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HOW THE WHITE HOUSE CAN REGAIN CONTROL OF FOREIGN POLICY

INTRODUCTION

The authority and influence of the careerists in the United States Foreign Service[1] have increased considerably during the Administration of a President who came to Washington intent on reducing the federal bureaucracy. This anomalous situation directly affects foreign policy decisionmaking, which in turn limits the ability of the American people to direct the course of foreign policy through the electoral process.

The foreign service considers it a high duty to maintain the continuity of American foreign policy around the globe. While no one would deny the importance of continuity in day-to-day operations, policy is the province of the American people and the President they elect, and they do not always vote for continuity. Through free elections, the people periodically express their desire for change in the policies of government. Foreign policy must not be excluded from this democratic process in the interest of continuity. The issue, then, is the need to make the foreign service more responsive to the democratic process, while at the

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1 The Foreign Service of the United States is a career government service that includes professional, technical, and clerical employees whose main responsibility is to serve abroad, staffing United States embassies, consulates and missions. Five federal agencies employ foreign service personnel in varying numbers. This paper is concerned only with the 6,000 professional-level foreign service officers (FSOs), who are on the rolls of the following five agencies in the approximate numbers indicated: the State Department, 3,800; U.S. Information Agency, 900; Agency for International Development, 900; Department of Agriculture (Foreign Agricultural Service), 225; and the Department of Commerce (Foreign Commercial Service), 175.

same time, preserving a significant role in the development and implementation of policy for career foreign service experts.

An institutional method is needed to bring the foreign service bureaucracy under the effective management of the administration elected by the American people. Although it will take perseverance, it is possible for the elected administration to exercise management oversight of the foreign service. The President can take important steps toward that end by directing the Office of Personnel Management to oversee the foreign service, as it now does the civil service, and by appointing to policy-making positions in the Department of State more men and women dedicated to the political philosophy of his Administration.

Minor changes in the Foreign Service Act would complete the effort. These would remove the service's senior officers from labor union membership and activity and reconstitute the Board of Foreign Service, so that its oversight functions were under the control of the President, not of the foreign service.

BACKGROUND

As the foreign service has multiplied and expanded since World War II, successive Presidents have encountered difficulty in using it as an effective instrument of national power. In a series of postwar changes and reorganizations extending from 1946 to 1980, the service was enlarged and revised to meet what were seen as the needs and challenges of the latter half of the 20th Century. Today, nearly forty years after the inception of these changes, the foreign service has evolved into a powerful special interest bureaucracy that seems determined both to run its own affairs and to instruct the administration in office on the formulation of foreign policy.

In the State Department, a pervasive "old boy network" of senior foreign service officers (FSOs) effectively controls most appointments and assignments, assuring that members of the career service who are loyal to the system are placed in policy-making positions.[2] Most Secretaries of State, overwhelmed by the complexities of global foreign policy, have been only too willing to rely on the foreign service to run the State Department and to help formulate policy. Through this means, the foreign service has been able to maintain significant control of the foreign policy process, frustrating Presidents and leading to major policy conflicts between the State Department and national security advisors and other government agencies. While administrations

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2 Laurence H. Silberman, "Toward Presidential Control of the State Department," Foreign Affairs, Spring 1979. Ambassador Silberman's excellent summary of the problem, which was written during the Carter Administration, is no less valid today.

come and go, the foreign service bureaucracy continues to run things at Foggy Bottom.

Foreign service influence today is greater than ever for two reasons. First, the Foreign Service Act, drafted during the Carter Administration and pushed through Congress with substantial help from the American Foreign Service Association (AFSA) and pro-labor congressional staffers, gives the career foreign service new power. Most provisions of the law became effective in February 1981, just three weeks after President Reagan took office, so its impact has been felt only by the current Administration.

Second, it became apparent early in the Reagan Administration that the White House would defer to the State Department on non-career appointments at all levels, including presidential appointments. This was due initially to the take-charge manner of Secretary of State Alexander Haig, who insisted on deciding all senior appointments, and subsequently to the President's preference for a cabinet form of government.

What this has meant is that the foreign service has continued to dominate the selection process for policy-level jobs in Washington and ambassadorships abroad. The result is a State Department leadership that generally pursues policies to the left of the platform on which Ronald Reagan ran for the presidency, and indeed, which he has publicly articulated as President.

