

AN AGENCY THEORY VIEW OF THE MILITARY ADVISOR

by

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APPROVAL

The undersigned certify that this thesis meets masters-level standards of research, argumentation, and expression.

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Abstract

An understanding of civil-military relations provides insight for the military strategist into the interplay between politics and military art. A framework of how civilian leadership and the military relate in formulating national security objectives may prove useful in developing military strategies. In *Armed Servants: Agency, Oversight, and Civil-Military Relations*, political scientist Peter Feaver proposes a theory of civil-military relations based on principal-agent theory called Agency theory which defines civil-military relations as the day-to-day strategic interaction between civilian leaders and the military. According to Agency theory, the civilians set oversight measures to monitor the behavior of the military and the military responds based on the probability of its behavior being discovered and its expectation of punishment from civilian leadership. This paper argues that Agency theory can be extended by examining the intangible aspects of the military that contribute to its decision-making and behavior and separating the civilian principal into the President and Congress to better describe American civil-military relations. The examination of the intangible aspects of the military mind concludes that the professional military ethic espoused by political scientist Samuel Huntington and expressed in the Weinberger Doctrine offers insights into the behavior of the military that the purely rationalist approach of Agency theory does not capture. The examination of the separation of the civilian principal into the executive and legislative branches shows that in times of crisis, the military advisor is drawn to the President and his advisors as a source of immediate information. This change in the nature of the strategic interaction to a more informal, feedback-based monitoring with respect to the President gives more power over the military while Congress maintains a more formal oversight. The study concludes that Agency theory is a valuable theory not only for its descriptive power in analyzing the dynamics of American civil-military relations but also for its flexibility to accept extensions to the basic theory without undermining its validity. For the military strategist, Agency theory proposes one view of civil-military relations and offers insight into how military strategies relate to political objectives.

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INTRODUCTION

Understanding civil-military relations helps the military strategist recognize and appreciate the dynamics of the interplay between politics and military art. Theorist Carl von Clausewitz postulated that “war is not merely an act of policy, but a true political instrument, a continuation of political intercourse, carried on with other means.”¹ If Clausewitz is correct, then civil-military relations describes how the civilian politician and the military interact to effectively and efficiently use force in the pursuit of political objectives.

Military strategy is not developed in a vacuum. While a strategist does not need to become an expert on civil-military relations, an understanding of how civilian leaders’ actions and decisions affect military strategy may help one to develop better military strategy. A comprehension of the nature of the interaction between the civilian leaders and the military helps military strategists appreciate the need to connect military means to political ends and how that process unfolds in American civil-military relations.

To that end, political scientist and professor Peter Feaver proposes a theory of civil-military relations called Agency theory based on the well-known principal-agent theory used by economists to explain contract negotiations. Feaver’s Agency theory addresses civil-military relations as the strategic interaction between civilians and the military. His theory answers the question: “How do civil-military relations in the United States play out on a day-to-day basis?”²

Feaver’s theory is a useful model for examining the interaction between civilians and the military, but has a weakness in its treatment of the military’s role as an advisor to the civilian on the use of force. Feaver notes that “under any theory of civil-military relations the military has an obligation to give advice.”³ The military advisor’s role is to help the civilian transition from pure politics to incorporating the use of force to achieve political objectives. The military advisor has experience and expertise that the civilian

¹ Carl von Clausewitz, *On War* ed. and trans. Michael Howard and Peter Paret (New York: Everyman’s Library, 1976), 99.

² Peter Feaver, *Armed Servants: Agency, Oversight, and Civil-Military Relations* (Cambridge: Harvard University Press, 2003), 3.

³ Feaver, 138.

leader does not and therefore serves to counsel the civilian on military capabilities and to recommend courses of military action. Feaver's difficulty with the military's advisory role lies in what he calls the "exceeding blurry line between advising against a course of action and resisting civilian efforts to pursue that course of action."⁴ Do military advisors exaggerate the costs of a course of action or the magnitude of the threat to persuade civilian leaders to endorse options more in line with military desires? Do civilians change their minds because of military resistance or because they were "truly persuaded that it was unwise?"⁵ Feaver proposes that this "blurry line" challenges the civilian to evaluate the accuracy or validity of military advice.

Purpose

This thesis argues that Feaver's theory can be extended to better capture the military's role as an advisor by loosening its rationalist approach and expanding its treatment of the civilian in American civil-military relations as a single entity. The first extension examines the intangible aspects of the military ethic that Feaver's rationalist approach fails to capture. The military's norms, beliefs, and values affect the advice it gives to civilian leaders. The second extension separates Feaver's basis for the civilian leader into the President and Congress to more accurately portray the context of the American civil-military relationship.

Feaver's rationalist approach to Agency theory, reducing the military agent to the subject of simple cost-benefit analysis, neglects the intangible characteristics that make the military professional an expert in the use of force. The rigid rationalist approach that Feaver adopts in Agency theory detracts from a clear understanding of the military's advisory role. Feaver acknowledges that the "use of the rationalist method cuts across a trend in the general political science literature to focus on nonmaterial determinants of behavior, be they identity, norms, beliefs, or ideas."⁶ In Agency theory, Feaver proposes "civil-military theory needs to make room for material factors" to include such factors as cost and incentives that is lacking from existing civil-military relations theory but, in

⁴ Feaver, 62.

⁵ Ibid.

⁶ Ibid, 13.

doing so he neglects the impact of other factors in the civil-military relationship.⁷ While it is difficult to capture every aspect of the idea of the *military mind*, there are some general themes that embody the notion of the military professional. The development of the American military professional and the professional military ethic contributes to an understanding of why the American military thinks and acts as it does. The military cannot divorce itself from its professional military ethic therefore it becomes a centerpiece in the military's behavior and interaction in civil-military relations. By taking such a rational approach, Agency theory does not consider the intangible aspects of the military's advice.

The second extension to Agency theory is the separation of the civilian principal into its distinct roles of executive and legislative branches sharing control of the military. An understanding of the civilian government is crucial to understanding civil-military relations and an accurate depiction of the government clarifies civilian control. Before one can understand how civilians relate to the military, one should understand how civilians within the American government relate to each other. The framers of the Constitution were very deliberate in separating the powers of government between the executive and legislative branches. The relationship between the two branches affects the relations between the civilians, as a whole, and the military. To model the civilian as a single actor undermines an analysis of American civil-military relations built upon the concept of the separation of powers.

Methodology

This study explains Agency theory and explores the role of the military advisor through three case studies that Feaver uses to explain Agency theory and the use of force: the Gulf War, Somalia, and Kosovo. The case studies illustrate the utility of Agency theory through the use of force after the end of the Cold War and represent not only significant instances of the use of force but also emphasize degrees of tension in civil-military relations.

Chapter 1 explains the basic principles and terms of principal-agent theory and explains Peter Feaver's Agency Theory. Principal-agent theory has proven to be a useful

⁷ Feaver, 13-14.

tool for economists to explain contracts and political scientists to explain bureaucracies. This chapter explains the concept of principal-agent theory and the confusing jargon accompanying the theory. It then explains Feaver's adaptations and additions used to develop Agency theory.

Chapter 2 examines the idea of the professional military ethic as laid out by Samuel Huntington's landmark work on civil-military relations, *The Soldier and the State*. This chapter argues that the Weinberger Doctrine articulates Huntington's professional military ethic and the military's view of how it would like to go to war and that the Goldwater-Nichols Act provides the institutional framework in articulating a unified view of the military agent to the civilian principal. The chapter examines the Gulf War, Somalia, and Kosovo from the perspective of the influence of the professional military ethic and Weinberger Doctrine on the military advisors and their interaction with civilian leaders.

Chapter 3 examines the distinct Constitutional responsibilities of the President and Congress with respect to governance and civilian control of the military. This chapter argues that separating the civilian principal in Agency theory into the President and Congress, while complicating the examination of the theory, provides more insight into the role of the military advisor. The President takes a more active role in foreign policy especially in war or times of crisis and this role shifts the military advisor closer to the President and Secretary of Defense as they pursue military action. Congress assumes a more reactive role with respect to control of the military by receiving reports after decisions have been made. The Gulf War, Somalia, and Kosovo case studies are again examined to show how separating the civilian principal illuminates the interaction and its implications for the civilian-military relationship. Finally, Chapter 4 reviews the findings of the study and offers concluding thoughts on the validity of Agency theory.

In examining the Gulf War, Somalia, and Kosovo from the perspectives of those in the highest levels of government, several limitations are obvious. As an unclassified work, it is difficult to confirm that the most important sources were consulted to depict an accurate account of interaction between the civilians and the military. While in some cases sources corroborated what transpired, in other areas, time constraints and the scope of the thesis prevented a detailed accounting.

Conclusion

A better understanding of civil-military relations will allow military strategists to understand how military planning supports the political objectives of civilian leaders. Peter Feaver's Agency theory is a useful and practical theory to help explain how civilians and the military interact on a day-to-day basis. Feaver's use of the principal-agent theory addresses some of the most basic and contentious issues in civil-military relations such as how civilian leadership maintains control despite the military's expertise in the use of force, the role and influence of civilian oversight of the military, and how civilians and the military work together to achieve national security objectives.

Agency theory is a valuable theory and the extensions argued in this thesis are meant to confirm the utility of its approach. Feaver's rationalist approach and narrow scope of the civilian principal allows him to build Agency theory into the construct of civil-military relations. The extensions argued in this thesis serve to open the aperture of the view of Agency theory to incorporate the ideas of the intangible aspects of the military and the separation of powers in American government. If these extensions stimulate one to take another look at Agency theory, then they will have served a useful purpose.

CHAPTER 1

PRINCIPAL-AGENT THEORY AND PETER FEAVER'S AGENCY THEORY

Theories and models help us simplify difficult concepts and explain reality. By simplifying concepts and identifying the core elements, it then becomes easier to explain events and the implications of those events. Economists developed a theory called *principal-agent theory* to explain the dynamics of contract negotiations. This construct gives a common frame of reference to discuss the relationship between a person hiring someone to perform a task and the person hired to perform the task. Political scientists have used principal-agent theory to describe the nature of bureaucracies, public service, and other areas. Principal-agent theory can also serve as a useful model to describe civil-military relations and the relationship between civilian leaders and the military “hired” to protect the nation.

In *Armed Servants: Agency, Oversight, and Civil-Military Relations*, political scientist Peter Feaver takes principal-agent theory further and proposes a theory of civil-military relations called *Agency Theory*. He argues that a theory of civil-military relations based on principal-agent framework prevalent in economic theory provides a more useful tool than Samuel Huntington's model. Feaver's Agency theory addresses civil-military relations at the theoretical level through a deductive approach that specifies how civilian leaders monitor the military as it serves both the nation and the civilian. In short, Agency theory seeks to answer the question: “How do civil-military relations in the United States play out on a day-to-day basis?”⁸ Before explaining the details of Feaver's Agency theory however, it is important to understand principal-agent theory.

Principal-Agent Theory

Economists use the principal-agent model as a way of explaining the interactions that take place in the development and execution of contracts. Principal-agent theory addresses the relationship that develops when one party (the principal) delegates work to

⁸ Peter Feaver, *Armed Servants: Agency, Oversight, and Civil-Military Relations* (Cambridge: Harvard University Press, 2003), 3.

another party (the agent).⁹ The principal hires an agent as an expert or specialist to perform an assigned task. The principal hopes to choose the most appropriate agent to complete the task to his satisfaction. The principal offers payment and incentives in the contract to ensure the agent will complete the task. After selecting the agent, the principal evaluates the agent to confirm that the agent is performing as expected. When the agent completes the task to the principal's satisfaction, the agent receives the payment and incentives from the contract.

Principal-agent theory spells out the problems that develop between the principal and the agent upon entering the relationship. Principal-agent theory uses several special terms to explain the inherent challenges and problems of the principal-agent relationship that will be explained later in greater detail. *Information asymmetry* refers to the information advantage the agent has over the principal with respect to completing the task. *Adverse selection* describes the risk the principal faces during the process of selecting the agent to complete the task. *Moral hazard* occurs after the principal chooses the agent and must observe the agent's behavior. *Monitoring* refers to the methods the principal uses to observe the agent's behavior. *Preferences* are how both the principal and the agent would like to perform the task. *Working* means the agent performs the task as the principal requests and *shirking* means the agent performs the task as he desires.¹⁰

A major challenge in the principal-agent relationship is that, from the principal's perspective, the agent is assumed to have an information advantage over the principal that creates an *information asymmetry*. The agent possesses more skill, expertise, or specialized knowledge to complete the task than the principal. Although the principal hires the agent because of his expertise, the informational advantage of the agent provides the agent the opportunity, and possibly incentive, to perform as he wishes rather than as the principal contracted. The more specialized the agent's knowledge, skill, or expertise, the higher the probability that the agent can use the information asymmetry to their advantage. While true in any principal-agent relationship, this information asymmetry can be especially prevalent in bureaucracies with high degrees of specialization and a division of labor. In short, long-service specialized bureaucrats in a government

⁹ Kathleen Eisenhart, "Agency Theory: An Assessment and Review," *The Academy of Management Review*, Vol 14, No. 1 (January 1989): 58.

¹⁰ Feaver, 55.

organization have a distinct informational and expertise advantages over politicians.¹¹ When the agent has more information than the principal, the agent may be able to control the agenda in the relationship, but in a hierarchical relationship, like civilian control of the military, the role of the principal in controlling the agenda and dictating policy is paramount. Civilian control of the military confronts the military agent with the need to subordinate his expertise in the application of military force to the will of the civilian principal.

A second challenge facing the principal is choosing the agent who will complete the task and evaluating the agent's behavior after he is hired. *Adverse selection* generally refers to how the agent represents, or misrepresents, himself during the hiring process. The principal's challenge in the hiring process is to confirm that the agent is qualified to perform the task and wants to perform the task as the principal desires. The principal risks making an *adverse selection* of an agent to perform the task since the principal cannot completely verify the skills or desire of the agent until he begins the assigned task.¹² *Moral hazard* refers to the behavior of the agent after entering the contract. Once in the principal-agent relationship, the principal and the agent may differ in their desires regarding performance under the contract.

Once in the principal-agent relationship, the principal faces two more challenges. The first difficulty is determining if the agent's preferences in completing the task match the principal's preferences. The principal tries to determine differences in the agent's preferences and confirm that the task is being completed to the principal's satisfaction. The second challenge facing the principal is that it is difficult and expensive for the principal to verify what the agent is actually doing.¹³ The principal employs *monitoring mechanisms* to observe and evaluate the agent's behavior. Since monitoring the agent takes time and resources, the principal seeks the most efficient way to accomplish this task.

As the principal monitors the behavior of the agent, he may find the agent performing to his satisfaction and to the terms of the contract. This is called *working*. In

¹¹ B. Dan Wood and Richard Waterman, *Bureaucratic Dynamics: The Role of Bureaucracy in a Democracy* (Boulder: Westview Press, 1994), 22.

¹² Eisenhardt, 61.

¹³ Ibid, 58.

the words of Agency theory, working is the “ideal conduct that the agent would perform *if* the principal had full knowledge of what the agent could do and was in fact doing.”¹⁴ Conversely, *shirking* means the principal has monitored the agent’s behavior and finds it unsatisfactory with respect to completing the task.¹⁵ Naturally, the principal seeks to minimize shirking. From the principal’s perspective, shirking is inefficient and costs the principal time and resources. At the same time, the principal does not get the desired outcome as the agent has not completed the task required by the principal. In the end, the principal has invested effort and resources to monitor the task already and the task is not completed as desired.

As a theory for economics and contracts, “agency theory provides a unique, realistic, and empirically testable perspective on problems of cooperative effort.”¹⁶ Political scientists have also considered principal-agent theory as it might apply to public policy. Professor Jan-Erik Lane argues that the “principal-agent idea offers a new perspective upon government” and that it has utility in examining how the government implements its policies.¹⁷ Not surprisingly, some see principal-agent theory as a new way to understand civil-military relations.

Feaver’s Agency Theory

Using the same construct and terms as principal-agent theory, Feaver describes American civil-military relations as a strategic interaction within a hierarchal setting with the civilians assuming the role of the principal and the military acting as the agent. Just as in principal-agent theory, the civilians employ monitoring mechanisms to oversee the military, and the information advantage lies with the military. The military calculates whether it will work or shirk based on the possibility of being caught through the monitoring mechanisms.¹⁸ The distinctive features of strategic interaction in a

¹⁴ Feaver, 61.

¹⁵ Ibid.

¹⁶ Eisenhardt, 72.

¹⁷ Jan-Erik Lane. “Relevance of the Principal-Agent Framework to Public Policy and Implementation,” 2003 *Research Working Papers*, Lee Kuan Yew School of Public Policy [online] Available from <http://www.spp.nus.edu.sg/docs/wp/wp29.pdf>; Internet; accessed 23 May 2005, 12.

¹⁸ Feaver, 57. Feaver recognizes that the terms work and shirk are problematic in the civil-military relations context. The jargon of principal-agent theory can be challenging but the concepts represent the general attitude of the military to act under civilian control. At the extreme of shirking is a coup where the

hierarchical setting make the principal-agent framework appealing as a new way to view civil-military relations and capture the essence of the interaction between civilians and the military on a day-to-day basis. Strategic interaction involves the tension between what civilians want the military to do and what the military expects the civilians to desire.¹⁹

Feaver's Agency theory explains the extent to which the preferences of the civilian principals and military agents diverge, the informational advantage the military agent possesses as an expert in the use of force, how monitoring and oversight mechanisms overcome information advantages, and how the military's behavior is a function of their expectations of punishment if shirking is discovered.²⁰ In brief, Feaver's theory explains how civilians maintain control of the military while achieving political objectives. It presents the interactive process that occurs in American government to guarantee the civilian maintains that control. The theory also explains how the American system of government provides the means to control the military and maintain its subordination to civilian leaders despite the different preferences between the civilian and the military.

The preferences of civilians and the military can be difficult to interpret because civilians and the military share the same desire for national security, but may differ on how to achieve that goal. Civilians want protection from external enemies and also want to remain in political control over their destiny and produce good policy.²¹ The military also wants to protect the nation, but has its own preferences over policy outcomes, over how the military's behavior is interpreted, and how the relationship is monitored.²² Thus, the preferences for both civilians and the military are multi-dimensional and often difficult to correlate. This sets the stage for conflict in civil-military relations. Viewing civil-military relations through the lens of Agency theory provides insight into the interaction between the civilian leader and as well as how the civilian leadership and the

military acts the way it wants to with no regard for punishment. At the extreme of working is a military that does everything the civilian asks without question.

¹⁹ Feaver, 54.

²⁰ Ibid, 56.

²¹ Ibid, 61.

²² Ibid, 63.

military relate to achieve national security objectives. The first requirement is an understanding of the nature of the civilian's and military's preferences.

Feaver divides the civilians' preferences into functional and relational goals. The functional goals serve to protect the civilian from external enemies. Functionally, the civilians want the military to do what it is asked, work to the fullest extent of its duty, and maintain competency.²³ At the same time, the civilian wants to make the key policy decisions, wants to decide when it should make decisions and when the military may make decisions, and wants the military to avoid any behavior that undermines civilian supremacy.²⁴ In other words, these relational goals refer to how the civilians interact with the military. The degree to which these relational goals are met determines whether the military is working or shirking. At one extreme, if all of the goals are met, the military is some ideal-type military which does everything the civilian asks.²⁵ The other extreme, where none of the goals are met, represents the traditional military coup where the military is in charge and making all the decisions.²⁶ Not surprisingly, day-to-day civil-military relations represent a process through which civilians meet the functional and relational goals and, in doing so, secure the nation and control the military. While the civilians focus on ensuring their preferences are met, the military acts in light of its own preferences.

