 Agreement and Beyond

The U.S. negotiating team participating in 123 Agreement dialogue was helmed by Director of the Department of State (DOS) Nuclear Division Richard Stratford. Members of the team included

457 Cited in Weiss, 455.

458 United States, Office of the Press Secretary, White House, *President's Statement on H.R. 5682, the "Henry J. Hyde United States-India Peaceful Atomic Energy Cooperation Act of 2006,"* 18 Dec. 2006, 13 May 2008, available at http://www.whitehouse.gov/news/releases/2006/12/20061218-12.html.

459 This is in reference to Sections 103 and 104 (d)(2) of the HA.

460 This included Sections 104, 109, 261, 271-5, of the HA.

461 Cited in "Bush Enacts Civil Nuclear Agreement with India," *Environmental News Service* 18 Dec. 2006, 15 June 2008, available at http://www.ens-newswire.com/ens/dec2006/2006-12-18-06.asp.

representatives from the NRC; State, Commerce, and Energy Departments; and ISN representatives, along with Ashley J. Tellis, who was assigned as a senior advisor to the undersecretary of state for political affairs. On the Indian side, Joint Secretary for External Affairs Dr. S. Jaishankar, Ambassador Shyman Saran and his successor, Foreign Secretary Shiv Shankar Menon assumed principal roles, along with representatives from the Ministry of External Affairs, the Department of Atomic Energy, and the prime minister's office. Participants shuffled around as delegations from both sides met for at least five rounds of talks: from June 12–14, 2006 in New Delhi; March 25–27, 2007 in New Delhi; April 16–19, 2007 in Cape Town; May 21–22, 2007 in London; and May 31–June 2, 2007 in New Delhi.[462]

On July 17, 2007, an Indian delegation led by National Security Advisor M. K. Narayanan traveled to Washington to meet with National Security Advisor Hadley and Undersecretary Burns in hopes of finalizing the text. At the meeting, the "usually unflappable" Burns had already expressed Washington's frustrations with New Delhi for holding up the agreement.[463] One concern that had led to an impasse in negotiations was the issue of reprocessing. India sought an unencumbered right to reprocess any U.S. origin spent fuel in its own facilities, while the U.S. insisted on joint consent. The matter was ultimately resolved by each party granting the other reprocessing rights in advance. In order to "bring this reprocessing into effect... India would first establish a new, national facility under IAEA safeguards dedicated to reprocessing safeguarded nuclear material."[464]

462 India, Press Information Bureau, Embassy of India, *123 Agreement Of Civil Nuclear Power: External Affairs Minister, Mr. Pranab Mukherjee's Written Reply In Rajya Sabha*, 3 May 2007, 15 June 2008, available at http://www.indianembassy.org/newsite/press_release/2007/May/4.asp and Sadiq Ali, "Indo-US nuclear deal talks resume from Tuesday," *Newstrack India* 28 May 2007, 15 June 2008, available at http://www.newstrackindia.com/newsdetails/219.

463 Aziz Haniffa, "US Angry with India Over Delay in N-Deal," *Rediff India Abroad* 13 Apr. 2007, 6 Jul. 2008, available at http://www.rediff.com/news/2007/apr/13ndeal.htm.

464 See United States, Under Secretary for Political Affairs, Department of State, *On-The-Record Briefing on the Status of the U.S.-India Civil Nuclear Cooperation Initiative and the Text of the Bilateral Agreement for Peaceful Nuclear Cooperation (123 Agreement)*, by R. Nicholas Burns, 27 Jul. 2007, 13 June 2008 available at http://www.state.

These safeguards would be in perpetuity, and all reprocessed fuel would be applied only to peaceful purposes. A guaranteed and permanent supply of fuel was also of vital importance to New Delhi, as Indian officials wanted to ensure access to enriched uranium.[465] A bargain was struck during negotiations in which the U.S. "supported the creation of an Indian strategic fuel supply [and] commit[ed] to help India gain access to the international fuel market"[466], [467] In short, India accepted unending safeguards in return for American fuel assurances.

After four days of grueling negotiations between the U.S. and Indian teams, the 123 Agreement was reportedly finalized on July 20, 2007.[468] One week later, Secretary Rice and Indian Minister of External Affairs Pranab Mukherjee released a joint statement "attesting to the fact that the United States and India have completed successful negotiations on this bilateral agreement."[469] The text of the accord had taken over 300 working hours to complete.[470] However,

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gov/p/us/rm/2007/89559.htm.

465 In essence, India felt it would face a vital national security threat if China or Pakistan decided to test a nuclear weapon, and wanted to retain the ability to choose to respond in kind without terminating the bilateral agreement with the U.S. Since the HA mandated that any future Indian nuclear test would terminate the agreement, India sought assurances for an alternative origin of supply.

466 See ---, ---, ---, *On-The-Record Briefing*.

467 Critics had pointed out that it seemed the 123 Agreement was at odds with the "nonbinding provisions of the Hyde Act that urge Washington to limit India 's access to fuel supplies from other countries in the event of a termination of the bilateral agreement." But proponents argued that "the 123 Agreement language does not violate the Hyde Act since the fuel access provisions are a part of the agreement itself and would terminate along with the agreement if, for example, an Indian nuclear detonation triggered Section 106 of the Hyde Act terminating U.S. -India civil nuclear cooperation." Lisa Curtis and Baker Spring, "U.S. Nuclear Agreement with India: An Acceptable Deal for a Major Strategic Gain," *WebMemo #1587* 14 Aug. 2007, 5 July 2008, available at http://www.heritage.org/Research/AsiaandthePacific/wm1587.cfm.

468 In Aziz Haniffa, "Tellis on the Inner Workings of the 123 Agreement," *Rediff India Abroad* 2 Aug. 2007, 15 May 2008, available at http://www.rediff.com/news/2007/aug/02ndeal.htm, Tellis reports negotiations were completed at 2 PM on Friday, July 20. The deal was not made public until a week later, presumably to allow time for India's government to consent.

469 See ---, ---, ---, *On-The-Record Briefing*.

470 Chidanand Rajghatta, "US-India Nuke Deal: 1..2..3..Go," *Times of India* 22 Jul.

Washington and New Delhi were reluctant to release the document, which was not made public until August 3. This was presumably to allow New Delhi time to quietly brief allies and key opposition leaders, and get a final seal of approval, before exposing the event to media and public scrutiny.[471] Ambassador Mulford further explained Washington's position stating, "We are not at this moment under a compulsion to release the text because we do not have legislation put before the Congress."[472]

The delay fueled U.S. lawmakers' concerns over the accord. House Committee on Foreign Affairs (HCFA) member Representative Howard L. Berman reported that he and several legislators were "disturbed... we have said, 'You're not going to get anything if you resume nuclear testing.' But now we're making an agreement that India will get a fuel supply even if it resumes testing."[473] By October, the HCFA had submitted a lengthy set of questions on the pending agreement to the State Department. The department responded to the inquiry, but asked the committee to keep its answers secret, even from other lawmakers. Five months later, nonproliferation experts called on the State Department to make the responses public.[474] A May 9, 2008, *Washington Post* article concluded that these answers had not been leaked, "in part because only a handful of congressional officials have been able to read them."[475] Other explanations for secrecy have been advanced as well. According to the *Post*, the order

2007, 2 June 2008, available at http://timesofindia.indiatimes.com/US-India_nuke_deal_1_2_3go/articleshow/2223742.cms.

471 Ibid.

472 United States, Embassy News, Department of State, *Speeches and Remarks 2007,* telephonic press conference by David C. Mulford, 30 Jul. 2007, 15 May 2008, available at http://newdelhi.usembassy.gov/ambjuly3007.html.

473 See Robin Wright and Emily Wax, "U.S. and India Finalize Controversial Nuclear Trade Pact," *Washington Post* 28 Jul. 2007: A14.

474 "Nonproliferation Experts Call on State Department to Come Clean on Questions Concerning U.S.-Indian Nuclear Deal," *Arms Control Association*, 5 Mar. 2008, 2 July 2008, available at http://www.armscontrol.org/pressroom/2008/20080305_State_India.asp.

475 Greg Kessler, "State Department Asks Congress to Keep Quiet About Details of Deal," *Washington Post* 9 May 2008, 16 June 2008, available at http://www.washingtonpost.com/wp-dyn/content/article/2008/05/08/AR2008050803427.html.

to keep the information secret was due to the shaky—even desperate––status of the U.S.-Indian deal. An HFCA spokesperson additionally allowed, "Some of the data [revealed by State] might be considered diplomatically sensitive."[476]

After the 123 Agreement text was released, opposition in India solidified. Parliament's Left and Communist parties decried the accord and threatened to withdraw their support if the government moved forward. In November 2007, New Delhi began negotiating a safeguards agreement with the IAEA. The text was finalized in March 2008, but needed approval from the Indian parliament before it could be sealed. Parliamentary approval was expected to be difficult to obtain. If New Delhi signed a safeguards pact with the IAEA (which it must do before the U.S. Congress can vote in favor of the 123 Agreement), it would not be easy for India to unbind itself from that pact even if the future nuclear cooperation agreement is rejected by Congress.[477] New Delhi is likely to look for reassurance from Washington that Congress will vote in favor of the agreement.

After putting the tentative safeguards agreement to a confidence vote and in spite of the Left's withdrawal of support for the minority coalition government, India circulated the agreement to the IAEA Board of Governors for review. Walking a tightly strung political balance, the prime minister's party cautiously stopped short of labeling the event a formal act.[478] As of late-July 2008, G-8 leaders at a recent Tokyo summit indicated that the NSG and IAEA would probably support the deal.[479] Still, the NSG has declined to consider exemption from its guidelines for India until the IAEA safeguards agreement is complete in order to "consider the extent of

476 Ibid.

477 New Delhi had made efforts to decouple India's IAEA and NSG talks from the 123 Agreement in order to appease Left front parties. Left parties did not want to see the deal move forward with the U.S., but were not averse to such civil nuclear cooperative agreements being struck with Russia and France.

478 See "Won't approach IAEA before trust vote: Gov't," *ExpressIndia.com* 11 Jul. 2008, 13 July 2008, available at http://www.expressindia.com/latest-news/Wont-approach-IAEA-before-trust-vote-Govt/334366/.

479 See "G8 says to work with India, IAEA on non-proliferation," *Reuters* 9 Jul. 2008, 10 July 2008, available at http://in.reuters.com/article/topNews/idINIndia-34439720080709.

oversight on Indian facilities in their final decision."[480] Once again, Congressman Berman expressed unease saying, "I'm concerned about the NSG. As I understand it, the U.S. representative to that body has circulated a clean exemption for India that doesn't reflect any of the restrictions contained in the Hyde Act."[481] During a February visit to New Delhi, SFRC Chair Joseph Biden informed the Prime Minister that "If [the 123 Agreement] is not ratified by Congress by July-end (when Senate goes into recess), there is no prospect of it [being ratified during the tenure of the Bush administration] ... if we do not have the deal now, it is highly unlikely that the next president will present the same deal to India."[482]

Biden and Berman's fears were not unfounded. In September 2008, following nine months of secrecy, the content of the State Department letter to the NSG was finally made public by Representative Berman. This revelation came just as the NSG was meeting for a second time to decide whether to agree to an exemption for India. A significant number of nations already proved reluctant to agree to the draft terms circulated by the United States. The *Washington Post* reported the unfortunate timing of the letter, "Berman's release of the correspondence could make [NSG] approval even more difficult because it demonstrates that U.S. conditions for nuclear trade with India are tougher than what the United States is requesting from the NSG on India's behalf."[483] State Department responses shed light on the fact that the U.S. had no intention of meeting India's demands to continue to supply fuel in the event of a nuclear test or failure to meet nonproliferation commitments, nor to assist India with

480 Sharad Joshi, "A Pause in the Indo-US Nuclear Agreement," *NTI Issue Brief* 2 May 2008, 29 June 2008, available at http://www.nti.org/e_research/e3_Indo_US_nuclear_agreement.html.

481 "Rice Insists on Hyde Act for Accord with NSG," *The Hindu* 15 Feb. 2008, online ed., 29 June 2008 <http://www.thehindu.com/2008/02/15/stories/2008021560281500.htm>.

482 Cited in Praful Bidwai, "INDIA/US: Last Ditch Push for Nuclear Deal," *IPS-Inter Press Service* 22 Feb. 2008, 2 June 2008 <http://ipsnews.net/news.asp?idnews=41309>.

483 Glenn Kessler, "In Secret Letter, Tough U.S. Line on India Nuclear Deal," *Washington Post* 3 Sept. 2008: A10.

the development of "sensitive nuclear technologies."[484], [485] Even so, anticipating NSG approval, the administration likely hoped to reassure lawmakers of its intentions to see the Hyde Act finally approved in the waning days of the congressional calendar year.

On September 6, 2008, the NSG agreed to exempt India from its guidelines and allow the United States to supply the subcontinent with nuclear fuel.[486] The accord awaits ratification by Congress, which must be in 30 days of continuous session to consider the pact. Because Congress adjourns at the end of this September, the deal may pass over to the next administration. Secretary Rice, while traveling in North Africa, expressed a desire to bypass the 30-day provision.[487] As of September 8, the matter is not on the congressinal agenda.

Analysis of Foreign Policy and Process

Having described the key processes and events that led to the proposed U.S.-India nuclear cooperation agreement, the case now returns to the four guiding questions outlined at the beginning of the study. The following analysis considers each of the previously stated questions:

1. Did the U.S. government generally act in an *ad hoc* manner or did it develop effective strategies to integrate its national security resources?

484 Ibid. Unsurprisingly, the letter was not well received by India. Opposition parties joined together in "demand[ing] [Prime Minister] Singh's resignation for alleged lying to Parliament." Like the United States, India also faces upcoming elections and "the nuclear is shaping up as a major issue of the campaign." Rama Lakshmi, "U.S. Letter Puts India's Premier on Defensive Over Nuclear Deal," Washington Post Foreign Service, 5 Sept. 2008: A15.

485 Unsurprisingly, the letter was not well received by India. Opposition parties joined together in "demand[ing] [Prime Minister] Singh's resignation for alleged lying to Parliament." Like the United States, India also faces upcoming elections and "the nuclear is shaping up as a major issue of the campaign." Rama Lakshmi, "U.S. Letter Puts India's Premier on Defensive Over Nuclear Deal," *Washington Post Foreign Service*, 5 Sept. 2008: A15.

486 See Heather Timmons, "Atomic Club Lifts Ban on Trade With India," *New York Times*, 7 Sept. 2008: A8.

487 Rama Lakshmi and Glenn Kessler, "International Group Backs Nuclear Accord for U.S., India," *The Washington Post*, 7 Sept. 2008: A18.

2. How well did the agencies and departments work together to implement these *ad hoc* or integrated strategies?

3. What variables explain the strengths and weaknesses of the response?

4. What diplomatic, financial, and other achievements and costs resulted from these successes and failures?

1. An Ad Hoc Strategy of Selective Proliferation

It would be difficult to conclude that the U.S. government did not act in an *ad hoc* manner when developing and advancing the U.S.-Indian nuclear agreement. While Washington sought to integrate India with the present nonproliferation regime through civil nuclear cooperation, it did not devise a lasting strategy to adjust the existing nonproliferation regime (and relevant U.S. laws and policies) in a manner that would both minimize emergent proliferation challenges and render present norms more relevant for future, responsible, *de facto* nuclear weapons states. This kind of strategy would have maintained an incentive for nations that have contravened their NPT commitments or remain outside the treaty to change their behavior or join the global regime. Instead, to discourage other nuclear states outside the NPT (like Pakistan) from seeking similar agreements with the U.S., the administration has repeatedly affirmed that the nuclear deal is unique and available only to India. Such an *ad hoc* nuclear cooperation initiative designed to achieve the administration's greater strategic aims is less than optimal for four critical reasons.

First, in creating a unique country agreement, the administration's approach failed to address the growing inability of current nonproliferation policy to accommodate contemporary nuclear realities because the India-specific adjustment of U.S. and international laws to allow for the agreement have little applicability

beyond their Indian orientation (at least, this is the administration's iterated intention). Thus, there is no strategy for open application that might better meet the greater challenge of balancing nonproliferation objectives with other geo-strategic and security concerns.

National defense expert Baker Spring points out that the broader issue for the U.S. lies with the need for a new strategic framework. This necessity results from the fact that in a post-Cold War era, regional security issues are not simply "subsumed into the U.S.-Soviet confrontation" and consequently have become far more complicated.[488] U.S. and international nonproliferation policies presently fail to reflect these complexities and thus remain unrefined and less than judicious.[489] In Spring's opinion:

> Post-Cold War regional tensions in places like South Asia have made it increasingly clear that the U.S. needs to open a second track in its overall nuclear nonproliferation policy. The first track constitutes the existing global nuclear nonproliferation regime defined by the NPT. The second track needs to focus on addressing regional security imbalances that motivate non-weapons states to seek nuclear weapons. The trick is to fashion policies and programs in the second track that will encourage non-weapons states under the treaty that nevertheless seek to possess nuclear weapons (*de facto* nuclear weapons states) to join or rejoin the NPT, as well as encourage other non-weapons states now within the regime to stay there.[490]

Instead of adding nuance to the nonproliferation regime, the *ad hoc* strategy for Indian integration at times challenges it. This is partly because the Bush-Singh agreement addresses regional security imbalances through what could be termed "selective proliferation." By actively contributing to an increase, rather than a decrease, in

488 See Baker Spring, "India and a Two-Track Policy to Combat Nuclear Proliferation: Guidelines for Congress to Balance Regional Security with Nonproliferation," *WebMemo #810*, 29 July 2005, 5 Jul. 2008 <http://www.heritage.org/Research/AsiaandthePacific/wm810.cfm>.

489 *ibid.*

490 Ibid..

the amount of fissile materials, the U.S. extends the opportunity for dissemination of weapons-grade materials.[491] Washington also appears to be advancing the notion of proliferation among strategic allies regardless of their position relative to the formal nonproliferation framework codified in the NPT. Further, by side-stepping the established nuclear cooperation framework, it can be argued that the administration devalues or weakens it. India seeks recognition as a *de jure* weapons state which is a status that, until now, has been defined and bestowed by the NPT. There is something incongruous about extending this recognition to a country not bound by the same treaty, especially when the stated end goal of U.S. nuclear cooperation with India is to bring the country under the umbrella of the NPT, thereby strengthening the nonproliferation regime.

The incentive drawing states to join and remain party to the NPT is damaged when a nuclear supplier proves willing not only to provide fuel and other sensitive matter to a non-NPT state with a nuclear weapons program, but to do so on wholly exceptional terms. A strategy that is not purpose-specific could have resulted in a greater strategic gain for the U.S. and left American nonproliferation goals equally intact. One can reasonably assume the overall objective of the Bush administration is not to weaken the nonproliferation regime or damage NPT mores. If an *ad hoc* strategy appears to do just that, then, it cannot be considered optimal and its efficacy is questionable.

Second, the informal strategy failed to integrate U.S. national security resources successfully in its approach to nuclear cooperation with India as there was a large schism in the national security apparatus between the executive and legislative branches of government. The Bush-Singh framework had been a delicate one, taking almost eight months following the Joint Statement to complete. The administration

491 Perkovich tells the Council on Foreign Relations in 2007 that, "...The administration didn't really seek and didn't get an agreement by India to limit its production of nuclear weapons... we didn't get it and we didn't seek it because some in the administration actually want India to build more nuclear weapons as a counter to China. I think that's a mistake." George Perkovich, interview with Bernard Gwertzman, *Gwertzman Asks the Experts*, Council on Foreign Relations, 13 Aug. 2007, 6 July 2008, available at http://www.cfr.org/publication/14026/perkovich.html.

had hoped for swift legislative approval of its actions. Yet, during the two sets of negotiations with India that followed the Joint Statement (the first set culminated in the 2006 Bush-Singh accord; the second set completed the 123 Agreement in 2007) the administration was not forthcoming about the details of the negotiations. Consequently, relevant congressional committees, and nonproliferation elements, were precluded from any meaningful input into or oversight of the process (recall John Rood, the lone senior nonproliferation expert in the final round of negotiations preceding the Joint Statement). This opened the door for resistance on principle mainly from Congress, but also from nonproliferation elements within executive agencies and outside government.[492] Congress reacted negatively by reinstating an oversight role for itself even though it was generally amenable to the executive branch's overall vision. The creation of a more hostile atmosphere in Congress had a direct, detrimental effect on the progress of the initiative because when Congress slowed the pace of policy implementation by conditioning the future agreement via the Lantos compromise and the Hyde Act, opposition within the Indian parliament caught up to Prime Minister Singh. In failing to properly involve or even manage Congress, the administration's strategy effectively stalled the approval process, which splintered Indian support for the agreement.

Third, the administration's decision to rely on influential policy makers to achieve its desired cooperative agreement was not entirely efficient. To a certain extent, this is because the administration's strategy was not the product of a systematic policy review. Instead, the approach was heavily influenced by the individual worldviews of several high-level officials. Key proponents of the deal—Blackwill, Burns, Hadley, Joseph, Rice, Zelikow, and Zoellick, among others—occupied critical positions of influence and seized opportunities to advance and negotiate nuclear cooperation with India, especially after Powell's 2005 departure from the State Department. The appointments of these individuals deliberately reinforced the administration's vision for India. The *Asia Times* asserts that, "Zelikow [was] known to be one of the key proponents of close US-India ties and was appointed to the State Department to ensure that the traditionally non-proliferation-

492 See Levi and Ferguson 6.

obsessed U.S. diplomatic bureaucracy stays true to the vision behind the US-India nuclear deal."[493]

Nonetheless, the executive branch faced significant internal opposition, perhaps due to the strength and clarity of these individual visions, which contrasted sharply with historical departmental nonproliferation attitudes. Selig Harrison, a noted South Asia expert, concluded that:

> Under Secretary of State for Non-Proliferation Robert Joseph, David Addington from Vice President Dick Cheney's office, and John Rood, the non-proliferation specialist at the National Security Council advising the White House... known to be an ally of his predecessor and current U.S. representative at the United Nations, John Bolton... [were] trying to sabotage the deal.[494]

Harrison thought opponents within the administration had successfully impeded the deal "through leaks to the media and tips to congressional staff."[495] It would appear then that the White House was forced to rely even more heavily on the ability of influential proponents who had to counter opposition within their own departments and agencies. This may have contributed to the administration's tendency to cloak negotiations in secrecy and classify relevant information.

The manner in which the White House approached policy implementation was deliberate. A senior U.S. official cited in the *Washington Post* and speaking on condition of anonymity, described a 2005 State Department briefing held immediately after the prospect of nuclear cooperation had been offered up to India by Rice stating: "We had been thinking about this question: How much should you go for? Would an incremental approach be better, would it be more easily digestible [by Congress]? ... We decided to go for the big bang."[496] The deal would have probably been better served had support been

493 Kapisthalam, "India's US Nuclear Deal Hangs by a Thread."
494 Ibid.
495 Ibid.
496 See Kessler, "India Nuclear Deal May Face Hard Sell."

organically sourced or better cultivated within government, instead of generated and directed by a handful of visionary political elites.[497]

Fourth, the effectiveness of strategy execution has been impaired by significant time constraints. The process for implementing policy changes accelerated dramatically after Powell left office in January 2005. Even as the potential for nuclear cooperation between the United States and India increased with changing U.S. officials, however, the window for implementation under the Bush administration narrowed. The issue of timing negatively affected the deal in several ways: first, it is probable that the administration would have been likely to develop a broader and more inclusive strategy had time constraints not been as severe. This sort of approach might have generated a more expansive support base, which in turn would have facilitated the passage of the agreement through Congress. Second, time constraints also undoubtedly influenced the administration's communication with Congress. One example of this lies in the wording of the proposed legislation submitted to Congress following the March 2, 2006, Bush-Singh accord. Regarding the language, Weiss concluded that:

The presidential determinations were couched in the language of progress toward reaching goals, rather than in having reached the goals themselves. The administration's plan was to get the enabling legislation passed quickly so that it could be used as a lever to obtain NSG support for altering its own rules to allow nuclear trade with India.[498]

This "language of progress toward reaching goals" was an attempt to secure congressional support for the deal at an early stage, before rule-changes within the IAEA and NSG were made to accommodate India. However, congressional support might have been more effectively secured through increasingly transparent administrative processes. To enable timely legislative approval, the president's

497 In "India Nuclear Deal May Face Hard Sell," Kessler writes, "Only after the [Joint Statement] did the administration begin to brief members of Congress. One U.S. official involved in the negotiations said the failure to consult with Congress or to build support for the agreement within the bureaucracy has created lasting problems: "The way they jammed it through is going to haunt us.""

498 Weiss, 439.

proposal asked for "excessive latitude"[499] in the eyes of Congress, which then responded by reverting to more traditional provisions requiring congressional approval of all agreements that did not meet AEA conditions. The administration's plan sought to establish a formal U.S.-Indian nuclear agreement as an ordinary accord that met all the requirements of Section 123 of the AEA. In testimony before the House Committee on International Relations, Weiss called this a "prime example of Executive Branch distrust of congressional judgment and Congressional prerogatives under current law."[500] He further added:

> The Administration wants this controversial nuclear agreement, the first in history with a non-signer of the NPT that possesses nuclear weapons, to be treated as if there is no controversy about it; and to allow 1/3+1 of the members present and voting in either house to prevent the agreement from being rejected.[501]

These kind of comments fueled Congressional concerns, ultimately prompting Congress to propose the two-step Lantos compromise, which irrevocably disrupted the administration's schedule for implementing the agreement.

In order to achieve policy transformation, the administration's strategy excluded other elements of the U.S. government that were able to influence policy direction, but which also could have enabled the implementation process. This caused the U.S.-India nuclear agreement to progress initially (post-Rice's appointment as Secretary of State) quickly down the path envisioned by the administration. It also led to terms that were ill defined and open to interpretation. Such conditions might allow for situations far beyond those which the U.S. government presumably intended (such as the proliferation of sensitive materials and technologies, or an undermining of the global nonproliferation regime). These provisions were contested

499 United States Congress, *Henry J. Hyde...Act* 3.

500 For transcript, see Leonard Weiss, "Testimony on the U.S.-India Nuclear Deal," House International Relations Committee, Washington, 11 May 2006, 28 May 2008 <legacy.armscontrol.org/pdf/Testimony/wei051106.pdf>.

501 Ibid., 4.

by Congress, which slowed the agreement's advance—perhaps to a critical degree.

2. Agency Coordination

Though the aforementioned leaks and other forms of internal opposition at times complicated White House efforts, agencies and departments generally have worked well together to implement the administration's *ad hoc* strategy. This is evidenced by the overall sea change in U.S. policy toward India, which required cooperation from numerous executive agencies. Incremental shifts in U.S. policies toward India occurred in the Commerce, Defense, Energy, and State Departments throughout 2002-2004. Following that period, the administration has largely relied on a relatively small group of individuals who shared the president's vision. These included officials in the Defense Department and National Security Council, but the majority were located within the State Department (the body largely responsible for negotiating nuclear cooperation with India).

However, prior to several key personnel and organizational shifts in 2005, notable interagency conflict and internal State Department disputes existed within the administration. Blackwill's 20-month tenure at the U.S. Embassy in India was certainly not without strife. Reportedly subjected to two "scathing" reviews by the State Department's Inspector General's (IG) office following complaints from his staff, Blackwill was dubbed "the most controversial diplomat in Indian memory," by *Time* in 2004.[502] One IG team allegedly found embassy staff to have "the lowest scores ever in terms of... morale in India's mission."[503] The State Department denied recalling the controversial diplomat or forcing his resignation, but Blackwill left his post in 2003.[504]

This was not the only dispute within the State Department and the administration. The merger of the AC and NP bureaus and the

502 Massimo Calabresi, "Our (Irascible) Man in Iraq," *Time,* 28 Jun. 2004, 2 July 2008, available at http://www.time.com/time/magazine/article/0,9171,994555-1,00.html.

503 "Blackwill to Stay Despite Demand for His Recall."

504 See Amy Waldman, "U.S. Ambassador to India Resigning Post After 2 Years," *New York Times* 22 Apr. 2003: A7.

expansion of the VC office were partly prompted by tensions within and among agencies. From 2001–2005 serious policy disputes arose between Secretary Powell and both the Pentagon and the Office of the Vice President.[505] During his time at Foggy Bottom, Bolton frequently sided with the Pentagon and allies in Cheney's office in policy clashes with opponents inside the Department of State.[506] Internal State Department divisions mirrored interagency rifts: the "more independent leadership" of John Wolf, who headed the NP bureau, had led to "occasional differences with Bolton."[507] According to Kessler, during much of 2003 and 2004:

[The AC and VC bureaus] began to encroach regularly on the [NP]'s responsibilities. Issues on which these [AC and VC] bureaus had not previously focused suddenly became of interest, and their views frequently diverged from those of the nonproliferation bureau. Bolton did not seek to ameliorate this situation; if anything he encouraged it. (Bolton had come to view the nonproliferation bureau as untrustworthy because it occasionally took issue with his views during internal debates).[508]

These disputes impaired the ability of each office to carry out its assignment. Reduced productivity, inefficacy, frequent complaints, and embarrassing incidents in which internal feuds were aired publicly prompted the IG's office to conduct a review of each bureau.[509] The IG's 2004 report recommended internal reorganization, proposing the merger of the AC and NP bureaus as a possible course of action

505 See Glenn Kessler, "Administration Critics Chafe at State Dept. Shuffle," *Washington Post* 21 Feb. 2006: A04.

506 Ibid.

507 Ibid.

508 Ibid.

509 Rust cites one example, which "occurred at the 2004 meeting of the preparatory committee for the 2005 nuclear Nonproliferation Treaty (NPT) review conference. No less than three assistant secretaries, an undersecretary, and one ambassador delivered U.S. statements, two of which were embarrassingly repetitive...sometimes, four different representatives from each of the bureaus and the undersecretary's office would strive to represent the department at interagency nonproliferation meetings. Other governments and even U.S. agencies naturally wondered who was in charge as the assistant secretaries for the three bureaus vied for influence."

and citing a "lack of clear lines of authorities" between the AC, NP, and VC bureaus.[510] In an article for the Arms Control Association, former Acting Deputy Director of the NP Bureau Dean Rust analyzed the bureau reshuffling.[511] He noted that the blurring of authorities "had resulted from deliberate intrusion by the other two bureaus on the NP's functions. This problem could have been clarified by the undersecretary or other high-level officials, had they chosen to do so." Rust concluded that the merger was a serious mistake.[512] Powell and Rice did not and the reorganization was executed after the appointment of Robert Joseph as under secretary of state for non-proliferation (partly due to the change in State Department leadership from Powell to Rice and the need to consult Congress on the structural revisions).

When the State Department concluded consultations on the merger with Congress, it decided to install the new Bureau of International Security and Nonproliferation despite the fact that a plan for implementation had not been articulated. Rust cites the consequences of this hasty decision: the "three newly created ISN offices had no employees...two other ISN offices formed from the merger... had no lines of authority," and no professional opportunities were created for the "more than 200 employees affected by the merger."[513] Indeed, newly appointed Undersecretary Joseph replaced senior-level leadership at the agency and in doing so, entrenched tensions within the bureau by largely appointing individuals that had served under the previous Undersecretary John Bolton (2001–2005).[514] Questioning

510 Cited in Rust, "Reorganization Run Amok."

511 See Dean Rust, "Reorganization Run Amok: State Department's WMD Effort Weakened," *Arms Control Today,* Jun. 2006, 2 June 2008, available at http://www.armscontrol.org/act/2006_06/ReorgRunAmok.asp.

512 Rust, "Reorganization Run Amok."

513 Rust, "Reorganization Run Amok."

514 Wade Boese identifies the three acting deputy assistant secretaries of the new bureau offices as "Andrew Semmel for nonproliferation policies and negotiations; Frank Record for counter-proliferation; and Donald Mahley for threat reduction, export controls and negotiations." The panel itself was overseen by Frederick Fleitz, a former senior advisor to John Bolton. See "State Department Announces Reorganization," *Arms Control Today*, Oct. 2005, 2 May 2008, available at http://www.armscontrol.org/act/2005_10/OCT-SDReorg.asp.

the judgment of this action, Rust wondered: "Did Rice and Joseph also not realize how little trust the career staff would have in a panel composed largely of political appointees who owed their loyalty to Bolton, whose aversion toward employees who disagreed with him was well known [within the Department]?"[515]

The resolution of this tension may be explained by the allegations of former employees, who claimed that "some State Department weapons experts from offices that had clashed with Bolton were denied senior positions in the reorganization, even though they had superior qualifications."[516] *The Philadelphia Inquirer* later reported that one political appointee looked outside of the department to fill office jobs by circulating an email that listed "loyalty to Bush and Rice's priorities as a qualification."[517] Though later rescinded for reasons of protocol, the letter pointed to the politicized atmosphere within Foggy Bottom.

After the departmental reorganization, the appointment of Rice, and a corresponding reduction in internal department and interagency tension, the administration's preferred policy towards nuclear cooperation with India advanced rapidly. In contrast, during President Bush's first term when high-level consensus was lacking, the administration's strategy proceeded at an incremental pace. Ironically, the speed of post-2005 strategy implementation was perhaps too fast in the end. While key proponents of the accord were able effectively to neutralize most opposition within the executive branch, they have been unable to win necessary congressional support. Thus, the overall assessment of interagency coordination in light of what it could have been is poor. William Potter of the Center for Non-Proliferation Studies roundly criticized the administration's strategy even before the 2006 proposal was submitted to Congress stating:

> The new policy appears to have been formulated without a comprehensive high-level review of its potential impact on nonproliferation, the significant engagement of many of the government's most senior nonproliferation experts, or

515 Rust, "Reorganization Run Amok."
516 See Strobel, "Career Weapons Experts Booted by Bush Team."
517 Ibid.

> a clear plan for achieving its implementation. Indeed, the policy shift bears all the signs of a top-down administrative directive specifically designed to circumvent the inter-agency review process and to minimize input from any remnants of the traditional "nonproliferation lobby."[518]

Similarly, George Perkovich of the Carnegie Endowment for International Peace wrote, "The lack of extended review and consultation within the U.S. executive branch and between the executive and the Congress and nongovernmental experts, and with foreign governments has created a circumstance whereby analysis is following rather than preceding policy."[519] Implementation of the *ad hoc* strategy was not indicative of broad-based support for the agreement but was instead enabled by a lack of policy review, which afforded various departments more freedom to cooperate as they wished at senior levels to advance the U.S.-India nuclear agreement.

3. Variables that Affected Policy-Making

To further assess the U.S. approach to nuclear cooperation with India, it is useful to analyze specific categories of variables inherent to the U.S. national security apparatus. In terms of decision-making structures and processes, Congress produced a compromise decision that slowed the progress of the agreement as envisioned by the administration. Still, the Lantos compromise also provided a path for the agreement to proceed once it became evident that necessary support for the accord was absent in Congress. In light of the stalemate, then, the legislative arrangement actually advanced development of the nuclear deal with India.

Standing and assigned authorities and responsibilities for interagency bodies and for each agency were clear in most regards. The events leading up to the Joint Statement demonstrated clarity; for example, the progressive paring down of the Department of Commerce's list of Indian entities facing severe trade restrictions allowed for growth in high-technology trade with India, while the HTCG focused on removing trade barriers. The Department of Defense's DPG

518 Potter, 343–344.
519 Perkovich, "Faulty Promises" 2.

solidified U.S.-Indian collaboration in security matters, and led to the ten-year, NFDR agreement. The Department of Energy's "U.S.-India Energy Dialogue" addressed the possibility of civil nuclear cooperation. All of these actions decoupled trade with India from punitive sanctions, and prompted movement away from historic attitudes and policies. This in turn furthered the objective of nuclear commerce with the subcontinent.

Other authorities and responsibilities were less clear. The previous section detailed internal State Department divisions and the merger of AC and NP Bureaus after "unclear lines of authorities" between the offices were noted.[520] However, the opacity of these lines was not necessarily attributable to the structure of the department, but to an increasingly politicized atmosphere within subunits and the department as a whole. The persistence of blurred authorities within DOS after the merger was not a leadership concern, however, as the dynamic appeared to mitigate resistance from offices (AC and NP) that were less inclined to accommodate nuclear concessions to India from their agendas.

Congressional oversight is an authority clearly assigned by the system of checks and balances constructed by the U.S. constitution. Nonetheless, at times, the administration presented itself as capable of overriding this function when Capitol Hill's actions were not well received by India. For example, the Presidential Signing Statement accompanying the Hyde Act may have left the impression that the finalized 123 Agreement need not meet all of the act's provisions. Yet, the Lantos compromise communicated that congressional approval of the future agreement was contingent upon precisely that.

Implementation of the administration's decision to pursue nuclear commerce with India was generally consigned to the State Department, as per the AEA. As the agency primarily responsible for negotiating the agreement, State could be called the "lead agency." The pace of policy implementation is a testament to this: under Secretary Powell, U.S.-Indian nuclear cooperation remained only a possibility but when Secretary Rice aligned the department with White House policy perspectives, State Department activities complemented

520 Rust, "Reorganization Run Amok."

the efforts of other executive other branch agencies and increased the pace of implementation. Throughout, strong agency bureaucracies resisted sharing information with and incorporating direction from outside bodies (especially Congress). Limited consultation proved a pattern for the administration, which notably failed to confer with Congress in its deliberations leading up to the 2005 Joint Statement and the 2006 Bush-Singh accord.

In terms of civilian national security organizational cultures, different agency and department cultures, including leadership styles and behavior, tended to reinforce competition among and within organizations. Among executive agencies, Powell's "renegade" State Department was known for its dissent within the administration, and Powell had a personal history of conflict with Vice President Cheney and Defense Secretary Rumsfeld. Within the State Department, Wolf's independent behavior drew Bolton's attention, and Bolton's leadership style may have helped foster a rivalry between the NP and AC/VC offices. Ambassador Blackwill reportedly had "direct access to President Bush [and was] said to frequently circumvent the State Department and deal directly with the White House on matters of importance, greatly irking the entrenched bureaucracy in Washington, D.C."[521], [522] By developing and advancing strategy at the elite level, however, the administration managed to avoid the policy stagnation that typically accompanies interagency rivalries.

White House leadership held a demonstrable preference for unilateralism at times, which also characterized its dealings with India. This is what prompted Perkovich to admonish the administration for a "lack of extended review and consultation within the U.S executive branch and between the executive and the Congress."[523] Weiss identified a predominant reason for the lack of communication between executive and legislative branches of government: the

521 "Blackwill to Stay Despite Demand for his Recall."

522 In "Our (Irascible) Man in Iraq," Massimo Calabresi writes that Blackwill was Rice's boss at the National Security Agency under the George H.W. Bush administration, and "in 2000, Rice brought Blackwill into the team of "Vulcans," who tutored President George W. Bush on foreign and national-security policy during the [first] campaign."

523 Perkovich, "Faulty Promises," 2.

administration's "distrust of Congressional judgment."[524] The DOS reshuffling also manifested mistrust within departments as Rust observed that it was "not the first time that subcabinet-level political appointees have hijacked a reorganization to pursue their own agenda."[525] A career State Departmental official who felt sidelined by the reorganization reflected on the events noting, "The suspicion is we would undermine the policy. That is what all of us find most offensive. We are here to serve any administration."[526] In failing to engage Congress thoroughly, the administration reprioritized greater governmental unity in favor of speed. In response, Congress derailed the administration's implementation strategy with delay and by further distancing domestic and international processes.

4. Achievements and Costs of an Ad Hoc Strategy

The most significant achievement of the *ad hoc* strategy is that it has seen the agreement through up until this point, which is surely attributable to the strength of the administration's tenacity and vision. The agreement itself has been touted by the president and his staff as "one of their top foreign-policy accomplishments."[527] The quick pace of policy implementation on both sides should be appreciated: India was able to reach a complicated IAEA safeguards agreement in a matter of months (for comparison, China and Pakistan both took years to accomplish the same). In two years and two days of negotiations, the administration resolved a number of deeply rooted issues, such as safeguards and reprocessing rights, which had been the cause for three decades of bitterness. Repeated travel between Washington and New Delhi forged a link between the two capitals and a friendly, professional rapport among U.S. and Indian counterparts will likely remain intact even if the deal falls through.

Yet, critical strategic flaws for policy implementation may result in the breakdown of the agreement. The unexpected resignation of Undersecretary of State Nicholas Burns in early 2008 was heralded

524 Weiss, "Testimony on the U.S.-India Nuclear Deal," 4.
525 Rust, "Reorganization Run Amok."
526 Kessler, "Administration Critics Chafe at State Dept. Shuffle."
527 Neil King, Jr., "Politics and Economics: Stalled U.S.-India Talks Imperil Business Opening," *Wall Street Journal* 20 Jul. 2008, Eastern ed.: A4.

by the *Wall Street Journal* as one of several "increasing signs that Washington's strategies toward... India aren't working."[528] The *Journal* also remarked that without Burns, the initiative "might ultimately falter."[529]

Congressional approval of the 123 Agreement is not guaranteed even if India forges the necessary accords with the NSG and IAEA as the text of these documents could fail to meet other Hyde Act stipulations. In the event Congress rejects the agreement, other countries such as Germany, France, and Russia could move to fill the role the Bush administration had hoped to fulfill. A July 2008 *Washington Post* report cites an anonymous State Department official commenting on the possibility of the U.S. "not profiting from a deal it set in motion," saying: "I don't think there is anything to prevent [India] from doing that, if we don't ratify [the agreement]."[530] Another congressional critic, senior associate of the Carnegie Endowment for International Peace Sharon Squassoni, called the apparent legislative presumption that India needed the U.S. agreement a "fatal flaw in the logic of the U.S. Congress."[531]

Nevertheless, U.S. commercial interests are a powerful, even predominant, force in advocating the successful conclusion of the agreement as significant financial achievements and costs are tied to the fate of the deal. After heavily investing in congressional lobbying, the interested parties would obviously welcome the commercial opportunities that accompany the accord's realization. The *Wall Street Journal* reports that India is likely to seek bids for new atomic reactors, and "industry executives estimate India's nuclear-energy market will require $100 billion of foreign direct investment in coming years."[532]

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528 Jay Solomon, "Politics and Economics: Burns's Exit Complicates Nuclear Negotiations," *Wall Street Journal* 19 Jan. 2008, Eastern ed.: A4.

529 Burns was retained by the State Department as a special envoy to see the policy initiative toward India through. See Sridhar Krishnaswami, "Burns to Quit, but Will Handle N-Deal," *Rediff India Abroad* 18 Jan. 2008, 27 Jun. 2008, available at http://www.rediff.com/news/2008/jan/18ndeal.htm.

530 See Glenn Kessler, "Congress May Not Pass U.S.-India Nuclear Pact," *Washington Post* 9 Jul. 2008: A10.

531 Ibid.

532 Peter Wonacott, "Politics and Economics: India Nuclear Pact May Create a Broad Opening for U.S. Firms," *Wall Street Journal* 18 Nov. 2006, Eastern ed.: A4.

The broader aim, however, is not to simply pursue profitable deals with India, but to open up a rapidly expanding Indian economy to U.S. business by clearing "regulatory obstacles to investment and sales in India."[533] Close nuclear and defense ties will represent significant movement in that direction and offer many opportunities for capitalization.

Even as a proposal, the agreement has ushered in new U.S.-India commerce. For example, February saw leading U.S. aerospace manufacturer Lockheed Martin conclude a $1 billion agreement with New Delhi for six military transport planes—the "first large order" India has placed with an American defense company.[534] *Fortune* magazine notes that other American companies, like Boeing, Honeywell, and General Electric, are "actively chasing orders and tie-ups with Indian defense companies."[535] Defense Secretary Robert Gates' latest visit to the subcontinent "pressed the case of American defense companies competing for multi-billion dollar contracts with the Indian government, including a coveted $10 billion fighter jet deal."[536] However, *Fortune* also points out that while the door has been opened for American companies to occupy a defense-supply role that has been traditionally monopolized by Russia, there is no "history of trust" between the two countries. In this context, the U.S.-Indian nuclear cooperation agreement is poised to either advance or possibly scuttle the nascent commercial and political bilateral relationship.

In the event that the agreement enters into force, the accord will be viewed as a strategic success by some, and a blow to nonproliferation by others. The success of the agreement in meeting U.S. strategic aims without negatively affecting greater nonproliferation objectives may be a product of how other countries view the nuclear deal. If it is seen as truly India-specific and not as a vehicle for other nations to engage in similar cooperation with states that have problematic

533 Ibid.

534 John Elliott, "Riding the Elephant," *Fortune* 6 Feb. 2008, 6 June 2008, available at http://ridingtheelephant.blogs.fortune.cnn.com/2008/02/06/lockheed-leads-american-defense-companies-into-india/.

535 Ibid.

536 Mark Mazzetti and Somini Sengupta, "U.S. and India to Strengthen Security Ties," *New York Times [East Coast]* 29 Feb. 2008, late ed.: A12.

nonproliferation histories, such as Iran or Pakistan, it will not wholly damage the viability and value of the NPT regime's rule-based structure. However, a strategy that appears to be hastily assembled to allow what Weiss calls an, "unprincipled naked grab for lucrative trade and geopolitical advantage by the United States and other suppliers," is not one that will complement this view.[537]

Conclusion

The goal of this investigation is to provide insight for future instances, in which broader strategic ties and aims transcend traditional security concerns. The analysis has sought to illustrate the challenges of adjusting long-standing policies to suit new strategic frameworks. The study concludes that a strategy for lasting policy adjustment is best facilitated by an effective and well-rounded approach. The *ad hoc* strategy employed by the Bush administration to implement U.S.-Indian civil nuclear cooperation does not provide such a framework. Nonetheless, the movement toward solidifying a partnership between two once-estranged democracies is a positive development. The strategic gains that may emerge from this partnership are potentially great, and if civil nuclear cooperation is the lynchpin, the issue merits resolution. Time is rapidly running out on the possibility of ratifying the agreement under the tenure of the current administration, but regional and even global strategic benefits of the agreement should be readily identifiable to the next president.

537 Weiss, 453.

CHAPTER 5. MANAGING U.S.-CHINA CRISES

Richard Weitz[538]

Introduction

This case study examines the formation and implementation of U.S. policies in response to three of the most important national security crises between the United States and the People's Republic of China (PRC).[539] The first crisis, the June 1989 decision by the Chinese military to employ force to suppress unarmed student demonstrators in Tiananmen Square, shattered the dreams of many Americans that China would soon join Russia and other former communist countries as they transitioned towards political democracies. The second crisis, the accidental May 1999 bombing by U.S. aircraft of China's embassy in Belgrade during the Kosovo War, strained Sino-American relations further at a time when Chinese policy makers had become alarmed about increased U.S. military activities in Europe and East Asia. The final crisis, the April 2001 collision between an American EP-3 surveillance plane and a Chinese fighter aircraft off China's coast, underscored the dangers of accidents involving the two most powerful militaries in East Asia.

Three considerations make a study of how the United States has managed crises with China important for the Project on National Security Reform (PNSR). First, managing security relations with the PRC has been, and will probably remain for at least several more decades, one of the most important national security missions of the U.S. government. A crisis-prone relationship would increase the prospects of China's becoming a regional military rival of the United States—and possibly an actual adversary should a confrontation over Taiwan or another issue escalate into a full-blown military conflict. In contrast, good security ties between the United States and China—

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539 The author would like to thank Lauren Bateman, Christine Gilbert, Dylan Lehrke, Evan Minsberg, Elizabeth Zolotukhina, and many other colleagues who contributed insights to this chapter.

which among other features would see fewer and less severe Sino-American crises—would help advance the long-term U.S. objective of integrating Beijing into the existing international security system as a responsible stakeholder. In this regard, Sino-American cooperation could prove important for securing other U.S. national security goals: curbing the proliferation of weapons of mass destruction, countering genuine transnational terrorism and crime, promoting human rights and responsible government policies in Africa, and attaining a durable peace agreement on the Korean peninsula.

Second, assessing the U.S. interagency response to three short-term incidents sharing common characteristics provides examples of how the American national security system reacts to unexpected international crises. Analyzing how U.S. decision makers formulate and implement policies in these urgent situations helps identify patterns of organizational behavior within the American government's national security bureaucracy under acute time pressure. This evaluation complements other PNSR case studies that review how the U.S. government forms and executes strategies during longer lasting crises, such as those regarding Somalia and the former Yugoslavia in the 1990s, or towards the wars in Vietnam, Afghanistan, and Iraq.

Third, the three cases manifest various differences in U.S. policies towards China that clarify the formation and execution of U.S. national security strategy. Accordingly, examining three incidents allows for a richer assessment of how the U.S. national security apparatus responds to security crises with China than an investigation of any single event could provide.

In the aggregate, the three specific incidents under review encompass a wide range of actors that have participated in the formation and execution of U.S. security policies towards China. These include several executive branch departments, agencies of the U.S. intelligence community, influential members of Congress and their staff, and diverse non-governmental organizations. In addition, the lengthy time period under consideration—over a decade—allows for an analysis of the policy development and implementation processes of three separate presidential administrations. Each of these administrations employed distinct processes for formulating and executing American security policies towards China. Furthermore, the leading national

security policy makers in each of these administrations held sharply different views about the appropriate U.S. strategy toward China even if they subscribed to a general consensus that a more democratic, less bellicose PRC would be a more favorable partner than an authoritarian regime that pursued repressive domestic practices and confrontational foreign policies.

For example, despite the public outrage the Tiananmen Square massacre rightly evoked, the George H. W. Bush administration approached the issue of managing security relations with China largely from a realpolitik framework, emphasizing the need to prevent a rupture in Sino-American ties despite the end of the Soviet threat that had previously united the two countries during the Cold War. This strategy created intense problems for executive-legislative relations, as diverse members of Congress sought to challenge the administration's policies. The White House felt compelled to threaten presidential vetoes to prevent Congress from adopting sanctions that the executive branch strongly opposed. Yet, the Bush administration, like other foreign governments, proved unable to prevent the Chinese leadership from inflicting widespread human rights violations or induce Beijing to alter other policies obnoxious to American values and interests.

The 1999 Belgrade Bombing is an example of how intelligence failures and misperceptions escalated a genuine accident into an acute bilateral crisis. The priority of the William Clinton administration was to settle the dispute in a way that quickly returned the Sino-American relationship to pre-crisis conditions and allowed the U.S. government to continue to concentrate on winning the war in Kosovo. Constraints on the president's time, congressional attacks on the Chinese government, and other impediments complicated the U.S. government's ability to handle this crisis.

The 2001 EP-3 surveillance plane crash was also an accident, but it involved a deliberate intelligence-gathering operation along the Chinese coast, which Beijing considered provocative. In addition, the collision occurred at a time when many White House advisors considered China an emerging strategic rival of the United States. The George W. Bush administration sought to settle the EP-3 crisis through a solution that, while not worsening Sino-American ties, would not have compromised future U.S. intelligence operations

against China. In this case, differences in interagency perspectives, especially between U.S. civilian and military actors, made policy implementation more difficult.

This chapter begins by providing important background information regarding each crisis. The focus of each segment is on those factors—international, domestic, and within the executive branch agencies—that affected the formation and implementation of U.S. policies during the incident. The conclusion then reviews the four key questions of most concern to PNSR: (1) did the U.S. Government generally act in an ad hoc manner or did it develop effective strategies to integrate its national security resources?; (2) how well did the agencies and departments work together to implement these ad hoc or integrated strategies?; (3) what variables explain the strengths and weaknesses of the response?; and (4) what diplomatic, financial, and other achievements and costs resulted from these successes and failures?

Although the answers to these questions often differ for each of the three crises examined in this study, some patterns emerge. First, even those presidents that came to office with well-integrated strategies often found it hard to implement them within the U.S. interagency framework. Second, absent close presidential attention, the agencies would often develop and pursue their own China policies, contributing to undesirable policy incoherence. Third, responding to the immediate crisis almost always involved a mixture of formal and ad hoc interagency processes. Fourth, serious problems arose when the crisis occurred early in a presidential transition since the new team had yet to establish fully functioning interagency processes or secure Senate approval of many mid-level political appointees. Fifth, since the Tiananmen crackdown, sustained tensions have affected executive-legislative policies regarding China, with members of Congress often advocating much more confrontational policies than the executive branch deemed wise. Finally, the main achievement of the U.S. government response to all the crises involved costs avoided—normally not a major accomplishment, but important here, when mismanaging events could have escalated into nuclear war.

Crisis I: Tiananmen Square

U.S. policy toward China during the first Bush administration was directed by the president himself. George H.W. Bush was much more interested in foreign than domestic policy when he became president in January 1989. In addition, Bush felt comfortable dominating U.S. government decision making regarding Beijing given his extensive public policy background and experience with China. Before the establishment of an official U.S. embassy, Bush ran the U.S. Liaison Office in Beijing from 1974–1975. He subsequently served as director of the Central Intelligence Agency (CIA), U.S. Ambassador to the United Nations, and then as Vice President in 1981. Throughout his government career, a period that saw extensive Sino-American strategic cooperation against the Soviet Union, including joint support to the insurgents in Afghanistan then fighting Soviet occupation forces, Bush established close ties with many Chinese leaders. Alluding to Bush's predominant influence over U.S. China policy during his presidency, former Secretary of State James Baker later said that, "In the case of China policy, however, it's fair to say that very few policy initiatives were generated either by State or the National Security Council staff during my tenure. There was no real need."[540]

Under the president's direction, the first Bush team assumed office with a well-formulated strategy toward China. Its underlying premise was that China would continue to evolve from a hard-core communist regime into a more moderate authoritarian political system. In addition, Bush administration policy makers expected China to become more economically and perhaps politically integrated into existing international institutions. Ideally, this anticipated domestic and international mellowing would improve the socioeconomic conditions of the Chinese people at home while enhancing mutually beneficial international cooperation between Washington and Beijing in areas of common interest. Since they believed that direct U.S. government pressure to accelerate these benign trends could prove counterproductive, the Bush team agreed to temper aspirations for

540 Cited in David M. Lampton, *Same Bed, Different Dreams: Managing U.S.-China relations, 1989-2000* (Berkeley: University of California Press, 2001), 317.

near-term gains in the areas of human rights and democracy promotion in the hopes of achieving enduring gains in these spheres later.[541]

The main obstacle to implementing such a strategy was the desire among many Americans to extend the democratic wave that was sweeping through Eastern Europe and the Soviet Union to encompass China as well. In terms of the development and implementation of U.S. national security policy, this difference manifested itself most clearly in executive-legislative tensions over America's China policy.

During the 1980s, leading members of Congress generally shared the Reagan administration's view of China as a useful geopolitical ally against Soviet expansionism. They therefore deferred to presidential leadership on China. The collapse of the Soviet bloc during the early 1990s, combined with evidence that China would remain a repressive authoritarian regime, resulted in a diverse range of members assuming a more critical approach. This anti-Beijing coalition included liberals concerned about human rights, conservatives harboring anti-communist and pro-Taiwan values, and less ideologically committed members critical of the Chinese government's unfair commercial practices, support for repressive regimes abroad, involvement in the proliferation of weapons of mass destruction, conduct of espionage operations within the United States, and pursuit of other policies obnoxious to American values and interests. These congressional-presidential differences over China first became prominent during the Tiananmen crisis. They have affected U.S. national security policies toward China ever since.

Immediate Crisis Response

Since Mao Zedong died in September 1976, China has experienced a complex transition from an autarkic totalitarian state to a country characterized by an uneasy mixture of an authoritarian political regime and a state capitalist economic system that combines many free market practices at home with a national economy open to foreign trade and investment. In the context of this intricate and incomplete

541 Robert G. Sutter, *U.S. Policy Toward China: An Introduction to the Role of Interest Groups*, (Lanham: Rowman & Littlefield, 1998), 27–28.

transformation, it is unsurprising that China has experienced periodic domestic political crises such as those in 1979, 1986, and, most extensively, in 1989.

In early April of that year, the natural death of popular political reformer Hu Yaobang provided an occasion for discontented students to conduct mass protest rallies at which they denounced various policies of the government and the ruling Chinese Communist Party. Despite official warnings to cease such activities, and attempts at dialogue between party and student leaders, the number of student protesters soared in the following weeks. Intellectuals, workers, and other dissatisfied members of Chinese society joined the demonstrations. Many of the protesters called for greater democracy, but demands for more jobs, an end to corruption, and other issues were also common. By May 18, the crowd in Tiananmen Square alone had grown to approximately 1 million people.

On May 19, the Chinese government imposed martial law and ordered the Chinese armed forces, the People's Liberation Army (PLA), to disperse the protesters and restore order in Beijing and other Chinese cities. Due to inter-party divisions, lack of appropriate coordination, and an underestimation of the level of support for the student movement, the PLA units declined to use force against the protesters. By June 3, however, hardliners within the Chinese leadership had secured control of the party and government. They ordered the reinforced PLA units to suppress the protesters, whose numbers had dwindled to a few thousand hard-core activists, with force. The resulting military operation, which began on late June 4 and lasted several days, killed hundreds, perhaps thousands, of students and other civilians in Beijing alone, with many more injured or arrested.

The unprecedented nature of the events in China caught U.S. political leaders as well as career diplomats and intelligence analysts by surprise.[542] In addition, the Bush administration had yet to fully staff its national security team for Asia. When the crisis erupted, the U.S.

542 See for example the uncertainty about China's political situation in 1989 recorded in Michael L. Evans, "New Documents Reveal U.S. Perceptions of 1989 Chinese Political Crisis," June 4, 2001, available at http://www.gwu.edu/~nsarchiv/NSAEBB/NSAEBB47.

government lacked an assistant secretary of state for Asian affairs, an assistant secretary of defense for international security affairs, and a national intelligence officer for East Asia on the National Intelligence Council. The U.S. Ambassador to Beijing, James Lilley, only arrived in Beijing on May 3.[543]

When Bush assumed office, the initial focus of his limited China team was on organizing a U.S. presidential trip to the country. The visit, which occurred February 25–27, aimed to renew ties and counter the growing overtures of Soviet leader Mikhail Gorbachev for a Sino-Soviet strategic rapprochement. Senior administration officials generally downplayed the growing public disorders in China.[544] It was not until the international media arrived in China to cover Gorbachev's visit, which occurred on May 17, that the full extent of the Chinese upheavals became apparent in Washington. Only then did the State Department organize a round-the-clock special Tiananmen task force with a direct telephone link to the U.S. embassy team in Beijing.[545] Immediately after the Chinese military began its crackdown in Tiananmen, U.S. officials struggled to understand what was happening. At this time, Washington's main sources of intelligence were cables originating from the American embassy in Beijing. Although the State Department's special task force sought to collect, integrate, and disseminate the cables and other information regarding China in a structured manner, many of the diverse reports coming in soon proved inaccurate.[546]

In the first public statements of an administration official on the escalating crisis, Acting Deputy Assistant Secretary of State for East Asian and Pacific Affairs Richard Williams simply expressed the hope

543 Robert L. Suettinger, *Beyond Tiananmen: The Politics of U.S.-China Relations, 1989-2000* (Washington, D.C.: Brookings Institution, 2003), 63.

544 Patrick Tyler, *A Great Wall: Six Presidents and China* (New York: Century Foundation, 1999), 343–350.

545 Suettinger, *Beyond Tiananmen*, 64.

546 "Cable, From: Department of State, Wash DC, To: U.S. Embassy Beijing, and All Diplomatic and Consular Posts, TFCHO1: SITREP 1, 1700 EDT (June 3, 1989)," in Jeffrey T. Richelson and Michael L. Evans, eds., National Security Archive Electronic Briefing, "Tiananmen Square 1989: The Declassified History," http://www.gwu.edu/~nsarchiv/NSAEBB/NSAEBB16/documents/12-01.htm.

that "the trends towards more openness and more respect for basic human rights will continue."[547] In private, however, Secretary Baker, who feared encouraging a mass rebellion that the United States could not formally support, advocated caution.[548] On May 20, in his first public comments regarding the disorders in China, Bush expressed support for greater freedom and democracy in China, but urged both sides to exercise restraint because "I do not want to see bloodshed."[549]

When the Tiananmen crackdown began on June 4, President Bush reaffirmed his pre-crisis message about the need for mutual restraint: "I deeply deplore the decision to use force against peaceful demonstrators and the consequent loss of life. We have been urging and continue to urge non-violence, restraint, and dialogue. Tragically, another course has been chosen. Again, I urge a return to non-violent means for dealing with the current situation."[550] Secretary Baker tempered his public comments even further. He told CNN that "it would appear that there may be some violence being used here on both sides" and that the administration would deliberate and assess these "deplorable" events before deciding whether to impose sanctions: "'Let's see what happens over the course of the next few days before we start hypothesizing about what we might or might not do in the future."[551]

Some members of Congress had begun castigating the Chinese government and the Bush administration's approach even before the PLA crackdown. After Tiananmen, the congressional, media, and public outcry increased exponentially. Bush responded to these

547 Cited in Harry Harding, *A Fragile Relationship—the United States and China since 1972* (Washington: Brookings Institution, 1992), 225.

548 Cited in Harding, *Fragile Relationship*, 225.

549 Bernard Weinraub, "Upheaval In China," *New York Times*, May 22, 1989, available at http://query.nytimes.com/gst/fullpage.html?res=950DE7D61438F931A15756C0A96F948260.

550 Cited in "Demonstrations in China—Department of State Statements, George Bush Addresses," available at http://findarticles.com/p/articles/mi_m1079/is_n2149_v89/ai_7938857.

551 Cited in Robert Pear, "Crackdown In Beijing; President Assails Shootings In China," *New York Times*, June 4, 1989, available at http://query.nytimes.com/gst/fullpage.html?res=950DE0D61E3DF937A35755C0A96F948260.

growing criticisms by announcing a package of limited sanctions on China. The measures included suspending military contracts and defense technology transfers worth approximately $600 million as well as indefinitely freezing all visits between U.S. and Chinese military leaders. These steps had been recommended by an American emergency session earlier that day of the interagency working group established to manage the crisis. Under the chairmanship of Acting Assistant Secretary of State for East Asian and Pacific Affairs William Clark, its participants consisted of senior representatives from the intelligence community as well as policy and legal experts from various executive branch departments. The Department of Defense representative, with the approval of Secretary of Defense Richard Cheney and Undersecretary Paul Wolfowitz, recommended that, since the PLA was responsible for the massacre, U.S. sanctions should focus on curtailing military relations between China and the United States.[552]

In a precursor of impending problems, however, Bush made clear that, given his belief that he possessed superior understanding of the issue, Congress and others should allow him to manage China policy: "I'm the president; I set the foreign policy objectives and actions taken by the executive branch. I think they know, most of them in Congress, that I have not only a keen personal interest in China, but that I understand it reasonably well."[553] Bush also refused to break relations with the PRC or recall Ambassador Lilley to Washington for consultations, a common move when one government wishes to signal its displeasure with the behavior of another regime.[554]

When the congressional and public denunciations of the administration's policies towards China continued, the White House announced additional unilateral sanctions on June 20. These included suspending participation in all high-level exchanges of government officials with the PRC as well as instructing American representatives at various international financial institutions to postpone considering

552 Suettinger, *Beyond Tiananmen*, 66–67.

553 "George Bush, The President's News Conference, June 5th, 1989," The American Presidency Project, available at http://www.presidency.ucsb.edu/ws/print.php?pid=17103.

554 Patrick Tyler, *A Great Wall: Six Presidents and China* (New York: Century Foundation, 1999), 359.

new loans to China.[555] In some cases, the president adopted harsher measures than recommended by the interagency group that met within the Policy Coordinating Committee (PCC) established to address the China crisis. For example, he chose to postpone a planned trip by Secretary of Commerce Robert Mossbacher to China even though the PCC had not supported this action.[556] Yet, the president refused to impose the even more severe sanctions advocated by members of Congress, the media, and various human rights and other nongovernmental organizations.[557] In justification, Bush continued to argue that responding too harshly would produce a breakdown in bilateral relations that would harm the Chinese people.[558]

Presidential Envoys and Personal Diplomacy

To complement his public actions, President Bush sought to reestablish direct personal contact with the Chinese leadership. After encountering difficulties attempting to work through various Chinese intermediaries, Bush proposed, and the Chinese accepted, holding a secret diplomatic meeting in Beijing. Bush decided to send National Security Advisor Brent Scowcroft and, at Baker's urging, Undersecretary of State Lawrence Eagleburger on this mission even as Congress was codifying the presidential directive against senior-level diplomatic exchanges with the PRC.[559] Scowcroft and Eagleburger arrived in Beijing on June 30, carrying a set of guidelines that contained such passages as:

- "President Bush recognizes the value of the PRC-US relationship to the vital interests of both countries. Beyond that, he has a deep personal desire to see the friendship between the Chinese and American people maintained and strengthened. This commitment derives from his experience

555 Sutter, *U.S. Policy Toward China*, 29.

556 Jean A. Garrison, *Making China Policy: From Nixon to G.W. Bush* (London: Lynn Riener Publishers, 2005), 118.

557 Ka Zeng, *Trade Threats, Trade Wars: Bargaining, Retaliation, and American Coercive Diplomacy* (Ann Arbor: University of Michigan Press, 2004), 103.

558 Harding, *Fragile Relationship*, 227.

559 James A. Baker III, *The Politics of Diplomacy: Revolution, War and Peace,1989-92* (New York: G. P. Putnam's Sons, 1995), 109.

in China and his personal friendship for so many of China's leaders.

- "At the same time, as leader of the nation he must represent and articulate the values of the American people – values he deeply believes in personally as well."
- "The American people have been shocked and repelled by much of what they have seen and read about recent events in China. That is as much a fact as Chinese views of U.S. reactions to those events. Both governments must take those attitudes into account."
- "President Bush shares the views of the broad mass of the American people regarding those events. He also realizes, however, that the long-term relationship between the PRC and the U.S. is, as already indicated, an important factor for both countries. He wants to manage short-term events in a way that will best assure a healthy relationship over time. But he is not the only factor in the American democratic system. The Congress is a co-equal branch of the government; its attitudes are also important in determining how the U.S. reacts to external events."
- "Congressional reaction to what has occurred in the PRC has been strong; inevitably that reaction has led to numerous demands for legislation to end many aspects of our economic, military, and political relationship. The President has taken the steps he has believed appropriate in current circumstances, while resisting demands by the Congress and segments of the American public for other measures."
- "The degree to which the President is able to maintain his current prudent course will depend, in large measure, on how events develop over the coming days in the PRC. Further arrests and executions will inevitably lead to greater demands in the U.S. to respond. Efforts at national reconciliation, on the other hand, will find a cooperative U.S. response." [560]

560 "Tiananmen Square 1989: The Declassified History," Document 34, available at http://china.usc.edu/App_Images//tiananmensquare_doc_33.pdf

In other words, Bush would do what he could to resist congressional pressure for harsher sanctions because of the importance of the U.S.-China strategic relationship, but the Chinese government needed to avoid additional domestic acts of repression that could force his hand by further aggravating American sensibilities. The trip achieved few immediate accomplishments as neither side fully understood the domestic situations of the other, but the exchange may have helped prevent a further deterioration in the relationship between the two governments by at least signaling U.S. presidential intent to maintain a high-level dialogue.

Worsening Executive-Congressional Tensions

Throughout the remainder of 1989, President Bush and his closest advisors attempted to use carrots and sticks to induce the Chinese authorities into taking actions that would improve Sino-American ties. The administration loosened its original sanctions in July 1989, when it permitted Boeing to sell China four commercial jets equipped with navigation systems whose technologies had potential military as well as civilian uses.[561] Congress, the media, and human rights groups criticized the Bush administration for relaxing the sanctions without securing prior improvements in China's human rights policies (public executions and other repressive measures continued unabated). Denunciations increased when, after the administration announced that Scowcroft would lead a U.S. delegation to China on December 9–10, the media learned of Scowcroft's earlier secret trip to Beijing in July, a time when Bush had publicly suspended high-level diplomatic exchanges. Senate Majority Leader George Mitchell echoed many of his colleagues in criticizing Bush's "embarrassing kowtowing" before China's government.[562]

Ideological alignments, which in this case often overcame partisan affiliations, reinforced the congressional-executive branch dispute over institutional prerogatives. Right-wing anti-communists joined with liberal human rights activists to denounce the administration's

561 Garrison, *Making China Policy*, 113.

562 George J. Church, "Bush: The Riverboat Gambler," *Time*, December 25, 1989, available at http://www.time.com/time/magazine/article/0,9171,959405,00.html.

realpolitik approach. Conservative Republican Senator Jesse Helms and liberal Democratic Representative Stephen Solarz agreed on a television news show that Washington needed to act more forcefully, with Solarz warning that, "if the president doesn't take the initiative, the Congress will do it for him."[563] Within the administration, the realist perspective—shared by Scowcroft, Eagleburger, and the other senior officials who had worked with former Secretary of State Henry Kissinger—tended to focus on China's external behavior rather than its government's domestic policies, presuming that the latter were largely unchangeable by direct U.S. action and at best only susceptible to long-term evolution.[564] Only Secretary Baker began to urge Bush to adopt a firmer stance in public that accorded more with popular and congressional sentiments.[565]

Nevertheless, Bush continued his moderate approach through the end of the year. For example, he exercised the discretion granted him in congressional legislation to waive sanctions preventing Chinese space vehicles from launching three U.S.-built communications satellites or to permit new Export-Import Bank loans for projects in China.[566] The president also worked vigorously to prevent enactment of the Emergency Chinese Immigration Relief Act, a popular measure proposed by Democratic Representative Nancy Pelosi, and backed by many Republicans, which would have allowed Chinese students in the United States, some of whom had participated in pro-democracy activities while in residence, to remain beyond the terms of their original visas rather than return to the repressive conditions in China. The Beijing government threatened to end further academic exchanges if the act were adopted.[567] Bush justified his veto of the act, which was overridden in the House but not the Senate, on constitutional and pragmatic grounds. He argued that the bill would have unnecessarily tied his hands in foreign policy and damaged Sino-

563 Cited in Harding, *Fragile Relationship*, 230.

564 David Skidmore and William Gates, "After Tiananmen: The Struggle over U.S. Policy toward China in the Bush Administration," *Presidential Studies Quarterly*, vol. 27, no. 3 (Summer 1997), 517–518.

565 Suettinger, *Beyond Tiananmen*, 368.

566 Sutter, *U.S. Policy Toward China*, 31.

567 Jian Yang, *Congress and US China Policy, 1989-1999* (New York: Nova Science Publishers, 2000), 78.

American relations.[568] In other cases, congressional leaders agreed to revise various bills, including implementing language that gave the president the authority to waive sanctions on national interest grounds, in order to secure White House approval.[569]

Administration Policy Reassessment

By January 1990, it had become clear that President Bush's approach to China was not producing the hoped-for moderation in the severity of Chinese repression, which would have relaxed the pressure on Bush from Congress and others to adopt more confrontational policies towards Beijing. Due to the continuing persecution of students, dissidents, and others, which included public executions as well as lengthy prison sentences under horrid conditions, Bush found it difficult to balance dealing with Beijing and Capitol Hill. In the early months of 1990, Congress, the media, and various human rights groups sought to exploit Congress's ability to block or condition renewal of the annual presidential waiver allowing "non-market economies" like China to enjoy Most Favored Nation (MFN) status (later more appropriately termed Normal Trade Relations, or NTR) with the United States. Without the waiver, Chinese exports to the United States could have been subject to hefty tariffs.

The Bush legislative team defeated these congressional efforts to deny or renew conditionally China's MFN trading status by arguing that such measures would prove counterproductive to achieving U.S. human rights goals in China. They also mobilized American businesses that would have suffered economically from the loss of trade.[570] At the same time, the administration indicated to the Chinese that they could not forever defend China if Beijing did not take steps to improve relations by easing political repression. The Chinese authorities made certain efforts in this direction, releasing some political prisoners as well as allowing prominent Chinese dissident Fang Lizhi, who had been granted shelter in the U.S. Embassy, to

568 Garrison, *Making China Policy*, 119–120.

569 Harding, *Fragile Relationship*, 234.

570 Robert Lee Suettinger, "The United States and China: Tough Engagement," Richard N. Haass and Meghan L. O'Sullivan, eds., *Incentives, Sanctions, and Foreign Policy* (Washington, D.C.: Brookings Institution Press, 2000), 15.

leave the country. But these modest steps failed to satisfy Beijing's numerous critics in Congress.

When Saddam Hussein invaded Kuwait in early August 1990, the Bush administration suspended its efforts to pressure China to make further domestic reforms since Washington needed Beijing's support in the U.N. Security Council (UNSC)—first to authorize the increasingly severe sanctions against Iraq, later to secure a UNSC resolution permitting the use of force under Operations Desert Shield and Desert Storm. The Chinese government dutifully did not veto these resolutions, which enhanced support for the resulting U.S. military operations both internationally and within Congress. In compensation for their benign neutrality during the Persian Gulf War, senior Chinese representatives received several high-profile meetings with U.S. officials in New York and Washington. Other governments also began relaxing their post-Tiananmen sanctions on China at this time. A common concern was that retaining the embargoes longer than their commercial rivals could prove economically costly by placing them at a competitive disadvantage.[571]

Upon the successful conclusion of the Iraq campaign, however, the Sino-American relationship regressed. The two governments engaged in contentious disputes regarding the Beijing's human rights policies, its export of missile and nuclear energy technologies to countries of proliferation concern, and its lax protection of American intellectual properties. Although Bush used his veto power to prevent additional sanctions favored by Congress, his decision during the 1992 reelection campaign to authorize Taiwan to purchase 150 American-manufactured F-16s, a move that the Chinese government as well as some American analysts considered a violation of the 1982 Sino-American communiqué limiting U.S. arms sales to "defensive" weapons systems, added yet another irritant to the U.S.-China relationship.[572]

571 Yitzhak Shichor, "Decisionmaking in Triplicate: China and the Three Iraqi Wars," in Andrew Scobell and Larry Wortzel, eds., *Chinese National Security Decisionmaking Under Stress* (Carlisle, PA: Strategic Studies Institute of the U.S. Army War College, 2005), 205.

572 James Mann, *About Face: A History of America's Curious Relationship with China from Nixon to Clinton*, 254–273.

Crisis II: Belgrade Embassy Bombing

During the 1992 presidential election campaign, William Clinton charged George Bush with pursuing an excessively soft approach toward China.[573] Once in office, however, President Clinton adopted a similar long-range strategy toward Beijing. Commonly referred to as "constructive engagement" under Clinton, the strategy aimed to promote China's domestic liberalization, global economic integration, and responsible international behavior gradually by deepening bilateral dialogue and interaction on a range of issues.[574] After Tiananmen, few Americans in either the Bush or Clinton administrations expected China to evolve soon into a Western-style democracy (though Clinton officials repeatedly expressed a hope to see a long-term liberal evolution of the Chinese political system in line with its general philosophy of "enlargement and engagement"). In addition, with the disappearance of the mutual Soviet threat, both administrations feared that Beijing and Washington might become strategic rivals if the bilateral relationship was poorly managed.

Unlike President George H.W. Bush, however, Clinton did not dominate America's China policy during his first term. Clinton's initially low-level involvement regarding China-related issues decreased coherence in both the formation and the implementation of U.S policies because the various executive branch agencies enjoyed greater freedom to promote their own priorities toward China. A related problem was that none of the president's leading foreign policy advisors or department heads had much experience with China. This situation, combined with the absence of the complex interagency processes associated with policy toward Russia and other higher-priority issues, allowed mid-level officials most concerned with promoting agency agendas to dominate policy making and implementation with respect to PRC-related issues.[575]

573 Ezra F. Vogel, "Introduction: How Can the United States and China Pursue Common Interests and Manage Differences?" in Ezra F. Vogel, ed., *Living with China: U.S./China Relations in the Twenty-First Century* (New York: W. W. Norton, 1997), 24.

574 Suettinger, "The United States and China," 17-20; and Tyler, *A Great Wall*, 393–412.

575 Michael Nacht, "Domestic Roots of U.S. China Policy (with Thoughts on Japan) from Clinton Through 2001," in Ezra F. Vogel, ed., *The Age of Uncertainty:*

In terms of U.S. government agency priorities, the Department of Commerce focused on expanding opportunities for American businesses to invest in China's growing economy. The Office of the U.S. Trade Representative sought to employ threats of economic sanctions to induce the Chinese government to improve its commercial practices, such as by expanding market access for U.S. exporters and by more effectively respecting American intellectual property rights. The Department of Defense attempted to restore the direct dialogue with the Chinese military that had been severed after Tiananmen. Finally, the U.S. State Department was internally fractured, a recurring condition that has appeared to undermine its influence within U.S. policy making in general. In the case of China policy under Clinton, the State Department bureaus responsible for human rights lobbied the Chinese government to temper its oppressive domestic practices while the office in charge of nonproliferation sought to pressure Beijing to curb its sale of advanced technologies related to ballistic missiles and potential weapons of mass destruction. The Bureau of East Asian and Pacific Affairs, whose China desk contained the department's main area expertise, found it difficult to impose its own policy preferences on the above-mentioned functional offices despite its being headed by an experienced China specialist, Winston Lord.[576]

Although Clinton expanded the formal membership of the National Security Council (NSC) early in his first term by including the U.S. permanent representative to the UN and certain high-ranking American economic policy makers, he rarely convened formal meetings of the council. Instead, national security decision making under Clinton, as with the two Bush administrations, took place in a formal three-tiered decision making system. A Principals Committee, chaired by the national security advisor and consisting of the heads of the major U.S. executive departments involved in foreign policy as well as the leading advisors having national security portfolios, headed

The U.S.-China-Japan Triangle from Tiananmen (1989) to 9/11 (2001) (Cambridge, Massachusetts: Harvard University Asia Center, 2004), 44–46.

576 Kenneth Lieberthal, "Domestic Forces and Sino-U.S. Relations," in Ezra F. Vogel, ed., *Living with China: U.S./China Relations in the Twenty-First Century* (New York: W. W. Norton, 1997), 263–264.

this hierarchy. A Deputies Committee, consisting of the second-ranking officials in each of these agencies and chaired by the deputy national security advisor, resolved some policy decisions while elevating the most important questions to the Principals Committee for action. Interagency Working Groups (IWGs) operated one level below. Equivalent to the Policy Coordinating Committees of the first Bush administration, the IWGs consisted of the office heads, analysts, NSC directors, and other mid-level officials who had a major responsibility for the issue of concern to the IWG. Informal channels—such as weekly meetings among key department heads and presidential advisors—arose to complement and accelerate this formal committee structure.[577]

One problem with this interagency process for China policy was that President Clinton rarely engaged on China-related issues during his first term. His nonintervention deprived the NSC staff of the perceived presidential imprimatur typically required to enforce a coherent strategy on the many U.S. government agencies that had developed some stake in any important American policy toward China. The resulting inconsistencies may have confused Chinese officials, who in any case were suspicious of the president's ardent support for democracy promotion in former communist countries. For example, the initial focus of the Clinton administration was on resolving Sino-American commercial tensions and promoting human rights in China, both issues of great concern to Congress. As during the first Bush administration after Tiananmen, members of Congress sought to use trade issues as a carrot and stick to shape Beijing's domestic policies as well as those of the U.S. executive branch toward China. Despite issuing a May 1993 executive order conditioning the renewal of China's MFN trading status on its government's making progress in human rights, Clinton eventually extended MFN unconditionally primarily due to overwhelming pressure from the American business community, and their advocates in a cross-pressured Congress, against the policy of linking trade and human rights.[578] It was not until after his reelection that Clinton made China policy a priority. The decision empowered his second-term National

577 Suettinger, *Beyond Tiananmen*, 157–158.
578 Zeng, *Trade Threats*, 106–109

Security Advisor Sandy Berger to establish firm White House control over the interagency groups and processes related to China.[579]

Another problem for the coherent conduct of China policy was that U.S. policy makers could not establish clear metrics for determining whether the Chinese government had made "substantial progress" in meeting the administration's demand for human rights improvements. The Chinese authorities, for instance, would release some prisoners and prominent dissidents, particularly when Congress was preparing to vote on issues of concern to Beijing, but then arrest others. The administration attempted to circumvent the difficulties of measuring the effectiveness of China's human rights policies by focusing on achieving more concrete objectives in other policy areas. These goals included securing greater protection for American intellectual property in China and preventing Beijing from selling missile and WMD-related technologies to countries of proliferation concern like Iraq and Iran.[580]

Even in these other areas, the limited ability of the U.S. intelligence community to assess Chinese behavior created problems for U.S. policy makers. The intelligence difficulties evident during all three U.S.-China crises reviewed in this chapter also affected Sino-American relations on other occasions during the 1989–2001 period. In July 1993, for instance, the CIA erroneously concluded that the *Yin He* ("Galaxy"), a Chinese container ship, was transporting two banned chemicals (thiodiglycol and thionyl chloride) to Iran, where they would supposedly be used in Tehran's chemical weapons program. Despite denials by the most senior Chinese officials, U.S. warships and military aircraft ostentatiously monitored the ship, which then sought but failed to gain entry to a number of ports in the Persian Gulf. After three weeks, the Chinese authorities consented to allow Saudi inspectors, advised by U.S. technical experts, to examine the vessel. The inspectors found the ship carried legitimate cargo and let it proceed to its original destination. The Chinese government issued a formal statement accusing the U.S. military of violating international law.[581] The incident weakened policy makers' confidence in the

579 Suettinger, *Beyond Tiananmen*, 283–284, 305.

580 Suettinger, "The United States and China," 22–23.

581 "Statement by the Ministry of Foreign Affairs of the People's Republic of

intelligence community's assessments regarding China's suspected proliferation activities for several years.[582] It may also have led some Chinese to conclude, since the CIA selected the target, that the 1999 bombing of their embassy (which reportedly killed several Chinese intelligence operatives) was part of a deliberate effort on the part of the U.S. intelligence community to weaken China.

The Clinton administration supplemented its robust commercial and confrontational proliferation approach toward the PRC with an attempt to restore a direct dialogue with the Chinese defense community. The Chinese armed forces were seen as an important domestic actor as well as a growing operational concern for the U.S. military. The PLA's increasing capabilities and deployments led many U.S. national security policy makers and nongovernmental experts to call for at least a modicum of engagement to avoid possible confrontations due to accidents or misperceptions. The most pressing arena requiring better U.S.-Chinese military dialogue was at sea. Starting in the early 1980s, the Chinese government began to undertake a major national effort to transform the People's Liberation Army Navy (PLAN) from a primarily coastal defense force into one that could operate outside China's territorial waters as a "blue-water" force. The expansion in the PLAN's area of operations meant that Chinese warships began to operate in waters regularly patrolled by American military vessels, leading to one of the most serious maritime incidents in Chinese-American history. On October 27, 1994, the USS *Kitty Hawk* and its accompanying battle group unexpectedly detected a Chinese submarine about 200 miles away in the international waters of the Yellow Sea, a region where Chinese submarines had rarely operated before. After U.S. S-3 aircraft dropped sonobuoys to track the submarine, which was sailing back to China, the PLA responded by scrambling warplanes to the scene, resulting in U.S. and Chinese pilots flying within sight of one another. Although neither side publicized the incident, Chinese representatives reportedly told an American military attaché in Beijing

China on The "Yin He" Incident," September 4, 1993, available at http://www.nti.org/db/china/engdocs/ynhe0993.htm.

582 Suettinger, *Beyond Tiananmen*, 177.

that their forces would "shoot to kill" should a similar confrontation occur again so close to their coast.[583]

Concerned about the dangers of further incidents, senior military and civilian leaders in the U.S. Department of Defense (DOD) decided to explore with the Chinese government establishing some sort of agreement designed to mitigate the chances of a clash on the high seas. American civilian and military leaders began to emphasize the need to enhance Chinese military transparency in their speeches and publications. For example, the 1998 DOD *East Asian Strategy Report* states: "Dialogue between the United States and China will also remain critical to ensure that both countries have a clear appreciation of one another's regional security interests. Dialogue and exchanges can reduce misperceptions between our countries, increase our understanding of Chinese security concerns, and build confidence between our two defense establishments to avoid military accidents and miscalculations."[584]

Although the American and Chinese defense communities did resume their dialogue, which had been largely suspended since Tiananmen, a series of incidents conspired to disrupt the efforts to achieve a sustained Sino-American defense relationship during the 1990s. Largely because of the 1989 Tiananmen crackdown, the United States and China began the Clinton administration with a minimal bilateral security relationship. It was not until Chas W. Freeman, Jr., Assistant Secretary of Defense for International Security Affairs, visited China in October 1993 that bilateral military-to-military contacts resumed.[585] Contacts increased after the *Yin He* incident and Secretary William Perry's visit to China in 1994. They then stalled again following the U.S. decision to grant Taiwan President Lee Teng-hui a visa to speak at Cornell University, his alma mater, in 1995.

583 Thomas W. Lippman and John F. Harris, "Chinese Watched as U.S. Navy Tracked Sub," *Washington Post*, December 15, 1994.

584 U.S. Department of Defense, *The United States Security Strategy for the East Asia-Pacific Region: 1998* (Washington, D.C., 1998), available at www.defenselink.mil/pubs/easr98.

585 Yuan, "Sino-US Military Relations Since Tiananmen," 52.

These differences over Taiwan repeatedly disrupted U.S.-Chinese security relations during the Clinton administration. Chinese officials denounced Lee's 1995 visit as implicit official U.S. recognition of his government. More generally, they believed that the United States was encouraging the growth of pro-independence sentiment on the island and thereby impeding reunification. Although Taiwan no longer had a formal defense alliance with the United States, the American government continued to sell arms to the country on the grounds that these weapons helped sustain the status quo by balancing the PLA's growing capabilities. Taiwan also became a more attractive partner when its government instituted economic and political reforms, including the holding of free elections, and emerged as one of East Asia's economic "tigers" with important commercial ties to U.S. companies. In a failed effort to discourage further Taiwanese independence aspirations, the PLA conducted an escalating series of missile launches, amphibious operations, and live-fire demonstrations near Taiwan in 1995 and 1996. Whatever its reservations about Lee's independence aspirations, and notwithstanding its restrained response to the first round of missile tests in 1995, the Clinton administration by March 1996 felt compelled to react more vigorously by deploying two aircraft carrier battle groups around Taiwan. The purpose was both to affirm U.S. support for the island as well as to demonstrate Washington's readiness to use limited military force when necessary to uphold American interests. While denouncing the American actions, the Chinese armed forces declined to contest the U.S. deployment and soon ceased their threatening activities towards Taiwan. Shortly thereafter, the Taiwanese reelected Lee as president.[586]

The Sino-American relationship recovered somewhat after the missile crisis ended, perhaps because the military maneuvers reminded Washington and Beijing of the importance of averting future dangerous confrontations. Bilateral military, economic, and political engagement improved following the October 1997 and June 1998 summit meetings between President Clinton and Chinese President

586 Richard Bush, "Chinese Decisionmaking under Stress: The Taiwan Strait, 1995-2004," in Andrew Scobell and Larry Wortzel, eds., *Chinese National Security Decisionmaking Under Stress* (Carlisle, PA: Strategic Studies Institute of the U.S. Army War College, 2005), 135–146.

