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**STRATEGIC IMPLICATIONS FOR SHARED  
CONSTITUTIONAL WAR POWERS IN THE 21<sup>ST</sup> CENTURY**

**BY**

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## ABSTRACT

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The purpose of this research project is to examine shared constitutional war powers between the executive and legislative branches of the U.S. Government and identify implications of this relationship on future military strategies and force employment.

Several factors highlight the relevance of this topic for senior military officers. First, increasing U.S. military deployments, spanning the spectrum of conflict, are a source of frustration and concern for professional military officers as they affect long-term military readiness and question the basic philosophy and purpose for military forces. Second, since the end of the Cold War, U.S. Presidents have shown an increasing and unchallenged propensity to use military force, in combination with the other elements of national power, to achieve broad policy objectives. Third, emerging threats to U.S. interests are becoming more asymmetric, encompassing sophisticated technical and nationalistic threats that will likely require a wide variety of military force responses.

A historical review of shared war powers and a look at the future environment reveal that the problem will not be alleviated soon. Accelerated and radical force transformation and continued engagement in the national security process are the two best tools for supporting political authorities charged with employing military force in the national interest.



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# STRATEGIC IMPLICATIONS FOR SHARED CONSTITUTIONAL WAR POWERS IN THE 21<sup>ST</sup> CENTURY

## INTRODUCTION

Constitutional literature and judicial precedent clearly establish that the framers of the constitution intended the commitment of American military force to foreign policy objectives only after extensive consultation and decision making between the two branches of federal government that share war making powers.<sup>1</sup> For the first 150 years of our nation this pattern of consultation and deliberation generally held. But, since the end of World War II, the shared constitutional powers in foreign affairs, and especially in war making powers, shifted from "reasoned interbranch consultation" to policy primacy by the executive.<sup>2</sup> During the Cold War major engagements in Korea and Vietnam and lesser engagements in the Middle East and Caribbean demonstrated this shift to presidential primacy. Cold War presidents, acting as the "point men" for American foreign policy, challenged perceived Soviet influence at almost every opportunity. They did this with the acquiescence and support of Congress, as the Warsaw Pact was considered a visible and universal threat to U.S. interests. The common feeling that the Soviets threatened the American way of life pressed the legislative branch into supporting Presidential policies in nearly every case. The major challenge to presidential primacy came in 1973 with the passage, over presidential veto, of the War Powers Resolution (WPR), a controversial legislative measure aimed at curbing executive war making power.

Yet despite enactment of the WPR, Congress and the President continue to seriously debate employment authority of U.S. military forces for foreign policy objectives. Desert Storm, Haiti, and Bosnia are three recent deployments where significant disagreements existed between Congress and the President on authority to deploy and use military forces.

The purpose of this research project is to examine the relationship of the executive and legislative branches as it affects the employment of military force in the 21<sup>st</sup> century. The goal is to identify critical implications of this relationship and discuss how they will affect future military strategies and force employment.

Several factors highlight the relevance of this topic for senior military officers. First, U.S. military deployments increased steadily throughout the 1990's with forces deployed in situations spanning the spectrum of conflict from major theater war to peacekeeping to humanitarian aid. Increased deployments, especially those outside the realm of theater combat, are a source of frustration and concern for professional military officers as they affect long-term military readiness and question the basic philosophy and purpose for military forces. With the prominence of the United States as the sole remaining superpower and continuing foreign policy commitments, it is reasonable to expect that this trend will continue. Second, with the demise of

a focused Soviet threat, U.S. Presidents have shown an increasing propensity to use Cold War military force, in combination with the other elements of national power, to achieve broad policy objectives. Likewise, the Congress has demonstrated an inability to challenge the President successfully over major foreign policy decisions, enhancing executive branch primacy in this area. Third, emerging threats to U.S. interests are becoming more asymmetric, encompassing sophisticated technical and nationalistic threats that will likely require a wide variety of military force responses. Study of this topic will provide military officers with a broad understanding of the historical and political considerations of shared war powers as well as some of the strategic consequences for the future.

The study involves five parts. It begins with an examination of the constitutional powers assigned to the executive and legislative branches. This discussion will identify and describe each of the powers from the perspective of the constitutional framers in order to establish a base for further examination in the paper. Second, the paper will investigate the contemporary nature of the two branches and their relationship with each other. This section will conclude by speculating on how the inter-branch relationship may change in the future. Third, the paper will specifically review the nature of the war powers conflict between the President and Congress. Focusing on the period following World War II through the post Cold War years this section will include a brief analysis of the WPR of 1973. Fourth, it will look at how the future environment will influence military force employment decisions. Finally, the paper concludes by discussing critical implications of shared constitutional war making powers for the 21<sup>st</sup> century.

## **CONSTITUTIONAL WAR POWERS**

Edward Corwin stated that the constitution is “an invitation to struggle for the privilege of directing American foreign policy.”<sup>3</sup> This statement clearly captures the intent of the constitutional framers. A major discussion point throughout the 1787 Constitutional Convention was distribution of war powers between the legislative and executive branches. The framers, many with knowledge of the abuses associated with the British monarchy, were concerned about vesting the power to make war in one man. It is apparent from a review of historical literature that the framers intended that the decision to go to war be made deliberately and with the full support and concurrence of the people’s representatives. The framers also crafted a role for the President as both government executive and military commander. Of this arrangement, another constitutional expert remarked, “... the powers are not separated in the foreign policy – national security area; they are shared for the most part, and neither Congress nor the President can do much without the other.”<sup>4</sup>

## POWERS OF THE LEGISLATURE

Article I of the United States Constitution provides that "The Congress shall have power ... to declare war [and] grant Letters of Marque and Reprisal...."<sup>5</sup> Significant debate over the wording of this phrase occurred at both the constitutional convention and during the individual state ratification processes. Despite this debate it is clear that the intention of the framers was that Congress alone would possess the authority to initiate war on behalf of the nation.<sup>6</sup> According to David Gray Adler, in assigning these powers to Congress the framers intended for the President to have only the authority to respond in a defensive manner to surprise attacks made against the United States.<sup>7</sup>

Article I also assigns a variety of other powers to the Congress. Most important of these is the inherent control of funding, organizing, and equipping that result from the specified authorities to "raise and support Armies," "To provide and maintain a Navy," and "To make rules for the Government and Regulation of the land and naval forces."<sup>8</sup> These authorities are a powerful tool for the control of presidential war making, the direction of foreign policy, and the development of military force structure.

## POWERS OF THE EXECUTIVE

Article II of The Constitution provides that "the executive power shall be vested in a President of the United States of America."<sup>9</sup> This clause is often an object of liberal interpretation. Past administrations asserted that the grant of executive power also included the authority to make war or initiate hostilities in the name of the nation. Other insights regarding the framer's intent are gained by reviewing the debate at the constitutional convention. The power of the executive, wrote James Madison, "shd. be confined and defined."<sup>10</sup> The intention of the framers seems to be that executive power was limited to "... executing the laws and appointing officers."<sup>11</sup> That this was widely understood among all delegates at the constitutional convention implies quite strongly that the "executive power" clause as well as the "Commander-in-Chief" clause did not extend to the President the power to make war on behalf of the country. Rather, the framers were intent on severing "... the unhappy memories of the royal prerogative" by keeping the executive accountable to the legislature for execution of the nation's laws.<sup>12</sup>

Article II of the Constitution also provides that "The President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the several states, when called into the actual service of the United States."<sup>13</sup> Records of the federal convention indicate that it was the intention of the framers that the President, as Commander in Chief, would

command military operations once authorized by the Congress.<sup>14</sup> It is an understatement to say that Congress and the President have debated this point. Supreme Court Justice Jackson opined in 1952 that the President has "power to do anything, anywhere, that can be done with an army or navy."<sup>15</sup> Justice Jackson's opinion served as precedent for a number of Presidential military adventures during the Cold War period: Johnson, Nixon and Ford in Southeast Asia; Carter in Iran; and Reagan in a variety of locations. Looking back to the framers, however, we are able to see that their intent was different and quite clear. James Iredell, writing in Federalist 69, said, "It [referring to the President's authority] would amount to nothing more than the supreme command and direction of the military and naval forces."<sup>16</sup> Contrasting the President with the King of England, Iredell draws clearly on the distinction between the English King who possessed the power to declare war, and the American President who was dependent on guidance and authority from the legislature.

## **THE CONTEMPORARY NATURE OF THE BRANCHES**

The two institutions responsible for exercising war powers are significantly different from each other. These differences are the result of deliberate design by the constitutional framers, as well as the ways in which they have evolved over time. The contemporary nature of each of these institutions is an important factor in understanding how they operate and interact with each other, and it provides clues about their future relationship. One author described the basic difference quite succinctly:

In general, the genius of Congress is democracy, diversity, debate. Often Congress nurtures creativity. The executive, by contrast, offers the hierarchy and concentrated formal authority that make coherent policy execution at least possible ... there is a need for "decision, activity, secrecy, and dispatch" which only the President and his senior advisors can supply.<sup>17</sup>

## **A VIEW OF CONGRESS**

Lee Hamilton, a former US Representative and prolific scholar of Presidential-Congressional relations, provides several insights into the characteristics of Congress and how these attributes affect their role in foreign policy and military matters. Hamilton concludes that Congress as an institution possesses four key weaknesses that affect its ability to conduct foreign policy.<sup>18</sup> First, Congress is slow and deliberate. Legislative actions and decisions are frequently the result of lengthy debate, consensus-building and political compromise. These processes take time and in the fast moving world of today they are a clear disadvantage. Second, Congress is seldom able to take a long-term view of foreign affairs. Short-term interests at the forefront of their constituents' minds most directly influence legislators.

