

Three Cheers for Blue-Ribbon Panels

It is easy to scoff at the prestigious commissions that constantly sprout in Washington as empty exercises in buck passing—until you take stock of all they have accomplished.

BY JORDAN TAMA

A STUNNING PAGE-ONE WARNING LED OFF THE January 2001 report of the U.S. Commission on National Security/21st Century. The rise of terrorism and unconventional weapons, it said, “will end the relative invulnerability of the U.S. homeland. . . . A direct attack against American citizens on American soil is likely over the next quarter-century.”

Needless to say, the document landed with a thud, barely reported by the news media and largely ignored by the new administration of President George W. Bush. Eight months later, terrorists brought down the twin towers of the World Trade Center. That sad tale seems to confirm yet again the conventional wisdom that blue-ribbon commissions are toothless and expensive political ornaments.

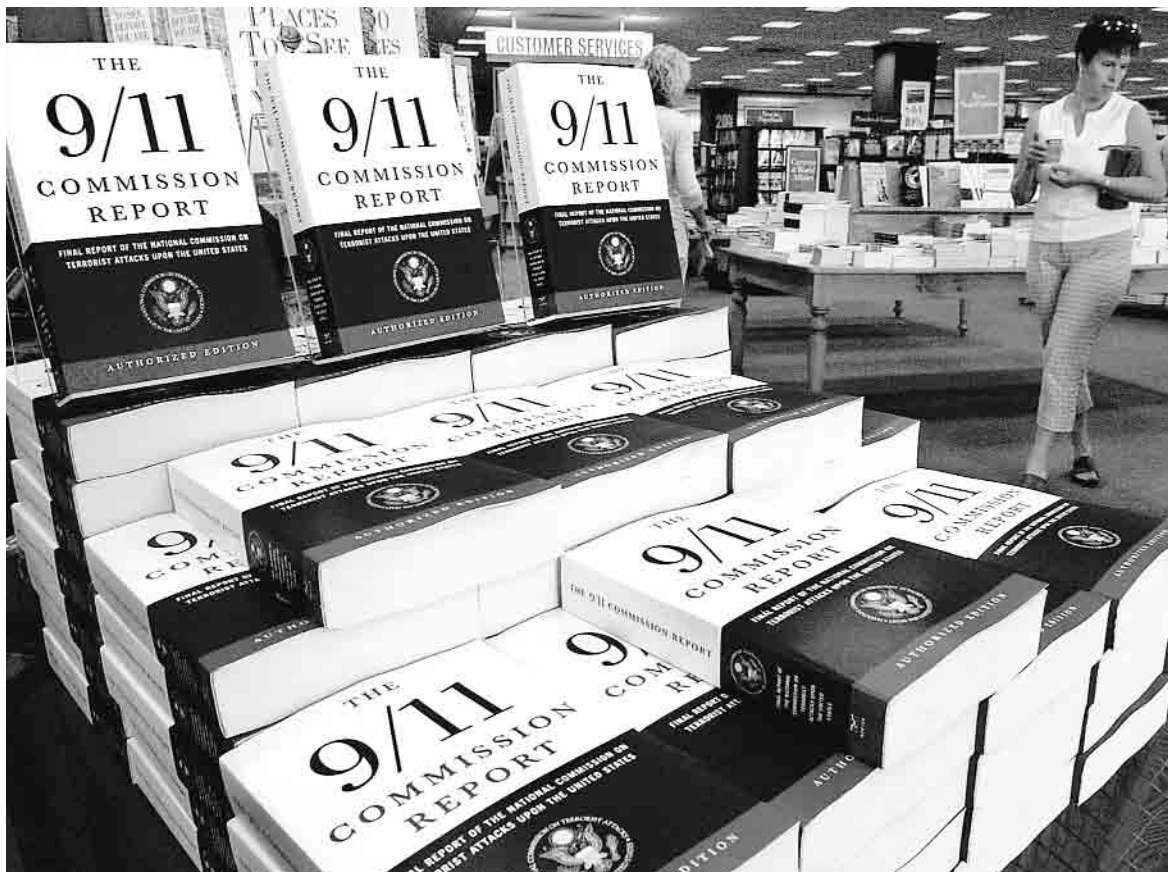
But there is more to the story. In the days after the 9/11 attacks, influential journalists resurrected the report and Senator Joseph Lieberman (D-Conn.) called the commission’s cochairmen, former senators Gary Hart (D-Colo.) and Warren Rudman (R-N.H.), to testify before the Senate

Governmental Affairs Committee, which Lieberman chaired. Lieberman then introduced legislation based on the commission’s principal proposal, and in November 2002 the Department of Homeland Security was born, bringing some 22 organizations and 180,000 employees under one umbrella. One congressional aide told me, “If the commission hadn’t existed, the department wouldn’t exist.”

