

# Triumphs and Tragedies of the Modern Congress

Case Studies in Legislative Leadership

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CENTER FOR THE STUDY OF THE  
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Library of Congress Cataloging-in-Publication Data

Triumphs and tragedies of the modern Congress : case studies in legislative leadership / Maxmillian Angerholzer III, James Kitfield, Christopher P. Lu, and Norman Ornstein, editors.

pages cm

Includes index.

ISBN 978-1-4408-3199-7 (hardback) — ISBN 978-1-4408-3200-0 (ebook) — ISBN 978-1-4408-3335-9 (paperback) 1. United States. Congress. 2. United States. Congress—Leadership. 3. United States—Politics and government. I. Angerholzer, Maxmillian.

JK1021.T75 2014

328.73—dc23 2014021586

ISBN (hardcover): 978-1-4408-3199-7

ISBN (paperback): 978-1-4408-3335-9

EISBN: 978-1-4408-3200-0

18 17 16 15 14 1 2 3 4 5

This book is also available on the World Wide Web as an eBook. Visit [www.abc-clio.com](http://www.abc-clio.com) for details.

Praeger

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Numerous commissions since 1947 had made similar recommendations that had gone nowhere, stymied by determined opposition.

To be sure, the friction generated by the creation of a DNI has limited progress on some of the issues that have long hampered the ability of intelligence agencies to act as a coherent enterprise. Ironically, the quick pace of the legislation's passage—just four-and-half months—contributed to a lack of a full agreement on the DNI's precise roles, missions, and authority.

Nonetheless, the IRTPA fundamentally changed the structure of the intelligence community by creating a central authority in the DNI and stripping the community management functions from CIA. This allows the DNI to lead and manage a system that more efficiently collects and analyzes the hardest to obtain information for the benefit of our national security policy makers. It also empowers the DNI to make budgetary judgments and to reorient intelligence collection to meet new threats. The 9/11 Commission, through its recommendations embodied in the IRTPA, created new institutions that, while still being refined, will have a tremendous impact on U.S. national security. That record of achievement easily ranks the 9/11 Commission as one of the most successful commissions in U.S. history.

Author's Note: This essay is derived in part from my book, *Blinking Red, Crisis and Compromise in American Intelligence after 9/11* (Potomac Books, October 2013).



## 49. Changing Course in a Time of War: Congress and the 2006 Iraq Study Group

by Jordan Tama

The story of the 2006 Iraq Study Group demonstrates the power—and the limits—of blue-ribbon commissions to challenge indirectly the President's dominance of national security policy.

By 2006, Iraq was unraveling and spiraling toward all-out civil war, raising the specter of ignoble defeat for U.S. forces charged with stabilizing the country. Total U.S. and Iraqi deaths from the war rose from several hundred per month in early 2005 to roughly 2,000 per month by the summer of 2006.<sup>1</sup>

As the violence in Iraq escalated, the war also became increasingly unpopular in the United States. Starting in 2005, opinion polls consistently found that more than half of Americans thought it was a mistake for the United States to have gone to war in Iraq.<sup>2</sup> At the same time, there was strong evidence that the war was taking a serious toll on public attitudes toward the Republican Party. By late 2005, President George W. Bush's approval rating tumbled below 40 percent for the first time, and Americans generally expressed a strong preference for the Democratic Party in opinion polls—partly because of their dissatisfaction with the war.<sup>3</sup> These trends in public opinion became even more pronounced as sectarian violence in Iraq surged to new heights following the February 2006 bombing in the city of Samarra of the holiest Shiite mosque.

With a congressional election approaching in November 2006, the Iraq crisis greatly concerned many Republican lawmakers. But Republicans on Capitol Hill were generally not inclined to criticize Bush's handling of the war, or to challenge the President directly by introducing legislation that would force a change in course in how the war was conducted. Instead, a few congressional Republicans sought to indirectly generate pressure for a strategy change by supporting the creation of a blue-ribbon commission called the Iraq Study Group (or Baker-Hamilton Commission, after its cochairmen, former Secretary of State James Baker and former Congressman Lee Hamilton).

