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NATO at Fifty:
Summits, Sherpas, and the Struggle for Presidential Prerogative

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NATO's fiftieth anniversary summit, held in Washington in April of 1999, was a showcase for the pomp, pageantry and perceived power of the American presidency. As host of the meeting, President Clinton convened over 50 heads of state and government from across the European continent, including some of the world's most senior and distinguished statesmen. As the last American president of the 20th century, Bill Clinton consummated the legacy of Harry Truman by returning to the site of the original signing of the NATO treaty to reaffirm allied cohesion and commitment to joint action for the coming fifty years. And perhaps most importantly, as undisputed leader of the Alliance, the President set the substantive agenda for the summit proceedings and decisively shaped the policy results.

However, when one looks behind the curtain of the summit stage and examines the course of presidential preparations for such meetings, a very different picture emerges. Behind the public spectacle of diplomatic events, one finds private struggle, institutional conflict, and a policy-making process often characterized by bureaucratic opposition and partisan agenda. For the reality of the presidency today is that the power of the office is increasingly constrained, not only by the relationship between the Administration and Congress but also by the actions of agencies within the executive branch. And in those cases when congressional objectives and agencies' bureaucratic imperatives converge, the President's range of action, options for decision, and capacity to impose a desired outcome can be substantially limited.

This central paradox of presidential power, broadly gauged in precedent and public perception but often narrowly confined in practice, was a key feature of internal deliberations preceding the 1999 NATO summit. While the outcome of the summit was quite strong in policy terms, enthusiastically endorsed by President Clinton and other allied leaders, it was nonetheless a product of considerable compromise both within the Administration and with Congress. Had presidential preferences been unfettered from the outset of these preparations, the summit might well have turned out quite differently. In particular, two key issues on the summit agenda – the future course of NATO enlargement and Alliance action on WMD proliferation – were influenced by this phenomenon. An analytical retracing of the development of these issues in the lead-up to

the summit reveals the considerable extent to which congressional sentiment and bureaucratic opposition can intersect in ways that constrain presidential prerogative.

I. Powers Separated and Shared

The question of presidential power was a central concern of the framers of the constitution. Much of the constitutional convention was devoted to establishing the proper balance between the different branches of government and, in the case of the presidency, to avoiding the abuse of power experienced under the British monarchy. Though intentionally ambiguous on many points, the final text of the Constitution makes clear the framers' intent that power would be shared between the executive and legislative branches. Indeed, coordination -- and the resulting vacillation between conflict and collaboration -- was made unavoidable: the President has the authority to make appointments, but Congress must confirm them; the President is empowered to negotiate treaties, but Congress must consent to their ratification; the President, as Commander in Chief, has the capacity to prosecute wars, but Congress must declare them. And of course, Congress holds the power of the purse and thus the ability to withhold funding for any executive activities of which it disapproves. As Alexander Hamilton explained in the *Federalist Papers*, "...there is no comparison between the intended power of the President and the actual power of the British sovereign. The one can perform alone what the other can only do with the concurrence of a branch of the legislature."¹

In the area of foreign policy, the powers of the presidency evolved and strengthened considerably in the first part of the 20th century. The crisis atmosphere of two World Wars and the Cold War underscored the need for quick and decisive action, and Congress ceded much of its authority over foreign matters to the President. Striving for a bipartisan consensus in support of national security, both parties were increasingly (though never categorically) inclined to defer to the President on international issues and thus to prevent political debate from extending "beyond the waters edge." While most presidential scholars point to Roosevelt's aggressive leadership over domestic issues as

¹ Hamilton, Madison, Jay, *The Federalist Papers*, (New York: Mentor, 1961), p.420.

the genesis for the modern presidency as the nation's principal institution,² it was presidential dominance over foreign policy, and the assumption by Richard Nixon of what he publicly deemed "royal prerogatives"³ over national security and statecraft, that prompted the now famous declaration by Arthur Schlesinger of the "imperial presidency."⁴

