

“WHO IS THE REAL CHIEF OF MISSION?”
IDENTIFYING THE CAUSE OF THE US FOREIGN POLICY
UNITY-OF-EFFORT PROBLEM

BY
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APPROVAL

The undersigned certify that this thesis meets master's-level standards of research, argumentation, and expression.

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DISCLAIMER

The conclusions and opinions expressed in this document are those of the author. They do not reflect the official position of the US Government, Department of Defense, the United States Air Force, or Air University.



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ABSTRACT

This study investigates the root cause of a perceived lack of unity-of-effort—the absence of an effort to coordinate elements of the State Department, the Defense Department, and other government agencies to combine capabilities to achieve unified strategic efficiencies—in US foreign-policy execution. The author evaluates different potential explanations for the source of the issue, and analyzes their validity by reviewing the relevant Congressional law that regulates the State and Defense Departments. The author concludes that prevalent explanations of the issue are merely symptoms of the root cause. The author attributes the perceived unity-of-effort problem to the way in which Congress has regulated the State and Defense Departments by law, and reformed their roles in US foreign-policy execution. This Congressional legislation appears to have developed as a result of the United States' emergence from World War II as a hegemonic superpower. The author also concludes that the two pivotal laws, the Foreign Service Act of 1980, and the Goldwater-Nichols Department of Defense Reorganization Act of 1986, in combination with the end of the Cold War and the development of the Global War on Terrorism, exacerbated the unity-of-effort issue.



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Chapter 1

Introduction

Our political system is in many ways poorly designed for the conduct of the foreign policies of a great power aspiring to world leadership.

George Kennan
American Diplomacy

Since the end of World War II, the study of civilian-military relations has become a topic that is very relevant to the United States' role as a hegemonic superpower. Prior to the war, the United States maintained a small standing military, and increased its size only when needed for war. However, after the war, the emergence of the United States as a superpower required it to maintain a large standing military in which its General Officers found themselves not only commanding troops in war, but also involved in significant diplomatic efforts.¹ This new role brought General Officers more to the forefront of both Executive and Legislative Branch decision making.² This change to the normal day-to-day operations at the highest levels of the US Government sparked an increased interest in the issue of civ-mil relations.

Researchers like Samuel Huntington and Morris Janowitz began studying the effects, and deliberating the significance, of this new, more prominent role for US General Officers on the decisions being made by both the office of the President and Congress. This debate continues today. Although changes have occurred to the military's structure and responsibilities, and to how its officers are trained and educated, the debate over the effectiveness of civilian control over the military is as relevant now as ever before. The topic has gained even more momentum as the role and influence of the State Department in foreign-policy execution has seemingly decreased, while the peacetime role of the military has increased.³

¹ Conrad C. Crane, *American Airpower Strategy in Korea, 1950-1953*, Modern War Studies (Lawrence, KS: University Press of Kansas, 2000), 7.

² James R. Locher III, *Victory on the Potomac: The Goldwater-Nichols Act Unifies the Pentagon* (College Station, TX: Texas A&M University Press, 2002), 9, 15-16, 25.

³ Rosa Brooks, *How Everything Became War and the Military Became Everything: Tales from the Pentagon* (New York, NY: Simon & Schuster, Inc., 2016), 19-21.

The US State Department has embassies and consulates in over 270 locations throughout the world.⁴ However, the US Defense Department has grown to become the nation's largest employer.⁵ The creation of the National Security Council from the National Security Act of 1947 placed more individuals from the Defense Department in the Congressionally-mandated policy-advising body than the significantly out-numbered State Department.⁶ As renowned US diplomat George Kennan observed, "the National Security Council has become a second State Department."⁷ Kennan was referring to the perception that, over time, the Executive Branch has more readily turned to the Defense Department and Combatant Commanders to execute US foreign policy than to the State Department—a phenomenon that has come to be known as the militarization of foreign policy. Perhaps the extent of this phenomenon is best summed up by the famous account of then UN Ambassador, Madeleine Albright, asking then Chairman of the Joint Chiefs of Staff, General Colin Powell, "what's the point of having this superb military that you're always talking about if we can't use it?"⁸

In her book, *The Mission*, author Dana Priest examines the phenomenon of the militarization of US foreign policy. She notes that in places like Nigeria, US foreign policy has been executed almost solely by the US military—specifically US Special Forces.⁹ Instead of relying on deep diplomatic engagement, the United States has leveraged its military to engage in training and exercises to build relationships with other states, leaving the military to accomplish US foreign-policy objectives.¹⁰ This scenario, while somewhat common and seemingly undesirable as the ideal method of achieving foreign-policy objectives, represents the military being utilized by the Executive Branch because of its resources and manpower. However, other scenarios of the militarization of US foreign policy are more alarming.

⁴ "Where We Work," US State Department, accessed 4 February 2020, <https://careers.state.gov/learn/what-we-do/where-we-work/>.

⁵ Brooks, *How Everything Became War and the Military Became Everything*, 162.

⁶ National Security Act of 1947, *US Statutes at Large* 61 (1947): 496.

⁷ George F. Kennan in J. Robert Moskin, *American Statecraft: The Story of the U.S. Foreign Service* (New York, NY: St. Martin's Press, 2013), 774.

⁸ Colin Powell and Joseph E. Persico, *My American Journey* (New York, NY: The Random House Publishing Group, 1995), 576.

⁹ Dana Priest, *The Mission: Waging War and Keeping Peace with America's Military* (New York, NY: Simon & Schuster, 2016), 175-194.

¹⁰ *Ibid.*, 179, 187.

Priest also writes on the early post-Cold War issue of US relations with Indonesia. She describes how Congress, no longer willing to overlook human rights abuses by the Indonesian government, attempted to cutoff training and interactions between the US and Indonesian militaries. Priest highlights how Combatant Commanders assigned to the Pacific region, worried that their access to transit the region would disappear, used their Congressionally-prescribed authorities to maintain those relationships and achieve their objectives, even though Congress had banned it.¹¹ According to Priest, Indonesia is a case study in how Combatant Commanders are able to work around Congress and the State Department to advance their own political-military objectives.¹² This case study she refers to is an example of the State Department working towards a certain line of effort to achieve US strategic objectives, and the Defense Department working towards a different line of effort to achieve US strategic objectives—both in the same country; both contradictory; and with no strategic unity-of-effort.

These examples provided by Priest of a US foreign-policy unity-of-effort problem are just two of many that can be studied—especially since the end of the Cold War, and even more so since the beginning of the Global War on Terrorism. The unique make-up of the United States and its system of checks and balances, along with the structure of its military and interactions between civilian and military leaders, are some of the contributing factors that have led to its success as a nation. Balanced civil-military interactions help ensure continued US prosperity. However, agents on all sides of the equation must accept their responsibility to analyze and judge the status of that balance—especially when it comes to projecting US power and executing US foreign policy. Given the amount of literature addressing the issue, there is clearly a perception that the United States has a foreign-policy unity-of-effort problem.

Research Investigation

What is the cause of the perceived US foreign-policy unity-of-effort problem? By this, I mean the different, and sometimes competing, foreign policy objectives pursued by the Department of State and the Department of Defense, and the perceived absence of an effort to coordinate elements of the US government to combine capabilities to achieve

¹¹ Ibid., 216-243.

¹² Ibid., 218-219.

unified strategic efficiencies in US foreign-policy execution. This is the question this paper researches and attempts to answer. As will be shown, multiple authors have posited differing causes for this issue. However, these authors only really address symptomatic developments that stem from the true cause of the problem. Additionally, most research involving the unity-of-effort problem focuses on solutions to the problem, without examining the cause. Unfortunately, good solutions cannot be derived if the true cause of the problem is not understood. Like the practice of medicine, treating symptoms instead of the disease itself will only prolong the sickness, leaving the ailment as-is while only appearing to address the issue. The true cause must be identified to address the problem successfully and effectively.

Methodology

It is the author's hypothesis that the root cause of the unity-of-effort issues stem from the way in which Congress has regulated the State and Defense Departments through legislation over the last hundred years. It is indeed the intent of this paper to show that this phenomenon has occurred because of the way Congress has structured and regulated the two departments. Therefore, I examine a historical review of Congressional laws relevant to foreign-policy execution. The context of the historical period in which they were passed, and a study of the issues they aimed to address, are analyzed to better understand the objectives and later implications of these laws. Additionally, themes are identified in the laws regulating the State and Defense Departments, and then compared to show the differences in how Congress regulates the two departments. These differences are further examined to show how Congress has legislatively changed, developed, and formed the roles of the two departments into the organizations, authorities, and responsibilities they hold today.

Findings and Conclusion

The author accepts the existence of the perceived US foreign-policy unity-of-effort problem. Too much literature exists on the topic to deny that, at the very least, a *perception* of a lack of unity-of-effort plagues the US government in executing its foreign-policy objectives. This paper finds that the US unity-of-effort problem stems from a lack of legal clarity that results in overlapping departmental functions and responsibilities, and also results in a mismatch of assigned roles of primary agents. The

laws written and the roles defined for the State and Defense Departments, by the US Congress, have created this diplomatic unity-of-effort problem for the executive branch, hindering its ability to effectively execute unified foreign policy. This problem has resulted in different executive branch departments, mandated with shaping the international diplomatic landscape with differing objectives, conducting multiple country-level lines-of-effort. The lack of clarity in legal guidance, combined with the overlapping functional responsibilities and mismatched roles, has created an environment where differing lines-of-effort develop due to conflicting chains of command and overlapping, or conflicting, operations. This circumstance potentially creates long-term strategic problems for US foreign-policy goals.

Roadmap

This paper proceeds in two parts. In part one, current and past literature on the topic of US foreign-policy execution is reviewed. These prevalent arguments are analyzed to identify hypothesized causes of the perceived unity-of-effort problem. These hypothesized causes are further evaluated to determine their validity as root causes of the problem, or if they are instead only symptoms of the actual source causing unity-of-effort issues in US foreign-policy execution. In part two, a review of relevant Federal laws illustrates how Congress created the environment that has led to the unity-of-effort problem. Critical differences between how Congress has regulated the State and Defense Departments are identified. Additionally, I will examine the impact of the US transition into a global hegemon and maintaining a large standing military, focusing how these two developments have affected US foreign-policy execution. Then I conclude by considering implications of the issue, and provide a recommendation on how the unity-of-effort problem may begin to be remedied. It is the goal of the author that this paper raises awareness for the root cause of the unity-of-effort problem to help relieve some of the frustrations associated with observations of US foreign-policy execution. Additionally, the goal is to provide leaders a better understanding of the source of the problem to help develop better ways in which to execute the grand strategy of the United States of America more effectively.

Chapter 2

Literature Review

*A minister of war need not have a detailed knowledge of military affairs,
and soldiers often make poor ministers.*

Samuel Huntington
The Soldier and the State

Many scholars, diplomats, and military officers have written on the issue of a perceived US unity-of-effort problem, to include many examinations by the Congressional Research Service and the US Government Accountability Office. One clear conclusion reached by nearly all is that the United States does in fact have a unity-of-effort problem. Most have not studied the root cause of the perceived problem, and instead have focused on developing recommendations for how to fix the problem based on symptomatic matters that have risen to highlight the issue. However, developing solutions for problems often requires understanding what caused the condition to develop in the first place.

The unity-of-effort problem has many different hypothesized causes. Most explanations can be grouped into one of four categories. These categories are comprised of the military overstepping its responsibilities, the lack of Presidential ability to delegate certain executive authorities or responsibilities, the structure of the Executive Branch and its diplomatic and military systems, and the resourcing of the different departments in the Executive Branch. Each of these categories of explanation raises valid concerns. All of these explanations, however, fail to acknowledge the unique, yet consistent, causal factor that led to *those* specific issues—Congress’ legislative design and regulation of the Executive Branch. Therefore, these hypothesized causes are symptomatic issues, and cannot themselves be source causes of the unity-of-effort problem. Each category will be analyzed by reviewing the arguments representative of each categorical issue.

Claim: The Military is Overstepping its Responsibilities

A representative example of the first category of explanation, the military overstepping its responsibilities, is Dana Priest’s argument in, *The Mission: Waging War*

and Keeping Peace with America's Military. Priest takes an in-depth look into the perceived issue of civilian leadership relying on the military to take the lead in diplomatic efforts around the world in both the Clinton and Bush administrations. She addresses the post-Cold War rise of Geographic Combatant Commanders, studies the General Officers that filled those positions in the late 1990s and early 2000s, and acknowledges the role they played in developing and shaping US foreign policy during that time. Additionally, Priest studies the effects that US Special Forces operations has had throughout the world, and investigates the secretive nature of both their mission and government financing. Through her book, Priest highlights what she feels is a failure of US civilian leaders delegating authority and responsibility in foreign policy to military commanders. Specifically, Priest asserts that the decisions and relationships of these commanders have shaped foreign relations, not those of Ambassadors or Chiefs of Mission.¹

For evidence, Priest drives a point home that Geographic Combatant Commanders tend to have the authority and lifestyle normally afforded a Head-of-State. She describes how the staff of former Commander of US Central Command, General Anthony Zinni, referred to his command as “his kingdom,” and how he referred to himself as a “modern-day proconsul.”² Priest describes the lavish pomp and circumstance and seeming life of luxury afforded Combatant Commanders as they travel the world and interact with foreign dignitaries as opposed to the extremely modest means allowed to Ambassadors, Chiefs of Mission, or even Congressmen and other diplomatic officials. Additionally, Priest tries to highlight the unity-of-effort problem by illustrating political issues that can and have occurred at the General Officer level within those Geographic Combatant Commands. She provides a unique look into international politics and how balancing the needs of competing organizations, such as NATO, the US government, and the US military can be very challenging for Geographic Combatant Commanders.