Feaver argues that the military's preferences revolve around three concerns: how the military will be used in pursuit of national policy, how the military's behavior will be interpreted, and how the relationship is monitored.²⁷ The military is interested in the policy the civilian pursues and the desired outcomes of the policy. While the military agent will do what is asked, and is even willing to risk the loss of life in combat, they would prefer not to die needlessly in a hopeless policy. The military wants a policy that does not squander its combat power so it has a stake in a well-thought out policy. In addition, the military would prefer policies that deal with threats from a position of advantage by controlling the tempo and scope of the conflict through offensive or preventive operations. Finally, the military agent tends to inflate threats and

²³ Feaver, 61.

²⁴ Ibid.

²⁵ Ibid, 62.

²⁶ Ibid.

²⁷ Ibid, 63.

requirements to prevent being taken by surprise thereby ensuring military victory.²⁸ In short, the military prefers to operate from a favorable position in conflict. It desires a good policy that it can achieve and the means to guarantee victory making it a viable protector of the state. Its ability to achieve the civilian policy reflects favorably on the military which contributes to its next preference.

The second military preference concerns the interpretation of the military's behavior. The military expects its behavior will be seen as honorable and, as an institution, desires respect. Honor plays a central role in the military at all levels from small-unit cohesion (where individuals are willing to risk their lives) to the enforcement of the principle of civilian control. In the American civil-military relationship, Feaver argues, the "military subordinates itself to the civilians because, in a democracy, such subordination is recognized to be right and it would [be] dishonorable to do otherwise is countervailing."²⁹ The desire to be seen as honorable can mute the military's impulse to shirk and limit its third preference, the pursuit of autonomy.

The third preference relates to the military's desire for autonomy. Regardless of what is asked of the military, it would like to act with minimal civilian oversight and interference. The military professional desires to fulfill his duty to the state to the best of his ability. Too much interference or oversight from the civilian detracts from the military's efficiency as it does its duty. The military is aware of how it would like to conduct operations and would like as little meddling as possible from the civilian leadership. But rather than sacrificing its honor, the military will tolerate meddling and limited autonomy.

In American civil-military relations, the multidimensional nature of preferences for both civilians and the military help explain the conflicts in civil-military relations. In Feaver's theory, the military agent is said to *work* perfectly when it does what it has contracted to do, how the civilian principal asked it to be done, and in a way that reinforces the civilian principal's role in deciding policy and making decisions. On the other hand, the military agent *shirks* when it deviates from its agreement with the civilian

²⁸ Ibid.

²⁹ Feaver, 64.

principal, pursues its own preferences against the wishes of the civilian principal, or undermines the ability of the civilian authority to make future decisions.³⁰

Feaver argues that shirking by the military usually takes one of three forms. The first form involves efforts to determine the outcome of a policy by giving inflated estimates of what military operations would cost. The second form occurs when the military attempts to influence the outcome of policy calculus with *end runs*, unauthorized public protests, leaks, or appeals to other political actors. The final form occurs when the military attempts to undermine a policy through bureaucratic foot-dragging and *slow rolling* so that undesired policy is never implemented.³¹

In addition to the challenges of divergent preferences of civilians and the military, four aspects contribute to the information asymmetry between the two that add additional tension to civil-military relations: technical expertise and specialized knowledge, political competence, moral competence, and the need for secrecy. Feaver spells out the information advantage the military has over civilians in the application of military power. Both civilians and the military share a common history, political memory, and knowledge of the budget, force structure, and threat but, the military devotes more time and effort to developing technical expertise in the art of war than the civilian principal. Feaver concludes that this gives the military “significant informational advantages over civilians” in the knowledge of how to use the military.³² Combat experience, a distinctive mark of military expertise, confers a special advantage to the military. While civilians are experts on a wide variety of defense policy issues, they traditionally leave combat to the military.³³ While the military has technical competence and specialized knowledge in the application of military force, the civilian typically has a higher level of political competence.

Political competence refers to an understanding of the stakes and risks in controlling the use of deadly force. Feaver presents this as private information known only to the principal. The principal knows how to judge risks and how these judgments translate into preferences over outcomes. The civilians may convey these preferences to

³⁰ Ibid 68.

³¹ Feaver, 68.

³² Ibid, 69.

³³ Ibid, 70.

the military agent in the form of orders, but changes in the nature of the situation may also cause the civilians to change their preferences. While shifting civilian preferences may be conveyed to the military, the impetus behind them may remain hidden from the military agent. In the end, the civilian has the right to be wrong as they make decisions on the use of military force.³⁴

Both civilians and the military possess moral competence, but the military agent may be granted a higher status in this regard because he is willing to put his life on the line to protect the civilian principal. “By virtue of his willingness to sacrifice, the military agent may be thought of possessing a special moral competence.”³⁵ Feaver notes that the “belief in moral competence serves to muddy the lines of authority between civilian and military, particularly when the civilian is directing the military to put itself in harm’s way.”³⁶ The civilians still retain the right to be wrong, but the “moral ambiguity of the relationship bolsters the hand of a military agent should he choose to resist civilian direction.”³⁷

The desire for military secrecy also challenges the information problem for the civilian principal. Secrecy confers a certain amount of legitimacy on military efforts to keep civilian principals in the dark or to withhold information that reflects poorly on the agent. The paradox for the civilian principal is that it must use monitoring mechanisms to “open the agent’s hidden behavior” while still protecting the viability of the military mission.³⁸

Feaver concludes that, in general, information asymmetries favor the military agent especially as the military operation moves closer to combat, but that the civilian principal can mitigate the effect of information advantage. In principal-agent jargon, information asymmetry is overcome by employing monitoring systems to update the principal on the agent’s behavior.³⁹ The use of information systems to monitor the behavior of the agent curbs the opportunity for the agent to deceive the principal and pursue his own preferences. In Agency theory, Feaver proposes that attention to civilian

³⁴ Feaver, 69.

³⁵ Ibid, 71.

³⁶ Ibid, 72.

³⁷ Ibid.

³⁸ Ibid, 71.

³⁹ Eisenhardt, 60.

oversight of the military helps the civilian increase his own knowledge of military activities to better control the military and ensure civilian preferences prevail.

Oversight of the military requires the military to reveal information to the civilian principals. Feaver suggests that the “primary claim of principal-agent literature is that delegation need not be an abdication of responsibility.”⁴⁰ Civilians delegate the task of national security to the military, but they are still responsible to the American people for the security of the nation. Civilians must have the means to monitor and direct the military, mitigate the dangers to civilian control, and curb divergent preferences.

Civilian oversight of the military balances delegation and control. At one end of the spectrum is overdelegation to the military. Overdelegation of responsibility to the military frees the civilians from all decisions relating to the military, but results in a *de facto* coup: the military would decide policy and make decisions that, by rights, belong to the civilian masters. This extreme gives the military complete autonomy and requires the “greatest trust in the military.”⁴¹ The other extreme runs the risk of overcontrolling the military in a situation where civilians devise strategy, dictate operations, and specify tactics, basically “giving complete marching orders to the military.”⁴² In this extreme, while civilians have indisputable control of the military, incompetent leaders who jeopardize military lives or the mission could lead the military to revolt. Therefore, the strategic interaction in civil-military relations balances the civilian leadership’s desire for civilian control and the military’s desire for autonomy to conduct military operations, both in the name of national security.

Based on principal-agent theory, Feaver proposes a range of oversight mechanisms for civilians to monitor and control the military. The civilian can vary the level of intrusiveness of the oversight to give the military more or less autonomy. If the military continues its subordination, the civilians do not have to change the level of intrusiveness in monitoring and the military can continue to operate with a desirable level of autonomy. Examples of these mechanisms include rules of engagement, standing orders, mission orders, and contingency plans. These all bound military autonomy and proscribe certain behavior desired by the principal, but are less intrusive than active

⁴⁰ Feaver, 55.

⁴¹ Ibid, 76.

⁴² Ibid.

participation. They serve as a “leash on the military” and an information source for civilian leaders to give detailed guidance on how operations should proceed.⁴³

A slightly more intrusive form of monitoring involves screening and selection of personnel and advisors. The president has a limited number of qualified, senior military officers from which to select his military advisors and the pool is made smaller as the president chooses the agent who will be more in harmony with his policies and preferences.⁴⁴

The next most intrusive form of oversight involves the use of third parties to watch the agent and report outputs or misbehavior to the principal. In principal-agent terms, these are known as *fire alarms* and *institutional checks*. Fire alarms function as an alerting system for the principal while institutional checks block or challenge the behavior of the agent on a continuous basis. Fire alarms in the civil-military relationship include the media and defense-oriented think tanks that provide independent information on military activities to senior policy makers and the public. According to Feaver, the framers of the Constitution “clearly intended institutional checks to be the bulwark of civilian control over the armed forces” when they drafted the Constitution.⁴⁵ The division of executive and legislative authority in the Constitution prevents the accumulation of power in any one branch of government. This arrangement ensures power over the military is shared between the executive and legislative branch.

Police patrols are similar to institutional checks, but are considered a more intrusive form of monitoring because they report on a specific activity of the military and increase access to information about the military and its preferences. The annual budget submitted to Congress offers an example of a *police patrol*. The size of the civilian secretariat in the Office of the Secretary of Defense also reflects the civilians’ desire to monitor the military. The Congressional Budget office and the General Accounting Office are also examples of organizations that increase the civilian principals’ access to military information.⁴⁶

⁴³ Feaver, 76,77.

⁴⁴ Ibid, 79.

⁴⁵ Ibid, 81-82.

⁴⁶ Ibid, 85.

At the extreme of intrusive oversight is the decision by the civilian principal to revisit the original delegation of authority to the military agent.⁴⁷ The purpose of revisiting the original contract would invariably be that the military is not performing as preferred and the civilian wishes to narrow the military's freedom of action.

In day-to-day civil-military relations, civilians employ all of these levels of oversight to monitor the activity of the military. Oversight of the military increases the civilians' knowledge of the behavior, intentions, and preferences of the military. Through its oversight of the military the civilian principal decides whether the military is working or shirking in fulfilling the civilians' preferences. Principal-agent theory dictates that the principal withholds incentives in the agent's contract as a consequence of shirking. Feaver adds an explicit dimension to Agency theory not found in conventional principal-agent literature: the unique ability of civilians to punish the military for shirking or pursuing divergent preferences.

In traditional principal-agent theory, punishment is implicit in the withdrawal of incentives if the agent fails to act within the principal's preferences. Agency theory, however, argues that civilians can, and sometimes do, punish the military directly. Feaver divides punishment of the military into five broad categories: unwelcome monitoring arrangements, budget cuts, discharge or retirement, military justice, and extralegal civilian action to include verbal rebukes.⁴⁸ Civilians may choose a wide variety of tools within each category to punish the military. Feaver believes that the military view of shirking will be based on the likelihood of being caught as a result of the monitoring system and the probability that shirking will be punished.⁴⁹ In a non-intrusive monitoring system with low expectation of punishment, shirking would not be detected and, even if it was, it would not be punished. In an intrusive monitoring system, on the other hand, with a high expectation of punishment, the military would surely be caught if it went against civilian desires and it would certainly be punished. The military bases its calculus both on shirking being detected and how the principal will respond to shirking.⁵⁰

⁴⁷ Feaver, 85.

⁴⁸ Ibid, 91-92.

⁴⁹ Ibid, 102.

⁵⁰ Ibid.

Feaver adapts principal-agent theory well to the complex interaction of civilian principals and military agents in the daily business of ensuring national security. His Agency theory effectively explains day-to-day civil-military relations through the use of principal-agent theory. As a model to explain civil-military relations, Agency theory illuminates the causal mechanisms in the strategic interaction between civilian actors and military leaders, the means by which the civilian principal monitors the military, the actions the military pursues to work or shirk, and the consequences they expect. It also adds the element of punishment that is neglected in traditional civil-military relations theory and missing from principal-agent theory.

The challenge for Feaver's Agency theory is the same challenge Lane finds in applying principal-agent theory to other government agencies: the difficulty of accounting for nonmaterial factors.⁵¹ In Lane's examination of public policy, the nonmaterial factors are social ambitions and trust. Feaver's Agency theory faces the same challenge of accounting for nonmaterial factors in civil-military relations such as duty, honor, and trust that are beyond the calculations of cost and benefit. Norms, ideals, and beliefs influence the military's behavior and thinking as much as technical expertise. As the road to war gets closer to employing military force, the budget battles and force structure issues that govern peacetime civil-military relations give way to the need to understand the immeasurable human factors that govern the military's preferences as it prepares for combat.

Feaver's rationalist approach to American civil-military relations prevents an understanding of the impact of nonmaterial factors such as norms, ideals, and beliefs play in military behavior. The next chapter explores the nonmaterial factors that drive the military by returning to Huntington's theory of civil-military relations and his idea of the *professional military ethic*. An understanding of the norms, beliefs, and values of the military applied within Agency theory suggests that the military's decision to work or shirk may extend beyond the monitoring mechanisms and the probability of punishment.

⁵¹ Lane, 12.

CHAPTER 2

THE MILITARY MIND, WEINBERGER DOCTRINE, AND THE MILITARY ADVISOR

This chapter proposes that Feaver's rationalist approach to civil-military relations falls short in understanding the norms, beliefs, and values that accompany the military's expertise in the use of force. Reintroducing these intangible factors, as conveyed by political scientist Samuel Huntington, paints a more accurate picture of the military advisor with which to examine the strategic interaction. This chapter explains the military agent and its tendency to embody certain characteristics of the *professional military ethic* from Huntington's examination of the military mind in *The Soldier and the State*. The professional military ethic, articulated and normalized through the Weinberger Doctrine, captures contemporary opinions of how the military views the use of force in national security. If the Weinberger Doctrine indeed conveys certain norms and beliefs of the military, then the Goldwater-Nichols Act provides the institutional framework for articulating a unified view of the military agent to the civilian principal.

To understand the impact of the professional military ethic, this chapter examines the Gulf War, the U.S. mission to Somalia, and Operation Allied Force in Kosovo. In examining the Gulf War, Feaver concludes that there is suggestive evidence of shirking on the part of Chairman of the Joint Chiefs General Colin Powell in his presentation of military options to the President, his initial resistance to an offensive option in favor of sanctions, and his estimate on the size of the force required to liberate Kuwait. Similarly, in his Somalia case study Feaver views the military's reluctant acquiescence to the peacekeeping and nation-building mission and later reservations over the change in mission as shirking. In Kosovo, Feaver identifies the debate over the use of ground forces and the limited nature of the war as evidence of military shirking. In each case, Feaver's analysis misconstrues the military's advice as shirking. A better explanation for the military's advice and behavior in these situations requires examining the professional military ethic. The military expresses its concerns over the use of force and how it thinks force should be used based on its preferences and knowledge represented by the professional military ethic. The rationalist view taken in Agency theory prevents the

theory from including intangible attributes of the military as part of their calculus when advising civilian leaders. Senior military officers advising civilian leaders stress the need for clear objectives, the force necessary to do the job, and a plan to win. Their expression goes beyond a simple cost-benefit analysis reflected in Agency theory, and reflects the nature of the military professional. Without an understanding and recognition of the influence the professional military ethic has on military advice, Agency theory will consistently classify episodes of the military's insistence on clear objectives, the reluctance to use force except as a last resort, and the desire to use overwhelming force when forces are committed as a level of shirking. Including the professional military ethic inherent in military advice in an examination of the principal-agent relationship reduces the incidences labeled as shirking and provides more insight into the actual relationship between the principal and the agent.

The Professional Military Ethic

In his landmark work on civil-military relations, *The Soldier and the State*, Samuel Huntington eloquently defines the concept of the military mind as conservative realism. Huntington argues that examining the source of military attitudes, values, and views offers the best insight into the “distinctive and persistent habits of thought” derived over a long period of time.⁵² The military mind is formed by the performance of the military function. Over time these attitudes, values, and views form the habits of the professional soldier into the “professional military ethic.” This ethic reflects the military's basic values and perspectives, its view of national military policy, and the relation of the military to the state.⁵³

The basic values and perspectives of the professional military ethic draw on the professional soldier's view of human conflict and the use of violence to further national interests. The military ethic sees man as evil and selfish, driven by the desire for power, wealth, and security: “between the strength and weakness in man, the military ethic

⁵² Samuel P. Huntington, *The Soldier and the State: The Theory and Politics of Civil-Military Relations* (Cambridge, MA: The Belknap Press of Harvard University Press, 1957), 61.

⁵³ Ibid, 62. Huntington cautions and emphasizes that the accuracy of this definition depends on the extent to which they apply to the performance of the military function. “The sole criterion is relevance to the performance of the military function.”

emphasizes the weakness.”⁵⁴ While man has elements of goodness, strength, and reason, he is also evil, weak, and irrational, therefore, organization, discipline, and leadership ensure man’s success in conflict. Discipline and leadership compensate for the limits of reason for “success in any activity requires the subordination of the will of the individual to the will of the group.”⁵⁵ Man exists and defends himself within a group. His welfare depends on cooperation within the group so he sacrifices his individual interests for the benefit of the group.

The professional military ethic described by Huntington runs contrary to his description of liberalism that emphasizes the individual and the goodness of man. The differences between conservative, military realism and civilian liberalism lay the foundation for conflicts in civil-military relations. Unlike realism, liberalism emphasizes reason, moral dignity, and peace as the natural state among men and opposes restraints upon individual liberty.⁵⁶ Liberalism emphasizes the release of individual energies while realism subordinates those energies for the good of the group. Liberalism is more concerned with economic welfare than large military forces. Peace is achieved through institutional devices rather than force. According to Huntington, the challenge for American civil-military relations is, and has been, balancing the liberalism of American society with the conservative realism of the military which protects and promotes national policy.

The military’s view of national policy reflects this responsibility to protect the state. The professional military ethic emphasizes the state as the basic unit of political organization and stresses the continuing nature, magnitude, and immediacy of military threats to the state. To deal with this reality the professional military ethic favors the maintenance of strong, diverse, and ready forces and opposes the extension of state commitments and the involvement of the state in war except when victory is certain.⁵⁷ At the same time, the military professional understands war is ultimately political: “State policy aimed at continuing political objectives precedes war...dictates the nature of the war, concludes the war, and continues on after the war. War must be the instrument of

⁵⁴ Huntington, 63.

⁵⁵ Ibid.

⁵⁶ Ibid, 91.

⁵⁷ Ibid, 65.

political purpose.”⁵⁸ The military professional balances political desires and military necessity.

In the world of nation-states governed by Hobbesian rules, military security is continuously threatened. Given the inevitability of war, the goal of the military professional is to estimate the threat as accurately as possible and to stress the dangers to national security by looking at capabilities rather than intentions. It is the prerogative of the political leaders to evaluate another state’s intentions. The military professional’s bias or sense of professional responsibility leads him to conclude that “if he errs in his estimate, it should be on the side of overestimating the threat.”⁵⁹

The concern for the threat to national security leads the military professional to urge the enlarging and strengthening of military forces to protect the state. He seeks forces in being “capable of meeting virtually every possible contingency.”⁶⁰ He favors “maintaining the broadest possible variety of weapons and forces provided that each weapons system is kept sufficiently strong so that it is capable of dealing with the threat it is designed to meet.”⁶¹

The military professional desires to fight wars that directly affect the security of the state and those he can win. “War at any time is an intensification of the threats to the military security of the state, and generally war should not be resorted to except as a final recourse, and only when the outcome is a virtual certainty.”⁶² The politician must be wary of committing the nation beyond its military capabilities and the military professional must be ready to warn the statesman when the purposes exceed the means.⁶³ The expertise and specialized nature of the military causes it to view the problem of the security of the state through the conservation of military power.

Huntington outlines three functions of the military professional in fulfilling its responsibility for the security of the state: representative, advisory, and executive. In the representative role, the military professional presents the claims of military security and informs the civilian of the minimum military security required in light of the threat to the

⁵⁸ Huntington, 65.

⁵⁹ Ibid, 66.

⁶⁰ Ibid, 67.

⁶¹ Ibid.

⁶² Ibid, 69.

