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Revisiting NSC Reform: Lessons Learned from Previous Failures

by Grant Golub

EXECUTIVE SUMMARY

The current structures of U.S. national security policymaking have allowed the National Security Council (NSC) to dominate American foreign policy. An organization originally designed to coordinate and integrate foreign and defense policy has quietly grown into the most powerful component of the U.S. national security apparatus. The NSC has supplanted traditional executive branch agencies and departments constitutionally tasked with managing the nation's foreign affairs. Instead, a comparatively obscure organization based at the White House with little accountability to the American people is principally crafting U.S. foreign policy. This cannot continue.

Reforming the NSC system though will be a challenge. If future NSC reform is to be successful and the institution's supremacy diminished, a new wholesale strategy is essential. However, this is not possible without learning from previous attempts to change the NSC and the underlying structures of U.S. foreign policy decision-making. Policymakers must learn from the past to effectively change the future.

Once a broad-based reform process is established, lawmakers should make a series of changes to recreate the NSC system. The National Security Advisor and their top deputies should be made Senate confirmable. The number of outside hires on the NSC should be sharply curtailed in favor of placing officials from a range of executive branch agencies on the NSC staff. And finally, Congress should establish new oversight committees for national security. If these revisions were made and the NSC returned to its humbler origins, U.S. foreign policy would likely become more balanced, restrained, prudent, and valuable to every American.

The Status Quo at the NSC is Dangerous

In February 2021, the Biden administration released NSM-2, a national security memorandum outlining how the president was organizing the National Security Council (NSC) system. The memorandum, titled "Memorandum on Renewing the National Security Council System," was designed to clearly signify President Joe Biden will be thinking about national security policy differently from his predecessor.[1] While President Biden added some new members to NSC meetings and is focusing more on new types of emerging threats, his NSC's organizational system is similar to previous Democratic administrations. Put another way, the basic structure of U.S. foreign policymaking is unlikely to change during the next four years.

This is not a welcome sign. Since the height of the Cold War, the NSC has grown too powerful as an actor within the U.S. foreign policymaking apparatus. Under presidents of both political parties, the NSC has displaced traditional executive branch agencies and departments charged with managing the nation's foreign affairs. Instead, a relatively opaque organization based at the White House with little accountability to external oversight or pressures has become the central node in U.S. foreign policy decision making. This has allowed presidents and their advisers to wield near total control over the national security process, with some calamitous results.[2] At a time when an increasing number of Americans are openly questioning their nation's overseas choices, it is even more problematic an organization with no Senate-confirmable staff is primarily responsible for crafting U.S. foreign policy. This dynamic must change.

If future NSC reform is to be successful and the institution's dominance over national security policy reduced, a new approach to change is required. In fashioning a new direction, policymakers should take stock of previous NSC reform attempts and extract lessons from their failures. By studying past would-be reformers and their mistakes, errors can be better avoided, and valuable takeaways gleaned for the future. To effectively alter the U.S. foreign policy decision-making process for the future, lawmakers must learn from the past.

How and why the NSC Must Be Reformed

There are many issues with the NSC and critiquing it as an institution is nothing new. For decades, analysts and commentators have criticized it on a variety of grounds, including its size, structure, scope of activity, and difficulties managing the interagency process.[3] These points are valid, but they often fail to elucidate the overarching issue: the NSC has become *the* U.S. national security policy machine.[4] An organization originally created to coordinate overseas affairs throughout the executive branch is now the all-encompassing one-stop shop for the creation, management, and execution of U.S. foreign and defense policy. Not only has the NSC grown far beyond its intended functions, but it is also obscure, nontransparent, and not well known to the public. The National Security Advisor (NSA), the president's chief national security aide and head of the NSC staff, is not Senate-confirmed and reports directly to the president. The NSC staff are low-key figures who are almost completely unrecognizable, even to many officials in Washington.[5] That an organization like this has now become the overly dominant center of the American national security apparatus is deeply concerning.