THE INSTITUTIONAL PROBLEM

The foreign service today is a separate, self-governing career service. Theoretically under the direction of the Secretary of State and his senior staff, it actually is a creation unique in government, an organization which is self-promoting, self-rewarding, self-duplicating, and largely self-assigning. Its members, most of whom belong to a professional organization turned labor union, the American Foreign Service Association, are employed in five different agencies, but State Department FSOs, totalling about 3,800 or over 63 percent of all officers, dominate and control the system.

They take care of each other. The old boy network of senior officers who "look out for their own" is very much a reality. Thus, the most important factor for career success as an FSO is to be on good terms with the senior members of the network, even more than with the political appointees of the administration in office.

While the main function of the foreign service is to staff the nation's embassies and consulates abroad, about 43 percent of FSOs are assigned to jobs in Washington, including the key positions of Under Secretary for Political Affairs and Under Secretary for Management. In fact, the top seven management officials of the Department, headed by the Under Secretary for Management, are now career officers.

With such an effective interest group in control at State, it is difficult for the White House to get advice or recommendations that do not reflect the policy inclinations and institutional biases of the foreign service, and which have not been diluted in the clearance process to eliminate options unpopular within the service. Of course, foreign policy is an arcane business, fraught with complications and not subject to clear or easy solutions. Even so, the State Department is prone to what Jeane Kirkpatrick calls the "principle of consensus,"[3] which refers to the practice of sending forward recommendations that are the least common denominator acceptable to all of the bureaus and offices that must clear them.

This system of multiple clearances produces foreign policy recommendations by agreement, rather than by such objective criteria as what is most in the national interest or what most approximates the political philosophy of the administration in power. Yet it is in the interest of the foreign service to continue this system of policy-making by consensus, since it makes it difficult to fix the blame when something goes wrong.

The institutional problem that has eluded solution through nearly forty years of changes in the system is how the President can best control the foreign policy apparatus to make it effectively pursue the goals of his Administration. It has been achieved on a case-by-case basis when Presidents have been willing to appoint a strong-minded Secretary of State who can and will dominate the career service. Eisenhower followed such a course with Dulles, as Nixon and Ford did with Kissinger. Another way is to bypass the foreign service by appointing a relatively weak Secretary and a strong National Security Advisor, as Nixon did when he put William Rogers at State and Henry Kissinger in the White House as National Security Advisor.[4] But this ties the

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3 In a lecture delivered at The Heritage Foundation on October 4, 1983, Ambassador Kirkpatrick bemoaned the development of foreign policy by consensus and then added: "I have actually heard it said, and at very high levels of our government, that the most practical test of the right policy is the one which procures the broadest agreement. You know that's not necessarily so. It would be nice if it were, but it isn't. The right policy is in fact the one that is most effective in defending our institutions and values and protecting our interests in the world."

4 Henry Kissinger, White House Years (Boston, Massachusetts: Little, Brown & Co., 1979) pp. 137-138. Dr. Kissinger cites a classic example of how the State Department bureaucracy, convinced of the correctness of its desire to initiate the SALT talks in a hurry, chipped away at an explicit presidential decision not to set a date for the talks with a series of leaks, comments, and statements that eventually forced the President to change his position. The former national security advisor concludes, however, that "the bureaucracy's victory was Pyrrhic," since the President then moved the conduct of the negotiations from the State Department to the White House.

effectiveness of the system to personalities; the institutional problem remains.

CONTROL OF THE SYSTEM BY STATE FSOs

The State Department's FSOs so dominate the foreign service system that the other foreign affairs agencies (USIA, AID, Commerce, and Agriculture) must rely on State to support them in any labor-management disagreement. But since the foreign service dominates the Department, it often resorts to unilateral action in labor-management issues, dragging the other foreign affairs agencies along with it. This is what happened last year in a dispute with the unions over the issue of management control of executive bonuses.

The device established by law for interagency coordination of foreign service matters, the Board of the Foreign Service, has been totally ineffective in such issues. This is to be expected, since the Foreign Service Act put the Board under foreign service control by requiring it to be chaired by a "career member of the Senior Foreign Service," and as with Abraham Lincoln's cabinet, the chairman has total control of the Board and its actions.[5] In other words, a fox is appointed to watch the other foxes.

Foreign Service Control Is Spreading

Through a labor-management agreement developed by FSOs serving in management positions and accepted by the President's appointees at State in order to keep peace, the foreign service has won total control of executive bonuses, thereby excluding management from participation in the process. Adding this to earlier State Department concessions on promotions and other management rights has resulted in a self-governing service that decides who gets in, who gets promoted, who gets bonuses, and beginning next year, who can be extended beyond mandatory retirement. The appointees of the administration elected by the people are excluded by law or labor-management agreement from participating in these normal management decisions.

