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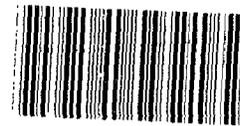
Testimony

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The Use Of Presidential Directives
To Make and Implement U.S. Policy

Statement of
Frank C. Conahan,
Assistant Comptroller General
National Security and International
Affairs Division

Before the
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House of Representatives



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Mr. Chairman, Members of the Committee:

I am pleased to be here today to discuss the interim results of our study on how the current and previous administrations have used presidential directives to make and implement policy for the United States.

Since 1947 the National Security Council has produced policy papers and presidential directives, which have become the U.S. position on a broad variety of national security issues when signed or authorized by the President. Most of these documents remain classified, and details about them are largely unavailable for congressional or public scrutiny. Even those that were unclassified at the time they were issued or those that were subsequently declassified are not well known. Moreover, there is no routine or systematic procedure for considering congressional views before classified or unclassified directives are issued or for notifying the Congress when such directives are issued.

To date, we have examined 247 directives that have been publicly released since 1961. Of the 247 directives we analyzed, about half established policy, directed the implementation of policy, and/or authorized the commitment of government resources. The other directives were, among other things, requests to the executive agencies and departments for more information or seeking recommendations on a particular course of action, queries on issues, reminders and advisories about meetings, discussions of

foreign policy negotiation strategy, and staff reassignments. We are continuing our review and will issue a final report after completing our work.

Let me discuss what we have learned about the number of directives issued since 1947. I will then provide some data generally on what the directives covered. I will then discuss the way in which successive administrations issued the directives and give examples of the kinds of policies/topics covered.

NUMBER OF DIRECTIVES

There is no complete listing available at the National Archives and Records Administration of presidential directives issued by any administration. However, we have determined that since 1961 at least 1,042 directives have been issued. Of these, 247 were publicly released and are maintained in the Archives files; these are the ones that we analyzed.

Over the years, we have become aware of a number of classified presidential directives in connection with our work and others have come to our attention through various media sources. Some of these directives cover sensitive and controversial subjects, including the use of nuclear weapons, the strategic defense initiative, and U.S. policy in Central America. Our current study does not cover classified directives.

Because of the immense volume of policy papers and presidential documents created during the Truman and Eisenhower administrations, our analysis of the period 1947 to 1961 is incomplete at this time.

DATA ON WHAT THE DIRECTIVES COVERED

We examined 247 directives to determine how many established policy, directed the carrying out of policy, and/or authorized the commitment of federal governmental resources. Because many of the documents that we obtained from the Archives contained deletions and the nature of the criteria used in our determinations was somewhat subjective, the results of our analysis may lack precision. Our analysis was based on a reading of the presidential directive; however, we were limited in some cases due to incomplete knowledge of the subject covered by the directive or the consequences of the directive.

We defined establishing policy as an action reaching outside the government structure and its internal administration. For example, we designated NSDD 145, which establishes a national telecommunications policy and discusses how it will be implemented, as a directive that both establishes policy and carries it out. On the other hand, we designated NSDD 159, which describes procedures for covert action approval and coordination as an internal government matter and not a policy issue.

To ascertain whether a directive established a policy, we determined whether the directive created, approved, revised, or modified a U.S. position, concept of operations, statement of goals and objectives, or national policy. To determine whether the directive's intent was to carry out a policy, we analyzed the directive to see whether an action or activity was directed, authorized, or performed in relation to a policy. To ascertain whether the directive designated a commitment of government resources, we determined whether the President had authorized an amount or a range of funds or had committed U.S. military personnel or equipment for a specified purpose.

About half (47 percent) established policy, directed the implementation of policy, and/or authorized the commitment of government resources (see table 1).

Table 1: Presidential Directives That Established or Directed the Carrying Out of Policy or Committed Government Resources

<u>Administration</u>	<u>Reviewed by GAO</u>	<u>Number of directives in identified category</u>	<u>Percent in category</u>
Kennedy	118	38	32
Johnson	34	21	62
Nixon/Ford	33	18	55
Carter	11	7	64
Reagan	<u>51</u>	<u>32</u>	63
Total	<u>247</u>	<u>116</u>	47

Each presidential directive may issue decisions in more than one category. Seventy percent of the 116 directives established policy, and 59 percent implemented or carried out policy. Nineteen

percent involved the commitment of government resources
(see table 2).

Table 2: Breakdown of Presidential Directives That Issued Decisions in Policy or Committed Government Resources

<u>Administration</u>	<u>Established policy</u>	<u>Carried out policy</u>	<u>Committed resources</u>
Kennedy	21	28	10
Johnson	15	10	3
Nixon/Ford	12	10	3
Carter	6	4	0
Reagan	<u>27</u>	<u>17</u>	<u>6</u>
Total	<u>81</u> (70%)	<u>68</u> (59%)	<u>22</u> (19%)

Sixty-three percent of the 116 presidential directives involved foreign policy issues, while 41 percent dealt with military issues (see table 3). Although the percentage of directives involving domestic issues is relatively small (22 percent), in recent years, domestic policy issues have been the subject of an increased number of presidential directives.