When this commission issued a sharp critique of the war effort in December 2006, it did indeed add to the pressure facing Bush, and its proposals for gradually winding down the war were embraced by centrist lawmakers on Capitol Hill. But neither Bush nor the Democratic congressional leadership backed the study group's plan, ultimately leaving it to Barack Obama to implement the study group's ideas when he became president two years later.

### CREATING THE IRAQ STUDY GROUP

The idea of an independent Iraq commission originated with Representative Frank Wolf (R-VA), who represented a politically moderate district in northern Virginia. Wolf said he wanted to create the study group because "at the time, there were no real solutions being offered on Iraq."<sup>4</sup> Wolf surely also realized that the deteriorating situation in Iraq threatened to become an albatross around Republicans' necks in future elections.

Wanting to gain Bush's blessing for the idea of a commission, Wolf first proposed the idea privately at a November 2005 meeting with senior Bush Administration officials. After Vice President Dick Cheney resisted the idea,

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Wolf worked with a few allies outside government—David M. Abshire, President of the Center for the Study of the Presidency; John Hamre, President of the Center for Strategic and International Studies; and Richard Solomon, President of the United States Institute of Peace—to gain Bush's support by circumventing Cheney. On November 29, Abshire, Hamre, and Solomon met with Secretary of State Condoleezza Rice and pitched the commission idea to her. Rice liked the idea because she too was dissatisfied with the administration's existing Iraq strategy. The next day, Rice gained Bush's backing for creating the study group—before Cheney could lobby the President against the idea.<sup>5</sup>

Wolf then used his position within Congress to establish the commission. Rather than trying to achieve congressional approval of a statute that provided a charter for the commission—the typical legislative approach for creating commissions—Wolf inserted into an emergency appropriation bill a \$1 million earmark to the U.S. Institute of Peace for the purpose of coordinating the work of an Iraq study group.<sup>6</sup> Wolf was well positioned to follow this approach because he served as chairman of the House appropriations subcommittee with jurisdiction over the U.S. Institute of Peace. Wolf's principal Senate partner in this effort was Armed Services Committee Chairman John Warner (R-VA), another moderate Republican from Virginia who shared Wolf's hope that a commission would place pressure on the Bush administration to change course.

In early 2006 the backers of the Iraq Study Group (Solomon principally, in consultation with Abshire, Hamre, Warner, and Wolf) selected James Baker, a Republican, and Lee Hamilton, a Democrat, to cochair the commission. Baker and Hamilton then chose the study group's eight other members:

- Former Director of Central Intelligence Robert Gates (who was replaced by former Secretary of State Lawrence Eagleburger when Gates was named Secretary of Defense after the 2006 election);
- Former New York Mayor Rudolph Giuliani (who was replaced by former Attorney General Ed Meese after Giuliani failed to attend the study group's initial meetings);
- Democratic power broker Vernon Jordan;
- Former U.S. Supreme Court Justice Sandra Day O'Connor;
- Former White House Chief of Staff Leon Panetta;
- Former Secretary of Defense William Perry;
- Former Democratic Senator Charles Robb; and
- Former Republican Senator Alan Simpson.

### SHIFTING THE DEBATE

The group of five Republicans and five Democrats began their work in March 2006. After a joint trip to Iraq and many hours of deliberations, they reached consensus on key findings and 79 recommendations. Their 142-page report, issued on December 6, 2006, offered a highly critical assessment of conditions in Iraq, captured by its stark opening sentence: "The situation in Iraq is grave and deteriorating."<sup>7</sup> The report went on to highlight three principal proposals: (1) launching a diplomatic offensive in the Middle East, including direct engagement with Iran and Syria and pursuit of Arab-Israeli peace; (2) changing the primary mission of U.S. forces in Iraq from combat to training and counterterrorism; and (3) conditioning aid to Iraq on the Iraqi government's progress toward the achievement of milestones in the areas of national reconciliation, security, and governance.

