THE EXECUTIVE BRANCH AND FOREIGN POLICY MAKING

THE EXECUTIVE BRANCH plays the most important role in creating and implementing U.S. foreign and military policy; within the executive branch, the president is the most important individual. Among executive departments, the Department of State plays a major role in foreign and military policy. So, too, does the Department of Defense, the Central Intelligence Agency, and the National Security Council. These institutions and agencies, with only a few additions such as the newly created Department of Homeland Security, remain the core of U.S. foreign and military policy making and implementation.

The President

The president is preeminent in foreign and military policy for several reasons. The president alone is in charge of all the resources that the executive branch can apply to foreign and military policy. The president has greater access to and control over information, and the president alone can act with little fear that his actions will be countermanded.

American presidents have often used their authority to order U.S. armed forces to engage in actions without seeking approval from others. Ronald Reagan ordered air strikes against Libya and the invasion of Grenada, George Bush ordered the invasion of Panama, and Bill Clinton ordered cruise missile attacks against Afghanistan, Iraq, and Sudan, all

■ Although they disagreed with the United States about the U.S.-led invasion of Iraq, leaders of the G-8 countries continue to meet regularly to discuss trade, world debt, terrorism, and other international issues. Here they assemble for a meeting hosted by President George W. Bush in Georgia in June 2004.

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The United States and the International Criminal Court

In 1998, a United Nations conference finalized a treaty establishing an International Criminal Court (ICC) that would have jurisdiction over crimes against humanity, war crimes, and genocide once sixty states ratified it. By 2001, 139 states had signed the treaty. The United States was not one of them.

The United States opposes crimes against humanity, war crimes, and genocide. In the mid-1990s, it deployed thousands of troops to Bosnia to help prevent genocide. In the late 1990s, it supported the creation of a UN tribunal that indicted Yugoslav President Slobodan Milosevic for war crimes and convicted other Serbs of crimes against humanity for their ethnic-cleansing campaign against Bosnian Muslims. In 1999, the United States contributed most of the armed forces for NATO's military operation against ethnic cleansing in Kosovo.

Why then did the United States not support the ICC? Some conservative Americans believed that the powers the ICC statutes gave the court might lead to politically motivated prosecutions of U.S. military personnel involved in peacekeeping missions, fearing that frivolous charges might be made against U.S. personnel engaged in legitimate activities. For example, Senator Jesse Helms (R–NC) argued that a government that committed human rights abuses against its citizens might charge that a member of the U.S. armed forces trying to prevent such abuses was violating the rights of its citizens and bring charges against him or her in the ICC. Defenders of the ICC asserted that this could not occur, because the ICC statutes allowed the United States and other peacekeeping states to preempt the ICC by first trying anyone so accused in their own national courts.

The United States under President Bill Clinton signed the treaty in 2000, but the Senate never ratified it. When George W. Bush took office in 2001, he renounced the treaty. As the International Criminal Court neared operational status in 2002, Bush threatened to oppose all UN peacekeeping missions if the ICC began operations, to refuse to provide U.S. funding for such operations if approved, and to refuse to have U.S. forces participate in any peacekeeping efforts.

The Bush administration also initiated an extensive diplomatic offensive designed to conclude one-on-one agreements with other countries that they would not prosecute or bring changes against U.S. peacekeepers. By late 2002, at least twelve countries had signed such agreements, but most were close U.S. allies such as Israel, small countries such as Micronesia and the Marshall Islands, or countries strongly influenced by U.S. preferences, such as Tajikistan and Honduras.

The U.S. diplomatic effort was widely criticized outside the United States as an attempt to circumvent the ICC. For example, the European Union and many of its members chastised the United States, and Amnesty International called the effort an attempt to undermine the ICC. By early 2005, the future of U.S. participation in the ICC remained unclear.

Simulation
You Are the President

on their own authority. Although these presidents informed congressional leaders of their intended actions, they made the decision and undertook the action on their own. For far more extensive and serious military commitments—such as the 1991 Persian Gulf War and the 2003 U.S.-led invasion of Iraq—the president sought and received congressional approval in advance.

The president has exclusive sources of information—Department of State diplomats, military attaches working for the Department of Defense, CIA agents, and technical means of gathering information, such as satellites—that others do not have. Private citizens, companies, interest groups, Congress, and the media cannot match the president's sources for information such as the whereabouts of Osama bin Laden and al-Qaeda operatives. Unfortunately, however, sometimes even the president does not have enough information.