Not surprisingly, it was within this same imperial approach that lay the seeds of its demise. Domestic upheaval over the Vietnam War and the secret machinations of the Johnson and Nixon Administrations prompted Congress to reassert itself. Both the War Powers Resolution of 1973 and the Independent Counsel Act of 1978 were explicit attempts to curtail the power of the presidency and to prevent the exposed abuses of that power. The end of the Cold War accelerated the process of congressional reassertion over foreign affairs, with the emergence of an increasingly partisan tone to policy debates and the inevitable promotion of constituent driven outcomes. While congressional efforts have admittedly been sporadic and at times inconsistent, they have nonetheless driven largely in the direction of greater activism on the part of Congress and a diminished willingness to cede the White House a preeminent role in foreign policy. As Schlesinger recently noted, the reign of the imperial presidency over foreign policy ended with the Cold War: "Because it was the creation of international crisis, the imperial Presidency collapsed once that crisis came to an end."⁵

II. Navigating the Bureaucracy

Another post-WWII phenomenon that has exerted a decisive impact on the power of the presidency is the growth of the federal bureaucracy. Though ostensibly -- and statutorily -- charged with support of the president, many cabinet agencies actually end up working at cross purposes with the expressed or implied preferences of the White House. This distinction between the "textbook presidency"⁶ -- in which authority flows

² See for example: Cronin, Thomas and Genovese, Michael, The Paradoxes of the American Presidency, (New York: Oxford University Press, 1998).

³ Kessler, Frank, The Dilemmas of Presidential Leadership: Of Caretakers and Kings, (New Jersey: Prentice-Hall, New Jersey, 1982), p.169.

⁴ Schlesinger, Arthur, The Imperial Presidency, (Boston: Houghton Mifflin, 1973).

⁵ Schlesinger, Arthur, "So Much for the Imperial Presidency," New York Times, (Aug 3, 1998), p. 19.

⁶ Cronin, Thomas, "The Textbook Presidency," in Inside the System, eds, Charles Peters and John Rothschild, (New York: Prager, 1973).

neatly according to organizational charts -- and the chaotic reality of contemporary governmental deliberations was perhaps best captured by Graham Allison's description of bureaucratic politics, in which "agencies and their personnel inevitably have narrower perspectives than the White House and will desire to maintain and expand their programs, status, and influence."⁷ Focused on this inherent dilemma of the chief executive, Richard Neustadt elaborated that: "the same conditions that promote presidential leadership in form preclude a guarantee of leadership in fact. No man or group at either end of Pennsylvania Avenue shares his peculiar status in our government and policy. Lacking his position and prerogatives, these men cannot regard his obligations as their own."⁸ The resulting presidential frustrations in dealing with recalcitrant bureaucracies have become legendary. As Franklin Roosevelt noted with exasperation, it was "like punching a featherbed. You punch ...until you are finally exhausted, and then you find the damn bed just as it was before you started punching."⁹ Jimmy Carter acknowledged a similar sentiment: "Before I became president, I realized and I was warned that dealing with the federal bureaucracy would be one of the worst problems I would have to face. It has been even worse than I had anticipated."¹⁰

One way that Administrations have attempted to control the bureaucracy is through the expansion and empowerment of presidential staff – people close to the president who can help ensure that his decisions are faithfully carried out by the various agencies. In the area of foreign affairs, this has meant a greatly broadened role for the National Security Advisor, supported by an increasingly influential NSC staff. Though different Administrations have taken various approaches to the position of National Security Advisor since its establishment in the Kennedy Administration, (with Kissinger under Nixon and Allen under Reagan representing the two extremes), the position has become vital to presidential management of foreign policy.¹¹ Even in the first Clinton Administration, with its initial determination to focus primarily on domestic issues, Tony Lake played a central (if intentionally low profile) role in the development of U.S. policy.

⁷ Allison, Graham and Zelikow, Philip, Essence of Decision, (New York: Addison-Wesley, New York, 1999), p.246.

⁸ Neustadt, Richard, Presidential Power: the Politics of Leadership from FDR to Carter, (New York, Wiley, 1960), p.8.

⁹ Kessler, p. 93.

¹⁰ Allison and Zelikow, p. 285.

As foreign policy moved ever higher on the President's agenda in the second term, Lake's successor Sandy Berger became an increasingly visible and powerful force in driving agency deliberations. This was particularly true in the case of the NATO summit – the largest international event orchestrated by the Clinton presidency.