⁶³ Ibid, 68-69.

state.⁶⁴ As an advisor, the military professional analyzes and advises the state on alternative courses of action from the military point of view. The military professional then executes the decisions of the state with respect to military security even if the decision runs contrary to his military judgment. The military professional interacts with the civilian policymaker through these three functions.⁶⁵

Huntington offers an exceedingly accurate portrait of the military mind and the professional military ethic that defines the military professional in American society. The challenge for the military, as a subordinate to the civilian, is to convey this conservative realist view of the world, the military structure essential to defend the state, and the importance of properly using military force to execute the decisions of the state within a liberal society. As persuasive as his ideas are, Huntington's treatise on civil-military relations never reached beyond theory. The military lacked an expression of the military ethic, other than its behavior and actions, to represent its attitudes, values, and beliefs on the use of military force. The Weinberger Doctrine provided a close approximation of the professional military ethic in terms of the desired preferences for using military force to protect the nation.

Weinberger Doctrine

In November 1984, Secretary of Defense Caspar Weinberger addressed the National Press Club to answer the question "Under what circumstances, and by what means, does a great democracy such as ours reach the painful decision that the use of military force is necessary to protect our interests or to carry out our national policy?"⁶⁶ Weinberger's emphasis on the importance of such a question grew out of the experiences of his professional life, both as a soldier and later as the Secretary of Defense. While World War II impressed upon him the danger of being "unarmed and unready for war," the Vietnam War highlighted the need for the nation to go to war "with all necessary resources and an unshakable will to win."⁶⁷ He said it is a "terrible mistake for a

⁶⁴ Huntington, 72.

⁶⁵ Ibid.

⁶⁶ Caspar W. Weinberger, *Fighting for Peace: Seven Critical Years in the Pentagon* (New York: Warner Books, 1990), 434.

⁶⁷ Ibid, 8.

government to commit soldiers to battle without any intention of supporting them sufficiently to enable them to win, and indeed without any intention to win.”⁶⁸

The desire of officials like National Security Advisor Robert McFarlane and Secretary of State George Schultz to use “our forces almost indiscriminately and as a regular and customary part of our diplomatic efforts” was, according to Weinberger, reckless and irresponsible.⁶⁹ Weinberger claimed that Schultz and McFarlane wanted American troops just to “add a desirable bit of pressure and leverage to diplomatic efforts, and that we should be willing to do that freely and virtually without hesitation.”⁷⁰ For his part, Schultz felt American military power should be used if the stakes justified it and if other means were not available.⁷¹ The deployment of U.S. forces with the Multinational Force in Lebanon embodied Schultz’s notion that the presence of military forces could leverage diplomatic efforts. The bombing of the Marine barracks on October 23, 1983 reinforced Weinberger’s view of committing military forces.

Weinberger internalized the painful lessons from the use of military force in Vietnam and Beirut as he laid out his assertion of how to commit combat forces in support of our national interests: “When it is necessary for our troops to be committed to combat, we *must* commit them, in sufficient numbers and we *must* support them, as effectively and resolutely as our strength permits. When we commit our troops to combat we must do so with the sole object of winning. Once it is clear our troops are required, because our vital interests are at stake, then we must have the firm national resolve to commit every ounce of strength necessary to win the fight to achieve our objectives.”⁷²

From that assertion, Weinberger articulated six major tests, that became known as the Weinberger Doctrine, to be applied when weighing the use of U.S. combat forces abroad.⁷³ First, the U.S. should not commit forces to an engagement unless it is deemed necessary to the national interest or the interests of its allies. Second, if troops are

⁶⁸ Weinberger, 9, 31.

⁶⁹ Remarks by Secretary of Defense Caspar W. Weinberger to the National Press Club 28 November 1984 in Weinberger, 437.

⁷⁰ Weinberger, 159.

⁷¹ “Schultz vs. Weinberger: When to Use U.S. Power,” *U.S. News and World Report*, 24 December 1984, 20.

⁷² Remarks by Secretary of Defense Caspar W. Weinberger to the National Press Club 28 November 1984 in Weinberger, 440-441.

⁷³ *Ibid*, 440.

committed to a situation, it must be with the clear intention of winning. If all the forces and resources necessary to complete the mission will not be committed, then no forces should be committed at all. Third, military forces committed to combat overseas should have clearly defined political and military objectives and should know precisely how to achieve those objectives. Fourth, as conditions change in the course of the operation, the objectives and forces committed must be reassessed and adjusted as necessary. Fifth, there must be reasonable assurance of the support of the American people and their elected representatives in Congress. That support could only be attained by making the threat and the response to the threat clear. And sixth, the commitment of forces should be as a last resort. Weinberger put his six tests in negative terms for an expressed purpose: “they are intended as a note of caution...that we must observe prior to committing forces to combat overseas.”⁷⁴

The Weinberger Doctrine reflects many of the inferences that Huntington makes about the military mind and the professional military ethic. Huntington’s professional military ethic stresses the military security of the state as vital, advocates the continuing threat, and emphasizes the magnitude and immediacy of the threat increasing the likelihood of war. For Huntington, military security of the state must come first. Weinberger knew the military would be continually called upon to secure the vital interests of the state. Weinberger wished to define the manner in which the military should be used to achieve those ends.

Huntington stressed the need for a strong, ready military with the tools to protect the state. Weinberger reflects this sentiment in asserting that all the military forces and resources necessary to complete the mission should be committed. Weinberger connected political objectives to military objectives by insisting on the need for a clearly defined military objective as a critical tool to determine the force and resources required. Reassessing the objectives and forces ensures the forces are capable of completing the mission and prevents the military from exceeding its capabilities.

Huntington’s professional military ethic opposes the state getting extended or involved where victory is not certain. Similarly, Weinberger echoed this sentiment,

⁷⁴ Remarks by Secretary of Defense Caspar W. Weinberger to the National Press Club 28 November 1984 in Weinberger, 441-442.

arguing that if winning was not the objective then combat forces should not be used: “the necessity to win requires a clearly defined, achievable objective on which there is clear agreement.”⁷⁵

Finally, both the Weinberger Doctrine and Huntington’s professional military ethic reflect the desire that military forces should be committed only as a last resort. The Weinberger Doctrine states “the commitment of U.S. forces to combat should be a last resort—only after diplomatic, political, economic and other efforts have been made to protect our vital interests.”⁷⁶ Huntington captures the sentiment as the desire of the military mind: “War should not be resorted to except as a final recourse...the military man contributes to a cautious conservative, restraining voice in the formulation of state policy.”⁷⁷ Caution, strength, and certainty are the watchwords for both Weinberger and Huntington.

The Weinberger Doctrine articulated the essence of the professional military ethic, embodied the desire by the military to win wars with overwhelming force, and sought to prevent a repetition of the Vietnam War. Weinberger’s ideas offered civilian leaders insight into how the military would like to go to war if it had the choice. Despite a civilian’s articulation of the military’s concerns on the use of force, the military expressed its concerns as a chorus of the service chiefs’ voices with the chairman of the joint chiefs as an ineffective conductor. The Goldwater-Nichols Act required that the military have a unified voice to express these concerns.

The Goldwater-Nichols Defense Reorganization Act of 1986 vastly strengthened the military’s ability to provide advice. The Act designated the Chairman of the Joint Chiefs as the principal military advisor to the President, the National Security Council and the Secretary of Defense. The Act authorized the Chairman to provide the advice he deemed appropriate rather than simply reporting the opinions of the individual chiefs within the JCS.⁷⁸ “Congress envisioned that making the JCS chairman the principal

⁷⁵ Caspar W. Weinberger, “U.S. Defense Strategy,” *Foreign Affairs*, Spring 1986, 687.

⁷⁶ *Ibid*, 687.

⁷⁷ Huntington, 69.

⁷⁸ James R. Locher III, *Victory on the Potomac: The Goldwater-Nichols Act Unifies the Pentagon* (College Station, TX: Texas A&M University Press, 2002), 437. In addition to improving military advice, the Act declared eight other purposes: strengthen civilian authority, place clear responsibility on combatant commanders for accomplishment of assigned missions, ensure the authority of combatant commanders is commensurate with the responsibility, increase attention to strategy formulation and contingency planning,

military advisor would provide the secretary a military ally who shared a department-wide, non-parochial perspective.”⁷⁹ While the Chairman presents the service chiefs’ advice when he presents his own, Goldwater-Nichols allows combatant commanders to provide their advice directly to the Secretary of Defense but, by the virtue of his role as the principal military advisor, the Chairman enjoys more access to the President and Secretary of Defense.⁸⁰ This access looms large as the President decides on the use of force. Access to civilian leaders provides the chairman a direct channel to civilian leadership and the ability to present his opinion, rather than the combined opinions of the service chiefs, to express the professional military ethic. The first chairman to exercise the power of this advisory role legislated by the Goldwater-Nichols Act was General Colin Powell.

General Powell became the first Chairman of the Joint Chiefs to lead the military and fight a war under the Goldwater-Nichols Act. No stranger to the inner workings of the White House and the Department of Defense, Powell’s career exposed him to the highest political and military levels. While the lessons of Vietnam shaped Powell’s view of how the military should and should not be used, his experience as Weinberger’s senior military assistant solidified his perceptions on the use of military force. He later wrote that “war should be the politics of last resort. And when we go to war, we should have a purpose that our people understand and support; we should mobilize the country’s resources to fulfill that mission and then go in to win.”⁸¹ Powell’s remarks reflect the thoughts of his mentor, Caspar Weinberger, and capture the character of Huntington’s professional military ethic as well. His experience as national security advisor exposed him to the politics of the White House which helped, and challenged him, in his role as Chairman of the Joint Chiefs.

In Powell’s confirmation hearing, Senator Nunn noted that Powell would be the first Chairman serving under the Goldwater-Nichols Act. In the hearing, Powell expressed his views on the use of military force and his role as the Chairman: the military’s “role is simply to be strong, to be ready, to serve as a symbol of strength to

provide for more efficient use of resources, improve joint officer management, enhance the effectiveness of military operations, and improve Department of Defense management.

⁷⁹ Locher, 438.

⁸⁰ Ibid, 440.

⁸¹ Colin L Powell with Joseph E. Persico, *My American Journey* (New York: Random House, 1995), 148.

both our potential adversaries as well as to our friends...always from a position of strength—political strength, moral strength, value strength, and yes, the strength of our armed forces.”⁸² Powell reiterated his concern for a clear mission when using military force: “So there is no hesitancy to use the Armed Forces as a political instrument when the mission is clear and when it is something that has been carefully thought out and considered and all the ramifications of using military forces have been considered.”⁸³ With respect to his role as the principal military advisor to the President, Powell confirmed that he would work with his fellow Chiefs, Commanders-in-Chief, and Vice Chairman to formulate military advice and make sure that he and the Joint Staff provided the best possible advice.⁸⁴ Less than one year later, Powell, and his role as Chairman, were put to the test as Iraq invaded Kuwait.

The Gulf War

Iraq invaded Kuwait on August 2, 1990 and started the United States on the road to war.⁸⁵ Operation Desert Shield saw the buildup of over 250,000 troops to protect Saudi Arabia. After the number of troops almost doubled, Operation Desert Storm began January 16, 1991 to expel Iraqi troops from Kuwait. This examination of Agency theory addresses the period from August 2 to January 16.

Feaver suggests that during the Gulf War, “civilians monitored far more intrusively than was generally believed at the time.”⁸⁶ Feaver argues in his examination of the Gulf War that although the military resisted intrusive monitoring by civilians, evidence of shirking is at best suggestive from the debate behind the scenes over how to respond to Iraq’s invasion.⁸⁷ Feaver bases his evidence of shirking on Powell’s resistance to the offensive option in favor of sanctions and the belief of some civilians that the military shaded its estimates so as to constrain the civilian choice in a direction favored

⁸² Senate Armed Services Committee, *Nomination of Gen Colin L. Powell for Reappointment in the Grade of General and for Reassignment as Chairman of the Joint Chiefs of Staff*, 101st Cong., 1st sess., 20 September 1989, 616.

⁸³ *Ibid*, 652.

⁸⁴ *Ibid*, 617.

⁸⁵ Powell, *My American Journey*, 462.

⁸⁶ Feaver, 235.

⁸⁷ *Ibid*, 237.

by the military.⁸⁸ In fact, Powell's expression of the professional military ethic and Weinberger Doctrine explains his resistance of the offensive option in favor of sanctions and the estimates of force required for the offensive option not captured in Feaver's explanation. From August 2 into late October, Powell favored sanctions over the offensive option because he believed that the force deployed to Saudi Arabia could only deter Iraqi aggression and later defend Saudi Arabia. His military ethic told him that there was inadequate force to conduct an offensive operation therefore it should not be pursued. In late October, once the defense of Saudi Arabia was secure and the buildup of overwhelming force was underway, Powell supported the offensive option to either convince Saddam's forces to leave Kuwait or produce a decisive victory.

On August 2, after Iraq's invasion of Kuwait, Powell saw America's political objectives as deterring Iraqi aggression and defending Saudi Arabia. Powell based his advice on the initial goal of deterring an Iraqi move south. From that, Powell and General Norman Schwarzkopf, Commander-in-Chief of U.S. Central Command, developed a plan and initial force structure consisting of parts of the 82nd Airborne Division and the 1st Fighter Wing to quickly position a deterrence force in Saudi Arabia. The forces already in place were lightly armed and extremely vulnerable if Saddam's forces attacked. The buildup of defensive forces outlined in Operation Plan 90-1002 would bring the total number of troops to roughly 250,000 by December.⁸⁹

Bush's announcement on August 4 that Iraqi aggression "will not stand" stunned Powell, especially since he hadn't been consulted.⁹⁰ "The President had now clearly, categorically, set a new goal, not only to deter an attack on Saudi Arabia and defend Saudi Arabia but to reverse the invasion of Kuwait."⁹¹ Wondering if the small U.S. force structure in Saudi Arabia could actually defend Saudi Arabia, Powell knew ejecting Iraqi troops from Kuwait was a completely different venture. Powell wondered where the U.S. buildup in Saudi Arabia was leading: "If the invasion of Kuwait were going to be reversed, what did that mean in practical military terms? How much force was needed

⁸⁸ Feaver, 237.

⁸⁹ Woodward, 249.

⁹⁰ Ibid, 260.

⁹¹ Ibid.

and what kind of action should they be planning for?”⁹² Knowing it would take 8-12 months to get enough forces into the region to conduct an offensive, Powell pressed for a clarification on the mission.⁹³ On August 15, Powell briefed the President on the buildup. At that time, there were currently 30,000 troops in place, enough to deter an attack on Saudi Arabia. In early September they would have enough troops to move from the deterrence to the defensive phase. By December 5, there would be about 184,000 troops and there would be no doubt that the mission to defend Saudi Arabia could be accomplished.⁹⁴ Powell tried to find out the President’s intentions: “What we need Mr. President, is for you to tell us before that mission is accomplished what you want us to do next...do we stop the pipeline or keep it going, or whatever?”⁹⁵ Since the U.N. had imposed a trade embargo on Iraq six days earlier, Powell added: “If your goal is only to defend Saudi Arabia and rely on sanctions to pressure Saddam out of Kuwait, then we should cap the troop flow probably sometime in October...We’ve got about two months to assess the impact of sanctions.”⁹⁶

In Powell’s view, the 30,000 troops could barely deter an Iraqi invasion, could not yet defend Saudi Arabia, and almost certainly would not be able to liberate Kuwait. Powell’s efforts to clarify the mission emphasize what Powell saw as a mismatch between the military force and resources and the political objectives. In following the Weinberger Doctrine, Powell wanted to connect military means with political ends. Weinberger highlighted the importance of clearly defined military and political objectives as critical tools to determine the forces and resources required. Powell looked to the President for authorization to move more troops to the region to reach a force level capable of achieving the political objective of removing Saddam from Kuwait. In line with Huntington’s professional military ethic, Powell stressed the need for a strong, ready military committed only when victory is certain and the use of force as the last resort. Powell felt the projected size of the forces in Saudi Arabia could not achieve the political

⁹² Woodward, 280.

⁹³ Ibid, 281.

⁹⁴ Woodward, 281. Powell, *My American Journey*, 469.

⁹⁵ Woodward, 281.

⁹⁶ Powell, *My American Journey*, 470. Powell’s reason for October was that it would take about a month or so for the personnel pipeline to clear equating to 184,000 troops in Saudi Arabia by early December.

objectives or military victory. Since Powell knew the U.S. could not achieve a military victory he resisted the offensive option and supported sanctions.

In late September, with the deployment nearing completion, and no decision to continue introducing forces, Powell wanted to continue economic sanctions. Powell outlined the case to Cheney that if there was a chance sanctions might work there might be an obligation to continue waiting.⁹⁷ In sharing his views on economic sanctions with British Air Chief Marshall Sir Patrick Hine, Powell relayed his uncertainty and caution on the use of military force preferring instead to let economic sanctions work.⁹⁸ Powell had difficulty convincing either Cheney or Scowcroft of the ability for sanctions to achieve the political objectives, but eventually received an audience with the President to make his case.⁹⁹ Powell laid out the two options that he saw: the offensive option or sanctions. Powell covered the mobilization schedule and air option in place and recommended that they continue preparing for a full-scale air, land, and sea campaign, knowing that if the President made the decision in October, the forces would be ready to launch sometime in January.¹⁰⁰ Powell then described how the U.S. could maintain its defensive posture, even as it built to an offensive posture, while keeping sanctions in place.¹⁰¹ Powell had conveyed to Air Chief Marshall Hine his willingness to wait twelve to fifteen months, or more, to see if sanctions would work, but after the war conceded that sanctions take time and would have given the initiative to Saddam.¹⁰²

Powell based his reluctance to pursue an offensive option on his military expertise that he did not have the forces to complete the mission. Fewer views Powell's reluctance as shirking. Looking at Powell's advice from the nature of the professional military ethic however offers more insight into his rationale than Agency theory in examining the relationship of the military to the civilian leadership. In line with Huntington's military ethic, one duty of the military professional is to advise the civilian when his purposes are beyond his means.¹⁰³ Once the military buildup had progressed to the point where the

⁹⁷ Woodward, 298.

⁹⁸ Michael Gordon and General Bernard Trainor, *The General's War: The Inside Story of the Conflict in the Gulf* (Boston: Little, Brown, and Company, 1995). 130-131.

⁹⁹ Late September or early October depending on the source.

¹⁰⁰ Powell, *My American Journey*, 479.

¹⁰¹ Ibid, 480.

¹⁰² Ibid.

¹⁰³ Huntington, 69.

purposes matched the means available, Powell sought to ensure the overwhelming force of the offensive option.

On October 30, after returning from Saudi Arabia where he had been briefed on the two-corps plan, Powell went to the White House to settle the question of “defend or eject?”¹⁰⁴ Convinced that the forces in place could accomplish the mission of securing the defense of Saudi Arabia, Powell turned to the force requirements for the offensive option. Powell presented the air campaign plan, followed by the ground plan that included the frontal supporting attacks into Kuwait and the sweeping left hook against the western flank. The whole operation would require nearly twice the force—another 200,000 troops.¹⁰⁵ Schwarzkopf had requested an additional two armored divisions, another aircraft carrier, additional Marines, and more Air Force assets, but Powell’s request went well beyond Schwarzkopf’s: the two armored divisions plus the VII Corps headquarters support structure, the 1st Mechanized Infantry Division, three additional carriers, twice the Marines, and a virtual doubling of the Air Force planes.¹⁰⁶ While the size of the force requested shocked National Security Advisor Brent Scowcroft and others at the briefing, Powell’s professional military ethic caused him to believe that only overwhelming force could guarantee decisive victory. Bush acknowledged that there was disagreement over the request, but he stressed his determination to provide the military everything it needed and approved the request the next day.¹⁰⁷ Feaver uses inflating estimates or costs as a way of swaying the civilian away from a course of action as evidence that the military is shirking. In this case, Powell’s military ethic stressed that the U.S. must use overwhelming force to either force a decision or achieve certain victory. It becomes difficult to classify Powell’s advice as shirking since the civilian leadership approved his request, but it does describe the blurry line that accompanies military advice. Deciding what overwhelming force means and estimating the number of forces depends on one’s perspective. The civilian’s perspective reflects paying the bill and garnering support, while the military’s view reflects the fact that it will be facing the

¹⁰⁴ Powell, *My American Journey*, 488.