Congress, especially the House of Representatives, is concerned with reelection every two years and tends to stay focused on issues and concerns of direct importance "at home." Third, Congress is generally uninformed on foreign policy issues. Diplomacy requires expertise, continuity and detailed knowledge of activities and agendas of both allies and foes. This is a difficult challenge for a member of congress concerned with satisfying his constituents and getting reelected. Finally, as Congress is a large body representing the views and concerns of over 260 million Americans it lacks a strong, unifying leader in foreign policy. The power of Congress is, for the most part, diffused through a complex system of committees and sub-committees with multiple representatives and senators wielding power in limited areas, but without a single unifying leader in foreign affairs.

To be completely fair, Congress does move quickly on occasion and some individual members do make valuable foreign contacts and develop levels of expertise that influence US foreign policy. Likewise, the deliberate nature and broad perspective of Congress often mean that it is less likely to make mistakes or overlook problems.

Primarily offsetting these weaknesses, however, are two significant strengths of Congress: accessibility and representativeness.<sup>19</sup> Constituents can more easily access their representatives than they can the President or members of the executive branch. This direct accessibility makes members of congress more aware of the concerns of and, by extension, more accountable to their constituents. Because of its accessibility, Congress is able to more directly represent the views of the people. For this reason, Hamilton concludes "The President is not likely to gain the support of the American People if he can not gain the support of the United States Congress."<sup>20</sup>

## A VIEW OF THE PRESIDENT

Writing on Presidential primacy in foreign policy, Paul Peterson investigates a number of reasons why the President is so dominant. Peterson's contention that the executive operates quite differently depending on whether he is dealing with domestic or foreign policy matters provides a useful way to understand the power and influence of the Presidency and the basic relationship that exists with the legislative branch.

On domestic issues the President is "... subject to the debate, pressure politics, and congressional infighting that is concomitant of the ordinary workings of democratic processes."<sup>21</sup> By virtue of its organization and membership, Congress is a body that is most closely related to the people and the issues that affect them most directly. In most cases these are domestic issues and Congress has the ability, through its committee and sub-committee system, to

develop expertise in issues that mean the most to its constituents. Likewise, Congress has the ability both to pass legislation and appropriate funds to directly influence domestic concerns. But, on foreign policy issues the President “enjoyed an independence, respect, and prestige that enabled him to manage the external relations of the country quite autonomously.”<sup>22</sup> There are two prominent reasons that explain this situation.

First, foreign policy normally requires faster action than domestic policy and is more appropriately handled by a single executive than a body of legislators with a wide variety of views. Closely related to this is the fact that Presidents, through instruments available in the executive branch, have a much better ability to gain information on foreign affairs matters and have at their disposal a variety of resources to commit.<sup>23</sup> An example of this is the Unified Command Structure of the military. Military Commanders-in-Chief (CINCs) are able to gather information in their respective areas of operation daily and then use military forces in planned or contingency activities to influence or engage foreign powers. This can all be accomplished completely outside the purview of Congress.

Second, American citizens expect, and are confident, that the President will act on their behalf in foreign affairs matters.<sup>24</sup> As a whole, American citizens know very little and understand even less about foreign affairs issues. As a result, they expect the President, as the symbol of American power, will, and prestige to represent them. The significant rise in President George H. Bush’s approval rating throughout DESERT SHIELD / DESERT STORM is a very clear example. The corresponding drop in Bush approval ratings following the Gulf War, as the focus moved to a domestic agenda, illustrates that the people will reward a President with their confidence and support during crisis situations and just as quickly withdraw that same support when the agenda shifts.

But one of the greatest advantages of the President is his ability to speak directly to the people. Using the so-called “bully pulpit” the President can present his views directly to the people and in the process appeal for their support and confidence. The President effectively uses this technique when he decides to deploy military force. Against the backdrop of threatened American interests the President can convincingly generate support for deploying forces, often leaving the legislative branch with few options but to follow his lead and support the troops.<sup>25</sup>

#### A FUTURE VIEW OF THE EXECUTIVE AND LEGISLATIVE BRANCHES

Some authors have concluded that in the post Cold War period “... foreign policy has become more like domestic policy – a realm marked by serious partisan divisions in which the

president cannot count on a free ride."<sup>26</sup> If we accept this as accurate, then what does this tell us about the power of the President in future foreign policy? I believe it tells us that in a future of increased globalization and interdependence the primacy that is normally associated with the executive branch in foreign affairs will be challenged on a variety of fronts. One political scientist summarized the future in the following manner:

If members of Congress disagree with the basic objectives of a president's foreign policy, deference is much less likely.... the press has also grown less deferential.... ideological oriented interest groups have come to play a greater role.... There are also more domestic groups with foreign policy agendas.... All of these changes have added to the difficulty of keeping foreign policy isolated from public scrutiny and pressure.<sup>27</sup>

John J. Pitney, Jr. predicts "The Coming Ascent of Congress" in foreign policy affairs. Citing the dissolution of a "life or death" threat to America as well as a focus on domestic and economic issues, Pitney provides a convincing argument detailing the shift from 19<sup>th</sup> century congressional primacy to 20<sup>th</sup> century Presidential domination, and opines that in the 21<sup>st</sup> century the balance of power will shift back to Congress. He cites a prediction by a young Congressman, Newt Gingrich, who forecast in the early 80's that:

Increased rates of change combined with growing decentralization of society and an information explosion will put strains on all elected officials, but will put those closest to the citizen – the legislator – at an advantage. Because of their closeness ... legislators are better able to recognize and evaluate the changes taking place.<sup>28</sup>

If this prediction is true, what does this say about the future role of congress in exercising its constitutional war making powers? James M. Lindsay provides a clue, contending that not only does Congress matter in foreign policy but also that the indirect influence of Congress will sway policy in the future.<sup>29</sup> Lindsay cites three examples where the indirect influence of congress will affect foreign policy.

First, with the end of the Cold War and a unifying threat to American security, legislators will disagree with the President more often over foreign policy matters.<sup>30</sup> Voters will likely view this dissent with less animosity than they might have when war with the Soviet empire appeared imminent. Concern over the economy is replacing national security as a prominent policy issue with Americans and as a result, congressional activism and assertiveness in foreign affairs issues will increase. Former Senator Sam Nunn supported this view in 1993 saying:

Today, the time element is not the same as it was during the Cold War. There is the perception that there's more time for decision making, more time for debate, and that inevitably means that Congress is going to be much more involved than in the past.<sup>31</sup>

Second, globalization and interdependence are blurring the line between domestic and foreign policy issues. The war on drugs provides an excellent example. Drug use is a significant domestic problem in our nation. Drug distribution poses threats to our borders. Overseas drug production affects U.S. interests and foreign relations and adds to regional instability. Issues spanning both domestic and international spheres invite congressional intervention because they involve areas traditionally viewed as only domestic policy issues. As a result, members of congress will have no problem interjecting themselves into these "intermestic issues" without concern for the impact on foreign policy.<sup>32</sup>

Global economics will also influence foreign policy. Speaking in 1989, former Congressman and Secretary of Defense Les Aspin noted "the emergence of an entirely new concept of national security. It embraces economics and competitive, commercial relations." And a former U.S. Trade negotiator said at the same time "Trade is defense."<sup>33</sup> If this is true and we believe that military power will be more closely aligned with the other elements of national power (economics, diplomacy and information), then it is reasonable to expect that Congress will exert more influence in this area.

Third, the increasing gap between American commitments overseas, resources, and strategy is pushing congress toward greater involvement in foreign policy issues.<sup>34</sup> As a result Congress has positioned itself to review military resources and strategy through the Quadrennial Defense Review (QDR) process. In funding decisions Congress will choose among competing military programs and as a result will influence options for meeting our commitments.

Annual defense authorization and appropriation bills provide Congress with the ability to influence policy and strategy. Since Vietnam, Congress has taken a more assertive, although only a mildly effective, role in defense spending. The long-term defense system procurement process prevented Congress from focusing on broader defense planning and strategy issues. Yet, the end of the Cold War has pushed Congress toward wider, strategic concerns. Legislators such as Les Aspin and Sam Nunn are credited with leading efforts in Congress to "re-think strategic defence commitments."<sup>35</sup> Throughout the mid-1990's significant debate took place over defense program procurement and force structure, demonstrating that Congress would challenge executive priorities. Congressional support and additional appropriations for the ongoing Army Transformation project are examples of the legislative branch combining strategic re-thinking with the power of the purse.

Beyond military budgeting several other legislative measures indicate the growing willingness of Congress to influence foreign policy in a more effective, indirect manner. The

National Security Revitalization Act of 1995 reintroduced congressional power to approve U.S. military deployments conducted in support of United Nations Security Council resolutions.<sup>36</sup> This bill also required that U.S. forces serve only under American Commanders and that Congress be informed by the President in a timely manner of any UN Security Council requests for additional funding of peacekeeping missions. A Senate measure by Senator Bob Dole, entitled The Peace Powers Act, sought to repeal the 1973 War Powers Act and reemphasize the requirement for consultation before committing forces to support UN Security Council resolutions.<sup>37</sup> In the words of Representative Toby Roth of Wisconsin, these measures were an attempt to "... put Congress back into the loop in the decision making process when it comes to peacekeeping."<sup>38</sup>

## **THE NATURE OF THE WAR POWERS CONFLICT**

The Congressional - Presidential conflict over employment of military forces is essentially a struggle over power. On the one hand Congress demands consultation and the ability to approve overseas intervention, while on the other hand the President routinely exerts his authority as the chief executive to make and implement foreign policy. The history of this conflict is long and well studied. To understand the ramifications of this problem fully we should look at the conflict as it has unfolded since the end of World War II. Documented debates between the executive and legislative branches existed before World War II, but the most prominent and far reaching aspects of this conflict occurred in the period since that war. It is impossible to examine in great detail the history of this conflict thoroughly so we focus instead on several situations throughout the Cold War and post Cold War period.