Table 3: Presidential Directives Dealing With Military, Foreign, and Domestic Policies

<u>Administration</u>	<u>Military</u>	<u>Foreign</u>	<u>Domestic</u>
Kennedy	16	32	4
Johnson	12	12	2
Nixon/Ford	3	16	0
Carter	1	3	4
Reagan	<u>16</u>	<u>10</u>	<u>16</u>
Total	<u>48</u> (41%)	<u>73</u> (63%)	<u>26</u> (22%)

Because most of the 116 directives dealt with military and foreign policy issues, we queried the staff members of the authorizing

congressional committees for these matters to ascertain their awareness or knowledge of NSDDs. We were told that they are not systematically or routinely informed by the National Security Council about the decisions contained in these directives. Furthermore, we were told that the National Security Council does not provide briefings, fact sheets, or unclassified directives to these committees.

WAYS IN WHICH DIRECTIVES ARE ISSUED
AND EXAMPLES OF TOPICS COVERED

In our research at the Archives, we found that each administration since 1947 has adopted and tailored a system for announcing and circulating to the bureaucracy mostly classified presidential decisions involving domestic, foreign, and military policies. The fact that several of the directives also rescinded or superseded the directives of prior administrations demonstrates the ongoing nature and policy-making intention of the documents.

Although several administrations have changed the name of the series of directives, reflecting the personal style of each President, the way the administrations have used the directives is comparable. Almost all of the directives that we identified as issuing presidential decisions stated it was authorized or directed by the President (either directly or through an advisor) and, as such, established or implemented a policy and/or occasionally committed government resources. A few directives stated that they were U.S. policy but were not specifically authorized or directed

by the President. Except for President Reagan's directives, which I will discuss later, the presidential directives are generally in the form of memoranda, showing department and agency distribution, the initiator's signature, and the substance of the directive.

In 1947, the National Security Council began producing policy papers. Those containing policy recommendations were presented to President Truman and, if signed, indicated approval of the proposed policy. When President Eisenhower assumed office, there were approximately 100 operative NSC policy papers, and by the end of his administration, some 320 policy papers plus numerous NSC actions had been approved.

The documents which we have not yet had an opportunity to review appear to largely deal with U.S. foreign and military policy during that period and include such diverse issues as the construction of airfields in Turkey, economic relations between the United States and Yugoslavia, plans for overt psychological warfare during wartime, and certain steps to "trace down" those responsible for unauthorized disclosures of classified information.

President Kennedy established National Security Action Memoranda (NSAMs), many of which represented policy recommendations approved at NSC meetings. These decisions include establishing a policy of greater police assistance programs in less developed countries; authorizing the dispatch of fighter aircraft and logistical support

to the Congo for contingency purposes; and authorizing a special U.S. contribution to the Laotian government.

President Johnson continued the system of numbered NSAMs after taking office but executed only about 98 directives, as compared to President Kennedy's 272. Through NSAMs, President Johnson authorized an increase in U.S. military support forces in Vietnam, directed the U.S. Information Agency to reprogram funds to carry out an intensified and expanded program of psychological activities in the Vietnamese conflict, and approved the initiation of a Central American Export Development Program to exploit Central America's export potential.

The Nixon and Ford administrations initiated national security position papers, called National Security Study Memoranda. The decision documents resulting from these papers were designated "National Security Decision Memoranda" (NSDM), which include such presidential decisions as establishing a policy to renounce the production of toxins except for defensive research and development purposes, directing the National Science Foundation to implement a \$29 million to \$34 million program in the Antarctic, and endorsing a policy to combat worldwide population growth.

In President Carter's first presidential directive, he established the Presidential Review Memoranda to study national security issues. To issue these decisions, he established the Presidential Directives/NSC series. Among other decisions, President Carter

established a national policy on telecommunications security and established a policy to guide the conduct of civil space programs.

President Reagan, like President Carter, established a series in his first directive, which he called National Security Decision Directives (NSDD), to issue his decisions in all areas involving national security.

Based on the documents we obtained from the Archives, President Reagan's NSDDs differ in format from those of previous administrations. Only two of his directives resemble memoranda. The remainder look like policy papers or summaries. In some cases, the NSDD is marked "unclassified version." In other cases, it appears that a "fact sheet" has apparently been released in place of the original NSDD. Another distinction between President Reagan's directives and those of previous administrations maintained at the Archives is that only three have been signed by him or for him, despite the fact that in his first NSDD he declares that all NSDDs are to bear the President's signature. This indicates that most of the declassified and released NSDDs may not be photocopies of the original documents, as is the case since 1961, or that he, in fact, has not signed many NSDDs.

President Reagan's National Security Decision Directives include those approving a strategic forces modernization program, which authorized the Defense Department to absorb any cost overruns by reprogramming funds; establishing a policy to help victims of acute

food shortages in selected Third World areas, which included the establishment of a no-year \$50 million presidential fund; and establishing a national policy for commercializing expendable launch vehicles.

CONCLUSIONS

Closely held documents, establishing or implementing administration policy, are a concern because national policy may be initiated and directed by the President without relevant congressional committees being consulted or informed. Given the breadth of topics that these directives cover, some type of notification to the Congress may be warranted.

As I stated at the outset, this testimony presents the interim results of our study on how administrations have used presidential directives to make policy for the United States. We will continue to research the subject and present our final report to the Committee in the near future. I will be pleased to answer any questions the Committee may have.