

THE INSTITUTIONALIZATION OF MILITARY BASE CLOSING

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DISSERTATION ABSTRACT

THE INSTITUTIONALIZATION OF MILITARY BASE CLOSING

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The reason the theory of institutionalization is so important is that it provides the basis for optimum efficiency and effectiveness, two pillars of public administration, within government organizations. Administrative efficiency is increased when organizations specialize by function and place. If independent commissions can become institutionalized, then Congress needs to ensure those that qualify are provided with the mandate and resources to remain institutionalized.

Although the institutionalization of ad hoc government organizations, such as independent commissions, appears counter-intuitive, this paper argues that select independent commissions that are periodically reestablished to perform a needed service can become institutionalized over time. Once an organization is recognized as an institution, it gains more legitimacy and authority, leading to greater effectiveness.

Independent commissions serve numerous functions in the U.S. government. They include: 1) provide policy recommendations and regulatory oversight based on expertise and experience; 2) investigate the sources of a crisis; 3) offer shield against voter retribution; 4) demonstrate a symbolic response to a crisis; 5) opportunity to determine voter desires or to garner voter support; 6) avail as the option of last resort; 7) resolve problems between the Executive and Legislative Branches of government; and, 8) educating and persuading the public, government officials, as well as commissioners.

Congress, following the recommendations of the Grace Commission, established an independent commission to recommend military base closings to reduce the military's infrastructure-force size gap. The General Accounting Office reported that despite the significant base closures of four rounds of base realignment and closure (BRAC) commissions since 1988, the Department of Defense (DoD) continues to maintain a large amount of excess infrastructure, especially in its support functions. Each service maintains its own facilities and capabilities for performing many common support functions and, as a result, DoD has overlapping, redundant, and underutilized infrastructure. Like a perfect storm, changes in the global military posture in the twenty-first century, and the need to reduce overhead combined to offer DoD the perfect opportunity to balance its infrastructure using the proven BRAC process.

When assessing a subjective issue such as when an organization becomes an institution, there is no clear-cut line that one can use to claim transformation. However, as a qualitative case study, we can still draw conclusions. In the case of BRAC independent commissions, it satisfied each of the measurements of the four criteria established to determine institutionalization: complex, sentient, evolving, and essential. As such, it would be logical to declare that BRAC commissions have achieved institution status, and therefore they should receive similar government support as other federal institutions, such as annual funding and permanent staffing.

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CHAPTER ONE

ORGANIZATIONAL INSTITUTIONALIZATION

*The process of institutionalization is one of the grand themes in all of modern social science.... Most people agree that for a political system to be viable ... it must be institutionalized.*¹

Nelson Polsby, 1968

*We define institutionalization as the process by which an organization acquires value and stability as an end in itself.*²

Lyn Ragsdale and John Theis, 1997

*Yet in the fast-growing literature on the politics of developing areas, political institutionalization usually receives scant treatment.*³

Samuel Huntington, 1965

INTRODUCTION

The focus of this dissertation is the organizational institutionalization of independent commissions within the federal government. The reason the theory of institutionalization is so important is that it provides the basis for optimum efficiency and effectiveness, two pillars of public administration, within government organizations. If independent commissions, commonly perceived to be ad hoc organizations, can become

¹ Nelson Polsby, "The Institutionalization of the U.S. House of Representatives," *The American Political Science Review* 62, 1 (March 1968): 144-145.

² Lyn Ragsdale and John Theis III, "The Institutionalization of the American Presidency," *American Journal of Political Science* 41, 4 (October 1997): 1282.

³ Samuel P. Huntington, "Political Development and Political Decay," *World Politics* XVII, (October 1964-July 1965): 386.

institutionalized, then Congress needs to ensure those that qualify are provided with the mandate and resources to remain institutionalized.

To begin, the theory of organizational institutionalization means that an organization existing within the federal government acquires characteristics, such as complexity, autonomy, identity, and permanency, that cause it to become an institution. For example, the U.S. Air Force started out as an organization within the Department of the Army, called the Army Air Corps, among other names. The National Security Act of 1947 created the Department of Defense (DoD), consisting of three separate Service departments - including the Department of the Air Force. However, it was through the process of organizational institutionalization that the Air Force became institutionalized within DoD, distinct from the other Services. Within societies, organizational institutionalization is critical for political stability. Within organizations, it is essential to achieve optimum efficiency and effectiveness. Though the institutionalization process has only recently been identified and studied, it has been around for centuries.

In their comparative case study on various national legislatures, Gerhard Loewenberg and Samuel Patterson determined that assemblies of men arose from the need to represent social groups and the need for consultation and consent on government policy. As assemblies met more often, they began to devise procedures, rules, and regulations that led to self-awareness as a legislative organization.⁴ This was the beginning of institutionalization in government legislatures.⁵ Today, organizational institutionalization is essential for stability within societies. It arises as a result of

⁴ Gerhard Loewenberg and Samuel Patterson, *Comparing Legislatures*, (Boston: Little, Brown, and Company, 1979): 9.

⁵ They determined that legislative assemblies dated back to the Middle Ages, making them one of the few old political institutions still around today. (Loewenberg and Patterson: 7)

continuous societal problems that come from change; and, it evolves over time as a function of organizational procedures, rules, and regulations.

Herbert Simon, a Nobel Laureate in economics, noted that administrative efficiency is increased when organizations specialize by function and/or location, in other words, by grouping employees according to purpose, process, or place.⁶ For the purposes of this dissertation, the efficiencies discussed regarding organizational institutionalization are attributed more to function than to location.

Although the institutionalization of ad hoc government organizations such as independent commissions appears counter-intuitive, this dissertation argues that select independent commissions that are periodically reestablished to perform a needed service can become institutionalized over time. Once an organization is recognized as an institution, it gains more legitimacy and authority, leading to greater effectiveness. One current and important example of such a federal organization is the congressionally-chartered base realignment and closure (BRAC) independent commission. As of 2005, Congress had established five of these commissions to facilitate the realignment and closure of military installations with minimal political influence over the process. If BRAC commissions are becoming institutionalized, then Congress should consider making them and the process permanent to complete the transformation.

The majority of the published work on *institutionalization* is written at a macro level. In other words, scholars normally applied the theory of institutionalization to states and countries to assess social and economic change in what could be termed governmental institutionalization. However, beginning with Nelson Polsby,

⁶ Herbert A. Simon, "The Proverbs of Administration," *Public Administration Review* 6 (1946): 58-60.

institutionalization began to analyze organizational change within modern state governments as well. Instead of analyzing the changes within legislative bodies among various countries, regions, and societies, particularly in the underdeveloped world, Polsby began the trend of analyzing the institutionalization of organizations within the governments of developed countries. He was the first to analyze the institutionalization of an organization - the House of Representatives.

DEFINITIONS

Before proceeding further, some definitions are in order. Samuel Huntington, considered the source of the theory of institutionalization, provided many good definitions in his writings. First, he defined a *political organization* as: “an arrangement for maintaining order ... among two or more social forces.”⁷ Chester Barnard was one of the first to define an organization, stating that they are, by nature, cooperative endeavors. He was the first to make the distinction between formal and informal organizations. He defined a formal organization as: “a system of consciously coordinated activities or forces of two or more persons.”⁸ As such, formal organizations were not just social groupings, but groupings of people conducting actions to achieve a goal. Hal Rainey defined organizations as: “a group of people who work together to pursue a goal. They do so by attaining resources from their environment.”⁹ Guy Peters cited three elements of an organization, to include being: 1) durable; 2) reliable; and, 3) accountable.¹⁰

⁷ Huntington, *Political Order in Changing Societies*: 8-9.

⁸ Chester Barnard, *Functions of the Executive* (Cambridge: Harvard University Press, 1968): 73.

⁹ Hal Rainey, *Understanding & Managing Public Organizations*, 2nd ed. (San Francisco: Jossey-Bass Publishers, 1997): 15.

¹⁰ Guy Peters, *Politics of Bureaucracy* (White Plains: Longman Publishers, 1995): 23.

Herbert Simon described an organization as the complex pattern of communication and relationships in a group of human beings. He noted that organizations place its members in a psychological environment that adapts their decisions to its objectives, and provide stimuli that channelize behavior and provide members with objectives that stimulate behavior. It does this by dividing work tasks, establishing standard operating procedures, training and indoctrinating employees.¹¹

Philip Selznick, mentored by Chester Barnard, Herbert Simon, Edward Boehm, and Dwight Waldo, defined an organization as: “a technical instrument for mobilizing energies and directing them toward set aims.”¹² However, I believe the best definition is the one offered by Anthony Downs: “An organization is a system of consciously coordinated activities of forces of two or more persons explicitly created to achieve specific ends.”¹³

On the other hand, a *political institution* is different from a political organization. Barnard was again one of the first to make the distinction between an organization (formal or simple) and an institution. However, he did not use the term *institute* in his discussion, but rather the term “complex formal organization.”¹⁴ Huntington defined an institution as: “stable, valued, recurring patterns of behavior.”¹⁵ Unfortunately, this definition does not help clarify the difference as it also fits Peters’ definition of an organization. Selznick helps clarify the difference when he claimed: “As an organization acquires self, a distinctive identity, it becomes an institution. This involves the taking on

¹¹ Herbert A. Simon, *Administrative Behavior*, 3rd ed, (New York: The Free Press, 1976): xvii, 79, 101, and 103.

¹² Philip Selznick, *Leadership in Administration* (Evanston: Row, Peterson, and Company, 1957): 5.

¹³ Anthony Downs, *Inside Bureaucracy* (Boston: Brown, Little, and Company, 1967): 24.

¹⁴ Barnard, *Functions of the Executive*: 104.

¹⁵ Huntington, “Political Development and Political Decay,” 394.

of values....” As an organization acquires values, it becomes increasingly institutionalized.¹⁶ Jean-Claude Thoenig concurred with this observation, and further explained that: “Public institutions shape societies and polities.”¹⁷

Huntington defined *institutionalization* as: “the process by which organizations and procedures acquire value and stability.”¹⁸ Shmuel N. Eisenstadt wrote that every society is inherently predisposed to change because of basic problems that have no continuous solution. To accommodate societal change requires a government consisting of institutionalized organizations. Eisenstadt’s bottom line is that: “The process of institutionalization is the organization of a societally prescribed system of differentiated behavior oriented to the solution of certain problems inherent in a major area of social life.”¹⁹ Unfortunately, these definitions are too convoluted to be useful. In fact, Richard Scott and John Meyer came to the same conclusion: “It is revealing that the terms *institution* and *institutionalization* have vague and variable meaning in modern sociological discussions.”²⁰

New Institutionalism

During the late 1960s, a *New Institutionalism* movement began focusing on the integration of an organization’s environment into the institutionalization process. James March and Johan Olsen noted in their New Institutionalism manifesto that by the 1980s it still had not reached legitimacy in public administration or political science: “By labeling

¹⁶ Selznick, *Leadership in Administration*: 21, 40.

¹⁷ Jean-Claude Thoenig, “Institutional Theories and Public Institutions: Traditions and Appropriateness,” in the *Handbook of Public Administration*, eds. B. Guy Peters and Jon Pierre (Thousand Oaks: SAGE Publications, 2003):129, 133.

¹⁸ Huntington, “Political Development and Political Decay,” 394.

¹⁹ Shmuel N. Eisenstadt, “Institutionalization and Change,” *American Sociological Review* 29, 1 (February 1964): 235.

²⁰ W. Richard Scott and John W. Meyer eds., *Institutional Environments and Organizations* (Thousand Oaks: SAGE Publications, 2003): 10.

the collection of ideas ‘the new institutionalism,’ we mean to note the fact that there was indeed an ‘old institutionalism’.... It would probably be more accurate to describe recent thinking as blending elements of an old institutionalism into the non-institutionalist styles of recent theories of politics.”²¹ James Thompson, an early scholar of New Institutionalism, wrote that: “Institutions consist of cognitive, normative, and regulative structures and activities that provide stability and meaning to social behavior.” And, “In a variety of ways, we have asserted that the design, structure, and behavior of organizations will reflect variations in task environments.”²² New Institutionalism maintains that as society affects the state and institutions of the state, so do the state and state institutions affect society. Essentially, they are interdependent and synergistic.

The concept of New Institutionalism was applied in various ways to explain organizational actions such as decision-making, policy-making, and negotiating. One application by Peter Hall and Rosemary Taylor, and then Michael Gorges, was to categorize New Institutionalism in three ways; historical, sociological, and rational choice.²³ Junta Kato wrote about New Institutionalism based on bounded rationality.²⁴ And, Jonathan Bendor, Terry Moe, and Kenneth Shotts attempted to apply the “garbage can” model of policy making to New Institutionalism.²⁵

There are aspects of New Institutionalism that apply to organizational institutionalization, but the focus of this dissertation is the application of the tenets of

²¹ James March and Johan Olsen, “The New Institutionalism: Organizational Factors in Political Life,” *American Political Science Review* 78, 3 (1984): 734-49.

²² James D. Thompson, *Organizations in Action* (NY: McGraw-Hill Publishers, 1967): 117, 161.

²³ Peter Hall and Rosemary Taylor, “Political Science and the Three New Institutionalisms,” *Political Studies*, Vol. 44 (1996); and, Michael Gorges, “New Institutionalists Explanations for Institutional Change: A Note of Caution,” *Politics* 21, 2 (2001).

²⁴ Junta Kato, “Institutions and Rationality in Politics,” *British Journal of Political Science*. 26 (1996).

²⁵ Jonathan Bendor, Terry Moe, and Kenneth Shotts, “Recycling the Garbage Can: An Assessment of the Research Program,” *American Political Science Review* 95, 1 (2001).

organizational institutionalization to federal government organizations, not how government organizations interact with their environments. Where there is overlap and applicability between the two concepts, it is noted for your consideration.

THE CLASSICS

Max Weber

The theory of institutionalization has its roots with German sociologist Max Weber, who published landmark works on government bureaucracy in the mid-twentieth century.²⁶ He characterized the modern state as one consisting of a body of law, a monopoly over the legitimate use of force, and a bureaucracy. Bureaucracy acquires its legitimacy and authority from the legal-rational society that created and supports it.²⁷ It is bureaucracy and its internal organizations that become institutionalized in developed societies. He believed that for governments to be efficient and effective in governing modern societies, they required bureaucracy. Bureaucracy is generated from society's increasing complexity. He wrote that: "In the modern state, the increasing demands for administration rest on the increasing complexity of civilization and push towards bureaucratization."²⁸ He was the first to claim that bureaucracy is the most rational and efficient form of government yet devised by mankind.²⁹ He defines it as the ordering of social relationships according to rules, and provides rational authority in modern societies.³⁰

²⁶ Max Weber, *From Max Weber, Essays in Sociology* (1946); *Theory of Social and Economic Organization* (1947).

²⁷ Max Weber, *The Theory of Social and Economic Organization*, (New York: Oxford University Press, 1947): 57-58, 156.

²⁸ H.H. Gerth and C. Wright Mills, editors and translators, *From Max Weber: Essays in Sociology*, (Oxford: Oxford University Press, 1946): 212.

²⁹ Max Weber, *The Theory of Social and Economic Organization*: 337.

³⁰ H.H. Gerth and C. Wright Mills, *From Max Weber: Essays in Sociology*: 214, 224, 241.

Samuel Huntington

Samuel Huntington laid out his theory of institutionalization in both his 1965 *World Politics* article and 1968 book.³¹ He claimed that government organizations evolve over time, hence, vary in their degree of institutionalization. He argued that the fundamental difference between developed and developing societies lay not in their levels of wealth or education, but rather in their level of political institutionalization.³² Using his four measurable criteria, one can determine the level of institutionalization within any government organization or political system.³³

Huntington's first institutionalization principle states that the more adaptable an organization is to its environment, the more highly institutionalized it is. Adaptability is an acquired characteristic, and it can be measured in three ways: 1) chronologically; 2) generationally; and, 3) functionally. In other words, the longer an organization survives, the more institutionalized it will become. As well, the more organizational leadership turns over, the more institutionalized it will become. Finally, the more an organization adapts its functions to changes in society, the more institutionalized it will become. He declared that *functional adaptability* is the true measure of a highly-developed organization.³⁴ This criterion can be perceived as an early source of New Institutionalism.

Huntington's second institutionalization principle states that the more internally complicated an organization is, the more highly institutionalized it is. He suggested that

³¹ Samuel Huntington, *Political Order in Changing Societies* (New Haven: Yale University Press, 1968).

³² *Ibid.*: 2.

³³ However, Huntington never describes the various levels of institutionalization of an organization.

³⁴ Huntington, *Political Order in Changing Societies*: 13-16, and Huntington, "Political Development and Political Decay," 397-99. Clearly, this hypothesis foretold of the New Institutionalism movement decades later.

complexity could be measured by noting the number of organizational sub-units, both hierarchically and functionally, and noting the differentiation among sub-units within an organization. Of course, this implies that the bigger the government organization, the more likely it is to be institutionalized.³⁵

Huntington's third institutionalization principle states that the more politically independent an organization is, the more highly institutionalized it is. He labeled this criteria autonomy, and suggested it could be measured by the extent which an organization has its own interests and values distinguishable from other social forces. Autonomy involves the relations between social forces and political organizations. Political organizations that lack autonomy he considered corrupt.³⁶

Huntington's fourth and final institutionalization principle states that the more unified and coherent an organization is, the more highly institutionalized it is. Conversely, the greater an organization's disunity, the less institutionalized it is. Organizational coherency can be determined by factors such as: the amount of consensus among an organization's employees regarding goals, procedures, and values; the degree of employee turnover; and, the degree to which the organization controls its own resources. This criterion is closely related to autonomy. However, in theory, an organization can be autonomous without being coherent, and coherent without being autonomous.³⁷

³⁵ Huntington, *Political Order in Changing Societies*: 17-18.

³⁶ Huntington, "Political Development and Political Decay," 401-405, and Huntington, *Political Order in Changing Societies*: 20-21.

³⁷ Huntington, *Political Order in Changing Societies*: 22-24.

Weber v. Huntington

To highlight the similarities between Weber and Huntington regarding the theory of institutionalization, a comparison of their characteristics and definitions is in order. According to Weber, an ideal government bureaucracy would have several characteristics to include precision, speed, consistency, continuity, unity, and coordination.³⁸ These characteristics are similar to those of a government institution as defined by Huntington. For example, where Weber first claimed that growing societal complexity is the source of bureaucracy, Huntington claimed that political stability in an ever-changing society depends on the institutionalization of government organizations. Where Weber first cited bureaucratic characteristics such as hierarchy and organization according to task functions, Huntington defined these same characteristics as institutional complexity. Where Weber first cited the bureaucratic characteristic of continuous operations, Huntington defined this characteristic as institutional autonomy. Finally, where Weber first cited bureaucratic characteristics such as qualified membership and standard operating procedures, rules, and regulations, Huntington defined these characteristics as institutional coherence. As one can see, there are clear parallels between bureaucracy and government institutions. Bureaucratization could even be interpreted as being synonymous to institutionalization. However, there is a subtle difference between the two concepts. Where bureaucratization, in general, describes the scope of government administration, institutionalization describes its evolution.³⁹

³⁸ H.H. Gerth and C. Wright Mills, *From Max Weber: Essays in Sociology*: 196-204.

³⁹ From both H.H. Gerth and C. Wright Mills, *From Max Weber: Essays in Sociology*: 196-204; and, Huntington, *Political Order in Changing Societies*: 2.

Nelson Polsby

Huntington did not apply these four criteria to any organization *within* a political system, but rather to entire political systems to determine levels of *governmental* institutionalization. Nelson Polsby, on the other hand, applied Huntington's institutionalization theory to organizations within government, thereby pioneering the field of "organizational institutionalization." He applied organizational institutionalization to the House of Representatives in a landmark article.⁴⁰ In general, he assessed that for political systems to be viable, they must be institutionalized: "[O]rganizations must be created and sustained that are specialized to political activity. Otherwise, the political system is likely to be unstable, weak, and incapable of servicing the demands or protecting the interests of its constituent groups."⁴¹

In his article, Polsby noted that an organization becomes institutionalized when it satisfies three criteria: 1) well-bounded; 2) relatively complex; and, 3) universalistic.⁴² By well-bounded, he meant that an organization could be differentiated from its environment, its employees easily identifiable, its employees meet higher qualifications, and, its leadership comes from within the organization. By relatively complex, he meant that an organization's functions are internally separated, its parts are not wholly interchangeable, yet, its parts maintain some interdependency. Finally, by universalistic he meant that an organization tends to follow precedents and rules, favoritism and

⁴⁰ Nelson Polsby, "The Institutionalization of the U.S. House of Representatives," *The American Political Science Review* 62, 1 (March 1968).

⁴¹ Polsby, "The Institutionalization of the U.S. House of Representatives," 144.

⁴² It is interesting that Polsby apparently decided that Huntington's coherency criterion is not needed for an organization to become institutionalized.

nepotism are replaced by a merit system, and, impersonal codes supplant personal preferences.⁴³

Polsby took the organizational institutionalization criteria of complexity even farther by making a few observations and reaching new conclusions. First, where Huntington implied organizational size is a function of institutionalization, Polsby concluded: “as organizations grow in size, they tend to develop internally in ways predicted by the theory of institutionalization.”⁴⁴ Further, he found that: “As the responsibilities of the national government grew...the agencies of the national government institutionalized.”⁴⁵ As the House of Representatives became more complex with subcommittees and internal procedures to ensure voting (i.e., the whip system), Polsby discovered that: “Institutionalization has, in the House, on the whole meant the decentralization of power.” Related to institutionalization causing the decentralization of power, he found that sub-units did not need to be hierarchical to qualify as increasing organizational complexity. He concluded that: “these findings suggest that increasing hierarchical structure is not a necessary feature of the institutionalization process.”⁴⁶ This finding has relevance when discussing government independent commissions.

THE DESCENDANTS

Following Polsby, in the application of organizational institutionalization to organizations within national governments, were only a few scholars from the U.S. and Great Britain. Malcolm Jewell and Samuel Patterson examined the institutionalization of the American legislature with the caveat that: “Institutionalization is not inevitable, nor

⁴³ Polsby, “The Institutionalization of the U.S. House of Representatives,” 145.

⁴⁴ Ibid.: 164.

⁴⁵ Ibid.: 166.

⁴⁶ Ibid.: 168.

has it been, in the case of American legislatures, a steady, upward, linear progression, for institutions can decline, decay, and disappear.”⁴⁷ Later, John Hibbing published an article demonstrating the evolution of the House of Commons over centuries using the organizational institutionalization theory. He stated that institutionalization was more than just modernization, stability, or gaining power, “it could be of assistance in coming to grips with patterns of legislative evolution.”⁴⁸ As well, Peter Gerlich examined the institutionalization of European parliaments and noted that: “Institutionalization not only involves the establishment and development of organizational mechanisms, but also the emergence of patterns and conditions for the interactions implied.”⁴⁹

David Canon published a study in which he challenged the accepted hypotheses that institutionalization was a consequence of modernization and change. He wrote: “Gradual historic forces, such as increased societal complexity, cannot explain the evolution of institutions, nor do they recognize the tensions between different aspects of change.”⁵⁰ However, he confirmed Polsby’s finding that institutionalization leads to decentralization of power stating: “Individual leaders are not as dominant in an institutionalized system....”⁵¹

⁴⁷ Malcolm Jewell and Samuel Patterson, *The Legislative Process in the United States*, (NY: Random House, 1973): 34.

⁴⁸ John Hibbing, “Legislative Institutionalization with Illustrations from the British House of Commons,” *American Journal of Political Science* 32, 3 (August 1988): 682. Loewenberg and Patterson declared that Great Britain was the principal exporter of institutions as a by-product of its colonization.... French imperial policy did not favor this. (*Comparing Legislatures*: 18-19.)

⁴⁹ Peter Gerlich, “The Institutionalization of European Parliaments,” in *Legislatures in Comparative Perspective*, Allan Kornberg ed. (New York: David McKay Company, Inc., 1973): 97.

⁵⁰ David Canon, “The Institutionalization of Leadership in the U.S. Congress,” *Legislative Studies Quarterly* XIV, 3 (August 1989): 415.

⁵¹ David Canon, “The Institutionalization of Leadership in the U.S. Congress,” 434.

Finally, Lyn Ragsdale and John Theis published a study in which they endeavored to determine when the American presidency became institutionalized using Huntington's four organizational institutionalization criteria. They wrote that:

The main conclusion of this paper is that the presidency cannot be judged solely by the occupants of the office, their big decisions, and the plans of key staff....[B]y the late 1970s all four elements had reached relatively high levels across the three key presidential units.... Hence, the presidency developed late as an institution.⁵²

Their unique insight regarding institutionalization was revealed in the very last sentence of their paper: "With the culmination of events in the 1970s, the presidency has entered a period in which the institution makes presidents as much if not more than presidents make the institution."⁵³

A final point regarding Huntington's theory of institutionalization needs to be addressed. Peter Gerlich wrote an article in which he based his research on Huntington's premise that organizations are established and evolve through identifiable phases as they become institutionalized. Where Huntington did not elaborate on this aspect of institutionalization, Gerlich did. He noted that organizations must first be established; then, they must accommodate the environment in which they operate before they can become institutionalized:

⁵² Lyn Ragsdale and John Theis III, "The Institutionalization of the American Presidency," *American Journal of Political Science* 41, 4 (October 1997): 1314.

⁵³ Lyn Ragsdale and John Theis III, "The Institutionalization of the American Presidency," 1316.

Only after the relationship of an institution with its environment has become relatively stabilized and only after the preconditions for a somewhat autonomous internal development have been set does the process of internal differentiation and stabilization generate momentum. It would appear, therefore, that the study of institutionalization of internal processes is appropriate and possible only after the institution already passed through the “establishment” and “evolution” phases.⁵⁴

As can be seen, Gerlich was also one of the early writers on the evolving concept of New Institutionalism.

ROAD AHEAD

The primary purpose of this dissertation is to determine whether BRAC independent commissions have become institutionalized since their inception in the late 1980s. To date, no scholar has considered the organizational institutionalization of an independent commission. This chapter lays the groundwork with an in-depth discussion of the public policy theory of organizational institutionalization. Chapter Two follows up with a review of federal commissions, both regulatory and independent. Chapter Three covers various aspects of the BRAC independent commissions to set the stage for an institutionalization examination.

Chapter Four begins with a discussion of the various methodological alternatives to analyzing the institutionalization of an organization. Then, the criteria used by the aforementioned organizational institutionalization scholars to determine the level of institutionalization of an organization is analyzed and consolidated into four comprehensive criteria. It includes a discussion of how to measure four new criteria (i.e., complexity, sentient, evolving, and essential).

⁵⁴ Gerlich, “The Institutionalization of European Parliaments,” 94.

Chapter Five is where the application of the four criteria to the five BRAC independent commissions occurs. Following the application of the criteria, I determine that BRAC independent commissions have indeed become institutionalized. As such, this demonstrates that certain independent commissions can become institutionalized despite the fact that they are technically ad hoc, temporary organizations.

Finally, Chapter Six discusses the applicability and relevance of organizational institutionalization in the twenty-first century. Following the trend of public administration almost from its inception in the late nineteenth century, organizational institutionalization is powered by the quest for efficiency and effectiveness. As such, this dissertation ends with an argument that the BRAC independent commission should be recognized and treated as an established, proven institution requiring legislation permanently establishing it, to include such institutional attributes as permanent staffs and offices. Permanent independent commissions, then, would be an evolution in the structure of the U.S. federal government.

CONCLUSION

Although the term “organizational institutionalization” has been used throughout this chapter, it is a new phrase intended to distinguish between the institutionalization of governments (a macro level of analysis), and the institutionalization of organizations within governments (an internal level of analysis). As the institutionalization scholars migrate towards New Institutionalism and its focus on the interaction of the environment on government organizations, the field of organizational institutionalization is still viable for continued research.

In summary, from a theoretical standpoint, the concept of institutionalization is important because it allows researchers the ability to compare organizations between and within national governments. Those organizations that have become institutionalized indicate a more stable government or a more mature organization. From a practical standpoint, the concept is important because it indicates which federal agencies are more efficient and effective; institutions being more efficient and effective than organizations. As such, organization leaders should strive to achieve institutional status, as characterized by the institutionalization criteria. And, government leaders should strive to accommodate institutions as they promote political stability and more efficient and effective government.

This dissertation provides another aspect of organizational institutionalization that has not been explored yet – the institutionalization of federal independent commissions. Where institutions provide efficient and effective solutions to systemic societal problems, they may exist in various forms. We are determining if one of those forms includes independent commissions, and specifically the BRAC commissions.

Drawing from the preeminent scholars of institutionalization, we are also able to establish an updated set of criteria to evaluate organizations in the twenty-first century. Huntington cited four criteria for evaluating institutionalization: functional adaptability, internal complexity, autonomy, and coherency. Polsby consolidated Huntington's set into three criteria: well bounded, complex, and universalistic. Subsequent institutionalization scholars used variations of these criteria as well, just as is being done in this dissertation. Finally, Jewell and Patterson made a key point regarding organizations that justifies the classification, definition, and study of institutionalization –

it is not inevitable. Not all organizations become institutions. Before examining the possibility of independent commissions becoming institutionalized, an in-depth review of independent commissions is needed. They are discussed in the next chapter.

CHAPTER TWO

INDEPENDENT COMMISSIONS

*There are no more important tasks being done by the federal government than those which have been assigned to the independent regulatory commissions. None affect more vitally the economic life of the nation.*⁵⁵

Robert Cushman, 1941

*Independent commissions give private citizens an opportunity to assist government with significant problems without being beholden to the government or the current administration.*⁵⁶

David Linowes, 1998

*Congress needs a variety of oversight techniques to hold agencies accountable so that if one technique proves ineffective, committees and members can employ others singly or in combination.*⁵⁷

Walter Oleszek, 2001

INTRODUCTION

This chapter covers independent commissions, from their origin to their current status, and the role they play within the federal government. Commissions serve many purposes for the President and Congress, and accomplish numerous functions not efficiently or effectively done by either the Executive or Legislative Branch. This chapter also covers the difference between regulatory and independent commissions,

⁵⁵ Robert E. Cushman, *The Independent Regulatory Commissions*, (New York: Oxford University Press, 1941): 5.

⁵⁶ David Linowes, *Creating Public Policy: The Chairman's Memoirs of Four Presidential Commissions*, (Westport: Praeger Press, 1998): 1.

⁵⁷ Walter J. Oleszek, *Congressional Procedures and the Policy Process*, 5th edition, (Washington, DC: CQ Press, 2001): 278.

presidential and congressional commissions, and in commission funding. As such, it sets the stage for the discussion of the organizational institutionalization of the independent commissions established by Congress to facilitate base realignments and closings.

DEFINITIONS

Colton Campbell recently defined the term *commissions* as: “formal groups established by statute or decree for the general purpose of obtaining advice, developing common sense recommendations on complex policy issues, and finding broadly acceptable solutions to contentious problems.”⁵⁸ Usually, these issues deal with major social crises, such as the terrorist attack on September 11, 2001, and the subsequent establishment of the Commission on the Intelligence Capabilities of the United States; policy issues, such as the future of the U.S. in deep space, and the establishment of the Commission on Implementation of United States Space Exploration Policy; or studies of a complex, technical nature, such as the level of medical costs, and the establishment of the Medicare Payment Advisory Commission. Several decades ago, Robert Cushman described a commission as *independent* when: “it is entirely outside any regular executive department.... It is subject to no direct supervision or control by any Cabinet Secretary or by the President.”⁵⁹ Finally, a distinction can be made between independent and regulatory commissions. Where all commissions are independent according to Cushman’s definition, only those that have oversight of some government responsibility or a private industry are considered regulatory.

⁵⁸ Colton C. Campbell, “Creating an Angel: Congressional Delegation to Ad Hoc Commissions,” *Congress & The Presidency* 25, 2 (Autumn 1998): 161-62.

⁵⁹ Cushman, *The Independent Regulatory Commissions*: 3-4.

The U.S. Constitution is silent regarding commissions. Cushman, however, explains how commissions are not contrary to the intent of the Constitution:

The three distributing clauses of the Constitution deal with governmental powers, legislative, executive, and judicial. It is *powers*, not *departments*, which are separated. The Constitution wisely left to Congress a broad discretion in establishing the governmental machinery by which these powers are to be exercised.⁶⁰

Today, many scholars characterize commissions as an unofficial, separate branch of government, much like the news media. Colton Campbell referred to commissions as the “fifth arm of government,” *after* the media.⁶¹ In this capacity, commissions can serve as another instrument to hold organizations within government accountable.

The futurist Alvin Toffler predicted in 1970 that federal governments would move towards *ad hoc* organizations as an effective way to accommodate rapid changes in society: “Task forces and other ad hoc groups are now proliferating throughout government and business bureaucracies.”⁶² Cushman determined that the federal government often found it easier to create “a new and independent government body than to fit a new job into the existing administrative structure with its confusing network of jurisdictional lines.”⁶³ A corollary to this observation is that when bureaucracy acquires a new responsibility, it rarely relinquishes it. In this regard, independent commissions are relatively economical as they tend to have a short existence. Furthermore, independent commissions conceivably can cut through the so-called “red tape” of bureaucracy to produce more efficient, effective, and timely recommendations to resolve problems;

⁶⁰ Cushman, *The Independent Regulatory Commissions*: 442.

⁶¹ Campbell, “Creating an Angel: Congressional Delegation to Ad Hoc Commissions,” 1.

⁶² Alvin Toffler, *Future Shock* (New York: Bantam Books, 1970): 134.

⁶³ Cushman, *The Independent Regulatory Commissions*: 6.

while regulatory commissions allow Congress to oversee Executive Branch functions and industry operations more efficiently and effectively than it could itself.

