

THE EFFECT OF U.S. LEGISLATIVE EFFORTS TO ENHANCE NATIONAL SECURITY†

*Admiral Vern Clark**

I was the Chief of Naval Operations on September 11, 2001. In fact, I was in the Pentagon that day. If you have ever been to the Pentagon, you know that it is designed with a hub and spoke arrangement. The airplane that hit the building that day, American Airlines flight 77, slammed into the Pentagon between spokes four and five;¹ my office was right at the end of spoke six. The plane that day went all the way through two of the rings, and penetrated into the third ring.² And in the third ring, it went into my command center. And, of course, we all know what happened after that.

I am still taken by our focus on our ability to enhance national security in the reflection of what happened immediately after 9/11. If you recall your history, the President was not in Washington that day and so he spent much of that day and the next circling around in airplanes³—all the things that would happen naturally when an event like this occurs, and the nation faced a real crisis.

I remember vividly on the twelfth of September when the President came to the Pentagon to meet personally with the senior national security leaders. Shortly after 9/11, on the twentieth of September, the President addressed the nation and the combined houses of Congress.⁴ I will never forget that evening. Typically, for the State of the Union

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* Admiral Vern Clark completed a distinguished thirty-seven year career with the United States Navy in 2005. His Navy experience spans his early days in command of a Patrol Gunboat as a Lieutenant and concluded in the halls of the Pentagon as the Chief of Naval Operations and a member of the Joint Chiefs of Staff. Admiral Clark now serves as Distinguished Professor in the schools of Government and Leadership at Regent University.

¹ Brian J. Roberts, *The September 11th Attack on the Pentagon*, <http://pentagon.spacelist.org> (last visited Apr. 10, 2009).

² *Id.*

³ See OUR MISSION AND OUR MOMENT: PRESIDENT GEORGE W. BUSH'S ADDRESS TO THE NATION BEFORE A JOINT SESSION OF CONGRESS, SEPTEMBER 20, 2001, at 26–29 (Newmarket Press 2001).

⁴ 147 CONG. REC. 17,320 (2001) (statement of President George W. Bush).

Address the Joint Chiefs of Staff sit on the left side of the front row. On the twentieth of September, however, we were right in the middle of the front row.

The world knew, and certainly the President knew, that the United States military was going to be called to action. That night, about half way through his address to the nation, the President said, “I have a message for our military: Be ready.”⁵ It was as if he was pointing his finger right at us and the 1.2 or 1.3 million men and women who wear the U.S. military uniform, what I call the “cloth of the nation.” He said, “The hour is coming when America will act, and you will make us proud.”⁶ As you can imagine, we all listened attentively to that message.

He also said that we have an enemy, a new enemy, an enemy that has focused our attention.⁷ He said that we are going to pursue that enemy and all who harbor them.⁸ My ears perked up: I knew that for this nation and the instruments of government to meet that challenge, some things were going to have to change. The “all who harbor them” message was new policy.

In the post-operational world of 9/11, I am the only Chief of a military service and the only member of the Joint Chiefs of Staff who said in a very public way that I did not think my Navy was effectively postured to deal with the post-9/11, twenty-first century challenges that it faced—the ability to operate and to have the kind of resources that we needed in a post-9/11 world.

The President said we are going to use all the elements of national power to pursue this enemy and all who harbor them.⁹ I believe the issue for America today, and certainly for our discussion about the performance of Congress, is whether all of the institutions of government are correctly and effectively postured to deal with the world we have today. By the way, that means the world we really have today; not the world that we had five years ago, or the world we had a decade ago, or even twenty-five years ago—but the one we really have today. I guess it goes without saying: the world that we have, not the world that we wish we had.

As an evolving leader, I learned that I needed a model on how to spend my time and organize my life. I was tasked with finding out how a CEO would spend his or her time as a CEO. And I got to command a lot of things, so I had ample opportunity to apply the lessons of my study.

⁵ *Id.* at 17,321.

⁶ *Id.* at 17,322.

⁷ *See id.* at 17,321.

⁸ *Id.* (“[W]e will pursue nations that provide aid or safe haven to terrorism. . . . From this day forward, any nation that continues to harbor or support terrorism will be regarded by the United States as a hostile regime.”).

⁹ *Id.*

I took to a particular model that says leaders of organizations might consider spending one-third of their time on the touchstones. When I talked to our folks in the Navy, I would say, “If we were running General Motors, our touchstones might be our customers, our auto dealers, our suppliers, and certainly our labor market, our banker, and the kind of groups that if we did not have a wonderful relationship with them, we would fail.” Under this model, the leader would spend one-third of his time on the touchstones, one-third on executive placement and development, and one-third on evaluating the product of the plan. One of my mentors, a CEO of a medium-sized company, taught me in my personal growth and development walk that if he did not have an effective touchstone relationship with his banker, he could be out of business in a week. In other words, if the banker called one morning and said he had a ten million dollar short-term commercial arrangement for you to finance your manufacturing process, then he called back later and said, “Now you have only one million dollars,” my friend the manufacturer said he would be out of business in a week. When I got to be the Chief, I started ticking off who my touchstones were, and a major touchstone for me was Congress—because it was my banker.

