



HOW U.S. FOREIGN POLICY IS MADE

The Constitution has been described as an “invitation to struggle” between the President and Congress over the making of foreign policy. Compared to every other liberal democracy, the U.S. conducts foreign policy in a cumbersome way. Safeguards built into the Constitution prevent tyranny, yet they frequently pit Congress against the executive branch, make it difficult to develop and implement a cohesive foreign policy, create uncertainty as to what that policy is, and give foreign governments and special interests an opportunity to apply pressure at many points, not just one. As a result, the actors of foreign policy in the U.S. are often difficult to discern.

America’s foreign policy is the expression of its goals in the world and of how it proposes to achieve them, a reflection of the nation’s interests and a guideline of how to interact with other countries. Global interdependence and the breakdown of traditional barriers has increased the complexity of foreign policymaking. The distinction between foreign and domestic issues is no longer pronounced, and as the global financial crisis of 2008 proved, local decisions have ripple effects abroad. Understanding how foreign policy is made and conducted in the U.S. is crucial to participating in this democratic project.

The Branches and Foreign Policy

The U.S. Constitution divides power between the three branches of government: the legislative, the executive and the judicial. It also gives each branch some check on the other. The President can veto legislation; Congress can override the President’s veto; the courts can declare a law of Congress or an act of the President unconstitutional. Foreign policy is thus split amongst different governmental structures.

The Senate

The framers, suspicious of executive power, regarded Congress as the most “democratic” of the three branches. Congress’s power to tax and control government spending—the “power of the purse”—is possibly its most important. Although the President usually cannot spend money not appropriated by Congress, he has always been granted some latitude in emergencies.

The Constitution assigns the Senate a distinctive role in the foreign policy process—to advise the President in negotiating agreements, to consent to them once they have been signed, and to approve presidential appointments, including the Secretary of State, other high officials of the State Department, ambassadors and career foreign service officers. After the Vietnam War, Congress became more involved in foreign affairs; however, many now question the branch’s effectiveness as Presidents have found ways to circumvent requirements for Congress’ approval. President Obama’s military action in Libya, which controversially sidestepped the War Power’s Resolution, is just one example.

The President

Under the Constitution, the President serves as head of state and head of government. In most other governments (Britain’s and Germany’s, for example), the two functions are separate. As head of state, the President is, in effect, the personification of the U.S.: its visible image, its official voice and its primary representative to the outside world. As head of government, he formulates foreign policy, supervises its implementation and attempts to obtain the resources to support it. He also organizes and directs the departments and agencies that play a part in the foreign policy process. Along with the Vice President, he is the only government official elected nationally. This places him in a unique position to identify, express and pursue the “national interests” of the U.S.

The President’s specific foreign policy powers under the Constitution are actually few and restricted. He serves as **Commander in Chief** of the Army and Navy; nominates and appoints ambassadors and other public ministers, subject to the advice and consent of the Senate; and makes treaties, by and with the advice of the Senate, provided two thirds of the senators present concur. Though the President’s specific powers may be few, his role in foreign policy, many believe, is crucial.

For example, **executive agreements**, which have largely replaced the cumbersome process of treaty-making, comprise most of the understandings and commitments between the U.S. and foreign governments today. These are understood to be the President’s prerogative, though they are nowhere mentioned in the Constitution.

The President is the Commander in Chief, but the **power to declare war** rests with Congress- though Congress has only exercised the right in response to a presidential request. There have been only five declared wars in the nation’s history (World War II, 1941–45, was the last), a fact that illustrates both the changes in the nature of international conflict and the shift to the President of the power to employ the armed forces without an official authorization by Congress. The War in Iraq was no exception, as the Congress only gave its support of the President’s right to use force at his discretion. Yet it is the rise in covert operations deployed by the President, such as the select group of Navy SEALs who assassinated Osama Bin Laden, that evidence a profound change in the type of wars and manner of their deployment.

The President also has the power to receive foreign ambassadors and, in effect, to recognize foreign governments. The President has two additional informal but influential powers in foreign affairs. One of these is the ability to determine the national agenda by bringing issues to the forefront of public attention and concern. The other, which ranks among the President’s most potent weapons for controlling foreign policy, is the power to commit the nation to a particular course of action diplomatically. Once he does so, it can be extremely difficult for the President’s opponents to alter that course.