Jiang Zemin. Frustrated by a Republican-controlled Congress that (after convening in January 1995) opposed many of his domestic policies and—following revelations about the president's affair with Monica Lewinsky—even sought to impeach him, Clinton devoted more attention to China-related issues in his second term. Relations with the PRC joined U.S. policies towards the former Yugoslavia, Northern Ireland, NATO enlargement, and the Middle East as high-priority agenda items for the National Security Council, which began to provide increasingly integrated direction for the formation and execution of executive branch policy making toward China.[587]

Nonetheless, ties between the Chinese and American governments remained strained. Chinese officials continued to complain that the administration had precipitated the Taiwan crisis by allowing President Lee Teng-hui to visit the United States. They also objected to growing Japanese-American security cooperation, which Chinese analysts feared might affect a Taiwan scenario, with Japan indirectly supporting American military intervention on Taipei's behalf.[588] In addition, Beijing was disturbed that, despite Chinese negotiating concessions, the Clinton administration still had not achieved sufficient support in Congress to secure approval of China's entry into the World Trade Organization (WTO).[589] Meanwhile, members of Congress persisted in their complaints about the PRC's human rights practices (ranging from suppression of civil liberties to allegations of forced abortions and slave labor), its sale of ballistic missiles and nuclear technologies to states of proliferation concern, and its policies towards Tibet and Taiwan. Legislators were further critical of Chinese commercial practices, which they saw as violating WTO principles, as well as Beijing's perceived attempts to influence American elections through illegal campaign donations.[590]

Some members of Congress also became increasingly concerned about alleged Chinese espionage in the United States. In 1998 and 1999, the House Select Committee on U.S. National Security and

587 Suettinger, *Beyond Tiananmen*, 340; and Nacht, "Domestic Roots of U.S. China Policy," 50–51.

588 Nacht, "Domestic Roots of U.S. China Policy," 52.

589 Lampton, *Same Bed, Different Dreams*, 58–59.

590 Suettinger, *Beyond Tiananmen*, 328–331, 351–355.

Military/Commercial Concerns with the People's Republic of China, chaired by Republican Representative Christopher Cox, held hearings in which witnesses accused the Chinese of exploiting their contacts with American military personnel and civilian experts to acquire U.S. nuclear and other defense secrets.[591] Following the publication of the committee's report in May 1999, congressional leaders pressured the Clinton administration to restrict U.S. military contacts with China. Although an independent CIA damage assessment expressed considerable uncertainty about the extent of the alleged Chinese espionage and possible damage, the FY 2000 Defense Authorization Bill explicitly directed the secretary of defense not to authorize military contacts with China that could lead to inappropriate PLA access to an itemized list of advanced U.S. military capabilities.[592]

It was in this strategic environment that, on March 24, NATO began its bombing campaign (code-named Operation Allied Force) against Serbia, whose government was seen as perpetuating ethnic cleansing against the majority ethnic Albanian population in its province of Kosovo. Chinese officials immediately criticized the decision of the Clinton administration and its allies to employ force without UNSC approval.[593] Beijing and Moscow enjoyed, and in this instance were prepared to exercise, the right to veto UNSC resolutions authorizing the use of force in international conflicts.[594] In the eyes of the Chinese leadership, the humanitarian reasons given by the Americans and their allies to justify the military intervention were doubly objectionable. First, the Chinese government in principle rejected any doctrine that justified foreign interference in a sovereign state's

591 "The Cox Report: Selected Text and Commentaries," *Arms Control Today* (April/May 1999), available at http://www.armscontrol.org/act/1999_04-05/coxam99.asp.

592 Office of the Director of Central Intelligence, "The Intelligence Community Damage Assessment on the Implications of China's Acquisition of US Nuclear Weapons Information on the Development of Future Chinese Weapons: Key Findings," April 21, 1999,available at https://www.cia.gov/news-information/press-releases-statements/press-release-archive-1999/key-findings.html.

593 Robert A. Pastor, "China and the United States: Who Threatens Whom?," *Journal of International Affairs*, vol. 54, no. 2 (2001), 432–433.

594 Philip Shenon, "Chinese Embassy Bombing May Hurt Bid to Win Support for Peacekeepers," *New York Times*, May 8, 1999, available at http://query.nytimes.com/gst/fullpage.html?res=9F07E1DB163FF93BA35756C0A96F958260.

internal affairs. Second, Washington's decision to provide military support to the separatists in Kosovo held the disturbing implication that the United States might also intervene militarily to defend Taiwan against a Chinese attempt at forceful reunification or to support separatist aspirations in Tibet or Xinjiang.[595] Even before the embassy bombing, the Kosovo War and other adverse changes in China's security environment led many Chinese analysts to reassess whether the "peace and development" strategy Beijing adopted in 1985 still remained valid or whether China now confronted an imminent threat from an increasingly unilateralist United States.[596] In this climate of mutual disappointment, disaster occurred.

The Bombing Incident and the Chinese Reaction

A few minutes before midnight on May 7, 1999, Belgrade time, two U.S. Air Force B-2 bombers, having refueled several times on their long transatlantic journey from Whiteman Air Force Base in Missouri, launched five 2,000-pound joint direct attack munitions at a building in the Serbian capital. U.S. government analysts believed the complex housed the Serbian Federal Directorate for Supply and Procurement (the FDSP). The CIA had nominated this target, the first (and last) time its suggested site was bombed during the air campaign. The agency's analysts determined that the FDSP was selling advanced military technologies, such as ballistic missile parts, to rogue states like Libya and Iraq and using the proceeds to finance the Serbian armed forces.[597] The CIA normally assesses, from a political and strategic perspective, proposed bombing targets nominated by the military rather than submitting its own, for which it lacks specific

595 David M. Lampton and Gregory C. May, *Managing U.S.-China relations in the Twenty-First Century* (Washington, D.C.: Nixon Center, 1999), 55.

596 David M. Finkelstein, "The View from Beijing: U.S.-China Security Relations from Kosovo to September 11, 2001," in Andrew Scobell and Larry M. Wortzel, eds., *China's Growing Military Power: Perspectives on Security, Ballistic Missiles, and Conventional Capabilities* (Carlisle, PA: Strategic Studies Institute of the U.S. Army War College, September 2002), 19–62.

597 Eric Schmitt, "In a Fatal Error, C.I.A. Picked a Bombing Target Only Once: The Chinese Embassy," *New York Times*, July 23, 1999, available at http://www.international.ucla.edu/eas/newsfile/bombing05-99/990723-nyt1.htm.

expertise.[598] As it turned out, the building selected by the agency actually contained the Chinese Embassy, which had moved there in 1997. The bombs destroyed much of the south side of the building, including demolishing the office of the military attaché and, reportedly, China's main intelligence collection center in Europe. The attack killed three Chinese journalists (two of whom may have been intelligence operatives) and wounded twenty other Chinese citizens located at the complex.[599]

The bombing of the Chinese embassy triggered one of the most serious crises in modern Sino-American relations—"the most damaging blow since Tiananmen," in the assessment of one leading analyst.[600] The incident, heavily covered by China's state-run media, provoked widespread street demonstrations and violence against U.S. interests in Beijing and elsewhere in China. Meanwhile, the Chinese government suspended bilateral talks on international security issues (such as arms control and nonproliferation), human rights, and other subjects of concern to various U.S. government agencies. Chinese authorities also curtailed all Sino-American military exchanges and stopped authorizing U.S. Navy port calls in Chinese ports, including the Special Administrative Region of Hong Kong.[601] They soon forbade American military aircraft from landing in Hong Kong as

598 George Tenet, "DCI Statement on the Belgrade Chinese Embassy Bombing, House Permanent Select Committee on Intelligence Open Hearing," July 22, 1999, available at https://www.cia.gov/news-information/speeches-testimony/1999/dci_speech_072299.html.

599 Eric Schmitt, "Two Victims in U.S. Raid Reportedly Were Spies," *New York Times*, June 25, 1999, available at http://query.nytimes.com/gst/fullpage.html?res=9C0DE3D7143AF936A15755C0A96F958260. The site's role as an intelligence collection center would explain why Chinese officials refused to believe the bombing had been an accident since they could plausibly suspect that CIA counterintelligence had directed the air strike to disrupt Chinese espionage operations.

600 Suettinger, *Beyond Tiananmen*, 369; see also Ezra Vogel, "The United States Perspective," in Ezra F. Vogel, ed., *The Age of Uncertainty: The U.S.-China-Japan Triangle from Tiananmen (1989) to 9/11 (2001)* (Cambridge, Massachusetts: Harvard University Asia Center, 2004), 15.

601 June Teufel Dreyer, "Clinton's China Policy," in Todd G. Shields, Jeannie M. Whayne, and Donald R. Kelley, eds., *The Clinton Riddle: Perspectives on the Forty-Second President*, (Fayetteville: University of Arkansas Press, 2004), 170.

well.[602] The Chinese government also called on the U.N. Security Council to convene an emergency meeting to discuss the incident.[603]

U.S. Crisis Management

Senior U.S. policy makers were generally shocked and dismayed by this unwelcome and unanticipated crisis. Until this point, their focus had been on winning the Kosovo War and managing relations with NATO allies and Russia. Despite having conducted weeks of exhaustive diplomatic and military efforts, by early May, American political and military leaders had begun to fear that they might exhaust all approved targets prior to inducing a Serbian government surrender. Therefore they frantically solicited targets from non-military experts. In the process, they evidently failed to institute adequate safeguards against attacking useless or, as in this case, counterproductive targets.[604] Now, by diverting attention away from the issue of curbing Serb atrocities, the Belgrade bombing threatened to weaken the broad international support U.S. policy makers sought to mobilize in order to persuade Serbia to yield to NATO's demands. At a minimum, American officials worried that the accident might inspire further resistance among Serb leaders who hoped China and other countries would intercede on their behalf against NATO.

The U.S. government's China experts were excluded from the initial rounds of White House meetings after the accidental bombings, probably because the administration's senior policy makers, who were not China experts, underestimated how intensely Beijing would respond to the mishap. Military commanders also did not participate extensively in the high-level crisis meetings in Washington, most likely because of their preoccupation with ongoing military operations.[605]

602 Lampton, *Same Bed, Different Dreams*, 60.

603 Text of Chinese Vice-President Hu Jintao's televised speech on May 9, 1999 (Washington time), reproduced in "China's Response, Online NewsHour, May 9, 1999, available at http://www.pbs.org/newshour/bb/europe/jan-june99/china_statement_5-9.html.

604 Steven Lee Myers, "Chinese Embassy Bombing: A Wide Net of Blame," *New York Times*, April 17, 2000, available at http://query.nytimes.com/gst/fullpage.html?res=9801EED91431F934A25757C0A9669C8B63.

605 Interviews with former U.S. government policy participants.

The initial U.S. response was simply to hope that expressions of contrition by American leaders would assuage Chinese authorities, who would then suppress the public demonstrations. On Saturday morning, D.C. time, Secretary of Defense William Cohen and CIA Director George Tenet issued a joint statement that called the incident a targeting error and said, "We deeply regret the loss of life and injuries from the bombing."[606] On Saturday evening, Secretary of State Madeleine Albright hand-carried a letter of apology, addressed to Foreign Minister Tang Jiaxuan, to the Chinese Embassy. It conveyed "our deep regret about the tragic, accidental fall of bombs on your Embassy in Belgrade." Yet, the letter said that NATO had to continue its operations to end "Milosevic's 'ethnic cleansing'." The text also called on the Chinese government to reinforce security around the U.S. diplomatic facilities in China.[607]

On May 9, Clinton sent a letter to President Zemin, in which he expressed "apologies and sincere condolences for the pain and casualties brought about by the bombing of the Chinese Embassy."[608] He also tried to call Jiang over the Sino-American "hot line," but the Chinese side initially declined to arrange the call.[609] In the presence of the Chinese Ambassador, Li Zhaoxing, Clinton also signed the official Chinese condolence book in the Oval Office.[610] Even so, the President seemingly annoyed the Chinese by making clear that he would continue to conduct military operations in the former Yugoslavia, arguing that the embassy bombing "was an isolated, tragic event

606 William S. Cohen and George J. Tenet, "U.S. Deeply Regrets Bombing of Chinese Embassy," Joint Statement, May 8, 1999, available at http://usinfo.state.gov/regional/ea/uschina/prccohn8.htm.

607 "Letter to Minister of Foreign Affairs of the People's Republic of China from U.S. Secretary of State," May 8, 1999," East Asian Studies News File, UCLA Center for East Asian Studies, available at http://www.international.ucla.edu/eas/NewsFile/Bombing05-99/990508-ussd1.htm.

608 Suettinger, *Beyond Tiananmen*, 372.

609 Lampton, *Same Bed, Different Dreams*, 375.

610 Stanley O. Roth, "The Effects on U.S.-China Relations of the Accidental Bombing of the Chinese Embassy in Belgrade," Testimony Before the Senate Committee on Foreign Relations, Subcommittee on East Asian and Pacific Affairs, May 27, 1999, East Asian Studies News File, UCLA Center for East Asian Studies, available at http://www.international.ucla.edu/eas/NewsFile/Bombing05-99/990527-ussd2.htm.

while the ethnic cleansing of Kosovo ... is a deliberate and systematic crime." [611] He and other administration representatives insisted that the allied air strikes must continue until Serbian forces ceased their attacks on Kosovo Albanians and accepted the NATO-backed international peace plan.

The carefully framed apologies failed to satisfy the Chinese leadership. Li Zhaoxing, warned that, "If you just say 'sorry' and walk away without doing anything else in a thorough manner this will only add [to] the anger and indignation of the Chinese people."[612] On May 10, the Chinese Foreign Ministry presented a formal note to the United States demanding that Washington and its NATO allies 1) officially apologize to the Chinese government and people, including to the families of those killed or injured; 2) undertake a comprehensive investigation of the incident; 3) promptly publicize the investigation's findings; and 4) severely punish those responsible. The note also urged NATO to cease military actions against Yugoslavia immediately and resume efforts to achieve a political solution to the Kosovo crisis.[613] Although U.S. officials indicated that they would consider these Chinese demands for an apology, an investigation, compensation, and punishment for those responsible, they also criticized what they saw as a deliberate campaign by Beijing to inflame the Chinese population against the United States by manipulating the mass media.[614]

By this point in the crisis, an interagency working group consisting of representatives from the White House, the Departments of State and Defense, and the intelligence community—and including some of the

611 Cited in "Clinton Apologizes to China Over Embassy Bombing," May 10, 1999, available at http://www.cnn.com/WORLD/europe/9905/10/kosovo.china.02/index.html.

612 "Ambassador Li Zhaoxing," a NewsHour with Jim Lehrer Transcript, May 10, 1999, *Online NewsHour*, available at http://www.pbs.org/newshour/bb/Europe/jan-june99/li_5-10.html.

613 Chinese Ministry of Foreign Affairs, "Formal Note of 10 May to the U.S. by Foreign Minister Tang Jiaxuan on the Embassy Bombing," May 10 1999, East Asian Studies News File, UCLA Center for East Asian Studies, available at http://www.international.ucla.edu/eas/newsfile/bombing05-99/990510-cmfa4.htm.

614 Lampton, *Same Bed, Different Dreams*, 59–61.

U.S. government's leading China experts—began conferring regularly to advise the NSC principals on policy options. Most working group participants subsequently acknowledged feeling they were making decisions excessively hastily, with incomplete information. Based on their understanding of Chinese political culture as well as an assessment of Beijing's goals and strategy, the group recommended making a greater effort to show remorse in public and to establish a backchannel line of communication with the Chinese government to head off the mounting crisis.[615]

Like President Bush after Tiananmen, the Clinton administration decided to reach out to senior Chinese leaders directly but behind the scenes, beyond the attention of the media and the Congress. American officials privately indicated to their Chinese counterparts that Washington would soon provide an explanation for the tragic accident and would take other "tangible steps" to make amends. While never formally agreeing to meet the list of demands enumerated by the Chinese Foreign Ministry, the NSC principals strenuously sought, particularly after the Kosovo conflict successfully ended, to address as many of the Chinese demands regarding the bombing fiasco as possible. When Clinton succeeded in reaching Jiang by phone on May 14, he told the Chinese president that the U.S. government would both undertake a comprehensive investigation into the incident and send a high-level delegation to brief Beijing on the outcome. The exchange resulted in an end to the public protests and a decrease in bilateral tensions.[616]

Independent of the Chinese calls for a full explanation, the U.S. government launched its own investigation of its military and intelligence procedures to discover how the target acquisition process had gone awry. The investigation, led by U.S. Deputy Secretary of Defense John Hamre and Chairman of the Joint Chiefs of Staff Joseph W. Ralston, remains classified.[617] After the initial review, Secretary Cohen announced that the department would institute new procedures at the National Imagery and Mapping Agency and

615 Interviews with former U.S. government policy participants.

616 Wu Xinbo, "Understanding Chinese and U.S. Crisis Behavior," *Washington Quarterly*, vol. 31, no. 1 (Winter 2007-08), 65.

617 Myers, "Chinese Embassy Bombing."

the Defense Intelligence Agency to develop more fail-safe targeting procedures. He also said the intelligence community and the State Department would improve their information collection and data cross-checking procedures to avert future accidents.[618]

After waiting three weeks in a futile effort to convince Washington to send a more senior envoy, the Chinese government agreed to accept a U.S. delegation in Beijing in mid-June to receive a report of the findings. Led by Presidential Special Envoy and Undersecretary of State for Political Affairs Thomas Pickering, the third-ranking official in the State Department, the U.S. delegation included representatives from the NSC staff, the intelligence community, the Department of State, and the civilian Office of the Secretary of Defense.[619] The Defense Department appeared unenthusiastic about the Pickering mission, and refused to include a uniformed military officer on the trip.[620] Some members of Congress and the press also objected. In particular, they criticized the Chinese government for inflaming popular feelings to organize mass anti-American protests to force concessions from the United States on other issues.[621] Representative Cox complained that, "The organization of anti-American demonstrations has laid bare the manipulative nature of the Communist government," which he claimed was seeking "to gain leverage in negotiations" with the United States.[622] Stanley Roth, Assistant Secretary of State for East Asian and Pacific Affairs, had

618 Jim Garamone, "Cohen: Accidental Embassy Bombing Won't Halt Allied Force,"
American Forces Press Service, available at http://www.defenselink.mil/news/newsarticle.aspx?id=42066.

619 Paul H. B. Godwin, "Decisionmaking Under Stress: The Unintentional Bombing of China's Belgrade Embassy and the EP-3 Collision," in Andrew Scobell and Larry Wortzel, eds., *Chinese National Security Decisionmaking Under Stress* (Carlisle, PA: Strategic Studies Institute of the U.S. Army War College, 2005), 168.

620 Suettinger, *Beyond Tiananmen*, 374.

621 Simon Shen, "Nationalism or Nationalist Foreign Policy? Contemporary Chinese Nationalism and its Role in Shaping Chinese Foreign Policy in Response to the Belgrade Embassy Bombing," *Politics*, vol. 24, no. 2 (2004), 126.

622 Cited in Bruce Einhorn et al., "China: After the Rage," *Business Week*, International Edition (May 14, 1999), available at http://www.businessweek.com/1999/99_21/b3630036.htm.

to reassure Congress that the administration would not yield to such tactics:

> I understand that the Chinese word for "crisis" is a combination of the characters for "danger" and "opportunity." There are those who undoubtedly speculate, both in China and the United States, that perhaps the crisis of the last few weeks . . . represents an opportunity for China to press for concessions from the U.S. on issues such as the terms for China's WTO accession, human rights, Tibet, and non-proliferation. These speculators are dangerously mistaken. U.S. policy in these areas is determined by clear and long-standing assessments of U.S. self-interest and fundamental values. Our standards will not change in reaction to either the bombing error in Belgrade or the Chinese reaction to it.[623]

On June 17, Pickering and his interagency team tried to use PowerPoint slides and other visual aids to demonstrate that the bombing was accidental. Although Pickering reviewed multiple errors, he highlighted three major failures: a flawed technique to locate the intended target, a reliance on inaccurate and incomplete databases, and a defective post-selection review process. Pickering added that the CIA and Defense Department had not yet interviewed all those involved in the bombing because the Kosovo War had only recently finished. He indicated that the U.S. government would determine appropriate disciplinary actions after completing this review.[624]

Unsurprisingly, the Chinese rejected Pickering's explanation as inadequate and unconvincing.[625] It is unclear whether anything

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623 Roth, "Effects on U.S.-China Relations of the Accidental Bombing."

624 U.S. Department of State, "Oral Presentation by Under Secretary of State Thomas Pickering on June 17 to the Chinese Government Regarding the Accidental Bombing of the PRC Embassy in Belgrade," July 6, 1999, available at http://beijing.usembassy-china.org.cn/070699.html.

625 Chinese Ministry of Foreign Affairs, "U.S. President's Personal Envoy in China to Present the U.S. Government's Report on Its Investigation into the Bombing of the Chinese Embassy in the Federal Republic of Yugoslavia-- The Chinese Government Emphasizes that the U.S. Side Must Give Satisfactory Account and Explanation of the Incident," East Asian Studies News File, UCLA Center

Pickering or any other American could have said would have made a difference. According to Robert L. Suettinger, a U.S. government expert on China, when he visited the Chinese Ministry of Foreign Affairs in early June, the Chinese officials "made it clear that nothing Pickering said would be accepted by the Chinese government as a satisfactory explanation of the bombing. They indicated they would hear the undersecretary out but that his explanation would be rejected."[626]

Nevertheless, the Chinese government declined to press the matter further on the official level after the Pickering visit. The Clinton administration had made clear it would not make concessions on Taiwan, the terms for China's entry into the WTO, or other bilateral disputes to assuage Chinese anger over the attack. Although Chinese officials subsequently provided increased economic and other assistance to Milosevic's regime, they did not veto the NATO-backed UN Security Council Resolution that ended the Kosovo War on Western terms, despite earlier threats to do so.[627] The Chinese government also did not pursue a formal anti-American military alliance with Russia, despite their shared concern about NATO's unsanctioned humanitarian intervention in Kosovo.[628]

On July 30, the two sides announced an agreement in which the United States would pay $4.5 million to the 27 people injured in the bombing and to the families of the three Chinese killed in the attack.[629] After Clinton and Jiang held productive discussions at the September 1999 Asian Pacific Economic Cooperation (APEC) summit in Auckland, U.S. National Security Advisor Sandy Berger said the Sino-American relationship was "back on track."[630] In November

for East Asian Studies, June 1999, http://wwwinternational.ucla.edu/eas/NewsFile/bombing05-99/9906-cmfa1.htm.

626 Suettinger, *Beyond Tiananmen*, 375.

627 Nebojsa Spaic, "Belgrade to Beijing: A Trump Card in Chinese Political Strategy," *Harvard Asia Pacific Review* (Summer 2000), http://hcs.harvard.edu/~hapr/summer00_tech/belgrade.html.

628 Richard Weitz, "Why Russia and China Have Not Formed an Anti-American Alliance," *Naval War College Review*, vol. 56, no. 4 (Autumn 2003), 39–61.

629 Seth Faison, "U.S. to Pay China for Embassy Bombing," *New York Times*, July 31, 1999, http://query.nytimes.com/gst/fullpage.html?res=980CE1D91231F932A05754C0A96F958260.

630 Edward Chen and Mark Magnier, "US-China Relations 'Back on Track' after

1999, U.S. and Chinese officials reached a deal on China's entry into the WTO. In December 1999, the American government agreed to pay $28 million to the Chinese government as compensation for the damage to its Belgrade Embassy. The settlement also required the PRC to pay $2.87 million to the United States as compensation for the damage to its diplomatic facilities in China from the ensuing mass demonstrations. In early 2000, China and the United States resumed military-to-military contacts.[631]

Even so, the Chinese government downplayed the CIA's decision in April 2000 to dismiss a single mid-level officer for the targeting error, and reprimand six other agency employees, as inadequate. Chinese Foreign Ministry spokesperson Zhu Bangzao reaffirmed his government's demands that the Clinton administration "punish those responsible," a position that may also have reflected Chinese suspicions that rogue elements within the U.S. military and intelligence community were behind the attack.[632] In any case, the Belgrade bombing, combined with the overall NATO decision to wage war in the former Yugoslavia despite Chinese and Russian opposition, had a profoundly negative effect on Chinese views of American foreign policy.[633]

Crisis III: The EP-3 Collision

By April 2001, the Sino-American relationship still had not fully recovered from the May 1999 Belgrade embassy bombing. Whatever problems the Chinese leadership had with the Clinton administration's penchant for humanitarian interventions, Beijing's assessment of new Republican President, George W. Bush, could hardly have been much better. During his 1999–2000 election campaign, Governor Bush and his advisors had criticized both the Clinton administration,

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Clinton, Jiang Mend Fences," *Los Angeles Times*, September 12, 1999.

631 Steven Lee Meyers, "Chinese Military to Resume Contacts with the Pentagon," *New York Times*, January 6, 2000.

632 Steven Lee Myers, "China Rejects U.S. Actions on Bombing of Embassy," *New York Times*, April 10, 2000, available at http://www.international.ucla.edu/eas/newsfile/bombing05-99/000411-nyt.htm.

633 Robert A. Manning, Ronald Montaperto, and Brad Roberts, eds., *China, Nuclear Weapons, and Arms Control: A Preliminary Assessment* (New York: Council on Foreign Relations, 2000), 53.

for pursuing an allegedly overly soft policy toward the Chinese government, and Beijing, for its repressive domestic practices and uncooperative foreign policies. Bush also spoke in favor of improving ties with Taiwan and took issue with Chinese authorities for restricting religious freedoms. He characterized China as a "competitor, not a strategic partner."[634]

After assuming office, members of the Bush administration expressed unease about the implications of China's growing economic and military strength.[635] The new administration's senior policy makers, who were not China experts, initially formulated policies toward China that reflected an assumption that Washington was dealing with a potential strategic competitor.[636] They sought to reinforce the U.S. military presence and key defense alliances in East Asia, including with Australia, Japan, and Taiwan. The most visible element of the Bush administration's early policies regarding China consisted of warnings to Beijing not to employ force against Taiwan. In April 2001, as the administration was preparing for the annual meeting when they inform their Taiwanese counterparts what military equipment Washington was prepared to sell Taiwan, President Bush publicly pledged to do "whatever it takes" to defend the island.[637]

Chinese officials complained about the Bush administration's overtures to Taiwan and its commitment to strengthening U.S. nuclear forces and missile defenses.[638] They also protested against

634 Cited in Andrew Scobell and Larry M. Wortzel, "China's Response to a Firmer America," in Andrew Scobell and Larry M. Wortzel, eds., *China's Growing Military Power: Perspectives on Security, Ballistic Missiles, and Conventional Capabilities* (Carlisle, PA: Strategic Studies Institute, U.S. Army War College, 2002), 1.

635 See for example Office of the White House Press Secretary, "Press Briefing by Ari Fleischer," May 3, 2001, available at http://www.whitehouse.gov/news/briefings/20010503.html.

636 Nacht, "Domestic Roots of U.S. China Policy," 57.

637 "Bush Vows 'Whatever it Takes' to Defend Taiwan," CNN Inside Politics, April 25, 2001, available at http://archives.cnn.com/2001/ALLPOLITICS/04/25/bush.taiwan.03; see also Kenneth Lieberthal, "U.S. Policy Toward China," *Brookings Institution Policy Brief*, no. 72 (March 2001),. 6–7.

638 Su Ge, "Sino-American Relations: Climbing High to See Afar, *Contemporary International*

Relations (September 2001), available at http://www.uscc.gov/researchpapers/2000_2003/pdfs/sino.pdf.

alleged U.S. overflights of Chinese territory and encounters between Chinese and U.S. naval ships. American political and military officials countered these Chinese objections by arguing that the United States had the right to maintain the military balance across the Taiwan Strait as well as sustain an air and maritime presence in international waters.[639] When the Chinese delegation to the Military Maritime Consultative Agreement—a U.S.-China forum established in 1998 to discuss maritime safety and operations—complained about what Beijing calculated to be a growing number of flights, the American representative replied that, "it is international airspace and we have no intention of modifying what we are doing."[640]

On April 1, 2001, a U.S. Navy EP-3E Aries II surveillance plane, on a routine reconnaissance flight over the South China Sea, about 70 miles off the Chinese coast, collided with one of the two Chinese F-8 II fighter jets that had flown to intercept and escort it. The incident occurred beyond China's territorial seas, which extend 12 miles from the Chinese coast, but inside China's self-declared 200 nautical-mile Exclusive Economic Zone (EEZ).[641] The Chinese plane crashed into the ocean, killing the pilot, while the 24 crew members aboard the EP-3 managed to land the crippled plane at a Chinese military airfield on Hainan Island. The PLA immediately detained the 24 crew members as well as the plane, while the Chinese government initially ignored American inquiries about their status. In Washington, American officials soon began to assess how to secure the safe return of the crew and plane while limiting the damage to U.S.-China relations from the episode.

The U.S. Response to the Incident

Since the crisis occurred so early in the life of the new administration, the executive branch had yet to establish clear interagency procedures regarding China or many other issues. Vice President Richard Cheney and National Security Advisor Condoleezza Rice were formally

639 Thomas E. Ricks, "Anger Over Flights Grow in Past Year," *Washington Post*, April 7, 2001.

640 Cited in Godwin, "Decisionmaking Under Stress," 174.

641 Radha Sinha, *Sino-American Relations* (New York: Palgrave MacMillan, 2003), 95–96.

in charge of coordinating national security policy.[642] The two had perhaps more influence than normal on policy making during the crisis because President George W. Bush was then relatively inexperienced in foreign policy and inclined to defer to his senior advisors.[643] Secretary of State Colin Powell, Secretary of Defense Donald Rumsfeld, U.S. Ambassador to Beijing Joseph Prueher, and the highest uniformed military leaders also helped shape the U.S. response to the EP-3 crisis.[644] Historians assess Cheney and Rumsfeld as most inclined towards treating China as an emerging strategic adversary, whereas Powell appeared more open towards approaching Beijing as a potential partner for managing common Sino-American security problems as well as hedging against China's becoming a potential competitor.[645] At the time of the EP-3 collision, Rumsfeld's influence over the DOD bureaucracy was limited since many political appointees had yet to assume their posts.[646] Nevertheless, the secretary and his few senior advisors that had already started working at the Pentagon took charge of managing the crisis and soon became convinced that the Chinese government was misleading observers about events.[647]

During the policy implementation phase of the crisis, the State Department assumed its traditional diplomatic role in leading the initial negotiations with the Chinese Foreign Ministry for the return of the crew and plane. Since many mid-level State Department managers had also yet to be confirmed—including the intended Assistant Secretary for East Asian and Pacific Affairs James Kelly—Deputy Secretary Richard Armitage took the lead role in managing policy implementation. He enjoyed direct access to Secretary Powell

642 Dennis C. Blair and David B. Bonfili, "The April 2001 EP-3 Incident: The U.S. Point of View," in ed. Michael D. Swaine and Zhang Tuosheng, eds., *Managing Sino-American Crises*, (Washington: Carnegie Endowment for International Peace, 2006), 379.

643 Garrison, *Making China Policy*, 166.

644 Blair and Bonfili, "April 2001 EP-3 Incident," 379.

645 Michael Swine, "Reverse Course? The Fragile Turnaround in U.S.-China Relations," *Carnegie Endowment for International Peace Policy Brief*, no. 22 (February 2003), 1–2, available at http://www.carnegieendowment.org/files/Policybrief22.pdf.

646 Garrison, *Making China Policy*, 170.

647 Vogel, "The United States Perspective," 12.

and, in the absence of many lower level political appointees, dealt directly with the department's career officials and China experts in the Bureau of East Asian and Pacific Affairs. Meanwhile, Powell led the administration's outreach efforts to Congress and the public, striving to moderate those calling for economic sanctions while reassuring others concerned about a possible armed confrontation between China and the United States.[648]

Immediately after the collision, the Chinese and American governments began to argue over who was responsible for the incident and under what conditions China would release the crew and airplane. Partly due to the collision's timing—it occurred in the middle of the night in Washington—the initial public response from the U.S. government came from the U.S. Pacific Command (PACOM) in Hawaii. The command issued a statement reporting that there had been "contact between one of the Chinese aircraft and the EP-3, causing sufficient damage for the U.S. plane to issue a "Mayday" signal and divert to an airfield on Hainan Island, PRC." After relating that PACOM had "communicated our concerns about this incident" to the Chinese government through the U.S. Embassy in Beijing and the Chinese Embassy in Washington, the command stated that, "We expect that the PRC Government will respect the integrity of the aircraft and the well-being and safety of the crew in accordance with international practices, expedite any necessary repairs to the aircraft, and facilitate the immediate return of the aircraft and crew."[649]

PACOM commander, Admiral Dennis Blair, held a press conference in which he blamed the Chinese pilot for the accident, complained about Beijing's refusal to permit the EP-3 crew to communicate with U.S. government representatives or their families, and warned the Chinese military that they could not board or keep the plane, which he insisted enjoyed "sovereign immunity" in such emergency situations. "We are waiting, right now," Blair concluded, "for the Chinese government to give us the kind of cooperation that's expected of countries in situations like this, so that we can repair the plane, our

648 Garrison, *Making China Policy*, 170.

649 "Statement for Release–U.S. Pacific Command Revised," April 1, 2001, available at http://www.intellnet.org/resources/pacom_ep3_homepage/imagery/archive/0103photos/010331.htm.

people can return, and we can go on about our business."[650] It was only several hours later, after Washington opened for business, that senior State Department officials also attempted, equally ineffectively, to contact the crew and senior Chinese officials.[651] Despite having developed close contacts with the Chinese military while serving as PACOM commander, Ambassador Prueher found that no one in the PLA hierarchy would answer his telephone calls.[652] As a result, Prueher and the rest of the U.S. embassy team in Beijing communicated primarily with the Chinese Foreign Ministry during the crisis.[653]

Chinese analysts consider PACOM's initial response insensitive given that the collision involved a U.S. spy plane, rather than a commercial aircraft, and that only the Chinese pilot died in the crash. They also believe that Beijing may have considered the Pentagon's decision to deploy U.S. Navy destroyers in the South China Sea to assist with recovering the U.S. crew and finding the downed Chinese pilot as unduly threatening.[654] An editorial in the *China Daily* attacked Blair for being "confused about who is endangering whom" and complained that, "The only concern of officials in Washington is how soon the Chinese Government will return the US Navy surveillance plane and its 24 crew members." The paper also underscored the damage on the relationship inflicted by the embassy bombing: "Two years ago, a US plane on a NATO mission bombed the Chinese Embassy in Belgrade in May 1999, an act which claimed the lives of three Chinese journalists. Washington's explanation? An accident. But who believes a country with the world's most sophisticated technology is capable of making so many accidental moves?"[655] Even so, the Chinese press

650 United States Pacific Command," Transcript: Admiral Dennis C. Blair, Commander in Chief, U.S. Pacific Command, U.S. and Chinese aircraft incident," April 1, 2001, available at
http://www.intellnet.org/resources/pacom_ep3_homepage/speeches/sst2001/010401blairplane.htm.

651 See the comments by Richard Armitage on "Interview of the Deputy Secretary of State on China," The News Hour with Jim Lehrer, April 13, 2001, available at http://www.state.gov/s/d/former/armitage/remarks/2001/2297.htm.

652 Kevin L. Pollpeter, U.S.-China Security Management: Assessing the Military-to-Military Relationship (Santa Monica, California: RAND, 2004), 50.

653 Ximbo, "Understanding Chinese and U.S. Crisis Behavior," 68, 70–71.

654 Ibid., 67–68.

655 "US Excuses Betray Its Weaknesses," *China Daily*, April 2, 2001, available at

exercised more restraint in the aftermath of the EP-3 incident than it had after the 1999 Belgrade embassy bombing. Chinese authorities also did not encourage the kind of mass public protests that occurred two years earlier.

When President Bush was first briefed on the incident in the evening of April 1, he reasoned that, since the collision was a simple accident, the Chinese authorities would quickly release the crew and then engage in talks over returning the plane. On this basis, the president decided not to take any action himself.[656] After the Chinese proved more recalcitrant than anticipated, Bush released a statement the following evening that, while declining to blame anyone for the collision and offering to help search for the downed PLA pilot, criticized Beijing for failing to allow American authorities to establish direct contact with the crew pending their quick return.: "Our priorities are the prompt and safe return of the crew, and the return of the aircraft without further damaging or tampering. The first step should be immediate access by our embassy personnel to our crew members. I am troubled by the lack of a timely Chinese response to our request for this access."[657]

The following morning, President Jiang made his first public statement on the crisis. He demanded that Washington accept full responsibility, apologize to the Chinese people, and end all surveillance flights off the Chinese coast.[658] Bush responded by escalating the rhetoric in his comments later that day. On April 3, the president made a very deliberate statement from the Rose Garden: "This is an unusual situation, in which an American military aircraft had to make an emergency landing on Chinese soil. Our approach has been to keep this accident from becoming an international incident. We have allowed the Chinese government time to do the right thing.

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http://www.china.org.cn/english/10108.htm.

656 Zhang Tuosheng, "The Sino-American Aircraft Collision," in Michael D. Swaine and Zhang Tuosheng, eds., *Managing Sino-American Crises*, (Washington: Carnegie Endowment for International Peace, 2006), 395.

657 Office of the White House Press Secretary, "Statement by the President on American Plane and Crew in China," April 2, 2008, available at http://www.whitehouse.gov/news/releases/2001/04/20010402-2.html.

658 Tuosheng, "The Sino-American Aircraft Collision," 396.

But now it is time for our servicemen and women to return home. And it is time for the Chinese government to return our plane." He added a clear warning to Beijing: "This accident has the potential of undermining our hopes for a fruitful and productive relationship between our two countries. To keep that from happening, our servicemen and women need to come home."[659]

Shortly before Bush's statement, the Chinese authorities finally allowed a U.S. embassy team, headed by the Defense Attaché in Beijing, Brigadier General Neal Sealock, to visit the crew.[660] At this point, the State Department assumed the lead role in managing the crisis, both in Washington, where it headed the interagency group established to develop policy, and in the subsequent negotiations with the Chinese Foreign Ministry, to secure the crew's release.[661] The White House and Department of Defense remained involved, but the former took pains to constrain the latter—most notably by directing PACOM to withdraw the three destroyers it had sent to the South China Sea after the collision and by instructing Secretary Rumsfeld to avoid making public statements critical of the PLA.[662]

An important issue throughout the crisis was what words the U.S. government would formally adopt to express American regret for the accident. Many U.S. officials were reluctant to meet the Chinese demand that the American government formally apologize for the collision. Secretary Powell stated that, "I have heard some suggestion of an apology, but we have nothing to apologize for. We did not do anything wrong."[663] If anything, many influential U.S. policy makers blamed the Chinese for the mishap. Admiral Blair related at his April 1

659 Office of the White House Press Secretary, "Statement by the President," April 3, 2001, available at http://www.whitehouse.gov/news/releases/2001/04/20010403-3.html.

660 Craig Smith, "U.S. Officials Meet with 24 Still Detained with Aircraft," *New York Times*, April 4, 2001, available at http://query.nytimes.com/gst/fullpage.html?res=950CE0D61F3FF937A35757C0A9679C8B63.

661 Ximbo, "Understanding Chinese and U.S. Crisis Behavior," 69.

662 Blair and Bonfili, "April 2001 EP-3 Incident," 382; and Ximbo, "Understanding Chinese and U.S. Crisis Behavior," 69.

663 "Briefing for the Press aboard Aircraft En Route to Andrews Air Force Base," April 3, 2001, available at http://www.state.gov/secretary/former/powell/remarks/2001/1932.htm.

press conference "that the intercepts by Chinese fighters over the past couple months have become more aggressive to the point we felt they were endangering the safety of Chinese and American aircraft."[664] U.S. officials worried about the legal implications of an official apology, and therefore wanted to avoid language that implied financial or other culpability on the part of the United States. In contrast, Chinese leaders professed to place great stock in having senior U.S. government officials express sincere remorse at the collision. Complex cultural differences as well as linguistic and other nuances differentiating Chinese and American political discourse complicated this search for common language.[665]

Seeking to end the deadlock, however, Powell and Bush did make public statements affirming their "regret" over the collision and the resulting loss of the Chinese pilot. On April 4, Powell told the Washington press corps, "We regret that the Chinese plane did not get down safely, and we regret the loss of the life of that Chinese pilot. But now we need to move on and we need to bring this to a resolution, and we're using every avenue available to us to talk to the Chinese side, to exchange explanations and move on."[666] In a media appearance the following day, President Bush affirmed this balanced tone: "First, I regret that a Chinese pilot is missing, and I regret one of their airplanes is lost. And our prayers go out to the pilot, his family. Our prayers are also with our own servicemen and women. And they need to come home. The message to the Chinese is, we should not let this incident destabilize relations. Our relationship with China is very important. But they need to realize that it's time for our people to be home."[667]

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664 Admiral Blair, "U.S. and Chinese aircraft incident."

665 For an analysis of these various issues that identifies shared as well as competing metaphorical conceptualizing during the crisis see Edward Slingerland, Eric M. Blanchard, and Lyn Boyd-Judson, "Collision with China: Conceptual Metaphor Analysis, Somatic Marking, and the EP-3 Incident," *International Studies Quarterly*, vol. 51 (2007), 53–77.

666 U.S. Department of State, "Secretary Colin L. Powell: Remarks Following Meeting with King Abdullah of Jordan," April 4, 2001, available at http://www.state.gov/secretary/former/powell/remarks/2001/2006.htm.

667 Office of the White House Press Secretary, "Remarks by the President at American Society of Newspaper Editors Annual Convention," April 5, 2001, available at

Between April 5 and April 11, Ambassador Prueher and Assistant Foreign Minister Zhou Wenzhong held eleven rounds of talks over the precise wording of a joint statement to end the dispute. President Bush or Secretary Powell had to approve all changes to the U.S. draft.[668] The letter finally released on April 11 met all U.S. Government objectives. It secured the return of the crew and plane, it did not require a formal American apology for the collision, and it placed no restrictions on future U.S. foreign and defense activities in the region. The text merely stated that the United States was "very sorry" about the loss of the pilot and "very sorry" that its plane landed on Chinese territory without Beijing's permission. The text also welcomed a joint investigation of the issue in order to resolve the remaining differences.[669] The Chinese released the crew on April 12.

Chinese analysts credit the softer language adopted by Bush and other U.S. officials—along with the flexible wording of the "Letter of the Two Sorries"—with ending the deadlock.[670] Some American authors believe that the president's earlier statements underscoring the possible damage to Sino-American relations if China did not soon release the crew, combined with moves in Congress to prevent Beijing from hosting the 2008 Summer Olympics, had a greater impact by leading Chinese policy makers to weigh more heavily the potential costs involved in detaining the crew.[671]

With the crew now free, the U.S. government toughened its stance to secure the EP-3's return. On April 13, Armitage told the media that, "Our point of view is that it is an $80 million aircraft, it's ours, and

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http://www.whitehouse.gov/news/releases/2001/04/20010405-5.html.

668 Blair and Bonfili, "April 2001 EP-3 Incident," 383.

669 "U.S. Apology Letter to China," *The Guardian*. April 11, 2001, available at http://www.guardian.co.uk/china/story/0,7369,471919,00.html. For a discussion of the linguistic issues involved see Kate Goldberg, "Sorry the Hardest Word," BBC News, April 11, 2001, available at http://news.bbc.co.uk/2/hi/asia-pacific/1263762.stm.

670 Ximbo, "Understanding Chinese and U.S. Crisis Behavior," 69–70.

671 James R. Lilley, "Foreword," in Andrew Scobell and Larry M. Wortzel, eds., *China's Growing Military Power: Perspectives on Security, Ballistic Missiles, and Conventional Capabilities* (Carlisle, PA: Strategic Studies Institute, U.S. Army War College, 2002), v–vii.

that the Chinese have a responsibility to return it to us."[672] President Bush and other American officials also renewed their criticism of the long detention of the crew and reaffirmed their right to conduct U.S. surveillance flights in international airspace. On April 12, Bush made the following statement after meeting with the crew at the White House:

> From all the evidence we have seen, the United States aircraft was operating in international air space, in full accordance with all laws, procedures and regulations and did nothing to cause the accident.
>
> The United States and China have agreed that representatives of our governments will meet on April 18th to discuss the accident. I will ask our United States representative to ask the tough questions about China's recent practice of challenging United States aircraft operating legally in international air space.
>
> Reconnaissance flights are part of a comprehensive national security strategy that helps maintain peace and stability in our world. During the last 11 days, the United States and China have confronted strong emotions, deeply held and often conflicting convictions and profoundly different points of view. China's decision to prevent the return of our crew for 11 days is inconsistent with the kind of relationship we have both said we wish to have. [673]

The next day, Rumsfeld gave the Pentagon press corps a detailed briefing on the EP-3 collision. He explained that, "with the crew safely back in the United States…it was time to set out factually what actually took place." The Secretary explicitly blamed the Chinese pilot for causing the crash by acting "aggressively" with the intent "to harass the crew." Rumsfeld displayed a video of a similar incident in January 2001 to underscore that, "It was not the first time that our

672 See the comments by Richard Armitage on "Interview of the Deputy Secretary of State on China," The News Hour with Jim Lehrer, April 13, 2001, available at http://www.state.gov/s/d/former/armitage/remarks/2001/2297.htm.

673 Office of the White House Press Secretary, "Remarks by the President upon the Return From China of U.S. Service Members," April 12, 2001, available at http://www.whitehouse.gov/news/releases/2001/04/20010412-6.html.

reconnaissance and surveillance flights flying in that area received that type of aggressive contact from interceptors."[674]

The Chinese Foreign Ministry responded by showing their own video footage that purportedly documented "dangerous and aggressive" flying by American fighter jets the previous year.[675] Lu Shumin, head of the Chinese delegation negotiating the disposition of the plane, complained that, "especially after the Chinese side allowed the people aboard the U.S. plane to leave China, some ranking U.S. officials, disregarding facts and confounding right and wrong, made a lot of highly irresponsible remarks on the incident, in an attempt to shift the responsibility onto the Chinese side." Lu termed unacceptable that, "Some of them even threatened to link the incident with other issues involving China-U.S. relations."[676] Despite Lu's stance and other Chinese warnings about what they termed the administration's overly confrontational policy towards Beijing, the U.S. government soon announced its unprecedented offer to sell Taipei 4 Kidd-class guided-missile destroyers, eight diesel submarines, twelve P-3 anti-submarine aircraft, and other weapons systems designed to enhance Taiwan's defenses against Chinese military threats.[677]

The Department of Defense, which was most eager to recover the aircraft, ideally by repairing it sufficiently on site to allow it to fly back on its own power, initially assumed the lead role in negotiating the plane's disposition with the PRC.[678] Still uncomfortable about allowing their military to engage in direct dialogue with foreign governments, the Chinese government declined U.S. proposals to employ the Military Maritime Consultative Agreement and kept the

674 Office of the Assistant Secretary of Defense (Public Affairs), "Secretary Rumsfeld Briefs on EP-3 Collision," April 13, 2001, available at http://www.defenselink.mil/transcripts/transcript.aspx?transcriptid=1066.

675 "Evidence Is Sufficient: US Spy Plane at Fault," *China Daily*, April 20, 2001, available at http://www.china.org.cn/english/11585.htm.

676 Cited in "Efforts Needed from Both Sides to Solve the Collision Incident," Xinhua, April 20, 2001, available at http://www.china.org.cn/english/11506.htm.

677 Centre for Nonproliferation Studies, Monterey Institute of International Studies, Jing-dong Yuan, "Bush's Hawks Circle over Policy," *South China Morning Post*, July 24, 2002, available at http://cns.miis.edu/pubs/other/bushhawk.htm.

678 Godwin, "Decisionmaking under Stress," 180.

Chinese Foreign Ministry in charge of the negotiations, even though their partners were now the American defense community.[679] After a few days of fruitless preliminary talks over the plane, DOD recalled its negotiating team from Beijing. The Pentagon then let the State Department resume its lead negotiating role with the Chinese.[680]

The talks made more progress under Department of State leadership, perhaps because the American negotiators accepted the Chinese position that the EP-3 would not fly home directly but instead would have its wings and tails removed for transportation aboard a Russian Antonov-124 heavy-lift aircraft. On May 29, the U.S. Embassy in Beijing announced an agreement based on these terms.[681] The two governments could not concur on an appropriate American monetary payment to China. The Chinese bill, which amounted to around $1 million, included the costs of upkeep for the entire period they detained the crew. Although DOD offered less than $35,000, the Chinese authorities allowed the Department to retrieve the EP-3 that summer.[682] The repaired plane resumed flying in November 2002.[683]

The September 11, 2001, terrorist attacks against the United States, and the subsequent U.S. military invasions of Afghanistan and Iraq, soon led Chinese and American policy makers to devote more attention to other issues, including their common interests in countering regional terrorism and nuclear proliferation in East Asia. President Bush and President Jiang participated in several summit meetings that helped stabilize relations, especially since the Bush administration backed

679 Shirley A. Kan et al, *China-U.S. Aircraft Collision Incident of April 2001: Assessments and Policy Implications* (Washington, D.C.: Congressional Research Service, October 10, 2001), 6, available at http://www.fas.org/sgp/crs/row/RL30946.pdf.

680 Clay Chandler, "No Deal Reached on Plane," *Washington Post*, April 20, 2001,

681 Erik Eckholm, "Spy Plane Will Return to U.S. in Pieces as Cargo," *New York Times*, May 29, 2001, available at http://www.nytimes.com/2001/05/29/world/29CHIN.html?ex=1205640000&en=1cc7cb45084d5545&ei=5070.

682 Elisabeth Rosenthal, "China Spurns Spy Plane Offer as Inadequate," *New York Times*, August 13, 2001, available at http://query.nytimes.com/gst/fullpage.html?res=9E04E7D9113FF930A2575BC0A9679C8B63.

683 "Downed Spy Plane Is Back in the Air," *New York Times*, November 17, 2002, http://query.nytimes.com/gst/fullpage.html?res=9D0DE4DF1030F934A25752C1A9649C8B63.

away from its initially strong support for Taipei after Taiwan's new president began making controversial statements and undertaking actions designed to affirm the island's political independence from the mainland. Nonetheless, it was not until October 2005 that Secretary Rumsfeld became the first senior U.S. defense official to visit China since the April 2001 EP-3 collision. Even today, the defense communities of the two countries maintain only an episodic dialogue punctuated by mistrust and misunderstanding.[684]

Conclusion

The above survey of the three crises allows for an assessment of policy making in accordance with PNSR's four key questions: 1) how well did the U.S. government develop coherent strategies that effectively integrated its national security resources; 2) could U.S. agencies cooperate to implement these strategies; 3) which variables best explain the strengths and weaknesses of the U.S. government response; and 4) what diplomatic, financial, and other achievements and costs resulted from these successes and failures?

Integrated Strategy Formation

By definition, it is difficult for the U.S. government to formulate coherent, integrated, and long-term strategies for managing unpredictable international crises. Each of the three administrations discussed in this study carefully considered its vision for the evolution of Sino-American security relations. Although they all shared the consensus that China should become more democratic, less repressive, more militarily transparent, and better integrated into global economic and political processes, they disagreed somewhat on how best to achieve these objectives. In addition, they differed in the extent to which the various elements of their strategies were integrated in their development and application.

George H.W. Bush entered office with a well-formulated strategy toward China. The president, who inclined toward a realpolitik

684 Richard Weitz, "A Military Hot Line Would Mean Little," *International Herald Tribune*, April 8, 2007, available at http://www.iht.com/articles/2007/04/08/opinion/edweitz.php.

perspective of great power relations that focused on the external rather than the internal behavior of countries, was clearly willing to grant Chinese leaders considerable leeway in their domestic policies, at least in the near term pending China's long-term political evolution in a more democratic direction.

The Clinton administration, due to the lower level of presidential interest and other factors, was more divided over its strategy regarding China. Some elements were most concerned with promoting human rights, others with securing commercial advantage, others with curbing nuclear and ballistic missile proliferation, and still others with pursuing defense diplomacy with a reclusive but increasingly powerful PLA. Absent senior White House direction, the U.S. government agencies most responsible for America's China policy often failed to integrate and prioritize these objectives.

The second Bush administration came into office with a strategic framework that saw China as a long-term strategic competitor, but the EP-3 collision occurred too early in the new administration for it to have developed a coherent strategy, with supporting interagency procedures, regarding China or many other important issues. The crisis might have accelerated the development of an integrated strategy that treated China as a potential near-peer competitor if the September 2001 terrorist attacks had not quickly overwhelmed U.S. government planning efforts and directed policy makers' attention away from China and toward countering international terrorism and their potential or perceived state sponsors.

Interagency Collaboration in Policy Implementation

In terms of responding to Tiananmen in the context of his overall strategy toward China, President George H. W. Bush felt compelled to engage Beijing directly by circumventing traditional diplomatic and U.S. government channels. This approach had the advantage of flexibility but meant that, when news of the Scowcroft visit became public, members of Congress felt less reluctance to attack the effort because they had not been briefed beforehand or even after the mission's conclusion. More generally, congressional pressure continually forced the first Bush administration to pursue a harsher policy toward China than the president preferred. In terms of implementing its desired policy toward China, however, the main

obstacle for the first Bush administration was not lack of interagency cooperation, but the dependence of the strategy's effectiveness on Beijing's response. In the end, Chinese policy makers proved unwilling to curtail their internal repression sufficiently to avoid undermining congressional support for the White House's approach of pursuing long-term cooperation with China.

Despite having had several years of in-office experience conducting policies towards China, the Clinton team had problems orchestrating its diplomatic, economic, military, and other foreign policy instruments before and during the embassy bombing crisis. The lack of interagency integration resulted from the incident's absolute unexpectedness and the preoccupation of the White House with winning a war in Kosovo that was proving much more difficult than originally anticipated. The military and intelligence communities proved reluctant to share information about their bombing procedures with their civilian colleagues, let alone the Chinese. As a result, the civilians in the State Department were left assuring the Chinese government that the incident had all been a mistake while acknowledging their limited understanding of why the intelligence failure had occurred.

The second Bush administration eventually achieved its immediate crisis objective of securing the return of the EP-3 crew and subsequently the plane. Nevertheless, the hard-line stance taken by U.S. military leaders, who publicly blamed the Chinese pilot for aggressive flying, was not well integrated with the softer approach of the U.S. State Department. It is unclear whether this divergence resulted from poor policy coordination between an inherently hawkish U.S. defense establishment and an innately dovish diplomatic community, from the relative newness of the administration and its resulting inchoate policy making and policy guidance mechanisms, from the time differential between Hawaii and Washington, or from a deliberate tactic. A more integrated response might have helped secure the release of the crew and aircraft faster. Faced with unanswerable counterfactuals, however, one can acknowledge that the "good cop/bad cop" approach actually adopted, whether consciously or by accident, might have yielded the best results. In any case, congressional pressure for harsh U.S. retaliation on the diplomatic (Olympics) or economic (WTO) fronts if the Chinese failed to return the crew appeared to have

strengthened the administration's bargaining position by making its implicit threats more credible to Beijing.

Explanatory Variables Affecting the U.S. Response

Decision-Making Structures and Processes. By their very nature, international security crises are difficult to anticipate. They therefore often require interagency decision making to employ extra-ordinary, ad hoc processes as well as standard operating procedures. The three China incidents in this study exhibit this admixture. After Tiananmen, the Bush administration worked with the federal agencies to curtail a limited range of diplomatic, economic, and military exchanges with China. The administration also established a formal interagency process for making and implementing decisions. National Security Advisor Scowcroft chaired meetings of the NSC Principals Committee, which for U.S.-China security issues typically included the secretary of state, the secretary of defense, and the director of the Central Intelligence Agency. A NSC Deputies Committee, consisting of the second-ranking officials in each of these agencies, also regularly met. One step below them, a NSC policy coordinating committee, which involved mid-level officials from these agencies, assembled to implement these committees' decisions and nominate issues for higher level consideration.[685]

In practice, however, President Bush relied primarily on his most senior governmental advisors when making key policy decisions toward China after Tiananmen. These individuals included NSC Principals Scowcroft and Baker. Although bypassed with the Scowcroft-Eagleburger missions, Ambassador Lilley, a personal friend of President Bush as well as a trusted China expert, also belonged to this group. These officials would reach decisions and then seek to implement them without necessarily requiring formal advanced or post-decisional meetings of the established NSC committees.[686] In addition, Bush circumvented formal NSC-led interagency structures when he sent Scowcroft and Eagleburger covertly to Beijing to engage in direct crisis management unencumbered by the bureaucracy. The gesture may have undermined the effectiveness of U.S. diplomatic

685 Garrison, *Making China Policy*, 108.
686 Ibid, 109.

sanctions, but that was presidential intent. Although this centralized system received criticism for being too closed, the fact that it involved key actors who played important roles in both the formal and informal structures—Scowcroft, Baker, and Bush himself—helped keep the two processes in sync.

After the Belgrade bombing, the agencies employed formal diplomatic channels to apologize to the Chinese. They also engaged in an atypical, but still orderly, comprehensive military intelligence review to identify and correct the flaws made apparent in the bombing process. The priority that President Clinton and other senior U.S. government officials placed on winning the war in Kosovo perhaps disinclined them from attempting to disrupt formal U.S. government decision making structures and processes by substituting ad hoc procedures. That said, for much of the period leading up to the bombing incident, the administration had experienced problems integrating the various components of its comprehensive engagement toward China. Diverse executive branch agencies readily engaged with the Chinese government, but often on their own terms in pursuit of distinct agendas.

The influence of the State Department, formally charged with the lead role in shaping and conducting American foreign policy, was weakened by the often sharp differences among its diverse regional and functional bureaus. Given their institutional mandates, one bureau would emphasize human rights, another commercial considerations, another nonproliferation objections, and so on. Neither the State Department leadership nor the White House was able to establish a hierarchy or balance among these often competing objectives, leading the bureaus to conduct parallel strategies that were poorly integrated with those of other agencies within or outside the department. By the time of the embassy bombing in 1999, Chinese officials had become distrustful of Clinton administration statements and actions, since they were often contradicted by at least one U.S. government agency seemingly pursuing a different course.

Following the EP-3 collision, the U.S. military heavily influenced the initial U.S. government response since one of its planes was directly involved in the incident and because much of official Washington was not yet awake. PACOM queried the Chinese military about the

EP-3's status, publicly blamed the Chinese pilot for the collision, and demanded immediate access to the crew as well as a rapid return of the plane. As noted, Chinese policy makers appeared to have reacted negatively to the seeming insensitivity of this U.S. military response (though some of this professed outrage may have been designed to enhance Beijing's bargaining leverage). After the other agencies became engaged, however, PACOM and the Pentagon adopted a much lower profile and, as directed by the White House, allowed Secretary Powell and President Bush to manage the public response. The two men's reinforcing messages combined expressions of public regret with warnings that the lingering crisis could damage bilateral relations.

The three crises illustrate the importance of presidential leadership in dealing with China. Only the president has the authority to direct the complex and often divided U.S. national security bureaucracy to identify and implement a coherent strategy for resolving such important unforeseen contingencies. George H. W. Bush immediately took charge of the crisis response after Tiananmen, making clear that he wanted to keep channels of communication open to the Chinese leadership despite American concerns regarding the harshness of the Chinese military crackdown. As a result, even though the Bush team was caught off guard by the crisis, its members were able to pursue a coherent and consistent strategy towards China—both in the sense that Bush adhered to the same strategy of cooperative engagement throughout his term and that the major national security actors in his administration understood the president's priorities.

In contrast, Clinton was initially preoccupied with Kosovo and other matters, leaving the U.S. agencies uncertain how to respond to Chinese outrage besides repeatedly affirming that the bombing was an accident and that the U.S. government wanted to maintain good relations with China. The president chose not to challenge the military's reluctance to inform the Chinese how the defense community was selecting the targets to attack in Serbia, presumably in part because some suspected the Chinese were supporting the Serbs by providing them with their own intelligence data about NATO operations.

The response of the second Bush administration also may have suffered from the initial tactic of allowing the agencies to assume the lead role in managing the U.S. response. The Defense and State

Departments seemed to have differed over the appropriate reaction. Clearer presidential and NSC direction might have lessened this divergence, which appears not to have been a deliberate strategy.

Organizational Cultures. In terms of integrating the U.S. government response to a particular immediate crisis, it is hard to generalize about differences in culture, mindsets, or other organizational characteristics of the U.S. civilian and military agencies. To the extent they exist, these divergences would more clearly manifest themselves over a longer time period, such as in influencing perceptions about the causes of international tensions or about the importance of military power in shaping foreign government perceptions and policies. In their near-term response to an international crisis, both civilian and military reactions appear heavily influenced by assessments of the degree of risk involved in pursuing various courses of action. Typically, policy makers balance fears of appearing weak with concerns about managing pressures for escalation. In addition, individuals tend to differ, regardless of their institutional affiliation, for reasons of ideology, their understanding of history, and other considerations regarding a desired end-state for a crisis and how best to achieve it.

During the crises examined herein, the senior civilian and military leaders of the U.S. defense community did sometimes articulate distinct preferences from their non-DOD colleagues, but these do not appear to have reflected their unique cultural values and institutional interests. After Tiananmen, the civilian heads of DOD recommended suspending defense cooperation with China on the grounds that the PLA was directly responsible for the large number of civilian casualties. After the Belgrade bombing, U.S. military representatives were reluctant to share sensitive information regarding the method for selecting bombing targets. They also declined to send a uniformed officer with Undersecretary Pickering when he issued the formal American explanation and apology to Beijing. The CIA also proved reticent to reveal its internal processes to other U.S. government agencies let alone the Chinese, and some members of Congress objected to the Pickering mission as inappropriately submissive.

In the case of the EP-3 collision, accidents of timing and other fortuitous variables resulted in the U.S. military, namely PACOM,

exerting unusually great initial influence over the U.S. response. Admiral Blair and other DOD leaders, both civilian and military, proved less diplomatic in their approach toward the Chinese than their State Department colleagues. Their demand for the immediate return of the crew and plane, as well as their public statements blaming the Chinese military for the collision, though reflecting organizational priorities, was not well-received by the Chinese government. It was not until the White House directed the Pentagon to temper its public statements and recall the additional warships it had deployed in China's vicinity, and after Bush and Powell started making statements that the Chinese found sufficiently apologetic, that Beijing agreed to release the crew and plane.

Capabilities and Resources. Both Bush administrations suffered the misfortune of experiencing major crises with China early in their terms of office, before all their senior staff had been appointed and their interagency policy making and implementation processes had become established. In the case of the first Bush administration, the president's own knowledge and interest in China helped compensate for this problem. George H.W. Bush felt comfortable making policy himself and then instructed his senior aides (typically Scowcroft) to implement it. In the case of the George W. Bush administration, the transition problem was more acute. Not only did the new president lack much experience in dealing with China or other national security issues, but the outgoing and incoming teams belonged to different political parties, which meant that the new administration often had to rely on some Clinton holdovers to implement their policies.

In this regard, the U.S. government is also unique in the extent to which it relies on political appointees rather than career civil servants to occupy important national security positions. Even second-tier or third-tier officials are often political appointees who serve as agency deputies and representatives on working-level interagency processes. One reason for this phenomenon is that new administrations, particularly if they belong to a different political party than their predecessors, frequently distrust the political loyalty of legacy career civil servants, who dutifully implemented the policies of the previous president. A further consideration is a concern to ensure that the U.S. government remains open to novel perspectives and skills that can be imported into the bureaucracy through the appointment

of a limited number of outside policy experts. Another cause for this large bureaucratic stratum of political appointees is that these second- and third-level individuals play a vital role in formulating and implementing U.S. government policies. They prepare and frame options for higher level decision makers. They also regularly resolve issues not considered sufficiently important or divisive for elevation to department heads and other principals. The agency deputies as well as the third-tier assistant secretaries and office directors also assume a lead role in ensuring the implementation of the president's policy preferences. The important policy functions of these actors typically lead White House personnel mangers to want to ensure that "their" people occupy these posts.

The time required to staff the senior levels of the U.S. government can prove problematic when a major national security crisis occurs early in the life of a new administration. Presidents select their main national security cabinet heads, who then must secure Senate confirmation. Subsequently, these individuals, in consultation with the White House, Congress, and other stakeholders, select the next level of deputies and agency heads. It can take over a year to fill the lowest level of political appointees, and even longer before they can gain sufficient experience in their new jobs to function effectively. By this time, some of their superiors may have left office, which requires another lengthy personnel selection process. This cascading effect further exacerbates the already protracted process of security clearances and financial vetting involved in staffing national security positions. A related problem is that, when transitions occur between administrations, the displaced incumbent political appointees depart with considerable institutional knowledge. The Clinton administration, moreover, lacked the details of many Bush administration decisions because the relevant records were placed in archives pending storage at the Bush Presidential Library.[687] The lack of institutional knowledge is aggravated by the fact that, in the case of some very sensitive subjects (e.g., negotiations with foreign countries like China), the written documentation of the details and rationale for past decision making may be sparse.

687 Suettinger, *Beyond Tiananmen*, 159.

One of the advantages of the current structure of the National Security Council is that the position of NSC advisor is exempt from Senate confirmation (though the incumbent must still undergo security and other reviews). The ability of a new president to appoint a national security advisor immediately helps ensure that the administration has a degree of institutional capacity even during the early transition period. Since the advisor is so often associated with the president, moreover, foreign governments often treat him or her as a presidential envoy empowered to communicate and negotiate on the president's behalf. Yet, since the NSC staff consists primarily of a limited number of political appointees and civil servants on temporary rotation appointments, it does not possess the institutional depth and resources found in more traditional government departments. Although NSC staff members can engage in policy oversight, they lack the numbers, substantive expertise, and legal authority to implement policies.

During the three U.S.-China crises under review, the existing staff and other resources at the disposal of the regular U.S. civilian and military agencies proved adequate for managing these incidents. In any case, the short duration of these crises would have prevented the agencies from mobilizing additional resources, such as by appealing for more funds from Congress. The American government's reaction to Tiananmen involved basically curtailing rather than expanding interactions with China. In the case of the EP-3 collision, the U.S. government had sufficient resources to retrieve the plane and crew through both diplomatic negotiations or (though this was never considered as a serious option) by using military force.

The resource issue was most important in the embassy bombing crisis, which occurred in the midst of a demanding military campaign that was severely taxing U.S. military and intelligence resources. According to Senator Richard Shelby, then Chairman of the Senate Intelligence Committee, one reason for the faulty target selection and out-of-date databases was that the U.S. intelligence community had received insufficient funding in previous years, resulting in "ask[ing] too few people to do too much" and "stretch[ing] our people to the

breaking point" even before the added burden of the war arose.[688] The Executive Office of the President, which included the NSC staff, suffered from Clinton's decision to implement his campaign commitment to reduce its size by 25%. Such downsizing diminished the White House's ability to coordinate and oversee implementation of U.S. national security policy. In another respect, however, the relative abundance of U.S. national security resources compared with other countries proved counterproductive. The Chinese could not believe that the U.S. military and intelligence communities—with their vast resources and proven effectiveness in the recent Desert Storm operation—could bomb China's embassy in Belgrade by mistake. From their perspective, it had to have been a deliberate attack.[689]

More generally, having additional Chinese specialists in the U.S. government might have helped decisions makers understand developments related to China better, during the 1989-2001 period but only if those forming and implementing policies actually listened to the experts. In addition, understanding China-related developments has proven notoriously difficult during the past few decades, for U.S. government and nongovernmental analysts alike. Few observers anticipated the political chaos before Tiananmen, the difficulties in determining Chinese proliferation activities (underscored by the *Yin He* embarrassment), or the sustained growth of China's economic and military strength during the past two decades.

Issues relating to executive-legislative relations were most acute after Tiananmen. Initial conceptual differences over how best to respond to the Chinese military crackdown soon escalated into an intense struggle between the legislative and executive branches over the appropriate separation of powers. The president and his advisors fought vigorously against congressional attempts to force

688 Cited in John Diamond, "Officials Tell How Bad Map Led to Chinese Embassy Bombing," Associated Press, May 12, 1999, available at http://www.polkonline.com/stories/051299/nat_officails.shtml.

689 Susan L. Shirk, *China: Fragile Superpower: How China's Internal Politics Could Derail its Peaceful Rise* (New York: Oxford University Press, 2007), 212–218. See also the comments of the Chinese Ambassador to the United States, Li Zhaoxing, on PBS Newshour, May 10, 1999, available at http://www.pbs.org/newshour/bb/europe/jan-june99/li_5-10.html.

the executive branch to impose a broader range of sanctions than Bush deemed wise. Ideological antagonism toward China transcended party differences, except in the case of those unlucky Republican congressional leaders who struggled to secure enough support to sustain Bush's vetoes of various sanction proposals.

Congressional intervention after the embassy bombing and the EP-3 collision was more constrained. Although some members denounced the Chinese government for inflaming anti-American sentiment after the former incident, and for initially refusing to release the crew in the collision case, they generally allowed the executive branch to negotiate a solution to the crises directly with their Chinese counterparts. The Clinton administration's ability to deal with China was however hampered by congressional limitations on military exchanges, imposed following allegations that the Chinese government was seeking to secure defense secrets through these interactions as well as other means of intelligence gathering. In contrast, congressional outrage at the initial Chinese failure to return the EP-3 crew appears to have enhanced the bargaining position of the second Bush administration by bolstering the credibility of their less explicit threats of retaliation.

Legal issues also arose in all three cases. As already noted, typical delays in the appointment process, partly due to the need to comply with various legal and constitutional requirements, deprived the two Bush administrations of several intended executive branch officials who had yet to secure Senate confirmation. As long as it takes months to appoint, confirm, and swear in department heads and their key deputies, the authority of unconfirmed government officials to act during crises occurring early in a presidential term will remain uncertain. Although the timing of the two China crises resulted from factors unrelated to the U.S. presidential transitions, adversaries might seek to exploit these temporal seams in the future.

After Tiananmen, moreover, advocates of harder and softer U.S. approaches toward China differed over the extent to which they believed the traditional respect for state sovereignty in international law needed to be tempered by the post-World War II emphasis on protecting human rights. Chinese officials contested sharply the legitimacy of the U.S./NATO humanitarian intervention in Kosovo, which exacerbated resolution of the subsequent embassy bombing

crisis. Whereas the Chinese government insisted that any use of force in international politics required the explicit approval of the UN Security Council, members of the Clinton administration considered the need to end alleged Serbian genocide in Kosovo as a sufficient justification to act without UNSC sanction. American and Chinese lawyers also debated how much money the U.S. government needed to provide in terms of compensation for the destroyed embassy, minus the costs to the United States from the damage inflicted by the protesters on the American diplomatic facilities in China.

The issue of government-to-government compensation also arose in the case of the EP-3 collision, with the American diplomats offering far less money than the Chinese demanded to repatriate the crew and plane. In addition, each side accused the other of violating the provisions of the vaguely worded 1998 Sino-American Military Maritime Safety Agreement.[690] But the main legal issue here was the legality of the U.S. surveillance flights in the first place. Chinese and American officials disagreed over whether the U.S. military could conduct surveillance flights within China's EEZ and about whether Chinese authorities had the right to inspect the plane. Although Admiral Blair and other U.S. policy makers justified the flight as a routine surveillance operation in international waters, the Chinese government denounced what one spokesperson termed "a series of actions by the US side, which violated international law and the internal laws of our country."[691] The American government seemed to have been able to mobilize considerable legal resources in developing and defending its positions, but without much effect on the Chinese negotiators. The Chinese press cited a diverse range of international

690 Andrew Sven Erickson, "Why America and China Need A New Military Maritime Agreement," The National Committee on United States-China Relations, 2002, available at http://www.ncuscr.org/Essay_Contest/erickson.htm.

691 According to the Chinese Foreign Ministry, "the United Nations Convention on the Law of the Sea stipulates that any flight over the EEZ of another nation must not violate the general rules of the international law, nor is it allowed to infringe on the national sovereignty and territorial integrity of this nation or pose a threat to its national security, peace and order" ("Efforts Needed From Both Sides to Solve the Collision Incident," Xinhua, April 20, 2001, available at http://www.china.org.cn/english/11506.htm).

agreements, U.S. laws, and expert interpretations to challenge American government legal claims.[692] In practice, the dispute between the American and Chinese governments involved sensitive matters of national sovereignty and national security that typically trump the specific international legal principles at issue.[693]

The three episodes under review do show clear instances of intelligence failures. In June 1989, the Bush administration, like most of the international community including the Chinese government, appeared completely surprised by the level of mass protest and subsequent violence that occurred in Beijing. Still, it is unlikely that even perfect foreknowledge could have enabled the United States to manage the crisis much more effectively. The diplomatic, economic, and military tools at the disposal of the U.S. government were simply inadequate for inducing Chinese officials to negotiate with the student demonstrators once communist leaders came to fear they might lose power in a popular revolution.

The intelligence failures during the Belgrade bombing were more serious since the CIA was responsible for selecting the target. Notwithstanding the pressure from the Pentagon to find additional targets to help sustain the flagging bombing campaign, the data collection and processing techniques then employed by the CIA and its sister agencies clearly proved inadequate, as subsequent U.S. investigators acknowledged.

Finally, the intelligence community appears to have unduly downplayed Chinese warnings before the EP-3 collision about U.S. military encroachments along China's periphery. One positive feature about information management during this crisis was that PACOM had developed extensive communication capabilities in order to manage its immense area of responsibility, the largest of any of the geographic combatant commands. This network allowed for rapid

692 See for example "No Legal Precedent for US Spy Plane Case," Agencies, April 4, 2001, available at http://www.china.org.cn/english/10168.htm; and "US Plane Grossly Violated International Law: Signed Article," Xinhua, April 4, 2001, available at http://www.china.org.cn/english/10173.htm.

693 Kan et al, *China-U.S. Aircraft Collision Incident of April 2001*, 19–21, available at http://www.fas.org/sgp/crs/row/RL30946.pdf.

communication between Ambassador Prueher and Secretary of State Powell during the negotiations over the content of the U.S. apology letter.[694] Of course, this situation provides another example of how the exponential improvement in communications technologies is allowing more decisions in Washington and decreasing the autonomy of the embassy teams and overseas military commanders, with mixed results. While the people in the field typically have superior knowledge of local conditions, they may not appreciate the relative importance of their concerns in Washington, where policy makers often need to balance a wider range of competing priorities.

In the case of major national security crises, the most constraining resource appears to be leadership time. Although both Bush administrations were unfortunate in that the crises occurred soon after they assumed office, they did benefit from the incidents occurring when they were not preoccupied with another issue, allowing them to make managing the crisis their top priority. In contrast, the unlucky Clinton team found themselves engaged in a most unexpected and most unwelcome China crisis at the same time they were trying to win a difficult war without rupturing relations with Russia or often carping NATO allies. Although concerned about the Chinese reaction, the Clinton team continued to prioritize winning the immediate battle with Serbia while hoping that the Chinese leadership would yell and scream but not do anything rash.

Costs and Benefits

Sino-American relations deteriorated substantially following each crisis. After Tiananmen, the two governments suspended most formal ties. Whereas during the 1980s, both countries viewed themselves as de facto allies against Soviet expansionism, during the 1990s, Chinese officials openly debated whether Americans were seeking to use human rights and democracy promotion issues to overthrow their government or contain China. Both the Belgrade bombing and the EP-3 collision reinforced such suspicions despite American protestations that these incidents were entirely accidental. Many in Washington, especially in Congress but also in the executive branch, began to view China as an authoritarian government that had yet

694 Interviews with former U.S. government policy participants.

to prove itself a responsible international stakeholder. Partly due to the legacy of these incidents, the two countries' national security communities view each other with mistrust to this day.

The main benefit the United States gained from its handling of these crises with China was avoiding potential costs. In this case, the precise losses are hard to specify since they require at least an implicit assessment of counterfactuals. Each Chinese-American crisis worsened the relationship somewhat, but none of the crises resulted in a war between the two countries or even a sustained rupture in relations. Among other factors, the expanding commercial ties between the United States and the PRC have given both countries a considerable stake in sustaining tolerably good relations. The Sino-American crises that have occurred since China decided to open its economy to foreign engagement have never reached a level of severity that would jeopardize these relations.

Furthermore, if there had been no Tiananmen crackdown, Belgrade bombing, or EP-3 collision, it is not clear how much better the Sino-American security relationship would have been. Throughout 1989–2001, each side remained distrustful of the other's objectives and behavior. Whereas Chinese leaders suspected that the U.S. administrations ultimately sought to subvert Chinese communism, many American policy makers saw the PRC as the main emerging great power adversary of the United States now that the Soviet Union had imploded and Yeltsin's Russia appeared unable and unwilling to mount a serious challenge to American global primacy.

Ultimately, even if these bilateral security crises had been managed more effectively, a combination of factors probably would have prevented the realization of a significantly improved Chinese-American security relationship during the 1989–2001 period. The Chinese leadership, while no longer adhering to fanatical versions of Maoism, nevertheless remained committed to sustaining a one-party authoritarian government that readily repressed domestic opponents at home and vigorously contested perceived foreign encroachments against China's sovereignty and security. If anything, the democratic wave that had engulfed much of the former Soviet bloc reinforced Beijing's determination to crush any domestic challenge that might have weakened government authority. The vigorous suppression since

the early 1990s of the Falun Gong, a nonviolent spiritual movement, and the strong-armed tactics Beijing often pursues towards Tibet, Taiwan, and Xingjian, demonstrate the sensitivity of the Chinese leadership to potential ideological, political, and other challenges. In addition, the government's reliance on Chinese nationalism to compensate for the decline in legitimacy following the de facto repudiation of Marxism-Leninism has also made China a more difficult partner with which to manage bilateral crises. The growth in the relative military power of both China and the United States since 1989 has also naturally led their national security communities to view the other more warily.

Unfortunately, if the nature of the Chinese political system limits the possible benefits from successfully managing Sino-American crises, the obverse is not necessarily also true. Poorly managed, a Chinese-American crisis could potentially escalate into a nuclear exchange between the two countries, which seem likely to possess the two strongest militaries operating in the Asia Pacific region for some time to come. This consideration alone warrants sustained efforts to enhance the U.S. government's ability to manage future China crises.

Managing Complex Emergencies

CHAPTER 6. SOMALIA: DID LEADERS OR THE SYSTEM FAIL?

Christopher J. Lamb, with Nicholas Moon[695]

Introduction[696]

Fifteen years ago the United States suffered a major foreign policy reversal that has never been fully explained. In late 1992, President George Bush decided to intervene in Somalia to prevent the mass starvation of millions of Somalis. Fractious warlords were obstructing the rapid distribution of international aid to the needy in the midst of widespread drought and economic collapse. U.S. forces performed admirably and ensured sufficient food distribution. Eventually, the mission was passed to a United Nations command, which embarked on a more ambitious reconciliation and reconstruction agenda and soon encountered stiff armed resistance. After several months of low-level conflict, U.S. special operations forces were re-deployed to Somalia to take the lead in dealing with the most troublesome warlord, Mohammed Farah Aideed. The assumption was that if U.S. forces

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696 This case study is adapted from a chapter in *United States Special Operations Forces* by David Tucker and Christopher J. Lamb, Copyright © 2007 Columbia University Press. It is reprinted with the permission of Columbia University Press.

could capture or eliminate Aideed, the remaining warlords would agree to negotiate a new government with the United Nations.

Unfortunately, the mission ended disastrously. On October 3, 1993, U.S. special operations forces were pinned down in a protracted engagement with Aideed's gunmen after a U.S. helicopter was shot down by a rocket-propelled grenade. After inflicting close to one thousand casualties on the enemy and losing eighteen soldiers, the special operations forces were extracted by a tardy UN relief force. The Clinton administration negotiated for the release of the lone U.S. soldier captured by Aideed's supporters and withdrew American military forces. The proposition that Aideed was the singular problem preventing national reconciliation was tested three years later when Aideed died in Somalia's continuing orgy of factional fighting. Aideed's radio station in south Mogadishu quickly announced that Aideed's clan had formed a committee to select a new leader, and that the clan militia should "remain watchful and defend their rights."[697] The fighters took heed, and the internecine conflict continued despite Aideed's death. Some argue, however, that the factional warfare persisted because the steadying hand of the United Nations and U.S. forces had long since departed in the wake of the October 3 disaster.

The Somalia intervention is an interesting case study for the Project on National Security Reform (PNSR) for several reasons. First, as many have noted[698], the failed intervention had momentous consequences. It terminated the nascent Clinton administration's

697 CNN World News, "Somali faction leader Aidid dies," August 2, 1996; web posted at: 8:30 a.m. EDT; available at http://edition.cnn.com/WORLD/9608/02/aideed/.

698 The consequences of the intervention in Somalia have been extensively discussed and debated. In their memoirs Clinton cabinet members describe how Somalia affected future operations, and numerous commentators linked the failure in Somalia to desultory and weak international responses to crises in Rwanda, Haiti and Bosnia. John Hirsch and Robert Oakley, *Somalia and Operation Restore Hope: Reflections on Peacemaking and Peacekeeping* (Washington, D.C.: U.S. Institute for Peace, 1995). Also Scott Peterson, *Me Against My Brother: At War in Somalia, Sudan, and Rwanda: A Journalist Reports From the Battlefields of Africa* (New York, NY: Routledge 1994). Karin Von Hippel, *Democracy By Force: U.S. Military Intervention in the Post-Cold War World* (New York, NY: Cambridge University Press, 2000).

foreign policy emphasis on "assertive multilateralism," and the career of then-Secretary of Defense Les Aspin. The failure disinclined the United States from intervening elsewhere,[699] including in Rwanda where horrific internecine tribal conflict led to mass murder. The Somalia experience undermined the credibility that the United States gained from the successful Gulf War the previous year. In addition, the intervention required close coordination between multiple national security bureaucracies, including the Department of State (DOS), Department of Defense, Central Intelligence Agency, and U.S. Agency for International Development, among others. Hence, it allows for an examination of the United States' ability to integrate multiple instruments of national power, as represented in the form of numerous bureaucracies.

The purpose of this case study is to accurately describe and explain the decision making and key events in the Somalia intervention. In the process, this paper will examine four issues: the extent to which the U.S. acted with a strategy in mind as opposed to ad hoc decision making; the extent to which the strategy—such as it was—required multiple instruments of power; the extent to which the instruments of power were well integrated; and finally, the consequences of not integrating the elements of national power well. Before assessing these four issues, however, a clear description of what happened is necessary, not only in Somalia, but also in Washington and at the United Nations.

Debate over Somali Intervention Objectives

Assistant Secretary of State Herman Cohen initiated the U.S. government response to the humanitarian disaster in Somalia with a March 25, 1992, declaration that a disaster existed in Somalia, Kenya,

699 A senior State Department official said, "Bosnia was already almost dead in terms of U.S. participation in peacekeeping, but Mogadishu put the last nail in the coffin." The obituary was premature in one sense. It took two more years of bloodshed and a peace accord, but eventually the U.S. committed forces to Bosnian peacekeeping. Michael Gordon and Thomas Friedman, "Details of U.S. Raid in Somalia: Success So Near, a Loss So Deep," *New York Times*, sec. A1, October 25, 1993.

and the surrounding area.[700] The Office of U.S. Foreign Disaster Assistance, which is tasked with leading the U.S. government's response after a formal declaration of disaster, immediately went to work with a number of non-governmental relief organizations to provide assistance. By April 1992, the United Nations had established a presence in Mogadishu, the capital of Somalia, to monitor a shaky ceasefire between two of the main warring factions, and to assist with the delivery of aid. Despite the United Nations operation in Somalia, which would be called UNOSOM I, the plight of millions of Somalis worsened. The UN Secretary General's July 22 report estimated that a million Somali children were at immediate risk of malnutrition, and that four and a half million people urgently needed food assistance.[701] Other humanitarian assistance officials believed that as many as two million were at risk of starvation.

President George H. W. Bush was informed of the dire situation. The President was deeply moved by a cable from the U.S. Ambassador to Kenya, Smith Hempstone, titled "A Day in Hell." Ambassador Hempstone, a former journalist and outspoken proponent of African reform, wrote his unflinching July 1992 account of the unfolding disaster following a trip to northern Kenya near the Somali border. President Bush's empathetic reaction to the news about Somalia was heightened by his vivid recollection of dying children he saw during a visit to CARE feeding stations in Sudan during the Sahelian famine of the 1980s.[702] President Bush wrote on his copy of the ambassador's cable, "This is a terrible situation. Let's do everything we can to help."[703] Hempstone's cable and the President's inclination were reinforced by a July 30 report from the Director of the Office of U.S. Foreign Disaster Assistance James Kunder who argued "people are

700 Andrew S. Natsios, "Humanitarian Relief Intervention in Somalia: The Economics of Chaos," in *Learning from Somalia*, eds., Walter Clarke and Jeffrey Herbst (Boulder, Colorado: Westview Press, 1997), 80.

701 John Hirsch and Robert Oakley, *Somalia and Operation Restore Hope: Reflections on Peacemaking and Peacekeeping* (Washington, D.C.: U.S. Institute for Peace, 1995), 23.

702 Natsios, "Humanitarian Relief: Intervention in Somalia," 78.

703 Don Oberdorfer, "U.S. Took Slow Approach to Somali Crisis; Delay in Action Attributed to Civil War, Other Global Problems, Lack of Media Attention," *Washington Post*, sec. A 13, August 24, 2007. Hempstone's cable was dated July 10.

dying in the thousands daily because aid workers cannot move relief food. The world community has the responsibility to end that."[704]

While sympathy for the Somalis' plight was growing in Washington, many continued to argue that Somalia's troubles did not affect American interests. In fact Ambassador Hempstone, whose cable helped galvanize attention to the problem, was one such voice. Hearing that Washington was considering action in Somalia, he sent a cable in August 1992 warning against intervention:

> There is little reason to believe that the bitter and long-standing clan rivalries that have turned Somalia into a particularly murderous African Lebanon will yield to outside intervention, armed or unarmed, by the United Nations or any other group. Tragic as the situation is in Somalia-and it is tragic- the dissolution of the Somali nation-state and, indeed of Somali society, does not affect vital U.S. government security interests. Accordingly, the U.S. Government should think—and then think again—before allowing itself to become bogged down in a quagmire without the promise of offsetting concomitant benefits.[705]

Hempstone's message received mixed reactions, but did not prevent President Bush from ordering the deployment of U.S. military transports on August 14 to support the multinational United Nations relief effort in Somalia. In "Operation Provide Relief," C-130s deployed to Mombasa, Kenya, and airlifted aid into Somalia. Yet, after nearly 2,500 flights, which provided almost 28,000 metric tons of food aid, the situation in Somalia had not improved. Looters and local militias extorted money and supplies for the "right" to land aircraft, raising already substantial costs to the United States. Moreover, much of the food never reached the suffering masses

704 Ken Menkhaus and Louis Ortomayer, *Key Decisions in the Somalia Intervention*, Pew Case Studies in International Affairs, Institute for the Study of Diplomacy Publications, School of Foreign Service, Georgetown University, Washington D.C., 1995, 2. Quoting James Kunder, July 31, 1992.