This story is not unique: In researching more than 50 commissions that have dealt with national security policy over the past three decades, I found that a surprisingly large number of them catalyzed or influenced important reforms, from the Reagan-era reorganizations of the Defense Department and National Security Council to President Barack Obama’s plan for winding down the Iraq war. Yes, the president and members of Congress often create commissions to avoid dealing with contentious issues and to escape or reduce the political costs of difficult decisions, but with surprising frequency these underappreciated panels spark significant changes.

Commissions succeed because of their unique political credibility. Their authority stems from their independence from the president and Congress, the stature of their mem-

JORDAN TAMA is an assistant professor at American University’s School of International Service and a research fellow at the university’s Center for Congressional and Presidential Studies. He served as special assistant to the director of the Woodrow Wilson Center from 1999 to 2002. He is the author of the newly published book *Terrorism and National Security Reform: How Commissions Can Drive Change During Crises*.



Published in 2004, the report of the 9/11 Commission landed on bestseller lists and sparked a restructuring of the U.S. intelligence community.

bers, and—especially—their bipartisan makeup. As the American political system becomes more and more polarized, the value of commissions is increasing. Although the frequent resort to such bodies reflects a disheartening failure of the permanent institutions of government to solve problems, commissions have long been one of the country's best tools for forging bipartisan consensus on particular issues. Moreover, at a time when the number of Americans who identify with neither major political party is growing, commissions can serve an important democratic function by promoting ideas that do not have a home in either camp.

The history of commissions has followed the changing contours of American political life. During the Progressive Era, they were instrumental in generating ideas for regulating the economy and protecting the environment. Dur-

ing the 1960s and '70s, Presidents Lyndon B. Johnson and Richard M. Nixon relied on commissions as they struggled to deal with domestic turmoil and rapid social change.

Theodore Roosevelt was the first president to make significant use of commissions, appointing panels on public lands, inland waterways, conservation, meat production practices, and monetary policy (the last of which played an important role in the creation of the Federal Reserve System in 1913). In 1947, the legislative branch entered the commission business when a Republican-led Congress appointed former president Herbert Hoover to head a panel tasked with finding ways to shrink a federal government that had ballooned during the New Deal and World War II. (Ironically, Hoover wrote in his memoirs that he had created commissions during his presidency chiefly as a

device to keep administration gadflies occupied.) Reorganization, rather than reduction, was the chief result. Overall, with a few notable exceptions, such as the 9/11 Commission, congressional commissions have been less influential than those created by presidents, in part because Congress takes much longer to establish a panel and appoint its members—delays that may allow a window of opportunity for reform to close.

Most of the early panels focused on relatively dry matters pertaining to government operations, but during the 1960s commissions took on many of the era's hot-button issues, galvanizing public attention. The Warren Commission famously examined the assassination of President John F. Kennedy, while other panels probed urban vio-

“RUNAWAY” COMMISSIONS are like a hog on ice skates—and can be politically hazardous to those who create them.

lence, pornography, and drug use. Some bit the hands of the presidents who had created them.

After riots devastated Detroit in 1967, President Johnson created a commission on civil disorders, headed by Illinois governor Otto Kerner. The Kerner Commission's report, which sold more than two million copies, was a searing indictment: “White society is deeply implicated in the ghetto. White institutions created it, white institutions maintain it, and white society condones it.” The commission embarrassed Johnson by implying that his Great Society social programs were not working: “Our nation is moving toward two societies, one black, one white—separate and unequal.” For all the publicity it received, though, the report did not produce any significant changes in policy.

LBJ learned a lesson that his successors have been acutely sensitive to: Far from being an empty gesture, appointing a commission is full of political risk. Presidents may appoint such bodies, but they cannot control them, and a “runaway commission” such as Kerner's can be a political disaster. As Rhett Dawson, who served as the staff director of commissions on defense management and the Iran-contra scandal, colorfully put it, “Once you create a com-

mission, it's like watching a hog learning to ice-skate. That hog is going to go wherever it wants to go.”