III. On the Way to the Summit

The decision to convene a commemorative summit on NATO's fiftieth anniversary was taken by President Clinton in the Fall of 1997. The decision was made without formal interagency or congressional consultation, though informal contacts by the NSC staff with the Departments of State and Defense, as well as the U.S. Mission to NATO, had forged an internal consensus that Washington was both the most logical and the most desirable venue. A summit in Washington was intended to symbolize continued American leadership of the Alliance and to underscore the decisive role of the Clinton Administration in reshaping NATO after the Cold War. After securing agreement in allied capitals, this decision was endorsed by NATO Foreign Ministers at their annual meeting of the North Atlantic Council (NAC) in December 1997.

The next priority was establishment of an interagency structure for elaboration of U.S. summit policy. Determined to avoid the slow pace and entrenched rivalries of the pre-existing Interagency Working Groups, the NSC staff set up a special summit task force under the authority of the Deputies Committee (DC), with the mandate of preparing options for the Principals Committee (PC) to approve and forward to the President. Known informally as the NATO Sherpas (borrowing the Tibetan term for mountaineering guides), the summit task force was limited to the four key agencies responsible for NATO policy: the Department of State, the Office of the Secretary of Defense (OSD), the Joint Chiefs of Staff (JCS), and the NSC Staff (NSC). Each agency was represented at the level of Assistant Secretary, with participation at the weekly meetings restricted to "principal plus one."

The key rationale behind this small and narrowly focused format was maintenance of White House control. As Chair of the meetings, the NSC was able to set the agenda, drive the pace and, most importantly, impose a presidential perspective on the

¹¹ History of the National Security Council, Office of the Historian, U.S. Department of State, (Aug 1997).

deliberations. Under the guidance of the National Security Advisor, the NSC Chair was able to steer the direction of evolving policy initiatives to accommodate presidential concerns and preferences, often communicated informally during the daily national security briefings in the Oval Office. The importance – and limits – of this approach were particularly evident in the deliberations over two dominant summit issues: enlargement and new missions.

On enlargement, the NSC tasking was to develop options for next steps following the admission of the first new members, Poland, Hungary and the Czech Republic. Rather than forwarding a consensus approach, the NSC specifically sought to avoid the "least common denominator" compromise solutions that were so often the result of interagency negotiation. The objective was to flesh out several viable alternatives and, in the process, to protect the President's prerogative as the ultimate decisionmaker. Without prejudging the outcome, it was assumed that the list of options would likely include the extension of invitations to additional new members, thus using the Washington summit to launch the "second round" of NATO enlargement. In terms of process, this was to be a classic "bottom-up" approach, in which options were to be developed by agencies, with the NSC functioning as a coordinator to ensure a fair consideration of opposing views.

On new missions, the NSC was to play a very different role. As the White House had already taken several high profile initiatives on the security risk posed by WMD proliferation and the vulnerability of the United States to "asymmetrical" threats, the NSC was tasked to ensure that the summit included a substantial initiative to shift NATO's strategic focus and drive greater activism in this area. The logical vehicle was the new Strategic Concept, to be released at the summit, that would articulate NATO's defining rationale and its overall approach to the evolving security challenges of the coming years. In this case, the policy process was to have more of a "top down" quality, with the NSC acting as an initiator of policy proposals and, to a large extent, as an advocate for specific outcomes.

IV. Launching Interagency Deliberations

Throughout the spring and summer of 1998, the Sherpas group worked intensively on elaboration of the summit agenda and development of corresponding

policy initiatives. The intimacy of the group encouraged a collegial and cooperative process, and work proceeded rapidly. However, the emerging policy trends began to depart rather considerably from the NSC's initial taskings.

On enlargement, it quickly became clear that there was a widespread, if only loosely articulated, consensus against any further invitations at the summit. State, traditionally one of the strongest advocates of enlargement, was torn between a demonstrated commitment to continuation of the "open door" policy and a concern about the impact that a second round of invitations would have on the already tenuous situation in Russia. OSD was primarily focused on the internal cohesion of the Alliance, as well as its continued military effectiveness in light of diminished allied defense spending and the growing technology gap between U.S. and European forces. JSC felt that Alliance resources were already overtaxed and thus was strongly opposed to the assumption of any new commitments. As a result, rather than debating the question of which new members to invite, the group tended to reinforce pre-existing inclinations against any invitations.