Priest also describes US Special Operations Command (USSOCOM), a Functional Combatant Command, as a tool used by the military to influence foreign

¹ Dana Priest, *The Mission: Waging War and Keeping Peace with America's Military* (New York, NY: Simon & Schuster, 2016), 11-14.

² Ibid., 67, 70.

relations. She describes a lack of a civilian “check” on USSOCOM, in terms of structure and budget, due to the classified nature of its mission.³ According to Priest, the different set of rules that USSOCOM are allowed to operate within have a significant impact on how the United States interacts with unstable nations. She illustrates this by highlighting training programs used with foreign militaries, often with little to no oversight, that can have revolutionary impact in hostile regions of the world, and claims that military programs have done “little to help political systems move from democracy, or economies from government control to free market.”⁴

Priest declares that the military’s mission has become solving political and economic problems throughout the world because of civilian reliance on the military in place of the State Department.⁵ She attributes her conclusion to civilian leaders reducing the size and resources of the State Department in the early years of the post-Cold War era, which she feels caused those leaders to begin utilizing the military’s worldwide presence to handle US diplomatic requirements.⁶ Priest points to the resourcing issue and poor Executive Branch leadership, attributing Combatant Commander power to the gutting of US State Department of money, resources, and people by the Clinton Administration, and also to former Defense Secretary William Perry’s practice of using the military to “shape the world in peace-time” through “military-to-military” relations.⁷ Furthermore, she paints a picture of General Officers being more than willing to step into this role, and making decisions based on personal opinions about diplomacy, and not based on responsibilities assigned to them by Congress.⁸ She alludes to this development being an inappropriate use of the military and discusses the civil-military relations problems it creates.

Utilizing an organization that is, by law, already established throughout the world and requires resourcing by Congress provides an easy source of labor for civilian leaders. Economically, one can see why civilian leadership leans on the military to provide some diplomatic leadership. The problem, as perceived by Priest, is that civilian leaders often

³ Ibid., 139.

⁴ Ibid., 179.

⁵ Ibid., 11.

⁶ Ibid., 16-17, 45.

⁷ Ibid., 42, 97.

⁸ Ibid., 16-17.

did not provide orders or direction on long-term strategic goals they were to work towards, leaving General Officers to figure it out on their own.⁹ She argues that civilian leadership's abdication of their responsibilities allowed the civil-military balance to get out of equilibrium, leading to a perceived unity-of-effort problem in which the Defense Department is in the lead while the State Department takes a back seat. Priest is correct that civilian leadership abdicating foreign policy decisions to the military without direction and guidance would be a misuse of resources and a neglect of their own responsibilities. It is also easy to see how this perception could exist; especially given the examples she provides. However, by not studying the Congressional legal actions that set up the scenario she describes, Priest is misplacing the blame on the source of her perceptions.

Even though she places blame for this perceived development on the Executive Branch, she seems to recognize that Congressional actions have enabled the structure and very issues she's highlighting. She acknowledges how Unified Combatant Commands developed and evolved from Congressional actions, as well as the restructuring of the military chain of command in the Goldwater-Nichols Act of 1986. For Priest, the Executive Branch created the environment leading to a perception of the military taking the lead in foreign policy as cause for a lack of unity-of-effort, not Congress. She does not acknowledge that, within those defense laws, Congress authorized the President to place responsibility for the issues she highlights on those Combatant Commanders, not State Department representatives. Moreover, she fails to recognize that since the end of World War II, Congress began moving diplomats to more of a coordination role, and less of a policy-making role or even policy-execution role.

Another author highlighting perceived unity-of-effort issues in US foreign-policy execution, albeit with a different explanation, is Rosa Brooks. In her book, *How Everything Became War and the Military Became Everything*, Brooks analyzes the current status of US foreign-policy execution by drawing from her experiences working in both the State and Defense Departments, and focuses almost completely on developments in policy execution since the 9/11 attacks on the United States. Her focus is on her own perception of the seeming ability of the US military, namely Geographic

⁹ Ibid., 67.

Combatant Commands, to justify using military force in nearly all situations to deter violence throughout the world, arguing that all our technologies and “new legal theories” have blurred the boundaries of war.”¹⁰ To Brooks, war no longer has boundaries because the lines between “war” and “nonwar” are not as clear as they were prior to the end of the Cold War era.¹¹ For her, 9/11 was the turning point in which this phenomenon began to take place, declaring, “the 9/11 attacks ushered in a world in which unbounded war became a permanent state of affairs, and the military’s role also expanded beyond recognition.”¹²

Brooks blames the blurred lines of war on the military’s conduct of shaping operations throughout the world to deter conflict and disrupt the capabilities of adversaries.¹³ She argues that when the world sees a peacetime environment, the military sees the opportunity to “shape the character of possible future operations by building relationships, collecting information, and seeking to influence attitudes of local actors.”¹⁴ However, Brooks never acknowledges the fact that, when directed by the President, the Geographic Combatant Commanders authorizing shaping operations are doing so in accordance with the responsibilities placed on them by Congress through the Goldwater-Nichols Department of Defense Reorganization Act of 1986.¹⁵ Failing to acknowledge this critical fact leads one to assume that Brooks is placing the unity-of-effort problem squarely on the shoulders of the Combatant Commanders, implying they are overstepping their authorities and responsibilities. This assumption stems from Brooks’ lack of analysis on why Combatant Commanders conduct the activities they do.

Instead of looking more in depth at the true cause of the issue, Brooks tells the story of how the US government’s reliance on the military has seemingly gotten out of hand in the post-9/11 world. She highlights issues of misunderstanding and mistrust between political and military elites, and also notes how increasing defense budgets have come at the cost of State Department and the United States Agency for International

¹⁰ Rosa Brooks, *How Everything Became War and the Military Became Everything: Tales from the Pentagon* (New York, NY: Simon & Schuster, Inc., 2016), 4.

¹¹ *Ibid.*, 13.

¹² *Ibid.*, 28.

¹³ *Ibid.*, 14.

¹⁴ *Ibid.*, 148.

¹⁵ A thorough review of the Goldwater-Nichols Act of 1986 is contained in the Chapter 3.

Development (USAID) budgets, which has led to a reliance on the military to take on tasks that previously were carried out by civilian agencies.¹⁶

It's a vicious circle: as the budgets and capabilities of civilian agencies stagnate or decline, the military has stepped into the breach. But the more the military's role expands, the more civilian agencies such as the State Department find themselves sidelined—until finally, the military becomes the only game in town.¹⁷

Brooks is making the argument that distribution of resources is also a major contributor to the unity-of-effort problem, stating that the military has become a one-stop shop, like Walmart, for the US government.¹⁸ However, the military did not develop into this role on its own. As will be shown in the next chapter, Congress has enabled the military to grow in a way that has allowed this.

While she does not definitively state it, Brooks ultimately places the blame on the Executive Branch. However, noting that “it's not the military that sets national security policy, and it's not the military that sets the nation's budgetary goals, and partnerships with capable, well-funded, and adaptable civilian agencies.”¹⁹ Nevertheless, her evidence, as well as the previous revelation, hints that she somewhat recognizes Congress' role in setting the current stage as well. She notes that, “from an institutional perspective, it is the state, through the apparatus of government, that decides which tasks to assign to civilian entities and which tasks to assign to the military.”²⁰ Brooks even proclaims that “through law, we plant moral flags; through law, we tell people how we want them to behave, and where we want our society to go.” In the United States, per the Constitution, Congress passes the laws to which she refers—not the Executive Branch.

The issue that Brooks is really driving at is that Congress has assigned shaping responsibilities to both the State Department and the Defense Department, which has led to the blurring of lines, which she laments. Brooks even points out how Congress, via the 2001 Authorization for Use of Military Force, enabled the Executive Branch to utilize the Defense Department to conduct operations, in addition to those authorized by Goldwater-

¹⁶ Brooks, *How Everything Became War*, 305-311, 19-21, 306, 343-344.

¹⁷ *Ibid.*, 316.

¹⁸ *Ibid.*, 316-318.

¹⁹ *Ibid.*, 97.

²⁰ *Ibid.*, 218.

Nichols, with even less State Department or civilian agency coordination by ceding power to the Executive Branch.²¹ Furthermore, she even suggests that efforts of Congress in the post-World War II era to address foreign-policy execution were “out of date” and wrong, but did not get highlighted until issues of the post-9/11 era arose.²² While Brooks’ observations are valid, her implication that the military is overstepping its authorities is not. In the post-9/11 era, the Executive Branch and the Combatant Commanders are taking actions in the ways in which Congress has allowed them and enabled them to do.

One theme running through both books by Priest and Brooks, is a very Huntingtonian-type viewpoint of military officers, their personalities, and the way they think. Samuel Huntington’s 1957 classic, *The Soldier and The State*, was an early look into the changing civ-mil landscape of the United States as it was adjusting to its post-World War II hegemonic role and maintaining a large standing military. Huntington declared that the military has three main roles, a representative role, an advisory role, and an executive role, all of which are subservient to civilian leadership.²³ In addressing these roles, he described professional military officers and what he referred to as their “military mind.”

In developing his thoughts on the “military mind” during the early years of the Cold War, Huntington noted how military officers of the time had been referred to as “low caliber,” and that “the intelligence, scope, and imagination of the professional soldier had been compared unfavorably to the intelligence, scope, and imagination of the lawyer, the businessman, and the politician.”²⁴ Even though he assessed these categorizations as unfair, he declared that the “military mind” is “not flexible, tolerant, intuitive, or emotional.”²⁵ Huntington wrote this over 60 years ago. US Professional Military Education has come a long way since the changing civilian-military relations of his day. However, he was, after all, describing people who regularly advised the President and Congress on matters of national security. What’s more, they were leaders

²¹ Ibid., 292-295.

²² Ibid., 339-342.

²³ Samuel Huntington, *The Soldier and the State: The Theory and Politics of Civil-Military Relations* (Cambridge, MA: Harvard University Press, 1985), 72.

²⁴ Ibid., 59.

²⁵ Ibid., 60.

of organizations that had recently, and successfully, fought two wars, one of which was on a global scale. If this was *the* opinion of the “military mind” at that point in history, could that opinion still exist today?

Priest and Brooks provide affirmative evidence that opinions like Huntington’s can, and do still exist. Huntington’s description demonstrates that society can, and will, have a view of the “military mind” which will affect their opinions on how general officers carry themselves and carry out their missions. Priest and Brooks seem to confirm this observation with their suggestions that some of the unity-of-effort problems are due to military leaders overstepping their intended roles in diplomacy. All this despite evidence showing that Combatant Commanders seem to be executing their missions in accordance with current Congressional laws. It would be wrong to dismiss the claims of Priest and Brooks as pure conjecture. They do, after all, highlight issues that should concern US Government leaders due to the potential consequences of executing foreign policy without unified strategic guidance from civilian leadership.

For example, another running theme for Priest and Brooks is the idea, put forth by Morris Janowitz in 1960, of the military as a political pressure group. In response to Huntington’s thoughts on the concept of professionalism, Janowitz noted that the one thing separating the military profession from other professions is that the military carries the responsibility of “management of violence” on behalf of the state.²⁶ He adds that “professional officers have come to carry the burden of administering the politico-military responsibilities of the armed forces.”²⁷ It is this combination of the military profession and the administering of politico-military responsibilities that Janowitz says causes “top military officers to act as a pressure group in the formulation of national security policies.”²⁸

The responsibility to fight the nation’s wars belongs to the military. The responsibility to resource the military to fight those wars belongs to Congress. The Executive Branch’s desire to utilize the military to fight wars and deter conflict inevitably leads to debates on policy and budgeting with Congress. While hostilities in these

²⁶ Morris Janowitz, *The Professional Soldier: A Social and Political Portrait* (New York, NY: The Free Press, 1971), 15.

²⁷ *Ibid.*, 366.

²⁸ *Ibid.*, 367.

debates mainly exist between Congress and the President, it is evident that the military also bears some responsibility for political debates on both budgeting and foreign policy. Author Samuel Finer noted that it is professionalism that causes “the tendency to push the military towards collision with civilian authorities.”²⁹ This tension is where the military is probably most visible as a political pressure group, whether it occurs in the halls of Congress fighting for funding, in the West Wing of the White House, or in embassies or military headquarters throughout the world.

