Ready, Aim, Foreign Policy

How the Pentagon's role in foreign policy is growing, and why Congress—and the American public—should be worried

As public debate focuses on the war in Iraq, a disturbing transformation of U.S. foreign policy decision-making is quietly underway. The Defense Department's leadership of foreign military aid and training programs is increasing. The State Department, which once had sole authority to direct and monitor such programs, is ceding control. Moreover, changes to the U.S. military's geographic command structure could grant the military a greater role in shaping, and becoming the face of, U.S. foreign policy where it counts—on the ground.

These seemingly arcane changes will diminish congressional, public and even diplomatic control over a substantial lever and symbol of foreign policy. They will undercut human rights values in our relations with the rest of the world, and increase the trend toward a projection of U.S. global power based primarily on military might.

The Defense Department has been gradually increasing its control over military training and equipping programs for the last two decades, spanning Democratic and Republican administrations. Several recent developments, however, indicated that this trend towards a greater Defense Department role in foreign policy is accelerating. First, the Bush Administration endeavored to expand a pilot program, known as "Section 1206," into a permanent, large-scale, global Defense Department military aid fund with few strings attached.[1] Second, the State Department, rather than contesting this challenge to its authority, called for a restructuring of foreign aid that would happily cede its management of military aid programs to the Defense Department and reduce congressional oversight. Third, the U.S. military offered plans to restructure geographic commands to give them a greater role in coordinating U.S. civilian agencies' activities.

The current campaign to expand the Defense Department's role is couched as an attempt to protect us from the threat of terrorism. But we know that where domestic policy is concerned, the valid fear of terrorist threats must not cause us to abandon all protections to our basic civil liberties. Similarly, the fear of terrorism should not lead us to abandon the protections ensuring that our foreign policy is more than just a narrowly defined vision of national security. It must also incorporate our national values of democracy and respect for human rights.

Our organizations focus on Latin America, so our examples are from that region, where some of the Defense Department's military aid programs were pioneered. But this trend affects U.S. foreign policy worldwide.[2]

These proposed shifts are far from a "done deal." Congress and the next administration can decide to reverse this trend. This report includes specific policy recommendations to reassert the guiding role of the State Department, Congress and the public over this important aspect of foreign policy. Unless we wish to see our military become even more prominently the face of U.S. foreign policy abroad, now is the time to act.

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Executive Summary

The Defense Department's leadership of foreign military aid and training programs is increasing. The State Department, which once had sole authority to direct and monitor such programs, is ceding control. Moreover, changes to the U.S. military's geographic command structure could grant the military a greater role in shaping, and becoming the face of, U.S. foreign policy where it counts—on the ground.

These changes may seem arcane. Yet they have the potential to change the face of the U.S. presence in the world by diminishing congressional, public and even diplomatic control over a substantial lever and symbol of foreign policy. They will undercut human rights values in our relations with the rest of the world and increase the trend toward a projection of U.S. global power based primarily on military might. Several recent developments indicated that this trend towards a greater Defense Deaprtment role in foreign policy is accelerating:

- The Bush Administration endeavored to expand a pilot program, known as "Section 1206," into a permanent, large-scale, global Defense Department military aid fund with few strings attached.
- The State Department, rather than contesting this shift away from its authority, called for a restructuring of foreign aid that would happily cede its management of military aid programs to the Defense Department and reduce congressional oversight.
- The U.S. military offered plans to restructure geographic commands to give them a greater role in coordinating U.S. civilian agencies' activities. The U.S. Southern Command, for example, issued a new "Command Strategy 2016" envisioning a role for itself in coordinating other U.S. agencies, including non-military ones, operating in the region.

Congress and the next administration have the power to reverse this trend. The following policy recommendations would help reassert the guiding role of the State Department, Congress and the public over this important aspect of foreign policy. Unless we wish to see our military become even more prominently the face of U.S. foreign policy abroad, now is the time to act.

Policy Recommendations

1. The next administration should reassert the State Department's control over foreign military training and assistance programs in its communications with the Congress, in interagency discussions and, most importantly, in the budget it presents for the State and Defense Departments.

2. Congress should reject this year the reauthorization of the Section 1206 pilot program and the Defense Department's $800 million request for FY09 in additional funds for "Building Global Partnerships."

3. Congress should reassert the foreign operations and foreign affairs committees' control over the training and equipping of foreign militaries by shifting these programs back into the foreign operations bills, not the defense bills. Until all such programs are removed from

the defense bill, Congress should insist upon seeing budget requests for foreign military training and equipping from the Defense and State Departments documented together, by country of destination, in one congressional presentation, before approving funding, and should attach all human rights conditions currently on foreign operations legislation to the defense bills.

4. Congress should challenge the Southern Command's assumption that it can make dramatic changes in its mission, structure and focus without any change in legislative authority. Congress and the State Department should ensure that the Southern Command's "Command Strategy 2016" does not result in the military playing a leading role in interagency activities. The ambassador must remain in charge of the country team and preside over coordination of U.S. policy implementation.

5. Congress and the State Department should conduct a careful review of the need for greater efficiencies and stronger leadership in the foreign military assistance programs at the State Department. In this review, greater transparency, accountability and human rights protections should be considered as advantages rather than as obstacles to be overcome.