705 Smith Hempstone in a cable to Deputy Secretary of State Frank Wisner on December 2nd 1992. Smith Hempstone, *Rogue Ambassador: an African Memoir* (Sewanee, TN: University of the South Press, 1997), 229.

because the armed warlords who controlled the militias diverted it for their own purposes. The United States also airlifted 500 Pakistani peacekeepers to Somalia, but soon after their arrival they were pinned down at the Mogadishu airport and unable to ensure safe delivery of the humanitarian assistance. On August 19, an interagency Policy Coordinating Committee meeting convened to discuss options for ameliorating the situation. In this meeting, the Department of State representative raised the prospect of U.S. military forces creating "zones of tranquility" to help with aid distribution. Department of State officials pointed out that merely airlifting food into Somalia would not suffice since the real problem was distribution. Department of Defense personnel countered that UN military forces should take on any such security mission.

As national security organizations in Washington considered options, Ambassador Hempstone became increasingly concerned that the United States was going to stumble into a protracted and unhelpful intervention. In late September, he sent another cable to the State Department recommending that the U.S. airlift operation be privatized. He believed that a private sector-led operation would be cheaper, more effective, and simultaneously eliminate the risk of losing American soldiers. In his message, Ambassador Hempstone argued it was "irrational, wasteful and dangerous to continue the operation in its U.S. military configuration," and privatizing the relief operations would allow "the American military to make a dignified, rational and phased withdrawal from the Somali tar baby."[706]

Hempstone was fighting an uphill battle. The president's interest and a deteriorating situation on the ground were enough to stimulate U.S. government agencies to investigate alternative American responses to the Somali crisis over the course of the fall. President Bush's loss in the November election also spurred the decision to intervene. Press accounts later indicated the president and his political advisors believed that intervention in Somalia provided an opportunity for the president to leave office on a high note and be remembered as a decisive leader rather than a vanquished politician.[707] On November

706 Hempstone, *Rogue Ambassador: an African Memoir,* 227.

707 Maryann K. Cusimano, "Operation Restore Hope: The Bush Administration's Decision to Intervene in Somalia, Pew Case Studies in International Affairs,

19, a *New York Times* article announced that key Bush advisors would be gathering the next day at the White House to encourage the President to address the mass starvation in Somalia instead of "dumping the problem on Bill Clinton's Administration."[708]

As the article predicted, the first of a series of Deputies Committee meetings took place November 20 to examine expanding the U.S. role in Somalia. The Deputies Committee technically consists of the second ranking officials from all the major departments represented on the National Security Council, but these officials are sometimes represented by subordinates. At the meeting, Paul Wolfowitz, then under secretary of defense for policy, broached the subject of using U.S. ground forces.[709] The Joint Staff and Central Command, however, echoing Ambassador Hempstone's concerns, were reluctant to commit ground forces for fear of becoming entangled in a low-grade conflict that would be difficult to escape.[710] Yet in a second Deputies Committee meeting the following day, the Joint Staff representative approached the issue differently. After consulting with the chairman of the Joint Chiefs of Staff, Colin Powell, and clarifying that at least one division's worth of forces would be required, Vice Chairman Admiral David Jeremiah offered that "if you think U.S. forces are needed [in Somalia], we can do the job."[711] The military's change of heart reflected a choice in favor of a lesser evil. Pressure to act was increasing in Somalia, but also in Bosnia where a civil war was raging. Somalia was considered a less onerous mission. The country's flat terrain was believed to be advantageous for U.S. forces compared to Bosnia's forests, and military leaders believed Somali opposition would

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Institute for the Study of Diplomacy Publications, School of Foreign Service, Georgetown University, Washington DC, 1995, 8. The Pew study cites: Michael Wines. "Aides Say U.S. Role in Somalia Gives Bush a Way to Exit in Glory," *New York Times*, sec. A 34, December 6, 1992.

708 Leslie Gelb, "Foreign Affairs; Shoot to Feed Somalia," *New York Times*, sec. A 27, November 19 1992.

709 Don Oberdorfer, "The Path to Intervention; 'A Massive Tragedy We Could Do Something About,'" *The Washington Post*, sec. A1, December 6th, 1992.

710 Frank G. Hoffman, "One Decade Later -- Debacle in Somalia," The Naval Institute: Proceedings, January 2004 http://www.military.com/NewContent/0,13190,NI_Somalia_0104,00.html

711 Don Oberdorfer, "The Path to Intervention; 'A Massive Tragedy We Could Do Something About,'" *Washington Post*, sec. A1, December 6, 1992.

rapidly collapse.[712] CIA reports agreed that "clan forces were both poorly organized and trained, had inconsistent morale and motivation, had weapons that could easily be overcome, and therefore did not pose a serious military threat."[713] Some attendees remained concerned about the lack of an exit strategy, but the momentum had shifted in favor of intervention. Presidential advisors even saw a geopolitical advantage to the humanitarian intervention. They thought American military action to help improve conditions in a Muslim country might help deflect Arab pressure to help Bosnian Muslims.[714]

On November 23 and 24, the deputies met to refine intervention options. Frank Wisner, then-under secretary of state for international security affairs, sought a larger U.S. force commitment to support a UN command, mainly with air and sea-based forces. He did not ask for ground troops because the Department of State believed the Pentagon would never acquiesce. Then-National Security Advisor Brent Scowcroft, however, thought U.S. ground forces might be required,[715] which opened a discussion of a U.S.-led ground force option. Brigadier General Frank Libutti, the commander of Operation Provide Relief, who by then had some months of experience with Somalia, warned that the insertion might be far less complicated than the subsequent extraction. He feared that U.S. troops could end up in Somalia for ten to fifteen years.[716] In reality, even getting in would not necessarily be easy. That very day a UN relief ship carrying 10,000 tons of food was shelled while trying to enter Mogadishu harbor and had to return to sea. The risk of protracted engagement identified by Libutti was duly noted and Scowcroft brought it up when the

712 Barton Gellman, "Pentagon Sees Likely Success; Somalia Anarchy Forces Policy Shift," *Washington Post*, sec. A 16, November 28, 1992.

713 Cusimano, "Operation Restore Hope," 8.

714 Robert F. Baumann and Lawrence A. Yates with Versalle F. Washington, "'My Clan Against the World' U.S. and Coalition Forces in Somalia 1992-1994," *Combat Studies Institute Press,* Fort Leavenworth, Kansas, 2004, 24..

715 Valerie Lofland, "Somalia: U.S. Intervention and Operation Restore Hope," Air University, U.S. Air Force, 59 http://www.au.af.mil/au/awc/awcgate/navy/pmi/somalia1.pdf.

716 Oberdorfer, "The Path to Intervention," December 6, 1992.

Deputies Committee made its presentation to President Bush the following day.[717]

In addition to Brent Scowcroft, others in attendance at the pre-Thanksgiving Day decision meeting were President Bush, Colin Powell, and Secretary of Defense Dick Cheney. The first option discussed was to continue with a limited level of U.S. support; the United States would provide air and sea power to the 3,500-strong UN force already approved by the Security Council.[718] Most believed this option would not have much effect. The second choice, dubbed "Ball-Peen Hammer," would move 5,000 U.S. ground troops into Somalia to secure key areas, including the airport, seaports, and communication infrastructure. This option was designed to be quick and temporary, and to be followed by a larger UN force. The third option was a "sledgehammer" approach: full-scale intervention with a U.S. division, in addition to support from UN allies.[719] The Deputies Committee consensus favored the second option as the best approach.[720] The meeting lasted less than an hour and concluded with President Bush choosing the "sledgehammer" approach. The president's inclination was to direct a quick operation, in and out before President-elect Clinton was inaugurated. The president did not want to "stick Clinton with an ongoing military operation." However, when the president's advisors made it clear that such a quick exit would not be possible, the goal became turning the operation over to the United Nations as quickly as possible.[721] General Powell also stressed the need for an experienced, senior diplomat to work alongside the military, to avoid political mistakes that might seriously complicate the military mission. This advice was taken, and Ambassador Robert Oakley, who had previously served as ambassador to Somalia, was asked to serve as the president's special envoy to Somalia. Later that day, General Joseph Hoar, the commander of the Pentagon's Central Command, whose staff had prepared the military plan and who would be overseeing Somalia operations, argued for a more robust force. General Powell

717 Baumann, Yates, Washington, "My Clan Against the World," 24.
718 Menkhaus, Ortomayer, *Key Decisions in the Somalia Intervention*, 6.
719 Ibid., 7.
720 Ibid., 7.
721 Colin Powell, *My American Journey* (New York, NY: Random House, 1995), 564–565.

succeeded in obtaining President Bush's agreement to increase the approved force to two divisions.[722] Otherwise, the president's decision stood as made at the November 25 meeting.

President Bush's decision alarmed some government officials and caught others by surprise. Frank Wisner, who in January would move from his position as Under Secretary of State for International Security Affairs to Under Secretary of Defense for Policy, sent a December 1 cable to Ambassador Hempstone soliciting his opinion on the feasibility of a large U.S. military presence in Somalia. Ambassador Hempstone responded the very next day with a cable arguing vehemently against U.S. intervention. Hempstone was emphatic that there was no U.S. national interest at stake, no quick fix to Somalia's problems, and that the operation would be long and expensive to get Somalia "just on its knees." Further, he insisted that the United States would certainly suffer casualties, and he questioned the purpose of such sacrifice, believing it would only delay the starvation of tens of thousands from one year to the next. He also worried that the intervention's only net effect would be "to reunite the Somali nation against us, the invaders."[723] Hempstone argued that, as the Italians and British had discovered to their chagrin, the Somalis have a propensity for guerilla warfare. "They will mine the roads, they will lay ambushes, they will launch hit and run attacks." Hempstone's memorable phrase, "If you liked Beirut, you'll love Mogadishu"[724] was repeated by National Security Council staff members, who were hard pressed to understand the President's decision.[725] Then-CIA Director Robert Gates argued that "the anarchy in Somalia is so sweeping and the warring factions so firmly entrenched that the country will require long term international involvement, such as a United Nations protectorate…"[726]

722 Menkhaus, Ortomayer, *Key Decisions in the Somalia Intervention*, 7.

723 Smith Hempstone, *Rogue Ambassador: an African Memoir* (Sewanee, TN: University of the South Press, 1997) 230.

724 Ibid. and Lawrence E. Casper, Falcon Brigade: Combat and Command in Somalia and Haiti (Lynne Rienner Publishers, 2001), 10.

725 Valerie Lofland, "Somalia: U.S. Intervention and Operation Restore Hope," Air University U.S. Air Force, 57, available at http://www.au.af.mil/au/awc/awcgate/navy/pmi/somalia1.pdf

726 Elaine Sciolino, "U.N Council Essentially Agrees to U.S. Command in Somalia;

The decision had been made, however, and the national security bureaucracy turned its attention to implementation. Acting Secretary of State Lawrence Eagleburger went to New York to secure UN support, which was not easy. UN officials worried that a U.S.-led intervention, especially one based on Chapter VII of the UN Charter which would authorize all means necessary (i.e., lethal force), might compromise future UN operations. Ultimately, UN Secretary General Boutros-Ghali accepted the U.S. proposal but rejected the condition that the U.S.-led coalition be replaced as quickly as possible by a UN peacekeeping force. Partly by putting off the contentious issue of when the handoff would occur, the Department of State succeeded in securing passage of United Nations Security Council Resolution 794.

Consequently, Operation Restore Hope began on December 7. The next day, Ambassador Oakley arrived in Mogadishu as the president's special envoy to oversee the political and diplomatic dimensions of the mission. The Marines arrived a day later, followed by Army and coalition forces. A total of 29,000 U.S. troops supplemented by approximately 10,000 coalition forces were committed to the operation and became known as the United Task Force or UNITAF. Within days, the Marines established a Civil Military Operations Center which was collocated with the UN's Humanitarian Operations Center. The center quickly became the focal point for coordinating non-governmental assistance efforts and military operations. At the end of December 1992, President Bush demonstrated his personal interest in and commitment to the endeavor by visiting Somalia to witness the operations firsthand. The president reassured the troops on New Year's Eve and Day that their mission's objectives and duration were limited.

At the time, the decision to intervene was generally popular with the public and Congress. Some members of Congress, notably Senators Nancy Kassebaum (R-KS) and Paul Simon (D-IL) had strongly urged the president to intervene. Now that he had, a few voices in Congress were critical, but for the most part the mission enjoyed bipartisan support, including President-elect Bill Clinton. Even so, the Somalia intervention came at an inopportune time since the

Despite CIA's Doubts," *New York Times*, sec. A18, December 2, 1992.

government was in the midst of one of its periodic turnovers. Senior Bush administration officials were leaving the government and, in many cases, former mid-level officials were left to oversee the Somalia operations in late December and January. The overall purpose and strategy of the intervention was not clear to many of them. The dominant motive appeared to be genuine humanitarian concern, but why was Somalia chosen rather than any number of other pressing humanitarian crises; how long would U.S. forces remain; and how would success be defined? Detailed answers were lacking and had to be cobbled together by the remaining officials bridging the two administrations.[727]

U.S. forces were told their mission was to prevent the mass starvation of Somalis through a brief and limited intervention that would quickly transition to UN forces. Yet, it was apparent early on that the United Nations defined the problem and the mission more broadly. The United Nations wanted to establish conditions that would preclude another famine in the future and resolve the underlying problems that had led to the civil war. In particular, the United Nations pushed hard for more aggressive disarmament of all Somalis. As early as November, the U.S. diplomatic mission to the United Nations in New York was agreeing with the UN position, arguing that the United States had a stake in strengthening UN peacekeeping operations, and that it was in U.S. interests that the United Nations should succeed in bringing peace to Somalia. In Washington, senior officials in the Department of State, such as Acting Secretary of State Lawrence Eagleburger and Assistant Secretary of State for Political Affairs Robert Gallucci,[728] agreed with the United Nations regarding intervention objectives in general and disarmament in particular. The point repeatedly made by the Department of State in internal papers and interagency deliberations was that ignoring the larger security problem meant that the delivery of aid would only temporarily solve the humanitarian crisis. The U.S. delegation argued that the United States should address the disarmament issue quickly, decisively,

727 The author was one such lower level official, drafting policy papers in support of Jim Locher, who was by this time acting under secretary of defense for policy.

728 Cusimano, "Operation Restore Hope," 7.

comprehensively, and that failure to do so would seriously complicate the follow-on UN peacekeeping operation, which in turn would jeopardize long-term prospects for Somali peace and reconciliation. Ultimately, Department of State leadership believed that the United States would be held accountable for undertaking an operation that addressed only the symptoms and not the causes of the Somali disaster.

Other parts of the national security apparatus resisted the broader mission proposed by the United Nations and Department of State. The Department of Defense succeeded in convincing senior National Security Council staff that the human tragedy in Somalia did not affect U.S. national security interests. The mission was famine relief, and resolving broader problems was not a prerequisite for taking immediate steps to ensure food distribution. From the Department of Defense perspective, it was only necessary to provide enough local security to permit the distribution of aid at a level that staved off immediate mass starvation. Thus, U.S. forces should establish security at ports, airfields, and on convoys, but not provide countrywide security. Defense officials worried that any U.S. or coalition attempt to forcibly disarm the warlords would result in protracted resistance. When the original December 5 executive order somehow was drafted to include general disarmament, General Hoar quickly intervened with the Joint Staff to ensure it was deleted. When the issue continued to be debated, Ambassador Oakley also weighed in from Mogadishu against forcible disarmament; characterizing it as unrealistic and idealistic. In a December 20 cable, Oakley argued that the true threat that Somalia might become a tar baby did not lie in a Vietnam or Beirut scenario, but rather in an implied neocolonial attitude replete with impractical and overly optimistic objectives that could only be achieved at very considerable levels of foreign involvement and expense over a long period of time. Thus, he argued, arms reduction and control were acceptable objectives but the goal of total disarmament would negatively affect the operation. The initial conclusion to the debate was that the National Security Council in November and December sided with the Defense Department in favor of controlling arms in order to ensure a safe environment for U.S. military forces. In mid-December, President Bush and both the Departments of State and Defense made it clear publicly that the

United States did not view disarmament as an objective in and of itself, but rather as a limited means to accomplish the humanitarian mission. In this way, the U.S. national security bureaucracy successfully resolved its internal differences over the proper scope of the mission, but the United Nations remained unhappy with U.S. policy and continued to press the United States to do more.

UN Security Council Resolution 794, however, required a report from the secretary general that specified prerequisites for the United Nations accepting a mission turnover from U.S. forces. When the document was issued, it identified conditions that amounted to general disarmament of the warlords throughout Somalia, not just in key famine areas. While disarmament was the key UN requirement, the more ambitious goals of UN leadership included seizing large weapons stocked around Galcaio in northern Somalia, building a police force, and rehabilitating infrastructure. In general, the United Nations wanted to leave behind a new and functioning Somali government. Toward that end, UN leaders refused to create a follow-on force to take over from the United States until U.S. forces had established nation-wide security. UNITAF forces and Ambassador Oakley's staff had reestablished a nascent national police force (with reluctant approval from Washington) and even worked out a voluntary disarmament plan with the Somali factions that was offered to the United Nations for implementation in late February 1993. Rather than build on these initiatives, the United Nations focused on its broader goals and continued to pressure the United States to disarm the Somalis.

During this transition, Congress slowly began confirming Clinton administration officials, who were finding their way to new positions in the national security bureaucracy. Many were more sympathetic to the United Nations and Department of State positions on Somalia. Policy evolved accordingly. These new leaders agreed that Somalia was a test case of whether a multilateral institution in the post Cold War world could use armed force effectively to bring governance to a war-torn country. The initial Clinton administration national security policy stressed the importance of "assertive multilateralism," so it was consistent to argue that it was in the United States' interest to help ensure that the first attempt at forceful peacemaking by the United Nations was a success. If it was not, the United States would continue

to be called upon to shoulder the majority of the burden whenever such problems of general import to the international community arose.

The new Clinton appointees who supported the broader mandate for UN intervention in Somalia included some new Department of Defense leaders who were sympathetic to the Department of State's arguments. Morton H. Halperin who was slated (but never confirmed) to be assistant secretary of defense for democracy and peacekeeping and Ambassador Frank Wisner, now the under secretary of sefense for policy, were two such officials. It was not easy, however, to modify the mission of the forces in the field executing the UNITAF mandate. Military leadership in particular looked askance at the nation-building mission of resurrecting Somali political, economic, and security institutions before U.S. forces departed. General Powell testified later that he was not informed of and disagreed with the mission to disarm. General Joseph Hoar, the regional commander responsible for Somalia and himself a Marine, was particularly alert to attempts to saddle U.S. forces with a general disarmament mission. These senior uniformed officers had support from the Joint Staff and select career officials in the Defense Department.[729]

While new Clinton administration leaders clarified their policies, U.S. and coalition forces pursued their original mandate. They aggressively enforced daily restrictions on Somalis bearing arms and placed heavy weapons in controlled areas, but they did not actively track down weapons hidden by Aideed or other warlords. As Ambassador Oakley argued, "given the limited… mandate, which deliberately excluded general disarmament, there was no perceived need to confront Aideed over the disappearance of weapons as long as they posed no threat to UNITAF forces or humanitarian operations."[730] Despite the absence

729 "Great care was taken to develop an approved, well-defined mission with attainable, measurable objectives prior to the operation commencing. Disarmament was excluded from the mission because it was neither realistically achievable nor a prerequisite for the core mission of providing a secure environment for relief operations. Selective 'disarming as necessary' became an implied task which led to the cantonment of heavy weapons and gave UNITAF the ability to conduct weapon sweeps." Joseph P. Hoar, "A CINC's Perspective," *Joint Forces Quarterly*, no. 2 (Autumn 1993): 58.

730 Robert B. Oakley, "An Envoy's Perspective," *Joint Forces Quarterly* no. 2 (Autumn 1993): 48.

of a comprehensive political settlement among rival factions, and periodic provocations and related military responses by UNITAF, the U.S.-led coalition retained its reputation for impartiality and avoided openly antagonizing Somali warlords. Ambassador Oakley, with cooperation from Lieutenant General Robert Johnston, was able to adroitly blend limited military force with political dialogue, aggressive psychological operations, and highly visible humanitarian activities.[731]

As a result, the almost 40,000 U.S. and foreign military personnel were able to ensure the delivery of humanitarian aid and fulfill their limited mandate. By March 1993, humanitarian agencies declared an end to the food emergency, local community activities were on the upswing, and marketplaces were open and functioning. Ambassador Oakley stepped down as the American special representative in Somalia on March 3. When he visited the Pentagon on March 10 and 11 to share his insights on Somalia, he again sounded the theme of his December 20 cable, emphasizing the importance of letting Somalis have a major role in solving their own problems. The Somalis had a prime opportunity to do so from March 13 through 28 when humanitarian and national reconciliation conferences were held back to back in Addis Ababa, Ethiopia. The humanitarian conference produced international pledges of $130 million. The national reconciliation conference resulted in an agreement to end violence in Somalia, but one based on suspect intentions which left many critical implementation details unspecified.

Thus, despite a new administration that sympathized with the UN and Department of State policy positions favoring an expanded U.S. and UN mission, the limited mission viewpoint prevailed until U.S. forces prepared to withdraw in the spring of 1993, without having secured a general disarmament of the Somali factions. The American forces' impending departure finally prompted the United Nations to pull together a follow-on force. The United States did agree, however, in keeping with its original commitment and the Clinton administration's emphasis on UN success, to support the follow-on UN forces by providing 6,000 personnel for logistics assistance and a small

731 For Ambassador Oakley's leadership on integrating U.S. efforts, see Baumann, Yates, Washington, "My Clan Against the World," 41.

quick reaction force in case United Nations forces ran into trouble they could not handle. In addition, Ambassador Oakley, who had coordinated his political efforts so closely with military operations, was replaced by another senior American official. Admiral Jonathan Howe was chosen to lead the follow-on UN force as the special representative to the secretary general of the United Nations. The UN force would be called UNOSOM II (United Nations Operation in Somalia), the successor to UNOSOM I, which ran from April 1992 to March 1993.

Policy, Strategy, and Transition to UN Command

In the first week of February, not long after President Clinton took office, his national security team reviewed policy on Somalia, after which they decided to focus on what could be done to prevent Somalia from falling back into anarchy and famine. Thus, policy shifted from the narrower Bush administration construct to greater support for the United Nations and Department of State point of view that a longer term and broader commitment to Somalia was in order. The policy did not translate into a modified mission for UNITAF, which was winding down, but it did produce new support for a broader UN mandate in Somalia. This support was evident in two respects.

First, the Clinton administration supported a broad mandate for the UN operations that were to follow UNITAF. Newly arriving civilian leaders in the Pentagon supported this shift in policy. They may even have drafted UN Resolution 814 on Somalia, adopted on March 26, 1993, which incorporated disarmament and broader nation-building objectives into the UN mission. Other sources maintain that the drafting took place privately at the U.S. mission to the United Nations, by the U.S. Ambassador to the United Nations Madeleine Albright, and in the NSC, where Albright and National Security Advisor Tony Lake were champions of assertive multilateralism.[732] Regardless of who contributed the wording, Secretary of Defense Les Aspin acknowledged later that the Pentagon approved the resolutions.

732 Walter Clarke and Jeffrey Herbst, "Somalia and the Future of Humanitarian Intervention," *Foreign Affairs*, 75 (March/April 1996): 73.

Second, the new administration codified its new policy in a carefully coordinated presidential decision directive. It began as a presidential review directive in early February, which required a series of analyses, then circulated as a draft policy paper in mid-March for coordination at multiple levels, and finally was signed by the president on May 19. These internal policy and strategy papers were not clear about objectives or the level of U.S. commitment. The Department of State always argued for broader objectives and greater commitment, using words like "ensure UN success," whereas the Department of Defense preferred narrower objectives with wording like "help or assist" UN success, and less commitment, to include a steady withdrawal of U.S. forces. The NSC cobbled these competing perspectives together with broader, "hoped for" outcomes but also minimum goals. Their products emphasized the importance of the success of the Somali "testbed" for UN peacekeeping, but acknowledged that the Somali people had to seize the historic opportunity being offered or else more modest aims might be in order. In any case, the minimum goal would be to ensure that Somalia did not return to the anarchy that precluded relief assistance from being distributed. Both the minimum and more expansive goals of U.S. policy required assisting the UNOSOM II mission.

If the United Nations force was to be successful in implementing its broader mandate, it clearly had to be at least as potent a force as the one the U.S. military had assembled. In testimony to Congress on January 29, the senior Pentagon military official in charge of operations promised that the follow-on UN force would be structured to have essentially the same capability as the U.S. intervention force it was relieving. Many doubted the UN force would be effective, however. Even if total planned numbers were similar, its combat capability was seriously doubted, which is why the U.S.-led quick reaction force was left behind. In addition, an internal Pentagon field assessment in late spring noted other critical shortfalls, including the woefully inadequate special operations and particularly psychological operations capability.

Given the expansive UNOSOM II mission mandate, it was all the more important for the United Nations to have robust force capabilities. With enthusiastic U.S. support, the Security Council had given UNOSOM II a much broader mission than UNITAF.

UNOSOM II was to establish security, political reconciliation, and economic reconstruction. Emblematic of the Clinton administration perspective at this juncture was U.S. Ambassador to the United Nations Madeleine Albright's March 1993 statement that "we will embark on an unprecedented enterprise aimed at nothing less than the restoration of an entire country as a proud, functioning and viable member of the community of nations."[733]

Albright's enthusiasm reflected the predominant attitude among senior administration political appointees, but a core of career officials in the Department of Defense remained skeptical. Just as numerous Department of State leaders had been unhappy when the Pentagon prevailed in debate over the scope of the original mission in November, many Department of Defense officials were displeased with the new policy articulated in the spring. The fundamental schism over how to define U.S. national interest remained, and was debated repeatedly. Those who believed that the United States had no national interests that would justify a nation-building effort in Somalia, which they judged to be an enormous undertaking, were unenthusiastic about helping the United Nations. They further argued that it was not in the United Nations' interests either. Scarce UN peacekeeping assets were stretched thin, and Somalia was one of the few peacekeeping challenges in the world that did not threaten to blow up into a larger regional conflict. Those who contended the United States and United Nations had a lot at stake—prestige, credibility, precedent for future crises—wanted both to stay the course and to prevail. They pointed out that the Somalia intervention was a Chapter VII peace enforcement precedent,[734] and that it was in the interest of the United States that the effort be seen as a success, both as a testament to U.S. leadership and because the United States needed a strong United Nations as a partner in conflict resolution.

733 Ambassador Albright made the statement on March 26, 1993. She is quoted to this effect in John R. Bolton, "Wrong Turn in Somalia," *Foreign Affairs* 73 (January/February 1994): 62

734 "Chapter VII" refers to the seventh chapter of the UN charter, which authorizes the use of force in response to "threats to the peace, breaches of the peace, and acts of aggression."

Clinton administration policy statements attempted to resolve this tension by insisting the Somali people must be responsible for their future, and simultaneously noting that they needed help to make the transition to national self-governance. The United Nations was to bear the burden, but the United States would help initially, and gradually wind down even that modest support. The upshot was that a large, proficient U.S. force (essentially the Marines, Army, and special operations forces, with numerous small international contributing forces, in the form of UNITAF I) completed a limited and manageable mission, and then passed on a vastly increased and more difficult set of responsibilities to a much less proficient force (UNOSOM II) in May 1993. In short, insufficient means were employed to secure greatly expanded objectives. American policy and strategy for Somalia was long on hope and short on a sober calculation of requirements.

With few casualties (eight servicemen through mid-May), UNITAF had been relatively successful in adopting a posture of impartiality and responding forcefully but fairly to any challenge to their authority and mission. UNOSOM II would not be nearly as successful on any of these counts. Aideed perceived the UNOSOM II mission as hostile to his interests. Before the United Nations intervention, Aideed was clearly the strongest warlord, controlling most of Mogadishu and much of southern and central Somalia. Having played a major role in deposing the Somali dictator, Siad Barre, Aideed believed he should be the next ruler of Somalia, by any means necessary. He felt increasingly threatened militarily not only by UNOSOM II but also by rival warlords. For example, in late February, Aideed suffered a military setback in Kismayo, a city in southern Somalia. Omar Jess, a local warlord allied with Aideed, was forced out of Kismayo by Hersi Morgan's forces in a surprise attack under the nose of Belgian and U.S. Army soldiers. Angered, Aideed held UNITAF responsible and encouraged large-scale anti-UN demonstrations in Mogadishu that rocked the city for days.

Politically, Aideed was threatened by UNOSOM II as well, since the UN force seemed inclined to abandon the top-down political reconstruction begun at a January conference in Addis Ababa, where the power of the warlords was recognized, in favor of bottom-up political reconstruction through elected regional and district councils

that would limit the power of the warlords. Ali Mahdi, Aideed's toughest political competitor, had formed a political alliance of eleven factions that managed to consistently outvote Aideed's Somali National Army (SNA) faction at UN-sponsored conferences. The same thing would happen in any representative government. Admiral Howe believed that General Aideed perceived the United Nations as a threat precisely because of its intent to carry out the Addis Ababa accords pursuant to UN Resolution 814. If the United Nations succeeded, Aideed's clan would not retain its power because they would not have the votes in a representative government.[735]

Reflecting these concerns, Aideed mounted an increasingly hostile public relations campaign against the UNOSOM II forces and mission. The United States encouraged a more aggressive information campaign to counter Aideed's propaganda, but the United Nations was unable to respond effectively. Over the course of May it was clear that the United Nations was failing to make its case to the Somali people. Whereas UNITAF's Fourth Psychological Operations Group had over 150 personnel working on information dissemination with a Somali-language radio station and daily newspaper, UNOSOM II had less than five individuals working on information full-time. In light of the propaganda beating the United Nations was taking, some felt that Aideed's radio station had to be silenced one way or another. And, of course, there was the general disarmament mission to attend to as well. Both the need to silence Aideed, since the United Nations could not compete with his rhetoric, and the need to disarm his forces, in keeping with the broader UN mission,[736] put the United Nations on a collision course with the warlord.

The collision was not a surprise; indeed it was fully expected and even welcomed by both sides as it turned out. In mid-May it was rumored that Aideed might be looking for opportunities to assassinate Americans as a way of expressing his displeasure with political and

735 Adm. Jonathan Howe, interview by PBS, *Frontline: Ambush in Mogadishu,* PBS, http://pbs.org/wgbh/pages/frontline/shows/ambush/interviews/howe.html

736 Baumann, Yates, Washington, "My Clan Against the World" 111. The authors cite a confidential UN cable in which UNOSOM II Commander Lieutenant General Bir made the point that military operations had to support the UN's political agenda, including disarmament operations.

military trends. At the time, U.S. officials were sanguine about the threats, noting privately "that if Aideed was resorting to threats, their strategy of trying to 'marginalize' him was paying off." One American civilian working for the United Nations concluded, "it shows we're doing something right."[737]

In fact, the United States was suffering from strategic confusion of the first order. Whereas the United States government declined comprehensive disarmament because it would require fighting the warlords, which was deemed inconsistent with U.S. national interests, it approved the comprehensive disarmament mission for far less capable UN forces. UNOSOM II was too weak to complete the mission of general disarmament, a mission that would have required fighting Aideed. The United States did not want its forces to battle Aideed's. The terms of reference for the Quick Reaction Force stated that it would not be used for routine patrolling and other activities required for comprehensive disarmament that would involve conflict with Aideed. However, the Quick Reaction Force was used for these activities anyway, since it was the most (some would say only) capable force available. By extension, it was predictable that the U.S. Quick Reaction Force would end up fighting Aideed as well because other UNOSOM II forces were unable to do so effectively.

Thus on both the broader question of how to define the mission and what forces would be necessary to accomplish it, as well as on the narrower question of how the U.S.-manned Quick Reaction Force was to be employed, U.S. policy was inconsistent with operational realities. The United States adopted a policy of preventing U.S. forces from doing comprehensive disarmament when they were most capable of it, and obliging them to do it under UN auspices when they were least capable of it. The use of the Quick Reaction Force for disarmament activities contrary to its terms of reference was an early indicator that U.S. policy was not well aligned with operational reality, one that did not register with authorities in Washington. Aideed, however, quickly sent a signal that could not be ignored.

737 Keith B. Richburg, "Aideed Exploited UN's Failure to Prepare," *Washington Post*, sec. A1, December 5, 1993.

The June 5 Inspection, Ambush, and Aftermath

Although the collision course between the United Nations and Aideed was predetermined by the two parties' conflicting goals, the United Nations took the initiative and precipitated a confrontation. In keeping with its mandate to achieve general disarmament, the United Nations decided to conduct its first weapon storage area inspection and audit on June 5 using a list of weapon sites that belonged exclusively to Aideed and his faction.[738] One was also the location of Aideed's Radio Mogadishu, which Aideed had captured after a bitter struggle with Ali Mahdi's militia and which was tormenting the United Nations with heavy-handed propaganda. UNOSOM II was determined to enter and search all designated sites to establish its authority to do so, an authority UNITAF had possessed but exercised only with advance approval by Aideed. The June 5 UNOSOM II inspection of five Aideed weapon depots was a break from the recent practice of U.S. forces, being conducted on short notice (less than 24 hours), and without Aideed's agreement.

The Aideed representative notified of the inspection was surprised and refused to approve it. Perhaps he knew that the site-inspection would reveal an Aideed arms build-up, which it reportedly did, showing "three times the number of arms officially listed."[739] In any case, he recommended against the snap inspection and candidly warned the UN personnel "you are starting this war tomorrow." The UN representatives simply responded that he should contact appropriate SNA personnel (i.e., Aideed's clan) to ensure compliance. The United Nations knew that Aideed had told his supporters he was prepared to fire on UNOSOM II forces if they "invaded" his weapons storage areas, and thus the Pakistanis assigned the inspection mission were told they might encounter resistance and were instructed to force their entry, if necessary. The Quick Reaction Force was notified to be ready to support the Pakistanis. In short, all

738 Most of the details here concerning the conflict between Aideed and the UN on June 5 comes from Tom Farer's "Report of an Inquiry, Conducted Pursuant to Security Council Resolution 837, Into the 5 June 1993 Attack on UN Forces in Somalia," United Nations, New York, August 12, 1993. An executive summary of the report was reprinted in U.N. document S/26351, August 24, 1993.

739 Richburg, "Aideed Exploited UN's Failure to Prepare," December 5, 1993.

concerned were prepared for a showdown, and no one at the UN or U.S. headquarters in Mogadishu was surprised when it came. Officials in Washington and New York, however, were quite surprised by the result.

After the Pakistanis secured the radio compound, several Aideed supporters arrived and began to incite the crowd. They also appeared to be giving direction to the crowd's feeling that the Pakistanis were fellow Muslims collaborating in the seizure of the radio station. The situation deteriorated rapidly. After killing one Somali, the Pakistanis disengaged from the radio station but quickly came under ferocious attack as they passed other sites, particularly feeding station 20. The fighting quickly escalated, and when the Pakistanis finally reached safety, they had sustained twenty-four dead and fifty-seven injured, with six captured.

The events of June 5 were important because they revealed Aideed's military capabilities. The United Nations knew Aideed might resist the inspection, but miscalculated his ability to orchestrate a violent response. Aideed's reaction thus invited the United Nations and United States to rethink their strategy. They had three options. They could back off and negotiate the best agreement possible with the warlords; Aideed in particular. They could hit back at Aideed to punish him for his provocation, but keep open channels of communication for further negotiation. Finally, they could attempt to make an example out of Aideed and eliminate him from the political landscape. The U.S. government and United Nations quickly chose the third option. In Mogadishu, there was complete consensus among U.S. and UN leaders that Aideed must be punished. In fact, it was thought that some coalition members felt so strongly about the issue they would withdraw from the coalition if the United Nations tried to negotiate with Aideed. In Washington, a hastily arranged interagency meeting immediately approved a quick and forceful UN response. Interagency consensus was so strong that participants cannot recall any debate on the course of action.[740] The action came less than 48 hours after the event in the form of a new Security Council Resolution (837), strongly supported by the United States,

740 Menkhaus, Ortomayer, *Key Decisions in the Somalia Intervention*, 14.

that authorized punitive action against the SNA. UN forces quickly arranged for military action against SNA sites, and, a little later, Howe put a $25,000 reward on Aideed, which served to solidify the state of conflict between him and the United Nations. Thus began a series of small raids and ambushes by both sides over the course of the summer that inflicted a growing number of casualties. Aideed's violent actions and the UN response locked both parties into a struggle from which it was difficult to retreat.

For the United Nations, the events of June 5 irrevocably marked Aideed as an outlaw. The UNOSOM II warrant for Aideed's arrest specified three categories of crimes: conspiracy to conduct premeditated attacks against UN forces, endangering civilians and UN personnel through organized incitement of violence, and crimes against humanity. Admiral Howe and the American diplomatic representative in Mogadishu, Ambassador Robert Gosende, used the terrorist epithet to characterize Aideed and his activities, perhaps to facilitate their increasingly frequent requests that Washington dispatch special operations forces to deal with him. The views of Howe and Gosende on the need to deal expeditiously with Aideed understandably hardened as more of their fellow citizens died. In a September 6 cable entitled "Taking the Offensive," Gosende wrote that "any plan for negotiating a 'truce' with Aideed's henchmen should be shelved. We should refuse to deal with perpetrators of terrorist acts."[741] Jonathan Howe insisted on June 12 that he still had plans to extend disarmament to the rest of the country. While he was coy about whether force would be used against other warlords, Turkish General Bir, the Commander of UNOSOM II, noted that he "would not lose any sleep if another warlord gave us reason to bend his cannons."[742]

Officials back in Washington, such as Defense Secretary Les Aspin, fully supported the disarmament mission that had brought UNOSOM II into conflict with Aideed, but they were less inclined to brand Aideed a terrorist. Both Washington and New York preferred to

741 Barton Gellman, "The Words Behind a Deadly Decision; Secret Cables Reveal Maneuvering Over Request for Armor in Somalia," *Washington Post*, sec. A1, October 31, 1993.

742 "Hope Behind the Horror," *Economist*, June 19, 1993: 41.

simply label Aideed a criminal and fugitive from UN justice. By treating Aideed not as a belligerent but as a criminal, the United Nations hoped to undermine his legitimacy with Somalis. But since criminals are apprehended rather than invited to the negotiating table, this approach still precluded negotiations. The problem with refusing to negotiate was that, unlike the U.S., the United Nations force did not possess the military capabilities to eliminate or apprehend Aideed. Whereas the earlier refusal to aggressively disarm Somalia was a decisive limitation on United States support to the United Nations, the decision to get Aideed following the events of June 5 was the opposite: a major escalation of U.S. commitment to the UN effort. It led to an increasingly active role for the American Quick Reaction Force and eventually to special operations to capture Aideed.

As for Aideed and the SNA clan, simultaneously fighting and talking were standard operating procedure. Aideed kept his lines of communication open. He communicated with major political leaders in the international community. For example, in a letter to German Chancellor Helmut Kohl, Aideed pleaded his case with a mix of fact and fiction, arguing that when American and Pakistani troops "seized Radio Mogadishu" thousands of Somali citizens demonstrated peacefully around the station until troops opened fire on the crowd. While making every attempt to characterize himself as the injured party, Aideed succeeded through intermediaries in making his positions known to the United Nations. Aideed made sure that U.S. and UN observers in Mogadishu learned, based on contacts with his closest advisors, that he wanted to be accommodated. Aideed believed UNOSOM II would back down. Instead, U.S. and UNOSOM II leadership concluded that the United Nations must not give in to Aideed, for if it failed to enforce order in Somalia, the credibility of UN peacekeeping operations in general would diminish significantly.

In the month following the June 5 combat, both Aideed and the UN forces could point to some tactical successes. On June 12, UN forces struck three weapons storage sites with American AC-130 gunships, and knocked out Aideed's "Radio Mogadishu." This action caught the attention of the White House, and subsequently it became more difficult to obtain permission to use American air and ground assets. Even so, five days later UN forces launched a larger raid into Aideed territory. Aideed's headquarters compound, the residential

compounds of two top Aideed lieutenants, and weapon storage sites were targeted. Again, the operation began with strikes from American AC-130 gunships, but UN ground forces encountered stiff resistance. However, UNOSOM II leaders were pleased by the results of the raid, which coincided with a 30,000 person strong pro-UNOSOM demonstration in the northern sector of Mogadishu.

From Aideed's point of view, his ability to inflict casualties on UN forces was having some positive effects. The intense violence was discouraging some countries in the UN coalition from participating in combat operations in his sector. After the fierce fighting on June 17, the French, Italians, Moroccans, and Pakistanis decided to opt out of additional forays into Aideed territory. The United States also signaled to UN leadership that it was disturbed by the level of conflict, declaring that the success of recent operations obviated the need for further forays into Aideed's sector.[743] Left alone, Aideed more easily repaired his losses. On July 2, his forces killed four Italians in an ambush, ending Italian support for UNOSOM II combat operations. Eventually it appeared to some observers that coalition members cut their own information-sharing deals and non-aggression pacts with Aideed to ensure the safety of their forces (e.g., the Italians and the Saudis). Thus, Aideed had some reason to believe that his military tactics were producing political benefits, and that he was effectively fracturing coalition unity. [744]

Whether UN leaders knew it or not, their attacks on SNA forces also had some political effect. SNA clan leaders were having second thoughts about the protracted conflict with the United Nations and United States. They gathered on July 12 at a site known as the Abdi House to reconsider the SNA's path of confrontation. The opportunity to try to decapitate SNA leadership was irresistible.

743 Baumann, Yates, Washington, "My Clan Against the World," 113.

744 Ibid., 111 and 133. The Army study relies heavily on UNOSOM II's after action report for its account of these events. On the agreement between Aideed and some UN contingents, see also the 1998 Frontline documentary "Ambush in Mogadishu," available at http://www.pbs.org/wgbh/pages/frontline/shows/ambush/.

In it an Aideed militia leader notes "We had an understanding with some UN contingents that we would not attack them, and they would not attack us."

Having received intelligence on the meeting, U.S. helicopter gunships from the Quick Reaction Force—with White House as well as UN approval—attacked the house with no warning, killing over thirty senior SNA leaders and wounding perhaps another fifty. Four international journalists who arrived to cover the carnage instead became part of it when a frenzied crowd beat them to death. The attack hardened SNA clan attitudes as much as the June 5 attack on the Pakistanis had hardened the resolve of the United Nations. Until that time, many SNA had believed that the United Nations, and its Egyptian Secretary General, Boutros-Boutros-Ghali in particular, had been manipulating the naïve United States into supporting an Egyptian agenda under cover of a humanitarian mission. Years earlier Boutros-Boutros-Ghali had been an Egyptian diplomat promoting assistance to former Somali President Siad Barre in his clan-based civil war, which ultimately Aideed and his clan largely won. The SNA just tended to assume the Americans did not understand Boutros-Ghali's ulterior motives. However, the July 12 Abdi House ambush eliminated any residual sympathy for American simplicity. Popular opinion and the SNA rallied behind Aideed with greater purpose, fully united in pressing for direct attacks on U.S. forces rather than peripherally confronting the Americans by engaging UN forces.[745]

Special Operations and the Swing Back Toward the Political Track

Admiral Howe began requesting special operations forces the day after the June 5 attacks. Believing Aideed to be the main roadblock to progress, it was natural to want forces that were most capable of tracking and capturing or eliminating him. Others joined Howe in calling for U.S. special operations forces as the violence escalated and coalition partners began to express reservations about combating Aideed's forces. By early July, Ambassador Gosende was making explicit requests for special operations forces to capture Aideed and senior SNA officials. Yet decision makers at higher echelons of command and in the Department of Defense remained highly

745 Baumann, Yates, Washington, "My Clan Against the World" 66, and Scott Peterson, *Me Against My Brother: At War in Somalia, Sudan and Rwanda* (New York: Rutledge, 2001), 123–35.

skeptical of such a mission. General Hoar, the commander of U.S. Central Command, recommended against it, saying there was only a 50 percent chance they would get the necessary intelligence, and then only a 50 percent chance they would get Aideed. In sum, he considered it a 25 percent chance of success and a high-risk mission in any case. General Powell concurred. Within the secretary of defense's civilian staff component, Under Secretary of Defense Frank Wisner and his principal advisors on special operations and low-intensity conflict objected repeatedly to using special operations forces, noting that the intelligence on Aideed was insufficient, but more fundamentally that it was not in U.S. interests to get involved in a counterinsurgency campaign against Aideed.[746] As late as July 14, in a memorandum responding to Secretary of Defense Aspin's uneasiness about Somalia, Wisner urged the Secretary to continue backing the United Nations but reiterated his opposition to using special operations forces, despite acknowledging that support for doing so from the Department of State and the U.S. mission at the United Nations was on the upswing.

Meanwhile, an interagency assessment team on Somalia led by David Shinn, the Department of State Coordinator for Somalia, visited the country from July 19 through July 27 to assess policy and field operations. UN military commander Bir and Major General Thomas, commander of the U.S. Quick Reaction Force, Montgomery candidly told the team that there was no military solution to the stalemate in Mogadishu, particularly with the forces at their disposal. The visit was a perfect opportunity for a major reassessment of policy and strategy, but when the team's report was released on July 27 it mostly provided "stay the course" recommendations. In two particular respects, however, the interagency team and its report were important.

First, the Shinn mission highlighted the current lack of a viable political approach to reconciliation and thus stimulated thinking

746 Brigadier General Wesley Taylor, the deputy assistant secretary of defense for policy and missions in the Office of the Assistant Secretary of Defense (Special Operations and Low-Intensity Conflict), advised against the mission in a memorandum to the under secretary of defense (policy) on July 27, 1993, and in an earlier position paper of June 15, 1993.

about reinforcing "the political track" of the strategy.[747] An August 4 Deputies Committee meeting that convened to consider the team's findings concluded with a decision to encourage the United Nations to accept a revised and more realistic strategy for Somalia, but it did not abandon the U.S. commitment to making UNOSOM II a success with as small an allotment of U.S. forces as possible. Second, when the team briefed the secretary of defense in early August, they made clear the urgent need to deal with Aideed, and the advisability of increasing U.S. forces in order to capture him.

Aideed's forces reinforced the "military track" of the strategy when they killed four U.S. soldiers with a command-detonated landmine on August 8. The U.S. response was to shore up resolve and escalate. Following the August 8 attack, President Clinton asked UN Ambassador Madeline Albright to write an op-ed in support of U.S. policy for *The New York Times*. Ambassador Albright's piece reinforced the importance of disarming Aideed and helping rebuild the country. It also reaffirmed the White House's commitment to engagement in Somalia and support for the United Nations' mission. Ambassador Albright concluded, "The decision we must make is whether to pull up stakes and allow Somalia to fall back into the abyss or to stay the course and help lift the country and its people from the category of a failed state into that of an emerging democracy. For Somalia's sake, and ours, we must persevere."[748]

Meanwhile, inside the Department of Defense, the new casualties prompted Under Secretary Wisner to reconsider using U.S. special operations forces. He now personally made the case that more casualties would occur until Aideed was dealt with, and that special operations forces had the best chance of eliminating him. Thus, Wisner broke from the positions advocated by career Department of Defense officials and sided with the views of the Department of State and those in the field. Secretary Aspin agreed and General Powell came on board after consulting with the commander of the Quick

747 Baumann, Yates, Washington, "My Clan Against the World" 131; and Hirsch, Oakley, *Somalia and Operation Restore Hope,* 122, fn. 20.

748 Madeline Albright, "Yes, There Is a Reason to Be in Somalia," *New York Times,* August 10, 1993.

Reaction Force and the commander of the special operations forces that were to be deployed.

The Pentagon's decision to send U.S. special operations forces after Aideed was made using informal channels, but it was consistent with senior interagency meetings on Somalia taking place in mid and late August. An NSC Deputies Committee meeting on August 16 spent most of its time on the Aideed problem and concluded with a four-part plan that was heavy on the military dimension of the UN activities: continuing efforts to apprehend Aideed; pursuing the possibility of forced exile for Aideed; assisting the United Nations in arresting key Aideed supporters; and pressing the United Nations for detailed plans for detention and trial of Aideed, if captured. Interestingly, the Deputies also concluded that they needed a working group formed immediately to better integrate and implement their decisions. Apparently, there was some recognition that pursuing political and military tracks simultaneously could be tricky, and a more sustained level of oversight was necessary. The Somali Deputies Committee Working Group was created on August 18, and co-chaired by David Shinn from the Department of State, who had led the late July interagency assessment team, and Sean Darragh from the NSC.

With the Department of Defense now on board for using special operations forces to hunt Aideed, all that was required was a presidential decision. When a landmine injured six soldiers on August 22, President Clinton ordered Task Force Ranger to Somalia. The Task Force, consisting of Rangers and special mission unit personnel, arrived in Mogadishu on August 26. They were promptly welcomed with a mortar attack from Aideed's forces that wounded several of their personnel. The Task Force struck back several days later, but due to poor intelligence, they descended on a UN location and detained UN personnel in a case of mistaken identity. This event deepened the concern of critics like General Hoar, who continued to lobby against the Task Force Ranger mission to get Aideed. His view was that the Aideed problem could be handled only by a major infusion of ground forces, and that level of commitment exceeded U.S. interests in Somalia.[749]

749 "Rejecting 'facile solutions like get Aideed and all will be well,' Hoar concluded,

The day after Task Force Ranger arrived in Somalia, Secretary of Defense Aspin gave a major speech on policy in Somalia that was drafted with the help of advisors from the Department of State. It was designed to finally clarify U.S. objectives, but it only succeeded in demonstrating that policy had not yet come to grips with the cost of continued support for the expanded UN mission. Aspin noted that the current crisis was the result of UNOSOM II's mandate and activities, which undermined Aideed's position politically and militarily, and, like earlier UN officials in Mogadishu, concluded that the fighting was therefore evidence of success. He went on to identify the real threat to U.S. interests: "The danger now is that unless we return security to south Mogadishu, political chaos will follow the United Nations withdrawal… The danger is that the situation will return to what existed before the United States sent in the troops." Meanwhile, senior military and other observers were concluding that precisely because the United States and United Nations were threatening Aideed's power base, he would continue to fight, and that contending with him would be a drawn-out affair requiring years of patient effort and the continued employment of sizable military forces. For precisely this reason, and because the deployment of Task Force Ranger constituted further U.S. military escalation, General Hoar sent a message to Washington in the first week of September warning that the UN mandate in Somalia was too ambitious. He bluntly stated that the current strategy was inconsistent with the available resources, and he urged U.S. policy makers to convince the United Nations to scale back its objectives in Somalia. The message was sobering, but did not have an immediate impact on policy.[750]

Following the initial Task Force Ranger raid that went awry, the Task Force trained but otherwise did not launch any operations for the next six days or so. The intelligence community realized that real-time intelligence on Aideed's whereabouts was degrading precipitously. For one thing, their agents were suddenly disappearing. Perhaps

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'If the only solution for Mogadishu is a large-scale infusion of troops and if the only country available to make this commitment is the U.S., then its time to reassess." Barton Gellman, "The Words Behind a Deadly Decision," *Washington Post*, October 31, 1993.

750 Marshall V Ecklund, "Analysis of Operation Gothic Serpent: TF Ranger in Somalia," Special Warfare, May 2004.

in recognition of this fact, Ambassador Gosende, the senior U.S. diplomatic representative in Somalia, began having second thoughts, which he shared with Washington. He argued that it might just be better to negotiate a solution with Aideed, perhaps convince him to accept a golden parachute into exile. This was the first crack in the united front in Mogadishu that favored pressing the attack on Aideed, and it suggested the political tide was already turning against the special operations mission. The very next day (September 7), Major General William Garrison, the commander of the special operations task force, launched an attack against less important SNA targets and succeeded in capturing seventeen suspects, but this was not enough to impress Gosende. A week or so later, he sent a pointed high-priority cable from Mogadishu again underscoring his transition from a passionate advocacy of arresting Aideed to an equally heartfelt recommendation to enter into a cease-fire and negotiate with him.[751]

Meanwhile, Aideed was lobbying for a policy change, as well. Perhaps feeling the strain from the presence of Task Force Ranger, Aideed launched an August 30 appeal to former President Jimmy Carter requesting help in "preventing an impending disaster." Aideed claimed the U.S. government and United Nations were trying to handpick leaders for Somalia against the wishes of the vast majority of the Somali people, and this was the root cause of the conflict between the SNA and the U.S.-led mission in Somalia. Aideed called for the UN Security Council to appoint an independent commission to investigate the events in Mogadishu since June 5, identify those responsible for the crimes committed, and to settle the conflict peacefully through dialogue. He promised to abide by the commission's decisions. Carter released a public statement on September 10 that deplored the violence and noted that communications with leaders of adjoining states indicated they would take Aideed in for the duration of the investigation. On September 13, Carter met with Clinton to discuss Somalia and he advised the president to abandon the

751 State Deptartment sources said the cable was not ignored, but that "the new policy . . . was not worked out fully until after the October 3 firefight." Keith B. Richburg, "U.S. Envoy to Somalia Urged Policy Shift Before 18 GIs Died," *Washington Post*, November 11, 1993.

military confrontation in favor of a political solution. Carter had the impression that President Clinton agreed with him.

Perhaps Aideed's appeal to Carter was just a gambit to buy time or score political points. It is also possible that pressure from Task Force Ranger inclined him to investigate options for a safe departure. Clearly, Aideed's military successes encouraged the U.S. government to increase the emphasis on finding a political solution. The Department of State, which had favored the more aggressive military support of the UN mission, acknowledged in September that the military track was ineffective. By the end of September, Department of State position papers argued that as the political track built up, the military track should build down. It was suggested that the withdrawal of Task Force Ranger could best be covered as a logical part of the first phase of a new political strategy, even though the real reason would be the Task Force's lack of effectiveness. Internal Department of Defense strategy papers concurred that it was unlikely that Aideed would be captured, but they contained a subtle difference. Instead of talking about winding down military operations, they advised a transition to the political track while keeping up military pressure. The assumption was that in order for Aideed to be forced into accepting a political solution, the military efforts needed to continue for the time being.

Debate over whether the special operations should be kept up or abandoned while putting more emphasis on the political track emerged in U.S. discussions with UN leadership. On September 20, Secretary of State Warren Christopher gave UN Secretary General Boutros-Ghali an informal memo recommending that the United Nations shift to a political track and negotiate with Aideed. Boutros-Ghali rejected the recommendation and said it was necessary to continue to hunt the warlord.

Two days later, on September 22, Ambassador Albright worked for and succeeded in passing UN Resolution 865, which stressed "the importance of going forward with a political and economic strategy."[752] Albright sought to depersonalize the conflict by not mentioning Aideed in her statement. Her omission might be

752 Madeleine Albright, "Madam Secretary: A Memoir," (New York, NY: Miramax Books, 2003), 181

construed as a tentative olive branch of sorts, but it was not much of one. The resolution reiterated support for a political process that ultimately would marginalize Aideed, and reaffirmed all previous resolutions, including Resolution 837, calling for the immediate apprehension of those responsible for the June attack. At best, it was a small step in the direction of conflict de-escalation.

The policy change was not evident in President Clinton's September 27 address to the UN General Assembly, either. President Clinton expressed concern about Somalia, but indicated no course change was in the offing. The president soft-peddled the policy change because he knew Boutros-Ghali did not want to abandon the military track. Pressure was put on Boutros-Ghali more subtly. The same day President Clinton addressed the General Assembly, senior officials from the Departments of Defense and State and the NSC (Frank Wisner, Peter Tarnoff, and Deputy National Security Advisor Sandy Berger, respectively) met with UN Undersecretary General for Peacekeeping Operations Kofi Annan. They warned that the United States would soon make its concerns about the political track known publicly. True to the warning, two days later a *New York Times* article made public the details of the difference of opinion between Boutros-Ghali and the United States. According to the article, Boutros-Ghali continued to insist that the Security Council resolution obliged him to bring Aideed to justice, despite the new American strategy, not yet announced publicly, to move away from the goal of capturing him.

In actuality, however, the renewed emphasis on the political track in U.S. strategy did not lead to the termination of the military track. As Ambassador Albright would later note:

> We had decided on a new strategy, but coordination among officials in New York, Washington, and Somalia was not the best. No diplomatic solution was found and there was no letup in Aidid's attacks. The standing orders to the U.S. Ranger Force in Mogadishu remained the same—snatch him.[753]

753 Ibid., 182.

Later President Clinton and Secretary of State Christopher both would echo Ambassador Albright's surprise that Task Force Ranger operations continued after the decision to focus on the political track. However, as a subsequent Deputies Committee meeting would underscore, the ongoing Task Force Ranger operations were less the result of poor coordination than they were a conscious decision that the military pressure would encourage Aideed to seek political accommodation.

The day after the *Times* article and two days after the president's speech to the General Assembly, the Deputies Committee held a meeting to consider Somalia strategy. The mood was downbeat as all agreed Aideed was gaining strength while the U.S. ability to track him was much degraded. The deputies were quite conscious of pressure from Capitol Hill, and wanted to impress congressional critics that the Quick Reaction Force had disengaged from its patrolling activities and reverted to functioning as a true reaction force.

Congress was indeed showing signs of impatience. Bipartisan support for the intervention was gone. Now, many Republicans and some Democrats were alarmed about the course of events in Somalia, where humanitarian assistance had become what appeared to be an open-ended nation-building mission. Representative Benjamin A. Gilman (R-NY) introduced a joint resolution on March 16 and March 25 to withdraw U.S. forces from Somalia. Both times, the resolutions were rejected by votes along party lines. In May, Representative Toby Roth (R-WI) proposed a resolution to end financial support for U.S. operations in Somalia by June 30. It was rejected 127 to 299, with votes again mostly following party lines. John L. Mica (R-FL) introduced another resolution on August 4 to withdraw troops from Somalia. Mica's resolution included 45 cosponsors but also was defeated. Finally, in late September, both houses of Congress would pass a non-binding resolution asking the president to report his objectives in Somalia to Congress by October 15 and directing him to seek Congress's approval for a continued American presence by November 15.[754] Sagging congressional support paralleled a decline in

754 U.S. Congress, Congressional Record, 103rd Congress, 1st Session, (Washington, DC, Government Printing Office, 1993) 11267; cited in Mark Peceny, "*The Democratic Peace and Contemporary U.S. Military Interventions,*" International Studies

public support. In the last week of September, polls indicated public support for U.S. troops in Somalia was down from 79 percent to 46 percent, with only 22 percent in favor of trying to disarm warlords.

The deputies discussed the October 15 progress report due to Congress in their September 30 meeting. Failure to engage Congress successfully could leave the administration with the real possibility of a congressional demand for termination of a military operation for the first time since 1975. They decided the new political strategy could be used as the centerpiece of the report. The Department of State continued to argue that as the political track built up the military track ought to build down, and that such a course of action could be explained logically as part of the new political strategy. In the end, the deputies agreed that for the moment the United States was still pursuing the dual-track policy, including military operations to keep the pressure on Aideed. Although they considered it unlikely that Aideed would be captured, no one suspected that Aideed might deliver a decisive military blow to U.S. forces, not even the Pentagon's Somalia task force which was monitoring operations. Perhaps the Department of State did not feel it had the "votes" to force the decision to turn off military operations, but more likely it was not deemed an urgent requirement. No one knew that Task Force Ranger operations would soon precipitate the most intense ground force combat since the Vietnam War and a storm of attendant criticism.

Thus, as September drew to a close, U.S. policy and operations were seriously conflicted. Task Force Ranger had been dispatched and was actively hunting Aideed. Yet, as the costs of the UN mission increased and the likelihood of quickly capturing Aideed waned, U.S. commitment to the overall mission was declining. The conflict between the U.S. commitment and its operational resources was highlighted by a September 14 request from General Montgomery for armor to help deal with Aideed's roadblocks. Montgomery worried that UN troops with armor would not respond, if called upon. General Powell and Secretary Aspin denied the request as incompatible with the desire to gradually reduce the overall U.S.

Association, 41st Annual Convention, Los Angeles, CA, March 14–18, 2000, available at http://www.ciaonet.org/isa/pem01/.

military presence in Somalia. According to one account of Aspin's conversation with Powell about the request for armor, "the secretary told Powell that in terms of overall strategy in Somalia 'the trend is all going the other way' and that Congress would be all over the administration if it raised the visibility of its presence there."[755]

General Hoar agreed with Montgomery's request for additional armor but noted there was a political downside to the proposal. Sending armor would expand the "U.S. footprint in Somali[a]," elevate "Aideed's stature," and increase "collateral damage in Somali[a] due to the increased firepower." More importantly, as General Hoar noted at the time, the request for armor and Washington's negative reaction highlighted the tension between U.S. policy and operations. It was incumbent upon the United States to either persuade the United Nations to scale back its mission and activities in keeping with the effects its military forces could deliver, or significantly increase the American commitment and underwrite the UN mission for an indefinite period of time. Washington was unresponsive to General Hoar's warning about a mismatch between U.S. policy objectives and operational resources and it was even more removed from the reality of the tactical risks that Task Force Ranger was running.

In the latter half of 1993, Aideed's forces had begun to demonstrate competence in shooting down helicopters. Task Force Ranger began training for how it would react to a downed helicopter around the third week of September, about a month after one report indicated Aideed had offered a bounty of $10,000 for anyone who could bring down an American helicopter. On September 25, Aideed's forces succeeded in shooting down a helicopter with a rocket propelled grenade, killing three Americans. While Task Force Ranger pilots considered it a "one in a million shot," Garrison's decision to have the Task Force train for the possibility of a downed helicopter suggests he understood the increased risk.[756] Leadership in Washington did

755 Gellman, "The Words Behind A Deadly Decision," October 31, 1993; and Report from Senators John Warner and Carl Levin, "Review of the Circumstances Surrounding the Ranger Raid on October 3–4, 1993, in Mogadishu, Somalia," September 29, 1995, 34.

756 Marshall V Ecklund, "Analysis of Operation Gothic Serpent: TF Ranger in Somalia," Special Warfare, May 2004. Ecklund interviewed General Garrison,

not. Officials in Washington were aware that capturing Aideed was increasingly unlikely. There had not been a confirmed sighting of Aideed in over a month. However, judging from the results of a September 30 deputies meeting, no one was worried about a major military setback in Mogadishu. The Department of State thought there was a political cost to the Task Force Ranger operations and wanted to wind them down, but DOS did not insist on it happening immediately. Others wanted to continue Task Force Ranger operations to encourage Aideed to reach a political compromise. In the Department of Defense, which was responsible for assessing military risk, both military and civilian leaders were willing to deny field requests for additional forces. The view in Washington was that attempts to nab Aideed could continue while the Department of State negotiated with the United Nations and slowly worked its way toward greater emphasis on the political track. No one in Washington worried that Task Force Ranger operations might trigger a major firefight that would decimate Aideed's forces but present Washington with a political challenge of the first order, which is what happened.

The October 3 Firefight

On September 30, several days before the October 3 battle with Aideed's forces, the *Boston Globe* revealed that, according to a CIA report and official sources in Mogadishu, UN troops were isolated and facing the risk of a major assault by Aideed forces. In addition to quoting an official who said on September 29 that "the efficiency of the U.S. Army Ranger… teams sent in to track Aideed [was] decreasing by the day," the article noted that analysts knew Aideed was consolidating his position, able to move with increasing ease, and capable of hitting U.S. helicopters.

General Garrison understood his tactical and political situations well, both of which were turning against his Ranger and special mission unit operations. Garrison knew Aideed and his forces were concentrated in the Bakara market area, and that going in there would be a high-risk enterprise. Reportedly, he noted that going into

who explained he was aware of the threat but decided to accept the advice of his pilots that the risk was manageable.

the Bakara market might be a "win the gunfight, but lose the war" scenario, a concern that was prophetic. Prior to October 3, when Garrison ordered a daylight raid into the market, Task Force Ranger had conducted six live missions (three of which were conducted in daylight), while another thirty-five or forty were aborted because of insufficient intelligence. Much time had elapsed since the last "go," and Garrison knew that the political winds were blowing against the military option and in favor of negotiations. As Garrison later said, he knew General Hoar was expressing reservations, as was Ambassador Gosende. Garrison and Hoar had discussed the risk of going near the Bakara market, and Hoar had told Garrison not to do so, except in certain circumstances. Garrison also knew the intelligence was not getting any better. Cognizant of all these factors, on the October 3 mission, General Garrison did something he had not done for any of those previous missions; he ordered that the helicopters carrying and supporting the troops on their raids be armed with rockets. He then went to salute personally each helicopter crew and its other special operations forces occupants before takeoff. In another first, he ordered the Task Force to shoot any threatening Somalis rather than giving them a chance to surrender.[757] Special operations personnel later told senior diplomatic leaders on the scene that they knew they were operating "at the edge of the envelope"; i.e., that the operational risks they ran were high and that operating in the vicinity of the Bakara market was particularly dangerous. The envelope collapsed when first one and then another helicopter went down during the raid. It took a major effort to extract Task Force Ranger, during which 18 U.S. servicemen lost their lives and another 78 were wounded.

As *The New York Times* reported at the time, "… administration officials were at a loss to explain why a military raid… was conducted at the same time that Mr. Christopher was waging a campaign to persuade a reluctant Mr. Boutros-Ghali to pursue a political track aggressively… At the State Department, some senior officials said they were surprised by news of the military operations."[758] The *Washington Post* reported that:

757 Mark Bowden, *Blackhawk Down: A Story of Modern War* (New York: Atlantic Monthly Press, 1999).

758 Elaine Sciolino, "Puzzle in Somalia: The U.S. Goal," *New York Times*, October 5,

> internally, the President complained that without a full debate and without him understanding the implications, the United States signed on to a UN agenda that turned out to be a fatal error: pursuing the factional leader Mohammed Farah Aideed. Clinton told lawmakers that changed what he signed on to and was a mistake. He said this even though the United States approved the UN resolution authorizing the hunt for Aideed, which has been conducted almost exclusively with U.S. forces.[759]

When the father of one of the slain Rangers met with President Clinton, he asked why the raid had taken place if the U.S. government was pursuing a political solution. The president agreed that the raid was incomprehensible. He would later say it was the low point of his presidency. President Clinton accepted Secretary Aspin's resignation, but it was not clear that the secretary of defense was uniquely responsible (indeed, perhaps unique among cabinet-level officials, Aspin repeatedly expressed concern about the administration's policy). In any case, lower ranking officials soon admitted that even when the administration began to rethink its approach in September; it did not tell the U.S. forces in Somalia under Pentagon control to abandon their hunt for General Aideed. Orders to try to capture Aideed were not rescinded, "one senior official said, because Washington had not yet given up the idea of capturing him."[760] In short, the U.S. and UN leadership in the field[761] were still pursuing a two-track military and political strategy when the October 3 raid took place.

While some expressions of shock and ignorance about ongoing military operations in Mogadishu may have been exaggerated, the surest sign that Washington was genuinely surprised by the scale

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759 Ann Devroy, "Collapse of U.S. Collective Action May Force Second Look at Bosnia," *Washington Post*, October 8, 1993.

760 Michael R. Gordon with John H. Cushman, "Mission in Somalia; After Supporting Hunt for Aideed, U.S. is Blaming UN for Losses," *New York Times*, October 18, 1993.

761 Admiral Howe defended the two track policy before and following the events of October 3rd. Adm. Jonathan Howe, interview by PBS, *Frontline: Ambush in Mogadishu,* PBS, available at http://pbs.org/wgbh/pages/frontline/shows/ambush/interviews/howe.html.

and intensity of combat on October 3 was the inept public affairs response to the battle. For months, senior administration officials argued against abandoning the United Nations in Somalia because it was in U.S. interests to ensure the success of the first Chapter VII, UN peace enforcement operation. Yet, when President Clinton spoke to the American people, appalled and outraged by photos of desecrated American dead on October 6, he could only observe "it curdles the stomach of every American to see that, because we went there for no purpose other than to keep those people alive. We had no other purpose than a humanitarian mission."[762] With the president of the United States only able to articulate a humanitarian purpose for the mission, there seemed no point in remaining in Somalia and shooting people.

At an October 6 NSC meeting, Clinton decided to shift completely to a political track. He gave orders that U.S. forces would no longer pursue Aideed and dispatched Ambassador Oakley and U.S. Marine Corps General Anthony Zinni to Somalia to ensure that Aideed and U.S. and UN forces received the new policy guidance. Upon arrival, Oakley and Zinni discovered Admiral Howe had not been informed of the change in policy. Not surprisingly, Howe was strongly opposed to the change. He could not believe the United States would abandon a mission after so much sacrifice, but that was the case, as he soon came to realize. Senior Aideed representatives also were deeply suspicious of the alleged policy change. It took a full day of discussions and a combination of persuasion and threats to obtain the release of warrant officer Durant, the one American captured on October 3, with no compensation or conditions as part of the new political approach.

In an October 7 meeting with congressional leadership, President Clinton encountered bipartisan opposition to the United States remaining in Somalia. A week later, in a letter to Congress, President Clinton argued that "having been brutally attacked, were American forces to leave now we would send a message to terrorists and other potential adversaries around the world that they can change

762 "President Responds to Recent Violence Against U.S. Forces," *Washington Tim*es, final edition, sec. A13, October 7, 1993.

our policies by killing our people. It would be open season on Americans."[763] The administration was able to negotiate a five-month delay in the pullout, during which the administration would try to strengthen UNOSOM II. This would not prove possible, however, as the U.S. change in policy and pending withdrawal of forces wrecked both UNOSOM morale and credibility.

Thus, with the administration unable to articulate a more compelling strategic rationale than damage limitation to the U.S. reputation, Congress pulled the plug on the operation. With eerie parallels to the Tet offensive in Vietnam, Aideed had secured a strategic political victory while suffering a huge tactical defeat. Task Force Ranger had inflicted almost a thousand casualties on the SNA on October 3 and a great deal of collateral damage on the civilian population. By some accounts, Aideed's blood-soaked clan was traumatized by the scale of death and destruction they had suffered without being able to overrun the small American contingent. Some intelligence later suggested that SNA support for Aideed's policy of confrontation was dealt a lethal blow on October 3.[764] If so, Aideed aptly masked the dissension by continuing to inflict casualties with mortar attacks three days later and on through the month until the United Nations declared a ceasefire. Finally, in November, Aideed complied with the ceasefire so the United States could organize its withdrawal without the SNA sustaining further casualties. The United States sent a large joint military task force to ensure that U.S. forces could withdraw safely. The White House, wanting to avoid any possibility of casualties, made sure the task force would not undertake offensive actions or even enter Mogadishu.

763 President William Clinton, "Message to the Congress Transmitting a Report on Somalia October 13th, 1993," the American Presidency Project website: http://www.presidency.ucsb.edu/ws/index.php?pid = 47197, accessed September 6, 2006.

764 Baumann, Yates, Washington, "My Clan Against the World," 158, 164, fn. 59, and 169.

Insufficient Explanations for the Disaster

Given that United States forces withdrew from Somalia without achieving stated political objectives, most commentators conclude the United States was not able to properly balance objectives and the means required to accomplish them. This is generally correct; but error creeps in when explanations for failure focus excessively on either inflated objectives or inadequate means to accomplish them. It will help to clarify the best explanation for failure in Somalia if we clear up some common misimpressions first.

There are many variations to the argument that the United States employed insufficient means, but they typically suggest a lack of commitment on the part of the world's remaining superpower.[765] One broad formulation is that the American public is unwilling to tolerate casualties. The Clinton administration was not obliged to abandon Somalia because U.S. forces suffered casualties, however. If the American public understands the rationale for a military operation, it typically supports an operation until success is secured,[766] in part to minimize unnecessary casualties by making the military contest as short as possible. The public and Congress demanded a withdrawal only when no adequate strategic rationale could be offered that would justify such sacrifices.

Another version of the case for insufficient means attributes failure to civilian meddling. Political leaders interfered and precluded the deployment of AC-130s, armor, and other military weapons that

765 The broadest formulation is simply to assert that smoothly functioning democracies are worth any price and that a hyperpower like the United States should simply have provided whatever resources were required for success. This seemed to be the underlying attitude of at least some at the time. One senior administration official, when asked why his short list of targeted countries for democratization included all the most unlikely cases, replied "because if we can do it there we can do it anywhere." In other words, the importance of democratization and the power of the United States were so great that there was no reason not to take on the hardest cases at whatever cost. If one accepts the premise that nation-building in Somalia was a vital interest of the United States, it follows that inadequate resources explains the failure there.

766 Eric V. Larson and Bogdan Savych, American Public Support for U.S. Military Operations from Mogadishu to Baghdad (Santa Monica, CA: RAND, 2005) provides a good discussion of this point.

would have made it possible to save the day when special operations forces were pinned down in extended urban combat in Mogadishu on October 3. Task Force Ranger did not have AC-130 gunships, which can provide highly precise close air support for ground forces, because the planes require a lot of support personnel and decision makers wanted to limit the numbers of U.S. personnel in Somalia. The later request for armor was also turned down. However, General Garrison, who claimed he had all the firepower he needed, discounts the significance of the decisions not to send the AC-130s and armor. Tragically, one soldier who bled to death might have been saved had the armored relief force arrived earlier. Otherwise Garrison's belief that lack of more readily available firepower was not a key factor in the firefight appears substantiated by after-action assessments.

Another complaint is that the United States government did not make a larger commitment to the non-military portion of the UN mission. For example, the United States was not inclined and in fact had little to contribute to UN efforts to build up the Somali national police force so that it could stand up to the warlords. Without strong U.S. support, the small national police force started under UNITAF withered away. It is true that the United States does not have a full and robust range of nation-building capabilities, and that their presence would have helped, especially early on.[767] However, building Somali civil infrastructure was a long-term proposition in the best of cases, and it could not be accomplished without a more secure environment. Indeed, that was the UN position, which was repeated frequently. As late as August 2, 1993, Kofi Annan sent Madeleine Albright a draft report to the Security Council on the Somali neutral police force. It argued that a critical prerequisite for reestablishment of the Somali police was disarmament of the entire country, a mission UNOSOM II had to accomplish. The police could not compete with the warlords unless the latter were disarmed, which raises the question of whether they should have been.

One of the most persistent explanations for failure is the argument that the United States should have disarmed Aideed and the other

767 Baumann, Yates, Washington, "My Clan Against the World," 71.

warlords when it had a large force presence under UNITAF.[768] Comprehensive disarmament would have been easier for UNITAF than UNOSOM, but not by much. Somalia was awash in arms. A much larger force than the Marines fielded would have been required to enforce comprehensive disarmament, something military leaders unanimously agree upon. Aideed (and perhaps other warlords) was prepared to fight to protect his perceived interests. Disarming the warlords therefore would have entailed not just more forces, but higher costs in general, including casualties. The Clinton administration did not have a lot of political support for such an agenda, especially on Capitol Hill, and they judged it necessary to keep the level of U.S. military operations low as a result. Senior administration officials tried to make the case for "assertive multilateralism," and could have done so more systematically to the Congress and the public. However, given the resistance in Congress, and to a lesser extent in the Pentagon where major figures like General Hoar were even against using Civil Affairs forces to build up the Somali national police force, clearly it would have been an uphill battle at best. Thus, the desire to keep the size of the U.S. forces in Somalia low was understandable; much more so than the willingness to sign the United Nations up to an expansive mandate.

Those who do not agree with the broad mandate that the United Nations and United States adopted in Somalia stress the United States was overly committed rather than insufficiently so. One popular version of this argument notes United States lacked an "exit strategy" for shedding the UN commitment in a timely fashion. This view is particularly prevalent in the Pentagon, where nation building is generally viewed as a natural hazard to be avoided like quicksand; to wit, the United States got mired in Somalia and simply could not extricate itself before disaster struck.[769] Yet this interpretation does not accord with the facts. UNITAF had an exit strategy. They left; it did not matter that the United Nations threatened not to send a replacement force.[770]

768 Walter Clarke and Robert Gosende, "The Political Component: The Missing Vital Element in US Intervention Planning," *Parameters*, (Autumn 1996) 35–51.

769 Powell, My American Journey, 588.

770 They left despite direct appeals from Admiral Howe. Baumann, Yates,

It is true that the administration was concerned with exit strategies, and that the United States wanted to leave Somalia under the best possible circumstances. However discussion of exit strategies just obscures the central issue: U.S. interests and the costs they justify. Since the costs cannot be perfectly known before the operation, they must be assessed as the operation unfolds and resistance and force performance become evident. It is always possible to find a way to minimize damage to prestige or, more happily, to pass a successful operation on to others with greater interests in the outcome. In fact, the State Department was planning its face-saving rationale for a return to negotiations with Aideed when the October 3 fight occurred.

Finally, it is often observed that the United States failed in Somalia for lack of cultural understanding and intelligence. As one senior officer operating in UNITAF admitted, he "didn't know Somalis from salamis."[771] Yet, U.S. forces learned quickly, especially under Ambassador Oakley's tutelage. Moreover, the specific connection between lack of cultural intelligence and the failure of UNOSOM is weak. The argument is that because U.S. forces and intelligence agencies did not understand the clan structure, they underestimated how hard it would be to obtain the intelligence necessary to capture Aideed.[772] However, this argument is contradicted by the fact that both in Washington and in the field there was an appreciation that obtaining the required intelligence would be difficult, which is why so many sources (including Hoar, Powell and the Office of the Secretary of Defense) recommended against deploying special operations forces.[773]

The General Explanation for Failure

Using "what if" hypotheses to envision a different outcome in Somalia is useful for generating recommendations for the future. For example, we could ask whether results might have been different if coalition nations eager to punish Aideed after the June 5 ambushes

Washington, "My Clan Against the World," 88.

771 Ibid., 49.

772 Ibid. The authors cite Marine General Anthony Zinni on this point.

773 Bill Clinton, My Life (New York, NY: Alfred A. Knof, 2004), 550; Marshall V Ecklund, "Analysis of Operation Gothic Serpent: TF Ranger in Somalia," Special Warfare, May 2004; fn 41.

had not bailed out after the June 17 fighting, and if so, whether measures to strengthen UN coalitions might be valuable. However, the purpose here is to explain the failure. In this regard, *ex post facto* prescriptions for curtailing U.S. and UN aspirations in Somalia or increasing the resources committed to realizing them only serve to obscure the key point; which is that they were seriously imbalanced. Before considering how this came to be, it is important to realize how prevalent the inability to balance means and ends was in U.S. policy, strategy, and operational decisions. Each will be considered in turn before attempting to explain why the U.S. national security establishment could repeatedly fail to properly balance means and ends.

Somalia was primarily a policy failure, not because the policy was wrong, which can be debated, but because it was inadequately clarified, communicated, resourced and defended. The Bush administration decided to intervene in Somalia for humanitarian reasons, claiming no other national security interests that would justify risks to servicemen. The Clinton administration, on the other hand, identified U.S. national security interests in Somalia, but did so without reconciling competing policies or being clear-headed about their implications, including the need to build sufficient political support to sustain operations. The administration's representatives waxed eloquent at the United Nations about a new unprecedented nation-building mission but did not acknowledge the costs of such an undertaking. The administration promulgated confused policy guidance, simultaneously insisting that the United States draw down its support and that it not let the United Nations fail. The tension between those who thought American interests were closely linked to the United Nations' success in Somalia and those who did not was papered over with confused and wishful thinking. Despite every expectation that Aideed would fight for his perceived interests, the Clinton administration hoped he would be less recalcitrant, and then that he would be easily thwarted, and finally that special operations would deal with him quickly. Worst of all, when U.S. forces were not able to capture Aideed and paid a heavy price for trying to do so, the administration could not articulate to the American people and Congress a strong national security rationale to justify the blood that was shed.

Confused and inattentive policy produced confused and extremely high-risk strategies to obtain expansive objectives with minimum resources. The United States wholeheartedly endorsed—even engineered—the broader UN mandate, which required an even more potent force than UNITAF had on hand. Yet, as one confidential assessment after another concluded—including spring and summer assessment teams sent to Mogadishu—UNOSOM II forces were not up to the task. In fact, on June 5 and June 17 when UN forces seriously challenged Aideed, they were badly bloodied and coalition member support for UNOSOM eroded, forcing the United Nations to rely on and request additional U.S. forces. These events and their effects begged for a reassessment of U.S. policy, as did the U.S.-led strike on the Abdi House on July 12. So did General Hoar. He requested that policy objectives be brought in line with available resources. He argued for a classic counterinsurgency method if Washington thought the stakes were sufficient to justify such an endeavor. Instead, Washington opted to neutralize Aideed with special operations forces. As it became apparent that snatching Aideed was a long shot, the United States increasingly pursued political options while keeping up military pressure on the warlord. Meanwhile, Aideed was pursuing the same strategy of talking while fighting, and the Marines had similarly combined a judicious use of force with constant communication. In theory, Gosende and Garrison should have been able to execute such a strategy, but they were handicapped by critical limitations of their own making.

Having declared Aideed a criminal, if not a terrorist, no one in Mogadishu (or Washington or New York) was inclined to negotiate with him. The use of lethal force against an adversary while trying to negotiate is always a complicated and delicate enterprise. It is impossible if either side is unwilling to communicate, which essentially describes the U.S. and UN post-June 5 positions. When Gosende changed his mind in the fall and concluded that negotiations might be necessary, he did not have the relationship with Garrison that Ambassador Oakley had with his military counterpart, General Johnston. They pursued different approaches. Garrison decided to undertake increasingly risky operations, and Gosende decided to lobby Washington for a switch to the political track. A combined approach from Garrison and Gosende would have stood a much better chance

of succeeding, as the Senate investigation into the events of October 3 later concluded.[774]

Washington's poor assessment of requirements for achieving objectives in Somalia also generated lesser operational failures. When the president opted to authorize special operations to snatch Aideed, military authorities should have explained the importance of tactical surprise. Instead, the United States abandoned the element of surprise, normally a key prerequisite for success in this kind of special operation. The U.S. Special Operations Command said shortly after the June 5 attack on the Pakistanis that special operations forces could nab Aideed.[775] It would have been easier then, but the United States took a series of steps that substantially increased the operational difficulties. First, the United States declared Aideed a criminal and put a reward on his head, effectively putting him on his guard. Then, the Marines tried to capture him and failed, further increasing his alert status. Finally, the United States sent special operations forces, but not before publicly announcing that it was doing so; in effect warning Aideed to take extraordinary security precautions. He did so, ruthlessly eliminating or turning agents reporting to American intelligence officers. After ceding so much to Aideed, it might have been better to allow special operations forces the latitude of taking him dead or alive. They had several opportunities to eliminate Aideed at a distance, but there was concern that doing so would make him a martyr and hero (a notion which runs contrary to the assumption that Aideed was the particular problem and not the SNA more generally). As it was, policy and strategy were so confused that the Administration never agreed with the United Nations on how to handle Aideed if U.S. forces succeeded in capturing him.

With operational surprise gone and lethal fire not an option, special operations personnel could only hope for an immediate and short-

774 Report from Senators John Warner and Carl Levin, "Review of the Circumstances Surrounding the Ranger Raid on October 3–4, 1993, in Mogadishu, Somalia," September 29, 1995, 50.

775 Powell remembers SOCOM wanting the mission. Another source claims that before the departure of Task Force Ranger, SOCOM raised numerous objections. Marshall V Ecklund. "Analysis of Operation Gothic Serpent: TF Ranger in Somalia," Special Warfare, May 2004.

lived tactical element of surprise. But after Aideed's forces struck Task Force Ranger with mortars, General Garrison, with General Hoar's approval, adopted a tactical approach that had the effect of further reducing even these fleeting elements of surprise. Garrison argued that going after Aideed's lieutenants would pressure Aideed. While no doubt it would have increased his anxiety, eliminating many of Aideed's senior advisors in the missile attack on the Abdi House did not cause Aideed to sue for peace; it simply reaffirmed the SNA's political loyalty to Aideed and increased their willingness to attack American targets. In truth, as Garrison later testified, he really just wanted to go on the offensive after the mortar attack so his men would not adopt a "bunker mentality." The Senate report condemned this attitude: "The lack of a valid rationale for launching the raid should have alerted superiors in the chain of command to the need to carefully reevaluate the Task Force's mission after each operation."[776] In other words, the military concept of operations needed to be reassessed. Ostensibly attacking Aideed's lieutenants to coerce him while actually just satisfying a broader desire to take and sustain the offensive was a flawed approach given Aideed's intelligence advantages and the uncertain willingness of political authorities to support a more general offensive against the SNA clan. The desire for action irrespective of the primary goal, and the inability to patiently wait for an opportune moment to achieve the main objective, made an already difficult mission much harder.

Thus policy, strategy, operational, and tactical decisions were all poorly coordinated, inadequately balanced with respect to means and ends, and inherently high risk. Worse, warning signals at each level were repeatedly ignored. A high-risk strategy must be monitored particularly closely, with fallback options prepared for untoward developments. However, on October 3, when risk turned in to actual high costs, everyone in the chain of command was caught by surprise but one man: General Garrison. He focused narrowly on the possibility of tactical success, which he knew was declining, irrespective of risks, which he knew were increasing. His decision to enter the Bakara market did not violate his guidance, but neither did he make an effort to share his knowledge of risks with others.

776 Warner, Levin, "Review Circumstance Surrounding Ranger Raid," 51.

Some argue that the events of October 3 could not have been predicted, and that when opportunities arose, the tactical commander did not have time to make decisions by committee. This is true, which is why the risks the special operations forces could run should have been thoroughly discussed and debated in advance, and if accepted, prepared for with political and information backup plans. The critical importance of close oversight of tactical operations in irregular warfare, and of special operations like Task Force Ranger in particular, is well recognized by experts. The relative independence of Task Force Ranger stands in stark contrast to the well-coordinated political and military operations under UNITAF. The Senate investigation correctly concluded:

> U.S. foreign policy was and will be affected for years as a result of the raid of October 3–4. It is clear that both civilian officials and military leaders should have been carefully and continually re-evaluating the Task Force Ranger mission and tactics after each raid, with an eye toward recommending that the operation be terminated if the risks were deemed to have risen too high.[777]

Such oversight of Task Force Ranger operations was lacking. Even General Hoar, who was usually alert to the imbalance between the administrations objectives and the means employed and the importance of clear risk assessment, was surprised by the events of October 3. Higher up the chain of command there was surprise as well and an uneven appreciation of the need for closely monitoring Task Force Ranger risks.