¹⁰⁵ Ibid.

¹⁰⁶ Gordon & Trainor, 153. Brigadier General Robert H. Scales, Jr. *Certain Victory* (Washington: Office of the Chief of Staff of the Army, 1993), 132. Norman Friedman, *Desert Victory: The War for Kuwait* (Annapolis: Naval Institute Press, 1991), 95.

¹⁰⁷ Gordon and Trainor, 154. Woodward, 319.

enemy. The civilian must judge whether the costs incurred are accurate or presented in a way as to dissuade them from the military's desired course of action.¹⁰⁸ The military's recommendations arise from the professional military ethic.

Examining Powell's initial resistance to the offensive plan in favor of sanctions and the estimates of forces required for the offensive option through the professional military ethic and Weinberger Doctrine offers richer insights into the military agent than Agency theory permits. Powell's reluctance to use military force reflects both Huntington and Weinberger's view of war as a last resort. In his autobiography, *My American Journey*, Powell conveys his thoughts on January 16 as he awaited the beginning of Desert Storm: "I had no doubt we would be successful. We had the troops, the weapons, and the plan."¹⁰⁹ The thought captures the essence of Huntington's professional military ethic and the Weinberger Doctrine for the military professional: forces should not be committed without a clear intention of winning and when victory is certain.

Somalia

In response to the starvation, clan warfare, and humanitarian disaster in Somalia on December 4, 1992, President Bush announced that U.S. forces would soon land in Somalia. Secretary Cheney described the mission as the "establishment by U.S. forces of a secure environment for the delivery of relief supplies and the consolidation of security framework so that it could be handed over to regular U.N. [United Nations] forces."¹¹⁰ The narrowly defined objectives and large size of the U.S. contingent under U.S. leadership ran counter to the traditional U.N. peacekeeping doctrine of small forces under U.N. control.¹¹¹ The U.S. response articulated a new policy direction for U.S. peacekeeping in the new world order: "An essential part of this new policy was the clear implication that peacekeeping should be conducted along the lines of the so-called Weinberger-Powell Doctrine of a clear, finite, 'doable' mission, involving the

¹⁰⁸ Feaver, 62.

¹⁰⁹ Powell, 506.

¹¹⁰ John L. Hirsch and Robert C. Oakley, *Somalia and Operation Restore Hope: Reflections on Peacemaking and Peacekeeping* (Washington: United States Institute of Peace Press, 1995), 46.

¹¹¹ Hirsch and Oakley, 47.

deployment of overwhelming, efficient force, with rules of engagement that allowed the expeditious use of force when necessary.”¹¹²

By March 1993, the U.S.-led Operation Restore Hope had succeeded in its assigned mission to secure the delivery of relief supplies to the starving masses of Somalia.¹¹³ With protection for relief efforts in place and the security situation stabilized, on May 4 the mostly American United Task Force (UNITAF) transferred control to the United Nations Operation in Somalia (UNOSOM II).

This section examines Agency theory and the professional military ethic from May 4, 1993 until the failed raid of “Black Hawk Down” fame on October 3, 1993. Feaver’s examination of this time in the Somalia case sees relatively little military shirking, but recognizes the dispute between military leaders over sending the Army Rangers, Delta Force, armored vehicles and AC-130 gunships to Somalia as significant as any direct civil-military conflict.¹¹⁴ An Agency explanation for the lack of shirking is the lack of monitoring of the military by the civilians. Feaver’s theory proposes that both the civilian and military have preferences over what they want to accomplish and how they want to accomplish it. The civilian sets up monitoring mechanisms to ensure that the military is performing in accordance with the civilians’ preferences. The military then chooses to work or shirk based on the possibility of being caught and the expectation of punishment. Feaver points to civilian ambivalence in monitoring the situation in Somalia: “President Clinton was simply not paying enough attention—in agency theory terms, the civilians were not monitoring intrusively.”¹¹⁵ The fact that Feaver sees the dispute between the military leaders as important as direct civil-military conflict and classifies Somalia as a significant “shaper of post-Cold War civil-military relations” offers the possibility that there is something in the Somalia case study that Agency theory does not address. An understanding of the professional military ethic offers insight into Somalia that Agency theory fails to capture. In brief, without civilian oversight or monitoring, the military will try to conduct military operations as it sees fit.

¹¹² Hirsch and Oakley. 47, 63. In January, the UNITAF forces numbered 38,301 troops (25,426 Americans and 12,875 troops from other countries).

¹¹³ Ibid, 63.

¹¹⁴ Feaver, 247.

¹¹⁵ Ibid, 245.

The professional military ethic in the Somalia case study is best examined through the perspectives of the three generals involved in the U.S. military intervention in Somalia: General Powell; General Joseph Hoar, Commander-in-Chief U.S. Central Command; and Major General Thomas Montgomery, Deputy Commander for the United Nations Operation in Somalia (UNOSOM) and commander of all U.S. forces in Somalia. While each shared a common perspective as U.S. military officers from their professional military ethic, their positions offered them different views on its application. Powell and Hoar interpreted the situation as a lack of clear objectives and a lack of overwhelming force to complete the mission, and from the Huntington and Weinberger perspective, urged civilian leaders not to commit troops unless victory was certain. From his perspective of the nature, magnitude, and immediacy of the threat to his forces in Somalia, Montgomery viewed the situation in light of the right tools for the mission. All three interpreted Huntington and Weinberger appropriately from their point of view, but the lack of clear political objectives and monitoring from civilians prevented them from developing a common perspective of the political and military objectives and recommending the appropriate forces and resources to achieve those objectives.

From May 4 until the failed U.S. raid on October 3, three aspects changed the dynamics in the military situation in Somalia: the change in command and force structure from UNITAF to UNOSOM, the change in the threat as rebel forces became more bellicose, and the change in the scope of the UNOSOM mission as a response. The American-led UNITAF consisted of 38,000, mostly American, troops and equipment, while UNOSOM had significantly fewer trained combat troops under the command of a Turk, General Bir. The departure of U.S. troops also withdrew most of the U.S. heavy equipment, leaving the UNOSOM with only a few armored vehicles and helicopters except those in the Quick Reaction Force (QRF).¹¹⁶ The U.S. retained a task force of about 4,000 members under General Montgomery, including 1,167 members of the elite (QRF) under the independent command of Major General William Garrison.¹¹⁷ U.N. Security Council Resolution (UNSCR) 814 had already expanded UNOSOM's mission to

¹¹⁶ Lester Brune, *The United States and Post-Cold War Interventions: Bush and Clinton in Somalia, Haiti and Bosnia, 1992-1998* (Claremont, CA: Regina Books, 1998), 28.

¹¹⁷ Ibid, 8. The QRF was "almost an insurance policy so that the other members of the coalition do not get cold feet and say 'there is nobody left to depend on, we're going home.'" Attributed to senior American official in "U.S. Plans to Leave Troops to Back U.N. Somalia Unit" *New York Times*, Apr 30, 1993, 10.

provide a secure environment for disarmament and nation-building.¹¹⁸ “Ironically, it was the impressive leadership, coherence, and dramatic success of the UNITAF phase (December 1992 to May 1993) which made it look too easy...that produced UNOSOM II’s vast ‘nationbuilding’ mandate.”¹¹⁹ The small UNOSOM forces, with a large nation-building mission, and the degenerating political situation fueled Somalia clan leader and warlord Mohammad Farrah Aideed’s belligerence.

UNOSOM leaders decided to marginalize Aideed in accordance with UNSCR 814’s guidance to promote Somalia’s police and judicial system. This decision, in conjunction with the reduced forces in Somalia, sent a message of irresolution that Aideed interpreted as an opportunity.¹²⁰ In early June, Somalis clashed with a Pakistani patrol inspecting a weapons storage site at Radio Mogadishu, killing twenty-four members of the U.N. force. The attack led to a unanimously-adopted UNSCR 837 which expressed grave concern over the vulnerability of U.N. peacekeepers. The Security Council authorized “all necessary measures against those responsible for the armed attacks.”¹²¹ In accordance with UNSCR 837, retired Admiral Jonathon Howe, U.N. Special Representative to Somalia, issued an arrest warrant for Aideed and a \$25,000 reward for his capture. The warrant infuriated Aideed and ruined any hopes of reviving a political dialogue with him.

As the political atmosphere in Somalia degenerated, the mission changed from political dialogue supported by military security to a completely military mission to capture Aideed. On July 12 the QRF attacked Aideed’s command and control center. Aideed retaliated on August 8 by detonating a remote controlled device under a Humvee that killed 4 U.S. soldiers. In late August the Army Rangers and Delta Force arrived in Somalia. Their mission, under UNSCR 837, was to “apprehend Aideed and unarm his lieutenants” and although they acted in support of UNOSOM mandate, they operated

¹¹⁸ Thomas Daze and John Fishel, “Peace Enforcement in Somalia: UNOSOM II” in *The Savage Wars of Peace: Toward a New Paradigm of Peace Operations*, ed. John T. Fishel (New York: Westview Press, 1998), 163.

¹¹⁹ Hirsch and Oakley, ix.

¹²⁰ Ibid, 115-116. U.N. Resolution 814 promoted the restoration of law and order in Somalia to contribute to Somalia’s political institutions and economy.

¹²¹ Ibid, 209.

under the QRF.¹²² At the end of August Montgomery requested armor vehicles and AC-130 gunship support from General Hoar. Hoar opposed his request. The seventh raid occurred on October 3 when 18 U.S. soldiers were killed attempting to capture Aideed, bringing the Somalia issue to a head.

General Powell's status after the Gulf War and the seeming vindication of his doctrine of decisive force contributed to his views on the use of force in Somalia. In a *Foreign Affairs* article, Powell exposed the danger of having fixed rules for going to war and validated the use of overwhelming force used in Desert Storm.¹²³ In the peacekeeping and humanitarian missions he saw as a given in the future, he stressed the need to evaluate circumstances through a series of relevant questions.¹²⁴ The answers to the questions yielded conditions for the use of armed forces that looked strikingly similar to the Weinberger Doctrine: "When the political objective is important, clearly defined and understood, when the risks are acceptable, and when the use of force can be effectively combined with diplomatic and economic policies, then clear and unambiguous objectives must be given to the armed forces. These objectives must be firmly linked with the political objectives."¹²⁵

Powell viewed American military successes in Panama, the Philippines, Liberia, and humanitarian missions of the early 1990s as evidence that "in every instance we have carefully matched the use of military force to our political objectives."¹²⁶ Relaxing his view on the use of overwhelming force, Powell offered that "decisive means and results are always preferred, even if they are not possible."¹²⁷ For Powell, initial intervention in Somalia conformed to his beliefs on the use of force and his doctrine of decisive force, but the reduced capability in UNOSOM II did not.

The intimidating Marine landing in Mogadishu for Operation Restore Hope fit the

¹²² Senate Committee on Armed Services, *U.S. Military Operations in Somalia*, 103rd Cong., 2nd sess., 12 May 1994, 2.

¹²³ Colin Powell, "U.S. Forces: Challenges Ahead," *Foreign Affairs*, Winter 1992/3, 38.

¹²⁴ *Ibid.*, 38. The relevant questions include: Is the political objective we seek to achieve important, clearly defined, and understood? Have all other nonviolent policy means failed? Will military force achieve the objective? At what cost? Have the gains and risks been analyzed? How might the situation that we seek to alter, once it is altered by force, develop further and what might be the consequences?

¹²⁵ *Ibid.* 38-39.

¹²⁶ *Ibid.*, 39.

¹²⁷ *Ibid.*, 40.

Powell Doctrine of a definite objective achieved with overwhelming force. “It’s sort of like the cavalry coming to the rescue, straightening things out for a while and then letting the marshals come back to keep things under control.”¹²⁸ Unfortunately, in the words of one author, the marshals, in the form of civil authority, never really showed up.¹²⁹ The expanding nature of the UNOSOM mission for disarmament and nationbuilding began separating military and political objectives into two distinct lanes. The U.N. forces in Somalia were too small to achieve the political objectives of disarmament and nationbuilding so they consequently focused on achieving the military objectives to capture Aideed.

When the U.N. passed Resolution 837 authorizing the hunt for Aideed, the fact that the “action was taken without any serious discussion among senior U.S. policymakers over expanding the Somalia commitment from nation building to hunting down Somali chieftains” concerned Powell.¹³⁰ The objective had changed without addressing the impact on the military. Major General Montgomery and Admiral Howe appreciated the change in mission and requested additional forces to facilitate the capture of Aideed. Howe requested Rangers and the Delta Force, the U.S. Army’s elite special forces team, to add to the efforts to capture Aideed.¹³¹ “Howe knew Delta Force had the ideal capability.”¹³² The Pentagon felt otherwise.

Powell and General Hoar both opposed the deployment of Delta Force. Powell feared mission expansion, the possibility of an open-ended commitment in Somalia, and a growing vulnerability of attacks on American troops.¹³³ Hoar simply did not think they would be able to catch Aideed, arguing that the chances of grabbing the warlord were one in four.¹³⁴ Powell’s opposition stood until the attacks of August 8 that killed four U.S.

¹²⁸ Powell quoted in Sidney Blumenthal, “Why Are We in Somalia?” *The New Yorker*, 25 October 1993, 57-58.

¹²⁹ Jonathon Stevenson *Losing Mogadishu: Testing U.S. Policy in Somalia* (Annapolis: Naval Institute Press, 1995), 51.

¹³⁰ Powell, *My American Journey*, 584.

¹³¹ Elizabeth Drew, *On the Edge: The Clinton Presidency* (New York: Simon & Schuster, 1994), 320-321.

¹³² “How the Warlord Outwitted Clinton’s Spooks,” *Washington Post*, 3 April 1994, C-3.

¹³³ David Halberstam, *War in a Time of Peace: Bush, Clinton, and the Generals* (New York: Scribner, 2001), 259.

¹³⁴ Michael Gordon with John Cushman, “After Supporting Hunt for Aideed, U.S. is Blaming U.N. for Losses,” *New York Times*, October 18, 1993, A-8.

soldiers: “We have to do something or we are going to be nibbled to death.”¹³⁵ Powell received approval to deploy Delta force. Hoar’s response to the news “was a long silence that effectively restated his belief that the snatch mission was certain to fail.”¹³⁶

General Hoar’s discouragement over the decision to deploy Delta Force stemmed from his belief that the political mission had crumbled and that the policy in Somalia had degenerated to a military-only solution. The military needed clear political objectives if military forces were going to be committed. Hoar argued if more troops were necessary then the entire policy should be reassessed. Hoar advised General Powell: “A coherent plan which involves the political, humanitarian and security needs for the country has yet to emerge. Control of Mogadishu has been lost...If the only solution for Mogadishu is large-scale infusion of troops and if the only country available to make this happen is the United States, then it is time to reassess.”¹³⁷ In his testimony before the Senate Armed Services committee after the October 3 failed attempt, Hoar reiterated his view that the military mission could not stand without the political foundation:

You have to have a balanced program. These kind of things need to be addressed primarily as a political issue, and there needs to be a companion piece of humanitarian assistance and a security aspect...there was a strong political program that was supported by military activity. And if you get that balance out of whack, you find the situation that has existed there [Somalia] for the last couple of months, where an effort was being made to conduct military operations without a concomitant political program to go along with it.¹³⁸

The fact that a military officer is suggesting the actions politicians should take highlights the failure in Somalia.

In terms of civil-military relations, the military should not make the assessment of the political situation. Huntington said it is the prerogative of the civilian to determine intentions.¹³⁹ That the military encroached on the political assessment strengthens the argument that there was a lack of civilian monitoring to check such behavior. Despite the

¹³⁵ Patrick Sloyan, “How the Warlord Outwitted Clinton’s Spooks,” *Washington Post*, April 3, 1994, C-3.

¹³⁶ Ibid.

¹³⁷ Michael Gordon with John Cushman, “After Supporting Hunt for Aideed, U.S. is Blaming U.N. for Losses,” *New York Times*, October 18, 1993, A-8.

¹³⁸ Senate Committee on Armed Services, *Current Military Operations* 103rd Cong., 1st sess., 13 October 1993, 149-150.

¹³⁹ Huntington, 66.

concerns of both Powell and Hoar on the political situation in Somalia, General Montgomery's focus was on his mission to protect his forces and capture Aideed.

Confronted with the ground threat in Mogadishu and the manhunt for Aideed, Major General Montgomery decided he needed armored vehicles: "as events unfolded and the nature of the threat changed and we were getting mines and we were getting a lot of antitank fire...I was increasingly concerned about light forces being in trucks...I concluded I needed armor."¹⁴⁰ General Montgomery made an informal request to General Hoar for armored vehicles, artillery, and AC-130 gunship support to aid in force protection of military forces. After a September 9 attack on U.N. forces, General Montgomery formalized his request to General Hoar for four tanks, fourteen armored personnel carriers, and a battalion of artillery. General Hoar reluctantly supported the request, with the exception of artillery, because of his discomfort with continuing a military solution without a political basis. General Powell relayed the request to Aspin.¹⁴¹ Secretary Aspin rejected the request on the basis that it would highlight military operations just when Washington was trying to emphasize diplomacy and a political solution.¹⁴²

The decision not to reinforce General Montgomery's forces with armor and AC-130s marks Somalia and the failed raid on October 3 as significant episodes in American civil-military relations. The decision and the results, regardless of whether the armor would have arrived in time or had the desired effect to reduce the casualties during the raid, sparked the controversy over American involvement in Somalia.

While Powell, Hoar, and Montgomery all relied on the professional military ethic, each differed on how it applied based on their viewpoint. Powell saw Somalia as a situation where overwhelming force could make a difference. Powell's decisive force to achieve decisive results in support of limited objectives worked during the first phase under UNITAF. The expansion of the political objectives into disarmament and nationbuilding, without a commensurate buildup of forces to meet those objectives, contradicted Powell's view of matching military force to political objectives. General

¹⁴⁰ Senate Committee on Armed Services, *U.S. Military Operations in Somalia* 103rd Cong., 2nd sess., 12 May 1994, 48.

¹⁴¹ Michael Gordon with John Cushman, "After Supporting Hunt for Aideed, U.S. is Blaming U.N. for Losses," *New York Times*, 18 October 1993, A-8.

¹⁴² Ibid.

Hoar, as the commander of military forces in the region, recognized the lack of political objectives and the atrophy of the political situation that no amount of military force could make up. Hoar advocated developing a comprehensive strategy that coordinated all instruments of national power to enhance the probability of achieving the stated objectives.¹⁴³ General Montgomery's perspective shows that the closer one gets to the threat, the greater the effect of the nature, magnitude, and immediacy of the threat and its influence on the professional military ethic: "we ought not to worry about numbers, how many troops and caps and things like that. We ought to make sure that when we put United States forces, military forces, on the ground that the capability is there for them to take care of themselves in terms of force protection...we really need to focus on capabilities."¹⁴⁴ Montgomery's view reflected Huntington's and Weinberger's view on the commitment of forces and resources.

As a case study for Agency theory, Somalia initially appears to offer little in examining the military agent because of Feaver's conclusion that there was relatively little shirking. By classifying the situation as a lack of civilian monitoring, Somalia actually provides useful insight into the professional military ethic. Feaver's theory says that the civilian sets the monitoring of the military and the military decides whether to work or shirk based on its getting caught and its expectation of punishment. The professional military ethic offers insight into how the military will act in the face of weak or no monitoring and addresses military behavior beyond the material determinants of Agency theory. Without monitoring to keep the military's preferences in line with the civilians' preferences, the military will gravitate toward aspects of the professional military ethic that suit its needs. Powell and Hoar sought to match political objectives and military means while Montgomery focused on his need for the right tools to complete the mission. The behavior of the three generals in the Somalia study emphasizes that the professional military ethic has several facets that must be understood. The importance of the professional military ethic again revealed itself on the road to war in Kosovo.

¹⁴³ Joseph Hoar, "A CINC's Perspective," *Joint Force Quarterly*, Autumn, 1993, 63.