The Defense Department's Growing Military Aid Role

Why, one might ask, shouldn't the military budget be the source of U.S. military aid overseas? The short answer is that equipping and training the world's armies is a major foreign policy decision. For example,

- The choice to train and equip foreign militaries is perceived as a U.S. endorsement of those militaries.
- The relative balance of economic and military aid to a country affects perceptions about how the United States chooses to project its power.
- Strengthening a military can affect the balance of power within a geographic region, and within a country.
- The association of the United States with a particular military, especially one engaged in human rights violations, affects the image of our country.

Instead of the regional and diplomatic considerations which concern the State Department, the Defense Department's assigned mission requires it to adopt a military focus on potential national security threats. Military training and aid decisions, as a significant part of foreign policy, should be governed by the agency in charge of foreign policy and diplomacy—the State Department. And they should be overseen by the congressional committees whose jurisdiction is foreign affairs.

The association of the United States with a military engaged in human rights violations affects the image of our country.

Today, the opposite is occurring. The Defense Department's $600-billion budget is a growing source of funding for U.S. assistance to the world's militaries. Between 1999 and 2006, the Pentagon's budget was the source of nearly $2 billion in military and police aid to Latin America and the Caribbean (30 percent of the $6.4 billion military and police aid total during those years). During that same period, the defense budget directly funded the training of 77,313 military and police personnel from the Western Hemisphere (65 percent of 119,837 total trainees).

The rise and fall of the Foreign Assistance Act

The growing Defense Department role in training foreign militaries undercuts the basic framework for U.S. foreign aid programs established in 1961. At that time, U.S. foreign aid was growing as the Cold War intensified—but it was growing in a piecemeal way, with little coordination, poor accountability, and a lack of congruence with U.S. foreign policy goals. "No objective supporter of foreign aid can be satisfied with the existing program—actually a multiplicity of programs," said the new president, John F. Kennedy. "Bureaucratically fragmented, awkward and slow, its administration is diffused over a haphazard and irrational structure covering at least four departments and several other agencies."

The fix came with the September 1961 passage of the Foreign Assistance Act (FAA), which created a legal framework to put all foreign aid programs under the same umbrella. The FAA put the State Department in charge of all aid programs, both military and economic. A companion law governing arms transfers, the Arms Export Control Act (AECA), was added in 1968; between the two, these laws make up most of Title 22 of the U.S. Code.

These legal changes increased civilian diplomats' control over arms transfers and training programs for the world's militaries. Legislatively, all foreign aid came to be funded through one annual budget bill, the appropriation for foreign operations. Oversight of all aid became the responsibility of the congressional foreign relations committees and foreign operations appropriations subcommittees.

Over the years, as human rights became a more important concern in U.S. foreign policy, amendments to the Foreign Assistance Act have sought to keep aid from going to militaries that grossly abuse their own citizens. Other amendments banned aid to police forces, to countries "decertified" for failing to cooperate in the drug war, or to countries whose governments came to power through military coups. Still other amendments have required detailed reporting to Congress and the public about foreign aid. The resulting transparency allowed citizens—including the authors of this report—to have at least a general idea of how much aid every country received and what it provided. It also gave citizens some of the knowledge they needed to advocate for limits on arms and training to dictatorial regimes or abusive armies.

This arrangement had its critics, though, especially as Congress layered more conditions and reporting requirements on military aid through the FAA, the AECA and the annual foreign aid appropriation bill. State Department officials routinely complained of the law's provisions tying their hands and robbing them of flexibility. Many conservatives and so-called foreign policy "realists" complained that human-rights protections in the FAA made it difficult to build relationships with strategic allies who happened to be dictators. Public reporting revealed some inconvenient truths about who was receiving lethal aid. A general skepticism about foreign aid made it difficult to create new programs or increase funding within the annual foreign operations appropriations bill, which was always small (around 3 percent of discretionary spending in the federal budget).

Pressures built to find ways to aid the world's militaries without dealing with the foreign aid budget bill's "impractical" conditions, "burdensome" reporting, and stingy proportions. The Defense Department's massive budget became an attractive alternative.

New Defense-budget military aid programs

The first major effort to move military aid programs out of the Foreign Assistance Act and into the defense bill occurred as the drug war intensified fifteen years ago. In 1989, Congress designated the Defense Department as the "lead agency" for detection and monitoring of illegal drugs coming from overseas. This subsequently allowed the Pentagon to use its operating funds for activities like anti-drug maritime patrols and flights, building radar sites and carrying out surveillance. It was not clear

at first, however, whether it also meant that the Defense Department could use its funds to help "partner" militaries and police forces fight drug trafficking themselves.

The U.S. Congress quickly responded in the affirmative, creating the first big defense-budget military aid program in forty years. Section 1004 of the FY1991 National Defense Authorization Act allows defense funds to pay for training, equipment upgrades, construction, intelligence and a few other types of non-lethal assistance to both militaries and police forces. This account is the second-largest source of military funding for Latin America, providing an average of nearly a quarter-billion dollars per year since 2000. Section 1004 is the biggest single source of military-training funds in Latin America, having paid for 48 percent of U.S. trainees since 1999.