LITERATURE REVIEW

Thomas Wolanin found that there were not as many publications on independent commissions as would be expected on this very important subject: “Despite their common occurrence and the great public interest shown in many of their reports, there is only a very scanty popular and social science literature discussing presidential advisory commissions as political institutions.”⁶⁴ When Samuel Patterson did a peer review of Colton Campbell’s research study on commissions, he confirmed this finding stating: “Congressional scholars will...welcome this introduction to a neglected topic.”⁶⁵

Thomas Wolanin is one of a small number of authors to publish works on federal commissions. His specialty was presidential advisory commissions. Early on, Robert Cushman wrote a textbook and Wilson Doyle published a primer on regulatory commissions.⁶⁶ Jeffrey Cohen wrote about how Presidents influence regulatory commissions.⁶⁷ David Linowes wrote about his experiences after serving as the chair on four different presidential commissions, the same year as Colton Campbell had an article published about Congress’s role regarding commissions (1998).⁶⁸ In the twenty-first century, Beth Rosenson wrote an article on the use of commissions to enforce ethics

⁶⁴ Thomas R. Wolanin, *Presidential Advisory Commissions*, (Madison: University of Wisconsin Press, 1975): 5.

⁶⁵ Samuel Patterson, Book Review of Colton Campbell’s book, *Discharging Congress: Government by Commission*, in *Perspectives on Political Science* 31, 4 (Fall 2000): 3.

⁶⁶ Cushman, *The Independent Regulatory Commissions*, and Wilson Doyle, *Independent Commissions in the Federal Government*, (Chapel Hill: University of North Carolina Press, 1939).

⁶⁷ Jeffrey E. Cohen, “Presidential Control of Independent Regulatory Commissions Through Appointments,” *Administration & Society* Vol. 17, 1 (May 1985).

⁶⁸ Linowes, *Creating Public Policy: The Chairman’s Memoirs of Four Presidential Commissions*, and Campbell, “Creating an Angel: Congressional Delegation to Ad Hoc Commissions.”

standards.⁶⁹ Finally, when discussing base closure commissions, both David Sorenson and Lilly Goren provided generic insights on independent commissions, as well.⁷⁰ This chapter covers in detail much of what these authors published on commissions.

HISTORY

The concept of commissions dates back to the nineteenth century and originated at the state level. With the advent of railroads, numerous American states established regulatory commissions to supervise them effectively. State legislators felt that commissions could more easily accumulate the expert knowledge needed to regulate and oversee the railroads than they could. However, in 1877, the U.S. Supreme Court upheld an Illinois statute regulating railroad commerce, which meant that every state could charge any rate that they wanted.⁷¹ To fulfill its regulatory obligation under Article I of the U.S. Constitution and provide consistency and fairness among the states, Congress subsequently adopted the state approach and established the first federal regulatory commission in 1887, the Interstate Commerce Commission (ICC). However, it did not authorize the ICC to fix railroad rates. Instead, Congress authorized the ICC to issue orders against the rates set by the railroads and approved by the states, and to enforce its orders in court. Since no one challenged the validity of the ICC's existence, Congress

⁶⁹ Beth Rosenson, "Against Their Apparent Self-Interest: The Authorization of Independent State Legislative Ethics Commissions," *State Politics and Policy Quarterly*, Vol. 3, 1 (Spring 2003).

⁷⁰ David Sorenson, *Shutting Down the Cold War*, (New York: St. Martin's Press, 1998), and Lilly Goren, *The Politics of Military Base Closings*, (New York: Peter Lang, 2003).

⁷¹ The case *Munn v. Illinois* (94 U.S. 113; also known as the Granger Cases) was decided on March 1, 1877. The Supreme Court ruled that in the absence of federal legislation, state legislatures could regulate interstate railroads. [Paul Finelman and Melvin Urofsky, *Landmark Decisions of the United States Supreme Court* (Washington, DC: CQ Press, 2003): 91.]

established many more regulatory commissions in the early 1900s, including the Federal Trade Commission (FTC) and the Securities and Exchange Commission (SEC).⁷²

Since commissions are not mentioned in the Constitution, their legitimacy stems primarily from the laws that authorized them. Presidents began using commissions shortly after Congress did. Wolanin explained that the technical authority of the President and Congress to use commissions stems from the right of the Legislative and Executive Branches to inform themselves for legislative and execution purposes through various kinds of investigations.⁷³ The Supreme Court confirmed this explanation in 1954 in a case between Phillips Petroleum Company and the State of Wisconsin (*Phillips Petroleum Company v. Wisconsin*). The court ruled that regulatory commissions had “congressional intent for jurisdiction over all the rates of all wholesales of natural gas in interstate commerce.”⁷⁴ Some of the first presidential commissions established included the National Bituminous Coal Commission, the U.S. Maritime Commission, and the U.S. Tariff Commission.

FUNCTIONS

Commissions serve numerous functions in the U.S. government. They include: 1) providing policy recommendations and regulatory oversight based on expertise and experience; 2) investigating the sources of a crisis; 3) offering a shield against voter retribution; 4) demonstrating a symbolic response to a crisis; 5) determining voter desires or to garner voter support; 6) availing as the option of last resort; 7) resolving problems

⁷² Louis Fisher, *The Politics of Shared Power*, (College Station: Texas A&M University Press, 1998): 146-147.

⁷³ Wolanin, *Presidential Advisory Commissions*: 64-65.

⁷⁴ U.S. Supreme Court, *Phillips Petroleum Company v. Wisconsin*, 347 U.S. 672, (1954): 681-684.

between the Executive and Legislative Branches of government; and, 8) educating and persuading the public, government officials, as well as commissioners.

Under the first function, Fisher noted three advantages of regulatory commissions. First, commission members bring essential expert insights to a commission because regulated industries can be complex and highly technical. Second, appointing commissioners for extended terms of full-time work allows them to become very familiar with the technical aspects of an industry through periodic contacts that members of Congress would not be able to accomplish. As a result of their tenure, varied membership, and shared responsibility, commissioners would be resistant to external pressures. Finally, regulatory commissions provide policy continuity essential to the stability of a regulated industry.⁷⁵

Commissions are expected to provide non-partisan solutions to challenging problems. A good example is Congress regulating its own ethical behavior. Beth Rosenson researched this issue and concluded that authorizing an ethics commission may be “based on the fear of electoral retaliation if legislators do not take aggressive action to regulate their own ethics.”⁷⁶

Campbell found that commissions perform several other functions besides providing recommendations to the President and Congress.⁷⁷ The most common function performed by independent commissions besides policy recommendations is investigative. Following every national crisis, natural or man-made, the President or Congress usually

⁷⁵ Fisher, *The Politics of Shared Power*: 150.

⁷⁶ Rosenson, “Against Their Apparent Self-Interest: The Authorization of Independent State Legislative Ethics Commissions,” 45.

⁷⁷ In comparison to foreign uses of commissions, Wayne Parsons wrote about British Royal Commissions and concluded that they served five primary purposes: 1) source of impartial and independent advice and information; 2) a means of addressing moral conundrums facing society; 3) a form of symbolic action; 4) a means of de-politicizing an issue; and, 5) a means of legitimizing action or inaction. (390)

establishes an independent commission to investigate what happened, if it could have been prevented, and how efficiently and effectively government organizations responded.

For example, following the assassination of President Kennedy on November 22, 1963, President Lyndon Johnson established an independent commission with Executive Order #11130. The commission, headed by Earl Warren, the Chief Justice of the United States, was chartered to investigate whether the killing was accomplished by a lone gunman or a group of people. This commission, commonly referred to as the “Warren Commission,” was given unrestricted investigating powers, and included the U.S. Solicitor General and 14 criminal lawyers.

In 1979, following the Three Mile Island nuclear power plant disaster, President Jimmy Carter established an independent commission to investigate how the accident happened and how it could have been prevented. More recently, following the terrorist attacks on the United States on September 11, 2001, Congress chartered an independent commission to investigate the failings of the Intelligence Community to provide adequate warning. Today, Congress is contemplating establishing another independent commission to investigate the federal government’s management of Hurricane Katrina’s devastation of the Gulf Coast. As with some other investigative commissions, Congress might not establish it in part because the investigation could lead back to Congress itself.

Independent commissions are often formed to provide a convenient scapegoat to deflect the wrath of the electorate, i.e., “blame avoidance.” Members of Congress generally want to avoid making difficult decisions that may affect their chances for reelection. Campbell wrote: “Incentives to avoid blame lead members of Congress to

adopt a distinctive set of political strategies, such as ‘passing the buck’ or ‘defection’”⁷⁸

Another technique legislators use to avoid incurring the wrath of the voters is to postpone any controversial decisions until after the next election. Establishing a commission to research an issue and come up with recommendations is an effective way to do that. The most clear-cut case demonstrating all of these techniques is the congressionally-established BRAC independent commissions. Lilly Goren emphatically declared that the primary reason for the BRAC commissions was to deflect electorate blame for local base closings.⁷⁹ As for deliberate timing, Congress established each BRAC commission so that its approval vote would be held during a non-election year: 1989, 1991, 1993, 1995, and 2005.

There are numerous other reasons for establishing commissions. They are created as a symbolic response to a crisis or to satisfy the electorate at home. A recent classic example of this was the establishment by Congress of the National Commission on Terrorist Attacks Upon the United States (also known as the "9/11 Commission") to prepare a full and complete account of the circumstances surrounding the September 11, 2001, terrorist attacks, and to provide recommendations designed to guard against future terrorist attacks.⁸⁰

Commissions have served as trial balloons to test public opinion, or to make political gains with the voters. The Medicare Payment Advisory Commission (MedPAC), for example, is a congressionally-chartered commission (established by the

⁷⁸ Campbell, “Creating an Angel: Congressional Delegation to Ad Hoc Commissions,” 3-7.

⁷⁹ Goren: 4-6, 26-28, 54, 60-61, 95, and 114-116.

⁸⁰ Acquired from Internet website: www.9-11commission.gov

Balanced Budget Act of 1997) to advise Congress on issues affecting the Medicare program. It consists of 17 commissioners with diverse expertise on the finance and delivery of health services. In essence, its purpose is to advise Congress on the public's satisfaction with Medicare.⁸¹

Commissions can be created and used to gain public or political consensus, particularly on partisan issues. Congress established the Social Security Advisory Board (SSAB) in August 1994, for example, to advise Congress, the President, and the Commissioner on Social Security on matters related to the Social Security program.⁸² Today, President Bush has used SSAB research to support his efforts towards social security reform.⁸³

Commissions can be chartered to provide oversight of a technical field such as nuclear power or national defense. The Nuclear Regulatory Commission (NRC) was established to provide oversight of the nation's nuclear energy industry. Commission oversight authority generally includes the capability to conduct public hearings, subpoena witnesses, and litigate infractions. Because Congress does not have the time, expertise, nor resources to determine which military installations to close, it relies on the BRAC commission to do the investigation on its behalf. Some BRAC commissioners are selected because they attained the highest rank during their distinguished military careers, hence, are undoubtedly capable of providing the oversight of the Defense Department military base realignment and closure process and recommendations.

⁸¹ Acquired from Internet website: www.medpac.gov

⁸² Acquired from Internet website: www.ssab.gov

⁸³ Acquired from Internet website: www.newsac.com/mwsocialsecurity.html

Often, when Congress has exhausted all other options, a commission can serve as a last resort.⁸⁴ One of the most difficult issues Congress deals with is pay raises for federal government employees, particularly within Congress. One mechanism Congress has employed successfully to authorize pay increases is to charter an independent commission to deal with it. The National Commission on Public Service (commonly referred to as the Volcker Commission after its chairman, former Federal Reserve Board Chairman Paul Volcker) consists of eleven commissioners from both political parties (including Bill Bradley, Frank Carlucci, Robert Rubin, and Donna Shalala), and was chartered by Congress to examine the need for comprehensive reform in federal government service. The Volcker Commission submitted a report in February 2003 entitled “Urgent Business for America: Revitalizing the Federal Government for the 21st Century” which made 15 recommendations on the effectiveness of the federal government, including pay raise recommendations for all federal judges and senior service executives.⁸⁵

Commissions can be an impartial way to help resolve problems between the Executive and Legislative Branches of government, especially during periods of congressional gridlock. Wolanin also noted that commissions are: “particularly useful for problems and in circumstances marked by federal executive branch incapacity.” David Sorenson observed that:

⁸⁴ Campbell, “Creating an Angel: Congressional Delegation to Ad Hoc Commissions,” 6-7.

⁸⁵ Acquired from Internet website: www.brookings.edu/gs/cps/volcker

Policy stalemate is likely to increase levels of commission policy making. Where political priorities produce policy paralysis, a commission is a way out. Elected officials can blame commissioners for producing unpopular but necessary results..... Commissioners are not directly accountable to the electorate, and, often by the time the decisions are rendered, nobody remembers who appointed them.⁸⁶

The BRAC commission is a classic example of providing a resolution to an issue on which both the Executive and Legislative Branches refused to compromise.

Like Congress and the Executive Branch, some federal bureaucracies suffer from many of the same shortcomings that can be resolved by commissions. They often lack the expertise, information, and time to conduct the research and make recommendations to resolve internal problems. They can be afflicted either by “group think,” not being able to “think outside the box,” or being able to “see the big picture.” Commissions offer a non-partisan, neutral option to address bureaucratic policy problems.⁸⁷ On January 27, 2004, President George W. Bush issued Executive Order #13326 establishing the Commission on Implementation of United States Space Exploration Policy (known as the Aldridge Commission after its chairman, former Secretary of the Air Force Edward “Pete” Aldridge). There are nine commissioners to provide recommendations to the President regarding space missions to the moon and Mars. Secretary of Defense Donald Rumsfeld eventually decided to implement the unbiased recommendations of the commission on space, which he chaired prior to being appointed Secretary of Defense.⁸⁸

⁸⁶ Sorenson: 228.

⁸⁷ Wolanin, *Presidential Advisory Commissions*: 45.

⁸⁸ David Rapp, “Task-Forcing Issues,” *CQ Weekly* 59, 19 (May 12, 2001): 1-2.

One of the more important functions of commissions is educating and persuading. Due to the high visibility of most appointed commissioners, a policy issue addressed by a commission will tend to acquire increased public and media attention. According to Wolanin, the prestige and visibility of commissions give them the capability to focus attention on a problem, and to see that thinking about it permeates that community more rapidly.⁸⁹ A recent example of a high-visibility commission chair appointment was Henry Kissinger, selected to chair the Commission on the Intelligence Capabilities of the United States Regarding Weapons of Mass Destruction, a commission congressionally-chartered to investigate the perceived intelligence failure regarding the September 11, 2001 terrorist attacks on the United States.⁹⁰

Wolanin cited four educational impacts of commissions: 1) educating the general public; 2) educating government officials; 3) serving as intellectual milestones; and, 4) educating the commission members themselves. Regarding educating the general public, he stated that: “Commissions have helped to place broad new issues on the national agenda, to elevate them to a level of legitimate and pressing matters about which government should take affirmative action.” Regarding educating government officials, he noted that: “The educational impact of commissions within government...makes it safer for congressmen and federal executives to openly discuss or advocate a proposal that has been sanctioned by such an ‘august group’.”⁹¹

⁸⁹ Wolanin, *Presidential Advisory Commissions*: 35.

⁹⁰ Dr. Kissinger resigned his appointment before the intelligence commission ever met for personal reasons.

⁹¹ Wolanin, *Presidential Advisory Commissions*: 146-48.

One commission that has ensured public awareness of the equal opportunity legislation over the years has been the Equal Employment Opportunity Commission (EEOC), though clearly its primary purpose has been to make equal employment opportunity policy, and ensure that the Department of Labor enforces the nondiscrimination and affirmative action requirements as enacted in congressional legislation beginning in 1963.⁹² The EEOC was created by Title VII of the Civil Rights Act of 1964, which prohibits employment discrimination based on race, gender, color, religion, age, and national origin. Employment discrimination includes recruitment, hiring, wages, assignment, promotions, benefits, discipline, discharge, and layoffs. The EEOC has five commissioners and a General Counsel, appointed by the President and confirmed by the Senate.⁹³

Commission reports have often been so influential that they can serve as milestones in affected fields. Such reports have become source material for analysts, commentators, and even students, particularly when commission reports are widely published and disseminated. This is the case regarding the final report of the aforementioned intelligence reform commission. This report led to the creation of a national center on terrorism and the creation of a director of national intelligence as the first true director of the Intelligence Community.⁹⁴

⁹² The congressional EEO legislation signed into law include the Equal Pay Act of 1963; the Civil Rights Act of 1964; the Age Discrimination Act of 1967; the Equal Employment Opportunity Act of 1972; the Rehabilitation Act of 1973; the Pregnancy Discrimination Act of 1978; the Civil Service Reform Act of 1978; the Age Discrimination Act of 1986; the Immigration Reform and Control Act of 1986; the Americans with Disabilities Act of 1990; and, the Civil Rights Act of 1990.

⁹³ Acquired from Internet website: www.eeoc.gov

⁹⁴ Acquired from Internet website: www.wmd.gov

By serving on a commission, members also learn much about the issue, and about the process of analyzing a problem and coming up with a viable recommendations. Commissioners also learn from one another.⁹⁵ This is important as commissioners are generally experts in their respective fields or influential in the policy arena. They are often able to use information and experience learned from serving on commissions in future related endeavors.

CREDIBILITY

The two most important things any commission has are its credibility and independence. If a commission does not have credibility for whatever reason, then its recommendations will be ignored (hence, a waste of time and resources). There are numerous ways for a commission to lose its credibility, starting with its members and staff. If the commissioners or commission staff are perceived to be biased towards one political party, or close to the president, or connected to the relevant issue through private dealings, then credibility may be lost. As a chairman of several commissions, Linowes knew the importance of a commission's credibility and told the others members about not having it right up front: "Even if the commission's recommendations were made in good faith, without the perceived credibility bolstered by independence and thoroughness, no one would give our findings the kind of attention essential for action."⁹⁶ The way to gain credibility is to have commissioners who are experts regarding the issue, are well-known and respected in their fields, and are perceived as non-partisan, independent thinkers.

⁹⁵ Wolanin, *Presidential Advisory Commissions*: 149-51.

⁹⁶ Linowes, *Creating Public Policy: The Chairman's Memoirs of Four Presidential Commissions*: 138.

INDEPENDENCE

One essential key to achieving credibility is to maintain independence from the various branches of federal government and outside interests. To do this, commissioners are technically appointed by the President and approved by the Senate to prevent the President from stacking a commission in favor of his preferred outcome. Wolanin noted that the most important presidential authority to exert control over commissions is the appointment of their members. Candidates are screened by the White House to produce a group likely to favor the direction of presidential policy.⁹⁷ Linowes, on the other hand, noted that he was often given the authorization by the President to select commission members he could work with as commission chairman, and to submit them to the White House for approval.⁹⁸ Cohen conducted a study of presidential influence on the ICC over a 20-year period. He found that even though a President's appointees voted together with high frequency, they also tended to vote with the other appointees at a similar rate. He found no party blocs or stable bloc patterns over the years on the ICC. He concluded his research stating: "Analysis indicates that voting patterns on the ICC do not relate to presidential appointment."⁹⁹

Another important factor in maintaining commissioner independence is the restriction on arbitrarily removing any commissioner. Most, if not all, legislation establishing independent commissions stipulates that commissioners would continue to serve with the following caveat: "Any commissioner may be removed by the President

⁹⁷ Wolanin, *Presidential Advisory Commissions*: 75.

⁹⁸ Linowes, *Creating Public Policy: The Chairman's Memoirs of Four Presidential Commissions*: 68-69, 99, and 134.

⁹⁹ Cohen, "Presidential Control of Independent Regulatory Commissions Through Appointments," 65-66.

for inefficiency, neglect of duty, or malfeasance in office."¹⁰⁰ In the early days of commissions, the President successfully removed commissioners that were not abiding by his wishes, which adversely affected commission independence. In 1903, the U.S. Supreme Court ruled in *Shurtleff v. U.S.* that the President, at the time William McKinley, could no longer remove commissioners, in this case Ferdinand Shurtleff, a general appraiser of merchandise, without proper cause.¹⁰¹

TYPES

There are two types of commissions based on the nature of their creation and function – regulatory and independent. Because regulatory commissions were established before independent commissions, they are discussed first.

Regulatory Commissions

As mentioned, *regulatory* commissions were the first commissions created, and, generally, have longer tenures. The vast majority of all commissions through the latter half of the twentieth century were regulatory. Where presidential and congressional independent commissions are ad hoc and temporary in nature, regulatory commissions last for years, normally overseeing a particular industry on behalf of the government. Wilson Doyle wrote in 1939 that regulatory commissions can be granted judicial, administrative and even policy-making powers by Congress.¹⁰²

Congressional research specialist Louis Fisher noted that regulatory commissions are subject to the control of Congress, the President, and the courts. To counter regulated industry attempts to co-opt commissioners or have them unduly influenced by the

¹⁰⁰ Doyle, *Independent Commissions in the Federal Government*: 27.

¹⁰¹ U.S. Supreme Court, *Shurtleff v. U.S.*, 189 U.S. 311, (1903).

¹⁰² Doyle, *Independent Commissions in the Federal Government*: 4.

President, commissioner independence is secured by staggering their terms, limiting the power of the President to remove them, and, balancing the number of commissioners representing political parties or interest groups.¹⁰³

The U.S. Nuclear Regulatory Commission is an independent regulatory agency established by the Energy Reorganization Act of 1974 to regulate civilian use of nuclear materials. It consists of five commissioners appointed by the President and confirmed by the Senate for five-year, staggered terms. Where most independent commissions are chartered for maybe a year or two at the most, regulatory commissions, such as the NRC, are chartered for decades.¹⁰⁴ One current example of a presidential regulatory commission is the President's Commission on the United States Postal Service (also known as the Postal Rate Commission – PRC). Established by Executive Order # 13278, signed by President George W. Bush on December 11, 2002, the PRC identifies the operational, structural, and financial challenges facing the Postal Service in the twenty first century, regulates postal charges, and recommends legislative and administrative solutions to ensure the long-term viability of the United States Postal Service.¹⁰⁵

Independent Commissions

There are generally two types of independent commissions - presidential and congressional. The most common type today is created at the request of the President. David Linowes stated that nine out of every ten independent commissions are presidential.¹⁰⁶ Thomas Wolanin claimed that President Theodore Roosevelt was the “father” of presidential commissions as he was the first to employ groups of non-

¹⁰³ Fisher, *The Politics of Shared Power*: 153.

¹⁰⁴ Acquired from Internet website: www.nrc.gov

¹⁰⁵ Acquired from Internet website: www.prc.gov

¹⁰⁶ Linowes, *Creating Public Policy: The Chairman's Memoirs of Four Presidential Commissions*: 8.

governmental experts to examine problems of public policy. He defined presidential advisory independent commissions as a corporate group of members, appointed by the President on an ad hoc basis, to advise the President in a public report, created by an act of Congress, with at least one member from the private sector. He stated that between 1945 and 1968, on average, about three presidential independent commissions were established per year.¹⁰⁷

Wolanin also found that the energy level of Presidents directly correlated with how often commissions were created. The more *active* Presidents (i.e., active regarding new policies) had a tendency to establish independent commissions more readily than less active ones.¹⁰⁸ Finally, Linowes noted from his experience that independent commissions appointed by the President carry more prestige than the other types of commissions.¹⁰⁹ A current example of a presidential independent commission is the American Battle Monuments Commission, which is responsible for commemorating the services of the American Armed Forces since April 6, 1917. The eleven commissioners (five of which are general officers, both active duty and retired) serve at the pleasure of the President and are all volunteers, and as such, receive no pay for their efforts.¹¹⁰

All independent commissions are authorized by congressional legislation, but as indicated, not all are considered congressional commissions. Commissions established by Congress that make their policy recommendations primarily to Congress are considered *congressional* independent commissions. Campbell conducted over 50 interviews with congressional officials that recommended establishing independent

¹⁰⁷ Wolanin, *Presidential Advisory Commissions*: 31.

¹⁰⁸ *Ibid.*: 142.

¹⁰⁹ Linowes, *Creating Public Policy: The Chairman's Memoirs of Four Presidential Commissions*: 10.

¹¹⁰ Acquired from Internet website: www.abmc.gov

commissions in the mid-1990s, and discovered that expertise to comprehend complex and technical policy problems was the most common explanation for congressional commission formation. The second most cited reason was to pare down Congress's workload. Resource, time, and expertise limitations often induce Congress to delegate its authority to an independent commission. Congress normally grants its commissions the power to subpoena witnesses to testify at its hearings, which is where the majority of its data collection is done. Campbell concluded that: "Congress cannot possibly legislate in all governmental situations."¹¹¹ Hence, congressional commissions serve as a form of subcontracting for particular and immediate needs. The bottom line is that they provide Congress inexpensive labor and quality information in a short time span.

The Commission on Review of Overseas Military Facility Structure of the United States (also known as Overseas Basing Commission – OBC) is an independent commission chartered by Congress in June 2004 to assess the adequacy of all overseas U.S. military installations to counter projected future threats. The OBC was established in part to accommodate and facilitate the BRAC commission process, which was established by Congress to determine which stateside military installations should be closed in 2005.¹¹² The OBC is a classic congressional independent commission that not only served to provide Congress with critical information about military bases overseas, but to provide yet another weapon for members of Congress to use when dealing with electorate angst over domestic base closures.

¹¹¹ Campbell, "Creating an Angel: Congressional Delegation to Ad Hoc Commissions," 7.

¹¹² Acquired from Internet website: www.obc.gov

RESOURCES

Commissioners and Staff

All commissions share a number of common characteristics, from membership appointment to budgeting to reporting. For this discussion, these characteristics can also be considered the resources making up a commission. The most important resource for any commission is of course its membership. Cushman wrote that it was “of vital importance” that commissions have the qualities of nonpartisanship, expertness, and stability in order to command public confidence: “It was imperative to create an agency which would earn the respect and confidence of those with whom it had to deal, and independence was essential if this was to be done.” Regarding commissioners, he concluded that: “the success of the commission rests with the men [or women] who compose it.”¹¹³ Due to the distinction of commissioners on some presidential independent commissions, these commissions are often referred to as “Blue Ribbon” commissions. A very interesting presidential commission composition today is the Aldridge Commission on future space exploration as it has *no astronauts*, current or former, as commissioners.

Arguably, the most important member of any commission is the chair. Normally, this person is selected by the organization creating the commission, formally nominated by the President, and then approved by the Senate. The remaining members may be selected by the chair and approved by the President and Congress, or are politically mandated in the commission legislation. The President has been given the authority over

¹¹³ Cushman, *The Independent Regulatory Commissions*: 192, 751.

time to nominate all the members of presidential advisory commissions, and has often done so to his advantage.¹¹⁴

The number of members varies by the type of commission. Normally, presidential and congressional commissions have fewer than ten members. However, regulatory commissions may have many more than ten due to the complexity and scope of the industry being overseen. Having fewer members allows commissions to focus their energies more effectively, enhances prospects for group identity and esprit de corps, and improves internal communication.¹¹⁵ Cushman noted that: “The present commissions [mid-twentieth century] vary in size from three to eleven members.... It is better to keep a commission as small as possible.” He advised that three factors should be considered when determining the size of a commission: 1) complexity of the job to be done; 2) nature of the job to be done, ranging from administrative to fact-finding; and, 3) how many interest groups are to be represented.¹¹⁶

Staffs are often the key to a successful commission. Normally, the full-time professional staff members of commissions are most often lawyers and mid-level substantive experts on loan from the federal government (though staffers have been recruited from universities, industry, and think tanks). To lend credibility and legitimacy to a commission, staff members will generally be recruited who are senior experts with well-known reputations inside and outside of their field of expertise. On the other hand, according to Paul Hirsch, a staff member on the 1991 BRAC commission: “Typically, staff members are either nearing their retirement or are young government employees

¹¹⁴ Fisher, *The Politics of Shared Power*: 155.

¹¹⁵ Wolanin, *Presidential Advisory Commissions*: 32.

¹¹⁶ Cushman, *The Independent Regulatory Commissions*: 742-43.

who want to add a presidential independent commission to their resumes.”¹¹⁷ Staff members are deliberately selected from reputable sources and with equal opportunity guidelines in mind to prevent any accusations of bias.¹¹⁸

People find out about commission staff openings from word of mouth, requests sent to federal agencies, or advertisements in publications like the *Federal Register*.¹¹⁹ Those candidates with previous commission experience or with ties to important constituencies the commission needs to deal with are usually the ones selected as staff members. The process of recruiting staff relies a great deal on personal relationship and previous working experiences of the commissioners with prospective staff members.¹²⁰

Wolanin, however, does not feel most staff members’ training and professional experience adequately facilitates research, analysis, and report recommendations due to the severe time limitations. Sometimes social scientists are engaged by commissions as consultants, but usually they are not available due to short notices or lack of motivation because the perceived payoff is much lower (unlike for lawyers and government experts). In fact, recruiting the best and brightest as staff members is a major problem for most commissions because of the short notice, the reluctance of any organization to give up their best people even for a short period, and scheduling conflicts.¹²¹ Fisher pointed out that senior staffers from Congress are good candidates to become commissioners or staff

¹¹⁷ Megan Scully, “60 Staffers Needed in a Hurry for Frenzied BRAC Process,” *U.S. Air Force Aim Points* (April 25, 2005): 1.

¹¹⁸ Wolanin, *Presidential Advisory Commissions*: 108.

¹¹⁹ Linowes, *Creating Public Policy: The Chairman’s Memoirs of Four Presidential Commissions*: 68-69.

¹²⁰ Wolanin, *Presidential Advisory Commissions*: 109.

¹²¹ *Ibid.*: 101, 110.

members since they are often instrumental in creating the commissions in the first place, hence, have the desired background knowledge.¹²²

Funding

The funding of commissions is primarily a function of what kind of commission it is. The President has two sources of funding for presidential independent commissions: the Presidential Emergency Fund (since 1942) and the Special Projects Fund (since 1955). Both of these funds are authorized by Congress. According to Wolanin:

For over a hundred years the President and the Congress have waged an occasionally hot guerrilla war on the appropriations frontier over the ability of the President to fund *ad hoc* advisory bodies. In the final analysis, the President has come out on top because of the inability of Congress to match the inventiveness of the White House in evading congressional restrictions, and because of the inability or unwillingness of the Congress to cut too deeply into the flexibility...of executive power....¹²³

Commissions, by tradition, have been established using three kinds of instruments: congressional statutes, executive orders, and presidential announcements. The instrument used to establish a commission usually determines its funding source. Commissions created by executive order are often funded from one of the two aforementioned presidential funds. Those commissions created by official announcement (the most common method) are more likely to be funded through agency or voluntary contributions from non-governmental sources. There are no restrictions or obligations if a private source, such as a foundation, funds an independent commission. The most common form of private support to commissions comes from interest groups doing research without compensation. Finally, in the case of commissions created by statute,

¹²² Fisher, *The Politics of Shared Power*: 157.

¹²³ Wolanin, *Presidential Advisory Commissions*: 62.

which are infrequent, Congress normally provides the funding as part of the legislation establishing the commission.

Although the President can spend money from his two accounts as he pleases, Congress clearly retains the power to either cut the amounts available, attach further restrictions, or eliminate the funds altogether. According to the Independent Offices Appropriations Act of 1946, if a government organization funds a commission, then it is entitled to having at least one member on the commission. Congress has passed laws allowing executive agencies, including the White House, to hire temporary experts and consultants and pay their expenses.¹²⁴

Each of the two branches have oversight authority over the other regarding commissions. The Budget and Accounting Act of 1921, along with its modification by the Reorganization Act of 1939, authorizes the Executive Branch, specifically the Bureau of the Budget (now the Office of Management and Budget), to review and to revise budget estimates submitted by all departments, including their associated independent commissions.¹²⁵ However, to control the use of presidential independent commissions, Congress passed the Federal Advisory Committee Act in 1972, which issued guidelines to the Executive Branch covering the creation, administration, tasking of, and responses to commissions. According to Wolanin: “Attempts to control the use of advisory bodies through requiring congressional authorization for their creation or funding have yielded to more indirect, and perhaps more effective, accountability through full and systematic disclosure about them.” Lastly, Congress overrode a presidential veto to enact the Congressional Budget and Impoundment Control Act in 1974 intended to prevent the

¹²⁴ Wolanin, *Presidential Advisory Commissions*: 68-9.

¹²⁵ Fisher, *The Politics of Shared Power*: 162.

President from manipulating the federal budget. It codified the President's impoundment authority, including rescissions and deferrals.¹²⁶ The bottom line is that while Congress has been unwilling or unable to limit the President's authority to create or fund independent commissions, it does have the ability to cut off the two unrestricted presidential funds and to modify the other legislation through which commissions have been funded.¹²⁷

Term Limits

Where the term limits for members on presidential or congressional commissions are relatively short (normally fewer than two years), the term limits on regulatory commissions tend to be much longer in order to provide continuity and stability to the oversight, as well as maintain independence from outside influence. Regarding commissions, Wolanin wrote:

[C]ommissions operate under severe time constraints.... The average commission lasts 11.6 months. Roughly half this time is available for data gathering and research; the rest is occupied by initial organization and staff recruitment, analysis of the research and data by the staff and the commission members, decision-making on findings and recommendations, and writing the report. Six months for the average commission is hardly enough time....¹²⁸

President Reagan asked David Linowes to chair a commission to study federal coal leasing that was to have a life of only six months, including recruiting commissioners and hiring staff.¹²⁹ Linowes noted for one of the four commissions he chaired, the commission held 34 days of hearings, interviewing 350 witnesses involving 249

¹²⁶ *The Congressional Budget and Impoundment Control Act of 1974* at www.house.gov/rules/jcoc2y.htm

¹²⁷ Wolanin, *Presidential Advisory Commissions*: 71.

¹²⁸ *Ibid.*: 100.

