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INSTITUTIONAL REFLECTION ESSAY: EXECUTIVE BRANCH ACTION TOWARDS NATIONAL SECURITY

ENSAYO DE REFLEXIÓN INSTITUCIONAL: ACCIÓN EJECUTIVA HACIA LA SEGURIDAD NACIONAL

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ABSTRACT

This Institutional Reflection Essay was developed with the purpose of discussing different aspects of the American political institutions, including their impacts and influences, among the development of public policy in the United States. Therefore, this paper incorporates point of view and arguments of the United States Executive branch and national security, based on peer review analysis in the field of public policy and criminal justice. The essay will cover the aspects of action national security issues and how policies can be re-directed towards the increment of our Nation's security. This paper's final achievement will be to demonstrate the importance of creating policy and how each American political institution has a crucial function among the process of developing public policy.

KEYWORDS: Best practices, Knowledge, Reflections.

RESUMEN

Este ensayo de reflexión institucional fue desarrollado con la finalidad de discutir diferentes aspectos de las instituciones políticas americanas, incluyendo sus impactos e influencias, entre el desarrollo de las políticas públicas en los Estados Unidos. Por lo tanto, este artículo incorpora el punto de vista y argumentos de la rama ejecutiva de los Estados Unidos y la seguridad nacional, basado en pares revisión el análisis en el campo de la política pública y justicia penal. El ensayo cubrirá los aspectos de los asuntos de seguridad nacional de acción y cómo las políticas se pueden volver a dirigir hacia el incremento de la seguridad de nuestra nación. Logro final de este documento será demostrar la importancia de crear políticas y cómo cada institución política

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estadounidense tiene una función crucial entre el proceso de elaboración de políticas públicas.

PALABRAS CLAVE: Mejores prácticas, Conocimiento, Reflexiones.

INTRODUCTION

This paper brings up a series of insights regarding the Executive branch actions towards National Security. Security and national defense are primary elements conceive inside the conformation of nations. These elements give certain levels of confidence and protection to all the citizens that form the United States Nation. Therefore, this paper gathers a number of peer reviewed articles with different perceptions in relation to the executive branch as a political institution who's main purpose is national security.

The primary objective on our President's Agenda should be the security of it's Nation. This objective is executed by using national defense as a tool to achieve security. That's why this essay points out the national security subject as a psychological aspect, an attitude, and/or state of awareness in which the citizens will depend on the levels of confidence and protection that one of the State's main branches is giving them.

THE MAIN ROLE OF THE PRESIDENT UPON NATIONAL SECURITY ISSUES

National security is a serious matter. The President of the United States, in charge of giving executive orders, is also the one at front of the executive branch of the federal government. Executive orders have the same weight as laws do (Kassop, 2013). Therefore, when the President gives an executive order, he can modify practices of the executive branch administrative agencies, establish treaties, change them, and to also strengthen legislative regulations in favor of United States Constitution.

Consequently, after understanding the main role of the President and the Executive branch in relation to the management and decree of orders, an insight about how national security can be analyzed. Kassop (2013) discusses in one of her articles how the Obama administration has tussle among the past administration's policies in relation to counterterrorism. They are trying to develop policies that are less controversial towards the element of targeting enemies. It has been failure trough failure when it comes to accomplishing their campaign promises (Kassop, 2013).

For example, the actual administration has suffered from rejection of using military commissions to pursue terrorism and practicing the process of holding up suspects without charge. Kassop (2013) uses her article to analyze relations between the White House political counselors and the principals of creating policy regarding national security. Analyzing also the executive branch and the failures they have been confronting, especially since the 9/11 attacks. Therefore, the oppositions to counterterrorism policies during the past administrations where the result of the increase of voters for Obama's election in 2008 (Kassop, 2013). That was because the actual President promised during his campaign to reverse those past policies, increasing the voters expectations at the same time that changes were occurring.

RESPONSIBILITIES OF THE EXECUTIVE BRANCH TOWARDS NATIONAL SECURITY

The executive branch has a big responsibility in the process of decision-making and national security actions. Therefore, a strong executive branch leadership is needed as a crucial part of policy implementation regarding the Nation's security. An article written by Pfiffner, Dwight Ink, Lewis & O'Connell (2012) indicated how the President needs to become a strong leader, with the necessary experience to guide its administration, develop policy, direct military actions, and make recommendations to improve political issues and bring security to the Nation.