The president's power in foreign and military policy is not absolute. Congress, the media, and the public often disagree with the president and seek to alter foreign and military policy decisions he has made. The Departments of State and Defense bureaucracies also sometimes disagree with presidential decisions (and with each other) and work to slow or prevent their implementation. Each president also has an individual management style and uses the assets and information that are available for foreign and military policy as he sees fit.[21] For example, President Eisenhower wanted formal lines of authority and divided responsibility. Presidents Kennedy and Clinton preferred a collegial management style and often relied on ad hoc working groups. George W. Bush also prefers collegial decision making. There are no set rules for how a president makes or conducts foreign and military policy.

The Departments of State and Defense

The Departments of State and Defense have responsibility for implementing U.S. foreign and military policy. The 22,000 personnel within the **Department of State** gather information on foreign political, economic, social, and military situations, represent the United States in negotiations and international organizations, and provide services such as processing visa applications. U.S. interests are served by U.S. embassies and consulates of the Department of State in more than 160 countries.

In 1999, the Department of State expanded its role by absorbing two independent agencies: the Agency for International Development and the Arms Control and Disarmament Agency. Funding for foreign affairs programs directed by the Department of State was approximately $24 billion in 2004, not including several billion more earmarked to help rebuild Iraq. This sum included funds for State's efforts to make U.S. embassies more secure due to continuing terrorist threats.

The **Department of Defense** provides the forces to undertake military operations. It was created after World War II when Congress consolidated the Departments of War, Army, Navy, and Air Force into a single department. Under the secretary of defense and other appointed civilian officials, the Department of Defense directs U.S. forces from the Pentagon, a complex across the Potomac River from Washington, D.C. With thousands of officials overseeing its operations, the Department of Defense is among the most influential executive departments.

When the Cold War ended, the United States cut its armed forces from 2.2 million personnel in 1987 to 1.4 million in 2002. Defense spending also declined, but in the wake of the 9/11 terrorist attacks and wars in Afghanistan and Iraq, it has been increasing. Even at the lowest point, however, the Department of Defense still accounted for nearly one-fifth of federal spending. The department has also increased its use of high technology to help the military accomplish its missions. (See Figure 19.2 for current U.S. military deployments overseas.)

The Department of Defense since the end of the Cold War has been tasked with several new missions, including providing humanitarian relief, extending disaster relief in the wake of hurricanes and earthquakes, and peacekeeping in Bosnia, Haiti, and Kosovo. It also plays a major role in the global war on terrorism.

Department of State
Chief executive-branch department responsible for formulation and implementation of U.S. foreign policy.

Visual Literacy
Evaluating Defense Spending

Department of Defense
Chief executive-branch department responsible for formulation and implementation of U.S. military policy.

Central Intelligence Agency (CIA)
Executive agency responsible for collection and analysis of information and intelligence about foreign countries and events.

National Security Council (NSC)
Executive agency responsible for advising the president about foreign and defense policy and events.