Both Priest and Brooks highlight examples of what they feel is the military acting as a political pressure group. Additionally, they suggest that lack of adequate civilian leadership and civilian diplomatic resources allowed the military to shape the international landscape to meet its own objectives. Moreover, Janowitz notes that, “the military profession rests on the vitality of civilian political leadership.”³⁰ If that civilian leadership is abdicating the responsibility of providing a clear foreign-policy strategy, the military absolutely has the resources and authority to shape the world in the image its leaders see fit. However, it is important to note that Priest’s and Brooks’ arguments are missing critical aspects of historical development which leads them to place blame of perceptions on unity-of-effort with the wrong source for the perceived conflict. Poor civilian leadership does not remove the fact that Congress has authorized Combatant Commanders to take diplomatic-type actions to execute their missions of deterring future conflict.³¹ Combatant Commanders have this authority with or without strong civilian leadership, as well as with or without unified strategic guidance.

Claim: The President Lacks the Ability to Delegate Executive Authority

Other arguments about causes of unity-of-effort problems, within the Executive Branch’s foreign policy-execution efforts, center on delegation as a core issue. In 2010, National Defense University’s Institute for National Strategic Studies published a study on US unity-of-effort issues, pointing to delegation of authority as the problem, and caused by departmental and interagency inability to work towards the same coordinated goals. The study notes that the President is “unable to delegate executive authority for

²⁹ Samuel Finer, *The Man on Horseback: The Role of the Military in Politics* (New Brunswick, NJ: Transaction Publishers, 2002), 27.

³⁰ Janowitz, *The Professional Soldier*, 435.

³¹ National Defense Authorization Act for Fiscal Year 2017, *US Code*, vol. 10, sec 164 (2017).

integrating the efforts of departments and agencies,” and illustrates how this shortcoming in the national security system affects the US government’s ability to execute foreign policy in a coordinated unity-of-effort.³² However, the study describes the delegation of authority problem as only being symptomatic of organizational culture and the goals and leadership personalities of those running the organizations.

Impediments to interagency integration are rooted in the basic structure of the national security system, which is hierarchical and based upon a functional division of labor among powerful departments and agencies with authorities and prerogatives codified in law and often protected by corresponding congressional committees. These departments and agencies resist cooperation with one another. Department heads assert tight control over their subordinates, and strong organizational cultures—reinforced by legislation—create boundaries around departmental activities so that midlevel officials fight off competition from other agencies that might encroach on their “turf.” The clear line of authority from the President down through department and agency heads and their subordinates, often referred to as unity of command, comes at the expense of unity-of-effort because departments refuse to work together, even on missions of national importance for fear of losing their powers, prerogatives, and budgets.³³

The authors are pointing to organizational culture problems when they are, in all reality, highlighting problems with the system and structure that Congress designed and legislated into law.

The authors believe that bolstering the Chief of Mission position by granting them more authority over other departments and agencies is the answer to get these different organizations to work towards a unified effort.³⁴ Their recommendation may or may not be a viable option for correcting coordination issues, but this proposed solution only looks to treat symptoms of the problem, not the true cause of the issue. By not further acknowledging the mismatch in responsibilities and authorities of the different departments and agencies, a Chief of Mission emboldened with more legal authority will only further muddy the diplomatic waters by adding another layer of authority to the mix. The responsibilities and authorities previously assigned to different agents by Congress

³² Christopher J. Lamb and Edward Marks, “Chief of Mission Authority as a Model for National Security Integration,” *Institute for National Strategic Studies Strategic Perspectives* 2, No. 2 (December 2010): 1.

³³ *Ibid.*, 5.

³⁴ *Ibid.*, 3.

must also be reevaluated and potentially re-legislated for an emboldened Chief of Mission strategy to work. The causes of the issues they highlight arose from Congressional laws that were written and passed over the course of several decades, assigning authorities and responsibilities within the Executive Branch, without consideration of any future unity-of-effort problems. Assigning more authority to one position without reevaluating the full structure of the foreign diplomacy system and the national security system, as well as their overlapping responsibilities, will not fully resolve the organizational factors they describe.

Claim: Executive Branch Structure Enables Unity-of-Effort Problems

Some experts do, in fact, point to the current structure of the Executive Branch—specifically, the structures of the foreign diplomacy and national security systems—as *the* cause of the unity-of-effort problems. They point to a lack of required coordination between the State and Defense Departments as the primary source of unity-of-effort failures because it contributes to a lack of understanding between the departments, leading to misunderstandings of desired diplomatic goals. A group of military officers recently observed that due to the lack of formalized coordination requirement, “professionals can only at best work to de-conflict activities, as opposed to complementing each other’s capabilities.”³⁵ They suggest, “in order to solve the complex problems facing the United States, the national security enterprise must be restructured so that the synchronization of interagency national security activities become institutionalized.”³⁶ Christopher Varhola, a cultural anthropologist and US Army officer, adds that lack of authorities, or lack of clarity, between the State Department and Defense Department “results in predictable and avoidable entrenchment in perceived institutional imperatives.”³⁷ Additionally, he notes, “areas of contention include Chief of Mission versus Combatant Commander authorities.”³⁸

³⁵ Phillip Breton et al., “Towards Unity of Effort: Reforming the U.S. National Security Enterprise,” *The Strategy Bridge*, 6 July 2017, <https://thestrategybridge.org/the-bridge/2017/7/6/towards-unity-of-effort-reforming-the-us-national-security-enterprise>.

³⁶ Ibid.

³⁷ Christopher Varhola, “Regional Understanding and Unity of Effort,” *PRISM* 6, No. 3 (7 December 2016), <https://cco.ndu.edu/PRISM-6-3/Article/1020194/regional-understanding-and-unity-of-effort/>.

³⁸ Ibid.

These suggestions that it is difficulties with the Executive Branch's structure that contribute to unity-of-effort problems are not necessarily wrong. However, they are not powerful explanations for the unity-of-effort problem either. Once again, the issues highlighted are describing symptoms of the problem, not causes of it. With the Foreign Service Act of 1980, Congress specifically removed the requirement for the Defense Department to coordinate with the State Department's Chief of Mission when conducting missions within their jurisdiction.³⁹ Noting that unity-of-effort problems stem from a lack of structural or required formal coordination is convenient, but these structures are not the true cause for the problem. The cause of the aforementioned foreign policy-execution problem is that Congress legally structured the Executive Branch in a way that relegated the State Department to a coordination role, while assigning authorities to Combatant Commanders for diplomatic-like responsibilities. An examination of how this developed takes place in the following chapter. The structural issues leading to a lack of coordination are symptomatic of problems with a legal framework pieced together over decades by different Congressional generations without having fully taken into consideration what overall strategic effects would result. By focusing on only one department with each law, Congress failed to fully recognize how those laws would affect other departments and their roles and missions.

Claim: Resource Distribution Leads to Unity-of-Effort Problems

Another easy target for critics to point to is resources. The disparity between resources budgeted for the State Department and USAID and those budgeted for the Defense Department over the last 30 years has been well documented. One perspective argued as a cause for unity-of-effort issues is this resourcing factor. Those pointing towards this cause argue that since Goldwater-Nichols, and even more so since the end of the Cold War and into the post-9/11 world, Presidents have leaned on the military to become the *de facto* focal point for diplomatic relations between the United States and other states.

Both Priest and Brooks argue this point as well. Priest *specifically* attributes resourcing as *the* factor that caused Combatant Commanders' power and influence in

³⁹ Foreign Service Act of 1980, *US Statutes at Large* 94 (1980): 2079-2080.

foreign-policy execution to grow.⁴⁰ Brooks notes that the Defense Department has become the biggest employer in the United States due to its resourcing, which has caused Presidents to continuously look towards the military to fix any problems outside of US borders, both military and diplomatic.⁴¹ However, as Brooks points out, the Defense Department is significantly larger than the State Department, therefore requiring a significantly larger budget. Additionally, the Defense Department regularly procures and maintains assets that themselves require significant budgets. Furthermore, what Priest and Brooks are not acknowledging is that a global military presence, required by Congress, with responsibilities, first assigned by the President, then by Congress to deter violence, *requires* heavy resourcing. It is *this* obligation that drives resourcing requirements. There is no parallel legal requirement for the State Department to have similar responsibilities.

Another angle to the resourcing explanation is that the military's requirement to deter future violence around the world forces it to deal with both state and non-state actors. Breton, et al. argue that this means that the military is forced to work with more departments and agencies to meet this mission objective of deterring future violence.⁴² However, using this aspect of interagency necessity as a cause for resourcing disparities, and therefore unity-of-effort issues is putting the cart before the horse. The interagency requirement is more of a method than a requirement for deterring violence and, if anything, is actually an example of working towards a coordinated unity-of-effort. The requirement to deter future violence is the conduit that led to interagency coordination, and the requirement for deterring future violence was an obligation placed on Combatant Commanders by Congress. In this case, the unity-of-effort issue is more of a complaint that the military is the organization taking the lead in interagency coordination instead of the State Department.

Resourcing is somewhat of an issue, but like other viewpoints, it is more of a symptomatic issue than a causal factor. If Presidential administrations are indeed leaning on the military to execute foreign policy over diplomats, it very likely is due to the

⁴⁰ Priest, *The Mission*, 16-17.

⁴¹ Brooks, *How Everything Became War*, 162, 20-22.

⁴² Breton, et al., "Towards Unity of Effort," <https://thestrategybridge.org/the-bridge/2017/7/6/towards-unity-of-effort-reforming-the-us-national-security-enterprise>.

structure of the military that Congress has created, assigning responsibility to Combatant Commanders for different regions of the world. No diplomatic department within the Executive Branch has anything similar to that responsibility. If the President is required to develop a budget that legally requires a military presence throughout the world, funding that requirement would most likely come at the expense of the diplomatic arm of the Executive Branch. Especially when the diplomatic arm has little legal responsibilities and authorities. After all, the military *has* to be there anyway.

Summary

Each of the aforementioned categories mentioned—the military overstepping its responsibilities, lack of Presidential ability to delegate certain authorities or responsibilities, the structure of the Executive Branch, and the resourcing of the departments in the Executive Branch—identify issues that are concerning enough for experts to attribute them as causal factors to the unity-of-effort problem. Many writings come from individuals that have frustratingly worked in the State Department. Many also come from within the Department of Defense, including many military officers—a sign that the military itself sees its diplomatic role as encroaching on its military role, or maybe they are just tired of doing a job that should be done by diplomats.

Most evaluations seem to point to an opinion, a desire, or a belief that the State Department, or maybe a new organization within the Executive Branch, should be the strategic executing force of foreign policy for the United States—acting on behalf of the President, but with the authority to direct all Executive Branch agents and organizations in one unified orchestra. These issues and recommendations cannot and should not be ignored or pushed aside. These explanations certainly contribute to our understanding of the unity-of-effort problem, but only partially explain it because they fail to address the legal actions that led to those issues. However, they are not the focus of this study because they are symptomatic issues, rather than true causal explanations. Focusing on symptomatic issues instead of investigating root causes for the problem will lead to band-aids, not real solutions. All the hypothesized causes described in this chapter stem from the same root cause: the legal actions taken by Congress to structure and regulate the State and Defense Departments led to the issues described. Gaining a better

understanding of how they led to this perceived unity-of-effort problem requires a historical study of these legal actions. It is to that which we turn next.



Chapter 3

Legal Review and Analysis

Lawmaking is an imaginative enterprise: legislators, diplomats, and policymakers look at the existing world, project onto it an image of better, tidier future, and then try to develop contingency plans for dealing with various forms of future untidiness.

Rosa Brooks
How Everything Became War

The founders of the United States had the foresight to write the US Constitution in a way that would allow the country to adapt and change as the world around it evolved. The structural foundation they designed for the country would establish a framework that, while sturdy and solid enough to keep the structure intact and strong, would also permit an environment in which to maneuver and modify the way the government operates to best meet the needs of the time. The building may look different, but it will always have the same shape. This enduring structure with an adaptable façade is one of the remarkable strengths of the US Constitution. However, this system places great responsibility and pressure on the US Congress to steer and provide resources for the government when adapting the way in which it operates to meet the needs of a changing world.

While at times the language of the Constitution connotes intent very specifically, other times it does not. In detailing authorized tools for the executive branch to conduct foreign policy, the constitution leans on the former, very clearly stating the President will be the Commander in Chief of the military, and that the President also has the power to appoint ambassadors and consuls.¹ However, in detailing the responsibilities and authorities assigned to those tools, it relies on the latter, leaving that up to Congress to determine as the world changes. The Constitution assigns Congress with the responsibility “to make rules for the government and regulation of the land and naval

¹ “The Constitution of the United States, Article II, Section 2,” US Senate, accessed 22 December 2019, https://www.senate.gov/civics/constitution_item/constitution.htm.

forces.”² Additionally, congress is prescribed the responsibility “to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof.”³ Therefore, any specific authorities, authorizations, functions, or organizational structures do not come from the Constitution or the Executive Branch; they are the responsibility of the United States Congress.