¹²⁹ Linowes, *Creating Public Policy: The Chairman's Memoirs of Four Presidential Commissions*: 99.

companies and federal agencies.¹³⁰ Given Wolanin's previous observation, this arbitrary time limitation raises questions about whether so few commissioners could deal with such complex issues effectively in such a short time span.

The term limitation for commissions is normally described in the enacting legislation. As we know, non-regulatory, independent commissions terminate with the submission of their final report. According to Wolanin, the time limit is not rigidly enforced, but: "it does represent White House expectations and is a strongly felt constraint on commission members and staff." He also noted that the temporary nature of commissions means that they are free of historical baggage and are not required to accomplish the routine, bureaucratic actions of permanent organizations.¹³¹ Regulatory commissions can last for decades, though the commissioners are replaced periodically.

Time Constraints

Although regulatory commissions can last for several years, independent commissions today usually last fewer than two years. This is probably due to the Congress establishing a commission, then wanting the report before its own two-year term is completed. Wolanin analyzed advisory commissions over five presidential administrations (Truman through Nixon) and found that:

The trend toward longer commission life may reflect a general recognition that problems have become substantially and politically more complex and difficult to analyze.... These problems require more time to study them successfully and to reach agreement on findings and recommendations. The increasing size of commissions may also require them to spend more time to get organized and to reach agreement.¹³²

¹³⁰ Linowes, *Creating Public Policy: The Chairman's Memoirs of Four Presidential Commissions*: 48.

¹³¹ Wolanin, *Presidential Advisory Commissions*: 32.

¹³² *Ibid.*: 125.

In some cases, a commission can be tasked to tackle a problem so complex and broad in scope that it defies credibility to think it can come to unanimous recommendations to resolve the issue in fewer than six months, as was the case with Linowes' independent commission on privacy.¹³³

COMMISSION PRODUCT

Final Report

Once a commission has concluded its hearings and data analysis, it determines its recommendations before writing the final report. Once the report is written, it is disseminated and the commission is terminated. Linowes submitted his commission reports directly to the President and Congress (which is standard operating procedure today), and even though the commissions were technically terminated, he still followed-up with congressional testimony and media appearances to discuss the report recommendations. He noted that it did not matter who the President was or who was in his Cabinet, his four commission reports were always well received and garnered the personal support of the President. His key to success in this regard was to make recommendations that were easily implemented, incremental, defensible, and realistic.¹³⁴

Another key to a successful report is to achieve commission unanimity in the findings and recommendations. Wolanin noted that a commission reaches consensus either by natural coalescence, by bargaining, or reciprocity, so that: "the overwhelming majority of commission recommendations are the expression of a unanimous consensus among commission members."¹³⁵ All the recommendations in all four of Linowes's

¹³³ Linowes, *Creating Public Policy: The Chairman's Memoirs of Four Presidential Commissions*:138.

¹³⁴ *Ibid.*: 48-49, 190.

¹³⁵ Wolanin, *Presidential Advisory Commissions*: 119.

commission reports were agreed upon unanimously. Commissions pursue this unanimity to ensure maximum impact of the report, and to increase the probability that the recommendations will actually be implemented. However, one must remember that most independent commissions' recommendations are not binding; the recommendations can be ignored, except in the case of regulatory commissions where the decisions can be enforced in federal court. Also, any pressure for unanimous agreement on all recommendations increases the chances for "group think" to distort common sense.

Congressional Oversight

Congressional oversight of commissions has been variable at best. Neither chamber seems to have the time, energy, or resources to deal with it. Andrew Taylor hypothesized that the Senate should be more interested in controlling commissions than the House because it can afford to do so because of longer terms of office, and because it has larger constituencies, and, consequently, broader responsibilities.¹³⁶ Taylor did his research on the FTC between 1975 and 1998, and found "little quantitative or qualitative difference in House and Senate oversight of the Federal Trade Commission."¹³⁷

Walter Oleszek has written extensively about Congress. He noted that Congress conducts oversight to ensure its laws are faithfully executed, as stipulated by Article I of the Constitution. While the Senate and House of Representatives have always had this oversight authority to investigate programs and agencies, it has created organizations to assist it over the years. For example, Congress enacted the Congressional Budget and Impoundment Control Act in 1974 that created the General Accounting Office (GAO),

¹³⁶ Andrew J. Taylor, "Congress as Principal: Exploring Bicameral Differences in Agent Oversight," *Congress & The Presidency* 28, 2 (Autumn 2001): 142.

¹³⁷ *Ibid.*: 153-54.

the Congressional Research Service (CRS), and the Congressional Budgeting Office (CBO), all of which provide oversight services for Congress. Olesznek also found that: “During the 1970s, both houses amended their rules to grant additional oversight authority to the standing committees. The Legislative Reorganization Act of 1970 rephrased, in more explicit language, the oversight duties of the committees and required most House and Senate panels to issue biennial reports on their oversight activities.”¹³⁸ As such, standing congressional committees with associated regulatory commissions have oversight responsibility for them.

Despite congressional efforts to oversee the oversight work of the regulatory commissions, Congress and commissions may have both been misled at times over the years. Charlotte Twight wrote an article claiming the Federal Bureau of Investigation (FBI) and the FCC misled Congress regarding invasion of personal privacy through mandatory telecommunication carrier reporting. She alleged that the FBI presented the Communications Assistance for Law Enforcement Act (CALEA) in 1994 to Congress requiring telecommunication carriers, including traditional and electronic telephone and wire carriers, to install and maintain equipment that would enable law enforcement officials to receive, in real time, information about a private individual’s communications. She documented the fact that Congress employed some unorthodox legislative procedures when it suspended House rules in order to pass CALEA. Moreover, Congress did not question any of the committee members, and neither chamber recorded the names of the members present or how they voted. She even

¹³⁸ Walter Olesznek, *Congressional Procedures and the Policy Process*, 5th edition, (Washington, DC: CQ Press, 2001): 275-78, 288.

claimed that FBI Director Louis Freeh: “repeatedly misled Congress about the FBI’s interpretation of CALEA and the intentions regarding its use.”¹³⁹

The FCC’s role in this issue was as final arbiter over the implementation of CALEA. The FBI testified before the FCC with its *true* intentions regarding CALEA, and the FCC still decided in its favor on most of the contested issues in August 1999. Twight was very disappointed that the FCC was *rolled* by the FBI because it had the expertise Congress was lacking to make the right call regarding telecommunication personal privacy issues. Of course, civil rights groups challenged the FCC’s ruling in favor of the FBI’s interpretation of CALEA, and the U.S. Court of Appeals (D.C.) in August 2000 held that the FCC was correct in deeming mobile phone location to be “call-identifying information,” which was not an invasion of privacy, and in fact even praised the FCC.¹⁴⁰

SHORTFALLS

Despite the best intentions of the President and Congress to minimize partisan politics by employing independent commissions to resolve difficult issues, politics has still managed to affect the process. For example, David Sorenson found significant partisan politics regarding the BRAC independent commissions, yet they still managed to accomplish the goal of closing close to 100 military installations after four iterations, thereby saving the DoD several billions of dollars for infrastructure operations and maintenance annually.

¹³⁹ Charlotte Twight, “Conning Congress,” *Independent Review* 6, 2 (Fall 2001): 5.

¹⁴⁰ *Ibid.*: 10-14.

The best examples of where commissions can go astray are found among regulatory commissions. Tom McGraw published a study in 1975 on regulatory commissions in which he uncovered numerous inefficiencies costing the American taxpayers *billions* of dollars. Regarding the ICC, he found that: “Its policies of minimum rate regulation, its reluctance to allow market forces to select optimal modes for particular freights, its custodial preservation of obsolete services, were ill serving the industries concerned and making a mockery of the ‘public interest.’”¹⁴¹ By the 1970s, the cost of the ICC’s inefficiencies in surface freight transport was estimated to be between four and ten billion dollars every year.

McGraw discovered a similar situation with the regulatory commissions overseeing the airline industry and the natural gas industry: “By the 1970s, the policies had injured the entire [U.S.] economy, as the [natural gas] energy problem became acute and one important fuel source lay poorly developed because of regulatory constraint.” He found that regulatory commissions often came into existence with broad popular support, but, once established, readily responded to pressure from organized interest groups. He concluded that regulatory commissions, like any other organization, promoted policies that would ensure their institutional survival and growth: “[C]ommissions’ highest loyalties sometimes went neither to the ‘public interest’ nor to the regulated industry, but to the regulation itself. Regulation was their business, and they did not intend to close shop.”¹⁴²

¹⁴¹ Thomas K. McGraw, “Regulation in America,” *Business History Review*, Vol. 49, Issue 2, (Summer 1975): 172.

¹⁴² *Ibid.*: 172-82.

As a result of McGraw's findings that regulatory commissions are susceptible to financial and political corruption, William Berry researched the validity of "capture theory" of regulatory commissions in the early 1980s. This theory posits that once a regulatory commission is created, the public is satisfied that its interests are being taken care of by professional experts, hence, tends to lose interest in the issue. The media is also similarly affected as other issues without resolution surface that are more newsworthy. In contrast, the regulated groups maintain a strong interest because it is their interests at stake. The constant interaction between regulatory commissions and regulated groups without interference from the public or media naturally allows commissions to become co-opted or "captured" by interest groups.

However, counter-intuitively, Berry discovered that several studies found that regulatory commissions were *not* actually being captured, i.e., not dominated by the industries they regulate or related interest groups. He concluded that: "specific characteristics of individual commissioners do affect the nature of regulatory outcomes.... I also find that intervention in the regulatory process by representatives of consumers and the public exists and does affect the nature of regulated outcomes."¹⁴³

To determine whether or not presidents exert undue pressure on regulatory commissions, Jeffrey Cohen conducted a study of the presidential nominees to the ICC from 1955 through 1974. He alleged that the frequent turnover among ICC commissioners offered the President ample opportunity to influence membership in his favor. On the contrary, Cohen discovered that the White House often pays little attention to regulatory commission appointments; that commissions became the "dumping

¹⁴³ William Berry, "An Alternative to the Capture Theory of Regulation," *American Journal of Political Science* 28, 3 (August 1984): 525, 553.

grounds” for political supporters unable to get elected: “Patronage, not policy, rules the appointment process to the independent commission.” Presidents, generally, do not want to expend silver bullets on getting commissioners approved by Congress; hence, want their nominations to sail through the confirmation process. Those wanting to become commissioners usually view commissions as spring boards to lucrative jobs in the industry that the commission regulates. Cohen’s research led him to the conclusion that, “presidential influence is not a given on all independent commissions. Because of the haphazard nature of the appointment process, the lack of presidential attention, and the initiative of prospective nominees, the linkage between the President and the commissions may be indirect at best....”¹⁴⁴

CONCLUSION

The bottom line is that the advantages of commissions can outweigh the disadvantages. They offer Congress the opportunity to regulate industries that span across the states, avoid the revenge of aggrieved voters, postpone controversial issues, and solve complex problems efficiently and cost-effectively. For the President, they also provide sound solutions to resolve disputes between the Executive and Legislative Branches of government, as well as insightful recommendations to technical problems. For the public, they provide non-partisan recommendations to difficult problems or crises. In any case, there are few if any viable alternatives available for either the Executive or Legislative Branch to utilize when a complex problem or regulatory requirement arises.

¹⁴⁴ Cohen, “Presidential Control of Independent Regulatory Commissions Through Apportionments,” 62-69.

One such federal-level problem that has far-reaching implications for communities across the country is the closing of military installations. The Defense Department had been closing bases throughout the first half of the twentieth century, particularly following military operations. After the Vietnam conflict, some members of Congress became upset with the location and number of bases DoD was closing, feeling that more than military value was being considered. President Jimmy Carter approved legislation to establish some conditions for DoD to satisfy before closing anymore bases. In effect, however, these conditions halted all base closures for over a decade. Meanwhile, the size of DoD was shrinking while its infrastructure remained robust. This growing infrastructure-force level disparity was costing taxpayers billions of dollars every year. Eventually, Congress passed legislation in 1988 establishing a BRAC independent commission to accomplish this politically-sensitive task. The next chapter provides an in-depth discussion on the BRAC independent commissions.

CHAPTER THREE

BASE REALIGNMENT AND CLOSURE INDEPENDENT COMMISSIONS

*Base Closure, while more dramatic than many government-reduction processes, deserves an examination because it is a classic example of government reduction, to be studied for lessons about both politics and the hazards of government contraction.*¹⁴⁵

David Sorenson, 1988

*No institution will remain successful without adapting to its constantly changing environment. Our armed forces must adapt to changing threats, evolving technologies, reconfigured organizational structures, and new strategies and structures. Our infrastructure must support that progress, not hinder it.... The base closure and realignment process is a systematic, rational process to bring our nation's military infrastructure into line with the needs of our armed forces....*¹⁴⁶

Anthony Principi, Chairman, 2005 BRAC Commission

INTRODUCTION

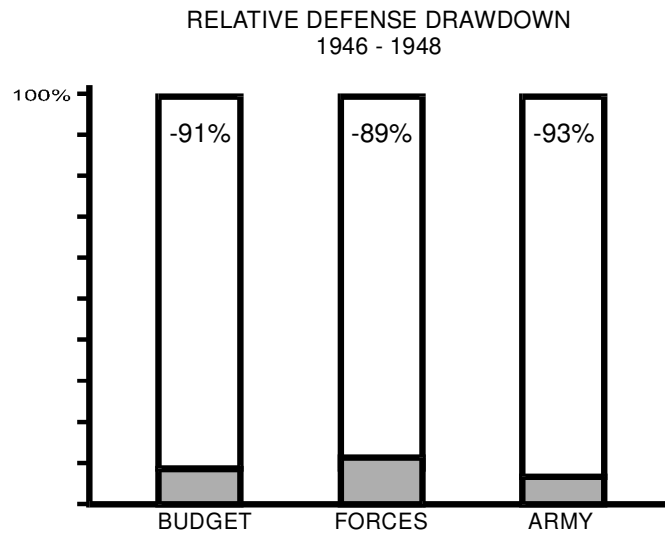
At the end of World War II, the U.S. military maintained over 5,600 bases and installations stateside and around the world, and possessed over 24 million acres in the U.S. alone (which is an area larger in size than Maryland, Massachusetts, Connecticut, New Jersey, and Rhode Island combined).¹⁴⁷ The U.S. Government believed it needed this military force infrastructure in anticipation of a hot war with the Soviet Union during

¹⁴⁵ David Sorenson, *Shutting Down the Cold War* (New York: St. Martin's Press, 1998): 1.

¹⁴⁶ Anthony Principi, "Defense Base Closure and Realignment Commission 2005 Report to the President," (Washington, DC: Government Printing Office, 2005): 1.

¹⁴⁷ Fred Thompson, "Why America's Military Base Structure Cannot Be Reduced," *Public Administration Review* 48, 1 (January/February 1988): 557.

the Cold War. However, the number of troops and the size of the Department of Defense (DoD) budget decreased dramatically following World War II. Between 1945 and 1947, American forces dropped from around 10 million people to just 1.4 million.¹⁴⁸ Stephen Ambrose found that following the Allied victory in Europe in May 1945, the U.S. Army was reduced from 3.5 million troops to just 400,000 by March 1946, completing the most rapid demobilization in the history of the world.¹⁴⁹ Commensurate with the massive troop reduction was a significant drop in the Defense Department budget. As a percentage of the gross domestic product (GDP), it shrunk from about 37.5 percent to just 3.5 percent by 1948 (see figure 3.1).¹⁵⁰ Yet, the infrastructure supporting the military during World War II remained pretty much intact. This infrastructure-forces gap at that time was the largest it was and would probably ever be.



Source: Walter Lafeber, *America, Russia, and the Cold War* (2004), pg. 56

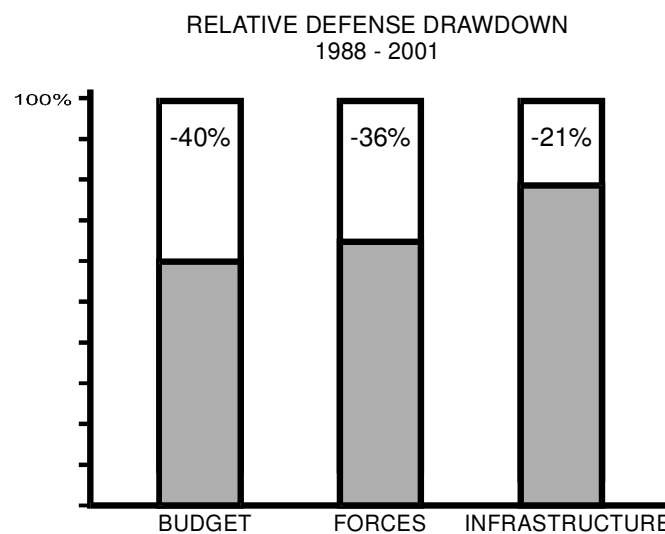
FIGURE 3.1

¹⁴⁸ Walter Lafeber, *America, Russia, and the Cold War*, (New York: McGraw Hill, 2004): 56.

¹⁴⁹ Stephen Ambrose, *Rise to Globalism*, 5th ed. (New York: Penguin, 1988): 79.

¹⁵⁰ TruthAndPolitics.org, *Relative Size of U.S. Military Spending: 1940-2003*, at Internet website: www.truthandpolitics.org/military-relative-size.php

With the dissolution of the Warsaw Pact in 1989, the Cold War was essentially over. Following the largest military buildup during peacetime in world history during the 1980s, Defense spending was cut again, from 6.1 percent of the GDP in 1987 to as low as 3.0 percent of the GDP by 1999 (see figure 3.2).¹⁵¹ The process of adjusting the size of the American military infrastructure to match the size of the military in terms of personnel and equipment has always been a challenge, none more so than after the United States won the Cold War.



Source: DOD, *Defense Reform Initiative Report* (November 1997), pg. 37

FIGURE 3.2

This chapter discusses the BRAC independent commissions, the case study of this dissertation. It covers the history, problems, solutions, and successes of each of the first four BRAC commission, along with the status of the 2005 BRAC Commission. This discussion is meant to lay the groundwork for determining the degree to which the BRAC commissions satisfy organizational institutionalization criteria covered in Chapter Four.

¹⁵¹ TruthAndPolitics.org, *Relative Size of U.S. Military Spending: 1940-2003*, at Internet website: www.truthandpolitics.org/military-relative-size.php

ORIGIN

In March 1961, under the direction of President John Kennedy and with minimal consultation with the Service Departments, Secretary of Defense Robert McNamara implemented the most extensive base realignment and closure program in the history of the United States to begin reducing the huge infrastructure-forces gap following World War II. During that year, over 950 military installations were realigned or closed across the country, to include 60 major bases.¹⁵² Over 90 major military installations were closed between 1961 and 1981 alone.¹⁵³ As members of Congress were not consulted in most of these base closure actions, they had difficulty withstanding the pressure from their local constituents.

In fact, many members of Congress felt the closures were being used to punish them for partisan voting or their lack of support for the military. According to Representative Dick Arme (R-TX):

At issue is who will have control of the pork. Any congressional veteran will tell you that pork is power – both the ability to distribute it and the ability to deny it. If the Executive Branch has unrestricted freedom to close bases, the argument runs, it would have a potent political weapon in its hands to retaliate against anyone who defies the president on key legislation. Congress has an institutional interest in insuring that the Executive Branch does not have it.¹⁵⁴

There are several instances that appear to validate this position. President Lyndon Johnson reportedly closed Amarillo Air Force Base (AFB) and Walker AFB in Texas because the local communities voted for Republican candidates. President Ronald

¹⁵² Alan Dixon, *Defense Base Closure and Realignment Commission 1995 Report to the President*, (Washington, DC: Government Printing Office, 1995): 4-1.

¹⁵³ David Sorenson, *Shutting Down the Cold War*: 43.

¹⁵⁴ Dick Arme, "Base Maneuvers," *Policy Review* 43 (Winter 1988): 73.

Reagan reportedly closed K.I. Sawyer AFB in Upper Michigan to punish Democratic Senators Carl Levin and Donald Riegle for their lack of support for the B-1 strategic bomber. President Richard Nixon had a number of military bases in Massachusetts closed following the presidential election in 1972 reportedly because it was the only state to vote against him. Representative Arney declared that: “virtually every attempt to close bases during the Reagan administration has been branded a political move.”¹⁵⁵

This situation resulted in legislation proposed in 1965 requiring DoD to report to Congress regarding any base realignments or closures. President Johnson, however, vetoed the legislation, further increasing the tension between the Executive and Legislative Branches of government over this issue. On September 30, 1976, President Gerald Ford approved the O’Neill-Cohen Act requiring DoD to notify Congress in advance of any projected base closures, and requiring that all targeted military installations to meet the standards of the National Environmental Policy Act of 1969.¹⁵⁶ As well, the House and Senate Armed Services Committees were both empowered to review all DoD decisions, thereby giving them the final closure authority.¹⁵⁷ Naturally, the congressional debates about which military bases to close became highly partisan and rarely related to DoD security requirements. As a result, between 1977 and 1988, no military bases were approved for closure.¹⁵⁸

¹⁵⁵ Dick Arney, “Base Maneuvers,” *Policy Review* 43 (Winter 1988): 73, and David Sorenson, *Shutting Down the Cold War*: 29-30.

¹⁵⁶ Public Law 95-92, U.S. Code Title 10, Section 2687, “Base Closures and Realignments” (1977). President Jimmy Carter signed follow-up legislation on August 1, 1977, making the O’Neill-Cohen Law permanent as the original legislation was effective for only one year.

¹⁵⁷ David Sorenson, *Shutting Down the Cold War*: 30.

¹⁵⁸ Sandra Wozniak, *Closure of Military Installations – The Good, Bad, and the Better?*, (Wright-Patterson AFB: Air Force Institute of Technology, October 23, 1999): 5.

This situation became untenable with the end of the Cold War in 1991. The Defense Department's infrastructure continued to be much larger than the military forces it was supporting. The infrastructure-forces gap was growing every year, wasting billions of dollars in operating and maintenance (O&M) costs. David Sorenson details how the military posture was decreasing after the Cold War (also reference figure 3.2):

Between 1989 and 1996, the defense budget declined by more than \$100 billion in 1996 dollars, and the size of the force was slashed by more than 100,000 uniformed personnel and 45,000 civilians.... By the end of the decade, the Defense Department was planning for an active force of 1.5 million troops, down from 2.2 million....¹⁵⁹

In the 1980s, Congress was willing to allow DoD to close bases to recoup lost money, but it did not have the time nor expertise to do it, nor did it want DoD to do it without its oversight and approval.¹⁶⁰ In the meantime, President Reagan chartered the Grace Commission in 1983 to examine this growing problem. The Commission determined that as much as \$2 billion every year could be saved by realigning our domestic military bases, and recommended that a non-partisan, independent commission be established to study further the base closure problem, and then submit a list of base closure recommendations to Congress.¹⁶¹

Congress accepted the findings of the Grace Commission and established an independent commission to do just that. Representative Dick Arme (R-TX) proposed an amendment to the 1988 defense authorization bill that created an independent commission, analogous to the Social Security Commission, to facilitate the selection and

¹⁵⁹ David Sorenson, *Shutting Down the Cold War*: 16.

¹⁶⁰ U.S. House of Representatives, 101st Congress, Armed Services Committee, *Hearings on the Defense Secretary's Commission on Base Realignment and Closure*, (Washington, DC: Government Printing Office, 1988): 22.

¹⁶¹ Dick Arme, "Base Maneuvers," 70.

closing of military bases with minimal political influence.¹⁶² Public Law 100-526, the “Defense Savings Act,” subsequently established a *special* independent commission under the Secretary of Defense to identify bases for realignment and closure, and to provide relief from the aforementioned statutory provisions that had hindered DoD’s downsizing efforts since 1977.¹⁶³

BRAC 1988

Structure

A key reason for the establishment of a BRAC independent commission was to ensure that partisan politics had as little influence as possible on the process of downsizing the military infrastructure. For the 1988 BRAC Commission, established by the Secretary of Defense, the process began with the appointment of 12 volunteer commissioners. The even number was politically motivated to ensure an equal number of Democrats and Republicans were represented on the Commission. In fact, there were even two Chairmen, one from each political party.¹⁶⁴

Once established, the Commission conducted research to determine which military bases should be closed or realigned based on the Defense Secretary’s issued criteria. Its proceedings were conducted mostly in secrecy. Once it had prepared a list of recommended bases for closure or realignment, the list was forwarded to the Secretary of Defense for his approval. Once approved, the list was forwarded to Congress for final

¹⁶² Lilly Goren, *The Politics of Military Base Closings*, (NY: Peter Lang, 2003): 49-51. Representative Dickinson of Alabama noted the unusual window of opportunity to get this bill passed and signed into law: “a lame-duck Congress...a lame-duck administration...and a lame-duck Secretary of Defense, all of whom support the BRAC legislation.” (Goren, 66)

¹⁶³ Jim Courter, *Defense Base Closure and Realignment Commission 1991 Report to the President*, Appendix F “History of Base Closures,” (Washington, DC: The White House Press, 1991): 167-69.

¹⁶⁴ The Defense Secretary’s BRAC Commission co-chairmen were Jack Edwards, former Republican Congressman from Alabama, and Abraham Ribicoff, former Democratic Senator from Connecticut.

approval. Congress did not have the option to change anything on the list; the vote was to close or realign all the bases recommended or none. With this arrangement, the 1988 BRAC Commission made recommendations affecting 145 installations, of which 86 were to be closed, or about three percent of the Defense infrastructure.¹⁶⁵ The implementation of these recommendations was projected to save close to \$700 million per year, far short of what DoD was looking for.¹⁶⁶

Problems

After a decade of no base closures at all, DoD was satisfied that, with the BRAC process, military bases were once again being closed. It supported the establishment of more BRAC commissions as soon as possible. On the other hand, Congress and many private citizens were not at all happy with how the first BRAC commission worked out. During hearings before the House Armed Services Committee (HASC) in early 1989, testimony highlighted the key flaws in the first BRAC process, especially regarding the recommendation to close Fort Dix in New Jersey. The elected officials from New Jersey attacked the 1988 BRAC Commission and process during open hearings. Senator Bill Bradley (D-NJ) noted that the commission received little information from DoD, did not properly consider all the costs involved, failed to recognize all the missions and functions preformed at the installation, failed to consider all the documentation and studies to include a key Army audit favorable of Fort Dix, and refused to submit its documentation for independent review. Representative James Saxton (D-NJ) testified that: “the

¹⁶⁵ U.S. House of Representatives, 102nd Congress, Armed Services Committee, *Consideration of House Joint Resolutions 308 and 298: Resolutions Disapproving the Recommendations of the BRAC Commission*, July 23, 1991, (Washington, DC: Government Printing Office, 1992): 55.

¹⁶⁶ U.S. House of Representatives, 101st Congress, Armed Services Committee, *Hearings on the Defense Secretary's Commission on Base Realignment and Closure*, (Washington, DC: Government Printing Office, 1988): 38-39.

Commission took deliberate efforts to try to hide the information that we needed to evaluate what they did.... The stealth chart that was here a minute ago is illustrative of what we have been provided with.” Representative Frank McCloskey (D-NJ) explained further that: “Members of Congress must resort to filing Freedom of Information Act requests and must introduce legislation to force DoD to provide pertinent information with respect to a process which Congress created.” Representative Chris Smith (D-NJ) pointed out that no member or staff of the commission even took the time to visit Fort Dix.¹⁶⁷ These issues caused Congress to incorporate many lessons learned into the follow-on BRAC legislation in 1990.

Solutions

Because the 1988 BRAC process resulted in a reduction in the DoD infrastructure of around three percent, more BRAC commissions were required to complete the process of aligning Defense infrastructure with its force size. As such, Congress passed Public Law 101-510, signed into law by President George Bush on November 5, 1990, authorizing three more BRAC commissions to occur in odd years, beginning in 1991 until 1995, to cut the U.S. military infrastructure by 25 percent. It authorized \$13 million for the operation of all three commissions. This 1990 BRAC legislation corrected almost all of the problems identified during the 1988 BRAC process: 1) having the President and Congress rather than the Secretary of Defense nominate the commissioners, who were to be paid for their services; 2) using clearly articulated, published criteria and certified data for decision-making; 3) requiring both the President and Congress to accept or reject in

¹⁶⁷ U.S. House of Representatives, 101st Congress, Armed Services Committee, *Hearings on the Defense Secretary's Commission on Base Realignment and Closure*, (Washington, DC: Government Printing Office, 1988): 16, 17, 28, 51, and 73.

their entirety the lists of closures adopted by the BRAC commission; 4) creating tight time frames to force the process to reach decisions in a timely manner; and, 5) having Congress's General Accounting Office (GAO) assess the commission's process, data, and recommendations.¹⁶⁸ Congress decided that the 12 commissioners of the first BRAC commission were too many, and that DoD had too many representatives, both as members and staffers, to be considered truly independent. As well, the mandate to recover the cost of closing a military base within six years was too restrictive and had prevented the closing of several obsolete installations. Finally, DoD improved its decision-making process by improving its computer modeling and approach to data gathering.¹⁶⁹ In 1997, the GAO conducted a study of the lessons learned from the first four BRAC commissions and concluded that:

The 1990 BRAC legislation provided the framework for the BRAC processes that were used to successfully complete the three most recent BRAC rounds. [It] is seen by many officials as a model for the new legislation that would be needed for any future BRAC rounds.¹⁷⁰

Public Law 101-510, known as the "Defense Base Closure and Realignment Act of 1990," required the Secretary of Defense to base his recommendations on a force-structure plan tailored to meet the assessed threat submitted to Congress and eight selection criteria, developed by DoD with public comment. Of course, some members of Congress objected to this legislation despite its significant improvement over the 1988 BRAC legislation. For example, Representative Dean Gallo (D-NJ) objected to the lack

¹⁶⁸ U.S. General Accounting Office, *Military Bases: Lessons Learned from Prior Base Closure Rounds*, (Washington, DC: Government Printing Office, 1997): 9.

¹⁶⁹ The DoD computer model used to calculate costs, savings, and payback is called the Cost of Base Realignment Actions (COBRA).

¹⁷⁰ U.S. General Accounting Office, *Military Bases: Lessons Learned from Prior Base Closure Rounds*, (Washington, DC: Government Printing Office, 1997): 10.

of a criterion based on “geographic equity.”¹⁷¹ Representative Patricia Schroeder (D-CO) objected to the law not providing protection for whistleblowers who witness improprieties during the BRAC process.¹⁷²

According to the 1991 BRAC Commission Report to the President, the revised process begins with the Service Secretaries analyzing their own force structures, and comparing them against “the force-structure plan and selection criteria.” Subsequently, they submit their proposals to the Secretary of Defense who send the aggregate recommendations to the BRAC commission.¹⁷³ The Service Secretaries, however, felt that each Service should be reduced at equitable rates over the three BRACs. The Air Force possessed the most installations (405), followed by the Navy (253), and the Army (210). Although the Air Force lost the fewest installations overall, it lost the most in 1991 (14), while the Navy lost the most in 1993 (17), followed by the Army in 1995 (10) – all as prearranged. The Service Secretaries agreed in 1990 that one of the three Services would take the brunt of the BRAC recommendations in each of the three BRAC iterations during the 1990s.¹⁷⁴ Clearly, in this case, politics had not been completely removed from the BRAC process.

The Defense Secretary’s list is forwarded to the BRAC independent commission, which checks to ensure that the Services developed it according to the approved criteria. If there are any “significant deviations,” then the commission can change the

¹⁷¹ U.S. House of Representatives, 102nd Congress, Armed Services Committee, *Hearings on the Defense Secretary’s Commission on Base Realignment and Closure*, February 27, 1991, (Washington, DC: Government Printing Office, 1991): 119.

¹⁷² U.S. House of Representatives, 102nd Congress, Armed Services Committee, *Hearings on the Defense Secretary’s Commission on Base Realignment and Closure*, February 27, 1991, (Washington, DC: Government Printing Office, 1991): 1.

¹⁷³ Jim Courter, *Defense Base Closure and Realignment Commission 1991 Report to the President*, (Washington, DC: Government Printing Office, 1991): I-2.

¹⁷⁴ David Sorenson, *Shutting Down the Cold War*: 35, 206, 208.

recommendation. About 15 percent of the time during the BRAC commissions of the 1990s, the commissioners voted to change a previous commission's recommendation.¹⁷⁵ For example, the 1991 BRAC Commission reviewed the controversial closure decision on Fort Dix by the 1988 BRAC Commission, and *reversed it*. Discrepancies that the BRAC commissions discovered usually included underestimating closure or realignment costs, not accurately accounting for installation assets (e.g., number of runways), not accurately characterizing community impact (e.g., economic or encroachment), or underestimating environmental clean-up costs.¹⁷⁶

After the commission approves the list, it is forwarded to the President for his approval. He can make no changes. If he approves it, the BRAC list is forwarded to Congress for its consideration. After 45 days or if both chambers of Congress do not disapprove the BRAC list, the recommendations are implemented.¹⁷⁷ If the President has any problems with the list, he can send it back to the BRAC commission for reconsideration. Congress does not have this option.¹⁷⁸

BRAC 1990s

Process and Results

The 1991 BRAC Commission had eight members who conducted 29 public hearings in Washington, D.C. and across the country, and of whom at least one visited every installation that made the list. Sorenson noted that, despite the mixed backgrounds

¹⁷⁵ John Hendren, "Base Closure List Likely to Stand Pat," *Los Angeles Times*, (May 17, 2005): 1; Thomas Schatz, "BRAC is Good," *Wall Street Journal*, (June 2, 2005): 12; Eric Schmitt, "Panel on Base Closings Says the List is Likely to Change," *New York Times*, (May 23, 2005): 1.

¹⁷⁶ These discrepancies have been common for every BRAC commission.

¹⁷⁷ Lilley Goren pointed out that this process is not unlike the Electoral College (*The Politics of Military Base Closings*: 127).