Two trends have emerged during the last few decades. First, foreign policy has become a major focus of commissions, reflecting the rise of conflict in an arena where politics was once said to stop at the water's edge. This trend began in 1983 with President Ronald Reagan's success in using a panel led by former national security advisor Brent Scowcroft to gain congressional backing for the MX intercontinental ballistic missile, a bitterly contested step in the nuclear arms race with the Soviet Union. Second, Congress has become the most prolific creator of new commissions, despite the poor track record of the bodies it has created, establishing 29 of the 45 national security panels born since President Bill Clinton took office in 1993. Many have been the products of frustrated centrist legislators. As Virginia Representative Frank Wolf, a moderate Republican, lamented to me, “Overall, Congress is dysfunctional, partisan, and polarized, and it isn't getting anything done. We need commissions to break out of divisive partisanship.”

Today the president and Congress use commissions for a variety of purposes, from investigating the causes of disasters such as the Gulf of Mexico oil spill to seeking consensus on national challenges such as the federal debt. Perhaps surprisingly, most panels manage to achieve consensus. More than two-thirds of those I studied issued unanimous final reports.

How is such accord possible in a political world rent by ever more vehement disagreement? While blue-ribbon panels are often mocked for being stocked with political graybeards, these wizened pros can be a great asset. “It helps to have ‘has-beens’ on commissions because they have no political ax to grind,” former secretary of state and Iraq Study Group cochairman James Baker told me.

The five Republicans and five Democrats on the Iraq Study Group (average age: 74) were able to set aside their differences on other issues to agree in 2006 on a comprehensive Iraq strategy. While President Bush rejected the princi-

pal proposals—a change in the U.S. mission from combat to training and counterterrorism, a gradual withdrawal of U.S. troops, and direct engagement with Iran and Syria—then-senator Obama embraced them as his own, and they have guided his administration’s policy. (One element of the gray-beard critique is valid, though: We would be better served by greater gender diversity on commissions.)

Another reason commissions are able to produce consensus—perhaps the rarest of Washington commodities—is the simple opportunity they provide for intense private deliberations. Members often spend dozens of hours together in hearings, discussions, and debates. Some even become friends. It may sound corny, but that time spent together is precious, and contrasts sharply with the contemporary practice on congressional committees, whose members rarely deliberate or socialize with one another. Indeed, most are not even in Washington for large parts of the week. Former senator Slade Gorton (R-Wash.), who served on the 9/11 Commission, recalled to journalist Kristen Lundberg that over the course of the 18-month investigation, “the associations inside the group became more important than those outside.” When Bush administration attorney general John Ashcroft charged that Jamie Gorelick, a former Clinton administration official, was responsible for failed counterterrorism policies, Gorelick’s fellow 9/11 commissioners, and especially the Republicans, passionately came to her defense.

There were plenty of disagreements on the 9/11 Commission. But Gorton said that he and others decided not to write minority opinions that would diminish the final report’s impact, out of “this immense feeling of satisfaction and respect for one another.”

Gorton didn’t say it, but commissioners have self-interested reasons to reach consensus: Legislators on congressional committees can reap valuable publicity and political advantage from loudly breaking ranks. They also have ways other than their committee work of exerting influence. Most commission members, however, have little to gain by going off the reservation. They know that their work will be far more influential if their report is unanimous.

Unanimity sends a powerful signal to policymakers and the public, but it is not enough to ensure success. Political conditions must also be ripe for reform. In the absence of a crisis, the status quo in Washington is more or less set in cement, as advocacy groups and turf-conscious government officials are able to thwart change. Obama White House chief

of staff Rahm Emanuel famously distilled this piece of political wisdom during the financial crisis when he said, “You never want a serious crisis to go to waste.”

Even after such an event, reformers may not carry the day without the political credibility provided by an independent, bipartisan report. An overhaul of the nation’s intelligence agencies only became possible when the 9/11 Commission issued its proposals in July 2004—nearly three years after the terrorist attacks. Having found that failures to share information prevented the agencies from detecting the 9/11 plot, the commission proposed creating the new post of director of national intelligence and a national counterterrorism center. The changes were initially opposed by President Bush and the powerful leaders of the congressional intelligence committees, but strong public support turned the tide. The resulting Intelligence Reform Act of 2004 was the most important intelligence legislation since the creation of the Central Intelligence Agency after World War II.