The NSC must be reformed because it is abstruse, performs too many functions, and has simply grown too powerful. Sensible foreign policy should be the product of a balanced, inclusive decision-making process, where multiple agencies and departments have more equal input and influence. To help create this framework, the NSA and their top deputies should be confirmed by the Senate, most NSC staff members should be detailed from other executive branch agencies, and Congress should exert more oversight on national security matters. But to successfully reform the NSC and generate a more equalized foreign policymaking operation, there must be a sound reform process. In moving forward, lessons can and should be gleaned from previous NSC reform breakdowns. Three cases in particular provide valuable insight on this critical issue.

Why was the NSC Established?

After World War II, American foreign policy was a mess. The Axis powers had been defeated after

years of conflict and the use of a revolutionary new weapon – the atomic bomb – but now, policymakers quickly began to shift toward confronting a different potential rival, the Soviet Union. The Soviets were a chief wartime ally in the struggle against fascism, but after increasingly volatile geopolitical and ideological disputes, the two sides became bitter adversaries.[6]
In the wake of victory and ensuing demobilization, senior U.S. government officials scrambled to form a coherent response to what they viewed as a momentous challenge.

One of the problems in doing so was the outdated machinery – or more accurately, the lack thereof – of American foreign policymaking. During the war, President Franklin D. Roosevelt eschewed formal organizations designed to craft and coordinate foreign and defense policy, preferring improvisation and informal, hands-on management. On many issues, Roosevelt took personal control over them; he held unofficial meetings with senior diplomatic and military leaders, gave them direct orders as commander-in-chief and operated outside the formal chain of command, used personal advisers as international envoys, and handled his own correspondence with foreign leaders.[7] It helped win World War II, but Roosevelt's machinations were a "deliberately organized – or disorganized" approach that deeply frustrated Washington.[8]

After the war's conclusion and with a new president in the White House, many policymakers believed there was a ripe opportunity to remake America's national security architecture. They were eager to avoid what they viewed as the Roosevelt administration's administrative chaos and felt it was time, in President Harry Truman's words, to establish a "closely knit, cooperating and effective [national security] machinery."[9] Some senior national security officials were also concerned about a return of the acidic prewar rivalries between the different branches of the armed services and were anxious to avoid them. Most important of all, the wartime experience had shattered the old international system and transformed Washington's relationship with the country and the world. In this uncertain global security environment, U.S. policy needed to be integrated and unified. A new organization dedicated to that coordinating and harmonizing work would be required.[10]

Following two years of intense bureaucratic and political wrangling, Truman signed the National Security Act of 1947. The law was a major restructuring of the American foreign and defense establishments. It unified the armed forces into a single National Military Establishment, formally established the Joint Chiefs of Staff (JCS), created the Central Intelligence Agency (CIA), and last but not least, formed the NSC. Under the legislation, the NSC would serve as the principal forum where the president and his top foreign policy advisers would consider vital national security matters. A small staff would assist its work and act as a "broker of ideas" from the various executive branch departments but was not meant to have a role in the formulation or implementation of policy.[11] There was also no provision for an NSA. Instead, the architects of the National Security Act sought to create a relatively small organization designed to help coordinate and synchronize foreign and defense policy across the federal government. Once the president received all the necessary information and made a decision, the NSC would disseminate those decisions throughout the wider government bureaucracy. In other words, the NSC would serve as a conduit or mechanism for organizing the national security decision-making process. It was not intended to become the central player in U.S. foreign policy.

Previous NSC Reform Efforts Have Failed

In charting a way forward on NSC reform, it is vital to examine previous attempts to do so and learn how and why they failed. Each president has shaped the NSC to fit their preferences, which is often labeled "reform," but what has actually occurred as a result of these changes is a sharp increase in presidential power over foreign and national security decision making. The NSC has been the vehicle for this growth, making it the undisputed center of the national security apparatus. Below, three previous NSC reform efforts will be analyzed to extract lessons from those experiences. By learning from these failures, we can better understand how to shift this dynamic and rebalance the foreign policymaking process.