Congress envisioned Section 1004 as a temporary authority set to expire in 1995. Nonetheless, it has been extended—with absolutely no legislative debate or opposition—to 1999, 2002, 2006, and now until 2011. During some years, Congress asked the Defense Department to provide reports indicating how much Section 1004 aid went to each recipient country, and what types of aid were funded. Yet even when Congress took the trouble to request this report, it has been difficult for the public to obtain.

In 1996, Congress created another temporary defense budget account, Section 1031 of the 1997 Defense Authorization law, to provide $8 million in non-lethal anti-drug aid to Mexico's military. Though it expired in 1998, the Bush Administration made an unsuccessful attempt to revive it in 2006 as a non-country-specific counter-drug program.

In 1997, Congress added to the defense budget another anti-drug program that is still around today. Section 1033 of the FY 1998 Defense Authorization law, also known as the "Riverine Program," allowed the Pentagon to use up to $20 million per year to provide Colombia and Peru with boats and other non-lethal equipment to fight drug trafficking on rivers. Public reporting and evaluation of "Section 1033" has been nearly non-existent, yet the program has steadily grown in size and scope. Set to expire in 2002, the program was extended to 2006 and then to 2008, and made into a more general-purpose program with the removal of the word "riverine." Its amount was doubled to $40 million in 2004, and raised to $60 million in 2007. Eighteen countries worldwide are now eligible to receive this aid, including nine from the Western Hemisphere.[3]

Congressional Oversight: Why the Committee Matters

State Department-funded military aid and training programs are overseen by the House Foreign Affairs Committee, the Senate Foreign Relations Committee, and the foreign operations subcommittees of the appropriations committees. Many of these committees' members have a strong interest in international affairs. In addition, since foreign aid is unpopular in some quarters, these committees usually pay strict attention to how these funds are spent. Military aid and training programs are an important part of the roughly $35 billion international affairs budget that they review. For these reasons, these committees' oversight is relatively strong.

Congressional oversight of foreign military assistance in the defense bill, on the other hand, is minimal: aid totaling less than a billion dollars worldwide hardly demands the attention of the few dozen Armed Services Committee staffers who must oversee wars in the Middle East and a half trillion-dollar budget. Members of these committees focus on questions such as, "Is the U.S. military in a state of readiness?" or "Are U.S. forces overstretched?" rather than broad questions of foreign policy, human rights or democracy in specific countries. Moreover, since much of the defense budget creates employment in their own districts, committee members feel far less incentive to question every dollar that is spent. Seeking to add scrutiny and reporting like that found in the FAA to the defense budget legislation would require a committee member to pick a fight with the Pentagon on what, to many of his or her colleagues, might appear to be a marginal issue.

Why Does It Matter Whether Defense or State Controls Military Aid Programs?

The question of whether military aid and training programs should be funded by the Defense Department or the State Department may seem, at first glance, to be a subject more suited to civics textbooks than public debate. Yet the outcome of this debate will have a crucial bearing on how U.S. power is exercised and projected around the world. Let's take a look at some examples from Latin America.

- In 2006-2007, the congressional foreign operations subcommittees, which govern only State Department-funded military aid, learned about killings of civilians and other human rights violations by the Colombian army, which receives a annual military aid package. Responding to the subcommittees' concerns, which invoked conditions in the foreign aid law, the State Department was forced to withhold temporarily $110 million worth of aid and training. More importantly, the State Department had to ask the Colombian government to take steps to curb killings of civilians by the army and to increase so-far glacial progress in investigating and prosecuting members of the armed forces credibly alleged to have committed crimes such as torture, murder, or collaborating with brutal illegal paramilitary forces. Only 25% of State Department- funded aid was subject to these conditions, so the overall aid program was not strongly affected, but human rights concerns played a more prominent role in the U.S.-Colombian government dialogue. On the other hand, all military aid through the Defense Department continued to flow during this time period, and no visible sign of any concern about human rights abuses emerged from the Armed Services Committees or Defense Appropriations subcommittees, which govern the aid flowing through the Defense Department. Had most military aid and training flowed through the defense bill, the U.S. government's voice on human rights would have dropped to a whisper.[4]

- In 2007, the administration asked Congress to consider another massive aid package to Latin America—the $550 million "Merida Initiative" to combat drug trafficking in Mexico and Central America—through the foreign operations budget governed by the State Department. Once approved, this massive package is likely to continue for many years and become a major element of U.S. policy towards the region. While Defense Department staffers showed up at administration briefings for Congress on this issue, the Defense Department's role, and the aid it might provide to the Mexican and Central American militaries, remains unclear. The Defense Department does not provide a country-by-country breakdown of its training and aid programs for foreign militaries in its budget requests to Congress. Congress is being asked to approve a major shift in foreign policy without really knowing what kinds of military training and equipment for the Mexican and Central American militaries might accompany the package in the defense bills.