¹⁷⁸ Richard Bernardi, "The Base Closure and Realignment Commission: A Rational of Political Decision Process?," *Public Budgeting & Finance* 16, 1 (Spring 1996): 37.

of the commissioners, “they voted 76 times, and, of those 76 votes, 57 were unanimous.”¹⁷⁹ This voting pattern is indicative of the advice Wolanin provided that commissions strive for unanimity in their recommendations to enhance the prospect of their implementation.¹⁸⁰

The eight members of the 1991 BRAC Commission recommended that 34 bases be closed and another 48 realigned, for a projected cost savings of \$2.3 billion over five years and \$1.5 billion every year after that. This represented a reduction of the military infrastructure of around 5.4 percent - still not close to the 25 percent excess infrastructure identified by the Secretary of Defense.¹⁸¹

The 1993 BRAC Commission also had eight members, who conducted 33 public hearings, many broadcasted on national television, and visited 125 installations. The Commission recommended that 45 bases be closed and 130 realigned, for a projected cost savings of \$3.8 billion after five years, and \$2.3 billion every year after that. This represented a reduction of military infrastructure of around 6.2 percent – again not nearly enough.¹⁸²

The 1995 BRAC Commission had eight members who conducted 16 regional hearings, also televised, and visited 167 installations. The Commission recommended that 28 installations be closed and 104 realigned, for a projected cost savings of \$1.6 billion per year.¹⁸³ This represented a reduction of military infrastructure of around 5.9 percent – again not enough. Despite having three BRAC commissions in 5 years, the

¹⁷⁹ David Sorenson, *Shutting Down the Cold War*: 103. This is in line with what David Linowes argued earlier in Chapter 1.

¹⁸⁰ As noted in Chapter 2.

¹⁸¹ Alan Dixon, *Defense Base Closure and Realignment Commission 1995 Report to the President*, (Washington, DC: Government Printing Office, 1995): 4-4.

¹⁸² Alan Dixon, *Defense Base Closure and Realignment Commission 1995 Report to the President*: 4-5.

¹⁸³ *Ibid.*: xiii.

total percentage of military installations closed was close to 21 percent, still not enough to close the infrastructure-forces gap - resulting in continued wasted O&M money (see Appendix C).¹⁸⁴

Problems

Despite the best efforts of Congress in its 1990 BRAC legislation, problems still persisted in the process. For example, according to the GAO, the Services and DoD still had not developed an accurate cost data model to project savings over time.¹⁸⁵ Congress still believed DoD was exaggerating the figures in order to get its way using the Cost of Base Realignment Action (COBRA) computer model, which was designed to track expenses and disbursements, not cost savings. Further, the disposition of military bases once recommended for closure had not been thoroughly thought through. Environmental restoration of military base contamination is often the most difficult obstacle to overcome before transferring property to private use. As such, projected cost savings are not realized until such transfers take place. The 1995 BRAC Commission recommended DoD receive statutory authority to enter into long-term leases of land that was not suitable for transfer, so long as there was no threat to public health or safety.¹⁸⁶

Besides these systemic problems, the BRAC process of the 1990s received significant challenges from elected officials. During congressional hearings on the 1991 BRAC process, Representative Patricia Schroeder (D-CO) observed a pattern of partisan politics stating that: “Of the 21 major bases slated to be closed, 19 were in districts

¹⁸⁴ William Perry, *DoD: Base Closure and Realignment Report*, (Washington, DC: Government Printing Office, March 1995): 3.

¹⁸⁵ U.S. General Accounting Office, *Military Bases: Lessons Learned from Prior Base Closure Rounds*, (Washington, DC: Government Printing Office, 1997).

¹⁸⁶ U.S. House of Representatives, 104th Congress, *Report on the Defense Secretary's Commission on Base Realignment and Closure*, (Washington, DC: Government Printing Office, 1995): 24, 149.

represented by Democrats, and that 99 percent of the civilian job losses from those closures were in Democratic districts.”¹⁸⁷ Unfortunately, both Congress and the President ended up interfering with the BRAC process in the 1990s.

Unneeded Congressional Influence

Richard Bernardi examined the BRAC process using the decision to close either Plattsburg AFB or McGuire AFB, both East Coast air mobility wings, as his case study.¹⁸⁸ The Air Force recommended closing McGuire AFB for several reasons: its location along the heavily-trafficked air corridor between New York City and Philadelphia (as recommended by the Federal Aviation Association); its needed upgrade of runways and ramps; and, its needed modernization of most of the base facilities. However, once the Air Force announced this decision based on these reasons, as well as on a cost-benefit analysis, the members of Congress from New Jersey sprang into action again (remember Ft. Dix), and began pressuring the members of the BRAC commission. Instead of evaluating the level of flight activity at both bases, the commissioners decided to evaluate the number of on-time takeoffs, which is actually irrelevant given the different air environments at both locations. Commissioner Jim Courter, Chair of both the 1991 and 1993 BRAC Commissions and a former Democratic member of the House of Representatives *from New Jersey*, decided at the last minute that location became the most important (and non-quantifiable) criteria, thereby trumping all other considerations

¹⁸⁷ U.S. House of Representatives, 102nd Congress, Armed Services Committee, *Hearings on the Defense Secretary's Commission on Base Realignment and Closure*, February 27, 1991, (Washington, DC: Government Printing Office, 1991): 3.

¹⁸⁸ Bernardi, “The BRAC Commission: A Rational or Political Decision Process?,” *Public Budgeting & Finance* 16, 1 (Spring 1996).

favoring the closure of McGuire AFB. Richard Bernardi concluded:

The concept of a civilian, nonpartisan commission charged with reviewing the military's decision process has merit.... For this to happen, each member of the commission must be individually perceived as independent of political influence. It would not be difficult to imagine that a former representative from New Jersey...might not be "perceived" as being independent when evaluating a major base closure in his state.¹⁸⁹

Commissioners have always had the right to recuse themselves from decisions on military installations in jurisdictions in which they have or have had dealings, though unfortunately this happens infrequently.¹⁹⁰

Unneeded Presidential Influence

In the initial stages of the 1995 BRAC round, the Air Force indicated that it wanted to keep open all five of its air logistics centers (ALCs), most of which were operating at half capacity to allow for surge capability in the case of military operations. The 1995 BRAC Commission rejected the Air Force proposal to realign the maintenance-depot work, and instead proposed closing the Sacramento and San Antonio ALCs, the two rated least efficient of the five depots. However, these two ALCs were located in big electoral states (California and Texas), hence were prime candidates for political interference. In this case, President William Clinton weighed in claiming that the Commission recommendations ignored the heavy economic impact of such closures on the two communities. According to *Copley* national security news reporter Otto Kreisher: "During his reelection campaign, President Clinton promised to shield the vote-

¹⁸⁹ Bernardi, "The BRAC Commission: A Rational or Political Decision Process?," 42.

¹⁹⁰ During the 2005 BRAC process, four commissioners recused themselves from participating in matters relating to installations in their home states (Gehman – Virginia; Coyle – California; Hansen – Utah; and, Bilbray – Nevada).

rich states of California and Texas from the decisions of the 1995 Commission.... [He] ordered the Air Force to launch a competition that would ‘privatize in place’ a major part of the jobs at the two depots....”¹⁹¹ It did not matter that the two ALCs were eventually closed by 2001; President Clinton undermined the BRAC process by implementing a political ploy to minimize voter retribution in the 1996 presidential elections. This was a key reason the BRAC process was not revisited for almost a decade following the 1995 BRAC, despite the continued need to reduce the military infrastructure even further.¹⁹²

Successes

In total, the first four BRAC commissions generated 499 military installation recommendations, including 97 major base closures.¹⁹³ As a result of these actions, DoD estimates that it has reduced its domestic infrastructure by around 21 percent. Yet, in 2004, Secretary of Defense Rumsfeld certified the need for yet more BRAC commissions due to a continued excess capacity in DoD of 24 percent.¹⁹⁴ The GAO did a cost savings study and determined that DoD accrued an estimated \$16.7 billion in savings through fiscal year 2001, an *increase* over prior military estimates, and should save \$6.6 billion in annual recurring savings. These estimates do not include a cumulative \$1.5 billion cost incurred by the federal government to assist communities affected by the closure process, or the \$3.5 billion spent so far for environmental clean-up costs.¹⁹⁵

¹⁹¹ Otto Kreisher, “The Base Closure Flap,” *Air Force Magazine* 81, 7 (July 1998): 62.

¹⁹² And now, with the Global War on Terrorism and Operation Iraqi Freedom concurring simultaneously, it appears that we might be better off if the BRAC commission had gone with the Air Force recommendation to retain these two ALCs for wartime contingencies.

¹⁹³ 48 base recommendations were modified by the following BRAC commissions.

¹⁹⁴ Donald Rumsfeld, *Base Closure and Realignment Report 1* (May 2005): 2.

¹⁹⁵ U.S. General Accountability Office, *Military Base Closures: Progress in Completing Actions from Prior Realignments and Closures*, GAO-02-433, (Washington, DC: Gov Printing Office, April 2002): 2.

The common public concern is that closing a base would adversely affect the local community due to loss of tax revenue, defense income, base transition costs, and clean-up costs. Military bases are one of the most common sources of defense dollars; hence, their closure would stop any monies that local businesses may have received.¹⁹⁶ On the other hand, the communities around Fort Ord are expecting to pay around \$500 million to improve the installation buildings to make them suitable for new businesses.¹⁹⁷

However, numerous studies have found that major base closures have had just the opposite affect. Despite transition costs, including improving base facilities and removing contamination, nearly three-quarters of the 62 communities that underwent major base closures had unemployment rates that were *below* the national average in 2001.¹⁹⁸ *Business Executives for National Security* researcher Erik Pages found that roughly 120,000 jobs were lost by the four rounds of base closures ending in 1995. He compared that to the announced layoffs of America's Fortune 500 companies of *more than 250,000* workers in just the first six months of 1996.¹⁹⁹ Mark Hooker and Michael Knetter, using a new dataset to analyze county-level employment and personal income effects from 1971-1994, discovered that, on average, military base closures had *not* caused significant economic damage to local communities.²⁰⁰

¹⁹⁶ U.S. General Accounting Office, *Military Base Closures: Progress in Completing Actions from Prior Realignments and Closures*, GAO-02-433, (Washington, DC: Government Printing Office, April 2002): 26.

¹⁹⁷ Jason Peckenpaugh, "Most Local Communities Recovering From Base Closures," *Government Executive Magazine - Daily Brief*, (April 11, 2002): 1.

¹⁹⁸ *Ibid.*

¹⁹⁹ Erik Pages, "The Case for Military Base Closures," *Business Executives for National Security*, (May 27, 1997): 2.

²⁰⁰ Mark Hooker and Michael Knetter, "Measuring the Economic Effects of Military Base Closures," *National Bureau of Economic Research*, Working paper No. 6941, (February 1999): 3.

What the communities had generally overlooked was the opportunity cost of resources the bases occupy, principally land, and the fact that military personnel leaving the area generally had incomes lower than the county average. As of 2001, over 500,000 acres of base property has been identified for transfer to federal and nonfederal users. So far, DoD has completed only around 42 percent of the property transfers.²⁰¹

BRAC 2005

Structure

As early as 1997, Secretary of Defense William Cohen began advocating more base closure rounds to Congress. The GAO reported that despite the significant base closures of four rounds of BRAC commissions since 1988: “DoD continues to maintain a large amount of excess infrastructure, especially in its support functions.... Each service maintains its own facilities and capabilities for performing many common support functions and, as a result, DoD has overlapping, redundant, and underutilized infrastructure.” The Secretary of Defense’s 1997 *Quadrennial Defense Review* discussed the issue of future base closures in its infrastructure chapter. In his May 1997 report to Congress, Secretary Cohen asked Congress to authorize two more BRAC commissions for 1999 and 2001. His recommendation was subsequently endorsed by the National Defense Panel. The legislation authorizing the three base closure rounds in the 1990s expired at the end of 1995, meaning DoD’s authority to close or realign bases reverted to the 1970s legislation, under which it was unable to close any installations. As a result,

²⁰¹ U.S. General Accountability Office, *Report to the Honorable Vic Snyder: Military Base Closures*, GAO-02-433, (Washington, DC: Government Printing Office, 2002): 3. The primary impediment to transferring the remaining property involves environmental cleanup.

Congress was again challenged to come up with a solution regarding excess defense infrastructure.²⁰²

Congress was still upset about the political interference of President Clinton in 1995, and, did not authorize any further base closures while he was in office. With the election of George W. Bush in 2000, the Republican-controlled Congress passed Public Law 107-107 that amended the 1990 legislation to authorize just one more round of base closures. However, this round was characterized as the “Mother of all BRACs,” as Secretary of Defense Rumsfeld declared his intention to cut as much surplus as the previous four rounds *combined*, to include at least 25 percent of its remaining real estate. As usual, no military bases would be exempt in advance of BRAC commission consideration.²⁰³ All senior military and civilian leaders in the Pentagon had a voice in recommending which bases get closed or realigned.

Secretary Rumsfeld views the 2005 BRAC as: “a singular opportunity, perhaps the last best chance in a generation to reshape our infrastructure to optimize military readiness.”²⁰⁴ As such, the Office of the Secretary of Defense (OSD) is overseeing the process within DoD, instead of each of the individual Services as in past rounds, in order to maximize fairness and jointness. Prior BRAC analyses considered all functions on a Service-by-Service basis, without a common database or cross-Service value system.²⁰⁵ One consequence was that the 1990s BRAC analyses did not result in the joint

²⁰² U.S. General Accountability Office, *Military Bases: Lessons Learned*, (Washington, DC: Government Printing Office, 2005): 2, 5. DoD uses a parametric approach to compare base loading, using indicators of forces and infrastructure, to the proportionate requirements of forces and infrastructure projected out into the future to determine aggregate excess capacity.

²⁰³ Donald Rumsfeld, “Memo on Military Base Closings in 2005,” *Government Executive Magazine*, (November 15, 2002): 1.

²⁰⁴ Sandra Erwin, “‘Joint Bases’ Is the Name of the Game in BRAC ’05,” *National Defense Magazine* 87, 592 (March 2003): 18.

²⁰⁵ David Sorenson, *Shutting Down the Cold War*: 174.

examination of functions across the Services. The Service Chiefs all agreed to support a centralized, OSD-driven BRAC in 2005.

Secretary Rumsfeld sent a memorandum to the Service Secretaries and the Chairman of the Joint Chiefs of Staff outlining his concept of transformation through base realignment and closure on November 15, 2002. In the memo he stated that: “At a minimum, BRAC 2005 must eliminate excess physical capacity; the operation, sustainment and recapitalization of which diverts scarce resources from defense capability.” Further, “BRAC 2005 should be the means by which we reconfigure our current infrastructure into one in which operational capacity maximizes both warfighter capability and efficiency.”²⁰⁶

To accomplish the task of identifying the bases DoD recommends be realigned or closed, Secretary Rumsfeld created two senior groups, one to oversee and one to operate the BRAC 2005 process. The Infrastructure Executive Council (IEC) was chaired by the Deputy Secretary of Defense and composed of the Service Secretaries and Chiefs of Staff. It was the policymaking and oversight body for the BRAC 2005 process. The subordinate Infrastructure Steering Group (ISG) was chaired by an Under Secretary of Defense and composed of the Vice Chairman of the Joint Chiefs of Staff and Military Department Assistant Secretaries. It oversaw joint cross-servicing analyses of common business-oriented functions, had authority and responsibility for issuing operating policies, and provided detailed direction to conduct BRAC 2005. Secretary Rumsfeld directed that: “in accordance with the force structure plan and selection criteria, the ISG

²⁰⁶ Donald Rumsfeld, “Memo on Military Base Closings in 2005,” *Government Executive Magazine*, (November 15, 2002): 2-3.

will recommend to the IEC for my approval a broad series of options for stationing and supporting forces and functions to increase efficiency and effectiveness.”²⁰⁷

Solutions

Section 3000 of Public Law 107-107, the National Defense Authorization Act for Fiscal Year 2002, deals with realignment and closure of military installations and establishes the fifth BRAC independent commission for 2005. This law amends the Defense Base Closure and Realignment Act of 1990 with some key provisions. First, DoD is required to prepare a force-structure plan for the Armed Forces based on an assessment by the Secretary of the probable threats to national security for a 20-year period (2005-2025) instead of six years that was required by previous BRAC legislation. As well, DoD must provide Congress with a comprehensive inventory of its infrastructure using this force-structure plan. Then, DoD is required to do an analysis of its needs versus its projected inventory to identify its excess infrastructure. While conducting this analysis, DoD is advised to consider any efficiencies gained by combining Service missions resulting in “joint tenancy opportunities.”²⁰⁸

A new key limitation is that the Secretary must certify that the additional round of base closures would result in annual net savings beginning *not later than 2011*. As such, DoD must modify its COBRA economic computer model to produce an accurate analysis showing BRAC savings over time. The GAO is required to certify that the force-structure plan and inventory are accurate, and to certify the overall need for another round of base closures. Following GAO’s certifications, the President is authorized to

²⁰⁷ Donald Rumsfeld, “Memo on Military Base Closings in 2005,” *Government Executive Magazine*, (November 15, 2002): 2-3.

²⁰⁸ U.S. Congress, *National Defense Authorization Act for Fiscal Year 2002*, (PL107-107): 347-349.

appoint nine commissioners (not eight as before) with the advice and consent of the Senate (see Appendix A). The purpose of having an odd number of commissioners was to eliminate the possibility of a tie vote within the committee, even though there is no guarantee that any commissioner might recuse themselves from a vote due to perceived bias. The commission termination date was set at April 15, 2006, whereupon the base closure process will once again revert to the 1970s legislation.

Although the President formally appoints commissioners with Senate confirmation,²⁰⁹ Congress is offered the opportunity to recommend candidates for six of the nine positions; two recommendations each for the Speaker of the House and the Senate majority leader, and one recommendation each for the House and Senate minority leaders. Sometimes lawmakers criticize the President's nominations because they do not represent all regions of the country. However, there is no legal requirement or precedent for the President to make an effort to accommodate this request.²¹⁰

The Secretary of Defense submitted his list of recommended closings and realignments to the 2005 BRAC Commission on May 13, 2005. The Commission submitted its recommendations to President Bush on September 8, 2005. If the President concurs, he must submit the list to Congress by September 23, 2005. As a result of the perceived politicizing by President Clinton during the BRAC 1995 process, the BRAC 2005 legislation specifically prohibits "privatization in place." Both chambers of

²⁰⁹ President Bush felt compelled to appoint the 2005 BRAC commissioners during a two-week congressional recess (referred to as "recess appointments") when Senator Trent Lott (R-Mississippi) put a "hold" on the confirmation of Anthony Principi as the Chair in protest of even allowing the BRAC process to continue. President Bush was concerned about the limited time available for the BRAC commission to accomplish its mission.

²¹⁰ New England lawmakers criticized President Bush's nominations for the 2005 BRAC Commission as there were no representatives from the Northeast; particularly as New England had lost 50 percent of its military installations in the first four rounds of base closings.

Congress have 45 days from that point to disapprove the recommendations or the list automatically becomes legal (see Appendix B).²¹¹

One of the most important changes is the selection criteria to be used. This time, Congress directed the Secretary of Defense to ensure that *military value* was the primary consideration in the making of recommendations and include: preservation of training and staging areas; preservation of military installations throughout a diversity of climate and terrain areas in the U.S. for training purposes; high consideration of joint warfighting, training, and readiness; and, high consideration for contingency, mobilization, and future total force requirements at locations that support operations and training. The selection criteria also address: the extent and timing of potential costs and savings; the economic impact on local communities; the ability of local communities to support any additional infrastructure and forces; and, the impact of costs related to potential environmental restoration, waste management, and environmental compliance activities.²¹²

Other new features of the 2005 BRAC process include the Secretary of Defense's ability to retain bases in an *inactive* status if the Secretary determines that the installation might be needed in the future for national security, or, the retention of the installation is in the long-term interests of the U.S. (such as the Air Force air logistics centers). As well, the 2005 BRAC Commission is not authorized to *add* any bases to the recommended closure list unless at least seven of the nine commissioners agree. The Commission is authorized to *remove* any military installations from the DoD list if five of the nine commissioners agree. Finally, the Commission is required to offer the Secretary

²¹¹ U.S. Congress, *National Defense Authorization Act for Fiscal Year 2002*, (PL107-107): 347-349.

²¹² U.S. Congress, *National Defense Authorization Act for Fiscal Year 2002*: 349-350.

of Defense an opportunity to testify at a public hearing regarding any changes made to the DoD list by the Commission.²¹³

CHALLENGES

Beginning with the first BRAC independent commission in 1988, there have been significant challenges to the process that need to be addressed to understand better the issue of its institutionalization. First, the legality of the BRAC commissions and process was brought to the judicial system for resolution, and the case eventually reached the Supreme Court in 1994. Second, there was the political influence by Congress on the base closing process with regard to its vote on whether or not to accept the BRAC commission recommendations. Finally, there have been disposition problems with many military bases identified and approved for closure.

Judicial Review

Republican Senator Arlen Specter of Pennsylvania challenged the legality of the BRAC process to close military installations, such as the Philadelphia Naval Shipyard. Specter and several other elected officials from the region sued the federal government in July 1991, claiming that the Navy and the 1991 BRAC Commission had violated the law's detailed procedures for closure decisions. *Dalton v. Specter* (511 U.S. 462) reached the Supreme Court on March 2, 1994, and Senator Specter argued the case personally. The Supreme Court ruled in 1994 that Public Law 101-510 was not subject to judicial review because Specter and his fellow plaintiffs could not legally challenge any of the BRAC commission's recommendations under the Administrative Procedures Act. It turns out that it is the President, with the concurrence of Congress - not the BRAC

²¹³ U.S. Congress, *National Defense Authorization Act for Fiscal Year 2002*: 351-352.

commission, that makes the actual determination to close military bases. Had Specter prevailed, it could have opened up the floodgates for lawsuits by cities and states fighting to keep their bases open.²¹⁴

Congressional Voting

Despite the significant evidence that closing military bases is not necessarily harmful to local communities, members of Congress continue to fight hard to keep their military installations open because that is what their constituents usually want. As representatives are elected for only two-year terms, and as every BRAC vote in the House has occurred during an odd-numbered year (1989, 1991, 1993, 1995, and 2005), the electorate's memory of the loss of a major part of the local community way of life is not likely to be forgotten before the next congressional election. Yet, when local bases do get closed by the BRAC process, it appears that no affected representative has subsequently lost his/her bid for reelection, regardless on how they voted on the BRAC list. According to Sorenson, "There is no evidence that base closure was responsible for even a single congressional or senatorial defeat in the election years following each round."²¹⁵ This is probably due in part to the Representatives' extensive public efforts to keep their military installations open, demonstrating support for their communities and their constituents.

David Hadwiger, in his 1993 doctoral dissertation at the University of California at Berkeley on military base closures, discovered that the base closures in 1989 affected Democrats and Republicans roughly the same. Further, the political challengers to the

²¹⁴ ----, *Congress and the Nation: A Review of Government and Politics: 1993-1996*, Vol. IX, (Washington DC: CQ Inc., 1998): 289, and *Dalton v. Specter*, 511 U.S. 462, No. 93-289 (March 2, 1994).

²¹⁵ David Sorenson, *Shutting Down the Cold War*: 213.

representatives that had bases closed as a result of the BRAC process found that the issue was not salient with their electorates. It also appears most military bases designated for closure were located in districts in which the percentage of registered voters was disproportionately in favor of the incumbent, with no real threat of being voted out of office.²¹⁶

Of the five completed BRAC commissions, the House conducted four of the floor votes on the BRAC commission recommendation list - in 1989, 1991, 1995, and 2005, while the Senate conducted one in 1993.²¹⁷ There has been only one comprehensive study of how the Representatives in the House voted. The statistical analysis concluded that representatives having a base closed in their districts, regardless of how they voted on a BRAC recommendation list, were reelected four times as often as those who were not reelected (41-10) in subsequent congressional elections. In fact, those representatives, in general, who *voted in favor* of the BRAC list were reelected almost twice as often as those who voted against it (39-22). Finally, those representatives who were *not* reelected voted equally for and against the BRAC recommendation list (10-10). To put this in a different perspective, a total of 319 House Representatives were not reelected for whatever reason following the three BRAC votes (54 in 1990; 186 in 1992; and, 79 in 1996). Of the 319 representatives, only three ran for reelection to the House

²¹⁶ David Hadwiger, *Military Base Closures: How Congress Balances Geographic and General Interests*, (Berkeley: UC Berkeley Press, 1993): 189, 224, 226, and 236.

²¹⁷ It appears that the House will also be the house to conduct the vote on BRAC in 2005 as Representative Ray LaHood (R-IL) introduced a joint resolution to reject the BRAC recommendations on 20 September 2005, according to *The Wall Street Journal*.

and were defeated (less than one percent), following a losing effort to keep a military base from being closed in their district (all three lost following the 1991 BRAC vote).²¹⁸

Of course, there were numerous congressional challenges to the authorization of the 2005 BRAC Commission from its inception. In every proposed defense authorization and appropriations bill for 2005 and 2006, members of Congress have attempted to include provisions to derail the 2005 BRAC process by either delaying it for a couple of years or indefinitely due to on-going military operations in Iraq and Afghanistan, the global war on terror, and the massive reduction and reallocation of permanently-stationed forces overseas, many returning to stateside military installations. In every case, President Bush threatened to veto the legislation, and subsequently the proposed provisions were defeated.

The BRAC lists have always been approved and implemented because the members of Congress affected by a military installation on the BRAC list in their state or district are outnumbered by those that are not. This is also the case regarding current

²¹⁸ Stephen Schwalbe, "A Statistical Analysis of the House of Representative Votes on Military Base Closures," *Air and Space Power Chronicles* at: www.aspj/chronicles.html, (October 24, 2004): 13. Regarding the ten Representatives who ran for reelection and lost following a base closure in their districts, in 1989, Representative Ed Madigan (Illinois 15th District) resigned from the House to become the Secretary of Agriculture on 12 March 1991, hence, was not eligible for reelection in 1992 following the announced closure of Chanute AFB in 1989. Representative John Rhodes (Arizona 1st District) did not run for reelection and retired following the 1991 BRAC vote to close Williams AFB. Representative Bill Alexander (Arkansas 1st District) ran for reelection following the 1991 BRAC vote to close Eaker AFB, but was **defeated** (as would be expected). Representative James Jontz (Indiana 5th District) also ran for reelection following the 1991 BRAC vote to close Grissom AFB, but was **defeated** as well. Representative Chester Atkins (Massachusetts 5th District) also ran for reelection following the 1991 BRAC vote to close Fort Devens, but was **defeated**. Representative Leon Panetta (California 16th District) resigned from the House in 1993 to work in the White House following the 1991 BRAC vote to close Moffett Naval Air Station. Representative Olympia Snowe (Maine 2nd District) resigned from the House and was elected to the Senate in 1994 following the 1991 BRAC vote to close Loring AFB. Representative Robert Tallon (South Carolina 6th District) decided not to run for reelection following the 1991 BRAC vote to close Myrtle Beach AFB. Finally, Representatives John Browder (Alabama 3rd District) and Patricia Schroeder (Colorado 1st District) both decided not to run for reelection following the 1995 BRAC vote to close Fort McClellan and Fitzsimmons Army Medical Center, respectively. (Browder subsequently ran for the Senate, but was **defeated**.)

provisions offered to alter the current course of BRAC 2005. Those members of Congress with objections all have installations at risk for closure, such as Senator John Thune, R-SD (Ellsworth AFB – on the DoD list), Senator Olympia Snowe, R-Maine (Portsmouth Naval Shipyard – on the DoD list), Senator Trent Lott, R-Miss (Pascagoula Naval Station – on the DoD list), Representative Joel Hefley, R-CO (Fort Carson and Peterson AFB – neither on the DoD list), and Representative Gene Taylor, D-Miss (Pascagoula Naval Station – on the DoD list).²¹⁹

Disposition Problems of Closed Bases

The contamination at most military bases has been the biggest stumbling block to transferring bases to the public and recouping money to defray other military expenses. Extensive contamination clean-up issues have caused the delay in property transfer at *four out of every five* bases.²²⁰ Virtually all of the contamination at military bases stems from activities that took place before 1980. The Defense Department, therefore, is liable and legally responsible for remedying the contamination to the extent necessary to protect future users and the environment. It can take DoD many years and billions of dollars to clean up the contamination at all the bases scheduled for closure. The estimates reflect the high cost of studying, excavating, transporting, treating, and disposing of contaminated soil and groundwater.²²¹ For example, the *Air Force Times* reported that

²¹⁹ Niels Sorrells and John Donnelly, “Base Closure Dispute Diverts Defense Authorization’s Path,” *Congressional Quarterly Weekly*, (May 22, 2004): 1246-48.

²²⁰ Jason Peckenpaugh, “Most Local Communities Recovering From Base Closures,” *Government Executive Magazine - Daily Brief*, (April 11, 2002): 1.

²²¹ Stan Phillippe, “Military Base Closure, Cleanup, & Reuse,” *CAL/EPA Fact Sheet*, (October 2000): 2.

after 13 years of clean-up efforts that have cost a total of \$500 million, the land at Fort Ord, California, is still not completely available for civilian use.²²²

Another reason DoD has not seen as much money in savings as it had projected is because the land of the closed bases is often not being sold. In most cases, the closed military bases have just been returned at no cost to local governments.²²³ Also, closed bases in prime locations tend to cause a great deal of interest among numerous parties, sometimes leading to stalemated conflict lasting for years. In the case of the El Toro Marine Corps Air Station in Southern California, the land-use battle has already lasted over ten years. El Toro encompasses 4,700 acres of prime real estate, and is the biggest military base ever to go up for public sale. Orange County wanted to use the land to build an airport. The City of Irvine objected and insisted on having the land converted to a “great park.” Private commercial plans call for 3,625 homes as well as industrial plants to be built on the property. At this point, the Navy may recoup a significant amount of money for the sale of just 800 acres of the El Toro property to developers by the General Services Administration - potentially as much as \$750 million.²²⁴

Finally, where the base property is valuable, there is a greater chance of contention, potentially leading to litigation causing a significant property-transfer delay and additional costs. Sorenson cited George AFB as having suffered through 32 lawsuits, causing a significant delay in the transfer of the base property.²²⁵

²²² *Air Force Times* Fast Track News Brief 63, 38 (April 14, 2003): 5.

²²³ Tom Philpott, “Critics Say Base Closures Don’t Save Dollars or Make Sense,” *Honolulu Advertiser*, (January 30, 2003): 2.

²²⁴ Braden Phillips, “In Selling Calif. Facility, Navy May Have a Base Hit,” *Washington Post*, (April 3, 2003): 21.

²²⁵ David Sorenson, *Shutting Down the Cold War*: 58.

CONCLUSION

This chapter has reviewed the origins of the BRAC commissions and process, key to determining whether or not the commissions have become institutionalized. Then, it reviewed the structure, problems, solutions, and successes of the various BRAC independent commissions from 1988 to 2005. This discussion is important for determining the institutionalization of the BRAC commission and process. Finally, the chapter reviewed significant historical challenges such as the legitimization of the BRAC process by the Supreme Court, how Congress affirmed the process with its approval of every BRAC commission recommendation list, and the difficulties DoD encountered in capitalizing on the military property approved for transfer or sale to the public.

Assessment

Prior to the 1970s, it had been the Secretary of Defense who authorized domestic military base closures. Eventually, Congress got involved to remove as much of the political influence on the closure recommendations as possible. The first congressionally-chartered BRAC commission was required to identify and recommend all military base realignments and closures. Subsequently, the Service Secretaries were given the responsibility for identifying base realignments and closures during the BRAC process of the 1990s. With the congressional emphasis on jointness, as reflected in the Goldwater-Nichols Defense Reorganization Act passed by Congress in 1986, the only person today qualified to oversee consolidations and closures *based on the joint criteria* is the Secretary of Defense. So, we have come full circle with the Secretary of Defense again responsible for identifying which military installations to realign and which to

close. However, now Congress and the President have a significant input into the decision-making process, unlike ever before.

Like a perfect storm, changes in the global military posture in the twenty-first century and the need to reduce overhead combined to offer DoD the perfect opportunity to balance its infrastructure using the proven BRAC process. It also provides a unique opportunity to reshape DoD's infrastructure, consisting of around 26 million acres and 600,000 military structures worldwide valued at over \$600 billion. Many of these military installations date from World War II or the 1950s, and have deteriorated significantly over the years costing possibly billions of dollars to replace or upgrade.²²⁶ Secretary Rumsfeld has taken the BRAC process and integrated it with his efforts to transform DoD to become more responsive, flexible, lighter, technology-focused, effective and efficient to manage the current and anticipated challenges of the twenty-first century more successfully.²²⁷

According to DoD, from 1988 until 2001, its budget decreased 40 percent and its personnel level decreased 36 percent. Yet, its infrastructure decreased only 21 percent, and that was after four base closing rounds.²²⁸ In fact, Secretary of Defense Rumsfeld reported to the 2005 BRAC Commission that DoD, using a parametric approach to compare 1989 base loading to the proportionate requirements of forces and infrastructure projected for 2009, determined that it still had an aggregate of 24 percent in excess

²²⁶ David Phinney, "Base Realignment: New Approach to Delicate Task," *Federal Times* (May 24, 2005): 22.

²²⁷ One example of the transformation is the move away from threat-based planning to capabilities-based planning. Capabilities-based planning focuses more on how adversaries may challenge us than on whom those adversaries might be or where we might face them.

²²⁸ U.S. Department of Defense, *Defense Reform Initiative Report* (November 1997): 37.

capacity.²²⁹ Even with the decrease in Defense infrastructure as a result of BRAC 2005, it appears the infrastructure will still be in excess of what is needed - justifying yet more base closure commissions in the future.