The fact that the deputies concluded in mid-August that they needed a working group (the Somali Deputies Committee Working Group) to better integrate and implement their decisions suggests they were concerned about better oversight, but the nuances of Task Force Ranger risks were not within their field of vision. General Powell, like General Hoar, was more concerned with the imbalance between objectives and means than he was with looking over General Garrison's shoulder. Powell warned the president just before retiring on September

777 Ibid., 50.

30 that the administration's policy on Somalia needed reevaluation.[778] The president, for his part, later asserted that he purposefully remained disengaged from military matters in Somalia. When the president met with families of the soldiers slain in the October 3 fight seven months later, he told them he intentionally remained aloof because he did not believe in micromanaging the military.[779]

It may be true that a president does not have the time to monitor such operations closely, but just as the Senate investigation concluded, his subordinates must do so. Recognizing that tactical operations and their outcome can have political and strategic significance is conventional wisdom among those who study small and irregular wars, but this perspective was not on display in the oversight and leadership of Task Force Ranger. In both Mogadishu and Washington, leaders did not appreciate the risks being run by Task Force Ranger, and they were poorly prepared to defend them. It is not clear that an information contingency plan would have salvaged the devastating blow special operations forces inflicted on the SNA forces; but its absence relegated the tactical excellence of the special operations forces to a poignant afterthought, and magnified the consequences of the policy and strategy failure in Somalia.

Integrating Elements of National Power

The purpose of this case study was to determine how well the United States integrated the elements of national power in Somalia, and in so doing, answer four specific questions. First, to what extent did the United States act with a strategy in mind as opposed to ad

778 The Somalia intervention took place during a period when the Joint Staff still routinely excluded the Office of the Secretary of Defense from operational information. It could prove difficult for policy officials in defense to gain a full picture of what was taking place on the ground. The assistant secretary of defense (Special Operations/Low Intensity Conflict), for example, actually received his best information from U.S.AID workers. Conversation with Jim Locher, who was the assistant secretary of defense (Special Operations/Low Intensity Conflict) until mid-June, 1993.

779 President Clinton still may not understand what happened in Mogadishu. In his memoirs he confuses General Powell's last plea for policy adjustments with the earlier decision to dispatch special operations forces. Bill Clinton, *My Life* (New York, NY: Alfred A. Knof, 2004), 550.

hoc decision making? Prior to and during UNITAF's humanitarian operations, the National Security Council operated without the benefit of a strategy and on more of an *ad hoc* basis. It was not clear why the United States chose to intervene in Somalia but not in other countries that arguably suffered humanitarian crises of similar import. There is evidence that the intervention was driven more by the president's understandable personal feelings than by sober calculations of national interest. In any case, once the president's interest was established, the NSC was able to generate alternative courses of action, and to align its objectives with the means necessary to achieve them. However, absent a controlling strategy and given the change in administrations, basic mission and resource issues tended to be addressed in an *ad hoc* manner. For example, disarmament was originally inserted in the military's mission statement, then rejected by General Hoar, and then repeatedly debated in interagency meetings. It also was left for Ambassador Oakley and General Johnston to develop a strategy in the field for achieving Bush administration objectives without exceeding the resources made available to them. By contrast, the Clinton administration had a formal, coordinated and explicit policy for UNOSOM II codified in a presidential decision directive, even though it obscured the tension, if not contradiction, between objectives and resources. Thus ironically, the system generated worse policy and strategy when it deliberately set out to establish clear strategy.

The second question concerned the integration of multiple elements of power. The crisis in Somalia certainly required such integration. The intervention arose because U.S. aid officials could not manage the crisis alone. Yet, at no time did the United States or the United Nations have sufficient military force to rely solely upon that instrument of power. It would have been far more efficient and effective to integrate other elements of power even if an abundance of military force was available, as the able leadership of UNITAF demonstrated. Oakley and Johnston did a remarkable job of achieving unity of effort. They knit diplomacy and military force together judiciously, never failing to keep open lines of communication and limiting force to that which was necessary to ensure the delivery of aid. Force was backed up with civic action and information campaigns (including novel organizational structures and highly competent psychological operations) to assure the public that the UNITAF

presence was ultimately benign. UNITAF also paid reparations for collateral damage from its military forces. By the few available accounts, including the Senate investigation, intelligence agencies worked well with their military counterparts in the field, even if they were not fully integrated until after the disastrous raid on October 3.[780] Oakley and Johnston carefully integrated the elements of national power, and constantly reassessed the appropriate application of each instrument relative to the others.

The United States was not able to closely integrate the elements of national power well in crafting policy for UNOSOM II, or in implementing the UNOSOM II mission. The interagency decision-making system repeatedly failed, both in Washington and in the field, even when circumstances begged for a sober reconsideration of policy alternatives. Interagency decision making bodies were not able to develop common and iterative assessments of the resources required to execute U.S. policy. Neither could they develop integrated assessments of risks, nor risk mitigation plans in the event of undesirable outcomes. The inadequacy of policy formulation and implementation was evident at three levels.

First, at the national level, the NSC papered over a fundamental mismatch between objectives and resources in the May 19 presidential decision directive that guided policy on Somalia, an oversight that never was corrected. Nothing like the trenchant analysis of a policy-resources mismatch offered by Ambassador Oakley in December and General Hoar later was available in Washington's deliberative bodies. Instead, the decision-making structures and processes that brought the intelligence community, the White House, Department of State, and Department of Defense together for collective decision making concluded with agreement to promote a mission mandate that the United Nations and by extension, supporting U.S. forces, could not execute with available resources. The inherent policy confusion persisted despite multiple assessments which concluded the United Nations did not have the ability to compel warlord compliance.

780 Vernon Loeb, "The CIA in Somalia," *Washington Post*, Sunday, February 27, 2000; posted at http://www.somaliawatch.org/archivejuly/000927601.htm, and Baumann, Yates, Washington, "My Clan Against the World," 180.

Second, when the U.S. government stumbled into a high-risk strategy, its ability to respond nimbly to evolving circumstances and to coordinate its policy decisions proved woefully inadequate, particularly with regards to managing the inherently complex and difficult two track policy of pursuing both military and political initiatives. Washington was out of touch with the military and political risks being run in the field. The decisions to confront Aideed by surprising him with a June 5 inspection, to brand Aideed a criminal and terrorist, to attack the SNA leadership at the Abdi House, to deny requests for more forces in the field, to continue military operations after deciding they would not likely succeed and that a return to the political track was necessary—were ill-considered given the limited means on hand to achieve desired objectives. When special operations forces were called in as a last resort, their deployment and use were poorly coordinated with informational, diplomatic, and political activities. When the Department of State finally decided to switch back to the political track, its efforts at the United Nations were poorly coordinated with efforts in the field to keep pressure on Aideed. Ambassador Albright, the Secretary of State Christopher and, later, President Clinton claim to have been surprised by the continuation of the military operations against Aideed. Certainly no one understood or was prepared to defend high-risk military operations with a political and informational strategy in the event of a major military setback, which points to the third major integration failure.

In the field, U.S. leaders initially were united in their purpose, separated in their chain of commands, and eventually divided in their management of means. Howe, Gosende, and Montgomery all believed that their mandate required going after Aideed, and they were not about to accommodate him, which they considered akin to appeasement.[781] In pursuing Aideed, they relied heavily on the military instrument, the use of which rapidly diminished political support for UNOSOM II, except among anti-Aideed warlords. By October 3, the military and political tracks were completely separated in the field. Garrison and other UN and U.S. military personnel were ready for additional military operations against Aideed after the October 3-4

781 Baumann, Yates, Washington, "My Clan Against the World," 171.

battle,[782] but they were out of touch with the limited political support for their mission. Howe and Gosende could not maintain coalition unity during aggressive military operations against Aideed, and Gosende in fact had given up on the military track altogether (unbeknownst to UNOSOM II staff) and was lobbying for a cease-fire and return to negotiations with Aideed. Both Howe and Gosende were out of touch with Garrison's high-risk operations and unprepared to defend them with political and informational efforts. As for intelligence, cooperation was apparently good and not a key factor in the failure. However, in terms of unity of effort, it should be noted that human operations were not fully integrated until after October 3, and that one of the CIA's frequently rotated senior leaders clashed and stopped talking with Ambassador Gosende during his tenure.[783]

In summary, the United States decided to intervene in Somalia without a strategy, but cobbled one together in the field. When the Washington decision-making system deliberately generated policy and strategy for Somalia, the results were worse than the *ad hoc* effort. The strategy required the integration of multiple elements of power since no one element could manage the crisis alone, but the elements of national power were not well integrated, either in crafting or implementing policy and strategy. The NSC, other senior councils, and assessment teams repeatedly papered over a fundamental mismatch between objectives and resources. Hope proved a persistent but poor substitute for clear analysis as the U.S. government stumbled into a high-risk, military-centric strategy, blowing through one warning after another that UNOSOM II forces and Task Force Ranger could not accomplish their assigned objectives. The decision-making system was not able to respond nimbly to evolving circumstances or to coordinate its policy decisions well, particularly with regards to managing the inherently complex and difficult two-track policy of pursuing military and political initiatives simultaneously. The national security apparatus could only digest and act on this reality slowly and incompletely, and as it turned out, too late to avoid being overtaken by events that

782 Ibid., 165.

783 Loeb, "The CIA in Somalia," February 27, 2000; posted at http://www.somaliawatch.org/archivejuly/000927601.htm, and Baumann, Yates, Washington, "My Clan Against the World,"180.

should have been assessed as increasingly likely and prepared for accordingly much earlier.

Not integrating the elements of national power well led to abject failure, and the failure cost the United States a great deal besides the lives lost. It produced deep policy divisions in Washington and poor results in the field that shook up a presidential cabinet and marked the low point of a presidential administration. Somalia effectively ended the Clinton administration's policy of "assertive multilateralism," terminated Secretary Les Aspin's short career as secretary of defense, and increased tensions between senior civilian and military leaders. Somalia also arguably encouraged America's enemies to challenge U.S. interests. Just as Aideed bluntly told Ambassador Oakley that American failures in Vietnam and Beirut proved the United States did not have staying power, Osama Bin Laden and others would similarly, but erroneously, conclude from Somalia and other events that the United States lacked the will to protect its interests.

Root Causes of Failure

Why was the United States' national security apparatus unable to develop a clear policy, an integrated strategy to pursue its objectives, or an accurate estimation of likely requirements for success? Why was the United States government's integrated policy formulation and implementation so grossly inadequate on multiple levels? A fatalist might argue that these types of complex contingencies are simply difficult to manage and sometimes go awry. It is true that making, implementing, and overseeing effective policy, strategy, and operations in an ambiguous irregular warfare environment is challenging. However, the level of failure in Somalia cannot be explained away as happenstance. The extended combat operations on October 3 and 4 brought a series of mistakes into high relief, but they were not the origin of those mistakes. Even if the operations had not ended in disaster, the United States was already on the way to a face-saving, "damage-limitation" withdrawal from the military confrontation with Aideed.

We must look beyond the vagaries of chance to understand the failure in Somalia. This is not easily done. History cannot be rolled back, variables changed, and then rolled forward to assess their impact.

Nevertheless, we can consider some of the more likely candidates for root causes of the failure, beginning with leadership. One common belief is that the command and control of such difficult operations is primarily a question of good leadership. General Johnston and Ambassador Oakley were effective in a complex and shifting environment; Admiral Howe, Ambassador Gosende, General Bir (and other military leaders) were not. While Oakley and Johnston were extraordinary in their rapport and practical wisdom, personality-driven explanations for success and failure in Somalia are unfair. They ignore the fundamental policy and strategy contradictions that Howe, Gosende, and others in the field had to contend with after Johnston and Oakley left: a U.S. government divided and promoting a vast expansion in mission without sufficient resources for its accomplishment. The broader UN mission would not allow those assigned responsibility for its completion the luxury of remaining nonpartisan. To accomplish the broad UN mandate of comprehensive disarmament and bottom-up political reconstruction, Howe, Gosende, and other field commanders inevitably had to challenge the warlords, chief among whom was Aideed. This was so much the case that they interpreted Aideed's wrath as evidence that they were doing their job properly. Later, Admiral Howe would complain that although the United States led the effort to pass the broader mandate included in UN resolution 814, Congress and the American people did not understand "what the resolution meant and the kind of commitment we were making with the passage of that kind of resolution."[784] Other leaders in the field were incredulous that anyone in Washington could ask how the mission had changed from simply delivering humanitarian aid. Major General Montgomery considered the question disingenuous, since it was well known that the United States authored the Security Council resolution in May that clearly set out the expanded mission.[785] Howe and Montgomery were correct. The problem was fundamentally one of policy choices, not personalities.

784 Adm. Jonathan Howe, interview by PBS, *Frontline: Ambush in Mogadishu,* PBS, available at http://pbs.org/wgbh/pages/frontline/shows/ambush/interviews/howe.html.

785 Baumann, Yates, Washington, "My Clan Against the World," 166.

In that case, can the policy and strategy failures be attributed to poor leadership in Washington? To some extent, they must be as it is altogether possible that different leaders would have made different decisions with different consequences. But, it seems unsatisfactory to chalk the whole debacle up to poor leadership. To begin with, many of the key decision makers at the national level were experienced foreign-policy professionals. National Security Advisor Anthony Lake, Under Secretary of State Peter Tarnoff, and Under Secretary of Defense Frank Wisner were "bureaucratic black belts," in the words of one observer, and moreover they had known each other since their service in Vietnam.[786] It is worth considering how they could have overseen a confused policy and strategy failure like Somalia. Were their decisions constrained by other factors? For example, what was the impact of the lengthy Senate confirmation process? These leaders were not fully in charge for some months after their appointments. Frank Wisner was appointed under secretary of defense for policy by President Clinton on February 23, 1993, but not confirmed until July 1, 1993. Peter Tarnoff was nominated on February 26 and confirmed by the Senate on March 10, 1993. Tony Lake, of course, did not require confirmation as national security advisor. The need to work through hold-over political appointees and career civil servants presumably complicated the process for these leaders, but as anyone who has worked in the national security bureaucracy can attest, there is no doubt that Wisner and Tarnoff were able to make their views known from the moment they were appointed. In addition, they were able to rely on experienced civil servants like Dick Clarke for NSC oversight of Somalia. He provided continuity from the Bush administration and was in charge of coordinating the March policy paper that ultimately led to the May presidential directive that codified the Clinton administration's Somalia policy. Even though Clarke was a hold-over from the Bush administration, he was widely acknowledged as one of the most effective and experienced interagency leaders in Washington, and he stayed on with an appreciative Clinton team despite the outcome in Somalia. Moreover, Admiral Howe, who was dispatched to Mogadishu to lead the UNOSOM II mission, had served on the Bush NSC since 1991 and knew the key personalities

786 Leslie Gelb, "Foreign Affairs; 'Chris' and Aspin And Lake," *New York Times*, January 24, 1993.

and how the system worked. In short, the lag time in getting senior Clinton officials appointed was an inconvenience but not a controlling factor in this case.

Another possible complicating factor, at least in the Pentagon, was that Secretary Aspin immediately instituted a major overhaul of his policy apparatus, creating new assistant secretaries of defense. As General Powell would later complain, "The policy show was a mess with all those assistant secretaries overlapping each other. Nothing happened."[787] Thus the staff providing support to senior leaders in the Pentagon was in some turmoil. While there were notorious differences of opinion among some of the newly appointed assistant secretaries, it had less to do with policy on Somalia and more to do with how their bureaucratic boundaries were defined. Over time, Under Secretary Wisner received plenty of staff support, even if initially it was not particularly well integrated. He managed the integration burden by relying on key advisors and by use of a special task force on Somalia. In any case, the policy contradictions and strategy lapses cannot be attributed just to Pentagon staff support. The key decision to send special operation forces to Somalia was made over Pentagon staff objections, and other key decisions were made outside normal staffing processes.

Perhaps it is more important to remember that individual decision makers in interagency councils represented organizations, and therefore organizational interests. Individuals can differ with the common institutional perspective, but at some bureaucratic and political cost. For example, Ambassador Hempstone was out of line with the Department of State's general predisposition to recommend a greater U.S. commitment in Somalia. Frank Wisner supported State's position until he transferred to the Department of Defense. He was then constrained to support the general Department of Defense predilection to eschew broader missions, such as general disarmament. As late as a July 14 memorandum to the secretary of defense, Under Secretary of Defense Frank Wisner also supported the Department of Defense position in favor of not deploying special operations forces to deal with Aideed. In the memorandum, Wisner continued

787 Warner, Levin, "Review Circumstance Surrounding Ranger Raid," 35

to recommend against deployment while acknowledging that support for doing so from the Department of State and the U.S. mission at the United Nations was on the upswing. By the time mounting casualties caused Wisner to change his mind about sending special operations forces to Somalia, others in the Department of Defense also changed their position for the same reason, including General Powell. Later, Ambassador Wisner would come to favor greater emphasis on the political track, along with the Department of State leadership and other senior leaders. The point is that individual and institutional perspectives were mixed, changed over time, and had to be reconciled repeatedly. Therefore, it seems hard to attribute systemic failure to any one individual or institution's point of view.

In fact, the most salient and startling attribute of U.S. policy and strategy, from the first presidential review directive in February to the interagency assessment team's report at the end of July, was the inability to provide a sober balance between desired objectives and acceptable levels of resources. In this regard, we could hypothesize that an ineffective interagency policy structure and process might help explain the failure in Somalia. The first point to note is that the structure and process were typical for the U.S. national security apparatus. There were multiple layers of structure, ranging from the Principals Committee to the Deputies Committee to interagency working groups and task forces within the major national security organizations. It is true that it took the Clinton administration some time to set up its hierarchy of interagency groups, but the May presidential directive assigned the Deputies Committee responsibility for oversight of Somalia and the group met repeatedly for that purpose. Prior to the formalized structure, and afterwards, the process was typical. The NSC distributed issues for analysis by lead agencies with support and comments from others; papers were both tasked by and prepared for meetings at various levels, gradually working their way up for consideration by the highest officials if they were sufficiently important (in this case the end point being typically but not always the Deputies Committee).

Yet, as General Powell said in his Senate testimony, it was hard getting clear guidance from the interagency process. Many meetings produced no results, and it took too long to get a review of policy accomplished. Perhaps the ineffective formal decision-making system

explains why General Powell, and others like Admiral Howe, who lobbied the White House directly on numerous occasions, tended to make major decisions outside the formal structure and process. In this manner, the decision to send special operations forces to Somalia was made, as was the decision to deny the request for armor. In fact, Powell was upset when Secretary Aspin asked his policy staff for advice on the decision to dispatch armor to Mogadishu, an issue Powell had approached the secretary on directly. Powell's informal lobbying succeeded in getting the initial intervention force size doubled, but on other occasions it was no more successful at forcing an issue than the formal process. According to Powell, during his last weeks as Chairman he asked both Secretary Aspin and the president for a review of the imbalance between forces and policy objectives, but it did not happen.

The formal and informal structures and processes not only repeatedly failed to rectify the fundamental imbalance between forces and objectives; they often left key individuals poorly informed. General Powell was surprised by Security Council vote on March 26, 1993, that enlarged the UN mandate in Somalia, and he did not know that Secretary Christopher was lobbying the United Nations in September to move to the political track. Ambassador Albright, Secretary Christopher, and the president were surprised to find military operations against Aideed still taking place on October 3. The Deputies Committee, which was not surprised by any of these developments, was surprised by developments that were either anticipated or not surprising to leaders in the field. For example, the early June decision to confront Aideed that led to the June 5 ambush of UN troops, and the events of October 3 as well, surprised the deputies. Because the Deputies Committee felt that it was not able to keep up with implementation issues it created another oversight committee reporting directly to it. This adjustment did not sufficiently improve oversight, however. After the disaster on October 3, Deputy National Security Advisor Samuel Berger declared the interagency working group responsible for Somalia ineffective because the attendees were too junior in rank (typically the office director level); he wanted another group at the assistant secretary or three-star level to ensure tight implementation of policy. Evidently the deputies were considered too senior, and the interagency working group too

junior; so another layer of oversight was added. It is not clear why this layer was expected to be more effective than the earlier group that the deputies created and asked Ambassador Shinn to lead. What is clear is that the existing interagency structures and processes were typical and inadequate. Whether that is because of the individuals who commanded the structure and ran the process or the tendency of those structures and processes to generate compromise rather than clear alternative courses of action cannot be determined by analysis of a single case.

Conclusion

Since history cannot be manipulated to test the outcome of different variables, it is not possible to say how much of the national security system's repeated inability to develop clear policy, integrated strategy and accurate, iterative assessments of requirements for success can be attributed to leadership as opposed to organizational structure and processes. If comparative analysis of numerous cases suggests that the dysfunctional symptoms evident in the Somalia intervention—a tendency to reach policy consensus by papering over sharp differences, avoiding difficult choices, and leaving key players out of the decision process at all levels—are frequent or typical systemic attributes regardless of the coming or going of senior leaders, it would certainly go a long way toward substantiating the proposition that leadership is not the sole explanatory variable. In this regard, a candid comment from Secretary of Defense Rumsfeld in 2003 that echoes General Powell's comments from 1993 suggest the problem may be systemic rather than personality dependent. Secretary Rumsfeld said that the innumerable hours spent in interagency meetings in Washington "just kind of suck the life out of you" while producing little benefit. In retrospect, the same might be said of Somalia.

When the United States performs poorly in smaller conflicts where less than vital interests are at stake, it nevertheless pays a price for failure, inviting miscalculations on the part of its enemies and higher overall costs for ensuring its security. Since the failure in Somalia had significant repercussions for the nation, understanding what went wrong and how to prevent it is valuable. Unfortunately, it is not clear

that we have learned much from the failure in Somalia. This case study, along with others being conducted on behalf of the Project on National Security Reform, is an attempt to correct that deficiency.

CHAPTER 7. INTERAGENCY PARALYSIS: STAGNATION IN BOSNIA AND KOSOVO

Vicki J. Rast and Dylan Lee Lehrke[788]

Introduction

President George H.W. Bush described his vision for the post-Cold War era as an opportunity to establish a "new world order,"[789] characterized by peace and security managed by a coalition of free, democratic nations. However, the new world that emerged proved anything but orderly. The 1990s witnessed a flood of geopolitical turmoil that made the Cold War standoff between the superpowers seem an age of relatively stability. In the first half of the decade, Saddam Hussein invaded Kuwait, famine gripped Somalia, genocide engulfed Rwanda, and Yugoslavia disintegrated, plunging one corner of Europe into a war that would reach a level of savagery the continent had not experienced since World War I.

America became involved in two of the bitter conflicts resulting from the dissolution of Yugoslavia, wars in Bosnia and Kosovo. The U.S. response in both cases proved flawed from the beginning. The half-century Cold War had inculcated security practices and structures into the U.S. government that would perpetuate ineffectiveness relative to the challenges of intra-state conflict, complex emergencies and ethnic cleansing. By 1995, Balkanization, the division "into contending and usually ineffectual factions,"[790] came to define not only the breakup of Yugoslavia, but also the U.S. government's attempts to manage the conflicts generated from this disintegration. Although the U.S. eventually helped end the sweeping hostilities in both locations, it did so imperfectly, unwittingly leaving behind seeds for renewed violence.

788 Vickie J. Rast is the author of *Interagency Fratricide: Policy Failures in the Persian Gulf and Bosnia* (2004); Dylan Lee Lehrke is Chief of Staff of the PNSR Case Study Working Group.

789 President George H. W. Bush, "Out of These Troubled Times … a New World Order," Speech to Joint Session of the U.S. Congress, 11 September 1990, *The Washington Post*, 12 September 1990, A34.

790 Definition of balkanization from the Random House Unabridged Dictionary.

An examination of the U.S. government's response to the wars in Bosnia and Kosovo is highly relevant to the Project on National Security Reform (PNSR). The Balkan crises heralded many features of the modern era that the interagency is still adjusting to—the increasing importance of managing intra-state violence, the use of NATO outside its traditional Cold War mission, and the matching of force with diplomacy in a manner that would have been impossible prior to 1991.[791] The schizophrenic nature by which the international community managed these "new wars"[792] permits a wide range of observations regarding interagency dynamics.

It is clear that many officials within the Clinton administration, including possibly the president himself, wanted to act in Bosnia and Kosovo. However, they found themselves incapable of doing so. In elucidating the relevant reasons, this study addresses four crucial PNSR questions: 1) did the U.S. government generally act in an ad hoc manner or did it develop effective strategies to integrate its national security resources; 2) how well did the agencies/departments work together to implement these ad hoc or integrated strategies; 3) what variables explain the strengths and weaknesses of the response?; and 4) what diplomatic, financial, and other achievements and costs resulted from these successes and failures?

This study reveals that the U.S. government failed to develop a coherent strategy in the first three years of the Bosnian war. The primary reason was the lack of integrated analysis and planning between diplomats and the military. Instead, departments developed policies centered on protecting institutional equities in light of organizational definitions of national security. As a result, the interagency process did not submit policy choices to the president in an effective manner; rather, he received too few options and ones that presented as contradictory. With the weight of the departments

791 The Soviet Union formally dissolved in December 1991.

792 Mary Kaldor emerged as one of the first to use the term "new wars" to describe violence imposed as a mixture of war, crime, and atrocities. See, Mary Kaldor, "Cosmopolitanism and Organised [*sic*] Violence," prepared for Conference on 'Conceiving Cosmopolitanism' (London: Centre for the Study of Global Governance, London School of Economics, 2000), available at http://www.theglobalsite.ac.uk/press/010kaldor.htm.

already behind their individual plans, it was almost impossible for him or the NSC to manage the policy integration process. This led to an ad hoc, ever-changing approach best characterized by Morton Halperin as "muddling through."[793] Eventually, the NSC bypassed the interagency process to create a strategy for Balkan intervention. The departments supported the NSC course of action (COA) largely because Clinton's troop commitment to a possible NATO force to evacuate the UN mission left Washington with few good options. Moreover, once the strategy had been determined, the Departments of Defense and State struggled to cooperate during implementation, a process that required close coordination between force and diplomacy. Absent such integration, effective management and implementation instead resulted from ad hoc organizations and *fait accompli* decisions. Washington's handling of the Kosovo situation reflected many of these trends as well, demonstrating a void in the application of lessons learned despite the passage of three years since the Bosnia crisis ended.

History books may categorize the interventions known as Operation Deliberate Force and Operation Allied Force as victories, but an interagency assessment exposes a more ambiguous picture. In both Bosnia and Kosovo, the gap between diplomats and warfighters resulted in strategies that failed to link political and military means to their desired ends. This approach could bring about only *war termination* relative to armed violence, not *conflict termination* in the form of sustainable peace.[794] A contemporary regional map serves as proof[795]—Bosnia remains essentially divided along the Inter Entity (i.e., Ethnic) Boundary Line; Kosovo's status as a newly independent nation remains destabilizing within the Balkans.

793 CIA Director John Deutsch was the first to use this term relative to Bosnia policy. Derek Chollet, *The Road to the Dayton Accords: A Study of American Statecraft* (New York: Palgrave Macmillan, 2005), p. 1. For the original approach to the bureaucratic decision making style, see Graham T. Allison, *The Essence of Decision: Explaining the Cuban Missile Crisis* (New York: Little, Brown and Company, 1971).

794 Argument made in Rast, *Interagency Fratricide,* esp. xix–xx.

795 Such a map is available at http://www.cftech.com/BrainBank/GEOGRAPHY/CentBalkans.html.

Structure of Study

The bulk of this case study will focus on the U.S. response to the Bosnian civil war. This discussion will also detail interagency process dynamics. Kosovo is presented succinctly to demonstrate the persistence of interagency problems and the failure to apply lessons learned to a somewhat similar conflict.

The paper begins by outlining two common misperceptions of the primary reason the U.S. failed to develop viable policies for Bosnia and Kosovo—weak presidential leadership and the "Somalia Syndrome." The introduction concludes with a short history of Yugoslavia's breakup and the escalation of international (namely, UN) involvement.

The ensuing discussion of Bosnia is divided into five sections. The first part describes early attempts by the Clinton administration to develop a Bosnia policy, including the creation of the lift-and-strike strategy. It also discusses the dearth of options presented to the president by his senior advisors. The second section explains how the failure to analyze the Bosnia crisis accurately compelled U.S. government inaction. It then demonstrates how separate departments—lacking both shared analyses and problem conceptions—framed policy options to protect respective organizational equities. A brief interlude then describes the events in Somalia to contextualize the mid-1990s decision-making environment. The third section details the development of the 1995 endgame strategy relative to Bosnia. A discussion of the actions designed to interlace force with diplomacy follows, demonstrating how the U.S. strategy leading to the Dayton Peace Accords halted Bosnia's civil war. The final section outlines the ways in which problems related to fusing military and diplomatic tools absent cogent policy and viable strategy adversely influenced the post-hostilities environment. The Kosovo discussion re-emphasizes the U.S. government's inability to achieve synergy across elements of force and diplomacy. The conclusion then highlights the variables that led to failure in both Bosnia and Kosovo.

This case study draws upon interviews with 135 government officials from multiple federal agencies which had a hand in shaping the U.S.

government response to the Bosnia and Kosovo conflicts.[796] Vicki Rast, co-author of this work, detailed these interviews in *Interagency Fratricide: Policy Failures in the Persian Gulf and Bosnia*. This study also invokes memoirs of high-level officials involved in the Bosnia and Kosovo policy development processes, in particular Richard Holbrooke, Wesley Clark, and Madeleine Albright. Complementing these primary sources are analyses by David Halberstam, Ivo Daalder, and the U.S. State Department (i.e., the study by Derek Chollet and Bennett Freeman).

Common Misanalyses

Despite an abundance of sources examining U.S. policies regarding Bosnia and Kosovo, direct examination of how the interagency process developed these strategies often proves anecdotal: comprehensive analysis of how agency tools leverage one another to form a picture of the interagency response has not been conducted. As a result, many authors tend to attribute flawed responses not to deficient processes and structures, but to weak, risk-averse leaders or the influence of various historical "syndromes" from Vietnam to Somalia.

This case study does not deny the import of effective leadership relative to interagency dynamics. Active leadership, particularly by the President of the United States (POTUS), will usually generate a more viable crisis response. Alternatively, the absence of effective leadership will certainly amplify the burden placed on individual actors within the interagency system, thereby increasing the likelihood of failure. In exploring the cases of Bosnia and Kosovo, this study examines the dynamic relationships between leaders and those charged with facilitating the interagency process. For example, a lack of leadership may exacerbate existing interagency flaws (by allowing the drive for consensus to paralyze the system), but defects in the interagency

796 Unless noted otherwise quotes from government officials are from interviews with the author. See, Rast, *Interagency Fratricide*, Appendix A, for the complete list of 135 research participants and their credentials relevant to this work; signed participant letters are on file. To ensure speaker anonymity, the author identifies quotations/ideas only by an individual's executive department and/or level within the interagency process.

structure can also seriously damage leadership efforts (by failing to offer comprehensive analyses and feasible options to senior executives responsible for foreign policy). While some authors highlight a leadership vacuum as the reason for failed Balkan policies, they often point to leadership simultaneously as the reason for the eventual creation of effective policy.[797] Consequently, to implicate leadership as a primary causal factor reveals little, since the same individuals were responsible for failure and success during the same event. The implication is that factors external to the leaders as individuals compelled improvement.

Another common reason offered for the flawed response in the Balkans (Bosnia, in particular) is the burden of history—in this case, the failure of the U.S. Somalia mission (with reference to Vietnam and Lebanon, as well). The dilemma relative to this explanation is that U.S. policies for Somalia and Bosnia emerged nearly simultaneously.

Even prior to the Battle of Mogadishu, Washington officials considered Somalia "doable" while Bosnia was not.[798] While the loss of 18 U.S. soldiers in Somalia during one battle may have solidified personal opinions regarding the military's role in the post-Cold War era, it is clear that the problems attendant to designing Balkan intervention policy existed prior to the October 1993 tragedy. Again, this study will not deny the psychological influence of prior failures, especially when perceived "lessons learned" are institutionalized (as happened when the NSC crafted PDD-25 resultant to the Somalia failure). However, a full examination must look deeper since "historical data" may be used selectively to justify policy post facto. The question is, why is "history" used in the way it is by organizations?

797 See, for example, Richard Holbrooke, *To End A War* (New York: Modern Library Paperbacks, 1999), 103; Madeleine Albright, *Madam Secretary: A Memoir* (London: Pan Books, 2004), 189; and, Sébastien Barthe and Charles-Philippe David, *Foreign Policy-Making in the Clinton Administration: Reassessing Bosnia and the "Turning Point" of 1995* (Montréal, Québec: Center for United States Studies, Raoul Dandurand Chair of Strategic and Diplomatic Studies), 5.

798 Jon Western, "Sources of Humanitarian Intervention: Beliefs, Information, and Advocacy in the U.S. Decisions on Somalia and Bosnia," *International Security* 26:4 (2002): 112–142, available at http://muse.jhu.edu/journals/international_security/v026/26.4western.html.

Abridged View of a Long History

A legacy of sustained conflict characterized Yugoslavia's existence. Ottoman rule, Hapsburg dominance, and Nazi collaboration are "remembered" with obstinate clarity—memories which are invoked to fan the flames of ethnic hatred within peoples who share no direct experience with age-old intercultural enmities. Only after World War II, under the rule of Communist strongman Josip Broz Tito, did these tensions subside. However, after Tito's death in 1980, communists-turned-nationalists exploited ancient rivalries and pre-existing ethnic tensions to build personal power bases. Fearful of the rising nationalism, minority ethnic groups began to consider succession: by 1991, Yugoslavia's disintegration appeared inevitable. With the international community's tacit approval, Slovenia seceded from the Yugoslav Federation; Croatia quickly followed suit, although Zagreb's exit proved more protracted and violent than that of Ljubljana.

Shortly thereafter, Serb nationalists in Bosnia and Herzegovina (hereafter referred to as Bosnia) left the parliament in Sarajevo, declaring their intent to remain part of Yugoslavia, one now dominated by Slobodan Milosevic and the Serbian majority. The government of Bosnia, controlled by Muslims, responded by holding a referendum on independence, one largely boycotted by the Serbs, who were a minority within the province. As a result of the vote, Bosnia declared its independence from Yugoslavia in March 1992. In turn, the Bosnian Serbs declared independence from Bosnia, founding the Republika Srpska. By this time, the civil war had already started. The government in Sarajevo was immediately the underdog. Although the Bosniaks (commonly referred to as Bosnian Muslims) had more infantry, the Yugoslav Army transferred experienced commanders with heavy weapons to the Republika Srpska. The Serb military, often acting on orders from their political leadership, turned these armaments on civilians as well as the opposing Bosniak army. Thus began the Serb campaign of ethnic cleansing. As atrocities increased in intensity, so did calls for international action.

The United Nations deployed peacekeeping forces to Bosnia early on, mandated first to open the Sarajevo Airport, later to protect aid deliveries; and, by 1993, to protect cities declared "safe areas." These missions failed; by 1995, peacekeeper roles were limited to monitoring

ceasefire violations. For much of the conflict the United States and its international partners hesitated to intervene. Once it became clear the UN could not resolve the crisis and that the "hour of Europe" had not dawned,[799] Washington began considering intervention.

The torturous and protracted decision to intervene slowed international response. The U.S. interagency process, comprised of ranking diplomatic and military professional staffs as well as elected officials, endeavored to generate suitable, acceptable, and feasible options. These decision makers realized any proposed courses of action would have to be supportable by various U.S. government departments, the U.S. Congress, the American public, and myriad international partners. This proved no easy task, resulting in what Central Intelligence Agency (CIA) Director John Deutsch called the "muddle through" policy,[800] an approach that continued for three years. By the time NATO took action to end ethnic cleansing in 1995, more than a hundred thousand civilians had died and millions were displaced across the region.[801]

Bosnia

Choosing Between Vietnam and Doing Nothing

Clinton's 1992 electoral platform included a commitment to help end the violence in Bosnia.[802] His promises prompted Ambassador Richard Holbrooke to write a memo to then-candidate Bill Clinton in August 1992 insisting that action in Bosnia was "not a choice between Vietnam and doing nothing."[803] Yet, as this case study makes clear, those emerged as the only options interagency officials made available.

799 Jacques Poos, European Union President at the time Yugoslavia broke apart, infamously stated, "The hour of Europe has dawned." Poos was implying a shift in power from Washington DC to Brussels, which could now take responsibly for security in Europe without American help. This proved to be an erroneous assumption. See Ian Ward, *Justice, Humanity, and the New World Order* (London: Ashgate Publishing, Ltd., 2003), 110.

800 Chollet , p. 1.

801 Ivo H. Daalder and Michael E. O'Hanlon, *Winning Ugly: NATO's War to Save Kosovo* (Washington, DC: Brookings Institution Press, 2000), 1.

802 See, for example, Holbrooke, *To End A War*.

803 Ibid., 42 and 52.

Still, optimism was high when Clinton defeated incumbent President George H.W. Bush in November. Within days of the election, Department of State staffers began circulating an initiative to lift the arms embargo against Bosnia. By November 16, every relevant bureau in Foggy Bottom had signed onto the policy proposal.[804] Once Clinton was in office, Holbrooke wrote another memo outlining options for Bosnia, including lifting the arms embargo and direct use of military force against the Serbs. He also articulated U.S. national interests involved, warning that doing nothing in the immediate would prompt more costly involvement later. The NSC, however, did not welcome his opinions since they would, according to National Security Advisor Anthony Lake, "undercut the UN."[805] Not surprisingly, Clinton did not appoint Holbrooke special negotiator on Bosnia although the ambassador had expressed interest in the post.[806]

Despite early dismissal of Holbrooke's ideas, the administration quickly came to the same conclusions as the ambassador. Clinton's first Presidential Review Directive (PRD) called for an assessment of U.S. policy towards Bosnia. This review generated a draft decision directive in early February 1993 that proposed a "lift-and-strike" strategy (i.e., lifting the arms embargo and using air strikes) for Bosnia.[807] Further, in unveiling the administration's Bosnia policy that same month Secretary of State Warren Christopher stated that the United States was "prepared to use our military power" to enforce a peace deal.[808] Although Christopher did not mention air strikes explicitly on April 16, the president confirmed they were under consideration. On May 1, after a five-hour debate, senior policymakers

804 Western, 134.

805 Holbrooke, 53.

806 Ibid., 42 and 52.

807 David Rothkopf, *Running the World: The Inside Story of the National Security Council and the Architects of American Power* (New York: Public Affairs, 2004), 364.

808 Elaine Sciolino, "Conflict in the Balkans: U.S. Backs Bosnian Peace Plan, Dropping Threats to Use Force," *The New York Times*, 11 February 1993. Last accessed 21 Aug 2008; available at http://query.nytimes.com/gst/fullpage.html?res=9F0CE2D9163DF932A25751C0A965958260&sec=&spon=&pagewanted=all.

adopted the lift-and-strike strategy "in principle."[809] Immediately afterwards, Christopher flew to Europe to consult with NATO allies.

The above synopsis of Clinton's initial days in office illustrates an important point: less than four months into the new administration the lift-and-strike strategy, in addition to ground troop commitment in the event of a peace agreement, were on the table. Yet, two years would elapse before the administration linked the same military strategy and its commitments to diplomacy, a linkage that proved necessary to yield a successful end to the war. The question is, why the delay?

Some blame U.S. allies for the demise of the lift-and-strike strategy.[810] France and the United Kingdom opposed lifting the embargo and conducting air strikes, as did Russia. Christopher's spring 1993 European trip to sell the strategy failed miserably, eliminating all credibility the threat might have had and leading to its de facto dismissal. Yet, the failure to convince the Europeans was not a failure on the part of the allies; rather, it emerged due to weaknesses within Washington. The main reason the United States could not bring Europe on board was that Washington did not have a clear idea what the air strikes were intended to achieve (to compel a ceasefire, to ensure delivery of aid, to punish Serbian aggression, etc.). No linkage existed between the strikes and diplomacy; the strategy, as Lord David Owen points out, "bore no immediate relation to a settlement."[811] The rationale for Owen's statement is explored below.

Despite being killed only weeks after its "adoption," over the next two years the lift-and-strike strategy would rise phoenix-like: a number of times the Clinton administration appeared ready to pursue this tougher policy, only to reverse course. As Daalder highlights, until 1995 "each time, the new policy was rejected or shelved, and an incremental, crisis management approach was once again substituted

809 Steven L. Burg and Paul Shoup, *The War in Bosnia-Herzegovina* (New York: M.E. Sharpe, 1999), 251–252. See also, Thomas L. Friedman, "Any War in Bosnia Would Carry a Domestic Price," *The New York Times*, May 2, 1993, sec. 4, p. 1, available at http://query.nytimes.com/gst/fullpage.html?res=9F0CEED9133EF931A35756C0A965958260.

810 Barthe and David, 7.

811 Owen, 169.

for a viable approach to end the war."[812] Yet, each time lift-and-strike was set aside, the White House insisted it was still on the table. As one official told *The New York Times* upon Christopher's return from Europe, "Just because we are exploring other options doesn't mean we are throwing the other option overboard."[813]

Quasi-formal adoption of lift-and-strike occurred in part because NSC Principals remained divided, arguing differing and sometimes contradictory positions. During meetings at which the lift-and-strike policy emerged, then U.S. Ambassador to the UN Madeleine Albright, Vice President Al Gore, and National Security Advisor Tony Lake argued in favor of air strikes. Secretary of State Warren Christopher and Secretary of Defense Les Aspin formed a strange alliance against the air strikes. The chairman of the Joint Chiefs of Staff, General Colin Powell (and after Powell, General John Shalikashvili), also opposed air strikes, arguing that large numbers of ground troops (something they felt sure would not be approved) would be required in order to accomplish anything in Bosnia.[814] Clinton himself questioned the strategy, particularly after reading Robert Kaplan's *Balkan Ghosts* (reportedly given to the president by Powell).[815]

Such disagreements in Washington made decisive NATO leadership in Brussels almost impossible. As Albright would later say, "We couldn't hope to persuade others if we had not at least persuaded ourselves."[816] Elaine Sciolino wrote in *The New York Times* that the secretary of state's mission to convince NATO allies "may have been doomed from the start."[817] According to Sciolino, "The reason Mr. Christopher had so little room to maneuver, officials said, is that Mr.

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812 Ivo Daalder, "Decision to Intervene: How the War in Bosnia Ended," *Foreign Service Journal*, December 1998, available at http://www.brookings.edu/articles/1998/12balkans_daalder.aspx.

813 Elaine Sciolino, "Clinton Delaying Plan to Aid Bosnia," *The New York Times*, 13 May 1993. Last accessed 25 August 2008; available at http://query.nytimes.com/gst/fullpage.html?res=9F0CE0DD123BF930A25756C0A965958260.

814 Barthe and David, 7.

815 David Owen, *Balkan Odyssey* (New York: Harcourt Brace, 1995), 171–172.

816 Albright, *Madam Secretary*, 181.

817 Elaine Sciolino, "How United Eluded Clinton on Bosnia," *The New York Times*, 12 May 1993. Last accessed 16 Jun 2008; available at http://query.nytimes.com/gst/fullpage.html?res=9F0CE0DD143BF931A25756C0A965958260.

Clinton remained uncertain of his own goals and wanted to keep the maximum flexibility should he decide to amend or abandon his plan."[818] Ironically, maximum strategic flexibility promoted rigidity at operational and tactical levels: no one could say or do anything for fear of making a commitment before the White House announced its policy. Until then, officials hedged all comments with a series of "if" statements, and caveats, such as "in principle," tempered every mention of support. The status quo persisted as the only course of action anyone could endorse.

The lack of agreement among the principals proved detrimental to moving forward on any strategy. In contrast to President George H.W. Bush's centralized national security policy-making process, the Clinton administration pursued foreign policy consensus as a goal almost in and of itself.[819] Speaking of the Bosnia policy process a high-ranking official noted, "Bosnia has a consensus-driven system starting from the top. This makes it easy to be obstructionist and encourages hedgehog behaviors. A consensus approach tends to drive people toward the bureaucratic behaviors … it encourages turf battles."[820] Holbrooke echoed this sentiment, writing:

> If a clear consensus was not reached at these meetings, the decision-making process would often come to a temporary halt, which was followed by a slow, laborious process of telephoning and private deal making. People hated to take their disagreements to the President; it was as though a failure to agree somehow reflected badly on each of them,

818 Ibid.

819 A former State Department Deputies Committee official informed the author (Rast, *Interagency Fratricide*) that, "the interagency ran differently for two administrations (Bush and Clinton). The interagency during the Persian Gulf War was 'textbook'—as well as I have ever seen it since the early 1970s. It ran the best because 1) the president wanted it to run and 2) the president set up the heart of the system as Scowcroft, Baker, and Cheney—people who shared aims and were intensely loyal both to the president and the process, and were capable of being totally cold (i.e., not shrinking from the more unpleasant sides of policy implications) with their analyses."

820 Rast, *Interagency Fratricide,* 176.

> and consensus, rather than clarity, was often the highest goal of the process.[821]

The drive for consensus decisions slowed the policy process and engendered cautious choices that differed only slightly from the status quo. This practice begs the question of why the system could not produce consensus: why did some actors prefer to act as obstructionists? A policy making process that centers on consensus is not necessarily bad; in the case of Bosnia, however, the processes and structures within the national security apparatus made building consensus impractical. Discussed in the ensuing paragraphs, the inability to integrate military and diplomatic analysis with planning presented as the primary flaw to the Clinton administration's approach.

Many people fault leaders for failing to compel consensus. One official claims that the Clinton administration's Principals chose:

> consensus over process—it is the way the President wants it. He is not eager to have his Principals delivering [problems] at his door. He is not comfortable with reports of dissent and dissatisfaction from his cabinet and is particularly sensitive to dissent from the Pentagon, and the opposing party—[Secretary of Defense William] Cohen. It means he is trying to manage his own Principals while waiting for consensus to emerge.[822]

Clinton's sensitivity to the Pentagon and perceptions of weakness in foreign policy are also often subject to harsh criticism. A State Department NSC Deputies Committee participant described his experience within the administration stating, "people do not want to ask the tough questions—How long will this take? Ten years, no way—8 months … Part of it is we do not have a strong/focused foreign policy President."[823] However, this blame is partially overemphasized.

821 Holbrooke, 81.
822 Rast, Interview with Deputies Committee member.
823 Rast, Interagency Fratricide, 213.

Not having a strong foreign policy president is not a justifiable reason for failure. Presidents with disparate areas of expertise and dissimilar executive goals will continue to serve. This increases dramatically the importance of the interagency structure guiding executive administrations. Thus, Clinton did not fail alone; rather, the strategic integrating process designed to advise and support presidential decision making also faltered. National-level policy makers must be presented multiple policy options based upon a wide range of analytic views—only then can they choose the best course of action, one that considers all relevant information. However, during the Bosnia crisis, the process resulted in one dominant analysis and framed policy options, according to foreign policy analyst Samantha Power, "in terms of doing nothing or unilaterally sending in the marines."[824]

On August 11, 1992, senior military planners within the Bush administration told the U.S. Congress that breaking the siege of Sarajevo would require 60,000 to 120,000 ground troops; others suggested numbers as high as 400,000 would be required to guarantee cease-fire.[825] Still others, including U.S. Army Lieutenant General Barry McCaffrey, stated publicly "there is no military solution."[826] This trend of presenting only large-scale intervention options continued into the Clinton administration. According to NSC staffer Nancy Soderberg, "I sat through meetings in the White House when Colin Powell would say we can't do anything in Bosnia with less than 200,000 troops."[827] Powell voiced the most poignant opposition by referencing his Vietnam experience. "The story that [became] a tone-setter early-on," reported one Defense Deputies Committee member, "was that someone brought GEN[eral Colin] Powell a map [and he remarked], 'Looks like Dien Bien Phu.'"[828] With the nation's ranking military official drawing a parallel between modern-day Bosnia and

824 Samantha Power, *A Problem from Hell: America and the Age of Genocide* (New York: Harper Perennial, 2003), 513.

825 Michael R. Gordon, "Conflict in the Balkans: 60,000 Needed for Bosnia, U.S. General Estimates," *The New York Times*, 12 August 1992. Last accessed 22 Aug 2008; available at http://query.nytimes.com/gst/fullpage.html?res=9E0CE2DE113AF931A2575BC0A964958260&sec=&spon=&pagewanted=all.

826 Western, 129–130.

827 Rothkopf, 325.

828 Rast, Interagency Fratricide, 219.

what is arguably the U.S. military's greatest failure, decision makers naturally became more conservative in their cost-benefit calculi.

One Defense official noted, "On Bosnia, the [Clinton] administration is committed to maintaining the situation, not solving it–this administration is risk averse … the mandate is 'don't solve it, keep it off the front page [media] and out of the front office.'"[829] Considering the level of troops the military insisted it needed, and the references to the U.S. failure in Vietnam by advisors, it is not surprising that Clinton proved risk averse. The failure of the interagency to provide adequate advice, proposing only options between "Vietnam and doing nothing," would make it difficult for any administration to move forward.

Albright found the situation frustrating, writing later, "'Time and again he [Powell] led us up the hill of possibilities and dropped us off on the other side with the practical equivalent of 'No can do.'"[830] This prompted the now infamous discussion in which Albright asked the general what America's "superb military" was for if it could not be used to support diplomacy. Powell responded by explaining the *single* responsibility of the American military was to win America's wars.[831] In retrospect, national security principals disagreed regarding the U.S. military's roles and missions throughout the 1990s; clearly, Albright (and the State Department in general) proved eager to have it take on new missions.[832] She believed unequivocally that the military instrument of power remained an extension of the diplomatic—thus, limited force could be applied to achieve limited objectives. While she understood the desire for clarity and planning, Albright also believed that "the lessons of Vietnam could be learned too well."[833]

829 Rast, Interview with Principals Committee member.

830 Secretary Madeleine Albright, quoted in Nigel Hamilton, *Bill Clinton: Mastering the Presidency* (New York: Public Affairs, 2007), 130.

831 Colin L. Powell and Joseph E. Persico, *My American Journey* (New York: Random House, 1995), 576.

832 Whether these types of missions emerged as "new," of course, remained open to debate. See, for example, Max Boot, *The Savage Wars of Peace: Small Wars and the Rise of American Power* (New York: Basic Books, 2003).

833 Madeleine Albright, Interview: "Meet the Press" with Tim Russert, 21 Sep 2003, National Broadcasting Company. Last accessed 20 Aug 2008; available at http://www.msnbc.msn.com/id/3080243/.

Whether other military options would have proven feasible is debatable. David Halberstam gives the account of Richard Johnson, the State Department desk officer for the Balkans in spring 1992, who participated in an interagency briefing during which satellite pictures were shown of Serbian artillery and anti-aircraft emplacements above Sarajevo. Johnson was told that a day and a half of American air attacks would neutralize those positions.[834] Halberstam illustrates that Johnson wrote a one-page memo to report this to a superior but received no reply until he was finally "rapped on the knuckles for daring to send the memo on high, and for venturing into territory that belonged to the military."[835]

The Pentagon espoused logical reasons for its reluctance to endorse intervention. The Armed Services were continuing combat force reconstitution in the wake of Operation Desert Storm (1991), the campaign that ended Iraq's occupation of Kuwait. Simultaneously, in the aftermath of the Cold War the Pentagon grappled with downsizing its end strength and reducing its overseas "footprint." These two tasks alone strained military capabilities; the 1993 troop commitment to Somalia amplified these challenges. In addition, the White House had not allocated resources to support a Bosnian intervention.

According to one principal, "Nothing happens in Washington unless you're prepared to assign resources against it. Until you're sure you will assign resources, nothing happens until the crisis is upon you."[836] In the case of Bosnia, the Pentagon quickly grasped the potential budgetary risks connected with intervention. That realization contributed, in part, to its reluctance to endorse armed intervention. An NSC principal noted, "the cost … and getting the force back out again. You are right about military reluctance to get

834 Jane Perlez, "The 90's Wars," a review of David Halberstam, *War in a Time of Peace: Bush, Clinton, and the Generals,* in *The New York Times*, 30 September 2001. Last accessed 20 Aug 2008; available at http://query.nytimes.com/gst/fullpage.html?res=9906E0D6103BF933A0575AC0A9679C8B63&sec=&spon=&pagewanted=print.

835 Ibid.

836 Rast, Interview with Principals Committee member.

involved."[837] Budgetary concerns emerged as particularly important in this case because Bosnian operations would be funded only through supplemental budget appropriations, which take time to be disbursed. In such situations, the military oftentimes must shift monies from funded programs (e.g., training and/or operations and maintenance) to pay for contingency operations. It then attempts to reimburse these accounts once the Congress approves supplemental appropriations. This shifting disrupts military readiness. Simultaneously, congressional rhetoric made it appear that funding would become a major issue if the United States intervened in Bosnia. While the military would be responsible for mission execution, budgetary control by a skeptical Congress made the Pentagon very nervous.

Still, none of these factors explains the pessimistic analysis: military advisors did not argue overextension or funding shortfalls. Further, assuming an authentic response for the president's call for options, these factors had little to do with the situation in Bosnia. According to former National Security Advisor Brent Scowcroft, the Joint Chiefs "probably inflated the estimates of what it would take to accomplish some of these limited objectives, but once you have the Joint Chiefs making their estimates, it's pretty hard for armchair strategists to challenge them and say they are wrong."[838] The implication is not necessarily that the Joint Chiefs of Staff (JCS) failed in its responsibility to advise the president, but clearly something had gone awry when the Pentagon presented only politically (and perhaps logistically) infeasible options. Rather, the failure to integrate analysis and planning across diplomats and warfighters jeopardized policy development from the outset of crisis analysis.

Analyzing the "Problem from Hell"

During routine policy making, the NSC staff relies upon the State Department to assess "ground truth" and inform the White House of regional changes that may require security policy decisions. Meanwhile, the Defense Department continues to "train and equip" based upon national security policy promulgated by the executive

837 Ibid., albeit a different Principals Committee member than the individual cited in footnote 48.

838 Western, 121–122.

(e.g., The National Security Strategy). In the early 1990s, geopolitical changes stretched State to the brink while Defense still trained and equipped to defend a Fulda Gap scenario.[839]

Partly, because of these constraints on State and Defense, the previous Yugoslav experiences of two influential foreign policy experts, Lawrence Eagleburger and Brent Scowcroft, greatly distorted contemporary ground truth.[840] Their analysis led State and Defense to frame the crisis in Bosnia as a "case of a relatively artificial country breaking apart [in which] we had little interest outside humanitarian."[841] With regard to potential intervention into the Bosnian war, Secretary of State James Baker famously stated that the United States "[didn't] have a dog in this fight."[842] After touring Bosnia, Christopher described the country as "an intractable 'problem from hell' that no one can be expected to solve … a tribal feud that no outsider could hope to settle."[843] Framed in this manner the military's assessment that it would take 100,000 troops to effect change in Bosnia seemed realistic. In this environment, the most

839 The Fulda Gap is an area of lowlands on the former border between East and West Germany that are suitable for large-scale armored operations, and thus considered by NATO planners to be a likely avenue for any Soviet attack on the West. Defending the gap was one of the primary missions of the Cold War. For additional information, see 14th Cavalry, "The Fulda Gap." Last accessed 26 August 2008; available at http://www.14cav.org/a60b1-gap.html.

840 Rast, *Interagency Fratricide*, 303. David Gompert, a senior NSC member during the Bush administration, characterized the Bush administration as being "divided and stumped" in its approach to Bosnia. See, David C. Gompert, "The United States and Yugoslavia's Wars," in R. H. Ullman (ed.), *The World and Yugoslavia's Wars* (New York: Council on Foreign Relations, 1996). However, interview data analyzed in Rast, *Interagency Fratricide*, indicate that Scowcroft's and Eagleburger's perspectives ensured a status quo policy approach.

841 Ibid.

842 James A. Baker III, *The Politics of Diplomacy: Revolution, War, and Peace, 1989-1992* (New York: G. P. Putnam's Sons, 1995). See also Warren Zimmerman, *Origins of a Catastrophe* (New York: Times Books, 1996); Warren Christopher, *In the Stream of History: Shaping Foreign Policy for a New Era* (Stanford, CA, Stanford University Press, 1998); and, Susan L. Woodward, *Balkan Tragedy: Chaos and Disintegration after the Cold War* (Washington, DC: The Brookings Institution, 1995).

843 Susan L. Woodward, *Balkan Tragedy: Chaos and Disintegration after the Cold War* (Washington, DC: The Brookings Institution, 1995), 307.

widely advocated policy regarding Bosnia quickly became "wait and see"—an approach operationalized as "do nothing."

Lack of analytic clarity and promotion of infeasible policy options emerged as major problems. The result, concluded a State Department representative who served on the NSC Principals Committee, was that "during 1993 to 1995, people in Washington didn't have a clue as to what to do: They reacted to the crisis of the day … Washington was so paralyzed and bewildered on what to do about the situation—they were closed to almost any course of action."[844]

The assessment of the principals, despite not having originated from a proper analysis channel, had a significant impact on how organizations made policy. Holbrooke believes one of the major reasons for the U.S. administration's inaction was a misreading of Balkan history.[845] Policy and planning proceeded without proper analysis and information. A Defense Principal engaged in the Bosnia interagency dynamic characterized this problem by saying:

> There are immense amounts of ignorance being shared because information is not shared. You go to the PC [Principals Committee] or the DC [Deputies Committee] meetings: the deputy secretary [or] undersecretary (PC)—these folks do not have all the information in their heads because they are the top folks. It is terrible how ignorant the process is because it is top-down in these committees/groups and they do not have time to get, or to know, all the facts and right people are not there with the information.[846]

Unfortunately, such ignorance became contagious. Individuals within organizations, including Defense and State, recognize that their parent organizations reward those who perpetuate organizational paradigms, particularly relative to those of competing agencies.[847] Therefore, as

844 Rast, Interview with Principals Committee member.
845 Woodward, *Balkan Tragedy*, 21–22.
846 Rast, Interagency Fratricide, 275.
847 Ibid. See also, Thomas S. Kuhn, *The Structure of Scientific Revolutions* (Illinois: University of Chicago Press, 1962).

a crisis unfolds their tendency is to push hard to adopt the solutions most favored by their own agency, those taken by the principals. In Bosnia, this meant many people endorsed the status quo—doing nothing. With Christopher saying nobody could solve the problem and Powell comparing Bosnia to Vietnam, alternative analyses and dissimilar policy options did not filter up to the Principals Committee. Rather, the interagency process marginalized these ideas (and within the departments and agencies, their authors were likewise undercut).

With lift-and-strike set aside, in the summer of 1993 policy discussions focused on economic sanctions against Belgrade which was supporting the Bosnian Serbs with arms and money. At least a dozen State Department officials protested the weak policy to the secretary of state and several sent memos urging tougher action; these efforts realized little impact. For many, the only course of action remained resignation. The deputy chief of Yugoslav affairs became the first to resign (during the Bush administration), but the largest exodus occurred in August 1993 when State's Bosnia desk officer, Croatia desk officer, and a war crimes analyst resigned. In January 1994, former ambassador to Yugoslavia Warren Zimmerman, became the highest ranking official to depart. As Zimmerman began to support the use of force in Bosnia, by his own admission he "began to feel the White House and State Department had cut him out of policy."[848] Schism within the State Department is not uncommon since different bureaus often perform missions that are difficult to reconcile. For example, this divergence at times leads those in charge of human rights portfolios to support stronger action in Bosnia, while officials with international organization responsibilities prioritize relations with the UN above taking stronger action.

848 Several officials left government service. In order the most notable were: George D. Kenney, deputy chief of Yugoslav; Marshall Freeman Harris, Bosnia desk officer; Stephen Walker, Croatia desk officer; Jon Western, war crimes analyst; and, Warren Zimmerman, former ambassador to Yugoslavia. See, "3d U.S. Aide Quits Over Bosnia," *The New York Times,* 10 August 1993. Last accessed 22 Aug 2008; available at http://query.nytimes.com/gst/fullpage.html?res=9F0CE5DA1530F933A2575BC0A965958260; and, Elaine Sciolino, "U.S. Balkan Expert Resigns Over Job and Policy Disputes," *The New York Times,* 07 January 1994. Last accessed 22 Aug 2008; available at http://query.nytimes.com/gst/fullpage.html?res=9C01E6D91F3EF934A35752C0A962958260.

Even if the opinions of these individuals had formed the critical mass needed to change Christopher's mind, it is unlikely such agreement would have catalyzed an actual policy shift. This is because the primary obstacle to tougher action manifested outside the State Department, in the form of interagency disagreement. Despite the desire of mid-level foreign service officers to use force against the Serbs, State could not compel Defense to provide support. Consequently, the root of the policy development problem was incommensurable analysis and incongruent planning systems between State and Defense.

The greatest obstacle faced by those attempting to synthesize diplomacy and force presented itself in terms of timing: the interagency had grown accustomed to mobilizing diplomatic and military tools at different times and/or stages during a crisis. In a traditional crisis involving military action, clear turning points/handoffs exist relative to agency influence.[849] State manages international relations and monitors crises during routine policymaking. In the event a situation escalates into a security matter, Defense becomes increasingly involved. As a situation moves from pre-hostilities to hostilities, the relative influence of Defense and State invert. State effectively takes a "back seat" to Defense during the armed phases of conflict. As parties move toward cease-fire, State resumes its position as lead agent for post-hostilities diplomacy. Meanwhile, Defense attempts to extract its forces both physically and intellectually. In the case of Bosnia, however, force and diplomacy needed to be used simultaneously to leverage each other. This meant traditional analysis and planning would prove ineffective.

The roles summarized above (managing relations for State and fighting wars for Defense) are reflected in analysis and planning. Analysis provides a foundational perspective upon which policy makers frame options for responding to an armed crisis. The State Department views crises as part of the continually evolving international landscape.[850] Diplomats serve "in country" indefinitely; they need not be concerned with "mission creep" or exit strategies.

849 Rast, Interagency Fratricide, 266.
850 Ibid.

Accordingly, the department's analysis tends to focus on managing relationships with flexibility and negotiation as keys to success. The Defense Department, on the other hand, sees crises as situations with distinct beginning and ending points. Clear milestones and pre-established end-states are essential. The Weinberger/Powell Doctrine, which emphasized the necessity of an exit strategy and clear objectives, represented the articulation of this Defense Department analytical method. A Defense Deputies Committee member reported that:

> In Bosnia, the Weinberger Doctrine [prevailed]. Oddly, it's a murkier situation, but the Weinberger Doctrine played a more significant role because in GEN Powell's mind the down-side of not seeing a clearly determined exit strategy, end state, etc., [was] not worth the costs of intervention… There was no effective way to go about it. The Weinberger criteria [were] discussed formally and informally on the Joint Staff.[851]

Defense planning relies on clearly articulated end states in order to develop operational plans.[852] Traditionally, civilian leaders (often within the State Department) establish these goals for intervention and leave the development of operational strategy in the military's hands.[853] This said, the crisis in Bosnia (and the ensuing situation in Kosovo) indicate that the definition of an end state does not hold the same significance for the NSC Staff and State Department as it does for Defense, thus highlighting a significant cultural fissure.[854] In fact, defining an end-state can be perceived as anathema to State's efforts since it could remove flexibility and many believe the end state should remain negotiable (and up to the belligerents to develop and agree upon, as Christopher pointed out was the case in Bosnia). There is little evidence that the NSC Staff and State Department were communicating any desired end state through the interagency process throughout the response to the Balkan crises.[855] An insider to State's planning function stated that, "DOS/SP [Department of

851 Rast, Interview with Deputies Committee member.
852 Rast, *Interagency Fratricide,* 277.
853 Ibid., 88.
854 Ibid., 277.
855 Ibid.

State, Strategic Planning office] gets into much of the day-to-day stuff more than the long-term vision … it's not a J-5 [JCS Strategic Planning office]. The successful SPs don't do long-term stuff—they put out fires for the secretary. SP is marginalized if focused on the long term."[856]

Without an end-state defined by State or the NSC, the military planners found themselves in a quandary. Since the beginning of the Bosnian war, military planners generated a plethora of responses to political rhetoric.[857] However, the lack of a clear strategic direction complicated the task since planners could never be certain as to the actual political objectives. For example, in early 1993 the Vance-Owen Peace Plan[858] appeared to have a good chance at ending the Bosnia war; consequently, Operation Plan (OPLAN) 40-101 focused on NATO replacing UN troops within a peaceful environment.[859] In November 1994, as the situation in deteriorated, senior military officials concluded that the approach needed to be revamped as an operation to extract the UN Protection Force (UNPROFOR) from Bosnia under potentially hostile circumstances (OPLAN 40-104).[860] Air strikes in the absence of ground forces could not bring peace or extract UNPROFOR effectively; thus, leaders would have to consider a more integrated COA. Yet, while acknowledging air strikes would not be used in isolation, coupling them with diplomatic instruments to achieve specific effects seems to have been overlooked. Given the lack of integration between State and Defense this result is not surprising. The absence of a White House or State Department sanctioned policy and the lack of an end state put the military out in front when it came to determining possible COAs. Defense would base the

856 Ibid., 212.

857 Robert Baumann, George W. Gawrych, and Walter E. Kretchik, *Armed Peacekeepers in Bosnia* (Fort Leavenworth, KS: Combat Studies Institute Press, 2004), p. 69. Last accessed 23 August 2008; available from http://www-cgsc.army.mil/carl/download/csipubs/baumann_bosnia.pdf.

858 In January 1993, UN Special Envoy Cyrus Vance and European Community representative Lord David Owen started negotiations to bring peace to Bosnia. The plan that eventually emerged proposed dividing Bosnia into ten semi-autonomous regions. Although approved by the UN, the Bosnian Serb government rejected the plan during the Pale meeting.

859 Ibid., 68.

860 Ibid.

options it presented on policy and end states that it understood as supportable. As a result, Powell could present the military options in good faith; yet, they could be considered inaccurate should one frame the situation and goals differently.

Throughout the Bosnia crisis, military planners rebuffed State's attempts to control military planning by requesting air strikes only to support diplomacy and not achieve a particular end. The perception of "the other in the interagency" hindered cooperation. Officials consistently describe "State's view of Defense" and "Defense's view of State," yet *not one* of those interviewed for *Interagency Fratricide* had a perspective contrary to the shared image he or she described. A Defense official remarked, "the perception of this building is that State runs around with their hand in our [DoD's] pocket. State's view is that if Defense has all the toys, why don't they use them."[861] Powell, and later, General John Shalikashvili, Chairman of the Joint Chiefs of Staff, held similar views. Many in the Defense Department see the State Department as putting troops in harm's way for issues not in the country's "vital national interests."[862] These perceptions created a poor working relationship. The fact that the definition of national interest proved to be in flux only exacerbated the problem.

The definition of what is in the national interest varies by department. For those who have to manage global international organization issues, Bosnia appeared more clearly a security concern. Thus, it is not surprising that Albright would be an early advocate of intervention in the Balkans. Albright points out that, "It didn't matter what the subject was we were talking about in New York the U.S. position on Bosnia affected it… When U.S. leadership is being questioned in one area, if affects out leadership in others."[863] Pentagon officials adopted a more traditional definition of national interest, one determined by hard power (i.e., tangible, scalable, and practical) and realism. For them, Bosnia fell far outside these parameters.

This interaction between State and Defense manifested in the process of preparing policy papers. Within Washington, policy papers compel

861 Rast, Interview with Principals Committee member.
862 Rast, *Interagency Fratricide*, 175.
863 Chollet, 11.

agency representatives to exchange ideas on a particular issue. In addition to arbitrating policy, the staffing process for these "white papers" requires coordinating departments to present their views *officially* to the White House. Designed to generate support, identify options/alternative courses of action, and/or expose flaws in logic/capabilities, white papers reflect issues holistically, usually including recommended actions for the decision maker (often the president). Because of the above-mentioned analytical differences, the papers produced while attempting to develop Bosnia policy were constantly at odds.

According to one Defense official involved in the Bosnia effort, "in theory, papers are produced for the interagency working group (IWG), and then refined for the DC and PC. This was followed much more so in the Bush administration. For the major issues today, the tendency is to make decisions without a vision for what we are doing."[864] A high-ranking State official offered a similar critical assessment of the policy paper process:

> At the PC meeting, no one in the room is an expert. I worked Bosnia at the senior level for one year—some of us had been to Bosnia. [Policy] Papers are supposed to be good and we're supposed to read them. What's the possibility one of them will be constructively creative? Not! Intellectually, some of us know this—the real experts are not in the meetings.[865]

In designing the Bosnia response, both sides became confused by the actions of the other. The diplomats wondered why the military proved unwilling to eliminate Serb weapons around Sarajevo. Simultaneously, the military wondered why the diplomats (at least some of them) wanted to eliminate the weapons around Sarajevo in the first place. The diplomats wanted to force negotiations that could then develop an end-state: the military wanted an end-state up front. Without an articulated end-state, the military could not develop strategy; they could only assume the worst-case scenario (e.g., reminiscent of the Department of Defense [DOD's] Vietnam, Lebanon, and Somalia

864 Rast, Interview with Deputies Committee member.
865 Rast, Interview with Principals Committee member.

experiences). In short, the State Department's implicit demand for ambiguity and flexibility clashed with Defense's explicit drive for clarity and precision.[866]

Throughout the summer of 1993, debate over lift-and-strike continued. After a meeting with top aides on the last day of July, Clinton again gave "final approval" to a plan to use air strikes to protect Bosnian Muslims. According to *The New York Times*, one official characterized the meeting as "a final review of a plan that had been the subject of high-level interdepartment deliberations. Even before meeting, Washington began alerting its allies that it intended to press its new initiative formally."[867] However, the administration still lacked an end-state: "The administration believes the threat of air strikes is needed to press the Serbs to negotiate in good faith and to reassure the Bosnian Muslims."[868] As a result, military plans emerged as vague and noncommittal, prompting the press also to report, "it is not clear whether Washington is prepared to begin attacks to stop any shelling of the Muslim enclaves, as some senior Administration officials have suggested, or is planning some lesser form of protection."[869] Before this could be resolved, external events caused all those advocating intervention to pause.

Interlude: "Somalia Syndrome"

On October 3, 1993, attention shifted away from Bosnia policy and towards a 17-hour gun battle in the streets of Mogadishu, Somalia. The debacle left 18 Americans dead, 84 wounded, and a nation calling for an end to U.S. involvement in humanitarian operations. Known today as the "Somalia Syndrome," this political-military failure would emerge as an overarching American foreign policy consideration throughout the remainder of the 1990s.[870]

866 Rast, *Interagency Fratricide,* 179.

867 Michael R. Gordon, "Clinton Approves A Plan on Bosnia," *The New York Times,* 1 August 1993. Last accessed 20 August 2008; available at http://query.nytimes.com/gst/fullpage.html?res=9F0CE0DE103CF932A3575BC0A965958260.

868 Ibid.

869 Ibid.

870 Vicki J. Rast, "Interagency Paralysis: Armed Intervention in Bosnia and Kosovo," in *Mismanaging Mayhem: How Washington Responds to Crisis*, edited by James Jay Carafano and Richard Weitz (Westport, CT: Praeger Security

The Somalia experience elevated risk management to a dominant position as the administration contemplated Bosnian intervention. Caution in such failures is warranted—indeed, time should be taken to reflect and consider applicable lessons learned. Mentioned earlier, however, Bosnia policy was well on its way to nowhere *before* the Battle of Mogadishu. The Somalia failure, however, did prompt the creation of Presidential Decision Directive (PDD) 25, an executive decision that set strict limits on U.S. involvement in UN peacekeeping activities. In effect, PDD-25 codified the Weinberger/Powell Doctrine and the military's planning framework, thereby committing the executive to support Defense's style of analysis and planning (i.e., requiring an end-state and clear objectives to support intervention activities). This gave DOD significant leverage not only in determining *how* to employ force, but also *when*. Using force to enable flexible, diplomatic objectives became increasingly difficult. As a result, policy makers invoked the use of force for one purpose in Bosnia—to punish.

Throughout 1994 U.S. policy appeared little more than a series of impromptu responses to Serbian aggression. Former Clinton administration insider Ivo Daalder identifies one of the overarching problems as a tendency for policy to be "largely tactical and reactive."[871] Balkan expert Susan Woodward contends the absence of a real policy ensured reactive decision-making:

> The reluctance to use military force therefore remained a cover for major disagreements among the major powers about their objectives in the Balkan Peninsula and their continuing absence of policy toward the conflict itself. This has been transparently clear when decisions *were* made to use military force, such as air power to defend safe areas, because the use was reactive, crisis-driven, motivated almost by pique at Bosnian Serb defiance.[872]

Somalia and PDD-25 perpetuated the interagency gridlock for nearly 18 months. During this time, the above analyses and policy options

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International, 2008), 151.

871 Ivo H. Daalder, *Getting to Dayton: The Making of America's Bosnia Policy* (Washington, DC: Brookings Institution Press, 2000), 87.

872 Woodward, *Balkan Tragedy*, 377.

repeatedly clashed but always with the same result—inaction and the maintenance of the status quo. This state of affairs continued until spring 1995 when, under the impetus of National Security Advisor Anthony Lake, Clinton began considering policy options that would truly integrate military force and diplomacy.

Endgame: The NSC Bypasses the Interagency

Lake decided that policy for Bosnia could be crafted only by "turning away from the interagency process."[873] Abandoning the role of "honest broker" he had become known for since taking office in 1993, Lake seized the initiative: he sidelined the departments and his NSC staff began to dominate the field. He began this process in spring 1995 by meeting informally with key individuals on the NSC staff to discuss viable strategies; Sandy Berger, Sandy Vershbow, and Nelson Drew topped his list.[874]

As the outlines of a plan began to emerge, Lake did not attempt to reach consensus with the other principals: instead, he went straight to the president keeping him informed each step of the way. Clinton encouraged Lake's approach.[875] On June 2, Lake met with the president and select members of the Principals Committee to discuss the Bosnia problem; Christopher, known for opposing military involvement, was not invited.[876]

Progress ensued, but the urgency for developing a viable strategy was about to get a boost. Once again, the disjuncture between military planning requirements and political policy formulation played a huge role. Yet, instead of hindering action, it would now compel it. On June 14, after a meeting with French President Jacques Chirac, Clinton was apparently surprised to learn from Holbrooke that the U.S. had committed troops to a NATO plan to withdraw UN troops should Bosnia be abandoned.[877]

873 Rothkopf, 367.
874 Daalder, "Decision to Intervene."
875 Rothkopf, 367.
876 Barthe and David, 15; citing Drew, *Showdown*, 247.
877 Holbrooke, 66–68.

The president had signed a memorandum in December 1994 committing American troops to a NATO operation in the event of a UN withdrawal from Bosnia.[878] Prompted by this and events on the ground, military planners appeared to have solidified plans for such a mission. By February 1995, staff officers participated in a computer-driven exercise to assist in developing the extraction plan, designated OPLAN 40-104; some NATO units even rehearsed the mission.[879] In spring 1995, OPLAN 40-104—known as "Determined Effort"—emerged as viable. [880] Acting under the guise of his NATO authority, the Supreme Allied Commander Europe (SACEUR) approved "Determined Effort" on 21 July 1995; the North Atlantic Council (NAC), however, did not yet authorize its execution.[881] When Holbrooke requested a briefing on "Determined Effort," the Pentagon resisted, labeling OPLAN 40-404 as a NATO (read, not United States) document. When finally briefed, the ambassador was "stunned" by the commitments the United States had agreed to uphold.[882]

Holbrooke points out that, "According to complicated Cold War procedures that had never been tested, if the NATO Council gave the order to assist the UN's withdrawal, the planning document would become an operational order."[883] In the event of a UN withdrawal, some worried the plan's existence automatically would trigger the deployment of 20,000 US troops, many to dangerous in-country operations. In many ways, the situation within the Balkans resembled the history of WWI, when the automatic nature of mobilization orders greatly contributed to the conflict's escalation into war. The president would still have the final word on deploying U.S. troops; yet, according to Holbrooke, his options had been drastically narrowed. To renege

878 He informed Congress shortly after. Douglas Jehl, "25,000 U.S. Troops to Aid U.N. Force If It Quits Bosnia," *The New York Times*, 9 December 1994. Last accessed 21 Aug 2008; available at http://query.nytimes.com/gst/fullpage.html?res=9B0CE2DC1339F93AA35751C1A962958260&sec=&spon=&pagewanted=print.

879 Baumann, Gawrych, and Kretchik, 68–69.

880 Although Clinton had promised to deploy troops in support of a UN troop extraction, he did not formally approve the OPLAN. Holbrooke, 66.

881 Bauman, Gawrych, and Kretchik, 69.

882 Daalder, "Decision to Intervene."

883 Holbrooke,.

on the NATO plan and not assist in extracting allies from Bosnia would have seriously damaged NATO.[884] Consequently, this realization presented an intellectual turning point for the United States.

Commonality began to emerge regarding American national security interests: NATO's integrity and warfighting capabilities had to be preserved. One State official concluded, "The reason we did Dayton was (1) humanitarian disaster and (2) NATO's credibility—in light of the humanitarian disaster. What good is NATO if Bosnia goes down? … see light bulbs going on all over town. Now, it's no longer a European civil war, it was our institution, NATO, at stake; and (3) the situation was ripe."[885] According to Chollet's assessment of the process, "the Principals agreed that the magnitude of problems associated with 40-104 and post-withdrawal planning made UNPROFOR's near-term survival crucial, and that the U.S. government should make a concerted effort to press the Europeans to keep UN forces in the game."[886]

Only by brokering a peace agreement would the United States get out of its commitment to "Determined Effort." Holbrooke claims that, "General Este's briefing (on OPLAN 40-104) convinced me that it would no longer be possible to stay out of Bosnia."[887] As this realization spread across the interagency, State and Defense focused on "keeping the UN force in place, even if that meant acceding to allied wishes not to conduct any further air strikes to halt Bosnian Serb military advances or to offer further concessions to Milosevic in a piecemeal effort to get Pale to the negotiating table."[888] This realization generated a new high point in favor of appeasement after Serb forces took UN troops hostage in late May.

At a May 28 meeting, the principals quietly suspended the use of air strikes and openly reaffirmed Washington's commitment to "Determined Effort." In principle, a UN withdrawal only from the eastern enclaves (not all of Bosnia) would also be supported

884 Ibid., 66–68.
885 Rast, Interview with Deputies Committee member.
886 Chollet, 4.
887 Holbrooke, 66–68.
888 Daalder, "Decision to Intervene."

by the United States In a decision memo to the president, Lake explained this approach would support the main goal of maintaining and strengthening UNPROFOR.[889] Despite openly declaring U.S. commitment on May 31 to the Air Force Academy's graduation audience, Clinton seemingly did not realize how robust such a commitment would be. In effect, his pronouncement ensured U.S. soldiers would have Bosnian mud on their boots one way or another. If a peace accord emerged, the United States had promised troops; if events escalated beyond UN troop control and a Dunkirk-like evacuation was required, the United States had committed troops (through NATO).

After the quick lesson on NATO's planning process during Chirac's visit, Clinton realized that U.S. military action proved inevitable. This realization energized Lake's policy formation process. With U.S. troops now committed, the interagency agreed not to leave an end-state up to the warring parties—it wanted to control U.S. involvement closely. With State sidelined, Lake and the NSC staff generated such a policy.

On June 21, Albright (still U.S. ambassador to the UN) presented a new strategy, one recognizing that UNPROFOR would leave Bosnia by the end of 1995, thereby forcing the United States to help. She advocated a grim realism and proposed supporting immediate withdrawal, but advocated extraction based "on our schedule rather than somebody else's." Clinton affirmed the proposal was going in the "right direction" and, so, the interagency followed, though not as an integrated, harmonious body but as separate entities moving in the same general direction.[890]

Two days later, Ambassador Robert Frasure circulated an apocalyptic memo to senior State Department officials. Frasure claimed that prior policies had failed due to lack of discipline, choice making, and prioritizing. Now there were no good options left: UNPROFOR was on the verge of pulling out, something that would inevitably start what Frasure called the 40-104 "'doomsday machine'—intervention triggered by humiliation."[891] The only decision that needed to be

889 Chollet, 5.

890 Ibid., 11.

891 Warren Bass, "The Triage of Dayton," *Foreign Affairs* (September-October 1998):

made, in his opinion, was "which waterfall" the United States wanted to go over.[892] He, like Albright, advocated pulling UNPROFOR out as quickly and painlessly as possible. The United States could then focus on the more risk-free strategies of lifting the arms embargo, arming the Bosniaks, and containing the problem.

The NSC worked the issue in parallel. On Saturday, June 24, Lake and his NSC team (Berger, Vershbow, Drew, and Peter Bass) held a four-hour discussion in the West Wing. Lake suggested that they think about the kind of Bosnia they hoped to have as an end state, and work backwards from there to determine policy; he also said they needed to consider UNPROFOR's withdrawal. Within this small group, "a consensus soon emerged on a workable strategy."[893] Lake charged Vershbow with drafting a formal strategy paper based upon their conclusions, formulating a COA to enhance military leverage and diplomatic flexibility.[894]

Lake continued to keep President Clinton informed, while seeking his direction. He specifically asked Clinton whether he should proceed along this path with the knowledge that a significant U.S. military force would have to be committed to some type of action during a presidential election year. According to Daalder, "Clinton told Lake to go ahead, indicating that the status quo was no longer acceptable."[895]

Meanwhile, a group within the State Department initiated its own informal process in an attempt to reinvigorate the Bosnia policy development process. Meeting at Deputy Secretary of State Strobe Talbott's house, the group agreed that the United States needed to be more involved. As a result of these consultations, Donald Steinberg, a career Foreign Service Officer and NSC staffer, drafted a proposal calling for an international conference to negotiate peace in Bosnia utilizing a sanctions relief-mutual recognition package, an approach Frasure had discussed with Milosevic that spring.[896] On June 30, the

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892 Chollet, 13.

893 Daalder, "Decision to Intervene." See also, Chollet, 12.

894 Chollet, 12.

895 Daalder, "Decision to Intervene."

896 Chollet, 13–14.

group that had been meeting at Talbott's house gathered formally for the first time. The following day, a newly optimistic Frasure submitted another paper based on Steinberg's draft. Changes included dropping Croatia from the mutual recognition deal and placing Milosevic as the representative of the Serbs in Pale. Frasure restated his belief that the administration had to end its *ad hoc* approach toward Balkan policy, writing, "If we decide that the crisis has now come and at all costs we must avoid UNPROFOR departure/40-104 and we need a diplomatic solution, then we must make that choice, impose discipline and stay the course."[897]

The Steinberg-Frasure proposal made it to the president in a "Night Note" from Secretary Christopher on July 6. Derek Chollet calls this note the "documentary culmination of the State Department's policy reformulation effort." [898] In this memo, Christopher criticized the military planning process, writing, "I think you need a wider variety of options than now provided by NATO Operation Plan 40-104 … the 'all or nothing' character of 40-104 does not seem to take into account the wide variety of circumstances in which withdrawal may actually take place."[899] Christopher may have been correct, but military planning without policy direction is difficult and speculative. In a memo promising to facilitate withdrawal, Clinton had directed the military to act. Without a policy to set the terms of engagement, the military assumed the lead and acted according to its doctrine, analytic mindset, and planning approach. It is only prudent that it would prepare for a worst-case scenario, especially in light of the analysis that Bosnia presented as an intractable problem mired in ancient ethnic hatreds. As more information became public regarding the events taking place in Bosnia, worse case scenarios began to seem like the only realistic alternatives.

Over the course of a few days in mid-July, the Serbian military overran the "safe area" of Srebrenica, killing an estimated 4,000-7,500 men and expelling the women and children.[900] As survivors and stories

897 Ibid., 15.
898 Ibid.
899 Ibid.
900 United Nations, "The Fall of Srebrenica," Report of the Secretary-General Pursuant to General Assembly Resolution 53/35, 15 November 1999,

of atrocities flooded the press, the international community realized it had done nothing while the largest European massacre since World War II materialized.

After Srebrenica fell, the allies met in London to coordinate a response. Prior to the conference, leaders convened and determined they would advocate a policy committed to a decisive, broad-based air campaign in defense of Gorazde.[901] This operation would target enemy air defenses (a strategic move that previously had been intolerable for European leaders) and would avoid a "dual key" arrangement with the UN (an approach NATO blamed for impeding even tactical air strikes).[902] Albright advised presenting this as a fait accompli; those present agreed. Three days later, compelled by consensus in Washington, the allies adopted the U.S. policy. Some identify the London Resolution as the turning point in international involvement in Bosnia.[903] Although NATO nearly reneged on the commitment, by August 1 the NAC had agreed to apply the so-called "Gorazde Rules" to all the other "safe areas."[904]

Around this time, the U.S. Congress began to pressure the president to intervene in Bosnia—not to deploy troops necessarily, but to do something. On July 25, the U.S. Senate, led by Senator Bob Dole, passed a bill that required Clinton to permit American arms sales to the Bosnian government in the event of UN withdrawal. Administration officials worried the legislation would "almost certainly trigger the pullout of the United Nations force from Bosnia" and Bosnian government officials confirmed these concerns.[905] In

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A/54/549.

901 Allied Forces Southern Europe (AFSOUTH) Fact Sheets, "Operation Deliberate Force," NATO—Allied Joint Force Command, Headquarters Naples, 16 December 2002. Last accessed 22 Aug 2008; available at http://www.afsouth.nato.int/factsheets/deliberateforcefactsheet.htm.

902 Stephen Engelberg, "Conflict in the Balkans: Strategy—Allies Warn Bosnian Serbs of 'Substantial' Air Strikes if U.N. Enclave is Attacked; Advancing Bosnian Serb Troops Would Be First Bombing Targets," *The New York Times*, 22 July 1995. Available at http://query.nytimes.com/gst/fullpage.html?res=990CE0D71E3AF931A15754C0A963958260&sec=&spon=&pagewanted=all.

903 Chollet, 20–21.

904 Daalder, *Getting to Dayton,* 79.

905 Stephen Engelberg, "Conflict in the Balkans: Politics; Bosnia and U.S. Politics:

light of the already mentioned commitment to provide a 25,000-troop evacuation force, the Clinton administration was loath to have this happen. Clinton vetoed the bill, but the Congress planned to re-address the arms embargo measure during its September session; key leaders presumed they had the votes to override the presidential veto.[906]

According to EU Special Envoy to the Former Yugoslavia Carl Bildt, the rift between the administration and the Congress threatened to "throw the entire political system into a profound crisis and a bitter constitutional battle over the control of foreign affairs."[907] The president's decision to increase the level of U.S. involvement in Bosnia, said Colonel Nelson Drew, extended from confrontational executive-legislative relations: "[Clinton] was about to lose control of foreign policy on a fundamental issue … The passage of the Dole bill made the President and others more aware of the political danger, that Congress could do real damage to American foreign policy."[908]

Meanwhile, Lake and his team completed their endgame strategy. Lake kept Clinton informed regarding the strategy white paper's approach throughout the first half of July; when completed, Lake personally gave Clinton a copy before pushing it to anyone outside the NSC.[909] According to Chollet, "These briefings served a certain bureaucratic purpose—they helped assure that the President remained informed on current NSC thinking, allowing Lake to 'prime' the President against the views of the other agencies that might run counter to an emerging NSC strategy."[910]

According to some analysts, the "new" NSC strategy proved, "basically a resurrection of 'lift and strike,' with the added threat of unilateral action by the U.S. if the allies did not agree to the plan and a more pragmatic, less moralistic approach to achieving a political

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High Stakes for Dole," *The New York Times*, 20 July 1995. Last accessed 21 Aug 2008; available at http://query.nytimes.com/gst/fullpage.html?res=990CEFDF1E3CF933A15754C0A963958260&sec=&spon=&pagewanted=all.