- As Defense Department military training for Latin America grows, it becomes difficult for policymakers to view the big picture of U.S. assistance to the region and the impact this aid balance has on the United States' role and image in Latin America. When added to the increases in military and police aid provided through the usual State Department channels for the Andean Initiative and the proposed Merida Initiative, the U.S. footprint in the region is heavily military. The administration does not present Congress with both the State and Defense foreign aid budgets together, and the Congress does not ask for such a presentation. But the changes on the ground may be evident to Latin American governments and publics.

- Since the early years of the Bush Administration, the Defense Department has sought to implement a mostly naval aid initiative in Central America and the Caribbean, which it called "Operation Enduring Friendship." This idea received only lukewarm support from congressional appropriators, who after several years designated it only a few million dollars of Foreign Military Financing (FMF). Today, however, "Operation Enduring Friendship" is up and running thanks to Section 1206 authorities in the Defense budget.

- In early 1999, "Section 1004" funds in the Defense budget funded the creation of a new 900-man counternarcotics battalion in the Colombian Army. After nearly a decade of almost exclusively police anti-narcotics aid, this turn to the military represented a significant policy change. However, the congressional foreign aid committees were unaware of the shift until early 2000, when the "Plan Colombia" aid package requested funds to expand the already-existing 900-man battalion into a 2,000-man brigade.

In 1998, Congress added the first human rights condition on defense-budget military aid: a version of the "Leahy Law" (named after Vermont Democratic Senator Patrick Leahy) prohibiting aid to foreign military units that commit gross human rights violations with impunity. This version of the Leahy Law, however, is weaker than that found in the regular foreign operations appropriations bill: it allows the Secretary of Defense to waive the conditions entirely, and allows aid to flow freely as long as the recipient government takes undefined "corrective steps."

In 2002, a new Counter-Terror Fellowship Program (CTFP) appeared in the annual Defense Appropriations law. Initially created to provide non-lethal training and education in counter-terrorism doctrine and techniques, the CTFP was added to permanent law—and authorized to provide lethal training—in 2004. The program closely resembles training programs that already exist in the Foreign Assistance Act, particularly International Military Education and Training (IMET), but is not subject to the same conditions and reporting requirements. With 3,262 trainees from Latin America and the Caribbean between 2003 and 2006, the CTFP is now the fourth-largest funder of military and police training in the region.

In 2005, Congress gave the Defense Department its broadest, farthest-reaching military-aid authority to date. Section 1206 of the FY 2006 Defense Authorization law, extended and expanded in the 2007 law, authorized the Defense Department to provide up to $300 million per year in equipment, supplies and training—both lethal and non-lethal—to foreign militaries. The purpose of this aid is broadly defined: to carry out counter-terrorist operations or to participate in such operations alongside U.S. personnel. As a result, it closely resembles Foreign Military Financing (FMF), the principal military-aid program in the Foreign Assistance Act. Some $40.3 million in 1206 funding went to Latin American militaries in 2006 and 2007 (the Bahamas, the Dominican Republic, Honduras, Jamaica, Mexico, Nicaragua and Panama).

Starting such a program outside the FAA framework was, and continues to be, controversial. Then-Defense Secretary Donald Rumsfeld requested the authority to spend $750 million per year, and strong-armed the State Department into offering its assent, but resistance from some legislators (notably Indiana Republican Senator Richard Lugar) reduced the amount to $300 million. Congress added some legislative protections, mandating that countries cannot receive 1206 aid if any other section of U.S. law would prohibit it, and requiring the administration to notify Congress of decisions to provide the aid.

Latin American and Caribbean Recipients of U.S. Training and Education by Budget Account, 1999-2006			
Defense Budget Programs		**State Budget Programs**	
Program	**Trainees**	**Program**	**Trainees**
Section 1004 Counter-Drug Assistance	58,067	International Military Education and Training	24,999
Programs listed as "Misc DOS/DOD Non-Security Assistance"	6,342	International Narcotics Control and Law Enforcement	6,897
Programs listed as "Non-Security Assistance, Unified Command"	6,060	Foreign Military Financing	4,897
Counter-Terrorism Fellowship Program	3,262	Foreign Military Sales	4,320
Center for Hemispheric Defense Studies	2,836	DOT / U.S. Coast Guard Activities	875
Professional Military Exchanges	268	Emergency Drawdowns	421
Exchange Training	199	Enhanced International Peacekeeping Capabilities	85
Service Academies	177	MAP (now unused)	30
Aviation Leadership Program	90	**TOTAL**	**42,524**
Africa Center for Strategic Studies	8		
Asia-Pacific Center	4		
TOTAL	**77,313**		

The program is to expire at the end of 2008, but the Bush Administration continues to try to renew and expand it. In the Department of Defense's request for Fiscal Year 2009, under "New Initiatives," there is a request for $800 million under the heading "Building Global Partnership." Of that, $500 million is for "Global Train and Equip" (the continuation of Section 1206), $200 million is for Security and Stabilization Assistance and $100 million is for a "Combatant Commanders Initiative Fund," similar to the existing Commanders Emergency Response Program, to be used in "non-permissive" environments.