Now that the history and issues of the BRAC independent commissions have been covered, the next step is to explain the methodology for measuring their organizational institutionalization. The methodology will show how to measure each of the four criteria to determine whether or not the BRAC independent commissions have become institutionalized.

²²⁹ Donald Rumsfeld, "Base Closure and Realignment Report, Part 1," 1 (Washington, DC: Government Printing Office, 2005): 2.

CHAPTER FOUR

METHODOLOGY

*Good research must be a function of the problem and resources at hand.... Succinctly, the research problem must dictate the research design....*²³⁰

Peter deLeon, 1998

ANALYTICAL APPROACHES

Before discussing the potential hypotheses regarding the institutionalization of BRAC independent commissions, it is important to determine whether a quantitative, qualitative, or some combination, is the appropriate analytical approach. Michael Patton observed that qualitative methods around the world have now achieved a level of respectability comparable to quantitative analyses.²³¹ As such, both methodologies have their respective strengths and weaknesses that can be offset when combined effectively. Quantitative measures strive for precision by focusing on elements that can be measured, such as data from questionnaires, surveys, tests, and records. A qualitative approach seeks to capture non-quantifiable information through interviews, observations, and case histories. As Patton observed, “Numbers are parsimonious and precise; words provide detail and nuance.”²³² As such, qualitative methods can produce a wealth of data using a

²³⁰ Peter deLeon, “Models of Policy Discourse: Insights Versus Predictions,” *Policy Studies Journal* 26, 1 (Spring, 1998): 157.

²³¹ Michael Patton, *Utilization-Focused Evaluation*, 3rd ed., (London: Sage Publications, 1997): 266.

²³² *Ibid.*: 273.

smaller number of cases than a quantitative approach, which needs a significant number of data points to represent accurately the subject population.

Patton determined that the quantitative approach to testing a hypothesis is more relevant for established programs and clearly quantifiable outcomes. This approach typically involves gathering data at multiple points in time to include a pre- and post- test, followed by a statistical comparison of the tested group against a control group. On the other hand, the qualitative approach is more appropriate for developing, innovating, and changing programs, either early on or at major points of transition. The focus of the qualitative approach is on improving a program, facilitating more effective implementation, or exploring a variety of effects on the participants.²³³ Another consideration when deciding which approach to use is to examine the available data. Some data lend themselves more to one approach over the other. The key is whether the results either way are meaningful and replicable.

When examining the institutionalization of federal organizations, scholars have used the qualitative approach primarily because the subject does not lend itself as well to quantitative analysis. For example, one way to measure Huntington's *functional adaptability* criterion is by observing leadership turnover within an organization, while his *coherency* criterion is determined by factors such as the amount of consensus among an organization's employees regarding goals, procedures, and values.²³⁴ As for Polsby's *well-bounded* criterion, it can be determined by evaluating whether its employees are

²³³ Michael Patton, *Utilization-Focused Evaluation*: 286.

²³⁴ Samuel P. Huntington, *Political Order in Changing Societies* (New Haven: Yale University Press, 1968): 13-16, 22-24.

“easily identifiable,” and whether they meet “higher qualifications.”²³⁵ It would be difficult to quantify these criteria and then apply statistical analysis to derive results that had insightful meaning.

REASONING APPROACHES

Along with the quantitative-qualitative approach decision, there is the issue of which reasoning approach to take; inductive or deductive. An inductive approach begins with specific observations and builds towards general patterns. An analyst using an inductive design attempts to make sense of a program without imposing expectations on its environment. A deductive design, on the other hand, begins with specified variables as part of a proposed hypothesis before data collection begins. The classic deductive approach involves measuring relative attainment of predetermined goals in a randomized experiment. Usually, analysts using a qualitative approach ask questions, analogous to the inductive approach. Those using a quantitative approach would discern patterns and relationships from the cases under study without presupposing what the important dimensions should be, analogous to a deductive approach.²³⁶

In the case of determining the institutionalization of federal organizations, scholars have generally used the deductive approach using the qualitative method of *case studies*. For example, Polsby applied his three criteria to determine that the House of Representatives became institutionalized around 1900, while Ragsdale and Theis applied their four criteria to the Executive Office of the President to determine that it became institutionalized during the mid-1970s.

²³⁵ Nelson W. Polsby, “The Institutionalization of the U.S. House of Representatives,” *The American Political Science Review* 62, 1 (March 1968): 145.

²³⁶ Michael Patton, *Utilization-Focused Evaluation*: 279.

Case studies allow researchers to examine an issue over time in a descriptive way to understand better the how and why, not just the facts. Patton noted that case studies: “become particularly useful when intended users need to understand a problem, situation, or program in great depth...”²³⁷ Comparing the number of cases required for the various methods of analyses, Arend Lijphart observed that: “The statistical method can be applied to many cases, the comparative method to relatively few cases, and the case study method to one case.”²³⁸ A classic example of a deductive case study is Graham Allison’s analysis of federal decision-making using the Cuban Missile Crisis.²³⁹

Allison proposed three models of bureaucratic decision-making: the Rational Actor, Organizational Process, and Governmental Politics, and used the Cuban Missile Crisis to illustrate how each model worked. Regarding the Rational Actor approach (referred to as Model I or the classical model), he concluded that this is the model most used by foreign affairs scholars because of its simplicity: “This lens reduces the organizational and political complications of a government to the simplification of a single actor.”²⁴⁰ However, Allison noted that while Model I analysis permits a quick, imaginative analysis of a problem or event, it could not stand alone. Regarding the Organizational Process approach (referred to as Model II), he concluded that it serves as a subset of Model I, highlighting the standard operating procedures of government organizations. Finally, regarding the Government Politics approach (referred to as Model

²³⁷ Michael Patton, *Utilization-Focused Evaluation*: 288.

²³⁸ Arend Lijphart, “Comparative Politics and the Comparative Method,” *The American Political Science Review*, 65, 4 (June 1971): 691.

²³⁹ Graham T. Allison, *Essence of Decision*, (Boston: Little, Brown and Company, 1971).

²⁴⁰ *Ibid.*: 252.

III), he concluded that it, in turn, is a subset of Model II, focusing on the individual decision-makers when making policy decisions. Allison summed it up writing:

Model I fixes the broader context, the larger national patterns, and the shared images. Within this context, Model II illuminates the organizational routines that produce the information, alternatives, and action. Within the Model II context, Model III focuses in greater detail on the individual leaders of a government and the politics among them that determine major governmental choices.²⁴¹

Lijphart noted that case studies are closely related to the comparative method, a fundamental research approach in political science. He noted that the great advantage to using case studies is that the case: “can be intensively examined even when the research resources...are relatively limited.”²⁴² He distinguished six types of case studies:

1) atheoretical; 2) interpretive; 3) hypothesis-generating; 4) theory-confirming; 5) theory-infirming; and, 6) deviant.

Lijphart defined *atheoretical case studies* as the ideal, traditional, single-case analyses. He found that: “They are entirely descriptive and move in a theoretical vacuum.”²⁴³ These case studies primarily have value as basic data-gathering operations. Interpretative case studies resemble atheoretical ones in almost every way except that they make explicit use of established theoretical propositions. As such, interpretative case studies are studies in applied science.

The last four types of case studies focus on building theories. The hypothesis-generating case study is an inductive approach to develop theoretical generalizations in areas where no theory exists. The *theory-confirming* and *theory-infirming case studies*

²⁴¹ Graham T. Allison, *Essence of Decision*: 258.

²⁴² Arend Lijphart, “Comparative Politics and the Comparative Method,” *The American Political Science Review*, 65, 4 (June 1971): 691.

²⁴³ *Ibid.*: 692.

are tests of a proposition within the framework of established generalizations. The results of the study either “confirm” or “infirm” the tested theory. These case-studies are implicitly comparative analyses in that they focus on one case from a larger set of cases.

Finally, Lijphart defines deviant case studies as: “studies of single cases that are known to deviate from established generalizations.” They are used to reveal relevant additional variables that were not considered previously: “In this way, deviant case studies can have great theoretical value. They weaken the original proposition, but suggest a modified proposition that may be stronger.”²⁴⁴

Lijphart is a strong advocate of case studies, especially when applied using the comparative method: “the analytical power of the case study method increases the more it approximates the comparative method in the form of deviant case analysis.”²⁴⁵ Because the theory of organizational institutionalization has only been applied to permanent organizations and not to ad hoc independent commissions, the deviant case study method, with a qualitative approach and a deductive design, is the case study type used in this study to demonstrate that the BRAC commissions have become institutionalized.

HYPOTHESES

To determine whether BRAC independent commissions can be institutionalized, the testing of hypotheses is essential. Robert Bernstein and James Dyer explain that in a hypothesis, the property to be explained is referred to as the *dependent variable*, while the property associated with variation in the dependent variable is called the *independent*

²⁴⁴ Arend Lijphart, “Comparative Politics and the Comparative Method,” 692.

²⁴⁵ Ibid.: 693.

variable. Bernstein recommends using at least four independent variables when developing hypotheses.²⁴⁶

In Peter Gerlich's study of the institutionalization of 15 European parliaments, he declared that: "The dependent variable, of course, is the process of institutionalization, with variations in the process...."²⁴⁷ He noted that representative institutions, such as parliaments, evolve through phases, and that the optimal time to study institutes is once they have passed through the establishment and evolution phases. He concluded that: "Institutionalization will be facilitated if there exists a tradition for some kind of assembly-type politics."²⁴⁸ It would appear that after five iterations of BRAC commissions, this is a reasonable time to examine them. As such, in this analysis, the process of institutionalization of BRAC independent commissions is the dependent variable, while the four institutionalization criteria make up the independent variables.

Once variables or criteria have been determined for evaluation, they must be examined for reliability and validity. Reliability has to do with consistency, in that other analysts should be able to replicate the measurements to ensure accuracy. Validity has to do with measuring a criterion as it was defined. The validity of criteria is dependent on acceptance by the academic community in general, and readers specifically. Trust, believability, and credibility all underpin the concept of validity. To the extent that a

²⁴⁶ Bernstein and Dyer, *An Introduction to Political Science Methods*, 3rd ed. (Upper Saddle River: Prentice-Hall, Inc., 1992): 5-8.

²⁴⁷ Peter Gerlich, "The Institutionalization of European Parliaments," in *Legislatures in Comparative Perspective*, Allan Kornberg ed. (New York: David McKay Company, Inc., 1973): 100.

²⁴⁸ *Ibid.*: 111.

criterion and its measurements are unreliable, they cannot be valid. And, just because a criterion is reliable does not necessarily mean that it is valid.²⁴⁹

By definition, a hypothesis asserts an association between the independent variables and the dependent variable; i.e., specific variations in the independent variables should result in specific variations in the dependent variable. The hypothesis should be as general as possible without going beyond the limits of what can be verified. To begin the process of developing hypotheses, Bernstein and Dyer recommend casual observation as the most important initial source of an explanation. Beyond that, they also note that thousands of books and articles are published every year that may assist as well.²⁵⁰

Institutionalization Hypotheses and Criteria

This research examines BRAC independent commissions in a deductive, qualitative analysis that demonstrates its becoming an institution. As such, there are four hypotheses to be tested:

In comparing federal independent commissions:

- (1) the more *complex* a commission, the more institutionalized it is;
- (2) the more *sentient* a commission, the more institutionalized it is;
- (3) the more *evolved* a commission, the more institutionalized it is; and,
- (4) the more *essential* a commission, the more institutionalized it is.

As indicated in these four hypotheses, the four criteria (the independent variables) that determine the organizational institutionalization of federal independent commissions are complexity, sentient, evolving, and essential. In the following discussion, each criterion is defined using selected, relevant insights from the scholars of institutionalization, then

²⁴⁹ Bernstein and Dyer, *An Introduction to Political Science Methods*: 62-64.

²⁵⁰ *Ibid.*: 5-8.

analyzed as to how to measure it. Let us begin with the independent variable of the first hypothesis.

COMPLEXITY

Complexity is the only criterion of the four that is used among most, if not all, scholars of institutionalization. Chester Barnard was one of the first scholars to define an institution, but without using the specific term. He referenced an institution as a “complex formal organization” (CFO). His CFO contains many of the same characteristics of an institution as cited by other subsequent scholars, including autonomy, cohesion, and *internal complexity*.²⁵¹ Max Weber defined the modern state as one characterized by a body of law, compulsory jurisdiction over territory, a monopoly over the legitimate use of force, and *bureaucracy*. Further, he declared that bureaucracy was the most important of all social processes and the dominant organizational form in a legal-rational society. He found that it is societal complexity that breeds bureaucracy. The characteristics he described for an ideal bureaucracy imply a significant degree of internal complexity, including sub-units divided by function and tasking, and offices arranged in a hierarchical fashion.²⁵²

Subunits

Samuel Huntington cited internal complexity as one of his four measures to determine the institutionalization of an organization. Like Weber, he stated that it could be measured by noting the number of organizational sub-units, both hierarchically and

²⁵¹ Chester Barnard, *Functions of the Executive* (Cambridge: Harvard University Press, 1968): 104.

²⁵² Max Weber, *From Max Weber: Essays in Sociology*, trans. HH Gerth and C Wright Mills (NY: Oxford University Press, 1958): 197.

functionally, and noting the differentiation among sub-units within an organization.²⁵³

Nelson Polsby also cited internal complexity as one of his three criteria for determining organizational institutionalization. Unlike Weber and Huntington, by complex Polsby meant that an organization's functions are internally separated; its parts are not wholly interchangeable, yet its parts maintain some interdependency. His measures of internal complexity include growth in autonomy and importance of sub-units, and the increase in various emoluments such as office space, salaries, allowances, and staff size.²⁵⁴ As such, one could use a macro approach to this measure by examining an organization's budget.

Hal Rainey found that: "organizational complexity is measured in terms of the number of subunits, levels, and specializations in an organization," but he expanded the concept noting that organizations vary in horizontal differentiation (the specialized division of labor across subunits) and vertical differentiation (the number of hierarchical levels). This characterization is similar to Huntington's categorization of sub-units as either functional or hierarchical. Finally, he found that larger organizations tend to be more structurally complex than smaller ones.²⁵⁵

Anthony Downs wrote extensively on organizational institutionalization as a function of organizational size. First, Downs observed that all organizations seek to expand in order to attract more capable employees; increase prestige, power, and income; increase morale while decreasing internal conflict; and, improve product or service quality, hence, increase the chances for survival. One way to measure this would be to examine the organization's annual budget. Like Rainey, he noted that larger

²⁵³ Samuel P. Huntington, *Political Order in Changing Societies*: 17-18.

²⁵⁴ Nelson W. Polsby, "The Institutionalization of the U.S. House of Representatives," 145.

²⁵⁵ Hal Rainey, *Understanding & Managing Public Organizations*, 2nd ed. (San Francisco: Jossey-Bass Publishers, 1997): 175.

organizations have a better chance of survival than smaller ones, and can influence their environment more effectively. As a result, over time organizations perform tasks better resulting in more formalized rule systems. Consequently, older organizations tend to be more stable and less flexible than younger ones. Finally, he concluded that the size of an organization, rather than its type or function, is the number one determinant of survival.²⁵⁶

Herbert Kaufman concurs that complexity seems to be correlated to an organization's size and mission scope. Indeed, he observed that complexity pervades the government environment: "Thus complexity breeds complexity within a culture."²⁵⁷ As well, he agreed that flexibility declines with an organization's age: "Over time, people develop vested interests in the status quo and therefore tend to resist change."²⁵⁸

Internal Organization

To determine an organization's institutionalization, Malcolm Jewell and Samuel Patterson examined five factors, to include internal complexity.²⁵⁹ To measure internal complexity, they examined the internal organization and procedures of the American congressional committee system. They found that both the House and Senate became

²⁵⁶ Anthony Downs, *Inside Bureaucracy* (Washington, DC: The Brookings Institute, 1967): 5-23. Arthur Schlesinger, in his historical account of John F. Kennedy's presidency, wrote that Kennedy found the long-established State Department to be "formless and impenetrable." In 1961, he told Hugh Sidey of *Time Magazine* that, "The State Department is a bowl of jelly." Further, Schlesinger noted that as the State Department grew in size, its usefulness actually diminished: "This was in part the consequence of bureaucratization." (Schlesinger, *One Thousand Days*, Boston: Houghton Mifflin, 1965: 406-10.)

²⁵⁷ Herbert Kaufman, *Times, Chance, and Organizations*, 2nd ed. (Chatham, NJ: Chatham House Publishers, Inc., 1991): 108, 117.

²⁵⁸ *Ibid.*: 76, 77.

²⁵⁹ The five factors include: autonomy, complexity, universalism, coherence, and adaptability.

more complex internally over time.²⁶⁰ David Canon also used internal complexity as one of his primary criteria for examining the institutionalization of congressional leadership.

He noted that:

As leadership institutions become more highly developed, they delegate responsibility to lower party offices, devote more resources to the organization, and regularize patterns of communication and behavior. The degree of integration within the leadership is a new indicator of complexity....²⁶¹

Gerhard Loewenberg and Samuel Patterson used organizational complexity as one of their four factors contributing to the institutionalization of legislatures. They cited the scope of an organization's functions, the number of employees, and the volume of regulations as attributes of organizational complexity.²⁶² Regarding formally established rules and regulations, Rainey characterized organizational institutionalization as "formalization," which entails the extent to which an organization's structures and procedures are reflected in written guidance. Rainey's methods of measuring formalization include examining organization documentation, and surveying employees to determine how much they have to follow established rules, and whether they must go through proper channels.²⁶³

Turning to the Executive Branch, Lyn Ragsdale and John Theis used Huntington's four criteria when they examined the institutionalization of the presidency. They describe internal complexity as the increased division of labor and specialization within an organization. It involves the differentiation of organizational offices and

²⁶⁰ Malcolm Jewell and Samuel Patterson, *The Legislative Process in the United States* (New York: Random House, 1973): 33-34.

²⁶¹ David Canon, "The Institutionalization of Leadership in the U.S. Congress," *Legislative Studies Quarterly* XIV, 3 (August 1989): 429.

²⁶² Gerhard Loewenberg and Samuel Patterson, *Comparing Legislatures*, (Boston: Little, Brown, and Company, 1978): 22.

²⁶³ Hal Rainey, *Understanding & Managing Public Organizations*: 175.

personnel. Complexity adds to the value of the organization as it creates “an intricate internal identity.” They determined that one way to measure it is by analyzing an organization’s total units.²⁶⁴

BRAC Application

In the case of BRAC independent commissions, one could determine internal complexity by examining the size of the commission budget available (Polsby, Downs), the number of staff employed by the organization (Downs, Loewenberg, Patterson), and the number of functional subunits used (Huntington, Polsby, Rainey, Ragsdale, Theis). Obviously, the bigger the budget, the more staff members, and the more functional subunits indicate more organizational complexity, hence, a more institutionalized organization.

It is more difficult to measure variables such as organizational procedures and documentation (as discussed by Jewell, Paterson, and Rainey respectively) as these variables do not lend themselves easily to measurement. The BRAC procedures are outlined in detail within the congressional legislation, therefore is controlled by an entity external to the BRAC commission. All BRAC documentation is stored online within its website on the Internet, and includes all inputs from the public. As such, it would be difficult to ensure validity and reliability when measuring this massive quantity of data.

²⁶⁴ Lyn Ragsdale and John Theis III, “The Institutionalization of the American Presidency,” *American Journal of Political Science* 41, 4 (October 1997): 1284, 1291.

SENTIENT

For present purposes, sentient means organizational self-awareness. The reason for using this unique characterization is that it incorporates three related variables proffered by scholars of institutionalization: identity, well-boundedness and autonomy. Each of these variables has multiple measurements to consider.

Identity

Loewenberg and Patterson observed that it is the natural progression of any organization to gain self-awareness over time. Organizations develop particular ways of doing things that become more set over time, and this is what distinguishes them from other organizations in their environment.²⁶⁵ Along these lines, Ragsdale and Theis noted that as an organization institutionalizes, it acquires a self identity: “the longer an organization exists, the more likely it develops distinguishing structures, capabilities, and liabilities. The more distinctive an organization’s identity, the more permanent and predictable it is likely to be.”²⁶⁶

James Q. Wilson observed that all organizations have at least one culture produced by a combination of its members, technology, and environment. As this culture is assimilated by the organization, he characterized it as acquiring a “sense of mission.” He described this sense as a feeling of special worth by the members, which provided a

²⁶⁵ Gerhard Loewenberg and Samuel Patterson, *Comparing Legislatures*: 19-21.

²⁶⁶ Lyn Ragsdale and John Theis III, “The Institutionalization of the American Presidency,” 1283. Simon, on the other hand, pointed out that identification or organizational loyalty can be detrimental to its effectiveness: “it prevents the institutionalized individual from making correct decisions in cases where the restricted area of values with which he identifies himself must be weighed against other values outside that area” - resulting in “interbureau competition,” for example. (Simon, *Administrative Behavior*: 13)

basis for recruiting and socializing new members.²⁶⁷ Allegedly, this “sense of mission” would be more characteristic of an institution than an organization.

Time is a relative factor regarding an organization’s self identity. More relevant than time to this issue is the public profile of an organization. The higher profile a public organization has, the quicker it will acquire its own identity. Even if the organization does nothing, if it is important enough to warrant media coverage on a regular basis, an identity will emerge as a result of the media spotlight. Often, in the case of independent commissions, the commission name used by the media is shortened from the official name to the Chair’s last name. For example, the presidential independent commission chartered to report upon the assassination of President Kennedy was quickly renamed the Warren Commission by the media.

Boundary

To maintain and nourish this perception of having a distinct identity, an organization constantly seeks to maintain its differentiation within its environment. In other words, it strives to maintain its boundaries relative to other competitive organizations.²⁶⁸ Shmuel Eisenstadt declared that: “Any institutionalization necessarily entails efforts to maintain boundaries.... Each institutional system is especially sensitive...to certain aspects of its relations with its environment.”²⁶⁹ Herbert Kaufman noted that: “any group taking any deliberate and discernible measures [to establish

²⁶⁷ James Q. Wilson, *Bureaucracy* (New York: Basic Books, Inc., 1989): 95.

²⁶⁸ In the federal government, this competition does not mean for profit, but a competition for power and influence.

²⁶⁹ Shmuel N. Eisenstadt, “Institutionalization and Change,” *American Sociological Review* 29, 1 (February 1964): 246-47.

boundaries] will here be regarded as an organization....”²⁷⁰ Saul Katz observed that: “Drawing the boundary between a system and its setting involves many difficulties. The major criteria for delineating a system relates to its goals or purposes.”²⁷¹ Finally, Richard Sisson hypothesized that the more differentiated the institutional environment, the greater the potential for the autonomy of the institution.²⁷²

James Q. Wilson observed that public organizations generally have relatively weak boundaries and more variegated membership as compared to non-governmental organizations. Political legislation is characteristically vague allowing for variable boundaries between governmental organizations. He noted that congressional control of organizations can be described as “architectural;” Congress controls the number of employees and budget of federal agencies, and retains enormous influence over them.²⁷³

Autonomy

Autonomy is the ability to self-govern. As such, for an organization to become and remain autonomous, it is essential that it defines and protects its boundaries relative to other organizations in its environment. Hibbing clarified the amount of autonomy needed stating: “For a body to institutionalize, it is only necessary for it to have a reasonable degree of autonomy, to be able to make its own rules, and to establish itself as a relatively permanent and viable part of the whole, not necessarily the master of all.”²⁷⁴

²⁷⁰ Herbert Kaufman, *Time, Chance, and Organizations*: 15.

²⁷¹ Saul M. Katz, “Exploring a Systems Approach to Development Administration,” in *Frontiers of Development Administration*, Fred W. Riggs, ed. (Durham: Duke University Press, 1970): 134.

²⁷² Richard Sisson, “Comparative Legislative Institutionalization: A Theoretical Exploration,” in *Legislatures in Comparative Perspective*, Allan Kornburg ed. (New York: David McKay Co., 1973): 26.

²⁷³ James Q. Wilson, *Bureaucracy*: 236-40.

²⁷⁴ John Hibbing, “Legislative Institutionalization with Illustrations from the British House of Commons,” *American Journal of Political Science* 32, 3 (August 1988): 696.

Huntington stated that autonomy could be measured by the extent to which an organization has its own interests and values, distinguishable from those of other social forces.²⁷⁵

Polsby followed this up with three ways to measure an organization's autonomy, to include: 1) members that are easily identifiable; 2) difficult entry requirements; and, 3) leaders recruited from within the organization.²⁷⁶ Sisson agreed with Polsby's measuring factors, and added three more: 1) ease of mobility within an organization; 2) internal control of an organization's budget, position appointments, and rule making; and, 3) ability to set organizational goals, establish plans to achieve these goals, and execute these plans. Regarding organizational autonomy, Sisson determined that:

The greater the level of internal recruitment to elite positions within an organization, the more widely shared will be behavioral expectations associated with organizational goals. Given the same condition of recruitment, the greater will be the continuity of norms governing organizational behavior, and the higher will be the level of professionalization.²⁷⁷

Regarding the internal control of an organization's budget, Ragsdale and Theis pointed out that a key indicator of autonomy is the growth of an organization's budget: "The larger the budget is, the more stable the organization."²⁷⁸

Many scholars have discovered linkages between organizational autonomy and other institutionalization criteria. For example, Jewell and Patterson found that autonomy is directly related to an organization's adaptability, stating that: "the degree of autonomy a representative institution can viably develop has to be tempered by the maintenance of

²⁷⁵ Samuel P. Huntington, "Political Development and Political Decay," *World Politics* XVII, (October 1964-July 1965): 401.

²⁷⁶ Nelson W. Polsby, "The Institutionalization of the U.S. House of Representatives," 145.

²⁷⁷ Richard Sisson, "Comparative Legislative Institutionalization: A Theoretical Exploration," 26.

²⁷⁸ Lyn Ragsdale and John Theis III, "The Institutionalization of the American Presidency," 1286.

adaptability.”²⁷⁹ In other words, for an organization to maintain its autonomy is directly related to its ability to effectively accommodate environmental change.

Canon claimed that as organizations become more complex, they are more bounded and autonomous, more sentient.²⁸⁰ This alleged relationship, unfortunately, does not always hold true. As organizations grow in size, with ever-bigger budgets and larger areas of responsibility, their increasing diversification can work against organizational coherency, autonomy, and boundaries. However, regarding federal independent commissions, this relationship is generally not applicable due to their limited size as a function of the charter that established them, and their temporary nature.

BRAC Application

To review, for BRAC commissions, the criterion of being sentient, or self-aware, can be measured in three ways: identity, boundary, and autonomy. First, the BRAC commissions should have their own identities as reflected in their name, values, culture, history, and operating procedures (as discussed by Loewenberg and Patterson). Second, an analyst should be able to distinguish the boundary between BRAC commissions and other independent commissions and federal government organizations (as discussed by Eisenstadt, Kaufman, and Katz). Finally, independent commissions achieve autonomy when they control their own hiring, budgets, internal structure, and rule making (as discussed by Hibbing, Huntington, Sisson, Jewell and Patterson). As well, Polsby noted that autonomy is also reflected by selective and difficult entry into a commission. The insights gleaned from these measurements should provide keen insight as to whether a BRAC commission has achieved self-awareness and met the criteria of being sentient.

²⁷⁹ Malcolm Jewell and Samuel Patterson, *The Legislative Process in the United States*: 38.

²⁸⁰ David Canon, “The Institutionalization of Leadership in the U.S. Congress,” 416.

EVOLVING

Peter Gerlich observed that organizations must first be established, and then evolve, before becoming institutionalized.²⁸¹ Anthony Downs claimed that organizations evolved through three stages before their demise, to include autonomy, rapid expansion, and deceleration.²⁸² However, probably because the concept of institutionalization was in its infancy when Downs was researching, he never discussed institutionalization in any of his bureaucratic stages.²⁸³

Adaptability is a synonym for evolving. The connotation of adaptability regarding organizations is usually focused towards accommodating external change, where the criterion of evolving accommodates internal organization development, as well. Let us turn to the external aspect of this criterion.

External Change

Sisson noted that: “The study of institutionalization requires an analysis of the adaptability of organizations to their external environments...”²⁸⁴ Jewell and Patterson concurred with this reasoning, stating that: “an institution’s development can be traced by examining the degree to which that institution has adapted itself to changes in the environment...”²⁸⁵ Gerlich took this concept one step further claiming that the

²⁸¹ Peter Gerlich, “The Institutionalization of European Parliaments,” 94.

²⁸² Anthony Downs, *Inside Bureaucracy*: 5-23.

²⁸³ Rainey noted that all organizations, especially public ones, tend to have low survival rates. (320) Downs put Rainey’s conclusion in perspective stating that where organizations tend to die off because they fail to continue performing a social function, the larger ones usually have higher survival rates. (22-23)

²⁸⁴ Richard Sisson, “Comparative Legislative Institutionalization: A Theoretical Exploration,” 26.

²⁸⁴ Malcolm Jewell and Samuel Patterson, *The Legislative Process in the United States*: 24.

²⁸⁵ *Ibid.*: 33.

environment of an organization can facilitate an organization's institutionalization if it has a tradition of institutionalizing organizations within its environment.²⁸⁶

Ragsdale and Theis also believed that for an organization to become an institution, it must accommodate change in its environment. They observed that:

As the organization becomes institutionalized, it exhibits continuity and importance in spite of changes.... The more institutionalized an organization is, the more it acts on individuals and the environment. Still, once an organization becomes an institution it is not static, nor is it exempt from individual or environmental change."²⁸⁷

Wilson noted that government organizations are driven by constraints, not their tasks: "the life of an organization is constrained by its need to live within a certain space, move along prescribed corridors, and operate specified appliances."²⁸⁸ Federal courts also have applied multiple constraints on federal organizations: "It is obvious that judicial intervention often determines the policies adopted by agencies."²⁸⁹ (Yet, he claims that the courts are not equipped to evaluate and control government bureaucracy.)

Huntington employed adaptability as one of his four criteria to determine organizational institutionalization. He hypothesized that the more adaptable an organization is, the more highly institutionalized it will be. He noted that change within any organization and its environment is inevitable, hence, organizational adaptability is essential for survival. He stated that this criterion is a function of the challenges of a changing environment as well as an organization's age. As such, newer organizations tend to be more rigid in their operations than more mature ones. However, Huntington

²⁸⁶ Peter Gerlich, "The Institutionalization of European Parliaments," 111.

²⁸⁷ Lyn Ragsdale and John Theis III, "The Institutionalization of the American Presidency," 1283.

²⁸⁸ James Q. Wilson, *Bureaucracy*: 236.

²⁸⁹ *Ibid.*: 286.

offered a caveat that sometimes older organizations become victims of their own successes, and, as a result, lose their ability to adjust and accommodate new challenges.²⁹⁰

Organizations exist to accomplish goals. Goals can be changed by external sources, such as legislation, or from internal sources, like a new director. Organizational goals are modified to reflect changes in the environment or within the organization itself. Either reason for organizational goal modification is characteristic of an evolving organization.

Huntington offered three methods of measuring adaptability. First, the longer an organization has been in existence, the higher its level of institutionalization.²⁹¹ Second, the more often an organization has had successful leadership successions, the more institutionalized it becomes. Finally, an organization that has adapted and survived one or more changes in its principal functions is more institutionalized than one that has not. Though organizations tend to be created to perform very specific functions, institutionalized organizations triumph over their functions.²⁹²

Internal Change

Government bureaucracies are renowned for resisting change. Wilson cited organizational bias towards maintaining existing goals and tasks. Where government organizations are constantly changing, he noted that the changes are normally just additions to current tasks.²⁹³

²⁹⁰ Samuel P. Huntington, "Political Development and Political Decay," 394-395.

²⁹¹ This measurement has more applicability with the next criterion - essential.

²⁹² Samuel P. Huntington, "Political Development and Political Decay," 396-397.

²⁹³ Wilson, *Bureaucracy*: 221-25.

The often overlooked aspect of change is the natural one that occurs within organizations over time as a result of leadership turnover, emerging organizational culture, and revised goals. Chester Barnard claimed that one of the executive functions of an organization is defining its goals and purposes.²⁹⁴ As new leadership assumes control of an organization, it is natural to expect changes reflecting the new management style, personal values, and organizational priorities. Leadership changes are a key aspect of evolving organizations. James Thompson noted that organizations will adapt their internal structures to accommodate environmental change to remain productive.²⁹⁵

To recap, the evolving criterion encompasses both external and internal changes to an organization. The change to accommodate an organization's environment is commonly referred to as adaptability. The change within an organization over time is commonly referred to as evolution. As such, as an organization adapts and evolves, it becomes more institutionalized. To measure this criterion with regard to federal independent commissions, one would need to examine both external and internal organizational factors.

BRAC Application

There are a couple of ways to measure the external evolving criterion (as discussed by Sisson, Jewell, Patterson, Ragsdale, and Theis). First, determine if the BRAC independent commission made any impact on its environment. If so, then as a result of the impact, determine if political support (therefore organizational legitimacy) was sustained. A second measure of external evolution is to look for changes to the legislation that originally created the BRAC commission. Congressional modifications to

²⁹⁴ Chester I. Barnard, *The Functions of the Executive*: 217.

²⁹⁵ James Thompson, *Organizations in Action* (NY: McGraw-Hill Publishers, 1967): 161.

the original legislation that established the BRAC commission reflects an evolution as a result of external influences.

There are a few ways to measure the internal evolution of a BRAC commission (as discussed by Huntington, Barnard, and Thompson). First, one could determine how changes in the environment impacted the commission over its iterations. This could be done by examining the changes in BRAC legislation over the years, and how they incorporated lessons learned from previous BRAC commissions. Next, one could determine the number of leadership changes over time, and whether there was any adverse impact as a result. Finally, one could also determine if the commission's goals changed over time, and whether the change was related to any leadership changes.