Centralizing National Security: The Hoover Commission Reforms, 1947-49

In July 1947, around the same time Truman signed the National Security Act, Congress passed a law creating a bipartisan commission to study and make recommendations on improving the administration of the executive branch.[12] The Commission on the Organization of the Executive Branch of the Government quickly became known as "the Hoover Commission" after its chairman, former President Herbert Hoover. As part of its mandate, it had total authority to investigate all parts of the federal government, including the NSC and broader national security establishment. Under the Commission, a task force on national security organization, led by Ferdinand Eberstadt, a well-connected investment banker, was created to study the structures of national security policymaking.[13]

By early 1949, the Hoover Commission submitted 19 reports and nearly 300 recommendations to Congress for changes to the executive branch.[14] The national security task force authored one of those reports, and it argued that the broad organizational designs of foreign and defense policy formation, conceived by the National Security Act of 1947, were soundly constructed.[15] Specifically, it contended the NSC was the "keystone" and the "most vital element" of the national security structure and that "the success of the whole system depends…on its proper and effective organization."[16] However, the Eberstadt task force also found there were considerable amounts of administrative and bureaucratic dysfunction within the national security establishment and that it was not yet operating efficiently.

According to the report, the NSC was failing to carry out many of its core functions, including producing a detailed statement of long-term U.S. national interests; guidance on budgetary levels, and instructions to the National Military Establishment on the proper size of the armed forces so it could adequately meet the country's defense requirements.[17] Crucially, the task force was referring to the NSC itself and not its staff members. In fact, the Eberstadt team did not mention the NSC staff at all in its study, which suggests it did not see it as a vital component of the nation's emerging national security architecture. Ultimately, they felt that if the fledgling national security decision-making network was going to thrive, the NSC needed to play a robust coordinating role.

In its final overall report though, the Hoover Commission focused its proposals on shoring up and strengthening the new defense establishment. The Commission was so concerned with the intense amounts of bureaucratic mayhem engulfing the military that it largely neglected other parts of the government charged with managing foreign policy, like the NSC.[18] It proposed strengthening the secretary of defense position and centralizing its authority by abolishing the cabinet-level military departments and reorganizing the National Military Establishment into the Department of Defense, where the military service secretaries would be subordinated to the defense secretary. Parallel to this, the Commission objected to the heavy military slant of the NSC and the designation of NSC members by law, urging the removal of the service secretaries from the NSC's statutory membership. However, this was mainly a complementary bid to weaken the service secretaries and stem the Pentagon's managerial disorder and not a greater attempt to refine the NSC.

Aside from this recommendation, the Hoover Commission proposed no other substantive changes to the NSC system. While it did note the president needed better machinery to deliver him competent advice and resolve interdepartmental disputes, it critically did not recommend the NSC or its staff as that mechanism.[19] Yet when Congress reviewed the Commission's suggestions, it rejected the conclusion that there should be no statutory designation of members. Congress agreed to remove the service secretaries, but it also added the vice president to the NSC and mandated the president could only add future members with the Senate's approval.[20] At this early state in national security policymaking, Congress rightly sought to keep a stake in the process.

Overall, most of the Hoover Commission's national security proposals were translated into the 1949 amendments to the National Security Act. The NSC remained virtually untouched, but the Truman White House quietly added a provision to the corresponding Reorganization Act of 1949 which formally moved the NSC to the Executive Office of the President.[21] Little noticed at the time and only meant to codify

what had already been administrative practice, this move laid the groundwork for the NSC's expansive growth in power over the ensuing decades.

Future Reform Must Focus on the NSC

When the Hoover Commission and the Eberstadt task force began studying the infrastructure of U.S. national security in early 1948, it was largely in disarray. Most of this stemmed from the turmoil inside the Pentagon and the confusion over the military's civilian and uniformed chain-of-command. The proceeding chaos made reorganizing the defense framework an urgent priority for the Hoover reformers in order to place American foreign and defense policy on a sounder footing. Yet even though the Hoover Commission correctly diagnosed the ills plaguing the national security apparatus and focused their attention accordingly, they missed an important opportunity to examine the NSC and its effectiveness. While it was still a very new organization at the time, a stronger stance on the NSC might have pushed the infant entity in a different direction. Although the Commission's reports focused on the NSC as a coordinating forum of top decision makers, it neglected to clarify the role of the NSC staff in foreign and national security policymaking. This ambiguity allowed presidents greater latitude in deciding that role for themselves.