The report also endorsed a gradual troop withdrawal from Iraq, stating, "By the first quarter of 2008, subject to unexpected developments in the security situation on the ground, all combat brigades not necessary for force protection could be out of Iraq."<sup>8</sup> At the same time, the study group stated that it could "support a short-term redeployment or surge of American combat forces to stabilize Baghdad, or to speed up the training and equipping mission, if the U.S. commander in Iraq determines that such steps would be effective."<sup>9</sup>

The study group's report attracted tremendous public interest and attention. All of the major television networks provided live coverage of the press conference held by the study group when it issued the report, and more than 2 million copies of the report were downloaded in the first two weeks after its release. Public opinion surveys also found that the study group's proposals were viewed favorably by the American people. The recommendations to negotiate with Iran and Syria, pursue Israeli-Palestinian peace talks, shift the military mission from combat to training, and reduce aid if the Iraqis failed to meet milestones were each backed by at least 60 percent of the public.<sup>10</sup>

One month before the study group reported, Republican electoral fears had been validated, as the Democrats decisively won the midterm election, gaining control of Congress for the first time in 12 years. In the wake of that defeat, and as public support for the Iraq war continued to fall, many moderate Republicans, including Senators Judd Gregg (R-NH), Gordon Smith (R-OR), and John Sununu (R-NH), endorsed the commission's ideas and called on Bush to change course. A *Wall Street Journal* reporter noted that the study group was giving "moderate Republicans political cover to condemn the handling of the war."<sup>11</sup>

However, the Iraq Study Group report was not embraced by the audience of one that mattered most: George W. Bush. On January 10, 2007—five weeks after the study group reported—Bush announced a decision to send five new combat brigades to Iraq to carry out a new counterinsurgency strategy aimed at protecting the Iraqi people. Bush's announcement of this surge was the outcome of a series of internal administration reviews of Iraq strategy during the second half of 2006.<sup>12</sup> Bush's choice to double down on the U.S. military commitment to Iraq reflected a desire on his part to salvage a war effort central to his legacy—a common calculus for presidents who begin wars that do not produce clear victories.<sup>13</sup> Although the study group indicated that it could support a short-term troop surge, Bush's new policy departed from the main thrust of the study group's key proposals, as it did not change the primary U.S. military mission to training and counterterrorism. Nor did Bush endorse the study group's proposals concerning diplomacy and milestones.

The study group report also received a cool reception from Democratic congressional leaders. Representative Nancy Pelosi (D-CA) and Senator Harry Reid (D-NV) were disappointed that the study group did not recommend setting a deadline for the rapid withdrawal of U.S. troops from Iraq. Given the strong political advantage held by the Democrats on the Iraq issue at the time, Pelosi and Reid also had little political incentive to endorse an approach that would not only allow troops to remain in Iraq longer than they preferred, but would also give Congress partial ownership of the course of the unpopular war.

Nevertheless, as conditions in Iraq remained bleak and U.S. public opinion remained strongly opposed to the war during the first half of 2007, the study group's proposals were at the center of the Capitol Hill debate on Iraq policy. During this time, the proposals served as the lodestar for centrist Republicans and Democrats in Congress who sought to advance an alternative to the Bush Administration's policy. Two weeks after Bush announced the troop surge, a bipartisan group of nine senators led by John Warner cosponsored a "sense of the Senate" resolution that followed the study group's recommendations, calling for changing the military mission to counterterrorism and training, and for greater diplomacy with Iraq's neighbors.<sup>14</sup> In subsequent months, a bipartisan group of lawmakers drafted binding legislation that mandated the adoption of most of the study group's proposals. In the Senate, this group was led by Senators Ken Salazar (D-CO) and Lamar Alexander (R-TN); in the House, it was led by Frank Wolf and Representatives Chris Shays (R-CT) and Mark Udall (D-CO). On June 5, the legislation was introduced in both chambers, with 15 Senate and 62 House cosponsors.<sup>15</sup>