## **KOREA AND THE EMERGENCE OF PRESIDENTIAL DOMINANCE**

When informed of the North Korean invasion of the South Harry Truman responded, "We've got to stop the sons of bitches, no matter what."<sup>39</sup> Truman's response, I submit, was a subliminal clue about how he intended to deal with the situation. Korea is an important example with regards to the war powers debate. First, it was the first modern situation in which the President acted unilaterally in employing military force. Second, occurring early in the Cold War, Truman's decisions and thought process served as precedent for executive - legislative relations throughout the remainder of the 20<sup>th</sup> century.

In what at the time some considered "usurped authority, in violation of the laws and the constitution," Truman committed massive American troop strength to repel North Korean forces without prior congressional approval or authority.<sup>40</sup> While he did meet a few days later with a

congressional committee where members both questioned his authority to deploy force and offered support of an authorization resolution, Truman declined to seek a formal congressional declaration. He ultimately relied on other sources of authority. Legally, Truman felt justified in his unilateral decision by an earlier Supreme Court decision in Curtis v. Wright. One of the opinions in this case highlighted the "plenary and exclusive power of the presidency as sole organ of the federal government in international relations."<sup>41</sup> From the viewpoint of a participant in World War II Truman saw the conflict in Korea differently than the situation America faced almost 10 years earlier. Dean Acheson, Truman's Secretary of State, explains "... we had additional motivation for avoiding the legal status of the war in that our government was anxious to limit the scope of the conflict and bring it to a close as soon as possible."<sup>42</sup> Truman was also anxious to not diminish the office of the President. Again, Acheson observes, "His [Truman's] great office was to him a sacred and temporary trust, which he was determined to pass on unimpaired by the slightest loss of power or prestige."<sup>43</sup> Despite some initial reservations, Congress, as an institution, deferred to presidential prerogative and initiative in Korea with appropriations and other legislative support to prosecute the war.

Interestingly, it was a congressional act designed to better prepare the United States for its new role as world leader that may have led to the unintended consequence of unilateral executive action in Korea. The National Security Act of 1947 established the modern day national security infrastructure in the executive branch and other parts of the federal government, and it enabled the President to conceive and execute foreign policy in a more coherent, and unilateral manner.<sup>44</sup>

Many observers see the decision to employ force in Korea as the point of departure for modern day Presidential foreign policy primacy. In attempting to contain communist influence, Truman and Presidents that would follow him felt it necessary to engage wherever the spread of communism would directly threaten U.S. interests or the balance of power between Western democracies and the Soviet bloc. Against a growing Soviet threat to the free world Congress chose not to challenge the President over his decision and instead commenced a pattern of deference in war making powers and an unstated acknowledgement that the executive branch was the instrument of government in the best position to direct foreign policy initiatives. This pattern would hold throughout the Cold War period as a signal of unity for our allies and as a demonstration of resolve to our enemies. Moreover, the Korean War expanded the role of the President from national leader to leader of the free world.<sup>45</sup> In this role, the President's view on foreign policy normally set the tone for action and response to evolving world situations.

## VIETNAM AND THE WAR POWERS RESOLUTION

Vietnam expanded the foreign policy primacy of the President to such a degree that Congress was forced to take action to reassert its constitutional powers. American foreign policy involvement in Vietnam started soon after the Korean cease-fire. President Eisenhower's "domino theory," an expansion of the containment policy, dictated the need for military aid in the form of ground advisors, equipment and money.<sup>46</sup> President Kennedy's statement that the United States would "pay any price, bear any burden ... support any friend, oppose any foe to assure the survival and success of liberty" directly clashed with the Soviet policy of supporting wars of liberation.<sup>47</sup> Without congressional consultation or approval Kennedy increased U.S. military advisor presence in Vietnam, and with the assistance of the national security apparatus, supported a bloody coup against a corrupt and inept South Vietnamese administration that America had backed for years. His actions plunged America deeper into full commitment in Vietnam. By assisting in the coup, America now shared a moral burden to see the action through to resolution. With relatively light American combat casualties and with Vietnam viewed as an indirect showdown with the Soviets, Kennedy enjoyed relative popular support even without full authorization from Congress.

Following Kennedy's assassination, President Johnson pledged continued support for his predecessor's policies. When North Vietnam attacked American War Ships in the Gulf of Tonkin in August of 1964 Johnson obtained a nearly unanimous mandate from Congress that authorized him to "to repel any armed attack against the forces of United States and to prevent further aggression."<sup>48</sup> The Gulf of Tonkin Resolution was destined to be a very controversial and far-reaching action by Congress. Not only did it dramatically expand Johnson's ability to take action without a formal declaration of war but it was also the basis for expanding the scope, size and duration of the conflict. Johnson's view was that commitment of sizable military force would demonstrate U.S. resolve and force the North Vietnamese to negotiate a settlement. The continuing resistance of the North Vietnamese forces and government, along with increasing American casualties, forced citizens and legislators to question, in general, our need to be in Vietnam and, specifically, Johnson's authority to prosecute the war. The Tet offensive of 1968, while a tactical loss for the north, was a strategic victory for them and crystallized the opinion of the American public that this was not a conflict we could win. Ultimately Johnson's inability to bring the war to a successful close, combined with a loss of confidence in his leadership by the American people, forced him from office and made the Vietnam War one of the most divisive periods in modern American history. Richard Nixon assumed office in 1969 and attempted to widen the conflict with military incursions into Cambodia and Laos, and ultimately brought the

North to the negotiating table. Congress continued to support the war with appropriations throughout the Johnson and Nixon administrations until negotiators concluded a peace process that ended American involvement in Vietnam.

Following closely on the heels of the Vietnam War Congress proposed and passed, over Presidential veto, The War Powers Resolution (WPR). The purpose of the WPR was to restore the constitutional framer's intent of shared responsibility and consultation between the President and Congress in taking the nation to war.<sup>49</sup>

The development and implementation of the WPR is long and detailed and well beyond the scope of this paper. The prevailing conclusion regarding the WPR is that it was well-intentioned legislation with little chance of actually fixing the process. Almost from the outset, Presidents did not give full acknowledgement to the WPR and continued to exert their responsibilities as Chief Executive and Commander-in-Chief of the Armed Forces. Among the reasons for its ineffectiveness is the vague language in which it is written. For example, section 2c of the resolution states:

The constitutional powers of the President as commander in Chief to introduce United States Armed forces into hostilities ... are exercised only pursuant to (1) a declaration of war, (2) specific statutory authorization, or (3) a national emergency created by attack upon the United States, its territories or possessions, or its armed forces.<sup>50</sup>

The generally vague language for statutory requirements and national emergencies allowed Presidents to define these provisions in their own terms. The equally vague language included in the WPR regarding consultation left it to the executive to define exactly what constituted acceptable consultation.<sup>51</sup>

Another reason for its general ineffectiveness is that Congress rarely forced the issue of consistent Presidential compliance with the WPR. Congress allowed the President to assume a dominant position and through its collective action, or inaction, legitimized unilateral presidential foreign policy making.<sup>52</sup> While publicly admonishing the President on a number of occasions for overstepping bounds in deploying military force Congress predominantly supported unilateral war making by authorizing appropriations.

Finally, Presidents have never fully accepted the legitimacy of the WPR. They consider it a serious constraint on their authority as Commander in Chief. History and experience demonstrate that Presidents are more likely to "take note" or "report consistent with" or "in the spirit of the WPR" rather than comply with its specific requirements as a matter of law.

The U.S. Supreme Court provides no support for the WPR or final relief to the controversy. The high court would not resolve as a legal issue the usurping of power by the

executive as a result of legislative "acquiescence or passivity." As David Adler writes in discussing this very debate "Congress cannot divest itself of those powers conferred upon it by the Constitution, a necessary predicate of the separation of powers doctrine."<sup>53</sup> With respect to these constitutional powers Adler cites an earlier court finding that once "granted, they are not lost by being allowed to lie dormant, any more than non-existent powers can be prescribed by an unchallenged exercise."<sup>54</sup> The underlying Supreme Court belief is that resolution of this issue lay with the legislative and executive branches and not within the court system. Bernard Brodie supports this conclusion by his observation that the Supreme Court "...has refused to hear relevant cases on the ground that the court has no jurisdiction to question such 'political' questions."<sup>55</sup> More important to note, however, is that neither the President nor Congress has sought a conclusive decision from the Supreme Court on this matter.

In retrospect the Vietnam period sustained Presidential dominance in foreign policy and especially in decisions to use force. Several consecutive Presidents were allowed virtually to prosecute war without a declaration of war and the public support such a declaration entails. When viewed against the overarching strategy of containing communism it is easier to understand the action and inaction of Congress. For the most part, the executive still emerged from the Vietnam period as the leader of the free world and the predominant voice in American foreign policy. Legislative attempts to restore balance to the war making equation were short-lived and ineffective. Perhaps the most enduring effect of Vietnam was on the military itself. The absence of a unifying military strategy, micro-management from the highest levels and lack of popular support from the American people would significantly shape the way the military, if not the nation, would go to war in the future. The specter of "another Vietnam" weighed heavily on officers who led the military in the last decades of the 20<sup>th</sup> century.

#### WINNING THE COLD WAR AND BEYOND

Employment of military forces proceeded cautiously following the Vietnam War. Political authorities as well as senior military officers were none too eager to engage in another Vietnam. With a continuing Soviet threat a series of military engagements in the Caribbean, Central America, and the Middle East signaled new ways in which military force could be used to achieve foreign policy objectives. The Reagan presidency provides examples of both unilateral and bilateral foreign policy initiatives involving the use of military force.