Since the end of World War II, Congress has passed many laws that have restructured both the US State and US Defense Departments. However, these congressional laws that assign authorities and responsibilities to the diplomatic arms of the executive branch lack legal clarity in lines of authority, create overlapping diplomatic functions and responsibilities, and provide a mismatch of critical agents responsible for executing foreign policy. Congress has not done a sufficient job of ensuring proper integration between the two departments when instituting new laws and rules, which has created unity-of-effort issues with how the Executive Branch executes foreign policy. Some of these issues stem from how the laws are written and their emphasis. Laws regulating the military tend to be outward looking, focusing on authorities and military-type missions, while laws regulating the diplomatic civil service tend to be inward looking, focusing on personnel, pay, and retirement issues. To understand why this is the case, a brief look at the history of the State and Defense Departments, and the development of relevant laws regulating them, is necessary.

US Diplomacy prior to World War II

Prior to the twentieth century, the United States was not a global hegemon, which allowed it to focus solely on its own survival and position within the world. Additionally, limited transportation and communication technologies kept the world relatively big, allowing the United States time to formulate and develop cohesive foreign policy serving its interests, simply because the amount of time required for information and people to travel allowed it to do so. To execute its foreign policy, the United States relied on its foreign and consular services under the US State Department. Although the US Navy did occasionally use force when interacting with foreign states on behalf of the

² Ibid.

³ Ibid.

United States, the military's main purpose was to fight wars, while the State Department's purpose was to aid the President in creating foreign policy and managing diplomatic missions overseas.⁴

However, the consular service and foreign service were organizationally two separate services. This division created problems for the State Department in how it assigned people to diplomatic missions. Prior to 1924, the foreign service agency paid low salaries, and the job came with no retirement system. Therefore, it relied on wealthy citizens who could afford to financially support themselves in foreign countries to take diplomatic positions.⁵ Relying on wealthy citizens meant that sometimes the service placed individuals in posts not because of their diplomatic skills, but because they could financially afford to take the job and support themselves.⁶ The United States had a problem with low-qualified, and sometimes even unqualified individuals conducting the nation's diplomatic mission. Congress addressed this issue with the passing of the Rogers Act in 1924.

The Rogers Act (Foreign Service Act of 1924)

Congress enacted the Foreign Service Act of 1924, better known as the Rogers Act, to address the State Department's problem of not having well-qualified officers in diplomatic positions overseas. The Rogers Act would combine the foreign service and the consular service organizations into one personnel system known as the US Foreign Service System that we recognize today. The legislation created a competitive pay and retirement system to help recruit and retain the qualified types of individuals the State Department relied on to fill its diplomat positions.⁷ The Rogers Act is not only significant for the sweeping changes it made to the foreign service personnel system, but also because it laid the foundation for how future laws regulating the State Department would be focused and structured.

Due to having the goal of correcting the issues of recruiting and retaining qualified individuals to conduct the diplomatic mission for the United States, the

⁴ Office of the Historian, "A new framework for foreign affairs," US Department of State, accessed on 22 December 2019, <https://history.state.gov/departmenthistory/short-history/framework>.

⁵ J. Robert Moskin, *American Statecraft: The Story of the U.S. Foreign Service* (New York, NY: St. Martin's Press, 2013), 342.

⁶ *Ibid.*, 340.

⁷ *Ibid.*, 342-352.

emphasis of the Rogers Act was on personnel and benefits, not the responsibilities and mission of diplomats. The legislation was written at a time when the State Department was the sole lead organization executing peacetime foreign policy throughout the world, therefore all responsibility and missions of diplomacy resided with the State Department, unless the United States found itself in a time of war. Therefore, at that time, Congress did not necessarily need to prescribe State Department roles and responsibilities in diplomacy and foreign policy. However, this diplomatic posture, where the Executive Branch relied solely on the state Department to execute foreign policy, would change as the world emerged from the Second World War.

Post-World War II Evolutions to US Diplomatic and Military Roles

When comparing subsequent legislation directed at foreign service or foreign relations, it is easy to see that these laws follow the same focus on personnel and administration issues, like the Rogers Act before them. One need only review the table of contents for each law to recognize the ensuing pattern. This personnel and admin focus for foreign-relations laws is not necessarily a negative thing. US diplomatic posture *prior* to World War II utilized the State Department as the lead agency for execution of peacetime diplomacy. Responsibility and function were assumed.

However, following the war, the United States emerged as a major world power. After a short post-war draw down, the quickly developing Cold War environment, in which our former ally, the Soviet Union, emerged as a major military threat, impelled the United States' move to re-mobilize and maintain a large standing military deployed worldwide. This extended peacetime military presence meant that the military would have to insert itself into some diplomacy efforts.⁸ The heavy peacetime military presence also meant that the State Department would not always be the lead in executing peacetime US foreign policy.

This change in posture should have triggered Congress to enact legislation to clarify diplomatic roles, responsibilities, authorities, and functions between the State Department and War and Navy Secretaries. Congress would not, and continued to place legislative emphasis for foreign service issues on personnel matters. By not prescribing

⁸ Conrad C. Crane, *American Airpower Strategy in Korea, 1950-1953*, Modern War Studies (Lawrence, KS: University Press of Kansas, 2000), 7.

clear roles, Congress left ambiguity that would lead to the United States finding itself with its current foreign relations issues. The one meager exception to this ambiguity would be the attention given to the State Departments positions of Principal Officer and Chief of Mission assigned to a foreign state.

The Foreign Service Act of 1946

With the Foreign Service Act of 1946, Congress appeared to be taking steps to clarify diplomatic roles and authorities. The act included a definition for a Principal Officer as “the officer in charge of an embassy, legation, or other diplomatic mission or of a consulate general, consulate, or vice consulate of the United States.”⁹ Additionally, it included a definition for the Chief of Mission as the principal officer, appointed by the President, “to be in charge of an embassy or legation or other diplomatic mission of the United States.”¹⁰ However, the attempt at clarification ended with those two nearly identical definitions. The remaining references to the Principal Officer and the Chief of Mission in the legislation focus on pay, retirement, when the positions are filled, and who is qualified to hold a Principal Officer or a Chief of Mission position. Furthermore, like the Rogers Act, the rest of the legislation focused on issues such as training, pay, retirement, and other personnel-type issues. The Foreign Service Act of 1946 would not be the last State Department legislation that *appeared* to assign authorities while *really* focusing only on personnel and administrative issues. However, in legislative regulations for the new post-war military posture, Congress would provide sweeping changes that forced it to look not only at personnel matters, but also Executive Branch role structures and command relationships.

The National Security Act of 1947

Like Congress’ first post-war foreign-policy legislation, the Foreign Service Act of 1946, its first major post-war defense legislation would also focus on personnel issues. Though, the big difference between the two is how defense legislations specified roles and responsibilities for the military and its commanders. World War II provided a critical pivot point within the international political landscape for the entire world. Prior to the war, the United States utilized its State Department for peacetime diplomacy and

⁹ Foreign Service Act of 1946, *US Statutes at Large* 61 (1946): 1000.

¹⁰ Ibid.

its military for war-time diplomacy. However, this distinct separation of roles changed with the end of the war and the US emergence as a hegemonic superpower. The United States would transition to maintaining a large standing military to maintain its security and the international status quo, while projecting its diplomatic power to shape the international landscape.¹¹ Congress enacted the National Security Act of 1947 to evolve the military to fit the United States' new role and global posture. This act coordinated the efforts of the National Security Council by formalizing the National Military Establishment, the Department of Defense, and the Central Intelligence Agency.¹² While the act did not specify authorities prescribed to individuals or organizations, it did focus on roles and responsibilities within the National Security, Military, and Intelligence establishments.

The focus of the National Security Act of 1947, as well as its 1949 amendment, was on the reorganization of the military and its departments. Additionally, the act created and formalized the National Military Establishment. While this focus required Congress to address some personnel matters, and while matters of organizational structure are inherently internal, the act had outward-looking intentions. The National Security Act of 1947 declared its purposes as: "to provide for the establishment of integrated policies and procedures for the departments, agencies, and functions of the Government relating to the national security"; "to provide for [the military departments'] authoritative coordination and unified direction under civilian control"; to provide for the effective strategic direction of the armed forces and for their operation under unified control and for their integration into an efficient team of land, naval, and air forces."¹³ Congress was establishing the ground rules, or "policies and procedures," for how the National Military Establishment, namely the new National Security Council, the combined military departments, and the Central Intelligence Agency, would advise the President and work together to carry out the mission of US national security.

The Act did not come without flaws. For one, it did not address the problem of the military services' individual political power that had developed during World War II,

¹¹ Campbell Craig, *Destroying the Village: Eisenhower and Thermonuclear War* (New York, NY: Columbia University Press, 1998), 2-9.

¹² National Security Act of 1947, *US Statutes at Large* 61 (1947): 496-499.

¹³ *Ibid.*, 496.

or their problems working together jointly, efficiently, and effectively. Additionally, other than formalizing a National Security Council to help advise the President in matters of national defense, the act did not address the new roles that US World War II-era General Officers found themselves; that of *de facto* US diplomats.¹⁴ While the 1949 Amendment would place a Secretary of Defense in the chain of command between the military and the President, the position did not hold any real authority until the Department of Defense Reorganization Act of 1958, leaving the service chiefs as the primary advisors to the President in matters of both military and diplomatic international issues for another 11 years.¹⁵ The other issues would take Congress nearly 40 years to tackle. Regardless, the National Security Act of 1947 was the first major step in the evolution of the US military since the creation of both the Army and the Navy over 150 years prior.¹⁶

The stated purposes of the National Security Act of 1947 used the inward-looking mechanism of reorganization to improve the outward-looking focus and execution of the National Military Establishment's mission. It is an example of Congress carrying out its constitutional duty of making rules for US military forces and assigning functions and resources for the Executive Branch. This congressional action seems appropriate, given the new hegemonic role the United States found itself after World War II. The international political environment had changed significantly since the birth of the United States, and so had its role in the world. Per the Constitution, the responsibility to adapt to these changes belongs to Congress. However, during the immediate post-war years and infancy of new US hegemony, Congress would not provide this same leadership in its guidance to the diplomatic arm of the Executive Branch.

The State Department Basic Authorities Act of 1956

In 1956, Congress would again pass regulations on the State Department by passing the State Department Basic Authorities Act of 1956. Nevertheless, the only authorities assigned to the State Department via this legislation were authorities more

¹⁴ Samuel P. Huntington, *The Soldier and the State: The Theory and Politics of Civil-Military Relations*, Caravelle ed. (Cambridge, MA: Harvard University Press, 1957), 318-24.

¹⁵ Ibid..

¹⁶ James R. Locher III, *Victory on the Potomac: The Goldwater-Nichols Act Unifies the Pentagon* (College Station, TX: Texas A&M University Press, 2002), 16.

akin to running a business. The act focuses on authorizing the State Department to establish passport agencies, pay for transportation costs and insurance associated with transportation, and reimburse other expenditure items such as per diem costs.¹⁷ There are no actual diplomatic roles and responsibility authorities prescribed within this legislation.

The Foreign Assistance Act of 1961

In 1961, Congress would pass the Foreign Assistance Act of 1961, giving the President the ability and resources to provide differing forms of aid to other countries to “promote the foreign policy, security, and general welfare of the United States by assisting people of the world.”¹⁸ While this legislation did not prescribe any diplomatic authorities to the State Department, it did put the State Department in the role of coordinator between the President, the beneficiary of the aid, and if needed, the military. However, coordinating responsibility is where the authority ends. Instead, the government established the United States Agency for International Development (USAID) to lead efforts for meeting the objectives of the Foreign Assistance Act of 1961.

The Foreign Service Act of 1980

Congress’ next attempt to legislate the State Department would come nearly 20 years later in the form of the Foreign Service Act of 1980. Once again, Congress would use this legislation to deal with internal personnel and bureaucratic issues.¹⁹ If anything, the act seemed to solidify the department’s coordination role, listing the functions of foreign service as to “represent the interests of the United States,” “provide guidance for the formulation and conduct of programs,” and to “perform functions on behalf of any agency or other Government establishment requiring their services.”²⁰ However, one difference between the 1980 act and its predecessors is that Congress did provide more clarification for the position of Chief of Mission. Yet, instead of assigning more centralized responsibility to the Chief, the diplomat identified by the Foreign Service Act of 1946 as the principal officer in charge of the diplomatic mission in a country, Congress more firmly placed the Chief of Mission in a coordination and bureaucratic role for other agencies and organizations.

¹⁷ State Department Basic Authorities Act of 1956, *US Statutes at Large* 70 (1956): 890-892.

¹⁸ Foreign Assistance Act of 1961, *US Statutes at Large* 75 (1961): 424.

¹⁹ Moskin, *American Statecraft*, 723-26.

²⁰ Foreign Service Act of 1980, *US Statutes at Large* 94 (1980): 2076-2077.

The 1980 legislation assigned administrative responsibility for all government employees, other than US military assigned to a military commander, to the Chief of Mission. Additionally, the act declared that the Chief was responsible for keeping all government employees working in that country informed of all applicable directives. Furthermore, the Chief of Mission was to be kept fully informed of all activities and operations of the United States within the assigned country. However, that last requirement did not apply to military commanders operating in the Chief of Mission's jurisdiction.