The Hoover Commission experience's main lesson for future NSC reform is that any prospective commission or congressional panel studying these issues should focus solely on the NSC and its place within the broader U.S. foreign policymaking ecosystem. If NSC reform is combined with other agencies or policy areas, it will receive the undivided attention this issue desperately needs.

Power to the President: The Jackson Subcommittee Reforms, 1959-60

A decade after the Hoover Commission submitted its reports to Congress, U.S. foreign policy machinery became a topic of conversation again in the nation's capital. In the spring of 1959, Senator Henry "Scoop" Jackson, Democrat of Washington, began criticizing President Dwight D. Eisenhower's NSC and approach to national security decision making. In a speech to the National War College that April, Jackson argued the foreign policy process was in shambles and attacked the NSC as a "dangerously misleading façade" that spent too much time readying planning papers and not enough on coordinating the interagency policy process or focusing on major strategic issues.[22] His denunciations were part of a larger partisan strategy to attack Eisenhower and his Republican Party on national security issues to score political points ahead of the 1960 presidential campaign. These critiques were quickly given an institutional platform when Jackson was named chair of a Senate subcommittee investigating the national security policymaking process.

Despite years of work and volumes of testimony from national security officials of both political parties, the Subcommittee on National Policy Machinery, also known as the "Jackson Subcommittee," did not propose serious legal changes to the NSC or the existing national security system. Instead, it merely argued for tinkering with the existing policy process, not recreating it.[23] After spending too much time criticizing what he viewed as Eisenhower's overly bureaucratic NSC, Jackson painted himself into a corner and was forced to make suggestions that would informalize the NSC, which would likely increase the president's personal control over the foreign policy decision-making process and exclude executive branch departments with a role in managing international affairs. The Jackson Subcommittee recommended the NSC system reemphasize the NSC itself as a forum for the president to discuss pressing foreign policy issues with his top advisers at the expense of the NSC staff.[24] While this might have the welcome effect of keeping the NSC as an overall institution in check, it paradoxically gave Eisenhower's Democratic successor, John F. Kennedy, the political cover he needed to begin centralizing foreign policymaking inside the White House and expanding the NSC's powers to serve as his personal foreign policy advisory body, a role not originally envisioned by the NSC's architects. The real outcome of the Jackson Subcommittee was to greenlight the president's move to covert the NSC into his personal instrument. Starting with Kennedy, the NSC would only grow with power and influence over the organization of U.S. national security.

Congress Should Conduct Meaningful Oversight on NSC Operations

The main upshot that should be drawn from the Jackson Subcommittee experience is that substantive NSC reform must include policymakers from all across the U.S. government and political spectrum. The Jackson Subcommittee's partisan outlook harmed its chances of success from the beginning. In order to build significant momentum behind NSC reform, it cannot simply be a just congressional project or only an executive branch enterprise. Officials from both the executive and legislative branches, plus policymakers, stakeholders, and thinkers from other areas of the wider American foreign policy community, must be involved in crafting NSC alterations. A broad-based reform initiative makes it easier to build consensus and real change more likely.

If NSC reform is seen as partisan or imposed by one group on another, it will probably end in more consternation and failure. To facilitate NSC reform, Congress should establish new House and Senate select committees to study NSC operations and its role in the U.S. foreign policymaking process. In this case, the model to follow would be the Pike and Church committees created in 1975 to study abuses in the Intelligence Community (IC). Those bipartisan committees were able to examine intelligence matters in massive detail and craft appropriate measures to reduce the lawbreaking and wrongdoing inside U.S. intelligence agencies. While misconduct is not the issue at hand in NSC reform, the Pike and Church committees are successful examples of bipartisan lawmaking in the foreign policy arena and provide valuable precedents for other similar endeavors.

A More Open Foreign Policy? The Carter Reform Plan, 1977-79

After the tragedy of the Vietnam War, there was renewed interest in scrutinizing how U.S. foreign policy was crafted. The foreign policy process became a partisan issue during the 1976 presidential campaign when Democratic nominee Jimmy Carter excoriated Henry Kissinger, the secretary of state and former NSA, and his "lone ranger" style of foreign policy; Carter pledged to restore openness and integrity to the process.[25] Specifically, Carter thought Kissinger and the NSC as an institution wielded too much unilateral power over the creation of American foreign policy.

