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## The U.S. Department of State's "Dissent Channel"

Two recently leaked Dissent Channel messages pertaining to the Obama Administration's policy toward Syria and the Trump Administration's first travel ban on seven Muslim-majority countries have helped facilitate broader political debate and scrutiny of both policies. Congress's decisions regarding the Department of State's Dissent Channel messages, including the questions of whether Congress should receive notification of, or even access to, such messages may impact the nature of the Department's deliberations on paramount foreign policy issues and how its employees use the Dissent Channel.

### What Is the Dissent Channel?

The U.S. Department of State (DOS) has long maintained an internal communications procedure known as the "Dissent Channel." According to DOS's Foreign Affairs Manual (FAM), the Dissent Channel allows any U.S. citizen employee of DOS or USAID to "express dissenting views on substantive issues of policy in a manner which ensures serious, high-level review, and response" by the Secretary of State and senior officials. The FAM conveys codified statutory, executive orders, and mandates with respect to Department of State's policies, procedures, and structures. 2 FAM 070 describes Dissent Channel messages, including the identity of their authors, as "a most sensitive element in the internal deliberative process." In ensuring the facilitation of "open, creative, and uncensored dialogue" on foreign policy matters, authors are expressly protected from any penalty, reprisal, or recrimination. FAM instruction allows the author to classify a Dissent Channel message "as appropriate," thus requiring the author to follow the government classification system under Executive Order 13526.

### Origins and History

The origins of the Dissent Channel can be traced to Secretary of State Dean Rusk, who served in the John F. Kennedy and Lyndon B. Johnson Administrations from 1961 to 1969. According to *Historical Research Memorandum* dated August 1982 from the Office of the Historian of the Department of State, Rusk laid the groundwork for Secretary of State William P. Rogers to formally establish the Dissent Channel in 1971.

In many areas, Secretary Rusk propelled DOS forward with new management concepts, tools, and strategies. In 1967, Rusk created the Secretary's Open Forum, an office with designation S/OF, with the responsibility to bring "new or alternative policy recommendations" to him and senior staff. Rusk also offered Foreign Service professionals more interagency work opportunities and expanded training in science, technology, and population growth.

Secretary Rogers, who served in the Richard M. Nixon Administration from 1969 to 1973, continued Secretary

Rusk's legacy to explore alternative foreign policy ideas. Per recommendation by *Task Force VII on the Stimulation of Creativity*, Secretary Rogers formally established the Dissent Channel to hear "well-thought-out dissent" ideas that otherwise would not reach him or senior officials through preexisting channels.

Former Under Secretary for Political Affairs Nicholas Burns, the third-ranking DOS official serving in the George W. Bush Administration, stressed the value his boss, Secretary of State Condoleezza Rice, placed on the Dissent Channel for two reasons. One, the Channel allows DOS personnel to express dissenting views on issues central to "U.S. foreign policy," and, two, dissenting views offer expert advice to the leadership that ultimately benefits the department and the nation. Burns also emphasized the importance of confidentiality on all Dissent Channel messages to allow internal discussions on policy.

It is difficult to track the number of received Dissent Channel messages since its inception in 1971 because of the sensitivity and classification of the messages. Public record indicates DOS receives only a small number of these messages annually. Internal sources showed DOS received more than "200 Dissent Channel messages between 1971 and 1995." The Dissent Channel continues to provide DOS employees direct access to the Secretary of State and senior officials on substantive policy matters.

### Handling of Dissent Channel Messages

At each overseas mission, the chief of mission (COM)—the ambassador in most cases—is responsible for the overall direction, coordination, and supervision of all U.S. government executive branch employees. In line with this authority, the COM is charged with the following Dissent Channel responsibilities:

- educate the workforce about the intent of the Dissent Channel;
- facilitate the Dissent Channel transmission to the Secretary of State and senior officials;
- safeguard Dissent Channel sources and contents; and
- protect Dissent Channel authors from reprisal.

Three offices are responsible for overall Dissent Channel management and are entrusted with ensuring diplomats have a direct communication line to the Secretary of State and senior officials on substantive foreign policy and national security issues.