ACTIONS TAKEN AMONG THE EXECUTIVE STAFF

For that reason, the recruitment of political appointees must be efficient and effective. The President needs to be capable of implementing, at a full level, innovative policies that organize national security priorities (Pfiffner et al., 2013). It is obvious that things changed a lot after the September 11's attacks. Everyone was concerned about the security measurements the government took to manage the situation. People felt insecure and unprotected. For that reason, Posner (2011) exposed in one of his articles that other government institutions, like the legislature and the courts, should defer from the decisions made by the executive branch in cases of national security crisis.

PRESIDENT'S ACTIONS AND STANDARDS

The purpose of Posner's argument of deferment is to expose how orders can become powerful standards during big crisis like terrorism. The President must be able to respond and guide itself by every established rule so his policy decisions can be accurate. In addition, Posner (2011) indicated that the executive branch must be linked to other governmental institutions in the United States in order to review the actions taken under emergency cases. He exposed that the United States' governmental institutions become strong when they take actions towards fortifying the entire Nation's structure. It's important to understand that bad decisions can be taken, especially in times of national crisis.

Strong national security standards are based on the level of experience that their decision-makers have (Posner, 2011). They cannot secure the efficiency of a rule until it is executed. For example, every rule created by political institutions, in this case the executive branch, should be applied to govern usual actions. Meanwhile, standards should be applied to manage unusual actions. Terrorism actions against our Nation can be considered unusual. Therefore, when it comes to manage this kind of crisis, standards should be applied with big precaution. Counterterrorism actions involve numerous protocols that are structured by several standards.

It is difficult for leaders to take action under crisis. It is all about how our presidents can be successful at claiming their executive powers, especially under terrorist threats. That's what Divoll (2001) tried to explain in her article related to national security and information from the executive. War is present every day and threatens our Nation's safety. It should be a priority for the executive's agenda to create

policies that regulate actions against national security threats. Things are seen differently after the 9/11 attacks. The United States citizens have become skeptical toward the actions taken by the government in order to maintain the Nation's safety (Divoll, 2001).

EXECUTION OF POWER

Still, the U.S. population relays on executive power. Divoll (2001) indicated that is not about who's executing more power, it's about maintaining a balance of that power and using it to protect the Nation against continuous threats. The debate begins when the President must make judgments, constitutionally based, of the powers it posses. Knowing that the proper action, as a President, is to keep a functional balance between every political institution. Although the President must secure it's branch's principles, it also has to offer effective bounding among every other branch. This team work would lead to an effective management at the time of confronting national security crisis.

Based on Divoll (2001) the United States has failed at defending and asserting constitutional powers against their own authorities. For example, usually the Congress ask for part of the information released from the executive branch intelligence department, including policies and actions taken by the government in cases of national security. The truth is based on the executive branch responsibility to develop policies and laws, investigating the data gathered after analyzing the functions of every governmental institution. Therefore, there's an obligation to support every policy and action committed by the President in relation to assessing national security issues that represent a threat to the country.

EXECUTIVE DECISION-MAKING AND COUNTERTERRORISM

Actually, the war against terror has been prolonged as a result of the issues that have been emerging. In relation to the subject, Friedberg & Hazan (2009) developed an article were they established the actual phenomena of terrorism and counterterrorism policies. The actions taken by the executive branch can affect the decisions taken by other political institutions. Since the 9/11 attacks, there has been a struggle upon the Nation's security status. The huge wave of terrorist threats claim fast executive action (Friedberg & Hazan, 2009). Sometimes, people do not understand that treating national security issues, like terrorism, is different from managing aspects like immigration, and civil rights. The reason remains on the substance of the problem.

Directing counterterrorism and developing military strategies can be overwhelming, especially for those who have the responsibility under their shoulders. A bad decision taken can result in problems to control military actions against enemy territories, lacking in providing the necessary security to the Nation. The number of counterterrorism laws have increased since the attacks of September 11, establishing obligations for the executive branch to develop security regulations crucial for acting upon a crisis.

PRESIDENTIAL INHERENT POWER

Fisher (2007) wrote an article about the executive branch and how it defines presidential power regarding national security and foreign relations. It establishes that the power possessed by the United States President is inherent and cannot be influenced by other political institution's constraints. Since 9/11, the Department of Justice has concluded that the President is the one in charge of using military force to fight against terrorism. For example, in 2006, the Department of Justice fight for the right that the NSA (National Security Agency) had to apply surveillance inside and outside the United States (Fisher, 2007).

