

CONGRESS AND CIVIL-MILITARY RELATIONS

Colton C. Campbell and David P. Auerswald, Editors

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For Marilyn a
—C. C. C.

For Jen, Robin
—D. P. A.

The Political, Policy, and Oversight Roles of Congressional Defense Commissions

JORDAN TAMA



One of the most unappreciated ways in which members of Congress have sought to influence military policy in recent decades is through the creation of ad hoc advisory commissions.¹ From the beginning of the Ronald Reagan administration in January 1981 to the end of the George W. Bush administration in January 2009, Congress established at least twenty-three temporary, independent commissions in the area of defense policy or military affairs.² The mandates of these commissions spanned a wide array of defense issues, from broad examinations of military roles and missions to more tailored probes of specific issues, including nuclear weapons policy, defense contracting, military basing arrangements, the roles of the National Guard and reserves, policies concerning women and minorities, the nature of certain security threats, and the value of particular weapon systems. (For a list of these commissions, see table 4.1.) The stories of these commissions provide an important window on many defense policy debates of recent years and reveal important dimensions of the politics of US defense policymaking.

In this chapter, I provide an overview of the role of ad hoc congressional commissions in US defense policymaking and briefly analyze the creation and impact of a few of these commissions. My analysis—which draws on interviews and primary source research—shows that lawmakers have created defense commissions for a variety of reasons, including to advance an agenda of defense reform or policy change, facilitate oversight of the Department of Defense (DOD), and avoid blame or kick the can down the road on a contentious issue. I further show that while the impact of defense commissions has varied widely, some of these commissions have exerted significant influence on legislative debates or policy changes. Overall my analysis demonstrates that commissions are an important tool of congressional defense politics, policymaking, and oversight.

Table 4.1
Ad Hoc Defense Commissions Mandated by Congress, 1981–2008

| <i>Name</i> | <i>Chair(s)</i> | <i>Year Authorized</i> |
|--|--|------------------------|
| Chemical Warfare Review Commission | Walter Stoessel | 1984 |
| Commission on Merchant Marine and Defense | Jeremiah Denton | 1984 |
| President's Blue Ribbon Task Group on Nuclear Weapons Program Management | William Clark | 1984 |
| Defense Base Closure and Realignment Commission ^a | Jack Edwards and Abraham Ribicoff | 1988 |
| National Commission on Defense and National Security ^b | NA ^c | 1990 |
| Commission on the Assignment of Women in the Armed Forces | Robert Herres | 1991 |
| National Commission on the Future Role of the United States Nuclear Weapons ^b | NA | 1991 |
| President's Advisory Board on Arms Proliferation Policy | Janne Nolan | 1993 |
| Commission on Roles and Missions of the Armed Forces | John White | 1993 |
| Commission on Maintaining United States Nuclear Weapons Expertise | Henry Chiles | 1996 |
| Commission to Assess the Ballistic Missile Threat to the United States | Donald Rumsfeld | 1996 |
| National Defense Panel ^c | Philip Odeen | 1996 |
| Congressional Commission on Military Training and Gender-Related Issues | Anita Blair | 1997 |
| Long-Range Air Power Review Panel | Larry Welch | 1997 |
| Commission to Assess United States National Security Space Management and Organization | Donald Rumsfeld | 1999 |
| Commission on the Future of the United States Aerospace Industry | Robert Walker | 2000 |
| Commission to Assess the Threat to the United States from Electromagnetic Pulse Attack | William Graham | 2000 |
| Commission on Review of Overseas Military Facility Structure of the United States | Al Cornella | 2003 |
| Commission on the National Guard and Reserves | Arnold Punaro | 2004 |
| Independent Commission on the Security Forces of Iraq | James Jones | 2007 |
| Commission on the Strategic Posture of the United States | William Perry | 2008 |
| Commission on Wartime Contracting in Iraq and Afghanistan | Michael Thibault and Christopher Shays | 2008 |
| Military Leadership Diversity Commission | Lester Lyles | 2008 |

^a In 1990 and 2001 Congress authorized additional base closure and realignment commissions.

^b I found no record that these commissions were appointed or operated.

^c Congress created the National Defense Panel to provide an independent assessment of the 1997 Quadrennial Defense Review (QDR). In 2007 Congress made permanent the requirement for an independent panel to assess each QDR.