The State Department Bows Out

Far from trying to impede this erosion of its authority over foreign aid, the State Department under Secretary Condoleezza Rice has endorsed the Defense Department's escalating involvement. In 2007 the State Deaprtment officially gave its blessing to a radical transformation of the structures governing military training and aid programs that, if implemented, would greatly diminish congressional oversight and increase the Defense Department's foreign policy role.

This came in the form of the report required by Congress known as the "Section 1206 (f) report." While this hardly sounds earthshaking, the report represents a major signal to Congress of the State Department's enthusiastic approval for this trend.

When the House and Senate Armed Services committees authorized the $300 million Section 1206 "train and equip" pilot program in the FY2006 National Defense Authorization Act, they included the following caveat in the accompanying report language:

The conferees note that under current law, foreign military training programs are conducted exclusively under the authority of the Secretary of State. The conferees believe it is important that any changes in statutory authorities for foreign military assistance do not have unintended consequences for the effective coordination of U.S. foreign policy writ large, nor should they detract from the Department of Defense's focus on its core responsibilities, particularly the warfighting tasks for which it is uniquely suited.

The bill required a report by the President on the "strengths and weaknesses" of the Foreign Assistance Act and the Arms Export Control Act as they relate to the authorities for training and equipping foreign military forces. It invited the President to suggest legislative changes to those acts and organizational and procedural changes that should be made in the Departments of State and Defense to make the delivery of foreign assistance more effective. The conferees warned the administration that the report was to be an important factor in any further legislative consideration of the 1206 pilot program.

The 1206 program was later extended from two years to three years, and in subsequent authorization cycles, the Defense Department sent requests for broad expansions in amount and in how they could use this funding. While the 1206 pilot program was extended on an annual basis, the Armed Services Committees sternly reminded the administration that they were still waiting for this report.

The report, finally published in July 2007 by the State Department's Bureau of Political-Military Affairs, came to a surprising conclusion. Instead of defending its jurisdiction over foreign military training and equipping statutes, the State Department enthusiastically supported the transfer of some authorities to—or their supplementation by—the Defense Department.

While the report notes the strengths of existing authorities in the Foreign Assistance Act and the

State Surrenders: The 1206 (f) Report

Sections of the 1206 (f) report read like the Defense Department's wishlist. While paying lip service to congressional prerogatives for oversight, it expresses a desire to cast off, like sweaters on a warm spring day, many of the more effective congressional oversight tools. The report states that current legislation governing training and equipping foreign militaries:

has not kept up with the current U.S. strategic need. This weakens the U.S. ability to enable partners to take on the task of defeating terrorist threats, promoting international security, and advancing U.S. interests, thereby increasing the strain on U.S. forces and endangering our servicemen and women. The ability to flexibly adapt to new strategic challenges has been affected by additional legislation that too often has as its sole purpose to impose restrictions and limitations. The complex mix of legislation, mainly sanctions legislation that restricts foreign assistance outside of the basic FAA and AECA authorities, impose unhelpful constraints on the President's flexibility; many of these sanctions should be repealed. Annual appropriations also contain yearly congressional earmarks that limit our ability to put funding towards critical priorities, emerging threats, or new opportunities. In this era, we need, at a minimum, to preserve flexibility in order to help us deal with a rapidly changing strategic and tactical environment and an adaptive set of enemies. To maximize flexibility and efficiency, the period of availability of single-year security-related appropriations funds for foreign assistance could usefully be expanded to multi-year periods—as is employed for non-security assistance accounts.

Arms Export Control Act, it argues that many of the restrictions in these acts (such as human rights conditions) should be eliminated and that parallel efforts in the Department of Defense should be increased. It specifically endorses eighteen foreign aid authorities already given to the Department of Defense, which it describes as supplemental to the FAA and AECA.

The report criticizes "legislation that too often has as its sole purpose to impose restrictions and limitations," especially sanctions legislation,

Special Operations Troops: Without the Ambassador's Consent

The *New York Times* reported on March 8, 2006, that the Defense Department had been sending Special Operations troops known as "Military Liaison Elements" (MLEs) to different parts of the world, including South America. According to the article, these small units had been operating for at least the previous two years, with the assignment to "gather intelligence on terrorists in unstable parts of the world and to prepare for potential missions to disrupt, capture or kill them." The article also stated that these units had been operating independently of the U.S. embassy and—at least in the past—reported neither to the U.S. embassy's Military Group nor to its ambassador, but instead to the "regional combatant commander," the U.S. military official in charge of the geographic region. Apparently, these units were controlled only by the Special Operations Command or the combatant commander and had been operating outside of the State Department's foreign policy apparatus.

The issue came to light when two U.S. special forces personnel were accosted by a robber in Paraguay in 2004. They killed the robber in self-defense, but the U.S. ambassador did not even know they were in the country—nor was he aware of their mission—until well after the incident, according to press reports.

The *Washington Post* reported on April 23, 2006 that Special Operations Command "has dispatched small teams of Army Green Berets and other Special Operations troops to U.S. embassies in about 20 countries in the Middle East, Asia, Africa and Latin America, where they do operational planning and intelligence gathering to enhance the ability to conduct military operations where the United States is not at war." It went on to say that "the Pentagon gained the leeway to inform—rather than gain the approval of—the U.S. ambassador before conducting military operations in a foreign country, according to several administration officials."