The Central Intelligence Agency and National Security Council

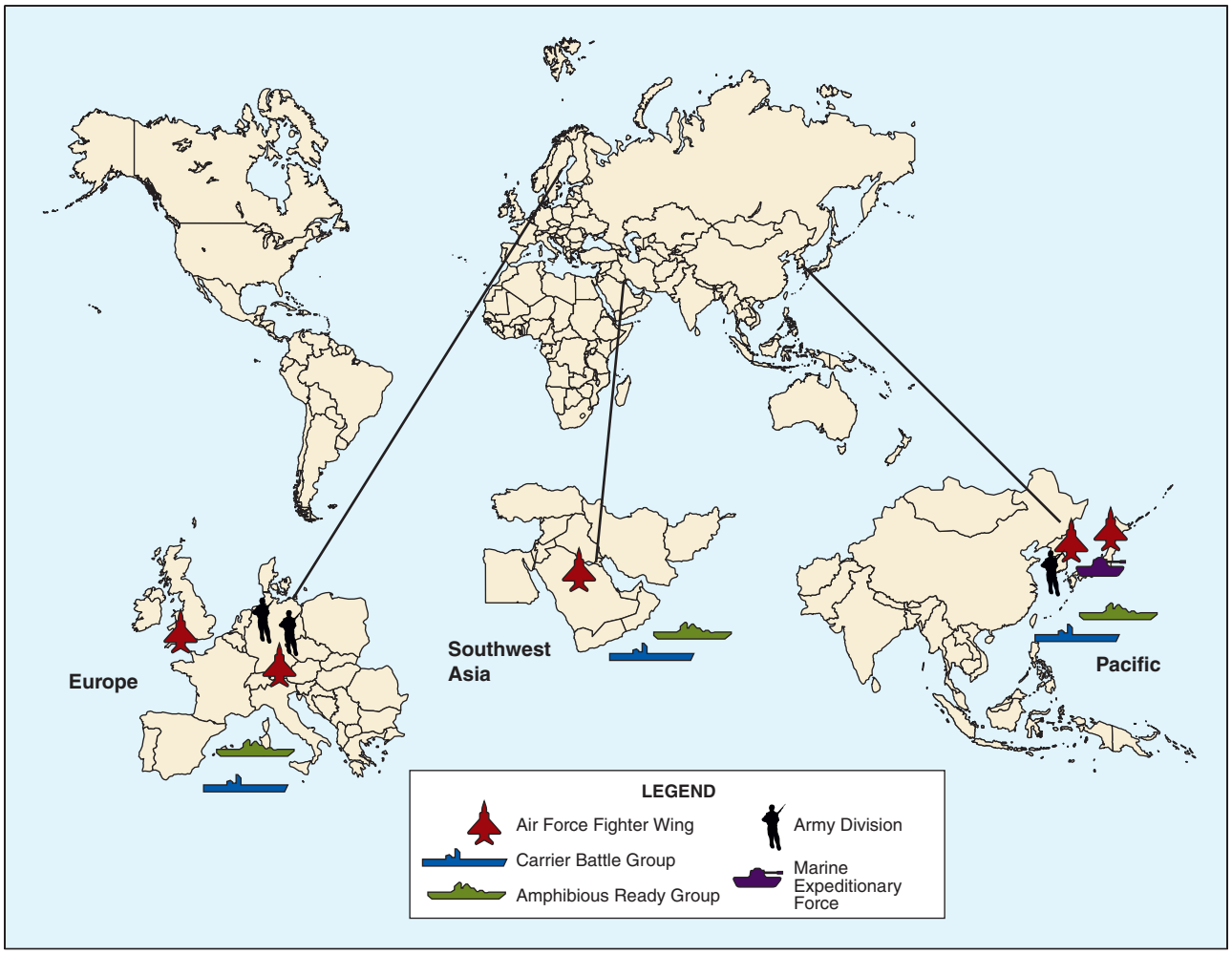
The **Central Intelligence Agency (CIA)** and the **National Security Council (NSC)** were established by Congress in 1947 to respectively collect, collate, and analyze information necessary to meet national security requirements and to advise the president on foreign and military affairs. The CIA, the primary agency in the world's largest and most expensive intelligence community, consists of thirteen agencies, including the Defense Intelligence Agency, the National Security Agency, four armed services intelligence groups, the National Imagery and Mapping Agency, the National Reconnaissance Office, and other agencies.

During the Cold War, the CIA ran covert operations to try to alter political events in many countries.[22] At times, these operations undermined broader U.S. objectives by supporting assassinations, corruption, and other scandalous activities. In the 1970s, Congress criticized the CIA and mandated changes in procedures to provide more congressional oversight to its secret operations. In the 1990s, the end of the Cold War and the penetration of the CIA by foreign agents raised congressional interest in reforming the CIA. Interest in reforms increased even before September 11, 2001.

Photo courtesy: Dennis Brack

■ As national security adviser, Condoleezza Rice provided daily briefings to President George W. Bush about global threats. For his second term, President Bush selected Rice to be his secretary of state, replacing Colin Powell.

FIGURE 19.2 The Outlines of U.S. Overseas Military Presence. ■



Note: Boundary representations are not necessarily authoritative. Overseas configurations vary according to national deployment schemes.

Source: Department of Defense, *1998 Annual Defense Report* (Washington, DC: Government Printing Office, 1998). Updated by the authors according to current deployments.