This legislation did not advance in either chamber, however, partly because Reid and Pelosi opposed bringing it up for a vote. In July, Salazar sought to force a vote on the legislation by reintroducing it as an amendment to the defense appropriation bill, but Reid pulled the appropriations measure from the floor without allowing a vote on the amendment.<sup>16</sup> In the House, meanwhile, the Rules Committee turned down requests from the legislation's supporters to allow a floor vote on the bill.<sup>17</sup> ♪

### SHIFTING TIDES OF WAR AND POLITICS

Meanwhile, during the summer of 2007, conditions on the ground in Iraq started to improve, and by the fall, it became clear that violence in Iraq was declining. This improvement quickly took the wind out of the sails of efforts to legislate the adoption of the study group's proposals, and led to the fracturing of the bipartisan coalition that had coalesced around that effort.

The study group's ideas remained alive, however, thanks to the presidential campaign of then-Senator Barack Obama, whose Iraq platform was heavily influenced by the study group report. Seven weeks after the study group reported, Obama introduced his own Iraq legislation, which was based largely on the study group's proposals. The bill mandated a gradual withdrawal of U.S. troops to "achieve the goal of the complete redeployment of all United States combat brigades from Iraq by March 31, 2008, consistent with the expectation of the Iraq Study Group." The bill also authorized retaining troops in Iraq after that date for training and counterterrorism, conditioning aid to Iraq on Iraqi progress in meeting benchmarks, and mandating regional and international diplomatic initiatives.<sup>18</sup> On all of these issues, the bill was intentionally patterned on the study group's proposals.<sup>19</sup>

The plan laid out in Obama's legislation remained his Iraq platform during the presidential campaign, and was the foundation for the policy he adopted when he became President two years later. The only significant differences in the policy he adopted as President were that he moved forward the date for ending the combat mission to August 31, 2010, and he did not make economic aid to Iraq conditional on its progress toward benchmarks. As President, Obama did follow the study group's recommendations to reach out to Iran and Syria, shift the military mission from counterinsurgency to counterterrorism and training, and gradually reduce the number of American troops in Iraq.

The story of the Iraq Study Group suggests broader conclusions about Congress and the effectiveness of independent commissions. During times of crisis or war, it can be politically risky and unappealing for lawmakers to



criticize the President directly—particularly if they share the same political party—or to put their own necks on the line by proposing a specific alternative to the President's policy. By establishing a commission, lawmakers can indirectly introduce potentially influential new ideas into the public debate on an important national security issue, without necessarily committing themselves to those ideas. In this way, commissions can be seen both as a tool for lawmakers to avoid blame, and as a creative and flexible vehicle for policy making.<sup>20</sup> The effectiveness of such commissions can be increased when, as was the case with the Iraq Study Group, the commission's unanimous recommendations help create a bipartisan coalition among lawmakers that had not previously existed.<sup>21</sup>

However, commissions are far from a panacea for partisanship and polarization. While the Iraq Study Group had a significant impact on the U.S. debate over Iraq policy and on the Iraq policy of the Obama Administration, it could not force the Bush Administration and congressional leaders to compromise on a highly charged and polarizing issue. Sometimes partisan divides are simply too great for commissions and centrist lawmakers to overcome.

In the end, Frank Wolf's hope that the U.S. President would follow the study group's ideas became reality—it was just not the President he had in mind.

Author's Note: Much of this chapter is adapted from Jordan Tama, "The Power and Limitations of Commissions: The Iraq Study Group, Bush, Obama, and Congress," *Presidential Studies Quarterly* 41, no. 1 (March 2011): 135–55.

