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U.S. House of Representatives Committee on Foreign Affairs

Chairman Royce, Ranking Member Engel, Members of the Committee, thank you for the honor of appearing before you this morning. I have served as a foreign policy official in five previous administrations, including various positions with the State Department, the Defense Department and the Office of the Vice President. Although I have not worked on the NSC Staff, hopefully my experience over the past 35 years will assist the Committee's deliberations.

The advice I offer today may be summarized as follows:

1. There is no correct size and structure of the NSC Staff, and its measure of effectiveness is how well that entity suits the President's deliberative style and needs. The NSC Staff is the President's personal staff, and in theory at least, it is for the President alone to determine if the NSC staff is right-sized and functioning well.

2. That said, it is fair for others to judge how effectively the NSC, and the NSC Staff, are coordinating the policies and programs of all Departments and agencies involved in national security. The National Security Act of 1947 is clear that the formal body designated as the National Security Council – meaning the President, Vice President, and Secretaries of State, Defense and Energy, joined at NSC meetings by statutory advisors and non-statutory invited principals – is advisory in nature. Its function is to integrate policies affecting national security for the purpose of achieving effective coordination. If problems are arising with interagency coordination, that is a legitimate oversight matter for Congress.

3. Because it is the President's staff and is not subject to the congressional accountability and public records access that apply to legally authorized agencies of government, there is a "red line" the NSC Staff should not cross, namely conducting operations and implementation of Executive branch policies.

These latter two points – that the NSC, and NSC Staff, exist to improve the coordination and effectiveness of national security policy, and that they must avoid stepping into operational and implementation roles – are areas where problems can and do arise.

In addition to my own experience in government, I have found two sources of information on this subject very instructive. First is the Report of the President's Special Review Board, the so-called Tower Commission report, co-authored by Senators John Tower and Edmund Muskie and Brent Scowcroft in the wake of the mid-1980s Iran-Contra scandal, where proceeds from covert US arms sales via Israel to Iran were "diverted" to fund the Nicaraguan

contra rebels. While the Tower Commission report of February 26, 1987 is of course dated, its conclusions on the appropriate role of the NSC and NSC Staff are sensible and illuminating, as I will explain.

The second source, if the Committee will permit me this privilege, is one of the fourteen books authored by my late father, MIT Professor of Political Science Lincoln P. Bloomfield, who served for one year as Director of Global Issues working on President Carter's NSC Staff under his longtime academic colleague Zbigniew Brzezinski. Prof. Bloomfield's 1982 book The Foreign Policy Process – A Modern Primer chronicles the evolution over time of the role and functions of the National Security Advisor and NSC Staff.

The November 1986 revelation that President Reagan may have authorized weapons transfers to Iran as a *quid pro quo* for releasing Americans taken hostage in Lebanon became a wider scandal when the Attorney General announced that funds from the arms sales may have been diverted to the Nicaraguan Contras. As the Tower Commission report details, the National Security Advisor and members of the NSC staff had taken "direct operational control" (IV-1) over covert action activities including funding for the Contra rebels that Congress had prohibited DoD, CIA and any other agency or entity "involved in intelligence activities" from doing under the second so-called Boland Amendment of October 3, 1984.

As the report concluded (IV-3):

> *"Even if it could be argued that these restrictions did not technically apply to the NSC staff, these activities presented great political risk to the President. The appearance of the President's personal staff doing what Congress had forbade other agencies to do could, once disclosed, only touch off a firestorm in the Congress and threaten the Administration's whole policy on the Contras."*

I cite this not to revisit past controversies but to highlight the "pitfalls" about which the Tower Commission endeavored to "warn future Presidents, members of the National Security Council, and National Security Advisors…even when they are operating with what they consider the best of motives." (I-2) I would expect anyone who lived through the Iran-Contra affair in detail, as I did, to endorse the view that policy advisors serving as the President's personal staff and operating under the privileges and protections accorded out of respect for the President's zone of internal deliberation, should stick to advising the President and coordinating interagency policy development. They cannot cross the line into the arena of official actions and operations, which are the responsibility of agencies fully empowered and answerable to the Congress and the public, and expect to retain their immunity from external accountability.