Therefore, the President will have inherent power to direct national affairs, manage international conflicts and deal with threats. That means that the executive branch is designated to exercise control of foreign affairs. Meanwhile, to control these external relationships, the executive branch must deal with the difficult world of gathering intelligence and structuring the national security system. In addition, the President's inherent power includes a responsibility towards maintaining the States secrets, especially those that are directly related to defense.

EXECUTIVE POWER INVOLVING STATE SECRETS

Democracy's primary element is openness. Therefore, it is difficult for the United States citizens to understand State's secrecy and how can this affect the creation of public policy. Weaver & Pallitto (2005) indicated the need for secrecy and how does it get involved with the activities developed by the executive branch. State's secrecy has remain for many years. This aspect created controversies related to democracy and the government's performance. For example, the citizen's evaluation of public officials was affected by the information retained. In some point, the U.S. population felt left out of the process of public policy, feeling their democratic rights being violated (Weaver & Pallitto, 2005).

After the 9/11 terrorist attacks, the government adopted new secrecy measurements. This brought executive secrecy, in particular, to be evaluated in relation to it's effectiveness and applied mechanisms (Weaver & Pallitto, 2005). The argument of defense was based on the executive branch using secrecy as a way of protection against threats. Then, new controversies emerged when Bush's administration ordered, after September 11, to restrict information that was available to the Congress in times before. That order was stated until the USA Patriot Act was emended, authorizing the Department of Justice the access to records and information obtained through surveillance (Weaver & Pallitto, 2005).

They also argue that democracy, sometimes, needs also to apply secrecy. This is well seen in national security matters, such as the management of mass destruction weapons, intelligence methods to obtain information, interrogation methods in cases of terrorism, military strategies, and other governmental negotiations (Weaver & Pallitto, 2005). The dilemma emerges when secrecy is used to commit abuse and executive power is badly used and hidden among bureaucracy.

EXECUTIVE CHALLENGES IN THE FIGHT AGAINST TERROR

The actual war on terror is demanding an aggressive governance. Some citizens believe that the Nation has got so involved in the "War on Terror" that has abandoned its true commitment (Mashaw, 2009). Therefore, one of the challenges explained by Mashaw (2009) was the improvement of executive administration failures that influenced in the prevention of attacks to the Nation's security. It all started because of the 9/11 attacks. When Bush's administration failed to prevent those attacks, the whole executive branch was put under evaluation.

The evaluation applied to the executive branch involved the collection of data that demonstrate the Achilles heel of the system. After that, the remain procedure was to improve the faulty aspects of their counterterrorism policies and increase the Nation's security system. One of the tools they applied was surveillance. That becomes the second challenge. The controversy began between the application of surveillance and constitutional rights. The fact of applying any type of surveillance among U.S. citizens involves warrants (courts permissions to obtain private information). The fact of obtaining information in a secret way caused controversies among the citizens and their democratic scenario.

The question will always remain on whether who's totally responsible for managing the information obtain through surveillance. The legal struggle over surveillance procedures will still remain (Mashaw, 2009). The issue will be based on the state of secrecy founded between the information obtained, the ones who manage the data, and the uses they give to it. There will be aspects remained in secret to protect the President, its administration, and the Nation's security from unknown threats. It also helps the executive branch to achieve one of its main goals, to give strength to the nation's strategic plan.

STRENGTHENING THE NATION'S STRATEGIC PLAN

The war against terrorism has brought a lot of failures to the United States, making their government think they have lost their capacity to conduct an efficient strategic plan. There is an article wrote by Friedberg (2007) that states how the executive branch has an important task in the creation of strategic plans and the performance of each governmental agency. The primary point in the President's Agenda is the development of a strategic plan. As for that, the most important aspect to cover is security. That's because all the remain aspects, such as education, economy, health, infrastructure, and law enforcement, rely on national security.

An effective strategic plan must evaluate the institutional and knowledgeable deficiencies of day-to-day governmental management. It should analyze the pros and cons of there interventions and actions against domestic and international threats. The executive branch leaders must be capable of planning, based on secure resources, strategies that assess the concerns about current administration failures (Friedberg, 2007). They analyze the failures to locate their debilities and transform them into strategies that will strength governmental actions towards securing the nation.