After he became president and to fulfill a campaign promise, Carter instituted a government-wide reform and reorganization effort in 1977. On national security policy, Carter asked former NSC staff member Phil Odeen to lead the review.[26] The Odeen report was completed in 1979 and found that while Carter's NSC was excellent in serving in a personal advisory capacity, it was struggling to meet its institutional responsibilities, like managing the interagency review process.[27] These institutional obligations, designed to help the NSC coordinate foreign and defense policy throughout the federal bureaucracy, were its intended functions when the NSC was invented under the 1947 National Security Act.

The main issue with the Odeen review had nothing to do with the report itself. Instead, the problem was that Carter was known as a micro-manager. For example, he did not have a White House Chief of Staff for the first 2.5 years of his administration; the president personally managed his White House advisers. This management style extended to foreign policy as well.[28] Carter desired to have personal presidential control over foreign policy formation and be recognized as such. As a result, despite his previous campaign criticisms of Kissinger and the presidents he served, Richard Nixon and Gerald Ford, the NSC served as Carter's personal foreign policy advisory body and continued its previous trend since Kennedy of centering itself as the nexus of foreign policy decision-making. The Odeen report was never taken seriously.

A Presidential Counterpart for Reviewing National Security Processes

Similar to the Jackson Subcommittee's inability to positively transform the NSC, but this time from the other side of the political equation, serious NSC reform must be engage decision makers from across the government. That is the main conclusion from Carter failing to engage his own reform initiatives. Presidentially ordered studies can easily be ignored if they do not the force or weight of the law behind them. The failure to institute any of Odeen's proposals suggested one branch of government exploring NSC reform will not work; it must be a cross-branch project. To complement the creation of new House and Senate select

committees investigating NSC reform, the president should also establish a commission by executive order that would concurrently study the issue. This would give the executive branch their own substantive role in examining methods for overhauling the NSC. But unlike many previous presidential commissions, it should coordinate closely with its congressional counterparts to ensure both ends of Pennsylvania Avenue can be build accord around any changes.

Recommendations for Future NSC Reform

Now that vital lessons have been extracted from these historical efforts to reform the NSC, they can be applied toward a future initiative to remake the American national security policymaking structure. Ultimately, the key takeaways from these prior reform schemes are that both the executive and legislative branches must be equally involved in charting a path forward on refashioning the NSC while at the same time, the NSC as an institution must be the primary, or sole, focus of any major reform plan. If it is examined alongside other organizations, it might not receive the priority it needs, like what occurred during the Hoover Commission. Without broad-based, bipartisan involvement in future reform from both the president and Congress, NSC reform could appear like a partisan endeavor, or something being imposed on one side over the other. It is vital to heed these lessons in establishing a potential process for studying this key issue. But now that a process has been sketched out, which reforms should be considered?

Make the NSA and Top Deputies Subject to Senate Confirmation by Amending the National Security Act of 1947

This is the most controversial recommendation this paper will suggest, but it is also the most important. Based upon the current structures of decision making, there are numerous incentives and methods for presidents of both political parties to impose their wills upon U.S. foreign policy. As outlined in this paper, the clearest one has been to elevate the NSC as an institution in foreign policymaking and maximize its influence over other agencies and departments which would normally play key roles. This has been possible because the NSA and their staff members serve in the Executive Office of the President and therefore are not Senate confirmable, unlike their high-ranking peers throughout the federal bureaucracy. However, if Congress amended the National Security Act of 1947 to require the NSA and their top deputies to be confirmed by the Senate, it would help decrease the NSC's power over the national security process and rebalance the infrastructure supporting foreign policymaking. As it currently stands, it is disconcerting to think that officials most responsible for crafting the nation's foreign policy are mainly anonymous figures whose actions and views remain unknown to the American public. If potential senior NSC staff members were legally required to testify before the Senate to obtain their jobs, it would generate a level of transparency in foreign policymaking that does not currently exist because the White House has so much central authority over it. While critics might charge this could curtail presidential independence in foreign policy by limit the group of potential national security staffers, the lack of current constraints has not led presidents (in a decisive majority of cases) to make hugely unconventional NSC hires. Far from severely reducing presidential autonomy over foreign policy, making the NSA and their top deputies Senate confirmable will help rebalance the decision-making process, increase transparency in that decision making, and grant Congress a new level of oversight in an area of policymaking it does not currently possess.