In 1983, as a show of American confidence and support, Reagan worked with Congress to obtain authorization to position U.S. Marines in Beirut. While the initial deployment of Marines achieved objectives a subsequent deployment resulted in disaster with the loss of 241

Marines at the hands of a suicide bomber. This set back, combined with the still fresh "lessons" of Vietnam gave way to the "Weinberger Doctrine." This doctrine, expressed by then Secretary of Defense Casper Weinberger, addressed many of the concerns resulting from military misadventures like the disastrous Beirut deployment and sharply constrained use of combat forces to pursue limited diplomatic objectives. Interestingly, one of the six key tenets of this doctrine was a "reasonable assurance" of congressional and public support.<sup>56</sup> This was the first of three "use of force" doctrines that emerged in the 1980s and 90s. While never absolute and always subject to executive interpretation these doctrines were widely embraced by the military leadership and served as a sort of "checklist" within the administrations on the suitability of employing military force.

Immediately following the Beirut disaster President Reagan deployed U.S. forces, without congressional authorization, on a short duration operation to the Island nation of Grenada, ostensibly to restore the legitimate government, protect American citizens and stem communist influence in the Caribbean. Reagan justified his unilateral decision to invade Grenada as consistent with the WPR by claiming that a national emergency existed, in the form of threatened American medical students, and that there was no time to consult with Congress prior to deployment.<sup>57</sup>

To protect access to oil supplies and commerce in the Persian Gulf Reagan authorized deployment of military forces to attack Iranian naval forces, and with congressional support developed a highly effective re-flagging program for foreign oil tankers so that they could receive legitimate American escort and protection. Looking at congressional consultation during this conflict Blechman concludes:

The talks resulted in wide-ranging support for the retaliation, which conveyed a far stronger political signal than the action itself. U.S. allies were able to take comfort in the fact that for once ... the Americans were united in support of a military operation, and thus the threat of a sudden withdrawal could be put to rest.<sup>58</sup>

In response to state-sponsored terrorism against American interests Reagan ordered, without congressional authorization, retaliatory bombing of Libyan targets in 1986. Again, Reagan explained his actions as consistent with the WPR. The strikes enjoyed widespread public support and demonstrated the belief that the President is expected to make decisions about employing force without necessarily gaining prior congressional approval. The public, and Congress to an extent, accept presidential initiatives when the commitment is limited, the duration is short and the cost is low in terms of American casualties.<sup>59</sup>

Perhaps most significant during his tenure, Reagan presided over the Iran-Contra affair wherein members of his NSC, working in contravention to congressional mandates, attempted to illegally resolve two foreign problems at once by selling arms to Iranians in exchange for hostages while at the same time funneling profits from these sales to Nicaraguan rebel forces fighting the communist Sandinista regime.<sup>60</sup> While not a debate over direct military force employment this incident sheds light on executive branch initiatives gone awry and the acknowledgement that Congress must step in to the foreign policy arena. The Tower Commission, which subsequently investigated Iran-Contra, concluded that the NSC system was dysfunctional and had failed in this case, leading to a faulty policy and inability to achieve objectives. Senator John Tower, Chairman of the Commission, said, "The Iran-Contra incident reinforced the belief that the executive cannot be trusted. The Congress now believes that oversight is no longer sufficient; the Congress must be active and engaged."<sup>61</sup>

With the end of the Reagan years also came the demise of the Soviet Union and the end of the Cold War. This period signaled an opportunity for a shift in American foreign policy. With the loss of a unifying national threat some concluded that Congress and the President would share a more balanced approach to foreign policy initiatives and military force employment. This shift in the paradigm did not occur. Instead, foreign policy initiatives since the end of the Cold War resulted in a wide variety of small-scale military engagements around the world. The most notable exception was the Persian Gulf War of 1991 that saw a vast preponderance of American military forces deployed to fight a conventional land and air battle like that envisioned during the Cold War period. Through this period the executive branch maintained its primacy and, with a few exceptions, the legislative branch deferred to the President on foreign affairs issues.

George H. Bush conducted two significant military deployments during his administration. The invasion of Panama in the winter of 1989-90, while contemplated for a long time, was executed as a successful emergency operation without direct congressional authorization. The short duration of military operations and overwhelming military success, to include the capture and extradition of Manuel Noriega, executed with very limited American casualties made public and congressional criticism of this unilateral action difficult to sustain.

The large-scale deployment of forces to the Persian Gulf in late summer of 1991, followed by a major theater engagement with Iraq, was a resounding military and foreign policy success that enjoyed widespread support among the American people. Yet, for the most part this action was not authorized by Congress. Bush exercised his prerogative to deploy forces immediately for defensive purposes and then later switched to an offensive strategy and further

authorized the deployment of more forces into theater. His correspondence with congressional leadership throughout this period followed the now familiar tone of being consistent with the WPR while not actually acknowledging the legitimacy of the law. Eventually, just days prior to initiating military action Bush won a narrow margin of congressional support authorizing him to take military action in support of United Nations resolutions. Yet Bush had already set the stage for and, according to Colin Powell, was prepared to use military force with or without congressional support.<sup>62</sup>

The Gulf War seemed to validate the tenets of the Weinberger Doctrine for the employment of military force including, at the last minute, congressional support. The end of the Cold War and the emergence of the United States as a sole superpower required that a more flexible doctrine be adopted for the evolving peacekeeping and humanitarian operations that seemed more prevalent. Near the end of the Bush administration GEN Colin Powell, Chairman of the Joint Chiefs of Staff, expressed the new policy as a series of questions to be asked by the administration in situations which required use of violent force.

Is the political objective we seek to achieve important, clearly defined and understood? Have all other nonviolent policy means failed? Will military force achieve the objective? At what cost? Have the gains and risks been analyzed? How might the situation that we seek to alter, once it is altered by force, develop further and what might be the consequences?<sup>63</sup>

It is worth noting that some presidential decisions from the Bush Administration carried over to his successor and significantly affected foreign policy throughout much of the 1990s. The decision to end the ground war after 100 hours of operations left Saddam Hussein with much of his force intact and resulted in a continuing American ground presence in the region and at least two subsequent major redeployments to the region to quell Iraqi saber-rattling. Similarly, the establishment of "no fly zones" over Northern and Southern Iraq has kept American and Allied aircraft and warships committed indefinitely to this region. American pilots are flying combat operations, being engaged by Iraqi air defense systems and striking ground targets almost everyday. The ineffectiveness of Iraqi defense systems combined with over-matching American technology resulting in minimal casualties has kept this long-term operation off the front page and out of the mind of the American public. Some have argued that inaction at the start of the Balkan wars in the early 1990's made the situation much worse once NATO forces entered the area in late 1995. Finally, it is fair to recall that the decision to intervene in Somalia grew from a desire by the Bush Administration to stop the suffering of the Somali people by helping to provide a safe and secure environment for distribution of humanitarian supplies.

There was a dramatic rise in military engagements and deployments during the two Clinton administrations, and a number of examples demonstrate continued Presidential primacy throughout this period. President Clinton modified our foreign policy objectives in Somalia from support for relief agencies to aggressively seeking to ouster a disruptive political leader and infrastructure. Clinton authorized military actions in accordance with U.N. Security Council resolutions and did not seek congressional consultation or approval. This shift in policy eventually led to the bloody actions in the streets of Mogadishu on 3 October 1993 when 18 American soldiers and hundreds of Somali citizens were killed in a pitched urban battle. The images of destroyed helicopters and dead Americans forced Mr. Clinton to consult with Congress and ultimately to withdraw U.S. Forces, signaling total failure of American policy for Somalia.<sup>64</sup>

President Clinton's decision to intervene in Haiti pursuant to a U.N. Security Council resolution is a further example of Presidential dominance and propensity for unilateral action. Faced with mounting Haitian refugees in Florida and pressure from state government and African-American groups to address the abuses taking place in Haiti under a military dictatorship, Clinton ordered military forces to deploy and invade the island to restore the legitimate government to power.<sup>65</sup> A last minute diplomatic agreement turned the invasion into an occupation. Most notable about this action was that it was accomplished well outside of the Cold War period without any communist overtones. Additionally, Haiti was not a new problem. The legitimate government of Bertrand Aristide was ousted by a military dictatorship in 1991. Refugees had been streaming across the Caribbean for months seeking asylum. Despite these conditions, little effort was made to consult with congress to develop coherent policy and, if necessary, obtain authorization for use of military forces. Representative Lee Hamilton, then Chairman of the House Foreign Affairs Committee observed, "We have not approved of the policy, we have not disapproved of the policy. We simply default."<sup>66</sup>

The Balkans offers another look at the decision to employ military forces. In both Bosnia and Kosovo decisions to deploy forces were made pursuant to resolutions by the North Atlantic Council (NAC) of NATO. Despite broad media coverage spanning several years, congressional legislation as early as 1993 prohibiting the spending of military funds for Bosnia, and the presence of an international military force in Bosnia, little consultation occurred between the President and Congress. Instead, to bolster confidence in the peace process and to demonstrate U.S. resolve to European allies, Clinton deployed "implementation forces" for a one-year mission in Bosnia. As we know now, these forces remain in Bosnia today; though

somewhat smaller and under a different name, they are performing essentially the same function.

Anthony Lake, President Clinton's National Security Advisor, outlined the requirements for a broader and more flexible policy regarding the use of forces by the administration. Lake demonstrated how the Clinton administration, even more than its predecessors, had come to view the military as a tool for more non-traditional military operations. With respect to use of military force he identified three key principles:<sup>67</sup>

- Credible threats of force can be as effective as force itself.
- Selective but substantial use of force is sometimes more appropriate than its massive use.
- Carefully defined exit strategies should accompany every foreign intervention.