The Administration cannot order a bonus or promotion, nor can it overrule either the supervisor or the FSO-controlled Promotion Board (except to deny a promotion in criminal or security cases) under present labor-management agreements. Any attempt to

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5 The Board of Foreign Service is established by law, Section 210 of P.L. 96-465, the Foreign Service Act, and includes representatives of State, USIA, AID, Agriculture, Commerce, Labor, OPM, OMB and the EEOC. The chairman must be a career FSO and many of the members are senior FSOs. The chairman exercises total control of the Board's actions and decisions. Thus, instead of being an oversight body, it operates to protect the interests of the foreign service.

do so would raise a tremendous cry of "politics" from the foreign service. The significance of these promotion and bonus procedures is that the foreign service, unlike the rest of the federal government, is not being managed by the administration in office.

In addition, the foreign service enjoys substantial control over the assignment of its members to posts abroad. When USIA management began exercising some modest oversight on assignments in 1981, foreign service members mobilized their congressional supporters to question these procedures, implying that agency management should not be able to review or revise assignments made by career officers working in the agency's office of personnel. Deciding whether an officer goes to Rome or Calcutta is a tremendous exercise of power that the foreign service wants to control without intervention by the Administration. If the service were to obtain full control of assignments, it would constitute a major additional derogation of management authority.

FSOs Fill Non-Career Jobs

While the State Department is overstaffed, there are not enough policy-making positions for the large number of senior FSOs.[6] The result is constant pressure from within the service for more senior positions, more and faster promotions, and strong opposition to the appointment of anyone from outside the service to any job within. It is this fierce opposition to outsiders that generates criticism by the foreign service of non-career ambassadorial appointments and quiet but determined opposition to other non-career appointments, as in the Senior Executive Service.

The foreign service has kept the number of non-career appointments small by filling most of the Department's openings with FSOs. On those few occasions when the Administration has forced non-career appointments at State, the Department has tried to

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6 John Krizay, "Clientitis, Corpulence and Cloning at State--the Symptomatology of a Sick Department," Policy Review, Spring 1978. The second of Mr. Krizay's three C's, Corpulence, referred to the problem of overstaffing in general, which was serious at State when he wrote his article nearly six years ago. As with most problems afflicting the foreign service, corpulence is still around, especially at the senior grades. The foreign service has a much higher ratio of senior officers than any other personnel system. More than 20 percent of State Department FSOs are in the Senior Foreign Service. By comparison, only 1.5 percent of all civil service personnel in grades GS-11 and above are in the comparable Senior Executive Service. The comparison with the military, with which the foreign service often likes to compare itself, is even more striking. Only one-third of one percent of all officers are serving as generals or admirals and those ranks are tied to the incumbency of flag rank billets. The lack of a similar requirement for the foreign service means that many senior officers are unassigned and "walking the halls" as they say at State, while receiving salaries of $69,600 per year.

create dummy jobs for them, e.g., new positions without real authority, thereby keeping Administration appointees out of policy-making positions.

THE PROBLEM OF OVERCAUTIOUS ADVICE

Another problem Presidents have had with the foreign service is the quality of its advice. FSOs are not trained to write clear, direct, short, or simple recommendations, nor is the State Department system designed to produce them. Diplomacy often requires the obfuscation of true goals or intentions, and survival in the foreign service means never, or hardly ever, sticking one's neck out, at least not until getting to the top. The natural inclination of FSOs is to observe these conventions (which are highly desirable in dealing with foreign governments) when preparing recommendations for their own government. In addition, recommendations prepared by the foreign service for the Secretary to send to the White House rarely consider attitudes of U.S. citizens or the political views of the Administration. Indeed, sometimes they are deliberately intended to revise or undercut those views. And most Secretaries, relying heavily on the career service, do not hesitate to forward such recommendations.

The Department's organizational structure also influences its advice. Organized along geographic lines, the five regional bureaus have prime responsibility for most of the activities that occur in their areas of the world. But when a policy recommendation is needed, the geographic bureau must clear its views with any other geographic bureau that claims even a residual interest in the issue, in addition to any of the functional bureaus or offices that may be interested. This clearance procedure makes sense in theory. It ensures that all possible implications have been considered, and prevents the parochialism that is unavoidable in organizations responsible for foreign policy in a particular region of the world. What often happens, however, is that a strong-willed individual, especially one of senior rank, can delay or water down virtually any recommendation, except those that have originated at the highest levels of the Department.