¹⁴⁴ Senate Committee on Armed Services, *U.S. Military Operations in Somalia*, 103rd Cong., 2nd sess., 12 May 1994, 48.

Kosovo

As relations between the leaders of the North Atlantic Treaty Organization (NATO) and Serb leader Slobodan Milosevic soured during 1998, the possibility of war in Kosovo loomed on the horizon. In the wake of the Racak massacre in January 1999, and in an attempt to end hostilities without the use of force, Secretary of State Madeleine Albright held a peace conference at Rambouillet between the Serbs and the Kosovo Liberation Army (KLA).¹⁴⁵ The failure of the Rambouillet talks left the United States and NATO with little choice but to follow through on the threat of force and commence military operations against Serbia.¹⁴⁶ On March 24, six days after the failure of Rambouillet, Operation Allied Force began as U.S. and NATO airplanes and cruise missiles attacked targets in Kosovo and Serbia.

Feaver's examination of the Kosovo conflict classifies civil-military tensions as extremely high and offers that Agency theory helps illuminate some, but not all, of the dynamics involved. In the Kosovo case, Feaver classifies the debate over whether and how to take military action in Kosovo as shirking on the part of the military with respect to its support of the Administration's strategy. Feaver suggests that weak civilian leadership on the part of the Clinton Administration allowed or produced shirking, emphasizing that the "quality of the principal is a vitally important ingredient in civil-military relations."¹⁴⁷ Feaver assesses that the behavior of the Joint Chiefs of Staff (JCS) "just skirted shirking" or at worst indicated fairly low-level instances of shirking especially since the civilian preference eventually prevailed.¹⁴⁸ In discussions about Kosovo, the JCS argued that a military commitment there would be detrimental to military readiness and the Kosovo issue was not in our national interest. Feaver argues that the decision over how to use force is integrally linked to the decision whether to use force. Feaver acknowledges the JCS competency to evaluate the impact on military

¹⁴⁵ David Halberstam, *War in a Time of Peace: Bush, Clinton, and the Generals* (New York: Scribner, 2001), 420.

¹⁴⁶ Ivo H. Daadler and Michael E. O'Hanlon, *Winning Ugly: NATO's War to Save Kosovo* (Washington: Brookings Institution Press, 2000), 65-68. Daadler and O'Hanlon pose three options the Clinton Administration and NATO could have pursued: Walk away and let the conflict run its course, support the KLA and Kosovars and their quest for independence through training and airstrikes, and secure by force what they sought to achieve at Rambouillet to guarantee Kosovo's political autonomy and provide security for its people.

¹⁴⁷ Feaver, 273, 282.

¹⁴⁸ *Ibid.*, 274.

readiness but, argues that their evaluation of Kosovo with respect to national interest and their belief that there was insufficient domestic support “stepped beyond the bounds of their proper role.”¹⁴⁹

This analysis of the Kosovo conflict argues that in light of the quality of civilian leadership, the professional military ethic manifested itself as the disagreement that General Henry “Hugh” Shelton, Chairman of the Joint Chiefs of Staff, and the other service chiefs had with the conduct of an air-only campaign. As experts on the use of military force, the JCS did not think that the proposed military operations could achieve the political goals envisioned by the administration. Their advice against jeopardizing military readiness and a lack of national interest in Kosovo reflected Huntington’s professional military ethic and the Weinberger Doctrine. This analysis focuses on the view of General Shelton and the other service chiefs who, in Feaver’s view, approach shirking in the debate over the use of force and whose continued lack of support through the war is evidence of shirking. This analysis does not address the view of General Wesley Clark, Supreme Allied Commander Europe and Commander-in-Chief of European Command. General Clark generally supported the Administration’s view of the war and his role in civil-military relations in Kosovo deal more with his relationship with General Shelton, Secretary of Defense William Cohen, and others in the Pentagon. This analysis extends from January 1999, when the joint chiefs met to discuss military operations in Kosovo until the airwar ended on June 4, 1999.

The debate over whether and how to conduct military operations in Kosovo separated the hawks and doves of the Clinton Administration. The hawks favored the use of the threat of military action to coerce the Serbs and if the threats did not work then to bomb the Serbs to the negotiating table to enforce the peace. The hawks tended to be the key civilian actors with the exception of one military figure: Secretary of State Madeleine Albright, National Security Advisor Sandy Berger, and General Clark. Secretary of Defense Cohen, General Shelton, and the other service chiefs, as the doves in the Administration, considered the Serbs beyond coercion without an unacceptable level of military commitment that could not be supported.¹⁵⁰ The Chairman and the

¹⁴⁹ Feaver, 274, 279.

¹⁵⁰ Feaver, 274 and Halberstam, 388.

service chiefs understood the implications of *whether* to use force in Kosovo but, disagreed with *how* to use military force based on their professional military ethic and the influence of the Weinberger and Powell Doctrines.

General Shelton had conveyed his support of the Weinberger and Powell Doctrine and embodiment of the professional military ethic during his confirmation hearing in 1997. In the same manner in which Huntington stressed the need for a strong, ready military with the proper tools, General Shelton expressed his concern over the readiness of military forces and the need to have the best tools at their disposal: “If we must send military units into harm’s way in the next century, we must do so confident that we have provided them with every potential advantage of their foes. Personally, I want no fair fights when our forces are committed.”¹⁵¹

Concerning the commitment of troops, Senator John Warner asked Shelton: “When a President sends troops abroad, it should be in the clear, vital national security interests of our country. As you become the principal advisor...how will you define what is vital in your advice to the President?”¹⁵² General Shelton’s answer reflected the Weinberger Doctrine’s perspective on committing forces in the U.S. national interest: “I think we have to start off with the vital interests being there, but I would caveat that to say very well-defined interests....But we certainly need to know what the interest is to the U.S.”¹⁵³

In addition to national interest, Shelton expressed the tenets of the Weinberger Doctrine from the perspective of clearly defined political and military objectives, force as a last resort, reasonable support of the American people, and the need to reassess the objectives and forces as conditions change and Powell’s Doctrine of overwhelming force. In his testimony, Shelton also conveyed his view of his role under the Goldwater-Nichols Act as the principal military advisor to the President, Secretary of Defense, and National Security Council: “I am required to draw upon my professional military expertise to provide civilian leadership with the very best military advice I can render. This advice must be given based solely on professional military expertise and judgment while not

¹⁵¹ Senate Committee on Armed Services, *Nominations Before the Senate Armed Services Committee, First Session, 105th Congress*, 105th Cong., 1st sess., 9 September 1997, 415.

¹⁵² Ibid, 434.

¹⁵³ Ibid, 435.

mindful of other considerations. I am confident that I can provide professional military advice without jeopardizing my relationship with civilian officials.”¹⁵⁴

General Shelton’s view of the professional military ethic, the Weinberger and Powell Doctrine, and his duties under the Goldwater-Nichols Act shaped his thoughts and actions as the debate over the use of force in Kosovo grew. General Shelton’s concern with the military readiness and operations tempo reflects Huntington’s professional military ethic to maintain a strong, ready military. Military involvement in Kosovo would threaten the capabilities of the military to respond to the defense policy of two major regional contingencies. The view of the use of force in support of vital interests and with the reasonable assurance of support of the American people and Congress stems directly from the Weinberger Doctrine. Most of the service chiefs shared General Shelton’s view on the inherent problems of a war in Kosovo.

The basis of the chiefs’ disagreement with the Administration’s proposed strategy derived from their opinion that military force alone, through an air-only campaign, could not achieve the political objectives. General Clark’s strategy, presented in 1998, advocated “diplomacy backed by the threat of airpower,” but in a conversation with Vice-Chairman Joseph Ralston, Clark revealed that if the threat of force failed to deter Slobodan Milosevic “then we’ll bomb.” Ralston then asked the “Colin Powell question: What if airpower didn’t work?” Clark responded “we’d have to do something on the ground.”¹⁵⁵ By asking the question, Ralston revealed the tension between Clark’s questionable military plan and the Pentagon’s fear of pursuing a flawed strategy.¹⁵⁶ The failure at Rambouillet pushed NATO closer to war in the Balkans and Clark’s strategy of an airpower-only option to achieve political aims did not sit well with the Chairman and the joint chiefs. The U.S. military chiefs “expressed deep reservations about the Clinton administration’s approach to Kosovo and warned that bombing alone would not achieve its political aims.”¹⁵⁷ Their reservations that airpower alone could not stop the violence

¹⁵⁴ Congress, Senate, Committee on Armed Services, *Nominations Before the Senate Armed Services Committee, First Session, 105th Congress*, 105th Cong., 1st sess., 9 September 1997, 445.

¹⁵⁵ General Wesley K. Clark, *Waging Modern War: Bosnia, Kosovo, and the Future of Conflict* (New York: Public Affairs, 2002), 119.

¹⁵⁶ Halberstam, 434.

¹⁵⁷ Bradley Graham, “Joint Chiefs Doubted Air Strategy,” *The Washington Post*, 5 April 1999, A1.

in Kosovo and coerce Milosevic to return to the negotiating table sprang from their professional military ethic and the Weinberger Doctrine.

General Shelton advocates that the Weinberger Doctrine is invaluable for U.S. foreign policy. There's "no doubt in my mind that's the right way to go for America. We need to stay as close to Weinberger as possible."¹⁵⁸ Several aspects of Huntington, Weinberger Doctrine, and Powell Doctrine influenced Shelton and the joint chiefs on the use of force in Kosovo. The issues of national interest, the support of the American people, and use of overwhelming force when committing troops pervaded the chiefs' attitudes and dissent. One senior officer familiar with the chiefs' deliberations offered: "I don't think anybody felt like there had been a compelling argument made that all of this was in our national interest."¹⁵⁹ From Clark's perspective as a supporter of use of force in Kosovo: "The services were against any commitment—never mind that we already had a commitment—because it wasn't in our 'national interest.' And any use of forces there would be bad for 'readiness.'"¹⁶⁰ Marine Corps Commandant General Charles Krulak related the national interest to the support of the American people: "None of the chiefs...felt that the American people really understood what this was all about, and none felt that the American people had decided this was in our national interest."¹⁶¹ General Krulak recognized the situation from the perspective that the decision of whether to go to war goes beyond the military and involves preparing the country to go to war: "I don't think we ever got to where we should have been in the debate on national interest and strategy."¹⁶² While trying to fuel the discussion of whether force should be used, the JCS also pondered how force would be used to achieve the political objectives.

The JCS felt that once force was committed it should be done with overwhelming force and not incrementally. When asked about his concerns, Army Chief of Staff General Dennis Reimer expressed his belief that "if you're going to use military force,

¹⁵⁸ General Henry H. Shelton, former Chairman of the Joint Chiefs, interviewed by author, 27 May 2005.

¹⁵⁹ Bradley Graham, A1.

¹⁶⁰ Clark, 165.

¹⁶¹ General Charles Krulak, "General Charles Krulak," Interview by *PBS Frontline: War in Europe* [Online] available at <http://www.pbs.org/wgbh/pages/frontline/shows/kosovo/interviews/krulak.html>, Internet, accessed 16 May 2005.

¹⁶² Ibid.

using total military force available to you is the right way to go.”¹⁶³ President Clinton’s decision not to send in ground troops presented a dilemma because the chiefs felt that the NATO alliance would not be able to maintain cohesion if Kosovo required a ground invasion, but they also felt that the political objectives could not be achieved without overwhelming force including ground forces. The Administration resolved the issue by pursuing limited aims through limited force to compel Milosevic.

The Administration developed a strategy of coercive diplomacy based on the use of military force to compel Milosevic to return to the bargaining table that flew in the face of the Powell Doctrine of decisive force. The Powell Doctrine viewed decisive force as a signal of commitment and an assurance of victory through decisive force. “The administration’s fundamental failure in dealing with the Kosovo crisis was that it never decided what it was prepared to do, except incrementally and reactively.”¹⁶⁴ By removing the possibility of the use of ground troops to complement air strikes, the Administration signaled its lack of commitment to the mission in Kosovo. The Administration viewed Kosovo as a calibrated war that would achieve its objectives wedged between Congressional approval, the NATO alliance, and public opinion.¹⁶⁵ A White House official described the approach as “the anti-Powell doctrine” to give the U.S. more flexibility than the all-or-nothing approach advocated by Powell.¹⁶⁶

Not surprisingly, the JCS found such an approach difficult to balance against the Weinberger Doctrine of committing the necessary forces to complete the mission and the Powell Doctrine’s ideas on the use of decisive force to achieve clearly defined objectives. The JCS understood the dilemma: using ground troops to achieve the political objectives ran the risk of fracturing the NATO alliance. To General Shelton, there was “no doubt in my mind that we could not assure a clear win unless we went in with the understanding that we couldn’t do it without ground troops. We can drive them out, but we don’t own the land.”¹⁶⁷ The Administration’s incremental strategy toward Kosovo reflected the question of whether to use force in the first place. One author cites Kosovo as “a

¹⁶³ Robert Burns, “Reimer Reveals His Views on Kosovo Strategy,” *European Stars and Stripes*, 27 May 1999, 1.

¹⁶⁴ Daadler and O’Hanlon, 17.

¹⁶⁵ Blaine Harden and John Broder, “Clinton Tries to Win the War and keep the U.S. Voters Content,” *New York Times*, 22 May 1999, 1.

¹⁶⁶ *Ibid*, 1.

¹⁶⁷ General Henry H. Shelton, former Chairman of the Joint Chiefs, interviewed by author, 27 May 2005.

reminder of the ambiguity of the Vietnam decision-making, of civilians who were willing to enter a war zone without any of the hard decisions having been made.”¹⁶⁸ From the JCS perspective, the strategy ran counter to the Weinberger Doctrine that offered if all the forces and resources necessary to complete the mission will not be committed, then no forces should be committed.

Overall, the Chairman and the chiefs viewed an airpower-only option as preventing the Administration from achieving its political goals. Once the military mission had been narrowed to “degrade Serbian capability to conduct repressive actions against ethnic Albanians in Kosovo,” the Joint Chief’s spokesman, Navy Captain Steve Pietropoli reported “they [the joint chiefs] all agreed that the operation envisioned could achieve the articulated objective.”¹⁶⁹ The bombing strategy was not intended to protect Kosovo Albanians or drive out Serbian forces; it was an indirect strategy designed to increase the costs and pain to Milosevic based on the assumption that he would surrender Kosovo rather than watch as NATO destroyed his military.¹⁷⁰ The military mission did not include the requirement to halt the ethnic cleansing and bomb Milosevic back to the bargaining table, although the chiefs understood that the military campaign would be judged against the larger political goals and would likely fall short.¹⁷¹

After 78 days of intense bombing, Slobodan Milosevic finally yielded to NATO demands. Throughout the war, the professional military ethic, the Weinberger Doctrine, and the Powell Doctrine occupied the Joint Chiefs’ attitudes toward the conduct of the war. The need to maintain a strong military against the drain of a limited war was a strong influence as was the desire to connect the military mission to the political objectives. Daadler and O’Hanlon argue that one lesson from Kosovo is that military means must relate to political objectives and the role of military leaders is to advise their leaders on how the stated political objectives can best be achieved militarily. “In the end, that is their greatest responsibility.”¹⁷²

¹⁶⁸ Halberstam, 425.

¹⁶⁹ Bradley Graham, A1.

¹⁷⁰ Blaine Harden and John Broder. “Clinton Tries to Win the War and Keep the U.S. Voters Content” *New York Times*, May 22, 1999, 1. This assessment was offered by Nick Dowling, former White House staff member working Balkan issues and (at the time of the article) senior fellow at the Institute for National Strategic Studies.

¹⁷¹ Graham, A1.

¹⁷² Daadler and O’Hanlon, 211.

Feaver cites the chiefs' questioning of the national interest in Kosovo as an episode of shirking where military leaders went beyond the bounds of their proper role. As an advisor to the civilian leadership, the military leader is responsible to the civilian for connecting the military means to the political objectives. In the Kosovo case, the professional military ethic and the reliance on the Weinberger Doctrine guided the JCS to advise that the military force the civilian leaders desired could not achieve the political objectives. The Clinton Administration had the right to adopt the strategy it saw fit to pursue its political objectives in Kosovo. The professional military ethic and the military's preference on the conduct of war do not offer the military the same flexibility. Norms, beliefs, and values are difficult to change especially for a conservative organization like the military.

Conclusion

This chapter proposed that an understanding of the norms, beliefs, and values of the military would improve the understanding of the military advisor in his role as an expert in the use of force. By examining Huntington's professional military ethic and the Weinberger Doctrine in the context of Feaver's examination of the Gulf War, Somalia, and Kosovo, this chapter sought to fill in gaps in Agency theory that material determinants alone could not address and clarify incidents that may have been classified as shirking. This author still maintains that Agency theory is a valuable theory in examining the daily interaction of the civilian principal and the military agent. By examining the military's advisory role through the professional military ethic and Weinberger Doctrine, this chapter reintroduced aspects of Huntington's theory that still have relevance to an understanding of civil-military relations.

Feaver's Agency theory seeks to explain civil-military relations in a way that Huntington's theory cannot. In doing so, Feaver misses an important aspect of the military as it conducts itself. The norms, beliefs, values, and the ideals of the military contribute to how it accomplishes its duty to the state. In the Gulf War, Powell's resistance to the offensive option in favor of sanctions and later, his desire for overwhelming force derived from a professional military ethic that advocates the military's intention to win and to win decisively. The study of Somalia showed how the

professional military ethic manifests itself without adequate civilian monitoring to control it. The different views of Generals Powell, Hoar, and Montgomery illustrate the many aspects of the military ethic and offer a possible explanation for the military's behavior. The professional military ethic and Weinberger Doctrine offer insights to an examination of the joint chiefs' position on the use of force in Kosovo. The joint chiefs' view that military force could not achieve the political goals caused tension in the civil-military relationship. The chiefs' professional military ethic influenced their attitude toward the use of force more than the civilian monitoring and possibility of punishment. The nature of the military agent with respect to its norms, beliefs, and values play an important part of the civil-military relationship.

While this chapter explored the nature of the military agent as an alternative explanation for limitations of Agency theory, the next chapter explores the nature of the American civilian principal and the role of the military advisor within that context.

CHAPTER 3

CONGRESS AND THE PRESIDENT AS SEPARATE, BUT UNEQUAL, PRINCIPALS

In Agency theory, Feaver assumes only one civilian principal. While this assumption simplifies his theory, using a unitary civilian principal to explain American civil-military relations undermines an understanding of the interface the Constitution demands in governmental power, especially in civilian control of the military and the military's advisory role. The relationship between Congress and the President to determine and execute policy creates a dynamic playing field for the strategic interaction Feaver uses in Agency theory. For example, Graham Allison's Governmental Politics Model sees the playing field "according to the power and performance of proponents and opponents of the action in question."¹⁷³ "The character of emerging issues and the pace at which the game is played converge to yield government 'decisions' and 'actions' as *collages*."¹⁷⁴ The separation of the executive and legislative branch creates what has been called an *invitation to struggle*, a phrase coined by political scientist Edward Corwin in *The President: Office and Powers*.¹⁷⁵ This invitation to struggle derives from the Constitutional powers granted to the President and Congress to prevent the accumulation of power in any one branch or person.

This chapter argues that recognizing the distinct responsibilities of the President and Congress helps explain the military's advisory role within Agency theory. The theory suggests that civil-military relations consist of the day-to-day, strategic interaction of the civilian and the military. The civilian principal sets the monitoring conditions and evaluates the agent within those conditions, while the possibility of being caught shirking and the expectation of punishment determines the military agent's behavior. This chapter examines the separation of powers of the President and Congress and the responsibilities incurred from those powers as outlined in the Constitution.

¹⁷³ Graham Allison and Philip Zelikow, *Essence of Decision: Explaining the Cuban Missile Crisis*, 2nd ed. (New York: Longman, 1999), 256.

¹⁷⁴ Ibid, 257.

¹⁷⁵ Edward S. Corwin, *The President: Office and Powers, 1787-1984*, 2nd ed. (New York: New York University Press, 1984), 201.