Subsequent press reports revealed that the ambassador to Jordan from 2001 to 2004 had complained about a message from the Pentagon he discovered in late 2003 describing a military intelligence team being sent to Amman and explicitly directing the U.S. defense attaché not to notify the U.S. ambassador or the C.I.A. station chief in Jordan of the Pentagon team's presence. The C.I.A. has also made clear its reservations about the military taking on their mission.

The MLE program raises a number of concerns about the erosion of the State Department's role in foreign policymaking, with particular regard to the application of military force, which is without a doubt the most sensitive and powerful foreign policy tool an administration has at its disposal. In a December 2006 report, the Senate Foreign Relations Committee warns that confusion over who is in charge—State, CIA or the military—is a hindrance, not a help, in the "war on terror."

which it says should be repealed. It takes this position even though, as legislative history demonstrates, such sanctions are in place to protect the people in countries whose governments have demonstrated their willingness to abuse basic human rights.

The report calls for expanding the availability of single-year appropriations funds (for security-related assistance) for use in multi-year periods, to maximize flexibility and efficiency. This would greatly reduce congressional influence and oversight over those funds, as committees would be able to change funding levels, specific programs and conditions on funding only once every several years, rather than annually.

Disturbingly, the State Department argues for the authority to expand military training and equipment to foreign security forces outside the foreign nations' ministries of defense, including to civilian bodies like police or legal paramilitary militias. It calls for a repeal of the ban on assistance to civilian law-enforcement units, codified in section 660 of the Foreign Assistance Act. This would allow U.S. military personnel to train police forces, which is highly problematic, given the much stricter rules on use of force that police, as opposed to soldiers at war, must follow. This recommendation would end a nearly thirty-five year old ban on most U.S. aid to police forces, without addressing the strong human rights concerns that caused Congress to institute that ban in the first place.

The report also enthusiastically endorses the new large-scale 1206 training and equipping fund under the Defense Department. It calls for more than doubling the authorized spending level from $300 million annually to $750 million, and for making the Section 1206 pilot program permanent law.

It endorses expanding the role of the U.S. military in development aid and humanitarian assistance through the Commander's Emergency Response Program (CERP), which allows military commanders to build infrastructure such as schools and roads. Such projects have traditionally been the responsibility of the State Department or the U.S. Agency for International Development.

Finally, the report calls for expanding the Foreign Assistance Act's "section 506 drawdown authorities," which allow transfers of Department of Defense supplies of weapons, parts, equipment or training without prior congressional approval.

The 1206(f) report to Congress is a blueprint for legislative action which, if implemented, would greatly diminish congressional oversight and the State Department's role in deciding crucial questions about military aid and training programs to countries around the globe.

Once the Defense Department's authority to train and equip foreign militaries is firmly established, there will be no incentive to keep the State Department involved. Why fund any programs through the State Department, and invite congressional scrutiny, when the same programs can be funneled more easily through the defense bills, to which few are paying attention? These changes would further set in stone the foreign policy decision-making role of the Defense Department.

The Military Steps In: The U.S. Southern Command's "Command Strategy 2016"

As the State Department put out the welcome mat for greater Defense Department control over foreign policy, some military commands were preparing new mission statements or structures that would grant the military a stronger role in on-the-ground foreign policy decisions. While we will detail here the new U.S. Southern Command "command strategy," the mission and structure proposed for Africom, the new command for Africa, also raises some of the same concerns.

In March 2007, the United States Southern Command, whose area of responsibility includes Latin America (minus Mexico) and the Caribbean, issued its outline for the mission it sees for itself by the year 2016. *Command Strategy 2016* can be found on its web site at http://www.southcom.mil/AppsSC/files/0UI0I1177092386.pdf

The Combatant Command sees many threats to security and stability in the region. These are not primarily military threats—indeed the

Southern Command does not foresee a "force on force" scenario where countries of the region pose a military threat to each other. *Command Strategy 2016* represents a commendable direction, in some ways. It describes accurately many of the challenges facing the countries of the Latin American region. It recognizes poverty and inequality as central problems, along with corruption and crime.

Significantly, although it is a document prepared by the military, it shows a keen understanding that many of these challenges, in their specifics, are not military in nature and do not lend themselves to military solutions. The document commendably asserts that the best U.S. approach to such problems in the region needs to go beyond a military strategy, and instead should be the product of a multi-agency, combined effort.

However, *Command Strategy 2016* goes on to propose a radical solution: that the U.S. Southern Command become the central actor in addressing regional problems. The command would transform itself from the traditional military organization it is now—whose responsibility it is to "conduct military operations and promote security cooperation to achieve U.S. strategic objectives"—into a "Joint Interagency Security Command … in support of security, stability and prosperity in the Americas." Considering the scope of its new mission and its own analysis of the challenges facing the region, one could envision Southcom involved in matters ranging from long-term economic development to trade to public security.