The decision to employ force in Kosovo was made under somewhat different circumstances but followed the same pattern of Presidential prerogative. In Kosovo an atrocious situation existed with Yugoslavian Federal Forces "cleansing" the internal province of Kosovo of ethnic Albanians. Believing that a brief and intensive air war would halt the Serbs, President Clinton authorized, without congressional consultation or authorization, massive use of American air power in a combined NATO air campaign. Following over 70 days of bombing that included serious strategic debates and differences, NATO forced the Yugoslavian President to stop the genocide and accept a multi-national peacekeeping force that included a major American ground force. Again, the deployment of these forces was conducted pursuant to a NAC resolution and without the authorization of the U.S. Congress. The ground force remains committed in Kosovo today.

Military operations during the Clinton Administration highlight a shift from short-term, clear end-state operations to long-term, ambiguous end-state commitments. Operations of this nature pose a particular dilemma. While forces are not at "war" in a traditional sense of battle and heavy casualties, there are other effects of long-term, open-ended military commitments, particularly when there is disagreement over the merits or the need to be involved at all. Brodie wrote earlier of a similar situation:

... for military actions big enough to be called war, which may endure for months or years, it is hard to see the slightest justification for the President's unwillingness to share his responsibility as well as his authority with Congress. True, too small a majority even in a favorable vote may be an embarrassment, but if the President has no more support than that, it is better he not be at war.<sup>68</sup>

## EFFECTS OF POST COLD WAR DEPLOYMENTS

Prior to discussing the future security environment it is important to reflect on long-term military engagements characteristic of the post Cold War period and to assess some of the effects of these engagements for herein lies the contemporary frustration with increased employment of the military outside the Cold War traditional role of armed forces. There are three effects worth considering. First, sustained military deployments significantly affect Operational Tempo (OPTEMPO) of military forces. The Center for Strategic and International Studies (CSIS) reports that the same post Cold War period marked by a force structure reduction of 36 percent and spending cuts of 40 percent also witnessed a force deployment rate three to four times higher than the Cold War period.<sup>69</sup> A recent article lays out Army plans to man force commitments in the Balkans through 2005. Significantly, National Guard forces will almost exclusively handle deployments to Bosnia while active force units will cover operations in Kosovo.<sup>70</sup> While this plan will help to build predictability into long-term planning for military units it also signals the high level to which our forces are committed and exacerbates a 1990s trend in which reserve component support to active-duty missions increased by 1,200 percent. In addition, deployment of National Guard forces places stress on Guard soldiers executing a detailed train-up for deployment, civilian employers of Guard soldiers who lose employees, and Guard families left behind without full integration and association with large military installations. The active force also feels the pinch, reporting problems with overused aging equipment, diverted funding to support contingencies and a pace of operations that prevents units from maintaining readiness in basic war-fighting skills.<sup>71</sup>

Second, sustained OPTEMPO affects retention and morale of the force. A recent study by the Strategic Studies Institute points to the "... attitudinal effects of ... increased operating tempo" as one of the factors affecting the motivation of junior Army officers to remain on active duty.<sup>72</sup> Troops and leaders are feeling the stress of frequent and long-term deployments, and are voting with their feet to leave the military, affecting readiness, morale, and popular support. Discussing the effect of rising deployments in support of diplomacy, peacekeeping and humanitarian operations, activities frequently described as Operations Other Than War (OOTW), CSIS observes "OOTW have clearly broadened the myriad tasks that military units must master, contributed to deployment fatigue, created competition for scarce resources, and altered perceptions about the essence of the military profession."<sup>73</sup>

Finally, there are significant implications for America's position as the sole superpower. The CSIS report discusses in great detail the political and diplomatic ramifications of a foreign

policy that carries with it an excessive aversion to casualties. The political urge to use force without suffering casualties significantly affects military operations and sends signals to allies and enemies about our intentions and commitment. The intervention in Kosovo with its restrictions on bombing altitudes and constraints on using all available military tools (i.e., ground forces and Apache Helicopters) is an excellent example. As the CSIS report notes, a worthwhile policy of limiting casualties "has inhibited operational flexibility; hurt the U.S. reputation for power; and led to some confusion in the military, where self-sacrifice and the willingness to accept casualties has always been part of the ethos."<sup>74</sup>

The recently completed election season highlights other adverse effects of not maintaining a long-term coherent and coordinated policy to support extended military deployments.<sup>75</sup> Newspapers around the world are replete with articles decrying foreign policy changes and military force commitment changes under a George W. Bush administration. Warranted or not, this concern will affect relationships with allies and potentially send unintended messages to our adversaries. It is apparent that with the current operations in the Balkans we will see, as we did during the Vietnam period and during the Somalia intervention, a transfer of responsibility between Presidential administrations with very different philosophies of national interest and foreign policy objectives. The implications of this situation are very significant not only for our military forces but for development of long-term coherent foreign policy.

## **INTO THE FUTURE**

Now that we have established an understanding of the constitutional authorities, the nature of the executive and legislative branches and how these authorities were executed in the post Cold War period, it is time to look to the future. In this section we will briefly discuss the overall global environment, assess likely threats to U.S. interests and then discuss future strategies and structure issues that may bear upon employment of military forces.

### **GLOBAL SECURITY ENVIRONMENT IN 2025**

The Hart-Rudman Commission on National Security in the 21<sup>st</sup> Century concluded that "while the likelihood of major conflicts between powerful states will decrease, conflict itself will likely increase."<sup>76</sup> Four major characteristics will likely dominate the world of 2025.

First, globalization and interdependence will characterize the relationships between countries and regions.<sup>77</sup> Nations will draw together not only for security but also for economic and commercial reasons. Global information will become a managed commodity and the often

used phrase "information is power" will be more true than ever. Minor events and small conflicts will be more significant and draw the attention of the major world powers.

Second, the United States will remain the sole superpower and will be without a military peer. Regional powers will rise but none will fully challenge the global reach and capability of the U.S. We will be challenged economically as the balance of economic power shifts to countries such as India and China. The U.S. will still prefer a combined approach to world problem solving but large scale alliances, as seen in World War II and throughout the Cold War, will give way to smaller coalitions of the willing and able.<sup>78</sup> As observed in the last decade of the 20<sup>th</sup> century, the military element of power will continue to be closely linked with the other elements of power – economic, diplomatic and information.<sup>79</sup> Military force will back-up the words and interests of powerful nations and organizations.

Third, new actors and new forms of conflict will rise to challenge the preeminence of the major powers. Asymmetric threats will be increasingly directed at vulnerabilities in an effort to level the playing field.<sup>80</sup> Nationalism and religious-cultural issues will fuel discontent as sovereign boundaries become more blurred. Rogue leaders and failing states will command media attention and demand world response. Globalization will make it difficult to identify "vital" interests.<sup>81</sup> Employment of military forces will focus more often on "important national interests" not affecting survival, but affecting the quality of the world in which we live.<sup>82</sup> Values as well as global and regional leadership will demand that dominant nations take actions to avert humanitarian crises and respond to natural and manmade disasters. Threats and acts of genocide, captured and reported by world media, will require policy makers to act quickly.<sup>83</sup> International pressure will drive the United Nations to take on more "peacemaking" operations. The gap between affluent and middle class nations and the destitute nations will grow even larger. The "third world" will be increasingly vulnerable to environmental, health, economic and political liabilities. The U.S., and other major powers, will be asked to lead or substantially support stabilization efforts.<sup>84</sup>

Finally, the technology explosion will continue. New, cheap and radical technological breakthroughs will place sophisticated lethal and non-lethal weapons in the hands of potential challengers.<sup>85</sup> Technology will provide greater means for acquiring, managing and controlling information. Advances in genetics, robotics and micro-technologies will continue to improve quality of life in the developed nations. Not everyone, however, will share in the benefits of increased technology. "Haves" and "have-nots" will exist and this will be a source of conflict.

## FUTURE THREATS TO U.S. SECURITY

From a review of the world environment of 2025 it is possible to identify several key threats to U.S. national security. First, it is apparent that the U.S. homeland will become increasingly vulnerable. This threat will come from both conventional military means such as ICBM threats as well as from terrorist attacks.<sup>86</sup> Terrorist threats, to include employment of a chemical, biological or nuclear Weapon of Mass Destruction (WMD), are already so real that the U.S. military established a Joint Task Force headquarters and National Guard response teams to deal with this threat and the potential consequences. Disruption of key networks and information sources by cyber attacks pose a significant threat to the economic and industrial base. Organized crime and drugs comprise another facet of the homeland threat.<sup>87</sup>

Second, smart and adaptive actors will take advantage of technology and American sensibilities to challenge our dominance.<sup>88</sup> While a clear peer competitor is unlikely to emerge, strong regional challengers will. Recognizing that the U.S. will have a finite amount of forces, often without forward basing or broad coalition support, would-be hegemony will attempt to exert regional pressure to lessen U.S. influence. Challengers will understand a U.S. desire to accomplish lofty policy goals with minimum expenditure of American blood or disruption to the economy. The spread of technology will make vital U.S. information databases and networks more vulnerable to attack by direct or cyber means, threatening economic and information parity as well as overall quality of life.

Finally, outer space will become more critical and competitive.<sup>89</sup> American use of space will continue to expand, but other states and organizations will also attempt to exploit space for commercial and military reasons. Space will provide a primary medium for communication networks, spying platforms and weapons. The recent manning of permanent stations in space may signal 21<sup>st</sup> century colonization and be an eventual source of conflict.