In the conclusion of *Armed Servants*, Feaver acknowledges that his assumptions could be revised for future extensions of Agency theory.¹⁷⁶ Feaver recognizes that a key aspect of American civil-military relations derives from the Constitution's division of responsibility between the executive and legislative branches creating at a minimum, two principals. While the President and Congress are not always in direct competition for day-to-day control of the military, during times where the two do compete there will surely be implications for civil-military relations. Feaver offers that future extensions of the Agency model might incorporate the idea of split principals, but doing so may make the model too intricate for formal analysis.¹⁷⁷ This chapter offers a narrow examination of the role of the military advisor in his interaction with the President and with Congress to expose the differences between the two branches with respect to their relationship with the military.

This chapter revisits the three case studies, the Gulf War, Somalia, and Kosovo, from the perspective of the interaction between military leaders and the President and the interaction between military leaders and Congress. The case studies show that as experts on the use of force, military leaders *advise* the President and Secretary of Defense of options and recommendations while they *inform* Congress by testifying, briefing, and providing information including the results of those recommendations.¹⁷⁸

¹⁷⁶ Feaver, 294. Feaver's formal analysis of Agency theory makes three basic assumptions: the players operate according to minimal standards of rationality, the players act as either principals or agents, and the players consist of a single civilian principal and a military agent. Feaver, 97-98.

¹⁷⁷ Ibid, 294-295.

¹⁷⁸ The Goldwater-Nichols Act made the Chairman of the Joint Chiefs the principal military advisor to the President, Secretary of Defense, and the National Security Council. With respect to congressional oversight, the Chairman answers four questions during his confirmation hearing (in the form of advance questions) pertaining to Congress's expected role of the Chairman: 1. "In order to exercise its legislative and oversight responsibilities, it is important that this Committee and other appropriate committees of the Congress are able to receive testimony, briefings and other communications of information. Do you agree, if confirmed for this high position, to appear before this Committee and other appropriate committees of Congress?" 2. "Do you agree, when asked, to give your personal views, even [if] those views differ from the Administration in power?" 3. "Do you agree, if confirmed, to appear before this Committee, or designated members of this Committee, and provide information, subject to appropriate and necessary security protection, with respect to your responsibilities as Chairman of the Joint Chiefs of Staff?" 4. "Do you agree that testimony, briefings and other communications of information are provided to the Committee and its staff and other appropriate committees?" Senate Committee on Armed Services, *Nominations Before the Senate Armed Services Committee, First Session, 105th Congress*, 105th Cong., 1st sess., 9 September 1997, 454. The questions in this example were directed to General Henry H. Shelton in advance for his confirmation.

By assuming a unitary civilian principal engaged in day-to-day interaction, Feaver's Agency theory does not account for the distinct roles the President and Congress assume as the country goes to war and the changes in the nature of the strategic interaction within those roles. This chapter shows that the road to war alters the day-to-day monitoring relationship between the military and the civilian. In deciding on the use of force, the President and his civilian advisors interact directly with, and rely heavily on, the military advisors. The President and his military advisors work closely together and monitoring is done through the interaction and the advice offered by the military. In the course of this close strategic interaction between the civilian and the military, monitoring of the military occurs through feedback from the civilian, rather than through punishment as Feaver argues. The impact on the change in the relationship is that an increase in the informal monitoring of the military advisor leads to an increase in informal feedback rather than the pursuit of formal punishment.

Conversely, Congress as part of the civilian principal typically receives reports on the results of the interaction much later, typically after a decision is made. Its monitoring is typically after the fact in deciding on the use of force. Congress monitors the consequences of the interaction between the President and the military. Because of the formal processes of the legislative branch, the Congress maintains its formal avenues for monitoring the military. Congressional avenues for punishment of the military also differ, usually consisting of longer term implications such as budget cuts. This chapter shows that the distinct roles of the President and Congress with respect to monitoring the military are important in understanding the military's role as an advisor and understanding monitoring and shirking in Agency theory.

Separation of Powers

At the Constitutional Convention in 1787, the framers of the Constitution struggled with the issue of how to provide sufficient power to the executive while guarding against the abuse of that power. The framers feared the accumulation of power and devised new institutional relationships to diffuse tyranny in any form—legislative, judicial, or executive. To decrease the opportunity for power to be used oppressively, the framers separated government institutions into branches, ensured the branches shared key

powers, added checks and balances to prevent the growth of power, and made the separate branches dependent on each other in the process of formulating policies.¹⁷⁹ While the framers guarded against the rise of tyranny in government by decentralizing powers, the diffusion of power and concomitant lack of centralization created an inefficient organization. The lack of centralization is especially noticeable in the civilian control of the military.

The Constitution does not explicitly outline civilian control of the military.¹⁸⁰ Ironically, the diffusion of power in the Constitution actually detracts from the ability to maximize civilian control. In *The Soldier and the State*, Samuel Huntington asserts: “The very aspects of the Constitution which are frequently cited as establishing civilian control are those which make it difficult to achieve. Civilian control would be maximized if the military were limited in scope and relegated to a subordinate position in a pyramid of authority culminating in a single civilian head.”¹⁸¹

As they did in other areas of the government, the framers opted to share control of the military between Congress and the President rather than invest either with total control. Scholar and historian Richard Neustadt points out in *Presidential Power and the Modern Presidents*, that the Constitution did not create a government of separate powers, it “created a government of separated institutions sharing powers.”¹⁸² Both the President and Congress serve as civilian principals in their power over the military, but their shared roles and responsibilities limits their behavior as civilian principals. While the President was designated leader of the military, the founding fathers gave much of the power over national security to Congress.

As Commander-in-Chief of the armed forces and head of state, the President uses both roles to influence foreign policy. The position of commander in chief of the armed forces has become one of the President’s most influential powers in terms of foreign policy.¹⁸³ As the commander-in-chief, he works closely with military advisors to decide

¹⁷⁹ Larry Berman, “Presidential Powers and National Security,” in *The Constitution and National Security: A Bicentennial View* (Washington, D.C.: National Defense University Press, 1990), 117-118.

¹⁸⁰ Samuel Huntington, *The Soldier and the State* (Cambridge, MA: Belknap Press, 1957), 163.

¹⁸¹ Ibid, 163.

¹⁸² Richard Neustadt, *Presidential Power and the Modern Presidents: The Politics of Leadership from Roosevelt to Reagan* (New York: The Free Press, 1990), 29.

¹⁸³ Cecil V. Crabb and Pat M. Holt, *Invitation to Struggle: Congress, the President, and Foreign Policy* (Washington: Congressional Quarterly, 1992), 12.

whether and when to use military force. In addition to his constitutional powers, the President possesses “certain informal and extraconstitutional techniques for the management of foreign affairs.”¹⁸⁴ Three specific techniques of the office are access to the information sources required for effective decision-making, the ability to influence public opinion, and the ability to dictate a course of action without approval.¹⁸⁵ Access to immediate information from a variety of departments and intelligence agencies within the executive branch as well as embassies gives the President an advantage over Congress in making quick decisions in a crisis. The President also manages foreign affairs through public opinion. The President’s actions and statements dominate the media, providing the President ample opportunity to gain public support for a response to situations. The President also has the power to commit the nation to a course of action regardless of criticism. The ability of the President to take such action stems from the Constitution vesting executive power in a single person—the head of state, the leader of the nation, and the Commander-in-Chief of the Armed Forces.¹⁸⁶ In short, the President’s executive power gives him a clear leadership role in civil-military relations.

To counter the role of the President as Commander-in-Chief, the Constitution gave many powers over national security to Congress. Congress’s roles in foreign policy include the power to declare war, to regulate commerce, to raise and support armies and the navy, to make rules for the government and regulation of the armed forces, and to give advice and consent on treaties and the appointment of ambassadors.¹⁸⁷ Of the eighteen powers given to Congress in the Constitution, seven directly affect foreign policy, but the majority of Congress’s authority lies in the power of the purse.¹⁸⁸

It is important to note that while the framers of the Constitution intended Congress to hold much of the specific powers in foreign policy, as world affairs became more complex and the U.S. became a superpower, the President gained more power as the person best suited to formulate a coherent view of priorities in national security. In a 1985 presentation to the American Bar Association, Congressman Lee Hamilton outlined

¹⁸⁴ Crabb, 19.

¹⁸⁵ Ibid, 19-23. Crabb also cites the President’s role as a legislative leader and his role as a political leader of his party.

¹⁸⁶ Ibid, 23.

¹⁸⁷ Amos A. Jordan, William J. Taylor, Michael J. Mazarr, *American National Security*, 5th ed. (Baltimore: Johns Hopkins University Press, 1999), 124.

¹⁸⁸ Crabb, 42.

several of the weaknesses of Congress in its foreign policy role. He cites the speed, flexibility, secrecy, long-term view, expertise, sustained interest, attention to complex and interrelated problems, and leadership required by diplomacy as weaknesses with respect to Congress and foreign affairs.¹⁸⁹ As a result, despite sharing of powers, the predominance of the President or Congress in foreign policy “has fluctuated according to the characteristics of each President and the situations and needs of the times.”¹⁹⁰ Generally, through American history, the President takes the lead in war and in times of tension or danger, but at other times Congress has also exercised predominance in foreign affairs.¹⁹¹ In the late 1960s, the strain of the Vietnam War weakened the consensus on foreign policy and the dominance in executive-legislative affairs swung back toward Congress until the 1980s when President Reagan and then President Bush began to assert presidential prerogatives in national security policy.¹⁹² Representative Hamilton suggests that the appropriate role of Congress should be to investigate and to provide oversight over foreign policy and to help formulate general principles.¹⁹³ Regardless of which branch appears to exert more influence in foreign policy changes, both the President and Congress still have their separate Constitutional powers and the military advisor has duties to both, but because of the need for advice in a continually changing environment, the military advisor gravitates toward the executive branch. The Gulf War, Somalia, and Kosovo case studies show the pull of the executive branch and the inherent changes in the interaction between the military advisor and the civilian principal.

¹⁸⁹ Remarks by Lee H. Hamilton in *Restoring Bipartisanship in Foreign Affairs*. Proceedings of a conference co-sponsored by the Standing Committee of Law and National Security, American Bar Association (1985), 19.

¹⁹⁰ *Executive-Legislative Consultation on Foreign Policy: Strengthening the Legislative Side*. Foreign Affairs Committee Print. (Washington: U.S. Government Printing Office, 1982), 8.

¹⁹¹ While sources vary on specific times of supremacy, generally Presidential supremacy ran from the Spanish American War until the Senate opposed and prevented ratification of the Versailles Treaty. Congressional power reigned between the wars until the attack on Pearl Harbor. Through World War II and the postwar era, Presidential power increased to reflect the strong national consensus on national security policy during the Cold War. Because of the lack of information, perception of danger, complexity of issues, and need for solidarity, Congress deferred to the executive branch on virtually every national security issue. Congress advanced resolutions authorizing the President to act unilaterally in Formosa, Cuba, and the Gulf of Tonkin. “Executive-Legislative Consultation on Foreign Policy: Strengthening the Legislative Side,” 8. Amos A. Jordan, William J. Taylor, Michael J. Mazarr, *American National Security*, 5th ed. (Baltimore: Johns Hopkins University Press, 1999), 124-125.

¹⁹² Jordan, Taylor, and Mazarr, 125.

¹⁹³ Remarks by Lee H. Hamilton in *Restoring Bipartisanship in Foreign Affairs*. Proceedings of a conference co-sponsored by the Standing Committee of Law and National Security, American Bar Association (1985), 21.

The Gulf War

Iraq's invasion of Kuwait in August 1990 threw the President and his advisors into a crisis situation where the day-to-day strategic interaction changed to focus on the crisis. The change with respect to the civilian principal monitoring of the military agent can be seen clearly in Secretary Cheney's interaction with General Powell and the interaction of the military with Congress. Feaver suggests that Cheney's rebuke of Powell might be considered evidence of shirking on the part of Powell, but viewing the exchange from a perspective of the interactive nature of the advisory role and the changed nature of monitoring during a crisis weakens the suggestion of shirking.

The interaction between Cheney and Powell reflected the strong personality of General Powell and his familiarity with the political workings of Washington. On August 2 as Cheney and Powell discussed the military response to the invasion, Powell insisted that policy and diplomatic overtures should come first. Cheney tried to get Powell to focus on the military question and develop options for the President to consider for using force against Iraq while Powell insisted on the civilians first developing their political goals. Cheney's irritation boiled over and he exercised his prerogative as Powell's superior and barked "I want some options, General."¹⁹⁴ Later, in another discussion on the response to the invasion, Cheney turned to Powell for military options. Powell reviewed Schwarzkopf's plan for the defense of Saudi Arabia and described the units that could rapidly respond to the Gulf. Powell then asked if it was worth going to war to liberate Kuwait. Powell recalls: "The question was premature, and it should not have come from me. I had overstepped. I was not the National Security Advisor now; I was only supposed to give *military advice*."¹⁹⁵ Cheney later rebuked Powell: "you're the Chairman of the Joint Chiefs. You're not Secretary of State. You're not the National Security Advisor anymore. And you're not Secretary of Defense. So stick to military matters."¹⁹⁶ Even when Powell stuck to military matters, at times Cheney still expressed his displeasure with Powell.

¹⁹⁴ Gordon and Trainor, 34.

¹⁹⁵ Powell, 464.

¹⁹⁶ Ibid, 466.

Cheney's dissatisfaction with Powell's advice and the use of back channels and other staffs to explore options is an example of the civilian principal changing the level of monitoring, not an indication of the military shirking. According to Feaver, "Civilians have the option of redrawing the boundary, crossing over into the military zone to make or implement a decision on a particular issue or set of issues."¹⁹⁷ In September, the preferred CENTCOM ground plan was an "up-the-middle attack" with one corps.¹⁹⁸ Cheney knew the President favored the offensive option and wanted to present him with a viable military option and viewed the "up the middle" plan as "awful."¹⁹⁹ After hearing the thoughts of Henry Rowen, an assistant defense secretary for international security affairs, Cheney formed an independent group consisting of Paul Wolfowitz and a number of retired and active-duty military officers to look at a ground option that "was better than going high diddle diddle, right up the middle."²⁰⁰ The group developed a plan known as the "Western Excursion." The plan involved using the 82nd Airborne Division to parachute in and link up with helicopter brigades of the 101st Airborne Division and tank companies of the 3rd Armored Cavalry Regiment to seize missile sites and then turn east to threaten Baghdad.²⁰¹ The sudden arrival of coalition forces in the far Western desert, Cheney's planning group thought, would shock the Iraqi high command into believing Baghdad was threatened, leading a "regime collapse."²⁰² From a political standpoint, the Western excursion would also protect Israel from Scud attacks and keep them out of the war; from an economic standpoint it would cut the road from Amman to Baghdad, which Iraq was using to get its supplies. But from a logistical standpoint, in terms of the ability to conduct operations that far west, Schwarzkopf saw the plan as "bad as it could possibly be."²⁰³ In short, the logistical challenges of operating that far west were too much despite the small number of forces called for in the plan. Meanwhile, Powell developed a

¹⁹⁷ Feaver, 85.

¹⁹⁸ Gordon and Trainor, 126-127. CENTCOM developed three plans. The other two plans involved variations of a left hook but were ruled out because they were too demanding logistically and stretched out the supply lines.

¹⁹⁹ Ibid, 139.

²⁰⁰ Ibid, 144.

²⁰¹ General Norman Schwarzkopf with Peter Petre, *It Doesn't Take a Hero* (New York: Bantam Books, 1992), 368.

²⁰² Gordon and Trainor, 145.

²⁰³ General Norman Schwarzkopf with Peter Petre, *It Doesn't Take a Hero* (New York: Bantam Books, 1992), 368.

plan to use overwhelming force with a large flanking movement further east than the Western Excursion envisioned and presented the ideas to Schwarzkopf. The CENTCOM planners modified their original left hook plans to accommodate the flanking movement proposed by Powell's staff. The eventual two-corps plan massed two Army corps and the British forces as the main attack to outflank the Republican Guard while the Marines and Arab members provided the supporting attack by going west of Kuwait City to hold the Iraqi forces in position.²⁰⁴

As an example of intrusive monitoring on the part of the principal to influence the behavior of the agent, Cheney's pursuit of another source of information achieved the intended effect: "Even if the Western Excursion was not the perfect plan, it had already accomplished one of Cheney's goals: it had lit a fire under the military. They would not be coming back with any more 'high diddle diddle plans.'"²⁰⁵ What Feaver offers as borderline shirking on the part of Powell is better described as Cheney adjusting the monitoring conditions. Examining Cheney's dissatisfaction with the ground plan and Powell's advice from this perspective strengthens the case for Agency theory as a viable explanation for civil-military relations. It demonstrates how changes to the monitoring of the military results in behavior changes within the military. By increasing the level of intrusive monitoring, Cheney increased his own power as the civilian principal over Powell. The effect for Cheney supported his desire to get the military to do what he wanted—develop a better ground plan. The interaction between the military as an advisor with the civilians of the executive branch is difficult to label as working or shirking because of the dynamic nature of the strategic interaction. On the other hand, the military advisor's interaction with Congress during the Gulf War was easier to assess.

In contrast to the executive branch, the legislative branch reacted slower to Iraq's invasion of Kuwait. On August 2 news of the invasion reached the White House and they began formulating responses to the crisis. Secretary Cheney and General Powell appeared that same day before Congress, not to address the invasion but, ironically, to speak about the future structure of the military. Two weeks passed before Congress asked Cheney and Powell to brief the committee on the Persian Gulf Crisis. On August

²⁰⁴ Gordon and Trainor, 145-148.

²⁰⁵ Ibid, 152.

17, Cheney and Powell received an invitation by the Senate Armed Services Committee to testify before the committee on the Persian Gulf crisis as it related to the “budget summit and the defense authorization and appropriation bills.”²⁰⁶ The committee felt it was “imperative that Congress understand as completely as possible the policy goals of the action, the scope of our military commitments, the scale of our current and planned deployments, and the budget implications of these activities for the fiscal year 1991 budget request and the out-years.”²⁰⁷ The hearing finally occurred three weeks later on September 11.

At the hearing, Cheney explained the background and circumstances that led to the U.S. presence in the region while Powell explained the details of the logistics and personnel issues. Cheney discussed the implications to U.S. strategy and the budget issues and the commitments that had already been made to Saudi Arabia and reiterated the President’s objectives. Powell reviewed the details of the troop deployment to the region, the forces already in the region, the call up of reservists, and personnel issues such as morale, mail, and rotation policies.

The committee’s questions covered a myriad of topics. In light of the Goldwater-Nichols Act, Senator John Warner asked if “there was full consultation among all members of the JCS” and if there was “a unanimous decision by the JCS to go forward with this operation as outlined by the President and the Secretary.”²⁰⁸ Other questions included the use of heavy forces from other nations, rotation policy, the legitimacy of the Kuwaiti government and budget implications, the effect on airlift and sealift assets, and imminent danger pay.²⁰⁹ In the committee’s role as oversight of both the executive branch and the military, it requested the information and progress from the Chairman and the Secretary of Defense. The Secretary and the Chairman presented a united front demonstrating how the military agent walks hand-in-hand with the President and his advisors on the road to war. While the executive branch and the military were embroiled in debates over the details of the force buildup, military options, and basing options, Congress assumed a more objective role by maintaining the formal nature of its oversight

²⁰⁶ Senate Committee on Armed Services, *Crisis in the Persian Gulf Region: U.S. Policy Options and Implications*, 101st Cong., 2nd sess., 11 September 1990, 5.

²⁰⁷ *Ibid*, 5.

²⁰⁸ *Ibid*, 36. Powell responded there had been full consultation and there was no dissent.

²⁰⁹ *Ibid*, 36-93.

function and its power of the purse. As the decision to send more troops to the Gulf to give the President a viable military option progressed, Congress again exercised its oversight of the executive branch and the military.