- S/P (Secretary/Policy) is responsible for managing Dissent Channel messages.
- S/OF (Secretary/Open Forum) is responsible for monitoring the Dissent Channel operation and providing clearance on all responses.

- **OIG (Office of Inspector General)** is responsible for investigating “all reports of improprieties related to use of the Dissent Channel and for recommending appropriate action.”

In general, S/P distributes Dissent Channel cables or memos to the Secretary, the Deputy Secretary, the Under Secretary for Political Affairs, the S/OF Chair, and, if the author is a USAID employee, to the USAID Administrator. Depending on the subject matter, the Dissent Channel author may request S/P to limit or increase distribution. If there are any signs of Dissent Channel improprieties, the OIG, in consultation with S/P, provides investigative responsibilities and recommends appropriate actions. S/P has two working days to acknowledge receipt of the message and 30-60 working days to provide a substantive reply to the author.

## Dissent Channel Outcomes

The Department of State does not make Dissent Channel messages public, rendering it difficult to surmise the broad effects of these messages on U.S. foreign policy decision making. However, analysis of those few messages that are publicly available indicates Dissent Channel messages may rarely impact foreign policy.

For example, in 1971, Consul General Archer Blood and 20 members of his staff sent a Dissent Channel telegram urging the Nixon Administration to intervene in “selective genocide” in East Pakistan (today Bangladesh) and predicting the emergence of a new nation. Nixon’s “friendship with [Pakistan] President Yahya” and Nixon’s China policy prompted his Administration to tilt its policy toward Pakistan as a counterbalance to the Soviets in the region. Unhappy with the telegram, the Nixon Administration pressured Secretary of State Rogers to reassign Blood to Washington.

In 2003 and 2004, then Foreign Service officers Anne Wright, John Brady Kiesling, John H. Brown, and Keith W. Mines used the Dissent Channel to present their dissenting views on the George W. Bush Administration’s policies in Iraq. In 2016, 51 diplomats offered an alternative policy option on Syria’s long-standing civil war. In 2017, nearly 1,000 diplomats, according to various news outlets, endorsed an alternative policy option to President Trump’s Executive Order: *Protecting the Nation from Foreign Terrorist Entry into the United States*. Like the Blood telegram, none of these messages appear to have resulted in the Administration shifting its policy.

One Dissent Channel that did appear to have a policy impact is a leaked 1992 Bosnian Dissent Channel message, which has been credited as an impetus to the Dayton Accords in 1995.

In addition to the use of the Dissent Channel, Foreign Service professionals have expressed policy disagreement in other ways. Foreign Service professionals gravitate toward one of four options when presented with a new order: follow the order, seek an assignment not affected by the new order, use the Dissent Channel, or resign.

- **Follow the order:** Foreign Service professionals generally favor the “follow the order” tenet, because their job requires following Administration policy despite personal views.
- **Seek an assignment not affected by the new policy:** Foreign Service professionals may request a new assignment that is not affected by the new policy.
- **Dissent Channel:** Foreign Service professionals may write a Dissent Channel message to the Secretary of State and senior officials with a dissenting view.
- **Resign:** Those who are against the policy may choose to resign. For example, in addition to sending a Dissent Channel message, Foreign Service officers Ann Wright, John Brady Kiesling, and John H. Brown resigned over a policy disagreement regarding the war in Iraq.

## Internet Impacts

The Internet has affected how the Department of State’s 13,800 Foreign Service, 11,200 Civil Service, and 50,400 Locally Employed Staff employees at 275 posts in 195 countries collaborate with one another on topics of strategic importance to the nation. The recently leaked Dissent Channel message on the Trump Administration’s travel ban is a case in point. Using modern telecommunications tools, DOS employees crowdsourced its Dissent Channel message, reportedly resulting in nearly 1,000 DOS employees signing the message. The large number of employees, in turn, created challenges to control the confidentiality of the message.

## Issues for Congress

Although the Dissent Channel process is an internal policy deliberation mechanism within the Department of State, the recent media attention associated with leaked Dissent Channel messages has renewed congressional scrutiny over the program. Key questions have focused on whether there could be a congressional role in preserving confidentiality or receiving notice of Dissent Channel messages and whether expanded congressional access to such messages would have a chilling effect on the use of the Dissent Channel.

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