

# Congress and the Politics of National Security

*Edited by*

David P. Auerswald and  
Colton C. Campbell

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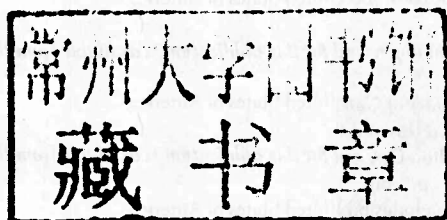
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## CONGRESS AND THE POLITICS OF NATIONAL SECURITY

In the wake of 9/11, a growing number of observers and practitioners have called for a reexamination of our national security system. Central to any such reform effort is an evaluation of Congress. Is Congress adequately organized to deal with national security issues in an integrated and coordinated manner? How have developments in Congress over the past few decades, such as heightened partisanship, message politics, party-committee relationships, and bicameral relations, affected topical security issues? This volume examines variation in the ways Congress has engaged those federal agencies overseeing our nation's national security as well as various domestic political determinants of security policy.

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*For Jen, Robin, and Katie, with all my love*

–DPA

*For Marilyn and Caden, with all my love*

– CCC



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PART ONE

Historical and Institutional Challenges



## Congress and National Security

David P. Auerswald and Colton C. Campbell

Over the last decade, a growing number of scholars and practitioners have called for a reexamination of our national security system, with much attention devoted to interagency reform (Davidson 2009, Smith 2009, Project on National Security Reform 2008). The structures and processes set in place more than a half-century ago by the National Security Act of 1947, they argue, are outdated, designed to meet the security challenges of the Cold War era instead of those of the 21st century. This can have potentially sobering outcomes, as the Project on National Security Reform noted in its 2008 study. Accordingly, the U.S. government is unable to “integrate adequately the military and nonmilitary dimensions of a complex war on terror” or to “integrate properly the external and homeland dimensions of post-9/11 national security strategy” (Project on National Security Reform 2008, ii).

Any major reform of the nation’s national security system will require congressional action. Indeed, Congress has a constitutional responsibility to weigh issues of national security concerns. Congress has the authority to raise an army and a navy, to regulate the armed forces, and to declare war. It must authorize new federal policies and determine the scope of agency actions and portfolios. It is Congress that must appropriate the money for the federal government. In addition, Congress may influence military strategy directly by legislating war aims or military regulations, or indirectly by altering the end-strength and weapons systems of the different services. If no major reform can occur without congressional action, the obvious question is whether Congress is willing and/or able to execute such a major national security undertaking.

Having the constitutional authority is a necessary, but not sufficient, condition for congressional influence in national security policy. Congressional

The views expressed in this chapter are those of the authors and not the National Defense University, the Department of Defense, or any other entity of the United States Government.



influence depends on Congress having the ability and the will to become involved in national security debates. The jury is still out on both fronts. Is the "first branch" of government adequately organized to deal with national security issues in an integrated and coordinated manner? And how have developments in Congress over the past few decades, such as heightened partisanship, message politics, party-committee relationships, and bicameral relations, affected topical security issues? These are important questions, as the United States cannot form alliances, agree to strategic arms control accords, procure weapons systems, or create new programs vital to national security matters without the explicit approval of Congress.

What explains the ebb and flow of congressional involvement? Theories of presidential-congressional interaction during military conflicts offer some clues. Scholars usually invoke at least one of three related arguments: that Congress lacks the means of restraining the president, that Congress lacks the will to do so, or some combination of the two. The first school of thought argues that for structural reasons Congress is usually ineffective at challenging the president once the president begins using force abroad. That is, Congress lacks the means to constrain presidents. The president is able to act in foreign conflicts due to his constitutional powers and the accrued prerogatives of his office while Congress must often pass veto-proof legislation to constrain him. The executive branch, speaking with one voice, can articulate unified positions while Congress speaks with a multitude of voices, making agreement on executive constraints unlikely. The executive can respond to international conflicts in a timely manner, but Congress often takes months or longer to respond to a president's initiatives (Lindsay 1994, Hilsman 1987, Krasner 1978, Dahl 1950). Congress is better suited to indirectly affect presidential behavior by manipulating public opinion, but even that gives Congress relatively little influence during military conflicts due to the rally-around-the-flag phenomenon or the president's ability to take his case to the people directly (Levy 1989, Kernell 1986).

These executive powers, combined with past failures of congressional policy making and a more complex international world, led Congress to abdicate conflict policy-making authority to the president (Kellerman and Barilleaux 1991). Attempts at congressional resurgence, begun between the mid-1960s and 1970s, have continually failed to redress the balance between Congress and the president (Blechman 1992, Destler 1985, Sundquist 1981). From a structural perspective then, U.S. presidents retain substantial autonomy from legislative control in the realm of conflict decision making.