As a retooled "Joint Interagency Security Command," the Southern Command could assume the task of coordinating all relevant U.S. agencies, including non-military agencies, operating in the region; it would "provide enabling capabilities to focus and integrate interagency-wide efforts to address the full range of regional challenges." The command would "aggressively engage interagency partner decision-makers and integrate personnel from these agencies on a full time basis into the USSOUTHCOM staff while providing similar liaisons to our partners' staffs." As Southcom Commander Admiral James Stavridis vividly described this vision: "It's not because we're trying to take over at Southcom—it's because we want to be like a big Velcro cube that these other agencies can hook to so we can collectively do what needs to be done in this region."[5]

These changes have the potential to make the Southern Command the central actor in the coordination and execution of U.S. foreign policy in Latin America.

The sheer number of U.S. military personnel engaged on Latin America, and the resources that the Southern Command has available, make them the elephant in the room. They will dominate what they coordinate. While not Latin America-specific, a comparison of State vs. Defense personnel provides insight. The State Department employs about 6,000 Foreign Service officers, while USAID employs about 2,000 staff. The U.S. armed forces number about 1.68 million uniformed military members. According to one source, there are substantially more people employed as musicians in military bands than in the entire foreign service.[6]

Command Strategy 2016 envisions the U.S. Southern Command's transformation as a model which other commands would follow as part of the Unified Command Plan. Thus, all Combatant Commands would eventually become Joint Interagency Security Commands and *de facto* coordinators of civilian federal agency activities in their areas of responsibility.

Under the current foreign embassy model, the U.S. ambassador is the leader of the "Country Team." All U.S. agencies, including the Defense Department, have a seat at the table. The ambassador is the chief of mission and is in charge of coordinating all agencies' activities in the relevant country. At the regional level, the same logic applies. Legislation dating back to 1789 gives the State Department primacy over all other departments, including Defense, in foreign policy matters. The State Department's diplomatic corps is responsible for understanding and addressing all aspects of U.S. relations with the region, including but not limited to the security environment. Southcom's new role could compete with the ambassador in coordinating in-country work, usurping State's role.

These changes are not just theoretical. In December 2006, the Senate Foreign Relations Committee noted the increasing role of U.S. defense agencies in leading foreign policy on the ground, and issued a stern warning in a document entitled *Embassies as Command Posts in the Anti-Terror Campaign* (S. Prt. 109-52):

> *It has traditionally been the military's mission to take direct action against U.S. adversaries while the civilian agencies' mission has been to pursue non-coercive measures through diplomacy, international information programming, and foreign and economic assistance. As a result of inadequate funding for civilian programs, however, U.S. defense agencies are increasingly being granted authority and funding to fill perceived gaps. Such bleeding of civilian responsibilities overseas from civilian to military agencies risks weakening the Secretary of State's primacy in setting the agenda for U.S. relations with foreign countries and the Secretary of Defense's focus on war fighting.*

While greater interagency cooperation is a laudable goal, the State Department, not the military, should be the lead agency in coordinating activities to attain foreign policy objectives. To construct a parallel foreign policy decision-making bureaucracy would be confusing at best. To construct it under the aegis of the Department of Defense would be to take yet another step away from the necessary regime of diplomacy. As Senator Richard Lugar expressed it in a November 2007 Senate Foreign Relations Committee report, "U.S. foreign policy must continue to be led, and be seen to be led, by the diplomats rather than the generals or it will create its own resistance."

A final disturbing aspect of *Command Strategy 2016* is the question of police training. The U.S. banned all training of foreign police in the 1970s due to human rights violations committed by U.S. trained forces. There are now limited exceptions to this ban for training managed by State. An earlier draft of the strategy proposed amending the Foreign Assistance Act to give the Defense Department the authority to train foreign police. The draft proposed, "Upon modification of the Foreign Assistance Act and Arms Export Control Act, [to] leverage military support to law enforcement by developing a broad-based program to help train Latin American countries in the area of internal security with a focus on human rights and democracy." An amended FAA would give the Defense Department the authority to decide which foreign police departments should be trained—currently the responsibility of the State Department—and the authority to perform the training. While the Southern Command, commendably, dropped that goal from later drafts of its Command Strategy, it was endorsed in the State Department's July 2007 1206 (f) report to Congress.

Conclusion

This drift of authority from the State Department to the Defense Department over military training and aid programs, as well as the proposed changes in the geographic military commands, will have a tremendous impact on how the United States relates to Latin America and the

world. Yet these changes are taking place while Congress, which has the power to stop or slow them, has sat rather passively on the sidelines.

Senator Lugar, who has been during this period chair and ranking minority-party member of the Senate Foreign Relations Committee, has been one of the few voices of reason. His staff produced two important studies of this phenomenon, *Embassies as Command Posts in the Anti-Terror Campaign* (December 12, 2006) and *Embassies Grapple to Guide Foreign Aid* (November 16, 2007). Both reports (which are available online) required extensive field research, and document problems in this slide of responsibility from State to Defense. Senator Lugar also requested a report from the General Accounting Office on the provision of defense-budget assistance under section 1206, recognizing this new account for the major shift in policy that it represents.