When President Bush reached the decision in early November to send more troops to the region and explained his rationale for deploying an offensive capability, Congress reacted harshly. Senator Nunn was “unhappy that he was being informed rather than consulted.”²¹⁰ In a breakfast meeting with Cheney and Powell, Nunn announced he was going to open public hearings to debate the offensive option.²¹¹ The first to testify were former Chairmen of the Joint Chiefs, General David Jones and Admiral William Crowe on November 28. General Jones addressed the concern that the U.S. was expanding beyond the objectives the coalition would be willing to accept and threatening the ability to achieve a non-military solution: “My main concern...is not that we might choose to fight, but rather the deployment might cause us to fight perhaps prematurely and perhaps unnecessarily.”²¹² Admiral Crowe favored a non-military solution in the form of sanctions to remove Saddam’s troops from Kuwait: “I would argue that we should give sanctions a fair chance before we discard them....If, in fact, the sanctions will work in 12 to 18 months instead of 6 months, a tradeoff of avoiding war, with its attendant sacrifices and uncertainties, would in my estimation be more than worth it.”²¹³ Jones and Crowe basically thwarted Bush’s support for further buildup by strongly supporting sanctions. Cheney and Powell appeared before the committee the second week of the hearing to defend the military buildup again representing a united front.

Cheney and Powell defended the President’s position for the buildup in a hearing on December 3. Cheney reviewed the history of the Gulf operation and emphasized the consequences of failure: “If Saddam wins, if he keeps Kuwait, if the coalition falls apart, if economic sanctions fail, if we do not use military force, if that is the only way to achieve our objective to force him out, then we have a hell of a problem.”²¹⁴ Cheney’s personal view was that it was better to deal with Saddam “now, while the coalition is

²¹⁰ Woodward, 323.

²¹¹ Ibid, 325.

²¹² Senate Committee on Armed Services, *Crisis in the Persian Gulf Region: U.S. Policy Options and Implications*, 101st Cong., 2nd sess., 28 November 1990, 184.

²¹³ Ibid, 195.

²¹⁴ Ibid, 649.

intact, while we have the United Nations behind us, while we have some 26 other nations assembled with military forces in the Gulf, than it will be to deal with him 5-10 years from now.”²¹⁵ He then turned to Powell for his presentation.

Powell reviewed the buildup of the coalition and outlined the use of overwhelming force. He recalled thinking that it would be a hard sell since Nunn opposed going to war over Kuwait without giving sanctions time to work.²¹⁶ “Powell used the occasion to outline his philosophy of overwhelming force and to underscore the potential costs of going to war. The allied offensive ultimately had to be guaranteed by ground power.”²¹⁷ After outlining the objectives set forth by President Bush, Powell declared that “although described as defensive, the force we have assembled in the Gulf clearly has an offensive capability.”²¹⁸ Powell debunked the airpower only strategy, surgical strikes, or “other, nice, tidy, alleged low-cost incremental, may-work options” because the “fundamental fatal flaw in all such strategies is that it leaves the initiative in Saddam Hussein’s hands.”²¹⁹ He argued that sanctions also gave Saddam the initiative because, even though they were having an impact, “No one...knows if and when they will work. We will know they have worked only when Saddam Hussein tells us they have worked by withdrawing. Once again, the initiative is entirely in his hands.”²²⁰ Despite his original advocacy of sanctions, in reporting to Congress Powell stood squarely beside the Secretary of Defense and the President on the offensive option.

The Gulf War demonstrates how war and crisis situations change the strategic interaction between the civilian principal and military agent. As the commander-in-chief of the armed forces and leader of the nation, the President wields a significant amount of power to influence foreign affairs. To assist him, he surrounds himself with a nucleus of advisors that allows him to get more information and make critical decisions faster. As a military advisor, Powell gravitated to the President and Secretary of Defense and offered frank and comprehensive advice. Cheney, as a civilian principal, changed the level of

²¹⁵ Senate Committee on Armed Services, *Crisis in the Persian Gulf Region: U.S. Policy Options and Implications*, 101st Cong., 2nd sess., 3 December 1990, 650.

²¹⁶ Powell, 493.

²¹⁷ Gordon and Trainor, 179.

²¹⁸ Senate Committee on Armed Services, *Crisis in the Persian Gulf Region: U.S. Policy Options and Implications*, 101st Cong., 2nd sess., 3 December 1990, 661.

²¹⁹ Ibid, 662.

²²⁰ Ibid, 664.

monitoring to keep Powell “in his lane.” Despite Powell’s candor and occasional disagreements with Cheney, the two presented a unified position in the civil-military relationship before Congress. In the use of force, Congress tends to assume a reactionary role which validates the view that the President exercises more ability in foreign policy issues in war or crises. Viewing the civilian principals as separate helps distinguish the change in the military advisor’s relationship between the President and Congress.

Agency theory’s use of a unitary civilian principal prevents seeing the change in the relationship between the military advisor and the President. Feaver categorizes private oral rebukes as a mild form of punishment.²²¹ In the heated discussions that accompany crisis situations and debates on the use of military force, the principal-agent relationship is in constant flux as both the principal and agent discover the nature of the crisis. Oral rebukes, as in the case of Cheney to Powell, serve to quickly inform the agent of changes in the level of intrusive monitoring. Agency theory tends to evaluate feedback, in the form of rebukes, as punishment rather than a change in the monitoring. Separating the principals into the President and Congress highlights the differences with the military advisor. In a crisis the President and the military quickly adjust the monitoring while the relationship between the military advisor and Congress maintains its formal level of monitoring. One can then appreciate the separate roles and responsibilities of the President and Congress and their unequal relationship with the military and the impact on civil-military relations.

Somalia

If the Gulf War offers an example of the effect of a change in monitoring, Somalia offers insight into the danger in a lack of monitoring of the military. Feaver goes so far as to say that in this situation the White House was simply not paying attention.²²² The events leading up to the failed raid on October 3, 1993 show that the military’s position was closely tied to the executive branch and highlights the reactive stance Congress takes in exercising oversight.

²²¹ Feaver, 93.

²²² Ibid, 245.

Separating the principals into the President and Congress again shows their separate but unequal status. Whereas the Gulf War showed the unequal status in terms of the responsiveness of the executive branch over the legislative branch, Somalia shows that the unequal status confers a higher level of responsibility on the executive branch for monitoring the military when forces have been committed. Agency theory focuses on the challenges in civil-military relations. By separating the principal into President and Congress, Agency theory can provide better insight into the nature of the relationship between the civilian branches of government and the military. It identifies the greater role and responsibility of the President in monitoring the military in war and shows the reactive role Congress is likely to have.

In this case, Somalia also demonstrates the challenges to monitoring when the civilian does not have direct control over some of the oversight. In Somalia, the United Nations enacted policy that was in the interest of the Clinton administration, but not under the control of the administration. According to journalist Sidney Blumenthal, who later became a Clinton advisor, “Clinton inherited not only Bush’s commitment and Powell’s doctrine but also the ambitions of U.N. Secretary-General Boutros-Ghali.”²²³ President Bush had taken care to remind Boutros-Ghali of the modest objective of the American mission in Somalia. While the Bush Administration resisted a heightened commitment, the incoming Clinton Administration did not.²²⁴ Indeed, the Clinton administration encouraged U.N. Security Council Resolution (UNSCR) 814 which effectively called for nation building and pacification in Somalia.²²⁵ UNSCR 814 dictated the restoration of law and order throughout Somalia to allow humanitarian relief operations, reconciliation and political settlement, and the rehabilitation of Somalia’s political institutions and economy.²²⁶ Unwittingly, the Administration promoted a resolution that implied an open ended commitment.²²⁷ The resolution challenged Aideed and began the demise of the political approach in Somalia. According to Blumenthal, “through it all, the Administration failed to develop a political strategy...The mission,

²²³ Blumenthal, 58.

²²⁴ Jonathon Stevenson, *Losing Mogadishu: Testing U.S. Policy in Somalia* (Annapolis: Naval Institute Press, 1995), 104.

²²⁵ Stevenson, 104.

²²⁶ John L. Hirsch and Robert C. Oakley, *Somalia and Operation Restore Hope: Reflections on Peacemaking and Peacekeeping* (Washington: United States Institute of Peace Press, 1995), 200.

²²⁷ Elizabeth Drew, *On the Edge: The Clinton Presidency* (New York: Simon & Schuster, 1994), 319.

which had begun as humanitarian, was now being defined by force: the means had begun to dictate the ends.”²²⁸

Aideed’s attack that killed 24 Pakistanis on June 5 again changed the dynamic within Somalia with little attention from President Clinton. The Security Council reacted quickly by passing U.N. Security Council Resolution 837 which condemned the premeditated attacks against U.N. forces and authorized the U.N. to take “all necessary measures against all those responsible” to secure their arrest, detention, trial and punishment.²²⁹ While the resolution did not name Aideed as the person responsible, he became the primary target. In accordance with the Security Resolution, Admiral Jonathon Howe, U.N. special envoy, issued an arrest warrant for Aideed and offered a \$25,000 reward for information related to his capture.²³⁰ Both Aideed and the UNOSOM stepped up attacks.

The summer saw a series of attacks and retaliation in Somalia and Congress began to take notice. In late June, U.S. gunships and attack helicopters attacked Aideed’s headquarters. President Clinton called the attack a military success and emphasized the purpose of the operation was to undermine the ability of Aideed to wreak military havoc in Somalia.²³¹ The attacks on Aideed produced objections in Congress to a deeper commitment in Somalia which effectively prevented sending additional conventional troops to capture Aideed.²³²

In early August, when a remote-controlled landmine killed four U.S. soldiers, Powell told Aspin and the President, “we have to do something or we are going to be nibbled to death.”²³³ In late August, Powell agreed with a recommendation from his staff to send Delta Force, but in approving the request one author cites the lack of a “meeting of administration policymakers on the subject of sending Delta force, or even serious discussion.”²³⁴ Powell called Aspin on a nonsecure, cellular phone and using code said

²²⁸ Blumenthal, 59.

²²⁹ Hirsch and Oakley, 118, 208-209.

²³⁰ Donatella Lorch, “U.N. Attack in Mogadishu Follows Hours of Bombing by U.S.,” *New York Times*, 18 June 1993, A14.

²³¹ Michael Gordon, “Clinton, Praising ‘Success’ Says Goal Was Not to Capture Aideed,” *New York Times*, 18 June 1993, A14.

²³² Patrick Sloyan, “How the Warlord Outwitted Clinton’s Spooks,” *Washington Post*, 3 April 1994, C-3.

²³³ Ibid.

²³⁴ Drew, 321.

“You know that request that we have been talking about? I think it’s time to approve it.”²³⁵ Powell also called National Security Advisor Anthony Lake. Lake could not reach Clinton at Martha’s Vineyard so he had a staff member tell the President of the decision. An administration official later confided, “The President didn’t weigh in.”²³⁶ The reactive nature of Powell’s decision to send Delta force and the seemingly casual manner with which the civilian leadership approached the decision shows the lack of attention to a strategy in Somalia that would haunt the Administration in the coming months. Ultimately, the Rangers and Delta Force arrived in Somalia and immediately began the search for Aideed with unsatisfactory results.

The publicity of botched raids and an increase in the number of American casualties brought more Congressional attention to the Somalia issue, putting additional pressure on the Administration. The possibility of having to send troops to Bosnia while still engaged in Somalia already concerned the Administration with respect to how Congress would react. In a speech on August 27, Secretary of Defense Aspin explained the strategy in Somalia and laid out the objectives that must be achieved. The objectives themselves raised the fears of some in Congress of the possibility of an “open-ended American military commitment.”²³⁷ By September 9, the Senate had adopted an amendment to the Defense Authorization Bill that the President should seek and obtain Congressional approval for U.S. forces to remain in Somalia after November 15 and that the President report the goals, objectives, and anticipated jurisdiction of the U.S. mission by October 15.²³⁸ On September 27, in a speech to the United Nations, President Clinton outlined a “two-track” policy initiative aimed at moving away from the hunt for Aideed and instead isolating him and creating a political settlement.²³⁹ Six days later, the failed October 3 raid to capture Aideed pressed Congress to get more specifics on the situation in Somalia.

²³⁵ Drew, 321.

²³⁶ Ibid, 322.

²³⁷ Eric Schmitt, “U.S. Forces to Stay in Somalia to End Warlord Violence,” *New York Times*, 28 August 1993, 1.

²³⁸ Richard Grimmett, “War Powers Resolution: Presidential Compliance” Congressional Research Service Brief for Congress (Washington: The Library of Congress, 15 November 2004), 10.

²³⁹ Elaine Sciolino, “Pentagon Alters Goals in Somalia, Signaling Failure” *New York Times*, 28 September 1993, 1. Patrick Sloyan, “How the Warlord Outwitted Clinton’s Spooks,” *Washington Post* 3 April 1994, C-3.

After the failed raid, Congress exercised its oversight of both the executive branch and the military, expressing its frustration with both. On October 4, Lieutenant General John Sheehan, Director of Operations on the Joint Staff, appeared before Congress to brief the events in Somalia over the past weekend and the future deployment of forces. Before General Sheehan began, Senator Sam Nunn's opening statement expressed the committee's displeasure over the military's responsiveness to Congressional requests:

The Chairman and Vice Chairman, agreed during the confirmation process to provide testimony, briefings, and other information to this committee. I want you to carry a message back to the Pentagon about the present system in which briefings are never offered. The committee has to initiate a request for a briefing, then wait many, many hours to find out whether or not there will be a briefing. And when briefings are finally agreed to, we end up with very short notice to members. We need to get away from this ad hoc approach and regularize a process whereby the committee is notified that there are matters of interest...I do not believe the oversight committee should first learn about these matters from reading the newspaper, listening to the radio, or watching the TV and then having to request a briefing that may not be given.²⁴⁰

Senator Nunn's comments emphasize the unequal role Congress has in monitoring not only the military, but also the executive branch and the unequal status between the two branches.

Using Feaver's Agency theory to evaluate the Somalia case study shows not only why monitoring is important in the civil-military relationship, but also how the President and Congress differ in their monitoring. The Constitution provides the separation of powers to prevent one branch from becoming more powerful than another, but the President's role in foreign affairs offers a better position to monitor the military. In the use of force in Somalia, the President showed a lack of focus on the events occurring in Somalia. If the civilian does not clearly identify the objective it wants in authorizing the use of force, it is difficult to evaluate the military's actions. The definitive policy in Somalia came from the U.N. resolutions which UNOSOM interpreted and U.S. forces assisted in achieving. From the oversight perspective, the President had the access to monitor the military's activities directly, but did not take advantage of the opportunity.

²⁴⁰ Senate Committee on Armed Services, *Current Military Operations*, 103rd Cong., 1st sess., 4 October 1993, 39.

As a Clinton confidante acknowledged, “Somalia was the one thing where we were really responsible for what went wrong.”²⁴¹ Applying Agency theory to the Somalia case shows why monitoring is important in civil-military relations. Separating the civilian principal into the President and Congress illuminates the challenges to each in monitoring the military and the greater responsibility afforded the President because of his unequal status. The war in Kosovo, on the other hand, shows the power Congress can wield in monitoring the military and the President.

Kosovo

Like the Gulf War, Kosovo demonstrates how the military advisor gravitates to the President and Secretary of Defense in the road to war due to the nature of the advisor’s role. But unlike the lack of monitoring in Somalia, Kosovo demonstrates the power of separate principals in monitoring the military and how political dynamics affect military advice when Congress applies itself to influence the President and foreign policy.

The Kosovo case suggests that the two branches were closer to equal status than the Gulf War example illustrates. In the Gulf War the President clearly dominated foreign relations and Congress assumed a more reactionary role. In the case of Kosovo, the weakened state of the President from his impeachment trial and the Republican-controlled Congress leveled the political playing field to accentuate the nature of the interaction between the President and Congress. The military still gravitated toward the executive branch before and during the war despite the increased influence of Congress. This analysis demonstrates that even with an increase in Congressional monitoring and influence, the military advisor is still drawn to the President because of the Administration’s need for military expertise on the use of force. The Kosovo case also shows the interaction between the President and Congress and the effect Congressional monitoring can have on the Administration’s policy and actions which can directly affect the military. Before exploring the role and influence of Congress in the case of Kosovo,

²⁴¹ Patrick Sloyan, “How the Warlord Outwitted Clinton’s Spooks,” *Washington Post*, 3 April 1994, C-3.

it is important to review the military planning that led to the air war and how those circumstances drew the military closer to the President.

The failure of the Rambouillet peace talks left the United States and NATO with little choice but to follow through on their threats of force and commence military operations against Serbia.²⁴² The details of the military planning from a U.S. and NATO perspective, while interesting, are beyond the scope of this paper, but addressing the interaction in the planning and execution serves to illuminate how and why the military moved closer to the President during Kosovo.

Three factors contributed to the dynamics of the military drawing closer to the executive branch during Kosovo: the role and actions of General Wesley Clark, Supreme Allied Commander Europe and Commander-in-Chief of European Command; the concern over the airpower-only strategy; and the solid relationship between Secretary of Defense William Cohen and Chairman of the Joint Chiefs, General Henry Shelton. General Clark and his staff developed the plan for the limited air war over Kosovo, but when the conduct of the war exceeded the original plan, the Administration micromanaged the war and relied more on General Shelton as the military advisor closest to the White House.

General Clark's role at NATO as the Supreme Allied Commander Europe (SACEUR) and as the Commander-in-Chief, U.S. European Command (CINCEUR) placed him in a precarious position with both a NATO chain of command and an American chain of command. From his NATO position, by July of 1998, Clark had developed a limited air option that he felt was palatable to the NATO allies and would achieve the goal of inducing Yugoslav President Slobodan Milosevic to accept NATO terms.²⁴³ Throughout the rest of the year, Clark bounced between Europe and the U.S. presenting his plan for military options in Kosovo, often contradicting or undermining the Pentagon position to the chagrin of General Shelton. Clark relates one instance where General Shelton was angry that a version of the plan had been presented to the White

²⁴² Ivo H. Daadler and Michael E. O'Hanlon, *Winning Ugly: NATO's War to Save Kosovo* (Washington: Brookings Institution Press, 2000), 65.

²⁴³ Wesley K. Clark, *Waging Modern War: Bosnia, Kosovo, and the Future of Conflict* (New York: Public Affairs, 2002), 124-125.

House before the Pentagon had the opportunity to review it.²⁴⁴ Such occurrences added tension to the relationship between Clark, Shelton, and Cohen. In January 1999, Clark informed other NATO leaders that Milosevic was violating his promises to NATO and proposed three options for NATO if the Serbs used force: do nothing, launch an air campaign, or launch an air campaign followed by a NATO ground intervention.²⁴⁵ In the Pentagon, the joint chiefs had met privately to express reservations over the air campaign and thought that bombing alone would not likely achieve the political objectives.²⁴⁶ In March, the failure of the Rambouillet talks left the U.S. and NATO with little choice but to follow through on the threat of force and commence military operations against Serbia.²⁴⁷ The Administration decided to accept the strategy of an air campaign to drive Milosevic back to the bargaining table.

The Administration chose the air-only option not because it was a good strategy, but because it was the “least bad” strategy. A few days into the air war President Clinton said that the chosen strategy was the best “among a bunch of bad options.”²⁴⁸ The Administration and NATO rejected the other two options that Clark laid out in January—do nothing and the use of ground forces—and relied on the expectation that only a few days of bombing would suffice to bring Milosevic to accept NATO’s terms.²⁴⁹ The air campaign began on March 24, 1999 to quickly convince Milosevic to capitulate, but what was envisioned as coercive diplomacy escalated into war.²⁵⁰ The failure of the air strategy to achieve its objectives in a short time led to a micromanagement of the air campaign which drew General Shelton closer to the Administration. During the first 45 days, General Shelton went to the White House every day, seven days a week, with targets for the President’s approval until air planners could come up with a longer term plan.²⁵¹ General Shelton’s influence with the Administration continued throughout the war.

²⁴⁴ Clark, 126-127.

²⁴⁵ Ibid, 157.

²⁴⁶ Bradley Graham, “Joint Chiefs Doubted Air Strategy,” *Washington Post*, 5 April 1999, 1.