THE DUTY OF CONGRESS UPON THE PRESIDENT'S ACTIONS TOWARDS NATIONAL SECURITY

There's a list of expectations related to national security. In first place, people expect the President to act upon foreign affairs, such as immigration, threats and terrorism. The issue remains on how this actions are taken and how they proceed in favor of the United States Constitution. It's a difficult matter for the Executive branch to act firmly against terrorism without interfering with what's constitutionally established and without exceeding their powers (Swazo, 2004). The duty of the Congress is to see if the President's capacity of action is constitutionally based as a Commander in Chief should proceed.

In addition, the Congress expresses the need and obligation of the President to communicate with them before the use of armed forces to deal with imminent hostilities or threat situations against the nation. However, the Congress still doesn't forget the violations to the international law from part of President Bush in relation to the Iraq conflicts (Swazo, 2004). The issue relies in the fact that the President talk and represent the nation, being on charge of all negotiations, and entering into fields where the Congress itself cannot trespass. That's why the executive branch created other agencies to help deal with such issues.

NATIONAL SECURITY AGENCIES LINKED TO EXECUTIVE ACTION

Since 9/11, the United States government has reorganized their national security's action plan, including all the agencies related to that matter. It first began with the National Security Agency (NSA). Together with the Office of Homeland Security (OHS), the NSA has followed recommendations in order to improve their procedures in cases of national emergency. Donley & Pollard (2002) developed in an article an argument about the vulnerability that the United States government, especially the executive branch has gain after the September attacks.

Furthermore, they express how important is for the executive branch to ensure homeland security and reorganize every agency related to that it. It is a fact that the government plans, in the future, to unify security and defense departments (Donley & Pollard, 2002). The purpose of evaluating all security agencies is to analyze the country's counterterrorism structural debilities and make recommendations to reinforce them. Part of the process is to locate each agency's outcomes and compare them with the missions they wanted to accomplish in order to achieve national security.

They also evaluated the fact that the Executive's Agenda is full of international affairs, mostly about power issues between countries. The executive branch also manages other types of matters, from political issues to health, education, and security aspects. Each of them needing an individual policy to manage it. Therefore, there is a high need for different security agencies to take charge and help assess those cases that need rapid action. This gives the President the opportunity to select different national security agencies that have been in the forefront of every threat the nation has received and develop groups to prevent major crisis (Donley & Pollard, 2002).

ACTION UPON DOMESTIC AND INTERNATIONAL THREATS

The matter of defense against domestic and international terrorism has increase since the recent threats the United States has been confronting (Vervaele, 2005). The themes of security and terrorist are very popular these days, creating concerns among the government officials and the actions they need to take involving a national crisis. Questions emerge as a consequence of the citizen's unsecure feeling in this types of situations. Therefore, national security has become the primary goal of the United States Department of Defense and the President's Agenda (Vervaele, 2005)

It's important for the Executive branch to recognize that homeland security comes along with many challenges, but is a crucial matter in the need of high coordination and skills. The Executive Office, who's President is in charge, must create an entire plan to structure national security, preparing a budget and a list of responsibilities directed and supervised by the President (Vervaele, 2005). Consequently, the President's vision of making the United States a more secure country, comes along with the creation of a strong structured plan that can help face the challenges they will confront along the way.

OTHER INSIGHTS

Sometimes, people may think that the hole national security issue is a mater of preserving the executive. George (2005) posted an argument on one of it's articles stating that national security has many considerations, many of them a matter of debate. That makes them want to be discussed in private, with the purpose of protecting the executive. In addition, the counterterrorism legislature has been very sensible with these issues. That sensibility is an aftermath of the terrorist attacks of 9/11. Policies to ensure security have increased as a consequence of the large amount of terrorist threats the nation has been receiving (Vervaele, 2005).

Obama's latest administration has been focus on protecting the Nation's security system and making it stronger so that it's citizens can live peacefully. But, that doesn't take away all the doubts that the citizens have about what really happened on September 11 and if the United States is really prepare to face another situation like that. That's why articles explaining the contemporary presidency have emerge, so that people can understand the changes that have become as the result of society's increasing criminality status.

Miller (2013) stands that the United States National Security System lacks of capable staff and planning. He assures that the National Security Reform needs to be re-structured. The citizens can observe that after the attacks of 9/11 and the Boston's bombing, the hole National Security System of the United States has been on risk (Miller, 2013). Therefore, a hole re-structured reform needs to be passed so that new strategic plans can be included. The plan can include coordinated team work from part of different national security organizations like the NSC (National Security Council), the OHS (Office of Homeland Security), and NSA (National Security System), together with the Executive branch and other governmental institutions.