Yet this potentially seismic shift of authorities has been so easy in part because it is the Armed Services Committees who have the final say over approving new defense-budget military training programs—thus expanding their authorities—and not the foreign affairs-related committees like Senator Lugar's, whose authority and jurisdiction are being weakened. If this drift is to end, then, it is essential that the foreign affairs committees stand up for themselves and reassert their jurisdiction. Future administrations must present budgets to the Congress that place military aid and training under the appropriate agencies' authorities, rather than seek to fund them through the Pentagon budget simply because its size makes it easier to do so.

It is not enough for members of Congress or opinionmakers who care about foreign aid and foreign policy to lamely lament, "The defense bill is where the money is." It is not enough for congressional oversight committees merely to demand reports about a trend that they feel powerless to stop. It is irresponsible for the State Department to hand off to the Pentagon a major piece of its foreign policy work. It is not acceptable to say "State is broken," and shift programs to the Defense Department; if State is broken, it should be fixed.

U.S. military assistance—a risky foreign policy tool in the developing world, even at the best of times—is increasingly provided in response to narrow defense priorities, while our diplomats and our congressional overseers, who are charged with guarding our larger national interest, are cut out of the picture.

The Defense Department should not be given the right to manage military aid as it sees fit, with few safeguards and minimal legislative oversight. Back in 1961, the Foreign Assistance Act and its State Department-managed architecture were put in place for a reason: to ensure that military aid was subordinate to the nation's foreign policy. It is important to recall that reason before allowing the Defense Department's military-aid programs to expand and proliferate.

Policy Recommendations

1. The next administration should reassert the State Department's control over foreign military training and assistance programs in its communication with the Congress, in interagency discussions and, most importantly, in the budget it presents for the State and Defense Departments.
2. Congress should reject the reauthorization of the Section 1206 pilot program this year.
3. Congress should reject the Defense Department's $800 million in additional funds for Building Global Partnerships under "New Initiatives" in the FY2009 budget request.
4. Congress should reassert the foreign operations and foreign affairs committees' control over the training and equipping of foreign militaries by shifting these programs back into the foreign operations bills, not the defense bills. Until all such programs are removed from the defense bill:
    A. Congress should insist upon seeing budget requests for foreign military training and equipping from the Defense and State Departments

documented together, by country of destination, in one congressional presentation, before approving funding.

B. Congress should add important human rights conditions currently attached to the foreign operations bill to Defense Department counternarcotics programs. In Latin America, this should include the conditions applied to Colombia and Guatemala.

C. In considering the Merida Initiative, the foreign operations and foreign relations committees should insist that Defense Department plans for training and equipping Mexican and Central American militaries be fully disclosed prior to considering any funding for this major new aid package.

5. Congress should challenge the Southern Command's assumption that it can make dramatic changes in its mission, structure and focus without any change in legislative authority. Congress and the State Department should ensure that the Southern Command's Command Strategy 2016 does not result in the military playing a leading role in interagency activities. The ambassador must remain in charge of the country team and preside over coordination of U.S. policy implementation. The status of "Chief of Mission" must be returned to the U.S. ambassadors heading our embassies overseas.

6. The U.S. military personnel operating in foreign countries, including the Special Forces troops known as Military Liaison Elements, should operate under the ambassador's authority, not independent of it.

7. The existing ban on police assistance (Section 660 of the Foreign Assistance Act) should remain in place until Congress carefully studies how it can help governments improve citizen security without unintended consequences like increased human rights violations.

8. Congress and the State Department should conduct a careful review of the need for greater efficiencies and stronger leadership in the foreign military assistance programs at the State Department. In this review, greater transparency, accountability and human rights protections should be considered advantages rather than obstacles to be overcome.

Endnotes

1 Section 1206 refers to the section of the FY06 National Defense Authorization Act.

2 Because many of these defense-budget military training programs were pioneered in Latin America, our Latin-America focused organizations were among the first to warn about their expansion. Now that this has become a more global problem, a number of important and useful reports have been recently released (see Sources).

3 The nine Western Hemisphere recipients of Section 1033 aid are: Belize (added in 2007), Bolivia (2004), Colombia (1998), the Dominican Republic (2008), Ecuador (2004), Guatemala (2007), Mexico (2008), Panama (2007), and Peru (1998 and 2004).

4 Individuals make a difference in the quality of this human rights dialogue. Principal Deputy Assistant Secretary of State for Democracy, Human Rights and Labor Jonathan Farrar followed human rights concerns closely and raised human rights issues persistently with the Colombian government. Admiral Stavridis, head of the Southern Command, pledged to raise the issue of allegations of extrajudicial executions with his counterparts in the Colombian military. But the pressure of the human rights conditions, monitored by active foreign operations subcommittee members like Senator Leahy, helped make clear to the Colombian government the importance of human rights improvements for the continuation of U.S. military aid.

5 Adm. James Stavridis, USN Commander United States Southern Command Military Strategy Forum 2008 & Smart Power Speaker Series Center for Strategic and International Studies (CSIS), January 16, 2008.

6 David J. Kilcullen, New Paradigms for 21st Century Conflict, May 2007 http://usinfo.state.gov/journals/itps/0507/ijpe/kilcullen.htm

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For more information about military aid to Latin America, including a database of all U.S. assistance to the region, see the CIP/LAWGEF/WOLA website: http://www.justf.org

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