²⁴⁷ Daadler and O’Hanlon, 65-68.

²⁴⁸ Ibid, 99. Quote taken from a Statement by the President on April 5, 1999.

²⁴⁹ Ibid, 99-100.

²⁵⁰ Ibid, 101.

²⁵¹ Dana Priest, “Target Selection Was Long Process; Sites Were Analyzed Again and Again,” *Washington Post*, 20 September 1999, A11; “Soldiering in a War of Constraints,” *Washington Post*, 30 May 1999, A1.

General Shelton's relationship with Secretary Cohen and President Clinton solidified as the war proceeded. General Shelton's role as Chairman and the principal military advisor to the President, as well as his proximity to the White House, gave General Shelton access to the President that Clark did not have. General Shelton said that he was in "lock step" with Secretary Cohen and that if he and the Secretary did not see eye to eye, he would have said so.²⁵² Secretary Cohen and General Shelton also had misgivings about the advice they received from Clark. One example was a briefing from General Clark on the use of Joint Logistics Over-the-Shore (JLOTS) to put ground troops into Kosovo. The Secretary and Chairman had already received a briefing that JLOTS was not possible. Clark's briefing of a plan that was not feasible only reduced his overall credibility.²⁵³ The best example of General Shelton's influence occurred four days before the end of the war in a situation he called his "highest adventure" when the Chairman met with the President at the White House. The President closed the door and said, "OK Hugh, if you were king for a day what would you do to assure victory?" General Shelton replied that they should stay the course and keep the French in line because Milosevic will crumble—"they're in big trouble."²⁵⁴ The incident epitomizes the nature of the relationship between the military advisor and the President because of the role and access to the civilian principal. The result from such informal meetings is a more candid, "what do you think?" atmosphere in times of crisis.

This chronology of the military planning and interaction highlights the other factors that bring the military advisor closer to the President in war. The role of the Chairman as principal military advisor to the President induces a natural tendency for the military advisor to be drawn to the executive branch. Despite that tendency, the circumstances surrounding the war in Kosovo presented an opportunity for Congress to exert influence over the military.

Three separate issues contributed to the increased Congressional monitoring and influence in the Kosovo situation: the long-running debate over the Balkans and Milosevic, Clinton's impeachment trial, and a Republican-led Congress with a

²⁵² General Henry Shelton, former Chairman of the Joint Chiefs of Staff, interviewed by the author, 27 May 2005.

²⁵³ Ibid.

²⁵⁴ Ibid.

Democratic president. Milosevic had already gained the attention of the U.S. in 1992 for atrocities against ethnic Albanians and others.²⁵⁵ Under the Clinton Administration, in 1998, Milosevic again became a concern of the U.S. and the failure of Rambouillet pushed the U.S. toward war. One of the Administration's worries was that the use of force would likely result in a long-term military commitment which would be difficult to sell to a Congress already unhappy with the extended deployment of American troops in support of Bosnia.²⁵⁶ In addition to foreign policy concerns, Clinton also had pressing domestic issues.

Clinton's impeachment trial weakened the Administration and increased party divisions in Congress. The concurrent peace talks at Rambouillet and the impeachment proceedings laid a host of foreign and domestic policy pressures on the Administration.²⁵⁷ Clinton's impeachment caused many in Congress to harbor distrust of the President.²⁵⁸ According to political science professor Ryan Hendrickson, "institutionally, the presidency was in a weakened state, which presumably provided the conditions for a more assertive Congress."²⁵⁹ The nature of the divided government and rumblings within the legislative branch suggested to the President that he needed to pursue a healthy dialogue with Congress.

Once the war began, the dialogue centered on the progress of the war and the possibility of the use of ground troops. While the political dialogue continued, the President's military advisors, General Shelton, General Joseph Ralston, Vice Chairman of the Joint Chiefs, and General Clark all reported the progress of military planning and operations to Congress. The military advisors again gravitated toward the executive branch in presenting a united view of the Administration's policy and strategy.

On February 25, General Ralston accompanied Walter Slocumbe, Under Secretary of Defense for Policy, and Thomas Pickering, Under Secretary of State for Political Affairs, in testifying before the Senate Armed Services Committee on the U.S. policy toward Kosovo. The committee sought information of the proposed U.S. military

²⁵⁵ Ryan C. Hendrickson, *The Clinton Wars: The Constitution, Congress, and War Powers* (Nashville, TN: Vanderbilt University Press, 2002), 118.

²⁵⁶ Ivo H. Daadler and Michael E. O'Hanlon, *Winning Ugly: NATO's War to Save Kosovo* (Washington: Brookings Institution Press, 2000), 65.

²⁵⁷ Halberstam, 421.

²⁵⁸ Hendrickson, 117.

²⁵⁹ *Ibid*, 117.

deployment to Kosovo with respect to subjects such as the specific military mission, the limits to the action of the military forces, the length of the mission, and the exit strategy.²⁶⁰ Slocombe's testimony related to U.S. interests and the general pattern of military involvement, Pickering described the diplomatic situation, and Ralston briefed the NATO operations already underway or under consideration.²⁶¹ Supporting the Administration's position and presenting a united front before the committee, Ralston testified that "the ramifications of us not providing a force would be a significant problem for the national security of the United States."²⁶² Tiptoeing around Senator Warner's question as to whether that view was shared by the joint chiefs and relayed to the President, Ralston replied that the chiefs had been involved and "subject to the conditions...the Chiefs would support this operation."²⁶³ The conditions referred to potential air operations against Serbia and a peace implementation force authorized by the President consisting of 4,000 U.S. troops accompanied by 24,000 NATO troops. As a military advisor to the President, General Ralston had gravitated toward the President as civilian principal and reported to Congress on the military efforts supporting the Administration's policy. The testimony added to the debate within Congress.

Political wrangling continued and the debate over use of force and deployment of troops reached the House floor on March 11. Speaker of the House Dennis Hastert recognized the importance of the resolution despite suggestions from the Administration that it was premature in light of the ongoing diplomatic negotiations: "Some have argued that we should not have this debate today, that we should just leave it to the President. Some have even suggested that taking part and talking about this could damage the peace process. I disagree... Republicans and Democrats, have the opportunity to fairly and openly debate the important issue before troops are sent into a potentially dangerous situation. I believe Congress must have a meaningful role in this decision, no matter how

²⁶⁰ Senate Committee on Armed Services, *U.S. Policy and NATO Military Operations in Kosovo*, 106th Cong., 1st sess., 25 February 1999, 3. This comment is from Senator John Warner's the opening statement.

²⁶¹ Senate Committee on Armed Services, *U.S. Policy and NATO Military Operations in Kosovo*, 106th Cong., 1st sess., 25 February 1999, 11.

²⁶² *Ibid.*, 69

²⁶³ *Ibid.*

difficult our choice nor how hard our task.”²⁶⁴ Congressman Richard Gephardt urged his colleagues to defeat the rule that allowed the debate on the resolution to proceed citing that “to conduct a divisive debate in Congress and perhaps fail to support our government efforts is the height of irresponsibility and threatens the hope for an agreement to halt the bloodshed and prevent the widening war.”²⁶⁵

During the debate, Congresswoman Tilly Fowler proposed a controversial resolution requiring congressional authorization before the deployment of ground troops. The resolution was voted down, giving the President fewer limitations with respect to the use of force. While the divided nature of the debate threatened to constrain the President, in the end, the House granted a high degree of discretion to the President and avoided the question of whether the President had the authority to use force. Congress attempted to increase its influence in the foreign policy process, but in the end gave the President more leeway in enacting foreign policy. Congress continued in its oversight role by receiving updates on the situation in Kosovo.

Also on March 11, General Clark presented a statement to the House Armed Services Committee on the progress to date in Kosovo and his European Command in general. His statement covered the air and ground compliance missions and the status of refugees in Kosovo. The statement updated Congress on the developments in Kosovo and supported the Administration’s desire to keep a dialogue with Congress. While the military presented its updates on the possibility and implications on the use of force, the President made the effort to dialogue with Congress.

On March 19, President Clinton began meeting with small groups of Congressional members to make his case for the use of force. According to Hendrickson, Clinton’s efforts to dialogue with Congress proved successful and the President gained the Senate’s support on March 23 through a resolution stating “That the President of the United States is authorized to conduct military air operations and missile strikes in

²⁶⁴ House. *Peacekeeping Operations in Kosovo Resolution*. 106th Cong. 1st sess., H.R. 103 *Congressional Record*. 145, no. 39, 11 March 1999: H1180-H1181. Available from: *LexisNexis Congressional* (Online Service). Bethesda, MD: Congressional Information Service. Hendrickson, 124.

²⁶⁵ “Kosovo Vote, Though Won by Clinton, May Signal New Level of Hill Involvement,” *Congressional Quarterly Weekly*, 13 March 1999, 621.

cooperation with our NATO allies against the Federal Republic of Yugoslavia (Serbia and Montenegro).”²⁶⁶ Allied airstrikes began on March 24.

With the war underway, on April 15, General Shelton and Secretary Cohen testified before Congress on the U.S. policy in Kosovo and the revised strategic concept for NATO. Senator Warner noted that it was the first hearing since the air war began although the committee had received five closed door briefings on the situation in Kosovo.²⁶⁷ Senator Warner stressed the hearing’s importance due to the ongoing debate to authorize the President “‘all necessary means’ to accomplish our objectives in Kosovo” therefore, it was “‘imperative for Senators to have this information before we are called upon to vote or authorize...the use of ground troops.”²⁶⁸ Secretary Cohen addressed the issue of ground forces by conveying his opinion that the consensus in the NATO alliance would not allow ground forces at that time.²⁶⁹ General Shelton reiterated the military goal of reducing the ability of the Serbian military and security forces.²⁷⁰ During the testimony, the Secretary and Chairman again presented a unified front representing and supporting the view of the Administration’s policies in Kosovo. Despite an increased role on the part of Congress to influence foreign policy, the military agent still gravitated toward the President during the course of the war. This was the last hearing before the end of the war. Secretary Cohen and General Shelton did not testify again in an open hearing until July when they addressed lessons learned from Operation Allied Force and relief operations in Kosovo.

In the Kosovo case, the separation of the civilian principals provides a more robust view of the strategic interaction that accompanies the use of force and shows how the relationship between the military advisor and the President is influenced by the circumstances of the crisis. Kosovo illustrates the pull of the President on the military because of the President’s reliance on the military advisor. It also illustrates the

²⁶⁶ U.S. Congress. Senate. Authorizing the President of the United States to conduct military air operations and missile strikes against the Federal Republic of Yugoslavia (Serbia and Montenegro). 106th Cong., 1st sess. S. R. 21. Congressional Record. 23 March 1999. Available from: LexisNexis Congressional (Online Service). Bethesda, MD: Congressional Information Service. Hendrickson, 128.

²⁶⁷ Senate Committee on Armed Services, *U.S. Policy and NATO Military Operations in Kosovo*, 106th Cong., 1st sess., 15 April 1999, 96.

²⁶⁸ *Ibid*, 97-98.

²⁶⁹ *Ibid*, 103.

²⁷⁰ *Ibid*, 111.

consistent role Congress maintains in monitoring the military by continuing to receive updates on military operations. What makes Kosovo noteworthy is that the military advisors still gravitated toward the politically weakened President, suggesting that despite the relative power between the President and Congress, the President will continue to exercise more authority in foreign policy and the use of force.

Conclusion

This chapter examined the separation of powers between the President and Congress in exercising civilian control of the military and showed that the distinctions offer a valuable extension to Agency theory. Feaver suggests that the inclusion of split principals in the Agency model would possibly make the model too intricate for formal analysis.²⁷¹ While an examination of the case studies validates his contention, the considerable benefits derived from portraying a more accurate view of American civil-military relations should be considered.

The Gulf War case study shows how both the principal-agent relationship and the strategic interaction between the President and the military advisor changes in a crisis in deciding the use of force. Analysis of the Gulf War suggests that the strategic interaction between Secretary Cheney and General Powell became more informal from the perspective of monitoring and the result of that monitoring was feedback rather than punishment. From a principal-agent perspective, adjusting the monitoring of the agent is less destructive to the relationship than outright punishment. By adjusting the monitoring, the principal maintains the relationship with the agent, an important aspect in a crisis situation, and still maintains control over preferences. In light of the crisis situation of planning for war, Cheney's rebuke of Powell fits better as a description of the principal adjusting the monitoring scheme or conditions of the relationship rather than punishment of the military. This follows from the tendency of the military advisor to gravitate toward the executive branch to provide more responsive advice and present a more unified front to Congressional monitoring.

In both the Gulf War and Kosovo, the executive principal and military advisor presented a cohesive view of the Administration's policies to Congress. Despite the

²⁷¹ Feaver, 295.

misgivings the military advisors had with the strategies and the decisions in both conflicts, the views presented in public forum showed a unified and loyal perspective from the military agent in support of Administration policies. These examples suggest that during crises or on the road to war, the President and his advisors will work closely with the military agents to hammer out details in a more informal monitoring setting, but will present a more cohesive and united front in the formal monitoring environment of Congressional oversight.

From the perspective of separate principals, the Gulf War, Somalia, and Kosovo highlight the power and responsiveness of the President over Congress in foreign affairs, especially in crises or the road to war, and validates the premise presented earlier in the chapter of the President's dominance in foreign affairs during crisis situations. In the Gulf War, the Administration responded quickly to the invasion, developed options, and pursued diplomatic efforts to shape its policies with little oversight from Congress. In Kosovo, despite a weakened Administration and a more assertive Congress, the Administration still wielded more power over foreign affairs to shape its policy and Congress responded by deferring to the President on several issues. Somalia demonstrates the possible outcome when the executive branch does not exercise its elevated role in monitoring the military and reveals the possible consequences of the President's lack of effort to use his prominent power in foreign affairs.

From the perspective of Agency theory, separating the principals complicates an analysis of the strategic interaction by increasing the sources of interaction, but this does have advantages. The principal advantage of separating the principals is that the role of the military advisor can be distinguished between the duties to the President and the duties to Congress. In examining the duties to the President, one can view the informal nature of the relationship and feedback from a perspective of changes to monitoring rather than punishment. Classifying incidents in this way reduces the incidents of shirking and may reveal other nuances in the principal-agent relationship. The other advantage of incorporating split principals into Agency theory is that one can then appreciate the separate roles and responsibilities of the President and Congress and their unequal relationship with the military and the impact on American civil-military relations. The more accurately the structure of the government, and interaction between

civilian principals is portrayed, the better Agency theory can be used to evaluate the strategic interaction between the civilian principal and the military agent.

CHAPTER 4

CONCLUSION

This thesis argued that Peter Feaver's Agency theory can be extended to better capture the military's role as an advisor by loosening its rationalist approach and expanding its treatment of the civilian in American civil-military relations as a single entity. To that end, this study examined the military agent and the nature of the civilian principal in the American political structure. Feaver's theory uses the ideas developed by economists in principal-agent theory to develop his own theory to explain the dynamics of American civil-military relations. This study offered two extensions to Agency theory to improve the utility of the theory.

In Chapter 2, the first extension to Agency theory examined the intangible aspects of the military agent embodied in the military's norms, beliefs, and values and how they affected the military's advice to civilian leaders. Huntington's professional military ethic and the Weinberger Doctrine captured the military's opinions on the use of force and Goldwater-Nichols Act provided the institutional framework to articulate a unified military view. Considering the military agent's adherence to the professional military ethic as expressed in the Weinberger Doctrine offers richer insight into the military agent's behavior than Agency theory alone.

In the Gulf War, Powell's expression of the professional military ethic and support of the Weinberger Doctrine explain his reluctance to use force, his support of sanctions rather than the offensive option, and his estimates of force required for the eventual offensive option. From an Agency perspective, Powell's professional military ethic drove his advice on the use of force rather than the level of intrusive monitoring.

In Somalia, the lack of intrusive monitoring allowed the perspectives on the use of force of Generals Powell, Hoar, and Montgomery to reflect the professional military ethic. Each general had a different perspective on how force should be used. From an Agency point of view, monitoring from the civilian principal would have curbed those individual perspectives into a common view of the use of force that matched the civilian principal's political objectives.

In Kosovo, an examination of the military's view from the perspective of the professional military ethic again helps to illuminate some of the dynamics not captured by Agency theory. The JCS reflected the professional military ethic and Weinberger Doctrine in arguing that a military commitment to Kosovo would be detrimental to military readiness and was not in the national interest. Agency theory would predict that a lack of monitoring and a lack of expectation of punishment influenced the chief's decision to critique the use of force in Kosovo. By incorporating their view of how military force should be used, based on their professional military ethic, this first extension offers a plausible explanation for their behavior.

The first extension suggests that a loosening of the overly rationalist approach in Agency theory to accept intangible aspects of the military agent's perspective may provide more insight into the behavior of the military agent in the context of civil-military relations. The military cannot dissociate itself from its professional military ethic so it becomes a centerpiece in the military's behavior and interaction in civil-military relations. By expanding the scope of Agency theory to include intangible aspects, Agency can more accurately portray the behavior of the military agent in civil-military relations. In the same context, expanding the Agency theory view of the civilian principal into the President and Congress more accurately portrays the behavior of the civilian principals in American civil-military relations.

A second extension to Agency theory is based on the separation of the civilian principal into the President and Congress to more accurately portray the context of the American civil-military relationship. An understanding of the civilian government is crucial to understanding civil-military relations and an accurate depiction of the government clarifies civilian control and the military's role in serving the civilian. Each of the case studies showed how the principal-agent relationship and the strategic interaction between the President and the military advisor changed in the crisis and the tendency of the military advisor to gravitate toward the executive branch.

In both the Gulf War and Kosovo, the executive principal and the military advisor presented a cohesive view of the Administration's policies to Congress suggesting that during crises, the President works closely with the military advisor to hammer out details

in a more informal setting but presents a more cohesive and united front in the formal environment of Congressional oversight.

From the perspective of separate principals, the Gulf War and Kosovo highlight the power and responsiveness of the President over Congress in foreign affairs, especially in crises or the road to war, and validates the idea of the President's dominance in foreign affairs during crisis situations. Somalia demonstrates the possible outcome when the executive branch does not exercise its elevated role in monitoring the military.

Separating the principals complicates Agency theory but, it does offer advantages. The primary advantage is that the role of the military advisor in relationship to both the President and Congress can be better evaluated. Another advantage is that one can also appreciate the separate roles and responsibilities of the President and Congress and their unequal relationship with the military and the impact on American civil-military relations.

Implications and Final Thoughts

Agency theory is a useful theory for examining civil-military relations and the extensions argued in this study show the flexibility of the theory to accept extensions or alternative views without disrupting the basis of the theory. A possible explanation for the flexibility of the theory to accept these two extensions is that Feaver's theory focuses on the strategic interaction between the civilian principal and the military agent. Feaver notes that "civil-military relations theory has always emphasized that the quality of the civilian principal and the quality of the military agent are crucial to preserving a proper civil-military balance."²⁷² Agency theory builds upon that point to emphasize that the quality of the relationship between the two is also an important factor in maintaining a healthy civil-military balance but, the quality of the principal or agent cannot be guaranteed. Agency theory's foundation built upon the monitoring, oversight, and punishment mechanisms built into the American system of government maintains continuity in examining civil-military relations in spite of changes in the quality of the principal or agent.

Peter Feaver, *Armed Servants: Agency, Oversight, and Civil-Military Relations* (Cambridge: Harvard University Press, 2003), 286.

The final thought relates back to the dynamics of the interplay between politics and military strategy. Feaver points out that one of the goals of healthy civil-military relations is to provide adequate security for the polity and that doing what the civilian asks does not always meet the security needs of the polity.²⁷³ Military strategies do not develop in a vacuum. The context of military strategies relate to the political objectives and the climate of civil-military relations. While the military strategist does not need to be caught up in the intricacies of civil-military relations, a basic understanding of the forces at work may offer useful insights as one develops military strategy. The minimalism and flexibility of Agency theory offers a straightforward, practical view.

²⁷³ Feaver, 298-299.

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