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Why Policymakers Create Ad Hoc Commissions

While definitions of them vary, ad hoc commissions have three key characteristics: They are established by an official act of Congress or the executive branch, their mandate is temporary, and their membership includes at least one member who does not serve in government.³ Scholars have identified a number of reasons why policymakers create such commissions. Amy Zegart has concluded that most commissions are created to build support for an agenda, provide information to government officials, or foster consensus and compromise.⁴ Focusing particularly on commissions established by the executive branch, David Filtner, Kenneth Kitts, and Thomas Wolanin have found that presidents also create commissions to provide symbolic reassurance, buy time, deflect criticism, or maintain the initiative in policymaking.⁵

Colton Campbell has conducted the most comprehensive analysis of commissions established by Congress. Through case studies and numerous interviews of congressional policymakers, Campbell finds that Congress usually creates commissions to obtain expertise, reduce the congressional workload, or avoid blame, with other motivations including building consensus around legislative proposals and sidestepping legislative gridlock.⁶ Kent Weaver has also highlighted the blame-avoidance motivation for congressional commissions, noting that lawmakers sometimes delay incurring political costs by instructing a commission to report on a sensitive issue after an election.⁷

My analysis of congressional defense commissions builds on the work of these scholars and on my own previous work on the impact of presidential and congressional commissions that have examined national security issues.⁸ In this chapter, I extend that scholarship by offering original accounts of several congressional commissions that examined defense issues.

Before proceeding with those accounts, it is worth noting a couple of basic patterns concerning congressional defense commissions. First, Congress has created commissions on defense matters more frequently since the end of the Cold War. Of the twenty-three commissions established between 1981 and 2009, nineteen were created after 1990. This growing use of defense commissions by Congress is one reason why they are worth studying. Second, the annual enactment of national defense authorization acts (NDAAs) provides a useful vehicle for establishing defense commissions. Seventeen of the twenty-three commissions were established through an NDAA, with the remainder established as part of defense appropriation laws or as a stand-alone measure. (Congress's frequent failure in recent years to enact annual authorization laws in some other policy areas—including diplomatic affairs and foreign aid—generally makes it harder for Congress to create commissions in those areas.)

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I analyzed each of these commissions using a variety of sources, including legislative text, congressional committee reports, transcripts of congressional hearings and statements, interviews of congressional officials and commission participants, contemporaneous newspaper coverage, and secondary sources. Based on this research, I determined that lawmakers have generally sought to create defense commissions in order to advance a defense policy or reform agenda, aid oversight of the DOD, or shift blame or delay a decision on a controversial issue.

Commissions as Vehicles for Policy Change or Reform

One of the most common congressional motivations for creating defense commissions has been to advance a defense policy or reform agenda, which can be as narrow as developing a specific weapon system or as broad as changing the military's overall roles and missions. Typically in these cases, one or more lawmakers favors adopting a policy or set of reforms that is opposed by the DOD and/or other lawmakers and sees a commission as a useful tool for building support for their policy preference or placing pressure on the Pentagon to make changes.

The Ballistic Missile Threat Commission

In September 1996 Congress established the Commission to Assess the Ballistic Missile Threat to the United States, as part of that year's NDAA.⁹ The commission's mandate was to "assess the nature and magnitude of the existing and emerging ballistic missile threat to the United States."

The congressional motivation in creating the commission was to advance a largely Republican agenda of deploying a national anti-ballistic-missile defense system. The commission was created during divided government, with President Bill Clinton in the White House and Republicans controlling the House and Senate. While the Clinton administration prioritized the development of theater missile-defense capabilities and argued that the 1972 Anti-Ballistic Missile (ABM) Treaty prohibited the deployment of a national missile-defense system, Republican congressional leaders sought to require the administration to move forward aggressively with the development and deployment of a national system, despite the ABM Treaty.¹⁰

In 1995 Congress initially included provisions in the NDAA that required the rapid development and deployment of a national missile-defense system, stipulated that development of such a system did not conflict with the ABM Treaty, and authorized about \$300 million more in missile-defense spending than Clinton requested.¹¹ However, congressional Republicans removed