Almost without anybody noticing, commissions have been central to the American response to terrorism during the past three decades. Following Hezbollah’s 1983 bombing of a Marine barracks in Beirut, which killed 241 U.S. servicemen, sharp criticism of U.S. policy by a commission chaired by retired admiral Robert Long hastened President Reagan’s decision to withdraw American troops. After attacks on U.S. embassies in the early 1980s and in 1998, commission reports guided an overhaul of the State Department’s security operations and built support for a dramatic increase in funding for diplomatic security.

Looking back as we approach the 10th anniversary of the 9/11 attacks, it is striking how strongly commissions have shaped the response to that catastrophe. Congress has enacted three major pieces of counterterrorism legislation since 9/11: the Patriot Act in 2001, which gave the Justice Department and other agencies new counterterrorism powers; the Homeland Security Act of 2002, which established the Department of Homeland Security; and, two years later, the Intelligence Reform Act. Two of these landmark laws were spurred by commissions.

If commissions are so powerful, why haven’t President Obama and Congress adopted the recommendations of last year’s National Commission on Fiscal Responsibility and Reform, with its far-reaching proposals for spending cuts and tax increases?

First, the commission did not issue a unanimous report—only 11 of the 18 members approved the final proposals. A



Launched early last year amid high spirits, the National Commission on Fiscal Responsibility and Reform, chaired by Erskine Bowles (center) and Alan Simpson (right), failed to reach consensus.

divided outcome was predictable, since 12 of the commissioners were members of Congress subject to the same partisan pressures that confront legislators all the time. Obama made these appointments in the hope that they would give the commission a foothold in Congress, but he might have better served this purpose by naming highly respected former members.

Second, despite widespread concern about the federal deficit, there is still no sense of crisis. By contrast, when the Social Security program faced a near-term financing shortfall in 1982, a commission headed by Alan Greenspan provided valuable political cover that allowed the Reagan White House and congressional Democrats to reach a compromise.

Finally, the fiscal commission dealt with issues that have major consequences for Americans' standard of living. It was inevitable that its proposals would stir passionate opposition. Efforts to change foreign policy or reform national security institutions do not usually affect most Americans so directly, a reality that simplifies the task of spurring reform.

Yet it would be premature to declare the fiscal commission a failure. Sixty-four senators signed a letter in March calling on the president to support measures along the lines of the commission's proposals, and Obama's own April deficit reduction proposals drew heavily on the commission's ideas. It remains a long shot that a commission-inspired grand bargain will be enacted before the 2012 election. But if a real

sense of crisis takes hold, many more politicians might endorse the only plan that has strong bipartisan credibility.

Every new commission is greeted with the same complaint: Why can't Congress and the president solve the problem at hand without outsourcing it to an unelected body? But partisanship, turf battles, and the need to gain the support of 60 senators to pass most significant legislation mean that it is very difficult to enact reform—and the complexity of the problems confronting us is only growing. The challenge is exacerbated by today's extreme ideological polarization. As recently as the 1960s, dozens of members of Congress frequently crossed the aisle

to vote with a majority in the other party. Now there is only a handful of such moderates, and they are a dying breed. Middle-of-the-road solutions with broad support among the American people often wither on the vine.

One of the paradoxes of our time is that unelected commissions may improve democratic governance. Even as the polarization of political elites grows, more voters are rejecting the two major parties. Some 40 percent of Americans now call themselves independents, outnumbering Democrats and Republicans. Commission proposals, which typically transcend partisan divides, tend to be supported by most of this enormous constituency. By helping to overcome the parochial pressures that often prevent Republicans and Democrats from agreeing, commissions can make government more responsive. They are an instrument, rather than a betrayal, of democracy.

Commissions cannot forge agreement on solutions to all of the serious challenges facing the United States, and independents are not going to rally around the banner of "commission power" in any future election. But these unique bipartisan bodies can provide a critical boost to reformers seeking to update our government's institutions and policies. Instead of disparaging them, supporters of productive and effective governance should recognize the value of commissions as institutions that help grease the gears of our often creaky democracy. ■