906 Chollet, 37.

907 Bildt, 39.

908 Barthe and David, 12; citing Drew, *Showdown*, 252.

909 Ibid., 15; citing Daalder, *Getting to Dayton*, 98.

910 Chollet, 12.

solution: any party that accepted the plan would be rewarded, and any party that resisted it would face negative consequences."[911] The strategy's keys emerged in the form of carrot and stick measures, especially sticks. Even the Bosniaks had a stick aimed at them: if they rejected the treaty, the U.S. would adopt a "lift and leave" policy, lifting the arms embargo but not aiding Sarajevo at all.[912] The Serbs, of course, had a more imposing stick aimed at them: if they refused to adhere to the plan, the U.S. would lift the arms embargo, equip the Bosniaks, and launch air strikes. The diplomatic endgame called for a single state, but one in which the parties would be separated. The Bosnian-Croatian federation, which controlled 30 percent of the country, would be given 50 percent of the territory and would receive reconstruction aid.[913] Importantly, U.S. planners also identified the UN as an obstacle.

On July 17, Lake continued his informal meetings, this time gathering Secretary of Defense William Perry, U.S. Ambassador to the UN Albright, Chairman of the Joint Chiefs, General John Shalikashvili, and Assistant to the President for National Security Affairs Berger in his office. As Lake presented his endgame strategy, Albright seemed supportive while Perry and Shalikashvili appeared "less than enthusiastic"; Lake had also arranged for Clinton to "drop by."[914] The president told those in attendance he was dissatisfied with the current approach and wanted "new ideas."[915] Daalder recounts that he went so far as to say, "You know, Tony's got some good ideas here."[916]

The meeting led to the creation of an interagency group tasked to formulate "real policy options" for the president.[917] Lake requested that each department and Albright produce "endgame" papers. He

911 Barthe and David, footnote, 87.
912 Chollet, 43–44.
913 Stephen Engelberg, "How Events Drew U.S. Into Balkans," *The New York Times*, 19 August 1995. Last accessed 21 Aug 2008; available at http://query.nytimes.com/gst/fullpage.html?res=990CEFDB1338F93AA2575BC0A963958260&sec=&spon=&pagewanted=all.
914 Barthe and David, 16.
915 Ibid.; citing Woodward, *The Choice*, p. 261; and, Halberstam, *War in a Time of Peace*, 317.
916 Rothkopf, 368.
917 Daalder, *Getting to Dayton*, 87.

designed the process, according to David Rothkopf, to ensure his plan "would be supplemented, not replaced."[918] As each agency worked on its paper, an informal interagency group refined the differences so the president would be presented with clear options, not just four virtually identical middle-of-the-road choices or merely two options that amounted to all or nothing commitments. The president received the white papers on August 5 and discussed them with his advisors on August 7.[919]

The papers agreed that the "muddle through" approach needed to end. If no peace deal emerged or if UNPROFOR remained ineffective, the United States should help the UN force withdraw, lift the arms embargo, and start supporting the Bosniaks (with arms, training, economic aid, and, possibly, air coverage). All agreed that a new diplomatic initiative, one potentially backed by force, was in order.[920] The papers diverged, however, in the conceptualization of Bosnia's end state, a political question that would determine the extent and nature of military involvement.

State and Defense supported the status quo partition of Bosnia, minimizing possible U.S. involvement. The only other choice, they thought, was a war of conquest on behalf of the Bosniaks.[921] In contrast, the NSC and Albright wanted to preserve a single state, with the Muslims getting 51 percent of the territory within a semi-federated structure.[922] The choice of end state would have major consequences for the amount of risk the military would have to engage. Risk was not the predominant factor; State and Defense had proven more than willing to take risks. Rather, institutional interests determined their respective preferences.

Foggy Bottom argued that the United States should pursue a limited approach and "keep the UN" engaged at almost all costs, so as not to "risk [America's] fundamental strategic and political interests."[923]

918 Rothkopf, 368.
919 Chollet, 37–38.
920 Daalder, "Decision to Intervene."
921 Ibid.
922 Chollet, 38. See also, Daalder, "Decision to Intervene."
923 Ibid., 39.

Further, Christopher, reflecting State's penchant for flexibility, believed the parties should negotiate the map themselves, not be forced to accept a solution derived externally.[924] The Pentagon, meanwhile, wanted to keep the United States out, still seeing little chance that the mission would fit into the Weinberger-Powell Doctrine. It recommended a "realistic" approach under which Washington would accept the reality of Serb military power and seek a cease-fire based on the status quo.[925]

The president, vice president, and most of the principals debated the NSC strategy over the course of three days. Christopher again did not attend the meeting (although there is no indication of his intentional exclusion this time).[926] However, on August 7 he phoned the president from Asia, reiterating that the NSC endgame strategy remained suboptimal. Aware of the call, Lake spoke privately with Clinton before the meeting to discuss the policy papers, again stressing the benefits of the NSC plan.[927] Albright also believed the State and Defense Departments' papers did not suggest an alternate strategy to the one that had been pursued by the United States over the past three years. She wrote at least one memo to Clinton urging force be used in support of Lake's endgame strategy.[928]

On August 8, the president again expressed verbal support for the NSC strategy and the following day it became official policy. This was not unexpected. Lake had been regularly briefing the president since the July 17 meeting, prompting one official to observe that the August 7 meeting was "pre-cooked" to favor the NSC plan.[929] However, many of the specifics regarding the diplomatic strategy were adopted from the State Department paper, reflecting the earlier Steinberg-Frasure proposal.

Upon Christopher's return to the U.S., the secretary discovered that unlike two years ago, this time Lake was going to Europe, not to sell

924 Ibid.
925 Albright, *Madam Secretary*, 189.
926 Holbrooke, 73.
927 Barthe and David, 16; citing Daalder, *Getting to Dayton*, 102–107.
928 Burg and Shoup, 353.
929 Chollet, 40.

but to inform the allies of America's new policy—the news came as a surprise to the sidelined principal.[930] According to Holbrooke, Lake's trip conveyed that the president now *personally* backed the negotiations, representing a clear departure from the past. Chollet writes, "It was a valuable prelude to our shuttle diplomacy, investing it with far greater credibility than previous American negotiation efforts."[931]

One of the important advances in U.S. policy lay not in specifics, but in the fact that the U.S. had now promulgated actionable policy. The talking points for Lake's trip to Europe were "intended to be used as a 'script' to be read rather than reminders to be referred to."[932] In effect, the United States, and the Office of the National Security Advisor in particular, forced discipline into the system. Although strategic flexibility was hampered to some degree, the nature of the strategic policy would enable flexible, tactical diplomatic efforts to take hold during the upcoming months.

When Lake went to Europe and Holbrooke flew to the Balkans, the talking points remained the same. The new U.S. diplomatic effort centered on:

1. A comprehensive peace settlement
2. Three-way mutual recognition, cease fire and end to all military operations
3. Viable borders
4. One state composed of two highly autonomous entities
5. Sanctions relief
6. Agreement on Eastern Slavonia
7. Regional economic reconstruction assistance[933]

This final point proved controversial. Chollet contends, "Because of the domestic political implications, neither Lake nor Holbrooke

930 Rothkopf, 368. See also, Chollet, 41.
931 Chollet, 49.
932 Ibid., 42.
933 Ibid., 43–44.

had been authorized to discuss specific financial numbers with the Europeans or Balkan parties."[934] For those parties, however, this carrot was crucial and each needed an unambiguous U.S. commitment. To withhold an offer, Holbrooke thought, would decrease the chances of success.[935] The U.S. Congress again seemed to be controlling the resources while other parties shouldered the responsibility. Three weeks later, the president requested $500 million, allowing Holbrooke to offer the carrot just in time.

According to some observers, the Bosnia operation signaled "the triumph of the NSC system over the departments," which set a precedent for the Clinton administration.[936] During his second term, the NSC would dominate policy making. A State Department deputy captured the essence of this transition:

Paradoxically, the NSC [Staff] now dominates the process. Because it is now dominant, it deals with all the issues, but only episodically. It exacerbates the problem by not paying attention except to the 'crisis of the day.' That decreases pressure for State and Defense to work together, so they continue to do their own things. The NSC [Staff] does not do a good job of forcing people to work together.[937]

A Defense Department official agreed, asserting that the NSC Staff had transformed itself into a position wherein the "NSC's desire to be the State Department, OSD [Office of the Secretary of Defense], etc… their desire to be the 'prime mover' rather than the 'prime shaper' has created confusion about who's in charge." An NSC official echoed this perspective, "For the NSC and State there is friction over leadership in foreign policy issues—it can become institutional or personality driven.[938]

In light of the failure of State and Defense to cooperate in policy formation, the rise of the NSC was not a negative trend when measured in terms of results. According to Daalder, "The strategy proposed by Lake for the first time matched force and diplomacy

934 Ibid., 62.
935 Ibid., 62.
936 Barthe and David, 17–18.
937 Rast, Interagency Fratricide, 248.
938 Ibid.

in a way that would break the policy impasse that had strangled Washington for so long."[939] However, because the formal interagency players had been sidelined for most of the strategy development process, implementing the endgame would present myriad challenges.

Getting to Yes: Implementing Diplomacy Backed by Force

Ambassador Richard Holbrooke headed the Dayton negotiations. By his own admission, his approach relied upon diplomacy backed by force, a strategy that requires constant communication and cooperation between the Departments of State and Defense. However, such cooperation proved elusive. Bildt states that "Holbrooke's job [seeking] to reconcile the different views in Washington" might have been more challenging than seeking "solutions to differences in the Balkans."[940] To be effective, Holbrooke followed the same path as Lake, skipping many of the standard interagency rules and procedures. In Holbrooke's own words, "If I were to operate in a routine manner, putting process ahead of substance, I might make fewer enemies but would have less chance of accomplishing [Washington's] goals."[941] This said, Holbrooke could not entirely ignore Washington. He was given the same guidance as Lake—to use the talking points as a script. As long as he operated within broad strategic policy guidelines, he exercised considerable tactical flexibility.[942] The shuttle diplomacy team brokered decisions and, in effect, presented them to DC as *fait accomplis*.[943] According to Chollet, "To maximize the team's bargaining flexibility and ability to make quick decisions, they had to circumvent the typical interagency deliberative process."[944]

The delegation established a more effective interagency process than that exercised within Washington: "Complete trust and openness … was essential if we were to avoid energy-consuming internal intrigues

939 Daalder, "Decision to Intervene."
940 Bildt, 87.
941 Holbrooke, 57.
942 Chollet, 47.
943 Ibid., 93.
944 Ibid.,. 93–94.

and back channels to Washington."[945] Holbrooke encouraged the idea that he was equal to, not above, other team members. He emphasized informality and frankness. The parties discussed everything openly in the group; recommendations were presented as the "consensus view of the negotiating team."[946]

Even the part of the team resident inside the Beltway steered clear of the interagency. The *ad hoc* working group of legal experts that Holbrooke and John Kornblum created to assist the shuttle team existed outside State and the regular interagency process to avoid bureaucratic "haggling and inertia."[947] This group would use basic principles that the belligerents agreed upon to draft terms of a comprehensive settlement. Thus, once proximity talks began, the parties could already refer to documents.

In the field, General Wesley Clark assisted Holbrooke; he proved to be just as concerned about matching diplomacy with force as did the ambassador. Clark relates that early on that no mechanism existed to "build in the military advice as we commenced the negotiations."[948] Clark wanted military advice inserted into the policy process early in the development of solutions: while engaged as a member of the negotiating team, he succeeded.[949] Convincing the politicians in Washington and NATO's military leaders in Brussels was a different matter.

Bosnia's conflict dynamics eluded the linear nature of international crisis management. The interagency had grown accustomed to mobilizing diplomatic and military tools at different times, but in Bosnia no hand-off occurred between State and Defense. In combining force and diplomacy, Defense was deprived of its desire to adhere to the Weinberger-Powell doctrinal tenets regarding overwhelming force, establishing clear timelines, and defining tangible exit strategies. Meanwhile, State had to sacrifice some degree of

945 Holbrooke,. 111.
946 Chollet, 94-95.
947 Ibid., 63.
948 General Wesley K. Clark, *Waging Modern War: Bosnia, Kosovo, and the Future of Conflict* (New York: Public Affairs, 2002), 38.
949 Ibid.

autonomy, instead needing to leverage agreement through military coercion and, therefore, oftentimes being compelled to rely upon military timelines. The relationship demonstrated the eloquence of a three-legged race.

Early conflict dynamics tested the military-diplomatic effort. On August 28, 1995, Sarajevo's Markale marketplace was shelled, resulting in 37 killed and 90 wounded.[950] The Serbs were quickly faulted; NATO's Operation Deliberate Force began two days later.[951] Holbrooke observes that, "After all these years of minimal steps, the historic decision to 'hit them hard' had been made suddenly."[952] The change, according to Holbrooke, occurred partly due to the strong recommendation of the negotiating team that bombing should take place.[953]

Over the next two weeks, NATO flew 3,515 sorties and dropped 1,026 bombs.[954] During that same time, U.S. negotiators achieved a breakthrough the Europeans never could. Still, undertaking the military and diplomatic efforts in parallel proved challenging. For example, a mere one hour into the bombing campaign, the U.S. Air Force informed Holbrooke it did not want him to go into Belgrade or fly around within the combat zone since it was too dangerous. Clark convinced them otherwise, but this example revealed just how unaccustomed the interagency was to employing force and diplomacy at the same time and in the same place.[955]

Advocated by Holbrooke, a momentary pause in the bombing occurred early on; however, negotiations stalled as days passed. Still unable to acknowledge a clearly articulated end state, the Defense Department resisted calls to resume military operations. In a September 8 memo to Secretary of Defense William Perry, Walter Slocombe expressed

950 Peace Pledge Union (PPU), "Coercing and Enforcing," *Peace Matters,* Issue 31 (Autumn 2000). Last accessed 21 Aug 2008; available at http://www.ppu.org.uk/peacematters/pm2000/pm2000_91.html.

951 Baumann, Gawrych, and Kretchik.

952 Holbrooke, 103.

953 Ibid.

954 NATO, "Operation Deliberate Force," 6 November 1995 (updated 16 December 2002). Last accessed 21 Aug 2008; available at http://www.afsouth.nato.int/FACTSHEETS/DeliberateForceFactSheet.htm.

955 Ibid., 104.

his view that the air campaign's "fundamental problem" remained the absence of a distinguishable policy objective.[956]

Clark repeatedly tried to convince Admiral Leighton Smith (Commander in Chief, U.S. Southern Command [CINCSOUTH]; later, Commander in Theater of the NATO Implementation Force [IFOR]) that bombing was necessary; but, even when Holbrooke pressed for air operations to resume, the admiral demonstrated reluctance. In Holbrooke's view, "Smith was edging into an area of political judgments that should have been reserved for civilian leaders."[957] Perhaps mixing political and military judgment would prove inevitable in such an operation; clearly, Holbrooke encroached upon areas traditionally held to be reserved for military judgment. British General Rupert Smith attested to the necessity of such political-military encroachment, saying, "If the Serbs perceived that Holbrooke did not 'have his hand on the [bombing] lever' they would refuse to talk."[958] Holbrooke recognized the dynamic as a "classic dilemma in political-military relations, one we faced but never solved in Vietnam: the relationship between force and diplomacy."[959] The pause needed to end, said Holbrooke, so that the Serbs knew the West was negotiating from a "position of strength."[960]

Eventually the bombing resumed, but the lack of coordination between the military air strikes and the diplomatic ground effort troubled Holbrooke: "There was no mechanism or structure within the Administration to coordinate such interagency issues."[961] Smith had actually ordered the general in charge of the bombing to have no contact with the negotiating team. Holbrooke wanted to tell the president that this problem required immediate attention but acknowledged "relations among the NSC, State, and Defense were not something an Assistant Secretary of State could fix."[962] Clinton

956 Chollet, 100.
957 Holbrooke, 118.
958 Chollet, 100.
959 Richard Holbrooke, quoted in Jeffery Record, a review of *To End A War,* in *Parameters* (Autumn 1999): 151–166.
960 Chollet, 86.
961 Holbrooke, 145.
962 Ibid.

eventually expressed the same thoughts as Holbrooke, conveying he was "frustrated that the air campaign is not better coordinated with the diplomatic effort."[963]

Christopher came around in support of the bombing once it started, becoming an advocate for its continuation even as Perry requested a second pause.[964] This break was needed because the Joint Chiefs claimed it had almost exhausted "Option Two" targets.[965] Christopher, however, doubted this was the case. Holbrooke argues, "There was no way to question the military within its own area of responsibility—the military controlled the information and independent verification was virtually impossible."[966] The problem was that it would be difficult to get approval for additional Option Three targets without already running out of Option Two targets. This meant a bombing halt was inevitable.[967] Thus, the military implicitly set the timetable for negotiations: Defense possessed the resources, and those responsible for making peace had little option but to play the hand they were dealt. Recognizing this, Holbrooke's negotiating team left Washington four days ahead of schedule in an attempt to achieve a breakthrough before the military ceased bombing.[968]

Holbrooke and his team soon emerged triumphant: military airpower employed to leverage diplomacy convinced the Serbs to sign the negotiations and terminate all offensive operations, including lifting of the siege of Sarajevo. Despite the tension, the interagency had cleared the first hurdle toward peace.

The second obstacle manifested not as an international challenge, but as one of reaching an interagency consensus on U.S. positions. Lake's endgame provided only the broad measures necessary to stop the fighting and establish operational, albeit temporal, stability. Presently, the interagency had to determine the details. In the U.S.

963 Ibid.
964 Ibid.
965 Ibid., 146. See also, Jane Boulden, *Peace Enforcement: The United Nations Experience in Congo, Somalia, and Bosnia* (Westport, CT: Greenwood Publishing Group, 2001), 126.
966 Ibid., 148.
967 Chollet, 106.
968 Holbrooke, 146.

government's eyes, there could be no pause between the signing of the peace accord and the start of implementation: the U.S. negotiators had to plan for success.

A small legal group at the State Department generated all annexes comprising the peace deal, except one: the military annex. To support the drafting, Holbrooke and Kornblum created a Balkan peace "task force" that "would temporarily function outside the bureaucratic structure of the State Department's European Bureau."[969] This allowed for tight control of the paper flow, but Chollet contends it "was really not a new, independent bureaucratic organ—it was simply a mechanism to keep control of things outside the normal process."[970] Holbrooke and Kornblum controlled the system entirely. Only a limited number of officials participated in organizational meetings and few outside agencies had an opportunity to coordinate on any of the preliminary annexes, except the one related to IFOR.[971]

The most sensitive decision the U.S. government had to make concerned which tasks U.S. forces would be assigned as part of IFOR.[972] Two high-level White House meetings ensued to answer this question. As expected, the military favored a limited and clearly defined mission, which they could then decide how best to carry out. The JCS completed a draft annex by October 3 and circulated it through the other departments and agencies.[973] After the JCS draft was complete, a Pentagon staffer moved to the State Department to assist IFOR annex development. Unlike the others, the deputies and principals vetted this annex extensively. As Walter Slocombe recalls, "anything Holbrooke could get the parties to agree to was OK, but on IFOR, we had a big interest in how this came out. We would write it and the parties would agree to it."[974]

Again, State and Defense strongly disagreed over policy, with State favoring a more active role for military forces and Defense, advocating

969 Chollet, 168.
970 Ibid.
971 Ibid.
972 For an in-depth discussion, see Holbrooke, 216–223.
973 Chollet, 152.
974 Ibid., 167.

a reductionist COA. Maximalists at Foggy Bottom—including Holbrooke—wanted a broad mandate to reform the entire political system and reconstruct the nation.[975] The military believed taking on these extra tasks would require more troops and endanger its primary mission—to prepare for and fight the nation's wars. Thus, Defense endeavored to keep IFOR's role as minimalist as possible, limiting the tasks to separating the belligerents and force protection. Holbrooke believed this would be self-defeating, insisting that "the narrower the military mission, the longer they would have to stay."[976]

As highlighted by Vershbow, eleven major disagreements split the JCS and State Department: location of the IFOR headquarters, deployment within the Republika Srpska, deployment on international borders, requirement that belligerents withdraw heavy weapons, cantonment of weapons, authority for investigation into past attacks/atrocities, obligation to respond to "over the horizon" attacks on civilian aid workers of gross violations of human rights, securing elections and freedom of movement, police functions, deployment in eastern Slavonia, and a mandate to arrest persons indicted for war crimes.[977]

On October 27, the Principals Committee reached compromises between Defense and State positions on most of the issues. However, the most vexing and most important issue determining what "clear and defensible" end-sate IFOR would seek to achieve lingered unresolved.[978] Additionally, the compromise reached regarding IFOR's tasks would produce long-term consequences. Shalikashvili proposed that the military "accept the 'authority' to do additional tasks… but not the 'obligation.'"[979] "The meaning of this finely crafted compromise," offered Holbrooke, "would not be determined until the commanders on the ground decided how to use their 'authority.'"[980]

975 Ibid., 194–197.
976 Holbrooke, 219.
977 Ibid.
978 Chollet, 174.
979 Holbrooke, 222; Thijs W. Brocades Zaalberg *Soldiers and Civil Power: Supporting or Substituting Civil Authorities in Modern Peace Operations* (Amsterdam: Amsterdam Univesity Press, 2006), 251.
980 Holbrooke, 222.

Holbrooke's concern regarding the Pentagon's reluctance to accept more responsibility persisted. He recommended the one-year time limit be abandoned and a mechanism for investigating suspected war crimes be created. The Deputies Committee rejected these suggestions, though they enacted many of Holbrooke's other recommendations, save, those that altered the scope of IFOR. Diplomacy and force returned to their natural states—separated. The interagency had "succeeded in bringing some specificity to IFOR's mission, but it still essentially remained a force of nearly unlimited authority with few concrete responsibilities."[981] Regardless, the military did not intend to stay around long.

Defense insisted on establishing an exit timeline for Bosnia because it felt the Clinton administration failed to articulate an end state that would ensure it could eventually bring the troops home. One Defense principal noted, "DoD was forced to go to this because in the interagency there was not much discussion on exit strategy. This forced a little bit of discipline into it."[982] Yet, such discipline proved fruitless. As it turned out, authority without obligation proved unworkable. Ignoring interagency disagreement during planning served to exacerbate implementation problems. As Holbrooke predicted, departmental intransigence prompted U.S. troops to remain in Bosnia much longer than the Pentagon's twelve-month estimate.

One last issue arose before the Serbs and Bosnian Muslims met in Dayton to negotiate the peace accord. Two days before peace talks began, the U.S. House of Representatives passed a resolution stating that the United States should not send (or even pledge) troops to function as peacekeepers without the U.S. Congress' permission. In a briefing with reporters, Holbrooke claimed that the resolution "grievously interferes with the negotiating processes of peace … Any member of the Congress who supports that kind of resolution on the eve of an historic and important negotiation is doing grave damage to the national interests."[983]

981 Chollet, 221.

982 Rast, *Interagency Fratricide,* 294.

983 Elaine Sciolino, "House Tells Clinton to Get Approval to Send Troops to Bosnia," *The New York Times*, 31 October 1995. Last accessed 21 Aug 2008; available at http://query.nytimes.com/gst/fullpage.html?res=9907E4DE1639F9

In an October 20, 1993, letter to then-majority leader George Mitchell, Clinton mentioned the possibility of sending an unspecified number of troops to "implement" a peace agreement, and said he would "welcome and encourage Congressional authorization of any military involvement in Bosnia."[984] Since then, the administration had decided they did not need Congress's permission to deploy troops, but they still admitted that the Congress' blessing would be preferred. This prompted the White House to start a coordinated and broad-based outreach campaign, one managed by State's Public Affairs bureau.[985] Clinton wrote a nine-page letter to then-Speaker of the House Newton Gingrich explaining the U.S. role; Christopher and Perry testified on Capital Hill; and officials from State, Defense, the White House, and the NSC were assigned as liaisons to congressional members via a "buddy system" strategy.[986] The public relations campaign worked. On December 13, the U.S. Congress acquiesced, voting to extend funding for the Bosnia mission.

In retrospect, the congressional activities seem to have been little more than posturing. Despite Republican attempts to pass a "Peace Powers Act" and a "National Security Revitalization Act" that would have limited White House ability to sidestep the Hill when deploying U.S. troops, little changed. Even though PDD-25 mandated a congressional role in decisions to employ U.S. troops via peacekeeping missions and Clinton promised to consult the Congress, the president avoided doing so directly. Clinton alone approved Operation Deliberate Force and the commitment of U.S. troops to IFOR; the Congress fell silent afterwards, avoiding rhetoric that the Clinton had overstepped POTUS executive powers.

32A05753C1A963958260&sec=&spon=&pagewanted=all.

984 William Safire, "Essay: Biting Bosnia's Bullet," *The New York Times*, 23 November 1995. Last accessed 21 Aug 2008; available at http://query.nytimes.com/gst/fullpage.html?res=9A01E0D81339F930A15752C1A963958260.

985 Chollet, 254.

986 Ibid., 221.

Non-Implementation in the Implementation Force

After the parties signed the Dayton Peace Accords, interagency tensions continued to cause problems. As already mentioned, the endgame strategy developed by Lake ended at reaching a peaceful settlement but the document failed to articulate *how* Bosnia would recover from war. Responsibility for Bosnia's post-war reconstruction fell to the State Department, which, according to form, designed no plans for it. General Clark had directed U.S. military planning for Dayton Accord implementation, but no other department had produced tangible ideas. According to Bruce Pirnie, "It appeared that no one was leading a planning effort in Washington and the State Department was at odds with itself."[987] The administration failed to produce a political-military plan; consequently, civilian-military coordination remained ineffective. The Dayton Agreement stressed the importance of coordination between the IFOR Commander and the civilian High Representative (former Swedish Prime Minister Carl Bildt), but fell short in establishing a mechanism for such collaboration.[988]

Once on the ground in Bosnia, the U.S. military limited its engagement to those tasks they could master without question, and separated themselves from all else. This included the curtailing of missions that may have expedited implementation of the Dayton Peace Accords (e.g., pursuit of alleged war criminals). While IFOR possessed "silver bullet" authority (meaning its authority was virtually unlimited), agency leaders interpreted their respective obligations narrowly. Although the Dayton process had been intended to produce maximalist COAs, minimalist implementation weakened its effectiveness.[989] The earlier compromise the JCS had crafted revealed its flaws and the fragile peace suffered. The Stabilization Force (SFOR) that followed IFOR engaged in what Albright termed "reverse mission creep," taking no risks and not helping achieve

987 Bruce R. Pirnie, *Civilians and Soldiers: Achieving Better Coordination*, RAND Monograph Report 1026. (Santa Monica: RAND, 1999), 70. Available from https://www.rand.org/pubs/monograph_reports/MR1026/.

988 Ibid., 72.

989 Chollet, 194–197.

civilian-related goals that were required to inoculate the region from future rounds of violence.[990]

In effect, the Dayton Peace Accords produced conflict termination policy in name only—the military and civilian components of that intervention remained separated, again demonstrating that the absence of an integrated planning process encourages agencies to develop courses of action based upon disparate worldviews and the protection of institutional equities. The protection of equities and inflexibility regarding roles and missions—on the part of all agencies—led to the development of two mutually exclusive, serially connected courses of action: those IFOR implemented and others enacted by the civilian implementation missions.[991]

Time, coupled with IFOR's transition into SFOR, would correct many of these problems. Still, Albright remained, "convinced that if the State Department had not pushed so hard to reinvigorate the Dayton Accords, the administration would have drifted and the peacekeeping force would have left prematurely… hostilities would have resumed and the nightmares of earlier years might well have been repeated."[992]

Yet, in spite of the accomplishments recorded during the ensuing eight years, interagency failure to integrate diplomatic and civilian tasks with military roles and missions would exact a major toll, a cost imposed through failure to build a peaceful Bosnian nation immunized against cultural violence. The interagency stumbled in its attempt to design and deliver an end-state for Bosnia that materialized as different from that envisioned by Serb warlords—the de facto ethnic partition of Bosnia.

Kosovo

Paralysis Perpetuated Over Time

The 1990s Balkan wars are often conflated, leading to faulty perceptions and skewed conclusions. The remainder of this case study

990 Albright, *Madam Secretary*, 265.
991 Rast, *Interagency Fratricide,* 274.
992 Albright, *Madam Secretary*, 271.

attempts to avoid such a course relative to Bosnia and Kosovo, as there is a legion of differences between them, in particular, regarding the decision to intervene. To list but a few: UN troops were not operating within Kosovo, no UN Security Council Resolutions directly authorized third-party use of force, international opinion opposed intervention, the international community did not recognize Kosovo (as they did Bosnia) as a sovereign nation and some consensus emerged that the conflict posed a spill-over risk to neighboring countries (especially those who served as NATO allies). For the purpose of this case study, it is most useful to focus on the major similarity between Bosnia and Kosovo; that is, U.S. efforts to use force and diplomacy simultaneously. Such an examination illustrates failure to learn from the Bosnia experience.

On Christmas Day 1992, U.S. diplomats informed Milosevic that the United States would respond militarily if the Serbs initiated armed conflict within Kosovo; through Christopher, Clinton reaffirmed this posture.[993] As time passed, the warnings subsided, growing less frequent and, when proffered, watered-down in terms of its tone. By 1998, when violence within the province escalated and reports of ethnic cleansing dominated media coverage, neither the United States nor its NATO allies committed publicly to a military response.

According to analysts Ivo Daalder and Michael O'Hanlon, Clinton positioned himself in a difficult spot as the conflict loomed. They conclude, "when hostilities began, President Bill Clinton had just survived his impeachment ordeal. He faced a Congress that was not just politically hostile, but also increasingly wary of U.S. military action designed to serve humanitarian goals, including in the Balkans."[994] Simultaneously, NATO members emerged ill prepared to employ military force. As a result, the United States and its NATO partners adopted a "wait-and-see" approach to the escalating violence.[995]

However, the foreign policy team in the second Clinton administration appeared more prepared to act than that which had managed the Bosnia crisis. According to Sidney Blumenthal, with Albright now

993 Albright, *Madam Secretary*, 379–380.
994 Daalder and O'Hanlon, *Winning Ugly*, 2.
995 Ibid., 2–3.

as secretary of state and Sandy Berger as the new national security advisor, the administration now had a more "coherent and activist tone, that was congruent with [President Clinton's] personality and perspectives."[996] Many within Washington wanted to act, including Albright. In her memoirs she posits, "I concluded that we should not be content to follow the consensus on Kosovo (that it was an internal matter for Belgrade to deal with as it liked); we had to lead it... That would only be possible, however, if I were able to forge a consensus within my own government—not an easy task."[997] To compel intervention, the Clinton administration used the "hook" of an impending humanitarian crisis and the imperative of restoring NATO's credibility.[998] The United States framed the bloodshed in Kosovo as a test of the alliance's resolve and its ability to control rogue actors within Europe.

Washington leaders began defining Kosovo as a concrete problem, thereby ensuring Kosovo policy options enjoyed a "marketability" that Bosnia choices had not.[999] In part, Milosevic guaranteed such an outcome by solidifying international stereotypes of himself as the "bad guy," painting himself as the sole obstacle to regional stability. Having obtained consensus from the other major regional actors, early in 1999 Clinton pronounced publicly that the Serb president was the lone holdout to peace: "Only Milosevic 'stands in the way of peace' now that the Kosovar Albanians have signed a peace accord."[1000] State Department press releases maintained that "Belgrade [had] refused to sign and has to date rejected out of hand all efforts to achieve a peaceful solution. The Contact Group clearly assigned exclusive

996 Sidney Blumenthal, The Clinton Wars: An Insider's Account of the White House Years (London: Viking, 2003), 636.

997 Albright, *Madam Secretary*, 383.

998 Rast, Interview with Principals Committee member.

999 Even in the face of verifiable humanitarian atrocities, writers such as Edward Luttwak argued the United States and European nations should remain indifferent and avoid the impulse to intervene into others' wars. See Edward N. Luttwak, "Give War a Chance," in William J. Buckley (ed.), *Kosovo: Contending Voices on the Balkan Intervention* (Grand Rapids, MI: Eerdmans Publishing Company, 2000), 349–355.

1000 Linda D. Kozaryn, "Clinton Says NATO Must Act in Kosovo," Washington, DC: American Forces Press Service, 22 Mar 1999, available at http://www.defenselink.mil/news/newsarticle.aspx?id=42682.

responsibility for failure to reach agreement to Belgrade."[1001] It went a step further, rekindling memories of the Great War's origins: "No one should forget that World War I began in this tinderbox. If actions are not taken to stop this conflict now, it will spread and both the cost and risk will be substantially greater."[1002]

While the hook prompted Washington to act, it proved less useful in forging a long-term strategic vision to address Kosovo's status following resolution of the immediate crisis. This approach also did little to integrate diplomacy and force, where views regarding "ancient animosities" held by State and Defense again generated conflict. As in the case of Bosnia policy creation and implementation, the dilemma remained end-state development. According to Blumenthal, the Pentagon again resisted military operations "that had no clear exit strategy, one of the stipulations of the Powell doctrine, the military codification of the Vietnam syndrome. Nightmarish visions of Somalia danced in the Generals heads."[1003]

According to a State Department principal, contrary to its support for Slovenian secession, the U.S. government did not favor Kosovo's independence: "It ends up as a landlocked Albanian country and strips away critical mass from Montenegro. It opens the door for other irredentist issues."[1004] Defining an alternative to independence, however, proved troublesome. In December 1998, a State Deputies Committee participant characterized the problem in this manner:

> What I have seen here with respect to Kosovo is an abomination. There are broad-brush strokes on the end state and talks of exit strategy. But my heartburn is with the fact that no one talks about what to do with Milosevic, the Balkans writ large, how our Albania policy fits. I have been told that the pol-mil [political-military] plan is good for only our philosophy (100 pages long) – it is to be put

1001 United States Information Agency (USIA), "U.S. and NATO Objectives and Interests in Kosovo: Fact Sheet released by the U.S. Department of State" (Washington, DC: U.S. Department of State, 26 Mar 1999), available at http://www.ess.uwe.ac.uk/Kosovo/Kosovo-Documents9.htm.

1002 Ibid.

1003 Blumenthal, 640.

1004 Rast, Interview with Principals Committee member.

> on the shelf and used as a doctrine. Some have told me that it will only sit on the shelf. It is so loose, vague, and disconnected that it will serve no purpose.[1005]

State left Kosovo's end state undefined, seemingly assuming it could solve the issue once the war ended. This again left Defense in the precarious position of planning a war with no determined end, making a strategic operation difficult. A Defense Principals Committee member explained:

Here is what happens. We get hung up with the tactical and cannot make progress in the interagency forum. We spend 2 hours [talking] and start over at the same point the next day. The leadership is afraid to develop/define policy—at its best, it is containment. How does our policy then relate to Kosovo? You cannot define the policy—that is a real problem, we just work tactically.[1006]

Early into the Kosovo crisis, talk of air strikes erupted, while at the same time, Holbrooke and Ambassador Christopher Hill endeavored to start negotiations. As of June 1998, however, Clark "had seen no linkage between the military and diplomatic tricks" and so "proposed linking the two options in the way [he] had seen in work in Bosnia—carrot and stick."[1007] In Clark's opinion, NATO options were of limited utility unless used to leverage diplomacy, and diplomacy with Milosevic would only work if the dictator felt military pressure.[1008] Nevertheless, the military remained unconvinced that diplomacy and force should be linked.

One Defense Principals Committee member complained the administration did not understand the appropriate use of military force:

> Someone has to ask the question – what do you do with the military? You go bomb something to move to policy objectives, but war is different than a three-day—[it is not] TLAM [Tomahawk Land Attack Missile—cruise missile]

1005 Rast, Interview with Deputies Committee member.
1006 Rast, Interview with Principals Committee member.
1007 Clark, 118.
1008 Ibid., 117–118.

> diplomacy. I think this administration has developed a policy about the de facto role for the military's use: fighting, launching, and committing lives in a place like Kosovo that you know you cannot bring these people to peace.[1009]

Because of widely shared institutional views like this, during the Kosovo crisis interagency representatives engaged in fiercely competitive behaviors: members of both State and Defense held steadfastly to their positions. As with Bosnia, funding concerns shaped strategy from the outset of the crisis. In January 1999 a State Department principal complained that the Pentagon put budgeting ahead of strategy:

> Every time now—food, northern Iraq, concise bombing in Bosnia—all are missions the military culture deems inappropriate. Their dissent is growing stronger and stronger. It is still the way the Pentagon is organized … still no budget for contingencies, only readiness and training. It [funding] needs to be taken out of the budget as a whole. The building is still resisting the notion that these are appropriate military functions. The disconnect is greater now than during the Cold War! Look at Kosovo: The answer is "we are not designed to do it, not funded for it."[1010]

Mirroring this view, Clark states that the deepening split between State and Defense presented as problematic since success in NATO required working with both departments. He points out that the whole purpose of the NATO effort was to empower diplomacy; this required State and Defense to work together.[1011]

Yet interagency relationships at this time remained antagonistic, as illustrated during a White House meeting in late 1998 when Albright was discussing using force against Milosevic. Assistant Secretary of State James Rubin recalls that:

1009 Rast, Interview with Principals Committee member.
1010 Rast, Interview with Deputies Committee member.
1011 Clark, 106 and 121.

> Midway through her argument, one of her colleagues cut her off and exploded in frustration. "What is it with you people at the State Department, always wanting to threaten force and bombing? It's not always the solution. What is it with you?" But Albright held her ground. "I remember five years ago when I was U.N. ambassador, Tony Lake cut me off time and time again and he wouldn't let us really discuss this issue. Well, now I am Secretary of State and we are going to have this discussion."[1012]

Finally, nearly a year after Serbian leader Slobodan Milosevic began purging Kosovo of ethnic Albanians, the massacre in Račak (January 15, 1999) compelled the United States and NATO to act. To determine a response, the principals received policy papers Albright characterized as "rich in detail and superficially comprehensive" with large sections on "revitalizing negotiations" and "increasing leverage."[1013] According to Albright, it was all rhetoric and the "decisive steps" were muddled. Caveats notwithstanding, the Clinton administration embraced this "new strategy."[1014]

Shortly after the Račak massacre, Albright convened a meeting with Strobe Talbott, Jamie Rubin, and Morton Halperin to develop an approach linking air strikes to the goal of achieving a political settlement.[1015] Fearing it would create another peacekeeping force, U.S. Army General Hugh Shelton and Cohen did not support the approach. Rather, they offered only the alternative of retaining the ineffective verification team. If NATO engaged, Shelton and Cohen wanted somebody else to lead, something that had proven impossible in Bosnia.[1016] Although the Pentagon stressed that a peacekeeping force would only be available in a "permissive environment," Albright led the interagency team to support her vision.[1017]

1012 Blumenthal, 637.
1013 Albright, *Madam Secretary,* 392.
1014 Ibid.
1015 Ibid., 394.
1016 Ibid., 395.
1017 Ibid.

Once diplomacy and force were linked, collaboration and cooperation remained half-hearted. Again, Clark risked his career in an attempt to integrate State and Defense strategies into a coherent plan. At one point, Clark reports being reprimanded for giving military advice to Holbrooke, who remained outside of Defense (and, thus, his chain of command). Above all, Cohen (especially as the lone Republican cabinet member within a Democratic administration) wanted to preserve his authority: giving military advice to those outside the department remained the legal responsibility of the secretary or the chairman. Ideas generated from within Defense, but not vetted by either him or the chairman, could be used to leverage the interagency process in ways deemed unfavorable to Defense.[1018] Clark protested this requirement, noting, "as a regional commander in chief I couldn't very well do my job without sometimes exchanging ideas with other members of the U.S. government traveling in my region."[1019] Despite the Goldwater-Nichols Act, regional commanders did not maintain close enough contact with the full decision-making apparatus of the U.S. government, the president in particular. Clark submits that a reluctance to allow regional commanders to engage fully in the political-military spectrum required to perform crucial functions pervaded Washington's approach. He felt that, at times, he possessed neither the authority nor the resources he needed to accomplish his mission.[1020] Clark abruptly retired from his SACEUR posting, having "put his strategic concerns above politics and above his career" and being considered insubordinate by Cohen and Shelton for doing so.[1021]

The diplomatic-military link raised a number of important operational issues, the first of which manifest in terms of the air campaign's timing. The diplomats wanted to strike as soon as possible after the Serbs rejected the final peace deal, feeling it would maximize the bombing's coercive value. The military, however, hesitated as this meant eliminating the doctrinal element of surprise. Clark recalls,

1018 Clark, 113.
1019 Ibid.
1020 Ibid., 451–460.
1021 Blumenthal, 651–652.

"This was precisely the kind of political-military tradeoff that chafed air planners."[1022]

In the final analysis, the air campaign surprised few. After the Rambouillet peace talks failed, observers from the Organization for Security and Cooperation in Europe (OSCE) withdrew. On March 23 Belgrade accepted Kosovo's autonomy in principle, but rejected the military annex that would have stationed NATO troops within the province. Noted airpower historian Benjamin Lambeth wrote, "NATO embarked on a 78-day air war aimed at compelling the government of Yugoslavia and its elected President, Slobodan Milosevic, to halt and reverse the human rights abuses that were being committed by armed Serbs against the ethnic Albanian majority living in Yugoslavia's Serbian province of Kosovo."[1023] While Lambeth phrases the aims of the mission eloquently, the NAC did not ratify the war's objectives until April 12, more than three weeks into the bombing. At the time of the war, Jack Spencer of the Heritage Foundation compiled an extensive list of quotes illustrating the administration's confused war aims. He concluded, "Although the Administration is quick to assert the clarity of its aims, the record reveals that its stated objectives are in fact wavering, changing, and ambiguous."[1024]

Conditions never favored the air war. Poor weather and poor targets (small artillery pieces, for example) complicated operations. Ineffective diplomacy likewise limited the campaign's effectiveness. As in Bosnia, the looming presence of an unsympathetic U.S. Congress altered the executive's decision calculus. The risks extending from the possibility of widespread casualties—both friendly and enemy—compelled operational changes that hindered military and diplomatic effectiveness. Primarily, this meant flying planes beyond the range of anti-aircraft systems and bombing from 15,000 feet. This

1022 Clark, 174.

1023 Benjamin S. Lambeth, *NATO's Air War for Kosovo: A Strategic and Operational Assessment* (California: RAND, 2001), v.

1024 Jack Spencer, "Catalogue of Confusion: The Clinton Administration's War Aims in Kosovo," *Issues: Europe—Backgrounder #1281* (Washington, DC: The Heritage Foundation, 13 May 1999). Last accessed 22 Aug 2008; available at http://www.heritage.org/Research/Europe/BG1281.cfm.

made military operations against fielded Serb forces in Kosovo more difficult. It was much easier for the U.S. military to target and strike larger dual-use facilities (such as power plants). However, this resulted in widespread civilian suffering. In addition, the overuse of airpower from such altitudes resulted in excessive civilian casualties as pilots misidentified targets or bombs went astray. The Serbs made the issue of casualties a matter of significant moral import, in effect, creating a new center of gravity endangering NATO's moral cohesion.[1025]

The NATO alliance's cohesion, the very element the war was intended to save, ended up suffering. Albright claims that as the war dragged on diplomacy backed by force transformed into force backed by diplomacy. The United States conducted diplomatic negotiations not with Milosevic, but with its NATO partners. Attempts to expand NATO's target list to include dual use facilities turned into arduous, empty debates; such haggling greatly retarded military operations.[1026]

Washington's continued inability to define national interests and promulgate sound policy was not lost on Milosevic. A little over a month into the bombing campaign, Milosevic declared, "the U.S. Congress is beginning to understand that bombing a country into compliance is not a viable policy or strategy."[1027] In fact, such actions served the Serb leader's overarching goal of forcing ethnic Albanians to flee Kosovo. Reports indicate that during the NATO air campaign "approximately 863,000 civilians sought or were forced into refuge outside of Kosovo. An estimated additional 590,000 were internally displaced. Together, these figures imply that over 90% of the Kosovar Albanian population [was] displaced from their homes."[1028] Again, the use of armed force seemed to further undermine, rather than

1025 Patrick Mileham and Willett Lee, *Military Ethics for the Expeditionary Era* (London: London Royal Inst of International Affairs, 2001), 38.

1026 Albright, *Madam Secretary,* 396–397.

1027 Arnaud de Borchgrave, "We are Neither Angels nor Devils: An Interview with Slobodan Milosevic," in William J. Buckley (ed.), *Kosovo: Contending Voices on the Balkan Intervention* (Grand Rapids, MI: Eerdmans Publishing Company, 2000), 275.

1028 The Independent International Commission on Kosovo, *The Kosovo Report: Conflict, International Response, Lessons Learned* (New York: Oxford University Press, 2000), 90.

reinforce, the purpose of the intervention—to restore confidence in NATO's capacity to maintain order within Europe.

The air war proved ineffective because it failed to engage sufficient numbers and types of military targets due to excessive risk. The air war did nothing to deny the Serb objective of defeating the Kosovo Liberation Army (KLA) and depriving it of the population base required to sustain its operations.[1029] The U.S.-NATO approach—targeting civilian infrastructure instead of the Serb military—allowed the Serbs the "time and space" to continue Kosovo's ethnic cleansing.[1030] While the air war may have achieved tactical material victory, it failed to achieve its strategic political objectives.

Another major operational impediment in successfully planning and executing the war against Milosevic emerged as interagency disagreement regarding ground force employment. Clinton had stated on March 24, 1999, that he did not intend to put U.S. troops into Kosovo to fight a ground war.[1031] This removed the threat of escalation from the diplomatic toolbox and arguably gave Milosevic less incentive to end military operations. As the war stretched on, General Clark requested Apache helicopters be added to his arsenal, "But the Pentagon opposed this suggestion, seeing it as a cloaked effort to commit American troops to a ground war. Its planners told the White House that the Apaches would suffer perhaps a 50 percent loss ratio, an utterly contrived figure intended to destroy the option, as Clark saw it."[1032]

1029 Nicholas Wheeler, *Saving Strangers: Humanitarian Intervention in International Society* (Oxford: Oxford University Press, 2000), 270.

1030 Lawrence Freedman, "Interventionist Strategies and the Changing Use of Force," in *Turbulent Peace: The Challenges of Managing International Conflict*, edited by Chester A. Crocker, Fen Osler Hampson, and Pamela R. Aall (Washington, DC: United States Institute of Peace, 2001), 317.

1031 James H. Anderson, Ph.D., "Ground Troop Scenarios for Yugoslavia: What Would They Take?" (Washington, DC: The Heritage Foundation, 21 April 1999). Last accessed 25 August 2008; available at http://www.heritage.org/Research/Europe/BG1275.cfm. See also, Blumenthal.

1032 Blumenthal, p. 640. A symbolic detachment of Apache Helicopters eventually deployed, but never committed to combat and soon withdrew.

Ironically, in the end Milosevic would save NATO. With NATO having turned its firepower upon Serbia's "military-industrial infrastructure, media, and other targets,"[1033] on June 10 Milosevic agreed to talk. Analysts believe that pressure applied to Serbia's economic base convinced Milosevic's cronies to withdraw support for prolonged military engagement. According to NATO reports, "70% of the electricity production capacity and 80% of the oil refinery capacity was knocked out."[1034]

In addition, KLA operational success, combined with the threat of a NATO ground invasion, likely played a role in convincing Milosevic that his ends could not be achieved fully.[1035] This said, the delayed threat of a ground invasion might have lengthened the war. Clinton later expressed regret that the wording of his statements on the first day of the war seemed to rule out the use of ground forces.[1036] However, the president was not alone in his beliefs: apparently, the Joint Chiefs had prepared no plans for a ground invasion. According to Shelton, the time required to draft plans meant that there was no chance of having troops in the field before mid-July.[1037] The absence of a clear end-state and the political risks of preparing a plan for a ground invasion very likely ensured this lack of contingency planning.

Conclusion

The American responses to Bosnia and Kosovo exposed the shortfalls of the interagency policy-making process' ability to respond to armed crises. A final analysis of the cases through the lens of PNSR's guiding questions reveals some important conclusions.

Did the U.S. government generally act in an ad hoc manner or did it develop effective strategies to integrate its national security resources?

1033 Freedman, in Crocker, 93.

1034 Ibid.

1035 Timothy Reese, "Precision Firepower: SMART BOMBS, DUMB STRATEGY." *Military Review*, July-August 1993, available at http://www.iwar.org.uk/rma/resources/ebo/smart-bombs-dumb-strategy.pdf.

1036 Albright, *Madam Secretary*, 415.

1037 Ibid.

The U.S. government failed to develop a coherent strategy in the first three years of the war in Bosnia, instead adopting an ad hoc reactive stance that left the belligerents in control of the conflict's tempo. The lift-and-strike strategy, in particular, became nothing more than rhetoric the administration reiterated following each successive atrocity. The response to Kosovo was similar, although Washington did not muddle through for as long as they did in the earlier Balkan war.

In the case of Bosnia, NSC principals eventually bypassed the interagency process to create a strategy that harmonized force and diplomacy, along with economic leverage. The Kosovo strategy developed to a greater extent within the formalized interagency process. Still, Albright, despite her best efforts, proved unable to promulgate policy (and, hence, strategy) that integrated force and diplomacy adequately.

How well did the agencies/departments work together to implement these ad hoc or integrated strategies?

During the run up to Operations Deliberate Force (Bosnia) and Allied Force (Kosovo), diplomatic and military might remained at total odds. Accustomed to mobilizing diplomacy and force at different times, the U.S. government proved unable to merge the two. Eventually, diplomatic and military power were simultaneously harnessed and coordinated within the Bosnian campaign, but with difficulty and in a halting manner. The president himself expressed frustration that the bombing and shuttle diplomacy appeared stove-piped. Defense, in particular, presented as unenthusiastic about the merger of its sticks with other agencies' carrots. In Kosovo, the use of force and diplomacy likewise confirmed inefficiencies, turning what should have been a quick war into a drawn-out, self-defeating affair.

What explanatory variables explain the strengths and weaknesses of the response?

A primary reason for the weakness of U.S. responses in Bosnia and Kosovo was the lack of integrated analysis and planning between diplomats and warfighters. Both State and Defense proceeded from shallow analyses, ones framed by dissimilar organizational paradigms. Subsequently, each developed policy options centered on protecting departmental equities. The result: the interagency presented the president with policy options too fractionated to integrate. Once

the NSC promulgated policy, State and Defense were still unable to cooperate fully due to these disparate perspectives regarding the intervention's goals.

To illustrate briefly one aspect of this, Defense began its analysis with the perspective that the war in Bosnia erupted due to ancient ethnic hatred, which meant that any action to halt the killing would have to be massive. This, along with Powell Doctrine criteria, led to the large force estimates and perceptions of untenable risk. This, in-turn, resulted in sensible risk aversion within the White House and also put off the State Department, which rightly figured that such a large war might do extensive damage to the international system, far outstretching its likely benefits.

A second explanatory variable is the failure to align authority, resources, and responsibility. This led to cautious behaviors by those given responsibility for tasks, since they could not be certain that resources to support them would be forthcoming. This dynamic played out most clearly in the Pentagon's budgetary considerations in light of the Congress' lack of enthusiasm regarding military intervention in Bosnia. Authority without responsibility proved just as unworkable, as made evident when IFOR engaged in "reverse mission creep" after Dayton.

Another cause of weakness in the U.S. strategy emerged as a structural impairment: no one beneath the president could navigate the political-military spectrum with authority and competency. Throughout both the Bosnia and Kosovo affairs, the military meddled improperly in political decisions; diplomats likewise meddled in military matters. Such encroachment strained pre-existing tensions between State and Defense. However, in Balkan-type situations that require the synergistic employment of force and diplomacy, the absence of an official who can effectively direct the efforts of both impedes operational effectiveness; the Bosnia and Kosovo experiences clearly demonstrate this effect. In this case, only when it appeared Holbrooke controlled the bombing did Milosevic yield—and only when Clark wielded sufficient latitude to advise the negotiating team unencumbered by his Washington-based Defense Department chain of command—did peace flourish. Failures in Bosnia and Kosovo clearly expose problems extant to not having a viable interagency

mechanism in place to enable political-military collaboration and cooperation.

Finally, this case illustrates that the current system of developing strategy within and between departments, then within the NSC, can generate abject ineffectiveness. In fact, the case's policy-making dynamics indicate it is more efficient to bypass the interagency entirely. In the cases of both Bosnia and Kosovo, when effective management and implementation existed it often stemmed from the efforts of ad hoc organizations and presidential approval of decisions presented as *fait accomplis*. In those instances wherein the interagency produced policy designed systematically to integrate national instruments of power, the departments failed to cooperate sufficiently toward strategy implementation. Their inability (and, at times, unwillingness) to integrate analyses and planning early seems to have doomed subsequent opportunities for integration. In effect, the interagency did nothing to frame challenge and solution options in ways both Defense and State could adopt and implement. Consequently, those implementing "approved solutions" continually undermined the policy makers' goals.

What diplomatic, financial, and other achievements or costs resulted from these successes and failures?

The failure of the interagency to develop viable strategies for interventions into Bosnia and Kosovo produced long-term costs for the region and the United States. According to Holbrooke, the interagency struggle and bureaucratic system, "eroded much of Washington's capacity for decisive action in foreign affairs and reduced our presence just as our range of interests has increased."[1038] Clark points out that interagency failure to properly plan and prepare military operations reduces the credibility of any threat of force.[1039]

This *inability to act decisively, compounded by a lack of credibility,* prolonged both Balkan crises and, very likely, increased costs in terms of both blood (albeit not American blood) and treasure. Additionally,

1038 Holbrooke, 369. Holbrook also blames the struggle between the Executive Branch and the Congress, although this case study questions how large a role it played.

1039 Clark, 421.

collective security as an idea—and NATO as an organization—suffered serious blows from which they have yet to recover.

Interagency failure emasculated U.S. policy option generation. As massacres unfolded in near-real time via the international press, the U.S. realized it would have to send troops into the Balkans no matter which COA it approved. While one might look positively on the eventual American action in Bosnia and Kosovo, the fact that circumstances compelled U.S. action cannot be viewed as positive from an interagency perspective.

Once the United States acted in Bosnia and Kosovo, the gap between diplomats and warfighters produced a policy unable to link political and military means with any articulated ends. Thus, the United States ended the wars, but did not establish a stable end-state.[1040] The issues at stake in Bosnia and Kosovo—in particular, self-determination for minority groups—remain unsettled. Bosnia is divided along the Inter Entity (i.e., ethnic) Boundary Line and Kosovo's status remains uncertain. Both could easily plunge into war once again, bringing the West along with them.

Bildt offers an excellent assessment of the failings and successes of the American response: "the so-called inter-agency process in Washington often took on all the characteristics of a civil war, the *chief casualty of which was often the prospect of coherence and consistency in the policies to be pursued*… I was not always greatly impressed by the analytical content or the strategic vision in the policies…."[1041]

Absent policy coherence and consistency, *America could not provide global leadership*. Many in Washington rationalized this failure to lead by saying that Bosnia was Europe's problem and that this was "the hour of Europe."[1042] Nevertheless, in reality America could not lead due to its inability to articulate a strategy that brought together the dominance of its military in support of the strength of its diplomacy. Bildt follows up the above statement by saying, "there has almost

1040 Rast, *Interagency Fratricide,* xix–xx.

1041 Bildt, 387.

1042 John O'Brennan, "Kosovo: The Hour of Europe," *Open Democracy News Analysis*, 14 January 2008. Last accessed 22 Aug 2008; available at http://www.opendemocracy.net/article/conflicts/kosovo_hour_of_europe.

always been good reason to be impressed by the way in which resources could be concentrated and coordinated to implement the political strategy that has been decided."[1043] The problem, then, is simply one of *not deciding*.

1043 Bildt, 387.

Applying a "Whole-of-Government Approach"

CHAPTER 8. CORDS AND THE VIETNAM EXPERIENCE: AN INTERAGENCY ORGANIZATION FOR COUNTERINSURGENCY AND PACIFICATION

Richard W. Stewart, PhD.[1044]

Introduction

The United States has faced many pacification and counter-insurgency challenges in the past, and on the whole it has dealt with them successfully. From Indian Wars on the frontier to a many decades struggle with the *insurrectos and Moros* in the Philippines to support for embattled governments in Greece, the Philippines, and El Salvador in the twentieth century. Despite these relative successes, however, the greatest counterinsurgency challenge faced by the United States Army in the twentieth century was undoubtedly in South Vietnam in the 1960s and 70s. Nowhere were the Army's resolve, training, doctrine, and personnel tested so thoroughly as during our longest war, the War in Vietnam. While the U.S. Army shouldered much of the burden for providing many of the personnel and most of the funding for that counterinsurgency war, it is also clear that many key elements of the U.S. government were joined together in that fight as part of an interagency headquarters known as CORDS (Civil Operations and Revolutionary—later Rural—Development Support) that existed from 1967 to early 1973. CORDS was the chief means that the U.S. used to organize, resource, and lead the fight to prop up the government of

1044 Richard Steward it the Chief Historian at the U.S. Army Center of Military History. The views expressed in this article are those of the author and do not reflect the official policy or position of the Department of the Army, Department of Defense, or the U.S. government.

South Vietnam and make it responsive to the needs of its own people while simultaneously fighting against the insurgent Viet Cong and their North Vietnamese masters.[1045]

Understanding the CORDS experience in Vietnam is critical to understanding the promise and challenges of forging an interagency unified effort, especially under the pressure of overseas military operations. No "Goldwater-Nichols for the Interagency" will be possible unless one can explain clearly how interagency elements of power can be fused together in one centrally directed effort, focused on a specific mission. Without a concrete example of how it was accomplished, the struggle to create a mechanism for wide-spread interagency organization will founder upon theory and conjecture. CORDS, though, was just such an accomplishment of interagency success. It was created specifically in response to the most extensive counter-insurgency and nation-building challenge the U.S. national security community faced in the twentieth century. Its mission was to focus the U.S. government's efforts on a fight we felt that we had to help the South Vietnamese win—pacification of their own country and defeat of an insurgency directed and supplied by a rival government. Under several dynamic leaders who created and managed the organization and obtained for it the necessary bureaucratic and financial support, it accomplished nearly all that it was expected to achieve. It was created after two other alternative organizations failed to accomplish their objectives in Vietnam and despite large sections of the federal government, especially the State Department, opposing it before succumbing to the direct decision of the president. CORDS was thus an *ad-hoc* experiment in placing nearly all the interagency assets (civilian and military) involved in the pacification struggle under one civilian manager and then placing that civilian within the military hierarchy as a deputy commander of military assistance command Vietnam (MACV), the military headquarters in Saigon. This bold, indeed unprecedented, move provided the pacification support effort nearly unfettered access to military resources, personnel, energy, organizational skill, and logistics. By centralizing planning and

1045 Probably the best one volume analysis of the pacification struggle and CORDS in Vietnam is Richard Hunt, *Pacification: The American Struggle for Vietnam's Hearts and Minds* (Boulder, Colorado: Westview Press, 1995).

management in one headquarters, then replicating that management structure at each level of the government of South Vietnam (military region, province, and district), CORDS built and operated a truly effective interagency headquarters. It blended civilian and military agencies and personnel, focused them on one mission under one manager and effectively smoothed the flow of U.S. pacification support to all levels of the government of South Vietnam and to its armed forces fighting the pacification battle. It is one model for how the power of the U.S. government can be harnessed, under the right set of circumstances, to accomplish our national goals and has valuable lessons for counterinsurgency, state-building, and governmental capacity building challenges faced by the United States today.

The Background

The government of South Vietnam had been struggling with its insurgency since it was created by the Geneva peace accords in July 1954. President Ngo Dinh Diem and then, after his murder in 1963, a bewildering succession of generals, each developed a number of pacification schemes to "win the hearts and minds" of its own people but with little success. The arrival of major American combat units in the summer and fall of 1965 seemed to push the pacification struggle into the background, and yet it was this struggle that ultimately would determine whether or not the government of South Vietnam would be able to gain the trust and support of its own people. The government of Vietnam attained a measure of political stability with the Nguyen Cao Ky and later the Nguyen Van Thieu governments, and began to put more of its efforts into this "other war" while the U.S. forces sought to erect a shield of conventional forces to protect it. Behind this shield, the government began again to establish a wide range of programs for governmental administration, economic development, regional security, refugee control, anti-Viet Cong infrastructure, national police, and other pacification or counterinsurgency activities.

The U.S. Organizational Challenge

In 1965, the U.S. pacification assistance mission in South Vietnam was run by the United States Mission offices in Saigon, which attempted to coordinate the ever-expanding U.S. programs dealing with the stabilization needs of South Vietnam. The State Department, Central Intelligence Agency (CIA), U.S. Agency for International Development (USAID), U.S. Department of Agriculture (USDA), and the U.S. Information Service (USIS) all had pieces of this mission. While these essentially development programs were underway, the military advisory effort, run by MACV, was focused primarily on training the Republic of Vietnam Armed Forces (RVNAF) to fulfill their role as protectors of the people. However, military assets were outside the direct purview of the embassy, and although the commander of MACV met regularly with the U.S. ambassador, the results of all efforts to coordinate the military and civilian pacification programs were mixed. Even within the embassy, attempts to coordinate all the programs run by different agencies of the U.S. government with different lines of authority, different budgets, and different approaches to problems made the integration of efforts difficult. As the programs grew in size and complexity in the mid 1960s, the embassy began to reach its organizational limits in terms of manpower and expertise to run a host of expanding, overlapping, and sometimes conflicting programs. It was the classic Washington interagency struggle reproduced in miniature and transferred to Saigon. It was to solve this basic problem of organization and administration—how to concentrate the efforts of the U.S. government on the problem of providing focused management support to the South Vietnamese efforts at pacification—that the office of Civil Operations and Revolutionary Development Support (CORDS) was created in May 1967.

The United States effort to support the South Vietnamese government in bringing peace and stability to its people for the early years, from 1954 to 1964, can only be called *ad hoc* in nature. The U.S. involvement in South Vietnam included establishing and sustaining a wide variety of aid programs to distribute seed, tools, fertilizers, animals, and the knowledge of farming techniques to improve the standard of life of this basically agricultural country. In addition, the U.S. worked with a number of national and international programs

to provide vaccinations, medical supplies, doctors, and health programs to poor villagers. The United States was also instrumental in establishing basic training programs in government and administration aimed at lasting reforms, including fighting corruption and support for land redistribution initiatives. Many of these programs were run through the U.S. Embassy by the newly established (in 1961) U.S. Agency for International Development.[1046] USAID also operated outside of Saigon; there were USAID advisors in all of the 234 districts and 44 provinces of Vietnam. The size of the USAID economic aid budget was estimated at around $222 million per year from 1955–1960 and it was by far the primary agency in South Vietnam for political and economic development prior to the U.S. buildup in 1965.[1047]

With some CIA, USIS, and military support, USAID advisors also worked with the government of South Vietnam on a variety of other programs in an attempt to bring economic development, security, and government reform to the countryside to lay the basis for sustained economic growth while developing the capacity of the South Vietnamese government. Only in this way, it was believed, could we assist the South Vietnamese in undercutting the political programs of the Viet Cong and pacify the countryside. Since the Viet Cong guerrillas and their North Vietnamese supporters could be counted on to resist such efforts, the real crux of the problem, however, was how to bring security to the countryside so that economic development and the growth of governmental capacity could be sustained over time.[1048]

By late 1964 and into 1965, it was clear that these development, governance, and pacification programs were not doing well. Despite pressure from Washington for more dramatic actions and measurable

1046 Before the establishment of USAID, the program was run by the United States Operations Mission (USOM) as part of the U.S. international aid program that had gained its start with the U.S. Overseas Mission and the Marshall Plan following World War II.

1047 Gordon M. Wells, "No More Vietnams: CORDS as a Model for Counterinsurgency Campaign Design," School of Advanced Military Studies, Fort Leavenworth, Kansas, 1991, 21.

1048 Dale Andrade, "Evolution of Pacification in Vietnam", Information Paper, U.S. Army Center of Military History, 12 February 2004.

success, it was clear that the relative handful of civilians on the staff of the U.S. Embassy did not have the capacity to manage the growing U.S. pacification assistance efforts. Neither Ambassador Henry Cabot Lodge nor his successor Maxwell Taylor was able to develop a workable arrangement that could manage all the programs according to one script, with a centralized money flow, and policy direction to achieve measurable results.[1049] Coordination, but not direct management, was the preferred approach of the State Department to supervising the U.S. pacification effort. And, as one recent observer has written, "coordination in government is often an excuse to avoid assigning responsibility and accountability for the accomplishment for a particular objective."[1050] Ambassador Taylor, who had a letter from the president giving him "full responsibility for the effort of the United States Government in South Vietnam," used that authority to create a "Mission Council" to meet weekly with senior representatives of the various programs but it was still just a form of coordination.[1051] Each major agency of the government retained the right to appeal any decisions of the council back to their parent agency in Washington. There was no central plan, no central budget, and no central direction to force the pieces to work together or reallocate resources without the express approval of Washington.[1052]

It took the full power of the office of the president to cut this "Gordian Knot." The issue of organizing for pacification came to the fore during the Warrenton, Virginia, conference from January 8–11, 1966 and the Honolulu conference between President Lyndon Johnson, South Vietnamese President Thieu, and Vice-President Ky

1049 Thomas W. Scoville, *Reorganizing for Pacification Support*, (Washington, D.C.: U.S. Army Center of Military History, 1982) 7. General William C. Westmoreland, *A Soldier Reports* (Garden City, NY: Doubleday And Company, 1976) 69.

1050 Nadia Schadlow, "Root's Rules: Lessons from America's Colonial Office", *The American Interest*, Vol II, No. 3, Jan/Feb 2007, 100.

1051 Letter, President Johnson to Taylor, 2 July 1964, Message JGS 7217 to CINCPAC (Commander in Chief Pacific) and COMUSMACV (Commander, U.S. Military Assistance Command, Vietnam) quoted in Scoville, 8. The Mission Council was thus only a forum for the exchange of information and for building a consensus, not a management vehicle.

1052 Scoville, 9–11; Graham A. Cosmas, *MACV: The Joint Command in the Years of Escalation, 1962-1967,* Washington, D.C.: U.S. Army Center of Military History, 2006, 139–147.

the following month.[1053] Impatient with the lack of consensus on ways to improve the management of the U.S. support to pacification, President Johnson decided to focus on the issue personally during the latter conference.

Pacification was at the heart of the discussions at the Honolulu conference and Johnson was quite clear that he was not happy with how things were going. As Johnson later wrote, "I wanted to see progress, not just reports." Thus, he "ordered a reorganization of our Mission in Saigon to reflect this new emphasis on nonmilitary programs."[1054] He directed that Lodge's deputy, Ambassador William Porter, take direct, full-time charge of the effort in Vietnam. He also established in the White House the office of a special assistant for pacification. To this post he appointed Robert W. Komer from his National Security Council staff, and gave him the charter of coordinating the Washington end of the interagency challenge. By creating both a Washington and a Saigon interagency coordination entity, Johnson hoped to force the issue and generate the necessary levels of cooperation that would lead to progress in the pacification fight. However, Porter apparently continued to believe that his role in pacification was merely to coordinate programs in the embassy, and not to direct the programs in the entire country as a hands-on, take-charge, manager. Even more critical was the failure to merge any of the military programs with the civilian programs, or even to establish the mechanism to enhance any unified planning or execution effort.[1055] The State Department "adamantly contended that the other war ought to remain in civilian hands."[1056] Things appeared to be at an impasse.

In October 1966, President Johnson sent a fact-finding mission to South Vietnam and, still unsatisfied with the embassy's approach to managing pacification, decided that while Porter would remain

1053 Scoville, 18–19.

1054 Lyndon B. Johnson, *The Vantage Point: Perspectives of the Presidency 1963-1969,* (New York: Holt, Rinehart and Winston, 1971) 243–245; Scoville, 22–25.

1055 Ambassador Lodge was not pleased that his deputy would be even more fully enmeshed in the day-to-day management of the U.S. pacification effort. Lodge had an embassy to run and those non-pacification duties formerly done by Porter would, he feared, fall to his lot. See Scoville, 25.

1056 Hunt, *Pacification*, 76–77.

in charge of pacification, a new office would be established in the embassy entitled the Office of Civil Operations (OCO). This office would have the explicit mandate of making dramatic improvements across the board within 90 to 120 days or else it would be folded under MACV. Although ostensibly giving the embassy another chance at managing the issue, OCO was to be little more than a half-way house to the single manager operation that Komer, McNamara, and the president, really believed was the right solution.

The new Office of Civil Operations was placed under Deputy Ambassador Porter but was managed on a daily basis by L. Wade Lathram, the deputy director of USAID. The OCO was an important initiative that tried, in the short time given it, to pull the administrative threads together on the entire range of civilian programs working on economic and governmental development in the pacification business at each administrative level. Brought under this office were all the personnel supporting USAID projects, the Revolutionary Development (later Rural Development) program of expanding government presence in the countryside (many advisors to this program were CIA personnel under cover as USAID employees), refugee support, the *Chieu Hoi* amnesty program, and public safety (police and justice). For the first time all U.S. civilians in Saigon and the provinces, with the exception of some sensitive CIA intelligence collection activities, reported through a single chain of command to a single manager in the embassy.[1057] Yet OCO had four significant problems: it still excluded from its purview the hundreds of military advisors in the provinces heavily engaged in pacification; it had limited numbers of civilians trying to manage programs that demanded ever increasing amounts of resources—money, transportation, advisors, equipment—and no ready access to the only such source for such assets, the military; it was so focused on civilian elements of the pacification struggle that the critical element in that struggle—local and regional security—was not part of their charter nor did they have sufficient personal connections to the element of the South Vietnamese government that was responsible for this security, the South Vietnamese Army; and finally it was only given a few months

1057 Of the entities wrapped under OCO, AID was by far the largest, providing some 54 percent of the budget and 78 percent of the personnel. Ibid. 82.

to prove itself successful. Each one of the four problems alone might have been sufficient to doom the initiative and the existence of all four virtually ensured its failure.

It was important that OCO make a quick impact on pacification, but from the start it had significant problems finding the right personnel just to fill the office. The OCO structure required over 175 new civilians to staff the headquarters in Saigon and the positions of the senior province representatives and regional directors. And, unlike military personnel who could be, and often were, directed into positions regardless of personal preference, these positions had to be filled using the time-consuming civilian recruitment process. Especially critical were the regional directorships, but the slow nature of the hiring process meant that it was not until February 1967 that all four of these senior management positions were filled. By the end of that month, and over halfway through its projected lifespan, almost one-third of the civilian positions in OCO were still vacant.[1058]

The challenges of filling civilian positions within OCO, the short time-frame allotted to that office to prove itself, and the continuing lack of authority over the military advisors and thus over the critical security aspect of pacification, combined to doom the OCO initiative. Within the 90-120 days given it, the OCO was unable even to start to generate integrated civil-military pacification plans, establish necessary links with MACV and the RVNAF personnel and programs, create goals and milestones for measuring success, or make visible progress.[1059]

Under direction from the president, the embassy and all of its interagency pieces finally acceded in the forcible movement of its programs into one headquarters under a civilian head, but within MACV. The pacification effort would thus benefit from being under a single manager and the program would retain a civilian flavor while its civilian manager would have full access to the skilled and

1058 Hunt, *Pacification*, 83–85.

1059 Westmoreland was later to call the creation of OCO "a sop to the prideful creatures in the bureaucratic jungles of Washington and Saigon." General William C. Westmoreland, *A Soldier Reports,* Garden City, NY: Doubleday and Company, 1976, 212.

dedicated military personnel and their resources in an expanding and by comparison heavily funded headquarters. The manager would have what was needed to plan and direct all the complex civilian and military operations, especially security advisory operations, inherent in the "other war." As Westmoreland later stated:

> The very logic of the military's handling pacification . . . would eventually sell itself. The military had the necessary managerial experience and through senior officers and advisers had a rapport with the South Vietnamese military leadership and a mutual confidence born of a common military outlook that was hardly to be duplicated by American civilian officials.[1060]

The resulting Civil Operations and Revolutionary Development Support (CORDS) organization finally brought almost all the elements of U.S. support to the Vietnamese pacification effort under one central head and placed it firmly under military control while retaining civilians in numerous positions of authority. (Only the Marine Corps pacification effort in the I Corps area was kept separate at their insistence.) To run this effort, President Johnson appointed Robert Komer, his special assistant on pacification, to the personal rank of ambassador and assigned him to MACV as deputy commander of military assistance command Vietnam for CORDS.[1061] Westmoreland and Komer, despite some initial friction, very quickly recognized each other's genuine commitment to getting the job done, and Westmoreland increasingly grew to trust Komer as the single component commander in charge of military and civilian support to pacification. Later when Komer's deputy, William Colby, became chief of CORDS, he established a similarly strong and professional relationship with Westmoreland's successor, General Creighton Abrams.

With the benefit of hindsight, one could view the two years of organizational effort that finally resulted in CORDS as a waste

1060 Ibid. 210.

1061 He was never made a full deputy commander of MACV to avoid any confusion in the military chain of command should Westmoreland or his new deputy commander, General Creighton Abrams, be absent from the headquarters at the same time. Hunt, *Pacification*, 87–88. See also Cosmas, 360–363.

of time. This is tempting, but given the uniqueness of the final solution—a mixed civilian-military agency under a civilian head inside a military headquarters—the apparent obviousness of the arrangement was not as clear then as it might seem today. In many other countries with insurgencies and where the U.S. had substantial military aid efforts in the 50s and 60s, the "Country Team" approach of various U.S. agencies and the military coordinating their efforts under the direction of the ambassador seemed to work. The ambassador, the personal representative of the president, had the responsibility for the success or failure of the U.S. aid effort in his or her country. Such a responsibility denotes more than just a parochial interest in protecting "turf." To dedicated members of the State Department, unifying such a complex, mostly civilian, effort under the ambassador made a great deal of sense. And, given the culture of the State Department that emphasized collegiality and cooperation but shied away from a military-like focus on planning and strong management or command and control systems, any attempt to place civilian agencies under military control would naturally be resisted.

Two main factors, however, overrode the attempt by the various ambassadors in South Vietnam, backed by the State Department, to maintain their loose coordination arrangement for pacification support. The first factor was the obvious growth in size of the American effort from 1960 to 1966 to counter the increased infiltration by the North Vietnamese.[1062] The U.S. effort to aid Vietnam grew at least tenfold in just a few years and the military component grew correspondingly. The flood of American soldiers, advisers, dollars, and programs simply grew too large for the small staffs in the embassy to manage. Management of these complex programs needed greater efforts to maximize personnel efficiency, develop dynamic leaders at multiple levels, generate elaborate budget projections, prepare multi-year plans, establish a series of on-the-ground inspectors and supervisors, and manage a host of other manpower and leadership-intensive tasks. With so much money being invested in a series of complex programs that would determine the degree of success or failure of the U.S. and South Vietnamese pacification effort, all efforts at coordination rapidly

1062 See Cosmas, 187–219 and 232–259.

became overwhelmed. And as conventional forces and operations continued to expand in size and scope, it became apparent that a more centralized management approach was needed. It was logical that only an organization closely affiliated or a part of the military structure would have the manpower, organizational skills, planning experience, and access to resources to deal with a management challenge of this magnitude.

Second, the well-intentioned but slow effort to coordinate the actions of a host of governmental bureaucracies, all of which maintained direct links back to the interagency morass of Washington, was dysfunctional—so dysfunctional that even President Johnson realized it and determined to involve himself personally in the process. Even more than McNamara and Komer, President Johnson wanted action and progress and he wanted it quickly. Critical in the final decision was the fact that the President wanted, in his own colorful words, "coonskins on the wall" to show that we were winning the war in Vietnam and to demonstrate his personal involvement in the push to move pacification support into the hands of the military.[1063] As is often remarked, there is only one real decision maker in the national security process, the president, and when he is determined to have his way, few agencies of government can stand up to him for long. CORDS was a "shotgun marriage" of a host of civilian entities with the military, creating a truly interagency headquarters, and President Johnson held the shotgun.

CORDS

Now that CORDS was finally established, the real challenge was making the organization work. CORDS was an attempt to pull together a multitude of civilian and military pacification threads, get them to plan together towards a set of agreed upon common goals, monitor the progress of each separate program, move resources as needed to achieve results, and measure those results against some as yet to be discovered standard so that an objective observer could see progress. All of these goals were to be accomplished while at

1063 The Pentagon Papers: The Defense Department History of United States Decisionmaking on Vietnam, Vol. 2, 552, as quoted in Hunt, Pacification, 71.

the same time developing new mechanisms to fix, or at least work around, a barely functioning, corrupt, poorly led, and rudimentary South Vietnamese administration that had meager legitimacy in the eyes of its U.S. sponsors, let alone its own people. This last challenge was to be the most frustrating problem of all, yet without a South Vietnamese government and bureaucracy capable of running its own country and protecting its own people, CORDS would be building an elaborate castle on the sand.

The first problem Komer faced in making his new organization a success was the question of how to fuse military and civilian personnel into one coherent whole. Then it was important that he energize that new organization, focus it on delivering results in a hurry (he knew just how impatient President Johnson was to see results) and then set the ground work for effective planning that would force the U.S. and Vietnamese military and civilian structures to work together.

Finally, it was critical that the unity of effort at the Saigon headquarters level be duplicated down the chain of command to the regions and provinces so that the "single manager" concept would run the pacification struggle from the national down to the provincial, village, and even hamlet levels where success was essential.

A Military and Civilian Hybrid Headquarters

The challenge of successfully mixing military and civilian personnel from different agencies with different cultures and missions was critical to the long term success of CORDS. Komer wrote to Westmoreland on May 23, 1967, shortly after assuming his duties, on this task of integrating the essentially civilian OCO into the military culture of MACV. He knew that this blending was important but was also aware of the obvious concerns of the new ambassador, Ellsworth Bunker, and the other embassy elements that it be done properly so as not to appear that the entire process was being militarized. Komer believed that it was necessary to develop "a more thorough intertwining of existing civil and military organizations than some initially envisaged." Military personnel were to be put in charge of civilians, but civilians were also to be placed in charge of military personnel to create a truly mixed, interagency team based on skills and abilities and not on previous agency loyalty. "I believe," he wrote, "that to show all concerned we intend to have a genuine civil-military

team, the senior officer in each case—military or civilian—should write the efficiency reports of those next below him."[1064] This move was an essential step in making integration work. It would get the attention of military and civilian officials alike, since careers generally rose or fell based on efficiency reports, and it would clarify, once and for all, the chain of command.

Certainly the State Department was concerned about placing its personnel under a military chain of command. It was concerned that the assignment of its pacification personnel to a new organization within MACV would lead to a "militarization" of its mission. Komer was so sensitive to the issue that he began to use the argument to his civilian counterparts that he was "civilianizing the military" rather than the reverse.[1065]

As proof of his commitment to a mixed headquarters, it was important for Ambassador Komer to choose his senior directors carefully to ensure that civilians received their share of the positions and thus dispel the fear that the critical slots would go mostly to military personnel. While there were a number of important vacancies that would take time to fill, one of the first assignment listings of personnel transferred into CORDS included a list of twelve senior civilians moved from OCO to occupy a number of the top slots in CORDS: Operations, Management Support, Plans and Programs, *Chieu Hoi*, Refugees, Refugee Development Cadre, and New Life Development programs. Public Safety and Pscyhological Operations (PSYOP) were to be filled by military personnel, as would the Offices of Deputy Director, Special Assistant, Research and Analysis, and Reports and Evaluations. In addition, when a senior civilian was assigned to a key headquarters position, almost invariably he had a military assistant reporting to him and the reverse was true when a military officer was in the principal slot. All in all, it was a laudable

1064 Memorandum from Robert W. Komer to General Westmoreland, Subject: Integration of OCO/RDS Activities Within MACV, 23 May 1967, 2–3.

1065 Confidential Memo to Ambassador Komer from R. Montague and M. Deford, copy forwarded to R. Holbrooke "who strongly concurs", Subject: The Changeover, dated May 6, 1967. CORDS Files, U.S. Army Center of Military History (Hereafter referred to as CMH), File 79, Organization Folder May 1967.

attempt to start out the new organization with a careful balance between military and civilian management.[1066]

Quick "Coonskins on the Wall"

To showcase some quick successes, Komer set up eight action programs under the general rubric of "Project Takeoff," a "management tool designed to bring maximum Pacification assets to bear on the most important problems."[1067] These eight programs were:

- Improve Pacification Planning
- Accelerate the *Chieu Hoi* Program
- Mount an attack on the Viet Cong (VC) Infrastructure
- Expand and Improve ARVN Support to Pacification
- Expand and Supplement the RD Team Effort
- Increase the Capability to Handle Refugees
- Revamp the Police Forces
- Press Land Reform

In each of these areas, Komer wanted to focus on measurable progress that would have an immediate effect on the security situation on the ground and send a signal to the people of South Vietnam (as well as the VC) that their government, backed by the United States, was serious about improving their lives.[1068] Each initiative was quantifiable in some way so that resources could both be justified back in Washington and moved or reallocated should programs not deliver. Komer expected dramatic results within six months, especially in the attack on the Viet Cong infrastructure, and his hard-charging and often abrasive management style (not for nothing was he known as "Blowtorch Bob") began to push Project Takeoff from day one.

1066 CORDS Files, CMH, File 77, Folder 16.

1067 MACV Command History 1968, I: 519.

1068 CORDS Files in CMH, File Cabinet 67, Folder 94. Project Takeoff. Memo from Komer to MACV, Subject: Project Takeoff, dated 19 July 1967.

Joint and Combined Planning

Added to the frustrations of orchestrating the U.S. civilian and military support was the huge challenge of assuring that the Vietnamese and U.S. pacification staffs worked together to establish truly coordinated and unified military, developmental, and diplomatic national plans for pacification. From the first, CORDS emphasized working closely with the South Vietnamese to generate more detailed and comprehensive plans for pacification coordination that would ensure U.S. and Vietnamese military and civilian resources worked together. CORDS established a joint planning group consisting of CORDS, USAID, and PSYOP planners from the Joint U.S. Public Affairs Office (JUSPAO) to ensure that U.S. goals and assets were aligned with Vietnamese programs. In time, the Vietnamese pacification planning apparatus would grow in size and ability as it slowly gained a handle on all aspects of its mission.[1069]

The "Single Manager" at the Region, Province, and District

To duplicate the success at organizing his headquarters at Saigon, and ensure that mission directives, planning, and resources were used throughout the country, Komer moved quickly to establish regional CORDS headquarters at each corps tactical zone headquarters with a smaller organization reflecting the national-level CORDS headquarters at MACV. Each of the 44 provinces, as well, created a headquarters similar in structure to that of CORDS, to manage the various pacification programs in conjunction with the Vietnamese province chiefs, normally a South Vietnamese Army or Marine colonel. The province senior advisor's staff was, like its regional and Saigon counterpart, composed of both military and civilian personnel in one interagency headquarters. Finally, even down at the district level the district senior advisor had the authority and assets to assert the necessary control over U.S. military and civilian support to the Vietnamese pacification effort in his area. It was a top-to-bottom plan to gain full visibility and control over the "other war."

1069 Hunt, 101.

CORDS Elements

CORDS itself consisted of a typical headquarters staff element with an operations office and an executive secretariat. Within the headquarters were four main staff elements to plan for operations and monitor their effectiveness. Centralized planning and centralized accountability for results were to be two essential hallmarks of CORDS. The four main staff elements were a Research and Analysis Division (RAD) to collect and analyze progress reports from the field (especially the monthly Hamlet Evaluation System), a Reports and Evaluation Division (RED) to collect independent field evaluations on the critical revolutionary development (RD) cadre program, a Plans and Programs Division (PPD) responsible for working with the Government of Vietnam to develop unified and coherent military and civilian pacification plans, and a Management Support Division responsible for managing contracts and providing general administrative support.[1070]

In addition to creating a central headquarters co-located with MACV, CORDS had to merge all the legacy development and governance programs and initiatives into its organization. The most significant of these programs became new divisions of CORDS: New Life Development (developmental aid to villages), *Chieu Hoi* (encouraging Viet Cong to defect), Revolutionary Development Cadre (good governance programs at the local level), Refugee Support (managing the movement, housing, and relocation of refugees), PSYOP (providing tactical PSYOP for the *Chieu Hoi* and local government programs), and Public Safety (building up the National Police and National Police Field Forces to attach the Viet Cong infrastructure). Taken together, this mix of programs included all of the key elements of U.S. government support to the developmental and local security programs undertaken by the South Vietnamese. It was nation-building on a grand scale.

With the establishment of CORDS in May 1967, the U.S. finally had in place a structure that placed almost all of its pacification support assets under one headquarters, one manager, within MACV. However,

1070 Change 4 to MACV Organization and Functions Manual, paras 27c, d, e, and f. May 1967. CORDS Files, CMH, File Cabinet 79, Organization Folder May 1967.

the struggle to make CORDS a fully functioning and effective headquarters was just beginning. First, it was necessary to establish plans and goals that would make the pieces actually work together toward common aims, all the while fighting off the inevitable attempts by various parts of the new organization to revert to their "usual" chain of command. USAID and CIA, in particular, retained contacts with their parent headquarters back in Washington and enjoyed the flexibility of being able to play off one headquarters against another, often effectively undercutting CORDS' authority. This conflict was never a battle that was completely won, but Ambassador Komer and later Ambassador Colby were always on the lookout for these tendencies. Finally it was critical that the South Vietnamese government in Saigon and in the provinces cooperate and build up their own parallel pacification structure. It was, after all, South Vietnam's war to lose. Although the United States was the "senior partner" in the pacification initiative due to its size and resources, Komer pushed hard from behind while adopting a "follow and assist" mode so that Vietnam would increasingly run its own programs.

Ambassador Komer quickly began laying plans for a larger headquarters using primarily military personnel and the additional funds that came to him from MACV, and to begin a program to hire additional civilians, including U.S. civilians, third country citizens, and local nationals. Moving rapidly to expand his control over provincial pacification personnel, Komer nearly doubled the size of CORDS (from 4,980 to 8,327 personnel) within the first six months of its existence.[1071] Much of the growth was in military ranks when 2,000 soldiers were detached from advisory duties with the conventional South Vietnamese Army and moved into advisory positions in support of the Regional Forces/Popular Forces militia units. At least in terms of personnel allocations, it was apparent to all observers that pacification suddenly had a much higher priority for MACV.