In addition, officers who have no particular problem with the substance of a proposal often make stylistic or other changes that have the effect of fudging conclusions and recommendations (the State Department is called the Fudge Factory with good reason). Altogether, these factors often produce advice that is either imprecise or not in tune with the basic policy directions of the Administration.

Of course, it is generally assumed that the bureau head and his principal deputies will pursue the policies of the President. This cannot be taken for granted. Most foreign policy issues have many facets, and a bureau head who is not fully supportive of the President's policies can undercut them in clever and subtle ways. One way is through telephone coordination between

FSOs in Washington and overseas. Since the ambassador's advice is sought by Washington on most matters, the FSO handling an issue in the State Department can influence the recommendation by telephoning the FSO ambassador or deputy chief of mission and soliciting the desired advice from the field before the telegram requesting advice is even sent from Washington. The submission of slanted or overcautious advice on policy issues can be the result. The solution to this problem is the appointment of bureau heads and principal deputies who clearly understand and support the policies of the President. This requires more White House and National Security Council involvement in the selection process.

CONTROL OF NON-CAREER APPOINTMENTS

The quality and commitment of people can make or break a presidency. A basic criterion for non-career appointees, therefore, should be agreement with the President's philosophy and objectives. Many agency heads, however, prefer to appoint to their senior staffs people they know and in whom they have confidence or to advance career officers who demonstrate efficiency. But candidates chosen by these criteria often are not strong supporters of the President and have little or no commitment to the political philosophy of his party.

Ambassadors deserve special attention.[7] The 148 ambassadors serving as chiefs of mission represent the largest single group of prestigious appointments available to the President. They serve, at least theoretically, as personal representatives of the President. In any normal government operation the vast majority of such appointees would be selected by the White House on the basis of a combination of high personal qualifications and support for the President's policies and programs. However, career FSOs argue that ambassadors should be chosen from FSO ranks on the grounds that they train throughout their careers for such appointments and are the best qualified. Yet personal qualifications may not be as relevant to the achievement of U.S. policy objectives as the dedicated pursuit of presidential policies by someone who fully understands and supports those policies.

Still, the pressures applied by the foreign service bureaucracy for the appointment of career FSOs as ambassadors, usually with the support of the Secretary of State and friends on Capitol Hill, can be enormous. The percentage of ambassadors selected from the career service has ranged from 56 percent under Franklin Roosevelt to 73 percent under Jimmy Carter. In 1982 the percentage

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7 While many individuals are accorded the rank of ambassador to attend an international conference or to represent the President abroad on a trip or mission, the title ambassador as used here is limited to those serving as chief of a diplomatic mission, currently numbering 148.

of career ambassadors was 65 percent, but under continuing foreign service pressure, the White House has let that figure inch back up to 69 percent. That means that only 31 percent of all ambassadors have been selected for their support of the President and his programs.

This extreme interest in getting FSOs appointed as ambassadors is a characteristic only of State Department FSOs. USIA, with about 170 senior foreign service officers, has only two career FSO ambassadors--to the small countries of Malta and Sierra Leone--a number unchanged for years. By contrast, the State Department has about 100 senior officers serving as ambassadors, about 13 percent of the 775 in the Department's Senior Foreign Service. Last year, Congress went on record in support of greater equity between State and USIA FSOs in career ambassadorial appointments, but State has done nothing to revise its ambassador selection process, which overwhelmingly favors State Department FSOs.

The authority to nominate career officers as ambassadors should be removed from the careerist network. One solution would be for the White House and the National Security Council to select nominees for ambassadorships after considering candidates for each vacancy from the various foreign affairs agencies, other parts of the government, and outside the government. The most important criteria would be background and qualifications appropriate to the position plus known support of the President's policies. Another approach would be to have the selection process handled by a reconstituted Board of the Foreign Service, chaired by an impartial presidential appointee who reports to the White House and is not on the payroll of any of the foreign affairs agencies.

A CONFUSION BETWEEN MANAGEMENT AND LABOR

One of the unique aspects of the Foreign Service Act is that it blurs the normal distinction between management and labor. This legislation and the concept it encompasses make it possible for the FSOs to control and direct the foreign service system, excluding the President's appointees from exercising normal management functions. There is no comparable situation in the civil service, where management and labor are clearly delineated. The Civil Service Act of 1978 defines all members of the Senior Executive Service as management officials, automatically excluding them from membership in or activity on behalf of employee labor unions.