There are issues today where the White House should keep this admonition in mind. The Administration's recent release of a previously classified 2013 Presidential Policy Guidance document setting out the process for determining who will be targeted by lethal UAV (or 'drone') strikes and for authorizing such "targeted killings," as these have come to be termed, was in response to widespread concern at home and abroad. As the April 2015 updated report

of the Stimson Task Force on US Drone Policy had concluded, any use of lethal force, in order to meet the test of democratic legitimacy, must satisfy standards of oversight, accountability and transparency. As expedient as it may seem to have the NSC staff formulate detailed security options for the President and manage their execution, the President's interests will be better served by keeping the NSC staff strictly in an advisory and coordinating role.

This will not be easy in 2016. While there are enduring lessons from the past, today's NSC operates in an environment much different from the days when President Kennedy relied on 10-15 NSC staff advisors, or even when President Carter had an NSC staff of 35. As Prof. Bloomfield noted in his Primer, President Eisenhower used the NSC to run a highly structured interagency coordinating process so that the President would have visibility over the policies and operations of the State Department, Pentagon and CIA. During the Kennedy Administration, after the White House Communications Agency established an independent capability to receive the same military, intelligence and diplomatic information as other agencies, the NSC staff was better able to generate its own policy advice for the President, and has done so ever since.

Once secure facsimile communications links were established during the Nixon Administration between the White House and other departments and agencies, the NSC was further empowered to set the agendas and dictate the policy review and development process for the relevant Departments and agencies. Dr. Henry Kissinger used this capability extensively, achieving such dominance over foreign and security policy that President Nixon made him Secretary of State, and Kissinger held both positions concurrently for more than two years. By contrast, LtGen. Brent Scowcroft kept a low profile with a small but elite staff, and is widely admired for the way he facilitated very effective government-wide policy coordination under both Presidents Gerald Ford and George H.W. Bush.

Over time, whatever advantages the State Department once had over the White House in maintaining a superior grasp of foreign policy events has eroded. Foreign officials and Ambassadors stay in close contact with the NSC Staff, and its members attend international events of importance along with State Department officials. Both have access to the same intelligence and cables from Embassies and military commands. With the growth in the size of the NSC Staff, the question to explore is whether its function is evolving from a policy coordinating role to a more specialized policymaking role, preempting the traditional functions of the State Department and the Office of the Secretary of Defense.

Is there a new reason for concern, or are changes in the NSC function simply a reflection of leadership style? Presidents have differed widely in their operating styles, and National Security Advisors have differed widely in their level of visibility and in the competitive or collaborative nature of their relationships with the Secretaries of State and Defense. The size of the NSC staff has also varied considerably; and yet, because it is far larger today than perhaps at any time since 1947, the potential disadvantages make this fact a legitimate focus of congressional scrutiny.

I conclude with two thoughts:

1. First, the NSC Staff and National Security Advisor, no less than the formal cabinet-level National Security Council itself, must never lose sight of its mandate under the 1947 law, which says (of the NSC): *"The function of the Council shall be to advise the President with respect to the integration of domestic, foreign, and military policies relating to the national security so as to enable the military services and the other departments and agencies of the Government to cooperate more effectively in matters involving the national security."* That is the NSC's *raison d'etre*: to help integrate the policies of all agencies, and to enable the military and others to cooperate more effectively – to be, as many have termed it, "an honest broker" among the national security players in the government. Can several hundred people serve effectively as an "honest broker"?

2. Before concluding that today's NSC is operating in a manner inconsistent with its legal mandate, I would raise the possibility that problems of effective policy coordination extend well beyond the NSC. It is true that former Cabinet members and other veteran policymakers of this Administration have complained of NSC staff micro-management. However, in looking to "right-size" the NSC Staff in its coordination role, Congress should not overlook the impact of so many new Under Secretary and Assistant Secretary positions added within the Departments of State and Defense in recent years, not to mention single-purpose envoys and issue coordinators. Homeland Security is a major new player in the national security community, as is the Directorate of National Intelligence. As I wrote in Foreign Policy on September 2, a serious management problem exists across the interagency space, with a splintering of issue portfolios along with uncontrolled inflation of subcabinet positions. A well-considered consolidation and streamlining effort with the full participation of Congressional oversight committees would bring many benefits. Surely one would be to make it easier for a future President to restore the NSC function to a form more closely resembling the lean operations run by Brent Scowcroft, Colin Powell and other well-regarded National Security Advisors.

I thank the Committee for this opportunity to offer perspectives on the NSC role and size, and would be pleased to respond to any questions.