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these provisions after Clinton vetoed the legislation in December. Around the same time, the US intelligence community assessed in a national intelligence estimate (NIE) that no country, other than the declared nuclear powers, would develop or acquire a ballistic missile that could threaten the continental United States for at least fifteen years. Republicans argued that this NIE underestimated the ballistic missile threat from so-called rogue nations.¹²

In 1996 Republicans introduced a new stand-alone bill mandating the deployment of a "highly effective" national missile-defense system by 2003 and sought to make their disagreement with the administration on missile defense an issue in that year's presidential campaign.¹³ But in the face of another likely presidential veto, Republican congressional leaders chose not to include that legislative language in the 1996 NDAA, opting instead to use the NDAA to take the less controversial step of establishing a commission in the hope that the commission would aid their missile-defense agenda while enabling them to score political points against the administration. As a former DOD official who was involved in the issue commented, "some of the congressional Republicans were true believers [in missile defense], and some of them wanted to take political advantage of this."¹⁴

The commission's partisan context was reflected in the commission's design, which allowed six of the nine commission members to be chosen by Republican congressional leaders, while the other three members were chosen by Democratic congressional leaders.¹⁵ The then speaker of the House, Newt Gingrich (R-GA), chose former (and future) secretary of defense Donald Rumsfeld to serve as the commission's chairman. The other commissioners included national security experts, former defense officials, and retired military officers.

The commission's full report, issued in July 1998, was classified, but the commission issued an unclassified executive summary. In it, the commission stated unanimously that North Korea and Iran "would be able to inflict major destruction on the US within about five years of a decision to acquire" ballistic missiles with biological or nuclear payloads, while stating that Iraq could do the same within ten years of such a decision.¹⁶ This conclusion clearly contradicted the intelligence community's estimate that these countries would not have such capability until at least 2010. However, the commission did not make any specific policy recommendations regarding the development or deployment of a national missile-defense system. William Schneider, a commission member, recalled: "Rumsfeld made a determination that with its heterogeneous membership the commission had a better chance of producing a unanimous report if it focused on the ballistic missile threat to the US [rather than also considering missile-defense options]. That turned out to be a good move because the Democratic appointees were pretty

negative on missile defense but could agree on a narrow assessment of the threat."¹⁷

Congressional Republicans argued nevertheless that the report's conclusion regarding the threat demonstrated the need to move forward quickly with a national missile-defense system. Rep. Floyd Spence (R-SC), chair of the House National Security Committee, commented after the report was issued, "The American people have been lulled into a false sense of security since the end of the Cold War, and I hope that the commission's report will send out a wake-up call."¹⁸ But Republicans remained unable in 1998 to enact into law a requirement for the deployment of a national missile-defense system. In September 1998—two months after the commission reported—Senate Republicans brought to the floor legislation that would require such deployment as soon as the technology for a system was available, but they fell one vote short of overcoming a Democratic filibuster on the bill.¹⁹ This outcome was the same as an earlier vote on the same legislation in May 1998—two months before the commission reported—suggesting that the commission had not immediately shifted the debate on Capitol Hill.²⁰

In July 1999 Congress did enact legislation stating that it is US policy to deploy a national missile-defense system as soon as technologically possible—but only after missile-defense supporters in Congress modified the legislation in order to obtain more Democratic support.²¹ These changes included the removal of language criticizing US intelligence assessments and preparedness with regard to the missile threat, the addition of a provision indicating that the legislation did not in itself imply a change in funding levels for missile-defense programs, and the addition of language stating that it was the policy of the United States to seek negotiated reductions in Russian nuclear forces. In a detailed analysis of the debate over this legislation, David Auerswald has explained that these largely symbolic changes—which did not compel any particular action—weakened Democratic resistance to the legislation by allowing President Clinton and congressional Democrats to claim that the legislation emphasized arms control as much as missile-defense deployment.²² While the commission's trumpeting of the missile threat appears to have contributed at the margins to the legislation's enactment, the willingness of missile-defense advocates in Congress to give Democrats a face-saving way to support the legislation was at least as important to this outcome as the commission itself.