Organizing the headquarters, planning staffs, and programs for pacification were just the opening salvos in Ambassador Komer's

1071 National Archives and Records Administration (Hereafter referred to as NARA), Records Group (RG) 472, CORDS Historical Working Group, Box 3, Personnel Strength, CORDS. Only some 600 of these personnel were located in Saigon; the remainder was in the regional and provincial elements.

attempt to focus all of the elements of national power on solving the U.S. support to pacification issue. Over the next five and a half years, despite the major disruptions to the program due to the enemy's Tet Offensive in early 1968 and the Easter Offensive of the North Vietnamese in the spring of 1972, CORDS under Komer, and then William Colby, moved aggressively to bring more and more resources, discipline, quality control, measurement effectiveness, and focus to the fight. The hope was that this effort would give the South Vietnamese government a breathing space to put its house in order and gain the willing trust of its own people.

CORDS in Action

CORDS revamped the National Police System, establishing regional and provincial police intelligence centers and improving communications networks, training, and effectiveness against the shadowy Viet Cong infrastructure.[1072] CORDS created a special program to assist in this struggle: the *Phung Hoang* or the Phoenix program focusing on sending secret teams into the countryside to capture or kill Viet Cong leaders.[1073] From 1968 to the middle of 1972, *Phung Hoang*/Phoenix teams reported over 80,000 VCI members "neutralized," captured, killed, or rallied to the side of the government.[1074]

The *Chieu Hoi* enemy deserter program was emphasized with over 200,000 VC "rallying" to government by the end of 1972.[1075] As part of

1072 Memo to AC of S CORDS from Chief, Public Safety Division, Subject: Action Program FY – 1968, dated 13 June 1967 in CORDS Files in CMH, File Cabinet 67, Folder 95. By the end of 1967, police end-strength grew to almost 73,371 from a starting point of 66,000. Memorandum to Deputy COMUSMACV for Cords from AC of S CORDS, L. Wade Latham, dated 10 Jan 1968, Subject: Project Takeoff Year End Wrap Up 1967.

1073 William Colby, later Deputy Director and then Director of CORDS, was the time the CIA's Far Eastern Division Chief and oversaw the CTTs. He remained intimately involved with the CTT, PRU, and later Phoenix Program as well as the U.S. support to the Revolutionary Development Cadre. See Andrade, 43.

1074 Andrade, *Ashes to Ashes,* 287.

1075 CORDS Historical Files, CMH, File 77 Folder 10.

this successful program, Armed Propaganda Teams were established to go into otherwise denied areas and troll for potential defectors.[1076]

The RVNAF became much more focused on supporting the pacification fight nationwide.[1077] Previously targeting only the conventional fight, they were increasingly trained to function as forces that could "hold" territory after it was cleared of enemy forces by the more hard-hitting and mobile U.S. units.

The Revolutionary Development (later called the Rural Development) program, the entity primarily responsible for building a sense of civic responsibility and governmental capacity in the hamlets and villages of Vietnam, was expanded to 971 teams of 59 members each for a total of 57,000 personnel.[1078] These "shock troops" of the government were in many villages the only face of a caring government trying to deliver goods, services, and good government to its own people.

And in perhaps the most effective of its initiatives, CORDS over a five-year period focused U.S. and Vietnamese assets on improving the training and armament of the Regional Forces (RF) and Popular Forces (PF). These local militia-like organizations were vital to securing hamlets and villages and serving as the "fire brigades" and first responders to small-scale attacks by the VC and NVA in their districts.[1079] CORDS asked MACV for an additional 2,331 advisors for these "neglected paramilitary forces" and created 353 Mobile Advisory Teams (MAT).[1080] In addition, CORDS staff officers, aware of the logistical challenges facing the South Vietnamese military,

1076 NARA, RG 472, Box 12, Pacification Studies Group Evaluation of Armed Propaganda Teams, 7 April 1969.

1077 As Komer himself later wrote about CORDS, "One key achievement was its initial stress on generating sustained local security in the countryside as the *indispensable* [emphasis added] prerequisite to effective pacification." Robert W. Komer, *Bureaucracy at War: U.S. Performance in the Vietnam Conflict* (Boulder and London: Westview Press, 1986)119.

1078 Hunt, 37.

1079 CORDS Files in CMH, File Cabinet 71, Folder Regional Forces/Popular Forces 1966. See also an Army War College research paper by Colonel Frederick C. Spann, "The Role of Paramilitary Forces in Counterinsurgency Operations", 8 April 1966.

1080 Komer, *Bureaucracy at War*, 124.

established ten Mobile Advisory Logistics Teams (MALTs) to travel to RF/PF headquarters units to help them account for equipment, draw supplies, and maintain their gear.[1081] CORDS also moved quickly to equip the militia forces with more modern M-16 rifles to replace their old M-1 and M-2 carbines, providing them 115,000 rifles by the end of 1968 and another 114,000 by the end of the following year.[1082] The RF/PF units were slowly built into a usable and useful force for local security.

In short, from 1967 to 1973, CORDS was generally effective in establishing viable military and civilian aid and assistance programs in conjunction with the South Vietnamese, managing those programs efficiently, making measureable progress towards improving the effectiveness of the South Vietnamese security forces in the countryside, and generally accomplishing the goals of pacification it set for itself. With around 8,000 personnel assigned at its peak, CORDS supported and sustained a South Vietnamese pacification effort that conservatively had over 800,000 soldiers and civilians in its ranks exclusive from the conventional South Vietnamese military.[1083] It was by far the largest and most sustained U.S. effort at nation-building of the twentieth century and in many ways, it was the most successful.

CORDS in Retrospect

CORDS was a true innovation: a unified interagency effort to conduct nation-building in a theater of war. It was also an ambitious attempt to manage a huge program of U.S. military, political, developmental, and economic aid to a country under a single-manager concept using modern administrative tools and new ways to measure success. It was a truly sophisticated attempt to build up a country and its internal

1081 Memorandum to Deputy COMUSMACV for Cords from AC of S CORDS, L. Wade Latham, dated 10 Jan 1968, Subject: Project Takeoff Year End Wrap Up 1967. CORDS Files in CMH, File Cabinet 67, Folder 94, Project Takeoff.

1082 MACV Command Histories 1968 and 1969, Vol I, 521, and Vol II, VIII–27.

1083 South Vietnamese pacification numbers include more than 500,000 Regional Forces/Popular Forces militia, approximately 200,000 trained and armed People's Self-Defense Forces, 75,000 National Police, 50,000 Revolutionary Development cadre, and some 20,000 personnel involved in the *Chieu Hoi* program.

security structure while facing a major conventionally trained and equipped foe able to intervene in this process almost at will. As such, CORDS has to be judged overall as a "successful failure" in that it generally accomplished its specified goals during its existence even if it failed in its ultimate task of ensuring the continued survival of the South Vietnamese government: that was a "mission too far."

CORDS certainly succeeded as well as it could in organizing and harnessing the full power of the U.S. military and civilian pacification initiatives and focusing them on supporting the South Vietnamese pacification initiatives. Compared with the feeble state of the government of Vietnam in 1965 at the start of major U.S. involvement, the government of Vietnam in 1973 at the demise of CORDS was relatively stable. Even if the 1973 Hamlet Evaluation System (HES) figures which showed the government controlled some 90 percent of the countryside cannot be fully trusted, the great majority of hamlets, villages, districts, and provinces were relatively peaceful with only the occasional ambush or guerilla attack.[1084] The regional security forces were numerous and active. The members of the National Police, while never fully living up to their promise, were actively tracking down the remnants of the VC shadow government. The economy had stabilized, rice production was up, and with a reasonably stable central government in control (despite deeply flawed elections) one could say that while not completely peaceful, South Vietnam was, in many ways, "pacified." That dynamic only changed with the re-emergence of the conventional North Vietnamese threat in 1975.

1084 MACV Command History 1973, Table at D-30 showing shifting HES levels through January 1973. The Hamlet Evaluation System was just one of the most regularly used, if flawed, means to measure progress by compiling monthly reports from each hamlet and village in Vietnam. While often misleading, over time it became a generally consistent management tool if not a completely reliable measure of "victory." While HES figures for South Vietnam in 1975 are lacking, the relative stability in the countryside reported by numerous sources through April 1975 indicates that the Jan 1973 security figure of 90 percent of the hamlets with "A," "B," and "C" ratings did not change much. Approximately 76 percent of the hamlets were rated "A" or "B", indicating almost no enemy activity.

If one can declare, if not victory, then at least a hope of having laid the groundwork for a potential success, then what degree of credit goes to CORDS? CORDS must, in my opinion, be given the credit for successfully putting in place many of the management tools that made U.S. support to pacification as effective as it was. After much initial confusion and diffusion of effort, CORDS put one interagency manager at the top of the chain of command for the pacification effort and placed that manager in the military structure with all of the resources, personnel, staff planners, equipment, and clout that entailed. With aggressive management and dynamic personalities, CORDS generated measurable programs, bold initiatives, gained South Vietnamese cooperation, and set out ambitious milestones. Despite two major conventional attacks in 1968 and 1972, the CORDS structure helped focus U.S. attention and assets on the critical "other war." The structure paved the way for the United States and South Vietnamese to exploit the period after 1968 when the Tet Offensive brought the VC out into the open. As a result, the VC were systematically destroyed then, and in the years immediately afterwards. Tet and the post-Tet struggle irremediably crippled the VC, and CORDS was one of the factors that helped South Vietnam capitalize on that and virtually eliminate the VC as a major threat.

Why was CORDS different? The real architect of the organization, Ambassador Komer, later tried to answer that question. He settled on three main reasons that resonate today:

First, it was a field expedient tailored to particular needs as perceived at the time. Second it was a unique experiment in a unified civil/military field advisory and support organization, quite different from World War II civil affairs or military government. Soldiers served directly under civilians, and vice versa, at all levels. They even wrote each other's efficiency reports. . . . and CORDS was fully integrated into the theater military structure. . . . The cutting edge was unified civil-military advisory teams in all 250 districts and 44 provinces. . . [Third, CORDS took a] relatively flexible and pragmatic approach to pacification . . .CORDS in effect wrote its field manual as it went along. One key achievement was its initial stress on generating

sustained local security in the countryside as the indispensable prerequisite to effective pacification at that late date.[1085]

It was perhaps this unified focus on security, and convincing the South Vietnamese, the U.S. civilian development effort, and the U.S. Army that the security fight in the countryside was the *sine qua non* for any of the other pacification programs to succeed, that was CORDS' greatest contribution.

Could CORDS have done better? Certainly, although critics over the years seem at a loss to describe exactly how any major U.S. effort on pacification could have somehow have "won" the South Vietnamese people over to their own government. CORDS, by mission and necessity, always had to deal with the issue of pacification through the medium of the South Vietnamese government, a deeply flawed instrument. The United States provided advice, funds, equipment, guidance, and advisors, but despite having great influence and some leverage over that government, the majority of pacification programs had to be conducted by the South Vietnamese. According to Komer, this was the greatest single problem. "Perhaps the greatest flaw," he later wrote, "was the failure to come to grips directly with the gross inadequacies of GVN [Government of Vietnam] and RVNAF leadership at all levels."[1086] Without sufficient quantity and quality of Vietnamese leaders at the province, district, village, and hamlet level, no amount of U.S. equipment or advice could alter the basic fact on the ground that the Vietnamese people either did not care about their central government, or they saw it as corrupt, or as a U.S. puppet: they never gave their complete loyalty to it.

Even had such leaders been available, however, and even if they had been given five or ten more years, undisturbed, in the end any pacification effort by CORDS or any other organization was doomed to failure without a complete North Vietnamese withdrawal from South Vietnam as part of any peace treaty. CORDS was perhaps the best organization we could devise to help fight the "other war" in the countryside, but in the end it could not trump twenty North Vietnamese divisions.

1085 Komer, *Bureaucracy at War*, 119.
1086 Komer, *Bureaucracy at War*, 127.

What Can We Learn About Interagency Operations From CORDS?

Interagency is Hard

One discernable lesson from the struggle to establish CORDS in the first place was the intensity of the bureaucratic opposition to forging an interagency headquarters. The State Department under two separate ambassadors—including one retired General—fought the idea that any of its assets for development or pacification should fall under a military chain of command, even one headed by a civilian. Interagency cooperation was a sufficient solution for the ambassadors; an interagency headquarters under a single manager was indeed a "bridge too far" for them. For two and a half years during the American build-up, the interagency effort to support the pacification struggle was factionalized, splintered, and ill-managed. Even after several rather broad hints from the administration that more direct and centralized management was needed, it took the highest level of intervention to change their minds. That CORDS was created at all was due to the direct intervention and personal commitment of President Johnson, who saw that the previous organizations of the pacification effort were not effective. It speaks volumes about making the interagency structure work that it took direct involvement by the nation's chief executive to force this organizational solution on an unwilling State Department and USAID. Nothing else was sufficient.

Once CORDS was created, it took continual direct involvement by Ambassador Komer and General Westmoreland to make it work, but within months of its creation, CORDS had accomplished what can only be considered significant progress in a unified pacification effort. As Komer later wrote:

> It is significant that not until an organization was created to focus specifically on pacification as it primary mission and to integrate all relevant military and civilian agency efforts did a major sustained pacification effort begin to take shape. The bureaucratic price that had to be paid for creating this military elephant and civilian rabbit stew was to put CORDS under the military. *Paradoxically, this resulted in greater U.S. civilian influence over pacification than had ever existed before* [his emphasis]; it also powerfully reinforced pacification's claim

on U.S. and GVN military resources, which constituted the great bulk of the inputs after 1966.[1087]

The Single-Manager Concept

The power of the single-manager concept for pacification organization cannot be overestimated. Unity of command and control, a central military concept, was essential to forging CORDS into a truly effective interagency headquarters. Without unity of command, mixed civilian and military staffs assigned to that command (and not just attached), and a rating chain that has military rating civilians and civilians rating military, no interagency organization can function.

Different Institutional Cultures

It seems clear that the institutional cultures of the different agency elements that tried to run the pacification struggle were at odds. The State Department and USAID, in particular, were opposed to the idea of letting "their" programs fall within the purview of the military. The military was equally unwilling to surrender control over their people and their assets to the control of the unfamiliar (and distrusted) State Department. The culture of cooperation of the State Department, however, could not solve what was essentially a problem of command and control over a massive and growing effort to build a nation including large elements of security, intelligence, training, and logistics as well as farm aid, democracy programs, and building projects. The embassy, neither with its Mission Council/ Country Team coordination effort nor short-lived Office of Civilian Operations, succeeded in unifying the U.S. pacification support effort to the South Vietnamese and providing the strong management that effort needed. Only the creation of a military-civilian hybrid organization—CORDS—squared the circle and allowed for civilian and military assets to be blended under civilian control but within a military hierarchy. Even after CORDS was established, bringing all the

1087 Komer, *Bureaucracy at War*, 118. This meant that more military resources were poured into pacification as opposed to civilian resources, not in the sense of DOD pouring more money into pacification as opposed to conventional military operations.

different civilian agencies together and merging them into one unified program was a herculean task that needed strong leadership and daily struggles for budget, personnel, and clearer lines of authority. It is a testament to the individuals involved in that effort—Komer, Westmoreland, Colby, Abrams, and later Bunker—and their staffs that this *ad hoc* headquarters succeeded as well as it did.[1088] Even though many problems with the CIA were mitigated by the appointment of William Colby as Komer's deputy and later as head of CORDS, and problems with the embassy in Saigon were eased thanks to the smooth working relationship between Ambassador Bunker, Colby, and Abrams, tensions with the State Department back in Washington remained. Those tensions, however, had less and less effect on the ground in Vietnam thanks to CORDS and its focused management.

Planning

Having the manpower, resources, and culture for being able to plan extensively was critical to the success of CORDS and is critical for any future interagency effort. To a great extent, only the military has all three of those assets at its beck and call and CORDS, with all pacification-oriented programs under one headquarters and one manager, had unprecedented access to trained military planners. Using these planners and other resources, CORDS had enough leverage to force all the various agency pieces to draft, staff, publish, and implement, in conjunction with the South Vietnamese, a nation-wide pacification plan. That planning process also forced the South Vietnamese, who were the key to any eventual pacification success, to create pacification councils and agencies, coordinate their activities (to the degree that they could), and merge their plans with those of the U.S military. The United States, in turn, was bound to coordinate more and more of their military actions and training efforts with the South Vietnamese, ensuring some measure of high-level military interest in pacification. The process itself was beneficial, and the plan for each year, even when it was modified due to changing circumstances on the ground, was an important document that focused U.S. and

1088 See in particular a memo to Mr. James Grant, Assistant AID Administrator for Vietnam complaining about lack of support from Washington and about having to "fight for each dollar, sack of cement and body" with AID. CORDS Files in CMH, Komer Papers, Memo of 24 August 1967.

South Vietnamese efforts, and established some measurable products. Planning was no panacea, but CORDS jump-started the effort to focus attention and resources where they were needed and gained greater U.S. and South Vietnamese "buy-in" to the process.

Leadership

CORDS brought to the pacification fight another almost incalculable asset: focused leadership. Leadership not only at the center—Komer and Colby were exceptionally knowledgeable and committed leaders and managers—but at each level of the process. Komer and Colby worked hard to fill leadership positions with the highest quality military or civilian leaders they could find, gave them wide-ranging powers, assigned them various goals and targets (whether or not they were truly the right ones for overall success is another matter—they were at least measurable tools for management) and held them accountable. These leaders, whether in Saigon or working at the military region, province, or district level, answered to one chain of command and worked according to one game plan. Interagency "coordination" and cooperation, no matter how collegial or well-intentioned, was insufficient in managing the "subsidiary corporation called pacification."[1089] Interagency efforts of the future must select top quality leaders, give them the authority they need to direct the actions of military and civilian alike, and then reward them when finished as they return to their parent agencies.

Conclusions

CORDS was formed after two organizations—the Mission Council to coordinate the Country Team and the Office of Civilian Operations—failed to show measurable progress in helping the various South Vietnamese governments win their struggle to pacify their own country and gain some measure of trust of their own people. For over two and a half years, in the face of an accelerating insurgency, the U.S. government failed to turn to what most military observers saw as the obvious solution: a unified organization with centralized management; a strong chain of command; responsibility

1089 See Hunt, 100.

matched with the authority to direct it; measurable standards and the means to measure them; dedicated resources of money, personnel, and equipment (and more available quickly if needed); and a robust planning staff at Saigon, the military regions, provinces, and districts. But for two and a half years, until the direct intervention of the president, the civilian elements of the U.S. pacification struggle led by the State Department and USAID fought that solution as hard as they could. Despite the increasingly obvious necessity of creating larger and more dynamically managed organizations to bring all the elements of U.S. power to bear on the essential problem of nation-building in South Vietnam, the civilian elements of the U.S. government mission to Vietnam continued to believe that coordination and cooperation of small staff elements working apart from the massive military effort in the country could effectively synchronize those elements of power and work in concert with the military. For two and a half years, President Johnson and his advisors allowed them the chance to prove that they could do the job—put "coonskins on the wall"—despite the risks of a deteriorating, or at least not improving, situation. But in the end centralized management and a combination of a military-like chain of command and military resources, replaced the cooperative and small-scale effort of the embassy to orchestrate such massive effort and essentially accomplished its mission.

The United States pacification effort in Vietnam was unified under CORDS for a mere five and a half years (May 1967 to January 1973). During that time, a robust, carefully organized, well managed, and comparatively well resourced U.S. effort to assist the South Vietnamese defeat the insurgency was, on the whole, successful, even if the eventual fall of South Vietnam turned that success into failure. While the basic legitimacy of the South Vietnamese government and its popular support was still problematic, the indigenous Viet Cong insurgency was crippled. CORDS, with its dynamic leadership and constant pushing of the government of Vietnam and its armed forces to press the fight against the increasingly exposed Viet Cong, was critical to this relative success. It limited the interagency bickering (although it never stopped it entirely); created a unified effort for pacification under a single manager; placed that manager's headquarters inside the military structure thereby allowing it to gain access to vast human, financial, and organizational resources; and

established coherent and more measurable programs to focus the fight at the province, district, hamlet, and village level. CORDS, under both Komer and Colby and backed by Westmoreland and Abrams—and eventually by the embassy under Ambassador Bunker––applied the resources available to them against the key nodes of the counterinsurgency struggle: the security assets (police, territorial militia forces, and counter-infrastructure forces), governmental aid programs (Revolutionary Development, land reform, agricultural assistance programs), deserter programs (*Chieu Hoi* and its armed propaganda teams), and other civilian assistance programs (justice, youth, refugees, capacity building, minorities, etc.). As a result, CORDS as an interagency headquarters helped achieve a remarkable, and measurable, degree of progress.

In the end, however, CORDS could not solve a problem that was, for the United States, basically insolvable. The government of South Vietnam had to convince its own people why they needed to support it, even in the face of overwhelming enemy attacks. It all came down to a question of legitimacy of the Thieu regime and the South Vietnamese were unable to solve that problem. It was not enough that the government's forces—which even at the end were poorly led and only marginally effective on the battlefield—were able, with U.S. help, to "pacify" the countryside and gain the people's acquiescence to their control.[1090] The people needed to support actively, and fight for, what they perceived as their own government against the North Vietnamese who increasingly dominated the Communist war effort after the decimation of the VC during and immediately after Tet. This level of commitment by the people, perhaps possible only after many more years of "government capacity" building, could not occur in five years, or probably even ten. When the North Vietnamese conventional army swept over the forces of South Vietnam, whatever spark that CORDS, working with and through

1090 See Komer's comment on p. 125 of his *Bureaucracy at War*. He asked: "What did all of this massive effort accomplish?" He rated the U.S. as failing from 1955 to 1965 in helping South Vietnam stand on its own. Even in 1972 he concluded that they were still "dependent" on us. His comment on the Vietnamization effort of 1968–1972 was, "without U.S. advisory support it is highly questionable whether RVNAF would have performed even as well as it did during U.S. disengagement."

the South Vietnamese government, may have nurtured in the people was extinguished. The CORDS "operation" may have been a success, but the patient died anyway.

CHAPTER 9. AFTER DISASTER: RECOVERING FROM THE 1964 ALASKAN EARTHQUAKE

Dwight A. Ink[1091]

Introduction

It was Good Friday. Washington headed home for the weekend. Then, without notice, the most severe earthquake ever recorded in North America struck Alaska. The quake severely impacted much of the state's population, devastating the economy. Engineers surveying the damage concluded the situation was hopeless. Critical facilities could not be rebuilt during the short Alaskan construction season. Most of the affected population would have to be moved to the lower forty-eight states. Despite these dire predictions, an unprecedented response that combined highly effective policy leadership from Washington political leaders and unorthodox management strategies developed by career government professionals entrusted with directing the rebuilding, averted catastrophe.

Though the Alaskan recovery involved far less people than did Hurricane Katrina for example, it has significance for planning effective responses to future catastrophic crises because it was the most complex recovery this nation faced between the 1906 San Francisco earthquake and the aftermath of Katrina in 2005. In 1964, there was no recovery organization or management framework within which to develop a response. Yet saving Alaska would involve almost every significant federal agency, and it required a unique approach to intergovernmental management. The short construction season also presented an unusual degree of urgency, requiring unprecedented engineering and management strategies that met with great success. The unique linkages established with Congress were also of considerable significance. In addition, the simplicity and flexibility of the special recovery operation, combined with great speed, openness, and rigorous monitoring, led to tremendous savings in

1091 Dwight A Ink served in policy roles under seven U.S. presidents, including service as vice president of two government corporations. President Johnson appointed him executive director of the cabinet-level commission to lead the recovery of Alaska after the devastating 1964 earthquake in that state.

dollars and human suffering. The Alaskan earthquake offers lessons in interagency and intergovernmental coordination beyond those found in other disaster recoveries. The successful Alaskan employment of unprecedented approaches to disaster recovery would appear to merit consideration for possible adaptation in certain future catastrophic natural disasters or terrorist attacks.

This case study will describe the difficult challenges posed by the earthquake and President Lyndon Johnson's approach to recovery—an approach which was dramatically different from that used in response to Hurricane's Katrina, Rita, or any other natural disaster. The roles of the cabinet as members of the President's Commission and that of the executive director will be presented. Included will be discussion of the important partnership between the political and career leadership and the abandonment of the typical approach to intergovernmental management in favor of a far more rapid, functioning strategy that involved agencies at three levels of government working as a team. The fundamental impact of the innovative management strategies developed by the career staff will also be examined. The surprising approach used in addressing the perennial Alaskan problem of inflation will also be described. And finally, the positive views of Alaskans toward the recovery will be mentioned.

The Alaskan Disaster and Recovery

Having achieved statehood only five years before the earthquake struck, Alaska's pre-oil economy was very fragile. Tourism stood at a small fraction of what exists today. The state's finances remained so anemic that questions had been raised during the debate on granting statehood as to whether Alaska was yet prepared to take on the fiscal responsibilities required for sustaining a viable state. As a result, prior to the earthquake, President Johnson had considered establishing some type of federal economic commission to help Alaska develop plans and secure financing for much needed economic development. But no action was taken. Arguably, no state in the union stood less prepared to take on the burden of a catastrophic natural disaster.

In Washington, President Johnson was preoccupied with completing a difficult leadership transition following the assassination of President John F. Kennedy. In addition, he was busy seeking political support

for his ambitious social agenda, much of which had been envisioned by Kennedy, while also developing his candidacy for the fall presidential election. At the same time, the civil rights battle reached its climax, and long neglected urban neighborhoods had become tinderboxes, ready to explode. Johnson also found himself devoting increasingly more attention to the Vietnam conflict. Nor could he neglect the Cold War, complex nuclear issues, and tensions in Europe. The president had his hands more than full. Then the earth shook.

Without warning, a horrendous earthquake struck Alaska on March 27, 1964. Measuring 9.2 on the Richter scale, and lasting between three and four minutes, it had a devastating impact. The ground rose and sank at least five feet over most of an expanse that exceeded 50,000 square miles where roughly two-thirds of the Alaskan population lived. The quake had a particularly devastating effect on fishing, the base of Alaskan economy. Most fishing boats were destroyed or severely damaged, and the canneries were knocked out. The quake also altered the geography of the coastal landscape. Small boat harbors became either too shallow for most vessels, or too deep for the breakwaters to protect the boats from autumn storms. Exporting anything became impossible. The terminus of the Alaskan railroad vanished into the water, as did parts of neighborhoods and business districts in Anchorage and other towns. Highways buckled, bridges collapsed, and air transportation was seriously disrupted.

The earthquake changed forever the habitat of many native Alaskans who lived along the coast. Shorelines were altered in many places. Several towns found that at high tide they now stood partially under water. The town of Homer was located on a spit of land that became partially submerged. Geologists feared that the spit had become so vulnerable to erosion from future storms that it would eventually disappear altogether. Officials debated whether it made sense to provide public funds to help rebuild at all. The Valdez waterfront also disappeared, raising alarming questions about whether the town's future safety was so precarious that it did not warrant rebuilding. Many communities found water and sewer lines not just broken, but pulverized. Thousands of homes and businesses were destroyed or damaged beyond repair. Few Alaskans had earthquake insurance, largely because it was prohibitively expensive.

Remarkably, given the devastation to transportation networks and critical infrastructure, the initial emergency response by community groups and the federal government to help local governments provide food and water, medical assistance, and shelter to residents throughout the state, moved forward quite well. Prospects for the longer term recovery that would be required to sustain a viable state were an entirely different matter. The future appeared to be very grim.

Crisis Emergency Response

Alaska proved fortunate in having a large military presence at the time of the earthquake. Civilian communications were completely disrupted, but within minutes of the earthquake, the Command Post of the Alaskan Military Command at Anchorage became a command center through which communications were established between Alaska and Washington and between state and city Civil Defense Headquarters in south-central Alaska. Since there was an immediate humanitarian crisis, the military believed it had inherent authority to act, and exhibited great professional initiative in doing so. They did not wait for formal requests for help or written clearances before dispatching assistance.[1092]

The Military Affiliate Radio System went into operation on emergency power in less than one hour after the earthquake, and maintained a 24-hour schedule for several weeks. Military signal personnel helped civilian companies restore communication service. Military water trailers supplied water to the greater Anchorage area within three hours of the earthquake. Within 48 hours, the military flew water purification units in from Fort Lewis, Washington. On the day after the earthquake, a large airlift began in which seventeen C-123 transport planes carried relief supplies and equipment to Seward, Valdez, Kodiak, and other more isolated communities. That same morning, Fort Richardson, Alaska opened four field mess halls that

1092 See, Center of Military History files: Truman R. Strobridge, Operation Helping Hand: The United States Army and the Alaska Earthquake, 27 March to 7 May 1964 (Historian, U.S. Army, Alaska); Operation Helping Hand: The Armed Forces React to Earthquake Disaster (Headquarters, Alaskan Command, 1964), Army Medical Service Activities, Annual Rpts, U.S. Army Alaska; HQ, U.S. Army Alaska; Support Command, and Fort Richardson; 64th Field Hospital; and Bassett Army Hospital.

operated around the clock. Elmendorf Air Force Base provided similar emergency food service. Emergency housing for about 5,000 people was arranged the same evening as the earthquake. At the same time, the military responded to local phone and radio requests by assigning troops to assist in security and travel control. The Navy distributed generators, pumps, medicine, sleeping bags, and other items desperately needed in Kodiak.[1093]

On the morning of March 28, Governor William A. Egan requested the president declare a major disaster under the authority of P.L. 81-875. Several hours later Johnson acted, designating Alaska a federal disaster area. Under the direction of Edward A. McDermott, the Office of Emergency Planning (OEP, the forerunner of the Federal Emergency Management Agency—FEMA) moved quickly to work with other agencies and local governments to help meet the initial response requirements of food and shelter, as well as provide limited funding for some emergency repairs. The OEP performed its early task of coordinating emergency support as other federal agencies soon joined in these first emergency actions. The Federal Aviation Agency, for example, immediately began assessing the damage, and directing repairs at state and municipal airports. The federally owned Alaskan Railroad also began to undertake repairs. In addition, the Bureau of Public Roads, the Departments of Health, Education, and Welfare, Labor, Agriculture, and Commerce, and the Coast Guard moved quickly to provide emergency help.[1094]

Despite the crippling impact of the earthquake on Alaskan resources, many local government personnel turned in wonderful emergency performances, and the work of several civic organizations such as the Red Cross and Salvation Army was impressive.[1095] Contributing significantly to a surprisingly effective initial response during the first days after the earthquake was the initiative shown by individual

1093 Ibid.

1094 Edward A. McDermott, E. A. "The Alaska Earthquake—A Lesson for NATO," *NATO Letter* (November 1964): 8–15.

1095 Office of Civil Defense, "The Alaskan earthquake; a preliminary report concerning the great earthquake that struck South-Central Alaska on Good Friday, March 27, 1964, and subsequent civil defense emergency operations," (Washington, DC: 1964).

Alaskans. They were unusually creative in finding ways to cope with disaster, and not easily discouraged.[1096]

Good Friday's Wake Revealed Special Problems

Earthquakes present engineering recovery complexities beyond those found in hurricanes or other natural disasters.[1097] Property lines shift, and ground elevations change abruptly. Earthquakes cause considerable hidden structural damage not readily identified or evaluated. Behavior of underlying soils in the event of future earthquakes is difficult to ascertain. At times, as was true in Alaska, deep soil tests are required to determine where it is safe to rebuild. For example, in Anchorage, treacherous Bootleggers Cove Clay lay buried well under the surface, and when saturated, it reacted to the motions of an earthquake similar to a layer of grease above which the overburdened ground slid unevenly toward the ocean carrying whole neighborhoods with it. Drilling rigs from the Nevada atomic energy test sites had to be slowly barged up the ocean to Alaska for much of the soil testing before rebuilding decisions could be made in the areas that might be vulnerable to future earthquakes.

Economic issues associated with the earthquake's aftermath also proved overwhelming. In addition to the body blow to the fishing-based economy, inflation worries loomed over reconstruction planning. Inflation had been a perennial problem in Alaska where competition for reconstruction and support services could spark an unrelenting bidding war. Widespread fears persisted that the economic pressures of the recovery operations would send inflation skyrocketing. The loss of projected state and local tax revenue, combined with large emergency expenditures, threatened to leave state and local governments without funds to continue essential services.[1098]

1096 See, for example, Daniel Yutzy and J. Eugene Haas, "Disaster and Functional Priorities in Anchorage," Committee on the Alaska Earthquake of the National Research Council, ed., *The Great Alaska Earthquake of 1964, "Human Ecology Volume"* (Washington, DC: National Academy of Sciences, 1970), 90–95.

1097 For an overview see, David R. Godschalk, et. al, *Natural Hazard Mitigation: Recasting Disaster Policy and Planning* (Washington, DC: Island Press, 1999), pp. 3-20.

1098 Office of Emergency Planning, Executive office of the President, *Impact of Earthquake of March 27, 1964 Upon the Economy of Alaska* (Washington, DC:

Rapid reconstruction, while threatening to overheat the local economy, was desperately needed to help keep Alaskans employed. Some in the crippled fishing industry could survive at least temporarily by finding reconstruction jobs, but only if reconstruction moved rapidly enough and left them with enough money to remain in the state during the winter months.

Making this dilemma truly acute was the knowledge that the short Alaskan construction season made prospects for completing the most critical rebuilding during the first year extremely dim. Failure to do so would have meant that about a third of the Alaskan population would likely enter winter without water or sewage facilities, with inadequate shelter, their jobs gone, and rising inflation. In this event, most would have had no choice but to abandon the state, with highly uncertain prospects for their return. Such a migration would have raised serious questions regarding whether Alaska could still function as a state.

Unorthodox Recovery Needed

Within twenty-four hours of the earthquake, it had become clear to everyone that existing machinery at none of the three levels of government could begin to cope with the complexity, magnitude, and urgency of the physical and economic recovery faced by Alaska. All the heroic emergency efforts of the first responders could not hide the painful fact that much of the state was in a shambles and its economy ruined. Strong federal leadership would have to be brought into play very quickly for Alaska to survive as a viable state. Yet no federal machinery existed to address the complex demands of a major recovery. Those in the Executive Office of the President, especially the management staff of the Bureau of the Budget (BOB), recognized that Alaskan recovery would require organization and operating approaches never visualized before.[1099]

Federal Reconstruction and Development Planning Commission, 1964).

1099 An important part of the Bureau of the Budget located in the Executive Office of the President by President Roosevelt was a government reorganization branch. Typically consisting of eight to ten personnel, it helped Roosevelt organize the war agencies needed for World War II, and helped Paul Hoffman organize the Marshall Plan. This branch served later presidents as their management arm in establishing new departments such as HUD and DOT. It provided Nixon with the leadership in designing and securing congressional

Departing in dramatic fashion from what had been past failures to realize the obvious need for special organizing approaches to address the recovery phase in major disasters, several days after the earthquake Johnson appointed much of his cabinet as the Federal Reconstruction and Development Planning Commission for Alaska.[1100] This temporary commission was to cooperate with the state in developing plans for both reconstruction and economic development.

Johnson then took the unprecedented step of appointing a powerful senator, Clinton Anderson from New Mexico, as chair of the commission. Anderson was a strong political ally of Johnson, and Anderson's earlier experience as secretary of agriculture gave him a much better grasp of the executive branch than most senators typically possess. In addition, he had experience with relief programs during the 1930s and with the post-World War II international food emergency. Further, Anderson was a member of the Senate's Interior and Insular Affairs Committee where he had conducted hearings on Alaska statehood.

Other initial members of the commission appointed by Johnson were the secretary of defense, the secretary of the interior, the secretary of agriculture, the secretary of commerce, the secretary of labor, the secretary of health, education, and welfare; the administrators of the Federal Aviation, the Housing and Home Finance Agency, and the Small Business Administration; the chairman of the Federal Power Administration; and the director of the Office of Emergency Planning. Although not a formal member of the commission, the director of the Bureau of the Budget participated in the commission

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agreement to establish the OMB, Domestic Council, and EPA. It provided expertise in interagency and intergovernmental coordination, including the design of much of Nixon's New Federalism. Nixon lost confidence in the branch because it opposed his circumventing Congress with his ill-advised efforts to establish a two-ayered set of departments during his second term as well as loss of governmental transparency. A greatly weakened branch survived but was finally terminated by President Clinton.

1100 Federal Reconstruction and Development Planning Commission for Alaska, *Response to Disaster: Alaskan Earthquake, March 27,* 1964 (Washington, DC: Government Printing Office, 1964). On April 2, 1964, President Johnson signed Executive Order 11150 establishing the Federal Reconstruction and Development Planning Commission for Alaska.

meetings and played a very important role with respect to expediting the appropriations process for funding the recovery. Nearly every other agency of government eventually became involved, including the Department of State.

Participation by all the significant agencies in the federal, state, and local governments created a remarkably complicated interagency and intergovernmental mechanism. Without professional management advice from the Bureau of the Budget, strong commission leadership, skilled coordination, and highly innovative engineers and managers, it is difficult to conceive how Alaskan recovery activities could have been effectively coordinated. The response lacked any pre-existing recovery plans, doctrine, or policies to guide their efforts. Instead, Johnson relied on experienced political and career leaders and expected them to act quickly in a decentralized manner without red tape.

Decisive presidential action made a huge difference. By establishing a cabinet commission, Johnson demonstrated his personal commitment to recovery and reconstruction. This quick decision by the president not only galvanized action, it turned out to demonstrate how strong national leadership with a clear policy at the outset can reduce the potential drain on the president's crowded schedule as work proceeds.

Leading the Crowd

Anderson gave remarkably strong policy leadership, but to avoid possible pitfalls of having a busy senator placed in a position of directing executive operations Johnson also appointed an experienced career official to serve as executive director. The assignment went to this author, serving at the time as assistant general manager of the Atomic Energy Commission (AEC).[1101] As the number three

1101 Anderson had recommended my appointment based on my role in the Atomic Energy Commission (AEC) that had brought me in close contact with him as chair of the Congressional Joint Committee on Atomic Energy. I had also served as the neutral "liaison" between Anderson and Lewis Strauss during the failed effort of Strauss to gain confirmation as President Dwight D. Eisenhower's nominee for secretary of commerce, arguably the bitterest cabinet confirmation battle in our nation's history. Because the AEC had developed a strong reputation of good management, the Bureau of the Budget (BOB) had also recommended my appointment. This background had earned me the trust

operating AEC official, the assistant general manager's role at the time included the expediting and trouble-shooting elements of a typical chief operating officer, combined with responsibility under both Republican and Democratic administrations for liaison with the White House, Congress, and the press. Experience gained from this combination of duties proved to be very useful in the role of executive director who reported to both Senator Anderson and the president.

Mindful of his senatorial role, Anderson was careful not to inject himself into operations, leaving the executive director free to manage day-to-day activities. As for the president, Johnson was too busy with other executive issues to try to manage Alaskan recovery, but he did follow events closely both because of his personal concern and his recognition of the political cost of failure.

As the commission staff exerted every effort to help the departments expedite their work, and make sure the departments received credit for their achievements, they received tremendous support from the department heads. The staff's welcome role as a facilitator of operations helped greatly in the occasional situation where its influence had to be exerted more forcefully to break through a bottleneck or address a jurisdictional question. Backed by the authority of the president as chief executive, the commission had a rare opportunity to expedite both policy and operational decision making, encouraging an impressive level of cooperation among the scores of federal agencies that were involved.

The executive director, serving as a career professional and thus not perceived as aspiring to political office, appointed for only a temporary position (thought to be about six months), and with a very small staff detailed from various participating organizations, could move very quickly without raising significant concerns about impinging on departmental jurisdictional concerns. In addition, Anderson's serving as the public face of the reconstruction permitted the executive director

of both Anderson and the BOB, a factor that was of enormous help in the rebuilding. Even more important was the trust that Johnson placed in his close friend, Anderson. Operating under tremendous pressure, this element of trust often substituted for the more typical formal communications and clearances.

and the commission staff to function with a relatively low profile, concentrating on operations rather than public relations.

An important factor in the success of the executive director position was the role played by one of Johnson's assistants, Lee White. White offered insights into how Johnson's White House worked, including a great deal about the president's personal preferences in how he wished the commission staff to interact with him and the White House staff, such as the type of reporting the president wanted. Lee also helped create the impression that the executive director was close to the president and had ready access to him. Neither was the case, but White was in a position to provide presidential access should it be needed. Indeed, interagency cooperation proved so effective, that there was never a case where the president needed to be involved with operational problems or decisions, but presidential memos and statements during the recovery strengthened the role of the commission and its staff.

It was Anderson, not the executive director, who was the president's confidante, the person on whom Johnson was relying to save Alaska. It was clear that someone close to the president, in this case Anderson, was needed to make this rather informal government-wide organizational arrangement function as a cohesive team. And it was also essential that someone, in this case the executive director, be fully equipped professionally to lead the operations and develop whatever new management strategies might be required for success.

Frank DiLuzio, Anderson's assistant, helped ensure that the work of the chairman and the executive director proceeded in tandem. DiLuzio proved very effective at 1) convincing people that the executive director, in fact, had the full confidence of Anderson and the president, and did speak for them, and 2) helping the chairman herd needed legislation through a divided Congress.

The BOB management staff, headed by Harold Seidman, also played an important role. BOB designed the simple, but powerful, federal machinery Johnson quickly set in motion, except for the unprecedented feature of having a senator chair the cabinet committee: that was Johnson's personal idea. During the months the temporary commission was in existence, the BOB staff was of tremendous help in making sure that the departments understood

the nature of the special unorthodox arrangements established for the recovery, and gave full support to the Commission staff.[1102] This BOB management staff had in-depth knowledge of the relative management strengths of the career leadership in the various agencies, providing the executive director with invaluable information about who best to designate for interagency and intergovernmental leadership roles. This organizational staff arm of the president no longer exists—today the Office of Management and Budget (OMB) executes many of the BOB's former responsibilities.

Commission Staff

All staff members were detailed from agencies involved in the recovery except for several from congressional committees. The director, deputy director, two secretaries, and three engineers, were the only ones serving full-time. The other seventeen staff provided various levels of part-time service, largely as liaisons with their home agencies. These members visited Alaska, but spent more of their time in Washington helping the executive director and their own leadership draw upon agency resources to ensure rapid execution.[1103]

The commission was able to function with only a very small staff because its role was not to perform recovery work, but to mobilize, energize and coordinate agency personnel throughout the federal government.[1104] The federal agencies were the ones doing the work in cooperation with state and local public and non-governmental groups.

With the exception of the secretaries, the full-time staff members spent most of their time in Alaska, while the larger part-time staff operated more from Washington. Typically, the executive director would fly to Alaska for about ten days, going from community to

1102 Dwight A. Ink, "The President as Manager," Public Administration Review, 36/5 (September–October, 1976): 508–515.

1103 Reconstruction and Development Commission for Alaska, *Response to Disaster*, 1964, 49.

1104 The executive director departed from this role when making operational decisions that involved several agencies, were especially controversial, and had high public visibility, such as whether it was safe to rebuild a community in an existing location. He relied heavily on data from the interagency Scientific and Engineering Field Team, but these decisions were his.

community, and then return to Washington for a week to brief Anderson and White House staff, consult with agency heads and their liaisons, and discuss Alaskan needs with key members of Congress. When the executive director was in Washington, the deputy executive director would be in Alaska to ensure continuity between the efforts going on in the field and the support provided in Washington by federal entities. The staff was the action arm of the president and the commission, as well as an oversight group for monitoring agency reconstruction performance.

The commission staff was fully operational less than two weeks after the disaster. In part, this quick reaction was possible because it was temporary. Equally important, since they were operating out of the White House under the Executive Office of the President, there were less bureaucratic obstacles to overcome. Time was not diverted from the recovery to developing the customary drafting, debating, and clearing of roles and legal authorities for these structures that otherwise would have had to take place before becoming operational. None of these temporary groups possessed legal authority per se, relying instead on commission policies and the authority each member of the group had by virtue of their agency membership.

Indeed the executive director had no specific legal authority. Yet as executive director of a cabinet commission, and because he reported to the president and a powerful senator, the staff members were in a position to make any operational decision that was needed, including the role of the executive director in designating various agencies with lead role responsibilities for reconstruction tasks. With the exception of the problems encountered by the Bureau of Indian Affairs in dealing with native recovery issues, the lead agency designations worked well. It is important to note that, perhaps surprisingly, the informality, and lack of special legal authority prescribed for the structure below the level of the commission did not lead to confusion over roles and missions. To the contrary, questions of authority never reached the executive director or the chairman. This was due in large part to the fact that the structure was neither permanent nor endowed with jurisdiction-threatening legislation. Another reason was the fact that the recovery relied upon existing legal authorities, rather than establishing new ones that might have generated jurisdictional disputes. After about six short months, its mission was completed.

Task Forces

The federal commission was not constrained by predetermined organizational structures or procedures, leaving it free to tailor the federal recovery machinery to the unique problems of the Alaskan recovery. For example, Anderson quickly appointed an Alaskan Construction Consultant Committee with members drawn from the Associated General Contractors of America and the International Union of Operating Engineers. Its role was to provide damage estimates with accompanying guides for emergency reconstruction planning. The commission also accepted an April 11 offer from the American Institute of Architects and the Engineers Joint Council to provide consultancy assistance on both reconstruction plans and longer range development programs, to be developed with input from state and local officials, University of Alaska faculty, Alaska architects, engineers, and civic leaders. They submitted their report on June 13.[1105]

The commission established nine federal interagency task forces to undertake special studies and prepare recommendations. Although they reported to the executive director, much of their work dealt with policy issues for commission consideration. There was, for example, a Transportation Task Force, chaired by the undersecretary for transportation in the Commerce Department, with members from the Defense Department, the Federal Maritime Commission, the director of the Alaska Railroad in the Department of Interior, the Federal Aviation Agency, and the Office of Emergency Planning. The other task forces established immediately were Ports and Fishing, Natural Resource Development, Industrial Development, Financial Institutions, Economic Stabilization, Community Facilities, and a Scientific and Engineering task force that included a Scientific and Engineering Field Team temporarily located in Alaska. In varying degrees, all these task forces were concerned with both those policies needed for the immediate reconstruction period and those directed toward longer term Alaskan economic development.

1105 E. B. Eckel, "The Alaska Earthquake March 27, 1964-Lesson Learned and Conclusions," *U.S. Geological Survey Professional Paper 546* (1970).

On the Frontlines of Recovery

As a counterpart to the federal commission, on April 3, 1964, Governor Egan issued Executive Order No. 27, establishing the State of Alaska Reconstruction and Development Planning Commission. This state commission had limited resources to draw upon, but it worked very closely with the federal commission in coordinating programs for restoring and developing Alaska.[1106]

The governor appointed a very able person with both government and business experience, Joseph FitzGerald, as coordinator of the state commission. FitzGerald participated in all executive director Alaska meetings, and accompanied every community visit. Egan also sent the attorney general of Alaska, George Hayes, to Washington as his liaison with the federal commission. Hayes's Washington office was next to that of the executive director, and he attended all federal commission staff meetings. Both FitzGerald and Hayes had full access to commission documents with the exception of a few personal notes from Anderson to Johnson. Both of these two key Egan appointments were based on competence, not politics. They both worked well with the federal commission and a myriad of state and local stakeholders that played roles in the reconstruction effort.

Alaska Field Committee

An especially important part of the reconstruction organization was the Alaska Field Committee that reported to the executive director. This was a very active group tasked with helping to coordinate and expedite operations on the ground in Alaska. Chaired by the regional coordinator of the Department of the Interior, it consisted of the senior official of each of the 18 federal agencies having field offices in Alaska. FitzGerald, as the state coordinator, also served as an a*d hoc* member. In order to carry out the work of the committee effectively, lower grade members were quickly given much higher authority by their agencies. Several agencies brought in leadership with greater experience from other field operations.

1106 Dwight Ink and Alan L. Dean, "Modernizing Federal Field Operations," in Thomas H. Stanton and Benjamin Ginsberg, *Making Government Manageable: Executive Organization and Management in the Twenty First Century* (Baltimore: Johns Hopkins University Press, 2001), 194–195.

Rank counted for little so long as their agencies permitted them to act on non-policy issues without delays caused by having to first check with Washington. As the work progressed, several federal agencies were very surprised at how well their field personnel carried out heavier responsibilities when given the guidance and authority to act.[1107] After an uneasy shake-down period of several weeks, the work of this committee exceeded all expectations.

Policy to Guide Recovery

Having a decentralized framework in place to undertake recovery would have meant little if broad federal policies to guide these efforts had not been quickly and clearly established. Because the commission served at cabinet level and was led by an unusually strong chair who was very close to the president, policies for the federal recovery were established in a remarkably short time, most of the important ones within the first several weeks of its existence. Anderson demonstrated great skill in leading the commission discussions, being somewhat deferential to the status of the cabinet members, yet relying on his association with the president to move the group forward to surprisingly rapid decisions. He gave strong personal leadership to quick resolution of such issues as inadequate insurance, mortgage relief, low government assistance interest rates, tax relief, and public facilities funding.

Enough early data was flowing in from Alaska to help point the way for significant new policies at the initial meetings of the commission, proving the wisdom in establishing the whole recovery machinery quickly rather than waiting until the emergency phase had been substantially completed. Clearly, the crisis character of the recovery endeavor also helped move things, but new policies have rarely, if ever, been established so rapidly in other disaster recoveries. In fact, the author knows of no recovery, most of which have had lesser urgency, that produced the level of new policies established by the Alaskan commission.

1107 This Alaskan Field Committee was to serve as the model for President Nixon's later nationwide system of federal Regional Councils, an important part of his New Federalism.

The most basic policy decision had to do with the recovery timetable, and was one in which Johnson was personally involved. Some officials urged a two-track approach to the Alaskan crisis. One track would focus on as much recovery during 1964 as was possible, and another concurrent track would develop arrangements for major evacuation to the lower 48, since the proponents of this option assumed rebuilding could not progress sufficiently to provide the basic needs of the affected population by the time winter stormed in, probably in mid-October.

The two-track approach would have required the government to provide temporary housing in the lower 48 for thousands of evacuated families, as well as funds to tide them over until the following year when sufficient facilities could be restored to permit their return. As a better realization of the practical problems involved in this option began to surface, few thought this approach would be practicable.

The "abandonment" option, as it came to be labeled, never received serious consideration in the White House. Johnson was not about "to lose a state."[1108] He did not want to hear about the difficulties posed by trying to complete critical construction within a few months of the earthquake. With little regard for the negative odds, a very firm president focused everyone on the option of the single goal of completing enough rebuilding of critical public utilities and homes during the first construction season to avoid evacuation.

At the same time, the commission also recognized that several of the largest projects, such as the relocation of Valdez and the expansion of small boat harbors, would have to be extended over several years. Some projects would provide only temporary construction the first year, with permanent rebuilding to follow later. For example, some wooden bridges were constructed quickly the first summer so that most traffic could be restored, but were scheduled for replacement by permanent bridges later.

One of the most far-reaching policies established at the first meeting of the commission was that of rebuilding Alaska in ways that would

1108 Ross R. Rice, "The 1964 Elections in the West," The Western Political Quarterly, 18/2 (June 1965): 431–438.

enhance the opportunity for future development of the state, rather than following the past policy of merely rebuilding what had existed before a disaster. The way for this course of action had been paved because of recognition at the time statehood was granted that Alaska needed help in planning the type of economic development required for a fiscally sound revenue base.

The decision to focus on the future paid off in important ways over the long term, but it greatly complicated the task of reconstructing sufficient public facilities and shelter during the short construction season—enabling Alaskans to remain in the state when the severe cold weather returned was a priority that had to move ahead regardless of long-range plans. Even the relatively simple added burden of broadening a roadway or changing a road curvature to modern standards added time to tight reconstruction schedules that worried engineers. The "think for the long-term" policy had an even greater impact in instances such as Seward where the proposed doubling of the capacity of the small boat harbor would require legislation that would delay completion, even though there was the necessity of completing limited dredging and repair quickly so that as boats were being repaired some fishing could also resume the first year.[1109]

While reconstruction was a priority, the commission also wanted to facilitate rebuilding in a prudent manner that would mitigate damage from future disasters. There were several particularly critical areas, especially in Anchorage, where the results of soil studies were needed before making rebuilding decisions and designing difficult buttressing projects, circumstances that necessarily delayed construction. With the construction period so limited, waiting for deep soil testing understandably taxed the patience of people.

The most controversial policy decision was that of refusing to provide federal assistance in areas determined to be especially vulnerable to future earthquake damage. The commission was disturbed that the federal government had kept providing families and business with

1109 Howard Kunreuther and Elissandra S Fiore, "The Alaskan earthquake: A Case Study in the Economics of Disaster," Institute for Defense Analyses (February 1966).

financial help in rebuilding in areas that repeatedly suffered from natural disasters, especially floods.

The federal government could not prohibit the return of people to vulnerable areas, but it was not deemed good policy for the government to continue to encourage this practice through means such as low interest mortgages and loans. Consequently, it became commission policy to redline areas deemed high risk, and to deny federal assistance to anyone returning to those areas. Determining the limits of those high-risk areas turned out to be more difficult and controversial than anticipated. But the process came to be generally accepted because of the professional quality of the data produced by the scientific and engineering task force, as well as the inability of the critics to come up with credible alternatives.[1110]

Several of the more complex decisions that had to be based heavily on technical assessments were left to the commission staff within guidelines established by the commission. One example, to be discussed later in greater detail, was the question of whether to provide assistance for the rebuilding of the town of Valdez, unless it relocated. Another critical decision left to the executive director was the question of whether enough soil stabilization was possible to permit rebuilding substantial portions of Anchorage and several other towns adjacent to major earth movement that occurred during the earthquake. This decision rested heavily on the conclusions of the soil studies and whether satisfactory buttressing to stabilize the ground could be designed. The commission concluded that such decisions could be made much more quickly by a professional staff working on the ground than by political leaders in distant Washington. This turned out to be the case.

The Hill Responds

Some policies required congressional action. In the course of the first few weeks of its existence, the commission developed legislative proposals including such provisions as: a near doubling of the federal

1110 W. R. Hansen, et al., "The Alaska Earthquake, March 27, 1964-Field Investigations and Reconstruction Effort," U.S. Geological Survey Professional Paper 541.

share of reconstruction costs in Alaska outside the National Forests; modifications of previously authorized Corps of Engineers civil works projects; authorizing the Farmers Home Administration, the Rural Electrification Administration, and the Housing and Home Finance Agency (HHFA) to adjust the indebtedness of certain borrowers; authorizing the HHFA to provide grants for urban renewal projects; and the purchase by the federal government of State of Alaska bonds or the loan of a similar amount of funds.

After advance consultations with several congressional committees, these and other requests were consolidated in a proposed Alaska Omnibus Act and sent to Congress on May 27.[1111] By having a senator chair the commission, President Johnson had paved the way for expedited legislative action that would not likely have been achieved otherwise. Because of Anderson's leadership, the president's bill was about the only legislation permitted to advance during the bitter 1964 civil rights debate and a Senate filibuster that lasted 57 days. After several amendments, it was enacted into law on August 8, 1964. Through their membership on the commission, agencies had been closely following the bill's progress, and were poised to move immediately upon its signing. Less urgent legislation followed, much of it appropriations sought by participating agencies for construction scheduled after the first crucial months.

The small commission staff gained considerable credibility among the Alaskan citizens because of the amount of time they spent on the ground with citizens and risking their lives in extremely hazardous flying to reach communities—flying that involved two crash landings.[1112]

From Recovery Policy to Action

The role of the commission was to lead the recovery, not to replace the role of the first responders that had been providing emergency help. Indeed, it was highly unrealistic to believe that immediate emergency needs could be directed effectively from a

1111 Response to Disaster, 1964, 15.

1112 The five bush pilots exhibited great courage in transporting the staff no matter how foul the weather. Within a few years of the recovery, however, all had been killed in crashes.

small commission staff in Washington. The work of OEP and the other early responders continued while the commission spent its first weeks establishing policies for the recovery and providing time for the executive director to establish task forces and interagency committees that immediately flew to Alaska to gather scientific and economic data. Anderson, accompanied by the executive director, then headed for Alaska to explain the basic approach to federal recovery assistance planned by President Johnson and the Alaskan Commission and to review initial recovery plans and actions.

Upon arrival in Anchorage on April 27, in his eagerly awaited public pronouncement Anderson endeavored to dissuade Alaskans from the fast-growing expectation that the federal government would write "a blank check…to recoup private losses." Acknowledging that some Alaskans would regard him as a "Scrooge," he tried to set a tone that reduced the hopes of the earthquake victims to realistic levels of federal assistance. At the same time, he firmly committed the federal government to provide enough help to "speed the recovery of your state with the objective of making Alaska a better place to live and work than it was before the tragedy of last month."[1113]

Riding the Circuit

From the onset, the commission recognized it had to empower people in the field, not make operational decisions for them. That required constant staff engagement from the beginning. After Anderson's speech, Egan and the commission's executive director, together with state and federal staff, flew in a raging blizzard through the Chugach Mountains to visit Egan's heavily damaged hometown, Valdez. No pilot thought the flight was advisable because of the extremely hazardous weather. But it was one of the communities especially hard-hit by the earthquake, and Egan believed it important to boost the town's morale with a visit as quickly as possible.

The people of Valdez had witnessed a tidal wave, or tsunami, that towered roughly 200 feet as it engulfed the waterfront, according

1113 University of Alaska Consortium, Special Collections, Senator Clinton Anderson Speech, April 27, 1964, Box 1, Series, tapes, April 1964, Historical Manuscripts Collection, Part 3, Tapes and Records.

to the Coast and Geodetic Survey. A piece of land, about 4,000 by 600 feet in size, had slid into the bay destroying the town's boats and fishing industry. It was nearly midnight before the town council could be assembled to discuss the town's future.[1114] Meeting over the damaged fire station, a number of townspeople also packed into the room, and a reporter turned on a tape recorder. Unfortunately, the room was much too small to hold as many participants as had arrived, a problem corrected in subsequent community meetings.

The council meeting began by addressing the difficult question of how vulnerable Valdez was to possible future disasters. At the center of the debate was the commission policy of not providing federal assistance to rebuild in hazardous areas, a huge disappointment to the Valdez citizens. The executive director assured residents that the federal government would provide help to relocate the town about four miles along the bay to an area with a rock base, should Valdez decide to do so. As dawn neared, the council, with strong support from most townspeople in attendance decided to move. Six more meetings and inspections in other towns occurred over the next week, beginning with Seward.

By the time of the Seward auditorium meeting, several members of the Federal Field Committee and the State Commission had been able to fly into town to participate along with the local Seward officials. Business leaders were important attendees, and the public was also invited to participate. As had been the case in Valdez, when people realized the Commission was serious about quick decisions, and saw that the securing of federal assistance depended on everyone assuming accountability for the work assigned to them, the general quality of most comments and suggestions was impressive. The unusual degree of openness resulted in the public being far better informed of decisions than would have been possible otherwise. Having witnessed the discussion, regardless of whether individual citizens agreed with all the decisions, they at least understood the reasoning behind them. After the Seward meeting, key members of

1114 Immediately after the governor and executive director left the plane in Valdez, it took off in the blizzard but dove into the bay, carrying the crew and the Alaskan Adjutant General to their death, sending a new shock-wave through the battered community.

the Alaskan Field Committee and the State Commission accompanied the commission staff on all community trips. Particularly important was the active participation and cooperation of FitzGerald, the state coordinator, who was in constant touch with Governor Egan.

Tasks, budgets, and leadership responsibilities were firmly established for each project. This decision-making occurred where all stakeholders were consulted. Debate and disagreement proved unavoidable, but decisions on scheduling and expenditures were reached quickly because rather than filtering decisions through multiple layers of government in Juneau and Washington, they were made in these community meetings. Details had to be worked out after these sessions, but the project decisions made during these meetings provided the framework within which funds could be obligated and action started.

Streamlined, Adaptive Process

Both Anderson and the White House placed the saving of Alaska over respecting established procedures and practices. Thanks largely to Anderson, the executive director was given tacit approval to request that any agency modify or dispense with any procedure that threatened the completion schedules of critical public facilities. Urban renewal projects, for example, typically consumed several years just in the planning phase. The commission staff asked the House and Home Finance Agency to forego the formal public hearings required for urban renewal projects since of the discussions among the stakeholders that went into planning the urban renewal projects had been held in open session with public participation pursuant to commission policy. Of more widespread application, the recovery staffs found that the time and effort devoted to federal processes often could be greatly reduced simply through better management without resorting to major changes or suspension of existing written procedures.

Scheduling presented an especially critical streamlining challenge. Working from schedules based on past experience, and concentrating only on how they might be realistically shortened, the orthodox approach was often not sufficient to enable the most critical work to be completed during the short construction season. A number of projects, particularly sewer and water system restoration, had to be designed and completed within a few months if populations

were to remain in the state over the long Alaskan winter. Instead of past practices, the commission staff began by looking at what construction was so critical that it had to be completed by mid-October to avoid an exodus, and it then worked backwards to develop a work plan that included intervening milestones to reach that goal no matter how unrealistic these might seem. Implementing these extremely ambitious objectives required establishing new engineering and management practices.[1115]

In almost every case the normal time of construction was slashed by impressive amounts. Managers pressed the envelope in every facet of reconstruction, and the crews responded. The long daylight Alaskan summers helped, permitting double and triple-shift around-the-clock work. Considerable savings were also achieved through streamlined processes of scoping the contract work and awarding the contracts. Extreme versions of incentive fee contracts, together with stiff penalties for poor performance, were used, including those managed by the Corps of Engineers.[1116] For the less complicated types of construction, projects moved forward with a surprising amount of construction while design was still underway. As the summer wore on, the Corps and other groups set new peacetime construction records.[1117]

The commission realized that assignments and processes had to be flexible as well as fast. The commission's Economic Stabilization Task Force, for example, soon learned that the Labor and Treasury Departments to whom the executive director had planned to assign responsibility for controlling construction-induced inflation had no means to do so. On the other hand, the Agriculture Experiment

1115 See, Lidia Selkregg and Jane Preuss, *Seismic Hazard Mitigation Panning and Policy Implementation: The Alaska Case* (Washington, DC: National Institution for Standards and Training, 1984)

1116 Surprisingly, in 1964 the Corps of Engineers did not utilize incentive fee contracts. This was one of the few instances in which the executive director instructed an agency to adopt a management approach strongly opposed by the agency. Once adopted, however, the Corps administered the incentive fee contracts very well, especially in view of the fact that the commission staff insisted on unusually high incentives for exceeding goals and high penalties for poor performance.

1117 W.A. Jacobs, *The Alaska District Corps of Engineers, 1947-1974* (Elmendorf Air Force Base, Alaska: 1976), 97–104.

Station in Alaska had excellent contacts in various communities that could be utilized for a volunteer wage and price control system that the executive director decided to use instead. It turned out to be a low cost approach that was very successful.

When complaints began to mount that the Small Business Administration (SBA) could not handle the surge in low-interest loans needed for hard-hit small businesses to survive, the deputy executive director worked out with the SBA and several Alaskan banks an arrangement in which the banks handled most of the paper processing of these applications and could approve them up to $20,000 when there was 10 percent participation by the bank, and up to $250,000 when there was 20 percent bank participation.[1118]

Funding

Johnson's approach to mobilizing government-wide resources involved the simplest of financing arrangements. In 1964, departments and agencies contributed a total of only $90,200 for the operation of the commission (largely for travel costs). Of that total, $29,500 in unused funds was returned to the agencies. Nearly all the expenditures for reconstruction were made by agencies using their own funds and authorities, and relying on their established budget, accounting, and auditing processes.

Enormous monetary savings for the federal, state, and local governments resulted from the commission's success in expediting the recovery and in heading off inflation. Overhead was cut drastically. Most estimates ranged from 40 to 50 percent in savings, though no credible estimate was ever made.[1119]

Oversight

As pressure on agency personnel and the construction contractors to move quickly mounted so did opportunities for waste, poor quality construction, and abuse. The commission's defense against this

1118 Peter J. May, "Formulating Disaster Relief When Needs Are Unknown," Journal of Policy Analysis and Management, 2/1 (Autumn, 1982): 39–54.

1119 The expenditures extended well beyond the existence of the commission, and the author has no information on the total cost of the recovery.

problem was to rely heavily on insisting that agencies assign their most qualified people to the recovery activities and to bolster existing independent oversight mechanisms among the agencies. Several federal and state managers who were failing to control costs and manage performance were reassigned at once.

Both the federal and state commission staffs tried to make sure that the state and federal agencies had in place the capacity to monitor their work effectively, with respect to both cost and schedules. To be effective, monitoring had to link early detection of problems with quick corrective action. The commission staff had a goal of correcting every administrative delay within twenty-four hours of its detection regardless of the agency involved.[1120] In most cases, this goal was achieved because 1) the staff enjoyed the influence gained from its White House location, and 2) they did not have to contend with the customary bureaucratic processes employed in government.

In addition, as the agencies focused on compliance and internal auditing, the executive director asked the Comptroller General to immediately assign several personnel from the General Accounting Office (GAO) to assist in early detection of waste and abuse. The GAO staff had ready access to staff and agency meetings and records.

Outcomes

Some losses resulted from the earthquake, and not every business survived. But the principal goals of the recovery, preventing abandonment by a substantial portion of the Alaskan residents, and the collapse of the state economy, were achieved. Alaska, soon aided by the development of the oil industry, moved forward rapidly with economic development. Except for several small Indian villages, the devastated communities did rebuild, including Valdez, which relocated to a safer location. Both Valdez and Anchorage were declared "All American Cities" several years later.

The recovery was widely regarded as an unusually successful demonstration of how the federal, state, and local governments can work together with business and non-profit groups, and can function

1120 Engineering problems usually took longer to resolve, much longer in the case of the soil stabilization issues.

as community teams in overcoming a catastrophic disaster. Each community had special challenges, and different solutions had to be developed to meet each of them. Yet, the basic management strategies fostered by President Johnson's commission provided a framework under which local solutions could be implemented at a record pace.

Initially critical of the president for having appointed staff leadership without disaster experience or having visited Alaska, only five months after the earthquake the *Anchorage Daily News* published an editorial in which the paper lauded the "remarkable" performance of the commission staff:

Noting that the staff was "handed a job without guidelines, without precedent", the editorial concluded that "The staff work performed by the federal Alaska Reconstruction Commission has been a display of government at its very best…In many cases the normal rules followed by federal agencies were sprung completely out of shape to fit the post-earthquake needs of Alaska. Tight time schedules established for construction work became even tighter under the staff's constant prodding and watchful eye… It was a rare day when a problem was posed without being accompanied by a solution." It concluded with, "If more government officials functioned with the same type of positive outlook and attention to needs and details, that word 'bureaucrat' would fast disappear from popular dictionaries."[1121]

Governor Egan said the commission "accomplished more than an outstanding job" on behalf of Alaska, and then stated that the "Federal, State and local efforts were coordinated throughout the critical phase of the Rebuild Alaska program, in a way which, I am certain, has never been previously accomplished in the history of American disasters."[1122] A year later, in reference to all the public and private groups that had been involved in the recovery, the *Anchorage Daily News* wrote, "The comeback from disaster was so dramatic there hardly seemed to be a gap between destruction and reconstruction.

1121 "Government at its Best," *Anchorage Daily News*, August 10, 1964.

1122 Letter to Dwight Ink, dated October 12, 1964. Ink also received a congratulatory letter from President Johnson on October 5, 1964.

The recovery period was almost as dramatic and breathtaking as the earthquake."[1123]

Management Strategies and Variables

Several factors proved to be especially critical to success in Alaska:

Role of the White House

The rapid response of the president in taking unprecedented action in addressing the earthquake underscored the urgency of the recovery and set an example of innovation and decisive action for both political and career leadership throughout the government. This was critical for success.

The recovery also demonstrated how a small but empowered and focused commission operating under the authority of the president can serve as an effective hub for interagency action, particularly when responding to a mission of limited duration that is expected to involve a wide range of interdependent activities and agencies. Under the leadership of this cabinet-level Alaskan commission, the role of the small White House staff was to mobilize, coordinate, and expedite the work of existing departments and agencies of the federal government, rather than undertaking the work itself. The departments were an integral part of this policy organization as well as the doers. They had a greater incentive to respond to demands on their own resources than they would have had they been responding to a peer department. They played a principal role in determining how and where to apply those resources, creating a sense of ownership that increased their incentive for success.

Notably, the existence of the commission did not diminish the need for a permanent federal agency to lead the initial emergency phase of coordinating national support in responding to a major disaster. The Office of Emergency Preparedness performed that role. It operated within the broad Alaskan commission framework as an independent agency and was never integrated structurally or operationally within a larger institution. OEP was free to move quickly and exercise as much

1123 *Anchorage Daily News*, March 27, 1965, 1.

initiative as it wished. There was some initial resentment within OEP concerning this new, overarching organization, but it soon became clear that the commission's role was to strengthen the ability of OEP to function, quite unlike the DHS-FEMA relationship in Katrina.

Because the Alaskan commission existed for only a few months, and was led by the agency leaders themselves as members (with the personal support of the president), the commission was not threatening to agencies and did not develop as another layer of the federal government. Its internal operations were small and inexpensive, yet capable of mobilizing resources across the federal government. The leadership was not diverted by having the responsibility for administering a large agency or department, so it was able to focus its entire attention on the recovery.

The performance of the Alaskan recovery commission does not suggest that the White House be a permanent location for an operational entity along the lines described in this study. As a permanent feature of the White House, an operational entity would lose its image as a functioning arm of the departments and agencies. Instead, over time a permanent office would probably weaken, rather than reinforce, the capacity of major departments to act. The result would likely be duplication of effort, entanglement of the president and his top assistants in operational controversies, and diversion of the executive office of the White House from focusing on its management and policy leadership roles.

Openness

The commission and staff went to great lengths to plan and execute the Alaskan recovery in an open manner. Virtually all operational decisions were made during Alaskan public meetings with broad participation. The commission's first meeting in the Seward high school auditorium provided the pattern for similar sessions held in each community thereafter. This highly unusual amount of openness, contrary to conventional wisdom that this degree of participation delays and at times jeopardizes decision-making, turned out to save considerable time over the life of the recovery. It increased public understanding and enhanced accountability. Everyone could see how and why decisions were made, and by whom. This process also reduced potential opposition to decisions, and developed a sense of

public ownership in the recovery plans that increased their incentive to help ensure success. Finally, it increased congressional confidence in the executive branch operations, thereby contributing significantly to the surprising congressional tolerance of the recovery staff modifying or suspending existing procedures that threatened critical construction completions.

Partnership of Political and Career Leaders

The Alaskan experience demonstrated the value of both 1) experienced political leadership, in this case exemplified by both Johnson and Anderson, and 2) reliance upon experienced career men and women assigned to the White House and those utilized in the participating departments to provide operational leadership. Because career officials knew how the government was organized and how to make it work, and experienced political leaders knew how to utilize this career resource effectively, the political and career public servants together proved remarkably adept at managing risks, adapting organizations to unfamiliar roles and processes, and facilitating collaboration. Placing operations in the hands of career personnel also enhanced the congressional confidence in the executive branch's professional handling of the recovery.

However, the Alaskan reliance on career leadership would not have been so successful had there not been a high level of trust between the political and career leaders, in both the White House and the departments. As David Abshire has reminded us, and as Bryce Harlow taught us in the Eisenhower administration, "Trust is the coin of the Realm."[1124]

Unleashing Innovation

One of the most rewarding developments in the recovery was the impressive degree to which the reliance on career men and women, and the freedom they were given at every level to exercise initiative, brought out the innovative characteristics that most public servants have but feel constrained to use.[1125] Often the commission's

1124 David Abshire, *Saving the Reagan Presidency; Trust is the Coin of the Realm* (College Station: Texas A&M University Press, 2005).

1125 See, Steven Kelman, *Unleashing Change* (Washington, DC: The Brookings

contribution was not in showing agency people how to invent more effective management practices so much as in freeing them to develop their own creative solutions within the broad management strategies outlined by the commission's staff. It took a few weeks for many agency participants to fully appreciate the extent to which they were encouraged to innovate, but once this was understood it was embraced with enthusiasm by most. A few mistakes were made, but the net result was overwhelmingly positive. One key to this success was having experienced leaders who could quickly distinguish between ideas that had promise and those that did not.

Effective Congressional Linkage

Alaska benefited greatly from the special relationships between the legislative and executive branches established by the commission and its staff. The Anderson role in expediting legislation has been described. The assignment of professionally qualified congressional staff to the executive director proved to be very useful, though the detailing of poorly qualified staff would have been counter-productive, to say the least. In this case, the individuals were highly experienced engineers who had been earlier detailed to Congress from the executive branch. Their professionalism and knowledge of agency operations gained them immediate respect in the agencies.

The Alaskan arrangements provided an effective White House linkage with the leadership of Congress, while maintaining and utilizing the regular departmental linkages with the various congressional committees involved in authorizing and appropriating funds for various elements of the recovery.[1126]

Without the special linkages that enabled Congress to keep abreast of events at both policy and operating levels, and without the openness that increased public confidence in the recovery plans, the legislative proposals could not have found their way through the bitter 1964 congressional civil rights debates quickly enough to move forward

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Institution Press, 2005).

1126 On several occasions the executive director and the BOB management director reinforced the agency work with their committees, including participation in hearings, but care was taken to reinforce rather than dilute the role of the responsible agencies.

with key elements of the rebuilding so critical the first several months. Congress responded very well to the needs presented by the commission and participating agencies, appropriating even more than requested.

Simplicity

The magnitude and complexity of the Alaskan disaster, combined with the urgency of its rebuilding, required a recovery structure that could adapt quickly to unforeseen circumstances, mobilize resources throughout the government, and move into action rapidly. A more widely accepted approach today seems to be that of establishing plans in advance that attempt to anticipate every possible situation, and to maintain structures and procedures on standby in the hope that they can deal with whatever scenario may come. However, the BOB management staff in 1964 believed that although this concept had utility for the emergency phase, it would likely focus recovery officials too heavily on procedural and jurisdictional issues, rather than the mission. This author is convinced that detailed machinery based on past events would have unduly restricted the initiative and innovation needed to tailor recovery to the different requirements of Alaska, and doomed success.

President Johnson, BOB, and the Alaskan commission followed an opposite approach that relied on simplicity in special recovery structures and processes, believing that this type of approach would encourage innovation and facilitate fast action, especially if existing agency processes could be sufficiently streamlined to avoid establishing new ones. Johnson also wanted the leaders to focus all their efforts on a fast recovery, without having to divert attention to the time-consuming task of administering an agency or department. With one reporting exception, no special commission processes were established for the Alaskan recovery, but many existing agency processes were simplified or suspended as part of the streamlining drive. The exception was a reporting arrangement whereby field reports from agency personnel to their superiors in Washington were copied to the executive director, enabling him to be informed simultaneously with agency leaders. Causing a bit of agency unease at first, it sped internal agency communications to an amazing degree, and ended up creating no objections from the department heads. This

lack of agency concern resulted in part because the executive director was working for them as a member of the president's commission.

No legal authorities were given to the numerous special coordinating mechanisms that were utilized, most of which existed for only a few months and relied instead on existing authorities of the agencies from which the participating members were detailed. The commission focus was on use of highly qualified personnel, not additional structures and procedures. Following the intense commission activity in the six months after the Alaskan earthquake, the longer range recovery activities were handled very well by the participating agencies with no need to maintain and fund a permanent recovery organization. Thus, the commission was replaced by a much lower key economic planning organization. The BOB management staff had a continuing role to help ensure that the momentum established by the commission continued into the following year.

Innovative Interagency and Intergovernmental Management

Very little useful interagency machinery existed in 1964 that could address community rebuilding on a reasonable timetable.[1127] Even less existed in the way of intergovernmental coordinating machinery that could be used for recovery operations. While the existing practice of developing personal relationships to facilitate intergovernmental cooperation was useful, that alone could not have dealt with catastrophic events like the Good Friday earthquake. Recovery required more than friendly discussions among the federal, state, and local agencies; it required integrated action. Missions had to be stated; roles established; scope of responsibilities described; accountability for funding and program actions implemented; and countless other management tasks accounted for in a common forum in which all the stakeholders participated. This included the private sector, non-governmental agencies, and the public. Most of all, this had to result in quick reconstruction. Also important was preserving the principles of federalism that respected the responsibilities and authorities

1127 Urban renewal projects involved years of planning and construction, and most of the Great Society programs were still on the drawing board. The work of the Corps of Engineers provided the most useful experience, but their standard processes were far too slow for the Alaskan recovery.

of each level of government as workable intergovernmental arrangements were instituted.

The ability of the commission to lead complex intergovernmental machinery to action surprised people. Even more remarkable was the speed with which these actions were taken, something thought to be alien to intergovernmental activities. Of critical importance in this respect was the ability to make the bulk of the decision making on the spot in the Alaskan communities, without having to take precious time in referrals back to Juneau and Washington, normally followed by additional discussions about a series of draft project plans. The success of this innovation depended heavily upon the willingness of agency leadership to provide necessary guidance to their field offices and to delegate operating responsibility to those offices.

The fact that most involved officials, including the secretary of defense, were members of the president's commission and felt a personal stake in the successful performance of their respective organizations probably enhanced the effectiveness of the departments. In addition, the commission's location in the White House enabled it to very quickly develop coordinative arrangements on location, using the innovative, untested strategies described above. Attention to developing a strong sense of teamwork while retaining clear accountability and the capacity to act quickly further augmented efforts.

Capacity to Plan and Act Quickly

The Alaskan weather presented a degree of urgency not found in most disaster recoveries. Although this made the recovery an unusually high risk venture, it stimulated a degree of innovation and rapid action that resulted in a level of success very few, if any, thought possible. Every element of the recovery effort was directed toward speed, beginning with the president's quick action in establishing the commission and followed by the new policies adopted during the first month of its existence. This was accompanied by the staff and the whole interagency and intergovernmental recovery machinery established and in operation only weeks after the disaster in sharp contrast to the usual pattern of rapid emergency action but a far more deliberate tempo of recovery plans and actions.

The emphasis on simplicity of organization and process facilitated speed. The success of this approach was possible largely through a policy of relying more heavily on experienced political and career leadership than on the customary degree of dependence on formal structures and detailed procedures. Using existing agencies, and streamlining their funding and operating procedures, rather than establishing special recovery agencies and procedures, was of tremendous importance, both in expediting plans and actions and in generating enthusiastic agency cooperation. This author believes this approach was particularly significant with respect to Department of Defense (DOD), which turned in the most impressive performance of any department with respect to the construction portion of the recovery.

Initially, many of the management strategies introduced by the executive director were viewed by agency personnel with apprehension. They were regarded as high risk, and even career threatening. This was particularly true of the scheduling approach described above. Contract administrators could visualize auditors and investigators swooping down on them in a few months as the short-cuts turned out to be costly, mistake-prone, and vulnerable to abuse. This was an understandable concern. In fact, it was shared to some extent by the executive director who imposed the basic strategies that were often so very different from those usually employed in government construction.

However, 1) the executive director believed the alternative was an unacceptable large-scale abandonment of Alaska before the construction season ended and a collapse of the economy; 2) he placed considerable reliance on the unusual reliance upon highly qualified career managers rather than procedures; and 3) he had always worked closely with GAO and was counting on their close support in alerting the commission staff to indications of possible abuse before they could develop into something significant and early corrective action could be taken. It is to the credit of Anderson and the cabinet that they supported these sharp departures from accepted practices. GAO also deserves credit for giving less than usual priority to adherence to formal procedures so long as the basic objectives behind the original procedures were observed and the program outcomes

were achieved or exceeded. They recognized that typical auditing preoccupation with procedures would have resulted in failure.

Although the emphasis on rapid action was born largely from necessity, both Anderson and the executive director had emphasized speed in their prior work, though not to the degree needed in Alaska.[1128] Further, they were working for an impatient President who typically chose to ignore arguments about practical difficulties in reaching his ambitious targets. In addition, they also believed that it would be more difficult to continue the cohesiveness and teamwork of the complex recovery machinery over an extended period. And they recognized that costs in dollars and human suffering would certainly grow in a major way as the recovery period lengthened.

Safeguards Against Abuse

Because the combination of rapid action and streamlining of processes increased vulnerability to abuse, the commission staff placed special emphases on 1) experienced leadership; 2) skilled project monitoring; 3) immediate independent oversight from GAO; 4) project openness to public, press, and Congress that made abuse difficult to conceal; and 5) the capacity to quickly correct problems that were emerging. No significant abuse ever came to the attention of Anderson, the executive director, or the oversight congressional committees.

Interdependence of Strategies

Pursuit of only one or two of these unusual strategies would not have been sufficient for success. In fact, few could have worked by themselves. For example, the freedom given the staff to streamline and even suspend existing procedures would never have been granted had it not been for the open style of operations, the emphasis on professional staff personnel, the special project monitoring and oversight, and the unusual congressional linkages.

1128 In the mid-1950s, Ink served as control officer on the "H-bomb" plant in the AEC Savannah River plant, then the largest and most urgent construction project in the free world. The U.S. and Soviet Union were in a crucial race to see who could develop deliverable H-bombs first, and the fate of Western Europe if not the Cold War was thought to depend on the outcome.

Conclusions

Strategy Integration

The elements of power were integrated very effectively by the president through the temporary cabinet-level commission and its staff. It enabled the recovery leadership to instantly utilize resources needed from any agency in the government. This integration was especially important with respect to the DOD, the workhorse of the recovery construction. It also paid off with respect to the less heavily involved departments such as the Department of State whose involvement was limited, but whose quick response was important when the department was called upon. Integration of the unorthodox management strategies complemented the integration of resources.

Cooperation

The cabinet-level policy body, combined with its staff located in the White House resulted in excellent working relationships among the agencies. The commission encountered no hesitancy among agencies to share information, though they were somewhat limited by the information technology that existed then. The fact that no new legal entities or authorities were established, and knowledge that the special arrangements established by the commission were of only a few months duration, avoided turf threatening concerns that might otherwise have developed. Further, the staff worked hard to help focus credit for project accomplishments on the agencies most responsible for the action.

Strengths

The most significant strategies and variables explaining the strength of the response are listed in the above section of this article. They are very different than those employed in Katrina. Especially valuable strategies that might be helpful in future catastrophic natural disasters or terrorist attacks would seem to be adaptability, freedom to innovate, economy, ability to mobilize the whole government, effective intergovernmental action, effective Congressional linkages, and the capacity for rapid recovery. Integrating the various Alaskan strategies under the aegis of the White House created the potential for a very unusual degree of government wide cohesiveness and concerted action. It provided an effective means of integrating the

resources of both national security and domestic agencies, an action that will often be critical in future catastrophic disasters or attacks.

The strategies developed for interagency and intergovernmental action worked very well at the site of the disaster as well as in Washington. The stakeholders adapted surprisingly well to the conceptual shift from intergovernmental relations to intergovernmental management, which was another way of explaining a shift from intergovernmental discussion to intergovernmental action. The emphasis on integrating agency efforts at the three levels into community recoveries rather than the more traditional approach helped develop a greater intergovernmental team spirit than one usually finds.

Weaknesses

In the view of the author, weaknesses in adapting Alaskan strategies today would include 1) the growing scarcity of career leaders with the diversified high level operational experience that was invaluable in both the commission staff and the participating agencies[1129] and 2) absence of a presidential management leadership arm to replace the BOB management staff that was critical to the 1964 Alaskan success. There are those who also believe government has become too complicated to simplify or to employ expedited approaches used in Alaska, a view with which this author vigorously disagrees.[1130] Some also believe too large a gulf has evolved between political and career public servants to rebuild the trust needed for the career-political partnership President Johnson relied upon in Alaska. This may be true, but there have always been ups and downs in these relationships,

1129 With the gradual growth in political appointees who typically have little prior operational federal government experience (their role is supposed to be more concerned with policy and resource allocation) fewer such opportunities are available for career SES leaders who are supposed to be trained to provide this resource.

1130 This "government has become too complicated" argument has been used over many decades, and was advanced at the outset of the Alaskan recovery. Government has become more complicated, but we have also developed new management and technological techniques for overcoming new complications. Arguably, one problem is that today we use those advances in managing certain individual governmental operations, but no longer apply them effectively to broad problems that involve a number of departments.

and this author believes it is always possible to find those who can, and will, work together effectively.

The commission structure used for Alaska would be inappropriate for small presidential initiatives, although many of the management strategies used by the commission staff have potential for helping smaller disaster recoveries and other types of presidential initiatives.[1131] The aggressive leadership of the federal government in Alaska was readily accepted by the state and local jurisdictions because of the overwhelming impact of the disaster and the care with which this federal role was handled. There was never the slightest resentment expressed at this role. However, where state and local resources are greater, or inexperienced federal leaders are used, even though federal leadership will nearly always be essential in a catastrophic disaster or attack, it would be difficult for the federal government to expedite intergovernmental action to the remarkable degree it did in Alaska.

Achievements

The accomplishments of the commission and U.S. and local government could be summarized by the recovery having saved the viability of Alaska as a state. The avoidance of abandonment of a significant portion of the population and an economic collapse were each of inordinate importance in reaching this goal. The savings in human suffering and dollars were enormous, though never measured. Finally, the recovery demonstrated that despite its critics, our government can work very effectively when there is a clear mission, when experienced political and career leaders are utilized, and when government operations are streamlined.

No doubt the haste of the recovery resulted in some projects that could have reduced direct costs with more deliberate planning and execution. However, these costs were miniscule compared to the major savings in overhead and the huge savings realized by compressing into the first few months the critical design and construction work, not to mention the savings in controlling inflation,

1131 The author employed some of these approaches in handling later presidential initiatives, though not to the extreme degree they were used in Alaska.

preventing an economic collapse, and avoiding the costs that would have resulted from the fleeing of residents to the lower 48.

CHAPTER 10. PLANNING FOR RECONSTRUCTION AND TRANSFORMATION OF JAPAN AFTER WWII

Peter F. Schaefer and P. Clayton Schaefer[1132]

Introduction

U.S. planning for the occupation of Japan uniquely and successfully integrated the government's military and civilian assets to create a practical strategy for the reform and reconstruction of a former enemy. The approach to planning between 1941 and 1945 evolved from *ad hoc* responses into a formal interagency organization. Though there was constant tension between military and civilian officials, the immensity of the nation-building task convinced all involved of the need to cooperate. The interagency deliberative process they created was vested with the authority of the president and relevant secretaries, and relied on information transparency and close working relationships at all levels.