On WMD as a new mission for NATO, the Sherpas group became a victim of the very bureaucracy that it was designed to avoid. Although the members of the group were strongly supportive of the NSC proposals (calling for a NATO WMD center to facilitate expanded intelligence-sharing on the WMD threat and to coordinate a more robust allied response to that threat), the Sherpas did not hold "lead" responsibility within their respective agencies for WMD issues. When the proper counterparts were belatedly brought into the deliberations, they strongly resisted the Sherpas' proposed approach as it held the potential to threaten current lines of bureaucratic authority. The result was repeated delay and demands to water down the proposals in order to protect agency turf.

V. Expression of Congressional Views

While Congress had no formal role in summit policy preparations, there was extensive consultation between the Administration and the Senate NATO Observer Group or SNOG. The SNOG was originally established by Senator Lott to ensure oversight of the process of advice and consent for the admission of Poland, Hungary, and the Czech Republic into the Alliance. In the months leading up to the summit, the SNOG

remained an effective vehicle for Congress to solicit information from the Administration and to express their views on evolving issues.¹²

On NATO enlargement, strong majorities in both the House and the Senate had long favored the admission of new members. Enlargement was included in the 1994 Republican Contract with America and, in the same year, Congress passed the NATO Participation Act to provide financial support for East European states aspiring to alliance membership.¹³ Accordingly, the April 30, 1998 vote by the Senate on the admission of Poland, Hungary, and the Czech Republic was overwhelmingly positive, with 80 Senators voting in favor and only 19 opposed. However, the debate preceding that April vote had also exposed considerable uneasiness about next steps. Cost, impact on internal alliance cohesion, and reactions of Russia were all raised as issues of concern. While a few individuals, such as Senator Roth, favored an early follow-on invitation to Slovenia, there was a broad sense shared by most Senators that greater experience with the integration of the first new members should be acquired before proceeding to a second round. Leading the charge on these concerns, Senator Warner proposed an amendment to the April vote that would have required a formal "pause" of 2-4 years before any further invitations could be issued. The Warner Amendment was ultimately defeated, but there was nonetheless broad sympathy with the underlying sentiment. To underscore this view, the final Resolution of Advice and Consent included the stipulation that the President would consult formally with Congress prior to taking any decision to invite additional members.¹⁴

On the issue of new missions for NATO, there were few in Congress with fully fleshed out views, but virtually all shared in the widening sense of anxiety about over-extension of Alliance commitments. In particular, controversy over peacekeeping in the Balkans had fed a general fear that NATO was evolving away from its core mission of collective defense toward a more nebulous role as the provider of collective security for the European continent. There was also a growing concern that increased emphasis on WMD, an inherently transnational threat, would take the Alliance beyond Europe into the

¹² Milbank, Dana, "SNOG Job," New Republic, (May 25, 1998), p.14-15.

¹³ Goldgeier, James, "The U.S. Decision to Enlarge NATO: How, When, Why, and What Next?," Brookings Review, (Summer 1999), p.18-21.

Middle East and even toward a more global mission. The fear of NATO "going global" was exacerbated by congressional contacts with their (invariably more parochial) European counterparts within the NATO Parliamentary Assembly, and became the rallying cry for opposition to any new mission that went beyond territorial defense of NATO members (the defining rationale for the Alliance under Article V of the NATO treaty.)¹⁵ In a series of letters to the President, phone calls to the National Security Advisor, and meetings with the Secretaries of State and Defense, virtually all members of the SNOG repeatedly urged the Administration to proceed cautiously.¹⁶

VI. Searching for Common Ground

As the summer of 1998 drew to an end, the Administration needed to reach closure on its policy positions so that negotiations with Allies could proceed over the fall and winter. A series of DC and PC meetings were scheduled, and the Sherpas group was tasked to refine agency positions and to assess and incorporate congressional views.