## FUTURE SECURITY STRATEGIES

Strategy – the linking of ways and means to accomplish ends – will also change in the future. Security strategies will need to fully integrate economic, diplomatic, informational and military elements of power to produce coherent and effective foreign policy.

President Clinton's National Security Strategy (NSS) of "Engagement" resulted in a supporting National Military Strategy (NMS) of "Shape, Respond, and Prepare Now."<sup>90</sup> The current NMS recognizes that the military must be capable of three simultaneous functions. First, it must support peacetime engagement by actively shaping the world environment. Port

visits, joint and combined military training exercises, and military-to-military contacts are excellent examples of shaping activities. Second, U.S. forces must be capable of responding quickly to threats to U.S. interests. The ongoing air operations over Iraq and deployments in Bosnia and Kosovo are examples. Third, U.S. military forces must "prepare now" for the challenges of the future. Army transformation and the 2001 Quadrennial Defense Review (QDR) are examples of preparation activities.

The change of administrations following the 2000 elections provides an opportunity to examine and once again change NSS, and with it the NMS. The recent report of the National Defense University QDR 2001 Working Group offers several military strategy options based on alternative security strategies. It is instructive to consider these options as they provide insight into how political decision makers may employ the military element of power. In addition to our current "Shape, Respond, Prepare Now" scheme, the Working Group advocates a variety of alternative military strategies ranging from accelerated global engagement to strategic independence. Two examples illustrate how military strategy may affect the future executive – legislative relationship.

One alternative is to "Engage More Selectively and Accelerate Transformation."<sup>91</sup> This strategy implies that as the sole military superpower the United States can accept risk in the near term, engaging only when vital U.S. interests are threatened, and focus most attention on developing a force structure capable of defeating future threats to U.S. security. As stated, use of military force is more "selective," implying the opportunity for more deliberate consideration and debate, between or within branches of the government, on employing forces. This strategy also conveys greater focus on high order "vital" national security interests that affect our survival and way of life.

A different alternative is to "Engage Today to Prevent Conflict Tomorrow."<sup>92</sup> This strategy implies that the U.S. takes advantage of its current overwhelming military power to increase involvement in Small Scale Contingencies (SSCs) to prevent and mitigate crises and conflicts in the future. This approach would take a proactive stance on alliance and coalition building as well as development and ratification of international accords and treaties. In this strategy, deployment of military force would be more frequent and more dependent on the view of the executive branch as it is the likely interpreter of U.S. interests. The predisposition of the President toward broad national interests would likely lead to public debate between legislative and executive branches over different philosophies on force employment, risk and definition of U.S. interests.

Selection of a new NSS is neither simple nor quick. In accordance with the 2000 National Defense Authorization Act a new administration must submit a new strategy within six months of taking office. Previous administrations had up to a year to do this. This tight timeline ensures that the QDR, due to Congress by October 2001, reflects military force decisions based on broad strategic guidance.<sup>93</sup> Embedded in this process is the opportunity for the executive and legislative branches to develop and agree on coherent bipartisan strategies and force structure for the future, a key step in balancing constitutional powers for employment of force. Whether or not this actually occurs goes to the core issue of this paper. The institutional natures of these branches are in conflict with their constitutional responsibilities and authorities. In the Cold War period this conflict was overcome by a common threat that bound both branches together regardless of political ideology. This will not be the case in the future where diverse and ambiguous threats add confusion and involve more elements of the government in policy decisions. From a purely political standpoint the trend will be to not recognize this change in the environment and continue on as we have since World War II. From a strategy standpoint it is imperative that both branches of government heed the conclusions and recommendations coming out of the numerous national security studies if we are in fact going to have a force structure that meets our national defense needs and policies.

## FUTURE MILITARY FORCES

A key element of the current NMS is preparing for an uncertain future. The 1997 version of this strategy lays out a conceptual template that shows how military forces will need to change for the future environment and threats.<sup>94</sup> Three areas will dictate change for military forces: technology, ideas, and organization. In many ways these changes are already underway.

First, technology will change the way that forces fight and perform other tasks and missions. Technical innovation will lead to smarter, more effective and safer ways of applying lethal military means. There are striking examples of this throughout the Department of Defense (DoD). "Smart" technology enables precision-guided weapons, launched from Naval or Air Force platforms, to attack specified targets from distances that minimize risk to friendly forces and prevent collateral damage to noncombatants. Information technology will change the way we see ourselves on the battlefield. Situational awareness will improve. We will be able to apply technical solutions, such as miniaturized sensors deployed across the battlefield, to gain vital information about our potential foes. Technology will play a key role in developing and

sustaining the military capabilities of the future and, by extension, will provide political authorities with new tools for influencing objectives and situations around the world.

Second, new ideas, concepts and doctrine will guide how military forces will operate. This too is already apparent in the current force. Basic doctrines of the military services clearly emphasize their perceptions for the future. As an example, Army doctrine advocates a "Full Spectrum Force." This implies an understanding that army forces of the future will need to be able to fight major theater wars against opposing regional powers as well as deploy units to provide humanitarian assistance and disaster relief. The Navy and Marine Corps doctrines of "From the Sea ..." and "Operational Maneuver from the Sea," emphasizing striking targets as much as 200 miles inland from sea-based resources, represent visionary thinking about how we will wage future conflict. When fully matured these new ideas, institutionalized in doctrine and validated in training, will form ways and means for achieving political objectives.<sup>95</sup>

Third, organization of our forces will need to adapt to the changing environment and threat. This too has already started. The formation of Intermediate Brigades by the Army at Fort Lewis is a good example. This organization is an interim step to a more ambitious and futuristic "objective force" fully designed and capable for the challenges of 2025. Using forces at diametric ends of the spectrum – very heavy and very light – the Army is transforming them into an intermediate force that is more easily deployable than our current heavy forces but that carries more firepower and staying power than our current light forces. Technology and new ideas, as discussed above, are playing a role in this organizational change. Recognizing that information will be key in operating this force, it is structured with an integral Reconnaissance, Surveillance and Target Acquisition (RSTA) squadron. Likewise, the army is looking to science and technology to develop a fighting vehicle that can simultaneously provide lethal fires, transport and troop protection and is deployable on all DoD cargo aircraft.<sup>96</sup> Organizational change within the military services to meet the future threat will provide political decision makers with new resources for achieving policy ends. Along with these new resources will come increased potential for tension between the executive and legislative branches. The tendency may be for the President to use these highly deployable and capable organizations more frequently in support of interests. Possessing unique military capabilities may increase our support to other coalitions and trouble spots triggering public and interbranch debate on interests and policies. Finally, developing and maintaining these military capabilities into the future will compete with other high priority domestic issues.

## CONCLUSION

Based on the preceding review and analysis, what are the implications of shared constitutional war powers on future decisions to employ military force? Three overriding implications stand out:

- The interbranch relationship will not significantly change.
- Political philosophies will drive force employment.
- Effective strategy requires integrating all elements of national power.

Given the likelihood of continued friction between the executive and legislative branches, we also consider how the least desirable aspects of shared constitutional war powers may be mitigated.

## IMPLICATIONS

It is apparent that the relationship between the executive and legislative branches over shared war powers will probably not change in the foreseeable future. Throughout the post-WWII period the executive branch emerged as the proponent for foreign affairs and military force employment. Congress frequently deferred to the President in an attempt to demonstrate unity and support for the forces against a common foe. The lack of a unifying threat has not significantly changed the pattern. While some of the following discussion will highlight areas where this relationship may potentially shift, the overall conclusion is that a change in the basic paradigm of executive primacy will most likely not occur before 2025. Therefore, the President will continue to define national interests and dictate overall security strategy and Congress will continue to exert influence through funding and legislation. Debate over force structure and use of military forces for policy objectives will continue. The military will continue to be caught in the middle between planning for an executive branch provided strategy with a force structure directed largely under the auspices of the legislative branch. Unless an effort at bi-partisan goodwill results in the development of a standing legislative consultation committee that would meet with the President to discuss employment of military forces, there is little chance that the intent of the constitutional framers for "close and effective consultation" can be achieved. Fortunately some efforts have been made in this direction. The recently completed report of The United States Commission on National Security in the 21<sup>st</sup> Century to consider encompassing new strategies, processes and legislation will provide a wide range of recommendations for both Congress and the White House.<sup>97</sup>

Political reality will prevail in foreign policy decisions involving military force. Decisions to employ military forces will be made by political authorities possessing basic philosophies and objectives sympathetic to their political power base. This is true for both the executive and legislative branch. The recently completed Presidential election provides a clear example of this. The Gore campaign advocated a broader definition of national interests and a more expansive approach for employing military forces. The Bush campaign advocated a more selective approach to employing forces against interests more narrowly defined as vital or very important. The Gore campaign followed the lead of the Clinton administration in supporting nation-building ventures with military force. The Bush campaign viewed humanitarian operations as generally lying outside vital national interests.<sup>98</sup> The selection of Colin Powell as Secretary of State and the presence of Vice President Dick Cheney at least imply that a Bush administration will follow a more selective force employment doctrine, similar to the Weinberger - Powell Doctrine, rather than a more inclusive doctrine such as that articulated by former National Security Advisor Anthony Lake.

This is not to say that commitments made during the Clinton Administration will suddenly be reversed by the new Republican administration. Presidential administrations and Congress often inherit foreign policy situations from their predecessors that reflect different policies and national interest interpretations. We highlighted earlier how this occurred in the 1992 Bush-Clinton transition of power. Politically, President George W. Bush cannot afford to upset the delicate NATO relationship with immediate withdrawals from Bosnia or Kosovo. Doing so would risk U.S. prestige and may create an irreversible situation with our European allies. Rapid withdrawal from commitments in Southwest Asia is also not feasible. For the most part these are commitments that were originally put in place by Republican administrations that viewed access to Gulf resources as a vital American interest. Changes to standing commitments will only occur by deliberate decision making and gradual shifts in strategy and policy.