After the 9/11 terrorist attacks, the CIA and the rest of the intelligence community were criticized for failing to identify clues that could have prevented the attacks and for relying too heavily on electronic means of gathering intelligence and not heavily enough on human sources. The CIA and other agencies responded that there was insufficient evidence to conclude that attacks were imminent and that more funds are required to hire human intelligence sources and analysts. There is also evidence that the FBI and CIA failed to inform each other of evidence that suggested a terrorist plot involving airplanes was being planned by al-Qaeda. Faulty intelligence also apparently led President George W. Bush into believing that Iraq had weapons of mass destruction in 2003. The CIA director at the time, George Tenet, reportedly told the president that evidence of Iraq's WMDs was a "slam dunk case."[23] Later it was argued that the CIA had relied heavily on Iraqi exiles—Ahmad Chalabi, in particular—who had fabricated WMD evidence against Saddam Hussein in order to encourage U.S. action.[24]

The NSC was set up to institutionalize the system by which the U.S. government integrated foreign and military policy and to coordinate U.S. activities on a range of foreign policy and military issues such as the fall of the shah of Iran and

On Campus

The Impact of 9/11 on American Campuses

The 9/11 terrorist attacks on the World Trade Center and the Pentagon had an immense impact on the United States. American colleges and universities were not immune from that impact.

Some effects of 9/11 were predictable. Colleges and universities across the United States reported increased enrollment in courses on Islam, international affairs, and terrorism. ROTC programs on many campuses experienced renewed interest. Security at information technology facilities and other sensitive sites was increased on most campuses. A number of campuses worked with state police and aviation authorities to create no-fly zones near football stadiums. Unfortunately, a few campuses also experienced anti-Arab and anti-Islamic incidents.

American campuses also became a focus of the effort to improve homeland security, a part of the U.S. global war on terrorism. This was because even though most of the 9/11 hijackers were on tourist or work visas, two were in the United States on student visas. Concern over terrorists on student visas increased more when, several months after the attacks, the Immigration and Naturalization Service (INS) admitted it had processed a pre-9/11 visa application from one of the hijackers and granted a student visa to him even after he had conducted one of the attacks and died.

The most notable impact on campuses of the effort to improve homeland security was the full implementation of the Student and Exchange Visitor Information System (SEVIS) required by the USA Patriot Act of 2001. SEVIS is a Web-based registration and tracking system operated by the INS to monitor foreign students and scholars on certain types of visas. SEVIS allows the INS to rapidly integrate information on foreign students and scholars with other information collected by the INS, U.S. intelligence agencies, and the Departments of State and Defense. Even so, SEVIS is no panacea. Only about 2 percent of the foreign nationals who enter the United States each year, or about 600,000 people, enter as scholars or students.

In 2002, the administration of President George W. Bush proposed the creation of an Interagency Panel for Science and Security that would "prohibit certain international students from receiving any training in sensitive areas, including areas of study with direct application to the development and use of weapons of mass destruction." The panel closely scrutinizes visa applications from prospective students from certain countries who are engaged in particularly sensitive fields of study.

Some efforts to improve homeland security on campuses had the potential to significantly alter campus life. For example, in Georgia, one legislator introduced a bill that would have required professors to report to the INS any foreign student who had missed class for two weeks. Although well intentioned, this would have converted professors into INS agents. Other legislators recognized this, and the bill died in committee. Other states had similar experiences.

Terrorism has had a major impact on twenty-first-century American life, and on American college and university campuses as well. Whether the steps taken to improve security in the United States or on campus will be sufficient to deter or end the terrorist threat remains to be seen.

negotiating a new Panama Canal Treaty. The special assistant for national security affairs runs the NSC and is often one of the president's closest advisers.When Colin Powell announced he was stepping down as secretary of state following President Bush's reelection, the president chose the national security adviser, Condoleezza Rice, to replace him. The NSC includes the president, the vice president, the secretaries of state and defense, the chair of the Joint Chiefs of Staff, and the director of Central Intelligence. The NSC provides advice on foreign and military affairs directly to the president.

The Department of Homeland Security

Following the 9/11 terrorist attacks on the United States, the Office of Homeland Security was created by executive order and tasked to coordinate the executive branch's efforts to "detect, prepare for, prevent, protect against, respond to, and recover from terrorist attacks against the United States." Legislation in late 2002 converted this office into the cabinet-level **Department of Homeland Security.** This conversion was the largest reorganization of the federal government since the creation of the Department of

Department of Homeland Security
Cabinet department created after the 9/11 attacks to coordinate domestic U.S. security efforts against terrorism.

Defense in 1947. Underlining both the importance of and the threat to homeland security, the new department merged twenty-two agencies and employs over 170,000 people. Its responsibilities include detecting and identifying threats against the United States, devising ways to defend against emerging threats, implementing whatever defense measures it decides on and for which it can obtain presidential approval, and ultimately preventing terrorist attacks against the American homeland. In 2003, the Senate confirmed Tom Ridge as the first secretary of homeland security.