As a result, the political leadership came to view the occupation plan as a shared product, not the province of one agency. The policy discussions were heated; however, due to sustained and focused interaction within a common structure, these debates were ultimately constructive. Rather than creating distrust and animosity, the debates resulted in the questioning of assumptions and the revision of strategy which proved vital to the success of the reconstruction effort.

Without careful consideration of the expected conditions in Japan and deliberations about strategies to mitigate the risks of insurgency, unrest, and economic collapse, the occupying forces would have been ill-prepared to manage the post-war environment. Over the long term, the government-wide commitment to Japan's modernization was a strategic decision of enormous import.

An understanding of the occupation of Japan—and more specifically, the way the U.S. government planned for political and

1132 Peter F. Schaefer and P. Clayton Schaefer are business and management consultants as well as international relations experts.

economic transformation of that country—may help improve future occupation planning efforts. Considerable U.S. government resources were engaged for years in contingency planning, creating detailed occupation plans before the first American soldier landed in Japan. The Roosevelt and Truman administrations were able to create a joint operational plan for civilian and military agencies that included input from all federal entities, as well as experts outside the government.[1133]

The interagency strategic and tactical approach emerged from an organization known as the State-War-Navy Coordinating Committee (SWNCC), the authoritative policy-making organ charged with postwar reconstruction planning. The tactical goals of the U.S. occupation were to promote a modern, democratic, capitalist Japanese state;[1134] to support the rise of a broad middle class able to own property and participate in the national and international economy; to adapt existing Japanese institutional structures to manage the government and implement reforms; to promote continuity and economic stability; and to repress, co-opt, and redirect the elites who had been responsible for the rise of Japan's militarist expansion. These decisions were not altruistic, but represented a systematic attempt by U.S. planners to create a strategy that would avoid bloody resistance, provide maximum security for U.S. personnel, and ensure continued peace in and with Japan.

Given SWNCC's apparent success, it is important to point out the key factors that contributed to the effectiveness of interagency planning during this period. Briefly, these features were:

1. Delegation of authority by the president aimed at the creation of actionable policy.

2. Prioritization of interagency work by department heads and the perception of interagency assignments as high status.

1133 For example, one of the seminal thinkers on Japan inside the U.S. government was a Columbia University professor named Hugh Borton. He served as the Japan Office director at State from 1942 to 1948 after which he returned to the academy.

1134 It took the Allies two years before they came to a similar conclusion about Germany's future, after which the U.S. established the Marshall Plan.

3. Incorporation of all available experts in the policy development process.
4. Institutionalization of the interagency to permit sustained interaction.
5. Ongoing joint review and integration of policies conducted at the political level.
6. Information transparency and a consensus approach, allowing interagency cooperation as equals.
7. Detailed contingency planning, providing a flexible action plan to field personnel.
8. Clear military leadership in implementation, supported by embedded civilian experts at all operational levels.

This study will discuss each of these areas, and provide insight into the process that allowed the U.S. government to arrive at such an uncharacteristically open and collaborative approach to foreign policy formation.

Planning for Occupation[1135]

This case focuses on how Washington organized to manage the post-war environment, not the conduct of the war itself, though any examination of the planning for occupation requires a brief foray into the planning for the rest of the war.

There was considerable discussion in Washington at the outset of WWII about the creation of a "war cabinet" modeled after the British

1135 Citations for this section are complicated by the nature of the primary source material. Rather than clutter the study with a long list of untitled memos, meeting minutes, and internal government correspondence that we consulted, we have chosen to alert readers to the National Archives and Records Administration (NARA) record group, collection title, or physical location of the source documents. Sifting through microfilms and file folders of loose paper is often the only way to view these documents, and furthermore, dedicated archivists have built annotated bibliographies and finding aids that do a much better job than we could at making these resources accessible.

system. The British war cabinet included key cabinet officers as well as opposition politicians and outsiders possessing military expertise. Henry Stimson was a supporter of such a move, perhaps motivated in part by being a Republican cabinet officer in Franklin D. Roosevelt's Democratic administration.

However, due to the surprising success of the Joint Chiefs of Staff (JCS), which was created in the summer of 1942 to advise and implement policy, Roosevelt came to feel that a war cabinet was unnecessary. The effectiveness of the JCS was partially responsible for delaying the creation of a comprehensive interagency planning body, even though senior military leaders viewed consultation with the State Department as essential.

To work around the president's resistance to the war cabinet idea, Secretary of War Stimson organized an informal group in 1940 composed of Secretary of State Cordell Hull and Secretary of the Navy William F. Knox.[1136] These three men—known as the "Committee of Three"—met weekly to try to resolve interagency problems. All three men were also members of the President's War Council which met in the White House. The War Council, like the Committee of Three, lacked executive authority, instead serving an essentially advisory function which identified issues for President Roosevelt's consideration. The committee was also was a conduit to disseminate decisions and instructions from the president to the government. However, since it was the center of war-planning activity and was managed by the president and his small staff, it became a bottleneck for information flowing in both directions.

Once the JCS system matured, the War Council was abandoned and the Committee of Three was marginalized. Roosevelt continued to insist on being at the center of all decision making, particularly the invasion and occupation of North Africa and the unfolding assault on the Axis. For example, there was a major debate within the federal government between advocates of an operational plan known as "Bolero," and one eventually code-named "Torch." Bolero emphasized a rapid build-up of U.S. forces in England in preparation

1136 Until the post of secretary of defense was created in 1947, the secretary of war was really the secretary of the Army.

for the 1943 invasion of continental Europe, while Torch called for the invasion of North Africa. Stimson, Marshall, and the JCS opposed Torch, which the secretary of war had called "the President's secret baby."[1137] Despite the resistance, the president insisted that Torch be undertaken.

The constraints on a president's time make such detailed policy involvement practically impossible, and Roosevelt's attempts to stay at the center of debates meant that many key questions lacked authoritative policy statements. This put undue strain on field personnel who were forced to make improvised decisions without the benefit of expert help. Ultimately, the inefficiencies of post-operation management would change Roosevelt's mind about creating a war-planning organization.

During this period, Secretary of State Hull had been given primary responsibility for all post-war planning, and, under Roosevelt's orders, State began considering the problem of occupation just weeks after Pearl Harbor. The process reached its full scope and depth over the next several years. On December 28, 1941, the Advisory Committee on Post-War Foreign Policy ("Advisory Committee") was organized. The committee's first meeting was held on February 12, 1942, and was composed of bureaucrats, scholars, and academics within six subcommittees. It reported to the Committee of Three, was chaired by Hull and managed by his under secretary, Sumner Welles.[1138]

By the summer of 1942, the six subcommittees which comprised the Advisory Committee were staffed by "thirty graduate students who had just received their Ph.D. degrees or were just about to—historians, political scientists, economists, librarians, cartographers, and so on—who were recruited specifically for this job. The research staff, or, as it was officially known, the Division of Special Research, consisted of 55 people at the end of 1942, which increased to 96 by mid-1943."[1139] However, despite the inter-disciplinary nature of

1137 Henry L. Stimson and McGeorge Bundy, *On Active Service in Peace and War* (Harper & Brothers, New York, 1947) 425.

1138 In this era, there were no "deputy secretaries." The under secretary was the number two official.

1139 Ignac Romsics, *Wartime American Plans for a New Hungary,* (Colombia University

the staff and the broad reach of the subjects being considered, the Advisory Committee was producing little usable output.

A lack of senior-level agreement and clear lines of authority meant pieces of the post-war plan were being developed in a variety of offices across the government, but there was no strategic architecture that might permit the creation of practical and actionable policies endorsed by the entire government. With a lack of integration, it was inevitable that parochial interests (turf, budget, careers) would present problems.

Secretary of War Stimson writes that:

> WWII demonstrated with unprecedented clarity the close interconnection between military and civilian affairs; no where was this connection more evident than in military government. Yet no task undertaken by the Army produced more misunderstanding at high levels of government. Orderly civil administration must be maintained in support of military operations in liberated and occupied territories.[1140]

This interconnection was acknowledged even prior to the war. Seven months *before* Pearl Harbor, the Army established the School of Military Government at the University of Virginia in Charlottesville in order to train "military government officers." It seems that "New Dealers around the throne" opposed this school because, according to Stimson, they "were anticipating such activities as an opportunity for themselves."[1141] Ultimately, Secretary of State Cordell Hull agreed with Stimson and the Army staff that "administration in foreign lands must initially be an Army responsibility, while Stimson in turn fully accepted the State Department's responsibility for the formulation of political policy."[1142]

By mid-1944, Under Secretary of State Edward Stettinius and the newly appointed Secretary of the Navy James Forrestal decided to

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Press, 1992).

1140 Henry L. Stimson and McGeorge Bundy, *On Active Service in Peace and War* (Harper & Brothers, New York, 1947) 553.

1141 Ibid.

1142 Ibid., 554.

revitalize the weekly Committee of Three meetings. The friendly relationship among these top officials from different agencies greatly contributed to the eventual integration of postwar policymaking at the staff level. The impetus for resumed activity was the shared belief that a lack of executive support was preventing true interdepartmental cooperation, thus making it impossible to thoroughly address postwar problems.

The president remained reluctant to cede his authority over postwar planning, but in response to pressure from cabinet officials and serious difficulties with the Roosevelt-planned occupation of North Africa, in August of 1944 he authorized the formation of a Cabinet Committee for post-war Germany. Although this body included White House staff and Secretaries Hull, Stimson and Henry Morgenthau (Treasury), the effort was still largely dominated by Roosevelt and his personnel.

In late November, Stettinius learned that he would succeed the ailing Cordell Hull as secretary of state and began working to assuage his concerns regarding the inadequacy of postwar planning. On his request, the Committee of Three agreed to create a formal, interagency organization dedicated to postwar operational planning. Due to obvious weaknesses in the existing system, they were able to secure the consent of the president.

Stettinius had been recruited to government service from the corporate world in 1939 after a year as chairman of U.S. Steel and having held a senior position at General Motors. He was a manager concerned with objectives and output, not an academic or a bureaucrat concerned with process. As such, he was deeply troubled by the lack of practical application of the Advisory Committee's work. By the time Hull stepped aside allowing Stettinius to become acting secretary of state, the latter had decided that little useful planning resulted from the State Department-run Advisory Committee. Although the enterprise was political-military, he recognized that the military officers were, at best, "junior partners." As a result, he pressed the secretaries of War and Navy to recast the Advisory Committee as a *joint* organization invigorated by a true delegation of authority from all three departments.

On December 1, 1944, the day before he was sworn in as secretary, Stettinius wrote a letter to Secretaries Stimson and Forrestal formally

proposing that the Committee of Three create a jointly managed secretariat to plan the occupations and achieve full integration of U.S. foreign policy.[1143] The secretariat was headed by Roosevelt favorite, Assistant Secretary of War John J. McCloy. The State-War-Navy Coordinating Committee (SWNCC, pronounced "swink") was formally constituted December 9 and held its first full meeting December 19. By clear intention, SWNCC was structured and run in such a way that the group members worked as equals in creating policy. Although Secretary of State Stettinius was the nominal chairman, a strict consensus was required to make decisions placing the emphasis on identifying cooperative solutions.[1144]

Although Stettinius continued to chair weekly meetings of the Committee of Three, the planning process had shifted to the assistant secretary level and below. Stettinius was concerned that even this level of integration would prove inadequate. He wrote in his dairy:

> I stated that there had been a bit of confusion on how Navy and War had been informed on political matters and the State Department on military matters; that Stimson, Forrestal, and I had a suggestion and we wished to make joint recommendation to the president. I spoke for all three of us and said that we wanted the authority from him to have complete interchange on all subjects at all times and I was authorized to tell them fully about all secret diplomatic matters and they were instructed to inform me fully on military matters. As we came to the end of the war it was impossible to improvise these military and political matters and we had to have the information. He said you are now authorized to do this.[1145]

1143 Prior to the national defense reorganization of 1947, the War Department ran the Department of the Army and the Army Air Corp. The Department of the Navy oversaw the U.S. Navy and Marines. The Joint Chiefs of Staff existed, but lacked a single chairman until 1947.

1144 Although SWNCC also had the responsibility for planning postwar the programs for other Axis powers, overall those efforts were more about rebuilding existing political economies. Moreover, they were true multinational efforts involving real participation by the other allies. Because of these factors, European examples are less useful if our hope is to make U.S. nation- building more effective.

1145 Cambell, Thomas M. and Herring, George C. ed., *The Diaries of Edward R.*

Because of this commitment to cooperation, SWNCC became a singular exception to the rule of bureaucratic turf wars and a remarkable success in integrating U.S. plans and assets that is arguably unrivaled to this day.

The resulting SWNCC plans for the occupation of Europe and Japan were methodical exercises aimed at anticipating and addressing every issue that might confront U.S. forces tasked with occupying and running former enemy states.[1146] SWNCC brought together top experts from the U.S. government and academia to collaborate on all aspects of the plan. For instance, one of the key decisions confronted by the team—the status of the Emperor—was studied by an academic turned bureaucrat named Hugh Borton. After the war, when Borton returned to academia, he observed that his 1943 memo recommending the retention of Hirohito was largely unchanged as it passed through the planning process and subsequent implementation by MacArthur.[1147]

At the outset, SWNCC collected data and reports (and the experts responsible for them) that had already tackled postwar problems. This integration effort unearthed work going back to December 28, 1941 when President Roosevelt approved the establishment of the "Advisory Committee on Post-War Foreign Policy," a primarily State Department-run organization with experts drawn from other agencies and the private sector, as needed.[1148] In fact, Secretary of War Stimson

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Stettinius, Jr. 1943-1946, New Viewpoints, New York, 1975, 321.

1146 SWNCC was not an Allied exercise but was staffed mainly by U.S. citizens who operated under conditions of secrecy. Moreover, the postwar implementation of the SWNCC plan in Japan was also not an Allied effort, as it was in Europe. In Japan, the Allied Far Eastern Commission (FEC) was, in theory, the highest authority over the occupation but MacArthur generally ignored FEC directives when their position differed substantially from that of the U.S. government. This tendency was particularly evident during the drafting of Japan's constitution. The FEC was composed of the United States, Russia, Australia, Great Britain, New Zealand, and India.

1147 Hugh Borton, Preparation for the Occupation of Japan, The Journal of Asian Studies, Vol. 25, No. 2 (Feb., 1966), 205.

1148 They relied heavily on experts from the Council on Foreign Relations in New York.

notes that "even before Pearl Harbor the War Department began planning in anticipation of this sort of [postwar civil affairs] work."[1149]

One important source of SWNCC staff was State's Inter-Divisional Area Committee on the Far East (IDACFE), formed in 1943 under Dr. George H. Blakeslee to focus particularly on postwar Japan. A core group of IDACFE-based Japan experts including; Hugh Borton, Joseph Grew, Robert Fearey, and Eugene Dooman survived bureaucratic shake-ups in the planning structure to see the work to fruition. Many of the analysts' policies drafted during the early years were debated and subsequently ratified by SWNCC.[1150]

At the beginning of the U.S. occupation of Japan, the central issues of occupation policy—the status of Emperor Hirohito, the decision to help the Japanese create a modern capitalist economy under a sovereign, responsive democracy, the role of the warlords, or *Daimyo*––had been decided apriori. Considerations of law, currency, farming, fishing, mining, and industry had also been largely addressed. This was possible because SWNCC empowered subcommittees to tackle issues independently, consulting outside experts as necessary. As reports approached completion, they were presented at the secretariat, debated, revised, and approved as policy.[1151]

Washington representatives produced hundreds of detailed studies and made nearly 1,000 policy decisions. Nearly all these assessments, made at the sub-cabinet level, became official U.S. occupation policy, guiding the Supreme Commander of Allied Powers (SCAP) General Douglas MacArthur and his staff. These handbooks, orders, and objectives were prepared to address the expected situation on the ground. When U.S. forces arrived in late August 1945, SCAP was

1149 Henry L. Stimson and McGeorge Bundy, *On Active Service in Peace and War*, (Harper & Brothers, New York, 1947) 553.

1150 Schwartzberg, Steven (1993). "The 'Soft Peace Boys:' Presurrender Planning and Japanese Land Reform." *The Journal of American-East Asian Studies,* Volume 2, Number 2, Imprint Publications.

1151 The only major decision that was reversed concerned the dismantling of the Zaibatsus or Japanese industrial combines, a decision paralleled later in Germany. Both were based on the unanticipated postwar expansion of Communism in Europe and Asia.

armed with the information necessary to act effectively and adapt quickly in the chaotic post-war environment.

SWNCC's most valuable output was a coherent set of objectives that provided a flexible action plan for the occupation. The most important points—the preservation of the institution of Emperor, retaining the existing government apparatus, defining the rights of all citizens, and the reformation of land tenure—were implemented within a few months of MacArthur's arrival, and formed the economic and social foundation of a stable post-conflict environment that persists today.

U.S. planners recognized that an occupying force faced a narrow window in which it can shape expectations and behaviors that will prevail throughout the undertaking. A prescient Department of War memo stated:

> The American public will unquestionably become restive under a prolonged occupation of Japan by American forces. It will not wish to assume the burdens of governing Japan over an extended period. Demands for withdrawal are likely to begin within 6 months after the surrender of Japan and thereafter to build up increasing political pressure to that end.[1152]

This memo shows clear recognition that a well-planned occupation arrives in overwhelming force, uses its momentary advantage over a scattered opposition to accomplish key objectives, and steadily decreases its footprint over time. This is impossible without close interagency cooperation akin to that described above. The American military was not designed to manage this window without clear political guidance from Washington. Conventional military training did not prepare U.S. personnel to take the political and economic action necessary to capitalize on the initial period of social shock. However, other departments were unable to manage security or conduct

1152 "[Anonymous Department of War Memorandum]" *World War II Text Records*, National Archives and Records Administration College Park. Record Group 331. See Appendix.

autonomous operations in a post-war environment. Success was achieved through close cooperation, not a division of labor.

With the defeat of Japan rapidly approaching, U.S. policy makers had no illusions about their priorities. As stated succinctly by the State-War-Navy Coordinating Committee documents and reflecting the words of the Potsdam Declaration:

> The ultimate objectives of the United States in regard to Japan, to which policies in the initial period must conform, are:
>
> - To insure that Japan will not again become a menace to the United States or to the peace and security of the world.
>
> - To bring about the eventual establishment of a peaceful and responsible government which will respect the rights of other states and will support the objectives of the United States as reflected in the ideals and principles of the Charter of the United Nations. The United States desires that this government should conform as closely as may be to the principles of democratic self-government but it is not the responsibility of the Allied Powers to impose on Japan any form of government not supported by the freely expressed will of the people.[1153]

The Potsdam Declaration signaled to the Japanese people and their government that the U.S. occupation would be benign, even enlightened. The Declaration also stated:

> Japan shall be permitted to maintain such industries as will sustain her economy, [have] access to raw materials,…[and eventually participate] in world trade relations.…[The Allied Forces] shall be withdrawn from Japan as soon as these objectives have been accomplished and there has been established in accordance with the freely expressed

1153 "U.S. Initial Post-Surrender Policy for Japan," SWNCC 150/3, August 22, 1945, accessed at http://210.128.252.171/constitution/e/shiryo/01/022shoshi.html on 12/12/2006.

> will of the Japanese people a peacefully inclined and responsible government.[1154]

This position was fiercely debated within SWNCC and throughout the foreign policy community. Some Treasury Department and military officials advocated a punitive, scorched earth policy for post-war Japan and Germany. Two years prior to the signing of the Potsdam Declaration, Robert Fearey, a senior State Department representative dealing with Japan, wrote a memo outlining various options for managing postwar Japan.[1155] He delineated three distinct schools of economic thought. One position held that Japan be "deprived of her entire modern industrial plant and cut off from foreign trade." A second group proposed that Tokyo keep light industries and be permitted to resume a modicum of foreign trade. The third option involved "dismantling or converting to other purposes the armament industries" but eventually allowing Japan to normally participate in the global economy without the burden of punitive allied policies.

Fearey notes that if the first option were chosen, 45 million Japanese might starve. Almost the entire population would "fall below the subsistence level and extinction of a fourth or more of the population (fifteen to twenty million Japanese) would be rendered almost inevitable."[1156] Although it is highly unlikely that the American public would have tolerated the extinction of millions of Japanese, the retaliatory proposals for Japan (and similar ones for Germany) were strongly supported by key members of the advisory group. These policy makers believed that the Japanese were responsible for the war and should be punished.[1157]

1154 Proclamation Defining Terms for Japanese Surrender. Issued at Potsdam, July 26, 1945.

1155 Robert A. Fearey, "Japanese Post-War Economic Considerations, July 21, 1943" The Occupation of Japan. Congressional Information Service, Bethesda, MD and Maruzen Pub. Co, Tokyo, Japan 1987-1995. "US Planning Documents 1942-1945" L.O.C. Microform Call Number 89/9022.

1156 Ibid.

1157 Secretary of the Treasury Henry Morgenthau and presidential advisor Harold Ickes were proponents of the most severe option, not the military. Amongst the most senior planning staff and war secretaries, this extreme position spawned a verb, "to Morgenthau" which meant to de-industrialize and ruralize the national populations.

However, the Japan experts at State totally opposed the punitive approach, arguing that "a first, if not the first, prerequisite" for postwar success is turning Japan to "a course of peaceful and orderly development" that would maintain or improve Japanese living standards by reviving "peacetime industry and trade."[1158] Planners also questioned the practicality of such harsh proposals given the necessity of a long term U.S. presence in a hostile environment. In the end, the matter had to be forwarded to the president and his advisors for a decision. Fortunately, the president and his staff concluded that having a stable democracy and prosperous capitalist Japanese nation, rather than a poor, de-industrialized agrarian state was in the long-term interest of the United States.[1159]

The arguments against a punitive occupation were likely made more palatable to government hard-liners since the news of the atom bomb had begun to circulate among senior U.S. officials in late July. Although the bureaucracy itself lacked information about the bomb, by the spring of 1945 planners had already begun preparing a plan of benevolent occupation rather than brutal invasion. This was certainly due, in part, to the new composition of the planning organization, which merged the military planners with Japan experts who spoke the language, had lived in the country, and had sympathy for the people.

With this background, it is less surprising that SWNCC developed a policy that would not simply maintain existing incomes and economic structures, but would forge legal and institutional changes to *increase* Japan's prosperity. SWNCC and its predecessors planned for the management and modernization of every aspect of the Japanese economy, in particular, for an expansion of property ownership and the regulation of corporate control. Japan was deprived of its colonies, but SWNCC plans aimed to create the legal, regulatory and institutional environment needed to foster widespread entrepreneurship and drive a modern economy. SWNCC's plan, and

1158 Ibid.

1159 Interestingly, the secret Morgenthau Plan for Germany was partially implemented for the first two years of the Allied occupation of Germany before the Marshall Plan was begun in 1947. It was only after the JCS 1779 of July 1947 replaced JCS 1067 (May 1945) that U.S. policy changed from taking "no steps looking towards the economic rehabilitation of Germany."

SCAP's application of it, provided Japan with necessary institutions for an affluent society.[1160]

In the months prior to Japan's surrender, SWNCC was generating the final set of policies that would guide the military and civilian bureaucracies running the occupation. Moreover, SWNCC policies steered the operational directives issued by the Joint Chiefs of Staff to combatant commanders. The latter were instructed how to create military plans in accordance with civilian guidelines generated by SWNCC. Upon receiving these directives, General Douglas MacArthur and Admiral Chester Nimitz ordered their staffs to prepare parallel operational plans for the invasion of Japan. Both wrestled with the challenge of attacking a hostile Japan, and each drafted a plan for amphibious landing on the home islands.

In the spring of 1944, both also created plans to manage Japan's sudden surrender and a relatively peaceful occupation. Apparently, this was done without knowledge of the development of the atomic bomb. When the Japanese finally surrendered, the Navy's "Operation Campus" and the Army's "Operation Blacklist" were finished and ready to direct the occupation, as was a plethora of detailed SWNCC guidance. There was considerable squabbling between the Army and the Navy about who should be the highest authority over the occupation, but eventually the Navy ceded and MacArthur was named supreme allied commander.

Evaluating SWNCC's Strategy Creation

In reviewing the interagency process during World War II, one analyst points out three key features: "senior leader involvement, sustained interaction, and thorough integration" of policy at or below the level of assistant secretary.[1161] Planning for the occupation of Japan within the SWNCC was successful because it provided a forum for the formation of interagency relationships, incorporated experts from

1160 There are two articles by the author comparing Marshall and MacArthur, available at (http://www.tcsdaily.com/article.aspx?id=092506B) and (http://www.tcsdaily.com/article.aspx?id=110106B).

1161 Robert Kolterman, *Interagency Coordination Past Lessons, Current Issues, and Future Necessities* (U.S. Army War College 2006),2.

across the government, and integrated their outputs into sanctioned statements of national policy. The quality of the interagency process during this period is demonstrated by the fact that of the 750 issues considered by SWNCC before the National Security Act of 1947, only six cases were forwarded to the president for final resolution.[1162]

For several years after the war, SWNCC's structure and interagency character was preserved. Thereafter, its successor, the State-Army-Navy-Air Force Coordinating Committee (SANACC), operated in parallel with the National Security Council (NSC). Vitally important to the effectiveness of both organizations were techniques of decentralization and interagency cooperation as well as mechanisms that permitted a sensible allocation of resources and integration of effort within the government. Lower levels of the SWNCC process––subcommittees, informal working groups and communities of interest—all operated on a strict consensus basis guided by clear but broad objectives outlined by the executive branch.

Functionally, SWNCC was an independent agency staffed by top experts who were organized in such a way as to operate on a consensus basis. They were judged on the quality of their collective output so there was no bureaucratic imperative to defend their home agency's turf, agenda or budget. Although some priority working groups had hand-picked staff which were sometimes mandated and given very specific tasks by senior officials, the overall SWNCC structure was aimed at creating a permissive environment for dialogue and information sharing. SWNCC posts were considered high status, and the atmosphere was aimed at producing tangible and practical results. Participants were motivated by the immediacy of their contributions; instead of gathering dust in a filing cabinet, their work would be used to shape the outcome of the occupation. The output of SWNCC subcommittees was submitted for periodic review to a group of superiors with the authority to speak for their departments. This group was empowered by the department heads and the president to resolve disputes, set general policy guidelines, and act as mediators between political and career officials.

1162 Ibid., 5.

In the rare instances when SWNCC and the Committee of Three could not reach a consensus, the cases advanced to the president for a final decision, which led to a unified policy emerging from the agencies and fully sanctioned by the White House. In policy areas which lacked clear executive priorities, the bureaucracies were forward looking, and worked to summarize, condense, and continually update the collective wisdom of the government so that it was immediately available, as needed, to the White House or field personnel. This was possible because SWNCC brought formerly independent and fragmented policy groups together with other experts who were wrestling with the same issues.

Output and Implementation

A key operating assumption within SWNCC was that ultimately its recommendations would pass to a military commander for implementation. This viceroy would face a complex and constantly shifting postwar environment, and had to be given the necessary leeway to lead the occupation and improvise creative solutions that could not be imagined from Washington. SWNCC's policy statements, corresponding directives issued to combatant commanders through the JCS, and public declarations all shaped the behavior of General MacArthur. Once SCAP took command of Tokyo, the general exercised considerable autonomy in implementing established policy. His occupation program depended on the advice of U.S. civilian experts as well as Japanese officials and civilians who counseled him regarding policy design and implementation. This field-based deliberative process, independent of interagency development in Washington, was crucial to ensure the proper timing and emphasis of occupation programs.

Japan did not have a sovereign government for six-and-a-half years (from its surrender until April 28, 1952). However, Japan never lost self-government at any time during the U.S. occupation. Indeed, MacArthur conducted much of the occupation like a negotiation with his Japanese counterparts, though when the safety of his troops or the integrity of the country was at stake, he resorted to issuing edicts. The final wartime government of Prince Naruhiko Higashikuni—which signed the surrender on September 2, 1945—was not disbanded

but allowed to retain power and operate under the prevailing Meiji Constitution. This is a crucial point; the Emperor, the politicians, the bureaucracy, and the laws remained intact.

SWNCC 150, a document that outlined the core occupation policy and was the product of extensive revision and debate within the SWNCC secretariat, instructed MacArthur to "exercise his authority through Japanese Governmental machinery and agencies, including the Emperor."[1163] The strategy of using Imperial Japanese institutions to dismantle the Japanese empire allowed Americans to remain aloof from contentious debates while still setting policy when necessary. In 1942, Hugh Borton was the first State Department expert tasked with preparing a paper detailing the options to deal with the Emperor. His note dated April 26, 1944, proposed that "the Emperor be given access to his advisors" and "delegate his subordinates to carry out their administrative duties so the occupation forces would be able to use a maximum number of Japanese officials."

With the status of the Emperor determined, planners began to consider how to approach the bureaucratic apparatus that had served him. Bureaucracies are critical to the functioning of any government. The knowledge they possess about everything from the practical to the profound is important to the operation of essential services and maintenance of national cohesion. SWNCC 150 issued the following guidance for SCAP on the bureaucracy:

The function of military government (SCAP) in these fields ("Control of Domestic Economy") will be supervisory rather than administrative, relying to the fullest extent practicable on Japanese civil servants and other acceptable personnel. These functions shall be exercised in such a way as to facilitate the withdrawal of the occupation forces from Japan at the earliest possible date.[1164]

By keeping the structure of government intact while removing its most authoritarian features, SCAP maintained legal continuity while creating

1163 *United States Initial Post-Surrender Policy for Japan,* (SWNCC 150), available at http://210.128.252.171/constitution/e/shiryo/01/022/022tx.html.

1164 United States Initial Post-Defeat Policy Relating to Japan (SWNCC 150/4), available at http://210.128.252.171/constitution/e/shiryo/01/022_2/022_2tx.html.

a body of law and reinforcing expectations of stability and freedom. When examining the transformation of Japan, it is important to make a distinction between producing laws by fiat and systematically legislating through a process that creates, eliminates and adjudicates laws under conditions of transparency and formal accountability. The former ends in a collection of arbitrary rules, the latter in the rule of law. Japanese leaders and the SCAP never created rules outside an existing framework; SCAP carried out Washington's policies and the Japanese worked within the existing legal tradition to build new institutions that conformed to the demands of the conquerors.

For example, except for General Yamashita in Manila, the prosecution of suspected war criminals took place under the auspices of international tribunals, so it was not necessary to tamper with the Japanese system of government to achieve occupation goals. In order to avoid the appearance of interference, SCAP allowed the state to fulfill its full range of obligations to the people, exerting influence behind the scenes when occupation objectives were clearly at stake.[1165]

Prince Naruhiko's government was not dismissed by MacArthur but resigned in October of 1945 in protest over a directive entitled "Removal of Restrictions on Political, Civil, and Religious Liberties."[1166] Since these rights were promised in the Potsdam Declaration and this directive was taken entirely from the *SWNCC 150/4/A*, approved by President Truman on September 6, 1945, and published in Japan, the resignations must be seen as political acts, part of a negotiation between Tokyo and Washington, not as the end of the political system.[1167]

The Naruhiko government was replaced by that of Prime Minister Shidehara Kijuro. Although pro-American and opposed to the war,

1165 Clear guidance from SWNCC and evidence of true dialogue with the Japanese counters the dominant "great man" theory of success in postwar Japan. The idea that MacArthur ruled by edicts following procedures that he and his staff created is simply incorrect.

1166 *Removal of Restrictions on Political, Civil and Religious Liberties* (SCAPIN 93), 4 October 1945, available at http://ndl.go.jp/modern/e/img_l/M003/M003-001l.html.

1167 *United States Initial Post-Surrender Policy for Japan,* (SWNCC 150)., available at http://210.128.252.171/constitution/e/shiryo/01/022/022tx.html.

Shidehara's appointment by the Diet (legislature) of Japan followed the procedures outlined in the Meiji constitution. In line with the American directive, Shidehara released political prisoners, removed about 4,000 people from the Ministry of Home Affairs and abolished the Secret Police.

The U.S. approach to the development of Japanese self-government reflects the tenth point of the Potsdam Declaration which stated, "The Japanese Government shall remove all obstacles to the revival and strengthening of democratic tendencies among the Japanese people. Freedom of speech, of religion, and of thought, as well as respect for the fundamental human rights shall be established."[1168] In drafting a new constitution, the United States decided that the old Meiji Constitution, drafted in 1889, would be preserved where possible, permitting legal continuity, defusing potentially explosive debates, and borrowing the political legitimacy of the older document. Thus, the so-called "MacArthur Constitution" of 1946 was ultimately adopted as an *amendment* to the Meiji Constitution consistent with Article 73 of the latter document.

Following the SWNCC 150 instructions to create a government affirmed by a majority of Japanese citizens, in September 1945, SCAP asked a group of eminent Japanese government officials to write a new constitution. The work of the Masumoto Committee of Shidehara's Government began the following month and was submitted to SCAP for ratification in early February 1946. Unfortunately, a slim majority of the committee produced a document that was little more than a polished version of the Meiji Imperial Constitution.

This was unacceptable to SCAP, as the JCS, following SWNCC directives, had explicitly instructed MacArthur to ensure that the new constitution was more liberal than its predecessor. On January 6, 1946—over a month *before* the Matsumoto Committee submitted its proposed constitutional changes—SWNCC 228 instructed MacArthur on the objectives of the new constitution.[1169] When it was determined

1168 Proclamation Defining Terms for Japanese Surrender, Issued at Potsdam, July 26, 1945.

1169 *Reform of the Japanese Governmental System* (SWNCC 228). NARA Record Group

that the Matsumoto Committee's proposals were inconsistent with instructions contained in SWNCC 228, MacArthur's team closely followed Washington's guidance. Historian Lynn Parisi notes:

> When Japanese government leaders made only cosmetic changes, MacArthur concluded that it was within SCAP's authority to draft a completely new government charter for Japan. During *one week* in February 1946, a committee of 24 Americans, both military and civilian, drafted a democratic constitution for Japan. MacArthur approved it and SCAP presented it to Japan's foreign minister as a *fait accompli*.[1170]

But that is hardly the end of the story. MacArthur's authority to change direction was not subject to his personal whim, nor could he rewrite American policy without Washington's consent. As Borton writes, "The only possibility of a change in American policy at that time could have been a request from General MacArthur that in his view the *Japanese people* demanded such a change and he was in favor of it."[1171] He was trusted as a competent administrator, but had to work within Washington's policy framework, not above it.

Moreover, MacArthur and his staff did not devise the new constitution entirely on their own. In fact, the Shidehara government committee was closely split between traditionalists and liberal reformers. MacArthur was not aware of this split until the first Shidehara draft was submitted. When it became clear that the Meiji Constitution was essentially unchanged and the planned election intended as a plebiscite would be meaningless without intervention, MacArthur ordered his staff to compose an acceptable document.

Despite the fact that history generally either credits or blames MacArthur for the drafting of the new constitution, the facts are

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331, available at http://www.ndl.go.jp/constitution/e/shiryo/03/059shoshi.html.

1170 Lynn Parisi, "Lessons on the Japanese Constitution," *The Japan Digest* (National Clearing House for US-Japan Studies, University of Illinois, 2002).

1171 Hugh Borton, "Preparation for the Occupation of Japan," The Journal of Asian Studies, Vol. 25, No. 2 (Feb., 1966), 208.

more complex. First of all, his team closely followed the position of the liberals on the Matsumoto Committee. As MacArthur explained:

I directed my staff to assist and advise with the Japanese on the creation of an acceptable draft. The Prime Minister himself became active and energetic in its final preparation. Once completed, the Emperor was shown the draft and at once approved saying that "upon these principles will truly rest the welfare of our people and the rebuilding of Japan."[1172]

The general then began a period of very public consultation and further revision.[1173] It is important to reflect on these events because, although they had not been specifically anticipated by Washington planners, the interagency had nevertheless provided SCAP with the research, guidance, and personnel necessary to take decisive action should the circumstances demand it.

After the Shigeru Yoshida government was installed in late May 1946, the draft constitution was ratified using the process established by the Meiji Constitution; the new document was formally submitted to the Imperial Diet by the Emperor, through an Imperial Rescript issued on June 20, 1946, entitled "Bill for Revision of the Imperial Constitution."

On April 10, 1946—just over seven months after the beginning of the U.S. occupation—Diet elections were held under the 1889 Meiji Constitution, which was still in force. The election—one which allowed female suffrage for the first time in Japanese history––created an interim parliament under the terms of the old Meiji Constitution. Although the new Japanese constitution was signed into law on November 3, 1946, Parisi explains that even after its formal acceptance and initial elections, "MacArthur invited the Japanese to

1172 Douglas MacArthur, *Reminiscences*, (New York: McGraw Hill, 1964) 300.

1173 Although much of it was written by MacArthur's staff, the Japanese review committee made substantial changes. For instance, the MacArthur draft of February 1946 called for a unicameral system, but the Japanese proposed a bicamerial system in their redraft of March 1946. The name of the upper "House of Peers" was changed to "House of Councillors," who were elected, rather than appointed, thus maintaining the bicameral form as was desired by the Japanese. The House of Peers remained the upper house until the new constitution went into effect in May of 1947.

[further] review and revise the constitution between 1948 and 1949 to insure that it reflected the free will of the Japanese people." In response to this offer:

The Japanese government established a review committee, but received only a few proposals for minor revisions [so] the fact that the Japanese government and people disregarded the opportunity to significantly change the constitution when invited to do so indicates an early level of support that renders the claim of foreign imposition somewhat moot.[1174]

The Japanese call their constitution the MacArthur Kempi but, as the above details make apparent, it is clearly more than that.

A Great Plan or a Great Man?

Japan's land reform, her re-industrialization, the role of the Emperor, and the new constitution are elements of a debate about postwar management of Japan that continues to this day. Two clear sides have emerged. One side attributes extensive pre-surrender contingency planning to the success of the U.S.-led occupation. The other argues that success was derived through a version of the "great-man theory," or the placement of wide ranging authority in the hands of an enlightened U.S. representative. In reality, these approaches converged during the occupation of Japan and the result was an effective administration that reflected the viewpoints of both the civilian and military elements of the U.S. government.[1175] The case of land reform illustrates the convergence of planning and leadership.

At the end of WWII, half the farmers in Japan were sharecroppers without formal property rights. Although many families had farmed the same land for centuries, they did not own it or even have a legal right to their tenancy. This meant, at least in theory, that they could be evicted without recourse. Japanese tenants were guaranteed perpetual debt, deepening poverty, and low productivity. In U.S. post-war planning,

1174 Lynn Parisi, "Lessons on the Japanese Consitution," *The Japan Digest* (National Clearing House for US-Japan Studies, University of Illinois, 2002).

1175 MacArthur, after all, was trapped on Corregidor when the occupation planning was begun.

it was understood that this hopelessness would make people more susceptible to Marxist alternatives or drive peasants off the land.[1176]

There is no question that SWNCC policy directed the overwhelming majority of important political and economic decisions made during the occupation. However, although analyst Lawrence Hewes Jr. writes that the Potsdam Declaration and the subsequent SWNCC 150 pointed towards land reform, the documentary evidence that this was the case is, in actuality, rather thin.[1177] There was discussion of income equalization, allowing agricultural organizations (e.g., co-ops and associations) and labor unions to be organized to promote greater prosperity and democracy, but there was no explicit plan for land reform. Nonetheless, author Steven Schwartzberg notes, "Land reform was perhaps the single most important of the Occupation's economic reforms."[1178]

Reconciling these facts is crucial to understanding the proper balance between leadership and planning, and following the development of the land reform policy can illuminate the process. State Department official Robert Fearey and Agriculture Department expert Wolf Ladijinsky were key in developing the land reform policy and their work provides useful insight into decision-making as it moved from Washington to Tokyo. Fearey began by developing policy proposals which were eventually implemented by General MacArthur three months after the start of the occupation.

Fearey's IDACFE report ("E155") of July 1943 catalyzed the process. The document stated that, "the need for thorough-going agrarian reform has long been recognized in Japan," and "its solution will be one of the first tasks facing the nation with the return of peace."[1179]

1176 Wolf Ladijinsky, a speech to the Chinese Association of Land Reform, June 1951, reprinted in *Agrarian Reform as Unfinished Business*, Lewis Walinsky ed., (Oxford University Press)

1177 Lawrence I. Jr.Hewes, *Japanese Land Reform,* (NRS Report 127), Section 4, "Occupation Policy," 15 March 1950, 13.

1178 Steven Schwartzberg, "The 'Soft Peace' Boys: Presurrender Planning and Japanese Land Reform," *The Journal of American-East Asian Relations*, Vol. 2, No. 2, (Summer 1993), 210.

1179 Robert A. Fearey, "Japanese Post-War Economic Considerations, July 21, 1943" The Occupation of Japan. Congressional Information Service, Bethesda, MD

The major agricultural issue to be addressed was "the prevalence of tenancy" as 48 percent of farming land was rented. The reduction of farming tenancy, the lowering of rents, and the scaling down of high land valuations were therefore identified as important objectives.[1180] Fearey pointed out that tenants "must bear the full burden of loss from a poor harvest" as landlords demand the same high in-kind payments in all cases. Many farmers unable to cover their costs through agricultural work had resorted to cottage industry and an endless cycle of high interest debt just to survive.

Eighteen months later, in February 1945, the SWNCC subcommittee responsible for setting the Committee's agenda decided to consider land tenure. In this effort, Fearey worked closely with Ladijinsky, who arrived at the U.S. Department of Agriculture in 1935 and "became the U.S. government's leading expert on rural Japan," playing an integral role in the efforts of the U.S. occupation.[1181] Fearey's ideas about land reform and agriculture were refined by Ladijinsky in a report provisionally titled, "PR-13, Japan Occupation Period: Agrarian Reform." Although SWNCC did not formally discuss and approve PR-13, the ideas in the report about land tenure and increasing agricultural efficiency came out of the SWNCC process and had a significant impact on key committee members and ultimately on MacArthur and his staff. Largely as a result of PR-13, during pre-occupation staging at the Presidio, the government assembled a group of agricultural specialists involved in planning all aspects of land reform and agricultural issues.

After the occupation began, Fearey began revising PR-13 into an action plan to support the efforts of MacArthur's State Department political advisor in Tokyo, George Atcheson. The issue was so important to SWNCC planners in Washington that the State Department sent its own experts to Japan to present the revised PR-13 reforms and action plan to Tokyo to work with Atcheson, on MacArthur's staff. Initially MacArthur demanded that all personnel

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and Maruzen Pub. Co, Tokyo, Japan 1987-1995. "US Planning Documents 1942-1945," L.O.C. Microform Call Number 89/9022, 15.

1180 Ibid., 16.

1181 Ben Davis, *Wolf Ladijinsky, Tireless (and Frustrated) Advocate of Land Reform*, (Political Science Department, Temple University, October 2004) 2.

in-country be placed under his direct command and he was upset by the expert's presence.

However, Atcheson strongly supported PR-13 and so on October 26, 1945, he submitted to SCAP headquarters a document that has come to be called "The Atcheson-Fearey Memo."[1182] Atcheson was able to persuade SCAP of the merits of PR-13 and eventually they agreed on implementation. MacArthur then moved ahead with immediate implementation, something his State advisors were reluctant to support since they thought, in general, that major reforms should not be implemented for six months.

Thus, the process of developing the ideas and forging a consensus on land reform among key government planners had been going on for well over two years by the time MacArthur saw the document. As already mentioned, there was considerable tension between the "soft peace" clique in the State Department and their hard line counterparts in the Treasury Department and the military. However, the SWNCC process required the joint creation of a consensus policy rather than segmented efforts or competing plans, so by channeling the process to require a shared policy these officials were forced to forge close relationships that broke down institutional and cultural barriers to cooperation which then resulted in the creation of a common policy. The SWNCC process had elements that were more in line with a juried verdict in a common law judicial system, than with a hierarchic, institutionally isolated bureaucratic system.

While SWNCC planning clearly played a role in crafting the land reform policy, leadership helped in its effective implementation. When MacArthur received an explanation of the revised PR-13, he understood its critical nature and moved quickly, acting against a strong consensus in Washington (including even Fearey) that major reforms should await a clearly defined "Phase Two" which was notionally seen to commence at least six months after the start of the occupation. Upon arrival in Japan, MacArthur had discovered the makings of a serious famine if the occupation government

1182 It could more precisely be called the "Fearey-Ladijinsky" memo since Atcheson's role was to sign a letter to MacArthur that had already been drafted by the experts.

failed to jumpstart the agricultural sector which drove him to quickly implement land reform. MacArthur is reported to have written a telegram to headquarters following their refusals to send emergency food supplies that read simply, "Send me food, or send me bullets." In this case, he believed the fate of the occupation was at stake.

MacArthur instructed Fearey to present his land reform policy ideas to the Japanese. Within several weeks, Fearey's collaborator Ladijinsky arrived in Tokyo to begin a posting as MacArthur's advisor on agriculture. On December 5, Ladijinsky submitted a draft of the reform plan to MacArthur and four days later, it was presented as a directive to the Japanese government.[1183] It outlined what would eventually become a legal framework for transferring ownership of large tracts of *Daimyo* lands to eligible tenant farmers in order to dramatically expand the proportion of owner-cultivated land in rural areas.

It is worth noting that the process of land reform, as implemented by the occupation, was a highly participatory, democratic process. The tenants were directly involved in executing the land reform program, and the decentralized land allocation process was based on democratically elected Agricultural Land Commissions representing the interests of 11,000 peasant associations. Thus, land reform served to reinforce values and practices that would become a fundamental part of Japan's political system as it regained its independence following the departure of U.S. occupation forces.

Conclusion

The four key questions posed by the Project on National Security Reform are matched by critical themes from this case:

- *Planning Structure:* Did the U.S. government generally act in an ad hoc manner or did it develop effective strategies to integrate its national security resources?

1183 SCAP directive 411 on Rural Land Reform, 9 December 1945, reprinted in *Agrarian Reform as Unfinished Business*, Lewis Walinsky ed., Oxford University Press, 579.

- *Interagency Cooperation:* How well did the agencies/departments work together well to implement these ad hoc or integrated strategies?
- *Expert Advice and Military vs. Civilian Leadership:* What explanatory variables explain the strengths and weaknesses of the response?
- *Long-term Benefits of Success in Japan:* What diplomatic, financial, and other achievements or costs resulted from these successes and failures?

Evolution of the Planning Structure

The U.S. government approach to Japan's postwar environment was fashioned by a decision-making system which evolved in response to perceptions of past ineffectiveness. Early organizational structures were dominated by the president and his staff (the hub); this was seen in the policymaking process regarding Operation Torch, for example. In this system, information was largely flowing one way; presidential decisions went to his staff and then to cabinet officers who carried out his orders. The eventual changes in structure reflected fundamental changes in the various agencies' beliefs about the requirements for mission success. The Departments of State, War and Navy came to understand that they depended on the work and support of the other departments. As a result, they achieved a a structure characterized by a higher level of interagency cooperation.

Initially, the United States used a War Cabinet, although it was advisory and dominated by the president. This was despite the difficulties of planning the war from the White House. With the formation of the JCS in July 1942, Roosevelt ceased to use his War Cabinet. Although the new JCS lacked a chairman until 1947, Admiral William Leahy served as chief of staff to the president and, effectively, filled that function. This structure had the perverse effect of enhancing Roosevelt's illusion that he was able to oversee war planning from the White House. His belief in the White House/JCS system contributed to both the military and civil affairs problems which became especially obvious following the 1943 U.S. invasion of North Africa. After the trouble managing North Africa's post-war

environment, the secretaries of State, War, and Navy realized that their current level of cooperation was inadequate.

A preliminary shift in planning organization took effect after plans had been set for the invasion of Sicily in July 1943. This structure was an intermediate organizational phase that attempted to address the problems which emerged in North Africa. In response to those failures, planning and staff work moved down into the bureaucracies and the flow of information and decisions became more of a two-way process. While this structure created an all-of-government enterprise, coordination between the agencies was still inadequate and there was no whole-of-government planning, implementation or oversight structure. The operationally unconnected agency spokes created a condition called "stove-piping" which limited cooperation and inevitably created competition over authority and budgets.

But with the creation of SWNCC in late 1944 a structure was established which allowed the entire U.S. government to work together in pursuit of two distinctly different goals—making war and planning the subsequent peaceful occupation—in parallel without confusing them, conflating them or overlooking their complex relationship. Only this integrated strategy that included mutually reinforcing political, economic, and social interventions allowed the postwar occupations to be successful.

Interagency Cooperation

Research for this study did not discover reorganization memos which might suggest that there was a clear point when Roosevelt came to understand that the White House driven system was not working. As best can be discerned, the process was evolutionary and was the result of the president and his staff recognizing that complex military and civilian matters could not be handled from the White House alone. As mentioned above, the iteration of the management system in 1943 still produced plans, recommendations and decisions on agency tracks, though the staff had more responsibility and the information flow in both directions was more robust.

Over the following year, the perceptions of the former members of the Committee of Three continued to shift and by the summer of 1944 they recognized the failures of the system. Secretary of War

Henry Stimson wrote that "WWII demonstrated with unprecedented clarity the close interconnection between civilian and military affairs." He quoted Army Chief of Staff George C. Marshall: "Orderly civilian administration must be maintained in support of military operations in liberated and occupied territories."[1184] Secretary of State Cordell Hull agreed with Stimson that "administration in foreign lands must initially be an Army responsibility," while Stimson in turn fully accepted the State Department's responsibility for the formulation of political policy.[1185] The perception of their mutual dependence drove the evolution of the planning structure which started with the revival of the Committee of Three in the summer of 1944 and led to the standing up of SWNCC by that December.

In the ten months before the occupation of Japan began, all postwar planning materials passed through SWNCC for discussion and decision. These materials were supported by weekly meetings among the secretaries themselves. SWNCC was a true interagency effort. One analyst notes:

> A review of the State-War-Navy Coordinating Committee (SWNCC) reveals components necessary to achieve true coordination within the [interagency]. The Committee achieved senior leader involvement, sustained interaction, and thorough integration of respective departmental guidance within the policy development process. The efforts of the SWNCC experience provide important lessons for the future.[1186]

With the creation of SWNCC the U.S. government had a fully integrated, formal structure. Although the output of SWNCC was technically the responsibility of the chairman of the Committee of Three—Secretary of State Stettinius—in fact it was a joint responsibility reflecting the output of the entire government and not just the three departments.

1184 Henry L. Stimson and McGeorge Bundy, *On Active Service in Peace and War*, New York: Harper & Brothers,1947) 553.

1185 Ibid, 554.

1186 Robert Kolterman, *Interagency Coordination Past Lessons, Current Issues, and Future Necessities*. (U.S. Army War College, 2006) 5.

Expert Advice and Military vs. Civilian Leadership

As noted above, in policy formulation during WWII, area experts held key policy-making positions. Joseph Grew, the head of the State Department's Far East Office and subsequently Stettinius's deputy (Under Secretary) was the U.S. ambassador to Tokyo for ten years and spoke fluent Japanese.[1187] Both Hugh Borton at State and Wolf Ladijinsky at the Department of Agriculture were Japan scholars, and had contributed at the highest levels of policy making. Moreover, once the occupation began, SCAP drew on experts throughout the U.S. government and relied almost completely on the existing Japanese bureaucracy to implement the programs, soliciting and heeding advice from Japanese officials, social and political leaders, and the general population.

It is clear that Washington's recognition of the need to rely on experts with experience in Japan and the Far East greatly contributed to the success of the occupation. Knowledge of the planning process and good management were essential and an understanding of how American actions would be judged by the occupied society and how best to gain that society's cooperation was crucial.

Secretary of State Cordell Hull, and his successor Edward Stettinius, believed that the military had *primary* responsibility for the initial management of the postwar environment. After the New Dealers in the Roosevelt administration were forced to accept the Army's School Military Government in 1942, little evidence indicates that there was any serious attempt—or even discussion—of an alternative to have the military manage postwar Japan. It seems that only General MacArthur and Admiral Nimitz were considered for the job of the U.S. viceroy in Japan. This seems to be, at least in part, due to the fact that the first objective of an occupation is physical security and so it was decided that the U.S. viceroy should be a military leader of great stature.[1188]

1187 Grew's memoir of this time was *Ten Years in Japan*.
1188 See page 7, above, "Civil-Military Cooperation."

Long-Term Benefits of Success in Japan

It is almost impossible to underestimate the damage vital American national interests would have incurred had the U.S. failed in post-war Japan. What is clear is that had Washington launched a campaign of deindustrialization rather than one of growth, featuring the transformation of the land tenure system and the respect and involvement of the Japanese government, a number costly consequences might have come to pass.

The worst outcome for U.S. interests would have been the rise of Communism in Japan. The costs of failure are difficult to ascertain, but had Communism gained strength, as a variety of experts suggested it might have, the United States may well have had no choice but to stand aside while the same powerful martial forces that pushed Japan into war reasserted control of the country. This would likely have led to the failure of one of the primary goals expressed in the Potsdam Declaration since Japan would again have been "a menace to the United States or to the peace and security of the world."[1189] Had Japan's political life become dominated by a powerful Communist Party, it would have increased the probability that North Korea's invasion of the South would have succeeded. Soviet and Chinese expansion into Southeast Asia during the 1950s would have been nearly inevitable.

Instead, the effective rebuilding of Japan has yielded numerous benefits. Despite recent economic stagnation, Japan has been the world's second largest economy for a generation. Rather than becoming a Communist or authoritarian state, Japan is a U.S. trading partner, one of the largest sources of foreign direct investment in America, and a major donor of economic aid to developing countries. Tokyo's financial, industrial, and technological success—a salient factor in the triumph of the four "Asian Tigers"—has been an enormous benefit to U.S. national interests and to the people of the region.

1189 "U.S. Initial Post-Surrender Policy for Japan," SWNCC 150/3, August 22, 1945, available at http://210.128.252.171/constitution/e/shiryo/01/022shoshi.html, accessed on 12/12/2006.

The United States helped to transform Japan from a pre-modern, semi-feudal nation into a modern, democratic capitalist state. The work of a relatively small group of military and civilian bureaucrats lead by political and military elites who cooperated closely in pursuit of common objectives was crucial to achieving this change.

Conclusion

The case studies in this volume and the other analyses produced for PNSR indicate that **the performance of the U.S. national security apparatus is inconsistent.** While some cases illustrate relatively clear, integrated strategy development and unified policy implementation; others depict flawed, divided, contradictory, and sometimes nonexistent strategy promulgation and enactment. Similarly, the system can provide resources efficiently, but it also can do so inadequately and tardily. Unfortunately, **flawed responses recur across issue areas and time.** The post-Cold War organizational reforms enacted to date have not consistently resulted in improved, systematic policy outcomes.

Though instances of successful government responses demonstrate that the U.S. government can, under certain circumstances, generate relatively efficient and effective policy responses, the mercurial achievement of such outcomes points to underlying flaws in national security policy development and implementation processes. From the perspective of addressing immediate-, medium-, and long-term national security issues, the cases support the finding that **the current system too rarely achieves systematic, integrated policy, and unity of purpose.**

Many cases characterized by generally sound strategies were often undermined by implementation problems. The case study examining the U.S. intervention in Iraq, for example, clearly points to a strong U.S. capability to plan for and execute the defeat of the Saddam Hussein government, but it also shows the U.S. government's inability to follow through and achieve long-term post-invasion objectives. **Given the high potential costs of failure in a world characterized by WMD proliferation and catastrophic terrorism, the cases as a whole reveal flaws in the current U.S. national security system that need rectification.**

U.S. Government Responses

Strategy Development

Did the U.S. Government generally act in an ad hoc manner or did it develop effective strategies to integrate its national security resources?

In evaluating various government responses in terms of policy development, the case studies demonstrate that ***ad hoc,* unintegrated strategies are not rare products of the national security apparatus.** Studies of the Iran-Contra Affair, the U.S. government's response to the Rwanda genocide, and the planning for post-war operations in Iraq reveal the tremendous costs of employing ineffective strategy development processes. In the case of Iraq, planning for the post-war operation was done separate from war planning; civilian planners were excluded; and, in the end, many plans were left unimplemented in favor of *ad hoc* choices that proved detrimental. American policy before and during the Iranian Revolution and subsequent U.S. embassy hostage crisis, the recent U.S. government approach to counter-terrorism intelligence and financing, and planning for the Bay of Pigs also illustrate the consequences of failing to develop effective strategies.

Of course, **not all *ad hoc* responses preceded negative outcomes.** The U.S. response to the 1964 Alaskan Earthquake shows how bypassing traditional structures and creating a temporary commission to coordinate the federal-state response facilitated resuscitating Alaska's economy and infrastructure. In addition, the *ad hoc* approach of the first Bush administration towards Somalia encountered fewer problems than the more formal approach of its successor. The current U.S. efforts at nuclear cooperation with India are an explicit attempt to replace a clear, long-established U.S. strategy on nonproliferation with an ad hoc approach that allows "responsible" states to have nuclear weapons outside the Nuclear Nonproliferation Treaty framework. If successful, the *ad hoc* approach could yield gains for U.S. security policies in South Asia, though perhaps with concomitant costs to U.S. nonproliferation objectives. In addition, *ad hoc* approaches can, over time, generate valuable lessons and stimulate the creation of more effective strategies, as occurred with U.S. pacification efforts during the Vietnam War. A number of *ad hoc* organizations attempted to manage pacification prior to CORDS,

but they lacked proper authorities and resources and achieved dismal results. These failures, however, did help pave the way for the better organized and more effective CORDS structure.

Nevertheless, most studies show that **disorganized, nonexistent, or otherwise flawed strategy development decreases the system's ability to achieve effective unity of effort and resourcing.** U.S. efforts to combat human trafficking, for example, have been hindered by the lack of a unified government-wide strategy. Another example occurred when the Clinton administration failed to develop a clear strategy regarding China and Taiwan, which led U.S. departments to pursue different policies based on their priorities. Likewise, the absence of overarching, coherent policy towards Uzbekistan during the second Bush administration encouraged disunity of effort and mixed messages from the White House, State Department, Department of Defense, and Congress. As the case detailing U.S.-China crises documents, crisis management becomes increasingly difficult when the government is unable to develop foundational strategy during tranquil times. For instance, the Clinton administration's divided China strategy—torn between human rights, trade priorities, nonproliferation, and other objectives—hurt its ability to manage relations with Beijing effectively.

Several cases—notably those detailing the U.S. interventions in East Timor, Operation Deliberate Force in Bosnia, and U.S. planning for the post-WWII occupation of Japan—depict sound strategy development. In the case of Bosnia, however, this outcome was accomplished through the exclusion of actors as planning advanced among a small group only after standard interagency mechanisms had been bypassed. In all these cases, moreover, **delays in developing and promulgating integrated strategies increased U.S. costs.** In the case of East Timor, for example, the U.S. government responded with focused planning only after the president and the other principal policymakers realized the serious damage to U.S.-Australian relations resulting from the crisis and intervened to impose a coherent strategy on the bureaucracy. Until Clinton's intervention, Australian interlocutors expressed increasing frustration with the different messages they had been receiving regarding the U.S. position toward East Timor, especially the support Washington would offer to the planned Australian-led military intervention. In some cases,

such as the NCIX's attempts to craft a National Counterintelligence Strategy, the creation of a unified national strategy was actively opposed by departments and agencies despite explicit presidential and congressional support for the initiative.

Yet, overly rigid strategies that attempt to dictate all operational procedures can be equally damaging. Though numerous failings contributed to the U.S. government's poor response to Hurricane Katrina, the perceived rigidity of the national response plan sometimes constrained local responders' room to maneuver. In contrast, the response to the Alaska Earthquake proved particularly strong in large part due to the empowerment and flexible authority of federal officials in the field as well as state and local responders.

Unity of Effort

How well did U.S. government agencies/departments work together to implement these ad hoc or integrated strategies?

The cases also evince **a mixed record of the system's ability to generate unity of effort in implementing strategies.** A few cases saw various national security actors cooperate effectively to coordinate and execute policy in response to international crises, such as the outbreak of violence in East Timor and the 2004 tsunami. Other cases show instances when the USG devised and instituted forward-looking strategies in pursuit of long-term objectives, such as those aimed at enhancing the counterterrorism capacity of foreign partners, the establishment of AFRICOM, and the planning for the post-war occupation and rebuilding (and re-shaping) of Japan.

Nevertheless, many cases found considerable disunity. Relatively weak interagency authorities were frequently unable to overcome institutional loyalties that undermine government-wide coordination. At a strategic level, interagency cooperation was often insufficient. The authors identified frequent instances of **analysis, planning, and implementation being determined by organizational equities, paradigms, and incentive structures that decreased interagency cooperation.** This problem was apparent in the cases dealing with the U.S. response to the crises in the former Yugoslavia, pre-9/11 intelligence sharing, democracy promotion in foreign countries, managing North Korea's nuclear program, responding to crisis with

China, and the struggle to form a National Counterintelligence Executive, among others. In addition, the creation of a strategy outside of the interagency framework can greatly hinder its acceptance and implementation, as shown by the nuclear cooperation agreement with India.

The cases further suggest that **the U.S. national security system encounters difficulty in coordinating national policy and resources with state and local governments.** For example, studies reviewing the U.S. government's response to combating human trafficking, the Andrew Speaker tuberculosis incident, the 1970s energy crisis, the Anthrax attacks, and Hurricane Katrina support this finding. The 1964 Alaskan Earthquake response emerges as the principal exception to the common pattern of poor coordination between national and local actors, but the unification of assets and effort at the different levels of the U.S government has been all too rare.

Insufficient interagency communication often renders it difficult to achieve unity of effort at the operational level. **Many policy decisions occur with inadequate consideration of operational conditions or the concerns and goals of other U.S. government agencies.** This problem manifested itself clearly in the case study of the U.S. intervention in Somalia, but it was also evident in U.S. policy toward Iran before the revolution, the Balkans in the 1990s, and planning for the 2003 invasion and occupation of Iraq.

Interagency cooperation remains possible at the tactical level even without strategic and operational integration, but it requires serendipitous cooperative relationships, exceptional policy entrepreneurship, or other uncomfortably random conditions. The studies involving peacekeeping as well as reconstruction and stabilization activities support this contention. In those cases where unity is achieved, the analyst is likely to uncover the unpredictable forces of high-level policy attention, limited bureaucratic costs, or personal relationships at work. These factors helped facilitate cooperation in the conduct of counterterror capacity building programs and in the East Timor intervention. Even when such tactical collaboration occurs, moreover, it rarely leads to the realization of broader U.S. strategic objectives, as shown by the Vietnam-era CORDS program. In these instances, tactical

collaboration between U.S. government agencies led to tactical success stories, but the ability to improve conditions on a broader scale proved limited. CORDS realized the importance of replicating its structure at all levels in Vietnam, but its efforts came too late.

Resourcing

The U.S. national security system demonstrates varying capacity to provide adequate, timely, and sustained resources for its strategies. At times, the system furnishes support quickly, as with the case involving the post-war occupation of Japan. In other instances, particularly when coherent planning and interagency unity are lacking, resourcing is slow, inadequate, and unpredictable. Studies investigating topics as varied as Hurricane Katrina, the response to the 1918–1919 Flu Pandemic, and the Iraq War provide telling examples of this weakness.

In short, **the system can potentially mobilize sufficient resources for almost any national security effort, but it is inconsistent in doing so.** Typically, success requires a coherent strategy, interagency cooperation, and presidential attention. Without these, there is often a misalignment between resources and objectives, most clearly illustrated by the U.S. mission in Somalia. In addition, within the executive branch, **mobilizing resources for urgent crises is easier than for long-term objectives.** The case study of the 1998 U.S. embassy bombings in East Africa indicates that attention to the security of overseas U.S. missions waxes and wanes in response to terrorist attacks, a purely reactive foundation on which to base security assessments and resource allocations. Congressional resource decisions can also exhibit myopic strategic focus in addition to a bias towards hard-power assets, as suggested by an investigation of the disestablishment of United States Information Agency and the implementation of foreign counterterror capacity-building programs.

Outcomes

What diplomatic, financial, and other achievements and costs resulted from these successes and failures?

The case studies provide examples of policy successes that resulted in better relations with other countries, diminished strategic threats, improved economic opportunities, and

enhanced American prestige. Effective U.S. planning and engagement in post-war Japan demonstrates the enormous benefits to U.S. national security that can result when integrated strategy development and implementation help transition a defeated adversary into a stable, affluent democracy and an enduring American ally. The U.S. contribution to the 1999 East Timor intervention assisted in restoring peace in the territory, reaffirmed America's security role in East Asia, and facilitated deeper U.S.-Australian cooperation after the 9/11 terrorist attacks and into the Iraq War. The 2003 Liberia mission and the response to the Indian Ocean tsunami are also instances where small operations marked by comprehensive planning, adequate resources, and interagency unity of effort yielded large benefits to U.S. interests, including improved American standing, reduced regional instability, and better conditions for the affected nations. Finally, the post-Sputnik reorganization of U.S. science and space efforts, marked by a well-funded effort and a coherent strategy that decreased inter-service rivalries, resulted not only in a successful manned landing on the moon but also the development of stealth technology, phased array radar, and other advanced military capabilities.

All too often, however, the case studies indicate that the U.S. national security apparatus lacks an effective system for developing strategies that connect available resources, desired end-states, and implementation procedures. Complex contingencies are undertaken without requisite capabilities, rigid plans inhibit performance in the field, and decisions are too rarely timely, disciplined, or supported by adequate analyses of problems. Disunity of effort predominates.

Consequently, the U.S. government often cannot achieve desired national security goals. In some cases, such as the Clinton administration's decision to intervene in Somalia, specific objectives were not well-articulated. In other instances, as in Bosnia, agencies pursued disparate aims. The cases support the contention that as presently constituted, **the U.S. national security system fails to achieve systematic policy ends in a consistently efficient manner—inflicting corresponding security costs.** The adverse consequences of resulting policy failures regularly include loss of American lives, money, power, as well as harm to the national security enterprise itself.

The most tragic costs of flawed policy planning and implementation are unnecessary military and civilian casualties. Poor interagency planning and communication for the 1979 U.S. attempt to rescue hostages held at the American Embassy in Tehran resulted in the loss of eight U.S. service members. The same flaws contributed to the deaths of 34 sailors on the USS *Liberty* during the Six-Day War in 1967. The *ad hoc* deployment of U.S. Marines to Lebanon in the 1980s rendered these forces vulnerable to attack, resulting in 241 deaths when terrorists detonated a bomb outside their barracks. Following this tragedy and the 1983 Beirut embassy bombing, Washington developed new security standards for U.S. overseas missions, but did not implement these regulations uniformly. Fifteen years later, al-Qaeda underscored the continued vulnerability of U.S. missions with the 1998 attacks on the U.S. Embassies in Kenya and Tanzania. In Somalia, the U.S. government devoted too few resources in support of poorly articulated, yet decidedly lofty objectives; the deaths of 42 U.S. servicemen followed. In Iraq, inadequate planning for postwar operations and the government's failure to recognize the budding insurgency created a post-conflict environment in which many people, including American soldiers, were and continue to be killed or injured.

Financial costs are also prevalent. According to the Congressional Research Service, the U.S. government has advanced more than 524 billion dollars in deficit spending for Operation Iraqi Freedom from March 2003 through June 2008. Today, the United States spends over ten billion dollars per month on the war. This stupefying sum stands in stark contrast to the 1991 Gulf War, when the international community financed a large portion of Operation Desert Shield/Storm.

Financial costs are not restricted to issues of war and peace, however. The Dubai Ports fiasco demonstrates the difficulties the United States has in balancing the need for foreign direct investment with national security requirements. Continuing problems in this area have decreased the attractiveness of the U.S. foreign direct investment climate. In the 1970s, the failure of American policy makers to recognize and respond to the changing dimensions of the global energy environment helped plunge the U.S. economy into deeper recession.

Though difficult to quantify, **the case studies suggest the opportunity costs of these systemic deficiencies could be significant.** For example, the USG response to the Iranian Revolution led not only to the loss of a military ally, but also to decreased American influence over Tehran's oil export policies. The PNSR case study on Cold War public diplomacy concludes that U.S. efforts in this area could have been much more effective with improved USG strategic planning and resourcing. Faulty management of the U.S. alliance with Uzbekistan cost the United States an important military base in Central Asia and has strengthened rival Russian influence in the region.

Damage to U.S. prestige (and often by extension influence) is a recurrent repercussion of policy failure. American engagement––or, rather, non-engagement—in the Ottawa process to ban landmines subjected the United States to severe international criticism. The Iran-Contra fiasco constituted a grave embarrassment for the Reagan administration and damaged U.S. credibility with Arab and European allies. More generally, a series of failures in American policy toward the Middle East has weakened U.S. power and standing in that region. An incoherent response to Arab nationalism in the 1950s, flaws in managing Iran from 1953 through 1979, ineffective balancing of democracy promotion and national security goals, an *ad hoc* policy toward Lebanon in the 1980s, mismanagement of the invasion of Iraq, and the absence of effective American regional public diplomacy throughout much of this period have all contributed to the unpopular image of the U.S. government in the Middle East. Similar credibility costs, which have decreased Americans' moral authority, resulted from ineffective responses to civil wars in Somalia and the Balkans as well as the genocide in Rwanda.

An extension of credibility costs is damage done to U.S. relations with other countries, whether they are allies or potential adversaries. The series of mismanaged crises with China that occurred under several administrations have worsened relations between Beijing and Washington, sometimes for years. The Bush administration's *ad hoc* approach to nuclear cooperation with India, though not without strengths, has led to delays and legislation that have caused tension with New Delhi. Flaws in various Cooperative Threat Reduction

(CTR) projects have in some cases weakened Russian-American security and nonproliferation cooperation in areas of mutual interest.

Since past shortcomings can contribute to larger disasters later, **policy failure tends to have compounding and, when not corrected, enduring negative effects.** The sequence of post-World War II American setbacks in the Middle East is a prime example. Each failure in this region—from mismanaging Nasser, to Desert One, to Lebanon, to Iraq today—emboldens anti-American dictators and terrorists. The rapid withdrawal of U.S. forces from Somalia following the "Blackhawk Down" incident likely encouraged subsequent al-Qaeda attacks, while the full strategic repercussions of the Iraq War, currently seen in an upturn in instability in the Middle East and an empowered Iran, have yet to develop fully.

Future costs from lost credibility are also evident outside the Middle East. Initial American policies toward North Korea's nuclear program led to Pyongyang's acquiring nuclear weapons despite U.S. threats. Non-intervention in Rwanda may have safeguarded U.S. personnel, but the resulting instability plunged the region into a six nation war which killed three million people from1998–2003. Regional volatility in Africa, East Asia, and beyond threatens U.S. interests. These and other cases suggest that the U.S. government lacks a consistent and effective method for capturing strategic lessons from past failures by incorporating them into policies and procedures in addition to simply identifying them in after-action reviews.

Even when strategy creation or implementation weaknesses are corrected, the delay can make it difficult to reverse a deteriorating situation. The case of CORDS—which, despite its increasing effectiveness, was unable to prevent a communist victory in the Vietnam War—shows that even titanic efforts to reverse a deteriorating situation may not prove sufficient to do so. The initial startup delays and other problems with the CTR programs may have increased the risks of diversion of nuclear, chemical, and biological agents to terrorists, criminals, and states of proliferation concern.

When the U.S. national security system does achieve clearly defined objectives, it often fails to do so in an efficient manner. Specifically, the cases show that delays and other problems in policy development and resource allocation can eventually require more

money, personnel, and other assets for strategy execution than might otherwise have been needed had policy proven more timely. This policy delay-inefficiency cycle was apparent in the U.S. approach to the Balkan crises, when repeated policy deadlocks reduced the credibility of the threat of force, prolonged the crises, and increased the accumulated casualties and economic costs accrued by the time of the ultimately successful U.S.-led intervention that ended the conflict.

One additional cost worth mention, but also hard to quantify, is the increased risk to the United States due to strategy failures. The problems encountered in establishing an effective NCIX and the National Counterintelligence Plan have raised the risk of intelligence exploitation of the United States by its adversaries. The failure to secure loose weapons of mass destruction, their core components, or their means of delivery better have raised the risks both of further nuclear proliferation and of catastrophic terrorist attacks against the United States and its allies.

Variables

What variables explain the strengths and weaknesses of the response?

The next logical question then, is what organizational and procedural factors underpin the (in)ability of the U.S. national security system to achieve desired outcomes? To better analyze this dynamic, the major cases sought to identify which conditions best explain the strengths and weaknesses of the response being chronicled. They did so by focusing on decision-making structures and processes, organizational cultures, and capabilities and resources (see Table A in the introduction).

Although generalizing across the diverse range of cases is difficult, taken together the studies indicate that serious flaws exist in each area. Among these weaknesses, interagency decision mechanisms fail to produce unified strategic guidance in a timely manner and agencies often pursue independent strategies. The authorities of the individual agencies typically lack the ability to compel action, while those at the system-wide level are often ambiguous. This condition creates space for—and often requires—informal decision making, with mixed results.

While designation of a lead agency is rare in the case literature, de facto lead agencies are relatively common. Institution-specific

cultures and values dominate the bureaucratic landscape, while a sense of interagency culture remains limited. Interagency information sharing is not the norm. Agencies and departments tend to restrict communications to vertical channels. Though civilian agencies are not averse to applying their expertise in risky environments, these organizations lack operational capacity—a partial consequence of the civil-military resource disparity. The ability of department staffs to provide rapid policy planning and other duties varies widely depending on the scale of the initiative and the degree to which planning was conducted in cooperation with other agencies that possess relevant expertise and information. Congressional resource allocation is uneven but generally less supportive of soft power assets, especially public diplomacy, than for hard military power capabilities. Other regulatory and administrative procedures further hamper the timely provisions and redistribution of resources for national security strategies.

Considered as a whole, the variables analyzed in the cases delineate a number of key trends that regularly influence the success and failure of the U.S. government's response to national challenges.

Interagency Competition

Among the faults cited in the cases, interagency competition is the most prominent. From this one dynamic, a host of negative consequences follow. The most common of these deleterious effects include poor long-range planning, policy stagnation, redundancy of efforts, the tendency to centralize policy decision authority in the White House, and lack of information sharing. In addition, senior leader frustration leads to the use of informal communications and decision-making channels rather than formal mechanisms. These negative effects of interagency fratricide manifest themselves in many of the PNSR cases.

The ease with which policy can be filibustered in the interagency debilitates strategy development. Decision-making processes that require consensus create excessive veto opportunities, encourage a search for the least common denominator, and typically yield policies that favor slow, incremental, and middle-of-the road courses of action. The American response to the crises in Bosnia, Somalia, Liberia, and Rwanda manifested these flaws, which resulted

in U.S. policies lagging woefully behind developments on the ground. In other cases, most clearly illustrated by the Bay of Pigs operation, policies or plans that might have proved successful become so altered by the process of reaching consensus that they produced embarrassing failures.

In addition, **policy makers' frustration with the delay in developing clear, integrated strategies encourages them to bypass established policy making mechanisms and employ informal structures and processes.** The phenomenon of excluding key actors from decision making processes—resulting in policy choices being dominated by a few key officials—occurred during the Liberia intervention and the Berlin airlift. It also manifested itself in less successful responses to the 1995 Chinese missile tests, the East Africa embassy bombings, the Iranian Revolution, and the 1970s energy crisis as well as in the Iran-Contra Affair.

The State Department seems particularly prone to exclusion from decision making, as was the case in forming strategies for Iraq, Operation Eagle Claw, Bosnia, and the U.S. diplomatic opening toward China. Although the State Department is formally seen as having the lead role in shaping and conducting American foreign policy, its influence has been weakened by the often sharp differences among its diverse regional and functional bureaus, which often replicate the incoherence of the interagency process as a whole within the department. In the case of U.S. policy toward China, for instance, the bureaus often pursed conflicting priorities—with one bureau emphasizing human rights, another commercial considerations, another nonproliferation objections, and so on—without being able to establish a hierarchy or balance among them.

In contrast, at least since the enactment of Goldwater-Nichols, the civilians in the Pentagon have been able to enforce their priorities over those of the uniformed military, though sometimes perhaps to the detriment of U.S. national security policy, as in planning for the war in Iraq. Perhaps due to this greater internal cohesion, or to its more abundant and flexible resources, the case studies indicate that the Department of Defense (DOD) or the national security advisor (NSA) can assume a dominant role in policy making, as happened during planning for the Iraq War or in the case of Kissinger's China

policy, respectively. Frequently, **a tradeoff exists between swift action and the integrated application of government expertise, bureaucratic support, and political approval that ideally results from the interagency process.** Iran-Contra, nuclear cooperation with India, and the controversy over the Dubai World Ports deal demonstrate the negative policy ramifications that result when the imperatives of speed deprive policy makers of these latter resources.

The cases highlight both the importance and the variability of the relationship between the Departments of State and Defense. Although the Pentagon currently appears the more dominant player for U.S. national security missions, the Department of State (DOS) can effectively assume the lead role for national security issues. During the Eisenhower administration, Secretary of State John Foster Dulles exhibited tight control over the conduct of foreign policy, as seen in the case chronicling U.S. policy toward Saudi Arabia, in which the Pentagon assumed a supporting role. During the interventions in Bosnia and Somalia, DOD representatives had little influence on policy formation when the focus of U.S. government efforts was primarily diplomatic. The State Department often mobilizes first in a foreign policy crisis, while Pentagon involvement significantly increases when the situation requires the application of its more extensive national security resources. Interestingly, recent cases, such as Operation Iraqi Freedom, reveal an inverse pattern, with the DOD dominating policy creation and DOS providing primarily reactive support. Regardless of the order, this typical **mobilizing of U.S. government agencies at different phases of a national security crisis can weaken interagency integration.**

Nevertheless, the cases also make clear that **simultaneous effort does not equate to unified effort.** In the case of Bosnia, when the Pentagon eventually acquired a role in negotiations, it was not well-integrated into the process, leading DOD to develop policies separately. The result was that diplomatic and military annexes and goals of the peace accords worked against one another. Similar disconnects occurred in the debates over whether and how to intervene in Liberia, Rwanda, and Lebanon.

Under certain circumstances, typically in programs or initiatives involving a limited number of officials and requiring minimal

departmental resources, working relationships between agency representatives can mitigate bureaucratic competition and spur cooperation. For example, this has been the case with the Anti-Terrorism Assistance program, which helps build foreign partners' counterterrorism capacities. Much of the U.S. effort to halt human trafficking has been predicated on informal relationships between agencies, which has partially made up for the lack of a more strategic national strategy. Unfortunately, the cases suggest that **bureaucratic turf battles and conflict over preferred strategic approaches to national challenges are frequent.** Interagency competition regularly centers on issues of resources, authorities, and priorities. These battles naturally increase in frequency and ferocity in conjunction with the institutional resources and interests at stake. This process was common in the interagency debate during the Balkan crises and has been endemic in the Intelligence Community from 1947 through 9/11 and continues today, including during the attempt to create and empower the NCIX.

Interagency competition often begins early in strategy development. Within the policy making process, bureaucracies regularly filter information through organizational perspectives and provide recommendations that reflect their core mission area or bureaucratic mandate. While this tendency is not necessarily detrimental, policy development suffers when these recommendations distort the security environment or advance analysis on the basis of institutional interests. The cases illustrate that agencies use their authority to control interagency discussion and protect not only their budget allocations and policy preferences, but also their institutional prerogatives, from which budgets, status, and power are derived. This pattern—when preferences for organizational rather than national interests hamper unified strategy development—was evident in the cases on Bosnia, democracy promotion, China policy, and the Iran-Iraq war.

Overlapping agency mandates reinforce competitive inclinations. U.S. government departments and agencies often have differing priorities, varying perceptions of national interest, and discordant definitions of national security. In the terrorism investigations of the 1993 WTC bombing and the 2001 Anthrax attacks, some organizations focused on criminal prosecution, others prioritized intelligence gathering, and

yet others considered the medical response paramount. In the past, the Departments of Commerce and State have vied over priorities in shaping international relations, as was the case vis-à-vis China, Iraq in the 1980s, and decisions made by the Committee on Foreign Investment in the United States. The Departments of State and Defense also regularly conflict over decisions regarding when and how to use force.

Existing resource allocation processes complicate policy execution and sustainment. The military's aversion to the 1990s intervention in Bosnia was at least partially due to a dislike of disruptive supplemental appropriations. Limited budget flexibility also constrained the initial U.S. response to Hurricane Mitch, as the disaster occurred early in the fiscal year and agencies were loath to spend money that they were unsure would be replenished. Program managers find it difficult to make long-term plans when future resource allocations are uncertain. The lack of dedicated interagency funds also constrains the implementation of national strategies. The National Infrastructure Protection Plan, for example, has suffered from its reliance solely on agency and department budgets; so have many anti-human-trafficking programs.

A related problem is that human resource systems are agency-focused. In many cases, interagency centers and activities are understaffed due to department-focused resource allocations systems, which tend to favor core agency needs. Small bureaucratic bodies (such as the National Counterintelligence Executive in its early years) have trouble recruiting the best and the brightest people despite the importance of their missions since career paths within such groups—especially opportunities for advancement—are naturally limited. The resource allocation process, as well as artificial personnel ceilings, also encourages reliance on outside contractors. The lack of accountability for these contractors has presented challenges for a number of U.S. missions, such as those engaged in foreign military operations.

Yet, some interagency competition is useful since it helps ensure that all relevant perspectives and resources are engaged in policy formation and execution. Mandates must be sufficiently broad to include actors having access and knowledge regarding the economic, military, and diplomatic tools of power since enduring national security problems typically

require integrated use of all these instruments. **Strategy execution that relies disproportionately on one policy tool often fails to yield long-term success.** The effects of such imbalances are apparent in the cases regarding the Somalia intervention under the Clinton administration and the Iraq War under the second Bush administration.

The national security community's common elevation of a singular objective over more comprehensive goals in strategy development has also undermined long-term interests. The history of U.S. engagement with Pakistan illustrates this problem. During the Cold War, the focus on anti-communism resulted in the de facto downgrading of proliferation concerns regarding Islamabad. More recently, preoccupation with counterterrorism has led U.S. officials to curb efforts to promote political democracy in Pakistan. In addition, it has been regularly argued that recent U.S. preoccupation with the Iraq War has diverted resources that could have been used more effectively to promote other national security objectives. Even so, it is important to note that the U.S. national security system has managed to learn from failure. The Goldwater-Nichols act is the most cited example of profitable learning, but the recent push to create AFRICOM also shows U.S. government officials actively seeking to address structural deficiencies in U.S. policy formation and implementation.

The case studies show that **achieving adequate cooperation between civil and military actors in developing and implementing policies is a persistent challenge.** The differing institutional mandates and missions of military and civilian agencies create divergent bureaucratic cultures, which in turn produce perspectives that are particularly difficult to reconcile. The troubles encountered by PRTs in Afghanistan and Iraq are the most apparent example of this, although many teams eventually achieve at least cordial cooperation. This trend also held true in the formation of U.S. landmine policy during the 1990s. In combination with the resource disparities discussed below, this civil-military divergence makes attaining coordinated policy development and implementation among military and civilian actors a consistent challenge. Civil-military conflict was notable in the cases examining the U.S. intervention in Somalia, the PRTs in Iraq and Afghanistan, the Bay of Pigs intervention, and the conduct of U.S.-Uzbek relations.

In yet another extension of the competitive norm, the cases demonstrate that, **when field officials maintain tight links to their home agencies in Washington, the incidence of bureaucratic conflict, especially between military and civilian officials, increases.** Conversely, civil-military cooperation in the field has often improved when home institutions empower their in-country representatives with operational flexibility. Many of the tactical successes of U.S. military assistance to Laos under Kennedy can be attributed to this phenomenon, as can the triumph of the diplomatic team in Bosnia during the civil war. This dynamic also helps explain the occasional success of *ad hoc* approaches. If officials are sufficiently empowered to act independently, the cases indicate they can achieve degrees of successful strategy implementation, within their operational purview, even in the absence of a coherent national strategy. The ability of Foreign Emergency Support Teams (FESTs) to respond to the 1998 African embassy bombings and the effectiveness of the Alaska earthquake recovery effort illustrate this pattern, though these cases also show that limited successes do not necessarily improve U.S. government performance in future national security challenges, even when they are similar. In addition, absent a national strategy, it remains highly unlikely that the U.S. will achieve its long-run objectives, regardless of any temporary and limited successes in the field.

The Organization-Leadership Dynamic

Successful policy development, implementation, and outcomes are often associated with direct and sustained presidential engagement. For example, the study of American policy during the East Timor crisis found that it was only after President Clinton intervened to enforce a coherent U.S. interagency approach that the growing crisis in U.S.-Australian relations over their joint response to the post-independence violence dissipated. Nixon's diplomatic overtures towards China and Clinton's engagement on the North Ireland issue are also representative examples of the importance of presidential leadership. These cases and others indicate that White House leadership is often critical to the operation of the national security apparatus. Unfortunately, presidential involvement does not guarantee positive outcomes, as the Iraq War and U.S. policy towards Saudi Arabia under Eisenhower demonstrate. Even when

the president successfully overrides bureaucratic conflict at the policy development stage, moreover, implementation problems can arise later if presidential attention wanders. Setbacks in the Northern Ireland peace process, for example, may be partially attributed to the decreased interagency attention the second Bush White House devoted to the issue compared with the Clinton administration.

The U.S. national security system's overdependence on presidential leadership reflects, and exacerbates, the weak nature of its interagency mechanisms. In the absence of direct and constant presidential intervention, the development and implementation of integrated national security strategies becomes problematic as policy coherence suffers under the weight of bureaucratic infighting. Recent democracy promotion efforts in Egypt and Pakistan, for instance, suffered when some agencies thwarted presidential guidance as promulgated in national security strategies. Although the national security advisor is institutionally positioned to compel interagency consensus and ensure unified, efficient policy implementation, the NSA has sometimes lacked the authority to achieve these ends given the absence of a consistently effective mechanism to delegate Presidential authority. When the NSA has succeeded in brokering policy and overseeing implementation, typically he or she has been personally empowered by the president, has worked around the bureaucratic machinery, or has managed to invoke the power or "mystique" of the White House to achieve desired ends.

Below the level of the National Security Council, interagency authorities are similarly anemic, despite the importance of mid-level officials in addressing urgent national security decisions. As a result, the cases depict actors working around established interagency processes to execute policy. **Good leaders can achieve effective action, but they too often can do so only by bypassing the U.S. national security system.** Outside Washington, bureaucratic superheroes have been able to achieve positive policy outcomes, as seen, for instance, in the cases of CORDS, the 1964 Alaskan earthquake, and the Berlin blockade. In Washington, Henry Kissinger in his opening to China, as well as Richard Holbrooke and Anthony Lake in their attempts to end the Bosnian war, also felt compelled to

circumvent traditional interagency processes to achieve desired policy outcomes.