ESSENTIAL

A synonym of essential is indispensable. Ragsdale and Theis clarified the difference between an organization and an institution when discussing this criterion: "During institutionalization, an organization evolves from a dispensable tool doing a job to an indispensable entity with a unique way of conducting business and a life of its own."²⁹⁶ In general, organizations survive because they perform functions or tasks that society considers indispensable. Downs wrote that: "No bureaucracy can survive unless it is continually able to demonstrate that its services are worthwhile to some group with influence over sufficient resources to keep it alive."²⁹⁷ Only those organizations that survive even have the opportunity to become institutionalized. This criterion encompasses a few of the remaining criteria for institutionalization offered by scholars, including longevity, continuity, and legitimacy.

²⁹⁶ Lyn Ragsdale and John Theis III, "The Institutionalization of the American Presidency," 1283.

²⁹⁷ Anthony Downs, *Inside Bureaucracy* (Washington, DC: The Brookings Institute, 1967): 5-23.

Longevity

Beginning with longevity, Huntington noted that an organization's institutionalization is a function of age: "the longer an organization or procedure has been in existence, the higher the level of institutionalization.... Political institutions are thus not created overnight."²⁹⁸ Jewell and Patterson determined that American legislatures, for example, have become institutionalized partially as a result of the fact that they have been in existence for a fairly long period of time.²⁹⁹ Therefore, in order for an organization to become an institution, it must first survive, then prosper in its environment.

A synonym for longevity is durability. Canon labeled his criterion "Institutional Durability." Like other scholars, such as Jewell and Patterson, Canon found that "durability is not a foregone conclusion." He measured durability by examining characteristics of an organization's leadership offices: "first, clearly defined leadership offices must persist over time and, second, powers and duties must have institutional rather than personal definition." In his examination of congressional leadership, he determined that: "House leadership is highly institutionalized, while Senate leadership is less stable and more personalized."³⁰⁰ Ragsdale and Theis also found this concept to be valid, noting that:

As an organization achieves stability and value, it becomes an institution. Stability denotes that the organization is no longer a mechanistic entity, easily altered or eliminated.... Stability and value intertwine: the longer an organization exists, the more likely it develops distinguishing structures, capabilities, and liabilities.³⁰¹

²⁹⁸ Samuel P. Huntington, "Political Development and Political Decay," 395.

²⁹⁹ Malcolm Jewell and Samuel Patterson, *The Legislative Process in the United States*: 34.

³⁰⁰ David Canon, "The Institutionalization of Leadership in the U.S. Congress," 416.

³⁰¹ Lyn Ragsdale and John Theis III, "The Institutionalization of the American Presidency," 1282-83.

Continuity

Closely related to longevity is continuity. The continuity criterion has to do primarily with an organization's employees. According to Richard Sisson, "Continuity of membership is conducive to the maintenance of organizational memory, the codification of behavioral norms and their transference from generation to generation, and the maintenance of organizational roles."³⁰² Tying continuity directly to institutionalization, Loewenberg and Patterson wrote: "We can therefore take the continuity of membership from one legislative session to another as one sign of the probable level of institutionalization in that body...."³⁰³ For Canon, a key condition for determining durability is continuity: "Democratic leadership has met the second condition for durability, exhibiting continuity through several leadership changes."³⁰⁴ Finally, Jewell and Patterson used continuity to determine the institutionalization of legislative organizations: "When legislative organizations come to deal with organizationally disintegrative problems in a relatively predictable, automatic way, they can be said to have become institutionalized...." They measured this by examining the decline in the turnover of congressional membership.³⁰⁵

The primary reasons an organization continues to exist at all are that it has acquired legitimacy in its purpose or function and acquired a constituency. Max Weber indicated that: "All ruling powers...are constructed by searching for the basis of *legitimacy*.... Our modern 'associations' are of the 'legal' authority.... The legitimacy for

³⁰² Richard Sisson, "Comparative Legislative Institutionalization: A Theoretical Exploration," 26.

³⁰² Malcolm Jewell and Samuel Patterson, *The Legislative Process in the United States*: 26.

³⁰³ Gerhard Loewenberg and Samuel Patterson, *Comparing Legislatures*: 22.

³⁰⁴ David Canon, "The Institutionalization of Leadership in the U.S. Congress," 417.

³⁰⁵ Malcolm Jewell and Samuel Patterson, *The Legislative Process in the United States*: 45.

establishing these rules rests, in turn, upon a rationally enacted or interpreted constitution.”³⁰⁶ In the case of federal commissions, Weber would probably agree that their establishing charters would be the “enacted constitution” providing organizational legitimacy.

Herbert Kaufman found that many organizations perish due to the loss of political support, resources, support from the environment, or legitimacy.³⁰⁷ If an organization does not change to accommodate changing needs, then it can lose its legitimacy and expire. Regarding the impact of legitimacy on public and private organizations, Rainey noted that: “Legitimacy figures even more crucially for public organizations.”³⁰⁸ Once the social need is satisfied, it is hard to justify spending the resources to keep a public organization running. A public organization must maintain at least the perception of legitimacy to justify continued funding from the government and support from the citizens. As such, legitimacy becomes the key to longevity, which is essential for any public organization to become institutionalized.

BRAC Application

To determine whether BRAC independent commissions achieved the criterion of being essential, there are two considerations for each of the three parts of this criterion that should be examined. Beginning with longevity, one could determine the length of time the commission had been in existence and compare it to the duration of other independent commissions (as discussed by Huntington and Canon). This aspect is not absolute, but relative. When comparing independent to regulatory commissions, then the

³⁰⁶ Max Weber, *From Max Weber: Essays in Sociology*: 294.

³⁰⁷ Herbert Kaufman, *Are Government Organizations Immortal?* (Washington, DC: Brookings Institute, 1976): 5-11.

³⁰⁸ Hal Rainey, *Understanding & Managing Public Organizations*: 321.

contrast is stark. Where a BRAC commission usually exists for less than a year, a regulatory commission, like the SEC, could last indefinitely. Despite the varying length of commissions, how long it takes for any commission to become institutionalized varies, as it is still a function of a number of additional variables. According to Ragsdale and Theis, “The time period for institutionalization is approximate and is not the same for any two units.”³⁰⁹

Next, one could determine continuity by examining both the commissioners and staff members of the BRAC commissions over time (as discussed by Sisson, Canon, Loewenberg, Jewell and Patterson). For a commission to become institutionalized, it should have some of the same members in key leadership positions over the commission’s iterations. As well, not only should there be some stability in personnel, but also in the established leadership offices. One would expect for a commission to become institutionalized, its internal structure would be fairly stable over time.

Legitimacy can be determined by examining the legislation establishing the BRAC commissions (as discussed by Kaufman and Rainey). The legislation chartering the commissions should have been modified over a commission’s iterations to improve its functioning and performance. As well, each time a BRAC commission is established, it needs to be funded. Funding by a representative government requires thorough justification. Therefore, if a commission is established and funded numerous times, it could be considered to have legitimacy.

Finally, because the process of closing military bases has been such a sensitive matter in many regards, politicians and interest groups often feel the need to fight the

³⁰⁹ Lyn Ragsdale and John Theis III, “The Institutionalization of the American Presidency,” 1284.

process both in the Judicial and Legislative Branches of government. As such, any court rulings, particularly from the Supreme Court, or any congressionally-proposed BRAC legislation that is not modified to either postpone or halt the process can be cited as also demonstrating legitimacy.

DATA COLLECTION

The source material from which the data to support or refute the aforementioned hypotheses comes primarily from congressional and DoD documentation. The documentation available and used includes all five of the BRAC commission reports to the President; all of the congressional BRAC legislation; the congressional BRAC hearings; and, related reports from government research organizations, such as the Congressional Research Service and the Government Accountability Office. The Defense Department has published numerous reports on the BRAC process and its impact, as well as the Secretary of Defense BRAC recommendation reports, developed for each BRAC commission to analyze beginning in 1991. The BRAC commission has an Internet website (www.BRAC.gov), and the Defense Department has an Internet BRAC website (www.defenselink.mil/brac), both full of useful information about the current BRAC commission and about the BRAC commissions and process, from its conception until now. For the hard-to-get information, such as the commission budgets, e-mail correspondence with a key staff member of the current BRAC commission, Mr. Bob Cook, Deputy Director of the Review & Analysis Section and Interagency Issues Team Leader, proved very useful. Finally, most newspaper and journal articles regarding BRAC were reviewed and analyzed for relevant information and insights.

CONCLUSION

In this chapter, we examined how to determine whether BRAC independent commissions have become institutionalized. After discussing various approaches to the issue, four hypotheses were proposed based on four primary criteria: complexity, sentient, evolving, and essential. The remainder of the chapter covered the various aspects of these four criteria, and how one would measure them to determine applicability and validity.

The challenge when applying the measurements of the four criteria is that independent commissions such as BRAC are not the typical federal organization that the institutionalization scholars have analyzed. As a result, their recommended measurements applied to the BRAC commissions do not always provide conclusive evidence supporting organizational institutionalization. Therefore, as analysts, we need to take into account the peculiarities of the case being studied to ensure we do not misunderstand the true nature of what is being analyzed. Now that the measurements of the four criteria have been discussed, we are ready to apply them to the relevant aspects of the BRAC independent commissions in the next chapter.

CHAPTER FIVE

APPLICATION

*Deviant case studies have the greatest value in terms of their contribution to theory.*³¹⁰

Arend Lijphart, 1971

This chapter is where the aforementioned methodology is applied to the study of independent commissions with the BRAC independent commissions as the subject case. Each of the four discussed criteria - complexity, sentient, evolving, and essential, are examined in order. Then, an overall measurement assessment is made regarding the institutionalization of the BRAC commissions.

COMPLEXITY

Of the four criteria to be examined, this is the most difficult to apply to the BRAC commissions as the majority of the measures either do not apply or are not available. In Chapter 4, I concluded that one could determine the BRAC commission's internal complexity by measuring the size of its budget, the size of its support staff, and the number of functions in its internal structure.

Budget Size

Regarding the BRAC commission budget, in 1988 the money was provided directly from the Office of the Secretary of Defense and is not available as a straight-forward, line-item cost. According to Public Law 101-501, if the 101st Congress did not

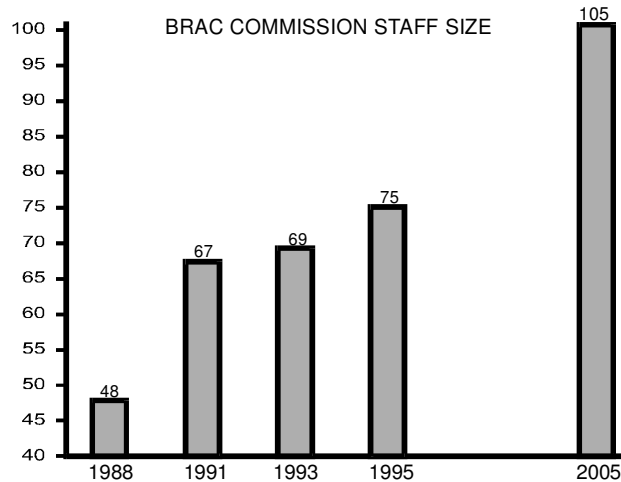
³¹⁰ Arend Lijphart, "Comparative Politics and the Comparative Method," *The American Political Science Review* 65, 4 (June 1971): 682.

appropriate funds to the BRAC commission by the end of its second session, the Secretary of Defense was given authority to transfer funds from its DoD Base Closure Account (established by Section 207 of Public Law 100-526).³¹¹ Subsequent commission budgets were specified in the chartering legislation by Congress. For all three BRAC commissions during the 1990s, the total amount allocated by Congress was \$13 million. The exact breakout of this \$13 million over the three BRAC commissions in the 1990s is not available. Ten years later, the budget allotted to the 2005 BRAC Commission alone was \$10 million. Looking at the figures, one could make an argument that the commission budgets were increasing with each successive round, though there is uncertainty about the cost of the 1988 BRAC Commission. As we do not know the 1988 expenditures or the expenditures for each of the three commissions during the 1990s, any conclusions regarding the budget would probably be inconclusive and unreliable.

Staff Size

The best measure of complexity for the BRAC commissions is the size of their support staffs. We would expect the staff size to increase with each successive BRAC commission as an indicator that the commissions were becoming institutionalized – and, it does (see figure 5.1). For 1988, the BRAC commission staff consisted of only 48 people. By 2005, the number had increased to over 100. Hence, the number of staffers more than doubled in only five iterations of BRAC. Clearly, this measure supports the hypothesis that the BRAC commission has become institutionalized.

³¹¹ Defense Base Closure and Realignment Act of 1990, Sec. 2902 (B)(k)(2), P.L. 101-510.



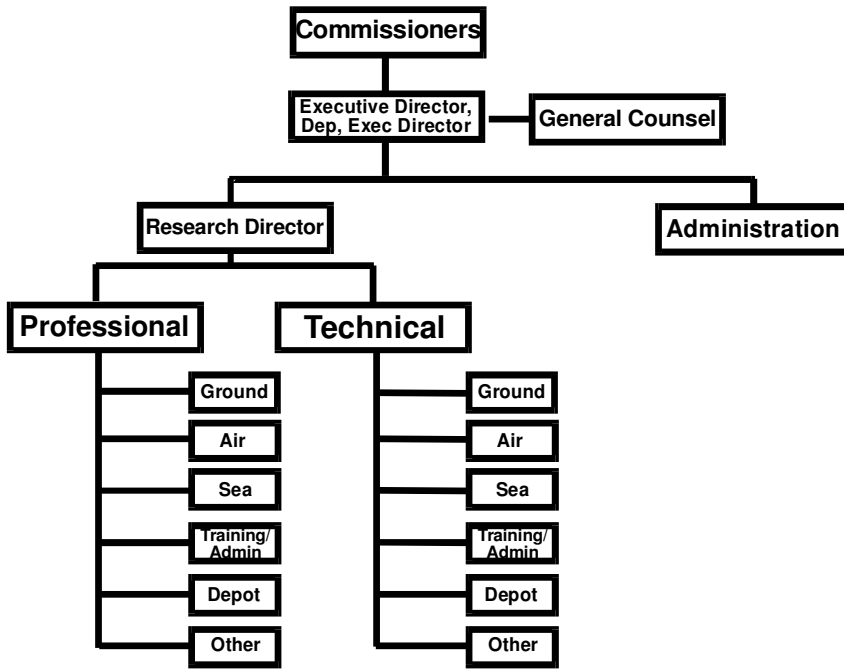
Source: *BRAC Commission Reports to the President*

FIGURE 5.1

Functions

Looking at the internal functions of the various BRAC commissions, one sees that in 1988 the Commission staff had basically a horizontal orientation (see figure 5.2). During the 1990s, the commission structure became more vertically oriented, based on five primary directorates in 1991 and expanding by one directorate with each BRAC iteration (see figure 5.3). From this reorientation and expansion of directorates, we can deduce that the BRAC commission recognized the growing challenges of vetting the DoD BRAC list, and hired more staffers to fill more stratified positions. For 2005, the commission was restructured with even more stratifications than 1995 (see figure 5.4). For the first time, the professional and administrative staffs were broken out into five distinct sections, each containing between three and eight branches. This increasing stratification of functions clearly indicates internal changes to accommodate external demands as a function of complexity.

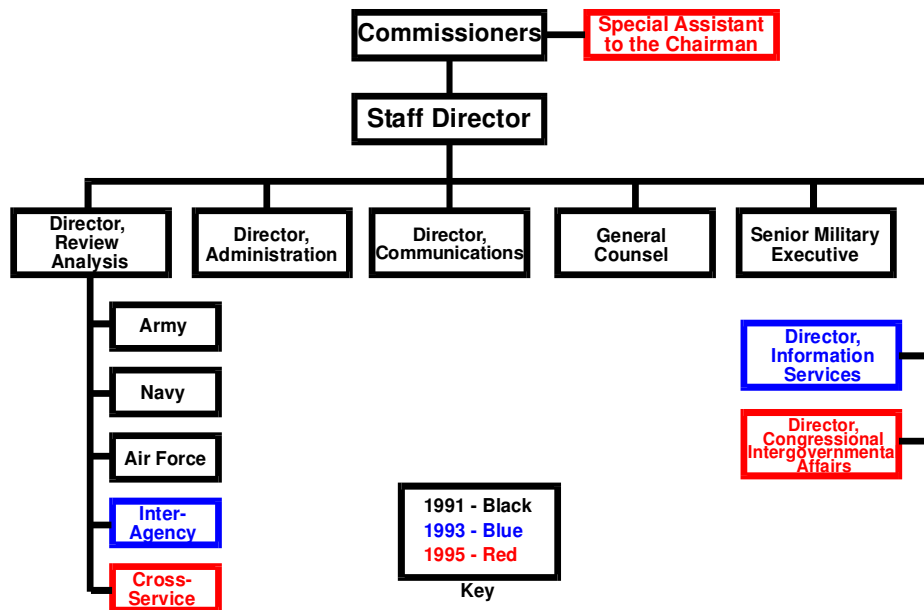
1988 STAFF ORGANIZATION CHART



Source: *Base Realignment and Closures Report of the Defense Secretary's Commission - December 1988*

FIGURE 5.2

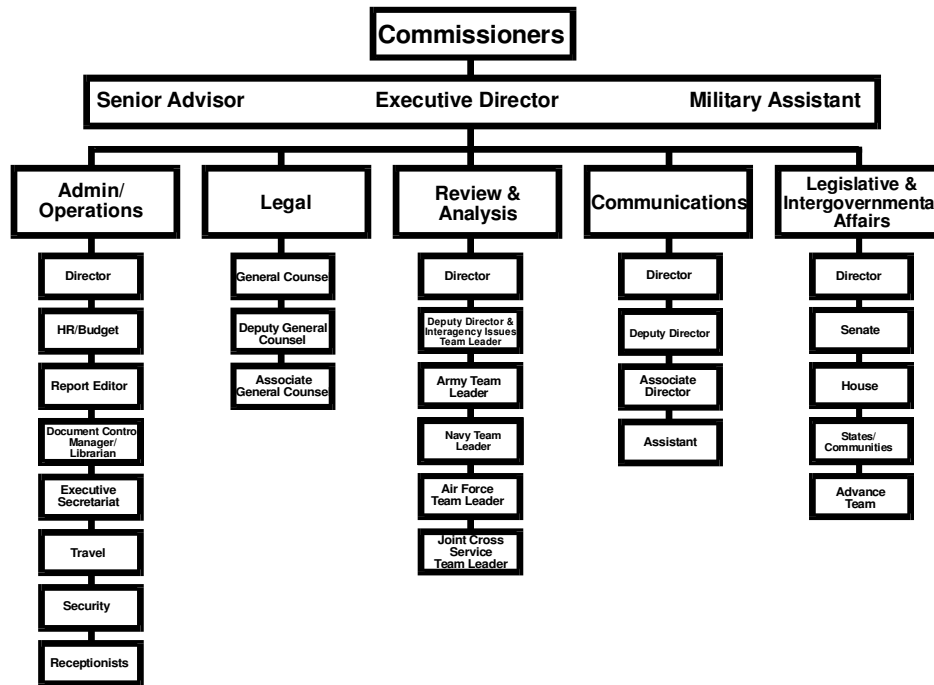
1990s STAFF ORGANIZATION CHART



Source: *Defense Base Closure and Realignment Commission 1991/1993/1995 Report to the President*

FIGURE 5.3

2005 STAFF ORGANIZATION CHART



Source: *Defense Base Closure and Realignment Commission 2005 Report to the President*

FIGURE 5.4

Where an organization's complexity is usually cited as an indication of its institutionalization, in the case of BRAC commissions, it does not reflect well for a number of reasons. First, the specific budget information for the 1988-1995 commissions is not available. As a result, it is difficult to make any definitive assessments on this measurement. Next, the support staff, expected to increase for each successive round as a result of more complexity, does increase. Finally, the third measurement focused on functions instead of hierarchy because the BRAC commissions organizationally are too small to warrant much of a hierarchy. Over the five iterations of BRAC commissions, the support staff steadily expanded functionally to accommodate the complex environment of closing bases. In summary, due to lack of detailed data and the unique nature of independent commissions, the BRAC commission does not appear to completely measure up regarding the complexity criterion.

SENTIENT

This criterion assesses whether or not the BRAC commissions achieved self-awareness, a key component of organizational institutionalization. As discussed in Chapter 4, the sentient criterion requires the analysis of three different measures: identity, boundary, and autonomy. Although some measures are self evident, it is important to put them in context to demonstrate how the criterion is measured.

Identity

The first measure to examine is whether or not the BRAC commission had its own identity, independent from any other organization. First, the legislation establishing the BRAC commission serves as the foundation of its identity. The base closure process is no longer accomplished by DoD, as it had been in the past, but now by a congressionally-chartered independent commission during a non-election year. Furthermore, the President must approve the legislation establishing the commission, as well as appoint commissioners with the consent of the Senate. This procedure has been repeated four times in 14 years, thereby fostering a public recognition and acceptance of the base closing process and commissions.

Its name, “BRAC,” has been in the media for more than a dozen years now, especially the years of and prior to BRAC commission hearings, ensuring that most people in America are aware of what a BRAC commission is and does. In all five of the BRAC iterations, none of the commissions has been referred to by the Chair’s name, as occurs with many other independent commissions. As such, the name identity of the BRAC commissions has solidified over the iterations, even though the acronym does not align with the official title of the base closure commissions: the Defense Base Closure

and Realignment Commission (DBCRC). Besides name recognition, the 2005 BRAC Commission has its own address in Rosslyn, Virginia, near the Pentagon, and its own website for people to access to learn more about it (www.BRAC.gov).³¹² All of these factors are aspects of BRAC commission sentience.

Another key aspect of the BRAC commissions' identity, lending credibility to the concept that BRAC has become an institution, is the commission practice of reviewing previous decisions by BRAC commissions to correct them due to inaccurate cost estimates, or inaccurate analyses that interfered with mission requirements.³¹³ The three BRAC commissions of the 1990s made dozens of changes to previously-approved BRAC recommendations. During the 1991 round, there were nine changes approved. During the 1993, there were 15 changes. And, for the 1995 round, there were 27 changes. These steady increases in reconsideration of previously-approved decisions reflect greater institutionalization as a result of the commission becoming aware of its present capabilities and past responsibilities. Due to the extended time gap between recent BRAC iterations, which allowed previous decisions to be implemented, the 2005 BRAC Commission did not conduct a review of any previously-approved BRAC decisions.

To get an idea of the kind of reversals that were being made, let us review a few of the significant ones. During the 1991 round, the commission reversed the 1988 BRAC Commission realignment decision to move the U.S. Army Recruiting Command from Fort Sheridan to Fort Benjamin. It was moved to Fort Knox instead. Similarly, the 1991 BRAC Commission reversed another 1988 round decision to move the Air Force's

³¹² The address for the BRAC commissions has not been the same for every commission.

³¹³ James Hinchman, "Military Bases: Lessons Learned from Prior Base Closure Rounds," GAO/NSIAD-97-151 (July 25, 1997): 14.

Undergraduate Navigator Training from Mather AFB to Beale AFB. It was moved to Randolph AFB instead. During the 1993 round, the commission overturned several of the recommendations from both the 1988 and 1991 BRAC Commissions. For example, it reversed a decision to close the Letterkenny Army Depot in Pennsylvania and move it to Rock Island, Illinois. It also reversed a realignment decision to move the 6th Army Headquarters from the Presidio of San Francisco to Fort Carson, Colorado. And, during the 1995 round, the commission reversed both the 1991 and 1993 BRAC Commissions' recommendation to close the military airfield at MacDill AFB.³¹⁴

Boundary

Identifying the BRAC commission boundary within its government environment should be relatively easy to do as it has a legally-definitive existence. As with any independent commission, the BRAC commission comes to life once the legislation authorizing it is approved and signed into law. As well, it ceases to exist once the mission is accomplished (i.e., the final report is submitted to the Executive and Legislative Branches) or as prescribed by the chartering legislation.

Another way to determine boundaries is to examine the people involved. The BRAC commissioners are usually retired from government service when they are appointed and confirmed to serve as commissioners, which enhances their credibility as experts while providing the perception of independence (see Appendix A). Typical of commissioners appointed and approved for all BRAC commissions, the 2005 BRAC Commission consisted of retired federal employees with diverse backgrounds. Two commissioners served in Presidential Cabinet-level positions, two are former members of

³¹⁴ Alan Dixon, *Defense Base Closure and Realignment Commission Report to the President – 1995*, (Washington, DC: Government Printing Office, 1995): Appendix K.

Congress, four are former general officers, and others worked for decades in government.³¹⁵

Turning to the support staff, many of the BRAC commission staffers are loaned to it from other interested organizations, including the GAO, Department of Commerce, Environmental Protection Agency, Federal Aviation Administration, Federal Emergency Management Agency, and DoD. In fact, DoD's Washington Headquarters Service, based at Bolling AFB, has provided many of the staff members over the iterations.³¹⁶

According to the Secretary of Defense guidance establishing the 1988 BRAC Commission, no more than half of the entire commission staff was to come from DoD, to preclude the perception of bias. As this was the only commission to develop the BRAC list itself, this assistance was essential. Subsequently, the 1990 legislation establishing the three BRAC commissions of the 1990s directed that no more than a third of the staff could come from DoD.³¹⁷ For 2005, the legislation directed that no more than 20 percent of the support staff could come from DoD.³¹⁸ The actual percentage of DoD staffers detailed to the BRAC commissions was generally lower than was authorized; from a high of 56 percent in 1988 to a low of 12 percent in 2005. The only other organization to have more than a token representation on any of the BRAC commissions was the GAO; ranging from three staffers in 1991, to 11 in 1993, back down to six in 2005 (see figure 5.5). Finally, the 1990 BRAC legislation directed that the staff director could not have served in DoD, either on active duty or as a civilian, for a full year prior to being

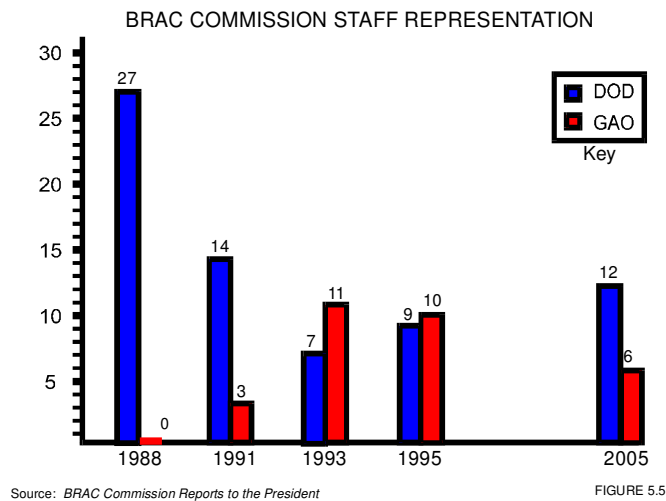
³¹⁵ Anthony Principi, *Defense Base Closure and Realignment Report to the President – 2005*, (Washington, DC: Government Printing Office, 2005): 318.

³¹⁶ *Ibid.*: 308.

³¹⁷ P.L. 101-510, *The Defense Base Closure and Realignment Act of 1990*.

³¹⁸ Anthony Principi, *Defense Base Closure and Realignment Report to the President – 2005*: 319.

appointed to a BRAC commission.³¹⁹ Where the boundary may have been blurred in 1988 as a result of outside organization involvement, this was not the case by 2005.



Finally, boundaries can be clarified by the judicial system. According to Lilly Goren, “The only instances where congressional delegation of powers were to be held unconstitutional was where such law was so vague and unclear as to provide no standard at all.”³²⁰ The legislation establishing the BRAC independent commissions was challenged as offering a vague delegation of power by Senator Arlen Specter (D-PA). As mentioned previously, he challenged the BRAC process and took his case to the Supreme Court, which upheld the congressional legislation establishing the BRAC commission and process.

Autonomy

Closely related to a well-defined boundary is the amount of autonomy in the government environment demonstrated by the BRAC commissions. In the *2005 Defense*

³¹⁹ Defense Base Closure and Realignment Act of 1990, sec. 2902 (B)(h), P.L. 101-510.

³²⁰ Lilly Goren, *The Politics of Military Base Closings* (New York: Peter Lang, 2003): 23.

Base Closure and Realignment Commission Report to the President, there is a section called “Commission Independence.” It assessed previous BRAC commissions’ independence as: “a key ingredient in prior base closing and realignment rounds’ success.... Thus, preserving and protecting the independence of the Commission is not a mere academic exercise, but a necessity.” It concluded that: “Independence is not determined solely by statute, but also by policies, perceptions, and practices.”³²¹ As such, an autonomous organization should have the capability to manage its own personnel affairs, budget, and rules and regulations.

In the case of the BRAC commissions, they all had these capabilities. Regarding personnel management, once the Chair was appointed and approved, he would hire the Executive Director of the commission staff, who in turn would begin filling the positions he determined necessary to accomplish the mission. The Chair or Executive Director had the authority to hire as many people as needed within budget constraints, and to remove people once their work was completed. However, regarding the DoD augmentees, they would often be recalled by their home organizations for operational matters, regardless of their importance to the commission.

Turning to budget management, as mentioned earlier, all of the commissions following the first one in 1988 had millions of dollars appropriated to them in the chartering legislation to pay for things such as salaries, travel, contractor support,³²² and office supplies. The commission office space, computer support, and communication

³²¹ Anthony Principi, *Defense Base Closure and Realignment Report to the President – 2005*: 308.

³²² In 2005, additional contracted staff assistance was provided by the Analytic Services Corporation.

support were usually provided by the Defense Department.³²³ However, despite a separate federal budget line to support the execution of the BRAC commission, DoD maintained a modicum of control of how the money was expended. In its report to the President, the 2005 BRAC Commission pointed out in Chapter 2, “Issues for Further Consideration,” in the sub-section entitled “Commission Independence,” that: “the independence of a future Commission would be enhanced if it could manage its expenditures autonomously rather than continuously negotiating budget and expenses with DoD, a process inherent in the current organizational structure.”³²⁴

As there were no BRAC independent commissions prior to 1988, much of what each commission did was unprecedented. The commissions were authorized to establish their own rules and regulations, which if not palatable to members of Congress, could be changed in subsequent BRAC legislation. No commission set more precedents than the 2005 BRAC Commission. According to the *2005 Defense Base Closure and Realignment Commission Report to the President*, “The Commission even had to establish special ‘re-voting’ procedures for use if subsequent votes substantially changed the rationale of an already ‘decided’ matter.”³²⁵ Another significant precedent was the commission’s decision to close a major base and keep a major base open *conditionally* (a capability not addressed in the chartering legislation). The 2005 BRAC Commission recommended that the Oceana Naval Air Station in Norfolk, Virginia, could remain open if the local community satisfied a number of encroachment requirements within a year after the Commission terminated. If not, the Navy would be required to move its carrier

³²³ Daniel Else and David Lockwood, “Military Base Closures: The 2005 BRAC Commission,” *Congressional Research Service*, Order Code RS 22061 at: www.crs.gov (March 21, 2005): 4.

³²⁴ Anthony Principi, *Defense Base Closure and Realignment Report to the President-2005*, 309.

³²⁵ *Ibid.*: 306.

jets to Cecil Field in Florida (closed in 1999 as recommended by the 1995 BRAC Commission), and the Oceana installation would be closed. Similarly, the Commission decided to leave Cannon AFB in New Mexico open, but only until 2009, during which the Air Force needed to provide the base with new missions or it would be closed.

During the 2005 BRAC round, Commission Chair Anthony Principi told the media on several occasions that his commission was not a “rubber stamp” for DoD:

This commission knows what it is talking about and is not a rubber stamp. We are an independent check on the power of the secretary of defense to close and realign military bases.³²⁶

The media assessed the 2005 BRAC Commission’s sharp questioning of OSD representatives during public hearings as “unusual,” fueling predictions that the Commission was poised to make significant changes - which it did.³²⁷ Once again, the Commission demonstrated its independence when executing its mission by changing close to 15 percent of the DoD proposed BRAC list.

The people who comprise the BRAC commissions are the key to whether or not the commission is sentient. Polsby noted that an organization’s autonomy can be measured by how difficult it is for a person to gain entry. The more difficult it is to become a member of an organization, the more likely it is to be an institution.³²⁸ In the case of the BRAC commissions, commissioners are nominated by the President and

³²⁶ Reported by John J. Lumpkin, “Closure Impact Worries Principi,” at www.seacoastline.com (July 21, 2005).

³²⁷ John Hendren, “Hope, Fear for Some Military Bases,” at www.latimes.com (August 24, 2005). The 2005 BRAC Commission did make significant changes to the Defense Secretary’s original BRAC recommendations (keeping the Cannon AFB, Ellsworth AFB, Groton Submarine Base, and Portsmouth Naval Shipyard open), but still within the historical norm of around 15 percent. However, the original cost savings were reduced significantly by the BRAC Commission changes.

³²⁸ Discussed in Chapter 4.

leaders of Congress, and confirmed by the Senate.³²⁹ As for the potential staffers, they are all screened, and a select few actually interviewed, in a highly-competitive process to select staff members. According to the *2005 Defense Base Closure and Realignment Commission Report to the President*, “The Commission staff was drawn from diverse backgrounds encompassing government, law, academia, and the military.”³³⁰ Clearly, only a select few people in the country even qualify to compete for any of these staff positions, making it one of the most difficult jobs to receive (while being one of the more thankless jobs to have). As such, this measure would appear to support the concept that the BRAC commissions have become an institution.