A second argument is that Congress lacks the will to act during military conflicts (Hinckley 1994, Koh 1990a). Presidents have powerful incentives

to take charge during military conflicts, incentives that Congress does not share. The president represents a national constituency, giving him an electoral motivation to confront international threats to the nation. Congressional districts have parochial interests that provide disincentives for congressional criticism. Members instead focus their energies on policies that more directly affect their districts (Mayhew 1974). At best, Congress engages in symbolic criticism of the president's performance in military conflicts without making a concerted effort to change national security policy.

A third and related school combines the first two arguments. Congress and the president compete for control over national security policy, but who wins control depends on the characteristics of the issue area under dispute (Rosner 1995). Borrowing from structural arguments, this school claims that Congress has greater direct influence over U.S. foreign policy when it has time to react to international events. Presidents thus have the most control over foreign policy during military crises and other time-sensitive negotiations. Borrowing from the motivations argument, this school of thought also argues that Congress will never realize its potential to act during military conflicts because action forces it either to support the troops in the field or to appear unpatriotic. The crux of this school of thought, as well as the other two arguments it is based on, is thus that Congress "cannot compel [the president] to follow any of the advice that members might care to offer" (Lindsay 1994, 151). Analysts of U.S. foreign policy conclude that the president's foreign policy tools and motivations simply overwhelm the efforts of Congress to control security policy (Schlesinger 1973, Kellerman and Barilleaux 1991).

#### CONGRESSIONAL WILL

Most foreign policy experts argue that Congress has little direct influence over foreign affairs and national security issues. Lawmakers' preoccupation with domestic issues, especially constituency concerns and business, has traditionally been the cause for selective congressional intervention, often precipitated by crises abroad or by a widely publicized foreign policy debacle (Burgin 1991, Clausen 1973). As a consequence, the typical congressional attention span for national security is episodic and lacks an overall strategy (Crabb 1995).

Congress has at times empowered the president, and at other times set conditions and limits to presidential action (Stevenson 2007, Sundquist 1981). Until recently, Congress had been relatively silent on questions of national security in the post-9/11 world. Through 2006, the continuing post-9/11 threat environment and Republican control of the legislative and executive branches reinforced historical congressional deference to the president on national

security (Ornstein and Mann 2006, Rudalevige 2006, Fisher 2000). Republican-controlled congresses gave only a cursory examination to the administration's creation of Northern Command and the Department of Homeland Security (DHS), two of the largest changes to U.S. security policy in decades. Similarly, these congresses argued over the distribution of the foreign aid budget rather than the need for a whole-scale change in our nation-building capability. Yet this pattern started to change in the 110th Congress (2007–2009), when Democratic majorities in each chamber became more assertive on Iraq and Afghanistan, military tribunals, detainee policy, extraordinary rendition, and electronic surveillance of American citizens (Friel 2007).

Whether members of Congress choose to become involved in national security matters, especially those involving conflicts, is problematic. If Congress is concerned with reelection, then electoral calculations are crucial to a lawmaker's decision about becoming involved in national security policy making. When members of Congress take positions on security budgets or military procurement, or during foreign policy crises or military conflicts, these actions may help the electorate distinguish between political parties, and partisan identification is a very strong determinant of voting behavior (Campbell et al. 1976). Members may also care about the national interest irrespective of electoral gains. National security in general, and military conflicts in particular, are also important issues for a broad range of constituencies, such as friends or family of the military, military contractors, industries affected by the outcome of international crises, and those concerned with human rights, just to name a few. The involved constituencies may demand a legislator's participation in security debates to help protect their threatened interests. In sum, legislators participate in security policy if some portion of their core reelection constituency is concerned with the policy outcome (Lindsay 1994, Burgin 1991).

Involvement is not without its risks, particularly if the national security policy is placed under the umbrella of a consensus issue. Such instances create electoral disincentives for congressional engagement. To label a military conflict as consistent with Containment or the Monroe Doctrine, for instance, is one way for a president to ensure congressional support. In such instances, a member of Congress who speaks out against consensus goals risks electoral punishment. Being labeled as soft on communism for taking a position contrary to Containment was something most elected officials avoided. That reluctance has often extended to the means used by the president to reach a consensus goal, at least if criticizing the means used could be equated with having dissimilar policy goals. For example, speaking out against military intervention in Iraq or Afghanistan might lead to being labeled soft on