On enlargement, the outcome was obvious and unavoidable -- there was no support in Congress or from any agency for invitations. As a result, the PC forwarded to the President a consensus recommendation against initiating a second round at the summit. Anticipating this outcome and aware of the President's desire to sustain momentum in the enlargement process, the National Security Advisor had earlier directed the Sherpas to develop a new initiative, dubbed the Membership Action Plan or MAP. The MAP was intended to increase the likelihood of a future second round by strengthening the candidacies of aspiring members -- thus serving to compensate for or at least counterbalance the absence of invitations. Presented with this comprehensive and uncontested recommendation, the President was in effect asked to ratify an already agreed course of action, and was not, as originally intended, allowed to choose between several alternatives.

¹⁴ See Congressional Record of May 4, 1998 for the full text of April 30 Resolution of Ratification on Protocols to the North Atlantic Treaty of 1949 on Accession of Poland, Hungary, and the Czech Republic.

¹⁵ See for example, Hutchison, Kay Bailey, "A New Division of Labor for a New World Order," Washington Post, (Jan 3, 1999), p.A26; Kamp, Karl-Heinz, "A Global Role for NATO?" Washington Quarterly, (Winter 1998), p.7-11; and "NATO's Next Fifty Years, Washington Post, (Dec 9, 1998), p.A26.

¹⁶ For excerpts of congressional letters, see: Kitfield, James, "NATO's New Mission," Government Executive, (April 1999), p. 47-52.

On WMD, there was room for greater albeit still limited flexibility. On the one hand, agencies' "institutional" opposition to a robust initiative had been bolstered by congressional anxiety about global missions. On the other hand, there were none, either within the Administration or on Capital Hill, prepared to advocate that NATO ignore the very real threat posed by WMD proliferation. As a result, the Sherpas (at the prodding of the NSC) were able to reach a negotiated compromise on a streamlined version of the original initiative, justified with the rationale that Congress would perceive it as stopping far short of a global mandate. In an effort to preserve the delicate balance of this compromise, the PC again forwarded a consensus recommendation to the President – neither offering options nor meeting the original benchmark of a substantial shift in NATO's strategic focus.

VII. Beyond the Summit

Despite reported disappointment with the conservative nature of the PC recommendations, the President's official response was already foreordained. Lacking graduated options to differentiate between competing priorities, his range of action was essentially restricted to approving or rejecting the proposals wholesale. And given the virtually monolithic consensus among his senior advisors, reinforced by similar or at least compatible congressional sentiment, there was little to be gained -- and much political currency as well as policy coherence to be risked -- by an outright rejection.

From the narrow perspective of assessing the summit results, this process of policy development was largely successful. The caution and compromise reflected in the American proposals ensured a gradual, evolutionary approach to these very sensitive issues. This approach was well received by most allies, who are consistently more comfortable with the status quo, and thus facilitated smooth adoption of the U.S. initiatives without prolonged debate or public controversy.

From a broader perspective, however, the course of summit preparations reveals the extent to which the on-going evolution of the presidency continues in the direction of tighter constraints and a diminished capacity for unilateral action. The era of imperial prerogative over foreign policy is long past, with both Congress and cabinet agencies playing increasingly crucial roles that compete with and sometimes even contradict

presidential priorities. As the executive-legislative relationship on foreign policy issues evolves back toward the framers' intended "invitation to struggle," the imperative for consultation and genuine collaboration will be ignored only at great cost. And as interagency deliberations within the executive branch are likely to grow more elaborate and fractious as international issues become increasingly complex, future incumbents of the White House will have little choice but to abandon magisterial presumptions in pursuit of more mundane managerial concerns. To achieve their "own" agendas for administration performance, presidents must involve themselves and their staffs in driving policy development from the very outset of the deliberative process, and thus acknowledge that decision by fiat is simply not viable. For the "myth of the big-time presidency, in which one 'rules' as a successor to George Washington and Franklin Roosevelt"¹⁷ -- however useful it may be in projecting the "theater of power"¹⁸ that surrounds the White House -- is a stark contrast to the contemporary realities of the office.

¹⁷ Woodward, Bob, Shadow: Five Presidents and the Legacy of Watergate, (New York: Simon and Schuster), 1999.

¹⁸ Mee, Charles, Playing God: Seven Fateful Moments When Great Men Met to Change the World, (New York: Simon and Schuster), 1993.