The Policymaking Machinery

Making foreign policy requires the participation of the President, the executive branch, Congress and the public. Conducting foreign policy, on the other hand, is the exclusive prerogative of the President and his subordinates in the executive branch. The distinction is fuzzy but important: you make policy when you decide to protect the security of the Persian Gulf; you conduct policy when you send the Navy to do it.

Department of State

Until World War II, one agency, the Department of State, established in 1789 and the highest-ranking Cabinet department, and one individual, the Secretary of State, who is directly responsible to the President, managed foreign affairs. The traditional functions of the State Department and its professional diplomatic corps, the Foreign Service, include: negotiating on behalf of the U.S. government with foreign governments and in international organizations; defending U.S. position in the world; reporting on and analyzing conditions in foreign countries and institutions such as the UN; representing the American people and current U.S. policies to the world; promoting relations with decision makers abroad; advancing U.S. trade and investment; and protecting U.S. nationals overseas from discriminatory and/or inhumane treatment.

The Pentagon and Security

The U.S. emerged from World War II a nuclear superpower with global interests, necessitating expanded departments to handle foreign policy, and chiefly, security. Military power serves as an instrument of diplomacy—as a means of achieving goals defined by civilian officials of the government. The head of the **Defense Department** is a civilian secretary who serves in the President’s Cabinet. The principal military adviser to the President is the chairman of the **Joint Chiefs of Staff**, a strategy board consisting of the senior officers of the Army, Air Force, Navy and Marine Corps.

Along with the Department of Defense, the National Security Act of 1947 created a small Cabinet-level **National Security Council** (NSC), which includes the President, the Vice President, the secretaries of State and Defense and the chairman of the Joint Chiefs of Staff, to help the President manage and coordinate foreign policy. The NSC staff, headed by the President’s national security adviser, consists of specialists in geographic areas and functional issues, such as arms control.

More recently, the creation of the **Department of Homeland Security**, which began functioning in early 2003 as a reaction to the terrorist attacks of 9/11/2001, substantially altered the role of executive departments in foreign policy matters. The department, which oversees 22 separate agencies, has become extremely powerful in matters relating to trade, borders, immigration and security.

Intelligence

The “intelligence community” is a group of federal agencies that includes the **CIA**, the **National Security Agency** and the **Defense Intelligence Agency**. They collect information (for example, how many nuclear weapons China possesses), assess its accuracy and reliability, and disseminate the information to decision makers. In addition, the intelligence community, most notably the CIA, undertakes, with the approval of the President, clandestine operations. In 2004, the intelligence community was expanded to include the new position of Director of National Intelligence, who directs and manages the activities of the individual intelligence agencies and serves as the main adviser to the President on intelligence matters.

Formation of Foreign Policy

George Washington once remarked that the U.S. ought to have the most successful foreign policy of any country in the world because it had so many self-styled secretaries of state. Since his day, the difficulty of developing a cohesive, relevant and feasible foreign policy has increased enormously.

Theoretically, the process of formulation should begin with a clear definition of the national interests, followed by a delineation of the policies that would promote those interests and the course of action by the various departments and agencies that would further those policies, as well as the allocation of the resources needed to carry them out. In practice, no system is likely to produce a cohesive, viable and supportable foreign policy. The national interest is a cluster of particular interests, and the agencies and staffs involved may have very different views as to what it should be. The government’s uneven response to the so-called “Arab Spring” is just one example of the U.S.’s ever-shifting foreign policy.

It is clear that foreign policy is not the prerogative of a few members of government; in fact public opinion is key in affecting policy. It was Woodrow Wilson, a tireless champion of democracy, who was determined to “democratize” diplomacy—to do away with “secret deals” arrived at “behind the backs of the people” in favor of “open covenants openly arrived at.” His ideas had a profound impact on the U.S. conduct of international relations long after his era. During World War II and throughout the Cold War, when public support for America’s foreign policy was critical, the role of public opinion rose to new eminence. The same should be true today.

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