Sec. 207. Chief of Mission.—(a) Under the Direction of the President, the chief of mission to a foreign country—(1) shall have full responsibility for the direction, coordination, and supervision of all Government employees in that country (*except for employees under the command of a United States area military commander*); and (2) shall keep fully and currently informed with respect to all activities and operations of the Government within that country, and shall insure that all Government employees in that country (*except for employees under the command of a United States area military commander*) comply fully with all applicable directives of the chief of mission. (b) Any agency having employees in a foreign country shall keep the chief of mission to that country fully and currently informed with respect to all activities and operations of its employees in that country, and shall insure that all of its employees in that country (*except for employees under the command of a United States area military commander*) comply fully with all applicable directives of the chief of mission.²¹ (emphasis added)

Establishing the Chief of Mission as the centralized coordinator for information does have elements of outward-looking intentions. However, by focusing only on the administrative personnel-supervisory role, Congress reaffirmed that, per the legal guidance they provided, the Chief of Mission's main role was to manage people and coordinate information; not *actually* lead diplomatic efforts. Despite the legal definition they had given it 34 years earlier, Congress' intentions were clearly for the Chief of Mission to provide ground-level supervision of American civilians working overseas, and be a one-stop-shop for information dissemination for other agencies and organizations operating within the chief's country of responsibility. This intention is evident in the many legislative references to administrative and supervisory roles for the Chief of

²¹ Ibid., 2079-2080.

Mission and the *one* definition referring to the position as the chief of a diplomatic mission. Other than the 1946 wording of the definition, Congress has prescribed no *actual* diplomatic responsibilities or authorities to the Chief of Mission position in any Congressional legislations.

The Goldwater-Nichols Act of 1986

The Goldwater-Nichols Department of Defense Reorganization Act of 1986 was a game-changing piece of legislation for not only the military and the way it operated, but also in the way the United States conducted diplomacy. Spurred by a consistent string of highly visible military failures, the aim of Congress was to fix the military's issues with unity of command.²² Once again Congress would use the inward-looking mechanism of reorganization to achieve outward looking goals of improved efficiency and effectiveness of the military. In its time, the National Security Act of 1947, Goldwater-Nichols' predecessor, was a successful evolution of the US military and its adaptation for use in the new US hegemonic landscape. However, in the nearly 40 years since its implementation, the services had developed deep parochialism and individual organizational levels of political power. These developments contributed to infighting and fiefdoms within the department itself that discouraged unity in the application of military power.²³ The Goldwater-Nichols team took four long years to thoroughly analyze the defense environment and create legislation to fix the problems the United States had in effectively utilizing its military power projection capabilities.

Congress declared its intent with Goldwater-Nichols, "to reorganize the Department of Defense and strengthen civilian authority in the Department," and also, "to improve the military advice provided to the President, the National Security Council, and the Secretary of Defense."²⁴ Congress would streamline the military chains of command, making clear delineations between the war-fighting commanders and the normal service commanders all the way through the Secretary of Defense and the President, and also elevate the role of the Chairman of the Joint Chiefs of Staff. Unlike past legislation for the State Department and the Foreign Service that focused internally on pay, retirement,

²² Locher, *Victory on the Potomac*, 10.

²³ *Ibid.*, 4.

²⁴ Goldwater-Nichols Department of Defense Reorganization Act of 1986, *US Statutes at Large* 100 (1986): 992.

and other personnel-type issues, Goldwater-Nichols assigned authorities and responsibilities to commanders and organizations. Not only did these authorities and responsibilities include internal organizational and personnel-type aspects, but more importantly they included external mission-focused jurisdictions and roles. The act would strengthen and provide clarified direction and authority to Unified Combatant Commanders (UCC), the war-fighting arm of the Defense Department.

Sec. 3. Policy. In enacting this Act, it is the intent of Congress...(3) *to place clear responsibility on the commanders of the unified and specified combatant commands for the accomplishment of missions assigned to those commands*; (4) *to ensure that the authority of the commanders of unified and specified combatant commands is fully commensurate with the responsibility of those commanders for the accomplishment of missions assigned to their commands.*²⁵ (emphasis added)

Chapter 6. Sec. 161. (c) Definitions. (1) The term ‘unified combatant commander’ means a military command which *has broad, continuing missions* and which is composed of forces from two or more military departments.²⁶ (emphasis added)

Chapter 6. Sec. 164. (b) Responsibilities of Combatant Commanders.—(1) The commander of a combatant command *is responsible to the President and to the Secretary of Defense* for the performance of missions assigned to that command...(2) Subject to the direction of the President, the commander of a combatant command—(B) is directly responsible to the Secretary for the preparedness of the command to carry out missions assigned to the command.²⁷ (emphasis added)

Chapter 6. Sec. 164. (c) Command Authority of Combatant Commanders.—(1) ... the authority, direction, and control of the commander of a combatant command with respect to the commands and forces assigned to that command include the command functions of—(A) *giving authoritative direction to subordinate commands and forces necessary to carry out missions assigned to the command, including authoritative direction to subordinate commands and forces necessary to carry out missions assigned to the command, including authoritative direction over all aspects of military operations, joint training, and logistics* (C) organizing commands and forces within that command *as he considers*

²⁵ Ibid., 993-994.

²⁶ Ibid., 1012.

²⁷ Ibid., 1014.

necessary to carry out missions assigned to the command; (D) employing forces within that command *as he considers necessary* to carry out missions assigned to the command; (F) coordinating and approving those aspects of administration and support (including control of resources and equipment, internal organization, and training) and discipline necessary to carry out missions assigned to the command.²⁸ (emphasis added)

This clarification of UCC authority and responsibility would amplify the Defense Department's role throughout the world not only in times of war, but also in peacetime if desired by the President. Goldwater-Nichols would place emphasis on the external aspects of employing American military power by bolstering these Combatant Commanders in charge of geographic regions of the world, sectioned off so that at all times, all portions of the planet would have a US military commander responsible for their sector of the world (fig. 1).



Figure 1: US Department of Defense Geographic Combatant Command Map (2011)

Source: US Defense Department, "Unified Command Plan," US Defense Department, accessed 4 February 2020, https://archive.defense.gov/news/UCP_2011_Map4.pdf.

²⁸ Ibid.

Evidence that Goldwater-Nichols achieved its external aims came relatively quickly. In his book on the development of the historic legislation, James Locher noted that the “overwhelming successes in Operations Just Cause in Panama and Desert Shield/Storm in the Persian Gulf region showed that the act had quickly unified American fighting forces.”²⁹ Another author writing on the effectiveness of America’s joint-warfighting capabilities during Operation Iraqi Freedom in 2003 would declare that the major combat phase “was a true joint campaign” by “air, land, and maritime forces to bring about a decisive end to Hussein’s regime,” and featured “a concurrent and synergistic rather than sequential application of air and ground power.”³⁰ These impressive, and improved, military operations are a direct result of the changes made by the Goldwater-Nichols Act.

Cold War-Era Summary

At this juncture, it is important to reiterate the roles that Congress had legislated for the State and Defense Departments. With the passing of the Foreign Service Act of 1946, the State Department Basic Authorities Act of 1956, the Foreign Assistance Act of 1961, and the Foreign Service Act of 1980, the State Department’s diplomatic roles—primarily those of Ambassadors and Chiefs of Mission—had been transformed. It went from being the sole peacetime diplomatic arm of the pre-World War II era US government, to relegated to being an overseas information coordinator for different agencies and departments executing post-war US foreign-policy. The personnel and administrative focus of these pieces of legislation, and the lack of any prescribed diplomatic authorities led to this seeming demoted diplomatic-status posture.

Meanwhile, the US military, although not yet having any official peacetime authority assigned to it, had a heavy global presence helping the world rebuild from the effects of the war, while also attempting to contain communism. Additionally, the Central Intelligence Agency, via the National Security Act of 1947, was responsible for the nation’s global intelligence activities and advising the National Security Council on

²⁹ Locher, *Victory on the Potomac*, 445.

³⁰ Benjamin S. Lambeth, *The Unseen War: Allied Air Power and the Takedown of Saddam Hussein* (Annapolis, MD: Naval Institute Press, 2013), 1-2.

all intelligence matters.³¹ The Council—consisting of the Defense Secretary, the military-service secretaries, other national security boards, and the clearly outnumbered Secretary of State—then advised the President on matters of national security and foreign policy.³² Moreover, USAID was responsible for international economic development, which meant that it, too, could wield a heavy foreign policy influence. These post-war posture developments reinforced the State Department’s relegated coordinator status, but also laid the foundation for future problems with overlapping functions and responsibilities that would persist through the Cold War, and then become even more of a foreign-policy execution issue in the post-Cold War era—especially after the passing of the Goldwater-Nichols legislation.

Enabling a Unity-of-Effort Conundrum

The stark differences in the language and focus used by Congress in legislating the State and Defense Departments are intriguing. While State Department legislation has focused on inward-looking issues such as recruitment, pay, retention, retirement, and information-coordinating roles of its key diplomatic members, Defense Department legislation has focused on outward-looking issues such as authorities, responsibilities, and chains of command. One could argue that legislating in this way left latitude and flexibility for the President to conduct foreign policy and diplomacy in whatever way each unique situation required. However, as previously shown, others have argued that it only created diplomatic confusion and overlapping functional responsibilities between both departments.

The Development of Overlapping Functions

Congress has enacted laws placing the State Department’s foreign service, and more specifically its Chiefs of Mission, into a coordination role. The evolution from sole diplomatic arm of the Executive Branch to this coordination role began after World War II. The role of the foreign service changed as the US military increased its worldwide presence, and other agencies such as the Central Intelligence Agency and USAID became more prevalent. In his book on the history of US foreign service, author J. Robert Moskin reflects that the rise of these powerful agencies into foreign policy “tended to

³¹ National Security Act of 1947, 498.

³² Ibid., 496-497.

undermine the role of the State Department and the Foreign Service abroad.”³³ This issue has been exacerbated by the improvements in information and transportation technologies of the last 100 years. These technologies have enabled the President to allow the Chief of Mission to handle day-to-day, non-critical, and routine diplomatic operations in each country, and directly insert high-level officials into the diplomatic mix in times of crisis.³⁴ Regardless, the coordination role of the Chief of Mission is the role that Congress has legislatively emphasized.

The State Department is indeed the diplomatic arm of the Executive Branch charged with conducting diplomatic interactions with foreign leaders and forming US public diplomacy policies.³⁵ However, it is not charged with executing these policies, nor is it resourced to do so. Congress placed the State Department in its post-World War II role to coordinate the different agencies and organizations, like USAID and the military, that *do* have the resources to execute US diplomatic policies. The passing of Goldwater-Nichols, and the authorities and responsibilities assigned to the Combatant Commanders, created the environment for the overlapping of functions between the State and Defense Departments to develop because Congress provided the President an easier avenue to execute foreign policy. These overlapping functions increased tensions between the State and Defense Departments in their respective *diplomatic* roles, and introduced confusion over which agency could effectively execute foreign policy.

The desire of Goldwater-Nichols to strengthen the unity of command of US fighting forces, along with declaring the increased and clarified responsibilities of Combatant Commanders, gave the President a readily available, and heavily-resourced tool, in the form of the US military, to carry out both diplomatic *and* military missions. Furthermore, the Combatant Commander has the authority to direct subordinate commands and forces to “carry out missions assigned to the command, including authoritative direction over all aspects of military operations, joint training, and logistics, and also the authority to employ forces “*as he considers necessary* to carry out missions assigned to the command” (emphasis added).³⁶ Congress even *more* blurred the

³³ Moskin, *American Statecraft*, 758-759.

³⁴ *Ibid.*, 760-761.

³⁵ State Department Basic Authorities Act of 1956, *US Code*, vol. 22, sec 2651a (1956).

³⁶ Goldwater-Nichols Act, 1014.

functional lines with the passing of the National Defense Authorization Act of 2017 (NDAA 2017). Not only are Combatant Commanders responsible for fighting the country's wars, NDAA 2017 amended Goldwater-Nichols to also make them responsible to "take actions, as necessary, to deter conflict."³⁷ This authority to conduct operations in foreign countries, with the responsibility to deter violence, in perspective, has no equivalent authority or responsibility, in regard to foreign policy, at *any* level within the State Department. These specific responsibilities prescribed to Combatant Commanders create a *direct overlap* in diplomatic functionality with the State Department.

Lack of Coordination Requirement

While the State Department does not necessarily execute foreign policy itself with its own resources, it does coordinate the execution of foreign policy by agencies that do have resources. One of those agencies is indeed the military. However, the mission to deter conflict, as mentioned above, that Combatant Commanders have *full legal authority* to conduct, *does not* require coordination with the State Department. Per Goldwater-Nichols, the chain of command for the Combatant Commander is the Secretary of Defense and the President; it does not include the Secretary of State or the Chief of Mission assigned with coordinating information in each country.³⁸ In fact, when Congress, with the Foreign Service Act of 1980, gave full responsibility for US employees operating in foreign countries to the Chief of Mission with the assigned jurisdiction for that country, they *specifically* pointed out that this responsibility did not include members of the US military under the command of a military commander.³⁹ Furthermore, Congress *specifically* dismissed the military of the requirement for all agencies to keep the Chief of Mission informed of operations occurring in his or her jurisdiction.⁴⁰

This lack of a formal requirement to coordinate between departments is not to say that coordination does not occur. In fact, numerous military joint doctrine publications have sections dedicated to working within the State Department's multiagency efforts. Additionally, Congress has assigned the President with the responsibility of developing

³⁷ National Defense Authorization Act for Fiscal Year 2017, *US Statutes at Large* 130 (2016): 2354.