Political philosophies directly affect the formulation of security strategy. In our current national security structure the President must identify national interests and define a strategy. The President's national security strategy will in turn provide focus for development of a supporting military strategy. Congress can support or oppose the stated strategy by exercising its constitutional powers to organize, equip and fund forces and operations. Support or opposition may well depend on which party controls a majority in Congress, and how philosophically aligned with the President that majority is. Congress has traditionally, although sometimes reluctantly, followed the lead of the President. The military should expect this trend to continue.

Likewise, force structure is also influenced by politics. In this arena, Congress exerts more authority than the President as it ultimately controls the funding for defense systems and programs. A good example of this is seen in Plan Colombia where continued support for anti-drug operations in that country will require a Congressional authorization in the coming months. Serious debates between parties, and among Democrats themselves, exist over the Government of Colombia's record on human rights abuses. Several influential Democratic senators are vowing to fight future aid unless human rights conditions improve, potentially jeopardizing the current Clinton program and a potential Bush expansion of the program.<sup>99</sup>

In the future we can expect that domestic and foreign affairs will become less distinct and the threat to American security will become more ambiguous. This means that the executive and legislative branches will find themselves debating "intermestic issues" more often. Understanding this conflict is vital for the senior military officer. Both branches of government serve many different constituencies. The President, while representing all the people, is also less directly accountable. His strengths lie in the fact that he is more flexible in building consensus and possesses a greater freedom of action. Congress serves many constituencies and because of its accessibility does so at one and the same time. These constituencies include voters in their home districts, defense contractors in their state, political action committees, and organized interest groups, both foreign and domestic. This situation will lead to greater political conflict and consequently more difficulty in developing clear and coherent long-term security strategy.

Political reality will not change or go away, and military leaders must expect and anticipate it. The influence of the executive branch will be direct, as it will attempt to interpret interests, develop strategy and maintain the trend of executive primacy in foreign policy issues. Congressional influence will be more indirect, taking the form of funding appropriations for force structure and operations, legislation on use of force, and public hearings on policies and oversight.

In the future we can no longer view the military element of power as a stand-alone option for political authorities. Unilateral application of military power can seldom succeed, especially when combined with a lack of policy or strategy. The UNISOM II operations that led to the 3 October 1993 disaster in Mogadishu are an example. Global interdependence will dictate that diplomatic, economic, and informational elements of power also play a key role in national security. Effective diplomacy must be backed up with strong military deterrence and strike capability. Bosnia provides a good example of how combining the elements of power can significantly reduce conflict. Selective air strikes against Serbian positions helped back up

diplomacy and forced key leadership to the negotiating table in the fall of 1995. President Clinton's assurance that a sizable American military force would be included in the peace implementation force provided the impetus for all parties to agree to the Dayton Peace Agreement.

Combining the elements of power will lead to more non-traditional employments of military forces. The Clinton administration provides an example. Some have observed that President Clinton's foreign policy focused on global prosperity. The theory holds "that prosperity is a rising tide that lifts all boats."<sup>100</sup> Philosophies of this nature will lead to more frequent employment of military forces outside of a major theater combat engagement and into the broad band of OOTW. Some have argued that the Clinton approach made the Armed Forces more "utilitarian," implying a shift away from the more traditionally accepted role of fighting and winning the nation's wars. The traditional view, while certainly applicable in a Cold War environment, appears narrow in light of the evolving security environment and quite honestly has always been a feature of American military employment. The problem will become more complex in the future because of increasing lethality and nationalistic ideologies that will accompany OOTW. The challenge for the military, in conjunction with the executive and legislative branches of the U.S. Government is to redefine the roles and missions of the military for the future security environment and then ensure that adequate resources and force structure exist to carry them out.

The future environment will likely require the application of military power simultaneously with economic, informational and diplomatic power. This will be especially true with "low density - high demand" military assets such as strategic airlift, space-based intelligence systems, civil affairs units and intra-coastal maritime vessels. Without an emerging military peer the U.S. retains moral leadership and responsibility for maintaining key capabilities that will support regional and international coalitions as well as unilateral operations.

The implications for future strategy and force structure are very clear. Senior military leaders will need to remain integrated in national security discussions and policies. Theater Commanders in Chief (CINCs) already wield great regional influence, as they frequently possess first hand knowledge of what is happening in areas of conflict and what elements of national power can most likely affect situations. A recent series of articles by reporter Dana Priest in the Washington Post highlights the growing influence and capabilities of CINCs.<sup>101</sup> The series focused on several recent CINCs and illustrated their breadth of knowledge, depth of understanding of regional conflicts and potential flashpoints, extensive circle of trusting political and military contacts, and access to resources. The Unified Command Plan (UCP) that directs

the formation and responsibilities of theater and functional CINCs has become a tool for combining the elements of power and advising on the most effective and appropriate use of military forces. Whether this "proconsul" status for CINCs is appropriate or not is an issue best left to Congress and the President to decide. The facts, however, seem to suggest that regional CINCs with broad information collection capabilities, forward presence, and professional relationships have assumed a position of extraordinary influence on policies and issues in their areas of responsibility. The positive aspect of this is that in the future environment we will have military commanders in the field who are in tune with a broad range of strategic tools. Conversely, the CINC as "proconsul" may challenge fundamental aspects of U.S. military – civilian relations. Proper balance between these extremes is required.

## MITIGATION

There are some practical ideas that the military establishment and senior military officers can implement to mitigate the less desirable aspects of shared constitutional powers over force employment. Many of these ideas are captured in professional national security studies and are included here as approaches to improving the overall situation from a military standpoint.

First, we must pursue a strategy of military transformation now.<sup>102</sup> The current Revolution in Military Affairs combined with the changing geostrategic environment mean that we will likely have to respond to more situations that bear little resemblance to past military operations. The immediate goal of a transformation effort must be to correct the imbalance between current requirements and available resources. Closely following this is a thorough review of the roles and missions of military forces in the 21<sup>st</sup> century. Ultimately, transformation must increase or redistribute resources, control OPTEMPO and determine new standards for military readiness.<sup>103</sup> Transformation must provide a military capable of doing that which it is called upon to do.

The norm of the future will be to operate in the spectrum of conflict we now refer to as OOTW. As a sole superpower we are at increasing risk as asymmetric actors devise new and lethal ways of diminishing our global influence. Force structure, weapons systems and operational doctrine must be adapted for the future. Military capabilities must be developed that provide the National Command Authority with realistic and executable military options. Senior military leaders must work with authorities to ensure political constraints on operations do not unnecessarily inhibit initiative and confidence or prevent the employment of appropriate military capabilities. As the author of the CSIS study observed:

Although the services can be expected to engage across the entire spectrum of conflict in the twenty-first century, it must be made absolutely clear that combat operations—in whatever new forms they might take—remain the unique, core competency of the armed forces and DOD.<sup>104</sup>

Included in the transformation must be a continuing look at the current UCP to ensure we are globally organized to meet the evolving threats. The NDP made several suggestions regarding UCP reorganization that have already been implemented. More changes are needed, especially with respect to homeland defense needs for the future.<sup>105</sup>

Second, the military must play a larger role in development of a broad approach to national security. The challenges of the 21st century are different from the past. Evolving security interests in space, cyberspace, and information systems create new vulnerabilities and require new ideas and methods for protection. The “intermestic” nature of future threats will require coordinated responses from agencies across the government. Two particular areas where the military can influence are in development of interoperable alliance structures and in the interagency process.

As we discussed earlier it is likely that the U.S. will find itself dealing with international problems in a unilateral fashion or as a member of a small coalition. It is vital that military forces, through regional CINCs, develop interoperability with forces with whom we will most likely partner.<sup>106</sup> In some cases these will be non-traditional partners like the Russians in Bosnia. In other cases, they will be long-standing allies such as the British. As strong regional powers begin to emerge in the 21st century, U.S. military forces should engage them and develop professional relationships that will be mutually beneficial and that will form the basis of future political and military coalitions. Preserving our technological advantage while minimizing a gap in interoperability will continue to be a challenge that can only be addressed by continued training and operations with current and new allied partners.

The military must work to improve the interagency national security process. There are several practical ideas that can be implemented that would help to inform and educate potential policy makers. First, we should assign more military officers to key positions in national security structures and include civilian agency representatives in military staffs to create an interagency corps of trained professionals who could add stability to the national security process. Second, we must expand on education programs currently in place within the National Defense University system and include more and higher ranking officials.<sup>107</sup> Finally, as the CSIS study suggests, senior service college curriculums must be expanded to offer special courses for legislators, staff members of the various branches, members of the media and educators.<sup>108</sup>

## SUMMARY

While not always practiced as originally intended, shared constitutional powers for employment of military forces is a key feature of our constitution. It is also a source of frustration for members of the two branches as well as the military. This frustration has grown through the post Cold War period as deployments to less traditional non-combat operations steadily increased, placing stress on OPTEMPO, resources, equipment, manpower and morale. A historical review of the application of shared war powers and a look at the environment of tomorrow reveal that the problem will probably not be alleviated soon. Accelerated and radical force transformation and continued engagement in the national security process are the two best tools for supporting political authorities charged with making the decision to employ force in the national interest.

WORD COUNT = 13534

## ENDNOTES

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<sup>1</sup> David Gray Adler, "The Constitution and Presidential Warmaking: The Enduring Debate," Political Science Quarterly 103, no. 1 (Spring 1988): 5-7.

<sup>2</sup> John Dumbrell, The Making of US Foreign Policy 2d ed. (Manchester: Manchester University Press, 1997), 115.