The Commission on Roles and Missions of the Armed Forces

Three years before Congress created the Ballistic Missile Threat Commission to advance a missile-defense agenda, it established the Commission on Roles

and Missions of the Armed Forces. This commission, headed by Sen. Sam Nunn of Georgia, the commission's chair, Nunn believed that, in order to pursue a major realignment of the military services and the military to the new

When a February 1999 report by the commission's chairman Colin Powell, Nunn sought to move forward through the NDAA. Nunn believed that the commission's report would clarify the Cold War era of the commission's missions, and functionally reorganize the Pentagon, that "it is difficult for the Department of Defense to benefit and authorize

The commission's report on the state of the Department of Defense, including retired flag officers, Marine Corps, navy, and Air Force. John White, a former member of the commission, was named by the Clinton administration before the commission's report.

Given the congressional commission's unsurprisingly unenthusiastic reception, John Deutch, even though he had the authority to hire DOD personnel from the military services, the commission, recalled, "The commission's report and missions questioned the status quo. In an effort to prevent a major realignment, the commission heavily to protect the status quo."

The commission's report called for a rethinking of roles and missions, generally maintained the status quo, though with varying degrees of mission deputy executive director and four-star members could threaten service equi-

and Missions of the Armed Forces to advance an agenda of broad defense reform. This commission's creation in 1993 was driven principally by Sen. Sam Nunn of Georgia, the Democratic chair of the Armed Services Committee. Nunn believed that, with the end of the Cold War, the United States should pursue a major realignment and consolidation of the roles and missions of the military services in order to reduce overlapping functions and adapt the military to the new global environment.²³

When a February 1993 report on roles and missions by Joint Chiefs of Staff chairman Colin Powell disappointed Nunn by largely maintaining the status quo, Nunn sought to establish an independent commission on the subject through the NDAA.²⁴ The legislation, enacted in November 1993, mandated that the commission "review the efficacy and appropriateness for the post-Cold War era of the current allocations among the Armed Forces of roles, missions, and functions" and stated, in a reflection of Nunn's frustration with the Pentagon, that "it is difficult for any organization, and may be particularly difficult for the Department of Defense (DOD), to reform itself without the benefit and authority provided by external perspectives and analysis."²⁵

The commission's eleven members, who were all appointed by the secretary of defense, included former government national security officials and retired flag officers who had served, respectively, in the air force, army, Marine Corps, navy, and Air National Guard. The commission was chaired by John White, a former Carter administration defense official who was nominated by the Clinton administration to be deputy secretary of defense soon before the commission issued its final report in 1995.

Given the congressional motivation for the commission, the DOD was unsurprisingly unenthusiastic about it. The then deputy secretary of defense, John Deutch, even tried to limit the commission's budget and restrict its ability to hire DOD personnel as staff.²⁶ The commission also faced resistance from the military services. As Randy Jayne, a senior consultant to the commission, recalled, "The services were frightened to death that we'd raise roles and missions questions that would hurt their budget and force structure."²⁷ In an effort to prevent that outcome, the services lobbied the commission heavily to protect their priorities.²⁸

The commission's inclusion among its members of a retired flag officer from each of the services also presented a substantial obstacle to a major rethinking of roles and missions. Although these officers were retired, they generally maintained a high degree of loyalty to their services and tended—though with varying degrees—to support their service's preferences. Commission deputy executive director Gene Porter commented, "The retired four-star members of the commission didn't want to do anything that would threaten service equities."²⁹

This dynamic was particularly evident when the commission considered major force structure changes. For instance, some advocates of major change called for consolidating the air forces of the different services or even consolidating the entire army and Marine Corps—while others questioned the need for all four services to have “deep attack” capabilities for striking enemy forces at a very long distance. But the retired flag officers on the commission generally resisted these ideas.³⁰ As a result, the commission did not recommend any major roles and missions changes in its May 1995 report. Commissioner Jeffrey Smith said, “What we did was pretty minor considering what Congress was hoping we would do.”³¹ Indeed, a journalist noted that reaction to the report on Capitol Hill was “decidedly tepid.”³²

The commission’s impact was not negligible, however. It did propose a wide range of changes designed to make the DOD operate more coherently, effectively, and efficiently, and many of these proposals were at least partially adopted. The commission’s most important recommendations included proposals to create a new military command responsible for joint training and integration of forces based in the United States, consolidate uniformed and civilian staffs within each military department, outsource or privatize many noncombat support functions, and establish a White House–directed interagency quadrennial strategy review that would shape the DOD’s own planning processes.³³