³⁸ Goldwater-Nichols Act, 1014.

³⁹ Foreign Service Act of 1980, 2079-2080.

⁴⁰ *Ibid.*

the whole-of-government approach and execution of all US foreign policy.⁴¹ However, there is indeed no legal requirement for coordination to take place between the State and Defense Departments. This lack of required coordination places risk to long-term strategic policy goals of the State Department because the possibility *does* exist that Combatant Commanders, and their operations, could interrupt or negatively impact State Department long-term strategic plans.

The risk comes from the overlap in functions of the State Department's responsibility to form and coordinate foreign policy, and the Combatant Commanders' responsibility to conduct missions to deter conflict. The Defense Department, via Combatant Commanders, has a legal license to pursue policies it finds in the best interest of US security—according to its own interpretation, and without coordination or consultation with the State Department, or even the President. This *one responsibility* prescribed to Combatant Commanders by Congress enables the possibility for a fragmented, disaggregated US foreign policy. Under the current structure, designed and legislated by Congress, the absent requirement of departmental coordination of foreign-policy execution has created a scenario where unity-of-effort *depends, and relies*, on goodwill between the State and Defense Departments, as well as good leadership in the Chief of Mission and Combatant Commander positions. Furthermore, a duplicated bureaucratic chain of command, with subordination converging only with the President, leaves little opportunity for *actual* coordination to take place beyond the West Wing of the White House.

Regardless of whether the State and Defense Departments are coordinating efforts overseas or not, there are two competing arms of diplomatic efforts within the Executive Branch of the United States Government. Congress has designed the United States' foreign-policy tools this way. Essentially, both departments have the responsibility to shape the diplomatic environment for US foreign policy—the State Department with policy, and the Combatant Commander with diplomatic-like conventional-deterrence operations designed to “make conditions favorable for US military success.”⁴²

⁴¹ Foreign Assistance Act of 1961, *US Code*, vol. 22, sec. 2382 (1961).

⁴² Rosa Brooks, *How Everything Became War and the Military Became Everything* (New York, NY: Simon & Schuster, Inc., 2016), 144.

Conventional-deterrence operations do not have to consist of kinetic armed military battles, although counterterrorism operations by special forces are one kinetic tool of conventional deterrence. They can consist of peacetime training operations with host-nation militaries or foreign-internal defense operations where Combatant Commanders contribute large amounts of money and resources on behalf of the host nation.⁴³ Because of these resources, and financial ties to them, these types of conventional-deterrence operations can heavily appeal to foreign countries and their leaders. Viewed from a different perspective, it is easy to see how one could conclude that the Combatant Commander's ability to carry out peacetime operations within his jurisdiction in accordance with his own interpretations of US foreign-policy objectives to deter conflict is, in a way, the Department of Defense's formulation and execution of its own foreign policy. As renowned diplomat George Kennan noted, "The National Security Council has become a second State Department."⁴⁴ This poignant viewpoint is a suggestive reflection of how the overlapping functions have allowed the Executive Branch to more easily turn to the Defense Department and Combatant Commanders to execute foreign policy; a phenomenon that has come to be known as the militarization of foreign policy.⁴⁵

Misaligned Agent Focus

Overlapping foreign-policy functions with no coordination requirement are not the only factors created by Congress causing unity-of-effort problems. The aforementioned legislations emphasize a focused attention on two key agents representing their departments that are misaligned in purpose and objective, but have the most ground-level impact on US foreign-policy execution. These agents are the State Department's Chiefs of Mission, charged with coordinating information between all civilian agencies operating in their assigned countries, and the Defense Department's Combatant Commanders, charged with deterring conflict in their assigned regions. One

⁴³ Department of Defense (DOD) Joint Publications 3-0, *Joint Operations*, 22 October 2018, xvii-xxiv, https://www.jcs.mil/Portals/36/Documents/Doctrine/pubs/jp3_0chl.pdf?ver=2018-11-27-160457-910.

⁴⁴ George F. Kennan in J. Robert Moskin, *American Statecraft: The Story of the U.S. Foreign Service* (New York, NY: St. Martin's Press, 2013), 774.

⁴⁵ For writings on the militarization of US foreign policy, see Priest "The Mission," Brooks, "How Everything Became War," Adams "Mission Creep," Gershman and Goodman "The Militarization of U.S. Foreign Policy," and Quainton "Militarization and Marginalization of American Diplomacy and Foreign Policy" in Bibliography.

focuses on coordinating long-term foreign policy efforts, while the other focuses on deterring future violence and shaping relationships to help ensure US national security.

By legislating the State Department's Chief of Mission into a coordination role, Congress has deemphasized the policy-making and advising role, previously relied upon, of the Chief of Mission. Even though Chiefs of Mission are often the main daily interaction point between the US Government and the government of their assigned country, Congress, legislatively, wants them to focus on coordinating US efforts instead of executing foreign policy. Unlike the State Department, Defense Department legislation focuses on mission accomplishment. As the above analysis showed, Goldwater-Nichols and NDAA 2017 muddled the waters of US foreign policy by assigning Combatant Commanders the responsibility of deterring conflict within the geographic sub-regions they are responsible for. Their focus is on winning wars and shaping relationships with governments in way that will help deter future conflicts to prevent future US involvement in wars. Additionally, and more importantly, Congress gave the Combatant Commanders the *authority* to execute *missions* within their jurisdiction to meet their responsibilities.⁴⁶

Misaligned Jurisdictions

A misalignment in jurisdiction of the two key agents with the most ground-level impact to US foreign policy also contributes to the unity-of-effort problem. Congress made the Chief of Mission a country-level position.⁴⁷ However, the Combatant Commander is a regional-level position, responsible for multiple countries. While the Chief of Mission focuses on the specific country assigned, the Combatant Commander focuses not only on that country, but on all the countries surrounding it within that region. The State Department does have Assistant Secretaries managing regional Bureaus within the Department's Bureau of Diplomatic Affairs, but they have no legal foreign-policy authority outside of administration and bureaucratic management. Therefore, the Regional Assistant Secretaries hold no equivalent execution authority to the Geographic Combatant Commanders.

⁴⁶ Goldwater-Nichols Act, 1014-1015.

⁴⁷ Foreign Service Act of 1946, 1000.

Congress has legally authorized Combatant Commanders to conduct operations to deter conflict within an entire region. As shown by the example from Priest, those operations may or may not support State Department policies being executed in a specific Chief of Mission's country. The Chiefs of Mission focus on coordinating and enabling long-term strategic policy and enhancing relationships with the leadership of the specific individual countries assigned to them. The Combatant Commanders have the same concerns, but are first and foremost concerned with their legal obligation to deter conflict within their assigned regions. Furthermore, the Foreign Service Act of 1980 dismisses the Combatant Commander from the requirement of informing the Chief of Mission of any military operations occurring within that Chief's country like it requires other civilian agencies to do.⁴⁸ This creates potential conflicts of interest, as well as conflicting, or even overlapping lines of diplomatic effort.

To add to this problem of two instrumental foreign-policy agents with differing levels of focus, one at the country-level and the other at the regional-level, the State Department and the Defense Department also have differing regional boundaries that are not congruent (fig. 2). The only region with similar boundaries is the State Department's Bureau of European and Eurasian Affairs, and the Defense Department's European Command (EUCOM). Maintaining this specific region under the same boundaries makes sense in terms of foreign policy, given the strategic importance of the North Atlantic Treaty Organization (NATO), and the impact of the Cold War in the post-World War II era, during which most of the laws were written, that have shaped the current landscape of both the State and Defense Departments. However, all logic in boundary development ends in Europe.

⁴⁸ Foreign Service Act of 1980, 2079-2080.

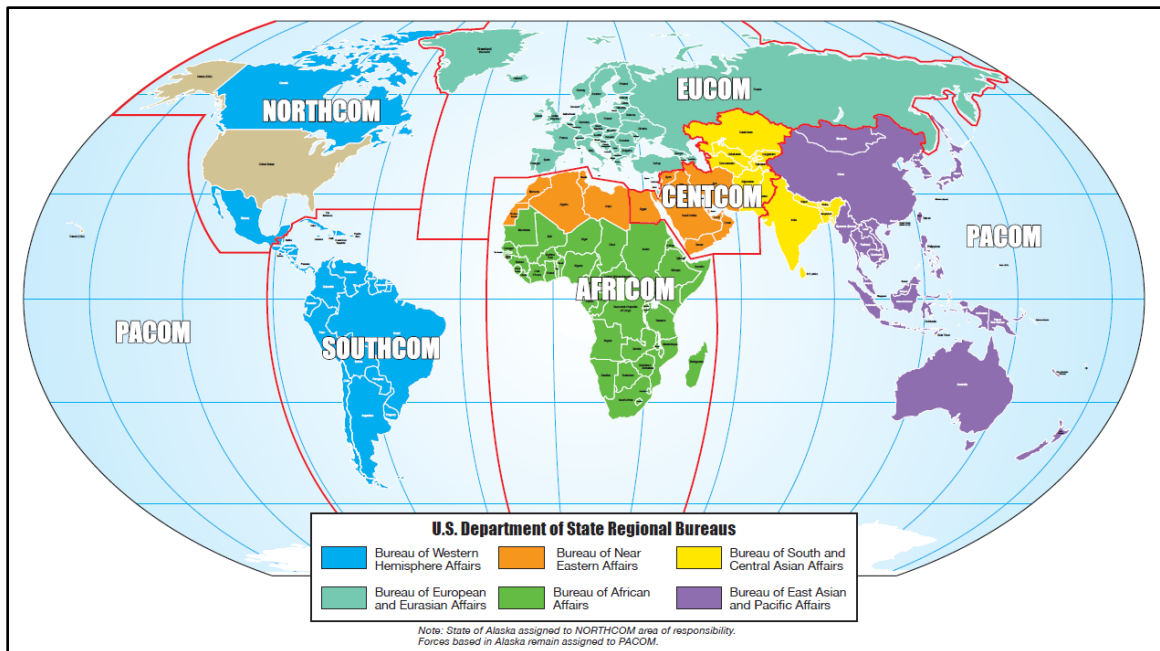


Figure 2: US State and Defense Department Regional Boundaries (2009)

Source: US State Department, “Security Assistance,” US State Department, accessed 4 February 2020, <https://2001-2009.state.gov/t/pm/c17251.htm>.

While US foreign policy efforts in Europe and Eurasia seem to have a more uniform structure given the similar boundaries of the region drawn by both the State and Defense Departments, other regions in the world do not seem to have the same unified structure. Africa has no less than four US Government lines of effort overlapping its continental borders, the State Department’s Bureau of African Affairs and the Bureau of Near Eastern Affairs, and the Defense Department’s Africa Command (AFRICOM) and Central Command (CENTCOM). The Middle East region, where the Global War on Terrorism has consumed the United States for nearly 20 years, is covered by the Defense Department’s CENTCOM, but by two State Department regional bureaus, the Bureau of Near Eastern Affairs and the Bureau of South and Central Asian Affairs. The Pacific and Indian Ocean regions, which are arguably the most important strategic regions for the United States given the perceived return of Great Power Competition, are covered by the Defense Department’s Pacific Command (PACOM), renamed Indo-Pacific Command (INDOPACOM) in 2018, while the State Department again has two regional bureaus managing efforts within the region, its Bureau of South and Central Asian Affairs and the Bureau of East Asian and Pacific Affairs.

To make US foreign policy even more at risk for strategic misalignment, both the State and Defense Departments have Functional Bureaus and Functional Combatant Commands that overlap every single region of both Departments' geographic constructs. Like the Defense Department's Geographic Combatant Commanders, its Functional Combatant Commanders have the same legal responsibilities and authorities assigned to them in the execution of their mission sets. In the case of the Defense Department's Special Operations Command (SOCOM), the Combatant Command primarily charged with executing counter-terrorism missions, it is the responsibility of the SOCOM Combatant Commander to use military special operations to deter conflict. Additionally, the SOCOM Commander has the authority to do so throughout the world. This means that a Chief of Mission for any country could have multiple civilian agencies executing foreign policy within his or her jurisdiction, a Geographic Combatant Commander conducting peacetime operations in that country, and potentially multiple Functional Combatant Commanders conducting differing operations to deter conflict within that same country. Furthermore, the exact same scenario could simultaneously occur in a neighboring country on its border, whether a host-nation friend or foe, but none of those missions are required by law to be coordinated or de-conflicted by anyone other than the President of the United States. With these overlapping jurisdictions and functions, it is easy to see how a member of a foreign government, or even a US participant, could be left wandering who the *real* Chief of Mission really is.