In contrast, the Foreign Service Act does not define members of the Senior Foreign Service as management officials. The result is that most FSOs, including many in the highest positions in the State Department, are union members. In the foreign service, a senior officer exercising high-level responsibilities could be representing management one day and the union the next. The foreign service considers this a wonderful arrangement, and

State Department management, much of which is part of the foreign service, agrees.

There is a quick fix for this bizarre situation. The Foreign Service Act lists categories of "management officials," and excludes the incumbents of positions in those categories from the union bargaining unit. If all senior FSOs were classified as management officials, as are all of their civil service counterparts in the Senior Executive Service, it would solve the problem. As management officials, they would be excluded from activity on behalf of the union and would be required to represent management's interests. But when this proposal was raised last year in the Board of the Foreign Service, the surprising position taken by then Undersecretary of State for Management Jerome Van Gorkom was that management in the State Department is different from that in the rest of the government and that most of the Department's 775 senior officers are not part of management, despite their impressive ranks, titles, and high salaries.

HOW TO MANAGE THE FOREIGN SERVICE

It is time to stop treating the foreign service as a government within a government, a bureaucracy independent of the will of the American people. To carry out its electoral mandate, an Administration must be able to manage the permanent bureaucracy. While some may interpret this as "political control" it is, in fact, responsiveness to democracy.

The main problem with the foreign service system is the lack of effective management or oversight. In a recent study of the system, the State Department's principal in-house expert, Dr. William I. Bacchus, raises the question of who is exercising overall management of the foreign service, and replies "the honest answer is, no one." Commenting further on managerial shortcomings, Dr. Bacchus states, "Another source of inadequacy in foreign affairs personnel systems is that their management is ill suited to the tasks at hand, and poorly equipped to force necessary changes."[8]

What is needed is continuing oversight and review of the system by a professional organization equipped to do the job. The best existing oversight authority is the Office of Personnel Management. Most of the government works under the oversight of OPM, and there is no reason why the foreign service should not be included in its jurisdiction. OPM now oversees the entire civil service, including the civil service employees of the five foreign affairs agencies. It would be logical to extend the same management review to the small group of foreign service employees now exempt from OPM oversight.

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8 William I. Bacchus, Staffing for Foreign Affairs (New Jersey: Princeton University Press, 1983), pp. 80, 83.

The separate foreign service system could be retained, including special benefits appropriate to a worldwide operation with conditions of employment greatly at variance with those of the civil service. But giving OPM oversight of the foreign service would at least assure reasonable and consistent supervision of activities such as personnel, appointments, management, labor relations, inspections, and cost control, which need outside review. No matter how well-intentioned, no agency can adequately police itself in these areas, particularly when there is a built-in conflict of interest. With oversight control, OPM could force some of the tough management decisions the State Department has not been able to make because so many of its senior management officials have a vested interest in the system.

Establishing suitable oversight might be difficult and time consuming, but that is no reason to defer the effort. The outcome would be a significant management achievement with lasting benefits to American foreign policy.

CONCLUSION

State Department problems can be addressed through administrative action by the Executive Branch and legislative proposals to Congress. A good start would be for the White House to:

1. Direct the Office of Personnel Management to assume oversight review of the foreign service personnel system, as it now does for the civil service system.

2. Direct the White House Office of Presidential Personnel, the Department of State, and OPM to work together to ensure the appointment of a reasonable number of well-qualified, non-career candidates, who support the policies and philosophy of the President, to managerial and policy-making positions in the Department. Such appointments should include the Undersecretary for Management and the Inspector General, and after the law is changed, the Director General of the Foreign Service and the Chairman of the Board of the Foreign Service.

3. Submit to Congress an amendment to the Foreign Service Act, adding "members of the Senior Foreign Service" to the categories of management officials listed in Section 1002(12). This could be added to the package of amendments to the Act now pending.

4. Ask Congress to amend sections 208 and 210 of the Foreign Service Act to remove the requirements that the Director General of the Foreign Service and the Chairman of the Board of the Foreign Service be selected from the career service. For the Board of the Foreign Service to provide proper oversight and guidance, the chairman should be a presidential appointee, who reports directly to the President, and should not be on the payroll of any of the foreign affairs agencies under his oversight.

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