The prospects for adopting these and other commission proposals got a boost when White entered the Pentagon as deputy secretary of defense one month after the commission reported. In his new position, he created and oversaw a systematic process designed to track and advance implementation of the commission’s proposals. Ted Warner, who ran this process as assistant secretary of defense for strategy and requirements, commented, “White had invested a lot of time in the commission. Unsurprisingly, he wanted to audit the commission’s requirements and what we could do about them. It was his baby.”³⁴

In the end, some of the commission’s proposals were fully implemented, while others were abandoned in the face of resistance from parts of the DOD or implemented in ways that departed from the commission’s vision. For instance, with congressional authorization, the DOD did create a new Joint Forces Command and privatize some department functions, but service resistance blocked restructuring of military department staffs. As for the proposal to establish an interagency quadrennial strategy review, the then secretary of defense, William Perry, and the congressional Armed Services Committees chose instead to establish a DOD-led Quadrennial Defense Review—in part so that the DOD and its oversight committees could maintain control of the review process.³⁵

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Commissions as Vehicles for Aiding Oversight

Another common congressional motivation for the creation of defense commissions has been to help lawmakers conduct oversight of the DOD on a certain issue. Usually when lawmakers seek an independent analysis of a technical defense issue, they mandate a study by a standing advisory body, such as by the Government Accountability Office (GAO), the National Academy of Sciences, or the Defense Science Board, or by a federally funded research and development center such as the Rand Corporation or the Institute for Defense Analyses. But in some cases, lawmakers may seek to give a higher political profile to an independent study and may therefore create an ad hoc commission comprising experts and luminaries instead of turning to one of these standing expert groups.

Commission on Wartime Contracting in Iraq and Afghanistan

In July 2007 Democratic senators Claire McCaskill of Missouri and Jim Webb of Virginia—both members of the Armed Services Committee—introduced an amendment to the NDAA that would establish a commission to study contracting by US government agencies for security, reconstruction, and logistical-support functions in the Iraq and Afghanistan wars.³⁶ The legislative proposal also mandated the commission to assess waste, fraud, abuse, and potential legal violations by contractors in the two military theaters. Webb and McCaskill advanced the measure in the context of numerous reports of fraud and excess spending by contractors in Iraq and Afghanistan. In a press release, the senators and other cosponsors of the proposal said the commission “would significantly increase transparency and accountability and generate important solutions for systematic contracting problems, potentially saving taxpayers billions of dollars.”³⁷

At the same time, lawmakers surely knew that an investigation of wrongdoing by contractors who had been hired during the George W. Bush administration could be politically damaging to Republicans. This reality was reflected in the political breakdown of support for and opposition to the measure: All seventeen of the amendment’s original cosponsors in the Senate were Democrats, and Bush opposed the commission’s establishment. When Bush signed the NDAA, which mandated the commission’s establishment, in January 2008, he accompanied his signature with a signing statement that cited the commission’s creation as one of four NDAA provisions that “could inhibit the President’s ability to carry out his constitutional obligations to take care that the laws be faithfully executed, to protect national security, to supervise the executive branch, and to execute his authority as Commander in Chief.”³⁸

Nevertheless, Bush ultimately allowed the commission to operate and appointed two of its eight members, as required by the law. Two of the other members were appointed by Republican congressional leaders, while the remaining four were appointed by Democratic congressional leaders. The commission's oversight mission was reflected in the commission's membership, as all of the commissioners—including the Republican appointees—had backgrounds in government management, contracting, and/or oversight. The commission was chaired by former Defense Contract Audit Agency deputy director Michael Thibault and former representative Christopher Shays (R-CT), who had served as the ranking member on the House Oversight and Government Reform Subcommittee on National Security and Foreign Affairs.³⁹ The commission's investigation was extensive, including twenty fact-finding trips to Iraq, Afghanistan, and other overseas locations; twenty-five public hearings; and more than a thousand meetings with government officials, contractors, and experts.⁴⁰

In its final unanimous report, released in August 2011, the commission concluded, "At least \$31 billion, and possibly as much as \$60 billion, has been lost to contract waste and fraud in America's contingency operations in Iraq and Afghanistan."⁴¹ The commission attributed these losses to a number of factors, including an overreliance on contractors by the DOD, the State Department, and the US Agency for International Development; inadequate legal, policy, and regulatory guidance for the use of contractors; and a failure by agencies to treat contracting as a core function. The commission also proposed a variety of reforms designed to improve government management and oversight of contracting.