Organizational Structure Issues

Organizational structures also contribute to the US foreign-policy unity-of-effort problem. The organizational structures formed around both the Chiefs of Mission and Combatant Commanders to meet the specific organizational needs of these key agents and their missions appear to reflect the mission focus of each position—that of policy coordination and of deterring conflict—as well as the associated requirements to accomplish those objectives. Through the National Security Act of 1947 and again through Goldwater-Nichols, Congress explicitly designed the organizational structure of the Defense Department, including command relationships and authorities and responsibilities. This has provided the Defense Department guidance for how to incorporate the organizational structures of the department and its services to meet

legislative requirements. Other than the Rogers Act of 1924, where Congress forged the foreign and diplomatic services under the full administration of the State Department, Congress has not provided legislation that has specified these types of requirements like it has for the Defense Department.

Congress enacted legislation that put the Chiefs of Mission in a foreign-policy coordination role, and assigned Secretaries and Assistant Secretaries with only administrative and policy-advising roles. The lack of organizational or command-relationship guidance from Congress, combined with responsibilities focused on administrative issues and coordinating foreign-policy execution efforts of other agencies, seems to have led the State Department down the path of developing an organizational structure that would best suit these administrative and coordination functions (fig. 3). This functional focus comes with its own benefits and problems, but with no real diplomatic authority other than diplomatic interface with foreign officials and policy advising, developing an organizational structure based on functional coordination seems to make sense. Under this logic, the State Department does not necessarily need a chain-of-command focused structure based on subordination and authoritative decision making. After all, diplomatic authority runs from the President to the resourced agencies executing foreign policy. For all intents and purposes, Congress legislated the State Department into a middle-management position. Therefore, the State Department seems to have created a function-based organizational structure within which to coordinate and support different functions, or areas, of foreign policy throughout the world.

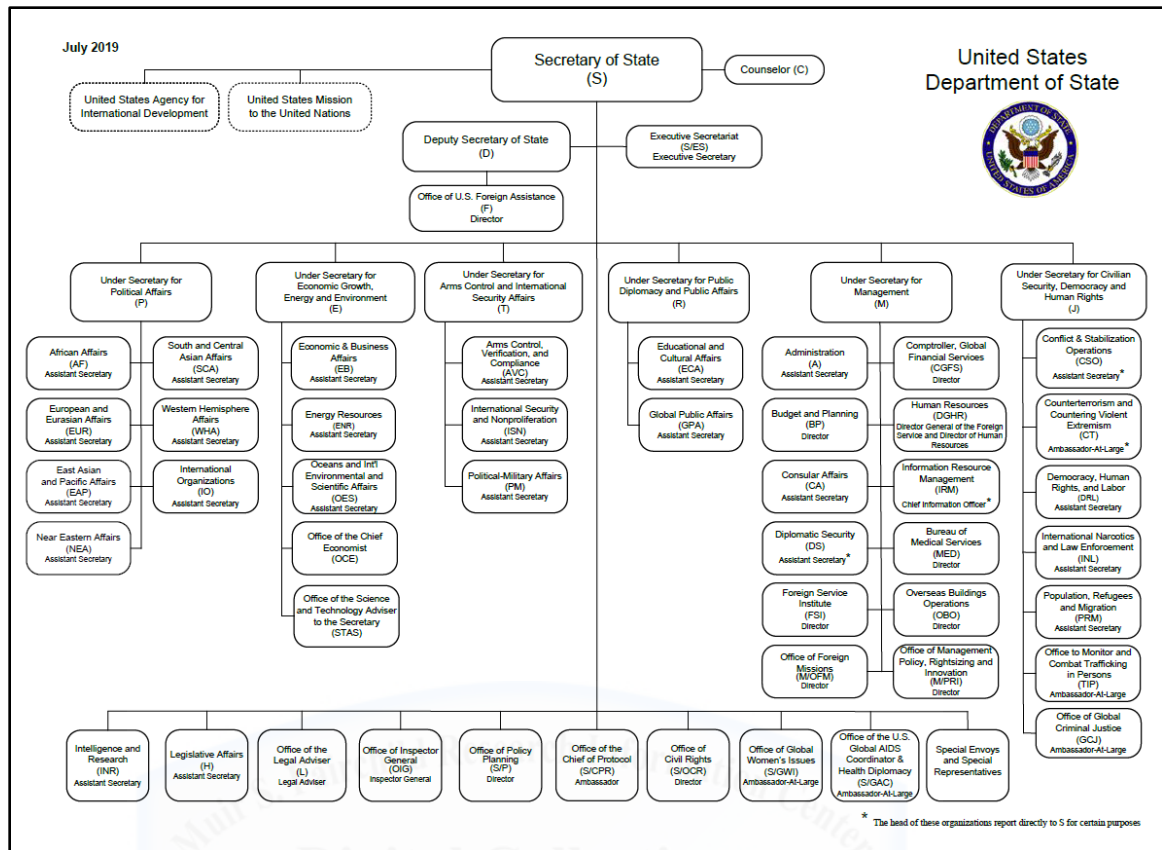


Figure 3: Organizational Structure of the US State Department (2019)

Source: US State Department, “Department of State Organizational Chart,” US State Department, accessed 4 February 2020, <https://www.state.gov/department-of-state-organization-chart/>.

The issue that develops with this organizational structure, in regards to US foreign-policy unity-of-effort, is that the Chief of Mission—the State Department coordination position with the most ground-level impact—is external to most of the State Department organizational structure. This is not true of the Defense Department’s Combatant Commanders. Combatant Commanders, and their organizations, are intertwined within the greater Defense Department organizational structure. Furthermore, the referenced legislations define command relationships of “supporting” and “supported.” This is not the case with legislation governing the State Department. Additionally, other than the Chiefs of Mission, the only other State Department officials charged with advising the President and aiding in developing foreign policy are the

Secretary, the Deputy Secretary, and the Under Secretaries of State.⁴⁹ These officials all work within the walls of the State Department in Washington, D.C., while the Chiefs of Mission are the only legislatively-directed agents outside of the United States with a ground-level perspective.

The State Department, through its Bureau of Public Affairs, does maintain a geographic-based organizational structure to manage all its embassies and foreign-service personnel (fig. 4). However, this is purely for bureaucratic and administrative purposes, not for executing foreign policy. The Assistant Secretaries for each region carry no authority.⁵⁰ They do not have the same responsibilities as their regional defense counterparts, the Geographic Combatant Commanders. Congressional legislation directed at the State Department has focused on department-level organizational matters, in the form of personnel and administration issues, and country-level coordination matters, in the form of the role of the Chief of Mission. Therefore, the Assistant Secretaries within the Bureau of Public Affairs are only referenced in legislation in regards to administration and management.⁵¹ They manage the personnel and the diplomatic mission determined by the President for the regions in which they are assigned, but they are not responsible for the *execution* of the diplomatic missions within their regions. That falls on the resourced agencies carrying out the diplomatic missions. These agencies are provided critical information by, and provide operational information to the Chiefs of Mission for the countries in which they are operating. That is, unless that agency is the US military. Again, with the Foreign Service Act of 1980, Congress specifically removed the obligation for the military to coordinate with the Chief of Mission.⁵²

⁴⁹ State Department Basic Authorities Act of 1956, US Code, vol. 22, sec. 2651a (1956).

⁵⁰ Ibid.

⁵¹ Ibid.

⁵² Foreign Service Act of 1980, 2079-2080.

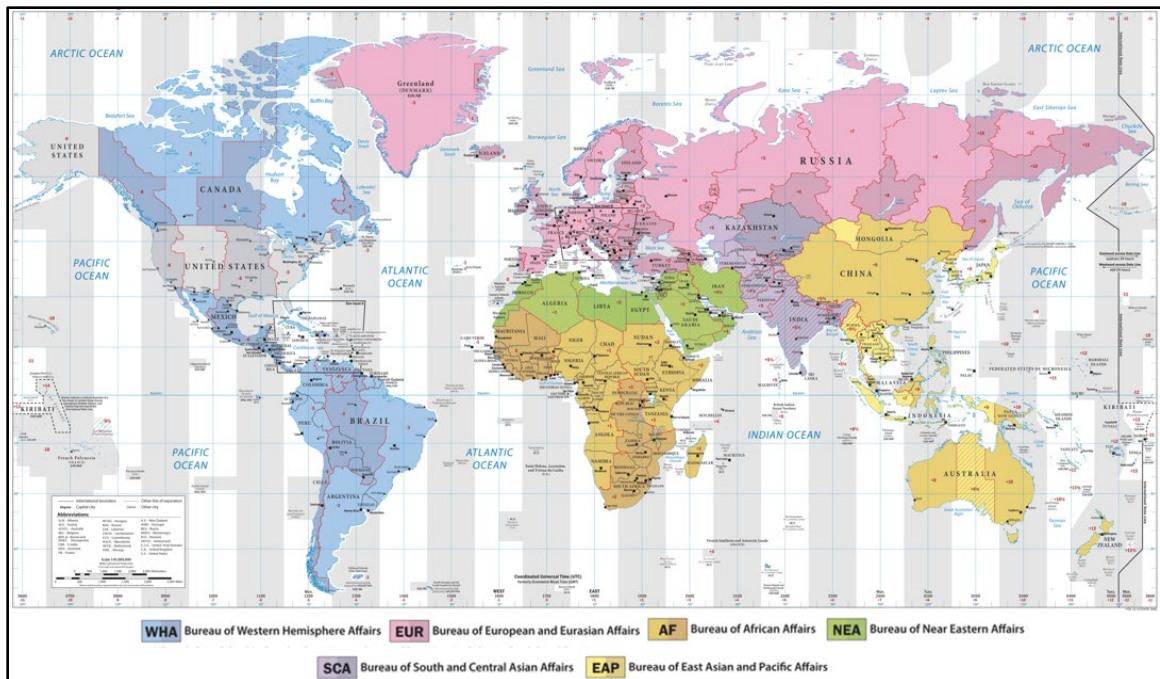


Figure 4: State Department's Bureau of Public Affairs Regional Map (2020)
Source: US State Department, US State Department, "Where We Work," accessed on 4 February 2020, <https://careers.state.gov/learn/what-we-do/where-we-work/>.

Summary

Congressional actions have proved pivotal in creating the current unity-of-effort conundrum. The development of this state of affairs occurred over a period of nearly a hundred years. The described foreign-policy execution issues developed mainly as a result of America's emergence from World War II as hegemonic superpower, and has only been exacerbated by the end of the Cold War and the development of the Global War on Terrorism. Legislation regulating the State Department has focused on personnel issues, while Defense Department legislation has focused on unity of command, responsibilities, and authorities. Furthermore, Congress enacted laws that put the Defense Department into a peacetime foreign-policy role.

The Rogers Act of 1924 laid the legislative foundation for how Congress would structure future laws regulating the State Department. It focused on administrative and personnel issues, not on authorities or responsibilities. These issues were the focus because the State Department's diplomatic role was assumed. However, this assumed role would change as the world changed in the twentieth century. World War II changed the

global political landscape in which the United States found itself as a hegemonic power. To support this role, and aid in the recovery efforts from the war, the United States strategically shifted to maintaining a large standing military that was deployed and engaged throughout the world in both a peacetime and, at times, a war-time role. This post-war change sparked Congress to pass legislation restructuring the US military, its command relationships, and its authorities and responsibilities.

While Congress passed laws like the Goldwater-Nicholas Defense Department Reorganization Act of 1986, regulating the Defense Department by focusing on its organization, authorities, and responsibilities, Congress did not follow suit for the State Department. Instead, Congress continued to pass laws that focused on administrative and personnel issues like recruiting, retention, and retirement. Out of the Defense Department legislation came the rise of the Geographic Combatant Commander, assigned different regions of the world, linked directly to the President through the Secretary of Defense, and the responsibility and authority to conduct overseas operations to deter future conflict. Congress has provided no similar position for the State Department in regards to US diplomatic foreign-policy execution. Congress did highlight the Chief of Mission as the person responsible for the diplomatic mission of a country with the Foreign Service Act of 1946, but never prescribed any *real* authority to the position. Furthermore, future legislation would relegate the Chief of Mission to a coordination position, and assigned them administrative responsibility over the personnel operating within their jurisdiction.

The unity-of-effort problem arose out of this legislative foundation by creating overlapping functions for the State and Defense Departments. Furthermore, the problem became exacerbated when Congress, with the Foreign Service Act of 1980, specifically removed any coordination responsibility between the Chiefs of Mission and Combatant Commanders. This lack of coordination requirement enabled a situation where different agents could work towards different objectives, regardless if they conflicted with US foreign-policy goals. Additionally, misaligned focus of these two pivotal agents, one at the country-level and the other at the regional-level contribute to the unity-of-effort problem.

Congress enabled the unity-of-effort conundrum with the laws it enacted. Thus, it will take an act of Congress—and it is the responsibility of Congress—to remedy the situation. This is not to say that Congress has been derelict in its Constitutional duties of “making rules for the government and regulation of the land and naval forces,” or its responsibility “to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof.”⁵³ Indeed, Congress has performed its Constitutional obligation as has been shown in the legislative examples throughout this chapter. However, given the evidence presented above, an argument can be made that it has not done a very good job of ensuring a coordinated effort in the development and execution of US foreign policy.