Yet, the relative ease with which the system can be bypassed by mid-level officials acting as policy entrepreneurs, whether explicitly empowered by their superiors or acting on their own initiative, is problematic since these workarounds do not always yield enduringly positive results. **Discarding established standard procedures can exacerbate systemic weaknesses.** In particular, they limit the availability of resources, entail the use of questionable legal authorities, result in policies based on faulty but unchallenged assumptions, and make poor use of subject experts and other institutional expertise. Richard Bissell and Oliver North were highly touted leaders, but their attempts to circumvent the national security system led to the Bay of Pigs and Iran-Contra disasters respectively.

Where successful leaders differ appears to be in their skill at building coalitions across agencies at the working level. Clay, Kissinger, and Holbrooke effectively worked with select individuals from other agencies to support their efforts. In contrast, Bissell and North's attempts to bypass the restrictions placed on them by other actors (DOS and Congress, respectively) suffered from their limited attempts at collaboration with elements outside their home organizations. Even in the successful cases, however, the bypassing of the national security system had adverse consequences. For example, achieving the goals identified in the Dayton peace accords was difficult since those charged with policy implementation had been excluded from U.S. decision making during the initial negotiations. Similarly, Clay's detachment from the Washington policy process at first limited the resources at his disposal during the Berlin airlift.

The case studies indicate that effective strategy development and policy execution is not due to leadership or organization alone, but rather results from the interplay of the two. Good organizations and processes can empower individuals; however, bad organizations can easily thwart individual efforts to manage national challenges. The most successful example of the the synthesis of good leadership and effective organization was the working relationship between SWNCC and General MacArthur in managing the occupation of Japan. More often, it is poor organization that ends up limiting the

potential of leaders and implementers at all levels. Operation Eagle Claw regarding Iran exemplifies how compartmentalization of tasks and information can subvert a unified organizational effort. The skills needed to conduct the mission were present in the U.S. government, but these could not be mobilized or integrated effectively to carry out the rescue. U.S. energy policy prior to 1973 is another example, at the strategic level, of an instance where poor organization weakened the government's ability to respond effectively. At the time, responsibility for energy policy was distributed among eight cabinet departments, as well as numerous agencies, offices, and commissions. Other cases where poor organization resulted in losses to U.S. security are the U.S. space programs before Sputnik's launch and the organization of both the U.S. intelligence community and U.S. counter-terrorist financing before, and to a lesser extent after, 9/11.

On balance, **the current U.S. national security system appears overly reliant on presidential leadership.** Excessively depending on the president to enforce consensus in national security and to expedite policy implementation creates an unmanageable span of control requirement for the commander in chief, limiting the system's ability to conduct effective policies. With few exceptions, it is infeasible to expect presidents to oversee the complexities of strategy development and especially policy implementation. The National Security Council staff is too small and ill-equipped to ensure that all but the most important policies are undertaken effectively or reflect optimal resource tradeoffs. The lack of White House surge capacity to deal with national challenges means that the president and his staff can only address a few issues at a time. As a result, many problems evolve into disasters before they receive adequate attention, as was the case with the Iranian Revolution.

Imbalanced Resource Allocation

The U.S. national security system finds it easier to mobilize resources for hard power assets (e.g., military capabilities) than for soft power capabilities (e.g., civilian agencies or public diplomacy). **Even when civil-military cooperation exists at the strategic level, the insufficient funding and staffing of non-DOD agencies engaged in international affairs makes operational integration difficult to achieve.** The resource mismatch prevents the system from providing

the full range of capabilities necessary for priority national missions, undermines surge capacity, and heightens interagency friction by reinforcing civil-military tension in the field and in Washington, where budgets are protected with fierce institutional loyalty.

Simply put, the cases indicate that national security policy will remain ineffective as long as civilian international affairs assets are under-funded and under-staffed. The case studies of the Iraq War, the disestablishment of USIA, Bosnia, and Kosovo, and U.S. policy towards Uzbekistan, among others, illustrate how inadequate soft power resources have deprived the United States of the ability to employ all requisite elements of national power. The U.S. government's inability to provide enough trained civilian officials, diplomats, and aid workers especially inhibits U.S. capacity to conduct overseas field operations. Such limitations have also subverted the much-touted 3D strategy of Operation Enduring Freedom-Horn of Africa, resulting in the mission emphasizing one D (Defense) to the exclusion of the others (Diplomacy and Development).

All too often, U.S. policy makers employ the military to address national security challenges simply because the Pentagon has the most readily available personnel, money, and other resources, even if their employment leads to inefficient and inadequate policies. Ironically, this process prevails even when DOD leaders would prefer that civilian agencies lead the response for missions that require the military to perform roles outside its core competence.

Strategy planning and resource allocation focuses on managing urgent crises rather than enduring challenges. Time and other resource limits make this tendency inevitable, especially at the presidential and White House level, but departments also tend to be reactive in their planning and resourcing. As a result, the U.S. government encounters great difficulty in constructing preventative strategies, as demonstrated by its belated response to the escalating civil strife in Rwanda, Bosnia, and East Timor. For many vital national security issues, the president is the only person who can authoritatively compel integration. Yet, the ideal time to address crises is at their earliest stages, when they are most malleable and before they have inflicted extensive damage. All too often, however, it is only after a conflict escalates to major proportions that it motivates

the presidential action needed to induce a well-integrated and well-resourced U.S. government response. And if presidential attention wanders, so can the resources, as seen in the failure of the Treasury Department and the CIA to resource the Foreign Terrorist Asset Tracking Center until three days after 9/11, notwithstanding that the center was authorized and partially funded by President Clinton in May 2000.

Congress also tends to focus on (and resource) immediate national security concerns, contributing to inter-branch conflict. Recent U.S. history offers numerous examples of executive-legislative conflict in policy development and execution. Representative cases include U.S. policy toward China, the U.S.-Indian nuclear relationship, and American policies towards Central Asia. Conflict over resources is especially prevalent, with both branches resorting to various stratagems to circumvent the other. Although the Iran-Contra affair provides the most egregious example of this problem, other instances regularly occur, such as when the president or secretary of sate is compelled to certify, probably falsely, that the human rights situation in China or Uzbekistan has improved or that the Russian government has met the criteria to receive aid in dismantling, securing, and controlling its nuclear materials. When the administration and Congress pursue independent strategies, successful implementation and outcomes become increasingly difficult.

Presidential Transitions

The major case studies also illustrate that the U.S. national security system is especially prone to disjointed policy development and implementation during transitions between presidential administrations. In the early part of an administration, steep learning curves, changes in information flows and other operating procedures, and lengthy confirmation processes at the cabinet and sub-cabinet level make policy development and implementation difficult. Towards the end of an administration, the departure of confirmed officials and other senior political appointees deprives agencies of experienced leaders, while political appointee resignations at lower levels result in staffing and skills shortages. The cases that cover presidential transitions—such as those addressing U.S. management of its crises with China or the handoff between the

Bush and Clinton administrations of Somalia or NATO policy—often find insufficient strategic direction, unclear authorities, and heightened bureaucratic conflict undermining effective government responses, especially by producing poorly integrated policies. The transition problem occurs regardless of the party affiliation of the incoming and outgoing administrations.

Conclusions

The case studies cover a necessarily limited number of national security challenges and analyze a correspondingly finite record of U.S. government performance. This limitation excludes extensive quantitative analysis. Even so, the issue, geographic, and historical diversity of the case studies—in this volume and as a whole—as well as the comprehensive range of scholarly discourse incorporated into their analysis, provide a foundation for the generating the following suggestive hypotheses and findings:

***Ad hoc*, unintegrated strategies are distressingly common products of the U.S. national security apparatus.**

- When strategy development is flawed, effective unity of effort and efficient resource allocation are even more difficult to achieve.
- Overly rigid strategies often unduly constrain policy execution, especially in the field.
- Strategic planning typically focuses on immediate crises rather than long-range challenges; the urgent all too often displaces the important.
- The government does not effectively capture or implement strategic lessons identified from past failures.

The system evinces a mixed record in generating unity of effort during strategy development and implementation:

- Interagency conflict pervades the case studies, with some positive but mostly negative consequences.

- Bureaucracies filter information through organizational perspectives and provide recommendations that reflect their core mission areas or institutional mandates.
- The U.S. national security system encounters difficulty in coordinating strategies, sharing resources, and otherwise cooperating effectively with foreign, state, and local governments.
- Limited interagency communication often results in strategy creation and policy implementation being addressed separately, impeding unity of effort at both levels.
- Interagency cooperation is possible at the tactical level even in the absence of strategic and operational integration, but requires good personal relations and other uncomfortably serendipitous factors.
- Even when such tactical cooperation occurs, its ability to contribute to operational and strategic success is limited.

The U.S. national security system demonstrates a disturbingly varying capacity to provide adequate and timely resources:

- Resources often do not match goals and objectives.
- Allocating resources is easier for urgent tasks than for enduring challenges.
- Sustaining constant support for long-term missions is difficult, complicating strategy implementation and policy execution.
- Even when sufficient funding is provided, the process of resource mobilization and allocation is often inefficient.
- The national security system recurrently fails to link ends (ideally determined at a national level by the president or NSC), ways (which are largely the purview of the operational departments and agencies), and means (resources provided through congressional and OMB funding mechanisms).

Interagency mechanisms are inadequate:

- There is no consistent mechanism to delegate presidential authority effectively despite its importance in overcoming interagency impediments.
- Agencies have numerous means and opportunities to impede long-term strategy development and policy execution.
- Major actors are easily bypassed in making urgent decisions, but policies determined by a few officials often neglect institutional knowledge and achieve only limited bureaucratic, congressional, and political support, making them hard to sustain.
- The U.S. national security system tends to mobilize institutional actors at different times, decreasing interagency integration and disconnecting policy commitments from operational planning.
- Achieving successful policy development, implementation, and outcomes becomes even more difficult during transitions between presidential administrations.

In short, the system produces integrated strategy and unity of effort all too infrequently. Consequently, positive policy outcomes become excessively difficult to achieve. Even when the government is successful in attaining desired ends, the manner in which these outcomes are achieved is routinely inefficient, leading to wasted money, time, and lives. The case studies thus depict a U.S. national security system in need of comprehensive reform. It is our hope that this and other analyses produced by PNSR will contribute to the achievement of such transformational reform as future U.S. national security demands.

Appendix A: Case Study Summaries

OPTING FOR WAR: AN ANALYSIS OF THE DECISION TO INVADE IRAQ

Introduction: Despite impressive progress in security made by the Surge, the outcome of the Iraq War remains in question. Though a comprehensive narrative of the war is not yet possible, an investigation of the major early decisions made at the presidential, interagency, cabinet department, and theater levels is important to the Project on National Security Reform (PNSR). The strategic significance of Iraq and the complex contingency character of much of the fighting alone warrant a comprehensive analysis of the decision to invade the country. In addition, evaluation of the U.S. government (USG) planning effort reveals critical shortcomings that the U.S. national security system must rectify to avoid similar errors in the future.

Strategy: In the aftermath of the terrorist attacks on the World Trade Center and the Pentagon in September 2001, the regime of Saddam Hussein assumed a new, more ominous appearance in Washington. Military operations against Iraq were first suggested by the Pentagon as early as September 12, 2001, but it was not until November 2001 that the President asked Secretary of Defense Donald Rumsfeld to begin planning for potential military operations against Iraq. The U.S. Central Command (CENTCOM), headed by General Tommy Franks, was tasked with planning for the mission. The Chairman, General Richard Myers, USAF, and the Vice Chairman of the Joint Chiefs of Staff (JCS), General Peter Pace, USMC, played a supporting role. In the end, Secretary Rumsfeld assumed a uniquely preeminent position in the development of the battle plan and the invasion force. Rumsfeld envisioned a lightning-fast operation in Iraq, followed by a swift handover of power to the Iraqis. Later, Rumsfeld even deactivated the military's automated deployment system--questioning, delaying, or deleting units on numerous deployment orders.

While CENTCOM and the JCS did not underestimate the challenge of Phase IV stability operations, civilian leaders at the Pentagon remained critical of the need for a large troop presence. Phase IV planning was uneven within CENTCOM itself. All of the invading divisions and separate brigades believed that they would return home as soon as practicable after the cessation of hostilities. The Office of Reconstruction and Humanitarian Assistance (ORHA), charged with carrying out initial stabilization and reconstruction activities, was not established until January 2003, at which time it was subordinated to the Secretary of Defense, who placed it under the authority of Central Command.

Colin Powell, with the strong backing of the United Kingdom and other U.S. allies, convinced President Bush in August 2002 to exhaust diplomatic efforts before going to war. While Secretary Powell was successful in restarting weapons inspections in Iraq, he was never able to build a consensus for decisive action in the Security Council. The President fared better with Congress and received strong, bipartisan approval for prospective military operations against Iraq.

In March 2003, the U.S. military commenced Operation Iraqi Freedom and effectively toppled Saddam. By May 2003, however, an anti-coalition insurgency had begun to develop. The military had not prepared for a counterinsurgency campaign and required approximately a year to adjust its field operations. The civilian ORHA plan for postwar Iraq was also scrapped and replaced by more than a year of formal American occupation under the Coalition Provisional Authority led by Ambassador L. Paul (Jerry) Bremer.

Integrated Elements of National Power: Though Saddam's perceived possession of WMD unified diverse factions within the administration in support of the war, USG efforts were not well integrated. While formal war planning was in high gear from Thanksgiving of 2001 up to March 2003, planners in the civilian agencies were not included in Pentagon close-hold briefings. They did not begin to make meaningful independent contributions until summer 2002. Moreover, postwar issues were divided and addressed by different groups that often worked in isolation from one another, sometimes for security reasons and sometimes for bureaucratic advantage. Complicating matters, very few humanitarian planners

had access to the war plan, while very few war planners cared about anything other than major combat operations.

Though Powell and CIA Director George Tenet supported the President's decision to wage war, a significant number of officials in the State Department and the Central Intelligence Agency dissented, sometimes through disruptive media leaks. Within the Pentagon, Franks—who shared Rumsfeld's belief in the importance of speed—was caught between trying to placate his boss and satisfy the physical needs of his forces. Though the subordination of ORHA to the Pentagon appeared to streamline the chain of command, it also dampened interagency cooperation. The dysfunctional tension between clear lines of command and cross agency coordination continued when ORHA was replaced by the CPA. Bremer emphasized his status as Presidential Envoy and did not report consistently to or through either the Secretary of Defense or the National Security Advisor.

Evaluation: The Iraq war is a classic case of failure to adopt prudent courses of action that balance ends, ways, and means. Policy queuing was a problem. The tentative scheme to manage postwar Iraq was approved in October 2002, but little could be done as diplomats vainly attempted to solve the problem without recourse to arms. After major combat operations had ceased, U.S. efforts were hampered by ineffective civil and military plans for stability operations and reconstruction. The U.S. government deployed inadequate military forces to occupy and secure Iraq. Washington has also been unable to provide a sufficient number of trained civilian officials, diplomats, and aid workers to conduct effective stabilization and reconstruction missions. The State Department and USAID remain underfunded and insufficiently operational, while military manpower has been overextended. Exacerbating the situation, the U.S. government was slow to appreciate the ferocity of the Iraqi insurgency. Problematic U.S. funding and contracting mechanisms also delayed the provision of services and basic reconstruction.

From the outset, the underlying assumption that major combat operations would be difficult but that securing peace would be easy had a corrosive effect on planning. Faulty intelligence on Iraq's suspect weapons of mass destruction, the state of Iraqi infrastructure, and the usefulness of Iraqi police contributed to "rosy scenario"

predictions. Whether motivated by wishful thinking, stress, or predisposition, decision-makers failed to properly account for the extensive countervailing analysis, which warned of the dangers in postwar Iraq. In addition, one consistent problem demonstrated by the first Bush administration has been a failure to partner successfully in the interagency, with the Congress, and with our allies.

Results: As of mid-2008, the Iraq War had cost the United States over 4,100 dead and over 30,000 wounded. U.S. military allies have suffered hundreds of additional casualties. Iraqi civilian dead may number more than 90,000, while over 8,000 Iraqi soldiers and police officers have been killed. Fifteen percent of the Iraqi population has become refugees or displaced persons. The Congressional Research Service estimates that the USG now spends over $10 billion per month on the war. Total direct appropriations for Operation Iraqi Freedom from March 2003 to June 2008 have exceeded $524 billion.

Globally, U.S. standing among friends and allies has decreased substantially. At the same time, operations in Iraq have had a negative effect on efforts in other facets of the war on terrorism, which have taken a back seat to the priority of the war in Iraq when it comes to manpower, materiel, and decision makers' attention. The U.S. armed forces—especially the Army and Marine Corps—have been severely strained. American efforts in Iraq have fostered terrorism and emboldened Iran to expand its influence throughout the Middle East.

Conclusion: The central finding of this study is that U.S. efforts in Iraq were hobbled by a set of faulty assumptions, a flawed planning effort, and a continuing inability to create security conditions in Iraq that could have fostered meaningful advances in stabilization, reconstruction, and governance. With the best of intentions, the United States toppled a vile, dangerous regime but has had great difficulty replacing it with a stable entity. Notwithstanding recent progress under the Surge, this case study exposes serious mistakes in U.S. government policy making and execution regarding Iraq.

THE NCIX AND THE NATIONAL COUNTERINTELLIGENCE MISSION: WHAT HAS WORKED, WHAT HAS NOT, AND WHY

Introduction: Foreign intelligence services have stolen U.S. national security secrets for decades. The damage Aldrich Ames, Robert Hanssen, and Chinese agents have inflicted on U.S. national security has been incalculable. To remedy this problem, the office of the National Counterintelligence Executive (NCIX) was established in 2001 to provide strategic direction to U.S. counterintelligence (CI) and to integrate and coordinate the diverse CI activities of the U.S. government (USG). Nevertheless, interagency struggles and a lack of authority have frustrated the new office. American secrets remain excessively vulnerable to foreign intelligence services.

This case study, written by the first National Counterintelligence Executive appointed by the President, discusses the challenges of leading and integrating the U.S. CI enterprise. It discusses issues ranging from the practical details of setting up and staffing a new USG office to the interagency mechanisms for reaching consensus and implementing policy. The study also explains the significance of the first national counterintelligence strategy, which established new policy imperatives to integrate CI insights into national security planning and engage CI collection and operations as a tool to advance national security objectives.

Strategy: U.S. counterintelligence duties have historically been dispersed among independent departments and agencies. By creating the NCIX, the Congress sought to replace this divided approach with a more integrated and effective U.S. CI apparatus. The Counterintelligence Enhancement Act established the duties of the NCIX, which include: identifying and prioritizing the foreign intelligence threats of concern to the United States; developing a strategy to guide CI plans and programs to defeat those threats; evaluating the performance of the CI agencies against those strategic objectives; and ensuring that the budgets of the many CI organizations of the federal government are developed in accordance with strategic priorities. In 2005, the NCIX issued the first *National Counterintelligence Strategy*, which set forth consistent, clear, and new

strategic direction for U.S. counterintelligence. The subsequent creation of the office of the Director of National Intelligence, to whom the NCIX now reports, consolidated the NCIX mission within the new architecture of U.S. intelligence.

Integrated Elements of National Power: Getting the departments and agencies to work together with the NCIX to implement the national CI strategy has proven an elusive goal. Efforts towards this end have been complicated by the unique history of the disaggregated U.S. CI enterprise, deficiencies in the NCIX and DNI organizations, and a seeming lack of awareness of the gravity of foreign intelligence threats among national security leadership. Interagency cooperation in many cases proved anathema to the U.S. government's CI organizations. The FBI, for example, which consumes the lion's share of U.S. CI dollars and billets, unilaterally withdrew most of its personnel from the NCIX office. In addition, the FBI's counterintelligence division published its own "national strategy for counterintelligence" two months after the NCIX's presidentially approved strategy was issued. The creation of the DNI did not facilitate cooperation—in fact, the DNI has worked to weaken the NCIX as it has eclipsed that office's authorities in counterintelligence budget, collection, and coordination.

Evaluation: The Counterintelligence Enhancement Act established a national leader to bring strategic direction to U.S. counterintelligence, but the legislation failed to establish a strategic counterintelligence *program*. While charging the NCIX with responsibility for heading counterintelligence, the law did not assign the NCIX the authorities needed to manage a strategic CI program. Though the NCIX office is responsible for providing strategic direction to U.S. counterintelligence, it does not have the power to direct budget allocations. Program and budget authorities for CI activities remain divided among the departments and agencies and subject to their individual priorities, which too often take precedence over national objectives.

Similarly, NCIX is given the responsibility to evaluate department and agency performance, but it is not empowered to direct programmatic changes. Under this model, the NCIX is inherently advisory, rather than authoritative. In addition, within the office of the DNI,

authorities and lines of responsibility for counterintelligence have become blurred, diluting the concentrated focus and guidance that the NCIX was created to provide.

Results: A series of government and independent analyses have documented the high costs of the seams in U.S. counterintelligence strategy. Failing to establish an effective national CI leader threatens to replicate past costs. Seven years after the NCIX was created, no single entity is capable of providing a comprehensive threat assessment of possible foreign intelligence successes, supporting operations, or formulating policy options for the President and his national security team. While CI-related cooperation among the FBI, CIA, and the military services has increased, this collaboration has failed to provide the comprehensive, well-integrated CI strategy and policies required to uphold U.S. national security.

Conclusion: The NCIX seemed poised to succeed when created. It had widespread congressional support, a consolidated National Strategy, the endorsement of a highly respected commission, and the President's personal backing. Yet, the statutory intent to integrate U.S. CI efforts has been repeatedly frustrated. Due to the weaknesses of the NCIX and the lack of a strategic program, individual agency priorities have eclipsed USG-wide CI integration. As a consequence, Washington has inadequately addressed the threats posed by foreign intelligence agencies to U.S. national security.

U.S. GOVERNMENT RESPONSE TO HUMAN TRAFFICKING IN THE 21ST CENTURY

Introduction: Human trafficking has become increasingly recognized as a vital U.S. national security concern. Trafficking in persons has been linked to organized crime, drug trafficking, migrant smuggling, and terrorist financing—making it a problem for the conduct and implementation of U.S. policies in all those areas. The United Nations estimates that 12.3 million people are forced into labor or sexual servitude at any given time. The United States is both a source and destination for trafficked persons, with as many as 20,000 people annually trafficked into the country.

The U.S. Government's response to human trafficking over the past decade serves as an interesting case study for the Project on National Security Reform (PNSR) because it presents a complex, multifaceted, and transnational challenge that does not fall neatly into the jurisdiction of any single executive branch organization. It involves nearly 30 offices in at least seven major U.S. Government (USG) departments and agencies, some of which have traditionally had more limited national security responsibilities. Addressing the trafficking problem requires an integrated government response, which thus far has been lacking.

Strategy: To the extent that a U.S. strategy to combat trafficking in persons exists, it is rooted in the Clinton Administration's 1998 International Crime Control Strategy (ICCS). The broad approach outlined in the ICCS is still commonly referenced today. More than a decade later, however, the document offers little in terms of practical guidance to the departments charged with developing multi-layered anti-trafficking strategies, plans, and processes. As a result, anti-trafficking strategies remain poorly integrated across the U.S. national security system. Individual agency strategies and plans still operate in general isolation. Coordinated, or at the minimum, compatible strategies exist only on an individual, and often ad-hoc, basis.

Integrated Elements of National Power: In recognition of the complexity presented by this national security challenge, various interagency mechanisms—including task forces, policy groups, and fusion centers—have been formed since human trafficking gained increased attention in the United States in the late 1990s. While these instruments have facilitated coordination to a degree, by providing forums for agencies to collaborate, their success has been severely inhibited by a lack of authority in areas such as funding, strategy development, and the designation of department and agency roles and responsibilities; all of which ultimately reside within home agencies.

Evaluation: In the absence of a national-level framework, department-level goals, strategies, plans, and processes are developed within the context of each individual agency's broader mission. This process leads to poorly integrated anti-trafficking strategies since they are not based on any external or higher level guidance. Successful coordination across agencies, through either ad-hoc or formal

mechanisms, occurs only on a case-by-case basis. Most commonly, U.S. policies in this area suffer from information-sharing challenges, interagency rivalries, and other obstacles that derive from the disparate perspectives on human trafficking that exist at the level of the individual departments.

Results: During the past decade, there has been significant improvement in the U.S. Government's ability to address the challenge of human trafficking, but the magnitude of the problem continues to grow due to surging demand. An inability to devise and implement an integrated approach to anti-trafficking costs the nation valuable time and resources. Generally, the U.S. response to trafficking is reactive, with success dependent on individual cases and personal relationships. Disparate agency strategies and visions inhibit comprehensive assessments of and improvements in U.S. anti-trafficking initiatives. Insufficient clarity regarding USG roles and responsibilities for anti-trafficking efforts has led to confusion on the part of U.S. officials, host-nation counterparts, and trafficking victims alike.

Conclusion: An integrated USG approach is needed to counter a threat as complex as human trafficking. An analysis of the USG response to this national security challenge over the past decade reveals a lack of an integrated strategy to guide implementation of a government-wide approach to combating trafficking. As a result, cross-agency coordination in executing department level strategies and plans is often ad-hoc. Several interagency mechanisms have been created to assist with coordination, but these processes are constrained by a lack of authorities in key areas. The result has been a primarily reactive USG response, with coordination depending heavily on the circumstances of individual cases, confusion over anti-trafficking roles and responsibilities, and an inability to effectively evaluate and improve on existing anti-trafficking programs.

U.S.-INDIA CIVIL NUCLEAR COOPERATION AGREEMENT

Introduction: The proposed U.S.-Indian civil nuclear cooperation accord represents a transformation in American nuclear nonproliferation policy. By examining the policy shift and the security implications of the proposal, this case study illustrates the challenges

of adjusting long-standing policy guidelines to conform with new strategic frameworks. It also provides insight for future interactions in which broader strategic ties and policy goals transcend traditional security issues. The key concern of the proposed U.S.-India nuclear deal—balancing nonproliferation goals with other foreign policy objectives—is one that will remain relevant with respect to India even if the nuclear agreement falls through.

Strategy: In pursuing nuclear cooperation with India, the George W. Bush administration replaced an integrated, long-established strategy that emphasized nonproliferation objectives with a White House-dominated approach that circumvented typical interagency processes. Key officials reversed the Clinton policy, which sought to "cap, roll back, and eliminate" India's nuclear program. Instead, they promoted an ad hoc approach that employed civilian nuclear cooperation as a means to strengthen U.S.-Indian relations and India's regional power status. To this end, President Bush waived previously established sanctions stemming from India's 1998 nuclear test. Beginning in 2001, moreover, U.S. officials engaged in successive rounds of negotiations with their Indian counterparts. Originally confined to defense and technology cooperation, U.S.-Indian discussions towards nuclear cooperation began in earnest in 2005. By March 2006, they had culminated in the Bush-Singh Accord, which outlined the foundation of future U.S.-Indian cooperation in civil nuclear energy and dual-use technology.

At this juncture, however, the White House ran into difficulty in its approach to Capital Hill. The administration wanted Congress to exempt India from certain Atomic Energy Act provisions and provide the executive branch with the authority to finalize the cooperation accord without additional congressional action. Yet legislators, many of whom were uncomfortable with the loosely framed provisions of the Bush-Singh agreement, responded by passing the Hyde Act, which required India and the nuclear cooperation accord to adhere to certain provisions before Congress would consider approving a finalized agreement. Though President Bush issued a Presidential Statement limiting Hyde Act restrictions, the pace of U.S.-Indian negotiations slowed and the formal text of the accord was not completed by the U.S. and Indian negotiating teams until mid-2007. The accord's realization further depends on whether India is able to attain

corresponding agreements with international non-proliferation bodies and whether Congress supports the agreement's final terms.

Integrated Elements of National Power: Influential Bush administration officials, including Robert Blackwill, Nicholas Burns, Stephen Hadley, Condoleezza Rice, and other senior policy-makers viewed India as an emerging strategic partner of the United States, including vis-à-vis China. They collaborated across the interagency to advance U.S.-Indian civil nuclear cooperation. Though some policy conflict existed within the administration, the internal dissent was minimized by constricting the decision-making circle. When disagreements did occur—for example, within interagency negotiating teams—the importance senior officials placed on achieving cooperation in a timely manner typically forced consensus. Yet, extensive executive-legislative conflict over the agreement was notable. Members of Congress expressed concerns in particular about how the agreement might threaten the global nuclear nonproliferation regime by, for instance, establishing loopholes for other countries to exploit. In contrast, the White House downplayed these nonproliferation risks and remained focused on the strategic importance of strengthening U.S. relations with India.

Evaluation: The decision to avoid time-consuming but comprehensive analysis at the lower levels of the U.S. foreign policy bureaucracy, the similar geopolitical perspectives of high-level policy-makers, and important personnel and organizational shifts—such as the critical appointment of Condoleezza Rice as Secretary of State—facilitated the administration's success in uniting the executive branch. Nevertheless, this approach, combined with the administration's failure to incorporate extensive congressional consultation, has thus far failed to win over many of the deal's opponents. Lawmakers in Washington and New Delhi still have sharp disagreements over their preferred approach. The lack of consultation and transparency on the part of the administration appears to have exacerbated congressional reservations regarding the proposed shift in U.S. nonproliferation strategy. Meanwhile, legislative stipulations, as specified in the Hyde Act, have complicated and delayed implementation of the accord by requiring a fragile Indian coalition government to secure approval for an agreement that contains domestically unpalatable requirements.

Results: The top-down approach of the Bush administration rapidly advanced a transformative agreement that resolved a number of deeply rooted issues that had long complicated U.S. nonproliferation policy toward India. In particular, it addressed the issues of safeguards and reprocessing rights, which had been the cause for three decades of U.S.-Indian recrimination. The repeated travel and other exchanges of senior officials between Washington and New Delhi have also forged a link between the two capitals. Thanks to these and other developments, an improved rapport among U.S. and Indian counterparts will likely remain intact even if the deal falls through. Nevertheless, the White House's strategy may result in the failure to secure congressional approval of the agreement, which could inflict other costs on U.S.-Indian relations and commerce.

Conclusion: The case illustrates the difficulties of achieving executive-legislative agreements that entail abrupt changes in U.S. strategies on sensitive national security issues—even when these transformations may be necessary to respond to evolving international threats and opportunities. It also highlights the tradeoff between achieving executive branch consensus by constraining decision-making and securing wider approval for the resulting policies within the broader U.S. national security system.

MANAGING U.S.-CHINA CRISES

Introduction: This case study examines the formation and implementation of U.S. policies in response to three of the most important national security crises between the United States and the People's Republic of China: the June 1989 decision by the Chinese military to employ force to suppress unarmed student demonstrators in Tiananmen Square; the accidental May 1999 bombing by U.S. aircraft of China's embassy in Belgrade during the Kosovo War; and the April 2001 collision between an American EP-3 surveillance plane and a Chinese fighter aircraft off China's coast.

Three considerations make a study of how the United States has managed crises with China important for the Project on National Security Reform (PNSR). First, managing security relations with the People's Republic of China (PRC) has been, and will probably remain for at least several more decades, one of the most important

national security missions of the U.S. government. Second, assessing the U.S. interagency response to three short-term incidents sharing common characteristics provides examples of how the American national security system reacts to unexpected international crises. This evaluation complements other PNSR case studies that review how the U.S. government forms and executes strategies during longer-lasting events. Third, the three cases highlight various differences in American policies towards China that clarify the formation and execution of U.S. national security strategy.

Strategy: The leading national security policy makers in each of the three administrations under consideration held different views about the appropriate U.S. strategy toward China even if they subscribed to a general consensus that a more democratic, less bellicose PRC would be a more favorable partner than an authoritarian regime that pursued repressive domestic policies and confrontational foreign policies.

George H.W. Bush entered office with a well-formulated strategy toward China. The President, who inclined toward a realpolitik perspective of great power relations that focused on the external rather than the internal behavior of countries, emphasized the need to prevent a rupture in Sino-American ties despite the end of the Soviet threat that had united the two countries during the Cold War.

In principle, the overarching strategic framework of the Clinton administration toward China was that of "constructive engagement." Its adherents sought to promote China's domestic liberalization, global economic integration, and responsible international behavior gradually by deepening bilateral dialogue and interaction on a range of issues. In practice, due to the lower level of presidential interest and other factors, the Clinton administration was divided over its strategic priorities regarding China. Some elements were most concerned with promoting human rights, others with securing commercial advantage, others with curbing nuclear and ballistic missile proliferation, and still others with pursuing defense diplomacy with a reclusive but increasingly powerful PLA. Absent senior White House direction, the U.S government agencies primarily responsible for America's China policy often failed to integrate and prioritize these objectives.

The second Bush administration came into office with a strategic framework that saw China as a long-term strategic competitor, but

the EP-3 collision occurred too early in the new administration for it to have developed a coherent strategy, with supporting interagency procedures, regarding China or many other important issues. The crisis might have accelerated the development of an integrated strategy that treated China as a potential near-peer competitor if the September 2001 terrorist attacks had not quickly overwhelmed U.S. government planning efforts and directed policy makers' attention away from China and toward countering international terrorism.

Integrated Elements of National Power: The three specific incidents under review encompass a wide range of actors that have participated in the formation and execution of U.S. security policies towards China. These include several executive branch departments, agencies of the U.S. intelligence community, influential members of Congress and their staff, and diverse non-governmental organizations. Yet, each of the three administrations under consideration employed distinct processes for formulating and executing American security policies towards China.

U.S. policy toward China during the first Bush administration was directed by the President himself. George H.W. Bush relied primarily on his most senior advisers when making key policy decisions toward China after Tiananmen. These officials would reach decisions and then seek to implement them without necessarily requiring formal advanced or post-decisional meetings of the established NSC committees. Although this centralized system received criticism for being too closed, the fact that it involved key actors who played important roles in both the formal and informal structures helped keep the two processes in sync.

The priority that President Clinton and other senior U.S. government officials placed on winning the war in Kosovo perhaps disinclined them from attempting to disrupt formal U.S. government decision making structures and processes by substituting ad hoc procedures. That said, for much of the period leading up to the Belgrade bombing incident, the administration had experienced problems integrating the various components of its comprehensive engagement toward China. Diverse executive branch agencies readily engaged with Beijing, but often on their own terms in pursuit of distinct agendas. By the time of the embassy bombing in 1999, Chinese officials had become

distrustful of Clinton administration statements and actions, since these were often contradicted by at least one U.S. government agency.

Since the EP-3 collision occurred so early in the life of the second Bush administration, the executive branch had yet to establish clear interagency procedures regarding China or many other issues. Decision makers resorted to several ad hoc interagency mechanisms to establish and implement policies during the crisis. The U.S. military heavily influenced the initial U.S. government response since one of its planes was directly involved in the incident and because much of official Washington was not yet awake. After the non-DOD agencies became more engaged, however, the defense establishment adopted a lower profile and allowed Secretary of State Colin Powell and President Bush to manage the public response more effectively.

Evaluation: The realpolitik approach of the first Bush administration created tensions in executive-legislative relations, as diverse members in Congress sought to challenge the administration's policies. The White House felt compelled to threaten presidential vetoes to prevent Congress from adopting sanctions that the executive branch strongly opposed. Yet, the Bush administration, like other foreign governments, proved unable to prevent the Chinese leadership from inflicting widespread human rights violations or induce Beijing to alter other policies obnoxious to American values and interests.

The priority of the Clinton administration was to settle the Belgrade bombing crisis in a way that quickly returned the Sino-American relationship to pre-crisis conditions and allowed the U.S. government to continue to concentrate on winning the war in Kosovo.

The initial U.S. response, which failed, was simply to hope that expressions of contrition by American leaders would assuage Chinese authorities, who would then suppress the public demonstrations. Most participants in the interagency working group established to monitor the crisis subsequently acknowledged feeling they were making decisions excessively hastily, with incomplete information. Constraints on the president's time, congressional attacks on the Chinese government, and other impediments also complicated the U.S. government's ability to handle this crisis.

The second Bush administration sought to settle the EP-3 crisis through a solution that, while not worsening Sino-American ties, would not compromise future U.S. intelligence operations against China. In this case, differences in interagency perspectives, especially between U.S. civilian and military actors, hindered policy implementation.

Results: In response to Tiananmen, President George H. W. Bush felt compelled to engage the Beijing government directly by circumventing traditional diplomatic and U.S. government channels. This approach had the advantage of flexibility but meant that, when details of the tactic became public, members of Congress felt less reluctance to attack the effort because they had never been briefed on the issue. More generally, congressional pressure continually forced the first Bush administration to pursue a harsher policy toward China than the President preferred. In terms of implementing its desired policy toward China, however, the main obstacle was not lack of interagency cooperation, but the dependence of the strategy's effectiveness on Beijing's response. Chinese policy makers proved unwilling to curtail their internal repression sufficiently to avoid undermining congressional support for the White House's approach of pursuing long-term cooperation with China.

Despite having possessed several years of in-office experience conducting policies towards China, the Clinton team encountered problems orchestrating its diplomatic, economic, military and other foreign policy instruments before and during the embassy bombing crisis. The lack of interagency integration resulted from the embassy bombing's unexpectedness and the White House's preoccupation with winning a war in Kosovo that was proving much more difficult than originally anticipated. The military and intelligence communities proved reluctant to share information about their target selection procedures with their civilian colleagues, let alone the Chinese. As a result, the civilians in the State Department were left assuring the Chinese government that the incident had all been a mistake while acknowledging their limited understanding of why the intelligence failure had occurred.

The second Bush administration eventually achieved its immediate crisis objective of securing the return of the EP-3 crew and

subsequently the plane. Nevertheless, the hard-line stance taken by U.S. military leaders was not well integrated with the softer approach of the U.S. State Department. A more integrated response might have helped secure the release of the crew and aircraft faster. Faced with unanswerable counterfactuals, however, one can acknowledge that the "good cop/bad cop" approach actually adopted, whether consciously or by accident, might have yielded the best results. In any case, congressional pressure for harsh U.S. retaliation if the Chinese failed to return the crew appeared to have strengthened the administration's bargaining position by making its implicit threats more credible to Beijing.

Conclusion: Several patterns emerge from the three crises under consideration. First, even those presidents that assumed office with well-integrated strategies often found it hard to implement them within the U.S. interagency framework. Second, absent close presidential attention, the agencies would often develop and pursue their own China policies, contributing to undesirable policy incoherence. Third, responding to the immediate crisis almost always involved a mixture of formal and ad hoc interagency processes. Fourth, serious problems arose when the crisis occurred early in a presidential transition since the new administrations had yet to establish fully functioning interagency processes or secure Senate approval of many mid-level political appointees. Fifth, since the Tiananmen crackdown, sustained tensions have affected executive-legislative policies regarding China, with Members of Congress often advocating much more confrontational policies than the executive branch deems wise. Finally, the main achievement of the U.S. government response to all the crises involved costs avoided—normally not a major accomplishment, but important here, when mismanaging events could have escalated into nuclear war.

SOMALIA: DID LEADERS OR THE SYSTEM FAIL?

Introduction: In late 1992, the United States intervened in Somalia to prevent fractious warlords from hindering the distribution of international food aid in the midst of widespread drought and economic collapse. U.S. forces performed admirably (as part of UNITAF) and ensured food distribution. After United Nations

forces took over (UNOSOM II) and pursued a more ambitious reconstruction agenda, they ran into stiff armed resistance. Following several months of low-level conflict, the United States sent U.S. special operations forces to Somalia to neutralize the most troublesome warlord. The mission ended disastrously on October 3, 1993, when U.S. special operations forces were pinned down in a protracted engagement. After inflicting close to a thousand casualties on the enemy and losing eighteen soldiers, a UN relief force extracted the special operations forces . Shortly thereafter, the U.S. military withdrew from Somalia. The failed intervention had momentous consequences at home and abroad. The Somalia intervention also allows an examination of the U.S. government's ability to integrate its instruments of national power, as represented by the multiple national security organizations involved.

Strategy: Prior to and during UNITAF's humanitarian operations, the National Security Council (NSC) operated without a strategy and on an ad hoc basis. The intervention was driven more by the president's personal feelings than by sober calculations of national interest. The NSC was able to generate alternative courses of action, and to align its objectives with the means necessary to achieve them, but absent a controlling strategy the basic mission and resource issues were addressed in an ad hoc manner. Even so, the senior U.S. civilian and military representatives in Somalia developed a strategy for achieving the Bush Administration's objectives without exceeding the available resources. By contrast, the Clinton Administration's formal, coordinated and explicit policy for UNOSOM II was codified in a presidential decision directive that obscured the contradiction between Clinton Administration objectives and resources.

Integrated Elements of National Power: Ambassador Robert Oakley and Lieutenant General Robert B. Johnston judiciously combined diplomacy and military power, never failing to keep open lines of communication and limiting the application of force to that which was necessary to ensure the delivery of aid. They integrated force with civic action and information campaigns to reassure the public that the UNITAF presence was ultimately benign. Unfortunately, the United States was not able to closely integrate the elements of national power well in crafting policy for the follow-on UNOSOM II mission. The interagency decision making system

repeatedly failed, both in Washington and in the field. Interagency decision bodies were not able to develop common and iterative assessments of the resources required to execute U.S. policy. Neither could they develop common assessments of risks nor effective risk mitigation plans to hedge against undesirable outcomes.

Evaluation: The NSC, as well as other U.S. government assessment and decision making bodies, repeatedly papered over a fundamental mismatch between objectives and resources. Hope was a persistent but poor substitute for clear analysis as the U.S. government stumbled into a high risk, military-centric strategy, ignoring one warning after another that UNOSOM forces and special operations forces could not accomplish their assigned objectives. The decision making system did not respond nimbly to evolving circumstances or effectively coordinate its own policy decisions well, particularly with regards to managing the inherently complex and difficult two-track policy of pursuing military and political initiatives simultaneously. The national security apparatus could only digest and act on this reality slowly and incompletely--and as it turned out, too late to avoid being overtaken by events that should have been assessed as increasingly likely and prepared for accordingly much earlier.

Results: Washington's failure to integrate elements of national power effectively produced a debacle that cost the United States a great deal besides lost lives. It created deep policy divisions in Washington and increased tensions between senior civilian and military leaders. Somalia effectively ended the Clinton Administration's policy of assertive multilateralism and Les Aspin's short career as Secretary of Defense. The failure disinclined the United States from intervening elsewhere, including in Rwanda where horrific internecine tribal conflict led to mass murder. In addition, the defeat undermined the credibility that the United States had acquired from the successful Gulf War the previous year. Arguably, Somalia also encouraged America's enemies to challenge U.S. interests. Just as the most powerful Somali warlord bluntly told Ambassador Oakley that American failures in Vietnam and Beirut proved the United States did not have staying power, Osama Bin Laden and others similarly concluded from Somalia and other events that the United States lacked the will to protect its interests.

Conclusion: The United States initially approached the intervention in Somalia with ad hoc decision making, but leaders in the field were able to impose their own strategy and integrate the elements of national power well. As the Clinton Administration took responsibility for the mission, it formally coordinated a strategy that was unclear and which failed to reconcile expansive objectives with limited means. Typical interagency structures and processes were inadequate. They tended to restrict the flow of information and generate compromise rather than clear alternative courses of action. The result was a severe failure with long-term repercussions for U.S. security interests.

INTERAGENCY PARALYSIS: STAGNATION IN BOSNIA AND KOSOVO

Introduction: U.S. government security practices and structures proved ineffective in managing the bitter intra-state conflicts, complex emergencies, and ethnic cleansing associated with the wars in Bosnia and Kosovo. An examination of the Washington's response to these is highly relevant to the Project on National Security Reform (PNSR) because they heralded many characteristics of the post-Cold War security environment that continue to challenge U.S. interagency processes. Among others, these features include applying alliances beyond Cold War missions and conducting humanitarian interventions and other complex contingency operations.

Strategy: The U.S. government failed to develop a coherent strategy in the first three years of the Bosnian war. Instead, an ad hoc, reactive stance allowed the belligerents to control the tempo of events. Although interagency processes played a greater role in determining U.S. policies toward Kosovo, the strategy nonetheless failed to adequately integrate force and diplomacy.

Integrated Elements of National Power: Prior to Operation Deliberate Force and the Kosovo War, U.S. policies did not integrate diplomatic and military might. Force and diplomacy were eventually coordinated in Bosnia, but with difficulty and in a halting manner. In Kosovo, elements of national power were also inefficient coordinated, turning what should have been a quick war into a drawn out and unproductive endeavor.

Evaluation: The U.S. response in Bosnia and Kosovo was weak primarily due to the lack of integrated analysis and planning between the diplomatic corps and the military. The State and Defense Departments proceeded from a shallow analysis, based on the assumption that the war resulted from atavistic ethnic hatred, and developed policy options centered on protecting departmental equities. Consequently, officials presented President William Clinton with policies that could not be integrated.

Even when the National Security Council (NSC) dictated a strategy, the State and Defense Departments could not cooperate well due to their disparate perspectives on desired goals. Another shortcoming in the U.S. strategy was that no individual beneath the president could navigate the full political-military spectrum with authority and competency. In Bosnia and Kosovo, moreover, the military improperly interfered in political decisions and diplomats meddled in military matters. These processes generated tremendous tensions between State and Defense. In the Balkans, the absence of an official who could effectively manage, or at least understand, force and diplomacy proved detrimental to operations. In both Bosnia and Kosovo, effective management and implementation often resulted from ad hoc organizations and *fait accompli* decisions.

Results: The interagency struggle eroded Washington's ability to take decisive action, reduced the credibility of American power, and made it difficult for Washington to lead the global response to the crisis. This impotence prolonged the Balkan crises very likely increasing its human and financial costs. In addition, collective security as a concept and NATO as an organization suffered serious blows. Even after U.S. officials decided to take action in Bosnia and Kosovo, the gap between diplomats and war fighters produced a policy that could not link political and military means and ends. Thus, Washington was able to end the wars but not establish stable end-states, leaving problems (especially unresolved ethnic and international tensions) for U.S. national security policy that persist to this day.

Conclusion: The U.S. government failed to develop a coherent strategy in the first three years of the Bosnian war, primarily due to a lack of integrated analysis and planning between diplomats and the military. As a result, the interagency process did not formulate policies

for presidential consideration in an effective manner. The President received options that were both too few and too contradictory. This led to an ad hoc, ever-changing policy, most often characterized as "muddling through."

Eventually, the NSC bypassed the interagency process to create a strategy. However, once the policy had been determined, the Departments of Defense and State struggled with implementation, which required the coordination of force and diplomacy. Many of these features also typified Washington's handling of the Kosovo situation, demonstrating a poor learning curve despite the imperative of responding effectively to one of the most serious national security challenges confronting the United States during the 1990s.

CORDS AND THE VIETNAM EXPERIENCE: AN INTERAGENCY ORGANIZATION FOR COUNTERINSURGENCY AND PACIFICATION

Introduction: After two failed attempts at interagency coordination during the Vietnam War, President Lyndon Johnson decided to intervene directly to improve the management of U.S. support to pacification in South Vietnam. The resulting initiative, known as CORDS (Civil Operations and Revolutionary Support), created an interagency headquarters that streamlined U.S. efforts in support of the South Vietnamese government and the fight against Viet Cong insurgents. The case of CORDS is critical to the Project on National Security Reform (PNSR) as it exemplifies an interagency structure that effectively integrated elements of national power in pursuit of U.S. counter-insurgency, nation-building, and governmental capacity building efforts in South Vietnam.

Strategy: Prior to the inception of CORDS, the U.S. pacification assistance mission in South Vietnam was run by the United States Mission offices in Saigon. The State Department, Central Intelligence Agency (CIA), U.S. Agency for International Development (USAID), U.S. Department of Agriculture (USDA), and the U.S. Information Service (USIS) all were responsible for various aspects of this mission. The military advisory effort was run by Military Assistance Command Vietnam (MACV); however, military assets were outside the direct purview of the embassy. The U.S. Government created CORDS to

overcome these organizational and administrative problems and better focus U.S. interagency support behind South Vietnamese efforts at pacification.

Integrated Elements of National Power: CORDS was unique in that it placed nearly all civilian and military interagency assets involved in the pacification struggle under one civilian manager—and then subordinated that individual to the military hierarchy as a Deputy Commander of Military Assistance Command Vietnam. This innovative structure provided the pacification effort nearly unfettered access to enormous military and civilian resources. By centralizing planning and management in one headquarters, and subsequently replicating the identical management structure at every level of the South Vietnamese government (military region, province, and district), CORDS established an effective interagency body. It blended civilian and military personnel and improved U.S. pacification support to all levels of the South Vietnamese government.

Evaluation: One variable that explains CORDS' ultimate success at mitigating interagency tension was the decision to put military commanders in charge of civilians and vice versa. This innovative mixed structure demonstrated to CORDS staff that agencies would reward personnel based on their skills, abilities, and mission performance and not on previous agency loyalty. Furthermore, CORDS was comparatively well-resourced, allowing its elements to accomplish objectives quickly and completely. Finally, CORDS emphasized creating a working relationship with the South Vietnamese to generate more comprehensive pacification plans that would ensure U.S. and Vietnamese military and civilian resources worked together. The Vietnamese pacification planning apparatus would grow in size and capacity as it slowly came to embrace all aspects of its mission.

Results: CORDS was, on the whole, effective in establishing viable military and civilian aid initiatives in conjunction with the South Vietnamese, efficiently managing those programs and measurably improving the effectiveness of the South Vietnamese security forces in the countryside. However, CORDS' major, if inherent, weakness was that the organization had to partner with the deeply flawed South Vietnamese government. Although CORDS mobilized and integrated

U.S. military and civilian pacification initiatives in support of South Vietnam, it could only achieve a limited success in that, by itself, it could not ensure the viability of an independent South Vietnam.

Conclusion: CORDS assisted the American pacification effort in South Vietnam by reducing interagency bickering, creating a unified pacification effort under a single manager, placing that manager's headquarters inside the military structure, and thereby allowing it to gain access to vast human, financial and organizational resources in implementing an integrated program at the provincial, district, hamlet, and village level. Despite these achievements, which required the allocation of enormous resources, the effort proved insufficient in itself to sustain the South Vietnamese government against its numerous internal problems and foreign enemies.

AFTER DISASTER: RECOVERING FROM THE 1964 ALASKAN EARTHQUAKE

Introduction: In 1964, an earthquake struck Alaska that measured 9.2 on the Richter scale, the most severe ever recorded in North America. Transportation networks and critical infrastructure were almost entirely decimated, crippling Alaska's feeble pre-oil economy. Nevertheless, federal, state and local bureaucracies rapidly and effectively collaborated to maintain Alaska's viability as a state in the aftermath of the disaster. The case is of particular interest to the Project on National Security Reform (PNSR) due to the Johnson administration's successful coordination of federal and state agencies in managing the relief and recovery efforts.

Strategy: No recovery organization had existed prior to 1964. The Johnson administration therefore confronted the task of integrating national resources in an ad hoc fashion. The President created the Federal Reconstruction and Development Planning Commission for Alaska, a cabinet-level agency that developed a rehabilitation strategy and managed its implementation through an effective division of labor among the agencies most engaged in the recovery efforts.

Integrated Elements of National Power: Backed by presidential authority, the Commission expedited both policy and operational decision-making, encouraging cooperation among scores of

government agencies. Eventually, virtually every government agency became involved in the Commission. The many specialized task forces supplemented the activity of the first responders in the Office of Emergency Preparedness (OEP) rather than attempting to supplant it. This non-hierarchical approach was essential to convincing the OEP to collaborate with the new Commission.

Evaluation: Several variables explain the development and implementation of a successful recovery operation. At a decision making level, it was important that no single agency had clear authority over peer agencies. This approach facilitated the conceptualization of a unified strategy, while maintaining incentives for individual agencies to employ their resources most effectively. The simplicity of the organization and management approaches used by the Federal Reconstruction and Developing Planning Commission for Alaska not only allowed a high degree of flexibility in the implementation of broad federal objectives, but in combination with the unprecedented emphasis on rapid action, it also minimized the level of financial investment necessary for the recovery effort. Reliance on experienced career personnel to lead the execution of Commission policies also turned out to be crucial. The decision to involve the Alaskan populace actively in the recovery process also facilitated success during the implementation phase. Rather than retarding progress, involving affected Alaskans, as well as state and local agencies in the federal decision making inspired trust in the actions of the federal government, and saved both time and money.

Results: The earthquake imposed major costs on many Alaskans, but the effective recovery efforts obviated the need to activate the last-resort strategy of relocating much of the Alaskan population to other parts of the United States. The rehabilitation efforts allowed the state's economy to survive the ordeal. These successes demonstrated how the federal, state and local governments can profitably collaborate with businesses and nonprofit groups as an integrated team even in the dace of a catastrophic disaster. Although each community faced unique challenges, the unprecedented management strategies adopted by the Commission provided a framework under which diverse and timely solutions could be implemented very rapidly.

Conclusion: Reconstruction efforts following the 1964 Alaskan earthquake showcased effective and swift collaboration between federal, state, and local agencies tasked with responding to a catastrophic natural disaster. Vesting officials with the ability to respond rapidly compressed most critical reconstruction into the first few months after the Alaska earthquake, minimizing the economic impact of the damage and allowing residents to remain in the state.

PLANNING FOR RECONSTRUCTION AND TRANSFORMATION OF JAPAN AFTER WWII

Introduction: U.S. planning for the occupation of Japan after WWII is an example of successful integration of the government's military and civilian assets to create a practical strategy for reform and reconstruction of an occupied territory. The approach to planning between 1941 and 1945 evolved from ad hoc responses to crisis into a formal and forward looking interagency organization. Though constant tension existed between military and civilian officials, the immensity of the nation-building task convinced all involved of the need for cooperation. The case is important to the Project on National Security Reform because the way in which the U.S. Government planned for the political and economic transformation of Japan illustrates how military and civilian agencies can create cohesive, effective and flexible strategy.

Strategy: The interagency strategic and tactical approach was conceived by an organization known as the State-War-Navy Coordinating Committee (SWNCC), the authoritative policymaking organ for postwar reconstruction projects. The interagency deliberative process was vested with the authority of the president and relevant secretaries, and relied on information transparency and close working relationships at all levels. In the rare instances when SWNCC could not reach a consensus, cases advanced to the President for a final decision, leading to a unified policy emerging from the agencies and fully sanctioned by the White House.

Integrated Elements of National Power: Prior to the advent of SWNCC, Secretary of War Henry Stimson had organized an informal group composed of himself, the Secretary of State and the Secretary of the Navy. These men—known as the "Committee of Three"—met

weekly to resolve interagency problems. The Committee lacked executive authority, instead serving an essentially advisory function, and identifying issues for President Roosevelt's consideration.

During this period, Secretary of State Hull had been given primary responsibility for all postwar planning, and under Roosevelt's orders, State began considering the problem of occupation just weeks after Pearl Harbor. The process reached its full scope and depth over the next several years. On 28 December 1941, the president established an Advisory Committee on Post-War Foreign Policy. However, a lack of senior level agreement as to the Committee's mission meant pieces of the plan were being developed in a variety of government offices. There was no strategic architecture that might have permitted the creation of practical and actionable policies endorsed by the entire government. Without integration, it was inevitable that parochial interests (turf, budget, careers) would present problems.

In 1944, newly-appointed Secretary of State Edward Stettinius sent a letter to Secretary Stimson and Secretary of the Navy James Forrestal, formally proposing that the Committee of Three create a jointly managed secretariat to plan the occupations and fully integrate U.S. foreign policy. The SWNCC was officially constituted on December 9th and was structured and run in such a way as to ensure that group members worked as equals to create policy.

Evaluation: Nearly all SWNCC decisions became the official U.S. policy of the occupation, guiding the Supreme Commander of Allied Powers (SCAP) General Douglas MacArthur and his staff. These handbooks, orders and objectives were prepared to address the expected situation on the ground. When U.S. forces arrived in late August 1945, SCAP was armed with the information necessary to act effectively in and adapt quickly to the chaotic postwar environment.

SWNCC's most valuable output was a coherent set of objectives that provided a flexible action script for the occupation. The most important points – the preservation of the institution of Emperor, retaining the existing government apparatus, defining the rights of all citizens, and the reformation of land tenure – were implemented within a few months of MacArthur's arrival, and formed the economic and social foundation of a stable post-conflict environment that persists today.

Results: In reviewing the interagency process during World War II, one analyst points out three key features: "senior leader involvement, sustained interaction, and thorough integration" of policy at or below the level of Assistant Secretary. Planning for the occupation of Japan using the SWNCC was successful because it provided a forum for the formation of interagency relationships, incorporated experts from across the government, and integrated their outputs into sanctioned national policy. The quality of the interagency process during this period is demonstrated by the fact that of the 750 issues considered by the SWNCC before the National Security Act of 1947, only 6 cases were forwarded to the President for final resolution.

Conclusion: The U.S. approach to Japan's postwar reconstruction evolved as a response to perceived ineffectiveness in policy implementation. Ultimately though, the United States, through SWNCC's interagency process, helped transform Japan from a pre-modern, semi-feudal nation into a modern, democratic capitalist state. The work of a relatively small group of military and civilian bureaucrats, led by political and military elites who cooperated closely in pursuit of common objectives, proved essential for achieving this change.

Appendix B: Appendices to "The NCIX and the National Counterintelligence Mission: What Has Worked, What Has Not, and Why"

APPENDIX B1: OPTIONS FOR DESIGNING THE NCIX OFFICE (JUNE 2003)

CORE PURPOSE	FOCUS	KEY FUNCTIONS	PRODUCTS	LEAD CUSTOMERS	REQUIREMENTS OF NOTE
Macro risk assessment to support protection measures	National level risk assessment, broad policy development	Assess what is of value Assess vulnerabilities, Assess risk, Propose mitigation strategy	Catalogs, data bases, National Security Threat List validation, Reports to Congress	Congress Public	Broad public outreach, Contractor support
Grand strategy	Defeating adversaries; defensive & offensive operations	Analyze strategic purpose of select foreign intelligence services, Develop strategic approach to defeat, Develop strategies to exploit knowledge of adversary's objectives	Reports to select Policy Coordinating Committees, Actionable CI Operational recommendations	NSC members and subordinate offices, NSC interagency groups, Operational units	Sophisticated foreign policy & area expertise, Linkages to sensitive operations

Central CI analytic brain	Exploit vast intelligence collection to support real CI analysis	All source CI macro-analysis, Eclectic integration of intelligence, CI reporting, other information to discern anomalies, patterns, markers	Analyses, Damage assessments, Warning to affected national security elements and security managers	National security community, Security managers	Experienced & creative analysts, Wide & deep access to intelligence reporting, Surge capability
Integrator of CI activities government-wide	Processes to improve CI analysis & operations	Identify issues for CI concentration Direct/facilitate issue-specific analytic centers Focus on processes	Designation of lead issues, Integration modalities, Damage assessment integration	Key CI departments & agencies	Authority or leverage to effect integration, Insight to be able to identify opportunities for improvements
Precursor to national CI service	Organization and Measures of Effectiveness for U.S. CI	Develop common training, standards, professionalization of CI service Examine policy/legal implications Develop and implement pilot project	Requirements study: Cost/ benefit analyses, Implementation plan, Charter, Concept of Operations, Draft NSPD, Legislative package	DCI, AG, FBI Director, SECDEF, Homeland Security Secretary, CI professionals, Congress	Board of advisors, Blue ribbon studies, FBI support

APPENDIX B2: NATIONAL COUNTERINTELLIGENCE STRATEGY OF THE UNITED STATES

Preface

The Counterintelligence Enhancement Act of 2002 (50 USC 401) directs that the Office of the National Counterintelligence Executive produce, on an annual basis, a strategy for the counterintelligence programs and activities of the United States Government. This is the first *National Counterintelligence Strategy* promulgated pursuant to that Act. President George W. Bush approved this *National Counterintelligence Strategy* on March 1, 2005.

Counterintelligence, as defined in the National Security Act of 1947, is "information gathered and activities conducted to protect against espionage, other intelligence activities, sabotage, or assassinations conducted by or on behalf of foreign governments or elements thereof, foreign organizations or foreign persons, or international terrorist activities."

As used in this *Strategy*, counterintelligence includes defensive and offensive activities conducted at home and abroad to protect against the traditional and emerging foreign intelligence threats of the 21st Century.

Introduction

The National Security Strategy of the United States seeks to defend the peace by fighting terrorists and tyrants, to preserve the peace by building good relations among the great powers, and to extend the peace by encouraging free and open societies on every continent.

These fundamental objectives of our great Nation are not easily won. The terrorists and tyrants, the opponents of peace and freedom, are not passively watching from the sidelines. They are actively engaged in efforts to undermine the United States and our allies, and these efforts include some dimension of intelligence activities directed against us. Specifically, foreign adversaries seek to:

- Penetrate, collect, and compromise our national security secrets (including sensitive information, plans, technology, activities, and operations) to advance their interests and defeat United States objectives.
- Manipulate and distort the facts and reality presented to United States policy-makers by manipulating the intelligence we gather, and by conducting covert influence operations.
- Detect, disrupt and counter national security operations including clandestine collection and special activities, special operations, other sensitive intelligence, and military and diplomatic activities.
    - Acquire critical technologies and other sensitive information to enhance their military capabilities or to achieve an economic advantage.
    - Collectively, these foreign intelligence activities present a threat to the Nation's security and prosperity. The United States requires national, systematic, and well- defined policies to counter them. A key to success in defeating these threats is a strategic counterintelligence response that supports the National Security Strategy.
    - *The National Counterintelligence Strategy of the United States* has four essential objectives:
    - Identify, assess, neutralize, and exploit the intelligence activities of foreign powers, terrorist groups, international criminal organizations, and other entities who seek to do us harm.
    - Protect our intelligence collection and analytic capabilities from adversary denial, penetration, influence, or manipulation.
    - Help enable the successful execution of our sensitive national security operations.
    - Help safeguard our vital national security secrets, critical assets, and technologies against theft, covert foreign diversion, or exploitation.

To achieve these objectives, we will draw upon the full range of counterintelligence capabilities including counterespionage, counter deception, and offensive operations against hostile intelligence activities. Each of these national security tools must be strategically driven and employed to protect the United States from foreign threats, and to advance our national interests.

This document sets forth the national counterintelligence strategy of the United States in the context of our broad national security objectives and the foreign intelligence threats we face.

Counterintelligence and National Security

America faces substantial challenges to its security, freedom and prosperity. To meet them we must defeat global terrorism, counter weapons of mass destruction, ensure the security of the homeland, transform defense capabilities, foster cooperation with other global powers, and promote global economic growth. Our ability to meet these challenges is threatened by the intelligence activities of traditional and non-traditional foreign powers. Foreign intelligence services and others (e.g., terrorists, foreign criminal enterprises, cyber intruders, etc.) use clandestine activities and operations to harm and disadvantage U.S. national security interests. Counterintelligence is a key strategic national security tool that we use to defeat these foreign threats.

I. We will extend the safeguards of strategic counterintelligence to the Global War on Terrorism.

During the Cold War, our adversaries gained access to vital secrets of the most closely guarded institutions of our national security establishment. These included the clandestine, technical, and analytic directorates of the CIA; the counterintelligence division of the FBI; sensitive National Security Agency operations; Naval intelligence operations; nuclear weapons information; cryptographic keys for our secure communications; operational war plans for the defense of Europe; and plans for ensuring the survival of United States leadership in the event of war.

These peacetime losses resulted in grave damage in terms of secrets compromised, intelligence sources and methods degraded, and lives

lost. Moreover, these compromises could have had even greater consequences had we been forced to go to war. Today we are engaged in a war on terrorism which has invaded our shores and threatens Americans around the globe. In this war, the potential consequences of counterintelligence failures are more immediate than during the Cold War, and put in jeopardy our combat operations, deployed forces, intelligence officers, diplomats, and other U.S. citizens.

Terrorists gain an advantage when they have the support of a state sponsor, which allow the intelligence services of these regimes to act as links to global terrorist networks. In Afghanistan and Iraq, we have seen limited examples where enemy intelligence operations have enabled terrorists to target Americans. In addition, Al Qaida and other terrorist organizations have employed classic intelligence methods to gather information, recruit sources, and run assets. In order to operate clandestinely, terrorist groups often act like intelligence organizations by conducting pre-operational planning, compartmented operations, covert communications, and training. The global war on terrorism requires an effective counterintelligence strategy to help counter these hostile activities.

II. U.S. counterintelligence will shift from a reactive posture to a proactive strategy of seizing advantage.

If the purpose of intelligence operations and analysis is to understand an adversary's plans and intentions, the purpose of counterintelligence is to be aware of and exploit the adversary's intelligence operations. We need to be aggressive and creative in exposing the activities of foreign intelligence services. Utilizing a proactive counterintelligence strategy can help identify specific intelligence collection techniques, and gauge an appropriate response to counter the interests of an adversary. This requires a tighter coupling between organizations that collect foreign intelligence, and counterintelligence organizations, in order to fully exploit collection, analysis, and offensive operations. We need to incorporate counterintelligence considerations into strategic and tactical planning, operations, and training. The Intelligence Reform and Terrorism Prevention Act of 2004, which created a Director of National Intelligence, with a National Counterintelligence Executive under the Director, takes a significant step toward increasing community-wide coordination.

Since 1985, nearly 80 Americans have been arrested for crimes related to passing classified information to foreign governments. These spies were able to operate undetected for too long with disastrous results.

- The Walker ring in the Navy – over 17 years
- The Conrad group in the U.S. Army – over 18 years
- The Ames case in CIA – over 7 years
- The Hanssen case in the FBI – over 21 years
- The Montes case in DIA – over 15 years.

Although each of these cases represents an individual success in terms of a criminal prosecution, taken as a whole they reveal a larger systemic vulnerability in our national security. In the past, a comprehensive focus was lacking in the intelligence community's approach to protecting secrets. The counterintelligence mission must be transformed into a more coordinated, community-wide effort to help neutralize penetrations of our government. Within the United States, we must transform both our operational and analytical focus from a case-driven approach to a more strategic assessment of an adversary's presence, capabilities and intentions. Strategic counterintelligence analysis must drive operations. This requires looking beyond customary targets, such as known intelligence officers, to a larger population of foreign visitors and others whose activities suggest they might be involved in intelligence collection activities against the United States.

III. U.S. counterintelligence will help protect the sensitive technologies that are the backbone of our security.

The U.S. national defense strategy is based on a continuous transformation that utilizes cutting-edge capabilities, and places a premium on sensitive technologies that provide an advantage. Plans that ensure strategic superiority can be jeopardized if essential secrets are stolen and incorporated into an adversary's weapons systems. The United States spends billions of dollars developing weapons systems, which often rest on essential technological secrets. If foreign intelligence services steal these technological secrets, both our resource investment and our national security advantage are lost.

Today, more than 90 countries target sensitive U.S. technologies. Many employ collection techniques that extend beyond simple clandestine operations, and include tasking visiting businessmen, scientists, foreign students, trade shows, and debriefing visitors upon their return home. Counterintelligence planning and execution must proceed from a national counterintelligence strategy and be an inherent part of the mission at research laboratories, defense establishments, and with partners in industry. Counterintelligence and security considerations should not be an afterthought imposed on scientists, researchers, and those who develop sensitive technology. Coordinated and integrated counterintelligence information and analysis will be made available to senior government leaders, and, when appropriate, to security managers in the private sector.

Comprehensive risk management, valid security practices, and an informed strategic worldview are among the best guarantors of success against foreign intelligence threats. We will reach out to the private sector, especially those in the science and technology community, to increase intelligence threat awareness by providing threat information, and educating these audiences to the variety of ways our adversaries acquire and steal information.

The departments and agencies charged with protecting the homeland are building new channels for information sharing across government, including at the state and local level, with private industry, and with foreign partners. We must ensure our adversaries do not exploit these new arrangements, which could defeat the very goal of information sharing. In the global war on terrorism, we have entered into partnerships with foreign governments and international organizations whose many views and interests may be different from our own. We must ensure that intelligence sharing is measured against potential risks and sensitive intelligence sources, methods, and operations are safeguarded.

IV. U.S. counterintelligence will safeguard the integrity of intelligence operations and analysis, and defeat foreign intelligence operations.

Intelligence is vital to the formulation and execution of U.S. national security policy and to the Nation's security. Today, the integrity of our intelligence is increasingly challenged, as adversaries seek to deny us insight into their plans and mislead our decision-makers. Therefore,

ensuring the reliability of intelligence becomes a key function of counterintelligence and is a necessary precondition to its very usefulness.

Foreign intelligence services have acquired significant amounts of our classified information, including sensitive U.S. intelligence capabilities. As a result of this knowledge, some countries have become very adept at deceiving and misleading us. These foreign powers attempt to present a false picture of reality through denial and deception operations which increases our uncertainty about their capabilities and intentions. It is the goal of counterintelligence operations and analysis to pierce that false picture, and the threats posed by these adversaries.

An intelligence capability is only as strong as the counterintelligence practices that ensure its integrity. Significant failures in counterintelligence can result in significant failures in positive or foreign intelligence. For example, while a given collection system may yield a wealth of intelligence, it may be useless and misleading if it has been corrupted to show only what an adversary wants us to see. While there are no guarantees that our intelligence collection efforts and our analysis are always accurate, we must establish rigorous procedures to help ensure the integrity of the intelligence that reaches decision-makers. Counterintelligence can supply techniques by which the reliability of a collection system, the *bona fides* of an asset, or the accuracy of an analytic judgment can be validated to ensure its integrity.

V. U.S. counterintelligence will seek to ensure a level economic playing field so that business and industry are not disadvantaged by foreign intelligence operations.

The United States is a nation of commerce and we value the freedom of trade as both a personal liberty and a cornerstone of national wealth. However, if adversaries can exploit the technological accomplishments of industry and gain an unfair advantage, not all trade inures to the Nation's good. While most foreign economic competition is open and lawful, it is not exclusively so. Some business competitors, supported by foreign intelligence services, employ classic intelligence methods in an attempt to gain an advantage over American companies. The outflow of sensitive trade secrets and proprietary information erodes our comparative economic advantage, and undermines national security. Foreign companies that unlawfully

acquire U.S. technology are able to compete unfairly against U.S. firms, which bear heavy research and development costs associated with innovative technology.

As our economy moves toward dependency on the benefits of information technology and networked data systems, our economic well-being and our national security could become valuable to foreign intelligence intrusion and manipulation of our cyber systems. We must ensure that we identify, understand, and counter these threats.

We will seek to identify foreign intelligence operations conducted against U.S. business and industry and we will provide the appropriate threat information to enable them to take such risk mitigation measures as they deem prudent.

VI. The intelligence community will ensure that counterintelligence analytical products are available to the President and his national security team to inform decisions.

To the extent we can observe them, the intelligence activities of foreign powers are a window into their respective interests and plans. Insights into the foreign intelligence activities of others can confirm or shape the prospects for cooperation. Effective counterintelligence analysis can connect the seemingly detached, illuminate hidden relationships, and reveal patterns of activity and behavior previously not observed. In this manner, counterintelligence can supply unique insights into the actions of our adversaries and the actions directed against us, as well as provide opportunities for advancing our own interests.

Counterintelligence represents a philosophic approach that can help bring coherence to many areas of national policy. Effective counterintelligence and security are integral to program efficiency, combat, and operational effectiveness, and foreign policy success. For each national security program, military endeavor, and foreign policy undertaking, there should be consideration for a corresponding counterintelligence plan to help ensure success.

Building a National Counterintelligence System

The counterintelligence capabilities of the United States evolved over time to fit the shape and mission of the disparate institutions in which they are housed. The defined missions of some counterintelligence elements are non-specific, and taken together, these missions do not necessarily provide a response equal to the breadth of the threats arrayed against the United States. Together with their parent national security agencies, these counterintelligence elements must transform to meet the threats of the 21st Century.

Until recently, counterintelligence was an enterprise with no single leadership voice. The counterintelligence community's structure was fragmented and too tactically oriented to provide comprehensive protection to the Nation. The community was not designed to accomplish a strategic mission; rather, the various counterintelligence elements were part of a loose confederation of independent organizations with narrow and differing responsibilities, jurisdictions, and capabilities. Operations tended to focus on individual cases and were conducted with insufficient strategic overview of the potential impact of a synergistic effort.

In the future, each member of the counterintelligence community must be prepared to assume new responsibilities, and join together in a unity of effort, as the *National Counterintelligence Strategy* matures. To be effective, the *National Counterintelligence Strategy* requires that essential processes and features be inculcated into government structures and business models. A national system is needed to integrate, direct, and enhance United States counterintelligence in support of national security decision-making. The features of the National Counterintelligence System include:

National policy leadership and strategic direction. The Director of National Intelligence and the National Counterintelligence Executive, supported by the National Counterintelligence Policy Board, will chart the national counterintelligence mission and will direct and coordinate the resources of the counterintelligence community to accomplish a number of national-level goals including:

- A national program for counterintelligence activities that is strategic, coordinated, and comprehensive in understanding foreign intelligence threats.
- An array of strategic counterintelligence operational and informational options in foreign and defense policy for the President and his national security leadership team.
- A comprehensive assessment and description of foreign intelligence threats and risks to United States national security interests.
- The allocation of counterintelligence community resources prioritized against risk and opportunity.
- Specific counterintelligence policies for attacking foreign intelligence services systematically via strategic counterintelligence operations.

Facilities for cross-agency and cross-disciplinary work. Executing the national counterintelligence mission requires the careful orchestration and integration of many centers of analytic and operational expertise throughout the government. The Director of National Intelligence and the National Counterintelligence Executive will examine the need to establish a national counterintelligence center to integrate threat data, refine collection requirements, and provide a basis for initiating and supporting counterintelligence operations.

Damage assessment process. When national security secrets are lost through espionage or other disclosures, we must assess the loss and impact in order to mitigate damage. In the past, damage assessments received too limited a distribution because of security concerns. We must apply the lessons learned from damage assessments to ensure future vulnerabilities are mitigated. This will require the counterintelligence community take a more centralized approach to these assessments. We will improve the process to support more timely and thorough damage assessments, and ensure the findings are made available to decision-makers with relevant responsibilities.

Resources and performance measurement. The success of any intelligence initiative, sensitive technology development, or national

security program depends in part on effective counterintelligence and security. In the past, counterintelligence support was viewed as an unfunded or underfunded mandate with little consideration of requirements or costs. The planning and budgeting processes should ensure dedicated funding for counterintelligence and security requirements are integrated into sensitive plans and programs. We should seek to ensure the best use of resources is measured against the *National Counterintelligence Strategy* by including performance metrics to chart progress against strategic goals and objectives.

Training and standardization of the counterintelligence cadre. The training and education of collectors, analysts, investigators, and operators in the counterintelligence community has not always been equal to the performance we have demanded of them. The complexity of this subject requires a mastery of many disciplines and skills. The counterintelligence profession needs a set of common standards across many counterintelligence missions. We need to reach across departments and agencies to find centers of training excellence, address deficiencies, and upgrade the availability and uniformity of training.

Intelligence warning process. The disciplines of counterintelligence, with its focus on patterns of and anomalies in activities and behaviors can provide unique insights into foreign intelligence capabilities and intentions. We must ensure the perspectives gained from counterintelligence operations and analysis are incorporated into the intelligence indication and warning process.

Conclusion

At the dawn of the 21st Century, the prospects for freedom, peace and prosperity have never been brighter. Yet we are a Nation at war, and we have suffered grievous attacks on our homeland. The threats we face are grave and diverse, and the intelligence threats that accompany them are equally complex. To respond to these threats, *The National Counterintelligence Strategy of the United States* calls for a proactive response utilizing all of our counterintelligence resources.

The components of this strategic response include:

- Improvements to each of our counterintelligence capabilities to meet the range of foreign intelligence threats: human, technical and cyber.
- All source counterintelligence analysis and strategic planning to drive operations in order to identify, assess, neutralize and exploit foreign intelligence activities before they can do harm to the United States.
- Coordination, integration, and strategic orchestration of the activities of the counterintelligence elements of the government.
- Counterintelligence support to, and involvement by, all national security policy elements of the government.

Appendix C: Appendices to "U.S. Government Response to Human Trafficking in the 21st Century"

APPENDIX C1—TERMINOLOGY

The terms "human trafficking" and "trafficking in persons" are commonly used in the U.S. to refer to "severe forms of trafficking in persons," defined in the foundational Trafficking Victims Protection Act (TVPA) of 2000[1190] as:

Sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age; or ... the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.

The law also provides definitions for the following terms:

Sex trafficking: "The recruitment, harboring, transportation, provision, or obtaining of a person for the purpose of a commercial sex act."

Commercial sex act: "Any sex act on account of which anything of value is given to or received by any person."

Coercion: "a) threats of serious harm to or physical restraint against any person; b) any scheme, plan or pattern intended to cause a person to

1190 United States. *Trafficking Victims Protection Act*. Washington, DC: United States, 2000. Sec. 106-386.

believe that failure to perform an act would result in serious harm to or physical restraint against any person; or, c) the abuse or threatened abuse of the legal process."

Involuntary servitude: "a condition of servitude induced by means of (a) any scheme, plan, or pattern intended to cause a person to believe that, if that person did not enter into or continue in such condition, that person or another person would suffer serious harm or physical restraint; or (b) the abuse or threatened abuse of 18 the legal process."

In the case of children, there is general agreement in the U.S. and within much of the international community that the term "trafficking" applies whether a child was taken forcibly or voluntarily.[1191]

Many additional non-governmental, multilateral, and multinational definitions have been proposed. The UN defines human trafficking as:

[The] recruitment, transportation, transfer, harboring, or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud or deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation includes, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery, servitude, or the removal of organs.[1192]

An important distinction is drawn between human trafficking and human smuggling. Many trafficking victims depart their home countries willingly smuggled to another nation, causing some confusion between the terms. According to a report to the National Institute of Justice:

Smuggling and trafficking both involve moving human beings for profit, but in smuggling the relationship between migrants and offenders (the smugglers) usually ends on arrival in the destination

1191 Ribando, Clare M. *Trafficking in Persons: U.S. Policy and Issues for Congress*. Washington, DC: Congressional Research Service, 2007. 1.

1192 United Nations Office of Drugs and Crime. *Trafficking in Persons: Global patterns*. New York: United Nations, 2006. 50.

country. The criminal's profit is derived from the process of smuggling the migrant alone. In cases of trafficking, some subsequent exploitation for profit, such as coerced labor or sexual exploitation is also involved.[1193]

APPENDIX C2 – AUTHORITIES

Legislative Authorities

The following table provides an overview of relevant U.S. anti-trafficking legislation:

Table 1. Overview U.S. Anti-Trafficking Legislation

YEAR	LEGISLATION	KEY PROVISIONS
2000	Trafficking Victims Protection Act (TVPA)	Establishes Interagency Task Force to Monitor and Combat Trafficking Creates Department of State's Office to Monitor and Combat Trafficking Directs Secretary of State to provide annual report on foreign nations' compliance and establishes minimum standards Increases maximum sentence for convicted offenders Sets conditions for restitution of victims in the United States, including amendment of the Immigration and Nationality Act Provides for assistance to foreign nations for anti-trafficking programs.
2003	Foreign Relations Authorization Act	Supports to various local U.S. non-governmental organizations and initiatives that provides emergency, social, legal, cultural, and other services to victims Provides for the safe integration, reintegration, relocation, and repatriation of victims.

1193 Bales, Kevin, and Steven Lize. *Trafficking in persons in the United States a report to the National Institute of Justice: final report.* Jackson: Croft Institute for International Studies, 2005. 11.

YEAR	LEGISLATION	KEY PROVISIONS
2003	TVPA Reauthorization	Establishes the Senior Policy Operating Group (SPOG) to address interagency policy, program, and planning issues. Increases funding for anti-trafficking programs in FY2004 and FY2005 (over $100 million for each fiscal year) Expands and refines minimum trafficking standards Creates watch list for severe offender countries.
2004	Intelligence Reform and Terrorism Protection Act	Establishes Human Smuggling and Trafficking Center (HSTC), jointly operated by Department of Homeland Security, Department of State, and the Department of Justice, to serve as a clearinghouse for information on terrorist travel, migrant smuggling, and human trafficking.
2005	TVPA Reauthorization	Increases assistance and services to foreign victims in the U.S. Attempts to better address trafficked children and Americans. Directs relevant departments and agencies to develop anti-trafficking strategies for post-conflict contingencies and humanitarian emergencies abroad. Extends U.S. jurisdiction over U.S. officials overseas such as peacekeepers or aid workers who are complicit in trafficking.
2006	TVPA Reauthorization	Authorizes anti-TIP appropriations for FY2006 and FY2007.
2007	Implementing the 9/11 Commission Recommendations	Seeks to direct the Secretary of Homeland Security to provide specified funding and support to the HSTC
2007	TVPA Reauthorization	Seeks to authorize funds for anti-trafficking programs for FY2008 through FY2010

YEAR	LEGISLATION	KEY PROVISIONS
2007	Congressional Commission on the Abolition of Modern-Day Slavery	Seeks to establish a commission to evaluate the effectiveness of U.S. anti-slavery efforts, including anti-trafficking, and make recommendations.
2007	William Wilberforce TVPA Reauthorization	Seeks to increase pressure on legalizing countries through establishment of new minimum standard. Seeks to increase the role of the SPOG to review and coordinate all domestic grants and grant policies. Seeks to expand penalties and statutory authorities for prosecuting "sex tourist operators" Seeks to end the current overlap in jurisdiction within the Department of Justice by assigning anti-TIP responsibilities to the Criminal Division (not Civil Rights Division).

Table 2: U.S. Code Titles related to human trafficking

TABLE 2. OVERVIEW OF RELEVANT U.S. CODE TITLES	
TITLE	**FOCUS AREA**
U.S. Code Title 8	Addresses trafficking in the context of aliens and nationality
U.S. Code Title 18	Addresses trafficking in the context of crimes and criminal procedure
U.S. Code: Title 19	Provides key definitions related to child labor and human trafficking
U.S. Code: Title 22	Addresses trafficking authorities internationally
U.S. Code: Title 31	Addresses trafficking in the context of money and Finance
U.S. Code: Title 42	Addresses trafficking authorities Domestically

Executive Authorities

The table below provides an overview of Presidential Directives and Executive Orders related to anti-trafficking:

Table 3. Overview of Relevant Executive Authorities

YEAR	DIRECTIVE	KEY DIRECTION
1998	Presidential Executive Memorandum on Steps to Combat Violence Against Women and Trafficking in Women and Girls	Sets focus on the areas of prevention, victim assistance and protection, and enforcement and prosecution.
2002	National Security Presidential Directive on Combating Trafficking in Persons	Identifies human trafficking as an important national security concern Directs federal agencies to strengthen collective effort, capabilities, and coordination to support anti-TIP goals.
2002	Executive Order 13257 President's Interagency Task Force to Monitor and Combat Trafficking in Persons	Establishes Cabinet level Interagency Task Force to Monitor and Combat Trafficking in Persons.
2004	Executive Order: Amending Executive Order 13257 to Implement the Trafficking Victims Protection Reauthorization Act of 2003	Directs the Senior Operating Policy Group to establish guidelines and policies to coordinate the activities of executive departments and agencies related to trafficking.

APPENDIX C3 – EXECUTIVE BRANCH ROLES AND RESPONSIBILITIES

Appendix C3 provides a summary of the roles and responsibilities of the major U.S. departments and agencies and select subordinate offices that play a role in anti-trafficking initiatives in the U.S. or abroad. All of the organizations listed have participated in the Senior Policy Operating Group (SPOG) on Human Trafficking, an interagency mechanism created to address emerging policy, program, and planning issues.

Table 4. Department and Agency Roles and Responsibilities

Department	Subordinate office(s)		Roles and Responsibilities
State	Diplomatic Security		Investigates passport and visa fraud violations
			Funds the Return Reintegration and Family Reunification Program for Victims of Trafficking
	Population, Refugees, and Migration		Funds international anti-trafficking programs
	Office to Monitor and Combat Trafficking in Persons		Funds international anti-trafficking programs
	International Narcotics and Law Enforcement		Provides administrative and funding support to the HSTC
Justice	Federal Bureau of Investigations	Civil Rights	Investigates forced labor, sex trafficking, involuntary servitude, and peonage statutes
		Field offices	Investigates trafficking crimes
		Crimes Against Children	Investigates trafficking in children
	Civil Rights Division	Criminal Section	Primary prosecutorial agency for trafficking crimes
			Funds and staffs hotline to report trafficking crimes
	Criminal Division	Child Exploitation and Obscenity	Prosecutes child sex trafficking crimes
		Overseas Prosecutorial Development, Assistance, and Training	Provides subject-matter experts to help foreign governments improve anti-trafficking capacity
		International Criminal Investigative Training Assistance Program	Provides grants and technical assistance to foreign law enforcement prosecutors judges and other officials
	U.S. Attorneys		Prosecutes trafficking within jurisdictions
	Office of Justice Programs	Bureau of Justice Assistance	Funds domestic programs such as anti-trafficking task forces
		Bureau of Justice Statistics	Conducts Trafficking in Persons research
		National Institute of Justice	Conducts Trafficking in Persons research
		Office of Victims of Crime	Provides assistance to victims prior to certification
	Office of Legal Policy		Produces Attorney General s annual report to Congress to assess USG activities to fight trafficking
Labor	Employment Standards Administration	Wage and Hour Division	Investigates complaints of labor law violations
	Women s Bureau		Produces TIP guide for non-governmental organizations
	Employment and Training Administration		Provides social, educational, training and other services through a one-stop career center system
	Bureau of International Labor Affairs	Office of Child Labor, Forced Labor, and Human Trafficking	Conducts research on human trafficking
			Funds and oversees cooperative agreements to anti-child labor organizations internationally
			Assists in the development and implementation of U.S. government policy on international child labor, forced labor, and human trafficking issues
Health and Human Services	Administration for Children and Families	Office of Refugee Resettlement	Certifies (for receipt of benefits) foreign victims of trafficking once identified
			Funds victim assistance and awareness programs for foreign victims in the U S
Homeland Security	Immigration and Customs Enforcement (ICE) and ICE field offices	Office of Intelligence	Process information on human trafficking to provide assessments on trends and developments
		Office of Investigations	Investigates trafficking crimes and executes immigration policies
	Citizen and Immigration Services		Grants visas and works with ICE s Parole and Humanitarian Assistance Branch on awarding continued presence status
	Customs and Border Protection (CBP)	CBP	Provides training to all incoming law enforcement personnel on how to identify and respond to trafficking
		Office of Alien Smuggling Interdiction	Created to address related global problems migrant smuggling and human trafficking
International Development	Regional Bureaus		Funds international anti-trafficking in persons country and regional initiatives that prevent trafficking, protect and assist victims, and support prosecutions through training for officials in judicial systems
Defense	DoD Components (as defined in Department of Defense Instruction Number 2200.01 on "Combating Trafficking in Persons"). [1]		The Combatting Trafficking in Persons program implemented by the Department of Defense is primarily focused on policies, training, and awareness of members of the Department and their contractors

[1] Department of Defense 2007 Instruction Number 2200 01 on "Combating Trafficking in Persons "