The commission's impact has been substantial. In February 2012 McCaskill and Webb introduced a bill based in large part on the commission's proposals.⁴² The senators then successfully attached many of the bill's provisions to the NDAA.⁴³ That legislation, enacted in January 2013, adopted commission recommendations by, among other things, giving chief acquisitions officers in federal agencies expanded responsibilities for overseeing contracts, requiring the recording by agencies of certain data regarding contractor performance, making the chairman of the Joint Chiefs of Staff responsible for determining contract support requirements throughout the military, increasing military training and education regarding contracting, and requiring new DOD annual reporting about its contract support capability.

A 2012 audit by the GAO, which was requested by McCaskill, Webb, and a third senator, found that a number of other commission proposals were adopted by the DOD through its own authority. For instance, in February 2012 the DOD issued a regulation that gives it a new ability to withhold a percentage of a contractor's payments when a contractor's business systems

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Even with the January 2013 NDAA changes, a large number of commission proposals have not been acted on, including proposals to establish a permanent inspector general for contingency operations and to automatically refer individuals alleged to have engaged in criminal action under a contract to a suspension-and-debarment official. Some of these proposals were dropped from the NDAA in the face of opposition from contractors and/or the Barack Obama administration.⁴⁵ In January 2013 McCaskill—who had been reelected to the Senate two months earlier—said continued scrutiny would be necessary to ensure effective implementation of the changes that had been enacted, adding, “I’m not going away. I’ve got six more years to stay on these guys about the way they spend money.”⁴⁶

Commissions as Vehicles for Avoiding Blame or Delaying Action

A final common congressional motivation for the creation of defense commissions is to avoid political blame or delay decision making on a controversial issue. In these cases, lawmakers generally see a commission as a useful tool for passing the buck or kicking the can down the road. On the one hand, a commission's establishment can allow lawmakers to delay dealing with a contentious issue by enabling them to say they are awaiting the commission's findings before taking a position on the issue. On the other hand, lawmakers may expect that, when the commission reports, its political credibility will provide valuable political cover for them to take a position that might be unpopular with important constituencies.

The most well-known blame-avoidance commission in US defense policy is the Defense Base Closure and Realignment Commission (BRAC), which was created by Congress in 1988 to generate a list of US military installations that should be closed. As Colton Campbell, Christopher Deering, and Kenneth Mayer have explained, Congress created this commission to insulate lawmakers from politically unpopular decisions to close military bases in their states or districts.⁴⁷ Under the law creating the BRAC, the commission's base closure recommendations, once approved by the secretary of defense, would go into effect unless Congress rejected the entire set of recommendations within forty-five days. This “automation of the decision-making process”—in Deering's words—prevented lawmakers from trying to remove individual bases in their districts or states from the list once it had been submitted to Congress and enabled lawmakers to deflect constituents' complaints by blaming the commission for the closures.⁴⁸ Douglas Kriner and Andrew Reeves have further shown that lawmakers also created the BRAC to

prevent presidents from targeting their partisan opponents in Congress with base closures in their states or districts.⁴⁹

The BRAC differs from the other congressional defense commissions discussed in this chapter in two ways: Congress gave the BRAC unusual power in stipulating that its proposals would be implemented unless Congress explicitly rejected them, and Congress later ordered the BRAC to be recreated several times. But the story of a less familiar Reagan-era commission shows that other congressional defense commissions serve similar purposes.

Chemical Warfare Review Commission

In 1984 one of the Reagan administration's top defense priorities was to move forward with the production of a new kind of chemical weapon. The United States had not produced chemical weapons since 1969, but the Soviet Union had continued to amass an enormous chemical warfare arsenal. The administration sought to counter the Soviet program by producing new nerve gas munitions, known as binary weapons because they contained separate compartments of chemicals that only became lethal after they were mixed. The DOD argued that this binary design would be both safer to handle and transport, and more effective when used, than older US "unitary" chemical weapons.