<sup>3</sup> Edward S. Corwin, The President: Office and Powers, 1787-1957 4<sup>th</sup> ed. (New York, New York University Press, 1957), 171.

<sup>4</sup> Barry M. Blechman, "The Congressional Role in U.S. Military Policy," Political Science Quarterly 106, no. 1 (Spring 1991): 26.

<sup>5</sup> U.S. Constitution, art. I, sec. 8.

<sup>6</sup> Adler, 5.

<sup>7</sup> *Ibid*, 7.

<sup>8</sup> U.S. Constitution, art. I, sec. 8.

<sup>9</sup> *Ibid*, art. II, sec. 1.

<sup>10</sup> Adler, 15.

<sup>11</sup> *Ibid*, 14.

<sup>12</sup> *Ibid*, 15.

<sup>13</sup> U.S. Constitution, art. II, sec. 2.

<sup>14</sup> Adler, 12.

<sup>15</sup> *Ibid*, 9.

<sup>16</sup> *Ibid*, 13.

<sup>17</sup> Blechman, 23.

<sup>18</sup> Lee H. Hamilton, "Congress and the Presidency in American Foreign Policy," ed. Roger H. Davidson and Walter J. Oleszek, Governing: Readings and Cases in American Politics (Thousand Oaks, CA.: CQ Press, 1992), 548-549.

<sup>19</sup> *Ibid*, 3.

<sup>20</sup> *Ibid*, 2-3.

<sup>21</sup> Paul E. Peterson, "The President's Dominance in Foreign Policy Making," Political Science Quarterly 109, no. 2 (Summer 1994): 225-226.

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<sup>22</sup> Ibid, 226.

<sup>23</sup> Ibid.

<sup>24</sup> Ibid.

<sup>25</sup> Ryan C. Hendrickson, "War Powers, Bosnia, and the 104<sup>th</sup> Congress," Political Science Quarterly 113, no. 2 (Summer 1998): 250.

<sup>26</sup> Peterson, 227.

<sup>27</sup> Ibid, 228.

<sup>28</sup> John J. Pitney, Jr., "The Coming Ascent of Congress," Policy Review 100 (April & May 2000): 13-14.

<sup>29</sup> James M. Lindsay, "Congress and Foreign Policy: Why the Hill Matters," Political Science Quarterly 107, no 4 (Winter 1992 / 1993): 626.

<sup>30</sup> Ibid.

<sup>31</sup> Dumbrell, 129.

<sup>32</sup> Lindsay, 627.

<sup>33</sup> Ibid.

<sup>34</sup> Ibid.

<sup>35</sup> Dumbrell, 139.

<sup>36</sup> Hendrickson, 244.

<sup>37</sup> Ibid, 245.

<sup>38</sup> Ibid, 244.

<sup>39</sup> Dumbrell, 58.

<sup>40</sup> Ibid.

<sup>41</sup> Ibid, 59.

<sup>42</sup> Bernard Brodie, War & Politics (New York: Macmillan and Company, 1973), 109.

<sup>43</sup> Ibid, 111.

<sup>44</sup> Dumbrell, 59.

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<sup>45</sup> Ibid.

<sup>46</sup> Ibid, 60.

<sup>47</sup> Ibid.

<sup>48</sup> Ibid, 61.

<sup>49</sup> Ibid, 62.

<sup>50</sup> Victoria A. Farrar-Myers, "Transference of authority: The institutional struggle over the control of war power," Congress and the Presidency 25 (Autumn 1998): [database on-line]; available from UMI ProQuest Direct, Bell and Howell, UMI publication no. 07343469.

<sup>51</sup> Ibid.

<sup>52</sup> Ibid.

<sup>53</sup> Adler, 36.

<sup>54</sup> Ibid.

<sup>55</sup> Brodie, 109.

<sup>56</sup> Jim Mokhiber and Rick Young, "The Uses of Military Force," 1999; available from <<http://www.pbs.org/wgbh/pages/frontline/shows/military/force/>>; Internet; accessed on 21 September 2000.

<sup>57</sup> Farrar-Myers.

<sup>58</sup> Blechman, 23.

<sup>59</sup> Farrar-Myers.

<sup>60</sup> Dumbrell, 75.

<sup>61</sup> Blechman, 22.

<sup>62</sup> Colin Powell, My American Journey (New York: Random House, 1995), 499.

<sup>63</sup> Mokhiber and Young.

<sup>64</sup> Ibid.

<sup>65</sup> The decision to intervene in Haiti is an example of the earlier discussed concept of "intermestic" issues.

<sup>66</sup> Dumbrell, 65.

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<sup>67</sup> Mokhiber and Young.

<sup>68</sup> Brodie, 111-112.

<sup>69</sup> Center for Strategic and International Studies, American Military Culture in the Twenty-First Century (Washington D.C.: CSIS Press, February 2000), 18. Hereafter cited as CSIS.

<sup>70</sup> Sean D. Naylor, "Balkan rotation schedule set through 2005," Army Times (18 December 2000): 16.

<sup>71</sup> CSIS, 19.

<sup>72</sup> Leonard Wong, Generations Apart: Xers and Boomers in the Officer Corps (Carlisle: Strategic Studies Institute, November 2000), 2.

<sup>73</sup> CSIS, 20.

<sup>74</sup> Ibid, 21-22.

<sup>75</sup> Louis R. Golino, "Foreign Policy Faceoff," 30 October 2000; available from <<http://ebird.dtic.mil/Oct2000/s20001030policy.htm>>; Internet; accessed on 30 October 2000.

<sup>76</sup> The United States Commission on National Security / 21<sup>st</sup> Century, "Major Themes and Implications," New World Coming: American Security in the 21<sup>st</sup> Century, 15 September 1999; available from <https://wwwc.cc.columbia.edu/sec/dlc/ciao/oljourfrm.html>; Internet; accessed on 15 November 2000, 8.

<sup>77</sup> National Defense Panel, Transforming Defense: National Security in the 21<sup>st</sup> Century (Arlington: National Defense Panel, December 1997), 5. Hereafter cited as NDP.

<sup>78</sup> U.S. Commission on National Security / 21<sup>st</sup> Century, 3.

<sup>79</sup> Ibid, 7.

<sup>80</sup> Ibid, 4-5

<sup>81</sup> Tom Donnelly, "Strategic Strife," 29 November 2000; available from <<http://ebird.dtic.mil/Nov2000/e20001116democrats.htm>>; Internet; accessed on 29 November 2000.

<sup>82</sup> William J. Clinton, A National Security Strategy for a New Century (Washington, D.C.: The White House, December 1999), 1.

<sup>83</sup> U.S. Commission on National Security / 21<sup>st</sup> Century, 6.

<sup>84</sup> Joseph F. Coates, John B. Mahaffie, and Andy Hines, 2025: Scenarios of US and Global Society Reshaped by Science and Technology (Greensboro, NC: Coates and Jarratt, 1997), 1.

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<sup>85</sup> U.S. Commission on National Security / 21<sup>st</sup> Century, 3.

<sup>86</sup> Howard Diamond, "U.S. Intelligence Estimate Warns of Rising Missile Threats," Arms Control Today 29 (September / October 1999): 33, [database on-line]; available from UMI ProQuest Direct, Bell and Howell, UMI publication no. 0196125X.

<sup>87</sup> U.S. Commission on National Security / 21<sup>st</sup> Century, 4.

<sup>88</sup> Ibid.

<sup>89</sup> Ibid, 6.

<sup>90</sup> John M. Shalikashvili, Shape, Respond, Prepare Now: A Military Strategy for a New Era (Washington, D.C.: The Pentagon, 1997), 1.

<sup>91</sup> Quadrennial Defense Review Working Group, Report of the National Defense University Quadrennial Defense Review 2001 Working Group (Washington, D.C.: National Defense University, November 2000), 20.

<sup>92</sup> Ibid, 23.

<sup>93</sup> Donnelly.

<sup>94</sup> Shalikashvili, 17.

<sup>95</sup> This discussion of service doctrine is based on notes from USAWC Course 4, Implementing National Military Strategy, 29 November – 7 December 2000.

<sup>96</sup> Much of this discussion is based on Army Transformation briefings and displays at the 2000 Association of the United States Army Convention in Washington, D.C., 16 October 2000.

<sup>97</sup> Robert Holzer, "Congress To Concentrate On U.S. Homeland," 5 February 2001; available from <http://ebird.dtic.mil/Feb2001/e20010205congressto.htm>; Internet; accessed 5 February 2001.

<sup>98</sup> Louis R. Golino, "Foreign Policy Faceoff," 30 October 2000; available from <http://ebird.dtic.mil/Oct2000/s20001030policy.htm>; Internet; accessed on 30 October 2000.

<sup>99</sup> George Gedda, "Bush, Democrats May Clash Over Extent Of Anti-Drug War," 4 January 2001; available from <http://ebird.dtic.mil/Jan2001/e20010104democrats.htm>; Internet; accessed on 4 January 2001.

<sup>100</sup> "Rumsfeld: Are We Returning to Cold War Thinking?," 2 January 2001; available from <http://ebird.dtic.mil/Jan2001/s20010104rumsfeld.htm>; Internet; accessed on 4 January 2001.

<sup>101</sup> Dana Priest, "The Proconsuls: America's Soldier-Diplomats," The Washington Post (28-29 September 2000): [database on line]; available from UNI ProQuest Direct, Bell and Howell, UMI publication no. 01908286.

<sup>102</sup> NDP, 57.

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<sup>103</sup> CSIS, 78.

<sup>104</sup> CSIS, 80.

<sup>105</sup> NDP, 80.

<sup>106</sup> NDP, 62-63.

<sup>107</sup> NDP, 66.

<sup>108</sup> CSIS, 78.

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