⁵³ “The Constitution of the United States, Article II, Section 2,” US Senate, accessed 22 December 2019, https://www.senate.gov/civics/constitution_item/constitution.htm.

Chapter 4

Conclusion

The point of civilian control is to make security subordinate to the larger purposes of a nation, rather than the other way around. The purpose of the military is to defend society, not to define it.

Richard H. Kohn

How Democracies Control the Military

This paper began by asking what the root cause is for the perceived US foreign-policy execution unity-of-effort problem. It did not explore whether a unity-of-effort problem actually exists. Based on the amount of literature dedicated to the subject, it is clear there is a perceived and well-validated issue. Therefore, this paper focused on identifying the *root cause* of the unity-of-effort problem to help raise awareness of the more fundamental source of tension in US foreign-policy execution.

A review of current and past literature on the topic showed that there is no consensus on the cause of the problem. The review highlighted four main hypothesized causes for the unity-of-effort problem: the military overstepping its responsibilities; lack of Presidential ability to delegate certain authorities or responsibilities; the structure of the Executive Branch itself; and the resourcing of the departments in the Executive Branch. However, this paper argues that hypothesized causes were only symptomatic of the root cause of the unity-of-effort problem. These explanations certainly contribute to our understanding of the problem, but only partially explain it, because they fail to address the legal actions that led to the development of those issues. All the hypothesized causes described stem from the same root cause—the legal actions taken by Congress to structure and regulate the State and Defense Departments led to the issues described, and hence, the perceived unity-of-effort problem.

Following the literature review, a thorough legal analysis of relevant Congressional law highlighted the differences in how Congress directed legislation towards the State and Defense Departments. Legislation regulating the State Department has focused on personnel issues, while Defense Department legislation has focused on unity of command, responsibilities, and authorities. Furthermore, since the end of World

War II, Congress enacted laws that put the Defense Department into a peacetime foreign policy role. What's more, post-World War II legislation put the State Department into a role focused on coordination.

This analysis identified how the Rogers Act of 1924 laid the legislative foundation for how Congress would structure future laws regulating the State Department, focusing on administrative and personnel issues, not on authorities or responsibilities. Subsequent laws like the Foreign Service Act of 1946, the State Department Basic Authorities Act of 1956, the Foreign Assistance Act of 1961, and the Foreign Service Act of 1980 continued to focus on administrative and personnel issues like recruiting, retention, and retirement. In contrast, laws like the National Security Act of 1947 and the Goldwater-Nicholas Defense Department Reorganization Act of 1986, regulated the Defense Department by focusing on its organization, authorities, and responsibilities. Furthermore, Congressional laws gave rise to the Geographic Combatant Commanders; assigned to different regions of the world, linked directly to the President through the Secretary of Defense, and with the responsibility and authority to conduct overseas operations to deter future conflict.¹ Congress provided no similar position of authority for the State Department in regards to US diplomatic foreign-policy *execution*.

It is the conclusion of the author that Congressional actions have proved pivotal in creating the current unity-of-effort conundrum. The development of this situation seems to have occurred slowly over a period of nearly a hundred years, and by the direction of differing Congressional generations. The identified foreign-policy execution issues seemed to have developed as a result of America's emergence from World War II as hegemonic superpower, and has been exacerbated by the end of the Cold War and the development of the Global War on Terrorism. To support this hegemonic-superpower role, and to aid in post-war recovery efforts, the United States strategically shifted to maintaining a large standing military that was deployed and engaged throughout the world in both peacetime and, occasionally, war-time roles. Simultaneously, through laws passed by Congress, the role of key State Department diplomats, like the Chief of

¹ Goldwater-Nicholas Department of Defense Reorganization Act of 1986, *US Statutes at Large* 100 (1986): 1014-1015; National Defense Authorization Act for Fiscal Year 2017, *US Statutes at Large* 130 (2016): 2354.

Mission, changed as the world changed in the twentieth century. Congress transitioned these critical diplomats into coordination roles, supervising American employees working overseas, except for military personnel assigned to Combatant Commanders, who themselves have their own Congressionally-sanctioned, peace-time, diplomatic-like, authorities and responsibilities.²

Additionally, Congress legislatively created overlapping functions for the State and Defense Departments. Furthermore, Congress specifically removed any coordination responsibility between the Chiefs of Mission and Combatant Commanders. This lack of coordination requirement enabled a situation where different agents could work towards different objectives, regardless if they conflicted with one another, or even US foreign-policy goals. These overlapping functions, on their own, make it is easy to see how someone, whether in the US government or from a foreign country, interacting with both the US State and Defense Departments, could be left wandering who the *real* Chief of Mission really is.

Implications

Implications of mismatched Congressional focus when legislating the State and Defense Departments, and how those implications led to a unity-of-effort problem, have already been covered in the literature review chapter. The symptomatic issues highlighted there are themselves implications of a mismatched focus on the part of Congress when crafting Executive Branch regulatory legislation. By focusing on the specific departments instead of the overarching effects to, or goals of, a united US foreign-policy execution strategy, Congress enabled those highlighted issues to develop. Because the literature review chapter developed those implications, they will not be revisited here. However, other implications exist.

The current foreign-policy execution structure that Congress has developed has a certain ambiguity to it. At different times, different departments or agencies can take the lead in diplomacy. There is benefit to the ambiguous nature of not defining civilian-military diplomatic authority between the State and Defense Departments. For one, it allows the President some flexibility to determine the type of instrument of power he

² Foreign Service Act of 1980, *US Statutes at Large* 94 (1980): 2079-2180; Goldwater-Nicholas Act, 1014-1015; National Defense Authorization Act for Fiscal Year 2017, 2354.

wishes to employ with different states. In the end, all current Congressional regulatory guidance on foreign-policy execution aligns with the President himself. However, with nearly 200 countries in the world, it is impractical to assume that the President has the time or resources to devote sufficient attention to address every ground-level strategic issue for each situation, *and* dedicate sufficient efforts to running the United States Government. Therefore, a good portion of strategic direction most likely occurs at much lower levels of the US government apparatus. As was shown in the legal review and analysis chapter, overlapping functions creates opportunities for potential duplicate lines of diplomatic effort between the State and Defense Departments. This is a direct result of the ambiguity of who has *the* strategic authority at the ground level of real-time strategic diplomatic-decision making.

Another implication of mismatched Congressional focus when legislating the State and Defense Departments is that it makes US foreign-policy execution less efficient. The aforementioned potential for duplicate lines of effort is one example where a lack of efficiency and waste of resources can develop. However, by removing the requirement for the Defense Department to coordinate its actions with the State Department, Congress opened opportunities for foreign countries to pull resources from both USAID *and* the Defense Department, whether intended or not. While some aspects of military-resource distribution, such as foreign-military sales, require State Department involvement, other aspects do not. Like a child that plays one parent against the other to get what it wants, the lack of coordination requirement provides an avenue for a foreign country to play the State Department against the Defense Department to get resources it desires, creating inefficiencies in both resource distribution and strategic US foreign-policy execution.

Furthermore, lack of Congressional focus on strategic US foreign-policy execution when legislating the State and Defense Departments created an environment that has allowed the Executive Branch to lean on the military to conduct some peacetime diplomacy. Utilizing the military is easy for the Executive Branch because it is heavily resourced with people, money, and equipment, and Combatant Commanders have been prescribed legal authorities and responsibilities. Additionally, it allows the Executive Branch to project US military power in a peacetime role. It places the military as the

logo on the metaphorical business card of the United States instead of its flag, an eagle, or whatever object can be used to project the image of the United States and US democratic values to countries it interacts with. While this may not matter in some diplomatic circumstances, in others it might. Robert Jervis, a well-regarded political scientist, noted, “people are predisposed, set, or ready to see what they expected to be present.”³ Furthermore, he posits, “when a statesman has developed a certain image of another country he will maintain that view in the face of large amounts of discrepant information.”⁴ Congress should ask itself if the US military being the main interactive-focal point with the United States is the image that it strategically wants to project on the world in times of peace.

Recommendations

It is not the author’s intent to claim to have the solution to the US unity-of-effort problem. Doing so would be naïve and presumptuous. Instead, the intent was to raise awareness of the role that Congressional law has played in the issue’s development in conjunction with changing international political landscapes of the last hundred years. However, recommendations for a way forward can be derived from the conclusions of this paper.

To begin with, Congress should develop a bipartisan committee to thoroughly study the issue of US foreign-policy unity-of-effort execution. However, the goal should not be to limit the Executive Branch or force it into executing foreign policy in a specific way. Instead, the objective should be to determine structures and roles between all US instruments of power and how they interact to more effectively execute strategic unified foreign policy. Congress should not rush this study for a quick reactive fix. After all, it took the Goldwater-Nichols commission four years to develop from start to finish. The commission thoroughly considered all aspects of the Defense Department to create a joint military body that would develop into the most powerful armed forces in the world. Congress has never attempted a long-term academic venture to mold the State Department to achieve similar results for foreign-policy execution; let alone taken on a

³ Robert Jervis, *Perception and Misperception in International Politics* (Princeton, NJ: Princeton University Press, 1976), 145.

⁴ Ibid., 146.

long-term mission to form both the State and Defense Departments to meet unified long-term strategic goals of the US government.

The goal of Congress should be to craft legal guidance focused on the strategic whole-of-government execution of US foreign policy in its hegemonic-superpower role to gain what theorist Everett Dolman describes as a continuing strategic advantage.⁵ Another theorist, Colin Gray, notes that “strategy functions as the only purpose built bridge connecting political ends with the methods and means of their attempted achievement.”⁶ Instead of focusing legislation on one department, as it has in the past, Congress should focus on legislating to benefit a whole-of-government strategic approach that takes in consideration all instruments of US power. By scoping legislation to a whole-of-government level of analysis, some of the ambiguity described that has led to foreign policy inefficiencies may be reduced.

Additionally, Congress should determine if the current Executive Branch structure is well suited for effectively executing foreign policy as a hegemonic superpower. As shown in the legal review and analysis chapter, decision-making for nearly all foreign-policy execution decisions falls to the President. In theory, the President is directing and managing all diplomatic direction. This is most likely impossible in today’s environment of globalization. Like a CEO, the President should establish strategic direction, while others should have the authority to make minor coordinated strategic diplomatic decisions based off that guidance. Coordination is important because minor efforts add up to long-term strategic implications. It is inefficient, and likely detrimental, to continue the ambiguousness of having multiple departments with overlapping responsibilities and authorities, without any intertwined chain of command, responsible for executing strategic efforts absent of a coordination requirement. Congress should explore whether the government should create an additional Executive Branch organization to take on this role, with authorities and responsibilities.

Most of the literature reviewed in this paper seems to point to an opinion, a desire, or a belief that the State Department should be the sole authority for foreign-policy

⁵ Everett C. Dolman, *Pure Strategy: Power and Principle in the Space and Information Age* (London, United Kingdom: Frank Cass, 2005), 17.

⁶ Colin S. Gray, *The Strategy Bridge: Theory for Practice* (Oxford, United Kingdom: Oxford University Press, 2016), 238.

execution. However, maybe a *new* organization within the Executive Branch should be the strategic executing arm of foreign policy for the United States—acting on behalf of the President, but with the authority to direct all Executive Branch agents and organizations in one unified orchestra of US foreign-policy execution. In other words, Congress should determine if the hegemonic-superpower status of the United States requires that it provide the President with an organization authorized to execute his grand strategic plans from the White House down to the ground level of foreign-policy execution. On the topic of grand strategy, theorist B.H. Liddell Hart noted that, “the role of grand strategy—higher strategy—is to coordinate and direct all the resources of a nation, or band of nations, towards the attainment of the political object...grand strategy should both calculate and develop the economic resources and man-power of nations...it should not only combine the various instruments, but so regulate their use as to avoid damage to the future state of peace—for its security and prosperity.”⁷ While Chiefs of Mission, Ambassadors, Combatant Commanders, or Secretaries may take these things into consideration, they are not required to—it is not their responsibility. Congress needs to determine if someone should be prescribed authorities to orchestrate all these instruments on behalf of the President, and at his direction.

It is important to note that Congress has *not*, by any means, been derelict in its Constitutionally assigned duty “to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof.”⁸ Congress has fulfilled that duty. It has passed legislation to regulate actions of the Executive Branch as issues have risen. However, it has not done a great job of crafting legislation that takes into consideration the unified strategic execution of US foreign policy. Instead, it has tackled department-specific issues to correct problems relevant to those specific departments. Congress has not yet provided legal guidance relevant to *today’s* environment of both globalization and US hegemony in regards to foreign-policy execution. While the time to take on this issue is most likely decades late,

⁷ B.H. Liddell Hart, *Strategy: Second Revised Edition* (New York, NY: The Penguin Group, 1991), 322.

⁸ “The Constitution of the United States, Article II, Section 2,” US Senate, accessed 22 December 2019, https://www.senate.gov/civics/constitution_item/constitution.htm.

it is not *too* late for Congress to course-correct to meet today's US hegemonic requirements. Ultimately, the current state of US foreign policy is a result of a country evolving from a weak isolated nation in the eighteenth century into a hegemonic superpower of the twenty-first century. Congress just needs to catch up.



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