Another important insight is related to the Obama's 2010 National Security Strategy and International Law. This plan was created to present the all new authorized procedures on the application of force. Gray (2011) wrote about how the plan indicates that the use of force should only be applied as a last resource. The main purpose of this is to reduce violence. The Obama's administration developed a plan

with new approaches related to the U.S. National Security Strategy (USNSS), combining this with a strong commitment to obey the international law (Gray, 2011).

Although the United States is a country that promotes democracy and human rights, along with what the USNSS establishes, the use of force, in the past, has been seen as one wrongly managed. All around the World, democratic movements and organizations have emerged in order to defend human rights in cases of discrimination. Gray (2011) indicated that the fear, especially since the September 11 attacks, have created a shield for the U.S. citizens and government officials to be defensive. It is not a situation of tyranny. It is a matter of overcoming past experiences and taking new responsibilities as stated by the law.

That's the reason why the Executive branch, directed by the U.S. President, counts with professional national security advisors and a responsible staff. This team is the one in charge of managing transitional changes after adjusting to the actual national security situation. Burke (2009) indicated the importance of the NSC in this matter, making this group of counselors the ones responsible of advising the President in the policy decision-making process regarding national security and foreign relationships. They help to analyze the policy outcomes that may occur during the process and evaluate how can it affect the President's tanks as the Commander in Chief (Burke, 2009).

When it comes to national security affairs, the thinking needs to be wisely. The Executive branch has an important role in protecting the nation and creating policies to achieve it (Burke, 2009). Although there has been differences between the primary political institutions (Executive, Legislative and Federal Courts System), the final point always remains in working together to achieve what's beneficial for the Nation's safety. Furthermore, the United States governmental structure is becoming more strong, increasing their defense strategies and improving their security measurements.

The goal is a more efficient presidency. Insufficient accountability has been an constraint over the years (Azmy, 2012). The United States population needs for their President to be reliable and prepared for the issues ahead. The Executive branch has to have positive perceptions, promoting activities to endure national crisis like terrorism (Azmy, 2012). A re-defined Executive branch is emerging, maintaining the country's constitutional traditions, increasing military power, facing crime and threats, and applying new ways of obtaining intelligence through updated surveillance.

All the insights gathered trough the article research led to the same point, the challenges that the Executive branch has and is confronting in relation to national security's self-policing and enduring crisis. There is an article written by Shane (2009) where he expresses how presidential power has affected the system. There are several limits at the time of providing reliable analysis in times of crisis and emergency (Shane, 2009). That includes the governmental risks that have to be faced by the President and his advisors in order to protect classify information and/or operations.

There's always a statement to remember that the United States was and is founded on the Constitution (Shane, 2009). The main purpose was to create a government directed by a President who can structure it and control their public officials from abusing of their powers. Building a government that can act fast and without any doubts, especially in cases of national crisis. The main analysis is based

on maintaining the U.S. government and the executive in a continues control of every situation, managing foreign relations with extreme care and dedication and without violating any constitutional right (Shane, 2009).

CONCLUSIONS

Although terrorism is increasing more and more each day, national security strategies should be always updated according to the circumstances. As for that, there are may ways to synthetized the out coming trends. The goal is that every insight commented on this paper reaches the same perspective, to gather all that have been about the matter of the Executive branch actions towards national security until this 21st century and reflect upon it.

It is notable that national security threats are very popular these days. The United States Government if facing domestic and international conflicts, such as terrorism, anti-governmental movements, and individual protestants. All of these conflicts required the capacity of a leader who's capable of managing the nation's powers, the application of military force, and the collection of intelligence, restructuring law enforcement, improving homeland security and giving support to the entire national security system (Lederman, 2008).

Therefore, Executive's actions are important to accomplish all of these matters. To address national security with integrity and capability (Lederman, 2008). Recognizing the efforts that each branch, including the Executive, gives to ensure the Nation's safety against threats. It is a difficult task and a huge weight upon the leaders of each organization. Understanding that every national aspect, such as education, health, economy, military, and infrastructure, relies on national security. If the country's facing danger and threat, every other aspect gets affected (Lederman, 2008).

Finally, the main purpose of reflecting upon these matter is to visualize the importance and the influence that national security has on this country. The process of developing strategic plans to that can promote policies to increase the nation's protection it's a difficult matter. It requires intelligence, capability and perseverance. Those are all the qualities that a real leader should have and the qualities that the U.S. citizens expect from their President. It's like driving a boat where every one has an important task, but at the end, the captain is the one in charge of making the final decisions.

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