Congress—this entity inside the government that makes the ultimate investment decisions in the national security arena—must develop the mechanisms and the means to effectively integrate the investment strategy of the United States of America in the national security arena. Obviously, we all understand Congress is responsible for the enactment of laws, policies, and rules.¹⁰ They also act as the banker of the institutions of government for the capabilities the government is going to pursue¹¹: in the course of our discussion today, specifically in the arena of national security. In my leadership walk, I have come to the conclusion that when we summarize the work of leaders, who direct and run organizations, we find that leaders get to commit resources—not just fiscal resources, but all of the resources. For the government, Congress is that leader. Congress gets to commit the resources.

I looked at Congress from the standpoint of how it was going to commit resources. Every resource commitment decision it made said a lot about Congress, how it defined itself, what it believed in, and who it was going to be. Of course, over time and since 9/11, we have seen Congress legislate into existence new structures, which include the Director of National Intelligence.¹² The Intelligence Reform and Terrorism Prevention Act of 2004 had a big impact on the Director of the

¹⁰ U.S. CONST. art. I, § 8.

¹¹ *Id.*

¹² Intelligence Reform and Terrorism Prevention Act of 2004 § 1011, 50 U.S.C. § 403 (Supp. V 2006) (establishing a Director of National Intelligence position).

Central Intelligence Agency and what his authorities would be, as well as how the Director and the institution were going to pursue their mission in the days to come.¹³ There was much debate about the pros and cons of the Act and its impact on the Central Intelligence Agency. Ultimately, Congress made a number of changes to the uniform command structure of the Department of Defense.¹⁴ This means Congress made changes to the particular responsibilities of organizations globally postured around the world. And of course, one of the most famous things Congress did was establish the Department of Homeland Security.¹⁵

I conclude with this observation: the President said we were going to use all of the elements of national power.¹⁶ When we talk about national security, we tend to think solely about those organizations that have “defense” somehow, either very closely or loosely, associated with the national security thought process.

The task before Congress and the nation today is to engage in the task and mission that the President gave us shortly after 9/11. That mission is to *effectively* engage all of the elements of national power in this process, not just the Department of Defense. It certainly involves the Department of Justice. It is also certainly about diplomacy and the role of the Department of State. I am one of many individuals who believe that there are great resource limitations that constrain the ability of the diplomacy arm of our government.

Other departments, like the Department of Commerce and the Department of Energy, are not properly resourced. I happen to sit as a member of a group that believes energy security is one of the major issues facing us today.¹⁷ Of course, T. Boone Pickens has become famous for his television advertisement stating that seven hundred billion dollars is going to other nations—some which do not like us—every year to pay for oil.¹⁸ So is the Department of Energy doing what it should be doing to protect our national security?

¹³ See generally Intelligence Reform and Terrorism Prevention Act of 2004, Pub. L. No. 108-458, tit. I, 118 Stat. 3638 (codified as amended in scattered sections of 5, 6, 18, and 50 U.S.C.).

¹⁴ *Id.*

¹⁵ Homeland Security Act of 2002, 6 U.S.C. § 111 (2006).

¹⁶ 147 CONG. REC. 17,320, at 17,321 (2001) (statement of President George W. Bush).

¹⁷ Securing America’s Future Energy, A Change to Our National Security, <http://www.secureenergy.org/site/page.php?node=358> (last visited Apr. 10, 2009); Securing America’s Future Energy, Energy Security Leadership Council Members, <http://www.secureenergy.org/site/page.php?node=376&project=2> (last visited Apr. 10, 2009).

¹⁸ T. Boone Pickens Videos, <http://www.pickenssupporters.com/video.cfm> (last visited Apr. 10, 2009).

We need to ask ourselves this question and others: what about agriculture, interior, labor, education, and transportation departments? There are major issues in the Department of Transportation—not just protecting particular routes in a subway, but rather our capability to respond to all kinds of global challenges. And what about Treasury? Secretary Paulson is at the forefront of our attention today. Finally, how does his role, and the strength of the dollar, affect the security posture of the United States of America and what we observe with regard to our economic security today?

While I am not an expert on each of the Departments of our government outside the Department of Defense, I do not believe they are correctly postured to do the kinds of things that need to be done in the post-9/11 environment. Those resource limitations largely still exist. So what happens? Over time, the organization with the bulk of the resources ends up with the bulk of the responsibilities and the bulk of the mission. And that is the Department of Defense.

As a naval officer who had the opportunity to observe the pursuit of our national security at a fairly high level in the government, I would say the U.S. military has been overused in the pursuit of a solution to the challenges that we face in dealing with the national security challenges of the United States of America. It has been overused because all of the other elements of national power are not properly resourced and equipped to take on the challenge in front of us.

The nation is now at war. Interestingly, through all of this, Congress is left with the single task of integrating all of this cross-governmental activity from a policy and resourcing point of view; to equip them and enable them to take on the tasks before them; to act as the prime integrator inside the government to take on these tasks. We must look at the changes that have been made and ask ourselves the question: is Congress up to that task?