From this examination of whether or not the BRAC commissions became sentient, two of the three measures examined support the contention that the BRAC commissions have become an institution. The autonomy measure is variable in its support for this criterion and BRAC commission institutionalization. Up to this point, one criterion (sentient) generally supports institutionalization, while the other (complexity) generally does not. We now turn to one of the two remaining criteria in the effort to determine the institutionalization of the BRAC commissions.

³²⁹ This was the case until 2005 when Senator Thune, among others, put holds on the nominees in order to stall the BRAC process. As such, President George W. Bush appointed them during a congressional recess.

³³⁰ Anthony Principi, *Defense Base Closure and Realignment Report to the President – 2005*, (Washington, DC: Government Printing Office, 2005): 318.

EVOLVING

The beginning of Chapter 1 of the *2005 Defense Closure and Realignment*

Commission Report to the President addressed organization adaptability:

No institution will remain successful without adapting to its constantly changing environment. Our armed forces must adapt to changing threats, evolving technologies, reconfigured organizational structures, and new strategies and structures. Our infrastructure must support that progress, not hinder it. Neither DoD, nor the American taxpayer, can afford to support unneeded infrastructure at the expense of funding for supplies and equipment for our servicemembers (sic).³³¹

Adaptability to external change is a key measurement of the evolving criterion.

Regarding the criterion's external aspect, an organization should make a positive impact on society while continuing to receive political support. According to Chapter 4, this can be measured by examining both the results of the BRAC commissions as a function of their goal to reduce DoD infrastructure thereby allowing the Defense Department to use the cost savings in other defense programs, and the changes in BRAC legislation during their existence. Regarding the criterion's internal aspect, an organization must be able to withstand leadership turnover and changes in its original goals to qualify as an institution.

External Aspects

To get a sense of the impact of the first four rounds of BRAC, the GAO was directed to provide a status report to the 2005 BRAC Commission during its inaugural hearing on May 3, 2005, on the status of the implementation of the previous BRAC commissions' recommendations. In summary, the GAO reported that as of September 30, 2001, DoD had: "taken all necessary actions to implement the recommendations of

³³¹ Anthony Principi, *Defense Base Closure and Realignment Report to the President – 2005*: 1.

the BRAC Commissions for the four prior rounds.” As a result, DoD estimated that it had reduced its domestic infrastructure by around 20 percent. This included generating a net estimated savings (estimated total savings minus costs) of around \$29 billion through fiscal year (FY) 2003 with an additional \$7 billion annually thereafter, and transferring 90 percent of unneeded BRAC property to other federal and non-federal entities (some of which is leased property by DoD). The GAO testified that most communities surrounding closed bases are recovering, with almost 85 percent of the local DoD civilian jobs being replaced through the development of the BRAC properties. Clearly, the BRAC process achieved the goal of reducing DoD infrastructure and allowing it to use the money recouped more efficiently and effectively, while minimizing the adverse economic affects on the affected local communities.³³²

Certainly, the BRAC process has undergone significant transformation since it began in 1988. The best example of the BRAC commission and process transforming to accommodate stakeholder concerns (in this case, Congress) were the process changes installed after the first commission. The 1988 Commission was politically motivated and structured. As such, it had numerous flaws in the legislation, and therefore in its execution. For example, the Secretary of Defense nominated the commissioners and provided the majority of the staff to support it thereby tainting the commission’s perceived independence. During execution, the commission did not properly consider all the costs involved, failed to recognize all the missions and functions performed at various installations, failed to consider all the documentation and pertinent studies, failed to visit

³³² Barry W. Holman, “Military Base Closures: Observations on Prior and Current BRAC Rounds,” U.S. Government Accountability Office, GAO-05-614, (May 3, 2005): 2-3.

all installations considered for closure, and refused to submit its documentation of its findings for independent review. These failures led to installations being recommended for realignment and closure that should not have been (as demonstrated by many of the 1988 BRAC recommendations being reversed by subsequent BRAC commissions).³³³

The majority of changes made to the BRAC process have been incorporated into public law with the passage and signing of various national defense authorization acts. There are three primary pieces of legislation that created the five BRAC commissions: *Defense Authorization Amendments and Base Closure and Realignment Act of 1988*³³⁴; *Defense Base Closure and Realignment Act of 1990*³³⁵; and, *National Defense Authorization Act of FY 2002*.³³⁶ However, Congress continually made modifications to the BRAC process passing more legislation, even when a commission was not active. In the *National Defense Authorization Act for FY 1994*, Congress included provisions that were intended to stimulate base reuse prior to property transfer, to include military leasing to state and local governments.³³⁷ Congress added even more provisions during its next session in the *National Defense Authorization Act for FY 1996*, including environmental remediation, the lease back of property to the federal government, and the security requirements at closed installations.³³⁸ Finally, the *National Defense Authorization Act for FY 1997* made bases closed during the 1988 BRAC round eligible for several provisions made available to bases closed in subsequent rounds.³³⁹

³³³ General Accounting Office, *Military Bases: Lessons Learned from Prior Base Closure Rounds*, GAO/NSIAD-97-151, (Washington, DC: Government Printing Office, 1997): 9.

³³⁴ Public Law 100-526 10.

³³⁵ Public Law 101-510 10.

³³⁶ Public Law 107-107.

³³⁷ Public Law 103-60.

³³⁸ Public Law 104-106.

³³⁹ Public Law 104-201.

There have been occasions during a BRAC commission's execution of the mission that the commissioners have found it necessary to change procedures to accommodate unforeseen problems (as delineated in the previous section for the 2005 Commission). These legislative and procedural changes reflect external impacts on the BRAC commission adaptability.

Internal Aspects

Turning to internal impacts of the evolving criterion, there are primarily two: leadership turnover, and change in organizational goals. For an organization to become an institution it must survive leadership turnover at the top. There have been five BRAC commissions and five different chairs, though it is not that straightforward. Because of the political nature of the first commission, two commissioners were required to be co-chairmen to accommodate both political party interests (Representative Jack Edwards, R-AL, and Senator Abraham Ribicoff, D-CN). Jim Courter was the chair for both the 1991 and 1993 BRAC Commissions, offering some continuity in the process. Alan Dixon and Anthony Principi were the chairs for the 1995 and 2005 BRAC Commissions, respectively. Despite the leadership turnover, the BRAC commissions were able to accomplish successfully the primary goal of reducing the DoD infrastructure with the concurrence of both political parties of a partisan Congress. So, the turnover impact was minimal, hence, an indication of organizational institutionalization.

Another internal impact involves organizational changes in goals. Huntington considered any changes in an organization's goals as indicative of an organization

becoming an institution.³⁴⁰ While the BRAC commission's primary goal has been to reduce the DoD infrastructure to recover wasted expenditures that would be better used to recapitalize the armed forces, it was significantly modified on one occasion. The original goal of achieving savings was modified in 2005 to accommodate Secretary of Defense Rumsfeld's desire to use the BRAC process to *transform* DoD to become lighter, more agile, more joint, and more responsive.³⁴¹ Adjusting the infrastructure was perceived as a way to force the Defense Department, allegedly the largest and most resistant-to-change bureaucracy in world history, to accept transformation.³⁴²

After reviewing the BRAC process after four rounds, the GAO concluded that much more savings could come from forcing the military Services to operate jointly at the unit and base level. As such, only OSD had the authority within DoD to make such base consolidation decisions and impose them on the Services. The GAO report cautioned that: "The Office of the Secretary of Defense will have to exercise strong leadership to overcome the Services' long-standing parochialism and inability to agree on significant cross-service consolidations in common support areas."³⁴³

Partially as a result of the GAO recommendation, the 2005 BRAC process was directed from the very beginning by OSD. The initial BRAC recommendations reflected

³⁴⁰ Samuel P. Huntington, "Political Development and Political Decay," 397-99. This was discussed in Chapter 1.

³⁴¹ Donald Rumsfeld, "Memo on Military Base Closings in 2005," *Government Executive Magazine*, (November 15, 2002): 2-3.

³⁴² At the onset of World War II, President Franklin Roosevelt complained that the Navy was the most resistant bureaucracy to change in the U.S. government: "To change anything in the Na-a-vy is like punching a feather bed." (Quoted in Marriner Eccles, *Beckoning Frontiers: Public and Personal Recollections* (NY: Knopf, 1951): 336).

³⁴³ James F. Hinchman, *Military Bases: Lessons Learned from Prior Base Closure Rounds*, GAO/NSIAD-97-151 (July 25, 1997): 6, 36.

Secretary Rumsfeld's new transformation priorities. In its *Report to the President*, the 2005 BRAC Commission noted this new orientation stating:

In previous rounds of BRAC, the explicit goal was to save money and downsize the military in order to reap a 'peace dividend.' In fact, several DoD witnesses at Commission hearings made it clear that the purpose of many 2005 BRAC recommendations was to advance the goals of transformation, improve capabilities, and enhance military value.³⁴⁴

Despite this, the 2005 BRAC Commission did not completely accept Rumsfeld's vision, and continued to give priority to making recommendations that would produce cost savings over time as well: "The Commission's assessment of the selection criteria and Force Structure Plan took place in the context of a balance between the goals of realizing savings and rationalizing our military infrastructure..."³⁴⁵ This change in goal orientation demonstrated that the BRAC commission is able to accommodate changes in the BRAC process, if only moderately.

In summary, it appears that the BRAC commissions satisfy both the external and internal aspects of the evolving criterion. Up to this point, then, two of the three criteria appear to support the BRAC commissions becoming institutionalized, with the complexity criterion providing weaker support.

ESSENTIAL

For any organization to become an institution, it must exist long enough to make the transformation. In order to endure, government organizations must have a *raison d'etre*; a purpose that serves the public interest. In other words, government

³⁴⁴ Anthony Principi, *Defense Base Closure and Realignment Commission 2005 Report to the President* (Washington, DC: Government Printing Office, 2005): 3.

³⁴⁵ Ibid.

organizations must be essential to become institutions. In Chapter 4, three measures of this criterion were identified to determine if an organization had become an institution: longevity, continuity, and legitimacy.

Longevity

Relative to regulatory commissions that tend to last for years if not decades, independent commissions exist for a short time, usually less than two years (the length of one session of Congress). In the case of BRAC independent commissions, they have been in existence for a total of five years over a 17-year period. As such, this makes it quite unique among independent commissions. The BRAC process, as it has evolved, has garnered the support of both political parties and the DoD leadership. It now appears that the BRAC process is the “approved solution” for closing domestic military installations. Huntington, Downs, Canon, Ragsdale, and Theis, among others, all espoused organizational longevity (or duration) as essential towards attaining institutional status. Given the unprecedented duration of the BRAC commission relative to most other independent commissions, it certainly warrants consideration as an institution.

Organizational scholars, such as Downs, Ragsdale, and Theis, claim that the stability of an organization’s internal leadership structure is a key factor in longevity. Examining the BRAC leadership structure, one finds that it did not change much at all over the five BRAC commissions. Any independent commission consists of a limited number of commissioners and corresponding support staff. The staff leadership structure has not changed significantly over the five BRAC iterations, except to accommodate changes in the mission and environment. The 1988 Commission Staff set the baseline with an executive director, a deputy executive director, an executive secretary, and a

general counsel. The three BRAC commission staffs in the 1990s were very similar, albeit a little larger to accommodate the change in mission. Each commission staff had a staff director, a senior military executive (Air Force Colonel Wayne Purser each time), a director of review and analysis, a director of communications, a director of administration, and a general counsel (see figure 5.3).

This staff organizational structure did not change much for the 2005 BRAC Commission from 1995. Instead of a staff director, this position title reverted back to executive director. The Commission staff still had a senior military assistant, and five directorates, including review and analysis, communications, administration, legal (i.e., general counsel), and a new one – legislative and intergovernmental affairs. The new job positions reflect greater complexity in performing the mission, as discussed earlier in the section on complexity. Clearly, the BRAC commission support staff leadership structure was consistent throughout its five iterations, though the complete staff structure expanded in its functions.

Continuity

For an organization to achieve institutionalization, it must contain elements of continuity.³⁴⁶ David Sorenson observed that: “BRAC was a regularized process in its last three iterations (sic)... BRAC members could learn from past errors and successes, as could the military, congressional members, and local officials.”³⁴⁷ Commissioners and staffers selected to serve on a BRAC commission *with prior experience* are aware that BRAC is more than just an organization. For the 1993 BRAC Commission, both Jim Courter, Chairman of both the 1991 and 1993 BRAC Commissions, and Robert Stuart

³⁴⁶ Discussed in Chapter 4.

³⁴⁷ David Sorenson, *Shutting Down the Cold War*: 36.

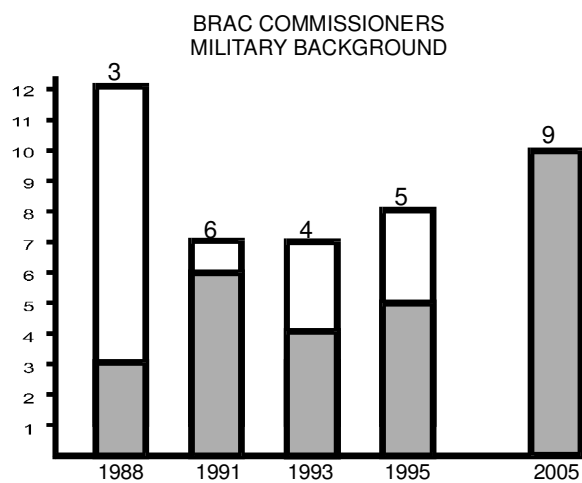
had previous experience on the 1991 BRAC Commission. For the 1995 BRAC Commission, the Chairman, Alan Dixon, co-authored the 1990 legislation that established the three BRAC commissions in the 1990s. Furthermore, 1995 Commissioner Rebecca Cox previously served on the 1993 BRAC Commission, and 1995 Commissioner Wendi Steel previously served on the 1991 BRAC Commission. For 2005, only one of the commissioners, Philip Coyle, had any prior BRAC experience, which is not surprising given the ten-year time lapse between commissions. Coyle participated in the 1995 BRAC process as the Co-Chairman of the DoD Joint Cross-Service Group for Test and Evaluation. Yet, as a percentage of the total number of BRAC commissioners, only 13 percent had any BRAC experience prior to becoming a commissioner. This percentage is too low to be considered as organizational continuity.

Examining the support staff reveals a similar pattern as the commissioners. For the 1993 BRAC Commission, four of the senior executive staff had previous BRAC experience. In 1995, 14 staffers had previous experience, eight of which were senior staffers. And in 2005, only two staffers had previous BRAC commission experience. Again, as a percentage of the total number of BRAC staffers (364), only five percent had any BRAC experience prior to becoming a staffer. As with the commissioners, this percentage is almost a third less than the commissioner percentage, hence, probably not what the aforementioned scholars would consider organizational continuity.

The commission support staff usually consists of permanent and loaned personnel. The 2005 BRAC Commission had 15 permanent employees who formed the core staff support. During the first four rounds, permanent employees were intended to maintain the continuity throughout the BRAC iterations, providing “legacy knowledge

and experience to the augmentees brought in temporarily to perform the analysis required during BRAC.” The augmentee staff selection was based on individual expertise required by the commission and knowledge of their parent organization.³⁴⁸ The BRAC commissions after 1991 had a few commissioners or staffers with prior BRAC commission experience, thereby offering some prospect for institutionalization.

As this process is primarily about DoD infrastructure, it is useful for BRAC commissioners to have some military background to draw upon during this intense process. The first BRAC commission in 1988 was the only one that reported directly to the Secretary of Defense, and had a majority DoD staff presence. As such, commissioner experience apparently was not considered as important as political affiliation. This orientation changed for all subsequent BRAC commissions, where military experience became an increasingly important consideration when selecting commissioners. From a low of only 25 percent of the commissioners having any military experience in 1988, the percentage increased over the BRAC iterations to 100 percent in 2005 (see figure 5.6).



Source: BRAC Commission Reports to the President

FIGURE 5.6

³⁴⁸ Daniel Else and David Lockwood, “Military Base Closures: The 2005 BRAC Commission,” *Congressional Research Service*, Order Code RS 22061 at: www.crs.gov (March 21, 2005): 3-4.

Legitimacy

The public service provided by a government organization must be legitimate to sustain funding by Congress. Given that Congress authorized five BRAC commissions and provided millions of dollars of funding to each to conduct operations, it seems self evident that the BRAC commissions and process had political legitimacy. However, many politicians did not accept the legitimacy of the BRAC process, and challenged it within both the Legislative and Judicial Branches of government from its inception in 1988. Primarily in support of local constituents, members of Congress have attempted to derail the process, thereby effectively killing it. For example, regarding the 2005 BRAC process, according to Chris Hellman, Director of the Project on Military Oversight, the greatest impact of a two-year delay of BRAC is that it would give opponents of the process more time to abolish the process entirely.³⁴⁹

Using only the 2005 BRAC round as a representative sample, the following is a chronological review of some of the attempts to derail the process. The three most persistent and vocal opponents to BRAC in general have been Representative Gene Taylor (D-Miss), Representative Joel Hefley (R-CO), and Solomon Ortiz (D-TX), all senior members of the House Armed Services Committee (HASC). Their first attack involved the National Defense Authorization Act (NDAA) for FY 2002 in January 2003. They managed to get the House to vote for an amendment to the NDAA to cancel the 2005 BRAC round. (Unfortunately for them, BRAC survived in joint conference

³⁴⁹ Amy Klamper, "Crunch Time for BRAC and Lobbyists," *National Journal's Congress Daily* (May 12, 2004).

committee negotiations.)³⁵⁰ A few months later, the HASC voted *against* Taylor's amendment to the NDAA for FY 2003 to postpone the 2005 BRAC round until 2007.³⁵¹ In mid-May 2004, the House voted *in favor* of a Hefley-sponsored amendment to the NDAA for FY 2005 to postpone the 2005 BRAC round by two years.³⁵² At the same time in the Senate, Trent Lott (R-Miss), Olympia Snowe (R-Maine), and Dianne Feinstein (D-CA) offered an amendment analogous to the House amendment, but authorizing the BRAC commission to close bases *overseas* in 2005 and stateside bases in 2007.³⁵³ The Senate amendment failed by only two votes, and subsequently the entire effort failed in conference committee, primarily due to a veto threat by President Bush.³⁵⁴

The opposition to BRAC became stronger in 2005 as the BRAC process was about to begin. Senator Lott decided to put a "hold" on Anthony Principi, the nominated Chairman of the 2005 BRAC Commission, to prevent the Senate from confirming his appointment, in order to derail the process by preventing the commission from forming in the first place. President Bush overcame this legislative maneuver by appointing Principi and the other eight commissioners during the spring congressional recess.³⁵⁵ In August 2005, Senator Snowe (R-Maine), following Senator's Thune's example, put a surprise confirmation "hold" on the nomination of Gordan England to be Deputy Secretary of Defense in protest of DoD's recommendation to close the Portsmouth Naval Shipyard in

³⁵⁰ Richard Sia, "Lawmakers Seek to Stop Base Closing Round," *National Journal's Congress Daily*, (January 16, 2003).

³⁵¹ Gary Martin, "House Panel Rejects Shelving 2005 BRAC," *San Antonio Express-News*, (May 15, 2003).

³⁵² Gayle Putrich, "Panel Votes to Delay Base-closing Process Until 2007," *CQ Markup News* (May 6, 2004).

³⁵³ John Donnelly, "Debate Heats Up with Amendments on Base Closings," *CQ Today* (May 18, 2004).

³⁵⁴ Liz Sidoti, "Move to Delay Base Closings Draws Veto Threat," *St. Louis Dispatch* (July 23, 2005).

³⁵⁵ Eric Schmitt, "Bush Sidesteps Lott's Effort to Delay Base Closings," *New York Times* (April 2, 2005).

Maine. In this case, President Bush decided not to appoint England during the subsequent congressional recess.³⁵⁶

In mid-May 2005, the HASC attempted to amend the NDAA for FY 2006 to terminate the on-going BRAC process, but the motion was defeated in the House.³⁵⁷ At the same time, the House voted to defeat a measure (by a single vote) that would have shifted base-closing money to pay for the benefits for families of troops killed in Iraq and Afghanistan, thereby delaying the BRAC process. Senator John Warner (R-VA) recommended to Senator Majority Leader Bill Frist (R-TN) that the NDAA of FY 2006 should not come to a Senate floor vote given the Hurricane Katrina disaster and until President Bush makes a decision on whether or not to approve the 2005 BRAC Commission recommendations.³⁵⁸

Finally, Senator John Thune (R-SD) offered two pieces of legislation to delay the 2005 BRAC round. One of the bills would cancel the round completely if DoD did not submit all documentation to Congress related to the 2005 BRAC recommendations. The other bill would delay the round until the Commission on Review of Overseas Military Facility Structure and the DoD's 2005 *Quadrennial Defense Review* reports had been completed and disseminated.³⁵⁹ All of these legislative maneuvers were unsuccessful in affecting the timing of the 2005 BRAC round.

³⁵⁶ George Cahlink and John Robinson, "England's Nomination for Deputy Secretary of Defense Placed on Hold Over BRAC," *Defense Daily* (August 3, 2005).

³⁵⁷ Megan Scully, "House Nixes Bid to Delay BRAC Round," *National Journal's Congress Daily* (May 26, 2005).

³⁵⁸ David Lerman, "Katrina Recovery Might Affect BRAC Plans," *Newport News Daily Press* (September 15, 2005).

³⁵⁹ Martin Matishak, "Thune and Fellow Lawmakers Try to Slow, Terminate BRAC Round," *Inside the Air Force* (June 3, 2005).

Turning to the judicial side, many state adjutant generals have turned to state and federal courts to prevent DoD, specifically the Air Force, from closing bases or removing aircraft from their states. The Air National Guard (ANG) has units stationed at 24 Air Force bases and 63 civilian airports across the country. With around 106,000 members, the ANG's mission is to defend American airspace and support the state governor when ordered. Under the Air Force's plan, 29 of the ANG's 88 flying units would lose their aircraft. More than two dozen states would have either no ANG bases or no aircraft to fight fires, recover from hurricanes, cope with other natural disasters, and defend against or recover from future terrorist attacks. According to televised commissioner testimony in August 2005, this issue was the most contentious during this BRAC round.³⁶⁰

The 2005 BRAC Commission anticipated this action by the governors and adjutant generals and asked early on for a legal opinion from the Justice Department. On August 11, 2005, the Justice Department announced that DoD has the authority to move ANG units without the prior consent of the governors because every BRAC legislation enacted by Congress specifically gives BRAC commissions this authority.³⁶¹ This announcement has not stopped several states from going ahead with their court cases, however. In any case, the BRAC commissioners took the opportunity to criticize Air Force leaders for not collaborating better with ANG and state officials when formulating their original BRAC recommendations.³⁶² From the numerous challenges cited, the

³⁶⁰ Eric Schmitt, "States Opposing Plan to Shutter Air Guard Bases," *The New York Times* (August 11, 2005).

³⁶¹ Eric Schmitt, "Justice Department Backs Pentagon on Air Guard Changes," *The New York Times* (August 12, 2005).

³⁶² *Ibid.*

legitimacy of the 2005 BRAC Commission and process, much like the previous BRAC commissions, continually has been challenged and reaffirmed.

Just as it was for the some of the other criteria, the results of this fourth and final criterion are mixed. Where clearly the legitimacy measure supports the criteria of being essential, the longevity measure is suspect due to the nature of independent commissions. Further, the continuity percentages for leadership and staff were too low to be considered supportive of this criterion, also due to the nature of independent commissions.

MEASUREMENT ASSESSMENT

Before assessing the meaning of the criteria measurements regarding BRAC commission institutionalization in Chapter 6, we need to determine whether or not the measurements are reliable and valid. To be a reliable measurement means that anyone should be able to replicate the original measurements. Of the 11 measurements supporting the four criteria, all but one can be considered reliable. The data supporting the staff size, number of staff functions, commission identity, commissioner and staff composition, commission authorities, commission entry, BRAC legislation, commission structure, commissioner and staff turnover, commission goals, commission longevity, and BRAC challenges are incontrovertible. However, the data regarding the BRAC commission budget are unclear, hence, unreliable.

As for validity, it appears all 11 measurements reflect the criteria they are supposed to be representing. One can assess the complexity of an organization by assessing its budget, staff size, and functions over time. The same can be said for assessing its sentient criterion by looking at factors affecting an organization's identity, environmental boundary, and autonomy. As well, one can assess an organization's

evolving criterion by assessing its external and internal aspects (i.e., legislative modifications, leadership turnover, and goal modifications) over time. Finally, to determine whether an organization is essential, one can assess its longevity, membership continuity, and legitimacy over time. Clearly, the measurements used and examined are all reliable and valid except for the commission budgets.

CONCLUSION

In summary, the BRAC independent commission satisfied most of the measures of the four institutionalization criteria (see figure 5.7). Although thin when assessing some of the criteria measures, such as budget size and continuity, the BRAC commissions still achieved a significant measure of all four criteria. As such, it would appear that one could objectively claim that the BRAC independent commissions had achieved institutional status. However, there is one factor that may remedy the longevity and continuity measurement shortcomings of the essential criteria - permanency.

MEASUREMENT ASSESSMENT

<u>Criteria</u>	<u>Assessment</u>	<u>Evidence</u>	<u>Reliability</u>
Complexity			
Budget Size	Maybe	Lacking Data	No
Staff Size	Yes	48 to 105	Yes
Functions	Yes	18 to 29	Yes
Sentient			
Identity	Yes	Name, Prior Recommendation Changes	Yes
Boundary	Yes	DoD Staff: 27 to 12	Yes
Autonomy	No	Borrowed Staffers; Shared Budget	Yes
Evolving			
External Aspects	Yes	Congressional Legislation	Yes
Internal Aspects	Yes	Commissioner Turnover; Goal Modification	Yes
Essential			
Longevity	Maybe	BRAC Legislation Creating 5 Rounds over 17 Years	Yes
Continuity	No	Commissioner BRAC Experience - 13% Staff Experience - 5%	Yes
Legitimacy	Yes	BRAC Legislation; Numerous Congressional Challenges Failed	Yes

Source: Chapter 5

FIGURE 5.7

Once the current BRAC round is completed in December 2005, the BRAC commission will once again cease to exist. The 2002 BRAC legislation will expire, and the BRAC process will revert back to the O’Neill-Cohen Law, signed into law by President Carter on August 1, 1977, which effectively prevented DoD from closing any military installations until after the first BRAC commission was established in 1988. As before, Congress allowed the 1990 statutory authority for BRAC to expire, and did not renew it until after the September 11, 2001, terrorist attacks. As a result, the BRAC commission’s permanent caretaker staff was disbanded and institutional infrastructure terminated after December 1995. The 2005 BRAC commissioners found this situation to be almost untenable, given the limited time they had to accomplish the mission. The

commissioners were forced to expend an inordinate amount of time hiring support staff and establishing a working environment just to get the process started.³⁶³ As such, one could hardly characterize the BRAC commissions as an institution if it is no longer viable. This is discussed in the next and final chapter.

³⁶³ Anthony Principi, *Defense Base Closure and Realignment Report to the President – 2005*, (Washington, DC: Government Printing Office, 2005): 314.

CHAPTER SIX

PERMANENCY

*Institutionalization is not inevitable, nor has it been...a steady, upward, linear progression, for institutions can decline, decay, and disappear.*³⁶⁴

Malcolm Jewell and Samuel Patterson, 1973

*The BRAC (sic) may represent a hybrid component in this growing tradition, since it started out as a one-shot, temporary, ad hoc creation, only to find itself institutionalized in fairly short order... It is doubtful that domestic military bases will ever again be closed without a commission to guide the process, make the decisions, and cushion the political shocks.*³⁶⁵

Lilly Goren, 2003

*Some people think this is the last BRAC round ever. I suspect that there will be future ones.*³⁶⁶

Phillip Coyle, 2005 BRAC Commissioner

Based on the assessment that the BRAC independent commissions have many of the characteristics commonly attributed to institutions, it is fair to say they have become institutionalized. This chapter begins with a brief assessment of the measurements of institutionalization analyzed in Chapter 5. Next, it discusses the uniqueness of the BRAC independent commissions, followed by a brief review of independent commission

³⁶⁴ Malcolm Jewell and Samuel Patterson, *The Legislative Process in the United States*, (NY: Random House, 1973): 34.

³⁶⁵ Lilly Goren, *The Politics of Military Base Closings* (New York: Peter Lang, 2003): 32, 112.

³⁶⁶ John T. Bennett, "Coyle: Some DoD BRAC Proposals Mostly Based on Google Searches," *Inside the Air Force* (October 21, 2005): 1.

accountability. It concludes with a review of why BRAC independent commissions need to be made permanent.

ASSESSMENT

When assessing a subjective issue such as when an organization becomes an institution, there is no clear-cut line that one can use to claim transformation. However, as a qualitative case study, we can still draw conclusions. In the case of BRAC independent commissions, it satisfied each of the measurements of the four criteria established to determine institutionalization (except in a few instances due to unreliable data or the nature of independent commissions). As such, it would be logical to declare that BRAC commissions have achieved institution status, and therefore should receive similar support as other federal institutions, such as annual funding and permanent staffing. However, there are other considerations to discuss before making any final assessments.

BRAC COMMISSION UNIQUENESS

The BRAC commissions differ from other independent commissions in many significant ways. First, it is one of the few to be *reestablished* periodically to accomplish a politically-sensitive assignment. Yet, none of the BRAC commissions to date has come close to realigning and closing enough DoD infrastructure to eliminate the force size-infrastructure gap. On the other hand, the BRAC commission is still a proven method for the realigning and closing of domestic military bases. Another “uniqueness” is that the results of each BRAC commission are perceived by most people to be a list of winners (military installations not approved for closure or realignment) and losers (those bases that are approved). No other independent commission product results in this type of

national-level competition. In fact, once BRAC recommendations are approved by the President and not disapproved by Congress, they become law, not just recommendations in a final report, as is the case for most other independent commissions. Finally, where one of the primary purposes of an independent commission is to resolve disputes between branches of government, this does not happen very often. However, this is one of the primary purposes of the BRAC commission. Let us discuss each of these three aspects of BRAC commission uniqueness in more detail.

Right Size DoD

Shortly after each BRAC recommendation list is “approved” (technically, not disapproved) by Congress, DoD provides its estimate of how much of its infrastructure is projected to be reduced, and how much more is needed to be cut.³⁶⁷ Following the 1995 BRAC round, Chairman of the Joint Chiefs of Staff General John Shalikashvili testified regarding the force size-infrastructure gap that: “the result is that we perhaps have more infrastructure today than we did when the base-closure process started.”³⁶⁸ For the indefinite future, it is likely that there will be a requirement for BRAC commissions to reduce infrastructure, as DoD is one of the largest bureaucracies in the world and still growing. It is currently engaged in two major military operations overseas: Operations Iraqi Freedom (OIF) and Enduring Freedom (OEF - Afghanistan).

Regarding its new Defense of the Homeland mission, DoD may now be required to assume leadership in natural as well as man-made domestic disasters. As a result, DoD may be required to increase infrastructure in regions of the United States that lack adequate military presence. Many governors emphatically made this very point to the

³⁶⁷ This information has not been determined by DoD for the current 2005 BRAC recommendation list.

³⁶⁸ David Sorenson, *Shutting Down the Cold War*: 238.

2005 BRAC Commission regarding the proposed movement of ANG assets out of their respective states. The bottom line is that it does not appear likely that the infrastructure will match the force size any time in the near future. According to the National Defense Panel's assessment of the May 1997 *Quadrennial Defense Review* (QDR) report, "Unless this imbalance is corrected, DoD's ability to protect our national security interests may be seriously compromised."³⁶⁹

Even if the gap is eventually closed, DoD will probably still require realignments to accommodate a changing threat environment. Regarding unit realignments, the GAO found that: "the nature of closures and realignments was such that both could result in the closure of portions of facilities, and the distinction between the two was not always clear."³⁷⁰ As such, members of Congress are concerned as much about realignments as installation closings as personnel and weapon system transfers also adversely affect local economies and potentially establish a case for a future base closing. Thus, there is little reason to believe that the BRAC process will not be needed in the near or distant future to "right size" DoD using base closings and realignments to meet ever-changing threats.

Winners and Losers

BRAC commissions are also unique in that unlike other independent commissions that provide a policy recommendation to the President or Congress, this commission provides a recommended list of base realignments and closings that is reflected in the media and perceived by the public as "winners and losers" in the BRAC process. This is reflected most distinctly during BRAC commission hearings conducted around the

³⁶⁹ Philip A. Odeen, "Assessment of the May 1997 Quadrennial Defense Review," *The National Defense Panel* May 15, 1997): 5.

³⁷⁰ Henry L. Hinton, Jr., "Military Bases: Status of Prior Base Realignment and Closure Rounds," *United States General Accounting Office GAO/NSIAD-99-36* (December 1998): 13.

country. The officials that testify at the hearings reflect the highest elected and business leaders in the communities and states. It is not uncommon to see members of Congress, governors, mayors, and retired military general officers in a consultant capacity testify before the BRAC commission. This is not the case for most other independent commissions primarily because BRAC recommendations end up being law and not just recommendations. As discussed in Chapter 2, most independent commissions only provide policy recommendations to the President or Congress or determine the causes of national-level problems.

Federal Dispute

Finally, the BRAC commission is unique in that it resolves a bitter dispute between the Executive and Legislative Branches of the federal government. In this case, members of Congress did not approve of the manner in which the Secretary of Defense was aligning and closing military installations beginning in the 1960s, believing many of the DoD actions to be politically motivated and not based on military value. The result was legislation in 1977 that effectively prevented DoD from closing or realigning any more military installations. Supreme Court jurisdiction includes adjudicating disputes between the Executive and Legislative Branches of government. As mentioned previously, in 1994, the Supreme Court accepted the BRAC case brought by Senator Specter as it involved a federal dispute between Congress and DoD.