The administration faced strong political opposition on this issue, however—particularly among liberals who found chemical weapons reprehensible. In May 1984 the Democratic-controlled House of Representatives rejected by a vote of 247 to 179 a measure that would have authorized funding for the production of binary nerve gas weapons.⁵⁰ (The measure had previously passed the Republican-controlled Senate.) Democratic lawmakers did not universally vote against the binary weapons, however, as some prodefense Democrats supported them as a means of reducing the Soviet advantage in chemical warfare.

In this context, Republican and Democratic congressional supporters of producing the weapons worked with the administration to create the Chemical Warfare Review Commission, which was established via the NDAA in October 1984 with a mandate to "review the overall adequacy of the chemical warfare posture of the United States, with particular emphasis on the question of whether the United States should produce binary chemical munitions."⁵¹ The administration and its congressional allies on this issue created the commission based on a realization that some lawmakers who voted against producing binary weapons were personally open to them but found it politically difficult to approve them in an election year because many constituents strongly opposed them.⁵² The hope among the commission's

creators, in other words, was to give wavering lawmakers political cover by putting the issue on the table during a session of the House. As director of the House of Representatives Policy Council staff, Mahley knew that it would be difficult to get the House to pass the bill. They would have to use the power of the House to give the commission the authority it needed.

The commission would recommend that the administration be given the power to appoint a prodefense Democrat to the position of chairman. Mahley recommended that the White House to name a Democrat to the position. The other advisers, including Zbigniew Brzezinski, a former adviser to President Carter, and other former lawmakers, were also in favor of this approach.

In its June 1984 report, the commission recommended that the administration's proposal for an accelerated production of binary nerve gas weapons be approved. The proposal was given priority in the administration's budget package designed to reduce the size of the defense budget.⁵⁵

Two days after the House endorsed its proposal, the administration announced that it would produce binary nerve gas munitions. The House voted to approve the proposal in July 1984. Several months later, the administration announced that it would produce binary nerve gas munitions. In 1991, the administration announced that it would produce binary nerve gas munitions. In 1991, the administration announced that it would produce binary nerve gas munitions.

The commission's report was used by the administration for legislative approval. In 1984, the House of Representatives passed the bill, and the administration was able to produce binary nerve gas munitions. In 1991, the administration announced that it would produce binary nerve gas munitions.

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creators, in other words, was that a commission might help gain the votes of wavering lawmakers for the weapons after the election, while giving those lawmakers political breathing space in the meantime by taking the issue off the table during the election campaign. Donald Mahley, who handled the issue as director of defense policy and arms control on Reagan's National Security Council staff, recalled, "Democrats didn't want to be blamed for funding binaries. They were looking for an independent commission statement they could use to give them cover for voting for binary funding."⁵³

The commission's designers boosted the likelihood that the commission would recommend production of binary weapons by giving the president the power to appoint all of the commission's members. While the White House knew that it needed to include Democrats in the eight-member commission in order to give the commission credibility, the White House only selected prodefense Democrats who were likely to support the weapon program. For chairman, Reagan appointed former State Department senior official Walter Stoessel. Mahley commented, "Stoessel was very carefully screened by the White House to make sure he believed the right thing and was an able organizer."⁵⁴ The other commission members included former national security adviser Zbigniew Brzezinski, former secretary of state Alexander Haig, two former lawmakers, and a former army general.

In its June 1985 report, the commission unanimously endorsed the administration's proposal to produce binary weapons, while also recommending an accelerated program to destroy obsolete unitary weapons. The latter proposal was generally favored by liberals—while being acceptable to the administration—so the combination of these two proposals represented a package designed to help build congressional support for producing the new weapons.⁵⁵

Two days after the commission reported, Reagan sent a letter to Congress endorsing its proposals and urging Congress "to authorize funding for the binary munitions program as expeditiously as possible."⁵⁶ The following week, the House voted 229 to 196 to authorize production of the new weapons.⁵⁷ Several months later, Congress approved \$21.7 million for the new program and—through a separate measure—ordered destruction of the existing chemical weapons stockpile by 1994.⁵⁸ In 1987 the army began producing the nerve gas munitions.⁵⁹ The army ceased this production after the end of the Cold War in 1991, as negotiations for a global ban on chemical weapons were beginning.