Limit the Number of Outside Hires on NSC Staff

If efforts to reduce the NSC's influence in the foreign policy apparatus are going to be successful, there needs to be strict limits on how many NSC staff members can be brought on as outside hires. The NSC needs to be restored as an institutional body focused on coordinating foreign and defense policy. An important way to make that happen is to require most of its members to be detailed from other agencies and departments within the U.S. government charged with devising American foreign policy. These agencies should include the State, Defense, Treasury, Justice, and Homeland Security Departments, IC members, the United States Agency for International Development, and the Office of the Trade Representative. Staffing the NSC with departmental experts

will not only elevate the departments' role again in the policymaking process, but it will also help ensure each agency has a relatively equal position in national security. Additionally, this would also help diversify the information the president and top officials receive before making critical decisions, which will help increase the chances they are more prudent and restrained ones. Minimizing the number of outside hires at the NSC will ultimately give other executive branch agencies larger voices in policymaking and rebalance the entire decision-making process.

Congress Must Restore Oversight Over Foreign Policy

Congress needs to restore its proper role in the creation of national security policy. Besides mandating that the NSA and their top deputies become Senate confirmable positions, Congress should establish new House and Senate committees charged with oversight of the national security policymaking process. Not only would this include oversight of the NSC as an institution, but it would include more general supervision of national security policy. Congress already has House and Senate committees monitoring the State Department and foreign affairs, the Pentagon and military policy, and the intelligence agencies. It is not a huge leap to argue they should be examining the overlapping area of national security, especially because it is largely managed by a comparatively inaccessible organization based at the White House.

These new committees overseeing national security could be separate ones similar to the House and Senate Intelligence Committees, or they could be subcommittees on pre-existing ones. In the House, a new national security oversight subcommittee could be placed on either the House Oversight Committee or the House Foreign Affairs Committee. In the Senate, it could be placed on the Senate Foreign Relations Committee or the Senate Committee on Homeland Security and Government Affairs. Yet, separate national security committees comparable to the Intelligence Committees are preferable to ensure the NSC and national security policy formation receive the proper attention they need.

If national security decision-making is the dominant prism now policymakers employ when crafting U.S. relations with the wider world, it is only sensible to have congressional committees overseeing the creation of those policies.

Conclusion

The United States has reached an inflection point in its history. As the COVID-19 pandemic has ravaged the globe and killed millions of people, it has forced Americans to rethink everything about their society. National security policy is chief amongst them. But in recrafting how America thinks about its foreign policy, it is also necessary to reconsider the institutions that not only make that policy, but also undergird the entire U.S. national security infrastructure. The NSC is at the top of that list.

The Cold War came and went during the twentieth century, but the NSC, designed by lawmakers to integrate American foreign and defense policy so it could effectively respond to what they viewed as a new geopolitical threat, endured. From its humble beginnings as a mechanism to coordinate policy, it is now the chief node in the entire U.S. foreign policymaking process. Foreign policy is not made in Washington today without the imprimatur of the NSC. This has become a distressing problem because an organization far from the public eye and tucked away in the bowels of the White House is now chiefly responsible for American relations with the wider world. It should alarm all Americans that an institution like this now has so much power over how the United States conducts itself in the world.

Nevertheless, there is an opportunity to change directions. The NSC and basic structures of U.S. national security decision making must and should be reformed. The NSC's power over this process needs to be reduced and rebalanced amongst the many executive branch agencies and departments tasked with handling foreign policy. With the right process in place that learns the lessons from previous failures to reshape the NSC, this organization can be restored as an integration tool for foreign and defense policy. If the NSC returned to its more modest roots as the coordinator of American national security and every department had a proper say in policymaking, then U.S. foreign policy could become more sensible, restrained, and beneficial to every American.

Endnotes

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