ACCOUNTABILITY

One of the biggest concerns political scholars have regarding independent commissions is the issue of accountability. Dean Rusk, Secretary of State under President Kennedy, once observed that: “The heart of the bureaucratic problem is the

inclination to avoid responsibility.”³⁷¹ As independent commissions are temporary, with appointed commissioners, a frequently-asked question is who does the public hold accountable for the commission's actions? Regarding the BRAC process and political accountability, Goren challenged the process stating:

[T]here are problems that remain: perhaps chief among them is the fact that decisions are made by unelected (sic) commissioners who will essentially vanish after they have done their job. In a system based on elected representation and the opportunity to hold one's representatives accountable for the decisions that they make, who is to be held responsible in this situation?³⁷²

In fact, Goren believes that the success of the BRAC process has begun a sinister trend in federal government to avoid responsibility and accountability: “There may be reason for concern here, because the gentle balance of the entire system may be disturbed over time if there is a growing tendency to avoid such responsibility and accountability.”³⁷³ Goren not only sees the BRAC process as part of this growing government accountability problem, she also cites unorthodox legislating, such as omnibus bills, and “procedural tricks,” such as secret meetings behind closed doors, as means implemented to break the trail of accountability. She claimed that:

Coalition leaders fashion solutions such as delegating controversial decisions *to the president*, agencies, or independent commissions; holding committee meetings in secret; and voting on a few omnibus bills rather than many single-issue bills. Such procedural manipulations afford legislators a little breathing room by blurring the line of traceability (sic).³⁷⁴ (italics added for emphasis)

³⁷¹ Arthur M. Schlesinger, Jr., *One Thousand Days* (Boston: Houghton Mifflin, Co., 1965): 413.

³⁷² Lilly J. Goren, *The Politics of Military Base Closings* (New York: Peter Lang, 2003): 120.

³⁷³ *Ibid.*: 121.

³⁷⁴ *Ibid.*: 118-19.

It is interesting that Goren would cite the President as a cause for the “blurring of the line of traceability” since it was the *Dalton v. Specter* Supreme Court decision that clarified this very point. According to Goren herself, “The [Supreme] Court agreed with Congress and the original intention in the construction of the BRAC, which was that it was *not*, in fact, independent of Congress *or the executive*.”³⁷⁵ (italics added for emphasis) In fact, as previously discussed in Chapter 3, the Supreme Court ruled that it is the President, with the concurrence of Congress - *not* the BRAC commission, which makes the actual determination to close military bases. As such, it is clear that the responsibility for issues regarding national defense should rest appropriately with one of the only two nationally-elected people in America – the President. President Truman made it clear, “The buck stops here.”

RECOMMENDATIONS

The BRAC commission has most of the attributes of an institution except for a few items, as discussed in Chapter 5. At this point, it is time to complete the institutionalization of the BRAC commission in order to improve its efficiency and effectiveness in the future. To do this means implementing modifications to the *National Defense Authorization Act of FY 1990* (Public Law 101-510), as modified by the *National Defense Authorization Act of FY 2002* (Public Law 107-107), to rectify the aforementioned shortfalls. The specific legislative changes required to complete the institutionalization of the BRAC commission include its: 1) name; 2) budget control; and, 3) permanency.

³⁷⁵ Lilly J. Goren, *The Politics of Military Base Closings*: 102.

Name

It does not make any sense to continue officially referring to the base closure commission or process as “Defense Base Closure and Realignment.” The first base closure commission established by the Secretary of Defense was referred to as the “Commission on *Base Realignments and Closures*.”³⁷⁶ As such, the BRAC acronym was coined in the beginning and has not been challenged by the 1990 acronym DBCR. The media, public, authors, commissioners themselves, commission staffers, members of Congress, and even the President continue to refer to the commission and process as “BRAC.” To solidify its identity, enhance its institutionalization, and minimize any future name confusion, it should officially be changed by Congress to align with the popular acronym.

Budget

To achieve real independence, an organization must have control over its own budget. In its report to the President, the 2005 BRAC Commission pointed out in Chapter 2, “Issues for Further Consideration,” in the sub-section entitled “Commission Independence,” that: “the independence of a future Commission would be enhanced if it could manage its expenditures autonomously rather than continuously negotiating budget and expenses with DoD, a process inherent in the current organizational structure.”³⁷⁷ Apparently the control of the BRAC commission budget, that originated with the 1988 BRAC legislation (with the commission under the direction of the Secretary of Defense), never was completely relinquished by DoD in the subsequent BRAC rounds. Where

³⁷⁶ Abraham Ribicoff and Jack Edwards, *Base Realignments and Closures Report of the Defense Secretary’s Commission – December 1988*.

³⁷⁷ Anthony Principi, *Defense Base Closure and Realignment Commission 2005 Report to the President*: 309.

Section 2902(k) of the *National Defense Authorization Act of 1990*³⁷⁸ specifically authorized funding for the BRAC commission so that it could execute its duties as legislated, no such provision existed in the 1988 legislation. However, according to Public Law 101-510, if Congress did not appropriate the funds to the BRAC commission fund, then the money was to be transferred by the Secretary of Defense from the DoD Base Closure Account, established by Section 207 of Public Law 100-526. As Congress did not transfer any money, DoD had some oversight regarding how much money would be transferred from its BRAC account, and how the money would be spent in support of the BRAC commission. Clearly, this dual budget control is antithetical to organizational independence, which is essential for complete institutionalization.

Permanency

As a result of her in-depth study of the BRAC process, Lilly Goren determined that the commission had indeed become an institution. She observed that in the beginning Congress had not intended the BRAC process to be “a permanent institutionalized structure.”³⁷⁹ However, with each successive BRAC round, it became more responsible and legitimate: “The process itself was now regularized and institutionalized; it was no longer a ‘one-time affair.’”³⁸⁰ David Sorenson, the only other scholar to publish a book on BRAC, came to a similar conclusion stating in 1998 that: “BRAC was a regularized process in its last three iterations (sic).”³⁸¹

³⁷⁸ Public Law 101-510.

³⁷⁹ Lilly J. Goren, *The Politics of Military Base Closings*: 7.

³⁸⁰ *Ibid.*: 90.

³⁸¹ David Sorenson, *Shutting Down the Cold War*: 36.

However, neither of these two authors recommended passing legislation to make the BRAC process permanent. On the other hand, three of the five BRAC commissions included a recommendation to continue the BRAC process in their *Report to the President*.³⁸² In 1988, in a section entitled “A Look Ahead,” the Commission recommended that: “the nation’s interests will be best served by an ongoing base management process that is responsive to change.”³⁸³ In 1995, in a chapter entitled “Issues for Further Consideration,” the Commission expressed concern that the base-closure process was reverting back to the 1977 legislation:

Experience has demonstrated that the process for closing or realigning bases contained in Section 2687 is unworkable. During the decade following the enactment of this statute in 1977, the Defense Department did not close or realign a single major military installation in the United States.³⁸⁴

The reason this mattered was because even before the 1995 list had been approved and the recommended military bases closed, most analysts could see that the force size-infrastructure gap remained. The report claimed that:

Despite four rounds of base closures and realignments, reductions in domestic infrastructure in the Defense Department have not kept pace with reductions in funding and force levels.... By the end of this decade, the Army will have eliminated 45 percent of its divisions, the Air force 44 percent of its tactical fighter wings, and the Navy 37 percent of its ships.... With the additional reductions proposed by this Commission, the cumulative reduction in military installations will be approximately 21 percent.³⁸⁵

³⁸² The 1991 and 1993 BRAC Commissions probably did not think it appropriate to comment on future BRAC commissions given they knew there was at least one BRAC commission scheduled after theirs.

³⁸³ Jack Edwards and Abraham Ribicoff, *Base Realignment and Closures Report of the Defense Secretary’s Commission – December 1988* (Washington, DC: Government Printing Office, 1988): 30.

³⁸⁴ Alan Dixon, *Defense Base Closure and Realignment Commission 1995 Report to the President* (Washington, DC: Government Printing Office, 1995): 3-2, 3-3.

³⁸⁵ *Ibid.*: 3-3.

As a result, the Commission recommended that Congress authorize more BRAC commissions similar to the three 1990 commissions.³⁸⁶

In 1993, Congress passed the *National Defense Authorization Act for FY 1994*, which among other things established the independent commission on roles and missions. The Commission Chairman was John White and included eight other commissioners, including former Secretary of Defense Les Aspin (1993-94) and five general officers. The purpose of this commission was to review the appropriateness of the current allocations of roles, missions and functions among the Armed Forces; evaluate and report on alternative allocations; and make recommendations for changes in the current definitions and distribution of those roles, missions and functions. On May 24, 1995, the commission released its report, *Directions for Defense*, which recommended that DoD conduct a “Bottom-Up Review-like quadrennial strategy review.” On August 24, 1995, the Defense Department concurred with this recommendation to require a review of its current and future military posture to counter projected threats.³⁸⁷

In 1996, Congress passed legislation mandating the quadrennial defense review (QDR) and establishing an independent commission, known as the National Defense Panel (NDP), to assess all aspects of the DoD’s QDR report.³⁸⁸ In 1999, Congress passed a permanent requirement for the QDR to conduct a comprehensive, in-depth review of the nation’s defense posture, strategy, force structure, modernization, capabilities, and budgets for the following 20 years. To date, DoD has conducted only two QDR’s, one each in 1997 and 2001. The next QDR report is scheduled to be submitted by the

³⁸⁶ Alan Dixon, *Defense Base Closure and Realignment Commission 1995 Report to the President*, 3-3.

³⁸⁷ Acquired from Internet website: www.csbaonline.org.

³⁸⁸ Public Law 104-201, the *National Defense Authorization Act of 1997*.

Secretary of Defense to the President and Congress in February 2006, following the 2005 BRAC Commission final report, which was submitted on September 5, 2005.

The NDP commented on the 1997 QDR noting both its strengths and weaknesses: “The QDR offers a strategic concept for shaping the geostrategic environment, responding to the full spectrum of conflict, and preparing for future challenges;” however, “there is insufficient connectivity between strategy on the one hand, and force structure, operational concepts, and procurement decisions on the other.”³⁸⁹ Regarding BRAC independent commissions, the NDP endorsed the Secretary of Defense’s request for two additional BRAC rounds, in 1999 and 2001. But, it did not believe the Secretary of Defense went far enough: “Indeed, *permanent* BRAC authority would be most desirable to facilitate adjustments in the base structure as needs and forces change.”³⁹⁰

In 2005, the BRAC Commission made a strong case for the need for future BRAC commissions:

It is highly likely America’s security environment and corresponding military organization will continue to change, necessitating periodic re-examinations of the infrastructure supporting that organization. The Base Closure and Realignment process has repeatedly proven its worth.... The need for such a process will continue after the 2005 Commission ends....³⁹¹

However, the 2005 Commission did not just recommend a follow-on BRAC commission; it went further by writing the proposed legislative changes and recommending the timing for the next round:

³⁸⁹ Philip A. Odeen, “Assessment of the May 1997 Quadrennial Defense Review, *The National Defense Panel* (May 15, 1997): 1-2.

³⁹⁰ *Ibid.*: 5.

³⁹¹ Anthony Principi, *Defense Base Closure and Realignment Commission 2005 Report to the President* (Washington, DC: Government Printing Office, 2005): 305.

The Defense Base Closure and Realignment Act of 1990 is a viable, proven, practical and effective mechanism to achieve difficult but necessary goals and the Commission strongly recommends future BRACs every 8 to 12 years, immediately following a Quadrennial Defense Review. The Commission recommends that the next round of BRAC formally begin in 2015 and has proposed legislative text in Appendix R for referral and consideration by Congress and the President.³⁹²

One of the significant problems when asking Congress to pass legislation to establish a BRAC round or set of rounds is that it becomes politically more and more difficult to accomplish. Following the 1995 round, there was general reluctance even to discuss BRAC in Congress due primarily to the political interference of the process by President Clinton to gain electoral votes in Texas and California.

Beginning in 1997, Senators John McCain (R-AZ) and Carl Levin (D-MI) submitted BRAC amendments to DoD budget bills *every year* for five years before getting Congress to authorize just one more BRAC round. In 1997, they requested two rounds, one each in 1999 and 2001. As the years passed by without congressional approval, they were forced to change the proposed BRAC years to 2001 and 2003. Eventually, Congress passed legislation establishing just one BRAC round for 2005. Many members of Congress remained opposed to any more BRAC rounds after President Clinton left office because of widespread concerns from their constituents.³⁹³ Without *permanent* BRAC legislation, there is significant concern about when the next BRAC round following 2005 might be approved by Congress, if ever.

³⁹² Anthony Principi, *Defense Base Closure and Realignment Commission 2005 Report to the President* (Washington, DC: Government Printing Office, 2005): 305.

³⁹³ David E. Lockwood, "Military Base Closures: Time for Another Round?" *Congressional Research Service*, RL30051 (March 7, 2001).

Timing

If the recommendation to complete the institutionalization of the BRAC process by making it permanent is accepted, then the timing of the commissions becomes an issue. Many factors must be considered when deciding the interval between BRAC rounds if the process is made permanent. A GAO report emphasized that long breaks between BRAC rounds resulted in the loss of institutional knowledge and experience in the BRAC process, particularly within DoD and the military Services. The recent 2005 BRAC Commission recommended conducting a BRAC round no earlier than every eight years, though it did not say why or how it came up with this time frame.³⁹⁴ During the 1995 BRAC Commission hearings, Secretary of Defense William Perry recommended conducting BRAC rounds after DoD had absorbed the effects of the prior rounds, i.e., every three to four years. However, the Commission recommended basing the timing on the legislative requirement for DoD to complete all BRAC actions within six years of congressional approval of the list.³⁹⁵ Hence, the Commission recommended the next BRAC round be set for 2001.

The GAO, after reviewing the lessons learned from the first four BRAC rounds, based its timing recommendation on how long it takes to implement a follow-up round, noting that it takes some time to initiate and execute a typical BRAC round. First, it observed that over the history of BRAC rounds, it generally took at least 12 to 18 months advance time to plan a BRAC round. Secretary Rumsfeld noted that it took two and a

³⁹⁴ Anthony Principi, *Defense Base Closure and Realignment Commission 2005 Report to the President* (Washington, DC: Government Printing Office, 2005): 305.

³⁹⁵ Alan Dixon, *Defense Base Closure and Realignment Commission 1995 Report to the President* (Washington, DC: Government Printing Office, 1995): 3-3, 3-4.

half years for DoD to prepare the 2005 BRAC list for the commission to review.³⁹⁶ Of course, this did not include the time involved in convincing Congress to pass legislation authorizing a future BRAC round.³⁹⁷

The answer is within the boundaries of all these criteria. In order to ensure that a BRAC commission's recommendations are implemented as intended, enough time should be allotted for implementation to properly gauge the results. This period seems to be at least four years, though DoD has six years to complete implementation of all BRAC recommendations (except those regarding environmental cleanup).³⁹⁸ However, it does not make sense for a congressional independent commission to be making infrastructure decisions for DoD *before* being provided with a comprehensive review of its forces and projected future threats, as encapsulated in a QDR. The 2005 BRAC Commission addressed the issue of BRAC timing in the future, and addressed the QDR in particular: "it would have been far preferable for the BRAC 2005 to have occurred *after* the new QDR so that the strategic underpinnings for nearly irreversible infrastructure and capacity changes could have been informed by the QDR's output, rather than BRAC providing input to the QDR."³⁹⁹ As a result, rather than providing oversight of DoD activities, Congress, through one of its chartered commissions, is essentially directing DoD on what its force posture will be as a function of its supporting infrastructure. This is clearly the opposite of what should happen. The 2005 BRAC Commission came to this conclusion,

³⁹⁶ Reported by Liz Sidoti, "Politics Didn't Steer Decisions Base Panel Says," *The Montgomery Advertiser* (September 11, 2005).

³⁹⁷ James F. Hinchman, "Military Bases: Lessons Learned From Prior Base Closure Rounds," *United States General Accounting Office*, GAO/NSIAD-97-151 (July 25, 1997): 32-33.

³⁹⁸ Henry L. Hinton, Jr., "Military Bases: Status of Prior Base Realignment and Closure Rounds," *United States General Accounting Office* GAO/NSIAD-99-36 (December 1998): 14.

³⁹⁹ Anthony Principi, *Defense Base Closure and Realignment Commission 2005 Report to the President* (Washington, DC: Government Printing Office, 2005): 305.

recommending that: “future BRAC rounds begin *after* the QDR is completed. Infrastructure decisions should flow from a strategic vision, not the other way around.”⁴⁰⁰

The final recommendations in this report are that the BRAC independent commission process should be made permanent by congressional legislation as soon as possible, and that all future BRAC commissions should be held within a year of the dissemination of any QDR report.

FUTURE BRAC COMMISSIONS

Independent commissions, such as the BRAC commissions, can and have evolved from federal government organizations into institutions as a result of their being reestablished periodically. Over the five BRAC iterations, the commissions became more complex, more aware of their role (i.e., sentient), more flexible in accommodating leadership and goal changes (i.e., evolving), and more essential for facilitating the downsizing of DoD. As such, the BRAC commission organization transformed into a government institution, but with one fatal flaw – it has no permanency.

Despite the announcements that this will be the last BRAC commission,⁴⁰¹ there will likely be a requirement for BRAC commissions to facilitate military base closures and realignments for the foreseeable future. To optimize efficiency and effectiveness, Congress should pass legislation officially recognizing that BRAC commissions have become an essential institution in the federal government, and should be granted permanent status. Efficiency would be enhanced by having a continuous organization in

⁴⁰⁰ Anthony Principi, *Defense Base Closure and Realignment Commission 2005 Report to the President* (Washington, DC: Government Printing Office, 2005): 306.

⁴⁰¹ As an example of what the Bush Administration had authorized to be disseminated publicly, Gordon England, as Secretary of the Navy (now Deputy Secretary of Defense), stated in November 2004, “[A successful BRAC 2005] may well be our last opportunity in the foreseeable future to reduce infrastructure....” Acquired from Internet website: www.defenselink.mil/brac/navy.htm.

place with the staff experience to execute a BRAC round. This basic capability (staff and infrastructure) would not need to be created from scratch as it is now. Effectiveness would be enhanced as a result of having staff continuity providing needed corporate knowledge of past lessons learned, particularly in the area of base property disposal. As well, such a staff of experts on the process could provide insights to any other branch of government faced with a similar imbalance between infrastructure and workforce. Therefore, new legislation should provide for facilities, permanent staffing, and an annual budget for BRAC commissions, similar to other federal institutions.⁴⁰²

If the BRAC process is tied to the QDR, then both processes would become more institutionalized and, hence, more effective. General Lloyd “Fig” Newton, one of the 2005 BRAC Commissioners, suggested that the Secretary of Defense be required to make a recommendation as part of any QDR report to Congress regarding the establishment of a BRAC Commission within two years following the QDR rather than it being an automatic requirement. He noted that DoD will probably take as much as two years to come up with base realignment and closure recommendations for each BRAC round in the future. As such, requiring a BRAC round following every QDR would essentially mean that DoD would be working on BRAC recommendations after every two years. He believed this to be unrealistic. Therefore, the compromise recommendation would be for the Secretary of Defense to decide as part of every QDR whether or not a new BRAC round was required.⁴⁰³ If the Secretary of Defense determined that the infrastructure-

⁴⁰² Appendix R of the *2005 BRAC Commission Report to the President* only discusses the possibility of one more BRAC round. As such, it recommends the SecDef certify the need for a new round by March 15, 2014. Until then, a structured commission would remain in place to include the commission chairman, the executive director, and a limited, unspecified support staff (Anthony Principi: R-2, 3).

⁴⁰³ Acquired during a telephone interview conducted on November 28, 2005.

force size gap was too large, then his recommendation for another BRAC round would automatically trigger one following a QDR report. This is the natural evolution of the BRAC process and the required course of congressional action now.

If this proposal were to be enacted into law, then the next BRAC round decision by the SecDef would be required around 2010 (given that the most recent QDR report was issued in February 2006). If Congress approved the SecDef's recommendation for another BRAC round, then it would be conducted in the 2012 timeframe (allowing enough time for DoD to prepare its recommendations).

Potential Downsides

The potential downside of making the BRAC commission and process permanent is that Congress would not have any direct influence on the timing of the BRAC rounds. The recommendation that all future BRAC commissions should be held within a year of the dissemination of any QDR report when recommended by the Secretary of Defense essentially leaves Congress out of the decision-making process on the timing of BRAC rounds. As such, accountability for when base closures and realignments occurred would rest solely with the Executive Branch, specifically with the Secretary of Defense. The tradeoff is that the partisan nature of Congress tends to preclude the scheduling of BRAC rounds when they are most needed, as demonstrated with the 2005 BRAC round. Key members of Congress tried to get approval for another BRAC round as early as 1999 to accommodate the urgent request of the Secretary of Defense following the 1995 BRAC round and the 1997 QDR report recommendation. It took over five years of political negotiations to get Congress to approve just one more BRAC round in 2005.

Of course, there is always the possibility that DoD's infrastructure would become roughly equivalent to its force size, hence, rendering the BRAC process unnecessary. However, this downside does not appear to be the case any time in the near future. As such, the risk of future obsolescence of the BRAC process is far outweighed by the on-going infrastructure-force size gap.

IMPLICATIONS FOR PUBLIC POLICY

There are a few of significant implications for the field of public policy if an independent commission can become institutionalized. First, a new set of criteria exists to determine whether or not a government organization has evolved into an institution. Second, a new measurement exists that is fundamental to the organizational institutionalization process – permanency. Finally, a new aspect of federal government is evolving with the potential for permanent independent commissions.

New Organizational Institutionalization Criteria

In Chapter 1, we discussed the evolution of the organizational institutionalization criteria beginning with Huntington's four criteria: adaptability, complexity, autonomy, and coherency. He developed and applied these criteria at the macro level, to governments, when conducting his comparison of various state governments. Decades later, Polsby adapted these criteria and applied a set of only three to federal organizations within national governments: well-bounded, relatively complex, and universalistic. To reflect the difference between the Huntington's institutionalization of governments and Polsby's institutionalization of government organizations, the term *organizational institutionalization* was introduced. Following Polsby, several institutionalization

scholars modified Huntington's and Polsby's sets of criteria and applied them to various aspects and parts of government.

Briefly, where the *complexity* criterion did not change over time, the method of its measurement did. For this case study, the organizational aspects of size, budget, and subunits were used to measure internal complexity of the BRAC commissions.

Huntington's *autonomy* criterion was transformed into *well-bounded* by Polsby to capture the difficulties in distinguishing responsibilities among government organizations.

Subsequently, Ragsdale and Theis added an identity aspect to this criterion. For this case study, this criterion incorporated all three of these aspects into one criterion called *sentient*, measured by examining various authorities of the BRAC commission (to name itself; develop its own culture; and manage its own budget, personnel hiring, and internal rule-making).

Next, Huntington's *adaptability* criterion focused primarily on the external environment of an organization. For this case study, this criterion was transformed into the *evolving* criterion by adding the internal changes of an organization over time as measured by changes in the organization's leadership and goals.

Finally, Huntington's *unified/coherency* criterion was changed by Polsby to become the *universalistic* criterion. This criterion was transformed for this case study into the *essential* criterion, as determined by analyzing organizational longevity, employee continuity, and legitimacy. As a result, this case study demonstrates the viability and effectiveness of a new set of organizational institutionalization criteria for the twenty-first century: *complexity*, *sentient*, *evolving*, and *essential*.

Permanency Measurement

In this case study, for the first time, an organization's permanency is considered when discussing institutionalization. Under the *essential* criterion, we measured its three aspects: organization longevity, employee continuity, and organization legitimacy. However, under organization longevity, no previous scholar had considered the permanency of the organization being studied, as this aspect was never in doubt. Government organizations were always assumed to be permanent, with no predetermined end. However, in the case of independent commissions, this aspect cannot be assumed as, by definition, they are ad hoc and temporary in nature. Therefore, organizational permanency should now be considered as part of the analysis of the essential criterion when determining whether or not a government organization has become an institution.

New Federal Government Entity

If Congress were to eventually determine that the BRAC independent commission should be made permanent to enhance the efficiency and effectiveness of the base closing process, as well as overcome partisan politics regarding an extremely sensitive subject, then a new government entity would come into existence – a permanent independent commission. Where permanent regulatory commissions have been a part of the federal government for decades, independent commissions have not. If the BRAC commission was made permanent, this would no longer be the case. By making it permanent, Congress would be conferring more legitimacy and authority to it and the military base-closing process.

It should not be a surprise that the nature of independent commissions has changed over recent years. Independent commissions with recurring requirements, such as recommending military base closures, should be considered by Congress for permanency, just like regulatory commissions. This development should cause political scholars to reconsider the nature of independent commissions and how government organizations are institutionalized in the future.

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APPENDICES

APPENDIX A

BRAC COMMISSIONERS

1988

Louis W. Cabot	Chairman of the Board of the Brookings Institution
W. Graham Claytor, Jr.	Chairman of the Board for AMTRAK, and former Secretary of the Navy
Donald F. Craib, Jr.	Chairman and CEO of Allstate Insurance Company
Thomas F. Eagleton	Former Senator from Missouri (1968-87)
Jack Edwards, Co-Chair	Former Congressman from Alabama (1965-85)
Martin R. Hoffman	Former Secretary of the Army
General (ret) Bryce Poe, Jr.	Former Vice Commander of U.S. Air Force, Europe
Abe A. Ribicoff, Co-Chair	Former Connecticut Congressman (1949-53), Governor (1955-61), and Senator (1963-81)
Vice Adm (ret) WH Rowden	Former Commander of the 6 th Fleet, Military Sealift Command, and Naval Sea Systems Command
Dr. James C. Smith	President, CRS Serrine Inc.
General (ret) Don A. Starry	Executive Vice President of Ford Aerospace Corporation and former Commander, Army Training and Doctrine Command
Russell E. Train	Chairman of the Board for the World Wildlife Fund and Conservation Foundation, and former Administrator of the EPA and former Under Secretary of the Interior

1991

William L. Ball, III	President of the National Soft Drink Association, and former Secretary of the Navy
Howard H. Callaway	Chairman of GOPAC, and former Congressman from Georgia (1965-67) and Secretary of the Army

General (ret) Duane Cassidy	CSX Vice President, and former Commander of U.S. Transportation Command and Military Airlift Command
Jim Courter, Chair	Former Congressman from New Jersey (1978-90)
Arthur Levitt, Jr.	Chairman of the Board at Levitt Media Company
James C. Smith, Jr.	Vice President at Brown & Root
Robert D. Stuart, Jr.	Chairman of the Board of the Quaker Oats Company, and former Ambassador to Norway (1984-89)

1993

Peter B. Bowman	Vice President of Gould Inc.
Beverly B. Byron	Former member of Congress from Maryland (1979-93)
Jim Courter, Chair	Former Congressman from New Jersey ((1979-91)
Rebecca G. Cox	Vice President for Continental Airlines
Gen (ret) Hansford Johnson	Chief of Staff, USAA, and former Commander of Transportation Command and Air Mobility Command
Harry C. McPherson, Jr.	Former Deputy Under Secretary of the Army for International Affairs
Robert D. Stuart, Jr.	Chairman of the Board of the Quaker Oats Company, and former Ambassador to Norway (1984-89)

1995

Alton W. Cornella	President of Cornella Refridgeration Inc.
Rebecca G. Cox	Vice President for Continental Airlines
Gen (ret) James B. Davis	Former Commander of 5 th Air Force and U.S. Air Force Military Personnel Center
Alan J. Dixon, Chair	Former Senator from Illinois (1981-1993)
S. Lee Kling	Chairman of the Board of Kling Rechter & Company
Maj Gen (ret) Joe Robles, Jr.	Senior Vice President, USAA, and former Commander, 1 st Infantry Division

Wendi L. Steele	Senate Liaison for the 1991 BRAC Commission
<u>2005</u>	
James H. Bilbray	Former Congressman from Nevada (1987-1995)
Philip Coyle	Former Assistant Secretary of Defense for Test and Evaluation
Adm (ret) Hal Gehman, Jr.	Former Supreme Allied Commander of NATO and Commander of U.S. Joint Forces Command
James V. Hansen	Former Congressman from Utah (1981-2003)
General (ret) James T. Hill	Former Commander of the U.S. Southern Command
Gen (ret) Lloyd W. Newton	Executive Vice President of Pratt & Whitney, and former Commander of Air Education and Training Command
Anthony J. Principi, Chair	Vice President of Pfizer Corporation, and former Secretary of Veterans Affairs
Samuel K. Skinner	Former Chairman and CEO of USF Corporation and White House Chief of Staff for President George H. W. Bush
Brig Gen (ret) Sue E. Turner	Former U.S. Air Force Director of Nursing Services

Source: *Defense Base Closure and Realignment Commission Reports* to the Secretary of Defense 1988, and to the President for 1991, 1993, 1995

APPENDIX B

BRAC COMMISSION CHRONOLOGY

<u>DATE</u>	<u>EVENT</u>
BRAC I	
May 3, 1988	First BRAC Commission Chartered by SecDef Frank Carlucci
December 29, 1988	BRAC Commission Report Issued
December 31, 1988	BRAC Commission Terminates
January 5, 1989	SecDef Submits BRAC Recommendations to Congress
April 18, 1989	House Votes to Reject Resolution of BRAC Disapproval
May 15, 1989	BRAC Recommendations Go Into Effect
November 29, 1989	GAO Submits First Report on BRAC Commission Recommendations
November 5, 1990	Public Law 101-510 Signed by President Bush Establishing Three BRAC Commissions (1991, 1993, 1995)
BRAC II	
April 12, 1991	SecDef Submits BRAC Recommendations to Commission
May 16, 1991	GAO Report on Analysis of SecDef's Recommendations
July 1, 1991	BRAC Commission Report Issued
July 8, 1991	Members of Congress File Suit in Federal Court
July 10, 1991	President Bush Approves Commission Recommendations
July 30, 1991	House Votes to Reject Resolution of BRAC Disapproval
December 31, 1991	BRAC Commission Terminates
BRAC III	
March 12, 1993	SecDef Submits BRAC Recommendations to Commission
April 15, 1993	GAO Report on Analysis of SecDef's Recommendations

July 1, 1993	BRAC Commission Report Issued
July 15, 1993	President Bush Approves Commission Recommendations
September 20, 1993	Senate Votes to Reject Resolution of BRAC Disapproval
December 31, 1993	BRAC Commission Terminates
May 23, 1994	U.S. Supreme Court Upholds Federal Court Ruling that BRAC Process Not Subject to Judicial Review

BRAC IV

March 1, 1995	SecDef Submits BRAC Recommendations to Commission
April 15, 1995	GAO Report on Analysis of SecDef's Recommendations
July 1, 1995	BRAC Commission Report Issued
July 13, 1995	President Approves BRAC Commission Recommendations
September 8, 1995	House Votes to Reject Resolution of BRAC Disapproval
December 31, 1995	BRAC Commission Terminates
May 15, 1997	NDP Report Endorsing More BRAC Rounds
December 22, 2001	Public Law 107-107 Signed into Law Authorizing 2005 BRAC

BRAC V

May 13, 2005	SecDef Submits BRAC Recommendations to Commission
July 1, 2005	GAO Report on Analysis of SecDef's Recommendations
September 5, 2005	BRAC Commission Recommendations Submitted to President
September 15, 2005	President Approves BRAC Commission Recommendations
October 27, 2005	House Votes to Reject Resolution of Disapproval
April 15, 2006	2005 BRAC Commission Terminates

Source: *Defense Base Closure and Realignment Commission Reports* to the Secretary of Defense 1988, and to the President for 1991, 1993, 1995

APPENDIX C

BRAC COMMISSION RECOMMENDATION RESULTS (FY96 Dollars)

1988

- 16 major bases closed; 4 major bases realigned
- 145 total recommendations
- \$700 million savings annually; \$6.8 billion over 20 years

1991

- 26 closed; 17 realigned
- 82 total recommendations
- \$2.3 billion saved over 5 years; \$15.8 billion over 20 years

1993

- 28 closed; 12 realigned
- 175 total recommendations
- \$3.8 billion saved over 5 years; \$15.7 billion over 20 years

1995

- 27 closed; 22 realigned
- 132 total recommendations
- \$1.6 billion savings annually; \$17.8 billion over 20 years

2005

- 21 bases closed; 25 realigned
- 164 total recommendations
- \$1.7 billion savings annually; \$15.1 billion over 20 years

Source: Department of Defense at Internet website: www.defenselink.mil/brac.html

APPENDIX D

ACRONYM LIST

ALCs	Air Logistics Centers
ANG	Air National Guard
BRAC	Base Realignment and Closure
CALEA	Communications Assistance for Law Enforcement Act
CBO	Congressional Budgeting Office
CFO	Complex Formal Organization
COBRA	Cost of Base Realignment Action
CRS	Congressional Research Service
DBCRC	Defense Base Closure and Realignment Commission
DoD	Department of Defense
EEOC	Equal Employment Opportunity Commission
FBI	Federal Bureau of Investigation
FCC	Federal Communications Commission
FPC	Federal Power Commission
FTC	Federal Trade Commission
GAO	General Accountability Office
GDP	Gross Domestic Product
GPO	Government Printing Office
HASC	House Armed Services Committee
ICC	Interstate Commerce Commission
IEC	Infrastructure Executive Council
ISG	Infrastructure Steering Group
MedPAC	Medicare Payment Advisory Commission
NDAA	National Defense Authorization Act
NDP	National Defense Panel
NRC	Nuclear Regulatory Commission
O&M	operation and maintenance
OBC	Overseas Basing Commission
OEF	Operation Enduring Freedom
OIF	Operation Iraqi Freedom
OSD	Office of the Secretary of Defense
PRC	Postal Rate Commission
QDR	Quadrennial Defense Review
SEC	Securities and Exchange Commission
SecDef	Secretary of Defense
SSAB	Social Security Advisory Board