The commission's report was not solely—or even principally—responsible for legislative approval in 1985 of producing binary chemical weapons. During that year, the DOD also sharply increased its lobbying of lawmakers on the issue, treating the binary program's approval as its top legislative priority.⁶⁰

In addition, Reagan's November 1984 landslide election victory had strengthened his standing in Congress and added sixteen Republicans to the House through a coattails effect. These changes would have shifted congressional votes on the issue in Reagan's favor regardless of the commission. But the commission was an important additional contributor to congressional approval of the first US production of chemical weapons in nearly two decades.

Conclusion

This chapter's accounts of several congressional defense commissions illustrate how lawmakers often see ad hoc commissions as useful vehicles for advancing a policy or reform agenda, conducting oversight of the DOD, or avoiding blame or kicking the can down the road on a controversial issue. The commissions I have highlighted in the chapter, moreover, are not unusual in being established based on these motivations. To give a few more examples, in 1996 lawmakers created the National Defense Panel to promote broad reform in the DOD, in 2000 lawmakers established the Commission to Assess the Threat to the United States from Electromagnetic Pulse Attack to promote stronger defenses against the potential effects of a nuclear explosion in the atmosphere, in 2003 lawmakers created the Commission on Review of Overseas Military Facility Structure of the United States to provide an independent look at global basing changes being planned by the DOD, and in 2008 lawmakers created the Commission on the Strategic Posture of the United States to delay potential decisions regarding the development of new nuclear weapons.⁶¹

While I focused primarily in this chapter on the motivations of lawmakers in creating defense commissions, the chapter's brief case studies also illustrate some common realities about the impact of commissions. In other scholarship I have found that commissions tend to have greater influence when they are established in the context of a crisis, such as a disaster, a war, or a major scandal—primarily because a crisis tends to weaken the status quo's hold.⁶² Indeed, the Wartime Contracting Commission—created in response to contracting scandals in the Iraq and Afghanistan wars—appears to have had the greatest influence of the commissions analyzed in this chapter, as it shaped numerous changes in contracting management and oversight policies. Yet the Chemical Warfare Review Commission and Ballistic Missile Threat Commission were also successful, from the perspective of their congressional creators, in the sense that Congress subsequently enacted the preferences of those lawmakers into law—though the commissions were only partially responsible for those outcomes. The Commission on Roles and Missions of the Armed Forces was the most disappointing of the four commissions to

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its congressional originators, as it did not generate any broad role or mission changes among the services—though it did shape some smaller-scale reforms. Its principal lesson is that a commission is unlikely to advocate far-reaching change if many of its members represent the perspective of one of the military services.

On the whole, commissions are useful congressional tools of defense politics, policymaking, and oversight—though their impact on defense policy is usually modest. In his own study of congressional commissions, Colton Campbell concluded, “At their most productive, commissions provide Congress with a flexible option for policymaking.”⁶³ Similarly, my research indicates that commissions can help lawmakers build support for policy agendas on controversial issues, conduct oversight of the DOD on complex matters, and escape political jams—at least temporarily. In the context of broader pressure for policy change—such as that created by a crisis—they can even sometimes shape important reforms. Given the difficulty of changing the status quo in the US political system, that track record is not too bad. Since it is generally far easier for lawmakers to create a commission than to enact major substantive policy changes, defense commissions will surely remain attractive and frequently used congressional devices.

Notes

1. I am grateful to the Lynde and Harry Bradley Foundation, the Woodrow Wilson School of Public and International Affairs, American University, and the School of International Service at American University for their support of the research on which this chapter is based. I also thank Sami Makki and other participants at an International Studies Association conference panel for helpful feedback on an earlier version of the chapter and thank Kate Tennis for excellent research assistance.
2. My identification of these commissions is based principally on a data set I constructed of national security commissions. For more detail on the construction of this data set, see Jordan Tama, *Terrorism and National Security Reform* (New York: Cambridge University Press, 2011), 197–98. In preparing this chapter, I supplemented the data set with a few additional congressional defense commissions identified in Matthew Eric Glassman and Jacob R. Straus, *Congressional Commissions: Overview, Structure, and Legislative Considerations* (Washington, DC: Congressional Research Service, 2013). I only categorize a commission as a defense commission if it was established as part of a defense authorization or appropriations law or if the commission's mandate principally concerns defense issues. This categorization excludes other commissions that dealt in part with defense issues, including a number that focused on intelligence or terrorism matters.
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